

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 9 APRIL 2025

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

Also Present: Paul Goddard (Highways Development Control Team Leader), Gemma Kirk (Senior Planning Officer), Gordon Oliver (Clerk), Thomas Radbourne (Zoom Host), Kate Thomas, (Legal Advisor), Simon Till (Team Manager – Development Manager)

PART I

1. Minutes

The Minutes of the meeting held on 5 March 2025 were approved as a true and correct record and signed by the Chairman.

2. Declarations of Interest

There were no declarations of interest received.

3. Schedule of Planning Applications

(1) 24/02658/FULMAJ Thatcham

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 24/02658/FULMAJ Thatcham in respect of Section 73: Vary conditions 2 (approved plans), 9 (landscape and ecological management plan), 10 (soft landscaping) and 20 (footpath) of permission 21/02137/FULMAJ: flood alleviation scheme and new three lane non-turf cricket practice net and non-turf pitch, Thatcham Memorial Playing Fields, Thatcham
2. Gemma Kirk introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Development Manager be authorised to grant planning permission subject to the conditions outlined in the main and update reports.
3. In accordance with the Council's Constitution, Mr Simon Pike Town Council representative, Ms Vicky Caws and Ms Lyndsey Hadley, objectors, Mr Nathan Gregory, supporter, Gareth Hardwick, agent, addressed the Committee on this application.

Parish/Town Council Representation

4. Mr Pike addressed the Committee. This representation can be viewed on the recording: [Eastern Area Planning Committee – Recording](#)

Member Questions to the Parish/Town Council

5. Members asked questions of clarification and were given the following responses:

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- Condition 20 had been modified in the update report, which addressed the concerns about the free movement of residents. The Town Council would be satisfied if Condition 20 were adopted.
- The Town Council proposed an additional condition to ensure access from all current entrances to the site.

Objector Representation

6. Ms Caws and Ms Hadley addressed the Committee. This representation can be viewed on the recording: [Eastern Area Planning Committee – Recording](#)

Member Questions to the Objector

7. Members asked questions of clarification and were given the following responses:

- Planning permission for car boot sales on the site required measures to keep the site accessible.
- The objectors were not aware of any issues regarding health and safety on the site, including with the other flood defences. Similar flood defences on Agricola Way and Harts Hill Road had public areas next to them and did not have fences surrounding the flood defences.
- Various accesses to the site had been altered or blocked. The access on the west of the site from Beverley Close had been blocked due to another ongoing issue not related to the flood defences. The access to the south of the site had been bricked up, which prevented people with restricted mobility from entering the site. However, this should be improved with the new path that would be built. No connectivity between western access and northern access, which would prevent access for those with restricted mobility in the winter months when the ground was saturated with water. However, a path had been on the original plans but had since been removed.

Supporter Representation

8. Mr Gregory addressed the Committee. This representation can be viewed on the recording: [Eastern Area Planning Committee - Recording](#)

Member Questions to the Supporter

9. Members did not have any questions of clarification.

Applicant/Agent Representation

10. Mr Hardwick addressed the Committee. This representation can be viewed on the recording: [Eastern Area Planning Committee - Recording](#)

Member Questions to the Applicant/Agent

11. Members asked questions of clarification and were given the following responses:

- Around the top of the basin of the flood defences, there would be a maintenance track which allowed for the passage of maintenance vehicles. The track would have a grillage under the surface to allow grass to grow through, and it would allow walkers to access the site from the north as the maintenance road connected to the path network to the rest of the site.
- The path had been connected to the access from Beverley Close, and if the fence were to be taken down, it would allow access from Beverley Close.
- The path would be constructed with Netpave, and would enable the traversal of wheeled vehicles, including electric scooters.

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- The works to vary the footpath surface and direction had been carried out before the planning application as a matter of expedience to prevent suspending work and bringing back the main contractor at a later date and at significant expense.
- There would be nothing preventing the public from walking on the access road at the north of the site.
- The paths on the site would be constructed from Breedon Gravel and would not cause undue restrictions to the public.
- No trees were taken down because of the path relocation, the trees were taken down by the Trust which had a separate liaison with the West Berkshire Council Tree Officer. The path relocation then took advantage of the tree removal to provide a more direct route.

Ward Member Representation

12. Councillor Jeremy Cottam addressed the Committee. This representation can be viewed on the recording: [Eastern Area Planning Committee – Recording](#)

Member Questions to the Ward Member

13. Members did not have any questions of clarification.

Member Questions to Officers

14. Members asked questions of clarification and were given the following responses:

- Officers strongly supported unfettered access for pedestrians across the site and noted that while access had been closed during construction their hope is all routes would be reopened again. Officers clarified that there were no public rights of way across the site, therefore the Council did not have any jurisdiction, but the plans indicated that the routes would be reestablished.
- Officers stated that the gate would be kept open at all times and locked in that position until such time as there was an event where it needed to be closed. There was a condition applied that the gates would be kept open unless an event or safety/maintenance issue required the gate to be temporarily closed.
- Officers clarified that because it was private land, and the paths were private land, the landowner had total control, and the Council did not have any jurisdiction over them.
- Officers noted that normally a large open space that was open to the public would be a public open space, which would be subject to a planning permission, and could be under management, therefore there would be conditions of that planning permission related to the management of the open space. A public open space could have Council ownership and management. However, the site in question was a private public open space and while there may be access requirements on the owner that formed part of the deeds and covenants related to the land, in planning terms the owner was entitled to exercise their rights over that bit of land in the manner that they choose to do so, be it to exercise permitted development rights in the form of erecting fences, wall, and other means of enclosure, or to otherwise obstruct entrance and egress from the site, these would not be planning matters.

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- Officers clarified that the planning permission could not impinge on matters that formed part of the land ownership of the site and the status of the site as a private bit of land, and the rights of the owner were not the same as would usually exist over a public piece of land that was in the Council's ownership or subject to a planning permission with requirements for access and permeability to be retained.
- Officers stated that the landowner had the right to erect a fence and such means of enclosure as they chose over their land and would include a fence and would include a gate, and would include an uncontrolled use of that gate.
- Officers considered the condition to be such as to meet the requirements for permeability because in the Officers view that condition was as far as they could reasonably go to secure that the gate remained open.
- Officers stated that the basketball net and goalposts were removed as part of the construction of the flood alleviation scheme. For the original permission, officers did not request any conditions relating to the basketball court or the goalposts, and it was not in the scope of the current application to add conditions requiring reinstatement of the basketball area and the goalposts.
- Officers advised that seeking the installation of a basketball net and goalposts would be introducing a new element to the original scheme beyond the scope of the Section 73 application. Officers advised that West Berkshire Council was supervising implementation of this planning permission and was within their gift to restore the goalposts and basketball court and the Committee could apply an informative to that effect.
- Officers noted that the agent on behalf of the developer stated that their view was that the footpath link where the vehicular surface had been provided was suitable to be use by all members of the public. Officers believed that the grasscrete surface was suitable for wheeled vehicles on the evidence given by the agent, however, they could not comment on whether it would be accessible by other members of the public such as those using walking sticks.
- Officers clarified that the application for the flood alleviation scheme had formed part of the approved plans, and was a West Berkshire Council supervised project, it would be transferred to the Council when the site was complete, and the Council had its own set of statutory requirements in terms of ensuring accessibility for members of the public to open space that was under Council control. Officers stated that if the surface proved problematic in future, then it could be considered for replacement, however, as it formed part of the previous approval there was little that could be done to alter it now.

Debate

15. Councillor Richard Somner opened the debate. He noted that a number of valid points had been raised and considered that many of them had been addressed. He did not believe that there was anything outstanding that could not be addressed, either by the Service Director or the current Portfolio Holder. He considered the reasons for the fencing and the gates to be logical and perfectly adequate land management solutions, which could have been put in at any time. The Trust had applied access restrictions within legislation to prevent permanent rights of way from being created. Councillor Somner commended the Trust for their management of the land. He supported the work that had taken place and commended the sterling work of Officers

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to get funding for flood alleviation schemes, which would keep the people of Thatcham safe. He noted the issues highlighted, such as the chain link fence being obtrusive, however a more solid option would be more obtrusive. He noted the complex ownership on the site and understood any landowner wanting to take whatever action they could to make sure that they mitigated the risks in relation to their land. Councillor Somner considered the condition for the gates to remain locked in the open position to be a good solution. He acknowledged that while Grasscrete was good for motor vehicle access, it was not always suitable for walking, but it was more environmentally friendly than removing the grass completely. Councillor Somner supported the Officer's recommendation for approval.

16. Councillor Jeremy Cottam agreed with Councillor Somner's statements regarding the flooding in 2007 and accepted that there would be costs on the community to prevent flooding. However, he felt that it was important to mitigate the inconvenience that was being imposed on local residents and to look after their interests. Councillor Cottam noted that the Committee was restricted regarding what it could ask for, and stated that Officers had applied as much as they could to the planning permission. Councillor Cottam stated that within the remit of the Memorial Hall Board was to respect the deeds and covenants of the original purpose which was public open space. He accepted that the Board had the right to control access to the site, but that the purpose of the field should be respected and regarded and its use continued in the same way that it had previously. Councillor Cottam stated that he was comfortable that any problems with the northern access to the site could be mitigated.
17. Councillor Ross Mackinnon noted the concerns made by the objectors, however, he supported the statements made by Councillor Somner and Councillor Cottam and thanked Officers for their clear explanations and clarification in response to the legitimate concerns that had been raised. Councillor Mackinnon supported the Officer's recommendation for approval.
18. Councillor Jeremy Cottam proposed to accept Officer's recommendation and grant planning permission subject to the conditions listed in the main report amended conditions in the update report and an informative regarding goalposts and basketball provision. This was seconded by Councillor Richard Somner.
19. The Chairman invited Members of the Committee to vote on the proposal by Councillor Jeremy Cottam, seconded by Councillor Richard Somner to grant planning permission. At the vote the motion was carried.

RESOLVED that the Development Manager be authorised to grant planning permission subject to the conditions in the main report, update report and the following informative:

8. The applicant is encouraged to enter into discussions with landowners to provide a basketball court and football equipment within the application site to replace those lost within Thatcham Memorial Playing Fields.

(The meeting commenced at 6.30 pm and closed at 7.45 pm)

CHAIRMAN

Date of Signature