

ITEM NO: 8Application No.
17/00775/FUL

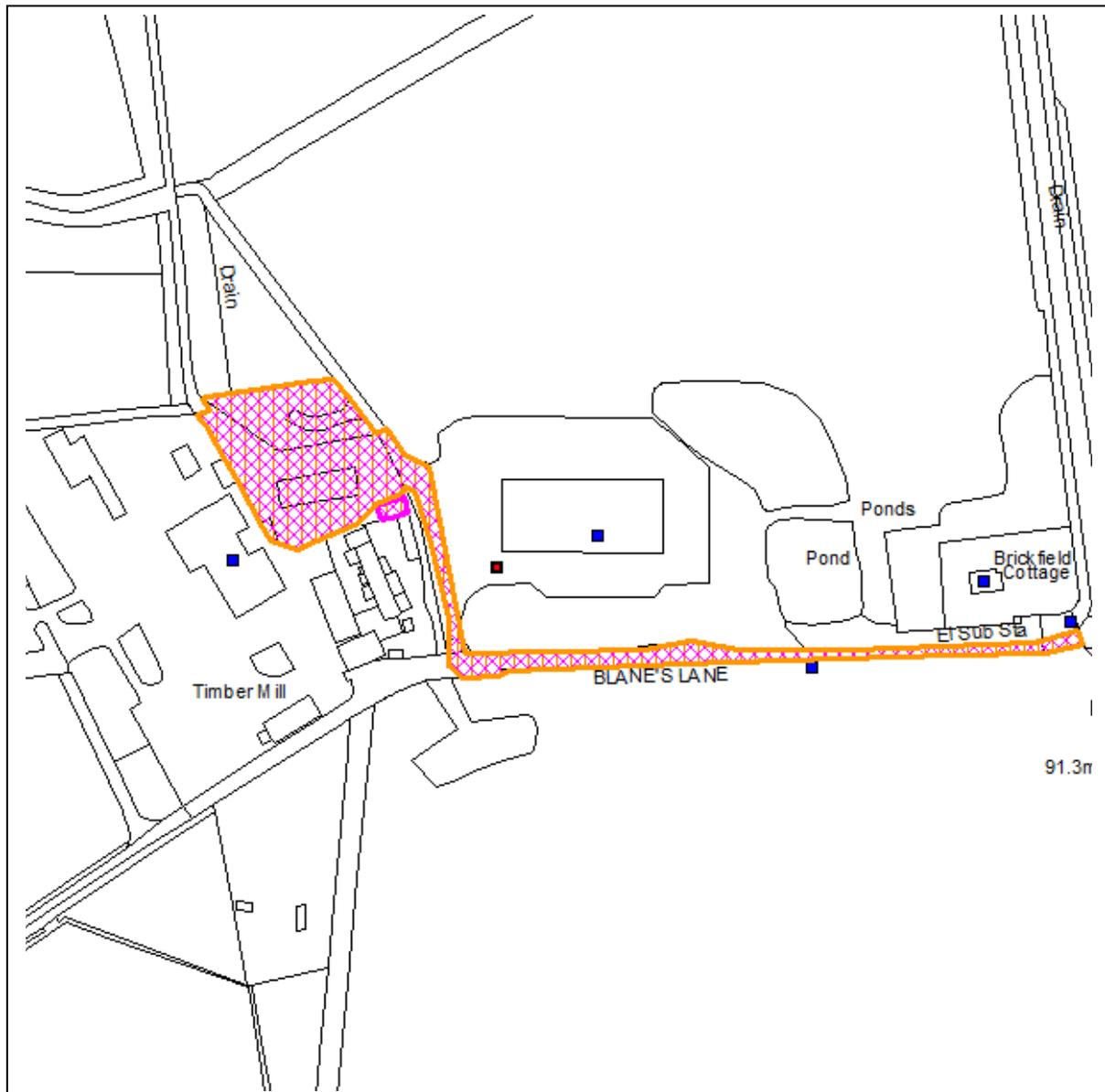
Site Address:

Ward:
AscotDate Registered:
27 July 2017Target Decision Date:
21 September 2017**The Crown Estate Depot Swinley Road Ascot
Berkshire SL5 8AZ**Proposal: **Erection of a barn (B1 and B8 use) following demolition of existing barn.**

Applicant: The Crown Estate

Agent: Mr Steve Lovatt

Case Officer: Matthew Miller, 01344 352000

development.control@bracknell-forest.gov.uk**Site Location Plan** (for identification purposes only, not to scale)

OFFICER REPORT

1. SUMMARY

- 1.1 The proposed development is the erection of a barn-style building following the demolition of the existing barn, in the north of the site. It is proposed to use the building for B1 (offices) and B8 (storage) purposes.
- 1.2 The proposal is sited outside of any defined settlement (within countryside, but not in the Green Belt). It would represent a Departure from the Development Plan insofar as it does not fully accord with BFBLP 'Saved' Policy EN8. However, the proposal is considered to fully comply with the NPPF, which carries more weight. It would not adversely affect the amenities of occupants/users of neighbouring properties, would not have an adverse impact on the character and appearance of the surrounding area, and would not result in an adverse impact on highway safety on biodiversity, subject to the imposition of conditions.

RECOMMENDATION

Planning permission be granted subject to conditions in Section 11 of this report

2. REASON FOR REPORTING APPLICATION TO COMMITTEE

- 2.1 The application is being considered by the Planning Committee as it constitutes a Departure from the Development Plan.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS

Outside defined settlement (but not within the Green Belt)

Directly adjoins the 'Swinley Park and Brick Pits' Site of Special Scientific Interest (SSSI) to the north

- 3.1 The Crown Estate Depot contains an existing barn building used for storage, which is located to the immediate north of the Swinley Saw Mill (a commercial logging and sales premises). In addition to the barn structure the application site consists of hardstanding forming external storage and unmarked parking, and is enclosed by 2 metre high metal palisade fencing. In addition to the Swinley Saw Mill site to the south and west, the application site is neighboured by a large forestry storage barn to the east (also under the ownership of the Crown Estate).
- 3.2 The site is accessed from the private lane of Blanes Lane, which connects to the public highway of Swinley Road to the east.

4. RELEVANT SITE HISTORY

- 4.1 The relevant planning history is as follows:

10/00105/FUL

Erection of storage outbuilding [to south of application site]

Refused (2010) (Appeal Allowed)

14/00926/PAD

Application for prior approval for the erection of a storage building for forestry purposes [to southeast of application site]

Prior Approval Granted (2014)

5. THE PROPOSAL

- 5.1 The proposed development is the erection of a barn-style building following the demolition of the existing barn. The building would be rectangular in shape, and measure 40 metres in depth, 22.8 metres in width, and 6.0 metres in height.
- 5.2 In addition to the proposed development, the submitted plans show that the existing hardsurfacing is to be used for parking, turning, and the loading of vehicles. It would utilise the existing access gates.
- 5.3 During the course of the application additional information has been received in the form of an Ecological Survey, in relation to the SSSI.

6. REPRESENTATIONS RECEIVED

Winkfield Parish Council:

- 6.1 Winkfield Parish Council raise no objection.

Other Representations:

- 6.2 No representations have been received.
- 6.3 A press notice has been published as the application represents a Departure from the Development Plan. As it expires on 21 February 2018, any representations received after the date of this report will be added to the Supplementary Report.

7. SUMMARY OF CONSULTATION RESPONSES

Biodiversity Officer:

- 7.1 Following the receipt of additional information in the form of an Ecological Appraisal to assess the potential impacts of the proposal on the SSSI, the Biodiversity Officer raises no objection, subject to the imposition of conditions.

Natural England:

- 7.2 Natural England raise no objection to the proposal in respect of the SSSI, subject to the imposition of conditions.
- 7.3 No other statutory or non-statutory consultations have been required.

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

- 8.1 The primary strategic planning considerations applying to the site and associated policies are:

	Development Plan	NPPF
General policies	CP1 of the SALP; CS1 and CS2 of the CSDPD	Consistent
Countryside	CS9 of the CSDPD; 'Saved' Policy EN7 of the BFBLP	CS9 is consistent, however EN8 is not fully consistent
Design	CS7 of the CSDPD	Consistent

Amenity	'Saved' Policies EN20 and EN25 of the BFBLP	Consistent
Highways	CS23 of the CSDPD; 'Saved' Policy M9 of the BFBLP	Consistent - Para. 39 refers to LPAs setting their own parking standards for residential development
Biodiversity	CS7 of the CSDPD; 'Saved' Policy EN3 of the BFBLP	Consistent
Supplementary Planning Documents (SPD)		
Parking Standards SPD (2016)		
Design SPD (2017)		
Other publications		
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)		
CIL Charging Schedule		

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i. Principle of Development
- ii. Impact on Character and Appearance of Surrounding Area
- iii. Impact on Amenities of Neighbouring Properties
- iv. Transport Considerations
- v. Biodiversity Considerations

i. Principle of Development

9.2 The site is located outside of a defined settlement. CSDPD Policy CS9 seeks to protect the countryside for its own sake. CSDPD Policy CS2 supports this stance by directing development to defined settlements and, if appropriate, urban extensions.

9.3 BFBLP 'Saved' Policy EN8 also seeks to protect the countryside for its own sake, and includes a list of acceptable development types. Sub-section (iii) of this policy states that the replacement of existing buildings may be considered acceptable, but does not provide specific definition as to what constitutes a 'replacement'. In the absence of such a definition it could be reasonably argued that that a replacement should not be materially larger than the building it replaces, and be under the same use.

9.4 However, 'Saved' Policy EN8 is considered to be significantly more restrictive than the NPPF, and for this reason is not fully consistent with the NPPF. As a result of this less weight should be applied to 'Saved' Policy EN8.

9.5 Section 3 of the NPPF states that the planning system should seek to support economic growth in rural areas and promote a strong rural economy. This includes supporting the sustainable growth and expansion of all types of business and enterprise in rural areas, through both converting existing buildings and through well-designed new buildings.

9.6 Para. 17 of the NPPF states that recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it is a core planning principle. Para. 17 goes on to state that another relevant core planning policy is to encourage the effective use of land through reusing land that has been previously developed (PDL), provided that it is not of high environmental value.

- 9.7 The application site is considered to constitute PDL, as it contains an existing commercial barn storage building, and is hardsurfaced and enclosed by metal fencing. Furthermore, the application site is surrounded to the east, south and west by existing large structures under commercial use.
- 9.8 As the site is hardsurfaced, the application site itself does not have high environmental value. However, it is noted that the site adjoins a SSSI, and this is addressed in further detail in section 9.(v). of this report.
- 9.9 It is acknowledged that the proposed building would be significantly larger in footprint and floor space than the existing building to be demolished. The existing building has a floor space of 302 square metres. The proposal would have a floor space of 920 square metres, and this represents an increase of 205% (i.e. the building would be tripled in size). While no volume figures have been submitted for consideration, the total height of the building would be increased from 5.7 metres to 6.0 metres.
- 9.10 While this represents a significant increase in built form in the countryside, the NPPF does encourage the erection of new (well-designed) buildings to support the rural economy, provided that they do not result in an adverse impact on the intrinsic character of the countryside. As stated above, the application site forms PDL and is located within a distinctive commercial area that contains a variety of structures, including large barn buildings. The proposal would be sited at the northern extent of this commercial area and would be notably obscured from the main public vantage points to the east and south by existing buildings, including the significantly larger timber storage building to the east. The existing forest to the immediate north would not be affected. For the above reasons it is not considered that the proposal would result in intrinsic harm to the character and beauty of the countryside.
- 9.11 While the proposal would involve a change of use from forestry-related storage activity (*sui generis*) to a B1 (office) and B8 (general storage) use, the NPPF states that all types of business and enterprise should be supported in rural areas, and the proposed use is considered to contribute to the sustainable growth and development of the rural economy, by making use of a previously developed site that no longer has the requirement for forestry-related storage for the current land owner.
- 9.12 Therefore, while the proposal conflicts with 'Saved' Policy EN8, it is considered that the sections of EN8 relevant to this proposal are not consistent with the NPPF. As detailed above, it is considered that the proposal complies with the policy tests set out within the NPPF (subject to being acceptable in relation to design, and other matters such as transport and biodiversity considerations). Therefore on balance and, in view of the specific merits of the proposal, it is considered to be acceptable in principle, despite representing a Departure from the Development Plan.

ii. Impact on Character and Appearance of Surrounding Area

- 9.13 The elevational design of the proposal is considered appropriate for a barn-style building. While it does have an industrial appearance, this is considered more appropriate in this location compared to, for example, a glazed office building (in view of its proposed B1 use). The barn-style design, while significant in overall massing and bulk, is similar to the appearance of the immediately surrounding commercial buildings, and considered sympathetic the rural location.
- 9.14 Furthermore, while the building would be significant in its overall bulk and massing, its bulk has been restricted through limiting the total height increase to 0.3 metres. This is not

considered to be excessive in view of the size of the application site as a whole, and in comparison to the neighbouring buildings. The impact of the proposal on the intrinsic character and beauty of the countryside has been assessed in section 9.(i). of the report above, as a matter of principle.

- 9.15 The proposal would not be visible from the nearest public highway (Swinley Road), which is sited approximately 275 metres to the east. In addition, the proposal would be at least partially screened from the private access route of Blanes Lane by the presence of existing large commercial buildings. Furthermore, it is not considered that the proposal would materially alter the existing established rural commercial character of the immediate surroundings.
- 9.16 While some details of the proposed external materials to be used have been listed in the submitted Application Form, this does not include the proposed colour finish. As a result it is recommended that a condition be imposed to require details of materials to be submitted to the Local Planning Authority, to ensure that an appropriate external finish will be applied, in the interests of the character of the area.
- 9.17 It is therefore considered that the development would not result in an adverse impact on the character and appearance of the area, in accordance with CSDPD Policy CS7, BFBLP 'Saved' Policy EN20, and the NPPF, subject to the imposition of a condition requiring details of external materials and finishes.

iii. Impact on Amenities of Neighbouring Properties

- 9.18 The closest residential property to the application site is Brickfield Cottage, Swinley Road, located approximately 205 metres to the east.
- 9.19 The immediate surrounding properties to the application site are under commercial use. In view of their commercial nature, and the overall height of the proposal, it is not considered that the proposal would result in an adverse loss of light or be unduly overbearing to users of these buildings. Furthermore in view of its single storey nature it is not considered that the proposal would result in an adverse loss of privacy.
- 9.20 In addition, it is not considered that the change of use proposed to the application site would result in material harm to the neighbouring properties in respect of noise generation or other disturbance.
- 9.21 It is therefore considered that the proposed development would not result in an adverse impact on the amenities of neighbouring properties, in accordance with 'Saved' BFBLP Policies EN20 and EN25, the Design SPD, and the NPPF.

iv. Transport Considerations

- 9.22 The proposal would utilise the existing access route from Swinley Road, which is shared with other commercial vehicles including lorries. The submitted plans show that the retained hardstanding would provide a staff parking area along with adequate capacity for lorry turning and parking.
- 9.23 As the application site is distant from the public highway, any parking issue would be localised to the commercial area and would not be likely to have any significant impact on the usage of the public highway.

- 9.24 The applicant has stated within their submitted Design & Access Statement that the Crown Estate has made recent improvements to the private access route through widening the carriageway and re-surfacing it. This is evident on site.
- 9.25 In view of the increased intensity of use proposed on site, it recommended that a condition be imposed to secure the hardstanding for the purposes of parking and turning for vehicles (including lorries), in the interests of highway safety.
- 9.26 It is therefore considered that the development would not result in an adverse impact on highway safety, in accordance with Policy CS23 of the CSDPD, 'Saved' Policy M9 of the BFBLP, the Parking Standards SPD (2016), and the NPPF.

v. Biodiversity Considerations

- 9.27 The Biodiversity Officer was consulted on the initial submission, and advised that the site is subject to several constraints relating to biodiversity, including:
- adjoining the 'Swinley Park and Brick Pits' SSSI;
 - the demolition of a barn composed of wooden cladding that may support roosting bats or nesting birds;
 - works within 15 metres of veteran trees (though not subject to formal protection beyond the SSSI designation);
 - located within 200 metres of a pond that may support Great Crested Newts; and
 - located in an area with records of protected species such as reptiles and badgers.
- 9.28 In order to adequately assess the potential impacts of the proposal on these Biodiversity constraints, during the course of the application an Ecological Appraisal was prepared and submitted to the Local Planning Authority.
- 9.29 The Biodiversity Officer has reviewed the submitted Ecological Appraisal and confirms that:
- the building to be demolished contains negligible potential to host roosting bats, and no bats were observed during the survey. As such the risk of the proposal adversely affecting bats is considered to be minimal;
 - birds were found to be nesting within the barn. As a result, a condition is recommended to be imposed to require any demolition works to be undertaken outside of the bird nesting season;
 - the presence of Great Crested Newts was confirmed within a pond sited 130 metres to the east of the site. However, the impact of the proposal is considered to be limited in view of the land already being developed. Nonetheless a condition is recommended with regards to ensuring that the mitigation and enhancement strategy described within the Ecological Appraisal is undertaken; and
 - as the site is already developed, it is not considered likely that reptiles are present within the site, however as per the above a mitigation and enhancement strategy is to be enforced.
- 9.30 Natural England has also provided comment on the proposal in view of the site adjoining a SSSI. As Natural England is a statutory consultee, its comments and recommended conditions carry significant weight.
- 9.31 No objection is raised by Natural England subject to the imposition of conditions regarding details of where materials are to be stored during the construction process (so that they are not placed in a location which may impact biodiversity). Natural England also recommends that conditions be imposed with regards to ensuring that no work takes place within the SSSI, and to ensure that those involved in the construction works are fully briefed of the biodiversity obligations. All of these above matters form part of the mitigation and enhancement strategy that has been prepared by the applicant, which is to be secured by condition.

- 9.32 In addition to the above, it is recommended that a condition be imposed to require biodiversity enhancements to be provided in view of the increased intensity of use proposed on the site, and its location adjoining a SSSI, and also in accordance with paras. 109 and 118 of the NPPF.
- 9.33 It is therefore considered that the proposed development would not result in an adverse impact on biodiversity, in accordance with CSDPD Policies CS1 and CS7, BFBLP 'Saved' Policy EN3, and the NPPF, subject to the recommended conditions.

10. CONCLUSIONS

- 10.1 The proposal is sited outside of any defined settlement (within countryside, but not in the Green Belt). It represents a Departure from the Development Plan insofar as it does not fully accord with BFBLP 'Saved' Policy EN8. However, the proposal is considered to fully comply with the NPPF, which carries more weight. It would not adversely affect the amenities of occupants/users of neighbouring properties, would not have an adverse impact on the character and appearance of the surrounding area, and would not result in an adverse impact on highway safety on biodiversity, subject to the imposition of conditions.
- 10.2 The proposal is therefore considered to accord with Policy CP1 of the SALP, Policies CS1, CS2, CS7, CS23 of the CSDPD, 'Saved' Policies EN3, EN20, EN25 and M9 of BFBLP, the Design SPD, and the NPPF. The non-compliance with BFBLP 'Saved' Policy EN8 has been appropriately balanced against the NPPF, with which the policy is not fully consistent.

11. RECOMMENDATION

That the application be **APPROVED** subject to the following conditions:-

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out only in accordance with the following approved plans and other submitted details received by the Local Planning Authority on 27 July 2017:

BP/1709/02 'Block Plan'

SP/1709/03 'Site Plan'

PEL/1709/4 'Plans And Elevations'

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

03. No development shall take place until samples of the materials including brickwork, wall cladding and roofing materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

[Relevant Policies: Core Strategy DPD CS7, BFBLP 'Saved' Policy EN20]

04. The development hereby permitted shall not be occupied until the parking and turning areas as shown on Drawing SP/1709/03 'Site Plan' received by the Local Planning Authority

on 27 July 2017, have been provided in accordance with the approved plans. The areas shall thereafter be retained for the use of the parking and turning of vehicles at all times. REASON: To ensure that the Local Planning Authority's vehicle parking standards are met, and to enable large vehicles to access and egress the site.

[Relevant Policies: CSDPD Policy CS23, BFBLP 'Saved' Policy M9]

05. The mitigation and enhancement strategy detailed in Section 6.2 of the Preliminary Ecological Appraisal (Windrush Ecology, Ref: W2641_rep_The Old Forestry Depot_07-11-17, November 2017), received by the Local Planning Authority on 9 November 2017, shall be fully implemented and complied with.

REASON: REASON: In the interests of nature conservation.

[Relevant Policies: Cores Strategy DPD CS1 and CS7, BFBLP 'Saved' Policy EN3]

06. No demolition shall commence until a scheme for the provision of biodiversity enhancements (not mitigation), including a plan or drawing showing the location of these enhancements, has been submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be performed prior to the demolition, observed and complied with.

REASON: In the interests of nature conservation

[Relevant Policies: Cores Strategy DPD CS1 and CS7, BFBLP 'Saved' Policy EN3]

07. No site clearance or demolition shall take place during the main bird-nesting period of 1st March to 31st August inclusive, unless a scheme to minimise the impact on nesting birds during the construction of the development has been submitted to and approved in writing by the Local Planning Authority. Any approved scheme shall be implemented and complied with in full.

REASON: In the interests of nature conservation

[Relevant Policies: Cores Strategy DPD CS1 and CS7, BFBLP 'Saved' Policy EN3]

Informative(s):

01. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the applicant, acceptable amendments to the proposal to address those concerns. The proposal has been assessed against all relevant material considerations, including planning policies and any representations that may have been received. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

02. No details are required to be submitted in relation to the following conditions; however they are required to be complied with:

1. Commencement
2. Approved Plans
4. Parking & Turning
5. Biodiversity Mitigation
7. Bird Nesting

Details will be required in respect of the following conditions before the commencement of development:

3. Materials
6. Biodiversity Enhancement

03. The applicant should note that this permission does not convey any authorisation to enter onto land or to carry out works on land not within the applicant's ownership.

04. This is a planning permission. Before beginning any development you may also need separate permission(s) under Building Regulations or other legislation. It is your responsibility to check that there are no covenants or other restrictions that apply to your property.