

ROYAL BOROUGH DEVELOPMENT MANAGEMENT PANEL

WEDNESDAY, 17TH MARCH, 2021

At 6.15 pm

by

VIRTUAL MEETING - ONLINE ACCESS, ON [RBWM YOUTUBE](#)

SUPPLEMENTARY AGENDA

PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
4.	<p><u>20/00864/OUT - STATION COURT - HIGH ROAD - COOKHAM - MAIDENHEAD - SL6 9JF</u></p> <p><i>PROPOSAL: Outline application for access, appearance, layout and scale only to be considered at this stage with all other matters to be reserved for the erection of x12 flats.</i></p> <p>RECOMMENDATION: PERMIT</p> <p>APPLICANT: David Howells</p> <p>MEMBER CALL-IN: N/A</p> <p>EXPIRY DATE: 24 March 2021</p>	3 - 6
5.	<p><u>20/03371/OUT - LODGE FARM AND WATER TOWER - ASCOT ROAD - HOLYPORT - MAIDENHEAD</u></p> <p><i>PROPOSAL: Outline application for access only to be considered at this stage with all other matters to be reserved for the construction of x124 dwellings with new access off Holyport Road, change of use of agricultural land to community park, open space, two grass football pitches, allotments, a community building and ancillary landscaping and parking.</i></p>	7 - 14

RECOMMENDATION: REFUSE

APPLICANT: Mr Killoran

MEMBER CALL-IN: N/A

EXPIRY DATE: 12 March 2021

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

PANEL UPDATE

Application No.:	20/00864/OUT
Location:	Station Court High Road Cookham Maidenhead SL6 9JF
Proposal:	Outline application for access, appearance, layout and scale only to be considered at this stage with all other matters to be reserved for the erection of x12 flats.
Applicant:	David Howells
Agent:	Not Applicable
Parish/Ward:	Cookham Parish/Bisham And Cookham
If you have a question about this report, please contact: Antonia Liu on 01628 796034 or at antonia.liu@rbwm.gov.uk	

1. SUMMARY

1 further representation has been received objecting to this application.

No change in recommendation.

2. ADDITIONAL INFORMATION

2.1 Comments from Interested Parties

An additional comment has been received, summarised as:

Comment	Officer response	Change to recommendation?
<p>The Panel Report refers to Burnham Beechwood Special Area of Conservation should be Burnham Beeches SAC.</p> <p>With reference to Part 6, Chapter 1 of the Habitat Regulations 2017 (as amended), and other relevant Regulations, there is inconsistency in applying Habitat Regulations Assessment (HRA) to a plan or project. Proposed housing allocation AL38 (Land East of Strande Park, Cookham) was 'screened' as the site is within 5.6km of this SAC. Therefore, as the site is within 5.6hm of Burnham Beeches SAC 'screening' is required and in light of the decision the LPA made in respect of the proposed allocation AL38, it is expected that the Station Court application will lead also to 'likely significant effects' on Burnham Beeches SAC and then be subject to an 'Appropriate Assessment'.</p>	<p>Correct, the report should read Burnham Beeches SAC.</p> <p>Natural England have confirmed that in relation to Burnham Beeches SAC the threshold for a HRA was if a site was within 5.6km of the SAC <u>and</u> for more than 50 dwellings.</p> <p>The application is not for more than 50 dwellings. There is no inconsistency in this respect.</p>	<p>No.</p>

This page is intentionally left blank

PANEL UPDATE

Application No.:	20/03371/OUT
Location:	Lodge Farm And Water Tower Ascot Road Holyport Maidenhead
Proposal:	Outline application for access only to be considered at this stage with all other matters to be reserved for the construction of x124 dwellings with new access off Holyport Road, change of use of agricultural land to community park, open space, two grass football pitches, allotments, a community building and ancillary landscaping and parking.
Applicant:	Beaulieu Homes Southern Ltd
Agent:	Mr Nicholas Cobbold
Parish/Ward:	Bray Parish/Bray
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 following additional information has been received from the applicant:

- Letter to case officer dated 03.03.2021
- Indicative Landscape Masterplan P05
- Amended Design and Access Statement
- Parish Cllr Derek Wilson Comments
- Photo DJI-0018
- Layout 9th Issued copy
- Response to Conservation Officer Objection
- Autotrack Swept Paths – Large Refuse Vehicle
- Autotrack Swept Paths – Large Saloon Car
- Planting Strategy P02
- Badger Survey Report
- Ecology Letter regarding bats, bawn owls and lighting
- Holyport AVR Verified Views
- Holyport Conservation Area map of views
- Lodge Farm Barristers Opinion

- Lodge Farm Executive Summary

- 1.2 2 additional letters of objection have been received.
- 1.3 A letter and Vision statement has been sent to Councillors by the applicant outlining the benefits of the scheme.
- 1.4 It needs to be clarified that whilst the applicant has offered a total of 50% affordable housing, only 40% of the total number of units would be of the Council's preferred tenure mix (45% social rent, 35% affordable rent and 20% intermediate) for which there is an identified need and 10% would be starter homes for which there is not an identified need. The weight to be attributed to affordable housing must reflect not only the percentage offered but the breakdown of tenure and what is needed within the Borough.
- 1.5 The LLFA have confirmed that the updated drainage strategy is acceptable.
- 1.6 Comments from the Tree Officer have been received outlining concerns relating to out of date surveys and the need for further arboricultural information. The matter of trees is addressed at section viii of the panel report. The Tree Officers comments do not change the assessment made and such concerns would be dealt with through a reserved matters application.
- 1.7 The additional information submitted by the applicant does not alter the two fundamental objections to the proposal on grounds of substantial harm to the Green Belt and 'less than substantial' harm to the Conservation Area as set out in the panel report. For Very Special Circumstance to exist the benefits must clearly outweigh this identified harm. For the reasons set out within the panel report and this panel update, it is considered that Very Special Circumstances do not exist.

It is recommended the Panel authorises the Head of Planning:	
1.	To refuse planning permission for the reasons 1-8 listed in section 12 of the panel report omitting reason 9 (as it has been confirmed that the Water Tower would not be disturbed as a result of the proposal) and reason 10 (as the LLFA have confirmed that the updated drainage strategy is acceptable)

2. ADDITIONAL INFORMATION

- 2.1 The applicant has submitted additional supporting information covering various subjects since the panel report was finalised. The additional information can be viewed on public access in full and is outlined in brief and commented on below.

Amended layout

- 2.2 Indicative Landscape Masterplan P05 shows a change to the indicative layout of the proposed dwellings and internal access, setting the built development slightly further away from the boundary with Holyport Conservation Area. As stated in the panel report, layout is a matter reserved from this outline application. However, this outline application must assess the principle of the proposed 124 dwellings. This change to the layout is considered to be very minor when considered in relation to the significance of the proposal and thus this amendment does not alter the officer assessment and conclusions in this regard.

Conservation Area

- 2.3 The applicant has provided a rebuttal to the Conservation Officer comments and the panel report. The rebuttal challenges some of the statements made within the panel report regarding the setting of the Conservation Area, the function/significance of the Water Tower and impact on the designated and non-designated heritage assets within Holyport Street. It also asserts that officers have not fully considered the heritage benefits.

- 2.4 Additionally, a document with verified views has been submitted showing how the development would appear from the identified views from the Conservation Area at 5 and 15 years from completion. The emphasis is on the landscaping proposals which would serve to partially screen the development.
- 2.5 Officers maintain that the special interest and significance of Holyport Conservation Area comes from a number of contributing factors, including the character of the Conservation Area itself, its setting, the important views in and out of it, and the designated and non-designated heritage assets within it. The application site comprises land both within the Conservation Area and within its setting. This land has an open, rural and agricultural nature and this is an important contribution to the significance of the Conservation Area. The proposed housing is clearly sited within the setting of the Conservation Area. The community facilities and parkland are to be sited within the Conservation Area. The adjustment to the layout, whilst moving the housing marginally further away from the Conservation Area, still keeps the housing within the setting of the Conservation Area.
- 2.6 The verified views show that significant planting would in part screen the housing, but that this screening would take years to establish and even in the summer months glimpses of the development would still be visible through the landscaping. Regardless of whether the housing can be seen or not, what is apparent is that the open, un-landscaped, agricultural fields, which play an important part in the setting and therefore the significance of the Conservation Area would be eroded.
- 2.7 The point is made that as part of the Borough Local Plan Preferred Options Stage (2014), comment was made by a former Borough Councillor, that the land close to Aysgarth Park could be developed for housing and that the Conservation Area should be extended to protect a medieval moat. The agent suggests that it was therefore accepted in the past that housing could be allocated next to the Conservation Area. These comments were made 7 years ago and the Borough Local Plan has moved on significantly from this time. The comments made by this former Councillor are therefore given very little weight in the current assessment. The proposal has been assessed in light of the current policy framework, guidance and other material considerations.
- 2.8 The applicant is of the view that public access within the site and this part of the Conservation Area to better reveal its features including the medieval moat and Water Tower is a heritage benefit. It is not agreed that this would be an absolute heritage benefit as to facilitate opening up public access into this part of the Conservation Area would alter the identified rural and agricultural character. Furthermore, with regard to the preservation of the Water Tower, the suggestion is made that the proposal would allow for its long-term retention. The Water Tower is not subject to any application for demolition, nor has any scheme proposed or included its removal. The extant condition of the structure is acceptable and it is not classed as a building at risk. As such, any suggested 'heritage benefit' of the retention and/or maintenance of the building should be given limited weight as these benefits are not exclusive to this application.
- 2.9 Officers maintain that the balancing exercise as required by paragraph 196 of the NPPF has been carried out. Both the public benefits and the heritage benefits put forward by the applicant have been duly considered as to whether they can outweigh the 'less than substantial harm' identified. (See paragraphs 9.122 – 9.124 of the panel report in addition to this panel update).
- 2.10 The additional information submitted in relation to the impact on the Conservation Area has not altered the stance of objection either in principle or in consideration of forming a balanced judgement and therefore does not alter the officer recommendation. The views of the Council's Conservation Officer on this additional information are copied in this update report below.

Ecology

- 2.11 At the time of writing, the additional ecology information had not yet been reviewed by the Council's Ecologist and thus reasons for refusal 6, 7 and 8 still remain. The applicant has confirmed that the Water Tower would not be disturbed as a result of the proposal and therefore there would be no impact on nesting Barn Owls, and as such, reason for refusal 9 has been overcome.

Affordable Housing

- 2.12 For clarification, the applicant has offered a total Affordable Housing contribution of 50% of the total number of homes. 40% (of the total homes) would be at the preferred tenure mix (45% social rent /35% affordable rent /20% intermediate) and 10% (of the total number of homes) would be 'discount to market value starter homes'. Whilst the 10% 'discount to market value starter homes' still falls within the definition of Affordable Housing within the NPPF, there is no identified need for this tenure within the Borough and therefore whilst the applicant has offered a 50% affordable housing contribution, only 40% is actually at the preferred tenure and therefore the weight to be applied must only be in relation to 40%. So while there are benefits of an overprovision against the policy compliant amount of 30%, the benefit is reduced if this overprovision is not at the Council's preferred tenure mix.
- 2.13 Furthermore, compared to the appeal scheme which offered 30% (of 150) Affordable Housing at the preferred mix, which equated to 45 homes, the current scheme offers 40% (or 124) Affordable Housing at the preferred tenure mix which equates to 50 homes. Such a minor increase of 5 additional homes cannot be given any greater weight as a benefit than in the appeal scheme.

Barristers Opinion

- 2.14 The Barristers Opinion (submitted 16.03.21) sets out the amendments to the scheme and again seeks to argue that the changes to the scheme, including both the reduced harms and increased benefits, would result in Very Special Circumstances existing in this case. It also makes the case that the LPA should be looking at the VSC case afresh rather than relying on the findings of the appeal Inspector.
- 2.15 As set out within the panel report and within this update, whilst having regard to the appeal decision as a significant material consideration, the current proposal has been assessed as a new application and various weights attributed to the harms and benefits. Officers maintain that whilst changes have been made to the proposal the weight to the harm to the Green Belt and the Conservation Area remain substantial and significant (respectively) and the weight to the benefits (including the additional benefits) do not clearly outweigh this harm. The barrister puts particular emphasis on 50% affordable housing, however as stated at 2.12 – 2.13 above, the weight to be applied should be based on the fact that only 40% is proposed at the preferred tenure mix and it must be noted that as this application is for a lower number of units than the appeal scheme this actually only equates to an additional 5 affordable units.

3. COMMENTS FROM INTERESTED PARTIES

Conservation Officer	Officer response	Change to recommendation
<p>☐ As described in Chapter 6 of the Conservation Area Appraisal – Special Features of the Area, under section 'Open Spaces, Trees and Landscape', paragraph 6.13, specifically identifies the development site as a Special Feature: "Two other important areas of relatively open land are the former grounds of Holyport Lodge and the agricultural land to the north which provide an open rural character to the north end of Holyport Street." As an identified special feature (open and rural character) and thus a defined important (i.e. of high significance) characteristic, it strongly contributes to the character and appearance of the Conservation Area.</p> <p>☐ An alteration (to the negative) of a defined feature would undoubtedly harm the character and appearance of the Conservation Area and this would seek to erode the</p>	<p>See</p> <p>Section 2.4 above</p>	<p>No</p>

Conservation Officer	Officer response	Change to recommendation
<p>reasons (i.e. significance) set out for designation. As noted in Chapter 2 of the CAA – Summary of Significance: <i>“Away from the centre of the village, spaces between buildings and mature trees create a rural ambiance. The surrounding landscape of open fields is important in preserving the historic setting of the conservation area”. (Ch. 2.2, p8)</i></p> <p>☐ Historic England’s The Setting of Heritage Assets - Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) advises that: <i>“Setting is the surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not.”</i> And that: <i>“The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places.”</i> In respect to Historic England’s guidance, the alteration of the setting (i.e. the way the heritage assets are experienced (Conservation Area, Listed Buildings, other non-designated heritage assets)) would undoubtedly be altered (land use) by the proposals. This alteration would fail to preserve or enhance the character and appearance of the Conservation Area through erosion to the identified setting.</p> <p>☐ In respect the harm to the setting of the Water Tower, the CAA notes (6.10, p22) <i>“The water tower and its setting between Holyport Street and the Ascot Road is an important landmark”</i>. The opinion of the Consultant is that the setting and thus significance of the Water Tower would not substantially change and that the experience of the asset may be improved (noting from the new houses), however any development of the land which alters the rural characteristic (as previously identified) will result in a shift in significance. It is Conservation’s stance that this alteration to the setting would be harmful as these (rural and open) characteristics have been identified in the Appraisal.</p> <p>☐ The Consultant states that “no indication of what level of harm arises”, and that this is necessary requirement as stated in the NPPG. Whilst the Consultant may have their own analysis to indicate levels of harm, the NPPG states that <i>“Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated”</i> (Paragraph: 018 Reference ID: 18a-018-20190723). Within the original Conservation Team’s Consultation Response, the level of harm is clearly identified numerous times as less than substantial and the extent and nature (of the harm) articulated as “through the erosion of the open setting and rural characteristics that contribute to</p>		

Conservation Officer	Officer response	Change to recommendation
<p>the special interest, as well as being unsympathetic in scale, form and density.”</p> <p>❑ Any benefits that have been suggested by the Consultant may be considered subjective, negligible or indeed questionable. Increased access could result in increased damage (vandalism etc.) and that any ‘maintenance and upkeep’ is incidental to the development proposals and that there are no guarantees/mechanisms to facilitate this, and as such should not be given weight in the planning balance.</p> <p>❑ Ultimately, the primary legislation requires a desirability to preserve or enhance the character and appearance of a Conservation Area, or the setting of a Conservation Area. There can be no doubt that proposals which seek to erode the identified characteristic would fail in this test.</p>		

Further comments from other interested parties

Comment	Officer response	Change to recommendation?
<p>Holyport Village Hall Committee: We disagree with the applicants’ proposal to build another Community Hall within the village of Holyport. Holyport Memorial Hall is within walking distance of Holyport Green. Holyport Memorial Hall is undergoing a major refurbishment.</p>	<p>The panel report only attributes moderate weight to the proposed community facilities.</p>	<p>No</p>

Further comments from local residents

Comment	Officer response	Change to recommendation?
<p>The application is an outline application for access with all other matters reserved. Increasing the number of so-called affordable homes has nothing to do with the access.</p>	<p>The assessment is also on the principle of the development so the number of affordable homes is relevant.</p>	<p>No</p>

This page is intentionally left blank