

# Notice of Meeting



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## Eastern Area Planning Committee Wednesday 11th May 2022 at 6.30pm

In the Second Floor Meeting Area Council  
Offices Market Street Newbury

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If members of the public wish to attend the Planning Committee they can do so either remotely or in person. Members of the public need to notify the Planning Team ([planningcommittee@westberks.gov.uk](mailto:planningcommittee@westberks.gov.uk)) by no later than 4.00pm on Tuesday 10<sup>th</sup> May, if they wish to attend the Planning Committee.

Please note that due to the current Coronavirus restrictions there is a limit on the number of people who can enter the meeting area. Remote attendance at the meeting is therefore encouraged at this time.

### Members Interests

Note: If you consider you may have an interest in any Planning Application included on this agenda then please seek early advice from the appropriate officers.

Date of despatch of Agenda: Tuesday, 3<sup>rd</sup> May 2022

### FURTHER INFORMATION FOR MEMBERS OF THE PUBLIC

Plans and photographs relating to the Planning Applications to be considered at the meeting can be viewed by clicking on the link on the front page of the relevant report

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact the Planning Team on (01635) 519148

Email: [planningcommittee@westberks.gov.uk](mailto:planningcommittee@westberks.gov.uk)



**Agenda - Eastern Area Planning Committee to be held on Wednesday, 11 May 2022**  
*(continued)*

Further information, Planning Applications and Minutes are also available on the Council's website at [www.westberks.gov.uk](http://www.westberks.gov.uk)

Any queries relating to the Committee should be directed to Democratic Services Team on Email: [executivecycle@westberks.gov.uk](mailto:executivecycle@westberks.gov.uk)

To: Eastern Area Members

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# Agenda

## Part I

Page No.

1. **Apologies**  
To receive apologies for inability to attend the meeting.
  2. **Minutes** 5 - 24  
To approve as a correct record the Minutes of the meeting of this Committee held on 9<sup>th</sup> March and 30<sup>th</sup> March 2022.
  3. **Declarations of Interest**  
To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).
  4. **Schedule of Planning Applications**  
*(Note: The Chairman, with the consent of the Committee, reserves the right to alter the order of business on this agenda based on public interest and participation in individual applications.)*
- (1) **Application No. & Parish: 20/03028/OUTMAJ - Land at Junction With Bath Road, New Road Hill, Midgham, Reading** 25 - 58
- Proposal:** Outline application for the erection of 16 dwellings, including 6 affordable units, with access from Bath Road. Matters to be considered: Access
- Location:** Land at Junction With Bath Road New Road Hill Midgham Reading
- Applicant:** JPP Land Limited
- Recommendation:** Delegate to the Service Director of Development and Regulation to grant outline planning permission subject to the completion of a Section 106 legal agreement, or to refuse planning permission if the Section 106 legal agreement is not completed.



**Agenda - Eastern Area Planning Committee to be held on Wednesday, 11 May 2022**

*(continued)*

- (2) **Application No. & Parish: 21/02130/OUTMAJ - Land Adjacent To 1 Gables Way, Bath Road, Colthrop, Thatcham** 59 - 100
- Proposal:** Outline Application for commercial B2 (general industrial) and/or B8 (storage and distribution) development together with ancillary office space and associated landscaping, car parking, service yards and access. Matters to be considered: Access.
- Location:** Land Adjacent To 1 Gables Way Bath Road  
Colthrop Thatcham West Berkshire
- Applicant:** Ptarmigan Thatcham Limited
- Recommendation:** Delegate to the Service Director of Development and Regulation to grant outline planning permission
- (3) **Application No. & Parish: 22/00193/FUL - St Andrew's School, Pangbourne** 101 - 112
- Proposal:** Installation of containerised biomass boiler systems
- Location:** St Andrews School Unnamed Road From  
Gardeners Lane To Buckhold Farm Pangbourne  
RG8 8QA
- Applicant:** The Warden and Council, St Andrews School
- Recommendation:** Delegate to the Service Director of Development and Regulation to grant planning permission.

**Background Papers**

- (a) The West Berkshire Core Strategy 2006-2026.
- (b) The West Berkshire District Local Plan (Saved Policies September 2007), the Replacement Minerals Local Plan for Berkshire, the Waste Local Plan for Berkshire and relevant Supplementary Planning Guidance and Documents.
- (c) Any previous planning applications for the site, together with correspondence and report(s) on those applications.
- (d) The case file for the current application comprising plans, application forms, correspondence and case officer's notes.
- (e) The Human Rights Act.

Sarah Clarke  
Service Director (Strategy and Governance)

If you require this information in a different format or translation, please contact Stephen Chard on telephone (01635) 519462.



**West Berkshire**  
C O U N C I L

## DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

### **EASTERN AREA PLANNING COMMITTEE**

### **MINUTES OF THE MEETING HELD ON WEDNESDAY, 9 MARCH 2022**

**Councillors Present:** Graham Pask (Chairman), Alan Macro (Vice-Chairman), Graham Bridgman, Jeremy Cottam (both as substitutes), Tony Linden, Royce Longton, Geoff Mayes Richard Somner and Joanne Stewart (as substitute)

**Apologies for inability to attend the meeting:** Councillor Alan Law, Councillor Ross Mackinnon and Councillor Keith Woodhams

#### **PART I**

##### **1. Minutes : Item to follow**

The Minutes of the meeting held on 19 January 2022 were approved as a true and correct record and signed by the Chairman, subject to the following amendments:

Councillor Bridgman said on page 16 the first question to Officers should be amended to note that it was he who had asked the question.

Councillor Linden said apologies for inability to attend the meeting had included him but it should be noted that he had attended remotely as Ward Member.

The Minutes of the meeting held on 26<sup>th</sup> January 2022 were approved as a true and correct record and signed by the Chairman.

##### **2. Declarations of Interest**

Councillor Mayes advised he was a member of BONT, CPRE and knew the previous owners of the land at Hasenbach.

Councillor Bridgman said he knew at least one of the signers of the petition reasonably well and one of the objector's very well.

##### **3. Schedule of Planning Applications**

###### **(1) Application No. & Parish: TPO/201/21/1046 Stratfield Mortimer**

The Committee considered a report (Agenda Item 4) concerning Planning Application TPO/201/21/1046 in respect of Stratfield Mortimer, Land at Hasenbach, The Bevers, Mortimer Common, Reading RG7 3SP.

The report proposed confirmation of a tree preservation order.

Jon Thomas, Tree Officer, introduced the report to Members which dealt with whether or not to confirm TPO/1046 which concerned a black pine tree at Hasenbach, The Bevers, Mortimer Common, Reading. The Recommendation was TPO/201/21/1046 should be confirmed without amendments.

## **EASTERN AREA PLANNING COMMITTEE - 9 MARCH 2022 - MINUTES**

Members viewed slides which showed the site of the TPO which was within the Parish of Stratfield Mortimer, centrally located within Mortimer village. The pine under this order was a significant tree when viewed from The Bevers and a skyline feature in views from other locations. The tree was located close to the entrance of the site with quite a large stem.

The tree had been assessed using a scoring method called TEMPO which assessed whether or not a tree was suitable for a preservation order. There were two elements to the scoring system; the amenity and expediency and in this case, because there was a known threat to the tree, it met the expediency test scoring 20 points. Mr Thomas clarified that a score above 14 points definitely merited a TPO. Other scoring matrices had been used to score the amenity and monetary value of the tree; Helliwell considered the landscape value of the tree and CAVAT dealt with replacement costs and looked at the age of the tree and how much it would cost to replace it like-for-like. Mr Thomas had revised the CAVAT assessment based on the site visits to show that the tree stem had a diameter of approximately 70 centimetres which increased the CAVAT figure upwards to £37,000 as a replacement cost.

Councillor Bridgman raised a point of order stating that the pack detailed a final value replacement cost of £27,000 and the question to Officers was whether or not the Committee should allow the Council to bring fresh material to the application outside of the required five working days prior to hearing the application. Sharon Armour advised that Planning Officers quite often submitted updated information after publication of the initial agenda which appeared to be the case in this instance.

Mr Thomas said that one of the principal objections appeared to be that the tree represented a significant risk in that it was dangerous. Mr Thomas said based on site visits and information he had received, his opinion was that the tree did not represent a danger as it had no sign of disease and did not have significant structural defect. Therefore Mr Thomas felt it was appropriate for the tree to have a TPO placed upon it.

### **Objector Representation**

Mr Morris-Ashton in addressing the Committee, raised the following points:

- He was speaking on behalf of a number of objectors and was an objector himself.
- He would make two key submissions, firstly that confirmation of this order would be otherwise in accordance with the pertinent regulations in that the tree had little or no amenity value and it was not expedient to confirm the order, and secondly, to confirm the order would be a breach of human rights.
- With regard to amenity value, whilst the Local Authority might argue that the tree was healthy and not dangerous, notwithstanding the comments about the sub-optimal leverage position, a large pine tree towering above residential properties was objectively dangerous. All of the foliage was concentrated at the top of the tree and there was nothing to stop the wind taking the tree down in a phenomenon known as windthrow.
- With regard to retention span, whilst the species enjoyed a degree of longevity, the older and taller the tree got the more likely it was to be uprooted in strong winds.
- With reference to relative public visibility, the tree was only probably visible from The Bevers estate and the photos taken from Victoria Road and King Street showed the tree as barely visible from those locations.
- With regard to human rights, the Committee would understand that any decision they made must not infringe upon people's human rights and it was the view of the objectors that confirmation of this order would be contrary to Articles 1, 2 and 8 of The European Convention on Human Rights.

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- Point 1.4 of the report stated that the tree under this order was more visible than the tree under TPO 568 at 24 King Street. However, Members were asked to note that there was also a large pine tree at 16 King Street which was not subject to a tree preservation order which suggested there was no uniformity in the application regulations in the village.
- The tree was only really visible from The Bevers and it should be noted from the petition that most of the people from the estate were not agreeable to the confirmation of this order.
- An application to reduce the height of the tree had been given and therefore the argument that it was a skyline feature would fall away once it had been reduced.
- Point 4.6 of the report conceded that it was an understandable concern of the objectors that the tree presented a risk of falling and hitting a property, which was an acknowledgement of a breach of human rights.
- The statistics referred to in the report about the risk of being hit by a tree were risible and unhelpful as they referred to being hit by any tree anywhere in the country and did not relate to the risk of being hit by this particular tree which was felt to be virtually certain in strong winds.
- Point 4.10 of the report stated as a general comment that most pines were reasonably wind-firm on a range of soil types. Mr Morris-Ashton had carried out significant research which showed this not to be the case and that pine trees were the most likely tree to come down in strong winds.
- Point 4.13 of the report stated that all trees provided a baseline of advantages that included aesthetic, screening, shelter, cultural and biodiversity values and contributed to carbon sequestration, pollution reduction and storm water run-off protection. However, there were global studies that suggested pine trees were the largest natural contributor to air pollution and countries that had large pine forests, such as Norway, were engaging in deforestation to improve the air quality of those countries.
- Mr Morris-Ashton concluded by asking the Committee to not confirm the order.

### **Member Questions to Objectors**

In reference to Mr Morris-Ashton's certainty that the tree would fall down in strong winds, Councillor Macro asked if there was any expert evidence that backed up this claim. Mr Morris-Ashton said whilst he had no expert evidence, he had spent time at 10 King Street during the recent storms and the people who lived there had been terrified that the tree would fall down.

With respect to the claim that the tree was virtually certain to fall down in strong winds, Councillor Somner commented that the tree had in fact remained standing despite the recent storms. Mr Morris-Ashton said the older and taller the tree got the more the risk increased that it would fall down in strong winds.

Councillor Bridgman referred to the general statistics around the danger from trees which Mr Morris-Ashton had described as risible and said that point 4.6 of the report expressly stated that no evidence or opinion had been submitted that this tree was dangerous. Councillor Bridgman asked why wasn't the general risk of a tree falling or a branch falling of pertinence here if Mr Morris-Ashton did not have expert evidence that this specific tree was dangerous. Using the analogy that the chances of being eaten by a lion in this country were miniscule generally compared to the chances of being eaten by a lion if you were a lion tamer Mr Morris-Ashton said that a house that sat in the target path of a tall pine tree was far more likely to be hit than it would be generally by any tree in the country. Councillor Bridgman said there were a number of quite large trees in Mortimer and asked Mr Morris-Ashton if he was saying that none of them should continue to stand

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because there was a risk of them falling over. Mr Morris-Ashton said he was not suggesting that but there were large woodlands in the area which did not have houses situated underneath the trees. Councillor Bridgman said he was referring to the large number of large trees situated along Victoria Road. Mr Morris-Ashton said with reference to those trees, it was noted in the site inspection that they did not have that crown bias leaning towards a house and he was less concerned about the trees along Victoria Road than he was about the tree under discussion that might fall on his property.

### **Parish Council Representation**

Councillor Mike Dennett, in addressing the Committee, raised the following points:

- The Parish Council had not made a formal response but had sent comments which were to be found in the update report.
- The Parish Council supported the TPO though in its comments it had said it did not object to the removal of one branch if that was the expert opinion.
- The Parish Council understood the neighbours were concerned about the possibility of damage to their properties and were concerned about the safety of the inhabitants of the Parish, however this was a healthy tree with a projected life span of 60-70 years.
- The felling of a healthy tree should not be allowed simply because of its proximity to houses and it was believed that the risk of damage had been overstated.
- Mortimer was a rural village and trees were an integral part of the landscape and infrastructure.
- Allowing the felling of a tree would set a precedent for other trees in the village.
- Contrary to some of the objections, the tree was visible from most of the surrounding area which was supported by the photos taken and shown to Members.
- Having walked around The Bevers, Victoria Road, Heathfield, King Street and Windmill Road, Councillor Dennett said he was able to see the tree very clearly from all of those locations.
- The tree was a substantial feature of the rectangular area which did not have many other large trees.
- Removal of the tree would mean a considerable loss to the landscape and amenities of this part of the village.
- With typical growth rates, this mature tree would probably absorb 900 to 1 ton of CO<sub>2</sub> each year which would require a lot of re-planting of trees in order to achieve that figure again.
- In conclusion, the Parish Council was in support of the TPO and believed the tree should be preserved.

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

Councillor Bridgman commented there were very few TPO's in the area and asked Councillor Dennett how it would set a precedent for other trees in Mortimer if this TPO was not confirmed. Councillor Dennett agreed there were probably not enough TPO's in place in Mortimer but there were plenty of mature trees that formed part of the landscape and it was felt that if this tree were allowed to be felled it would encourage people to fell other trees.

### **Member Questions to Officers**

Councillor Longton said there were clearly a lot of objections to this TPO and asked whether there had also been a lot of support in favour of it. Mr Thomas said that the only support received in favour of the TPO had been from the Parish Council.



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Councillor Bridgman referred to the scots pine at 16 King Street, and asked if Mr Thomas could confirm that the crown of that tree was higher, relatively, to the crown of the tree under discussion and could he advise Members why there was no TPO on the scots pine. Mr Thomas said the expediency element of the preservation order had not been met in relation to the scots pine and during the site visit it was noted there was a union lower down the stem which he would be concerned about which was where two stems were pressing against one another which made it a structurally weak form. Councillor Bridgman said the expediency argument appeared to be that you might hear that someone would wish to cut down a tree which raised the matter of expediency and whether a TPO should be imposed. Councillor Bridgman asked if it was the case that the owner of 16 King Street could cut that tree down with alacrity as there was nothing to stop them from doing that and that was the same for all trees in Mortimer or elsewhere that do not have TPO's on them. Mr Thomas said that was correct unless there was a caveat that in a conservation area all the trees were automatically protected. Equally, the way the TEMPO assessment had been constructed and referring back to the legislation relating to expediency, it would not be appropriate for a Planning Authority to impose a blanket Preservation Order on all the trees in its area.

Councillor Macro said section 4.9 of the report stated a Tree Works Application for a 2m crown reduction had been approved in December 2021 and asked whether this referred to a reduction in height and whether it would have a detrimental effect on the appearance of the tree. Mr Thomas confirmed it was a height reduction and the sides would be brought in to match so there would be a lesser lateral reduction and the volume of the crown would be reduced. The condition on the application was it was to good growth points so it was important that the tree still had viable tissue. It was a limited reduction but would serve to reduce the volume and the weight of the tree.

Councillor Mayes referred to the CAVAT costing of the tree and asked how a tree like the one under discussion had a value placed upon it and how it could be replaced. Mr Thomas said it was possible to replace mature trees and large trees but not extremely large trees. Cost calculations took into consideration the number of people who might see the tree, i.e. population density, its functional value, i.e. how well it was performing biologically, its positive and negative amenity value and its anticipated life expectancy.

Councillor Cottam said he was very reluctant to see trees removed and accepted this tree was now safe and in good condition. However, it was noted there was a lot of concrete at the base of the tree and compaction of the roots and he was looking for reassurance that the tree was expected, in its current living conditions, to continue to be healthy. Mr Thomas said the Council did not own the tree, it was owned privately and the household had a common law responsibility and duty of care to others that might be affected by the tree. In practice, it would be sensible to have a specialist look at the tree from time to time. The tree was impacting the concrete drive and the roots were growing around that and the base of the tree was growing towards the concrete. Although the tree had the impediment of a concrete base, the tree would grow around it and the expectation was that it would remain in good health.

Councillor Stewart said it was important to take the views of the objectors around the safety of the tree into account and asked whether the reduction in the height of the crown would reduce the risk of the tree falling. In addition, Councillor Stewart asked Mr Thomas to describe what windthrow was and how it could potentially affect this tree. Mr Thomas said windthrow was caused by the wind stress acting on the tree and if the root plate gave way then the tree would collapse. If there was a disease that affected the root plate or a certain specialist fungi that might attack trees at the stem base and root plate, that would increase the risk of windthrow and was something that should be assessed from time to time. If there were works carried out which may unbalance the tree causing stress

## **EASTERN AREA PLANNING COMMITTEE - 9 MARCH 2022 - MINUTES**

to one side of the tree that might also lead to windthrow. Carrying out a crown reduction would reduce the windsail affecting the tree and the stresses acting on the stem and the root plate would also be reduced so there would be a lower risk associated with windthrow.

In relation to pine trees being the largest natural contributor to air pollution, Councillor Stewart asked what effect that had on this particular case. Mr Thomas said he was not aware of the air pollution claim and could not directly answer the question. He had not seen research which suggested they were the largest natural contributor to air pollution and did not think it was a huge factor with regard to the amenity of the tree which was a single tree in a built-up area as opposed to a large pine forest in Norway.

Councillor Linden asked for clarification that the crown was the top part of the tree including the foliage at the top, the stem was the rest of the tree and the base was at the bottom. Mr Thomas confirmed that the branches and the foliage made up the crown of the tree.

Councillor Pask asked if a tree had a TPO and that tree became damaged at any time, could someone apply for that tree to be trimmed or even removed notwithstanding it had a TPO. Mr Thomas said this would be possible and following the recent storm, he had been dealing with five-day notices for emergency tree works, following damage caused by the storm, to determine what work could be carried out to alleviate the danger.

### **Debate**

Councillor Cottam set there was obviously a lot of concern from local residents about this order and he thought it was a good idea that it had come before Committee which would show that it was being looked at very carefully by Officers who were experts in this area. It was hoped it would reassure, with the lack of any contrary evidence, that the tree was safe and would stand and continue to do so for a long time. It had been severely tested in recent months due to the storms and had proved to be in a good and healthy condition. Councillor Cottam was further reassured that should the tree become weakened in any way that there could be a response to a change in its environment. Councillor Cottam said while efforts were being made to plant a lot more trees in the area, he was very reluctant to remove the tree which appeared to be in a good and healthy condition.

Councillor Macro said he thought it was understandable that people who lived next door to a tall tree would be concerned that it might possibly fall down in a storm environment. However, if every tree that had a slight risk of falling was cut down then built up areas would be devoid of trees and the valuable impact they had on the environment. Councillor Macro felt members had been reassured that this tree was safe and that the residents' concerns, whilst understandable, were possibly misplaced.

Councillor Bridgman said he entirely rejected the danger argument as the tree had stood up against the recent substantial storm and there had been no evidence presented by the objectors from a tree surgeon or specialist that the tree was dangerous. Councillor Bridgman said he rejected the human rights aspect on the same basis. The only evidence that had been presented to Members was that this tree was healthy and there was no evidence presented to the contrary. However, Councillor Bridgman said he did have a concern about the amenity value. In relation to the scots pine at 16 King Street, he accepted entirely the bareness of that tree going up to the crown did not make it susceptible for a TPO. But he felt the same sort of argument could be levied at this black pine. The photographs did not do it justice, but if you stood in The Bevers estate and looked at the tree it could be seen that it leant to one side, it was very side-heavy and it was bare all the way up one side to the crown. In terms of its view from the rest of Mortimer it was possible to see a pine peeking above the houses but it was not the pine

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under discussion, it was the scots pine. Therefore, Councillor Bridgman did not think that the black pine had the amenity value that Officers were affording it and thought the argument that no one should be cutting trees down would indicate that all the trees in Mortimer would have a TPO. Mortimer had a lot of greenery with a lot of trees and he did not think this particular tree stood out so much from the fold that it should be afforded the TPO.

Councillor Stewart said she was inclined to agree with Councillor Cottam in terms of the perceived danger of this tree and with Councillor Bridgman that no evidence had been presented to support this view. She felt that unfortunate words had been used to suggest that it was 'virtually certain' that the tree would fall down as a result of high winds when exactly that circumstance had occurred recently and the tree was still standing. Councillor Stewart also felt that the fact that any changes in condition of trees in the future could be reported and addressed was a point well made.

Councillor Somner also agreed with the sentiments of Councillor Cottam and asked for clarification from Officers about the work that had been approved on the crown work and whether it would address the current lopsided crown. Mr Thomas said some of the lop-sidedness was to do with the two large scaffold branches on the south side and that was not what was going to be removed so the crown reduction was going to be in height. It would be sensible, as part of the crown reduction, to incorporate a tip reduction of the scaffold branches, but it would have no impact on the lop-sidedness. Mr Thomas added that pines did not necessarily have uniform, symmetrical crowns, particularly scots pines.

Councillor Longton said he had no doubt about the amenity value of the tree and whilst he had been concerned about the safety element of the tree, he had been somewhat reassured as a result of the meeting that it was probably as safe as any large tree was likely to be.

In relation to Mr Morris-Ashton's assertion that pine trees were the most likely tree to come down in strong winds, Councillor Mayes suggested that silver birch trees were much more vulnerable as evidenced by the number of them between Mortimer and Newbury that had fallen down as a result of the recent storms.

Councillor Linden said he did not think there was a safety element to consider and was convinced that the TPO should remain in place because of the tree's environmental importance and therefore proposed that the TPO was kept. The proposal was seconded by Councillor Macro.

The Chairman invited Members of the Committee to vote on the proposal by Councillor Tony Linden, seconded by Councillor Alan Macro, to confirm this TPO without modification. At the vote, the motion was carried.

**RESOLVED that** the Service Director of Development and Regulation be authorised to grant the tree preservation order without amendments.

*(The meeting commenced at 6.30 pm and closed at 8.00 pm)*

**CHAIRMAN** .....

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

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# DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

## EASTERN AREA PLANNING COMMITTEE

### MINUTES OF THE MEETING HELD ON WEDNESDAY, 30 MARCH 2022

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

**Also Present:** Jessica Bailiss (Policy Officer (Executive Support)), Bob Dray (Development Control Team Leader), Gareth Dowding (Principal Engineer (Traffic and Road Safety)), Michael Butler (Principal Planning Officer) and Beth Varcoe (Solicitor)

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

#### PART I

##### 1. Minutes

The Minutes of the meeting held on 9<sup>th</sup> March would be brought to the next meeting of Eastern Area Planning Committee for approval.

##### 2. Declarations of Interest

Councillor Graham Pask declared an interest in Agenda Items 4(1), but reported that as his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he was determined to remain to take part in the debate and vote on the matter.

##### 3. Schedule of Planning Applications

###### (1) Application No. & Parish: 21/03222/FUL - Middle Wood, Hatch Lane, Chapel Row, Berkshire

*(Councillor Graham Pask declared a personal interest in Agenda Item 4(1) by virtue of the fact that he was the Ward Member and knew some of those who had objected to the application and the applicant. He had however, not pre-determined the item and would listen to and take part in the debate on the item.)*

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 21/03222/FUL in respect of the Installation of a Glen Farrow GF175 Biomass Boiler and "40ft" log drying container. Section 73 application to remove conditions 5 (nil import of lumber) and 6 (benzo [a] pyrene) of approved application 21/02398/FUL.

Mr Michael Butler (Principal Planning Officer) introduced the report and highlighted the key points.

In accordance with the Council's Constitution, John Brimms, Bucklebury Parish Council representative, Ann Athawes, objector, and Mr Wakelyn (PJ Forestry), applicant/agent and Councillor Graham Pask (Ward Member) addressed the Committee on this application.

**Parish Council Representation:**

## **EASTERN AREA PLANNING COMMITTEE - 30 MARCH 2022 - MINUTES**

Mr John Brimms in addressing the Committee raised the following points:

- He was representing Bucklebury Parish Council (BPC) and was pleased to see the recommendation from West Berkshire Council Planning Officers for the variation of condition five to replace it with a more reasonable restriction of one HGV vehicle per week to the site. This would enable the applicant to continue with his business but also alleviate some of the concerns of residents.
- The description of a HGV was a large lumber lorry and did not include the applicant's tractor and trailer, which was also used for moving lumber.
- BPC was pleased to see that the concerns of residents along Hatch Lane had been taken into account. They were concerned regarding traffic to and from the site, particularly during times when school children would be walking to and from the bus stop on Chapel Row. BPC encouraged the applicant to avoid using the route at these times and to use social media when large HGV movements were expected.
- BPC was supportive of local businesses and the site in question was no exception. BPC has taken a balanced view to applications in the past.
- BPC could not understand why condition five was imposed purely in relation to approval of the biomass boiler and application 21/2398 when there was no previous importation of timber restrictions on any other application.
- BPC was pleased a solution had been reached between West Berkshire Council (WBC) and the applicant, which was capable of being enforced and was hopefully seen as a compromise by the residents of Hatch Lane.

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

Councillor Alan Law referred to comments raised regarding the distinction between HGVs and tractors and trailers. He noted from comments from BPC that they were referring to tractors and trailers coming into the site however, it was not clear how many times this was happening. Councillor Law stated that the tractor he had seen on site was large and the applicant was using it to bring in lumber from not too far away. Nowhere in the report did it state how many times a week this was happening. Mr Brimms stated that he did not know the answer to this however, he believed that the movement of the tractor and trailer was greater than HGVs movements. He understood from the nature of the business that there would be more movements at certain times of the year than others and this related to when lumber was available in the local area.

Councillor Law stated to the Chairman that he felt the decision on the application hinged around some of the volumes queried. It was possible that this could be clarified by the Officers later on.

Councillor Ross Mackinnon referred to Councillor Law's comments regarding the distinction between a tractor and a trailer and a HGV. He queried why it was considered that the tractor and trailer would not have the same impact on the roads as a HGV. Mr Brimms stated that if you looked at the definition of a HGV it was a lorry. The point he was trying to make was he wanted to avoid there being a problem in the future because the definition was not clear.

### **Objector Representations:**

Ms Ann Athawes in addressing the Committee raised the following points:

- She expressed huge disappointment and concern amongst herself and other residents to the response within the Committee report to the application to remove

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condition five. It seemed to be overly biased towards one resident's business over consideration to over 90 families who lived directly or indirectly on Hatch Lane.

- Ms Athawes did not understand how nil import of lumber could become no more than one HGV delivery of lumber in any given week, which felt incomprehensible.
- The case Officer's November report had stated 'poor immediate road access to the site via Hatch Lane' and had provided a reason for condition five of protecting highway safety and amenity.
- Residents had raised concerns about increases in traffic particularly heavy and evidence of this increase had been provided in 2021. Ms Athawes queried why the Committee would consider it acceptable to permit an even greater lumber importation.
- Ms Athawes queried if the Highways Officer had walked along Hatch Lane, particularly near the junction to the Blade Bone Inn where the road narrowed significantly leaving no-where for pedestrians. She queried if the Highway's Officer had observed the height, width and weight of the huge articulated timber lorries loaded with lumber or had imagined driving down the narrow part of the lane.
- In January 2017 the previous case Officer and Councillor Graham Pask had been informed of the huge articulated lorries full of lumber going into Middle Wood and causing damage to trees, hedging and a property.
- Hatch Lane was an unrestricted highway however, was a rural lane that had never been widened and pavements had not been added. Through planning applications the business in question had been allowed to grow and intensify, without considering that Hatch Lane did not provide a suitable access.
- Ms Athawes queried what constituted an HGV. The applicant had always used his tractor and trailer in addition to articulated lorries to import lumber. Ms Athawes suggested the photos provided be viewed as they showed that these were not small trailers. Ms Athawes queried if the applicant would argue that a tractor and trailer was not a HGV and continue to use this method of importation as well, further increasing heavy traffic.
- BPC had suggested that an agreement be reached between the applicant and residents of Hatch Lane in conjunction with West Berkshire Council regarding lumber movements. Ms Athawes reported that residents had not been approached about this.
- Greater numbers of deliveries to Middle Wood meant greater amounts of timber produce going out. There were also greater numbers of vehicles coming into the site to pick up orders and then going out again and Mrs Athawes asked if the Committee had considered this additional business traffic.
- Ms Athawes questioned if the management of woodland moving to the addition of wood importation in order to support business expansion was a change of use of the land. Concerns had been raised in the past by BPC as to whether a wood of 60 acres could provide enough income to sustain someone living on site.
- The applicant had said recently that he had needed to import wood in order to run his business. There was nothing to stop the land being sublet to other businesses.
- Finally Ms Athawes hoped the Committee was aware that their decision would impact on not just her family but also the other 90 families who lived on Hatch Lane.

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

Councillor Mackinnon asked what Ms Athawes assessment was of the difference between the impact on local roads from the tractor and trailer and HGVs. Ms Athawes stated that her assessment had been logged and handed to Mr Butler at WBC and Mr Brimms from BPC. It listed the number of tractor and trailer and lorries that came into the site. It was felt that both types of vehicle were having an impact. The tractor and trailer was not small and was packed with logs. The amount of journeys fluctuated and Ms Athawes referred to her traffic log where it could be seen that on one day in January the site had been accessed four times. The tractor and trailer was large and noisy and then there were the huge articulated lorries accessing the site. It was a village lane and was being impacted by the expansion of the business, which in Ms Athawes view had gone beyond the management of woodland because wood was being brought in.

Councillor Law queried the matter of traffic volume. He noted from Ms Athawes comments that the amount of tractor and trailer journeys fluctuated. He queried how many tractor and trailer movements per week Ms Athawes had recorded. Ms Athawes was unable to answer this as she had not added the number up but the information including all tractor and trailer movements during 2021 was available on the planning portal and had been available since January 2022. Councillor Law queried if there was a tractor and trailer journey every day and Ms Athawes confirmed that there was not one every day but this did vary. Councillor Law wanted an average number provided regarding the number of movements and would raise this again during questions to officers. It was noted that Mr Michael Butler had a copy of Ms Athawes traffic log.

Councillor Alan Macro queried how regularly HGVs visited the site. Ms Athawes stated that she had provided this information to the planning officer. A couple of articulated lorries had gone into the site after the condition had been put in place and these movements had continued for a while. Recent weeks had however, been quiet.

The Chairman noted reference had been made to tractor and trailer and lorry movements however, queried if an indication could be given regarding the movements of smaller vehicles. Ms Athawes apologised for not being able to provide numbers however, had assumed everyone had been given access to the traffic log she had provided. Ms Athawes stated that all sorts of vehicles accessed the site and gave the example of Sayors Tree Services, which had been operating from the site for a long time but was not any longer. This business had used a large box truck, a van and a chipper and had been in and out of the site every working day. Concrete lorries and other heavy duty vehicles also accessed the site. Ms Athawes reported that as the business had expanded so had the level of traffic and reiterated that in November 2021 the access from Hatch Lane had been labelled as poor by Officers.

The Chairman reassured Ms Athawes that the Committee did have the necessary information referred to and Mr Butler would be questioned on the detail of this. Councillor Law added that Members did not read every detail but did rely on a very comprehensive summary provided by the Officer. Councillor Law was concerned that the numbers were not included in the report. The Chairman stated that these points would be raised with the Officer later on in the discussion.

### **Applicant Representations:**

Mr Wakelyn in addressing the Committee raised the following points:

- He had taken over PJ Forestry in 2012 after finishing forestry at college.



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- The woodland had been in his family and it was managed in the same way as it would have been done in the 1960s. He was now able to make a living from the business.
- The Government had introduced lots of new rules regarding the sale of fire wood to ensure it was dry and burnt more efficiently
- His business had recently joined Wood Sure, which regulated firewood supplies and that the fuel sold was dry and ready to burn. Mr Wakelyn explained that because of this the decision had been taken to buy the fallow biomass boiler, log drying kiln and build an extra barn to keep the logs dry.
- Planning permission had been sought in December 2021 for the biomass boiler and this was when the condition had been put in place by WBC to restrict bringing wood into the wood yard.
- WBC was aware that wood had been being brought in since 2016 as mentioned in the report, for the temporary mobile home. Mr Wakelyn explained that he was not looking to expand the business however, was looking to run it successfully as had been done over the last 10 years.
- A large amount of the wood came from the site at Middle Wood. Small amounts of wood also had to be brought in from neighbouring woodlands and it was used to produce firewood.
- Mr Wakelyn explained that he supplied the wood directly to domestic clients who used the wood for heating.
- He had recently taken on a young person who was looking to get into the industry and the level of work needed to be sustained to keep him busy.
- Regarding traffic movements, six loads of timber had been brought in during 2021 and then other smaller loads had been brought in with Mr Wakelyn's tractor and trailer about once or twice per week although this did vary. Mr Wakelyn stated that some of the photos that had been displayed in the traffic log were of construction traffic for the barn build in 2021, which was not relevant to the timber business. He did not agree with everything recorded in the traffic log as some of the numbers related to his personal car going to and from the site, which was not relevant to the application.
- The lorry drivers were all drivers that had regularly accessed the site and knew it well. Mr Wakelyn understood that there were some narrow spots along the lane that was used to access the site however, there were passing spaces. The traffic movement that the business added to the lane was minimal compared to other businesses close by including a farm. Mr Wakelyn felt that he was being blamed for all the traffic when it was not only his business using the road.
- Highways had not commented on the application and there was no restriction on the road. If there was an issue with the road a weight restriction would have been imposed.
- If the condition was not removed it would be detrimental to the business and he would be faced with the decision of possibly having to let his new member of staff go.

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

Councillor Tony Linden referred to page 16 of the report under section 8.1.2 and stated that when he had attended the site visit the biomass boiler was having some cooling

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problems and he asked for assurance that it had been repaired. Mr Wakelyn confirmed that it had been fixed and it was because it had been a hot day but the settings had not been changed over to the summer settings. The machinery was very complicated and Mr Wakelyn was still educating himself on how it worked. Councillor Tony Linden stated that he had further questions for Officers later on in the discussion.

Councillor Law stated that he had two questions. He estimated from comments that the tractor and trailer operated five to six times per week and he queried if this was correct and asked Mr Wakelyn to confirm the number of trips made per week with the lumber trailer. Mr Wakelyn stated that this varied greatly and it was very difficult to put a number on it. The number of trips changed on a weekly basis.

Councillor Law noted that a condition had been accepted of one HGV per week and queried if he would be willing to accept a maximum restriction on the number of trips made with the tractor and trailer. Mr Wakelyn stated that he would but queried if this would include him going out to other jobs. Councillor Law stated that it would include the tractor and trailer with the lumber. Mr Wakelyn was concerned because he used the tractor and trailer for other jobs. Councillor Law further queried how often the tractor and trailer was taken out with or without logs on it. Mr Wakelyn confirmed that most of the time when leaving the yard the trailer was empty and on average the tractor and trailer was taken out two or three times per week. Mr Wakelyn stated that again this varied largely and some weeks the tractor and trailer would make no journeys.

Mr Bob Dray stated that the forestry operations were not development and did not require planning permission and therefore the movements associated with this were not controllable by the Local Authority. The restriction in the condition related to purely to the importation of timber. It served the purpose of controlling the movements on the road and also the intensity of the development in terms of the processing and materials. Councillor Law felt the condition was possibly not written correctly. The Chairman explained that the Committee were able to make suggestions regarding amended conditions.

Councillor Mackinnon queried why condition five had been acceptable to Mr Wakelyn in November 2021 however, not in March 2022. The Chairman permitted Mr Butler to answer this question. Mr Butler stated that Mr Wakelyn had not been aware that the Planning Authority were going to impose condition five.

Councillor Mackinnon noted comments regarding importing six large lorry loads per year and queried if this was correct and Mr Wakelyn confirmed that it was. Councillor Mackinnon referred to section 6.21 of the report, which detailed that the Planning Officer viewed this number as inaccurate because evidence from local objectors had shown that this was happening on a far more regular basis. Mr Wakelyn stated that some of the pictures provided by local objectors were of Mr Wakelyn's tractor and trailer and not a lorry. Some of the pictures were also not of his vehicles but belonged to the farm up the road.

Finally Councillor Mackinnon asked how many people Mr Wakelyn employed. Mr Wakelyn confirmed that he had one full time employee and his sister who worked for him two days per week.

### **Ward Member Representation:**

The Chairman, Councillor Graham Pask, in addressing the Committee raised the following points:

- He began by echoing the words of BPC that it was one of the most difficult applications BPC and he had been asked to comment on.

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- It was a rural business that included cutting up logs, drying them and selling them mainly to people in rural areas. Councillor Pask stated that he supported local rural businesses, which this was.
- Middle Wood was one of six parcels of land, which was comprised of Carbins Wood, which had been a large area that was sold off in six parcels about 15 years ago. It was operated prior to this by lease and was owned by the Forestry Commission. There were two small cottages on the right as you entered the area that were known as number 1 and 2 Foresters Cottages and were lived in by employees of the Forestry Commission. Any diseased or fallen trees would be sorted out and provided to local people.
- Periodically the Forestry Commission would harvest trees for this purpose and this would result in a large amount of activity for two or three months of the year, whilst the wood was removed. Wood was currently being removed from a woodland, which backed onto Upper Bucklebury Memorial Hall as part of a 10 year programme. Activity would take place for two to three months every couple of years and then peace and silence would resume.
- Since the Middle Wood had been owned privately by Mr Wakelyn, intensification of the site that was the primary concern of residents.
- There was an area called Paradise Way close to the site, where there were 42 houses. There were 26 houses in Hatch Lane and another 20 houses in Hatch Close. A significant number of families had children who had to walk up to the Blade Bone to catch the bus to school. There was a surprising amount of pedestrian activity in the area. This linked with the increase in activity on the site was what had alarmed local people.
- Councillor Pask stated that on the one hand he supported rural local business however, the fear was how the business had grown incrementally including importing and exporting wood. Mr Wakelyn was highly regarded locally regarding the product he provided to local people.
- Councillor Pask had been keen for the application to be brought to Committee and there had been sufficient letters of objection. There was fear amongst the community that the site could become similar in size to Barlow's Wood near Curridge and expansion on this scale was not wanted by local residents.
- Councillor Pask supported the applicant but also supported those who had written in against the application. He suggested the Committee raise questions regarding the volume of traffic that would be accessing the site.

### **Member Questions to the Ward Member:**

There were no questions raised by members.

### **Member Questions to Officers:**

Councillor Linden asked Mr Dowding if he felt that the signage was sufficient for new HGV drivers accessing the site and queried if better signage was required. Mr Dowding stated that he would not recommend any additional signage to the private development because the Local Authority was trying to remove sign clutter from the side of the highway, particularly in the countryside. There would be no harm in the applicant putting some small flag type signs up if he was expecting someone who did not know where the site was. Mr Dowding stated that he would urge the applicant to ensure drivers were aware of the site's location and most vehicles including HGVs had a GPS system.

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Councillor Mackinnon referred to section 6.21 of the report where in the fourth line down it stated 'Nevertheless, the Highways Officer has noted that even if there were one vehicle per day on Hatch Lane this would not be sufficient for him to recommend refusal on highways safety grounds' and at the end of the same paragraph it stated 'and unless movements are for example one per day, the refusal of planning permission could not be sustained'. Councillor Mackinnon felt that this implied that if movements were one per day it could potentially be sustained. Councillor Mackinnon felt that the information was contradictory and sought guidance on this. Mr Dowding reported that what was being stated was that even if there was one movement per day a reason for refusal would be difficult to apply and as one movement per week was suggested, there was even less of a reason for refusal. Councillor Mackinnon felt that the paragraph was therefore misleading and needed to be worded better.

Councillor Law asked for the movement numbers to be expressed by Officers as an average. He stated that he was not personally making a distinction between a tractor and trailer and a HGV. Mr Butler stated that he had the printed traffic log and statistically it was very difficult to give an average due to variability. On some days there was eight to ten movements; on other days there was more than this and on other days no movements at all. Mr Butler was not prepared to try and give an accurate figure based on the traffic log because it was extremely difficult to do so. The traffic log had been in the public domain since 11<sup>th</sup> January 2021. Councillor Law felt that Mr Butler's comment had clarified the issue and he recognised there was a huge variation in the traffic flows. Councillor Law stated that at the site visit he had been of the understanding that it was one HGV per week however, he had come to the realisation that in addition to this there was a tractor pulling a large trailer of lumber, which had the same impact as a HGV.

Councillor Law asked if the Committee could change the recommended condition to state 'maximum number of journeys into site carrying lumber whether by a HGV or tractor and trailer in any given month'. Councillor Law stated that the maximum number per month could then be agreed with the applicant. Mr Dray stressed that there was a forestry operation on the site and therefore there would be movements associated with that, which were not within the control of the Local Authority. Being a Section 73 application consideration could only be given to the importation of timber. The purpose of the condition was to limit intensification and the impact on the highway network. Mr Dray advised against restricting the total number of movements across the site because there were movements that went beyond the scope of the condition. The importation of timber was however within scope in terms of what could be controlled. Councillor Law stated that this was why he had said the maximum number of journeys into the site carrying lumber. He was very supportive of rural businesses and therefore asked if an amendment could be made that maximised the number of journeys into the site carrying lumber regardless of the type of vehicle. He would be happy for the applicant and Officers to agree the number.

The Chairman invited Mr Dowding to comment and also suggested that he address the matter that report focused on HGVs rather than the total number of movements including a tractor and trailer carrying lumber. Mr Dowding confirmed that a HGV was defined as a vehicle with a gross weight over 3.5 tonne as a combined vehicle and therefore would include a tractor and trailer. Councillor Law was unsure based on this answer that Mr Wakelyn would be happy to accept a movement restriction of 'one per week'. The Chairman stated that he had been of the understanding that a HGV was a large 40 tonne lorry. Mr Dowding explained that there were different classes of HGV and the condition might need to be changed to reflect this.

Councillor Law confirmed that his position remained the same given the clarification from Mr Dowding regarding the definition of a HGV.

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Councillor Macro queried if it would be possible to implement a time limit on the arrival and departure of HGVs. He was particularly concerned about school bus pick up and drop off times. Mr Dray stated that this could be implemented in principle but only in relation to the importation of timber and not general movements.

Councillor Mackinnon queried if he was correct in his understanding that the importation of timber could take place on a tractor or trailer or a lorry and was basically taking timber into the yard. Mr Dray confirmed that this was correct beyond the forestry operation on site. Councillor Mackinnon referred to the current forestry operation and asked if this involved bringing huge trees into the yard as well and queried how it would be possible to distinguish between importation of timber and the extant forestry operation. Mr Butler referred to the original permission that had been given in November 2021. He was not aware of the exact percentages however, a percentage of the wood grown on the site would be permitted development forestry operations. The additional importation of lumber was covered by the condition because the process was beyond the GDPO and therefore a planning application was required.

Councillor Mackinnon further queried how they would be able to distinguish between wood that was grown on the site and wood that was imported in. Councillor Law explained that the wood from the site was processed on site and the lumber that was processed was part of the planning permission already given. This timber did not go off the site until it was cut up and delivered to customers. It did not have to be brought in by a HGV.

Mr Dray reported that condition four on page 17 included the recommendation that a delivery log should be kept and made available. If an issue was suspected this could be checked to see if there was an enforcement issue. This would help with differentiating between the two operations.

Councillor Geoff Mayes asked how many tonnes of wood came in on an HGV and how many tonnes came in on a tractor and trailer. Mr Butler stated that he was unable to provide an accurate figure on this. It was noted that only the applicant would be able to clarify this however, in line with the constitution they had already spoken on the application. Councillor Pask stated the weight would be variable depending on the size of the vehicle.

### **Debate:**

Councillor Richard Somner reported that he had looked at the information in relation to vehicle movements and had picked three random dates looking at the traffic log. He estimated that about one third of trips were carrying lumber. Councillor Somner noted that the applicant's operation was not the only user of the road with some other users having similar size vehicles to the applicant. Councillor Somner said that if he lived in the area surrounded by businesses like the one in question and farms he would expect tractor and trailer movements. It was difficult for him to identify a greater restriction than was currently suggested without the need for permanent officer enforcement being required. The suggested condition was in his view the best that could be reached whilst offering some reassurance without restricting the business to the point that it was not sustainable.

Councillor Macro commented that he had approached the site when travelling to the site visit, from the Chapel Row direction. There had been two pedestrians walking abreast on his side of the road. A vehicle had approached from the opposite direction and it had highlighted to him how narrow the road was. Councillor Macro had viewed the site on Google Street View and there were some very narrow places along the stretch of road and there were no passing places. It would be very difficult to pass if there was a large

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articulated lorry and he was particularly worried about what might happen when children were walking to the bus stop. If Members were minded to approve the application he suggested that a condition be added to restrict hours. He also acknowledged that there were other users of the road including farmers and was concerned about frustration build up resulting in dangerous driving. Councillor Macro stated he was still undecided regarding the application.

Councillor Law concurred with Councillor Somner's views regarding the business and stated that those living in a rural setting would normally expect to see tractors and the occasional HGV. He was supportive of the rural business and the Officer's recommendation but was concerned that there had been confusion on previous applications about definitions of movements and he wished for these to be clarified for the current application. Councillor Law proposed that the Officer's recommendation was accepted but he wished to change condition four to the following 'no more than X deliveries of lumber delivered to the site to be dried or processed on the application site, shall take place in any given month'. Councillor Law was happy for Officers and the applicant to reach an agreement on the number 'X'. To define the type of delivery it could be stated that this was by either HGV or tractor and trailer. In his view about 24 movements per month would be reasonable, which was just below one per day.

Mr Dray was satisfied with the condition proposed by Councillor Law. He suggested that it be added to the resolution that it should be delegated to Officers to agree what 'X' should be. Mr Dray welcomed a steer on what 'X' should be and the Chairman invited Councillor Law to provide further clarity on this. Councillor Law stated that there seemed to be very little idea regarding the actual number of movements taking place. Therefore further investigation work was required on this. He was in support of delegating this to Officers to agree with the applicant. If it was too low then the applicant would appeal against the decision.

Mr Dray explained that the condition had two purposes, firstly highway safety and secondly controlling the intensity so that it did not become a material change of use and changed at a level that was ancillary. With this in mind Officers would wish to keep the number relatively low.

Councillor Mayes seconded the proposal by Councillor Law.

Councillor Mackinnon noted that in the applicant's representation he had stated that he took delivery of six loads of timber per year. Councillor Mackinnon referred to the traffic log which recorded a higher level of movements. The condition referred to HGV deliveries to the site and stated no more than one in any given week. Councillor Mackinnon had doubts about how realistic this was. If the Committee was minded to approve the application as it stood, Councillor Mackinnon asked if this could be appealed.

Mr Butler explained that if the application with the condition was approved then the applicant could appeal this. He highlighted that there was an audit trail and public record of the applicant and as part of this there was an email from the applicant accepting the wording of the condition and therefore the applicant's chance of success at appeal was low. The reason Mr Butler had recommended the condition was because it was in his professional view it was a reasonable compromise between the survival of the business, road safety and residential amenity. He stood by his recommendation although accepted it could be varied.

Councillor Mackinnon was unsure if he supported Councillor Law's suggested condition variation. If the condition was accepted as it was, then one HGV delivery in any given week equated to 52 per year. Given what had been said by the applicant and Mr Butler

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then Councillor Mackinnon felt that this should be more than sufficient for Members to be able to support. Therefore Councillor Mackinnon was minded to support the recommendation as it stood in the Officer's report.

Councillor Somner noted that Councillor Mackinnon had referred to the number of HGVs that were listed. Sometimes HGVs brought in others equipment and wood being brought in was the only issue that should be being considered.

Councillor Somner pointed out that a HGV delivery could be dropped further afield off site but somewhere easily reachable by a tractor and trailer and if this happened then he would assume that the number of tractor and trailer trips would go up considerably in volume. One large delivery was better for the environment and better for the business.

The Chairman was of the view that a tractor and trailer was also a HGV. Mr Dowding clarified that a tractor and a trailer weighing over 3.5 tonnes would be considered a HGV but it seemed that in discussions only a lorry was being considered a HGV. Councillor Somner stated that they needed to be careful with definitions and essentially what needed to be considered was wood being delivered to the site that was not part of the normal operations of the business.

Councillor Macro agreed with Councillor Law and that it was important to control the number of tractor trailer movements whether classed as HGV or not. If they were considered a HGV then the condition would put the applicant out of business. Councillor Macro stated that he would also like the condition amended to include time restrictions to avoid school travel times. He suggested the site should only be accessed between 9am and 3pm. Councillor Law was happy to incorporate this into his proposal. It was important to get a balance of amenity against the business need. Councillor Mayes stated that he was also happy for the time restriction to be included in the proposal.

Councillor Mayes suggested some numbers regarding movements, which provided a total of about 24/25 movements a month. Councillor Law agreed that this could be included as guidance.

The Chairman was concerned that there was some confusion about what was classed as a HGV and what was not. Mr Dowding had clarified that there were categories of HGV over 3.5 tonne. Councillor Law highlighted that his proposal did not state the word HGV but rather referred to the deliveries of lumber. Councillor Law was concerned that if Councillor MacKinnon's recommendation was proposed and approved then there was nothing to stop the applicant doing 10 journeys per day with his tractor and trailer because all that was being controlled was the lorry aspect of HGVs.

Mr Dray suggested that Councillor Law and Councillor Mayes delegate to Officers the ability to also vary the wording of the condition.

Mr Dray read out the amended proposed condition to be included within the recommendation as follows 'no more than X deliveries of lumber delivered to the site to be dried or processed on the application site, to take place in any given month. A delivery log should be maintained on site and made available for inspection by the local planning authority upon request.' Mr Dray added that restriction of hours would be included as follows 'no lumber deliveries shall take place outside of the hours of 9am to 3pm on any given day'. Mr Dray also added that delegated authority would be given to Officers to agree what X was and make minor amendments to precise wording.

The Chairman invited Members to vote on the proposal by Councillor Law, seconded by Councillor Mayes. At the vote the motion was carried. Councillor Pask abstained from voting.

## EASTERN AREA PLANNING COMMITTEE - 30 MARCH 2022 - MINUTES

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

### Conditions

**1. Approved plans**

The development hereby permitted shall be carried out in accordance with the following approved plan: Hayward Architects drawing number A2 21/114 O1A, dated Sept 2021.

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

**2. Spark inhibitor**

The wood burner/dryer hereby permitted shall not be operated unless the flue has a spark inhibitor attached at all times. The plant shall be maintained in good condition, in accordance with manufacturer specifications at all times.

Reason: To ensure on site safety in accord with protecting the ancient woodland from fire in accordance with Policy CS17 of the West Berkshire Core Strategy 2006-2026.

**3. Colour**

The wood container hereby permitted must be painted a dark green colour within two months of the date of this permission.

Reason: To respect local amenity in accordance with policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

**4. Lumber deliveries**

No more than X deliveries of lumber to the site to be dried and/or processed on the application site shall take place in any given month. No delivery of lumber to the site by HGV shall take place outside the hours of 9.00am to 3.00pm on any given day. A delivery log shall be maintained on site and made available for inspection by the Local Planning Authority upon request.

Reason: To ensure that the development does not have a severe impact on local traffic, and in the interests of neighbouring amenity. This condition is applied in accordance with the National Planning Policy Framework, and Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026.

(Authority delegated to Officers to determine X, as well as to make minor amendments to the precise wording of the final condition)

*(The meeting commenced at 6.30 pm and closed at 8.06 pm)*

**CHAIRMAN** .....

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



# Agenda Item 4.(1)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	20/03028/OUTMAJ Midgham	06/04/2021 <sup>1</sup>	Outline application for the erection of 16 dwellings, including 6 affordable units, with access from Bath Road. Matters to be considered: Access  Land at Junction With Bath Road New Road Hill Midgham Reading  JPP Land Limited

<sup>1</sup> Extension of time agreed with applicant until 12/05/2022

The application can be viewed on the Council's website at the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=20/03028/OUTMAJ>

**Recommendation Summary:** Delegate to the Service Director of Development and Regulation to grant outline planning permission subject to the completion of a Section 106 legal agreement, or to refuse planning permission if the Section 106 legal agreement is not completed.

**Ward Member:** Councillor Graham Pask

**Reason for Committee Determination:** More than 10 of objection have been received and the officers' recommendation is to approve the application.

**Committee Site Visit:** 4<sup>th</sup> May 2022

## Contact Officer Details

**Name:** Mr. Matthew Shepherd  
**Job Title:** Senior Planning Officer  
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## 1. Introduction

- 1.1 This application seeks outline planning permission for the erection of 16 dwellings, including 6 affordable units, with access from Bath Road. Details of access are to be considered at this outline stage, but the layout, scale, appearance and landscaping are reserved matters for later consideration if outline permission is granted.
- 1.2 The site is located at junction of Bath Road with New Road Hill, on the western edge of Woolhampton, within the parish of Midgham. The site is not with a planning policy defined settlement boundary. The site is 0.81 hectares in size according to the application form, it is an undeveloped green field site, currently used as a paddock with strongly defined boundary's adjacent to Woodlands. The site is bounded to the west by a Biodiversity Opportunity Area and a Local Wildlife Site, and has a Tree Protection order on a T1 Oak to the east of the site. The site is bounded by Ancient Woodland to the East to which sits adjacent to the boundary of the site. In summary:
- Open countryside (outside of any defined settlement boundary)
  - Adjacent to a Biodiversity Opportunity Area, Local Wildlife Site and has TPO on the site.
  - Site is bounded by Ancient Woodland to the East

## 2. Planning History

- 2.1 The table below outlines the relevant planning history of the application site.

Application	Proposal	Decision / Date
19/01942/OUTMAJ	Outline application for the erection of 16 dwellings, including 6 affordable units, with access from Bath Road.	Refused 23.01.2020.  Appeal withdrawn

- 2.2 As detailed above, planning permission was refused for substantively the same development in January 2020, and this decision was appealed to the Planning Inspectorate. However, in advance of the scheduled inquiry the Regulation 18 consultation draft of the Local Plan Review was published with the appeal/application site as a proposed allocation. Consequently, the appeal was withdrawn to pursue this application in light of the changing circumstances.

## 3. Procedural Matters

- 3.1 **EIA:** Given the nature and scale of this development it is considered to fall under section 10 of Column 1 of Schedule 2, but it is not considered to exceed any of the thresholds listed in column 2 of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.
- 3.2 **Publicity:** Site notices were displayed on 13/01/2021 on lampposts fronting the site adjacent to the A4; the deadline for representations expired on 03/02/2021. A public notice was displayed in the Newbury Weekly News on 21/01/2021.

- 3.3 **CIL:** Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres). Based on the CIL PAIR form, it appears that the proposed development will be CIL liable. However, CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any reserved matters approval. More information is available at [www.westberks.gov.uk/cil](http://www.westberks.gov.uk/cil)

## 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.

<b>Midgham Parish Council:</b>	<p>Objection to the application for the following reasons:</p> <ul style="list-style-type: none"> <li>• It is a development in the countryside.</li> <li>• It is outside the settlement boundary.</li> <li>• It is a ribbon development.</li> <li>• The matter has already been assessed by the planning authorities very recently and planning permission was denied.</li> <li>• The parish council are also objecting to the potential inclusion of this site into the local plan.</li> </ul>
<b>Woolhampton Parish Council:</b>	<p>Object to the application due to the access to the site being considered unsafe and too close to other junctions nearby.</p> <p>The sewage infrastructure is not sufficient to meet the demands of the new development.</p> <p>Overdevelopment- The oil pipeline area cannot be built on/near too.</p>
<b>WBC Highways:</b>	No objections subject to conditions
<b>WBC Trees:</b>	No objections subject to conditions
<b>WBC Housing Officer:</b>	No objections subject to securing affordable housing via legal agreement
<b>WBC Minerals and Waste Officer:</b>	No response 29/04/2022
<b>WBC Planning Policy Officer:</b>	<p>Response summarised as follows:</p> <p>This proposed development does not meet the exceptions listed in Policy C1, and therefore the policy presumption against new</p>

	<p>residential development applies. The proposed development is considered to be contrary to the current development plan.</p> <p>The HELAA concluded that the site is available within the next 1-5 years; that development is achievable (i.e. no known legal, ownership, market, or cost issues that could constrain the development); and the suitability was unknown. It was assessed that the site is potentially developable in part due to the need for a buffer between development and the ancient woodland which adjoins the site. The other sites in Woolhampton promoted for consideration in the HELAA (refs MID2 and MID3) were assessed as 'not developable within the next 15 years'.</p> <p>The LPR is in an early stage of development, and an emerging draft was subject to public consultation (Regulation 18 stage) between December 2020 and February 2021. Policy RSA20 allocates the application site for residential development.</p> <p>The preparation of the LPR has been delayed, given the changes outlined in the July 2021 NPPF and the need to undertake 30-year visioning work.</p> <p>Through the Regulation 18 consultation, six representations were received in respect of the site, and these can be viewed on the Council's Local Plan Consultation Portal: <a href="https://consult.westberks.gov.uk/kse/event/35924/peoplesubmissions/section/ID-5735616-6?consultation=ID-5735616-SITE-20">https://consult.westberks.gov.uk/kse/event/35924/peoplesubmissions/section/ID-5735616-6?consultation=ID-5735616-SITE-20</a>.</p> <p>Of the six representations, two were in support (this included the site promoter), there was one objection (Midgham Parish Council), and three which recommended typographical changes or criteria for inclusion in the policy.</p> <p>Officers consider that the matters raised in the representations are not of a significance that they would warrant the removal of the site as an allocation.</p> <p>Woolhampton is designated as a 'service village' and no changes are anticipated to take place to that classification through the LPR, meaning that the settlement will continue to be regarded as suitable for this scale of development through the LPR.</p> <p>The application site has been promoted again as part of the LPR. Of the three sites adjacent to the village this is the only site that has not been discounted through the HELAA, and it is the only proposed allocation in the village.</p>
<b>WBC Ecology Officer:</b>	No Objections subject to conditions
<b>Thames Water Utilities:</b>	<p><u>Waste Comments</u></p> <p>The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the</p>

	<p>proposal, which would require an amendment to the application at which point we would need to review our position.</p> <p>With the information provided, Thames Water has been unable to determine the waste water infrastructure needs of this application. Thames Water has contacted the developer in an attempt to obtain this information and agree a position for FOUL WATER drainage, but have been unable to do so in the time available and as such, Thames Water request that a condition be added to any planning permission.</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.</p> <p>Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.</p> <p><u>Water Comments</u> Following initial investigations, Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree a position on water networks but have been unable to do so in the time available and as such Thames Water request that a condition be added to any planning permission.</p>
<b>WBC Emergency Planning Officer:</b>	No objections
<b>Officer of Nuclear Regulation (ONR):</b>	No comment
<b>AWE:</b>	No response 28/04/2022
<b>WBC Archaeology Officer:</b>	No objections
<b>Thames Valley Police:</b>	No objections

<b>WBC Environmental Health:</b>	The application site is located next to the A4 road which will result in elevated noise levels. A noise survey and acoustic mitigation proposals will be required to demonstrate that the recommended internal and external noise levels can be achieved.  An hours of work and dust conditions are required in order to reduce the impact to nearby residential properties during the construction phase.
<b>Royal Berkshire Fire and Rescue:</b>	No response 28/04/2022
<b>Berkshire, Buckinghamshire And Oxfordshire Wildlife Trust:</b>	No objections in principle will submit condition suggested wording
<b>Environment Agency:</b>	No objections
<b>Natural England:</b>	No comment
<b>WBC Transport Policy:</b>	No response 28/04/2022
<b>WBC Lead Local Flood Authority:</b>	No objections subject to conditions
<b>WBC Waste Management:</b>	Comments made and condition suggested.
<b>CLH Fisher German Pipeline:</b>	No objections

### ***Public representations***

4.2 Representations have been received from 39 contributors, all of which 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:

- There is no need to for any more houses to be built in the village as there has already been 4 houses building in the village in the last year.
- The junction they are proposing will be very dangerous as there are numerous junctions coming onto the A4.
- Affordable housing that is being proposed locals could not afford these prices in their own village.
- The planning application was refused once why has it been put in again.

- Peoples views will be no longer looking at open fields just windows or rooftops.
- The village of Woolhampton is already in danger of losing its charm and character with the developments in place - the houses being built beside Midgham station and the large new estate on the A4.
- The amount of cars and extra traffic would not only be a major disruption but also very dangerous on an already extremely dangerous road.
- On street parking in the area is an issue.
- This paddock forms part of the defined rural landscape on approach to the village from the west creating clear definition between the village and open countryside to develop this area would detract from the small village feel.
- The site is a Greenfield site and borders ancient woodland and to develop this site can only have a negative impact on the local wildlife and their habitat regardless of any mitigating efforts of the development.
- Adding in so many houses and people would have a negative effect on local facilities and amenities.
- Noise and light pollution will significantly rise in this area due to the development. This would also negatively affect the adjoining paddock.
- It is a greenfield site.
- The development will impede natural drainage in the event of heavy rain.
- The sewerage works in station road are at full capacity with no initiation of enhancement from Thames Water.
- The junction is dangerous, turning right from the A4 is extremely precarious at the moment. It is clearly a dangerous road due to the need for speed cameras.
- The site has been rejected once.
- Deer and other wildlife has been known to graze on the land.
- This is basically the same application as the one already refused and should not be considered further.
- The developer states they did a mail drop about the application but nothing has been received by the objector.
- Planning applications have an adverse effect on people mental health and general feeling of wellbeing in the village.
- The land selected is greenbelt land, and as such should not be being considered for domestic development.
- It was always discussed that it was reed gardens or new road hill, never both developments coming forwards.
- The MOD oil pipeline runs through the development site, any new development runs the risk of causing a major incident to the pipeline.
- Water is already seen running down the roads from New Road Hill and Woolhampton by building more homes this could increase the risk of flooding.
- The field is important area for protect birds and foraging ground animals.
- The development falls within the Kennet School catchment area and this school is already oversubscribed. The development would put yet more pressure and compound this issue further.
- The area of land in question is on a very steep gradient which floods regularly with surface water running down New Road Hill. More concrete and housing will reduce natural infiltration and cause more danger to passing traffics on Bath Rd.
- The local primary school is at maximum capacity and would need significant investment and new buildings in order to offer places to a greater number of children.
- More houses will mean more congestion and more issues and busy times on the roads around Woolhampton.
- The south side of the A4 flooded in previous years and this along with other development could exacerbate this issue.
- There will be noise and disruption during construction.
- There will be a loss of the village feel to Woolhampton.

- Wildlife and protected species are often seen in the proposed development site.
- Views from existing house's adjacent to the site will be negatively impacted.
- There is no need for more housing in Woolhampton.
- The A4 is a very busy road and sometimes has limited viability due to the lack of lighting at the junction which could be dangerous.
- There is concern that more development towards Thatcham could exacerbate the issues raised in regards to this application.
- To allow this application would turn the village into a town losing its character.
- It is not considered this application is sufficiently different from the previous application to warrant any other decision than refusal.
- Concern is raised over the steepness of the site and the stability of the ground.
- The timing of this new application being proposed during lockdown suggests lack of transparency.

## 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, ADPP6, CS1, CS4, CS5, CS6, CS8, CS13, CS14, CS15, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies C1, C3 and P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies TRANS 1, OVS.5, OVS6, RL.1, RL.2 and RL.3 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).
- Policies 1 and 2 of the Replacement Minerals Local Plan for Berkshire 2001 (RMLP).

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- North Wessex Downs AONB Management Plan 2019-24
- WBC Quality Design SPD (2006)
- Planning Obligations SPD (2015)
- Sustainable Drainage SPD (2018)
- West Berkshire Landscape Character Assessment (2019)

## 6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of development
- Housing mix and infrastructure
- Affordable housing
- AWE
- Landscape and visual impact
- Residential amenity
- Highways matters
- Flooding and sustainable drainage



- Sustainable construction and energy efficiency
- Ecology and trees

### ***Principle of development***

6.2 The application site is located to the west of Woolhampton. It lies adjacent to, but outside of, the Woolhampton settlement boundary, and in policy terms is located in open countryside. The site is proposed as a residential allocation in the draft emerging West Berkshire Local Plan Review to 2037. The existing development plan and emerging policies are considered below with respect to the principle of development.

### **Development Plan**

- 6.3 The most important development plan policies for determining whether the principle of development is acceptable are Policies ADPP1, ADPP6 and CS1 of the Core Strategy, and Policy C1 of the Housing Site Allocations DPD. The Core Strategy includes a Spatial Strategy (ADPP1 and ADPP6) that provides a broad indication of the overall scale of development in the district, applying the principles of sustainable development, and based on defined spatial areas and a settlement hierarchy. Policies CS1 and C1 relate specifically to housing.
- 6.4 According to Policy ADPP1, most development will be within or adjacent to the settlements in the hierarchy, and related to their transport accessibility and level of services. The urban areas will be the focus for most development. The scale and density of development will be related to the site's accessibility, character and surroundings.
- 6.5 Woolhampton is classified as a "service village" in the District Settlement Hierarchy of Policy ADPP1, which is a third tier settlement designated for having a more limited range of services and some limited development potential.
- 6.6 Only appropriate limited development in the countryside (outside of the defined settlement boundaries) will be allowed, focused on addressing identified needs and maintaining a strong rural economy.
- 6.7 The application site is located within the East Kennet Valley, the name given to the rural south-east of the district that lies east of Thatcham and outside of the AONB. Distinct features of this area are the Kennet and Avon Canal and River Kennet which both run from west to east across the breadth of this area, parallel to the Newbury – Reading train line and the A4. The East Kennet Valley is also characterised by a number of villages along the route of the canal/river and others dispersed across farmland and some woodland. The Atomic Weapons Establishment (AWE) has two bases in this area, at Aldermaston and Burghfield, which has implications for the future level of development in this area.
- 6.8 Policy ADPP6 is the spatial strategy for the East Kennet Valley. The policy identifies that the area will accommodate approximately 800 new homes over the plan period. The two identified rural service centres of Burghfield Common and Mortimer will be the focus of development, together with the more modest development of the identified service village of Woolhampton. According to the policy, the character of all the settlements in this area will be conserved and enhanced by ensuring that any development responds positively to the local context. Development in the open countryside will be strictly controlled.
- 6.9 According to Policy CS1, new homes will be located in accordance with the Spatial Strategy and Area Delivery Plan Policies. New homes will be primarily located on

suitable land within settlement boundaries, and other land allocated for development within the Local Plan.

- 6.10 In this context, Policy C1 of the HSA DPD gives a presumption against new residential development outside of the settlement boundaries. Exceptions to this are limited to some forms of development listed in the policy.
- 6.11 The HSA DPD was prepared within the framework of the adopted Core Strategy and allocated smaller scale housing sites to boost the supply of housing in a plan-led manner, while taking the opportunity to update selected housing policies.
- 6.12 This particular site (ref: WOOL001) was not allocated within the HSA DPD. The site was submitted and assessed as part of the Strategic Housing Land Availability Assessment process as potentially developable. The site was then considered through the HSA DPD process, and was one of two sites presented as alternatives at the Preferred Options stage. Following consultation and further sustainability appraisal the site to the north of the A4 to the east of the village was selected for allocation rather than this site. Site works have commenced on the allocated site which will deliver 35 homes, including 14 affordable homes. This is now believed to have been built out (April 2022).
- 6.13 This proposed development does not meet the exceptions listed in Policy C1, and therefore the policy presumption against new residential development applies. The proposed development is considered to be contrary to the current development plan.

#### **West Berkshire Local Plan Review to 2037 (LPR)**

- 6.14 The current Local Plan (which comprises of the Core Strategy, Housing Site Allocations DPD, and the saved policies of the West Berkshire District Local Plan 1991-2006) sets out the district's planning policies up to 2026. A review of the Local Plan is now underway to cover the period up to 2037.
- 6.15 Various evidence documents have been produced to underpin the policies within the LPR, and one such document is the Housing and Economic Land Availability Assessment (HELAA). The application was promoted to the Council and has been assessed as part of the HELAA, last updated in December 2020 (<https://info.westberks.gov.uk/helaa>). Comments were sought from internal and external consultees, and represented an assessment based on the information provided at that time.
- 6.16 The HELAA concluded that the site is available within the next 1-5 years; that development is achievable (i.e. no known legal, ownership, market, or cost issues that could constrain the development); and the suitability was unknown. It was assessed that the site is potentially developable in part due to the need for a buffer between development and the ancient woodland which adjoins the site. The other sites in Woolhampton promoted for consideration in the HELAA (refs MID2 and MID3) were assessed as 'not developable within the next 15 years'.
- 6.17 The LPR is in an early stage of development, and an emerging draft was subject to public consultation (Regulation 18 stage) between December 2020 and February 2021. Policy RSA20 allocates the application site for residential development.
- 6.18 Paragraph 48 of the NPPF allows Local Planning Authorities to give weight to relevant policies in emerging plans according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 6.19 The preparation of the LPR has been delayed, given the changes outlined in the July 2021 NPPF and the need to undertake 30-year visioning work.
- 6.20 Through the Regulation 18 consultation, six representations were received in respect of the site, and these can be viewed on the Council's Local Plan Consultation Portal: <https://consult.westberks.gov.uk/kse/event/35924/peoplesubmissions/section/ID-5735616-6?consultation=ID-5735616-SITE-20>.
- 6.21 Of the six representations, two were in support (this included the site promoter), there was one objection (Midgham Parish Council), and three which recommended typographical changes or criteria for inclusion in the policy.
- 6.22 Officers consider that the matters raised in the representations are not of a significance that they would warrant the removal of the site as an allocation. Officers advise Members on the basis of evidence. Officers recommended this site be included as a proposed allocation in the emerging draft LPR and Members agreed that the plan could be consulted on. Members will need to agree that the proposed submission version of the plan (Regulation 19) can be consulted upon.
- 6.23 Having regard to paragraph 48 of the NPPF, the consultation draft of the LPR is considered to be consistent with the NPPF. The relatively early stage of preparation is such that normally limited weight can be given to the emerging policies. However, careful consideration has been given to the specific circumstances of this site.
- 6.24 As part of the LPR it is proposed to merge the Eastern Area and East Kennet Valley spatial areas into a new single spatial area. The LPR also proposes to retain a District Settlement Hierarchy that will direct appropriate levels of growth to the settlements across the district.
- 6.25 Woolhampton is designated as a 'service village' and no changes are anticipated to take place to that classification through the LPR, meaning that the settlement will continue to be regarded as suitable for this scale of development through the LPR. It is also recognised that a large area within the proposed Eastern Spatial Area has been constrained by the emergency planning zones surrounding the two AWE sites.
- 6.26 The application site has been promoted again as part of the LPR. Of the three sites adjacent to the village this is the only site that has not been discounted through the HELAA, and it is the only proposed allocation in the village.
- 6.27 Planning Policy has confirmed that the matters raised in the Regulation 18 are not of a significance to warrant not pursuing the allocation, and therefore it is considered that there are not any unresolved technical objections. The matters raised in the HELAA (such as the relationship to ancient woodland) have been considered as part of this application and found to be acceptable.
- 6.28 Taking all these points into consideration, it is considered that the application site is highly likely to progress as an allocation in the LPR, and therefore greater weight can be applied to the emerging policies in accordance with paragraph 48 of the NPPF.

6.29 Consideration has been given to whether the granting of planning permission now would be premature to the adoption of the Local Plan Review. The NPPF provides Government policy on this issue of prematurity in paragraph 50. It states:

*“Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.”*

6.30 As the LPR has not been submitted for examination, national policy is clear that planning permission cannot be refused on grounds of prematurity in this case.

6.31 Overall it is considered, in the particular circumstances of this case, that the principle of development is acceptable.

### ***Housing mix and infrastructure***

6.32 In terms of efficient use of land, policy CS4 allows for lower density developments below 30 dwellings per hectare in certain areas of the district where areas are sensitive to intensification. The housing density has been calculated as approximately 19.7 dwellings per hectare. The location of the site, sensitivity to change and character of the area are such that a lower density is justifiable. Additionally the constraints of the sites in the form of buffers and pipeline easement must be factored in. This consideration relates solely to land use density, not the precise impact of the development.

6.33 Policy CS5 of the Core Strategy relates to infrastructure provision and services for new development. The scale of the development is such that community infrastructure levy receipts would go towards mitigating impacts on the majority of local infrastructure including schools and health services.

### ***Affordable housing***

6.34 Core Strategy policy CS6 provides that for site of more than 0.5 hectares or development of 15 dwellings or more on greenfield land shall provide 40% affordable housing. The tenure split sought by the Council is 70% social rented and 30% intermediate housing to meet identified local need. As the developers are proposing 16 dwellings, and as this is a greenfield site of over 0.5 hectares 40% of all dwellings are required for affordable housing provision, which equates to 6 units (rounded up). The development proposal would provide 6 units equating to 40% of the site as affordable housing.

6.35 However, the development will need to comply with the Government’s introduction of First Homes. This therefore needs to be factored into the housing mix.

6.36 With regard to the unit mix factoring in First Homes, in the light of sales values, it would not be feasible in this location for a 3-bed home to meet the First Homes criterion regarding a maximum 30% discount on market value. Therefore the following unit mix was proposed and agreed with the Council’s Housing Officer.

#### First Homes

- 2 x no.2 bed

### Social Rent

- 2 x no.1 beds
- 1 x no.2 beds
- 1 x no.3 beds

6.37 The applicant has provided a policy compliant level of affordable units. Both affordable housing and the provision and transfer of public open space would need to be secured by a planning obligation. The development is considered in accordance with policy in this regard subject to agreement of planning obligations.

### **AWE**

6.38 The application site is located outside the Detailed Emergency Planning Zone of both AWE sites. No objections have been received from the Office of Nuclear Regulation or Emergency Planning, and no comments have been submitted by AWE. The proposal is considered to comply with Policy CS8.

### ***Landscape and visual impacts***

6.39 There are a number of policies that include matters which relate to the impact of development on the character of the area. Policy ADPP1 requires the scale and density of development to be well related to the site's character and surroundings, and Policy ADPP6 that the character of the settlements conserved and enhanced.

6.40 Policy C1 of the Housing Site Allocations DPD states that, planning permission will not be granted where a proposal harms or undermines the existing relationship of the settlement within the open countryside, where it does not contribute to the character and distinctiveness of a rural area, including the natural beauty of the AONB, or where development would have an adverse cumulative impact on the environment.

6.41 Policy CS14 states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. It further states that development shall contribute positively to local distinctiveness and sense of place.

6.42 Policy CS19 seeks to conserve and enhance the functional components of the landscape character and environment. Particular regard will be given to the sensitivity of the area to change, and ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character. Policy CS19 states that proposals for development should be informed by and respond to the distinctive character areas and key characteristics identified in relevant landscape character assessments. The West Berkshire LCA was published in August 2019.

6.43 The application included an indicative layout and landscaping plan, as well as a Landscape Visual Impact Assessment (LVIA). This documents comments that the site is well contained in views from the adjoining landscape and townscape by the adjoining well-treed and wooded landscape, as well as the existing built form. Where the new homes are visible, they will be seen within the context of the existing residential development along New Road Hill and Bath Road, and will not appear out of character. The LVIA concludes that "overall, the proposed development, in line with the Indicative Site Layout Plan, Illustrative Landscape Strategy Plan and the principles set out in Section 5.2, will complement the character of the surrounding area, and will not have any significant effects on the surrounding landscape or townscape character."

- 6.44 The West Berkshire Landscape Character Assessment defines the site in *WH4: Cold Ash Woodland and Heathland Mosaic*, the site is right in the southern border of this area. One of the identified ongoing detractors in the area is the increase in sub urbanisation of the area. It notes modern housing along main routes and on adjacent cul-de-sacs, together with street lighting and pavements, has introduced suburban characteristics to some places, particularly where there is less tree cover to mask changes. It goes on to comment that the loss of small pasture fields adjacent to settlements have been vulnerable to development however these sites adjacent to settlement boundaries contribute to the rural character as they act as transitions between settlements and countryside that contributes positively to the landscape character. The proposed development leads to the loss of the paddock land, which makes a contribution to the rural setting of the village. The loss of this paddock detracts from the landscape character identified in the assessment degrading the character of the area through the loss of transitioning space between settlement and countryside.
- 6.45 The applicant has sought to justify this by identifying the degree of screening the site benefits from and the woodland to which marks, in their opinion, the edge of the settlement boundary. The applicant notes that the open field plays little part in the setting of Woolhampton.
- 6.46 The proposed development would have an adverse impact in terms of the loss of the open paddock, which makes a contribution to the rural setting of the village. The presence of housing would be conspicuous in public views immediately adjacent to the site. Whilst it is considered that there is landscape and visual harm (having regard to the LCA), it is considered to be localised to the immediate vicinity of the site whereby the development would be viewed in the context of existing built form, and views of the development would be filtered to varying degrees.
- 6.47 Overall, it is concluded that there would be some localised harm, but that when balanced against the principle of development it is considered that the site is acceptable in this respect.

### ***Residential amenity***

- 6.48 According to Policy CS14, new development must demonstrate high quality and sustainable design that makes a positive contribution to the quality of life in West Berkshire. Paragraph 127 of the NPPF states planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.
- 6.49 Consequently, all development should be designed in a way to avoid any unacceptable harm to neighbouring living conditions. Applications will typically be assessed in terms of any significant loss of light, overlooking of neighbouring buildings or land, and whether the proposal would result in any undue sense of enclosure, overbearing impact, or harmful loss of outlook to neighbouring properties. Developments should also provide a good quality environment for future occupants of the development, including the above considerations, noise, and private outdoor amenity space.
- 6.50 The application is made in outline therefore the detailed design is subject to change; however an indicate site layout has been provided to show one way in which the site could be developed.
- 6.51 It is considered that the indicative site layout submitted would give due consideration to the neighbours of the application site. The dwelling to the north of the site known as Mariner Lodge would benefit from the pipeline easement area of open space to which is an adequate buffer between the sites proposed dwellings and neighbouring dwellings. The distances between plots 14 and 15 and those dwellings to the east of the site are

considered adequate. It is considered that the illustrative layout submitted would not have a detrimental impact on neighbouring amenity from issues such as overlooking, overbearing, and overshadowing or from a loss of sunlight.

- 6.52 The garden spaces provided to each individual dwelling are considered acceptable. Some of the plots fall below the thresholds required by the SPD but others exceed, so there would be sufficient flexibility at reserved matters stage. Given the site plan is also indicative this is something that may be subject to change. The development is considered capable of complying with the above policies in terms of neighbouring amenity.

### ***Highway matters***

- 6.53 The Highway Authority has reviewed the plans, letters from the public, and the Transport Statement (TS) prepared by i-Transport. This proposal is similar to and follows on from planning application 19/01942/OUTMAJ.

### **Site layout**

- 6.54 Whilst it is appreciated that the indicative site layout is only illustrative at this stage, the layout appears to be generally acceptable. The layout will need to comply with parking standards set in the Housing Site Allocations DPD Policy P1 2017 and Cycle and Motorcycle Advice and Standards for New Development 2014. This can be considered further at any reserved matters stage.

- 6.55 It must be noted that within West Berkshire, all roads serving more than five houses must be built to an adoptable standard. Highway officers will strongly encourage the roads and other infrastructure to be adopted under Section 38 of the Highways Act 1980 and will take measures accordingly.

### **Access**

- 6.56 As shown on drawing ITB14436-GA-005 Rev E, the vehicular access onto the A4 is proposed to a width of 5.0 metres with 2.0 metre wide footways on both sides. As stated within the TS, to determine the required sight lines, speed surveys were undertaken between the February 5<sup>th</sup> and the 11<sup>th</sup> 2019. 85<sup>th</sup> percentile recorded speeds were found to be 66 kph (41.0 mph) eastbound and 57.5 kph (35.7 mph) westbound. Sight lines are therefore being provided of 2.4 x 120.0 and 61.0 respectively. This complies with standards set within the Government's Manual for Streets (MfS) and the Design Manual for Roads and Bridges (DRMB).
- 6.57 For the proposed access, Highway officers are content with the proposed turn right lane and ghost island within the A4, as it generally complies with the DRMB TD42/95.
- 6.58 The provision of additional accesses onto major roads such as the A4 is not normally supported by highway officers, and in some respects it may have been preferable to have had an access serving the site onto New Road Hill. However, in this instance having the development accessing and fronting onto the A4 would assist in providing an 'active frontage' in line with the Government's Manual for Streets. The indicative layout does show dwellings fronting onto the A4.
- 6.59 An independent Stage One Road Safety Audit (RSA) was undertaken for both the proposed site access junction. The RSA did not raise any particular highway safety issues with the proposed design.

## **Traffic generation**

- 6.60 Traffic generation for the development has been projected using the Trip Rate Information Computer System (TRICS) which is an Ireland and UK database of traffic surveys from many different uses including residential. This is a very standard methodology to project traffic levels. The following has been obtained from TRICS

Trip rate...	AM peak 08.00 to 09.00			PM peak 17.00 to 18.00		
	Arrive	Depart	Total	Arrive	Depart	Total
Per dwelling	0.128	0.448	0.576	0.383	0.180	0.563
For proposal	2	7	9	6	3	9

Projected traffic generation

- 6.61 It needs to be highlighted that the above trip rates do not include all of the traffic that will leave the site during the morning and that return during the PM peak etc. It is only during the particular peak hours. The Highway Officer considers this to be sufficiently robust. With the above figures, Officers have no objection on traffic grounds.
- 6.62 Personal Injury Accident (PIAs) data for the Woolhampton area has been viewed for five years up to the end of 2021. In total, there were four PIAs recorded in the study period, two of which were recorded as slight in nature and two which resulted in serious injury. Every PIA is regrettable, however the number of PIA's are not unusual and do not identify any specific road safety problems in the local area that would be increased by what is a relatively small development
- 6.63 Overall, the Highway Authority raises no objection to this proposal. Should the proposal be approved conditions will be needed.

## ***Flooding and sustainable drainage***

- 6.64 The site is located within Flood Zone 1, which indicates a low risk of fluvial (river) flooding. It is also not within any critical drainage area identified by the Strategic Flood Risk Assessment for the district. As major development, a Flood Risk Assessment (FRA) has nevertheless been provided in accordance with Policy CS16. There are no objections to the development on grounds of flood risk.
- 6.65 Notwithstanding the absence of any flood risk objections, Policy CS16 states that on all development sites, surface water will be managed in a sustainable manner through the implementation of Sustainable Drainage Methods (SuDS) in accordance with best practice and the proposed national standards and to provide attenuation to greenfield run-off rates and volumes, for all new development and re-development and provide other benefits where possible such as water quality, biodiversity and amenity. The Council has adopted a Sustainable Drainage SPD which supports this policy, and provides examples of measures that can be incorporated into even minor developments.
- 6.66 The Lead Local Flood Authority has reviewed the submitted FRA and Drainage Strategy and are content with the principles proposed. Subject to a condition the LLFA raised no objection to the application. A condition is necessary to secure the prior approval of a detailed sustainable drainage scheme and its subsequent implementation, in order to comply with Policy CS16.



### ***Sustainable construction and energy efficiency***

- 6.67 Policy CS15 requires residential development to comply with the Code for Sustainable Homes; however this scheme no longer exists and so this part of Policy CS15 can no longer be applied.
- 6.68 Policy CS15 further stipulates that major development shall achieve minimum reductions in total CO<sub>2</sub> emissions from renewable energy or low/zero carbon energy generation on site, unless it can be demonstrated that such provision is not technically or economically viable. The percentage reductions in CO<sub>2</sub> emissions should be based on the estimated CO<sub>2</sub> emissions of the development after the installation of energy efficiency measures related to Code for Sustainable Homes has been applied (however, the baseline will be Building Regulations following the cancellation of CSH). From 2019 the policy seeks zero carbon.
- 6.69 The applicant has submitted an Energy Statement which summaries that there will be a total reduction in emissions from energy efficiency, low-carbon and renewable technologies are calculated as; 12,813 kg CO<sub>2</sub> per year, which equates to a reduction of 57.90% (% of TER). Whilst not achieving full zero carbon, this is considered to be a meaningful reduction in carbon emissions.

### ***Ecology and trees***

- 6.70 Policy CS17 of the Core Strategy requires biodiversity assets to be conserved and enhanced. It states that harm to habitats or species of principal importance for the purpose of conserving biodiversity will only be permitted if there are no reasonable alternatives and there are clear demonstrable social or economic benefits of regional or national importance that outweigh the need to safeguard the site or species and that adequate compensation and mitigation measures are provided. All development shall maximise opportunities for net gains in biodiversity.
- 6.71 The site is within 500m of approximately two ancient and semi natural woodland and an ancient replanted woodland, and 500m of both the Woolhampton Reed Beds and River Kennet Site of Special Scientific Interest (SSSI). There is evidence of European Protected Species (including 6 different bat species) and Priority Species. It is also within a Biodiversity Opportunity Area.
- 6.72 The site comprises a single grass paddock with hedgerows (containing a number of standard trees) on the east and south boundaries. Off-site hedgerows are present on the northern boundary associated with residential gardens. The edge of Great Mounts Copse Local Wildlife Site (LWS) is adjacent to the western boundary.
- 6.73 The majority of the field comprises species poor semi-improved grassland, although a small area with comparatively greater species diversity is present in the southeast corner. This area of grassland, the hedgerows and the off-site woodland are considered to form important ecological features. Small sections of the hedgerow at the southern boundary will be removed to facilitate access and the majority of the grassland will likely be removed. This will be compensated by new, native hedgerow and scrub planting and the creation of new flower-rich grassland. The off-site woodland will be retained, buffered and protected during construction, and measures are incorporated into the scheme to prevent public access.
- 6.74 In regards to Dormice the Council's Ecologist is satisfied that an appropriate level of effort survey effort has been undertaken with regard to establishing the presence/likely absence of dormice in and around the site, as stated in 4.2 of the submitted ecology Technical Briefing Note. The Construction Ecological Management Plan for the site will still need to make sure that methodology safeguards are in place for the clearance of

any vegetation onsite and that any ecological planting aids the housing and feeding of notable/protected species of mammals and birds.

- 6.75 In regards to bats, the Council's Ecologist is satisfied that an appropriate level of effort survey effort has been undertaken with regard to establishing the level of commuting and foraging onsite by bats. The only concern is with regard to the lighting plan shown on the ecology Technical Briefing Note, the levels of lighting protruding into the vegetation is not acceptable currently to but this can be resolved by an appropriately worded condition that includes an updated bat survey (as the surveys only last 3 years).
- 6.76 The Council's Ecologist is satisfied that an appropriate level of mitigation has been put forward with regard to protecting the adjacent Morris Copse and Great Mounts Copse.
- 6.77 Biodiversity Net Gain Best Practice (endorsed by CIEEM AND Natural England) is generally considered to be that a minimum of 10% Net Gain for Biodiversity which this development meets with a percentage increase, with the Biodiversity Impact Assessment finds that the outline layout is capable of delivering a quantifiable net gain for biodiversity in relation to habitats, which at 25.44% for habitats and 3.9% in relation to linear habitats is significantly in excess of the 10% contained in the environment act 2021 but will not be enacted until 2023.
- 6.78 A point raised in the submitted ecology Technical Briefing Note (5.4) with regard to water quality; Biodiversity Net Gain does not take water quality into account but it should account for things such as culverts being put in place and so far the Ecologist is not confident that this has been fully demonstrated (as the calculations themselves have not been submitted) and considered by the applicant. The Ecologist is confident that the new development's proposals will not significantly adversely affect water volumes leaving the site but the same cannot be said for water quality due to the changes in land use with increases in hydro carbons derived from motor vehicles likely to negatively affect dissolved oxygen in the water body and elements such as heavy metals also found within motor vehicle fuel would also negatively affect aquatic life. To mitigate for the impacts on water quality and the partial culverting of the water body the Ecologist proposes that the size (surface area and overall volume) of the SuDS be increased and to be a 2 staged with a grate system and then a fen/reed bed being placed inline just before the stream goes into the proposed culvert. This can be secured through the drainage planning condition.
- 6.79 The Tree Officer has raised no objections subject to conditions. An adequate buffer will be retained and protected to the adjacent woodland.
- 6.80 The development is therefore considered to comply with Policies CS17 and CS18.

## **7. Planning Balance and Conclusion**

- 7.1 The proposed development engages the presumption against new residential development in Policy C1 of the HSA DPD, and is therefore not in accordance with the current development plan. However, the site is proposed as a housing site allocation in draft Local Plan Review. Careful consideration has been given to the specific merits of this case in accordance with paragraph 48 of the NPPF, which allows local planning authorities to give weight to policies in emerging plans. Whilst the LPR is in a relatively early stage of preparation, the specific circumstances relating to Woolhampton and the proposed Eastern Spatial Area are such that it is considered that the application site is highly likely to progress as an allocation in the LPR, and therefore greater weight be can applied to the emerging policies in accordance with paragraph 48 of the NPPF.

- 7.2 The proposed development would result in some localised landscape and visual harm to the immediate vicinity; however, it is considered that this harm is outweighed by the benefit of housing in this location in accordance with the emerging policies. All other technical considerations are considered to be acceptable.
- 7.3 Balancing all of the considerations in this application it is concluded that benefits of the proposal outweigh the adverse effects, and therefore the application is recommended for approval subject to the completion of a Section 106 legal agreement.

## 8. Full Recommendation

- 8.1 PROVIDED THAT a Section 106 Agreement has been completed by 11<sup>th</sup> August 2022 (or such longer period that may be authorised by the Service Director of Development and Regulation, in consultation with the Chairman or Vice Chairman of the Eastern Area Planning Committee), to delegate to the Service Director of Development and Regulation to GRANT PLANNING PERMISSION subject to the conditions listed below.
- 8.2 OR, if a Section 106 Agreement is not completed, to REFUSE PLANNING PERMISSION for the reasons listed below.

### **Conditions**

1. **Approval of reserved matters**

Details of the appearance, landscaping, layout and scale (hereinafter called “the reserved matters”) shall be submitted to and approved in writing by the local planning authority before any development takes place. The development shall be carried out in accordance with the approved details.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. **Time limit for reserved matters**

Application(s) for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

3. **Commencement of development (outline)**

The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

4. **Approved plans**

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

Location Plan 112 E  
Context plan 100.111D  
Design and Access Statement JIA-100 Rev B

For information the following plan was considered

Indicative Site Layout Plan 100.110E

Indicative Sections 100.113.

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

5. **Schedule of materials (prior approval)**

The construction of the dwellings shall not take place until a schedule of the materials to be used in the construction of the external surfaces of the development hereby permitted, has been submitted to and approved in writing by the Local Planning Authority. Samples of materials shall be made available upon request. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure that the external materials respect the character and appearance of the area. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

6. **Construction method statement**

No development shall take place 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 to the site, and any temporary hard-standing;
- (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;

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.

7. **Protection from external noise (prior approval)**

The construction of the dwellings shall not take place until details of external noise mitigation measures for the dwellings have been submitted to and approved in writing by the Local Planning Authority. The details shall be informed by an appropriately detailed investigation to address the noise impacts on the proposed dwellings, gardens and external amenity area of the approved development from traffic noise from the A4. Thereafter the development shall be carried out in accordance with the approved details and no dwelling shall be first occupied until such measures have been completed.

Reason: To protect future occupants from the adverse effects of excessive noise levels that may be generated by the adjacent A4 and any other noise sources in the area. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026), Policy OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), and Quality Design SPD.

8. **Hours of work (construction/demolition)**

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

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

8:30am to 1:00pm Saturdays;

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

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

9. **Refuse Storage (prior approval)**

No dwelling shall be occupied until a storage area for refuse and recycling receptacles (and collection areas if necessary) has been provided for that dwelling in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that there is adequate refuse and recycling storage facilities within the site, to ensure safe and adequate collection in the interests of highway safety and local amenity. 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 the West Berkshire Quality Design SPD (Part 1, Section 2.13).

10. **Tree Protection (scheme submitted)**

Protective fencing shall be implemented and retained intact for the duration of the development in accordance with the tree and landscape protection scheme identified on approved drawing numbered plan JPP22230-03 Rev A of 18/12/20. Within the fenced areas, there shall be no excavations, storage of materials or machinery, parking of vehicles or fires.

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 objectives of the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

11. **Tree Protection – Construction Precautions**

No development or other operations shall commence on site until details of the proposed access, hard surfacing, drainage and services providing for the protection of the root zones of trees to be retained has been submitted 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 protection of trees identified for retention at the site in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is necessary because insufficient detailed information accompanies the application; tree protection installation measures and works may be required to be undertaken

throughout the construction phase and so it is necessary to approve these details before any development takes place.

**12. Arboricultural supervision condition**

No development shall take place (including site clearance and any other preparatory works) until the applicant has secured the implementation of an arboricultural watching brief in accordance with a written scheme of site monitoring, which has been submitted to and approved in writing by 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 objectives of the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026. A pre-commencement condition is necessary because insufficient detailed information accompanies the application; tree protection installation measures and site supervision works may be required to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

**13. Arboricultural Programme of Works**

No development or other operations shall commence on site until a detailed schedule of tree works including timing and phasing of operations has been submitted 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 enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026. A pre-commencement condition is necessary because insufficient detailed information accompanies the application; tree protection measures and works may be required to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

**14. Electric vehicle charging points (prior approval)**

No dwelling shall be first occupied until electric vehicle charging points have been provided for that dwelling/unit in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, the charging points shall be maintained, and kept available and operational for electric vehicles at all times.

Reason: To secure the provision of charging points to encourage the use of electric vehicles. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, and Policy P1 of the Housing Site Allocations DPD 2006-2026.

**15. Highways Construction Details**

No development shall take place until details of the highway construction details have been submitted to and approved in writing by the Local Planning Authority. The details shall ensure that the roads, footways and other highway infrastructure within the site are designed to an adoptable standard. The submitted details shall include all items ensuring compliance with the Council's Standard Highway Details including gradients. Unless otherwise agreed in writing by the Local Planning Authority, thereafter the development shall be carried out in accordance with the approved details. Access should also be available for Council highway engineers to inspect works when appropriate.

Reason: In the interest of road safety, future maintenance, residential amenity and to ensure waste collection over adoptable infrastructure. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre commencement condition is needed as the details may need influence the construction of the site.

16. **Gradient of private drive**

The gradient of private drives shall not exceed 1 in 12.

Reason: To ensure that adequate access to parking spaces and garages is provided. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

17. **Visibility splays (provision)**

No dwelling shall be first occupied until the visibility splays at the proposed access onto the A4 have been provided in accordance with drawing number ITB14436-GA-005 received on December 21<sup>st</sup> 2020. Thereafter the visibility splays shall be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level at all times.

Reason: To ensure there is adequate visibility at the access, in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS13 of the West Berkshire Core Strategy 2006-2026.

18. **Parking (prior approval before occupation)**

No dwelling shall be first occupied until vehicle parking and turning spaces for that dwelling (including any surfacing arrangements and marking out) have been completed in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. Thereafter the parking and turning spaces shall be kept available for parking and manoeuvring (of private cars and/or private light goods vehicles) at all times.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, and Policy P1 of the Housing Site Allocations DPD 2006-2026.

19. **Access construction before remainder of development**

The first development to take place shall be the construction of the access onto the A4. Unless otherwise agreed in writing by the Local Planning Authority, no other development shall take place until the access has been constructed in accordance with the approved details.

Reason: To ensure that safe access to the highway is constructed before any further development in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

20. **Highway works**

No development shall take place until engineering details the vehicular and footway access onto the A4 Bath Road, with a turn right lane and ghost island, has been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. This condition applies irrespective of the details in this application

Reason: To encourage sustainable travel, in the interest of road safety and to ensure adequate and unobstructed provision for pedestrians and/or cyclists. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026). A pre commencement condition is needed as the details may need influence the construction of the site.

**21. Cycle parking/storage (prior approval before occupation)**

No dwelling shall be first occupied until cycle parking/storage facilities for that dwelling have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Thereafter the facilities shall be maintained and kept available for that purpose at all times.

Reason: To ensure the provision of cycle parking/storage facilities in order to encourage the use of cycles and reduce reliance on private motor vehicles. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, Policy P1 of the Housing Site Allocations DPD 2006-2026, Quality Design SPD, and the Council's Cycle and Motorcycle Advice and Standards for New Development (November 2014).

**22. Sustainable drainage**

No development shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority.

These details shall:

- a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and West Berkshire Council local standards, particularly the WBC SuDS Supplementary Planning Document December 2018;
- b) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels. Any soakage testing should be undertaken in accordance with BRE365 methodology;
- c) Include attenuation measures to retain rainfall run-off within the site and allow discharge from the site to an existing watercourse at no greater than 1 in 1 year Greenfield run-off rates;
- d) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- e) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change and an additional 10% increase of paved areas over the lifetime of the development (Urban Creep);
- f) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
- g) Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines.
- h) Include details of how the SuDS measures will be maintained and managed after completion. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises;
- i) Apply for an Ordinary Watercourse Consent in case of surface water discharge into and other works on or adjacent to a watercourse (i.e stream, ditch etc);
- j) Show that attenuation storage measures have a 300mm freeboard above maximum design water level. Surface conveyance features must have a 150mm freeboard above maximum design water level;



- k) Provide details of how surface water will be managed and contained within the site during any construction works to prevent silt migration and pollution of watercourses, highway drainage and land either on or adjacent to the site;
- l) Provide a verification report carried out by a qualified drainage engineer demonstrating that the drainage system has been constructed as per the approved scheme (or detail any minor variations thereof), to be submitted to and approved by the Local Planning Authority on completion of construction. This shall include: plans and details of any key drainage elements (surface water drainage network, attenuation devices/areas, flow restriction devices and outfalls) and details of any management company managing the SuDS measures thereafter.

Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), Part 4 of Supplementary Planning Document Quality Design (June 2006) and SuDS Supplementary Planning Document (Dec 2018). A pre-condition is necessary because insufficient detailed information accompanies the application; sustainable drainage measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

**23. Lighting design strategy for light sensitive biodiversity**

No dwelling shall be first occupied until a lighting design strategy for biodiversity for the development has been 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 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 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.
- c) Include an appropriately updated bat survey so the above design strategy reacts to the current biodiversity constraints of the site.

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 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.

**24. 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: This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026 to conserve the biodiversity of the site. A pre-commencement condition is required because the CEMP will need to be adhered to throughout construction.

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

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

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

The 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: This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026 to conserve the biodiversity of the site. A pre-commencement condition is required because the CEMP will need to be adhered to throughout construction.

26. **Biodiversity measures (prior approval)**

No development shall take place until details of biodiversity enhancement measures have been submitted to and approved in writing by the Local Planning Authority. Thereafter, no dwelling shall be occupied until the measures related to that dwelling have been installed/constructed in accordance with the approved detail.

Reason: To ensure biodiversity enhancements are incorporated into the development. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

A pre commencement condition is needed as the details will need to be agreed as part of the reserved matters and possibly implement throughout the construction of the development

27. **Site levels**

No development on any dwelling shall take place until details of the finished floor levels of that dwelling in relation to existing and proposed ground levels of adjoining dwellings have been submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved levels.

Reason: Insufficient information on levels has been provided as part of the application. This information is required to ensure satisfactory relationships between properties in order to safeguard residential amenity, and to ensure the levels/heights respect the character and appearance of the area. This information is needed at this stage because of the site-wide implications of levels of the layout of the development in accordance with the provisions of the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

28. **Spoil**

No development shall take place until details of how all spoil arising from the development will be used and/or disposed have been submitted to and approved in writing by the Local Planning Authority. These details shall:

- a) Show where any spoil to remain on the site will be deposited;
- b) Show the resultant ground levels for spoil deposited on the site (compared to existing ground levels);
- c) Include measures to remove all spoil from the site (that is not to be deposited);
- d) Include timescales for the depositing/removal of spoil.

All spoil arising from the development shall be used and/or disposed of in accordance with the approved details.

Reason: To ensure appropriate disposal of spoil from the development and to ensure that ground levels are not raised in order to protect the character and amenity of the area. A pre-condition is required because insufficient information accompanies the application, and the agreed details will affect early construction activities. This condition is applied in accordance with the NPPF, Policies ADPP5,

CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD (June 2006).

29. **Habitat Management Plan**

No development shall take place until a 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. No dwelling 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, 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 NPPF and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

30. **Restrictions during bird breeding season**

No demolition, or site/vegetation clearance shall take place during the bird breeding season (March to August inclusive) unless carried out under the supervision of an experienced ecologist, who will check the habitat to be affected for the presence/absence of any birds' nests. If any active nests are found then works with the potential to impact on the nest must temporarily stop, and an appropriate buffer zone shall be established, until the young birds have fledged and the nest is no longer in use.

Reason: To prevent harm to nesting birds from demolition and vegetation clearance. This condition is applied in accordance with the statutory provisions relating to nesting birds, the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

31. **Biodiversity enhancements**

No dwelling shall be first occupied until details of biodiversity enhancement plan have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The enhancements plan shall follow the principles set out within the supporting ecological appraisal of this application. 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 NPPF and Policy CS17 of the West Berkshire Core Strategy (2006-2026).

32. **Broadband**

The construction of the dwellings shall not take place until a Superfast Broadband Strategy Statement shall have been submitted and approved in writing by the Local Planning Authority. Such a statement shall set out how superfast broadband is to be provided to each phase of the development, including a schedule for connection. Thereafter no phase of the development shall be occupied until superfast broadband infrastructure has been provided in accordance with the approved details.

Reason: To ensure that the site is provided with high speed communications infrastructure in the interests of the amenity of the occupants of the site in accordance with the requirements of the NPPF, Policies CS5 and CS14 of the West Berkshire Core Strategy (2006-2026).

**33. Waste water infrastructure**

No development shall take place until either:

- (a) Confirmation has been submitted to and approved in writing by the Local Planning Authority that the Fowl Water Drainage capacity exists off site to serve the development, or
- (b) A development and infrastructure phasing plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with Thames Water).

Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or when all wastewater network upgrades required to accommodate the additional flows from the development have been completed.

Reason: Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents. The developer can request information to support the discharge of this condition by visiting the Thames Water website at [thameswater.co.uk/preplanning](http://thameswater.co.uk/preplanning).

**34. Water supply infrastructure**

No development shall be take place until either:

- (a) Confirmation has been submitted to and approved in writing by the Local Planning Authority that the water network infrastructure capacity exists off site to serve the development, or
- (b) A development and infrastructure phasing plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with Thames Water).

Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason: The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.

***Informatives***

**1. S106 Legal Agreement**

This decision notice should be read in conjunction with the associated s106 legal agreement. You are advised to familiarise yourself with the planning obligations contained within the agreement before initiating any development. You may wish to seek legal advice.

**2. Compliance with conditions**

Your attention is drawn to the conditions of this permission and to the Council's powers of enforcement, including the power to serve a Breach of Condition Notice under the Town and Country Planning Act 1990 (as amended). All Conditions must be complied with. If you wish to seek to amend a condition you should apply to do so under s.73 of the Act, explaining why you consider it is no longer necessary, or possible, to comply with a particular condition.

3. **Pre-conditions**

This decision notice contains pre-conditions that 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.

4. **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.

5. **Proactive actions of the LPA**

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

- a) Provided the applicant with a case officer as a single point of contact.
- b) Alerted the applicant to issues that were raised during the consideration of the application.
- c) Accepted amended plans to address issues arising during the consideration of the application.
- d) Agreed an extension of time before determining the application to enable negotiations with the applicant.
- e) Entered into protracted considerations/negotiations in order to find a solution to problems with the proposed development, rather than refusing planning permission without negotiation.

6. **Building Regulations**

Separate approval for the works hereby granted permission/consent may be required by the Building Act 1984 and the Building Regulations 2000 (as amended), and the grant of planning permission does not imply that such approval will be given. You are advised to consult with Building Control Solutions (the Local Authority Building Control service for West Berkshire provided in partnership by Wokingham Borough Council) before works commence. Call: 0118 974 6239, email: [building.control@wokingham.gov.uk](mailto:building.control@wokingham.gov.uk), or visit: [www.wokingham.gov.uk/building-control](http://www.wokingham.gov.uk/building-control)

7. **Foul drainage**

The National Planning Policy Framework Planning Practice Guidance states that when drawing up wastewater treatment proposals for any development, the first presumption is to provide a system of foul drainage discharging into a public sewer to be treated at a public sewage treatment works (those provided and operated by the water and sewerage companies). This should be done in consultation with the sewerage company of the area.

8. **Access construction**

The Highways Manager, West Berkshire District Council, Transport & Countryside, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 - 519887, should be contacted to agree the access construction details and to grant a licence before any work is carried out within the highway. A formal application

should be made, allowing at least four (4) weeks' notice, to obtain details of underground services on the applicant's behalf.

9. **Damage to footways, cycleways and verges**

The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.

10. **Damage to the carriageway**

The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.

11. **Excavation in close proximity to the highway**

In order to protect the stability of the highway it is advised that no excavation be carried out within 15 metres of a public highway without the written approval of the Highway Authority.

12. **Incidental works affecting the highway**

Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from, the Principal Engineer (Streetworks), West Berkshire District Council, Transport & Countryside, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 - 519169, before any development is commenced.

13. **Developer Coordination Requirements**

Any works/events carried out either by, or at the behest of, the developer, whether they are located on, or affecting a prospectively maintainable highway, as defined under Section 87 of the New Roads and Street Works Act 1991, or on or affecting the public highway, shall be coordinated under the requirements of the New Roads and Street Works Act 1991 and the Traffic management Act 2004 and licensed accordingly in order to secure the expeditious movement of traffic by minimising disruption to users of the highway network in West Berkshire.

Any such works or events commissioned by the developer and particularly those involving the connection of any utility to the site, shall be coordinated by them in liaison with West Berkshire Council's Street Works Section, (telephone 01635 519169/519234). This must take place at least one month in advance of the works and particularly to ensure that statutory undertaker connections/supplies to the site are coordinated to take place wherever possible at the same time.

Reason: In order to minimise disruption to road users, be they pedestrians or vehicular traffic, under the requirements of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004. In order to satisfy the licensing requirements of the Highways Act 1980.

14. **Official Postal Address**

Please complete and online street naming and numbering application form at <https://www.westberks.gov.uk/snn> to obtain an official postal address(s) once development has started on site. Applying for an official address promptly at the beginning of development will be beneficial for obtaining services. Street naming and numbering is a statutory function of the local authority.

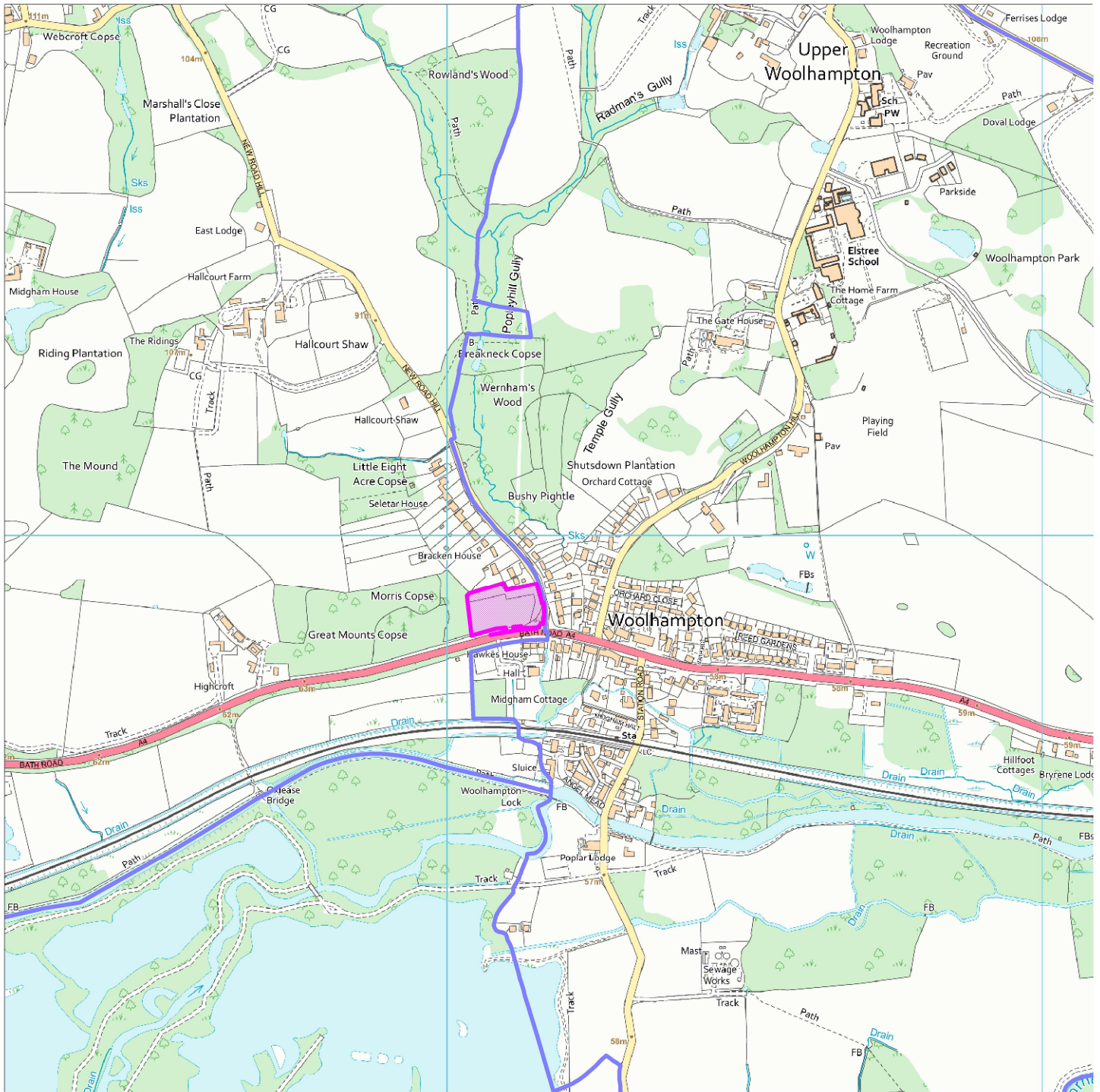
15. **Advanced Payment Code**

The Local Highway Authority will serve notice under Section 220 of the Highways Act 1980. This is to ensure that all roads serving more than five houses are built to an adoptable standard, and that the developer be encouraged to enter into a Section 38 of the Highway Act 1980 to have the roads adopted as public highway

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Land at Junction With Bath Road, New Road Hill, Midgham



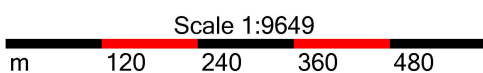
Map Centre Coordinates :

Scale : 1:9649

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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	28 April 2022
<b>SLA Number</b>	0100024151



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# Agenda Item 4.(2)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(2)	21/02130/OUTMAJ Midgham	15 <sup>th</sup> November 2021	Outline Application for commercial B2 (general industrial) and/or B8 (storage and distribution) development together with ancillary office space and associated landscaping, car parking, service yards and access. Matters to be considered: Access.  Land Adjacent To 1 Gables Way Bath Road Colthrop Thatcham West Berkshire  Ptarmigan Thatcham Limited

<sup>1</sup> Extension of time agreed with applicant until 13<sup>th</sup> May 2022.

The application can be viewed on the Council's website at the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=21/02130/OUTMAJ>

<b>Recommendation Summary:</b>	Delegate to the Service Director of Development and Regulation to grant outline planning permission
<b>Ward Member:</b>	Councillor Graham Pask
<b>Reason for Committee Determination:</b>	The Council has received in excess of 10 objections to the application.
<b>Committee Site Visit:</b>	4 <sup>th</sup> May 2022

## Contact Officer Details

<b>Name:</b>	Michael Butler
<b>Job Title:</b>	Principal Planning Officer
<b>Tel No:</b>	01635 519111
<b>Email:</b>	<a href="mailto:Michael.butler@westberks.gov.uk">Michael.butler@westberks.gov.uk</a>

## 1. Introduction

- 1.1 This application seeks outline planning permission for the erection of up to 19,536m<sup>2</sup> of B2 and B8 space on agricultural land lying immediately to the east of the existing Colthrop Industrial Estate, south of the Bath Road (A4). To the east lies open fields and to the south lies the Newbury/Reading rail line. The site area is approximately 5ha in extent and lies at 68m AOD in the north and 64m AOD to the south so has a gentle slope. The eastern boundary is well treed whilst the boundary to the south is open. It is proposed to erect 3 industrial/warehouse units across the site with access from the A4 to the north with additional parking and turning areas on the site, for employees and HGVs. This is indicative at this stage.
- 1.2 A development parameters plan has been submitted in relation to the proposal. This notes three areas, the northernmost one having a building no higher than 10.5m to ridge, whilst the two southern areas will be 15m to ridge height. In addition there will be a minimum width of 10m wide landscaped buffers around the site on all perimeters except to the west adjacent the existing industrial estate.
- 1.3 Unit 1 will be notionally 6037m<sup>2</sup> of B8 with 606m<sup>2</sup> of B1, Unit 2 will be 9324m<sup>2</sup> of B8 plus 960m<sup>2</sup> of B1 and the smallest facing the Bath Road will be 2411m<sup>2</sup> of B8 and 198m<sup>2</sup> of ancillary office space. The whole site would have 224 car parking spaces. Again this is indicative.
- 1.4 If outline planning permission is granted, a reserved matters application will ensue that will seek the Council approval of scale, layout, appearance and landscaping. However the overall quantum of floor space and the heights of the buildings will be controlled by conditions.
- 1.5 There are no special landscape designations which wash over this area, being in the open countryside in policy terms. The existing Colthrop Industrial Estate to the east is a designated Protected Employment Area which protects this employment site from alternative non employment generating uses.

## 2. Planning History

- 2.1 The table below outlines the relevant planning history of the application site.

Application	Proposal	Decision / Date
20/00140/PREAPP	Erection of up to 18,800m <sup>2</sup> of B2 and B8 space.	Closed December 2020.

## 3. Procedural Matters

- 3.1 **EIA:** On the 1<sup>st</sup> September 2021 the Council wrote to the applicant's agent noting that although the application was a Schedule 2 development under the 2017 EIA Regulations, no environmental statement was required to be submitted with the application. The reasons are set out in that letter which is on the public file.
- 3.2 **Publicity:** A site notice was posted on the 26<sup>th</sup> of August last year with expiry on the 17<sup>th</sup> September. In addition, with further information being submitted a new notice was

posted on the 22<sup>nd</sup> December last year with an expiry on the 16<sup>th</sup> January 2022. A press notice was published in the Newbury Weekly News on the 26<sup>th</sup> of August 2021 for major development. In addition a further amended plans notice was erected on site on the 14<sup>th</sup> April 2022 with an expiry on the 30<sup>th</sup> April 2022.

- 3.3 **CIL:** The development will not be CIL liable since it does not fall into any chargeable category of land use.

## 4. 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.

<b>Midgham Parish Council:</b>	<p>Objection.</p> <ol style="list-style-type: none"> <li>1. Claims to biodiversity would be cancelled out by the Incursion on to farmland causing destruction of many mature trees and hedgerows.</li> <li>2. Another piece of ribbon development taking Thatcham towards Theale.</li> <li>3. Increased noise pollution from reversal alerts and tannoy announcements. In addition, the noise of piling machines during the construction work will cause great disturbance to those nearby</li> <li>4. Light pollution from the existing buildings is already a concern</li> <li>5. Concreting over more farmland will surely increase the likelihood of flooding in a very flat area so close to the river</li> </ol>
<b>Thatcham Town Council (adjacent):</b>	<p>Objection on the following grounds.</p> <ol style="list-style-type: none"> <li>1) Traffic movement, lorry movements which result from the type of usage proposed and noting the existing problems congestion and disturbance through Thatcham and Woolhampton.</li> <li>2) If to be used as commercial site Thatcham Town Council would like to see it providing many more opportunities for employment of people who live in the area, rather than it being a warehouse site.</li> </ol> <p><u>Condition should the application be granted</u>  If permission is granted in principle for this site then the access should be made through the existing road in the Colthrop Estate which reaches the boundary of this site and not from the A4 as there are too many junctions on the A4 already.</p>
<b>Highways:</b>	<p>Conditional permission be granted. The officer has examined the traffic generation from the site, its accessibility in terms of overall sustainability, the amended plans for the site access and the internal parking/turning arrangements which are all deemed to be acceptable.</p>
<b>Environmental Health:</b>	<p>No objections raised on air quality grounds, land contamination or noise</p>

<b>Planning Policy:</b>	<p>National and local policies seek to support a sustainable rural economy, whilst also protecting nationally designated landscapes (such as AONBs, where the site is within its setting).</p> <p>Local policy seeks to assess the compatibility of the proposal with uses in the surrounding area as well as any potential impacts on those uses; and, the capacity and impact on the road network and access by sustainable modes of transport. The Employment Land Review, as a material consideration, considers the site to be compatible with surrounding land uses, and outlines that there is potential in including the site within the new Designated Employment Area. The site has been recommended for inclusion within the new DEA within the Local Plan Review Regulation 18 consultation draft, which is at an early stage of development.</p>
<b>Tree Officer:</b>	<p>Conditional permission is recommended. A good landscaping scheme is required in the defined buffer strips as annotated on the development parameters plan. Landscaping and arboricultural protection conditions to be applied.</p>
<b>Ecology Officer:</b>	<p>Conditional permission is recommended as below:</p> <ol style="list-style-type: none"> <li>1. CEMP (Construction Environmental Management Plan) – submitted as a pre commencement</li> <li>2. LEMP (Landscape Environmental Management Plan) – submitted as a pre commencement</li> <li>3. An isolux lighting drawing (if sufficient details can be obtained to mean that in principle there will not be impacts on protected nocturnal species for the purposes of the Outline application).</li> <li>4. The submission of an acceptable SuDS design and maintenance plan as a pre commencement condition (should focus on water quality as well as flood prevention).</li> <li>5. A condition stating that each ecological report (with regard to the aspect that it covers) is only valid for 3 years (for bat aspects of the report these will need updating after 12 months) from when it is written, this includes relevancy as to how these documents inform other necessary related submissions, the reports details/submission is subject to scrutiny by the LPA. Environmental Monitoring for construction and post-works phases.</li> </ol>
<b>Network Rail:</b>	<p>No objections in principle. Pre-condition regarding drainage.</p>
<b>Economic Development Officer:</b>	<p>The West Berkshire Employment Land Review 2020 identifies a requirement for an additional 62,000 m<sup>2</sup> of industrial floor space. By creating 19,536 square meters of additional B2 and/or B8 floor space this proposal will make a very significant contribution to ensuring that demand is met. Meeting this demand is essential for facilitating the economic growth of the district for a number of reasons that include attracting inward investment, allowing local businesses to expand, supporting the industrial and logistics industry and creating employment. The application is supported.</p>

<b>Archaeology Officer:</b>	A field evaluation has been undertaken on the site at the behest of the Council archaeologist and a report submitted. No finds of any significance identified. The archaeologist accordingly notes no further conditions to be applied.
<b>Minerals and Waste Planning Officer:</b>	The officer was originally concerned about the potential for minerals sterilisation on the application site given the sand and gravel deposits across the site. However following negotiations a recommendation of conditional permission is now agreed.
<b>Landscape Consultant:</b>	After much negotiation with the case officer and the applicants agent, despite the application being at the outline stage the parties have come to an agreement on how the conditions on this outline permission can successfully apply to the reserved matters application to be submitted that will mitigate the potential visual impact of the scheme to a satisfactory level. Conditions to be applied.
<b>SSE:</b>	If the application is approved and built, overhead lines will need to be diverted.
<b>Lead Local Flood Authority:</b>	Conditional permission is recommended. Drainage details submitted are acceptable.
<b>Thames Water:</b>	No objections on foul water disposal grounds or surface water disposal. However a condition to be applied re water network upgrades.
<b>West Berkshire Spokes:</b>	Seeking improved access onto cycle lanes onto the A4, plus improved cycle circulation in the site itself. In addition shower and locker facilities to be provided in buildings when built.
<b>Transport Policy Officer:</b>	No response received.
<b>Berkshire Fire and Rescue</b>	The scheme will need to comply with building regulations approval at a later stage.
<b>Environment Agency:</b>	No response received.
<b>Serco:</b>	No response received.
<b>Natural England:</b>	No response received.

### ***Public representations***

- 4.2 Representations on the original plans have been received from 17 contributors, 1 of which supports, and 16 of which 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:

- Support: The application is permitted should be accompanied by a condition to ensure prior extraction of the sand and gravel on the site. This is a valuable resource and should not be squandered.
- Objections: Pollution increase, no need for the scheme, serious visual impact, increase in flooding problems, impact on local wildlife, massive traffic increase along the A4, safety concerns, why not build elsewhere where unemployment is high? urban expansion creep, precedent set for further expansion, site is not in Thatcham but Midgham parish, increased noise and light disturbance, if approved will not align with the Council climate change policy, lot of vacant premises already in the district so not needed anyway, loss of good agricultural land.

4.3 Regarding the amended plans, which noted some changes in the defined parameter plans, there have been five additional objections. The concerns are similar to the above, referring to the height of the development, visual harm, the eastern buffer should be strengthened further to reduce impact, the ecological improvements are paltry, the increase in flood risk is serious, the loss of agricultural land should not be accepted, urban creep, lighting impact, increased traffic and pollution, new jobs created will be low due to automation, and close to the AONB.

## 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, ADPP3, ADPP6, CS5, CS9, CS10, CS13, CS14, CS15, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).
- Replacement Minerals Local Plan for Berkshire Policies 2 & 2A.

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Local Plan Review up to 2037 (emerging policy)
- Employment Land Review 2020
- Local Transport Plan
- Minerals and Waste Local Plan Policy 9 (emerging policy)
- West Berkshire Landscape Character Assessment 2019

## 6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of development
- Transport and highways
- Minerals sterilisation
- Landscape and visual impacts
- Historic environment
- Flood risk and sustainable drainage



- Ecology and trees
- Sustainable construction and energy efficiency
- External lighting

### ***Principle of development***

- 6.2 In considering whether the principle of development is acceptable, consideration should be given to the relevant development plan policies, national planning policy, the latest information of employment need, and relevant emerging planning policies.

### **Development Plan**

- 6.3 The most important development plan policies for determining whether the principle of development is acceptable are Policies ADPP1, ADPP3, ADPP6 and CS9 of the Core Strategy. The Core Strategy includes a Spatial Strategy (ADPP1 and ADPP6) that provides a broad indication of the overall scale of development in the district, applying the principles of sustainable development, and based on defined spatial areas and a settlement hierarchy. Policy CS9 relates specifically to employment and the economy.
- 6.4 According to Policy ADPP1, most development will be within or adjacent to the settlements in the hierarchy, and related to their transport accessibility and level of services. The urban areas will be the focus for most development. The scale and density of development will be related to the site's accessibility, character and surroundings.
- 6.5 Thatcham is classified as an "urban area" in the District Settlement Hierarchy of Policy ADPP1, which is a first tier settlement with a wide range of services and is the focus for the majority of development. Only appropriate limited development in the countryside (outside of the defined settlement boundaries) will be allowed, focused on addressing identified needs and maintaining a strong rural economy.
- 6.6 The application site is located within the East Kennet Valley spatial area, the name given to the rural south-east of the district that lies east of Thatcham and outside of the AONB. The site is on the western boundary of this spatial area, adjacent to the spatial area for Thatcham. Distinct features of this area are the Kennet and Avon Canal and River Kennet which both run from west to east across the breadth of this area, parallel to the Newbury – Reading train line and the A4. The East Kennet Valley is also characterised by a number of villages along the route of the canal/river and others dispersed across farmland and some woodland.
- 6.7 Policy ADPP6 is the spatial strategy for the East Kennet Valley. According to the policy, the character of all the settlements in this area will be conserved and enhanced by ensuring that any development responds positively to the local context. Development in the open countryside will be strictly controlled. In terms of employment, the policy states that existing Protected Employment Areas, such as Young's Industrial Estate and Calleva Park near Aldermaston, Beenham Industrial Area and Theale Lakes Business Park at Sheffield Bottom will continue to play a vital role in the local economy.
- 6.8 Given its immediate adjacency, due regard should also be given to Policy ADPP3 (Thatcham). In terms of employment the policy states that Thatcham will continue to support local employment through the designated Protected Employment Areas at Colthrop and Green Lane, which will continue to sustain a strong employment base. At the time publication the Core Strategy envisioned that the role, function and boundaries of these sites would be reviewed through the Site Allocations and Delivery DPD; but subsequently the subsequent Housing Site Allocations DPD was focused on residential development.

- 6.9 According to Policy CS9, the Council seeks to facilitate and promote the growth and forecasted change of business development in the plan period in order to manage the growth of B1 floorspace to meet future requirements; manage the reduction of land for B2 uses, whilst maintaining a sufficient portfolio of sites suitable for such uses; and retain a portfolio of sites for B8 uses in suitable locations.
- 6.10 Proposals for industry, distribution and storage uses will be directed to the District's defined Protected Employment Areas, and existing suitably located employment sites and premises. Protected Employment Areas are parcels of land throughout the District designated for B uses. Any proposals for such uses outside these areas/locations will be assessed by the Council against the following:
- (a) compatibility with uses in the area surrounding the proposals and potential impacts on those uses; and
  - (b) capacity and impact on the road network and access by sustainable modes of transport.
- 6.11 The application site lies in the open countryside in policy terms on a greenfield site outside of any defined settlement boundary. In addition it forms no part of an existing employment allocation (e.g. Protected Employment Areas) in the current Local Plan. However, it does lie adjacent to the designated Colthrop Protected Employment Area. In addition, it does not lie in any area of special landscape designation such as the AONB.
- 6.12 Policy ADDP1 allows for some limited development in the countryside focussing on identified needs, and Policy CS9 also gives two criteria for assessing employment sites outside of Protected Employment Areas as noted above.
- 6.13 The proposed development is considered compatible with the similar existing industrial uses within the adjacent Colthrop Industrial Estate. It is a greenfield site that if developed would sit adjacent to open countryside, similar to the interface between the existing estate and countryside. Landscape and visual impacts have been considered and are addressed later in this report, but on balance it is considered that the development can be accommodated within the landscape. Whilst there is sporadic residential development within the nearby countryside, there are no dwellings in the immediate vicinity of the application site that would preclude the scheme on amenity grounds. Overall, it is considered that the proposal would comply with the first criterion of Policy CS9.
- 6.14 As elaborated below, the Highways Officer has not objected to the proposal on any highways, transport or accessibility grounds. It is considered that the location of the site is advantageous in terms of efficient and sustainable modes of transport, because it is within proximity of Thatcham train station with close access to the A4 and M4. There is also a regular existing bus route along the A4 passing the site. It is therefore within a relatively sustainable location for this scale and intensity of development. Overall it is considered that the proposal would comply with the second criterion of Policy CS9.
- 6.15 For the above reasons the proposed development is considered to comply with Policy CS9 and, having regard to the latest employment need information discussed below, to be appropriate limited development in the countryside in accordance with Policy ADPP1 and the area delivery plan policies ADPP3 and ADPP6. Overall, the principle of development is considered to be in accordance with the development plan.

### **National Planning Policy**

- 6.16 In terms of managing the scale, type and intensification of business development, Policy CS9 states that a range of types and sizes of employment sites and premises will be

encouraged throughout the District to meet the needs of the local economy. Proposals for business development should be in keeping with the surrounding environment, not conflict with existing uses, and promote sustainable transport.

- 6.17 According to paragraph 81 of the NPPF, planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 6.18 The proposed development does include any Main Town Centre Uses as defined by the NPPF (e.g. retail/offices), and therefore the associated sequential test does not apply.

### **Emerging Policy: Local Plan Review up to 2037**

- 6.19 According to paragraph 48 of the NPPF, local planning authorities may give weight to relevant policies in emerging plans according to:
- (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
  - (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
  - (c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 6.20 The development plan currently sets out planning policies for West Berkshire up to 2026. The Council has now begun a review of the Local Plan to cover the period up to 2037. The Local Plan Review (LPR) is in an early stage of development, having undergone public consultation (Regulation 18) between December 2020 and February 2021. This identifies the development that is required to meet the district's local needs, sets out the Council's strategy for distributing development within the district, as well as outlines the policies for conserving and enhancing the natural and built environment.
- 6.21 Draft Policy SP20 seeks to rename Protected Employment Areas to Designated Employment Areas (DEAs), and to safeguard and propose new DEAs.
- 6.22 This site was promoted through the call-for-sites and assessed as part of the Housing and Economic Land Availability Assessment (HELAA), reference MID5 (<https://info.westberks.gov.uk/helaa>) in December 2020. The site was assessed as 'potentially developable'. In assessing the deliverability of the site the HELAA concluded that the site was available and achievable, but suitability was unknown. In terms of the suitability of the site the HELAA assessment concluded that 'the site is adjacent to an existing Protected Employment Area and so allocation would be dependent on a review of the District's Protected Employment Areas through the Local Plan Review. Further information required on a number of matters, including landscape, highways and ecology, before a robust decision can be made'.
- 6.23 Draft Policy SP21 allocates some 20,400 square metres of employment floorspace (B2/B8 use) to the site at Colthrop (as well as allocating B2/B8 floorspace at other sites close to existing and proposed DEAs across the District). The policy also outlines that:

*'Planning applications for employment uses on these sites will be supported provided that detailed proposals:*

- a) Are broadly consistent with the indicative provision for floorspace; and*

b) Are complementary to the existing uses in that location; and

c) Are consistent with the integrity and function of the location for employment uses.

*Planning permission for other commercial and services (Class E) uses will be granted provided that criteria b) and c) are met, and the proposals do not prejudice the future development potential of the extended area.'*

6.24 The policy also states that planning permission for employment uses will be granted where they are consistent with Policy DC31 of the Plan.

6.25 This policy notes that proposals for employment uses will continue to be focussed on the existing designated employment areas, but in addition if outside those designated areas can also be acceptable. In this instance the application site lies within the designated employment area in the LPR, so the relevant criteria to be applied relate to whether the uses are consistent with the integrity and function of the adjacent employment uses. In this instance the case officer considers the nature of the proposed uses are indeed consistent with those already lying to the west.

6.26 In essence the draft plan proposes to incorporate the existing Colthrop PEA and the application site into a new single DEA.

6.27 The application proposes 19,536m<sup>2</sup> of B2 and B8 space so criterion (a) of Draft Policy SP21 is met. As concluded in relation to Policy CS9, it is considered that the uses will generally be compatible with the surrounding context in accordance with criterion (b). With respect to criterion (c) the details of the application in physical terms, insofar as this can be controlled at the outline stage, are taken to be consistent with the nature and scale of buildings at Colthrop to the west, and as can be controlled by conditions for the reserved matters stage.

6.28 Given the relatively early stage of preparation, limited weight can be given to the compliance with the emerging LPR at this time. It is considered that the proposed designated of the application site gives some limited additional weight in favour of granting planning permission.

6.29 Consideration has been given to whether the granting of planning permission now would be premature to the adoption of the Local Plan Review. The NPPF provides Government policy on this issue of prematurity in paragraph 50. It states:

*"Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process."*

6.30 As the LPR has not been submitted for examination, national policy is clear that planning permission cannot be refused on grounds of prematurity in this case.

### **Employment Evidence Base**

6.31 The Employment Land Review (ELR) (2020) is an important document in the evidence base for the Local Plan Review, and is a material consideration in respect of this planning application. The ELR assesses the future demand for and supply of employment land across the District, and identifies a floorspace requirement to address any unmet need. It is acknowledged that this document was undertaken prior to the

COVID 19 pandemic, and therefore reflects the baseline prior to the economic consequences of the pandemic, the impact of which will not be fully apparent for some time. The report outlines that West Berkshire is a strong economic performer within Berkshire, with low unemployment and high economic activity rates.

- 6.32 The property market assessment shows both office and industrial markets are currently performing well. It does highlight an east west divide in the market for offices, with a lack of modern purpose built stock particularly in the Newbury area. In terms of industrial demand, this tends to be in close proximity to the M4 motorway junctions particularly close to Reading. Overall, the ELR identifies a need for 62,000sqm industrial space over the plan period of the Local Plan Review up to 2037.
- 6.33 In setting out the industrial offering in Thatcham, the ELR outlines, at paragraph 4.83, that the main industrial site is at Colthrop Estate. There is a mixture of age and types, with some major occupiers (e.g. Harrods). The ELR notes, at paragraph 4.133, that there is very high occupancy in the industrial and warehousing stock at Colthrop. At paragraph 4.95 it is noted that demand for industrial space in Thatcham is from a mix of local and larger companies, as well as national occupiers, mostly in Colthrop. There are warehousing schemes in the pipeline, at the Mill site at Colthrop (at the time of the drafting of the ELR).
- 6.34 In assessing potential land to meet the identified need, the ELR considers sites promoted to the Council and assessed in the HELAA as part of the plan making process. The ELR does not recommend sites to allocate, though considers whether the land is likely to be attractive to potential developers and future occupiers. The ELR does consider that the existing PEA should be safeguarded for employment use, and to extend the boundary at Colthrop to include the promoted site for employment uses. The ELR considers there is high market attraction for the site. It is recognised that there is good access to the strategic road network, and the A4 is part of the District's freight route. There is a low risk of incompatibility issues as there is industrial land to the west and south, and farm land on other sides.
- 6.35 The ELR is up-to-date evidence, and calls for the identification of more land for B2 and B8 uses. This is therefore an important material consideration in identifying the current demand for such uses, particularly when noting that Core Strategy Policy CS9 identified a sufficient supply of employment land to meet demand.
- 6.36 The Berkshire Functional Economic Market Area Study (2016) recognises, at paragraph 2.29, that there are some local clusters of economic activity which are likely to create higher demand for certain skills in some areas. This includes the logistics sector being particularly prevalent in Thatcham. Paragraph 5.13 highlights that Thatcham (along with Slough and Reading) accommodates a significant proportion of Berkshire's warehousing space, with the A4 playing a key role in supporting West Berkshire's distribution market.
- 6.37 Recognising that the West Berkshire Employment Land Review 2020 identifies a requirement for an additional 62,000 sqm of industrial floor space, by creating 19,536 square metres of additional B2 and/or B8 floor space this proposal will make a very significant contribution to ensuring that demand is met.
- 6.38 The Council's Economic Development Officer advises that meeting this demand is essential for facilitating the economic growth of the district for a number of reasons that include attracting inward investment, allowing local businesses to expand, supporting the industrial and logistics industry and creating employment.
- 6.39 The Economic Development Officer further comments that, as identified by the industrial and logistics needs assessment submitted by the applicant, West Berkshire has a low availability of industrial space a direct result of supply not keeping pace with demand. If

availability does not improve then it will stifle the growth of local businesses and investment will be lost from the district along with the associated employment.

- 6.40 In addition, by 2025, across the UK, it is expected that up to 35% of all retail expenditure will be online, which will entail a necessary rise in B8 space of apparently circa 5.9 million square metres. Whilst it is appreciated that the warehousing sector is not a high density employer it does have a relatively high level of unskilled jobs which are the type the Council is keen to encourage. The source of this is the Savills UK Logistics analysis presented on the case file, in support of the application.
- 6.41 Whilst the inclusion of this site within the proposed Designated Employment Area can only be given limited weight at this stage (in accordance with paragraph 48 of the NPPF), it is considered that the identified need set out above should carry significant weight in the determination of this application given the size and strategic importance of this site for meeting the demand for industrial floorspace in an appropriate location that also complies with existing Policy CS9.

### **Conclusion**

- 6.42 For the above reasons it is concluded that the proposed development complies with current Development Plan Policy CS9, and would make a significant contribution to meeting the needs for additional B2 and B8 floor space within the district, as identified in the recent 2020 Employment Land Review. By meeting an identified employment need adjacent to Thatcham and an established employment area, it is considered that the proposal is appropriate limited development in the countryside, consistent with Policy ADPP1. The proposed development is therefore considered to be in accordance with the statutory development plan when read as a whole. The proposals compliance with the draft policies of the LPR provide some limited additional weight in favour of granting planning permission. Overall, the principle of development is considered acceptable.

### ***Transport and highway implications***

- 6.43 Policy CS13 in the Core Strategy sets out how the Council needs to examine new development proposals in terms of overall sustainability and highways impacts terms. This notes the following (inter alia): development which generates a transport impact will be required to reduce the need to travel, improve and promote healthy and safe opportunities for travel, improve travel choice, show good access to key services and facilities, tackle climate change, mitigate the impact on the local transport network and prepare transport assessments.
- 6.44 The above criteria will now be considered in turn. The application site lies adjacent to a significant employment area on the edge of the second largest settlement in the district when, respectively, Newbury and Greenham Business Park are taken into account. It also lies immediately adjacent to the A4 which apart from the major trunk roads of the A34 and the M4 is one of the most significant routes across the district. In addition a good bus service operates in east/west directions along the A4 with bus stops close to the application site.
- 6.45 In terms of the overall highway impacts the applicant has submitted a comprehensive Transport Assessment for the proposal. This has projected future maximum traffic flows to and from the site in 2027, allowing for an all B8 scheme (the maximum generator) allowing for both national traffic growth and agreed commitments (i.e. existing planning permissions) in the locality. This has shown an AM peak (weekday) of 57 movements in and out of the site per hour, and a PM peak of 47 equivalent per hour. This equates to a total of 980 movements per weekday.

- 6.46 In the overall context of daily traffic flows on the A4 it still remains within overall capacity. Careful consideration must be given to paragraph 111 of the NPPF which states that “development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or the residual cumulative impact on the road network would be severe”. In this case the Council Highway Officer considers the traffic movements generated by the development are acceptable.
- 6.47 In relation to any potential adverse impact on local highways safety, the proposed single vehicle access onto the A4 has been examined. This will be left in, left out access, plus a new right turning lane introduced into the highway. This will involve local carriageway widening, all within either the ownership of the applicant and the Highway Authority. The new junction will be constructed at the applicant’s expense and will be controlled via a s278 agreement and planning condition. The applicant by way of amended plans has indicated that not only will the junction layout be satisfactory in terms of tracking layout for the largest HGVS but will also be acceptable in terms of forward visibility in both directions along the A4 carriageway. This will entail a shortening of the existing layby to the east, but Highway Officers have accepted this. In this respect the applications complies with the safety component of paragraph 111 of the NPPF.
- 6.48 Whilst the application is in outline, and so the detailed layout of the development is not to be agreed at this stage, the applicants have submitted a possible internal layout of the scheme indicating how the amount of floor space proposed can be accommodated on the site along with appropriate internal parking and turning area layout. The applicants have had regard to the relevant parking standards as set out in Appendix 5 of the Saved Local Plan 1991 to 2006. This identifies for B8 space 1 parking space per 200m<sup>2</sup> and for B2 at 1 per 50m<sup>2</sup>. It is not necessary at this juncture to condition the number of spaces since the final mix of B2 and B8 space has not been finalised. The application form, however, notes that up to 135 car parking spaces along with 31 lorry bays can be accommodated along with a notional 41 cycle spaces, although the latter may rise/fall via condition. Accordingly there is no substantive evidence to indicate that the proposed development would result in off-site parking pressures which could be detrimental to highway safety and amenity. With this in mind the Highway Officer has accepted that the indicative internal layout demonstrates that the final design is capable of complying with the necessary requirements.
- 6.49 In terms of overall sustainability and climate change, it is clear that the introduction of a new large distribution facility such as this will negatively impact on carbon production. A number of the objectors have alluded to this point. However, in the Council’s Local Transport Plan (2011 to 2026) it is noted that economic development and prosperity remains an important focus for the Council into the future, notwithstanding the above concerns. Given this, and the lack of objection from the Council’s Environmental Health Officer in respect of air quality concerns from the increased HGV movements, the application is considered acceptable in this respect.
- 6.50 Finally, in seeking to promote travel choice the applicants have submitted a Travel Plan, which will be conditioned should planning permission be granted. The occupants will be required to appoint an overall Travel Plan coordinator, who will encourage for employees car sharing, walking and cycling to work and/or by public transport.
- 6.51 In conclusion, whilst it is of course inevitable that the scheme if implemented will have a degree of impact on the local transport network, it is anticipated that this will be acceptable, having regard to the aforementioned policies. The proposed development is considered acceptable on highway grounds.

### ***Minerals sterilisation***

- 6.52 Chapter 17 of the NPPF sets out National planning policies on how local planning authorities should, where technically and economically possible, conserve and extract minerals resources which include sand and gravel. Policies should be prepared which encourage the pre extraction of a mineral resource prior to any development coming forward. In this way such a resource will not be sterilised for future generations. This is of course important since such resources are effectively finite, and are an important component of the construction industry.
- 6.53 This particular application site, whilst not specifically safeguarded via the Berkshire Replacement Minerals and Waste Local Plan, nor the Council's emerging Minerals Plan, does have a potentially valuable sand and gravel underlying resource across a workable area of approximately 4ha of circa 280,000 tonnes. The resulting overall revenue from this would be around £5 million to any operator. In addition this equates to an approximate 1.5 year land supply for the District for this mineral. The emerging Minerals and Waste Local Plan looks to 2037 which sets out a land bank of 13.5 years equivalent to 2.57 million tonnes of mineral resource. So whilst a relatively small site in terms of sand and gravel extraction the application site enjoys a number of advantages for extraction, namely no immediate impact upon surrounding amenity, and the close proximity of Colthrop processing facility about 170m distant as the "crow flies."
- 6.54 On this basis the case officer and Minerals and Waste Planning team formally requested the applicant to undertake a more in depth study of the actual resource on site, and to prepare a technical viability study for extraction. This was duly done and the reports are on the public file. This report concluded that given the time required to pursue a planning application for the extraction accompanied by an EIA (possibly one year, with a two year extraction period), and the fact that the site, once extracted, would need to be fully restored to allow for the new development to proceed, the associated costs of all this (aside from the time delay) would be about £8.5 million. This would mean an overall net loss of circa £3.5 million for the extraction which the LPA could not reasonably expect an operator to achieve in respect of the final development option.
- 6.55 The report goes onto note that if the Council had few other options for sand and gravel extraction over the Plan period to 2037, then it would be necessary to safeguard this resource. However in the emerging plan a site at Tidney March at Ufton Nervet has been identified which can produce up to 1 million tonnes of resource, a factor of 5 in relation to the present application site. The Council therefore has sufficient reserves over the plan period.
- 6.56 Given all of the above the Minerals and Waste Planning team has not raised any formal objection to the proposal, without prior extraction. However, they are recommending a condition which will ensure that any incidental prior extraction, which whilst not requiring any specific planning application in itself, will help to ensure that no resource is lost unnecessarily. This will comply with policy 9 in the Emerging Minerals Local Plan. To conclude, whilst it is regrettable that any resource is sterilised, in this case, given the viability case and the fact that the site is not safeguarded but identified in the Local Plan Review, balanced against the employment benefits which will accrue, it is concluded that the condition noted will be adequate.

### ***Landscape and visual impacts***

- 6.57 According to Policy CS14, new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area, and makes a positive contribution to the quality of life in West Berkshire. Good design relates not only to the appearance of a development, but the way in which it functions. Considerations of design and layout must be informed by the wider context,



having regard not just to the immediate area, but to the wider locality. Development shall contribute positively to local distinctiveness and sense of place.

- 6.58 Policy CS19 states that particular regard will be given to (a) the sensitivity of the area to change, (b) ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character, and (c) the conservation and, where appropriate, enhancement of heritage assets and their settings.
- 6.59 Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural environment by (amongst others) protecting and enhancing valued landscapes (in a manner commensurate with their statutory status or identified quality in the development plan); and recognising the intrinsic character and beauty of the countryside. It is noted in this context that should the development proceed, an area of agricultural land will be permanently taken out of production. Whilst this is regrettable, this is balanced against the benefits of the development.
- 6.60 The application is in outline form so the precise detail of the buildings is not to be agreed at this stage, but a detailed design would follow as a reserved matters approval if outline permission is granted. However the applicant has submitted a number of development parameter plans in order to satisfy the Council of the precise merits of the application in regards to overall landscape and visual effects.
- 6.61 The details provided at this stage show four units. Units 3 and 4 to the north will have a finished floor level (FFL) of 67.25m AOD, and be 10.5m to ridge, Unit 2 in the centre of the site will have an FFL of 65.6m AOD and be 15m to ridge, whilst Unit 1 in the south will have an FFL of 64.15m AOD and be also 15m to ridge height. A landscaped buffer no less than 10m in width and in some places rising much more will surround all the application site, as designated on the plan. If the application is approved, a condition will correspond to this plan.
- 6.62 Landscape and visual impacts have been considered as part of the LPR process and during pre-application discussions. Whilst any built form on the open agricultural site will inevitably incur a wider visual and landscape impact, it is considered that this will be acceptable in the planning balance, in terms of overall harm, when viewed against the economic benefits of the development.
- 6.63 The application site lies in the Lower Kennet Valley Floor which is designation LV1 in the 2019 Landscape Character Assessment for the district. In addition it lies in National Character Area 129 which relates to the Thames Basin Heaths. It also lies some 1.4km south of the designated AONB boundary. There is little if any direct visual inter-visibility between the AONB and the application site.
- 6.64 In this particular application a full Landscape and Visual Impact Assessment (LVIA) has been submitted in regards to the potential future impacts. This report sets out 17 different viewpoints from which the site will be seen. The most significant adverse impacts will be seen immediately from the east of the site in the Midgham Marsh area. Glimpsed views will of course be available from those travelling along the A4 to the north, whilst from the west the site will almost be wholly obscured by the existing commercial development at Colthrop. From the south, views from the canal towpath will be largely obscured by existing industrial buildings, whilst other longer distance views will be available from the rising valley floor to the north.
- 6.65 The Council has employed a specialist Landscape Consultant to independently review the submitted LVIA and the proposed development. A full report has been prepared. This is appended as Appendix 1 in this report. After a number of negotiations and re-iterations of the submitted parameter plan, a final compromise has been agreed.

- 6.66 The relatively high ridge lines at 15m of the two more southerly units should be noted, whilst the northern one adjacent the A4 is set back and 10.5m to ridge. The final recommendation from the Landscape Consultant is, in summary, as follows.
- 6.67 The treatment and colours of the buildings will be crucial for mitigating the impact on longer distance views. The shape of the buildings and roofline will also be important, as will the treatment of the Bath Road interface, which is the gateway to Thatcham. The robustness of the eastern buffer will be significant in reducing impact from the Midgham marshes and the nature and extent of internal landscaping will need to be carefully considered to offset the impact of car parking. All these matters will need to be carefully looked at in the reserved matters design stage and conditioned appropriately, but there is no reason to conclude that an acceptable scheme cannot be secured.
- 6.68 Regard has been given to the relevant policies, landscape character assessments, the submitted LVIA, and the independent professional views of the Council's employed Landscape Consultant. It is concluded that there would be a degree of harmful impacts arising from the large scale buildings proposed in this valley floor, but that such effects can be significantly mitigated by careful design and landscaping, plus the use of an appropriate colour scheme. Accordingly, it is concluded that the proposal complies with the aforementioned policies.

### ***Historic environment***

- 6.69 The applicant is required to meet the tests set out in policy CS19 relating (in part) to the conservation of historic assets, including assets of archaeological interest. A full field evaluation report was undertaken and a report published in December last year. The findings were insignificant and the Council Archaeologist has accordingly not objected to the future development of the application site. No conditions need be applied.
- 6.70 There are no designated heritage assets within the immediate vicinity of the application site. The closest are Orchard Cottage (a grade II listed building 535m to the east), The Barn at Colthrop Manor (a grade II listed building 670m to the north-west), and The Old Mill, Brimpton (a grade II listed building to the south-east). Given the associated separation distances and intervening landscape features, it is considered that the proposed development would not materially affect the setting of any of these listed buildings.

### ***Flood risk and drainage***

- 6.71 The site is located within Flood Zone 1, which indicates a low risk of fluvial (river) flooding. It is also not within any critical drainage area identified by the Strategic Flood Risk Assessment for the district. As such the flood risk sequential test does not need to be applied. However, as a major development, a Flood Risk Assessment (FRA) is nevertheless required by Policy CS16, and one has been submitted in support of the application.
- 6.72 Policy CS16 also states that on all development sites, surface water will be managed in a sustainable manner through the implementation of Sustainable Drainage Methods (SuDS) in accordance with best practice and the proposed national standards and to provide attenuation to greenfield run-off rates and volumes, for all new development and re-development and provide other benefits where possible such as water quality, biodiversity and amenity. The Council has adopted a Sustainable Drainage SPD which supports this policy, and provides examples of measures that can be incorporated into developments.

- 6.73 The application site is low lying and the south section of the site is prone to a degree of winter flooding. The submitted FRA concluded that since the site is in Flood Zone 1 neither the sequential test nor the exception tests as required by the NPPF in paragraph 161 are needed, but it is still necessary of course to ensure the scheme does not exacerbate any flooding on site or indeed impede flood flows off site. In this respect four attenuation basins are identified on the layout plan with areas of permeable paving for the car parks and geo-cellular storage crate to the north.
- 6.74 The Council's Land Drainage Engineers have carefully examined the scheme and, in accordance with policy CS16, directed that any scheme must have greenfield run off rates. This has been agreed by the developer after a degree of negotiation and will accordingly be conditioned. In accordance with best practice it was requested that green roofs be also incorporated into the scheme, although this is a detailed issue for the reserved matters stage. A condition to this effect is not recommended because the expanse of roof on these large buildings would make green roofs extremely high loading and so very costly and impractical to build. It will be clear though that any colouration of roofs must be green/dark browns. Accordingly the Land Drainage Engineer is recommending conditional approval. No comments have been received from the Environment Agency.

### ***Ecology and trees***

- 6.75 Policy CS17 in the Core Strategy sets out how the Council should carefully consider the ecological implications of new development. Development should not harm sites of special ecological importance, nor species and/or habitats of principal importance, nor the integrity and continuity of landscape features of major significance. The key local site of any importance is the River Kennet SSSI which runs 450m to the south of the application red line. The applicants have submitted a full ecological appraisal of the application site, which notes a few veteran trees around the site edges which will be suitable for bats, and a habitat for ground nesting birds. Otherwise the ecological value is generally low. If the application is approved and implemented, there will be a biodiversity net gain achieved on the site, particularly in regards to new hedgerows in the proposed enhanced buffer strips and general on site planting. In this respect both the Council's Ecologist and Tree Officers have recommended conditional permission to the proposal.

### ***Sustainable construction and energy efficiency***

- 6.76 According to Core Strategy Policy CS15, new non-residential development will meet a minimum standard of construction of BREEAM Excellent. The applicants have submitted a report which notes that the proposed scheme is only likely to achieve BREEAM Very Good, but best efforts will be made to achieve BREEAM Excellent.
- 6.77 Policy CS15 further stipulates that major development shall achieve the following minimum reductions in total CO2 emissions from renewable energy or low/zero carbon energy generation on site, unless it can be demonstrated that such provision is not technically or economically viable. The percentage reductions in CO2 emissions should be based on the estimated CO2 emissions of the development after the installation of energy efficiency measures related to BREEAM has been applied. From 2019 the policy seeks zero carbon.
- 6.78 The application is accompanied by a Sustainability Statement and Energy Strategy. In summary it details:
- a) The Proposed Development is targeting a minimum BREEAM 'Very Good' rating under BREEAM 2018 scheme with an aspiration to achieve 'Excellent'.

- b) Thermal comfort will be assessed using present and future weather scenarios in line with current best practice guidance.
- c) The Proposed Development will include measures to minimise the use and wastage of potable water, including water efficient fittings, monitoring and leak detection equipment and automatic shut-off of unoccupied sanitary areas. The development will include low flow fittings with all sanitary ware.
- d) The Proposed Development will aim to include electric vehicle charging points, prioritise spaces for low emission vehicles and provide adequate cycle storage for users.
- e) The development team will adopt best practise for designing out waste, embodied carbon reduction, zero waste to landfill during construction, and onsite renewable energy generation.
- f) The development design will optimise passive design and system energy efficiencies. The Proposed Development will aim to achieve 27% Carbon Dioxide emissions onsite reduction relative to the current Building Regulations Part L2A Baseline in line with the Draft Future Buildings Standard ambition. Of this, the development will aim for a 20% of energy consumption to be achieved via on site Renewable Energy Sources in line with the emerging Local Plan ambitions.
- g) Proposed Development at Land East of Colthrop Industrial Estate will be a zero carbon-enabled development adopting the UK Green Building Council (UKGBC) definition (April 2019) with no reliance on onsite fossil fuel combustion in response to the West Berkshire declaration of Climate Emergency.
- h) The Proposed Development servicing strategy applies heat pump technology and photovoltaic panels to reduce reliance on fossil fuel and to contribute to the reduction of Carbon Dioxide emissions.

6.79 The recommendations are limited by this being an outline application with detailed design reserved for later consideration. Whilst a range of measures are provided it is noted that the current proposals do not fully comply with Policy CS15. A suitable condition will be recommended to secure an appropriate detailed energy strategy.

### ***External lighting***

6.80 The issue of external lighting increase caused by the scheme needs to be considered. At this outline stage it is difficult to properly assess the scheme since the final design, massing scale and layouts have not been agreed although the notional scheme is likely to be submitted. The advice on lighting in paragraph 185(c) of the NPPF is required to be adhered to, which notes that lighting impacts in new development should be limited on local amenity and intrinsically dark landscapes. At the application site location, the skies are not especially dark, since Colthrop estate lies to the east and Thatcham. There is also the street lighting along the A4. However the sensitive receptors of some dwellings to the north and east need to be carefully considered at the reserved matters stage. A suitable condition at this outline stage will ensure that any lighting concerns are controlled and minimised at the next stage in the planning process. Accordingly the advice in saved Local Plan policy OVS5 is met.

## 7. Planning Balance and Conclusion

- 7.1 It is considered that the proposed development complies with current Development Plan Policy CS9, and would make a significant contribution to meeting the needs for additional B2 and B8 floor space within the district, as identified in the recent 2020 Employment Land Review. By meeting an identified employment need adjacent to Thatcham and an established employment area, it is considered that the proposal is appropriate limited development in the countryside, consistent with Policy ADPP1. The proposed development is therefore considered to be in accordance with the statutory development plan when read as a whole. The proposals compliance with the draft policies of the LPR provide some limited additional weight in favour of granting planning permission. Overall, the principle of development is considered acceptable.
- 7.2 All the technical planning issues have been satisfactorily addressed, including the highway impacts, and various environmental and amenity considerations. The proposed development would inevitably have landscape and visual impacts due to its nature and scale, but it is considered to be a location which can accommodate the development with appropriate mitigation. Balanced against this is the clear employment need for the additional B2 and B8 space, with the economic benefits and employment opportunities which will ensue. That is, the significant economic and social benefits would outweigh the identified environmental impacts in the planning balance. Accordingly the application is recommended for approval.

## 8. Full Recommendation

- 8.1 To delegate to the Service Director of Development and Regulation to GRANT OUTLINE PLANNING PERMISSION subject to the conditions listed below.

### **Conditions**

1. **Approval of reserved matters**

Details of the appearance, landscaping, layout and scale (hereinafter called “the reserved matters”) shall be submitted to and approved in writing by the local planning authority before any development takes place. The development shall be carried out in accordance with the approved details.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. **Time limit for reserved matters**

Application(s) for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

3. **Commencement of development (outline)**

The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

4. **Approved plans**

The development hereby permitted shall be carried out in accordance with the following approved plans/documents:

668-004-PLO7 (Parameter Plan);  
1909-11-PLO3-A (Junction access scheme);  
5150-104-P1 (Drainage);  
668-005-PL00 (Parking);  
668-001-PLO2 (Location Plan).

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

5. **Water supply**

No development shall be occupied until confirmation has been provided that either:

- (a) All water network upgrades required to accommodate the additional flows to serve the development have been completed; or
- (b) A development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason: The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development. In accordance with policy CS5 of the West Berkshire Core Strategy 2006-2026.

6. **Network Rail**

No development approved by this permission shall take place until details of the outlet and inlet control for the disposal of surface water have been submitted to and approved in writing by the Local Planning Authority (in consultation with Network Rails Senior Drainage Engineer). Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not affect the safety and continued running of the neighbouring railway. In accordance with policy CS5 of the West Berkshire Core Strategy 2006-2026.

7. **Minerals**

No development shall take place until a phased layout scheme for maximising the potential for incidental extraction where practicable has been submitted to and approved in writing by the Local Planning Authority. In addition, no development within a development phase shall commence until the following has been submitted to and approved in writing by the Local Planning Authority:

- (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.

Thereafter all works for each phase shall be carried out in accordance with the methods agreed throughout the construction period.

Reason: To ensure the minimum amount of mineral sterilisation occurs and in accordance with Replacement Minerals Local Plan for Berkshire Policies 2 & 2A, and Minerals and Waste Local Plan Policy 9. 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. **CMS**

No development shall take place 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 to the site, and any temporary hard-standing;
- (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) Protection of watercourses within the vicinity of the site.

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.

9. **Working hours**

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

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

8:30am to 1:00pm Saturdays;

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

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

10. **Lighting design**

Prior to occupation of any unit a lighting design strategy for biodiversity for all the buildings on site and the car parking areas 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 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 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 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.

#### 11. **CEMP**

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

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

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

Reason: There are some protected species in the vicinity of the application site. This condition is applied in accordance with policy CS17 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is required because the CEMP must be adhered to throughout construction.

#### 12. **Drainage**

No development shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority. These details shall:

- a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and the WBC SuDS Supplementary Planning Document December 2018 with particular emphasis on Green SuDS and water re-use;
- b) Demonstrate that the existing ground water level will not be temporarily or permanently lowered by the development;
- c) Include attenuation measures to retain rainfall run-off within the site and allow discharge from the site to an existing watercourse or piped system at no greater than 1 in 1 year Greenfield run-off rates;
- d) Include run-off calculations based on current rainfall data models, discharge rates (based on 1 in 1 year greenfield run-off rates), and infiltration and



- storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change;
- e) Include within any design calculations an allowance for an additional 10% increase of paved areas (Urban Creep) over the lifetime of the development;
  - f) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
  - g) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil, groundwater, watercourse or drain;
  - h) Ensure permeable paved areas are designed and constructed in accordance with manufacturers guidelines if using a proprietary porous paved block system; otherwise ensure any permeable areas are constructed on a permeable sub-base material, such as MoT/DoT Type 3;
  - i) Show that attenuation storage measures have a 300mm freeboard above maximum design water level. Surface conveyance features must have a 150mm freeboard above maximum design water level;
  - j) Include a management and maintenance plan showing how the SuDS measures will be maintained and managed after completion for the lifetime of the development. The use of glyphosate as a weed control measure is not permitted. The management and maintenance plan shall incorporate arrangements for adoption by the Maintenance or Management Company (private company or Trust) or individual property owners, or any other arrangements, including maintenance responsibilities resting with individual property owners, to secure the operation of the sustainable drainage scheme throughout its lifetime. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises;
  - k) Include measures with reference to Environmental issues which protect or enhance the ground water quality and provide new habitats where possible;
  - l) Include details of how surface water will be managed and contained within the site during construction works to prevent silt migration and pollution of watercourses, highway drainage and land either on or adjacent to the site;
  - m) Include an Application for an Ordinary Watercourse Consent in case of surface water discharge into, the re-alignment of, or culverting of a watercourse (i.e stream, ditch etc).;
  - n) Include a verification report carried out by a qualified drainage engineer demonstrating that the drainage system has been constructed as per the approved scheme (or detail any minor variations thereof), to be submitted immediately following construction to be approved by the Local Planning Authority. This Report shall include plans and details of all key drainage elements (surface water drainage network, attenuation devices/areas, flow restriction devices and outfalls) and details of any management company managing the SuDS measures thereafter.

Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), Part 4 of Supplementary Planning Document Quality Design (June 2006) and SuDS Supplementary Planning Document (Dec 2018). A pre-condition is necessary because insufficient detailed information accompanies the application; sustainable drainage measures may require work to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

13. **Ground levels and finished floor levels**

No development shall take place until details of existing and proposed ground levels, and finished floor levels of the development, have 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 a satisfactory relationship between the proposed development and the adjacent land. These details are required before development commenced because insufficient information accompanies the application, and the agreed details will affect early construction activities. This condition is applied in accordance with the NPPF, Policies ADPP6, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD (June 2006).

14. **Electric vehicle charging points (prior approval)**

No construction shall commence on any unit until details of electric vehicle charging points have been provided for that unit have been submitted to and approved in writing by the Local Planning Authority. No unit shall be first occupied until the charging points associated with that unit have been provided in accordance with the approved details. Thereafter, the charging points shall be maintained, and kept available and operational for electric vehicles at all times.

Reason: To secure the provision of charging points to encourage the use of electric vehicles. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS13 of the West Berkshire Core Strategy 2006-2026.

15. **Layout**

The detailed layout of the site shall comply with the Local Planning Authority's standards in respect of road and footpath design and vehicle parking and turning provision. This condition shall apply notwithstanding any indications to these matters which have been given in the current application.

Reason: In the interest of road safety and flow of traffic and to ensure waste collection. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

16. **Gates onto highway**

Any gates to be provided at the access where vehicles will enter or leave the site, shall open away from the adjoining highway and be set back a distance of at least 20 metres from the edge of the highway, or from the limit of any potential adoption under Section 38 of the Highways Act 1980, whichever is the greater.

Reason: In the interest of road safety and to ensure that vehicles can be driven off the highway before the gates are opened. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

17. **Visibility splays**

No development shall take place until visibility splays of 2.4 metres by 160 metres have been provided at the access. The visibility splays shall, thereafter, be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level.

Reason: In the interests of road safety. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

**18. Parking**

The detailed layout provided at reserved matters stage shall include details of the vehicle parking and turning spaces/areas within the development. The car parking should enable the site to adapt to a combination of B2 and B8 uses. Such details shall show how the parking spaces are to be surfaced and marked out. No unit shall be first occupied until the vehicle parking and turning spaces for that unit have been completed in accordance with the approved plans (including any surfacing arrangements and marking out). The parking and turning spaces shall thereafter be kept available for parking and manoeuvring of vehicles at all times.

Reason: To ensure the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

**19. Access**

No development shall take place until details of the proposed accesses into the site have been submitted to and approved in writing by the Local Planning Authority. The accesses shall thereafter be carried out in accordance with the approved details. The construction of the site access shall be the first development operation, and no other development operation shall take place until the site access has been completed in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the site access is constructed before the approved buildings in the interest of highway safety. This condition is imposed in accordance with the National Planning Policy Framework and Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026).

**20. Highways works**

No development shall take place until engineering details of the proposed off site highway works have been submitted to and approved in writing by the Local Planning Authority. These works shall include:

- (a) Formation of new vehicular and pedestrian access with splitter island that prohibits right turn movements from the access.
- (b) Provision of turn right lane within the A4 Bath Road including a central island that prohibits right turn movements from the access.
- (c) The application and provision of a Traffic Regulation Order prohibiting right turn movements from the access. It must be noted that a section of the access road will need to be adopted under Section 38 of the Highways Act 1980 to enable any enforcement of the TRO.
- (d) The realignment of the main A4 Bath Road carriageway and associated footways / cycleways northwards to enable the provision of the required sight lines onto the A4 Bath Road.
- (e) Shortening of the westbound layby to the east, to enable the provision of the required sight lines onto the A4 Bath Road.
- (f) Alterations to the A4 Bath Road / Cox's Lane junction.
- (g) Alterations to the eastbound bus stop layby.
- (h) Alterations to surface water drainage.
- (i) Any other associated works including, but not limited to resurfacing when required, alterations and potential replacement of signage and street lighting, etc.

As a first development operation, the above engineering operations shall be constructed in accordance with the approved drawing(s).

Reason: To ensure that the access into the site are constructed before the approved buildings in the interest of highway safety. This condition is imposed in accordance with the National Planning Policy Framework and Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026).

21. **Cycle parking/storage**

No construction shall commence on any unit until details of cycle parking/storage have been provided for that unit have been submitted to and approved in writing by the Local Planning Authority. No unit shall be first occupied until the cycle parking/storage facilities associated with that unit have been provided in accordance with the approved details. Thereafter the facilities shall be maintained and kept available for that purpose at all times.

Reason: To ensure the provision of cycle parking/storage facilities in order to encourage the use of cycles and reduce reliance on private motor vehicles. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, Policy P1 of the Housing Site Allocations DPD 2006-2026, Quality Design SPD, and the Council's Cycle and Motorcycle Advice and Standards for New Development (November 2014).

22. **Travel Plan**

No development shall take place until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented from the development first being brought into use. It shall be reviewed, and updated as appropriate, within 6 months of first implementation, in agreement with the Local Planning Authority. After that the Travel Plan shall be annually reviewed and updated as appropriate and all reasonable practicable steps made to achieve the agreed targets and measures within the timescales set out in the plan and any subsequent revisions.

Reason: To ensure the development reduces reliance on private motor vehicles and provides the appropriate level of vehicle parking. This condition is imposed in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### ***Informatives***

1. **Incidental works affecting the highway**

Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from, the Principal Engineer (Streetworks), West Berkshire District Council, Transport & Countryside, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 503233, before any development is commenced.

2. **Temp Signing Requires Written Consent**

Any temporary signing affecting the adjoining highway shall be approved by, and a licence obtained from, the Principal Engineer (Streetworks), West Berkshire District Council, Transport & Countryside, Council Offices, Market Street, Newbury, RG14 5LD, telephone number 01635 – 503233, before any development is commenced.

3. **Official Postal Address**

Please complete and online street naming and numbering application form at <https://www.westberks.gov.uk/snn> to obtain an official postal address(s) once development has started on site. Applying for an official address promptly at the

beginning of development will be beneficial for obtaining services. Street naming and numbering is a statutory function of the local authority.

4. **Surface water drainage**

Approval of the off-site works within the A4 must be subject to approval of an Ordinary Watercourse Consent application by the Land Drainage Authority outside of the Planning System. The Applicant should be advised that the culverting of the existing open ditch to the north of the A4 will not be acceptable to the LDA. We do however accept that culverting of the existing ditch on the south side of the A4 where the proposed access road crosses this watercourse into the site is unavoidable, although this will be subject to a separate OWC application.

5. **Proactive statement**

[Appropriate statement to be added depending on committee resolution]

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## WEST BERKSHIRE COUNCIL

### LAND ADJACENT TO 1 GABLES WAY, BATH ROAD, COLTHROP, THATCHAM

#### REF 21/02130/OUTMAJ

#### OUTLINE APPLICATION FOR COMMERCIAL B2 (GENERAL INDUSTRIAL) AND/OR B8 (STORAGE AND DISTRIBUTION) DEVELOPMENT TOGETHER WITH ANCILLARY OFFICE SPACE AND ASSOCIATED LANDSCAPING, CAR PARKING, SERVICE YARDS AND ACCESS. MATTERS TO BE CONSIDERED: ACCESS

Consultation response dated March 2022

#### A. Introduction

The proposals were reviewed and a site visit was undertaken to surrounding public accessible areas to assess views and the overall landscape character of the area.

An initial inquiry had been made by the applicant within 2020, with planning pre-app advice provided by West Berkshire Council, date 8<sup>th</sup> December 2020. Additional landscape advice was then provided for the 20/00140/PREAPP with landscape comments dated June 2021.

#### B. Submissions

The following documents have been assessed as part of this report:

- Landscape and Visual Impact Assessment, August 2021, by the Richards Partnership
- Illustrative Landscape Masterplan, Drwg: 20-11-PL-201 rev B, 26/07/2021, by the Richards Partnership
- Proposed Parameter Plan, Drwg 04, 10/2021, by Morsewebb Architects
- Appendix A - LVIA Methodology, August 2021 by the Richards Partnership
- Appendix B - LVIA Winter Viewpoints, August 2021 by the Richards Partnership
- Appendix C - LVIA Photomontages, August 2021 by the Richards Partnership
- BS5837 Arboricultural Impact Assessment by Tamla Trees, July 2021

#### C. The site and context

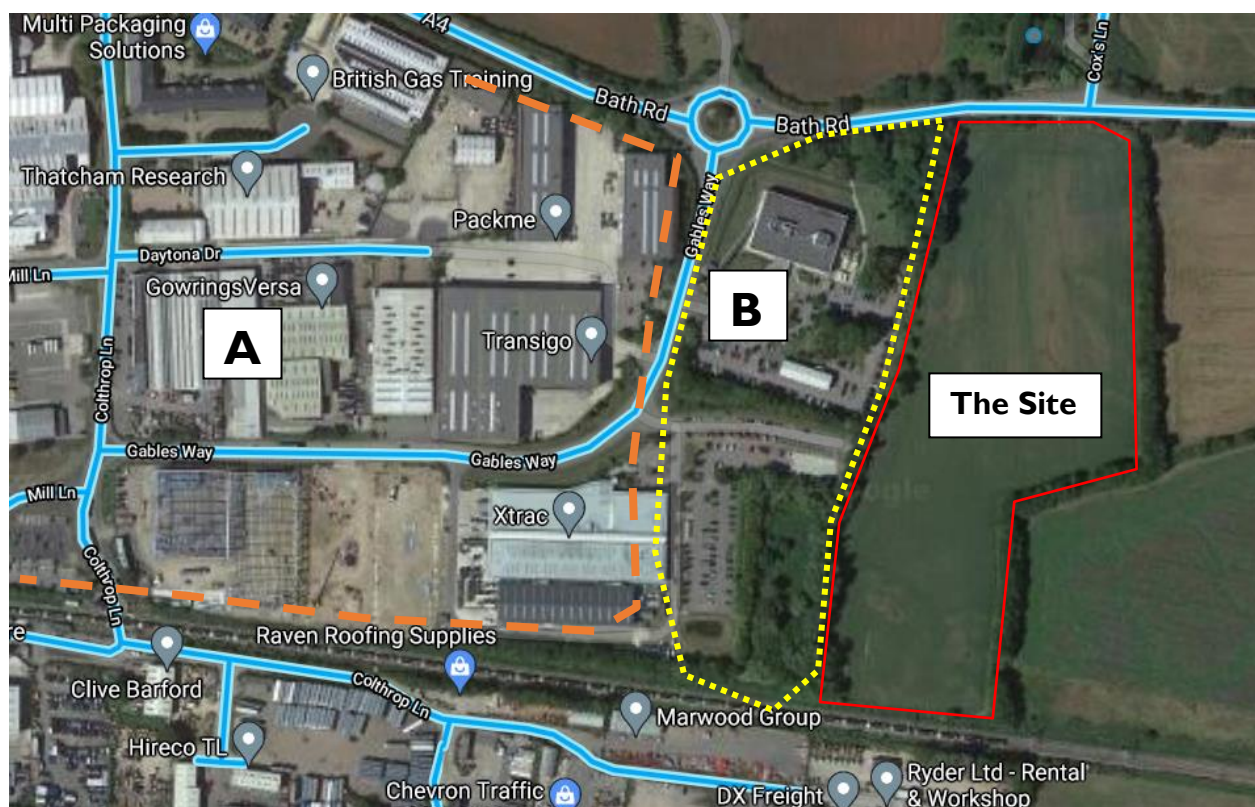
The site lies within the Kennet Valley, 1.4km to the south of the boundary of the North Wessex Downs AONB.

The site measures 5.053 of a hectare and covers one arable field. The LVIA provided a description of the site which I largely agree with in parts.

The site area is elongated in shape with Bath Road frontage measuring circa: 120m. The depth of the site is circa 385m. The site is also located on the Kennet Valley floor, with the Bath Road located at a slightly higher level of between 1-2m (as stated within the LVIA). The levels of the site then further descend from 68.32m AOD in a north - south direction across the site to the southern boundary at 63.85m AOD.

12<sup>th</sup> April 2022

The boundaries of the site, as described within the LVIA state that the eastern boundary was planted about 20 years ago as three rows of trees (measuring across 5m). This eastern boundary is now (at the northern end) a mix of 2-3 intermittent rows reducing down to a single row at the southern end. As viewed on site there is little undergrowth within the eastern tree belt permitting low level views from the east (PRoW) through into the site. The site boundary to the west abuts a more robust tree line, which concludes at the northern end (adjacent the Bath Road) as a small woodland copse, with a number of trees with TPOs. At the southern end, the western site boundary aligns a row of trees, with a balancing pond further beyond to the west, with more trees, before an adjacent car parking area within Colthrop Industrial Estate. As shown within the LVIA's site photos, in particular View B (LVIA page 17), this western treed boundary provides a good screen to Colthrop Industrial Estate from the wider landscape to the east. Additionally, Viewpoint F (LVIA page 19), illustrates a view from within the site north up to the Kennet Valley side, with Colthrop Industrial Estate to the west screened from view.



**Aerial photo showing different landscape characters of Colthrop Industrial Estate. Area B has a more treed character compared to Area A. Area B collectively also acts as a buffer/screen to the open landscape to the east where the site is located**

#### **D. Landscape context and character**

The LVIA, stated the site does not lie within any designated landscape. West Berkshire do not follow a designated landscape approach, partly because a landscape does not have to have a designation to be valued locally. All landscapes across West Berkshire have some degree of value and all development should therefore respond positively to the identified character and valued qualities inherent in that local landscape.

The LVIA referenced the National Character Area 129: *Thames Basin Heaths*, within which the LVIA then referenced the Kennet Valley. The Kennet and Avon Canal are listed within NCA:129 as a landscape attribute and subsequently managed as a recreational corridor with a rich natural and cultural heritage.

The LVIA referenced the West Berkshire Landscape Character Assessment (WBLCA) 2019, where the site lies within Landscape Character Area LVI: *Kennet Lower River Valley*. The site is also visible from another LCA to the north: *LCA WH4: Cold Ash Woodland and Heathland Mosaic*. The WBLCA, besides



12<sup>th</sup> April 2022

listing the key characteristics for each LCA, also provides an analysis of the landscape character under the headings of Valued Features and Qualities, Detractors which then concludes with a Landscape Strategy for each LCA; the LVIA did not reference this analysis or the Landscape Strategy. This part of the LCA is important as they highlight within each LCA what is valued and what are potential forces of change or detractors. With regard to the LCA:LVI, under the heading of Valued Features and Qualities, this lists the Kennet Valley River corridor which it states includes important habitats, is strongly rural, sparsely settled and also a destination for recreation, with PRoW abundant and well used, which would also include the towpath. Detractors for this LCA, also describe the effect of the past and present impact of industrial use...*especially with the spread of commercial and industrial land use onto the valley floor*, (which is where the site is located). With regard to LCA WH4: *Cold Ash Woodland and Heathland Mosaic*, which is located just north of the Bath Road, under the heading of Valued features and Qualities this lists the importance of where open locations can provide views south to similar woodland and heathland mosaic forming the southern side of the Kennet Valley.

## E. Relevant policy and documentation

The proposal within the LVIA, should be assessed against the following policies, adopted documents and statements:

### National Planning Policy Framework: NPPF 2021

Section 2 para 8 (c), Section 12 para 130, Section 15 para 174, 175 and 176

### Local Plan Policy: West Berks Core Strategy 2006-2026 DPD

Policies CS14, CS19, ADPP 1, ADPP 3 and ADPP 5

### Other documents

North Wessex Downs AONB: Position Statement 2019 on setting of the AONB  
Quality Design SPD: Part 1: Achieving Design Quality

## G. Views of the site

The applicant produced a plan with 9 groups of views of the site. Winter photos were also produced as recommended at the Preapp stage. The groups and individual photos are as follows:

Views from Bath Road. These were provided within the LVIA as Photo viewpoint 1, 2, 3, 4, 5 and 6. As shown within the summer views the Bath roadside vegetation channels views down the road (west-east and east - west) and not until you are adjacent the site are there views into the site, which are also from an elevated (1-2m) position. The intervening roadside hedgerow includes a lot of dead elm. Within the last 6 months this hedgerow has been significantly cut back, allowing more open views down and across the site. The adjacent built edge of Colthrop Industrial Estate isn't visible within these views, but screened behind the well-established small woodland copse and tree belt which aligns the western site boundary.

Views from the east on PRoW (MIDG/8/1: These views were illustrated by Viewpoint 10 and 11. As shown within these views towards the site, the existing buildings within Colthrop Industrial Estate are not visible, with the LVIA photos highlighting the buildings to the south of the railway, which forms a very small part of the wider view. These views are very rural in character, with large arable fields, hedgerows and Orchard Cottage visible as a isolated dwelling. The eastern site boundary hedgerow is visible as a relatively robust continuous tree line.

Viewpoint 12: From the east from the railway bridge (Brimpton Road), there is a view across the Kennet Valley floor to the valley side, the site is not visible, due to screening by the existing eastern site boundary treeline. Again, a very small part (not really significant) of a building within the Colthrop Industrial Estate is just visible. This view is rural in character with arable fields, leading across to the valley side and up to a low wooded horizon. Colthrop Manor is visible (Grade II listed); also, other isolated dwellings on the valley floor are visible, including Meadow Thatch Cottage and Orchard Cottage. This view is rural in character with few visual detractors.

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Viewpoint 13 from the towpath, south of the site: Views from the towpath can be obscured by canal side vegetation, which then contrast with the more open and framed views (where permitted) across to the Kennet Valley side, where woodland forms the horizon as part of the North Wessex Downs AONB.

Views from within Colthrop Industrial Estate are represented by Viewpoint 14. The site isn't visible, from within the industrial estate. Where there would be views towards the site (eastwards) these views are obscured by the western boundary vegetation, and trees and buildings within the eastern part of Colthrop Industrial Estate.

Views from the north on the Kennet Valley side (Viewpoints 15, 16 and 17): A feature of LCA WH4: Cold Ash Woodland and Heathland Mosaic, is the good network of Public Rights of Way. Views from PRoW THAT/1/1 aligning from Cox's Lane across to Colthrop Manor allow a number of good views down across the Kennet Valley. Within some of these views as shown within the LVIA photos the buildings within Colthrop Industrial Estate are particularly visible as an area of contrast (white) against the seemingly well wooded valley floor (dark green) – see photo LA1 and LA2 below. Viewpoint 17 is of particular note, as the site is visible within the context of Colthrop Manor farmstead, also within this view only a fraction of the Colthrop Industrial Estate is visible. The view is largely development free and extends across the Kennet Valley floor to the southern Kennet Valley side.



**Photo LA1 – east of Colthrop Manor from Public Right of Way (May 2021)**

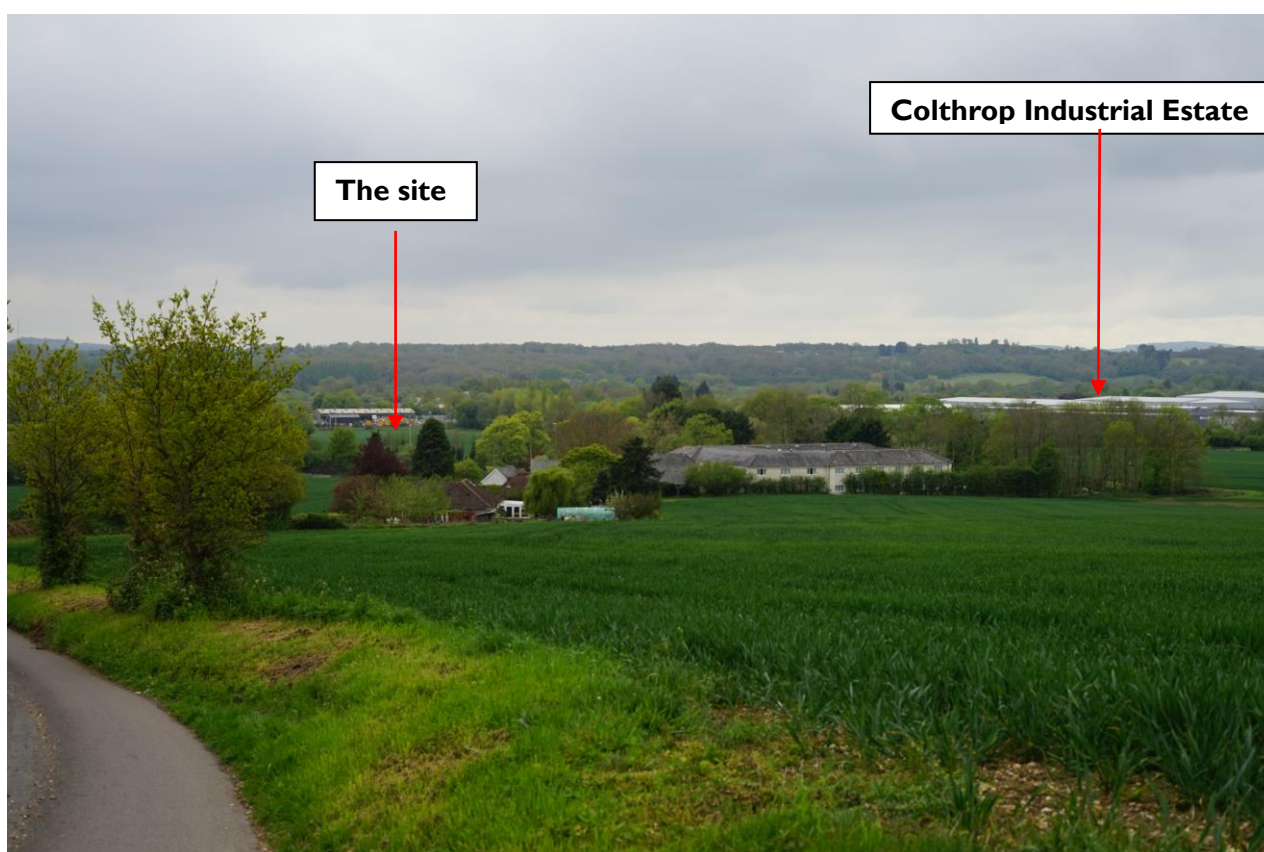
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**Photo LA2 - Taken from Cox's Lane (May 2021). This shows the site separated from the existing white roofs of Colthrop Industrial Estate by a semi-woodland belt which aligns the western site boundary**

Views from Cox's Lane (to the north of the site) (Viewpoints 7, 8, and 9). As Cox Lane ascends the Kennet Valley side, there are views down across the Kennet Valley floor, viewed as well-wooded. Where there are views of the existing Colthrop Industrial Estate, this area reads as a contrasting area of pale grey-white tones, which contrasts with the adjacent areas of woodland (dark green). The site is also separate from this area of pale tones by the wooded western boundary to the site (see photo on next page LA3).

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**Photo LA3 – north of Colthrop Manor (May 2021). The site forms part of the wider seemingly undeveloped wooded valley floor of the Kennet valley**

To summarise the key points about the visibility are as follows:

- The existing wooded western boundary of the Colthrop Industrial Estate provides relatively good screening of the existing buildings within the adjacent estate from the wider landscape to the east
- The eastern site boundary is reasonably robust as an intermittent rows of trees
- Views of the site from the Bath Road are predominantly adjacent, but are also down onto and across the whole of the site to the southern site boundary. Recent roadside hedgerow trimming has allowed these views to be particularly open
- The type of large-scale pale buildings within Colthrop industrial estate can be particularly visible from the Kennet Valley side, due to the contrast of their pale colour against the dark adjacent treed and wooded areas
- There are views which the site forms part of from the towpath across to the Kennet Valley side and the wooded horizons within the AONB

## **F. Key landscape issues**

As stated within the pre application advice (June 2021) the key issues for this application are as follows:

- Impact on the rural views from the slopes (Kennet Valley side) above Thatcham and north of the A4
- Impact on the setting of the barn at Colthrop Manor (Grade II Listed barn), as seen in context from PRow further to the north
- Visual Impact on the Kennet and Avon Canal and recreational value
- Impact on 'gateway', approach to Thatcham and A4 corridor
- Impact on trees and TPO trees to the west of the site
- Impact on the landscape character of the site and surrounding area, direct and indirect
- Impact on individual landscape elements (i.e., landform, trees, areas of grass on the site)

etc), which is separate from the impact on the landscape character of the site. This should also include the features found on the boundary of the site

- Impact of the increase in light pollution, in particular on the wider landscape
- Impact of the construction phase
- Visual impact on the adjacent open countryside and intervisibility
- Impact on the setting of the AONB

## H. Assessment of the Scheme – and summary of key points

### H1 Description of proposals

A summary of the proposed application for which this LVIA is based on is as follows:

- New vehicular point of access off the Bath Road at the western end. This will also include the Bath Road being realigned slightly northwards to permit space for the right-hand turn and also 30m-line of roadside hedgerow removed
- Spine road into the site along the western edge
- Three buildings as shown on the parameter Plan:
  - North of the site: Area 1: One building up to 10.5m ridgeline, footprint 32x78 = 2496m<sup>2</sup>
  - Middle site: Area 2: One Building up to 17.5m ridgeline, footprint 83x120m = 9960m<sup>2</sup>
  - Southern site: Area 3: One Building up to 15m ridgeline, footprint 68x90 = 6120m<sup>2</sup>

#### Hard and Soft Landscaping:

Overall, there is very little proposed tree planting within the central part of the site, which is dominated by hard areas (for vehicular parking and manoeuvres) and buildings. Tree planting is concentrated towards the boundaries as follows:

- Eastern boundary shown to be widened to a width of between 10-25m
- Additional tree planting also proposed along western edge adjacent the attenuation drainage
- Proposed 10-12m width of tree planting adjacent the Bath Road
- Attenuation drainage scheme along western site edge, including open basins, concluding at two basins on adjacent southern site boundary

### H2 Direct Impacts and impacts on landscape character of the site

The proposed development will result in the direct loss of an arable field and 30m of roadside hedgerow. This will be replaced with three large scale buildings, an access road, car parking and general hard surface for vehicle access, manoeuvres and parking. The eastern boundary will be supplemented and extended in width of up to 25m, but the majority of the eastern site boundary will be extended to around 10m. I agree with the LVIA, that the sensitivity of the site is medium and that the impact on the site features and landscape character will be substantial adverse.

### H3 Visual Impacts

The LVIA included a visual impact table with the results of the visual assessment (LVIA: Section 7). The LVIA also included a methodology outlining their approach. The LVIA did not produce a Zone of Visual Influence; this is usually the starting point for a visual assessment, although overall the LVIA included key local viewpoints within their assessment as recommended at the preapp stage.

Views from Bath Road (Ref LVIA: Group A and Group B): The new site entrance is proposed 30m wide. This will permit a framed open view into the site across to the buildings within Area 2 and Area 3. This will result in a high magnitude of change and with the LVIA's own methodology a moderate adverse visual effect. Further along the Bath Road, at locations adjacent the site due to the existing poor-quality intervening hedgerow, at Year 1 the effect will also still be moderate adverse visual effect. By Year 15, this effect will have slightly lessened, due to the growth of the proposed tree planting. I therefore disagree with the LVIA assessment on views from the Bath Road, as they have not taken into account the new entrance and the poor-quality existing hedgerow, therefore the effect will be more than minor adverse at Year 1 and negligible at Year 15 as the LVIA has stated, it will be as described a lot higher.

Views from Cox Lane (Group C): I agree with the LVIA that from higher elevations the proposed development would form an additional built element in the view. This additional built element would also be seen separated from the existing Colthrop Industrial Estate, by the mature western semi-wooded belt which aligns the western site boundary. At the junction of Cox Lane with the Bath Road, the proposed development would replace a view across the Bath Road through the existing field entrance to the site and across open countryside (no views of Colthrop Industrial Estate to the right). I agree Cox Lane should have a medium sensitivity, but the magnitude of change would be a lot higher, (than as reported within the LVIA) resulting in a substantial adverse visual effect. By Year 15, views at the junction would have improved due to the proposed planting within the northern site boundary, but the views from elevated locations will be difficult to mitigate due to the proximity and height of the proposed buildings and would stay as moderate/substantial adverse.

Views from east (Ref LVIA: Group D): Views from the PRoW (Viewpoint 11): I agree with the LVIA that the proposed development will introduce... *a notable urbanising element which would break the skyline.* Which I would further add would also be particularly more visible within the leafless winter months. The LVIA assessed this PRoW with a medium sensitivity and a medium magnitude of change, I would disagree with this, the magnitude would be a lot higher, which would result in a substantial adverse visual effect at Year 1.

Views from the towpath adjacent the Kennet and Avon Canal: I agree with the LVIA that the towpath would have a high sensitivity, as an important routeway adjacent the canal with a high recreational value. The adjacent canal side vegetation provides containment in places and frames a number of views across the open landscape to the Kennet Valley side, enclosed by the low wooded horizons which forms part of the North Wessex Downs AONB. A photomontage was not included within the LVIA, however a photomontage had been submitted at the pre-app stage. This existing view for this photomontage, shows open countryside leading across to a wooded horizon, with a small part of an existing building. The photomontage then shows the introduction of buildings which become the key focus now in the view, this will result in a high magnitude of change, resulting in a substantial adverse visual effect, not a moderate adverse visual effect as reported by the LVIA.

Views from the PRoW adjacent Colthrop Manor (Group E): These views look down from the Kennet Valley side across the Kennet Valley floor to a well wooded horizon on the southern Kennet Valley side. These views are strongly rural with development on the Kennet Valley floor well screened/integrated, except for the large-scale buildings within Colthrop Industrial Estate which due to their scale, colour and expanse contrasts with the seemingly wooded character of the valley floor. In some views the proposed development will be seen within views of the existing Colthrop Industrial Estate, although separated by the western semi-wooded boundary, extending industrial development eastwards along the Kennet Valley floor. The LVIA reported the sensitivity of these PRoW as having a high sensitivity, which I agree with, however, I disagree with the reported magnitude of change as low, the magnitude of change would be higher as the change in view by the LVIA's own methodology would result in being clearly visible and not integrating well with existing landscape features, largely to contrasting colour. The photomontage has coloured the proposed buildings as a pale green to replicate adjacent fields (?), however a suitable colour as seen from the valley side to mitigate the building into the surrounding valley floor, will not be the right colour to use on the facades when seen against the sky from viewpoints on the valley floor.

#### H4 *Indirect Impacts on the wider landscape*

The LVA did not include an assessment on the impact of the development on the landscape character NCA 129: *Thames Basin Heaths*. Although this NCA covers a large area, the Kennet River Valley is listed as important landscape attribute, where the proposed development will have an adverse impact directly on the site, the landscape character of the site and will be visible from adjacent areas within the Kennet Valley. This will result in an adverse effect on the landscape character of the Kennet Valley and the NCA 129: *Thames Basin Heaths*.

The LVIA included an assessment on the LCA LVI: *Kennet Lower River Valley*, based on the loss of an arable field as a percentage on the overall LCA area, this result was assessed as minor adverse, I disagree with

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this assessment as it would be a lot higher. This is also not the recognised way of undertaking the assessment as the site as part of the overall area of the LCA. As already stated, the LVIA did not acknowledge the Valued Features and Qualities, Detractors and the Landscape Strategy as part of their assessment. Furthermore, the LVIA has over empathized the fact that the site is adjacent the existing Colthrop Industrial Estate, although this might partly be the case, the boundary of the existing Industrial Estate is well treed and partly wooded, which largely screens the buildings from the wider character area, the new buildings will be visible in comparison. As listed under detractors for LCA:LVI *...spread of commercial and industrial land use onto the valley floor*. The proposals will further exacerbate this detractor. The landscape strategy for this LCA: LVI lists conserving the distinct identities of individual settlements, conserving the overall sparsely settled character in the valley, seek to avoid unsympathetic linear development, conserve the role that the valley floor plays in the setting of settlements. The site in itself has a short road frontage, but it does extend beyond a well-established wooded boundary of the existing Colthrop Industrial Estate, for this reason depending on how the site is developed will affect the degree and severity of the impact on the landscape character of LCA:LVI. Presently due to the scale of the proposed buildings, lack of space for an effective outer eastern boundary treatment, the proposals will result in an adverse effect on the landscape character of the LCA LVI: *Kennet Lower River Valley*, which as assessed within the LVIA will be far more than minor adverse. The LVIA also subdivided the survey area into local landscape character areas and identified the site to be within their named Midgham Marsh Meadows and Arable Land, where they stated the site proposals would result in a moderate adverse effect on the landscape character of the adjacent area to the site.

As per the LVIA's methodology, as stated by the LVIA assessment (page 13) a moderate adverse landscape effect equates to... *development would cause a noticeable deterioration to the quality and character of the existing landscape resource; conflicts with the character of the existing landscape; have a negative impact on some characteristic features or elements and diminish the sense of place or local distinctiveness of the area.*

## I Conclusion

The site is set 1.4km from the boundary of the North Wessex Downs AONB. As stated within ADPP5, new development will need to conserve and enhance the local distinctiveness, sense of place and setting of the AONB whilst preserving the strong sense of remoteness. There is no intervisibility with areas within the AONB and the site. However, there are views from the towpath adjacent the Kennet and Avon Canal towards the wooded skyline within the AONB, the proposed development will intrude into these views.

As stated within Policy CS 14: *New development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area.* The design for the buildings has not been included, with just footprints and proposed heights submitted. Primary mitigation measures have been suggested to reduce the visual impact of the building by proposing a suitable colour for the facades, however the buildings will still be visible against the skyline from the east and introduce a concentrated area of buildings into the landscape as viewed from elevated areas on the Kennet Valley side. Due to the scale of the development, this makes the proposal particularly visible within the surrounding local landscape. Some tree planting has been proposed to screen the buildings; however, this will be inadequate against the scale of the development with the photomontages misleading as it is unlikely the tree growth rate will be as shown resulting in the buildings still very prominent within the views beyond Year 15.

Policy CS19 considers the conservation and enhancement of the local Landscape Character Areas of West Berkshire. The site is located within LCA LVI: *Kennet Lower River Valley* and visible from the adjacent LCA WH4: *Cold Ash Woodland and Heathland Mosaic*. LCA: LVI recognises that commercial and industrial land use within the Kennet Valley floor has been a landscape detractor, while a key valued feature and quality of LCA: LVI is the strong rural, agricultural and sparsely settled character, even due to its proximity to the major settlements of Newbury and Thatcham. Public Rights of Way are also abundant, with the towpath adjacent the Kennet and Avon Canal. Trees on the western edge of Colthrop Industrial Estate are well established and with a lower density style of development within the western area of the estate this provides a softening/buffer and a screen to the wider landscape. The proposed development is overdevelopment of the site, with inadequate room for mitigation and at a scale which will adversely impact on the surrounding landscape character. Based on this, the proposals will be seen extending

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commercial development further along the valley floor, but more so its influence over a wider area than as existing, which would not comply with this policy.

NPPF 2021 paragraph 8 states achieving sustainable development includes the environmental objective to protect and enhance our natural, built and historic environment; including making effective use of land and improving biodiversity. Paragraph 130 (c) states decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting. Para 174 states decisions should recognise the intrinsic character and beauty of the countryside. Para 176 states great weight should be given to conserving and enhancing landscape and scenic beauty in ... Areas of Outstanding Natural Beauty, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas. As shown the development proposals fail to achieve any of these objectives.

The proposal is therefore contrary to the NPPF 2021 Section 2 para 8 (c), Section 12 para 130, Section 15 para 174, 175 and 176 to Local Plan policies, CS14, CS19 and ADPPI, ADPP3 and ADPP5 as stated above.

## J. Recommendations

In its present form the development on the site represents over development of the site, with the scale of the buildings, areas of hard standing and layout not permitting adequate mitigation measures to reduce the adverse visual and landscape effect to an acceptable level, on the relatively well intact adjacent rural landscape character of the Kennet Valley. The site could have potential for commercial development if the following guidance, (but also not limited to) is used to develop a revised proposal:

Adjacent the Bath Road: As shown the adjacent area of Colthrop Industrial Estate is set back from the Bath Road by a 35m (adjacent the roundabout), with the eastern corner of the building which is the closest to the site, set back further just over 50m from the Bath Road. This has allowed a robust woodland copse to be retained on the corner, which provides a good landscape buffer for the industrial estate to the wider landscape to the north and east.

*Recommendation:* Set buildings back to allow adequate space to propose northern part of the site as woodland planting to build on and extend existing wooded edge of Colthrop Industrial Estate character.

Visibility of buildings from wider Kennet Valley floor: As shown within the photomontages the buildings will be visible from the wider landscape, with views from the PRow to the east and the towpath to the south.

*Recommendation:* Restriction on height: In the present layout the buildings are too tall and too close to the eastern site boundary. They should be set back and reduced in height. This will also allow a wider eastern tree planted buffer to be proposed, which in time will help mitigate any adverse visual effect on the wider landscape to the east.

Views from the Kennet Valley side: The site as shown will extend large scale development out towards the east along the Kennet Valley floor. As shown from views adjacent Colthrop Manor, due to the height and massing, these will intrude into the views of a largely wooded Kennet Valley floor.

*Recommendation:* Allowing more space within the site for tree planting and suitable roof treatment (green roofs) could reduce the visual effect to an acceptable level.



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## Comments based on revised Proposed Parameter Plan (preliminary) Drwg No 004 (23.03.2022)

A revised parameter plan was submitted to the council for comment. The revised plan showed the central area (Area 2) proposed for buildings reduced in height by 2.5m from originally 17.5m down to 15m. No other changes were made to the extent of the proposed three development areas. West Berks Council's original landscape concerns (as set out within the comments above) with regard to height was mainly the visual impact of the development proposals from the locations within the east, the towpath and from the Bath Road. The existing views from the east as described within the applicant's LVIA state...*These views are largely rural with minimal visual distractions. The proposed development would introduce a notable urbanising element which would break the skyline in the early years* (ref LVIA page 72 comments on viewpoints 10 and 11). The LVIA then assessed that the effect at Year 1 would be *moderate adverse effect*, which based on their own methodology is described as *...the development would cause a notable deterioration in the existing view and visual amenity of the receptor*.

The revised plan shows proposed buildings within the central area reduced by 2.5m in height. At this scale of buildings, the reduced height will not be significant, therefore their original visual assessment will still valid.

The revised plan shows a landscape buffer along the eastern boundary, this is keyed as a *min 10m*. However as measured from the scale bar, the green strip measures wider than 10m and actually measures where the text *min 10m* is shown as between 15-20m. A strip of this width should be proposed at the least

As set out within the recommendations above, Area 3 needs to be set back further from the Bath Road to provide a continuation of the already wooded buffer which fronts Colthrop Industrial estate to the west.

Conclusion: Besides the small reduction in height of the central Area 2, none of the other recommendations as stated above were fully addressed and only advised that they could be conditioned. Based on this, the revised parameter plan does not go far enough in reducing the adverse effect on landscape and visual receptors.

### Malvern Hills Area of Outstanding Natural Beauty – Guidance of selection and use of colour un development.

This largely deals with smaller developments within the AONB, but there are some useful references within the document. As proposed an Environmental Colour Assessment would be beneficial to inform reserve matters, once the other recommendations (as stated above) are satisfactorily achieved.

With large scale development of this type, the applicant should also consider the proposed roofline. As seen throughout the country with similar types of development a rounded roof line aids a large-scale development to anchor down into the landscape. However, a rounded roof often has to be higher than a flat roof.

## Landscape Comments 12<sup>th</sup> April 2022

### Submissions

Photomontages: 21:11 Bath Road Thatcham – Building heights

- LVIA Viewpoint 4 from the footpath to the east of the site
- LVIA Viewpoint 16 on the south facing hillside alongside north of Colthrop Manor

The applicant submitted two sheets of photomontages showing the buildings at a height of 15m and 12.5m. As shown at this distance from the proposed development, the difference between the height of a

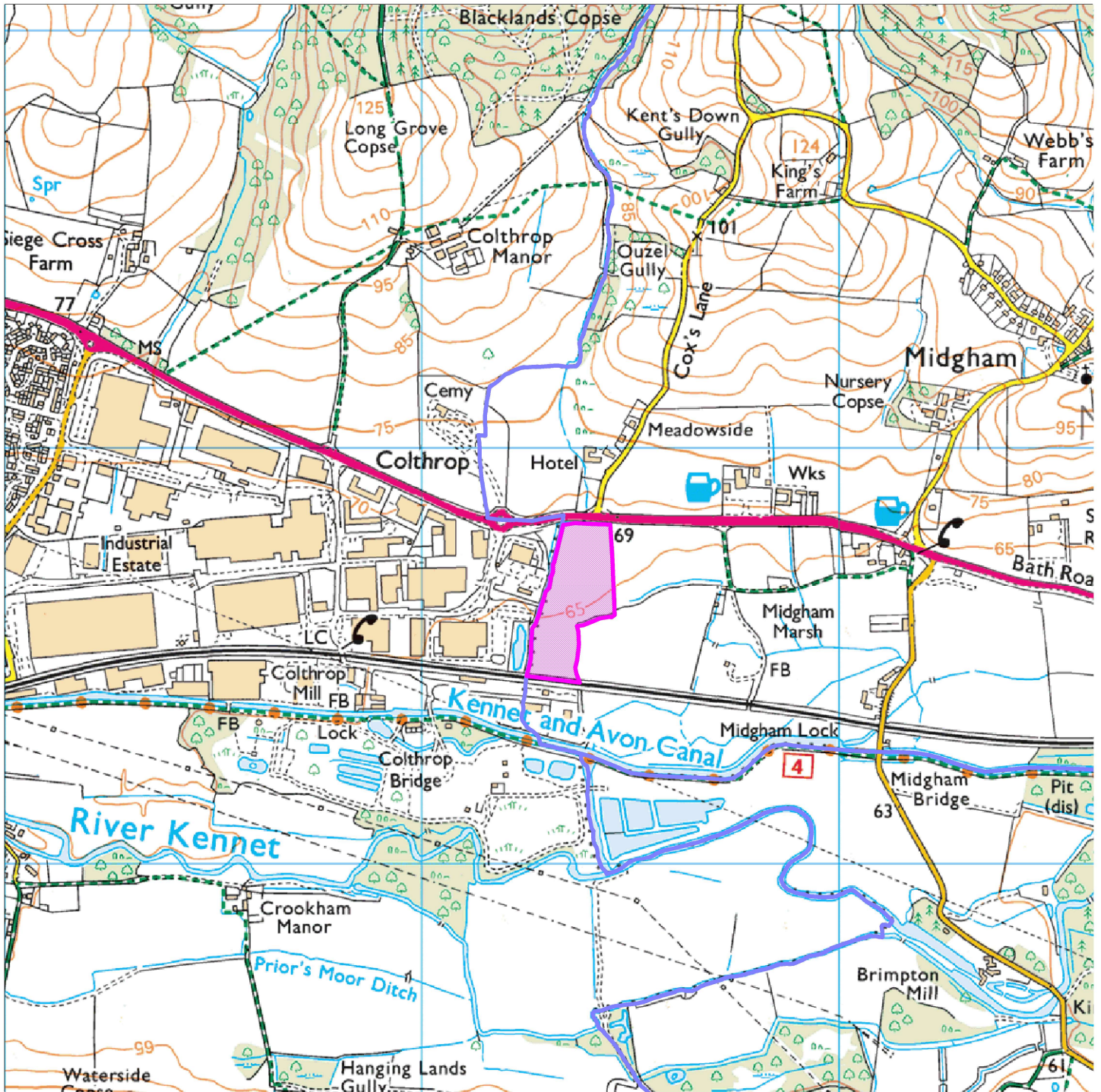
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building at 15m compared to 12.5m is marginal. However, as shown within the visuals the buildings are still visible and encroach into views where buildings were not overly visible before.

Therefore, to accommodate buildings of this size and scale at this location, the overall visual effect would and could be reduced by paying special attention to the following aspects of the final design:

- Treatment and colour and texture of the building façade and roof: The applicant previously recommended the use of an Environmental Colour Assessment. This would be beneficial to select colours which would help the buildings to integrate into the landscape and overall reduce their visual effect
- Shape of building and roofline: A curved roof line would also reduce the visual prominence of the buildings as seen from the east
- Bath Road interface: Buildings which are visible at this location should be carefully considered, and treated as part of attractive gateway into Thatcham
- Eastern landscape buffer and the distance the building is set back from this eastern site boundary: Adequate space from the edge of the proposed buildings should be allowed for the proposed eastern landscape buffer to thrive. The buffer will need to contain a good mix of native plants to link with the adjacent open countryside
- Internal landscaping with tree planting: Sufficient space should be incorporated into the layout to allow tree planting to be beneficial. This would help breakup the large continuous expanse of the proposed buildings as would be visible from the Kennet Valley side



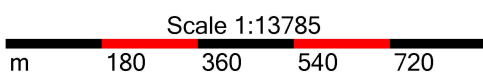
Map Centre Coordinates :

Scale : 1:13784

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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	28 April 2022
<b>SLA Number</b>	0100024151



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# Agenda Item 4.(3)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(3)	22/00193/FUL  Bradfield	04.04.2022 <sup>1</sup>	Installation of containerised biomass boiler systems  St Andrews School Unnamed Road From Gardeners Lane To Buckhold Farm Pangbourne RG8 8QA  The Warden and Council, St Andrews School

<sup>1</sup> Extension of time agreed with applicant until 12/05/2022

The application can be viewed on the Council's website at the following link:

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=22/00193/FUL>

**Recommendation Summary:** Delegate to the Service Director of Development and Regulation to grant planning permission.

**Ward Member:** Councillor Mackinnon

**Reason for Committee Determination:** Application has received 10 or more letters of objection and is recommended for approval by officers.

**Committee Site Visit:** 4<sup>th</sup> May 2022

## Contact Officer Details

**Name:** Mr. Matthew Shepherd  
**Job Title:** Senior Planning Officer  
**Tel No:** 01635 519111  
**Email:** Matthew.Shepherd@Westberks.gov.uk

## 1. Introduction

- 1.1 This application seeks planning permission for installation of containerised biomass boiler systems.
- 1.2 St Andrews School is located within the small hamlet of Buckhold, which is to the south-west of Pangbourne. The surrounding area is identified as predominately farm landscape interspersed with small pockets of development. St Andrews School was founded in 1934 and is an independent school for children ages 3-13. The school is Grade II Listed. The Victorian mansion and stables which are the listed part of the site are to the south, some distance from the proposed development site.
- 1.3 The proposed development is for the installation of a containerised biomass boiler system to provide energy to the school. The development is for two flat roof containers that will be clad in timber. There will have two chimneys rising 3 metres above the roof of the containers; these will be approximately 5.6 metres tall from ground level to top. The containers are approximately 5 metres wide combined, and 6.3 metres long. The containers are approximately 2.6 metres tall excluding chimneys.

## 2. Planning History

- 2.1 The table below outlines the relevant planning history of the application site. The table only contains the past 10 years approximately of planning history. Full planning history can be found on the WBC website.

Application	Proposal	Decision / Date
22/00474/LBC2	Proposed internal and external alterations to existing shower room and computer room and installation of new flat roof to create covered walkway between Buckhold House and Harding House.	Approved 14.04.2022.
22/00473/FUL	Proposed internal and external alterations to existing shower room and computer room and installation of new flat roof to create covered walkway between Buckhold House and Harding House.	Approved 14.04.2022.
22/00953/FUL	Proposed extension to the nursery building, installation of air source heat pump and associated works.	Pending Consideration
20/01076/FUL	Alterations to car park/drop off area outside the entrance to the school building, including the provision of a loop and (net) additional 35 parking spaces.	Approved 17.07.2020.
17/01069/LBC2	Replace worn out, damaged and leaking rainwater furniture on a grade 11 listed building Replacement proposed using Alutec Heritage Black rainwater furniture (aluminium system, powder coated kin textured black to achieve closest practical match in appearance to original cast iron).	Approved 07.06.2017.

16/02178/FUL	New glazed canopy over enlarged doorway to the rear of the reception classrooms.	Approved 10.10.2016.
16/01712/COND1	Application For approval of details reserved by Condition 4, 5, 7, 8, 9 and 10 of approved application 15/02379/FUL - New sports hall and squash courts and enclose existing outdoor swimming pool.	Approved 2308.2016.
15/02379/FUL	New sports hall and squash courts and enclose existing outdoor swimming pool.	Approved 15.02.2016.
14/01351/LBC2	Internal alterations to the building including: creation of 3no. 2nd floor staff flats; alterations to form 2nd floor boys' lavatories; alterations to form 2nd floor girls' lavatories; alterations to 2nd floor staircase to improve emergency exit; removal of redundant wash basins from 2nd floor corridor; creation of 3rd floor staff flat and creation of 2nd floor laundry.	Approved 22.07.2014
12/01230/COND1	Application for approval of details reserved by condition 3 Tree Protection and 4 colour of fencing of approved application 11/02576/FUL - Development of an all weather playing field.	Approved 27.06.2012.
11/02576/FUL	Development of an all weather playing field.	Approved 09.03.2012.

### 3. Procedural Matters

- 3.1 **EIA:** Given the nature and scale of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.
- 3.2 **Publicity:** A site notice was displayed on 09/03/2022 at the front entrance of the site; the deadline for representations expired on 30/03/2022.
- 3.3 **CIL:** Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres). Any CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission. More information is available at [www.westberks.gov.uk/cil](http://www.westberks.gov.uk/cil)

### 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.

<b>Bradfield Parish Council:</b>	Bradfield Parish Council objects to this application for the following reasons: <ol style="list-style-type: none"> <li>1. There is no transport plan indicating the proposed route of vehicles delivering pellets to the site or the frequency.</li> <li>2. There is no Environmental Impact Assessment.</li> <li>3. There is no indication of how the ash will be removed.</li> <li>4. There is no indication of where pellets will be stored.</li> </ol> <p>If WBC is minded to approve this application, Bradfield PC would prefer that the two “containers” are black powder coated rather than stainless steel.</p>
<b>WBC Highways:</b>	No comment
<b>WBC Lead Local Flood Authority:</b>	No response 26/04/2022
<b>WBC Environmental Health:</b>	The information clearly shows that the proposed biomass boiler will efficiently burn the clean wood pellets at a high temperature in order to burn off any pollutants. Being monitored 24/7 and with a regular maintenance scheme in place this proposal will have minimal effect on air quality and is in fact exempt from regulation under the Clean Air Act due to its efficiency. Based on the above I have no further comments to make.
<b>WBC Conservation:</b>	No objections
<b>WBC Archaeology:</b>	The below ground impact on any archaeological assets is likely to be minimal and the structure seems to be some distance away from the listed Victorian mansion and its stable block.
<b>WBC Ecology Officer:</b>	No response 26/04/2022

### ***Public representations***

4.2 Representations have been received from 12 contributors, all of which 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:

- Concern in respect to air pollution, climate change and the developments impact on the health of nearby residents and vulnerable people.
- Concern in regards to the impact this could have on people with respiratory illness, asthma, Covid, and Long Covid where inhalation of emissions from the development will contain particulates known as black carbon and this will exacerbate lung conditions.
- Concern is raised in regards to the resultant increase in heavy good vehicle traffic making regular deliveries of biomass fuels travelling to the school via roads



that are noted as unsuitable for HGV's. This is causing frequent local diversions and further road and roadside erosion.

- Concern for many young school children who play sports daily on Astroturf that is just 3 metres North West of the proposed development. These young people are going to take deep breaths of toxic soot which may endanger that health and quality of life.
- Tidmarsh lane is not suitable for heavy traffic and twice or three times a week heavy trucks will use these roads carrying pellet tot eh school. The land already suffers 70,000 vehicle movements a year from school parents and another 30,000 vehicle movement's year from school teach staff vehicles.
- The chimneys are 5.6 metres in height and the plume of exhaust flattens out on the land immediately downwind to those chimneys which means the school children, nearby wedding guest and objectors to the North West and residents of local cottages and upper Basildon are all down wind. This is wholly unacceptable.
- The unit will operate 24/7 and 365 days a years and there will be no respite for local residents.
- There is an established wedding venue nearby with potential for 100 guest visiting nearby which would be at risk from emissions.
- Concern that noise from the unit will frighten horses and riders in the local vicinity causing accidents.
- No public consultation from the school has been undertaken.
- The development is not truly renewable due to the temporary warming that happens during the process of the carbon cycle which contribute toe climate warming.
- Wood Burning accounts for 31% of air pollution in London according to Kings College London.
- The school must ensure that it only burns wood pellets which has been correctly seasoned, this allows the combustion unit to burn the wood efficiently and actually produces a carbon-neutral process.
- Concern in regards to the toxic fumes inhaled by wildlife and horses in the surrounding areas.
- We believe this scheme is contrary to conserving and enhancing the natural environment of the AONB.

## 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, ADPP5, CS10, CS13, CS14, CS15, CS16, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies TRANS.1, OVS.5, OVS.6, ENV.27 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- North Wessex Downs AONB Management Plan 2019-24
- WBC Quality Design SPD (2006)

## 6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of Development
- Character and Appearance
- Neighbouring Amenity
- Highways considerations
- Flooding and Ecology

### ***Principle of development***

- 6.2 The site lies outside of any defined settlement boundary in the open countryside where, according to Policy ADPP1, only appropriate limited development will be allowed, focused on addressing identified needs and maintaining a strong rural economy. The proposed development site falls within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). Policy ADPP5 notes that the North Wessex Downs AONB will have appropriate and sustainable growth that conserves and enhances its special landscape qualities. It goes on to note that opportunities for appropriate small scale renewable energy schemes, which use local resources will be encouraged if they can be accommodated within the landscapes of the North Wessex Downs.
- 6.3 These works are required in order to support an established rural school produce energy and are therefore supported by policy CS10 of the Core Strategy and ENV27 of the West Berkshire District Local Plan. This boiler system is run by Biomass Wood Pellets which fuels the boiler, and this is considered a renewable source of energy given this fuel. The proposed biomass boiler would replace an oil boiler system with a modern and efficient biomass boiler which would proposed a supply of low carbon heating which would asset the school in reducing its greenhouse gases emissions.
- 6.4 The supporting text of Policy CS15 notes that carbon reduction is a key issue for West Berkshire. The policy goes on to note that West Berkshire District is one of the highest electricity users in the south-east, and is in the upper quartile of local authorities for CO<sub>2</sub> emissions within the region. This proposed development would assist the school in achieving a reduction in carbon produced and would align with CS15.
- 6.5 The principle of the proposed development is therefore considered acceptable in accordance with ADPP1, ADPP5, CS10, and CS15 of the Core Strategy and ENV.27 of the West Berkshire District Local Plan.

### ***Character and appearance***

- 6.6 Policy CS14 requires new development to demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. It goes on to say that good design relates not only to the appearance of the development but the way in which it functions, and that the considerations of design and layout must be informed by the wider context, having regard not just to the immediate area, but to the wider locality.
- 6.7 Policy CS19 seeks to conserve and enhance the diversity and local distinctiveness of the landscape character of the District, and adopts a holistic approach to ensure that the natural, cultural and functional components of its character will be considered, particular regard will be given to (a) the sensitivity of the area to change, (b) ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character, and (c) the conservation, and

where appropriate, enhancement of heritage assets and their settings (including listed buildings).

- 6.8 The proposed development would consist of two containers of steel construction with flat roofs and would be externally clad with timber. This would be located within the school grounds on existing hard standing. The proposed development are considered utilitarian in design and softened by the proposed wooden cladding. Given the proposed location within the existing site boundary on existing hardstanding the development is not considered to give rise to harm to the AONB landscape. Whilst there is the inclusion of chimneys these are not considered to be prominent in the landscape.
- 6.9 The proposed development is located some distance away from the Grade II listed Victorian mansion and stable block which make up the listed building elements of the site. The planning statement included a heritage impact assessment which is considered to demonstrate that the proposed development result in a very localised visual intrusion on the predominantly planned and designed historic landscape of the site. The historic character of the school extends well beyond the immediate boundaries of the proposed development area, and it is assessed that the proposed development will have only a very minor and localised adverse effect on the historic landscape character of the area.
- 6.10 The proposed new development will have a minimal impact on the setting of the listed building, and change the character of the site, resulting in less than substantial harm to the significance of this listed building. Whilst the proposal will result in less than substantial harm to the significance of this listed building, this harm is justified and would enable the public benefit of securing sustainable future for the building, so meeting the requirements of paragraphs 197 and 202 of the NPPF.
- 6.11 The application therefore complies with the statutory requirements of the Planning (Listed Buildings and conservation Areas) Act 1990, the NPPF (2021) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).
- 6.12 The proposed development is therefore considered to comply with Policies CS14 and CS19 in regards to its design and impact on the character of the area, the setting of the listed building, and the AONB.

### ***Neighbouring amenity***

- 6.13 There has been a number of objections to the application in regards to the impact to neighbouring amenity in regards to pollution and air quality. Policy OVS.5 notes that the Council will only permit development proposals where they do not give rise to an unacceptable pollution of the environment. In order to minimise the adverse impact on the environment or loss of amenity proposals should have regard to: (a) the need to ensure the adequate storage and disposal of waste materials; (b) the installation of equipment to minimise the harmful effects of emissions; (c) the hours, days or seasons of operations; and (d) locating potential nuisance or pollution activities onto the least sensitive parts of the site or where the impacts can be best contained by physical or other appropriate measures.
- 6.14 Policy OVS.6 The Council will require appropriate measures to be taken in the location, design, layout and operation of development proposals in order to minimise any adverse impact as a result of noise generated.
- 6.15 The Council's Environmental Health Officers have been consulted on the application and requested further information be submitted. The EH Officers considered the information provided clearly shows that the proposed biomass boiler will efficiently burn the clean wood pellets at a high temperature in order to burn off any pollutants. Being monitored 24/7 and with a regular maintenance scheme in place this proposal will have

minimal effect on air quality and is in fact exempt from regulation under the Clean Air Act due to its efficiency. It was considered appropriate that the development is condition to be operated in accordance with the documents submitted.

- 6.16 The containerised units are also noted to create very little noise due to their efficiency and high specification. Any noise will be dampened by the enclosure of the boilers in the units.
- 6.17 According to the submitted documents that ash will be disposed of in general waste as an inset compostable material which could be used as fertiliser by the school on its land. Approximately 1 tonne of ash will be produced annually. The wood pellets would be stored in the second container adjacent to the plan room. The supporting documents also notes that will be 10 deliveries annually to the school which is 42 fewer movements to the school than it currently has of oil deliveries.
- 6.18 The development is considered to accord with Policy CS14 in regards to neighbouring amenity and Policies OVS.5 and OVS.6 in regards to pollution and noise.

### ***Highways***

- 6.19 The Highway Authority raise no comment on this application. It is noted in the supporting documents that that ash will be disposed of in general waste as an inset compostable material which could be used as fertiliser by the school on its land or commercially disposed of by the existing waste disposal arrangements of the school. Approximately 1 tonne of ash will be produced annually which. The wood pellets would be stored in the second container adjacent to the plan room. The supporting documents also notes that will be 10 deliveries annually to the school which is 42 fewer movements to the school than it currently has of oil deliveries.
- 6.20 The proposed containers would not give rise to issues of parking on the site given the size of the units and number of parking spaces. The proposed development is therefore considered in accordance with Policy CS13.

### ***Flooding and ecology***

- 6.21 The application falls within flood zone 1 and is therefore at least risk of flooding. CS16 of the development plan directs development to these areas. The containers are not considered to give rise to issues of flooding.
- 6.22 The containers are also located on existing hardstanding within an established site, it is therefore considered the development would have minimal impact on ecology in a developed area of the site which is of low ecological sensitivity.

## **7. Planning Balance and Conclusion**

- 7.1 The development is not considered to have an adverse impact on the character of the area of the AONB landscape. Whilst concern has been raised by objectors in regards to emissions the Environmental Health Officer is content that the development will not be harmful. The development is not considered to give rise to issues related to deliveries on the highways. The development does contribute to the schools ability to produce energy in a more efficient and sustainable way to which weight should be attached to this benefit. Concerns in regards to emissions can be mitigated through appropriate planning conditions. The application is therefore recommended for approval subject to conditions.

## 8. Full Recommendation

- 8.1 To delegate to the Service Director of Development and Regulation to GRANT PLANNING PERMISSION subject to the conditions listed below.

### **Conditions**

1. **Commencement of development**

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

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

2. **Approved plans**

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

Location Plan. Drawing number SA101/B.

Block Plan. Drawing number SA102/A.

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

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

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

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

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

3. **Materials**

The materials to be used in the development hereby permitted shall be as specified on the plans and/or the application forms. Where stated that materials shall match the existing, those materials shall match those on the existing development in colour, size and texture.

Reason: To ensure that the external materials respect the character and appearance of the area. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).

4. **Servicing and maintenance**

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

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

5. **Plant noise**

All plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise therefrom does not exceed at any time a level of 5dB[A] below the existing background noise level, or 10dB[A] if there is a particular tonal quality when

measured in accordance with BS4142:2014 at a point one metre external to the nearest residential or noise sensitive property

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

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

No construction or associated deliveries of the development hereby permitted shall take place during arrival and departure times for the school during term time, unless in accordance with a construction method statement (CMS) that has first been submitted to and approved in writing by the Local Planning Authority. Such a CMS shall include:

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

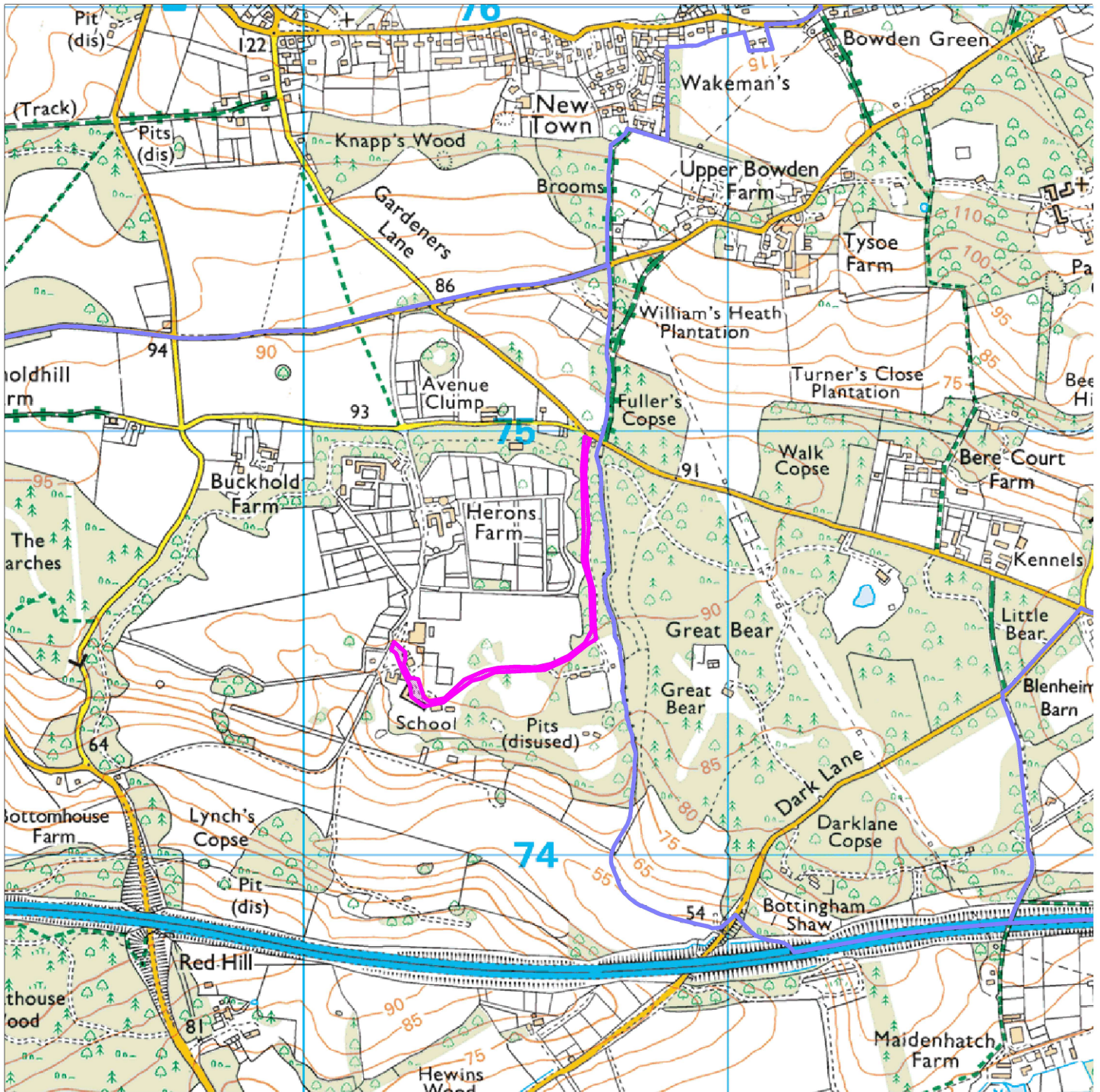
Reason: To safeguard the amenity of school users and adjoining land uses and occupiers, and in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, and Policies OVS.5,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

### ***Informatives***

#### 1. **Proactive actions of the LPA**

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

- (b) Provided the applicant with a case officer as a single point of contact.
- (c) Alerted the applicant to issues that were raised during the consideration of the application.
- (d) Accepted amended plans to address issues arising during the consideration of the application.
- (e) Agreed an extension of time before determining the application to enable negotiations with the applicant.
- (f) Entered into /negotiations in order to find a solution to problems with the proposed development, rather than refusing planning permission without negotiation.



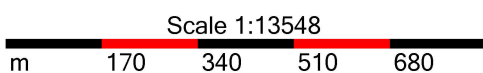
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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Pangbourne RG8 8QA
<b>Date</b>	28 April 2022
<b>SLA Number</b>	0100024151



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