

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	21/03083/COMIND Lambourn	10 March 2022	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: 15.09.2022

Contact Officer Details

Name: Jake Brown
Job Title: Principal Planning Officer
Tel No: 01635 519111
Email: jake.brown@westberks.gov.uk

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. A copy of the officer's report and decision notice for that application is provided at the end of this report. 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 not 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.
---------------------------------	--

	<ul style="list-style-type: none"> • 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. • 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.
Ecology Officer:	<p>After discussions with the applicants agent the following details will need to be submitted at the appropriate stage in the DM process:</p> <ul style="list-style-type: none"> • Boundary treatments across the site, in appropriate locations access points that allow fauna to utilise the planting onsite will be required. The applicant may wish to have an additional fence stopping fauna accessing the hardstanding areas of the site from the vegetated parts. The applicant will then of course need to be mindful of how the habitats will maintained. • An updated landscaping layout – with the increased planting on the northern part of the site. • Cross section(s) diagrams of the Western boundary landscaping showing the depth of each the different elements to be placed there. • Management prescriptions will need to state what will happen after 5 years the management are finished so that mitigation measures continue.
Environment Agency:	No comments.
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 27 contributors, 5 of which support, and 22 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;
- The development approved for Walkers Logistics Ltd 19/02979/OUTMAJ) is unrestricted and that unrestricted development needs to be considered in the determination of this application;
- This development is not an appropriate use of existing available capacity, if any, of the B4000 road for accessing the site;
- Lack of FRA.

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 However, the Ecologist is seeking further planting in order to ensure sufficient ecological connectivity and a biodiversity net gain, as detailed later in the report.
- 6.7 Subject to 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 – as well as conditions required details of boundary treatments and landscaping, 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

- 6.8 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.
- 6.9 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.
- 6.10 It is considered that the anticipated vehicle movements of 8 van trips (4 in, 4 out) per day, 4 HGV trips (2 in, 2 out) per day, and 10 staff trips (5 in, 5 out) per day is minimal when considering the total number of vehicle movements that occur in the area.
- 6.11 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.
- 6.12 Therefore the development is not considered to run contrary to development plan policies in respect of highway matters.
- 6.13 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

- 6.14 No issues were raised in respect of ecology and biodiversity for the previous permission granted. An updated Ecological Appraisal has been submitted with this application which concludes that there will be an improvement in biodiversity subject to securing the measures set out in the appraisal and a proposed landscaping scheme.

- 6.15 However, following a review of the application submissions by the Ecologist concerns were raised in respect of the amount and location of the proposed landscaping. In order to ensure sufficient ecological connectivity and a biodiversity net gain, additional planting is sought by the Ecologist between the already proposed woodland block in the north-western corner of the site and the proposed planting along the north-eastern boundary, parallel to the M4 motorway. Furthermore, the Ecologist has concerns regarding the width of the proposed planting along the south-western boundary adjacent to the service road and whether sufficient room is provided for that landscaping, as well as ensuring long term retention of all of the proposed landscaping. In addition, the Ecologist requests that access points within boundary treatments are provided at appropriate locations, to allow fauna to access proposed planting areas.
- 6.16 Subject to securing an amended landscaping scheme including cross section plans and management and maintenance details by condition, together with appropriate boundary treatments plans providing for access points for fauna and the ecological mitigation measures set out in the applicant's Ecological Assessment, no objections are raised by the Ecologist. Those measures can be adequately secured by conditions as set out in section 8.2 of this report.

Sustainable drainage

- 6.17 The site is located within Flood Zone 1 and 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.
- 6.18 Whilst no formal Flood Risk Assessment (FRA) has been submitted as part of the application, which guidance advises should be provided for the change of use of site areas greater than 1ha in size in Flood Zone 1, flooding has been considered and assessed in the submitted Design and Access Statement and the Environment Agency has not objected to the proposal.
- 6.19 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.
- 6.20 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.
- 6.21 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. However, as it is considered that suitable sustainable drainage can be achieved within the site, a condition is proposed requiring such details prior to the use commencing.
- 6.22 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

- 6.23 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.
- 6.24 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).
- 6.25 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 to justify an alternative decision by the Council. 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). Those permissions have been granted by the Council in the context of the previous permission for a B8 use at this site that was extant at the time those were granted. Therefore, 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.	<p>Commencement of development</p> <p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>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).</p>
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; 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>The use hereby approved shall not commence until details of the sustainable drainage measures to be implemented at the site including any hardstanding material, cross sections drawings, resultant ground levels and management/maintenance details have been submitted to and approved in writing by the Local Planning Authority and implemented in full in accordance with the approved details. The sustainable drainage measures 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>The use hereby approved shall not commence until a detailed soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping scheme shall include detailed plans, including cross section diagrams of the western boundary landscaping alongside the service road showing the depth of each of the different landscaping elements to be placed there, the landscaping, planting and retention schedule, programme of works, management prescriptions including the management of landscaping after 5 years post implementation to ensure that mitigation measures continue, and any other</p>

	<p>supporting information. All soft landscaping works shall be completed in accordance with the approved soft landscaping scheme within the first planting season following first use of the site and managed and maintained in accordance with the approved details thereafter. 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 and is also necessary to mitigate the impact of the proposal in respect of ecology and biodiversity. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14, CS17 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD.</p>
5.	<p>Boundary Treatments</p> <p>The use hereby approved shall not commence until boundary treatments for the site have been implemented in accordance with a boundary treatment scheme that has first been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall include details of fauna access points to be provided as part of the development that allow fauna to utilise the planting proposed within the site.</p> <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>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 4) 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>
7.	<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 unless approved as part of the details submitted in respect of sustainable drainage (condition 3) or landscaping (condition 4).</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>
8.	<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>
9.	<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>
10.	<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>
11.	<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>
12.	<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>
13.	<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>
14.	<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, plant, equipment, materials, machinery and any other items associated with the groundworks contracting business 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</p>

	the recommendations of the National Planning Policy Framework and Policies CS13 and CS14 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012.
--	---

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.

Planning Permission 18/01920/FUL – Decision Notice and Officer’s report

18/01920/FUL DECISION NOTICE



Andrew Turvill
Highwood House
Well Lane
Lower Froyle
Alton
GU34 4LP

Applicant:
Rutpen Ltd

PART I - DETAILS OF APPLICATION

Date of Application

17th April 2018

Application No.

18/01092/FUL

THE PROPOSAL AND LOCATION OF THE DEVELOPMENT:

Change of Use of land to Use Class B8.

Land Adjacent To M4, Membury Airfield, Lambourn Woodlands, Hungerford Berkshire

PART II - DECISION

In pursuance of its powers under the Town and Country Planning Act 1990, West Berkshire District Council GRANTS planning permission for the development referred to in Part I in accordance with the submitted application form and plans, subject to the following condition(s):-

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 enable the Local Planning Authority to review the desirability of the development against the advice in the DMPO of 2015, should it not be started within a reasonable time.

2. No development or other operations shall commence on site until a detailed scheme of landscaping for the site is submitted to and approved in writing by the Local Planning Authority. The details shall include schedules of plants noting species, plant sizes and proposed numbers/densities, an implementation programme and details of written

specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure;

a) Completion of the approved landscape scheme within the first planting season following completion of development.

b) Any trees shrubs or plants that die or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the NPPF and Policies ADPP5, CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

3. No development shall commence until a scheme to indicate how the precise ground levels of the site will be set out. This scheme shall ensure that the unauthorised ground raising to the west of the site is reduced to an acceptable AOD level, consistent with the existing levels on the remainder of the site. Once approved the levels shall be implemented on site before any B8 storage occurs on the site.

Reason: To ensure that future storage on site has an acceptable visual impact in the surroundings in accord with the advice in policy CS19 in the WBCS of 2006 to 2026.

4. The maximum height of the proposed B8 storage shall be no more than 4m from the prevailing ground levels as approved under Condition 3 of this planning permission.

Reason: In order to protect local visual amenity in accord with policy CS19 in the WBCS and the advice in para 115 in the NPPF corresponding to the AONB landscape.

5. No vehicles accessing the site shall be routed via the unnamed road to the south of the site via the MSA. All access must be via the Ramsbury Road only, to the east.

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.

6. No development shall take place until details of the surfacing arrangements for the vehicular access to the highway have been submitted to and approved in writing by the Local Planning Authority. Such details shall ensure that bonded material is used across the entire width of the access for a distance of 5 metres measured back from the carriageway edge. Thereafter the surfacing arrangements shall be constructed in accordance with the approved details.

Reason: To avoid migration of loose material onto the highway in the interest of road safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

7. No development shall take place until details of the access into the site have been submitted to and approved in writing by the Local Planning Authority. As a first development operation, the vehicular, pedestrian/cycle access and associated engineering operations shall be constructed in accordance with the approved drawing(s).

Reason: To ensure that the access(es) into the site are constructed before the approved buildings in the interest of highway safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026).

8. No development shall take place until details of the vehicle parking and turning space/areas have been submitted to and approved in writing by the Local Planning Authority. Such details shall show how the parking spaces are to be surfaced and marked out. The development shall not be brought into use until the vehicle parking and turning spaces/areas have been provided in accordance with the approved details. The parking and/or turning space 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 which 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).

9. 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).

10. No development shall take place until details of the cycle parking and storage space have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought in to use until the cycle parking and storage space has 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 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).

The decision to grant Planning Permission has been taken having regard to the policies and proposals in the National Planning Policy Framework, South East Plan 2006-2026, West Berkshire District Local Plan 1991-2006 (WBDLP) Saved Policies 2007, the Waste Local Plan for Berkshire, adopted 1998, the Replacement Minerals Local Plan for Berkshire 1991-2006 (incorporating the alterations adopted in December 1997 and May 2001) and to all other relevant material considerations, including Government guidance, Supplementary Planning Document; and in particular guidance notes and policies:

The reasoning above is only intended as a summary. If you require further information on this decision please contact the Council via the Customer Call Centre on 01635 519111.

INFORMATIVE:

1. The applicant's attention is drawn to the fact that above conditions must be complied with in full before any work commences on site, failure to do so may result in enforcement action being instigated.
2. The above Permission may contain pre-conditions, which require specific matters to be approved by the Local Planning Authority before a specified stage in the development occurs. For example, "*Prior to commencement of development written details of the means of enclosure will be submitted to and approved in writing by the Local Planning Authority*". This means that a lawful commencement of the approved development cannot be made until the particular requirements of the pre-condition(s) have been met. A fee is required for an application to discharge conditions.
3. For further information regarding the discharge of the conditions or any other matters relating to the decision, please contact the **Customer Call Centre** on: 01635 519111
4. 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.

Decision Date :- 26th July 2018



Gary Lugg
Head of Development and Planning

**CASE OFFICER'S (MBB) REPORT
ON APPLICATION NUMBER
18/01092/FUL**



**Site: Land Adjacent To M4
Membury Airfield
Lambourn Woodlands
Hungerford**

CONSULTATIONS.

Parish Council - No objections but request any commercial traffic is not routed via Lambourn.

Highways - Conditional permission is recommended. The vehicle trip movement suggested in the TA of 20 per day may in fact be higher, but even so it is not considered that the application could be rejected on this basis given the established industrial nature of the surrounding Membury Estate and the advice in para 32 of the NPPF and policy CS13 in the WBCS. Sufficient space on site to allow conditioning of parking etc. and future layout of access.

Policy - Application site lies adjacent to a Protected Employment Area [PEA]. The NPPF encourages rural economic development. Policy CS9 in this case does allow in appropriate circumstances, the provision of new employment generating schemes adjoining such areas, even if on greenfield sites as is the case here. The assessment is made on the compatibility with adjacent uses, and the impact on the local highways network. However policies ADPP1 and ADPP5 in the WBCS seek to allow only limited new development in the open countryside and, in particular, the AONB must be protected in accord with the advice in paras 115 and 116 in the NPPF. Given the importance of the local landscape a LVIA should be requested from the applicant, or reasoning as to why such a LVIA need not be submitted. It is advised that, if the application is approved, it will not comprise a departure from the Development Plan, given the wording of CS9.

Highways England - No objection but recommend a condition that the current Membury access road, off which the proposed new access is to be, will not allow access via the MSA to the M4 westbound.

Trees - Conditional permission is recommended.

SUDS - No response received.

No letters of representation received.

COMMENT .

On 6th June 2018, the Council wrote to the applicants agent confirming that no ES was required to be submitted with the planning application. This was required since the application lies in the AONB and so a sensitive location in terms of the 2015 EIA Regulations.

The development is confirmed as not being a departure since policy CS9 does allow for new economic schemes adjacent to existing employment areas - an approved scheme has recently been permitted to the south of this application site [17/02116/outmaj] but has not been implemented. Presently the Council is considering an alternative form of development on that site under 18/01320/comind. This may or may not be approved by the Council. In addition the land to the immediate east of the application site comprises hangars in the CS9 PEA. To the west of the site lies the Membury MSA which, whilst not in the PEA, still comprises built form. Finally to the north of the application site lies the M4 motorway, and beyond that lies a further portion of the CS9 area. Accordingly the site is effectively "land locked" by present built form or highways.

Notwithstanding the above the site is certainly green field at present although a level of unauthorised development has been commenced on site - it has not been considered expedient to initiate enforcement action given the relative lack of harm in visual terms, but also the fact that this application has been submitted, which must be examined on its merits.

To confirm there is no planning history on the site post 2000.

DESCRIPTION.

The application site is 0.8ha in extent and roughly triangular in nature. It is proposed to permit a B8 storage use on the site for a local Company but, if permission is granted, it will not be personal to that particular Company. The applicant, notwithstanding is Rutpen Limited who have been at the Membury Estate for some considerable period, being a well established Company. They own the land but if approved it is expected that A Plant will take over the site, employing up to an additional 11 employees on site for plant hire services. This would sit well with the surrounding context of permitted car storage to the south and HE Services to the south as well.

The principal points to examine in the application are as follows:-

1 - Principle.

As already highlighted above, Policy CS9 allows for new employment generating schemes adjacent existing PEAs. This site is one such case. In addition the need for the new development should be set out. The applicants have not set out a specific reason as to why this site should be developed in the manner proposed. However, given the site is unused at present and has the potential for creating new jobs, on balance, given the advice in the NPPF in supporting the rural economy and the advice in policy CS10 in the WBCS, such schemes are to be promoted by the LPA. In addition it is considered that the wording in the text of both policies ADPP1 and 5 in the WBCS allow for employment intensification in the right context. As noted, the surrounding visual context of the site is predominantly built form or highways. A new B8 use on the site is accordingly appropriate in this context.

2 - Highways / Amenity.

The officer has recommended conditional approval. The access is existing onto a lightly trafficked unnamed road leading to the MSA on the M4 to the west. This direct access is acceptable [but not of course via the MSA as Highways England have noted]. It is recognised in terms of local amenity and the planning history of the wider site at Membury that two particular dwellings may be affected by increased traffic movements arising. The TA notes that it is expected only circa 11% of the movements generated by this new scheme would access the site from the south via the Ramsbury Road where these two cottages lie. Accordingly the officer considers any amenity impact will be minimal.

Consideration has also been given as to whether it would be appropriate to apply a condition restricting timings of use of the new site. Para 206 of the NPPF provides advice on when planning authorities should apply conditions to planning permission. They should be [inter alia] enforceable, and reasonable. It is not considered that the control of vehicle movements in the evenings and night time is enforceable by the Council as the access roads are all public, the proposed movements are low, the M4 is adjacent and most [but not all] businesses at Membury historically have no such conditions applied.

3 - Visual and landscape impact.

The application site lies in the NWD AONB a nationally designated landscape. It is not however major development being less than 1.0 ha in extent. Accordingly the advice in para 115 in the NPPF refers. This notes that [inter alia] great weight should be given to the conservation of the landscape and scenic beauty of AONBs. The application was not however accompanied by a full LVIA which would have been normally expected to justify the application. In the light of this the applicant was requested to submit one but instead has submitted a landscape opinion as to why no LVIA is necessary in this case. This concluded that given the degraded nature of the surrounding landscape and the significant elements of built form such as the new solar array park to the west and the grain silos to the south, with the M4 intervening with the MSA, the level of positive contribution that this parcel of land makes to the surrounding AONB is low - accordingly new B8 development on it will not be harmful. A full LVIA is thus not needed.

The case officer has visited the site on a number of occasions and is familiar with the surrounding vicinity. It has been concluded that the opinion submitted is acceptable. It is in fact self evident. The application once approved will as well be subject to a landscaping condition .

CONCLUSION

All planning applications are required to be determined in accord with the three tenets of sustainability in the NPPF.

In environmental terms the application is, on balance, considered acceptable. There will be an inevitable highways impact arising out of the scheme but this will be relatively self contained - the highways report confirms this as has the Council Highways Officer. Para 32 of the NPPF refers - the impact will not be severe so it should not be rejected.

With the proposed maximum height condition and the landscaping condition, the scheme will be acceptable in landscape impact terms [see above]. The surrounding visual context is also very important in this regard.

In social terms the application will create up to 11 jobs. These will tend toward the less skilled where there is the "most" unemployment in the District. This must be of benefit - indeed, this will clearly be of economic benefit in assessing the scheme.

RECOMMENDATION .

Approval - subject to conditions. No s106 or CIL charges refer.

Copy for
Lambourn Parish Council
Lambourn Memorial Hall
Oxford Street
Lambourn
Hungerford
RG17 7XP