

Notice of Meeting



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Eastern Area Planning Committee Wednesday, 6 March, 2024 at 6.30 pm In the Council Chamber, Council Offices, Market Street, Newbury

This meeting will be streamed live here: [Link to Eastern Area Planning Committee broadcasts](#)

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If members of the public wish to attend the meeting they can do so either remotely or in person. Members of the public who wish to attend must notify the Planning Team by no later than 4.00pm on 5 March 2024 by emailing planningcommittee@westberks.gov.uk.

Members Interests

Note: If you consider you may have an interest in any Planning Application included on this agenda then please seek early advice from the appropriate officers.

Date of despatch of Agenda: Tuesday, 27 February 2024

Further information for members of the public

Plans and photographs relating to the Planning Applications to be considered at the meeting can be viewed by clicking on the link on the front page of the relevant report.

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact the Planning Team on (01635) 519148 or email planningcommittee@westberks.gov.uk.

Further information, Planning Applications and Minutes are also available on the Council's website at www.westberks.gov.uk.

Any queries relating to the Committee should be directed to the Democratic Services Team by emailing executivecycle@westberks.gov.uk.



Agenda - Eastern Area Planning Committee to be held on Wednesday, 6 March 2024
(continued)

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

Substitutes: Councillors Jeff Brooks, Laura Coyle, Lee Dillon, Jane Langford, Biyi Oloko
and Joanne Stewart

Agenda

Part I	Page No.
1. Apologies for absence To receive apologies for inability to attend the meeting (if any).	
2. Minutes To approve as a correct record the Minutes of the meeting of this Committee held on 4 October 2023.	5 - 26
3. Declarations of Interest To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' Code of Conduct .	
4. Schedule of Planning Applications (Note: The Chairman, with the consent of the Committee, reserves the right to alter the order of business on this agenda based on public interest and participation in individual applications).	
(1) 23/01552/REG3, Four Houses Corner Caravan Site, Reading Road, Ufton Nervet, Reading	27 - 64

Proposal: It is proposed to replace the existing permanent 18 pitch Gypsy caravan site with a new 17 permanent pitch Gypsy caravan site. Each pitch is 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.

Location: Four Houses Corner Caravan Site, Reading Road, Ufton Nervet, Reading

Agenda - Eastern Area Planning Committee to be held on Wednesday, 6 March 2024
(continued)

Applicant: West Berkshire Council

Recommendation: To delegate to the Development Manager to **GRANT PLANNING PERMISSION** subject to conditions.

- (2) **23/02187/FULMAJ, Thatcham Memorial Playing Fields, Brownsfield Road, Thatcham** 65 - 92

Proposal: Flood Alleviation Scheme including detention basin and swale. New cricket facilities to replace those lost by the scheme (full description available at paragraphs 1.4 and 1.5 of the report).

Location: Thatcham Memorial Playing Fields, Brownsfield Road, Thatcham

Applicant: West Berkshire Council

Recommendation: To delegate to the Development Manager to **GRANT PLANNING PERMISSION** subject to conditions.

Background Papers

- (a) The West Berkshire Core Strategy 2006-2026.
- (b) The West Berkshire District Local Plan (Saved Policies September 2007), the Replacement Minerals Local Plan for Berkshire, the Waste Local Plan for Berkshire and relevant Supplementary Planning Guidance and Documents.
- (c) Any previous planning applications for the site, together with correspondence and report(s) on those applications.
- (d) The case file for the current application comprising plans, application forms, correspondence and case officer's notes.
- (e) The Human Rights Act.

Sarah Clarke

Sarah Clarke
Service Director – Strategy & Governance
West Berkshire District Council

If you require this information in a different format or translation, please contact Stephen Chard on telephone (01635) 519462.



West Berkshire
C O U N C I L

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DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

EASTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 4 OCTOBER 2023

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

Also Present: Sharon Armour (Principal Lawyer - Planning & Governance), Michael Butler (Principal Planning Officer), Stephen Chard (Zoom Host), Gareth Dowding (Principal Engineer (Traffic and Road Safety)), Gemma Kirk (Senior Planning Officer), Bryan Lyttle (Planning Policy, Infrastructure & Place Manager), Lewis Richards (Planning Officer) Benjamin Ryan (Clerk), Simon Till (Development Control Team Leader) and Cheryl Willett (Senior Planning Officer)

Apologies for inability to attend the meeting: Councillor Paul Kander

PART I

36. Minutes

The Minutes of the meeting held on 5 July 2023 were approved as a true and correct record and signed by the Chairman subject to the inclusion of the following amendments:

- Councillor Jane Langford was in attendance.
- Councillor Vicky Poole's declaration of interest should state Nigel Toon not Nigel Hopes.
- Paragraph 12, bullet point 5 should note 11:00pm, not 11:45pm.

In regard to item 35(2), Councillor Poole highlighted, on Councillor Paul Kander's behalf, that fire regulations had not been included in the conditions. However, it was explained that this was a Building Regulations issue, and the conditions could not be changed as they had been issued.

37. Declarations of Interest

Councillor Richard Somner declared an interest in Agenda Item 4(3), as he was known to Mr Wale (supporter of the application), by virtue of the fact that he had a very minor interest in Mr Wale's business but had held no discussions on the application. He therefore 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 Ross Mackinnon declared an interest in Agenda Item 4(1), as he had received an extensive briefing as the Council was the landowner 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 Mackinnon declared an interest in Agenda Item 4(3), as he had had met with the applicant to discuss the planning process in his capacity as Ward Member but he had formed no view on the application. He therefore reported that, as his interest was a

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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 4(1), as she had hosted a Councillor surgery on the matter to help understand the views of local residents in her Ward. However, she would be considering the item with an open mind. Councillor Poole reported that, as her interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.

38. Schedule of Planning Applications

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

[Item starts at 7 minutes into the recording.](#)

1. 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.
2. 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. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 23/01552/REG3 in respect of the proposal to replace 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's play area and sewerage treatment plant were to be located within the site.
4. 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.
5. Ms Cheryl Willett explained that the Council had to maintain a five-year supply of caravan pitches for travellers and that this site would contribute to the legally required number of pitches. If the Council did not meet the required plots, they could be forced to accept a planning application for a less favourable site.
6. In accordance with the Council's Constitution, Mr Graham Bridgman, Parish Council representative, Ms Margaret Baxter, adjacent Parish Council representative, Ms Deborah Adlam, objector, Mr Bill Bagnall, applicant, and Councillor Nick Carter, Ward Member, addressed the Committee on this application.

Parish Council Representation

7. Mr Graham Bridgman in addressing the Committee raised the following points:
 - The Council had not followed policy in properly consulting the local community, and it was stressed that as the site was remote, so too was the site notice.

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- Mr Bridgman questioned how many individuals the site could house, as although there were 17 pitches, these would home multiple residents.
- That the application had not had a full sustainable drainage systems (SuDS) consultation and that the site was an area that struggled with flooding.
- That the site could benefit from CCTV.

Member Questions to the Parish Council

8. Members did not have any questions of clarification.

Adjacent Parish Council Representation

9. Ms Margaret Baxter in addressing the Committee raised the following points:

- That it was a controversial application.
- Due process had not been followed, as there had been no consultation.
- There was confusion over how many residents could be on the site, and this needed to be clarified, due to concerns that there could be more residents.
- It was incorrect to suggest that the site had no history of flooding.
- There were questions over how the site would be managed going forward, would access to the site be via vehicle only, what preparations were there for sewage and waste disposal, and what would be the extent of light pollution?

Member Questions to the Adjacent Parish Council

10. In response to Members' questions, Ms Baxter advised that:

- It was the District Council's responsibility to consult the residents.
- The increase in the number of people on site could impact the Detailed Emergency Planning Zone (DEPZ).
- Flooding of the area happened regularly and to a considerable level.

Objector Representation

11. Ms Deborah Adlam in addressing the Committee raised the following points:

- That the community was haunted by the events surrounding PC Harper's death and his memory should be protected.
- The residents should know who would be staying at the site.
- The site was supposed to be just women and children, and this was not the case.
- There was a history of damaged property around the site.
- There was a history of misbehaviour at the site and that there were concerns over the safety of Police Officers who would have to police the site.

Member Questions to the Objector

12. Members did not have any questions of clarification.

Applicant Representation

13. Mr Bill Bagnall in addressing the Committee raised the following points:

- That the site had been established for 14 years.
- In 2016 the site was seen as run-down and no longer fit for purpose.

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- The site satisfied the UK Health Security Agency requirements.
- The access to the site and turning circle met highways requirements.
- The road network would not have street lighting and was limited to the access bell mouth and for the waste/recycling area.
- Flooding was addressed by formal drainage proposals that were not previously addressed on the site.
- Occupation numbers would be limited by the physical space and the single utilities hookup provided with each plot.
- The Council would formally manage the site.

Member Questions to the Applicant

14. In response to Members' questions, Mr Bagnall advised that:

- A maximum number of residents could not be provided as it would require going into confidential information.
- There was a meeting in 2018 with the emergency services, where the access to the site was discussed and it was found to be agreeable, however, it was noted that the one entrance into the site was not ideal.
- The lease agreements were related to adults and dependants on the site.
- The plots would be based on top of raised hardstanding and a sub-base of crushed hardcore. The design of the site would result in extreme levels of water being directed off-site.
- The Housing Team were in regular dialogue with the traveller community.
- The Council would have to improve the path between Burghfield Common and the site.
- There would be lighting at the entrance and in the bin store area, but the site itself would be dark.

Ward Member Representation

15. Councillor Nick Carter in addressing the Committee raised the following points:

- Government guidance suggested that local authorities should encourage closer integration of travellers with the wider community.
- The Ward Member sympathised with the family of PC Harper.
- The individuals responsible for PC Harper's death did not live on the site.
- That the site was appropriate for the suggested use and any other suggested site would ultimately fail.
- Residents of the site were consulted on the application and did not suggest they needed a foot path.
- That the Parish Council could have conducted its own consultation and that Ward Members had done their own form of consultation.
- The design of the site was in line with others around the country.

Member Questions to the Ward Member

16. In response to Members' questions, Councillor Carter advised that:

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- The Parish Council were informed of the application but did not consult residents, however the Ward Member agreed the consultation still needed to take place.
- The Design and Access statement stated that it was intended to undertake a consultation, but this did not happen.
- Former residents of the site had been consulted.

Member Questions to Officers

17. In response to Members' questions, officers clarified the following points:

- That Policy C1 referenced housing development, and the application was not for a housing development.
- That there would be a betterment of SuDS in any event, as the site would be on a gravel plateau and was within flood zone one.
- That planning officers would not overrule other officers; however, decisions were made on balance. The Drainage Officer did give his opinion, but planning officers must use their judgement and deploy a proactive approach when resolving outstanding matters that the Council must fulfil. It was further noted that the Drainage Officer had control within the condition.
- That even though a consultation process may not have been followed it was important to focus on the planning merits of the case. Developers did not always follow the planning process thoroughly, although this was disappointing, it was not a reason to refuse the application.
- If permission was granted, the applicant would have to consult the SuDS officer and development of the site would not be able to commence until the officer was satisfied.
- Planning officers could have recommended a maximum occupancy; however, it would have been difficult to provide an appropriate number and to enforce. There was also nothing to suggest there should be a maximum limit put in place.

Debate

18. Councillor Somner opened the debate by highlighting that he understood the personal aspect of the application, but that this should have no bearing on the decision. The Councillor expressed that the policies raised came down to interpretation and the SuDS had been detailed clearly within the report pack. Finally, Councillor Somner recognised that the lack of consultation was less than optimal, however he was unsure whether it had not happened at all and whether a consultation would be of any value to the Committee.
19. Councillor Poole argued that the surface water from the site made the road particularly dangerous but was particularly concerned that she did not fully understand the impact of the SuDS.
20. Councillor Jeremy Cottam echoed concerns over the flooding. The Councillor also believed that an upper limit of residents could be applied as the DEPZ controls would have limits for the shelters.
21. Councillor Mackinnon commented on the emotional nature of the site and emphasised that this added to the need for proper consultation with the public.

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22. Councillor Clive Taylor agreed that the application needed a full consultation with residents.
23. Councillor Poole proposed to defer the application until there had been a full consultation and a full review by the SuDS Officer. This was seconded by Councillor Mackinnon
24. The Chairman invited Members of the Committee to vote on the proposal by Councillor Poole, seconded by Councillor Mackinnon to defer the application. At the vote the motion was carried.

RESOLVED that the item be deferred until there had been a full SuDS review and full public consultation by the applicant, not the LPA.

39. 23/00879/FUL, 6A Victoria Road, Mortimer Common

Item starts at 1 hour and 56 minutes into the recording.

25. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 23/00879/FUL in respect of the relocation of the approved commercial kitchen extractor vent at 6A Victoria Road, Mortimer Common.
26. Lewis Richards 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.
27. In accordance with the Council's Constitution, Mr Graham Bridgman, Parish Council representative, and Councillor Nick Carter, Ward Member, addressed the Committee on this application.

Parish Council Representation

28. Mr Graham Bridgman in addressing the Committee raised the following points:

- The Parish Council had no objection to the relocation of the extractor fan and that the proposal should improve the issues with the smell and noise.

Member Questions to the Parish

29. Members did not have any questions of clarification.

Ward Member Representation

30. Councillor Nick Carter in addressing the Committee raised the following points:

- That the issue of the smell was raised with the Parish Council and was dismissed, because it was not considered a planning matter and it was stated that the odour had allegedly dissipated after two days, which was untrue.
- Questions were raised over why the original filter did not remove the odour and whether the extractor fan was fit for purpose.

Member Questions to the Ward Member

31. Members did not have any questions of clarification.

Member Questions to Officers

32. The Committee was informed that if the issues with smell persisted, Environmental Health would get involved.

Debate

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33. Councillor Somner opened the debate by expressing that this application aimed to fix the pre-existing issues.
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. 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. The development hereby permitted shall begin 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:

Site Location Plan received on 26/04/2023

220930-AE100 – Approved Site Block Plan received on 26/04/2023

220930-AP101 – Proposed Floor Plan received on 26/04/2023

220930-AP201 – Amended Proposed Elevation received on 20/09/2023

220930-AP202 – Amended Proposed Elevation received on 20/09/2023

220930-AP903 – Kitchen Extractor Detail received on 26/04/2023

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

3. The materials to be used in the development hereby permitted shall be as specified on the proposed elevation plans. Where stated that materials shall match the existing, those materials shall match those on the existing development in colour, size and texture.

Reason: To ensure that the external materials are visually attractive and respond to local character. This condition is imposed in accordance with the National Planning Policy Framework (2023), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Policy GD5 of the Stratfield Mortimer Neighbourhood Development Plan 2017, Supplementary Planning Document Quality Design (June 2006), and the Town/Village Design Statement for Stratfield Mortimer 2007.

4. The hours of work for all contractors for the duration of the site development shall unless otherwise agreed by the Local Planning Authority in writing be limited to: 7:30 am. to 6:00 pm. on Mondays to Fridays, 8:30 am. to 1:00 pm. on Saturdays and NO work shall be carried out on Sundays or Bank Holidays.

Reason: To safeguard the amenities of surrounding occupiers. This condition is imposed in accordance with the National Planning Policy Framework (2023), Policy CS14 of the

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West Berkshire Core Strategy (2006-2026) and Policies OVS4 and OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

5. The commercial use (Use Class E) shall not be open to customers outside the following hours, 07:30- 23:00 on any day.

Reason: To safeguard the amenities of surrounding occupiers. This condition is imposed in accordance with the National Planning Policy Framework (2023), Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Policies OVS5 and OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

6. The development hereby approved shall not be brought into use until the fume extraction and filtration equipment have been installed at the premises in accordance with submitted Drawing No. AP903 'Kitchen Extractor Details' dated 30/09/2022 by Studio Noi and in accordance with the details submitted in emails from Fetdah Cura to Erica Myers dated 4 July 2023 (14:27) and 5 July 2023 (13:51). The equipment shall thereafter be retained, operated and maintained in its approved form and in accordance with the manufacturer's recommendations for so long as the use hereby permitted remains on site.

Reason: To ensure that no nuisance or disturbance is caused to the occupiers of neighbouring properties. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Policies OVS5 and OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

Informative

1. 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.

40. 22/01953/FULD, Reservoir (covered), Bishops Road, Tutts Clump

[Item starts at 2 hours and 12 minutes into the recording.](#)

36. The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 22/01953/FULD in respect of a revised application for demolition of former water pumping station reservoir, associated plant and buildings, replacement with detached 5-bed dwelling with integral garage.
37. 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 unsatisfactory in planning terms and officers recommended that the Development Control Manager be authorised to refuse planning permission for the reasons listed in the main and update reports.
38. In accordance with the Council's Constitution, Mr Andrew House, Parish Council representative, Mr Tim Wale, supporter, Mr Tony Thorpe, agent and Councillor Mackinnon, Ward Member, addressed the Committee on this application.

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Parish Council Representation

39. Mr House in addressing the Committee raised the following points:

- The site would be in line with the rest of Bishop's Road.
- The site had passed the point of intended use.
- The development would not harm the Area of Outstanding Natural Beauty (AONB)
- There were policies that the development did not adhere to, however the Parish Council found the application acceptable.
- The application would include screening that would have a visual benefit and was an opportunity to clean up a segment of the Parish, which was out of keeping with the area.
- This would increase CIL and Council Tax revenue for the Council.

Member Questions to the Parish Council

40. In response to a Member question, Mr House explained that he was unsure on how long the pumping station had been there, however it was longer than 65 years.

41. The Committee heard that the Parish Council was unanimous in its decision to support the application.

Supporter Representation

42. Mr Wale in addressing the Committee raised the following points:

- 100 years ago, the pumping station was built with water board employees expected to live on site. This was changed when Thames Water acquired the site 20 years ago and removed the final worker from the site. Finally, the site was decommissioned ten years ago.
- The site was bought by a constructor who dug up the plot, however this was later sold due to other commitments and the soil remains displaced.
- The application should be accepted on its own merits as the site had little potential for other uses and it would only be rejected on a technicality.

Member Questions to the Supporter

43. Members did not have any questions of clarification.

Agent Representation

44. Mr Thorpe in addressing the Committee raised the following points:

- Policy C1 was not designed for unique circumstances, such as where the site was an existing developed brown field site with two row frontages and a corner site.
- Approval of the policy would not undermine policy C1 as the site was unique.
- There were no objections to the scheme.
- The pre-existing buildings were ugly and should be replaced.
- The pre-application phase was initially positive, however this changed for an undisclosed reason.

Member Questions to the Agent

45. Members did not have any questions of clarification.

Ward Member Representation

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46. Councillor Mackinnon in addressing the Committee raised the following points:

- He had called in the application due to the local support.
- That the application was an example where attending the site visit was valuable to the Committee.

Member Questions to the Ward Member

47. Members did not have any questions of clarification.

Member Questions to Officers

48. In response to Members' questions, officers advised of the following points:

- That in the proposal the brick-built tank was to be partially removed as shown on the Block Plan.

49. That the definition of frontage was in line with the appeal history definition.

50. It was explained that the Sui Generis categorisation of the site left limited option for permitted development.

51. Mr Till explained to the Committee that a future application for a different proposal would depend on what it was for and the policies that applied in terms of that application. There may be scope for development under a different policy e.g rural business and the land was brownfield. However, the application before Committee was for residential development which was contrary to policy.

52. The site could be converted to residential (exception in Policy C1- conversion of redundant buildings) and then hypothetically it would be more acceptable to demolish and then rebuild on the site.

Debate

53. Councillor Cottam opened the debate by suggesting that the Committee should be worried about setting precedents even though the application looked reasonable.

54. Councillor Mackinnon argued that the application came down to interpretation of the policy and that was why the Committee existed and that the case should be looked at with regards to what was at the site already.

55. Councillor Somner stressed the need to look at the application as an exception and that the Inspectorate most likely agreed that the previous application was turned down based on the Council's policy, but the policy did not cater to Tutts Clump's unique circumstances and that the application would improve the area.

56. Councillor Taylor highlighted the unanimous decision by the Parish Council and that the Inspector's decision was for a previous application.

57. Councillor Poole stated that this would be a situation where going against policy would be in the best interest of the site.

58. Councillor Mayes was surprised by the size and complexity of the site but agreed that this occasion required a decision that was against policy.

59. Councillor Cottam expressed concern over Members stating they were going against policy and encouraged the Committee to state they were interpreting policy differently from Officers.

60. Councillor Somner proposed to reject Officer's recommendation and grant planning permission.

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61. The Chairman clarified with Councillor Somner that the proposal was for conditional permission and advised that the Committee should propose reasons for recommending conditional approval.
62. Councillor Somner proposed the reason for granting planning permission was betterment of the streetscene. This was seconded by Councillor Mackinnon.
63. Conditions were proposed by Ms Kirk if the committee were minded to grant planning permission.
64. The Chairman requested a Construction Method Statement condition be included.
65. Sharon Armour clarified with Councillor Somner that the reason for the proposal for conditional approval was that this was an exception to policy because the material considerations outweighed the policy.
66. The Chairman invited Members of the Committee to vote on the proposal by Councillor Somner, seconded by Councillor Mackinnon 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 begin not later than three years from the date of this decision.

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 following approved plans/documents:

- (i) Drawing 22/39/07 A (Site Location Plan) received on 15.08.2022;
- (ii) Drawing 22/39/08 B (Proposed Site Plan) received on 15.08.2022;
- (iii) Drawing 22/39/01 A (Proposed Ground Floor Plan) received on 15.08.2022;
- (iv) Drawing 22/39/02 A (Proposed First Floor Plan) received on 15.08.2022;
- (v) Drawing 22/39/03 A (Proposed Second Floor Plan) received on 15.08.2022;
- (vi) Drawing 22/39/04 A (Proposed Roof Plan) received on 15.08.2022;
- (vii) Drawing 22/39/05 A (Proposed Front and Side Elevations) received on 15.08.2022;
- (viii) Drawing 22/39/06 A (Proposed Rear and Side Elevations) received on 15.08.2022;
- (ix) Drawing 22/39/09 A (Existing Buildings & Proposed Site Sections) received on 15.08.2022;
- (x) Drawing 22/39/10 A (Proposed Visibility Splays) received on 15.08.2022;
- (xi) Arboricultural Assessment & Method Statement (Mark Welby, MW.21.1128.AIA, 31 August 2022) received on 31.08.2022;
- (xii) Drawing MW.21.1128.TS (Mark Welby: Tree Survey) received on 15.08.2022;
- (xiii) Arboricultural Memo (Mark Welby, MW.21.1128.Memo, 2 March 2023) received on 03.03.2023;
- (xiv) Landscape Design and Management Statement (Draffin Associates, August 2022) received on 07.09.2022;
- (xv) Drawing 848/01 (Draffin Associates, Landscape Proposals) received on 07.09.2022;
- (xvi) Ecological Assessment (GS Ecology, ECO2981, 21 January 2022) received on 15.08.2022;

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(xvii) Reptile Survey Report (GS Ecology, ECO2981, 04 May 2023) received on 09.05.2023.

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

3. Schedule of materials

The dwelling hereby approved shall not be constructed above foundation level until a schedule of the materials to be used in the construction of the external surfaces of the development hereby permitted, has been submitted to and approved in writing by the Local Planning Authority. Samples of materials shall be made available upon request. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure that the external materials respect the character and appearance 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), Policy C1 and C3 of the Housing Site Allocations DPD (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

4. Surfacing arrangements at access

No development shall take place until details of the surfacing arrangements for the vehicular access to the highway have been submitted to and approved in writing by the Local Planning Authority. Such details shall ensure that bonded material is used across the entire width of the access for a distance of 5.0 metres measured back from the carriageway edge. Thereafter the surfacing arrangements shall be constructed in accordance with the approved details.

Reason: To avoid migration of loose material onto the highway 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). A pre-commencement condition is required because these details are required during the construction of the dwelling. Agreed: 11.10.2023.

5. Arboricultural Supervision

No development shall take place (including site clearance and any other preparatory works) until the applicant has secured the implementation of an arboricultural watching brief in accordance with a written scheme of site monitoring, which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the protection of trees identified for retention at the site in accordance with the National Planning Policy Framework and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is necessary because insufficient detailed information accompanies the application; tree protection installation, other measures and works may be required to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place. Agreed: 11.10.2023.

6. Construction Method Statement

No development shall take place 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;

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- (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) Wheel washing facilities;
- (f) Measures to control dust, dirt, noise, vibrations, odours, surface water run-off, and pests/vermin during construction;
- (g) A scheme for recycling/disposing of waste resulting from demolition and construction works;
- (h) Hours of construction and demolition work;

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. Agreed: 11.10.2023.

7. Spoil

No development shall take place until details of how all spoil arising from the development will be used and/or disposed have been submitted to and approved in writing by the Local Planning Authority. These details shall:

- (a) Show where any spoil to remain on the site will be deposited;
- (b) Show the resultant ground levels for spoil deposited on the site (compared to existing ground levels);
- (c) Include measures to remove all spoil from the site (that is not to be deposited);
- (d) Include timescales for the depositing/removal of spoil.

All spoil arising from the development shall be used and/or disposed of in accordance with the approved details.

Reason: Insufficient details accompany the application and details of spoil are required to ensure appropriate disposal of spoil from the development and to ensure that ground levels are not raised in order to protect the character and amenity of the area. This condition is applied in accordance with the National Planning Policy Framework, and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026). A pre commencement condition is required because spoil may arise throughout development. Agreed: 11.10.2023.

8. Ground and Finished Floor Levels

No development shall take place until details of the proposed ground levels (including the levels of the partial retention of the mound), and finished floor levels of the dwelling, have 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.

Reason: To ensure a satisfactory relationship between the proposed development and the adjacent land. These details are required before development commenced because insufficient information accompanies the application (there is a lack of clarity with the partial retention of the mound), and the agreed details will affect early construction activities. This condition is applied in accordance with the NPPF, Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD (June 2006). Agreed: 11.10.2023.

9. Drainage Strategy

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. The planning, design and implementation of sustainable drainage methods (SuDS) should be carried out in accordance with the Non-Statutory Technical Standards for SuDS (2015), the SuDS Manual C753 (2015) and the WBC SuDS Supplementary Planning Document December (2018) with particular emphasis on green SuDS that provide environmental/biodiversity benefits and water re-use

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, Policy CS16 of the West Berkshire Core Strategy (2006-2026), Part 4 of Supplementary Planning Document Quality Design (2006) and SuDS Supplementary Planning Document (2018). A pre-condition is necessary because insufficient detailed information accompanies the application; sustainable drainage measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place. Agreed: 11.10.2023.

10. Land Contamination

No development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until conditions 1 to 4 have been complied with, unless otherwise agreed in writing with the Local Planning Authority.

1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include: a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

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The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period to be agreed with LPA, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This condition is applied in accordance with the NPPF, Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Saved Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre-commencement condition is required to ensure that adequate investigation and a suitable remediation and/or monitoring is agreed before it may be implemented throughout the demolition and/or construction phase. Agreed: 11.10.2023

11. Unforeseen Land Contamination

Should any unforeseen contamination be encountered during the development and/or construction activities, the developer shall inform the Local Planning Authority immediately. The development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until investigation/remedial/protective works deemed necessary by the LPA are carried out to agreed timescales and approved by the LPA in writing. 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. If no contamination is encountered during the development, a letter confirming this fact shall be submitted to the LPA upon completion of the development.

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 174, 183, 184 of the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

12. Arboricultural Method Statement

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Construction shall not be carried out, except in accordance with the Arboricultural Assessment and Method Statement (MW.21.1128.AIA, 31st August 2022) received on 31.08.2022. Protective fencing shall be implemented and retained intact for the duration of the development in accordance with approved details. Within the fenced areas, there shall be no excavations, storage of materials or machinery, parking of vehicles or fires.

Reason: To ensure the protection of trees identified for retention at the site in accordance with the National Planning Policy Framework and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026).

13. Reptile Precautionary Method Statement

Construction shall not be carried out, except in accordance with the precautionary method statement within 4.3 of the Ecological Assessment: Reptile Survey (04/05/2023) by GS Ecology, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure no harm to native and protected species. This condition is in accordance with the NPPF and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

14. Biodiversity Enhancements

The development hereby permitted shall not be occupied until bird boxes and bat boxes/bricks has been installed/constructed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: The application site is immediately adjacent to a Biodiversity Opportunity Area and there are insufficient details to demonstrate that opportunities to maximise biodiversity has been taken. The condition would 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 Strategy 2006-2026.

15. Obscure Glass

The windows at first floor level in the north-west elevation shall be fitted with obscure glass and the windows are not openable below 1.7 metres above the finished floor level (in accordance with 22/39/05 A) before the dwelling hereby permitted is occupied. The windows shall be permanently retained in that condition thereafter.

Reason: To prevent overlooking of adjacent properties/land, in the interests of safeguarding the privacy of the neighbouring occupants. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD (2006).

16. Visibility Splays

The dwelling shall not be first occupied until visibility splays have been provided in both directions at the access onto Bishops Road in accordance with 22/39/10 A received on 15/08/2022 (splays of 2.4 metres x 43 metres to the north and 2.4 metres x 21 metres to the south). Thereafter the visibility splays shall be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level at all times.

Reason: To ensure there is adequate visibility at the access, in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

17. Vehicle Parking

The dwelling shall not be first occupied until vehicle parking and turning space have been completed in accordance with the approved plans (including any surfacing arrangements and marking out). Thereafter the parking and turning space 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).

18. Cycle Parking

The dwelling shall not be first occupied until cycle parking facilities have been provided in accordance with the approved drawings. Thereafter the facilities shall be maintained and kept available for that purpose at all times.

Reason: To ensure the adequate provision of cycle and motorcycle parking facilities. 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).

19. Electric Vehicle Charging Point

The dwelling shall not be occupied until an electric vehicle charging point has been provided in accordance with the approved drawings. The charging point shall thereafter be retained and kept available for the potential use of an electric car.

Reason: To promote the use of electric vehicles. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocation DPD and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

20. Set back of access gates

Any gates to be provided at access where vehicles will enter or leave the site, shall open away from the adjoining highway and be set back a distance of at least 5.0 metres from the edge of the highway.

Reason: In the interest of road safety and to ensure that vehicles can be driven off the highway before the gates are opened. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

21. Soft landscaping

All soft landscaping works shall be completed in accordance with the approved soft landscaping scheme (Drawing 848/01 and Landscape Design and Management Statement (Draffin Associates, August 2022) received on 07.09.2022) within the first planting season following completion of building operations or first occupation of the new dwelling (whichever occurs first). Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or

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become seriously damaged within five years of completion of this completion of the approved soft landscaping scheme shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

Reason: Landscaping is an integral element of achieving high quality design. 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.

22. External Lighting Strategy

No external lighting shall be installed on the hereby approved dwelling or within its curtilage until a lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include a plan to show the location of any lighting, isolux contour diagram(s), an operation strategy (e.g. details of timed operation), and specifications all lighting to ensure that levels are designed within the limitations of Environmental Lighting Zone 1, as described by the Institute of Lighting Engineers. No external lighting shall be installed on the hereby approved dwelling or within its curtilage except in accordance with the above strategy.

Reason: To conserve the dark night skies of the North Wessex Downs AONB and to ensure the conservation and enhancement of biodiversity assets. This condition is applied in accordance with the National Planning Policy Framework, the North Wessex Downs AONB Management Plan 2019-24, and Policies CS17 and CS19 of the West Berkshire Core Strategy 2006-2026.

23. Review of ecology measures (validity)

If the works in the precautionary method statement within 4.3 of the Ecological Assessment: Reptile Survey (04/05/2023) by GS Ecology have not taken place within 3 years from the date of the planning permission, the approved ecological measures secured through Condition 13 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 reptile 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 the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

IMPORTANT: If any protected species are identified in the new surveys that were not previously known to be on site, and are likely to be harmed by the development, then a protected species licence might be required before works can commence. Advice should be sought from Natural England and/or a suitably qualified ecologist.

Reason: To ensure the conservation and enhancement of biodiversity at the site. This applied in accordance with the NPPF, Policy CS17 of the West Berkshire Core Strategy (2006-2026).

24. Ancillary use of garage and annexe

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The garage and annexe hereby permitted shall not be occupied at any time other than for purposes ancillary and/or incidental to the residential use of the hereby approved dwelling.

Reason: The creation of a separate planning unit would conflict with the strategy for the location of new development, and be unacceptable in the interests of ensuring a sustainable pattern of development. This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP1, ADPP5 and CS1 of the West Berkshire Core Strategy (2006-2026), and Policy C1 of the Housing Site Allocations DPD (2006 2026).

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. 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.

3 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 secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.

4 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 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

5 Conditions nos. 4-10 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 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between

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the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

7 Separate approval for the works hereby granted permission/consent may be required by the Building Act 1984 and the Building Regulations 2000 (as amended), and the grant of planning permission does not imply that such approval will be given. You are advised to consult with Building Control Solutions (the Local Authority Building Control service for West Berkshire provided in partnership by Wokingham Borough Council) before works commence. Call: 0118 974 6239, email: building.control@wokingham.gov.uk, or visit: www.wokingham.gov.uk/building-control

8 You are reminded of your duties under the Party Wall Act 1996. You are legally required to tell your neighbour if you want to: (1) build on or at the boundary of your two properties, (2) work on an existing party wall or party structure, or (3) dig below and near to the foundation level of their property. Your neighbours can't stop you from making changes to your property that are within the law, but they can affect how and when your works are carried out. Procedures under this Act are separate from the need for planning permission and for building regulations approval and you may feel it expedient to seek your own advice on this matter. Further guidance is available at: <https://www.gov.uk/party-walls-building-works/work-tell-your-neighbour-about>

9 You should note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside of your control. If such works are required it will be necessary for you to obtain the landowners consent before such works commence. This permission granted by the Council in no way authorises you to take such action without first obtaining this consent.

10 The Asset Management team, West Berkshire District Council, Environment Department, Council Offices, Market Street, Newbury, RG14 5LD, or highwaysassetmanagment@westberks.gov.uk should be contacted to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made, allowing at least four (4) weeks' notice, to obtain details of underground services on the applicant's behalf.

11 The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge arising during building operations.

12 The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.

13 In order to protect the stability of the highway it is advised that no excavation be carried out within 15 metres of a public highway without the written approval of the Highway Authority. Written approval would be obtained from the Asset Manager, West Berkshire District Council, Environment Department, Council Offices, Market Street, Newbury, RG14 5LD or highwaysmaintenance@westberks.gov.uk

14 Please complete and online street naming and numbering application form at <https://www.westberks.gov.uk/snn> to obtain an official postal address(s) once development has started on site. Applying for an official address promptly at the

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beginning of development will be beneficial for obtaining services. Street naming and numbering is a statutory function of the local authority.

15 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

16 Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-yourdevelopment/working-near-our-pipes>

17 Thames Water will aim to provide customers with a minimum pressure of 10m head (approximately 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

18 There is a Thames Water main crossing (or close to) the development site which may/will need to be diverted at the Developer's cost or necessitate amendments to the proposed development design so that the aforementioned main can be retained. Unrestricted access must be available at all times for maintenance and repair. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information.

19 The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://www.thameswater.co.uk/developers/larger-scale-developments/planningyourdevelopment/working-near-our-pipes> Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk.

(The meeting commenced at 18:00 and closed at 21:05)

CHAIRMAN

Date of Signature

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Agenda Item 4.(1)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	23/01552/REG3 Stratfield Mortimer	10 th October 2023 (extension of time agreed until to 8 th March 2024)	<p>It is proposed to replace the existing permanent 18 pitch Gypsy caravan site with a new 17 permanent pitch Gypsy caravan site. Each pitch is 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.</p> <p>Four Houses Corner Caravan Site, Reading Road, Ufton Nervet, Reading</p> <p>West Berkshire Council</p>

The application can be viewed on the Council's website at the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=23/01552/REG3>

Recommendation Summary:	To delegate to the Development Manager to GRANT PLANNING PERMISSION subject to conditions.
Ward Member(s):	Councillors Nick Carter, Geoffrey Mayes and Vicky Poole
Reason for Committee Determination:	The applicant is West Berkshire Council and more than 5 letters of objection have been received.
Committee Site Visit:	27 th September 2023

Contact Officer Details

Name:	Michael Butler
Job Title:	Principal Planning Officer
Tel No:	01635 519111
Email:	Michael.Butler@westberks.gov.uk

1. Introduction

- 1.1 The purpose of this report is for the Committee to consider the proposed development against the policies of the development plan and the relevant material considerations, and to make a decision as to whether to approve or refuse the application.
- 1.2 This application seeks planning permission for the creation of 17 permanent gypsy and traveller pitches with associated hardstanding, car parking spaces, day rooms, along with a sewerage treatment package plant, and an improved vehicular site access onto the Reading Road. There will also be a small children's play area. The site is presently vacant, but a number of years ago was in use. Whilst the historical permissions allowed for a greater number of pitches, at differing times the site has been occupied by 18 pitches and then 16 pitches, the latter of which is accounted for in the most recent gypsy and traveller need/supply assessments.
- 1.3 There will be 38 parking spaces in total as well, plus a small recycling/bin store area. The total internal floor area proposed is 510m² including the day rooms. The site area is 0.919ha so the application is not classified as a 'major' planning application.
- 1.4 The application site lies just to the south of the Reading Road within the heathland common areas around Burghfield Common and Stratfield Mortimer. It is surrounded by woodland and lies in the open countryside in policy terms. A defined footpath runs to the east of the application site and the whole area lies in a biodiversity opportunity area. In addition, two local wildlife sites of Cowpond and Gibbet pieces lie to the north, whilst the local landscape character area is annotated as WH5 in the 2019 Landscape Character Analysis which is woodland and heathland mosaic.
- 1.5 The application was first considered at Eastern Area Planning Committee on the 4th October 2023. The item was deferred on the basis that additional public consultation should be undertaken by the applicant and site drainage matters should be given further consideration. These matters are addressed below.

Caravan legislation

- 1.6 Section 29(1) of the Caravan Sites and Control of Development Act 1960 (as amended) sets out that a caravan means any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted. Section 13(1) of the Caravan Sites Act 1968 (as amended) defines a twin-unit caravan as a structure designed or adapted for human habitation which is, (a) composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices; and (b) when assembled it is physically capable of being moved by road from one place to another. Touring caravans, static caravan and various mobile homes constitute 'caravans' under the above legislation.
- 1.7 Caravans are not normally regarded as buildings or operational development under the Planning Acts. The application proposes the redevelopment of the site comprising a use which would enable the siting of caravans on plots. For this reason, it is not necessary to provide plans of individual caravans, and in assessing this application it must be recognised that different caravans may come and go over time.

2. Planning History

- 2.1 The table below outlines the relevant planning history of the application site.

Application	Proposal	Decision/Date
81/14988/ADD	Create 21 pitches at 4 Houses Corner	Approved 1981
80/12338/ADD	Create 20 pitches at 4 Houses Corner	Approved 1980
22/02414/preapp	Construction of 17 mobile home pitch scheme for the gypsy/traveller community .	Closed November 2022

3. Legal and Procedural Matters

- 3.1 **Environmental Impact Assessments (EIA):** Consideration has been given to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The proposed development does not fall within any of the categories of development listed in Schedule 1, and is therefore not automatically EIA development in this respect. Development listed in Schedule 2 of the Regulations only requires screening if it meets/exceeds the relevant threshold or is located within a 'sensitive area' as defined by the Regulations. Paragraph 10(b) relates to 'urban development projects', and Paragraph 12(e) relates to "permanent camp sites and caravan sites". Under either paragraph, the relevant threshold for EIA screening is 1 hectare. The application site measures less than 1 hectare, and it is not located within a 'sensitive area'. As such, EIA screening is not required.
- 3.2 **Publicity:** Publicity has been undertaken in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's Statement of Community Involvement. A site notice was placed on the application site on 12th July 2023, with a deadline for representations of 2nd August 2023. A public notice was displayed in the Reading Chronicle on 20th July 2023.
- 3.3 In addition, the Council, as applicant, has run a formal six week consultation on the proposal via its own website, and a public meeting was held on the 11th December 2023 in Stratfield Mortimer which was well attended. The results of this consultation are set out as appendices to this report.
- 3.4 **Local Financial Considerations:** Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body. The table below identified the relevant local financial considerations for this proposal.

Consideration	Applicable to proposal	Material to decision	Refer to paragraph(s)
Community Infrastructure Levy (CIL)	Yes	No	3.5
New Homes Bonus	No	No	
Affordable Housing	No	No	

Public Open Space or Play Areas (in terms of S106)	No	No	
Developer Contributions (S106)	No	No	
Job Creation	No	No	
Local Authority Project	Yes	No	3.6

3.5 **Community Infrastructure Levy (CIL):** CIL is a levy charged on most new development within an authority area. The money is used to pay for new infrastructure supporting the development of an area by funding the provision, replacement, operation or maintenance of infrastructure. This can include roads and transport facilities, schools and education facilities, flood defences, medical facilities, open spaces, and sports and recreational areas. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres). The day rooms are CIL chargeable but not the caravans.

3.6 **Local Authority Project:** It should be noted that the proposal is for a Local Authority project and consequently there are local financial considerations in this respect. However, such considerations are not material in this instance as they do not have any bearing on the acceptability of the proposed development in planning terms. It is recognised that such financial considerations will be relevant to other functions of the Council, but as Local Planning Authority the Planning Committee should not take these matters into account.

3.7 **Public Sector Equality Duty (PSED):** In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The Council must have due regard to the need to achieve the following objectives:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

3.8 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

- 3.9 The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have regard to and remove or minimise disadvantage. In considering the merits of this planning application, due regard has been given to these objectives.
- 3.10 As the proposal directly affects gypsies and travellers, a group with protected characteristics, particular regard is required to these objectives. The proposals will result in improved and increased accommodation on the site, and as such it is considered that the proposal has a positive effect under the Equalities Act and is consistent with the aforementioned objectives.
- 3.11 **Human Rights Act:** The development has been assessed against the provisions of the Human Rights Act, including Article 1 of the First Protocol (Protection of property), Article 6 (Right to a fair trial) and Article 8 (Right to respect for private and family life and home) of the Act itself. The consideration of the application in accordance with the Council procedures will ensure that views of all those interested are taken into account. All comments from interested parties have been considered and reported in summary in this report, with full text available via the Council's website.
- 3.12 The proposals will result in improved and increased accommodation on the site, and as such it is considered that the proposed development would not prejudice the Human Rights of the applicant or any third party (including future residents of the development or nearby residents).
- 3.13 **Listed building setting:** Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 16(2) has the same requirement for proposals for listed building consent. No listed buildings are considered to be materially affected by the proposals.
- 3.14 **Conservation areas:** Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. No conservation areas are considered to be materially affected by the proposals.
- 3.15 **Secretary of State call-in request:** The Department for Levelling Up, Communities and Housing has received a request to call-in the application for determination by the Secretary of State if the Council is minded to grant planning permission for the application. DLUCH is waiting for a committee resolution before considering this request, and the Council has confirmed that a decision notice will not be issued until consideration has been given to this request.

4. Consultation

Statutory and non-statutory consultation

- 4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

Stratfield Mortimer Parish Council:	A whole range of views summarised as follows. Site in an isolated location. Some discrepancies in the design and access
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	statement and the application form. How will the site not become de-contaminated? No objection per se from the Council.
Sulhamstead Parish Council (adjacent):	<p>The objections raised are similar to those previously stated but still concerned about the apparent doubling of pitches on the site, ie. 34 number in their view, which if occupancy rates were 4 persons per caravan would mean up to 136 people on the site leading to ongoing DEPZ worries in regards to the Emergency Services if an incident occurred at the AWE site.</p> <p>In addition Sulhamstead and Ufton Nervet Parish Council remain concerned about drainage from the site onto the highway adjacent.</p> <p>The objection continues to raise concerns that there was a lack of full public consultation prior to the application being submitted. The Parish Council considers that the application should not be progressed before this consultation is undertaken.</p> <p>Also concerned about the increased traffic generation from the site IF 136 residents were living on the site.</p>
Burghfield Parish Council (adjacent):	The site is not allocated in the HSA DPD and it lies in an isolated location. Does not meet the criteria for exceptions in the countryside for new homes in the HSA DPD so should be rejected. Lies in the DEPZ for AWE Burghfield so no new residents should be encouraged in this area.
Padworth Parish Council:	The Council has set out a long objection letter to the scheme on the basis of the ongoing concerns about future management of the site, possible enforcement issues and the overall cost to the Council taxpayer. It is imperative in their view that if permission is granted to the scheme then the future management of the site must be properly done.
Highway Authority:	Initially concerned that the visibility splays at the improved vehicle access were not adequate but revised plans have been submitted which note that they are acceptable. In addition the car parking provision on site is accepted. The internal access road does not require to be made up to adoptable standards. Conditional permission is now recommended.
Archaeology:	The ground has been considerably worked in the past so it is unlikely to be of any archaeological potential. No objections raised.
Environment Delivery Team (WBC):	Normally the Council would be looking to achieve BREEAM excellent under the remit of policy CS15 in the WBCS. However, the development is for caravans which are very difficult to measure against such energy standards. Accordingly no condition is recommended to apply this BREEAM level.
Basingstoke and Deane Borough Council (adjacent):	No objections raised.

Emergency Planning:	Whilst the site lies in the inner DEPZ for AWE Burghfield, the pitches have already been allowed for in the Council's Off-Site Emergency Plan. Accordingly no objections are raised to the proposal.
Office of Nuclear Regulation:	ONR have consulted with the WBDC emergency planners and have confirmed they have no objections with the condition as proposed by EP.
Lead Local Flood Authority:	Initial objection on the grounds that the LLFA will not permit surface water drain off from the site onto the highway adjacent and a revision to the design requested. Amended plans submitted to show a new drainage run to the south east of the site. Consequently, objection withdrawn and conditional permission is recommended.
Tree Officer:	Conditional permission is recommended.
Environmental Health:	Whilst much of the site has been effectively now decontaminated there remains the possibility of high methane gas levels in the day rooms. Accordingly, a condition is required to ensure correct implementation of the flooring is identified. Also a standard condition regarding unforeseen contamination should be applied. No objections.
Thames Valley Police:	Strong objection to the application. This is connected to the ongoing serious historic concerns with the policing of the site in the past and the use of police resources in investigating criminal offences at the site. This culminated in the murderers of PC Harper being associated with the site in 2019.
Thames Water Utilities:	Noted that drainage will be private. On this basis no objections. The LLFA should be consulted. In addition, a sewerage pumping station lies within 20m of the application site. The proposed occupants of the site should be made aware of possible amenity implications arising from this (e.g. odours at certain times). Otherwise no objections on water supply or sewerage grounds. Officer note: The Environmental Health Officer has responded on this point and she has no concerns about this matter from a health, noise, or odour point of view.
Ecology:	The submitted Preliminary Ecological Appraisal notes the potential for the site to be of ecological importance, particularly with the natural regeneration of the site over the last 3 years it could become a potential Open Mosaic Habitat on Previously Developed Land (OMH) – a Priority Habitat under Section 41 of the NERC Act, 2006, and a survey should be undertaken to determine this. Survey consequently undertaken and this notes that OMH is not present on the site. Accordingly, no objections raised by the Ecologist subject to conditions being applied.

Public representations

4.2 Representations have been received from 51 contributors, two of which support the application, 47 object and two are ambivalent. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:

4.3 Objection

- The site lies in the inner DEPZ for AWE Burghfield so the Council should not be allowing more residents in this area designation.
- The associations of the site with the death of PC Harper.
- The site is not in a sustainable location.
- Suggestion that the application description should make reference to 34 pitches, as they are double pitches.
- Drainage concerns.
- What about the ongoing costs to the Council taxpayer on the site security?
- How will the site be managed in the future? What about enforcement issues?
- It is not appropriate use of public money.
- Past behaviour from the occupants and the local community do not wish to see this returning. There has been vandalism.
- The site was an eyesore beforehand and it will be not help the local environment
- Why should one section of the community treated differently.

4.4 Support

- The Gypsy community have suffered enough. It is right that the Council should rehouse them. The Council is duty bound to do this. Why has it taken so long?

4.5 Ambivalent

- Whilst the site is supported this is only on the basis that it is properly managed into the future.

5. Planning Policy

5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.

- Policies ADPP1, ADPP6, CS7, CS8, CS13, CS14, CS15, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policy TS3 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).
- The Stratfield Mortimer Neighbourhood Development Plan (2017).

5.2 The following material considerations are relevant to the consideration of this application:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Planning Policy for Traveller Sites (PPTS)

- WBC Quality Design SPD (2006)
- Planning Obligations SPD (2015)
- Sustainable Drainage SPD (2018)

6. Appraisal

6.1 The main issues for consideration in this application are:

- The principle of development, taking into account:
 - The West Berkshire Development Plan
 - Emerging Development Plan policies
 - National planning policy
 - Local need and supply
- Highway matters
- Landscape/visual impact
- Design
- Crime and security
- Emergency Planning and AWE
- Sustainable construction
- Drainage
- Ecoogy
- Other matters
- Public representations

West Berkshire Development Plan

- 6.2 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF provides a presumption in favour of sustainable development (paragraph 11), which for decision taking this means approving development proposals that accord with an up-to-date development plan without delay. Conversely, paragraph 12 states that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted.
- 6.3 The most important policies for determining whether the principle of development is acceptable are Policies ADPP1, ADPP6 and CS7 of the Core Strategy, and Policy TS3 of the Housing Site Allocations DPD. The Core Strategy includes a Spatial Strategy (ADPP1 and ADPP6) that provides a broad indication of the overall scale of development in the district, applying the principles of sustainable development, and based on defined spatial areas and a settlement hierarchy. Policies CS7 and TS3 relate to gypsy and traveller sites.
- 6.4 According to Policy ADPP1, most development will be within or adjacent to the settlements in the hierarchy, and related to their transport accessibility and level of services. The urban areas will be the focused for most development. The scale and density of development will be related to the site's accessibility, character and surroundings. Only appropriate limited development in the countryside (outside of the defined settlement boundaries) will be allowed, focused on addressing identified needs and maintaining a strong rural economy.
- 6.5 Policy ADPP6 is the spatial strategy for the East Kennet Valley. It states that development in the open countryside will be strictly controlled, however, it is not considered to include any points which are directly relevant to this proposed development.

6.6 Policy CS7 (Gypsies, Travellers and Travelling Showpeople) is the principal development management policy for this proposed development. It reads as follows (bullet points have been replaced by letters for ease of reference) with an assessment included under each criteria:

'To meet the identified need for Gypsies, Travellers and Travelling Showpeople pitches within the District, the Council will make appropriate provision through the identification of sites within the Site Allocations and Delivery DPD. The requirement for transit sites will be addressed through the same DPD.'

In allocating sites, and for the purpose of considering planning applications relating to sites not identified in the relevant DPD, the following criteria will need to be satisfied for sites outside settlement boundaries:

(a) Safe and easy access to major roads and public transport services;

6.7 The Reading Road is a local rural distributor road of good quality and capacity.

(b) Easy access to local services including a bus route, shops, schools and health services;

6.8 Whilst the application location is some distance from Burghfield Common, the nearby settlement does have a very good range of facilities including shops, schools, churches.

(c) Located outside areas of high flooding risk;

6.9 The application site is located in Flood Zone 1.

(d) Provision for adequate on site facilities for parking, storage, play and residential amenity;

6.10 The proposal includes adequate on site facilities, including parking, play areas and day rooms.

(e) The possibility of the integrated co-existence between the site and the settled community, including adequate levels of privacy and residential amenity both within the site and with neighbouring occupiers;

6.11 The application site is some distance from the closest settlement, but does not change the existing situation.

(f) Opportunities for an element of authorised mixed uses;

6.12 No mixed uses are proposed, but this is not objectionable.

(g) The compatibility of the use with the surrounding land use, including potential disturbance from vehicular movements, and on site business activities;

6.13 The site is well screened and there are no sensitive adjoining land uses which might be affected by the scheme.

(h) Will not materially harm the physical and visual character of the area;

(i) Where applicable have regard for the character and policies affecting the North Wessex Downs AONB.'

6.14 (h) and (i) are assessed below.

6.15 To give clarity on the supporting information expected from development proposals a detailed planning considerations policy is included within the Housing Site Allocations DPD. Policy TS3 (Detailed Planning Considerations for Travellers Sites) reads as follows (bullet points have been replaced by letters for ease of reference):

'Proposals for development will be expected to comply with policies within the West Berkshire Development Plan and have regard to guidance outlined in the Government's good practice guide on Designing Gypsy and Traveller Sites where appropriate. In addition proposals will:

(a) Provide an integrated water supply and drainage strategy in advance of development to ensure the provision of adequate and appropriate infrastructure for water supply and waste water, both on and off site. Development will be occupied in line with this strategy. All sites that are not connected to the mains sewerage system will ensure there are no deleterious effects to Special Area of Conservation (SACs) and river and wetland Site of Special Scientific Interest (SSSIs).

6.16 This has been achieved as set out in the drainage section below.

(b) Incorporate appropriate vehicle access and turning space.

6.17 Acceptable access and turning space is available.

(c) Include appropriate landscaping proposals, retaining and incorporating key elements of landscape character into the site design.

6.18 The site will be contained by a 2.4m high green wire mesh fencing and in parts 1.8m high close boarded fencing for security. Whilst not immediately attractive it needs to be considered in the light of the surrounding dense woodland on the plateau.

(d) Be well designed and laid out with shelter and amenity buildings which are appropriately located and constructed of sympathetic materials suited for the purpose.

6.19 The submitted block plan shows a range of permanent day rooms which comply with the criterion, and the highways officer has accepted the internal layout as has your case officer as being a satisfactory design solution to the present site boundaries. The circular layout is efficient and effective, and closely mimics former best practice guidance. The proposed play space is a welcome addition.

(e) Provide a mix of residential and business use where appropriate.

6.20 This is not proposed here, but this not objectionable given the density of development.

(f) Provide a Flood Risk Assessment in accordance with Policy CS16 of the adopted Core Strategy.

(g) Demonstrate that surface water will be managed in a sustainable manner through the implementation of Sustainable Drainage Methods (SuDS).

6.21 Whilst the site is in Flood Zone 1 and less than 1ha in area, a Flood Risk Assessment has been submitted due to historical flooding issues. Drainage matters are covered below.

(h) Include measures to improve accessibility by, and encourage use of, non-car transport modes. These measures should be set out in a Travel Plan for the site.

- 6.22 Given the existing established use of the site, the proposal has a neutral impact in terms of accessibility.
- (i) Identify internal walking routes and show how they will be linked to existing routes including the Public Rights of Way network. They will also take advantage of the landscape features of value within the site. Opportunities to improve external routes to services and facilities will be sought.*
- 6.23 There are none on site but a footpath runs nearby to the east which could easily be used by the occupants of the site.
- (j) Identify measures to be provided to mitigate the impact of development on the local road network as identified by a site specific Transport Assessment or Transport Statement.*
- 6.24 It is appreciated that the site has been vacant for some years. Notwithstanding, the lawful use of the site means that any additional impact on the local highway network is negligible.
- (k) Identify appropriate green space/green infrastructure in line with the Council's adopted standards as set out in Policy RL1 of the Local Plan 1991 - 2006 (Saved Policies 2007).*
- 6.25 The proposed play spaces within the layout are an improvement on the previous layout.
- (l) Provide necessary infrastructure to meet the needs that arise from the development as a whole, in accordance with both the most up to date Infrastructure Delivery Plan (IDP) and through conformity with the appropriate standards.*
- 6.26 No site specific infrastructure has been identified. CIL may be chargeable on the dayrooms.
- (m) Provide a Landscape and Visual Impact Assessment (LVIA) in accordance with the Landscape Institute Guidelines for Landscape and Visual impact Assessment 3rd ed. 2013. This will inform the development design and layout of the site and requirements for green infrastructure.*
- 6.27 This is not considered necessary in this case because the site is already present and authorised for the use sought, and the site is very well screened by the surrounding woodland.
- (n) Provide an extended phase 1 habitat survey together with further detailed surveys arising from that as necessary. Appropriate avoidance and mitigation measures will need to be implemented, to ensure any protected species are not adversely affected.*
- (o) Provide appropriate mitigation to offset impact on key species and habitats through appropriate buffering, on-site mitigation and off-site compensation measures.*
- 6.28 The preliminary ecological appraisal has been undertaken together with an addition OMH survey. The Ecologist has no objections on this basis.
- (p) Provide a design, layout and siting plan for the development.'*
- 6.29 The criterion has been met.

6.30 Overall, the requirements of Policy TS3 are detailed to address all potential considerations that may relate to new and existing sites. The assessment of the scheme, and this information submitted with the application, is considered to be proportionate to the existing authorised use of the site.

Emerging policies

6.31 According to paragraph 48 of the NPPF, local planning authorities may give weight to relevant policies in emerging plans according to: (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and (c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

6.32 The current development plan period runs up to 2026. The Council is in the process of reviewing its Local Plan to cover the period up to 2039. A Regulation 19 consultation on the emerging draft plan has taken place, and the plan submitted for Examination in Public by the Planning Inspectorate. The draft plan includes Policy DM20 (Gypsies, Travellers and Travelling Showpeople), which would replace and consolidate Policies CS7 and TS3. Whilst emerging Policy DM20 attracts only limited weight at this stage, it should be noted that the general approach remains consistent with current policies and existing allocations in the HSA DPD are proposed to be carried forward. The policy also seeks to safeguard existing gypsy and traveller sites, and locate sites on previously developed land where possible. It states:

'Existing authorised sites for Gypsy, Traveller and Travelling Showpeople will be safeguarded for use by Gypsy and Travellers and Travelling Showpeople, unless acceptable replacement accommodation/pitches/plots can be provided. This is to ensure there remains a good supply of pitches and plots in the district.'

National planning policy

6.33 The National Planning Policy Framework (NPPF) at paragraph 62 states 'the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including travellers). A footnote in the NPPF then states 'Planning Policy for Traveller Sites sets out how travellers' housing needs should be assessed for those covered by the definition in Annex 1 of that document'.

6.34 The DCLG publication Planning Policy for Traveller Sites (PPTS) (August 2015) sets out the Government's planning policy for traveller sites, which should be read in conjunction with the NPPF. The Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.

6.35 According to paragraph 24 of the PPTS, local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- a) The existing level of local provision and need for sites
- b) The availability (or lack) of alternative accommodation for the applicants
- c) Other personal circumstances of the applicant

- d) That the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- e) That they should determine applications for sites from any travellers and not just those with local connections

6.36 Paragraph 25 of the PPTS states that local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.

6.37 According to paragraph 26 of the PPTS, when considering applications, local planning authorities should attach weight to the following matters:

- a) effective use of previously developed (brownfield), untidy or derelict land
- b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness
- c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children
- d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community

6.38 All of the points above are examined under relevant section heading below, where relevant to the proposed development.

Local need and supply

6.39 According to the PPTS, the local planning authority should consider the existing level of local provision and need for sites. The Council has a legal duty to plan for adequate accommodation for the Gypsy and Traveller community.

6.40 The Council has a Gypsy and Traveller Accommodation Assessment (GTAA) carried out in 2014 in accordance with the GTAA practice guidance applicable at that time. This was used to inform the pitch target and policy in the HSA DPD. This GTAA has been updated, particularly as it predated the change to the definition of 'traveller' in the revised PPTS in August 2015.

6.41 The GTAA 2021 provides an update to the 2019 version, to understand an updated 5 year supply position. The GTAA identifies a 'cultural' need and a 'PPTS' need. An overall 'cultural' need for pitches looks at the overall need for the Travelling community and takes into account the Human Rights Act 1998, the Equalities Act 2010 and the Housing and Planning Act 2016 section 124. A PPTS filter is then applied to identify the level of need associated with those households meeting the definitions set out in the PPTS Annex 1. The needs arising from the PPTS analysis establishes the level of need under which a 5 year land supply is assessed. The Lisa Smith Court of Appeal judgement found that the Government's definition of 'traveller' as outlined in the PPTS was discriminatory, and reinforces why the Council needs to take into account all needs, as is done through the cultural needs assessment of the Council's GTAA.

- 6.42 The GTAA indicates that there is an identified need for a total of 60 pitches up to 2025/26, when reviewing the 5 year short term need. At the time that the GTAA was published 45 had already been accommodated. It is important to note that of the 45 this includes the Four Houses Corner site comprising 16 pitches.
- 6.43 The GTAA also examines need between 2021/22 and 2037/38. The following table examines the residual need, which takes into account recent permissions and the additional pitch hereby proposed at Four Houses Corner. This still leaves a need for 3 pitches in the short term, and 17 pitches in the longer term (20 in total).

Table Addressing Gypsy and Traveller pitch need updated		
West Berkshire	Cultura l need	Of which PPTS NEED
5yr Authorised Pitch Shortfall (2021/22 to 2025/26) (A)	13	9
Supply: Additional residential pitches (B1) – Paices Hill transit to residential	8	8
Supply: Additional residential pitches (B2) – Additional pitch at Four Houses Corner	1	1
Supply: Additional residential pitches (B3) – Additional pitch at Ermin Street, Lambourn Woodlands	1	1
Residual need 2021/22 to 2025/26 with additional residential pitches included in supply (C) = A-B1-B2-B3	3	-1
Longer-term need 2026/27 to 2037/38 (D)	17	11
Residual need 2021/22 to 2037/38 with additional residential pitches included in supply (E) = C+D	20	10

- 6.44 There are no new site allocations proposed in the emerging Local Plan Review, but the existing allocated site at Paices Hill is proposed to remain as a continuing allocation. Planning permission was granted in September 2022 for the change of use of 8 transit pitches to 8 permanent pitches at the Paices Hill site.
- 6.45 The Planning Inspector for the Lawrences Lane, Thatcham appeal, noted that the need for the District was not large and was satisfied that there were plans to address the need, in the form of a Gypsy and Traveller Accommodation Development Plan Document to follow the Local Plan Review.
- 6.46 Should the redevelopment of Four Houses Corner not go ahead, the Council could no longer demonstrate a 5 year housing land supply. This would add a large number to the required need, may mean a new Council site be required, and/or planning permission may be granted at the application or appeal stage for sites which may be less suitable. Given that the application site already has an extant planning use for 18 pitches (the use has not been abandoned, just temporarily vacated) it is a suitable site in principle.
- 6.47 Overall, the above demonstrates the importance of redeveloping the Four Houses Corner site to maintain an adequate supply in both the short and long term. The proposal increases the number of pitches by 1, from 16 to 17, which is welcome in the context of the identified need, and it is good practice to make efficient use of land where possible.

Assessment of principle of development

- 6.48 The proposed development is considered to comply with the aforementioned policies of the West Berkshire Development Plan, the emerging policies in the Local Plan Review, and the relevant national policies. The retention of existing sites is specifically identified as necessary by the emerging policies, in recognition of the need and supply set out above. Four Houses Corner is to make a significant contribution to supply in the short and long term.
- 6.49 The proposal is for the redevelopment of an established site, rather than the creation of a new site. It therefore makes good use of previously developed brownfield land, and does not conflict with national policies regarding the location of new sites in the countryside. Many of the fundamental policy considerations are therefore also addressed or not engaged.

Highway matters

- 6.50 Policy CS13 in the Core Strategy is the principal policy against which the application needs to be addressed. The highways officer has carefully examined the proposal in the light of this policy and has concluded that conditional permission is appropriate based on the following:
- a) The internal layout is accepted as is the parking provision including four visitor spaces.
 - b) The proposed forward visibility splays in both directions at 2.4m by 215m is accepted as the local speed limit is 60mph on the Reading Road.
 - c) The traffic generation issue is not a matter with which the Local Highways Authority is concerned, given the existing use of the site and the local road is a principal distributor road in the local network.
- 6.51 Accordingly the proposed development is considered to comply with Policy CS13.

Landscape and visual impact

- 6.52 The application site lies in the *WH5 Burghfield Woodland mosaic on a gravel plateau* designation in the West Berkshire Landscape Character Assessment of 2019. The principal features of this area is land significantly covered by woodland with limited public access but dominated by a high level of urban development; for example AWE Aldermaston to the west and Burghfield Common to the east. Otherwise the level of overall development is limited.
- 6.53 Four Houses Corner comprises one such minor enclave of built form, and as mentioned above is very well screened from longer and shorter distance views by the woodland. The introduction of the mesh fence will enhance the immediate locality from the existing situation, since the security boarding around the site is currently unattractive and will be replaced. This new fencing will permit a greater degree of intervisibility across the site which will improve the locality.
- 6.54 The height of the new buildings will be limited to single storey only, the day rooms being circa 5.5m to ridge and the caravans typically being no more than 3.5 m in height. This will help to reduce any localised visual impact. Having regard to policy CS19 in the Core Strategy, which encourages new development not to be harmful visually or indeed harm the local landscape itself, your officers consider that the level of impact will be minimal and so acceptable under Policy CS19. It is also important to

note that no special landscape designation washes over the application site, such as a National Landscape (former AONB).

Design

- 6.55 According to Policy CS14, good design relates not only to the appearance of a development, but the way in which it functions. Consistent with the PPTS, Policy CS7 seeks the provision for adequate on site facilities for parking, storage, play and residential amenity. Policy TS3 states that proposals will (amongst other considerations): (1) include appropriate landscaping proposals, retaining and incorporating key elements of landscape character into the site design; (2) be well designed and laid out with shelter and amenity buildings which are appropriately located and constructed of sympathetic materials suited for the purpose; and (3) Provide a design, layout and siting plan for the development.
- 6.56 The *Designing Gypsy and Traveller Sites Good Practice Guide* (DCLG, May 2008) is now cancelled, but sought to establish and summarise the key elements needed to design a successful site. Although the guidance was formally cancelled, in the absence of any updated guidance it continues to provide a useful reference.
- 6.57 In terms of design, it is considered that the layout and orientation of the proposed pitches is considered acceptable, offering reasonable privacy and natural surveillance. The layout of the site closely conforms to the former best practice for circular site design, with reasonable levels of privacy for individual plots and good natural surveillance across shared spaces.
- 6.58 A communal play area is proposed in the centre of the site in a well-overlooked location. Such shared facilities will help encourage a sense of place and ownership that generally has benefits for long term maintenance.
- 6.59 By comparison to the former layout, the proposal is considered to represent a significant enhancement, in accordance with the aforementioned policies.

Crime and security

- 6.60 Crime and security as a planning matter gained increased force after Section 17 of the Crime and Disorder Act 1998 required all local authorities to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder. The prevention of crime and the enhancement of community safety are matters that a local authority must consider when exercising its planning functions under Town and Country Planning legislation.
- 6.61 National Planning Policy Guidance at para.69, in relation to 'Promoting healthy communities', states that "Planning policies and decisions...should aim to achieve places which promote (amongst other matters):
- (a) safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
 - (b) safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas."
- 6.62 A significant proportion of the objections to the proposal relate to the association of the site with past criminal activity.

- 6.63 In terms of the principle of the site in this location, in planning terms there is an existing lawful use for up to 18 gypsy and traveller pitches. The proposal therefore represents a reduction in the current lawful use. Solely in terms of its use, the site could currently be occupied without planning permission for up to 18 gypsy and traveller pitches, albeit without any new operational development.
- 6.64 It is not considered that a planning objection can be sustained on the principle of the site in relation to crime and security.
- 6.65 The proposed site layout conforms with the former best practice guidance, and maximises natural surveillance across the site. The layout provides a legible environment, where shared and private spaces are clearly defined. It is considered to be an improvement over the previous layout.
- 6.66 The fear of crime is also capable of being a material consideration, as was established by the courts in *West Midlands Probation Committee v SSE And Walsall MBC (1997) JPL 323*, which related to a bail hostel. The key legal authority for when fear of crime may be material to a planning decision is *Smith v SoS 2005*, which related to a gypsy caravan site and therefore provides direct guidance for this application.
- 6.67 *Smith* established that, to be a material planning consideration:
1. The fear and concern must be real, by which it must have some reasonable basis, though falling short of requiring the feared outcome to be proved as inevitable or highly likely; and
 2. The object of that fear and concern must be the use, in planning terms of the land.
- 6.68 It is considered that there is a reasonable basis for fear of crime being connected to the site. This is demonstrated by the representations from Thames Valley Police, detailing criminal history, and in particular regarding the association with the tragic death of PC Harper. The first test is considered to be met.
- 6.69 However, in order for this to amount to a material planning consideration the second test must also be met. The above case law provides further guidance in this respect. In *West Midlands Probation Committee*, the fear of crime was demonstrated to arise from the use of the land as a bail hostel, and not only the behaviour of some of the hostel's occupants, that grounded legitimate concern.
- 6.70 In *Smith*, the court considered a gypsy caravan site with a history of crime, including some *"quite alarming events, one including over 100 officers, of whom 18 were armed, backed up by 3 dog handlers and a helicopter."* In considering whether fear of crime was a material planning consideration in this case the judge said the following:
- "But a caravan site is not like a polluting factory or bail hostel, likely of its very nature to produce difficulties for its neighbours... the fear must be that the concern as to future events was or may have been based in part on the fact that the site was to be a gypsy site. It cannot be right to view land use for that purpose as inherently creating the real concern that attaches to an institution such as a bail hostel."*
- 6.71 Having regard to the above legal authorities, it is considered that fear of crime is not a material planning consideration in this instance. This is because the fear arises from the behaviour of individuals associated with the site, rather than the land use itself.
- 6.72 Overall, in principle the continued use of the site on crime and security grounds is acceptable given the existing lawful use and other policy considerations detailed above. The design of the proposed development is considered to be an improvement on the former design and therefore a planning objection cannot be sustained. In the

particular circumstances of this case, whilst there is clearly a reasonable basis for the fear of crime, it is not considered to be a material planning consideration because it relates to past behaviour of occupants rather than the planning use itself.

AWE Burghfield

- 6.73 Policy CS8 in the Core Strategy identifies the need for the local planning authority to take into account new development within defined land use planning consultation zones surrounding both the AWE Aldermaston and Burghfield.
- 6.74 The application site lies in the DEPZ (Detailed Emergency Planning Zone) for AWE Burghfield where development is normally restricted where it materially increases the local resident population, as this would place additional burdens on the response of the emergency services during any incident. However, the Emergency Planning Service is not objecting to the application given the existing use, and because the future occupation of the site has already been allowed for in the Council's Off-Site Emergency Plan.
- 6.75 Accordingly, on this basis, the Office for Nuclear Regulation has not objected to the proposal. The scheme accordingly complies with Policy CS8.
- 6.76 Additional parish objections have been received on the issue of how the numbers of occupants on the site can be controlled. The applicant has stated that this will be controlled via leasing agreements and on the pitches it is only the mobile homes that can be occupied, not the caravans. This is a matter governed outside the planning process. With respect to planning considerations, it is recognised that the number of occupants may vary between households, as is the case for any residential development within the DEPZ, and it is not appropriate for a planning permission to seek to control household composition. However, a planning condition is recommended to limit the maximum number of pitches.

Sustainable construction

- 6.77 The zero carbon requirements in Policy CS15 of the Core Strategy do not apply as the proposal is not a major development. No objections have been received from the Council's Environment Delivery Team.

Drainage

- 6.78 The Flood Risk Assessment identifies a low risk of fluvial (Flood Zone 1), artificial and sewer flood sources, a very low risk of surface water flooding, but a medium to high risk of groundwater flooding. A surface water drainage strategy has been provided to demonstrate that surface water runoff arising from the development can be sustainably managed and result in an improvement on the past situation.
- 6.79 Since the last Committee further amended plans have been received to show a new outfall run to the south-east, which has addressed the Lead Local Flood Authority's initial concerns with the proposal. The Lead Local Flood Authority has confirmed it is content with the amended scheme which is a betterment in drainage terms to that as exists now.

Ecology

- 6.80 Core Strategy Policy CS17 states that biodiversity and geodiversity assets across West Berkshire will be conserved and enhanced. Habitats designated or proposed for

designation as important for biodiversity or geodiversity at an international or national level or which support protected, rare or endangered species, will be protected and enhanced. The degree of protection given will be appropriate to the status of the site or species in terms of its international or national importance.

- 6.81 Development which may harm, either directly or indirectly,
- (a) locally designated sites (Local Wildlife Sites and Local Geological Sites), or
 - (b) habitats or species of principal importance for the purpose of conserving biodiversity, or
 - (c) the integrity or continuity of landscape features of major importance for wild flora and fauna
- 6.82 will only be permitted if there are no reasonable alternatives and there are clear demonstrable social or economic benefits of regional or national importance that outweigh the need to safeguard the site or species and that adequate compensation and mitigation measures are provided when damage to biodiversity/geodiversity interests are unavoidable.
- 6.83 In order to conserve and enhance the environmental capacity of the District, all new development should maximise opportunities to achieve net gains in biodiversity and geodiversity in accordance with the Berkshire Biodiversity Action Plan and the Berkshire Local Geodiversity Action Plan. Opportunities will be taken to create links between natural habitats and, in particular, strategic opportunities for biodiversity improvement will be actively pursued within the Biodiversity Opportunity Areas identified on the Proposals Map in accordance with the Berkshire Biodiversity Action Plan.
- 6.84 The application has been supported by an Ecological Assessment (comprising an extended phase 1 habitat and protected species scoping survey and preliminary bat roost assessment) and an Open Mosaic Habitat on Previously Developed Land report.
- 6.85 **Bats:** Bat surveys undertaken in August and September 2023, confirmed the presence of a common pipstrelle day roost in building B2, identified on plan ECO7178 'Results of Extended Phase 1 Habitat Survey'. Therefore, a protected species licence will be required from Natural England before any demolition of the building occurs.
- 6.86 Bats are subject to the species protection provision of the Habitats Directive, as implemented by the Conservation (Natural Habitats etc.) Regulations 2010. This contains three 'derogation tests' which must be applied by the Local Planning Authority at the planning application stage and by Natural England when deciding whether to grant a licence to a person carrying out an activity which would harm a European Protected Species. The three tests that must be met in order to successfully obtain a Natural England EPSM licence are as follows:
- (a) The consented operation must be for 'preserving public health or public safety or other imperative reasons of overriding public interest (IROPI) including those of a social or economic nature and beneficial consequences of primary importance for the environment';
 - (b) There must be 'no satisfactory alternative'; and
 - (c) The action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'.

- 6.87 The proposal is considered to constitute an IROPI in terms of delivering development which is in accordance with the development plan for the area. It is considered that there are no satisfactory alternatives to the approach taken which would deliver these benefits and avoid disturbance. The submitted ecology report and the ecology consultation response demonstrate that the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range. Accordingly it is considered that the development passes the derogation tests.
- 6.88 Two planning conditions regarding bats are recommended.
- 6.89 **Reptiles:** A reptile survey undertaken in August-September 2023 confirmed the presence of slow worms on site. Ecology are content with the mitigation measures proposed and suggest these are secured by way of condition.
- 6.90 **Nesting birds:** Any work to vegetation that may provide suitable nesting habitats should be carried out outside of the bird breeding season (bird breeding season is March to August) to avoid destroying or damaging bird nests in use or being built. If vegetation needs to be removed during the breeding season then mitigation measures need to be implemented during construction in order to protect breeding birds. This includes examination by an experienced ecologist prior to starting work and if any nesting birds are found during work, development must cease until after the juveniles have fledged. A planning condition is recommended accordingly.
- 6.91 **Invasive species:** The site has a population of Japanese Knotweed (*Fallopia japonica*) of which is an invasive, non-native species listed under schedule 9 of the Wildlife and Countryside Act 1981 (as amended). This legislation makes it an offence to plant or otherwise cause it to grow in the wild. If left un-treated the development will cause the spread of the plant elsewhere. Therefore we advise that full eradication is carried out prior to any development and evidence of this is submitted to the Local Planning Authority. If this is not possible (due to seasonal constraints) then any strands of Japanese Knotweed (*Fallopia japonica*) will need to be fenced off to prevent spread and dealt with in the correct season. A planning condition is recommended to secure a Japanese Knotweed Eradication Strategy.
- 6.92 **Priority Habitat:** The site has no current status of Priority Habitat. However, the Council's Ecology team identified that the land had become well vegetated whilst vacant, and therefore to be considered as a potential Open Mosaic Habitat on Previously Developed Land (OMH) – a Priority Habitat under Section 41 of the NERC Act, 2006. They recommended that a survey should be undertaken to determine this.
- 6.93 An updated survey for Open Mosaic Habitat by GS Ecology was conducted on 8th February 2024 confirmed that the Priority Habitat Open Mosaic habitat is not present on the site, following the JNCC criteria definition. This has been reviewed by the Council's Ecology team and it is has been confirmed that sufficient information has now been provided.
- 6.94 **Other ecological considerations:** The Council's Ecology team also recommend conditions regarding biodiversity enhancements (note that mandatory Biodiversity Net Gain does not apply to this application), further ecological surveys if the implementation of the development is delayed, and a Construction Environmental Management Plan.
- 6.95 Overall, it is concluded that the proposed development complies with Policy CS17 and the relevant legislation subject to the imposition of the recommended conditions.

Other matters

- 6.96 **Contaminated land:** Environmental Health have been consulted on the application and their views are that the application is accepted with appropriate conditions on the future decontamination of the application site.
- 6.97 **Trees:** The tree officer is content with the application and is recommending conditional permission.

Public representations

- 6.98 The public representations have been summarised in this report. Those which relate to material planning considerations have been taken into account in arriving at the recommendation, and the main determinative issues have been assessed above. It should be noted that a significant number of points made do not relate to relevant material planning considerations.
- 6.99 In relation to representations that the application is suggested as not complying with the exceptions for new housing in the countryside, there are specific policies relating to gypsy and traveller development against which this application has been assessed.
- 6.100 An objection raised by Stratfield Mortimer Parish Council was that the original application was not accompanied by a Site Design Brief. Policy GD1 of the Stratfield Mortimer Neighbourhood Development Plan seeks these for housing developments outside settlement boundaries. Such briefs may provide an appraisal of the planning context, and usually cover matters such as housing mix, access, landscaping, building design, and flood management. In this instance, the application is accompanied by a Design and Access Statement, which has been supplemented by the public consultation undertaken by the applicant during the course of the application. Whilst the proposal is not for a housing development, it is considered that the application is accompanied by sufficient supporting information to enable the determination of the application.

7. Planning Balance and Conclusion

- 7.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 7.2 Four Houses Corner is an existing gypsy and traveller site, which makes a significant contribution to the overall supply of gypsy and traveller pitches within the district. The principle of redeveloping the site is in accordance with the Development Plan, and it is a material consideration of particular importance that, without this site, the Council could not demonstrate a five-year supply of gypsy and traveller pitches. The site is relatively detached from nearby settlements and opportunities for active travel are therefore reduced, however this is no different from the existing situation.
- 7.3 The most prevalent representations made in objections to the proposed development relate to crime and security, not least due to the association of the site with the death of PC Harper. In planning terms, no change of use is proposed, and there is an existing lawful use for up to 18 pitches on the site. As such, there are not considered to be any valid planning reasons to warrant the refusal of the redevelopment of the site in principle.
- 7.4 The design of the site is considered to be a significant improvement over that of the previous design. The circular radial design conforms closely to former best practice

and is considered to maximise natural surveillance across the site, and help contribute to an enhanced sense of place and ownership. It also includes a shared children's play area in an overlooked location. This weighs in favour of the proposals.

- 7.5 The landscape and visual impacts would be comparable to the former site, and an enhancement on the current condition of the vacated site. Technical considerations, such as access, parking, traffic, highway safety, ecology, and drainage have all been assessed as acceptable by the relevant experts. The site is already accounted for in the AWE Off-Site Emergency Plan, but the permission will also secure a site-specific Emergency Plan.
- 7.6 Several issues have been raised that do not relate to material planning considerations and therefore cannot be taken into account in this planning decision.
- 7.7 Whilst a fear of crime is capable of being a material planning consideration, past court decisions have clarified that this is only the case where the fear relates to the use itself, rather than the activities or behaviours of specific occupants. There is clearly a reasonable basis for the concern in this instance, but because it relates to occupants rather than use, it is not something that can be taken into account in this planning decision.
- 7.8 Several representations have also been made on matters which relate to how the site is managed, which is largely not a material planning condition, except to the extent where planning conditions have been recommended to address specific matters. The implications for the Council's finances are not a material planning consideration in this instance because these factors do not influence whether the development is acceptable on planning terms.
- 7.9 Overall, having regard to the relevant development plan policies and material considerations it is concluded that the reasons for granting planning permission significant and demonstrably outweigh any potential adverse impacts in planning terms. A suite of conditions is recommended that will ensure that the development is carried out in a way that is acceptable in planning terms.
- 7.10 The application is recommended for **conditional approval**.

8. Full Recommendation

- 8.1 To delegate to the Development Manager to **GRANT PLANNING PERMISSION** subject to the conditions listed below.

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.

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 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 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 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.

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 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 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 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

Four Houses Corner Public Consultation – Public Event

Record of Four Houses Corner Public Consultation Meeting held at St.John's Hall
Mortimer Dec 11th 2023 6pm onwards.

Members and council officers in attendance:

Cllr Nick Carter Ward Member Burghfield & Mortimer
Cllr Ross Mackinnon Ward Member Bradfield
Nigel Lynn Chief Executive
Bill Bagnell Manager Special Projects
Pierre Vagneur-Jones Housing Development Officer

Public attendance:

38 Members of the public attended, taking part in a question-and-answer session lasting just over two hours.

Key points made by Manager Special Projects at the start of Q&A:

- The Planning Committee can refuse the application on design grounds (is it fit for purpose), but not on the proposed use as a Traveller site.
- Previous residents of Four Houses Corner (FHC) have a legal right to return due to their existing Mobile Homes Act Agreements which have remained in place whilst residents are in temporary accommodation and remain live until they choose to relinquish them.
- 12 of the original residents in whose name the agreements are made have confirmed they will be returning. The council is still waiting to hear from 5 and there are 3 other individuals who qualify as Travellers who have requested to go on a waiting list in respect of Four Houses Corner.
- Proposals will deliver 17 pitches and 17 individual dayroom accommodation blocks.
- A management company will be employed and will visit the site once a week and be responsible for maintaining general order.
- Confirmed that police have both historically and recently consulted on design of the site.
- Proposals do not in any way represent an abnormal or over generous level of provision and that current proposals mirror dayroom accommodation that was previously available on site and that those returning have a legitimate expectation to see that provision replicated.

Summary of key objections, concerns and responses provided by Manager Special Projects:

- Fear that same unmanageable culture will return and that the management company will be ineffective.

Answer: Management will pass to external professionals experienced in managing such sites and that the scope of service to be provided will reflect the concerns raised via this public consultation.

- The high cost to the taxpayer in respect of future management costs.

Answer: If an external management company is not appointed, new full-time staff will need to be appointed to undertake management and thus there will be a cost regardless of how the site is managed. Previously the Council did not have dedicated experienced council officers capable of the responsibility which in part explains how the site progressively degraded over time.

- General anger due to the killing of PC Andrew Harper, as well as previous historic events.

Answer: The council is acutely aware of past dreadful events on the site, but these are not material reasons for preventing reoccupation, that those returning are not in any way guilty of the manslaughter of PC Andrew Harper and that disallowing reoccupation would be the equivalent of preventing people reoccupying authority housing due crimes committed in an area.

- Objection to the amount of money spent on security.

Answer: It was acknowledged these costs are high and would like if possible to implement less expensive means of security. However, it was explained that if people were determined to illegally occupy the site, the only guaranteed way of preventing that is by physical on site 24hr security. Once the site is illegally occupied potentially by people of Traveller status and not former residents of the site, it will be difficult to remove them from what is already an established Traveller site. Potentially this would leave the council needing to find land for the displaced former residents of the site.

- How will Mobile Homes Acts Agreements (MHAs) be enforced? If they break the existing agreements will the offender be moved on?

Answer: It was confirmed that existing MHAs include proportionate measures to terminate a tenancy in the event of consist defaulting on agreement terms. It was confirmed that individuals not qualified to live on the site had been removed in the past by these legal mechanisms. It was explained that existing MHAs can only be changed by agreement between the parties but where new agreements can, if necessary, be made more onerous. Taking action against defaulters will be managed by external professionals with regular experience of handling such events.

- Frustration at the landowner leasing the land to the council.

Answer: It was explained the landowner does have a sense of public duty and is happy to see this site continue to provide Traveller accommodation, providing the site is well managed going forward. It was acknowledged by members of the public the site has been long associated with Travellers predating the current site as built out in 1982.

- Questions around Regulation 3 of the Town and Country Planning Act and the fact that the Council can give itself planning permission.

Answer: It was explained this is not an arbitrary process and a necessary mechanism allowing the council to be a planning applicant in respect of its own schemes and where the council as planning authority is allowed to consider such applications in a fully transparent manner. In the event it proves necessary for a Council to submit a scheme that is not capable, for whatever reason, of complying with planning policy and that scheme is approved at planning committee it will as a matter of course be referred to the secretary of state for potential call-in. To do otherwise will likely result in Judicial Review. It was emphasised that proposals at Four Houses Corner do not contravene policy.

- Objections to possibility that MHAs can be inherited.

Answer: It was confirmed that MHAs are not inheritable and that agreements are specific to individuals which cannot, by whatever means, be passed onto 'related' individuals. On ceasing to occupy a pitch, the agreement falls and anyone moving onto that pitch will only do so after entering into a new agreement which does not have to mirror the previous agreement entered into by the council and previous tenant.

- Concerns that residents not returning to site acquire housing rights.

Answer: It was agreed this needed confirming, but the initial answer was that if a former resident of FHC chooses not to return, they do not by default acquire housing rights above and beyond any other individual seeking to be housed by the local authority; they would have to join a waiting list like anyone else.

- Objection to Emergency Planning Officer not being there.

Answer: It was not necessary for the officer to be present and where the matter will be fully covered by consultation with that officer. It was explained the site's inclusion within the AWE Detailed Emergency Planning Zone (DEPZ) does not mean the site cannot be reoccupied and where the number of pitches being delivered is a decrease and not an increase in number as believed by some. The significance of the site being included within the DEPZ is that those occupying the site are likely to be managed by a pre-agreed emergency management plan in the event of an emergency. Should

proposals be approved at planning, it is likely that permission will be granted on the basis of a condition requiring the emergency management plan being in place prior to the site's reoccupation.

- Concern about one entrance and one exit making it hard for police to escape if needed.

Answer: It was confirmed that Thames Valley Police (TWP) had seen existing proposals with one access in 2018 and have again been reconsulted on the same design via the Planning Case Officer asking for any new comments from TWP. No new comments have been received. It was confirmed that primary concern had been around clear lines of site to all pitches should emergency vehicles enter site and that emergency vehicles should not get trapped in dead-ends. This requirement resulted in the current radial design which has not changed since clear lines of site was requested at initial design stage predating 2018.

- Concern there will be more families on site than there are pitches.

Answer: As before there will be 17 agreements with 17 individuals who are allowed to have with them on site immediate family and dependents. Should an extra family try, by whatever means, to take occupation this will be prevented by both the current designs and the Council's ability to move on any family not covered by one of the 17 MHAs.

- Frustration the council cannot provide exact cost of works.

Answer: The frustration was acknowledged, but it was explained it was important at this stage prior to potential main contractor tendering not to give away too much cost information. It was pointed out that public tenders often quote a budget. It was explained this was not always the case and where a budget is quoted only as a guide and that it was important not to break down estimated construction costs within the current overall budget lest it give away what the council suspects it may have to pay and therefore prejudice any tender process.

- Frustration the council cannot confirm the exact number of caravans returning to site.

Answer: It was confirmed that each pitch is capable of being occupied by upto two caravans but where only one would have the capacity to hook up to foul drainage. It was pointed out that present MHAs allow for permission to be granted for a second caravan to be kept on site but at present those who have that existing permission have either not confirmed they are returning or if they are returning they will do so with two caravans. For these reasonable reasons it was not possible to confirm now exact numbers. Any unauthorised caravans on site, if not removed, will result in action being taken against that family under the existing terms of MHAs and any new MHAs for new residents taking up residence.

Four Houses Corner Public Consultation

Comments sent to 4hc@westberks.gov.uk 3rd Nov to 15th Dec 2023

Record of comments sent to a public consultation Four Houses Corner (FHC) email account open from 3rd Nov to 15th Dec.

The account was set up to function with an automated follow up response reminding commentators that if they wish to make a formal objection to proposals, they should do so via the planning portal; a link was provided. Notice of the email account was made via a press release and social media. It should be noted that press release information included a postal contact address for those wishing to write in; no post was received.

Over a period of six weeks the email account was contacted 16 times, once by the same person twice.

Summary of responses as an objection

Of the responses received, 11 emails (2 from the same individual) recorded a very strong wish to see the scheme not go ahead. That wish was effectively recorded as an objection based on the following grounds reflected in most emails:

- A belief that the former residents of Four Houses Corner are not an appropriate group upon whom so much money is to be spent.
- To re-open FHC is to disrespect the memory of PC Andrew Harper and to disrespect his widow and family.
- The previous perceived behaviour of former residents and their use of the site will be happen again on the site re-opening.
- That residents returning are being provided too much accommodation.
- Re-opening the site is a poor use of taxpayers money.
- The cost of re-opening the site would be better used providing accommodation for homeless people.
- Generally overall costs are too much.
- Re-opening the site will reawaken the perceived sense of intimidation felt by local communities in relation to this Traveller site.

Summary of responses with general concerns and observations

In addition to the above, 5 other emails made no specific request for the scheme not to go ahead but raised general concerns about the site and the actions of the council. The summary points of those emails are as follows:

Summary of Individual Email Comment 1:

Tenancy agreements must include enforceable requirements for tenants to keep their sites tidy and be prevented from storing or dumping materials associated with vehicle scrapping, tarmacking, scrap metal and waste material generally.

Summary of Individual Email Comment 2:

The council has failed to supply clear and transparent information about the site and that the accommodation being provided and its budget should be used to help alleviate the housing crisis.

Summary of Individual Email Comment 3:

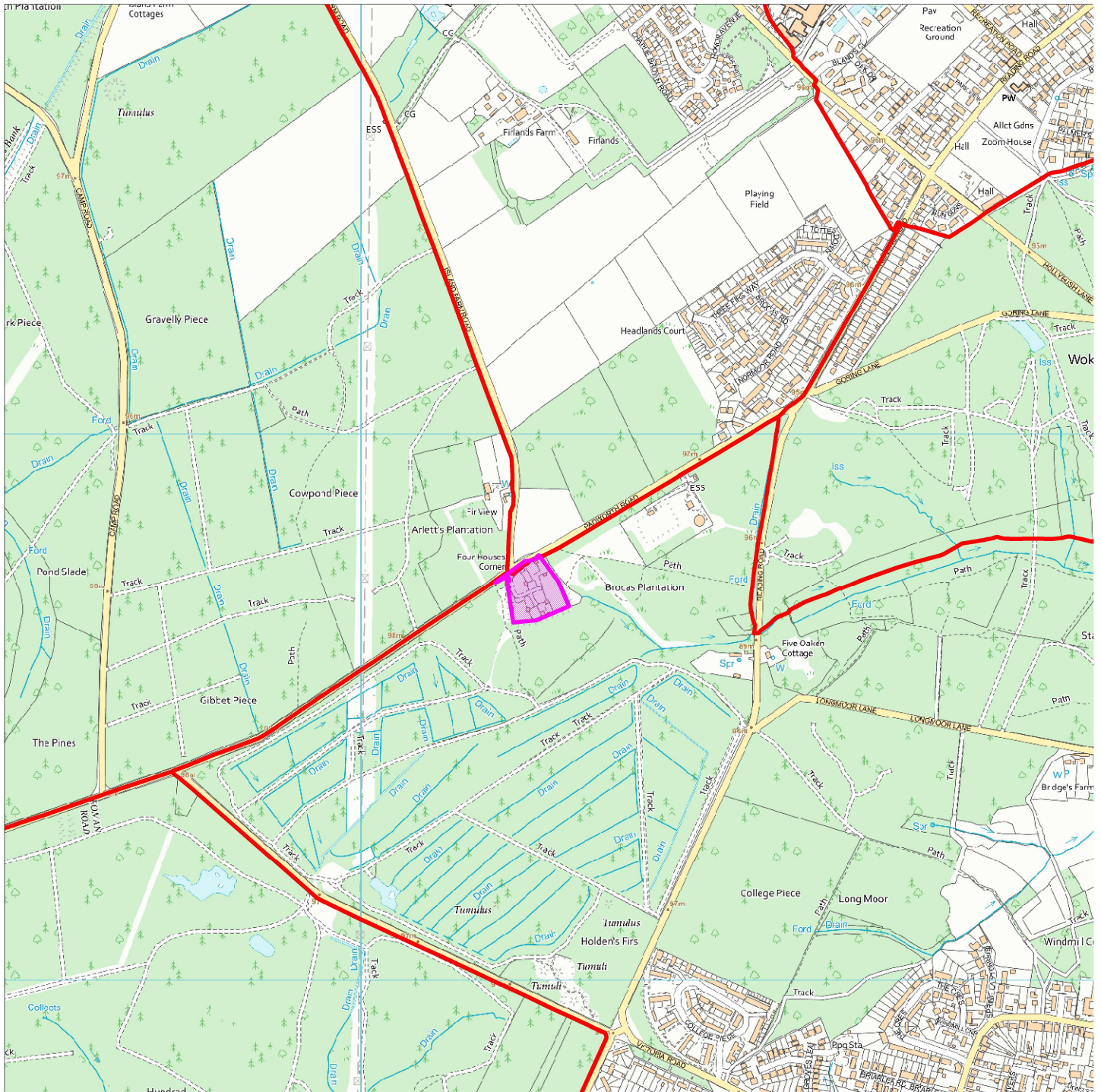
Tenancy agreements must include specific enhanced anti-social behaviour clauses and that such clauses must be enforceable.

Summary of Individual Email Comment 4:

Specific and detailed reference to clauses within Mobile Homes Act 1983 Agreements that state what tenants are required to do and what they cannot do while in occupation. A general observation these clauses were not previously enforced therefore causing the progressive historic degrading of the site.

Summary of Email Comment 5 (sent on behalf of a Parish Council):

Specific and detailed reference to clauses within Mobile Homes Act 1983 Agreements (MHAs) that state what tenants are required to do and what they cannot do while in occupation. A general observation these clauses were not previously enforced therefore causing the progressive historic degrading of the site and for which the council is as much responsible as past tenants. Going forward, to ensure the site remains in good order, MHAs need to be properly adhered to and those residents defaulting on the terms of the agreements should be removed from site.



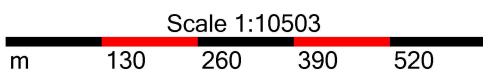
Map Centre Coordinates :

Scale : 1:10502

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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	02 January 2024
SLA Number	0100024151



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Agenda Item 4.(2)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(2)	23/02187/FULMAJ Thatcham	22 nd December 2023 ¹	Flood Alleviation Scheme including detention basin and swale. New cricket facilities to replace those lost by the scheme (full description available at paragraphs 1.4 and 1.5 of the report). Thatcham Memorial Playing Fields, Brownsfield Road, Thatcham West Berkshire Council

¹ Extension of time agreed with applicant until 13th March 2024

The application can be viewed on the Council's website at the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=23/02187/FULMAJ>

Recommendation Summary: To delegate to the Development Manager to GRANT PLANNING PERMISSION subject to conditions.

Ward Member(s): Councillors Jeremy Cottam and Lee Dillon

Reason for Committee Determination: The applicant is West Berkshire Council, it is a major and more than 5 objections have been received.

Committee Site Visit: 28th February 2024

Contact Officer Details

Name: Gemma Kirk
Job Title: Senior Planning Officer
Tel No: 01635 519111
Email: Gemma.Kirk@westberks.gov.uk

1. Introduction

- 1.1 The purpose of this report is for the Committee to consider the proposed development against the policies of the development plan and the relevant material considerations, and to make a decision as to whether to approve or refuse the application.
- 1.2 This application seeks planning permission for a swale and detention basin in the northern part of Thatcham Memorial Playing Fields and the adjacent cricket pitch. The flood alleviation scheme forms part of a wider strategy identified within the Council's Thatcham Surface Water Management Plan. This is the final scheme within Thatcham's Management Plan. The scheme is intended to intercept urban run-off and drainage exceedance surface water flows from the north by the proposed swale and direct the water westwards to the proposed basin.
- 1.3 Thatcham Memorial Playing Fields and the cricket ground to the east form the application site. The site also partially covers the tennis courts to the south. The playing fields are located within the centre of Thatcham with residential areas bounding the western, northern, and eastern boundaries of the ground. To the south is Brownsfield Road which leads onto the A4. Several facilities are located to the south including the Health Centre, Library, car parking, the Memorial Hall and bowling green. The playing field can be accessed by pedestrians from the north, south and west with blacktop footpaths providing walking routes through the site. The Memorial Playing Fields also include children's play equipment and an enclosed dog walking area.
- 1.4 The proposed scheme will have a capacity of 3200m³ and will comprise the construction of a detention basin with an area of 0.78 hectares in the western field. A 3m wide swale is proposed in the eastern field and will be 120m in length and c. 0.5m deep. A bund 280m in length will run along the southern perimeter of the basin and swale and will vary in height from a maximum of 0.3m high to an average of 0.2m high along its length. The crest of the bund will be set at 79.20m AOD and will accommodate a 15m wide spillway at a level of 79.05m AOD. The detention basin will comprise two areas, a higher-level set at 78.50m AOD and a lower area set at 78.30m AOD. The basin will also comprise a stilling basin set at a level of 78.10m AOD. A 450mm diameter pipe will convey flows from the basin to the existing Thames Water 750mm surface water sewer via a control structure to the east of the basin. A 3.0m wide access track is proposed around the northern boundary of the basin to facilitate access for maintenance and a 2m track along the bund at the southern edge of the basin. The bund to the south of the swale will comprise a 1.0m wide crest which will facilitate maintenance. The provision of a 2m wide foot bridge is also proposed over the swale to ensure access is maintained from the north to the south of the fields. In addition to those in the agenda pack, detailed construction drawings are available on the Council's website at the link provided on the first page of the report.
- 1.5 The proposal was amended on 22nd December to also include a new three lane non turf cricket practice net and new non turf pitch to be installed within Brown's Sports Field (cricket ground) to mitigate the loss of the facilities in the north of the site to accommodate the flood alleviation scheme.

2. Planning History

- 2.1 The table on the next page outlines the relevant planning history of the application site.

Application	Proposal	Decision / Date
14/02020/COMIND	Use for car boot sales with ancillary parking at Memorial Playing Fields.	Approved 08.05.2015.
11/00978/FUL	To install a new twin lane non-turf cricket practice facility (application supersedes previous successful application 10/00594/FUL and is submitted with reference to re-locating facility site from southeast to north east corner of sports field) at cricket ground.	Approved 11.07.2011.
77/07267/ADD	Recreational use and organised sports- field immediately adjacent to east of Memorial Playing Fields, Bath Road, Thatcham.	Approved. 23.11.1977.

- 2.2 There is an extensive planning history for both Thatcham Memorial Playing Fields and the cricket ground for the provision of community facilities associated with the two grounds. The three permissions identified above are directly impacted as a result of the proposal.

3. Legal and Procedural Matters

- 3.1 **Environmental Impact Assessments (EIA):** An EIA Screening Opinion was issued on 22nd November 2023. The screening opinion advised that the development was Schedule 2 development falling within the description 10(i)- Dams and other installations to hold or store water on a long-term basis and would exceed the relevant threshold. However, the development would fall significantly below the indicative thresholds of EIA development within Planning Practice Guidance. It was considered that the development was insignificant in terms of the EIA Regulations and therefore not EIA development. No Environmental Statement is required.
- 3.2 **Publicity:** Publicity has been undertaken in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's Statement of Community Involvement. Site notices were displayed in four locations (Brownsfield Road, Beverley Close, access to north of the Playing Field and Park Lane) on 13th and 17th October 2023, with a deadline for representations of 7th November 2023. A public notice was displayed in the Newbury Weekly News on 28th September 2023; with a deadline for representations of 12th October 2023.
- 3.3 **Amended Plans Publicity:** Site notices were displayed in four locations (Brownsfield Road, Beverley Close, access to north of the Playing Field and Park Lane) on 3rd January 2024, with a deadline for representations of 24th January 2024. Neighbour notification letters were sent to those adjoining the site and those who made a representation on 2nd January 2024 with a deadline of 23rd January 2024.
- 3.4 **Ownership Certificates:** Concerns were raised that notice had not been served on all owners (with a freehold or leasehold interest). During the application this was rectified with notice served accordingly on all owners (for the original red line application site). With the amended red line additional owners were identified and these new owners

had notice served on them. A period greater than 21 days has passed since notice was served and therefore it is considered that all landowners have had the required opportunity to make representations. Any matters relating to permission to use land owned by a different party is a civil matter and does not form a material planning consideration.

- 3.5 **Local Financial Considerations:** Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body. There are no financial considerations relevant to the planning application. It is noted that within the supporting information there is reference to compensation for individuals/organisations to be affected by the scheme. These are separate negotiations to the planning application and are to be carried out under different legislation. These do not form a material consideration for the planning application.
- 3.6 **Public Sector Equality Duty (PSED):** In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The Council must have due regard to the need to achieve the following objectives:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.7 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 3.8 The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have regard to and remove or minimise disadvantage. In considering the merits of this planning application, due regard has been given to these objectives.
- 3.9 Letters of representation raised concerns that the footpath surface would not be accessible for all users of the playing field. Amendments were sought during the course of the application. The Highways Authority advises that amendments would be required to the footpath. However, an accessible surface could be used and achieved. It is recommended that this is dealt with by way of a condition.

- 3.10 **Human Rights Act:** The development has been assessed against the provisions of the Human Rights Act, including Article 1 of the First Protocol (Protection of property), Article 6 (Right to a fair trial) and Article 8 (Right to respect for private and family life and home) of the Act itself. The consideration of the application in accordance with the Council procedures will ensure that views of all those interested are taken into account. All comments from interested parties have been considered and reported in summary in this report, with full text available via the Council's website.
- 3.11 It is acknowledged that there are certain properties where there will be some impact (this can be mitigated by conditions). However, any interference with the right to a private and family life and home arising from the scheme as a result of impact on residential amenity is considered necessary in a democratic society in the interests of the economic well-being of the district and wider area and is proportionate given the overall benefits of the scheme in terms of reducing flood risk for residential and commercial properties.
- 3.12 Any interference with property rights is in the public interest and in accordance with the Town and Country Planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.
- 3.13 **Listed building setting:** Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 16(2) has the same requirement for proposals for listed building consent. There are no listed buildings to be impacted by the proposal.
- 3.14 **Conservation areas:** Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Thatcham's Conservation Area would not be impacted because the proposal is separated from by the A4 from the conservation area.

4. Consultation

Statutory and non-statutory consultation

- 4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

Thatcham Town Council:	<p>Object. Principle is supported. However, there is inadequate information on construction phase and how impacted parties will be mitigated and remediated. Concerns with accessibility of footpath. Request for dog exercise area to be positioned to the north of swale and request provision of sport facilities elsewhere in Thatcham to mitigate loss.</p> <p>22.12.2023 Amended Plans: No objection to amended plans. Request that the trees to be felled are replaced. However, this does not alter original response.</p>
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WBC Highways:	<p>Further details requested for construction (including vehicles crossing A4), a Construction Management Plan and edging of proposed footways.</p> <p>On 29.12.2023 further clarification was requested for the footpath construction and the management of 10-15 lorries crossing the A4 a day over a 2 month period.</p> <p>Construction Management Technical Note and General Arrangement Amendment: Satisfied with the CMS and the proposed banks person on the A4. Requested further amendments to the materials and layout of the footpath. It is advised that this could be dealt with by way of a condition.</p>
WBC Lead Local Flood Authority:	No objection. Significant benefit for residents.
WBC Public Protection:	<p>No objection. Request condition for Construction Method Statement.</p> <p>Construction Management Technical Note: The Construction Method Statement supplied does not cover dust and noise management which is required to ensure sufficient care during works. This could be required through a condition. Satisfied with the proposed construction hours of work.</p>
WBC Archaeological Officer:	<p>No objection. Unlikely that significant features will be affected due to existing substantial disturbance. No further investigation required. No further comments to make on geophysical survey.</p> <p>22.12.23 Amended Plans: No further archaeological works are required on this land.</p>
WBC Economic Development Officer:	No comments.
WBC Environment Delivery Officer:	No comments to make on this application.
WBC Minerals & Waste Officer:	<p>Site is within a Mineral Safeguarding Area. Further information required for land raising, incidental extraction and importation of minerals on site to ensure proposals would comply with Policy 7 and 9 of the MWLP. A permit may be required from the Environment Agency.</p> <p>21.02.24: Adequate information to satisfy land raising requirement. Request conditions regarding incidental extraction.</p>
WBC Tree Officer:	<p>Object. A re-design could reduce the number of trees lost and therefore will not accept the number of trees proposed to be lost.</p> <p>Response to Tree Officer: Object. Doesn't sufficient explain why proposal could not be re-designed. Existing trees contribute to reducing groundwater. However, do accept that different tree species could be planted to those on site currently, but further</p>

	details would be required through landscaping and tree protection conditions.
WBC Ecology Officer:	<p>07.02.24: Additional Information Required. Request that the metric referred to in the Ecological Assessment is submitted to verify results. This is in line with the NPPF and Policy CS17 of the WBCS.</p> <p>15.02.24: With the BNG Metric sufficient information provided. Leaves assessment of trees to Tree Officer. Conditions recommended including Construction Environmental Management Plan, ecological enhancements and the protection of breeding birds.</p>
Sport England:	<p>Object. Significant impact to cricket club with no information where the facilities lost by the proposal would be re-located to. It is required to be demonstrated that the replacement facilities could be relocated without detriment to the main cricket pitch.</p> <p>On 12.12.2023: this was further clarified. Proposal conflicts with paragraph 99 of the NPPF. Suggests solutions such as extension to lease agreement, replacement of cricket facilities, need to demonstrate that an acceptable width is maintained for the remaining tennis court during construction and details of re-instatement of tennis courts required.</p> <p>14.02.2024: Withdraws statutory objection because proposal would be in the spirit of Sport England exception 5 and paragraph 103 of the NPPF, subject to a condition for reinstatement of tennis courts and recreational ground.</p>
Great Crested Newts District Licence Holder:	No objection. Negligible risk.
Natural England:	No objection. Subject to a Construction Environment Management Plan to ensure there would not be an adverse effect on the integrity of the River Kennet, Thatcham Reedbeds and Bowdon & Chamberhouse SSSIs.
Fisher German (on behalf of Exolum Pipelines):	Original objection was withdrawn with the submission of an amended plan. A Works Consent will be required.
Active Travel England:	No comment. Does not meet statutory threshold.
Environment Agency:	Does not wish to be consulted on the proposal.
WBC Transport Policy:	No comments received at time of writing the report.

WBC Waste Management Officer:	No comments received at time of writing the report.
WBC Countryside Team:	No comments received at time of writing the report.
Thames Water Utilities:	No comments received at time of writing the report.
Thames Valley Police:	No comments received at time of writing the report.
Royal Berkshire Fire and Rescue:	No comments received at time of writing the report.
West Berkshire Spokes:	No comments received at time of writing the report.

Public representations

- 4.2 Representations have been received from 37 contributors, 35 object and 2 part-support, part-object to the proposal. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:

Justification for scheme:	<ul style="list-style-type: none"> • The number of schemes in Thatcham • Overall need (are there other solutions) • Justification for location, concerns with size
Flood Risk:	<ul style="list-style-type: none"> • Acknowledge need to manage flood risk in principle • Concerns it could result in flooding to nearby residents • No guarantees that it will reduce flooding
Character and appearance:	<ul style="list-style-type: none"> • Impact from loss of trees and engineering operations • Visual impact from public and private realm
Neighbouring amenity:	<ul style="list-style-type: none"> • Standing water attracting vermin and smells
Ecology & Trees:	<ul style="list-style-type: none"> • Loss habitats for wildlife • Concerns with conflicts with the bird nesting season • Landscaping Mitigation: insufficient mitigation for loss of trees (time it takes for trees to re-establish), more details required on tree replacement • Trees are a natural way to control surface water
Loss Green Infrastructure:	<ul style="list-style-type: none"> • Valued community space • Impact to physical and mental wellbeing as a result of proposal due to loss of facilities • Loss of Facilities: enclosed dog walking area, reducing area for car boot sales, opposed to alterations to new play equipment • Concerns on the accessibility of the site after completion

Loss of Sport Facilities:	<ul style="list-style-type: none"> Concerns with the impact on the long-term viability of valued sport facilities and clubs (tennis courts and cricket club impact) Decrease in access to exercise for public, impact on facilities available for children/youth.
Public Sector Equality Duty:	<ul style="list-style-type: none"> Accessibility following completion of scheme particularly new footpaths.
Construction Impacts:	<ul style="list-style-type: none"> Disturbance impacts to residents: pollution and noise Concerns with access and parking for health centre and other services to south of playing field Highway safety concerns and impact to traffic on Brownsfield Road and A4 Loss of pedestrian access through the site in the north Loss of customers and business within the playing field and south of the site Loss of sport facilities during construction and the proposed mitigation The impact to the new play equipment Concerns with time of year and length of construction Consideration should be given to different access routes
Other (not material planning considerations):	<ul style="list-style-type: none"> Waste of public money (changes to new playground equipment, value for money) More public consultation on impacts required Compensation for loss of different facilities Loss of an attractive view Motivation for scheme Impact on property value Against the Thatcham Memorial Foundation Charity's aims

5. Planning Policy

5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.

- Policies ADPP1 (Spatial Strategy), ADPP3 (Thatcham), CS5 (Infrastructure Requirements and Delivery), CS13 (Transport), CS14 (Design Principles), CS16 (Flooding), CS17 (Biodiversity and Geodiversity), CS18 (Green Infrastructure), CS19 (Historic Environment and Landscape Character) of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies OVS5 (Environmental Nuisance and Pollution Control), OVS6 (Noise Pollution), TRANS1 (Meeting the Transport Needs of New Development) of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) (WBDLP).
- Policies 7 (Location of Development- landfill and permanent deposit of waste to land) and 9 (Minerals Safeguarding) of the Minerals and Waste Local Plan 2022-2037 (MWLP).

5.2 The following material considerations are relevant to the consideration of this application:

- National Planning Policy Framework (NPPF)

- Planning Practice Guidance (PPG)
- WBC Quality Design SPD (2006)
- Sport England Playing Fields Policy and Guidance Document
- WBC Local Flood Risk Management Strategy (December 2021)

6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of development
- Flood risk and drainage
- Green infrastructure and sport facilities
- Construction impacts
- Character and appearance of the area and trees
- Ecology
- Mineral Safeguarding Area
- Other post construction impacts
- Town Council comments
- Other matters

Principle of development

- 6.2 Policy ADPP1 of the WBCS outlines the broader spatial strategy for the district advising most development will be within or adjacent to the settlements within the hierarchy. The application site is located within the settlement boundary of Thatcham identified as an Urban Area in Policy ADPP1. Urban areas are the focus for most development.
- 6.3 ADPP3 of the WBCS provides the spatial policy for Thatcham. The policy advises that the risk of flooding in the area will be reduced and managed through the implementation of flood alleviation schemes identified by Thatcham Surface Water Management Plan. The proposal is the final flood alleviation scheme identified through the Thatcham Surface Water Management Action Plan.
- 6.4 Policy CS5 of the WBCS supports infrastructure provision with stakeholders, whilst protecting local amenities and environmental quality.
- 6.5 The proposed development would in principle be supported by Policies ADPP1, ADPP3 and CS5 of the WBCS.

Flood risk and drainage

- 6.6 Policy CS16 of the WBCS sets out flood risk considerations for new development. It seeks development to be directed away from areas of flood risk unless it is demonstrated that it is in an appropriate location and would not increase flooding elsewhere. The NPPF seeks that proposals do not increase flood risk elsewhere and in paragraph 173 seeks that developments demonstrate flood resilience, resistance, appropriate location and managing residual risks.
- 6.7 The application site is in Flood Zone 1 regarding rivers and sea flooding. However, ground water flood risk is high within the site and there are areas of surface water flood risk within the south of the application site.

- 6.8 The application is accompanied by a Flood Risk Assessment as required by Policy CS16. Due to the location of the site in Flood Zone 1 sequential and exception testing were not required.
- 6.9 The FRA provides justification for the development identifying the history of flooding in Thatcham due to a combination of run-off from rural catchments to the north and urban overland forms. The assessment advises that this application is the final flood alleviation scheme in the Thatcham Surface Water Management Plan with all the schemes working together to reduce flood risk. Within later justification for this scheme, it was explained that the scheme would reduce both the probability and depth of flooding for properties on Brownsfield Road, Bath Road, Chapel Street, Church Lane, Meadow Close, Church Gate, Grassington Place, The Moors, The Quantocks and Beancroft Road.
- 6.10 The FRA advises how the identified flood risks would be managed through the design. This includes lining the base of the scheme to prevent intrusion of groundwater and the attenuation of surface water in the basin with controlled release into the Thames Water sewer system preventing overloading the sewer system.
- 6.11 The design of the scheme proposes the provision of a detention basin, surface water culvert with associated headwalls and erosion protection to alleviate flooding and reduce pressure on the existing networks. It was chosen that the feature be overground so that it is easier to maintain both due to accessibility and visually easier to notice any blockages. It is also noted that the scheme was reduced in size to allow for the recreational ground to remain in use.
- 6.12 Additional evidence submitted during the application sought to demonstrate the need for the flood alleviation scheme in this location. It was advised that cost benefit analysis and hydraulic modelling were used to support the location of the scheme. It was identified that the application site had the space to accommodate the size of the basin to alleviate the flood risk of properties that would not be protected from the schemes further in the north.
- 6.13 The Lead Local Flood Authority support the application advising this would have a substantial benefit for Thatcham residents.
- 6.14 It is considered that it has been demonstrated that the proposal would provide substantial benefits that comply with the NPPF and Policy CS16 of the WBCS.

Green infrastructure and sport facilities

- 6.15 Policy CS18 of the WBCS seeks the protection and enhancement of the District's green infrastructure. Green infrastructure includes public parks, outdoor sport facilities and provisions for children and teenagers. Policy CS18 advises that development that would result in the loss of green infrastructure or harm to its enjoyment will not be permitted. Where exceptionally the loss is agreed it should be replaced with a new space of an equal or greater size of a similar standard to be provided close by.
- 6.16 This is reflected in paragraph 103 of the NPPF where existing open space and recreational space and playing fields should not be built on unless it is clearly shown that: the land is surplus to requirement, there would be a replacement that is equivalent or better than the existing provision or the development is for alternative sports or recreational provision that outweighs the loss of the former use.
- 6.17 From the representation letters and consultee responses it is identified that Thatcham Memorial Playing Fields and the cricket ground to the east are valued by the community. The site includes facilities for popular sports clubs, a dedicated enclosed

dog walking area, a children's play area, car boot sales, informal areas for exercise and provides connectivity for residents including to the health centre to the south of the site. Many representations recognise the importance of the space for physical and mental well-being for residents.

- 6.18 **Cricket Field and Equipment:** As a result of the Flood Alleviation Scheme there will be a permanent loss of an area of the field in the north and equipment used by girls and under 9 teams. Sport England raised an objection to the loss as it is not in accordance with Sport England's Playing Field Policy and paragraph 103 of the NPPF. During the application a set of amendments were submitted which re-located the equipment including replacement nets and non turf wicket. These were accepted. It is recommended a condition is applied for these to be provided within 6 months of their removal.
- 6.19 However, this still did not overcome the loss of land which would conflict with paragraph 103 of the NPPF. Sport England advises there needed to be an overwhelming case to support this scheme. It was proposed by Sport England that extending the lease and changing the break clause would help to overcome their objection. This was agreed between Thatcham Town Council (landowners) and Thatcham Town Cricket Club and therefore Sport England felt that this helped the cricket club have a sustainable future and therefore in the spirit of Sport England's policy and bullet point c of paragraph 103 of the NPPF. The LPA have advised Sport England that we could not condition amendment to a lease as it would not meet the six tests a condition must pass. Sport England acknowledge this but were content with the arrangements made outside the planning process. Sport England have removed their objection.
- 6.20 **Tennis Courts:** Following the completion of the scheme the tennis courts lost during the construction process will be re-instated. Sport England request that this is re-instated within 3 months of the removal of the temporary construction access. Sport England suggested a condition for the reinstatement.
- 6.21 **Children's Play Area:** During the construction period part of the children's play equipment will be removed because of the temporary access. The Design and Access Statement advises that the equipment will be replaced in the same position following the completion of the development. It is recommended that a condition is applied that within 3 months of the completion of the development the children's play equipment will be replaced as agreed in writing by the LPA.
- 6.22 **Enclosed Dog Walking Area:** The existing dog walking area would be lost because of the flood alleviation scheme. However, it is proposed to be replaced with a new area to the north-east of the proposal. It is understood this is subject to final agreement. It is recommended that a condition is applied that within 3 months of the completion of the scheme a new enclosed dog walking area will provided as agreed with the LPA.
- 6.23 **Informal Areas for Exercise and Events:** Following the completion of the scheme it is intended that the upper levels of the basin could be used by the public for recreational purposes including the car boot sale and for informal sports area. It is acknowledged there would be some loss of usable area in the deeper part. However, through the Design and Access Statement and additional justifications it has been demonstrated that the design has tried to mitigate the harm the public enjoyment of the space including a deeper central section to minimise the impact on the playing field and the size was reduced so that it now covers a third of the playing field. Sport England request the reinstatement of the informal playing field once construction is completed.

- 6.24 **Connectivity:** The proposed scheme will retain the connectivity with the surrounding areas upon completion. Residents will be able to walk north to south and use the pedestrian access on Beverley Close. It is noted there have been specific concerns with the footpath proposed and whether this would be accessible for all residents due to the surface. The Highway Officer advised in principle the new footpaths would be acceptable but required amendments at the entrance on Tennyson Road and further details for materials. It was considered that this could be dealt with by way of a planning condition.
- 6.25 As a result of the development that would be some loss of green infrastructure and harm to the enjoyment which that is not proposed to be replaced. This would conflict with Policy CS18 of the WBCS and the NPPF. However, it is recognised that the applicants have sought through design and replacement facilities to minimise the impact upon green infrastructure.

Construction impacts

- 6.26 Policy CS13 of the WBCS and Saved Policies OVS5 and OVS6 of the WBDLP all seek to minimise the impact of development on highway safety, environmental impacts and impacts on neighbouring amenity.
- 6.27 Representations and consultee responses have raised concerns with the impacts created during construction.
- 6.28 **Highway safety:** Concerns have been raised with the impact of having the site access on Brownsfield Road and the implications this has on highway safety and traffic as vehicles are required to cross the A4 to access Brownsfield Road. There are concerns there would be conflict with other traffic using the other facilities in the south of the site. The Highways Officer sought additional information on construction management practices. With the submission of additional information including proposals for a banks person to manage traffic turning from the A4 the Highways Officer was satisfied with the principle of the construction impacts in terms of highway safety. It is recommended that a Construction Method Statement condition is applied to deal further with details of managing traffic and other road users.
- 6.29 **Access to Services:** There are concerns with access to the health centre and pharmacy during construction. The applicants acknowledged that for disabled customers there would not be parking available outside of the pharmacy because of the construction access. It is therefore proposed that four additional disabled parking spaces are provided in the Brownsfield Road Car Park. It is recommended that before the construction access is set-up that it is demonstrated that an agreement has been made to provide the disabled parking spaces.
- 6.30 It is acknowledged that there would be a temporary loss of the northern pedestrian access to the park. However, it is proposed that this would be re-instated following the completion of the development as discussed under the previous heading. It is intended that pedestrians and cyclists could still use the recreational ground during construction accessing from the east and south.
- 6.31 **Neighbouring Amenity:** There will be some impact to the neighbours that adjoin the boundaries to the application as a result of the construction of the development. The Public Protection Team advise that further details to mitigate the impact of construction on these properties are required. It is requested that a Construction Method Statement condition is applied.
- 6.32 **Green Infrastructure and Sport Facilities:** The development will result in the temporary loss of one tennis court. The impact to the tennis club is noted. The

applicants propose the retention of one tennis court as shown on Drawing 2004241-023-P1 and it is also suggested that alternate facilities at different locations would be available for use. On balance this temporary loss is considered to be acceptable subject to conditions to secure the dimensions of the remaining tennis court and to be able to demonstrate alternate temporary arrangements to mitigate for the loss of one court. There would be some impact to the cricket field, play equipment and recreational ground during construction however it is demonstrated how disturbance would be kept to a minimum.

- 6.33 **Unexploded Ordnance (UXO) Safety:** The application is accompanied by a Preliminary UXO Risk Assessment report which requires that all personnel conducting groundworks should be briefed on UXO Safety Awareness details of this could form part of the Construction Method Statement condition.
- 6.34 It is acknowledged that there would be unavoidable impacts as a result of the development. However, the applicant has submitted information to demonstrate that alternatives were considered, and this was the most appropriate solution. It is considered with the use of conditions the impact could be mitigated to the public.

Character and appearance and trees

- 6.35 Policy CS14 of the WBCS seeks development to demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. This includes developments giving consideration accessible environments, using the land efficiently and respecting the landscape. Policy CS19 of the WBCS seeks the conservation and enhancement of the landscape character where development should give a particular regard to the sensitivity of the area to change and ensure it is appropriate in terms of location, scale, and design in the context of the existing settlement form, pattern and character.
- 6.36 The application site is amenity grassland with trees and hedges located on all four boundaries of the site. A large hedge and a group of trees also divide Thatcham Memorial Playing Fields from the cricket ground. Within the existing playing fields there are existing footpaths crossing through the centre of the site. To the north there is a slight change in site levels and patches of hardstanding. A chain and link fence encloses the north-east corner of the playing fields and forms the dog walking area. Within the cricket ground there are ancillary buildings and sport equipment to support the cricket facilities.
- 6.37 It is recognised that the Playing Field and Cricket Ground do have a local valuable contribution to the character of the area by providing a green space within an urban area. The existing trees and hedges have a significant positive contribution to this green character.
- 6.38 The proposal includes changes in levels according to the Proposed Earthworks drawing (2004241-005) this will be approximately maximum of 0.4 metres above existing ground level for the embankment and approximately a maximum of 1.6 metre of excavation below the existing ground level for the drainage basin. Furthermore, there will be a removal of approximately 40 trees in the northern part of the site. The proposal will be a visible, engineered feature and a loss of the trees within the site are considered to impact on the character of the area and landscape.
- 6.39 The application is accompanied by a Landscape and Visual Appraisal and an Illustrative Landscape Masterplan. The report concludes that the proposed development would not have an adverse impact on the landscape, nor views to the clock tower as the key characteristic of the landscape (amenity grassland, trees on

boundaries and within site and filtered views of the clock tower) would remain unchanged. In part due to recommendations for proposed landscaping.

- 6.40 The Illustrative Landscape Masterplan does demonstrate the intention to mitigate the impact of the proposal by re-planting trees to be lost and to retain the majority of existing trees and hedges on the boundaries. The drainage basin and swale will be planted with grass which further softens the proposal. Furthermore, cross section drawings of the proposal show that most of the works are excavation rather than raising ground levels which would not significantly impact on long views across the site. It is considered that the impact to the character of the area would not be harmful.
- 6.41 The Cultural Heritage Desk Based Assessment advises that there would be no direct or indirect impact to designated heritage assets which is agreed with.
- 6.42 The cricket triple lane practice facility and proposed artificial wicket are not considered to be harmful to the character of the area as these would be in-keeping with the cricket facilities already within the ground.
- 6.43 An objection has been received from the Tree Officer due to the number of trees lost because of the development. The Arboricultural Report accompanying the application identifies the proposal will result in the loss of 11 'B' category trees, 23 'C' category trees and 6 'U' category trees. Some of the trees to be lost do have a notable landscape value. The Tree Officer advised with amendments to the design of the scheme the number of trees to be removed could be reduced. The agent did provide a response regarding the design choices. However, this has not resolved the Tree Officer objections. Extending the scheme to the south or making the basin deeper (to reduce footprint) were not pursued any further because it was advised in the agent's response to the Tree Officer this would affect the availability of the playing field that would further conflict with Policy CS18 of the WBCS.
- 6.44 The Tree Officer has advised should the application be recommended for approval they would recommend a condition for tree protection to be carried out in accordance with details submitted. It is also noted a landscaping scheme condition is suggested to ensure further details of the scheme submitted and approved. This would also be addressed by a Landscape and Ecological Management Plan condition.
- 6.45 The loss of trees would result in some harm to the character of the area due to their positive contribution. This would conflict with Policy CS14, CS18 and CS19 of the WBCS. However, it is recognised that the applicants were constrained by other factors that results in the loss of the trees.

Ecology

- 6.46 Policy CS14 of the WBCS recognises that good design includes providing, conserving, and enhancing biodiversity and opportunities for landscaping. Policy CS17 of the WBCS seeks the conservation and enhancement of biodiversity and seeks all new development to maximise opportunities to achieve biodiversity gains.
- 6.47 Natural England have advised that the potential impacts upon the River Kennet, Thatcham Reedbeds and Bowdon & Chamberhouse SSSIs could be mitigated through the implementation of Construction Environment Management Plan (CEMP). This would be secured by way of condition. It is noted their response also refers to Special Protection Areas (SPA) and SPA birds, it was clarified with the Council's Ecologist that due to the separation from the nearest SPA and that the preliminary ecological appraisal did not identify SPA birds that there would not be an impact to these.

- 6.48 The Council's Ecologist was satisfied with the Preliminary Ecological Appraisal and the BNG Metric demonstrating a 10.96% biodiversity increase. These comply with Policy CS17 securing protection and enhancement of biodiversity. They have deferred the loss of trees to the Tree Officer's comments.
- 6.49 Conditions have been recommended for a CEMP, securing ecological enhancements and protection of breeding birds during construction. It is considered that a Landscape and Ecological Management Plan condition would cover the requirements of the ecological enhancement condition requested by the Ecological Officer.
- 6.50 It is considered that using conditions the ecological impact would be in accordance with Policy CS17, and a demonstrable net gain in biodiversity will be achieved overall secured through a Landscape and Ecological Management Plan.

Mineral Safeguarding Area

- 6.51 Due to the nature of the development and location within a Minerals Safeguarding Area Policies 7 and 9 of the MWLP apply.
- 6.52 The Design and Access Statement and the Agent's Minerals and Waste response advise that material extracted to create the scheme would be reused on site. It is advised that this would be in accordance with Policy 9 as this would be incidental extraction. It is recommended a condition is applied for a layout scheme to be submitted to demonstrate maximising potential for incidental extraction where practically possible.
- 6.53 The Agent's Minerals and Waste Statement indicates that at the time of application no importation of material is proposed. However, the Design and Access Statement and Drawing 2004241-005 indicate the importation of material on site (from sites where material is currently stored) if it can't be sourced from the surplus material on site. It is therefore recommended a condition is applied for details on how incidental extraction is maximised and recording and reporting of the quantity of recovered to the Local Planning Authority. This is in accordance with Policy 9.
- 6.54 Policy 7 advises that land raising will normally be refused, which this scheme would involve. However, the supporting text advises that there may occasionally be situations where there are exceptional benefits to land raising that would override the resistance in the policy. The supporting text includes flood defences as one of these situations.
- 6.55 The Agent's Minerals and Waste response advises that land raising for the bunds is required around the southern perimeter to ensure that surface floodwater is directed and stays within the proposed basin until flood waters recede. The scheme would provide exceptional benefits in removing flood risk for 73 properties and reducing the frequency of flooding to 100 plus residential and commercial properties. The Minerals and Waste Officer was satisfied that an exceptional circumstance was demonstrated and therefore in accordance with Policy 7.

Other post construction impacts

- 6.56 **Neighbouring amenity:** Following the construction the scheme and the replacement cricket facilities there would not have significant impacts on the nearby residential properties in terms of daylight, sunlight, and overbearing impact. In terms of noise disturbance it is not considered there would be an increased noise impact with the cricket equipment being in close proximity to existing equipment. Representation letters raise concerns that the water contained within the basin would attract vermin, however the proposal is not intended to hold water for long periods of time.

- 6.57 **Highway Matters:** Following the completion of the drainage scheme due to the nature and location of the proposal there would not be a significant impact on highway safety in terms of vehicular traffic. It is recommended a condition is applied for details of the footpath this is recommended by the Highways Officer to ensure that the footpath surface is accessible to all.
- 6.58 **Economic impact:** During construction there may be some economic impact to businesses due to reduced foot traffic and space to host events. However, once completed the site would become fully accessible and the area to host the car boot sale and other events would be largely restored. It is therefore considered that there would not be harmful long-term economic impact to warrant refusal. Representations refer to compensation for businesses to be impacted by the flood alleviation scheme. However, this goes beyond the remit of the planning application and dealt with under separate legislation. During construction there would also be some positive economic impact through the employment of contractors.

Town Council representations

- 6.59 Thatcham Town Council are principally in support of the scheme, however have objected on technical grounds.
- 6.60 **Inadequate information on the impact during construction and remediation:** Some details have been given during the application in which the principle of the construction is agreed with by consultees. However detailed information will be dealt with under planning conditions to mitigate the impacts of construction. Regarding any compensation this is dealt separately to the application under different legislation. It is recommended that the Town Council contact the Environment Department with their concerns.
- 6.61 **Formal communication:** Please see paragraph 3.4.
- 6.62 **Footpath:** Please refer to paragraph 6.24 where it is recommended that details of the footpath are submitted and approved by the Local Planning Authority to address requests from the Highways Officer to make the path accessible.
- 6.63 **Enclosed Dog Exercise Area:** Please refer to paragraph 6.21 where it is recommended a condition is applied for the exact location and boundary treatments for the area are agreed with the Local Planning Authority.
- 6.64 **Sport Facilities:** It is acknowledged that the scheme will not propose providing similar facilities within the parish of Thatcham. However, the applicants have worked with Sport England and the Local Planning Authority to mitigate the impacts of the proposal on sport facilities.
- 6.65 **Trees:** It is noted two additional trees will be removed to accommodate the new cricket nets. It is acknowledged a request to replace these trees, this is recommended to be included in the LEMP condition. Furthermore, it is recommended that a condition is applied for tree protection details be submitted during construction of the 3 lane nets due to their proximity to trees some of which are proposed to be retained.

Other matters

- 6.66 **Oil pipeline:** Amended plans were received during the application to address the objection from Exolum Pipeline. These have been accepted and the applicant will be required to obtain a works consent from Exolum Pipeline before works can commence.

6.67 **Archaeology:** The Archaeology Officer does not consider the proposed scheme would result in significant archaeological disturbance and no further information is requested.

7. Planning Balance and Conclusion

7.1 The principle of a flood alleviation scheme within the settlement of Thatcham is acceptable and accords with the spatial strategy in Council's local plan.

7.2 The proposed scheme would deliver a substantial environmental, social, and economic benefit by providing protection from surface water flooding. It is identified in the supporting information it would prevent surface water flooding for 73 properties and reduce the frequency of flooding for 100 plus residential and commercial properties. It would form the final part of the Thatcham Surface Water Management Action Plan all acting in tandem to reduce surface water flooding in Thatcham. The scheme will also help to prevent overloading of the sewer system. It is considered that the scheme is strongly supported by the NPPF and Policies ADPP1, ADPP3 and CS16 of the WBCS. Substantial weight is given to this consideration and the public benefit.

7.3 However, the scheme is located within a playing field and cricket ground with no replacement of equal size and provision to be provided elsewhere which does conflict with Policy CS18 of the WBCS and the NPPF. However, the scheme seeks to minimise as far as possible the impact on green infrastructure including replacing cricket practice nets, replacing the enclosed dog walking area and restoring most of the land to its former use following completion of works. Sport England did remove their statutory objection considering that the work the applicant has done with other third parties to secure the future of Thatcham Town Cricket Club is in the spirit of the exemption within paragraph 103 of the NPPF. Whilst there is still the conflict with the policy the mitigation put forward does reduce the weight given to the conflict.

7.4 Furthermore, it has been demonstrated with further supporting statements and justification the reason why it is located within a playing field. It would cover properties not already benefitting from the other flood alleviation schemes and the location was based upon hydraulic modelling and cost benefit analysis. The applicants have taken steps to minimise the impact during the design stage (before submission of the application) by reducing the size of the scheme.

7.5 Objections have also been raised with the loss of trees. The trees do have an important benefit in terms of character of the area, to the green infrastructure, ecology and have a role in controlling surface water. The loss of the trees does result in harm and the Tree Officer has maintained an objection. However, a condition is recommended to be applied to mitigate the loss of the trees. It is noted in the Ecological Assessment that the trees would be compensated for, and the scheme would deliver an overall 10.96% biodiversity net gain. Whilst the loss of the trees is unfortunate, appropriate mitigation will be secured and overall ecological enhancement will result from the development.

7.6 It is acknowledged letters of representation have raised concerns with the impacts during construction and it is recognised that there would be some harm and disruption because of the construction. It is considered through the use of conditions the impact to highway safety, public safety, neighbouring amenity and ecology could all be mitigated to an acceptable level. Some impacts such as the loss of a tennis court and loss of north to south route through the site will be lost during the construction phase. However, this will be temporary, and both will be returned once construction is completed.

- 7.7 In the overall planning balance it is considered that the benefits of the proposed development – principally the reduction in flood risk to the local community – attract substantial weight in favour of granting planning permission. There are negative implications for existing green infrastructure, but appropriate mitigation will be secured by the planning permission, such that overall it is considered that the benefits of granting planning permission significantly and demonstrably outweigh the adverse effects. Therefore, the application is recommended for conditional approval.

8. Full Recommendation

- 8.1 To delegate to the Development Manager to GRANT PLANNING PERMISSION subject to the conditions listed below.

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:

- (i) Drawing 2004241-016 P2 (Site Location Plan) received on 22.12.2023;
- (ii) Drawing 2004241-001 C (General Arrangement) received on 22.12.2023;
- (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 2004241-014 A (Exolum Pipeline Protection Plan) received on 29.11.2023;
- (xiv) Drawing 2004241-015 P1 (Pedestrian Footbridge Detail) received on 22.09.2023;
- (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. **Construction: Approved Plans**

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. **Construction Environmental Management Plan**

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.

5. **Construction Method Statement**

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. Temporary Disabled Parking

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. Incidental Mineral Extraction (1)

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.

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. Incidental Mineral Extraction (2)

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. **Landscape and Ecological Management Plan (LEMP)**

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 (20026-2026).

10. **Soft Landscaping**

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 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. Protection of breeding birds during construction

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. Tree Protection Scheme

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. Temporary Tennis Courts

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.

14. Tree Protection for Three Lane Practice Nets

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. Replacement Cricket Equipment

Within six months of the construction site set-up commencing the cricket nets and non-turf wicket (as shown on Drawings 2004241-024-PA 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. Enclosed Dog Walking Facility

Within three months of the completion of the hereby approved development an enclosed dog walking area shall be provided in accordance with details that are first agreed with 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 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.

17. Children's Play Area

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. Tennis Court Reinstatement

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.

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. **Recreational Ground Reinstatement**
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. **Footpath Provision**
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).

Informatives

1. **Proactive**
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.
2. **Pre-conditions**
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.
3. **Compliance with approved drawings**
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.
4. **Exolum Pipeline Works Consent**
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>.

5. **Health and safety**

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.

6. **Control of Pollution Act 1974**

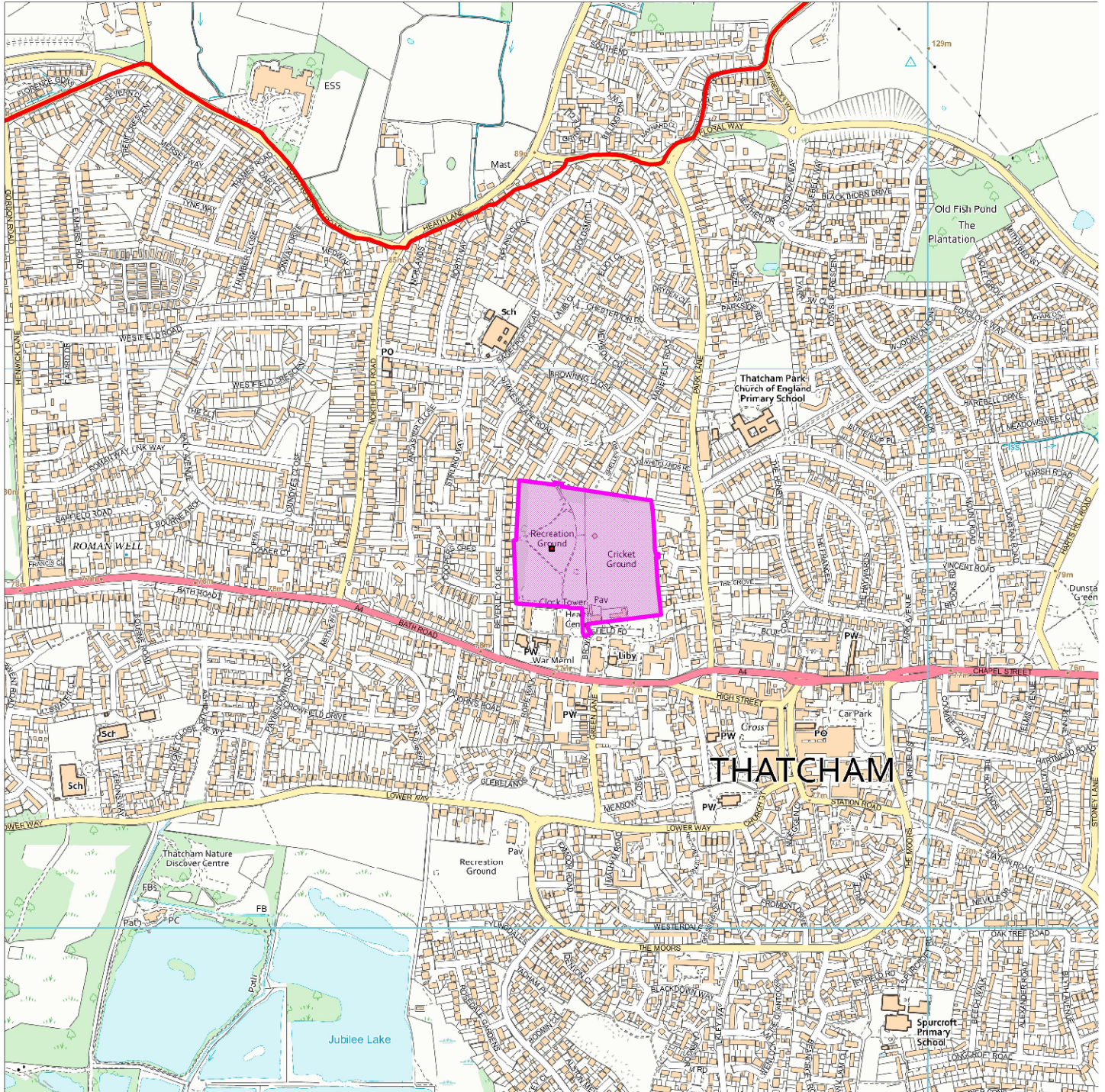
Your attention is drawn to Section 61 of the Control of Pollution Act 1974, which allows developers and their building contractors to apply for 'prior consent' for noise generating activities during building works. This proactive approach involves assessment of construction working methods to be used 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.

7. **Construction noise**

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>.

8. **Environment Agency Permit Works**

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-an-environmental-permit>. Alternatively the applicant can call the Environment Agency at: 03708 506 506.



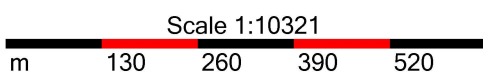
Map Centre Coordinates :

Scale : 1:10321

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Organisation	West Berkshire Council
Department	
Comments	
Date	22 February 2024
SLA Number	0100024151



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