

# Statement of Common Ground

**Appeal Reference:** APP/W0340/W/25/3360702

**LPA Reference:** 24/00145/FULMAJ

**Appellant:** CP Logistics UK Reading Propco Ltd.

**Council:** West Berkshire Council

**Site address:** Land bounded by Hoad Way and M4 and High Street, Theale

**Description of development:** *“Full planning application for the construction of 2 employment units for flexible uses within Class E (light industrial), B2 and/or B8 of the Use Classes Order (including ancillary office provision) with associated enabling works, access from Hoad Way, parking and landscaping.”*

**Date:** 13<sup>th</sup> May 2025

**Turley**

# Contents

1.	Introduction and background	1
2.	The appeal site and surroundings	4
3.	The Application Material	9
4.	The proposed development	13
5.	Relevant planning policy	16
6.	Matters not in dispute	21
7.	Matters in dispute	26
8.	Declaration	27

# 1. Introduction and background

- 1.1 This Statement of Common Ground ('SoCG') sets out those matters upon which West Berkshire Council (the 'Council') and CP Logistics UK Reading Propco Ltd. (the 'Appellant') have common ground and identified those areas where disagreement lies in respect of appeal ref: **APP/W0340/W/25/3360702**.

## Background to the appeal

- 1.2 A full planning application was submitted to the Council on the 24<sup>th</sup> January 2024 with the following description of development:

*"Full planning application for the construction of 2 employment units for flexible uses within Class E (light industrial), B2 and/or B8 of the Use Classes Order (including ancillary office provision) with associated enabling works, access from Hoad Way, parking and landscaping."*

- 1.3 The planning application was validated on 14<sup>th</sup> February 2024 and was accompanied by a full suite of technical assessments and plans.

- 1.4 The Council refused outline planning permission on 28<sup>th</sup> August 2024 under delegated powers. The reasons for refusal are listed on the decision notice dated the same and are as follows:

*"1. The application site comprises some 5.4 hectares of greenfield land outside of, but adjacent in part, to the settlement of Theale, a Rural Service Centre. Policy ADPP1 of the West Berkshire Core Strategy 2006-2026, states that within the countryside only appropriate limited development will be allowed focusing on addressing identified needs and maintaining a strong rural economy. The proposed development does not specifically support the rural economy nor is it limited in scale. The supply of employment sites across the district for the next 10 years will be successfully managed through the Local Plan Review with a commitment from the Council to revisit this to ensure adequate longer term delivery up to 2041. As such the short term needs for commercial space are adequately met and there is no immediate need for sites.*

*The significant scale of the use and built form is far from limited and is not considered to be compatible with the nearby residential uses. Policy CS9 of the West Berkshire Core Strategy seeks to ensure that uses are compatible. The proposal introduces a large scale commercial use immediately adjacent to an otherwise predominantly residential area with associated amenities. The existing pattern of uses in the surrounding area maintains a greater separation and distinction between the residential settlement of Theale and the commercial area to the south, which would be eroded by the proposed development.*

*Accordingly the proposal fails to comply with Policy ADPP1 and CS9 of the West Berkshire Core Strategy 2006-2026 and the economic objective of the National Planning Policy Framework which seeks to ensure that new development is in the right place.*

2. The application site is located within Flood Zone 2. Policy CS16 of the West Berkshire Core Strategy 2006-2026 states that the sequential approach will be strictly applied across the district with the aim of locating new development within those areas at lowest flood risk. The policy clearly states that development will only be accepted if it is demonstrated that it is appropriate at that location and that there are no suitable and availability alternatives at lower flood risk. Due to concerns for the methodology which underpins the sequential test; the suitability and accuracy of the evidence base which underpins the search and the approach taken to exclude sites based on their size, the application fails to demonstrate that there are currently no alternative sites available at lower risk of flooding. As such the proposals fail to comply with the requirements of Policy CS16 of the West Berkshire Core Strategy 2006 – 2026 and the guidance within the National Planning Policy Framework and Planning Practice Guidance.

3. The site comprises of some 5.4 hectares of relatively flat grassland with some areas of trees / shrubs. The site is semi-open along its southern, western and northern edge to the surrounding area and wider landscape. Towards the eastern end overhead electricity cables cross the site with one large pylon. The site is located on the eastern edge of the historic village settlement of Theale and is partly within the Theale High Street and Blossom Lane Conservation Area. The application site is important to the semi-rural setting of this part of the village.

The loss of the greenfield site and the proposed buildings by virtue of their scale and design will have a significant adverse effect on the landscape quality of this area and the setting of the National Landscape and view across to it. The impacts will also harm the setting of the High Street and Blossom Lane Conservation Area, and adversely effect the separate identity of Theale from Calcot and degrade the approach and gateway into Theale, an historic settlement. The scale of the proposed buildings is vastly disproportionate to the scale of the existing dwellings and commercial businesses which border the site as these are predominantly 2 storey and the jarring impact of this can be seen from a range of vantage points along the High Street. Furthermore, the proposals will have an adverse effect on identified valued landscape features and qualities. For these reasons the proposals fail to comply with Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026 and the guidance within the National Planning Policy Framework and the AONB Management Plan.

4. The site is set on the edge of the historic village of Theale partly adjacent and within the Theale High Street and Blossom Lane Conservation Area. The site is visible from the eastern most edge of the conservation area with the entrance into Theale from Hoad Way being amongst the most prominent. Here the undeveloped character of the site contributes to the original village setting of Theale Policy CS19 of the Core Strategy seeks to conserve and where appropriate enhance heritage assets and their settings in line with paragraph 8 of the National Planning Policy Framework.

The proposed development will have a negative impact on the setting of the conservation area and result in the loss of legibility to the eastern part of the conservation area. The proposed built form is also distinctly out of keeping with the appearance and scale of the existing buildings on the edge of the settlement. This harm is further accentuated by the use of the grey gradient panels which are strikingly

*graphic. The proposed development will result in Moderate/High level of less than substantial harm to the setting of the conservation area. Despite being less than substantial, this harm is real and serious and outweighs public benefits. As such the proposals fail to comply with Policy CS19 and CS14 of the West Berkshire Core Strategy 2006 – 2026 and the guidance within the National Planning Policy Framework with regards to conserving and enhancing the historic environment.”*

- 1.5 In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 the reasons for refusal represent the Council’s full reasons for the refusal at the determination of the planning application.

### **Statement of Common Ground**

- 1.6 The Statement of Common Ground covers the following matters:

- description of the site and surrounding area (Section 2)
- the application material (Section 3)
- the proposed development (Section 4)
- relevant planning policy (Section 5)
- areas of agreement (Section 6)
- areas of disagreement (Section 7)
- declaration between the parties (Section 8)

- 1.7 A series of separate topic-based Statements of Common Ground will be prepared to deal with specific topics in detail and submitted ahead of the inquiry opening. These include:

- Employment Need
- Landscape and Visual Impact
- Heritage

## 2. The appeal site and surroundings

### The Site

- 2.1 The Appeal Site occupies a grass field of approximately 5.4 hectares. The site is located to the east of the historic village of Theale.
- 2.2 To the west of the site is Junction 12 of the M4 providing strategic transport links. The southern boundary of the site aligns with Bath Road providing access between Newbury and Reading.
- 2.3 The site is broadly rectangular in shape with no built form or public access. Power cables cross over the site and there is a pylon within the site itself. The northern boundary of the site benefits from an established hedgerow.
- 2.4 The High Street is adjacent to the north boundary of the appeal site with residential properties opposite facing towards the application site. Vehicular access along the High Street to the north of the site is limited by barriers, but cycle/ pedestrian access remains. This route leads to a footbridge across the M4 to Pincents Lane, Calcot. Abutting the north-west corner of the site are a number of residential and commercial properties.
- 2.5 The M4 is located along the north-eastern boundary with a small inset on the northern corner which is outside the site boundary and is associated with the existing telecommunication mast. The south-eastern corner abuts the spur road from Junction 12 of the M4 to the Bath Road that runs along the southern boundary of the site. This surrounding road network is elevated above the application site. The degree of elevation varies with the Bath Road rising to junction 12 of the M4.
- 2.6 The western boundary aligns with Hoad Way connecting the A4 to Theale High Street and it is from here that access into the site is obtained.
- 2.7 Sections of vegetation and post and rail fence are found on the site boundaries.

### Surroundings

- 2.8 To the south of the Bath Road lies the Arlington Business Park and Theale Business Park. The Arlington Business Park consists of mainly office buildings within a landscaped setting, whilst the Theale Business Park comprises predominantly warehouse development with limited landscaping and increased focus on loading bays and parking associated with the distribution uses.
- 2.9 To the west of the site and on the opposite side of Hoad Way are flats 1-53 Elizabeth Court, which face towards the application site. These are accessed from James Butcher Drive, the entrance is opposite the appeal site. These flats are partially screened by established trees located on land between the flats and the road.

- 2.10 Further west beyond Elizabeth Court is the wider residential area of Theale and Theale High Street. Here there are a range of residential, retail and commercial properties much of which lie within the Theale High Street and Blossom Lane Conservation Area.
- 2.11 To the north of the site on the opposite side of the road there is a residential estate abutting a currently undeveloped field further east.
- 2.12 With regard to accessibility, the closest bus stops to the Appeal Site are located on the High Street in Theale within 150m of the site. The Jet Black 1 is the main bus service that provides access between Reading Town Centre, Calcot, Thatcham and Newbury and run half hourly every day. The closest railway station is approximately 900m to the south-west of the site and offers regular services between Newbury, Reading and London Paddington.

### **Planning Designations**

- 2.13 The site is outside the settlement boundary of Theale and adjoins it in the north-western corner to the rear of properties abutting the northern boundary. According to Policy ADPP1, Theale is a Rural Service Centre.
- 2.14 The site is not within any landscape designations, National Landscape or National Parks. The northern corner of the site is approximately 20 meters from the boundary of the North Wessex Downs National Landscape.

- 2.15 The site predominately lies within Flood Zone 2 with a small part of the site designated as Flood Zone 1. The site access lies within the designated boundaries of the Theale High Street/Blossom Lane Conservation Area. The map below shows the site in the context of the designations and features outlined above. Extract from the Planning Statement which supports the planning application:

**Figure 2.2: Extract of adopted Proposals Map**



**Key**

- |                               |                  |
|-------------------------------|------------------|
| Settlement Boundary           | AWE Buffer Zone  |
| Conservation Area             | Application Site |
| AONB                          |                  |
| Biodiversity Opportunity Area |                  |
| Flood Zone 2                  |                  |
| Town Centre Boundary          |                  |
| Cycle Routes                  |                  |



## Planning history

2.16 The most pertinent planning history relating to the site is identified in Table 2.1 below:

Application Reference	Descriptions
20/00476/OUTMAJ	<i>"Outline Application for up to 20,000 sqm of commercial floorspace comprising B1(c), B2 and B8 floorspace along with associated access. Matters to be considered: Access"</i>
Withdrawn	
21/02029/COMIND	<i>"Full planning application for the construction of 3 employment units for flexible uses within Class E (light industrial), B2 and/or B8 of the Use Classes Order (including ancillary office provision) with associated enabling works, access, parking and landscaping"</i>
Withdrawn	

2.17 Both of these applications were made by the Appellant.

2.18 Amendments made to the Appeal proposal compared to application 21/02029/COMIND were, in summary:

- The number of units has been reduced from three to two. The overall GIA has been reduced from 15,678.13sqm to 9,644.75sqm .
- The built form has been pulled back from the eastern edge of the Site and pulling built form further away from the boundary of the National Landscape.
- The offsets between proposed built form and the western boundary has been increased.
- The maximum height of built form has been reduced from 18m down to 13.9m across the Site.
- Amendments to the elevational treatment.
- Amendments to the landscaping scheme.
- A footpath is proposed across the Site to provide access between Hoad Way and the High Street, connecting with the Ikea retail park to the northeast and the wider public right of way network within the National Landscape.

2.19 Pre-application advice was engaged in 2019 before the submission of the first application. It was advised that clear and convincing justification would be required for the release of a greenfield site outside of settlement. Concerns were also raised regarding the visual impact of the scheme in terms of the setting of Theale and the

impact on the Conservation Area. Further concerns were raised regarding the compatibility with the existing residential uses.

### 3. The Application Material

#### The plans and documents in which the application was determined on:

- 3.1 The table below lists the documents that the Council determined the application on. There was correspondence between the Appellant and LPA Officer's which sought to resolve matters with a number of technical comments raised during the determination process. The table below indicates which documents and plans are original and which are amended versions.

Documents and Plans	Amended/Original
<b>Application Forms and Covering Letters</b>	
Application Form (with Ownership Certificates), prepared by Turley	Original
Application Covering Letter, prepared by Turley	Original
Community Infrastructure Form 1, prepared by Turley	Original
Amended Plans Covering Letter, prepared by Turley dated 25th June 2024	Amended
<b>Architectural Drawings</b>	
Drg No: 131000 Rev P3 - Site Location Plan – Scale 1:1250 @ A1	Original
Drg No: 131001 Rev P8 – Site Plan – Scale 1:1000 @ A1	Amended
Drg No: 131100 Rev P6 - Warehouse Layout Unit 1 and Unit 2 – Scale 1:200 @ A0	Original
Drg No: 131101 Rev P6 - Unit 1 Office Layout – Scale 1:100 @ A1	Original
Drg No: 131102 Rev P6 – Unit 2 Office Layout – Scale 1:100 @ A1	Original
Drg No: 131103 Rev P4 – Roof Plan – Scale 1:200 @ A0	Original
Drg No: 131200 Rev P2 – Sections - Scale 1:200 @ A0	Original
Drg No: 131300 Rev P9 – Elevations – Scale 1:200 @ A0	Original
Drg No: 920100 Rev P4 - GIA Plans – Scale 1:200 @ A0	Original
Drg No: 920101 Rev P2 – GEA Plans - Scale 1:200 @ A0	Original
<b>Landscape Drawings</b>	
Drg No: 01 Rev E - Landscape Masterplan – Scale 1:500 @ A1	Amended
Drg No: 02 Rev F - Soft Landscaping Plan – Scale 1:500 @ A1	Amended
Drg No: 03 Rev C – Plant Schedule – Scale NTS @ A1	Amended
Drg No: 04 Rev E – Hard Landscaping Plan - Scale 1:500 @ A1	Amended
Drg No: 05 Rev 00 - Landscaped Cross Sections – Scale 1:500 @ A1	Amended
<b>Civils</b>	
Drg No. THR-BWB-GEN-XX-DR-D-500 S8 Rev P05 - Proposed Drainage Layout – Scale 1:250@ A0	Amended
Drg No. THR-BWB-GEN-XX-DR-D-501 S8 Rev P02 – Proposed Drainage Exceedance – Scale 1:500@A1	Amended
Drg. No. THE-BWB-GEN-XX-DR-C-0560 S8 Rev P4 Drainage Details Sheet 1 – Scale As shown @ A1	Original
Drg No: THE-BWB-GEN-XX-DR-C-0561 S8 Rev. P5 Drainage Details Sheet 2 – Scale As Shown @ A1	Original
Drg No. THR-BWB-GEN-XX-DR-C-0631 S8 Rev P06 – Proposed Earthworks – Scale 1:500 @A1	Amended

Drg No. THR-BWB-GEN-XX-DR-C-0603 S8 Rev P06 – Proposed Levels – Scale 1:500 @ A1	Amended
Drg No: THR-BWB-00-01-DR-G-0001 S2 Rev P3 - Existing Site Plan – Scale 1:500 @ A1	Amended
<b>Application Documents</b>	
Planning Statement, prepared by Turley	Original
Design and Access Statement prepared by SGP	Original
Design and Access Statement Landscape Strategy, prepared by Turley dated June 2024	Amended
Flood Risk Sequential Assessment, prepared by Turley	Original
Transport Statement, prepared by David Tucker Associates, access plans included within the Drawings.	Original
Highways Technical Note, prepared by David Tucker Associates (Ref No: SJT/RT/20168-10a), dated 15th April 2024	Amended
Highways Technical Note, prepared by David Tucker Associates (Ref No: SJT/RT/20168-10b), dated 24th June 2024	Amended
VISSIM Traffic Modelling Report, prepared by Pell Frischman dated 7th July 2024	Amended
Framework Travel Plan received on 26th June 2024 prepared by David Tucker Associates	Amended
Employment Land Assessment, prepared by Turley	Original
Economic Benefits Summary Statement, prepared by Turley	Original
Air Quality Assessment, prepared by Tetra Tech	Original
Noise Assessment, prepared by Tetra Tech	Original
EHO Comment Response, prepared by Tetra Tech, dated 21st June 2024	Amended
Landscape and Visual Assessment, prepared by Turley and supporting AVR Images prepared by OceanCGI	Original
Response to Application Representations on Landscape and Visual Matters, prepared by Turley, dated June 2024	Amended
Landscape Response (Planning), prepared by Turley, dated 25th June 2024	Amended
AVR Images, prepared by OceanCGI, dated May 2024	Amended
Heritage Statement prepared by Turley	Original
Built Heritage Response to Application Representations, prepared by Turley, dated June 2024	Amended
Sustainability Statement Rev F prepared by CPW, dated 29th April 2024	Amended
Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment prepared by Middlemarch Environmental (2019)	Original
Dusk Emergence and Dawn Re-entry Bat surveys, Badger Survey, Reptile Survey prepared by Middlemarch Environmental	Original
Walkover Survey prepared by Middlemarch Environmental (to confirm the result of previous ecological work or make recommendations) (2021)	Original
Ecological Walkover Survey (2023)	Original
Biodiversity Metric Assessment Rev B; prepared by Middlemarch Environmental, dated June 2024, supported by 159730 Biodiversity Metric 4.0 Calculation 24062024 (Read Only)	Amended

Great Crested Newt Reasonable Avoidance Method Statement, prepared by Middlemarch Environmental dated, April 2024	Amended
Letter regarding Outline Biodiversity Net Gain Strategy, prepared by Middlemarch Environmental dated 19th June 2024	Amended
Preliminary Arboricultural Assessment and Arboricultural Impact Assessment, prepared by Middlemarch Environmental	Original
Mineral Resource Assessment, prepared by BWB Consulting	Original
Flood Risk Assessment, prepared by BWB Consulting	Original
Sustainable Drainage Statement, prepared by BWB Consulting	Original
SuDS Operation Management Plan, prepared by BWB Consulting	Original
Phase 1 and 2 Geo-environmental Assessment prepared by BWB Consulting	Original
Archaeology Desk-based Assessment, prepared by TVAS	Original
Written Scheme of Investigation, prepared by University of Winchester Geoarchaeology	Original
Written Scheme of Investigation & Risk Assessment Method Statements for Geophysical Survey, prepared by SUMO Survey	Original
Geophysical Survey Report, prepared by SUMO Survey	Amended
Phase 1 and 2 Geo-environmental Assessment prepared by BWB Consulting	Amended

## Consultation Responses

- 3.2 The following table provides a summary of the position of consultees at the time of the determination of the planning application. This is also summarised within the Officer Report to the planning application.

<b>Atomic Weapons Establishment</b>	Outside of the DEPZ and no formal comments to make
<b>Active Travel England</b>	Refer to standing advice
<b>ONR</b>	Outside of the consultant zone
<b>Emerging Planning</b>	No adverse comments to make
<b>SuDS</b>	No objection subject to planning conditions
<b>Economic Development</b>	Support the Proposed Development
<b>Thames Water</b>	No formal response received
<b>Highways</b>	No objection subject to conditions.
<b>Great Crested Newts</b>	No objection subject to conditions
<b>National Highways</b>	No objection subject to conditions
<b>Archaeology</b>	No objection subject to conditions
<b>Environmental Health</b>	No objection subject to conditions

<b>Transport Policy</b>	No objections
<b>Environment Agency</b>	No objection, refer to standing advice
<b>Minerals and Waste</b>	No objection subject to conditions
<b>Trees</b>	No objection
<b>Consultant Landscape Architect</b>	Objection raised. Please note that there is an error in the delegated report which states 'no objection' however this is incorrect.
<b>Conservation</b>	Objection raised.
<b>Ecology</b>	No objection subject to conditions and legal agreement to secure off site mitigation works

#### **Local Comments**

- 3.3 As set out in the Officer Report, a total of 29 responses were received, all of which objected to the proposed development.
- 3.4 In addition, the three parish councils of Theale, Tilehurst and Holybrook all objected to the proposed development.

## 4. The Proposed Development

- 4.1 The following Section establishes and explains the development proposed at the Appeal Site.

### Description of Development

- 4.2 The description of the proposed development as submitted, validated and determined was:

*“Full planning application for the construction of 2 employment units for flexible uses within Class E (light industrial), B2 and/or B8 of the Use Classes Order (including ancillary office provision) with associated enabling works, access from Hoad Way, parking and landscaping”*

### The Proposals

- 4.3 The proposals comprise of two units with a GIA of 4,556.45sqm (49,045 sq ft) and 5,088.29sqm (54,769.9 sq ft) respectively, all for a flexible Class E (light industrial), B2 and B8 Use.
- 4.4 The units are located to the west and centrally within the site. The north eastern section of the site is proposed as open space and landscaping and contributes towards biodiversity net gain and mitigation of landscape impact.
- 4.5 Table 4.1 below outlines the key characteristics of each unit:

**Table 4.1: Key Characteristics**

Unit	Key Characteristics
<b>Unit 1</b>	<ul style="list-style-type: none"><li>• GIA – 4,556.45sqm (49,045.27sq ft) (including 415.76sqm (4,475.16 sq ft) of ancillary mezzanine office space)</li><li>• 2 Level Access Doors</li><li>• 5 Dock Access Doors</li><li>• 60 car parking spaces</li><li>• 10 trailer spaces</li><li>• 20 cycle spaces</li></ul>
<b>Unit 2</b>	<ul style="list-style-type: none"><li>• GIA – 5,088.29sqm (54,769.9 sq ft) (including 415.76sqm (4,475.16 sq ft) of ancillary mezzanine office space)</li><li>• 5 Dock Doors and 2 Level Access Dock Doors</li></ul>

	<ul style="list-style-type: none"> <li>• 60 car parking spaces</li> <li>• 10 trailer spaces</li> <li>• 20 cycle spaces</li> </ul>
<b>Site as a whole</b>	<ul style="list-style-type: none"> <li>• GIA – 9,644.75sqm (103,815.17 sq ft) (including 830sqm (8,000 sq ft) of ancillary office space)</li> <li>• 10 Dock Doors and 4 level access dock doors</li> <li>• 120 car parking spaces</li> <li>• 20 trailer spaces</li> <li>• 40 cycle spaces</li> </ul>

- 4.6 The site is laid out to allow suitable turning for a 16.5m articulated vehicle for both the service yards and the site access.
- 4.7 The buildings are 13m to the top of the parapet. The buildings will sit on a 0.9m (approx.) high slab base for flood mitigation purposes.
- 4.8 The two buildings, presented as a single block due to their attached design are approximately 162m long and 55m deep.

### **Access and Parking**

- 4.9 The application proposes a single vehicular access and egress point from Hoad Way, comprising a priority junction.
- 4.10 Two pedestrian accesses are proposed. One of which is from the High Street, which provides access to the shops and facilities within Theale and the other onto Hoad Way.
- 4.11 Parking to each unit is provided as set out in Table 4.1 above.

### **Landscaping**

- 4.12 The Landscaping scheme assessed as part of the application was shown on:
- Drg No: 01 Rev E - Landscape Masterplan – Scale 1:500 @ A1
  - Drg No: 02 Rev F - Soft Landscaping Plan – Scale 1:500 @ A1
  - Drg No: 03 Rev C – Plant Schedule – Scale NTS @ A1
  - Drg No: 04 Rev E – Hard Landscaping Plan - Scale 1:500 @ A1
  - Drg No: 05 Rev 00 - Landscaped Cross Sections – Scale 1:500 @ A1



- 4.13 Further information on landscaping, including descriptions of the existing vegetation and the proposed scheme are included within the Landscape SoCG.

## 5. Relevant planning policy

- 5.1 Section 70(2) of the Town and Country Planning Act (1990), as amended by Section 38(6) of the Planning and Compulsory Purchase Act 2004, states that Local Planning Authorities (LPAs) should determine planning applications in accordance with the Development Plan unless material considerations indicate otherwise.
- 5.2 With regard to applications for planning permission within conservation areas, it is set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 that:
- “s.72(1) In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*
- 5.3 The setting of a conservation area is not enshrined in legislation and does not, therefore, attract the weight of statutory protection.
- 5.4 In this case, the development plan comprises Saved policies of the West Berkshire Local Plan 1991-2006 (Saved Policies), Core Strategy 2006 – 2026 (July 2012) and Minerals and Waste Local Plan 2022-2037 (December 2022). The Housing Site Allocations Development Plan Document (May 2017), Neighbourhood Development Plans for Cold Ash, Compton, Hermitage and Stratfield Mortimer, and the South East Plan Natural Resources Management Policy 6 (relating to the Thames Basin Heaths Special Protection Area) also form part of the Development Plan but is not of relevance to the Appeal proposals.
- 5.5 Other material planning policy considerations, the emerging West Berkshire Local Plan Review, National Planning Policy Framework (the ‘Framework’) published in December 2024 and the associated Planning Practice Guidance (the ‘PPG’).

### The Development Plan

#### Saved Local Plan policies (Local Plan 1991-2006)

- 5.6 The relevant Saved Local Plan policies are as follows:
- Policy OVS5 (Environmental Nuisance and Pollution Control)
  - Policy OVS6 (Noise Pollution)
  - Policy TRANS1 (Meeting the Transport Needs of New Development)
  - Appendix 5 – Parking Provision for New Development

#### Core Strategy (2006-2026)

- 5.7 The Core Strategy is the principal Development Plan document and covers a plan period from 2006 to 2026 and was adopted in December 2012.

5.8 The Core Strategy sets out a number of policies which are of relevance to the determination of this appeal as set out below.

5.9 Those highlighted in **bold** are the ones the Council consider the scheme to be contrary to.

- **Area Delivery Plan Policy 1 – Spatial Strategy**
- Area Delivery Plan Policy 4 – Eastern Area
- **Area Delivery Plan Policy 5 – North Wessex Downs Area of Outstanding Natural Beauty**
- Area Delivery Plan Policy 6 – The East Kennet Valley
- Policy CS5 – Infrastructure Requirements and Delivery
- Policy CS8 – Nuclear Installations – AWE Aldermaston and Burghfield
- **Policy CS9 – Location and Type of Business Development**
- Policy CS11 – Hierarchy of Centres
- Policy CS13 – Transport
- **Policy CS14 – Design Principles**
- Policy CS15 - Sustainable Construction and Energy Efficiency
- Policy CS16 - Flooding
- Policy CS17 – Biodiversity and Geodiversity
- Policy CS18 – Green Infrastructure
- **Policy CS19 – Historic Environment and Landscape Character**

#### **Minerals and Waste Local Plan 2022-2037**

5.10 This provides the planning framework for Minerals and Waste development in West Berkshire. The relevant policies are:

- Policy 9 - Minerals Safeguarding

#### **Other material considerations**

##### **National Planning Policy Framework**

5.11 The NPPF was published in December 2024.

5.12 Planning Practice Guidance (PPG) provides context and explanation to the Framework.

5.13 The NPPF represents an expression of government planning policy.

- 5.14 It is agreed as common ground that the NPPF is a significant material planning policy consideration that carries substantial weight in the determination of this appeal.

**The Emerging Local Plan (Review to 2041)**

- 5.15 West Berkshire Council is preparing a new Local Plan, the 'West Berkshire Local Plan Review'.
- 5.16 The Local Plan Review was submitted for Independent Examination in March 2023. The Council received the Inspector's Report into the Examination of the Local Plan Review on the 8<sup>th</sup> April 2025. The Report concludes that with the recommended Main Modifications set out in the Appendix to the Report, the Local Plan Review is sound, legally compliant and capable of adoption. The Council are due to decide whether to adopt the Local Plan Review as part of the development plan in June 2025.

***Emerging Local Plan Policies***

- 5.17 The emerging Local Plan includes a number of draft policies that are relevant to the acceptability of these proposals. The Council did not identify any emerging policies within their reasons for refusal.
- 5.18 The relevant emerging policies are set out below.
- 5.19 Those highlighted in **bold** are the ones the Council consider the scheme to be contrary to:

- **Policy SP1 – Spatial Strategy**
- **Policy SP2 – North Wessex Downs AONB**
- Policy SP3 – Settlement Hierarchy
- Policy SP4 - AWE Aldermaston and Burghfield
- Policy SP5 – Responding to Climate Change
- Policy SP6 – Flood Risk
- **Policy SP7 – Design Quality**
- **Policy SP8 – Landscape Character**
- **Policy SP9 – Historic Environment**
- Policy SP10 – Green Infrastructure
- Policy SP11 – Biodiversity and Geodiversity
- **Policy SP20 – Strategic approach to employment land**
- Policy SP23 – Transport
- Policy SP24 – Infrastructure requirements and delivery

- Policy DM3 – Health and Wellbeing
- Policy DM4 – Building sustainable homes and businesses
- Policy DM5 – Environmental nuisance and pollution control
- Policy DM6 – Water Quality
- Policy DM7 – Water Resources & Waste Water
- Policy DM8 – Air Quality
- **Policy DM9 – Conservation Areas**
- Policy DM14 – Assets of Archaeological Importance
- Policy DM15 – Trees, woodland and hedgerows
- DM31 – Residential Amenity
- Policy DM32 – Designated Employment Areas
- Policy DM35 – Sustaining a Prosperous Rural Economy
- Policy DM41 – Digital Infrastructure
- Policy DM42 – Transport Infrastructure
- Policy DM44- Parking
- Policy DM45- Travel Planning

#### **Historic England Best Practice Guidance/Advice**

- Historic England Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment 2015
- Historic England Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets 2017 (2<sup>nd</sup> Edition)
- Historic England: Advice Note 1: Conservation Area Designation, Appraisal and Management 2019
- Historic England Advice Note 2: Making Changes to Heritage Assets 2016
- Historic England: Advice Note 12: Statements of Heritage Significance: Analysing Significance in Heritage Assets 2019

**Quality Design Supplementary Planning Document (June 2006)**

**West Berkshire Landscape Character Assessment (2019)**

**North Wessex Downs AONB: Integrated Landscape Character Assessment by LUC (2002)**

**North Wessex Downs AONB Management Plan (2019-2024)**

**Landscape Sensitivity and Capacity Assessment for potential employment sites within West Berkshire: THE8: Land off Hoad Way**

## 6. Matters not in dispute

- 6.1 It is agreed that the following matters are not disputed between the Council and the Appellant.

### Planning Policy Context

- 6.2 It is agreed as common ground that at the time of writing, the Development Plan comprises:
- Local Plan 1991-2006 (Saved Policies); and
  - Core Strategy 2006 – 2026 (July 2012)
  - Minerals and Waste Local Plan (2022-2037).
- 6.3 The Housing Site Allocations Development Plan Document (May 2017), Neighbourhood Development Plans for Cold Ash, Compton, Hermitage and Stratfield Mortimer, and the South East Plan Natural Resources Management Policy 6 (relating to the Thames Basin Heaths Special Protection Area) also forms part of the Development Plan but is not of relevance to the Appeal proposals.
- 6.4 Before the start of the Inquiry, the appellant and the Council will provide a table providing the weighting of the current development plan policies identifying where we agree and disagree.
- 6.5 It is agreed as common ground, at the time of writing, that the emerging West Berkshire Local Plan Review carries significant weighting in accordance with paragraph 49 of the NPPF.

### Location and Accessibility of the Site

- 6.6 This site is well positioned with the existing highways network, with direct proximity to Junction 12 of the M4 and the A4 Bath Road.
- 6.7 As per 2.13 the site is outside the settlement boundary of Theale and adjoins it in the north-western corner. Theale is a Rural Service Centre, with a good range of services and facilities.
- 6.8 Footways are provided along the eastern side of Hoad Way which runs along the site frontage. This provides access to the High Street which has footways running alongside both sides of the carriageway into the centre of Theale. The footways on the High Street provide access to the shops and facilities within Theale which include a convenience store, pharmacy, a small supermarket, cafes, takeaways, opticians and post office.
- 6.9 The site is accessible by public transport. Services include:

- Bus services: Main route is no.1 (Reading and Newbury) and the less frequent bus service route 88 (Reading to Theale). The westbound stop is located approximately 150m from the site and the eastbound stop is approximately 200m from the site.
- The closest railway station to the site is Theale approximately 900m to the south-west of the site. The station is on the Reading and Taunton Line and is operated by Great Western Railway (GWR). Reading Railway Station is a larger station which is served by trains from Theale. It is served by GWR, Cross Country, TfL Rail and South Western Railway.

6.10 The site is therefore sustainably located as confirmed through the Officer Report.

### **Principle of development**

- 6.11 The application site is located outside of a defined settlement boundary. The north-west corner of the site is adjacent to the settlement of Theale, a Rural Service Centre.
- 6.12 It is agreed that the site itself is not in an isolated location.
- 6.13 It is agreed that Policies ADPP1 and Emerging Policy SP1 do not seek to preclude development outside of settlement boundaries.
- 6.14 It is agreed that Policies ADPP1 and CS9 and Emerging Policies SP1 and SP20 outline the current and proposed strategic approach for business development (offices, industrial, and storage and distribution) within the District.
- 6.15 It is agreed that the appeal site is not previously developed land nor an existing employment site. The appeal site is not in a Protected Employment Area (Policy CS9) or a Proposed Designated Employment Area (Emerging Policy DM32). The appeal site is not currently allocated or proposed to be allocated as an employment site through the Council's development plan.
- 6.16 It is agreed that the site in terms of capacity and impact on the road network and access by sustainable modes of transport would be acceptable in terms of Policy CS9.

### **Socio-economic benefits**

- 6.17 The appeal scheme will generate economic activity in Theale and the wider district.
- 6.18 This will be facilitated through the creation of direct and indirect jobs associated with construction and operational phase of development; increased expenditure of employees; and the creation of employment floorspace itself.

### **Access and Highways**

- 6.19 Primary vehicular, cycling and pedestrian access into the site will be delivered directly from Hoad Way.



- 6.20 To the northern boundary of the site an additional pedestrian access on to the High Street is provided.
- 6.21 Following the receipt of additional information no objection to the proposed development has been raised by the Local Highways Authority, Transport Policy team or National Highways. The proposals are not considered to have an adverse impact on highways safety and have been designed in accordance with policy requirements.

### **Flood risk and Drainage**

- 6.22 The site falls within Flood Zone 1 and 2.
- 6.23 There is no objection from the Lead Local Flood Authority, the Environment Agency or Thames Water on flood risk or drainage grounds (surface water or foul), subject to the imposition of conditions, which the Appellant accepts.
- 6.24 The proposed development meets the requirements of paragraphs 181 of the Framework.

### **Flood Risk Sequential Test**

- 6.25 The Appeal submission was supported by an updated Flood Risk Assessment Sequential Test statement, prepared by Turley and dated February 2025.
- 6.26 The Council confirmed via email to the Appellant on 6th March 2025 that the updated Sequential Assessment has addressed the previous concerns of the Council and that reason for refusal 2 is withdrawn.
- 6.27 The Council confirmed this position to PINS on 11th March 2025.
- 6.28 As a result, the proposed development has passed the sequential test and meets the requirements of Policy CS16 of the West Berkshire Core Strategy 2006-2026 and the guidance set out within the Framework and planning practice guidance.

### **Ecology**

- 6.29 The appeal scheme is not subject to any statutory or non-statutory nature conservation designations.
- 6.30 As confirmed within the Officer Report the application was submitted prior to 12th February 2024 and is exempt from the 10% biodiversity net gain requirement as set out in Schedule 7A of the Town and County Planning Act 1990 (as inserted by Schedule 12 of the Environment Act 2021).
- 6.31 The scheme was supported by a Biodiversity Metric and Biodiversity Metric Tool, which confirmed a residual loss of habitat on site. The Appellant confirms that this will be compensated through on-site and off-site measures.
- 6.32 The required on-site and off-site mitigated measures will be secured through the section 106 and planning conditions.

6.33 No objection is therefore raised by the Council's Ecologist to the development.

### **Arboriculture**

6.34 There is no objection from the Council's Tree Officer with respect to the impact of the development on trees within and neighbouring the site.

6.35 The Appellant has confirmed that the Hedgerow Group G1 on the north-eastern boundary of the site, will be maintained as a hedgerow and will agree a suitably worded planning condition to this effect.

### **Neighbouring Amenity**

6.36 The proposed development will not have a direct detrimental impact on the neighbouring amenity of residential properties, including but not limited to 65-89 High Street, 64 Stuart House, High Street and Elizabeth Couty, Hoad Way.

6.37 It is agreed that the proposed development is designed in a manner to ensure no adverse impact on neighbouring properties from noise, air quality, over looking, overbearingness or loss of light.

### **Noise**

6.38 With the incorporation of a 2m high acoustic barrier along the western boundary of the service yard for Unit 1, noise levels during the daytime and night-time at the closest sensitive receptors are predicted to result in an impact no greater than the Lowest Observed Adverse Effect (LOAEL).

6.39 The Council's environmental health officer did not object to the scheme on the grounds of noise impact subject to the imposition of conditions.

### **Air quality**

6.40 No significant changes are predicted at any existing receptors and the appeal scheme is not predicted to lead to the exposure of any new receptors to an unacceptable level of pollution.

6.41 The Council's environmental health officer did not object to the appeal scheme on the grounds of detrimental impact to air quality.

### **Minerals and Waste**

6.42 It is agreed that the minerals 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.

6.43 The Appellant will agree planning conditions with the local planning authority, which will seek to capture the requirements for a Material Management Plan in relation to imported material.

## **Archaeology**

- 6.44 In relation to archaeology, no objection has been raised by Archaeological officer, subject to planning conditions.

## **Land contamination**

- 6.45 There are no known sources of contamination that would be constraints to development on the site.
- 6.46 No objection has been raised to the application on contamination grounds, subject to conditions.

## **Detailed Emergency Planning Zone**

- 6.47 It is common ground that the development of the site is not constrained by the Detailed Emergency Planning Zone.
- 6.48 The Atomic Weapons Institute, Office for Nuclear Regulation and the Council's Emergency Planning Team did not object to the proposed development.

## **Energy**

- 6.49 It is agreed as common ground that the development will seek to achieve BREEAM Excellent.

## **Section 106**

- 6.50 It is common ground that the Appellant and Council will agree a Section 106 agreement prior to the Inquiry.

## **Planning Conditions**

- 6.51 It is common ground that the Appellant and Council will agree a series of planning conditions prior to the Inquiry.

## 7. Matters in dispute

The main areas of disagreement between the two parties relate to the following areas:

### **Surroundings**

- 7.1 There is a disagreement whether Arlington Business Park and Theale Business Park to the north of the site are within the immediate surroundings of the appeal site.

### **Principle of development**

- 7.2 Policy ADPP1 and Emerging Policy SP1 identify that development outside of a settlement boundary will be treated as 'open countryside'. There is a disagreement over this interpretation.
- 7.3 There is a disagreement between the Appellant and the Council that the proposed development conflicts with Policies ADPP1 and Emerging Policy SP1 and SP20 in terms of location of the development outside of the defined settlement boundary.
- 7.4 There is a disagreement as to whether the use would be compatible in terms of the scale and visual impact of the development that would conflict with Policy CS9 and Emerging Policy SP20.
- 7.5 There is disagreement between the parties as to whether the Appeal proposals are considered to contribute to the rural economy and therefore whether paragraphs 88 and 89 of the NPPF and Policies CS10 of the adopted Development Plan and DM35 of the Emerging Local Plan Review are relevant to the determination of the Appeal.
- 7.6 There is a disagreement on whether the Council have up-to-date policies for the delivery of employment sites and whether the tilted balance at paragraph 11(d) of the NPPF applies.

## 8. Declaration

- 8.1 This Statement of Common Ground is agreed by Turley on behalf of the appellant and West Berkshire Council.

Signed on behalf of CP Logistics UK Reading Propco Ltd.



Sara Dutfield, Head of Planning East and South East, Turley

13.05.25

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Signed on behalf of West Berkshire Council:

**Gemma Kirk**

13.05.2025

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**Turley**