

Item No.	Application No. and Parish	Proposal, Location and Applicant
(2)	14/03070/comind Greenham Parish Council.	Change of use of land as depot for storage, distribution, and processing of accident damaged vehicles, and non damaged vehicles, with erection of ancillary buildings. Land at New Greenham Park. Copart UK Limited.

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=14/03070/COMIND>

Recommendation Summary: **The Head of Planning and Countryside be authorised to GRANT planning permission.**

Ward Member(s): To be determined following elections.

Reason for Committee Determination: In excess of 10 objections received by the Council.

Committee Site Visit: 20th May 2015.

Contact Officer Details	
Name:	Michael Butler.
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1. Site History

145585. Approved 1995. New Employment Park. Outline permission only.

152079. Walon Limited. Use of land for open storage of vehicles. Approved August 1998.

01/01734/REM. Sainsbury's supermarkets. Distribution centre. Approved October 2002. Lapsed.

08/00349/comind. Pro Logis. Distribution Park of over 44,000m² of B8 space. Approved 30th December 2008. Now extant.

2. Publicity of Application

Site Notice Expired: 31/12/14.

3. Consultations and Representations

Parish Council: Strongly object to the application. No pre-application consultation with residents. Access route will lead to increased noise and disturbance for residents. How will pollution be dealt with?

Thatcham Town: Object. Insufficient information on highways impact, pollution controls, noise issues, and landscaping. Ask that application be refused.

Kingsclere Parish: Continue to be concerned over increased traffic arising from NGP onto the A339.

Basingstoke and

Deane Borough: No objections are raised.

CIL: No contributions since B8 space is not chargeable.

Ecologist: Conditional planning permission.

Archaeology: No objections raised.

Economic

Development Officer: Supports the application as new jobs will be created.

Highways:	Conditional planning permission is recommended.
Env. Health:	Conditional permission. Most recent acoustic report is now satisfactory.
Natural England:	
BBOWT:	Conditional permission is recommended. Objection to the scheme on grounds of impact on birds, protected species [reptiles] and lighting [Original plans]. More information required. Further consultation response awaited.
Environment	
Agency:	Recommends conditional permission. No objection on flooding grounds.
Thames Water:	No objections on water supply or drainage grounds.
Correspondence:	16 letters of objection to the application. Concerns about increased traffic arising from the application and increased noise from the operations noted. Increase in air pollution. Lighting pollution, potential for drainage problems? Ecological impacts in addition. Inappropriate site for such uses. Insufficient information submitted with the application to assess it adequately. Where is the mitigation of the impact? Buildings in wrong location on site so close to housing. Mitigation should be similar to that as proposed with Pro Logis application. The land to the east of the application site should be managed properly for ecological purposes. Application should be rejected.

4. Policy Considerations

The National Planning Policy Framework March 2012.

National Planning Practice Guidance 2013.

CIL Regulations 2010.

West Berkshire Core Strategy 2006 to 2026. Policies CS9 ,CS13 and CS17.

West Berkshire District Local Plan 1991 to 2006 - Saved Policies 2007. Policies ECON6 and OVS6.

5. Description of Development

5.1 Environmental Impact Assessment Regulations 2011.

On 5th December 2014, the Development Control Manager, informed the applicant's agent that the development in question, whilst falling under Section 10 part [b] of schedule 2 of the Regulations, that NO Environmental Impact Assessment would be required for the planning application submitted.

5.2 The application site is 8.14 ha in extent and comprises open concrete hardstanding on land to the north [but within] the New Greenham Park Employment Area. It is currently partially unused to the east but in use to the west by Wincanton Transport for container storage. To the south of the site lies QTR Transport in Building 302 and one adjacent, recently permitted for an extension of the QTR operation. To the

north of the application site lies Greenham Common, and to the east there are some residential properties located within a wooded landscape.

- 5.3 It is proposed to use the site for storage and the subsequent distribution of accident damaged vehicles together with the erection of a number of ancillary buildings in the south east quadrant of the application site. These will include a processing building to the north east, being 15 by 21m in extent, [315m²], an image and preparation bay with wash down facility in the centre, being 15m by 40m [600m²] and finally an office unit with inspection bays and motorcycle store comprising a total floor area of some 1530m². All the buildings in question will be single storey. None will be in excess of 7m to ridge height. Palisade fencing will surround the red line site for security purposes, at 2.4 m in height. To the south and east perimeter however will be a 3m high acoustic fence. Access to the site will be via Wofford Way to the south of the application site close to Building 302.
- 5.4 The applicant Company is Copart who operate 13 other depots in the UK for the processing and distribution of damaged vehicles. They accordingly specialise in such operations. However, it is important for the Committee to recognise that should planning permission be granted it will not be a personal consent as such, but the application description and conditions attached will of course constrain the uses permitted.
- 5.5 It is important for the Committee to recognise the planning history context of the application site. An outline planning permission for the whole of the Employment Park under 145585 was permitted, in outline, in 1995. This allowed for, inter alia, B1, B2 and B8 uses. In 1998 a full planning permission was granted for Walon Limited for purportedly a permission for the open storage of cars. The reference was 152079. Unfortunately no specific conditions were placed on this consent by the Council restricting the nature of the operations, or the timing of the operations for B8 use. Accordingly there is now an extant permission of the whole of the application site for an unrestricted B8 use, which Wincanton Transport are taking full advantage of. Members will have noted from their site visit the height of the units, [unrestricted] and the hours of use – 24/7. Since that approval in 1998, the Council have approved a Sainsbury's Distribution Centre of over 65,000m² under the reference 01/01734/rem in October 2002. This permission has however lapsed. Since then the Council rejected planning application 08/00349/comind for Pro Logis in 2008, for a 44,000m² distribution park. This was however allowed at appeal in December 2008. This planning permission has actually been implemented by virtue of the construction of a new access road to the east of the application site, along Communications Road. However no actual buildings have commenced on site, although the permission lies in perpetuity. Accordingly it may be concluded that the site has a whole range of permitted and lapsed uses for Distribution purposes, with ancillary B1 and B2 uses / buildings.

6. Consideration of the Proposal

The application will be considered under the following matters:-

- 6.1 - Planning Policy
- 6.2 - Impact on amenity - noise.
- 6.3 - Traffic impacts.
- 6.4 - Ecology.

6.1 Planning Policy.

- 6.1.1 Policy ECON6 in the West Berkshire District Local Plan 1991 to 2006 [Saved Policies 2007] refers to the designation of appropriate uses in the New Greenham Park [NGP] site. It notes that provision will be made for B1, B2 and B8 uses, subject to 5 criteria.
- 6.1.2 Criterion [a] seeks to ensure that the application site does not impinge upon the sporting and waste processing facilities - expected at that time. These have not arisen as envisaged in the original policy [which is now almost 18 years old] so this criterion is met. Criterion [b] seeks to ensure that there will be no harm to the amenities and features of the surrounding area. This is considered in more detail in Sections 2 and 3. Criterion [c] seeks developer contributions where appropriate, in particular to mitigate the impact upon local highways infrastructure. Given that CIL has now been adopted by the Council post 1st April 2015, and B8 uses are not chargeable, no such contributions can be sought. However, it is important to recognise that the Council have actually received some £261,000 from the first start on the Pro Logis scheme, albeit no actual transport generating development has commenced. Accordingly, criterion [c] is met. Criterion [d] seeks to ensure that the B1[a] content of any new development does not exceed 15% of the total area permitted. The offices proposed on site are just over 400m² and the buildings to be erected have a total of 2740m². Hence, in applying this ratio, it comes to 14.6% which is just below the threshold noted. Finally, criterion [e] stipulates that drainage is carefully considered, in order that there is no contamination of surrounding land. It is noted that both Thames Water and the EA have not objected on these matters. To conclude all of the criteria are satisfied in policy ECON6, with the exception of criterion [b] which will be examined later.
- 6.1.2 Within the Council's adopted Core Strategy, policy CS9 corresponds to [inter alia] the designation and protection of existing employment areas, such as NGP. It notes in para [b] that "business development will be supported on existing employment sites, particularly on those which are strategically important for the District economy" and NGP is noted amongst others. Accordingly, it is clear that the current application accords with the policy.

6.2 Impact on amenity - noise.

- 6.2.1 The Committee will appreciate that there have been a number of objections on noise grounds from local residents who live to the south east of the application site. Indeed the closest dwellings to the red line perimeter are the Larches, Happy Valley and Goldfinch Hollow. Policy OVS6 in the Saved Local Plan refers to the need to control new noise generating development in the interests of respecting local amenity. This notes that the Council "will require appropriate measures to be taken in the location, design, layout and operation of proposals, in order to minimise any adverse impact as a result of noise generated". Accordingly, the applicant, on request from officers, has submitted a comprehensive acoustic report by Ian Sharland Limited dated March 2015. This concludes, that once an acoustic 3m high fence is constructed on the south and east boundaries of the application site, and the hours of operation controlled, the resultant noise impacts upon the local residents will be from negligible, to minor, to low, even at the Larches. This is seen in the overall context of surrounding development, including the QTR operation to

the west. The predicted rise in local noise takes into account all the proposed new uses on the site, including the traffic arising.

6.2.2 Clearly it is not sufficient to merely rely on a Consultants report on this matter. The Council's Environmental Health Officers have carefully examined the submitted acoustic report, and have concluded the following: that conditional planning permission should be granted for the new use, which is acceptable. Indeed in officers view, it will mark an improvement in the overall noise climate surrounding the application site, since the Wincanton operation is uncontrolled over 24 hours and at weekends with many noise complaints being received on this issue re. containers banging when being translocated. With suitable conditions re. the acoustic fence, and hours of operation, plus reversing beepers, air conditioning and the control of noise at the access gates to the south, plus the nature of operations on the site being as specified, this will all assist in minimising local impact on amenity. Accordingly, it is considered that policy OVS6 will be satisfied as will advice on acoustic impact in the NPPF of 2012.

6.2.3 A number of the objectors have correctly noted that under the Pro Logis permission the acoustic mitigation was substantially greater than that now proposed. In response, not only was that consent for a far more significant application [over 44,000m² building] but was to be a 24 hour operation with significantly more traffic movements than Copart's. Secondly, it has been noted that the QTR operation constructed a 4m high acoustic fence to the east of that application site so some objectors consider Copart's should be of similar height. Whilst is accepted that this might be "better" from purely an acoustic point of view, it is the case officer's view that the visual impact of this would be serious and indeed harmful on the perimeter of the new application site. In addition the cost to the applicant would be significantly higher. This does become a planning issue given that Planning Authorities should not seek to apply unreasonable conditions when issuing planning permissions, which cannot be justified. [NPPF 2012, NPPG 2013 - Conditions]. Accordingly, given the above and the advice of Environmental Health, the acoustic mitigation proposed is considered to be adequate, such that local amenity will not be unduly harmed.

6.2.4 In conclusion it is accepted that criterion [b] of ECON6 and policy OVS6 are both satisfied in respect of noise impacts.

6.3. Traffic impacts.

6.3.1 The applicants, again at the request of planning officers, have submitted a Transport Statement, [TS] to ascertain the impact of the new use on the local highway network. This is in accord with advice in the NPPF, and policy CS13 in the Core Strategy. In summary, the TS notes the following:-

- 1 - There is a substantive "fall back" position on the site in terms of the extant Pro Logis permission [see above] which could have generated [pro rata] up to **938 vehicle movements daily**. It should be noted that this figure is for only the proportion of the Pro Logis site which is taken up by the Copart site along with QTR. The full number of daily movements envisaged from Pro Logis was up to 2051.

- 2 - Planning permission has been granted for the QTR use under 13/01978/comind for 4640m² gross floor area. This was expected to generate 357 vehicle movements daily.
- 3 - Application 15/00472/comind has recently been approved for QTR at Building 163 adjacent the Copart application site. It is envisaged that once in operation this will create an additional 202 movements daily.
- 4 - The proposed Copart operation will generate 376 movements daily.

6.3.2 Accordingly, the TOTAL number of daily vehicle movements arising from all the uses as already permitted [and to be permitted should Copart be approved] will be **935 per day**. This is just 3 less than that as permitted under Pro Logis. Accordingly the Council's Highways Officer has concluded that subject to appropriate conditions, the application is acceptable having regard to local traffic generation and impact on the local network. In considering this however the Committee should be aware that in the unlikely [but technically possible] eventuality that the remainder of the Pro Logis site be built out [outside the red line site for Copart] daily traffic movements would consequently rise further from NGP as a whole. This would however be necessarily the subject of a fresh planning application as the approved layout of the Pro Logis units could not be physically accommodated on the remaining land parcel.

6.3.3 A number of objectors have voiced concerns over the use of Wofford Way as the principal access route into the site. It is asked that an alternative access route be employed via Third Street East. This is no longer possible however since QTR have control of this access route, and, in addition all the buildings for the processing part of Coparts operation is adjacent the Wofford Way entrance/exit. The highways engineer in addition, has no objection to this access route being used. In any event, it is understood that this objection is based on noise grounds as opposed to access issues per se.

6.3.4 In conclusion it is accepted by officers that criterion [b] of policy ECON6 and policy CS13 in the Core Strategy are both satisfied by the application.

6.4 Ecology.

6.4.1 The original submitted plans to the Council contained [within the "blue" land] but outside the application site, land which is Common but owned by NGP. It included the footway/cycleway access onto the Common, and scrubby vegetation. However, it was also a valuable habitat for rare species, including reptiles. It is understood that the basis of the original objection from BBOWT corresponded to the inclusion of this land, due to concerns over the discharge of potentially contaminated drainage into the area, and potentially damaging fencing, so affecting reptiles, and the potential adverse impact of both noise and lighting [for security] on the species around the Common, being a SSSI. Additional information has been duly submitted by the applicant to address these issues. The blue land has been "deleted" from the application site, further details have been submitted regarding the fencing detail and lighting type [mostly infra-red] and the noise report has identified minimal impact on birds and so disturbance. It is understood at the time of preparing this report that the Council's Ecologist will be recommending conditional approval to the scheme, as Natural England have done. Consequently, it is judged that the ecological impacts

can be properly controlled if the application is approved and implemented. In this regard policy CS17 in the Core Strategy is met.

7. Conclusion

- 7.1. The Committee will acknowledge that there is understandable concern from local objectors about the introduction of a B2/B8 use on the site from Copart which could impact upon local amenity. The above report identifies that these fears are considered to be largely unfounded: indeed officers consider that with the appropriate new controls on this site [unlike permission 152079] the new use will have substantially less impact in visual and acoustic terms than Wincanton containers.
- 7.2 All planning applications are required to be determined under the three tenets of sustainability in the NPPF of 2012. In economic terms, there is little doubt that the application will be beneficial, bringing both skilled and unskilled job into the locality, which is to be encouraged. In social terms, the impact is neutral. In environmental terms, the impacts are considered to be acceptable, having regard to the above report. Accordingly, having full regard to the strong reasons for supporting the proposal, the application is firmly recommended for conditional permission. No s106 obligation is required.

8. Full Recommendation

The Head of Planning and Countryside be authorised to GRANT planning permission subject to the following Conditions:-

CONDITIONS

3 years

1. The development shall be started within three years from the date of this permission and implemented strictly in accordance with the approved plans.

Reason: To clarify the permission in accord with the DMPO of 2015.

Hours of working.

2. The hours of work for all contractors (and sub-contractors) for the duration of the site development shall, unless otherwise agreed in writing by the Local Planning Authority, be limited to; 7.30 am to 6.00 pm on Mondays to Fridays, 7.30 am to 1.00 pm on Saturdays, and NO work shall be carried out on Sundays or Bank Holidays.

Reason: In order to protect the amenities of surrounding residents in accordance with policy OVS6 of the West Berkshire District Local Plan 1991 to 2006 Saved Policies 2007.

Dust suppression.

3. No development shall commence until the applicants have submitted to the Local Planning Authority a scheme of works, or other steps as may be necessary to minimise the

effects of dust from the development. Development shall not commence until written approval has been given by the Local planning Authority to any such scheme of works.

Reason: In the interests of amenities of neighbouring occupiers and in accord with policy CS14 of the West Berkshire Core Strategy 2006 to 2026.

Construction Method Statement.

4. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The statement shall provide for:

- (a) The parking of vehicles of site operatives and visitors
- (b) Loading and unloading of plant and materials
- (c) Storage of plant and materials used in constructing the development
- (d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing
- (e) Wheel washing facilities
- (f) Measures to control the emission of dust and dirt 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 imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

Parking

5 The development shall not be brought into use until the car parking and/or turning spaces have been surfaced, marked out and provided in accordance with the approved plan(s). The car parking and/or turning spaces shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.

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 imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

Cycle parking

6 No development shall commence until details of the cycle and motorcycle parking and storage spaces have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the cycle and motorcycle parking and storage spaces have been provided in accordance with the approved details and retained for this purpose at all times.

Reason: To ensure that there is adequate and safe cycle and motorcycle storage space within the site. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

Unloading

7 The development shall not be brought into use until the vehicle unloading spaces have been surfaced and provided in accordance with the approved plan no.2094/106 rev.B. The delivery areas shall thereafter be kept available for the unloading and loading of cars and motorcycles at all times. There must be no unloading / loading of vehicle transporters at any time beyond the site boundary.

Reason: To ensure the development is provided with adequate unloading facilities, in order to reduce the likelihood of roadside deliveries that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

Contamination.

8 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To protect groundwater quality in accord with advice in the NPPF of 2012.

Drainage

9 No infiltration of surface water drainage into the ground from vehicle storage areas is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To accord with the advice in the NPPF of 2012.

Acoustic fence.

10 No development shall commence until details of the acoustic barrier including entrance to the compound (as detailed in the Assessment of Noise Impact Report dated 4 March 2015 and further correspondence dated 9 April 2015 by Ian Sharland) has been submitted to and approved in writing by the LPA. Installation of the barrier shall be completed before the premises is occupied and shall be maintained in good condition.

Reason: In the interests of the amenities of people living nearby. In accord with policy OVS6 in the West Berkshire District Local Plan 1991 to 2006 Saved Policies 2007.

Operations on Site

11 No other operations shall be carried out on site other than those detailed in the Assessment of Noise Impact Report produced by Ian Sharland dated 4 March 2015. Gates serving the entrance of the site shall remain closed other than when in use. HGVs and fork lift trucks shall be fitted with non tonal (white noise) reversing warning alarms. In addition, no reversing tonal beepers shall be used on any vehicles on site before 07:00 hours.

Reason: In the interests of the amenities of people living nearby. In accord with policy OVS6 in the West Berkshire District Local Plan 1991 to 2006 Saved Policies 2007.

Services on New Buildings

12 Any air conditioning plant installed on new buildings shall be installed on the northern facade of the buildings. Noise resulting from the use of plant, machinery or equipment shall not exceed a level of 5dB(A) below the existing background level (or 10dB(A) below if there is a particular tonal quality) when measured according to British Standard BS4142-2014, at a point one metre external to the nearest noise sensitive premises. Prior to installation on a building the following shall be submitted to the Local Planning Authority:

(a) written details concerning any proposed air handling plant, chillers or other similar building services including:

(i) the proposed number and location of such plant as well as the manufacturer's information and specifications

(ii) the acoustic specification of the plant including general sound levels and frequency analysis under conditions likely to be experienced in practice.

(iii) the intended operating times.

(b) calculations showing the likely impact of noise from the development;

(c) a scheme of works or such other steps as may be necessary to minimise the effects of noise from the development;

(d) The building shall not be used until written approval of a scheme under (c) above has been given by the Local Planning Authority and works forming part of the scheme have been completed.

Reason: In the interests of the amenities of neighbouring occupiers. In accord with policy OVS6 in the West Berkshire District Local Plan 1991 to 2006 Saved Policies 2007.

Lighting Scheme

13 No floodlighting or other form of external lighting scheme shall be installed unless it is in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting, which is so

installed, shall not thereafter be altered without the prior consent in writing of the Local Planning Authority other than for routine maintenance that does not change its details.

Reason: To protect local amenity and ecology, in accord with policy CS14 in the West Berkshire Core Strategy 2006 to 2026.

Amended Plans.

14 The development must be built out in strict accord with the layout plan number 2094/106 Rev A dated 02-03-15 by Catina Design.

Reason: To clarify the permission in accord with the DMPO of 2015.

Height of storage.

15 At no time shall any vehicles be stacked more than two high and in any event no higher than 4m at any time.

Reason: To respect local visual amenity in accord with policy ECON6 in the West Berkshire District Local Plan 1991 to 2006 Saved Policies 2007.

Ecology.

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No development shall commence until a detailed lighting scheme has been submitted to the Local Planning Authority for approval. Such scheme will meet the Environmental Zone E1 as described in the guidelines published (GN01:2011) by the Institution of Lighting Professionals and will include a detailed isolux diagram. The scheme should also be compliant with the joint Guidance between ILP and the Bat Conservation Trust – Bats and Lighting in the UK. The exterior flood lighting will only operate between the hours of 7.00 – 18.00 hours – Monday to Friday. In addition, no development shall commence until details of a reptile barrier to be constructed along the southern and eastern boundaries of the site has been supplied to the Local Planning Authority for approval. Such a scheme shall be implemented in full prior to the operation of the scheme on site. Finally, no development shall commence until a scheme of monitoring the surface water drainage off site for the duration of the operational stage of this development will be submitted to the Local Planning Authority to ensure that no contaminated water affects adjacent nature conservation sites. Such scheme will include details of remediation action that can be taken should contaminated water be found to be affecting such sites.

Reason: To accord with Policy CS17 (Biodiversity and Geodiversity) of the West Berkshire Local Plan and to accord with the NPPF.

DC