

**Appeal by T A FISHER & SONS LTD**  
**Against the refusal of full planning permission by**  
**West Berkshire Council**

AT

**Land to the rear of The Hollies, Reading Road, Burghfield**  
**Common, Reading, RG7 3BH**

West Berkshire Council Reference: 22/00244/FULEXT

Planning Inspectorate Reference: APP/W0340/W/22/331226

**STATEMENT OF COMMON GROUND**

Between

T A Fisher & Sons Ltd (the Appellant)

And

West Berkshire Council (the Local Planning Authority)

August 2024

CONTENTS

Declaration ..... 3

1.0 Introduction..... 4

2.0 Description of the Site and Surrounds ..... 5

3.0 Agreed description of development..... 6

4.0 List of Plans that Informed the Council’s Decision. .... 7

5.0 Relevant Planning History ..... 8

6.0 Development Plan ..... 11

7.0 Other relevant planning policy/guidance/material considerations ..... 12

8.0 Areas where the parties are working together and there is a prospect of resolving a related reason for refusal ..... 14

9.0 Areas of Agreement..... 16

10.0 Agreed Suggested Conditions..... 18

11.0 A statement of compliance with statutory and policy requirements for the conditions and Section 106 ..... 33

12.0 Core Documents list ..... 34

APPENDICES

- Appendix A – Unilateral Undertaking
- Appendix B – Core Document List

## Declaration

This Statement of Common Ground has been prepared by the Appellant and agreed with West Berkshire Council.

Signed on behalf of Appellant T A Fisher Ltd  <i>Katherine Miles</i>	Signed on behalf of Local Planning Authority West Berkshire District Council  <i>Matthew Shepherd</i>
Date 03/09/2024	Date 02/09/2024

## 1.0 Introduction

- 1.1 This Statement of Common Ground ('SoCG') has been prepared by Pro Vision on behalf of T A Fisher & Sons Ltd ('the Appellant') in conjunction with West Berkshire Council ('the LPA').
- 1.2 The SoCG contains factual information about the Appeal Proposals, which are agreed by the two main parties. It also identifies those matters on which there is currently no agreement between the Appellant and the LPA – these are the areas of uncommon ground.



## 2.0 Description of the Site and Surrounds

- 2.1 The site is within the Settlement Policy Boundary of Burghfield Common. The village centre is situated to the South-West of the site and includes a range of local services and facilities.
- 2.2 The site is accessed from Regis Manor Road, via Reading Road. There is residential development in all directions surrounding the site.
- 2.3 There is one Tree Preservation Order, reference TPO 201/21/0989, within the Site. Ancient Woodland abuts the north-west boundary of the site.
- 2.4 The site is within the Burghfield Woodland and Heathland Mosaic landscape character area.
- 2.5 The site is within Flood Zone 1.
- 2.6 The site is situated 2km to the South-West of the Atomic Weapons Establishment Burghfield, and within the “Detailed Emergency Planning Zone”.

### 3.0 Agreed description of development

3.1 The Appeal Application was validated by the Council on 3 February 2022.

3.2 The agreed description of the Full Planning Application is as follows:

*“Erection of 32 dwellings including affordable housing, parking and landscaping. Access via Regis Manor Road.”*

3.3 The development will comprise of a mixture of dwelling types and sizes. Dwelling types include apartments, terraced housing, semi-detached and detached housing, containing a mixture of 1-to-4-bedroom units, with affordable homes integrated into the development.

3.4 Primary access to the dwellings will be provided from Regis Manor Road through the construction of a new link road and pavements to the adjoining development. A total of 77 car parking spaces are provided throughout the site and visitor spaces, along with cycle parking facilities. The parking provision is agreed as adequate to serve the development.

3.5 The proposal includes an area of open green space and a 15-metre buffer to ancient woodland along the site’s northern boundary.

3.6 An attenuation pond is proposed adjacent to the open space and storage crates are to be installed under the Public Open Space (POS) area to support Sustainable Drainage. A private pumping station will be installed to facilitate the foul drainage from the site.

#### 4.0 List of Plans that Informed the Council's Decision.

4.1 A list of all plans, drawings and documents upon which the LPA made their decision:

Dwg / Document Ref	Dwg / Document Name	Scale	Size	Rev
2021/P0162 LP	Site Location Plan	1:1250	A2	B
2021/P0162 01	Colour Site Layout	1:500	A2	B
2021/P0162 02	Site Information Plan	1:500	A2	B
2021/P0162 03	Proposed Plots 1-5	1:100	A1	A
2021/P0162 04	Proposed Plots 6-8	1:100	A1	A
2021/P0162 05	Proposed Plots 9-11	1:100	A1	A
2021/P0162 06	Proposed Plots 12 & 13	1:100	A1	-
2021/P0162 07	Proposed Plot 14	1:100	A1	-
2021/P0162 08	Proposed Plot 15	1:100	A1	-
2021/P0162 09	Proposed Plot 16	1:100	A1	-
2021/P0162 10	Proposed Plots 17 & 18	1:100	A1	-
2021/P0162 11	Proposed Plots 19 & 20	1:100	A1	-
2021/P0162 12	Proposed Plot 21	1:100	A1	-
2021/P0162 13	Proposed Plots 22 & 23	1:100	A1	-
2021/P0162 14	Proposed Plots 24 & 25	1:100	A1	A
2021/P0162 15	Proposed Plots 26 & 27	1:100	A1	-
2021/P0162 16	Proposed Plot 28	1:100	A1	-
2021/P0162 17	Proposed Plot 29	1:100	A1	-
2021/P0162 18	Proposed Plot 30	1:100	A1	-
2021/P0162 19	Proposed Plot 31	1:100	A1	-
2021/P0162 20	Proposed Plot 32	1:100	A1	-
2021/P0162 21	Proposed Garages/Carports Plots 15 & 16	1:100	A1	-
2021/P0162 22	Proposed Bin and Cycle Store (Plots 1-5)	1:100	A3	B
2021/P0162 23	Proposed Street Elevations	1:250	A1	-
7758	Ecological Assessment	-	-	03
-	Design and Access Statement			B
1730-KC-XX-YTREE	Tree Survey and Impact Assessment	-	-	A
1730-KC-XX-YTREE-TPP01	Tree Protection Plan	1:500	A1	A
1730-KC-XX-YTREE-TCP01	Tree Constraints Plan	1:500	A1	0
7740	Flood Risk Assessment	-	-	3
JSL4137	Landscape, Townscape and Visual Impact Assessment	-	-	2
JSL4137 / 100	Landscape Strategy	1:500	A2	E
GWPR4464/DS/October 2021	Phase 1 Desk Study	-	-	1.01
50929	Planning Statement	-	-	-
7740	Transport Statement	-	-	3
7740/202	Swept Path Analysis Large Refuse Vehicle	1:250	A1	B

## 5.0 Relevant Planning History

5.1 The Appeal Site is within the Settlement Policy Boundary of Burghfield Common, which is defined within the Adopted Core Strategy (2012) under Area Delivery Plan Policy 1 (ADPP1) as a “*Rural Service Centre*”. The area also falls within the East Kennet Valley subarea under the Area Delivery Plan Policy 6 (ADPP6).

5.2 Policy CS1 of the Adopted Core Strategy makes provision for a Site Allocations and Delivery Plan Document to identify specific sites to accommodate the housing requirement (800 dwellings) for the East Kennet Valley, set out in the Area Delivery Plan Policies.

5.3 The Appeal Site is allocated for development of 60 dwellings via Policy HSA16 in the Housing Site Allocations DPD (2006-2026) (Adopted May 2017). The Policy is set out below:

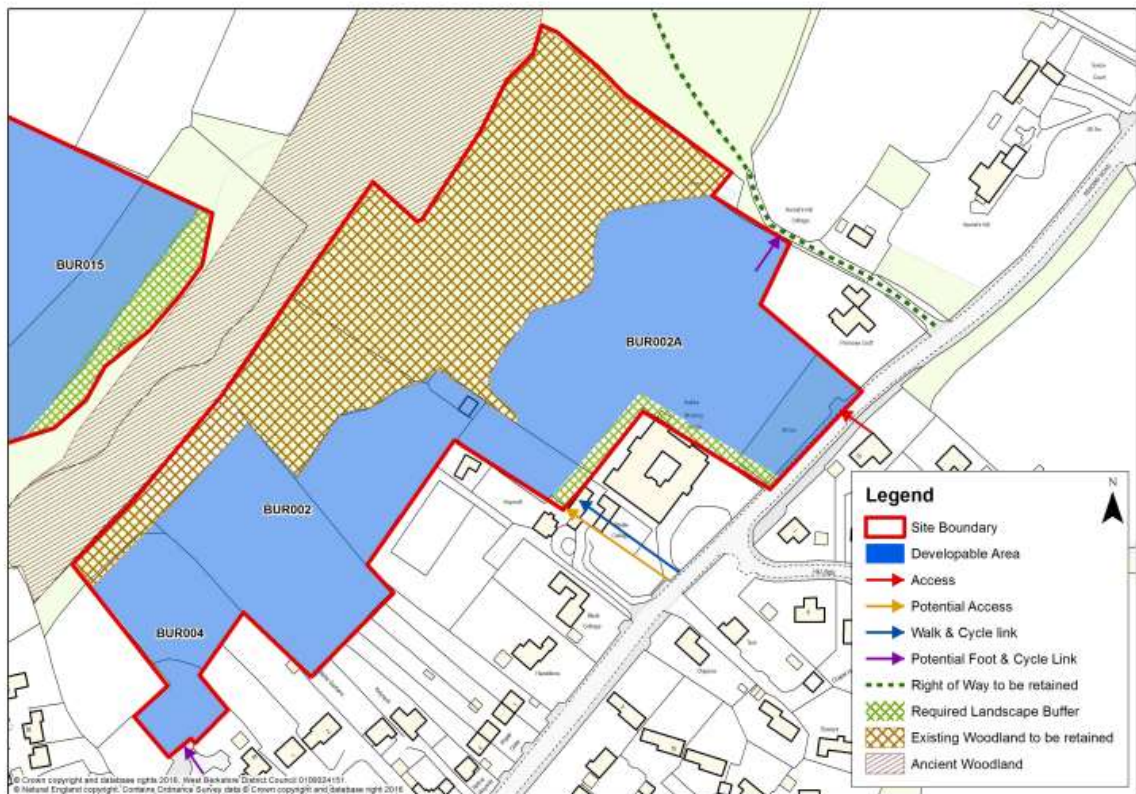
### Policy HSA 16

#### **Land to the rear of The Hollies Nursing Home, Reading Road and Land opposite 44 Lamden Way, Burghfield Common (site references BUR002, 002A, 004)**

These sites are being considered together as one site and have a developable area of approximately 2.7 hectares. The sites should be masterplanned comprehensively in accordance with the following parameters:

- The provision of approximately 60 dwellings with a mix of dwelling types and sizes.
- The site will be accessed from Reading Road, with a potential secondary access from Stable Cottage.
- The scheme will be supported by an extended phase 1 habitat survey together with further detailed surveys arising from that as necessary. Appropriate avoidance and mitigation measures will need to be implemented, to ensure any protected species are not adversely affected
- The scheme will be informed by a Flood Risk Assessment to take into account surface water flooding and advise on any appropriate mitigation measures.
- The scheme will comprise a development design and layout that will:
  - Limit the developable area to the west of the site to exclude the areas of existing woodland.
  - Be informed by a Landscape and Visual Impact Assessment which will include measures to:
    - Reflect the semi-rural edge of Burghfield Common through appropriate landscaping.
    - Provide a buffer of 15 metres to the areas of ancient woodland to the west of the site and provide appropriate buffers to the rest of the TPO woodland.
    - Provide an appropriate landscape buffer on the part of the site that is adjacent to The Hollies to minimise any impact on the residents.
    - Explore options to provide footpath and cycle links to existing and proposed residential development to increase permeability to other parts of Burghfield Common.

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



**Delivery and Monitoring - Policy HSA16**

This site is expected to start to deliver early and to contribute immediately to the supply of land needed to demonstrate a five year housing land supply. The delivery of the site will be monitored and reported in the Council's AMR.

- 5.4 The site is within the “middle zone” as defined by the table entitled “development within the Land Use Planning Consultation Zones: Office of Nuclear Regulation (ONR)” as set out in Policy CS8.
- 5.5 In October 2018, Outline Planning Permission was granted for a scheme of 28 dwellings under HSA16 (reference 16/01685/OUTMAJ)
- 5.6 A Reserved Matters application was subsequently approved in August 2019 (19/00772/RESMAJ).
- 5.7 The approved development of 28 dwelling on the Phase 1 site is now completed.

- 5.8 On 22 May 2019 the Radiation (Emergency Preparedness and Public Information) Regulations 2019 ('REPPiR') came into force. In November 2019, the Atomic Weapons Establishment ('AWE') Burghfield published a "Consequences Report" under Regulation 7(1) of REPPiR 2019 that enlarged the boundary of the Detailed Emergency Planning Zone (DEPZ) to at least 3.16km from the AWE, and this resulted in the Appeal Site being within the Detailed Emergency Planning Zone.
- 5.9 The Appeal Application for the balance of 32 dwellings on the HSADPD site was refused on 1 June 2022 under delegated powers. The Council's reasons for refusal are set out in the Decision Notice.
- 5.10 Following a 6-day Inquiry in June 2023, the appeal was allowed by way of decision letter dated 8 August 2023.
- 5.11 A s288 challenge on four Grounds was made by AWE PLC, the operator of AWE Burghfield, in September 2023 to the Inspector's decision to grant Planning Permission for the appeal proposal. The Council was the Second Defendant. The Appellant was the Third Defendant. The ONR and the Secretary of State for Defence were the Fourth and Fifth Defendants.
- 5.12 The Secretary of State for Levelling Up, Housing and Communities (First Defendant) initially defended the decision-
- 5.13 Subsequently the First Defendant agreed to the decision being quashed on Ground 1 only. The First Defendant accepted that the Inspector's reasons for disagreeing with the position of the Office of Nuclear Regulation as statutory consultee in relation to the off-site emergency plan, were not legally adequate.
- 5.14 The effect of the quashing order is that the appeal must be re-determined afresh.

## 6.0 Development Plan

### 6.1 The Development Plan comprises:

- The West Berkshire Core Strategy (2006-2026) Adopted July 2012
- The Housing Site Allocations DPD (2006-2026) Adopted May 2017

### 6.2 A list of the most important Development Plan policies for determining the appeal:

#### Core Strategy:

- ADPP1 – Area Delivery Plan Policy 1 – Spatial Strategy
- ADPP6 – Area Delivery Plan Policy 6 – East Kennet Valley
- CS1 – Delivering New Homes and Retaining the Housing Stock
- CS6 – Provision of Affordable Housing
- CS8 – Nuclear Installations – AWE Aldermaston and Burghfield
- CS14 – Design Principles
- CS18 – Green Infrastructure
- CS19 – Historic Environment and Landscape Character

#### Housing Site Allocations DPD:

- GS1 – General site policy
- HSA16 – Land to the rear of The Hollies
- P1 – Residential parking for new development

## 7.0 Other relevant planning policy/guidance/material considerations

### Material Considerations

- 7.1 The National Planning Policy Framework is a material consideration. The Appeal Application was determined against the 2021 version of the Framework. Subsequently this has been revised, and the current version is dated December 2023.
- 7.2 Paragraphs 11, 15, 57 and 101 (formerly Paragraph 97) of the Framework are of most relevance to the determination of this appeal.

### Relevant Policy Guidance

- 7.3 West Berkshire Planning Obligations Supplementary Planning Document.

### Emerging Local Plan

- 7.4 Relevant policies of the Local Plan Review 2020-2037 (Submission draft) include:
- SP1 The Spatial Strategy
  - SP3 Settlement Hierarchy
  - SP4 AWE Aldermaston and Burghfield
  - RSA12 Non-strategic site allocation: Land adjoining Pondhouse Farm, Clayhill Road, Burghfield Common
- 7.5 Examination of the West Berkshire Council Local Plan Review ('LPR') has commenced by way of Hearings in May and June. It is common ground that there are unresolved objections to the spatial strategy, proposed site allocations, and development management policies. However, it is uncommon ground between parties as to the extent and significance of these unresolved objections.
- 7.6 The Inspector's interim findings have been published and indicate further work is required to address a shortfall in housing land supply. During the hearings, amendments have been requested but not yet agreed by the Inspector or consulted upon publicly, to Policy SP4.
- 7.7 The Examination Inspector's final report is awaited, and a main modifications consultation will be necessary. The Inspector's Interim findings in respect of housing land supply indicates that a further hearing session may be necessary in October 2024.



7.8 The weight to be attached to the emerging local plan policies and SP4 in particular is in dispute.

## 8.0 Areas where the parties are working together and there is a prospect of resolving a related reason for refusal

### **Reason for Refusal 1 – S106 to secure Affordable Housing**

- 8.1 Reason for Refusal 1 sets out that the applicant has failed to complete and enter into a s106 obligation to secure and ensure the delivery of the required 40% affordable housing. The Officer Report identified that, should the application be approved, then 13 on site affordable units (40% affordable housing of which 70% (9 units) should be for social rent, with the remaining four units to be offered as Shared Ownership units) must be secured via the completion of a relevant s106 obligation attached to the planning permission.
- 8.2 The Appellant entered into a Unilateral Undertaking which has secured the provision of Affordable Housing. This is at Appendix A.
- 8.3 The Council is content that this document secures the required level of affordable housing. The UU is acceptable in principle subject to updates to relevant signatures, dates, and updating references to quashing of the previous appeal decision. These are considered more technical matters related to the legalities of the document.

### **Reason for Refusal 3 – Impact on Trees and amenity/character of the area**

- 8.4 The development would result in the removal of five oak trees, four of which are protected by Tree Preservation Order No. 201/21/0989. The first Inspector made the following findings on character and appearance and the effect of the tree removal, with which the main parties agree:
- (i) *“The appeal site comprises tree and hedge-lined meadow, and the Regis Manor Road access. Existing suburban-style housing is located to the south and east, including relatively new houses on Regis Manor Road and Oak View. Beyond the flatter top end of the appeal site, its meadow covered slopes noticeably run down from behind adjacent houses’ rear gardens to ancient woodland located to the north west of the appeal site. The site’s area of strikingly sloping topography, with level changes of between around 11m and 13m from the top to the foot of the slope, draws the eye down the meadow to the woodland beyond” (DL/42)*
  - (ii) *This topographical variety and interest, together with the site’s lush meadow, framed by a noticeable mix of oak and ash trees within mature hedge lines, and adjacent ancient woodland results in a quietly charming, verdant green character to this part of the north-eastern end of the village” (DL/43).*
  - (iii) *The residential development of this site would result in loss of its quiet pasture character, reduction of its verdancy and openness and increased urbanisation of this*

*end of the village. This would include removal of four oak trees, which are protected by Tree Preservation Order No. 201/21/0989 from the top end of one of the site's mature hedge lines, to accommodate a stretch of internal access road. This would punch through and reduce the verdancy of one of the locally distinctive mature hedgerows that contains oak trees of longevity and stature. These changes would be noticeable from various viewpoints on the appeal site, from several adjoining residences, and in views of treetops glimpsed from Reading Road" (DL/44)*

- (iv) *"the impact of this localised change to character would be moderated by the endurance of the majority of trees on and adjoining the site, and the screening effect of sloping ground and remaining vegetation in the locality" (DL/45).*
- (v) *"There are no public rights of way crossing or adjoining the appeal site from which to notice the changes. Furthermore, a landscaping scheme, to be secured by planning condition, would provide a suitably sympathetic mix of new shrub and tree planting to help soften the appearance of the proposed housing development." (DL/45).*
- (vi) *"The perception of change to character would further be tempered to some degree by the site's established status as part of an allocated housing site in the Development Plan, and the presence of other recently developed housing sites in the vicinity, including on the adjoining part of this housing site allocation. Also, there is design logic to the proposed running of the internal access road along the flatter top end of the site, given the more challenging sloping topography elsewhere" (DL/46).*
- (vii) *"The proposed scheme would provide the required buffer of 15m to the areas of Ancient Woodland to the north-west of the site. The proposed naturalistic open space in the northern part of the site would provide a relatively sympathetic transitional landscape area in relation to the protected woodland" (DL/47).*

8.5 The First Inspectors Decision Letter dated 8 August 2023 comprehensively assessed the Council's concerns in respect of its third reason. This assessment was made following exchanges of Proofs and Rebuttal Proofs and a round table session at the first Inquiry on tree matters.

8.6 The First Inspector concluded on this issue at DL/48: *"the proposal would result in limited, localised harm to the character and appearance of the area". As such, it would conflict with Policies ADPP1, CS14, CS18 and CS19 of the CS which together seek to ensure that development respects local character, while making efficient use of land."*

8.7 It is agreed that the Inspector at the re-hearing will not need to consider evidence on the degree of harm. The remaining issue between the main parties under this reason for refusal is whether the limited localised harm conflicts with the Development Plan, and the weight to be accorded to the harm in the planning balance.

## 9.0 Areas of Agreement

### **Environmental Impact Assessment (EIA)**

- 9.1 Given the scale and nature of the proposed 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 and so EIA screening is not required.

### **Location**

- 9.2 The Appeal Site is allocated in the Adopted Development Plan via Policy HSA16 of the HSADPD (2017) for “approximately 60 dwellings”.
- 9.3 The site is within the settlement boundary of Burghfield Common as defined by the Adopted Proposals Map.
- 9.4 Burghfield Common is defined as a Rural Service Centre.

### **Neighbouring Amenity**

- 9.5 The proposed development will result in a change to the outlook of surrounding residential properties. However, the resulting relationships are agreed to not be materially harmful to neighbouring amenity.

### **Highway Matters**

- 9.6 The development would result in an increase in traffic flows and an increase on users of the local road network. However given the relatively sustainable location of the site and good road layout around, it will not have a severe impact on the network.
- 9.7 The internal layout, parking provisions and site permeability are acceptable and in accordance with policy.

### **Density**

- 9.8 The development considered in the officers’ report would comprise:
- a) Market Housing: 1 x two bedroom house; 12 x three bedroom houses; 6 x four bedroom houses.
  - b) Affordable Housing : 3 x one bedroom apartments; 4 x two bedroom houses; 4 x three bedroom houses; 2 x four bedroom houses.

The development is for 17.4 dwellings per hectare. The number of residents would be approximately 77.

## 10.0 Agreed Suggested Conditions

### 1. Commencement of Development

The development hereby permitted shall begin not later than three years from the date of this decision.

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

### 2. Approved Plans

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

2021/P0162 LP Rev B Site Location Plan

2021/P0162 01 Rev B Colour Site Layout

2021/P0162 02 Rev B Site Information Plan

2021/P0162 03 Rev A Proposed Plots 1-5

2021/P0162 04 Rev A Proposed Plots 6-8

2021/P0162 05 Rev A Proposed Plots 9-11

2021/P0162 06 Proposed Plots 12 & 13

2021/P0162 07 Proposed Plot 14

2021/P0162 08 Proposed Plot 15

2021/P0162 09 Proposed Plot 16

2021/P0162 10 Proposed Plots 17 & 18

2021/P0162 11 Proposed Plot 19 & 20

2021/P0162 12 Proposed Plot 21

2021/P0162 13 Proposed Plots 22 & 23

2021/P0162 14 Rev A Proposed Plots 24 & 25

2021/P0162 15 Proposed Plots 26 & 27

2021/P0162 16 Proposed Plot 28

2021/P0162 17 Proposed Plot 29

2021/P0162 18 Proposed Plot 30

2021/P0162 19 Proposed Plot 31

2021/P0162 20 Proposed Plot 32

2021/P0162 21 Proposed Garages/Carports Plots 15 & 16

2021/P0162 22 Rev B Proposed Bin and Cycle Store (Plots 1-5)

2021/P0162 23 Proposed Street Elevations

7758 03 Ecological Assessment

1730-KC-XX-YTREE Rev A Tree Survey and Impact Assessment

1730-KC-XX-YTREE-TPP01 Rev A Tree Protection Plan

1730-KC-XX-YTREE-TCP01 Rev 0 Tree Constraints Plan

7740 Rev 3 Flood Risk Assessment

JSL4137 / 100 Rev E Landscape Strategy

GWPR4464/DS/October 2021 Rev 1.01 Phase 1 Desk top Study

7740/202 Rev B Swept Path Analysis Large Refuse Vehicle

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

3. Arboricultural Programme of Works

No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a detailed schedule of tree works. This shall include timing and phasing of operations and a confirmation of appointment of a project arboriculturist. The project arboriculturist shall supervise and verify implementation of tree protection and tree works. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026. A pre-commencement condition is necessary because insufficient detailed information accompanies the application; tree protection measures and works may be required to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

4. Tree Protection

Protective fencing shall be implemented and retained intact for the duration of the development in accordance with the tree and landscape protection scheme identified on approved drawing 1730-KC-XX-YTREE-TPP01 Rev A Tree Protection Plan. Within the fenced

areas, there shall be no excavations, storage of materials or machinery, parking of vehicles or fires.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of West Berkshire Core Strategy 2006-2026.

5. Materials

No building operations above ground level shall take commence until there shall have been submitted to and approved in writing by the local planning authority a schedule of the materials to be used in the construction of the external surfaces of the proposed development. Samples of materials shall be made available to the local planning authority on request. The development shall be carried out in accordance with the approved details.

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

6. Permitted Development Restrictions

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order with or without modification), no gates, fences, walls or other means of enclosure which would otherwise be permitted by Schedule 2, Part 2, Class A of that Order shall be erected, constructed, or materially altered without planning permission being granted by the local planning authority on an application made for that purpose. This restriction excludes any development expressly permitted by this permission, and does not prevent repairs or replacements (in full or in part) that do not materially affect the external appearance of any gate, fence, wall or other means of enclosure.

Reason: In the interests of respecting the character and appearance of the surrounding area.



7. Parking

No dwelling shall be occupied until the approved vehicle parking and turning spaces for the dwelling have been completed in accordance with the approved plans, including any surfacing arrangements and marking out. Thereafter the parking and turning spaces shall be kept available for parking and manoeuvring of the private cars at all times.

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

8. Car Port PD restrictions

The car port(s) hereby permitted shall be kept available for parking of the private cars at all times. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order with or without modification), no physical alterations shall be made to the car port(s) (including enclosing the sides / installed doors), unless permission has been granted by the Local Planning Authority as a result of an application being submitted for that purpose.

Reason: To ensure that the car port is kept available for vehicle parking, and is not converted into a garage, in the interest of road safety. The residential parking standards of Policy P1 do not count garages towards parking provision. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006- 2026, Policy P1 of the Housing Site Allocations DPD 2006-2026, and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

9. Cycle Storage

No dwelling shall be occupied until cycle parking/storage facilities for that dwelling have been provided in accordance with the approved drawings. Thereafter the facilities shall be maintained and kept available for that purpose at all times.

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

10. Electric Vehicle Charging Points

No dwelling shall be first occupied until electric vehicle charging points for that dwelling has been provided on site in accordance with the approved plans. Thereafter, the charging points shall be maintained, and kept available and operational for electric vehicles at all times.

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

11. Construction method statement

No development shall take place until there shall have been submitted to and approved in writing by the local planning authority a Construction Method Statement (CMS). Thereafter the demolition and construction works shall incorporate and be undertaken in accordance with the approved CMS. The CMS shall include measures for:

- (a) a site set-up plan during the works;
- (b) parking of vehicles of site operatives and visitors;
- (c) loading and unloading of plant and materials;
- (d) storage of plant and materials used in constructing the development;
- (e) erection and maintenance of security hoarding including any decorative displays and/or facilities for public viewing;
- (f) temporary access arrangements to the site, and any temporary hard-standing;
- (g) wheel washing facilities;
- (h) measures to control dust, dirt, noise, vibrations, odours, surface water run-off, and pests/vermin during construction;
- (i) a scheme for recycling/disposing of waste resulting from demolition and construction works;

- (j) hours of construction and demolition work;
- (k) hours of deliveries and preferred haulage routes;
- (l) an emergency plan providing policies and procedures for the preparedness and response to an incident at AWE Aldermaston **or** Burghfield during demolition and construction work.

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.

12. Hours of work (construction/demolition)

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

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

8:30am to 1:00pm Saturdays;

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

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

13. Unexpected contamination

If any previously unidentified contaminated land is found during demolition and/or construction activities it shall be reported immediately in writing to the Local Planning Authority (LPA). Appropriate investigation and risk assessment shall be undertaken, and any necessary remediation measures shall be submitted and approved in writing by the LPA. These submissions shall be prepared by a competent person (a person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation), and conducted in accordance with current best practice. The remediation scheme shall ensure that, after remediation, as a

minimum, the land shall not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990. Thereafter, any remediation measures shall be carried out in accordance with the approved details. Unless otherwise agreed in writing by the LPA, [the development shall not be occupied] until any approved remediation measures have been completed and a verification report to demonstrate the effectiveness of the remediation has been submitted to and approved in writing by the LPA.

Reason: To ensure that any unexpected contamination encountered during the development is suitably assessed and dealt with, such that it does not pose an unacceptable risk to human health or the environment. This condition is applied in accordance with paragraphs 170, 178, 179 and 180 the National Planning Policy Framework, and Policy OVS.5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

14. Lighting Strategy

No dwelling shall be first occupied until a Lighting Strategy has first been submitted to and approved in writing by the Local Planning Authority. The Strategy shall:

- (a) Identify those areas on the site that are particularly sensitive to bats;
- (b) Show how and where external lighting will be installed to avoid light spill into existing areas of woodland, and so that it can be clearly demonstrated that illuminated areas will not disturb or prevent use of the site by bats;
- (c) Include an isolux diagram of the proposed lighting.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these areas shall be maintained thereafter in accordance with this Strategy.

Reason: To ensure the conservation and enhancement of the biodiversity assets of the site, including the protection of species and habitats. This condition is applied in accordance with the National Planning Policy Framework and Policies CS17 and CS18 of the West Berkshire Core Strategy 2006-2026.

15. Refuse Storage (prior approval)

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

Reason: To ensure that there is adequate refuse and recycling storage facilities within the site, to ensure safe and adequate collection in the interests of highway safety and local amenity. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), and the West Berkshire Quality Design SPD (Part 1, Section 2.13).

16. Gradient of private drive

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

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

17. Site levels

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

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

18. Construction Environmental Management Plan

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

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

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

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

19. Spoil

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

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

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

Reason: To ensure appropriate disposal of spoil from the development and to ensure that ground levels are not raised in order to protect the character and amenity of the area. A pre-condition is required because insufficient information accompanies the application, and the agreed details will affect early construction activities. This condition is applied in accordance with the NPPF, Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD (June 2006).

20. Restrictions during bird breeding season

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

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

21. Sustainable drainage

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

- a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and West Berkshire Council local standards, particularly the WBC SuDS Supplementary Planning Document December 2018;
- b) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels. Any soakage testing should be

- undertaken in accordance with BRE365 methodology;
- c) Include attenuation measures to retain rainfall run-off within the site and allow discharge from the site to an existing watercourse at no greater than 1 in 1 year Greenfield run-off rates;
  - d) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
  - e) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +40% for climate change and an additional 10% increase of paved areas over the lifetime of the development (Urban Creep);
  - f) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
  - g) Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines.
  - h) Include details of how the SuDS measures will be maintained and managed after completion. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises;
  - i) Apply for an Ordinary Watercourse Consent in case of surface water discharge into and other works on or adjacent to a watercourse (i.e stream, ditch etc);
  - j) Show that attenuation storage measures have a 300mm freeboard above maximum design water level. Surface conveyance features must have a 150mm freeboard above maximum design water level;
  - k) Provide details of how surface water will be managed and contained within the site during any construction works to prevent silt migration and pollution of watercourses, highway drainage and land either on or adjacent to the site;
  - l) Provide a verification report carried out by a qualified drainage engineer demonstrating that the drainage system has been constructed as per the approved scheme (or detail any minor variations thereof), to be submitted to and approved by the Local Planning Authority on completion of construction. This shall include: plans and details of any key drainage elements (surface water drainage network, attenuation devices/areas, flow restriction devices and outfalls) and details of any management company managing the SuDS measures thereafter.

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



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

22. Landline

The development shall not be first occupied until a telephone land line has been fixed in each house. This landline must be maintained in perpetuity in the dwelling in question in a working order.

Reason: The application site lies within the DEPZ of AWE Burghfield and accordingly in the event of an emergency, telecommunications must be maintained where possible, in accordance with policy CS8 of the West Berkshire Core Strategy 2006-2026.

23. Landscaping in accordance with the approved scheme

A) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority the soft and hard landscaping scheme for the site. The landscaping scheme shall include:

(i) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch etc);

(ii) seed mixes;

(iii) details of existing trees and hedgerows to be retained as well as any to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation; and

(iv) details of hard landscaping, including hard surfaced areas including pavements, pedestrian areas and steps.

B) Planting design and species mix shall be sympathetic to its context within the development, including being tailored to reflect the open space's proximity to the woodland edge, and the more compact residential garden character of housing plots.

C) The approved landscaping scheme shall be implemented no later than the end of the first planting season following completion of the development. The scheme shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority agrees any variation in writing.

Reason: To safeguard and enhance the character and amenity of the area, to provide ecological, environmental and bio-diversity benefits and to maximise the quality and usability of open spaces within the development, and to enhance its setting within the immediate locality in accordance with the National Planning Policy Framework and policies ADPP1, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

24. Landscape and Ecological Management Plan (LEMP)

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

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

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

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

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

25. Biodiversity measures (prior approval)

The development shall be carried out in accordance with the biodiversity enhancement measures set out at Paragraph 5.13 of the Pro Vision Ecological Assessment dated November 2021. No dwelling shall be occupied until the measures related to that dwelling have been installed/constructed in accordance with the approved detail.

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

26. Emergency Plan for Construction

No development shall take place until a comprehensive Emergency Plan (EP) has been submitted to and approved in writing by the local planning authority in relation to the construction phase of the development. The EP shall provide policies and procedures for the preparedness and response to an incident at AWE Burghfield. The plan shall include but not be limited to the following aspects: (a) details about the site; (b) preparations in advance of any incident; (c) how the site will be notified of an AWE Incident; (d) actions to take on notification (set out on a flow chart and/or check list); (e) actions to do to shelter for up to 48 hour period; (f) actions to have in place in relation to preparing for evacuation; (g) recovery.

Reason: To ensure the safety of the construction workforce should an emergency occur at AWE sites. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS8 of the West Berkshire Core Strategy 2006-2026.

## 11.0 A statement of compliance with statutory and policy requirements for the conditions and Section 106

- 11.1 The Appellant and the Council have entered into a Unilateral Undertaking which secures the provision of 13 on-site affordable housing units. 70% (9) are for social rent. The remaining 30% (4) are for shared ownership. This affordable provision would accord with Policy CS6 of the Core Strategy and the West Berkshire Planning Obligations Supplementary Planning Document.
- 11.2 The Council is content that this document secures the required level of affordable housing. The UU is acceptable in principle subject to updates to relevant signatures, dates, and updating references to quashing of the previous appeal decision. These are considered more technical matters related to the legalities of the document.
- 11.3 The Unilateral Undertaking meets the requirements in Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regulations) and Paragraph 57 of National Planning Policy Framework. The measures as detailed in the Unilateral Undertaking are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.
- 11.4 The Council has an adopted CIL Levy, implemented on 1 April 2015. The Charging Schedule sets out that CIL will be charged on residential development at a rate per square metre based on Gross Internal Area (GIA) on new development of more than 100 square metres of net floorspace or when a new dwelling is created. The development is CIL Liable.

## 12.0 Core Documents list

12.1 A Core Document List is contained at Appendix B.

Appendix A – Executed Unilateral Undertaking

Appendix B – Core Document List