

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	23/02965/FULMAJ Midgham	08 th April 2024 ¹	<p>The proposed Development is a Logistics Hub comprising a three-storey block of approximately 7,800 square metres Gross Internal Area (GIA) accommodating offices, laboratories and associated ancillary uses; a yard; a garage and storage building; a single-storey gatehouse; and associated internal access roads, car and cycle parking, landscaping, lighting, drainage and boundary treatments.</p> <p>Land East of Goddards Road and 2 Gables Way, Thatcham</p> <p>Thames Valley Police</p>
¹ Extension of time agreed with applicant until 13 th May 2024			

The application can be viewed on the Council's website at the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=23/02965/FULMAJ>

Recommendation Summary:	To delegate to the Development Manager to GRANT PLANNING PERMISSION subject to the conditions.
Ward Member(s):	Councillor Read
Reason for Committee Determination:	The application is recommended for conditional approval and 10+ objections were received, and it was also called-in by Councillor Read due to height of scheme, drainage concerns and potential light pollution impact.
Committee Site Visit:	1 st May 2024

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1. Introduction

- 1.1 The purpose of this report is to outline officer's assessment of the application and recommendation for the Committee to consider. The proposed development has been assessed by officers against the policies of the development plan and the relevant material considerations, to assist Committee in making a decision as to whether to approve or refuse the application.
- 1.2 This application seeks planning permission for a logistics hub comprising a three-storey block of approximately 7,800 square metres Gross Internal Area (GIA) accommodating offices, laboratories and associated ancillary uses; a yard; a garage and storage building; a single-storey gatehouse; and associated internal access roads, car and cycle parking, landscaping, lighting, drainage and boundary treatments.
- 1.3 The application site comprises of approximately 4.1ha of agricultural land and a private access road from Gables Way that runs alongside Xtrac. The agricultural parcel of land in which the site is located in is bounded by vegetation on all boundaries and has a slight gradient sloping from the north to the south. The site forms part of a Mineral Safeguarding Area and is in a Biodiversity Opportunity Area. There are a few Historic Environment Records within the site related to 'find spots'.
- 1.4 To the west of the site is Colthrop Industrial Estate. This is a Protected Employment Area. The application site is separated from the industrial estate by a soft landscape border and small area of woodland. Within this vegetated boundary are singular Tree Preservation Orders (TPOs) and one Area TPO.
- 1.5 To the north of the application site is the A4 and beyond that access to Coxs Lane. To the north the land climbs towards the start of the North Wessex Downs National Landscape and Upper Bucklebury. Colthrop Manor, a Grade II listed building to the north, is identified as having views of the application site.
- 1.6 To the south of the site is a small portion of the parcel agricultural land not proposed to be developed by this application. The railway line sits beyond the southern boundary of the site and the adjacent agricultural land.
- 1.7 The eastern boundary is formed of a line of trees which separate the site from other parcels of agricultural land. Three sporadic dwellings are located within these fields and are over 200 metres from the application site. Public Right of Way footpath MIDG/8/1 to the east has views of the application site and is accessed from the A4 approximately 270 metres from the eastern boundary of the site.
- 1.8 The application proposes a main hub building (three storey office block with associated laboratories and ancillary uses) that will be positioned centrally within the site. The hub has a footprint of approximately 2816m² and a maximum height of 16.7 metres with the ground floor level reduced by 0.5 metres. To north of the hub building a garage block is proposed measuring approximately (w): 26 x (l): 60 x (h): 7.5 metres and external yard area and further north is a single storey ancillary building. To the south will be a single storey reception and car park.
- 1.9 It is proposed that the primary access will be from Gables Way within Colthrop Industrial Estate. To access the site the existing private road next to Xtrac will be used. A secondary access is also proposed that will exit onto the A4 and is intended for minimal use. These will be linked by an internal road.
- 1.10 Additional landscaping is proposed primarily around the perimeter of the site.

2. Planning History

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

Application	Proposal	Decision / Date
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.	Approved 13.05.2022.

2.2 21/02130/OUTMAJ granted outline permission for the erection of three industrial/warehouse units on site across a larger 5ha parcel of land. It was indicated that Unit 1 would provide 6037m² of B8 with 606m² of B1, Unit 2 would be 9324m² of B8 plus 960m² of B1 and Unit 3 would be 2411m² of B8 and 198m² of ancillary office space. Parameter Plans limited the northern part of the site to a maximum ridge line of 10.5 metres and the southern sections of the site to 15 metres. Landscape buffers were also set out.

2.3 This permission is extant and therefore could still be implemented. Applications for reserved matters would need to be made to the local planning authority by no later than 13th May 2025. This permission represents a valid fall-back position.

3. Legal and Procedural Matters

3.1 **Environmental Impact Assessments (EIA):** An EIA Screening Opinion was issued by the Council on 18th December 2023 under reference: 23/02716/SCREEN. The Screening Opinion advised that the development was Schedule 2 development of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. This was because it met/exceed the relevant threshold in paragraph 10(a) (Industrial estate development projects). However, taking into account Schedule 3 it is not considered that the development would have significant effects on the environment. Accordingly, the screening opinion considered the development was not EIA development. The proposed development as part of this application has not significantly changed from that outlined in the EIA screening, nor have consultation responses been received that indicate that the Council need to amend the screening decision. It is therefore considered an Environmental Statement is not required.

3.2 **Publicity:** Publicity has been undertaken in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's Statement of Community Involvement. Site notices were displayed on 24th January 2024 on the Bath Road and Gables Way, with a deadline for representations of 14th February 2024. A public notice was displayed in the Newbury Weekly News on 18th January 2024; with a deadline for representations of 1st February 2024.

3.3 **Local Financial Considerations:** Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to

make a decision based on the potential for the development to raise money for a local authority or other government body. The table below identifies the relevant local financial considerations for this proposal.

Consideration	Applicable to proposal	Material to decision	Refer to paragraph(s)
Community Infrastructure Levy (CIL)	No	No	
New Homes Bonus	No	No	
Affordable Housing	No	No	
Public Open Space or Play Areas	No	No	
Developer Contributions (S106)	No	No	
Job Creation	Yes	Yes	6.18 and 6.19

- 3.4 **Public Sector Equality Duty (PSED):** In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The Council must have due regard to the need to achieve the following objectives:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.5 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 3.6 The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have regard to and remove or minimise disadvantage. In considering the merits of this planning application, due regard has been given to these objectives.
- 3.7 There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning

application and there would be no significant adverse impacts as a result of the development.

- 3.8 **Human Rights Act:** The development has been assessed against the provisions of the Human Rights Act, including Article 1 of the First Protocol (Protection of property), Article 6 (Right to a fair trial) and Article 8 (Right to respect for private and family life and home) of the Act itself. The consideration of the application in accordance with the Council procedures will ensure that views of all those interested are taken into account. All comments from interested parties have been considered and reported in summary in this report, with full text available via the Council's website.
- 3.9 It is acknowledged that there are certain properties where they may be some impact (this can be mitigated by conditions where relevant). However, any interference with the right to a private and family life and home arising from the scheme as a result of impact on residential amenity is considered necessary in a democratic society in the interests of the economic well-being of the district and wider area and is proportionate given the overall benefits of the scheme in terms of the social benefits in supporting infrastructure delivery.
- 3.10 Any interference with property rights is in the public interest and in accordance with the Town and Country Planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.
- 3.11 **Listed building setting:** Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 16(2) has the same requirement for proposals for listed building consent. The nearest listed buildings are Orchard Cottage (approximately 530 metres away) and Colthrop Manor (approximately 690 metres away). The development will not impact on the setting of the listed buildings, but Colthrop Manor is identified as part of the landscape assessment as having views to the site.
- 3.12 **Conservation areas:** Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. No nearby Conservation Areas that will be impacted by the development.

4. Consultation

Statutory and non-statutory consultation

- 4.1 The table below summarises the consultation responses received during the consideration of the application.

Midgham Parish Council:	Objection. This is due to flooding risk, height of the building and concerns about the ribbon of development along the A4.
Adjacent: Thatcham Town Council:	Support the principle. Note comments by Midgham Parish Council. Suggestions to reduce height, include EV charging points and solar panels on the roof. No comments to make on amendments.

WBC Highways:	A request for additional information was made during the application, this resolved several concerns. An objection is maintained for the secondary access and traffic impact. However, subsequent discussions have identified conditions to address the objections.
WBC Public Protection Officer:	Additional information required which can be dealt with by use of conditions including noise of plant and machinery, unforeseen contamination, lighting strategy, construction method statement, hours of construction work.
WBC Lead Local Flood Authority:	Following the submission of additional information, no objections subject to conditions for a finalised drainage strategy and establishing existing channel capacity.
WBC Economic Development Officer:	Support. Positive economic outputs from proposed development and would have access to sustainable transport in accordance with the Economic Development Strategy.
WBC Transport Policy:	No objection. Request for framework travel plan condition.
WBC Environment Delivery Officer:	The proposal is inconsistent with the requirements of Policy CS15.
WBC Archaeological Officer:	No further archaeological investigation required.
WBC Minerals and Waste Officer:	Following requests for further information it is advised that Officers need to be satisfied that the development would meet tests in Policy 7 and 9 of the MWLP. Informative recommended.
WBC Tree Officer:	Following the request for further information, no objections. Conditions requested for tree protection scheme, arboricultural method statement and soft and hard landscaping scheme.
WBC Ecology Officer:	Sufficient information has been provided. Conditions requested for biodiversity method statement, ecological management plan, information relating to Great Crested Newts district licence, lighting strategy, ecological enhancements and landscape ecological management plan.
WBC Planning Policy Officer:	Summary of relevant policies. Principle for industrial development established under 21/02130/OUTMAJ in accordance with proposed Local Plan Review (LPR) allocation. Additional information required on the sequential approach for change to office development. The proposed office is inconsistent with the emerging LPR but recognise limited weight to be given and change in land ownership. Request for condition to restrict development to Use Class E(g).
GCN District Licence Officer:	Once an application for the applicants to use the Council's District Licence was received, conditions requiring compliance with the licence and mitigation measures are recommended.

Active Travel England:	Standing advice should be followed.
Environment Agency:	Do not wish to make comment on the application.
Network Rail:	No objections in principle. Request for planning obligation.
No comments received from:	WBC Waste Officer, WBC Access Officer, Natural England, Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust, Thames Water Utilities, SPOKES, Thames Valley Police: Design, Royal Berkshire Fire and Rescue Service, Scottish and Southern Electric and Southern Gas Network.

Public representations

4.2 Representations have been received from 13 contributors, 1 of which support, and 12 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:

- One letter of support for principle of the proposed development.
- With to repeat the same objections as to those on 21/02130/OUTMAJ.
- Spread of industrial development: Loss of valuable green space and separation between settlements: visual benefits of space and agricultural production.
- Flooding concerns: increased hard surfacing, surface & ground water flooding, retaining existing drainage ditches, part of floodplain and consideration to increase rainfall due to climate change.
- Design and visual impact: Height and materials out of character with rural area, eyesore.
- Noise, traffic and light pollution following completion of development: request for noise impact assessment, currently congested roads.
- Impacts during construction.
- Impacts to wildlife.
- Concerns with the description of development.
- Amendments and conditions requested: retention of eastern tree belt, reduction in height sought, restrictions of lighting applied, restrictions to vehicle movements during the night, solar panels should be provided, colour of cladding should be sympathetic.
- Comments on amended plans: do not address previous objections, does not accord with advice from Landscape Consultant, consideration should be given to visual impact in winter months, long time for landscaping to establish.

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, CS11, CS13, CS14, CS15, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies OVS.5, OVS.6, TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).
- Policies 7 and 9 of the Minerals and Waste Local Plan (2022-2037).

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)
- Emerging West Berkshire Local Plan Review (2022-2037)
- Employment Land Review (2020), Addendum (2022) and Update (2024)
- Local Transport Plan
- 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
- Landscape and visual impacts
- Tree protection
- Environmental and amenity considerations
- Transport and highway impacts
- Minerals sterilisation
- Sustainable construction and energy efficiency
- Flood risk and drainage
- Biodiversity and biodiversity net gain
- Parish and Town Council representations

Principle of development

Current development plan

6.2 Policy ADPP1 sets out the spatial strategy for the District. The policy advises that most development will be within or adjacent to settlements included in the settlement hierarchy and related to transport accessibility of the settlements and their levels of services and the availability of suitable sites. Policy ADPP1 seeks that intensive employment generating uses such as offices are directed to town centre areas. The scale and density of development will be related to the site's current or proposed accessibility, character and surroundings. Within the open countryside limited appropriate development only is allowed providing it meets an identified need and maintains a strong rural economy.

6.3 The application site is located within the East Kennet Valley spatial area and therefore Policy ADPP6 applies. The policy recognises the role of Protected Employment Areas. The policy seeks development within the open countryside to be strictly controlled.

- 6.4 Due to the proximity of Thatcham, it is considered that Policy ADPP3 is relevant. This policy sets out the spatial strategy for Thatcham where the support for local employment through designated Protected Employment Areas (including Colthrop) will continue to sustain a strong employment base. Small scale office development will be supported within Thatcham Town Centre.
- 6.5 Policy CS5 requires the Council to work with infrastructure providers and stakeholders to identify requirements for infrastructure provision and services for new development seeking to coordinate the delivery of infrastructure whilst protecting local amenities and environmental quality.
- 6.6 Policy CS9 seeks to facilitate and promote the growth and forecasted change of business development. The policy seeks to direct new office development towards town and district centres as outlined in Policy CS11. If no suitable sites are available within an existing centre then a sequential approach will be taken: first focusing on edge centre brownfield and protected employment areas; then out of centre brownfield sites and protected employment areas; and then other existing employment sites and premises not in an edge of centre or out of centre location. Business development should be in keeping with the surrounding environment, not conflict with existing uses, and promote sustainable transport.
- 6.7 Policy CS11 seeks to direct main town centres uses (including office space) to town and district centres within that policy.
- 6.8 Due to the location of the site outside of the settlement boundary, Policy CS10 is also relevant which encourages proposals to diversify the rural economy particularly where they are located in or adjacent to Rural Service Centres and Service Villages.
- 6.9 WBCS is the Council's current adopted plan and the policies described above are given full weight. Planning Policy Officers advised that a sequential test is required in accordance with Policy CS9 to support the out-of-town centre location for the proposed offices.

Employment Land Review (ELR):

- 6.10 The ELR assesses the future demand and supply of employment land across the District to establish employment land requirements. The ELR also provides an up to date review of the West Berkshire property market, reviewing patterns of activity in the office and industrial markets. Therefore, this is an important material consideration.
- 6.11 The ELR indicates that there is generally less demand for office space in Thatcham compared to Newbury and Theale. The town centre is small with a low level of office stock and out of town stock is located at Colthrop Industrial Estate and Thatcham Business Village. The ELR considers Colthrop Industrial Estate to be the District's premier logistics and distribution park, home to a range of warehousing and light industrial and office units.
- 6.12 This document forms the evidence base for the Emerging Local Plan Review using these findings to allocate land for particular employment uses.

Emerging West Berkshire Local Plan Review (LPR) 2022-2039

- 6.13 Policy SP20 of the LPR sets out the strategic approach to employment land over the plan period to facilitate growth and forecasted change of business development over the plan period. The supporting text advises that there is a requirement to deliver 51,000sqm of office floorspace and 91,000sqm of industrial floorspace. The amount of floorspace was updated in 2024 under the ELR to 104,000sqm of industrial floorspace and 60,000sqm of office floorspace.

- 6.14 Policy SP21 allocates the land east of Colthrop Industrial Estate, which includes the application site, for the delivery of approximately 20,400sqm of B2/B8 uses across the site. Details of the site allocation including parameters are set out within Policy ESA1. The allocation is approximately 5 hectares of which 4.2 hectares form the application site. The LPR proposes to extend the Colthrop Industrial Estate Protected Employment Area (renamed Designated Employment Areas) to include the full 5 hectares of land including the application site.
- 6.15 Planning permission 21/02130/OUTMAJ would meet the majority of the proposed Policy SP21 allocation by providing 19,536sqm of B2/B8 floorspace and currently remains extant.
- 6.16 Planning Policy were consulted on this application. Whilst the proposed policies show the intended direction of travel, limited weight can be given to the LPR policies as these are currently at examination in which the Inspector may wish to make modifications.

Economic considerations:

- 6.17 The NPPF at section 6 seeks development that would build a strong, competitive economy. Paragraph 85 advises that decisions should help to create conditions in which businesses can invest, expand and adapt. Planning decisions are required to recognise and address specific locational requirements of different sectors. The NPPF also advises that planning decisions should enable the sustainable growth and expansion of all businesses in rural areas including well-designed beautiful new buildings.
- 6.18 The logistics hub is understood to provide a facility for approximately 362 full time equivalent staff with potential growth to 487 staff by 2045. It is advised that the hub would ensure the retention of jobs in the region and potential for up to 125 new jobs to be created up to 2045.
- 6.19 The Economic Development Team offered support for this application as the inward investment would result in a range of economic outputs for the district which would include high-quality local employment, increased economic activity with the potential of staff using local business, support for related industries and the attraction of talent and investment due to development of modern facilities with public transport links. The logistics hub has the potential to stimulate economic growth.

Sustainable development:

- 6.20 Policy ADPP1 seeks development to be directed to settlements with transport accessibility especially by public transport, cycling, and walking. There is a requirement for intensive uses to be located in areas with the supporting infrastructure and access through active travel options. Furthermore, Policy CS13 seeks to locate development in sustainable locations reducing the need to travel and promoting sustainable travel.
- 6.21 Within the supporting documentation it is identified that there are bus stops within walking distance from the application site which include services between Reading and Newbury. In addition, cycling infrastructure have been added on the A4 from the roundabout at Gables Way and continues to the edge of Thatcham town. Thatcham train station is also accessible.
- 6.22 The Highways Officer, Transport Policy Officer and Economic Development Officer all considered that the application site is located in a reasonably sustainable location with opportunities for employees to use different modes of transport to access the site.

Loss of agricultural land:

- 6.23 Paragraph 180 of the NPPF requires planning decisions to recognise the wider benefits of the natural local environment including economic and other benefits from the best and most versatile agricultural land.
- 6.24 A Preliminary Agricultural Land Classification Assessment has been undertaken advising the land was Grade 3 (Good to Moderate Quality). Grade 3 is split into two parts 3(a) which forms the best and most versatile agricultural land whilst 3(b) would only have a moderate quality. Mapping identified that the site would have 20-60% likelihood that the land would be the best and most versatile agricultural land. Further testing would be required to determine if the site was 3(a) or 3(b). A preliminary assessment advises that the soils would likely fall in 3(b). However, further survey work would be required to confirm this.

Assessment:

- 6.25 Supporting information submitted with the application advises that there is a particular need for the logistics hub, including that it would provide a purpose-built facility to move staff from older, less efficient buildings. The building will meet a requirement of Thames Valley Police. Policy CS5 supports this need and requires the Council to work with infrastructure providers to coordinate delivery of infrastructure.
- 6.26 The identified need and the economic benefits demonstrate that the proposal would be appropriate limited development. It would meet an identified need and maintain a strong rural economy and would comply with Policy ADPP1 for sites in the open countryside. Maintaining the rural economy also supports the aims of Policy CS10.
- 6.27 Policy ADPP1, CS9 and CS11 direct intensive uses such as offices to town centres. Where the proposed hub falls within an office use and is located out of a town centre a sequential approach is required. Supporting information advises that the applicant carried out five land searches including looking for opportunities to redevelop or refurbish. Requirements of the proposed development include space for garaging and car parking that must be located in the policing region. The application site met a sufficient number of the applicants search criteria and was available. Other sites were dismissed as they did not have sufficient space to meet the needs of the applicant. It is considered that this review satisfies the requirement of a sequential test and justifies the out of town centre location for the office development.
- 6.28 The proposed logistics hub would be in an area in keeping with the surrounding environment and not conflict with existing uses. The site is immediately adjacent to Colthrop Industrial Estate Protected Employment Area where it is identified in the ELR that there are existing office units. Furthermore, it has been identified the location would be reasonably sustainable with options to use public transport, walking and cycling. This would accord with the sustainable location aims of Policies ADPP6, ADPP3, CS9 and CS13.
- 6.29 There is a valid fall-back position in which 21/02130/OUTMAJ could be implemented for B2/B8 development. That permission has established the development of the greenfield site adjacent to Thatcham to meet an identified industrial development need and to meet a shortfall in the district.
- 6.30 As a result of this valid fall-back position a further assessment of whether the land would be best and most versatile agricultural land was not sought because its loss has been established where the site has existing permission to be developed. In addition, the proposal would result in a small loss of agricultural land (Natural England are a statutory consultee on development involving the loss of 20ha agricultural land, giving an indication that the loss of agricultural land in this instance is small).

- 6.31 By developing the land for office use the proposed development of this application would be contrary to the emerging site allocation proposed in Policies SP20, SP21 and ESA1 of the LPR which allocates the site for industrial and storage B2/B8 uses. The existing permission would deliver 19,536sqm of B2/B8 floorspace to reduce the deficit identified in the ELR. The consequence of the proposed office development at the site is that it would have a negative impact on managing the district's undersupply of B2/B8 (industrial) floorspace. It is recognised that there has been a change in site ownership to the applicant of this application. As such the permission for B2/B8 floorspace is unlikely to be deliverable. The proposed logistics hub would however positively contribute towards the supply of office space in the district, which is recognised by Planning Policy.
- 6.32 The proposed scheme would comply with the current adopted local plan for the reasons identified above. These policies have full weight, and it is considered there is a clear need for the development. The principle is also supported by the fall-back position that there is permission to develop the greenfield site to extend the Colthtop Industrial Estate which this proposal would also achieve. However, it would be contrary to the emerging LPR as it would not deliver the proposed allocation of industrial and storage B2/B8 use at this site. These emerging policies can only be given limited weight due to the stage of preparation the emerging plan is at. Given the full weight given to current policies it is considered that the principle of the logistics hub is acceptable.
- 6.33 Offices fall under Use Class E which includes a range of uses. It is recommended that a condition is applied to limit the use of the development to Use Class E(g) relating solely to offices, research and development and light industrial processes. This would be in line with the existing uses within Colthrop Industrial Estate and with the proposal in the LPR to extend the current protected employment area. Another use within Use Class E could potentially conflict with the other uses at Colthrop Industrial Estate and the existing and emerging development plans. The Planning Policy Officer supports a condition restricting development to Use Class E(g).

Landscape and visual impacts

- 6.34 Policy CS14 seeks development that demonstrates a high quality and sustainable design that respects and enhances the character and appearance of the area and makes a positive contribution to quality of life. Proposals are required to make efficient use of land whilst respecting density, character, landscape and biodiversity of the surrounding area.
- 6.35 Policy CS19 advises that new development will have particular regard to the sensitivity of the area to change and ensure that new development is appropriate. This is in terms of location, scale, and design in the context of the existing settlement form, pattern and character to ensure the diversity and distinctiveness of the landscape character within in the district is maintained.
- 6.36 The application is accompanied by a Landscape and Visual Appraisal which identifies the potential effects on the landscape by the development. Liz Allen a Chartered Member of the Landscape Institute reviewed the appraisal and associated documents to inform Officer's assessment of the proposal. It was noted that the scheme would develop a greenfield site where the western boundary currently forms part of a significant buffer separating the industrial estate from the rural landscape.
- 6.37 The main conclusion on the original scheme was that the height of the building (17.5 metres for 50% of the built form) would be visible as a new urban style building in a rural setting which would conflict with Policies CS14 and CS19. However, it was considered that there were opportunities to amend the development to reduce the

impact and this could include: reducing the height of the building (the suggested reduction was to 15 metres); strengthening and widening the eastern and northern tree belts; and changes to the northern façade of the garage building.

- 6.38 The applicants have submitted meaningful amendments seeking to address the recommendations made by the Landscape Consultant. Whilst it is recognised that the height of the hub has not been reduced to 15 metres there has been a significant decrease in height by approximately 1.3 metres. The amendments kept the step in roof height of the main building. It is now proposed to be approximately 16.7 metres high for approximately half the building and then steps down to approximately 14.1 metres for the remainder of the building. The height would be reduced further where the main building is now proposed to be set into the ground by approximately 0.5 metres. Overall, the highest part of the building would be 16.2 metres in total. It is understood that technical reasons (including drainage) prevented the building being sunk into the ground or reduced in height any further. Furthermore, the amendments include additional tree planting on both the northern and eastern boundaries to further mitigate the impact of urban form within the rural landscape.
- 6.39 It is recognised that objections have been received regarding the height of the building and encroachment into the rural landscape. However, there is an implementable fall-back position of the extant permission for 5ha of industrial buildings with a larger footprint than the proposed scheme. Whilst the proposed hub would exceed the 15 metres height parameter agreed under the existing industrial scheme, it is considered the hub proposal would be an improvement than the extant permission. This is due to the smaller footprint of the buildings and land area, with the proposed landscaping retaining larger areas of greenspace. These differences between the schemes would mean the proposed hub would better integrate into the lower density of development to the western edge of Colthrop Industrial Estate whilst also responding to the rural setting beyond the Industrial Estate.
- 6.40 The design of the scheme is considered good quality with consideration given to the National Design Guide. The development would be in-keeping with the neighbouring industrial estate. It is noted that objectors raised concerns with the materials used but the use of buff brick is present throughout the industrial estate in which this scheme is considered to relate to. Furthermore, the materials are intended to help mitigate the impact of the building within the landscape and on visual amenity. The northern façade of the garage will remain a blank elevation however this building is set down from the road due to changes in levels and with additional screening would not be prominent in the street scene.
- 6.41 The proposed development would not have a direct impact on the setting of the North Wessex Downs National Landscape nor the listed Colthrop Manor. However, there would be views from both towards the development site. Both the reduction in height and additional landscaping is considered to mitigate impacts on these views.
- 6.42 It is recommended that conditions are applied to secure a finalised schedule of materials, hard and soft landscaping schemes and site levels. The development involves changes in site levels and therefore a condition requiring details of how spoil and imported material would be dealt with is also recommended.
- 6.43 It is acknowledged that development of a greenfield site will result in some loss of rural character. However, the applicants have engaged with the recommendations of the Landscape Consultant and it is considered that this has produced an improved scheme that would not result in a significantly harmful impact on the landscape. Furthermore, the scheme is intended to replicate the lower density development on the edge of Colthrop Industrial Estate whilst also retaining some separation. On balance

with the conditions identified the proposed development is considered to be in accordance with Policies CS14 and CS19.

Tree protection

- 6.44 Policy CS14 seeks development that respects the landscape and biodiversity of the surrounding area. Existing trees also provide a valuable biodiversity contribution and therefore should be conserved and enhanced where possible in accordance with Policy CS17. Trees also contribute to the landscape character of the area and therefore Policy CS19 is relevant seeking the conservation and enhancement of landscape character.
- 6.45 On the application site the tree identified as T002 is a veteran tree; these are trees that have significant decay features that contribute to exceptional biodiversity, cultural and heritage value. The PPG advises that veteran trees are irreplaceable and therefore should not be lost unless there are wholly exceptional reasons and a suitable compensation strategy is in place.
- 6.46 Adjacent to the site on the western boundary are 5 singular and one area TPO; these trees have statutory protection due to their amenity value. The details submitted with this application were considered satisfactory by the Council's Tree Officer in terms of protection of the veteran tree and the TPOs.
- 6.47 To ensure the protection of the veteran tree, TPOs and the existing trees and hedges to be retained at the site the Tree Officer has requested conditions for development to be carried out in accordance with the Tree Protection Plans, the submission of an Arboricultural Method Statement prior to development commencing and a scheme for details of hard and soft landscaping to be submitted prior to completion or occupation.
- 6.48 Subject to these conditions the proposal would have an acceptable impact on trees is in accordance with Policies CS14, CS17 and CS19, the NPPF and the PPG.

Environmental and amenity considerations

- 6.49 Policy CS14 outlines that development that will have a positive contribution to the quality of life in the District.
- 6.50 Saved Policy OVS.5 advises that development will only be permitted for development proposals that do not give rise to an unacceptable level of pollution to the environment. In order to minimise these impacts consideration is required to be given to equipment to minimise the harmful effect of emissions or locating potential nuisances to the least sensitive parts of the site.
- 6.51 Saved Policy OVS.6 specifically focuses upon noise which requires development to take appropriate measures to minimise any adverse impact as a result of noise generated. Special considerations are required for noisy development near or within SSSIs or the North Wessex Downs National Landscape. Regard is required to be given to existing sources of noise, appropriate sound insulation measures and noise exposure levels.
- 6.52 The nearest residential development is to the north and east of the application site. The nearest dwelling (to the north) is approximately 170 metres away from the site and to the north of the A4. Whilst, to the east the nearest dwelling is approximately 240 metres from the application site boundary.

Physical impact:

6.53 Due to the separation of the application site from the nearest dwellings and central position of the proposed buildings within the site, it is considered that the physical form of the proposals would not have a harmful impact on residential amenity this includes overbearing, overshadowing and privacy impacts.

Noise pollution:

6.54 It is noted that concerns have been raised regarding noise impact on nearby residential dwellings. It was agreed with the Environmental Health Officer that a condition could be applied that plant, machinery, and equipment installed should not exceed existing background noise levels. It is acknowledged that there may be some additional noise impacts from the use of the site. However, when taking into consideration the existing background noise (from the A4 and Industrial Estate), the screened boundary, separation distance, it is considered that the proposed condition for plant machinery noise levels would mitigate adequately the noise impacts of the development.

Light pollution:

6.55 Light pollution was also raised as a concern from objectors. It is acknowledged that the development of the site would result in increased light levels. It is identified in the Ecological Impact Assessment a maximum level of lux between 0 lux and 0.3 lux will fall from lamps on the horizontal plain at boundary features to the east and north of the proposed development buildings. This is a low level of illuminance which would not result in significantly harmful light spill to neighbours. It is also noted that mitigation is proposed at night including using motion sensors and dimming the lights between 23:00 – 07:00. In addition, consideration will also be given to measures to reduce light spill such as cowls. The Environmental Health Officer raised no objections advising a condition should be applied to control external lighting. Screening from soft landscaping on the northern and eastern boundaries would also mitigate light spill from the proposed development.

Land contamination:

6.56 Supporting information advises that the overall contamination risk on site is low with no further surveys required. There is a potential for unexpected contamination to be encountered during the development. Environmental Health Officers raise no objections to these conclusions and advise that a condition should be applied to protected against any unexpected contamination should it be encountered.

Construction impacts:

6.57 The outline construction methodology indicates measures will need to be secured to minimise noise pollution during development. The Environmental Health Officer recommends that conditions are applied for a full Construction Method Statement and Construction Hours of Work to be applied to minimise disturbances to the nearby residential dwellings. The Construction Method Statement requires details of construction hours of work and deliveries to be provided therefore a separate construction hours of work condition is not recommended as this would be a duplication of the requirement.

6.58 It is considered with the use of conditions the environment and amenity impacts would be mitigated and the proposal would accord with Policies CS14, OVS.5 and OVS.6.

Transport and highway impacts

- 6.59 Policy CS13 advises development that generates a transport impact will be required to reduce the need to travel, improve and promote health and safe travel seeking to facilitate sustainable travel. The policy seeks to mitigate the impact on the local transport network and strategic road network.
- 6.60 Saved Policy TRANS.1 seeks to ensure that the needs of new development are met through the provision of a range of facilities including using sustainable modes of transport. The policy advises that the level of parking will depend on the availability of alternative modes of travel and to the maximum of the Council's standards.

Trip generation and traffic impact:

- 6.61 The application is accompanied by a Transport Assessment which advises that there would be 255 two-way trips (226 arriving, 29 leaving) in the AM peak (07:30-08:00) and 255 two-way trips (29 arriving, 226 leaving) in PM peak (15:30-16:30); this equates to 810 daily two-way trips. These trips have been justified based on full time equivalent staff and business needs. The Highways Officer accepted the trip generation calculations. Overall, this would be less trips than that granted under 21/02130/OUTMAJ which was estimated at 980 trips per day. However, this proposal would increase the number of trips during peak hours.
- 6.62 The trip generation has been calculated as a worst-case scenario based upon the majority of trips being undertaken by private vehicle. Traffic modelling has been undertaken from 2019 survey data, which is still considered robust, as traffic has only recently recovered from following the peak of the COVID pandemic. The modelling advises that broadly across peak hours the junctions would operate within their theoretical capacity. There is one in which it is identified that there would be a perceptible change of queuing at the Crematorium roundabout at the western approach. The report advises this would be slightly above the threshold of the junction but is modelled on a basis the development would create 100% new trips. The Highways Officer is checking some additional information and provide further comments in any update report if required. Planning Officers do not consider that there is evidence to demonstrate that the report is incorrect. Furthermore, due to the modelling taking the 'worst case scenario' of all movements to the site being by private vehicle, and the marginal exceedance in the threshold in one direction at one junction, it is considered that there is sufficient information for Officers to confirm the proposal would not result in severe impacts to the road network. The NPPF at paragraph 115 advises that development should only be refused on highway grounds if the impacts on the road network would be severe.
- 6.63 The Highway Officer is satisfied with the conclusions drawn from accident data that there is no road safety issue near the site that would give rise to highway concerns.
- 6.64 Network Rail advise they have no objections in principle to the proposed development, although they do advise that there would likely be an increase in the use of Thatcham level crossing for which appropriate mitigation should be sought. Network Rail advise that this scheme could provide an opportunity to seek contributions through S106 to fund a project for a new bridge to address the current issues at the level crossing.
- 6.65 It is necessary for planning obligations to meet three statutory tests under Regulation 122 of The Community Infrastructure Levy Regulations 2010 (as amended). These tests include it being necessary to make the development acceptable in planning terms, directly related to the development, fairly and reasonably related to the scale of the development. It is considered that there has been no evidence to support the justification that the development would directly impact the level crossing to warrant a

contribution to a new bridge nor is it clear how it would be proportionate to the scale of development. Therefore, the planning obligation has not been pursued on the basis it has not been demonstrated that the three statutory tests would be met.

Site access:

- 6.66 The proposed development seeks to create the primary access from a private road onto Gables Way within Colthrop Industrial Estate. It is proposed a smaller secondary access would allow for vehicles to exit only to the left onto the A4.
- 6.67 With the submission of additional information, the Highway Officer is largely satisfied with the site access from Gables Way. It is agreed that it is a positive to relocate the main access from the A4 (approved under 21/02130/OUTMAJ) to Gables Way. However, the Highways Officer does require further detail of the footway and pedestrian access throughout the site which could be secured through use of a condition.
- 6.68 Concerns were raised regarding the secondary access onto the A4 due to the number of vehicles potentially leaving via that access and achieving the correct visibility splays. It is not possible to provide the required sight lines on to the A4 due to the presence of a regularly used layby on the A4 to the east. The Highways Officer considers that there are some contradictions in the information submitted that it would be used for emergency access only but also with controlled vehicle egress at other times. Permission 21/02130/OUTMAJ sought to widen the carriageway to overcome the issue of the visibility at the access. This is not proposed as part of this application. Therefore, the Highways Officer advises that there would be an objection to the use of this access for any exit of vehicles other than infrequent emergency purposes. Officers consider that a planning condition could be used to make the development acceptable and address the objections of the Highway Officer. This would limit the use of the secondary access for limited emergency purposes, final wording of the condition is being agreed with the Highways Officer and will be provided in the update report.
- 6.69 Conditions are requested for the further details of the accesses including surfacing arrangements at access, details of the primary access and visibility splays at secondary access. It is also recommended a condition is applied the primary access to be provided prior to occupation of the development.

Parking, servicing and refuse:

- 6.70 The application proposed 369 parking spaces (including visitor car parking and 18 disabled bays). General Arrangement Plan Sheet 2 indicates there will be 37 electric vehicle charging points with Sheet 3 indicating that the provision for the future is to provide an additional 60 electric vehicle charging points. A cycle shelter is proposed that will accommodate 60 cycle parking spaces. With the submission of additional information, the Highways Officer was satisfied with the provisions made for parking on the site. Conditions are recommended to secure parking, cycle parking and electric vehicle charging points.
- 6.71 Conditions are requested to secure manoeuvres within the site following the condition to restrict the use of secondary access.

Sustainable & active travel:

- 6.72 The Transport Assessment describes the existing site accessibility; identifying links within the site to Thatcham Railway Station, dedicated cycle lane on the Bath Road and nearby bus stops. It has been identified that the site is in a reasonably sustainable location.

- 6.73 Active Travel England require Officers to assess the scheme against their standing advice. It is considered that the development would generally be in compliance with the advice. It identifies different modes of transport that employees could use and proposes a travel plan to encourage the uptake of sustainable transport options. Encouraging other transport methods and reducing the need for travel would assist in aims of improving air quality and reducing carbon emissions. Whilst local amenities are a cycle/bus ride from the development site access to public transport is walkable with roads in the area served by street lighting and dropped kerb crossings. Furthermore, the cycle parking provision would be in excess of LTN 1/20 guidance. Plans indicate users being able to walk within the site, but the Highways Officer has requested further information for this.
- 6.74 It is acknowledged that multimodal trips have not been accounted for. This is because, due to the nature of the site, it is expected that private vehicles would account for most movements (this is accounted for in modelling). This was accepted by the Highways Officer. However, it is noted that there would be an encouragement of using sustainable travel methods and monitoring of these would be secured through a framework travel plan. The Transport Policy Officer welcomes the commitment to the framework travel plan but advises that this would need to be agreed prior to the commencement of the development rather than after 3 months of occupation. It is considered that development could commence on site before details of this are agreed but suggest that a condition is applied for the framework travel plan to be agreed prior to the occupation of the development.
- 6.75 It is recognised that because of the development there would be an impact upon the highway network. However, it is considered that the impact would not be severe to substantiate a refusal of this application. By the use of conditions, the development would comply with the requirements of Policy CS13 and Saved Policy TRANS.1.

Minerals sterilisation

- 6.76 The application includes the importation of material on site to create necessary site levels. Policy 7 of the MWLP advises that proposals for land raising are usually refused except where the permanent deposit of inert material is an essential element of another beneficial and necessary development proposal.
- 6.77 The application site is also located within a Mineral Safeguarding Area (MSA). Policy 9 of MWLP advises that non-mineral development within a safeguarding area may be considered acceptable if the proposal would not detrimentally affect the extraction of underlying mineral resources or it meets the following clauses:
- it can be demonstrated that there is no economic or potential economic value or other valid planning reasons why the mineral cannot be extracted,
 - where partial/total extraction could take place prior to commencement of the proposed development,
 - the development outweighs the need to conserve the mineral resources or forms part of a site allocated within an adopted local policy.
- 6.78 The application is accompanied with a Minerals and Resource Assessment. This assessment demonstrated that there are technical challenges and environmental consequences that mean that the economic importance of the minerals on site is low. The Minerals and Waste Officer did require further details on the importation of materials into the site and whether incidental extraction had been considered.

- 6.79 With the additional information the Minerals and Waste Officer advises that it is likely that some of the materials to be used for level changes would be waste (ie not primary aggregate), which would be a preferred inert material to be imported to the site. The Minerals and Waste officer notes no minerals would be extracted from the site as part of the development. Therefore, it is for the Planning Officer to determine whether the need for the proposed development outweighs the need to conserve the mineral resources and the deposit of inert material is an essential element of a beneficial development.
- 6.80 The proposed site level changes are required for the control and discharge of surface water as part of the scheme. As discussed within the principle the development has benefits in supporting the operations of the applicant and meeting a particular identified need. Planning Officers are of the view that the development would comply with Policy 7 and 9 of the MWLP where the deposit of material is essential, and the development outweighs the need to conserve the mineral resources which are relatively limited in their potential economic value.

Sustainable construction and energy efficiency

- 6.81 Policy CS15 seeks that new non-residential development will be BREEAM Excellent. Major development shall also achieve Zero Carbon from renewable energy and zero/low carbon energy sources unless it can be demonstrated that such provision is not technically or economically feasible.
- 6.82 The Supporting Statement for the need for the proposed development advises that the development is intended to deliver economic, social, and environmental value for the public purse. The aim of the development is to replace less efficient buildings with a new building.
- 6.83 However, the Environment Delivery Officer has raised that the development is inconsistent with the requirements of Policy CS15 in that neither BREEAM nor net zero carbon would be met. The policy does allow for these requirements not to be complied with provided it is not technically or economically feasible. Officers are satisfied there are specific reasons due to the particular identified needs of the development as to why the requirements of Policy CS15 would not be met.
- 6.84 To secure the best possible for this development, it has been agreed that conditions could be applied to achieve some reduction in carbon emissions from the development. The proposal includes the installation of onsite renewable energy generation. It is proposed a condition is applied to secure the use of renewable energies and a carbon emission reduction measures (including regulated and unregulated energy) from a baseline to be agreed. This would in part be verified through the submission of a BRUKL (Building Regulations Part L) assessment.
- 6.85 The proposed development would conflict with the requirements of Policy CS15. However, it is recognised that the applicants have tried to achieve the best solution to achieving some carbon reduction for the proposed development and the policy has allowance for feasibility issues.

Flood risk and drainage

- 6.86 Policy CS16 requires a sequential approach, in accordance with the NPPF, to be strictly applied across the District. Developments within areas of any flood risk will only be accepted if it is demonstrated that it is an appropriate location, and no suitable alternative sites are available at lower flood risk. A Flood Risk Assessment is required as the site is over 1 hectare. The proposal is required to demonstrate that there would

not be a detrimental impact to flow of water, measures to manage flood risk and that any appropriate mitigation measures are provided.

- 6.87 Policy CS16 also requires that surface water will be managed in a sustainable manner through the implementation of sustainable drainage measures in accordance with best practice.
- 6.88 The Flood Risk Assessment accompanying the application advises the site is within Flood Zone 1 and therefore sequential testing is not required. The site does have areas of low surface water flood risk particularly on the western boundary and south-east corner of the site. There is some area of high surface water flood risk within the north part of the site and to the north of the site, but this should not impact on the development. It is identified that two thirds of the site has high groundwater levels. Along the west boundary of the application site is a channel in which it is indicated that it transports water from a watercourse to the north of the A4.
- 6.89 The Flood Risk Assessment identifies that the management of surface water flows would prevent an increase in flood risk on and off site. The General Arrangement Plans accompanying the application propose the use of swales, stormwater attenuation basis, attenuation basins and rainwater garden planting. The Lead Local Flood Authority are satisfied with the principle of the proposed drainage measures managing surface water in the site.
- 6.90 The information submitted with the application has been consulted upon with the Lead Local Flood Authority who raise no objections subject to conditions. It is recommended that full details of a drainage strategy are agreed prior to the commencement of development including establishing the capacity of the existing channel within the site. With conditions, it is considered that the development would be in accordance with Policy CS16.

Biodiversity and biodiversity net gain

- 6.91 Policy CS17 requires biodiversity assets across the District to be conserved and enhanced. The policy states that all new development should maximise opportunities to achieve net gains in biodiversity. Opportunities should be taken to create links between natural habitat within Biodiversity Opportunity Areas.
- 6.92 The application was submitted before 12th February 2024 and therefore 10% biodiversity net gain is not a statutory requirement for this major application.
- 6.93 The application is accompanied by an Ecological Impact Appraisal. This includes desk studies and further detailed surveys for protected species. The report identifies a range of ecological features and the potential impacts and effects as a result of the development. The report suggests a range of measures to avoid, mitigate and compensate for any harm to habitats and protected species. Conclusions advise that there would be no significant residual impacts on ecological features.
- 6.94 The Council's Ecology Officer was satisfied that sufficient information has been provided and that by using conditions an acceptable impact on biodiversity could be secured. Conditions include a Biodiversity Method Statement, submission of Ecological Management Plan, Lighting Strategy and Ecological Enhancements. The Ecological Management Plan and Biodiversity Method Statement are recommended to be combined into one Construction Environmental Management Plan condition.
- 6.95 NatureSpace who hold the Council's District Licence for Great Crested Newts have reviewed the application and advised the applicant's either need to apply to be covered under the District Licence or carry out further survey work. The applicants

have applied for works to be carried out under the District Licence. Confirmation has been received that the District Licence can cover the proposed works. Naturespace require conditions to be applied so that the developer meets the conditions of the licence and to ensure mitigation of the impact on Great Crested Newts.

- 6.96 Although not a statutory requirement for this application, a Biodiversity Net Gain report has been submitted with this application. The development would deliver 39.19% net gain in area habitats, 38.39% increase for hedgerows and 0.61% for watercourse habitats. The report does acknowledge that not all trading rules are met for hedgerows and watercourses.
- 6.97 The Council's Ecologist was satisfied with the calculations when read in conjunction with the Ecological Impact Assessment. They recommend a condition for a Landscape Ecological Management Plan to secure the biodiversity improvements.
- 6.98 The proposed development would both conserve and significantly enhance biodiversity at the site and therefore complies with Policy CS17.

Town and Parish Council representations

- 6.99 The site is within the Parish of Midgham and the spur road is within the boundary of Thatcham Town Council. The Parish and Town Council comments are outlined in the table at 4.1 above. Paragraphs 6.86-6.90 above outline the flood risk considerations and conclude that this can be accommodated by the development and mitigated by conditions. The section on landscape and visual impacts above outlines the reduction made to the height of the proposed buildings and that the visual impact can be softened by additional landscaping. Whilst the concerns regarding ribbon development along the A4 are noted, there is an extant permission for this site and the site has been proposed for allocation through the Local Plan Review. It has previously been found acceptable for development to occur on this site. Electric vehicle charging is proposed, and a condition recommended to secure enough provision. Onsite renewable energy generation is anticipated as part of meeting the recommended condition to reduce carbon emissions from the development. The issues raised by the Parish and Town Councils have therefore been duly considered.

7. Planning Balance and Conclusion

- 7.1 The principle of development of the site has been established through the extant permission for industrial development. A clear identified need for Thames Valley Police has been established for the proposed hub and a sequential approach applied to demonstrate there aren't alternative sites for the hub in a town centre. The principle of the development is therefore supported by Policies ADPP1, ADPP3, ADPP6, CS9 and CS10. Furthermore, the location of the proposed development would also be in a reasonably sustainable location with opportunities to encourage sustainable and active travel. This supports the requirements of Policies ADPP1, CS13 and Saved Policy TRANS.1. The principle and reasonably sustainable location are given significant weight in the planning balance.
- 7.2 The proposed development would deliver social benefits. This includes supporting infrastructure delivery in the district due to the building meeting policing needs and their function in supporting society. This is given substantial weight.
- 7.3 Furthermore, there would be the potential creation of new jobs during construction and once the building is in operation. The office development would also support related industries and local businesses and attract talent to the area. These economic benefits are given moderate weight.

- 7.4 The development would also achieve environmental benefits such as achieving a significant Biodiversity Net Gain above that usually expected this is given significant weight.
- 7.5 In addition, the application proposes measures to minimise the environmental impact by mitigating ecology, environmental, amenity and tree impacts and the management of surface water through sustainable drainage measures. These are given neutral weight in the planning balance because these measures ensure the development complies with policy.
- 7.6 The loss of rural character and visual impact does attract minor weight against the development. This is because amendments were secured to reduce the height of the hub improving the impact of the development on the landscape and visual amenity.
- 7.7 It is recognised that using the application site for an office development would impact on the Council's delivery of industrial development and the proposed employment site allocation within the emerging LPR. The implication for the allocation of the site for industrial development in the LPR cannot be mitigated but the proposed allocation policy attracts limited weight. This is given moderate negative weight in the planning balance. However, the scheme would contribute to a need for office space in the district and respond better to the rural setting than the extant permission.
- 7.8 The scheme would not meet the requirements in Policy CS15 in which a justification has been provided as to why this is not feasible. It is acknowledged that the applicants have worked to secure the best they can achieve in terms of sustainable construction and renewable energy. Therefore, minor negative weight is given to this conflict with policy.
- 7.9 Due consideration has been given to the Highways Officer objection to the A4 egress and it is recommended this is dealt with by way of a condition restricting its use. Regarding the safeguarding of minerals, the benefits of the development results in the development complying with the requirements of Policies 7 and 9 of the MWLP. Both of these attract neutral weight in the planning balance.
- 7.10 In the overall planning balance, it is considered that the benefits of the proposed development – principally supporting a policing need and the associated social benefits of this – attract substantial weight in favour of granting planning permission. There are further economic and environmental benefits that have attracted both significant and moderate weight. There are negative implications, but appropriate mitigation will be secured by the planning permission. Overall, it is considered that the benefits of granting planning permission significantly and demonstrably outweigh the adverse effects. Therefore, the application is recommended for conditional approval.

8. Full Recommendation

- 8.1 To delegate to the Development Manager to GRANT PLANNING PERMISSION subject to the conditions listed below.
- 8.2 AND, delegate to the Development Manager to issue a further decision notice to the applicant substantially the same as that below but including parts of conditions that relate to confidential information.
- 8.3 AND, delegate to the Development Manager to issue decision notices including making any minor and or consequential amendments to conditions.

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 following approved plans/documents:

- i) Drawing CAER-ATK-XX-XX-DR-AR-210001 P2 (Location Plan) received on 27.03.2024;
- ii) Drawing CAER-ATK-XX-XX-DR-AR-210004 P2 (Site Plan- Proposed) received on 27.03.2024;
- iii) Drawing CAER-ATK-XX-XX-D-L-401001 P05 (External General Arrangement Plan (Sheet 1 of 4)) received on 25.03.2024;
- iv) Drawing CAER-ATK-XX-XX-D-L-401002 P05 (External General Arrangement Plan (Sheet 2 of 4)) received on 02.04.2024;
- v) Drawing CAER-ATK-XX-XX-D-L-401003 P05 (External General Arrangement Plan (Sheet 3 of 4)) received on 25.03.2024;
- vi) Drawing CAER-ATK-XX-XX-D-L-401004 P04 (External General Arrangement Plan (Sheet 4 of 4)) received on 22.12.2023;
- vii) Drawing CAER-ATK-MB-00-DR-AR-240001 P1 (Main Hub Building- Ground Floor Plan) received on 22.12.2023;
- viii) Drawing CAER-ATK-MB-01-DR-AR-240002 P1 (Main Hub Building- First Floor Plan) received on 22.12.2023;
- ix) Drawing CAER-ATK-MB-02-DR-AR-240003 P1 (Main Hub Building- Second Floor Plan) received on 22.12.2023;
- x) Drawing CAER-ATK-MB-03-DR-AR-240004 P1 (Main Hub Building- Roof Plan) received on 22.12.2023;
- xi) Drawing CAER-ATK-MB-XX-DR-AR-240006 P2 (Main Hub Building- Elevations- North and South) received on 26.03.2024;
- xii) Drawing CAER-ATK-MB-XX-DR-AR-240007 P2 (Main Hub Building- Elevations- East and West) received on 26.03.2024;
- xiii) Drawing CAER-ATK- MB-XX-DR-AR-240008 P2 (Main Hub Building- Sections) received on 26.03.2024;
- xiv) Drawing CAER-ATK-GG-00-DR-AR-240001 P1 (Garage Ground Floor Plan) received on 22.12.2023;
- xv) Drawing CAER-ATK-GG-01-DR-AR-240002 P1 (Garage First Floor Plan) received on 22.12.2023;
- xvi) Drawing CAER-ATK-GG-02-DR-AR-240003 P1 (Garage Roof Plan) received on 22.12.2023;
- xvii) Drawing CAER-ATK-GG-XX-DR-AR-240004 P1 (Garage Elevations) received on 22.12.2023;
- xviii) Drawing CAER-ATK-GG-XX-DR-AR-240005 P1 (Garage Sections) received on 22.12.2023;
- xix) Drawing CAER-ATK-GH-00-DR-AR-240001 P1 (Reception Ground Floor Plan) received on 22.12.2023;
- xx) Drawing CAER-ATK-GH-01-DR-AR-240002 P1 (Reception Roof Plan) received on 22.12.2023;
- xxi) Drawing CAER-ATK-GH-XX-DR-AR-240003 P1 (Reception Elevations) received on 22.12.2023;
- xxii) Drawing CAER-ATK-GH-XX-DR-AR-240004 P1 (Reception Sections) received on 22.12.2023;

- xxiii) Drawing CAER-ATK-MB-XX-DR-AR-240009 P2 (Plant Compound, Ancillary Buildings and Canopies- Plans and Elevations) received on 08.01.2024;
- xxiv) Drawing CAER-ATK-XX-XX-DR-AR-230005 P2 (Site Section- Proposed) received on 26.03.2024;
- xxv) Drawing CAER-ATK-XX-XX-D-L-401100 P09 (Rendered Proposal) received on 02.04.2024;
- xxvi) Drawing CAER-ATK-XX-XX-D-L-403001 P05 (Landscape Site Sections (Sheet 1 of 2)) received on 26.03.2024;
- xxvii) Drawing CAER-ATK-XX-XX-D-L-403002 P05 (Landscape Site Sections (Sheet 2 of 2)) received on 26.03.2024;
- xxviii) Drawing CAER-ATK-XX-XX-D-L-481001 P05 (Tree Protection Plan (Sheet 1 of 2)) received on 02.04.2024;
- xxix) Drawing CAER-ATK-XX-XX-D-L-481002 P05 (Tree Protection Plan (Sheet 2 of 2)) received on 02.04.2024;
- xxx) Arboricultural Impact Assessment (CAER-ATK-XX-XX-RP-EV-020043 P02) received on 22.12.2023;
- xxxi) Email: Additional Arboricultural Information received on 04.03.2024
- xxxii) Flood Risk Assessment (CAER-ATK-XX-XX-RP-CE-010020) received on 02.04.2024;
- xxxiii) Ecological Impact Assessment (CAER-ATK-XX-XX-RP-EV-020041) received on 22.12.2023;
- xxxiv) Biodiversity Net Gain Report (CAER-ATK-XX-XX-RP-EV-020040) received on 09.02.2024;
- xxxv) Minerals Resource Assessment (CAER-ATK-XX-XX-RP-GE-020042 P02) received on 19.01.2024;
- xxxvi) Contaminated Land Assessment (CAER-ATK-XX-XX-RP-GE-000012) received on 08.01.2024.

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

3. **Pre-commencement: Site levels – full site survey**

No development shall take place until the following information shall have been submitted to and approved in writing by the local planning authority:

- (a) A full site survey showing: the datum used to calibrate the site levels; levels along all site boundaries; levels across the site at regular intervals and floor levels of adjoining buildings;
- (b) Full details of the proposed site levels, finished floor levels of all buildings and hard landscaped surfaces.

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

Reason: To ensure that the changes to the site levels and heights of the buildings would be acceptable in terms of visual impact to the rural character of the area and the relationship with the adjoining Colthrop Industrial Estate. This condition is imposed in accordance with the National Planning Policy Framework and Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is required because changes to site levels will happen throughout the construction phase.

4. **Pre-commencement: Spoil and imported materials**

No development shall take place until details of how all spoil arising from the development and any imported material required for 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 site or imported material will be deposited;

- (b) Show the resultant ground levels for spoil and imported material deposited on the site (compared to existing ground levels);
- (c) Include measures to remove all spoil or leftover imported material from the site (that is not to be deposited);
- (d) Include timescales for the depositing/removal of spoil and leftover imported material.

All spoil arising from the development and imported material 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 changes in ground levels protect the character and amenity of the area. This condition is applied in accordance with the National Planning Policy Framework, and Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is required because spoil and imported material may arise throughout development.

5. Pre-commencement: 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 hardstanding;
- (g) Wheel washing facilities;
- (h) Measures to control dust, dirt, noise, vibrations, odours, surface water run-off, and pests/vermin during construction;
- (i) The proposed method of piling for foundations (if any)
- (j) A scheme for recycling/disposing of waste resulting from construction works;
- (k) Hours of construction work;
- (l) 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.

6. Pre-commencement: Construction access

No development shall take place until details of site access for use during all construction activities has been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- (a) A plan showing the layout, surfacing arrangements, visibility splays, and any adjoining gates and means of enclosure;
- (b) Height above carriageway level to be kept free of all obstructions for the visibility splays;
- (c) Details of any banksman arrangements.

Thereafter (unless otherwise agreed in writing by the Local Planning Authority) no demolition and/or construction activities other than those directly related and necessary to construct the access(es) shall take place until the construction of the access(es) has been completed in accordance with the approved details. The access(es) shall be maintained in their approved condition, and any banksman and wheel washing arrangements shall be implemented, at all times during demolition and/or construction activities. Visibility splays shall be kept free of all obstructions to visibility above the agreed height of the carriageway level at all times.

Reason: To ensure that safe access arrangements are provided and maintained during all demolition/construction activities, 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. A pre-commencement condition is necessary because the access(es) must be provided at the start of the demolition/construction phase.

7. Pre-commencement: Arboricultural Method Statement

No development or other operations shall commence on site until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority and shall include details of the implementation, supervision and monitoring of:

- all temporary tree protection (including ground protection)
- and any special construction works within any defined tree protection area (with particular consideration of tree T002 Oak).

The construction of the development shall be carried out in accordance with the approved details.

Reason: To ensure the retention and protection of trees identified at the site in accordance with the NPPF and Policies ADPP1, CS14, CS17 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, other 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.

8. Pre-commencement: Drainage Strategy

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 approved details, Non-Statutory Technical Standards for SuDS (2015), the SuDS Manual C753 (2015) and the WBC SuDS Supplementary Planning Document (2018) with particular emphasis on Green SuDS;
- b) Include details of how the existing flow paths will be sustained or mitigated;
- c) Include flood water exceedance routes (low flow, overflow and exceedance routes), both on and off site;
- d) Include an assessment of the catchments and flows discharging into and across the site and how these flows will be managed and routed through the development and, where the flows exit the site, both pre-development and post-development information must be provided;
- e) Include an up to date drainage strategy for surface water run-off within the site taking into account any changes made during detailed design;
- f) 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;

- g) Include run-off calculations based on current rainfall data models, discharge rates (based on 1 in 1 year greenfield run-off rates), and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change;
- h) Include with any design calculations an allowance for an additional 10% increase of paved areas where reasonable (Urban Creep) over the lifetime of the development;
- i) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- j) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the watercourse;
- k) 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;
- l) Include a management and maintenance plan showing how the SuDS measures will be maintained and managed after completion for the lifetime of the development. This plan shall incorporate arrangements for adoption by the Council, Water and Sewage Undertaker, 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;
- m) Include an easement to ensure that access to the culvert to the north of the site is maintained at all times;
- n) 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;
- o) Include an Application for an Ordinary Watercourse Consent in case of surface water discharge into a watercourse (i.e stream, ditch etc);
- p) Provide evidence that the culverting of the former watercourse to the west of the site has consent if no amendments are made, or seek new ordinary watercourse consent as per o) above;

The above sustainable drainage measures shall be implemented in accordance with the approved details before the use hereby permitted is commenced in accordance with a timetable to be submitted and agreed in writing with the Local Planning Authority as part of the details submitted for this condition. The sustainable drainage measures shall be maintained and managed in accordance with the approved details thereafter.

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-commencement 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.

9. Pre-commencement: Channel capacity

No development shall take place until evidence demonstrating that the channel facilitating flow from Ouzels Gully within the site extent has sufficient capacity to

accommodate flow from the upstream associated catchment area (equivalent to the flow at the inlet to the culvert under the A4), or that improvements can be made to the existing channel to facilitate the equivalent flow. Evidence should be supported by a hydraulic assessment sufficient in scope to determine appropriate design flow rates. Where improvements are required to the existing channel these shall be implemented in accordance with details first agreed in writing by the Local Planning Authority and implemented in accordance with a timetable agreed by the Local Planning Authority.

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-commencement 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.

10. Pre-commencement: 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) referring to section 4.5 of the Ecological impact assessment (CAER-ATK-XX-XX-RP-EV-020041, December 2023) and CAER-ATK-XX-XX-D-L-481001 P05 and CAER-ATK-XX-XX-D-L-481002 P05 Tree protection plan- Sheets 1 and 2;.
- (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: To ensure the conservation and enhancement of the biodiversity assets during the construction phase. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is required because the CEMP will need to be adhered to throughout construction.

11. Pre-commencement: Ecological enhancements

No development shall take place until details of biodiversity enhancement measures have been submitted to and approved in writing by the Local Planning Authority. Measures shall be informed by the Ecological Impact Assessment (CAER-ATK-XX-XX-RP-EV-020041, December 2023) and the Biodiversity Net Gain Report (CAER-

ATK-XX-XX-RP-EV-020040, January 2024). Thereafter, no building shall be occupied until the measures have been implemented 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.

12. **Pre-commencement: Details of primary access layout**

No development hereby permitted shall commence until details of the primary access layout to the spur road off Gables Way have been submitted to and approved in writing by the Local Planning Authority. The details shall include arrangements where the carriageway narrows to 3.5 metres and the interaction with the 1.5 metre wide footway. The development shall not be first brought into use until the primary access layout has been provided in accordance with the approved details and thereafter kept available for access and egress to the site.

Reason: In the interests of highway safety to provide suitable access arrangements for vehicles, cyclists and pedestrians in accordance with the National Planning Policy Framework and policy CS13 of the West Berkshire Core Strategy 2006-2026.

13. **Pre-commencement: Footways into the site**

No development shall take place until details of a footway (including street furniture) from the primary access to the main building entrance has been submitted to and approved by the Local Planning Authority. The building shall not be occupied until the footway has been provided in accordance with the approved scheme.

Reason: In the interest of road safety and to ensure adequate and unobstructed provision for pedestrians into the site. 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 necessary where access and egress arrangements to and from the site needs to be established at the early stages of development and before any development works which may subsequently prevent such access and egress.

14. **Pre-commencement: Swept path for large vehicles**

No development shall commence until swept path analysis for delivery vehicles for the primary access to the spur road off Gables Way has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until the swept paths have been provided in accordance with the approved details.

Reason: In the interests of highway safety to ensure delivery vehicles can enter and exit the site in a forward gear in accordance with the National Planning Policy Framework and policy CS13 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is necessary where access and egress arrangements to the site needs to be established at the early stages of development and before any development works which may subsequently prevent such access and egress.

15. **Pre-commencement: Great Crested Newts District Licence (No.2)**

No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR137, or a 'Further Licence'), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the planning authority and the authority has provided authorisation for the development to proceed under the district newt licence. The delivery partner

certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

Reason: In order to adequately compensate for negative impacts to great crested newts, and in line with section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006. A pre-commencement condition is required because mitigation measures are required to be adhered to throughout construction phase.

16. Great Crested Newts District Licence (No.1)

No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR137, or a 'Further Licence') and with the proposals detailed on plan "Land Adjacent to the East of Colthrop Industrial Estate: Impact plan for great crested newt District Licensing (Version 1)", dated 23rd April 2024.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML OR137, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

17. Great Crested Newts District Licence (No.3)

No development hereby permitted shall take place except in accordance with Part 1 of the Great Crested Newt Mitigation Principles, as set out in the District Licence (WML-OR137, or a 'Further Licence') and in addition in compliance with the following:

- Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.
- Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e., hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development).

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WML OR137, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

18. Tree protection (in accordance)

All Tree Protective Fencing shall be erected prior to groundworks taking place in accordance with the submitted Tree Protection plans (reference Atkins drawing numbers 5205252-ATK-ARB-TPP-401002 and 401003 rev P03 dated Nov 2023). The protective fencing shall be implemented and retained intact for the duration of the development. Within the fenced area(s), there shall be no excavations, storage or mixing of materials, storage of machinery, parking of vehicles or fires.

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

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

The construction above ground level of the hereby approved buildings shall not commence until a schedule of the materials to be used in the construction of the external surfaces of the buildings hereby permitted, has been submitted to and approved in writing by the Local Planning Authority. Samples of materials shall be made available where possible 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 and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

20. **Carbon reduction measures for regulated and unregulated energy**

Wording to be agreed and provided within update report.

Reason: To ensure the development contributes to sustainable construction. This condition is applied in accordance with the National Planning Policy Framework, Policy CS15 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

21. **Surfacing of access (prior approval)**

No vehicular accesses to the highway shall be constructed until details of the surfacing arrangements have been submitted to and approved in writing by the Local Planning Authority. Such details shall ensure that bonded material is used across the entire width of the accesses for a distance of 3 metres measured back from the carriageway edge. Thereafter the accesses shall be constructed in accordance with the approved details prior to occupation of the hereby approved development.

Reason: To avoid migration of loose material onto the highway in the interest of road safety. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS13 of the West Berkshire Core Strategy 2006-2026.

22. **Unforeseen land contamination**

Should any unforeseen contamination be encountered during the development, the developer shall inform the Local Planning Authority immediately. Any subsequent investigation/remedial/protective works deemed necessary by the LPA shall be carried out to agreed timescales submitted to and approved in writing by the LPA in writing. If no contamination is encountered during the development, a letter confirming this fact shall be submitted to the LPA upon completion of the development.

Reason: To protect future occupiers and users of the site from the harmful effects of contamination. This condition is applied in accordance with Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Policy OVS5 of the West Berkshire Local Plan 1991-2006 (Saved Policies 2007).

23. **Renewable energy**

The hereby approved development shall not be occupied until details of renewable energy measures have been installed in accordance with details that have first been submitted and approved in writing by the Local Planning Authority.

Reason: To ensure the development contributes to sustainable construction and it would not have a harmful impact on amenity. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS15 of the West

24. Landscape Ecological Management Plan

Prior to the occupation of the development 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) Ongoing monitoring and remedial measures.

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 approved scheme.

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

Reason: To ensure the conservation and enhancement of the biodiversity assets of the site. This condition is applied in accordance with Policy CS14 and CS17 of the West Berkshire Core Strategy 2006-2026.

25. Hard and soft landscaping scheme (details to be submitted)

The buildings shall not be occupied until a detailed soft and hard landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping scheme shall include:

- A scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted;
- location, type and materials to be used for hard landscaping including specifications, where applicable for:
 - permeable paving
 - tree pit design
 - underground modular systems
 - Sustainable urban drainage integration
 - use within tree Root Protection Areas (RPAs);
- a schedule detailing sizes and numbers/densities of all proposed trees/plants;
- specifications for operations associated with plant establishment and maintenance that are compliant with best practise;

All soft and hard landscaping works shall be completed in accordance with the approved hard and soft landscaping scheme within the first planting season following completion of building operations or first occupation of the buildings (whichever occurs first). Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or become seriously damaged within five years of completion of this completion of the approved soft landscaping scheme shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

Reason: Landscaping is an integral element of achieving high quality design. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14, CS17 and CS19 of the West Berkshire Core Strategy 2006-2026, and the Quality Design SPD.

26. Visibility splays provision

The development hereby permitted shall not be first occupied until achievable visibility splays have been provided in both directions at the new accesses onto the A4 in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority. Visibility splays shall be kept free of all obstructions to visibility above the agreed height of the 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.

27. Travel plan

Prior to occupation a Travel Plan is required to be 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 should be reviewed and updated if necessary within 6 months of first implementation. After that the Travel Plan shall be annually reviewed and updated 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, Policies ADPP1, CS5, CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

28. Parking (approved plans)

The development hereby permitted shall not be first occupied until vehicle parking has been provided completed in accordance with the approved plans (including any surfacing arrangements and marking out). Thereafter the parking shall be kept available for parking and manoeuvring 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.

29. Cycle parking/storage (approved plans)

The development hereby permitted shall not be first occupied until cycle parking/storage facilities have been provided in accordance with the approved drawings. 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.

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

The development hereby permitted shall not be first occupied until electric vehicle charging points have been provided 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.

31. **Lighting strategy**

No external lighting shall be installed until a lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include isolux contour diagram(s) and an operation strategy (e.g. details of timed operation).

No external lighting shall be installed on the application site except in accordance with the above strategy. Any lighting, which is so installed, shall not thereafter be altered without the prior consent in writing of the Local Planning Authority other than for routine maintenance that does not change its details.

Reason: To ensure the conservation and enhancement of the biodiversity assets of the site and to protect the amenity of adjoining land users. This condition is applied in accordance with the National Planning Policy Framework and Policies CS14 and CS17 of the West Berkshire Core Strategy 2006-2026 and Saved Policy OVS.5 of the West Berkshire District Local Plan (Saved Policies 2007).

32. **Plant, machinery and equipment**

All plant, machinery and equipment installed or operated in connection with the operation 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).

33. **Use restriction**

The development hereby permitted shall be used only for purposes under Use Class E(g) and for no other purpose (including any purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: A different use in Use Class E may not accord with the spatial strategy for the district nor compliment the uses of the immediately adjacent Colthrop Industrial Estate Protected Employment Area. This condition is applied in accordance with the NPPF and Policies ADPP1, ADPP6, ADPP3 and CS9 of the West Berkshire Core Strategy (2006-2026).

34. **Emergency use restriction of secondary access**

Wording to be agreed and provided within update report.

Reason: In the interests of highway safety. The secondary access onto the A4 does not meet adequate visibility splay standards to be safely used other than in the event of an emergency. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS13 of the West Berkshire Core Strategy 2006-2026.

Informatives

1. **Proactive**

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

2. **Pre-conditions**

Conditions nos. 3-15 impose requirements which must be met prior to commencement of the development. Failure to observe these requirements could result in the Council taking enforcement action, or may invalidate the planning permission and render the whole of the development unlawful.

3. **Tree Protection & Landscaping**

The following British Standards should be referred to:

- a. BS: 3882:2015 Specification for topsoil
- b. BS: 3936-1:1992 Nursery Stock - Part 1: Specification for trees and shrubs
- c. BS: 3998:2010 Tree work – Recommendations
- d. BS: 4428:1989 Code of practice for general landscaping operations (excluding hard surfaces)
- e. BS: 4043:1989 Recommendations for Transplanting root-balled trees
- f. BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations
- g. BS: 7370-4:1993 Grounds maintenance part 4. Recommendations for
- h. maintenance of soft landscape (other than amenity turf).
- i. BS: 8545:2014 Trees: from nursery to independence in the landscape – Recommendations
- j. BS: 8601:2013 Specification for subsoil and requirements for use.

4. **Environment Agency Permit**

Importation of material to a site can require an Environment Agency permit. The applicant should seek advice from the Environment Agency and obtain relevant permit or exemption, if required, prior to importation of material to the site.

5. **Great Crested Newts District Licence (1)**

It is recommended that the NatureSpace Best Practice Principles are considered and implemented where possible and appropriate.

6. **Great Crested Newts District Licence (2)**

It is recommended that the NatureSpace certificate is submitted to this planning authority at least 6 months prior to the intended commencement of any works on site.

7. **Great Crested Newts District Licence (3)**

It is essential to note that any works or activities whatsoever undertaken on site (including ground investigations, site preparatory works or ground clearance) prior to

receipt of the written authorisation from the planning authority which permits the development to proceed under the District Licence (WML-OR137, or a 'Further Licence') are not licensed under the great crested newt District Licence. Any such works or activities have no legal protection under the great crested newt District Licence and if offences against great crested newts are thereby committed then criminal investigation and prosecution by the police may follow.

8. **Great Crested Newts District Licence (4)**

It is essential to note that any ground investigations, site preparatory works and ground / vegetation clearance works / activities (where not constituting development under the Town and Country Planning Act 1990) in a red zone site authorised under the District Licence but which fail to respect controls equivalent to those detailed in the planning condition above which refers to the NatureSpace great crested newt mitigation principles would give rise to separate criminal liability under the District Licence, requiring authorised developers to comply with the District Licence and (in certain cases) with the GCN Mitigation Principles (for which Natural England is the enforcing authority); and may also give rise to criminal liability under the Wildlife & Countryside Act 1981 (as amended) and/or the Conservation of Habitats and Species Regulations 2017 (as amended) (for which the Police would be the enforcing authority).