

Date Published: 18 October 2013



PLANNING COMMITTEE

17 OCTOBER 2013

SUPPLEMENTARY PAPERS

TO: ALL MEMBERS OF THE PLANNING COMMITTEE

The following papers have been added to the agenda for the above meeting.

These were not available for publication with the rest of the agenda.

Alison Sanders
Director of Corporate Services

Page No

Supplementary report tabled at the meeting.

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Agenda Annex

BRACKNELL FOREST BOROUGH COUNCIL
PLANNING COMMITTEE
17th October 2013
SUPPLEMENTARY REPORT

Correspondence received and matters arising following preparation of the agenda.

Item No: 5

13/00156/FUL

Nuptown Piggeries Hawthorn Lane Warfield Bracknell Berkshire RG42 6HU

ISSUE DATE: 15.10.2013

Amendment to Recommendation

Amendment to condition 02.

The development hereby permitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority on :

Drg no 1447/P/06B received by LPA 26.06.2013

Drg no 1447/P/07 received by LPA 06.03.2013

Drg no 1447/P/08 received by LPA 06.03.2013

Drg no 1447/P/09 received by LPA 06.03.2013

Drg no 1447/P/10 received by LPA 06.03.2013

Drg no 1447/P/11A received by LPA 11.06.2013

Drg no 1447/P/12 received by LPA 06.03.2013

Drg no 1447/P/13A received by LPA 11.06.2013

Drg no 1447/P/14 received by LPA 06.03.2013

REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

Amendment to Section 6 RECOMMENDATION:

Following the completion of planning obligation(s) under Section 106 of the Town and Country Planning Act 1990 relating to:-

01. Open space

Primary Education

Paddock restoration prior to occupation of the dwelling

Amendment to conditions:

07. The dwelling hereby approved shall not be occupied until the existing outbuildings on site, as shown on plan reference 1447/P/06, have been demolished and the land made good in accordance with a landscaping scheme which shall have been submitted to and approved in writing by the Local Planning Authority prior to demolition commencing and retained as such.

REASON: To ensure that the works are carried out as approved in the interests of the visual amenities of the area.

[Relevant Plans and Policies: BFBLP GB1]

08. The area lying to the south east of the site and detailed as "area of site to be used as paddock" on Drawing Number 1447/P/06 Received 06.03.13, shall be restored to paddock prior to the occupation of the dwelling hereby permitted and retained as such.

REASON: In the interests of the visual amenities of the area.

[Relevant Plans and Policies: BFBLP GB1]

13. The development shall not be begun until a scheme for the installation of refugia and the creation of the wildlife corridor has been submitted to and approved in writing by the local planning authority. This scheme shall include details of the management of the wildlife corridor. The refugia and wildlife corridor shall be provided on site prior to development commencing and shall thereafter be retained.

REASON: In the interests of nature conservation
[Relevant Plans and Policies: CSDPD CS1, CS7]

ISSUE DATE: 17.10.2013

Amendment to description to (as study is considered to be a bedroom):

Change of use of existing agricultural barn to form 1 no. 6 bed detached dwelling and erection of detached garage following demolition of existing derelict buildings.

Appeal decisions in the immediate area:

There have been two recent appeal decisions within the immediate area of this site:

Firstly 12/00773/FUL Land Adjoining Old Whitelocks, Garsons Lane for the conversion of an existing barn to form 1 no. 4 bed dwelling. Refused on the following reasons:

01. The change of use of agricultural land to residential use is not acceptable in principle and is by definition inappropriate development which would have a detrimental impact upon the open and rural character of the Green Belt. The development is therefore contrary to Policy CC6 of the South East Plan, Policies EN20 and GB1 and GB2 of the Bracknell Forest Borough Local Plan and Policy CS9 of the Core Strategy Development Plan Document.

02. Impact upon trees.

03. Lack of S106

The green belt reason for refusal related to the change of use of agricultural land to domestic curtilage not the change of use of the barn. No special circumstances were relevant to this site and the proposed curtilage formed part of an open undeveloped field.

The Inspector dismissed the appeal and stated:

"Paragraph 90 states that certain other forms of development are also not inappropriate provided they preserve its openness and do not conflict with the purposes of including land in Green Belt. An inclusive list of such forms of developments is provided. Whilst this includes the re-use of buildings that are of permanent and substantial construction, as is the case here, no provision is made for changes of use of land..."

Whilst the proposed alterations to the barn would be quite limited, the proposed curtilage would occupy a significant proportion of the existing paddock and would, to my mind, involve encroachment into the countryside. It would also serve to erode the presently undeveloped character of the land. One of the essential characteristics of Green Belts is their openness. Whilst there would be no material effect from the limited alterations to the barn, the proposed gravel drive, patio and access would increase the amount of built development within the site. Moreover, along with the enclosure of the land, the typical domestic paraphernalia associated with the proposed residential use of the land would also reduce openness. Notwithstanding the reference to potential 'suitable safeguards' in the supporting text to policy GB2, whilst certain matters could be controlled by condition, this would not prevent the more general domestication of the land from items such as garden furniture and children's play equipment."

The Inspector therefore agrees that, as in this application, the principle of the change of use of a building is acceptable; however it is the issue of the change of use of land for garden which could have an urbanising impact.

In the appeal case the land to be converted was open undeveloped paddock. In the case of Nuptown Piggeries the land currently has 664.69sqm of buildings (other than the barn) and 1,944 sqm of hard standing. As these are to be removed from site and an area of 1,275 sqm is proposed to be laid to paddock it is considered that there would be an improvement on the open and rural character of the area by reason of removal of built form and replacement with paddock and garden. Therefore there is considered to be special circumstances in this application which were not present in the Whitelocks barn application.

In addition an application for the conversion of a 2 storey residential building, including the insertion of dormers, windows, doors and skylights, and reconfiguration of existing 2 residential units to provide 5 residential units in total at Whitelocks Farm (12/00883/FUL) was refused on the following grounds:

01. The proposal would form an unacceptable development within the Green Belt that would have an urbanising impact and would detract from its open rural character. As such the proposal is contrary to the Policies GB2 and GB4 of the Bracknell Forest Borough Local Plan and the National Planning Policy Framework.

02. The access for the proposed development is substandard.

03. It has not been demonstrated that the proposal would protect and enhance biodiversity and that the orchard, which is a Habitat of Principal Importance under the Natural Environment and Rural Communities Act 2006, would be properly protected and retained within the gardens of the proposed residential units.

04. Lack of S106.

It was considered that the application would result in a significant intensification of the use at Whitelocks Farm to provide 5 residential units. This would have altered the character and nature of the application site with additional activity, movements and traffic generation. As well as intensifying the residential use the proposed development would have resulted in the building having a more domestic appearance. The land adjacent to the building, which is currently vacant unused agricultural land, would be subdivided and the use changed to provide 5 domestic gardens each of which will have associated garden paraphernalia. It was considered that the proposed development, the intensification of the residential use and the alterations to the appearance of the building will result in an unacceptable urbanisation that will be harmful to the open character of the Green Belt.

This application was appealed and dismissed. The Inspector stated:

"Assessed against the framework the existing building is of a permanent and substantial construction. It is, therefore, the type of building for which a change of use would not comprise inappropriate development..."

It is likely that the proposed subdivision of the building to create more residential units would result in a more intensive use of the land. There would be greater need for fencing against the drive running past the site and a need for fencing between the individual gardens. Even with fairly low ranch style fencing this would be harmful to openness. Added harm would likely be caused by additional garden paraphernalia, by way of garden furniture, clothes lines etc., which would detract from the openness...The creation of a significant number of new residential units, with associated changes in the appearance of the site, and intensification of residential activity would have a detrimental effect on the character and appearance of the area."

It is therefore considered that this is not a comparable application as the proposal is for a higher number of units and again there were no special circumstances that would outweigh the harm to the green belt.

In conclusion, the appeal decisions concur that the change of use of a structurally sound building is acceptable in principle, it is the associated domestication of the site that has a harmful impact upon the green belt. In this instance it is considered that the possible harmful impact of domestic paraphernalia i.e. children's play equipment, clothes lines, is outweighed by the benefit of removing existing buildings and substantial hard standing.

Item No: 6
13/00609/FUL

Paws Nursery Hayley Green Warfield Bracknell Berkshire RG42 6BS

ISSUE DATE: 15.10.2013

Amendment to Recommendation:

Condition 1 should read:

The hours of operation of the use of the site as a nursery school shall be restricted to the following times: 08.00 hours to 18.00 hours Monday to Friday and at no times during weekends or bank holidays. These hours of operation shall be discontinued on or before 17.10.2014. After 17.10.2014 the hours of operation of the use of the site as a nursery school shall be restricted to the following times: 09.00 to 15.30 (including 15 minutes at the start and end of each session for the dropping off and collection of children as set out in the application form) Monday to Friday during normal Berkshire school terms and at no other times whatsoever.

REASON: To enable the Local Planning Authority to maintain control over the use of the site in the interests of the amenities of the residents of the neighbouring properties, including possible impacts arising from traffic movements to and from the site.

[Relevant Policies: BFBLP EN20, EN25; CSDPD CS23]

Additional Condition:

No child shall attend the nursery after 31 August following their fifth birthday.

REASON: To enable the Local Planning Authority to maintain control over the use of the site in the interests of the amenities of the residents of the neighbouring properties.

[Relevant Policies: BFBLP EN20, EN25, CSDPD CS7]

Item No: 7
13/00621/FUL

28 North Road Ascot Berkshire SL5 8RP

ISSUE DATE: 15.10.2013

Additional Information

There is a telegraph pole to the front of the site.

Amendment to Recommendation

Amendment to condition 12:

12. No development (other than the construction of the access) shall take place until the access has been constructed in accordance with the details to be submitted to and approved in writing by the Local Planning Authority. These details shall include the re-location of the telegraph pole.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

ISSUE DATE 17.10.2013

Additional Information

An additional comment has been made in respect of this application stating that no reference is made to the Character Area Assessment SPD.

In respect of this the site lies within Area A: Chavey Down East where it is stated that:

"Built form is:

- Predominantly Victorian houses with some sympathetic in fill development.
- Predominantly red brick and white render.
- Simple building forms and traditional pitched roofs.
- Mostly small houses, some on very narrow plots.
- Building lines are consistent and create a positive street scene.
- Buildings are predominately 2 storeys."

Under the recommendations sections it states:

"- Development in Chavey Down East could be of relatively high density with tightly set buildings. However the building height should not exceed the predominant height of the settlement.

- Buildings along either the east-west roads need to reflect the vertical rhythm of the existing street scene.
- Merging plots should be avoided as it would destroy the small scale, characteristic of this area..."

It is considered that the development complies with the recommendations of the SPD.

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