

WESTERN AREA PLANNING COMMITTEE

21 FEBRUARY 2024

UPDATE REPORT

Item No: (1)

Application No: 23/00397/OUTMAJ

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Site: Covered Reservoir, Bath Road, Speen, Newbury

1. Registered Speakers

Please refer to List of Speakers provided under separate cover.

2. Additional Consultation Responses

Highway Authority comments

Since the publication of the committee report, a consultation response has been submitted by the Council's Highways Officer. The full response may be viewed with the application documents on the Council's website, using the application reference. A summary of the Highways Officer's consultation comments is outlined below:

- Pleased that the applicants are working with us (Highways) regarding the access onto the A4 and the potential accommodation of a cycle route.
- Instead of the approved access with the turn right lane being provided onto the A4 Bath Road, Highways are seeking that a financial contribution is provided for West Berkshire Council to provide works fronting the site on the A4 to accommodate a footway / cycleway along the southern side of the A4. This would then form a continuous route for pedestrians and cyclists from Stockcross into Newbury. Should any duration occur between the development commencing and the West Berkshire Council programming the works, it could be suggested that a temporary access be provided to serve the development. Should this be finalised between the Local highway Authority and the applicant, it is assuming that a further planning application would be required.

The conditions recommended by the Highways Officer are already attached to the list of conditions recommended within the committee report, these conditions are shown below:

- Electric Vehicle Charging Point (Condition 9)
- Cycle parking/storage (Condition 34)
- Parking/turning (Condition 54)

Ecology Officer comments

Since the publication of the committee report, a consultation response has been submitted by the Council's Ecology Officer. The full response may be viewed with the application documents

on the Council's website, using the application reference. A summary of the Ecology Officer's consultation comments is outlined below:

Applications 22/01235/RESMAJ and 23/00397/OUTMAJ

- Both applications are informed and supported by the same suite of ecological surveys and reports – except that no updated Preliminary Ecological Appraisal (PEA) could be found that covers the site with full approval for the development of 11 residential units in the southeast corner of the site.
- The last field surveys undertaken in connection with the application were in February 2022. This survey findings are therefore on the cusp of becoming outdated and unreliable for the purposes of assessing ecological impacts and therefore an updated PEA based on updated field surveys is also required for these applications as a condition for both sites approved under the hybrid application.
- A significant concern for both applications is that the ecological surveys undertaken for protected species were mostly undertaken in 2016 and are therefore no longer reliable for the purposes of assessing and avoiding and mitigating impacts. The most recent field surveys undertaken in February 2022 described the habitats on site as being largely unchanged since the 2016 surveys.
- It is noted that with the exception of reptiles, no evidence of other protected species was found in the 2016 surveys.
- Many of the habitats and features previously identified as being of importance or potential importance for protected species are proposed to be retained within the submitted plans.
- For these reasons, it is advised that it is possible to make the updated protected species surveys a condition on planning approval should permission be granted. These updated surveys should include surveys for:
 - a) Badger.
 - b) Hazel dormouse.
 - c) Bats (preliminary roost assessment of trees and further surveys if the trees are assessed as having moderate to high potential for roosting bats and the trees will be impacted by the proposed development either during construction or operational phases); and
 - d) Breeding birds.
- No further surveys are required for great crested newts since recent surveys were carried out in April 2023 and concluded that there was no evidence of breeding in suitable waterbodies within 500metres of the application site.
- No further surveys are required for reptiles since a detailed precautionary methodology for the protection of the reptile population on site has been submitted and which can be made a condition of any planning approval.
- A Construction Environmental Management Plan (CEMP) has been submitted to fulfil Condition 24 of hybrid planning permission 17/02092/OUTMAJ. Overall the CEMP requires a number of amendments. These will need to also be informed by the further surveys required under the other Biodiversity conditions including the requirement for updated ecological surveys. The Council must receive and approve the revised CEMP prior to construction (including site clearance) commencing because it is required to inform the process of site clearance.
- Pro Vision Ecology has produced a Biodiversity Enhancement Plan (BEP) to fulfil Condition 28 of hybrid planning permission 17/02092/OUTMAJ. The plan outlines species-specific measures for enhancement of the site at Speen. This includes the installation of bat and bird boxes within the new dwellings; enhancement of existing

grassland and hedgerow habitat; and creation of new wet grassland areas within the new attenuation basins. The BEP needs to be updated to reflect the updated layout plans submitted in 2024.

- An updated Landscape and Habitat Management Plan (LHMP) dated January 2024 has been submitted with the most recent revisions to the submitted plans. The original LHMP was submitted to fulfil Condition 30 of hybrid planning permission 17/02092/OUTMAJ. This plan provides details of the habitats to be retained, created, and enhanced and the methods which will be used to deliver the habitat enhancement outlined in the BEP. The LHMP as currently submitted cannot be relied upon to successfully deliver the intended habitat creation and management and therefore must be substantially revised and amended. A condition is advised.
- There are no details of proposed methods for ensuring that artificial lighting of the new development will not adversely affect the current foraging and commuting patterns of the five species of bat found to be using the site during the bat activity surveys undertaken in 2016. Updated bat activity surveys should inform the lighting strategy, a condition is recommended.

Following the consultation comments from the Council's Ecologist, condition 24 recommended in the committee report is amended as follows:

Construction Environmental Management Plan (CEMP)

Irrespective of any details submitted with the application, no development hereby permitted 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) a risk assessment of potentially damaging construction activities
- (b) Identification of biodiversity protection zones
- (c) Practical measures to avoid and reduce impacts during construction with special consideration on the protection of SSSI/SACs within the locality.
- (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 of the ecological clerk of works or similarly competent person
- (i) Any temporary lighting that will be used during construction
- (k) measures to ensure no altered hydrogeology will occur within the site or locality during construction
- (l) External lighting
- (m) The implementation of these measures prior to the commencement of development.
- (n) Use of protective fences, exclusion barriers and warning signs.

The development shall not be constructed otherwise than in accordance with the approved CEMP.

Reason: To ensure the conservation and enhancement of the biodiversity assets of the site, including the protection of species and habitats. A pre-condition is required because insufficient information accompanies the application following the amendment to the layout. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

Condition 28 recommended in the committee report is amended as follows:

Biodiversity enhancements Plan

Irrespective of any details submitted with the application, no development shall commence on each phase until details of a scheme for the protection and enhancement of biodiversity (Biodiversity Enhancement Plan), including bat and bird boxes, use of native species in landscaping and incorporation of features beneficial to wildlife wherever possible within and around the perimeter of the site, together with details of the timing/phasing of the respective elements forming the scheme and proposed management arrangements, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be maintained in their approved condition for the lifetime of the development.

Reason: To achieve net gains in biodiversity, and to mitigate the impact on bat species. A pre-condition is required because insufficient details accompany the application. This condition is applied in accordance with the National Planning Policy Framework and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

Condition 30 recommended in the committee report is amended as follows:

Landscape and Habitat Management Plan

Irrespective of any details submitted with the application, no development hereby permitted shall take place until a Landscape and Habitat Management Plan for the site for a minimum period of 10 years has been submitted to and approved in writing by the Local Planning Authority. The plan shall ensure that appropriate mitigation measures and management regimes are in place for the site and associated green infrastructure. The plan shall include long term design objectives, management responsibilities and maintenance schedules. The plan shall include any areas of existing landscaping including woodlands and also include any areas of proposed landscaping other than areas of private domestic gardens.

The content of the Landscape and Habitat Management Plan shall include the following.

- a) Description and evaluation of features to be created, restored and managed;
- b) Ecological trends and constraints on site that might influence management decisions;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions, together with a plan of management compartments;
- 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 organisation responsible for implementation of the plan;
- h) Monitoring measures to demonstrate that the aims and objectives of management are being achieved including:

- Identification of adequate baseline conditions prior to the start of development;
- Methods for data gathering and analysis;
- Location of monitoring and timing and frequency of monitoring;
- Responsible persons and lines of communication.

i) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.

The Landscape and Habitat Management Plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the Landscape and Habitat Management Plan 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.

No dwelling hereby permitted shall be first occupied until the approved plan has been implemented and thereafter adhered to for the lifetime of the plan.

Reason: To ensure that appropriate mitigation measures and management regimes are in place for the site and associated green infrastructure post-development including the long-term management of existing and proposed landscaping in accordance with the recommendations of the submitted ecological report. A pre-condition is required because insufficient information accompanies the application. This condition is applied in accordance with the National Planning Policy Framework and Policies CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026

Condition 39 recommended in the committee report is amended as follows:

Ecological mitigation and management measures review and ecology survey updates

Irrespective of any details submitted with the application, no development shall commence (including site clearance), until details of a review of the ecology survey updates, mitigation and management measures have been submitted to and approved in writing by the Local Planning Authority. The updated surveys shall inform the Construction Environmental Management Plan and Biodiversity Enhancement Plan secured by other conditions. The review shall be informed by further ecological surveys commissioned to:

(i) establish if there have been any changes in the presence and/or abundance and/or distribution of:

- (a) Habitats;
- (b) Badgers;
- (c) Bats;
- (d) Hazel dormouse;
- (e) Breeding birds.

(ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the approved ecological mitigation and management measures will be revised and new or amended measures and a timetable for their implementation, will be submitted to and approved in writing by the Local Planning

Authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: To ensure the conservation and enhancement of the biodiversity assets of the site, including the protection of species and habitats. A pre-condition is required because insufficient information accompanies the application. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

The rest of the conditions recommended by the Ecology Officer are already attached to the list of conditions recommended within the committee report:

- External Lighting (condition 27)
- Protected Species Licence (condition 40)

Speen Parish Council comments

Since the publication of the committee report, a consultation response has been submitted by the Speen Parish Council.

- No further objections to those already previously raised by Speen Parish Council.

No additional representations have been received.

Following the submission of consultation comments from the Highways and Ecology Officers and discussions with the applicant, the travel plan and site levels have been removed from the approved plan and will be addressed by condition 10 and condition 5 respectively.

Condition 49 (Approved plans) recommended in the committee report is amended as follows:

Approved plans

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

Received 18 September 2023:

- Proposed Bath Road access - 07733/SK/002 rev E
- Amended Drawing No: 0766-S73-1- 102 Revision A – Planning Layout
- Amended Drawing No: 0766-S73-1-HTB Issue 4 – House Type Booklet
- Amended Drawing No: 0766-S73-1-103 Revision A – Street Scenes
- Amended Drawing No: 0766-S73-1-109 Revision A – Garages

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

3. Additional Information

During the committee site visit, queries were raised by Members and residents. The queries raised during the committee site visit are addressed under the committee update report on application 22/01235/RESMAJ.

Bath Road Access

Concerns were raised by Members and residents with regard to highway safety at the Bath Road access. Officers advised all resent that the Bath Road access was a matter already approved at outline stage.

4. Updated Recommendation

The recommendation remains for approval as set out in the agenda committee report, subject to the amended conditions in the committee update report.