

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

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

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

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

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

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

Committee Site Visit: 28th February 2024

Contact Officer Details

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

1. Introduction

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

2. Planning History

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

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

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

3. Legal and Procedural Matters

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

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

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

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

4. Consultation

Statutory and non-statutory consultation

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

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

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

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

Public representations

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

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

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

5. Planning Policy

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

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

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

- National Planning Policy Framework (NPPF)

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

6. Appraisal

6.1 The main issues for consideration in this application are:

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

Principle of development

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

Flood risk and drainage

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

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

Green infrastructure and sport facilities

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

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

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

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

Construction impacts

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

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

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

Character and appearance and trees

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

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

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

Ecology

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

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

Mineral Safeguarding Area

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

Other post construction impacts

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

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

Town Council representations

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

Other matters

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

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

7. Planning Balance and Conclusion

- 7.1 The principle of a flood alleviation scheme within the settlement of Thatcham is acceptable and accords with the spatial strategy in Council's local plan.
- 7.2 The proposed scheme would deliver a substantial environmental, social, and economic benefit by providing protection from surface water flooding. It is identified in the supporting information it would prevent surface water flooding for 73 properties and reduce the frequency of flooding for 100 plus residential and commercial properties. It would form the final part of the Thatcham Surface Water Management Action Plan all acting in tandem to reduce surface water flooding in Thatcham. The scheme will also help to prevent overloading of the sewer system. It is considered that the scheme is strongly supported by the NPPF and Policies ADPP1, ADPP3 and CS16 of the WBCS. Substantial weight is given to this consideration and the public benefit.
- 7.3 However, the scheme is located within a playing field and cricket ground with no replacement of equal size and provision to be provided elsewhere which does conflict with Policy CS18 of the WBCS and the NPPF. However, the scheme seeks to minimise as far as possible the impact on green infrastructure including replacing cricket practice nets, replacing the enclosed dog walking area and restoring most of the land to its former use following completion of works. Sport England did remove their statutory objection considering that the work the applicant has done with other third parties to secure the future of Thatcham Town Cricket Club is in the spirit of the exemption within paragraph 103 of the NPPF. Whilst there is still the conflict with the policy the mitigation put forward does reduce the weight given to the conflict.
- 7.4 Furthermore, it has been demonstrated with further supporting statements and justification the reason why it is located within a playing field. It would cover properties not already benefitting from the other flood alleviation schemes and the location was based upon hydraulic modelling and cost benefit analysis. The applicants have taken steps to minimise the impact during the design stage (before submission of the application) by reducing the size of the scheme.
- 7.5 Objections have also been raised with the loss of trees. The trees do have an important benefit in terms of character of the area, to the green infrastructure, ecology and have a role in controlling surface water. The loss of the trees does result in harm and the Tree Officer has maintained an objection. However, a condition is recommended to be applied to mitigate the loss of the trees. It is noted in the Ecological Assessment that the trees would be compensated for, and the scheme would deliver an overall 10.96% biodiversity net gain. Whilst the loss of the trees is unfortunate, appropriate mitigation will be secured and overall ecological enhancement will result from the development.
- 7.6 It is acknowledged letters of representation have raised concerns with the impacts during construction and it is recognised that there would be some harm and disruption because of the construction. It is considered through the use of conditions the impact to highway safety, public safety, neighbouring amenity and ecology could all be mitigated to an acceptable level. Some impacts such as the loss of a tennis court and loss of north to south route through the site will be lost during the construction phase. However, this will be temporary, and both will be returned once construction is completed.

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

8. Full Recommendation

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

Conditions

1. **Commencement of development**

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

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

2. **Approved plans**

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

- (i) Drawing 2004241-016 P2 (Site Location Plan) received on 22.12.2023;
- (ii) Drawing 2004241-001 C (General Arrangement) received on 22.12.2023;
- (iii) Drawing 2004241-002 P2 (Red line Boundary) received on 22.12.2023;
- (iv) Drawing 2004241-005 (Proposed Earthworks: Cut and Fill Volumes) received on 18.09.2023;
- (v) Drawing 2004241-006 A (Tree Removal Plan) received on 18.09.2023;
- (vi) Drawing 2004241-007 (Site Cross Sections Sheet 1 of 2) received on 18.09.2023;
- (vii) Drawing 2004241-008 (Site Cross Sections Sheet 2 of 2) received on 18.09.2023;
- (viii) Drawing 2004241-009 (Bund and Swale: Construction Details Sheet 1 of 4) received on 18.09.2023;
- (ix) Drawing 2004241-010 (Bund and Swale: Construction Details Sheet 2 of 4) received on 18.09.2023;
- (x) Drawing 2004241-011 (Bund and Swale: Construction Details Sheet 3 of 4) received on 18.09.2023;
- (xi) Drawing 2004241-012 (Bund and Swale: Construction Details Sheet 4 of 4) received on 18.09.2023;
- (xii) Drawing 2004241-013 (Flow Control Structure Detail) received on 18.09.2023;
- (xiii) Drawing 2004241-014 A (Exolum Pipeline Protection Plan) received on 29.11.2023;
- (xiv) Drawing 2004241-015 P1 (Pedestrian Footbridge Detail) received on 22.09.2023;
- (xv) Drawing 2004241-024 (Relocation of Practice Nets and Artificial Wicket) received on 22.12.2023;
- (xvi) Drawing NSTTCC001 (Triple Lane Practice Facility) received on 22.12.2023;
- (xvii) Slatter Cricket and Play: Thatcham Town Cricket Club Quotation received on 22.12.2023.

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

3. **Construction: Approved Plans**

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

- (i) Drawing 2004241-020 (Enabling Works: General Arrangement) received on 18.09.2023;
- (ii) Drawing 2004241-021 (Enabling Works: Visualisation and Details) received on 18.09.2023;
- (iii) Drawing 2004241-022 (Enabling Works: Vehicle Tracking) received on 18.09.2023.

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

4. **Construction Environmental Management Plan**

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

- (a) Risk assessment of potentially damaging construction activities.
- (b) Identification of "biodiversity protection zones".
- (c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) including storage of materials/chemicals and equipment, dust suppression, chemical and/or fuel run-off, noise/visual vibrational impacts
- (d) The location and timing of sensitive works to avoid harm to biodiversity features.
- (e) The times during construction when specialist ecologists need to be present on site to oversee works.
- (f) Responsible persons and lines of communication.
- (g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- (h) Use of protective fences, exclusion barriers and warning signs.

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

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

5. **Construction Method Statement**

No development shall take place (including site set-up) until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the demolition and construction works shall

incorporate and be undertaken in accordance with the approved CMS. The CMS shall include measures for:

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

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

6. **Temporary Disabled Parking**

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

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

7. **Incidental Mineral Extraction (1)**

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

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

8. **Incidental Mineral Extraction (2)**

No development shall commence until the following has been submitted to and approved in writing by the Local Planning Authority and thereafter all works for each

phase shall be carried out in accordance with the methods agreed throughout the construction period:

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

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

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

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

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

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

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

Reason: To ensure compensation for the trees lost at the site as these have both a visual and ecological benefit. The landscaping would also provide ecological enhancement as described in the Ecological Assessment by Derek Finnie Associates (August 2023) and the accompanying Biodiversity New Gain Metric. This condition is applied in accordance with the NPPF and Policies CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy (20026-2026).

10. **Soft Landscaping**

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

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

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

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

11. Protection of breeding birds during construction

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

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

12. Tree Protection Scheme

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

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

13. Temporary Tennis Courts

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

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

14. Tree Protection for Three Lane Practice Nets

No construction of the three lane practice nets shall commence until a scheme for the protection of trees to be retained is submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing. The protective fencing should be as specified at Chapter 6 and detailed in figure 2 of

B.S.5837:2012. All such fencing shall be erected prior to works taking place and at least 2 working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

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

15. Replacement Cricket Equipment

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

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

16. Enclosed Dog Walking Facility

Within three months of the completion of the hereby approved development an enclosed dog walking area shall be provided in accordance with details that are first agreed with by the Local Planning Authority. Details shall include the location, size and boundary treatments for the enclosure.

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

17. Children's Play Area

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

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

18. Tennis Court Reinstatement

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

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

19. **Recreational Ground Reinstatement**

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

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

20. **Footpath Provision**

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

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

Informatives

1. **Proactive**

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

2. **Pre-conditions**

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

3. **Compliance with approved drawings**

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

4. **Exolum Pipeline Works Consent**

You should not undertake any work or activity without first contacting Exolum for advice and, if required, a Works Consent. For a copy of Exolum's Standard Requirements for Crossing or Working in Close Proximity to Exolum Pipelines,

please visit <https://lsbud.co.uk/wpcontent/uploads/2021/10/lbud-standard-requirement-uk-um.pdf>.

5. **Health and safety**

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

6. **Control of Pollution Act 1974**

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

7. **Construction noise**

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

8. **Environment Agency Permit Works**

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