

| Item No. | Application No. and Parish | Statutory Target Date | Proposal, Location, Applicant |
|----------|--|-------------------------|---|
| (1) | 22/00535/FUL Burghfield Parish Council | 29.04.2022 ¹ | Erection of a temporary cafe (prefabricated unit). Pavilion, Recreation Ground, Recreation Road, Burghfield Common, Reading, West Berkshire Burghfield Parish Council |

¹ Extension of time has not been agreed with applicant at the time of writing this report.

The application can be viewed on the Council's website at the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=22/00535/FUL>

Recommendation Summary: Delegate to the Service Director of Development and Regulation to Refuse planning permission

Ward Member(s): Councillor Bridgman
Councillor Royce Longton
Councillor Geoff Mayes

Reason for Committee Determination: There is a level of objection and support in the community. There is sufficient objection that, if Officers were minded to recommend approval, the application would go to committee. However if officers recommended refusal it would not, however much support there was, and I think that the committee should therefore decide.

Committee Site Visit: 6th July 2022

Contact Officer Details

Name: Alice Attwood MRTPI
Job Title: Senior Planner
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1. Introduction

- 1.1 This application seeks planning permission for erection of a temporary cafe (prefabricated unit).
- 1.2 The site is within Recreation Ground on Recreation Road in Burghfield Common. The recreation ground is a large grass area which is surrounded by mature trees. The Recreation Ground has a play park, multi-use games area and car park. Public right of way BURG/17/1 is to the North east of the Recreation Ground.
- 1.3 The proposed temporary café will be situated between the Sports Pavilion and Playground Park. The Temporary café has been oriented to have views over the playground and parking area.
- 1.4 The proposed café is 10.8 m long, 8 m deep and 3.1 m high. The gross internal area of the café is 79 m².
- 1.5 It is planned to serve 24 seats and a takeaway service for beverages and snacks for the local community.
- 1.6 The proposed temporary café walls are dark grey metal with white uPVC windows and doors.
- 1.7 There are no proposed works to the existing vehicular access or parking arrangements at Recreation Ground. There will be a service yard for use by the café for general and recycling waste bins and for back door deliveries from School Road.
- 1.8 There will be a new path to provide access from School Road.
- 1.9 Two Sheffield Cycle Stands have been proposed.

2. Planning History

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

| Application | Proposal | Decision / Date |
|-----------------|--|------------------------|
| 18/00063/PREAPP | WRITTEN STAGE 1: Reuse and refurbishment of existing sports pavilion. Addition of new upper storey and wing to house new office, library and cafe plus associated landscaping. | 28.03.2018 |
| 03/02539/FUL | New sports pavilion to replace former building previously approved 24.02.1999 ref 154272 | Approved 06.02.2004 |
| 99/54272/FUL | Replacement pavilion | Approved 24.02.1999 |
| 95/47481/FUL | Replacement pavilion/storage facility. | Approved 04.01.1996 |
| 79/11111/ADD | Extension to provide showers and toilets | Approved |

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| | | 08.08.1979 |
| 75/02550/ADD | Extension to sports pavilion | Approved 11.06.1975 |

- 2.2 The planning history above relates to the existing sport pavilion on site. The proposed café would be between the sport pavilion and the playground. The proposed café would not be physically connected to the existing sport pavilion.
- 2.3 Within the application submission the applicant and agent have mentioned 18/00063/PREAPP and quoted the conclusion of the officer response. It should be noted the Pre-application scheme submitted is considered to be significantly different to this current proposal. There are major differences in design and scale of development. In addition, the pre-application was for a permanent building and the current build is for a temporary building. It is considered the two proposals are sufficiently different and need to be judged on their own merits.

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:** - Site notice displayed on 08.03.2022 at eastern entrance of the Recreation Ground; the deadline for representations expired on 30.03.2022.
- 3.3 A public notice was displayed in the Reading Chronicle on 17.03.2022; the deadline for representations expired on 07.04.2022.
- 3.4 It should be noted that the Local Planning Authority does not send out individual neighbourhood consultation letters because a site notice has been erected site. This is in line with article 15 of the Development Management Procedure Order (as amended).
- 3.5 **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 floor space (including extensions) or when a new dwelling is created (even if it is less than 100 square metres). However, 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
- 3.6 **Registered Village Green:** - Greens receive considerable statutory protection under the following two Victorian statutes Section 12 of the Inclosure Act 1857 and Section 29 of the Commons Act 1876. If the above provisions were to be interpreted strictly, an act which causes any injury to a green would appear to be an offence under section 12 of the 1857 Act and any disturbance or interference with the soil of the green (other than for the purpose of better enjoyment of the green) would technically be deemed a public nuisance under section 29 of the 1876 Act. However, in Defra's view, in considering whether or not any given development or action contravenes either or both of these statutes a court is likely to be concerned with whether material harm has been caused to a green and whether there has been interference with the public's recreational

enjoyment. Other issues that might be relevant include the proportion of a green affected by the development or activity and the duration of the interference.

- 3.7 If the intended works do not contravene either section 12 of the Inclosure Act 1857 or section 29 of the Commons Act 1876 (e.g. if they were for the better enjoyment of the green) then no special permission is required. Officers considered the proposed works would be for the better enjoyment of a green and thus do not contravention of either of the 19th century statutes.
- 3.8 **Material Planning Considerations:** A material consideration is a matter that should be taken into account in deciding a planning application or on an appeal against a planning decision. Material Planning Considerations are determined from the viewpoint that planning is concerned with public interest. Although there are a wide range of issues that are classed as material planning considerations, some common issues are not able to be considered material planning considerations because they are more concerned with private interests. For example, perceived loss of property value, loss of views, boundary disputes and personal opinions about the applicant are not considered to be material. Within the public representations there have been some matter raised which are not considered material planning considerations, for example potential business competition and use of public funds are not considered to be material planning considerations.

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.

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| Burghfield Parish Council | No Objection |
| WBC Highways: | <p>No Objection: - The Local Highways Authority have no objection to the location of this building. Contrary to some letters of objection, it will not, for instance affect any sight lines from the public highway.</p> <p>From the objection letters, including a letter from Thames Valley Police, it would seem that there are issues in this location with on street car parking associated with activities on the recreation ground, proposed deliveries, litter and anti-social behaviour. It's not my role to comment on the latter two options, but regarding the first item, the question is, will the proposal significantly make any existing parking issues any worse? In response, Highways Officer are not convinced that it will, as it is considered that the café will predominantly cater for those that are already using the recreation ground. Highway Officers consider that any additional visits to the location, just to visit the café, will be somewhat limited. It will not be enough in my view, to warrant refusal that would then be defensible at appeal. It also noted that a temporary consent is being sought here.</p> <p>A temporary consent would allow a more definite judgement to be made on whether a café facility in the recreation ground is worsening any on street parking issues. There is an existing car</p> |

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| | <p>parking to the south east of the proposal accessed from Recreation Road. Probably due to the nearby Willink Secondary School, and due to the existing activities on the Recreation Ground, School Road and Recreation Road are already covered by waiting restrictions including 'No waiting at any time' and 'No waiting on Saturday and Sunday.</p> <p>The applicants indicate that the deliveries and refuse collection are the same as the existing sport pavilion's kitchen and this is considered to be an acceptable arrangement.</p> <p>Highways Officer have note the concern raised by some contributors when regard to the five year period but this is considered a matter for the case officer to review.</p> <p>Overall, no objection from the Local Highway Authority</p> |
| <p>Police</p> | <p>Objection - The National Planning Policy Framework 2021 demonstrates the government's commitment to creating safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. (Ref. paragraphs 92b, 112c and 130f)</p> <p>With this in mind, it is important to consider all appropriate crime prevention measures when viewing the proposals to safeguard the community, its occupant and prevent the development negatively impacting police resources.</p> <p>Having reviewed the submitted documentation I do have concerns that some aspects of the application could be problematic in terms of crime and anti-social behaviour. I raise the following points and ask that these are addressed prior to any planning permission being granted.</p> <p>Car parking</p> <p>The applicant refers to the majority of future customers attending on foot however it is also possible that people will drive to this location. I have concerns that the success of this business could have a negative impact on the immediate residents in terms of parking disputes. Whilst the applicant refers to Highways being satisfied that sufficient parking is provided for employees, I do not believe the application adequately addresses a potential increase in customer vehicles or for people to stay longer, combining the park activities with a meeting point in the café. Whilst it is appreciated the café seeks to serve the local community and its residents it is also possible that it will create a customer base outside of the local area.</p> <p>Unfortunately parking disputes often escalate quickly and could damage the community cohesion, prevent close neighbours being guardians for the business and its buildings and negatively impact police resources.</p> <p>Recommendation</p> <p>Parking proposals need to be re-evaluated and a contingency for additional parking provisions should be identified ensuring it does</p> |

not negatively impact occupants of the surrounding residential streets.

Internal eating area

The application refers to a seated café area for 24 covers. This has the potential to increase the risk of crime and antisocial behaviour if not addressed adequately through the management procedures of the building but also safe staffing levels. I have been unable to identify any details in the application addressing minimum staffing proposals or how the potential for ASB occurring in this location has been identified and mitigated.

For example – the café also has the potential to attract groups of older children using the park and without any parental guidance. The café will be a draw not only to provide refreshments but shelter from elements, heat, light and toilet facilities and is likely to impact staff on site.

Recommendation

The site is secluded in its location within the park, formal surveillance should be provided internally to observe and deter those intent on anti-social activities. Type and positioning of proposed cameras should be submitted. I am happy for this to be met via planning condition and prior to use of the property commencing.

The hours of operation need to target the legitimate activity associated with the park and therefore should be within daylight hours. This could be addressed through a suitable condition. The applicants proposed hours (as below) are considered appropriate, with the exception of the delivery slot Mondays to Fridays which should also fall within the customer hours to safeguard staff.

Customers opening hours:

Mondays to Fridays: 08:00 to 18:00

Saturdays: 08:00 to 18:00

Sundays and public holidays: 09:00 to 14:00

Deliveries hours:

Mondays to Fridays: 9:00 to 18:30 (*amended to 17:00)

Saturdays: 10:00 to 14:30

Sundays and public holidays: 10:00 to 13:00

Consideration could also be given to;

Restricting entry to the building at off peak times when staffing is likely to be reduced operating a takeout facility only.

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| | A further reduction in hours for winter months to reflect the reduced legitimate activity within the park and reduced daylight hours. |
| Royal Berkshire Fire And Rescue Service | No comment / Standing Advice |
| Environmental Health | No objections if condition in place - I have reviewed the above planning application and write with my comments. The opening hours seem to be rather long so I would recommend a restriction on the time of deliveries in order to avoid potentially early morning deliveries which could disturb nearby residential properties. |
| Economic Development | No Comments |
| Ecological Officer | No Objection if following condition is place If we can have conditions covering the following: <ol style="list-style-type: none"> 1. Construction method statement, covering environmental considerations. 2. Landscaping (use phase) 3. Restoration plan 4. Isolux lighting drawing(s) |
| Tree Team | No objection - TPO - no CA - no As the proposal includes works near trees and relocation of an existing sapling (which may or may not succeed), please include the following Informative: Tree Retention Informative - Due to potential tree loss to accommodate this development, replacement planting is encouraged. As stated in NPPF paragraph 131 trees make an important contribution to the character and quality of both rural and urban environments, and can also help mitigate and adapt to climate change. Planting of new trees and shrubs improves the character of the area creating a green environment which we all enjoy. West Berkshire Council encourages the planting of new trees and shrubs to replace any that are felled in order to maintain the positive benefits that trees provide. Tree/hedge protection precautions informative note: <ul style="list-style-type: none"> • To ensure that the trees/hedges which are to be retained are protected from damage, ensure that all works occur in a direction away from the trees. |

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| | <ul style="list-style-type: none"> • In addition that no materials are stored within close proximity i.e. underneath the canopy of trees/hedges to be retained. • Ensure that all mixing of materials that could be harmful to tree/hedge roots is done well away from trees/hedges (outside the canopy drip line) and downhill of the trees if on a slope, to avoid contamination of the soil. • To ensure the above, erect chestnut pale fencing on a scaffold framework at least out to the canopy extent to preserve rooting areas from compaction, chemicals or other unnatural substances washing into the soil. • If this is not possible due to working room / access requirements The ground under the trees'/hedge canopies on the side of construction / access should be covered by 7.5cm of woodchip or a compressible material such as sharp sand, and covered with plywood sheets / scaffold boards to prevent compaction of the soil and roots. This could be underlain by a non-permeable membrane to prevent lime based products / chemicals entering the soil. • If there are any existing roots in situ and the excavation is not to be immediately filled in, then they should be covered by loose soil or dry Hessian sacking to prevent desiccation or frost damage. If required, the minimum amount of root could be cut back using a sharp knife. • If lime based products are to be used for strip foundations then any roots found should be protected by a non-permeable membrane prior to the laying of concrete. |
| Sport England | <p>No Objection - Having assessed the application, Sport England is satisfied that the proposed development meets exception 2 of our playing fields policy, in that: 'The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use. 'This being the case, Sport England does not wish to raise an objection to this application.</p> |
| Emergency Planning | <p>Objection:- At this time Emergency Planning would recommend refusal on this application due to the site being located within the AWE Burghfield Detailed Emergency Planning Zone (DEPZ), and therefore raising the following concerns:</p> <p>The suitability of the construction (temporary prefabricated structure) to afford sufficient public protection - while the proposed building will offer some protection, a traditional construction would be better to afford protect to the public for shelter</p> <p>The welfare of individuals within the structure - The structure size being able to accommodate the expected number of customers (25 plus 4 staff) for a period of 48 hours.</p> |

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| | We note there is another building in close vicinity that may not be under the same ownership, which could possibly support those in the application premises. However, we also note there is a gap between the two buildings which would not afford public health protection when moving between the premises. |
| Office for Nuclear Regulation (ONR) | Objection:- I have consulted with the emergency planning authority within West Berkshire Council which is responsible for the preparation of the off-site emergency plan required by the Radiation (Emergency Preparedness and Public Information Regulations) (REPPiR) 2019. They have not been able to provide me with adequate assurance that the proposed development can be accommodated within their off-site emergency planning arrangements. Therefore, ONR advises against this development, in accordance with our Land Use Planning Policy (http://www.onr.org.uk/land-use-planning.htm). |
| Countryside And Environment (Public Rights) | No Comments Received |
| West Berks Ramblers | No Comments Received |
| Local Lead Flood Authority | <p>No Objection if conditions agreed - Although the development is minor, given that the proposed hardstanding is sited on greenfield land then some form of SuDS measures/drainage to control and restrict flow from leaving the site as a result of the development should be provided.</p> <p><i>“No development shall take place until details of sustainable drainage methods (SuDS) to be implemented within the site have been submitted to and approved in writing by the Local Planning Authority. The planning, design and implementation of sustainable drainage methods (SuDS) should be carried out in accordance with the Non-Statutory Technical Standards for SuDS (2015), the SuDS Manual C753 (2015) and the WBC SuDS Supplementary Planning Document December (2018) with particular emphasis on green SuDS that provide environmental/biodiversity benefits and water re-use.”</i></p> |

Public representations

- 4.2 Representations have been received from 220 contributors, 74 of which support, 7 of which impartial and 139 of which object to the proposal.
- 4.3 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:

Objection –

- There is no need for this type of development.
- Design is not in keeping with the local area.
- Health and safety considerations appear to have been overlooked when it comes to access and deliveries.
- The café will cause traffic issues especially at school drop off and pick up times.
- Opening hours are too long.
- The café will lead to increase in anti-social behaviour.
- There would be a detrimental impact on local businesses.
- If this application is built then the proposed community hub cannot be built.
- Do not believe this application is in the best interests of the majority of the community.
- Harmful to ecology
- Out dated data used in the application submission
- Will cause loss of trade to other businesses
- Trojan horse – the café will be used as a pub
- Increase in littering
- In the DPZ and AWE emergency zone
- The café will sell alcohol
- People will not walk to the café.

Support

- There is a clear need for this building
- This would be an excellent addition to the community and allow the Recreation Ground to be enjoyed more fully.
- Using the park as a central location in the community will ensure the location is walkable, near the school so parents can get a drink whilst their children play after school, and also allow the users of the park to get refreshments, be it the local, or visiting football clubs, dog walkers or families.
- Parish Council questionnaires have consistently shown that a local meeting place is top of the list of the resident's wishes.
- A low cost solution representing excellent value for money for the council tax payers.
- Any objector can be reassured by the temporary nature of the structure to enable a trial period to see if their objections are founded and to work with the parish council to come to reasonable terms of service before a permanent structure is planned.
- The village badly needs a structure within eye sight of the park to allow parents and caregivers somewhere to congregate and come together and no existing structure can meet these needs.
- Due to the limit size of the café, there will not be any negative impact of existing traffic.
- Impact on other local businesses within the parish would be negligible.
- As the cafe is aimed at residents of the parish, parking should not be an issue.
- There is adequate parking at the recreation ground, as well as at the nearby village hall which is free for residents to use. Because of its central location, most people will be able to walk.
- Will be good for mental health
- During Covid the "pop up" pubs and cafe were very popular and helped people who were and continue to be isolated at home.

Impartial

- Supportive of the idea on a café in this location but have concerns with regards to traffic and design of the café.

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, CS8, CS10, CS13, CS14, CS15, CS16, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies TRANS1, OVS5 and OVS6 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)
- WBC Quality Design SPD (2006)
- Planning Obligations SPD (2015)
- Burghfield Parish Design Statement (2011)
- Local Transport Plan for West Berkshire 2011-2026
- Manual for Streets
- WBC Cycle and Motorcycle Advice and Standards for New Development
- West Berkshire Landscape Character Assessment (2019)

6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of development
- Character and appearance
- Highways
- Effect on Neighbouring Amenity
- Noise
- Effect on Public Right of Ways and Green Infrastructure
- Impact on the DPZ and Emergency Planning
- Effect of the Rural Economy
- Sustainable Construction and Energy Efficiency
- Effect on Ecology and Trees
- Flooding and Drainage
- Temporary length permission
- Use Class
- Fall Back Position

Principle of development

6.2 Under policy ADPP1 of West Berkshire Core Strategy (2006-2026) it is found that most development will be within or adjacent to the settlements included in the settlement hierarchy. According to the policy ADPP1, the development site is considered to be located in Burghfield Common which is classed as a Rural Service Centre which means there are a range of services and reasonable public transport provision. It is considered the proposed development in these areas should help provide opportunities to strengthen the services and requirements needed by surrounding communities.

- 6.3 Café would be located in a sustainable location within Burghfield Common and would likely positively contribute vitality of the local economy. There is a presumption in favour of the proposed development providing there are no adverse impacts that would outweigh the benefits, when assessed against the policies in this Local Development Plan taken as a whole.

Character and appearance

- 6.4 Policy CS14 finds that 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.
- 6.5 Policy CS19 finds that development should ensure diversity and local distinctiveness of the landscape character of the District is conserved and enhanced, the natural, cultural, and functional components of its character will be considered as a whole. Having regard 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.
- 6.6 The character and appearance needs to be assessed in the context of that this is a temporary building and would be in place for 5 years before being removed.
- 6.7 The café would be a prefabricated temporary unit. The walls would be painted dark grey with white uPVC windows and doors. The application form indicates the cladding would be metal. The fence would be a close boarded timber fence.
- 6.8 It is considered the proposed prefabricated building is not particularly attractive. It is unfortunate that there was not more consideration with regard to the proposed materials as prefabricated buildings come in many different designs. It is considered the alternative cladding such as timber would make the building more appealing. Concerns with regards to the materials being used could be overcome by the use of a pre-commencement condition. Thus, this it would not form a reason for refusal.
- 6.9 It is considered the design of the temporary café is functional and compact. It is considered the siting of the temporary building is acceptable and takes up a limited part of the green. The proposal is appropriate in terms of location and scale in the context of the existing settlement form and pattern.
- 6.10 It is considered that if this design were permanent it would not be acceptable because it does not read well with the Pavilion. However, it is understood that this is a temporary permission and any harm would be limited for a period of five years. When taking into account the development it is within settlement and conditions can be used to achieve more acceptable materials therefore, on balance, the character and appearance of the temporary café would be acceptable in planning terms.
- 6.11 As part of policy CS14 development proposals will be expected to create safe environments, addressing crime prevention and community safety. Section 2.9 in Part 1 Quality Design Supplementary Planning Document (SPD) outlines design measures which can be taken with regards to safety and security. Thames Valley Police have raised concerns with regard to the proposal design rational. Concern one is in relation to parking. This matter was discussed in detail within the Highways section of this report. The second concern related to internal eating area, minimum staffing levels, and secluded in its location within the park. It is considered that it is not for the planning system to determine minimum staffing levels for a business. Officers disagree that the site is secluded. The temporary café is viewable from the public realm, especially from Recreation Road and School Road. This site is regularly used by members of the public for recreational activities, thus there is a level of natural surveillance. It is agreed that

the introduction of CCTV would help with designing out crime. A pre-occupation condition can be used make sure the CCTV is installed. Opening times can also be conditioned to make sure the café would only open in sociable hours. It should also be noted that secure roller shutters have been added to the design of the building. It is considered the proposal does adequately address crime prevention and creates a safe environment.

- 6.12 When all elements are considered, on balance, the proposal would comply with policies CS14 and CS19 of West Berkshire Core Strategy (2006-2026).

Highways

- 6.13 Burghfield Common which is classed as a Rural Service Centre which means there are a range of services and reasonable public transport provision.
- 6.14 Planning and Highways Officers have reviewed the proposal and comments made by contributors on this application.
- 6.15 There is a large parking area associated with the Common Recreation Ground and it is considered there is adequate parking on site. This is a community café to be used by the local community and it is considered most users could use active travel to access the site. Additionally, plans were updated to have two Sheffield Cycle Stands which will further facilitate active travel.
- 6.16 Thames Valley Police have raised that they feel there is a lack of parking. They indicate that parking disputes often escalate quickly and could damage the community cohesion, prevent close neighbours being guardians for the business and its buildings and negatively impact police resources.
- 6.17 It is important to consider the scope of the planning system when considering this issue. Decisions need to be taking in line with the Local Development Plan policies. The Local Highways Authority have indicated the proposal is compliant with our highways policies (CS13 and TRANS1) set out in the Local Development Plan.
- 6.18 It is proposed that customer opening hours can be conditioned to Mondays to Fridays: 08:00 to 18:00, Saturdays: 08:00 to 18:00, Sundays and public holidays: 09:00 to 14:00.
- 6.19 It is proposed that deliveries hours: can be conditioned to Mondays to Fridays: 9:30 to 14:00, Saturdays: 10:00 to 14:30, Sundays and public holidays: 10:00 to 13:00. This will avoid delivery's clashing with the traffic generated from Willink School.
- 6.20 In addition, this is a temporary permission and if parking was found to be an issue then this could be a legitimate reason for not giving a future permission.
- 6.21 When taking all into account, it is considered on balance that the proposal does comply with CS13 of West Berkshire Core Strategy (2006-2026) and TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

Effect on Neighbouring Amenity

- 6.22 Policy CS14 seeks high quality design to ensure development respects the character and appearance of the area and makes a positive contribution to the quality of life in West Berkshire. This can be interpreted as requiring development to not have an adverse impact on neighbouring amenity or future occupiers of the proposed development.

- 6.23 The proposal is sufficient distant away from neighbouring properties as to not give rise to amenity issues, such as overlooking, overshadowing or loss of natural light. Therefore, it is considered the proposal will not have a materially harmful impact on neighbouring amenity.
- 6.24 There has been some comment with regard to alcohol being sold from the temporary café. The sale of alcohol would be covered by the separate legal framework of The Licensing Act 2003. This is considered to be a licensing matter and thus not a planning consideration in this case.
- 6.25 It is considered that the use of the temporary café would be compatible with the use of the Pavilion. It is considered the temporary café would not have a negative impact of users of the Pavilion. Thus, the proposal is compliant with CS14 of West Berkshire Core Strategy (2006-2026)

Noise

- 6.26 Noise needs to be considered when development may create additional noise, or would be sensitive to the prevailing acoustic environment. It is important to look at noise in the context of the wider characteristics of a development proposal, its likely users and its surroundings, as these can have an important effect on whether noise is likely to pose a concern.
- 6.27 The Common Recreation Ground is provided, and maintained for the people of Burghfield by the Parish Council. It is an open access green space which is home to both an adult and children's football pitch, a hard surface multi use game area, a play area and green space to walk, exercise and play. Third parties are required to seek permission from the Parish Council for any organised event.
- 6.28 It is considered that the prevailing acoustic environment of the Common Recreation Ground is one of low to moderate noise. A community café would align itself with the other community uses on the site. Officer considered that the introduction of a café would not negatively add to the prevailing acoustic environment.
- 6.29 Saved policy OVS.5 states that the Council will only permit development proposals where they do not give rise to an unacceptable pollution of the environment. Saved policy OVS.6 also outlines that 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. The submission has been analysed by the Local Authority's Environmental Health team and as stated above they have no objections if opening timing are shortened and conditioned. The agent and applicant both agreed to shorten opening hours. Thus, the café will only be open during sociable times during the day.
- 6.30 In any event the permission is temporary and if the café was proved to be a noise nuisance then this could be a legitimate reason for not giving a future permission. During the 5 year period, The Café would be covered by the Environmental Protection Act 1990 which provide protection from statutory nuisances.
- 6.31 It is considered there are no grounds for refusal on the basis on noise. With the shortened opening hours secure by condition, it is considered the development would be compliant with OVS.5 and OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

Effect on Public Right of Ways and Green Infrastructure

- 6.32 Policy CS18 finds that The District's green infrastructure will be protected and enhanced. Developments resulting in the loss of green infrastructure or harm to its use or enjoyment by the public will not be permitted. Where exceptional it is agreed that an area of green infrastructure can be lost should a new one of equal or greater size and standard is provided in an accessible location close by.
- 6.33 For the purposes of this Core Strategy, green infrastructure is defined as: Amenity green space (most commonly, but not exclusively, in built up areas) – including informal recreation spaces, village greens, outdoor sports facilities and green corridors such as foot paths.
- 6.34 The site itself is a Registered Village Green with footpath BURG/17/1 (North West of the site). Countryside and Environment (Public Rights) were consulted but no comments were received. It is considered the proposed development will have no impact on footpath BURG/17/1.
- 6.35 The common recreation ground is used for sport and thus Sport England were consulted. They found having assessed the application, that they were satisfied that the proposed development meets exception 2 of Sport England playing fields policy, in that: 'The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use. Thus, Sport England does not wish to raise an objection to this application.
- 6.36 It is considered the temporary café will supplement and be ancillary to the uses at the Common Recreation Ground. The temporary café would encourage the use of the recreation ground and it is considered to be positive. The primary use of the site will remain unchanged and activities on the site will remain unimpeded by the development.
- 6.37 The proposed works are for the betterment of park and thus it is considered section 12 of the Inclosure Act 1857 and Section 29 of the Commons Act 1876 have not been contravened.
- 6.38 Taking the above into account, the proposal would protect and enhance the green infrastructure and thus complies with policy CS18 of West Berkshire Core Strategy (2006-2026).

Impact on the DPZ and Emergency Planning

- 6.39 On 22 May 2019, the government introduced the new Radiation (Emergency Preparedness and Public Information) Regulations 2019 to strengthen the national emergency preparedness and response arrangements for radiological emergencies. These replaced the REPPIR 2001 regulations.
- 6.40 Since then in 2019, the foundation of the Detailed Emergency Planning Zone (DEPZ) for all sites is a Consequences Report provided by the operating site (AWE) following requirements set out within REPPIR 2019. The site is within the DEPZ.
- 6.41 Under the Radiation (Emergency Preparedness and Public Information) Regulations (REPPIR) 2019, local authorities are responsible for setting Detailed Emergency Planning Zones (DEPZ) for nuclear sites where there could be a radiation emergency with off-site consequences and preparing detailed plans for responding to such an emergency, within the DEPZ area. The off-site plans are put in place to minimise and mitigate the health consequences of any significant radiological release that might occur as a result of radiation emergencies at nuclear sites.

- 6.42 Proposed developments on, or in the vicinity of nuclear sites could have an impact on detailed emergency planning arrangements or could pose external hazards to nuclear sites (even in instances where no DEPZ are required). Office for Nuclear Regulation, ONR therefore requests consultation regarding proposed developments within DEPZ and within wider consultation zones within which ONR deems development could impact on the operability and viability of the detailed emergency planning arrangements or pose external hazards to sites.
- 6.43 At this time Emergency Planning are recommending refusal on this application due to the site being located within the AWE Burghfield Detailed Emergency Planning Zone (DEPZ), and therefore raising the following concerns:
- 6.43.1 The suitability of the construction (temporary prefabricated structure) to afford sufficient public protection - while the proposed building will offer some protection, a traditional construction would be better to afford protection to the public for shelter
- 6.43.2 The welfare of individuals within the structure would be compromised - The structure size would not be able to accommodate the expected number of customers (25 plus 4 staff) for a period of 48 hours.
- 6.44 They note that there is another building in close vicinity that may not be under the same ownership, which could possibly support those in the application premises. However, they also note there is a gap between the two buildings which would not afford public health protection when moving between the premises.
- 6.45 It has been identified by Emergency Planners that the proposal would compromise local public health in the event of an emergency evacuation in the locality, contrary to Policy CS8 of West Berkshire Core Strategy (2006-2026). Further to this, the ONR advises against this development. They have not been adequately assured that the proposed development can be accommodated within their off-site emergency planning arrangements. This means that application must be recommended for refusal on this basis.
- 6.46 There have been questions raised to why the ONR and Emergency Planning Team were consulted. The table in Policy CS8 relates to method of consultations rather than acceptability of development. Consultation criteria for the ONR changed when REPPiR 2019 was implemented. West Berkshire Council under REPPiR 2019 is the owner of the AWE Off-Site Emergency Plan, it is the Council's duty to ensure that the plan is suitable in the event of an incident at either AWE site. Therefore West Berkshire Council's Emergency Planning team would need to be consulted on any planning application within the DEPZ to ensure ONR are provided with reassurance that the AWE Off-Site Emergency Plan is adequately maintained and remains suitable in the event of an incident.
- 6.47 In the event that the officer's recommendation is overturned, this would mean Members would be granting permission against the Office for Nuclear Regulation advice. Thus, the Local Planning Authority would need to give advance notice of that intention to grant permission, and allow 21 days from that notice for the Office for Nuclear Regulation to give further consideration to the matter. This will enable the Office for Nuclear Regulation to consider whether to request the Secretary of State for Housing, Communities and Local Government to call-in the application.

Effect of the Rural Economy

- 6.48 Policy CS10 finds that proposals to diversify the rural economy will be encouraged, particularly where they are located in or adjacent to Rural Service Centres.

- 6.49 Burghfield Common which is classed as a Rural Service Centre which means there are a range of services and reasonable public transport provision. The café will employ 4 full time members of staff at any one time. This is a creation of 4 jobs for a 5 year period.
- 6.50 The development is within a Rural Service Centre and would diversify the local rural economy. Thus, the temporary café does attract support under CS10 of West Berkshire Core Strategy (2006-2026).

Sustainable Construction and Energy Efficiency

- 6.51 Policy CS15 relates to Sustainable Construction and Energy Efficiency. The type of building proposed is not covered by BREEAM. Additional as the building is temporary it would not be proportional or viable to apply BREEAM to this type of development. Thus, CS15 of West Berkshire Core Strategy (2006-2026) is not applicable in this case.

Effect on Ecology and Trees

- 6.52 The Trees Team and Ecology Officer have raised no objection to this application and long as conditions are applied. The site is not designated SSSI, local wildlife site or biodiversity opportunity area. There is some mature vegetation around the edge of the Common Recreation Ground. The Common Recreation Ground grass is regularly mowed. It is considered the development will not cause harm to the Ecology or Trees at the Common Recreation Ground. Thus, the proposal complies with Policy CS17 of West Berkshire Core Strategy (2006-2026).

Flooding and Drainage

- 6.53 The proposed development site is located within Flood Zone 1 and is considered not to be in a Critical Drainage Area. The proposed development is considered minor and therefore a Flood risk Assessment is not required with this application. 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 Local Lead Flood Authority have reviewed the proposal and have no objection as long as a drainage condition is in place. This arrangements are considered to be acceptable and the proposal is compliant with CS16 of West Berkshire Core Strategy (2006-2026).

Temporary length permission

- 6.54 It is considered that 5 years is at the upper limit of the time frame acceptable for a temporary permission. A case has been made that this is the time the applicant needs to see if the business is viable. A condition can be used to ensure the permission ends after five year and the land returns to its former use.

Use Class

- 6.55 The use class for the site would be Class E (b) which is for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises. This use class could be secured by condition to make sure the use remained a café and would not move to another use within the class E sub-class. It should be noted that pubs are considered to be within the Sui Generis use class. This means planning permission would be required to use this venue as a pub. It is considered a café (Class E (b) use) would be acceptable in this location.

Fall Back Position

6.56 It is considered there is not fall-back position in this case. In section 55(1A) of the 1990 Act, building operations are stated to include, demolition of buildings, rebuilding, structural alterations of or additions to buildings and other operations normally undertaken by a person carrying on business as a builder". The proposal would be considered to be operational development and would also be material change of use. Therefore, the temporary nature of the building would not preclude it from the definition of a building operation and thus planning permission is required.

7. Planning Balance and Conclusion

7.1 In conclusion, the site is located within the AWE Burghfield Detailed Emergency Planning Zone (DEPZ). The temporary prefabricated structure would not afford sufficient protection to the public in the case on an emergency event. Additionally, there is also concerned with regard to the building ability to provide sufficient level of welfare for customers and staff for a period of 48 hours. Thus, it has been identified that the proposal would compromise local public health in the event of an emergency evacuation in the locality. Furthermore, the submission fails to provide adequate assurance that the proposed development can be accommodated within off-site emergency planning arrangements. This is contrary Policy CS8 of West Berkshire Core Strategy (2006-2026). This harm outweighs the positives found in relation to rural economy.

8. Full Recommendation

8.1 To delegate to the Service Director – Development and Regulation to REFUSE PLANNING PERMISSION for the reasons listed below.

Refusal Reasons

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| 1. | Emergency Planning The site is located within the AWE Burghfield Detailed Emergency Planning Zone (DEPZ). The temporary prefabricated structure would not afford sufficient protection to the public in the case on an emergency event. Additionally, there is also concerned with regard to the building ability to provide sufficient level of welfare for customers and staff for a period of 48 hours. Thus, it has been identified that the proposal would compromise local public health in the event of an emergency evacuation in the locality. Furthermore, the submission fails to provide adequate assurance that the proposed development can be accommodated within off-site emergency planning arrangements. This is contrary policy CS8 of West Berkshire Core Strategy (2006-2026). |
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Informative

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| 1. | Proactive Statement In attempting to determine the application in a way that can foster the delivery of sustainable development, the local planning authority has approached this decision in a positive way having regard to Development Plan policies and available guidance to try to secure high quality appropriate development. In this application whilst there |
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| | has been a need to balance conflicting considerations, the local planning authority has also been unable to find an acceptable solution to the problems with the development so that the development can be said to improve the economic, social and environmental conditions of the area. |
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