

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(3)	21/03083/COMIND Lambourn	10 March 2022 ¹	Change of use of land to Class B8 Land Adjacent To M4 Membury Airfield Road Known As Ramsbury Road Lambourn Woodlands Hungerford West Berkshire Putnam Properties Ltd

The application can be viewed on the Council's website at the following link:

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=21/03083/COMIND>

Recommendation Summary: To **DELEGATE** to the Service Director, Development and Regulation to **GRANT PLANNING PERMISSION** subject to the schedule of conditions (Section 8.2 of the report)

Ward Member(s): Councillor Howard Woollaston

Reason for Committee Determination: More than 10 letters of objection

Committee Site Visit: 25 August 2022

Contact Officer Details

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1. Introduction

- 1.1 This application seeks planning permission for the change of use of land use Class B8 (storage and distribution).
- 1.2 The application site is located to the west of Ramsbury Road, immediately adjacent to, but not within, the designated Protected Employment Area of Membury Airfield Industrial Estate. The application site lies within the North Wessex Downs Area of Outstanding Natural Beauty.
- 1.3 The application documents submitted advise that the site will be occupied by the applicant as a storage depot for their groundworks contracting business.

2. Relevant Planning History

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

Application	Proposal	Decision / Date
18/01092/FUL	Change of Use of land to Use Class B8.	Approved 26/07/2018
16/02116/OUTMAJ	Outline application for the erection of three units for research and development and associated facilities - matters to be considered - access and layout.	Approved 16/11/2016
21/01809/COND1	Application for approval of details reserved by conditions 2 (landscaping), 3 (ground levels), 6 (surface arrangements), 7 (access), 8 (vehicle parking and turning), 9 (cms) and 10 (cycle parking/turning) of approved 18/01092/FUL - Change of Use of land to Use Class B8.	Cannot be determined 08/09/2021
20/02892/SCREEN	EIA Screening Opinion Request for the proposed Asphalt Batching Plant (Class B2).	Not EIA Development

- 2.2 It is important to note that permission for the same use at the same site was granted in 2018 (ref: 18/01092/FUL) as detailed above. Matters reserved by conditions attached to that permission were submitted for approval (ref: 21/01809/COND1). However, as permission 18/01092/FUL had expired and the development had commenced without lawfully complying with those conditions, that application could not be determined. As a result, this application seeking permission for the same development previously granted has been submitted.

3. Procedural Matters

- 3.1 The proposed development falls within the column 1 description at paragraph 10(a) (Industrial estate development projects) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulation 2017. Although it does not meet/exceed the relevant threshold in column 2, it is located in a sensitive area, namely

the North Wessex Downs Area of Outstanding Natural Beauty. The proposal is therefore “Schedule 2 development” within the meaning of those Regulations.

- 3.2 However, an EIA screening exercise has been undertaken taking into account the selection criteria in Schedule 3 of the regulations which concluded that the proposal is likely to have significant effects on the environment. Accordingly, the proposal is not considered “EIA development” within the meaning of the Regulations. This is consistent with a formal EIA Screening previously undertaken for a development that is considered to have the potential for greater impact (ref: 20/02892/SCREEN for proposed Asphalt Batching Plant).
- 3.3 A site notice was displayed on 7 January 2022 and the deadline for representations expired on 28 January 2022. A press notice was advertised in the Newbury Weekly on 16 December 2021.
- 3.4 Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL is only charged on residential and retail development. The proposed development would not require any financial contributions to be made in respect of the Council’s Adopted CIL Charging Schedule. 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:	<p>Object:</p> <ul style="list-style-type: none">• Traffic Impact and unsustainability issues: Highways recommended that planning permission not be granted at this time, due to the impact on the Strategic Road Networks. The Parish Council have serious concerns in relation to the impact that this development will have on the local rural road networks, as recent developments in this area now impact on the surrounding villages if there are problems on the B4000, Ermin Street or the M4 road networks.• There has been much development on the Membury Industrial Site in the past three years, West Berkshire Council (WBC) need to undertake an urgent cumulative impact assessment of the site before granting any further planning applications in this area.• In addition to examining the Critical Infrastructure, which has been impacted by the industrial growth in the area.• The site sits outside the Protected Employment Area, within the AONB.• We urge WBC to conduct an Environmental Impact Assessment on the site as these have not been undertaken to date, due to the Salami slicing of land parcels.
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	<ul style="list-style-type: none"> WBC's Consultants report that informed the Local Development Plan, clearly states that there is no need for more industry in this part of West Berkshire (Stantec). The Swept Path Analysis does not stop traffic entering or exiting this site from blocking Emergency Vehicle Access to or from the Motorway Access Road.
WBC Highways (1st response):	No objections, request conditions as per previous permission.
WBC Highways (2nd response):	No objections to amended conditions proposed following receipt of additional information.
National Highways (1st response):	Holding objection.
National Highways (2nd response):	No objections, request informative advising of land ownership.
Archaeology:	No objections.
Environment Agency:	No comments.
Ecology Officer:	No response received.
Lead Local Flood Authority (LLFA):	No response received.
Environmental Health:	No response received.
Thames Water:	No response received.
Ramblers:	No response received.

Public representations

- 4.2 Representations have been received from 26 contributors, 5 of which support, and 21 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 objecting to the development proposed:
- Impact on AONB;
 - Increase in HGV traffic;
 - Noise impact;
 - Impact on highway safety and vehicles blocking emergency access road to M4;
 - Loss and harm to trees;

- Impact on rural character and appearance of the area;
- Located outside of designated Protected Employment Area;
- Over industrialisation of Membury Area;
- Impact on Local and Strategic Road Network (SRN);
- Lack of public transport to site;
- Cumulative impact with other developments;
- Requires EIA;
- Light pollution;
- Air pollution;
- Impact on neighbouring amenity;
- Impact on ecology and biodiversity;
- Pollution of aquifer impacting River Lambourn and Kennet;
- Topsoil and vegetation has already been removed;
- Unsustainable location;
- Lack of notification to landowner;
- Structural impact of HGVs on neighbouring properties;
- Set a precedent for future applications;
- Inadequate electrical infrastructure;
- Lack of surface water drainage strategy.

4.4 The following issues/points have been raised supporting the development proposed:

- Improvement in appearance of area;
- Additional trees and vegetation providing biodiversity benefit;
- Would bring employment and jobs to the area;
- Site already surrounded by existing industrial area, services and M4 motorway;
- Site is maintained in a tidy state;
- Support for local business and growth;
- Good location for distribution;
- Site previously used as a dumping ground;
- No negative impact on neighbouring businesses or businesses in the local area;
- Good location for development.

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, CS5, CS9, CS10, CS13, CS14, CS16, CS17 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies OVS.5, OVS.6 and 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)
- North Wessex Downs AONB Management Plan 2014-19

6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of development;
- Character and appearance and AONB;
- Highway matters;
- Ecology;
- Sustainable drainage;
- Neighbouring Amenity.

Principle of development

6.2 Policy CS9 allows for new employment generating schemes adjacent existing Protected Employment Areas (PEAs). This site is one such case. As determined in the previous permission for the same development (change of use to B8, ref: 18/01092/FUL), the principle of the development is therefore acceptable.

Character and appearance and AONB

6.3 As considered in the previous permission granted, the proposed change of use is not considered to harm the character and appearance of the area or AONB subject to securing appropriate landscaping.

6.4 This application is accompanied by a Landscape and Visual Appraisal (LVA) which concludes that the site is currently degraded land and with suitable mitigation in the form of new and additional supplementary planting on the site's boundaries, any localised adverse effect would be adequately addressed.

6.5 A planting scheme is detailed in the LVA similar to that previously submitted under application 21/01809/COND1 to which the Tree Officer advised was considered to form a comprehensive planting scheme and raised no objections.

6.6 Subject to the same conditions imposed by the Council for the previous permission - to agree ground levels, limit the maximum height of storage to 4 metres and implement the proposed planting scheme - it is considered that the development proposed would be acceptable in respect of the impact on the character and appearance of the area and AONB.

Highway matters

6.7 The Local Highway Authority (LHA) Officer has reviewed the application and raises no objections subject to conditions to secure the implementation of details previously sought by condition which have now been submitted as part of this application.

6.8 Matters regarding access, trip generation, highway safety and movements were considered under the previous approval and as per the previous permission, the LHA have raised no issues in respect of this application for the same development.

6.9 National Highways have confirmed, following a detailed review of the application and discussion with the applicants, that they have no objections to the proposal and its impact on the SRN.

6.10 Therefore the development is not considered to run contrary to development plan policies in respect of highway matters.

- 6.11 Representations received raise concern with HGVs blocking the emergency access road to the M4 motorway service area. That road is owned by National Highways and permission for the use of that road will need to be sought separately by the applicant from National Highways. However, that is a civil matter and not a consideration for this planning application but should that road be blocked by vehicles either accessing the application site, or other sites along this road, National Highways are responsible and have powers to ensure that does not occur. Moreover, suitable access to the application site has been proposed with a suitable pull in area to reduce any instances of vehicles stopping on the access road. As such, the likelihood of vehicles blocking the access road to the motorway service area is considered to be very limited.

Ecology

- 6.12 No issues were raised in respect of ecology and biodiversity for the previous permission granted. An updated Ecological Appraisal has been submitted which concludes that there will be an improvement in biodiversity subject to securing the measures set out in the appraisal, including the proposed landscaping scheme. Those measures can be adequately secured by conditions.

Sustainable Drainage

- 6.13 The site is not located within Flood Zones 2 or 3. An area at risk from surface water flooding is located east of the application site, approximately 130 metres from the site at the junction with Ramsbury Road.
- 6.14 No response from the LLFA has been received. As noted in the submitted design and access statement, a site infiltration test has been undertaken which demonstrates good infiltration potential for the disposal of surface water on the site, such that the proposed development will not give rise to flood risk elsewhere.
- 6.15 It is proposed that the site will be surfaced with road planings to provide a permeable hardstanding which the applicant considers is consistent with the previous permission considered and granted by the Council. The submitted design and access statement also advises that from earlier conversations from the West Berkshire Council's Land drainage engineer that flooding events have occurred on the service Road near to the junction with Ramsbury Road.
- 6.16 However, road planings and MOT Type 1 are not permeable. Therefore, insufficient details have been provided to ensure that surface water will be managed in a sustainable manner. As it is considered that suitable sustainable drainage can be achieved within the site, a condition is proposed requiring such details prior to the laying of any hardstanding.
- 6.17 Subject to securing those measures, it is considered that the proposal will not give rise to any concern in respect of surface water flooding.

Neighbouring amenity

- 6.18 Representations received raise concerns in respect of noise, light and air pollution and the impact on neighbouring amenity. No response to this application has been received from the Environmental Health officer.
- 6.19 Such issues would have been considered in the determination of the previous approval and the use of the land for the storage and distribution is not considered to give rise to any significant concerns regarding noise and air pollution. Light pollution can be adequately controlled by condition, particularly as the site is located within the AONB

where dark skies are to be protected (noting that some light pollution may already exist from the nearby motorway services).

- 6.20 The nearest neighbouring residential property is located some 350 metres south-west of the application site. The proposed change of use is not considered to introduce any significant detrimental impact on the amenity of this residential property. In respect of the neighbouring properties adjacent to the application site, those are industrial/storage uses and the proposed change of use of the application site is not considered to introduce any significant detrimental impact on the amenity of those immediate neighbouring properties.

7. Planning Balance and Conclusion

- 7.1 The NPPF states there is a presumption in favour of sustainable development, which paragraph 8 advises should be applied in assessing and determining development proposals. The NPPF identifies three dimensions to sustainable development: economic, social and environmental.
- 7.2 The proposal is considered to contribute to economic development in the long term weighing in significantly favour of granting permission. The environmental considerations have been assessed in terms of design, amenity and impact on the area as well as surface water flooding and ecology and are considered acceptable. Social considerations overlap those of the environmental in terms of amenity and are considered acceptable. Having assessed the application in terms of design, impact on the area, highways, ecology and impact on neighbouring amenity the development is considered to be represent sustainable development.
- 7.3 It is acknowledged that objections have been received from the public and Parish Council. However, it is considered that the objections have been satisfactorily addressed throughout this report and the previous permission granted is a material consideration of significant weight in favour of the proposal.
- 7.4 No material changes in planning policy have occurred since the previous permission for the same development at the same site was granted. It is acknowledged that other developments in the nearby area (Membury Industrial Estate) have been also been granted since that previous permission (such as land south of Tower Works, ref: 19/02979/OUTMAJ; and land immediately opposite the application site (south), ref: 20/00562/COMIND). However, the cumulative impacts of those alongside this permission sought are not considered sufficient to give rise to any concerns.

8. Full Recommendation

- 8.1 To delegate to the Service Director of Development & Regulation 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).
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2.	<p>Approved plans</p> <p>The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <p>Location Plan, drawing number PUT/002 Rev A received on 7 December 2021; Landscaping Plan, drawing number WHL-1361-05 received on 7 December 2021; Entrance Surfacing Plan, drawing number PUT/003 received on 9 December 2021; Swept Path Analysis Plan, drawing number JG02 received on 9 December 2021; Block Plan, drawing number PUT/001 Rev B received on 16 May 2022; Existing Levels, drawing number SU00485- SHT01 received on 17 August 2022.</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3.	<p>Sustainable Drainage</p> <p>No hardstanding shall be laid within the site until details of the hardstanding material, including cross sections drawings, demonstrating provision a permeable surface to ensure that no surface water is shed from the site on to the unnamed road have been submitted to and approved in writing by the Local Planning Authority and implemented in full in accordance with the approved details. The hardstanding shall be maintained in accordance with the approved details thereafter and no other hardstanding shall be laid within the site.</p> <p>Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Supplementary Planning Document Sustainable Drainage Systems (December 2018).</p>
4.	<p>Soft Landscaping</p> <p>All soft landscaping works shall be completed in accordance with the approved soft landscaping scheme (LVA dated November 2021 and drawing number WHL-1361-05 received on 7 December 2021 and the General Notes for Soft Landscaping received on 9 July 2021) within the first planting season following completion of building operations / first use of the site (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.</p> <p>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.</p>
5.	<p>Ecology</p> <p>The mitigation measures described in the Ecological Appraisal created by Aluco Ecology Ltd dated January 2021 shall be implemented in full (except for landscaping, the timing of which is defined in condition 5) before the use hereby approved is brought into first use and the measures shall thereafter be retained. This measures include (but not limited to):</p>

	<ul style="list-style-type: none"> - carrying out works on any woody vegetation at an appropriate time of year, usually considered to be between September to February unless the area is checked by a suitably qualified ecologist beforehand; - trenches in excess of one metre in depth should be covered or secured and a means of escape provided for any animal that does fall in (a suitable escape can be provided by wooden planks placed at a 45 degree angle); - any temporarily exposed open pipe system should be capped in such a way as to prevent Badgers gaining access; - chemicals and fuels should be stored carefully and as far away from any setts and badger paths as possible, and in accordance with the Code of Construction Practice; - updated badger survey where works have not commenced within 12 months; - provision of bird boxes, bat boxes located by a suitably qualified ecologist. <p>Reason: To ensure the protection of species and habitats, which are subject to statutory protection under European Legislation. This condition is imposed in accordance with the National Planning Policy Framework (2019) and Policy CS17 of the West Berkshire Core Strategy (2006-2026).</p>
6.	<p>Maximum Height of Storage and Ground Levels</p> <p>No items including structures, plant, equipment, materials, products or goods shall be placed or stored above a height of 4 metres from the existing ground levels shown on drawing number SU00485- SHT01 received on 17 August 2022. The ground levels on the site shall not be altered except for the landscaped bund in accordance with drawing number WHL-1361-05 received on 7 December 2021.</p> <p>Reason: To ensure that future storage on site has an acceptable visual impact in the surroundings in accord with the National Planning Policy Framework and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).</p>
7.	<p>Access via Ramsbury Road only</p> <p>No vehicles accessing the site shall be routed via the unnamed road to the south of the site via the Motorway Service Area. All access must be via Ramsbury Road to the east of the site only.</p> <p>Reason: To ensure that unauthorized vehicles from the proposed development do not access the M4, via the westbound Membury Services, from the unnamed access road and therefore does not have a detrimental impact on the M4, and to ensure the M4 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.</p>
8.	<p>Access Creation and Surfacing</p> <p>The use hereby approved shall not be brought into first use until the vehicular site access to the site from the unnamed road off of Ramsbury Road and visibility splays have been completed in accordance with the Block Plan, drawing number PUT/001 Rev B received on 16 May 2022, and, the Entrance Surfacing Plan, drawing number PUT/003 received on 9 December 2021.</p> <p>Reason: The timely completion of the site access is necessary to ensure safe and suitable access for all. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS13 of the West Berkshire Core Strategy 2006-2026.</p>

9.	<p>Parking</p> <p>The use hereby approved shall not be brought into first use until vehicle parking have been completed in accordance with the approved plans (including any surfacing arrangements and marking out). Thereafter the parking shall be kept available for parking (of private cars and/or private light goods vehicles) at all times.</p> <p>Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, and Policy P1 of the Housing Site Allocations DPD 2006-2026.</p>
10.	<p>Cycle Parking/Storage</p> <p>The use hereby approved shall not be brought into first use 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.</p> <p>Reason: To ensure the provision of cycle parking/storage facilities in order to encourage the use of cycles and reduce reliance on private motor vehicles. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, Policy P1 of the Housing Site Allocations DPD 2006-2026, Quality Design SPD, and the Council's Cycle and Motorcycle Advice and Standards for New Development (November 2014).</p>
11.	<p>Construction and Environmental Management Plan (CEMP)</p> <p>The development hereby approved shall be undertaken in accordance with the Construction and Environmental Management Plan (CEMP) dated 6 July 2021 and received on 9 July 2021.</p> <p>Reason: To safeguard the amenity of adjoining land uses and occupiers and biodiversity and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS5, CS13 and CS17 of the West Berkshire Core Strategy (2006-2026), Policies OVS.5, OVS.6 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
12.	<p>Lighting strategy (AONB/Ecology)</p> <p>No external lighting shall be installed until a lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall:</p> <ul style="list-style-type: none"> (a) Identify those areas on the site that are particularly sensitive for bats and that are likely to cause disturbance. (b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species. (c) Include isolux contour diagram(s) of the proposed lighting. (d) Ensure all lighting levels are designed within the limitations of Environmental Lighting Zone 1, as described by the Institute of Lighting Engineers unless sufficient evidence is provided to demonstrate that a different lighting zone is appropriate.

	<p>No external lighting shall be installed within the site except in accordance with the above strategy.</p> <p>Reason: To ensure the conservation and enhancement of the biodiversity assets of the site and 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.</p>
13.	<p>Use Restriction</p> <p>Irrespective of the provisions of the Town and Country (General Permitted Development) Order 2015 or any subsequent variation thereof, the use of the site shall be for purposes of the storage of groundworks and construction vehicles and machinery only, and no other use within use Class B8 or any other Class of the Town and Country Planning (Use Classes) Order 1987 (or any subsequent use thereof) will be permitted.</p> <p>Reason: In the interests of highway safety and in order to ensure that the use of the site is of an scale and intensity commensurate to its rural location in accordance with the recommendations of the National Planning Policy Framework and Policies CS13 and CS14 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012.</p>

Informatives

1.	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 which improves the economic, social and environmental conditions of the area.
2.	The unnamed road serving the Membury motorway service area is owned by National Highways. You must obtain the prior consent of the owner of that land upon which it is necessary for you to enter in order construct, use, or in any other way carry out any works in connection with this development. This permission granted by the Council in no way authorises you to take such action without first obtaining this consent.
3.	All bats are protected by The Wildlife and Countryside Act 1981 (WCA) (as amended) & The Conservation of Habitats and Species Regulations 2010. Should you find bats during development, all work must stop until advice has been sought from Natural England. Their local contact number is 0300 060 3886.