

**ITEM NO:**

Application No.

**15/00923/FUL**

Site Address:

**5 Kings Ride Park Kings Ride Ascot Berkshire SL5  
8BP**

Ward:

Ascot

Date Registered:

26 October 2015

Target Decision Date:

21 December 2015

Proposal:

**Change of use from storage and distribution (Class B8) to research and development (Class B1b) and light industrial (class B1c) use.  
Installation of new mezzanine floor.**

Applicant:

BioChek

Agent:

Novex Solution

Case Officer:

Katie Walker, 01344 352000

[development.control@bracknell-forest.gov.uk](mailto: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 relates to an appropriate use on an established business park within the Green Belt and is therefore acceptable in principle. It would not adversely affect the residential amenities of neighbouring properties and would not adversely impact upon the character and appearance of the surrounding area. No highway safety implications will arise subject to the imposition of conditions.

<b>RECOMMENDATION</b>
Planning permission be granted subject to conditions in Section 11 of this report.

### **2. REASON FOR REPORTING APPLICATION TO COMMITTEE**

2.1 The application has been reported to the Planning Committee following the receipt of more than 3 objections.

### **3. PLANNING STATUS AND SITE DESCRIPTION**

<b>PLANNING STATUS</b>
Within Green Belt.

3.1 The Kings Ride Park is a small industrial/warehousing park set within the Green Belt and accessed from Kings Ride. There are currently six units on site with allocated parking and a shared overflow car park. The surrounding area is predominantly rural and open with the closest residential properties set over 150m to the north east. Units 2,4 and 6 are located to the west of the site, and units 1, 3 and 5 are located to the east. There is car parking in between the two blocks of units, as well as to the south of the site.

### **4. RELEVANT SITE HISTORY**

625149: Outline application for the erection of a 555 square metre extension to unit 5 for storage and distribution use (Use Class B8) - Refused 1999.

### **5. THE PROPOSAL**

5.1 The proposal is for the change of use of unit 5 Kings Ride Park from storage and distribution (Use Class B8) to research and development (Use Class B1b) and light industrial (Use Class B1c) use. BioChek, who would occupy the unit, is a veterinary diagnostics company specialising in the production of diagnostic kits for the poultry and swine industry.

5.2 The proposals also include the insertion of a mezzanine floor, however no external changes are proposed to the unit.

### **6. REPRESENTATIONS RECEIVED**

6.2 Ten letters of objection were received from nine households, including one on behalf of the Kings Ride Residents Association. The issues raised are summarised as follows:

- Proposal does not accord with local policy in terms of being an appropriate change of use in the Green Belt.

- Impact on residential amenity of neighbouring properties in Prince Consort Drive. Kings Ride Park was categorised as warehousing to eliminate impacts on neighbouring properties.
- Increase in noise.
- Potential exposure of residents to harmful substances as the proposed occupant of the site manufactures diagnostic test kits for poultry and pigs. This has the potential to generate airborne emissions which could be harmful to residents. The Council should assess the risks involved to ensure the protection of residents. *[Officer note: the applicant has confirmed that the business comprises working with inactivated viruses and bacteria and that these products are used all over the world, also in the UK, and no specific precautions need to be taken when working with these materials. The control of specific operations falls outside of planning].*
- No details of refuse collection or drainage
- The fire brigade should be consulted to assess the risk of smoke or fire
- The mezzanine should be removed once the current occupier vacates.

## 7. SUMMARY OF CONSULTATION RESPONSES

7.1 Environmental Health: No objection subject to conditions.

7.2 Transportation Officer: No objection subject to conditions.

## 8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

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

	<b>Development Plan</b>	<b>NPPF</b>
General policies	CP1 of SALP, CS1, CS2 of CSDPD	Consistent
Green Belt	CS19 of CSDPD, Saved policies GB1 and GB4 of BFBLP	Consistent
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	Consistent
Parking	Saved policy M9 of BFBLP	Consistent
Transport	CS23 of CSDPD	Consistent
Noise and pollution	Saved policy EN25 of BFBLP	Consistent
<b>Supplementary Planning Documents (SPD)</b>		
Parking standards SPD		
<b>Other publications</b>		
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 the area
- iii Impact on residential amenity
- iv Community Infrastructure Levy

## **i. Principle of development**

9.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise, which is supported by the NPPF (paras. 2 and 12). Policy CP1 of the Site Allocations Local Plan sets out that a positive approach should be taken to considering development proposals (which reflects the presumption in favour of sustainable development set out in the NPPF), and that planning applications that accord with the development plan for Bracknell Forest should be approved without delay, unless material considerations indicate otherwise.

9.3 CSDPD Policy CS1 sets out a number of sustainable development principles including making efficient use of land and buildings where it protects the character and quality of local landscapes. This is consistent with the NPPF and as such can be afforded full weight.

9.4 The site is for the change of use of a building located in the Green Belt, as defined on the Bracknell Forest Borough Policies Map, and therefore Policy CS9 of the Core Strategy DPD and saved Policies GB1 and GB4 of the BFBLP apply. These policies seek to protect the Green Belt from inappropriate development.

### Change of use

9.5 'Saved' Policy GB4 of the BFBLP sets out that the change of use and adaptation of buildings in the Green Belt will only be acceptable where:

- i) The impact of the proposal on the existing open, rural and undeveloped character of the Green Belt will not be materially greater than that of the present use;
- ii) Strict control is exercised over the extension and re-use of buildings and the associated land around them which might conflict with the existing open, rural and undeveloped character of the Green Belt;
- iii) The building is of permanent construction and its scale, design, bulk and form are in keeping with its surroundings;
- iv) The proposed change of use or adaptation would not be detrimental to the character of the building, its surroundings and landscape setting;
- v) The proposed change of use, within any individual building or complex of buildings within a close proximity, would not result in a net increase of more than 500 square metres of use classes B1-B8 floorspace;
- vi) The proposed would not cause significant environmental, road safety or traffic generation problems; and
- vii) The proposed change of use of the building is small scale and appropriate to a rural area.

9.6 Unit 5 of Kings Ride Park is a permanent building already in B8 use, and the entire of Kings Ride Park is within B1 - B8 uses. As such, the change of use of unit 5 from B8 to B1 would not result in a net increase of B1-B8 uses within the complex and its impact on the existing open, rural and undeveloped character of the Green Belt would not be materially greater than the present use. Therefore the proposed change of use from B8 to B1 is considered to be acceptable and in line with Green Belt policy.

### Insertion of mezzanine floor

9.7 The proposals include a mezzanine floor, which would increase the floorspace of Unit 5 from 814 square metres to 1,394 square metres, resulting in a net increase of 580 square metres.

9.8 The NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraphs 87-89 advise that inappropriate development is by definition harmful to the Green Belt. It is important to note that the mezzanine floor does not constitute development under section 55 of the Town and Country Planning Act 1990 unless it relates to retail units of over 200 sq.m. The insertion of the mezzanine floor cannot, therefore, be considered to be inappropriate development in the Green Belt and does not require planning permission. Notwithstanding this, an assessment of the impact of the proposal as a whole on the openness of the Green Belt is set out below.

#### Impact on openness

9.9 As the proposal would not increase the built form or footprint of the building, it is not considered to have an impact on the openness of the Green Belt in this respect. However, the potential staffing numbers that could be accommodated in a building of 1,394 square metres of Use Classes B1(b) and B1(c) could potentially impact on the openness of the Green Belt. The applicant has explained that staffing levels are anticipated to be a maximum of 40 members of staff. This is considerably lower than the number of staff which could be accommodated within a building of this size and would ensure that the proposals would not have a significant adverse impact on the openness of the Green Belt. A condition is recommended to restrict staffing levels to 40 members of staff to prevent an adverse impact on the Green Belt both now and in the future.

9.10 Subject to this condition, the proposal would not conflict with the purposes of including land within the Green Belt, or detract from its openness. The principle of development would therefore be in line with Policy CP1 of the SALP, Policies CS1 and CS9 of the CSDPD, 'Saved' policies GB1 and GB4 of the BFBLP and the NPPF.

#### **ii. Impact on Character and Appearance of Area**

9.11 While the site is within the Green Belt, the character of the existing site is commercial. Unit 5 is a large brick container-style building with a corrugated roof. The application does not include any external changes to Unit 5 and would not, therefore, impact on the character and appearance of the area.

9.12 As such the proposal is in line with CSDPD Policies CS9 and CS7, 'Saved' BFBLP Policies GB1 and EN20, and the NPPF.

#### **iii. Impact on Residential Amenity**

9.13 There is one residential unit on the site, within 36 metres of unit 5. It is understood, however, that this house is associated with the industrial estate. The closest residential properties to the site are those on Prince Consort Drive. These are approximately 150 metres away, to the east of the site. As there are no external changes proposed to unit 5, and given the distance between unit 5 and the closest properties, there would be no overbearing, overshadowing or privacy impacts arising from the proposals.

9.14 To ensure that there would be no impacts on residential properties in terms of noise and disturbance, a condition is recommended to restrict construction hours. In addition, conditions and informatives are recommended requiring details of plant and machinery

and requiring any vents to be situated on the western elevation of the building (i.e. facing into the site).

9.15 Subject to the recommended conditions, the proposal would be acceptable in accordance with 'Saved' BFBLP Policies EN20 and EN25, and the NPPF.

#### **iv Transport implications**

9.16 The site is located within a business/industrial estate which takes access off the A332 King's Ride, a 40mph speed limit road with no parking restrictions. The proposed change of use of Unit 5 from B8 storage and distribution to research and development (class B1b) and light industrial (class B1c) use would increase vehicle movements and parking demand.

9.17 The parking standards indicate that around 13 parking spaces are required for 814 square metres of B8 storage and distribution. There is no specific parking standard for research and development/light industrial and whilst 47 parking spaces are required for 1394 square metres of B1 use, this is aimed at an office and therefore this proposed use is unlikely to be this intense, particularly given the proposed condition to restrict staff numbers to a maximum of 40 people.

9.18 Similar changes of use within Kings Ride Park have been granted permission previously, (01/00569/FUL and 03/00855/FUL). The parking ratio for these sites was approximately one space per 50 square metres of B1 floorspace. Applying this approach to the application site would result in a requirement for 28 spaces. A parking plan has been provided and around 24 parking spaces are shown within the red line area, including 17 spaces to the front of unit 5 and seven spaces in the overflow car park.

9.19 The Highway Authority carried out a site visit at around 10.30am on Tuesday 10 November 2015 and it appears that only half of the units (units 2, 4 and 6) are currently occupied. There were around 30 spaces available within the overflow car park and, as explained above, the proposals would require a maximum of approximately seven of these. Therefore there is spare capacity and in addition to the spaces allocated to each unit (1, 3 and 5) there would be adequate parking provision to support this planning application. There would also be spaces left in the overflow car park should the units that are currently vacant become occupied, in addition to the spaces allocated to those units.

9.20 The proposed development is therefore acceptable in terms of BFBLP 'Saved' policy M9 and Policy CS23 of the CSDPD.

#### **ix Community Infrastructure Levy (CIL)**

9.21 Bracknell Forest Council introduced charging for its Community Infrastructure Levy (CIL) on 6th April 2015. CIL is applied as a charge on each square metre of new development. The amount payable varies depending on the location of the development within the borough and the type of development.

9.22 CIL applies to new build. In this case, the proposal would be CIL liable as the proposal comprises the change of use of over 100 sq.m. of floorspace. However, as the proposal is for a light industrial use, there would be a nil charge per square metre of floorspace.

### **10. CONCLUSIONS**

10.1 The proposed development relates to an appropriate change of use on an existing

industrial and warehousing site within the Green Belt and is therefore acceptable in principle. It would not adversely affect the residential amenities of neighbouring properties and would not adversely impact upon the character and appearance of the surrounding area. No highway safety implications will arise subject to the imposition of conditions. The proposal is therefore considered to be in accordance with 'Saved' Policies GB1, GB4, EN20, EN25 and M9 of the BFBLP, CS1, CS7, and CS23 of the CSDPD and Policy CP1 of the SALP, all in accordance with the NPPF.

## **11. RECOMMENDATION**

**APPROVE** the application subject to the following condition(s):-

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 documents received by the Local Planning Authority :  
Site Plan (received 5 October 2015)  
Initial Proposed Mezzanine, ref 1800.10 (received 26 October 2015)  
REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.
03. The number of employees working within Unit 5, Kings Ride Park, shall not exceed 40 at any one time.  
REASON: In order to control the intensity of the use of the site in the interests of the rural character of the Green Belt, the amenities of local residents and to ensure that there is sufficient on-site parking in the interests of road safety.  
[Relevant Plans and Policies: BFBLP EN25, GB4, M9]
04. No construction work shall take place outside the hours of 08:00 and 18:00 Monday to Friday; 08:00 and 13:00 Saturday and not at all on Sundays and Bank Holidays.  
Reason: To safeguard the amenities of the area and the occupiers of neighbouring properties
05. The development hereby permitted shall not be begun until details of any plant and associated vents have been submitted to and approved in writing by the Local Planning Authority. The noise emitted by the plant shall not cause the existing background level (as at the date of this permission) to increase whilst in operation. The plant system shall be installed and operated in accordance with the approved scheme.  
Reason: To ensure that the proposed development does not prejudice the enjoyment of neighbouring occupiers of their properties.

### Informative(s)

01. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
02. Any vents should be installed on the western elevation of the building, facing the car park, to minimise noise impacts on nearby residential properties.

03. The following conditions do not require the submission of details, but must be complied with:

1. Time limit
2. Approved plans
3. Number of employees
4. Construction hours

The following condition requires details to be submitted prior to the commencement of development:

5. Details of plant

The application file to which this report relates can be viewed at the Council's Time Square office during office hours or online at [www.bracknell-forest.gov.uk](http://www.bracknell-forest.gov.uk)