

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

17 February 2016

Item: 1

Application No.:	15/02564/FULL
Location:	Land Between Lightlands Lane And Strande View Walk And Strande Lane Cookham Maidenhead
Proposal:	Construction of a log cabin for occupation by an agricultural worker in connection with the operation and management of an egg laying poultry farm to be established on the holding for a temporary period of 3 years.
Applicant:	Mr Driver
Agent:	Mr Mark Dugdale - Kernon Countryside Consultants
Parish/Ward:	Cookham Parish

Application No.:	15/02565/FULL
Location:	Land Between Lightlands Lane And Strande View Walk And Strande Lane Cookham Maidenhead
Proposal:	Erection of one purpose built poultry shed elevated on a raised platform for the keeping of up to 1750 egg laying chickens including a separate integral egg packing room at one end of the building.
Applicant:	Mr Driver
Agent:	Mr Mark Dugdale - Kernon Countryside Consultants
Parish/Ward:	Cookham Parish

Application No.:	15/02567/FULL
Location:	Land Between Lightlands Lane And Strande View Walk And Strande Lane Cookham Maidenhead
Proposal:	The erection of one purpose built poultry shed elevated on a raised platform for the keeping of up to 1350 egg laying chickens.
Applicant:	Mr Driver
Agent:	Mr Mark Dugdale - Kernon Countryside Consultants
Parish/Ward:	Cookham Parish

Application No.:	15/02749/FULL
Location:	Land Between Lightlands Lane And Strande View Walk And Strande Lane Cookham Maidenhead
Proposal:	The erection of a general purpose portal framed agricultural storage building for the keeping of hay and straw and a bulk feed storage hopper.
Applicant:	Mr Driver
Agent:	Mr Mark Dugdale - Kernon Countryside Consultants
Parish/Ward:	Cookham Parish

If you have a question about this report, please contact: Susan Sharman on 01628 685320 or at susan.sharman@rbwm.gov.uk

1. SUMMARY

- 1.1 This report considers 4 planning applications submitted in relation to land between Lightlands Lane, Strande View Walk and Strande Lane, Cookham. The applications are for two purpose built poultry sheds for the keeping of up to 3500 egg laying chickens, (with one including a separate integral egg packing room at one end of the building), construction of a log cabin for occupation by an agricultural worker in connection with an egg laying poultry farm (on a 3 year temporary basis), the erection of a general purpose portal framed agricultural storage building for the keeping of hay and straw and a bulk feed storage hopper.

- 1.2 The application sites are located in the Green Belt and the functional flood plain, Flood Zone 3b. While planning policies promote the development of agricultural businesses and consider agricultural buildings to be appropriate in the Green Belt, the proposed log cabin for an agricultural worker is not appropriate and there are no very special circumstances to justify allowing it which clearly outweigh the harm to the Green Belt and any other harm. Furthermore, as none of the proposed development is water compatible or essential infrastructure it is not permitted in this flood zone. The principle of allowing the development is not acceptable.
- 1.3 The field in which the application sites are located is, for planning purposes, agricultural land. As such the use of the land for agriculture does not require planning permission. While the Environmental Protection Officer (EPO) has expressed concerns regarding the potential odour problems to residents living close to the site, this would principally arise as a result of the use of the land rather than from the development proposed by the applications. For this reason, the EPO has not raised any objections to the proposals.
- 1.4 Subject to planning conditions in relation to the access and parking, the Highway Authority raises no objections. In addition, and having regard to the appropriateness of the agricultural buildings in the Green Belt and the size of the agricultural unit, it is not considered that these buildings would harm the character of the area by reason of loss of openness, scale or appearance. However, insufficient information has been submitted with the applications to demonstrate that the proposals would not harm important trees on the site, nor harm protected habitats and species.

It is recommended the Panel refuses planning permission for all the applications for the following summarised reasons (the full reasons are identified in Section 10 of this report):	
1.	The application sites are in the functional flood plain, Flood Zone 3b and the proposed development are not of a type that is permitted in this zone. In addition, no evidence to demonstrate that the proposals would not impede the flow of flood water, affect the water storage capacity of the land or increase the number of people and/or properties from flooding. Therefore, also contrary to Policy F1 of the Local Plan.
2	Potential adverse impact on important trees. Contrary to Policies DG1 and N6.
3	Potential adverse impact on protected habitats and species, plus lack of biodiversity enhancements. Contrary to paragraph 118 of the NPPF.
	<u>Additional reason in respect of application 15/02564:</u>
4	Inappropriate development in the Green Belt. No 'very special circumstances' have been put forward which outweighs the harm to the Green Belt and the other harm, identified in the report.

2. REASON FOR PANEL DETERMINATION

- The Borough Planning Manager and Lead Member for Planning consider it appropriate that the Panel determines the application.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application sites are located within an existing open field (of approximately 2.4 hectares), located to the east of Lightlands Lane. The sites for the poultry sheds would be positioned towards the northern end of the field, while the sites for the storage building and agricultural dwelling would be towards the southern end, close to the existing access off Strande Lane.

- 3.2 The field, in which the application sites sit, is bounded by Lightlands Lane to the east, along which there are a number of individual, detached residential properties. Open land lies to the north and north-west, while Strande View, with some residential properties, lies adjacent to the south-west boundary of the field. Strande Lane lies adjacent to the south boundary. The field sits at a noticeably lower level than its surroundings and is largely enclosed by established hedgerows and trees. A line of oak trees crosses the field from east to west about 30 metres north of southern boundary and a public right of way runs along its western boundary.
- 3.3 The application sites are located in the Green Belt and in an area where there is a high probability of flooding.

4. DESCRIPTION OF THE PROPOSALS AND ANY RELEVANT PLANNING HISTORY

- 4.1 The applications are for four types of development required in association with the proposed agricultural use of the land, specifically egg production. Each of the proposed poultry sheds would be approximately 31.5 metres long, 15 metres wide and approximately 6.5 metres in height (including the raised platform on which it will sit), and would each house up to 1750 egg laying hens. Each poultry shed would consist of an aluminium frame consisting of nine 3 metre bays to provide a continuous open structure to house the birds. A packing room will be separated internally at the end of one of the structures incorporating one 3 metre bay. Livestock mesh will form the walls which can be opened to release the birds into the self-contained paddocks, and polyboard and aluminium doors will be positioned at each gable end of each structure for access. The domed roof structure will comprise clear polythene sheeting together with 2 roof vents for added ventilation.
- 4.2 The storage building would be 9.1 metres wide, 18.3 metres long and have a maximum ridge of height 5.5 metres. It will be a standard steel portal framed structure, open fronted on the northern elevation and fully clad to the east, west and south elevations under a corrugated sheet roof. Corrugated roof sheets will be used to clad the building.
- 4.3 An internal access track will be created within the site from the existing field gate past the storage building to lead on parallel to the western field boundary to the site of the 2 poultry sheds. An area of hardstanding to the north of the proposed storage building will provide an area for the farm machinery to turn, together with an area for visitor parking.
- 4.4 The proposed log cabin, for use as a three bedroom agricultural worker's dwelling would be 6.8 metres wide, approximately 20 metres long and have a maximum height of 5.15 metres. At this stage, the applicant is applying for the dwelling on a temporary 3 year basis.
- 4.5 There is no planning history relevant to the consideration of these applications.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework, Sections 28, 55, 89, 100 – 103, 118, 119 and 123.

Royal Borough Local Plan

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

	Green Belt	High risk of flooding	Protected Trees	Highways /Parking issues	Pollution & Development
Local Plan	GB1, GB2	F1	N6	T5, P4	NAP3
Cookham Village Design Statement	G2.1, G4.4, G13.1, G13.3, G13.4				

5.2 Supplementary planning documents adopted by the Council relevant to the proposal are:

- Interpretation of Policy F1 – Area Liable to Flood
- Cookham Village Design Statement (relevant policies identified above)

More information on these documents can be found at:

http://www.rbwm.gov.uk/web/pp_supplementary_planning.htm

Other Local Strategies or Publications

5.4 Other Strategies or publications relevant to the proposal are:

- RBWM Parking Strategy - view at:
http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm
- RBWM Strategic Flood Risk Assessment - view at:
http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Whether the principle of development is acceptable ;
- ii Green Belt issues;
- iii Flooding;
- iv The impact on the living conditions of nearby residents;
- v Parking and highway considerations;
- vi The impact on trees;
- vii Ecological issues.

The principle of development

- 6.2 For the purposes of planning, the field in which all four planning applications are located is classified as being agricultural land. The use of the land for agricultural purposes is therefore acceptable and does not require planning permission. Consideration of these applications relates to the proposed agricultural buildings and dwelling as opposed to the use of the sites.
- 6.3 The sites are located in the Green Belt. Paragraph 89 of the NPPF lists the types of new buildings in the Green Belt that are not inappropriate and agricultural buildings are included in this. The proposed poultry sheds and storage building are therefore appropriate in the Green Belt. However, a dwelling for an agricultural worker is not included within the lists of development not considered to be inappropriate and therefore this is inappropriate development in the Green Belt.
- 6.4 The field is also located in the functional flood plain, Flood Zone 3b, where water has to flow or be stored in times of flood. As such, only water-compatible uses and essential infrastructure listed in Table 2 of the Technical Guidance to the NPPF that has to be there should be permitted in this zone. As the development proposed by the four applications is neither water-compatible nor classed as essential infrastructure it should not be permitted in this field.
- 6.5 In summary, while the agricultural buildings proposed are, in principle, appropriate in the Green Belt, the proposed dwelling is not and none of the proposed development is acceptable within the functional flood plain. Therefore, the principle of development is not acceptable.

Green Belt issues:

- 6.6 Policy GB1 of the Local Plan advises that certain types of residential development are acceptable in the Green Belt in accordance with Policies GB3 – GB5. Point 2 of policy GB3 advises that residential development is acceptable where there is a proven need for a new dwelling to be provided ancillary to an existing agricultural use on the site and where it can be demonstrated that the dwelling has to be located on the site, and that no suitable existing buildings exist which could be converted or extended for this purpose. The applicant's supporting statement relies on compliance with this policy. However, policy GB3 does not comply with the NPPF, which is the more up-to-date policy. Although paragraph 89 of the NPPF refers to buildings for agriculture being appropriate in the Green Belt, a dwelling for an agricultural worker is not listed as being appropriate development. The dwelling is therefore inappropriate development in the Green Belt. Inappropriate development is by definition harmful and should not be approved except in very special circumstances. Paragraph 88 advises that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 6.7 The applicant has advised that a worker needs to live on the site because the number of birds kept at the proposed scale will generate significant managerial and labour requirements throughout the year, undertaking jobs including: temperature and time clock checks, regular processing of eggs produced, maintaining and checking the feed and grit and water supplies, daily opening and closing of the poultry structures to allow the hens to roam free range, monitoring birds for signs of disease or weakness, monitoring birds to minimise loss from predators, inclement weather or sudden changes which may cause hens to panic, egg collections, feed deliveries, general cleaning and maintenance, vermin control and security.
- 6.8 The applicant is required to demonstrate that the need to live on the site, as outlined above, would not only clearly outweigh the harm to the Green Belt by reason of inappropriateness, loss of openness and encroachment in the countryside (for which substantial weight is given), but the need also outweighs harm caused by flooding, potential impact on the trees and potential impact on protected species and habitats (covered further in this report). In this case, it is not considered that this Green Belt harm and other harm is clearly outweighed by the need for the worker to live on site, and therefore very special circumstances do not exist in this case to justify allowing the new dwelling.
- 6.9 Part A of policy GB2 of the Local Plan complies with the NPPF, but Part B does not as Green Belt policy in the NPPF does not cover the character of the countryside. The impact of the proposed development on the character of the area is however still a material consideration to be taken into account in the assessment of the proposals, and is covered by policy DG1 in the Local Plan.
- 6.10 The NPPF advises that agricultural buildings are appropriate in the Green Belt. As such, it is accepted that these buildings will result in some loss of openness and may be visible from public vantage points. Having regard to the total size of the proposed agricultural holding (as opposed the size of the individual sites) and the agricultural designation of the land, it is not considered that either individually or collectively the agricultural buildings would result in a significant loss of openness that would be detrimental to the character of the countryside. The majority of the field would remain open and the type and scale of the buildings are considered typical for the agricultural use proposed. However, each of the application sites is in close proximity to trees that make an important contribution to the rural character and appearance of the area, but the appropriate surveys and plans required to assess the impact of the development has not be submitted with the applications. As such it has not been demonstrated that the proposals will not harm the trees, and therefore not harm the character of the area, and therefore all four applications are contrary to policy DG1.
- 6.11 The Public Rights of Way Officer has advised that the proposed development, by reason of its siting close to Footpath 48 and size would have a significant adverse impact on open views from the footpath and this would significantly reduce the enjoyment of the footpath by walkers.

However, it should be noted that only a comparatively small length of this footpath would be affected, with the majority of the field remaining open and undeveloped. With the exception of the dwelling, the buildings are appropriate development in the Green Belt and are typical in appearance for the type of use proposed. Overall, it is not considered that the proposals would materially reduce the enjoyment of this part of the footpath to such a degree as to warrant refusing planning permission.

Flooding

- 6.12 The Environment Agency has confirmed its objection to each of the applications on the basis that the sites are all located within the functional flood plain, as referred to in paragraph 6.4 above.
- 6.13 The Flood Risk Assessment (FRA) submitted with the applications explains that the proposed developments would be raised off the ground, in the case of the poultry sheds by 1.25 metres and by 1.5 metres for the log cabin. It is proposed that voids underneath these buildings would allow flood water to flow freely over the land. The feed bin would already be raised above the ground and the proposed storage building would be of a construction that will allow water to wash through the building unimpeded.
- 6.14 Notwithstanding the in-principle flooding objection, the Local Plan under Policy F1 advises that the use of piers to overcome flooding objections is not acceptable, because where this form of design solution has been allowed problems have resulted from the inability of the planning authority to ensure that the voids beneath the buildings are not obstructed. As such, it is not accepted that the poultry sheds or log cabin would not impede the flow of flood water, reduce the capacity of the flood plain to store flood water, nor increase the number of properties at risk from flooding. In addition, the submitted FRA does not demonstrate that safe access and egress could be achieved to and from the log cabin in the event of a flood, and therefore that application does not demonstrate that the proposal would not increase the number of people at risk from flooding. With regard to the feed hopper and storage building it is a reasonable assumption that these would each be placed on an area of hard standing (rather than directly on the ground) and as such, in the absence of evidence to the contrary, these would likely affect the flood water storage capacity of land.
- 6.15 While paragraph 28 of the NPPF promotes the development of agricultural rural businesses, it is not considered that this outweighs the harm arising from the development in respect to flooding (and other potential harm outlined further in the report). For the reasons outlined above, the proposals are contrary to Table 3 of the Technical Guide to the NPPF, March 2012, paragraph 103 of the NPPF and Policy F1 of the Local Plan.

The impact on the living conditions of nearby residents

- 6.16 As previously advised policy GB2 B does not comply with the NPPF. However Policy NAP3 of the Borough Local Plan advises that the Council will not grant planning permission for proposals likely to emit unacceptable levels of noise, smells or fumes beyond the site boundaries.
- 6.17 The Council's Environmental Protection team was consulted on the applications. Initially, concerns were raised regarding potential problems from odours coming from the outside litter when the ground is wet and saturated. The Environmental Protection Officer (EPO) advised that poultry and pig farming produces the strongest manure odours and due to the sites' close proximity to residential properties (the closest being 25 metres away) these may be affected by the odour and ammonia from the manure.
- 6.18 It is important to note, however, that the use of the field for agriculture does not require planning permission, only the proposed buildings. As such, the applicant can use the field for any type of agricultural use (chickens, pigs, cows, sheep, etc.) and the local planning authority (LPA) has no control over it. The LPA also has no control over the numbers of animals that can be kept on the land. For these reasons, the LPA should not object to potential problems, such as those originally raised by the EPO arising from the use of the land, but keep its assessment to the proposed buildings only.

- 6.19 The EPO has not raised any objections to the proposed buildings, nor recommended any conditions to be attached to any approval. Instead, it has advised that an informative be attached to any approval that the applicant follows Best Practice Guidelines to minimise odour, dust and noise levels, to take into consideration other environmental factors and follow DEFRA Code of Good Agricultural Practice 'Protecting our water, Soil and Air – A Code of Good Agricultural Practice for farmers, growers and land managers (2009)' in regards to dust (levels of which should be kept to a minimum), noise (from the operation of the site, including deliveries to and from the site), ground contamination (particularly from the ground deposits, which over time could raise elevated odours especially during wet periods), vermin (the applicant should have a Pest Control Management Plan to minimise any impact from rodents) and, flies (the applicant should have a Flies Control Management Plan to minimise any impact from flies in the area resulting from the development). The EPO has stressed that the applicant should ensure that all the appropriate controls referred to above are put in place to prevent them causing a statutory nuisance under the Environmental Protection Act 1990. Should operations at the site give rise to complaints from residents, officer from the Council will investigate under this legislation.
- 6.20 It is noted that the vast majority of the objections received in connection with these applications include concerns about dust, noise, vermin, ground contamination and flies. The concerns of the EPO are also noted but it should be made clear that, in the absence of specific objections in relation to the proposed buildings and on the scale of development proposed, planning legislation cannot control these aspects. Instead, the Environmental Protection Act 1990 covers these issues in the event of them becoming a statutory nuisance.
- 6.21 For the reasons outlined above, no objections are raised in terms of the impact of the proposals of nearby residents.

Parking and highway considerations

- 6.22 The Highway Authority has advised that the existing access off Strande Lane is of a sufficient width to accommodate two way flows by 2 cars, however it would require the applicant to submit a detailed plan of the parking provision for the development indicating the customer parking areas together with the parking and loading areas for lorries. Based upon the information provided, the proposal, in the opinion of the Highway Authority, is unlikely to generate a significant number of trips which would present harm to road safety. A worst case scenario would suggest that the operation could generate 4 to 5 lorry trips (10 movements) a month, but it is difficult to predict how many trips the egg sale business to the public would attract.
- 6.23 Strande Lane has a fairly narrow carriageway width with no footway and, being a private street, the road is maintained by the householders it serves. Bearing this in mind the Highway Authority acknowledges the concerns expressed by local residents about traffic generation. However, based upon the information submitted the potential trips generated by the proposals suggest an occasional use of Strande Lane by vehicles no greater in size or number of trips presently undertaken by vehicles used in the Borough's Refuse/Recycling Department.
- 6.24 An interrogation of the Highway Authority accident data base revealed that there has been 1 reported accident in the past 10 years. The cause of the accident was due to a driver travelling too fast and aggressively along Strande Lane. For the avoidance of doubt, to refuse the application on traffic grounds there must be evidence to show that the development would result in a significant increase in vehicular activity, which would cause harm to road safety and, that any spate of accidents in the area, plus the deficiencies in the highway network, cannot be overcome by the applicant. Based on the submission it would be difficult to sustain a refusal at an appeal. Therefore, the Highway Authority offers no objection to the proposal, subject to the inclusion of planning conditions in respect of parking provision and access.

The impact on trees

- 6.25 The Tree Officer has advised that the trees within and surrounding the site have a high amenity value and provide an attractive green backdrop to Lightlands Lane as well as forming an important screen to the field when viewed from the public footpath. These trees should be retained and protected as part of the development of the site.
- 6.26 However, the applicant has not submitted a tree survey, constraints plan, tree protection plan or arboricultural method statement and as such the impact on the trees cannot be fully determined. In the absence of this information it would appear that many prominent and valuable trees (including the line of oak trees within the field that are subject to Tree Preservation Order 015/2015) would be adversely affected. The loss of these trees would be detrimental to the character and appearance of the area, contrary to Local Plan policies DG1 and N6.

Ecological issues

- 6.27 The council’s ecologist has advised that the individual sites and surrounding field have the potential to support a range of protected species including, but limited to, amphibians such as great crested newt, reptiles, bats and birds. These and other species are protected under European and/or UK legislation which means that the proposed development (construction of vehicle access, parking areas, log cabins and poultry sheds) could potentially have an effect on these protected species. Without the relevant survey information, the planning authority cannot determine whether or not protected species (which are a material consideration to the applications) will be affected by the proposed development.
- 6.28 In the absence of a desk study and extended Phase 1 habitat survey, (together with any further surveys required following the results of the initial surveys), it has not been demonstrated to the satisfaction of the LPA that the proposals would not harm any important habitats and/or protected species. The proposals are therefore contrary to paragraph 118 of the NPPF.

Other Material Considerations

- 6.29 An Environmental Impact Assessment is not required in support of the proposed development as the proposals do not, either individually or collectively, fall within the definition of development set out within Schedules 1 or 2 of the Environmental Impact Assessment Regulations, 2011.

7. ASSOCIATED INFRASTRUCTURE IMPROVEMENTS

- 7.1 The proposed development would not place any additional pressure on local services and infrastructure and therefore contributions towards these are not sought from the applications

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

15 occupiers were notified directly of the applications

The planning officer posted the statutory notices advertising the applications at the site entrance on 18th September 2015.

No letters of support of the applications were received.

- 618 letters of objection were received in respect of application 15/02564
- 629 letters of objection were received in respect of application 15/02565
- 629 letters of objection were received in respect of application 15/02567
- 617 letters of objection were received in respect of application 15/02749

Summary of objections:

Comment	Where in the report this is considered
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1.	This is a known flood risk area – the field has repeatedly flooded. If allowed, the development would increase flood risk elsewhere and put people and their homes at risk.	6.12– 6.21
2.	This is Green Belt land and should not be built on.	6.6 – 6.11
3.	The buildings would be an eyesore spoiling views of the area. This harms and changes the character of the countryside. The proposals would spoil the enjoyment of users (including many visitors to the area) of the public footpath.	6.6 – 6.11
4.	The development is too close to residential properties. It will lead to high levels of noise (from chickens and ventilation fans), horrendous smells, vermin, flies, attract foxes and lead to problems with dust and air pollution. It will pollute the ground and lead to pollution of the water courses and increase the risk from diseases. All of this will result in health problems for local residents and seriously harm their enjoyment of their homes. The nuisance will be all the time, day and night. Nothing will be able to sufficiently mitigate these impacts	6.16 – 6.21
5.	Animal welfare – if the field floods (which it will) the chickens will drown.	Noted
6.	The proposals are contrary to the Cookham Village Design Statement and Policies GB1 and GB2 of the Local Plan.	6.6 – 6.11
7.	The proposals will lead to an increase in heavy traffic, lorries and commercial vehicles and the country lanes and roads in this area are not suitable for this. The proposals will increase the risk to vehicular and pedestrian safety. The lanes and public footpaths are well used by walkers, cyclists, horse riders, children etc. and their safety would be at risk	6.22 – 6.24
8.	The proposals would devalue properties in the area.	Not a planning consideration.
9.	The proposals will harm local wildlife and important habitats.	6.27 – 6.28
10.	The agricultural venture is new and not financially sound. The applicant is inexperienced.	Not relevant to the consideration of the applications.
11.	The applicant does not need a three bedroom dwelling and there is no need for accommodation on site as there are house for sale / rent in the area.	6.6 – 6.8
12.	The field is within 350 metres of a Roman villa site.	See archaeology comments below.
13.	Will adversely affect local residents' lives, livelihoods and businesses.	6.16 – 6.21

Statutory consultees, comments summarised

Consultee	Comment	Where in the report this is considered
Cookham Parish Council	Objects: Contrary to Policy GB2 of the Local Plan and Cookham VDS; Size of dwelling is not sufficiently justified; Flood risk; Site contamination and risk to public health, animal welfare and environment;	6.2 – 6.29

	<p>Inadequate highway access and harm to highway and pedestrian safety; Harm to residential amenities from noise, light pollution, vermin, land contamination, smells, airborne contamination and bacteria. Harm to local residents including children at nursery school and residents of local nursing homes; Harm to the enjoyment of the public right of way – harm to the views from the footpath, plus smells and vermin; Harm to Thames water installation adjacent to the site; Impact on trees; There should be no on-site sale of eggs due to increase in traffic; Suspicion over the submission of 4 separate applications; Concerns over effective management of the site and viability; Inadequate assessment of substantial risks to the public; An EIA should be required.</p>	
Environment Agency	<p>Objects The proposed development falls into a flood risk vulnerability that is inappropriate to the flood zone in which the application site is located. We recommend that the planning application should be refused on this basis.</p> <p>Detailed flood modelling indicates that the proposed sites are fully located within the 5% Annual Exceedance Probability (AEP) (1 in 20 year) flood extent. This is classified in the Royal Borough of Windsor and Maidenhead Strategic Flood Risk Assessment (SFRA) and the National Planning Policy Framework (NPPF) as flood zone 3b (functional floodplain). The National Planning Practice Guidance (NPPG) defines this area as having a ‘high probability’ of flooding and the space where water <i>has</i> to flow or be stored in times of flooding.</p> <p>In accordance with paragraphs 100 to 103 of the NPPF and ‘Table 3: Flood Risk vulnerability and flood zone compatibility’ ID references 7-067-20140306 of the NPPG, the proposed developments are not compatible with the flood zone in which it falls, and therefore should not be permitted.</p> <p>In accordance with saved policy F1 of the Royal Borough of Windsor and Maidenhead (RBWM) Local Plan (adopted 2003) and with paragraph 103 of the National Planning Policy Framework (NPPF), we object to the application and recommend refusal of planning permission until a satisfactory Flood Risk Assessment (FRA) has been submitted. The Flood Risk Assessment (FRA) reference KCC1943 submitted with this application dated July 2015 and prepared by Kernon Countryside Consultants Ltd, does not comply with the requirements set out in paragraph 103 of the NPPF and saved policy F1 of the Royal Borough of Windsor and Maidenhead (RBWM) Local Plan (adopted 2003). The submitted FRA does not therefore provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. Consequently, the proposed development may place people and the environment at an increased risk of flooding.</p>	6.12 – 6.15

Other consultees and organisations. Comments summarised:

Consultee	Comment	Where in the
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		report this is considered
The Cookham Society	<p>Objects:</p> <p>The site regularly floods;</p> <p>Concern for the chickens in the event of a flood;</p> <p>Contrary to Policy GB2 of the Local Plan;</p> <p>Concern over access to the site</p> <p>Harm to the Green Belt;</p> <p>No need for a dwelling to be on site;</p> <p>Contrary to the Cookham VDS – design of farm buildings;</p> <p>Concerns regarding pollution and risks to public health;</p> <p>The Council should undertake a full EIA.</p>	6.2 – 6.29
National Trust	<p>Objects: Impact on Widbrook Common via unsuitable buildings in the flood plain.</p> <p>Sufficient justification for the development in the Green Belt and should not harm the setting of Cliveden, its gardens and parkland.</p>	6.6 – 6.15
Environmental Protection	<p>Would advise that the applicant (via informative wording on any decision notice) to follow Best Practice Guidelines to minimise odour, dust and noise levels during operation of this site; which (if poorly managed) have the potential to negatively impact close residential properties. The applicant is also required to take into consideration other environmental factors and follow DEFRA Code of Good Agricultural Practice ‘Protecting our Water, Soil and Air - A Code of Good Agricultural Practice for farmers, growers and land managers (2009)’</p> <p>The applicant is required to ensure the new sheds (and associated litter) are sited away from any residential properties and must make sure controls are in place to the above levels to prevent them from causing a statutory nuisance under Environmental Protection Act 1990. Should operations give rise to residential complaints, officers from the Borough will investigate under this legislation.</p>	6.16 – 6.21
Highways	No objections subject to conditions.	6.22– 6.24
Ecology	<p>Objects:</p> <p>No information relating to ecology at the proposed sites has been submitted with the applications. As such the LPA cannot determine the impact of the proposals on protected habitats or species. No biodiversity enhancements have been proposed by the applications.</p> <p>Contrary to paragraphs 109 and 118 of the NPPF.</p>	6.27
Lead Local Flooding Authority	No detailed proposals relating to the disposal of surface water have been provided as part of the submitted application and the application therefore fails to demonstrate that the proposed development will comply with the non-statutory technical standards for sustainable drainage (dated March 2015).	Not applicable as the individual sites are less than 1 hectare.
Thames Water	No objections but applicant is advised to contact Thames water Developer Services	Noted.
Ramblers (East Berkshire)	Objects – would adversely affect the enjoyments of users of the public right of way (Cookham FP 48), which is an important link to the Green Way and much used by local people. Contrary to Policy R14 of the Local Plan and inappropriate development in the Green Belt.	6.11
Maidenhead Waterways	Concerned about the risks to ground water and water quality in the nearby Strande water and Maidenhead ditch channels	6.12 – 6.15

<p>Berkshire Archaeology</p>	<p>Recommends condition: The application sites fall within the floodplain of the Middle Thames Valley, where the gravel terraces and deep alluvial soils have been a focus of settlement, farming and burial throughout the prehistoric, Roman and post-Roman periods. Archaeological investigations in advance of development in the Thames Valley south of Maidenhead, for example at Eton College Rowing Lake, Bray Triangle and Weir Bank Stud Farm, have shown the extraordinary richness and quality of buried remains, including waterlogged timber structures, middens and burial monuments, set within former channels and braids of the River Thames. The likelihood is that similar such deposits will also occur to the north of Maidenhead, which has been subject to less development. The presence of extensive archaeological remains is suggested by crop mark enclosures to the east of Danes Manor Farmery, Iron Age and Roman settlement at White Place Farm, a series of crop mark enclosures, ring ditches and possible field systems on Widbrook Common, a Roman settlement at Strande Park and Neolithic and Bronze Age (4,300 – 1,000 BC) remains at Cookham Cemetery. These last two sites are less than 500m from these application sites. While some elements of these proposals do not seem to be substantial, details of potential impacts below ground are sketchy and unclear. These include, for example, the construction of the storage building, the internal access track, 'parking' area and any services supplying the new developments. In view of the previously undeveloped character of the site, its archaeological potential and the potential impacts on below ground deposits, Berkshire Archaeology recommends a programme of archaeological work to mitigate the impacts of the development, should permission be granted. is in accordance with paragraph 141 of the NPPF.</p>	<p>Noted.</p>
<p>Public Rights of Way Officer</p>	<p>Objects: A public footpath (Cookham Footpath 48) runs along the eastern side of the application site. The legal route of the footpath runs parallel to the eastern edge of the field, generally between 5m and 9m metres into the field from the field boundary, although there is a well trodden path following a more westerly route extending up to approximately 25m into the field. The applicant has advised that the fence alongside the footpath will be a 2.0m high poultry fence, and the application form states that the proposed boundary treatment is '<i>agricultural fencing for chickens</i>'. Footpath 48 is a well-used public footpath which runs from Maidenhead Road southwards to Strande Lane. The footpath then follows Strande Lane for a short distance before turning southeast across fields to connect with the Green Way, a widely promoted recreational walking route. Footpath 48 also provides a link, via Strande Lane, to National Cycle Route 50 which follows Lightlands Lane to the north and a permitted cycleway to the south. The proposed poultry sheds would be clearly visible from Footpath 48, (the more easterly shed would be a few metres from the footpath), as would the associated</p>	<p>6.11</p>

	<p>infrastructure including hard standings, access track, internal fencing and car parking area. Due to the east-west configuration of the proposed poultry sheds, walkers approaching from the north along Footpath 48 would have a 'side-on' view of the sheds extending almost across the entire field. Walkers would then pass very close to the more easterly shed. Similarly, when approaching from the south, there would be 'side-on' views of the sheds and clear views of the associated infrastructure.</p> <p>Bearing in mind the height and overall size of the proposed sheds, their proximity to the footpath, and the associated infrastructure, it is considered that the proposed development would have a significant adverse impact on the open views from the footpath, and that this would significantly reduce the enjoyment of the footpath by walkers. Refusal is therefore recommended on the grounds that the application does not comply within Policy R14 of the Local Plan.</p>	
Trees	<p>Trees within and surrounding the site have a high amenity value and provide an attractive green backdrop to Lightlands Lane as well as forming an important screen to the field when viewed from the public footpath. These trees should be retained and protected as part of the development of the site.</p> <p>The applicant has not submitted a tree survey, constraints plan, tree protection plan and arboricultural method statement and as such the impact on the trees cannot be fully determined. In the absence of this information it would appear that many prominent and valuable trees (including the line of oak trees within the field that are subject to Tree Preservation Order 015/2015) would be adversely affected. The loss of these trees would be detrimental to the character and appearance of the area, contrary to Local Plan policies DG1 and N6.</p>	6.25

9. APPENDICES TO THIS REPORT

- Appendix A – 15/02564 Location plan
- Appendix B – 15/02564 Elevations
- Appendix C – 15/02565 Location plan
- Appendix D – 15/02565 Elevations
- Appendix E – 15/02567 Location plan
- Appendix F – 15/02567 Elevations
- Appendix G – 15/02749 Location plan
- Appendix H – 15/02749 Elevations

This recommendation is made following careful consideration of all the issues raised through the application process and through discussion with the applicants. The Case Officer has sought solutions to these issues where possible to secure a development that improves the economic, social and environmental conditions of the area, in accordance with NPFf.

In this case the issues have not been successfully resolved.

10. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

Application 15/02564/FULL

- 1 The proposal represents inappropriate development in the Green Belt contrary to paragraph 89 of the National Planning Policy Framework, March 2012. Inappropriate development is by definition harmful to the Green Belt and the applicant has failed to demonstrate that any very special circumstances exist that clearly outweigh the harm caused by the reason of inappropriateness and the other harm identified in subsequent reasons for refusal.
- 2 The application site lies within the functional flood plain (Flood Zone 3b), and the type of development proposed is not permitted in this flood zone. In addition, the submitted Flood Risk Assessment does not demonstrate that the proposed development would not impede the flow of flood water, reduce the capacity of the flood plain to store flood water or increase the number of people or properties at risk from flooding. The proposal is therefore contrary to saved policy F1 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations adopted June 2003) and to advice contained in National Planning Policy Guidance on flooding and paragraphs 100 to 103 of the National Planning Policy Framework, March 2012.
- 3 The Local Planning Authority is not convinced that the development, as proposed, can be implemented without having a detrimental impact on the health and visual amenity of the principal trees within and surrounding the site in both the short and longer term. The principal trees contribute positively to the appearance of the area, provide screening to the site and some are subject to a Tree Preservation Order. In the absence of evidence to the contrary, the development is likely to have an adverse effect on these important trees contrary to policies DG1 and N6 of the Local Plan.
- 4 In the absence of relevant survey details and their analysis and evaluation, the proposal fails to demonstrate that it would not have a detrimental impact on protected species or their habitats. In addition, no biodiversity enhancements have been proposed by the application. Accordingly, the proposal is contrary to paragraphs 109 and 118 of the NPPF.

Application 15/02565/FULL

- 1 The application site lies within the functional flood plain (Flood Zone 3b), and the type of development proposed is not permitted in this flood zone. In addition, the submitted Flood Risk Assessment does not demonstrate that the proposed development would not impede the flow of flood water, reduce the capacity of the flood plain to store flood water or increase the number of people or properties at risk from flooding. The proposal is therefore contrary to saved policy F1 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations adopted June 2003) and to advice contained in National Planning Policy Guidance on flooding and paragraphs 100 to 103 of the National Planning Policy Framework, March 2012.
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