



Our ref: 50929/JB/KM

Development and Planning Service
West Berkshire Council
Council Offices

Market Street

RG14 5LD

19 August 2022

Dear Sir/Madam

PRE-APPLICATION ADVICE CONSULTATION FOR A PROPOSED DEVELOPMENT OF UP TO 32 RESIDENTIAL DWELLINGS (USE CLASS C3), INCLUDING ACCESS, ASSOCIATED PARKING, LANDSCAPING AND PUBLIC OPEN SPACE (POS)

ON LAND TO THE REAR OF THE HOLLIES, READING ROAD, BURGHFIELD COMMON, RG7 3BH

On behalf of our client, T A Fisher & Sons Ltd, I am pleased to submit an 'Option C' Pre-application Advice Consultation request for development at the above address.

This Pre-application Consultation request comprises the following:

- Completed Pre-application Form
- Pre-application Planning Statement
- Indicative plans submitted for comment:
 - Site Location Plan, drawing ref. 2021/P0162 LP Rev A
 - Indicative Site Layout Plan, drawing ref. 2021/P0162 01 Rev A

Following discussions with the Council's Planning Team, we request detailed written advice with a follow up meeting, to include consultation with the Emergency Planning Team. No site visit is required.

Payment of the requisite pre-application fee of **£3,300** for a development of between 26-49 dwellings will be paid by the applicant on receipt of a reference number from the Council's Validation Team.

I trust that the information submitted for Pre-application Consultation is sufficient to allow for Officers to provide a detailed written response on the proposals. However, should you have any queries, please do contact me.

Yours faithfully,



JAMES BLAKE MRTPI
SENIOR PLANNER
JamesB@pro-vision.co.uk

cc. Mr Richard Barter, T A Fisher & Sons Ltd.



West Berkshire Council Pre-Application Form

Office Use Only Ref No:
Acknowledged:
Date Registered:

1. Your Details

Name: Mr Richard Barter

Address:

T A Fisher & Sons Ltd
Theale Court
11-13 High Street
Theale

Postcode: RG7 5AH

Tel:

Email:

2. Agent (if any)

Name: Mr James Blake

Address:

Pro Vision
The Lodge
Highcroft Road
Winchester

Postcode: SO22 5GU

Tel: [REDACTED]

Email: [REDACTED]

3. Location of proposed development

Site Address:

Land to the rear of The Hollies
Reading Road
Burghfield Common

Postcode: RG7 3BH

4. WBC policies (Development Plan / Core Strategy) and other guidance

Please provide details of the WBC policies/ guidance that you have referred to when preparing your scheme:

Please refer to the accompanying Pre-application Planning Statement

5. Pre-application Required – please select one option

Advice in Principle

Option A

Option B

Option C

Option D

Additional Options

Further Advice

Fast Track request

6. Description of Proposal

Please provide an accurate, detailed description of the proposed development:

Pre-application advice consultation for a proposed development of 32 residential dwellings (Use Class C3), including access, associated parking, landscaping and public open space (POS).

7. Plans and Supporting Information

A site location plan clearly identifying the site or building in question must be submitted. The level of further detail required will be dictated by the complexity of the proposal. If you are unsure about the level of detail to be submitted, please contact us for further advice. Please specify plans/details that have been submitted.

- Site Location Plan
- Block Plan
- Elevation Sketch Plan
- Photographs

Other Supporting Material (please specify)

- Covering Letter
- Pre-application Planning Statement and appendices (1-4)

Fee Enclosed £3,300

Declaration:

I confirm that I have noted that any advice provided under this service will be given on the basis of the professional opinion of the officer(s) concerned, based on the information provided and the planning policies/guidance prevailing at the time, and any views expressed are not intended to prejudice the Council's determination of any subsequently submitted formal application.

Signed: Mr James Blake

*On Behalf: Mr Richard Barter

Date: 19/08/2022

*delete as appropriate

Once you have completed this application please email the completed form, fee receipt and the documents to planapps@westberks.gov.uk

Alternatively, please print and post your documents to:

**Development and Regulation
West Berkshire Council
Council Offices
Market Street
NEWBURY
RG14 5LD**

For more information about Planning in West Berkshire please visit our website: www.info.westberks.gov.uk/planning or email us at planapps@westberks.gov.uk or telephone the Contact Centre on 01635 551111.

PRE-APPLICATION PLANNING STATEMENT

**LAND TO THE REAR OF THE HOLLIES, READING
ROAD, BURGHFIELD COMMON**

Prepared by Pro Vision on behalf of T A Fisher & Sons Ltd

August 2022

LAND TO THE REAR OF THE HOLLIES, READING ROAD, BURGHELD COMMON

PRE-APPLICATION PLANNING STATEMENT

PROJECT NO. 50929

PREPARED BY:

JAMES BLAKE MRTPI

SENIOR PLANNER

CHECKED BY:

KATHERINE MILES MRTPI

DIRECTOR

DATE:

AUGUST 2022

PRO VISION

THE LODGE

HIGHCROFT ROAD

WINCHESTER

HAMPSHIRE

SO22 5GU

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1.0 Introduction

Overview

- 1.1 This Pre-Application Planning Statement has been prepared by Pro Vision on behalf of T A Fisher & Sons Ltd in connection with the proposed development of 32 residential dwellings (Use Class C3) on land to the rear of The Hollies, Reading Road, Burghfield Common.
- 1.2 Pre-application advice is sought from West Berkshire Council ('the Council') to confirm whether the Council would either:
- Update its own Offsite Emergency Plan;
 - Approve a revised application if a land line telephone was installed; and/or
 - Support a revised application if there was a bespoke Emergency Plan prepared for the site.

Content of the Pre-Application Submission

- 1.3 Details of the indicative plans submitted for consideration and supporting information are outlined in the submitted Covering Letter.
- 1.4 The scheme is shown indicatively and demonstrates that the dwellings, internal roads, parking, garden and open space arrangements can be delivered upon.

Document Structure

- 1.5 The site and its surrounds are summarised in Section 2. Section 3 sets out the relevant planning history for the site. Section 4 sets out the relevant planning policy context and material considerations. A planning assessment is provided in Section 5.

2.0 The Site, its Surroundings and the Proposal

The Site

- 2.1 The proposed site for development ('the site') forms part of the Policy HSA16 housing allocation for 60 dwellings in the West Berkshire Council Housing Site Allocations Development Plan Document (2017) (HSADPD). Part of the allocated site has already received planning permission for 28 residential dwellings, which have now been built out by Crest Nicholson Ltd (planning references 16/01685/OUTMAJ and 19/00772/RESMAJ) and are occupied.
- 2.2 T A Fisher & Sons Ltd ('the applicant') have acquired the rest of the allocated site and seek to fulfil the delivery of the remaining 32 dwellings.
- 2.3 The site is 2.014 hectares and includes Regis Manor Road, which is the primary access road from the adjacent consented scheme to the east and which provides access onto Reading Road. The developable site area is 1.83 hectares.
- 2.4 The site comprises semi-improved grassland, paddocks and scattered groups of trees. A small outbuilding is located close to the eastern border of the site. The level of the site slopes south east to north west, significantly in places.
- 2.5 There is a group of trees subject to a Tree Protection Order (TPO) within the site¹.
- 2.6 There are no Public Rights of Way (PRoW) within the site, although bridleway BURG/9/1 can be found close by.
- 2.7 The Environment Agency's Flood Map for Planning confirms the site is within Flood Zone 1, meaning it has a low probability of flooding (less than 1 in 1000 annual probability of river or sea flooding).
- 2.8 There are no designated heritage assets within or close to the site and it is not within a Conservation Area.
- 2.9 There are no ecological designations within or near to the site and the site lies outside of the Thames Basin Heaths SPA 7km boundary. The site is within the Burghfield Woodland and Heathland Mosaic.

¹ TPO ref 201/21/0989

2.10 The site lies within the inner protection zone of the Detailed Emergency Planning Zone (DEPZ) for AWE Burghfield.

The Surrounding Area

2.11 The site lies on the north east edge of the village of Burghfield Common.

2.12 Ancient woodland can be found immediately adjoining the sites north – north-west border. Along the southern and western site boundaries are residential properties with private rear gardens and paddocks. Immediately east of the site is the consented residential scheme referred to above.

2.13 Burghfield Common's wide range of local services and facilities includes local convenience stores and shops, a post office, garage, primary and junior schools, a leisure centre, a village hall, a church, health centre and pharmacy and cafes. A bus stop on Reading Road in both directions is a short walk from the site, providing regular and frequent bus services.

2.14 Burghfield Common is located to the south west of Reading and has been identified by West Berkshire Council as a rural service centre, capable of accommodating further residential growth and providing a range of services with reasonable public transport provision.

The Proposal

2.15 Application 22/00244/FULEXT for the erection of 32 dwellings, including affordable housing, parking and landscaping and access via Regis Manor Road was refused by the Council on 1 June 2022.

2.16 This pre-application submission seeks to fully understand the council's reasons for this, and to suggest ways in which these can be overcome through a revised planning application for the site. The main factor as we understand it that led to the Council's decision to refuse the application was the site's location within the inner zone of the DEPZ for AWE Burghfield would compromise future public safety and the capacity of AWE Burghfield to operate effectively.

2.17 Pre-application advice is sought from West Berkshire Council ('the Council') to confirm whether the Council would support a revised application if:

- The Council updated the Emergency Plan to accommodate this development?
- If each of the proposed new dwellings had a landline telephone?

- Whether a Site-Specific Emergency Plan and legal agreement along the same lines as that approved in BDBC for Boundary Place were available?

2.18 The proposal itself remains unchanged from that which was considered by the Council previously under 22/00244/FULEXT, and seeks Full Planning Permission for a development for up to 32 dwellings as part of a site currently allocated within the Housing Site Allocations Development Plan Document (HSADPD) May 2017 and includes access, associated parking, landscaping and public open space (POS).

2.19 It is understood that there was an outstanding issue relating to impact on trees which lead to an additional reason for refusal on the previous application. It is considered that this can be addressed as part of a resubmission, although detailed comments from the Councils Tree Officer as to why he believes insufficient work has been undertaken to retain the sites mature trees would be welcomed.

2.20 This is particularly given the numerous areas of new planting and landscaping proposed, the site's allocation for development in the current Local Plan, and the significant gradient on the site, acknowledged by both the Planning and Highways Officers, as limiting the developable area. Therefore, this pre-app focuses on the principle of the development.

3.0 Relevant Planning History

The Site

3.1 Application 22/00244/FULEXT for the erection of 32 dwellings, including affordable housing, parking and landscaping and access via Regis Manor Road was refused by the Council on 1 June 2022 for the following summarised reasons:

- Failure to enter into a s106 obligation to secure affordable housing;
- The development's location within the inner zone of the DEPZ for AWE Burghfield would compromise future public safety and the capacity of AWE Burghfield to operate effectively; and
- The loss of trees protected by a Tree Preservation Order would have an adverse impact on the amenity and character of the area in which the development is located.

Surrounding Area

3.2 On 30th October 2018, West Berkshire Council granted Outline Planning Permission under application reference 16/01685/OUTMAJ for:

“Outline planning application for 28 dwellings. Matters to be considered: Access. Matters reserved: Appearance, Landscaping, Layout and Scale.”

3.3 On 8th August 2019, an application for Reserved Matters was granted by the Council under application reference 19/00772/RESMAJ for:

“Approval of reserved matters application following outline application 16/01685/OUTMAJ for 28 dwellings. Matters to be considered: Appearance, Landscaping, Layout and Scale.”

3.4 The Office for Nuclear Regulation (ONR) responded to the Reserved Matters application on 24 July 2019 stating that: *“I have consulted with the emergency planners within West Berkshire Council, which is responsible for the preparation of the Burghfield off-site emergency plan required by the Radiation Emergency Preparedness and Public Information Regulations (REPPiR) 2001. They have provided adequate assurance that the proposed development can be accommodated within their off-site emergency planning arrangements.”* (our emphasis)

3.5 This permission has been implemented and constructed in full. It now forms the dwellings served by Regis Manor Road to the immediate north east of the proposed development site.

3.6 On 29 July 2022, an application for Reserved Matters was granted by the Council under application reference 22/00325/RESMAJ for:

“Approval of reserved matters following outline permission 18/02485/OUTMAJ [Outline application for residential development of up to 100 dwellings with new cycle pedestrian access onto Coltsfoot Way and two vehicular accesses onto Clayhill Road. Matters to be considered: Access.] Matters seeking consent: Appearance, Landscaping, Layout and Scale.”

3.7 In relation to the DEPZ, the comments from the Emergency Planning Officer were noted in the Officer Report as follows:

“Whilst the development will bring perhaps an additional 240 plus residents into the AWE inner protection zone as defined under policy CS8 in the WBCS of 2006 to 2026, since planning permission was granted prior to the new DEPZ being agreed, the Council cannot object to the development. Conditional permission is accordingly recommended, with each household having an obligatory landline in case of an emergency at the AWE. No objections. Condition to be applied.”

3.8 Further, the Officer Report identifies that a number of objections relate to the fact that the site lies in the DEPZ for AWE Burghfield so it should not be approved under policy CS8 in the Core Strategy. The Officers report states that *“This is now irrelevant since even if a reserved matters were refused on this basis [and Emergency Planning and the Ministry of Defence (MoD) have not objected in principle] the outline permission would remain and would not be rescinded, without prejudice.”*

3.9 This final comment is interesting given that Officer comments on application 22/00244/FULEXT, have suggested to T A Fisher that the site’s allocation will be revoked, but the Council was not prepared to revoke a planning permission. This is interesting because the impact is the same – whether the site has planning permission or has an allocation, both result in additional development within the DEPZ.

3.10 Our position, which is supported by legal Advice obtained by Gregory Jones QC, is that the test should be whether the Emergency Plan can accommodate the development, not when the development was allocated / approved. It appears on the face of it that whether or not the

Emergency Plan could accommodate the development at Dauntless Road was not considered, although it is noted that the reason for imposing a condition requiring provision of a landline telephone within each dwelling was *“to ensure the AWE Off-Site Emergency Plan can operate effectively and the ability of responders to accommodate all those within the DEPZ.”*

- 3.11 We will return to this in the assessment below. Further, other applications there have been approved within the AWE inner protection zones in other Local Authority areas will also be discussed.

4.0 Planning Policy and Other Material Considerations

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 advises Local Planning Authorities to determine planning applications *“in accordance with the policies of the Development Plan unless material considerations indicate otherwise.”*

4.2 The relevant planning policies and material considerations in consideration of this development proposal are set out below, with our emphasis added in **bold**.

Adopted Development Plan

4.3 The relevant parts of the adopted Development Plan for West Berkshire currently comprises the following:

- Core Strategy 2006-2026 (July 2012); and
- Housing Site Allocations Development Plan Document (HSADPD) (May 2017).

Core Strategy 2006-2026 (July 2012)

4.4 Policy CS8 (Nuclear Installations – AWE Aldermaston and Burghfield) states that development proposals will be considered in consultation with ONR *“having regard to the scale of development proposed, its location, population distribution of the area and the impact on public safety, to include how the development would impact on “Blue Light Services” and the emergency off site plan in the event of an emergency as well as other planning criteria”*.

4.5 Paragraph 5.43 states: *“The ONR has no objection to the overall scale of development proposed in the East Kennet Valley in policy ADPP6.”*

4.6 Policy ADPP6 states that approximately 800 homes would be planned to 2026 *“to help meet the needs of the village communities and to assist with the viability of village shops and services.”* Burghfield Common was identified as a rural service centre, and sites were to be allocated through the Site Allocations DPD.

Housing Site Allocations DPD (2017)

4.7 Policy HSA16 allows for the provision of approximately 60 dwellings with a mix of dwelling types and sizes and sets out requirements that applications should follow.

**Land to the rear of The Hollies Nursing Home and Land opposite 44 Lamden Way, Burghfield Common
- Policy HSA16**



4.8 Supporting paragraph 2.35 identifies that the settlement boundary for Burghfield Common has been redrawn to include the proposed development area. Policy C1 confirms that there is a presumption in favour of sustainable development within the settlement boundary of Burghfield Common.

4.9 Having regard to the above, we can take from the Core Strategy and subsequent HSADPD the following key points:

- ONR did not object to the overall scale of development – some 800 homes;
- Burghfield Common was identified in the Core Strategy as a rural service centre;
- The allocation of the c.800 homes was to be done through a Development Plan Document i.e. a daughter document to the Core Strategy;
- This site was allocated in 2017 through Policy HSA16 for 60 dwellings, of which 28 have been developed to date leaving 32 to be built to contribute to meeting the Core Strategy Housing requirement.

Emerging Local Plan Review 2020-2037

- 4.10 The Council has commenced a review of its Local Plan and published an “Emerging Draft” document (Regulation 18) for consultation in December 2020. According to the Council’s latest Local Development Scheme (June 2022), it is anticipated that the new Local Plan will be adopted around September 2024.
- 4.11 It is important to note that this document was published for consultation after the REPPiR Radiation (Emergency Preparedness and Public Information) Regulations 2019 were revised. Therefore, it is reasonable to assume that the Council had taken account of these regulations and the change in the consultation zones around Burghfield in the preparation of this plan. Of particular relevance from the consultation draft plan are the following proposals:
- Policy SP3 – Burghfield Common: “larger rural settlements offer development potential appropriate to the character and function of the settlement through: Infill, changes of use or other development within the settlement boundary non-strategic sites allocated for housing and economic development through other policies in this Plan or Neighbourhood Plans Rural exceptions affordable housing scheme.”
 - **Therefore, the emerging spatial strategy of the Council does not rule out further development in Burghfield**
 - Provision will be made for between 8,840 – 9,775 net additional new homes for the plan period to 2037. “New homes will be located in accordance with Policy SP1: Spatial Strategy, SP3: Settlement Hierarchy”.
 - Para 6.7 – meeting housing need is to include “*retained allocations in the Local Plan.*”
 - Para 6.8 – “*Retained allocations will therefore form a substantial part of the supply in the LPR.*” Table 2 sets out the Housing Supply as of March 2020 and it confirms that there are 482 dwellings without planning permission on HSADPD Sites. This figure includes the remaining 32 dwellings to be developed at The Hollies.
 - **Therefore, the emerging Local Plan relies upon the development of 32 dwellings at The Hollies as a retained allocation to meet the planned housing requirement.**
 - Policy SP14 – Sites Allocated for Residential Development in Eastern Area clearly shows that the allocation of The Hollies is to be retained:

Policy SP 14

Sites allocated for residential development in Eastern Area

Development in the Eastern Area will be allocated as follows:

Large sites (1ha or larger)

LPR Policy	Current Policy Ref	Site name	Approx no's
RSA10	HSA10	Stonehams Farm, Tilehurst EUA008	60
RSA12	HSA11	72 Purley Rise, Purley on Thames	35
RSA13	HSA12	Land adjacent to Junction 12 of M4, Bath Road, Calcot	150-200
RSA14	HSA13	Land adjacent to Bath Road and Dorking Way, Calcot	35
RSA15	HSA14	Land between A340 and The Green, Theale	100
RSA16		Whitehart Meadow, Theale	100
RSA17		Former sewage treatment works, Theale	70
RSA18	HSA15	Land adjoining Pondhouse Farm, Clayhill Road, Burghfield Common	100
RSA19	HSA16	Land to the rear of The Hollies Nursing Home and land opposite 44 Lamden Way, Burghfield Common	60
RSA20		Land north of A4 at junction of new Hill Road, Woolhampton	20

- Policy RSA19 carries forward the allocation from the HSADPD unchanged.
- Consultation took place on this emerging plan in December 2020. On policy RSA19, no comments were received by AWE, ONR or the West Berks Emergency Planning Team. On policy SP3, no comments were received by AWE, ONR or the West Berks Emergency Planning Team.
- On Policy SP4, which is the policy which establishes the consultation zones, ONR comments that *"in order for ONR to have no objections to such developments we will require:*
 - *confirmation from relevant Council emergency planners that developments can be accommodated within any emergency plan required under the Radiation (Emergency Preparedness and Public Information) Regulations 2019; and*
 - *that the developments do not pose an external hazard to the site."*
- **As such, our understanding is that ONR are not saying that there is an automatic objection to all new development within the DEPZ, but that there is an expectation that the Council will ensure developments can be accommodated within the emergency plan.**

4.12 In summary, the evidence is clear that the REPPiR 2019 revised regulations have not led the Council to review its spatial strategy in relation to development in Burghfield and in fact the Council propose to rely on the allocation of this site to contribute to meeting its housing needs.

4.13 The Council is responsible for the emergency plan and for updating it to ensure that developments can be accommodated.

5.0 Planning Assessment

- 5.1 The proposed development site is part of allocated site HSA16 for approximately 60 dwellings. This proposal seeks to deliver the balance of 32 dwellings on the allocated site, noting that 28 dwellings have already been granted permission, which have been constructed and are now occupied.
- 5.2 In addition, the site is within the settlement of Burghfield Common, a rural service centre identified for housing growth within the Core Strategy under policy ADPP1 and ADPP6.
- 5.3 Given this background, the principle of residential development in this location is considered acceptable. Indeed, this was also noted by the Council in the Officers report into the recently refused application (22/0244/FULEXT) where it was stated: *“in principle [all other technical matters being satisfactory] the scheme in question is in theory at least acceptable -but note the issue about other technical matters and see below.”* The report then went on to refer to consultations with the Emergency Planning Team who objected to the proposal *“on the basis that given all of the site lies within the inner DEPZ for AWE Burghfield, any increase in the density of population which would arise, which has not been allowed for within the Councils Emergency Plan for any potential future incidents at the site which might harm public health, will not be acceptable.”*
- 5.4 This comment is at odds with the Council’s adopted and emerging policies where, as set out above, ONR did not object to the allocation of some 800 homes in the East Kennett Valley, which includes the 32 dwellings on this site and nor did ONR object to the retention of the allocation of this site when consulted in December 2020 – importantly after the REPIIR regulations revision in 2019.
- 5.5 Notwithstanding this, Planning Permission for 32 dwellings was refused on 1 June 2022 for the following reason:

“The application is part of an allocated housing site in the Council Local Plan [HSADPD of 2017]. In addition, it lies in the inner protection zone of the DEPZ for AWE site [B] at Burghfield. This public protection zone was formally altered in 2019, after the site was allocated and accepted in the HSADP. Policy CS8 in the WBCS of 2006 to 2026 notes that [inter alia] within the inner zone, in order to be consistent with ONR advice, nearly all new housing will be rejected [para 5.43 of the supporting text], as the additional resident population would compromise the safety of the public in the case of an incident at AWE.

This accords with the advice to the application provided by the Council Emergency Planning Service, and the ONR.

In addition, para 97 of the NPPF of 2021 notes that [inter alia] "planning policies and decisions should promote public safety and take into account wider security and defence requirements by—b] ensuring that operational sites are not affected adversely by the impact of other development in the area. Given the clear objection from both the AWE and the ONR to the application on this basis it is apparent that the application is unacceptable in the context of this advice.

The Council accordingly considers that future public safety would be compromised if the development were to proceed, and potential harm would occur to the future capability and capacity of AWE Burghfield to operate effectively, in the light of the above. These are clear material planning considerations which, despite the site being allocated for housing in the Local Plan, are factors which a responsible LPA cannot set aside.

The proposal is accordingly unacceptable."

- 5.6 When the HSADPD was prepared by the Council, the proposed level of housing on the allocated site was consulted upon and the Council's Emergency Planners at the time (pre-2017) allowed for a total of 60 units to be allocated to the site. A further 100 homes were allocated to the north of the site at Dauntless Road, and the reserved matters for 100 dwellings has recently been approved by the Council. Since 2017, planning permission has been granted in outline for 28 units on The Hollies, leaving a residual requirement for 32 dwellings.
- 5.7 In 2019, the inner DEPZ for the Burghfield AWE site was revised under the REPPiR Radiation (Emergency Preparedness and Public Information) Regulations 2019.
- 5.8 The Council state in the Officers report into the refused application "*Since no planning permission existed at that time on the application site [albeit it was an allocated site] no allowance was made in the Emergency Plan for the future potential 32 units*". If this is correct, the Council clearly overlooked the fact that the site had been allocated and was relied upon by it to meet the housing needs.
- 5.9 We say "If this is correct" because to date a copy of the Emergency Plan in place at the time of the decision has not been made available to the applicant and is not in the public domain. A

request for the document has been made under a Freedom of Information submission, and the Council has now finally confirmed that a redacted version will be made available. This is still awaited at the time of writing.

5.10 In summary, our position is that this development should be allowed for within the off-site Emergency Plan because the development is on an allocated site, which is relied upon by the Council in order to meet its housing need – a need which ONR were consulted on and did not object to. We maintain that an Emergency Plan is not a stagnant document and indeed should be regularly reviewed and updated to reflect changes in the area. This was recognised in the appeal decision at Boundary Hall, Tadley in 2011 (A copy of the SoS decision is at **Appendix 1**) – see in particular paragraph 13 where the Secretary of State noted *“that the Off Site Plan is designed to be flexible and extendable and that, while it is possible that the implementation of the application scheme would necessitate changes to the Plan, the evidence does not lead to the conclusion that the Plan would fail”*.

5.11 Therefore, if the Council’s current Emergency Plan has overlooked the inclusion of this site, then the simple answer is that the Council should update the Emergency Plan to allow for this development. This was an acceptable means in 2011 of enabling a major development to go ahead in Basingstoke and there is no reason why this cannot be done now to allow the development of these dwellings. In our view, an update to the Emergency Plan is clearly what ONR are directing the Council to do through their comments on the 2020 Reg 18 draft Local Plan.

Pre-App Question 1 – Can (and if so will) the Council update the Emergency Plan to accommodate this development?

5.12 However, following the refusal of planning permission, the applicant has researched other applications in the AWE inner zone (Both for Aldermaston and Burghfield), and noted that a bespoke emergency plan has been prepared in at least one instance and this has enabled that development to go ahead. Therefore, the main purpose of this pre-app is to explore whether the same can be done here.

5.13 The Officer Report for 22/00244/FULEXT notes that the proposal would *“introduce an additional 32 dwellings with perhaps up to 75 additional residents”*, which *“has the potential to compromise the future defence capacity and capability”* of AWE Burghfield. It is worth noting that, in the reports to the Council, AWE state that there has been no change to the work

and risk profile on either of its Aldermaston or Burghfield sites² and that the changes to the DEPZ are solely due to changes in the method recommended to determine the potential dose as a function of downwind distance. The revised recommendation for AWE Burghfield has resulted in the DEPZ being considerably larger³ than its previous extent.

- 5.14 In the report (paragraph 5.11.1) it recommends that sheltering is the current countermeasure for the first 48 hours after immediate release of a radioactive material. Thereafter, evacuation/relocation of residents may be necessary. The government guidelines (Emergency Reference Levels) state that shelter should be considered if it would be expected to avert at least 3 mSv of dose and is strongly indicated where the dose averted is 30 mSv or more. For evacuation the equivalent numbers are 30 mSv and 300 mSv. Since almost all the dose in this case is expected to be due to inhalation during the passage of the plume, there will very little avertable dose after the plume has passed. AWE estimate that the remnants of the plume will reach the DEPZ boundary within 25 minutes of the initiation. It therefore seems unlikely that the residents of the proposed dwellings will ever be asked to evacuate their homes to avert dose resulting from an accident at AWE Burghfield.
- 5.15 It is noteworthy to mention at this point that the proposed development site is very close to another application which has recently received planning permission (22/00325/RESMAJ) for up to 100 dwellings, with approximately 240 additional residents being brought into the AWE inner protection zone recently. The only difference between these two applications (other than the approved development is for a significantly greater volume of new population) is that whilst both sites are allocated, application 22/00325/RESMAJ was for reserved matters where outline planning permission was granted prior to the new DEPZ being agreed. The Council therefore states it was unable to object to the reserved matters development, but this is not the correct test. As above, the test should be whether the emergency plan can accommodate the additional population.
- 5.16 It is notable that the Council have imposed a condition on the permission for 22/00325/RESMAJ, with each household being required to have an obligatory landline installed in case of an emergency at AWE Burghfield. T A Fisher are willing to do the same at The Hollies.

² AWE Emergency Planning Zone Report, 12 March 2020 (West Berkshire)

³ See recommendation 1(b) (page 3) of the AWE Burghfield Consequences Report (November 2019)

5.17 In relation to other development within the DEPZ inner zones of AWE Burghfield and AWE Aldermaston, the applicant is aware that planning permissions for residential accommodation have recently been granted by Basingstoke and Deane Borough Council:

Tadley Hill

- On 14 July 2022, the BDBC approved 6 dwellings on land at Tadley Hill (BDBC Ref 21/00893/FUL). A copy of the Decision Notice, Officers Report and Emergency Planning comments are at **Appendix 2**.
- The site is 1,728m from the boundary i.e. closer to AWE Aldermaston than The Hollies is to AWE Burghfield). The Emergency Planning comments confirm that an increase of 19.2 people would add to the requirements of the Local Planning Authority, but given the distance urgent evacuation is unlikely. It was also acknowledged that having to rehouse these additional households would cause additional strain on recovery facilities. The concerns thus far appear comparable to the issue raised in The Hollies.
- However, the emergency planners concluded: *“The application increases the number of houses which will add a significant burden to the local requirements for support. No objection by HCC on the condition that each property has connection to a live landline or is able to receive a landline phone call which is registered in the area.”*
- In summary therefore, the proposal was found to be acceptable despite its proximity to AWE and being in the most densely populated sector. This was on the basis of the installation of a land line phone.
- This is the approach that the emergency planner at West Berks has taken with the Dauntless Road application, concluding that the proposal is acceptable with a landline telephone.

5.18 In relation to other potential strategies for dealing with emergency situations, the applicant is aware of an emergency warning system⁴ that is proposed to ‘go live’ across England, Scotland and Wales in October 2022:

Emergency Alert System

⁴ <https://www.bbc.co.uk/news/uk-62549122>

- Following successful trials in East Suffolk (25 May 2022) and Reading (15 June 2022)⁵, the emergency warning system will provide alerts about severe weather and other “*life-threatening*” events to mobile phones, with the technology currently proposed to alert up to 85% of the population.
- The Cabinet Office states that the alerts will be able to give “*highly localised warnings*” of flooding, fires, extreme weather and over “*public health emergencies.*”
- The already system exists in other countries, such as France, Greece and New Zealand “*where it has been widely credited with saving lives.*”
- The system works by sending an alert message and a distinctive warning tone to anyone’s mobile phone within a specific area via cell towers, rather than accessing a list of mobile numbers. An alert can be sent to a single tower, meaning anyone in the vicinity could pick it up on their mobile phone, even if they were just travelling through the area.
- The system does not reveal a recipient’s location, track their movements or collect any personal data and can only be sent by authorised government and emergency services users.
- The ONR, as a public corporation of the Department for Work and Pensions, could be one of the authorised government and emergency services users of the system which would then be able help alert residents within the DEPZ to an emergency event and allow for appropriate actions to be taken, as necessary, given the targeted nature of the system.

Pre-App Question 2 – If a resubmission were made, could the development of 32 dwellings at The Hollies be approved if each dwelling were required to have a landline telephone alongside the Emergency Alert System outlined above once operational?

Boundary Place

- On 15 October 2019, BDBC granted planning permission for 17 dwellings at Boundary Place, Tadley (BDBC ref 19/00579/FUL). A copy of the Decision Notice, Officers Report, Emergency Planning comments, bespoke Emergency Plan and s106 legal agreement are at **Appendix 3.**

⁵ <https://www.bbc.co.uk/news/uk-politics-57145675>

- The West Berkshire Emergency planning team had no objection to the proposal on the basis of a bespoke emergency plan being secured via a legal agreement. ONR stated that it did not advise against the development on that basis.
- In summary, the s106 legal agreement secures a bespoke Emergency Plan for the development. It obligates the owner to:
 - Implement the site-specific emergency plan,
 - Monitor the site-specific emergency plan,
 - Appoint a responsible management organisation,
 - In the event of an incident, offer all occupants reasonably suitable temporary accommodation as soon as possible and within 72 hours of being made aware of an incident – the accommodation is to be made available until such time as residents can return to their homes,
 - To ensure the site-specific plan remains in place for as long as the dwellings exist / unless the site is no longer in the DEPZ in the future.

5.19 In relation to other development within the DEPZ inner zones of AWE Burghfield, the applicant is aware that a planning application for the erection of a temporary café has recently been discussed at the West Berkshire Council Eastern Area Planning Committee meeting:

Pavilion, Recreation Ground, Recreation Road, Burghfield Common, West Berkshire

- At the Eastern Area Planning Committee meeting held on 13 July 2022, application 22/00535/FUL, which falls within the DEPZ, was discussed. The application was recommended for refusal by the Planning Officer. A copy of the Officers Report and Committee Minutes are at **Appendix 4**.
- Paragraph 6.47 of the Officer's Report to Committee identifies that:

"In the event that the Officer's recommendation is overturned, this would mean Members would be granting permission against the Office of Nuclear Regulation Advice. Thus, the Local Planning Authority would need to give advance notice of that intention to grant permission, and allow 21 days from that notice for the Office of Nuclear Regulation to give further consideration to the matter. This will enable the Office of Nuclear Regulation to

consider whether to request the Secretary of State for Housing Communities and Local Government to call-in the application.”

- The Committee voted in favour of granting planning permission, with a condition requiring:

“The temporary café building... shall not to be occupied for the first time by any new occupant until a site-specific Emergency Plan tailored to that specific café occupant had been submitted to and approved in writing by the Local Planning Authority... Thereafter, the café shall not be operated without the implementation of the Emergency Plan, or an approved revision which has been submitted to the Local Planning Authority in writing.”

- It has been 21 working days (11 August 2022) since the date of the committee meeting and no public response has been issued by the Office of Nuclear Regulation regarding the committee’s decision to approve the scheme.
- Whilst this application relates to a commercial and not a residential scheme, it demonstrates that Committee Members are prepared to go against the Office of Nuclear Regulations advice where the risks are considered ‘*de minimis*’ and the benefits of a scheme “*would far outweigh what must be a miniscule risk in the event of an emergency*”⁶.
- Following the committee’s decision, a decision notice has yet to be issued by the Council on this application.

Pre-App Question 3 – If a resubmission were made with a Site-Specific Emergency Plan and legal agreement along the same lines as that approved in BDBC for Boundary Place, would WBC approve the development at The Hollies?

⁶ Eastern Area Planning Committee meeting minutes, 13 July 2022 (<http://decisionmaking.westberks.gov.uk/mgAi.aspx?ID=73396>).

Appendix 1 – Boundary Hall Appeal Decision APP/H1705/V/10/2124548

Appendix 2 – Tadley Hill 21/00893/FUL

Appendix 3 – Boundary Place 19/00579/FUL

Appendix 4 – Pavilion, Recreation Ground, Recreation Road 22/00535/FUL

Appendix 1 – Boundary Hall Appeal Decision APP/H1705/V/10/2124548

16 June 2011

Douglas C B Bond
Woolf Bond Planning
The Mitfords, Basingstoke Road
Three Mile Cross
Reading
RG7 1AT

Our Ref: APP/H1705/V/10/2124548
Your Ref:

Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77
APPLICATION BY CALA HOMES (SOUTH) LTD
BOUNDARY HALL SITE, ALDERMASTON ROAD, TADLEY, RG26 4QH
APPLICATION REFERENCE: BDB/67609**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Phillip J G Ware BSc DipTP MRTPI, who held a public local inquiry which sat for 14 days between 12 October 2010 and 13 January 2011 into your client's application for *'the demolition of the existing hall, the relocation of the existing substation and redevelopment of the land to provide approximately 945 square metres of B1 commercial space, 115 dwellings, new public open space, car parking, new footpaths, landscaping and 2 new access roads off Almswood Road and improvements to the existing access point off Aldermaston Road'* at the Boundary Hall Site, Aldermaston Road, Tadley, RG26 4QH in accordance with application reference BDB/67609, dated 28 November 2007.
2. On 4 March 2010 the Secretary of State directed, in pursuance of section 77 of the Town and Country Planning Act 1990, that the application be referred to him instead of being dealt with by the relevant planning authority, Basingstoke and Deane Borough Council (the Council).

Inspector's recommendation and summary of the decision

3. The Inspector recommended that planning permission be refused. For the reasons given below, the Secretary of State disagrees with his recommendation, and grants planning permission. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Jean Nowak, Decision Officer
Planning Casework Division
Department for Communities and Local Government
1/J1, Eland House
Bressenden Place
London
SW1E 5DU

Tel: 0303 444 1626
Email: PCC@communities.gsi.gov.uk

Procedural matters

4. In reaching his decision the Secretary of State has taken into account the Environmental Statement (ES) submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The Secretary of State considers that the ES complies with these regulations and that sufficient information has been provided for him to assess the environmental impact of the application. In coming to this conclusion, the Secretary of State has taken account of the Inspector's comments (IR294) that the extent of a radiation dose that would be received by occupiers of the development arising from a radiation emergency was not directly addressed in the ES. However, he is satisfied that the arguments put forward by the HSE at the Inquiry (IR187) made it clear that a dose of 30mSv would be significantly harmful and that this was not challenged by any other party. The Secretary of State does not therefore consider it necessary to pursue this matter further with the parties before taking account of it in the overall planning balance (see paragraphs 13 and 22 below).

Matters arising after the close of the inquiry

5. The Secretary of State has taken account of the Written Ministerial Statement (WMS) of the Rt Hon Greg Clark MP, dated 23 March 2011, which emphasises that significant weight should be attached to the need to secure economic growth and employment. However, he does not consider it necessary to refer back to the parties to this case on the WMS as he has already addressed economic growth and employment issues (in so far as they relate to this case) in determining this application, and he is satisfied that it raises no new issues which would affect his decision.
6. The Secretary of State has also taken account of a representation dated 9 March 2011 from Mr Brian Spray. As this did not raise any new matters that would affect his decision, he has not considered it necessary to circulate it to all parties, but copies of this representation can be made available upon written request to the address at the foot of the first page of this letter.

Policy considerations

7. In deciding the application, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the 2009 South East Plan (the RS) and saved policies of the 2006 Basingstoke and Deane Local Plan (LP). The Secretary of State agrees with the Inspector that the main relevance of the RS in this case relates to the housing land requirement set out at policies H1 and WCV3 (IR21 and IR23) and that the most relevant saved LP policies are those set out at paragraph 4.4 of the Planning Statement of Common Ground (document 8 listed on IR page 68 under "Documents handed in at the Inquiry").
8. The Secretary of State notes that the Local Development Framework Core Strategy is at a very early stage (IR27), and he attaches very little weight to it. He considers that the Supplementary Planning Guidance and Supplementary

Planning Documents set out at paragraph 4.4 of the Planning Statement of Common Ground are also material considerations.

9. The Secretary of State has made it clear, following the judgment of the Court on 10 November 2010 in *Cala Homes (South) Ltd v Secretary of State for Communities and Local Government and Winchester City Council* [2010] EWHC 2886 (Admin), that it is the Government's intention to revoke RSs, and the provisions of the Localism Bill which is now before Parliament reflect this intention. The Secretary of State has taken the Government's intention to revoke RSs into account in determining this case, although he gives it limited weight at this stage of the parliamentary process.
10. Other material considerations which the Secretary of State has taken into account include: Planning Policy Statement (PPS) 1: *Delivering Sustainable Development* and its Supplement: *Planning and Climate Change*; PPS3: *Housing*; PPS4: *Planning for Sustainable Economic Growth*; Planning Policy Guidance note (PPG) 13: *Transport*; PPG17: *Planning for Open Space, Sport and Recreation*; PPS23: *Planning and Pollution Control*; Circular 11/1995: *Use of Conditions in Planning Permission*; Circular 04/2000: *Planning controls for hazardous substances*; Circular 05/2005: *Planning Conditions*; and the Community Infrastructure Levy (CIL) Regulations. Like the Inspector (IR314-321), the Secretary of State accepts that the policy sources relied on by the HSE have been regularly used in relation to non-reactor sites, and he has therefore taken account of: the 'Fourth Report on Compliance with the Convention on Nuclear Safety Obligations'(IR30); the Statement by the Secretary of State for Energy in March 1988 dealing with demographic criteria (IR30); and the Radiation (Emergency Preparedness and Public Information) Regulations 2001 (REPPPIR), which includes the requirement for the production of an Off Site Plan (IR31).

Main issues

The relationship of the proposal to the development plan

11. The Secretary of State has had particular regard to the saved LP policies referred to in paragraph 7 above. He agrees with the Inspector (IR395) that the site is identified for the type of development currently proposed. He has taken account of the fact that the health consequences of the proximity of the site to the Aldermaston Atomic Weapons Establishment (AWE) were not considered when the LP was adopted, or as part of the 'saving' process (IR264), but he agrees with the Inspector (IR267) that information and evidence emerging after the adoption of a plan may properly be dealt with as a material consideration in dealing with particular proposals, and he has proceeded on that basis in this case. He has also had regard to the general policies in the LP relating to minimising pollution and to environmental well-being.

The effect on human health

12. With regard to the risk of a nuclear accident (IR271-284 and 348-349), while observing that there is no historical evidence of any previous incidents at the AWE site involving the release of material to the open environment, the Secretary of State agrees with the Inspector that it is essential to consider the

possibility of future incidents (IR272). He also agrees with the Inspector (IR276-281 and 284) that, although the REPPiR approach towards 'reasonably foreseeable' events does not give a clear definition of the likelihood of an event occurring, it has the benefit of being the tried and tested statutory approach which is applied to the entire nuclear industry. Taking all this into account, the Secretary of State agrees with the Inspector at IR283 that the best description of the risk that an event at AWE would impinge on those living and working outside the site would be 'extremely remote', while acknowledging that some weight should be given to the potential for a "reasonably foreseeable" emergency at AWE.

13. For the reasons given at IR285-298, the Secretary of State agrees with the Inspector's conclusion (IR299 and 350) that the potential for a person to receive a 30mSv dose is an important material consideration (IR299). He also agrees with the Inspector that the fact that the HSE did not object to other housing developments in the area, most notably Kestrel Mead which is located slightly closer to the AWE, adds very little to the applicant's argument in this case (IR297). The Secretary of State further agrees with the Inspector (IR300-313 and 351) that the Off Site Plan is designed to be flexible and extendable and that, while it is possible that the implementation of the application scheme would necessitate changes to the Plan, the evidence does not lead to the conclusion that the Plan would fail (IR351). In coming to this conclusion, the Secretary of State has noted in particular (IR311) that West Berkshire Council (who chair the Off Site Plan Working Group) consider that the Plan could be adapted to allow for the proposed development.
14. The Secretary of State also agrees with the Inspector (IR322-344 and 352) with regard to population density criteria. He agrees that the demographic criteria in national policy are specifically intended to be used only for guidance, and that a breach in the policy and the semi-urban criterion should not, in itself, be a reason to refuse planning permission. However, he agrees with the Inspector that the semi-urban criterion is already breached in this location, and that the breach would be worsened by the proposal (IR341).
15. In conclusion on health matters (IR348-353), the Secretary of State agrees with the Inspector that each application must be treated on its own merits (IR347), that the risk of a nuclear accident at AWE occurring at all is very low and that there is no clear definition of the likelihood of an off-site event occurring (IR349). He accepts (IR350) that if such an event were to occur, the potential that those on the application site could receive a materially harmful dose of the order of 30mSv is an important consideration, but he agrees with the Inspector (IR352) that the evidence does not lead to the conclusion that the Off Site Plan would fail. Therefore, although the Inspector goes on to conclude (IR353) that the HSE's "Advise Against" position is justified, the Secretary of State considers that, whilst it is the specific role of the HSE to advise Ministers - including emphasising the potential implications of an event occurring at AWE - it is his role to weigh that advice in the planning balance against the allocation of the site for housing in the LP and other material considerations.

Other material considerations

The improvement of the site, density and sustainability

16. For the reasons given at IR355-357, the Secretary of State agrees with the Inspector that, while the site is currently visually unattractive and under-utilised, it is clearly sustainable and its development would be in accordance with LP policies D5 and D2 as well as with national policy by making efficient use of previously developed land. He also agrees that both the proposed density of the residential element and the layout and scale of the commercial element would represent an efficient use of the site.

General housing need and supply, affordable housing and dwelling mix

17. For the reasons given at IR358-364, the Secretary of State agrees with the Inspector that the figure set in the RS of a requirement for 945 dwellings per annum for the period 2006-2026 is the only one which has gone through a full needs assessment and has been adopted (IR358). He also agrees that the applicant's assessment of deliverable land supply is more realistic than the Council's (IR362); and that this demonstrates a deficiency in the five year supply regardless of which housing requirement figure is used (IR363). The Secretary of State therefore agrees with the Inspector (IR365) that the proposed scheme should be considered favourably as being in line with national policy. He considers that the lack of a 5 year housing supply is a factor which weighs significantly in favour of development.
18. The Secretary of State also agrees with the Inspector (IR366-372) that there is a significant under-provision of affordable housing locally, with a clearly identified need in Tadley against which the proposal would deliver 46 units (IR368). Therefore, given the lack of evidence of other deliverable and available sites in Tadley (IR369), he agrees that the application would accord with LP policy C2 and the Affordable Housing Supplementary Planning Document (IR366). The Secretary of State also agrees with the Inspector (IR373) that the proposal would create a mixed and inclusive community and would accord with the requirements of LP policy C3, and he gives this significant weight.

Employment floorspace

19. The Secretary of State agrees with the Inspector (IR374) that the employment provided by the scheme would be in a sustainable location, would enhance the existing commercial provision in Tadley, and would be in accordance with LP policy EC4 and the LP site allocation.

Design, layout, open space and footpath improvements

20. The Secretary of State agrees with the Inspector at IR377 that the improvements to the existing footpath along the southern boundary of the site would improve surveillance and the overall quality of the path and would provide access to the proposed open space, thereby complying with LP policy C9. He also agrees (IR378-379) that the scheme complies with the requirements for high quality and inclusive design and that the proposed central

open space would be accessible both to residents of the development and to other local people, thereby accords with LP policy C9 (IR379).

The planning balance

21. Taking account of the Inspector's comments at IR394-403, the Secretary of State agrees with him that, with the exception of those general LP policies dealing with pollution and environmental well-being, the application accords with the development plan including the site being identified in a saved LP policy for the type of development currently proposed (IR395). Furthermore, the site is in a sustainable location, the proposal would make good use of the land in both visual and sustainability terms and would provide planning benefits (IR396) including the provision of affordable housing and the replacement of community facilities (see paragraph 25 below). The Secretary of State also attaches significant weight to the support gained from paragraphs 69 and 71 of PPS3.
22. Against these benefits, the Secretary of State agrees with the Inspector (IR398) that the sole objection relates to the potential effect on human health of a materially harmful radiation dose. However, while he does not seek to minimise the potential impact of any individual dose, the Secretary of State considers that this should be placed in the context of the probability of such a dose arising which, while unquantified, has been described as 'extremely remote' (see paragraph 13 above). Added to this, he has taken account of the fact that there is no evidence that the Off Site Plan for dealing with such emergencies would fail; and he is satisfied that the intensification of population density is not, in itself, a reason to refuse planning permission.
23. The Secretary of State considers that these factors temper the weight to be attached to the risk of a materially harmful radiation dose relative to the benefits of the proposed scheme. No activity can ever be regarded as being risk free, each case has to be considered on its own merits, and the Secretary of State concludes that the potential benefits of this scheme, coupled with the fact that it is generally in accordance with the development plan, outweigh the real, but very small, risks attached.

Conditions

24. The Secretary of State is satisfied that the conditions recommended in the Inspector's schedule (IR380-390) and reproduced at Annex A to this letter are reasonable and necessary and meet the other tests of Circular 11/1995.

Obligation

25. The Secretary of State has considered the executed unilateral planning obligation dated 15 November 2010 and the Inspector's comments at IR391-393. He agrees with the Inspector that the obligation meets the tests set out in Circular 05/2005 and accords with the CIL Regulations; and he considers that the matters contained in the obligation are additional factors which weigh in favour of the proposal. In particular, the Secretary of State agrees with the Inspector (IR376) that the provision of a new Scout Hut facility, or contributions towards it, will be of greater benefit to the community than the retention of the existing building, and that the objectives of LP policy C8 would thereby be met.

Overall Conclusions

26. The Secretary of State concludes that, with the exception of those general LP policies dealing with pollution and environmental well-being, the application accords with the development plan and the Council's Affordable Housing Supplementary Planning Document and that it gains further support from national policy in PPS3. Against this, he attaches significant weight to the risk that those on the application site could receive a materially harmful radiation dose but, having carefully considered all relevant considerations, he concludes that the support from development plan policy and factors which weigh in favour of the proposed development together outweigh the limited conflict with development plan policy and the extremely remote possibility of the type of incident occurring which could give rise to the factors weighing against the scheme. He does not therefore consider that there are material considerations of sufficient weight to justify refusing planning permission.

Formal Decision

27. Accordingly, for the reasons given above, the Secretary of State disagrees with the Inspector's recommendation. He hereby grants planning permission for the *'the demolition of the existing hall, the relocation of the existing substation and redevelopment of the land to provide approximately 945 square metres of B1 commercial space, 115 dwellings, new public open space, car parking, new footpaths, landscaping and 2 new access roads off Almswood Road and improvements to the existing access point off Aldermaston Road'* at the Boundary Hall Site, Aldermaston Road, Tadley, RG26 4QH in accordance with application reference BDB/67609, dated 28 November 2007, subject to the conditions set out in Annex A to this letter.
28. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.
29. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.
30. This letter serves as the Secretary of State's statement under regulation 21(2) of the Town and Country (Environmental Impact Assessment) (England and Wales) Regulations 1999.

Right to challenge the decision

31. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.

32. A copy of this letter has been sent to Basingstoke and Deane Borough Council. A notification letter has been sent to all other parties who asked to be informed of the decision.

Yours faithfully

Jean Nowak

Authorised by Secretary of State to sign in that behalf

Conditions

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

<u>Plan Name/No</u>	<u>Received On</u>
Site Location Plan @ 1:1250	11th December 2007
12D	5th February 2008
29B	5th February 2008
28B	5th February 2008
26A	11th December 2007
27A	11th December 2007
3272-F-106	7th April 2008
11	28th November 2007
13B	5th February 2008
14B	5th February 2008
15B	5th February 2008
16A	5th February 2008
17B	5th February 2008
18A	5th February 2008
19A	5th February 2008
20B	5th February 2008
21A	5th February 2008
22B	5th February 2008
23B	5th February 2008
24B	5th February 2008
30	28th November 2007
31A	11th December 2007
32	28th November 2007
33B	7th April 2008
34	5th February 2008
Elevations 4B, 4C, 4D, 4A, 4, 3B, 3A, 2B, 2C, 3, 2, 2A, and 1, A1.	11th December 2007

- 2 The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 3 No development shall commence on site until samples of all the external materials to be used (including hard surfacing materials) have been submitted to and approved by the Local Planning Authority in writing. Development shall be carried out in accordance with the approved details.
- 4 Notwithstanding the approved plans, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of screen walls/fences/hedges to be erected/planted. The approved screen walls/fences shall be erected and the hedges planted in accordance with the approved details before the relevant buildings hereby approved are first occupied, and shall subsequently be retained.

- 5 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no building, structure or other alteration permitted by Class A, B or C of Part 1 of Schedule 2 of the Order or Class A of Part 2 of Schedule 2 of the Order is permitted.
- 6 No work relating to the construction of the development hereby approved, including works of demolition or site preparation prior to building works, shall take place before the hours of 0730 nor after 1800 on Monday to Friday, before the hours of 0800 nor after 1300 on Saturdays, nor on Sundays or recognised public holidays.
- 7 The approved bathroom windows at first floor level shall be glazed with obscured glass and shall be permanently retained in that condition.
- 8 The dwellings and commercial building hereby permitted shall not be occupied until the relevant vehicle parking and turning space has been constructed, surfaced and marked out, and cycle parking and secure storage constructed in accordance with the approved details. Those facilities shall not thereafter be used for any purpose other than parking, turning, loading and unloading of vehicles and parking/storage of cycles.
- 9 No development shall take place until details of provision to be made for the parking and turning on site of operatives' and construction vehicles during the contract period together with storage on site of construction materials has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be fully implemented before development commences and retained and used only for the intended purpose for the duration of the construction period.
- 10 No works shall take place on site until a measured survey of the site has been undertaken and a plan prepared to a scale of not less than 1:500 showing details of existing and intended final ground and finished floor levels from a specified bench mark has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 11 No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority:-
 - (a) a desktop study carried out by a competent person documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001; and
 - (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as being appropriate by the desk study in accordance with BS10175:2001- Investigation of Potentially Contaminated Sites - Code of Practice; and

- (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

If during any works contamination is encountered which has not been previously identified then the additional contamination shall be fully assessed and an appropriate remediation scheme, including details of its implementation, shall be submitted to and approved in writing by the Local Planning Authority.

- 12 The development hereby permitted shall not be occupied/brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of condition 11(c) that any remediation scheme required and approved under the provisions of condition 11(c) has been fully implemented in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Such verification shall comprise:
 - (a) as built drawings of the implemented scheme; and
 - (b) photographs of the remediation works in progress; and
 - (c) certificates demonstrating that imported and/or material left in situ is free of contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 11(c).

- 13 No deliveries of construction materials or plant and machinery shall take place before the hours of 0730 nor after 1800 on Monday to Friday, before the hours of 0800 nor after 1300 on Saturdays, nor on Sundays or recognised public holidays.
- 14 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping works which shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted, and the layout, contouring and surfacing of all open space areas. The works approved shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is the sooner, in accordance with a phased programme agreed with the Local Planning Authority in writing prior to commencement of planting. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 15 The commencement of the development shall not take place until a detailed scheme for protecting the development from road traffic noise has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of noise mitigation measures, including window glazing and room ventilation provisions, of the dwellings which shall be used to

achieve the good internal ambient noise levels within habitable rooms (bedrooms and living rooms) set out in Table 5 of BS8233:1999 and to achieve noise levels in the garden area/outdoor living space not exceeding 55dB(A) (16 hour free field). All works which form part of the approved scheme shall be implemented in full prior to the first occupation of any of the relevant buildings hereby permitted.

- 16 No part of the development shall commence until the details of the highway works in Almswood Road and at the junction of Almswood Road and the A340 as shown coloured yellow on drawing 29 Rev B have been submitted to and approved in writing by the Local Planning Authority. The approved works shall be implemented in full prior to the occupation of the development hereby permitted.
- 17 Development shall not begin until drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, have been submitted to and approved by the Local Planning Authority in writing. The approved scheme shall be implemented in accordance with the approved details before the development is completed.
- 18 Prior to the occupation of the development hereby approved, details of all external lighting and details of the timing of illumination shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and be thereafter retained in accordance with the approved details and used in accordance with the agreed hours of illumination.
- 19 The commercial building shall be used only for purposes within Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any statutory instrument revoking and re-enacting that Order (with or without modification).
- 20 No development shall take place on site until a method statement for works affecting trees (Arboricultural Method Statement) to include a Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority. The tree protection works shall be carried out before any demolition or building work is undertaken, and shall be retained in situ for the entire construction period.
- 21 Prior to the commencement of development a temporary 2 metre high perimeter fence shall be erected in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved fence shall be fully implemented before development commences and retained for the duration of the construction period.
- 22 Details of the width, alignment, gradient and type of construction proposed for the roads, footways, paths and accesses, including all relevant horizontal cross sections and longitudinal sections showing the existing and proposed levels, together with details of visibility splays, signage and the method of disposing of surface water shall be submitted to and approved in writing by the Local Planning Authority before development is commenced. The agreed details

shall be implemented before occupation of the dwellings and commercial building.

- 23 All garages constructed shall not be converted or used for any residential purpose other than as a domestic garage for the parking of vehicles.
- 24 The accesses shall be provided with splays to the highway at an angle of 45 degrees for a distance of 2 metres.
- 25 No gates shall be installed at the accesses from the highway into the site at any time.
- 26 On completion and first use of the approved accesses, the former accesses from Aldermaston Road (west) and Almswood Road shall be permanently closed and reinstated in accordance with details to be submitted to and approved by the Local Planning Authority.
- 27 No pedestrian or vehicular access, other than as shown on the approved plans, shall be formed into the site.
- 28 Prior to the development being brought into use the footway/cycleway fronting the site along the A340 Mulfords Hill, southwards from the Falcon Gyratory to the existing site access, shall be provided with dropped kerbs and tactile paving across the existing access. The works shall be constructed in accordance with drawings that shall be submitted to and approved in writing by the Local Planning Authority.
- 29 The dwellings shall achieve Code Level 3 of the Code For Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.
- 30 15% of the dwellings hereby approved shall be built to Lifetime Mobility standards.

RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS;

The decision may be challenged by making an application to the High Court under Section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

Decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged under this section. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application under this section must be made within six weeks from the date of the decision.

SECTION 2: AWARDS OF COSTS

There is no statutory provision for challenging the decision on an application for an award of costs. The procedure is to make an application for Judicial Review.

SECTION 3: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the report of the Inspector's report of the inquiry or hearing within 6 weeks of the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.



Report to the Secretary of State for Communities and Local Government

by Phillip J G Ware BSc DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 22 March 2011

TOWN AND COUNTRY PLANNING ACT 1990

BASINGSTOKE AND DEANE BOROUGH COUNCIL

BOUNDARY HALL SITE, ALDERMASTON ROAD, TADLEY

APPLICATION BY CALA HOMES (SOUTH) LTD

Inquiry opened on 12 October 2010

Boundary Hall site, Aldermaston Road, Tadley RG26 4QH

File Refs: APP/H1705/V/10/2124548

File Ref: APP/H1705/V/10/2124548

Boundary Hall site, Aldermaston Road, Tadley RG26 4QH

- The application was called in for decision by the Secretary of State by a Direction, made under section 77 of the Town and Country Planning Act 1990, on 4 March 2010.
- The application is made by Cala Homes (South) Ltd to Basingstoke & Deane Borough Council.
- The application Ref BDB/67609 is dated 28 November 2007.
- The development proposed is the demolition of the existing hall, the relocation of the existing substation and redevelopment of the land to provide approximately 945 sq.m. of B1 commercial space, 115 dwellings, new public open space, car parking, new footpaths, landscaping and 2 new access roads off Almswood Road and improvements to the existing access point off Aldermaston Road.
- The reason given for making the Direction was that the Secretary of State is of the opinion that the application was one which he ought to decide himself.
- On the information available at the time of making the Direction, the following were the matters on which the Secretary of State particularly wished to be informed for the purpose of his consideration of the application:
 - a) The extent to which the proposed development is in accordance with the development plan for the area, having regard in particular to Regional Spatial Strategy for the South East – the South East Plan, published 6 May 2009, and the Basingstoke and Deane Local Plan 1996-2011 (saved policies);
 - b) The extent to which the proposed development is consistent with policies to ensure that any unacceptable risks to human health are identified and properly dealt with;
 - c) Whether there are any other material planning considerations relevant to the Secretary of State's consideration;
 - d) Whether any permission granted for the proposed development should be subject to any conditions and, if so, the form these should take;
 - e) Whether any planning permission granted should be accompanied by any planning obligations under section 106 of the 1990 Act and, if so, whether the terms of such obligations are acceptable.

Summary of Recommendation: The application be refused.

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Abbreviations	
The Applicant	Cala Homes (South) Ltd
The Council	Basingstoke and Deane Borough Council
The HSE	Health and Safety Executive, Nuclear Directorate
AWE	Aldermaston Atomic Weapons Establishment
C04/00	Circular 04/00 ' <i>Planning controls for hazardous substances</i> '
C11/95	Circular 11/95 ' <i>The use of conditions in planning permissions</i> '
C05/05	Circular 05/05 ' <i>Planning Obligations</i> '
PPS23	Planning Policy Statement 23 ' <i>Planning and Pollution Control</i> '
Planning SOCG	Planning Statement of Common Ground (agreed between the Applicant and the Council)
Population SOCG	Local Population Estimation Statement of Common Ground (agreed between the Applicant and the Council ¹)
DPD	Development Plan Document
CIL	Community Infrastructure Levy
DEPZ	Detailed Emergency Planning Zone
HIRE	Hazard Identification and Risk Evaluation assessment
REPPIR	Radiation (Emergency Preparedness and Public Information) Regulations 2001
The Hansard Policy	Statement by the Secretary of State for Energy, 11 March 1988, dealing with demographic siting criteria for nuclear power stations
Off Site Plan	Atomic Weapons Establishments Off-Site Contingency Arrangements (Version 1/2009)
AGR	Advanced Gas cooled Reactor
ALARP	(Risk) As Low As Reasonably Practicable
mSv	Milli-Sieverts (The unit of measurement of radiation dose)
PDL	Previously Developed Land
NuSAC	Nuclear Safety Advisory Committee

¹ With Council caveats at paras 1.3.3.4 & 1.3.3.5

PROCEDURAL MATTERS

1. The Inquiry sat for 14 days, on 12 – 14 October, 19 – 22 October; 16 – 19 December; 6 December 2010 and 13 January 2011.
2. Unaccompanied visits to the site and the surrounding area were undertaken before the Inquiry opened and on 7 December 2011. In the latter case, guided by requests from all parties, an extensive tour of Tadley and around the AWE boundary was undertaken.
3. On 21 October 2010 a visit was undertaken to the AWE facility itself. This was with representatives of the three main parties. The purpose of the visit was to observe the general layout of the AWE site and its relationship to the application site. As was announced at the Inquiry, a limited amount of evidence was given during this visit. Specifically, the representative of AWE was able (subject to national security constraints) to explain some of the activities which took place on the site within existing buildings and to identify areas of future intended development and the broad nature of the uses which would take place there. This visit was undertaken during the course of the Inquiry and all parties had the opportunity to subsequently comment on this evidence.
4. The proposal is supported by the Council, the Applicant and others who appeared at the Inquiry, and opposed by HSE.
5. This report includes a description of the application site and its surroundings, an outline of the proposal and its history, the relevant policy context, a summary of other agreed facts, and the gist of the representations made at the Inquiry and in writing. The report includes conclusions and recommendation, along with a schedule of conditions to be considered in the event that planning permission is granted.

THE SITE AND ITS SURROUNDINGS²

6. The application site (2.78 hectares) was formerly occupied by Ministry of Defence residential accommodation and is now a substantial area of overgrown scrubland. The only structures on the site are an electricity substation and a former cinema, which is now used as a Scout Hut³.
7. The site is accessed at two points off Aldermaston Road, and from Almswood Road. There are a series of informal paths across the site, and a formal footpath on the southern boundary.
8. The site is within the defined settlement of Tadley, and is bounded by Aldermaston Road (the A340) to the north and northeast⁴. There are residential areas to the west and southwest of the site, and bank premises to the southeast⁵. The Tadley District Centre (including a supermarket) is to the south of the site.

² More fully described in the Planning SOCG Section 2

³ Photographs of the site at APP/12 Annex 4

⁴ Plan APP/4 shows the site in its context, including AWE

⁵ Incorrectly referred to as southwest in the Planning SOCG

9. Immediately beyond the A340, and extending for a considerable distance, is the AWE site. There are comparatively new housing developments on the opposite side of the A340, known as Kestrel Mead and Falcon Fields. These are slightly closer to AWE than the application site.⁶
10. Aside from AWE itself (which employs 5,530 people⁷), the wider area includes other employment uses, most notably at Calleva Business Park further along the A340 to the west. Public transport access to the Business Park, and to Basingstoke to the south, is by way of buses which run along the A340.

RELEVANT PLANNING HISTORY AND THE SITE ALLOCATION⁸

11. The Planning SOCG sets out the detailed planning history of the site. There have been a number of applications which have been withdrawn, including proposals for residential development and a foodstore. There are no extant permissions affecting the site.
12. Following the release of the land by the Ministry of Defence and the demolition of the former residential accommodation, the site was identified for residential development in a Brief adopted in December 1996⁹.
13. Following several years of preparation and consultation, the LP was adopted in July 2006. The site was allocated for mixed residential and employment use¹⁰. This policy was 'saved' by Direction in June 2009¹¹.

THE APPLICATION AND ITS HISTORY¹²

14. The proposal is for the demolition of the electricity substation and the former cinema (now the Scout Hut) and the redevelopment of the site for residential and commercial purposes. The substation would be relocated on the western side of the site, close to Almswood Road¹³. Planning permission was granted¹⁴ in September 2009 for a new scout den off the site in Southdown Road, and this would be implemented under the terms of a Planning Obligation (November 2010) submitted with the current proposal¹⁵.
15. The residential development would comprise 115 dwellings, including 40% affordable housing. The density of the development equates to c.41 dwellings per hectare, and 185 car parking spaces would be provided. The parties agreed that a reasonable assumption was that the resident population would be 268 people, and this figure was used throughout the Inquiry. The access to the majority of the residential element would be by way of two new access roads off Almswood Road.

⁶ Framework Plan at end of LPA/6 bundle shows the extent of AWE, and Opportunities and Constraints Plan shows the location of the new Pegasus project

⁷ HSE/11

⁸ More fully described in the Planning SOCG Section 2

⁹ Core Document 15

¹⁰ Core Document 3 Policy D3.17

¹¹ Core Document 4

¹² More fully described in the Planning SOCG Sections 4 (proposal) and 5 (consideration to date)

¹³ Plan no.189A60 12 D

¹⁴ Core Document 19

¹⁵ Doc 9, Section 10

16. The commercial floorspace would comprise 945 sq.m. of Class B1 accommodation, in the form of a 3-storey linked block, with 26 parking spaces. The access to the commercial development would be from Aldermaston Road, by way of the existing entrance – which would also serve the apartment blocks and some existing uses adjacent to the site.
17. There would be a new public open space (1,600 sq.m.) in the central part of the site and a local area for play (400 sq.m.) The existing footpath along the southern boundary of the site would be upgraded.
18. The application was submitted in November 2007 and registered as valid in the next month. It was reported to the relevant Committee in July 2009, and was recommended for refusal by officers for reasons related to public safety and the absence of a legal agreement related to financial contributions and affordable housing¹⁶. The Committee was minded to approve the application, and notice was duly given to HSE (who had Advised Against the proposal). The Secretary of State issued an Article 14 letter in July 2009, advising the Council that it could not approve the application at that stage.
19. The application was reported back to the Committee in February 2010¹⁷. Officers recommended refusal for essentially the same reasons. The Committee determined that it was minded to approve the application, subject to the completion of a Section 106 agreement covering specified matters. Putative reasons for approval were set out¹⁸.
20. The application was 'called in' for the Secretary of State's decision on 4 March 2010, by a determination under section 77 of the Town and Country Planning Act 1990.

POLICY CONTEXT¹⁹

21. The development plan comprises the South East Plan (2009)²⁰ and the saved policies in the Basingstoke and Deane Local Plan (LP)²¹. During the course of the Inquiry the South East Plan reverted to development plan status following the judgement of the High Court, although the Secretary of State's intention to abolish Regional Strategies is a material consideration. The main relevance of the South East Plan in this case relates to housing land requirement²².
22. Planning policy related to the proposal is reviewed in the Planning SOCG. Along with the allocation of the application site, to which reference was made above, the main policies are summarised below.

¹⁶ Core Document 32

¹⁷ Core Document 32 – NB the reports are dated January 2010, but the meeting was postponed due to bad weather

¹⁸ Planning SOCG para 6.6

¹⁹ More fully described in the Planning SOCG Section 2

²⁰ Core Document 6

²¹ Core Document 4

²² Other South East Plan policies set out in APP/12 Appendix 1

South East Plan

23. The housing land requirement is set out at policies H1 and WCBV3²³ at 945 dwellings per annum for the period 2006-2026. There is no phasing of the delivery of the housing numbers over the plan period.

Basingstoke and Deane Local Plan

24. The LP includes a range of relevant policies dealing largely with uncontentious matters (as will be discussed below)²⁴. The phasing of residential development is dealt with at policy D2, whilst policy D3.17 deals specifically with the application site. Affordable housing and infrastructure contributions are covered largely by policies C2 and C1. Other polices deal with the built environment, community facilities, employment, accessibility, and infrastructure.
25. In relation to the risks to human health, the recommended reasons for refusal put forward by Council officers referred to LP policies E1 and D5. These deal in general terms with the need to minimise pollution and for development to contribute to environmental well-being.

Supplementary Planning Guidance/Documents

26. There are a range of Supplementary documents²⁵, dealing with issues including affordable housing and infrastructure contributions. None of these deal with the health issue, which is the key matter in dispute in this case.

Emerging local planning policy

27. Emerging local planning policy is at an early stage, and the Local Development Framework Core Strategy has yet to reach the stage of a pre-submission draft. There are currently no material policies²⁶, as was accepted by the Applicant and the Council.

Policy and guidance related to hazardous substances

28. It is common ground between the three main parties that PPS23 '*Planning and pollution control*' is relevant. This sets out that the impact on health is capable of being a material consideration, and deals with the commitment to the precautionary principle²⁷.
29. Circular 04/00 '*Planning controls for hazardous substances*' is also directly relevant. Amongst other matters, this sets out consultation arrangements²⁸ and deals with the role of HSE²⁹.
30. HSE placed weight on a number of national nuclear policies. In particular reference was made to the '*Fourth Report on Compliance with the Convention on Nuclear Safety Obligations*³⁰', and the Statement by the Secretary of State

²³ Core Document Sections 7 and 21

²⁴ Planning SOCG paragraph 4.4

²⁵ Planning SOCG paragraph 4.4

²⁶ LPA/9 para 3.6 and LPA/11 para 115

²⁷ Paragraphs 2 and 5

²⁸ Annex A12-A18

²⁹ Annex A1-A9

³⁰ APP 9 Appendix 8 Esp. Paragraph 17.28

for Energy in March 1988 dealing with demographic criteria – the ‘Hansard Policy’³¹. The Applicant and the Council both noted that these documents refer to nuclear power stations (as accepted by HSE) and argued that the policies are not directly applicable to sites such as AWE.

31. The Off Site Plan³² sets out the contingency arrangements for a multi-agency response should a radiation emergency occur at AWE and pose a hazard to the public outside the site boundary. The production of this Plan is a requirement of the Radiation (Emergency Preparedness and Public Information) Regulations 2001 (REPPiR).

OTHER AGREED FACTS

32. There are a range of agreed matters between the Council and the Applicant³³. These include the principle of residential/commercial development and the fact that the scheme accords with the LP site allocation, the acceptability of the replacement community facility and the open space provision, noise issues, biodiversity considerations, drainage and flooding issues, sustainability, design and layout, the effect on neighbouring properties, and vehicle and pedestrian access. HSE have also agreed certain planning issues³⁴. There is also agreement (between the Applicant, the Council and HSE) on the factors relating to the derivation and generation of population numbers for the area around the AWE³⁵.
33. There is also agreement³⁶ between the Applicant and the Council on the housing mix and affordable housing provision, along with infrastructure contributions. These matters had formed a reason for refusal as recommended by Council officers, but the issue has subsequently been resolved to the Council’s satisfaction by the Unilateral Undertaking³⁷.

THE CASE FOR THE APPLICANT³⁸

Overview

34. The effect on human health is clearly a material consideration. C04/00 states that HSE’s role is specific to its area of expertise. It is an advisory role which does not extend to broad planning matters, which are the responsibility of the planning authority and ultimately the Secretary of State³⁹. Its advice is limited to the nature and severity of the risks. However in this case HSE sought to question the Council’s evaluation of housing matters – in doing so it exceeded its role.
35. The decision maker must give careful consideration to HSE’s advice. If that is done, HSE should consider its role to be discharged. There was detailed consideration of HSE advice at the Inquiry and, despite that, the Council’s view

³¹ HSE/21 Appendix A.2

³² Core Doc 33

³³ Planning SOCG paragraphs 7.21 - 7.46

³⁴ HSE/2

³⁵ Population SOCG

³⁶ Planning SOCG paragraphs 7.23 - 7.26, 7.47 – 7.64

³⁷ Doc 9

³⁸ The case given here is an edited version of the closing submissions at APP/13

³⁹ C04/00 Annex A

remained the same - that the advice is not such as to justify refusing planning permission.

36. C04/00 deals with the general principles for development in the vicinity of hazardous installations⁴⁰.

Risk and hazard

37. The relevant risk is the residual risk which remains after all reasonable practicable measures have been taken to ensure that the installation is safe. Specifically, the requirement on AWE is to make the risk as low as reasonably practicable (ALARP).
38. Some HSE witnesses seemed initially reluctant to accept that the current operations at Aldermaston were ALARP, on the basis that improvements to the facility are being considered. But the ALARP obligation is currently met and for the purposes of land use planning the relevant risk is therefore that which remains after ALARP⁴¹.
39. HSE's approach focussed entirely on consequences not risk. HSE accepted that the 'reasonable foreseeability' test was consequence based and not risk based⁴². This is an obvious omission from the advice which HSE has given. It is necessary to consider both the risk of the initiating event and the risk of the consequences of the event. The REPIR approach is designed to put emergency procedures in place, and should not be confused with the primary consideration of the likelihood of the event.
40. There can be no doubt that the residual risk is a very low one. HSE say the risk of the hazard occurring is a "very low probability.....because of the rigorous safety precautions taken on site"⁴³. AWE state that it is unlikely that there will ever be a major release of radioactivity⁴⁴.
41. There are appreciable risks of various kinds in the environment which contribute to a background level of risk⁴⁵. It is in this context that the very low level of residual risk at AWE should be considered.
42. The risk in this case does not relate to a potentially large number of casualties, but is a remote risk to a small number of people over their lifetime⁴⁶. It is not numbers but the proximity to the installation that is the material consideration⁴⁷. There is nothing vulnerable about the occupiers of the proposed development, other than that they would live close to the installation – they are not a 'vulnerable group' as defined in the Off Site Plan.

⁴⁰ C04/00 Annex A4

⁴¹ Accepted by Dr Highton in XX, although he accepted that this exercise had not been carried out

⁴² Accepted by Dr Highton in XX

⁴³ HSE/18 Paragraph 7.3

⁴⁴ HSE/8 Section 7

⁴⁵ As demonstrated in HSE's publication *Reducing Risks and Protecting People* APP/8

⁴⁶ Dr Lacy in XX

⁴⁷ Mr Saunders in XX

The safety of AWE

43. AWE operates on the basis of the twin approaches of Defence in Depth and the application of the Precautionary Principle. The emergency plans at AWE are approved through the HIRE as adequate to deal with all reasonably foreseeable events⁴⁸. Most identified potential faults at AWE would not result in any release of particulate radioactivity to the air, by virtue of the prevention, mitigation and protection measures in place⁴⁹.
44. Only a major fire engulfing a whole building or areas which store significant quantities of nuclear material would have consequences triggering emergency arrangements off the AWE site⁵⁰. Such fires are within the concept of accidents considered to be "reasonably foreseeable", being initiated by lightning strikes, drops, impacts or human errors. However it is extremely unlikely that there will ever be a major release of radioactivity from AWE⁵¹.
45. The emergency plan has the capacity to deal even with extremely unlikely accidents which could have consequences beyond the boundary of the DEPZ – this is the principle of extendibility. The plan can therefore deal with radiation emergencies that are not reasonably foreseeable⁵².

'The Rules are the Rules'

46. This was a recurring theme of HSE which resulted in paradoxical conclusions.
47. Part of HSE's approach sought to establish a numerical breach of the semi-urban criterion, and HSE put forward the argument that this was, in itself, a sufficient reason for objecting. But this strict quantitative analysis is not the approach that should be adopted, especially as HSE agrees that there is no bespoke Government policy applying to installations like AWE and other legacy sites. It also conflicts with HSE's acknowledgement that the Hansard criteria should be applied flexibly and is only for guidance.
48. HSE uses multiple points of origin for their calculations⁵³. But this makes no sense when there are specific known locations for the existing installations and where future development at AWE would not be located so as to put the existing residents near the site perimeter at a significantly greater risk.

Fear of the unknown

49. HSE knows where the sources of potential radioactive emissions are at present at AWE and where they are likely to be in future, but has not released this information on grounds of national security. It has not chosen to present this evidence in camera as was the case at the Oval Inquiry. He who asserts must prove, and HSE must accept the consequences of not doing so.

⁴⁸ HSE/8 2008 HIRE Page 3

⁴⁹ HSE/8 2008 HIRE Page 11

⁵⁰ HSE/8 2008 HIRE Pages 11/12

⁵¹ HSE/8 2008 HIRE Page 13

⁵² Core Doc 34 Paragraph 8

⁵³ HSE/21 Appendix K

50. A great deal more was known by the end of the Inquiry about the particular location of the nuclear activities at AWE. This was first discovered at the interim site visit both visually and from what AWE willingly disclosed. In addition, planning applications and permissions already in the public domain have revealed more detail.
51. This new information was analysed by the Applicant⁵⁴. Even apart from the fundamental point that the weighted population analysis is not risk informed, the Applicant's supplementary evidence demonstrated that HSE's multiple points of origin approach is wholly unrealistic.
52. In addition, if proposed new installations (especially the Pegasus project) are treated in accordance with Hansard policy, and given that HSE's approach is normally not to allow a new installation to breach those criteria, then HSE must have concluded that the new installations could go ahead without unacceptable risk to the existing population. Any future installations would also have to pass the same safety test. There is an existing population closer to the site than the proposed development and this provides a safety net for any further development.

Evacuation and dosage

53. The evidence is that evacuation might take place up to 400 metres from any breach, but that beyond this the dose drops and would not justify evacuation. It follows that the maximum distance at which one could get 30mSv would be 400 metres, and beyond that distance countermeasures will need to be taken but evacuation would not normally be needed. This is stated in the Off Site Plan⁵⁵.
54. Largely based on the facts obtained from the visit to AWE, the minimum distance between the nuclear area and the proposed development was calculated to be 740 metres. If the maximum effective dose that could be received at 400 metres is 30mSv, the maximum that could be received at 740 metres is 11.9mSv or less. The concern about the 30mSv dose would therefore not apply to the proposed development.

The extent of the DEPZ

55. HSE argued that the Applicant's case was at fault because it cast doubt on the justification for the size of DEPZ. HSE argued that if the Applicant's assertions about dose were correct, this would be at odds with the 3km DEPZ, which they say has been properly set and reviewed with reference to reasonably foreseeable radiation emergencies⁵⁶.
56. However the 3km DEPZ was defined historically and there is no evidence that it was determined by the REPPIR definition of a radiation emergency. The DEPZ was agreed with the Ministry of Defence in 1993 but there is no evidence as to how it was determined. In 2002 a HSE report⁵⁷ stated that there was a clear margin between the foreseeable scenario 5mSv zone and the quoted DEPZ. The

⁵⁴ APP/9 – first and second supplemental proofs

⁵⁵ Core Doc 33 Esp. Paragraphs 3.6.3b; 5.4.1; 5.4.2b

⁵⁶ HSE/20 Second rebuttal Paras 2.24/2.25

⁵⁷ HSE/13

report referred back to 1998 documents which concluded that the DEPZ could be reduced to 1.5km.

57. In any case, the Applicant's position does not depend upon showing that the DEPZ is too extensive, as the DEPZ serves a different purpose and is there to deal with emergency procedures. It does not deal with the probability of the risk. Consequently it is HSE'S case which is dependent on the extent of the DEPZ.
58. Analysis⁵⁸ of a 2008 Review of AWE Accident Fault Sequences⁵⁹ deals with a review of the major off-site releases which could give rise to an off-site dose exceeding 5mSv. The conclusion of that analysis was that the total frequency of reasonably foreseeable events may be substantially higher than once in 100,000 years, but this would be due to the inclusion of events with lower (or negligible) off-site consequences.
59. The largest effective dose that might be incurred 400m downwind of a reasonably foreseeable accident, with a frequency of around once every 100,000 years, is approximately 30mSv. The dose varies with distance⁶⁰. The shortest distances between southernmost points of facilities 1 and 2 and the nearest residence on the proposed development are 606m and 787m – the corresponding doses would be only 16mSv and 11mSv.

Summary of the Applicant's case

60. This sustainably located, LP allocated, previously developed site should be released. The proposed redevelopment would result in very substantial planning benefits, and be entirely in accordance with development plan policy. Without HSE's objection, planning permission would long since have been granted and the development would have been built.
61. The proposal is entirely in keeping with such Government policy as exists regarding siting around a nuclear facility such as AWE. It would:
 - Preserve the general characteristics of the population around AWE.
 - Not infringe any applicable limitations on population density.
 - Not prejudice the operation or effectiveness of the Off Site Plan.
 - Bring very substantial planning benefits.
 - Not create a precedent.

HSE's objection

62. It is Government policy that the general characteristics of the population around a licensed nuclear facility such as AWE should be preserved for the life of the facility.

⁵⁸ Set out in HSE/23 Paragraphs 51-55

⁵⁹ HSE/14

⁶⁰ Table at HSE/23 Page 16

63. This is a broad and generally qualitative objective which does not require the refusal of new development in the vicinity. This broad objective is not infringed in the present case because:
- The site is an infill site within Tadley, whose proposed re-development will be broadly consistent with land use in the immediate area. It previously housed an MoD hostel.
 - Once the reduction in household size over the next few years is taken into account, the application scheme will, at most, result in only a very minor increase in the population of the DEPZ⁶¹ - about 0.5% in the population in this part of the DEPZ. Even this assumes that the other allocated site in Tadley (between Mulfords Hill and Silchester Road) is delivered – but it is not in fact available⁶².
 - The Council's evidence⁶³, which was scarcely challenged, was that the population of the DEPZ has barely changed in the 12 or more years since licensing. The development would result in a very modest increase in population of the total DEPZ population - about 1.5%⁶⁴.
 - Natural growth in the relevant area will lead to an additional 383 people in the period to 2016, which generates a need for an additional 25 or so new homes in each of the 7 years being considered⁶⁵.
 - The site currently accommodates between 30 and 80 people a day – in the form of visitors to the Scout Hut. These people would be relocated more than 500 metres to the south of the site.
 - HSE is correct that the broad objective of preserving general site characteristics would be infringed in the event of what is called 'uncontrolled residential development'⁶⁶. But that is not the historical position or a description of the consequences of the current proposal. The Applicant and the Council agree that the general characteristics of the population around AWE have barely changed since licensing in 1997 and will not materially alter if the development goes ahead.
64. It is important to put the risk which forms the basis of HSE's concerns into context. Once this is appreciated, it is clear that it is grossly disproportionate to suggest that the development would be unsafe. It is common ground that the main safeguards to the public are derived from the design, construction and operation of the relevant nuclear facilities, and that there is no chance at AWE of either a nuclear explosion or a reactor meltdown.

⁶¹ Detailed analysis at HSE/23 Paragraphs 61 (2)

⁶² APP/12 Annex 2 Pages 14/15

⁶³ LPA/7 Appendices 4 and 5

⁶⁴ Details at APP/23 Paragraph 61 (4)

⁶⁵ LPA/7 Paragraph 5.8

⁶⁶ HSE 21 Paragraph 35

65. HSE'S case is based on consequences and does not accept that the level of risk is relevant. HSE hides behind the concept of "reasonable foreseeability". As was accepted⁶⁷, a general benchmark for reasonable foreseeability is an initiating event occurring once in 100,000 years. This is a risk which can be described as miniscule.
66. This miniscule risk is further reduced (to around 1 in 1,000,000 years) when account is taken of prevailing wind direction and mean wind speeds. The consequences of an accidental release would be likely to be experienced elsewhere than at the application site. The prevailing wind blows away from the application site and the mean wind speed is well above the 2 m/s assumed in most calculations. This would increase plume dilution⁶⁸.
67. In addition, the current position of HSE is very different to their approach for many years after licensing, when they took a relaxed view and their consultation criteria only covered applications likely to result in 20 new residents or more. Although proposals were referred to them, none led to a public safety objection. For example, there was no objection to the Kestrel Meads development, which is nearer AWE than the application site.
68. HSE's new stance reflects a review of demographics which it conducted following adoption of the LP⁶⁹. It does not reflect a revised judgement of the safety of AWE, a revised risk profile, or concerns from an emergency preparedness perspective.
69. It is surprising that HSE began to try to distance itself at the Inquiry from the REPIR leaflets which AWE has been distributing to residents of the DEPZ in recent years. HSE has seen these leaflets and at no time prior to the Inquiry has it sought to suggest that they were inaccurate. In any event the general message in these leaflets – that residents are safe and that there is a very low risk of any harmful event at AWE – was not disputed by HSE⁷⁰.
70. HSE used the "reasonably foreseeable" benchmark in order to characterise the level of risk. But this says nothing about the assumed frequency of an event. "Reasonably foreseeable" is not defined numerically in REPIR, but it is described as an event "which was less than likely but realistically possible"⁷¹.
71. It is not helpful to attempt to make comparisons about the relative risk of other nuclear installations having regard to the extent of their DEPZs.

Consequences of an incident

72. It would plainly be undesirable for people to receive a 30mSv dose of radiation. However it is important to consider that:
 - The figure assumes that no countermeasures are taken, whereas it is common ground that sheltering will substantially reduce the dose⁷².

⁶⁷ Dr Lacey accepted in xx

⁶⁸ APP/9 Section 5.6

⁶⁹ HSE/21 Paragraphs 13/14

⁷⁰ Dr Lacey in xx

⁷¹ Core Doc 34 Paragraph 50

⁷² APP/5 Page 5

- A dose of 20mSv is the annual legal worker dose limit⁷³.
73. When this is combined with the very low risk of an accident, it is apparent that the risk to an individual living on the site of developing a fatal cancer because of a radiological release from AWE is miniscule in terms of all the carcinogenic exposures of ordinary life⁷⁴. The substantial planning benefits of this proposal clearly outweigh the risks and their consequences.

Population density and the Hansard policy

74. HSE argues that the application should be assessed with reference to the population density criteria set out in the Hansard policy. However this is directed only at nuclear power stations and there is no government statement applying the policy to other nuclear installations. HSE agreed⁷⁵ that there is no specific Government policy dealing with a legacy site such as AWE.
75. HSE misquoted⁷⁶ the Minister's 6 June 1961 letter by substituting the words "a nuclear facility" for "the stations"⁷⁷. This is clear evidence of a belated appreciation by HSE that the alleged sources of Government policy on which they rely in fact relate only to nuclear power stations. In addition, the passage from the Draft National Policy Statement quoted by HSE⁷⁸ only deals with nuclear power stations⁷⁹. Other documents put forward by HSE do not support the use of the Hansard policy in the current case⁸⁰.
76. There are good reasons why it would be unreasonable for the full rigour of the Hansard policy (in particular, the population density criteria) to be applied in the current case. In particular, the consequences of a major accident at a nuclear power reactor would be very considerably worse than the worst accident that can be imagined at AWE. This justifies a less rigorous approach to population densities.
77. In any event there is no proper basis on which it can be said that the application scheme will result in, or exacerbate, a breach of the population density criteria in Hansard. There is no calculation based on a point of origin at the centre of the DEPZ - which was the approach used by HSE in its first consultation responses to the Council, and which was used in relation to the Shyshack Lane appeal⁸¹ - which shows the Hansard criteria being infringed.
78. HSE then changed tack and used a "multiple point of origin" analysis. But there is no Government policy supporting the use of this approach.
79. AWE is entitled to hold radioactive material anywhere within the site boundary and HSE argues that the location of potential radioactive source areas effectively amounts to the whole of the licensed site. However AWE's current and future activities are all subject to limitations imposed through its regulatory

⁷³ APP/5 Page 8

⁷⁴ APP/8 Appendix 4

⁷⁵ Dr Lacey in xx

⁷⁶ HSE/21 Paragraph 28

⁷⁷ Full text at HSE/21 Appendix C

⁷⁸ HSE/21 Paragraph 34

⁷⁹ Full text at HSE/21 Appendix F

⁸⁰ Details at APP/13 Paragraphs 67d-f

⁸¹ Doc 10

licences. Such limitations have no doubt been devised having regard to the location of existing population around the site, and it is impossible to see how development of the application site would alter the approach in any way.

80. In any event the Hansard Policy clearly states that its numerical criteria are “only for guidance” and that “other unquantifiable factors” would also need to be “taken into account”⁸². This type of numerical analysis may be guidance which informs decision making, but it cannot be the single and determinative consideration.

Planning for off-site emergencies

81. The Off Site Plan is fit for purpose and has been endorsed by all the organisations involved – including HSE⁸³. At the Inquiry HSE appeared to distance itself from the Off Site Plan⁸⁴. However HSE is a member of the Off Site Plan Working Group and observes exercises⁸⁵. If the Off Site Plan was inadequate, this would likely contravene both REPIR and the AWE site licence, both of which HSE is charged with policing.
82. The Off Site Plan is designed for both resident and transient populations within the DEPZ⁸⁶, and would not be compromised by fluctuations in population levels. Accordingly an increase of 268 people will not compromise it⁸⁷. The Plan addresses the “extendibility” scenario whereby an incident might impact on the community beyond the DEPZ⁸⁸. This is accepted by HSE⁸⁹ and the Council⁹⁰, and it is noted that there is no maximum population beyond which the Plan ceases to be functional.
83. A further key consideration on these matters arises from the Applicant’s population counts⁹¹. There is a population of 3,695 people in sector J where the application site is located, and 4,865 in adjoining sector H. The application site is therefore not located in the highest population sector. If the Off Site Plan will work for sector H there is no reason to think that it will not work for a sector which contains materially fewer people.
84. It is common ground that an evacuation would not be called during an active release of radiation⁹². The most effective early counter-measure is to shelter indoors⁹³. Evacuation would normally be considered either prior to any exposure risk⁹⁴ or following the ‘active plume’ phase, once the pollutants have stabilised⁹⁵. In any event there is nothing to show why or how any planned evacuation would be prejudiced by the development.

⁸² HSE/21 Appendix A2

⁸³ APP/10 Paragraphs 3.21 and 4.23

⁸⁴ HSE/20 Paragraphs 3.2.9 and 4.2.1

⁸⁵ HSE/20 Paragraphs 3.2.5 and 3.28

⁸⁶ APP/10 Paragraph 3.10

⁸⁷ APP/10 Paragraph 4.30

⁸⁸ APP/10 Paragraph 3.19

⁸⁹ HSE/20 Paragraph 3.1.2

⁹⁰ LPA/8 Paragraphs 2.10.8 and 2.11

⁹¹ APP/11 2 x A3 sheets. 22.5° degree emergency planning sectors, not 30 degree Hansard sectors

⁹² APP/10 Paragraphs 3.13, 4.33 and 4.35; HSE/20 Paragraph 4.4.2

⁹³ Core Doc 33 Paragraph 3.6.3

⁹⁴ HSE/19 Paragraph 41

⁹⁵ APP/10 Paragraph 4.38

85. 'Spontaneous self-evacuation', by persons who want to leave the area despite the advice to shelter, is catered for within the Off Site Plan⁹⁶. Given that the development as a whole will only increase traffic flows in the local road network by about 2%⁹⁷, such self-evacuation will not hamper the emergency services, who are very familiar with the logistics of evacuation.
86. (Submissions were made on the representations from members of the Off Site Plan Working Group⁹⁸.)

Precedent

87. HSE's letter which secured the call-in of the application alleged that it would have "serious precedential implications", but this argument appears to have vanished entirely, and there was no challenge to the Applicant's evidence on this issue⁹⁹.
88. There would be no precedent set due to the particular benefits and wide public advantages of this scheme, which would outweigh the miniscule risks to which HSE points. It is impossible to identify any other site within Tadley that would be capable of delivering the scale of planning benefits which the scheme will provide.
89. The only other allocated site in Tadley has a capacity of around 40 units, but it is unavailable and undeliverable¹⁰⁰. Other sites have very serious suitability/availability/deliverability problems¹⁰¹. Tadley has a very tightly drawn development boundary and any development outside the area would be contrary to development plan countryside policies¹⁰².

Alleged prejudice to future operations at AWE

90. HSE put the suggestion to the Applicant (though not to the Council) that the current proposal would prejudice AWE's future operations. No weight should be given to this suggestion which was not raised by AWE in their consultation response.
91. AWE is a 267 hectare site, and it is far fetched to suggest that AWE's future operations would be hampered by the current proposal, especially as there are residents closer to the AWE boundary than the application site.

The development plan and planning benefits

92. (Submissions were made regarding the status of the South East Plan, as matters stood at that time, emphasising that it remains part of the development plan¹⁰³.)

⁹⁶ Core Doc 33 Paragraph 5.7.4

⁹⁷ Transport Assessment Paragraph 9.4

⁹⁸ APP/13 Paragraph 71

⁹⁹ APP/12 Section 11

¹⁰⁰ APP/12 Annex 2 Pages 14/15

¹⁰¹ APP/12 Paragraph 11.9 and Annex 3

¹⁰² APP/12 Plan DB1 and Paragraph 11.12

¹⁰³ APP/13 Paragraphs 77-79

93. The proposal is a mixed use scheme which would make efficient use of an underutilised, sustainable PDL site. It accords with the LP allocation in policy D3.13. HSE suggests that little weight should be given to this allocation, as the current detailed objections of HSE were not considered at the time of initial allocation or subsequent 'saving'¹⁰⁴. However HSE has only itself to blame as it appeared to have taken the view that it was unnecessary to respond when consulted during the LP process¹⁰⁵. The Council and the LP Inspector approached the allocation on the basis that HSE did not have objections.
94. The application scheme complies fully with the relevant design, transport, housing mix and density policies. Notably:
- Tadley generally and the site itself are sustainably located – LP policy D5¹⁰⁶. There is a good bus service to Basingstoke and the site is close to employment¹⁰⁷. It is the best site for sustainable development in Tadley¹⁰⁸.
 - The development of this PDL site entirely accords with national and local policy¹⁰⁹.
 - The scheme complies with the requirements for a high quality and inclusive design.
 - The proposed density (41 dwellings per hectare) is wholly appropriate and would be an efficient use of the site.
95. The application scheme would deliver a range of community benefits, which will not be achieved without the comprehensive redevelopment of the site:
- The proposal will redevelop a longstanding derelict site close to the centre of Tadley¹¹⁰.
 - The proposal will ensure the replacement of the existing Scouts facility, which is of "relatively poor quality"¹¹¹, with a new community facility¹¹².
 - The proposed employment provision will enhance the existing provision of commercial property in Tadley¹¹³.
 - The proposal will secure the significant enhancement of a public footpath¹¹⁴.
 - There will be two new areas of Public Open Space within the site, accessible both to residents of the scheme and other local residents. There are no such facilities in this part of North Tadley¹¹⁵.

¹⁰⁴ HSE/21 Paragraph 6.13

¹⁰⁵ HSE/21 Paragraph 6.9

¹⁰⁶ Core Document 3 Policy D5

¹⁰⁷ APP/12 Plan DB1

¹⁰⁸ APP/12 Paragraph 7.10

¹⁰⁹ Core Document 3 Policy D2

¹¹⁰ Photographs at APP/12 Annex 4

¹¹¹ Doc 8 Planning SOCG Paragraph 7.65

¹¹² APP/12 Paragraphs 7.21 – 7.23

¹¹³ Doc 8 Planning SOCG Paragraph 7.7

¹¹⁴ APP/12 Paragraphs 7.37

¹¹⁵ Doc 8 Planning SOCG Paragraph 7.35

Market housing

96. The application scheme will contribute towards the provision of market housing in the second largest settlement in the Borough. In light of the potential revocation of the RSS, it is not possible to identify a single housing requirement figure – a range of different possible figures have to be considered, with weight attached to each¹¹⁶.
97. The range of possible requirement figures are:
- The South East Plan requirement of 945 p.a. for 2006-2027. This figure derives from a plan which was 'sound' when it was published. It is evidence based and significant weight should be attached to this figure.
 - A requirement of 825 p.a. for 2006-2027. This is referenced in the GOSE letter¹¹⁷ and was an initial figure which was subsequently uplifted.
 - A locally generated need based requirement of 790 p.a. The July 2010 Planning and Infrastructure Overview and Scrutiny Committee Report is an up to date analysis which supports this figure¹¹⁸.
 - 740 p.a. - whether over the period 2011-2027 or 2006-2027. This is the bottom end of the possible range, and the figure to which least weight should be given. It reflects an officer recommendation for the proposed adoption of an 'interim' requirement. But it is unknown whether this recommendation would survive the gathering of an evidence base, public consultation, and independent scrutiny during examination of the relevant DPD¹¹⁹. This figure can be given no material weight.
98. The Council suggests that there is a housing land supply of 3,331 in the relevant 5 year period, whilst the Applicant suggests it is 2,583 (excluding the application site). The differences relate to 5 sites¹²⁰.
99. When comparing requirements and realistic supply, there is a deficit no matter what requirement figure is considered¹²¹. If the Applicant's supply figure of 2,583 is used, the extent of the shortfall ranges from 1,917 using 945 p.a. (equating to only 2.87 years supply) to a deficit of 572 using 740 p.a. for the whole period 2006-2027 (equating to 4.09 years supply). Even if the Council's supply figure of 3,331 is used, there would be a deficit in all cases, other than if using a requirement of 740 p.a. for the whole 2006-27 period. This requirement can be given no weight.
100. Leaving aside the 740 p.a. figure for 2006-27 period, on any other basis there is a substantial deficit as against the 5 year requirement, and the only issue for debate is the extent of the deficit. This is a clear case where favourable consideration is advised in PPS3.

¹¹⁶ APP/12 Annex 2 update

¹¹⁷ Core Doc 28

¹¹⁸ APP/12 Rebuttal Appendix 3

¹¹⁹ Further commentary on this figure at APP/13 Paragraph 88 (4)

¹²⁰ Details at APP/12

¹²¹ APP/12 Annex 2 update

Affordable housing

101. The application scheme will provide 46 units (40%) of affordable housing in line with the LP¹²²:
- There is a massive unmet need of between 580 and 920 affordable units in the Borough¹²³. There is a shortfall in affordable provision over the last 5 years of 972 units, as against the lowest end of the range¹²⁴.
 - There is no prospect that completions in the short and medium term will address this shortfall or the identified level of need for future years¹²⁵.
 - Within Tadley, the position is worse. There have been no affordable housing completions since 2005/6¹²⁶ and extant planning permissions (as at April 2009) do not include any sites that will provide affordable units¹²⁷. There is an annual need for 23 units in Tadley¹²⁸. Aside from the application site, there is only one site in Tadley which is large enough to attract a requirement for affordable housing provision (land between Mulfords Hill and Silchester Road) - this is unavailable and undeliverable¹²⁹.
102. HSE states that the Council has substantially exceeded its 'objective' of providing at least 300 affordable units a year in each of the last two years¹³⁰. But this objective is a policy constrained figure and does not reflect the agreed actual level of affordable housing need in the District. It would also be wrong to place undue weight on the numbers of affordable units completed in 2007-2009. This was a time when developers prioritised affordable units to aid cashflow, and when significant additional funds were available to help offset the decline in the private housing market¹³¹.
103. The opportunity to deliver much needed affordable housing in Tadley, the second largest settlement in the Borough, is a material consideration to which very significant weight should be attached.

THE CASE FOR THE COUNCIL¹³²

Initial contextual points

104. The Council supports this application. The site is located within the defined settlement boundary of Tadley and is sustainably located. The development would provide much needed market and affordable homes, small scale employment opportunities and new community facilities, whilst improving visual and environmental amenity¹³³.

¹²² Core Document 3 Policy C2

¹²³ Doc 8 Planning SOCG Paragraph 7.58 and Core Documents 21-23

¹²⁴ APP/12 Table 8.1 and Planning SOCG

¹²⁵ Summarised at ARR/13 Paragraph 92(2)

¹²⁶ APP/12 Table 8.2

¹²⁷ APP/12 Paragraph 8.18

¹²⁸ Doc 8 Planning SOCG Paragraphs 7.61/7.62

¹²⁹ APP/12 Annex 2 Pages 14/15

¹³⁰ HSE/21 Paragraph 11.2 referring to Core Doc 4

¹³¹ APP/12 Paragraph 8.9 and rebuttal Paragraph 9.2

¹³² The case given here is an edited version of the closing submissions at Doc LPA/11

¹³³ LPA/9 Paragraph 3.13

105. The appropriateness of the site for residential development has been recognised for many years¹³⁴. After extensive consultation¹³⁵, the site was allocated (2006) for mixed use development under LP policy D3.17. The policy and allocation was 'saved' in 2009.
106. The role of HSE is limited to providing evidence on what it considers to be safety issues. HSE have not dealt with such concerns in the context of other planning considerations¹³⁶. However the Council has carefully considered HSE'S arguments as part of the overall planning balance, in the context of development plan policy and relevant material planning considerations.

The approach of HSE

107. There are essentially four arguments from HSE. First, that it would not be sensible to put a substantial number of people in harm's way. Second, that the development would be harmful to the proper operation of emergency preparedness. Third, that the development would be contrary to principles of nuclear siting policy, and fourth that the development would breach population density criteria. There was also some limited criticism of the LP site allocation.
108. Even before consideration of the numerous substantial planning benefits, HSE's own assessment of the safety/risk arguments does not suggest that all areas in the vicinity of AWE should be development free zones¹³⁷.
109. HSE confirmed that the science and policy they relied on to support their opposition to the current application has remained exactly the same since at least 1997 when the AWE site received a licence¹³⁸. But HSE, when considering the Kestrel Mead proposal – some 46 dwellings located closer to AWE than the application site - chose not to object. In addition, in 2001 HSE considered that there was no basis for objecting on nuclear safety grounds for a large new food store on the current application site – and it was confirmed at the Inquiry that this would still be their position today¹³⁹. Until 2007 HSE did not even wish to be consulted on any development likely to involve less than 20 people¹⁴⁰.
110. HSE is not saying that if the proposal is built the Off Site Plan will not work. It is accepted as being fit for purpose and extendable¹⁴¹.
111. HSE has not ruled out the possibility of further facilities being allowed at AWE – even if such facilities were placed near existing housing outside the AWE boundary. That approach only makes sense if it is based on an understanding that the risks and consequences associated with such operations are not in fact so severe as to preclude the existence of residential development nearby.

¹³⁴ Doc 8 Planning SOCG Paragraph 3.1-3.3

¹³⁵ LPA/9 Paragraph 3.5

¹³⁶ Ms Jones and Dr Lacey in xx

¹³⁷ Dr Lacey in xx

¹³⁸ Dr Lacey in xx

¹³⁹ Dr Lacey in xx

¹⁴⁰ HSE/21 Appendix J1 Page J-2

¹⁴¹ HSE/18 Paragraph 8.3c and HSE/20 Second Rebuttal Paragraph 4.4

REPPIR, 'reasonably foreseeable' and risk

112. There are two related but distinct issues - the risk of an event taking place at all, and the nature of the hazard (i.e. if such an event takes place whether it is likely that a materially harmful radiation dose would be received by the public). HSE accepted that these must be evaluated as distinct issues, but HSE'S case was based solely on a consideration of consequences after an event rather than including the likelihood of an event¹⁴².
113. Potential confusion arises because the term 'radiation emergency' - which is central to the interpretation of the main REPPIR requirements - focuses on the consequences of an event and assumes that it is likely a member of the public will be exposed to ionising radiation in excess of any of the doses set out in the Regulations¹⁴³. The need for emergency plans derives from an assessment that a 'radiation emergency' is 'reasonably foreseeable', so these definitions are linked¹⁴⁴. The nature of the Regulations is that they deal with events that are highly unlikely to occur, and even if they did would be equally unlikely to cause any harm¹⁴⁵. The Regulations also require consideration of the consequences of an event based on the assumption that no health protection measures are taken for 24 hours afterwards¹⁴⁶.
114. Much of the difficulty arises due to HSE'S reliance on REPPIR, and an attempt to transpose it into a planning decision context. Overall, in the world of REPPIR, the assessment of consequences of potential events is not based on what will happen to prevent the event or any subsequent radiation exposure.
115. The REPPIR approach of 'reasonable foreseeability' does not assist in understanding the likelihood of the initial event. The HIRE has identified a major fire which engulfed a whole building as an event that might have consequences leading to the instigation of off-site emergency measures - but it indicates that such an event could only ever be considered a 'remote possibility'¹⁴⁷. Most accidents could not result in any release of radioactivity to the open environment and an accident that could cause this is 'extremely unlikely'¹⁴⁸.
116. It is essential to consider the likelihood of such an event ever taking place. It is not disputed that AWE operates in a way which is as safe as possible. The facilities on the site are carefully designed, built and operated in a manner that assures safe operation¹⁴⁹. There are numerous layers of protection on site which apply even before any off-site measures are contemplated¹⁵⁰.

¹⁴² Dr Lacey in xx

¹⁴³ Core Doc 34 Regulation 2(1)

¹⁴⁴ Core Doc 34 Regulations 7, 8, 9

¹⁴⁵ Core Doc 34 Paragraphs 97 and 102

¹⁴⁶ Core Doc 34 Regulation 2 (1) and Paragraph 103

¹⁴⁷ HSE/8 Section 6

¹⁴⁸ HSE/8 Sections 5 and 7

¹⁴⁹ HSE/8 Section 7

¹⁵⁰ HSE/8 Section 4

117. There is no dispute that such a residual risk is very low indeed and the possibility of a relevant event might properly be described as being extremely remote¹⁵¹.

The risk of harmful consequences

118. Even if such an extremely unlikely event takes place, the Off Site Plan states that “even the most serious incident that can be envisaged at....AWE...should not require the urgent evacuation of areas outside the site fence”¹⁵². Exceptionally “evacuation within the first twenty four hours might be necessary for areas up to 400 metres downwind from the site of the incident. Most of this area would likely be within the AWE site boundary”¹⁵³.
119. If such an event ever impacted on the application site, the REPPIR Handbook states that “there would be no immediate health effect caused by a release of radioactive material on members of the public following a serious incident at AWE. Staying indoors with the doors and windows closed would remove almost all the risk”¹⁵⁴. It was accepted by HSE that the contents of the Handbook – approved by the Off Site Working Group in the light of REPPIR requirements¹⁵⁵ – were ‘not incorrect’¹⁵⁶.
120. In contrast HSE’s position relies on various assumptions to paint a picture of what it describes as a ‘reasonably foreseeable’ dose of radioactive material to a member of the public - around 30mSv. This is said to be ‘very hazardous to health’. Regrettable language was used which suggests that in a radiation emergency there would be serious radiological consequences to people in surrounding areas¹⁵⁷.
121. The 30mSv dose is what HSE uses to find unacceptable harm¹⁵⁸. But that dose is no more than the REPPIR Handbook confirms that a worker could legally receive in an 18 month period¹⁵⁹. The calculation of a 30mSv dose assumes no countermeasures were taken pursuant to the Off Site Plan – and HSE conceded that preventative measures would reduce the dose¹⁶⁰. It also assumes that persons would be downwind of any release. The dose could be significantly less if the wind was blowing the other way¹⁶¹.

Impact on emergency preparedness

122. HSE does not suggest that, if the development goes ahead, the Off Site Plan will not work, but rather that the development would provide additional challenges. However HSE accepts that the Off Site Plan is fit for purpose¹⁶² and fully REPPIR

¹⁵¹ APP/5 Page 1

¹⁵² Core Doc 33 Paragraph 3.6.3

¹⁵³ Core Doc 33 Paragraph 5.4.1

¹⁵⁴ APP/5 Page 5

¹⁵⁵ Doc 34 Regulation 16(1) and Schedule 9

¹⁵⁶ Dr Lacey in xx

¹⁵⁷ HSE/18 Paragraph 4.2

¹⁵⁸ Dr Lacey in xx

¹⁵⁹ APP/5 Page 8

¹⁶⁰ Dr Lacey in XX

¹⁶¹ Mr Robinson in xx

¹⁶² HSE/20 Rebuttal Paragraph 4.4

compliant¹⁶³. With that background, HSE'S case might have been assumed to be that the addition of some 268 persons would fundamentally undermine the emergency planning for the area even after any relevant review has taken place. But this cannot be the case because:

- An additional 268 persons represents only about a 2% increase in the population of the area in emergency planning terms.
- HSE has made it clear that they would not object to a development of a substantial supermarket, with a petrol station and over 200 car parking spaces on the site¹⁶⁴. That would obviously attract as many and probably more than 268 people onto the site.
- HSE confirmed that it was not their case that the additional persons would prevent the Off Site Plan from working¹⁶⁵.
- The Offsite Plan is already able to provide a basis for dealing with radiation emergencies that are not even reasonably foreseeable by being extendable¹⁶⁶.

123. The Benchmark Review of the Off Site Plan confirmed that it is a thorough piece of work which compares well with other plans that had been assessed¹⁶⁷.

124. The Off Site Plan has been regularly reviewed, tested and updated¹⁶⁸ as required by REPIR¹⁶⁹. It has very recently been tested and HSE confirmed that it met REPIR requirements¹⁷⁰. There is a statutory process in place which ensures that if, adaptation is necessary, the Off Site Plan would be reviewed and updated.

125. The Off Site Plan is only one of several layers of defence and must be viewed in that context. Defence in depth includes on site measures which are quite independent of the Plan and may themselves be adapted. In fact there will be no need for material change to the Off Site Plan or other arrangements if this proposal is allowed.

126. The Off Site Plan deliberately does not identify a maximum population above which it ceases to function, as it has a degree of flexibility already built in. That is because no one can say how many people are in the area at a given time – as large numbers of people regularly travel into and through the area on a daily basis. In that context an additional 268 persons will make no material difference to the Off Site Plan.

127. HSE's case appears to rest largely on the argument that the unpredictable nature of an emergency means that it is possible that countermeasures may not

¹⁶³ HSE 18 Paragraph 8.3(c)

¹⁶⁴ Dr Lacey in xx

¹⁶⁵ Dr Lacey in xx

¹⁶⁶ Core Doc 34 Paragraph 138

¹⁶⁷ LPA/5 Appendix A

¹⁶⁸ Last reviewed in July 2009, next review in Jan 2012. Tested in 2007 and Nov 2010.

¹⁶⁹ Core Doc 34 Regulation 10 and Paragraphs 250-291

¹⁷⁰ Mr Saunders in xx

work as planned¹⁷¹. But that would mean that even when one has in place off-site emergency planning, defence in depth measures on site, regular review and testing, all of which are capable of dealing with even more remote emergencies, there might still be some other reason that emergency planning is inadequate. That is not a helpful approach.

128. (Submissions were made on the representations from members of the Off Site Plan Working Group¹⁷².)

Nuclear siting 'policy'

129. There is no specific nuclear policy that directly applies to AWE, as it is almost unique as a facility and as a 'legacy' site.

130. However HSE contends that the development will contravene the Hansard 'policy' that seeks to preserve the 'general characteristics' of a nuclear site. This is not akin to development plan policy but, at best, provides no more than broad guidance and refers to general rather than specific characteristics¹⁷³. Furthermore HSE's publication '*The UK's fourth national report on compliance with the Convention on Nuclear Safety Obligations*' indicates that the issue of judgement in a planning context is whether there is significant and unacceptable population growth after a site is licensed¹⁷⁴.

131. In any case, HSE'S policy argument is entirely dependant on being able to demonstrate either that there will be harm to emergency preparedness or that the risk/consequences of an event are such that the development should not be allowed. The objective of such policy is to limit radiological consequences in the unlikely event of a nuclear incident and it is not based on any assessment of risk as to whether a nuclear incident would occur.

132. Such a policy, even if it applies, does not provide any strict limit on population numbers and does not preclude population growth.

133. The Council does not consider that the emerging national policy on nuclear power generation is relevant to this application, as that emerging policy relates to site selection considerations for new nuclear power stations.

Population levels and density criteria

134. Putting aside the debate as to the relevance of the policy and the criteria therein, and whether there was any breach of such criteria, the policy is, in any event, only intended to be used for guidance¹⁷⁵. The Hansard policy refers to 'other unquantifiable factors' which are to be taken into account. In this case such factors could no doubt include the benefits that would be delivered if the application is allowed.

135. This case should not be determined purely in relation to compliance or otherwise with criteria. Any breach of the criteria would not necessarily

¹⁷¹ HSE/18 Paragraph 4.3

¹⁷² Summarised at LPA/11 Paragraph 66

¹⁷³ HSE/21 Appendix A.2

¹⁷⁴ APP/9 Siting Considerations Paragraph 17.29

¹⁷⁵ HSE/21 Appendix A.2

demonstrate any harm. It was conceded by HSE that, for this point to have any weight, some harm would have to be shown¹⁷⁶.

136. There has been a consistent lack of objection by HSE to substantial developments even nearer to AWE in the period 2000-2006. No objection was raised to the LP site allocation despite several consultations with both HSE and AWE over a 2 year period. There had been no objection by HSE to any development before 2006. This lack of objection was despite the underlying science relating to radiation releases and the policy/criteria now relied upon by HSE being the same¹⁷⁷. There was no basis on which the Council or the Local Plan Inspector could have concluded there was any issue relating to nuclear safety that would preclude the allocation of the application site.
137. Even if the policy/criteria apply, the 'general characteristics' of the area around AWE has remained much the same since 1997 when the site was licensed, and would remain similar if the application were allowed:
- The population in the near vicinity of the site falling within the 3km DEPZ increased by only 57 people in the period 1997-2009, an average rate of less than 0.03% per annum¹⁷⁸.
 - Even if the application were allowed, the overall level of population increase since 1997 would not exceed that attributed to natural growth within the area¹⁷⁹.
 - Experienced Council officers¹⁸⁰ are of the view that the general characteristics of the area have remained the same since at least 1997 (and probably for years before) and would not be materially altered if the development were allowed.
138. HSE explained¹⁸¹ that it was only in late 2009 that it was appreciated that earlier work by WS Atkins (which had estimated population numbers in 1995) had significantly underestimated population numbers at that time¹⁸². HSE had, until late 2009, assumed that there had been much larger increases in population growth in the vicinity of AWE than in fact there had been.
139. That erroneous approach was adopted by HSE in the appeal relating to proposed development at Shyshack Lane¹⁸³, where HSE argument was based primarily on a perceived significant increase in population growth of around 300%. That Inspector mainly relied on this flawed argument when deciding to dismiss the appeal¹⁸⁴, and that appeal decision therefore provides no material support to HSE case.

¹⁷⁶ Dr Highton in xx

¹⁷⁷ Accepted by Dr Lacey and Dr Highton in xx

¹⁷⁸ LPA/7 Paragraphs 2.6 and Section 4

¹⁷⁹ LPA/7 Paragraph 5.2 and LPA/9 Appendix 4

¹⁸⁰ Mr Gosling and Ms Linihan

¹⁸¹ Dr Highton

¹⁸² Core Document 32 Appendix 16 to the 13 January 2010 for critique

¹⁸³ Doc 10

¹⁸⁴ Doc 10 Paragraphs 11-16

140. Such an incorrect approach had also been taken by HSE in their initial objection to the current application¹⁸⁵. This solely concerned the implications of such an assumed large percentage increase in population.
141. HSE appears to have been forced into an about turn in late 2009. HSE now argue that the semi urban criteria would have been breached even in 1997, so that there would be a clear breach now if the development were allowed. But:
- Given that HSE was aware of the existing population levels they nevertheless have not objected to a range of developments near AWE. HSE knew about general characteristics, density criteria and extant population levels yet did not think it right to object to other developments.
 - Even in the Shyshack Lane appeal it was not the existing levels of population that concerned HSE, but rather the incorrectly perceived huge percentage increase from 1997.
 - HSE'S argument is founded on a breach of semi urban density criteria (or other more restrictive criteria) and is not underpinned by any assessment of real on the ground harm, but is merely a set of calculations and a pure criteria based assessment of acceptability. That was clear at the Inquiry¹⁸⁶.
 - The true nature of HSE'S position¹⁸⁷ is that, even if there were no change in demographic circumstances and general characteristics as a result of this proposal, and even if the trends suggested that no population increase would occur in the future, HSE would still advise against on the basis of a breach of the criteria. That is not an approach that should be given any support.
 - HSE has not given any consideration to the other unquantifiable factors referred to in the Hansard policy - the assessment was devoid of any consideration of the benefits to Tadley.
142. The remaining HSE population increase argument¹⁸⁸ purported to show percentage increases from 1991 of around 15-17% in the sector including the application site. But these figures cannot be relied upon because they are based on average household sizes derived from the 2001 census data, when in fact average sizes have reduced materially since then¹⁸⁹. In addition, the relevant start date was not 1991, but should have been 1997 - any material increase in population had been in the period before 1997¹⁹⁰. Accordingly, the figures relied upon by HSE do not provide a realistic picture of population levels and were bound to significantly overestimate the percentage increase.
143. The Council has also clearly demonstrated that a level of net out migration from the area had occurred which would in fact exceed the capacity of the application site¹⁹¹.

¹⁸⁵ Core Doc 32 Page 19

¹⁸⁶ XX of Highton

¹⁸⁷ Dr Highton in xx

¹⁸⁸ HSE/21 Figures 13 & 14

¹⁸⁹ LPA/7 Section 5

¹⁹⁰ LPA/7 Paragraph 4.5 and Appendix 4

¹⁹¹ LPA/7 Paragraph 1.4

144. There was a late suggestion from HSE that there had been a change in the terms of the '*Safety Assessment Principles*' from 1992¹⁹² to the current 2006 edition¹⁹³ which provided some support to their position on population growth. However, a comparison of the editions in fact reveals that the 2006 wording was less restrictive and which, in the context of off-site emergency response considerations, indicated there should be an allowance for growth.

The development plan and material planning considerations

145. The application complies with a range of relevant development plan policies¹⁹⁴.

146. A range of matters are secured by the Unilateral Undertaking¹⁹⁵ and the suggested conditions. The matters contained in the Undertaking comply with the terms of Regulation 122 of the CIL Regulations and the tests in C05/05.

147. The site is allocated for this type of development in the LP¹⁹⁶. The suggestion by HSE that the Council were aware of HSE's objection to the potential for housing development on the site is wrong. At the time of LP allocation in July 2006 HSE had not objected to any development in the DEPZ, and did not even wish to be consulted unless a development would generate 20 or more people¹⁹⁷.

148. No precedent will be set if permission is granted, due to the individual merits and the specific characteristics of the case.

149. The scheme includes substantial benefits¹⁹⁸, as recognised by local residents¹⁹⁹. In summary it provides:

- A redevelopment, that accords with development plan and national policy, of a vacant and derelict site close to the centre of Tadley. It would make efficient use of previously developed land with a well designed scheme in a sustainable location.
- A new facility to replace the existing scout hut²⁰⁰.
- Improvements to a public footpath link and highway contributions so as to integrate the development with Tadley, along with a Travel Plan²⁰¹.
- New areas of public open space, a Landscape Management Plan and contributions to relevant off-site improvements²⁰².
- The provision of market and affordable housing. The need for affordable housing is particularly acute in Tadley²⁰³ and would accord with policy²⁰⁴.

¹⁹² HSE/9 Paragraph 98

¹⁹³ APP/8 Siting Considerations Appendix 7 Paragraph 112

¹⁹⁴ Doc 8 Planning SOCG Section 7 and the evidence of Mr Bond in relation to the South East Plan

¹⁹⁵ Doc 9

¹⁹⁶ Core Doc 3 Policy D3.17

¹⁹⁷ HSE/21 Appendix J1 page J2

¹⁹⁸ LPA/9 especially paragraphs 3.7-3.15

¹⁹⁹ Core Doc 32 Letters of support in July 2009 report Page.15

²⁰⁰ Core Doc 3 Policy C8, LPA/10 paragraphs 3.12 – 3.21

²⁰¹ LPA/10, LPA/10 paragraphs 3.42 – 3.62

²⁰² Core Doc 3 Policy CS9, LPA /10 paragraphs 3.22 – 3.38

²⁰³ LPA/10 Paragraphs 3.1-3.11, LPA/10 paragraphs 3.39 – 3.41

- The affordable and general housing mix would accord with policy²⁰⁵.

In contrast a refusal of planning permission would send a negative signal to residents and businesses in the area and impact on the wellbeing of the local community²⁰⁶.

Housing land supply and delivery

150. The Council has a 5 year land supply of 3,331 dwellings. There was a debate with the Applicant about the deliverability of some of the sites, but the Council's evidence is clear and accurate²⁰⁷.
151. As a result of the Cala Homes decision the South East Plan continues to be part of the development plan. The starting point remains the development plan and the policies that relate to housing provision remain relevant.
152. The South East Plan requires the provision of 945 dwellings p.a.²⁰⁸. In development plan terms, there is a deficit in the five year deliverable supply of housing land and the application should therefore be considered favourably. The exact extent of the deficit depends upon which scenario is chosen²⁰⁹.
153. The Council is undertaking consultation with local communities regarding future housing provision. This will inform a new housing figure to be contained in a pre-submission Core Strategy (summer 2011).
154. The Council has not adopted an 'interim' figure to use when the South East Plan is abolished. A proposed interim figure of 740 dwellings p.a. was to be considered on 11 November 2010 but this was not done in the light of the Cala Homes RSS judgement. Even if the 740 dwellings p.a. figure were used, the Council would only just meet the 5 year housing land supply requirement²¹⁰. Even in that scenario, the application site would make an important contribution.
155. The Council do not consider that emerging policy is of relevance to this application²¹¹.

Planning balance

156. The proposal complies with relevant development plan policy and provides a range of material benefits. HSE'S concerns should be considered alongside other material considerations.
157. The evidence demonstrates that the risk of any radiation 'event' taking place at all is minute. Even in the worst imaginable scenario there is realistically no

²⁰⁴ Core Doc 3 Policy C2 and Core Doc 8, LPA/10 paragraphs 3.1 – 3.11

²⁰⁵ Core Doc 8 and Core Doc 3 Policies C2 and C3

²⁰⁶ LPA/9 Paragraph 3.13

²⁰⁷ LPA/10 Boundary Hall Note Appendix 1

²⁰⁸ Core Doc 6 Policies H1 (Table H1b), H2, H3, and WCBV3

²⁰⁹ Various scenarios are set out in APP/12 Annex 2 (Using the Applicant's supply figure of 2,683 rather than the Council's 3,331)

²¹⁰ 5.3 years supply if Boundary Hall (100 units) included. Without Boundary Hall, 5.1 years supply – with a 76 unit surplus.

²¹¹ Details at LPA/11 Paragraph 115

prospect of any immediate health risks from an incident and, assuming safety measures are followed, any long term risk would be extremely small.

158. The Off Site Plan is clearly fit for purpose and there is no substantiated evidence to indicate that it will be materially prejudiced or compromised by the scheme.
159. The development would preserve the general characteristics of the population around AWE, whilst securing material improvements for Tadley.
160. Even when HSE'S concerns are considered in isolation, they do not provide a sensible or realistic basis upon which to reject the development.
161. The release of the site is entirely in accordance with the development plan and national policy and will provide material and substantial benefits that are much needed in Tadley.

THE CASE FOR SUPPORTERS WHO APPEARED AT THE INQUIRY

162. Mrs M Weston has been a local resident for 15 years. She pointed out that AWE has been there for around 60 years, during which period Tadley had grown and become a town. No objection has been raised to housing development before – including the recent housing at Kestrel Mead. There have been very few minor safety incidents over the years, and it would be unfair to resist housing development.
163. Mr B Spray is the Chairman of Tadley Scout Group. The Group, which is one of the largest in Hampshire, has been waiting 17 years to relocate. The group encompasses 100 Scouts and 50 in a group of older members. The building on the site is long past its sell by date, and the Group has a pressing need for new accommodation so they can provide good facilities for the Group and others who would be interested in using the new building. The Applicant's proposal is a first class scheme. Mr Spray has lived in Tadley since 1954, and his family would like to do the same, but cannot afford local house prices. Many local employees need affordable housing.
164. Mr A Jeffrey has lived in Tadley for 53 years and has worked at AWE for 44 years. There is a real need for low cost housing in the area. There has never been an airborne release from AWE and, even if there were, the prevailing southwest winds would disperse any plume away from most residents.

THE CASE FOR THE HEALTH AND SAFETY EXECUTIVE²¹²

165. HSE objects in the strongest terms to the proposal. Its reasons are based on first principles related to the effect on human health and because the proposal would breach longstanding Government policy on the siting of housing in proximity to nuclear facilities.
166. There are four parts to the objection:
 - It would be incorrect as a matter of principle to place a significant new population in harm's way given the consequences of a reasonably foreseeable nuclear emergency. This, by itself, is sufficient to mean that permission should not be granted.

²¹² The case given here is an edited version of the closing submissions at HSE/23

- HSE and the vast majority of the other multi-agency emergency planners and responders take the view that the proposal would significantly harm a safe and efficient emergency response in the event of a reasonably foreseeable incident.
- The proposal would fail to preserve the characteristics of the site when looked at in a public safety context. The introduction of a significant new community so close to the boundary of an establishment in an area which, for historic pre-regulation reasons, is already heavily populated cannot correctly be characterised as “preservation”.
- In terms of demographic criteria, even the least restrictive semi-urban criterion is significantly breached in the vicinity of the proposed development. This criterion is a conservative benchmark, as the activities at AWE give rise to a reasonable likelihood of more significant consequences than that for which the semi-urban criterion was designed.

167. The strength of HSE’s objection can be judged in several ways:

- This is the first application which HSE’s Nuclear Directorate has requested be called-in and the first Inquiry which it has felt it necessary to attend. HSE has had specific regard to the advice contained in C04/00. It appeared at the Inquiry because it believes the case to be one of exceptional concern and one where important policy or safety issues are at stake.
- The Nuclear Directorate is internationally renowned as one of the world’s foremost nuclear regulators, and has chosen to be represented by its most senior and qualified members of staff. The Inquiry heard from those who have been instrumental in forming the relevant policy, who in a national emergency would liaise directly with Ministers, and from internationally renowned experts in the field of radiological protection.

168. Set against this is the case advanced by a housing developer who has had the misfortune of purchasing the freehold of the site in the absence of any knowledge of the consequences of the existence of an atomic weapons establishment on its doorstep. The developer has been forced to construct a retrospective argument in defence of the application.

169. HSE’S case is based around a series of propositions.

Proposition 1. AWE has a large inventory of radioactive isotopes which are associated with the work it undertakes in the national interest in the maintenance of an independent nuclear deterrent.

170. AWE has been central to the defence of the United Kingdom for more than 50 years. It developed as a nuclear facility in the shadow of the Cold War. As a Ministry of Defence establishment operating in that international climate it grew outside normal land use planning and health and safety systems.

171. Today, it handles high explosives and radioactive substances required for the production of nuclear warheads. Such radioactive substances include plutonium, tritium and enriched uranium. Plutonium is the most hazardous of these isotopes but all are dangerous.

172. The exact inventory at AWE and its location within the site is classified. But it is public knowledge that up to 7.6 tonnes of plutonium are capable of being stored on the site at any one time.
173. Not all of the radioactive material is contained within the inner security cordon. For operational and historic reasons, there are significant facilities outside the inner fence which have their own particular security provisions. The exact location of these facilities is mostly classified, but at least one significant facility lies to the south of the inner security fence and thus closer to the application site.
174. There is also a requirement for the transport of radioactive material across the site. Such transit forms a component of the reasonably foreseeable hazard on the site²¹³.
175. The continued future use of AWE for purposes associated with the maintenance of a nuclear deterrent is clear, with the recent Anglo-French accord on research, development and construction of the nuclear deterrent.

Proposition 2. Significant radiation emergencies caused by activities at AWE are reasonably foreseeable. Such reasonably foreseeable incidents include, but are not limited to, incidents instigated by fire.

176. Parliament has created a regulatory regime which seeks to protect members of the public who live in the vicinity of nuclear facilities. "*The Radiation (Emergency Preparedness and Public Information) Regulations 2001*" (REPPiR), seek to produce a comprehensive and proportionate response to the protection of the public from the threat of accidental nuclear release.
177. REPPiR requires all potential accidents and their consequences to be identified by AWE. This identification of hazard and risk is then scrutinised by HSE.
178. The Regulations require the system to identify reasonably foreseeable radiation emergencies and to prepare for such events by way of off-site emergency arrangements. A reasonably foreseeable radiological emergency is one which is "less than likely" but which is still "realistically possible". Unlike other areas of public protection, Parliament has deliberately chosen not to identify the nature of the risk by reference to a quantitative descriptor. It is not productive to seek to reintroduce a quantitative descriptor into the debate (e.g. 1 in 1,000) when statute has deliberately avoided that approach.
179. Once a reasonably foreseeable radiation emergency is identified, HSE has the role of identifying a Detailed Emergency Preparedness Zone (DEPZ) within which arrangements are required to be put into effect. The furthest edge of this area is defined by the definition of a radiation emergency and is set with reference to a 5mSv radiation dose.
180. AWE has produced a Hazard Identification and Risk Evaluation assessment (HIRE), which seeks to identify all potential hazards of an escape of material beyond the AWE boundary, and to identify those hazards which are reasonably foreseeable. The redacted HIRE²¹⁴ establishes that reasonably foreseeable

²¹³ Redacted HIRE

²¹⁴ HSE/8

emergencies could arise from fire, human error, drops of material in transit and other accidents. The HIRE has been considered by HSE, which has consistently concluded since licensing that there are reasonably foreseeable radiation emergencies which could be caused by activities at AWE. At no time has there been any challenge to the conclusion that there is the prospect of a reasonably foreseeable radiation emergency at AWE, nor is there any good reason to doubt the accuracy of the analysis done pursuant to the statutory machinery.

181. It would be irrational for the planning system to adopt a different approach to determining the risk of an emergency from REPPIR²¹⁵. Despite the varying description used by others of the extent of risk ('small', 'remote' etc), the overall conclusion remains that there is the potential for a reasonably foreseeable emergency at AWE. Neither does the fact that the site is operating at or towards ALARP alter the position. Notwithstanding ALARP operating procedures a reasonably foreseeable emergency is identified through the HIRE process.
182. The test of reasonable foreseeability is the correct one to be considered in determining the appropriateness of granting permission for new development in the vicinity of AWE.

Proposition 3. The reasonably foreseeable consequence of such an accident is the delivery of a 5mSv dose of radiation at a radius of 3km from the nominal centre of the site - this has resulted in the setting of a DEPZ of 3 km for AWE. The dose received by those closer to the site would be higher and it is accepted that at 1km the effective dose could be in the region of 30mSv.

183. A radiation emergency is defined in REPPIR by reference to a dose intake of 5mSv. At all times since licensing the 5mSv contour has been set at 3 km from a notional point towards the centre of AWE.
184. The fact that other smaller DEPZ zones have been considered, but rejected, over the years only strengthens the statutory position that has been reached. The DEPZ has been properly reviewed.
185. Radiation consequences attenuate with distance - the closer a person is to the source of release, the higher the dose he is likely to receive. It follows (applying the Gaussian Plume model to the atmospheric dispersion of released radioactive particulates) that, if it is reasonably foreseeable that at 3km the dose is 5mSv, then at 1km the reasonably foreseeable dose would be c.30mSv. There is no challenge to this calculation.
186. This is a most significant dose - in excess of 30 times the statutory limit. This was not addressed in the Applicant's Environmental Statement or the evidence. This is a hugely significant omission.

Proposition 4. Receipt of such doses would be dangerous and harmful.

187. There is no serious argument but that this level of dose (30mSv) is significantly harmful and should be avoided. It would constitute putting people unnecessarily in harm's way. The evidence from the UK's foremost analyst of

²¹⁵ Accepted by Mr Bond in xx

the aetiological impact of radiological doses was quite clear that such doses would be unacceptably harmful and would lead to an increased risk of cancer²¹⁶. On this ground alone it is clear that planning permission should be refused.

188. It is true that in the early days of regulation, HSE did not object to residential development on a smaller scale at Falcon Fields/Kestrel Mead, which is located a similar distance from the fence. But this failure to object was an error - which should not be repeated in this case²¹⁷.
189. The Applicant did not take a seriously different approach on the harmful dose issue. It was accepted that it was "no part of [their] case that doses in the tens of mSvs were not unacceptably harmful". It was also agreed that such doses, which would be experienced by residents of the proposed development, were "significant" if not "catastrophic", and that all residents of the new development would be right to be "legitimately concerned" about such consequences²¹⁸.
190. REPPIR regulations make it clear that for the first 24 hours after a release, an assumption should be made that persons within the DEPZ are outdoors and would be unable to achieve the mitigation afforded by shelter. The reasoning is clear – "the effectiveness of urgent early health protection countermeasures such as sheltering... is hard to guarantee..."²¹⁹. The logic behind this assumption clearly applies with more force the closer a potential recipient of dose is to the point of release.
191. Even for those who are able to shelter, the impact of a release will still be likely to significantly exceed 10mSv, which all experts agree is a harmful dose which should be avoided if possible.

Proposition 5. Any suggestion that the use of AWE is sufficiently benign as to mean that there is no reason to limit residential development anywhere near its boundary is incorrect, uninformed and unsafe.

192. The Applicant suggests that AWE is a relatively benign use, akin to a research reactor in a university laboratory. There is no support for this assertion at all, which is made without knowledge of the nature, extent or actual inventory of AWE.
193. Research reactors are also the subject of REPPIR and the requirement to define a DEPZ - if they carry sufficient inventory and if there is (following a HIRE assessment) a reasonably foreseeable risk of a radiation emergency. But neither of the research reactors presently operating in the UK has a DEPZ.
194. The greater the consequences of a reasonably foreseeable radiation emergency, the larger would be the DEPZ²²⁰. The Applicant's assessment of the risk at AWE (which is based on absence of knowledge) is thus wholly inconsistent with the entire REPPIR regime.

²¹⁶ Dr Robinson

²¹⁷ Accepted by Dr Lacey, Mr Robinson, Dr Highton, Mr Saunders

²¹⁸ Dr Thorne in xx

²¹⁹ Core Doc 34 Paragraphs 57/58

²²⁰ Accepted by Mr Dillon in xx

195. The Secretary of State is entitled to assume that, in the absence of any evidence to the contrary, the REPPIR regime operates efficiently across the UK and at AWE. HSE²²¹ has actual knowledge of the processes at AWE, and can confirm that the nature of the operations which have led to a 3 km DEPZ are not benign or akin to a research reactor.
196. The Applicant is content to build in the shadow of a facility which they say is akin to a research reactor. But they have wholly failed to consider the true magnitude of the reasonably foreseeable radiation emergency and its consequences for the future residents.

Proposition 6. The nature and extent of the consequence of a reasonably foreseeable radiation emergency at the application site (which is just c.200m away from the AWE fence) is such that it would be inconsistent with the precautionary principle and with good planning to allow significant new residential dwellings to be sited there.

197. All parties with the relevant technical knowledge of the processes at AWE take the view that such a REPPIR-type emergency is reasonably foreseeable. The only two parties with the entire knowledge of what processes occur and where they are on the site (HSE and AWE) both oppose this development as a matter of principle.
198. Where the risk can and has been identified by a relevant mechanism as being realistically possible, and where the consequences are so potentially harmful to members of the public, it would be contrary to good planning to place significant additional residents in harm's way.
199. The precautionary principle operates where knowledge is uncertain and no mechanism exists to render the knowledge certain. In this case, even in the absence of the REPPIR regime, there would be clear and compelling grounds for refusing permission on purely precautionary grounds. However the REPPIR process takes the assessment of risk beyond uncertainty, as the radiation emergency is reasonably foreseeable. The state of knowledge is well beyond that required to invoke the precautionary approach. On the basis of known facts and risk assessments, the development should not proceed.
200. The fact that there is already housing in the area is a function of the particular history of AWE and is not an argument to allow further development.

Proposition 7. For these reasons, the grant of planning permission for over 250 persons to live within 200 metres of the AWE fence is not appropriate on public health and safety grounds.

Proposition 8. HSE and the vast majority of the emergency planners and responders take the further view that significant development of the type proposed would be harmful to the proper operation of emergency preparedness for existing and potential future residents of the DEPZ.

²²¹ Mr Saunders

201. REPPIR requires an emergency plan to be in place in relation to AWE. This has been done. The lead authority responsible for that plan is West Berkshire Council, which has the statutory responsibility for ensuring that in any reasonably foreseeable radiation emergency the exposure of persons to ionising radiation is restricted. It opposes the application and this is a weighty consideration²²².
202. This is not an isolated concern. Hampshire County Council emergency planners object to the grant of permission, as do Hampshire Constabulary, the Royal Berkshire Ambulance Trust and others. In a field where a multi-agency response is critical to the proper operation of an off-site plan, the fact that the vast majority of the key responders have objected is hugely telling.
203. The issue is not whether, following any grant of permission, the Off Site Plan can be retained and operated. As a matter of law, it would have to be put in place. Rather the questions are whether the proposal would lead to an inappropriate increase in the potential exposure of persons to ionising radiation.
204. There would be an inevitable increase in the exposure of persons to ionising radiation and significantly increased strain on the emergency services. It would give rise to additional potential for evacuation. There can be no accurate scientific analysis of the consequences of increasing the number of residents very close to a potential release of radioactivity. Human reactions to emergency situations are impossible to predict with accuracy.
205. At c.1 km from the centre of the DEPZ, there is the potential for a dose in excess of 30mSv to be received. Radiation at that level triggers the requirement for the consideration of evacuation applying the NRPB guidance²²³. At this level of exposure the potential for evacuation would have to be very much in the minds of responders.
206. The REPPIR assessment which gives rise to a potential for a 30msv dose assumes given wind and atmospheric conditions²²⁴. However the position could be up to seven times worse if atmospheric conditions were less favourable²²⁵, and this would make the potential for evacuation even greater.
207. The Off Site Plan²²⁶ expresses the general view that there will normally be no need for the urgent evacuation of areas outside AWE. But this applies throughout the DEPZ and is not meant to be absolute. There is the potential for subsequent evacuation for clean up work²²⁷.
208. The Off Site Plan also deals with self-evacuation²²⁸. The likelihood of this happening increases with proximity to the perceived point of danger²²⁹. Self evidently this would bring the public into contact with the full outdoor dose, and

²²² Doc 2

²²³ Issued by the Health Protection Agency

²²⁴ Pasqual Category D

²²⁵ Dr Thorne in xx

²²⁶ Core Doc 33

²²⁷ Core Doc 33 Paragraph 5.5.1

²²⁸ Core Doc 33 Paragraph 5.4.2 b

²²⁹ Mr Dillon in xx

should not be countenanced. It also has the potential to result in traffic congestion adjacent to the AWE entrance.

209. The proximity of the site to AWE means that any plume release would reach the site before any meaningful warning could be given to residents. The Applicant avoided answering this question, but HSE²³⁰ advised that it would be a matter of only 3-5 minutes between the event and the plume reaching the application site. In that time, it is unlikely that all (or even a significant number) of residents would be sufficiently warned of the release to get themselves and their family indoors and to secure doors and windows.
210. It is also clear that the Off Site Plan envisages the potential for emergency responders to have to enter the DEPZ close to AWE. The proposal would mean that emergency responders would be more likely to have to enter an area where dose levels were significantly above safe levels. The emergency services should not be put at such additional risk. In addition, there is no guarantee that emergency responders would feel it appropriate to put themselves at risk – the Applicant confirmed that neither the Hampshire nor the Thames Valley Police have specifically trained nuclear police officers. The decision as to whether to take the risk would be a judgement for individual officers²³¹.

Proposition 9. The proposal breaches longstanding government siting policy on the location of significant new development near to nuclear facilities.

211. The most recent and the clearest exposition of national policy is the Fourth National Report on Compliance with the Convention on Nuclear Safety Obligations²³². The following elements of the policy are clear:
- It is the characteristics of the licensed site which are relevant to the consideration.
 - It is the size, nature and, importantly, the distribution of development which is relevant to a consideration of the merits of a proposal.
 - It is for HSE to consider these matters.
 - The policy was initially written for nuclear reactor sites, but the Forward to the Fourth National Report makes it clear that the same policy considerations apply to non-convention sites such as AWE (though it must be the case that the policy should be applied with care to such sites to reflect their differing contexts).
212. This policy forms part of a Defence in Depth philosophy which applies to all elements of the relationship of nuclear facilities with the general public. It is important to note that locational policy is the only non-engineered element of this defence in depth policy. AWE is a legacy site where the earlier stages of defence in depth could not have been brought to bear. This places more emphasis on the need for the non-engineered part of the policy to be robust.

²³⁰ Mr Robinson in chief

²³¹ APP/10 Paragraph 3.12

²³² APP/9 Siting Considerations Appendix 8 Paragraph 7.28

213. Greater weight is given to developments which are very close to a nuclear site – this is reflected in the weightings which are applied to populations close to the site as part of the demographic criteria. Increasing the resident population very close to a nuclear site is hardly ever likely to be consistent with the aim of the policy. The Council and the Applicant have sought to portray this element of the policy in a way which is inconsistent with its proper construction – they have characterised the development as no more than ‘infill’ and have argued that the overall character of the area would not have altered between licensing and now.
214. But their approach is not required by the policy. It is to miss the purpose of the policy as part of the defence in depth concept:
- It is the characteristics of the site in safety terms that need to be considered. The policy does not refer to an infill test, but sets a test of health and safety.
 - The Applicant’s approach fails to give appropriate weight to the proximity of the development to the potential source of release.
 - This approach pays no attention to the dose implications for those at the application site, or the reasonably foreseeable risk of receiving a potentially dangerous dose of ionising radiation.
215. The proposal would introduce in excess of 250 persons within 1km of the nominal centre of the DEPZ. These people would potentially receive in excess of 30 times the statutory dose limit of radiation in the event of a reasonably foreseeable emergency. It is the role of REPPiR to restrict such exposure.
216. The proposal is in a sector of the DEPZ which is already well beyond even the least restrictive demographic criteria for nuclear facilities. It follows that significant net additions to the population are likely to be even less acceptable. If the relevant sector already has too many people to comply with the least restrictive criteria, it is a paradox to argue that because there are already so many residents you can allow more.
217. The addition of fewer than 10 persons on a site further away from the centre of the DEPZ was sufficient to persuade an Inspector that there had been a significant breach of this policy²³³. That decision and other material considerations led to a clear and unambiguous officer’s recommendation to refuse planning permission for the current application, on the basis that the relevant policy was breached. The Council’s shift in position is wholly inexplicable, and reliance upon the population count error included in the Shyshack Lane appeal decision is not a valid explanation, as this was known at the time of the recommendation to refuse planning permission for the current proposal.

Proposition 10. The proposed development is not even able to pass the least restrictive population density criterion applicable to nuclear facilities.

218. The development would result in a clear breach of even the least restrictive demographic criteria applicable to nuclear facilities. Three demographic criteria exist to guide the siting of nuclear facilities - semi-urban, remote and new build.

²³³ Doc 10

Of the three, the semi-urban criterion is the least restrictive - that is, it allows a greater population density closer to the facility.

219. The semi-urban criterion is associated with the risks and hazards that might be reasonably foreseeable in the context of an AGR reactor. DEPZs for AGRs are characteristically smaller than that at AWE, because the hazard at AWE has been calculated to be higher than for a reasonably foreseeable emergency at an AGR. This is due to the nature of the inventory and the operations at AWE.
220. When comparing the nature and consequence of hazard, it is appropriate to consider the identified reasonably foreseeable risks at various nuclear facilities²³⁴. But part of the Applicant's case ignores this logic and concludes that an AGR is more hazardous than AWE with reference to the worst case potential accident. This is a wholly misleading comparison since the risk of a worse case nuclear reactor accident is infinitesimally smaller than the reasonably foreseeable emergency at AWE. In addition the Applicant's case is not, and cannot be, based on any proper understanding of the operations at AWE.
221. This approach to the ranking of hazard, based on the size of the respective DEPZs for an AGR and AWE, is not new. It was raised at an early stage by HSE and was part of HSE's evidence at the Shyshack Lane appeal. The identification of AWE as potentially more hazardous than the AGRs is also further reflected by the fact that, at licensing, it was thought appropriate to treat AWE as an even more sensitive "remote" site. Thus the REPIR regime works on the basis that a reasonably foreseeable radiation emergency would have greater consequences at AWE than a reasonably foreseeable incident at an AGR.
222. Since AWE is a legacy site the normal siting considerations (including the surrounding population characteristics) did not occur when it was established. Therefore control of further intensification of the surrounding population is even more important.
223. HSE is the only party to accurately apply the semi-urban criterion. The Applicant does not believe that the criterion is even applicable and does not apply it. The Applicant's technical case consisted almost entirely of an attack on this part of HSE's case.
224. When the criterion is applied correctly, it is clear that, as a result of the existing population, the semi-urban criterion is already breached by a significant margin²³⁵. In general terms the further south within the site is the assessment position, the greater the breach.
225. This breach is clear even when only the night-time residents are considered. Daytime occupiers and those passing through the area should be added to the calculation, and this would obviously worsen the situation.
226. The Applicant suggested that HSE had 'moved the goal posts' by changing from a single point of origin approach to a multi origin assessment when considering whether the semi urban criterion had been breached. This suggestion was clearly based on a misunderstanding of the information provided to the

²³⁴ Accepted by Mr Bond in xx

²³⁵ HSE/21 Paragraph 63 onwards, Figures 10 and 11 and Appendix K

Applicant in good faith by HSE. HSE has always considered multi origin analysis. In seeking to explain this methodology to the Applicant, HSE provided them with a data set for one assessment square, but only as representative of the methodology adopted.

227. As to whether a multi origin approach is appropriate:

- Transfers of material across the AWE site are an important element in the HIRE²³⁶. These transfers are not point sources and cannot be accurately modelled as such.
- The exact location of every facility which is relevant to the calculation of the DEPZ for AWE is not known and is not knowable. An accurate fixed point analysis is not possible, as it would be for a fixed reactor site.
- The future development plans at AWE for the lifetime of the proposed residential development are not knowable. The entire site is a nuclear licensed site.
- HSE does not, in any event, need to rely on outlying areas of the site to establish a clear breach of the semi-urban criterion. Neither does it need to assume that all squares are potential sources of release. This is because all squares from the central area and southwards give rise to a clear breach. This is particularly relevant because a significant nuclear facility (Pegasus) is to be placed on the squares which show a clear breach of the criteria.
- The use of a single point 'average' location against which to test compliance with the criteria as suggested by the Applicant is flawed. It spreads the potential location of a release and distorts the true position by including large areas to the north of AWE which have no nuclear facilities in them.

228. The Applicant does not believe that the semi-urban criterion is relevant and considers that an alternative criterion should be adopted. However no alternative criterion was produced, but instead a manipulation was performed on the weighted calculation which defines the semi-urban criterion²³⁷. But this is a meaningless exercise because it removes any meaningful judgmental criterion from the equation. The remodelled equation could be used to justify any increase in population close to AWE, however large, because what has been done is to remove any limiting criteria from the equation. This is entirely inconsistent with the policy to seek to maintain the general characteristics of the site, which is an approach accepted by the Applicant²³⁸.

229. Finally, the Applicant put forward the approach that if AWE wish to develop further areas in future within their licensed site for nuclear purposes, and this is held to be inconsistent with adjacent residential development, then this should limit the nuclear requirements of AWE. This potential fettering of a nationally important licensed nuclear site has no policy support and reemphasises the inappropriateness of the close juxtaposition of uses.

²³⁶ HSE/8

²³⁷ APP/9 Section 5.2

²³⁸ APP/9 Section 5 and Dr Thorne in xx

230. The Applicant submitted two rebuttals²³⁹ following the interim visit to AWE and in relation to the AWE Context Plan – included in the Pegasus application documents. The Applicant sought to establish (at least initially) that all relevant nuclear facilities were contained within the inner security fence, and that within or adjacent to that fence the areas which were in excess of the semi-urban criteria were either unused or used as a car park. However these rebuttals were seriously flawed:

- Not all nuclear facilities are within the inner security fence²⁴⁰. There is at least one significant facility south of this security fence – closer to the application site – as noted in the letter from AWE giving additional details.
- There was a basic error in the assertion that a number of squares which seemed to be in breach of the semi-urban criterion could be ignored because the breach was generated from within the site. This was accepted as a mistake by the Applicant. The squares which were suggested could be ignored were in fact in breach of the semi-urban criterion not only in one rotational sector but for the entire site - a much more serious matter since it involves breaches in at least 3 sectors.
- There was an error in the suggestion that some squares in breach of the criterion could be disregarded because they were open space or car park. It is clear from the Pegasus application documents (and accepted in the Applicant's second rebuttal) that these locations are the site of an important enriched uranium facility. This facility will make a significant contribution to any new DEPZ and is likely to result in the nominal centre of the DEPZ moving further to the south towards the application site²⁴¹.

231. Various points about population growth/change were made by the Applicant and the Council, namely:

- It was suggested that the population of the DEPZ had remained broadly the same since licensing.

The Council's assessment²⁴² sought to establish that there has been little change in the overall population of the DEPZ since licensing. This may or may not be the case but is of little relevance.

The DEPZ has a radius of 3km and is a huge area. There will inevitably be shifts in population within such an area. The issue is not the overall population, as emergency responders deal with sectors which reflect the likely path of any release, but the disposition of the population within the DEPZ. This is especially important as there is significant additional weighting afforded to those who live closest to the potential release to reflect their significantly enhanced prospect of a higher dose.

The Council's data does not help with this issue since their figures are all DEPZ wide figures. In contrast HSE's figures establish a clear trend for an

²³⁹ APP/9

²⁴⁰ Mr Saunders in Chief and AWE letter appended to HSE/20 Second Rebuttal

²⁴¹ Unchallenged evidence of Mr Saunders

²⁴² LPA/7

increase in population close to the site which is partly cancelled out by a decrease in population further from the site²⁴³.

- It was suggested that, in practice, an allowance for natural growth had been included in previous cases involving nuclear power stations and the semi-urban criterion.

There is no justification in the documents to support further growth in excess of the semi-urban criterion – it is not part of the stated Hansard policy for semi-urban sites²⁴⁴. The Council asserted that it is something which emerged as a matter of custom and practice, but in those cases (especially at Connah's Quay²⁴⁵) the actual ceilings for population including natural growth were set significantly below the semi-urban criterion. It was always accepted that the semi-urban criterion was a ceiling which included the potential for natural growth²⁴⁶. Additional allowance for natural growth would be perverse as it would mean that the greater the breach of the criterion, the more additional breach would be accepted to accommodate natural growth.

- The Applicant sought to establish that other population sectors have higher populations than the sector including the application site²⁴⁷. But the sectors chosen by the Applicant were DEPZ sectors and not the Hansard population sectors, and the Applicant was not even aware of the important difference for the purposes of the demographic calculation. Furthermore the analysis had not been the subject of an appropriate rotation as required by the criteria. In addition, no weighting had been applied to reflect proximity, and the Applicant was not even aware that weighting factors (to represent enhanced doses) even existed. In the Applicant's approach a person living at the extremity of the DEPZ was given exactly the same weight as one living by the fence.

Proposition 11. No appropriate consideration of the public safety issues was undertaken in relation to the historic allocation of the site. HSE cannot see how the site could have reasonably been allocated if such consideration had been given.

232. The original identification of the site as being potentially suitable for housing came by way of an early Planning Brief. Unsurprisingly, given the age of the Brief, there is no evidence that the proximity of the site to AWE was taken into account.
233. At the time of the LP allocation neither the issue of the relationship to AWE or the consequences of that relationship were considered. There was nothing in the Inspector's report on the LP which came close to considering the current issues.
234. The LP allocation only continues to exist by reason of a statutory saving by the Secretary of State. By that stage, it would have been clear to the Council that

²⁴³ HSE/21 Figure 13

²⁴⁴ HSE/21 Appendix A2

²⁴⁵ HSE/21 Appendix B1

²⁴⁶ Dr Highton unchallenged evidence

²⁴⁷ Plans submitted by Mr Brookes APP/11

HSE had significant objections to housing development on the application site. The Council was under a duty when asking the Secretary of State to save the allocation to highlight these concerns, but it did not.

235. It is clear that the important issue of the public safety of those who might live on the site has not been considered in relation to the LP allocation.
236. For these reasons, if the Secretary of State believes there is validity to the concerns expressed by HSE, then very little weight can be given to an allocation where such concerns were not even considered during the process²⁴⁸. The existence of an allocation which did not consider the issue of public safety cannot justify the grant of a consent which would place people in harm's way.
237. The Applicant also relies upon the existence of a general and affordable housing need and other planning matters to off-set any harm caused by health and safety issues. HSE would find it surprising if the wish to provide housing could come close to justifying the risks to health associated with putting people in those houses. This would be the case even if it were found that there were an absence of a 5 year housing supply in area.
238. The Applicant places significant weight upon the regional housing requirement contained in the South East Plan. But in the real world the Secretary of State is not likely to place great weight on these regional housing figures. This is particularly the case where the Council has consistently taken the formal (and local) view that the present South East Plan figures represent an over-requirement in housing terms. The Secretary of State would thus be perfectly entitled to take the view that limited weight ought to be given to the South East Plan requirement.
239. In any event, the Council would, if planning permission is refused, be obliged through its emerging development plan process to meet any requirement for housing or affordable housing in the usual way. There is no evidence that the local planning process would be unable to meet any future housing requirement.

Proposition 12. The nature of the harm associated with the proposal is such that HSE strongly adheres to its "Advise Against" stance on the issue of the grant of planning permission in this case.

240. The grant of permission would put significant numbers of people unnecessarily in harm's way, would inappropriately harm the ability of the emergency responders to undertake their statutory duties, and would breach Government policy and population criteria on the siting of development in close proximity to nuclear facilities.

WRITTEN REPRESENTATIONS²⁴⁹

241. The AWE Off Site Plan²⁵⁰ has been prepared by a Working Group, chaired by West Berkshire Council and comprising representatives of a range of organisations – including HSE. In view of the importance of the Off Site Plan to

²⁴⁸ Accepted by Mr Bond in xx

²⁴⁹ Written representations sent to the Council before the call-in are summarised in the Council's Committee reports (Doc 32) and the full text is on the file

²⁵⁰ Core Doc 33

the health issue, the representations below have been grouped in relation to membership of the Working Group.

Organisations who are members of the Off Site Plan Working Group

242. West Berkshire Council opposes the application on the basis of the impact on the Off Site Plan²⁵¹. If the application were approved, the Council notes that the responding agencies would have to review their processes and the Off Site Plan, at potentially substantial additional cost.
243. AWE object on the grounds of the effect on the Off Site Plan. AWE notes that the development is of a significant scale within the DEPZ, some 500 metres from AWE's southern boundary. The development would lead to congestion on the roads which may have an impact on the ability of emergency services to gain access to AWE²⁵².
244. Thames Valley Police state that they have no specific objection to the planning application. However they express concern that any additional houses within the DEPZ would increase the resources needed to meet the requirements of the Off Site Plan. The additional population would increase traffic out of the area in the event of an emergency, and this could lead to gridlock. This would increase the amount of time self-evacuees would spend in a potentially contaminated environment, as well as hindering emergency response. The development would be close to AWE and would increase potential fatalities and health problems in the event of an off-site incident²⁵³. More recently the Police restated that in isolation there were not sufficient grounds to object, but that the concerns should be taken into consideration²⁵⁴.
245. Hampshire Constabulary advise against the application²⁵⁵. Additional houses in the area would increase the resident population at risk if an off-site emergency should occur. There would be increased demand on the emergency services due to increased numbers requiring assistance, and increased traffic flows. Responders could be exposed to increased hazard due to extended duration in the affected area.
246. Royal Berkshire Fire and Rescue Service do not raise an objection but make comments that placing more people in the DEPZ places additional pressures on responders in the event of an incident. Concern is expressed that approval of this application would set a precedent²⁵⁶.
247. The Health Protection Agency do not raise objection as long as the suggested countermeasures in the Off Site Plan remain viable²⁵⁷.
248. Hampshire County Council object to the application on the basis of siting policy and population density²⁵⁸. The Council further state that, if the development were to go ahead, the Off Site Plan would need to be reviewed.

²⁵¹ Doc 2

²⁵² Objection 3 March 2008 (on file)

²⁵³ LPA/8 Appendix 4

²⁵⁴ Doc 3

²⁵⁵ Docs 4 and 7

²⁵⁶ LPA/8 Appendix 11

²⁵⁷ LPA/8 Appendix 8

²⁵⁸ LPA/8 Appendix 2

249. There have also been communications expressing no objection from West Berkshire Highways Officer, the Environment Agency, Thames Water, Natural England, Hampshire County Council (Education, ecology, highways), subject to conditions. These representations are summarised in the Council's Committee reports on the application²⁵⁹.

Other organisations

250. Hampshire Fire and Rescue Service made observations regarding access and water supplies²⁶⁰. (The Service appeared to align itself with the Council and with the Thames Valley Police, although those organisations take somewhat different positions²⁶¹.)

251. Other representations are summarised in the Council's Committee reports on the application²⁶². These include objections from Tadley Town Council, Baghurst Parish Council and Aldermaston Parish Council. Pamber Parish Council expressed no objection but registered concern over water and sewerage. There were also 15 letters of objection and 15 letters of support, all as summarised in the Committee report.

²⁵⁹ Core Doc 32 starting at page 4. (Full representations on the file).

²⁶⁰ Doc 6

²⁶¹ LPA 8 Appendix 6

²⁶² Core Doc 32 starting at page 4. (Full representations on file).

INSPECTOR'S CONCLUSIONS

[Numbers in square brackets denote source paragraphs]

Background

252. The proposal is the demolition of an electricity substation and a former cinema (now used as a scout hut) and the redevelopment of the site for residential (115 dwellings) and commercial (945 sq.m. of Class B1 floorspace) purposes. The substation and scout hut would be relocated. There would be a new public open space and a local area for play, together with the upgrading of a public footpath [14-17].
253. The site is within the defined settlement boundary of Tadley. To the north of the site, across the main road and extending for a considerable distance, is the AWE [6-10]. It is the proximity of AWE which has given rise to the main objection to this application – the effect on human health.
254. The details of the nuclear inventory at AWE, its precise location, the processes undertaken and details of any future projects are, for obvious reasons, matters of national security and were not available to the Inquiry. However a considerable amount of more general information which is within the public domain was included in the initial material before the Inquiry, especially in the evidence of HSE [170-175]. In addition the amount of available information increased during the course of the Inquiry, especially as a result of a visit to AWE (during which a representative of AWE identified the use of certain areas and buildings), consideration of material submitted by AWE as part of a planning application for the 'Pegasus project' [9], and in the form of a letter from AWE giving additional locational details [230].
255. There is no suggestion or evidence that the interests of any party were prejudiced by the lack of more precise details of the nuclear inventory or the processes involved. No party requested that evidence related to such matters be considered in closed session.

Planning considerations and the approach to the decision

256. The starting point for considering the application must be the development plan, followed by other material considerations. In this case one part of the development plan, the Basingstoke and Deane Local Plan (LP), includes general policies dealing with the need to minimise pollution and related to environmental well-being [25].
257. More specifically, national planning policy in the form of Planning Policy Statement 23 '*Planning and Pollution Control*' (PPS23) states that the impact on health is capable of being a material consideration, and deals with the precautionary principle. Health issues, arising from the proximity of the site to AWE, are material considerations in this case, and this is accepted by all parties [34, 106, 165].
258. C04/00 deals, amongst other matters, with the role of HSE [34, 106, 167]. Their role is to provide advice on the nature and severity of the risks presented by major hazards to people in surrounding areas, so that those risks can be given due weight when balanced against other relevant planning considerations.

It is not the role of HSE to consider wider planning matters, which are the province of the decision maker. The opposition of HSE to this application was related to health matters and, although a very small part of HSE's case dealt with criticism of more general planning arguments being put forward in support of the proposal [237-239], HSE's evidence was well within the terms of C04/00.

259. This report therefore considers the application in the light of the provisions of the development plan, the objections raised by HSE (and written submissions from emergency responders) on health matters, and other material considerations – including the largely uncontested benefits arising from the development. An overall planning balance is then reached.

Development plan policies

260. Following the judgement of the High Court in November 2010 (2010 EWHC 2866) the South East Plan remains part of the development plan, although the Secretary of State's intention to abolish such Regional Strategies is a material consideration. In this case the only relevance of the South East Plan is in relation to housing land requirements, as discussed below [21, 23].
261. In addition to policies dealing with pollution and well-being, the LP includes a range of policies largely dealing with uncontentious land use planning matters (as will be discussed below). It also covers affordable housing and infrastructure contributions [24].
262. An important consideration is the fact that the LP allocates this site for a mixed residential development (of a minimum of 100 dwellings), open space and employment uses [13, 24]. The LP allocation of the site, which reflects an earlier Planning Brief [12] identifying the site for predominantly residential use, was 'saved' in July 2009 by a Direction of the Secretary of State [13].
263. Emerging local planning policy is at an early stage and there are no draft policies which are material to this case. This was agreed by the parties [27, 155].
264. The lack of consideration of health issues in relation to the site allocation was raised by HSE [232-236]. It is clear that the health consequences of the proximity of AWE to the site were not considered at the time of the adoption of the Brief, at the LP Inquiry or when the LP was subsequently adopted, or as part of the 'saving' process. The potential health issues have therefore not been previously addressed in the planning context and the current application is the first time they have been considered in relation to this site.
265. It is not disputed that HSE was consulted, on a number of occasions, during the two year period leading to the adoption of the LP. However there was no objection to the proposed site allocation from HSE. It is also clear that HSE had not objected to any other proposal in the DEPZ at that time, and did not wish to be consulted on any development generating less than 20 people. All this was in the context of the same science and nuclear policy which is currently relied on by HSE.
266. With this background, it is not unreasonable for the Council to have assumed that there was no health concern related to the proximity of AWE. The position was somewhat different by the time the question of saving LP policies and allocations was considered, as the Council was by then aware of the concerns of

HSE - but the authority apparently did not take this into consideration or report the position to the Secretary of State.

267. In any event, whatever the reason for the lack of consideration of the health issue – and it seems as though there has been fault on both sides – the LP allocation has the weight accorded by statute (S38(6) of the 2004 Act). It is not uncommon for information and evidence to emerge after the adoption of a plan, and this may properly be dealt with as a material consideration in dealing with particular proposals – as it is in this case. It can also be considered in emerging Development Plan Documents. However this is very different to any suggestion that little weight can be given to an adopted allocation because a particular issue was not even raised during the period when the allocation was being considered.

The effect on human health

Background

268. Following the Council's resolution to grant planning permission, HSE requested the Secretary of State to exercise his powers to call-in the application. C04/00 states that this power will only be exercised very selectively, and only if there are safety issues of exceptional concern.

269. The general expertise of HSE is recognised in C04/00. In this particular field the expertise of the Health and Safety Executive, Nuclear Directorate was not challenged. In particular, the experience of HSE witnesses in relation to nuclear policy matters and giving direct advice to Ministers is not in dispute. This is the first time the Nuclear Directorate has requested a call-in and the first time it has attended a Public Inquiry [167]. The advice of HSE, especially under these circumstances, should not be overridden without the most careful consideration.

270. The approach to HSE's advice is set out in C04/00. In particular the guidance is that:

- The risk to be considered is the residual risk which remains after all reasonably practicable preventive measures have been taken.
- Where it is beneficial to do so, HSE's advice takes account of risk as well as hazard – that is the likelihood of an accident as well as its consequences.
- Account should be taken of the size and nature of the proposed development, the inherent vulnerability of the exposed population and the ease of evacuation or other emergency procedures.
- The risk of serious injury, including fatality, is to be considered by HSE, attaching particular weight to the risk where a proposed development might result in a large number of casualties in the event of an accident.

The risk of a nuclear accident

271. The first consideration is the likelihood of an accident involving nuclear materials taking place at AWE - after all reasonable practicable measures have been taken to ensure that the installation is safe. The requirement on AWE as

the operator of the site is to make the risk 'As Low As Reasonably Practicable' (ALARP).

272. There is no historical evidence that there have been any incidents at AWE, or its Ministry of Defence predecessor on the site, involving the release of radioactive material to the open environment. From this historical perspective the operation has therefore been safe. However it is essential to consider the possibility of future incidents.
273. There are a range of events which could give rise to accidents - lightning strikes, fires, or human error being the most likely. However the evidence suggests that the only event likely to raise concerns about off-site safety would be a major fire which engulfed an entire building within which there was a nuclear inventory [44, 180].
274. Should any accidents or incidents occur there is protection in depth provided on the AWE site – there are a number of layers of defence before any off-site measures would be contemplated. The majority of potential faults identified in the Hazard Identification and Risk Evaluation assessment (HIRE) would not result in any release of particulate radioactivity to the open environment, due to the layers of prevention, mitigation and protection in each facility [43-45, 125, 127, 212, 214].
275. In this context there is no dispute that AWE operates in a manner which is as safe as possible, and HSE accepted that AWE operates in an ALARP fashion [38, 181]. Indeed, given the role of HSE in regulating the AWE operation, it would be surprising if HSE took a different view.
276. There was much debate at the Inquiry regarding the way in which the residual risk analysis should be considered. The Applicant and the Council both asserted that HSE's evidence focussed entirely on consequences (considered in the next section of this report) not on the initial risk of an event taking place [39, 65, 112-115].
277. The approach of HSE to risk was based on the Radiation (Emergency Preparedness and Public Information) Regulations 2001 (REPPPIR). These Regulations reflect the fact that there is a long history of nuclear facilities in the UK. REPPPIR is an established regulatory regime aimed at (amongst other matters) protecting the public who live near to such sites. REPPPIR requires all potential accidents and their consequences to be identified by (in this case) AWE, and this identification of hazard and risk is then scrutinised by the regulator (in this case) HSE [176-180].
278. REPPPIR requires the identification of "reasonably foreseeable radiation emergencies" – defined as emergencies which are "less than likely" but which are still "realistically possible" [178]. The regime specifically does not quantify the risk. It is reasonable to assume that this was a conscious choice on the part of those preparing and approving the Regulations. This approach sets the nuclear regime apart from other types of emergencies, such as flooding, where quantitative descriptors of risk (such as 1 in 100 years) are used.
279. Since the first issue of a licence to AWE, it has been consistently concluded, through the well established statutory process, that there are such reasonably foreseeable radiation emergencies which could arise from the activities at AWE.

This type of emergency and the acceptance that it is reasonably foreseeable is evident in the HIRE [180]. This is the approach of HSE to risk in this case.

280. There is nothing to doubt the accuracy of the work done within the REPPIR system or the system itself. However the concern of the Applicant and the Council is that the main purpose of REPPIR is to deal with a situation where an event has already occurred and control measures have failed. It then deals with the emergency planning arrangements to deal with that radiation emergency. There is an assumption in REPPIR that no health protection measures at all are taken for 24 hours after such an event.
281. It might be tempting to consider that saying that an event is 'reasonably foreseeable' does not provide a useful tool in the context of deciding a planning application, when the likelihood of the risk of a harmful event taking place needs to be considered. However there are two persuasive reasons for adopting the REPPIR approach. Firstly, it is the system which statute has deliberately established for dealing with sites such as AWE – and this is a system which has deliberately avoided quantifying the extent of the risk. Secondly, even if there was a reason for going behind REPPIR and substituting a quantifiable measure of risk, it is far from clear what that measure should be.
282. The Applicant has addressed this matter in comparison with events and activities of various kinds which contribute to a normal background level of risk, and has concluded that the residual risk is less than of one event in 1,000,000 years [66]. However this is not based on any detailed knowledge of the processes or nuclear inventory at AWE, and such comparisons are of limited assistance.
283. Various terms have been used to describe the risk that an event at AWE would impinge on those living and working outside the site. Perhaps the best is contained within the REPPIR Leaflet (2010) distributed to the public which describes the risk as 'extremely remote' [117]. The key point remains that, regardless of which of the various descriptors is used, there remains the potential for a reasonably foreseeable emergency at AWE – despite the fact that the site is operating at ALARP.
284. In this context, although the REPPIR approach towards 'reasonably foreseeable' events does not give a clear definition of the likelihood of an event occurring, it has the benefit of being the tried and tested statutory approach – which is applied to the entire nuclear industry. To go behind that and adopt a different test would not be justified, and it was accepted by the Applicant [181] that this would be irrational.

The consequences of a nuclear accident

285. REPPIR requires the operator (AWE) to produce a hazard analysis (HIRE) identifying potential accident scenarios and the possible extent of any release of radioactive materials. The HIRE is then scrutinised by the regulator (HSE).
286. A Detailed Emergency Planning Zone (DEPZ) is then fixed by HSE, as being an area within which detailed emergency preparedness is required. A radiation emergency is defined by REPPIR as a dose intake of 5mSv and the DEPZ is defined as being the area in which a member of the public might receive this dose or more in the event of a nuclear accident.

287. In the case of AWE, this DEPZ is a circle of 3 km radius from a nominal central point on the AWE site [183]. The extent of the DEPZ has not altered since the site was first licensed, although it is not clear how that figure was initially determined [56]. Consideration has been given by HSE to reducing the DEPZ but this consideration has not resulted in any change, and is part of the normal process of monitoring and review [56, 184]. The fact that alternatives have been considered should not be accorded any significant weight, as the adopted DEPZ has not been altered.
288. The application site is about 1 km from this nominal central point on the AWE site. The dose received by those closer to AWE would clearly be higher than those at the edge of the DEPZ, and HSE clearly calculated (on the basis of a Gaussian Plume model) that at 1 km the effective dose would be in the region of 30mSv [185]. This would be a significant dose, as accepted by the Applicant.
289. The methodology assumes that the application site would be downwind of any release. Clearly the dose could be less than 30mSv if the wind was blowing in the other direction [121]. However to assume a more favourable wind direction as part of the rationale for allowing the proposal would be most unwise.
290. However the Applicant put forward an analysis [54, 59] which suggested that the dose received at the application site would be significantly lower (no more than 16mSv). But this analysis was partly based on calculations subsequently accepted to be in error [228, 230]. It addressed only the current situation and the proposed Pegasus development, and did not allow for the possibility of future development at AWE closer to the application site. The calculation by HSE of the likely dose at the application site is more robust.
291. Turning to the consequences of such exposure, the REPPIR public leaflet states that there would be no immediate health effect for members of the public following a serious nuclear incident and release at AWE. It states that staying indoors with doors and windows closed would remove almost all the risk [69, 119]. There is no evidence that this is incorrect, but there has to be a question as to whether those potentially affected would be notified in time and be able to take shelter.
292. REPPIR makes the assumption that, for the first 24 hours after an event, persons within the DEPZ are outdoors and unable to achieve the mitigation afforded by sheltering. This is due to the uncertainty of guaranteeing that warning could be given or received, or that shelter would be immediately available [113, 120, 121].
293. Doubtless some sheltering would take place, and other emergency measures would be implemented. However the method of warning residents would be by way of telephone calls, and for those who were outside at the time of the incident, this could lead to a delay in notification. Given the evidence that the radioactive plume could reach the application site in around 3 – 5 minutes [209], the REPPIR assumption that no sheltering would initially occur is reasonable.
294. If the potential 30mSv dosage was received by occupiers of the development, this would be very significant. The extent of such a dose, arising from a reasonably foreseeable event, was not addressed in the Applicant's Environmental Statement or written evidence. The persuasive evidence of HSE,

given by an acknowledged expert on the impact of radiological doses was that such an exposure would be unacceptably harmful and would lead to an increased risk of cancer [187-191]. The concern is therefore not related to a societal risk, but a risk to a small number of people over a lifetime.

295. The Applicant's position at the Inquiry on the consequences of this dose proved not to be significantly different to that of HSE. It was accepted by the Applicant that such doses were "significant" if not "catastrophic", and that residents of the proposed development would be right to be "legitimately concerned" about such consequences [72, 189].
296. The Council compared this dose with other exposures to radiation. For example some medical procedures (such as CT scans) involved around a 10mSv dose [121]. However such comparisons are not especially helpful when considering the unwilling exposure of those who happen to live or work near the AWE site.
297. In dealing with the consequences of an accident, it is noted that HSE did not object to other housing developments in the area, most notably Kestrel Mead, which is located slightly closer to AWE [67, 136, 141]. This was despite the fact that the science and nuclear policy which HSE currently applies has not changed. However it was accepted at the Inquiry by HSE that this was a mistake [188]. Although this inconsistency is to be regretted, it adds very little to the Applicant's argument in this case.
298. However one defines the likelihood of a nuclear emergency of the type dealt with by the REPPiR process, it remains a possibility – albeit unlikely. The only two parties (HSE and AWE) with the full knowledge of the inventory and processes at AWE consider that such an emergency is reasonably foreseeable in the terms defined by REPPiR. The fact that one of these parties is the statutory regulator of the site is of considerable significance.
299. Should a nuclear accident take place, and have consequences off the AWE site, there remains the potential, even after preventative measures have been taken, that a materially harmful radiation dose would be received by occupiers of the proposed development. The potential that a person could receive a 30mSV dose cannot be disregarded, and is clearly an important material consideration.

The effect on off-site preparedness

300. As explained above, the DEPZ is determined by HSE, within which area a detailed emergency plan is required by REPPiR. In the case of AWE, this is the Off-Site Contingency Arrangements (the Off Site Plan). The current Plan was agreed in July 2009 and is to be formally reviewed in January 2012.
301. The Off Site Plan was prepared by a Working Group, chaired by West Berkshire Council and consisting of representatives of a wide range of organisations, including HSE. The Off Site Plan sets out the contingency arrangements for a multi-agency response should there be a release of radioactive material which poses a hazard outside the AWE boundary.
302. There was some discussion at the Inquiry as to whether HSE had formally approved the Off Site Plan, or indeed whether it was required to do so. That is to a large extent academic, as it is clear that HSE played an important role in the production of the Off Site Plan and that, had they considered the document to be deficient and not fit for purpose, they would have at the very least altered

the Working Group to that fact. The evidence of HSE did not significantly criticise the contents of the Off Site Plan, which was accepted to be fit for purpose and REPPiR compliant [81, 122, 201].

303. The Off Site Plan has been regularly reviewed and tested as required by REPPiR. The last test was in November 2010, and HSE (who were actively involved in the test) confirmed that it then met REPPiR requirements. The Off Site Plan has also been the subject of a Benchmarking Review [123] which confirmed its robustness.
304. HSE's concern in relation to the Off Site Plan was not that it would fail, but that the proposal would provide additional challenges and reduce emergency preparedness. However the limited increase (268) in the resident population of the emergency planning area (i.e. around 2%) would seem unlikely to have a significant impact on the effectiveness of the Off Site Plan [122, 131]. This is against the background that the Off Site Plan does not include a maximum population beyond which it would not work. In addition, the area already accommodates widely fluctuating numbers of people as a result of those travelling through and working within the area.
305. REPPiR requires [82, 121] that the Off Site Plan should be 'extendable' to provide effective mitigation against extremely unlikely accidents which could have consequences even beyond the DEPZ. This type of extendability planning is an important part of nuclear emergency response arrangements. The built in flexibility and extendability demonstrates that the Off Site Plan is capable of adjusting to changing circumstances, and that the process of review and modification could cope with the increase in population envisaged in the current application.
306. The Off Site Plan deals with the need for evacuation, and states that even the most serious incident that can be envisaged at AWE should not require the urgent evacuation of areas outside the AWE fence. Exceptionally, evacuation within the first 24 hours might be necessary for areas up to 400 metres downwind from the site of the incident, but most of this area would be within the AWE boundary [53]. This approach towards evacuation is reflected in the REPPiR public leaflet. In this context, the potential need to evacuate those living on the application site is limited.
307. If an evacuation were necessary, this would normally be carried out either before any release (on a precautionary basis), or following the initial phase once the pollutants had settled. There is no reason to suppose that the addition of those living and working on the application site would render any such evacuation impossible or significantly more challenging, although it would require additional resources and commitments from emergency responders.
308. Concern was also raised by HSE about those who chose, despite the published advice, to self-evacuate when an incident occurred. This possibility is recognised in the Off Site Plan [85]. However it is reasonable to assume that the majority of residents and workers would follow the advice to stay indoors and thereby limit their exposure. Those few who might self-evacuate are unlikely to pose the sort of traffic difficulties suggested – without any detailed evidence – by HSE. The Applicant's Transport Assessment [85] states that the entire development would only increase traffic flows by around 2%. In this context the very small increase in traffic brought about by any self-evacuation

would be unlikely to impact in any material respect on the emergency services. In any event, initially emergency vehicles would generally be going towards the incident, whereas any self-evacuees would be travelling away.

309. Some of the agencies who would be involved in responding to an emergency have objected to or raised concerns about the proposal [242, 249]. The fact that there have been varying responses is perhaps inevitable given the different roles of the organisations. However, although a number of them state that the Off Site Plan may need to be amended, they generally stop short of suggesting that this could not be done.
310. Particular attention should be given to the response from West Berkshire Council (who chair the Working Group) and Thames Valley Police (who are charged with leading the co-ordination and management of the emergency response) [242, 244].
311. West Berkshire Council, although objecting to the proposal, explains that, should the application be approved, the responding agencies would review their processes and the Off Site Plan, and adapt accordingly. Although concern is expressed at the financial consequences, it is clear that the Off Site Plan could be adapted to allow for the proposed development.
312. Thames Valley Police have concerns about development in an area where people may potentially be put at risk. However they state that there is nothing to indicate that the increase in population would result in the failure of the current Off Site Plan or a breakdown in the police response.
313. Overall, it is far from certain that the proposal would necessitate any significant changes to the Off Site Plan, which has built in flexibility and extendibility. But even if such changes were required, there is no persuasive evidence that they could not be accommodated within the statutory REPIR process or that the proposal would unnecessarily impact on the effectiveness of emergency responders.

The applicability of nuclear siting policy

314. There is a disagreement between the parties as to the relevance of certain national nuclear policy statements [74-76, 129-130, 211].
315. HSE placed particular weight on two main sources of policy. These are the 'Fourth Report on Compliance with the Convention on Nuclear Safety Obligations' (the Fifth Report is very similar), and the Statement by the Secretary of State for Energy in March 1988 dealing with demographic criteria – the 'Hansard policy'.
316. It is clear that the policies were written for nuclear reactor sites, where all aspects of the design, planning and construction have been the subject of licensing control. Self-evidently the AWE site is neither a nuclear reactor nor a potential location for a complete new nuclear facility. It is a legacy site which has developed over many decades, and which has only recently been the subject of the licensing process.
317. In the light of this, it was accepted by HSE that there is no specific Government policy dealing with a legacy site such as AWE, and no HSE document in which

the applicable siting policy was specifically set out. Nonetheless, HSE gave weight to these national nuclear policies for a number of reasons.

318. In particular the Forward to the Fourth National Report states that, although the report only covers land based civil nuclear plant, the “safety of other UK nuclear facilities that fall outside the scope of this Convention are also regulated to the same standards, so as to ensure that they are operated in a manner that maintains a high level of safety” [211]. Although this refers to standards and not locational issues it is nevertheless a good indication of the applicability of the Report.
319. Several HSE witnesses, including those who directly advise Ministers on nuclear matters, explained how the policy is applied in practice to sites such as AWE. This evidence of the manner in which national policy has been applied was persuasive.
320. HSE referred to 1998 and 2008 papers dealing with proposals for demographic siting criteria to be applied to both reactor and non-reactor nuclear sites. Although these were discussion papers and not statements of policy, they add weight to the argument that the policy is applicable to non-reactor sites. Similarly considerations by NuSAC did not formally adopt a policy for sites such as AWE, but again these reinforce the use of the policies on the basis of custom and practice [75].
321. It is clear from the evidence that the policy sources relied on by HSE have been regularly used in relation to non-reactor sites, and is reasonable to consider them in this case.

Population density criteria

322. The overall policy approach is to preserve the ‘general characteristics’ of a nuclear site, and the Hansard policy specifically confirms the use of weighted population figures [213]. The Applicant accepts this general statement of government policy, though not the way in which it has been applied by HSE [61, 63].
323. This policy is by way of general guidance rather than being proscriptive. This is made particularly clear in the Hansard policy, and by the use of such subjective terms as ‘significant’ when considering whether there has been population growth after a site was licensed [47, 132].
324. The policy itself does not provide a finite limit on population numbers in the area. This is accepted by HSE. The issue is therefore not the principle of population growth in general, but rather the consequences of the location of the application site close to AWE. The limiting criteria in the policy are in the form of cumulative weighted populations to various distances around the site and in any 30 degree sector.
325. Three demographic criteria guide the siting of nuclear reactors - semi-urban, remote and new build. Of these, the semi-urban criterion is the least restrictive, and therefore allows a greater population density closer to the facility than the others. Although these criteria apply to reactors and not sites such as AWE, there is a persuasive logic which suggests that they should be applied in this case – the issue is therefore which criterion should be used.

326. The criterion to be applied can best be considered in relation to the extent of the hazard. DEPZs have been calculated for each appropriate nuclear site, and the DEPZ at AWE is wider than that for AGRs [219-220]. HSE persuasively explained that this is because the hazard associated with AWE has been calculated to be higher for a reasonably foreseeable emergency than that at AGRs. This level of hazard is also reflected in the fact that at licensing, it was apparently thought appropriate to treat AWE as an even more sensitive "remote" site [221].
327. As the semi-urban criterion is applicable to AGRs, at least the same criteria should logically be applied to AWE. This logic was accepted by the Applicant. Careful consideration of the criterion is especially important as the normal siting issues were not considered when AWE was established as a Ministry of Defence operation. This makes the consideration of the surrounding population characteristics even more important.
328. There was much debate as to the way in which the semi-urban criterion should be considered, but the overwhelming evidence was that, due to the existing population around the AWE site, the semi-urban criterion is already significantly breached for large parts of the AWE site [224]. In general, the further south one goes within AWE (i.e. towards the application site) the greater the breach. HSE's evidence on this matter did not allow for day time visitors to the area and, self-evidently, if they were included the breach of the semi-urban criterion would be greater.
329. Given this existing situation, significant population growth in the relevant sectors would not comply with the semi-urban criterion. It cannot reasonably be argued that because a sector already includes too many people, a growth in population may be allowed simply because the criteria are already breached.
330. The Applicant's approach was not to use the semi-urban criterion but to suggest an alternative by manipulating the weighted calculation which defines the criterion. This resulted in what was called a 'limiting population density'. However this is not a recognised approach and is not a useful concept because the consequence of the manipulation is to remove any limiting criterion – in other words the population could rise to any level and still meet the terms of the new equation. This would be at odds with the policy need, accepted by all parties, to maintain the general characteristics of the site.
331. There was considerable debate at the Inquiry as to the population of the area at the time of licensing and at present. This obviously bears on whether there has been population growth after the site was licensed.
332. The Council convincingly demonstrated that the population of the entire DEPZ has remained broadly the same since licensing (an average change of less than 0.03% per annum) [137]. This was supplemented by the personal knowledge of Council witnesses.
333. However this evidence dealt with the whole of the DEPZ and did not address changes within the area or with the more detailed situation close to the point of potential release within AWE. It was agreed by the Applicant and the Council that it is only cumulative weighted populations and moving averages that have direct relevance to HSE's demographic model [33]. In this respect HSE

evidence showed an increase in population close to the application site, which was balanced by a decrease in sectors further away [231].

334. HSE's population evidence is not without flaws, in that it relied on an average household size based on 2001 census data, when it was demonstrated that the average household size has reduced since that time [142]. In addition, the relevant start date should have been the licence date (1997), but 1991 was in fact used – and the Council demonstrated that most material increase in population had taken place before that [142]. Despite these issues, HSE's population evidence is the most useful in that it was produced in a manner appropriate to the consideration of the semi-urban criterion.
335. There is nothing to suggest that the current HSE evidence on population is incorrect, but there was a previous flaw in their approach which has led to an anomaly in their position. In 2009 it became apparent to HSE that the earlier work by WS Atkins – estimating population numbers around the time of licensing - had significantly underestimated the population at that time [138-141]. This seriously skewed the subsequent estimates of population increase in the area. On that basis, working under the misapprehension of very large population increase in the area, the fact that HSE did not object to most earlier proposals in the DEPZ is anomalous.
336. This misapprehension did feature in one objection by HSE, in relation to an appeal at Shyshack Lane [139, 217]. The incorrect evidence by HSE at this appeal was based on a population growth of around 300% in the relevant sector since licensing.
337. It was suggested that HSE had initially based its objection to the current proposal on this incorrect assumption of population growth in the area. When it discovered that this was not the case, the suggestion was that HSE had changed tack and adopted the position that the semi-urban criterion would have been breached even in 1997, so that there would also be a breach now if the application scheme went ahead. There is some evidence that the primary focus of HSE did shift in this manner, but that is not to imply that the existing breach of the criterion was not initially considered. In any event, the convincing evidence now is that the criterion was and is breached.
338. The Applicant stated that other sectors within the DEPZ are more heavily populated than the sector containing the application site [83, 231]. However this evidence considered DEPZ sectors and not Hansard policy sectors, and had not been rotated as required by the criterion. In addition, the data had not been weighted to reflect proximity to the potential release site. The Applicant accepted these shortcomings in the data, which therefore adds very little to the current considerations.
339. It was also suggested that an allowance for natural growth should be made in this case. However there is no evidence that this approach is based on any policy and, where such an allowance had been made in the past, the actual ceilings for population including natural growth were below the semi-urban criterion. In any event, HSE's convincing evidence was that the semi-urban criterion already allows for natural growth [231]. It would therefore be double counting to include this for a second time. To make an additional allowance for natural growth where the semi-urban criterion had already been breached would be illogical.

340. There was some discussion at the Inquiry of the way in which future development within the AWE site might be constrained by existing and future development outside the site [52, 79, 229]. Development of a nationally important nuclear site should not be unreasonably fettered by proposals outside the site (although this point was not made by AWE). In any event, given the fact that there is existing housing closer to AWE than the application site, it is reasonable to assume that this existing population would be the limiting factor rather than the proposed development. The constraining effect of the current proposal would therefore be very slight, and is not an argument of any real significance in this case.
341. In conclusion on this issue, it is noted that the criteria are specifically intended to be used only for guidance. A breach in the policy and the semi-urban criterion should not, in itself, be a reason why planning permission should be refused. That said, the balance of the evidence is that the policy and criteria are applicable to AWE and its surroundings, and that the semi-urban criterion is already breached in this location. That breach would be worsened by the proposal.
342. Although the character of the overall DEPZ has probably not changed significantly since licensing, this ignores the weight to be accorded to the proximity of the site to the potential source of release and the population changes close to the source of the release. This is an important factor when considering a site as close to AWE as the application site.
343. The alternative approach adopted by the Applicant does not have any backing in policy. It would fail to control population in the area around AWE – which is the clear objective of policy.
344. On balance, the general characteristics of the site would not be preserved by this proposal, and the semi-urban criterion would be breached.

Other health matters

345. The only nuclear appeal decision to which the parties referred and which could in any way be comparable to the current situation is that at Shyshack Lane, to which reference has already been made. In this case an Inspector dismissed an appeal for a much smaller housing development on a site within the DEPZ but further from AWE.
346. However, as noted above, HSE's case in that instance was erroneously based primarily on a perceived significant increase in population growth since licensing. The parties to the current application disagreed as to the amount of weight which that Inspector would have accorded to the apparent population growth. The Inspector's reasoning can only be assessed by what she wrote in the decision, but it appears as though she regarded it as an important material consideration. What the decision would have been in the absence of that (inadvertently) misleading evidence can only be a matter of speculation, but it would be unwise to place any significant weight on the decision.
347. The question of the precedent which granting planning permission for the current proposal would set was an argument raised by HSE in the letter which secured the call-in of the application. The letter referred to "serious precedential implications". However this was not pursued at the Inquiry. Each

application must be treated on its merits, and the alleged precedent which a decision on this site would set is not a major consideration. In any event, the Applicant's largely unchallenged evidence [88, 89] was that the application site is the last available development site of any size in the area, and it is therefore unlikely that any decision in this case would set a significant precedent.

Conclusion on health matters

348. The risk of a nuclear accident at AWE occurring at all is very low, given that the site is operating at ALARP. Should there be an accident, there are a number of levels of defence in depth before there would be any consequences for the general population outside the AWE site.
349. The likelihood of this residual risk occurring, although low, is nevertheless 'reasonably foreseeable' in the terms of REPPiR. Although this does not provide a clear definition of the likelihood of an off-site event occurring, as the Applicant sought to provide, it has the benefit of being the tried and tested statutory approach which is applied across the nuclear industry.
350. Should such a reasonably foreseeable event take place, there is the potential that those on the application site could receive a materially harmful radiation dose of the order of 30mSv. All parties accept that this is not something which should be disregarded, and it is an important material consideration.
351. The Off Site Plan, which sets out the response arrangements should there be a release of radioactive material outside the AWE boundary, is accepted by all to be fit for purpose. It is designed to be flexible and extendable. It is possible that the implementation of the application scheme would necessitate changes to the Plan, but the evidence does not lead to the conclusion that the Plan would fail. The representations of the key emergency responders generally support this conclusion.
352. There is no specific Government policy dealing with a site such as AWE, but the evidence is that the national policy relied on by HSE has been used for non-reactor sites, and this policy should be considered in this case. The overall policy seeks to preserve the 'general characteristics' of a nuclear site, which is an approach accepted in principle by the Applicant. The best evidence is that the general characteristics of the site would not be preserved by the proposal, and that the semi-urban criterion would be breached.
353. HSE has a specific role as set out in C04/00, and its opposition to the proposal needs to be carefully considered. There are a range of factors which suggest that the risk of an event occurring and having off-site consequences is of a very low order of probability. However the health consequences for those on the site, who could receive a materially harmful radiation dose, are such that HSE's Advise Against position is justified.

Other material considerations

354. There are a number of material considerations which weigh in favour of the application. This is in addition to the LP allocation of the site for residential, open space and employment uses. These material considerations are almost entirely uncontested and, where applicable, are supported by the development plan – for that reason the consideration of these matters is comparatively brief, but this does not imply that they have correspondingly limited weight.

The improvement of the site, density and sustainability

355. The site is currently visually unattractive and does not contribute to the character of the area. Aside from the activities at the scout hut the site is only used for local walking, and may therefore be regarded as under-utilised.
356. The general location of the site is clearly sustainable, being close to the centre of the second largest settlement in the Borough, and the principle of developing such sites is recognised by LP policy D5. There is a good quality bus service to Basingstoke, and the site is close to local employment opportunities in the District Centre, at Calleva Business Park and at AWE itself [10].
357. In principle the redevelopment of such a site close to the centre of the settlement would accord with LP policy D2 and with national policy by making efficient use of previously developed land. The proposed density of the residential element [15, 61] represents an efficient use of the site, as does the layout and scale of the commercial element.

General housing need and supply

358. Dealing first with housing need, there are a range of possible requirement figures. The South East Plan, which remains part of the development plan, sets a requirement of 945 dwellings p.a. for the period 2006 - 2026. Although the intention to abolish Regional Strategies is a material consideration, significant weight must currently be attached to this figure. This figure is the only one which has gone through a full needs assessment and has been adopted [97, 151, 152, 238].
359. However there are three possible alternative figures, which must be given less weight than the development plan figure and do not, in any event, represent a fully tested and adopted locally generated requirement:
- 825 p.a. for 2006-2027. This is based on the Chief Planning Officer's letter as to the possibility of utilising such a requirement.
 - 790 p.a. The Council's Planning and Infrastructure Overview and Scrutiny Committee (July 2010) supported this figure. However this requirement was not pursued by the Council at the Inquiry.
 - 740 p.a. for the period 2011-2027 or for 2006-2027. An officer report dealing with these possible requirements was to have been considered by the Council's Committee in November 2010 but, in the light of the Court judgement related to the reinstatement of Regional Strategies, no consideration was given to this proposal. It must therefore be accorded very limited weight.
360. Set against these requirements, there is a disagreement between the Applicant and the Council as to the exact extent of the deliverable land supply.
361. The Council considers that there is a supply of 3,331 dwellings in the relevant 5 year period, whereas the Applicant considers it is 2,583 (excluding the application site). The difference relates to five sites, based on the 'deliverability tests' in PPS3. [98-100, 150].
362. The Applicant's detailed assessment of these sites [98, 150] casts considerable doubt on the Council's more optimistic land supply figure. Of particular note is

the Beech Down site, where 64 extra care affordable units appear to have been included in the supply figure (although all other such units have been excluded). In relation to land between Mulfords Hill and Silchester Road (the other allocated site in Tadley) the best evidence is that there are land ownership problems which seem likely to delay any development. For these and other reasons set out in the Applicant's evidence, the more realistic approach of the Applicant to land supply is preferred [98].

363. Balancing housing requirements and land supply, using the Applicant's figures, it is clear that there is a deficiency in the five year supply regardless of which housing requirement figure is used [99]. The extent of the supply ranges from 2.87 years (using the 945 p.a. figure) to a supply of 4.09 years (using 740 p.a. for 2006-2027).
364. Even using the Council's land supply figures, there would be a shortfall for all the housing requirement figures unless one were to use 740 p.a. for the whole 2006-2027 period. Even using that figure, leaving aside the fact that it should not be given any significant weight, there would be a 5.3 year supply if the application site were included. It is clear that the application site would make an important contribution to the extent of the 5 year land supply under these circumstances.
365. With this background, the only issue is the extent of the shortfall in housing land. Under these circumstances, favourable consideration should be given to planning applications, in line with national policy.

Affordable housing

366. Affordable housing would be provided by way of the Planning Obligation. The development would provide 40% affordable housing (i.e. 46 of the 115 units) with a tenure split of 63% social rented and 37% shared ownership. This provision would accord with LP policy C2 and with the Affordable Housing Supplementary Planning Document.
367. It is common ground between the Council and the Applicant that there is a need for between 580-920 affordable units each year across the Borough. This reflects the various Housing Market Assessments which have been undertaken over recent years.
368. More locally, there is a significant local under-provision of affordable housing. Set against a clear identified need in Tadley [32] the current proposal would deliver 46 units.
369. This is of particular importance bearing in mind the exceptionally low level of affordable completions in Tadley - none since 2005/6 [32]. There are no other deliverable and available sites to meet either the current or cumulative need in Tadley [32]. The only other site in the area large enough to deliver affordable housing is the land between Mulfords Hill and Silchester Road but, as mentioned above, land ownership issues look set to delay that development.
370. HSE stated that the Council has substantially exceeded its 'objective' of providing at least 300 affordable units p.a. [102]. However this figure does not reflect the actual level of affordable housing need in the Borough. In any event, the period considered (2007-2009) was a time when developers prioritised

affordable units in order to aid cashflow, and when significant additional funds were made available. It by no means represents an average period.

371. The mechanism for securing the affordable housing provision in the Planning Obligation is unexceptional, and the comment from HSE that the intermediate housing would be unrestricted if the owners purchased outright is an entirely normal provision. These units would contribute towards the current need for such accommodation.
372. The affordable housing provision, given the pressing need in Tadley and the Borough generally, is a consideration to which significant weight should be attached.

Dwelling mix

373. The proposal would provide a mix of unit sizes which would accord with the requirements of LP policy C3. This requires a mix of dwellings with a substantial proportion of 1 and 2 bedroom units (30-50% in the case of the open market housing). It would create a mixed and inclusive community, taking into account the scale of the development, its location, and housing needs.

Employment floorspace

374. The application includes 945 sq.m. of commercial floorspace – around 10% of the floorspace of the overall development. It would be in a sustainable location and would enhance the existing commercial provision in Tadley. This is in accordance with LP policy EC4 and the LP site allocation.

The replacement of the scout hut

375. The former cinema building, now occupied by the Scouts, is in poor condition, as accepted by all parties and as confirmed by the Scouts [163]. The loss of such a facility would normally be resisted by LP policy C8. However there is an extant permission for the construction of a new facility in a residential area east of Southdown Road [14]. The applicant proposes to implement this permission prior to the demolition of the former cinema building – this is included in the Planning Obligation [14]. Should this not happen, the Applicant would pay a financial contribution towards a replacement facility.
376. The provision of a new facility, or contributions towards it, would be of greater benefit to the community than the retention of the existing building, and the objectives of the policy would be met. The new building – which could be used for a range of activities - would complement the existing playground, basketball court, football pitch and open space.

Footpath improvements

377. The existing footpath along the southern boundary of the site would be improved in relation to surface and boundary treatment, and high and low level lighting. This would improve surveillance and the overall quality of the path, which links Aldermaston Road and Almswood Road, along with providing access to the proposed central open space. This would comply with LP policy C9.

Design, layout and open space

378. There is no dispute that the scheme complies with the requirements for high quality and inclusive design. The dwellings would have private amenity space and the layout would not appear cramped or contrived. The three storey apartment blocks would be set back from the road and would be perceived along with adjoining commercial buildings – they would also replace the former cinema, which is of considerable scale. The existing mature trees around the site would be maintained.
379. There would be a central open space, which would produce a legible environment and allow an open view through to Aldermaston Road. This central open space would be accessible to residents of the development and other local people - there are no equivalent facilities in this part of North Tadley. This would accord with LP policy C9.

Conditions and obligation

Conditions

380. If it is considered by the Secretary of State that planning permission should be granted, the conditions set out in Annex 1 to this report are recommended.
381. The conditions are closely based on those agreed between the Council and the Applicant, and were not the subject of objection by any other party. Some minor amendments have been made to align them more closely with national policy. All are necessary and reasonable and meet the other tests in C11/95.
382. Standard conditions should be imposed to prevent the accumulation of permissions and to limit the development to the application plans, for the avoidance of doubt (Conditions 1 and 2).
383. A number of details of the scheme would need to be submitted for subsequent approval, to ensure a high quality of development in the interests of the visual amenity of the area (Conditions 3, 4, 10, 14). To ensure the development would not add to any flood risk, details of drainage arrangements should be submitted for approval (Condition 17).
384. During demolition and construction work it would be necessary to restrict the hours of working and deliveries, in the interests of the living conditions of nearby residents. (Conditions 6 and 13). Also during this period a condition would be necessary to protect the existing trees on the site, in the interests of the amenity of the area (Condition 20). Conditions dealing with construction vehicles, a temporary turning area, and the enclosure of the site would be necessary during the construction period in the interests of highway safety (Conditions 9 and 21).
385. Although conditions restricting 'permitted development' rights should only be imposed exceptionally, it is necessary to do so in this case given the nature of the scheme, so as to avoid the appearance of an overdevelopment of the site (Condition 5).
386. In the interests of the amenity of future residents of the development, it is necessary to require the use of obscure glazing in the first floor bathrooms, to

protect the development from road traffic noise, and to control the details and timing of lighting (Conditions 7, 15 and 18).

387. For highway safety and sustainability reasons, conditions should ensure the provision and retention of vehicle and cycle parking/storage (Conditions 8 and 23). Conditions should also control the details of roads, footpaths and accesses, and also prevent gated access to the development (Conditions 22, 24, 25). Existing access points should be closed and no additional accesses formed (Conditions 26 and 27). Works to improve the footway/cycleway fronting the site should be undertaken to improve access for pedestrians and cyclists (Condition 28).
388. For sustainability reasons, the dwellings should be constructed to Code 3 of the Code For Sustainable Homes (Condition 29). In the light of Lifetime Mobility standards, a condition is necessary to require 15% of the development to achieve that level (Condition 30).
389. To deal with any potential contamination, a condition is necessary to ensure investigation and, if necessary, remediation (Conditions 11 and 12).
390. Finally, in the interests of the living conditions of residents, a condition is necessary to ensure that the commercial space is used for B1 purposes only – as was sought in the application (Condition 19). The suggested highway safety reason for this condition is not agreed, as there is no evidence that uses outside B1 would necessarily generate additional traffic.

Planning obligation

391. Along with the affordable housing element referred to above, the Planning Obligation provides financial contributions and other community/infrastructure improvements [14]. This is in line with LP policy C1, which requires developers to provide the infrastructure and community facilities necessary to allow the development to proceed where provision is inadequate. The matters covered by the Obligation comply with the relevant development plan policies and guidance.
392. The key elements are:
- The provision of affordable housing. This has been dealt with above, and is in line with LP policy C2 and would meet a clearly identified housing need [101-103, 149].
 - A highway contribution and a Travel Plan. The Council has set out detailed and persuasive evidence [149] as to the need for and the calculation of the contribution. The area already suffers from high levels of congestion, and to allow the development without measures to offset its effect would exacerbate the position. The Council has provided evidence of the schemes to which the contribution could be allocated and which are directly related to the site and the proposal.
 - The implementation of the scout hut permission, or an alternative contribution. This is required in the light of LP policy C2, in order to provide the replacement of an essential local service. The deficiencies in provision in the area have been clearly identified [149].

- A Landscape Management Plan is necessary to provide for continuing management and maintenance of hard and soft landscaping. This is particularly important as the application site includes a significant amount of mature vegetation around the site boundary [149].
- The provision of a kickabout area and play area, and commuted sums towards the maintenance of open space and play areas. This would accord with LP policy C9, together with interim guidance. It would meet the reasonable needs of the increased number of local residents on the basis of formulae relating open space provision to head of population [149].
- A playing field contribution similarly relates to the population increase arising from the proposal, in the light of a range of documents supporting the need for provision. The contribution would be allocated to one of a named list of sites in the area [149].

393. These provisions meet the tests in C05/05 on the use of planning obligations. They are relevant to planning, necessary to make the proposal acceptable in planning terms, directly related to the proposal, fairly and reasonably related in scale and kind to the proposal, and are reasonable in all other respects. They also accord with the Community Infrastructure Regulations, which set out requirements for obligations. The matters contained in the Obligation are material considerations which weigh heavily in favour of the proposal.

The planning balance

394. With the exception of those general LP policies dealing with pollution and environmental well-being, the application accords with the development plan. In addition, aside from health matters, all other material considerations are either neutral or, in the main, in favour of the proposal.
395. This is a previously developed site within a defined settlement boundary, which is identified in a saved LP policy for the type of development currently proposed. That must be the starting point for the consideration of the application – even allowing for the fact that at no time were the health aspects of that allocation considered.
396. The site itself is in a sustainable location, and the proposal would make good use of the land in both visual and sustainability terms. It would result in significant planning benefits, in particular the provision of affordable housing (for which there is an acknowledged need) and the replacement of community facilities.
397. The position regarding housing land requirement and supply is in a state of flux at the moment. However the overall position is that, almost regardless of the housing requirement or land supply adopted, a 5 year housing land supply does not exist. Under these circumstances, favourable consideration should be given to planning applications.
398. Set against these matters is the sole, but substantial, objection on the basis of the effect on human health. This is clearly a material consideration and is the subject of policy at the national and local level.
399. Although decisions must be made on the basis of evidence, it is of relevance to recognise the role and expertise of those giving the evidence. The expertise of

HSE is clear and is recognised in national policy, and it has a specific role to advise Ministers on a range of matters, including the type of health issues raised by this application.

400. As concluded above, there is the unquantified potential for a reasonably foreseeable radiation emergency at AWE, even though it is clear that the likelihood of such an event is remote. Under those circumstances a materially harmful radiation dose could be received by occupants of the proposed development. No party suggests that the potential that a person could receive such a dose should be disregarded, and the fact that the proposal would put a significant number of people in harm's way is clearly an important material consideration.
401. The national nuclear policy documents relied on by HSE, although on their face not directly applicable to this case, have clearly been used as a matter of custom and practice in relation to facilities such as AWE, and it would be wrong to set them aside. All parties, though in some cases expressing concern about the relevance of the policies, accept the general principle that the general characteristics of the site should be preserved. In this case the best evidence is that this would not be the case, that the semi-urban criterion would be breached, and the proposal would not be in compliance with national nuclear policy.
402. The evidence is that the Off Site Plan has flexibility and extendibility built into it. Even if changes were required, such changes could be accommodated and emergency preparedness maintained.
403. This is a finely balanced case, with one very significant but unlikely harm to be set against a range of more 'conventional' planning considerations. However the consequences of such an unlikely event would be so serious that it is considered that planning permission should not be granted.

RECOMMENDATION

404. It is recommended that planning permission be refused.

P. J. G. Ware

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr T Cosgrove of Counsel	instructed by the Head of Legal & Democratic Services
He called	
Mr G Gosling Cert Arch	Intelligence Officer
Ms P Hughes BSc MSc MBA MCIEH	Head of Property Services
Ms N Linihan BA DMS MRTPI	Head of Planning & Transport
Ms R Fenn-Tripp MSc BSc LMRTPI	Principal Planning Officer

FOR THE APPLICANT:

R Griffiths QC Mr Tabachnik of Counsel	both instructed by Mr D Bond
They called	
Dr Thorne FInstP FSRP CRadP	Director, Mike Thorne and Associates
Mr Dillon MSc SBCI MIFSM	Emergency Management Services Limited
Mr Brookes BSc(Hons) MS	Director, GIS & Design Solutions
Mr D Bond BA(Hons) MRTPI	Partner, Wolfe Bond Planning LLP

FOR THE HEALTH AND SAFETY EXECUTIVE:

R Harris QC He called	instructed by the Treasury Solicitor
Dr D Lacey	Deputy Chief Inspector of Nuclear Installations Directorate (NI)
Mr I Robinson	Superintending Inspector NI
Mr S Saunders	Principal Inspector NI
Dr J Highton	Principal Inspector NI
Ms V Jones	Planning Consultant

INTERESTED PERSONS:

Mrs M Weston	16 Silchester Road, Tadley
Mr B Spray	Chairman, Tadley Scout Group. 12 The Close, Monk Sherbourne, Tadley
Mr A Jeffrey	Resident of Tadley

DOCUMENTS

Documents handed in at the Inquiry

- 1 List of persons present at the Inquiry
- 2 Written statement from West Berkshire District Council
- 3 Email (6/10/10) from Thames Valley police
- 4 Emails (19/2/10 & 3/9/10) from Hampshire police
- 5 REPIR Regulations (extract)
- 6 Hampshire Fire & Rescue Service letter (14/10/10)
- 7 Hampshire Constabulary letter (15/10/10)
- 8 Planning and Housing Statements of Common Ground
- 9 Unilateral Undertaking (15/11/10)
- 10 Appeal decision (10/11/09) 2009 relating to Shyshack Lane, Tadley

Core Documents (Prepared by the applicant)

- 1 Volume 1 Environmental Statement, including appendices Volumes 2a and 2b, June 2010
- 2 Planning application plans (listed in condition no.1) supporting documentation and planning officer's reports
- 3 Basingstoke and Deane Local Plan (adopted July 2006)
- 4 Saved policies from the Basingstoke and Deane Local Plan
- 5 Basingstoke and Deane annual monitoring report (2009)
- 6 South East Plan (2009)
- 7 Design and Sustainability SPD (2008) (extracts):
 - Overarching introduction document
 - Appendix 5 construction statement
 - Appendix 6 waste and recycling
 - Appendix 7 places to live
- 8 Affordable Housing SPD (2007) (as replaced by PPS3)
- 9 Housing Mix and Lifetime Mobility Standards SPD (2007)
- 10 Landscape and Biodiversity SPD (2009)
- 11 Residential Parking Standards (2008)
- 12 Tadley Design Statement SPG (2004)
- 13 Basingstoke & Deane Employment Land Review (2009)
- 14 Section 106 Planning Obligations and Community Infrastructure SPD (2006)
- 15 Boundary Hall site Development Brief (1996)
- 16 Development Framework Document: Boundary Hall site (2004)
- 17 Ram Brewery, Wandsworth Inspector's report and Secretary of State's decision (APP/H5960/V/09/2099671, 2099695, 2099698 and 2099672) 30/6/10
- 18 Brit Oval Inquiry Inspector's report and Secretary of State's decision (APP/N5660/V/081203001) (8/6/09)
- 19 Scout's Den at Southdown playing fields, Southdown Road, Tadley. Application no. BDB71012, application plans, planning officer's report and decision notice (21/9/09)
- 20 GOSE call in letter (4/3/10)
- 21 Borough Housing Market Assessment for Central Hampshire New Forest (November 2007)
- 22 Housing Market Assessment update for Central Hampshire New Forest (December 2008)

- 23 Housing Strategy for Basingstoke and Deane Borough Council (2008-2011)
- 24 Basingstoke and Deane Borough Rural Housing Study 2010
- 25 Email regarding affordable housing completions in the Tadley area since 1997/1998 (27/4/10)
- 26 DCLG letter (6/7/10) regarding the revocation of South East Plan
- 27 Planning and Infrastructure Overview and Scrutiny Committee (17/12/09) – Annual Housing Land Position Report and Annual Monitoring Report
- 28 GOSE letter to Basingstoke and Deane Borough Council regarding 5-year housing land supply calculation methodology 26 April 2010
- 29 Worting farm planning application officer's report (BDB71886) 12 May 2010 and officer update report
- 30 Basingstoke and Deane Borough Council Issues and Options Paper 2008
- 31 Basingstoke and Deane Borough Council Key Themes Paper 2010
- 32 Basingstoke and Deane Borough Council Committee Reports 1/7/09 & 13/1/10
- 33 Atomic Weapons Establishment off-site contingency arrangements 1/2009
- 34 A Guide to the Radiation (Emergency Preparedness and Public Information) Regulations 2001

Documents submitted by the Council

- LPA/1 Opening submissions
- LPA/2 Letter from HSE to the Council (6/6/2001)
- LPA/3 Letter from HSE to West Berkshire Council (16/6/2003)
- LPA/4 Note explaining outcome of 11/11/10 Committee meeting
- LPA/5 Atkins Benchmark Review of AWE Off-Site Plan (22/12/09)
- LPA/6 Planning application/permission for 'Pegasus' development
- LPA/7 Proof/Appendices of Mr Gosling
- LPA/8 Proof/Appendices of Ms Hughes
- LPA/9 Proof/Appendices of Ms Linihan
- LPA/10 Proof/Appendices of Ms Fenn-Tripp, Housing Requirement note and Rates of Housing Development table
- LPA/11 Council's Closing Submissions and Appendix dealing with RSS position

Documents submitted by the Applicant

- APP/1 Opening submissions
- APP/2 1990 ICRP recommendations
- APP/3 2007 ICRP recommendations
- APP/4 Plan showing facilities in the area
- APP/5 'What to do in the event of an emergency at AWE' leaflets (2007 and 2010 versions)
- APP/6 HIRE (11/07) for Associated British Ports Southampton
- APP/7 NRPB – R91 Model for short to medium range dispersion of radionuclides released into the atmosphere
- APP/8 HSE - 'Reducing Risks Protecting People'
- APP/9 Proof/Appendices of Dr Thorne, Siting Considerations Core Documents, additional Proof following interim site visit, additional Proof related to AWE Context Plan
- APP/10 Proof/Appendices of Mr Dillon, Schedule of Core Documents
- APP/11 Proof/Appendices of Mr Brookes
- APP/12 Proof/Appendices of Mr Bond, Housing Supply Statement
- APP/13 Applicant's Closing Submissions and Addendum

Documents submitted by the Health & Safety Executive

HSE/1	Opening submissions
HSE/2	Areas of agreement with Planning Statement of Common Ground
HSE/3	Extendibility Guidance (Chapter 9)
HSE/4	Health effects of plutonium (U.S. Environmental Protection Agency)
HSE/5	Hypothetical Multiple Facility Nuclear site
HSE/6	Site licence (29/3/00) for AWE
HSE/7	DECC Testing of Off-site Preparedness (Chapter 5)
HSE/8	Redacted HIRE for AWE (2008)
HSE/9	1992 Safety Assessment Principles
HSE/10	Statement by Dr Highton submitted to the Shyshack Lane appeal
HSE/11	Note on number of workers at AWE
HSE/12	Secretary of State's Statement on Localism Bill and Planning
HSE/13	HIRE Assessment (October 2002)
HSE/14	Review of AWE Accident Fault Sequences (June 2008)
HSE/15	HSE letter (16 September 2002) related to 3 km DEPZ
HSE/16	Redacted HIRE for AWE (2002)
HSE/17	Redacted HIRE for AWE (2005)
HSE/18	Proof/Appendices of Dr Lacey, Additional Proof
HSE/19	Proof/Appendices of Mr Robinson, Additional Proof
HSE/20	Proof/Appendices of Mr Saunders, Additional Proof, Second Additional Proof, Statement on REPPIR Leaflet
HSE/21	Proof/Appendices of Dr Highton, Additional Proof
HSE/22	Proof/Appendices of Ms Jones
HSE/23	HSE's Closing Submissions

ANNEX A

Conditions as agreed between Cala Homes (South) Ltd and Basingstoke and Deane Borough Council (with minor amendments as noted above)

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

<u>Plan Name/No</u>	<u>Received On</u>
Site Location Plan @ 1:1250	11th December 2007
12D	5th February 2008
29B	5th February 2008
28B	5th February 2008
26A	11th December 2007
27A	11th December 2007
3272-F-106	7th April 2008
11	28th November 2007
13B	5th February 2008
14B	5th February 2008
15B	5th February 2008
16A	5th February 2008
17B	5th February 2008
18A	5th February 2008
19A	5th February 2008
20B	5th February 2008
21A	5th February 2008
22B	5th February 2008
23B	5th February 2008
24B	5th February 2008
30	28th November 2007
31A	11th December 2007
32	28th November 2007
33B	7th April 2008
34	5th February 2008
Elevations 4B, 4C, 4D, 4A, 4, 3B, 3A, 2B, 2C, 3, 2, 2A, and 1, A1.	11th December 2007

- 2 The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
- 3 No development shall commence on site until samples of all the external materials to be used (including hard surfacing materials) have been submitted to and approved by the Local Planning Authority in writing. Development shall be carried out in accordance with the approved details.
- 4 Notwithstanding the approved plans, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of screen walls/fences/hedges to be erected/planted. The approved screen walls/fences shall be erected and the hedges planted in accordance with the approved details before the relevant buildings hereby approved are first occupied, and shall subsequently be retained.

- 5 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no building, structure or other alteration permitted by Class A, B or C of Part 1 of Schedule 2 of the Order or Class A of Part 2 of Schedule 2 of the Order is permitted.
- 6 No work relating to the construction of the development hereby approved, including works of demolition or site preparation prior to building works, shall take place before the hours of 0730 nor after 1800 on Monday to Friday, before the hours of 0800 nor after 1300 on Saturdays, nor on Sundays or recognised public holidays.
- 7 The approved bathroom windows at first floor level shall be glazed with obscured glass and shall be permanently retained in that condition.
- 8 The dwellings and commercial building hereby permitted shall not be occupied until the relevant vehicle parking and turning space has been constructed, surfaced and marked out, and cycle parking and secure storage constructed in accordance with the approved details. Those facilities shall not thereafter be used for any purpose other than parking, turning, loading and unloading of vehicles and parking/storage of cycles.
- 9 No development shall take place until details of provision to be made for the parking and turning on site of operatives' and construction vehicles during the contract period together with storage on site of construction materials has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be fully implemented before development commences and retained and used only for the intended purpose for the duration of the construction period.
- 10 No works shall take place on site until a measured survey of the site has been undertaken and a plan prepared to a scale of not less than 1:500 showing details of existing and intended final ground and finished floor levels from a specified bench mark has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 11 No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority: -
 - (a) a desktop study carried out by a competent person documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2001; and
 - (b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as being appropriate by the desk study in accordance with BS10175:2001- Investigation of Potentially Contaminated Sites - Code of Practice; and

- (c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants/or gases when the site is developed and proposals for future maintenance and monitoring. Such scheme shall include nomination of a competent person to oversee the implementation of the works.

If during any works contamination is encountered which has not been previously identified then the additional contamination shall be fully assessed and an appropriate remediation scheme, including details of its implementation, shall be submitted to and approved in writing by the Local Planning Authority.

- 12 The development hereby permitted shall not be occupied/brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of condition 11(c) that any remediation scheme required and approved under the provisions of condition 11(c) has been fully implemented in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Such verification shall comprise:
 - (a) as built drawings of the implemented scheme; and
 - (b) photographs of the remediation works in progress; and
 - (c) certificates demonstrating that imported and/or material left in situ is free of contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 11(c).

- 13 No deliveries of construction materials or plant and machinery shall take place before the hours of 0730 nor after 1800 on Monday to Friday, before the hours of 0800 nor after 1300 on Saturdays, nor on Sundays or recognised public holidays.
- 14 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping works which shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted, and the layout, contouring and surfacing of all open space areas. The works approved shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is the sooner, in accordance with a phased programme agreed with the Local Planning Authority in writing prior to commencement of planting. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 15 The commencement of the development shall not take place until a detailed scheme for protecting the development from road traffic noise has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of noise mitigation measures, including window glazing and room ventilation provisions, of the dwellings which shall be used to achieve the good internal ambient noise levels within habitable rooms

(bedrooms and living rooms) set out in Table 5 of BS8233:1999 and to achieve noise levels in the garden area/outdoor living space not exceeding 55dB(A) (16 hour free field). All works which form part of the approved scheme shall be implemented in full prior to the first occupation of any of the relevant buildings hereby permitted.

- 16 No part of the development shall commence until the details of the highway works in Almswood Road and at the junction of Almswood Road and the A340 as shown coloured yellow on drawing 29 Rev B have been submitted to and approved in writing by the Local Planning Authority. The approved works shall be implemented in full prior to the occupation of the development hereby permitted.
- 17 Development shall not begin until drainage details, incorporating sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, have been submitted to and approved by the Local Planning Authority in writing. The approved scheme shall be implemented in accordance with the approved details before the development is completed.
- 18 Prior to the occupation of the development hereby approved, details of all external lighting and details of the timing of illumination shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and be thereafter retained in accordance with the approved details and used in accordance with the agreed hours of illumination.
- 19 The commercial building shall be used only for purposes within Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any statutory instrument revoking and re-enacting that Order (with or without modification).
- 20 No development shall take place on site until a method statement for works affecting trees (Arboricultural Method Statement) to include a Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority. The tree protection works shall be carried out before any demolition or building work is undertaken, and shall be retained in situ for the entire construction period.
- 21 Prior to the commencement of development a temporary 2 metre high perimeter fence shall be erected in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved fence shall be fully implemented before development commences and retained for the duration of the construction period.
- 22 Details of the width, alignment, gradient and type of construction proposed for the roads, footways, paths and accesses, including all relevant horizontal cross sections and longitudinal sections showing the existing and proposed levels, together with details of visibility splays, signage and the method of disposing of surface water shall be submitted to and approved in writing by the Local Planning Authority before development is commenced. The agreed details shall be implemented before occupation of the dwellings and commercial building.
- 23 All garages constructed shall not be converted or used for any residential purpose other than as a domestic garage for the parking of vehicles.

- 24 The accesses shall be provided with splays to the highway at an angle of 45 degrees for a distance of 2 metres.
- 25 No gates shall be installed at the accesses from the highway into the site at any time.
- 26 On completion and first use of the approved accesses, the former accesses from Aldermaston Road (west) and Almswood Road shall be permanently closed and reinstated in accordance with details to be submitted to and approved by the Local Planning Authority.
- 27 No pedestrian or vehicular access, other than as shown on the approved plans, shall be formed into the site.
- 28 Prior to the development being brought into use the footway/cycleway fronting the site along the A340 Mulfords Hill, southwards from the Falcon Gyratory to the existing site access, shall be provided with dropped kerbs and tactile paving across the existing access. The works shall be constructed in accordance with drawings that shall be submitted to and approved in writing by the Local Planning Authority.
- 29 The dwellings shall achieve Code Level 3 of the Code For Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.
- 30 15% of the dwellings hereby approved shall be built to Lifetime Mobility standards.

Appendix 2 – Tadley Hill 21/00893/FUL



Mr Nicholas Cobbold
Bell Cornwell Chartered Town Planners
Unit 2 Meridian Business Park
Osborn Way
Station Road
Hook
RG27 9HY
UK

NOTICE OF APPROVAL

Town & Country Planning Act 1990 Town & Country Planning (Development Management Procedure) (England) Order 2015

In pursuance of its powers under the abovementioned Act, the Council as Local Planning Authority hereby GRANTS planning permission for the:

Proposal: Erection of 6 no.dwellings (comprising of 2 x 4 bed, 4 x 3 bed) with associated access, parking and amenity space.
Location Land On The Eastern Side Of Tadley Hill Tadley RG26 3PL
Applicant: OakBee Ltd

in accordance with your application, plans and particulars unless otherwise agreed in writing with the Local Planning Authority **and subject to compliance with the following conditions:**

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

Location Plan (Drawing No. 6047245-P01A)
Block Plan (Drawing No. 6047246-P02C)
Proposed Site Plan (Drawing No. 6047269-P05P)
Site Sketch (Drawing No. 6047272-P07G)
Proposed Streetview (Drawing No. 6047274-P09D)
Plot 1 - Proposed Plans (Drawing No. 6047279-P10D)
Plot 1 - Elevations (Drawing No. 6047280 - P11D)
Plot 2 - Proposed Plans (Drawing No. 6047281-P20D)
Plot 2 - Elevations (Drawing No. 6047282-P21D)
Plot 3 and 4 - Proposed Plans (Drawing No. 6047283-P30D)
Plot 3 and 4 - Elevations (Drawing No. 6047284-P31D)
Plot 5 and 6 - Proposed Plans (Drawing No. 6047294-P40F)
Plot 5 and 6 - Elevations (Drawing No. 6047295-P41F)
Proposed Garage Plans (Drawing No. 6047299-P60A)

REASON: For the avoidance of doubt and in the interests of proper planning

- 2 The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions.
- 3 No development above slab level shall commence on site until details of the types and colours of external materials to be used, including colour of mortar and timber staining (where applicable), together with samples, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter maintained in accordance with the details so approved.
REASON: In the absence of satisfactory details being submitted to accompany the application, details are required in the interests of the visual amenities of the area and in accordance with Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029.
- 4 The residential units hereby approved shall not be occupied until the vehicular parking has been provided in accordance with the Site Plan Drawing No. 6047269-P05P. The vehicular parking shall be thereafter retained in accordance with the approved details.
REASON: In the interests of highway safety, to ensure convenience of arrangements for parking and turning and to ensure that no obstruction is caused on the adjoining highway and in accordance with Policies CN9 and EM10 of the Basingstoke and Deane Local Plan 2011-2029 and the Parking Standards Supplementary Planning Document 2018.
- 5 No development shall take place, including any works of demolition, until a Construction Method Statement with details, schedules and drawings that demonstrates safe and coordinated systems of work affecting or likely to affect the public highway and or all motorised and or non-motorised highway users, has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period.

The Statement shall include for:

- i. means of access (temporary or permanent) to the site from the adjoining maintainable public highway, including the associated traffic management arrangements;
- ii. the parking and turning of vehicles of site operatives and visitors off carriageway (all to be established within one week of the commencement of development);
- iii. loading and unloading of plant and materials away from the maintainable public highway;
- iv. storage of plant and materials used in constructing the development away from the maintainable public highway;
- v. wheel washing facilities or an explanation why they are not necessary;
- vi. measures to control the emission of dust and dirt during construction;
- vii. a scheme for recycling and disposing of waste resulting from construction work;
- viii. the management and coordination of deliveries of plant and materials and the disposing of waste resulting from construction activities so as to avoid undue interference with the operation of the public highway, particularly during the Monday to Friday AM peak (08.00 to 09.00) and PM peak (16.30 to 18.00) periods;
- ix. the routes to be used by construction traffic to access and egress the site so as to avoid undue interference with the safety and operation of the public highway and adjacent roads, including construction traffic holding areas both on and off the site as necessary.

REASON: Details are required prior to commencement in the absence of accompanying the application and to ensure that the construction process is undertaken in a safe and convenient manner that limits impact on local roads and the amenities of nearby occupiers, the area generally and in the interests of highway safety and in accordance with Policies CN9 and EM10 of the Basingstoke and Deane Local Plan 2011-2029.

6 With the exception of removal of existing buildings, hardstanding and any underground infrastructure no works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority:-

(a) a desk top study carried out by a competent person documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2011;

and,

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as being appropriate by the desk study in accordance with BS10175:2011- Investigation of Potentially Contaminated Sites - Code of Practice;

and,

(c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants/or gases when the site is developed. The scheme must include a timetable of works and site management procedures and the nomination of a competent person to oversee the implementation of the works. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 and if necessary proposals for future maintenance and monitoring.

Important note: Unless part (a) identifies significant contamination, it may transpire that part (a) is sufficient to satisfy this condition, meaning parts (b) and (c) need not be subsequently carried out. This would need to be agreed in writing by the Local Planning Authority.

If during any works contamination is encountered which has not been previously identified it should be reported immediately to the Local Planning Authority. The additional contamination shall be fully assessed and an appropriate remediation scheme, agreed in writing with the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Contamination Land Guidance at: <https://www.gov.uk/contaminated-land>, Last accessed October 2019..

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy EM12 of the Basingstoke and Deane Local Plan 2011-2029.

- 7 The development hereby permitted shall not be occupied/brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of condition 6(c) that any remediation scheme required and approved under the provisions of condition 6(c) has been implemented fully in accordance with the approved details. Such verification shall comprise;

as built drawings of the implemented scheme;

photographs of the remediation works in progress;

Certificates demonstrating that imported and/or material left in situ is free of contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 6(c).

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance Policy EM12 of the Basingstoke and Deane Local Plan 2011-2029

- 8 Prior to commencement of the landscaping works and final occupation of the development, a scheme of soft landscaping which shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted (including replacement trees where appropriate) shall be submitted to and approved in writing by the Local Planning Authority. The works approved shall be carried out in the first planting and seeding seasons following the first occupation of the building(s) or when the use hereby permitted is commenced. In addition, a maintenance programme detailing all operations to be carried out in order to allow successful establishment of planting, shall be submitted to and approved in writing by the Local Planning Authority before commencement of the landscaping works. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: Further details are required because insufficient information has been submitted with the application in this regard, to improve the appearance of the site in the interests of visual amenity in accordance with Policies EM1 and EM10 of the Basingstoke and Deane Local Plan 2011-2029.

- 9 No hard landscaping works shall commence on site until details of the materials to be used for hard and paved surfacing have been submitted to and approved in writing by the Local Planning Authority. The approved surfacing shall be completed before the adjoining buildings are first occupied and thereafter maintained.

REASON: Further details are required because insufficient information has been submitted with the application in this regard, to improve the appearance of the site in the interests of visual amenity in accordance with Policies EM1 and EM10 of the Basingstoke and Deane Local Plan 2011-2029.

- 10 Prior to installation a plan indicating the positions, design, materials and type of screen walls/fences/hedges to be erected, shall be submitted to and approved in writing by the Local Planning Authority. The approved screens/walls/fences shall be erected before the use/buildings hereby approved are first occupied and shall subsequently be maintained as approved. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be

replaced in the next planting season with others of similar size and species, details of which shall be agreed in writing by the Local Planning Authority before replacement occurs.

REASON: Details are required prior to commencement because insufficient information has been submitted with the application in this regard, in the interests of the amenities of the area and in accordance with Policies EM1, EM10 and EM11 of the Basingstoke and Deane Local Plan 2011-2029.

- 11 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no additional openings shall be inserted in any elevation or roofslopes of the buildings without the prior permission of the Local Planning Authority on an application made for the purpose.

REASON: To protect the amenity and privacy of the occupiers of adjoining property in accordance with Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029.

- 12 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no building, structure or other alteration permitted by Class A; B; C; D; E; or F; of Part 1; of Schedule 2 of the Order shall be erected on the application site without the prior written permission of the Local Planning Authority on an application made for that purpose.

REASON: To protect the amenity and privacy of the occupiers of adjoining property and to avoid an overdevelopment of the site in accordance with Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029.

- 13 Notwithstanding the submitted details no development shall commence on site until details of the works for the disposal of surface water have been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until the approved surface water drainage details have been fully implemented in accordance with the approved plans.

REASON: In the absence of sufficient and precise details of the proposed surface water drainage mechanism within the planning submission, it is necessary for further information to be submitted which ensures the proposal is provided with a satisfactory means of drainage. The information is requested prior to works commencing at the site in order to ensure the drainage infrastructure required for the development is fully considered and accommodated within the site in accordance with Policies EM6 and EM7 of the Basingstoke and Deane Local Plan 2011-2029.

- 14 No development shall commence on site until details of the works for the disposal of sewerage have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: In the absence of sufficient and precise details of the proposed wastewater drainage mechanism within the planning submission, it is necessary for further information to be submitted which ensures the proposal is provided with a satisfactory means of drainage. The information is requested prior to works commencing at the site in order to ensure the drainage infrastructure required for the development is fully considered and accommodated within the site in accordance with Policy EM12 of the Basingstoke and Deane Local Plan 2011-2029.

- 15 The development hereby permitted shall not be occupied/brought into use until a technical report and a certification of compliance demonstrating that each residential unit within the development has achieved the water efficiency standard of 110 litres of water per person per day (or less) has been submitted (by an independent and suitably accredited body) to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: Details are required prior to occupation because insufficient information was provided within the application and to improve the overall sustainability of the development, in accordance with Policy EM9 of the Basingstoke and Deane Local Plan 2011-2029.
- 16 The residential units hereby approved shall not be occupied until the cycle storage facilities and refuse and recycling facilities have been provided in accordance with detailed drawings and Site Layout Plan Drawing No. 6047269-P05P. The development shall thereafter be maintained, in accordance with the approved details.
REASON: In accordance with Policies CN9 and EM10 of the Basingstoke and Deane Local Plan 2011-2029 and the Parking Standards Supplementary Planning Document 2018.
- 17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), no gates, fences, walls or other means of enclosure, shall be erected or placed across the site accesses which fronts onto the highway, Tadley Hill, A340.
REASON: In the interests of visual amenity and highway safety in accordance with Policies CN9 and EM10 of the Basingstoke and Deane Local Plan 2011-2029.
- 18 Prior to the commencement of development, a Biodiversity Enhancement & Management Plan (BEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall deliver a minimum of 1.23 Habitat Units and 2.18 Hedgerow Units. The BEMP will include the results of the provided Biodiversity Metric, species enhancements named within the Ecological Appraisal by Crossman Associates dated January 2020 and the following:
- a) Description and evaluation of features to be managed and enhanced
 - b) Extent and location/area of proposed enhancement works on appropriate scale maps and plans to include species/faunal enhancement measures
 - c) Ecological trends and constraints on site that might influence management
 - d) Aims and Objectives of management
 - e) Appropriate management Actions for achieving Aims and Objectives
 - f) An annual work programme (to cover an initial 5-year period)
 - g) Details of the specialist ecological management body or organisation responsible for responsible for implementation of the Plan
 - h) For each of the first 5 years of the Plan, a progress report sent to the LPA reporting on progress of the annual work programme and confirmation of required Actions for the next 12-month period
 - i) The Plan will be reviewed and updated every 5 years and implemented for perpetuity

The Plan shall include details of the legal and funding mechanisms by which the long term implementation of the Plan will be secured by the developer with the specialist ecological management body or organisation responsible for its delivery. The Plan shall also set out (where the results from the monitoring show that the Aims and Objectives of the BEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the Objectives of the originally approved Plan. The approved Plan will be implemented in accordance with the approved details.

REASON: In order to evidence that these habitats can be delivered in perpetuity in line with the National Planning Policy Framework, Policy EM4 of the Basingstoke and Deane Local Plan 2011-2029 and principle B7 of the Basingstoke and Deane Landscape, Biodiversity and Trees Supplementary Planning Document.

- 19 The development hereby permitted shall be undertaken in line with recommendations and procedures contained within Chapter 4 Recommendations of the Ecological Appraisals by Crossman Associates dated 6/1/2020 in regard to mitigation for key species including nesting birds, bats and hedgehogs.
REASON: In order to meet the requirements of the NPPF and Policy EM4 of the Basingstoke and Deane Local Plan 2011-2029.
- 20 The development shall not be brought into use until sightlines of 2.4 metres x 43 metres from the private access(s) onto A340 Tadley Hill as indicated on the approved plan in which there should be no obstruction to visibility exceeding 1.0 metre in height above the adjacent carriageway channel line have been completed. Such sightlines shall thereafter be retained for the lifetime of the development.
REASON: To provide and maintain adequate visibility in the interests of highway safety and in accordance with Policies CN9 and EM10 of the Basingstoke and Deane Local Plan 2011-2029.
- 21 No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, shall take place before the hours of 0730 nor after 1800 Monday to Friday, before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public holidays.
REASON: To protect the amenities of the occupiers of nearby properties during the construction period and in accordance Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029.
- 22 No deliveries of construction materials or plant and machinery and no removal of any spoil from the site shall take place before the hours of 0730 nor after 1800 Monday to Friday, before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public holidays.
REASON: To protect the amenities of the occupiers of nearby properties during the construction period and in accordance with Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029.
- 23 Protective measures, including fencing, ground protection, supervision, working procedures and special engineering solutions shall be carried out in accordance with the Arboricultural Impact Assessment written by CBA Trees, ref: CBA11440 v2, May 2022.
REASON: To ensure that reasonable measures are taken to safeguard trees in the interests of local amenity and the enhancement of the development itself, in accordance with the National Planning Policy Framework and Policy EM1 of the Basingstoke and Deane Local Plan 2011- 2029.

Notes to Applicant

- 1.1 The applicant's attention is drawn to the fact that the above conditions (if any), must be complied with in full, failure to do so may result in enforcement action being instigated.

1.2 This permission may contain pre-commencement conditions which require specific matters to be submitted and approved in writing by the Local Planning Authority before a specified stage in the development occurs. This means that a lawful commencement of the approved development CANNOT be made until the particular requirements of the pre-commencement conditions have been met.

1.3 The applicant's attention is drawn to the fact that the Local Planning Authority has a period of up to eight weeks to determine details submitted in respect of a condition or limitation attached to a grant of planning permission. It is likely that in most cases the determination period will be shorter than eight weeks, however, the applicant is advised to schedule this time period into any programme of works. A fee will be required for requests for discharge of any consent, agreement, or approval required by a planning condition. The fee chargeable is £116 or £34 where the related permission was for extending or altering a dwelling house or other development in the curtilage of a dwelling house. A fee is payable for each submission made regardless of the number of conditions for which approval is sought. Requests must be made using the standard application form (available online) or set out in writing clearly identifying the relevant planning application and condition(s) which they are seeking approval for.

- 2 In accordance with paragraph 38 of the National Planning Policy Framework (NPPF) in dealing with this application, the Council has worked with the applicant in the following positive and creative manner:-

seeking further information following receipt of the application;*

seeking amendments to the proposed development following receipt of the application;

considering the imposition of conditions

In this instance:

the applicant was updated of any issues after the initial site visit;

In such ways the Council has demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.

- 3 The Borough Council declared a Climate Emergency during 2019 formally making this declaration at the meeting of Cabinet in September 2019. This recognises the need to take urgent action to reduce both the emissions of the Council's own activities as a service provider but also those of the wider borough. In this respect, the Council is working with consultants at present to identify appropriate actions to achieve the targets that have been set. Beyond the requirements of any conditions that may be applicable to this planning permission and the current planning policy framework, the applicant is encouraged to explore all opportunities for implementing the development in a way that minimises impact on climate change. Where this in itself might require separate permission applicants can contact the council for advice through the following link: <https://www.basingstoke.gov.uk/before-making-a-planning-application>. For information more generally on the Climate Emergency please visit: <https://www.basingstoke.gov.uk/climateemergency>.

- 4 The development hereby approved results in the requirement to make payments to the Council as part of the Community Infrastructure Levy (CiL) procedure. A Liability Notice setting out further details and including the amount of CiL payable will be sent out separately. You are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the Council prior to the commencement of development. Failure to submit the Commencement Notice prior to the commencement of development will result in the loss of any exemptions claimed; the loss of any right to pay by instalments; and additional costs to you in the form of surcharges. You are advised to await acknowledgement of receipt of the Commencement Notice from the Charging Authority before commencing any works. Further details can be viewed at <https://www.basingstoke.gov.uk/community-infrastructure-levy> .
- 5 If this development will result in new postal addresses or changes in addresses, please contact the council's Street Naming and Numbering team on 01256 845539 or email shirley.brewer@basingstoke.gov.uk to commence the process. Details can be found on the council's website.

The officer's report can be viewed on the council's website www.basingstoke.gov.uk.



Ruth Ormella MRTPI
Head of Planning Sustainability and Infrastructure

Date: 14 July 2022

It is important that you read the notes overleaf

NOTIFICATION - APPEALS TO THE SECRETARY OF STATE

21/00893/FUL

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against the local planning authority's decision then you must do so within 6 months of the date of this notice.

However, if

- (i) this is a decision on a planning application relating to the same or substantially the same land and development and is already the subject of an enforcement notice, and you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice; or,
- (ii) an enforcement notice is subsequently served relating to the same or substantially the same land and development as in your application and if you want to appeal against the local planning authority's decision on your application, then you must do so within:
 - 28 days of the date of service of the enforcement notice, *or*
 - within 6 months of the date of this notice, whichever period expires earlier; or,
- (iii) this is a decision to refuse planning permission for a minor commercial application you must do so within 12 weeks of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

Cttee: 6 July 2022 Item No. 2

Application no: 21/00893/FUL
[For Details and Plans Click Here](#)

Site Address	Land On The Eastern Side Of Tadley Hill Tadley RG26 3PL
Proposal	Erection of 6 no.dwellings (comprising of 2 x 4 bed, 4 x 3 bed) with associated access, parking and amenity space.

Registered:	10 March 2021	Expiry Date:	5 May 2021
Type of Application:	Full Planning Application	Case Officer:	Phillip Richards 01256 845314
Applicant:	OakBee Ltd	Agent:	Mr Nicholas Cobbold
Ward:	Tadley & Pamber	Ward Member(s):	Cllr David Leeks Cllr Kerri Carruthers
Parish:	TADLEY CP	OS Grid Reference:	460411 161317

Recommendation:	the application be APPROVED subject to the conditions listed at the end of this report.
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Reasons for Approval

1. The proposed dwellings would be of an appropriate design and siting, would relate to surrounding development and would not result in significant impacts on the local landscape character or scenic quality of the area. As such the proposal complies with Section 15 of the National Planning Policy Framework (July 2021), Policies EM1 and EM10 of the Basingstoke and Deane Local Plan 2011-2029 and the Design and Sustainability Supplementary Planning Document (2018).
2. The development would not cause an adverse impact on highway safety, and adequate parking would be provided to serve the development and as such the proposal complies with Policies CN9 and EM10 of the Basingstoke and Deane Local Plan 2011-2029 and the Parking Supplementary Planning Document (2018).
3. The development would not result in an undue loss of privacy or cause undue overlooking, overshadowing, overbearing or noise and disturbance impacts to neighbouring properties and as such complies with Policies EM10 and EM12 of the Basingstoke and Deane Local Plan 2011-2029.
4. The proposed development would not cause any adverse impacts on biodiversity and as such the proposal is considered to be in accordance with the National Planning Policy Framework (July 2021). Policy EM4 of the Basingstoke and Deane Local Plan 2011-2029 and the Landscape, Biodiversity and Trees Supplementary Planning Document (December 2018).
5. The proposed development would not result in any adverse impacts to flooding within Flood Zone 1. As such, the proposal complies with the National Planning Policy Framework (July 2021) and Policy EM7 of the Basingstoke and Deane Local Plan 2011-2029.

General Comments

The application is brought before the Development Control Committee in line with the Scheme of Delegation due to the number of objections received and the Officers recommendation for approval.

Planning Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Basingstoke and Deane Local Plan 2011-2029 which locates the application site outside any Settlement Policy Boundary. As such, the proposal is considered to be located within a countryside location.

National Planning Policy Framework (NPPF) (July 2021)

Section 2 (Achieving Sustainable Development)
Section 5 (Delivering a sufficient supply of homes)
Section 11 (Making effective use of land)
Section 12 (Achieving well-designed places)
Section 14 (Meeting the challenge of climate change, flooding and coastal change)
Section 15 (Conserving and enhancing the natural environment)

Basingstoke and Deane Local Plan 2011-2029

Policy SD1 (Presumption on Favour of Sustainable Development)
Policy SS6 (New Housing in the Countryside)
Policy CN1 (Affordable Housing)
Policy CN3 (Housing Mix for Market Housing)
Policy CN6 (Infrastructure)
Policy CN9 (Transport)
Policy EM1 (Landscape)
Policy EM4 (Biodiversity, Geodiversity and Nature Conservation)
Policy EM6 (Water Quality)
Policy EM7 (Managing Flood Risk)
Policy EM9 (Sustainable Water Use)
Policy EM10 (Delivering High Quality Development)
Policy EM12 (Pollution)

Supplementary Planning Documents and Guidance (SPD's and SPG's) and interim planning guidance

Landscape, Biodiversity and Trees Supplementary Planning Document 2018
Design and Sustainability Supplementary Planning Document 2018
Parking Supplementary Planning Document 2018
Housing Supplementary Planning Document 2018
Planning Obligations for Infrastructure SPD (March 2018)

Other material planning documents

The Community Infrastructure Levy Regulations 2010 (as amended)

Description of Site

The application site is situated within a residential area, surrounded to the south and west

by residential development, to the north by a band of trees and then more residential development and to the west by a large area of allotments. There is a mixture of dwelling types and sizes in the area but principally they are two storey detached dwellings immediately adjacent to the site. Further to the north west of the site lies the Tadley Sport Centre and swimming pool.

Proposal

The application seeks planning permission for the erection of 6 no. dwellings (comprising of 2 x 4 bed, 4 x 3 bed) with associated access, parking and amenity space.

Plot 1

Four-bedroom detached property with a pitched roof and solar panels upon the front roof slope. The dwelling would be of a traditional design, constructed from brick and tile. The dwelling would feature two front bay windows with tile hanging at first floor level. The proposal would also benefit from a detached single garage.

In total, the proposed dwelling would measure 11.8m wide, 9.1m deep and 8.2m in height (5m to the height of the eaves).

Plot 2

Four-bedroom detached property with a barn hipped roof. The supporting statement suggests that the overall appearance of the dwelling takes reference from traditional barn like structures. The proposal would also benefit from a detached single garage.

Externally, the dwelling would be finished in brick with a tiled roof and solar panels on the front roof slope.

Overall, the proposed dwelling would measure 11.5m wide, 8.6m deep and 7.8m in height (4.8m to the height of the eaves).

Plot 3 & 4

Two semi-detached three bedroomed properties of traditional construction with half hipped roofs, first floor tile hanging and a central chimney. The dwellings would be finished with brick and tiles with solar panels upon the front roof slope. The proposed dwellings would measure 12.4 metres in width, 9 metres in depth and 8.1 metres in height.

Plot 5 & 6

Two semi-detached three bedroomed properties of traditional construction with half hipped roofs, first floor tile hanging and a central chimney. The dwellings would be finished with brick and tiles with solar panels upon the front roof slope. The proposed dwellings would measure 12.4 metres in width, 9 metres in depth and 8.1 metres in height.

Amendments

Amended plans were received to provide an onsite turning head following the comments received from Hampshire County Council. In addition, the number of dwellings has been reduced to six from eight following the comments received from the Tree Team and concerns with proximity to the boundary trees.

Consultations

Tadley Town Council: Strongly object. Very concerned about the two accesses to the site adjoining the A340. These accesses are comparatively recent installations (beehive area post May 2019 and the other area post 2014) that are not currently used on a daily basis. Have serious concerns about vehicles exiting the site and turning right. This stretch of road is extremely busy in the mornings particularly during school term times. Disappointed that there is no affordable housing or shared ownership properties included in the development. Demand in Tadley is for bungalows and 2 bed-roomed properties. The proposed development does not fit in with the existing street scene and is overdevelopment of the site and would be better suited to 2 properties. The proposed development will overlook 18 and 18A Tadley Hill. Note that there is a TPO in place on the site. Note that no biodiversity study has been carried out on the site. Disappointed to see the loss of the beehives. Schools and doctors in the area are already at capacity.

Biodiversity: Initial comments: Further information required

Final comments: No objection, subject to conditions

Joint Waste Client Team: No objection

HCC Highways: Initial Comment: Additional information required

Final Comments: No objection, subject to conditions

Environmental Health: No objection, subject to conditions

Landscape: No objection, subject to conditions

Trees: Objection, harm to boundary trees

Thames Water: No objection subject to further information and conditions

Emergency Planners: This application which suggests 6 new build properties would be constructed. This would put strain on recovery resources, however, is far enough from the boundary that this will mainly be shelter considerations. This application increases the number of houses which will add a significant burden to the local requirements for support. No objection by HCC on the condition that each property has connection to a live landline or is able to receive a landline phone call which is registered in the area.

Public Observations

Twenty-Six letters of objection have been received which raise the following concerns (in summary):

- The proposed dwellings would result in increased traffic movements, and therefore congestion on the surrounding roads.
- Increased crime within the town which this will add to
- No affordable housing provided
- Inadequate services within the area
- Land ownership dispute
- The proposed layout is cramped
- Loss of privacy
- Drainage issues
- Tree harm and removal
- Air pollution and air quality
- Inadequate garden size and amenity

- In the event that planning permission is approved, conditions should be imposed to restrict permitted development rights to prevent increased levels of development in this sensitive location.
- Ecological Impacts to the site
- Inadequate visibility at junction
- Wear and tear on access lane
- Inadequate access arrangements
- The proposal would set a precedent for further development
- AWE concerns

Relevant Planning History

None

Assessment

Principle of Development

Planning law requires that applications for planning permission must have regard to Section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires that proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the development plan for the area is the Basingstoke and Deane Local Plan 2011-2029. At a national level, the National Planning Policy Framework (NPPF) constitutes guidance which the Local Planning Authority (LPA) must have regard to. The NPPF does not change the statutory status of the development plan as the starting point for decision making but is a material consideration in any subsequent determination.

o Housing Land Supply

The NPPF requires Local Planning Authorities to identify a five-year supply of specific deliverable sites to meet housing needs. In addition, and in line with the Housing Delivery Test published in January 2022, a 5% buffer should be added to the borough's supply. At the current time the council is unable to demonstrate that it has 5 years' worth of deliverable sites. This means that policies relating to housing delivery in the borough's adopted Local Plan and made Neighbourhood Plans are currently considered to be out of date and are afforded limited weight in the decision-taking process.

Planning applications will therefore have to be considered in line with paragraph 11d) of the NPPF which states that where relevant policies are considered out of date permission will be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

o Local Plan

The development site is located within the Settlement Policy Boundary for Tadley as established by Policy SS1. Policy SD1 sets out that the council will take a positive approach to determining proposals that reflects the presumption in favour of sustainable development within the NPPF, working proactively with applicants to secure development that improves the economic, social and environmental conditions in the area. The Policy also establishes that applications that are in accordance with the policies in the Local Plan,

will be approved without delay unless material considerations indicate otherwise.

Policy SS1 establishes that provision for 15,300 dwellings will be achieved within the plan period by permitting development and redevelopment within the defined Settlement Policy Boundaries which contribute to social, economic and environmental well-being.

o Public Safety

Policy SS7 of the Local Plan requires that development in the land use planning consultation zones (DEPZ) surrounding AWE Aldermaston be managed in the interests of public safety. The policy stipulates the development will only be permitted where the Off-Site Nuclear Emergency Plan can accommodate the needs of the population in the event of an emergency. The production of the Off-Site Plan is a statutory requirement of the Radiation Emergency Preparedness and Public Information Regulations 2001 and sets out the contingency arrangements for a multi-agency response should a radiation emergency occur at AWE and pose a hazard to the public outside the site boundary. The NPPF additionally stipulates that decision-taking processes should promote public safety and minimise impacts upon human health, and in particular ensure that new development is appropriate for its location.

The site is located within the DEPZ area of AWE Aldermaston positioned approximately 1500m from the AWE site boundary and is located within sector H which is the most densely populated sector already.

It is considered that the implications of the proposed six dwellings would not have an adverse impact upon how the existing emergency plan functions and the proposal is therefore acceptable in this regard. As such the proposal would comply with the requirements of Policies EM10 and SS7 of the Basingstoke and Deane Local Plan 2011-2029, and The National Planning Policy Framework.

National Planning Policy Framework (NPPF)

o Sustainable Development

Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development. The three dimensions to achieving sustainable development are defined in the NPPF as: economic, social and environmental.

The economic role of the NPPF requires proposals to contribute to building a strong, responsive and competitive economy. The social role requires planning to support strong, vibrant and healthy communities and states that it should create a high-quality built environment. The environmental role states that the natural built and historic environment should be protected and enhanced and should mitigate and adapt to climate change.

- Economic

The proposed development would encourage development and associated economic growth through the actual physical building works. The future occupants would also likely contribute to the local economy and to the continued viability of local services in surrounding villages. However, as this would apply to an increase of six dwellings only, any benefit to the local economy would be limited. As such, the economic role of the development is therefore considered to be limited.

- Social

Whilst six additional dwellings will not make a significant contribution to the Council's housing supply position, the development would nevertheless provide six new dwellings. The proposed development could provide future occupiers with the opportunity to develop social and community ties within the area and facilitate future community involvement.

- Environmental

With regard to the environmental role of this development, the development could reasonably be expected to demonstrate a degree of inherent sustainability through compliance with Council supported energy efficiency and Building Regulations standards. The application site is in close proximity to a range of facilities all of which are within walking distance of the site. The proposal would however remove an area currently devoid of development from the area which does weigh against the proposal, albeit this is given limited weight given that the principle of the development is acceptable within a SPB.

- Summary

In considering the specific economic, social and environmental considerations of this particular scheme, it is concluded that in taking the scheme as a whole, that the benefits of the scheme would be limited. Nonetheless the site is situated within the SPB which is considered to be a sustainable location.

Affordable Housing

Local Plan Policy CN1 requires the provision of 40% affordable housing as part of new residential development with a tenure split of 70% rented and 30% intermediate products. Whilst the requirements of the Local Plan are acknowledged, the Council is additionally mindful of the more recent guidance contained within paragraph 63 of the NPPF, which sets out that the "provision of affordable housing should not be sought for residential development that are not major development, other than in designated rural areas (where policies may set out a low threshold of 5 units or fewer)".

The NPPF provides a definition for major development within the glossary at Annex 2. This states that in regard to residential development, major development is "where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more." The application site measures 0.35ha so falls below the major threshold in this regard. The proposed development is also for six dwellings and consequently also falls below the 10-unit threshold in this regard.

As the NPPF is a material consideration in the determination of planning applications, this recent policy is afforded significant weight and the requirements set out in Policy CN1 in this regard are therefore considered to be out of date.

Consequently, in this instance, as the proposals do not constitute 'major development', as per the NPPF definition, it is not necessary in accordance with NPPF, for affordable housing provision to be sought in relation to this development.

Housing Mix

Policy CN3 requires developments for market housing to provide a range of house type and size to address local requirements, with the mix to be appropriate to the site, location, density and character of the site and surrounding area. The policy also requires that the mix is supported by evidence to justify the proposed housing mix, with the supporting text stating this is to be based on an assessment of a range of housing evidence.

Principle 3.1 of the Housing SPD also stipulates that evidence highlights borough wide need for small family homes and homes suitable of older people wishing to downsize. Developments should therefore principally focus on a mix of two and three bedroom dwellings with only a limited requirement for homes with four bedrooms or more, which should normally comprise no more than 30% of the market homes in the development.

In this instance, the proposed housing mix comprises:

4 x 3 bedroom dwellings
2 x 4 bedroom dwellings

As such, the proposed mix of 4 or more bedroom dwellings would be 33% of the overall development and whilst this is slightly above the 30% threshold set out above, it is considered given the limited scale of the development that this would be acceptable in this instance.

Impact on the character of the area/design

The NPPF (Chapter 12) states that creating high quality buildings and places is fundamental to achieving good planning and development. Locally, Policy EM1 states that development will be permitted only where it can be demonstrated that the proposals are sympathetic to the character and visual quality of the area and are supported by a comprehensive landscaping scheme. This sits in conjunction with Policy EM10 which requires development to be informed by the local context in terms of design and siting in order to contribute towards local distinctiveness and be visually attractive.

The immediate area is characterised by detached residential dwellings set along the A340 (Tadley Hill) and forms part of the wider built up area of Tadley. There is no prevailing design within the immediate area other than the majority of properties are two storey in height. The proposed development would be visible from the public realm however, it is considered that the proposal would be of a style in keeping with the area and it is considered there would be no adverse harm to the street scene or wider character of the area.

The proposal would result in the loss of a gap between the built form along Tadley Hill. Whilst this is acknowledged, it is not considered that the resulting development would give rise to adverse harms. The proposal is not considered to be out of character within the context of the wider character. While the comments received objecting to the proposal are acknowledged, given the site context and existing built form within the area, it is considered that the proposed six dwellings would not be demonstrably harmful to the character of the area. The proposal would alter the character of the site but as outlined above it would not be out of keeping given the residential nature of the surrounding properties set linearly along Tadley Hill.

The resultant dwelling sizes would also not be out of keeping. Therefore, the overall scale of the development is considered acceptable. The proposed dwellings would also be sympathetic to the general pattern of development, whereby dwellings are set back within their plots. To ensure that appropriate materials are used for the hardstanding areas it is considered that additional hard and soft landscaping details are secured by way of condition. This would ensure that the development is appropriate in the context of the wider landscape character. This is considered reasonable and has been conditioned.

The overall design and appearance of the dwellings is also considered to be appropriate, whereby two storey properties are not uncommon within the surrounding area. Moreover, the proposed palette of materials would also not appear out of keeping whereby red brick

and plain tiles are present on nearby residential properties. However, to ensure that the finished appearance of the development is appropriate to the site's context, it is considered that additional details are required in this respect. It is considered that these details can be reasonably secured by way of condition.

Overall, and subject to suitable conditions, it is considered that the development is acceptable in terms of design and impact on character of the area and in accordance with Policy EM10 of the Local Plan.

Residential Amenity

Section 10 of the Design and Sustainability Supplementary Planning Document 2018 sets out that:

- New housing development should provide a suitable outlook and level of natural light for both new and neighbouring dwellings
- Dwellings should have sufficient daylight to allow the comfortable use of habitable rooms including living rooms, dining rooms, bedrooms and kitchens
- Residents should also be able to enjoy an outlook of good quality from these rooms and spaces without adjacent buildings being overbearing.

The garden sizes of the proposed dwelling as shown on the submitted site plan would accord with the relevant standards as set out within the design guidance. The garden depth measure between 10.2-11.7 metres, it is considered that the overall size of the garden areas is acceptable. It is further considered that acceptable levels of natural light would be achieved for each property. In addition, the proposal is considered not to adversely impact upon by harmful overlooking (loss of privacy).

There will be an element of overlooking at oblique angles between the proposed dwellings, however, this could be reasonable expected for such and development and in any case would not be harmful as the immediate private rear amenity would not be overlooked significantly. The development would accord with Policy EM10 in this regard.

Impact on neighbouring amenities

The proposed dwellings would be sited a least 10m from the side elevation of No.14 Tadley Hill, a residential property to the south and 50m to the northern neighbouring dwellings No.18 and 18A Tadley Hill. By virtue of these separation distances, the proposed dwellings would not generate any loss of light or overbearing impacts for occupants of the nearest neighbouring properties.

Whilst windows are proposed with the southern side elevation of Plot 1 the window is at ground floor level and would serve a cloak room and thus would be conditioned to be obscurely glazed. Overall, the proposals would not result in any significant levels of overlooking to the detriment of the amenities of neighbouring properties.

Given the nature of and the proximity of neighbouring dwellings, it is considered reasonable to restrict the hours of deliveries and construction by way of condition. This is considered necessary in order to prevent undue disturbance to neighbouring dwellings throughout the construction period.

The proposal is acceptable in terms of neighbouring amenity in line with Policy EM10 of the Local Plan and the Design and Sustainability SPD.

Highway safety and parking

o Parking and access

In total, the proposed dwellings would generate demand for a total of 14 parking spaces (4+ bedroom properties require 3 spaces and the 3 bedroom property requires 2 spaces), in accordance with the Parking SPD.

In total, 14 parking spaces are illustrated on the proposed site plan.

Plots 1 and 2 would have a space outside of the proposed garages as well as space for two parking spaces in front of the houses. There is also sufficient space provided within the site to allow for the turning of vehicles which is considered acceptable. The Highway Officer originally objected to the proposal due to the lack of a turning area, however following the submission of amended plans this has been withdrawn. Overall, the development is therefore acceptable in terms of parking provision.

In order to prevent future overspill of parking onto the adjoining highways, it is considered reasonable to secure the retention of the parking spaces by way of condition.

The potential traffic generation from the development (six dwellings) is also considered acceptable whereby the proposal would not have a severe detrimental impact on the operation and safety of the local highway network, as confirmed by the Highways Officer.

It is proposed to utilise an existing access as well as provide a new access. The Highways Officer considers that visibility splays of 2.4m x 43m should be provided. It is considered that this can be secured by way of condition.

o Cycle Storage

In accordance with the Parking SPD, dwellings of this size should provide for the long term storage of at least 2no. cycles. The submitted plans have shown an area for storage of both bins and cycles. To ensure sufficient space is retained within the development it is considered a condition should be imposed to ensure these areas are retained.

o Waste

Basingstoke & Deane Borough Council operates a kerbside waste collection service. This is operated via wheeled containers which must be left adjacent to the nearest adopted highway for collection on the specified waste collection. The proposed development will be required to leave wheeled containers on Tadley Hill for collection on the specified collection day and removed from the highway and returned back to the property as soon as possible following collection.

In accordance with Appendix 3 of the Design and Sustainability SPD, the proposal should be provided with space for the storage of 1no. 240 litre waste bin, 1no. 240 litre recycling bin and 1no recycling container for glass. Bins storage provision has been marked out on the submitted site plan and so has the proposed bin collection point. Both are considered acceptable in terms of their location.

Overall, the proposed development is therefore considered acceptable in highways safety respects, in compliance with Policies CN9 and EM10 of the Local Plan.

Biodiversity

The Council has a duty under the Natural Environment and Rural Communities Act 2006 to have full regard to the purpose of conserving biodiversity which extends to being mindful of the legislation that considers protected species and their habitats and to the impact of the development upon sites designated for their ecological interest. These requirements are also reflected within the NPPF (para 175) and Policy EM4 of the Local Plan.

The development site is not located upon any site that is designated for its ecological importance. The site situated within the Settlement Policy Boundary with allotments adjacent to the site. The proposal would however result in the removal of several beehives that are situated within the site, whilst this is noted no objection has been raised by the Biodiversity Officer in this regard. A Preliminary Ecological Appraisal and Biodiversity Metric has been submitted by the applicant and assessed as part of this application by the Biodiversity Officer. The supporting information has suggested that a biodiversity net gain of 10.75% would be achieved on the site. The Biodiversity Officer has raised no objection to the proposal subject to conditions requiring mitigation measures be carried out in accordance with the submitted details. These conditions are considered to be reasonable and as such will be imposed. The site is not considered to contain any notable species, however, could have potential for containing nesting birds and therefore a precautionary approach is required when undertaking any site clearance. An informative to make the applicant aware will be added. The development is considered to accord with Policy EM4 of the Local Plan.

Trees

Policy EM1 of the Local Plan requires that development proposals must respect, enhance and not be detrimental to the character or visual amenity of the landscape likely to be affected, paying particular regard to b) the visual amenity and scenic quality and e) trees, ancient woodland and hedgerows.

There is a Tree Preservation Order TPO/BDB/0589A - Land at Tadley Hill in place.

There are both trees within close proximity to and also within the site. The proposed plans indicate that several of the internal trees are to be removed. It is however acknowledged that none of these trees are specifically protected. The trees within the site are relatively modest and have little amenity value in the context of the wider landscape.

Given the trees proximity to the location of proposed development the root protection areas of these trees may be disturbed throughout the construction phase. As such, it is considered necessary to secure the construction and tree protection proposed as part of the submitted arboriculture assessment to ensure that the long-term health of these trees is protected.

The application has been accompanied by a detailed Arboricultural Impact Assessment and Tree Protection Plan (TPP). This illustrates that there would be one instance of root protection area encroachment. However, in accordance with the submitted TPP, this area would involve no-dig construction techniques in order to preserve the longevity of the tree. Adherence to the TPP can be secured by way of condition.

The submitted Arboricultural Impact Assessment also indicated that five TPO trees would be removed to facilitate the site access and development of the site (along with unprotected trees within the site). Two of the TPO trees to be removed two category B trees, one category C tree and two category U trees. These will be replaced within the development site by replacement trees and landscaping.

The Tree Officer raised concerns with the original site plan and as a result the applicants have reduced the number of dwellings within the site to six (a reduction of two). The amended site plan has located the dwellings (Plots 5 and 6) 11.5 metres from the trees situated along the western boundary. Nonetheless, the Tree Officer still has concerns and raises objection about the loss of trees from the site as well as the loss of the broadleaved habitat which would be permanent. However, as outlined above the Biodiversity Officer is not raising objection to the proposal as a result of further information being submitted.

Overall, it is considered that subject to suitable conditions, the proposed development would not be significantly detrimental to the visual amenity area of the afforded by trees. The proposal therefore complies with policy EM1 of the Local Plan, the Landscape, Biodiversity and Trees SPD and the NPPF.

Drainage and Flooding

The NPPF requires that new development should be either directed away from areas at highest risk or alternatively are demonstrated to be flood resilient and resistant. This applies a sequential approach, taking advice from the Environment Agency and Lead Local Flood Authorities to ensure that risks of flooding are adequately managed, whilst also accounting for future climate change.

The Environment Agency Flood Risk Maps position the site as falling within Flood Zone 1 giving the site a low risk of flooding (less than 1 in 1000 annual probability) and considers that the site has a low and very low risk of surface water flooding. As such subject to suitable conditions to secure further information with regards to sustainable and foul water drainage being submitted, no objections are raised in this regard.

The application site presently contains no public foul or surface water sewer the drainage hierarchy indicates the preferred method for disposing of foul water at any development site would connect to the existing main sewer system. Any such connection would require agreement with Thames Water as the relevant statutory undertaker. Thames Water have been consulted with who has raised some concern about capacity of the sewerage infrastructure to accommodate the capacity of the development proposal due to existing high infiltration flows during certain groundwater conditions. Thames Water raise no objection as the scale of the proposal does not materially affect the sewer network, and acknowledge that design works are necessary by Thames Water, including a long term strategy.

There is an obligation on sewerage undertakers to take the necessary action to accommodate such flows into their networks. The detail and adoption of the foul waste system would be secured under the Water Industry Act 1991 as the legal mechanism to connect to the local network and thus sits outside of the planning process. The recommended condition as outlined by Thames Water within their consultation response is not considered to suitable as it would not meet the condition test to be reasonable, or related to planning (being a matter for the Water Industry Act and an existing matter) as it would be beyond the scope of this development. Nonetheless it is considered reasonable and necessary for further details of the drainage to be submitted prior to installation, by way of condition, to ensure an acceptable proposal is agreed. The proposal, subject to condition, therefore, accords with Policy EM7 of the Local Plan.

Environmental Health

The NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing development from contributing to or being put at risk from unacceptable levels of pollution. Local Plan Policy EM12 also seeks to protect health

and the natural environment from polluting effects as a result of existing, historic or nearby land uses and activities.

The Environmental Health Officer (EHO) has assessed the current application and has raised no objection to the proposed development subject to conditions relating to restrictions on construction and delivery hours.

o Contaminated Land

Following consultation with an Environmental Health Officer, it was advised that there are potential sources of contamination at the site. Given this and previous uses in close proximity to the site, which Environmental Health considers potentially contaminating, the ground on the site has the potential to be contaminated. Contamination assessments will therefore need to be undertaken to assess the risks from contamination to future site users. It is however considered that this information can be reasonably secured through condition.

o Air Quality

The Environmental Health Officer has noted the comments raised by residents in respect of air quality.

Monitoring of the nitrogen dioxide levels at a number of locations in Tadley during 2017, 2018 and 2019 including locations on Tadley Hill has previously taken place. The monitoring data showed good compliance with the National Air Quality Objective (NAQO). A small development such as is being proposed here with six new dwellings is considered by the Environmental Health Officer to have a negligible impact on traffic and air quality levels, stating that;

“In accordance with the Institute of Air Quality Management guidance Land-Use Planning Development Control: Planning for Air Quality we would not require an Air Quality Impact Assessment for a development of this size unless the development was in an area of high pollution (close to or above the NAQO)”.

On this basis no objections are raised in this regard, it is considered that the development, subject to the above mentioned conditions, would accord with Policy EM12 of the Basingstoke and Deane Local Plan 2011-2029.

Sustainable Water Use

Policy EM9 of the Local Plan sets out that development for new homes will need to meet a water efficiency standard of 110 litres or less per person per day, unless clear demonstration is given that this would not be feasible. As such, a condition has been attached to the decision to secure this standard in accordance with Policy EM9 of the Local Plan.

Community Infrastructure Levy

Basingstoke and Deane Borough Council implemented its Community Infrastructure Levy (CIL) on the 25th June 2018. The required forms have been submitted for CIL contributions to be calculated if applicable. From these forms, it would appear that the development would be CiL liable. The relevant informatives have been added to this report.

Other matters

Concerns have been raised through the representations received with regards to the applicants not owning the land that planning permission is being applied for. The appropriate ownership certificates have been served within the application forms and as such, although the applicants do not currently own the land, the appropriate notification process has been undertaken.

Further concerns have been raised that there are insufficient doctor and school places to accommodate the proposed development. Whilst these concerns are noted, the proposal is not of a scale wherein contributions to local infrastructure can be required (outlined above), as such, whilst these concerns are noted, this is not something that can be considered as part of this application.

Planning Balance and Conclusion

The principle of the erection of dwellings within the Settlement Policy Boundary is allowed for within the development plan.

The principle of development would comply with the policies contained within the development plan, as set out above, the council cannot currently demonstrate a deliverable five-year supply of housing (with 5% buffer required due to the Housing Delivery Test results). The application must therefore be considered in accordance with paragraph 11(d) of the NPPF which states that where relevant policies are considered out of date permission will be granted unless the application of policies in the Framework that protected areas or assets of particular importance provides a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. In this case, the application site is not located within a protected area as defined by Paragraph 11.

It is also acknowledged that the proposal would make a modest contribution to the Council's five-year housing land supply, although this is of very limited weight in the overall balance. It is acknowledged that the proposed development also provides for a mix of dwellings of smaller houses (as required by principle 3.1 of the Housing SPD). There would also be a limited social and economic benefit resulting from the construction of the new property and its subsequent occupation. Concerns have been raised by the tree officer with regards to potential harms to the protected trees along the boundary of the site, however as set out above, the amended plans have removed the dwelling from the north west of the plot, with plots 5 and 6 being situated 11 metres from the north western boundary tree canopy which is considered to be appropriate subject to conditions below.

The proposed development would provide six additional units of residential accommodation which would contribute, albeit in a small manner, towards the Council's housing supply. Furthermore, the development would provide for a design and layout that would not harm the character and appearance of the area, provide for appropriate on-site parking, not result in adverse harm to ecology or the local highway network and protect the privacy and amenity of adjacent dwellings. As such, subject to conditions the proposal is considered to be acceptable.

The benefits identified within the above assessment are considered to outweigh the harms identified to protected trees. The development would meet the relevant sections of the NPPF whereby no demonstrable harm would be presented by the development that would outweigh the benefits assessed above. The proposed development accords with the NPPF paragraph when assessed against the policies in the Framework taken as a whole. The application is therefore recommended for approval.

Pre-commencement conditions

The recommendation proposes pre-commencement planning conditions therefore in accordance with section 100ZA of the Town and Country Planning Act 1990 and the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the Local Planning Authority is required to serve notice upon the applicant to seek agreement to the imposition of such a condition. It is anticipated that agreement to these conditions can be reported in with the Update Paper.

Conditions

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

Location Plan (Drawing No. 6047245-P01A)
Block Plan (Drawing No. 6047246-P02C)
Proposed Site Plan (Drawing No. 6047269-P05P)
Site Sketch (Drawing No. 6047272-P07G)
Proposed Streetview (Drawing No. 6047274-P09D)
Plot 1 - Proposed Plans (Drawing No. 6047279-P10D)
Plot 1 - Elevations (Drawing No. 6047280 - P11D)
Plot 2 - Proposed Plans (Drawing No. 6047281-P20D)
Plot 2 - Elevations (Drawing No. 6047282-P21D)
Plot 3 and 4 - Proposed Plans (Drawing No. 6047283-P30D)
Plot 3 and 4 - Elevations (Drawing No. 6047284-P31D)
Plot 5 and 6 - Proposed Plans (Drawing No. 6047294-P40F)
Plot 5 and 6 - Elevations (Drawing No. 6047295-P41F)
Proposed Garage Plans (Drawing No. 6047299-P60A)

REASON: For the avoidance of doubt and in the interests of proper planning

- 2 The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 and to prevent an accumulation of unimplemented planning permissions.

- 3 No development above slab level shall commence on site until details of the types and colours of external materials to be used, including colour of mortar and timber staining (where applicable), together with samples, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter maintained in accordance with the details so approved.

REASON: In the absence of satisfactory details being submitted to accompany the application, details are required in the interests of the visual amenities of the area and in accordance with Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029.

- 4 The residential units hereby approved shall not be occupied until the vehicular parking has been provided in accordance with the Site Plan Drawing No. 6047269-P05P. The vehicular parking shall be thereafter retained in accordance with the approved details.

REASON: In the interests of highway safety, to ensure convenience of arrangements for parking and turning and to ensure that no obstruction is caused on the adjoining highway and in accordance with Policies CN9 and EM10 of the

- 5 No development shall take place, including any works of demolition, until a Construction Method Statement with details, schedules and drawings that demonstrates safe and coordinated systems of work affecting or likely to affect the public highway and or all motorised and or non-motorised highway users, has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period.

The Statement shall include for:

- i. means of access (temporary or permanent) to the site from the adjoining maintainable public highway, including the associated traffic management arrangements;
- ii. the parking and turning of vehicles of site operatives and visitors off carriageway (all to be established within one week of the commencement of development);
- iii. loading and unloading of plant and materials away from the maintainable public highway;
- iv. storage of plant and materials used in constructing the development away from the maintainable public highway;
- v. wheel washing facilities or an explanation why they are not necessary;
- vi. measures to control the emission of dust and dirt during construction;
- vii. a scheme for recycling and disposing of waste resulting from construction work;
- viii. the management and coordination of deliveries of plant and materials and the disposing of waste resulting from construction activities so as to avoid undue interference with the operation of the public highway, particularly during the Monday to Friday AM peak (08.00 to 09.00) and PM peak (16.30 to 18.00) periods;
- ix. the routes to be used by construction traffic to access and egress the site so as to avoid undue interference with the safety and operation of the public highway and adjacent roads, including construction traffic holding areas both on and off the site as necessary.

REASON: Details are required prior to commencement in the absence of accompanying the application and to ensure that the construction process is undertaken in a safe and convenient manner that limits impact on local roads and the amenities of nearby occupiers, the area generally and in the interests of highway safety and in accordance with Policies CN9 and EM10 of the Basingstoke and Deane Local Plan 2011-2029.

- 6 With the exception of removal of existing buildings, hardstanding and any underground infrastructure no works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority:-

(a) a desk top study carried out by a competent person documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2011;

and,

(b) a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as being appropriate by the desk study in accordance with BS10175:2011- Investigation of Potentially Contaminated Sites - Code of Practice;

and,

(c) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants/or gases when the site is developed. The scheme must include a timetable of works and site management procedures and the nomination of a competent person to oversee the implementation of the works. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 and if necessary proposals for future maintenance and monitoring.

Important note: Unless part (a) identifies significant contamination, it may transpire that part (a) is sufficient to satisfy this condition, meaning parts (b) and (c) need not be subsequently carried out. This would need to be agreed in writing by the Local Planning Authority.

If during any works contamination is encountered which has not been previously identified it should be reported immediately to the Local Planning Authority. The additional contamination shall be fully assessed and an appropriate remediation scheme, agreed in writing with the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Contamination Land Guidance at: <https://www.gov.uk/contaminated-land>, Last accessed October 2019.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy EM12 of the Basingstoke and Deane Local Plan 2011-2029.

7 The development hereby permitted shall not be occupied/brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of condition 6(c) that any remediation scheme required and approved under the provisions of condition 6(c) has been implemented fully in accordance with the approved details. Such verification shall comprise;

- as built drawings of the implemented scheme;
- photographs of the remediation works in progress;
- Certificates demonstrating that imported and/or material left in situ is free of contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 6(c).

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled

waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance Policy EM12 of the Basingstoke and Deane Local Plan 2011-2029

- 8 Prior to commencement of the landscaping works and final occupation of the development, a scheme of soft landscaping which shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted (including replacement trees where appropriate) shall be submitted to and approved in writing by the Local Planning Authority. The works approved shall be carried out in the first planting and seeding seasons following the first occupation of the building(s) or when the use hereby permitted is commenced. In addition, a maintenance programme detailing all operations to be carried out in order to allow successful establishment of planting, shall be submitted to and approved in writing by the Local Planning Authority before commencement of the landscaping works. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
REASON: Further details are required because insufficient information has been submitted with the application in this regard, to improve the appearance of the site in the interests of visual amenity in accordance with Policies EM1 and EM10 of the Basingstoke and Deane Local Plan 2011-2029.
- 9 No hard landscaping works shall commence on site until details of the materials to be used for hard and paved surfacing have been submitted to and approved in writing by the Local Planning Authority. The approved surfacing shall be completed before the adjoining buildings are first occupied and thereafter maintained.
REASON: Further details are required because insufficient information has been submitted with the application in this regard, to improve the appearance of the site in the interests of visual amenity in accordance with Policies EM1 and EM10 of the Basingstoke and Deane Local Plan 2011-2029.
- 10 Prior to installation a plan indicating the positions, design, materials and type of screen walls/fences/gates/hedges to be erected, shall be submitted to and approved in writing by the Local Planning Authority. The approved screens/walls/fences shall be erected before the use/buildings hereby approved are first occupied and shall subsequently be maintained as approved. Any trees or plants which, within a period of 5 years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, details of which shall be agreed in writing by the Local Planning Authority before replacement occurs.
REASON: Details are required prior to commencement because insufficient information has been submitted with the application in this regard, in the interests of the amenities of the area and in accordance with Policies EM1, EM10 and EM11 of the Basingstoke and Deane Local Plan 2011-2029.
- 11 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no additional openings shall be inserted in any elevation or roofslopes of the buildings without the prior permission of the Local Planning Authority on an application made for the purpose.
REASON: To protect the amenity and privacy of the occupiers of adjoining property in accordance with Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029.

- 12 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no building, structure or other alteration permitted by Class A; B; C; D; E; or F; of Part 1; of Schedule 2 of the Order shall be erected on the application site without the prior written permission of the Local Planning Authority on an application made for that purpose.
REASON: To protect the amenity and privacy of the occupiers of adjoining property and to avoid an overdevelopment of the site in accordance with Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029.
- 13 Notwithstanding the submitted details no development shall commence on site until details of the works for the disposal of surface water have been submitted to and approved in writing by the Local Planning Authority. The dwellings shall not be occupied until the approved surface water drainage details have been fully implemented in accordance with the approved plans.
REASON: In the absence of sufficient and precise details of the proposed surface water drainage mechanism within the planning submission, it is necessary for further information to be submitted which ensures the proposal is provided with a satisfactory means of drainage. The information is requested prior to works commencing at the site in order to ensure the drainage infrastructure required for the development is fully considered and accommodated within the site in accordance with Policies EM6 and EM7 of the Basingstoke and Deane Local Plan 2011-2029.
- 14 No development shall commence on site until details of the works for the disposal of sewerage have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.
REASON: In the absence of sufficient and precise details of the proposed wastewater drainage mechanism within the planning submission, it is necessary for further information to be submitted which ensures the proposal is provided with a satisfactory means of drainage. The information is requested prior to works commencing at the site in order to ensure the drainage infrastructure required for the development is fully considered and accommodated within the site in accordance with Policy EM12 of the Basingstoke and Deane Local Plan 2011-2029.
- 15 The development hereby permitted shall not be occupied/brought into use until a technical report and a certification of compliance demonstrating that each residential unit within the development has achieved the water efficiency standard of 110 litres of water per person per day (or less) has been submitted (by an independent and suitably accredited body) to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: Details are required prior to occupation because insufficient information was provided within the application and to improve the overall sustainability of the development, in accordance with Policy EM9 of the Basingstoke and Deane Local Plan 2011-2029.
- 16 The residential units hereby approved shall not be occupied until the cycle storage facilities and refuse and recycling facilities have been provided in accordance with detailed drawings and Site Layout Plan Drawing No. 6047269-P05P. The development shall thereafter be maintained, in accordance with the approved details.

REASON: In accordance with Policies CN9 and EM10 of the Basingstoke and Deane Local Plan 2011-2029 and the Parking Standards Supplementary Planning Document 2018.

- 17 Any gates or other obstruction to the passage of vehicles shall be provided at a minimum of 6m measured from the nearside edge of carriageway of the A340 within the application site. This length of access shall be surfaced in a non-migratory material prior to first occupation and maintained in this condition thereafter.
- REASON: In the interests of highway safety and in accordance with Policies EM10 and CN9 of the Basingstoke and Deane Local Plan 2011-2029.

- 18 Prior to the commencement of development, a Biodiversity Enhancement & Management Plan (BEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall deliver a minimum of 1.23 Habitat Units and 2.18 Hedgerow Units. The BEMP will include the results of the provided Biodiversity Metric, species enhancements named within the Ecological Appraisal by Crossman Associates dated January 2020 and the following:

- a) Description and evaluation of features to be managed and enhanced
- b) Extent and location/area of proposed enhancement works on appropriate scale maps and plans to include species/faunal enhancement measures
- c) Ecological trends and constraints on site that might influence management
- d) Aims and Objectives of management
- e) Appropriate management Actions for achieving Aims and Objectives
- f) An annual work programme (to cover an initial 5-year period)
- g) Details of the specialist ecological management body or organisation responsible for implementation of the Plan
- h) For each of the first 5 years of the Plan, a progress report sent to the LPA reporting on progress of the annual work programme and confirmation of required Actions for the next 12-month period
- i) The Plan will be reviewed and updated every 5 years and implemented for perpetuity

The Plan shall include details of the legal and funding mechanisms by which the long term implementation of the Plan will be secured by the developer with the specialist ecological management body or organisation responsible for its delivery. The Plan shall also set out (where the results from the monitoring show that the Aims and Objectives of the BEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the Objectives of the originally approved Plan. The approved Plan will be implemented in accordance with the approved details.

REASON: In order to evidence that these habitats can be delivered in perpetuity in line with the National Planning Policy Framework, Policy EM4 of the Basingstoke and Deane Local Plan 2011-2029 and principle B7 of the Basingstoke and Deane Landscape, Biodiversity and Trees Supplementary Planning Document.

- 19 The development hereby permitted shall be undertaken in line with recommendations and procedures contained within Chapter 4 Recommendations of the Ecological Appraisals by Crossman Associates dated 6/1/2020 in regard to mitigation for key species including nesting birds, bats and hedgehogs.
REASON: In order to meet the requirements of the National Planning Policy Framework and Policy EM4 of the Basingstoke and Deane Local Plan 2011-2029.
- 20 The development shall not be brought into use until sightlines of 2.4 metres x 43 metres from the private access(s) onto A340 Tadley Hill as indicated on the approved plan in which there should be no obstruction to visibility exceeding 1.0 metre in height above the adjacent carriageway channel line have been completed. Such sightlines shall thereafter be retained for the lifetime of the development.
REASON: To provide and maintain adequate visibility in the interests of highway safety and in accordance with Policies CN9 and EM10 of the Basingstoke and Deane Local Plan 2011-2029.
- 21 No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, shall take place before the hours of 0730 nor after 1800 Monday to Friday, before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public holidays.
REASON: To protect the amenities of the occupiers of nearby properties during the construction period and in accordance Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029.
- 22 No deliveries of construction materials or plant and machinery and no removal of any spoil from the site shall take place before the hours of 0730 nor after 1800 Monday to Friday, before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public holidays.
REASON: To protect the amenities of the occupiers of nearby properties during the construction period and in accordance with Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029.
- 23 Protective measures, including fencing, ground protection, supervision, working procedures and special engineering solutions shall be carried out, and retained, in accordance with the Arboricultural Impact Assessment written by CBA Trees, ref: CBA11440 v2, May 2022.
REASON: To ensure that reasonable measures are taken to safeguard trees in the interests of local amenity and the enhancement of the development itself, in accordance with the National Planning Policy Framework and Policy EM1 of the Basingstoke and Deane Local Plan 2011- 2029.

Informative(s):-

1. 1.1 The applicant's attention is drawn to the fact that the above conditions (if any), must be complied with in full, failure to do so may result in enforcement action being instigated.
- 1.2 This permission may contain pre-commencement conditions which require specific matters to be submitted and approved in writing by the Local Planning Authority before a specified stage in the development occurs. This means that a lawful commencement of the approved development CANNOT be made until the particular requirements of the pre-commencement conditions have been met.

1.3 The applicant's attention is drawn to the fact that the Local Planning Authority has a period of up to eight weeks to determine details submitted in respect of a condition or limitation attached to a grant of planning permission. It is likely that in most cases the determination period will be shorter than eight weeks, however, the applicant is advised to schedule this time period into any programme of works. A fee will be required for requests for discharge of any consent, agreement, or approval required by a planning condition. The fee chargeable is £116 or £34 where the related permission was for extending or altering a dwelling house or other development in the curtilage of a dwelling house. A fee is payable for each submission made regardless of the number of conditions for which approval is sought. Requests must be made using the standard application form (available online) or set out in writing clearly identifying the relevant planning application and condition(s) which they are seeking approval for.

2. In accordance with paragraph 38 of the National Planning Policy Framework (NPPF) in dealing with this application, the Council has worked with the applicant in the following positive and creative manner:-

- seeking further information following receipt of the application;
- seeking amendments to the proposed development following receipt of the application;
- considering the imposition of conditions

In this instance:

- the applicant was updated of any issues after the initial site visit;

In such ways the Council has demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.

3. The Borough Council declared a Climate Emergency during 2019 formally making this declaration at the meeting of Cabinet in September 2019. This recognises the need to take urgent action to reduce both the emissions of the Council's own activities as a service provider but also those of the wider borough. In this respect, the Council is working with consultants at present to identify appropriate actions to achieve the targets that have been set. Beyond the requirements of any conditions that may be applicable to this planning permission and the current planning policy framework, the applicant is encouraged to explore all opportunities for implementing the development in a way that minimises impact on climate change. Where this in itself might require separate permission applicants can contact the council for advice through the following link: <https://www.basingstoke.gov.uk/before-making-a-planning-application>. For information more generally on the Climate Emergency please visit: <https://www.basingstoke.gov.uk/climateemergency>.
4. The development hereby approved results in the requirement to make payments to the Council as part of the Community Infrastructure Levy (CiL) procedure. A Liability Notice setting out further details and including the amount of CiL payable will be sent out separately. You are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the Council prior to the commencement of development. Failure to submit the Commencement Notice prior to the commencement of development will result in the loss of any exemptions claimed; the loss of any right to pay by instalments; and additional costs to you in the form of surcharges. You are advised to await acknowledgement of receipt of the Commencement Notice from the Charging Authority before commencing any works.

Further details can be viewed at <https://www.basingstoke.gov.uk/community-infrastructure-levy> .

5. If this development will result in new postal addresses or changes in addresses, please contact the council's Street Naming and Numbering team on 01256 845539 or email shirley.brewer@basingstoke.gov.uk to commence the process. Details can be found on the council's website.

AWE Planning Consultation Considerations

Consideration	Details																
Planning Application No	21/00893/FUL																
Site Location:	Land On The Eastern Side Of Tadley Hill Tadley RG26 3PL																
Description of development:	Erection of 8 no. dwellings (comprising of 2 x 4 bed, 5 x 3 bed and 1 x 2 bed) with associated access, parking and amenity space.																
Is the proposed development within the relevant site Detailed Emergency Planning Zone (DEPZ) or area of Outline Planning Zone (OPZ)?	DEPZ																
If yes, within which sites DEPZ or area of extendibility does the application fall within (Aldermaston/Burghfield):	Aldermaston																
If yes which Sector is the proposal within?	H																
Current Demographic Information within Sector the sector and 2 adjacent sectors.	<table border="1"> <thead> <tr> <th>Sector ID</th> <th>Residential Properties</th> <th>Residents</th> <th>Commercial</th> </tr> </thead> <tbody> <tr> <td>G</td> <td>889</td> <td>2134</td> <td>8</td> </tr> <tr> <td>H</td> <td>2476</td> <td>5943</td> <td>44</td> </tr> <tr> <td>J</td> <td>977</td> <td>2345</td> <td>14</td> </tr> </tbody> </table>	Sector ID	Residential Properties	Residents	Commercial	G	889	2134	8	H	2476	5943	44	J	977	2345	14
Sector ID	Residential Properties	Residents	Commercial														
G	889	2134	8														
H	2476	5943	44														
J	977	2345	14														
Is the proposal for:																	
Residential	8 new dwellings																

What is the increase in Population Density within the Sector (Based on the average household size to be 2.4 persons per household and details in application relating to employees for business developments)	19.2 people
Commercial	n/a
Mixed:	n/a
Are there details of any Site Emergency Plan in place	n/a
Are there any vulnerable developments proposed?	Not specifically
What applications are approved in the sector but not completed (still valid)	BDBC 19/ 03088 (pre-application for development of 6 houses)

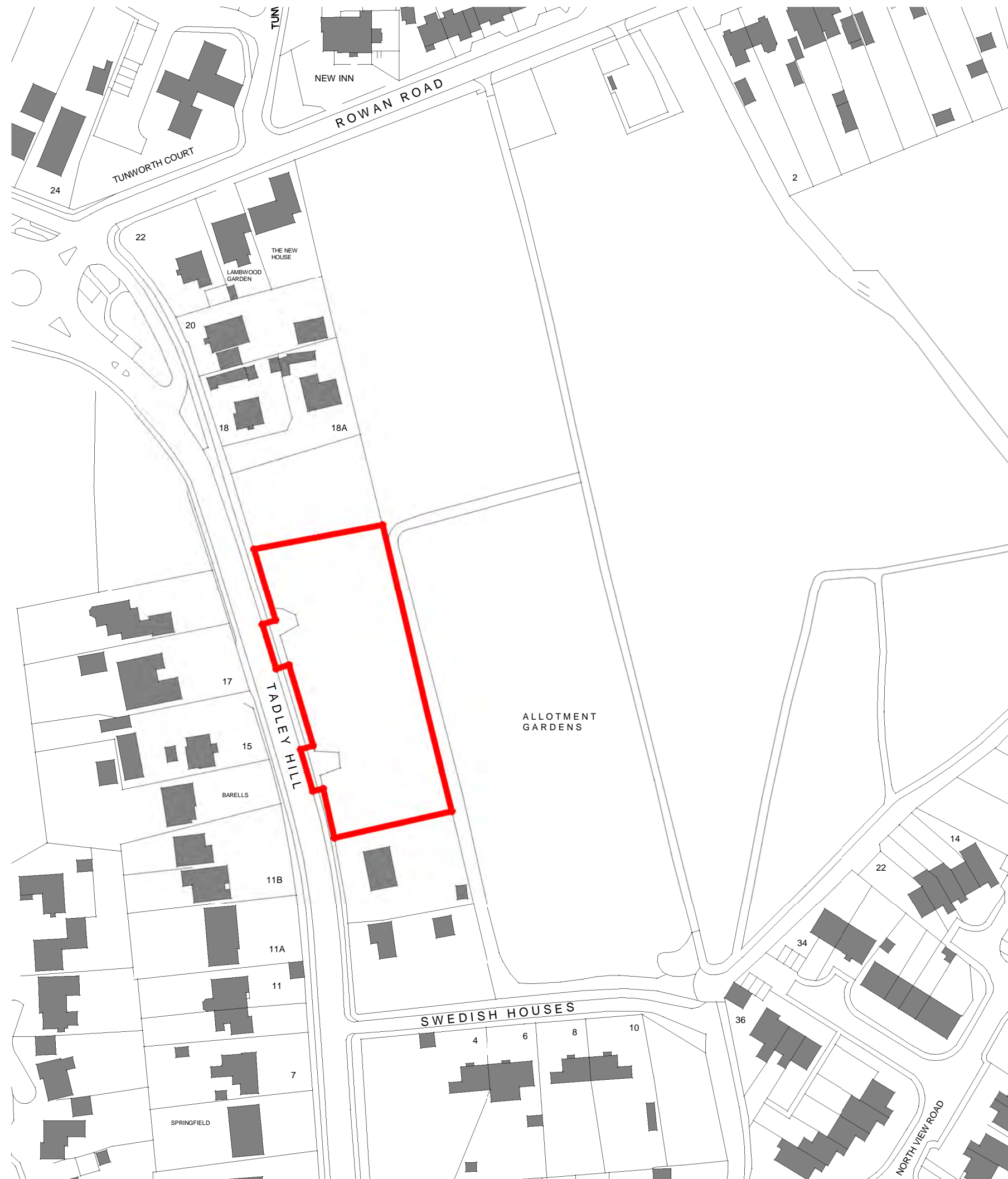
	Consideration	Impact on AWE Off-site Emergency Plan
1	Within DEPZ area or OPZ	DEPZ sector H
2	Proximity to Site Boundary	1728m
3	Impact on short term Sheltering – 24 – 48hrs	Within the DEPZ but more than 600m from the site boundary
4	Impact if requirement for Medium/Long term Sheltering 48hrs+	The longer that people are advised to be under shelter then the greater the potential impact with residents requiring support. These properties are likely to be requiring evacuation. If they were not in at the time of the event, then support in alternative accommodation would be necessary which would have an impact.
5	Requirement for Immediate Evacuation & Impact –including reception and rest centre	The application is over 600m of the boundary of Aldermaston site therefore urgent evacuation is unlikely.
6	Impact if requirement for subsequent Evacuation–including reception and rest centre	An increase of 19.2 people which would add to the requirement of the Local Authority
7	Impact on Warning & Informing processes	8 new properties to be contacted – requirement that there is a live landline in each property
8	Day time or night time impact	The impacts would be similar in scale regardless of time of day.
9	Vulnerable People considerations	Whilst not a closed community, such as a school, it may be that the people residing in the dwelling may require additional support.
10	Impact on plan from External issues e.g. parents wanting access to children etc.	If residents are sheltering for a period, then family and friends may be concerned which may cause an impact with the potential need for friends and family centres to be set up which adds to the resource requirements of responders.
11	Access and Egress Routes	None with respect to access routes to the AWE site
12	Recovery implications	The impact on services in relation to recovery and clean up post a radiation event would be significant particularly in relation to the rehousing of any people who are decanted from their homes. The impact of 19 or more persons which in this case would be 8 additional 'households' to rehouse would only add to that impact which would cause additional strain on the recovery facilities of the Local Authority.

Summary of Considerations:

No adverse comments were given to the pre-application (BDBC 19/03088): This application is a pre-application consideration which suggests 6 new build properties would be constructed. This would put strain on recovery resources, however, is far enough from the boundary that this will mainly be shelter considerations.

This application increases the number of houses which will add a significant burden to the local requirements for support. No objection by HCC on the condition that each property has connection to a live landline or is able to receive a landline phone call which is registered in the area.

A3



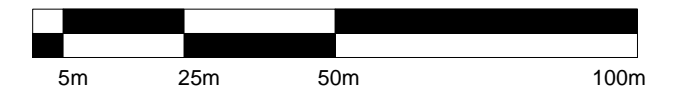
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SCALE BAR 1:1250



A First Issue 10.12.20

Rev	Description	Date
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Client
Barly Property Limited

Project
**Oakbee, Tadley Hill, Tadley,
Hampshire, RG26 3PL**

Drawing
Location plan



07787304795 / WHITEROK.CO.UK / INFO@WHITEROK.CO.UK

Scale @ A3
1 : 1250

Date
DEC.'20

Project No
452

Drawing No
P01

Rev
A

Appendix 3 – Boundary Place 19/00579/FUL



Basingstoke
and Deane

Basingstoke and Deane Borough Council
Civic Offices, London Road,
Basingstoke, Hampshire RG21 4AH
www.basingstoke.gov.uk | 01256 844844
customer.service@basingstoke.gov.uk
Follow us on [Twitter](#) @BasingstokeGov

REF:19/00579/FUL

Mr Charles McClea
Savills
2 Charlotte Place
Southampton
SO14 0TB

NOTICE OF APPROVAL

Town & Country Planning Act 1990 Town & Country Planning (Development Management Procedure) (England) Order 2015

In pursuance of its powers under the abovementioned Act, the Council as Local Planning Authority hereby GRANTS planning permission for the:

Proposal: Erection of 17 no. apartments (2 no. 1 bed and 15 no. 2 bed) with parking, landscaping and associated works
Location Land At Boundary Hall Aldermaston Road Tadley Hampshire
Applicant: BradPlan LLP

in accordance with your application, plans and particulars unless otherwise agreed in writing with the Local Planning Authority, and with regard to the associated Legal Agreement, **and subject to compliance with the following conditions:**

1. The development hereby permitted shall be carried out in substantial accordance with the following approved plans unless otherwise agreed in writing with the Local Planning Authority:

Location Plan - drawing 061702-BP-03 Rev B
Front Elevation - drawing 061702-B1-E1 Rev B
Side Elevations - drawing 061702-B1-E2 Rev B
Rear Elevation - drawing 061702-B1-E3 Rev C
Ground Floor Plan - drawing 061702-B1-P1 Rev D
First Floor Plan - drawing 061702-B1-P2 Rev B
Second Floor Plan - drawing 061702-B1-P3 Rev A

REASON: For the avoidance of doubt and in the interests of proper planning.

2. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

REASON: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004 and to prevent an accumulation of unimplemented planning permissions.

3. No development (including site clearance or ground works) until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:
- Procedures for maintaining good public relations including complaint management, public consultation and liaison;
 - Arrangements for liaison with the Council's Environmental Protection Team;
 - All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 0730 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays, Public and Bank Holidays;
 - Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above;
 - Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works;
 - Procedures for emergency deviation of the agreed working hours;
 - Control measures for dust and other air-borne pollutants;
 - Measures for controlling the use of site lighting whether required for safe working or for security purposes.

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

REASON: Details are required prior to the commencement of development in the absence of satisfactory information accompanying the application and to protect the amenities of the occupiers of nearby properties during the construction period in accordance with Policies EM10 and EM12 of the Basingstoke and Deane Local Plan 2011-2029.

4. No development (including site clearance or ground works) until a Construction Method Statement, including all relevant drawings, that demonstrate safe and coordinated systems of work affecting or likely to affect the surrounding movement network and or all motorised and or non-motorised highway users, has been submitted to, and approved in writing by, the Local Planning Authority. The Statement shall include for:
- i. means of access (temporary or permanent) to the site from the adjoining maintainable public highway;
 - ii. the parking and turning of vehicles of site operatives and visitors off carriageway (all to be established within one week of the commencement of development);
 - iii. loading and unloading of plant and materials away from the maintainable public highway;
 - iv. storage of plant and materials used in constructing the development away from the maintainable public highway;
 - v. wheel washing facilities or an explanation why they are not necessary;
 - vi. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - vii. measures to control the emission of dust and dirt during construction;
 - viii. a scheme for recycling and disposing of waste resulting from construction work; and the management and coordination of deliveries of plant and materials and the disposing of waste resulting from construction activities so as to avoid undue interference with the operation of the public highway, particularly during the Monday to Friday AM peak (06.30 to 09.30) and PM peak (16.00 to 18.30) periods;

ix. the routes to be used by construction traffic to access and egress the site so as to avoid undue interference with the safety and operation of the public highway and adjacent roads, including construction traffic holding areas both on and off the site as necessary.

The works shall be carried out in accordance with the approved Statement and shall be adhered to throughout the construction period.

REASON: In the absence of such details being provided within the planning submission, details are required prior to commencement to ensure that the construction process is undertaken in a safe and convenient manner that limits impact on local roads and the amenities of nearby occupiers, the area generally, in the interests of highway safety and in accordance with Policy CN9 of the Basingstoke and Deane Local Plan 2011-2029.

5. No works (including site clearance or ground works) pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority:-

(a) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants/or gases when the site is developed. The scheme must include a timetable of works and site management procedures and the nomination of a competent person to oversee the implementation of the works. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 and if necessary proposals for future maintenance and monitoring.

If during any works contamination is encountered which has not been previously identified it should be reported immediately to the Local Planning Authority. The additional contamination shall be fully assessed and an appropriate remediation scheme, agreed in writing with the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11'. The development shall be carried out in accordance with any approved remediation scheme.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy EM12 of the Basingstoke and Deane Local Plan 2011-2029.

6. The development hereby permitted shall not be occupied/brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of condition 5(b) that any remediation scheme required and approved under the provisions of condition 5(b) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Such verification shall comprise;
- as built drawings of the implemented scheme;
 - photographs of the remediation works in progress;
 - Certificates demonstrating that imported and/or material left in situ is free of contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 5(c).

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance Policy EM12 of the Basingstoke and Deane Local Plan 2011-2029.

7. No development (including site clearance and ground works) shall take place until a detailed surface water drainage strategy has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority, that contains the following elements:
- Manhole cover and Invert levels, Pipe sizes and gradients and confirmed location and sizing of any SuDs attenuation features;
 - A full set of Hydraulic calculations to support the surface water strategy. (Calculations must include allowance for additional 10% Urban Creep) ;
 - Evidence that the water authority accepts the additional flows into the public surface water sewers;
 - Maintenance regimes of the entire surface water drainage system including individual SuDS features, including a plan illustrating the organisation responsible for each element.

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

REASON: Details are required prior the commencement of development in the absence of satisfactory details having been submitted to accompany the planning application and to ensure that the site does not generate adverse levels of surface water run-off in accordance with Policy EM7 of the Basingstoke and Deane Local Plan 2011-2029.

8. No development above slab level shall take place on site until a scheme for protecting the proposed dwellings from road traffic noise has been submitted to, and approved in writing by the Local Planning Authority. The proposed scheme shall achieve the following noise levels:
- a) Internal day time (0700 - 2300) noise levels shall not exceed 35dB LAeq, 16hr for habitable rooms (bedrooms and living rooms with windows open);
 - b) Internal night time (2300 - 0700) noise levels shall not exceed 30dB LAeq with individual noise events not exceeding 45dB LAmax (windows open).

If it is predicted that the internal noise levels specified above will not be met with windows open, the proposed mitigation scheme shall assume windows would be kept closed, and will specify an alternative rapid/purge ventilation system, to reduce the need to open windows. As a minimum, this will usually consist of a mechanical heat recovery ventilation system with cool air by pass or equivalent.

The development shall be carried out in accordance with the approved details for protecting the proposed dwellings from road traffic noise prior to first occupation and shall be retained and maintained thereafter.

REASON: To ensure that acceptable noise levels within the dwellings are not exceeded in the interests of residential amenity and in accordance with Policy EM12 of the Basingstoke and Deane Local Plan 2011-2029.

9. No dwelling shall be occupied until a post completion noise survey has been undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority. The post completion testing shall assess performance of the noise mitigation measures against the noise levels as set in condition 8. A method statement should be submitted to and approved by the Local Planning Authority prior to the survey being undertaken, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that acceptable noise levels within the dwellings are not exceeded in the interests of residential amenity and in accordance with Policy EM12 of the Basingstoke and Deane Local Plan 2011-2029.

10. No deliveries of construction materials or plant and machinery and no removal of any spoil from the site shall take place before the hours of 0730; nor after 1800; Monday to Friday, before the hours of 08:00 nor after 1300 on Saturdays nor on Sundays or recognised bank or public holidays.

REASON: To protect the amenities of the occupiers of nearby properties during the construction period and in accordance with Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029.

11. No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, or internal painting or fitting out, shall take place before the hours of 0730 nor after 1800 Monday to Friday, before the hours of 0800 nor after 1300 on Saturdays nor on Sundays or recognised bank or public holidays.

REASON: To protect the amenities of the occupiers of nearby properties during the construction period and in accordance with Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029.

12. No shrubs shall be removed from the site between 1 March and 31 August unless first checked by an ecologist for active birds nests. If a nest is discovered, the tree or shrub must not be removed until the young have left the nest which shall be confirmed by an ecologist.
REASON: The habitats to be removed during the proposed development have the potential to support nesting birds. Breeding birds are protected under the Wildlife and Countryside Act 1981 and to ensure accordance with Policy EM4 of the Basingstoke and Deane Local Plan 2011-2029.
13. No development above ground floor slab level shall commence until details of the materials and finishes for the external surfaces to be used together with samples have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter maintained in accordance with the details so approved.
REASON: Details are required because insufficient and inconsistent information has been submitted with the application in this regard, in the interests of the visual amenities of the area and in accordance with Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029.
14. No development above ground floor slab level shall commence on site until details of hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority and shall comprise the following as a minimum:
- Soft landscape details shall include planting plans, specification (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate.
 - Hard landscape details shall include the design, type, position and scale of boundary treatments, and hardsurfacing materials.
 - A programme of landscape implementation.

The approved hard and soft landscaping shall be carried out in accordance with the approved details and implementation programme with the soft landscaping scheme to be carried out in the first planting and seeding seasons following the first occupation of the development. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved.

REASON: Details are required in the absence of being included within the application submission, to ensure the provision, establishment and maintenance of a high standard of landscape and to ensure that reasonable measures are taken to establish trees in accordance with the approved designs and in accordance with Policy EM1 of the Basingstoke and Deane Local Plan 2011-2029.

15. No development above ground floor slab level shall commence until a Landscape Management Plan has been submitted to and approved in writing by the Local Planning Authority detailing long term design objectives, management responsibilities and maintenance schedules for all landscape areas to address all operations to be carried out in order to allow successful establishment of planting and the long term maintenance of the landscaping in perpetuity. The maintenance of the landscaping shall thereafter be carried out in accordance with the approved details.
REASON: Details are required in the absence of being included within the application submission and to ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and in accordance with Policy EM1 of the Basingstoke and Deane Local Plan 2011-2029.

16. A minimum of 15% of the properties shall be built to accessible and adaptable standards to enable people to stay in their homes as their needs change. No development above ground floor slab level shall commence on site until details of which properties are to be built to such standards are submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
REASON: To ensure an appropriate high quality form of development and to accord with Policies CN1 and CN3 of the Basingstoke and Deane Local Plan 2011-2029. Details are required in the absence of being provided to accompany the planning submission.
17. No development above ground floor slab level shall commence on site until a Construction Statement detailing how the new homes shall meet a water efficiency standard of 110 litres or less per person per day (unless otherwise agreed in writing with the Local Planning Authority through a demonstration that this requirement for sustainable water use cannot be achieved on technical or viability grounds) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: In the absence of such details being provided within the planning submission, details are required to ensure that the development delivers a level of sustainable water use in accordance with Policy EM9 of the Basingstoke and Deane Local Plan 2011-2029.
18. No development (including site clearance and ground works) shall take place on site until tree protection has been erected or installed in accordance with the Tree Protection Plan (dwg no 9831 TPP 01 Rev B) within the Arboricultural Impact Assessment by Aspect Arboriculture dated February 2019 (ref 9831_AIA.001 Rev V). The tree protection shall be retained for the duration of the construction phase.
REASON: To ensure protection of the road-side trees during the course of construction in the interests of amenity and biodiversity in accordance with Policies EM1 and EM4 of the Basingstoke and Deane Local Plan 2011 - 2029.
19. The development shall be carried out in accordance with the recommendations and procedures contained within Chapter 6 Mitigation Measures and Ecological Enhancements of the Ecological Appraisal by Aspect Ecology dated February 2019.
REASON: In order to mitigate the impacts of the development upon the ecological interest provided by the offsite Oak Trees and to prevent adverse impacts on key mammal species in line with Policy EM4 of the Basingstoke and Deane Local Plan 2011 - 2029.
20. No development shall occur on site above slab level until details have been submitted to and approved in writing by the Local Planning Authority of the type and siting of bird nesting and bat roosting boxes as well as swift bricks to be installed on the site. The bat and bird boxes as well as the swift bricks shall be installed in accordance with the approved details prior to the first occupation of the development.
REASON: In the absence of satisfactory details being submitted to accompany the application, details are required to secure the protection of species protected under The Wildlife and Countryside Act 1981 in accordance with Policy EM4 of the Basingstoke and Deane Local Plan 2011-2029.

21. The development hereby permitted shall not be occupied, or the approved use commence, whichever is the sooner, until provision for the storage and collection of all refuse and recycling has been made within the curtilage of the site. The areas so provided shall be retained and used for their intended purposes in perpetuity.
REASON: In the interests of highway safety and in accordance with Appendix 3 - Storage and Collection of Waste and Recycling of the Basingstoke and Deane Design and Sustainability Supplementary Planning Document (2018) and Policy CN9 of the Basingstoke and Deane Local Plan 2011-2029.
22. The development hereby permitted shall not be occupied until provision has been made for the parking of motor vehicles and cycles within the curtilage of the site in accordance with the approved plans together with transit routes to the public highway. The areas of land so provided shall not be used for any purpose other than for the parking of vehicles and the areas so provided shall be retained and kept free of obstructions and used for their intended purpose at all times.
REASON: In the interests of highway safety and in accordance with Policies EM10 and CN9 of the Basingstoke and Deane Local Plan 2011-2029.
23. No development above ground floor slab level shall commence until a scheme for the provision of Electric Vehicle Charging has been submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in full accordance with the approved scheme.
REASON: To ensure that the development provides opportunities for sustainable transport modes in accordance with Policy CN9 of the Basingstoke and Deane Local Plan 2011-2029, the Parking Supplementary Planning Document, and paragraph 110(e) of the National Planning Policy Framework (2019).

Notes to Applicant

1. 1.1 The applicant's attention is drawn to the fact that the above conditions (if any), must be complied with in full, failure to do so may result in enforcement action being instigated.

1.2 This permission may contain pre-commencement conditions which require specific matters to be submitted and approved in writing by the Local Planning Authority before a specified stage in the development occurs. This means that a lawful commencement of the approved development CANNOT be made until the particular requirements of the pre-commencement conditions have been met.

1.3 The applicant's attention is drawn to the fact that the Local Planning Authority has a period of up to eight weeks to determine details submitted in respect of a condition or limitation attached to a grant of planning permission. It is likely that in most cases the determination period will be shorter than eight weeks, however, the applicant is advised to schedule this time period into any programme of works. A fee will be required for requests for discharge of any consent, agreement, or approval required by a planning condition. The fee chargeable is £116 or £34 where the related permission was for extending or altering a dwelling house or other development in the curtilage of a dwelling house. A fee is payable for each submission made regardless of the number of conditions for which approval is sought. Requests must be made using the standard application form (available online) or set out in writing clearly identifying the relevant planning application and condition(s) which they are seeking approval for.

2. In accordance with paragraph 38 of the National Planning Policy Framework (NPPF) in dealing with this application, the Council has worked with the applicant in the following positive and creative manner:-
 - seeking further information following receipt of the application;
 - seeking amendments to the proposed development following receipt of the application;
 - considering the imposition of conditions (in accordance with paragraphs 54-55).

In this instance:

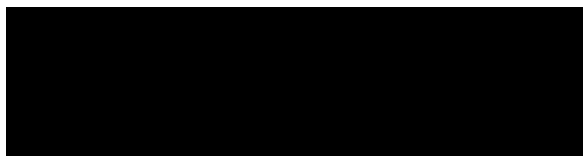
- the applicant was updated of any issues.

In such ways the Council has demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.

3. Consent under the Town and Country Planning Acts must not be taken as approval for any works carried out within or over any footway, including a Public Right of Way, carriageway, verge or other land forming part of the publicly maintained highway. The development will involve works within the public highway. It is an offence to commence those works without the permission of the Local Highway Authority. In the interests of highway safety the development must not commence on-site until permission has been obtained from the Local Highway Authority authorising any necessary works, including street lighting and surface water drainage, within the publicly maintained highway. Public Utility apparatus may also be affected by the development. Contact the appropriate public utility service to ensure agreement on any necessary alterations. Advice about works within the public highway can be obtained from Hampshire County Council's Area Office, telephone 0845 603 5633.
4. All bat species are protected under the Conservation (Natural Habitats, &c.) Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended). Legal protection covers bats and elements of their habitats. A Low Impact European Protected Species Licence will be required in order to allow prohibited activities, such as disturbing bats or damaging their breeding sites or resting places, for the purpose of development. It would be advisable to contact Natural England for further information in this regard on 0845 601 4523.
5. Birds nests, when occupied or being built, receive legal protection under the Wildlife and Countryside Act 1981 (as amended). It is highly advisable to undertake clearance of potential bird nesting habitat (such as hedges, scrub, trees, suitable outbuildings etc.) outside the bird nesting season, which is generally seen as extending from March to the end of August, although may extend longer depending on local conditions. If there is absolutely no alternative to doing the work in during this period then a thorough, careful and quiet examination of the affected area must be carried out before clearance starts. If occupied nests are present then work must stop in that area, a suitable (approximately 5m) stand-off maintained, and clearance can only recommence once the nest becomes unoccupied of its own accord.
6. This development will result in new postal addresses or changes in addresses, please contact the council's Street Naming and Numbering team on 01256 845539 or email shirley.brewer@basingstoke.gov.uk to commence the process. Details can be found on the council's website.

7. Details submitted to satisfy Condition 7 should fulfil the requirements set out within the comments received to the application from Hampshire County Council as the Lead Local Flood Authority dated 28 March 2019. For further guidance, the Lead Local Flood Authority offers a Surface Water Management Pre-application service which will provide clear guidance on what information is required. For full details, please visit: <https://www.hants.gov.uk/landplanningandenvironment/environment/flooding/planning> and click on pre-application advice request form.
8. The Council encourages all contractors to be 'Considerate Contractors' when working in the Borough by being aware of the needs of neighbours and the environment.
9. The Applicant is advised that in relation to condition 16, accessibility and adaptability standards are achieved by meeting requirement M4(2) or M4(3) of the Building Regulations 2015 or any subsequent government standard.
10. This Decision Notice must be read in conjunction with a Planning Obligation completed under the terms of Section 106 of the Town and Country Planning Act 1990 (as amended). You are advised to satisfy yourself that you have all the relevant documentation.
11. There are water mains crossing or located close to the development. Thames Water do NOT permit the building over or construction within 3m of water mains. If significant works are planned near the mains (within 3m), Thames Water will need to check that the development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read the guide for working near or diverting pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Further information is available by emailing developer.services@thameswater.co.uk.
12. The proposed studies to the dwellings marked on the Second Floor Plan (drawing 061702-B1-P3) must be marketed/sold/leased as illustrated on the approved plans and not be identified as bedrooms to ensure that the development retains parking commensurate with the size of the unit in accordance with the Parking Supplementary Planning Document (2018).

The officer's report can be viewed on the council's website www.basingstoke.gov.uk.



Planning and Development Manager

Date: 15 October 2019

It is important that you read the notes overleaf

NOTIFICATION - APPEALS TO THE SECRETARY OF STATE

19/00579/FUL

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against the local planning authority's decision then you must do so within 6 months of the date of this notice.

However, if

- (i) this is a decision on a planning application relating to the same or substantially the same land and development and is already the subject of an enforcement notice, and you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice; or,
- (ii) an enforcement notice is subsequently served relating to the same or substantially the same land and development as in your application and if you want to appeal against the local planning authority's decision on your application, then you must do so within:
 - 28 days of the date of service of the enforcement notice, *or*
 - within 6 months of the date of this notice, whichever period expires earlier; or,
- (iii) this is a decision to refuse planning permission for a minor commercial application you must do so within 12 weeks of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

Boundary Place Development

EMERGENCY ACTION PLAN

IN THE EVENT OF AN INCIDENT AT AWE ALDERMASTON

Introduction

This document provides an Emergency Action Plan applicable to the Boundary Place residential development to be implemented in the event of a major radiological incident occurring at the AWE Aldermaston site. It has been prepared because the Boundary Place development is located within the Detailed Emergency Planning Zone (DEPZ).

It is noted that this plan addresses only radiological incidents. Other types of event could arise at AWE Aldermaston and require off-site actions that would differ from those set out in this document.

Prior to the commencement of development the Responsible Management Organisation for the purposes of this Emergency Action Plan will be confirmed with the Local Authority and relevant Emergency Planning Departments.

This plan has been prepared based on the Radiation Emergency Preparedness and Public Information Regulations (REPPiR) legislation, and specifically in conformance to the information included in the AWE Off-Site Emergency Plan and the REPPiR leaflet applicable to AWE Aldermaston. These current versions of these documents are:

West Berkshire Council, AWE Off-Site Emergency Plan, Public Version 1.2, March 2017

West Berkshire Council and AWE: REPPiR: What to do in the event of an emergency at AWE, April 2018.

This plan does not seek to replace information that is provided in the applicable legislation, regulations and guidance. It is reviewed on an ongoing basis, approximately once every 12 months.

ALL RESIDENTS OF THE BOUNDARY PLACE DEVELOPMENT WILL BE INFORMED OF THIS DOCUMENT AND BE AWARE OF THE PROCEDURES INVOLVED IN ORDER TO RESPOND EFFECTIVELY TO ANY ALERTS RAISED AND TO MINIMIZE THE RISK TO OTHER RESIDENTS AND VISITORS.

NB. THIS DOCUMENT WILL BE INCLUDED IN EVERY TENANTS WELCOME PACK PROVIDED BY THE OWNER AT THE POINT OF OCCUPATION. THIS WILL RUN FOR THE LIFETIME OF THE DEVELOPMENT AND WILL BE THE FIRST OWNERS ABSOLUTE RESPONSIBILITY TO MAINTAIN THIS INFORMATION IS UP TO DATE AND EVERY TENANT, IRRESPECTIVE OF TENURE OR OWNERSHIP, IS KEPT INFORMED AND UP TO DATE.

THE PLAN

Alerts

In the event of a major radiological incident that could affect residents or visitors to the Boundary Place development, alerts will be made advising on the actions to be taken. Those alerts will be by:

- The AWE installed telephone alerting system – this will contact you if you have a landline;
- An alert on local radio or television;
- A call from the designated representative of [Responsible Management Organisation] using the electronic method or methods of communication that you have specified (e.g. telephone call on a mobile phone);
- A member of the emergency services instructing you to take some immediate action.

Note: Due to the proximity of the development to AWE Aldermaston, it may be possible to overhear AWE site alarm signals. **Do not** respond to these alarms, as tests are carried out often as part of their routine emergency response exercise programme.

Local Radio Stations

Heart Berkshire	97.0 and 102.9 MHz FM
BBC Radio Berkshire	95.4 and 104.1 MHz FM
The Breeze (Basingstoke and North Hampshire)	107.6 MHz FM
The Breeze (Newbury)	105.6 and 107.4 MHz FM
BBC Radio Solent (Hampshire)	96.1 and 103.8 MHz FM

The Designated [Responsible Management Organisation] Representative

[Responsible Management Organisation] will confirm in writing to the local authority who or which team of staff, will be the primary point of contact prior to commencement of development.

The designated representative, once established, will contact new residents when they take up residence to determine their preferred method of communication. If you are not contacted, please contact the designated representative using the details given above.

Actions of the Designated Representatives of [Responsible Management Organisation]

- On being alerted by the AWE installed alerting system or by alternative methods to be agreed with the local authorities and emergency services, the designated representative shall contact all residents of the Boundary Place development using their preferred methods of communication, and shall maintain a record of all those contacted and of any that it was not possible to contact.
- The designated representative shall inform residents as to how to obtain authoritative information on the actions that they should take and shall determine whether any non-residents are present.
- The designated representative shall emphasise that they, or an alternate, will be available to provide advice and information on a 24 hour per day basis until the off-site incident is declared to be over, but that telephone calls should be as short as possible to help keep the lines clear for the emergency services.
- The designated representative shall make full use of publicly available information to keep abreast of the development of the off-site emergency but shall not offer advice and guidance on actions to be undertaken by residents that goes beyond that being provided by the authorities.
- The designated representative shall contact West Berkshire Council Emergency Planning Team (Telephone: 01635 42400; e-mail: emergencyplanning@westberks.gov.uk) advising them of the numbers of residents contacted, any residents that could not be contacted, and the numbers of non-residents identified as being present in the development. They shall also advise them of any special needs of residents or non-residents that are known to them.
- The designated representative or their alternate shall remain calm and try to reassure and inform people throughout the incident.

Actions of Residents and Non-residents

If an alert occurs, the following actions should be taken both by residents and non-residents.

EMERGENCY ACTION PLAN	
In a Radiation Emergency	
Go In	Go indoors as soon as you can and follow the instructions below.
Stay In	<ul style="list-style-type: none"> • Stay indoors, close and stay away from all windows and doors. • Damp down or put out open fires and turn off any fans that could draw in air from the outside. • If you have been outside for some time it would be a good idea to wash your hands and face or have a shower to wash off any material. When washing, try to avoid getting water into your nose and mouth. • Remain calm and wait for further advice. • We know that you will want to collect your children from school or nursery, but it might not be safe to do so. Remember that all schools have emergency plans and that teachers will look after the pupils in their care.
Tune in	Tune in to a local radio station , which will give you further information or instructions, including updates on schools. It may also be worthwhile checking relevant websites such as local news, schools or councils, to see whether any more information is helpful.
Don't use the phone	<p>Don't use the phone. If you need to use it, e.g. to call the designated [Responsible Management Organisation] representative, keep the call as short as possible. This will help to keep the lines clear for use for emergency calls.</p> <p>Don't phone the emergency services or AWE as they will be busy dealing with the emergency. Don't dial 999 unless you have a separate emergency.</p>
Don't leave the area	<p>Never be tempted to leave the area unless told to do so by the emergency services.</p> <p>You will be much safer indoors. If you are outside you are more likely to be exposed to radioactivity. If you try to leave, you may block the roads for the emergency services.</p> <p>There will normally be no need for urgent evacuation. In the highly unlikely event that you are told to leave the area you will be sent to a Reception/Rest Centre set up by the local authority where you will be looked after and receive help and information.</p>

The above notice shall be displayed prominently in a publicly accessible area of the Boundary Place development.

DATED *11 OCTOBER* 2019
DEED OF AGREEMENT

between

BASINGSTOKE AND DEANE BOROUGH COUNCIL

and

THE BRADPLAN PARTNERSHIP LLP

and

BELLWAY HOMES LIMITED

STATUTORY POWERS

Under (inter alia) Section 106 of the Town and Country Planning Act 1990 (as amended)

SITE: Boundary Place, Aldermaston Road, Tadley

DEVELOPMENT: Erection of 17 apartments (2 no. 1 bedroom and 15 no. 2 bedroom), parking, landscape and associated works

PLANNING APPLICATION NO: 19/00579/FUL

Shared Legal Services
Basingstoke and Deane Borough Council and Hart District Council
Civic Offices
London Road
Basingstoke
Hampshire RG21 4AH

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CONTACT DETAILS

Part No.	Subject Area	Page	Summary of Main requirements	BDBC contact
	Planning Requirements			Head of Planning and Infrastructure (01256 845346)
	Payment of contributions			Proactive Compliance Technical Officer(01256 845274)
	Legal fees		On completion of this deed the First Owner shall pay Council' legal fees	Legal Officer 01256 845564
12	Off Site Open Space Contribution	19	£18,240.00 as a contribution towards the cost of providing enabling and maintaining open space at Wigmore Heath in Tadley	Facilities, Monitoring and Planning Officer (01256 845465)
13	Affordable Housing	20	An <u>Affordable Housing Scheme</u> for the provision of the <u>Affordable Dwellings</u> shall be submitted to and approved in writing by the Council prior to the <u>Commencement of Development</u>	Head of Planning and Infrastructure (01256) 845356 Service Lead – Housing and Social Inclusion (01256) 844844
16	Compliance	26	£1,000.09 as a contribution towards the Council's costs in monitoring compliance with this Deed.	Proactive Compliance Technical Officer (01256) 845274
17	Repayment of Contributions	27	The Council covenants with the Owners to repay any contributions not used within ten years	Proactive Compliance Technical Officer (01256) 845274

18	Site Specific Emergency Plan	28	Owners to implement etc. Site Specific Emergency Plan	Head of Planning and Infrastructure (01256) 845356
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THIS DEED OF AGREEMENT is made the 11 day of OCTOBER 2019
BETWEEN:

1. BASINGSTOKE AND DEANE BOROUGH COUNCIL of Civic Offices
London Road Basingstoke Hampshire RG21 4AH ("the Council")
2. THE BRADPLAN PARTNERSHIP LLP (Company Registration Number
(OC418175) whose registered office is situate at 580 Reading Road
Winnersh Berkshire RG11 5HA ("the First Owner")
3. BELLWAY HOMES LIMITED (Company Registration Number 00670176)
whose registered office is situate at Seaton Burn House Dudley Lane
Seaton Burn Newcastle Upon Tyne NE13 6BE ("the Second Owner")

INTRODUCTION

1. The Council is the Local Planning Authority for the purposes of the Act for
the area in which the Site is situated
2. The First Owner is the freehold owner of that part of the Site outlined in
green on the Plan ("the First Land")
3. The Second Owner is the freehold owner of that part of the Site outlined in
blue on the Plan
4. Written application was made to the Council for permission to develop the
Site in the manner and for the uses set out in the plans and particulars
deposited with the Council and described in the Application
5. This Deed is a Planning Obligation for the purposes of Section 106 of the
Act

NOW THIS DEED WITNESSES AS FOLLOWS:

1. DEFINITIONS

- 1.1 For the purposes of this Deed the following expressions shall have the
following meanings

"the Act"	The Town and Country Planning Act 1990 (as amended);
"the Owners"	Collectively the First Owner and the Second Owner;
"Affordable Dwellings"	Collectively those <u>Dwellings</u> forming five (5) of the <u>Dwellings</u> on the <u>Site</u> forming part of the <u>Development</u> to be provided as <u>Affordable Housing</u> in accordance with the <u>Affordable Housing Scheme</u> and governed in accordance with the provisions of clause 13 of this Deed provided always that one (1) of the <u>Affordable Dwellings</u> will meet enhanced accessibility and adaptability standards in accordance with M4(2) of the Building Regulations 2010 Approved Document M (access to and use of buildings) Volume 1: Dwellings published by HM Government and " <u>Affordable Dwelling</u> " shall be construed accordingly;
"Affordable Housing"	Those <u>Affordable Dwellings</u> to be disposed of in accordance with this Deed and falling within the definition of affordable housing in Annex 2 of the National Planning Policy Framework February 2019 as may from time to time be amended or any other statement or circular which may supersede it;
"Affordable Housing Scheme"	A detailed plan to be approved in writing by the Council incorporating the tenure and accommodation mix for the Affordable Dwellings as set out in Schedule 1 of this Deed and defining the type, size and location of each <u>Affordable Dwelling</u> ;
"Affordable Rent"	A rent of no more than 80% of the local market rent (including service charges) and in any event rent at first lets or subsequent re-lets should not exceed the published <u>Local Housing Allowance</u> for the relevant property type and in the relevant rental market area from

time to time allowing for any modifications to a level of allowance as published from time to time by the Government as calculated using the Royal Institution of Chartered Surveyors approved valuation methods but the Registered Provider is permitted to increase rent levels annually in line with the rules set by the Regulator of Social Housing PROVIDED ALWAYS that the rent shall at no time exceed the Local Housing Allowance rate as aforesaid;

- "Affordable Rented Units" Those Affordable Dwellings governed by clause 13 and designated within the Affordable Housing Scheme as rented units for let by Registered Providers to households who are eligible for social rented housing at Affordable Rent and "Affordable Rented Unit" shall be construed accordingly;
- "Application" Application reference 19/00579/FUL for the erection of 17 apartments (2 no. 1 bedroom and 15 no. 2 bedroom), parking, landscape and associated works;
- "AWE Aldermaston Off-Site Emergency Response Plan" West Berkshire Council's emergency plan titled "AWE Off-Site Emergency Response Plan" adopted in January 2019 or any other plan that updates or replaces this emergency plan;
- "Borough" The area comprised in the Borough of Basingstoke and Deane (as defined in Section 1(4) of the Local Government Act 1972 and the Statutory Instruments made under the said 1972 Act);
- "Commencement of Development" The date on which any material operation (as defined in Section 56(4) of the Act) forming part of the Development begins to be carried out other than (for the purposes of this Deed and for no other purpose)

operations consisting of site clearance, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, erection of any temporary means of enclosure the temporary display of site notices or advertisements and “Commence Development” shall be construed accordingly;

- “Contribution” The contribution secured pursuant to clause 12;
- “Development” The development of the Site as set out in the Application and in accordance with the Planning Permission;
- “Dwelling(s)” An individual self-contained unit of residential accommodation (including a house, flat, maisonette or bungalow) constructed in accordance with the Planning Permission which for the avoidance of doubt shall include both Affordable Dwellings and Open Market Dwellings;
- “Head of Planning and Infrastructure” The Head of Planning and Infrastructure of the Council or such other officer or officers as may from time to time be primarily responsible for the Council's functions duties and responsibilities in relation to Housing;
- “Homes England” The body for the time being having or being responsible for providing financial assistance to providers (including Registered Providers) of social housing for the purpose of improving the supply and quality of housing in England now conferred on such body under the Housing and Regeneration Act 2008 or any legislation replacing or amending the same;
- “Incident” An off-site emergency or radiation emergency event at AWE Aldermaston which under the AWE Aldermaston

Off-Site Emergency Response Plan requires the evacuation and resettlement of the occupiers of the First Land;

“Index”	In respect of the <u>Off-Site Open Space Contribution</u> the All In Tender Price Index published by the Building Cost Information Service of the Royal Institution of Chartered Surveyors or any successor organisation or in the event that the relevant index shall be no longer published or the basis thereof be materially altered then the index shall be such replacement index as the Council shall reasonably specify;
“Interest”	Interest at four per cent above the base lending rate of the HSBC from time to time;
“Legal Services Manager”	The <u>Legal Services Manager</u> for the time being to the Council or such other officer or officers as may from time to time be primarily responsible for the provision of legal advice to the Council;
“Local Housing Allowance”	The local housing allowance rates published by the Valuation Office Agency from time to time or any such allowance rates or otherwise that shall replace the local housing allowance rates from time to time;
“Occupation”	Beneficial occupation of any of the <u>Dwellings</u> on the <u>Site</u> but shall not include occupation for construction or fitting out or marketing purposes and “Occupy” and “Occupied” shall be construed accordingly;
“Open Market Dwelling”	Any <u>Dwelling</u> upon the <u>Site</u> which is not an <u>Affordable Dwelling</u> ;
“Payee”	The person/persons who paid the contribution to the Council;

“Plan”	The plan annexed hereto with drawing reference 061702-BP-S106-2 identifying the <u>Site</u> edged red and identifying the parts of the Site owned by the First Owner and the Second Owner;
“Planning and Development Manager”	The <u>Planning and Development Manager</u> for the time being to the Council or such other officer or officers as may from time to time be primarily responsible for the Council’s powers duties functions and responsibilities under the <u>Act</u> ;
“Planning Permission”	The planning permission to be granted pursuant to the <u>Act</u> and pursuant to the <u>Application</u> ;
“Preceding Planning Obligations”	The covenants restrictions and obligations contained in the 2010 Undertaking and the 2012 Deed of Variation (whether made under section 106 of the Act or otherwise) to the extent that they have not already been complied with in respect of the <u>Site</u> ;
“Proactive Compliance Technical Officer”	Such officer from time to time appointed by the <u>Planning and Development Manager</u> to monitor and enforce compliance with this Deed and with the conditions attached to the <u>Planning Permission</u> ;
“Registered Provider”	A Registered Provider of Social Housing for the purposes of Section 80 of the Housing and Regeneration Act 2008 but (in the event only of any statutory modification or change being made to the said reference) shall include any provider of social housing whose status and functions are similar to a registered provider of social housing;
“Regulator of Social Housing”	The body for the time being having or being responsible for the regulation of Registered Providers of Social

BRAD-PLAN

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Do not scale other than for Local Authority Planning purposes.

LEGEND



Bradplan Ownership edged green



Planning Application Boundary edged red



Bellway Homes' Ownership edged blue



1:1250
s106 - plan 1



dha architecture ltd

Brooklands Farm Business Park
Bottle Lane
Binfield
Berkshire
RG42 5QX

t. 0118 934 9666
e. sumame@dhaarchitecture.co.uk
w. www.dhaarchitecture.co.uk

aldermaston road, tadley

rev date by details

S106 - Plan 2

reference 061702-BP-S106-2

22.07.2019 created
1:1250 @ A3 scolding
JeH contact

- revision

Housing under the Housing and Regeneration Act 2008 or any legislation replacing or amending the same;

“Responsible Management Organisation”

The organisation with responsibility for the implementation of the Site Specific Emergency Plan the details of which are to be provided to and approved by the Council in writing such organisation may be:

(a) an existing Registered Provider; or

(b) an organisation established for the purposes of carrying out the Responsible Management Organisation's obligations contained in clause 19 of this Deed and the details to be provided shall include those which demonstrate how the Responsible Management Organisation will be established, maintained adequately funded and able to undertake its obligations under the Site Specific Emergency Plan;

“Service Installations”

(Without prejudice to the generality of this expression) includes sewers drains culverts channels outlets mains wire cables ducts flues soakaways and other conducting media for the supply of Services substations regulator valves and all other infrastructure whatsoever for Services;

“Services”

(Without prejudice to the generality of this expression) includes electricity telephone gas water foul drainage surface water drainage cable television and other cable services;

“the Site”

All that piece or parcel of land known as Boundary Place, Aldermaston Road, Tadley against which this Deed may

be enforced as shown more particularly delineated and edged red on the Plan;

“Site Specific Emergency Plan” A site specific emergency response plan titled 'Boundary Place Development: Emergency Action Plan' dated 26 June 2019 explaining how the Development is procedurally equipped to respond to a major radiological incident in line with Policy SS7 of the Basingstoke and Deane Local Plan 2011-2029 and the AWE Aldermaston Off-Site Emergency Response Plan and which is appended to this Deed as Appendix 1 and references to the Site Specific Emergency Plan shall be construed so as to include any amendments to the plan or any replacement thereof as may be agreed in writing between the Council and the Owners (but for the avoidance of doubt the Site Specific Emergency Plan does not include the obligation to provide temporary accommodation in accordance with clause 18.1 of this Deed);

“Substantial Implementation” The occurrence of the following in respect of the Development:-

- a) Completion of foundations; and
- b) Completion of the ground floor slab

and “Substantially Implemented” shall be construed accordingly;

“Working Days” All days except Saturday, Sunday and bank and public holidays from time to time in England;

“2010 Undertaking” The unilateral undertaking under section 106 of the Act dated 15 November 2010 given by Cala Management Limited (1) and Bank of Scotland PLC (2) to Basingstoke

and Deane Borough Council (3) and Hampshire County Council (4) in connection with the 2011 Permission;

"2011 Permission" The planning permission ref BDB 67609 (granted on appeal) dated 16 June 2011;

"2012 Deed of Variation" The deed under sections 106 and 106A of the Act varying the 2010 Unilateral Undertaking dated 22 February 2012 made between Basingstoke and Deane Borough Council (1) and Hampshire County Council (2) Cala Management Limited (3) and Bank of Scotland PLC (4) in connection with the 2012 Permission;

"2012 Permission" The planning permission granted under section 73 of the Act ref BDB/75320 dated 1 March 2012.

2. CONSTRUCTION OF THIS DEED

- 2.1 Where in this Deed reference is made to any clause, paragraph or schedule or recital such reference (unless the context otherwise requires) is a reference to a clause, paragraph or schedule or recital in this Deed.
- 2.2 Words importing the singular meaning where the context so admits include the plural meaning and vice versa.
- 2.3 Words of the masculine gender include the feminine and neuter genders and words denoting actual persons include companies, corporations and firms and all such words shall be construed interchangeable in that manner.
- 2.4 Wherever there is more than one person named as a party and where more than one party undertakes an obligation all their obligations can unless expressly provided otherwise be enforced against all of them jointly and against each individually unless there is an express provision otherwise.

- 2.5 Any reference to an Act of Parliament shall include any modification, extension or re-enactment of that Act for the time being in force and shall include all instruments, orders, plans regulations, permissions and directions for the time being made, issued or given under that Act or deriving validity from it.
- 2.6 References to any party to this Deed shall include the successors in title to that party and to any deriving title through or under that party and in the case of the Council the successors to its statutory functions.
- 2.7 For the purpose of such parts of this Deed as may be subject to the rule against perpetuities the perpetuity period applicable to this Deed shall be eighty years from the date hereof.
- 2.8 Headings are for reference only and shall not affect construction.
- 2.9 Any covenant by the Owners not to do an act or thing shall be deemed to include an obligation not to permit or suffer such act or thing to be done by any other person.

3. LEGAL BASIS

- 3.1 This Deed is made in pursuance of Section 106 and Section 106A of the Act, Section 111 of the Local Government Act 1972, Section 120 of the Local Government Act 1972, Section 1 of the Localism Act 2011, Sections 8, 9 and 609 of the Housing Act 1985 and all other powers so enabling.
- 3.2 The covenants, restrictions and requirements imposed upon the Owners under this Deed create planning obligations pursuant to Section 106 of the Act and are enforceable in respect of the Site by the Council as local planning authority against the Owners.

4. OWNERSHIP OF SITE

- 4.1 The First Owner HEREBY CONFIRMS AND WARRANTS that the First Owner is the registered proprietor of that part of the Site outlined in green

on the Plan being the land registered under Title No. HP817068 and that it has full power to enter into this Deed and that there is no other person having a charge over or any other interest in the Site whose consent is necessary to make this Deed binding on the Site and all estates and interests therein.

The Second Owner HEREBY CONFIRMS AND WARRANTS that the Second Owner is the registered proprietor of that part of the Site outlined in blue on the Plan forming part of the land registered under Title No. HP543855 and that it has full power to enter into this Deed and that there is no other person having a charge over or any other interest in such part of the Site whose consent is necessary to make this Deed binding on the Site and all estates and interests therein.

- 4.2 The Owners agree with the Council to give the **Proactive Compliance Technical Officer** written notice within 10 Working Days of any change in ownership of any of their interests in the Site occurring before all the obligations under this Deed have been discharged such notice to give details of the transferee's full name and registered office (if a company or usual address if not) together with the area of the Site or unit of occupation purchased by reference to a plan.

5. MISCELLANEOUS

- 5.1 The First Owner shall pay to the Council on completion of this Deed the costs of the Council incurred in the negotiation, preparation and execution of this Deed.
- 5.2 No provision of this Deed shall be enforceable under the Contracts (Rights of Third Parties) Act 1999.
- 5.3 This Deed shall be registrable as a local land charge in respect of the Site by the Council.
- 5.4 Any notices shall be deemed to have been properly served if sent by recorded delivery to the principal address or registered office (as

appropriate) of the relevant party or such other address as may from time to time be notified by one party to the other parties hereto as its address for service for the purposes of this Deed and any notice served in accordance with this clause 5.4 shall be deemed to have been received at 9 a.m. on the second Working Day after posting.

- 5.5 All approvals certificates consents agreements satisfactions confirmations or calculations (or anything of a similar nature) that may be requested by the Owners and/or given by the Council or its officers in accordance with this Deed shall be in addition to any other approvals consents agreements or confirmations that may be required by the **Act** or by any other statute or regulations, and all such approvals consents agreements satisfactions confirmations or calculations (together with all determinations as to whether for the purposes of this Deed **Dwellings** have been Occupied and/or completed) shall be at the sole discretion of the Council or its relevant officers whose decisions shall be final.
- 5.6 On the Owners' written submission of evidence showing to the Council's satisfaction the performance and satisfaction of the covenants obligations and restrictions contained in this Deed the Council shall as soon as reasonably practicable.
- 5.6.1 provide confirmation that the relevant covenants obligations and restrictions have been discharged by performance or otherwise satisfied; and
- 5.6.2 once all covenants and obligations and restrictions in this Deed are evidenced as discharged the Council shall effect the cancellation of all entries made in the Register of Local Land Charges in respect of this Deed.
- 5.7 In the event that it is found that any clause or clauses of this Deed (for whatever reason) are invalid illegal or unenforceable then such invalidity illegality or unenforceability shall not affect the validity or enforceability of the remaining provisions of this Deed.

- 5.8 This Deed shall cease to have effect (insofar only as it has not already been complied with) if the **Planning Permission** shall be quashed, revoked or otherwise withdrawn or (without the consent of the Owners) it is modified by any statutory procedure or expires prior to the **Commencement of Development**.
- 5.9 No person shall be liable for any breach of any of the planning obligations or other provisions of this Deed after it shall have parted with its entire interest in its respective part of the **Site** (or such part where the breach occurs) but without prejudice to liability for any subsisting breach arising prior to parting with such interest.
- 5.10 Without prejudice to clause 5.11, nothing in this Deed shall prohibit or limit the right to develop any part of the **Site** in accordance with a planning permission (other than the **Planning Permission**) granted (whether or not on appeal) after the date of this Deed.
- 5.11 This Deed shall apply to any planning permission subsequently granted ("**Subsequent Permission**") under section 73 or 73A of the **Act** which varies or permits non-compliance with any of the conditions attached to the **Planning Permission** and this Deed shall be construed to include the development as stated in the **Subsequent Permission** in addition to the **Development** as stated in the **Planning Permission** PROVIDED ALWAYS that if any form development permitted pursuant to such **Subsequent Permission** on the **Site** would individually or in combination with any other planning permission lead to additional varied or lesser planning obligations over and above those set out in this Deed being required then such planning obligations shall be secured either by way of a new deed pursuant to section 106 of the **Act** or by way of a deed of variation of this Deed pursuant to section 106A of the **Act**.
- 5.12 Nothing contained or implied in this Deed shall prejudice or affect the rights discretions powers duties and obligations of the Council under all statutes bylaws statutory instruments orders and regulations in the exercise of its functions as a local authority.

5.13 Without prejudice to clause 5.11 above, this Deed may be varied only by deed between the parties hereto or their respective successors in title and assigns.

5.14 The covenants obligations and restrictions in this Deed shall not be binding on or enforceable against:

- a) the residential owners or occupiers of any **Open Market Dwelling** or any mortgagee or chargee of such owner/occupier (or any receiver, manager or administrator appointed by such mortgagee or chargee);
- b) the residential owners, occupiers or tenants of the **Affordable Dwellings** or any mortgagee or chargee of such owner occupier or tenant (or any receiver, manager or administrator appointed by such mortgagee or chargee) SAVE FOR the restrictions as to the **Occupation** of the Affordable Dwellings as **Affordable Housing** in clause 13 (but subject always to the exemptions and releases in clauses 13.10 to 13.11 and 14 inclusive);
- c) any mortgagee or chargee from time to time which shall have the benefit of a mortgage or charge on any part or parts of the Site unless and until such mortgagee or chargee has entered into legal possession of the **Site** or any part thereof to which such obligation relates;
- d) any statutory service company or authority who shall take a transfer, lease or easement of or over any part or parts of the **Site** for its operational purposes or for the purposes of providing Services to the Site

6. WAIVER

6.1 No waiver (whether expressed or implied) by the Council of any breach or default in performing or observing any of the covenants terms or conditions of this Deed shall constitute a continuing waiver and no such

waiver shall prevent the Council from enforcing any of the relevant terms or conditions or for acting upon any subsequent breach or default.

7. INDEXATION

7.1 Any **Contribution** required to be paid by the First Owner in accordance with this Deed is required to be index linked by an amount equivalent to the increase in the **Index** from the date hereof until the date on which the Contribution is payable and payment shall be made using the latest available forecast figure (or figures as the case may be) at the date of payment and any payment or payments by way of adjustment shall be made within fourteen (14) days of a written demand by the Council.

8. INTEREST

8.1 If any payment due is paid after the date specified in this Deed, **Interest** will be payable from the date payment is due to the date of payment.

9. VAT

9.1 All consideration given in accordance with the terms of this Deed shall be exclusive of any value added tax properly payable.

10. JURISDICTION

10.1 This Deed is governed by and interpreted in accordance with the law of England.

11. COMMENCEMENT

11.1 This Deed shall take effect on the date hereof but the planning obligations in clauses 12 to 14 (inclusive) and in clause 18 are conditional on the grant of **Planning Permission** and **Commencement of Development**.

12. OFF-SITE OPEN SPACE CONTRIBUTION

12.1 The First Owner covenants with the Council to pay to the Council the sum of eighteen thousand two hundred and forty pounds (£18,240.00)

as a once and for all contribution towards the Council's costs in providing enhancing and maintaining open space (including the provision of footpaths and interpretation boards) at Wigmore Heath in Tadley prior to the **Commencement of Development**

- 12.2 The First Owner hereby covenants not to **Commence Development** or permit or allow the **Commencement of Development** upon the **Site** unless and until the First Owner has paid to the Council the sum of eighteen thousand two hundred and forty pounds (£18,240.00) as a once and for all contribution towards the Council's costs in providing enhancing and maintaining open space (including the provision of footpaths and interpretation boards) at Wigmore Heath in Tadley

13. AFFORDABLE HOUSING

Affordable housing detail and certain delivery

The First Owner for itself and its successors in title covenants with the Council as follows:-

- 13.1 to submit to the Council an **Affordable Housing Scheme** prior to the **Commencement of Development** for approval in writing by the **Planning and Development Manager** and the **Head of Planning and Infrastructure** and thereafter the **Affordable Housing** Scheme as approved by the Council shall be implemented and observed in full.
- 13.2 Save where a **Registered Provider** has prior to **Commencement** acquired a freehold interest in the Site on that part or parts of the Site on which the **Affordable Dwellings** are to be constructed:
- 13.2.1 To enter into a written contract (which shall at the request of the Council be submitted to the Council for approval by the **Legal Services Manager** and the **Head of Planning and Infrastructure**) with a **Registered Provider** for the construction by the First Owner for that **Registered Provider** of the **Affordable Dwellings** in accordance with

the **Affordable Housing Scheme** approved under clause 13.1 of this Deed prior to the first **Occupation** of any **Open Market Dwelling** upon the **Site**.

13.2.2 Not to **Occupy** or permit or allow **Occupation** of any **Open Market Dwelling** whatsoever upon the **Site** unless and until the First Owner has entered into a written contract (which shall at the request of the Council be submitted to the Council for approval by the **Legal Services Manager** and the **Head of Planning and Infrastructure**) with a **Registered Provider** for the construction by the First Owner for that **Registered Provider** of the **Affordable Dwellings** in accordance with the **Affordable Housing Scheme** approved under clause 13.1 of this Deed.

13.3 The **Affordable Dwellings** shall be designed and constructed to meet the minimum standards set out in any design and construction standards for **Affordable Housing** as published from time to time and/or set out in any national, local or other guidance as may be in force on the date of the **Planning Permission**.

13.4 To construct and make available for **Occupation** (together with the construction of all car parking spaces comprised therein and **Access** and the installation of all **Service Installations** and **Services** required) all of the **Affordable Dwellings** and (where applicable) to transfer all of the **Affordable Dwellings** upon the **Site** to the **Registered Provider** and provide written notification of such to the Council prior to more than 75% of the **Open Market Dwellings** upon the **Site** being first **Occupied**.

13.5 Not to **Occupy** or permit or allow **Occupation** of more than 75% of the **Open Market Dwellings** upon the **Site** unless and until all of the **Affordable Dwellings** upon the **Site** have been constructed in accordance with the **Planning Permission** and **Affordable Housing Scheme** and made available for **Occupation** (together with the construction of all car parking spaces comprised therein and access and

the installation of all Service Installations and Services required) and are owned by the Registered Provider and written notification of such has been received by the Council.

Housing need criteria and Council nomination

13.6 Each Affordable Rented Unit to be constructed upon the Site shall only be Occupied by a person or persons who are nominated by the Council or by another body nominated by the Council such as a Registered Provider (approved by the Council in its absolute discretion) and who are considered to be in need of such accommodation and cannot reasonably afford accommodation in the private housing market (whether private rented housing or private housing for sale) (and the expression "private" shall mean housing provided by a person or body other than a local housing authority a County Council or a Registered Provider) and in its consideration of such need the Council shall have regard to those applicants on the Housing Needs Register maintained by the Council (or such other Housing Register as the Council in its absolute discretion may deem appropriate) and to those persons accepted by the Council as homeless in accordance with section 175 of the Housing Act 1996 and FOR THE AVOIDANCE OF DOUBT the Council shall have the right to nominate for the first Occupation of each Affordable Dwelling and thereafter for every subsequent Occupation of each Affordable Dwelling unless expressly provided otherwise by this Deed.

Local connection criteria

13.7 Subject to clauses 13.9, 13.10 and 13.11 below Each Affordable Dwelling to be constructed upon the Site shall be Occupied by a person or persons who:-

13.7.1 immediately prior to Occupation of the Affordable Dwelling were ordinarily resident within the Borough and in need of such accommodation; or

- 13.7.2 were not resident in the **Borough** immediately prior to **Occupation** of the **Affordable Dwelling** but who have had a strong local connection with the Borough and in determining whether a person has a strong local connection with the Borough the Council or **Registered Provider** (as appropriate) shall consider whether or not the person has close family associations in the **Borough**; and/or through their work provides important services to the **Borough** and who needs to live closer to the local community; or
- 13.7.3 who has employment or who has accepted a confirmed offer of employment within the **Borough**; or
- 13.7.4 needs to move to offer or receive care and/or support to/from close adult family members where no other support is available from other persons in the locality; or
- 13.7.5 the Council is satisfied that there are exceptional circumstances which are such that the person should be considered to meet the above local connection criteria

and if no person satisfying any of the above criteria can be identified within four weeks of the Affordable Dwellings first being advertised as available for **Occupation** the **Affordable Dwellings** may be made available for **Occupation** by any person in accordance with the **Registered Provider's** allocations policy from time to time

Affordable Rented Units conditions

- 13.8 Each **Affordable Rented Unit** shall be **Occupied** under such form of tenancy as may from time to time be prescribed by statute or by Homes England from time to time) (or on such other basis as may from time to time be approved in writing by the **Service Lead – Housing and Social Inclusion**)

13.9 Without prejudice to clause 13.6 the **Affordable Rented Units** shall at all times be **Occupied** and managed in accordance with the objectives of a **Registered Provider** and in accordance with such published housing allocations policy as may be adopted by such **Registered Provider** from time to time

13.10 If the **Service Lead – Housing and Social Inclusion** and the **Head of Planning and Infrastructure** certify in writing that the criteria referred to above in sub-clauses 13.7.1 to 13.7.5 cannot be met the **Affordable Rented Units** may be **Occupied** by any person nominated by a **Registered Provider** PROVIDED ALWAYS THAT:-

13.10.1 Such nomination and **Occupation** shall be in accordance with clause 13.6 of this Deed

13.10.2 The **Service Lead – Housing and Social Inclusion** and the **Head of Planning and Infrastructure** shall respond within twenty (20) **Working Days** of the **Registered Provider's** request for certification as aforesaid and if no response is received by the **Registered Provider** from the Council certification shall be deemed to have been given

Once the said **Affordable Rented Unit** ceases to be **Occupied** by virtue of this clause the provisions of this part of the Deed shall apply in full to any re-letting of the said **Affordable Rented Unit**

Affordable housing exemption clauses

13.11 The **Affordable Housing** provisions of this Deed shall:-

13.11.1 cease to apply to any **Affordable Dwellings** which are transferred or leased as a result of a disposal by a mortgagee or chargee (or any receiver (including an administrative receiver) appointed by such mortgagee or chargee or any other person appointed under any security documentation to enable such mortgagee or chargee to

realise its security or any administrator (howsoever appointed) including a housing administrator (each a Receiver)) in accordance with clause 14 below;

- 13.11.2 cease to apply to any occupier who has exercised the right to acquire pursuant to the Housing and Regeneration Act 2008 or any statutory provision for the time being in force (or any equivalent contractual right) in respect of a particular **Affordable Dwelling** (and their successors in title)

14. AFFORDABLE HOUSING MORTGAGEE PROTECTION

- 14.1 Clause 13 of this Deed shall not be binding on a mortgagee or chargee or any receiver (including an administrative receiver appointed by such mortgagee or chargee) or any other person appointed under any security documentation to enable such mortgagee or chargee to realise its security or any administrator (howsoever appointed) including a housing administrator (each a Receiver) of the whole or any part of the **Affordable Dwellings** or any persons or bodies deriving title through such mortgagee or chargee or Receiver PROVIDED THAT:
- 14.2 such mortgagee or chargee or Receiver shall first give written notice to the Council of its intention to dispose of the **Affordable Dwellings** and shall have used reasonable endeavours over a period of three (3) months from the date of the written notice to complete a disposal of the **Affordable Dwellings** to another **Registered Provider** or to the Council for a consideration not less than the amount due and outstanding under the terms of the relevant security documentation including all accrued principal monies, interest and costs and expenses; and
- 14.3 if such disposal has not completed within the three (3) month period, the mortgagee, chargee or Receiver shall be entitled to dispose of the **Affordable Dwellings** free from the affordable housing

restrictions at clause 13 of this Deed which shall determine absolutely

15. COMPLIANCE

15.1 The First Owner shall pay to the Council on completion of this Deed the sum of one thousand pounds and nine pence (£1,000.09) as a contribution towards the Council's costs in monitoring compliance with this Deed.

15.2 The Owners hereby AGREE and DECLARE that permission shall be granted to authorised Officers of the Council upon reasonable notice and request and at all reasonable times (except in an emergency) and subject to any instructions which any contractor may give to ensure safety for Officers of the Council (or their nominated representatives) to gain access to the Site in order to monitor compliance with the terms of this Deed.

15.3 The First Owner agrees to give the Proactive Compliance Technical Officer written notice at least five Working Days before Commencement of Development.

15.4 The First Owner agrees to give the Proactive Compliance Technical Officer written notice of the Occupation of the first Open Market Dwelling.

15.5 The First Owner agrees to give the Proactive Compliance Technical Officer written notice on the Occupation of 75% of the Open Market Dwellings.

16. DISCHARGE OF THE PRECEDING PLANNING OBLIGATIONS

16.1 In the event that the Planning Permission is granted, the First Owner will notify the Council in writing whether it will implement the 2011 Permission (insofar as it relates to the Site) the 2012 Permission (insofar as it relates to the Site) or the Planning Permission.

- 16.2 In the event that the First Owner are to implement the **2011 Permission** (insofar as it relates to the **Site**) the First Owner hereby covenants not to implement the 2012 Permission (insofar as it relates to the **Site**) or the **Planning Permission** and in the event that the First Owner is to implement the **2012 Permission** (insofar as it relates to the **Site**) the First Owner hereby covenants not to implement the **2011 Permission** (insofar as it relates to the **Site**) or the **Planning Permission** and in the event that the First Owner is to implement the **Planning Permission** (insofar as it relates to the **Site**) the First Owner hereby covenants not to implement the **2011 Permission** or the **2012 Permission**.
- 16.3 In the event that the **Planning Permission** has been **Substantially Implemented** the First Owner shall notify the Council and if the Council is satisfied that the **Planning Permission** has been **Substantially Implemented** the Council will confirm the same in writing.
- 16.4 On the date that the Council confirms in writing that the **Planning Permission** has been **Substantially Implemented** the **Preceding Planning Obligations** (insofar as they relate to the **Site** and the **Planning Permission**) shall be discharged and the **Site** and the Owners shall be released from the **Preceding Planning Obligations** which shall determine absolutely in respect of the **Site** and the Owners
- 16.5 In the event that the **Preceding Planning Obligations** have been discharged in accordance with clause 16.4 above the Council shall forthwith effect the cancellation of entries in respect of the **2010 Undertaking** and the **2012 Deed of Variation** from the Register of Local Land Charges for the **Site**

17 REPAYMENT OF CONTRIBUTIONS

- 17.1 The Council hereby covenants with the First Owner to use the **Contributions** received from the First Owner for the purposes specified in those clauses securing the **Contributions** or for such other purposes for the benefit of the **Development** as the First Owner and the Council shall agree in writing.

17.2 The Council covenants with the First Owner that, following receipt of a written request to do so from the Payee, it will repay to the Payee such amount of the Contributions paid by the Payee to the Council which remains unspent or uncommitted after ten (10) years of the latter of the date of the Commencement of Development and the date of receipt by the Council of such Contributions together with interest at the HSBC base rate from time to time for the period from the date of payment to the date of repayment.

18. SITE SPECIFIC EMERGENCY PLAN

The First Owner for itself and its successors in title covenant with the Council as follows:-

18.1 that they shall implement the Site Specific Emergency Plan;

18.2 that they shall monitor the operation of the Site Specific Emergency Plan;

18.3 that they shall review the Site Specific Emergency Plan at such intervals as shall be agreed with the Council; and

18.4 that they shall amend or replace the Site Specific Emergency Plan as necessary following such review as is referred to in clause 18.3 above or otherwise as is necessary.

The First Owner for itself and its successors in title covenants with the Council as follows:-

18.5 Subject to clauses 18.7 and 18.9, the First Owner shall in the event of an Incident offer all occupants of the First Land reasonably suitable temporary accommodation as soon as possible and in any event within 72 hours of the First Owner being made aware of the Incident and such temporary accommodation shall be available to the Occupants of the First Land until such time as they are able to return to their homes.

- 18.6 Subject to clauses 18.7 and 18.9 the First Owner shall comply with the **Site Specific Emergency Plan** for so long as the **Dwellings** comprised within the **Development** are **Occupied** for residential purposes.
- 18.7 The covenants set out in clauses 18.5 and 18.6 shall cease to have effect should the **Site** cease to lie within the detailed emergency planning zone set out in the **AWE Aldermaston Off-Site Emergency Response Plan.**
- 18.8 The Council covenants with the Owners to use reasonable endeavours to inform the First Owner in the event the obligations in clauses 18.5 and 18.6 cease to apply to the **Development.**
- 18.9 In the event of an **Incident** nothing in this clause 18 shall require the First Owner or the **Responsible Management Organisation** (as the case may be) to undertake any action that may be contrary to any guidance, direction or other communication issued by the Government or by any government body in response to an Incident and to the extent that any of the obligations in this clause 18 are inconsistent with such guidance, direction or communication they shall cease to be enforceable by the Council.

19. RESPONSIBLE MANAGEMENT ORGANISATION

The First Owner for itself and its successors in title hereby covenants with the Council as follows:-

- 19.1 Prior to **Commencement** it shall submit to the Council for its approval details relating to the **Responsible Management Organisation.**
- 19.2 that the **Responsible Management Organisation** will remain in existence for so long as the **Dwellings** comprised within the **Development** are **Occupied** for residential purposes

PROVIDED THAT nothing in this clause shall prevent an alternative or replacement **Responsible Management Organisation** being notified to the Council for its approval in writing and such alternative or replacement

Responsible Management Organisation shall comply with the obligation set out in clause 18.2 from the date the Council gives its approval in writing.

20. LIABILITY OF THE FIRST OWNER

Save for clauses 4.2 and 15.2, the obligations contained in this Deed shall be the responsibility of the First Owner and the Second Owner shall not be liable for any breaches of this Deed save in respect of the said clauses.

21. DELIVERY

The provisions of this Deed (other than this clause which shall be of immediate effect) shall be of no effect until this Deed has been dated.

IN WITNESS whereof the parties hereto have executed this Deed on the day and year first before written.

THE COMMON SEAL of)
BASINGSTOKE AND DEANE)
BOROUGH COUNCIL was hereunto)
affixed and this document was thereby)
executed as a deed in the presence of:)
)



Authorised Signatory



EXECUTED as a deed by The)
BRADPLAN PARTNERSHIP LLP)
acting by one member in the presence)
of:)

Director



Witness

Name of Witness

Address of Witness



Executed as a deed by [REDACTED] acting as
an attorney for **BELLWAY HOMES LIMITED**
under a Power of Attorney dated 21 May 2018 in
the presence of: [REDACTED] 2019

A

Name of Witness

Address of Witness

Nigel Clasby

Group Legal Adviser

Bellway Homes Limited

Seaton Burn House

Dudley Lane

Seaton Burn

Newcastle upon Tyne

NE13 6BE

SCHEDULE 1

Affordable Housing Mix

Five (5) of the Dwellings to be provided as Affordable Rented Units to be provided in accordance with the Affordable Housing Scheme.

APPENDIX 1
Site Specific Emergency Plan



Boundary Place Development

EMERGENCY

ACTION PLAN

IN THE EVENT OF AN INCIDENT AT AWE ALDERMASTON

Introduction

This document provides an Emergency Action Plan applicable to the Boundary Place residential development to be implemented in the event of a major radiological incident occurring at the AWE Aldermaston site. It has been prepared because the Boundary Place development is located within the Detailed Emergency Planning Zone (DEPZ).

It is noted that this plan addresses only radiological incidents. Other types of event could arise at AWE Aldermaston and require off-site actions that would differ from those set out in this document.

Prior to the commencement of development the Responsible Management Organisation for the purposes of this Emergency Action Plan will be confirmed with the Local Authority and relevant Emergency Planning Departments.

This plan has been prepared based on the Radiation Emergency Preparedness and Public Information Regulations (REPPiR) legislation, and specifically in conformance to the information included in the AWE Off-Site Emergency Plan and the REPPiR leaflet applicable to AWE Aldermaston. These current versions of these documents are:

West Berkshire Council, AWE Off-Site Emergency Plan, Public Version 1.2, March 2017

West Berkshire Council and AWE: REPPiR: What to do in the event of an emergency at AWE, April 2018.

This plan does not seek to replace information that is provided in the applicable legislation, regulations and guidance. It is reviewed on an ongoing basis, approximately once every 12 months.

ALL RESIDENTS OF THE BOUNDARY PLACE DEVELOPMENT WILL BE INFORMED OF THIS DOCUMENT AND BE AWARE OF THE PROCEDURES INVOLVED IN ORDER TO RESPOND EFFECTIVELY TO ANY ALERTS RAISED AND TO MINIMIZE THE RISK TO OTHER RESIDENTS AND VISITORS.

NB. THIS DOCUMENT WILL BE INCLUDED IN EVERY TENANTS WELCOME PACK PROVIDED BY THE OWNER AT THE POINT OF OCCUPATION. THIS WILL RUN FOR THE LIFETIME OF THE DEVELOPMENT AND WILL BE THE FIRST OWNERS ABSOLUTE RESPONSIBILITY TO MAINTAIN THIS INFORMATION IS UP TO DATE AND EVERY TENANT, IRRESPECTIVE OF TENURE OR OWNERSHIP, IS KEPT INFORMED AND UP TO DATE.

THE PLAN

Alerts

In the event of a major radiological incident that could affect residents or visitors to the Boundary Place development, alerts will be made advising on the actions to be taken. Those alerts will be by:

- The AWE installed telephone alerting system – this will contact you if you have a landline;
- An alert on local radio or television;
- A call from the designated representative of [Responsible Management Organisation] using the electronic method or methods of communication that you have specified (e.g. telephone call on a mobile phone);
- A member of the emergency services instructing you to take some immediate action.

Note: Due to the proximity of the development to AWE Aldermaston, it may be possible to overhear AWE site alarm signals. **Do not** respond to these alarms, as tests are carried out often as part of their routine emergency response exercise programme.

Local Radio Stations

Heart Berkshire	97.0 and 102.9 MHz FM
BBC Radio Berkshire	95.4 and 104.1 MHz FM
The Breeze (Basingstoke and North Hampshire)	107.6 MHz FM
The Breeze (Newbury)	105.6 and 107.4 MHz FM
BBC Radio Solent (Hampshire)	96.1 and 103.8 MHz FM

The Designated [Responsible Management Organisation] Representative

[Responsible Management Organisation] will confirm in writing to the local authority who or which team of staff, will be the primary point of contact prior to commencement of development.

The designated representative, once established, will contact new residents when they take up residence to determine their preferred method of communication. If you are not contacted, please contact the designated representative using the details given above.

Actions of the Designated Representatives of [Responsible Management Organisation]

- On being alerted by the AWE installed alerting system or by alternative methods to be agreed with the local authorities and emergency services, the designated representative shall contact all residents of the Boundary Place development using their preferred methods of communication, and shall maintain a record of all those contacted and of any that it was not possible to contact.
- The designated representative shall inform residents as to how to obtain authoritative information on the actions that they should take and shall determine whether any non-residents are present.
- The designated representative shall emphasise that they, or an alternate, will be available to provide advice and information on a 24 hour per day basis until the off-site incident is declared to be over, but that telephone calls should be as short as possible to help keep the lines clear for the emergency services.
- The designated representative shall make full use of publicly available information to keep abreast of the development of the off-site emergency but shall not offer advice and guidance on actions to be undertaken by residents that goes beyond that being provided by the authorities.
- The designated representative shall contact West Berkshire Council Emergency Planning Team (Telephone: 01635 42400; e-mail: emergencyplanning@westberks.gov.uk) advising them of the numbers of residents contacted, any residents that could not be contacted, and the numbers of non-residents identified as being present in the development. They shall also advise them of any special needs of residents or non-residents that are known to them.
- The designated representative or their alternate shall remain calm and try to reassure and inform people throughout the incident.

Actions of Residents and Non-residents

If an alert occurs, the following actions should be taken both by residents and non-residents.

EMERGENCY ACTION PLAN	
In a Radiation Emergency	
Go In	Go indoors as soon as you can and follow the instructions below.
Stay In	<ul style="list-style-type: none"> • Stay indoors, close and stay away from all windows and doors. • Damp down or put out open fires and turn off any fans that could draw in air from the outside. • If you have been outside for some time it would be a good idea to wash your hands and face or have a shower to wash off any material. When washing, try to avoid getting water into your nose and mouth. • Remain calm and wait for further advice. • We know that you will want to collect your children from school or nursery, but it might not be safe to do so. Remember that all schools have emergency plans and that teachers will look after the pupils in their care.
Tune in	Tune in to a local radio station , which will give you further information or instructions, including updates on schools. It may also be worthwhile checking relevant websites such as local news, schools or councils, to see whether any more information is helpful.
Don't use the phone	<p>Don't use the phone. If you need to use it, e.g. to call the designated [Responsible Management Organisation] representative, keep the call as short as possible. This will help to keep the lines clear for use for emergency calls.</p> <p>Don't phone the emergency services or AWE as they will be busy dealing with the emergency. Don't dial 999 unless you have a separate emergency.</p>
Don't leave the area	<p>Never be tempted to leave the area unless told to do so by the emergency services.</p> <p>You will be much safer indoors. If you are outside you are more likely to be exposed to radioactivity. If you try to leave, you may block the roads for the emergency services.</p> <p>There will normally be no need for urgent evacuation. In the highly unlikely event that you are told to leave the area you will be sent to a Reception/Rest Centre set up by the local authority where you will be looked after and receive help and information.</p>

The above notice shall be displayed prominently in a publicly accessible area of the Boundary Place development.

Cttee: 7 August 2019 Item No. 3

Application no: 19/00579/FUL
[For Details and Plans Click Here](#)

Site Address	Land At Boundary Hall Aldermaston Road Tadley Hampshire
Proposal	Erection of 17 no. apartments (2 no. 1 bed and 15 no. 2 bed) with parking, landscaping and associated works

Registered:	11 March 2019	Expiry Date:	15 July 2019
Type of Application:	Full Planning Application	Case Officer:	Katherine Fitzherbert-Green 01256 845716
Applicant:	BradPlan LLP	Agent:	Mr Charles McClea
Ward:	Baughurst And Tadley North	Ward Member(s):	Cllr Michael Bound Cllr Warwick Lovegrove
Parish:	TADLEY CP	OS Grid Reference:	459581 162478

Recommendation:	<p>Subject to no objection being received from West Berkshire/ Hampshire County Council/ONR Emergency Planners, the applicant be invited to enter into a legal agreement (in accordance with the Community Infrastructure Levy Regulations 2010 and Policies SS7, CN1, CN6, CN8 and CN9 of the Basingstoke and Deane Local Plan 2011-2029) between the applicant and the Borough Council to secure:</p> <ul style="list-style-type: none">An Emergency Management Plan together with securing the implementation, management, monitoring and review of the Emergency Management PlanFive units of affordable housingFinancial contributions towards off site public open space <p>Should the requirements set out above not be satisfactorily secured, then the Planning and Development Manager be delegated to REFUSE permission for appropriate reasons.</p> <p>On completion of the legal agreement the Planning and Development Manager be delegated to grant planning permission subject to the conditions listed at the end of this report.</p>
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Reasons for Approval

1. The proposed development would deliver housing development on land within the Settlement Policy Boundary of Tadley and upon land which has been demonstrated to not likely be brought forward for an employment generating

use. The proposal would be in accordance with in accordance with the Borough's Land Supply requirements. The proposal therefore accords with Policies SD1, SS1 and EP2 of the Basingstoke and Deane Local Plan 2011-2029, the provisions of the National Planning Policy Framework (February 2019).

2. The proposed development would provide affordable housing to meet an identified need. As such the proposal would comply with the National Planning Policy Framework (February 2019); Policy CN1 of the Basingstoke and Deane Local Plan 2011-2029, the Council's Affordable Housing Supplementary Planning Document 2018.
3. The development would provide a safe and suitable access and would not cause an adverse impact on highway safety and adequate parking would be secured to serve the proposed development and as such the proposal would comply with Policies EM10 and CN9 of the Basingstoke and Deane Local Plan 2011 and the Council's Parking Supplementary Planning Document 2018.
4. The proposal would conserve the biodiversity value and nature conservation interests of the site and as such the proposal would comply with the National Planning Policy Framework (February 2019) and Policy EM4 of the Basingstoke and Deane Local Plan 2011-2029.
5. The proposed development would not result in an undue loss of privacy or cause undue overlooking, overshadowing, or overbearing impacts to existing neighbouring properties, and as such would comply with Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029.
6. The proposed housing development is development that is sensitive to pollution including noise and odour. There would be no significant detrimental impact to future residents beyond that which may be reasonably expected, as a result of existing, historic, or nearby land uses and activity; and as such the proposal accords with policy EM12 of the Basingstoke and Deane Local Plan 2011 - 2029.
7. Adequate drainage (foul and surface water) can be provided for the development and can be adequately controlled through other legislation, and through planning conditions, so as to ensure that there would be no risk to property or the environment. The proposal accords with Policy CN6 of the Basingstoke and Deane Local Plan 2011-2029 in this respect.
8. The development would not result in an adverse increase risk of flooding and as such the proposal would comply with National Planning Policy Framework and Policy EM7 of the Basingstoke and Deane Local Plan 2011-2029.
9. The site is located within proximity to the Atomic Weapons Establishment of Aldermaston and Burghclere. The proposed development can provide a means to ensure that the needs of the inhabitant of the development can be accommodated in the event of an emergency and as such the development would accord with Policy SS7 of the Basingstoke and Deane Local Plan 2011 – 2029.

10. The provision of a Section 106 agreement would ensure that the development provides adequate framework for meeting emergency planning needs as well as infrastructure to mitigate the impact of the development in relation affordable housing and off site public open space. The development therefore complies with the National Planning Policy Framework (February 2019); Policies SS7, CN1, CN6 and CN9 of the Basingstoke and Deane Local Plan 2011-2029; the Community Infrastructure Levy Regulations 2010 (as amended); the Council's Housing Supplementary Planning Document (2018), the Planning Obligations for Infrastructure Supplementary Planning Document (2018) and the Green Infrastructure Strategy (2018).

General comments

This application is brought to the Development Control Committee in line with the scheme of delegation due to the number of objections and the Officer's recommendation for approval.

Planning Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Basingstoke and Deane Local Plan 2011-2029 which locates the application site within the Settlement Policy Boundary for Tadley.

National Planning Policy Framework (NPPF) (February 2019)

- Section 2 (Achieving sustainable development)
- Section 4 (Decision-making)
- Section 5 (Delivering a sufficient supply of homes)
- Section 8 (Promoting healthy and safe communities)
- Section 9 (Promoting sustainable transport)
- Section 11 (Making effective use of land)
- Section 12 (Achieving well-designed places)
- Section 14 (Meeting the challenge of climate change, flooding and coastal change)
- Section 15 (Conserving and enhancing the natural environment)

National Planning Practice Guidance

Basingstoke and Deane Local Plan 2011-2029

The Basingstoke and Deane Local Plan 2011-2029 sets the Council's vision and strategy for the area and will provide the basis for decisions on planning applications. The main policies of the Local Plan relevant to this proposed development comprise:

- Policy SD1 (Presumption in Favour of Sustainable Development)
- Policy SS1 (Scale and Distribution of New Housing)
- Policy SS2 (Regeneration)
- Policy SS7 (Nuclear Installations – Aldermaston and Burghfield)
- Policy CN1 (Affordable Housing)
- Policy CN3 (Housing Mix for Market Housing)
- Policy CN6 (Infrastructure)

Policy CN7 (Essential Facilities and Services)
Policy CN8 (Community, Leisure and Cultural Facilities)
Policy CN9 (Transport)
Policy EM1 (Landscape)
Policy EM4 (Biodiversity, Geodiversity and Nature Conservation)
Policy EM5 (Green Infrastructure)
Policy EM9 (Sustainable Water Use)
Policy EM10 (Delivering High Quality Development).

Supplementary Planning Documents and Guidance (SPD's and SPG's) and interim planning guidance

Design and Sustainability SPD (2018)
Parking Standards (2018)
Housing SPD (2018)
Landscape and Biodiversity SPD
Planning Obligations for Infrastructure SPD (March 2018)
Tadley Design Statement (2004)

Other material documents

The Community Infrastructure Levy Regulations 2010 (Revised 2015)
The Town and Country Planning (Environmental Impact Assessment) Regulations 2017
Green Infrastructure Strategy (2018)
Strategic Housing Market Assessment (2015)
Natural Environment and Rural Communities (NERC) Act 2006

Description of Site

The application site comprises a broadly rectangular area of land extending across approximately 0.10ha located to the west of Aldermaston Road. The site forms part of the wider Boundary Hall development for the erection of 115 dwellings and a commercial property initially granted planning permission under BDB/67609 in 2011. The land to which this application relates was secured for the commercial property which has not yet been implemented, although by virtue of the implementation of residential development, this permission remains extant.

The land is broadly level and currently contains unkempt scrub grassland enclosed with metal herras fencing. It has a frontage to Aldermaston Road separated by a row of mature English Oak trees (which are understood to be managed Hampshire County Council) and the public footway. To the north of the site sit two storey dwelling houses which are orientated to face northwest with rear gardens extending to abut the site. The dwellings comprise semi-detached pairs to the north of a public footway which provides access through to an area of public open space with a terrace of three units to the south. To the south west of the site sits hardstanding with parking which was laid out to serve the commercial property and to the south is a three storey block of flats. Access to the Boundary Hall site extends from Aldermaston Road to the south east boundary of the application site which serves the residential units and is also used in relation to a bank which abuts the access to the south. To the south and beyond the site is the Tadley District Centre.

Proposal

Planning permission was first granted under reference BDB/67609 for the redevelopment of Boundary Hall to provide a predominately residential development in conjunction with the erection of a single building containing 945m² of commercial space (Class B1). This permission was granted by the Secretary of State through a 'called-in' appeal in 2011. The development has been implemented with the exception of the commercial building whereby instead it is proposed to erect a three storey building containing 15 two bedroom flats and 2 one bedroom flats.

The proposed building would be orientated to face north east and towards Aldermaston Road and have a footprint of 37m by 16.50m and rise to 10.50m. The accommodation is to be arranged over all three floors with space at the ground floor to also provide for refuse/recycling and cycle storage together with parking. The primary access to the building is to be taken from the south west elevation within Boundary Place. This has direct access to the rear courtyard which will provide access for parking provided in an undercroft area to the north of the site as well as reusing the parking previously allocated and laid out to serve the commercial building. A further two spaces are provided adjacent to the south east elevation. The reallocation of the existing parking would require the removal of a 1.5m high brick wall which encloses the parking area. Access to the development would utilise the existing access into Boundary Place from Aldermaston Road (A340).

Amendments

Additional information has been received during the course of the application on the 21st May and the 28th June seeking to address concerns raised with regard to the impact of the residential development upon the AWE Emergency Plan. Such information comprises:

- Legal Opinions
- Technical Notes on Site Emergency Plan
- Suggested clauses for a S106 agreement on resettlement
- Boundary Place Emergency Plan
- Case Study notes from Barrow in Furness
- Applicant's response to Emergency Planners consultation responses.

The application is a resubmission of an identically designed scheme to that previously considered under reference 18/01089/FUL refused permission in February 2019. The reason for refusal concerned only the impact of the development upon the Off Site Nuclear Emergency Plan. This application seeks to overcome this previous reason for refusal.

Consultations

Councillor Bound and Councillor Lovegrove (Upon consultation following the departure of Councillor Tate): "We have decided that we will not call this decision to go to DC and are happy therefore to go along with the Officer recommendation".

Councillor Tate: "Not sure if this is still possible but if this application were to be minded for refusal on grounds from ONR then I would ask again that this is called in for Committee determination as the previous application for this site. This is an

application that is of great benefit locally and needs proper debate if minded for officer refusal.”

Tadley Town Council: “Object. Parking spaces 13 and 14 are in an extremely dangerous position, Boundary Place is a very busy road not just with residents but with visitors to Barclays Bank who park directly opposite these proposed parking spaces. Residents who have purchased properties on the site have been misled by the original plans which stated this area was to be for commercial property. Overdevelopment of the site. The height of the building is not appropriate for a building fronting onto Aldermaston Road and is out of keeping with adjacent properties. It will also overshadow adjoining properties. Believe this application is not in the spirit of what was originally intended for the site, i.e. ‘a gateway to Tadley’. Would like to have seen more serious effort in securing a commercial buyer for the site. Concerned about the loss of existing parking spaces for Royal Gardens and the effect this will have on the management of parking on the site. Unhappy to see there are no changes to the plans previously submitted.”

Planning Policy: No objection.

Urban Design: No objection.

Trees: Objection on the following grounds (in summary):

- Concern over the proximity of the proposed north east elevation to the existing trees.
- Previous office block was set further back, had a smaller footprint and larger windows in order to be more forgiving in terms of internal daylight.
- Subsequent to the approved application, the Landscape, Trees and Biodiversity SPD has been adopted requiring adequate separation from trees which is not achieved to the roadside oak trees.
- Note the internal daylight assessment however uncertain as to how conclusions that there will be sufficient daylight have been achieved.

Parks and Open Spaces: No objection subject to a financial contribution towards off site public open space.

Environmental Health: No objection subject to conditions.

Landscape: No objection subject to conditions.

Environment Agency: No objection.

Biodiversity: No objection subject to conditions.

Housing: No objection.

HCC Archaeology: No objection.

HCC Highways: No objection subject to conditions.

HCC Lead Local Flood Authority: No objection subject to conditions.

West Berkshire Emergency Planning: Initial comments – Advise against the development.

Interim comments – Insufficient response. Applicant needs to provide a detailed plan such that the development and recovery process would not have an impact on the responders for the lifetime of the site. Recommend refusal.

Final comments – Awaited at the time of reporting. Verbal discussion has indicated that the latest approach to managing long term resettlement would be acceptable.

HCC Emergency Planning: Initial comments – Advise against the development.

Interim comments – Advise against the development.

Final comments – Awaited at time of reporting.

Office for Nuclear Regulation: Initial comments - Advise against the development unless the emergency planners at West Berkshire Council provide confirmation that, in their opinion, that the development can be accommodated within their existing off-site emergency planning arrangements.

Interim comments – Advise against the development.

Final Comments – Awaited at time of reporting.

Thames Water: No objection subject to informatives.

Joint Waste Client Team: Objection on grounds of insufficient information.

Southern Gas Networks – Plan provided of pipes in vicinity of site.

Public Observations

Ten representations expressing objection on the following grounds:

Principle of development

- No changes have been made since the previous application.
- Existing affordable housing is provided at ground floor of existing blocks. Object to the proposal for 40% affordable housing in a quiet place to live.
- Existing area is overdeveloped.
- Advised when purchasing a dwelling that the site would be used only for commercial uses which would have a better outlook for current residents.

Design

- Object to the large building extending up to the site boundaries which is too large in relation to its surroundings.
- Whole area is overdeveloped.
- A development of this size is unacceptable.
- Overcrowding on this stretch of road with the construction also of Lidl.

Amenity

- Loss of privacy to properties on Boundary Place from new overlooking into rooms such as lounges and master bedrooms.

- Loss of light to front windows of Boundary Place which face the A340 which receive little natural light after midday.
- Existing properties will look onto the apartment block.
- Noise and disruption created by the development upon existing privately owned dwellings.

Highways

- Existing Boundary Place is difficult to access due to heavy traffic. An increase in traffic will increase the risk of accidents.
- Visitors to Barclays Bank often park and turn on the road/driveway leading to existing apartments. Increasing the number of residents will increase congestion.
- Parking is difficult with the existing amount of development
- The addition of further flats will make existing parking problems worse.
- This application and the application for a new Lidl Store opposite will create chaos entering and leaving the estate onto the main A340 with an unacceptable volume of traffic.
- Parking bays shown for the proposed development are fully utilised by visitors and families with two cars mainly during evenings and weekends. Allocating spaces to the proposed build will leave no allocated visitor parking.
- The site already has more cars than parking spaces.
- Only parking spaces 1 – 12 will be in the footprint of the property with spaces 15-25 using existing undesignated spaces which would reduce the free-for-all parking which is essentially theft. It is unacceptable to designate use these spaces to the development.
- Property was purchased on the basis of being provided with one car parking space, with space for visitors and available undesignated spaces (numbered 15-25).
- Access is difficult for large vehicles or emergency services. Non-bay parking essentially causes a risk to vehicles being damaged or access being hampered.
- Spaces to be used for the development are already used by existing flat residents together with kerbside parking.
- Existing parking spaces are too narrow and the proposed courtyard is too tight, difficult to manoeuvre and is dangerous with the high wall.
- Visibility is hampered on site by cars parking on the kerbs with a new block making this harder.
- Parking requirements are not met on site.
- Originally the area had been designed with the intention of the commercial office block having use of parking during the day and the current apartments having use during evenings/weekends.

Natural Environment

- Consideration should be given to the inclusion of internal nest sites for Swifts with a minimum of 17 swift bricks installed in the development in addition to bird nesting boxes.
- Tadley has no green area for people to walk through and sit and have lunch. The site is an ideal spot to have lunch, for instance for AWE staff.
- Tadley needs a nice park between Sainsbury's and AWE.
- Impact upon air quality from local congestion.

Other matters

- No further development should occur in Tadley until there is an improvement in local infrastructure such as dentists and doctors together with a greater variety of shops.
- Potential for friction amongst the new property and surrounding property occupants.
- Site is within the Detailed Emergency Planning Zone (DEPZ) and the proposal with the increase in population in the second most densely populated sector would have a detrimental impact on the Aldermaston off-site emergency planning arrangements and contrary to Policy SS7 of the Local Plan and the NPPF.
- Absence of a legal agreement to secure affordable housing and contribute towards local community infrastructure.
- Developer assured occupiers that any development in this location would have no significant impact on the existing builds and infrastructure.

Relevant Planning History

18/01089/FUL	Erection of 17 apartments (2no 1 bedroom and 15 no 2 bedroom), parking, landscape and associated works.	Refused	07.02.2019
		Appeal pending - hearing scheduled for 24.09.19	
BDB/75320	Variation of Condition 1 of BDB/67609 to allow substitution of plan numbers for various minor amendments including changes to house types.	Approved	09.09.2013
BDB/67609	Redevelopment of the land to include the erection of a new building to provide 945sqm of B1 use commercial floor space and erection of 115 no dwellings, new public open space, car parking, new footpaths, landscaping and 2no new access roads off Almswood Road and improvement to existing access point off Aldermaston Road following the demolition of existing hall and relocation of existing substation.	Appeal allowed	16/06/2011

The application site has been subject to a number of planning applications prior to its redevelopment which were withdrawn, including proposals for residential development and a food store. The details of these applications have not been included given that these are not relevant to the current proposal.

Assessment

The main planning considerations arising from this proposal comprise the principle of providing residential development as opposed to delivering additional commercial space having regard to the national and local planning policy context. The provision of housing also needs to be balanced against the impact upon emergency planning, the impact upon the character and appearance of the area, residential amenity, traffic generation and highway impacts, and the natural environment.

Background

This application is a revised submission to that previously considered under reference 18/01089/FUL, which was refused in February 2019. This submission seeks permission for a building of identical design and siting to that previously considered and only seeks to address the previous reason for refusal that concerns matters relating to Policy SS7. The Applicant has appealed the previous refusal with a hearing scheduled for September 2019.

Environmental Impact Assessment

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 set out that Environmental Impact Assessment's (EIA's) are needed for certain developments whereby the proposal is to have a likely significant effect on the environment. The application has been "screened" in accordance with the criteria set out within the Regulations having regard to matters such as the site area, the number of units, and its location.

In having regard to the development proposed and in accordance with Regulation 4 of the EIA Regulations, the Local Planning Authority is of the opinion that the development would be unlikely to have significant environmental effects. This is by virtue of the size, scale and characteristics of the development, its location outside of any defined sensitive area, the use of natural resources and the production of waste, pollution and nuisances. Accordingly, it has been concluded that the development would not constitute EIA development and an Environmental Statement was not required to accompany the application in accordance with the 2017 Regulations.

Principle of development

The Town and Country Planning Act 1990 requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the Development Plan comprises the policies of the Basingstoke and Deane Local Plan 2011-2029 and places the site within the Settlement Policy Boundary for Tadley. It is also a material consideration that the site has an extant planning permission for the erection of a three storey office building with parking provided to the south of the site. This decision remains capable of implementation.

- Provision of housing

Local Plan Policy SS1 (Scale and Distribution of New Housing) positively supports the principle of housing redevelopment which contributes towards social, economic

and environmental wellbeing. The development would therefore contribute towards the overall requirement to provide 15,300 dwellings and associated infrastructure over the plan period. Therefore, whilst concern has been raised regarding the provision of additional housing in the area, the site is located within a highly sustainable location and would contribute towards meeting the social and economic needs of the community by providing further housing units. Furthermore, the development would make efficient use of land, with the proposed use commensurate with the adjacent residential estate. The proposal therefore accords with the requirements of Local Plan Policy SS1 subject to a detailed assessment of the loss of commercial space, as well as the physical impacts of the development proposed, having regard to other relevant policies of the Local Plan.

The acceptability of the proposal, in principle, is additionally mindful that the Council is currently not able to identify a five year supply of specific deliverable sites to meet housing needs. As such, Policy SS1 is considered to be out of date and therefore it is necessary to have regard to paragraph 11 of the NPPF which applies a presumption in favour of sustainable development and states that permission will be granted. This is unless other policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed, or where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. This site at Boundary Hall is within a sustainable location and weight can be afforded to this fact, noting that other policies which protect areas or assets of importance do not come in to consideration in this instance.

This is a change in policy position since the determination of the previous application at this site under reference 18/01089/FUL, although is not dissimilar to the grant of permission to the wider Boundary Hall site in 2011 under reference BDB/67609. In 2011 the Secretary of State afforded weight to the risk to human health from the development, but outweighed this by the benefits of improving the appearance of the site, providing housing (including affordable housing) in a sustainable location together with public open space given a deficit in five year housing land supply at that time.

- Loss of employment premises

The development would sit upon land which benefits from an extant planning permission for the erection of a three storey building providing 945m² of commercial (Class B1 office) floorspace. Whilst this permission has been implemented in so far as it relates to the residential dwellings, the office building has never been constructed. It remains however that the site does have permission for a Class B1 use and therefore the loss of this employment land does require consideration.

Policy EP2 of the Local Plan sets out to protect employment land and premises within Class B uses therefore maintaining a planned long term provision of employment land within the Borough. The policy addresses all employment sites in the Borough and provides for the change of use or redevelopment of land in employment use within defined settlement policy boundaries provided it meets criteria from the policy comprising:

- d) there are not strong economic reasons why the proposal would be unacceptable

and

- e) market signals indicate that the site is unlikely to come back into employment use; and/or
- f) the site is not appropriate for the continuation of employment use due to the environment or amenity of the area.

In addressing criteria d) the loss of the employment land from the provision in the Borough would be modest in extent. It is therefore difficult to evidence that this loss would have overriding harm to the local economy with the level of harm sufficiently 'strong' as to resist the change of use. The proposed residential development would not generate an unacceptable change of use on an economic basis.

Criteria e) has been addressed through supporting information submitted to accompany the application to justify the economic reason for the loss of employment land together with details of the marketing exercise carried out. This indicated that the site was initially marketed for the Class B1 use between 2012 – 2014 for the lease or purchase of the property with no interest generated. The reasons for the lack of interest are cited by the applicant as being a challenging market climate at that time, the absence of a building to actually view, the site being in a poor office location and with the development proposal having an under provision of car parking. Notably, whilst the planning permission provided for twenty-six car parking spaces to serve the offices, this was reduced to just eleven for the marketing exercise.

The submitted marketing details also state that a second marketing exercise occurred between February 2017 to March 2018 with the only interest generated for the site was for residential redevelopment. This marketing report additionally sets out that the demand for office space remains challenging with there being a 'plethora of serviced office offers now prevalent in the market...' which are more attractive to small enterprises. Furthermore it is highlighted that Tadley is in a parochial location with a small working population, that the site is of a limited size, has limited parking, with access on to the A340 Aldermaston Road likely to be difficult at peak travel times. The marketing report concludes that there was 'no economic reason why this land would ever be used as an office', that this position was unlikely to change in the future and that 'the land is not a loss to employment uses...'. On the basis of these details, it is considered that Criteria e) has been met and it is not necessary to consider the proposal against criteria f) due to the 'and/or' phrasing within the policy.

The supporting marketing information has been subject of consultation with the Planning Policy team which have raised no objection to the loss of employment land. It is indicated that whilst the Council is cautious about losing employment floorspace, the marketing information demonstrates that this site has been available for a prolonged period of time and remains undeveloped. With there being no realistic prospect of this location generating sufficient rental value to support speculative new build development, the loss of the land is deemed to accord with Policy EP2 of the Local Plan.

- NPPF

The NPPF sets out the Government's planning policy for England and places an emphasis upon delivering sustainable development incorporating objectives for economic, social and environmental protection. These principles seek to balance

growth and local needs of the community against protection of the natural, built and historic environment. This intends for development to be provided in accessible locations, to make efficient use of land and be located in proximity to the community which it serves.

In having regard to the three objectives of sustainable development, the development site is located within the Settlement Policy Boundary for Tadley which benefits from established public transport and community facilities with Tadley identified as containing a district centre for focusing shopping and other town centre uses. It is acknowledged that the development would result in the loss of commercial space and therefore not provide any form of long term economic development, however there would be economic benefits generated through the construction period with spin offs from wage spending of construction workers and supplier sourcing and following this, consumer spending on goods and services by the occupants of the dwellings benefitting the local economy.

The social aspect of sustainable development would be met through the contribution made to the housing stock, particularly of smaller units as affordable housing and would make efficient use of land within the built up area which is presently redundant. The properties would also accord with current requirements for energy efficiency and waste management thus improving the environmental credentials of the site. The development therefore accords with the guidance set out within the NPPF for sustainable development and also the requirements for a presumption in favour of granting sustainable development in paragraph 11.

Public Safety

Policy SS7 of the Local Plan requires that development in the land use planning consultation zones (DEPZ) surrounding AWE Aldermaston be managed in the interests of public safety. The policy stipulates the development will only [officer emphasis] be permitted where the Off Site Nuclear Emergency Plan can accommodate the needs of the population in the event of an emergency. The production of the Off Site Plan is a statutory requirement of the Radiation Emergency Preparedness and Public Information Regulations 2001 and sets out the contingency arrangements for a multi-agency response should a radiation emergency occur at AWE and pose a hazard to the public outside the site boundary. The NPPF additionally stipulates that decision-taking processes should promote public safety and minimise impacts upon human health, and in particular ensure that new development is appropriate for its location.

The site is located within the DEPZ area of AWE Aldermaston positioned approximately 325m from the AWE site boundary and is within Sector H - as the most densely populated sector. The site is also in very close proximity to Sector J with the boundary running through Penney Way to the west as the second most densely populated sector. This location determines that the site is more likely to be subject to urgent evacuation in the event of an emergency as well as having an increased requirement for short, medium and potentially long term accommodation, which could also include meeting the needs of vulnerable people.

- Planning history – application 18/01089/FUL

The application referenced 18/010899/FUL was refused permission in February 2019 with the relationship to AWE and the impact of the development upon the Off Site Emergency Plan forming the sole reason for refusal. This application is now at appeal with a hearing scheduled for September 2019. This decision had regard to objections from the Office for Nuclear Regulation (ONR) Directorate who ‘advised against’ the development following objections received from West Berkshire Council (Emergency Planning) and Hampshire County Council (Emergency Planning). Regard was also given to the receipt of an appeal decision for land at 8 Broad Halfpenny Lane (ref APP/H1705/W/18/3200851 - Feb 2019), where the Inspector agreed with the Council that the proposal would generate an incremental increase in the number of households who would be affected by an incident and that the proposal ‘would adversely impact upon the functioning of the emergency plan in the event of an incident through adding to existing pressures on resources to respond to an incident’.

The concerns arising within both the application (18/01089/FUL) and the above appeal addressed the notable uplift in population from new dwellings within an already densely populated area of Tadley placing pressure upon the Off-Site Plan and the resources available to implement this plan in the event of an emergency. This particularly concerned the longer term accommodation needs of the locally resident population following evacuation if a clear up is necessary. This issue would be more acute for the most densely populated sectors. As such, this impact is more notable for a residential development as opposed to office premises where employees would potentially have alternative locations to evacuate to or, if their homes are locally affected then their needs would have already been accounted for within the Off-Site Plan.

- Current application

Following the determination of application 18/01089/FUL, the applicant has resubmitted an identical scheme in terms of use, siting and design but has provided more extensive supporting information to justify a position whereby a planning permission could be forthcoming. The Applicant’s supporting information has afforded weight to the change in proposed use of the building from office to residential, the potential for the development to be owned and operated by a single operator and the opportunity to provide a single body (e.g. Management Company) responsible for the occupants in the unlikely event of an emergency. Further information has also analysed the potential exposure of residents within an event, legal opinions on how to control matters relating to an event, an analysis of the consultation responses from the expert bodies and a draft (and subsequently updated) Emergency Action Plan.

The information submitted has been subject to extensive discussion with the Emergency Planners at West Berkshire and Hampshire County Council. In these discussions (with written comments to follow at the time of reporting), a position has been reached whereby the provisions being put forward could provide a suitable strategy for sheltering and longer term resettlement, without adding to the resources of the responsible emergency authorities. This position would take the form of submitting a further updated Emergency Management Plan to be agreed with the

Local Planning Authority, in consultation with the Emergency Planners. This Plan would be secured within a S106 Agreement together with requirements for periodic review, and details of how the Plan would be funded to enable it to be maintained and implemented by an independent management company for so long as the residential units are in occupation. The Management Company would then take on the responsibility for the longer term resettlement should evacuation be deemed necessary and would ensure that all occupants of the development are accounted for, regardless of whether these reside in market or affordable housing.

This proposal for managing an emergency situation has (verbally) been deemed acceptable given the unique circumstances of this particular development, whereby an extant planning permission exists for the commercial building. The approach to be secured for dealing with an emergency event would therefore have no greater impact upon the emergency responders than if the building were a commercial unit and therefore the development can be accommodated in the Off-Site Plan. The proposal would therefore provide a mechanism to provide for the accommodation needs of a displaced resident population and would accord with the requirements of Policy SS7 of the Local Plan and the NPPF which seeks to protect public safety.

Affordable housing

Affordable housing provision is a corporate priority for the Council as set out in the Council Plan 2016 - 2020 to ensure that those households in need are able to access housing in the borough. Policy CN1 of the Local Plan therefore requires the provision of 40% affordable housing as part of new residential development with a tenure split of 70% rented and 30% intermediate products, or where applicable, secure a financial contribution of equivalent value. Policy CN1 continues by stating that 'in seeking affordable housing provision, the council will have regard to the current viability of developments...'. In considering the proposed development of seventeen units, a 40% provision would equate to seven units.

Both applications of 18/01089/FUL and 19/00579/FUL were accompanied by a Financial Viability Assessment which sets out that the development would offer a minimum return at a level just enough to incentivise the pursuit of planning permission and the release of the land for development. However the applicant has stated that the inclusion of providing affordable housing on the site would reduce the return to the landowner to a point that the scheme becomes financially unviable. The financial details provided at under 18/01089/FUL were subject to independent review commissioned by the Local Planning Authority. This independent review confirmed that the development could provide a quantum of affordable housing of four units or alternatively an off-site financial contribution, albeit both options would remain below the planning policy requirement. The independent review was subject to further discussion regarding the inputs and calculations made with the applicant agreeing instead to provide five units with these to be secured for affordable rent only. This position remains unchanged within the context of this current application.

Notwithstanding this provision of five units, the applicant has supported the application with details that the development site (with a planning permission) would be purchased, built out and delivered by a Registered Housing Provider, Radian Housing to provide 100% affordable housing using grant funding to convert the twelve market units into affordable housing. The applicant was previously challenged

as to why the full policy compliant quantum of affordable housing could be secured within a legal agreement given that the development is to be delivered for affordable housing in any event. The applicant has maintained their position of agreeing to provide only five affordable units indicating that to secure the permission for 100% affordable housing would prevent the Registered Provider from being able to apply for grant funding from the Homes and Communities Agency (HCA) which is only available to units purchased outside of any Section 106 agreement. It is understood that this position is akin to a Registered Housing Provider purchasing existing built housing stock rather than a development site which benefits from planning permission.

The applicant also relies on a position whereby had the interest expressed by Radian Housing not been revealed to the Local Planning Authority, then just five units would have been deemed acceptable as a net benefit against a position of no on site affordable housing being secured.

The position regarding affordable housing has remained consistent between the two applications for this site and when determining 18/01089/FUL, no reason for refusal was issued on housing grounds. It remains that there is clear evidence of housing need in the Borough and more specifically, in the Tadley area whereas of the 14th November 2018 a total of 200 households were on the Council's housing register seeking social rented accommodation. The greatest need is for one bedroom units, followed by two bedroom units. On this basis, no objection has been raised by Housing to securing only five units (for affordable rent) by way of a S106 rather than the policy compliant requirement for seven units, given that at least some provision is guaranteed. In accounting for matters of viability, the provision is deemed acceptable having regard to Policy CN1 of the Local Plan.

Housing Mix

Policy CN3 requires developments to provide a range of units to address local requirements, with the mix to be appropriate to the size, location, density and character of the site and surrounding area. The policy also requires that the mix is to be supported by evidence to justify the proposed housing mix, with the supporting text stating this is to be based on an assessment of "a range of sources of housing evidence".

The development proposes the delivery of two 1-bedroom flats and fifteen 2-bedroom flats. No evidence has been provided to justify the mix which comprises flats however no objection has been raised to the provision of smaller units. This recognises that the Strategic Housing Market Assessment (SHMA) 2015 highlights a great need for one, two and three bedroom units therefore this proposal would accord with this requirement. No objection is therefore raised to the mix provided however it is notable that all seventeen units are all identical in their layout and size, with the one bedroom flats simply having the second bedroom marked as a 'study'. It would therefore be reasonable if permission had been forthcoming to include an informative to advise the applicant that the 1-bedroom units should be retained as such in perpetuity.

In addition to housing mix, Policies CN1 and CN3 require provision of 15% of the provided homes (both market and affordable) to comprise 'accessible and adaptable

homes' to enable people to stay in their homes as their needs change. In the absence of any such units (of either description) being illustrated within the application submission, such provision would have been secured via planning condition.

Impact on the character of the area/design

The NPPF (Chapter 12) states that creating high quality buildings and places is fundamental to achieving good planning and development and that decisions should add to the overall quality of the area in the long term and should be visually attractive, sympathetic to the local character and establish a strong sense of place. Locally, Policy EM10 of the Local Plan advocates a high quality and robust design-led approach to new development. In particular, the policy requires that development must 'positively contribute to the appearance and use of streets' (criteria 1b), 'respond to the local context' (criteria 1c), contribute 'to a sense of place' (criteria 2a) and have 'due regard to' the density, scale, layout and appearance of the surrounding area (criteria 2c).

The site is located within Tadley whereby the character of the area is defined by a mix of residential properties of two and three storeys together with local facilities in buildings of single and two storey heights sitting to the south west of the highway. The street scene presently has a medium density character with the application site forming an area of undeveloped land between the highway and the properties which surround the site. This currently provides an open aspect into the development at Boundary Place, although this is only by virtue of the unimplemented development for this site where permission remains extant for the erection of a three storey building with single storey additions totalling 37.40m in length by 14.30m in width and rising to 11.5m sitting under a shallow pitched roof. The building was to be arranged to have access from the courtyard to the south west at Boundary Place and have fenestration to the northeast, south west and south east elevations with a blank elevation facing properties at Penney Way to the north west.

The submitted scheme is identical to the submission addressed under application referenced 18/01089/FUL which, following amendments at that time, was considered to be of a scale and massing commensurate with the extant permission and would not overdevelop the site. The ridgeline has been broken up and the frontage is articulated with bay windows topped by gables and a series of projecting porch canopies. The elevational treatment lends itself to a more traditional appearance with the detailing and materials being more in keeping with the appearance of Tadley with use of tile hanging, a projecting plinth, arched brick headers, chimneys, external doors and a variety of window sizes. The materials, with use of render with brickwork and tile hanging, provides a tonal contrast to the external appearance and an improved relationship to the character of the area to that of the original proposal.

Whilst the development would result in a notable change in the street scene to the existing scenario, such a change has always been envisaged by virtue of the extant permission. The scheme now presented is deemed to be of a higher quality to that originally submitted and had permission been recommended, a condition would have been imposed to secure the materials and detailing. With conditions in place, the development would accord with the requirements of Policy EM10 of the Local Plan and the Tadley Design Statement.

Impact on neighbouring amenities

Policy EM10 considers the effect of development upon residential amenity (both to existing and new residents) addressing aspects such as privacy and private open space, light, noise and disturbance. This is supported by guidance set out within the Design and Sustainability SPD (Section 10) which establishes appropriate amounts of amenity space, privacy, natural light and outlook.

- Proposed residential units

The development would provide seventeen flats arranged over three floors with the relationship of these units providing an outlook to the northeast, southeast and southwest. The units however are not provided with any external amenity space with no balconies or external communal space, with the only space remaining fronting onto Aldermaston Road as a landscape strip. Whilst this does sit contrary to the Design and Sustainability SPD which sets out balconies should be provided, the traditional design would be adversely interrupted with the inclusion of balconies and notably the site does have a close relationship to public open space at Penney Way which weighs in favour of the proposal. It is therefore not considered that a refusal on amenity grounds could be justified.

In terms of daylight and sunlight, the increased width of the building to that previously granted permission for the site brings habitable spaces closer to the English Oak trees that front the highway to the north east. As such, the flats at the upper levels would have an outlook into the canopy of the trees which in turn would impact upon daylight and sunlight. Amendments to the scheme did increase the space between the canopy and the building, but only by 0.60m which would not have any significant benefit upon the shading effect and could result in pressure to fell in the future.

The application was therefore accompanied by an internal Daylight Assessment which indicated that most rooms affected by the trees would achieve an acceptable level of daylight in winter in accordance with Building Research Establishment Guidelines. The only exception would be to three ground floor rooms which achieve an annual Average Daylight Factor values of 0.1% below the Guidelines. This amount however is so minor, it is not deemed to be material. The proposal is therefore considered to accord with Policy EM10 of the Local Plan for the purposes of considering the new units.

- Neighbouring properties

Representations to the application have raised concern to the impact of the siting, scale and massing of the development upon matters of outlook, privacy and daylight/sunlight from the siting and massing of the proposed development upon properties in Boundary Place to the south west and Penney Way to the north. It is not disputed that the proposal would impact upon residential amenity to the nearest properties, particularly those to the north west that have rear gardens abutting the site and to the south west which have to date enjoyed views across a vacant site, albeit a right to a view is not a material planning consideration. The impact of this building upon neighbouring residential amenity does however need to have regard to the impacts that could otherwise occur if the extant planning permission for the commercial building were to be implemented, as the fall-back position.

In addressing outlook, the new building would occupy a similar position to that already permitted having a close proximity to the boundary with numbers 10 – 16 Penney Way, with the most notable change being the increase in width. This would result in new impacts upon number 16 with the proposed building extending across the rear boundary and interrupting the outlook in a southerly direction. This outlook would be replaced by the single storey covered cycle store with the 2.5 storey massing set beyond at approximately 2.60m from the boundary and approximately 14m from the rear elevations of properties in Penney Way. This is comparable to the extant scheme which also had the single storey mass at 2.8m from the boundary and the three storey elevation at 14m from the rear elevations. Given the retention of the same intervening distances, which are also the same to that previously deemed acceptable within application 18/01089/FUL, it is not considered that any reason for refusal on the grounds of harm to outlook or overbearing could be justified.

The proposed flats are articulated with fenestration on all elevations. To the properties in Penney Way, the facing (northwest) elevation contains two high level, obscurely glazed windows which would not give rise to adverse levels of privacy and could have been conditioned to remain as such. The roofslope above similarly contains a high level rooflight which would minimise adverse harm upon privacy. New oblique views would however be gained towards the rear gardens of Penney Way from first and second floor windows. Windows to the south west elevation would principally have views towards the rear parking courtyard but also towards rear gardens of 2 – 8 Penney Way with the intervening distances in excess of 20m which is deemed acceptable in this location. New views, again at an oblique angle, would also be gained towards 8-10 Penney Way from a first floor bedroom window in the north-westerly unit. Internally this window is positioned within an alcove rather than having any wide 'open' outlook and, with the views sitting at an angle, the area of adjacent gardens affected are likely to already be overlooked by windows in the existing residential properties. As such, it is not considered that the impacts of oblique views are of such overriding demonstrable harm as to warrant refusal.

The building would also have a relationship with the flats of Boundary Place to the south west with front to front intervening distances of approximately 12.6m. Local representations have raised this distance as a concern with the potential for intervening views into habitable rooms between respective facing windows. In considering this impact, the Design and Sustainability SPD (2018) states that 'there are no minimum distances between the fronts of dwellings across a street' and advises that each case 'will be examined on its merits'. In considering this proposal, the front to front relationship is not dissimilar to that already granted planning permission at the site, albeit between a commercial building and the same residential flats, at an approved distance of approximately 12.40m. With the planning permission for the commercial building not having any restrictions upon the operating hours such as controlled by any planning condition, persons could have otherwise been present within the offices 24 hours a day. Therefore the impact would not be significantly dissimilar to the residential use proposed. Furthermore, this distance is not dissimilar to the front to front relationships approved within the wider site, for instance with front to front distances for properties in Royal Gardens to the south west extending to between 10 – 13m. As such, it is considered that whilst this relationship is close, it would not be possible to substantiate a reason for refusal on the grounds of overlooking and loss of privacy.

Finally in addressing matters of light, the extant permission would have cast shade across the rear gardens of the dwellings to Penney Way with shadows moving across the morning hours and into the afternoon. The proposed development would cast a similar path of shade but of a reduced extent due to the lower height of the proposed building by approximately 2m. The impact of the new shadow would again not warrant a reason for refusal given the fall-back position. Concern has also been raised regarding the impact upon light to Boundary Place and again the impact upon daylight and sunlight to the flats would be similar to that which would have otherwise been cast by the commercial building given the proximity and orientation of the built form.

In concluding on matters of residential amenity, there was no refusal on amenity grounds issued within the determination of application 18/01089/FUL. With the relationship to neighbouring properties and the design of the building remaining identical to this previous scheme it is not possible to demonstrate that any new demonstrable harm arises upon the amenity of existing dwellings. To refuse this latest application on amenity grounds would therefore be determined as unreasonable in planning terms therefore the proposal is considered to accord with Policy EM10 of the Local Plan.

- Noise and disturbance

Policy EM12 gives consideration to development which is sensitive to pollution (e.g. noise) from existing land uses and activities which would adversely harm living conditions and be detrimental to quality of life. The NPPF (para. 180) also seeks to ensure that the planning system should avoid the generation of “unacceptable levels” of noise pollution where this would give rise to “significant adverse impacts on health and quality of life” or harm to areas that are relatively undisturbed by noise. The location of the site is not divorced from a level of background noise generated by the levels of traffic using Aldermaston Road as well as the surrounding residential estate whereby the properties would experience noise generated by the local vehicular movement and domestic activities.

To address the potential impacts of noise from the adjacent land uses, the application was accompanied by a noise assessment which has been accepted by Environmental Health. However it has been considered that suggested mitigation measures to provide an adequate internal living environment require further examination as these are deemed to be inadequate. Had the proposal been acceptable in other regards, a scheme to protect the flats would have been secured by planning condition. Further conditions would have also been imposed to restrict the hours of construction and for deliveries to respect the amenities of residential properties in the vicinity of the site during the construction phase. With conditions in place, it's not considered that residents would be subject to a level of noise of adverse harm to human health as to justify refusal of planning permission and the proposal accords with Policy EM12 of the Local Plan.

Highways and Parking

Policy CN9 (Transport) requires that highway movements are not of an inappropriate type or level as to compromise highway safety with safe and convenient access to be

provided for potential users through a compatible on site layout with appropriate parking and servicing provision. The need for on-site parking is additionally reflected within Policy EM10 with respect to ensuring that the amount, design, layout and location accords with parking standards as set out within the Parking Standards SPD.

- Traffic generation

The site has an extant permission for office development which would have generated a level of vehicular movements, and similarly a residential use would also bring new traffic to the site which has been a subject of concern raised through the representations. It is however considered that a residential use would not generate any greater or adverse level of traffic that would harm the local and wider highway network. The area is additionally served by public transport, and local facilities are also within easy reach by cycle thus providing alternatives to use of the car.

The development would also generate a level of traffic associated within the construction of the proposed building, with likely peaks in the mornings and evenings and with larger vehicles also required to visit the site. Had the development been deemed acceptable, a planning condition would have been imposed to seek a Construction Traffic Management Plan to address the traffic generated both on and off site for this temporary period to ensure that highway safety is maintained. Therefore with no material impact upon the highway network, which is capable of accommodating traffic movements to and from the site, the proposal is therefore considered to accord with Policy CN9 of the Local Plan.

- Access

The development site is accessed via Aldermaston Road with the access serving the surrounding residential development and commercial unit to the south east. This access is established and when granted permission would have also been envisaged to serve the commercial development at this site. The provision of residential units does not require any alteration to the access and the siting of the building would maintain highway visibility along Aldermaston Road.

- Parking

The site is situated within the 'Outer Urban' area for the purposes of assessing NPPF Sustainable Transport Modes and the provision of residential motor vehicle and secure cycle parking provision plus refuse/recycling facilities.

In accordance with the Parking SPD, the development would be expected to provide 25 parking spaces with more than 50% unallocated or 29 spaces with at least 20% unallocated. The development has been provided with 25 parking spaces (details of allocation not provided) within an existing courtyard arrangement (originally allocated to serve the commercial building) and within an undercroft parking area. Cycle parking is additionally provided on site with covered storage to the northwest elevation. The development therefore accords with the Parking SPD in terms of the minimum quantum of parking required. Furthermore the site is within a sustainable location with access to public transport and community facilities in the local area in order to minimise the need to rely on a private vehicle.

The parking provision on site has been amended during the course of considering the application to ensure that parking spaces where possible are of dimensions that accord with the new parking standards adopted in July 2018. The only deficiency in size occurs within the existing walled parking courtyard where the spaces were approved under the extant permission, however accessibility to these spaces is to be improved through removal of the walled enclosure therefore facilitating manoeuvrability on site.

The reuse of the parking spaces previously allocated to serve the commercial building has been the subject of objection as expressed through the representations in relation to concerns regarding an alleged overall deficiency of parking across the wider Boundary Place development. The parking provision for the residential units was assessed against former parking standards which were less onerous than those in place at the point of submission of this application, and also the latest standards adopted in July 2018. When granting permission for the development, the level of parking provided for the residential units was deemed acceptable. The residential development has to date however benefitted from the use of the parking spaces allocated to the commercial building which has never been constructed. This situation could have changed at any time and had the building been erected, there was no restriction on operating hours therefore the parking could have been in use at all times removing this availability from the residential units. A refusal based on the overall parking provision on site cannot therefore be substantiated.

The provision of the parking on site together with the manoeuvrability for vehicles of all sizes likely to attend the premises has been considered acceptable by the Highways Officer and its delivery is secured by planning condition. The development therefore is considered to accord with Policies CN9 and EM10 of the Local Plan.

Storage and Collection of Waste and Recycling

The development would be expected to provide storage for waste and recycling in accordance with standards set out within the Design and Sustainability SPD (Appendix 3). In response communal storage is provided within an enclosed bin store that can be easily accessed by waste operatives.

Notwithstanding this provision, objection has been raised to the application from the Joint Waste Client Team stating that it is unclear where the bin store is located and that there is an absence of a swept path analysis or waste collection strategy. In response, the Bin Store is clearly illustrated on the plans provided and a swept path analysis did accompany the application. With no reason for refusal previously issued on matters of waste storage and collection, it would be unreasonable to refuse this repeat application on these grounds. The provision of waste storage and collection is therefore conditioned to ensure its provision prior to the occupation of the development to ensure that the proposal accords with the SPD as well as Policies CN9 and EM10 with regard to matters of waste.

Natural Environment

Policy EM1 of the Local Plan seeks to provide protection to the landscape character of the Borough having regard to visual amenity and scenic quality but also giving consideration to natural features such as trees and hedgerows. The site is not

located within an area designated for its landscape qualities or tranquillity, nor does the site contain any trees protected by Tree Preservation Orders. The site has limited natural features, but does have a close relationship to the row of English Oak trees which front the highway and have high amenity value to the street scene.

The development has been the subject of objection from the Tree Officer with respect to the relationship of the development to the English Oak trees that front the highway and sit within close proximity to the site. These trees will have an impact on the amenity of the north facing units which was a matter given consideration in the initial application 18/01089/FUL, whereby the building was re-sited to increase the distance to the canopies. This re-siting sought to improve the space available for the retention of the trees in the long term and to reduce the pressure to prune or fell due to shading. The final scheme was not subject to an objection from the Tree Officer therefore no reason for refusal was issued on arboricultural grounds. This current application retains the building in the same position therefore, whilst an objection has been received to this current submission, it would be unreasonable to refuse permission based solely on the adoption of the Landscape, Biodiversity and Trees SPD (2018) in the intervening time. It is however considered necessary to ensure that these trees receive protection during the construction period and that the site is also landscaped, with a landscape management programme also in place, which is secured by condition to ensure compliance with Policy EM1 of the Local Plan.

- Biodiversity

The Council has a duty under the Natural Environment and Rural Communities (NERC) Act 2006 to have full regard to the purpose of conserving biodiversity, which extends to being mindful of the legislation that considers protected species and their habitats and to the impact of the development upon sites designated for their ecological interest. These requirements are also reflected within the NPPF and Policy EM4 of the Local Plan with an emphasis placed upon conservation and enhancement.

The application was accompanied by a preliminary ecological assessment which concludes that there are no statutory or non-statutory nature conservation designations present within or adjacent to the site, nor is the site likely to support any protected or notable species. The preliminary ecological assessment has been deemed acceptable by the Biodiversity Officer subject to securing ecological enhancements. Such mitigation is secured by planning condition to ensure compliance with Policy EM4 of the Local Plan.

Land contamination

Local Plan Policy EM12 seeks to protect health and the natural environment from polluting effects as a result of existing, historic or nearby land uses and activities. On the grounds that housing development is sensitive to the impacts of soil contamination, the application was accompanied by a land contamination report which was subject to review by Environmental Health. It has been recommended that, given historic potentially contaminating land uses at this site, further ground investigation works are required together with a scheme of remediation,. This requirement can be secured by planning condition. The proposal is therefore considered to accord with Policy EM12 of the Local Plan.

Sustainable Water Use

Policy EM9 of the Local Plan sets out a requirement to ensure that water resources within new development are used sustainably through the imposition of a water efficiency standard of 110 litres or less per person per day. The proposal has not been accompanied by any information demonstrating that such levels of water consumption will be achieved within the development. Therefore, a planning condition is recommended to secure this standard and to ensure compliance with Policy EM9 of the Local Plan.

Flood Risk and Drainage

Policy EM7 of the Local Plan requires that a sequential approach is applied to account for all sources of flooding thus directing new development away from areas at highest risk or alternatively demonstrating that development is flood resilient and resistant. This requires taking advice from the Environment Agency and Lead Local Flood Authorities to ensure that risks of flooding are adequately managed.

- Flooding

The Environment Agency Flood Risk Maps position the site as lying wholly within Flood Zone 1 giving the site a low risk of flooding (less than 1 in 1000 annual probability). The site has therefore not been the subject of objection on fluvial flood risk grounds and is deemed, on a sequential basis, to be an appropriate location for the development with no impact upon conveyance of fluvial flood flows or floodplain storage capacity off site. The site is also at a low risk of ground water and pluvial flooding and is located outside of any locally designated critical drainage area. The site has therefore not been the subject of objection on fluvial flood risk grounds and is deemed, on a sequential basis, to be an appropriate location for redevelopment.

- Surface Drainage

The existing use of the site is provided with surface and foul water drainage however with the site to be redeveloped, the building would be provided with a new drainage regime. The application was therefore supported by a drainage strategy which was subject to review by the Lead Local Flood Authority which addressed initial concerns raised to the application. With no objection to the proposed drainage also from Thames Water, the proposal is considered to be acceptable on the grounds of flooding and drainage and the proposal accords with Policy EM7 of the Local Plan.

- Foul drainage and water supply

The servicing of the residential properties with a foul drainage system would require agreement with Thames Water as the statutory undertaker under the Water Industries Act 1991. This Act imposes a duty to ensure that flows resulting from new development do not cause detriment to the existing public sewerage networks with duties to accommodate such flows into their networks. This legal mechanism sits outside of the planning process.

The provision of a water supply would again be the statutory responsibility of South East Water through agreement also secured under Water Industries Act 1991.

Community Infrastructure Requirements

Policies CN1, CN6 and CN8 of the Local Plan and the accompanying Planning Obligations for Infrastructure SPD (March 2018) seek to ensure that new development does not result in an adverse effect on existing infrastructure, and makes appropriate provision to mitigate documented impacts. The application has been scoped and contributions are sought towards:

- Affordable Housing – securing five units for affordable rent.
- Open Space – Provision of enhanced facilities at Wigmore Heath

The mitigation sought is deemed to accord with the tests as set out within the Community Infrastructure Levy Regulations 2015, namely that a planning obligation must be (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development. In the absence of securing these contributions, the application is refused on the grounds of failing to meet the requirements for affordable housing and offsite infrastructure and is contrary to Policies CN1, CN6 and CN8 of the Local Plan and the Planning Obligations for Infrastructure SPD (March 2018).

Basingstoke and Deane Borough Council implemented its Community Infrastructure Levy (CIL) on the 25th June 2018. The required forms have been submitted for CIL contributions to be calculated if applicable. From these forms, it would appear that the development would be liable for any CIL payments however would attract a £Nil payment because the development is for a wholly flatted scheme.

Other Matters

- Other matters raised

The application has been subject to a number of objections raised through the representations. This considers issues such as loss of property value, impacts upon harmony between occupants, loss of a view, matters relating to an onsite covenant, the need for improving shops or providing a park for employees in the area. Whilst these concerns are noted, weight cannot be afforded to the issues raised in the decision-taking process as these are either non material planning considerations, private matters or are outside of the control of the planning process.

- Pre-commencement planning conditions

The recommendation proposes a number of pre-commencement planning conditions therefore in accordance with section 100ZA of the Town and Country Planning Act 1990 and the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the Local Planning Authority will serve notice upon the applicant to seek agreement to the imposition of such conditions and an update will be reported on the Update Paper.

Conditions

1. The development hereby permitted shall be carried out in substantial accordance with the following approved plans unless otherwise agreed in writing with the Local Planning Authority:

- Location Plan - drawing 061702-BP-03 Rev B
- Front Elevation - drawing 061702-B1-E1 Rev B
- Side Elevations - drawing 061702-B1-E2 Rev B
- Rear Elevation - drawing 061702-B1-E3 Rev C
- Ground Floor Plan – drawing 061702-B1-P1 Rev D
- First Floor Plan – drawing 061702-B1-P2 Rev B
- Second Floor Plan - drawing 061702-B1-P3 Rev A

REASON: For the avoidance of doubt and in the interests of proper planning.

2. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

REASON: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004 and to prevent an accumulation of unimplemented planning permissions.

3. No development (including site clearance or ground works) until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:

- Procedures for maintaining good public relations including complaint management, public consultation and liaison;
- Arrangements for liaison with the Council's Environmental Protection Team;
- All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 0730 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays, Public and Bank Holidays;
- Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- Procedures for emergency deviation of the agreed working hours;
- Control measures for dust and other air-borne pollutants;
- Measures for controlling the use of site lighting whether required for safe working or for security purposes.

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

REASON: Details are required prior to the commencement of development in the absence of satisfactory information accompanying the application and to

protect the amenities of the occupiers of nearby properties during the construction period in accordance with Policies EM10 and EM12 of the Basingstoke and Deane Local Plan 2011-2029.

4. No development (including site clearance or ground works) until a Construction Method Statement, including all relevant drawings, that demonstrate safe and coordinated systems of work affecting or likely to affect the surrounding movement network and or all motorised and or non-motorised highway users, has been submitted to, and approved in writing by, the Local Planning Authority. The Statement shall include for:
- i. means of access (temporary or permanent) to the site from the adjoining maintainable public highway;
 - ii. the parking and turning of vehicles of site operatives and visitors off carriageway (all to be established within one week of the commencement of development);
 - iii. loading and unloading of plant and materials away from the maintainable public highway;
 - iv. storage of plant and materials used in constructing the development away from the maintainable public highway;
 - v. wheel washing facilities or an explanation why they are not necessary;
 - vi. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - vii. measures to control the emission of dust and dirt during construction;
 - viii. a scheme for recycling and disposing of waste resulting from construction work; and the management and coordination of deliveries of plant and materials and the disposing of waste resulting from construction activities so as to avoid undue interference with the operation of the public highway, particularly during the Monday to Friday AM peak (06.30 to 09.30) and PM peak (16.00 to 18.30) periods.
 - ix. the routes to be used by construction traffic to access and egress the site so as to avoid undue interference with the safety and operation of the public highway and adjacent roads, including construction traffic holding areas both on and off the site as necessary.

The works shall be carried out in accordance with the approved Statement and shall be adhered to throughout the construction period.

REASON: In the absence of such details being provided within the planning submission, details are required prior to commencement to ensure that the construction process is undertaken in a safe and convenient manner that limits impact on local roads and the amenities of nearby occupiers, the area generally, in the interests of highway safety and in accordance with Policy CN9 of the Basingstoke and Deane Local Plan 2011-2029.

5. No works (including site clearance or ground works) pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority:-
- (a) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants/or gases when the site is developed. The scheme must include a timetable of works and site management procedures and the nomination of a competent person to oversee the implementation of the works. The scheme must ensure that the site will not qualify as contaminated

land under Part IIA of the Environmental Protection Act 1990 and if necessary proposals for future maintenance and monitoring.

If during any works contamination is encountered which has not been previously identified it should be reported immediately to the Local Planning Authority. The additional contamination shall be fully assessed and an appropriate remediation scheme, agreed in writing with the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11'. The development shall be carried out in accordance with any approved remediation scheme.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy EM12 of the Basingstoke and Deane Local Plan 2011-2029.

6. The development hereby permitted shall not be occupied/brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of condition 5(b) that any remediation scheme required and approved under the provisions of condition 5(b) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Such verification shall comprise;
- as built drawings of the implemented scheme;
 - photographs of the remediation works in progress;
 - Certificates demonstrating that imported and/or material left in situ is free of contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 5(c).

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy EM12 of the Basingstoke and Deane Local Plan 2011-2029.

7. No development (including site clearance and ground works) shall take place until a detailed surface water drainage strategy has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority, that contains the following elements:
- Manhole cover and Invert levels, Pipe sizes and gradients and confirmed location and sizing of any SuDs attenuation features.
 - A full set of Hydraulic calculations to support the surface water strategy. (Calculations must include allowance for additional 10% Urban Creep)
 - Evidence that the water authority accepts the additional flows into the public surface water sewers.
 - Maintenance regimes of the entire surface water drainage system

including individual SuDS features, including a plan illustrating the organisation responsible for each element.

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

REASON: Details are required prior the commencement of development in the absence of satisfactory details having been submitted to accompany the planning application and to ensure that the site does not generate adverse levels of surface water run-off in accordance with Policy EM7 of the Basingstoke and Deane Local Plan 2011-2029.

8. No development above slab level shall take place on site until a scheme for protecting the proposed dwellings from road traffic noise has been submitted to, and approved in writing by the Local Planning Authority. The proposed scheme shall achieve the following noise levels:

- a) Internal day time (0700 - 2300) noise levels shall not exceed 35dB LAeq, 16hr for habitable rooms (bedrooms and living rooms with windows open)
- b) Internal night time (2300 - 0700) noise levels shall not exceed 30dB LAeq with individual noise events not exceeding 45dB LAm_{ax} (windows open).

If it is predicted that the internal noise levels specified above will not be met with windows open, the proposed mitigation scheme shall assume windows would be kept closed, and will specify an alternative rapid/purge ventilation system, to reduce the need to open windows. As a minimum, this will usually consist of a mechanical heat recovery ventilation system with cool air by pass or equivalent.

The development shall be carried out in accordance with the approved details for protecting the proposed dwellings from road traffic noise prior to first occupation and shall be retained and maintained thereafter.

REASON: To ensure that acceptable noise levels within the dwellings are not exceeded in the interests of residential amenity and in accordance with Policy EM12 of the Basingstoke and Deane Local Plan 2011-2029.

9. No dwelling shall be occupied until a post completion noise survey has been undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority. The post completion testing shall assess performance of the noise mitigation measures against the noise levels as set in condition 8. A method statement should be submitted to and approved by the Local Planning Authority prior to the survey being undertaken, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that acceptable noise levels within the dwellings are not exceeded in the interests of residential amenity and in accordance with Policy EM12 of the Basingstoke and Deane Local Plan 2011-2029.

10. No deliveries of construction materials or plant and machinery and no removal of any spoil from the site shall take place before the hours of 0730; nor after 1800; Monday to Friday, before the hours of 08:00 nor after 1300 on Saturdays nor on Sundays or recognised bank or public holidays.

REASON: To protect the amenities of the occupiers of nearby properties during the construction period and in accordance with Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029.

11. No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, or internal painting or fitting out, shall take place before the hours of 0730 nor after 1800 Monday to Friday, before the hours of 0800 nor after 1300 on Saturdays nor on Sundays or recognised bank or public holidays.

REASON: To protect the amenities of the occupiers of nearby properties during the construction period and in accordance with Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029.

12. No shrubs shall be removed from the site between 1 March and 31 August unless first checked by an ecologist for active birds nests. If a nest is discovered, the tree or shrub must not be removed until the young have left the nest which shall be confirmed by an ecologist.

REASON: The habitats to be removed during the proposed development have the potential to support nesting birds. Breeding birds are protected under the Wildlife and Countryside Act 1981 and to ensure accordance with Policy EM4 of the Basingstoke and Deane Local Plan 2011-2029.

13. No development above ground floor slab level shall commence until details of the materials and finishes for the external surfaces to be used together with samples have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter maintained in accordance with the details so approved.

REASON: Details are required because insufficient and inconsistent information has been submitted with the application in this regard, in the interests of the visual amenities of the area and in accordance with Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029.

14. No development above ground floor slab level shall commence on site until details of hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority and shall comprise the following as a minimum:

- Soft landscape details shall include planting plans, specification (including cultivation and other operations associated with plant and grass establishment), schedules of plants, noting species, planting sizes and proposed numbers/ densities where appropriate.
- Hard landscape details shall include the design, type, position and scale of boundary treatments, and hardsurfacing materials.
- A programme of landscape implementation.

The approved hard and soft landscaping shall be carried out in accordance with the approved details and implementation programme with the soft landscaping scheme to be carried out in the first planting and seeding seasons following the first occupation of the development. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved.

REASON: Details are required in the absence of being included within the application submission, to ensure the provision, establishment and maintenance

of a high standard of landscape and to ensure that reasonable measures are taken to establish trees in accordance with the approved designs and in accordance with Policy EM1 of the Basingstoke and Deane Local Plan 2011-2029.

15. No development above ground floor slab level shall commence until a Landscape Management Plan has been submitted to and approved in writing by the Local Planning Authority detailing long term design objectives, management responsibilities and maintenance schedules for all landscape areas to address all operations to be carried out in order to allow successful establishment of planting and the long term maintenance of the landscaping in perpetuity. The maintenance of the landscaping shall thereafter be carried out in accordance with the approved details.

REASON: Details are required in the absence of being included within the application submission and to ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and in accordance with Policy EM1 of the Basingstoke and Deane Local Plan 2011-2029.

16. A minimum of 15% of the properties shall be built to accessible and adaptable standards to enable people to stay in their homes as their needs change. No development above ground floor slab level shall commence on site until details of which properties are to be built to such standards are submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: To ensure an appropriate high quality form of development and to accord with Policies CN1 and CN3 of the Basingstoke and Deane Local Plan 2011-2029. Details are required in the absence of being provided to accompany the planning submission.

17. No development above ground floor slab level shall commence on site until a Construction Statement detailing how the new homes shall meet a water efficiency standard of 110 litres or less per person per day (unless otherwise agreed in writing with the Local Planning Authority through a demonstration that this requirement for sustainable water use cannot be achieved on technical or viability grounds) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: In the absence of such details being provided within the planning submission, details are required to ensure that the development delivers a level of sustainable water use in accordance with Policy EM9 of the Basingstoke and Deane Local Plan 2011-2029.

18. No development (including site clearance and ground works) shall take place on site until tree protection has been erected or installed in accordance with the Tree Protection Plan (dwg no 9831 TPP 01 Rev B) within the Arboricultural Impact Assessment by Aspect Arboriculture dated February 2019 (ref 9831_AIA.001 Rev V). The tree protection shall be retained for the duration of the construction phase.

REASON: To ensure protection of the road-side trees during the course of

construction in the interests of amenity and biodiversity in accordance with Policies EM1 and EM4 of the Basingstoke and Deane Local Plan 2011 – 2029.

19. The development shall be carried out in accordance with the recommendations and procedures contained within Chapter 6 Mitigation Measures and Ecological Enhancements of the Ecological Appraisal by Aspect Ecology dated February 2019.

REASON: In order to mitigate the impacts of the development upon the ecological interest provided by the offsite Oak Trees and to prevent adverse impacts on key mammal species in line with Policy EM4 of the Basingstoke and Deane Local Plan 2011 – 2029.

20. No development shall occur on site above slab level until details have been submitted to and approved in writing by the Local Planning Authority of the type and siting of bird nesting and bat roosting boxes as well as swift bricks to be installed on the site. The bat and bird boxes as well as the swift bricks shall be installed in accordance with the approved details prior to the first occupation of the development.

REASON: In the absence of satisfactory details being submitted to accompany the application, details are required to secure the protection of species protected under The Wildlife and Countryside Act 1981 in accordance with Policy EM4 of the Basingstoke and Deane Local Plan 2011-2029.

21. The development hereby permitted shall not be occupied, or the approved use commence, whichever is the sooner, until provision for the storage and collection of all refuse and recycling has been made within the curtilage of the site. The areas so provided shall be retained and used for their intended purposes in perpetuity.

REASON: In the interests of highway safety and in accordance with Appendix 3 – Storage and Collection of Waste and Recycling of the Basingstoke and Deane Design and Sustainability Supplementary Planning Document (2018) and Policy CN9 of the Basingstoke and Deane Local Plan 2011-2029.

22. The development hereby permitted shall not be occupied until provision has been made for the parking of motor vehicles and cycles within the curtilage of the site in accordance with the approved plans together with transit routes to the public highway. The areas of land so provided shall not be used for any purpose other than for the parking of vehicles and the areas so provided shall be retained and kept free of obstructions and used for their intended purpose at all times.

REASON: In the interests of highway safety and in accordance with Policies EM10 and CN9 of the Basingstoke and Deane Local Plan 2011-2029.

23. No development above ground floor slab level shall commence until a scheme for the provision of Electric Vehicle Charging has been submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in full accordance with the approved scheme.

REASON: To ensure that the development provides opportunities for sustainable transport modes in accordance with Policy CN9 of the Basingstoke

and Deane Local Plan 2011-2029, the Parking SPD, and paragraph 110(e) of the National Planning Policy Framework (2019).

Informative(s):-

1. 1.1 The applicant's attention is drawn to the fact that the above conditions (if any), must be complied with in full, failure to do so may result in enforcement action being instigated.

1.2 This permission may contain pre-commencement conditions which require specific matters to be submitted and approved in writing by the Local Planning Authority before a specified stage in the development occurs. This means that a lawful commencement of the approved development CANNOT be made until the particular requirements of the pre-commencement conditions have been met.

1.3 The applicant's attention is drawn to the fact that the Local Planning Authority has a period of up to eight weeks to determine details submitted in respect of a condition or limitation attached to a grant of planning permission. It is likely that in most cases the determination period will be shorter than eight weeks, however, the applicant is advised to schedule this time period into any programme of works. A fee will be required for requests for discharge of any consent, agreement, or approval required by a planning condition. The fee chargeable is £116 or £34 where the related permission was for extending or altering a dwelling house or other development in the curtilage of a dwelling house. A fee is payable for each submission made regardless of the number of conditions for which approval is sought. Requests must be made using the standard application form (available online) or set out in writing clearly identifying the relevant planning application and condition(s) which they are seeking approval for.
2. In accordance with paragraph 38 of the National Planning Policy Framework (NPPF) in dealing with this application, the Council has worked with the applicant in the following positive and creative manner:-
 - seeking further information following receipt of the application;
 - seeking amendments to the proposed development following receipt of the application;
 - considering the imposition of conditions (in accordance with paragraphs 54-55).

In this instance:

- the applicant was updated of any issues.

In such ways the Council has demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.

3. Consent under the Town and Country Planning Acts must not be taken as approval for any works carried out within or over any footway, including a Public Right of Way, carriageway, verge or other land forming part of the publicly

maintained highway. The development will involve works within the public highway. It is an offence to commence those works without the permission of the Local Highway Authority. In the interests of highway safety the development must not commence on-site until permission has been obtained from the Local Highway Authority authorising any necessary works, including street lighting and surface water drainage, within the publicly maintained highway. Public Utility apparatus may also be affected by the development. Contact the appropriate public utility service to ensure agreement on any necessary alterations.

Advice about works within the public highway can be obtained from Hampshire County Council's Area Office, telephone 0845 603 5633.

4. All bat species are protected under the Conservation (Natural Habitats, &c.) Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended). Legal protection covers bats and elements of their habitats. A Low Impact European Protected Species Licence will be required in order to allow prohibited activities, such as disturbing bats or damaging their breeding sites or resting places, for the purpose of development. It would be advisable to contact Natural England for further information in this regard on 0845 601 4523.
5. Birds nests, when occupied or being built, receive legal protection under the *Wildlife and Countryside Act 1981* (as amended). It is highly advisable to undertake clearance of potential bird nesting habitat (such as hedges, scrub, trees, suitable outbuildings etc.) outside the bird nesting season, which is generally seen as extending from March to the end of August, although may extend longer depending on local conditions. If there is absolutely no alternative to doing the work in during this period then a thorough, careful and quiet examination of the affected area must be carried out before clearance starts. If occupied nests are present then work must stop in that area, a suitable (approximately 5m) stand-off maintained, and clearance can only recommence once the nest becomes unoccupied of its own accord.
6. This development will result in new postal addresses or changes in addresses, please contact the council's Street Naming and Numbering team on 01256 845539 or email shirley.brewer@basingstoke.gov.uk to commence the process. Details can be found on the council's website.
7. Details submitted to satisfy Condition 7 should fulfil the requirements set out within the comments received to the application from Hampshire County Council as the Lead Local Flood Authority dated 28 March 2019. For further guidance, the Lead Local Flood Authority offers a Surface Water Management Pre-application service which will provide clear guidance on what information is required. For full details, please visit:
<https://www.hants.gov.uk/landplanningandenvironment/environment/flooding/planning> and click on pre-application advice request form.
8. The Council encourages all contractors to be 'Considerate Contractors' when working in the Borough by being aware of the needs of neighbours and the environment.

9. The Applicant is advised that in relation to condition 16, accessibility and adaptability standards are achieved by meeting requirement M4(2) or M4(3) of the Building Regulations 2015 or any subsequent government standard.
10. This Decision Notice must be read in conjunction with a Planning Obligation completed under the terms of Section 106 of the Town and Country Planning Act 1990 (as amended). You are advised to satisfy yourself that you have all the relevant documentation.
11. There are water mains crossing or located close to the development. Thames Water do NOT permit the building over or construction within 3m of water mains. If significant works are planned near the mains (within 3m), Thames Water will need to check that the development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read the guide for working near or diverting pipes.
<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Further information is available by emailing developer.services@thameswater.co.uk.
12. The proposed studies to the dwellings marked on the Second Floor Plan (drawing 061702-B1-P3) must be marketed/sold/leased as illustrated on the approved plans and not be identified as bedrooms to ensure that the development retains parking commensurate with the size of the unit in accordance with the Parking Supplementary Planning Document (2018).

BASINGSTOKE & DEANE BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE – 04/08/2019

UPDATE

MAJOR

Item No	Ref No	Address	Ward Councillor	Recommendation
3	19/00579/FUL	Land At Boundary Hall, Aldermaston Road, Tadley Baughurst And Tadley North	Cllr Michael Bound Cllr Warwick Lovegrove	Approve subject to Legal Agreement

Agenda Page: 149

Officer Presenting: Patricia Logie

In Support: Daniel Bradbury

Update

Correction to report

Page 158 - Environmental Impact Assessment - Reference is made to Regulation 4 of the EIA Regulations which should in fact be Regulation 5.

Consultations

West Berkshire Emergency Planning: (In summary) - No objection subject to minor amendments to the Emergency Plan, the Emergency Plan being maintained and available upon request and the legal agreement being in place.

HCC Emergency Planning: Agree with the views of West Berkshire Emergency Planning.

Office for Nuclear Regulation: Does not advise against this development.

Following the receipt of the above consultee responses, the recommendation is changed as follows:

' the applicant be invited to enter into a legal agreement (in accordance with the Community Infrastructure Levy Regulations 2010 and Policies SS7, CN1, CN6, CN8 and CN9 of the Basingstoke and Deane Local Plan 2011-2029) between the applicant and the Borough Council to secure:

- An Emergency Management Plan together with securing the implementation, management, monitoring and review of the

- Emergency Management Plan
- Five units of affordable housing
- Financial contributions towards off site public open space

Should the requirements set out above not be satisfactorily secured, then the Planning and Development Manager be delegated to REFUSE permission for appropriate reasons.

On completion of the legal agreement the Planning and Development Manager be delegated to grant planning permission subject to the conditions listed at the end of this report.'

Katherine Fitzherbert-Green

From: Carolyn Richardson <Carolyn.Richardson@westberks.gov.uk>
Sent: 29 July 2019 13:40
To: Katherine Fitzherbert-Green
Cc: Mike Townsend; ONR-Land.Use-Planning@onr.gov.uk; ian.hoult@hants.gov.uk; Fox, Stuart
Subject: Application 19/00579/FUL Emergency Planning Feedback
Attachments: Boundary Place Development Emergency Plan Version 3 CR feedback.pdf; Tadley_DB Letter_04Jul19.docx; Barrow-in-Furness Case Study plus Appendix.pdf; Legal Opinion.pdf; APPENDIX 6 - Appellant response to WBC comments June 2019.pdf

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Good Afternoon,

I have reviewed the information sent to HCC and WBDC in relation to this application in particular the Boundary Place development Emergency Plan V3.

Concerns were raised in relation to this application with respect to:

- Change of use from Commercial to Residential and therefore the change in 'control'/management of the site should there be a radiation emergency from AWE Aldermaston.
- In addition there were issues in relation to long term recovery issues due to the location of the premises which would mean that evacuation of the premises may be necessary and the issue relating to rehousing 17 households until clean-up had been completed.

Following meetings with the HCC, Emergency Planning and the applicant in relation to the above there was the submission of the Emergency Plan and information in relation to the legal element of the development in order to ensure management and subsequent rehousing of the occupant. I, along with the County Emergency Planning Officer for HCC have reviewed the Emergency Plan and have made some minor comments against it. Therefore subject to the amendments being made, it being maintained and available upon request we are content with the Emergency Plan and the legal agreements being in place to allow this to happen we would have no objection to this application.

Should you have any queries please contact me directly.

Kind Regards

Carolyn

Carolyn Richardson
Joint Emergency Planning Manager
Tel: 01635 519105 | carolyn.richardson@westberks.gov.uk



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Jenie Oakley

From: Steve.Newman@onr.gov.uk
Sent: 23 July 2019 14:49
To: Majorapplicationcomment
Subject: FW: Consultation for 19/00579/FUL - Land At Boundary Hall Aldermaston Road Tadley Hampshire
Attachments: ufm4.rtf

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FAO Katherine Fitzherbert-Green

Dear Katherine,

I have consulted with the emergency planners within West Berkshire Council, which is responsible for the preparation of the Aldermaston off-site emergency plan required by the Radiation Emergency Preparedness and Public Information Regulations (REPPPIR) 2001. They have provided adequate assurance that the proposed development can be accommodated within their off-site emergency planning arrangements, subject to the conditions that they have set out to you.

The proposed development does not present a significant external hazard to the safety of the nuclear site.

Therefore, ONR does not advise against this development.

Kind regards

Steve

Steve Newman LLM, BSc (Hons)
Regulatory Officer – Emergency Preparedness & Response

T: 0203 028 0391 | E: steve.newman@onr.gov.uk
4N.2, Desk 58 – Redgrave Court, Merton Road, Bootle, L20 7HS

-----Original Message-----

From: katherine.fitzherbert-green@basingstoke.gov.uk [mailto:katherine.fitzherbert-green@basingstoke.gov.uk]
Sent: 02 July 2019 08:12
To: ONR Land Use Planning
Subject: Consultation for 19/00579/FUL - Land At Boundary Hall Aldermaston Road Tadley Hampshire

Please find attached planning consultation letter

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information is used; how we maintain the security of your information and your rights, including how to access information that we hold on you and how to complain if you have any concerns about how your personal details are processed, please see our privacy statement at <https://www.basingstoke.gov.uk/privacystatement>

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www.hse.gov.uk

Appendix 4 – Pavilion, Recreation Ground, Recreation Road 22/00535/FUL

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

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

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

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

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

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

Committee Site Visit: 6th July 2022

Contact Officer Details

Name: Alice Attwood MRTPI
Job Title: Senior Planner
Tel No: 01635 519111
Email: Alice.Attwood1@westberks.gov.uk

1. Introduction

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

2. Planning History

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

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

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

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

3. Procedural Matters

- 3.1 **EIA:** - Given the nature and scale of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.
- 3.2 **Publicity:** - Site notice displayed on 08.03.2022 at eastern entrance of the Recreation Ground; the deadline for representations expired on 30.03.2022.
- 3.3 A public notice was displayed in the Reading Chronicle on 17.03.2022; the deadline for representations expired on 07.04.2022.
- 3.4 It should be noted that the Local Planning Authority does not send out individual neighbourhood consultation letters because a site notice has been erected site. This is in line with article 15 of the Development Management Procedure Order (as amended).
- 3.5 **CIL:** - Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floor space (including extensions) or when a new dwelling is created (even if it is less than 100 square metres). However, CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission. More information is available at www.westberks.gov.uk/cil
- 3.6 **Registered Village Green:** - Greens receive considerable statutory protection under the following two Victorian statutes Section 12 of the Inclosure Act 1857 and Section 29 of the Commons Act 1876. If the above provisions were to be interpreted strictly, an act which causes any injury to a green would appear to be an offence under section 12 of the 1857 Act and any disturbance or interference with the soil of the green (other than for the purpose of better enjoyment of the green) would technically be deemed a public nuisance under section 29 of the 1876 Act. However, in Defra's view, in considering whether or not any given development or action contravenes either or both of these statutes a court is likely to be concerned with whether material harm has been caused to a green and whether there has been interference with the public's recreational

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

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

4. Consultation

Statutory and non-statutory consultation

- 4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

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

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

not negatively impact occupants of the surrounding residential streets.

Internal eating area

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

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

Recommendation

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

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

Customers opening hours:

Mondays to Fridays: 08:00 to 18:00

Saturdays: 08:00 to 18:00

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

Deliveries hours:

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

Saturdays: 10:00 to 14:30

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

Consideration could also be given to;

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

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

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

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

Public representations

- 4.2 Representations have been received from 220 contributors, 74 of which support, 7 of which impartial and 139 of which object to the proposal.
- 4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:

Objection –

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

Support

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

Impartial

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

5. Planning Policy

5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.

- Policies ADPP1, ADPP6, CS8, CS10, CS13, CS14, CS15, CS16, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies TRANS1, OVS5 and OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- WBC Quality Design SPD (2006)
- Planning Obligations SPD (2015)
- Burghfield Parish Design Statement (2011)
- Local Transport Plan for West Berkshire 2011-2026
- Manual for Streets
- WBC Cycle and Motorcycle Advice and Standards for New Development
- West Berkshire Landscape Character Assessment (2019)

6. Appraisal

6.1 The main issues for consideration in this application are:

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

Principle of development

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

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

Character and appearance

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

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

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

Highways

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

Effect on Neighbouring Amenity

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

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

Noise

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

Effect on Public Right of Ways and Green Infrastructure

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

Impact on the DPZ and Emergency Planning

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

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

Effect of the Rural Economy

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

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

Sustainable Construction and Energy Efficiency

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

Effect on Ecology and Trees

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

Flooding and Drainage

- 6.53 The proposed development site is located within Flood Zone 1 and is considered not to be in a Critical Drainage Area. The proposed development is considered minor and therefore a Flood risk Assessment is not required with this application. On all development sites, surface water will be managed in a sustainable manner through the implementation of Sustainable Drainage Methods (SuDS) in accordance with best practice and the proposed national standards and to provide attenuation to greenfield run-off rates and volumes, for all new development and re-development and provide other benefits where possible such as water quality, biodiversity and amenity. The Local Lead Flood Authority have reviewed the proposal and have no objection as long as a drainage condition is in place. This arrangements are considered to be acceptable and the proposal is compliant with CS16 of West Berkshire Core Strategy (2006-2026).

Temporary length permission

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

Use Class

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

Fall Back Position

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

7. Planning Balance and Conclusion

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

8. Full Recommendation

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

Refusal Reasons

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

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

Application No. & Parish: 22/00535/FUL - Pavilion, Recreation Ground, Recreation Road, Burghfield Common, Reading

- Meeting of Eastern Area Planning Committee, Wednesday, 13th July, 2022 6.30 pm (Item 11.(1))

Proposal:	Erection of a temporary cafe (prefabricated unit).
Location:	Pavilion, Recreation Ground, Recreation Road, Burghfield Common, Reading, West Berkshire
Applicant:	Burghfield Parish Council
Recommendation:	There is a level of objection and support in the community. There is sufficient objection that, if Officers were minded to recommend approval, the application would go to committee. However if officers recommended refusal it would not, however much support there was, and I think that the committee should therefore decide.

Minutes:

(Councillor Ross Mackinnon declared a personal interest in Agenda Item 3(1) by virtue of the fact that he and his family lived nearby to the application site and often used the recreation ground and playground. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)

The Committee considered a report (Agenda Item 3(1)) concerning Planning Application 22/00535/FUL in respect of the erection of a temporary cafe (prefabricated unit).

Ms Alice Attwood (Senior Planning Officer) introduced the item and highlighted the key points.

In accordance with the Council's Constitution, Mr Tim Ansell, (Burghfield) Parish Council representative, Ms Jenny Elmore and Ms Steph Awbery, objectors, Ms Kailee Godding, supporter, Mr Paul Lawrence and Mr Chris Greaves, applicants, and Mr Dominic Morse, agent, addressed the Committee on this application.

Parish Council Representation:

Councillor Tim Ansell, Chairman of Burghfield Parish Council, in addressing the Committee, raised the following points:

- **Burghfield Common was the largest of the residential areas within the Parish of Burghfield with a population of approximately 6,000 people located halfway between Burghfield village and Mortimer.**
- **There were no pubs or cafes apart from a 30 cover charity café that operated two mornings a week from the wooden Methodist hall when they had enough volunteers.**
- **The recreation ground was at the centre of Burghfield Common and was the location for many varied activities.**
- **There was constant activity on the recreation ground with dozens of dog walkers before and after work and increasingly during the day as more people worked from home.**
- **The children's play area attracted many families especially after school, in addition to keep fit classes and other ad hoc activities.**
- **At weekends and during the week in the summer, Burghfield Football Club played games on the ground which attracted supporters locally and from across the country – it was an official FA ground and local derbies could attract in excess of 100 supporters.**
- **In addition to year-round use, in the summer there was a pop-up pub attracting over 100 customers on a Friday night plus their families. There was also a pop-up café.**
- **Annually there was Burghfest which attracted 2,000 people on each of the days it was held.**
- **The only events that caused parking problems were the football games as many of the participants and supporters were not local and consequently drove.**
- **The aim of the proposed café was to provide somewhere for the residents of Burghfield Common to meet and socialise throughout the year on an ad hoc basis.**
- **Before Covid such a facility would have been viewed as serving young families and people who did not work but since Covid there had been a significant increase in the number of residents working from home and therefore missing out on social activities.**
- **Increasingly there were feelings of loneliness and isolation, and a big part of the reason the proposal had been moved forward was around caring about the mental health of parishioners due to the impact of people being increasingly isolated.**
- **The temporary nature of the café related to the time it would be on the recreation ground but it was not a temporary building. It would be purpose-built, the construction very similar to that of a number of**

classrooms at the local schools. The plan was to establish whether there was a desire in the local community, to that which matched the interest on surveys, to have the café and whether it would be financially viable.

- The reason for the Parish Council setting a period of five years maximum was to provide two years of operation to establish the financial viability and then three years to go through design and obtain planning permission before construction of a new facility in keeping with the local environment.
- In the event of an emergency, customers inside the café would have access to running water, toilet facilities and food compared to other local buildings such as the library, adjacent pavilion and the village hall where no food was kept.
- In the event of an emergency, once the café was open, a procedure would need to be agreed on what would happen to the other users of the recreation ground in an emergency. The café users would often be a very small proportion of the total number of users of the site.
- To address the concern about how the café would impact the emergency plan, the café was aimed at the current users of the recreation ground including dog walkers who liked a coffee as they exercised their dogs; parents who wanted somewhere to sit protected from the elements while they watched their children in the play area and local residents who needed to get out of their house and meet with friends. The impact of the café on the number of people on the recreation ground would be minimal. This concern could be completely mitigated by closing the café during the times of the organised football games. Each football game had a minimum of 30 people, plus supporters, at least half of whom were from outside of the local area and was more than the café could accommodate.

Member Questions to the Parish Council:

Councillor Alan Law asked whether there was a bar and kitchen in the building adjacent to the proposed café. Councillor Ansell stated that the building referred to by Councillor Law accommodated the changing rooms and toilets, and was also where the pop-up pub operated from. There were no bar or pub facilities in the building. There was a small kitchen and drinks could be served to customers outside via a serving hatch.

Councillor Richard Somner asked how the survey/consultation had been conducted as there had been a mixed response. Councillor Ansell said regular surveys had been carried out prior to Covid and one of the things that regularly came up was around increased rental space from the Parish Council available for

people to rent. The idea of a hub had also been suggested when it looked like the library would close. The other suggestion that was raised regularly was for a café and somewhere for people to meet. In response to survey responses the Parish Council had refurbished the village hall and increased the amount of rooms that could be rented. A plan had also been negotiated with West Berkshire Council which avoided the closure of the library. This had however, left the constant question regarding a café or somewhere people could meet because this remained the gap in the village.

Objector Representations:

Ms Elmore and Ms Awbery in addressing the Committee raised the following points:

- **Ms Awbery stated that the location was not suitable and would put residents at risk.**
- **Residents were very concerned about the safety of deliveries and collections on a blind bend, where stopping was not permitted and there were double yellow lines. This forced people into the road close to the school, on bus routes and footpaths.**
- **The car park had height restriction barriers which large wide vehicles could not use and obstructed in and outgoing traffic.**
- **If dog walkers wished to use the café, dogs would have to be tied up outside next to the play area and there was concern that unsupervised children might approach the animals and possibly get bitten.**
- **The police had voiced their concern regarding safety and anti-social behaviour both from the crime prevention team and the policing team.**
- **The Office for Nuclear Regulation (ONR) and Emergency Planning teams from the Atomic Weapons Establishment (AWE) considered the building construction not suitable to protect users of the plot inside the Detailed Emergency Planning Zone (DEPZ).**
- **The design of the café was not in keeping with the design of existing local buildings. The definition of temporary in the case of the application was not counted in weeks but in years, so therefore the development should be in-keeping with surrounding buildings.**
- **The proposed opening hours were excessively long and would impact on local houses.**
- **Measures for anti-social behaviour, littering and crime were insufficient for the kind of development proposed.**

- Plans to allow local groups to use the development would increase nuisance to residents in the rural community.
- Based on the current use of the recreation ground, the car park was already insufficient. Parking issues would restrict people using the recreational ground for its intended purpose.
- The applicant had been refused an extra operating day per week at the pavilion on the grounds there was no demand, so there was no need for the kind of development proposed given that most people had now returned to their places of work.
- There were alternative options that could be explored including increasing the number of operating days per week at the underused pavilion or café services could be run out of the newly refurbished village hall. There were plenty of food retail and café's already operating in very close proximity.
- The Parish Council was supposed to support and protect all residents but in the case of the current proposal they were pushing for a vanity project that was not justified and seemed to value revenue over social wellbeing. The Parish Council had no remit to build as they had failed to consult residents and favoured a development that put residents at risk.
- Members were asked to respect the rural community and reject the poorly thought through proposal.
- Ms Elmore explained that she managed an extensive investment portfolio including cafés and therefore had a lot of knowledge on the subject. Neither Officers nor the Applicant had given adequate consideration for waste, deliveries or the continued safe use of the highway.
- The logistics which involved seven days per week would have a massive impact.
- The Applicant had advised Highways that the waste management was the same as the existing pavilion but to Ms Elmore's knowledge there was no waste management at the site currently. Bags were collected once a week and taken to the village hall.
- Providing permission for a commercial development on a protected village green had the capacity to set a precedent on other village greens within Burghfield, surrounding villages and further afield.
- There was no objection to a pub or a café in the village, the objection was to having these facilities on the village green.

Member Questions to the Objector:

Councillor Somner asked Ms Awbery to clarify her statement that there had been no consultation regarding the proposal with local residents. Ms Awbery said most people in the village knew nothing about the proposal as most of the consultation had taken place at the May Fair event and a lot of the residents, especially the elderly, had not attended. Ms Awbery said residents only became aware of the proposed café when it was featured in the local news magazine. Councillor Ross Mackinnon asked Ms Awbery where she had got the information that deliveries would take place on the blind bend with double yellow lines as the Highways contribution in the report made no mention of this. Ms Awbery stated that there were double yellows around the bend and the map provided by West Berkshire Council showed no waiting areas. Councillor Mackinnon further asked if Ms Awbery was saying that there were double yellows everywhere in the area referred to, making it impossible to make deliveries without being illegally parked. Ms Awbery confirmed this was the case and described the area in detail. Councillor Mackinnon said he knew the area very well and was of the view that deliveries could take place without being on double yellow lines. The Chairman said this point could be pursued with the Highways Officer.

Supporter Representations:

Ms Kailee Godding in addressing the Committee raised the following points:

- **A lot of early support had been given to the proposal for the temporary café before the scare mongering tactics of a small group of community members. This had amounted to untrue and misleading information which had led to a large number of objections being made based on false claims, which had overshadowed genuine objections.**
- **The café at the Methodist Church, the pop-up pub, Burghfest and other events brought the community together. The annual May Fair in 2022 had been the biggest and busiest it had ever been. It demonstrated that people wanted places to go and that the village was reliant on community events to bring people together.**
- **There were few places for villagers to meet regularly as most events were held as a one-off on an unreliable schedule.**
- **The neighbouring village of Mortimer had a smaller population but had a greater range of facilities, including a café.**
- **The proposed new café would be a valuable addition to the community as it would provide reliable and consistent opening times, and being located in the central location of the recreation ground would mean that families could walk to the park and visit a café at the same time.**

- The recreation ground itself would not suffer material harm from the building as the proportion of the green affected would be small.
- Villagers had been asked numerous times what facilities they wanted. In the 2017 survey, 86% of the residents said they wanted a café in the hub facility being considered. In 2019, the Council reviewed the survey and asked for the top three project ideas for a proposed hub and the provision of a café was the highest scorer.
- Ms Godding stated that she had read the letter from the Emergency Planning Officer and had a number of observations. The letter stated that currently, anyone attending the recreation ground had no protection in the event of an incident. Ms Godding stated that according to the annual booklet residents were given, such an incident was extremely unlikely. It was felt that a temporary facility (that offered some protection) was better than no facility, in the unlikely event of an incident.
- The letter from the Emergency Planning Officer stated that the existing pavilion building could possibly support the café but that the buildings were not linked. Ms Godding asked therefore if the Council could consider linking them to meet the requirements of the Planning Officer and if planning be granted subject to that connection being made.
- The proposed building would be similar in design and construction to those used in the village for other purposes, such as the primary school. Ms Godding noted that that there were concerns raised that the café would not be safe in an emergency and queried if this meant that the same type of school buildings were also not safe.
- None of the consultative bodies had raised any concerns in relation to traffic, parking, noise or anti-social behaviour in relation to the application.
- The café would meet the needs of the majority of Burghfield residents and it was hoped the Committee would consider all genuine viewpoints and come to a resolution enabling the facility to go ahead.

Member Questions to the Supporters:

There were no questions raised by Members.

Agent/Applicant Representations:

Mr Paul Lawrence and Mr Chris Greaves (applicant) and Mr Dominic Morse (agent) in addressing the Committee raised the following points:

- **Mr Morse reported that the structure was modular, constructed off-site and typical of modern methods of construction. It was no different in its robustness and permanence than that of bricks and mortar. Many new houses and commercial buildings were constructed using the same technology as the proposed café and it was hoped this would allay the concerns of the previous speaker about the safety of school buildings. The only difference was that new houses had a decorative, cosmetic skin of brickwork that was applied to them.**
- **The building would meet strict comprehensive standards of the building regulations, no different from a new build house or commercial building. The building would be constructed using stringent air tightness standards and fully insulated with a standalone heating system. Windows would be fully sealed and double, if not triple glazed, and met the requirements of building regulations in terms of security, robustness and air tightness.**
- **The café was over 500 square feet inside and would readily accommodate 29 people with sufficient fresh water and toilet facilities.**
- **The café would be a robust building built to modern standards which would fully meet building regulation requirements and should not be considered any different from any other new build building.**
- **Mr Lawrence provided some background and history to the application. In 2016 West Berkshire Council had planned to close Burghfield Library and the Parish Council had looked for a financial, sustainable solution that would keep the library open and add some much needed additional rentable space and a café for the community to get together. The Parish Council had proposed a community hub to accommodate the library, provide additional rental space and a cafe. In 2017 the Parish Council surveyed residents to understand the community's priorities and one of the top priorities was a community hub including café.**
- **During 2018, West Berkshire Council and Burghfield Parish Council worked together to enable the library to remain open in its current building at the Willink School, so negating the requirement for the library move. In 2019 the Parish Council surveyed the residents again and the top priority again for residents was a community hub including café.**
- **In 2020, when the pandemic began, the village hall had needed to close and could not reopen under the new regulations without extensive refurbishment works. The Parish Council took the opportunity to modernise the village hall and provide ventilation to meet the new**

regulations and provide some additional rental space. During 2021, the Parish Council established that a low cost solution to test the viability was the best solution to enable the community café for the residents of Burghfield, which culminated in the application now before Committee.

Member Questions to the Agent/Applicant:

Councillor Tony Linden asked Mr Morse if the café would meet the same standards as a permanent building in the DEPZ as he noted that this was not the opinion of the Emergency Planning Officer. Mr Morse said the structure was fabricated in a factory to tight design standards much more rigorously than it would be in the rain and on site and would therefore be more airtight. The build quality and air tightness was important as with all new buildings and it would be as resistant as a new build house would be to any emergency situation. It would be a robust, modern construction that was insulated, ventilated and heated exactly the same as a new build house with the only difference being that it would be manufactured offsite.

Councillor Geoff Mayes asked Mr Morse if the foundations would be concrete and if they would be usable for a replacement vehicle in a replacement building in a few years' time. Mr Morse said it was likely it would either be built on strip foundations depending on ground conditions subject to structural survey or be built on pads depending on the ground conditions. This feature had not yet been determined but would be if planning consent was granted. Mr Morse confirmed that the foundations would be sufficient to support the structure. On the question of air tightness, which may be relevant when talking about the DEPZ and any possible contamination, Councillor Mayes asked Mr Morse if he would be happy with the provision of one toilet for up to 24 people who could be held in the facility for a few days. Mr Morse said he thought this would be fine for a period of up to 48 hours.

Councillor Mayes asked Mr Lawrence if the temporary proposal was an economic test as to the viability of the café before it was put into a permanent situation and Mr Lawrence replied that it was.

Ward Member Representation:

Councillor Graham Bridgman and Councillor Royce Longton in addressing the Committee raised the following points:

- Councillor Bridgman explained that the DEPZ was based on a circle which was drawn from the centre of the AWE site in question and then the

hedgehog of the DEPZ was drawn around it so as to incorporate communities and make sure communities were not split.

- The site fell outside of the circle, which was 3.16km. However, the site was in the DEPZ but outside the circle on which it was based and this was an important point to consider when one looked at other events that took place in Burghfield where people had no shelter at all.
- These events included Burghfest which attracted a couple of thousand people; the infrequent pop-up pub with a few hundred people and the May Fair which had many hundreds of people over a weekend with no shelter at all. This proposal needed careful consideration but it was important to remember it was for 24 covers and given what had been said by the architect it was felt that 24 covers (if they were all there at the same time) could be accommodated in an emergency.
- Councillor Longton voiced that Burghfield Common was a thriving rural community with an excellent community spirit which had many communal facilities but lacked a community space where residents could get together to socialise and discuss local affairs. The Methodist Church served coffee in the church hall but the facility was restricted in hours and a full-blown café, as proposed by the Parish Council, was much needed.
- Whilst the café was proposed for the recreation ground, known locally as the village green, it would only occupy about 1.3% of the total area of the recreation ground. It would be built in a corner close to the existing changing rooms and provide much needed extra facilities. It would not destroy the village green to any significant extent.
- Objectors had claimed that residents had not been consulted, but as the Committee had heard, there had been widespread consultation with the community over the past five years.
- The leaflets distributed by objectors stated that delivery vehicles to the café would park on the pavement on School Lane blocking traffic and forcing pedestrians onto the road on a blind bend. However, it was now proposed that the relatively few delivery vehicles would use the existing recreation ground car park with no direct access from School Lane.
- Councillor Longton concluded that he felt it was an excellent proposal and if the DEPZ issue could be overcome he hoped it went ahead.

Member Questions to the Ward Member:

There were no questions raised by Members.

Member Questions to Officers

Councillor Law asked the Planning Officer whether the building could be considered a temporary building if foundations would have to be dug for it. Ms Attwood said the Agent had stated in the application that the proposal was for a temporary café (pre-fabricated unit), although this was not reflected in his earlier submission to the Committee. Planning did not normally get involved with the issue of foundations and if the Officer recommendation was overturned there would need to be a condition in place, which meant the land had to be returned to its original state within five years. If serious foundations were dug then the land would still need to be put back exactly as it was.

Councillor Law asked Ms Carolyn Richardson, Emergency Planning Lead, why the application should be refused on health and safety grounds given the number of other events and activities, including on the ground itself, which offered no shelter to attendees. Ms Richardson said that when the detailed emergency planning zone was set it was initially on an area that had been set by AWE as the operator and called an urgent protection area. The application site was outside that area however, the DEPZ was set by the regulators and was bigger than the circle referred to by Councillor Bridgman. The Office for Nuclear Regulation had required the Council to assure them that it could look after people within the DEPZ. When these planning applications came forward it was not just the Council that reviewed them, they were also reviewed by an off-site emergency planning group because responding to an AWE incident would involve the Council and approximately 27 other agencies. No details had been provided to emergency planning other than the proposal consisted of a prefabricated building and on that basis it was not deemed suitable.

Councillor Mackinnon referred to Ms Godding's question about whether temporary school accommodation was safe if the proposed café, which was constructed in the same way, was not considered to be safe for 24 people. Ms Richardson said she did not know the full details about the construction of the school buildings but said the Emergency Planning Department worked with all schools with respect to what they would do should there be an AWE incident and they had to effectively go into lockdown.

Councillor Linden referred to the Aldi application that was given permission and asked Ms Attwood what, in terms of the actual building, her opinion was and whether it was relevant in this case. Ms Attwood said the scale of the two applications were completely different but also the merits were completely different. The Aldi/Lidl building was a permanent building and in the case of the current proposal, due to the small size of the proposed café, it would not be acceptable to hold people for a 48 hour period. It was due to the size of the building as well as it not affording protection.

Councillor Linden asked Ms Richardson to comment on the statement by Mr Morse that the proposed building quality was much higher than the view of those consulted and also to comment on Councillor Bridgman's comments about events that took place in the open air. Ms Richardson said she was not an expert on building structures which was why UK Health Security Agency (UKHSA) had been consulted. If more details had been known in advance then more concrete answers could be given but specialist advice had been given based on the wording of the application for a proposed prefabricated building. With regard to open air events, Ms Richardson said that following the significant change in the detailed emergency planning zone in 2020, these would now be required to have emergency plans in place. Anything new that came forward always had to be looked at in a different light now because of the detailed emergency planning zone and the requirement on the Council to assure the regulators. Ms Attwood referred to the events taking place and explained that they would be using their PD rights under the temporary use. The sports pavilion itself also had conditions, which stated that the building should be used solely for the purposes ancillary to the use of the recreation ground. This limited the type of events that could take place in the sense that they would have to be ancillary to existing recreational use. Councillor Somner raised the issue of existing caravans and mobile homes in the area, which whilst not commercial, were very much modular and in comparison to the proposed café building, were not as airtight or as contained. Ms Richardson said if any new applications came in for caravans and mobile homes the advice from the UKHSA would be to advise against them.

Councillor Somner referred to point 6.24 of the report in relation to licensing and asked Ms Attwood if she was aware of any licensing applications that were relevant to this proposal. Ms Attwood said she was not aware of any license applications currently but they would be viewed on their merits in line with the licensing legal framework. Councillor Somner raised a further query regarding the temporary timespan of the café over five years and asked if this was a standard Planning Officers would expect. Ms Attwood said that five years was the upper limit of what she would expect and if the issue was overturned Members were in a position to reduce that time.

Councillor Somner asked what sort of height barrier was currently in place on the site. Ms Attwood did not know the actual height of the barrier however, on a site visit had noted that it was open.

Councillor Mayes noted that if people in the pop-up café were having a picnic on the green they would not be covered by the DEPZ rules. He asked what provision there was within the West Berkshire system for accommodating the people on the fairground and in the café if there was an incident declared by AWE Burghfield.

Ms Richardson said if the pop-up pub was operating she would expect the people to be able to go inside one of the existing buildings. In focusing on this particular application, the problem with the proposed building was the size of it in that it was 79sqm for 24 people, albeit there could be less there at any one time. Taking into account all the furniture there was not a lot of room and there was the risk that further people would try to go undercover within the proposed building in the event of a radiation emergency. If an emergency happened with some of the events that took place, people would potentially have to be evacuated and moved to reception or rest centres depending on the situation.

Councillor Law asked Ms Attwood to define her use of the word 'ancillary' when describing the café as ancillary to the recreation ground. Ms Attwood said there was no legal definition for ancillary but it would normally be taken to mean anything you would do as a person that you could normally do within that normal use. Ms Attwood clarified that if alcohol was to be served in the temporary café, there would need to be a license under a separate framework. The conditions proposed were for customer opening hours Monday to Friday 8am to 6pm, Saturdays 8am to 6pm and Sundays and Bank Holidays 9am to 2pm. Deliveries would be Monday to Friday 9.30am to 2pm, Saturdays 10am to 2pm and Sundays 10am to 1pm.

Mr Mehdi Rezaie, Interim Development Control Manager, referred to the definition of ancillary which was captured under the Planning Act 2016; the Sustainable Planning Act 2009 and the Integrated Planning Act of 1997 and defined ancillary to mean 'incidental to and necessarily associated with a high threshold of a use'. Previous case law established ancillary as being one which was subordinate to the principal use of the premise meaning that it must serve the purpose for the primary use and usually be of a smaller size and scale to the primary use but did not necessarily have to be small. The dominant use determined the character of the planning use as a whole in accordance to the entire country planning use class order 87 as amended.

Mr Rezaie referred to the comment made by Councillor Law in relation to changes to the structural foundation captured under section 55, and stated that this would be classed as development. A planning application would need to be made in that regard because it was operational works which required a builder's intervention, which would be a separate planning application in its own right.

Mr Rezaie drew Members' attention to paragraph 6.47 of the report and the Office for Nuclear Regulations which suggested that, if approved, they would ask the Secretary of State to call-in the application under section 77 of the Town & Country Planning Act. They would have a period of 21 days, post notification of Committee

approval, to formally consider the application prior to potentially asking the Secretary of State to call-in the application. Mr Rezaie had looked at the provisions covered under the schedule 4 subsection of the MPO 2015 where there was a consultation direction, under the Town & Country Planning Act under subsection 5, subsection 1b which was the consultation direction of 2021, that gave provision for an application to be considered by the Secretary of State which also followed suit with the National Planning Policy Framework guidance notes for planning practitioners under paragraph 28, which prescribed that when considering the merits of an application, certain direction or weight was given to the Town & Country planning consultations direction of 2021. In the NPPF the direction to consult was reemphasised so the Secretary of State would technically exercise their powers under articles 18, subsection 4; articles 31 subsection 1; and articles 45 of the Town & Country Plan (the MPO).

Debate:

Councillor Mackinnon said that it seemed the proposal was an example of what was undoubtedly a well-meaning regulation but was being applied in such a blanket way that it might begin to fail the communities affected by it. Ms Richardson's answers to many questions demonstrated she was working, quite properly, within regulations however some of the answers did not seem to get to the nub of what Members were asking. Exceptions to regulations or exceptions to statutory counsels were possible and it was for the Committee to decide on balance whether going against the recommendation was justified in the circumstances. It seemed to Councillor Mackinnon that customers of the café were likely to be those who would already be present in the vicinity to a large extent. The lack of protection afforded by a temporary structure, even if it was accepted that it was not as good as a permanent structure, was better than nothing at all in his view, which was currently often the case.

If the Committee was to go along with the Officers' recommendation, Councillor Mackinnon felt the community affected would be justifiably frustrated at that decision given the overall usage of the site which included football matches and beer festivals. Councillor Mackinnon noted if Members approved the application it would go to the ONR again to consider whether to call it into the Secretary of State. Overall, Councillor Mackinnon was leaning towards the benefits of the proposed café to the community, which would far outweigh what must be a minuscule risk in the event of an emergency. Councillor Mackinnon understood the point about the toilet facilities in the event of people having to remain in the building up to 48 hours and whilst 24 people with one toilet for 48 hours might be unpleasant, in the event of a nuclear emergency there would be other priorities. Highways' Officers had made no objections on parking or traffic grounds and

whilst not diminishing the recommendation to refuse on nuclear regulation grounds, Councillor Mackinnon felt in this case it might well be justified and proposed approval of the application.

Councillor Somner agreed with Councillor Mackinnon's overview of the situation and recognised the need of the community to get out and about, not just through the pandemic lockdown but in the current situation and how the proposed facility would add to the offer already given to residents in West Berkshire. It was clear what the Parish Council were trying to deliver to residents and whilst consultation from the ONR was not to be taken lightly, consideration had to be given to what residents wanted and needed. Councillor Somner stated that he was leaning towards approval, contrary to the officer recommendation for refusal.

Councillor Linden highlighted that five members of staff would also need to use the toilet facilities as well as 24 customers should the building be locked down for 48 hours, however, he agreed with the statements made by Councillors Mackinnon and Somner. The café's and pop-up ventures were popular with the vibrant communities in Burghfield and the surrounding areas, particularly for those who wanted to meet up and socialise and did not want to have to drive somewhere in order to do so. Councillor Linden's view was to support a suitably worded recommendation to go against refusal of the application.

Councillor Law said that, having read the report, he recognised that Members were not experts on nuclear regulations, or indeed all planning policy, but relied on the advice of Officers. If he were a layman he would be a bit confused and would lean towards listening to the advice of Officers and leaving it to the Applicants to challenge. However, having heard that if approval were given there would be a second review and if supporting Officer's recommendation meant an appeal by the Applicant, leading to the same direction, Councillor Law was interested to hear more about Councillor Linden's proposal for a suitably worded recommendation to go against refusal of the application.

The Chairman asked Ms Attwood to provide a list of conditions if Members were minded to approve the application and Ms Attwood ran through the suggested conditions.

Councillor Law said he wished to refine one item on the list of conditions provided and referred Members to paragraphs 6.7 and 6.8 of the report in respect to the cladding material being metal and not particularly attractive. The report went on to say that concerns with regards to materials being used could be overcome by the use of a pre-commencement condition and also stated it was considered that alternative cladding such as timber would make the building more appealing.

Councillor Law said he agreed the current proposal was not an attractive proposition but would be happy to second Councillor Mackinnon's proposal to approve the application if the building was clad in timber.

As Councillor Mackinnon had proposed approval of the application, the Chairman asked him for his views now that he had heard the list of conditions from Ms Attwood and the additional one from Councillor Law regarding timber cladding. Councillor Mackinnon said he was happy to propose approval of the application subject to the conditions stated, including the one suggested by Councillor Law. Ms Attwood said that in relation to the schedule of materials condition it might be too restrictive to request timber. A pre-commencement condition was proposed so that the details would come to Officers who would be able to view it against policies CS14 and CS19 and ensure the most suitable materials were used. Councillor Law did not wish to deviate from the condition enforcing the use of timber cladding as it was noted that this had been recommended by Officers in the report as being more appealing, which he was in agreement with.

Councillor Linden raised a concern around the issue of fire safety with the use of timber cladding.

Councillor Somner agreed with the points about the use of timber and fire safety, and felt the use of Officer's determination pre-commencement would be beneficial in order to allow the option of brickwork, as outlined by the architect, which might also address some of the ONR issues.

The Chairman asked Mr Rezaie to comment specifically on the issue of cladding and anything else he wished to add before proceeding to a vote. Mr Rezaie said a prescribed condition for the use of timber cladding could be done but it would probably be easier for Officers to gauge the design given the pre-commencement as they would then have a palette of materials and or its visual appearance put before them for consideration. In addition, the issue would be put to the Conservation Area Design Officer who could comment on what their opinion was as opposed to just Planning Officers. The Chairman asked Mr Rezaie if there could be an Informative against the use of metal as it had been made clear that Members were not keen on the use of metal in the construction. Mr Rezaie said it could be outlined that the preference was that metal was not used in the construction of the café. Mr Rezaie highlighted however, that he had been led to believe during the meeting that part of the reason for the design and materials proposed, was on financial grounds or the potential viability of the application. In response to this, Mr Rezaie said there had not been a viability assessment or feasibility assessment carried out, which would need to be provided if later

challenged. In his view Officers stood in good stead to put the request in for materials as requested.

The Chairman invited the Committee to vote on the proposal by Councillor Mackinnon, seconded by Councillor Law and at the vote the motion was carried.

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

Draft Conditions

1.	<p>Commencement of development</p> <p>The development hereby permitted shall begin not later than three years from the date of this decision.</p> <p>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).</p>
2.	<p>Approved plans</p> <p>The development hereby permitted shall be carried out in accordance with the following approved plans/documents:</p> <ul style="list-style-type: none"> • Location Plan and Block Plan drawing number 001 PL00 received 01.03.2022 • Proposed Site Plan drawing number 003 PL01 received 25.04.2022 • Proposed Floor Plan and Elevations drawing number 012 PL01 received 04.03.2022 <p>except in respect of the materials shown on plan named proposed Floor Plan and Elevations drawing number 012 PL01 received 04.03.2022.</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning. Materials labels are not approved because the labelled materials were found not be acceptable to the character and appearance of the area. This matter will be dealt with via a pre-commencement condition.</p>
3.	<p>Temporary permission (restoration)</p> <p>The use hereby permitted shall be for a limited period being the period of 5 years from the date of this decision. The temporary café building shown in plan named Proposed Site Plan drawing number 003 PL01 received 25.04.2022 hereby permitted shall be removed and the land restored to its former condition on or before [date**] in accordance with a scheme of work that shall first have been submitted to and approved in writing by the local planning authority.</p> <p>Reason: A permanent building would not be acceptable in this location for an extended period of time.</p> <p><i>** Please, note the date will be entered when the decision is issued.</i></p>
4.	<p>Schedule of materials (prior approval)</p>

	<p>The construction of the temporary café building shown in plan named Proposed Site Plan drawing number 003 PL01 received 25.04.2022 shall not take place until a schedule of the materials to be used in the construction of the external surfaces of the development hereby permitted, has been submitted to and approved in writing by the Local Planning Authority. Schedule of the materials shall include a product specification and photographs of Materials. Samples of materials shall be made available upon request. Thereafter the development shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure that the external materials respect the character and appearance of the area. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006). A pre-commencement condition is required because the approved materials will be used throughout construction.</p>
<p>5.</p>	<p>CCTV and Security System Condition</p> <p>The café shall not occupied until details of CCTV and security system for the café have been submitted and approved in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure the development designs out crime. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Quality Design (June 2006).</p>
<p>6.</p>	<p>AWE Emergency Plan</p> <p>The temporary café building shown in plan named Proposed Site Plan drawing number 003 PL01 received 25.04.2022 shall not be occupied for the first time by any new occupant until a site-specific Emergency Plan tailored to that specific café occupant has been submitted to and approved in writing by the Local Planning Authority. The Emergency Plan shall provide policies and procedures for the preparedness and response to an incident at AWE Burghfield. Thereafter, the Cafe shall not be operated without the implementation of the approved Emergency Plan, or an approved revision with has been submitted to Local Planning Authority in writing.</p> <p>The plan shall be kept up-to-date, and relevant to the occupant at all times. An amended version of the plan may be submitted to the Local Planning Authority for approval pursuant to this condition. The Local Planning Authority may at any time require the amendment of the Plan by giving notice pursuant to this condition; in which case the amended plan shall be submitted to the Local Planning Authority for approval within 1 month of notice being given.</p> <p>Reason: The approval and implementation of a site-specific Emergency Plan is necessary to mitigate the residual risk posed to public safety by the close proximity of AWE Burghfield, to ensure appropriate preparedness and response in the event of an incident at AWE, and to ensure that the development does not adversely affect the AWE Off-Site Emergency Response Plan. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS8 of the West Berkshire Core Strategy 2006-2026.</p>

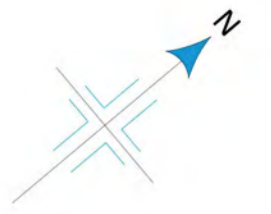
	<p>Note: For queries relating to the content of the site-specific Emergency Plan, please contact the Joint Emergency Planning, West Berkshire Council, Council Offices, Market Street, Newbury, RG14 5LD. Tel: 01635 503535, Email: emergencyplanning@westberks.gov.uk. Please quote the application reference.</p>
<p>7.</p>	<p>Permitted uses within Class E</p> <p>The Temporary Café shown in plan named Proposed Site Plan drawing number 003 PL01 received 25.04.2022 shall be used for Class E (b) purposes which is for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises 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 any statutory instrument revoking and re-enacting that Order with or without modification).</p> <p>Reason: The Temporary Café are located within Registered Village Green and it is important that the use remains ancillary to primary the recreation Ground. Other uses within Class E may not be for the purpose of better enjoyment of the green. The condition will prevent harm to existing green infrastructure by preventing incompatible uses on the site.</p> <p>This condition is applied in accordance with the National Planning Policy Framework, Policies ADPP1, CS18 and CS19 of the West Berkshire Core Strategy (2006-2026).</p>
<p>8.</p>	<p>Customer opening hours</p> <p>The temporary café hereby permitted shall not be open to customers outside of the following hours:</p> <p>Mondays to Fridays: 08:00 to 18:00 Saturdays: 10:00 to 14:30 Sundays and public holidays: 09:00 to 14:00</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>
<p>9.</p>	<p>Delivery hours</p> <p>No deliveries shall be taken at or despatched from the site outside the following hours:</p> <p>Mondays to Fridays: 09:30 to 14:00 Saturdays: 10:00 to 13:00 Sundays and public holidays: 10:00 to 13:00</p>






	<p>Reason: To [safeguard the living conditions of surrounding occupiers and/or minimise the impact on the local road network during peak hours]. 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.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
<p>10.</p>	<p>Hard landscaping (prior approval)</p> <p>The Temporary Cafe shown in plan named Proposed Site Plan drawing number 003 PL01 received 25.04.2022 hereby permitted shall not be first occupied until the hard landscaping of the site has been completed in accordance with a hard landscaping scheme that has first been submitted to and approved in writing by the Local Planning Authority. The hard landscaping scheme shall include details of any boundary treatments (e.g. walls, fences) and hard surfaced areas (e.g. driveways, paths, patios, decking) to be provided as part of the development.</p> <p>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 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD.</p>
<p>11.</p>	<p>Soft landscaping (prior approval)</p> <p>The Temporary Cafe shown in plan named Proposed Site Plan drawing number 003 PL01 received 25.04.2022 shall be first occupied until a detailed soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping scheme shall include detailed plans, planting and retention schedule, programme of works, and any other supporting information. All soft landscaping works shall be completed in accordance with the approved soft landscaping scheme within the first planting season following completion of building operations / first occupation of the temporary café (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.</p> <p>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 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD.</p>
<p>12.</p>	<p>Sustainable Drainage Measures</p> <p>No development shall take place until details of sustainable drainage methods (SuDS) to be implemented within the site have been submitted to and approved in writing by the Local Planning Authority. The planning, design and implementation of sustainable drainage methods (SuDS) should be carried out in accordance with the Non-Statutory Technical Standards for SuDS (2015), the SuDS Manual C753 (2015) and the WBC SuDS Supplementary Planning Document December (2018) with particular emphasis on green SuDS that provide environmental/biodiversity benefits and water re-use</p>

	<p>Reason: To ensure appropriate sustainable drainage measure, in accordance with the National Planning Policy Framework, and Policy CS15 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is required because insufficient information accompanies the application and such measures may need to be incorporated into early building operations.</p>
<p>13.</p>	<p>Construction method statement</p> <p>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:</p> <ul style="list-style-type: none"> (a) A site set-up plan during the works; (b) Parking of vehicles of site operatives and visitors; (c) Loading and unloading of plant and materials; (d) Storage of plant and materials used in constructing the development; (e) Erection and maintenance of security hoarding including any decorative displays and/or facilities for public viewing; (f) Temporary access arrangements to the site, and any temporary hard-standing; (g) Measures to control dust, dirt, noise, vibrations, odours, surface water run-off, and pests/vermin during construction; (h) A scheme for recycling/disposing of waste resulting from demolition and construction works; (i) Hours of construction and demolition work; (j) Hours of deliveries and preferred haulage routes; (k) An emergency plan providing policies and procedures for the preparedness and response to an incident at AWE Aldermaston/Burghfield during demolition and construction work. <p>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.</p>
<p>14.</p>	<p>Construction Environmental Management Plan</p> <p>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:</p> <ul style="list-style-type: none"> (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).

	<ul style="list-style-type: none"> (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. <p>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.</p> <p>Reason: To ensure biodiversity is protected through the development constructions. A pre-commencement condition is required because the CEMP will need to be adhered to throughout construction.</p>
	<p>Draft Informative</p>
	<p>Tree protection precautions informative note:</p> <ul style="list-style-type: none"> - To ensure that the trees, which are to be retained, are protected from damage, ensure that all works occur in a direction away from the trees. - In addition that no materials are stored within close proximity i.e. underneath the canopy of trees to be retained. - Ensure that all mixing of materials that could be harmful to tree roots is done well away from trees (outside the canopy drip line) and downhill of the trees if on a slope, to avoid contamination of the soil. - To ensure the above, erect chestnut pale fencing on a scaffold framework at least out to the canopy extent to preserve rooting areas from compaction, chemicals or other unnatural substances washing into the soil. - If this is not possible due to working room / access requirements The ground under the trees' canopies on the side of construction / access should be covered by 7.5cm of woodchip or a compressible material such as sharp sand, and covered with plywood sheets / scaffold boards to prevent compaction of the soil and roots. This could be underlain by a non permeable membrane to prevent lime based products / chemicals entering the soil - If there are any existing roots in situ and the excavation is not to be immediately filled in, then they should be covered by loose soil or dry Hessian sacking to prevent desiccation or frost damage. If required, the minimum amount of root could be cut back to using a sharp knife. - If lime based products are to be used for strip foundations then any roots found should be protected by a non permeable membrane prior to the laying of concrete.
	<p>Foundation development</p> <p>This development only applies to erection of a temporary cafe (prefabricated unit). For clarity, This permission does not cover the foundation works or associated enabling works because the details were not included in the application description or submission. A separate application would be required for foundation</p>

	works or associated enabling works. Future applications would then be assessed on its individual merits.
	Materials informative Committee members would like to applicant to be mindful that they consider metal cladding not to be acceptable in terms of character of the area. They request the applicant seek alternative materials for example timber or another martials which is in keeping with the local character of the area.



- LEGEND:-**
-  TREES TO BE RETAINED
 -  INDICATIVE PROPOSED PLANTING
 -  EXISTING BUILDING(S) TO BE DEMOLISHED
 -  TREES TO BE REMOVED
 -  LOCKABLE CYCLE SHED

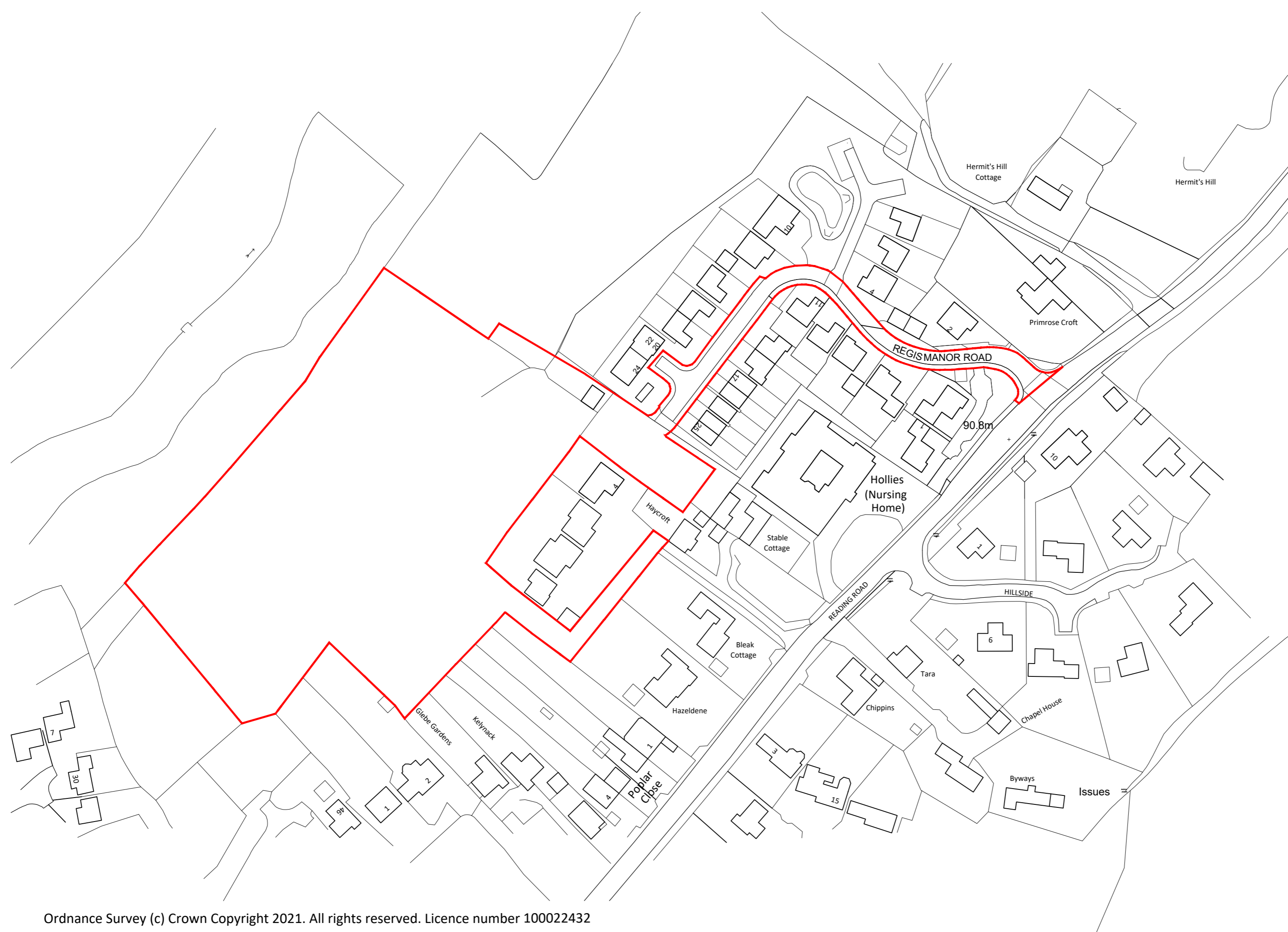
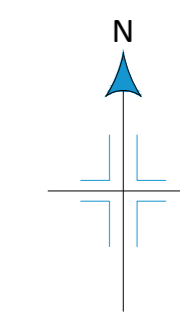
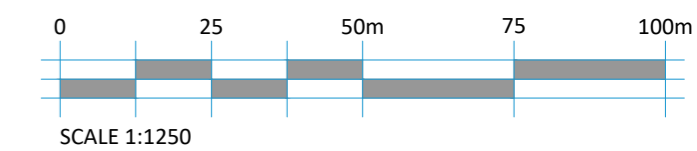
REV.	DATE	REVISIONS:	REV.	DATE	REVISIONS:
A	18.03.22	PLOTS 8, 9, 24 & 25 UPDATED, FOOTPATH LINK ADDED, PARKING PROVISION UPDATED			

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CLIENT: TA FISHER & SONS LTD		PROJECT: LAND REAR OF THE HOLLIES, READING ROAD, BURGHFIELD COMMON	
SCALE: 1:500 (A2 ORIGINAL)		DRAWING: COLOUR SITE LAYOUT	
DRAWN:	JOB NO: 2021 / P0162	DRAWING NO: 01	REVISION: A
DATE: JAN 22			

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 Technical
 Vision

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REV.	DATE	REVISIONS:	REV.	DATE	REVISIONS:	CLIENT:	PROJECT:
A	18.03.22	RED LINE UPDATED				TA FISHER & SONS LTD	LAND REAR OF THE HOLLIES, READING ROAD, BURGHFIELD COMMON
						SCALE:	DRAWING:
						1:1250 (A2 ORIGINAL)	SITE LOCATION PLAN
						DRAWN:	DRAWING NO:
						JOB NO:	REVISION:
						2021 / P0162	LP
						DATE:	A
						JAN 22	



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