

From: [Appeals](#)
Sent: 02 September 2024 16:24
To: [appenftreedms](#)
Subject: FW: Appeal 3329567. Pitchkettle Farm, Grazeley Green, Reading. Pre Hearing Note.

Importance: High

From: NEW East 1 <east1@planninginspectorate.gov.uk>
Sent: Monday, September 2, 2024 2:46 PM
To: michael.ruddock@pegasusgroup.co.uk; Appeals <appeals@westberks.gov.uk>
Subject: Appeal 3329567. Pitchkettle Farm, Grazeley Green, Reading. Pre Hearing Note.
Importance: High

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Mr Ruddock/Dear Sir/Madam,

The purpose of this pre-hearing note is to explain what should be done to ensure the Hearing for the above appeal runs smoothly and that the event will operate in a fair, open and transparent way.

This pre-hearing note and any information submitted in response to it, should be made available for the public in advance of the Hearing, including on the Council's website where possible so that other parties can view it.

Information Technology (IT)

It would be helpful for the Inspector to have access to the internet, and electrical sockets, during the Hearing in order to access electronic documentation and evidence in relation to the appeal. Therefore, please can the Council ensure that a network connection (Wi-Fi or fixed cable) will be available at the venue for the Inspector and provide any associated security credentials/passwords to gain access.

Although this is an in-person event, the Council should be prepared for the event to be held fully or partially virtually should the need occur.

Format

The Hearing will commence promptly at 10:00am each day. The Inspector will start the event by running through several preliminary matters. The Inspector will issue an agenda before the event and the content will be discussed at the Hearing.

The Hearing will be run as a structured discussion with the Inspector asking a series of questions in respect of the main and other relevant issues. All parties who so wish, will be given an opportunity to speak. There is no need to repeat representations that have already been made in writing. There shall be no cross examination. The Inspector will take into consideration all written submissions that have been previously made by any party. There will be regular breaks and

the aim is to finish no later than 5pm on each day although it may need to run later.

Provisional Main Issues

Having regard to the submissions made thus far, the Inspector has identified the provisional main issues in this appeal as:

- Whether the appeal site is an appropriate location for the development with regard to the local development strategy and access to a range of transport modes,
- The effect of the development on public safety, with particular regard to the off-site nuclear emergency planning arrangements for the Burghfield Atomic Weapons Establishment (AWE).
- The effect of the development on the character and appearance of the area,
- The effect of the development on the living conditions of the occupiers of the dwelling granted under 20/01304/CERTE with regard to noise and disturbance,
- The effect of the development on highway safety; and
- Whether the development maximises sustainable construction opportunities, with regard to the local development strategy.

These may be subject to change, partly dependant on the additional information/clarification requested below.

Further Evidence/Information

To provide the Inspector with sufficient evidence on which to determine this appeal, and to form the basis of discussion at the Hearing, the Inspector requests the main parties submit **all** the information below as part of, or alongside, a **Statement of Common Ground/Disagreement** covering the following:

- Paragraph 6.33 of the appellants statement makes reference to a condition restricting external activity until a further noise assessment is provided. 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,
- 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 uses on highway safety,

- 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,
- Paragraph 6.5 of the appellant's statement suggests there is no limit on the numbers 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,
- Comments are sought from both parties on the appellants statement that a B8 use would not have employees and relating to above, if there were a B2 use to take place at the site without buildings, the 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,
- Paragraph 8.13 of the Councils 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 description of development from taking place,
- Clarification of what areas of the site relate to each use class being sought, if this is clear for the submitted plans, and how this would be controlled,
- 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,
- Any comments on the draft main issues or other comments arising from the pre-hearing note,
- Any other areas of disagreement; and
- Any other areas of agreement.

Conditions

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There will be a discussion at the Hearing about what conditions might be appropriate were the Inspector to allow the appeal.

This is standard procedure and does not indicate that the Inspector has made up their mind on the case. Nor will the discussion affect the Council's position in relation to the proposal.

The Inspector notes the Council's suggested list of conditions. An agreed list, or details of areas of disagreement for any condition should be provided. Written agreement of any pre-commencement conditions should also be provided, or comments as to why they should not be so.

The following initial comments are made on the Council's suggested list:

- The scheme appears to have already commenced in part. 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.
- Conditions 3 and 4 – clarification whether the parking/storage relates to the site as a whole or the E class use already implemented only. If it is the E class use only, whether any separate condition is needed for the remainder of the site.
- Condition 6 – the condition refers to a dwelling. Also, again, what element of the site/development this relates to and if only part of the site/development, whether a separate condition is needed for the remainder of it.
- Condition 7 – clarification of what elements of 'the construction period' are remaining, whether a different period should be referred to and if a mitigation clause is necessary.
- Condition 8 – whether a clause requiring the scheme to be implemented as agreed is needed.
- Condition 9 – whether the terms 'kept up to date', 'reviewed and amended as necessary' are sufficiently precise and the clause for the local planning authority to require amendment at any time is reasonable.
- Condition 10 – the same questions as for condition 9. In addition, whether a period of 6 months is reasonable given future occupiers appear to be unknown at present. The condition refers to an outline Emergency Plan, whereas a detailed one is required for condition 9. Is a comprehensive plan needed at any stage for the remaining areas of the site. Clarity over the extent of the areas subject to 9 and 10 is also sought.
- Condition 11 – whether the current wording allows for a B2 or B8 use at the building subject to this appeal.
- Condition 12 – whether the condition is reasonable and feasible for the building to achieve. Also, whether this relates specifically to the building given the existing wording refers to 'development'.
- Condition 13 – whether a clause for the details of any mitigation measures is needed, if so by when and do they need to be maintained. whether a condition preventing the B2/B8 use until a noise assessment is provided would/could in effect nullify the benefit of the permission with regard to those uses.

- Reference has been made to the acceptability of the scheme being in part due to the number of employees/visitors, including in the Emergency Planning Statement. If such conditions are proposed and necessary, whether restricting the number of employees/visitors at the site would meet the relevant tests.

Copies of any of the policies and guidance documents referred to in the reasons given for conditions in the suggested list, or additional conditions, should be provided if they have not already been.

Late/New evidence

It is not anticipated that there will be any need for further additional evidence. You should review your cases promptly to ensure that is the case with any additional documents submitted ahead of the Hearing along with reasons why it had not been submitted before. There will be very limited opportunities for the Inspector (or possibly the other parties) to read any late evidence submitted on the day of the Hearing. As such, the Inspector will only accept new evidence by any of the parties on the day or beforehand if there are exceptional circumstances. The submission of late/new evidence could lead to an award of costs.

Notification and attendees

Copies of the Council's **letters of notification** of the appeal confirming the date, time and location of the Hearing should be provided. In addition, confirmation of whether there is, and if so, the location of the **parking space for the Inspector and their retiring room** as well as a **list of attendees for each party**, their qualifications and any particular areas/issues they would be speaking on. If the Council is or becomes aware of any third parties seeking to attend, their names should also be included on the list of attendees.

Site Visit

The Inspector intends to visit the area near the appeal site the day before the hearing. This would not require the parties to be present. It would entail him viewing the site and the wider area from public land. The Inspector will then visit the area again and the site itself following the hearing. The Inspector is minded to largely undertake an unaccompanied site visit. That element would not require the parties to be present.

However, at this stage he does wish to enter the appeal site. In this case, the appellant will need to arrange access to the appeal site and one member of each main party would need to be present.

If there are certain locations that the parties feel the Inspector should view the site from, then details and a map of these should be provided with the statement of common ground. Details of any health and safety issues that the parties are aware of regarding the visit should also be highlighted at this stage.

Where information has been requested above, it should be provided no later than 10 working days prior to the hearing.

Kind Regards

Alison Kendall
Case Officer.

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