
Appeal Decision

Site visit made on 4 October 2016

by Richard S Jones BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 November 2016

Appeal Ref: APP/W0340/W/16/3151245

Former Gama Site Greenham Common, Basingstoke Road, Greenham, Thatcham RG14 7HQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Flying A Services Ltd against the decision of West Berkshire Council.
 - The application Ref 15/03155/FUL, dated 17 November 2015, was refused by notice dated 4 May 2016.
 - The application sought planning permission for the change of use of land to external storage in defined areas Class B8 – Site C, without complying with conditions attached to planning permission Ref 08/01148/COMIND, dated 1 September 2008.
 - The conditions in dispute are Nos 2 and 3 which state that:
 - “2. The use of the land hereby approved shall be limited at all times to the storage of cars.”
 - “3. The use of the application site for the storage of cars shall not commence until a scheme for the junction improvement works to Brackenhurst Lane and the A339 is submitted to and approved in writing by the local authority and the operations to provide the vehicular, pedestrian/ cycle access(es) and associated engineering operations are fully constructed in accordance with the approved drawing(s).”
 - The reason[s] given for the conditions are:
 - (2) “In the interests of visual amenity and to accord with Policy DP5 of the Berkshire Structure Plan 2001 – 2016 and Policy OVS2 of the West Berkshire District Local Plan 1991 - 2006.”
 - (3) “In the interest of highway safety and to accord with Policies DP5 and T4 of the Berkshire Structure Plan 2001-2016 and Policy OVS 2 of the West Berkshire District Local Plan 1991-2006 and in the interest of highway safety.”
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. Condition 2 stipulates that only cars should be stored at the site. Condition 3 requires that before the use of the application site for the storage of cars commences, that a scheme for the junction improvement works to Brackenhurst Lane and the A339 be approved and fully constructed. However, the highway works have not been carried out and shipping containers are being stored at the site in addition to cars. These breaches were made prior to the submission of the application which is the subject of this appeal.
-

3. I have therefore determined this appeal under Section 73A of the above Act and on the basis that the appellant is seeking to vary Conditions 2 and 3 of the original planning permission as follows:
- *"2. The use of the land hereby approved shall be limited at all times to the storage of cars, shipping containers and other materials so long as such materials stacked or deposited on any open area of the site do not exceed a height of 3 metres.*
 - *3. The permitted Heavy Goods Vehicle movements related to this development shall not exceed a maximum of 40 (20 in, 20 out) on any working day as averaged out over the calendar month. A monitoring programme to evidence and assess the level of traffic generation at defined intervals of occupancy shall be submitted to and approved in writing by the Local Planning Authority. The monitoring programme shall be implemented as agreed unless the Local Planning Authority gives written approval to any variation."*
4. The policies referenced in the Council's reason for refusal are not the same as those set out in the reasons for the conditions, which I have assumed to be no longer in force. As planning appeals must be determined on the basis of the development plan that exists at the time of the Inspector's decision, I have considered the acceptability of the appeal proposal having regard to those policies referred to in the Council's reason for refusal.

Main Issues

5. The main issues are the effect of the proposed development on:
- highway safety; and
 - the significance of the Cruise Missile Shelter Complex (CMSC), Greenham Common, which is a Scheduled Monument (SM).

Reasons

Highway safety

6. The appellant has confirmed that a scheme for the junction improvement works to Brackenhurst Lane and the A339 has been agreed by the Council but the full scheme has not been implemented.
7. I accept that the swept path analysis provided by the appellant demonstrates that articulated vehicles and car transporter movements into and out of the site can be achieved as existing without having to override the adjacent footpath and that new signage and white lining may have taken place. However, because of the restricted width at the junction, heavy goods vehicles (HGV's) turning into and out of the site would be slow moving and there would only be sufficient room for one vehicle at a time, therefore adding potential for vehicular conflict and HGV's having to stop on the A339. The Council's concern for slow moving right turning vehicles leaving the site into fast moving traffic from both directions is also justified.
8. The appellant accepts that should HGV movements increase in the future (ie above 35-50 movements per day) then this would need further analysis of the subject junction (in the light of present conditions and speed restrictions) so that an appropriate mitigation scheme could be designed, agreed and

- implemented before any pre-agreed movement limits are permitted to be exceeded.
9. To this end the variation of Condition 3 as suggested by the appellant would restrict HGV movements to a maximum of 40 per day. This would amount to a significant increase on the existing level stated by the appellant. Notwithstanding whether or not this threshold figure is appropriate in terms of highway safety, having regard to, amongst other matters, the previous use of the site, or whether or not this level has already been exceeded, I have significant concerns over the enforceability of such a condition, even with a monitoring programme in place. This would equally apply to a lower number, regardless of the acceptability of the same. Also, it would not be a reasonable requirement for the Council to have to monitor such movements and despite assertions by the appellant, I have no evidence to show how such conditions have been successfully applied elsewhere.
 10. Accordingly, I find that the condition would not pass the tests for conditions set out in paragraph 206 of the National Planning Policy Framework (the Framework), which states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Similarly I have no evidence of how a local management of drivers to perform only left in and out movements could be achieved and enforced within the context of the existing junction arrangement.
 11. It is a matter of dispute between the parties as to the number of existing vehicular movements to and from the site. Nevertheless, the application proposes to extend the scope of storage to include shipping containers and other materials. Therefore, even if movements do not presently exceed the 35 movements which the Highway Authority previously stated as not being a significant number, the amount of associated movements could significantly increase. Even if the scope of storage is not extended, the nature of the car storage could intensify by an existing or different operator such that consequential vehicular movements would also change.
 12. Removal of Condition 3 could therefore result in significantly higher numbers of Heavy Goods Vehicles (HGV's) movements to and from the site without any junction improvements on to the A339, which is a busy road with fast moving traffic, albeit with a speed limit which has been reduced from 60mph to 50mph.
 13. I acknowledge that the current level of movements may not have resulted in any reported adverse safety problems, however, a situation whereby there would be no junction improvement and no control over the number of HGV movements would be very undesirable for reasons relating to highway safety. I sympathise with the appellant that the improvement works would incur significant costs, however, it is both necessary and reasonable to control this matter to make the development acceptable in planning terms. Failure to do so would be that envisaged by paragraph 32 of the Framework where development should be refused where the impacts of development are severe.
 14. I have therefore found that the removal of the condition in its entirety would be harmful to highway safety and in conflict with Policy CS13 of the West Berkshire Core Strategy (2006-2026) Version for Adoption (CS), which states, amongst other matters, that development that generates a transport impact

will be required to improve and promote opportunities for healthy and safe travel.

Effect on the significance of the Scheduled Monument

15. The SM list entry notes that the Greenham Common Ground Launched Cruise Missile Alert and Maintenance Area (GAMA) complex is internationally important as one of the key emblematic monuments of the Cold War, signifying an escalation of the nuclear arms race by the introduction of Ground Launched Cruise Missiles (GLCM). Subsequent to the Intermediate-Range Nuclear Forces Treaty of 1987 most of the missiles and launchers were destroyed; GAMA remains as one of the few tangible relics of this technology. It is also noted that beyond its significance as an exemplar of the infrastructure of GLCM technology, the site has a wider cultural significance in the late 20th century as the focus of mass protest against the nuclear arms race.
16. Whilst elements have been removed, it is noted that the GAMA complex remains as a physically dominant and intact Cold War Monument. It is dominated by six massive earth covered, concrete Ground Launched Cruise Missile shelters which are located in two east to west aligned rows of three shelters, within the north east quadrant of the complex. The shelters all have massive concrete and steel blast doors at each end which when open, form drawbridges across deep external trenches. The western half of the site is occupied by the 1950s Bomb Store buildings including the five Igloo shelters used for the B-47 nuclear bombs and their support buildings. To the south are a range of purpose built support buildings within a large expanse of hard standing. This is the area being used for external storage.
17. Paragraph 132 of the Framework states that “when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.”
18. Whilst Condition 5 of the original planning permission stipulates that no material shall be stacked or deposited on any open area of the site to a height exceeding three metres, the nature of what can be stored is limited to the storage of cars by virtue of Condition 2. I accept that there is a degree on contradiction here, but nevertheless, the extent of the permission is clear in that it is only cars which are to be stored at the site.
19. At the time of my visit both cars and shipping containers were being stored at the site. The storage containers are much larger than the cars and more utilitarian and dominant in their appearance. Although perhaps not reflective the containers are nonetheless brightly coloured. Their size block views through the site, thereby materially detracting from the openness of the vast hard standing area. Their substantial presence therefore detracts from the significance of the asset and the ability to appreciate it, whilst their utilitarian design competes with the nature of the SM. As a consequence, there is a substantially greater harmful effect on the setting of the designated heritage asset than that which would be caused by cars alone. This harm would not be mitigated by the uniform shape of the containers but would increase as numbers increased.

20. The proposed variation to the condition would also widen the scope of storage beyond cars and shipping containers, to the storage of other materials so long as such materials stacked or deposited on any open area of the site do not exceed a height of 3 metres. Even with the height restriction this open ended allowance could result in further harm to the designated heritage asset.
21. I appreciate that views of the site are somewhat limited, but there are a number of footpaths in the vicinity of the site and shipping containers are more prominent than cars alone.
22. I also note the response from Historic England which is that either permanent or temporary car storage would cause substantial harm to the significance of the SM and that the retention of containers on the site in addition to car storage would lead to an even greater level of harm to the visual amenity of the monument. Historic England's concern with car storage is that it would detract from the illustrative, communal and aesthetic values of the site, principally through the impact upon an understanding of how the site functioned, on significant views associated with the peace protests of the 1980s and on the Cold War aura of the site. It is therefore stated that containers, with far larger bulk and more permanent character, can only have a greater impact.
23. I agree with this response and as it is from the public body that looks after England's historic environment, I attach substantial weight to it. There have also been a number of objections from interested parties despite the appellant's assertion that the storage has occurred without complaint.
24. Accordingly I conclude that it is necessary to continue to impose the restriction contained within Condition 2 and given the positioning of the storage within the heart of the SM, the condition is also reasonable. It is also relevant to planning and to the development and is precise and enforceable. The condition therefore passes the tests for conditions as set out in paragraph 206 of the Framework.
25. I don't have a copy of the Council's Committee reports to confirm whether the planning authority considered at the time of granting the original planning permission that any impact related to the setting of the SM caused less than significant harm. However, the reason for imposing a condition restricting it to a temporary planning permission states that permission would not normally be granted.
26. In any case, although the GAMA site would not be physically harmed by the appeal proposal, I have found that to allow the continued use of the site for the storage of shipping containers in addition to cars, would result in substantial harm to the significance of the designated heritage asset. To allow the variation of Condition 2 as proposed would therefore be contrary to CS Policy CS 19 which states, amongst other things, that particular regard will be given to the conservation and, where appropriate, enhancement of heritage assets and their setting.
27. The appellant has made reference to the Planning Practice Guidance¹, which acknowledges that the vast majority of heritage assets are in private hands. Thus, sustaining heritage assets in the long term often requires an incentive for

¹ Paragraph: 015 Reference ID: 18a-015-20140306

their active conservation. It is also stated that putting heritage assets to a viable use is likely to lead to the investment in their maintenance necessary for their long-term conservation. Whilst in this regard I appreciate the opportunity to use the site for the storage of shipping containers is likely to have commercial advantages, I have not been provided with any specific evidence to demonstrate that it is not viable to achieve the same conservation benefits by adherence to Condition 2, which restricts storage to cars only and is significantly less harmful than that proposed. Also, I have not been provided with any compelling evidence that in overall terms, containers are better at protecting the concrete surface than the storage of cars.

28. It has not therefore been demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh the harm.

Conclusion

29. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Richard S Jones

INSPECTOR