

25<sup>th</sup> June 2024

**Delivered by email**

Emma Nutchey  
Planning Department  
West Berkshire Council  
Council Offices  
Market Street  
Newbury  
RG14 5LD  
FAO: Emma Nutchey

Dear Emma

**RE: LAND TO THE NORTH OF THE A4, THEALE - PLANNING APPLICATION REF 24/00145/FULMAJ**

On behalf of our client, CP Logistics UK Reading Propco Ltd, we write in response to your email dated 4<sup>th</sup> June 2024 and consultee comments received on planning application 24/00145/FULMAJ.

We refer to each of these in turn below and provide an updated document schedule at **Appendix 1**.

## **PROPOSED AMENDMENTS**

In response to consultee comments, the Applicant has proactively made a number of amendments to the proposed scheme in order to address the comments made. These comprise:

- Revised pedestrian footpath route from Hoad Way to High Street to shorten its length and join the High Street at a closer point. This has resulted in consequential amendments to the layout including the relocation of the SuDs basin, albeit it remains the same size and additional planting has also been included due to the reduction in the footpath.
- A number of changes to the species mix to reflect comments from the Council's tree officer.
- Replacement of some of the smaller proposed tree planting with two mature oak trees to reflect comments from the Council's tree officer.

The following documents have been submitted, with an updated documents list at Appendix 1 which should form the basis upon which any planning decision is made:

- Site Plan Dwg. No. 131001 Rev. P08
- Illustrative Landscape Masterplan Dwg. No. 01 Rev. E
- Soft Landscaping Plan – Dwg. No. 02 Rev. F
- Plant Schedule – Dwg. No. 03 Rev. C

The Pinnacle, 20 Tudor Road,  
Reading, RG1 1NH

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- Hard Landscaping Plan – Dwg. No. 04 Rev. E
- Landscaped Cross Section Dwg. No. 05
- Design and Access Statement Landscape Strategy Rev. F prepared by Turley
- Proposed Drainage – Dwg. No. THR-BWB-GEN-XX-DR-D-500 S8 Rev. P05
- Proposed Drainage Exceedance – Dwg. No. THR-BWB-GEN-XX-DR-D-501 S8 Rev. P02
- Proposed Earthworks - Dwg. No. THR-BWB-GEN-XX-DR-C-0631 S8 Rev. P06
- Proposed Levels - Dwg. No. THR-BWB-GEN-XX-DR-C-0603 S8 Rev. P06
- Topographical Survey dwg. no. THR-BWB-00-01-DR-G-0001 S2 Rev. P3
- Geophysical Survey Report (prepared by SUMO Survey)
- Framework Travel Plan (dated 15th April 2024), prepared by David Tucker Associates;
- Highways Technical Note (responding to consultee comments), prepared by David Tucker Associates;
- Noise Technical Note (responding to consultee comments), prepared by Tetrattech (dated 21<sup>st</sup> June 2024);
- Sustainability Statement prepared by CPW (dated April 2024);
- Great Crested Newt Reasonable Avoidance Method Statement, prepared by Middlemarch Environmental;
- BNG Letter, prepared by Middlemarch Environmental (dated 19<sup>th</sup> June 2024);
- Biodiversity Metric Assessment, (ref. RT-MME-159730-05 Rev. B);
- Biodiversity Metric Tool (Rev. B);
- Landscape Response (Planning) Note, prepared by Turley (dated 25<sup>th</sup> June 2024)
- Heritage Response Note, prepared by Turley (dated June 2024)
- LVIA Response Note, prepared by Turley (dated June 2024)
- Updated CGI Visualisations.

## ENVIRONMENTAL HEALTH COMMENTS

We note the response from the Environmental Health Officer and accept the conditions relating to land contamination, noise from plant and machinery and construction, dust, and external lighting.

Regarding odour, we request the following clarification within the condition (proposed in red):

*'Details of any commercial kitchen facilities, extraction/ventilation systems and/or odour mitigation measures proposed at the development, hereby approved, shall be submitted for approval by the local planning authority prior to commencement of development. The development shall not be occupied until the agreed extraction/ventilation systems and/or odour mitigation measures have been fully implemented. The odour mitigation measures shall be retained and maintained thereafter. If no commercial kitchen facilities, extraction/ventilation*

*systems and/or odour mitigation measures are proposed at the development, this condition does not require discharging.'*

The principal concern from the Environmental Health Officer response pertains to the operational noise at night-time for existing nearby sensitive residential receptors and the HGV noise impact on Hoad Way.

In response to these comments Tetra Tech have undertaken a change in noise assessment for the acceleration and deceleration of HGVs on Hoad Way (please refer to the separate Tetrattech note for full detail). This has been based on a 'worst case' scenario (highest trip rates) to ensure a robust assessment. This demonstrates that the change in noise will have a negligible impact in accordance with IEMA for both daytime and night.

Further an updated operational assessment has also been undertaken with the peak HGV trips rates provided by DTA transportation and found noise impacts are within the Lowest Observed Adverse Effect Level (LOAEL) i.e. unchanged from those reported in the original noise impact assessment.

The proposals are acceptable from a noise impact perspective.

## **MINERALS AND WASTE COMMENTS**

We have reviewed the comments made by the Minerals and Waste Officer to the planning application, where reference is made to compliance with Policy 9 of the Minerals and Waste Local Plan.

We do not agree with the comments made by officers.

The Minerals and Waste Local Plan at Policy 9 requires *"non-mineral development in Minerals Safeguarding Areas or affecting Minerals Safeguarded Infrastructure may be considered acceptable in the following circumstances.."*. The policy then lists 5 criteria. These criteria are separated by "or" and therefore only one criterion has to be satisfied in order to accord with the policy.

As set out in the Planning Statement, and accompanying Sand and Gravel Report, criterion e. is satisfied:

*"...e. It can be demonstrated that the underlying mineral is of no economic, or potential economic value, or that the mineral could not be extracted from the site for other valid planning reasons;..."*

The submitted Minerals Resource Assessment concludes that the resource on the site is economically and environmentally unviable due to the limited resource thickness, the high groundwater table, dewatering and slope stability issues with surrounding roads, and vehicular movements associated with the works. This is not disputed by Officers in their consultee response.

The consultation response provided by the Minerals and Waste Officer refers to criterion (g) being a relevant consideration, however given part (e) is satisfied, it is not necessary to consider any further criteria. The application complies with Policy 9.

Regarding Minerals and Waste Local Plan Policy 7 'Location of Development - Landfill and Permanent Deposit of Waste to Land' refers to the *"Permanent deposit of inert material may be permitted where it is an essential element of another beneficial and necessary development proposal."*

Levels are needed to be raised at the site which would necessitate the importation of material. The importation would comprise the importation of clean, naturally occurring material imported under a

Material Management Plan (MMP) in accordance with the Definition of Waste Code of Practice (DoWCoP) under the which is required to ensure that the importation does not detrimentally impact the site. This is not a landfilling or waste deposit activity which would require a permit. The MMP process is detailed and undertaken with written consent from the EA and Local Authority.

The application therefore complies with Policy 7.

There can be no objection to the proposed development as a result of the Minerals and Waste Local Plan.

## **ECOLOGY**

### *Great crested newt comments*

The Great Crested Newt Licence Officer requested a precautionary working method statement to mitigate potential impacts to great crested newts and their habitats prior to determination.

Please find this attached, prepared by Middlemarch dated April 2024.

### *Biodiversity Net Gain*

Please refer to the letter provided by Middlemarch (dated 19<sup>th</sup> June 2024), following a meeting between Middlemarch and the Council's Ecologist on 7<sup>th</sup> June 2024 to discuss biodiversity net gain. In summary, biodiversity net gain can be secured through the provision of a Habitat Management and Monitoring Plan secured via condition, and through an off-site biodiversity scheme secured via a S106 or planning condition.

## **TREES**

We have a number of concerns with the Council response in relation to arboriculture.

Officers have raised concern that a small number of mature standard trees (mostly Oak) were felled from an old hedge line in the centre of the field not long before applications of this type were received. As has been noted to the Council previously, these trees were felled prior to the Applicants interest in the site. No levy can be blamed at the Applicant and indeed the implication of the Applicant is indeed disappointing.

Notwithstanding the Applicant having no direct involvement with the loss of these trees, they have amended the scheme to include mature specimen' oak trees in the east field in order to work with the Council to mitigate this loss.

Regarding the comments made by the Officer in relation to Group G1, it is not clear how any objection can be made to the application on this basis. Whilst the redline boundary does not include all of the group, the proposals do not result in any loss to this group and no built development is proposed in proximity to this group. The retention of this group is shown on the submitted plans and the arboricultural reports. The reference to the loss of its automatic protection as a result of the proposals is plainly incorrect. The approval of the application would arguably increase the protection afforded to the group by virtue of any approved plans and documents requiring compliance with. No amendment is therefore necessary to the redline.

In relation to the landscaping proposals, we would note that:

- The species mix has been amended to reflect the comments made. Alder, Elder, Hazel and Birch were removed as extra-heavy standard trees and replaced with Whitebeam and Beech (alongside the retained Field Maple, Hornbeam and Oak). These trees have denser canopies to provide greater screening. Alder, Elder, Hazel and Birch were retained as Heavy Standard trees as these replicate species found on site/adjacent to the site;
- Two additional Semi-Mature Oak trees were proposed to go some way towards replicating the open grown oaks which were removed before Panettoni's interest in the site;
- The footpath has been amended to utilise the current gap in the northern boundary onto High Street;
- The SUDs basin has been moved further east to accommodate the footpath and allow for more planting to the north western corner for more screening; and
- The proposals include for 129 individual trees plus 4,276m<sup>2</sup> of native tree and shrub mix of which 50% will be trees, at 4m centres.

## LANDSCAPE AND VISUAL IMPACT

The Council consultee responses continue to maintain their concern on visual impact. It is the Applicants strong view that the Councils landscape response has considerably overplayed the landscape harm and in turn has downplayed the surrounding detracting urban context of the site. It is the Applicants view that the Landscape Capacity of the site is much greater than that posited by the Council's consultant and that in any event this 'harm' should be weighed in the overall planning balance.

For the Applicants detailed response please refer to the accompanying response notes prepared by:

- Turley Planning, dated 25<sup>th</sup> June 2024
- Turley VIA, dated June 2024
- Turley Heritage, dated June 2024

## HIGHWAYS / NATIONAL HIGHWAYS / TRANSPORT POLICY

Please see the appended note from DTA responding to the request for additional information as requested by West Berkshire Highways Authority, National Highways and Transport Policy.

VISSIM modelling has been instructed and the results of this will be submitted as soon as possible.

In response to the comment regarding the proposed footpath connection to the High Street and the resulting safety concerns, the footpath has been revised to join the High Street at a closer point, shortening its length. As such, I also attach an updated Site Plan, landscaping plans and drainage plans for consistency. These are listed in the updated document list at **Appendix 1**.

## SUDS CONDITION

We note the response from the SUDS Officer and the suggested pre-occupation condition. Regarding criteria e) which states:

*"e) Include written confirmation from Thames Water of their acceptance of the discharge from the site into the surface water sewer and confirmation that the downstream sewer network has the capacity to take this flow."*

Should this condition be imposed on any planning permission granted, we request this criterion is omitted. Thames Water have their own review process to confirm and provide the necessary network

capacity to accommodate new development, therefore the planning process should not seek to duplicate this. This also relies on third party involvement that may result in delays out of the Applicant's control. This can be included on any permission granted more appropriately as an informative if considered necessary.

Regarding criteria g) which states:

*“g) Include 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 immediately following construction to be approved by the Local Planning Authority. This Report shall include plans and details of all 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.”*

We request the condition be updated to omit the requirement for the verification report to be approved by the LPA in order to discharge the condition. At the point at which this report is undertaken the development will have reached PC stage. The requirement to await the approval of this report will cause significant delays to the occupation of the site.

## **ARCHAEOLOGY**

We have submitted the updated Geophysical Survey Report (prepared by SUMO Survey), as requested by the Archaeological Officer.

Following correspondence between our Archaeologist and the Councils Archaeology Officer, a proposed amendment to the suggested condition is under discussion.

With regard to the comments relating to the assumption made in the Heritage Statement that there are no non-designated heritage assets in the vicinity of the site, our Heritage consultant has commented that the Council have a Local List of formally recognised non-designated heritage assets (none of which are affected by the proposed development), and no further potential non-designated heritage assets were identified during pre-app discussions or in the determination of prior applications for the Site.

In that context, the Heritage Statement has correctly scoped the built heritage assets requiring assessment for the purposes of a proportionate impact assessment, and there has been no prior suggestion to the contrary in Council decision-making.

## **OTHER MATTERS**

We attach an updated Sustainability Statement (dated April 2024) with an amended provision of photovoltaic panels proposed on the units. The conclusions remain as submitted with the application, and the example unit used in the pre-BREEAM assessment achieves a score in excess of 70% which translates into an overall BREEAM rating of 'Excellent'.

As requested, site sections and a topographical survey are also submitted.

## SUMMARY AND PLANNING BALANCE

It remains the Applicants view that the proposals are compliant with Policy CS9 'Location and Type of Business Development' which notes that proposals for such a use in this location will be assessed against two criteria, which are set out below.

- "Compatibility with uses in the area surrounding the proposals and potential impacts on those uses" ; and
- "Capacity and impact on the road network and access by sustainable modes of transport"

This is set out within the Planning Statement and has been reinforced by this response.

However notwithstanding this position, it is the Applicants view that any adverse effects need to be balanced against the other benefits of the proposals as part of the planning balance, which the Applicant has undertaken within the Planning Statement submitted in support of the planning application.

The Council is also under a duty to undertake this balance as part of the decision-making process. At present we have seen no consideration given to the benefits of the proposed development, nor have we seen the economic development officer's response despite this being requested.

We would remind the Council of the following benefits of the proposals to be weighed in the planning balance:

- Employment need - The Council has explicitly acknowledged that the allocations proposed in its emerging Local Plan Review will not meet needs in full. There is therefore a substantial unmet need of employment space within the Borough. This need was found to have grown in the Council's latest update to its evidence base. The unmet employment need is a material consideration of very significant weight in the decision-making process.
- Local investment during both the construction and operation phase as set out in the supporting Economic Benefits Assessment to the planning application. During the operational phase the development will deliver 150 jobs supporting on site (comprising 100 net direct jobs and 50 net indirect / induced jobs), a £11.8 million productivity boost and £500,000 per annum of business rates. The economic benefit should be given significant weight.
- The prime location of the site and accessibility by public transport means it is a genuine opportunity to provide employment to a local workforce and contribute to the local economy. Further the lack of suitable alternatives for employment floorspace within West Berkshire (as evidenced by the substantial shortfall in proposed allocations in the emerging local plan) means focus should be given on prime location sites such as the proposed development. This should be afforded significant weight.

The Applicant submits that the substantial benefits of the proposals clearly outweigh the harm to landscape and visual impact and the less than substantial heritage harm from the proposed development to justify a grant of planning permission.

We would invite the Council to come to the same conclusion.

Should you require any further information or clarification, please do not hesitate to contact either myself, Taylor Cherrett or Sara Dutfield.

Yours sincerely

A handwritten signature in black ink that reads "kbarnes". The signature is written in a cursive, lowercase style and is underlined with a single horizontal stroke.

Karen Barnes  
**Senior Planner**

[Karen.barnes@turley.co.uk](mailto:Karen.barnes@turley.co.uk)



## Appendix 1: Document Schedule

- Planning Application Forms and Certificates of Ownership, prepared by Turley

### Drawings

- Site Location Plan – Dwg No: 131000 Rev. P2
- Site Plan - Dwg No: 131001 Rev. P8
- Warehouse Layout Unit 1 and Unit 2 – Dwg. No. 131100 Rev. P6
- Unit 1 Office Layout – Dwg No: 131101 Rev. P6
- Unit 2 Office Layout - Dwg No: 131102 Rev. P6
- Roof Plan – Dwg No: 131103 Rev. P4
- Sections – Dwg. No. 131200 Rev. P2
- Elevations – Dwg. No. 131300 Rev. P8
- GIA Plans – Dwg. No. 920100 Rev. P4
- GEA Plans - Dwg. No. 920101 Rev. P2
- Illustrative Landscape Masterplan – Dwg. No. 01 Rev. E
- Soft Landscaping Plan – Dwg. No. 02 Rev. F
- Plant Schedule – Dwg. No. 03 Rev. C
- Hard Landscaping Plan – Dwg. No. 04 Rev. E
- Proposed Drainage – Dwg. No. THR-BWB-GEN-XX-DR-D-500 S8 Rev. P05
- Proposed Drainage Exceedance – Dwg. No. THR-BWB-GEN-XX-DR-D-501 S8 Rev. P02
- Proposed Earthworks - Dwg. No. THR-BWB-GEN-XX-DR-C-0631 S8 Rev. P06
- Proposed Levels - Dwg. No. THR-BWB-GEN-XX-DR-C-0603 S8 Rev. P06
- Drainage Details - Dwg. No. THR-BWB-GEN-XX-DR-C-0560 S8 Rev. P03
- Drainage Details Sheet 2 - Dwg. No. THR-BWB-GEN-XX-DR-C-0561 S8 Rev. P04
- Topographical Survey dwg. no. THR-BWB-00-01-DR-G-0001 S2 Rev. P3

### Reports and Supporting Documentation

- Design and Access Statement prepared by SGP;

- Design and Access Statement Landscape Strategy prepared by Turley;
- Flood Risk Sequential Assessment, prepared by Turley
- Transport Statement prepared by David Tucker Associates;
- Framework Travel Plan (dated 15<sup>th</sup> April 2024), prepared by David Tucker Associates;
- Technical Note (responding to consultee comments), prepared by David Tucker Associates (Rev B);
- Employment Land Assessment, prepared by Turley;
- Economic Benefits Summary Statement, prepared by Turley;
- Air Quality Assessment, prepared by Tetra Tech;
- Noise Assessment, prepared by Tetra Tech;
- Noise Technical Note (responding to consultee comments), prepared by Tetrattech (dated 21st June 2024);
- Landscape and Visual Assessment, prepared by Turley;
- Heritage Statement prepared by Turley;
- Sustainability Statement prepared by CPW (dated April 2024);
- Supporting Ecological Information
  - Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment prepared by Middlemarch Environmental (2019);
  - Dusk Emergence and Dawn Re-entry Bat surveys, Badger Survey, Reptile Survey prepared by Middlemarch Environmental;
  - Walkover Survey prepared by Middlemarch Environmental (to confirm the result of previous ecological work or make recommendations) (2021)
  - Ecological Walkover Survey (2023)
  - Biodiversity Metric Assessment; prepared by Middlemarch Environmental (2024);
  - BNG Letter, prepared by Middlemarch Environmental (dated 19th June 2024);
  - Biodiversity Metric Tool (Rev. B);
- Preliminary Arboricultural Assessment and Arboricultural Impact Assessment, prepared by Middlemarch Environmental;
- Great Crested Newt Reasonable Avoidance Method Statement, prepared by Middlemarch Environmental;

- Flood Risk Assessment, prepared by BWB Consulting;
- Sustainable Drainage Statement, prepared by BWB Consulting
- Sand and Gravel Recovery Report prepared by BWB;
- Phase 1 and 2 Geo-environmental Assessment prepared by BWB Consulting;
- Archaeology Desk-based Assessment, prepared by TVAS;
- Written Scheme of Investigation, prepared by University of Winchester Geoarchaeology;
- Geophysical Survey Report, prepared by SUMO Survey.
- Landscape Response (Planning) Note, prepared by Turley (dated 25th June 2024)
- Heritage Response Note, prepared by Turley (dated June 2024)
- LVIA Response Note, prepared by Turley (dated June 2024)
- Updated CGI Visualisations.