

**ROYAL BOROUGH OF WINDSOR & MAIDENHEAD
PLANNING COMMITTEE**

MAIDENHEAD DEVELOPMENT CONTROL PANEL

15 February 2017

Item: 3

Application No.:	16/03309/FULL
Location:	Land Opposite Lenore Cottage Rolls Lane Holyport Maidenhead
Proposal:	Erection of a pair of semi-detached cottages following demolition of builders sheds.
Applicant:	Mr And Mrs Pickering
Agent:	Mr Philip Tilbury
Parish/Ward:	Bray Parish/Bray Ward

If you have a question about this report, please contact: Susan Sharman on 01628 685320 or at susan.sharman@rbwm.gov.uk

1. SUMMARY

- 1.1 The proposal would not harm the living conditions of any neighbours nor the character and appearance of the area. However, it would have a greater impact on the openness of the Green Belt and the purposes of including the land in it than the previous development on site and, as such, is inappropriate development in the Green Belt. Although the proposal would contribute to the housing supply in the Royal Borough this alone does not justify allowing inappropriate development in the Green Belt and no 'very special circumstances' exist in this case.

It is recommended the Panel refuses planning permission for the following summarised reasons (the full reason is identified in Section 10 of this report):

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| 1. | Represents inappropriate development in the Green Belt for which no very special circumstances exist to justify allowing it. Contrary to policies GB1 and GB2(A) of the Local Plan and paragraph 89 of the NPPF. |
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2. REASON FOR PANEL DETERMINATION

- At the request of Councillor. D. Coppinger for the reason that it is in the public interest.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site comprises an area of land of 0.07 hectares and is located at the end and on the east side of Rolls Lane, Holyport. The site is currently vacant but had previously, until recently, been occupied by a number of predominantly single storey outbuildings positioned along the northern edge of the site.
- 3.2 In front of the site along the west side of Rolls Lane are approximately 6 individual residential properties. Open land lies to the north, east and south. The area is predominantly rural in character with sporadic residential properties. The site is located in the Green Belt.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Application	Description	Decision
16/00228/FULL	Construction of a 1 x 3 bedroom detached dwelling with associated works, following demolition of existing builders yard.	Approved 16.05.16

- 4.1 The application seeks planning permission for a pair of two-bedroom semi-detached cottages measuring 15m wide, 11.5m deep and having a ridge height of 6.7m. The cottages would be

positioned centrally within the site, 12.5m back from Rolls Lane. Each property would have a single integral garage with additional parking space to the front, together with space for landscaping.

- 4.2 Planning permission for a single storey (ridge height 4.5m), three bedroom dwelling was granted in May 2016.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework Section 9 – Protecting Green Belt Land

Royal Borough Local Plan

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

Green Belt	Highways and Parking
GB1, GB2, GB3, DG1	P4, T5

These policies can be found at

https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices

Other Local Strategies or Publications

- 5.3 Other Strategies or publications relevant to the proposal are:

- RBWM Parking Strategy

More information on this document can be found at:

https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning

6. EXPLANATION OF RECOMMENDATION

- 6.1 The key issue for consideration is whether the proposal is appropriate development in the Green Belt and, if not, whether any very special circumstances exist to justify allowing it.
- 6.2 Paragraph 89 of the NPPF advises that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, but lists exceptions to this which includes limited infilling or the partial or complete redevelopment of previously developed sites, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
- 6.3 In this case, the site is previously developed land having been a builder's yard, and the principle of redeveloping the site has already been established by application 16/00228. The site was occupied until recently by seven small outbuildings which were predominantly single storey flat roofed structures, the exception being a shed with a mono-pitched roof reaching 3m in height. The total volume of the former buildings was approximately 244m³.
- 6.4 Planning permission was granted under application 16/00228 to redevelop the site with the construction of a three-bedroom bungalow. The approved bungalow was 14m wide, 15m deep and 4.5m high. This extant permission represents a fallback position that can be implemented, but as it has not been built it is not 'existing development' which the proposed development is required to be assessed against as set out in paragraph 89 of the NPPF. The site currently has no buildings on it, but the reasonable approach given that these have only recently been demolished it to treat these as being the 'existing development' on the site.
- 6.5 The current proposal would have a similar footprint to the approved bungalow, but would sit further back into the site. It also involves the removal of a 2m high hoarding type fence currently

enclosing the site and replacing it with a 1.5m timber high post and rail fence. However, the proposed cottages would be over 2m higher than the approved bungalow and double the height of the tallest structure previously on the site. This bulkier scheme would fill the majority of the width of the site.

- 6.6 Furthermore, the volume of the proposed development at approximately 550m³ would be more than double the volume of the previous (existing) development on site (244m³). Case law has established that the concept of 'openness' means the absence of buildings. The proposed development would result in a 125% increase of building on the site and would therefore have a greater impact on the openness of the Green Belt. Accordingly, the proposal is inappropriate development.
- 6.7 The NPPF advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Local planning authorities are advised that they should ensure that substantial weight is given to any harm to the Green Belt and that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 6.8 In support of the application, a number of residents have commented that the proposal for two dwellings would be a more efficient use of the land, as opposed to one bungalow. Reference is also made to the emerging Bray Neighbourhood Plan which advises that local people want their families to be able to live in the area and that the preference is for the re-use of previously developed sites. It should be stressed however that the key objective of Green Belts is to keep the land permanently open i.e. undeveloped, and therefore Green Belt policy restricts the type and amount of new buildings, in this case, by not have a greater impact on the openness of the Green Belt and the purposes of including the land than the existing development on site.
- 6.9 Redevelopment of the site would undoubtedly improve the appearance of a former builder's yard, but this can be achieved without increasing the amount of development on site, as demonstrated by the previous planning application. Matters such as the design of the cottages, (which would be expected to be of a high standard anyway), efficient use of land and the contribution to the housing land supply do not in this case amount to other considerations that clearly outweigh the substantial harm to the Green Belt and, as such, 'very special circumstances' (vsc) do not exist in this case.
- 6.10 In the absence of vsc, the proposal is contrary to paragraph 89 of the NPPF and adopted Local Plan policies GB1 and GB2 (A).

Other Material Considerations

- 6.11 The proposed cottages would be approximately 20m from the front of 'Lenore Cottage', which is the closest neighbouring property to the development. Given this separation distance the proposed development would not harm the living conditions of any neighbours in terms of loss of privacy, loss of light or by appearing overbearing.
- 6.12 The proposed development is for a pair of semi-detached cottages which are of a scale and design that would be in keeping with the sporadic residential development within the locality. No objection is raised to the proposal in terms of its impact on the rural character and appearance of the area.
- 6.13 The proposal provides sufficient on-site parking to comply with the Council's adopted parking strategy and the Highway Authority raises no objections.
- 6.14 The NPPF advises that there is a presumption in favour of sustainable development, which the re-use of brownfield land is. The exception to this is where sites have a specific protection designation that limits development, such as Green Belts (Section 14).
- 6.15 It is noted that a number of representations received have advised of the need for more housing in the locality. However, while housing need (where it can be demonstrated with evidence) may contribute with other considerations to a case of very special circumstances (vsc), it is highly

unlikely to amount to vsc on its own. If it did, it would undermine the fundamental aim of Green Belt Policy and the plan making process.

Housing Land Supply

- 6.16 Paragraphs 7 and 14 of the National Planning Policy Framework (NPPF) set out that there will be a presumption in favour of Sustainable Development. Paragraph 49 of the NPPF states that sustainable development, and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites.
- 6.17 It is acknowledged that this scheme would make a contribution to the Borough's housing stock. However, it is the view of the Local Planning Authority that the socio-economic benefits of the additional dwellings would be significantly and demonstrably outweighed by the adverse impacts arising from the scheme proposed, contrary to the adopted local plan policies, all of which are essentially consistent with the NPPF, and to the development plan as a whole.
- 6.18 As with housing need, the lack of a five year housing land supply does not, on its own, amount to very special circumstances to justify inappropriate development in the Green Belt.

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 The application proposes a new residential development and therefore would be liable for a Community Infrastructure Levy contribution. Based on the submitted information, the tariff payable for this development would be £45,840.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

2 occupiers were notified directly of the application.

The planning officer posted a site notice advertising the application at the site on 18th November 2016.

11 letters were received supporting the application, summarised as:

Comment		Where in the report this is considered
1.	This community is in desperate need of more houses on brownfield sites.	6.14 & 6.15
2.	The proposed houses have been sensitively designed and would make the best use of the land.	6.12 & 6.14
3.	The increase in height does not have a greater impact on openness.	6.5 & 6.6
4.	The site will be more open at the front and back.	6.5 – 6.9
5.	The proposal is an enormous improvement to the current state of the site.	6.9
6.	It is more sustainable to put two houses on the site. It would be a waste to not build two.	6.8
7.	The Parish Council and local residents want to see houses built on brownfield sites.	6.8
8.	The footprint of the proposal is similar to the extant permission for a bungalow.	6.4 – 6.5

1 letter was received objecting to the application, summarised as:

Comment		Where in the report this is considered
1.	Two homes are too many on this narrow busy un-adopted lane. This would mean at least 4 cars going up and down this crowded lane/	6.13

Consultees responses

Consultee	Comment	Where in the report this is considered
Bray Parish Council	Recommend for approval.	Noted.
Environmental Protection	No objections subject to conditions including a contaminated land condition.	Noted.
Highways	No objections subject to conditions.	Noted.

9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Proposed site layout, plan and elevation drawings

10. REASON RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 1 The proposal would have a greater impact on the openness of the Green Belt than the existing development at the site and would result in encroachment in the countryside. It therefore represents inappropriate development in the Green Belt which by definition is harmful and the applicant has failed to demonstrate that any very special circumstances exist that clearly outweigh the harm caused by the reason of inappropriateness. The proposal is therefore contrary to saved Policies GB1 and GB2(A) of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations adopted June 2003) and paragraph 89 of the National Planning Policy Framework, March 2012.