

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(3)	20/01226/FUL Compton	4 August 2020 ¹	<p>Retrospective: External works, m/e works to include ductwork, steel gantry, external plant, external enclosure (fencing), retaining walls, air handling unit and chiller, gas bottle store, solvent stores all concerning unit 10, 11, 12 (existing building). Building alterations include modifications to internal space planning, revised external door design to fire escape doors, omitting roof lights + glazed top and side panel to entrance doors (front elevation) + two windows on the east elevation at first floor and adjusted soil vent pipes (SVP) positions.</p> <p>Land at Old Station Business Park, High Street, Compton.</p> <p>Carbosynth Ltd.</p>

¹ Extension of time agreed with applicant until 16 October 2020.

The application can be viewed on the Council's website at the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=20/01226/FUL>.

Recommendation Summary: That the Head of Planning and Development be authorised to GRANT planning permission.

Ward Member(s): Councillor C. Culver.

Reason for Committee Determination: Ward Member call in if recommendation for approval.

Committee Site Visit: Owing to social distancing restrictions, the option of a committee site visit is not available. Instead, a collection of photographs is available to view at the above link.

Contact Officer Details

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1. Introduction

- 1.1 This application seeks retrospective planning permission for the following:

External works, m/e works to include ductwork, steel gantry, external plant, external enclosure (fencing), retaining walls, air handling unit and chiller, gas bottle store, solvent stores all concerning unit 10, 11, 12 (existing building);

Building alterations include modifications to internal space planning, revised external door design to fire escape doors, omitting roof lights and glazed top and side panel to entrance doors (front elevation) and two windows on the east elevation at first floor, and adjusted soil vent pipes (SVP) positions.

- 1.2 The application site is to the far north of the Old Station Business Park and relates to a recently constructed commercial building which matches in footprint, height and design the other commercial units within the business park. The business park is not a protected employment area.
- 1.3 There are 4 commercial buildings on the business park. Each unit was originally designed to be internally subdivided into 3 units. The applicant, Carbosynth, occupies 2 of the buildings; units 4 to 9. The applicant was due to occupy the newest building (the application site) incorporating units 10 to 12 at the beginning of September.
- 1.4 Access to the site is off a junction at the transition between the High Street and School Lane. Public Rights of Way COMP/5/1, COMP/14/1 run along the access road and alongside the western boundary of the business park.
- 1.5 The site is outside of the settlement boundary of Compton which terminates around the allotment and Compton C of E Primary School to the south, and the residential development to the west of Yew Tree Stables and north of Wallingford Road. The area is within the North Wessex Downs Area of Outstanding Natural Beauty, a national landscape designation.
- 1.6 This application is a result of refusal of a discharge of condition application for plant to the newly constructed building and reports to Planning Enforcement. The refusal of the discharge condition application was due to the extent of plant amounting to development in its own right. Details of the additional development sought to and around the building are:

To the south of unit are 2 solvent stores each 2.5m by 6.05m and 2.85m high, a liquid petroleum gas compound with a concrete slab base the top of which is 10cm above the tarmac ground level;

To the north of the unit towards the western boundary is a compound for an air handling unit and chiller unit on a concrete slab;

To the east of the building is the gantry compound with a concrete slab and fencing around;

The concrete retaining wall and timber fencing around the compounds above varies in height from 0.8m to 2.2m;

To the east of the building is a gantry. It sits below the height of the building and is approximately 6.3m across and protrudes from the building by 2.3. The ducting out of the building onto the gantry results in 6 pipes protruding above the roof of the building by approximately 1m;

To the west of the building is the air handling unit ducting. It is no greater in height than the building but extends to the north beyond the building by 4.4m at a height of 5.5m. It protrudes from the west side elevation of the building by 1.5m and is proposed to be painted;

There are internal changes to the building which are not development and would not require planning permission. For information the floor plans show the ground floor comprises w/c, plant room, locker room, dining area, meeting room, packaging area and store room. The first floor plan comprises 3 laboratory areas, wash and w/c facilities, office and writing up room, and store area.

2. Planning History

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

Application	Proposal	Decision / Date
00/00964/FUL	Construction of three two storey light industrial units in one block of three units.	Approval 2002
17/03194/NONMAT	Add and additional condition to 00/00964/FUL to incorporate the approved drawings and reference numbers.	Approval 2017
17/01674/FUL	Section 73A: variation of condition 1 – plans approved of permission 00/00964/FUL – Construction of three two storey light industrial units in one block of three units.	Approval 2017
17/03285/FUL	Section 73A variation of condition 4 – external lighting of permission 00/00964/FUL – Construction of three two storey light industrial units in one block of three units.	Approval 2017
20/00195/COND	Approval of details reserved by condition 8 – plant installation of 17/03285/FUL.	Refused 2020

3. Procedural Matters

3.1 Environmental Impact Assessment: Given the nature and scale of this development, it is considered to fall within the description of development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 where it is located in the sensitive location of the North Wessex Downs Area of Outstanding Natural Beauty. As such, EIA screening is required and concluded that the proposal is not EIA development.

3.2 Publicity: A site notice was displayed on 6 July 2020 on a fence; the deadline for representations expired on 27 July 2020.

Consultation

Statutory and non-statutory consultation

- 3.3 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.

Compton Parish Council:	Objection. Matters raised: stronger noise reduction measures required than those given in the documentation provided with the application given the location in a rural area and in an Area of Outstanding Natural Beauty. Insufficient consideration has been given to all noise from the site. Removal of permitted development rights requested due to extent of retrospective development on site.
WBC Highways:	Following receipt of amended block plan for parking no objection subject to condition.
Environmental Health:	No objection subject to condition.
Tree Officer:	Request for planting on site of 20 trees and 5 metres of hedging and condition requested for their maintenance.
Public Rights of Way:	No comments received.
Ramblers' Association:	No comments received.

Public representations

- 3.4 Representations have been received from 9 contributors, all of which object to the proposal.

- 3.5 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:

- Lack of planting screening to the application site;
- Noise disturbance to nearby residents from plant machinery;
- Ducting etc installed reduced space available for planting screening;
- Noise from chiller units which rises and falls during the day, and a low buzzing sound and alarms from the site most pronounced at night;
- The noise surveys do not present a full assessment of the noise generated;
- Harmful visual impact most noticeable in winter when trees are not in leaf;
- Light pollution towards Wallingford Road;
- Conditions requested on operating hours and ongoing noise monitoring;
- Visual and noise impact of users of the public right of way;
- Comments on the fact the application is retrospective.

4. Planning Policy

4.1 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, 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).
- Policies 1 and 2 of the Replacement Minerals Local Plan for Berkshire 2001 (RMLP).
- Policy NRM6 of the South East Plan.

4.2 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
- WBC Quality Design SPD (2006)

5. Appraisal

5.1 The main issues for consideration in this application are:

- Principle of development
- Character and appearance
- Amenity
- Highways

Principle of development

5.2 Permission 17/01674/FUL established that the commercial building of units 10 to 12 was acceptable under the current development plan policies ADPP1, ADPP5 and CS9. A condition to that permission was for no plant to be installed until details had been approved by the Local Planning Authority. Whilst an application was submitted the inclusion of proposed fencing and retaining walls, external gantry, ducting for plant machinery and stationing of plant and storage was considered to be development in its own right requiring planning permission. Nevertheless the development sought is clearly in association with the use granted permission and in principle acceptable, subject to the details otherwise according with development plan policies on character and appearance, amenity and highways.

5.3 It is to be noted that national legislation changed on 1 September 2020 with regard to the Use Classes Order. The use of this site was granted permission as a B1(c) use – an industrial process which can be carried out in any residential area without causing detriment to the amenity of the area. The Use Classes Order now in force changes this to an E use of commercial, business and service uses. As well as the previous B1 uses it includes shops, financial and professional services, café/restaurant, offices, research and development, clinics and health centres, creches, day nurseries, gymnasiums and other indoor recreation not involving motorised vehicles or firearms. Changes within this E use class are not development and would not need planning permission. Planning

permission for the building is not a personal permission and could in future be occupied by any of the other uses within the E use class.

Character and appearance

- 5.4 The ground level storage compounds, retaining walls and fences are not considered to be visually prominent from within or outside of the site. They are low level and in close proximity to the building and therefore read in association with the industrial building. The gantry and external ducting with flues above the ridge line of the roof to the east of the building is set within the site away from the boundaries. It is otherwise no greater or wider than the building and also not considered to be visually prominent outside of the site.
- 5.5 The high level ducting of the air handling unit to the west of the building is no greater in height but does protrude beyond the rear of the building and is relatively close to the western boundary of the site. As such it is more readily visible from outside of the site. Having painted it moorland green this has reduced its prominence compared to the original plain silver metal which had been reflective.
- 5.6 Objections have commented that the external compounds and ducting to the west of the site have left less space for planting on the boundary. It has also been raised that planting which should have been undertaken under the previous scheme has not been provided.
- 5.7 The Tree Officer has been consulted on the application and proposed a tree and hedge planting scheme that would provide landscape screening and native species that would be in-keeping with the rural setting. The applicant has undertaken this planting. A condition is recommended by the Tree Officer to ensure the planting is maintained and any trees which become diseased or fail are to be replaced. On this basis it is considered that landscaping screening has been provided and its maintenance secured. As it matures this will further reduce the visibility of the development from outside of the site, although it is noted this will naturally be less during the winter months when the trees are not in leaf.
- 5.8 The details of the planting are:

Trees x 20 approximately 4 metres apart in the gaps along the existing hedgerow:

Small leaved Lime (<i>Tilia cordata</i>)	x6
English Oaks (<i>Quercus robur</i>)	x2
Beech (<i>Fagus sylvatica</i>)	x2
Purple Beech (<i>Fagus sylvatica riversii</i>)	x2
Field Maple (<i>Acer campestre</i>)	x2
Whitebeam (<i>Sorbus aria</i>)	x2
Rowan (<i>Sorbus aucuparia</i>)	x2
Wild Cherry (<i>Prunus avium</i>)	x2

Hedging approximately 5 metres worth with 4 trees per metre with canes and spiral guards to stop rabbit damage

Hawthorn (<i>Crataegus monogyna</i>)	x4
Blackthorn (<i>Prunus spinosa</i>)	x4
Field Maple (<i>Acer campestre</i>)	x4
Dogwood (<i>Cornus sanguinea</i>)	x4

- 5.9 It is acknowledged that the additional development of this application and the lack of compliance to the landscaping requirement under the previous permission has resulted in the higher level additions adding to the visibility of the building. The measures to paint the ducting and introduce a scheme of landscaping are considered to mitigate this impact, and a condition can be applied to secure maintenance.
- 5.10 As such the application is considered to comply with development plan policies on character and appearance by conserving the setting of the Area of Outstanding Natural Beauty and respecting its landscape features under policy ADPP5, as well as preserving landscape character under policy CS19.

Amenity

- 5.11 Objections to the scheme have included the negative impact on the public right of way to the western boundary of the site where the additional development is close to that boundary, a lack of landscaping, and noise from the plant machinery. As outlined above the planting which has now been undertaken will provide landscape screening and its maintenance can be secured by condition. The visual impact on the amenity of public rights of way users is therefore considered to now be acceptable and to protect the public right of way as part of the District's green infrastructure under policy CS18.
- 5.12 The issue raised by all objectors is that of noise from the site, some of which is also from plant machinery associated with units 4-9 occupied by the same business. An acoustic report was submitted with the application and a further noise assessment submitted during the application. The noise assessments have been reviewed by the Council's Environmental Health team and are attached to this report at Appendix 1.
- 5.13 It is noted that not all of the plant machinery on site has been fully operational where the building was not due to be occupied until September 2020.

Policy OVS.6 states, in full:

"The Council will require appropriate measures to be taken in the location, design, layout and operation of development proposals in order to minimise any adverse impact as a result of noise generated. Special consideration is required where noisy development is proposed in or near Sites of Special Scientific Interest or which would harm the quiet enjoyment of Areas of Outstanding Natural Beauty. Proposals for noise sensitive developments should have regard to the following:

- (a) Existing sources of noise e.g. from roads, railways and other forms of transport, industrial and commercial developments, sporting, recreation and leisure facilities; and*
- (b) The need for appropriate sound insulation measures; and*
- (c) The noise exposure levels outlined in Annex 1 of PPG24. In the context of this policy noise sensitive uses are housing, schools and hospitals.*

- 5.14 The above policy was adopted prior to the publication of the National Planning Policy Framework (NPPF). As such the reference to PPG24 is redundant as that advice has since been revoked. However, the policy is otherwise considered to be consistent with the NPPF which at paragraph 170 outlines that “planning decisions should contribute to and enhance the natural and local environment by... preventing new and existing development from contributing to... or being adversely affected by, unacceptable levels of... noise pollution....”
- 5.15 The first Noise Impact Assessment dated December 2019 was focussed on the proposed, but not installed or operating, air handling unit and associated chiller, extract fans and solvent storage tanks for this application. It included a noise survey of background noise level on site and at the boundary to residential properties of 41dB during the day and 32dB overnight. It recommends that the plant noise emissions associated with units 10-12 be limited to 36dB during the day and 27dB overnight.
- 5.16 The first noise assessment then predicts the noise impact of the proposed plant machinery for units 10-12 based on the manufacturer’s datasheets and makes mitigation measure recommendations for: the extract fans to be set to 80% duty during the day and 20% at night; a screen to the eastern side of the chiller of 500mm higher taller than the chiller of an imperforate material; and attenuators to the plant machinery; all other air handling and extract plant to be fitted with acoustically specified splitter silencers. With these measures the assessment considered the noise limit of 36dB during the day and 27dB at night to be met.
- 5.17 The initial consultation response of Environmental Health was that subject to the requirement that the mitigation measures be installed and confirmation submitted to the Council, that the noise impact of units 10-12 was acceptable.
- 5.18 The second noise impact assessment submitted in July 2020 extended the survey to include units 4-9. It was also able to take actual readings of the plant installed in units 10-12. This included testing each item of plant in section 5 of the report roughly between 3am and 7am. This showed that at the noise monitor on the applicant’s site there are 58dB peaks from Container 4 which is not within the site area for this application. Other notable changes include the other containers and supply fan to unit 7-9 which are outside of this application, and warehouse extract fan and cold-rooms. These noise variances were not picked up by the noise monitor located near the residential properties.
- 5.19 The containers not within this application site have a strong low frequency component picked up both on site and at the residential dwellings, particularly container 1 and is considered likely to be the cause of the low frequency noise complains.
- 5.20 Section 6 of the second noise impact assessment derived the sound levels on site of Unit 10-12 air handling fan and chiller to be 52dB, and the extract fans 52dB. The report states there is considerable uncertainty on these due to the dominance of the sound from container 4 which likely results in significant overestimate of the noise level of these fans and chiller.
- 5.21 In section 7 the predicted sound level at the residential properties is 31dB for the unit 10-12 plant machinery. The assessment notes that this is higher than levels calculated based on the product datasheets. The calculated noise levels are higher than measured at the dwellings when the plant was actually running. However, the assessment finds the cumulative rating of all plant excluding the containers associated with units 4-9 is considered low at 30dB. The mitigation recommended relates to the containers which are not part of this application.
- 5.22 The response from Environmental Health from their site visits they did not hear the plant noise at the boundary to the residential properties. The recording submitted by a

resident was confirmed by the applicant to be related to the air handling unit and it was agreed a timer system would be installed so it would not run overnight. This is not included in the noise assessment so would reduce overnight noise further.

- 5.23 It is clear that there have been impacts to local residents from noise associated with the operation as a whole on site. The noise impact assessment identifies the primary issue to be the chiller containers which are not part of this application. Additional mitigation can be installed on the air handling unit so that it does not operate at night when background noise is at a lower level. The operation of the air handling unit and plant on the site of units 10-12 is otherwise acceptable. It is therefore considered that subject to the measures identified in the original noise impact assessment and a condition for the timer system that the impact on amenity to residents can be mitigated to an acceptable level and accord with the development plan policies.

Highways

- 5.24 Highways Officer's potential concern with the application was that there should be no loss of parking space as a result of the new development. Amended plans were submitted regarding the 2 new parking spaces proposed to confirm their size. It was subsequently noted by Highways Officers that spaces numbered 13 and 14 did not have 6 metres distance from the edge of the space to the new compound and could not therefore be properly accessed.
- 5.25 Amended plans provided 2 additional spaces to the front of the building and reconfigured a space to the rear of the building. Highways are now satisfied that there is no loss of parking associated with the application. A condition is to be applied that the parking be provided in accordance with that plan.
- 5.26 On this basis it is considered that there has been no loss of car parking on site as a result of the additional development. Subject to the conditions identified the proposal would accord with policy TRANS.1 for parking provision.

6. Planning Balance and Conclusion

- 6.1 The development for ducting, retaining walls and fencing, and stationing of the air handling chiller unit is in association with the occupation and use of the industrial unit by the applicant. The development is specific to the needs of the applicant and may not be required should the building in future be occupied by another business within use class E. The business on site is considered to fall within this use class as whilst plant machinery is needed for cooling the nature of the business on site is not considered to represent a B2 industrial process use. The business is established on the business park and whilst employees may be specialist and not necessarily local the business nonetheless makes a contribution to the economy of the area and District.
- 6.2 The visual impact of the additional development is not considered unduly prominent and is mitigated by landscaping planting and painting of the ducting on the west elevation, and this will also retain the amenity of users of the adjacent public right of way. There is no loss of parking as a result of the development.
- 6.3 The noise from the plant machinery on site, some of which is not part of this application, have impacted on nearby residents. The acoustic report and noise assessment identify measures to mitigate this impact with a timer system on the air handling unit chiller the impact to be required by condition.

7. Full Recommendation

- 7.1 To delegate to the Head of Development and Planning to GRANT PLANNING PERMISSION subject to the conditions listed below. The usual commencement condition has not been included as the development is retrospective.

Conditions

1.	<p>Approved plans The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <p>P152-100 Rev J Location and proposed site plan P152-101 Rev J Detailed proposed site and parking layout plan P152-200 Rev I Proposed ground floor plan P152-201 Rev H Proposed first floor plan P152-400 Rev I Proposed south and north elevation plan P152-401 Rev I Proposed west side elevation plan P152-402 Rev I Proposed east side elevation plan 001 sheets 1 and 2 Left and Right hand 6.0m Walk-in firevaults 003 6.0m Walk-in firevaults</p> <p>HVC Louvre Systems Series AL acoustic louvres document Caice Attenuator Schedule document Swegon Gold RX/PX/CX/SD Generation F installation function manual Central Fans Colasist Ltd data document for Swegon Gold and BlueBox Zeta BlueBox Zeta Rev Series A410A document Allaway Acoustics attenuation document Rosenberg Regel switches and controllers document Rosenberg Linefield Rovent 10 axial fan type DQ 315-4 Ex document Invertek Drives Optidrive E IP20 & IP66 (NEMA 4X) Installation document</p> <p>Venta Acoustics Noise Impact Assessment ref VA2752.200710.NIA dated 23 July 2020.</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
2.	<p>Landscaping Maintenance Any of the 20 trees planted as outlined in the letter from Jaymeni Patel Deign dated 6th August 2020 and Tree Officer's consultation response dated 7th July 2020 that die or become seriously damaged within three years of this permission shall be replaced in the next planting season by plants of the same size and species.</p> <p>Reason: To ensure a satisfactory scheme of landscaping in accordance with the National Planning Policy Framework, and policies ADPP1, CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>
3.	<p>Parking in accordance with plans Within a month of this permission the vehicle parking and/or turning spaces shall be surfaced, marked out and provided in accordance with the approved parking layout plan. The parking and/or turning spaces shall thereafter be kept available for parking (of private motor cars and/or 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 in accordance with the National Planning Policy</p>

	<p>Framework, policy CS13 of the West Berkshire Core Strategy 2006-2026 and policy TRANS.1 of the West Berkshire District Local Plan Saved Policies 2007.</p>
4.	<p>Ancillary to use of industrial building The buildings and structures hereby approved shall be used solely for purposes ancillary and incidental to the main use of the site.</p> <p>Reason: The buildings and structures are acceptable due to the specific nature of the business operating from the site and their separate use would not be acceptable on the site in the interests of amenity and ensuring a sustainable pattern of development in accordance with the National Planning Policy Framework and policies ADPP1, ADPP5, CS10, CS14, CS18 and CS19 of the West Berkshire Local Plan 2006-2026.</p>
5.	<p>Noise mitigation All of the mitigation measures identified in section 5.2 of the Venta Acoustics Noise Impact Assessment VA2752.191211.NIA dated 11 December 2019 and shall be installed within 2 months of this permission and thereafter retained and details confirming installation submitted to and approved in writing by the Local Planning Authority. The plant noise emissions shall not exceed 36dB between 07:00 – 19:00 hours or 27dB between 19:00 and 07:00 hours as outlined in section 4.3 of that assessment.</p> <p>Reason: In order to protect the amenity of adjacent land users in accordance with the National Planning Policy Framework, policies CS14 of the West Berkshire 2006-2026 and OVS.6 of the West Berkshire District Local Plan Saved Policies 2007.</p>
6	<p>Timer system Within two months of the date of permission details of a timing control system for the air handling and associated chiller that will prevent that equipment from operating overnight shall be submitted to and approved in writing by the Local Planning Authority. Within a month of the details being approved the timing control system shall be fully implemented in accordance with the approved details.</p> <p>Reason: To ensure that suitable mitigation is put in place to avoid disturbance to neighbouring dwellings in accordance with the National Planning Policy Framework and Policies OVS.5 and OVS.6 of the West Berkshire District Local Plan Saved Policies 2007 and CS14 of the West Berkshire Core Strategy 2006-2026.</p>