

# Appendix one –Responses to the Inspector's Questions

On Monday 2nd September 2024 the Inspector wrote to both parties requesting further evidence and information with regards certain matters as part of or alongside of the SoCG. The LPA have requested that answers to the Inspector questions be submitted alongside of SoCG. These require responses to a number of queries. For ease of reference, these will be repeated below with comments firstly from the Appellant and, in response, from the LPA.

Paragraph 6.33 of the appellant's statement makes reference to a condition restricting external activity until a further noise assessment is required. This appears in relation to noise only coming from a B2 use relating to a building. Comments from both parties as to whether a B2 use could take place without further buildings should be provided and reasons for their position.

**APPELLANT:** A B2 use is a use of a site for 'industrial purposes'. It is our view that, whilst some ancillary activity could take place outdoors, a primary B2 use would need a building due to the industrial type of machinery that such uses involve. For example, whilst car repair would be a B2 use and could take place outdoors, such a use requires the use of machinery that would require a building. The Use Class Order is clear that incineration purposes, chemical treatment or landfill/hazardous waste, some of which could involve outdoor uses, are not B2 uses.

However, in order to ensure that no such uses can occur in the event of this appeal being allowed, the Appellant would be happy to accept a condition restricting the use of external areas to B8 use only.

**LPA:** B2 use would not be suitable to take place externally. B2 would only be acceptable if internal within a building. The original submission proposed building A and building B to be covered by Class E(g). The buildings are currently occupied by AIC Solutions which offers engineering services and specializes in control systems, data handling and specialist application development. The planning statement indicated that AICS on site takes up a small portion of the Pitchkettle Farm and the applicant wishes to retain the option of leasing parts of the site lawfully to other businesses. Due to the broad nature of the proposal description B2 use could be conducted externally the yard without planning permission. As proposed allowing this appeal would agree the yard as B8/ B2 use unless a restrictive condition is put in place. The LPA are concerned that the proposal description contains B2 use and do not agree in principle that a B2/B8 or E(g) would be acceptable in this location.

It is noted that at 6.38 of the appellant's statement that the intention is to implement the B8 use, rather than B2 with reference to there being no assessment of traffic for the B2 use. Notwithstanding this, the description of development includes reference to B2 use, as do the supporting documents. Comments are sought as to whether there is sufficient certainty around the effects of B2 use on highway safety

**APPELLANT:** No, there is not sufficient certainty around the effects of B2 use on highway safety. As the Inspector has identified, the Appellant no longer intends to

pursue a B2 use at the site. We acknowledge that such a use is referred to within the description however we are proposing that, in the event of the appeal being allowed, restrictions on use and buildings are imposed to ensure that a B2 use could not be implemented without further planning permission being required. Such a use would then be required to be justified in highways (and noise) terms.

The effect of an allowed appeal would then be somewhat similar to an outline or hybrid application where the B2 use was accepted in principle, but if such a use was ever proposed the terms of the planning permission would require it to be subject to a further consent. Whilst we accept that this is not ideal, the Inspector will be aware that the original planning application was submitted in October 2021, nearly three years ago by the time the hearing commences. At the time of the application, the appellant wanted increased flexibility over future uses of the site however circumstances have changed over time and a B2 use is no longer required.

**LPA:** We agree there is not sufficient certainty around the effects of B2 use on highway safety. We feel the proposal is being significantly changed through the appeals process. It was clear from the original planning statement that AICS takes up a small portion of the Pitchkettle Farm and the applicant wishes to retain the option of leasing parts of the site lawfully to other businesses.

Comments as to whether imposing a condition seeking a future noise assessment to assess the B2 use gives sufficient certainty regarding the effect on living conditions should be provided. Also, the implications were a future assessment to show unacceptable effects on living conditions and/or that mitigation measures were needed

**APPELLANT:** It suggested that if conditions are imposed restricting B2 uses without further permission then this issue would be addressed in any event. It would be reasonable of the LPA to require such an application to be accompanied by a further noise assessment, and mitigation could be proposed at that time if necessary.

**LPA:** Environmental health officers would recommend a noise condition, to cover potential intensification which could elevate noise levels to adverse levels and to require noise mitigation measures to reduce noise to acceptable levels.

Paragraph 6.5 of the appellant's statement suggests there is no limit on the number of employees at the site at present or in the previous use subject to the certificate of lawful development 20/01311/CERTE. However, it later refers to controlling the number of employees to prevent increase from 11 and the Council also refer to such a restriction due to the AWE. It is stated in 6.49 that the number of existing employees at the E class use is 11. Comments are sought as to what, if any, level of staff and visitors are specified in the certificate of lawful development. Comments on what those levels are at the remaining area (outside of this application site), the level of staff across the whole site (subject to the certificate) at present and as proposed if all elements of the proposal were implemented

**APPELLANT:** In terms of the previous use the number of 11 was arrived at as this was the number of staff based on site that was reduced when Woodside Recycling downsized their operations and ceased operating from Pitchkettle Farm. The number

was first referenced when making the planning application, as existing and proposed levels of staff are a question on the application form.

In terms of the proposal, the number of people employed by the Class E use overall is 11, however it is never the case that there are 11 employees on the site at any one time and typically that number is 5-7. The others are primarily site-based jobs.

Whilst there may be additional visitors to the site, this is not the same as permanent employees and the same situation exists at any property or business within the DEPZ.

The Appellant understands that there are 4 employees remaining at the site to the south. As such, if implemented there would be 9-11 employees across both on most days, with additional visitors on occasion. The LPA have suggested a condition limiting the number of employees at Pitchkettle Farm to 11, and the appellant is content with this.

**LPA:** The decision notice itself does not contain conditions with regard to the number of employees. As part of the evidence used to establish the sui generis use a statutory declaration was submitted by Richard Norman Foster (former owner of the site) as part of 20/01311/CERTE which states that he employed seven full-time members of staff plus himself and his wife. This means there were a total of 9 employees on site. If there are currently 11 employees on site then there has been an increase of 2 people. The evidence so far has not accounted for additional visitors to the site and has not accounted for leasing parts of the site lawfully to other businesses if the appeal was granted. The LPA are concerned that allowing the appeal with the current proposal description would infer the B2 uses are acceptable and lead to intensification in the future.

Comments are sought from both parties on the appellant's statement that a B8 use would not have employees and relating to the above, if there was a B2 use to take place at the site without buildings, implications of this on the AWE. Furthermore, how this would relate to or effect the suggested condition for an outline emergency plan for the B8/B2 uses.

**APPELLANT:** If the number of employees based at the site was restricted to 11, either through a standalone condition or via an approved emergency plan then no further use could have any employees based at the site unless the number of employees for the Class E(g) use was reduced.

To clarify, a B8 use would not require additional employees. The applicant, Mr Neil Stewart, is based at the site within the Class E(g) building as existing as one of the 11 based there and would have control over the operation Class B8 use. It is envisaged this this would involve leasing out parts of the site for long-term storage, which would not require any further employees to be based at the site.

Restricting the number of employees at the site, either as a standalone condition or part of an approved emergency plan, would then mean that a B2 use could not

operate from the site unless the number of employees for the Class E(g) use was to reduce, however a B8 use could successfully operate from the site whilst complying with such a restriction.

**LPA:** The LPA need to raise that an error was made in how it summarised the Emergency Planner statement of case within its own statement of case. Point 11.6 should be discarded and the emergency planning statement of case should be relied upon for defending refusal reason 6.

Point 5.12 The emergency planning statement of case outlines that the use of conditions is a potential option, however, it would have to be recognized that to overcome all the concerns will not be simple and without further information it is not possible to fully consider if conditions would be appropriate if they cannot be fully met by the appellant. Point 5.13 says that Emergency Planning therefore still has significant concerns in relation to this application and on the basis of the information available would recommend the refusal decision is upheld.

It is noted that the appellant states there would be 'no employees', which the Council finds surprising. Even if that were the case there would be people coming to the site to collect or store at the site. These people would need to be informed of an incident and have somewhere to go to take shelter quickly that is available 24/7. No mitigation or comments have been received in relation to this.

The original planning statement indicated that AICS only takes up a small portion of the Pitchkettle Farm and the applicant wishes to retain the option of leasing parts of the site lawfully to other businesses. The broad proposal description reflects aforementioned LPA concerns that the appellants intention for the site is to further intensify the use of the site for commercial purposes.

Paragraph 8.13 of the Council's statement refers to restrictions on B2 uses (B8 uses only on the rest of the site other than the building) and that they withdraw the objection with regards to B8 uses for highway safety. It is not clear if objection remains to the B2 element or whether the Council seek to restrict/limit/prevent the B2 element. It should also be clarified which restrictions are being sought to the B2 use and any implications for any restriction that prevented something included in the restriction from taking place

**APPELLANT:** This question seems to be mainly for the LPA to answer, however the appellant's view is that if objection remains to the B2 element then this is addressed by the restrictions suggested above. This would not completely prevent a B2 use from taking place, but require a further consent to enable it to do so.

**LPA:** We feel the B2 element would lead to a net increase in people working and visiting the site. The LPA is not supportive of the flexible E(g) B2 and B8 use in this location. Point 5.12 of the emergency planning statement of case outlines that the use of conditions is a potential option, however, it would have to be recognized that to overcome all the concerns will not be simple and without further information it is not possible to fully consider if conditions would be appropriate if they cannot be fully met by the appellant. Point 5.13 says that Emergency Planning therefore still has significant concerns in relation to this application and on the basis of the information available would recommend the refusal decision is upheld.

Clarification of what areas of the site relate to each use class being sought, if this is clear from the submitted plans, and how this would be controlled.

**APPELLANT:** The application is clear that the Class E(g) use is restricted to the two buildings only. A parking area is provided ancillary to this use, however if the appeal was allowed this would also provide parking for any other permitted uses. The remainder of the site would be within Class B8 use only. It is not considered that any further control is needed.

**LPA:** The original submission proposed building A and building B to be covered by Class E(g). The yard as B8/ B2.

Whether the policies identified in the refusal reasons and Council's statement of case are consistent with the Framework. If not, in what way and what weight should be given to them.

**APPELLANT:** The Appellant does not consider that Policies CS9, CS10 and ADDP1 are wholly inconsistent with the NPPF, it is the application of these policies in the context of this proposal that is considered to be contrary to Paragraph 88 and 89 (formerly 84 and 85) of the NPPF, together with the lack of weight given to the fallback position established by 20/01311/CERTE. The application of these policies fails to take account of these paragraphs of the NPPF, or the established fallback position.

**LPA:** The LPA does consider that Policies CS9, CS10 and ADDP1 are wholly consistent with the NPPF. While the LPA statement of case fully explains why these policies are consistent with the NPPF, we will give a brief outline below. Paragraph 87 finds that Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations. ADDP1 directs commercial development to where it will be most sustainable and in locations where the business can grow and flourish. CS9 recognises and address the specific locational requirements of B2 and B8 uses within the district which is reflective of paragraph 87 NPPF. CS10 allows proposals to diversify the rural economy will be encouraged, particularly where they are located in or adjacent to Rural Service Centres and Service Villages. Existing small and medium sized enterprises within the rural areas will be supported in order to provide local job opportunities and maintain the vitality of smaller rural settlements. The wording of this policy is very similar to paragraph 89. CS10 allows for sustainable growth and expansion and diversification of agricultural which is consistent with paragraph 88 of the NPPF. There is no fallback position because the site had an established sui generis use but this has now ceased. The site is currently operating unlawfully under Class E(g) use. The use does not have any permitted development rights which would be relevant to this case.

## Appendix two – Questions on Conditions

**INSPECTOR:** Several of the conditions require details to be submitted within a specified period. Views are sought as to whether a 'sanction' for non-compliance, such as the use ceasing and/or removal of the building, in order for these to be enforceable is required. In addition, whether the timeframe being given for the submission of those details and their implementation is reasonable in the circumstances.

**LPA:** A 'sanction' directing the cessation of the use and removal of the new buildings could be added to ensure enforceability. The LPA considers the timescales for implementation to be reasonable.

### Condition 1

**APPELLANT:** Apologies for the confusion, the section plans were not submitted with the appeal and not referenced within the documents list. This was an oversight on our part, and these are now attached. Reference to this plan should also be made in Condition 1.

We have no objection to the removal of the Acoustic Assessment and Written Statement on Transport Matters from Condition 1. The Building Regulations Compliance Report has already been complied with and also does not need referring to.

**LPA:** Revised condition proposed:

*The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:*

*P21-2226\_01 Location Plan*

*P21-2226\_02 Site Plans as previous and as proposed - Sheet 2 (Revision A)*

*P21-2226\_03 Rev A Proposed Floor Plans*

*P21-2226\_04 Proposed Elevations*

*P21-2226\_05 Proposed sections*

*Reason: For the avoidance of doubt and in the interest of proper planning*

### Condition 2

**APPELLANT:** Parking for the rest of the site would be in the same location as the parking for the Class E uses, so we are content that one condition will suffice.

**LPA:** The LPA considers electric charging points to be required for all proposed uses on the site.

### Condition 3

**APPELLANT:** Same response as above. We have no objection to the timescale as no surfacing will be needed, the site is already fully hard surfaced.

**LPA:** The LPA considers a parking plan to be required for all proposed uses on the site. 6 months is considered to be a generous time scale for providing these details. As this is a retrospective application, pre-commencement conditions cannot be utilised, and the LPA therefore considers the time periods provided to be reasonable.

### Condition 4:

**APPELLANT:** We have no objection to timescales, and again such facilities will be in the same location.

**LPA:** The LPA considers cycle parking/storage to be required for all proposed uses on the site. 6 months is considered to be a generous time scale for providing these details. As this is a retrospective application, pre-commencement conditions cannot be utilised, and the LPA therefore considers the time periods provided to be reasonable.

### Condition 6:

**APPELLANT:** There is a ditch that runs along the northern border of the site which surface water has historically drained into. There is also a drainage pipe under the hard surface to transport surface water runoff to the rear of the site to the west. Foul water is collected in a Klargestør, with clean water discharge to a soakaway next to the ditch.

We disagree with the condition because the site was already hard surfaced prior to the proposed development with existing drainage, and no additional built form is proposed other than the modular buildings which have no foundations. It is therefore not clear to the appellant what works are proposed that necessitate the requirement for a scheme of sustainable drainage measures.

The condition requires a significant level of detail which we do not consider is proportionate to the proposal or necessary to make the scheme acceptable, taking into account how the site existed before any of the proposed development was implemented. If the condition was considered acceptable in its current form, then we would ask that the timescales are extended as six months is not appropriate for such an extensive level of detail.

The condition also refers to flood plain even though the site is not within or adjacent to a flood zone.

**LPA:** No drainage details were submitted as part of application or appeal. Policy CS16 of the Core Strategy finds that development will only be permitted if it can be demonstrated that:

- It would not have an impact on the capacity of an area to store floodwater.
- It would not have a detrimental impact on the flow of fluvial flood water, surface water or obstruct the run-off of water due to high levels of groundwater.
- Appropriate measures required to manage any flood risk can be implemented.
- Provision is made for the long - term maintenance and management of any flood protection and or mitigation measures.
- Safe access and exit from the site can be provided for routine and emergency access under both frequent and extreme flood conditions.

On all development sites, surface water will be managed in a sustainable manner through the implementation of Sustainable Drainage Methods (SuDS) in accordance with best practice and the proposed national standards and to provide attenuation to greenfield run-off rates and volumes, for all new development and re-development and provide other benefits where possible such as water quality, biodiversity and amenity.

No detailed drainage information was provided in support of the application, with the exception of the application form which states that surface water will be disposed of via a mains sewer. This conflicts with the details provided above.

We do not have sufficient time to consult with the Local Lead Flood Authority to determine whether the details above are suitable. We would normally see a sustainable drainage plan and a report with justification and calculations submitted in support of an application, or details secured via condition.

The proposal, if granted, would lead to a more intensive use of the site and officers need to be reassured that the drainage system would have sufficient capacity to deal with surface water run-off, including from the new buildings. The application site is adjacent to a local wildlife site and the LPA requires certainty that surface water run-off will not pollute the site, to the detriment of local fauna and flora. Any proposed scheme is required to be in accordance with best practice and proposed national standards. Therefore, the Local Planning Authority consider that a condition is required with regards to drainage in order for the proposal to comply with CS16.

#### Condition 7:

**APPELLANT:** The retained features are the bird boxes to be installed on the modular buildings that are recommended within the ecology report. However reference to construction period could be removed from the condition as no additional construction is proposed by the appeal scheme.

**LPA:** The retention of the measures could be secured by an amended condition:

*The development hereby permitted shall be undertaken in accordance with the recommendations of the Ecology Report undertaken by GS Ecology, the document entitled ECOLOGICAL ASSESSMENT PITCHKETTLE FARM GOODBOYS LANE GRAZELEY GREEN, READING RG7 1ND reference:*



ECO3015 30 March 2022.

*Within 6 months of the date of this decision all recommended mitigation in the aforementioned report are installed in accordance with the report. The mitigation shall thereafter be retained and maintained in perpetuity.*

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

Condition 9:

**APPELLANT:** On reflection it is considered that the condition as currently drafted is not sufficiently precise, and we would suggest it is amended to refer to a specific time period for reviewing and updating. We would suggest annually. The appellant however is not concerned by the LPA requiring amendment of the plan at any time as it is understood that they would not do without good reason, such as a change to the AWE Off-Site Emergency Plan.

**LPA:** The emergency plan needs to be updated, as a minimum, annually. However, the LPA understands that businesses have changing needs and may change between annual reviews. There may be changes in operations that increase the number of employees/visitors on site, in which situation the emergency plan would require updating. This would be a matter of ongoing health and safety. The Local Planning Authority are concerned that even if a condition is applied which limits the number of employees on the site, this will not cover visitors or self-employed workers to the site. A potential condition, if the inspector is minded approve, could be as follows:

***Emergency Plan (Retrospective element)***

*Within 3 months of the date of this decision a comprehensive Emergency Plan shall be submitted to the Local Planning Authority.*

*Upon agreement of the Emergency Plan in writing by the Local Planning Authority it shall be implemented in full and shall be kept up-to-date on an annual basis by the office space operator and management/owners for the life-time of the development.*

*The Local Planning Authority may at any time require the amendment of the plan by giving notice pursuant to this condition. The Local Planning Authority may at any time require a copy of the then current Emergency Plan for the site which shall be submitted to the Local Planning Authority within 1 month of notice being given.*

*Reason: In order to ensure that the office space has integrated emergency plans that will not have an impact on the AWE Off-Site Emergency Plan and will mitigate the risk to those people on the site. This condition is applied in*

*accordance with the National Planning Policy Framework and Policies CS8 of the West Berkshire Core Strategy 2006-2026.*

#### Condition 10

**APPELLANT:** As it is indeed the case that future occupiers are not known at present, it is considered that the trigger for this condition should change. The appellant would accept a condition requiring an emergency plan to be approved prior to the commencement of any further (non-retrospective) uses at the site. It is presumed that 'outline' allows it to be negotiated with the Council prior to final approval and that the details would be similar, however we would expect the plan to be similar to that required by Condition 9.

**LPA:** The emergency plan will need to cover the whole of the site, as there will be people working or visiting throughout. If the number of employees working on site at any one time is capped at 11 by conditions, then future occupiers of the site would go over this cap. The LPA object to the increase of people working and visiting the site. There needs to be outline plan for the whole site which can feed into more detailed emergency plans. This is to ensure a cohesive response in the event of an emergency and to make sure there is a joint approach between existing and future occupiers.

Due to the part retrospective nature of the proposals, it is difficult to provide a suitable trigger to cover the proposed B2 and B8 uses. The LPA is of the understanding that some B8 use has commenced on site. Therefore, a pre-occupation condition would not be appropriate in this situation.

Condition 9 seeks to make a currently 'unsafe' working site safer in terms of an accident at AWE.

An outline condition is sought at this stage as the future occupiers of a B2/ further B8 use are unknown. A detailed emergency plan for future occupiers would be required should a formal planning application for physical development be submitted.

#### Condition 11:

**APPELLANT:** A restrictive condition is needed within Class E, as only Class E(g) use is proposed and there are other uses within Class E which the appellant accepts will not be appropriate at the site, such as a creche or a retail use.

The LPA would only agree to the condition if B2 use was not referenced, and as the appellant no longer intends to implement any B2 use at the site we agreed to this. As has been explained, the original proposal for B2 use only intended to establish the principle of such a use and it was always anticipated that a further planning permission would be needed if a B2 use was ever proposed. However such a use is no longer intended. We would be content for B2 use to be deleted from the description of development, if agreed by all parties.

**LPA:** The LPA do not consider a B2 use to be appropriate in this location and note that the Transport Assessment did not take a B2 use into consideration.

The LPA acknowledges a conflict between the condition and the proposal description, which would allow a B2 use in principle. The LPA has concerns in regard to this conflict. Thus, the LPA would also be content for B2 use to be deleted from the description of development.

#### Condition 12:

**APPELLANT:** The appellant did query the necessity of this condition when preparing the SoCG as it would seemingly address the fifth reason for refusal. The appellant is unsure if such a condition should be imposed in the event of an approval as this would seemingly re-impose the requirement that the RfR relates to.

The appellant has agreed to the condition as they are happy to make efforts to increase the sustainability of the building as far as is possible, however on reflection the requirement for the certificate means that if it is not possible to achieve the rating, the permission will become invalid. It is considered that revised wording (such as adding 'or as far as is achievable') should be considered as making the 'Excellent' rating an absolute requirement is a concern, given the uncertainty over whether this is achievable.

In addition, the appellant has submitted information to address the reason for refusal and although the Council deem this insufficient to address it, the Inspector might be satisfied with this. In such a scenario, Condition 12 would not be reasonable or necessary.

In summary, the appellants are content with a condition requiring measures to increase the sustainability and/or energy efficiency of the building if the Inspector deems one necessary, but would be concerned about a permission being issued with a condition including an absolute requirement for BREEAM 'Excellent'.

**LPA:** Policy CS15 finds that new non-residential development from 2013 will meet BREEAM - excellent. The application and appeal submission fail to address whether BREEAM excellent can be achieved. It is possible for modular buildings to meet BREEAM excellent and it has not been demonstrated why this standard and policy requirement would not be applicable to the buildings subject to this appeal. Therefore, the condition is considered to be reasonable.

#### Condition 13:

**APPELLANT:** The appellant has agreed this condition as we were informed by the LPA that the Council's Environmental Health Officer required the reference to B8 due to the potential for intensification and we accept that no end user has been identified yet. However, the Acoustic Assessment does conclude that no further assessment is required for B8 use so the Inspector may deem this requirement unnecessary.

Notwithstanding our above comments re B2 use, we have no objection to a requirement for further assessment for such uses and would refer the Inspector to Paragraph 5.2.1 of the submitted Acoustic Assessment.

**LPA:** It is the LPA's understanding that the appellant is no longer seeking to pursue the B2 use. If the Inspector accepts this, then the following condition may suffice. Please note, we have had conflicting reports as to whether the B8 use has commenced, and therefore the trigger for this condition may require alteration.

*Before the hereby approved B8 use commences on site a business specific noise impact assessment and details of mitigation measures and maintenance of mitigation measures shall be submitted to the Council to be approved in writing. The mitigation measures shall be implemented, maintained and retained in accordance with the approved details before the use commences.*

*This document should demonstrate but not be limited to showing that all plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that the rating level therefrom does not exceed the existing background noise level when measured in accordance with BS4142:2014+A1:2019.*

*Reason: To protect the occupants of nearby residential properties from noise.*

#### Condition 14:

**APPELLANT:** Notwithstanding our above comments with regards B2 uses, we are content that the same time periods for all uses are appropriate. However we are happy to discuss alternatives if required.

**LPA:** The LPA considers the proposed time periods to be appropriate. The acoustic assessment submitted states that the site is proposed for use during daytime hours and the proposed condition was agreed by both parties in the statement of common ground.

#### Condition 15:

**APPELLANT:** Yes, with reference to our above answer, the condition should limit the number of employees on site. As has also been set out above, we do not consider visitors to the site to be relevant as this would happen with any existing residence or business where friends/family/customers visit and would not be restricted, however visitors would need to be part of the emergency plan.

**LPA:** Visitors to the site is a relevant consideration and need to be controlled because in the event of an emergency they would need to use the blue light services. The business is drawing additional people into the DEPZ who might not otherwise normally be in the area. An increase in visitors and workers on site will cause additional pressure on the AWE Off-Site Emergency Plan and the responders

and therefore could place those on site at risk in relation to their health and wellbeing.

A revised condition is proposed:

*The number of workers and visitors at the application site, as defined by the red line location plan, shall at no time exceed a total of 11 persons, across all approved uses on the site.*

*Reason: To ensure that vehicle movements to/from the site are maintained at an acceptable level, in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, and Policy TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).*

Furthermore, the LPA have concerns with regards to future occupiers of the site. The LPA understands that the class E(g) use already has 11 employees. Future occupiers would potentially increase the number of employees/workers/visitors to more than 11 persons.

The LPA prefer to use the terms 'persons' rather than 'employees' because we are concerned that 'employee' would not cover all the types of persons on site. The condition would therefore risk not capturing the total number of people on site at any one time.

#### Condition 16:

**APPELLANT:** No further built development remains for the appeal scheme. The condition was added by the LPA at the request of their Tree Officer and originally did not include this reference, however as originally drafted this would have required a tree protection scheme before an outdoor storage use commenced, which we did not consider necessary. We are content with the condition as it sets a principle that any further such development will require tree protection, however it is unlikely that the condition will ever need to be discharged.

**LPA:** If the applicant agrees that there are no further development works required as part of this application, then the LPA would seek to have this condition removed.