

CASE OFFICER'S (EF) REPORT ON APPLICATION NUMBER 24/00145/FULMAJ



**Site: Land Bounded by Hoad Way and M4 and
High Street
Theale
Reading**

MEMBER EXPIRY DATE - 27th March 2024

INTRODUCTION

This application seeks full planning permission 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 access and landscaping works.

A new access is proposed from Hoad Way to serve the development.

The proposed units are situated parallel to the north western site boundary with the High Street beyond. Each unit comprises of approximately 49,045 sq ft of commercial space. The two units are joined together and comprise a combined structure measuring approximately 162m wide and 55m deep. The buildings have a flat roof at a height of 13m. The area to the front of the building is laid to hardstanding and accommodates car parking and delivery parking and turning.

A large electricity pylon transects the site and the proposed development is contained to the east of this. The far western end of the site is to remain undeveloped.

PLANNING/SITE HISTORY

20/00476/OUTMAJ

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

Withdrawn 10th July 2020

21/02029/COMIND

Full planning application for the construction of 3 employment units for flexible uses within Class E (light industrial), B2 and B8 of the Use Classes Order (including ancillary office provision) with associated enabling works, access, parking and landscaping.

Withdrawn 21st January 2022

The site was included as a proposed allocation within the emerging draft (Regulation 18) Local Plan Review, site ref: THE8. It was envisaged this would be for offices as recommended in the Employment Land Review. Following the completion of a Landscape Capacity Assessment in 2021, it was not retained as a proposed allocation within the proposed submission (Regulation 19) version of Local Plan Review. Within the document: 'Landscape Sensitivity and Capacity Assessment for potential employment sites within West Berkshire' it was concluded that this site was not suitable for development and the following recommendation was made:

If this site was developed, either in whole or in part, it would compromise the setting of Theale and its separate identity and character from Calcot. It is therefore recommended the site is not developed for employment uses. Although not considered suitable for employment uses, opportunities could be explored through green infrastructure on the site to see if it could make a positive contribution towards enhancing the setting of Theale in conjunction with any development on THE1.

PROCEDURAL MATTERS

EIA:

A screening opinion was undertaken on the 11th March 2020 under application 20/00461/SCREEN. This screening supports the planning application and confirms that the proposals do not constitute EIA development.

Publicity:

Site notices were displayed on the 13th March in two locations; Hoad Way and High Street. The deadline for representations expired on 5th April 2024.

A public notice was displayed in the Reading Chronicle on the 22nd February; the deadline for representations expired on 7th March 2024.

CIL:

Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission. More information is available at www.westberks.gov.uk/cil

CONSTRAINTS AND DESIGNATIONS

Open countryside (outside of any defined settlement boundary)

Adjacent in part to the Rural Service Centre of Theale

Partly within the Blossom Lane Conservation Area

North Wessex Downs Area of Outstanding Natural Beauty (AONB) to the north

Biodiversity Opportunity Area to the north

Flood Zone 2

Protected Employment Area to the south

The AWE 5km Outer Consultation Zone runs through the centre of the site

PLANNING POLICY

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The relevant policies of the statutory development plan for West Berkshire are listed below. These policies can be read online at www.westberks.gov.uk/planningpolicy.

West Berkshire Core Strategy 2006-2026

Policies: ADPP1, ADPP4, ADPP5, ADPP6, CS5, CS8, CS9, CS10, CS11, CS13, CS14, CS15, CS16, CS17, CS18, CS19

West Berkshire District Local Plan 1991-2006 Saved Policies 2007

Policies: OVS5, OVS6, TRANS1

The following are relevant materials considerations:

- The National Planning Policy Framework (NPPF)
- The Planning Practice Guidance (PPG)
- Quality Design SPD (2006)
- North Wessex Downs AONB Management Plan 2019-2024
- North Wessex Downs AONB: Integrated Landscape Character Assessment by LUC (2002)
- West Berkshire Landscape Character Assessment (2019)

CONSULTATION RESPONSES

Theale Parish Council: Objection on the following grounds:

Impact on traffic, congestion on High Street and pedestrians

Impact on the character of Theale High Street and Blossom Lane Conservation Area

Impact of flooding

Impact on wildlife

Loss of a greenfield site

Commercial development out of keeping with residential character

Concerns for increase in noise

Following the receipt of amended plans the Parish confirmed on the 8th July that the above objections remain.

Tilehurst Parish Council: Objection with support made to the comments raised by Theale Parish Council.

Holybrook Parish Council: Objection on the following grounds; increase in traffic, impact on amenity of neighbouring residents with respect to noise, impact on Theale conservation area, loss of a greenfield site, impact on wildlife.

AWE: Outside of the DEPZ. No formal comments to make.

Active Travel England: Refer to standing advice.

ONR: Outside of the consultation zone.

Emergency Planning: No adverse comments to make.

Suds: No objection subject to conditions.

Economic Development: Application in keeping with the team's commitments to promoting sustainable growth and green infrastructure. Support the proposals.

Thames Water: No response received at the time of writing. Two formal consultations were sent.

Highways: Following the receipt of amended plans no objections are raised subject to conditions.

Great Crested Newts: No objection subject to conditions.

National Highways: Following the receipt of additional information, it is recommended that conditions should be attached to any planning permission that may be granted.

Archaeology: No objection subject to original condition.

Environmental Health: Following the receipt of amended plans no objections are raised subject to conditions.

Transport Policy: Following receipt of further information no objections raised.

EA: Do not need to be consulted refer to standing advice.

Minerals and Waste: No objection subject to conditions.

Trees: No Objection

Consultant Landscape Architect: No objection

Conservation: The Conservation Officer advises that 'the proposed development is considered to result in a 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, in line with the NPPF (Para. 206), will require clear and convincing justification and be weighed against the public benefits of the proposal by the Planning Officer (in line with Para. 208 of the NPPF).

Ecology: No objection subject to conditions and a legal agreement to secure off site mitigation works.

PUBLIC CONSULTATION RESPONSES

Total received: 29

Object: 29

Support: 0

Ambivalent: 0

Summary of representations:

Impact on amenity of neighbouring properties - loss of light and privacy

Commercial premises vacant on the Arlington business park and along Station Road - no need to build more

Existing roads do not have capacity for additional traffic. Turning onto Hoad Way from properties opposite is already difficult. Congestion on the A4.

Concern for people parking on residential roads

Existing trees and hedges will do little to screen the development

Impact on the character of the area and conservation area.

Harmful to the historic village aesthetic of Theale

Impacts of noise and light pollution on properties along Hoad Way, High Street, Woodfield Way.

Site maintains a gap between Theale and Calcot

Concern for the cumulative traffic impacts of this development and nearby future allocations.

Concerns with the approach taken within the sequential test

Development within Flood zone 2 and site is subject to ground water flooding - potential flood risk

Mineral safeguarding area

Impact on AWE Burghfield and AWE Aldermaston

Impact on wildlife: deer, kites

Over development of the area

Noise disturbance to James Butcher Drive residents who are vulnerable

Thames Water infrastructure cannot cope

Pressure on infrastructure

Loss of buffer between Theale and Calcot

Noise and disturbance during the construction phase.

PRINCIPLE OF DEVELOPMENT

The application site comprises some 5.4ha of greenfield land outside of, but adjacent to in part, the settlement of Theale, a Rural Service Centre. To the east is the M4 and junction 12 and to the south the A4 Bath Road and the Arlington business park. The site lies within the open countryside.

Policy ADPP1 of the Core Strategy states that development will follow the existing settlement pattern and comply with the spatial strategy set out in the Area Delivery Plan policies. Most development will be within or adjacent to the settlements included in the settlement hierarchy with trip generating uses directed to those areas which are most sustainable. In accordance with this approach, which seeks the reuse of previously developed land and the development of sites within the most sustainable locations, the policy states that within the countryside only appropriate limited development will be allowed focusing on addressing identified needs and maintaining a strong rural economy.

The application is supported by an Employment Land Review undertaken by the applicant which seeks to demonstrate: a need for employment land to ensure Berkshire remains competitive; a requirement for LPAs to regularly view their supply and demand; and the current shortage of large premises available.

The Council's Local Plan Review (LPR) is currently at examination. Once adopted, the LPR will provide the strategy for distributing development within the District and sets out planning policies to guide development across West Berkshire to 2041. To support the Local Plan Review the Council's Employment Land Review, and subsequent updates, provides the evidence of the assessment of employment land requirements over the plan period. For the period 2023 - 2041 there is a requirement across the district for a minimum of 57,531sqm (NIA) of office space and a minimum of 98,196sqm (GIA) (24.5ha) of industrial space.

LPR policy SP20 sets out the strategic approach to employment land and seeks to facilitate the growth and forecasted change of business development over the plan period to meet identified needs. Chapter 8 of the LPR identifies sites to assist in meeting the above identified needs, and the LPR is clear that whilst the employment land requirements have been identified and the Council has positively sought opportunities to meet the requirements, a lack of suitable and available sites has resulted in a shortfall in provision over the period to 2041. There is a recognised shortfall of some 39,800 sqm of industrial space over this time period. The allocations in the LPR are however sufficient to meet the needs over the first 10 years of the plan period and for this reason the Council has committed to an early review to ensure the longer term need is met going forward. It is important to be mindful of this plan led approach.

It is recognised that this application, if approved, would contribute towards helping to meet this longer term identified need through the provision of approximately 9,644.64 sqm of flexible Class E (light industrial), B2 and B8 floor space plus additional ancillary office space. This district wide need however is not immediate and as set out above the allocations in the LPR are sufficient to meet demand for the next 10 years. For these reasons the proposals are not considered to address an identified need under Policy ADPP1. While there will be recognised economic benefits arising from the development it also does not support the rural economy where the site is outside of a defined settlement boundary under Policy APDD1.

With respect to development in the countryside Policy ADPP1 allows 'only appropriate limited development'. Such commercial development, as is proposed, is directed within the Core Strategy (Policy CS9) to Protected Employment Sites in the first instance and existing suitably located employment sites. The proposals are also substantial in terms of the floorspace created and the overall size and scale of the building(s). For these reasons it is considered that the proposal is not appropriate or limited thus failing to comply with this aspect of the policy.

As referred to above policy CS9 of the Core Strategy seeks to facilitate and promote the growth and forecasted change of business development in the plan period. This will be achieved in part by directing proposals for industry, distribution and storage uses to the District's defined Protected Employment Areas and existing suitably located employment sites and premises. The policy continues to state that any proposals for uses outside of these areas/locations will be assessed by the Council against the following:

- o Compatibility with uses in the area surrounding the proposals and potential impacts on those uses; and
 - o Capacity and impact on the road network and access by sustainable modes of transport.
- Compatibility with uses in the area surrounding the proposals and potential impacts on those uses: The site is bound by roads on all boundaries with the scale and elevated position of the infrastructure (M4, junction 12 and the A4) separating the site and the village of Theale from the Protected Employment Area and commercial uses to the south. The application site is functionally and visually more related to this edge of settlement location than the commercial development further south and is read largely within the context of the residential edge of the Theale.

Policy CS9 requires that new development is compatible with surrounding uses and for consideration to be given to the potential impacts on those uses. It is considered that the direct impacts of the proposal on the amenity of the houses to the north of the site can be mitigated by conditions. However, the proposal introduces a large scale commercial use in an otherwise predominantly residential area with associated residential amenities such as shops. Due to these characteristics of the surrounding area and the scale of the development proposed, it is not considered to be compatible with the residential uses it is closest to. The existing pattern of uses in the surrounding area maintains a greater separation and distinction between the residential settlement of Theale and the commercial areas, which would be eroded by the proposed development.

While the Council's Economic Development Officer supports the provision of additional storage and distribution space and the anticipated potential benefits which could arise from the scheme in terms of employment opportunities, enhanced productivity and increased business rates revenue, a question is raised within their response to the suitability of the location of the site for the proposed use. The Officer recognises that 'the logistics and industrial floorspace that have been proposed by the developer would be a much more intense use for the site and could be seen as out of keeping with the surrounding area due to the site's proximity to residential, office and small business units located on the end of Theale High Street.'

Capacity and impact on the road network and access by sustainable modes of transport. It has been demonstrated that there is capacity within the road network to accommodate the development. The VISSIM modelling suggests that the queues and journey time are slightly worsened in 2033 as a result of development traffic however, the impact associated with the development traffic is minimal and not severe on the local highway network. The Council accept that the site is sustainably located and no objections have been raised by Highways, National Highways or the Transport Policy Team subject to conditions.

Policy ADPP4 provides that the Arlington Business Park, Station Road and adjacent estates comprise of a mix of high quality office and distribution floorspace and will continue to provide sustainable employment opportunities. A number of residents have raised concern that there are a number of vacant premises on these sites. While there is some vacancy, the levels of office vacancy is low and considered to be reasonable to allow for market adjustment, businesses to relocate etc. It is considered that current sites within these locations are meeting the local need.

Along with its out of settlement location, the site is also located within Flood Zone 2. Policy CS16 of the Core Strategy states that the sequential approach will be strictly applied across the district with the aim of locating new development within those areas at the 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 available alternatives at a lower flood risk. This approach is supported by paragraph 167 of the NPPF and as such a flooding sequential test is required.

The proposed use is classified as Less Vulnerable as per Annex 3: Flood Risk Vulnerability Classification of the PPG. The application is supported by a sequential test however there are a number of concerns with the submission:

Paragraph 6.2 identifies the sites to be assessed and has used the Strategic Housing Land Availability Assessment (SHLAA) (December 2020) to do so. This assessment should however be informed by the Housing and Economic Land Availability Assessment (HELAA), the latest version of which was published in January 2023. The sequential test also includes some sites which are no longer available such as the ex Kuhne and Nagel site that has been occupied by Amazon for approximately two years. This raises questions with regards to the accuracy of the document and whether it is based on the most up to date information which best reflects the current circumstances within the district.

Another key concern is that the test rules out sites of less than five hectares. While the application site is approximately 5.4 hectares, only that part of the site between the overhead power lines and Hoad

Way is being developed, equating to approximately three hectares. As such the proposed development could be accommodated on a smaller site. As per paragraph 6.7 of the Sequential Test only sites with an area of between 5-6 ha have been considered. By excluding smaller sizes between for example 3-5 ha it is a strong concern that the Sequential Test does not give an accurate account of what alternative site options are available.

The concern for discounting sites based on size has been raised previously (under earlier application 20/00476/outmaj which was withdrawn). The PPG requires that a pragmatic approach on the availability of alternative sites should be taken. The purpose of the sequential test is to consider the comparative flooding risks of reasonably available sites capable of accommodating the development. There is no policy or rational basis for considering sites on an 'like for like' basis only as this will exclude smaller sites which could have accommodated the development. Furthermore the documentation does not state that an end user for the site has been identified and therefore there is some flexibility in the requirements relating to size of the buildings for example. By ruling out smaller sites the results of the sequential test are considered to be skewed and inaccurate. Furthermore, where the proposal is for two employment units, the potential for the development to be disaggregated across two sites has not been considered in the submitted sequential test.

As a result of the above it is considered that the findings of the sequential test are not conclusive or accurate due to the methodology used. While the Council recognise that there is a long-term unmet need for employment sites across the district during the period up to 2041 the application fails to demonstrate that there are no alternative sites available at a lower risk of flooding. As such the proposals fail to comply with the requirements of Policy CS16 of the Core Strategy and the guidance within the NPPF and PPG.

In conclusion, Policy ADPP1 of the Core Strategy allows for appropriate limited development in the countryside which meets with an identified need and maintains a strong rural economy. Such a large scale commercial use is not considered to be appropriate in the countryside and nor is it limited in scale. While it is accepted that there is a longer-term unmet need for employment land within the district up to 2041 the supply for the next 10 years will be successfully managed through the LPR with a commitment from the Council to revisit this to ensure an adequate long term delivery of sites. As such the short term needs for commercial space are adequately met and the proposal does not meet an identified need. Furthermore while delivering recognised economic benefits the proposals do not support the rural economy, as required by Policy ADPP1 for sites outside of settlement. In conclusion the proposals fail to comply with the spatial strategy set out within Policy ADPP1. Furthermore the application fails to pass the flooding sequential test, a requirement of Policy CS16 of the Core Strategy. As set out above, there are concerns with the methodology which underpins the flooding sequential test and as such it has not been demonstrated that there are no suitable sites available at a lower flood risk that could accommodate this development. As such there is a strong conflict with this policy and the guidance within the NPPF.

Whilst mitigation measures could address potential direct impacts on amenity of nearby residents, the proposal for a large-scale commercial use on a site that is functionally and visually alongside a residential area is not considered a compatible use under policy CS9.

In conclusion the proposals fail to comply with the spatial strategy as set out within Policy ADPP1, CS9 and Policy CS16 of the Core Strategy and as such the principle of the proposed development in this location is not established.

IMPACT ON THE CHARACTER OF THE AREA, LANDSCAPE IMPACT AND DESIGN

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. To the north east of the site is the embankment for the M4 and to the south east the A4/Bath Road which is elevated. To the south west lies Hoad Way which provides a main route into Theale and from which the development will be accessed.

Policy CS19 of the Core Strategy seeks to ensure that the diversity and local distinctiveness of the landscape character of the district is conserved and enhanced giving consideration to its natural, cultural and functional components. This is further emphasised in Policy ADPP5 with respect to the preservation of the National Landscape. The policies within the Core Strategy aim to deliver the objectives set out within paragraph 8 of the NPPF by seeking to protect and enhance the natural, built and historic environment. This application impacts on all three of these components of the landscape within which the application site sits.

Policy CS14 further promotes good design that respects and enhances the character and appearance of the area and contributes positively to local distinctiveness and sense of place. Paragraph 135 of the NPPF requires new development to be of a high quality and sympathetic to the local character and history, including the surrounding built environment and landscape setting.

While the application site is not within a designated landscape the northern corner of the site is set back from the boundary of the North Wessex Downs National Landscape by some 20m. The site is therefore within its setting. Paragraph 182 of the NPPF states that such areas should be afforded the highest status of protection and development within their setting should be sensitively located and designed to avoid or minimise adverse impacts. This guidance is reflected within Policy CS19 and the North Wessex Downs AONB Management Plan 2019-2024.

The sensitivity of the area to change is further enhanced by its role as a key component in defining the separation of Theale from Calcot as identified within the West Berkshire Landscape Character Assessment 2019. Furthermore the open site contributes positively to the setting of Theale which as a historic village is listed as one of the valued features and qualities of the area and the site is highly visible from the High Street and Blossom Lane Conservation Area.

The application is supported by a Landscape and Visual Impact Assessment with the view points agreed in advance of the application. There are however some technical concerns with the Assessment and these are set out fully within the consultant Landscape Architect's report, section 11.

It is considered that the proposals will result in a significant adverse effect on the site's landscape character which due to its size and scale cannot be successfully mitigated. The undeveloped character of the site contributes to the semi-rural setting of the village and the Conservation Area. The loss of this land to development combined with the inappropriate scale of the proposal will have an adverse landscape, visual and historic impact (discussed separately in the report). The direct loss of the site to development will reduce the open area between Theale and Calcot eroding their separation. This sense of separation cannot be achieved by the presence of the M4 alone which currently divides the two settlements. The undeveloped nature of the site plays a dual role in maintaining a gap between settlements and providing for the setting and identity of Theale. The importance of which is accentuated by the elevated position of much of the surrounding road network to the east and south east (Junction 12, A4 Bath Road) as views across the site are prominent from here and the undeveloped site defines the setting of the village and separation with the surrounding development. This degree of separation and distinction cannot be achieved by the presence of the M4 alone.

With respect to the setting of the village the site has an important relationship with the historic settlement of Theale as identified within some of the viewpoints in the LVIA. View point 5 looks across the site from the A4 near to junction 12. The Grade I Listed Church of the Holy Trinity can be seen prominently within the Theale skyline. From this viewpoint the village can be seen as a separate historic entity. The development of the site at the scale proposed will significantly alter the skyline diminishing the prominence of this historic feature and impacting on the wider landscape. The LVIA

states the landscape impact on the setting of the Conservation Area is Moderate/Adverse. The Landscape Architect appointed by the Council advises that these impacts will however be Moderate to Major.

The site also lies adjacent to and is within the setting of the National Landscape. The AONB Setting Statement seeks to conserve the setting of the National Landscape by resisting new development that would have a significant visual impact on views in or out of it. The proposed development will obscure and block views across to the National Landscape from the eastern edge of Theale. At present views of the wooded Sulham Ridge can be seen from Hoad Way providing some intervisibility between the site and wider landscape. Furthermore the elevational treatment of the building and the roof profile do not help to mitigate this impact.

Paragraph 182 of the NPPF states... great weight should be given to conserving and enhancing landscape and scenic beauty in... Areas of Outstanding Natural Beauty...while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas. As also stated within WBCS (2006-2026) Policy ADPP5 ... development will conserve and enhance the local distinctiveness, sense of place and setting of the AONB. As discussed above the proposed development will intrude into the rural setting of the National Landscape and the proposed development will have an adverse effect on views across to the National Landscape. As such the proposals fail to meet with these local policies and national guidance.

The houses to the north of the site fronting onto the High Street are set back approximately 60m from the proposed buildings with existing intervening hedgerow planting. The proposed flat roof buildings, presented as a single block of built form due to their attached design are approximately 13m high and 162m wide. It is noted that the buildings will then sit on a 0.9m (approx.) high slab base for flood mitigation purposes. The building(s) are vastly disproportionate to the scale of the existing dwellings and commercial businesses which border the site as these are predominately 2 storey. Views 6, 13 and 16 within the LVIA demonstrate the overbearing impact of the proposals on the street scene and due to the location of the proposed attenuation basin, there is very little space to provide any meaningful mitigation measures along this northern edge. It is also important to recognise that when assessing the impact after 15 years the screening will be less effective than the photomontages have shown, as within the winter months leaf cover will be substantially reduced. As such the visual impact after 15 years will vary throughout the year. The visual impact of the development isn't confined only to these viewpoints but the proposals can be seen from Public Rights of Way (over the M4 bridge), the public open space on the corner of High Street and Woodfield Way and the private properties directly opposite.

The LVIA supporting the application recognises in paragraph 5.35 that 'The scale of the built form would contrast with surrounding residential areas.' The Council's consultant Landscape Architect advises that the impact of this would in landscape terms result in a Moderate to Major adverse effect and not Moderate as is advised within the LVIA. Theale has a small scale residential character which will be lost and harmed as a result of the proposed development. The proposed buildings are overly dominating and are distinctly out of keeping with the scale, form, materiality and detailing of the surrounding buildings. These concerns are further confirmed by the cross sectional drawings which were submitted during the course of the application.

The proposed development is sited next to a key route into the village increasing the visibility and thus the harm arising from the development. The loss of the site to development and the open character that the site currently contributes to the setting and entry into the village cannot be mitigated. Although the Arlington Business Park is located to the south, this area is not set adjacent to the site and is clearly separated from Theale by the elevated wooded embankment which contains the Bath Road. The A4/Bath Road provides a clear division of the historic village of Theale from the business parks to the south. The application site is read and sits within an edge of settlement, residential area and is not within a commercial context. The visual relationship between the existing houses and proposed units

is jarring and the scale of the proposed built form is imposing, unneighbourly and out of character with development within the vicinity of the site.

In conclusion, the NPPF para 135 considers that developments ...(b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping ...(c) are sympathetic to local character and history, including the surrounding environment and landscape setting and... (d) establish or maintain a strong sense of place. As shown the proposed layout, scale and massing of the buildings are totally unsuitable in this very visible and sensitive location. Although a comprehensive mitigation strategy is provided, this will do little in mitigating the proposals on the listed sensitive visual and landscape receptors.

The NPPF para 136 references the importance of trees and how they can contribute to the character of an area. Para 131 also states that... existing trees are retained where possible. All the trees as shown, except for a narrow band on the eastern boundary will be removed.

Paragraph 182 of the NPPF states... great weight should be given to conserving and enhancing landscape and scenic beauty in... Areas of Outstanding Natural Beauty...while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas. As also stated within WBCS (2006-2026) Policy ADPP5 ... development will conserve and enhance the local distinctiveness, sense of place and setting of the AONB. As discussed above the proposed development will intrude into the rural setting of the National Landscape and the proposed development will have an adverse effect on views across to the National Landscape. As such the proposals fail to meet with these local policies and national guidance.

As stated within Policy CS14: New development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. Policy CS19 considers the conservation and enhancement of the local landscape character areas of West Berkshire. As shown the proposed buildings will have a significant adverse landscape effect on the landscape quality of this area, an adverse effect on the setting of the High Street and Blossom Lane Conservation Area, an adverse effect on the separate identity of Theale from Calcot and a degrading effect on the approach and gateway into Theale as an historic settlement. Furthermore, the proposals will have an adverse effect on identified valued landscape features and qualities. The proposals will also exacerbate detractors by proposing large scale buildings within this highly visible area and the proposed planting measures fail to adequately mitigate the impact of the development. Therefore the proposals do not comply with Policies CS14, CS19 and APDD5 of the Core Strategy or the guidance within the NPPF and the AONB Management Plan.

IMPACT ON THE CONSERVATION AREA

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 among 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 NPPF.

The Council's Conservation Officer has identified three key areas of harm arising from the development, namely: impact on the setting of the conservation area, loss of legibility to the eastern part of the conservation area and the impact of increased built form. The application site currently contributes to the setting of the conservation area through the provision of historic rural context. The loss of this open space and change to the character of the site will have a harmful impact on the setting of the historic settlement. The loss of the greenfield nature of the site further erodes the legibility of this part of the conservation area which currently has an edge of settlement character.

The proposed development will result in a 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, in line with paragraph 206 of the NPPF, requires clear and convincing justification. The application submission seeks to demonstrate that by virtue of the sites sustainable location and given the need for employment sites within the district the site is highly suited to the proposed development. These arguments are recognised to weigh in favour of the application. However, an element of the harm to the Conservation Area arises from the design of the building(s), their sheer scale (length and height) materiality and detailing. This has a negative impact on views from within the conservation area and results in a loss of legibility. Views 1, 2a, 6, 13, 14 and 16 show the proposed built form to be distinctly out of keeping with the appearance and scale of the existing buildings. This harm is further accentuated by the use of grey gradient panels which are strikingly graphic. Appeal decisions relating to conservation matters consistently demonstrate that matters relating to design cannot be considered to be clearly and convincingly justified and as such the proposals fail to meet with the requirements of paragraph 206.

Paragraph 208 of the NPPF states that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.' This must be done with consideration for the advice within paragraph 205 which states that great weight should be given to the asset's conservation, this is irrespective of whether any harm amounts to substantial or less than substantial significance.

The great weight and significance given to the conservation of heritage assets is further reinforced within sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, where it is advised that special attention is paid to the desirability of preserving or enhancing the character or appearance of an affected conservation area and setting of a listed building.

It is recognised that there are public benefits arising from the development, these are primarily economically focused with associated social benefits. In summary these include; provision of employment space for new business/investment, 150 jobs in a sustainable location and an income through business rates. It is recognised that a number of other benefits are listed within section 7 of the Planning Statement however these are the result of policy requirements and would be delivered from all new development and as such are not unique to this site.

It is accepted that there are public benefits arising from the development. The economic benefits have been afforded significant weight in favour of the development (see the planning balance below). The NPPF is however clear (paragraph 205) that great weight should be given to the conservation of heritage assets, thus elevating the significance of their conservation. The moderate to high level of harm identified by the Conservation Officer also arises by virtue of the scale and design of the buildings and the proposed materials. These are matters that could be addressed through an alternative design or scheme and equally deliver comparable economic benefits. National guidance advises that great weight that should be given to an assets conservation and while the public benefits are genuine they could be delivered as part of a more sympathetic scheme and for this reason it is considered that the harm identified to the Conservation Area outweighs the public benefits.

As such the proposals fail to comply with Policy CS19 of the Core Strategy and the guidance within the NPPF with regards to conserving and enhancing the historic environment.

NEIGHBOURING AMENITY

Residential properties no. 65-89 High Street

These 2 storey houses are set back approximately 60m from the proposed buildings. The proposed buildings are sited to the south east of the existing properties. The commercial units are approximately 13m high and will sit on a slab approx. 0.9m high. While the proposed buildings are not aesthetically attractive it is not considered at a distance of 60m with intervening planting that the proposals will have an adverse overbearing or overlooking impact nor will the buildings result in any loss of light to these properties. The vehicular access into the site is off Hoad Way and the car and lorry parking is on the opposite side of the proposed commercial buildings and thus screened from these properties.

As such the proposals are not considered to have any harmful negative impacts with respect to noise from HGVs etc.

No. 64 - Stuart House, High Street

These comprise a mix of residential and business uses. There are separate historical consents for planning permission to allow for the demolition of numbers 70, 74-76 and Stuart House and the construction of new flats. The proposed site layout means that these neighbouring sites look onto the access road and landscaping within the site. The proposed buildings are a sufficient distance so as to avoid any adverse overlooking, overbearing or loss of light impacts.

Elizabeth Court, Hoad Way

Elizabeth Court comprises flats which are located opposite the proposed new entrance off of Hoad Way. The flats are set back from the road and there is deciduous planting along the boundary. The proposed buildings are a sufficient distance from Elizabeth Court and as such there will be no loss of light, overlooking or overbearing impacts on these properties.

Some concern has been raised for the impacts of the new entrance opposite these dwellings. Additional noise survey information has been submitted during the course of the application to demonstrate that the movement of HGVs to and from the site, particularly at night, will not have an adverse impact on the amenity of neighbouring occupiers. The document states the absolute noise level at the closest receptors is predicted to increase by <0.8dB at all receptors, indicative of a negligible impact as defined by the IEMA 2014 Guidelines for Environmental Noise Impact Assessment. As such, impacts due to HGV movements on Hoad Way are predicted to fall within the No Observed Adverse Effect Limit (NOAEL).

An updated assessment has also been undertaken in relation to the number of peak hour trips. Despite the changes to the previous assessment is stated the assessment methodology and conclusions are unchanged. The report concludes that 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).

Overall there the proposals are not considered to result in any significantly harmful impacts on the amenity of neighbouring properties and as such the proposals comply with Policy CS14 in this regard.

HIGHWAY MATTERS

Policy CS13 of the Core Strategy seeks to ensure that new development does not have an adverse impact on road safety and promotes sustainable patterns of development.

The site is sustainably located with good pedestrian links into Theale. A footpath is also proposed from the north of the site linking into High Street to encourage walking. There are frequent bus services within 200m of the site on the High Street providing services to Reading, Newbury, Calcot and Thatcham. In conclusion the site is sustainably located.

Five year accident data has been obtained for Hoad Way, the high Street, A4 Bath Road and M4 J12 roundabout. The analysis shows that there have been no personal injury collisions on Hoad Way. There were 13 accidents recorded in the remaining vicinity of the site which were as a result of driver error and not related to highway layout. There is therefore no concern with highways safety.

Additional information in the form of the raw 2023 survey data has been submitted during the application to allow the Council to fully assess the information which underpins the highways modelling work. The road junctions that have been assessed are; A4/Hoad Way/Waterside roundabout, the proposed access onto Hoad Way and the M4 junction roundabout. The VISSIM model has also been updated with 2023 traffic flows and the modelling suggests that the queues and

journey time are slightly worsened in 2033 as a result of development traffic. However, the impact associated with the development traffic is minimal and not severe on the local highway network.

The proposed vehicle access will form a priority junction with Hoad Way and the required visibility splays of 50m to the east and 48m to the west are achievable. In conclusion the design of the access is acceptable.

The proposed car parking, HGV parking, cycle and motor cycle is acceptable. The Transport policy officer has advised that in accordance with the Equality Act additional car parking spaces for employees with disabilities may be required. This could be dealt with by a condition if recommended for approval.

The proposed Framework Travel Plan is acceptable and a contribution would be required from the developer to allow for this to be monitored for at least 5 years.

National Highways have considered the proposals in respect of their impact on the M4 motorway and in particular M4 junction 12. The strategic road network is a critical national asset and as such National highways work to ensure that it operates and is managed in the public interest. They recommend that conditions should be attached to any planning permission that may be granted.

In conclusion the proposals are not considered to have an adverse impact on highway safety and have been designed in accordance with policy requirements. As such no objections are raised and the proposals are considered to be acceptable in accordance with Policy CS13 of the Core Strategy and the guidance within the NPPF.

FLOOD RISK AND DRAINAGE

Policy CS16 of the Core Strategy seeks that new development should be safe and not increase flood risk elsewhere. Applications in flood zone 2 require a Flood Risk Assessment and such a document has been submitted outlining the proposed mitigation measures. The Flood Risk Assessment has been considered against the Environment Agency Flood Risk Standing Advice and matters relating to finished floor levels and access and egress are covered here. The application is also supported by a Sustainable Drainage Statement. The Drainage Engineer is satisfied with the conclusions and principles employed and as such no objections are raised subject to a condition to secure the submission of further details relating to the management of surface water within the site.

The applicant has questioned two aspects of the recommended condition; firstly with respect to the requirement to submit evidence from Thames Water and secondly with regards to the need to submit a verification report. The Drainage Officer has advised that both elements of the condition are required and necessary in accordance with Policy CS16 thus meeting with the tests for conditions as set out in paragraph 56 of the NPPF.

ECOLOGY

Policy CS17 of the Core Strategy seeks to ensure the conservation and enhancement of biodiversity assets across the district. Paragraph 185 of the NPPF seeks to minimise the impact of new development and provide net gains for biodiversity. The application is supported by a Preliminary Ecological Appraisal and a number of specific surveys regarding protected species.

The application was submitted prior to the 12th February 2024 and as such is exempt from the 10% biodiversity net gain requirement as set out in Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

The application is however supported by a Biodiversity Metric Assessment and Biodiversity Metric Tool. The Biodiversity Metric Assessment demonstrates that there will be a residual loss of habitats on site and this will be compensated for off site. A local habitat bank provider will be used to deliver the measures required off site and will be secured through a S106 and supplemented by conditions to secure measures on site.

Following the receipt of additional information the proposal is not considered to have an adverse impact on Great Crested Newts and no objections are raised subject to any CEMP condition including Great Crested Newts Reasonable Avoidance measures.

The Council's Ecologist has confirmed that sufficient information has been provided with the application to demonstrate that the development, subject to the successful implementation of the proposed mitigation measures, will conserve the biodiversity value of the site. As such the application accords with Policy CS17 and the guidance within the NPPF.

TREES

Policy CS19 seeks to conserve and enhance the landscape character and local distinctiveness of sites. Amended information has been submitted during the course of the application in response to a number of original concerns. Through the submission of amended plans the proposed landscaping has been enhanced and improved and the absence of information relating to details of landscape management (support, protection from vandalism, watering, weeding, mulching etc) could be dealt with by condition.

Following further discussions with the agent confirmation has been received that the hedgerow around the site which is ecologically and historically important will be treated and managed as a hedge in perpetuity thus its protection as an important hedgerow will be secured.

In conclusion no objections have been raised by the Tree Officer and the scheme is considered to comply with Policy CS19 with respect to the impact of the development on trees within and neighbouring the site.

ENERGY EFFICIENCY

Carbon reduction is a key issue in West Berkshire. Policy CS15 of the Core Strategy promotes sustainable construction techniques and the use of renewable energy (regulated and unregulated energy use) to achieve zero carbon.

The application is supported by a sustainability statement by CPW setting out the approach taken to incorporate low energy design principles within the scheme. The proposed development will deliver a further 27% reduction in CO2 emissions compared to that required by Building Regulations by incorporating roof mounted solar photovoltaic panels and an air source heat pump installation as part of the build base. It is understood that the building will achieve a BREEAM excellent rating. These measures will go some way towards reducing carbon emissions however the proposals do not fully comply with Policy CS15 as the development will not be zero carbon.

MINERALS AND WASTE

The application is supported by Mineral Resource Assessment as required by Policy 9 of the Minerals and Waste Local Plan. Following some comments raised by the Council's Minerals and Waste Officer and the receipt of amended information it is considered that the matters raised can be addressed by condition.

ARCHAEOLOGY

Policy CS19 of the Core Strategy seeks the protection of heritage assets and criterion c) requires that regard is given to the nature of and the potential for heritage assets identified through the Historic Environment Record for West Berkshire and the extent of their significance. The application is supported by a desk-based archaeology report by TVAS. The site is recognised to be of some heritage value and as such further archaeological evaluation should be undertaken to better understand the early prehistoric and palaeoenvironmental potential of this part of the Kennet Valley floodplain. No objections are raised by the Archaeologist subject to a condition. Following the receipt of further information the need for the condition remains.

PLANNING BALANCE

Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to sustainable development. Achieving sustainable development means the planning system has three overarching objectives; economic, social and environmental. These are interdependent and need to be pursued in mutually supportive ways. The applicant has set out how they consider the proposals to relate to these sustainability objectives in Table 7.5 of the Planning Statement.

The above report provides a comprehensive review of the proposals and an assessment against the policies within the development plan giving due weight to any relevant material considerations. It is recognised that there are other considerations which weigh in favour of the application and the weight attributed to these is a matter for the decision maker. An assessment of these is set out below. The following matters are considered to be benefits of the proposal:

- a) It is recognised that there is a longer term unmet need for employment land within the district during the LPR period up to 2041. However, the need for employment land is met over the next 10 year period though allocated sites identified within the LPR and an early review of the plan will ensure a continued long term supply. The proposed development will make a small contribution to meeting the need longer term. Given that the need is not immediate and there is a strategy in place to meet the longer term need, this is afforded moderate weight in favour of the development.
- b) The development is expected to generate financial benefits during both the construction and operational phase of development. These will deliver both economic and social benefits. While the construction phase benefits are genuine they are short term. It is stated within the submission that the operational phase will deliver long term economic benefits which are anticipated to include 150 jobs, a £11.8 million productivity boost and £500,00 per year in business rates. These benefits are supported by the Economic Development Officer.

The application does not state that there is an end user for the site at this time and as such the proposals are considered speculative. As such it is not definite that the full employment, business rates and productivity rates would be achieved. They are equally benefits that would arise from all employment sites. Despite this the proposals would have a positive impact on the local and sub-regional economy. Consistent with recent appeal decisions it is considered that significant weight should be given to the package of economic benefits likely to arise from the development.

- c) The applicant seeks to demonstrate that the development will deliver environmental benefits; a net gain in biodiversity, retention of the majority of trees and opportunities for landscaping and cycle parking. These measures are largely a requirement of policy and/or are required for mitigation purposes and as such are not considered a benefit in the planning balance but are afforded neutral weight.

The following matters are considered to weigh against the proposal.

- a) The conflict with Policies ADPP1 and CS9 with respect to the location of new development is afforded substantial adverse weight.
- b) The conflict with Policy CS16 with respect to the flooding sequential test primarily due to the methodology (selecting a larger site area than necessary, old information / out of date circumstances) is afforded substantial adverse weight.
- c) The conflict with Policies ADPP5, CS14 and CS19 and the guidance within the NPPF with respect to the harmful impact of the development on the landscape, visual and historic character of the area. The impacts of which are long term and cannot be suitably mitigated. This conflict is afforded substantial adverse weight.

d) The proposed development will achieve BREEAM excellent incorporating some renewable energy. This is however not fully compliant with Policy CS15 which seeks zero carbon. The proposals seek to recognise the aims of the policy however the Council has declared a climate emergency and as such this harm is given moderate adverse weight in the planning balance.

CONCLUSION

The NPPF requires development to help build a strong, responsive and competitive economy by ensuring that sufficient land of the right types is available in the right places.

While sustainably located in proximity to junction 12 of the M4 and in proximity to a Protected Employment Area to the south (Arlington Business Park), this greenfield site is located within the open countryside where only appropriate limited development is allowed focused on addressing identified needs and maintaining a strong rural economy. The immediate need for employment sites is met and will continue to be met in the longer term through the LPR. It is not considered that this greenfield site within the open countryside is an appropriate location for a development of this scale or nature. Furthermore the proposal is not considered to be compatible with the nearby residential uses. The proposal introduces a large scale commercial use immediately adjacent to an otherwise predominantly residential area with associated residential amenities such as shops. 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 there is a substantial conflict with strategic policy ADPP1 and policy CS9 of the Core Strategy.

Along with its out of settlement location, the site is also located within Flood Zone 2. Policy CS16 of the Core Strategy states that the sequential approach will be strictly applied across the district with the aim of locating new development within those areas at the lowest flood risk. Concerns are raised for the suitability and accuracy of the evidence base which unpins the search and the approach taken to exclude sites based on their size. While the Council recognise that there is a long-term unmet need for employment sites across the district during the period up to 2041 the application fails to demonstrate that there are currently no alternative sites available at a lower risk of flooding. As such the proposals fail to comply with the requirements of Policy CS16 of the Core Strategy and the guidance within the NPPF and PPG.

This greenfield site makes an important contribution to the setting of the historic settlement of Theale and the Conservation Area and the wider landscape. The site is prominently located next to a key route into the village. The loss of the site to development will erode the important gap between Theale and Calcot and will impact on views from Hoad Way across to the North Wessex Downs National Landscape. The impact of which is accentuated by the significant scale of the proposed built form which is jarring and out of character with the existing small scale residential development which defines the scale of built form within the vicinity of the site. This is harmful to both the character of the area and the conservation area. By virtue of the long term landscape, visual and historic harm arising from the development, which cannot be mitigated, this weighs substantially against the scheme. The proposals are contrary to policies ADPP5, CS14 and CS19 of the Core Strategy, the guidance within the NPPF and the AONB Management Plan.

While the proposal will deliver some significant economic and social benefits in a sustainable location, it is not considered that the development meets fully with the key economic objective of the NPPF (paragraph 8) which seeks to promote a competitive economy in the right place. The proposal conflicts with strategic policy ADPP1 and policy CS9 with respect to the compatibility of the proposed use with the surrounding area. Further concern is raised that it has not been demonstrated that a more suitable site is available at a lower risk of flooding and substantial harm has been identified in respect of the environmental impacts arising from the development with respect to the landscape and visual impact of the development and the historic impact on the setting of the conservation area and the failure of the scheme to be zero carbon.

In conclusion, the proposal conflicts with a number of up to date policies within the West Berkshire Core Strategy and does not represent a sustainable form of development. When taking all of these points together it is considered that the benefits do not outweigh the harm and as such the application is recommended for refusal.

Copy for Theale Parish Council
The Pavilion
Englefield Road
Theale
RG7 5AS