

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	23/00642/FUL Lambourn Parish Council	24/05/2023 ¹	Retrospective Two new storage bays utilising existing containers. To be used to house machinery and provide weather proof cover for existing items within the yard. Martin Collins Enterprises Ltd Cuckoo Copse Lambourn Woodlands Hungerford RG17 7TJ Martin Collins Enterprises Ltd

¹ Extension of time agreed with applicant until

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=23/00642/FUL>

Recommendation Summary: To delegate to the Development Control Manager to GRANT PLANNING PERMISSION subject to the conditions listed below.

Ward Member(s): Councillor Howard Woolaston

Reason for Committee Determination: The application has received 10 letters of objections and officers are recommending APPROVAL subject to conditions.

Committee Site Visit: 14th September 2023

Contact Officer Details

Name: Mr Matthew Shepherd
Job Title: Senior Planning Officer
Tel No: 01635 519111
Email: Matthew.Shepherd@Westberks.gov.uk

1. Introduction

- 1.1 This application seeks Retrospective planning permission for two new storage bays utilising existing containers. To be used to house machinery and provide weatherproof cover for existing items within the yard.
- 1.2 The application site is contained within the existing yard of Martin Collins Enterprises Ltd. It is the case officers understanding that this yard produces surfacing for the Race Horse Industry and is considered an established use. The yard as a whole is sited in the Membury Industrial estate, albeit on the peripheries. The M4 is to the north, the site is accessed to the west via an existing access off Ramsbury Road. To the east of the site lies Cukoo Copse and to the North further industrial estate uses.
- 1.3 The proposal consists of two retrospective structures that are on site at the time of writing. These consist of three existing storage containers that have been joined together by arching canopies. The canopies are approximately 7 meters at their highest. The containers are approximately 13 meters long.
- 1.4 The development creates a covered area of approximately 273 square meters. There is no extension of hardstanding or extension of the site into the countryside. The area covered is already in existence as hard standing for the existing use of the site.
- 1.5 The site is located within the open countryside outside of defined settlement boundaries. It is located within the North Wessex Downs Area of Outstanding Natural Beauty

2. Planning History

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

Application	Proposal	Decision / Date
83/19873/ADD	Change of use from agricultural to storage of agricultural machinery and equipment with ancillary offices	Approved 08.11.1983
85/24981/ADD	Demolition of existing and redevelopment of the site for storage of agricultural machinery and offices	Approved 13.11.1985.
88/31581/ADD	Demolition of existing and redevelopment in five stages for assembly and storage of agricultural machinery and equipment with ancillary offices	Approved 18.05.1988.
91/38724/ADD	Offices and warehousing	Approved 04.06.1991.
91/39290/ADD	Storage and maintenance of plant hire equipment	Approved 6.06.1991.
95/47708/FUL	B2 & b8 use. erection of new building. re-roofing of existing building.	Approved 27.03.1996

96/48088/FUL	Cladding to exterior of existing building. erection of fence to part of southern boundary.	Approved 29.04.1996
97/51229/FUL	Erection of security gate- water storage tank-grasscrete track with associated ground levelling (retrospective)	Approved 07.10.1997.
97/51272/FUL	Erection of new hardstanding and gas storage tanks. replacement hardstanding (part retrospective)	22.10.1997.
01/00176/FUL	Open storage area for agricultural equipment and machinery used for construction of equestrian surfaces; including all weather gallops associated with the Racing industry	Refused 15.05.2001.
04/02545/FUL	Storage of raw materials for the production of surfaces for the equestrian industry.	Approved 17.01.2005
08/01370/FUL	Retrospective - change of use of the land for storage purposes.	Approved 22.05.2009
09/01344/COND1	Application for approval of details reserved by Condition 4 of planning permission reference 08/01370/FUL: Condition 4 - Landscaping.	Approved 15.09.2009.

3. Procedural Matters

3.1 EIA:

Given the nature and scale of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.

3.2 Publicity:

Site notice displayed on 29/06/2023 at the entrance of the property; the deadline for representations expired on 20/07/2023.

3.3 CIL:

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 will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres).

CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission. More information is available at www.westberks.gov.uk/cil

3.4 Consultation

Statutory and non-statutory consultation

3.5 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:	It was noted that this was a retrospective application. No rainwater plan has been submitted which may affect localised flooding. The structures are large and adjacent to neighbouring boundary. They are conspicuous structures within an area of outstanding natural beauty. Neighbouring properties are affected, and their amenities require protection. It was proposed that accepting the application would set a dangerous precedent. Therefore, Lambourn Parish Council resolved to objection to this application.
WBC Highways:	It is understood that the two storage containers are to be used to house machinery and provide weather proof cover for existing items. Highways are therefore not expecting an increase in traffic generation as a result of the proposal. As there are no implication for highways, no objections raised.
WBC SUDS:	No response within the 21 day consultation period.
WBC Enforcement:	No response within the 21 day consultation period.
North Wessex Downs AONB Board	No response within the 21 day consultation period.
WBC Archaeology	Though this land falls within an area of formerly occupied by a second world war airfield, I do not believe there are any archaeology implications to this retrospective proposal.
WBC Environmental Health	No objections
WBC Tree:	The proposed barns are located on existing hardstanding. No landscape or tree issues identified. No objections. No conditions requested.

Public representations

3.6 Representations have been received from 13 contributors, 0 of which support, and 15 of which object to the proposal.

3.7 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:

- The development is retrospective.
- It is extremely dominant within the landscape, which sits within the Area of Outstanding Natural Beauty (AONB).
- The development is taller than boundary fences making it visible to neighbours.
- No information in regard to how the applicant proposes to deal with water run-off from these two large structures.
- The description of development is inaccurate as it discusses these structures as if they have been on site for some time. Both structures are relatively new.
- They have only noted the presence of Honeysuckle Cottage
- The applicants would not have submitted applications had they not been challenged by neighbours.
- The outlook of neighbouring properties has been changed greatly. They are visible from kitchen, living room, bedrooms and from most of the outside areas of the neighbouring plots.
- There has been a cumulative change to Membury across many years with little consideration to the impact on local community.
- Objectors should be able to enjoy their garden with the vista being dominated by even more industrial.
- The application may set a precedent for business development in Membury Industrial Estate.
- Concern is raised in regard to the low-lying Cuckoo Copse and how the area may flood.
- Concern in regard to neighbouring property trees.
- The development would impact nearby ancient woodland.
- The development can be seen from Ramsbury Road.
- There are no measurements on the scaled drawings.

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, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies OVS.5, OVS.6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

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 House Extensions SPG (2004)
- WBC Quality Design SPD (2006)

5. Appraisal

5.1 The main issues for consideration in this application are:

- The principle of the proposal;
- The impact on the character and appearance of the area;
- Amenity;
- Highways;
- Ecology and Trees

Principle of development

5.2 The application site is located outside of any defined settlement boundary within the district and it therefore regarded as 'open countryside' under Core Strategy Policy ADPP1. The policy states that only appropriate limited development in the countryside will be allowed focused on addressing identified needs and maintaining a strong rural economy.

5.3 Policy CS9 talks about the appropriate location of business development in the district. its states that proposals for industry, distribution and storage uses will be directed to the District's defined Protected Employment Areas, and existing suitably located employment sites and premises.

5.4 Any proposals for such uses outside these areas/locations will be assessed by the Council against the following:

- compatibility with uses in the area surrounding the proposals and potential impacts on those uses; and
- capacity and impact on the road network and access by sustainable modes of transport.

5.5 Whilst the development itself is for storage it is for storage of machinery for the on-site business it serves. Nevertheless, the application for storage of machinery used on the business yard on site is compatible with the area surrounding the proposals. The storage of equipment under a cover in an existing yard where the equipment would normally be stored in this location without the benefit of a cover is not considered to conflict with CS9's criteria. Furthermore, Highways Officers raise no objections to the application and as such it is considered the impact on the road network would not be harmful

5.6 Policy CS10 notes that existing small and medium sized enterprises within the rural areas will be supported in order to provide local job opportunities and maintain the vitality of smaller rural settlements. Proposals seeking the loss of such existing sites and premises must demonstrate that the proposal does not negatively impact upon the local economy, and the vitality and viability of the surrounding rural area.

5.7 The supporting text notes that many rural areas host a large number of small and medium sized enterprises which are vital to providing local job opportunities and a diverse economy. There is a continued need to protect and support the development of start-up businesses and adequate provision should be made for them throughout the District. National policy supports sustainable economic growth in rural areas.

5.8 The development would assist an existing rural enterprise look after its assets by providing a covered area for them. This would protect the business interests and support it going forwards.

- 5.9 Overall, the proposed development is situated within an existing rural business yard. It proposes no extension into the countryside and proposes to cover an area that already stores equipment within it, albeit exposed to the elements. The use is considered compatible with the existing nature of the site, not considered to give rise to highways issues. The development is considered to be in principle support by policies ADPP1, CS9 and CS10.

Character and appearance

- 5.10 The application site is contained within the existing yard of Martin Collins Enterprises Ltd. It is the case officers understanding that this yard produces surfacing for the Race Horse Industry and is considered an established use. The yard as a whole is sited in the Membury Industrial estate, albeit on the peripheries. The M4 is to the north, the site is accessed to the west via an existing access off Ramsbury Road. To the east of the site lies Cukoo Copse and to the North further industrial estate uses.
- 5.11 The proposal consists of two retrospective structures that are on site at the time of writing. These consist of three existing storage containers that have been joined together by arching canopies. The canopies are approximately 7 meters at their highest. The containers are approximately 13 meters long.
- 5.12 The development creates a covered area of approximately 273 square meters. There is no extension of hardstanding or extension of the site into the countryside. The area covered is already in existence as hard standing for the existing use of the site.
- 5.13 It is noted that objectors have raised that you can see the structures above the boundary treatment of the established premises. The case officer concurs with this having seen the structures from the front entrance of the site. However, as noted by the planning agent and case officer this is below the trees behind the development and lower than the existing building on site. The views of the structures would be limited to immediate views of the area and would be viewed against the backdrop of the existing industrial estate and its buildings.
- 5.14 The structures would not be seen in the wider context of the AONB. They would be shielded from wider views by the adjacent forest and the existing Membury Industrial Estate.
- 5.15 The structures would be over an existing part of the site, they would not extend the yard further into the AONB. There may be a change to the views enjoyed by neighbouring properties such as Honeysuckle and Cuckoo Cottage but outlook is not material planning consideration according to the PPG. The planning decision must be made on the impact to the character of the area and landscape. To which it is considered that the development is an industrial development in an existing industrial unit, with no further incursions into the AONB. With a height below that of existing trees and buildings in the area.
- 5.16 The development is not considered to have a detrimental impact on the character and appearance of the area nor on the Area of Outstanding Natural Beauty.
- 5.17 The development is considered to be in accordance with Policies CS14 and CS19 of the development plan in regard to the impact to the AONB and the design of the development.

Neighbouring Amenity

- 5.18 With regard to the impact on neighbour amenity, Policy CS14 of the West Berkshire Core Strategy seeks all development to have a positive impact on quality of life in the

district. Conversely, developments that have a negative impact on quality of life would not accord with the policy. The development

- 5.19 The development is located within an existing commercial premises. It provides covered shelter for existing equipment on site. There is not considered to be any intensification of the use of the site from this development. The proposed development is located away from neighbouring dwellings and is not considered to create issues of overshadowing overbearing on neighbouring amenity. No windows are proposed and no elevated positions such as balconies or walkways are included therefore no overlooking is considered to be created.
- 5.20 The development is not considered to have an adverse impact on neighbouring amenity. The proposed development is considered to be in accordance with CS14 in regard to neighbouring amenity.

Highways Matters

- 5.21 The application outlines that the two storage containers are to be used to house machinery and provide weatherproof cover for existing items. Highway officers have therefore assessed that there will be no expected increase in traffic generation as a result of the proposal. There is no proposals to alter how vehicles gain access/exit the site or how they use the wide highway network as part of this application. Given this Highways Officer have raised no objections to the application and the development is considered to comply with CS13 of the development plan.

Ecology and Trees

- 5.22 The site has a series of Tree Protection Orders centred around the entrance of the site near to Ramsbury Road. There is a band of TPO trees to the west of the site on the Road. The adjacent Cuckoo Copse does not have ancient woodland status. The closest Ancient woodland is to the West around 500 meters away, just north of M4. This is highlighted in green below.





5.23 The proposed structures are located on existing hardstanding. No landscape or tree issues are identified by the Councils Tree Officer. The Tree Officer raises no objections and requested no conditions.

Sustainable Drainage

5.24 The application site is located in flood zone 1 and is at least likely risk of flooding. Policy CS16 states that on all development sites, surface water will be managed in a sustainable manner through the implementation of Sustainable Drainage Methods in accordance with best practice and the proposed national standards and to provide attenuation to greenfield run-off rates and volumes, for all new development and re-development and provide other benefits where possible such as water quality, biodiversity, and amenity. Given the level of development is minimal and there is no further hardstanding created from this development a condition requiring SUDs to be incorporated in the development is recommended.

6. Planning Balance and Conclusion

6.1 The proposed development supports an existing business on site by protecting equipment. The proposed development is not considered to harm the AONB landscape, impact neighbouring amenity, impact the surrounding Highways or Ecology/Tree's in the immediate area. The development is therefore considered in accordance with ADPP1, ADPP5, CS9, CS10, CS13, CS14, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy (2006-2026).

7. Full Recommendation

7.1 To delegate to the Development Control Manager to GRANT PLANNING PERMISSION subject to the conditions listed below.

Conditions

	<p>No condition on commencement is needed as the development is retrospective in nature.</p>
1.	<p>Approved plans The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:</p> <p>Site Location & Block Plans. Drawing number P4337.100 Proposed Plans & Elevations. Drawing number P4337.01</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
2.	<p>SUDS Incorporated into the Scheme</p> <p>The development of the site shall incorporate sustainable drainage techniques. These shall ensure that all surface water is contained within the site and that no surface water is directed to existing highway drains nor existing water courses unless through controlled attenuation. The sustainable drainage methods shall be maintained and operated in good working order in perpetuity.</p> <p>Reason: To ensure that the development does not create unsustainable surface water run-off or adversely affects important areas of bio and geo diversity in accordance with the National Planning Policy Framework and Policy CS16 and CS17 of the West Berkshire Core Strategy 2006 - 2026.</p>
3.	<p>Use restriction</p> <p>The development hereby approved shall be used for storage of equipment associated solely with the existing business on site and for no other purposes or business.</p> <p>Reason: It is considered necessary to restrict the use of the storage to the established business on site as it would be compatible with the existing use of the site to the benefit of the rural economy. This use would be considered compatibly with the site and the surrounding uses. This condition is recommended in accordance with the National Planning Policy Framework and ADPP1, CS9, CS10 of the West Berkshire Core Strategy 2006-2026</p>

Informatives

1.	<p>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. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.</p>
2.	<p>SUDS Informative Advice for the Applicant</p> <p>We would hope that consideration would be given to the use of SuDS features that provide a control of rainfall at source. This may include features such as water butts,</p>

rain gardens/ raised planters where a small volume of runoff would be contained for use in local irrigation. For more information on SuDS features, reference should be made to PolicyCS16 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document – Sustainable Drainage Systems (2018). Reference should also be made to the Environment Agency Standing Advice. Further information regarding SuDS can be found in C753 The SuDS Manual which is available for free online. We do not advise infiltration devices in areas where Clay is the underlying geology. To establish the underlying bedrock geology, reference should be made to the British Geological Survey (BGS) website. Where soakaways are to be used please carry out an infiltration test prior to construction, investigate groundwater levels and always ensure there is an alternative to discharge surface water runoff from the site (i.e. connection to a watercourse, or surface water sewer) when conceptualising the proposal.