

# 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, 1 JUNE 2022

**Councillors Present:** Graham Pask (Chairman), Alan Macro (Vice-Chairman), Alan Law, Tony Linden, Geoff Mayes, Richard Somner, Keith Woodhams and Andrew Williamson (Substitute) (In place of Ross Mackinnon)

**Officers Present:** Sharon Armour, Tom Dunn, Gareth Dowding, Emma Nutchey, Sadie Owen, Mehdi Rezaie, Ben Ryan, Sarah Weaver

**Apologies for inability to attend the meeting:** Councillor Jeremy Cottam and Councillor Ross Mackinnon

#### 3. Minutes

The Minutes of the meetings held on 10 May and 11 May 2022 were approved as true and correct records and signed by the Chairman.

Councillor Alan Law commended the comprehensive minutes of 11 May 2022.

#### 4. Declarations of Interest

Councillor Graham Pask declared an interest in Agenda Item 4(1) as he knew two of the objectors, but reported that, as his interest was a personal or 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 Richard Somner declared an interest in Agenda Items 4(2), 4(3) and 4(4) as Portfolio Holder for Planning, Transport and Countryside but reported that, as his interest was a personal or 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 Keith Woodhams declared an interest in Agenda Item 4(2), as an adjacent Ward Member to Bowling Green Road, but reported that, as his interest was a personal or other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

#### 5. Schedule of Planning Applications

##### (1) Application No. & Parish: 22/00193/FUL, St Andrews School, Bradfield

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 22/00193/FUL in respect of an application seeking planning permission for the installation of containerised biomass boiler systems at St Andrews School.

Ms Sarah Weaver, Senior Planning Officer, introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations.

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In accordance with the Council's Constitution, Dr Anthony Haden-Taylor and Ms Maggie Culling, objectors, and Mr Stuart Reid, Mr Ed Graham and Ms Penny Franklin, applicant/agent, addressed the Committee on this application.

### **Objector Representation**

Dr Anthony Haden-Taylor and Ms Maggie Culling in addressing the Committee raised the following points:

- Ms Culling noted that she was the owner of Cullinghood Equestrian Centre and Herons Farm, and had no objection to the school having a biomass boiler system, however objected to its proposed siting 150 metres from her home and garden. Ms Culling feared that pollution and fumes would affect her garden, bed and breakfast accommodation business, and horses.
- Ms Culling noted that her business attracted livery owners, visitors and wedding guests, many of whom were elderly and with health issues. During summer months many of them would be in the garden.
- Ms Culling had spoken to XL Planning, who stated that the site of the biomass boiler would be safe as the fumes would be carried over uninhabited farmland. Ms Culling disputed this and suggested that the fumes would travel in a south-westerly direction, over Cullinghood Equestrian Centre and Herons Farm.
- Ms Culling called on the Committee to obtain a full risk assessment of the proposed development from St Andrews School and the manufacturer concerning the effects of the particles and fumes.
- Ms Culling additionally noted concern over the impact of the potential noise from the burner on her horses. Despite the manufacturer suggesting that the boiler was quiet, Ms Culling requested that a risk assessment for its effect on horses be undertaken, given that horses were flighty animals and prone to being alarmed by unusual noises.
- Ms Culling further expressed concern over the effect of the heat on lime trees, which she understood would kill them within five years, and the potential to kill wild birds.
- Dr Haden-Taylor noted that the exhaust gases from the chimney would range in temperature from 750°C to 850 °C. The height of the chimney would send the fumes directly into the canopy of the lime trees. Dr Haden-Taylor noted that there were 68 of them, and they had been there since the 1880s. Dr Haden-Taylor suggested that the intensity of heat would, without doubt, damage and kill the trees.
- Dr Haden-Taylor suggested that the boiler be relocated to the far east of the property, 380 metres away, and the exhaust would blow over empty farmland. This would not detract from the efficiency of the plant, but would protect those to the north-west.
- Dr Haden-Taylor additionally noticed that those with COPD, bronchial issues, and asthma would be adversely effected.

### **Member Questions to the Objector**

Councillor Tony Linden queried what COPD was and Dr Haden-Taylor explained that it was chronic obstructive pulmonary disease, a lung condition which prevented absorption of oxygen by the blood. Dr Haden-Taylor commented that anybody with asthma or COPD would be adversely effected by the fumes.

Councillor Alan Law asked Ms Culling how she would respond to the West Berkshire Environmental Health response, which stated that the proposal would have minimal effect on air quality and would be exempt from the Clean Air Act. He suggested that this would satisfy the request for a risk assessment. Ms Culling responded that she had not

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read the report, but that she knew that the particles were carcinogenic, and would impact her health.

Councillor Law responded that he understood the concerns but that he had to follow the experts and officers. Ms Culling asked for a risk assessment to provide assurance that no fumes would enter her property and adversely effect her health.

### **Applicant/Agent Representation**

Mr Stuart Reid, Mr Ed Graham and Ms Penny Franklin in addressing the Committee raised the following points:

- Mr Graham and Ms Franklin were present as the applicants, St Andrews School. Mr Reid represented AMP Clean Energy on behalf of the applicants.
- Mr Graham noted that the school had a sustainability plan to reduce its carbon emissions. Currently, the school used oil and liquid petroleum gas (LPG), to provide heat and hot water for its larger buildings. The proposal being considered was to reduce reliance on fossil fuels by installing renewable energy in the form of a biomass boiler system, which would replace the use of oil and significantly reduce the use of LPG.
- The effect of the proposed development's installation would be to reduce the school's carbon emissions from heating by 151 tonnes per year. In addition, there would be a net reduction of traffic to the school site by around 40 lorries per year, as there would be no deliveries of oil, further reducing carbon emissions.
- Mr Graham stated that students would be encouraged to use the biomass boiler and wood pellets in their science lessons and sustainability projects, giving them a real-life insight into carbon reduction technologies.
- Mr Graham commented that he understood concerns that had been raised by neighbours and residents, and would be inviting them to visit the site once it was built.
- Mr Reid stated that he had been working in the field of biomass heating for 15 years, and had been involved in over 400 projects of a similar size and scale, 45 of which were in schools.
- Mr Reid stated that he hoped that the application and ensuing correspondence had resolved concerns that had been raised, and added that they were taken seriously. Mr Reid stated that it was his view that the planning officers had taken the issues into consideration and that he was willing to answer any further technical questions.
- Mr Reid noted that it was important to understand the distinction between a wood-burning stove, which burnt logs of varying fuel quality and moisture content, and wood pellet boilers. Wood pellet boilers controlled emissions, and were Clean Air Act exempt meaning that there was no visible smoke, and emissions had to comply with a legislative standard to meet the Renewable Heat Incentive (RHI), criteria.
- Mr Reid commented that the heat of emissions was closer to 120°C, rather than 850°C, and the gasses would circulate within the boiler to increase the combustion efficiency.
- Mr Reid stated that it was his view that re-locating the proposed development would add additional cost, and would impact the ease by which hot water would be pumped around the school.

### **Member Questions to the Applicant/Agent**

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Councillor Linden queried whether the applicant had measured the level of emissions and whether the results were publically available. Mr Reid responded that an emissions certificate was issued in relation to each individual biomass boiler, which would be publically available.

Councillor Law asked why the proposed development was planned to be situated where it was, considering the objectors' suggestion of an area 300 metres to the east. Mr Reid responded that cost was the main consideration, as there would be an underground network of pipes connecting the heating system. The further the pipes would have to travel to the boilers, the more it would cost to build and pump the water. In addition, the water would be less hot on reaching the boiler, requiring more energy to heat. It was Mr Reid's view that a boiler situated further away would be unviable.

Councillor Alan Macro queried how the number of HGV movements would be reduced compared to using oil when wood pellets would still need to be delivered. Mr Reid responded that oil was topped up regularly and often, up to weekly, whereas wood pellets would be delivered on a less regular schedule and stored in a silo.

Councillor Macro asked whether reassurances could be given on the noise aspect of the development. Mr Reid responded that there would be minimal noise within the boundary area, and that similar developments were regularly built on farmland, adjacent to animals and houses. Mr Reid was unaware of any case where the sound of a biomass boiler had frightened a horse.

Councillor Geoff Mayes asked whether the pipes shown in the diagram would be insulated. Mr Reid responded that they would be pre-insulated plastic pipe, with minimal heat loss.

Councillor Mayes asked whether they would be carrying heated water. Mr Reid responded that they would be.

Councillor Mayes queried how maintaining water heat was a problem with moving the development, citing the size of the building and insulated piping. Mr Reid responded that the site chosen was the most practical.

Councillor Mayes asked whether the wood pellets would be stored in a single container. Mr Reid responded that they would. Councillor Mayes asked how it was filled and how often. Mr Reid responded that it was blown in, and would typically be near-empty when refilled. Mr Reid suggested that a single lorry load would contain approximately 16 tons of wood pellets.

Councillor Graham Pask asked what the temperature of the exhaust at the top of the chimney was, and whether studies had been undertaken into the effects of constant heat on the trees nearby. Mr Reid responded that specific studies had not been conducted in relation to the current development, but had been looked at before. Mr Reid suggested that the majority of heat from the combustion was recycled, and the gases exiting were at the lowest possible temperature before condensation. Mr Reid stated that this temperature was not any different from other combustion boilers used at this scale.

### **Ward Member Representation**

1. Councillor Ross Mackinnon was unable to attend the meeting.

### **Member Questions to Officers**

Councillor Law asked how Conditions 4 and 5, relating to HGV movements and plant noise, would be monitored. Ms Weaver responded that the conditions were reasonable and enforceable according to National Planning Policy Framework (NPPF), guidelines,

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and had been assessed and reviewed. They could be amended to specify that monitoring be undertaken via an annual report.

Councillor Law queried who such a report would be addressed to. Ms Weaver responded that it would be referred to the Environmental Health Officer of the Council.

### **Debate**

Councillor Law opened the debate by stating that there were three main objections to the application, notably air pollution, noise, and excessive HGV movements. The Committee had heard from Mr Ed Graham that HGV movements would be reduced by the change from oil to wood pellets by around 40 each year. The noise and pollution would be managed by conditions. Therefore, each of the objections had been adequately addressed, and Councillor Law moved that Officer's recommendations be approved and planning permission be granted, with amendments to the conditions to specify annual reports for HGV movements and noise.

Councillor Andrew Williamson seconded the proposal, stating that it was a positive step forward, in line with the Council's strategy on environmental impact and climate emergency.

Councillor Mayes proposed to add to the condition that the number of HGV movements be logged as part of the annual report. Ms Weaver responded that she did not believe that it could be added to the condition but that she had taken advice from Paul Goddard that the number of HGV movements would definitely be reduced. Councillor Williamson commented that the evidence was that oil was delivered like a milk round on a regular basis, whereas the wood pellets were being delivered as full loads.

Ms Weaver clarified that she had received advice that the amendments to the conditions did not pass the NPPF tests as they were not relevant to planning. Councillor Law disagreed, and noted that the requirement for annual reports had been added to previous applications.

Mr Mehdi Rezaie, the Interim Development Control Manager, noted the provisions under the Town and Country Planning Act, specifically the legal powers in relation to conditions, which stated that conditions must be necessary, relevant to planning, relevant for the development to be permitted, enforceable, precise and reasonable. The conditions related to the Environmental Health Act 1990, which were not under planning. However, Environmental Health or Public Protection might report breaches in the existing planning conditions. Councillor Law asked who would monitor the conditions without an annual report. Mr Rezaie responded that the Committee should consider the application before them, noting that there was no objection from Environmental Health. Councillor Law withdrew the proposal to accept the Officer's recommendation.

Councillor Linden proposed to accept the Officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report. This was seconded by Councillor Macro.

The Chairman invited Members of the Committee to vote on the proposal by Councillor Linden, seconded by Councillor Macro, to grant planning permission. At the vote the motion was carried.

**RESOLVED that:** the Service Director for Development and Regulation be authorised to grant planning permission subject to the following conditions:

### **Conditions**

#### **1. Commencement of development**

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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:

Location Plan. Drawing number SA101/B.

Block Plan. Drawing number SA102/A.

Floor Plan and Roof Plan. Drawing number SA103/A.

South East and North West Elevations. Drawing number SA104/A.

North East and South West Elevations. Drawing number SA105/A.

Trench Details For Underground Pipeline. Drawing Number SA106/A.

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

### **3. Materials**

The materials to be used in the development hereby permitted shall be as specified on the plans and/or the application forms. 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 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), and Supplementary Planning Document Quality Design (June 2006).

### **4. Servicing and maintenance**

The hereby approved containerised biomass boiler systems shall be operated in accordance with the submitted documents of this application predominately the Biomass Boiler Information Form V DN (004) Final. The units shall be regularly serviced and maintained to ensure efficient mechanical function.

Reason: To protect the occupants of nearby residential properties from noise and exhausts. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), and Policies OVS.5 and OVS.6 of the West Berkshire Local Plan 1991-2006 (Saved Policies 2007).

### **5. Plant noise**

All plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise therefrom does not exceed at any time a level of 5dB[A] below the existing background noise level, or 10dB[A] if there is a particular tonal quality when measured in accordance with BS4142:2014 at a point one metre external to the nearest residential or noise sensitive property

Reason: To protect the occupants of nearby residential properties from noise. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), and Policies OVS.5 and OVS.6 of the West Berkshire Local Plan 1991-2006 (Saved Policies 2007).

### **6. Construction Time Restrictions**

No construction or associated deliveries of the development hereby permitted shall take place during arrival and departure times for the school during term time, unless in accordance with a construction method statement (CMS) that has first been

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submitted to and approved in writing by the Local Planning Authority. Such a CMS shall include:

- (a) A site set-up plan during the works;
- (a) Parking of vehicles of site operatives and visitors;
- (b) Loading and unloading of plant and materials;
- (c) Storage of plant and materials used in constructing the development;
- (d) Erection and maintenance of security hoarding including any decorative displays and/or facilities for public viewing;
- (e) Temporary access arrangements to the site, and any temporary hard-standing;
- (f) Wheel washing facilities;
- (g) Measures to control dust, dirt, noise, vibrations, odours, surface water run-off, and pests/vermin during construction;
- h) A scheme for recycling/disposing of waste resulting from demolition and construction works;
- (i) Hours of construction and demolition work;
- (j) Hours of deliveries and preferred haulage routes;

Reason: To safeguard the amenity of school users and 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.

### **7. Arboricultural Method Statement**

No development or other operations shall commence on site until an Arboricultural Method Statement (AMS) has been submitted to and approved in writing by the Local Planning Authority. The AMS shall include details of:

- (a) The implementation, supervision and monitoring of all temporary tree and ground protection; and
- (b) The implementation, supervision and monitoring of any special construction works within any defined tree protection area.

Thereafter the development shall not be undertaken except in accordance with the approved AMS.

Reason: To ensure the retention and protection of trees identified at the site in accordance with the NPPF and Policies ADPP1, ADPP5, CS14, CS17, 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.

### **Informatives**

Proactive actions of the LPA

The Local Planning Authority (LPA) has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application. In particular, the LPA:

- (b) Provided the applicant with a case officer as a single point of contact.
- (c) Alerted the applicant to issues that were raised during the consideration of the application.

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- (d) Accepted amended plans to address issues arising during the consideration of the application.
- (e) Agreed an extension of time before determining the application to enable negotiations with the applicant.
- (f) Entered into /negotiations in order to find a solution to problems with the proposed development, rather than refusing planning permission without negotiation.

### **(2) Application No. & Parish: 21/03154/COMIND, Bowling Green Lane, Cold Ash**

The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 21/03154/COMIND in respect of land north of Bowing Green Road, Thatcham.

Ms Emma Nutchey, Principal Planning Officer, introduced the report to Members.

In accordance with the Council's Constitution, Councillor Pete Murray, Cold Ash Parish Council representative, Mr Alastair Lees, objector, Mr Brian Woodham and Mr Keith Hoddinott, supporters, and Mr Brian Cafferkey, agent, addressed the Committee on this application.

#### **Parish Council Representation**

Councillor Pete Murray, representing Cold Ash Parish Council, raised the following points:

- Councillor Murray expressed his support of the application but voiced concern at the access road near Heath Lane.
- Councillor Murray reported that he had contacted the Tree Officer in relation to imposing Tree Preservation Orders (TPOs) at the site, but had not received any response.

#### **Member Questions to the Parish Council**

Members did not have any questions.

#### **Objector Representation**

Mr Alastair Lees in addressing the Committee raised the following points:

- Mr Lees commented that he was not objecting to the scheme per se, but requested that certain conditions be included:
  - 1) Mr Lees commented that the oak trees at the site were particularly old and was concerned that the number of vehicles accessing the site would damage the tree branches. As such he requested inclusion of a pruning plan.
  - 2) A 'no soil dumping zone' was requested within 15 metres of the stream. Further it was requested that the soil not be disposed of in such a way that might damage the oak trees. He further suggested that the development be delayed until reports had been undertaken in relation to the hydrology and ecology of the soil.
  - 3) Mr Lees requested that the culvert be kept clear at all times.

#### **Member Questions to the Objector**

Councillor Geoff Mayes queried whether the oak trees were within the boundary of the proposed site. Mr Lees responded that they crossed the boundary and so would need some further investigation.

#### **Supporter Representation**

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Mr Brian Woodham and Mr Keith Hoddinott of the Thatcham Flood Forum addressed the Committee with the following points:

- Mr Woodham commented that the scheme would be wholly funded, owned and maintained by the Council. He stated that it was intended as a strategic defence and to protect the residents of Thatcham, not to facilitate any new developments.
- Mr Woodham highlighted that over £200,000 had been raised in grants to assist with the scheme.
- Mr Woodham asserted that the scheme would protect 960 homes, but was time dependent and so had to commence in September 2022 as any delay could compromise funding.

### **Member Questions to the Supporter**

Members did not have any questions.

### **Agent Representation**

Mr Brian Cafferkey in addressing the Committee raised the following points:

- Mr Cafferkey explained that the proposed site was situated at a sufficient distance so as not to damage the oak trees. Trial pits had been excavated which had not found any significant tree roots.
- Mr Cafferkey commented that the intention was to utilise all displaced soil, in order to have a carbon net impact
- Mr Cafferkey suggested that Mr Lees and the arboriculturalist meet to discuss raising the height of the tree canopies in order to allow for easy access and to avoid any damage to the trees.

### **Member Questions to the Agent**

Members did not have any questions.

### **Member Questions to Officers**

In response to Councillor Law's query as to whether any of the conditions protected the oak trees, Ms Nutchey commented that Condition 4 would ensure the root protection and Condition 6 required arboriculturalist site supervision. It was reported that the Tree Officer would also look at the feasibility of issuing TPOs.

Councillor Law acknowledged the impact of Conditions 4, 5 and 6 but queried why the trees could not be protected by TPO. Ms Nutchey responded that the matter had been raised and was currently being investigated. It was clarified that it would not be possible to include a condition to require TPOs, but that an informative could be added to the application.

Councillor Williamson requested assurance that the existing culverts would be maintained and kept clear. Ms Nutchey responded that the culverts would be monitored and managed by the Council and that requirement was included within the Conditions.

### **Debate**

Councillor Law commented that there was no need for debate as it was a well-researched and supported application. He requested that an informative be added to the application to require investigation of TPOs at the site as an urgent priority for the Tree Officer. This was seconded by Councillor Williamson.

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The Chairman invited Members of the Committee to vote on the proposal by Councillor Law, seconded by Councillor Williamson to grant planning permission. At the vote the motion was carried.

**RESOLVED** that the Service Director for Development and Regulation be authorised to grant planning permission subject to the following conditions:

### **Conditions**

#### **1. Commencement of development**

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

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

#### **2. Approved plans**

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

Bowling green Road Basin Red Line Boundary 2005290-002F

Proposed Earthworks Cut and Fill Volumes 2005290-007

Flood Alleviation Access Road Construction Details 2005290-017

Bund and Swale Construction Details Sheet 1 of 2 2005290-018

Bund and Swale Construction Details Sheet 2 of 2 2005290-019

Flow Control Structure Details 2005290-012A

General Arrangement 2005290-001E

Flood Alleviation Access Road General Arrangement 2005290-015A

Trial Pit Location Plan 2005290-004B

Landscape Proposals 01-09A/2021-22/WB/LAEPLA-Rev.B

Tree Removal Plan 2005290-14A

Existing Utilities Plan 2005290-005B

Grass Cutter Swept Path Analysis 2005290-023A

Proposed Access Road Swept Path Analysis 2005290-020B

Fire Tender Swept Path Analysis 2005290-022A

Soil Spreading Strategy 2005290-200A

Design & Access Statement Rev A by Ardent

Thatcham Flood Defence by Cotswold Archaeology August 2021

Arboricultural Implications Report by SJA Trees Nov 2021

Arboricultural Implications Report Addendum by SJA Trees Dec 2021

Flood Risk Assessment by Ardent December 2021

Geotechnical Interpretative report by Geo-Environmental November 2021

Landscape Appraisal, proposed Landscape Scheme, Planting Details and Landscape management and Maintenance Plan by Liz Allen, Nov 2021

Soil Spreading Statement ref: D-SM/2005290/N&E

Soil Spreading Strategy 2005290-200B

Ecology Assessment by Derek Finnie Associates, November 2021

Soil Spreading Receptor Areas BNG, Excel spreadsheet

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

#### **3. Landscaping**

All landscape works shall be completed in accordance with the submitted plans, reference drawing numbers 01-09A/2021-22/WB/LAEPLA – Rev B dated 23/11/2021.

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The approved landscaping plan shall be implemented within the first planting season following completion of development.

Any trees, shrubs or hedges planted in accordance with the approved scheme which are removed, die, or become diseased within five years from completion of this development shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

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.

#### **4. Tree Protection in accordance with submitted scheme**

All Tree Protective Fencing shall be erected in accordance with the submitted plans, reference drawing numbers SJA TPP 21537-042b dated Dec 2021 (in the SJA Trees Addendum Report).

The protective fencing shall be implemented and retained intact for the duration of the development.

Within the fenced areas, there shall be no excavations, storage of materials or 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.

#### **5. Tree protection for spoil disposal**

No spoil shall be deposited on the land identified for soil spreading north of the Bowling Green Road site 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 any spoil deposition 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 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.

#### **6. Arboricultural site supervision**

The Arboricultural Method Statement by SJA Trees dated Nov 2021, together with the later Addendum dated Dec 2021 and plan SJA TPP 21537-042b dated Dec 2021 (in the SJA Trees Addendum Report) submitted in support of the application shall be adhered to in full, subject to the pre-arranged tree protection monitoring and site supervision, detailed in the report, by a suitably qualified tree specialist. This shall

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also apply to works in the smaller (0.048 ha) SE part of the site, east of the Hotel and alongside Bowling Green Road, as necessary and also to the land to the north where spoil is to be deposited.

Reason: Required prior to the commencement of development in order that the Local Planning Authority may be satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved details pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with the objectives of the NPPF and Policies ADPP1, CS14, CS17, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

### **7. Archaeology**

No development shall take place within the application area until the applicant has secured the implementation of a programme of archaeological supervision (watching brief) which has been submitted to and approved in writing by the Local Planning Authority. This requires archaeologists to be present to monitor earth moving from the start and for the depth of disturbance to be factored into the specification. Thereafter the development shall be undertaken in accordance with the approved statement.

Reason: To ensure that any significant archaeological remains that are found are adequately recorded. Such an approach follows the guidance set out in paragraph 205 of the National Planning Policy Framework.

### **8. Construction method statement**

No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The statement shall provide for:

- (a) The parking of vehicles of site operatives and visitors
- (b) Loading and unloading of plant and materials
- (c) Storage of plant and materials used in constructing the development
- (d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing
- (e) Wheel washing facilities
- (f) Measures to control the emission of dust and dirt during construction
- (g) A scheme for recycling/disposing of waste resulting from demolition and construction works
- (h) A site set-up plan during the works

Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007)

### **9. Visibility splays before development**

No development shall take place until visibility splays of 2.4 metres by 43 metres have been provided at the access. The visibility splays shall, thereafter, be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level.

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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).

### **10. Hours of work condition**

No construction works shall take place outside the following hours, unless otherwise agreed in writing by the Local Planning Authority:

7:30am to 6:00pm Mondays to Fridays;

No work shall be carried out at any time on Saturdays, Sundays or Bank Holidays.

Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS14 of the West Berkshire Core Strategy 2006-2026.

### **11. 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) 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).

(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: A pre-commencement condition is required because the CEMP will need to be adhered to throughout construction. The condition is needed 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.

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

No development shall take place until 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) Description and evaluation of features to be managed.

(b) Ecological trends and constraints on site that might influence management.

(c) Aims and objectives of management.

(d) Appropriate management options for achieving aims and objectives.

(e) Prescriptions for management actions.

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- (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 plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

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

Reason: A pre-commencement condition is required because the LEMP may need to be implemented during construction. The condition is needed to ensure the biodiversity enhancements are maintained and managed to deliver long term benefits. This condition is applied in accordance with the National Planning Policy Framework and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

### **Informatives**

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. The local planning authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area.

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](http://www.westberks.gov.uk/cil).

As an urgent priority the need for a Tree Protection Order on the Oak trees along the western boundary of the site needs to be investigated.

### **(3) Application No. & Parish: 21/03135/COMIND, West Heath Lane, Cold Ash**

The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 21/03135/COMIND in respect of an application to build flood defences on the land west of Heath Lane, Thatcham.

Ms Emma Nutchey presented the report and highlighted the key points.

In accordance with the Council's Constitution, Councillor Pete Murray, Cold Ash Parish Council representative, Mr Brian Woodham and Mr Keith Hoddinott, supporters, and Mr Brian Cafferkey, agent, addressed the Committee on this application.

### **Objector Representation**

Cold Ash Parish Councillor Pete Murray made the following comments in relation to the application:

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- Councillor Murray commented that he supported the flood management scheme, however raised concerns over the access road off Heath Lane. Councillor Murray suggested that the access road appeared to be creating a significant junction on the road. He commented that the width of the road seemed excessive given that it was intended to just be an access road.
- Councillor Murray commented that a parishioner had also expressed concern over the size of the road suggesting that its size and potential extension might lead to future residential development on the site.
- Concluding, Councillor Murray commented that whilst he supported the application, he wanted the Council to reduce the size and scale of the access road.

### **Member Questions to the Objector**

Members had no questions for Councillor Murray.

### **Supporter Representation**

Mr Woodham was invited to speak, but commented that he had nothing further to add to his previous statements.

### **Agent Representation**

Mr Cafferkey was invited to speak and made the following comment:

- Mr Cafferkey stated that there was no suggestion of any development on the site and that the access road would be used purely for maintenance by agricultural vehicles.

### **Member Questions to the Agent**

Councillor Mayes queried how much water run off the basins had been designed for. Mr Cafferkey replied that the basins had been designed with a 100 years' worth of climate change in mind.

Councillor Pask queried whether the road markings at the junction were required. In response, Mr Gareth Dowding commented that the markings were required to comply with highway standards.

Councillor Linden queried whether the width of the road was correct. Mr Dowding commented that the road would require the passage of large agricultural vehicles and consequently was the correct width to fulfil that required function. Mr Dowding continued by stating that in regards to any potential housing development, the road would require substantial changes to that being proposed, for example, the addition of pathways.

### **Member Questions to Officers**

There were no questions for officers.

### **Debate**

Councillor Linden proposed that the Officer recommendation to grant planning permission be approved and this was seconded by Councillor Macro. At the vote the motion was carried unanimously.

**RESOLVED that:** authority be delegated to the Service Director of Development and Regulation to grant planning permission subject to the following planning conditions:

### **Conditions**

#### **1. Commencement of development**

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

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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:

Heath Lane Basin Red Line Boundary 2005290-102F

Proposed Earthworks Cut and Fill Volumes 2005290-107

Flood Alleviation Access Road General Arrangement 2005290-115

Bund and Swale Construction Details Sheet 1 of 2 2005290-118

Bund and Swale Construction Details Sheet 2 of 2 2005290-119

Flow Control Structure Details Sheet 1 of 2 2005290-112

Flow Control Structure Details Sheet 2 of 2 2005290-121

Flood Alleviation Access Road General Arrangement 2005290-115B

Flood Alleviation Access Road Construction Details 2005290-117

Landscape Proposals 01-09B/2021-22/WB/LAEPLA-Rev.B

Constraints Plan 2005290-104A

Existing Utilities Plan 2005290-105B

General Arrangement 2005290-101D

Constraints Plan 2005290-104B

Grass Cutter Swept Path Analysis 2005290-125A

Proposed Access Road Swept Path Analysis 2005290-120C

Fire Tender Swept Path Analysis 2005290-124A

Soil Spreading Strategy 2005290-200A

Design & Access Statement by Ardent Nov 2021

Thatcham Flood Defence Scheme (North) Thatcham by Cotswold Archaeology August 2021

Arboricultural Implications Report by SJA Trees Nov 2021

Flood Risk Assessment by Ardent December 2021

Geotechnical Interpretative report by Geo-Environmental November 2021

Landscape Appraisal, proposed Landscape Scheme, Planting Details and Landscape management and Maintenance Plan by Liz Allen, Nov 2021

Soil Spreading Statement ref: D-SM/2005290/N&E

Soil Spreading Strategy 2005290-200B

Ecology Assessment by Derek Finnie Associates, November 2021

Soil Spreading Receptor Areas BNG, Excel spreadsheet

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

### **3. Landscaping**

All landscape works shall be completed in accordance with the submitted plans, reference drawing numbers 01-09B/2021-22/WB/LAEPLA – Rev B dated 24/11/2021.

The approved landscaping plan shall be implemented within the first planting season following completion of development.

Any trees, shrubs or hedges planted in accordance with the approved scheme which are removed, die, or become diseased within five years from completion of this development shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

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

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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.

### **4. Tree Protection in accordance with submitted scheme**

All Tree Protective Fencing shall be erected in accordance with the submitted plans, reference drawing numbers SJA TPP 21537-041 dated Nov 2021 by SJA Trees.

The protective fencing shall be implemented and retained intact for the duration of the development.

Within the fenced areas, there shall be no excavations, storage of materials or 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.

### **5. Tree protection for spoil disposal**

No spoil shall be deposited on the land identified for soil spreading north of the Bowling Green Road site 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 any spoil deposition 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 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.

### **6. Arboricultural site supervision**

The Arboricultural Method Statement by SJA Trees dated Nov 2021, and plan SJA TPP 21537-041 dated Nov 2021 (within that report) submitted in support of the application shall be adhered to in full, subject to the pre-arranged tree protection monitoring and site supervision, detailed in the report, by a suitably qualified tree specialist. This shall also apply to works on land to the north of the Bowling Green Road site where spoil is to be deposited.

Reason: Required prior to the commencement of development in order that the Local Planning Authority may be satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved details pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with the objectives of the NPPF and Policies

### **7. Archaeology**

No development shall take place within the application area until the applicant has secured the implementation of a programme of archaeological supervision (watching

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brief) which has been submitted to and approved in writing by the Local Planning Authority. This requires archaeologists to be present to monitor earth moving from the start and for the depth of disturbance to be factored into the specification. Thereafter the development shall be undertaken in accordance with the approved statement.

Reason: To ensure that any significant archaeological remains that are found are adequately recorded. Such an approach follows the guidance set out in paragraph 205 of the National Planning Policy Framework.

### **8. Construction method statement**

No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The statement shall provide for:

- (a) The parking of vehicles of site operatives and visitors
- (b) Loading and unloading of plant and materials
- (c) Storage of plant and materials used in constructing the development
- (d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing
- (e) Wheel washing facilities
- (f) Measures to control the emission of dust and dirt during construction
- (g) A scheme for recycling/disposing of waste resulting from demolition and construction works
- (h) A site set-up plan during the works

Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007)

### **9. Visibility splays before development**

No development shall take place until visibility splays of 2.4 metres by 43 metres have been provided at the access. The visibility splays shall, thereafter, be kept free of all obstructions to visibility above a height of 0.6 metres above 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).

### **10. Hours of work condition**

No construction works shall take place outside the following hours, unless otherwise agreed in writing by the Local Planning Authority:

7:30am to 6:00pm Mondays to Fridays;

No work shall be carried out at any time on Saturdays, Sundays or Bank Holidays.

Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS14 of the West Berkshire Core Strategy 2006-2026.

### **11. 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

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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).
- (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: A pre-commencement condition is required because the CEMP will need to be adhered to throughout construction. The condition is needed 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.

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

No development shall take place until 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) Description and evaluation of features to be managed.
- (b) Ecological trends and constraints on site that might influence management.
- (c) Aims and objectives of 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 plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

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

Reason: A pre-commencement condition is required because the LEMP may need to be implemented during construction. The condition is needed to ensure the biodiversity enhancements are maintained and managed to deliver long term benefits. This condition is applied in accordance with the National Planning Policy Framework and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

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### **Informatives**

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. The local planning authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area.

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](http://www.westberks.gov.uk/cil).

### **(4) Application No. & Parish: 21/03079/COMIND, Floral Way, Thatcham**

The Committee considered a report (Agenda Item 4(4)), concerning Planning Application 21/03709/COMIND in respect of an application to build flood defences on the land at the junction of Floral Way, Thatcham.

Ms Emma Nutchey presented the report and highlighted the key points.

In accordance with the Council's Constitution, Mr Richard Asher (on behalf of J G Janaway & Son), objector, Mr Brian Woodham and Keith Hoddinott, supporters, and Mr Brian Cafferkey, agent, addressed the Committee on this application.

### **Objector Representation**

Mr Richard Asher, representing the landowner of the site, made the following comments:

- Mr Asher commented that whilst he recognised the need for flood prevention he did not feel that the design of the basin had been optimised, for example by including the Thames Water flood lagoon at the edge of Floral Way. Mr Asher suggested that no attempt had been made to contact Thames Water about this. Mr Asher stated that this could lead to more use of his client's land than necessary.
- Mr Asher suggested that the surroundings to the lagoon would attract dog walkers and that dogs could escape and encroach onto his client's land scaring livestock and destroying wildlife.
- Mr Asher requested that the Council redesign the flood defences, to take consideration of dog walkers, and defer the decision until a formal discussion with Thames Water had occurred over the site.

### **Member Questions for the Objector**

Members did not have any questions.

### **Supporter Representation**

Mr Brian Woodham raised the following points:

- Mr Woodham commented that the lagoon to the west of the site was built for a separate reason to proposed flood defences, and to integrate two completely different engineering structures would compromise the safety of both. The application proposed was to protect Thatcham town from surface water run-off.

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- Mr Woodham suggested that to delay the application in order to consult with Thames Water would impact the development and might potentially result in missing out on vital funding.

### **Member Questions for the Supporter**

Councillor Law queried the purpose of the existing Thames Water flood lagoon. Mr Woodham replied that the existing basin's primary function was to deal with residential housing and sewage and not surface water runoff. Mr Woodham also noted that it had been in existence since 2007 and had no effect in protecting Thatcham from flooding.

### **Agent Representation**

Mr Cafferkey addressed the committee with the following comments:

- Mr Cafferkey explained that the Thames Water lagoon served an existing residential development and was designed for a 30 year event. The proposal under discussion was designed for a 100 year event and as a flood prevention scheme. Mr Cafferkey commented that residential schemes would never be integrated with a flood prevention scheme. Further it was clarified that the flood prevention scheme would cover the whole catchment area, whereas the Thames Water lagoon had been designed for one specific residential development.

### **Member Questions for the Agent**

Councillor Mayes asked for confirmation that the new drainage on the eastern side of the tree line, flowed down into the blue basin at the bottom corner of the site and then migrated to the green basin.

Mr Cafferkey clarified that the water would be intercepted by the blue ditch on the east of the tree line to the basin, from there it would then flow out of basin, through the pipe which connected to the existing ditch, then into the Thames Water culvert. Consequently the outfall would be into the Thames Water sewer rather than the basin. Mr Cafferkey suggested that the culvert needed clearing.

Councillor Linden commented that Stuart Clark had agreed to have the culvert cleared.

### **Member Questions to Officers**

Councillor Williamson queried Mr Asher's assertion that consultation with Thames Water had not occurred when the agenda papers suggested that it had occurred. Ms Nutchey clarified that Thames Water had not been consulted from a planning perspective, however the applicant had made contact with Thames Water and other stakeholders as detailed in the agenda paragraph 6.5.

Councillor Macro queried whether members of the public would have access to the site, as the area would need to be enclosed if this was the case. Ms Nutchey commented there were no plans for a public right of way in the area but if the owner wanted to let someone onto the land it would be up to them; however, there was no evidence that this was going to change.

Mr Gareth Dowding queried whether a visibility condition had been added to the planning application. Ms Nutchey commented that there was currently no visibility condition associated with the application. Mr Dowding commented that the road was a 40mph zone, which meant there was a requirement for good visibility, and consequently requested that a visibility condition be added to the application.

Councillor Mayes suggested that officers review the reports to ensure no duplication or errors, as there appeared to be a substantial amount of copying and pasting between the

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application documents. Ms Nutchey confirmed that the reports had been reviewed and checked and asked what the specific concerns were so they could be addressed. In response Councillor Mayes did not highlight any particular issues.

Councillor Law requested clarification in relation to the Local Plan, commenting that Seeds Croft Farm had already been highlighted as a potential site for residential development. Councillor Law queried how close the site was to the proposed development area.

Ms Nutchey clarified that the land referred to was a piece of land identified as North East Thatcham. It was suggested that the layout for that site was in its early stages, with nothing formally agreed.

### **Debate**

Councillor Richard Somner proposed that comments relating to Thames Water were not relevant and proposed that with the additional inclusion of the visibility condition the Committee accept the officer's recommendations.

Councillor Macro agreed with Councillor Somner but also proposed agreement to the additional condition as set out in the Updated Report document.

This was seconded by Councillor Williamson.

Councillor Mayes commented that taking spoil from one site to the other could cause issues with the standards of the roads especially if it was wet during excavation. Ms Nutchey responded that there was a condition (Number 8), known as the Construction Method Statement, which required details to be submitted, prior to works about wheel washing facilities.

Councillor Pask commented that it was not guaranteed that soil would be taken to the Bowling Green sites, but would only be deposited there if needed.

The Chairman invited Members of the Committee to vote on the proposal by Councillor Macro, seconded by Councillor Williamson, to grant planning permission. At the vote the motion was carried.

**RESOLVED that:** authority be delegated to the Service Director of Development and Regulation 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:

Location Plan 2005300-002F

Bund and Swale Construction Details sheet 1 of 2 2005300-018

Bund and Swale Construction Details sheet 2 of 2 2005300-019

Flood Alleviation Access Road Construction Details 2005300-017

Outflow Control Structure Details

Proposed Earthworks Cut and Fill Volumes 2005300-007

Access Road General Arrangement 2005300-015A

Existing Utilities Plan 2005300-005B

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Constraints Plan 2005300-004B  
Tree and Hedge Removal Plan 2005300-014  
Landscape Proposals 01-9C/2021-22/WB/LAEPLA Rev.A  
Site Wide General Arrangement 2005300-001D  
Proposed Access Road Swept Path Analysis 20052300-021B  
Fire Tender Swept Path Analysis 2005300-022A  
Soil Spreading Strategy 2005290-200B  
Soil Spreading Statement ref: DF-SM/2005290/N&E  
Design & Access Statement by Ardent, Nov 2021  
Landscape Appraisal, proposed landscape Scheme, Planting Details and Landscape management and Maintenance Plan by Liz Allen, Nov 2021  
Arboricultural Implications Report by SJA Trees, November 2021  
Heritage Desk-Based Assessment by Cotswold Archaeology, September 2021  
Flood Risk Assessment by Ardent, December 2021  
Geotechnical Interpretative report by Geo-Environmental, Nov 2021  
Ecology Assessment by Derek Finnie Associates, November 2021  
Soil Spreading Receptor Areas BNG, Excel spreadsheet

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

### **3. Landscaping**

All landscape works shall be completed in accordance with the submitted plans, reference drawing numbers 01-09C/2021-22/WB/LAEPLA – Rev A dated 25/11/2021. The approved landscaping plan shall be implemented within the first planting season following completion of development.

Any trees, shrubs or hedges planted in accordance with the approved scheme which are removed, die, or become diseased within five years from completion of this development shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

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.

### **4. Tree protection in accordance with submitted scheme**

All Tree Protective Fencing shall be erected in accordance with the submitted plans, reference drawing numbers SJA TPP 21537-044 dated Nov 2021 by SJA Trees.

The protective fencing shall be implemented and retained intact for the duration of the development.

Within the fenced areas, there shall be no excavations, storage of materials or 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.

### **5. Tree Protection for spoil disposal**

No spoil shall be deposited on the land identified for soil spreading north of the Bowling Green Road site 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

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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 any spoil deposition 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 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.

### **6. Arboricultural site supervision**

The Arboricultural Method Statement by SJA Trees dated Nov 2021, and plan SJA TPP 21537-044 dated Nov 2021 (within that report) submitted in support of the application shall be adhered to in full, subject to the pre-arranged tree protection monitoring and site supervision, detailed in the report, by a suitably qualified tree specialist. This shall also apply to the tree protection measures required prior to the deposition of any spoil on the land to the North of Bowling Green Road.

Reason: Required prior to the commencement of development in order that the Local Planning Authority may be satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved details pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with the objectives of the NPPF and Policies ADPP1, CS14, CS17, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

### **7. Archaeology**

No development shall take place within the application area until the applicant has secured the implementation of a programme of archaeological supervision (watching brief) which has been submitted to and approved in writing by the Local Planning Authority. This requires archaeologists to be present to monitor earth moving from the start and for the depth of disturbance to be factored into the specification. Thereafter the development shall be undertaken in accordance with the approved statement.

Reason: To ensure that any significant archaeological remains that are found are adequately recorded. Such an approach follows the guidance set out in paragraph 205 of the National Planning Policy Framework.

### **8. Construction method statement**

No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The statement shall provide for:

- (a) The parking of vehicles of site operatives and visitors
- (b) Loading and unloading of plant and materials
- (c) Storage of plant and materials used in constructing the development
- (d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing
- (e) Wheel washing facilities
- (f) Measures to control the emission of dust and dirt during construction
- (g) A scheme for recycling/disposing of waste resulting from demolition and construction works
- (h) A site set-up plan during the works

## **EASTERN AREA PLANNING COMMITTEE - 1 JUNE 2022 - MINUTES**

Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007)

### **9. 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) 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).
- (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: A pre-commencement condition is required because the CEMP will need to be adhered to throughout construction. The condition is needed 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.

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

No development shall take place until 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) Description and evaluation of features to be managed.
- (b) Ecological trends and constraints on site that might influence management.
- (c) Aims and objectives of 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 plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

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

**EASTERN AREA PLANNING COMMITTEE - 1 JUNE 2022 - MINUTES**

Reason: A pre-commencement condition is required because the LEMP may need to be implemented during construction. The condition is needed to ensure the biodiversity enhancements are maintained and managed to deliver long term benefits. This condition is applied in accordance with the National Planning Policy Framework and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

**11. Visibility Splays**

No development shall take place until visibility splays of 2.4 metres by 73 metres have been provided at the access. The visibility splays shall, thereafter, be kept free of all obstructions to visibility above a height of 0.6 metres above 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).

**Informatives**

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. The local planning authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area.

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](http://www.westberks.gov.uk/cil).

*(The meeting commenced at 6.30 pm and closed at 9.00 pm)*

**CHAIRMAN** .....

**Date of Signature** .....