



Appeal Decision

Inquiry held on 17, 18, 19, 20 and 24 June 2025

Site visit made on 24 June 2025

by J P Longmuir BA(Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st July 2025

Appeal Ref: APP/W0340/W/25/3360702

Land Bounded by Hoad Way and M4 and High Street, Theale, Berkshire, RG7 5AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant full planning permission.
 - The appeal is made by CP Logistics UK Reading Propco Ltd against the decision of West Berkshire Council.
 - The application Ref is 24/00145/FULMAJ.
 - The development proposed is full planning application for the construction of 2 employment units for flexible uses within Class E (light industrial), B2 and/or B8 of the Use Classes Order (including ancillary office provision) with associated enabling works, access from Hoad Way, parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of 2 employment units for flexible uses within Class E (light industrial), B2 and/or B8 of the Use Classes Order (including ancillary office provision) with associated enabling works, access from Hoad Way, parking and landscaping at land bounded by Hoad Way and M4 and High Street, Theale, RG7 5AG in accordance with the terms of the application, Ref 24/00145/FULMAJ, subject to the conditions in the annexe at the end of this decision.

Applications for costs

2. Both parties submitted costs applications. These are the subject of separate decisions.

Preliminary Matters

3. A section 106 agreement was submitted by the Appellant on 7 July 2025. This makes provision for biodiversity and employment skills training.
4. The Council adopted its new Local Plan 2023-2041, a week before the commencement of the Inquiry. This Plan covers their entire administrative area, and the Inquiry duly considered those new policies.

Main Issues

5. In response to the second reason for refusal, a revised Flood Risk Assessment was undertaken and submitted to the Council on 2 February 2025. The Council confirmed that the methodology and conclusions were satisfactory, and this issue was not contested at the Inquiry.

6. The Council had no objections to the proposal in terms of highway safety, residential amenity, surface water management and ecological impacts. Their remaining objections related to the effect of the proposal on the setting of Theale High Street and Blossom Lane Conservation Area, landscape impacts as well as the principle of the proposal in this location and the need in terms of land supply.
7. The main issues therefore are:
 - the principle of the proposal and the employment land supply;
 - the effect of the proposal on the conservation area; and
 - the effect of the proposal on the character and appearance of the area.

Reasons

The principle of the proposal and the employment land supply

8. The site is outside the settlement boundary of Theale, wherein spatial strategy Policy SP1 states: 'outside of settlement boundaries, land will be treated as open countryside where development will be more restricted, as set out in Policies DM1 and DM35'. However, it also states proposals to strengthen and diversify the rural economy will be encouraged particularly where they are located in or adjacent to rural service centres. Policy SP3 identifies Theale as a rural service centre.
9. Policy DM35 supports proposals that make a positive contribution to the local economy. It has accompanying criteria including: whether the proposals make a positive contribution to the local economy, the use is suitable for a rural location, traffic generation is within capacity of the network and would not be detrimental to the character and setting of heritage assets. Its criterion 'c' states: 'proposals are of a high quality design, are appropriate in terms of siting, scale, form, massing, character and appearance having regard to the surrounding rural area and its setting in the wider rural landscape'.
10. Policy SP17 requires a minimum of 98,196 sqm of net new employment floorspace. Relatedly the Local Plan also allocates 6 sites for employment development. SP17 also allows for employment development in the countryside if compatible with other policies in particular DM35.
11. The Local Plan requirement is based on the Council's modelling which emphasises past trends. Whilst the Appellant acknowledged the plans requirement but suggested additional and alternative methodology to assess the current position, making adaptations including from the suppression of demand. This was suggested as reflective of the real world.
12. The Planning Practice Guidance does not advocate a precise methodology for economic [employment] land supply, unlike housing land supply and additionally there is no five year target rather such a period is set by the Development Plan. The guidance does suggest some potential inputs into modelling, including past trends and market signals.
13. However, both parties agree that there is a significant shortfall in provision, therefore I find that there is no need to establish a precise figure, and I note the positions as a ballpark. It is also important to consider the likely future prospects for improving the supply; this approach mirrors the Local Plan Inspector's

consideration of the situation. He acknowledged the Council's strategy only provided some of the employment land needed within the plan period, but nonetheless found the Plan sound on the basis that the Council would commit to an early review of the employment land provision.

14. The Council stated at this Inquiry that the process will involve a 'call for sites' and a review of the strategy. They indicated that this would be commenced soon.
15. Such a call for employment sites was undertaken in the preparation of the Local Plan. Only 6 sites were put forward, which led to the shortfall. As Mr Pestell the Council's witness for this topic explained, 74% of the district is within the National Landscape, which combined with the Aldermaston Safeguarding [safety buffer] area, limits development opportunities.
16. In addition, from the evidence before the Inquiry at least some of the 6 allocated sites have some constraints which would likely to at least delay implementation, thereby potentially exacerbating the situation at least in the short term.
17. In one of the Statements of Common Ground both parties agree that this site is good from an economic development perspective. Its proximity to the M4 access, and A4, would make it an attractive location for this type of business. Research¹ shows that the location is the most important criterion for business decisions about site development. The Appellant advised that the electricity supply connection is secured which is often a problem for this type of development in this area. Similarly surface and foul water management are agreed in principle. Based upon the evidence before the Inquiry, the site is free from constraints, and the Appellant indicated that if the appeal is allowed the development could be ready for occupation in January 2027.
18. The Council's Economic Development Officer² suggested that the proposal would make a 'considerable contribution towards the shortfall'; indeed, the evidence to the Inquiry suggested that it would make up 15% of that shortfall³. I concur that the proposal would be significant in this respect.
19. Whilst the Council's modelling focuses on past trends, this process tends to extrapolate the previous years, whereas to actually accelerate growth, a further increase in supply would be needed. Paragraph 85 of the National Planning Policy Framework (the Framework) places 'significant weight on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities of development'.
20. The Appellant makes reference to the declining employment land availability in London due to sites being lost to housing development. In addition, the site is also close to the Thames Valley. The rental values in West Berkshire are indeed lower than London and the Thames Valley, which suggests that the area would be an attractive location for new businesses. The Council's Employment Land Review in 2022⁴ found 'West Berkshire is now considered a credible location of large scale storage and distribution helped by comparatively lower rents making it an attractive location for those occupiers being "priced out" of more expensive locations, closer

¹ Mr Powney Appendix B Figure 7.1

² ID7

³ Paragraph 8 Appellant closing

⁴ Page 8, paragraphs 4.90 & 4.91. Produced by Stantec for the Council

to London and Reading.' It further notes 'overall there remains an acute shortage of good quality space'⁵.

21. The proximity of Theale to Reading and the wider Thames Valley with good rail/road connections, indicates that there is likely to be pressure for employment land development. The attractiveness for London overspill is harder to ascertain due to the particular nature of the Heathrow environs and the planning policies for London.
22. I find that the site would be readily deliverable and would make a significant contribution to supply as well as offering some buffer towards future pressures.
23. The Council's reason for refusal questioned the sites contribution to the rural economy. However, neither the Local Plan nor the Framework define the meaning of rural economy. This site lies outside a settlement boundary and therefore can be considered to have such a remit. In addition, the Plan does not state that the economic benefits should be exclusively to a rural area.
24. In addition, the policies are not worded to specify or limit the particular nature of the proposed development to rural enterprises, rather look to a generalised benefit of the rural economy.
25. Policy DM35 makes reference to heritage, landscape and design considerations which I consider below. However, the proposal would be adjacent to a settlement boundary and close to local populations, which means it is in a sustainable location. Moreover, it is adjacent to Theale, a rural service centre, in accordance with Policy SP1, and would be expected to support the rural hinterland. Importantly it is in a highly accessible location, which contributes to its compliance with the spatial strategy.
26. I therefore find that in principle an employment development on the site would comply with Policies SP1, SP17 and DM35, and give consideration below to the heritage, landscape and design matters in terms of the detailed development proposed.

The effect of the proposal on the Conservation Area

27. The appeal site and surroundings are within the Theale High Street and Blossom Lane Conservation Area (CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. I am also mindful of the historic environment policies within the Framework that relate to the significance of designated heritage assets and their settings and the Planning Practice Guidance (PPG) on the Historic environment.
28. The small part of the appeal site within the CA is largely part of the road frontage to Hoard Road, which links the village with the A4. The appeal site as a whole forms part of its setting.
29. Historic England's Setting of Heritage Assets Good Practice Advice note describes setting as more than visual, and can include historic, cultural and other sensory aspects to the experience.

⁵ Appellant closing paragraph 20

30. It was confirmed at the Inquiry that there is no published character appraisal analysing the nature of the designation. Nonetheless both parties were largely agreed on the contributing elements to the character of the CA. It has a linear and enclosed pattern of building, often closely and nearly continuously following the route of the former A4. This was the historic London-Bath coaching route, and the village supported travellers needs reflected by its several inns and breweries.
31. The other discernible aspect to the CA's character and appearance is that the buildings generally follow the gently curving main street, and modest vernacular styled with red brick and clay tiles, reflecting the geology of the environs. There is a small amount of slate roofing, in all likelihood reflecting the proximity of the railway line.
32. Theale has had considerable new development. The Heritage Statement graphically demonstrates⁶⁶ the spread of development adjacent and away from the main street. This has harmed the perception of the original main street set amidst the countryside. However, the CA itself has had limited new development, and the continuity of the building line and vernacular architecture are maintained along the main street. The Council fairly accept⁷⁷ that 'the conservation area's setting has experienced substantial change as a result of modern development, the most prominent of which was the construction of the M4 and the A4 which has resulted in the curtailment of the old route of the old Bath Road'.
33. The continuity of the building line and vernacular character change in the vicinity of the appeal site: a car park, late 20th century residential offshoot, and several untraditional buildings feature.
34. The CA has views over the appeal site. From the east end, this is partially of trees along the motorway but is largely of sky and a large pylon and connecting wires. Some untraditional buildings also detract. Nearer towards the Hoard Road junction, a gap in the building line allows a view over the appeal site but is seen against a flat roof, which is also a poor context.
35. The undeveloped nature of the appeal site allows views and thus contributes to the CA. However, the views within, from and into the CA are impaired by the poor quality surroundings.
36. The historic pattern of Theale and its countryside setting has been curtailed by the road infrastructure and employment development to the south east. Whilst the Council suggest that being the last undeveloped land adjacent to the CA magnifies the appeal site's significance, however for the reasons above I find that the site makes a limited contribution to the setting of the CA.
37. The diversion away from the main street emphasis takes in some of the appeal site's road frontage with Hoard Road, the approach to the A4. This does not enhance the experience of the linearity and vernacular enclosure of the main street. The small area of grassland and frontage to this busy wide and modern road do not add to the historic pattern of the village and the open space does not form the setting of any interesting architecture, indeed it is opposite some late 20th century housing. The Inquiry was not presented with evidence why this part of the appeal site was included in the designation.

⁶⁶ Figures 3.3, 3.4 and 3.8

⁷⁷ Council closing paragraph 25

38. The appeal proposal is submitted as a detailed scheme, which shows the design of the building, its siting as well as the proposed landscaping.
39. The development proposed within the CA also includes a new vehicular access to a commercial standard, a substation and tree planting. The access would not detract from the nature of Hoard Road and its frontage, being similar road infrastructure and the new tree planting would compensate for the relatively poor specimens lost in construction. The substation would be incidental. Both parties agree that the particular development within the CA boundary itself would not be harmful. I concur and find that accordingly the proposal would not be contrary to section 72 of the Act.
40. The proposal also needs to be considered in relation to the setting of the CA, Whilst the submission shows how it would be experienced in the viewpoints described above, there is also the kinetic or dynamic experience in the sequence of views here. The parking, roads and other hard surfaces as well as landscaping need to be considered as well as the building.
41. The existing vegetation provides some screening of the site but not wholly and in winter the views would be filtered rather than obscured. The building would be visible in the backdrop to these views and together with new tree planting would reduce the openness of the area, but that aspect is not particularly important as the motorway, the A4 and industrial estates have curtailed the distant countryside. The building would be of a different scale to the vernacular buildings in the CA, however the surrounding contexts would limit this impact. The proposed tree planting would also soften the appearance of the building. It would also be set back, 39m from the old (north) A4 and 97m from Hoard Road, which would limit the building's presence at a height of 13m. An earth mound would offer some screening at eye level of part of the building and parking areas.
42. The proposed building being set back would also be a small component of the view when experienced in the main street, consequently it would not overly attract attention. Indeed, the appeal site appears disjointed and isolated from the main street.
43. Both parties confirmed at the Inquiry that the proposal would not harm the tranquillity of the area.
44. I therefore find that the effect of the proposal would be a detraction from the setting of the CA, but this would be limited bearing in mind the contribution of the appeal site and the nature of the proposal. Indeed, the Council's 2008 Historic Landscape Sensitivity Plan places the appeal site within an area of 'low-medium' sensitivity to change.
45. The Appellant suggests the proposal would be medium in the spectrum of less than substantial harm whereas the Council suggest medium/high.
46. The Appellant makes reference to the 'Bedford' High Court case⁸ which provides guidance on quantifying harm: 'unless the asset concerned derives a major proportion of its significance from its setting, then it is very difficult to see how an impact on its setting can advance a long way along the scale towards substantial harm to significance'.

⁸ *Bedford Borough Council v Secretary of State for Communities and Local Government* [2013] EWHC 2847 (Admin)

47. Neither party suggested that the site forms the setting of any listed building, and both parties agreed that the proposal would not harm any listed building. From the evidence before the Inquiry and my own observations on site, I concur and find that the proposal would not contravene section 66 of the Act.
48. There are two other Conservation Areas in Theale, and no party raised any effect on them. From the evidence before the Inquiry and my own observations on site, I concur that the proposal would not harm their setting.
49. For the reasons above, I find the proposal would result in a medium level of less than substantial harm.
50. Policy DM9 requires proposals are sensitively designed to address CAs and their settings including important views into, out of and across. It states proposals will need to be sensitively designed in respect of the overall settlement pattern and wider landscape setting, the character of the historic environment including street pattern, the scale height and form reflect the context including roofscape, the materials and detailed design are appropriate, open spaces are retained and the use, including traffic and parking should not be harmful.
51. Policy SP9 highlights the heritage of West Berkshire. Where a proposal leads to less than substantial harm, this needs to be weighed against the public benefits. I further consider the proposal against SP9 and DM9 in the balance latterly.
52. DM35 has a criterion that proposals should not have a detrimental effect on the fabric, character and setting of historic buildings or other heritage assets. The proposal would be in conflict.

The effect of the proposal on the character and appearance of the area

53. Policy SP8 advocates landscape led development, which conserves the diversity and local distinctiveness of the landscape character of the District. The landscape should be considered as a whole, giving particular regard to its valued features and qualities, the sensitivity and capacity of the area to change and ensuring the development is appropriate to the context of settlement form, pattern and character. There is reference to the West Berkshire Landscape Character Assessment. Policy SP1 refers to the importance of maintaining the separate identities of Theale and Calcot.
54. Policy SP7 promotes design quality to strengthen the sense of place through locally distinctive design and place shaping. There is cross reference to the National Design Guide.
55. The Council confirmed in the Statement of Common Ground that they accept the methodology of the LVIA, including identification of the relevant viewpoints. The LVIA followed the established GLVIA⁹ process. The Council did not undertake their own LVIA but used the Appellant's for their consideration. Photomontages of the existing site and the proposal in context were submitted by the Appellant. There was no dispute at the Inquiry to their accuracies and I have given them consideration as ballpark impressions rather than completely absolute representations.

⁹ Guidelines for Landscape and Visual Impact Assessment by Landscape Institute and Iema

56. The Council also agreed in the Statement of Common Ground that the site has medium sensitivity to change. It is also agreed that the proposal would have very limited impact on the wider countryside.
57. The Council's West Berkshire Landscape Assessment¹⁰ places the appeal site within character area RO1. This includes large areas of water, commercial estates, major transport infrastructure, and sewage works.
58. The site is on the eastern edge of Theale, and the edge of the M4 and the Calcot periphery of Reading, adjacent to the A4. Extensive areas of commercial development, the Arlington Business Park and the adjacent Theale Business Park are on the other side of the A4.
59. The Council describe the site as 'semi-rural'¹¹ and both parties agree the appeal site is unmanaged for agriculture¹². It is an open grass field and apart from a large pylon and its associated wires which dominate the skyline, it has no discernible features. In addition, noise from the M4 diminishes the experience.
60. The site boundaries are partly lined by existing trees and shrubs which provide some screening to some parts, albeit less so during winter.
61. The M4 junction and the A4 approach provide views across the site and Theale. These views have become more obvious recently as trees have been felled to allow for highway works, particularly as this is elevated. Conversely at its eastern boundary, the site is slightly lower along the adjacent Hoard Road which links to the A4. The other boundary of the site is formed by the original line of the former A4 which is now a pedestrian and cycleway connection to Calcot via a footbridge over the motorway.
62. The West Berkshire Landscape Assessment identifies the separation of Theale and Calcot as a key aspect of the landscape strategy for character area RO1. This is the first aspect in my consideration of the effect of the proposal.
63. The appeal site is part of the gap between the built up edge of Calcot and Theale. This gap also includes the M4 which is lined by raised grass banks with tree cover in parts, which visually provide a pronounced division. In addition, the motorway also has a considerable width derived from its carriageways as well as a roundabout junction.
64. The gap would be diminished by the new development but both parties agree the separation would be 244m¹³, which I find would be significant. The proposal includes an open space between the proposed building and the M4, which would be landscaped and managed. This would contribute towards the perceived separation. I note the buildings on the other side, (south east), of the A4 encroach towards the foot of the motorway embankment and are substantially closer to Calcot than the gap which would result from this proposal.
65. I find that combined with the M4 the proposal would provide sufficient gap to retain the individual identity of Theale.

¹⁰ West Berkshire Landscape Character Assessment by LUC on behalf of the Council

¹¹ Council closing paragraph 5

¹² Paragraph 2.16 Statement of Common Ground

¹³ Distances and areas. ID 8

66. The site is part of a currently undeveloped area of land which stretches alongside the M4 and forms the eastern setting of Theale. The Council suggests that the site has importance from its openness, which contributes to the setting of Theale. The effect of the proposal on the openness and the setting for Theale, is the second aspect to be considered.
67. The submitted aerial photograph from 1931 in the Heritage Statement¹⁴ shows historically this part of Theale was open countryside. However, since then the Historic Landscape Sensitivity Plan notes 'the historic core of Theale still possesses a visibly historic and fairly consistent High Street frontage; however, the associated characteristic plot patterns behind the street have largely been lost to development'. I find the loss of the historic field pattern limits some of the importance of the openness of the site. Indeed, there is an extant planning permission for a hotel and its access, opposite the appeal site.
68. In addition, the nearby buildings do not appear orientated to address the view, rather seem incidentally sited and include a utilitarian car workshop and industrial buildings. Consequently, the appeal site does not appear to be enveloped by or an integrated part of the village.
69. Moreover, the new Local Plan makes two allocations for residential development on this side of Theale, which when built would substantially reduce the extent of this undeveloped edge to the village. Whilst the Council suggested at the Inquiry that these allocations place more emphasis on the importance of keeping the appeal site undeveloped and open, I find that the perception of the appeal site as part of a countryside fringe has been lost: it is more akin to an undeveloped space largely surrounded by housing development, the Arlington and Theale Business Parks, the A4 and the motorway.
70. The openness and significance of the appeal site is apparent as part of the eastern edge of Theale from the elevated M4/A4 junction view of the appeal site. However, the view largely consists of modern buildings which do not appear to be sited relatedly to the appeal site. In addition, hills on the skyline are discernible, but they are an extremely small component of the view and in any event are experienced from the context of major roads.
71. The proposed building would be large, 162m long and 55m deep, which would inevitably lead to some loss of the sense of openness, thereby causing some harm. However, this would be limited as landscaped open spaces are shown on all sides of the development: the parties agree¹⁵ that 57% of the site would be free of buildings, roads and parking. As I noted above the building would be set back from the boundaries to limit its prominence.
72. The Council also suggests that the proposed landscaping would lead to a loss of openness. Whilst the new tree planting would create enclosure, it nonetheless would offer screening and character. It would also follow the pattern of the existing trees around and in the vicinity of the site, so would not look out of place, particularly as the area has lost its historic field pattern and the existing planting is orientated around the motorway.

¹⁴ Figure 3.5 Page 10

¹⁵ Distances and areas. ID 8

73. The site is close to the North Wessex National Landscape, and its setting is the third aspect for consideration. The designation extends briefly from the eastern side of the M4, crossing over to include the west side and its environs (towards the appeal site). The rationale for this boundary is not known. Mr Friend, on behalf of the Council, clearly stated he did not comprehend the logic. I find it convoluted, and indeed an area of adjacent ancient woodland is excluded. Whilst the M4 pre-dates the designation, it does not add to the character rather it detracts.
74. The character of the National Landscape is typified by mature broad leaf woodland amidst rolling slopes and settlement on or below the lower slopes. The appeal site makes a very limited contribution from its openness as the impression of a countryside enveloped side to Theale has been jeopardised by the M4, A4, business parks and the extant hotel permission as well as the new allocations.
75. The proposal would maintain an open space immediately facing the National Landscape. The new building would also be distanced by 73m¹⁶ and that facing frontage would have additional tree planting. Consequently, the new building would be a very limited distraction.
76. I therefore find that the proposal would minimally impact on the setting of the National Landscape.
77. In terms of overall impacts, the LVIA considered winter views, when the site is more visible and so logically would the building and parking areas. However, the proposed tree planting would nonetheless provide filtering of the views.
78. The walls of the proposed building would be in a spectrum of colours: darker shades lower down would help the impression close to the ground whereas lighter colours would generally tend to blend with the sky. This would help limit the impacts of the proposal.
79. I concur with the views of both parties that the effects of the proposal would be more localised rather than on the wider countryside. The submitted 'Appeal site context' plan¹⁷ shows the accumulative spread of the new allocations, the motorway, the commercial areas and built up edge of the village: the continuity of the countryside fringe has been lost, and the appeal site is surrounded by urban influences.
80. Overall, in terms of the openness and setting of Theale, the setting of the National Landscape, the impact on RO1 including the separation of Theale and Calcot, I find that taken collectively the proposal would lead to limited harm, lessening to very limited after 15 years when the new planting matures.
81. The proposal would comply with Policy SP1 as the separate identities of Theale and Calcot would be maintained. As the proposal would lead to limited/very limited landscape harm, it would conflict with Policy SP8. Policy SP7, requires new development to strengthen the sense of place and I find that the proposal would conflict although only initially and not once the proposed landscaping matures. Policy DM35 has a criterion of appropriateness of the design in terms of the rural area and wider setting. The proposal would be in conflict although only marginally due to the scale of impact.

¹⁶ Distances and areas. ID 8

¹⁷ Figure 2. 4 page 9 Sara Duffield Proof of Evidence

Other Matters

82. An interested party questioned the traffic modelling in terms of neighbouring roads and junctions as well as other permitted development. The Flood Risk sequential test is also questioned. Both of the above were the subject of detailed technical reports, which were considered by the Lead Flood Authority, the Environment Agency and Thames Water as well as the Local Highway Authority, the Transport Policy Team and National Highways. The methodology and results were considered and found to be appropriate, and the Council accordingly approved¹⁸. Based on the evidence before the Inquiry, I concur.

Planning Obligations

83. The CIL Regulations and Paragraph 58 of the Framework provide the legal and policy tests for obligations. These tests require that planning obligations should only be sought where they are: a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development.
84. The s106 includes provision of measures to support employment and skills training as part of the construction process, which would help deliver the benefits of the development for the community.
85. The s106 requires assessment of the proposal under the Biodiversity Metric Assessment and makes provision for any compensatory off-site enhancement measures to be provided.
86. I find that the above would meet the tests in the CIL Regulations and Framework.

Planning benefits

87. The proposal would provide an additional 9,644.75sqm floorspace which would make a much needed reduction in the current shortfall. This warrants substantial weight bearing in mind the challenges of providing employment sites in the area.
88. The proposal would be likely to generate jobs, economic output and business rates. Even if the figures in the Economic Benefits Statement are taken as a ballpark, they would be sizeable. Moreover, the jobs would be close to local populations and highly accessible via public transport: 900m away from a railway station and 150m/200m (eastbound/westbound) bus stops for the Reading/Newbury service¹⁹.
89. The employment and skills training as part of the construction process, would also be social and economic benefits.
90. The building is proposed to be energy efficient which would be a benefit to the wider environment.
91. As the proposal was submitted before the revisions to the Biodiversity Net Gain requirements, it was agreed that only a 1% gain was justifiable. I therefore find that this is not a benefit as numerically it would not be appreciable.
92. I find that the above benefits would be considerable.

¹⁸ As confirmed in the Statement of Common Ground page 23

¹⁹ Statement of Common Ground page 23

Heritage and Planning Balances and the Development Plan

93. Whilst the harm arising would be less than substantial; however, Paragraph 212 of the Framework advocates great weight to the asset's conservation. I therefore give considerable importance and weight to the harm I have identified in my balancing judgment below. In addition, Paragraph 213 of the Framework emphasises that any harm to, or loss of, the significance of a designated heritage asset, should require clear and convincing justification. Reference is explicitly made to development within the setting of a designated asset.
94. Paragraph 215 directs that the harm should be weighed against the public benefits of the proposal including where appropriate securing its optimum viable use.
95. Taking the above public benefits together as a whole I conclude that they would be of sufficient weight to outweigh the medium point of less than substantial harm to the character and appearance of the Conservation Area.
96. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states decisions should be made in accordance with the development plan unless material considerations indicate otherwise.
97. Policy SP9 states where proposals lead to less than substantial harm, including to that significance made by its setting that, should be weighed against the public benefits. As I have found above the benefits would outweigh the harm and accordingly the proposal would comply with SP9. Similarly, whilst DM9 provides criteria for consideration which the proposal would not wholly satisfy, but nonetheless refers to Policy SP9, and accordingly I find that taken together, the proposal would not conflict.
98. Policies SP7 and SP8 do not include a balance of the impact with the benefits. Whilst I have found conflicts, I give this little weight as the adverse impact on the character of the area would be limited/very limited.
99. The proposal would comply with the spatial strategy in Policy SP1: 'proposals to strengthen and diversify the rural economy will be encouraged, particularly where they are located in or adjacent to Rural Service Centres' as well as the 'accessibility to sustainable transport opportunities'. It would accord with the employment land objectives in Policy SP17, albeit not so with the criterion of in keeping with the area, which is similar to the criteria in Policy DM35, where I find that the proposal has both two marginally significant conflicts, in terms of heritage and landscape but otherwise compliance. As above due to the scale of these impacts, I give these conflicts little weight.
100. When the proposal is considered in relation to the Development Plan policies when taken as a whole, I find that it would be in accordance.
101. The above benefits are considerable which add support to the proposal and its compliance with the Development Plan.

Conditions

102. Paragraph 57 of the Framework and the Planning Practice Guidance, Use of planning conditions, provide the tests for the imposition of conditions. The Framework is clear that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning, and to the development

to be permitted, enforceable, precise and reasonable in all other respects. I have assessed the suggested conditions accordingly and they were agreed by both parties.

103. Conditions on the timing of commencement and approved plans would provide clarity and certainty. Similarly, the restriction on use class would define the permission.
104. The archaeological condition would ensure that any significant remains are properly recorded to inform the understanding of the area's heritage.
105. The Construction Environment Management Plan would ensure that the living standards of neighbouring residents are respected during construction. Similarly, a condition is needed in the event of land contamination. Conditions on the provision of an acoustic fence and operation of machinery are also similarly needed. A condition controlling external lighting would also avoid disturbance through light spillage.
106. The Environmental Construction Plan would ensure that the construction process is managed with sensitivity to respect the ecology of the area. Similarly, a condition provides for an updated ecological survey just to development and any necessary mitigation is undertaken.
107. The condition requiring the Materials Management Plan would ensure that soil and other materials would be re-used on site, thereby reducing carbon emissions. Similarly, the condition on the energy efficiency of the building would help the wider environment. The provision of electric charging points, footpath connection and cycle parking would also support low carbon access. Similarly, the condition of implementation of the Travel Plan would promote sustainable transport use.
108. The Construction Traffic Management Plan would control the effects on the surrounding network during construction. The conditions on the highway access, parking and visibility splays would ensure that prompt provision is made, thereby ensuring safety.
109. Whilst the landscaping has been designed, conditions are needed to cover timing for implementation and replacement of any failing specimens, in the interest of the character and appearance of the area. Similarly, a condition is needed to approve the precise materials of the building. A longer term landscape and ecological management plan is required by condition to safeguard the site post construction.
110. The condition on surface water management would ensure that the development does not contribute to any potential problems in the surrounding area.

Conclusion

111. I therefore conclude that the appeal should be allowed subject to the conditions in the conditions annexe below.

John Longmuir

INSPECTOR

Appearances

For the Council

Mr Matt Lewin, Counsel, Cornerstone Barristers
Dr Rebecca Hawkes-Reynolds, PhD, unregistered barrister, Associate Member
IHBC - Principal Conservation and Design Officer at West Berkshire Council
Mr John-Paul Friend, HND (LGD), BA Hons, PG Dip LA CMLI - Director at LVIA Ltd
Mr Richard Pestell, BSc (Hons), MPhil MRTPI – Partner at Rapleys LLP
Miss Gemma Kirk, BSc, MSc - Senior Planning Officer at West Berkshire Council

For the Appellant

Mr John Litton, Kings Counsel, Landmark Chambers
Mr Hashi Mohamed²⁰, Counsel, Landmark Chambers
Mr Anthony Watkins Head of Development: South East and London at Panattoni
Mr Mark Powney BUrbanEnvPlan, MA, MRTPI - Director of Economics at Savills
Mr Marc Timlin, BSc (Hons), MA, IHBC, MRTPI – Director, Head of Heritage,
Townscape and Landscape at Turley
Ms Joanna Ede, MA, DipLD, CMLI – Director and Head of Landscape at Turley
Mrs Sara Dutfield, BA (Hons), DipTP, MSc, MRTPI – Director, Head of Planning East
and South East at Turley
Mr Taylor Cherrett, BSc (Hons), MSc, MRTPI – Director at Turley

Documents submitted during the Inquiry

ID1 Appellant opening
ID 2 Council opening
ID3 Suggested conditions
ID4 Proof of title
ID5 Heritage roundtable agenda
ID6 Mr Pestell note on sites
ID7 Response from Council Economic Development Officer
ID8 Distances and areas
ID9 Burgess Hill scheme
ID10 Appellant appearances
ID11 Council appearances
ID12 Amendments to suggested conditions
ID13 Council closing
ID14 Appellant closing
ID15 Appellant costs claim
ID16 Council costs claim
ID17 Council rebuttal to Appellants costs claim

²⁰ Supporting and presented the closing

Conditions annexe

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

Drg No: 18-095-SGP-ZZ-ZZ-DR-A-131000 Rev P3 - Site Location Plan

Drg No: 18-095-SGP-ZZ-ZZ-DR-A-131001 Rev P8 – Site Plan

Drg No: 18-095-SGP-ZZ-ZZ-DR-A-131100 Rev P6 - Warehouse Layout Unit 1 and Unit 2

Drg No: 18-095-SGP-ZZ-ZZ-DR-A-131101 Rev P6 - Unit 1 Office Layout

Drg No: 18-095-SGP-ZZ-ZZ-DR-A-131102 Rev P6 – Unit 2 Office Layout

Drg No: 18-095-SGP-ZZ-ZZ-DR-A-131103 Rev P4 – Roof Plan

Drg No: 18-095-SGP-ZZ-ZZ-DR-A-131200 Rev P2 – Sections

Drg No: 18-095-SGP-ZZ-ZZ-DR-A-131300 Rev P9 – Elevations

Drg No: 18-095-SGP-ZZ-ZZ-DR-A-920100 Rev P4 - GIA Plans

Drg No: 18-095-SGP-ZZ-ZZ-DR-A-920101 Rev P2 – GEA Plans

Drg No: 01 Rev E - Landscape Masterplan

Drg No: 02 Rev F - Soft Landscaping Plan

Drg No: 04 Rev E – Hard Landscaping Plan

Drg No: 03 Rev C – Plant Schedule

Drg THR-BWB-GEN-XX-DR-C-0603 S8 P06- Proposed Levels

3. No development including site clearance shall take place within the application area until the applicant has secured the implementation of the Stage 1 written scheme of investigation (WSI) for a geoarchaeological borehole study by the University of Winchester ARCA, dated 21 August 2023, that has been submitted to the Local Planning Authority. For land that is included within the WSI no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

If heritage assets of archaeological interest are identified by Stage 1, then for those parts of the site which have archaeological interest a Stage 2 WSI shall be submitted to and approved by the Local Planning Authority in writing. For land that is included within the Stage 2 WSI no site clearance work or development shall take place other than in accordance with the agreed Stage 2 WSI, which shall include:

A. The Statement of significance and research objectives, the programme and methodology of archaeological site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.

B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting archaeological material.

This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the Stage 2 WSI.

Alternatively, if no heritage assets of archaeological interest are identified by the Stage 1 WSI, a report shall be submitted to the Local Planning Authority confirming this prior to the commencement of site clearance and development.

4. No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the demolition and construction works shall incorporate and only be undertaken in accordance with the approved CMS. The CMS shall include measures for:

- (a) A site set-up plan during the works;
- (b) A plan showing the layout, surfacing arrangements, visibility splays and any adjoining gates and means of enclosure for the construction access;
- (c) Parking of vehicles of site operatives and visitors;
- (d) Loading and unloading of plant and materials;
- (e) Storage of plant and materials used in constructing the development;
- (f) Erection and maintenance of security hoarding including any decorative displays and/or facilities for public viewing;
- (g) Wheel washing facilities and procedures of its use for vehicles leaving the site;
- (h) Measures to control dirt, noise, dust, smell and other effluvia, vibrations, odours, surface water run-off, and pests/vermin during construction;
- (i) Proposed method of piling for foundations (if any);
- (j) A scheme for recycling/disposing of waste resulting from demolition and construction works;
- (k) Proposed construction and demolition work hours;
- (l) Hours of deliveries and vehicles taking materials are permitted to enter or leave the site and preferred haulage routes;
- (m) Details of any banksmen arrangements.

5. No development shall take place until a detailed Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority (in consultation with National Highways) and shall be complied with during the construction phase of the development.

6. No development shall commence until a materials management plan is provided detailing how soil and other materials are managed during earthworks and construction of the approved development. The development shall only proceed in accordance with the approved plan. The materials management plan should include details:

- (a) Showing where any spoil to remain on site will be deposited
- (b) Showing the resultant ground levels for spoil deposited on the site
- (c) Include measures to remove spoil from site
- (d) Include measures for the deposition/removal of spoil.

7. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following:

- (a) The identification of potentially damaging activities and a risk assessment to mitigate impact.
- (b) Identification of “biodiversity protection zones”.
- (c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- (d) The identification, location and timing of sensitive works to avoid harm to biodiversity features.
- (e) The times during construction when specialist ecologists need to be present on site to oversee works.

- (f) Responsible persons and lines of communication.
- (g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- (h) Use of protective fences, exclusion barriers and warning signs.
- (i) Risk Assessment Method Statement for Great Crested Newts.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

8. No development shall take place until an updated ecological survey has been undertaken has submitted to and approved in writing by the Local Planning Authority. The survey shall be undertaken no more than six months prior to the commencement of development. The report shall detail the methods, results and a discussion on the survey, and include recommendation measures for any working practices or other mitigation measures and the development shall be implemented in accordance with these details to a timescale agreed by the Local Planning Authority.

9. The development shall not commence until a Landscape and Ecological Management Plan (LEMP) (also referred to as a Habitat or Biodiversity Management Plan) has been submitted to and be approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:

- (a) Description and evaluation of features to be managed.
- (b) Ecological trends and constraints on site that might influence management.
- (c) Aims and objectives of management.
- (d) Appropriate management options for achieving aims and objectives.
- (e) Prescriptions for management actions.
- (f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- (g) Details of the body or organization responsible for implementation of the plan.
- (h) Ongoing monitoring and remedial measures.
- (i) Details of a 30-year Habitat Management and Monitoring Plan (HMMP) for the site.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives linked to the Biodiversity Net Gain objectives of the approved scheme. The approved plan will be implemented in accordance with the approved details.

10. No development or other operations shall commence on site until a maintenance and management programme for the implementation of the approved soft landscaping scheme which shall provide sufficient specifications to ensure successful cultivation of trees, shrub and grass establishment is submitted and approved in writing by the Local Planning Authority.

The soft landscaping scheme shall be implemented in accordance with the programme which shall ensure completion of the approved landscape scheme within the first planting season following completion of development.

Any trees shrubs or plants that die or become seriously damaged within fifteen years of this development shall be replaced in the following year by plants of the same size and species.

11. No development shall take place (except for demolition and site clearance) until detailed measures to achieve net zero carbon operational regulated energy have been submitted to and approved in writing by the Local Planning Authority. These details shall in part be informed by the measures set out in the Sustainability Statement for Planning Rev F. The development shall be constructed in full accordance with the approved details.

12. The development shall not be occupied until detailed measures to achieve net zero carbon operational unregulated energy have been submitted to and approved in writing by the Local Planning Authority. Occupation of the building shall take place in accordance with the approved details.

13. If any previously unidentified contaminated land is found during site clearance, groundwork and construction, it shall be reported immediately in writing to the Local Planning Authority (LPA). Appropriate investigation and risk assessment shall be undertaken, and any necessary remediation measures shall be submitted and approved in writing by the LPA. These submissions shall be prepared by a competent person (a person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation), and conducted in accordance with current best practice. Thereafter, any remediation measures shall be carried out in accordance with the approved details. Unless otherwise agreed in writing by the LPA, the development shall not be occupied until any approved remediation measures have been completed and a verification report to demonstrate the effectiveness of the remediation has been submitted to and approved in writing by the LPA.

14. All ecological measures and/or works shall be carried out in accordance with the details contained in:

Soft landscaping plan FIRS3002 02 F (June 2024, Turley);

Illustrative Landscape Masterplan FIRS3002 01 E (June 2024, Turley);

Plant Schedule within the Design and Access Statement-Landscape Strategy

FIRS3002 REV C (June 2024, Turley);

Preliminary ecological appraisal and preliminary bat roost assessment RT-MME-150244-02 (September 2019, Middlemarch);

Design and access statement – landscape strategy (Turley, June 2024).

15. If the development approved does not commence (or, having commenced, is suspended for more than 12 months) within 2 years from the date of the planning permission, the approved ecological measures secured through Condition 'Compliance with existing detailed biodiversity method statements, strategies, plans and schemes' shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to (i) establish if there have been any changes in the presence and/or abundance of protected habitats or species and (ii) identify any likely new ecological impacts that might arise from any changes.

16. No permanent vehicular access to the highway shall be constructed until details of the surfacing arrangements have been submitted to and approved in writing by the Local Planning Authority. The permanent vehicular access shall be constructed in accordance with the approved details and brought into use prior to the occupation of the development.

17. No development above ground level shall take place until samples of the external materials have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

18. The hereby approved development shall not be brought into use until an acoustic fence as shown on 18-095-SGP-ZZ-ZZ-DR-A-131001-P8 is installed in accordance with details that have first been approved in writing by the Local Planning Authority.

19. The hereby approved development shall not be brought into use until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority.

These details shall:

- a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and the WBC SuDS Supplementary Planning Document December 2018, with particular emphasis on Green SuDS and water re-use, and the approved Drainage Strategy Layout produced by BWB Consulting (Ref. THR-BWB-GEN-XX-DR-D-500, S8, P05) with a maximum discharge rate of 15.0 l/s.
- b) Include flood water exceedance routes (low flow, overflow and exceedance routes), both on and off site.
- c) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site.
- d) Include details of any pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil, groundwater, watercourse or drain, including manufacturers specifications.
- e) Include written confirmation from Thames Water of their acceptance of the discharge from the site into the surface water sewer and confirmation that the downstream sewer network has the capacity to take this flow.
- f) Include groundwater flotation calculations to demonstrate that all below ground infrastructure will not be subject to flotation which would subsequently impact upon the functionality of the design.
- g) Include a verification report carried out by a qualified drainage engineer demonstrating that the drainage system has been constructed as per the approved scheme (or detail any minor variations thereof), to be submitted immediately following construction to be approved by the Local Planning Authority. This Report shall include plans and details of all key drainage elements (surface water drainage network, attenuation devices/areas, flow restriction devices and outfalls) and details of any management company managing the SuDS measures thereafter.

The above sustainable drainage measures shall be implemented in accordance with the approved details before the use hereby permitted is commenced in accordance with a timetable to be submitted and agreed in writing with the Local Planning Authority as part of the details submitted for this condition. The sustainable drainage measures shall be maintained in the approved condition thereafter.

20. No unit shall be first occupied until the hard landscaping of the site has been completed in accordance with the details of boundary treatments (e.g. walls, fences) and hard surfaced areas (e.g. driveways, paths, patios, decking) shown on the approved plans/documents Hard Landscaping Plan FIRS3002 04 E, Design and Access Statement- Landscape Strategy FIRS3002, June 2024 and Site Plan 18-095-SGP-ZZ-ZZ-DR-A- 131001-P8.

21. No unit shall be brought into use until at least 8 electric vehicle charging point(s) have been provided for that unit in line with drawing 18-095-SGP-ZZ-ZZ-DR-A-131001-P8 in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The details shall include confirmation of the voltage to be available. Thereafter, the charging point(s) shall be maintained, and kept available and operational for electric vehicles at all times.

22. The hereby approved development shall not be first occupied until cycle parking/storage facilities have been provided in accordance with the approved drawings. Thereafter the facilities shall be maintained and kept available for that purpose at all times.

23. The hereby approved development shall not be occupied until vehicle parking has been completed in accordance with the approved plans (including any surfacing arrangements and marking out). Thereafter the parking shall be kept maintained as approved and used solely for the purpose of the development.

24. The development hereby permitted shall not be first brought into use until visibility splays of 2.4 metres x 48 metres have been provided in both directions at the new access onto Hoad Way in accordance with the approved plans (Proposed Site Access 20168-01). Thereafter the visibility splays shall be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level at all times.

25. The development shall not be brought into use until the footpaths are constructed in accordance with drawing 18-095-SGP-ZZ-ZZ-DR-A-131001-P8 and brought into use.

26. The development hereby permitted shall achieve a rating of “Excellent” under BREEAM V6 (or any such equivalent national measure of sustainable building which replaces that scheme). The development shall not be first occupied until a final certificate has been issued certifying that this rating has been achieved, and a copy of the certificate has been provided to the Local Planning Authority.

27. No external lighting shall be installed at the site until a lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- (a) include a plan to show the location of any lighting,
- (b) isolux contour diagram(s), an operation strategy (e.g. details of timed operation),
- (c) specifications all lighting,
- (d) demonstrate how external lighting will not disturb or prevent bats and badgers using their territory or having access to their breeding sites and resting places (this includes identifying areas/features particularly sensitive to lighting including in and around breeding sites and resting places or along important routes to access to their key areas of their territory e.g. foraging).

All external lighting shall be installed, in accordance only with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed.

28. 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 noise therefrom does not exceed the existing background noise level when measured in accordance with BS4142:2014+A1:2019.

29. The development hereby approved shall be used for Use Class E(g) ii) and iii) (light industrial), B2 and B8 with ancillary office provision and for no other purpose, including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). This restriction shall apply notwithstanding any provisions in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any provision equivalent to that Class in any statutory instrument revoking and reenacting that Order with or without modification).

30. The Framework Travel Plan (received on 26th June 2024, prepared by David Tucker Associates) shall be implemented from the development first being brought into use. It should be reviewed and updated within 6 months of first implementation. After that the Travel Plan shall for the following 5 years after first occupation be annually reviewed and updated to achieve agreed targets and measures within the timescales set out in the plan and any subsequent revisions.

End of conditions