

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	23/02379/COND Lambourn	08/12/2023	<p>Application for Approval of Details Reserved by Condition 9 (Zero carbon) of planning permission 19/02979/OUTMAJ - Outline application for the erection of a new logistics warehouse building (for occupation by Walker Logistics) (Use Class B8) with ancillary office floorspace, an aircraft museum building (Use Class D1), and associated access, car parking and landscaping. Matters to be considered: Scale.</p> <p>Land South of Tower Works, Lambourn Woodlands, Hungerford</p> <p>Walker Logistics Limited</p>

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=22/00858/COND1>

Recommendation Summary: To **DELEGATE** to the **Development Manager to GRANT APPROVAL OF THE SUBMITTED DETAILS**

Ward Member(s): Councillor Howard Woollaston

Reason for Committee Determination: Development Manager referral following Member interest in previous application to discharge this condition.

Committee Site Visit: Not required

Contact Officer Details

Name: Sian Cutts
Job Title: Senior Planning Officer
Tel No: 01635 519111
Email: Sian.cutts@westberks.gov.uk

1. Introduction

- 1.1 The purpose of this report is for the Committee to consider the proposed development against the policies of the development plan and the relevant material considerations, and to make a decision as to whether to approve or refuse the application.
- 1.2 This application seeks approval of matters reserved by condition 9 (zero carbon) of planning permission 19/02979/OUTMAJ. This application granted outline application for the erection of a new logistics warehouse building (for occupation by Walker Logistics) (Use Class B8) with ancillary office floorspace, an aircraft museum building (Use Class D1), and associated access, car parking and landscaping.
- 1.3 The application site is located outside of any defined settlement boundary in land defined as countryside under Policy ADPP1 of the Core Strategy. It consists of an agricultural field that to the west is bordered by a dense boundary of trees separating it from Membury Airfield. To the north and south adjoining the site are industrial buildings within the Membury Protected Employment Area. To the east of the site is Ramsbury Road and open agricultural land.
- 1.4 Condition 9 of planning permission 19/02979/OUTMAJ requires that before development commences a plan would be submitted demonstrating how the approved building would meet the requirement for zero carbon development, which would include construction, monitoring and reporting measures. The condition was imposed to secure zero carbon measures in accordance with Policy CS15 of the Core Strategy. A previous application (22/00858/COND1) to approve these details was refused on 5th September 2023.
- 1.5 The current application has been submitted with the Energy Statement which sets out how the total carbon emissions in regulated and unregulated carbon emissions will be reduced through the use of air source heat pumps and solar photovoltaics to meet the zero-carbon requirements. The Energy Statement is the same as was submitted in the previously refused application and has been supplemented in this application with a Technical Note which sets out how operational energy, built fabric, and construction impacts have been considered within the proposals.

2. Planning History

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

Application	Proposal	Decision / Date
22/00858/COND1	Application for approval of details reserved by condition 9 'zero carbon', 10 'CEMP', 11 'LEMP', 16 'levels' and 18 'travel plan' of approved application 19/02979/OUTMAJ: Outline application for the erection of a new logistics warehouse building (for occupation by Walker Logistics) (Use Class B8) with ancillary office floorspace, an aircraft museum building (Use Class D1), and associated access, car parking and landscaping. Matters to be considered: Scale	Split decision 05/09/2023

23/01299/COND	Application for approval of details reserved by condition 12 'lighting' of approved application 19/02979/OUTMAJ: Outline application for the erection of a new logistics warehouse building (for occupation by Walker Logistics) (Use Class B8) with ancillary office floorspace, an aircraft museum building (Use Class D1), and associated access, car parking and landscaping. Matters to be considered: Scale	Approved 10/08/2023
23/00886/COND	Application for approval of details reserved by condition 6 (CMS) of approved application 19/02979/OUTMAJ: Outline application for the erection of a new logistics warehouse building (for occupation by Walker Logistics) (Use Class B8) with ancillary office floorspace, an aircraft museum building (Use Class D1), and associated access, car parking and landscaping. Matters to be considered: Scale	Approved 15/05/2023
23/00202/COND	Application for approval of details reserved by condition 13 (SuDS) of planning permission 19/02979/OUTMAJ - Outline application for the erection of a new logistics warehouse building (for occupation by Walker Logistics) (Use Class B8) with ancillary office floorspace, an aircraft museum building (Use Class D1), and associated access, car parking and landscaping. Matters to be considered: Scale	Approved 10/08/2023
23/00011/COND	Application for approval of details reserved by condition 12(Lighting) of approved 19/02979/OUTMAJ - Outline application for the erection of a new logistics warehouse building (for occupation by Walker Logistics) (Use Class B8) with ancillary office floorspace, an aircraft museum building (Use Class D1), and associated access, car parking and landscaping. Matters to be considered: Scale	Refused 28/03/2023
22/00897/RESMAJ	Approval of reserved matters following Outline application 19/02979/OUTMAJ for the erection of a new logistics warehouse building (for occupation by Walker Logistics) (Use Class B8) with ancillary office floorspace, an aircraft museum building (Use Class D1), and associated access, car parking and landscaping. Matters to be considered: Access, Appearance, Landscaping and Layout.	Approved 14/02/2023

22/00862/COND3	Application for approval of details reserved by condition 13 'SuDS' of approved application 19/02979/OUTMAJ: Outline application for the erection of a new logistics warehouse building (for occupation by Walker Logistics) (Use Class B8) with ancillary office floorspace, an aircraft museum building (Use Class D1), and associated access, car parking and landscaping. Matters to be considered: Scale	Refused 28/6/2022
22/00861/COND2	Application for approval of details reserved by condition 6 'CMS' of approved application 19/02979/OUTMAJ: Outline application for the erection of a new logistics warehouse building (for occupation by Walker Logistics) (Use Class B8) with ancillary office floorspace, an aircraft museum building (Use Class D1), and associated access, car parking and landscaping. Matters to be considered: Scale	Refused 9/9/2022
22/00884/NONMAT	Non Material Amendment to planning permission 19/02979/OUTMAJ: Outline application for the erection of a new logistics warehouse building (for occupation by Walker Logistics) (Use Class B8) with ancillary office floorspace, an aircraft museum building (Use Class D1), and associated access, car parking and landscaping. Matters to be considered: Scale. Amendment: Alter the wording of Condition 8 (BREEAM) of the original approved application.	Refused 28/4/2022
19/02979/OUTMAJ	Outline application for the erection of a new logistics warehouse building (for occupation by Walker Logistics) (Use Class B8) with ancillary office floorspace, an aircraft museum building (Use Class D1), and associated access, car parking and landscaping. Matters to be considered: Scale	Approved 5/5/2021
19/01123/SCREEN	EIA Screening Opinion made under Regulation 6 of the Town and Country Planning (EIA) Regulations 2017 (as amended)	Not EIA Development Response issued 3/6/2019
17/01175/SCREEN	EIA Screening Opinion made under Regulation 5 of the Town and Country Planning (EIA) Regulations 2011 (as amended)	Not EIA Development Response issued 13/6/2017

- 2.2 This application is seeking approval of details reserved by conditions of the outline planning permission previously granted under 19/02979/OUTMAJ. It is only matters relating to these conditions that are for consideration in the determination of this application.

3. Legal and Procedural Matters

- 3.1 **Environmental Impact Assessments (EIA):** EIA screening opinions were previously sought (ref: 17/01175/SCREEN and 19/01123/SCREEN) and the Council determined that the development proposed in both of those applications was not considered to represent EIA development within the meaning of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. A Screening Opinion has also been issued with reference to the application for approval of reserved matters, as the proposal is classed as Schedule 2 development within the meaning of the EIA Regulations. As was established in the previous screening opinions, taking into account the selection criteria in Schedule 3 of those Regulations, it was again considered that the proposal is not likely to have significant effects on the environment in terms of the EIA Regulations. An EIA screening opinion was also undertaken in assessing the matters seeking approval of conditions. It was again considered that the proposal is not likely to have significant effects on the environment in terms of the EIA Regulations. Therefore, the development proposed is not considered EIA Development within the meaning of the Regulations.
- 3.2 **Publicity:** No formal publication of the application is required the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's Statement of Community Involvement.
- 3.3 **Local Financial Considerations:** Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body. No local financial considerations are material to this application.
- 3.4 **Community Infrastructure Levy (CIL):** CIL is a levy charged on most new development within an authority area. CIL will be charged in residential (C3 and C4) and retail (A1-A5) development. CIL is not considered in this report.
- 3.5 **Public Sector Equality Duty (PSED):** In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The Council must have due regard to the need to achieve the following objectives:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 3.6 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 3.7 The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have regard to and remove or minimise disadvantage. In considering the merits of this planning application, due regard has been given to these objectives.
- 3.8 There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular application to approve matters reserved by conditions, and there would be no significant adverse impacts as a result of the development.
- 3.9 **Human Rights Act:** The development has been assessed against the provisions of the Human Rights Act, including Article 1 of the First Protocol (Protection of property), Article 6 (Right to a fair trial) and Article 8 (Right to respect for private and family life and home) of the Act itself. The consideration of the application in accordance with the Council procedures will ensure that views of all those interested are taken into account. All comments from interested parties have been considered and reported in summary in this report, with full text available via the Council's website.
- 3.10 Any interference with property rights is in the public interest and in accordance with the Town and Country Planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

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.

WBC Environment Delivery	Satisfied that the zero carbon has been met at the design stage for regulated and unregulated energy as set out in the Energy Statement as confirmed 16/08/2023. The Technical Note states an As Built BRUKL will be provided at handover which supports monitoring and reporting measures. Further details of regulated and unregulated energy following assessment of TM54
---	--

	<p>methodology and in the BREEAM assessment required by condition 8.</p> <p>Details of the embodied carbon of construction materials have been provided in the BREEAM Assessment Tracker, as Built BRUKL to be provided, detail of the CIBSE TSM54 methodology will be updated and shared as the BREAM Assessment is progressed, and the BREEAM Post Construction Review Certificate will also provide evidence to support condition 9</p> <p>Satisfied that sufficient evidence has been submitted to meet the condition, including monitoring measures.</p>
WBC Environmental Health:	No comment to make

Public representations

4.2 No representations have been received.

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 CS14, CS15 of the West Berkshire Core Strategy 2006-2026 (WBCS).

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 2019-24
- WBC Quality Design SPD (2006)

6. Appraisal

6.1 The main issues for consideration in this application are:

- Zero carbon requirements

Principle of development

6.2 The principle of the development has been established through the granting of outline planning permission reference 19/02979/OUTMAJ. This application is seeking approval of details reserved by conditions 9 attached to that permission only.

Zero Carbon

- 6.3 The Condition 9 requires a plan to be submitted before the development commences to demonstrate how the building will meet with the requirement for zero carbon development, including construction, monitoring and reporting measures. The application has been submitted with an Energy Statement which provides baseline information for assessing the energy requirements. The application has also been submitted with a Technical Note which provides additional clarity and explanation of the assessment of how the operational energy, built fabric and construction impacts have been considered. The Energy Statement has discussed a range of renewable energy sources. The primary source of heating and cooling in the building is proposed to be roof mounted air source heat pumps, and electricity is to be provided by photovoltaic panels to be installed on the roof of the building. The Energy Statement indicates that there would be a reduction in 105.63% in savings in carbon dioxide emissions through the use of the air source heat pumps and photovoltaic panels. The report also assessed other sources of renewable technology and assessed why they were not suitable for this development. Policy CS15 requires that the calculations are made after the installation of energy efficient measures have been applied. In this instance the Building Regulations Part L 2021 have been the relevant standard to apply. The Energy Statement has demonstrated how the requirement for zero carbon has been met at the design stage for both regulated and unregulated energy.
- 6.4 The Technical Note supplements this information and sets out measures for the monitoring and reporting measures required by the conditions. The Technical note says that an 'As Built BRUKL,' which is a Building Regulation Output Document for the regulated energy will be provided at the handover of the building to demonstrate that the details of the design match what has been built, and the results of the 'As Built' BRUKL should align with the 'As Designed' BRUKL, even if adjustments are made in the construction process. The Technical note has also highlighted the unregulated energy calculations are provided in the Energy Statement and highlights that these will be assessed in greater detail at a later stage in the construction process following Chartered Institution of Building Services Engineers (CIBSE) TM54 methodology for analysis of energy demand. This is also part of the BREEAM process in order to reach Excellent as required by condition 8 of 19/02979/OUTMAJ. That condition requires approval prior to occupation of the building. However, there are overlaps in the BREEAM assessment with the requirement of this condition for the building to be zero carbon. As this information is being collected for the BREEAM it will also be provided to the planning authority as part of the monitoring for the unregulated energy.
- 6.5 Condition 9 requires that the there zero carbon during construction is demonstrated, and the previous application for approval of these details was refused because insufficient information to demonstrate how zero carbon would be met during construction. As referred to above there is an overlap with the condition 8 BREEAM requirements, and so the Technical Note Appendix B sets out the credits that are being targeted for the embodied carbon of the material in the construction process, to meet *Mat 01 Environmental impacts from construction products - Building life cycle assessment (LCA)* and are aiming to meet 4 out of 6 credits. The BREEAM Issue *Man 03 – Monitoring of Construction Site Impacts* supports the monitoring of the construction as there are requirements for the main contractor to set targets, monitor and record data for energy consumption, transportation of materials and waste to and from site; for the main contractor to operate an Environmental Management System such as ISO 14001 (an internationally recognised standard) for the site; and for the main contractor to appoint a BREEAM Accredited Professional with responsibility for monitoring construction progress against the BREEAM performance targets. This monitoring which is required to meet the BREEAM will also provide sufficient monitoring to meet the requirements of the condition.

- 6.6 The Energy Statement supplemented by the Technical Note provides sufficient information to demonstrate that the requirements of condition 9 to provide a zero carbon development, through the provision of air source heat pumps, and photovoltaics and with the submission of 'As Built BRUKL' for regulated energy and the provision of unregulated energy calculations using the CIBSE TM54 methodology, together with the construction and monitoring information as part of the BREEAM Excellent requirement provide additional information to demonstrate how the carbon requirements will be met in the construction process have been provided This meets the requirements of condition 9 and accords with the requirements of Policy CS15.

7. Planning Balance and Conclusion

- 7.1 The details which have been submitted contained with the Energy Statement and the Technical Note are considered to be acceptable and meet the requirements of condition 9 and accords with the requirements of Policy CS15.

8. Full Recommendation

- 8.1 To delegate to the Development Manager to GRANT APPROVAL OF THE SUBMITTED DETIALS as listed below.

Decision Notice Schedule

1.	<p>Condition 9: Zero Carbon</p> <p>The details submitted in relation to Condition 9 are hereby approved by the Local Planning Authority. To fully comply with this condition, the development must be carried out in accordance with the full terms of the condition as set out in the decision notice 19/02979/OUTMAJ, and in accordance with the following approved details:</p> <p>Energy Statement prepared by Method Consulting Rev P03 dated 09/08/23 and received on 13th October 2023; and Technical Note Condition 9 – Net Zeri Carbon Technical Note prepared by Method Consulting Ref 1801ILW-18-231009 dated 09/11/2023 and received on 13th October 2023</p>
----	--