

STATEMENT OF COMMON GROUND

BETWEEN

PITCHKETTLE INVESTMENTS LTD

&


WEST BERKSHIRE COUNCIL

SECTION 78 APPEAL BY PITCHKETTLE INVESTMENTS LTD

PITCHKETTLE FARM, GOODBOYS LANE, GRAZELEY GREEN, READING,
RG7 1ND

PROPOSAL:

PART RETROSPECTIVE ERECTION OF TWO MODULAR BUILDINGS FOLLOWING DEMOLITION AND
REMOVAL OF EXISTING STRCUTURES AND CHANGE OF USE OF SITE TO FLEXIBLE CLASS B2/B8/E(G)
USE

Signed: <i>C Ireland</i>	Signed: 
Name: Catherine Ireland	Name: Michael Ruddock
On behalf of: West Berkshire Council (the Local Planning Authority)	On behalf of: Pegasus Group (on behalf of the Appellant)
Date: 19/09/2024	Date: 19/09/2024

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1. Introduction

- 1.1. This Statement of Common Ground (SoCG) has been prepared by Pegasus Group on behalf of Pitchkettle Investments Ltd (the Appellant) in conjunction with West Berkshire Council (“the LPA”).
- 1.2. It relates to a planning appeal made pursuant to Section 78 of the Town and Country Planning Act 1990 in respect of Pitchkettle Farm (the Appeal Site).
- 1.3. The purpose of the SoCG is to identify the areas where the principal parties (the Appellant and the LPA) are in agreement and to narrow down the issues that remain in dispute. This will allow the Hearing to focus on the most pertinent issues.

2. The Appeal Site and Surroundings

- 2.1. The Appeal Site is located on the western side of Goodboys Lane to the south of Grazeley Green. It includes a vehicular access onto Goodboys Lane which previously led to a number of dilapidated buildings forward of the main barn building. The main barn building remains however the other buildings were removed prior to the submission of the planning application. The main barn is not part of the appeal site.
- 2.2. The site is bordered to the south by Woodside Farm, which is operated by Woodside Recycling. This was confirmed by 01/00819/CERT. The Woodside Farm recycling business previously also operated from Pitchkettle Farm as has been confirmed by Certificate of Lawfulness 20/01311/CERTE, but due to a reduction in the size and operations of Woodside Recycling they ceased to use Pitchkettle Farm. At the time the original planning application was submitted they still used part of the main barn, which is the reason why part of this building was excluded from the application red line, however these operations have since ceased, and Woodside Recycling no longer operate from Pitchkettle Farm 20/01304/CERTE was granted for the use of a mobile home as an independent dwelling for a period greater than 10 years. This is located next to the entrance to the site.
- 2.3. The site has been used as a waste paper recycling facility (sui generis use) in excess of 10 years, this was confirmed by 20/01311/CERTE. The waste paper recycling business (Sui Generis Use) comprised of the staff break out room, workshop, barn, staff car park and yard for storage of items ancillary to the primary use. There were approximately 30 vehicle movements a day.
- 2.4. The site is otherwise bordered by Pitchkettle Wood which is a designated local wildlife site to the west. The site is accessed via the unclassified road known as Goodboy's Lane which is to the east of the site. There is open countryside to the north of the site. To the south of the site is Woodside Farm. The site is not located within a defined settlement boundary and is within the open countryside. The site is considered to be previously developed land and within flood zone one. The site is not within a conservation area, or near listed building or any other heritage assets. The site is located within the Burghfield Detailed Emergency Planning Zones. (DEPZ) and 'Inner Consultation Zone' for the Burghfield Atomic Weapons Establishment (AWE).

3. The Appeal Proposals

- 3.1. The planning application that is now the subject of this appeal was validated by West Berkshire Council on 3rd November 2021 and allocated LPA reference 21/O2710/FUL. It sought Full Planning Permission for the following development:

“Part retrospective erection of two modular buildings following demolition and removal of existing structures and change of use of site to flexible Class B2/B8/E(g) use.”

Modular Buildings

- 3.2. The two modular buildings are referenced on the plans as Building A and Building B. They were installed following the removal of the dilapidated buildings that were previously located towards the eastern boundary of the site and are both used by Associated Industrial Control Solutions (AICS). Building A contains office space associated with the business and has a width of 16.3m with a depth of 12.5m and a height of 3.9m. Building B is an ancillary workshop and storage area also associated with AICS which has a width of 9.1m, a depth of 5m and a height of 3.9m.
- 3.3. The use of these buildings by AICS falls under Class E(g) of the Use Class Order in providing both ‘Offices to carry out any operational or administrative functions’ and ‘Research and Development of products or processes.’ The erection of Buildings A and B and their Class E(g) use form the retrospective element of the application.
- 3.4. The Class E(g) use has eleven employees based at the site.

The Use of the rest of the site

- 3.5. The remainder of the appeal site is mainly hardstanding and includes part of the main barn, with the area excluded from the application to remain in the lawful Sui Generis use. Historically there have been a number of structures on the surrounding hardstanding areas which were mainly used for parking and storage in relation to the recycling business. The appellant proposes to formalise these areas into a flexible mixed B2/B8 use which would enable them to lease out areas of the site to new businesses without the need for planning permission. Any operational development such as buildings and other structures would require further applications for planning permission, however if within the permitted use classes then no further change of use will be required.
- 3.6. The intention of the B8 use would be for long term storage, such as caravans or self-storage, and would not require any employees to be based at the site. Whilst a B2 use could be carried out without planning permission in principle, such uses would require additional buildings that would require planning permission. Further planning permissions would therefore be required before such a use could be implemented.

4. Application Plans and Documents

- 4.1. The plans and supporting documents on which the appeal is to be determined are listed below:-

Appeal Index Number	Document Name	Document reference	Revision	Author	Date received	Superseded	Comments
Application Plans and Documents							
Existing Plans							
	Location plan	P21-2226_01	-	Pegasus Design	25/10/2021		
	Site plan	P21-2226_02 Sheet No. 01	-	Pegasus Design	25/10/2021		
Proposed Plans							
	Proposed elevations	P21-2226_04	-	Pegasus Design	25/10/2021		
	Proposed sections	P21-2226_05	-	Pegasus Design	03/11/2021		
	Proposed floor plans	P21-2226_03	Rev A	Pegasus Design	03/11/2021		
	Proposed site plan	P21-2226_02 Sheet No. 02	Rev A	Pegasus Design	03/11/2021		

Appeal Index Number	Document Name	Document reference	Revision	Author	Date received	Superseded	Comments
Documents and Reports							
	Application form				25/10/2021		
	CIL Form 1: CIL Additional Information				25/10/2021		
	Planning Statement	P21-2226		Pegasus Group	25/10/2021		
	Ecological assessment	ECO3015		GS Ecology	18/07/2022		
Appeal Submission							
	Appeal form			Pegasus Group	15/09/2023		
	Acoustic assessment	230326-RO01A	Rev A	ACA Acoustics	15/09/2023		

Appeal Index Number	Document Name	Document reference	Revision	Author	Date received	Superseded	Comments
	Appeal statement and appendices	P21-2226	V1	Pegasus Group	15/09/2023		
	Written Statement on Transportation Matters	P21-2226 TRO1		Pegasus Group	15/09/2023		
Appellants Documents							
	Appellant final comments			Michael Ruddock – Pegasus Group	05/04/2024		
Local Authority Documents							
	Appeal questionnaire			WBC	14/02/2024		
	Appeal Statement of Case			WBC	14/03/2024		

Appeal Index Number	Document Name	Document reference	Revision	Author	Date received	Superseded	Comments
	Emergency Planning Statement			Carolyn Richardson – WBC	14/03/20204		
	Suggested conditions			WBC	14/03/20204		

5. The Reasons for Refusal

5.1. The application was determined under delegated powers in March 2023. Six reasons for refusal were included on the decision notice, as follows:

1) The site is poorly located and does not appear to have sufficient supporting infrastructure or opportunities for employees to reach the site by public transport, cycling and walking. The proposal would lead to intensification of employment generating uses which are not compatible with the rural location. It has not been demonstrated it is imperative for the business to take place in a rural setting and has not demonstrated how the business and future business would make a contribution to the rural economy. Thus, the proposal does not comply with Policies ADPP1, CS9 and CS10 or the Core Strategy.

2) The proposal would represent an intensification of an urban commercial use of the site in a rural area and the modular buildings would appear alien in this rural landscape which is considered to cause unacceptable harm to the rural character and appearance of the area. It is considered that overall the proposal would not be acceptable in terms of location, scale and design and conflict with both CS14 and CS19 of the West Berkshire Core Strategy 2006–2026.

3) A noise assessment has not been received as part of this application and this means there is insufficient information to conclude that the noise generated from the proposed flexible Class B2/B8/E(g) use will not have a harmful impact on residential amenity of occupier who live in the dwelling under 20/01304/CERTE. The proposal does not comply with OVS5 or OVS6 the West Berkshire District Local Plan 1991–2006 (Saved Policies 2007) or policy CS14 of the West Berkshire Core Strategy 2006–2026.

4) The proposal will significantly increase traffic in a remote rural location that has no pedestrian or bus routes and is accessible only by rural roads which are not conducive to cycling. Accordingly, by virtue of the nature, intensity and location of the development it would significantly increase traffic where the mode of travel can only reasonably be provided by private car. There is a lack of information to demonstrate there will not be an increase of traffic along Goodboys Lane that is unsuitable for a significant increase in larger vehicles. An increase in larger vehicles would lead to a potential highway safety risk which would be harmful to road users. The proposal is therefore unsustainable and is contrary to Policies ADPP1, ADPP6, CS9, CS10 and CS13 of the West Berkshire Core Strategy 2006–2026, the Local Transport Plan for West Berkshire 2011–2026, and the National Planning Policy Framework.

5) It has not been demonstrated that the proposed development would be built with minimum standard of construction of BREEAM Excellent. As such the proposal is not compliant with Policy CS15 of the West Berkshire Core Strategy (2006–2026).

6) The application site is situated within the Detailed Emergency Planning Zone (DEPZ) surrounding the Burghfield Atomic Weapons Establishment (AWE). The use of the DEPZ in this context provides an area for development control consistent with the zone defined originally for emergency planning processes. Off-site emergency

arrangements are a requirement for the Radiation (Emergency Preparedness and Public Information) Regulations 2001 and are outlined within the AWE Off-Site Emergency Plan issue: January 2019. The purpose of the plan is to provide a detailed framework for all responding agencies to work to in order facilitate the protection of the public and/or environment following an event involving an on-site accident at AWE Burghfield.

There is insufficient information to demonstrate that the proposed development would not result in an increase in population within DEPZ. With no individual Emergency plan in place the proposal would have an adverse impact on the AWE Off-Site Emergency Plan due to distance meaning that evacuation after a period of shelter would be necessary, and in terms of recovery implications in the longer term.

According to Policy CS8 of the West Berkshire Core Strategy proposals in consultation zones will be considered in consultation with the ONR. In the interests of public safety, development in planning consultation zone of AWE Burghfield is likely to be refused planning permission by the Council when the Office for Nuclear Regulation (ONR) has advised against that development. Both the ONR and Emergency Planning Team advise against this development because insufficient information has been received and this mean they have not been able to give consideration to the specific impacts of the development on the Off-Site Emergency Plan. As such, the proposal conflicts with the NPPF and Policy CS8 of West Berkshire Core Strategy 2006-2026.

5.2. It is agreed that the appeal should focus on these reasons for refusal.

6. Planning History

- 6.1. It is agreed that there are two applications concerning Pitchkettle Farm relevant to the appeal proposals, both relating to Certificates of Lawfulness.
- 6.2. A certificate was issued on 3rd September 2020 in respect of application **20/O1304/CERTE**. This confirmed that a mobile home located adjacent to the site has lawful use as an independent dwelling, it being demonstrated that it had been used as such for a period in excess of 10 years.
- 6.3. Application **20/O1311/CERTE** sought a Certificate of Lawfulness for *'Use of land for waste paper recycling business (Sui Generis Use) comprising staff break out room, workshop, barn, staff car park and yard for storage of items ancillary to the primary use.'*
- 6.4. It is agreed that this application covered the whole of Pitchkettle Farm, including the entirety of the appeal site, and that a Certificate of Lawfulness was issued on 14th October 2020 for this use.
- 6.5. It is agreed that this established the lawful position of the site and that the Council accepted certain facts with regards to the use which are set out within the Officer's Report, namely:
- The yard has been used for the parking of vehicles in association with the waste paper recycling business. The yard has been used for storing items relating to the waste paper recycling business, such as wheelie bins and waste paper containers.
 - There is an on-site staff break out room which the employees of the waste paper recycling business have used for 10 years.
 - There is an on-site workshop which has been used to fix vehicles and equipment associated with the waste paper recycling business for over 10 years.
 - There is a strip of land to the north of the site which has been used for staff parking for over 10 years.
 - The Barn has been used for activities which relate solely for the purpose of aiding the running of the waste paper recycling business.
- 6.6. In addition, there is also a record of a Certificate of Lawfulness for a waste paper recycling business concerning Woodside Farm to the south (reference **01/OO819/CERT**). The decision notice related to 01/OO819/CERT stipulated that site was sui generis use and there would be no more than 5 employees to be employed on site in connection with the use, no more than 6 commercial vehicles operate and stored at any one time and no more than 10 lorry containers. There is an open enforcement case in relation to an alleged breach of planning control in relation to the hazardous waste transfer business on Woodside Farm.

7. Planning Policy

7.1. This section identifies the planning policies and guidance that will be of most relevance to this appeal.

7.2. The policies referenced within the reasons for refusal include:

- West Berkshire Core Strategy (2006–2026)
 - ADPP1 – Spatial Strategy
 - ADPP6 – East Kennet Valley
 - CS8 – Nuclear Installations – AWE Aldermaston and Burghfield
 - CS9 – Location and Type of Business Development
 - CS10 – Rural Economy
 - CS13 – Transport
 - CS14 – Design Principles
 - CS15 – Sustainable Construction and Energy Efficiency
 - CS19 – Historic Environment and Landscape Character
- West Berkshire District Local Plan (1991–2006) (Saved Policies 2007)
 - OVS5 – Environmental Nuisance and Pollution Control
 - OVS6 – Noise Pollution
- NPPF (2023)

The Development Plan

7.3. Both parties agree that under the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission must be determined in accordance with the Development Plan read as a whole, unless material considerations indicate otherwise.

7.4. At the time of preparing this SoCG, the statutory Development Plan covering the appeal site comprised:

- Core Strategy Development Plan Document (2006–2026) adopted July 2012.
- Housing Site Allocations Development Plan Document adopted May 2017.
- West Berkshire District Local Plan 1991–2006 (Saved Policies 2007) as amended in July 2012 and May 2017.

- Minerals and Waste Local Plan (2022–2037) adopted December 2022.

7.5. There are a number of Neighbourhood Plans adopted within West Berkshire, however it is agreed by both parties that none cover the appeal site.

7.6. There is an emerging Local Plan with a draft version submitted for examination in March 2023. Hearing Sessions commenced in May 2024. As the plan is still subject to examination and both parties agree it only attracts limited weight at present.

West Berkshire Core Strategy

7.7. At present, the main plan of relevance is the Core Strategy which provides the strategic planning policy framework for West Berkshire.

7.8. It is agreed that the Policies Map shows the appeal site as being located outside the settlement boundary

7.9. The Policies Map also shows that the site is not located within or adjacent to a Conservation Area and there are no landscape, ecological or other heritage designations shown that directly affect the site.

7.10. It is agreed that the following Core Strategy policies will be of most relevance to the determination of this appeal:

- ADPP1 – Spatial Strategy
- ADPP6 – East Kennet Valley
- CS8 – Nuclear Installations – AWE Aldermaston and Burghfield
- CS9 – Location and Type of Business Development
- CS10 – Rural Economy
- CS13 – Transport
- CS14 – Design Principles
- CS15 – Sustainable Construction and Energy Efficiency
- CS19 – Historic Environment and Landscape Character

7.11. It is agreed that the following Local Plan policies are also relevant to the determination of this appeal:

- Policy CS16 – Flooding
- Policy CS17 – Biodiversity and Geodiversity

West Berkshire District Local Plan

7.12. It is agreed that the following Local Plan policies are relevant to the determination of this appeal:

- Policy OVS5 – Environmental Nuisance and Pollution Control
- Policy OVS6 – Noise Pollution

7.13. It is agreed that there are no policies within the Housing Site Allocations Development Plan Document or the Minerals and Waste Local Plan which are relevant to the determination of the appeal.

National Policy and Guidance

National Planning Policy Framework (December 2023)

7.14. The NPPF will be a material consideration in the determination of the appeal. Both parties will make reference to the NPPF in support of their case.

7.15. It is agreed that a revised NPPF is under consultation at the time of writing the SoCG.

National Planning Practice Guidance (March 2014, as amended)

7.16. The NPPG is agreed to be a material consideration in the determination of the appeal.

The table below sets out the parties' respective positions on the most important policies for the determination of the planning application. It also outlines the parties' respective positions on the consistency of relevant development plan policies with the NPPF and the weight which can be afforded to them.

Parties' respective positions on Development Plan Policies

	Council's Position			Appellant's Position		
	Consistent with NPPF	Weight to be afforded	Most important policies	Consistent with NPPF	Weight to be afforded	Most important policies
Core Strategy 2012						
ADPP1: Spatial Strategy and District Settlement Hierarchy	Yes	Full	x	No, in so far as how it is being applied in the context of the NPPF	Reduced, in the context of this proposal	x
ADPP6: East Kennet Valley	Yes	Full	x	Yes	Full	x
CS8: Nuclear Installations - AWE Aldermaston and Burghfield	Yes	Full	x	Yes	Full	x
CS9: Location and Type of Business Development	Yes	Full	x	No, in so far as how it is being applied in the context of the NPPF	Reduced, in the context of this proposal	x

CS10: Rural Economy	Yes	Full	x	Yes	Full	x
CS13: Transport	Yes	Full	x	Yes	Full	x
CS14: Design Principles	Yes	Full	x	Yes	Full	x
CS15: Sustainable Construction & Energy Efficiency	Yes	Full	x	Yes	Full	x
CS16 Flooding	Yes	Full		Yes	Full	
CS17: Biodiversity	Yes	Full		Yes	Full	
CS19: Historic Environment & Landscape Character	Yes	Full	x	Yes	Full	x
West Berkshire Local Plan (Saved Policies 2017)						
OVS5: Environmental Nuisance and Pollution Control	Yes	Full		Yes	Full	
OVS6: Noise Pollution	Yes	Full		Yes	Full	

8. Matters Not in Dispute

8.1. This section sets out the matters that are not in dispute between the Appellant and the LPA.

Format of Planning Application and Supporting Material

8.2. It is agreed that the format of the planning application forms, plans and the supporting documents fulfilled the requirements of the various regulations and validation checklists, applicable at the time of submission.

Environmental Impact Assessment

8.3. It is agreed that the proposal is not EIA development.

Development Plan Designations

8.4. It is agreed that the site lies outside the of the settlement boundary.

8.5. It is agreed that the appeal site is not situated within any designated landscape.

8.6. It is agreed that there are no ecological designations directly affecting the site.

8.7. It is agreed that the site is not located within or adjacent to a Conservation Area.

8.8. It is agreed that the site is not designated as Local Green Space or any kind of Local Gap or Strategic Gap.

8.9. It is agreed that the site is not within a Protected Employment Area.

8.10. It is agreed the site is within flood zone 1 and not in a critical drainage area.

8.11. It is agreed that that the site is within Burghfield Detailed Emergency Planning Zones. (DEPZ) and 'Inner Consultation Zone' for the Burghfield Atomic Weapons Establishment (AWE).

Lawful Use of the Site

8.12. It is agreed that the lawful use of the site is a waste paper recycling business (Sui Generis use), and that this has been established via Certificate of Lawfulness reference **20/O1311/CERTE**. This use has now ceased and the site is currently operating under the proposed Class E(g) use.

8.13. It is agreed that the site comprises Previously Developed Land.

NPPF

8.14. Both parties agree that the NPPF is a material consideration in the determination of this appeal.

Character and Appearance

- 8.15. It is agreed that the previous use of the site included a number of buildings and structures. and that these have been removed.
- 8.16. It is agreed that the site was also previously used for outdoor storage.
- 8.17. This is evident from Certificate of Lawfulness reference **20/01311/CERTE** and the aerial photos shown on Page 12 of the Planning Statement.
- 8.18. It is agreed that a landscaping condition could be imposed in order to secure additional planting along the site frontage with Goodboys Lane within a certain time period.

Residential Amenity and Noise

- 8.19. It is agreed that the Noise Assessment (ACA Acoustics, 17th August 2023) has addressed the third reason for refusal. As such, it is agreed that the development would not result in any harmful impact on the residents of the adjacent mobile home.
- 8.20. The Council are therefore no longer pursuing the third reason for refusal as long as a noise condition is in place to cover potential intensification. It is agreed that hours of operation can be controlled with conditions.

Traffic and Access

- 8.21. It is agreed that there would be very little or no increase in daily HGV movements as a result of the development.
- 8.22. It is agreed that increases in traffic as a result of a B8 use would not result in an adverse impact on highway safety.
- 8.23. It is agreed there is not sufficient certainty around the effects of B2 use on highway safety.

Sustainable Construction

- 8.24. It is agreed that the development complies with Building Regulations Part L including standards relating to energy efficiency.
- 8.25. It is agreed that Policy CS15 requires non-residential development to meet the minimum standards of construction of BREEAM Excellent and that the policy also provides flexibility if it is considered technically or economically not possible to achieve; in these instances a lower threshold can be suggested.

Emergency Planning

- 8.26. It is agreed that the previous use of the site was a waste paper recycling business.

- 8.27. It is agreed that the proposed Class E use is for uses within Class E(g) only, and that this can be secured by condition. It is agreed that the maximum number of employees for the Class E(g) use can be restricted by condition.
- 8.28. It is agreed that an increase in employees based at the site from the established use could have an adverse impact on the AWE Off-Site Emergency Plan.
- 8.29. It is agreed that no Emergency Plan exists at the site at present, nor did one exist for the previous use. It is agreed that an Emergency Plan can be secured by condition, which could involve restricting the number of employees based at the site.

Flood Risk and Drainage

- 8.30. It is agreed that the Appeal Site comprises of land in Flood Zone 1, which is land least likely to suffer fluvial flooding.
- 8.31. It is agreed that the that site is not in a Critical Drainage Area.
- 8.32. It is agreed that a Flood Risk Assessment was not required for the application.
- 8.33. It is agreed that the Lead Local Flood Authority raised no objection to the planning application.
- 8.34. It is agreed that the Proposed Development would not increase flood risk elsewhere.
- 8.35. It is agreed that sustainable drainage measures can be secured by condition.

Heritage and Archaeology

- 8.36. It is agreed that there would be no harm to the significance of the setting of any heritage asset.
- 8.37. It is agreed that the development would not result in any harm to archaeology.

Biodiversity

- 8.38. It is agreed that the Phase 1 Ecology Survey demonstrated that any habitats within the site are of limited ecological value, are not priority habitats and are not a constraint to the proposals.
- 8.39. It is agreed that the previous buildings had negligible potential to roost bats.
- 8.40. It is agreed that ecological enhancements, in the form of new bird boxes, can be secured via condition.
- 8.41. It is agreed that the hedge at the front of the site should remain as a result of its ecological value. This can be secured by condition.
- 8.42. It is agreed that the Council's ecologist did not raise any objections to the proposal, subject to conditions.

8.43. It is agreed that as the application was made before day one of mandatory BNG on 12 February 2024, the development is exempt from BNG.

Arboriculture

8.44. It is agreed there would be limited impact on trees and hedgerows.

8.45. It is agreed that neither the site nor its surroundings contain any land designated as 'Ancient Woodland'.

8.46. It is agreed that the development would not result in an adverse impact on Pitchkettle Wood, which is a designated local wildlife site adjacent to the site, subject to a tree protection scheme being secured by condition.

9. Matters that are Not Agreed and remain In Dispute

9.1. The issues that remain in dispute between the Appellant and the LPA can be narrowed down to the following:

1. **Principle of development - whether the location of the site is appropriate for the proposed development.**
2. **Whether the proposal would lead to an intensification of employment generating uses.**
3. **Whether the use would make a contribution to the rural economy.**
4. **Whether the proposed development would cause harm to the character and appearance of the area.**
5. **Whether or not the proposal would accord with policies which seek to minimise the potential impact on public safety and emergency services in relation to the Burghfield, Detailed Emergency Planning Zone (DEPZ) and associated Off-Site Emergency Plan (OSEP).**
6. **Whether the proposed development would be built with minimum standard of construction of BREEAM Excellent.**
7. **Whether wider use of the site in B8 use would result in an increase in vehicle movements in an unsustainable location.**
8. **Whether the use of the site for B8, B2 and E(g) without a restriction to 11 employees would result in an increase in vehicle movements in an unsustainable location.**
9. **Whether a lack of restriction of use of the site to 11 employees would result in undue highway safety impacts due to potential higher traffic numbers than the former paper recycling business.**

10. Planning Conditions and Obligations

10.1. A draft list of condition was provided by the Council alongside their Statements of Case.

10.2. The following table outlines if the wording of the conditions are agreed or not agreed.

	Condition	LPA	Appellant
1	<p>Approved Plans</p> <p>The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <p>P21-2226_01 Location Plan</p> <p>P21-2226_02 Site Plans as previous and as proposed - Sheets 2 (Revision A)</p> <p>P21-2226_03 Rev A Proposed Floor Plans</p> <p>P21-2226_04 Proposed Elevations</p> <p>Written Statement on Transportation Matters (Pegasus Group)</p> <p>Acoustic Assessment Revision A (ACA Acoustics)</p> <p>Building Regulations Compliance Report (Modular Space Solutions) with accompanying Output Document and Energy Performance Certificate</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning</p>	Agreed	Agreed
2	<p>Electric vehicle charging points</p> <p>Within 6 months of the date of this decision a strategy for electric vehicle charging points must be submitted to the Local Planning Authority.</p> <p>The installation of these charging point will occur no later than 3 months after agreement with the Local Planning Authority.</p>	Agreed	Agreed

	<p>The charging points shall thereafter be retained and kept available for the potential use of an electric car.</p> <p>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.</p>		
3	<p>Parking</p> <p>Within 6 months of the date of this decision a plan showing vehicle parking and turning spaces have been submitted to the Local Planning Authority. The vehicle parking and turning spaces shall be completed in accordance with the approved plans (including any surfacing arrangements and marking out) within 3 months after agreement with the Local Planning Authority.</p> <p>Thereafter the parking and turning spaces shall be kept available for parking and manoeuvring of private cars and/or private light goods vehicles at all times.</p> <p>Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, and Policy P1 of the Housing Site Allocations DPD 2006-2026.</p>	Agreed	Agreed
4	<p>Cycle parking/storage</p> <p>Within 6 months of the date of this decision a strategy and details of cycle parking/storage will be submitted to the Local Planning Authority. The cycle parking/storage shall be completed in accordance with the approved plans (including any surfacing arrangements and marking out) within 3 months after agreement with the Local Planning Authority.</p>	Agreed	Agreed

	<p>Thereafter the facilities shall be maintained and kept available for that purpose at all times.</p> <p>Reason: To ensure the provision of cycle parking/storage facilities in order to encourage the use of cycles and reduce reliance on private motor vehicles. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, Policy P1 of the Housing Site Allocations DPD 2006-2026, Quality Design SPD, and the Council's Cycle and Motorcycle Advice and Standards for New Development (November 2014).</p>		
5	<p>Soft landscaping</p> <p>Within 6 months of the date of this decision a detailed soft landscaping scheme must be submitted to the Local Planning Authority. The soft landscaping scheme shall include detailed plans, planting and retention schedule, programme of works, and any other supporting information.</p> <p>All soft landscaping works shall be completed in accordance with the approved soft landscaping scheme within the first planting season following the agreement of the details or within an agreed timescale.</p> <p>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.</p> <p>Reason: A comprehensive soft landscaping scheme is an essential element in the detailed design of the development and is therefore necessary to ensure the development achieves a high standard of design. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026), and Quality Design SPD.</p>	Agreed	Agreed

6	<p>Drainage</p> <p>Within 6 months of the date of this decision a scheme of sustainable drainage measures to manage surface water within the site must be submitted to the Local Planning Authority.</p> <p>These details shall:</p> <p>a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and West Berkshire Council local standards, particularly the WBC SuDS Supplementary Planning Document December 2018;</p> <p>b) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels. Any soakage testing should be undertaken in accordance with BRE365 methodology;</p> <p>c) Include details of how the existing flood plain will be sustained or mitigated (any measures for loss of flood plain shall not increase flood risk elsewhere);</p> <p>d) Include a drainage strategy for surface water run-off from the site since no discharge of surface water from the site will be accepted into the public system by the Lead Local Flood Authority;</p> <p>e) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;</p> <p>f) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change;</p> <p>g) Include flood water exceedance routes, both on and off site; Include flow routes such as low flow, overflow and exceedance routes;</p>	Agree	Disagree
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<p>h) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;</p> <p>i) Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines.</p> <p>j) Include details of how the SuDS measures will be maintained and managed after completion. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises;</p> <p>k) Include with any design calculations an allowance for an additional 10% increase of paved areas over the lifetime of the development;</p> <p>l) Provide details of how surface water will be managed and contained within the site during any construction works to prevent silt migration and pollution of watercourses, highway drainage and land either on or adjacent to the site;</p> <p>m) Provide a verification report carried out by a qualified drainage engineer demonstrating that the drainage system has been constructed as per the approved scheme (or detail any minor variations thereof), to be submitted to and approved by the Local Planning Authority on completion of construction.</p> <p>This shall include: plans and details of any key drainage elements (surface water drainage network, attenuation devices/areas, flow restriction devices and outfalls) and details of any management company managing the SuDS measures thereafter.</p> <p>The sustainable drainage strategy shall be completed in accordance with the approved plans (including any surfacing arrangements and marking out) within 3 months after agreement with the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details, and no dwelling shall be first occupied until the drainage measures have been completed.</p> <p>Reason: To ensure that surface water will be managed in a sustainable manner and to prevent the increased risk of</p>		
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	<p>flooding. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Sustainable Drainage Systems SPD (2018).</p>		
7	<p>Biodiversity measures</p> <p>The development hereby permitted shall be undertaken in accordance with the recommendations of the Ecology Report undertaken by GS Ecology, the document entitled ECOLOGICAL ASSESSMENT PITCHKETTLE FARM GOODBOYS LANE GRAZELEY GREEN, READING RG7 1ND reference: ECO3015 30 March 2022 throughout the construction period of the development.</p> <p>Within 6 months of the date of this decision all recommended mitigation in the aforementioned report are installed in accordance with the report.</p> <p>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.</p>	Agreed	Agreed
8	<p>Lighting strategy</p> <p>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 a plan to show the location of any lighting, isolux contour diagram(s), an operation strategy (e.g. details of timed operation), and specifications all lighting to ensure that levels are designed within the limitations of Environmental Lighting Zone 1, as described by the Institute of Lighting Engineers.</p> <p>Reason: To conserve the dark night skies of the rural environment. This condition is applied in accordance with the National Planning Policy Framework and Policies CS17 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>	Agreed	Agreed

9	<p>Emergency Plan (Retrospective element)</p> <p>Within 3 months of the date of this decision a comprehensive Emergency Plan shall be submitted to the Local Planning Authority.</p> <p>Upon agreement of the Emergency Plan in writing by the Local Planning Authority it shall be implemented in full, shall be kept up-to-date by office space operator and management/owners. Thereafter, the plan should be reviewed and amended as necessary and at least annually.</p> <p>The Local Planning Authority may at any time require the amendment of the plan by giving notice pursuant to this condition. The Local Planning Authority may at any time require a copy of the then current Emergency Plan for the site which shall be submitted to the Local Planning Authority within 1 month of notice being given.</p> <p>Reason: In order to ensure that the office space has integrated emergency plans that will not have an impact on the AWE Off-Site Emergency Plan and will mitigate the risk to those people on the site. This condition is applied in accordance with the National Planning Policy Framework and Policies CS8 of the West Berkshire Core Strategy 2006-2026.</p>	Agreed	Agreed
10	<p>Emergency Plan (Whole site uses)</p> <p>Within 6 months of the date of this decision an outline Emergency Plan for the whole site shall be submitted to the Local Planning Authority.</p> <p>In order to provide assurance that an effective plan is possible and applicable to the site. Normally this means that only the final contact details and names are not completed. The Emergency Plan must include as a minimum the processes for:</p> <ul style="list-style-type: none"> - activation of the plan, - sheltering, 	Agreed	Agreed

	<ul style="list-style-type: none"> - supporting those on site - staff and visitors whilst in sheltering conditions - evacuation (if necessary) - recovery <p>Upon agreement of the Emergency Plan in writing by the Local Planning Authority it shall be implemented in full, shall be kept up-to-date by office space operator and management/owners.</p> <p>Thereafter, the plan should be reviewed and amended as necessary and at least annually. The Local Planning Authority may at any time require the amendment of the plan by giving notice pursuant to this condition. The Local Planning Authority may at any time require a copy of the then current Emergency Plan for the site which shall be submitted to the Local Planning Authority within 1 month of notice being given.</p> <p>Reason: in order to ensure that the change of use will not have an impact on the</p> <p>AWE Off-Site Emergency Plan and therefore place the people on the site and the response at risk should there be a radiation emergency at AWE Aldermaston. This condition is applied in accordance with the National Planning Policy Framework and Policies CS8 of the West Berkshire Core Strategy 2006-2026.</p>		
11	<p>Use restriction</p> <p>The premises and site shall be used for B8/E(g) use only and for no other purpose, including any other 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). This restriction shall apply notwithstanding any provisions in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or in any provision equivalent to that Class in</p>	Agreed	Agreed

	<p>any statutory instrument revoking and re-enacting that Order with or without modification).</p> <p>Reason: It is considered necessary to restrict the use to B8 and E(g) as a B2 use and other uses within Class E may not be appropriate in this location and have not been considered. These uses would be considered compatible with the site and the surrounding uses. This condition is recommended in accordance with the National Planning Policy Framework and ADPP1, CS8, CS9, CS10, CS11 of the West Berkshire Core Strategy 2006-2026.</p>		
12	<p>BREEAM</p> <p>The development hereby permitted shall achieve a rating of "Excellent" under BREEAM (or any such equivalent national measure of sustainable building which replaces that scheme). Within 6 months of the date of this decision a final certificate shall be issued certifying that this rating has been achieved, and a copy of the certificate has been provided to the Local Planning Authority.</p> <p>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).</p>	Agreed	Agreed
13	<p>Before the hereby approved B2 or B8 use commences on site classes a business specific noise impact assessment shall be submitted to the Council to be approved in writing.</p> <p>This document should demonstrate but not be limited to showing that all plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that the rating level therefrom does not exceed the existing background noise level when measured in accordance with BS4142:2014+A1:2019.</p> <p>REASON: To protect the occupants of nearby residential properties from noise.</p>	Agreed	Agreed

	This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026) and OVS.5, OVS.6 of the West Berkshire Local Plan (1991-2006).		
14	<p>Operating hours (use/activity)</p> <p>The hereby approved B2/B8 and Class E(g) uses shall not take place outside of the following hours:</p> <p>Mondays to Fridays: 08:00- 18:00</p> <p>Saturdays: 09:00- 18-00</p> <p>Sundays and public holidays: 09:00-17:00.</p> <p>Reason: To safeguard the living conditions of surrounding occupiers. This condition is applied in accordance with the National Planning Policy Framework, Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Policy OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>	Agreed	Agreed
15	<p>The number of employees based at the application site, as defined by the red line location plan, shall at no time exceed a total of 11 employees, across all approved uses on the site.</p> <p>Reason: To ensure that vehicle movements to/from the site are maintained at an acceptable level, in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, and Policy TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>	Agreed	Agreed
16	<p>Tree protection scheme (Minor)</p> <p>No further built development (including site clearance and any other preparatory works) shall commence on site until a scheme for the protection of trees to be retained is submitted to and approved in writing by the Local Planning Authority.</p> <p>Such a scheme shall include:</p>		

	<ul style="list-style-type: none"> - a plan showing the location and type of the protective fencing. - All such fencing shall be erected prior to any development works. - Atleast2 working days notice shall be given to the Local Planning Authority that it has been erected. - It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. - No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority. <p>Note 1: The protective fencing should be as specified in the BS5837:2012 at Chapter6 and detailed in figure 2.</p> <p>Note 2: Ground Protection shall be as paragraph 6.2.3.3. of the same British Standard.</p>		
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- 10.3. The Appellant has provided a response to these within their final comments. To summarise, there are no objections to Conditions 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 16.
- 10.4. The LPA feel that condition 11 would need to be updated to reflect the removal of B2 use from the proposal. The Appellant has no issue with this and the wording has been updated accordingly.
- 10.5. The Appellant considers Condition 6 is considered to be overly onerous when the extant use and buildings is considered, and the only additional built form is two modular buildings on existing hardstanding. The Appellant would however accept such a condition if it applied to further built development only. The Local Flood Authority has said that the condition is required.
- 10.6. The LPA wrote to PINS on 17th September 2024 with regards employee numbers and requested an additional condition in the event the appeal is allowed. The appellant has no issue with this condition and it is agreed.
- 10.7. No S106 Undertaking or other legal agreement is necessary.