

**DISTRICT PLANNING COMMITTEE
DATED 11.09.2024**

UPDATE REPORT

This report sets out the running order for tonight's Committee meeting. It indicates the order in which the applications will be heard, the officer presenting and anyone who has registered to speak either in favour or against the application.

Those people attending to take part in the pre-arranged Public Speaking sections are reminded that speakers in each representation category are grouped and each group will have a maximum of 5 minutes to present its case.

Any additional information that has been received since the main agenda was printed will be contained in this report. It may for instance make reference to amended plans and further letters of support or objection. This report must therefore be read in conjunction with the main agenda.

The report is divided into four main parts:

- Part 1 - relates to items not being considered at the meeting,
- Part 2 - any applications that have been deferred for a site visit,
- Part 3 - applications where members of the public wish to speak,
- Part 4 - applications that have not attracted public speaking.

Part 1 N/A

Part 2 N/A

Part 3 Item (1) 22/02538/FUL Site Of Former Cope Hall, Skinners Green, Enborne Pages 69-122

Part 4 N/A

**DISTRICT PLANNING COMMITTEE
11TH SEPTEMBER 2024**

UPDATE REPORT

Item No: (1) **Application No:** 22/02538/FUL **Page No.** 69-122
Site: Site Of Former Cope Hall Skinners Green Enborne Newbury

1. Registered Speakers

Please refer to List of Speakers provided under separate cover.

2. Further representations

An additional public representation has been received in response to the invite to the Committee meeting. All public representations are available on the website. In summary the additional comments concern:

- No material change in circumstances since appeal decision to depart from the inspector's findings
- Impact on biodiversity
- Design - No additional evidence has been submitted by application to demonstrate that the high bar of exceptional design has been met (i.e. Independent Design Review Panel assessment)

3. Removal of Ecology Objection

The Senior Ecological Officer has carried out a further review of the site and the ecological information submitted with the application and has now removed their objections. In the event planning permission is granted, they recommend the following conditions securing ecological avoidance and mitigation measures, and the implementation of ecological enhancements:

Compliance with existing detailed biodiversity method statements, strategies, plans and schemes

All ecological measures and/or works shall be carried out in accordance with the details contained in 'Ecological appraisal of land at Cope Hall, Skinners Green, Newbury' Issue 4 (July 2023, Crossman Associates) and 'Proposed site plan, F1631_104e' (January 2022, Della Valle architects) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

Reason: To ensure the adequate safeguarding of protected species in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

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).
- (d) The location and timing of sensitive works to avoid harm to biodiversity features.
- (e) The times during construction when specialist ecologists need to be present on site to oversee works.
- (f) Responsible persons and lines of communication.
- (g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- (h) Use of protective fences, exclusion barriers and warning signs.

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

Reason: A pre-commencement condition is required because the CEMP will need to be adhered to throughout construction to ensure the adequate safeguarding of protected species in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

Landscape and Ecological Management Plan (LEMP)

No development shall take place until a Landscape and Ecological Management Plan (LEMP) (also referred to as a Habitat or Biodiversity Management Plan) has been submitted to and be approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:

- (a) Description and evaluation of features to be managed.
- (b) Ecological trends and constraints on site that might influence management.
- (c) Aims and objectives of management.
- (d) Appropriate management options for achieving aims and objectives.
- (e) Prescriptions for management actions.
- (f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- (g) Details of the body or organization responsible for implementation of the plan.
- (h) Ongoing monitoring and remedial measures for the lifetime of the development.

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

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

Reason: A pre-commencement condition is required because the LEMP may need to be implemented during construction to ensure the adequate safeguarding of protected species in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

Lighting design strategy for light sensitive biodiversity

Prior to occupation, a “lighting design strategy for biodiversity” for ‘Proposed new self-build, net zero carbon dwelling, improvement of 2no. existing accesses and associated

landscaping' shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and badgers and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;

and

- b) show how and where external lighting will be installed (through the provision of appropriate Isolux lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: Bats and badgers are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and/or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

Ecological Enhancements

Prior to the completion of the development hereby approved, details of how the development will enhance biodiversity will be submitted to and approved in writing by the Local Planning Authority. These shall be based upon Section 4 'Recommendations' of the 'Ecological appraisal of land at Cope Hall, Skinners Green, Newbury' Issue 4 (July 2023, Crossman Associates) and 'Proposed site plan, F1631_104e' (January 2022, Della Valle architects). The approved details will be implemented and thereafter retained.

Reason: To enhance biodiversity in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

Restrictions on operations involving invasive non-native species

No development shall take place until an invasive non-native species protocol has been submitted to and approved by the Local Planning Authority, detailing the containment, control and removal of Japanese Knotweed on site. The measures shall be carried out strictly in accordance with the approved scheme.

Reason: It is an offence under the Wildlife and Countryside Act 1981, as amended, to introduce, plant or cause to grow wild any plant listed in Schedule 9, Part 2 of the Act. Japanese Knotweed is included within this schedule. All Japanese Knotweed waste (the plant itself or material containing its rhizomes) is classed as a controlled/special waste and therefore needs to be disposed of in accordance with the Environmental Protection Act 1990 and the Environmental Protection Act Duty of Care Regulations 1991. The submission of a method statement, to be agreed in writing with the local planning authority by condition, is to ensure that an adequate means of eradicating or containing the spread of the plant is considered and thereafter implemented to prevent further spread of the plant which would have a negative impact on biodiversity and existing or proposed landscape features. This condition is applied in accordance with the National Planning Policy Framework and Policy CS17 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is required because measures may need to take place throughout the construction phase.

Time limit on development before further surveys are required

If the development hereby approved does not commence (or, having commenced, is suspended for more than 12 months) within 2 years from the date of the planning permission, the approved ecological measures secured through Condition 'Compliance with existing detailed biodiversity method statements, strategies, plans and schemes' shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to (i) establish if there have been any changes in the presence and/or abundance of protected species and habitats and (ii) identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

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

Reason: A pre-condition is required to ensure the adequate safeguarding of protected species in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.