

**ROYAL BOROUGH OF WINDSOR & MAIDENHEAD
PLANNING COMMITTEE**

MAIDENHEAD DEVELOPMENT CONTROL PANEL

25 October 2017

Item: 5

Application No.:	17/02401/FULL
Location:	Baldasarre Farm Baldasarre The Straight Mile Shurlock Row Reading RG10 0QR
Proposal:	Replacement poultry shed with ancillary works (Part retrospective) and new security fence on eastern side boundary
Applicant:	Mr James
Agent:	Mr Peter Bateman
Parish/Ward:	Waltham St Lawrence Parish/Hurley And Walthams Ward

If you have a question about this report, please contact: Christine Ellera on 01628 795963 or at chrisse.ellera@rbwm.gov.uk
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1. SUMMARY

- 1.1 The site relates to an established poultry farm which until early 2017 comprised principally of two large sheds and associated silos used for the breeding of chickens. Earlier this year one of the large sheds burnt down. This application seeks to replace it.
- 1.2 The proposal represents appropriate development in the Green Belt, is visually acceptable and would not have a detrimental impact on neighbouring amenity. It is considered that drainage matters are dealt with under separate pollution act legislation. The development is found to be in accordance with both National and Local Planning Policy.

It is recommended the Panel grants planning permission with the conditions listed in Section 10 of this report.
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2. REASON FOR PANEL DETERMINATION

- As the proposed floorspace is over 1,000 sqm the Council's Constitution does not give the Head of Planning delegated powers to determine the application in the way recommended; such decisions can only be made by the Panel.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site relates to the eastern half of Baldasarre Farm, an established poultry farm (the breeding of chickens). The red line area includes the land where a poultry shed and silos used to be located, which burnt down earlier in 2017.
- 3.2 To the immediate west of the application site forms the wider part of the farm and lies an existing shed. An established rights of way runs to the immediate east of the application site.
- 3.3 The site and wider area falls within the designated Green Belt of the Borough.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 This is a full planning application for the erection of a replacement poultry shed to replace that which burnt down earlier this year, the application is 'part retrospective' in so far as when clearing the site preparatory ground works were undertaken for the replacement building.
- 4.2 The proposed poultry shed would be approximately 134m in length and 18.2m in width. The building would have a gross floorspace of approximately 2454 sqm. The shed will be 4m in height to the ridge and positioned in the same location as the previous shed on the site, running parallel to an existing poultry shed located to the west. Silos are proposed in the central western side of

the building. Proposed material finish for the building would be steel sheeting with the proposed walls to be in a brown colour and the roof grey.

4.3 Amended plans have been submitted during the application process to show a 2.1m high security fence running along the eastern side of the site.

4.4 Planning history of direct relevance to this application:

Ref.	Description	Decision and Date
94/01251/FULL	Poultry Shed	Allowed by way of appeal

4. MAIN POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework (NPPF) (2012) acts as guidance for local planning authorities and decision-takers, both in drawing up plans and making decisions about planning applications. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. This is emphasised in paragraph 14 which states that where the development plan is absent, silent or relevant policies are out-of-date planning permission should be granted unless specific policies in this Framework indicate development should be restricted. Other key sections include section 9 which seek to protect the Green Belt.

Royal Borough Local Plan

5.2 The main strategic planning considerations applying to the site and the associated policies are:

Within settlement area	Highways and Parking	Trees	Aircraft noise
DG1, H10, H11	P4, T5	N6	NAP2

These policies can be found at

https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Appropriate Development in Green Belt and acceptable impact on Green Belt	SP1, SP5
Design in keeping with character and appearance of area	SP2, SP3
Acceptable impact on River Thames corridor	SP4
Manages flood risk and waterways	NR1
Makes suitable provision for infrastructure	IF1

The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Proposed Submission Document was published in June 2017. Public consultation ran from June to September 2017 with the intention to submit the Plan to the Planning Inspectorate in late 2017. In this context, the Borough Local Plan: Submission Version is a material consideration, but limited weight is afforded to this document at this time.

This document can be found at:

<http://rbwm.moderngov.co.uk/documents/s14392/Appendix%20A%20-%20Borough%20Local%20Plan%20Submission%20Version.pdf>

Other Local Strategies or Publications

5.3 Other Strategies or publications relevant to the proposal are:

- RBWM Parking Strategy – view at:

More information on these documents can be found at:

https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning

5. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- The principle of the development in the Green Belt
- Development within flood zone 2 and 3
- Design considerations
- Impact on Neighbouring Amenity
- Highway Safety and parking issues
- Other material considerations

The principle of development in the Green Belt

6.2 The main material planning consideration is the principle of the development within the Green Belt. The National Planning policy Framework (NPPF) (2012) states that within the Green Belt a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include:

1. buildings for agriculture and forestry

6.3 As set out in the Town and Country Planning Act (1990) the definition of agriculture *'includes horticulture, fruit growing, seed growing... the breeding and keeping of livestock (including any creature kept for the production of food, wool, skin or fur or for the purpose of its use in the farming of land)...*

6.4 Policy GB1 of the current Windsor and Maidenhead Local Plan (2003) sets out acceptable uses and development in the Green Belt, which differs from the NPPF and therefore cannot be considered to be up-to-date. Part (a) of GB2 of the Local Plan addresses the effect of the proposed development on openness and the purposes of including land in the Green Belt while part (b) goes beyond the scope of Green Belt policy. Therefore, policy GB1 and GB2 is not wholly consistent with the Framework. However GB2(a) is almost identical to that of the NPPF and is essentially compliant with the aims and objectives of the NPPF.

6.5 The principle of the development within the Green Belt will therefore be considered in the context of the NPPF and policy GB2(a).

6.6 This application is effectively a replacement poultry shed following the one burnt down earlier this year. The shed will be located adjacent to an existing similar building on a site which is now established for such use. Therefore and in accordance with the above planning policies the principle of the development is acceptable.

Design considerations

6.7 The proposed single storey poultry shed and attached silos appears as a functional agricultural building within an established agricultural site. The proposed material finish of brown and grey costed metal sheeting is of typical agricultural buildings and would be in keeping with the rural character and appearance of the area and the building which used to be on the site.

6.8 The proposed fence is marginally higher than that which could be erected without the benefit of planning permission and is needed for clear security and health and safety reasons. Whilst plans

indicate that this fence would be grey in colour the Agent acting on behalf of the applicants has confirmed that they would accept the fence being erected in a dark green colour. This is considered necessary to ensure the proposed development is visually acceptable within the rural character of the area (see proposed conditions 1).

- 6.9 In view of this and subject to conditions the proposed development is considered to be visually acceptable within the rural location of the area.

Impact on Neighbouring Amenity

- 6.10 The nearest residential properties to the proposed development are located some 25m from the proposed replacement shed. On this basis the proposal is not considered to impact on the occupiers of these surrounding dwellings in terms of loss of light and/or overbearing impact.
- 6.11 In terms of noise and disturbance the proposed development would not result in generating increased activities above and beyond the established and lawful use of the site. As such the proposed development is not considered to impact on local residents in terms of noise and disturbance.
- 6.12 With reference to comments from the local residents the applicants have submitted an amended plan which omits the errors showing the drainage running into the neighbouring dwellings and has shown the proposed silos and security fence. Further to the submission of these amended plans and additional information the LPA have undertaken a further re-consultation exercise with local residents. No further comments have been received.

Sustainable Urban Drainage

- 6.13 The Government has strengthened planning policy on the provision of sustainable drainage systems (SuDS) for 'major' planning applications which is being introduced from 6 April 2015 (Paragraph 103 of National Planning Policy Framework and Ministerial Statement on SuDS). As per the guidance issued by the Department of Communities and Local Government (DCLG), all 'major' planning applications must consider sustainable drainage systems. Developers are advised to assess the suitability of sustainable drainage systems. Under the new consultation arrangements the Council, in its role as Lead Local Flood Authority, is a statutory consultee for all major applications. Previously the Environment Agency had that statutory responsibility.
- 6.14 SuDS must be properly designed to ensure that the maintenance and operation costs are proportionate and sustainable for the lifetime of the development. Hydraulic calculation and drawings to support the design as usually needed to be provided along with proposed standards of operation and maintenance in accordance with paragraph 081 of NPPF (PPG). The Lead Local Flood Authority has reviewed this application and has raised objection on the basis that this information has not been submitted as part of this application.
- 6.15 The applicants have subsequently provided a further letter regarding this matter referring to Regulation 10 of the Pollution Prevention and Control (England and Wales) Regulations 2000. The primary focus of this legislation is to prevent intensive poultry operations causing pollution off site and to safeguard animal welfare of the crop.
- 6.16 The applicants have clarified that the entire site is subject to strict EA permit regulation which relates to all emissions including surface water drainage. This is detailed in the EA Permit that was submitted with the application. The applicants further clarify that the site drainage will not change from that previously which was undertaken (before the existing shed burnt down).
- 6.17 Having reviewed the permit from the EA, Officers are satisfied that this matter is dealt with by separate legislation and as such it is not necessary to rely on the comments from the LLFA in this particular instance.
- 6.18 Notwithstanding the above conclusions, the LLFA have been re-consulted on this additional information and Members will be updated on this matter in the Panel Update. However unless the

LLFA have strong advice to the contrary this is unlikely to affect the officers recommendations that this matter is dealt with by separate and clear legislation on a site such as this.

Other Material Considerations

- 6.19 The rights of way Officer has highlighted that the proposed fence should not block the rights of way. They have also highlighted that in the event the construction process block this path then it may be preferable for the applicants to secure a temporary diversion of the footpath during the construction period.
- 6.20 The proposed fence is shown to be wholly within the applicant's site, and only marginally greater than that which could be built under permitted development. As such this would not affect the rights of way on the adjacent land. The potential temporary obstruction of the rights of way during the construction process sits outside of the remit of planning. However informative regarding this matter is recommended.
- 6.21 The Council's Tree Officer has raised no objections subject to hard and soft landscaping conditions. The proposed development is to rebuild an existing shed which burnt down earlier this year. The development is not near any existing trees of amenity value and positioned within a functional farm site. No hard or soft landscaping is shown on the proposed plans, nor is it considered reasonable or necessary for such to be proposed to make this development acceptable in planning terms. On this basis landscaping conditions are not recommended by Officers.
- 6.22 The site does not propose to amend the access or egress to the site and as such raises no highway issues.
- 6.23 It is worth noting that as works on site have commenced, in the event that the development is permitted then the three year time limit condition to commence works is not necessary.

6. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 In line with the Council's Charging Schedule the proposed development would now be CIL liable. However the required CIL payment for the proposed development would be £0 per sq.m.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

- 8.1 6x occupiers were notified directly of the application. The planning officer posted a notice advertising the application at the site on 24 August 2017 and the application was advertised in the Maidenhead & Windsor Advertiser on 10.08.2017.
- 8.2 1x letter was received objecting to the application, comments made can be summarised as:

Comment		Where in the report this is considered
1.	The proposed plans show the drains running into neighbouring land.	6.11
2.	Queries the position of the proposed silos and any ancillary buildings	6.11

Consultees

Consultee	Comment	Where in the report this is considered
Tree Officer	No objections subject to landscaping conditions	0
Highway Authority	No highway issues associated with this application	0
Rights of	In principle no objection to the proposed replacement poultry	0

Way Officer	shed and associated works. However full details of the proposed new boundary treatment should be provided. If construction work blocks the rights of way a diversion may be required.	
Lead Local Flood Authority	A detailed Surface water drainage strategy, Pollution control measures within the site demonstrating separate surface water treatment need to be submitted. This needs to be supported by drainage plans, calculations, infiltration tests and maintenance plan.	0

9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout
- Appendix B – elevation and plan drawings

10. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

1 The materials to be used on the external surfaces of the development shall be in accordance with those specified in the application form and the proposed fence being coloured olive green at British Standard (A standard green for steel pallsade is RAL 6005) unless any different materials are first agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.

2 The development hereby permitted shall be carried out in accordance with the approved plans listed below.

Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

Informatives

1 The applicant is hereby advised that no development can take place on land which is public right of way until the right of way has been diverted under Section 257 of the Town and Country Planning Act 1990. Reason: To protect the Public Right of Way.