

These Minutes have been amended. Please see Minutes of 8 May 2024 for amendments.

EASTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON

WEDNESDAY, 6 MARCH 2024

Councillors Present: Alan Macro (Chairman), Richard Somner (Vice-Chairman), Jeremy Cottam, Paul Kander, Geoff Mayes, Jane Lanford, Justin Pemberton, Vicky Poole and Clive Taylor

Also Present: Simon Till (Development Control Team Leader), Sharon Armour (Principal Lawyer - Planning & Governance), Paul Bacchus (Principal Engineer), Michael Butler (Principal Planning Officer), Stephen Chard (Democratic Services Manager), Gareth Dowding (Principal Engineer (Traffic and Road Safety)), Elise Kinderman (Team Leader - Place), Gemma Kirk (Planning Officer), Katharine Makant (Service Lead - Planning and Economy) and Ben Ryan (Democratic Services Officer)

Apologies for inability to attend the meeting: Councillor Ross Mackinnon

PART I

41. Minutes

The Minutes of the meeting held on 4 October 2024 were approved as a true and correct record and signed by the Chairman.

42. Declarations of Interest

Councillor Richard Somner declared an interest in Agenda Item 2, as he was a the shadow portfolio holder and was a supporter of the scheme, however he was not involved in the detail so reported that, as his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillor Jeremy Cottam declared an interest in Agenda Item 2, as he was a Thatcham Town Councillor, but reported that, as his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillor Justin Pemberton declared an interest in Agenda Item 2, as he was a Thatcham Town Councillor, but reported that, as his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillor Vicky Poole declared an interest in Agenda Item 1, as she had ran 'Councillor Surgeries' on the matter, but reported that, as his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillor Alan Macro declared he had been lobbied on Agenda Item 2.

43. Schedule of Planning Applications

(1) 23/01552/REG3, Four Houses Corner Caravan Site, Reading Road, Ufton Nervet, Reading, Stratfield Mortimer

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 23/01552/REG3 in respect of replacing the existing permanent 18 pitch Gypsy caravan site with a new 17 permanent pitch Gypsy caravan site. Each pitch was to consist of a hard standing area large enough for two twin axle caravans, car parking for two vehicles and a 30 sq m amenity building consisting of a kitchen/dayroom, bathroom, separate WC and utility area. In addition to the amenity buildings a recycle storage facility, children play area and sewerage treatment plant are to be located within the site. Four Houses Corner Caravan Site, Reading Road, Ufton Nervet, Reading, Stratfield Mortimer.
2. Mr Simon Till introduced the item by stating that West Berkshire Council (the Council) and its officers fully recognised the tragic events surrounding the death of PC Harper in 2019. Mr Till expressed, on behalf of the Council, the deepest sympathy with all those effected by this tragedy. He explained that while objections had been raised on the application as a result of this tragedy, the purpose of the item was to only consider the planning merits of the application.
3. Mr Michael Butler introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Development Control Manager be authorised to grant planning permission subject to the conditions outlined in the main and update reports. Mr Butler noted that there had been several late consultations and explained that an issue raised over the lack of the Fire Authority response was not because they had not been consulted. It was also explained that sewage was not to be stored on site, but to be disposed of via the mains.
4. The Chairman asked Mr Gareth Dowding if he had any observations relating to the application and he did not.
5. In accordance with the Council's Constitution, Mr Graham Bridgman Parish Council representative, Ms Deborah Adlam, Objector, Mr Bill Bagnall, Applicant/Agent and Councillor Nick Carter, Ward Member, addressed the Committee on this application.

Parish Council Representation

6. Mr Bridgman in addressing the Committee raised the following points:
 - The issues raised over, drainage and consultation, at the previous meeting had been addressed.
 - It was never up to the Parish Council to consult residents.
 - The objections raised by Thames Valley Police were late but reflected residents' concerns.
 - Robust management of the site would be necessary to prevent further criminality.

Member Questions to the Parish Council

7. Members did not have any questions of clarification.

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Objector Representation

8. Ms Adlam in addressing the Committee raised the following points:

- Whether there had been any other alternatives considered for the site.
- The reopening of the site would increase concerns over the welfare of the police.
- Whether the issues with the entry points been considered.

Member Questions to the Objector

9. Members did not have any questions of clarification.

Applicant/Agent Representation

10. Mr Bagnell in addressing the Committee raised the following points:

- The site needed to balance the potential cost and the need for the site. The Council had to deliver a five-year supply of traveller sites.
- The previous residents had a legal right to return.
- There was a public consultation that lasted 6 weeks, along with a public event and the objections raised were not material matters.
- The site management concerns would be reflected within the tenancy agreements.
- The drainage concerns had been addressed and agreed upon. The site introduced a attenuation system, which would discharge water at 2.3 litres per second.
- The AWE DEPZ matters had been resolved with a suitable condition to be applied and were only included, due to the use of caravans.
- Concerns had been raised over the numbers on the site regarding the DEPZ, however a pre-agreement has stated some occupants will be driven to another area.
- Those at the site were not convicted of any crime and behaviour had been satisfactory.

Member Questions to the Applicant/Agent

11. Councillor Poole queried whether other sites had been considered. Mr Bagnall explained that finding a new site would have been difficult and the Council probably would not find another one. It was explained that the need to integrate these sites with society added an extra level of difficulty.
12. Councillor Cottam asked about the future management of the site. Mr Bagnall explained that it would be carried out by an external contractor with experience of managing similar sites. This contract would be able to be reviewed and the contractor would be made aware of the past issues with the site.
13. Councillor Geoff Mayes asked whether the single access point to the site was sufficient. Mr Bagnall explained that in previous consultation with the emergency services it was seen as adequate. It was added that it would not be possible to have a second access point as you could not go out of the rear of the site by vehicle and a second access point along the existing road frontage would raise highways concerns.
14. Councillor Clive Taylor asked about site security and Mr Bagnall confirmed there would be a weekly visit.

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15. Councillor Jane Langford questioned whether the Council could use different tenants, why there were two caravans per pitch and wanted clarification over the number of pitches. Mr Bagnall explained that the previous tenants had entered into legal contracts, which the Council had to fulfil by allowing for them to return. He added that a pitch was a hard concrete standing for caravans and that there used to be 18 built caravan pitches and that this was to be lowered to 17.
16. The Chairman added that the principal mobile home would be for living quarters and the other would be used as a touring caravan.
17. Councillor Paul Kander queried whether a caravan could extend beyond the pitch and Mr Bagnall stated this was not to be the case.
18. Councillor Poole asked why a second touring caravan could not be covered within a parking space. Mr Bagnall explained that this would need to be covered within tenancy agreements.

Ward Member Representation

19. Councillor Carter in addressing the Committee raised the following points:
 - Both of the issues brought up in the previous Committee had been addressed.
 - It would be disingenuous to suggest there was an alternative, as it is unlikely you will find a new site.

Member Questions to the Ward Member

20. Members did not have any questions of clarification.

Member Questions to Officers

21. Councillor Mayes asked whether there was a foul drainage solution. Mr Butler explained that the waste would go to a nearby sewage treatment plant and that this had been agreed by Thames Water.
22. Councillor Poole asked for clarification on the caravan pitches. Mr Butler pointed Councillors to paragraph 1.6 and 1.7 of the report and explained that the planning authority could not control the overall occupation or density of units. Mr Butler added that it would be possible to place one static and one mobile home per pitch, but there would be no more than 17 pitches.
23. Councillor Poole asked about the definition of a caravan and Mr Butler explained that a caravan was defined in planning legislation.
24. Councillor Langford asked what the significant need for this site was. Ms Laura Callan explained that the Council had a statutory need to provide a certain number of pitches for travellers within the district and removing this site would increase the need. Mr Butler added that if this site was not to be approved it could lead to less favourable sites being utilised.
25. Councillor Paul Kander asked whether the road on the site was to not to be adopted it was confirmed the Council as leaseholder would be responsible.
26. Councillor Kander questioned about the mixed-use status of the application and Mr Butler explained that a mixed commercial and residential use of the site was not being proposed.
27. Councillor Poole queried the potential for the expansion of the site and The Chairman stated that the applicant would need to submit another planning.

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Debate

28. Councillor Cottam opened the debate by explaining that he sympathised with the situation that surrounded the previous miss management of the site, but this was a different issue from the planning concerns. The Councillor added that if the site was an ordinary mobile home park it would not be refused. The Councillor added that not approving this appeal would allow potential unlawful builds to be granted on the basis that there was need for the sites.
29. Councillor Somner agreed with Councillor Cottam and explained that although the circumstances around the site were unfortunate, the Committee needed to consider the material factors. The Councillor emphasised the need for a proper management plan.
30. Councillor Somner proposed to accept Officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report. This was seconded by Councillor Cottam.
31. Councillor Taylor stated that because the issues over drainage and the consultation had been addressed, he saw no way that it could be rejected.
32. Councillor Poole asked for an amendment to condition 19, which would extend the period to protect nesting birds, to the end of September. This was agreed. She also proposed a condition about the future management of the site.
33. Mr Butler explained to the Committee that planning permission was not personal permission and if the site was to be transferred the planning permission still be in place. This meant that the management of the site was not a planning matter.
34. Councillor Somner proposed to accept Officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report with the addition of the note in c19. This was seconded by Councillor Cottam.
35. The Chairman invited Members of the Committee to vote on the proposal by Councillor Somner, seconded by Councillor Cottam to grant planning permission. At the vote the motion was carried.

RESOLVED that the Development Control Manager be authorised to grant planning permission subject to the following conditions:

Conditions

1. **Commencement of development**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. **Approved plans**

The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:

All E1511-GSA-XX-DR:

A-000, [01 and 02], A-403, A-401, A-402, A-102, A-103, A-104, A-105, A-110, A-120 and A-053-05, and A-052-06.

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Reason: For the avoidance of doubt and in the interest of proper planning.

3. AWE Emergency Plan (Construction)

No development shall take place until a site-specific Emergency Plan has been submitted to and approved in writing by the Local Planning Authority. The Emergency Plan shall provide policies and procedures for the preparedness and response to an incident at AWE Aldermaston/Burghfield during the construction of the development. Thereafter the development shall be carried out in accordance with the approved Plan.

Reason: The approval and implementation of a site-specific Emergency Plan is necessary to mitigate the residual risk posed to public safety by the close proximity of AWE Burghfield, to ensure appropriate preparedness and response in the event of an incident at AWE, and to ensure that the development does not adversely affect the AWE Off-Site Emergency Response Plan. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS8 of the West Berkshire Core Strategy 2006-2026.

4. AWE Emergency Plan (Operational/Occupation)

The site shall not be first occupied until a site-specific Emergency Plan has been submitted to and approved in writing by the Local Planning Authority. The Emergency Plan shall provide policies and procedures for the preparedness and response to an incident at AWE Aldermaston/Burghfield during the operation and occupation of the development.

Thereafter, the premises shall not be operated without the implementation of the approved Emergency Plan, or an approved revision.

The plan shall be kept up-to-date, and relevant to the occupant at all times. An amended version of the plan may be submitted to the Local Planning Authority for approval pursuant to this condition. The Local Planning Authority may at any time require the amendment of the Plan by giving notice pursuant to this condition; in which case the amended plan shall be submitted to the Local Planning Authority for approval within 1 month of notice being given.

Reason: The approval and implementation of a site-specific Emergency Plan is necessary to mitigate the residual risk posed to public safety by the close proximity of AWE Burghfield, to ensure appropriate preparedness and response in the event of an incident at AWE, and to ensure that the development does not adversely affect the AWE Off-Site Emergency Response Plan. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS8 of the West Berkshire Core Strategy 2006-2026.

5. Footway

The development shall not be brought into use until the footway to be constructed fronting the site has been constructed in accordance with the approved drawings and any statutory undertaker's equipment or street furniture located in the position of this footway/cycleway has been re-sited to provide an unobstructed footway/cycleway.

Reason: In the interest of road safety and to ensure adequate and unobstructed provision for pedestrians and/or cyclists. This condition is imposed in accordance with the National Planning Policy Framework and

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Policy CS13 of the West Berkshire Core Strategy (2006-2026).

6. Visibility splays

The development shall not be brought into use until the visibility splays at the access have been provided in accordance with drawing number E1511-GSA-XX-DR -A-052 Rev06. The land within these visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 0.6 metres above the carriageway level.

Reason: In the interests of road safety. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

7. Parking

No pitch shall be first occupied until vehicle parking and turning spaces for that pitch and all shared areas have been completed in accordance with the approved plans (including any surfacing arrangements and marking out). Thereafter the parking and turning spaces shall be kept available for parking and manoeuvring (of private cars and/or private light goods vehicles) at all times.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, and Policy P1 of the Housing Site Allocations DPD 2006-2026.

8. Access construction

The development shall not be brought into use until the access has been constructed in accordance with the approved drawings.

Reason: In the interest of road safety. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

9. Cycle parking/storage (prior approval before occupation)

No pitch shall be first occupied until cycle parking/storage facilities for that pitch and all shared areas have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Thereafter the facilities shall be maintained and kept available for that purpose at all times.

Reason: To ensure the provision of cycle parking/storage facilities in order to encourage the use of cycles and reduce reliance on private motor vehicles. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, Policy P1 of the Housing Site Allocations DPD 2006-2026, Quality Design SPD, and the Council's Cycle and Motorcycle Advice and Standards for New Development (November 2014).

10. Maximum pitches

At no time shall more than 17 pitches be provided on the application site.

Reason: To prevent the overdevelopment of the site and maintain good

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amenity for occupants. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy 2006-2026.

11. Occupation restriction

The site hereby permitted shall not be occupied at any time other than by Gypsies and Travellers, as defined in the revised Planning Policy for Traveller Sites of December 2023.

Reason: To comply with policy CS7 in the West Berkshire Core Strategy 2006-2026, and to maintain a supply of pitches.

12. Day rooms

The dayrooms hereby permitted shall only be used for purposes ancillary and/or incidental to the pitches upon which they are sited.

Reason: To prevent the overdevelopment of the site and maintain good amenity for occupants. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy 2006-2026.

13. Land contamination

If any previously unidentified contaminated land is found during demolition and/or construction activities, it shall be reported immediately in writing to the Local Planning Authority (LPA). Appropriate investigation and risk assessment shall be undertaken, and any necessary remediation measures shall be submitted and approved in writing by the LPA. These submissions shall be prepared by a competent person (a person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation), and conducted in accordance with current best practice. The remediation scheme shall ensure that, after remediation, as a minimum, the land shall not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990. Thereafter, any remediation measures shall be carried out in accordance with the approved details. Unless otherwise agreed in writing by the LPA, the development shall not be occupied until any approved remediation measures have been completed and a verification report to demonstrate the effectiveness of the remediation has been submitted to and approved in writing by the LPA.

Reason: To ensure that any unexpected contamination encountered during the development is suitably assessed and dealt with, such that it does not pose an unacceptable risk to human health or the environment. This condition is applied in accordance with paragraphs 170, 178, 179 and 180 the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

14. Gas migration

The gas protection measures to make the land suitable for its intended use, as set out in the Earth Environmental & Geotechnical Report dated April 2022 shall be completed in full and a validation report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect future occupiers and users of the site from the harmful

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effects of contamination, in accord with the advice on human health in the NPPF.

15. Drainage

No development shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority in accordance with the principles of Ardent Consulting Engineers' Drawings No. 2206380-001C. These details shall:

- a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and West Berkshire Council local standards, particularly the WBC SuDS Supplementary Planning Document December 2018;
- b) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- c) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change;
- d) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
- e) Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines.
- f) Ensure any permeable areas are constructed on a permeable sub-base material such as Type 3 or reduced fines Type 1 material as appropriate;
- g) Include details of how the SuDS measures will be maintained and managed after completion. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises; and
- h) Provide details of how surface water will be managed and contained within the site during any construction works to prevent silt migration and pollution of watercourses and land either on or adjacent to the site.

Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework and Policy CS16 of the West Berkshire Core Strategy (2006-2026). A pre-condition is necessary because insufficient detailed information accompanies the application and so it is necessary to approve these details before any development takes place.

16. Submission of a copy of the EPS licence

The demolition of Building 2 identified on the Extended Phase 1 Habitat Map, ECO3178, of the Ecological Assessment by GS Ecology (January 2024), shall not in any circumstances commence unless the Local Planning Authority has been provided with either:

- (a) A licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development to go ahead; or
- (b) A statement in writing from Natural England to the effect that it does not consider that the specified activity/development will require a licence.

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Reason: To ensure the adequate safeguarding of protected species in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026. This "strict protection" condition helps to ensure that a developer will apply for an EPS licence and, if they do not, can be prevented in advance from undertaking the activities that might jeopardize the protected species, before the species is harmed. The use of planning conditions for this purpose has been established through case law and is also recommended in government.

17. Lighting design strategy for light sensitive biodiversity

Prior to occupation, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- (a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- (b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: Bats are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and/or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

18. Reptile Mitigation Strategy

All ecological measures and/or works shall be carried out in accordance with the Reptile Mitigation Strategy contained in 4.32 - 4.41 of the Ecological Assessment by GS Ecology, dated February 2024 as already submitted with the planning application prior to determination.

Reason: To secure detailed ecological mitigation and enhancement measures. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

19. Nesting Birds

No removal of hedgerows, trees or shrubs, or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written

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confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To ensure that breeding birds are protected from harm during construction. All British birds, their nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife and Countryside Act 1981, as amended. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

20. Invasive Species (Japanese Knotweed Eradication Strategy)

Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Japanese Knotweed (*Fallopia japonica*) on site. The measures shall be carried out strictly in accordance with the approved scheme.

Reason: For the removal of invasive species in line with schedule 9 of the Wildlife and Countryside Act 1981 (as amended). A pre-commencement condition is necessary, as if left untreated, the development will cause the spread of the plant elsewhere.

21. Biodiversity enhancements

Prior to the completion of the development hereby approved, details of how the development will enhance biodiversity will be submitted to and approved in writing by the Local Planning Authority. The approved details will be implemented and thereafter retained.

Reason: To secure detailed ecological mitigation and enhancement measures. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

22. Ecological surveys

If the development hereby approved is suspended for more than 12 months from the date of this permission, the approved ecological reports shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to (i) establish if there have been any changes in the presence and/or abundance of protected species and (ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the Local Planning Authority prior to works recommencing. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: To ensure biodiversity enhancements are incorporated into the development. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core

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Strategy 2006-2026.

23. **Construction Environmental Management Plan (CEMP)**

No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:

- (a) Details of the working method statement for bats at 4.16 of the Ecological Assessment by GS Ecology (January 2024).
- (b) Risk assessment of potentially damaging construction activities.
- (c) Identification of "biodiversity protection zones".
- (d) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- (e) The location and timing of sensitive works to avoid harm to biodiversity features.
- (f) The times during construction when specialist ecologists need to be present on site to oversee works.
- (g) Responsible persons and lines of communication.
- (h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- (i) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the conservation and enhancement of the biodiversity assets of the site and wider area in accordance with Policy CS17 in the West Berkshire Core Strategy (2006 to 2026) and the National Planning Policy Framework. A pre-commencement condition is required because the CEMP will need to be adhered to throughout construction.

Informatives

1. **Statement under Article 35(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015**

The Council seeks to work with applicants in positive and proactive manner, where possible seeking solutions to problems arising in relation to dealing with a planning application. In accordance with the National Planning Policy Framework, the Council offers a pre-application advice service so that potential issues can be identified and addressed prior to submission. The Council will also negotiate improvements to submitted applications in line with its published strategy. In this instance, the applicant has been given the opportunity to submit additional information to address issues raised during the consideration of the application.

2. **CIL**

The development hereby approved results in a requirement to make payments to the Council as part of the Community Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable will be sent out separately from this Decision Notice. You are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit the Commencement

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Notice will result in the loss of any exemptions claimed, and the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at www.westberks.gov.uk/cil

44. 23/02187/FULMAJ, Thatcham Memorial Playing Fields, Brownsfield Road, Thatcham

36. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 23/02187/FULMAJ in respect of a Flood Alleviation Scheme including detention basin and swale. New cricket facilities to replace those lost by the scheme Thatcham Memorial Playing Fields, Brownsfield Road, Thatcham.
37. Ms Gemma Kirk introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Development Manager be authorised to grant planning permission subject to the conditions outlined in the main and update reports.
38. The Chairman asked Mr Dowding if he had any highway observations relating to the application. Mr Dowding made no comment.
39. In accordance with the Council's Constitution, Mr Simon Pike, Town Council representative, Rosalind Lewis, objector, Mr Brian Woodham, Councillor Iain Cottingham, supporters Mr Brian Cafferkey, agent, addressed the Committee on this application.

Town Council Representation

40. Mr Pike in addressing the Committee raised the following points:
 - The scheme was the final piece of a larger scheme that would alleviate future flood concerns within Thatcham.
 - Thatcham Town Council supported the principle of the application subject to a number of reservations expressed as objections.
 - The scheme was complex due location in the heart of the town and the multitude of its uses.
 - The Town Council accepted that during construction it would have a negative impact on the area and negatively impact those who use the site.
 - Conditions proposed alleviated reservations. The consultation and planned compensation were addressed outside of the planning process. Support from Town Council was without reservation.
 - Noted the impact of the scheme but looked to the flood risk benefits of the scheme and requested that the Committee approve the application subject to the proposed conditions.

Member Questions to the Town Council

41. Councillor Mayes queried the status of the other existing sites and Mr Pike explained that they three were under construction, but emphasised he was not sure. Mr Pike advised that the scheme had a different purpose to the others.

Objector Representation

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42. Ms Lewis in addressing the Committee raised the following points:

- The site could become unsightly and lead to flooding issues if not properly maintained.

Member Questions to the Objector

43. Members did not have any questions of clarification.

Supporter Representation

44. Mr Woodham and Councillor Cottingham in addressing the Committee raised the following points:

- This was not a standalone scheme, and this was the last of the applications.
- The scheme would help mitigate events such as the 2007 floods.
- The application would take urban runoff to the river below. To protect properties south of the A4.
- Mr Woodham advised that work must start this month.
- The cricket club supported the application and although the club was due to lose land it was being compensated with new cricket nets.
- The cricket club raised concerns that not all the tree protective fencing was required.
- The cricket club would like to be involved in the decision over what fencing is used for the perimeter.

Member Questions to the Supporter

45. Councillor Cottam queried whether there could be adverse flooding affects from the scheme. Mr Woodham explained that the Council had taken the responsibility for the maintenance regime. The scheme would be registered as a flood asset and the budget was in place to support it.
46. The Chairman wanted clarification on the acronym SWMP. Mr Woodham advises that it means Surface Water Management Plan.
47. Councillor Poole pondered the impact on the cricket club. Councillor Cottingham stated that the top end of the cricket field was used by juniors on Fridays, as well as girl's cricket. Sport England had raised a statutory objection, which had been mitigated through security amendments to the lease. There could be a reduction in junior numbers and revenue however, the benefits of the scheme were recognised.
48. Councillor Kander asked about the impact on girl's cricket and Councillor Cottingham stated sessions would need to be rearranged and that Sport England were aware.
49. Councillor Taylor enquired about the trees on the site and Councillor Cottingham argued that not all of the trees needed to be protected and recognised there would be some loss on the cricket field.
50. Councillor Poole questioned the impact the loss of land would have. Councillor Cottingham stated that he believed that the ground would still have county status.
51. Councillor Poole asked whether the recent heavy rainfall had impacted that part of Thatcham. Mr Woodham was seeking answers to this question. He noted Heath Lane scheme was holding water. The rain recently was not of the same scale as 2007.

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Applicant/Agent Representation

52. Mr Cafferkey in addressing the Committee raised the following points:

- The Surface Water Management Plan comprised of several flood alleviation schemes to mitigate flooding.
- Many had benefitted due to the schemes already implemented and this application would be the final piece. This would guarantee residents of Thatcham would be protected in the future.
- The scheme had secured approval and funding from the Environmental Agency.
- Mr Cafferkey set out the details of the basin.
- The scheme sought to reduce flooding from two different sources overland flow and flooding from sewers.
- Benefits included protection of properties, improved water quality of the Kennet and Avon canal, in terms of run-off and an opportunity to increase biodiversity.

Member Questions to the Agent

53. Councillor Poole asked how the basin disposed of water and Mr Cafferkey explained it was through attenuation and discharged into Thames Water sewer.

Ward Member Representation

54. Councillor Cottam in addressing the Committee raised the following points:

- He had lived through the floods of 2007 and the works proposed were vital to prevent such an event from happening again. The need to mitigate the impacts of the scheme, replace the loss of trees and enhance ecology is recognised.

Member Questions to the Ward Member

55. Councillor Mayes enquired as to whether any of the houses had flooded in the recent floods and Councillor Cottam replied, no.

Member Questions to Officers

56. Councillor Pemberton asked whether the replacement dog walking site would be comparable to the one lost and wondered whether this could be conditioned. Mr Till stated that the wording of condition 16 could be tightened but it could not be a pre-condition as this would be unreasonable.
57. Councillor Cottam queried the number of lorry movements that would be created due to construction and how it would be controlled. Mr Gareth Dowding replied that the site would generate around one lorry every 40 to 50 minutes and there would be control on the junction. Control of this would be conditioned.
58. Councillor Cottam expressed concerns over the loss of trees and Ms Kinderman explained that with the additional planting of the hedges and other trees there would be a net gain in biodiversity. Landscape and Ecological Management condition will control this.
59. Councillor Poole asked why this scheme was being explored. Ms Kirk advised that the scheme works in tandem, and this is intended to cover an area not covered by other schemes. Mr Till advised the action plan was required to be delivered in its entirety to be effective.

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Debate

60. Councillor Langford opened the debate by arguing that the application was a good scheme, however highlighted the necessity of proper maintenance.
61. Councillor Pemberton asserted that the removal of trees and the disruption of the park area was not ideal, however the application was necessary to protect Thatcham.
62. Councillor Somner proposed to accept Officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report with the change to condition 16 to state that a similar site would be found. This was seconded by Councillor Pemberton
63. The Chairman invited Members of the Committee to vote on the proposal by Councillor Somner, seconded by Councillor Pemberton to grant planning permission. At the vote the motion was carried.

RESOLVED that the Development Manager be authorised to grant planning permission subject to the following conditions:

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:

- (i) Drawing 2004241-016 P2 (Site Location Plan) received on 22.12.2023;
- (ii) Drawing 2004241-001 C (General Arrangement) received on 05.01.2024;
- (iii) Drawing 2004241-002 P2 (Red line Boundary) received on 22.12.2023;
- (iv) Drawing 2004241-005 (Proposed Earthworks: Cut and Fill Volumes) received on 18.09.2023;
- (v) Drawing 2004241-006 A (Tree Removal Plan) received on 18.09.2023;
- (vi) Drawing 2004241-007 (Site Cross Sections Sheet 1 of 2) received on 18.09.2023;
- (vii) Drawing 2004241-008 (Site Cross Sections Sheet 2 of 2) received on 18.09.2023;
- (viii) Drawing 2004241-009 (Bund and Swale: Construction Details Sheet 1 of 4) received on 18.09.2023;
- (ix) Drawing 2004241-010 (Bund and Swale: Construction Details Sheet 2 of 4) received on 18.09.2023;
- (x) Drawing 2004241-011 (Bund and Swale: Construction Details Sheet 3 of 4) received on 18.09.2023;
- (xi) Drawing 2004241-012 (Bund and Swale: Construction Details Sheet 4 of 4) received on 18.09.2023;
- (xii) Drawing 2004241-013 (Flow Control Structure Detail) received on 18.09.2023;
- (xiii) Drawing 2004421-014 A (Exolum Pipeline Protection Plan) received on 29.11.2023;
- (xiv) Drawing 2004241-015 P1 (Pedestrian Footbridge Detail) received on 22.09.2023;

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(xv) Drawing 2004241-024 (Relocation of Practice Nets and Artificial Wicket) received on 22.12.2023;

(xvi) Drawing NSTTCC001 (Triple Lane Practice Facility) received on 22.12.2023;

(xvii) Slatter Cricket and Play: Thatcham Town Cricket Club Quotation received on 22.12.2023.

Reason: For the avoidance of doubt and in the interest of proper planning.

3. The construction of the hereby approved development shall be carried out in accordance with the drawings listed below unless otherwise agreed in writing:

(i) Drawing 2004241-020 (Enabling Works: General Arrangement) received on 18.09.2023;

(ii) Drawing 2004241-021 (Enabling Works: Visualisation and Details) received on 18.09.2023;

(iii) Drawing 2004241-022 (Enabling Works: Vehicle Tracking) received on 18.09.2023.

Reason: To safeguard the amenity of adjoining land uses and occupiers, and in the interests of highway safety. This condition is applied in accordance with Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

4. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:

(a) Risk assessment of potentially damaging construction activities.

(b) Identification of "biodiversity protection zones".

(c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) including storage of materials/chemicals and equipment, dust suppression, chemical and/or fuel run-off, noise/visual vibrational impacts

(d) The location and timing of sensitive works to avoid harm to biodiversity features.

(e) The times during construction when specialist ecologists need to be present on site to oversee works.

(f) Responsible persons and lines of communication.

(g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

(h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: Without appropriate mitigation the application would have an adverse effect on the integrity of the River Kennet, Thatcham Reedbeds and Bowdon & Chamberhouse Woods SSSI. This condition is applied in accordance with the NPPF and Policy CS17 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is required because the CEMP will need to be adhered to throughout construction.

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5. No development shall take place (including site set-up) until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the demolition and construction works shall incorporate and be undertaken in accordance with the approved CMS. The CMS shall include measures for:

- (a) A site set-up plan during the works;
- (b) Parking of vehicles of site operatives and visitors;
- (c) Loading and unloading of plant and materials;
- (d) Storage of plant and materials used in constructing the development;
- (e) Erection and maintenance of security hoarding including any decorative displays and/or facilities for public viewing;
- (f) Temporary access arrangements in accordance with Drawings 2004241-020 and 2004241-021 to the site including details of bank persons;
- (g) Wheel washing facilities;
- (h) Measures to control dust, dirt, noise, vibrations, odours, surface water run-off, and pests/vermin during construction;
- (i) A scheme for recycling/disposing of waste resulting from demolition and construction works;
- (j) Hours of construction and demolition work;
- (k) Hours of deliveries and preferred haulage routes;
- (l) Measures to manage impact to pedestrians and cyclists
- (m) Confirmation staff and contractors will be briefed on UXO Safety Awareness

Reason: To safeguard the amenity of adjoining land uses and occupiers, and in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre-commencement condition is required because the CMS must be adhered to during all demolition and construction operations.

6. No construction site set-up (as indicated by Drawing 2004241-020) shall take place until formalised arrangements for the temporary disabled parking are submitted and approved in writing by the Local Planning Authority. The agreed temporary spaces shall remain for the duration of the construction and removed within a month of the construction access being re-instated to its original use.

Reason: To ensure that the healthcare facilities to the south of the site remain accessible during the construction of the development. This policy is applied in accordance with the NPPF and Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is required as the temporary parking provision is required to be provided during the construction operations.

7. No development shall commence until a layout scheme for maximising the potential for incidental extraction where practicable has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

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Reason: To ensure the minimum amount of mineral sterilisation occurs and in accordance with Policy 9 of the Minerals and Waste Local Plan. A pre-commencement condition is necessary, as once the development is built there will be no opportunity to design the scheme so as to maximise the potential for mineral extraction.

8. No development shall commence until the following has been submitted to and approved in writing by the Local Planning Authority and thereafter all works for each phase shall be carried out in accordance with the methods agreed throughout the construction period:

- (a) a method for ensuring that minerals that can be viably recovered during the development are recovered and put to beneficial use;
- (b) a method to record the quantity of recovered mineral (for re-use on site or off site) and the reporting of this quantity to the Local Planning Authority.

Reason: To ensure the minimum amount of mineral sterilisation occurs and in accordance with Policy 9 of the Minerals and Waste Local Plan. A pre-commencement condition is necessary, as once the development is built there will be no opportunity to design the scheme so as to maximise the potential for mineral extraction.

9. 9. Prior to groundworks commencing a Landscape and Ecological Management Plan (LEMP) (also referred to as a Habitat or Biodiversity Management Plan) has been submitted to and be approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:

- (a) Details of the landscaping proposed as part of 6.1.2 of the Ecological Assessment by Derek Finnie Associates (August 2023) and two trees to replace those to be felled to accommodate the cricket practice nets. These details shall include species, plant sizes and proposed numbers/densities and an implementation program providing sufficient specifications to ensure successful cultivation of trees, shrub and grass establishment.
- (b) A time program to implement the landscaping scheme
- (c) Aims and objectives of landscape management.
- (d) Appropriate management options for achieving aims and objectives.
- (e) Prescriptions for management actions.
- (f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- (g) Details of the body or organization responsible for implementation of the plan.
- (h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The approved plan will be implemented in accordance with the approved details.

Reason: To ensure compensation for the trees lost at the site as these have both a visual and ecological benefit. The landscaping would also provide ecological enhancement as described in the Ecological Assessment by Derek Finnie Associates (August 2023) and the accompanying Biodiversity New Gain Metric. This condition is applied in accordance with the NPPF and Policies CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy (2026-2026).

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10. Prior to groundworks commencing a detailed scheme of landscaping for the site has been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- (a) schedules of plants noting species, plant sizes and proposed numbers/densities
- (b) an implementation programme providing sufficient specifications to ensure successful cultivation of trees, shrub and grass establishment.

All soft landscaping works shall be completed in accordance with the approved soft landscaping scheme within the first planting season following completion of development or first use of the development (whichever occurs first). Any trees, shrubs or plants that die or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species.

Reason: Required to safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality. This is to ensure the implementation of a satisfactory scheme of landscaping in accordance with the NPPF and Policies ADPP1, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006- 2026.

11. No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To ensure that breeding birds are protected from harm during construction. All British birds, their nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife and Countryside Act 1981, as amended. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

12. All tree protective fencing shall be erected in accordance with the submitted plans, reference drawing numbers SJA TPP 22318-041a dated Sept 2023. The protective fencing shall be implemented and retained intact for the duration of the development. Within the fenced area(s), there shall be no excavations, storage or mixing of materials, storage of machinery, parking of vehicles or fires.

Reason: Required to safeguard and to enhance the setting within the immediate locality to ensure the protection and retention of existing trees and natural features during the construction phase in accordance with the NPPF and Policies ADPP1, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

13. Prior to groundworks commencing the remaining tennis court shall be retained in accordance with Drawing 2004241-023-P1) for the duration of the construction and it shall be agreed with the Local Planning Authority alternative arrangements during construction for the tennis court to be lost.

Reason: To ensure that the proposed development does not result in the loss sport facilities. This condition is applied in accordance with the NPPF and Policies CS14 and CS18 of the West Berkshire Core Strategy 2006-2026.

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14. No construction of the three lane practice nets shall commence until a scheme for the protection of trees to be retained is submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing. The protective fencing should be as specified at Chapter 6 and detailed in figure 2 of B.S.5837:2012. All such fencing shall be erected prior to works taking place and at least 2 working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the National Planning Policy Framework, and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

15. Within six months of the construction site set-up commencing the cricket nets and non-turf wicket (as shown on Drawings 2004241-024 and NSTTCC 001B) hereby approved shall have been constructed and brought into use.

Reason: To ensure that the proposed development does not result in the loss sport facilities. This condition is applied in accordance with the NPPF and Policies CS14 and CS18 of the West Berkshire Core Strategy 2006-2026.

16. Within three months of the completion of the hereby approved development a replacement enclosed dog walking area of a similar quality and size to the existing shall be provided in accordance with details that are first submitted to and agreed in writing by the Local Planning Authority. Details shall include the location, size and boundary treatments for the enclosure.

Reason: To ensure that the existing dog walking provision is replaced within one of a similar quality. The dog walking facility forms part of the green infrastructure provision and public amenity at Thatcham Memorial Playing Fields which is required to be protected and enhanced. This condition is applied in accordance with the NPPF and Policies CS14 and CS18 of the West Berkshire Core Strategy 2006-2026.

17. Within three months of the removal of the temporary construction road and access hereby approved the children's play equipment indicated to be removed on Drawing 2004241-020 shall be replaced in accordance with details that are first agreed with by the Local Planning Authority. Details shall include the location, type of equipment and any boundary treatments required.

Reason: To ensure the children's play area is returned to the site which forms part of the green infrastructure provision at Thatcham Memorial Playing Fields which is required to be protected and enhanced. This condition is applied in accordance with the NPPF and Policy CS18 of the West Berkshire Core Strategy 2006-2026.

18. Within three months of the removal of the temporary construction road and access (as shown on Drawing 2004241-020) hereby permitted the existing tennis court to be lost during construction shall be reinstated to a quality at least equivalent (or better) than the current quality. Details of the reinstated tennis court shall be approved in writing by the Local Planning Authority before reinstatement works commence.

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Reason: To ensure the development would not result in the loss or harm to sport facilities. This condition is applied in accordance with the NPPF and Policies CS14 and CS18 of the West Berkshire Core Strategy 2006-2026.

19. Within three months of the removal of the temporary construction compound, road and access (as shown on Drawing 2004241-020) hereby permitted the recreational ground shall be reinstated to a quality at least equivalent (or better) than the current quality.

Reason: To ensure the development would not result in the loss or harm to sport facilities and green infrastructure. This condition is applied in accordance with the NPPF and Policies CS14 and CS18 of the West Berkshire Core Strategy (2006-2026).

20. Notwithstanding the details submitted, prior to the completion of construction operations or first use of the development (whichever occurs first) details of the proposed footpaths shall be submitted and approved by the Local Planning Authority. These details shall include location, width and materials to be used. The footpaths shall be provided within one month of the completion of construction operations or first use of the development (whichever occurs first).

Reason: To ensure that enjoyment of the playing fields and the connectivity it provides for residents to services in Thatcham is not harmfully impacted by the development. This condition is applied in accordance with Policy CS13, CS14 and CS18 of the West Berkshire Core Strategy 2006-2026 and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

21. The new fence hereby approved shall not be installed until details of the fence have first been submitted to and approved in writing by the Local Planning Authority. The details of the fence shall include height, style, and materials. The new fence shall be installed in accordance with these approved details.

Reason: To ensure that the proposed fence does not have a harmful impact on the character of the area. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD.

Informatives

1 The applicant's attention is drawn to the fact that above conditions must be complied with in full before any work commences on site, failure to do so may result in enforcement action being instigated.

2 Protected Species

Prior to the commencement of this proposal you are reminded that if there is any evidence of Protected Species on the site you must consider the implications of the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000 and comply with any necessary additional regulations and licences. For example, you must avoid taking, damaging or destroying the nest built or being used or egg of any wild bird as this would be an offence (with certain exceptions). You must also not intentionally or recklessly damage, destroy or block access to any habitat used by a protected species, such as bats, dormice, reptiles or any other species as listed in The Conservation of Habitats and Species Regulations 2010, Schedule 2 European Protected Species of Animals. Any licensing requirements are in addition to the requirements for planning permission and subject to a separate process. The following website gives further advice on this matter www.gov.uk/guidance/wildlife-licences

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3 The above Permission may contain pre-conditions, which require specific matters to be approved by the Local Planning Authority before a specified stage in the development occurs. For example, "Prior to commencement of development written details of the means of enclosure will be submitted to and approved in writing by the Local Planning Authority". This means that a lawful commencement of the approved development cannot be made until the particular requirements of the pre-condition(s) have been met. A fee is required for an application to discharge conditions.

4 This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.

5 Conditions nos. 4-8 impose requirements which must be met prior to commencement of the development. Failure to observe these requirements could result in the Council taking enforcement action, or may invalidate the planning permission and render the whole of the development unlawful.

6 Planning permission is hereby granted for the development as shown on the approved drawings. Any variation to the approved scheme may require further permission, and unauthorised variations may lay you open to planning enforcement action. You are advised to seek advice from the Local Planning Authority, before work commences, if you are thinking of introducing any variations to the approved development. Advice should urgently be sought if a problem occurs during approved works, but it is clearly preferable to seek advice at as early a stage as possible.

7 You should not undertake any work or activity without first contacting Exolum for advice and, if required, a Works Consent. For a copy of Exolum's Standard Requirements for Crossing or Working in Close Proximity to Exolum Pipelines, please visit <https://lsbud.co.uk/wpcontent/uploads/2021/10/lbud-standard-requirement-uk-um.pdf>.

8 The responsibility and any liability for the safe development of the site rests with the developer and/or landowner. Although the Council has used its best endeavours to determine this application on the basis of the information available to it, this does not mean that the land or adjoining land will necessarily remain free from instability. The Council's consideration has been only on the basis of the development proposed, and these considerations may be different in relation to any other development. The question of stability of adjacent land has been a material planning consideration, and the resolution of this issue for the purposes of granting planning permission does not necessarily imply that the requirements of any other controlling authority would be satisfied and, in particular, the granting of planning permission does not give any warranty for support or stability or against damage of adjoining or nearby properties.

9 Your attention is drawn to Section 61 of the Control of Pollution Act 1974, which allows developers and their building contractors to apply for 'prior consent' for noise generating activities during building works. This proactive approach involves assessment of construction working methods to be used and prediction of likely construction noise levels at sensitive positions, with the aim of managing the generation of construction noise using the 'best practicable means' available. You are advised to engage an acoustic consultant experienced in construction noise and vibration assessment and prediction to complete your S.61 application.

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10 The attention of the applicant is drawn to the requirements of Section 60 of the Control of Pollution Act 1974 in respect of the minimisation of noise on construction and demolition sites. Application under Section 61 of the Act, for prior consent to the works, can be made to West Berkshire Environmental Health. For more information: email ehadvice@westberks.gov.uk, call 01635 519192, or visit <http://info.westberks.gov.uk/environmentalhealth>.

11 Before development commences it is recommended that the applicant checks whether an environmental permit is required from the Environment Agency. More information is available at: <https://www.gov.uk/guidance/check-if-you-need-anenvironmental-permit>. Alternatively the applicant can call the Environment Agency at: 03708 506 506.

(The meeting commenced at 6.30 pm and closed at 9.43 pm)

CHAIRMAN

Date of Signature