

Item No.	Application No. and Parish	Statutory Date	Target	Proposal, Location, Applicant
(2)	21/02668/FUL Lambourn	15/12/2021 ¹		Demolition of existing kennel facilities and erection of Class B8 commercial building Hunt Kennels Farm, Ermin Street, Lambourn Woodlands, RG17 7TT John Lock
¹ Extension of time agreed with applicant until 6th September 2021				

The application can be viewed on the Council's website at the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=21/02668/FUL>

Recommendation Summary: Grant planning permission

Ward Members: Councillor Howard Woollaston

Reason for Committee Determination: More than 10 objections received

Committee Site Visit: 17th February 2022

Contact Officer Details

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1. Introduction

- 1.1 This application seeks planning permission for the demolition of existing kennel facilities and erection of Class B8 commercial building
- 1.2 The application site is located outside of settlement boundary within the AONB; the site has a detached dwelling to the south, to the north of the site is an existing large barn and a detached kennels building both of which are in poor condition. The site is accessed from an unnamed road which links Ermin Street to Hungerford Hill with a separate access for the dwelling.
- 1.3 The proposal is for the demolition of the existing barn and kennel building and replace with a B8 commercial building for the applicants outdoor furniture business.

2. Planning History

- 2.1 The table below outlines the relevant planning history of the application site.

Application	Proposal	Decision
75/03289/ADD	Proposed agricultural bungalow with garage	Refused
76/04599/ADD	Proposed agricultural bungalow	Refused
81/16280/ADD	Hunt kennels for berks and bucks draghounds approx 30 hounds to be accommodated	Approved
82/17205/ADD	Hunt kennels	Approved

3. Procedural Matters

- 3.1 Given the nature and scale of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.
- 3.2 A site notice was displayed on 23rd November at the application site; the deadline for representations expired on 14th December 2021.
- 3.3 CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission. More information is available at www.westberks.gov.uk/cil

4. Consultation

Statutory and non-statutory consultation

- 4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

Lambourn Parish Council:	Objection Wrong classification B8 should be E(g)(iii) in a site within the AONB. Outside designated employment area, rural permissions granted on 82/17205/ADD has lapsed. This is agricultural land, building should be agricultural not industrial.
Highways:	Conditional Approval with personal permission condition however objection raised to site sustainability.
SUDS:	No Response
North Wessex Downs AONB:	No Response
Thames Water	No Objections

Public representations

- 4.2 Representations have been received from 11 contributors, all of which object to the proposal.
- 4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:
- Number of vehicle movements
 - Erosion of AONB
 - Impact on road infrastructure
 - 82/17205/ADD was a personal permission for B&B Draghounds only
 - Unsustainable location
 - Impact on residents/rural community
 - Increase in traffic, noise and pollution
 - Not an employment area
 - Site suitable for agricultural only
 - New industrial area within AONB
 - Inappropriate location
 - All land in ownership would mean EIA is required
 - TRICS data should be used
 - Personal permission should be used
 - Industrial creep

5. Planning Policy

- 5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.
- Policies ADPP1, ADPP5, CS9, CS10, CS13, CS14, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
 - Policies OVS.5, OVS.6, TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).
- 5.2 The following material considerations are relevant to the consideration of this application:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- WBC Quality Design SPD (2006)
- Planning Obligations SPD (2015)
- Sustainable Drainage Systems SPD (2018)
- North Wessex Downs Management Plan (2019-24)

6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of development
- Character and appearance
- Neighbouring amenity
- Highways
- Other matters

Principle of development

- 6.2 The application site lies outside of any defined settlement boundary, and therefore the site is classified as being located within the open countryside in terms of Core Strategy Policy ADPP1.
- 6.3 Policy ADPP1 states that development in West Berkshire will follow the existing settlement pattern, and that only appropriate limited development in the countryside will be allowed, focused on addressing identified needs and maintaining a strong rural economy.
- 6.4 The proposal is for a demolition of existing barn and kennels buildings and construction of B8 commercial building for the storage of outdoor furniture.
- 6.5 Planning Policy ADPP5 of the WBCS further advocates for the limiting of development within the countryside. It sets out the criteria for the principle of development within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). Policy ADPP5 permits development within AONB providing its impact on the surrounding environment is acceptable. It seeks to conserve and enhance the character of the AONB, ensuring that any development responds positively to the local context. The design, proposed materials and the scale of the development is considered to be in keeping with the rural location and the character of the existing buildings.
- 6.6 The proposed steel portal framed building measures 24.38 x 30.48m with a total floorspace of 743 m². The building will measure 5m to the eaves and 6m to the ridge.
- 6.7 Planning Policy CS10 states that existing small and medium sized enterprises within the rural areas will be supported in order to provide local job opportunities and maintain the vitality of smaller rural settlements.
- 6.8 Planning Policy CS9 states that proposals for industry, distribution and storage uses will be directed to the District's defined Protected Employment Areas, and existing suitably located employment sites and premises. Any proposals for such uses outside these areas/locations will be assessed by the Council against the following:
- compatibility with uses in the area surrounding the proposals and potential impacts on those uses

- capacity and impact on the road network and access by sustainable modes of transport
- 6.9 The application site does seek permission for B8 use outside of settlement and protected employment areas, although it is located close to existing sites with the closest protected employment area being within 300m from the application site. Policy CS9 states that more efficient use of existing sites and premises should be made in order to attract inward investment, respond to modern business requirements, and meet the demand for employment land over the plan period. The Council will promote the intensification, redevelopment, and upgrade of existing, vacant and/or derelict employment sites and premises for business development.
- 6.10 Whilst the existing use of the site has lapsed the proposal will seek to redevelop the site in order for it to meet modern business requirements. The proposed B8 use is relatively small scale with other business uses located within the wider area along with agricultural, equine and residential. The proposed use is considered to be compatible with the existing surrounding uses for the reasons set out in this report given the scale of the proposal and the previous use on the site.
- 6.11 The application is very finely balanced as new development within the countryside is not encouraged unless it can meet the requirements of the relevant planning policies. These have fully assessed under the below headings.

Character and appearance

- 6.12 Planning Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026 are relevant to this application. Policy CS14 states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area, and makes a positive contribution to the quality of life in West Berkshire. It further states that design and layout must be informed by the wider context, having regard not just to the immediate area, but to the wider locality. Development shall contribute positively to local distinctiveness and sense of place. Proposals are expected to make efficient use of land whilst respecting the density, and character of the area.
- 6.13 Policy CS19 seeks to conserve and enhance the diversity and local distinctiveness of the landscape character of the District by considering the natural, cultural and functional components of its character as a whole. Particular regard will be given to the sensitivity of the area to change and to ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.
- 6.14 Policy ADDP5 sets out the strategy for development within the AONB, any form of development is expected to conserve and enhance the local distinctiveness, sense of place and remote setting of the AONB.
- 6.15 The proposal seeks to construct a detached B8 commercial building for the storage of outdoor furniture in connection with the applicants business.
- 6.16 The proposed building will replace the existing barn and kennels buildings which are in poor condition and replace with a more modern steel portal framed building. Whilst the footprint of the building is to be larger than the existing buildings the existing area has a large expanse of hardstanding; the existing ridge height of the barn is 6m and the proposed barn will be 6m. The proposed is of simple traditional design and materials which is found throughout the District and considered acceptable given the setting and the character and appearance of this sensitive area. The proposed location and design is not considered to have a significant impact on the character and appearance of the area.

- 6.17 The design and access statement and the submitted ecological survey have stated that landscaping and other measures can be achieved in order to improve the site as well as reduce the visual impact. These measure include further planting of the existing hedgerows and ecological measures such as bat boxes. A condition to secure details of any external lighting would be required to minimise the visual impact, impact on the dark skies in the AONB and to protect and enhance local biodiversity.

Neighbouring amenity

- 6.18 According to Policy CS14, new development must demonstrate high quality and sustainable design that makes a positive contribution to the quality of life in West Berkshire. The NPPF states planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.
- 6.19 Due to the location of the proposal and the distance from neighbouring dwellings and the nature of the business there is not considered to be a signification impact on neighbouring amenity; the nearest dwelling is occupied by the applicant.
- 6.20 The proposed building B8 use is not considered likely to give rise to any additional noise, odour, fumes, or other environmental impacts than that of the existing uses on the site.

Highways matters

- 6.21 The NPPF states that decisions should take account of whether safe and suitable access to the site can be achieved for all people. Policies CS13 of the Core Strategy and TRANS.1 of the Saved Policies of the Local Plan, set out highway requirements.
- 6.22 The proposal retains the existing access and hardstanding for car parking; the highways officer was consulted and assessments were made. Highway data for the proposed use is provided in the 'Design and Access Statement' submitted. The data for a B8 use is from the Trip Rate Information Computer System (TRICS). TRICS is a Republic of Ireland and UK database containing traffic survey data for many uses including B8. Expected HGV movements for the proposed use are 2 to 3 HGV's per week, while a B8 use could be 2 to 3 HGV's per day.
- 6.23 The highways officer did object on sustainability grounds as the only means of travel to and from the site is by motor vehicle. This would then be contrary to national and local policies, the Climate Change Emergency and working towards carbon neutrality for the district. This is noted, however, the previous occupant/use of the kennels would have likely involved a number of vehicle movements for staff, deliveries etc. The proposal involves relatively similar vehicle movements to that of the previous use.
- 6.24 The details have been assessed by the highways officer and considered on balance acceptable based on a personal permission be applied for B8 use for Kingsley Smythe Ltd.

Ecology

- 6.25 Policy CS17 of the Core Strategy seeks to conserve and enhance the biodiversity and geodiversity assets across the district. Habitats designated as important for biodiversity at an international or national level or which support protected, rare or endangered species will be protected and enhanced.
- 6.26 With regard to biodiversity, the NPPF requires that planning applications should ensure that new developments conserve and enhance biodiversity. An Ecological Impact Assessment has been submitted with proposed mitigation and enhancement measures.

A condition is proposed to ensure that those measures are carried out in order to protect and improve biodiversity as a result of the proposed development.

Sustainability

- 6.27 Policy CS15 – Sustainable Construction and Energy Efficiency requires all non-residential development to achieve BREEAM Excellent. BREEAM covers both new construction and refurbishment for any building in which people spend the majority of their working day with separate guidance for; Offices, retail, industrial, healthcare, education, residential institutions, community buildings, public buildings, data centres and other types of non-residential development.
- 6.28 However, B8 – Storage and Distribution is not included within the BREEAM guidance due to the nature of the buildings used often comprising large open buildings with large doors to enable ease of delivery and shipment. This means that the internal regulation of heat is not financially viable.
- 6.29 Therefore, due to the proposed building being B8 use for storage of garden furniture it would be unreasonable to require the development proposed to achieve BREEAM Excellent by condition.

Drainage

- 6.30 Policy CS16 and the Sustainable Drainage Systems Supplementary Planning Document state that on all development sites, surface water should be managed in a sustainable manner through the implementation of Sustainable Drainage Methods (SuDS) in accordance with best practice and the proposed national standards and to provide attenuation to greenfield run-off rates and volumes, for all new development and re-development and provide other benefits where possible such as water quality, biodiversity and amenity.
- 6.31 The submitted design and access statement states that there is an existing network of drains from each of the buildings onsite and an existing soakaway. The proposed building will utilise this network and existing soakaway. In addition rainwater goods and a water storage tank will allow rainwater harvested to be utilised for cleaning branded vehicles. The site is not located on or near an existing flood plain.
- 6.32 These measures have not been detailed on the plans therefore a sustainable drainage condition has been added in order to ensure that further appropriate drainage details are submitted for assessment by the drainage engineer and approved by the Local Planning Authority in accordance with Policy CS16 and the Sustainable Drainage Systems SPD.

Other Matters

- 6.33 Comments have been made in regards to permission 82/17205/ADD and condition 3 which was for a personal permission; this ceases once the applicant has left the premises. This does not mean that the buildings have to be demolished as the condition does not specify this however it does mean that the use specified in this permission has ceased.

7. Planning Balance and Conclusion

- 7.1 The NPPF places a strong emphasis on sustainable development. All planning applications must result in sustainable development with consideration being given to

economic, social and environmental sustainability aspects of the proposal. Whilst the proposal is considered to result in some limited harm to environmental sustainability, such harm is considered to be outweighed by the contribution toward economic sustainability through the continued use of the site for economic purposes

- 7.2 Social considerations overlap those of environmental in terms of neighbouring amenity. The proposal is located over 125m from the nearest residential dwelling other than the applicants own dwelling therefore there is not considered to be a wider social impact from the proposal.
- 7.3 Whilst the proposal is not considered to meet Policy CS9 given that it is located outside of a protected employment area this is outweighed by the economic benefits as it is considered that the proposal will contribute and maintain a diverse rural economy and is considered to support business development, make efficient use of an existing site and encourage economic development.
- 7.4 With regards to the environmental role of fundamentally contributing to protecting and enhancing our natural, built and historic environment. The impact on the character and appearance of the surrounding AONB area has been assessed as part of this application. It is considered that the proposals would result in some harm to the intrinsic character and appearance of the AONB. However, that harm would be limited due to the views of the site from the wider area. Whilst the proposed built form is larger it will seek the demolition of existing unattractive and precarious mixture of buildings with a singular built form of a similar height to the existing barn on the site. The proposal also includes the enhancement of biodiversity through the implementation of biodiversity enhancement measures and soft landscaping scheme; therefore contributing to the wider environmental dimensions of sustainable development.
- 7.5 For the reasons given above it is considered that the proposal accords with the National Planning Policy Framework and the relevant development plan policies. Accordingly, it is recommended for approval.

8. Full Recommendation

- 8.1 To delegate to the Head of Development and Planning to GRANT PLANNING PERMISSION subject to the conditions listed below.

Conditions

1. **Commencement of development**

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. **Approved plans**

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

Location Plan received 20th October 2021;
Proposed Plans and Elevations 0001 received 20th October 2021;
Design and Access Statement received 20th October 2021;
Block Plan received 20th October 2021;
Preliminary Ecological Appraisal 194/R1 by Herdwick Ecology dated September 2021 received 20th October 2021.

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

3. **Personal Permission**

The B8 commercial building hereby permitted shall be occupied only by Kingsley Smythe Ltd. When the premises cease to be occupied by Kingsley Smythe Ltd the use hereby permitted shall cease and all items of storage and equipment brought on to the premises in connection with the use shall be removed..

Reason: The applicant has demonstrated through submission accompanying this application that the associated vehicle movements relating to the operation of the site for his business are such as to allow for the applicant's particular business to operate on the site under the restrictions of the conditions of this planning permission without resulting in undue detriment to the amenity of neighbouring residential occupants, highway safety and the amenity of the highway network that might result from the operation of an uncontrolled B8 or other industrial use of the site. This condition is imposed in order that the use of the site by any alternative future occupant can be given details consideration in terms of the associated impacts on highways safety and residential amenity in the interests of residential amenity and highway safety in accordance with the NPPF, Policies CS5, CS9, CS13 and CS14 of the West Berkshire Local Plan Core Strategy 2006-2026 and Policy TRANS1 of the West Berkshire District Local Plan Saved 1991-2006 Saved Policies 2007.

4. **SUDS**

Prior to the commencement of the development hereby permitted, details of sustainable drainage measures to manage surface water within the site shall be 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 best practice and the proposed national standards;
- b) Include and be informed by a ground investigation survey which establishes the soil characteristics, infiltration rate and groundwater levels;
- d) Include a drainage strategy for surface water run-off from the site that ensures that no discharge of surface water from the site will be directed into the public system;
- e) Include attenuation measures to retain rainfall run-off within the site and allow discharge from the site to an existing watercourse at no greater than Greenfield run-off rates;
- f) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;
- g) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm +30% for climate change;
- h) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
- i) Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines;
- j) Ensure any permeable areas are constructed on a permeable sub-base material such as Type 3 or reduced fines Type 1 material as appropriate;
- k) Include details of how the SuDS measures will be maintained and managed after completion. These details shall be provided as part of a handover pack for subsequent purchasers and owners of the property/premises;
- l) Include a management and maintenance plan for the lifetime of the development. This plan shall incorporate arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a residents' management company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

All sustainable drainage measures shall be implemented in accordance with the approved details before the dwellings hereby permitted are occupied, or 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 and managed in accordance with the approved details thereafter.

Reason: To ensure that surface water will be managed in a sustainable manner. To prevent the increased risk of flooding, improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can and is carried out in an appropriate and efficient manner. This condition is imposed in accordance with the National Planning Policy Framework 2019, Policy CS16 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006). A pre-commencement condition is required because insufficient information accompanies the application and such measures may need to be incorporated into early building operations.

5. Materials as specified

The materials to be used in the development hereby permitted shall be as specified on the application form.

Reason: To ensure that the external materials are visually attractive and respond to local character. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Supplementary Planning Document Quality Design (June 2006).

6. Lighting strategy (AONB)

No external lighting or floodlighting shall be installed to the building until a lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include a plan to show the location of any lighting, isolux contour diagram(s), an operation strategy (e.g. details of timed operation), and specifications all lighting to ensure that levels are designed within the limitations of Environmental Lighting Zone 1, as described by the Institute of Lighting Engineers. No external lighting shall be installed to the building except in accordance with the above strategy.

Reason: To conserve the dark night skies of the North Wessex Downs AONB. This condition is applied in accordance with the National Planning Policy Framework, the North Wessex Downs AONB Management Plan 2019-24, and Policies CS17 and CS19 of the West Berkshire Core Strategy 2006-2026.

7. Ecological mitigation

The building hereby approved shall not be brought into first use until all ecological measures and enhancement measures have been implemented in accordance with the details contained in the Preliminary Ecological Appraisal 194/R1 by Herdwick Ecology dated September 2021 received 20th October 2021.

Reason: To ensure there are no significant impacts on the local designated areas. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

8. Hours of work

No demolition or construction works shall take place outside the following hours, unless otherwise agreed in writing by the Local Planning Authority:

7:30am to 6:00pm Mondays to Fridays;

8:30am to 1:00pm Saturdays;

No work shall be carried out at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS14 of the West Berkshire Core Strategy 2006-2026.

9. **Landscaping**

The building shall not be first occupied until a detailed soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping scheme shall include detailed plans, planting and retention schedule, programme of works, and any other supporting information. All soft landscaping works shall be completed in accordance with the approved soft landscaping scheme within the first planting season following completion of building operations / first occupation of the new building (whichever occurs first). Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or become seriously damaged within five years of completion of this completion of the approved soft landscaping scheme shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.

Reason: Landscaping is an integral element of achieving high quality design. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD.

10. **Construction Method Statement**

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 be undertaken in accordance with the approved CMS. The CMS shall include measures for:

- (a) A site set-up plan during the works;
- (b) Parking of vehicles of site operatives and visitors;
- (c) Loading and unloading of plant and materials;
- (d) Storage of plant and materials used in constructing the development;
- (e) Wheel washing facilities;
- (f) Measures to control dust, dirt, noise, vibrations, odours, surface water run-off, and pests/vermin during construction;
- (g) A scheme for recycling/disposing of waste resulting from demolition and construction works;

Reason: To safeguard the amenity of adjoining land uses and occupiers, and in the interests of highway safety. This condition is applied in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026, and Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). A pre-commencement condition is required because the CMS must be adhered to during all demolition and construction operations.

11. **External Storage**

No materials, goods, plant, machinery, equipment, storage containers, waste containers or other items shall be stored, processed, repaired, operated or displayed in the open land on the site.

Reason: To prevent the overdevelopment of the site and to prevent visual harm to the sensitive North Wessex Downs Area of Outstanding Natural Beauty. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, and Policies OVS.5 and OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

Informatives

1. Proactive statement

This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.