

ROYAL BOROUGH DEVELOPMENT MANAGEMENT PANEL

WEDNESDAY, 17TH FEBRUARY, 2021

At 6.15 pm

in the

VIRTUAL MEETING - ONLINE ACCESS

SUPPLEMENTARY AGENDA

PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
4.	<p><u>20/01987/FULL - LAND AT AND INCLUDING THE OLD RUINS - ST LEONARDS HILL - WINDSOR</u></p> <p><i>PROPOSAL: New dwelling incorporating existing ruins. PV panels within grounds for carbon offsetting</i></p> <p>RECOMMENDATION: PERMIT</p> <p>APPLICANT: Mr Try</p> <p>MEMBER CALL-IN: N/A</p> <p>EXPIRY DATE: 19 February 2021</p>	3 - 8
5.	<p><u>20/02689/FULL - LAND WEST OF MAIN FARM BUILDINGS - LOWER MOUNT FARM - LONG LANE - COOKHAM - MAIDENHEAD</u></p> <p><i>PROPOSAL: New sports pavilion building with associated parking.</i></p> <p>RECOMMENDATION: PERMIT</p> <p>APPLICANT: Duncan Gibson</p> <p>MEMBER CALL-IN: N/A</p>	9 - 14

EXPIRY DATE: 19 February 2021

Agenda Item 4

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

PANEL UPDATE

Application No.:	20/01987/FULL
Location:	Land At And Including The Old Ruins St Leonards Hill Windsor
Proposal:	New dwelling incorporating existing ruins. PV panels within grounds for carbon offsetting
Applicant:	Mr Try
Agent:	Ms Dido Milne
Parish/Ward:	Windsor Unparished/Clewer And Dedworth East
If you have a question about this report, please contact: Jo Richards on 01628 682955 or at jo.richards@rbwm.gov.uk	

1. SUMMARY

- 1.1 The wording of the proposed pre-commencement conditions have been amended to allow minor exploratory works prior to the submission of the requisite information as requested by that condition.
- 1.2 The wording of condition 5 has been altered such that it requests for details of the repair/maintenance of the garden structures rather than their re-building.
- 1.3 As set out under Regulation 18 of the Neighbourhood Planning (General) Regulations 2012, the Windsor Neighbourhood Plan can now be given significant weight in decision making.

It is recommended the Panel authorises the Head of Planning:	
1.	To grant planning permission subject to the conditions listed in Section 12 of the main report as amended by this panel update

2. ADDITIONAL INFORMATION

- 2.1 The applicant has been carrying out some minor investigative works to the footings of the existing Planning Panel Windsor Area

ruins below ground level. Conditions 2, 4, 6, 7, 12, 13, 14, 15, 16, 17, 18, 19 and 20 have been reworded to allow for these works to continue ahead of the submission of the relevant details to which they refer by including the following sentence:

- 2.2 No works or development, other than careful excavation of the existing ruins down to slab level, shall take place until....
- 2.3 The wording of condition 5 has been altered such that it requests for details of the repair/maintenance of the garden structures rather than their re-building.
- 2.4 Paragraph 7.5 of the panel report lists the relevant Windsor Neighbourhood Plan policies. It should be noted that as set out under Regulation 18 of the Neighbourhood Planning (General) Regulations 2012 the plan can now be given significant weight in decision making. In attaching significant weight to these policies, which are reflective of the NPPF, the recommendation to grant planning permission is unchanged.

3. AMENDED CONDITIONS

2. No development shall take place (other than careful excavation of the existing ruins down to slab level) until a schedule of the materials to be used on the external surfaces of the development has 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 site and the area in general and to ensure the character and appearance of the non-designated heritage asset is preserved. Relevant Policy DG1 and NPPF Section 16
4. No works or development shall take place (other than careful excavation of the existing ruins down to slab level) until a schedule of works, method statement and management plan for the restoration, consolidation and maintenance of the ruins has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the areas of linkages between the ruins and new dwelling. The development shall be carried out and maintained in accordance with the approved details.
Reason: To preserve the historic significance and long-term protection and restoration of the non-designated heritage asset. NPPF Section 16
5. Prior to occupation of the dwelling house hereby permitted, a management plan for the maintenance of the grounds of the new dwelling and repair/maintenance of all garden structures shall be submitted to and approved in writing by the Local Planning Authority. Thereafter any works within the grounds of the new dwellinghouse shall accord with these approved details.
Reason: In the interests of the visual amenities of the site and the area in general and to ensure the character and appearance of the non-designated heritage asset and its setting is preserved and enhanced. Relevant Policy DG1 and NPPF Section 16
6. No works or development (other than careful excavation of the existing ruins down to slab level) shall take place until a structural report and plans (at scale 1:10 or as appropriate) detailing the original footings/structure of the mansion house, and the location and design of new footings and positions of new underground services, within the permitted dwelling house has been submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of the visual amenities of the site and the area in general and to ensure the character and appearance of the non-designated heritage asset is preserved. Relevant Policy DG1 and NPPF Section 16
7. No works or development (other than careful excavation of the existing ruins down to slab level) shall take place until plans (at scale 1:5, 1:10 or as appropriate) and details of the design features of the dwelling house hereby permitted including, windows and glazing, external doors, parapets, balustrades, fenestrations, pergola, hand rails and internal covered courtyard walkway, have

been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these details.

Reason: The submitted drawings are inadequate in these respects and in the interests of the visual amenities of the site and the area in general and to ensure the character and appearance of the non-designated heritage asset is preserved. Relevant Policy DG1 and NPPF Section 16

12. No development (other than careful excavation of the existing ruins down to slab level) 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 thereafter 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 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.
13. Prior to any equipment, machinery or materials being brought onto the site, (other than in connection with careful excavation of the existing ruins down to slab level) revised 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 written consent 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.
14. Prior to the commencement of development or other operations on site (other than careful excavation of the existing ruins down to slab level), an arboricultural method statement shall be submitted to and approved in writing by the Local Planning Authority and shall include details of the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.
Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.
15. Prior to the commencement of development or other operations on site (other than careful excavation of the existing ruins down to slab level), details of all services/utilities and drainage shall be submitted to and approved in writing by the Local Planning Authority. This includes the alignment, depth and type, and these works shall be carried out as approved and retained thereafter in accordance with the approved details.
Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6
16. Prior to commencement of the development (other than careful excavation of the existing ruins down to slab level), an updated Woodland Management Plan (incorporating the recommendations for biodiversity enhancements and management provided in ecological appraisal, BSG 2020 and woodland and biodiversity management plan, U&H, 2020) shall be submitted and approved in writing by the Council. The Woodland Management Plan shall thereafter be implemented as agreed.
Reason: To ensure long-term protection and enhancement of the woodland in accordance with paragraph 175 of the NPPF.

17. No development shall take place (including demolition, ground works, vegetation clearance, other than careful excavation of the existing ruins down to slab level) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction, in particular to nearby Local Wildlife Sites, woodland, GCN, reptiles, hedgehogs, badgers and invertebrates (this may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.
- The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.
- Reason: To minimise impacts on biodiversity in accordance with Paragraphs 170 and 175 of the NPPF.
18. Prior to commencement of the development (other than careful excavation of the existing ruins down to slab level), a report detailing any new a scheme detailing the lighting and how this will not adversely impact upon wildlife shall be submitted to and approved in writing by the LPA. The report shall include the following figures and appendices:
- A layout plan with beam orientation
 - A schedule of equipment
 - Measures to avoid glare
 - An isolux contour map showing light spillage to 1 lux both vertically and horizontally and areas identified as being of importance for commuting and foraging bats.
- The approved lighting plan shall thereafter be implemented as agreed.
- Reason: To limit the impact of light pollution from artificial light on nature conservation in accordance with para 180 of the NPPF.
19. The development shall not commence (other than careful excavation of the existing ruins down to slab level) until a licence for development works affecting bats has been obtained from the Statutory Nature Conservation Organisation (Natural England) and a copy has been submitted to the council. Thereafter mitigations measures approved in the licence shall be maintained in accordance with the approved details. Should the applicant conclude that a licence for development works affecting bats is not required, the applicant is to submit a report to the council detailing the reasons for this assessment, and this report is to be approved in writing by the council prior to the commencement of works.
- Reason: The structures host roosting bats which may be affected by the proposals. This condition will ensure that bats, a material consideration, are not adversely affected by the development.
20. Prior to commencement of the development (other than careful excavation of the existing ruins down to slab level) a Biodiversity Enhancement Scheme (incorporating the recommendations for biodiversity enhancements and management provided in ecological appraisal, BSG 2020 and woodland and biodiversity management plan, U&H, 2020)shall be submitted and approved in writing by the council. The Approved Biodiversity Enhancement Scheme shall thereafter be implemented as agreed.
- Reason: To incorporate biodiversity improvements in and around developments in accordance with paragraph 175 of the NPPF.

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

PANEL UPDATE

Application No.:	20/02689/FULL
Location:	Land West of Main Farm Buildings Lower Mount Farm Long Lane Cookham Maidenhead
Proposal:	New sports pavilion building with associated parking.
Applicant:	Duncan Gibson
Agent:	Mr Duncan Gibson
Parish/Ward:	Cookham Parish/Bisham And Cookham
If you have a question about this report, please contact: Haydon Richardson on 01628 796697 or at haydon.richardson@rbwm.gov.uk	

1. SUMMARY

Two further representations have been received objecting to this application. It has been highlighted that the report states that the application was advertised in the Local Press. This is incorrect and was included in the report in error. The other points raised in addition to those already reported are summarised below, together with a response.

It is recommended the Panel grants planning permission with the conditions listed in Section 12 of the main report.

2. ADDITIONAL INFORMATION

Comments from Interested Parties

2.1

Additional comments received, summarised as:

Comment	Officer response	Change to recommendation?
Issues raised with regard to the RBWM traffic modelling undertaken for the BLP in and around	The BLP is being assessed under a	No.

Cookham. It cannot be concluded that there would be no adverse impact on the highway operation or safety in the area.	separate process. This application has been considered on its own merits and is acceptable on highway grounds, in accordance with the highway officers comments.	
Providing 87 car parking spaces does not provide for a sustainable form of development, does not have regard to climate change nor give people a healthy transport choice.	The application is providing policy compliant car parking provision together with requisite cycle parking provision in a location which already has permission for use for outdoor sport.	No.
The current changing facilities at the Alfred Major site should be improved and children could independently walk to the site. Extra parking could be provided if required at this site	The development proposed in this application must be considered on its own merits.	No.
There is no guaranteed tenure for continued use of this site for sport or by Cookham FC. This should be covered by a covenant. Building could be converted as part of existing Lower Mount Farm business complex.	Recommended condition 5 would prevent alternative uses of the building without planning permission. There is no requirement for a legal agreement in this case.	No.
Building is too large and could be used for functions.	The report makes it clear that it is considered that all of the component parts of the building are appropriate. Recommended conditions 4 and 5 restrict the use and operation times of the building.	No.
Nearby Public Right of Way is affected by the development	This runs entirely outside of the site.	No.
There is a departure from the adopted Local Plan for which policy refers to 'essential facilities', whereas NPPF policy refers to 'appropriate facilities'.	This is not a departure from the development plan. The report recognises that the NPPF is a more up to date expression of government policy and due weight is afforded to it as a significant material consideration.	No.
The significant overhang of the building should be included in its floorspace and it would then comprise major development.	This area is entirely open and does not contribute to the useable floorspace of the building.	No.
In terms of application 12/02188, condition 4	Condition 4 of 12/02188	No.

<p>(surfacing of the access) is a pre-commencement one. There is no approval of these details.</p>	<p>relates to the non-provision of floodlighting. Condition 3 relates to the access and this was superseded by condition 3 of 14/01398, which was approved under 16/00293.</p>	
<p>Because the pitches and parking have not been laid out for use the change of use permission has not been implemented and through passage of time has lapsed.</p>	<p>Requisite operational development proposed as part of that permission has been implemented. Moreover, the area has been levelled and the surface prepared such that sport could be carried on at any time. There has been a clear change of use from agriculture to outdoor sport. The permission has not time-expired.</p>	<p>No.</p>
<p>The change of use hasn't occurred and under NPPF policy - to be an appropriate facility for outdoor sport, this can only be in association with a change of use. I refer you to paragraph 145 b) of the NPPF 2019</p>	<p>There is a clear intention to use the land for outdoor sport and relevant operational development has been carried out as set out above, which is compliant with para. 145(b).</p>	<p>No.</p>
<p>Failure to undertake a spatial and visual assessment of the impact on the openness of the Green Belt or any impact from the intensity of the use. Reference to other similar buildings and colour of external materials not relevant to Green Belt assessment.</p>	<p>The assessment included in the report is acceptable for the nature of the development proposed. The references are relevant to an assessment of visual openness. The spatial impact of the proposal is considered in reference to the size and bulk of the building.</p>	<p>No.</p>
<p>RBWM inconsistent in decision making as equestrian development opposite the site has been refused.</p>	<p>Each application is considered on its own merits.</p>	<p>No.</p>
<p>In an email you wrote to the Planning Consultant dated 30th November 2020 you stated in respect of the development "...we had some small concerns about it's impact on openness of the Green Belt." This is published on the RBWM Public Access System. I take your word 'concerns' to mean 'harm'; this being the case, why isn't the application recommended for refusal as the size of the development hasn't</p>	<p>The report makes it clear at para. 9.12 that the building would have some impact on openness. The test of whether the proposed development would preserve openness cannot be a total bar on</p>	<p>No.</p>

been reduced?	new buildings, otherwise that would defeat the purpose of the exception.	
<p>No reference to the following adopted SPDs:</p> <ul style="list-style-type: none"> - Cookham Village Design Statement - Borough Wide Design Guide. <p>Which should be afforded significant weight</p>	<p>In accepting that these documents should have been referenced in the report, there is nothing contained within the Guidance that would alter the assessment or recommendation. As SPD's they should be afforded weight as material considerations , where relevant.</p>	No.

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