

## PLANNING APPLICATION

App No	P/10076/012	Applicant	Mr. Paul Gunn, Clean Steel (International) Ltd
	11246	Agent	
Received Officer Level	29th June 2010 Sarah Ballinger Delegated	App Type	Certificate Proposed (Use/Development)
Ward	Colnbrook-and-Poyle		

Proposal	APPLICATION FOR CERTIFICATE OF LAWFUL DEVELOPMENT TO CONFIRM IF THE USE OF THE BUILDING IS CLASS B2 (GENERAL INDUSTRY).
Location	LAND AT POYLE MANOR FARM, POYLE ROAD, SLOUGH, BERKSHIRE

Recommendation:	Approve	O.D. Dec Date:	
		Authorised by:	26/10/10
Eight Week Date:	24-Aug-2010	Outstanding Fee:	£ 0.00
13 Week Date for Major Apps (Stats)			
21 Day Consultation Date	2010-07-20 00:00:00		
Reason for Delay:	Stalking and legal comments		
Enforcement:			

## RECOMMENDATION

On the basis of the evidence submitted, the Local Planning Authority is satisfied that the authorised use for the building identified in the application is Class B2, in terms of The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010.

## APPLICATION SITE

The building is located within Manor Farm which is located west of Poyle Road and to the south of Poyle Channel and is 3.08ha in size. Manor Farm is located within the Green Belt, the Council's Strategic Gap and the Colne Valley Park. The site is located in Flood Zone 3 and is at risk from flooding.

## PLANNING HISTORY

The site has a long and complicated planning history. The main planning history for the site and its uses are set out below. Planning permissions were granted, dated 20 October 1952, 18 January 1972 and 18 December 1972 for use of the site as a filter media plant. This permitted the residual ash from Slough Coal fired power station to be stored and recycled on the site. During the 1970s and 1980s the type of material

being processed on the site changed from clinker to concrete. This change was subject at the time to a number of enforcement notices which were not complied with.

Planning permission for importation, crushing, storage and export of concrete was permitted in 1991. This was subject to the provisions of a Section 106 agreement in conjunction with a temporary planning permission granted in 1995 for the land immediately to the east for a concrete recycling facility. This temporary permission required the removal of all plant, machinery and materials (processed and otherwise), as well as the boundary bund, from the site at the end of the three years; the site would however not be restored to agriculture as it benefited from a planning permission granted in October 1952 for the processing of filter media. The legal agreement attached to the permission required the removal of all surplus waste materials from the application site with most of the area restored to grassland, with the exception of the far northeastern corner where tree planting was to be carried out.

In July 1998, the applicant applied for the permanent retention of the recycling centre; planning permission was refused. The applicant did not cease the activity as required at the cessation of the temporary permission and thus an enforcement notice was served in August 1999. Following a public inquiry, the appeal lodged against the notice was dismissed in May 2000. The applicant challenged the decision in the High Court but subsequently withdrew their appeal in April 2001. Following the withdrawal of this challenge, the revised timetable for complying with the enforcement notice required the land to the west to be cleared by the middle of January 2003.

In August 2007 an application was made seeking retrospective permission for the use of land for concrete crushing, screening and inert waste recycling (B2 use) including retention and remodeling of existing stockpiles (limited by height and volume), creation of new access, provision of new vehicle and lorry parking and wheel washing facilities, new plant workshop, lorry workshop, retention of existing fuel store and provision of new fuel store, a weighbridge and office accommodation, an aggregates yard, provision of toilet block, restroom, canteen and boundary treatment. This application was refused in August 2008 on a number of grounds, these primarily being due to the impacts the proposal would have on the green belt, flood risk and visual amenity.

The applicant appealed this decision and the appeal was granted in September 2009.

## **PROPOSAL**

A Certificate of Lawful Development is sought for the confirmation that the identified building has permission to be used for B2 purposes.

## **EVIDENCE SUBMITTED**

The applicant submitted appeal decision, APP/J0350/A/09/2096331 and Location Plan, Drawing No. TN1, received on the 18<sup>th</sup> June 2010 in support of the application.



## LEGISLATIVE CONSIDERATIONS

Section 191(1) of the Town and Country Planning Act 1990 (as amended) provides the legislative background in respect of the lawfulness, for planning purposes, of existing operations or uses of land.

In this case it is considered that the appeal decision APP/J0350/A/09/2096331 which was allowed, confirmed the use of the land as: *'concrete crushing and screening, and inert waste recycling (B2 use) including: the retention and remodelling of existing stockpiles (limited by height and volume), creation of new access, provision of new vehicle and lorry parking and wheel washing facilities, new plant workshop, lorry workshop, retention of existing fuel store and provision of new fuel store, a weighbridge and office accommodation, an aggregates yard, the provision of a toilet block, a restroom and a canteen and boundary treatment at Poyle Manor Farm, Poyle Road'*

The purpose of the current application being to confirm that the identified site on *Drawing No. TN1, Location Plan, received on the 18<sup>th</sup> June 2010* was included in the appeal decision as the use requested to be confirmed. After examination of the details submitted with the original application P/10076/006 (most notably the Plant Workshop is identified on *Drawing No. L1304/20, Rev J, received on the 6 March 2008*) and the appeal decision which also describes 'a new plant workshop' it can be confirmed that the site identified for confirmation as B2 use was approved as such by the inspector in the granting of Appeal APP/J0350/A/09/2096331 and can therefore be affirmed by this application.

## RECOMMENDATION

On the basis of the evidence submitted, the Local Planning Authority is satisfied that the building identified in the application was approved for Class B2 use and therefore a Lawful Development Certificate for the use of this building for Class B2 uses can be issued.



TOWN & COUNTRY PLANNING ACT 1990 (as amended)

Certificate of Lawful Development

Application No.

P/10076/012

The Site

Slough Borough Council  
Licence No. 100019446



**Slough**  
Borough Council

Department of the Green and Built Environment

St. Martins Place,  
51, Bath Road,  
Slough, SL1 3UF

Land at Poyle manor Farm, Poyle Road, Slough  
Confirmation that use of building is Class B2  
(General Industry)

Scale : 1:1250

Date : 26 Oct 2010

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