

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)**  
**APPEAL BY T A FISHER & SONS LTD**

Appeal 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

For

Full planning permission for the erection of 32 dwellings  
including affordable housing, parking and landscaping. Access  
via Regis Manor Road

West Berkshire Council application reference 22/00244/FULEXT

APPEAL REFERENCE **TBC**

**STATEMENT OF COMMON GROUND**

Between

T A Fisher & Sons Ltd (the Appellant)

And

West Berkshire Council (the Local Planning Authority)

November 2022

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APPENDICES

Appendix A – Statement of Common Ground Draft Planning Conditions

**Declaration**

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

Signed on behalf of Appellant	Signed on behalf of Local Planning Authority
Date XX	Date

## 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 is not disputed by either party. It also identifies those matters on which there is agreement and the matters on which there is currently no agreement between the Appellant and the LPA.

1.3 The Appeal Application was validated by the Council on 3 February 2022. It was a Full Planning Application with the following description:

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

1.4 The application was refused on 1 June 2022 under delegated powers. The Council's reasons for refusal are set out in full below:

*1. The applicant has failed to complete and enter into a S106 obligation under the 1990 Act, which would secure and ensure the delivery of the required 40% affordable housing (13 affordable dwellings of which 70% i.e. 9 units should be for social rent) on the application site as required under policy HSAPD of 2017 and under policy CS6 in the West Berkshire Core Strategy of 2006 to 2026. Given the existing high need for affordable housing across the District, the application is accordingly unacceptable, and is contrary to and non-compliant with the above mentioned policies in respect of the necessary affordable housing requirements.*

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

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

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

*The proposal is accordingly unacceptable.*

*3. The proposed development by virtue of its size and siting, would result in the direct loss of trees subject of TPO 201/21/0989. The loss of the trees is unacceptable especially as the proposal has not sought to minimise the impact on the existing TPO trees and also does not allow sufficient space on site to replace the trees that would be lost and this would have an adverse impact on the amenity and character of the area in which it is located.*

*The proposal is therefore contrary to policies ADPP1, CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006 – 2026 (adopted 2012) and advice contained within the NPPF.*

- 1.5 The Appellant and LPA agree that the Hearing procedure is suitable for determining this appeal.
- 1.6 A Core Document List/Library will accompany the appeal and will be drawn up by the Appellant in consultation with the LPA.

## 2.0 Description of the Site and Surrounds

2.1 A description of the site and surrounds is included in Section 2 of the Appellant's Statement of Case.

### 3.0 Appeal Proposals

- 3.1 The proposals seek Full Planning Permission for a development of 32 dwellings as part of an allocated site within the adopted Housing Site Allocations Development Plan Document (HSADPD) (adopted May 2017) under policy HSA16, including access, associated parking, landscaping and public open space.
- 3.2 The development will comprise of a mixture of dwelling types and sizes to meet local needs and is designed to respond positively to the existing scale and character of the site and surrounding residential development.
- 3.3 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.
- 3.5 The proposals include a large area of open green space and a 15-metre buffer to ancient woodland along the site's northern boundary. Attractive hard and soft landscaping will be employed across the site. Native tree, hedge and shrub planting will be undertaken to create an attractive landscape and existing vegetation will be retained and enhanced where possible.
- 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. A private pumping station will be installed to facilitate the foul drainage from the site.

## 4.0 Planning Conditions

- 4.1 A Schedule of draft planning conditions and their reasons is provided at Appendix A. This includes a list of the agreed plans and drawings.

## 5.0 Section 106 Obligations and CIL

- 5.1 A Schedule of Heads of Terms is provided at Appendix S of the Statement of Case. A Bespoke Emergency Action Plan is also provided as part of Appendix S.
- 5.2 The Appellant and the Council will prepare a draft legal agreement that secures these Heads of Terms in the event that the appeal is allowed.
- 5.3 The Council has an adopted CIL Levy, implemented on 1 April 2015. The Charging Schedule sets out that CIL will be charged on residential (C3 and C4) 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 (even if it is less than 100 square metres).
- 5.4 The charging Schedule (adopted in March 2014) identifies that residential development in the East Kennet Valley area attracts a CIL rate per square metre of £125, however the latest indexation rates for 2022 increase this to £162.11 per square metre.

## 6.0 Matters Agreed – Unrelated to the Reasons for Refusal

6.1 The delegated Officer Report provides a comprehensive assessment of the appeal proposals. The salient points of the Report which considers matters agreed upon are set out below.

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

6.2 The Officer Report notes that 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.

### **Principle of Development**

6.3 In principle, the site benefits from being allocated as part of the HSA16 policies of the HSADPD (2017) for approximately 60 dwellings. The site is also within the settlement boundary of Burghfield Common, a village identified for housing growth within the Core Strategy (2012) under policies ADPP1 and ADPP6. HSADPD policy CS1 outlines that new homes will be developed on land allocated for residential development in development plan documents.

6.4 It is common ground that the appeal proposals are part of an allocated site that would contribute to the Council's target of delivering 10,500 net additional dwellings over the plan period and would assist the Council in achieving its 5-year housing delivery objectives.

6.5 The Officer Report identifies that *"in principle [all other technical matters being satisfactory] the scheme in question is in theory at least acceptable"* and that whilst a single application should have come forwards for the allocation of all 60 dwellings across this allocated site, *"it is not considered that non-compliance with the single application requirement of Policy GS1 justifies in itself a reason for refusal"*.

### **Design, Character and Layout**

6.6 It is common ground that the development will result in a permanent change to the landscape character of the area, which is noted as being semi-rural and that the development would make efficient use of an allocated greenfield site in a sustainable location.

6.7 The site is constrained physically by existing vegetation, ancient woodland and surrounding residential development, alongside changing levels across the site.

6.8 These features are recognised in the Officer Report, which considers that *“given the difficult physical site constraints, namely the relative proximity of surrounding housing, the steeply sloping site to the north and the presence of protected trees and ancient woodland, the applicant has successfully managed to incorporate a layout which succeeds in providing the full 32 dwellings balance from the 60 units allocation without compromising to an unacceptable degree most of the constraints identified”*.

6.9 Further, the Officer Report highlights that the design of the housing is traditional and well-conceived with a *“pleasant variety of traditional architecture, promoted by a well known and respected mid range house builder”*, whereby *“the choice of external facing materials is also accepted and would have been conditioned if the application had been progressing to an approval”*, concluding that *“no reason for refusal will correspond to this factor”*.

### **Neighbouring Amenity**

6.10 It is common ground that the development of the site will result in a change to the outlook of surrounding residential development and will alter the character of the area.

6.11 However, in respect of the dwellings and their surrounding residential neighbours, the Officer Report considers that these relationships are *“not considered to be materially harmful to amenity”* and that whilst there may be a degree of impact, *“it will not be harmful in the view of the case officer”*.

6.12 The Officer Report identifies that some of the rear garden lengths do not meet the normal minimum distance of 10.5 metres but recognises that this is because space is set aside to respect protected trees in the vicinity and to ensure no overbearing or overlooking issues arise. As such, the Officer Report concludes that *“no reason for refusal will correspond to any unacceptable impact on local residential amenity”*.

### **Highway Matters**

6.13 It is common ground that the development would result in an increase in traffic flows and an increase on users of the local road network.

6.14 However, the Officer Report identifies that the Council Highways Officer is content that given the relatively sustainable location of the site and good road layout around, it will not have a severe impact on the network and so the application is accepted on this basis. No objections

arise in terms of internal layout, parking provisions and site permeability, following the submission of amended plans to improve connectivity on the site for future occupants.

- 6.15 Overall, the Highways Officer concluded the new housing *“has good access to key services and facilities, will not be harmful to the local road network and will have sufficient parking on site and an acceptable internal layout”*, therefore no objections are raised.

## 7.0 Matters Agreed – Related to the Reasons for Refusal

7.1 The following matters agreed which relate to the reasons for refusal are discussed below.

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

7.2 It is common ground that the appeal proposals seek to incorporate an appropriate mix of housing types and tenures across the development and to integrate the affordable units into the development by distributing them throughout. They have been designed to be no different externally from the open market housing.

7.3 Reason for refusal one 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.

7.4 The Officer Report identifies 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.

7.5 The Appellant is happy to enter into an agreement with the Council to secure and ensure the delivery of the requisite affordable housing provisions for the development.

7.6 An agreement, once entered into, would therefore mitigate this reason for refusal.

### **Reason for Refusal 3 – Impact on Trees**

7.7 It is common ground that, from discussions held with the Council's Planning Officer, the impact of the development on trees subject to a Tree Protection Order (TPO) within the site can be overcome.

7.8 It is noted that the Officer Report considers the scheme adversely impacts and harms trees subject to a TPO within the site and that protected trees will be felled to allow for the development to proceed, contrary to policy CS17 of the Core Strategy (2012). The Report states that *"the applicant has failed to explore alternative layouts that would either avoid and/or minimise the impact on TPO trees and also allow sufficient space for commensurate replacement, by potentially considering a less intensive layout"*.

7.9 The Appellant disagrees with this assumption. The Appellant's position is that the presence and location of the trees was known to the Council at the time the site was allocated for

housing development. The layout of the development has been carefully designed to make efficient use of the land available, including the physical constraints, such as the gradient of the land posed by the site. The layout results in the minimal loss of five trees from group 80 as there is no other way to accommodate the development in an efficient manner which would enable them to be retained. The proposed layout also allows for connection to Regis Manor Road, taking account of the topography of the site. The development is proposed to follow the landform without the need for significant cut/fill exercises being undertaken.

- 7.10 To overcome the loss of the TPO trees to facilitate the development, the Appellant proposes that new woodland planting be undertaken in the retained sections and around the POS area to significantly bolster the woodland cover and so enhance the amenity the TPO seeks to protect.
- 7.11 It is therefore agreed that 30 new specimen trees are proposed to replace the five protected trees to be lost from Group 80. These 30 new trees will have ample space to develop and will more than compensate for the loss of the five protected trees.
- 7.12 The appeal proposals also seek to implement a development-wide landscaping plan which includes native species planting to enhance biodiversity, geodiversity and wildlife connections across the site and beyond.
- 7.13 The Appellant asserts that the development is wholly located outside of the 15m buffer zone to Ancient Woodland along the site's northern boundary. The Officer Report recognises the submitted layout has respected the required minimum 15m buffer strip to the ancient woodland and as such the Appellant is satisfied the development will preserve the Ancient Woodland in line with the National Planning Policy Framework (NPPF) 2021 and will provide appropriate buffers to the remaining TPO woodland.
- 7.14 Additional evidence prepared by Keen Consultants is submitted with the appeal documents to address and overcome this reason for refusal.

## 8.0 Matters Not Currently Agreed Between the Parties

8.1 This section discusses the matters which are not currently agreed between the parties.

### **Reason for Refusal 2 – Development within the Detailed Emergency Planning Zone of AWE Burghfield**

- 8.2 Firstly, it is not common ground that the appeal proposals would compromise future public safety if the development were to proceed. Secondly, it is not common ground that the development could cause potential harm to the capability and capacity of AWE Burghfield to operate effectively. Thirdly, it is not common ground that these issues present clear material planning considerations which result in the appeal proposals being unacceptable, despite the site being allocated for residential development.
- 8.3 The Officer Report notes that the site lies within the inner DEPZ for AWE Burghfield, where *“any increase in the density of population which would arise, which has not been allowed for within the Council Emergency Plan for any potential future incidents at the site which might harm public health, will not be acceptable”*.
- 8.4 Further, the Officer Report considers that *“the introduction of an additional 32 dwellings with perhaps up to 75 additional residents has this potential to compromise that future defence capacity and capability [of AWE Burghfield]”*.
- 8.5 The Officer Report sets out that the Council is intending to de-allocate the application site under the Regulation 19 submission of the forthcoming Local Plan Review.
- 8.6 It is understood that when the HSADPD was prepared by the LPA, the proposed level of housing on the allocated sites was consulted upon and the Council’s Emergency Planners at the time (pre 2017) allowed for the 60 units under policy HSA16. However, in 2019, revisions to the Radiation (Emergency Preparedness and Public Information) Regulations (REPPiR) saw the DEPZ extended to include the site.
- 8.7 We understand that between the allocation of the site and the submission of the Appellants application, the REPPiR Regulations 2019 were revised and the site moved into the ‘Inner Zone’ around AWE Burghfield. A decision was taken by the Emergency Planners to exclude the site’s remaining 32 units given no planning permission existed at the time, even though it was part of an allocated site within the adopted HSADPD for 60 units in total.

- 8.8 From pre-application discussions held with the Council in October 2022, it was established that the Emergency Planners confirmed a ‘line in the sand’ had to be drawn as to which sites were included and that this came down to a personal interpretation of the requirements of the Emergency Plan, rather than there being any specific wording within the legislation or other guidance identifying which sites were to be included and those to be excluded. The Appellant considers this approach to be completely arbitrary and that in making a judgement based on personal interpretation rather than facts, the Council has erred in its approach to preparing the Emergency Plan by failing to make allowance for the balance of an allocated site on which their required housing land supply is in part based.
- 8.9 The Appellant considers that there is no difference in Emergency Plan terms between an allocated site for residential development and a site with outline planning permission for residential development. Both commit to the delivery of residential dwellings and both require the submission of additional information for them to be progressed to facilitate development (i.e. in the case of an allocated site, a full planning application is necessary, whilst in the case of a site with outline planning permission, the submission of a reserved matters application is necessary<sup>1</sup>).
- 8.10 It is understood following a Pre-Application meeting with the Council’s Emergency Planning Officer present that the Emergency Plan does not, and is not, able to cater for every person in the zone, since assumptions over the population density and the ability to self-evacuate have been made. There is also no quantifiable data on how many residents in the same zone as the application site would need to rely on emergency services for assistance and the Plan makes no provisions for population increases within zones through births or household changes. The Emergency Planner confirmed during pre-application discussions that the Plan is currently out of date and is in the process of being updated, but that it is not capable of being altered to accommodate the allocated site, or any additional development in the DEPZ.
- 8.11 This begs the questions whether the current Emergency Plan is fit for purpose if it is allegedly unable to cope with any additional residential development and any additions to the population density of the area.

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<sup>1</sup> As was the case with application 16/01685/OUTMAJ.

- 8.12 The site has been confirmed by the Emergency Planners as falling outside of the 'urgent evacuation zone' of AWE Burghfield, which is 600 metres from the boundary of AWE Burghfield.
- 8.13 From research prepared in connection with a Public Inquiry appeal for land west of Kingfisher Grove<sup>2</sup> in November 2022, it is understood from specialist evidence provided to the Inspector that there is a very low probability of an incident occurring at either of the AWE sites which would result in the release of radioactive particles that would become a risk to life (a one in a billion chance) and that the potential impact of any release to human health is equally low where adequate shelter is provided. The specialist evidence provided stated that once a plume of radioactive particles has passed, the risk to health is removed and the likelihood on ongoing health impacts is low.
- 8.14 It is agreed that the AWE Burghfield site does not represent a great risk to health or life for those living in or near the proposed development site and that the potential impact of inhalation of radioactive material is minimal, with risk only occurring whilst the plume passes over and only to those unable to shelter in time. Those sheltering in residential dwellings avert 40% of the inhalation dose.
- 8.15 Public Health England guidance states that evacuation is needed for all vulnerable people for a radioactive dose of 30+. The DEPZ assess radioactive doses of 7.5. The Consequences Report identifies that the only urgent recommendation in the event of an incident occurring is to shelter.
- 8.16 It is agreed that weather conditions and wind direction can also affect the direction of the plume and dispersal of radioactive material. The wind is noted to blow towards the appeal site from AWE Burghfield less than 3% of the time and in the relevant low windspeed range for less than 1% of the time. At worst case, with wind blowing towards the appeal site in an F2 weather condition (which typically only occurs on a cold winters night where most residents will likely be indoors with windows shut) the projected doses at the site would reach 11.3mSv. This level of exposure marginally greater than that of a whole-body CT scan (typically delivering 10mSV), whilst the average annual radon does to a resident of Cornwall is 7.8mSv. The figure of 11.3mSV dose estimate is at the very low end and therefore the

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<sup>2</sup> Appeal ref. APP/X0360/W/22/3304042.

radiation dose that could occur in the event of a major incident at AWE Burghfield is within the range commonly experienced by members of the public in their everyday life.

- 8.17 It is therefore agreed that the risk of harm from the AWE Burghfield site to people living at the proposed development site has been estimated as  $2 \times 10^{-10}$  per year, equivalent to about 1 in 5,000 million years.
- 8.18 As part of the Public Inquiry appeal, a letter sent by AWE to the LPA identifies discusses that the purpose of the DEPZ is to set an area where a proportionate set of actions could be put in place if an incident occurred. Its purpose is not to be a no build zone, but be a preparedness zone. This conflicts with the Council's position discussed during pre-application discussions, where it was confirmed that the Council's Planning Policy Officer's consider there is now a 'moratorium' on new development in the DEPZ, despite a different stance being taken by other Council's, such as Basingstoke and Deane Borough Council and the Secretary of State on development within the DEPZ, where new development in the expanded DEPZ has been allowed past 2019.
- 8.19 The Appellant proposes a bespoke Emergency Action Plan (EAP) for the development where the developer would have an obligation in perpetuity to provide alternative accommodation to residents, if necessary, until the development was deemed safe for re-occupation by local authorities and emergency workers. A draft EAP is included with the appeal documents. The Appellant is also happy to accept a condition requiring each dwelling to have a landline telephone installed to receive emergency alerts.
- 8.20 Evidence to demonstrate that the additional population arising from this development would not compromise public safety in the event of an incident at AWE has been prepared by Dr Keith Pearce (Katmal Limited) and is submitted in support of this appeal.
- 8.21 It is agreed that the development itself would not have an adverse impact upon the nation's security by constraining the operations of AWE Burghfield and that the Council and AWE has provided no evidence that development has reached the point at which the emergency plan is inadequate, nor that the ONR advised that it has notified the Council of its dissatisfaction with the emergency plan, or required the Council to address any inadequacies with the plan.
- 8.22 Occupants of the development would be capable of sheltering in their own homes until they are told by local authority and other officials that it is safe for them to leave. It is agreed that the number of inhabitants of the DEPZ will not put an overwhelming strain on the resources

of the off-site plan, either for warning and informing or for providing medical and quality of life support to those in an area subject to shelter advice.

- 8.23 It is agreed the off-site emergency plan alerts residents of the DEPZ of an incident by landline phone in the first instance, with radio, TV and social media posts providing updates.
- 8.24 It is also agreed that 32 additional households is a relatively small increase to the current system and advice to shelter, which applies to around 7,000 households. The increase will therefore not burden the altering system which goes out via a pre-recorded single message to all registered landlines in the DEPZ, nor will it interfere with the emergency services ability to provide support to the site in an emergency or overwhelmingly impact on blue light/emergency services.
- 8.25 Finally, it is agreed that shelter is deemed to be a simple protective action and is reasonably effective if achieved in a timely manner. Residents would have around 10 minutes to shelter from receiving notification. It is estimated that there will be an average of 25 minutes from the initiation of the event until the leading edge of the plume travels to the minimum distance recommended for urgent action.
- 8.26 It is therefore the Appellant's position that the development will not harm the capability and capacity of AWE Burghfield to operate effectively, nor will it pose a threat to the ability of blue light services and emergency workers to respond in the very unlikely event of an incident at AWE Burghfield.

## Appendix A – Statement of Common Ground Draft Planning Conditions

### Statement of Common Ground - Draft Planning Conditions

Notwithstanding the Local Planning Authority's case, should the Inspector be minded to allow the appeal, the following conditions are recommended and have been agreed with the Appellant.

1. 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. 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. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the glossary of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include the numbers, type, tenure and location on the site of the affordable housing provisions to be made.

Reason: To ensure the provision of affordable housing in accordance with the National Planning Policy Framework and policies CS4 and CS6 of the West Berkshire Core Strategy 2006-2026.

4. The development shall not be occupied until the Site-Specific Emergency Action Plan prepared by Pro Vision (November 2022) tailored to the development has been submitted to and approved in writing by the Local Planning Authority. The Emergency Plan provides policies and procedures for the preparedness and response to an incident at AWE Burghfield. Thereafter, the development shall not be occupied without the implementation of the approved Emergency Plan, or an approved revision with has been submitted to the Local Planning Authority it writing.

The Plan shall be kept up to date and relevant to the development at all times. An amended version of the Plan may be submitted to the Local Planning Authority for approval pursuant to this condition. The Local Planning Authority may at any time require the amendment of the Plan by giving notice pursuant to this condition; in which case the amended plan shall be submitted to the Local Planning Authority for approval within two months of notice being given.

Reason: The approval and implementation of a site-specific Emergency Plan is necessary to mitigate the residual risk posed to public safety by the clos proximity of AWE Burghfield, to ensure appropriate preparedness and response in the event of an incident at AWE, and to ensure that the development does not adversely affect the AWE Off-Site Emergency Response Plan. This condition is applied in accordance with the National Planning Policy Framework and Policy CS8 of the West Berkshire Core Strategy 2006-2026.

5. 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.

6. The development shall be landscaped strictly in accordance with the approved details in the first planting seasons after completion or first occupation of the development, whichever is sooner.

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority. Unless required by a separate landscape management condition, all soft landscaping shall have a written five year

maintenance programme following planting. Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced.

Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details.

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.

7. Keen Consultants (or another qualified project arboriculturalist approved in writing by the Local Planning Authority) shall be retained throughout the construction phase of the development. Arboricultural supervision shall take place in accordance with the approved Arboricultural Survey and Impact Assessment, Tree Protection Plan and Tree Constraints Plan.

Reason: To secure arboricultural supervision in order to protect existing trees proposed for retention throughout the construction phase. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS18 of the West Berkshire Core Strategy (2006-2026).

8. No construction of the dwellings beyond slab level shall take place until samples, and an accompanying schedule, of the materials to be used in the construction of the external surfaces of the development hereby permitted, 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 materials.

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).

9. 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 extensions, alterations, buildings or other development which would otherwise be permitted by Schedule 2, Part 1, Classes A, B, C, D and E of that Order shall be carried out, without planning permission being granted by the Local Planning Authority on an application made for that purpose.

Reason: To prevent the overdevelopment of the site and in the interests of respecting the character and appearance of the surrounding 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), Quality Design SPD (June 2006).

10. 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: To prevent the erection of such development which may have an adverse impact on 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), Quality Design SPD (June 2006).

11. 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.

12. 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).

13. 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).

14. 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.

15. No development shall take place until details of site access for use during all construction activities has been submitted to and approved in writing by the Local Planning Authority. The details shall include:

(a) A plan showing the layout, surfacing arrangements, visibility splays, and any adjoining gates and means of enclosure;

(b) Details of any banksman arrangements;

(c) Details of wheel washing facilities and procedures.

Thereafter (unless otherwise agreed in writing by the Local Planning Authority) no construction activities other than those directly related and necessary to construct the access shall take place until the construction of the access has been completed in accordance with the approved details. The access shall be maintained in their approved condition, and any banksman and wheel washing arrangements shall be implemented, at all times during construction activities. Visibility splays shall be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level at all times.

Reason: To ensure that safe access arrangements are provided and maintained during all construction activities, in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS13 of the West Berkshire Core Strategy 2006-2026.

16. Should any unforeseen land contamination be found during the development all relevant works shall cease and details of the contamination and the mitigation measures required, including timescales, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the mitigation measures shall be provided in accordance with the approved details prior to the first occupation of the relevant dwelling(s).

Details of compliance with the mitigation shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the relevant dwelling(s). Should any land contamination not be found during development confirmation of this shall be submitted to the Local Planning Authority upon completion of the construction of the dwellings hereby permitted.

Reason: To protect the amenity of future occupants in accordance with the National Planning Policy Framework, policy CS14 of the West Berkshire Core Strategy 2006-2026, and policies OVS.6, OVS.7 and OVS.8 of the West Berkshire District Local Plan Saved Policies 2007.

17. 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.

18. Prior to the commencement of the development, a scheme detailing the phasing of the construction of the development and an indicative programme for the development of the entire site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved, unless otherwise agreed in writing by the Local Planning Authority.

Reason: The interests of the proper planning of the development. Such details are fundamental to the application and therefore required prior to its commencement.