

**CASE OFFICER'S (AXA) REPORT
ON APPLICATION NUMBER
21/02710/FUL**



**Site: Pitchkettle Farm
Goodboys Lane
Grazeley Green
Reading
RG7 1ND**

MEMBER EXPIRY DATE - Call in if officers recommend approval

INTRODUCTION

This application seeks planning permission for part retrospective erection of two modular buildings following demolition and removal of existing structures, and change of use of site to flexible Class B2/B8/E(g) use.

PLANNING HISTORY

The following applications are considered relevant to this case.

20/01311/CERTE - Use of land for waste paper recycling business (Sui Generis Use) comprising of the staff break out room, workshop, barn, staff car park and yard for storage of items ancillary to the primary use. - Approved -14.10.2020

20/01304/CERTE - The use of a mobile home as an independent dwelling for a period greater than 10 years. - Approved - 03.09.2020

PROCEDURAL MATTERS

EIA:

In accordance with Regulation 8 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, the Local Council is required to adopt a screening opinion as to whether the proposal constitutes 'EIA development', and therefore whether an Environmental Impact Assessment (EIA) is required as part of the above application. The proposed development falls within the column 1 description at paragraph 10 (a) (Industrial estate development projects;) of Schedule 2. However, taking into account the selection criteria in Schedule 3, it is not considered that the proposal is likely to have significant effects on the environment, and has been assessed as resulting in a localised impact. Accordingly, the proposal is NOT considered "EIA development" within the meaning of the Regulations

Publicity:

Site notice displayed on 15.11.2021 at entrance to Pitchkettle Farm; the deadline for representations expired on 06.12.2021.

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 floorspace (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

CONSTRAINTS AND DESIGNATIONS

Open countryside (outside of any defined settlement boundary)

CIL - East Kennet Valley

Public Protection Consultation Zone

Land Fill Site

Mineral Consultation Area

Oil Pipeline (MoD) Buffer (100m)

Ramblers Association - South East

Local Wildlife Sites

PLANNING POLICY

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The relevant policies of the statutory development plan for West Berkshire are listed below. These policies can be read online at www.westberks.gov.uk/planningpolicy.

West Berkshire Core Strategy 2006-2026

Policies: ADPP1, ADPP6, CS8, CS9, CS10, CS13, CS14 CS15 CS16, CS17 and CS19

West Berkshire District Local Plan 1991-2006 Saved Policies 2007

Policies: OVS.5, OVS. 6, OVS.7 and OVS.8

The following are relevant materials considerations:

- The National Planning Policy Framework (Feb 2019) (NPPF)
- The Planning Practice Guidance (PPG)
- Quality Design SPD (2006)

CONSULTATION RESPONSES

Wokefield Parish Council: Objection.

Highways Authority: I understand that the proposal is for B1, B2 and B8 use in using part or half of an existing and retained sui generis paper and recycling use. To assess the proposal, the following information should be submitted: Traffic generation including HGV's for the existing sui generis use when it occupied the whole site, the part of the site that is now subject to the planning application and the expected levels from the part of the site to be retained Traffic generation including HGV's for the proposal within the planning application site.

As of 20.01.2023:- The lane is quite narrow. I am concerned that if anyone met a large vehicle along the route, they would struggle in places to pass. I think we're looking at two reasons for refusal on highway grounds

1. Lack of information to ensure against potential increase in traffic along Goodboys Lane that is unsuitable for a significant increase in larger vehicles.
2. Lack of information on traffic levels to ensure against increasing traffic to is within an unsustainable location.

Local Lead Flood Authority: No response received.

Joint Emergency Planning: Objection: - Emergency Planning would recommend refusal on this application, unless the we're provided with satisfactory comments and answers to the points we've previously raised, as detailed below:

- o Reassurance on the total number of employees for the whole original site now and prior to the changes.
- o Site activities being undertaken
- o Building structures
- o Any emergency plans

Office For Nuclear Regulation: Objection:- I have consulted with the emergency planners 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 within the consultation timescale 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>).

Economic Development: No response received.

Tree Team: I am unclear as to the extent of the development - the extensive red line boundary is a concern. Improvements to landscaping would help screen the site. Remediation within the Root Protection Areas of trees would help maintain the health of trees offering screening and the adjacent wood. Please apply the following conditions:

Tree protection scheme (Minor)

No development (including site clearance and any other preparatory works) shall commence on site until a scheme for the protection of trees to be retained is submitted to and approved in writing by the Local Planning Authority.

Such a scheme shall include:

- o a plan showing the location and type of the protective fencing.
- o All such fencing shall be erected prior to any development works.
- o At least 2 working days notice shall be given to the Local Planning Authority that it has been erected.
- o It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority.
- o No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Note 1: The protective fencing should be as specified in the BS5837:2012 at Chapter 6 and detailed in figure 2.

Note 2: Ground Protection shall be as paragraph 6.2.3.3. of the same British Standard. A pre-commencement condition is necessary because insufficient detailed information accompanies the application; tree protection installation measures may be required to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.

Reason: Required to safeguard and to enhance its setting within the immediate locality to ensure the protection and retention of existing trees and natural features during the construction phase in accordance with the NPPF and Policies ADPP1, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

Non pre-commencement landscape condition

The development shall not be occupied until a detailed scheme of landscaping for the site has been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- o schedules of plants noting species, plant sizes and proposed numbers/densities
- o an implementation programme providing sufficient specifications to ensure successful cultivation of trees, shrub and grass establishment.

The scheme shall ensure;

- a) Completion of the approved landscape scheme within the first planting season following completion of development.
- b) Any trees shrubs or plants that die or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species.

Reason: Required 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. This is to ensure the implementation of a satisfactory scheme of landscaping in accordance with the NPPF and Policies ADPP1, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

Environmental Health: On behalf of Environmental Health I confirm that if the adjacent premises (Woodside Farm) are in residential use, or if they aren't but could easily be (if already allowed under Planning law), the current or future occupiers may be subject to noise nuisance from the proposed change of use, depending on the type of work done by new businesses at the site, some of which might potentially be much noisier than the current activities at Pinchkettle Farm. Or maybe not... If Woodside Farm is purely commercial use and is not and cannot be lawfully used for residential purposes then I have no concerns with this application.

Minerals And Waste: No response received.

Ecology:- We find no reason for refusing the application and agree with the findings from the submitted ecology report the one thing we would add is that there are records for badger in the area and these will need to be taken into account when drawing up the plans that will be needed to address the conditions listed below.

Conditions

1. LEMP (Landscape Environmental Management Plan) - including but not limited to Biodiversity enhancements and mitigation measures: The inclusion of at least 2 bat roosting features and along with the bird roosting structures (recommended in the submitted ecology report) these will need to be integrated into the structure/extension(s).

The Biodiversity enhancements and mitigation measures should clearly link up with the protected species and tree protection measures, isolux lighting plan and SuDS design and maintenance plan (these condition applications will need to be submitted at the same time), being informed by the submitted and up to date at the time documents. The plans detail's/submission are to be subject to scrutiny by the LPA. This includes the environmental enhancement measures in submitted Ecology reports. A landscaping drawing(s) with a planting list will be required as part of the LEMP.

2. CEMP (Construction Environmental Management Plan) - This will include protected species and tree protection measures and where materials storage areas are to be placed as a pre commencement condition, the plans details/submission are to be subject to scrutiny by the LPA. This includes the environmental safeguarding measures/RAMS in the submitted Ecology report. Have the materials storage areas been identified yet, if not then include in the construction method statement.

3. A condition that requires the submission of an Isolux lighting plan showing the predicted levels of lighting before external lighting can be installed, affectively removing PD rights for external lighting. Plans details/submission are to be subject to scrutiny by the LPA. This is required because the site is surrounded by trees (as shown in the inserted image below) that are likely to be important to nocturnal fauna.

4. The submission of an acceptable SuDS design and maintenance plan as a pre commencement condition (only if SuDS measures are required, and should focus on water quality as well as flood prevention).

5. A condition stating that each ecological report (with regard to the aspect that it covers) is only valid for 3 years (for bat aspects of the report these will need updating after 12 months) from when it is written, this includes relevancy as to how these documents inform other necessary related submissions, the reports details/submission is subject to scrutiny by the LPA.

PUBLIC CONSULTATION RESPONSES

Total received: 4

Object: 4

Support: 0

Ambivalent: 0

Summary of representations:

- o No Surface Water Drainage Strategy/Statement included and thus no consideration of drainage matters.
- o The application will lead to a significant increase in traffic the rural single track Lane
- o With the operation of Woodside Recycling, Goodboys lane is already busy, so any increase in traffic on this single track lane increases the risk of an accident particularly during school run time.
- o There are highway warning signs at each end of the lane which describe the Lane as unsuitable for heavy goods vehicles. This is routinely ignored by 44 tonne lorries.
- o The new building of black facia, wooden cladding and abundant amounts of tinted glass, which can clearly be seen from the road, is wholly out of character with any other building to be found in the local countryside area.
- o Object to any increase in any dangerous type of traffic in future business not yet identified but within permissions sought, without a full business plan being evaluated for each activity.
- o The new industrial palisade fence and steel gates together with the new black cabin ofdoom are not in keeping with the local area of oak, low hedges, 5 bar farm gates and redbrick and tiles.
- o Business use of this type does not contribute to the rural area or benefit local residence.
- o Harmful to ecology
- o Unsustainable location
- o Lack of services to sustain the business
- o The business is not employing local people.

PRINCIPLE OF DEVELOPMENT

ADPP1 finds that West Berkshire's main urban areas will be the focus for most development. The most intensively used developments, intensive employment generating uses, such as offices, and intensive trip generating uses, such as major mixed use, retail or leisure uses, will be located in those town centre areas where the extent and capacity of supporting infrastructure, services and facilities is the greatest.

The scale and density of development will be related to the site's current or proposed accessibility, character and surroundings. Significant intensification of residential, employment generating and other intensive uses will be avoided within areas which lack sufficient supporting infrastructure, facilities or services or where opportunities to access them by public transport, cycling and walking are limited. In the open countryside only appropriate limited development in the countryside will be allowed, focused on addressing identified needs and maintaining a strong rural economy.

The site is within the open countryside and it is unclear how this proposal addresses identified needs and maintains a strong rural economy. The site is poorly located and does not appear to have sufficient supporting infrastructure or opportunities for employees to reach the site by public transport, cycling and walking. It is considered the proposal is not compliant with the aims of policy ADPP1.

According to Policy CS9, the Council seeks to facilitate and promote the growth and forecasted change of business development in the plan period in order to retain a portfolio of sites for B8 uses in suitable locations. Proposals for industry, distribution and storage uses will be directed to the District's defined Protected Employment Areas, and existing suitably located employment sites and premises. Any proposals for such uses outside these areas/locations will be assessed by the Council against the following:

- o compatibility with uses in the area surrounding the proposals and potential impacts on those uses; and
- o capacity and impact on the road network and access by sustainable modes of transport.

The site is not within a defined Protected Employment Areas or existing suitably located employment site. The site is considered to be previously development land and the site was previously used for waste paper recycling business (Sui Generis Use). This business has moved away. The waste paper recycling business was given a certificate of lawfulness after becoming immune from enforcement. It is considered the proposal would bring additional people to a business in an unsustainable location.

It is considered the proposal is not compliant with policy CS9 due to its rural location and introduction of what appears to be intensifying of industrial uses in the open countryside.

Policy CS10 relates to the rural economy. Existing small and medium sized enterprises within the rural areas will be supported in order to provide local job opportunities and maintain the vitality of smaller rural settlements. Proposals seeking the loss of such existing sites and premises must demonstrate that the proposal does not negatively impact upon the local economy, and the vitality and viability of the surrounding rural area. It has not been demonstrated why the applicant's business needs to be in this rural location. The business was previously located in an urban area which would seem more appropriate and it is unclear the connection and contribution this business would have in this rural location. It has not been demonstrated it is imperative for the business to take place in a rural setting and has not demonstrated it make a contribution to the rural economy. It is considered that the proposal does not comply with policy CS10.

The proposal is considered not to comply with policies ADPP1, CS9 and CS10 of Core Strategy and thus proposal is not sustainable in principle.

DESIGN, CHARACTER AND APPEARANCE

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.

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.

When considering the impact of the developments impact on the character and appearance of the area it need to be taken into account that the site has been used as waste paper recycling business (Sui Generis Use) for a number of years. The applicant has cleared and tidied the site which has provided some benefit to the character and appearance of the area.

However, it is stated within the planning statement that the proposed use would give the applicant flexibility to lease other parts of the site to separate businesses. This would represent an intensification of use of the site in a rural area which is considered to cause unacceptable harm to the character and appearance of the local rural area. The previous buildings on site had an agricultural appearance to them and general blended into the rural landscape. The retrospective two modular buildings would appear alien in this rural landscape and are considered to be harmful to the character and appearance of the local area. It is considered that overall the proposal would not be acceptable in terms of location, scale and design and conflict with both CS14 and CS19 of West Berkshire Core Strategy 2006-2026.

NEIGHBOURING AMENITY

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.

The proposal is sufficient distance away from neighbouring properties so as not to give rise to amenity issues, such as overlooking, over shadowing or loss of natural light.

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 they raised concerns if the mobile home north is use as a dwelling. A certificate of lawful (20/01304/CERTE) was granted on for the mobile home to be use as a dwelling. From the site visit, it would appear the mobile home is still being used as a permanent dwelling. No noise assessment has been submitted with this application. It is considered that there is insufficient information to concluded that noise generated from the flexible Class B2/B8/E(g) use will not have a harmful impact on residential amenity. Thus, proposal is not compliant with OVS5 or OVS6 the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

HIGHWAY MATTERS

Policy CS 13 of the West Berkshire Core Strategy [2006 to 2026] on Transport states that "Development that generates a transport impact will be required to:"

- o Reduce the need to travel.
- o Improve and promote opportunities for healthy and safe travel.

- o Improve travel choice and facilitate sustainable travel particularly within, between and to main urban areas and rural service centres.
- o Demonstrate good access to key services and facilities.
- o Minimise the impact of all forms of travel on the environment and help tackle climate change.
- o Mitigate the impact on the local transport network and the strategic road network.
- o Take into account the West Berkshire Freight Route Network (FRN).
- o Prepare Transport Assessments/Statements and Travel Plans to support planning proposals in accordance with national guidance".

It is considered that the proposal fails to comply with a number of points, particularly on failing in "reducing the need to travel" due to the location of the site and failing to "minimise the impact of all forms of travel on the environment and help tackle climate change"

The Local Transport Plan for West Berkshire 2011-2026 throughout promotes sustainable development, reducing the need to travel and contributing to reducing climate change. I have however selected the following points from the plan:

Page 19 has the key Issue of "Carbon Reduction and Climate Change" by stating that "climate change is widely regarded as the most serious environmental challenge of the 21st century.

It is contended that due to the location of the site with no nearby safe bus services and very limited opportunities for other modes of sustainable travel, the proposal fails to comply with the LTP by failing to effectively reduce the need to travel and failing to contribute to reducing climate change.

There is insufficient information to demonstrate the proposal will not increase traffic in a rural location that has no pedestrian or bus routes and is linked by rural roads where at time cycling can be very difficult. The location of the site will likely increase traffic where the mode of travel can only be the private car. A lack of information to demonstrate there will not be an increase in traffic along Goodboys Lane that is unsuitable for a significant increase in larger vehicles. An increase in larger vehicle would lead to potential Highway Safety risk. Overall the proposal at this time is considered to be on an unsustainable and is therefore considered contrary to the Policy CS13 of the West Berkshire District Core Strategy 2006 to 2026 and the National Planning Policy Framework.

SUSTAINABLE CONSTRUCTION AND ENERGY EFFICIENCY

Policy CS15 relates to Sustainable Construction and Energy Efficiency. Policy CS15 finds that new non-residential development will meet the minimum standards of construction of BREEAM Excellent. It has not been demonstrated with in the proposal that to building would minimum standards of construction of BREEAM Excellent. This means the proposal is not compliant with Policy CS15 of West Berkshire Core Strategy (2006-2026).

FLOODING AND DRAINAGE

The proposed development site in located within Flood Zone 1 and is considered not to be in a Critical Drainage Area. The application form that the site area is 0.9ha. 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 were consulted but no comments were received. It is considered a drainage condition would be needed to make sure adequate sustainable drainage measures are implemented on site. With condition in place it is considered would be compliant with policy CS16 of West Berkshire Core Strategy (2006-2026).

EFFECT ON ECOLOGY AND TREES

The Trees Team and Ecology Officer have raised no objection to this application as long as conditions are applied. Thus, the proposal complies with Policy CS17 of West Berkshire Core Strategy (2006-2026).

IMPACT ON THE DPZ AND EMERGENCY PLANNING

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.

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.

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.

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.

Emergency Planning recommend refusal on this application due to the site being located within the AWE Burghfield Detailed Emergency Planning Zone (DEPZ). It has been identified by Emergency Planners that there is insufficient information with this proposal. Without this information they find 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).

Policy CS8 finds that proposals in the consultation zones will be considered in consultation with the ONR. Having regard to the scale of development proposed, its location, the 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. The ONR has objected to the proposed development. Thus, there is a conflict with policy CS8 which means the proposed development should be refused.

PLANNING BALANCE AND CONCLUSION

In conclusion, an in-depth consideration has been given to a range of planning matters and it is considered that the proposed development is not compliant with the National Planning Policy Framework (February 2019), Policies ADPP1, ADPP6, CS8, CS9, CS10, CS13, CS14, CS15, and CS19 of the West Berkshire Core Strategy (2006-2026), Policy OVS.5, and OVS. 6, of West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), and Supplementary Planning Document Quality Design (June 2006). Therefore, it is recommended that this application is refused.