

Date Published: 12 September 2019



## **PLANNING COMMITTEE**

**12 09 2019**

### **SUPPLEMENTARY PAPERS**

**TO: ALL MEMBERS OF THE PLANNING COMMITTEE**

The following papers were circulated at the above meeting.

Kevin Gibbs  
Executive Director: Delivery

**Page No**

**Planning Applications**

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Agenda Annex

**BRACKNELL FOREST BOROUGH COUNCIL**  
**PLANNING COMMITTEE**  
**12th September 2019**  
**SUPPLEMENTARY REPORT**

Correspondence received and matters arising following preparation of the agenda.

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Agenda items 6, 7 and 8 (19/00708/PAC 184 Dukes Ride, 19/00717/PAA Windmill Farm and 19/718/PAA Storage Barn at Windmill Farm) have been determined under delegated powers following the expiry of the consultation period and therefore these are no longer on the agenda.

Agenda item 10 (19/00741/PAC Tamar, Clifton and Forth Houses) has been withdrawn from the agenda.

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**Item No: 5**  
**19/00299/FUL**  
**Chanda Newtown Road Sandhurst Berkshire GU47 9EH**

**Addition to Officer Report**

Page 19, Paragraph 9.10

Sufficient off-street parking can be provided for the main dwelling and the annexe in accordance with the Parking Standards SPD. It is recommended that this parking is secured by planning condition. Space for bins can be provided on the driveway, and space for cycle storage for the annexe can also be provided within the application site. It is recommended that a condition is imposed requiring details of the cycle storage to be approved within 3 months of permission being granted.

**Amendment to Recommendation**

The recommendation be amended to read:

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

- avoidance and mitigation of the impact of residential development upon the Thames Basin Heaths Special Protection Area (SPA)

That the Head of Planning be authorised to APPROVE the application subject to the following conditions amended, added to or deleted as the Head of Planning considers necessary:-

Amendment to Condition 1:

01. The development hereby permitted shall be carried out only in accordance with the following approved plans and other submitted details received by the LPA:

- Site Location Plan, Received 18th June 2019
- Block Plan, Received 18th June 2019
- Parking Plan, Received 12th September 2019
- Front Elevation, Received 18th June 2019
- Rear Elevation, Received 18th June 2019
- North Elevation, Received 18th June 2019
- South Elevation, Received 18th June 2019
- Ground Floor Plan, Received 18th June 2019

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

Additional Conditions:

03. A scheme for covered and secure cycle parking facilities should be submitted to and approved in writing by the Local Planning Authority within 3 months of the date of this planning permission. The approved scheme shall be implemented within 1 month of the approval of details and the cycle parking shall thereafter be retained for the use of the parking of bicycles only.

REASON: In the interests of accessibility of the development to cyclists.  
[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]

Amendment to Informative 2:

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

1. Approved plans
2. Parking

The following conditions are required to be discharged by the Local Planning Authority within 1 year of the date of this planning permission:

3. Cycle Parking

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**Item No: 9**

**19/00721/PAA**

**Nuptown Piggeries, Hawthorn Lane, Warfield, RG42 6HU**

**Additional Consultee Comments**

Environmental Health

Representations from the Environmental Health Officer have been received and reads as follows.

Previous comments from Environmental Health had indicated a potential issue with land contamination and requested more detail. The preliminary Land Quality Assessment provides more detail and I believe due to the presence of contaminants and the potential for the demolition and conversion works to disturb some of this material that a condition is appropriate to be attached. Provided the further investigations are completed appropriately and the recommendations approved by the LPA and implemented in accordance with the agreed plan then it would not be appropriate to recommend any refusal on contamination grounds.

The proposal itself should not be exposed to noise when completed nor create any noise once completed. Any construction noise can be dealt with through other legislation.

The suggested conditions are included below.

**Additional Information**

Additional land registry documents have been received clarifying the parts of the site, including Building E, were purchased by Mr Chesterman in 2014 and the additional part of the site, including Building A, purchased in 2017. However ownership does not necessarily reflect use of the site.

**Additional Representations**

A total of 16 letters of objection, including one from an agent acting on behalf of the neighbour at Nuptown Farm, have been received, and in addition to the objections within the main report the following representation have been made:

1. Gross overdevelopment within the Green Belt.
2. The application does not concur with the Neighbourhood Plan which is with the Planning Inspectorate (PINS).
3. Increase traffic movements on narrow roads would not replace agricultural vehicle movements as there are none presently.
4. There never have been any agricultural movements on this site. The time hay has been on this site was in July 2016 when 16/00689/PAA was in and 10 July 2019 when 19/00511/PAA was active.
5. Concern that there will be environmental issues due to asbestos on the site.
6. Site consists of heavy clay which will make surface water drainage difficult to manage.
7. No sewage network in the area therefore proposals would require septic tanks which require regular emptying by heavy vehicles.
8. Contrary to condition 22 of approved scheme 16/00732/FUL which removes PD rights.
9. Disagree with the evidence submitted in support of the application and that the site was in agricultural use. States that Mr John Perkins who had access to parts of the site including Buildings A & C was not involved in agriculture and used the property for non-agricultural activities until 19.6.2013. *(Officer comment: this does not confirm that Building A was used for non-agricultural storage on 20.3.2013)*

In addition, the following documents have been received since the report was written in addition to additional representations reported below:

- 5 Statutory declarations from neighbouring properties
- Addendum to the Sales agreement concerning the sale of Hogoak House, Bishops Lane, Warfield. Dated 20<sup>th</sup> June 2003.

The content of the statutory declarations and considerations are set out below:

Address received from	Stat Dec	Contents	Officer comments
Nuptown Farm		Neighbour states since purchasing the property in 2006 up to and including the date of 20 March 2013, I have not witnessed any agricultural activity on the site of Nuptown Piggeries.	Whilst this is from an immediate neighbour it does not confirm that the neighbour had access to the site and was able to view inside the buildings on the requisite date.
Jasmine Cottage		Stating that they have occupied Jasmine Cottage since 1 <sup>st</sup> February 1996 and have frequently ridden or walked past Nuptown Piggeries throughout this time and have never witnessed any agricultural activity on the site of Nuptown Piggeries.	Jasmine Cottage is located on the Ascot Road. This is some distance from the site. Whilst the occupant/s may have walked past the site, given the use of the barns for storage only it is likely that they may not have witnessed the delivery or removal of hay from the site.
Whitelocks Cottage		Since moving into the property in 1982, including the date of 20 <sup>th</sup> March 2013, I have not witnessed any agricultural activity on the site of Nuptown Piggeries.	Whilst this is from an immediate neighbour it does not confirm that the neighbour had access to the site and was able to view inside the buildings on the requisite date.
Crutch Cottage		Since moving to the property in 1978, up to and including the date of 20 <sup>th</sup> March 2013 I have not witnessed any agricultural activity on the site known as Nuptown Piggeries.	Whilst this is from an immediate neighbour it does not confirm that the neighbour had access to the site and was able to view inside the buildings on the requisite date.

Faysholme Stud	In the 20 years have owned Faysholme Stud, have witnessed multiple uses at Nuptown Piggeries including metal working and photocopy machinery.	This is addressed below
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Evidence to support the agricultural use, which was accepted in 2016, has been resubmitted with this application. This consisted of:

Letter from Mrs A Seaton	Barn 2 and Barn 3 were used for the storage of bales of hay.	
Statutory declaration of Mr D Chesterman	Previous light industrial use ceased and barns were empty 2008-2011. July 2011 Barn 3 (C) used for storage of hay. From 2012 Barns 1 and 2 used for storage of hay Since then buildings used for the storage of hay to feed own animal stock over winter or sold for this purpose	
Letter from Pike Smith Kemp	Confirming storage of large bales falls within the definition of agriculture.	
Letter from Mr Slade	Stating that he used barns 3 and 1 for the storage of hay	
Receipt from Shorts	Confirming receipt of hay dated June 2016.	

During the 2016 application 4 Statutory Declarations were received from neighbours (The White House, Nuptown Farm and 2 from Whitelocks Cottage) stating that they had not witnessed any agricultural activity at Nuptown Piggeries, for at least 10 years prior to 2016.

The evidence from the applicant does not claim that the site was used intensively for agriculture and therefore it is considered possible that hay could be stored within the buildings without neighbours being aware of the use.

The objections also claim that the buildings have been used for other uses. However, this is not disputed by the applicants. This is also supported by the planning history which notes an enforcement notice was served to stop the unauthorised use of Agricultural Buildings. This enforcement case was closed following the cessation of the use.

In planning terms there was no successful formal application to change the use of the site that has been implemented and therefore the lawful use is still considered to be Agriculture.

The case is to be considered on the balance of probability. The planning history and reports dating from 2001 and 2013 both refer to the buildings as 'agricultural'. Whilst the applicant's evidence is not the most robust, the neighbour's statutory declarations can also be found fault with as none of them had access to the site.

The application should be assessed 'on the balance of probability' and not 'beyond reasonable doubt'.

Given the planning history supports the continued lawful use of the site as agriculture, the variety of evidence from independent sources from the applicant and the lack of conclusive evidence from the neighbours Officers are satisfied that on the balance of probability the site was in agricultural use on 20<sup>th</sup> March 2013 or last used as agriculture.

### **Amendment to Recommendation**

As the consultation period has now expired and responses have been received from relevant consultees paragraph 10.1 (on page 59 of the agenda) of the officer report should read:

“That Prior Approval be granted subject to the following conditions:”

Additional conditions:

2. In accordance with the recommendations within the Santec Preliminary Land Quality Assessment (ref: 67324R1, Aug 2019) prior to the commencement of development a Phase II report (Intrusive site investigation) is required. This Phase II report is required to be completed by a competent person and to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and its implications. The method and extent of this site investigation shall be agreed in writing with the Local Planning Authority prior to commencement of the work and shall then proceed in strict accordance with the measures approved. The report findings shall be submitted to and approved in writing by the Local Planning Authority. The approved report shall be complied with.

This must be conducted in accordance with DEFRA and the Environment Agency’s “*Model Procedures for the Management of Land Contamination, CLR 11*”.

REASON: The proposed development is located on a potentially contaminated site, due to its historic land use. To ensure the development is suitable for its end use and the wider environment and does not create undue risks to occupiers of the site or surrounding areas.

3. Following completion of the desk top study (Phase I) and site investigation (Phase II) required by condition 2 above, a remediation scheme to deal with any contaminants identified (including gas protection measures if necessary) must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include an implementation timetable, monitoring proposals and a remediation verification methodology. The remediation scheme must be carried out before the development commences. An appropriately qualified person shall oversee the implementation of all remediation/mitigation works.

REASON: To enable to the Local Planning Authority to ensure that appropriate measures are taken to avoid any threat which the proposed development might pose to health and safety and/or the environment.

4. A Site Completion Report shall be submitted to, and approved in writing by, the Local Planning Authority upon completion of the remediation/mitigation work in accordance with the agreed implementation timetables. The report shall include confirmation that all remediation measures have been carried out fully in accordance with the approved remediation scheme and detail the action taken and verification methodology used (including details of the sampling and analysis programme) at each stage of the remediation/mitigation works to confirm the adequacy of decontamination. The Site Completion Report must also include details of future monitoring and reporting if this is deemed necessary, or a statement to the effect that no future monitoring is required, with an explanation as to why future monitoring is not necessary. The site contamination report must be conducted in accordance with DEFRA and the Environment Agency’s “*Model Procedures for the Management of Land Contamination, CLR 11*”.

If no contamination is encountered during the development, a written statement confirming this fact shall be submitted to the Local Planning Authority upon completion of the development.

REASON: To enable to the Local Planning Authority to ensure that appropriate measures are taken to avoid any threat which the proposed development might pose to health and safety and/or the environment.

Additional Informative:

5. Trees adjacent to the western boundary of Nuptown Piggeries are protected by virtue of Tree Preservation Order (TPO) 659A. Specialist arboricultural advice must therefore be sought to avoid the potentially harmful effects of development that may either damage or undermine the sustainability of protected trees.

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