

MAIDENHEAD DEVELOPMENT CONTROL PANEL

16 December 2009

Item: 9

Application No.:	09/02355/FULL
Location:	Millers Mushroom Farm Millers Lane Littlewick Green Maidenhead SL6 3GQ
Proposal:	Construction of 1 x 4 bedroom single storey and 2 x 4 bedroom single storey part 2 storey dwellings with garages and access drives plus three car garage for existing cottages following demolition of existing sheds. (Renewal of permission 05/02730)
Applicant:	Mr Silverthorne
Agent:	Mr Jonathan Heighway
Parish/Ward:	White Waltham Parish

If you have a question about this report, please contact: Sheila Bowen on 01628 796061 or at sheila.bowen@rbwm.gov.uk

1. SUMMARY

- 1.1 This is an application for the renewal of a previous permission (05/02730) for three houses to be built as a replacement for the 3200 square metres of industrial type buildings which were formerly a mushroom farm and compost mixing and bagging operation. The site is on the southern edge of Littlewick Green and lies in the Green Belt. The proposal would have a built footprint of about 26% of the footprint of the existing buildings. The proposal is inappropriate development in the Green Belt, but it is considered that the benefits to the openness of the Green Belt that would occur as a result of the development would outweigh the harm caused by inappropriateness and there is no other harm, so very special circumstances exist to justify the development in this instance. The proposal was previously approved following the Panel meeting of 7 June 2006.

It is recommended the Panel authorises the Head of Planning & Development:	
1.	To grant planning permission on the satisfactory completion of an undertaking to secure the infrastructure in Section 7 of this report and with the conditions listed in Section 10 of this report.
2.	To refuse planning permission if an undertaking to secure the infrastructure in Section 7 of this report has not been satisfactorily completed by 4th January 2010 for the reason that the proposed development would not be accompanied by associated infrastructure improvements.

2. REASON FOR PANEL DETERMINATION

- The Council's Constitution does not give the Head of Planning & Development delegated powers to determine the application in the way recommended; such decisions can only be made by the Panel.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 This site lies at the southern edge of Littlewick Green at the end of a narrow 160 metre long access road, serving the site and four dwellings. This access road joins the narrow lane of Coronation Road opposite the Green in the heart of the conservation area where it exits through a narrow gap between two listed buildings. The site is surrounded by fields on three sides. To the north it adjoins a large detached property known as Horseshoe House. In the south western corner of the site are three small cottages that do not form part of the current application. The site lies within the Metropolitan Green Belt.
- 3.2 Approximately 90% of the site is taken up by buildings and hardstandings. The buildings, which have a floor area of approximately 3200 sq metres, originally formed part of a mushroom farm

that was established on this site in 1948. The buildings are a mixture of Nissan hut type structures, pitched roof and portal frame structures. They are constructed of asbestos cement sheet.

- 3.3** The site has a long and complex history, which is of relevance to the current proposals. Mushroom growing sheds were erected during the 1950s and 60s and a compost mixing building was built in 1973. In addition to these sheds the site contains two small bungalows erected in the 1950s. There were a total of 30 buildings on the site when the company was in full production.
- 3.4** Mushroom production ceased in 1978 when a number of the buildings were let as small industrial units, including car repairs, storage of kitchen furniture, and storage of metal fencing components. Spent mushroom compost was brought in by lorry to take the place of the home grown material until 1981 when mushroom growing recommenced in the ten sheds at the northern end of the site. At the southern end a separate compost mixing, bagging and selling operation continued, operating under a series of temporary permissions from 1980 to 1993.
- 3.5** After the failure of the mushroom growing business in 1994 all the compost was sourced from elsewhere, being delivered to the site by lorry. A number of the sheds were let to tenants. At present four sheds are let to tenants, three more are used for bagging compost, two for storing logs and one for classic cars. The remaining buildings are unused. None of the current activities on the site are authorised, however in view of the longevity of industrial uses on this site, and the abbreviated planning history set out above, it is considered that some form of industrial operation could be legitimately carried out on this site. It is apparent that when the mushroom farm/compost mixing operations were being carried out a significant amount of noise and traffic was generated causing disturbance to neighbours and lorry movement on the narrow access road and through the narrow lanes of the Littlewick Green Conservation Area to reach the A4. It is therefore concluded that the existing and previous activities at this site constitute unsustainable and inappropriately located quasi-industrial uses.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1** This application seeks to demolish all the buildings on the site (which excludes the cottages in the south western corner) and to redevelop the site with three detached four bedroom dwellings with detached double garages. These have been designed as low level buildings of contemporary design using natural materials such as Cedar cladding, terracotta brickwork and with shallow pitched roofs of profiled zinc. The proposed dwellings would have a maximum height of 6 metres, which compares favourably with the height of the existing buildings on the site, which vary from approximately 4 metres to 7.5 metres in height.
- 4.2** The proposed houses and garages would have a combined footprint of approximately 829 square metres, which is about 26% of the footprint of the existing buildings.

1454/54 and 1496/54: erection of mushroom sheds and boiler house Approved 1954

1817/55 and 1893/55: bungalow Approved 1955

2357/56 and 2358/56: mushroom buildings and bungalow Approved 1956

6396/65: 10 buildings extension to mushroom farm Approved 1965

413905, 417639, 419324, 421345: change of use from agriculture to bagging and mixing of compost in relation to adjacent mushroom farm. First approved in 1980 and last renewed in 1988. Permission expired in 1993.

99/34504: change of use of several sheds for storage. Application subsequently withdrawn following advice from planning officer that the proposals were contrary to Green Belt policies, particularly with respect to the level of activity and traffic impacts that would result.

05/02730: Construction of 1 x 4 bedroom single storey and 2 x 4 bedroom single storey part 2 storey dwellings with garages and access drives plus three car garage for existing cottages following demolition of existing sheds. Approved 14 August 2006.

5 MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

Royal Borough Local Plan

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

	Green Belt	Conservation Area
	✓	✓
Local Plan	GB1, GB2, GB3, GB8	CA2

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

- Planning Obligations and Developer Contributions
- Interpretation of Policies R2 to R6 – Public Open Space provision

More information on these documents can be found at:

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

Other Local Strategies or Publications

5.3 Other Strategies or publications relevant to the proposal are:

- RBWM Landscape Character Assessment – view using link at paragraph 5.3
- RBWM Parking Strategy – view using link at paragraph 5.3

6. EXPLANATION OF RECOMMENDATION

Principal Planning Issues

6.1 The principal planning issues in this application are firstly whether the proposed development constitutes appropriate development within the Green Belt, and if not, whether there are any very special circumstances that would outweigh the harm to the Green Belt by way of inappropriateness or any other harm; and secondly whether the proposed development would have an acceptable impact on the openness of the Green Belt and the character of the countryside.

Appropriateness and the existence or otherwise of very special circumstances

6.2 Development that is appropriate within a Green Belt is set out in PPG2 and Local Plan Policy GB1. The proposed development does not fall within any of the categories of appropriate development as set out in these policies and therefore is by definition inappropriate development within the Green Belt.

6.3 Notwithstanding this the applicant considers that very special circumstances exist in this case that would outweigh the harm caused by reason of inappropriateness. The applicant has identified the following matters as constituting very special circumstances:

- a) existing use on the site is a non-conforming use in Green Belt terms;
- b) the existing buildings are unsightly and their construction from asbestos cement sheet poses a health hazard;
- c) the buildings have reached the end of their useful lives;
- d) there will be a decrease in built floor area and site coverage. Current green space equals only 10.4% of the site area;
- e) there will be a significant decrease in concrete hardstanding;
- f) the potential and actual traffic generation from the existing configuration is not only non-conforming within the Green Belt, but it also puts pressure on the access road;
- g) the current commercial use of the site means that refuse lorries and the like have to visit the site on a regular basis which is far from ideal;
- h) it should not be construed that there would be a loss of employment with the proposals as the current buildings have reached the end of their useful lives and would prove difficult to let on the open market;
- i) it would be possible to re-build the existing structures in a similar configuration.

- 6.4 In essence the applicant's argument is that this proposal would provide an opportunity to remove a long established and sometimes problematic quasi-industrial use and associated unsightly buildings, which cover a very large proportion of the site area. The proposed development would enhance the visual amenities of the Green Belt, reduce traffic (including lorry traffic) along an unsuitable access road, increase openness and generally result in a more sustainable use of this site.
- 6.5 The use of land for agriculture within the Green Belt is an appropriate Green Belt use, as is the erection of buildings reasonably required in connection with an agricultural use. In this case the uses of the buildings have evolved from intensive agricultural use in association with the previous mushroom farm to include various industrial type uses that either have never been authorised or have received temporary planning permission that has been allowed to lapse. In the light of the planning history set out above it is not considered that it would be reasonable to prevent some form of intensive agricultural or industrial use of these buildings from occurring, as the applicant could probably demonstrate that the unauthorised uses have operated for sufficiently periods of time that they have become immune from enforcement action.
- 6.6 It is not uncommon for buildings within the Green Belt to be converted to employment uses as part of the diversification of the rural economy, and such changes of use are encouraged by national and local policies such as Local Plan Policy GB8. This Policy however identifies that the size limit for such changes of use should be 300m² within each agricultural unit in order to prevent unsustainable employment growth contrary to strategic employment policies and to minimise potential adverse impacts on the Green Belt.
- 6.7 It is considered that the scale and nature of employment generating activities which could potentially occur on this site as a result of the resumption of mushroom farming/compost mixing enterprises, would result in significantly greater activity and traffic in this remote Green Belt location than the proposed development. It is evident from responses received to this application and to previous proposals that such quasi-industrial uses have caused harm to residential amenities of neighbouring properties and to the Green Belt. It is therefore considered that the removal of the existing buildings and the potential for more intensive quasi-industrial uses would secure a lasting benefit for the Green Belt and for neighbouring properties and as such represent a significant planning benefit. This is considered to constitute a very special circumstance in the terms of PPG2, which should be weighed against the harm to the Green Belt caused by reason of inappropriateness.

Impact on the openness of the Green Belt and on the character of the countryside

- 6.8 Local Plan Policy GB2 states that permission will not be granted for new development or the replacement of existing buildings within the Green Belt if it would have a greater impact on the openness of the Green Belt or the purposes of including land within it than the existing development on the site, or would harm the character of the countryside. The application site lies adjacent to open countryside at the edge of the recognised settlement of Littlewick Green. The very high proportion of the site that is presently either built upon or consists of hardstandings for parking and access to the buildings presents a very hard, built up edge to this open countryside with the buildings extending right up to the site boundaries.
- 6.9 Although the buildings are of a functional design that reflects their agricultural origins the scale of built development and utilitarian design give this site the appearance of a small industrial estate. The site as a whole is considered to detract significantly from the openness and character of the Green Belt and surrounding countryside. The proposed development would reduce the built footprint on this site by approximately 74%, and would also take the built envelope away from the boundaries, softening the transition between open countryside and the more built up area of Littlewick Green village. The proposed dwellings would have a maximum height of 6 metres, which compares favourably with the height of the existing buildings on the site, which vary from approximately 4 metres to 7.5 metres in height. The proposed development would therefore result in significant benefits to the openness of the Green Belt in this location, and on the character of the open countryside surrounding the site. Furthermore there would be a reduction

in the amount of traffic (including lorry movements) along the narrow access road and through the Littlewick Green Conservation Area.

- 6.10** In view of the previous finding that very special circumstances do exist that should be weighed against any harm to the Green Belt by reason of inappropriateness, it is concluded that the significant benefits that would result from the proposed development clearly outweigh any harm by reason of inappropriateness. The proposed development is therefore in accordance with Local Plan Policies GB1 and GB2. The proposal does not strictly accord with Policy GB3, but for the reasons set out above it is considered that very special circumstances exist to justify a departure from this policy.

Other Material Considerations

- 6.11** The existing and potential uses on this site provide some employment opportunities and it is therefore appropriate to consider whether the loss of the existing uses is acceptable. The Development Plan seeks to channel business development to the main town centres of Windsor and Maidenhead where the widest access to the workforce and to modes of transport other than the private car exist. Policies in the development plan seek to protect identified employment areas from loss to other uses. Although Local Plan Policy E6 encourages proposals that make provision for small industrial units, there is no specific policy protecting employment generating uses on the application site. There is no evidence that the continuation of employment uses at this site is essential for the continued viability of the rural economy, and the applicant has submitted a letter from a local commercial estate agent confirming that in their view the site is not viable for conversion or redevelopment for business use.
- 6.12** In view of this, its Green Belt location and the difficulties of access to the site, it is not considered that there is a policy basis for objecting to the loss of existing or potential employment floorspace.
- 6.13** The proposed houses would be well separated from any neighbouring properties and are not considered to result in any undue harm to their residential amenities. The reduction in traffic and environmental enhancements would result in a positive improvement in amenity to neighbouring properties compared to the previous situation when this site was operating at full capacity.
- 6.14** Although the site lies outside the Littlewick Green Conservation Area it is considered that the reduction in traffic from this site would enhance the character of the conservation area, as all the traffic from the site has to pass along the narrow lanes of the village to reach the A4. In terms of its impact on the wider setting and views into and out of the conservation area, the proposed development would be largely neutral.
- 6.15** The Highway Authority has confirmed that this proposal is likely to produce less vehicle movements than the existing usage, and that the parking and access arrangements are acceptable.
- 6.16** There are some archaeological implications associated with the redevelopment of this site as it is located to the rear of plots associated with the Medieval development of the village, and as such is likely to contain remains of settlement and light industrial processes which are of significance. However it is very likely that previous land uses and in particular the structures currently on the site will have truncated any buried remains to a certain extent, and therefore the impact of the development can be mitigated by a programme of archaeological works to investigate and if necessary excavate and record any remains that would be damaged by the proposed development. This can be controlled by way of a condition.
- 6.17** The site is well screened along its eastern and southern boundaries by mature trees and hedgerows. The Council's Tree Officer has confirmed that the proposed layout is acceptable as there are sufficient areas for appropriate and quality landscaping within the site, and for infilling gaps and diversification along the boundary screen. This can be controlled by way of conditions.

Conclusion

6.18 This application proposed the redevelopment of a long established mushroom farm with a long history of quasi-industrial uses that have caused problems to local residents and generated significant amounts of car and lorry traffic in the past. The proposed development of three houses would bring significant benefits in terms of openness and provide a long term solution to this problematic site. Although the development constitutes inappropriate development in the Green Belt it is considered that very special circumstances exist that need to be weighed against any harm to the Green Belt caused by reason of inappropriateness. It is concluded that the significant benefits that would result from the proposed development clearly outweigh any harm by reason of inappropriateness and the proposed development therefore is in accordance with the relevant policies of the development plan. No other material considerations exist that would make this proposal unacceptable and approval is recommended subject to appropriate conditions and the completion of a legal agreement with respect to developer contributions.

7. ASSOCIATED INFRASTRUCTURE IMPROVEMENTS

7.1 This development would place additional pressure on local services and infrastructure. The Council requires local services and infrastructure to be improved alongside development and to be funded by the developer in accordance with its Supplementary Planning Documents setting out the relevant costs (see paragraph 5.3). In this case these improvements can be secured through an undertaking under S106 of the 1990 Planning Act completed before planning permission is granted. It is anticipated that this will be completed before the Panel meeting, but should this not be the case Members are recommended to agree the application in principle subject to the completion of a satisfactory agreement.

Details of the funding and projects are shown below.

Allotments	Maidenhead area allotment provision	£180
Archives	Extension of Berkshire Record Office	£66.75
Biodiversity	Local biodiversity initiatives	£114
Community Facilities	Mobile Youth Project and Parish Youth Outreach scheme	£1674
Education	St Edmund Campion Catholic Primary School	£1124.30
Refuse and recycling	Provision of refuse bins and recycling boxes.	£255
Total		£3414.05

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

4 occupiers were notified directly of the application.

The planning officer posted a statutory notice advertising the application at the site on 12.11.2009.

No letters have been received

Consultees and organisations

Consultee	Comment	Where in the report this is considered
Conservation Officer	No objection to original application	22
Highways	No objection to original application	21, 23

Officer		
White Waltham Parish Council	No objection to current application	27
Hurley PC (Adjacent)	(Original application) Object as would set precedent and no very special circumstances exist	27

9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Plans and elevations

10. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 No development shall take place until samples of the materials to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details
Reason: In the interests of the visual amenities of the area. Relevant Policy; - DG1, H10, H11
- 3 Irrespective of the provisions of Classes A, B and E of part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no enlargement, improvement or any other alteration (including the erection of any ancillary building within the curtilage) of or to any dwellinghouse the subject of this permission shall be carried out without planning permission having first been obtained from the Local Planning Authority.
Reason: The site is in the Green Belt and whilst the development subject to this permission complies with the Green Belt policy further development would be unlikely to do so, Relevant Policies - Local Plan GB1, GB2, GB4.
- 4 Irrespective of the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no fence, gate, wall or other means of enclosure shall be erected on the site without planning permission having first been obtained from the Local Planning Authority.
Reason: To ensure the location, form, design and materials are appropriate for the character and appearance of the area. Relevant Policies - Local Plan DG1.
- 5 No development shall take place until full details of both hard and soft landscape works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season following the substantial completion of the development and retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its prior written consent to any variation.
Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1.
- 6 No development shall take place within the area of archaeological interest until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the continued preservation in situ or by record of any finds made in this area of archaeological interest. Relevant Policies - Local Plan ARCH2, ARCH4.
- 7 Any gates provided shall open away from the highway and be set back a distance of at least five metres from the nearside edge of the carriageway of the adjoining highway.
Reason: To ensure that vehicles can be driven off the highway before the gates are opened, in

- the interests of highway safety. Relevant Policies - Local Plan T5
- 8 No part of the development hereby permitted shall be occupied until the access has been surfaced with a bonded material across the entire width of the access for a distance of at least five metres measured back from the highway boundary.
Reason: To avoid spillage of loose material onto the carriageway which could adversely affect conditions of highway safety. Relevant Policies - Local Plan T5.
- 9 No part of the development shall be occupied until vehicle parking space has been provided in accordance with the approved drawing. The space approved shall be retained for parking in association with the development.
Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety. Relevant Policies - Local Plan P4, DG1.
- 10 Prior to any equipment, machinery or materials being brought onto the site, details of the measures to protect, during construction, the trees shown to be retained on the approved plan, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full prior to any equipment, machinery or materials being brought onto the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. These measures shall include fencing in accordance with British Standard 5837. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written approval of the Local Planning Authority
Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.
- 11 No tree or hedgerow shown to be retained in the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be lopped or topped other than in accordance with the approved plans and particulars or without the prior written approval of the Local Planning Authority, until five years from the date of occupation of the building for its permitted use. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 Tree work. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate vicinity and that tree shall be of the same size and species unless the Local Planning Authority give its prior written consent to any variation.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1, N6.