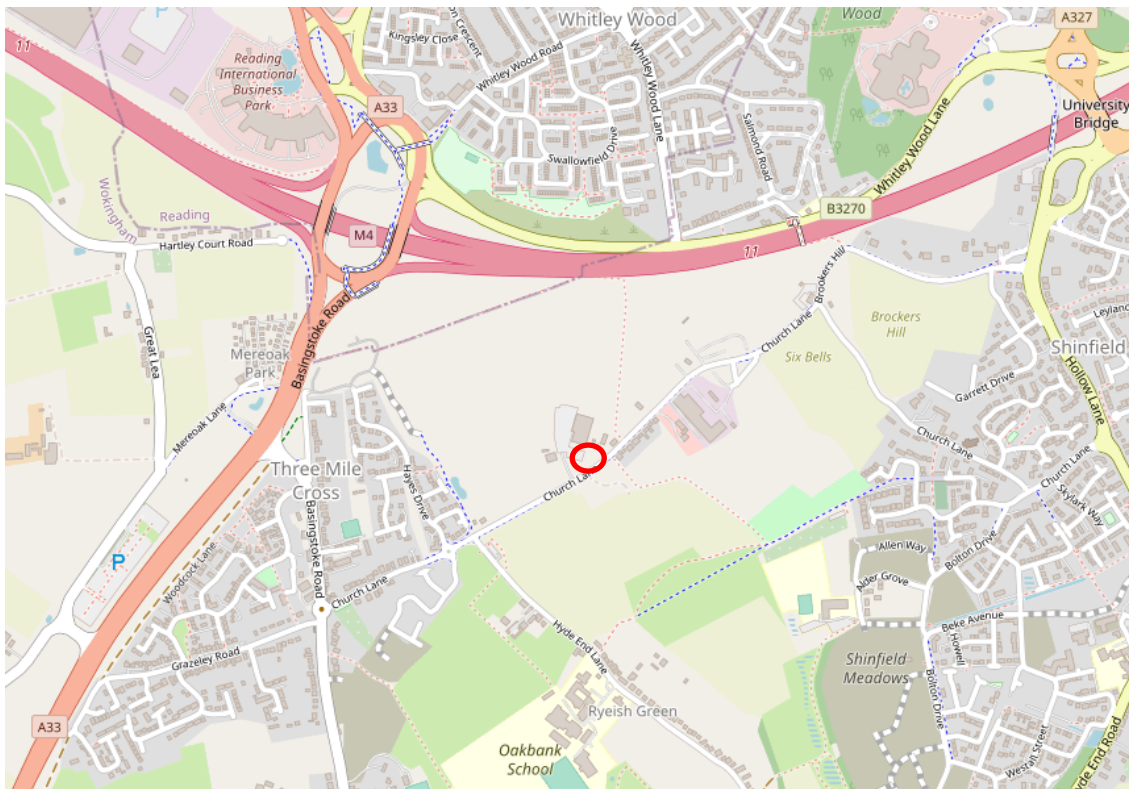




ANDREW BEARD
PLANNING

PLANNING STATEMENT



**Front Plot, Shinfield Court,
Church Lane. Three Mile Cross,
Reading. RG7 1HB.**

On behalf of:

**Zest Trading UK Ltd.
(Campus & Co.)**

UPDATE December 2024



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PLANNING STATEMENT

**Front Plot, Shinfield Court, Church Lane. Three Mile Cross,
Reading. RG7 1HB.**

**Proposed new retail members-only club, single storey
building (Sui Generis) with new access and
demolition/removal of existing building. (Resubmission
of 240307)**

Zest Trading UK Ltd. (Campus & Co.)

DATE ISSUED: 10/12/2024

JOB NUMBER: ABP/0518

PREPARED and

APPROVED BY:

Andrew Beard MRTPI

Consultant

Andrew Beard Planning

(ABP)



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APPENDIX A – Legal Opinion

1. INTRODUCTION

1.1. This Planning Statement has been prepared to support a resubmission of application 240307 which was refused by the Council on 26 July 2024 (and currently subject of an ongoing written representation appeal (APP/X0360/W/24/3350981)).

1.2. The original application was refused for two reasons

Reasons

1. The proposed development results in the intensification of a sub- standard access to the detriment of highway safety. As such the proposal is contrary to the Core Strategy CP6, and the National Planning Policy Framework.

2. In the absence of an appropriate legal agreement restricting the use of the retail members club to only members of the Plymouth Brethren there would be harm to the quality of the environment due to an increase in visits to the site, resulting in an urbanising impact and problems with highway safety. This is contrary to CP1, CP3, CP6 and CP11 of the Core Strategy, Policies 4 and 11 of the Shinfield Neighbourhood Plan and the National Planning Policy Framework.

1.3. The original application was for a new Members retail club to serve the Brethren church, operated by Zest Trading UK Ltd (a not for profit business), trading as Campus & Co. to provide a store (Members club) to serve the local congregation of the PBC Brethren church, to replace an existing store located at Arkwright Road, Reading which is neither well located to the spread of customer's dwellings, nor linked to the existing main hall, thereby reducing overall trips of the congregation.

1.4. The proposed location is part of the existing main hall site, which provides a synergy and linked trip potential as well as being far more centrally located to households. Once consent is granted, RGHT will grant a long-term lease to Zest Trading UK Ltd.

- 1.5. There is no change to the proposed use as previously submitted.
- 1.6. The Council in their appeal evidence confirmed that the proposal was acceptable in principle, based on the fact it is a retail members club.
- 5.11 The proposal is considered acceptable in principle, based on the fact that it is a retail members club. Therefore use of the building needs to be restricted to members of the church congregation only. The applicant has argued that this can be achieved by condition and has provided other examples of where this has been done.
- 1.7 During this application determination the applicant will update the UU submitted to the appeal with new references to support this re-submission.
- 1.8 The only changes are to address the Highways reason for refusal by moving the proposed access to a new one east of the site and improve the separation from the Main Hall / School accesses.



- 1.9 This has required the building to move within the site and the layout for parking, deliveries and planting to change.
- 1.7. The building will be the same sensitive single-storey building with green sedum mansard roof but moved west to adjacent the hall access.
- 1.8. Key reports have been updated for this December 2024 resubmission –

- Transport Statement (S Woods) Nov 2024
- AIA report
- PEA & BNG report
- Updated suite of plans

1.9. The formal resubmission application comprises –

- Application form and certificates.
- CIL form 1
- Planning Statement December 2024 update (Andrew Beard Planning).
- Community Involvement Statement Feb 2024
- Site Location Plan 731-00
- Block Plan Drainage Strategy 731-03F (Paul Reeves Architectural)
- Existing topographical plan and existing building elevations and floorplan (Compass Surveys Limited) 731-03B
- Proposed Site Layout Plan 731-01H (Paul Reeves Architectural)
- Proposed Elevations and Street scene 731-02F (Paul Reeves Architectural)
- Transport Statement November 2024 (Steve Woods)
- Speed Survey Results NDC November 2023

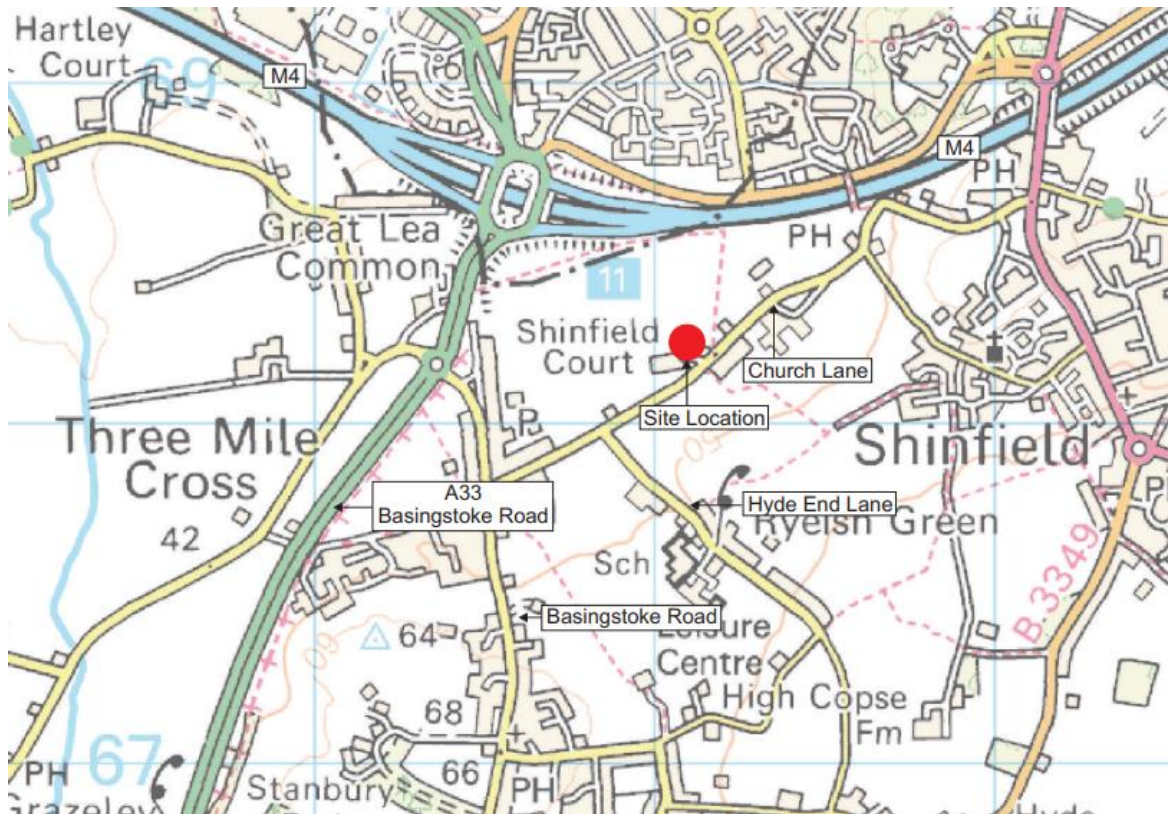


- Preliminary Ecological Appraisal & BNG (Ecology Partnership) November 2024
- Arboricultural Impact assessment Report November 2024 (Argenta)

1.5 The application is submitted via Planning Portal reference ***PP-13601686*** with a fee of £2,954 for the new building.

2. SITE LOCATION & DESCRIPTION

- 2.1 The application site is located on Church Lane within Shinfield South Ward close to the M4 junction 11 at Three Mile Cross. The site sits in the middle of three settlements – to the north Reading, to the west Three Mile Cross and to the east Shinfield as shown below.



- 2.2 The site comprises the front plot of the main hall approved in June 2008 – reference 072185 – *"Proposed erection of new gospel hall with car parking and landscaping amenities. New caretakers cottage with bat loft above. Access from Church Lane. Demolition of existing buildings"*.
- 2.3 The site is on a linear route parallel with the M4 linking Three Mile Cross to Shinfield. The site is well screened from the highway with the hall, and bat roost

building, and store and houses set back, with existing trees and hedgerow dominating the street scene.





Existing city hall



Existing ancillary buildings

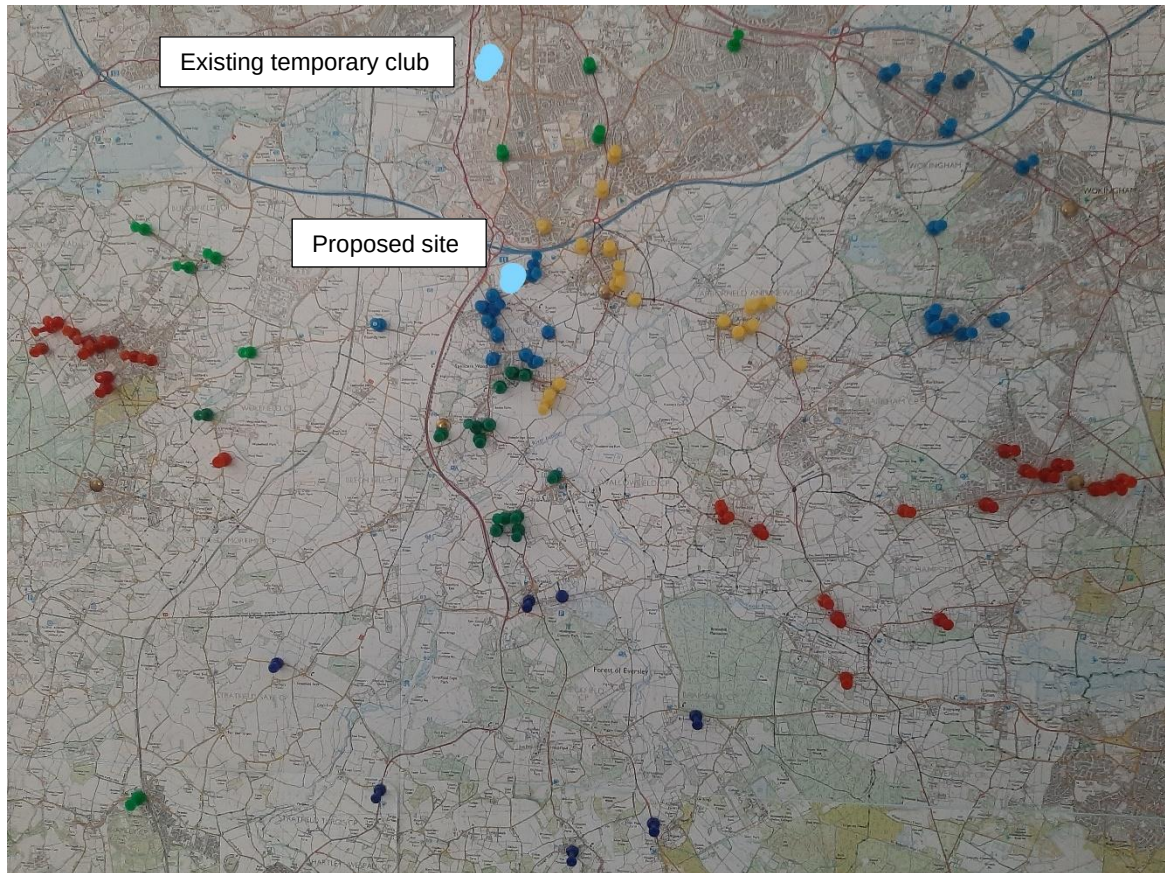


Existing access to City Hall



Existing access for Members Club (to be closed)

2.4 The site is ideally located within the centre of the congregation catchment area.



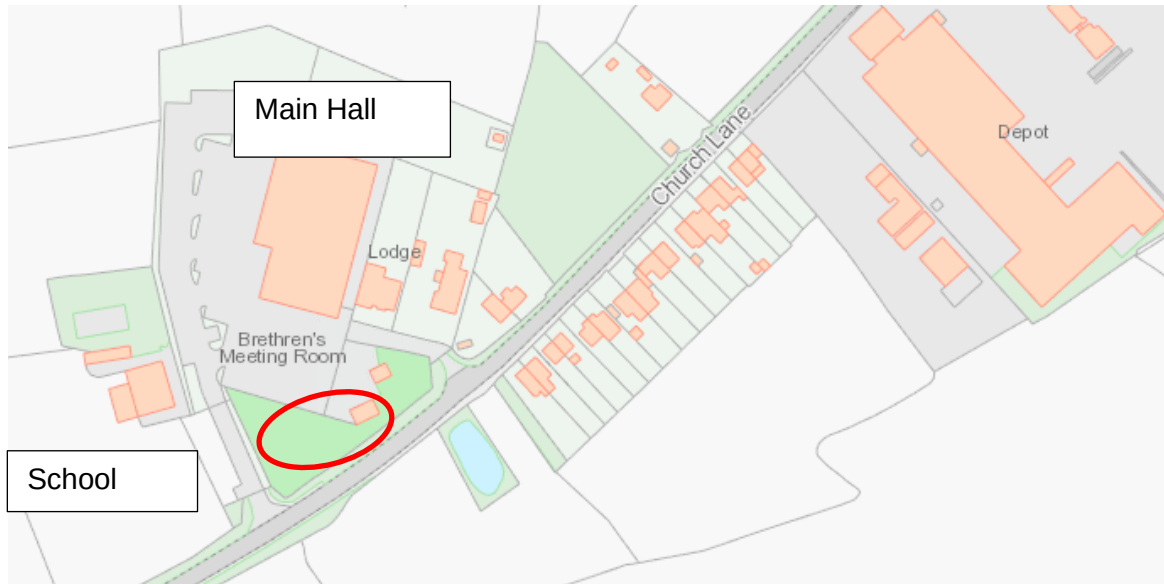
The coloured dots show the locations of existing households within the full RGHT congregation.

The different colours indicate the sub groups which meet in the smaller halls for local services.

All the congregation gather at the Three Mile Cross site for the combined larger services.

The main hall and members retail club will serve the whole congregation from one central site and enable linked trips. Apart from Covid restrictions there have been typically five such meetings each week for the whole congregation.

- 2.5 The site is the front plot within the existing church site. A school has been approved and started adjacent.

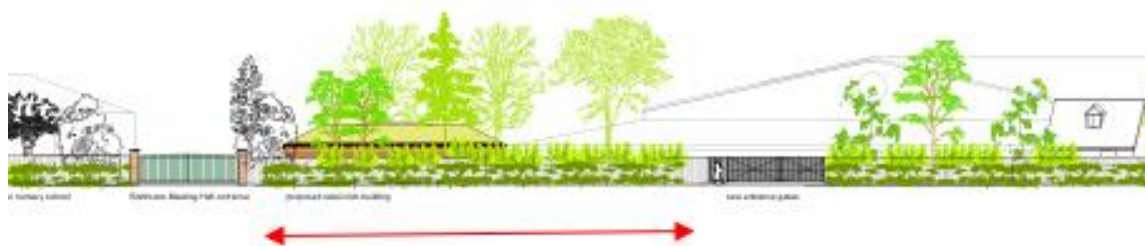


3. SITE HISTORY & CONTEXT

- 3.1 The key history to the site is approval reference F/2007/1888 – *"Proposed erection of new gospel hall with car parking and landscaping amenities. New caretakers cottage with bat loft above. Access from Church Lane. Demolition of existing buildings"*.
- 3.2 The scheme then subject to approval F/2009/1229 – *"Proposed erection of new gospel hall with associated car parking and landscape amenities, plus caretakers cottage with bat loft above, access from Church land and demolition of existing buildings (amendment to consent F/2007/1888."*
- 3.3 A variation of the 2009 consent VAR/2015/0839 was approved substituting final drawings, which has resulted in the existing site operating as a main hall.
- 3.4 The whole site operating as a church falls within Use Class F.1f and the site is previously developed land.
- 3.5 Application 240307 was refused primarily on highways grounds on 26th July 2024 and is currently at written representation appeal.

Full application for the proposed erection of 1 no. detached single storey building to form a church community members-only retail club (Use Class Sui Generis) with associated parking and access following demolition of the existing building.

- 3.6 This resubmission application moves the access and building to overcome the Highways reason for refusal.



4. POLICY CONTEXT

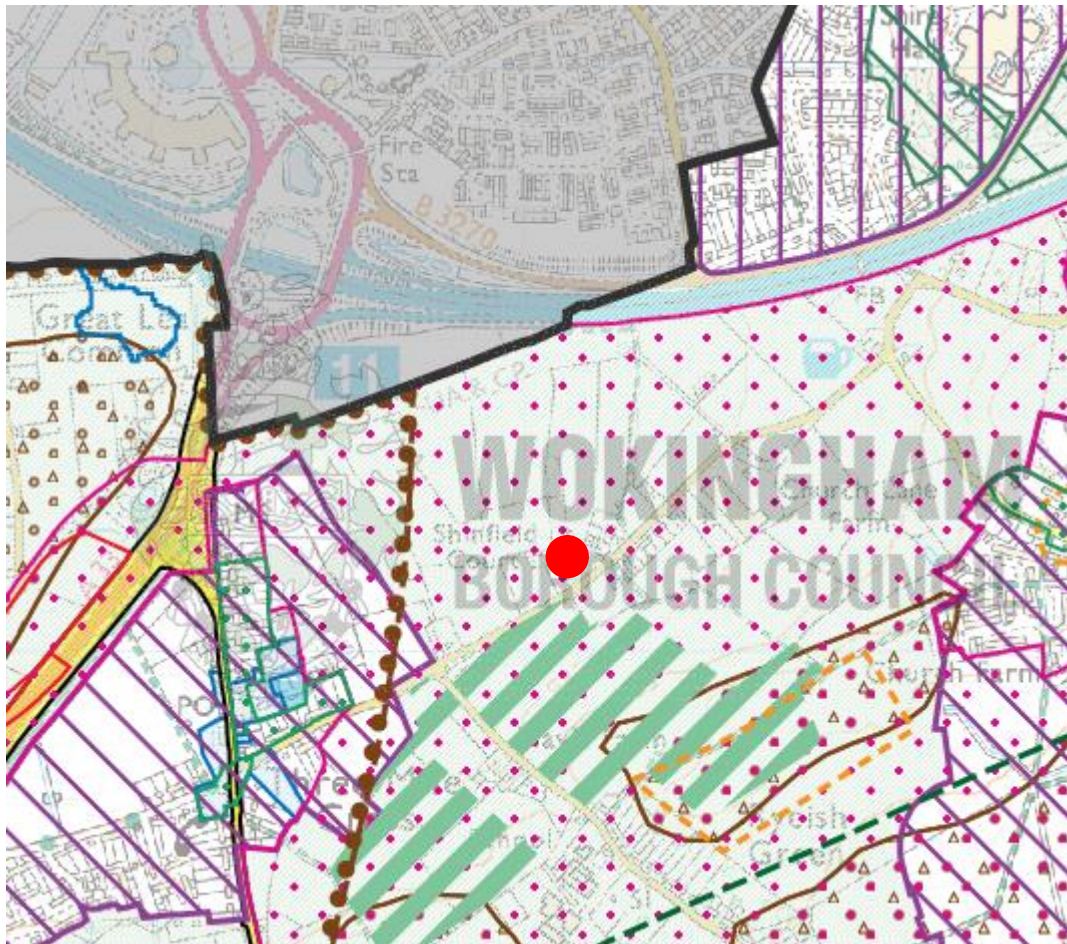
4.1 The site falls within the administrative area of Wokingham Borough Council.

4.2 The current Development Plan is made up of the -

Wokingham Core Strategy (adopted January 2010)

Managing Development Delivery Local Plan (adopted February 2014)

4.3 The site is shown within the Policies Map as:



Copyright - WBC

*The site is located within **Strategic development Locations** (pink dots) but outside settlements. Three Mile Cross and Shinfield are modest development locations.*



4.4 The update of the Local Plan to 2036 is at the early stages following the revised growth strategy consultation in 2021/22 and not expected to be adopted until the end of 2026 so cannot be afforded any significant weight.

4.5 Key Policies are –

- CP1 Sustainable Development
- CP3 General Principles for Development
- CP6 Managing Travel Demand
- CP9 Scale and Location of development proposals
- CP11 Proposals outside Development Limits (including countryside)
- CP13 Town centres and shopping
- CP19 South of The M4 Strategic Development Location.
- CC02 Development Limits.
- CC07 Parking
- CC10 Sustainable Drainage
- TB16 Development for town centre uses
- TB21 Landscape character
- TB23 Biodiversity and development

CP1 – Sustainable development

Planning permission will be granted for development proposals that:

- 1) Maintain or enhance the high quality of the environment;
- 2) Minimise the emission of pollutants into the wider environment;
- 3) Limit any adverse effects on water quality (including ground water);
- 4) Ensure the provision of adequate drainage;
- 5) Minimise the consumption and use of resources and provide for recycling;
- 6) Incorporate facilities for recycling of water and waste to help reduce per capita water consumption;
- 7) Avoid areas of best and most versatile agricultural land;
- 8) Avoid areas where pollution (including noise) may impact upon the amenity of future occupiers;
- 9) Avoid increasing (and where possible reduce) risks of or from all forms of flooding (including from groundwater);
- 10) Provide attractive, functional, accessible, safe, secure and adaptable schemes;
- 11) Demonstrate how they support opportunities for reducing the need to travel, particularly by private car in line with CP6; and
- 12) Contribute towards the goal of reaching zero-carbon developments⁴¹ as soon as possible by:
 - a) Including appropriate on-site renewable energy features; and
 - b) Minimising energy and water consumption by measures including the use of appropriate layout and orientation, building form, design and construction, and design to take account of microclimate so as to minimise carbon dioxide emissions through giving careful consideration to how all aspects of development form.

CP3 - General Principles for development

Planning permission will be granted for proposals that:

- a) Are of an appropriate scale of activity, mass, layout, built form, height, materials and character to the area together with a high quality of design without detriment to the amenities of adjoining land users including open spaces or occupiers and their quality of life;
- b) Provide a functional, accessible, safe, secure and adaptable scheme;
- c) Have no detrimental impact upon important ecological, heritage, landscape (including river valleys) or geological features or water courses.
- d) Maintain or enhance the ability of the site to support fauna and flora including protected species;
- e) Use the full potential of the site and contribute to the support for suitable complementary facilities and uses;
- f) Contribute to a sense of place in the buildings and spaces themselves and in the way they integrate with their surroundings (especially existing dwellings) including the use of appropriate landscaping;
- g) Provide for a framework of open space in secure community use achieving at least 4.65 ha/1,000 population provision together with recreational/sporting facilities in addition to private amenity space;
- h) Contribute towards the provision of an appropriate sustainable network of community facilities;
- i) Do not lead to a net loss of dwellings and other residential accommodation or land; and
- j) Do not lead to a loss of community or recreational facilities/land or infrastructure unless suitable alternative provision is available.

Development proposals will be required to demonstrate how they have responded to the above criteria through the submission of Design and Access Statements, clear and informative plans, elevations and streetscenes and where required Masterplans, Development Briefs, Concept Statements and Design Codes.

CP6 - Managing Travel Demand

Planning permission will be granted for schemes that:

- a) Provide for sustainable forms of transport to allow choice;
- b) Are located where there are or will be at the time of development choices in the mode of transport available and which minimise the distance people need to travel;
- c) Improve the existing infrastructure network, including road, rail and public transport, enhance facilities for pedestrians and cyclists, including provision for those with reduced mobility, and other users;
- d) Provide appropriate vehicular parking, having regard to car ownership;
- e) Mitigate any adverse effects upon the local and strategic transport network that arise from the development proposed;
- f) Enhance road safety; and
- g) Do not cause highway problems or lead to traffic related environmental problems.

CP13 – Town centres and shopping

Wokingham and Woodley town centres, Lower Earley district centre, Shinfield Road centre, Twyford village centre and Winnersh centre are suitable in principle to accommodate town centre uses. The roles of all existing and new retail centres will be protected and maintained, in addition to local shopping centres and parades that meet the day to day needs of the local community. Losses of retail from primary retail frontages will not be permitted in order to maintain vitality and viability.

New retail centres that will not impact upon existing retail centres may be designated through the Local Development Framework. The hierarchy of centres within the borough is:

- a) Wokingham town centre is designated as a major town centre;
- b) Arborfield Garrison district centre (proposed through policy CP18), Lower Earley district centre, Shinfield Road district centre, Twyford village centre, Winnersh village centre and Woodley town centre are designated as small town/district centres
- c) Local centres – as defined in subsequent Development Plan Documents

CP19 – South of the M4 Strategic Development Location

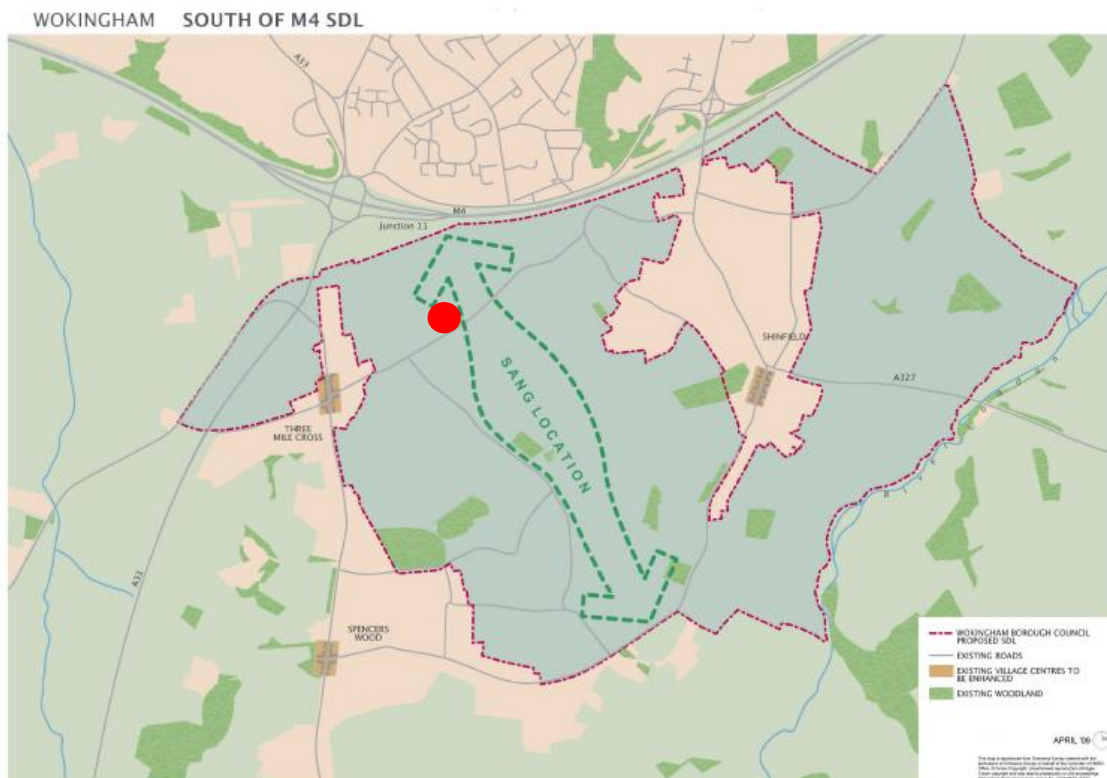
Within the areas identified South of the M4 motorway, a sustainable, well designed mixed use development will be delivered by 2026 including:

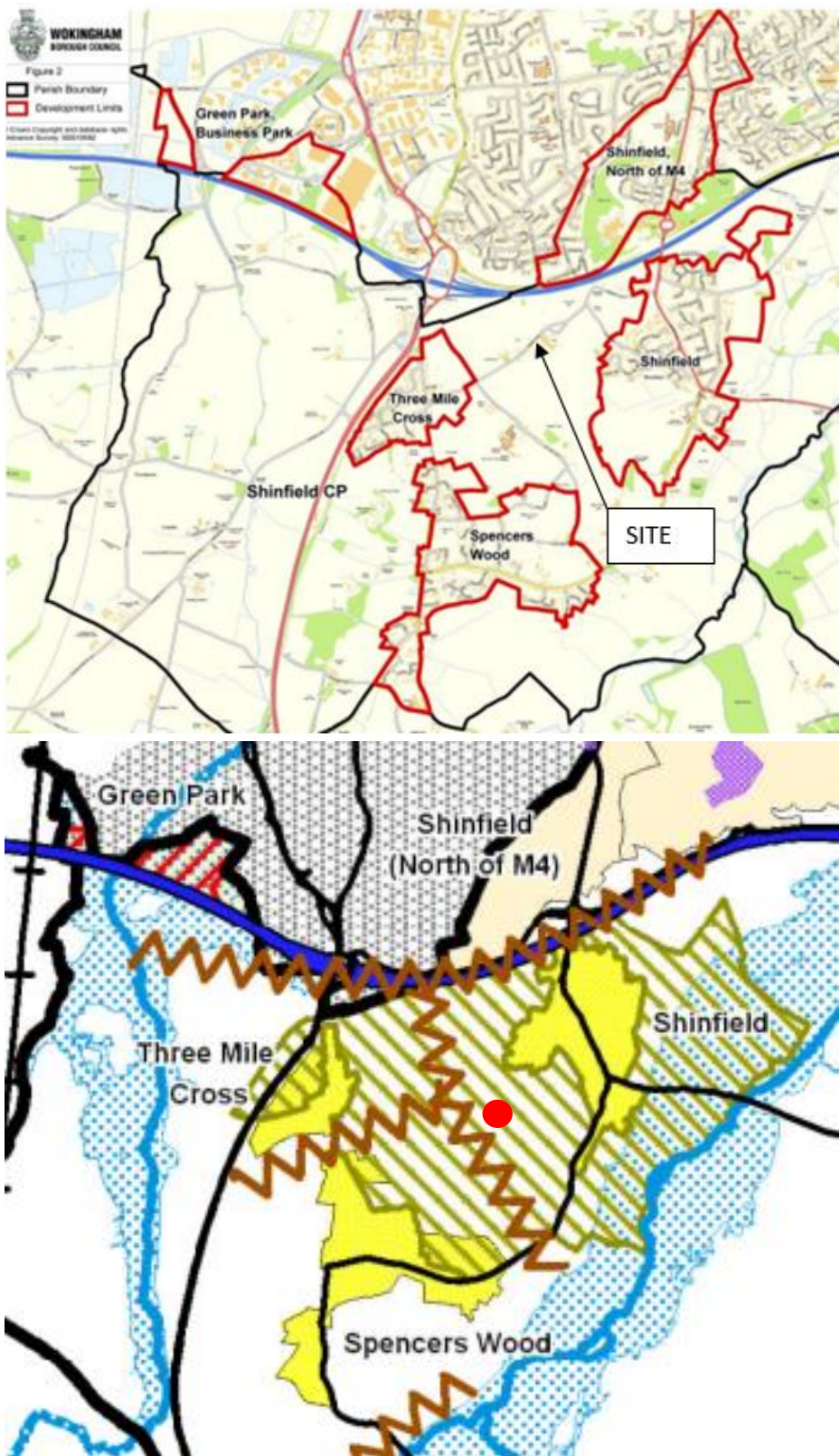
- 1) Phased delivery of around 2,500 dwellings including affordable homes in accordance with policy CP5;
- 2) Appropriate employment;
- 3) Appropriate retail facilities;
- 4) Social and physical infrastructure (including provision for up to 2 new primary schools and the likely expansion of existing primary provision together with existing children's centre and youth facilities);
- 5) Measures to maintain separation of these settlements from each other and from Green Park Business Park (Reading), settlements within the administrative Borough of Reading, Shinfield (North of M4) and Swallowfield;
- 6) Necessary measures to avoid and mitigate the impact of development upon the Thames Basin Heaths Special Protection Area in line with Policy CP8 to meet the requirements of the Habitats Regulations and in accordance with Natural England's latest standards. This will include sufficient Suitable Alternative Natural Greenspace (subject to monitoring of the quality and quantity standards).;

- 7) Improvements to highway capacity along the A327 (on routes to Reading and the M3, including Shinfield eastern relief road) and the A33 (route to Reading);
- 8) measures to improve accessibility by non-car transport modes along the A327 and A33 corridors and routes to the stations at Green Park and Winnersh Triangle; and
- 9) Provision of a Park and Ride in line with CP10.

The development will be guided by a Development Brief Supplementary Planning Document produced with the involvement of stakeholders including all interested landowners in the area covered by the Strategic Development Location as defined on the Proposals Map.

A co-ordinated approach to the development of the Strategic Development Location will be required to deliver the necessary infrastructure, facilities and services to meet the needs of the expanded community.





Policy CC02: Development Limits

1. Development limits for each settlement are defined on the Policies Map.
2. Planning permission for proposals at the edge of settlements will only be granted where they can demonstrate that the development, including boundary treatments, is within development limits and respects the transition between the built up area and the open countryside by taking account of the character of the adjacent countryside and landscape.
3. Development proposals within the areas allocated as SDL in the adopted Core Strategy (policies CP18-21) will be permitted that are within the identified development limits unless an acceptable alternative has been agreed through the granting of planning permission accompanied by a deliverable SDL-wide:
 - a. Comprehensive masterplan; and
 - b. Infrastructure Delivery Plan which:
 - i. Ensures that the applicant funds and delivers an appropriate share of the SDL infrastructure; and
 - ii. Does not prejudice the comprehensive delivery and implementation of the wider SDL

Policy CC07: Parking

1. Planning permission will only be granted where the proposal demonstrates the following:
 - a) How the proposed parking provision meets the standards set out in Appendix 2 of the MDD
 - b) That the new scheme retains an appropriate overall level of off-street parking.

Policy CC10: Sustainable Drainage

1. All development proposals must ensure surface water arising from the proposed development including taking into account climate change is managed in a sustainable manner. This must be demonstrated through
 - a) A Flood Risk Assessment, or
 - b) Through a Surface Water Drainage Strategy.
2. All development proposals must
 - a) Reproduce greenfield runoff characteristics and return run-off rates and volumes back to the original greenfield levels, for greenfield sites and for brownfield sites both run-off rates and volumes be reduced to as near greenfield as practicably possible.
 - b) Incorporate Sustainable Drainage Systems (SuDS), where practicable, which must be of an appropriate design to meet the long term needs of the development and which achieve wider social and environmental benefits
 - c) Provide clear details of proposed SuDS including the adoption arrangements and how they will be maintained to the satisfaction of the Council [as the Lead Local Flood Authority (LLFA)]
 - d) Not cause adverse impacts to the public sewerage network serving the development where discharging surface water to a public sewer.

Policy TB16: Development for Town Centre Uses

Sequential Test

1. Proposals for retail uses including extensions of 500 sq m (gross) or above outside the primary shopping areas defined on the Policies Map or for all other main town centre uses outside the defined Wokingham major town centre or the small town/district centres or local centres will be required to satisfy the sequential test.

Retail Impact Test

2. Proposals for retail and leisure uses, including extensions, of 500 sq m (gross) or above outside the defined Wokingham major town centre or the small town/district centres or local centres will be required to satisfy the retail impact test.

Policy TB21: Landscape Character

1. Proposals must demonstrate how they have addressed the requirements of the Council's Landscape Character Assessment, including the landscape quality; landscape strategy; landscape sensitivity and key issues.
2. Proposals shall retain or enhance the condition, character and features that contribute to the landscape.

Policy TB23: Biodiversity and Development

1. Sites of national or international importance are shown and sites of local importance are defined on the Policies Map.
2. Planning permission for development proposals will only be granted where they comply with policy CP7 – Biodiversity of the [Core Strategy](#) and also demonstrate how they:
 - a) Provide opportunities, including through design, layout and landscaping to incorporate new biodiversity features or enhance existing
 - b) Provide appropriate buffer zones between development proposals and designated sites as well as habitats and species of principle importance for nature conservation
 - c) Ensure that all existing and new developments are ecologically permeable through the protection of existing and the provision of new continuous wildlife corridors, which shall be integrated and linked to the wider green infrastructure network.

4.6 There is also a "made" Shinfield Neighbourhood Plan (2017)

5. SCHEME

- 5.1 It is proposed to create a new access further south east along the frontage and move the building to the west boundary.
- 5.2 The building will be used as a Members only retail club. (Sui generis) not a public shop under use class E(a) or F.2. A UUs106 agreement will be submitted.



- 5.3 The proposals will introduce new permeable paving areas, but these would drain to the facilities put in place for the larger main hall which has the capacity with linked 110mm pipes.
- 5.4 The proposals will replant trees loss by the scheme.

5.5 Previous surveys confirmed the existing building to be removed has no bat activity.

5.6 The proposal is to deliver a building of 25m by 15m delivering a gross floorspace of external area of 375m². The net internal area is 350m². Floor space is set out below.

Gross External area	375m ²
Net internal area	350m ² made up of -
Net club display area	240m²
Ancillary storage, goods area	80m ²
Toilets, small staff kitchenette	30m ²
<i>Existing church building to be removed</i>	<i>78m²</i>

5.7 The building has been sensitively sized to provide for the needs of the members retail club to serve around 100 households and is single storey to ensure no adverse impact on the street scene. For visual and biodiversity gains the mansard roof is proposed as a green sedum roof.

5.8 The unit is not used by the general public and will have no shop front and no external signage.

5.9 It is for members use only and not open to the public. It is not advertised for general use.

Use

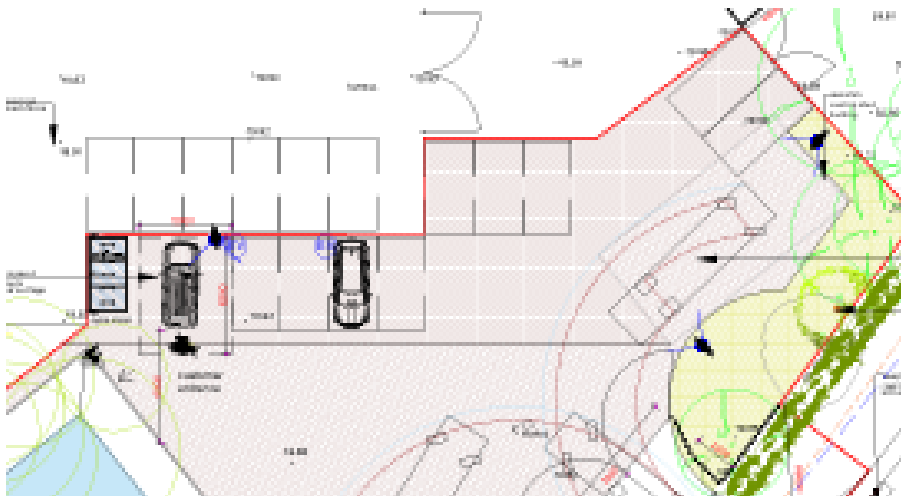
Sui generis – retail members club.

The operations at the premises will consist of wholesale delivery, mainly of food and household goods, and then onward sale to members of the Church community only. The store is run mainly by unpaid volunteers but with some unpaid part time jobs, and all profits are donated to the school charities.

Campus & Co. are set up to support funding for the Brethren OneSchool Global UK sites, which provides education for children of the PBCC.

Car Parking

There will be 10 dedicated parking spaces allocated to the rear of the site. This provision is adequate given it only serves 100 households per week.



Deliveries

There will be a turning area for delivery vehicles to the side and front of the building to bespoke loading doors for. In terms of deliveries to the site, the store will operate the same as at the existing location in which 80% of items sold are obtained from one single supplier who provides a twice-weekly

delivery. These deliveries would be in rigid lorries of up to ten metres in length. The remaining 20% of items are delivered by small vans, with usually only one or two deliveries each week.'



Scale and size

The store will be utilised by approximately 100 households in the local area as shown on the map at paragraph 2.4 above.

The net customer display area for the club is 240m².

The application in floor space terms is a 'minor' not major application.



Context

Whilst out of settlement, it is contained within an existing previously developed site, and node of development comprising church, school, businesses, and housing. The approved primary school adjacent has been started and is extant.

The facility is not new growth, but a facility for the existing church site. In terms of the nuclear consultation zone it will not bring people into the area, that are not already part of the area, it will not serve the general public.

6 KEY ISSUES

Principle of development – accepted by the LPA on previous application, but justification retained in Statement as new application.

RETAIL POLICY

6.1 General retail strategy is to direct E(a) shops to a hierarchy of town centres / district centres and local parades. Proposals should ensure that the vitality and viability of existing centres are not adversely harmed.

6.2 Shops are defined in the Use Classes Order as Class E(a) -

“SCHEDULE 2 PART A Commercial, Business and Service Class E. Commercial, Business and Service Use, or part use, for all or any of the following purposes— (a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public, (b) for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises, (c) for the provision of the following kinds of services principally to visiting members of the public— (i) financial services, (ii) professional services (other than health or medical services), or (iii) any other services which it is appropriate to provide in a commercial, business or service locality, (d) for indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public, (e) for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner, (f) for a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public, (g) for— (i) an office to carry out any operational or administrative functions, (ii) the research and development of products or processes, or (iii) any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.	Article 3
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- 6.3 This proposal is not for the public, so it constitutes a retail club. (see Appendix A legal view) This is Sui Generis.

Sui generis' is a Latin term that, in this context, means 'in a class of its own'.

Certain uses are specifically excluded from classification by legislation, and therefore become 'sui generis'. These include:

- *retail warehouse clubs*

- 6.4 The proposal does **not** impact adversely on retail strategy because:

- It is not open to members of the public and therefore will not direct trade from other Wokingham centres – Town centre or district/local centres.
- It is small scale, with a gross floorspace of only 375m², (although floor sales area is a smaller net area 240m²).

This shows it 'de minimus' nature and due to scale cannot create an adverse impact. In terms of scale it will not impact on other local public shops.

It is below the 500m² threshold in policy TB16.

- The number of visitors is extremely low, with a local members community of approximately 100 households. The diversion of this trade is 'de minimus'. **This trade already takes place in an industrial unit in Reading at Arkwright Road.** There were 62,474 dwellings or households in Wokingham in 2011, which means this proposal affects **0.001% of the population**. This scale cannot harm existing retail provision.
- Similarly, in terms of turnover, there cannot be harm. The approximately net profit is only £10,000 per month which is transferred to fund

OneSchool, which is a minimal spending to impact on the established retail hierarchy and is already directed to Arkwright Road.

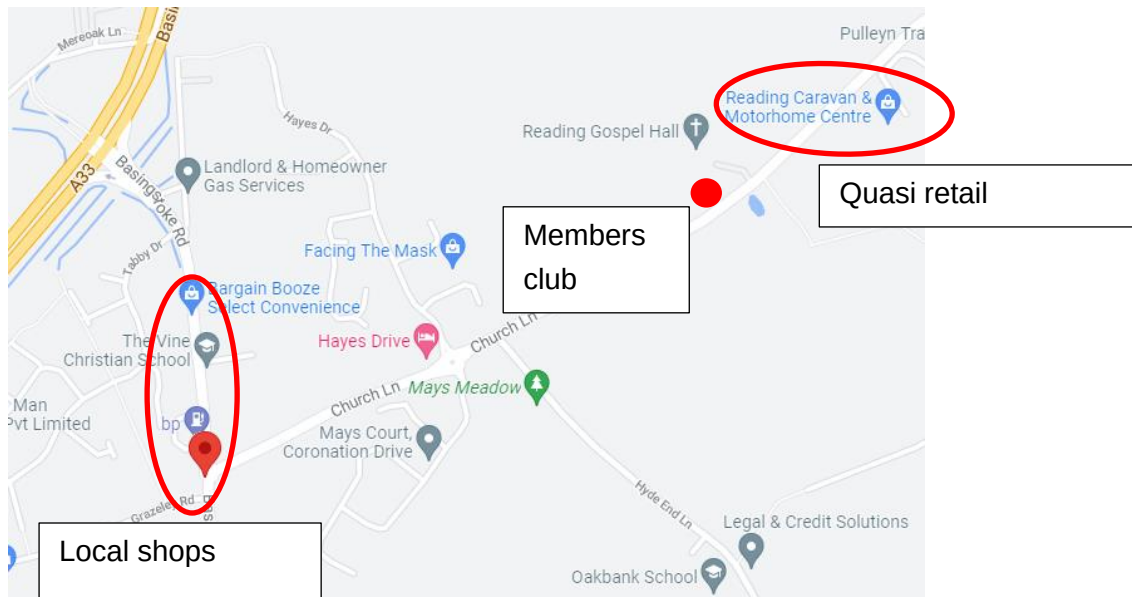
- 6.5 There will be no adverse retail impact from the members club given its minor scale and that **it is not open for the general public** or diverting any significant households or trade.
- 6.6 The use would not be suitable within a centre, as it would take a unit out of general public use and would not be an E(a) use contributing to the health, vitality, and viability of those centres. It would be contrary to primary frontage policy.
- 6.7 Additionally, the nearest district centre to the site is Three Mile Cross, but households already travel to the Reading club.
- 6.8 The members retail club will not impact upon local centres due to
- Sui generis does not open to public.
 - 'De minimus' 240m² net sales to club members only
 - Distance and isolated location from those centres. It cannot draw trade away as members only.
 - If it was located in centre, it would create a 'dead' frontage harming vitality and viability.
 - Sales will be diverted from the existing members club premises in Arkwright Road, Reading, which will close.
- 6.9 As a retail warehouse club, although not the scale of a warehouse it is a town centre use, normally requiring a sequential analysis, however policy TB16 does not require one for schemes under 500m² In terms of a **sequential analysis**, the nearest centre is Three Mile Cross.
- There are no vacancies in this centre.

- General public local shopping is provided by the village store and Budgens.
- New public shopping will be required and served by future proposed Shinfield Village Centre and in any event and this small-scale use will create no conflict with future provision.



At Three Mile Cross there is –

Post office / general store / Budgens food store / Public House / Tyre services / Florist
This will not be adversely affected by the private retail club. There are also quasi forms of retail close to the site in caravan and motorhome sales.



- 6.10 The use is unique and bespoke as members only to a local congregation and thus does not create retail conflict and there are no sequentially preferable sites in the nearest centres, even if there were, this use would harm that centre as not open to the public.
- 6.11 In terms of policy, it does not conflict with policy TB16.
- 6.12 The building does not have the appearance of a shop and is an ancillary function to the overall main church use and site.
- 6.13 In conclusion on retail, there is no adverse impact and no direct conflict with retail policies in terms of the size of the members club in relation to existing centres and the sequential test. The proposal is acceptable within policies CP13 and TB16 as a Sui Generis small members only retail club and replaces an existing facility.



Existing store at Arkwright
Road, Reading

6.14 The local community of RGHT needs to replace the existing store at Arkwright Road for the following reasons and moving it to the existing city hall site is a logical alternative location –

- It is located within an employment business area and only has temporary permission expiring soon.
- The landlord has development plans and could give notice to vacate at any time.
- The layout of space is not convenient, and it is too small for efficient operation.
- The location is not central for the customers.

RESIDENTIAL AMENITY

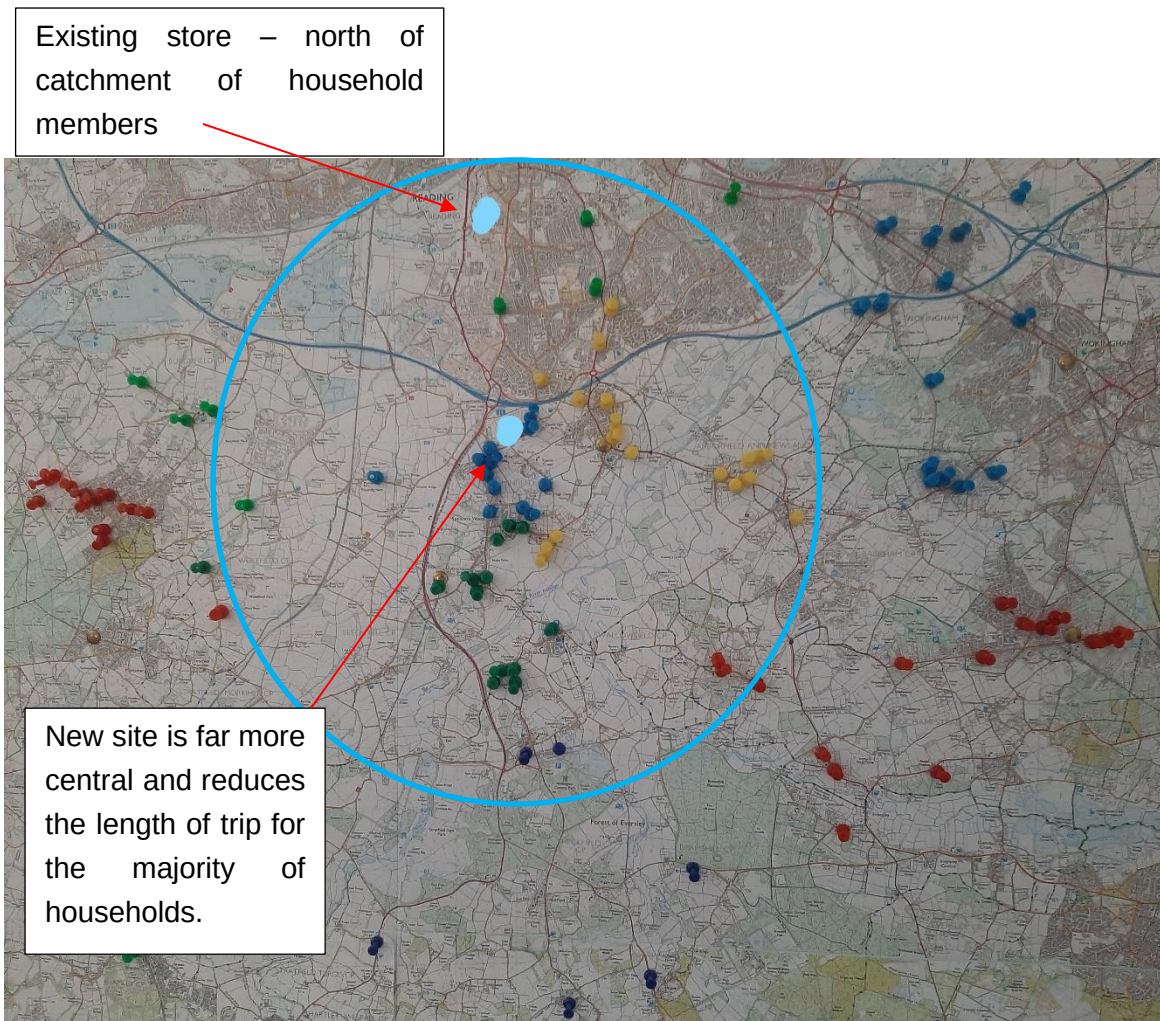
6.15 The use is within an existing previously developed site and replaces an existing building.

- 6.16 The existing bat roost is also between the proposed building and the nearest two houses. The main hall is already larger and closer to existing residential properties.
- 6.17 The noise, activity, use, deliveries etc. will be low level and all take place from the existing front access furthest away from existing houses.
- 6.18 The hours of operation are within normal working hours and the parking area already partly exists. The resubmission scheme moves the building further away from the nearest houses. Overall, it cannot result in adverse harm to residential amenity of neighbours.



TRANSPORT / LOCATION (Key change access)

6.19 The site location is central to the congregation households. It will therefore reduce the length of overall existing trips within the highway network.



6.20 The scale of development gross 375m² and net 240m² usable members retail club floorspace will not generate significant trip generation. This has been accepted by the HA in their appeal evidence. It does not serve the wider public it only serves 100 households.

6.21 The trips would otherwise be on the network accessing the existing store.

6.22 The site also provides for linked trip opportunities with other church uses on site.

6.23 Whilst the site is outside settlement it is –

- Within an existing previously developed site, with large church and car parking areas.
- Within the future proposed strategic development area which will be delivering significant major new development and upgrade of public transport services – Policy CP19.
- It is outside the break required between villages and SANG between future master plan development; it will potentially become part of a developed area not countryside within a future settlement boundary.

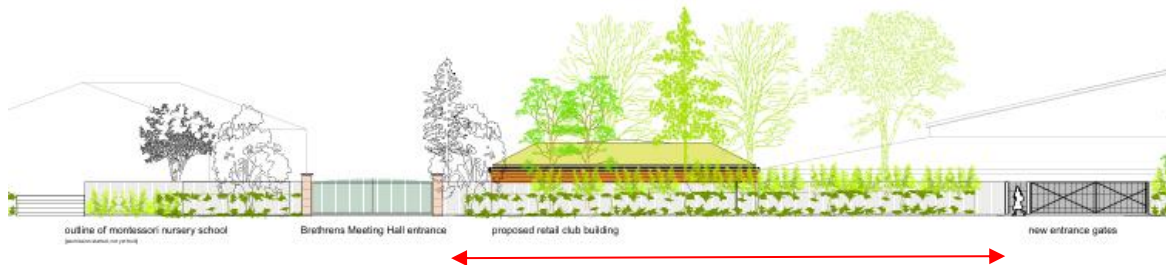
6.24 An updated Transport Statement has been prepared to support the amended scheme.

6.25 The access has specifically been moved eastwards to address the previous reason for refusal.

1. The proposed development results in the intensification of a sub- standard access to the detriment of highway safety. As such the proposal is contrary to the Core Strategy CP6, and the National Planning Policy Framework.

6.26 The existing access will be stopped up as previously envisaged.

- 6.27 A new access is now proposed further east away from the main hall access and school extant access. This gives greater separation and resolves the previous highway safety concerns.



- 6.28 The current scheme should now be supported as responding to the previous refusal.

LANDSCAPE / TREES

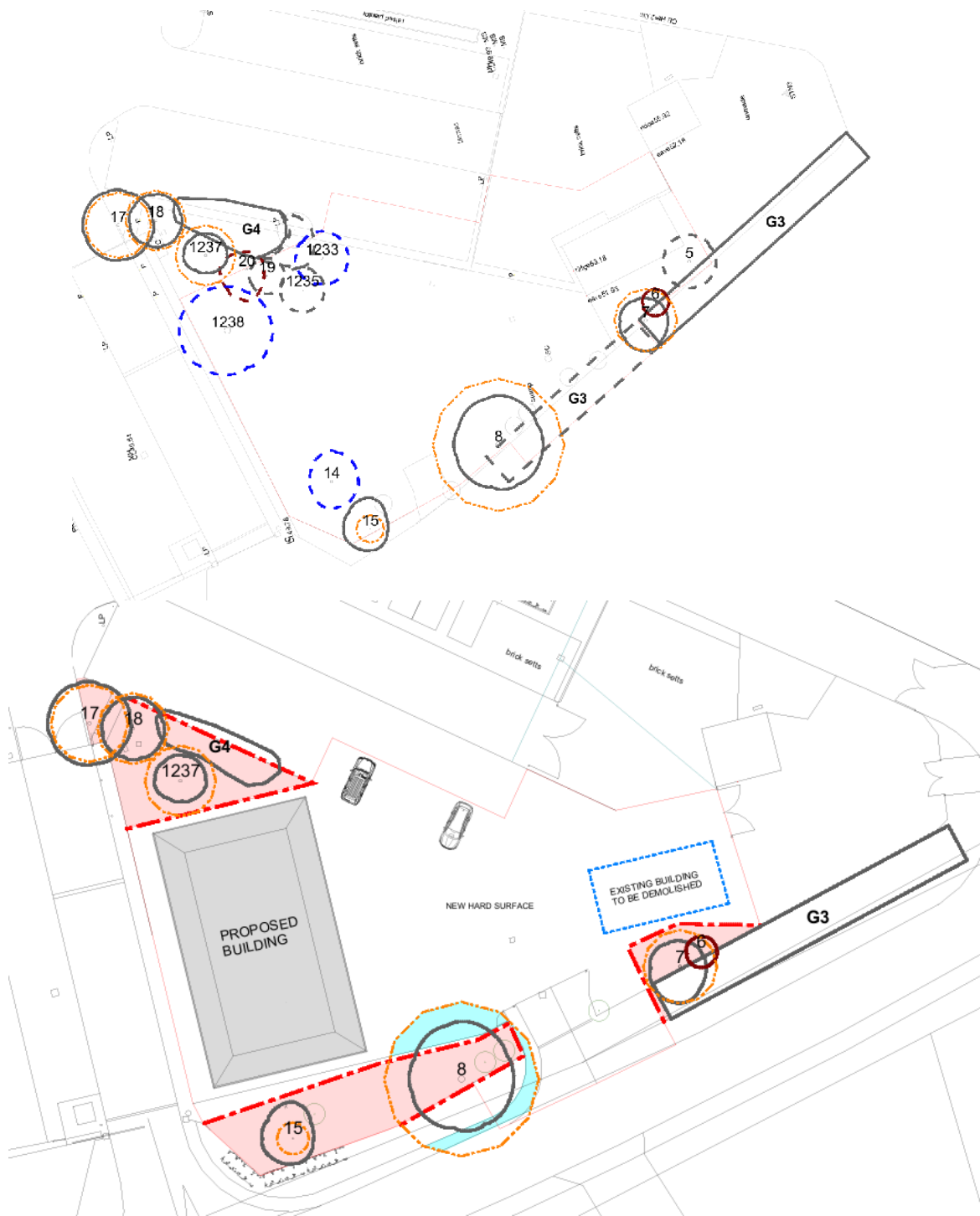
- 6.29 The new building will now be moved within the site and result in some tree loss.

- 6.30 The Arboricultural Impact Report has been updated and concludes –

The proposed development requires the removal of several trees.

Temporary tree protection measures during implementation will ensure that harm to the retained trees is minimised.

Lapses in effective tree protection would be likely to cause serious harm to the trees. Protection measures must be strictly observed.



- 6.31 The new building will still be subservient in scale (single storey) to the buildings behind and includes a new green roof. Trees will still dominate the frontage and can be enhanced.

- 6.32 The building will be absorbed into the existing landscape character and retain a semi-rural character with mature planting. The street scene impact is minor scale within existing buildings and trees.

ECOLOGY

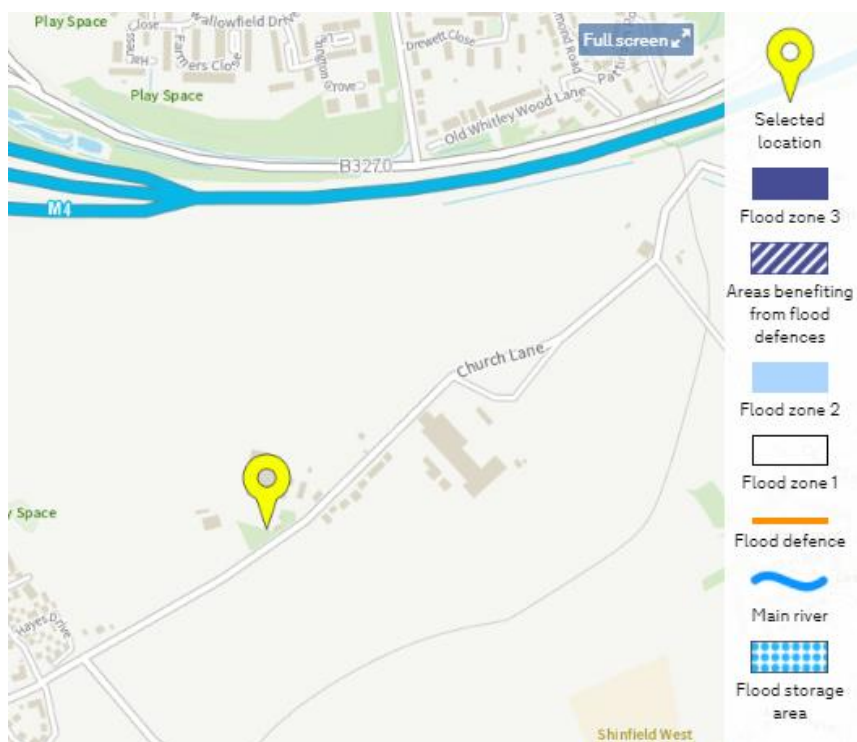
- 6.32 The PEA and BNG has been updated for the new scheme.
- 6.33 The scheme will result in a reduced BNG contribution so the applicants with submit a s106 to deliver off-site improvements to an accredited scheme.
- 6.34 0.4 units is required to reach 10% net gain and 0.02 linear units which can be secured by condition.
- 6.35 Mitigation measures are retained in terms of bird and bat boxes.
- 6.36 Overall, there is no adverse ecological impact resulting from the proposal by off-site enhancements.
- 6.37 The scheme will:
- Retain as many trees as possible.
 - Plant native small trees within the site and along the frontage.
 - Plant a native species rich hedgerow along the frontage.



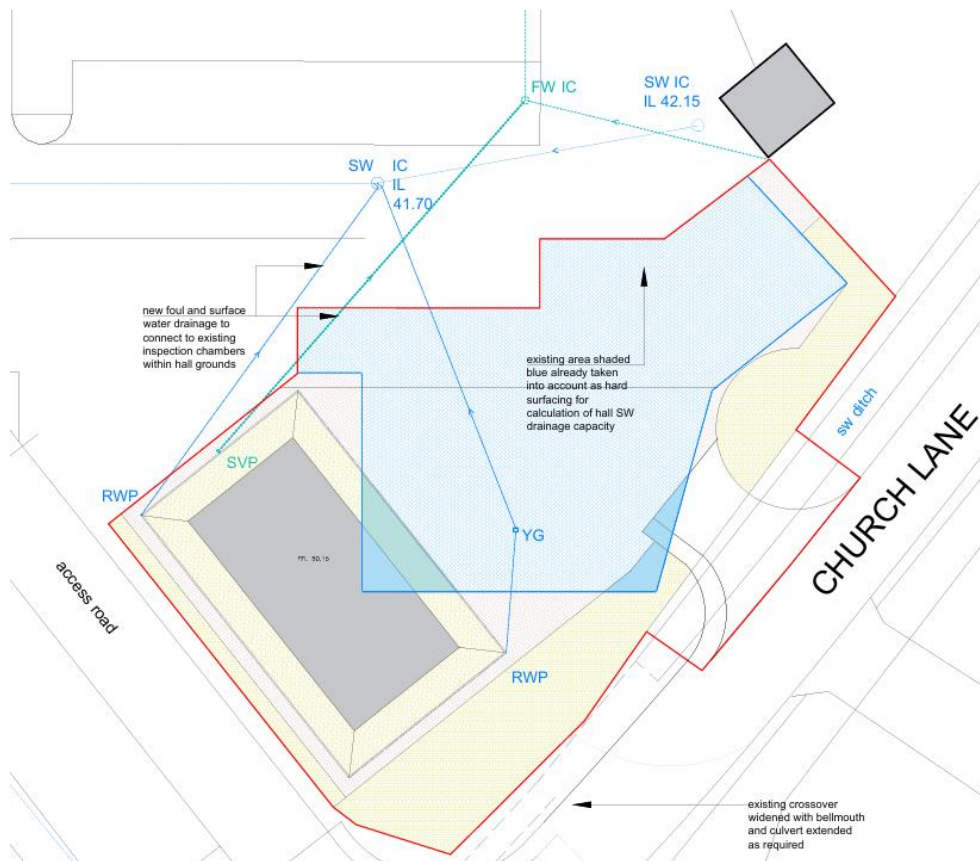
Significant frontage enhanced planting.

FLOODING & DRAINAGE

- 6.38 The site lies within flood zone 1 (shown in the EA flood map below) and is therefore considered to be at no risk of flooding.



- 6.39 When the main church hall was completed, it included a sustainable drainage surface water capacity that included for the whole site. Connections for the increased permeable area can be made to the existing car park scheme.
- 6.40 Similarly, foul drainage can be linked to the existing treatment plant on site.
- 6.41 The new works will be linked with the same drainage details. The scheme will utilise the storm drain attenuation and foul sewer treatment station to the rear of the church hall.
- 6.42 There is no increase in flood risk within or outside the site by the proposed works.



Drainage Block Plan

OTHER MATTERS

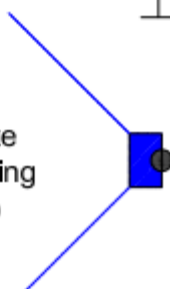
- 6.45 In order to ensure the scheme absorbs into the landscape context lighting has been carefully thought out to provide safety whilst creating minimal impact on landscape and ecology. The site already has existing lighting columns and only three new 3m columns are proposed with hoods, baffles, and time sensors.

External lighting specification

Luminaires to be warm white LED light with no upward light component utilising hoods or baffles to reduce light spill and direct light only where its needed. Any external security lighting should be set on motion-sensors and short (1min) timers. Wall mounted fittings shown thus

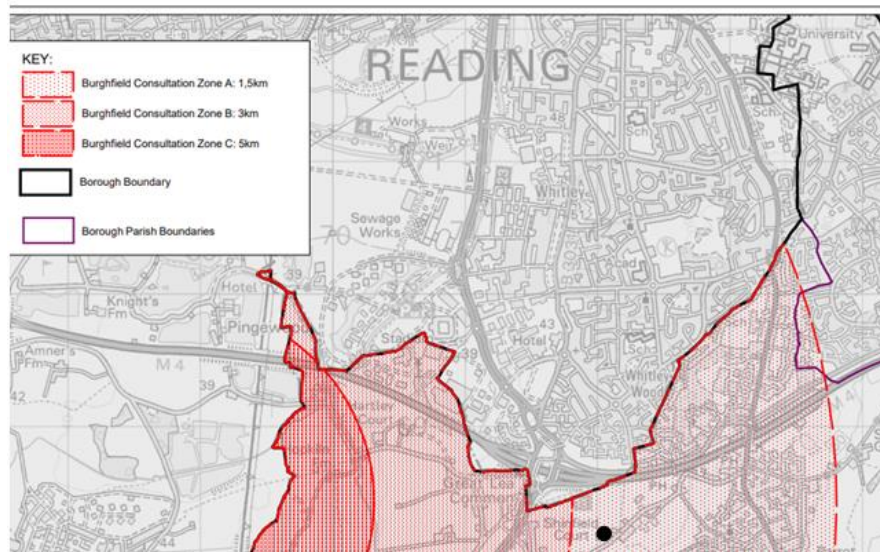


3m high lighting columns hooded as above with warm white led lamps not exceeding 2000 lumens (150 W) shown thus



- 6.46 Finally, the site falls within the Zone C 5km area for nuclear consultation.

NUCLEAR CONSULTATION ZONES
Map 211 - Show consultation zones around AWE Burghfield defined in policy TB04



- 6.47 However, it does not restrict development per se but consultants regarding the introduction of occupiers into the area with ONC.
- 6.48 This proposed use is an existing church within the zone and is existing members only not serving the introduction of new public trips, visits, and users.
- 6.49 Whilst there are other residential applications adjacent the site, these introduce new occupiers and are not comparable with this existing church ancillary facility that does not increase growth within the area. It serves existing church members at the site. Each application has to be treated on its own merits and there is no adverse harm in relation to the use within the zone as it is a PDL site within an existing complex of church and school. It does not create any new residential occupiers.
- 6.50 As part of the previous application draft construction phase and end user emergency plans were discussed and proposed conditions can be attached to confirm final details prior to construction.

7 CONCLUSIONS

- 7.1 The scheme is a bespoke retail club facility as a 'members only', 'Sui Generis' in planning use class terms, not open to the general public. It provides a members retail club for a church congregation. It will not impact upon the Town Centre retail strategy or local shopping parades due to its limited scale and limited customer base. It is not contrary to policy TB16 and will not harm other retail uses and already exists at a site in Reading to be replaced.
- 7.2 The members club will generate extremely low numbers of traffic generation usually in association with other linked trips. Access is provided within existing road networks which would already be using the Reading club.
- 7.3 The site location reduces overall length of trips being at the centre of the congregation.
- 7.4 The site is closer to a lot of households that could now choose to walk, cycle, or use bus. The site can be used linked to other church activities on site.
- 7.5 It is a 'de minimus' use and there are no severe transport impacts. A full Transport Statement supports the scheme with visibility plan.
- 7.6 The new scheme has moved the access east to increase separation between the three accesses and resolve the previous highways reason for refusal.
- 7.7 The introduction of a new building is sensitive to the landscape by being single storey, including a green roof and enhancing the boundary planting and can deliver +10% BNG with off-site credits.
- 7.8 The AIA has been updated to ensure full protection of retained trees.
- 7.9 The new hard surfaced areas will not adversely affect flood risk; it will utilise the same sustainable urban drainage system for the larger church site.

- 7.10 There are no amenity impacts arising from the use of the site impacting on Shinfield Lodge, The Rowans, or the Cottage. The access and entrance are furthest away from neighbours.
- 7.11 The use will not increase flood risk, and the site is located entirely within flood zone 1.
- 7.12 The revised scheme has fully addressed the previous refusal which was accepted in all regards except for Highways and s106 use restriction. These have been resolved.



APPENDIX A LEGAL OPINION

IN THE MATTER OF PLYMOUTH BRETHREN CHRISTIAN CHURCH

AND

CAMPUS & CO SHOP OPERATIONS

OPINION

- 1 My opinion is sought by the Plymouth Brethren Christian Church ("PBCC") regarding its operations for commercial related activities as a retail warehouse club (being intended to be a sui generis use rather than Class E retail use, for the purposes of the Town and Country Planning (Use Classes) Order 1987 (as amended) ("the UCO") and particularly in light of the advent of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 ("the 2020 UCO").

Background

- 2 My instructions relate that PBCC see are a religious denomination operating globally. In the UK they have active congregations based upon district catchment areas, each run by independent trusts, though under the umbrella of an organisation called the Central Gospel Hall Trust ("CHGT"). In addition, a separate national organisation, the Universal Business Team ("UBT"), provides operational advice to these independent trusts.
- 3 The PBCC have a number of undertakings. Firstly, it runs a number of Gospel halls across the country which generally serve two or three towns. Each area also runs its own services, of various sizes, and also shares a joint service with a neighbouring Trust. Secondly, it also runs a network of independent faith schools under the banner "OneSchool Global UK". These schools operate utilising a catchment area of approximately 1 hour minibus travel for pupils. I am instructed that all of these

activities were considered previously to fall within Class D1 community uses of the UCO (now, as of September 2020, Class F of the 2020 UCO).

- 4 In conjunction with these activities, over the past few years PBCC has opened a new enterprise called 'School Shops' and which trades trade as Campus & Co.
- 5 I am instructed that, in nature, they operate as shops with the intention that the products are acquired wholesale and then sold exclusively to Brethren members. The profits arising are then directed to support the PBCC schools. Internally, the stores they are laid out in much the same way as conventional shops, where members have full access to the stock located on shelves. However, there are no shop windows nor is there any external signage or advertising. The only people permitted to shop there are PBCC members and such signage, as there is, makes clear that this is so. I am instructed that these arrangements are rigorously maintained and that the only purchasers permitted in these stores are those who are recognised from the list of members of the congregation.
- 6 I also understand that a key element, in terms of religious ethos, is that these shops should be independent, owned freehold or form part of existing Brethren sites. I am instructed that is the pattern which has been utilised, without exception, to date.
- 7 I understand that the aspiration is that each area will develop such stores to serve a congregation, based on a drive time of around 10 to 15 minutes and serving approximately 60 to 100 households. The stores are currently located in a range of sites, most notably adjacent to the Brethren halls, within schools or on independent sites, many of which were former industrial units.

Nature of use

- 8 My opinion is sought on the nature of the use of as set out above ("the Use"). It is a use and activity which is already being undertaken in a number of locations and where the same is proposed to be undertaken at a number of further outlets around the country.

- 9 This Opinion is seen as being of principal assistance to local planning authorities that have no experience of such use.
- 10 Most uses, for the purposes of the town and country planning regime, are categorised by reference to the UCO. The most recent amendment to the UCO is that contained in the 2020 UCO.
- 11 However, certain uses are not so categorised. Any uses that do not fall within an explicit use class category are to be regarded as sui generis. A number are specifically specified as having no use attributed to them. These are set out in Article 3(6) to the UCO. I will return to the terms of that Article below.
- 12 One might, at first blush, anticipate that the retail or shop attribute of the Use is one which one might expect to find within Class E(a) pursuant to the 2020 UCO. However, that is not the case for this use. Class E(a) is defined to be
“use, or part use, for all or any of the following purposes – (a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public...”.
- 13 Self evidently, the facilities and the Use is not one principally for visiting members of the public. In fact, no visiting members are permitted to shop at these facilities. In my view that would preclude the Use from falling within class E(a).
- 14 In addition, the Use is not one which would fall within Class F2 (a) of the 2020 UCO as that comprises
“Use as-
(a) a shop mostly selling essential goods, including food, to visiting members of the public in circumstances where
(i) The shop’s premises cover an area not more than 280 m square, and
(ii) there is no other such facility within 1000 metre radius of the shop’s location.

- 15 Further, most pertinently and as referred to earlier, the use is one which appears properly to have the attributes of a “retail warehouse club”. The term retail warehouse club was first introduced into the terms of the UCO Article 3(6) by the Town and Country Planning (Use Classes)(Amendment) (England) Order 2005, where the terminology used under paragraph (k) is “*as a retail warehouse club being a retail club where goods are sold, or displayed for sale, only to persons who are members of that club;*”. That is explicit in making the Use sui generis.
- 16 This change to the UCO had followed earlier litigation involving Costco in the 1990s and, in particular, the case of ***R v Thurrock Borough Council and others, ex parte Tesco Stores Ltd and others [1993] 3 PLR 114***. That judgment found that a retail warehouse club operation (which was not then currently defined by the then version of the use classes order) did not fall within class A1 (retail) of the order (as it then was) by reason of: the nature of the operation, the size of the facilities, the restricted number of lines of merchandise and, most importantly, the requirement for retail warehouse club membership (which was not a sham) and which precluded the use of the premises for visiting members of the public.
- 17 The courts have recognized that the terms of the use classes order should not be stretched to embrace activities which did not clearly fall within them (see ***Tessier v Secretary of State for the Environment [1975] JPL 39*** per Widgery LCJ and ***Forkhurst Ltd versus Secretary of State for Environment [1982] 46 P & CR 89***. In short, the use in question either comes within the use specified in the order or it does not. If there is one or more salient components of the defined use with which the proposed use does not accord then it would be inappropriate to seek to bring it within that use.
- 18 A number of additional points also need to be noted in context of the interpretation and thence application of the UCO.
- (1) The UCO (as now amended by the 2020 UCO) falls to be interpreted by its own terms. Those terms are distinct from any earlier prior judicial consideration (for instance, in the Costco case, above) which predated the amended UCO.

(2) There is no size threshold nor characteristic indication of scale is attributed to the term “warehouse” in the description “retail warehouse club”. That is so notwithstanding the conventional perception that a warehouse is a structure importing the implication of some significant scale. That said, the B8 storage and distribution class now found in the UCO was itself introduced by way of a rewording of the old Class X (the earlier form of use classes order) which included “use as a wholesale warehouse or repository for any purpose”. In short, there is no requirement nor guidance as to scale and size for the purposes of interpreting this term. In consequence the term warehouse does not appear to have any particular significance within the terms of the order.

(3) There is nothing contained within the terms of the UCO definition as enacted in 2005 which supports the need for a particular membership fee to be paid. However, that would not necessarily exclude the need for features indicative of membership. In the instance of the Brethren, my instructions relate that it is only members of the congregation, identifiable from a list maintained at the relevant Campus store, who are able to purchase. I see no reason why this should not fulfil the relevant features for club membership.

19 It should be noted that this Opinion relates to England only as the relevant use classes order is similarly territorially limited.



PETER GOATLEY QC

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5th March 2021