

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

19 December 2016

Item: 3

Application No.:	16/02730/FULL
Location:	Land To Rear of Stable Cottage Poundfield Lane Cookham Maidenhead
Proposal:	Erection of dwelling with detached double garage
Applicant:	Mr And Mrs Kent
Agent:	Mrs Ged Brockett - The Complete Oak Home
Parish/Ward:	Cookham Parish/Bisham And Cookham 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 application site forms part of a larger area known as Poundfield. Poundfield has a lengthy and complex planning history, which reflects the pressure to build on it. Details of this history are set out further in the report, but the current situation is that the land, including the application site, is not within the designated Green Belt boundary. The application site is however within the Cookham High Street Conservation Area.
- 1.2 The Conservation expert consulted on this application has advised that the association of Cookham with the work of Sir Stanley Spencer puts the Cookham High Street Conservation Area at an international level of importance. For this reason building a dwelling on this site would cause substantial harm to an exceptionally significant heritage asset. National Planning Policy advises that, unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm, planning permission should be refused.
- 1.3 Paragraph 133 of the NPPF advises that where a proposed development will lead to substantial harm to a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm. In terms of public benefits, it is acknowledged that the proposal would contribute to the Borough's housing stock. However, while the proposed designation of the site as a Local Green Space in the emerging Borough Local Plan cannot be afforded any weight at this stage, it is clear from the evidence provided that the proposal would substantially harm the Cookham High Street Conservation Area and all that it entails. This Conservation Area is an exceptionally significant heritage asset and the benefits of providing 1 dwelling to the Royal Borough's housing stock does not outweigh the substantial harm caused.

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

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| 1. | Substantial harm to the Cookham High Street Conservation Area which is an exceptionally significant heritage asset. No substantial public benefits exist to outweigh the harm to the heritage asset. Contrary to policies DG1, CA2, LB2 RBWM LP, G4.5 and G14.1 of the Cookham Village Design Statement SPD (Adopted May 2013) and paragraph 133 of the NPPF. |
| 2. | In the absence of an adequate evaluation the proposal would likely adversely affect archaeological sites of unknown importance and an area of high archaeological potential, contrary to Policy ARCH3 of the Local Plan. |
| 3. | Would result in loss of open space that is highly valued by the community as a place of tranquillity in the heart of the settlement. The proposal would substantially harm the visual amenity and enjoyment of the place and is therefore contrary to paragraph 74 of the NPPF. |

2. REASON FOR PANEL DETERMINATION

- The Head of Planning considers it appropriate that the Panel determines the application.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site comprises part of the extended rear garden of Stable Cottage, Poundfield Lane. The land is approximately 0.18 hectares, laid to lawn and enclosed by fences, hedges and trees. Access to the site is via a single width drive off Terry's Lane.
- 3.2 The site is located in an area of land known as Poundfield and once formed part of the garden of Englefield House, a Grade II listed building. Stable Cottage is located in the Green Belt but the application site is not. It is however within the Cookham High Street Conservation Area.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The application seeks planning permission for a detached four bedroom house with a linked detached workshop and double garage. The dwelling would be positioned towards the northern boundary and measures 18.3m wide, 9.9m deep and approximately 8m high, plus the attached single storey garage/workshop measures 9.4m by 6.8m deep. The proposed dwelling has been designed to have the appearance of a converted barn.
- 4.2 As the application site is included within the area of land known as 'Poundfield', its planning history is lengthy. The table below therefore sets out a summary of this:

Date	Application / Event	Decision/outcome
1967 - 1973	Four planning applications for residential development refused planning permission.	Appeals were dismissed on highway grounds. All Inspectors and the Minister at the time accepted that the site was physically suitable for residential development.
1985	Berkshire County Council adopted the Green Belt Local Plan for Berkshire.	Poundfield excluded on the ground that the site's suitability for development had been established by a series of appeals (subject to the resolution of access difficulties) and thus to transfer to the Green Belt was not appropriate.
1985	Draft Maidenhead and District Local Plan allocated land at Poundfield for housing.	This Plan was not adopted.
1989	Outline planning permission sought for two alternative residential development schemes on the Poundfield site.	Both schemes proposed 25 sheltered housing units, together with either 88 or 66 houses.
21 April 1991	The Secretary of State dismissed both appeals.	The Planning Inspector recommended that planning permission be granted, however the Secretary of State disagreed.
1992	Draft Berkshire Structure Plan deposited.	Poundfield excluded from the Green Belt. This Plan was later adopted in 1995.
1993	RBWM published its consultation draft for the new Local Plan.	Two main fields to the east of Poundfield Lane were designated as Areas of Important Urban Open Space. Cookham Conservation Area was extended to include the houses to the west of the Lane.
1994	Deposit draft of the new Local Plan published with Green Belt boundary revisions.	The Plan identified Poundfield within the Green Belt.
1995	Appellants object to the proposed Green Belt boundary revisions.	An Inspector hears the objections but proposes no modifications.
30 July 1999	RBWM adopt the Royal Borough of Windsor and Maidenhead Local Plan/	The Plan includes land at Poundfield within the Green Belt for the first time.
31 March 2000	Appellant's application to the High Court, pursuant to s287 of the Town and Country Planning Act 1990, to quash the Local Plan in respect of the Objection Site (which includes the land forming the current application site). Permission to appeal is granted because of the potential wider importance of the matter.	The Local Plan is adopted and land at Poundfield (hereinafter referred to as the Objections Site) is Green Belt for the time being.
7 February 2001	Appeal allowed and the RBWM decision to adopt the Local Plan was quashed in so far as it relates to the Objection Site.	The extent of the Objection Site is identified by a plan attached to the Court Order dated 7 th February 2001 and includes the application site.

3 March 2001	RBWM submit an application seeking leave to appeal the decision of the Court of Appeal.	
25 July 2001	RBWM application for leave to appeal is denied by the House of Lords Appeal Committee.	
2001	All the land within the Poundfield area which had been identified in the 1999 Local Plan as Green Belt (including the current application site) was removed from the Green Belt.	The land removed from the Green Belt designation mistakenly included land which did not fall within the Objection Site. RBWM had incorrectly removed land which had lawfully been designated Green Belt from the Green Belt boundary.
September 2001	Land outside of the Green Belt within the Poundfield area, but outside of the Objection Site, that had been mistakenly taken out, is reinstated.	
July 2007	Application 07/01333 Planning permission granted for the erection of a timber outbuilding.	The assessment of this application was on the basis of Green Belt policy, (as well as the policy in respect of the Conservation Area). It was incorrect to assess the proposal in terms of Green Belt policy as the site was not in the Green Belt, but formed part of the Objection Site.
2014	RBWM receives an allegation that land within the Objection Site which in 2001 did not belong to the Appellants should be returned to the Green Belt.	The Court had ordered that the Local Plan should be quashed insofar as it relates to the Objection Site. The fact that parts of the Objection Site were not owned by the appellants was not relevant to the decision reached by the Court. Although the judgement refers to the appellant's land, the application related to the Objection Site and the Court order specifically states that the Local Plan be quashed in respect of the Objection Site. If the Council were to amend the Green Belt boundary to only exclude from the Green Belt land within the Objection Site owned by the appellants, it would be in breach of the Court.
25 th November 2014	Legal advice obtained confirms that RBWM was correct to exclude all the land in the Objection Site from the Green Belt.	Further legal advice on the matter has confirmed that the Court's decision applied to all land within the Objection Site, regardless of its ownership. The application site was correctly removed from the Green Belt pursuant to the Court order.
December 2014 and January 2015	Legal opinions sought maintain the advice that RBWM was correct to exclude all the land in the Objection Site (including the application site) from the Green Belt.	

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework Sections 6, 7, 8, 11 and 12 and paragraphs 14 and 17.

Royal Borough Local Plan

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

Within settlement area	Highways and Parking	Trees & Hedgerows	Conservation
DG1, H10, H11	P4, T5	N6, N7	CA1, CA2, LB2

These policies can be found at

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

Supplementary planning documents

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

- Cookham Village Design Statement, Adopted May2013, including sections G4.5 and G14.1.

More information on this document can be found at:

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

Other Local Strategies or Publications

5.4 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy

More information on these documents 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 issues for consideration are:

- i The principle of development;
- ii The impact of the proposal on the Cookham High Street Conservation Area;
- iii The impact on the living conditions of neighbours;
- iv Parking provision and highway safety;
- v Archaeological impact;
- vi Ecological impact;
- vii The impact on trees;
- viii Impact on open space;

ix Other material considerations and;

x The planning balance.

The principle of development

- 6.2 Section 14 of the NPPF advises that there is a presumption in favour of sustainable development and that for decision taking this means, unless material considerations indicate otherwise and where development plan policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole; or specific policies in the NPPF indicate development should be restricted. A footnote to section 14 provides examples of specific policies where development might be restricted; these include land designated as Green Belt, Local Green Space and designated heritage sites.
- 6.3 The table in section 4.2 of this report concludes that the application site is not in the Green Belt. However, the site is located within the Cookham High Street Conservation Area, which is a designated heritage asset. The site's location within a designated heritage asset does not preclude development, but requires that the specific policies relating to that designation (in this case the policies set out in Section 12 of the NPPF), be complied with.

The impact on the Cookham High Street Conservation Area

- 6.4 The Cookham High Street Conservation Area was originally designated in 1969 by Berkshire County Council. In 1991 the boundaries were reviewed and enlarged to incorporate new areas. The boundaries were further reviewed and extended in 2002. There are two listed buildings in close proximity to the site, both Grade II: Englefield House and Pound Cottage.
- 6.5 Nationally listed buildings are by virtue of this designation of national significance. Both of the buildings in the vicinity of the proposed development are designated Grade II and of moderate-high significance.
- 6.6 The Poundfield, Pony Field and the original garden of Englefield house (which this application originally formed part of), when taken together, create an important wedge of green space between the ancient village of Cookham and the nineteenth-century and later development around the railway (Cookham Rise). Taken as a whole this space is of high significance for historical, aesthetic and communal reasons. It is an important space for maintaining the visual integrity and setting of the historic village of Cookham and separating it from later development. The space is valued by locals and visitors as an open space for walking and cycling. Its associations with Sir Stanley Spencer raise its significance to an international level. The proposed development site is also significant as being part of the original curtilage of Englefield House and thus part of its setting.
- 6.7 Views are an important element of the significance of the conservation area. The raised land of Poundfield provides opportunity for panoramic views across the village towards Cliveden in the distance. These views are available from public vantage points on Poundfield Lane and from Englefield House and its garden. These views are all of high significance for aesthetic and historical reasons.
- 6.8 The view that inspired the painting *Poundfield* (1935) by Sir Stanley Spencer includes Poundfield, the garden of Englefield House including the very prominent tree and houses beyond. Although the painting is not always topographically accurate, and the large prominent cedar tree has since been felled, this view is of the highest significance.
- 6.9 The reputation of Sir Stanley Spencer (1881-1959) as an outstanding 20th-century artist continues to grow. Observation of real life, an ambivalent attitude to the self, and a deep spirituality pervade Spencer's paintings. His use of Cookham as the setting for so many visionary subjects makes the village a popular destination for aficionados. The paintings however are not always accurate depictions of the village; he was not afraid to exercise artistic licence to aid his narratives. Many details in the smaller canvases are recognisable views and are as direct as

many of his bold portraits. In other pictures, however, artistic liberties are taken so that the spirit of the place is captured. It is this spirit which designation as a conservation area serves to protect.

- 6.10 Spencer painted more than 100 pictures in and around Cookham. Spencer's deep attachment for Cookham as a 'village made in heaven' and a place where he felt divine intervention happened, contribute to his standing out from his contemporaries. Many of the artist's Cookham-related works depict views, scenes, façades and other details. Of particular importance are the landscapes painted around Poundfield and Englefield House.
- 6.11 The association of Cookham with Sir Stanley Spencer raises the significance of the Conservation Area to an international level. Poundfield, and Englefield House are particularly important in this respect not just for the preservation of particular views, but as a key element in Spencer's inspiration, the world in which he lived and the world that he created in his art.
- 6.12 The proposal is to build a detached house in the land behind Stable Cottage, formerly part of the extensive garden of Englefield House. The NPPF requires that,
"In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary."
- 6.13 The applicant's Heritage Statement contends that the proposed development does not lie within the setting of the listed Englefield House on the grounds that: the original garden of Englefield House has been subdivided and that hedges and trees will make it invisible. However, as the Heritage Statement itself points out, "The OS sheets 1888-1913 show Englefield House and its outbuildings to be the only structures in the immediate vicinity, with its grounds extending eastwards towards Terry's Lane. The application site, now within the residential curtilage of Stable Cottage, has always been within such a curtilage." This would seem an argument for why the site is within the setting of the listed building. The Heritage Statement goes on to observe that, "While the impact of a development on a listed building or its setting extends beyond what might be seen, visual appraisal is significant." I would agree with this statement. I would not, however, concede that there would be no view of the proposed residence from Englefield House. I think it is likely to be visible from the main first floor room which looks over the site.
- 6.14 The Heritage Statement makes the extraordinary claim that "As backland/garden land it makes no particular contribution to the conservation area." Space is a key quality of this part of the Conservation Area. As is apparent in the OS map quoted above, historic development is confined to the periphery of the wider Poundfield area (Pony Field, fields behind houses on The Pound, former garden of Englefield House, Poundfield north of Englefield House and between Poundfield Lane and the railway). All of these individual fields and gardens contribute to a continuous open space. This pattern of development around the periphery has been maintained into modern times. The only exception being the small stables adjoining this site. This is on a similar scale to some of the cattle sheds scattered across the Poundfield.
- 6.15 Non-designated Heritage Assets - the Spencer Factor: This section concentrates almost entirely on Spencer's painting *Poundfield*. However, it begins with the unsubstantiated statement that, "The expansion of the conservation area, north of the application site was prompted as much by the Court of Appeal's ruling on the Green Belt boundary as by the need to protect views already retained for posterity through Spencer's work." Is the Heritage Statement arguing that because Spencer recorded the view 'for posterity' in a painting it does not need to be conserved? Furthermore, the Heritage Statement suggests that the northern part of Poundfield should be recognised as a non-designated heritage asset rather than as part of the Conservation Area. The fact that the Heritage Statement is suggesting that the area be removed from designation as a conservation area is surely *prima facie* evidence of harm to the heritage asset.

- 6.16 The Heritage Statement correctly observes that, “The painting includes a good deal of artistic licence, notably the introduction of buildings into the landscape....” It then goes on to make the claim that, “The positioning of the proposed new dwelling to the rear of Stable Cottage would, ironically, be truer to the painting than Spencer might have envisaged, although the garage of the new house,... would be lower than the building in the painting....” It goes on to say that, “The new dwelling would, in a strange way, fulfil Spencer’s view of the scene...”. One must question whether the heritage asset has been “assessed using appropriate expertise” as required by the NPPF.
- 6.17 The heritage statement concludes that no harm has been caused to the listed buildings or the Conservation Area. Furthermore, that as the painting *Poundfield* is ‘idealistic’ the development causes no harm.
- 6.18 The NPPF states that,
- 132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification....*
- 133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss....*
- 134. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.*
- 138. Not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 133 or less than substantial harm under paragraph 134, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.*
- 6.19 The listed buildings are of moderate-high significance. No building is being physically changed though the setting of Englefield House, in particular, is impacted. The new house would stand within the historic curtilage of the listed building. This is clearly within its setting. The applicant’s Heritage Statement argues that the new house would not be visible from the listed building. I am not satisfied that this is the case. It seems probable that the proposed development would be visible from the upstairs, east facing, windows of Englefield House. These are the principal bedrooms and were clearly designed to benefit from this view. This represents a substantial impact on a heritage asset of moderate-high significance.
- 6.20 Space is of high significance in this part of the conservation area. The former garden of Englefield House, of which the proposed development site is part, is an important part of that space. The garden (now gardens) run across the Poundfield from Poundfield Lane to Terry’s Lane. The original house and outbuildings stood at the top of the sloping site. Despite the fact that this is a garden, separating two fields, the whole area reads as one open space. To build a house in the middle of this space would represent substantial harm to a heritage asset of high significance. It is important to stress that Spencer’s painting *Poundfield* depicts not just a view, it depicts a space, and a sense of place. Compromising that space would be harmful to a heritage asset of high significance.
- 6.21 There are a many views available in and around Poundfield. Several are of moderate-high significance and some are of high significance. The proposed development would impact most on the view depicted in Spencer’s painting *Poundfield* (1935). The argument in the applicant’s

Heritage Statement that this would in some way make the view more like Spencer's painting is ridiculous. The argument that the view has changed since 1935 and is thus somehow no longer significant is perhaps even more preposterous. Building a house in such a location would constitute major harm to a heritage asset of high significance.

6.22 The Cookham High Street Conservation Area and the Poundfield specifically are of international significance on account of their association with Sir Stanley Spencer and his work. The proposed development would have a major impact on a heritage asset of high significance.

6.23 The character of the area, which a conservation area is intended to preserve and enhance, would be significantly changed by this development. An area of rural and semi-rural open space with houses of various periods around its periphery on established roads, would be divided into two fields with no visual connection between them. This would be harmful to the character and appearance of the Conservation Area.

6.24 NPPF sets out 12 Core principles

Para 17. Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should: [Bullet 10] conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

6.25 The former garden of Englefield House makes a positive contribution to the high significance of the Cookham High Street Conservation Area. Although it has, since the building of the house, divided the greater part of the Poundfield into two parts, its openness allows the space to be read as one open space. Cookham and the whole of the Poundfield area is significant for its association with the work of Sir Stanley Spencer. The proposed development site features in one of his most important paintings (*Poundfield* 1935). The garden of Englefield House (of which the site was part) features in several others. The association of Cookham with Spencer is even closer than that between Constable and Dedham Vale. This is not just a question of preserving or enhancing the character and appearance of a conservation area, or assessing harm to the setting of a listed building. This conservation area is internationally significant because of its association with the artist. This particular site especially so. The applicant's heritage statement fails to recognize the significance of the heritage asset and states that (7.10) "In an area with a recognised housing shortage, the provision of even a single new dwelling would be of public benefit, when the harm to the conservation area is not only not substantial it is of no real significance."

6.26 The proposal represents substantial harm to the high significance of the Cookham High Street Conservation Area. The NPPF (133) indicates that a proposal causing substantial harm should be refused unless the harm is outweighed by the public benefit. The proposal does not represent a substantial public benefit.

6.27 The main design issues raised are:

6.28 The Design and Access Statement describes a simple form building echoing a simple linear barn structure. It is constructed in brick and timber cladding with pitched roof in clay tile and timber clad gables. The proposal is a substantial part-two, part-single storey building, it stretches east-west across the site and the two-story part occupies half the width (approximately 20m). The height (approximately 8m) and scale of the building is such that the upper part roof is likely to be visible particularly in leafless times of the year. It is noted that a number of the trees along the northern boundary of the site that provide screening are to be removed.

6.29 Notwithstanding existing screen planting, it is likely that the building would be noticeable as an urbanising feature at a particularly sensitive location and would therefore harm views and open space characteristics, and be detrimental to the character and appearance of the Conservation Area.

The impact on the living conditions of neighbours

- 6.30 The proposed dwelling would be at least 55m away from the closest residential property. Given this separation distance and the contained nature of the site, the proposal would not harm the living conditions in respect of loss of privacy, loss of light or by having an overbearing appearance when viewed from the neighbours.

Parking provision and highway safety

- 6.31 Terry's Lane is subject to a 30mph and 60mph speed limit, however the site falls within the 30mph speed limit. The road is not street lit and does not have any form of traffic calming. There is an existing access to the site that would be retained, with the existing gates to be set 5m back from Terry's Lane. The existing visibility splays are at 38m in each direction. The development has the potential generate between 8 – 16 vehicle movements per day.
- 6.32 The construction of a 4 bedroom dwelling would require the need for 3 parking spaces. The site provides sufficient parking and turning space to satisfy the Borough's requirement, together with a double garage. The plans show that there is enough room to accommodate cycle storage, although the applicant would be required to submit details of the refuse/recycling arrangements.
- 6.33 The Highway Authority has no objections to the proposal subject to a parking condition.

Archaeological impact

- 6.34 In accordance with Paragraph 128 of the NPPF, the applicant has submitted with their application an archaeological desk-based assessment prepared by Thames Valley Archaeological Services (TVAS, dated May 2016). The archaeological desk-based assessment presents the archaeological background to the application area and assesses its archaeological potential and the likely impacts of the development proposal on the buried archaeological heritage.
- 6.35 While no known heritage assets are recorded within the application area, the assessment considers its potential to contain buried archaeological remains. The prehistoric potential of the Middle Thames Valley, within which the site sits, is noted and the report goes on (page 7) to state: *'A watching brief at Spencers [now The White Oak], The Pound, not far [100m] to the south of the proposal site yielded struck flint and Late Neolithic [3,000 – 1,800 BC] grooved ware pottery, some of which was found in a small pit that was possibly of this date.'*
- 6.36 The report also sets out the importance of Cookham in the Saxon period and states (page 7): *'Cookham is thought to have middle Saxon origins and to have had a minster church by the 8th century AD...It was long thought that the focus of the Saxon settlement was around the medieval church...Recent fieldwork at Spencers, The Pound, has however revealed Saxon deposits, which has complicated what was thought to be known about the early topography of the village, suggesting that the original settlement may have been bi-focal with activity in the Poundfield area also. The location of a Saxon cemetery on the line of the railway north of Poundfield further supports the suggestion of Saxon settlement on the west side of Cookham Moor and at least one of the barrows on Cock Marsh contained an additional Saxon burial.'*
- 6.37 As regards an assessment of previous land use, the report states (page 15): *'From the earliest cartographic sources it is clear that this area north of The Pound has been just outside the edge of the medieval and post-medieval village and there is no evidence that the proposal site was used for anything other than agricultural purposes...There is therefore unlikely to have been significant disturbance of any surviving below-ground archaeological remains.'* In conclusion the assessment states (page 15): *'It may be necessary to provide further information about the potential of the site from field observations in order to draw up a scheme to mitigate the impact of development on any belowground archaeological deposits if necessary. If requested, a scheme for this evaluation will need to be drawn up and approved by the archaeological advisers to the Royal Borough...'*
- 6.38 Berkshire Archaeology has advised that the assessment report rightly notes the regional significance of Cookham in the Saxon period, including the discovery of a Saxon inhumation cemetery in the 19th century at Noah's Ark, 450m north of the application site and the discovery

in 2008 of possible Middle Saxon (6th – 7th century AD) settlement remains at Spencers (now The White Oak), some 100m to the south-east of the application site.

- 6.39 While this is not a large scale development proposal, it clearly falls in an area of high archaeological potential within previously undeveloped land. It is inherent in the contents of the desk-based assessment report that the archaeology of the site is unknown but there is a potential for significant buried remains to be present, which would be adversely impacted by the development proposals. In Berkshire Archaeology's view there is, therefore, currently insufficient evidence to understand the potential impact of the proposal on the buried archaeological heritage. The application should therefore not be determined until further information is obtained through field evaluation. This is anticipated by the applicant's archaeological consultant as set out on page 15 of their desk-based assessment report.
- 6.40 Berkshire Archaeology's advice is in accordance with Paragraph 128 of the NPPF which states that *'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting...Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.'*
- 6.41 Historic England's Good Practice Advice on Managing the Historic Environment - Note 2 states (paragraphs 30 and 31) that some heritage assets *'...will currently hold only archaeological interest, in that nothing substantial may be known about the site and yet there is a credible expectation that investigation may yield something of strong enough interest to justify some level of protection. For sites with archaeological interest, whether designated or not, the benefits of conserving them are a material consideration when considering planning applications for development'*.
- 6.42 Policy Arch 3 of the Royal Borough of Windsor and Maidenhead Local Plan (adopted June 2003) also states that *'Planning permission will not be granted for proposals which appear likely to adversely affect archaeological sites and monuments of unknown importance and areas of high potential unless adequate evaluation enabling the full implications of the development on matters of archaeological interest is carried out by the developer prior to the determination of the application'*.
- 6.43 It is recommended that the evaluation takes the form of exploratory trial trenching in those areas of the proposal that will impact on buried archaeological remains. Should the Royal Borough not be minded to follow our advice, we would strongly recommend that a condition requiring a programme of archaeological work is attached should the proposal be permitted.

Ecological impact

- 6.44 The submitted Preliminary Ecological Appraisal (Phase 1 Habitat and Ecology Survey) of Land to Rear of Stable Cottage, Poundfield Lane, Cookham, Berkshire (CGO Ecology Limited, August 2016) has been assessed by the Council's Ecologist.
- 6.45 In terms of protected species, no evidence of bats, badgers, dormice, great crested newts or important invertebrates were recorded during the ecology survey. A small area of habitat suitable to support reptiles was recorded around the base of the hedgerows. All native species of reptile are protected from killing and injury under the Wildlife and Countryside Act (1981) as amended. In addition, all common native species of reptile are Species of Principal Importance under Section 41 of the NERC Act 2006 and receive further protection through national planning policy. It is understood that all hedgerows are to be retained and that a new hedgerow is proposed in order to increase connectivity around the site and therefore no further survey or mitigation is required with regards to reptiles. Should large areas of the hedgerows be removed, it is recommended that a reptile mitigation strategy is prepared in order to safeguard reptiles during development.
- 6.46 The trees and hedgerows on site have the potential to support breeding birds. Breeding birds, their eggs and active nests are protected under the Wildlife and Countryside Act 1981, as amended. The applicant's ecologist has provided recommendations for the protection of breeding birds during development including removal of vegetation outside the breeding bird season (which spans from March to August inclusive).

Should the Local Planning Authority be minded to grant planning permission, it is recommended that this advice be incorporated into a suitably worded condition or Informative Note.

- 6.47 Paragraph 109 of the NPPF states that: “The planning system should contribute to and enhance the natural and local environment by [...] minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures”. In addition, Section 40 of the Natural Environment and Rural Communities Act 2006 states that “Every public authority must, in exercising its function, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”.
- 6.48 The applicant’s ecologist has recommended a number of biodiversity enhancements for the site including installation of bird and bat boxes, wildlife friendly planting, hedgehog friendly fencing and sensitive lighting. Should the Local Planning Authority be minded to grant planning permission, it is recommended that a suitably worded planning condition is included requiring the applicant to incorporate all the of biodiversity enhancements recommended within the ecology report.

The impact on trees

- 6.49 The Tree Officer has advised that there are no arboricultural objections to the proposed development. If the planning department is minded to grant planning permission for the proposed dwelling it is recommended that conditions in relation to tree protection, tree replacement and landscaping are imposed.

Impact on open space

- 6.50 The NPPF states that, “access to high quality open spaces... make an important contribution to the health and well-being of communities” (paragraph 73) and that “open space should not be built on”, unless it is surplus to requirements, can be replaced by an equivalent or better open space, or if the need for the development would clearly outweigh the loss (paragraph 74). Annex 2 of the NPPF explains that the term ‘open space’ means all open space of public value, which offers important opportunities for sport and recreation and can act as a visual amenity. This undeveloped site makes an important contribution to the open space in the area, which is highly valued by the community. Building on this site would cause substantial harm to the visual amenity and community’s enjoyment of the place, and is contrary to paragraph 74 of the NPPF.

Other Material Considerations

Housing Land Supply

- 6.51 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. It is acknowledge that this scheme would make a contribution to the Borough’s housing stock, which weighs in its favour.

The planning balance

- 6.52 Paragraph 133 of the NPPF advises that where a proposed development will lead to substantial harm to a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm.
- 6.53 In terms of public benefits, it is acknowledged that the proposal would contribute to the Borough’s housing stock. However, while the proposed designation of the site as a Local Green Space in the emerging Borough Local Plan cannot be afforded weight at this stage, it is clear from the evidence provided that the proposal would substantially harm the Cookham High Street Conservation Area and all that it entails. This Conservation Area is an exceptionally significant

heritage asset and the benefits of providing 1 dwelling to the Royal Borough's housing stock does not outweigh the substantial harm caused.

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. The tariff payable for this development is to be advised.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

19 occupiers were notified directly of the application.

The planning officer posted a statutory notice advertising the application at the site on 15th September 2016 and the application was advertised in the Maidenhead & Windsor Advertiser on 1st September 2016.

No letters were received supporting the application

12 letters were received objecting to the application, summarised as:

Comment	Where in the report this is considered
1. This land has never been identified as suitable for housing.	4.2
2. The Council has voted unanimously for this site to be included in a designated Local Green Space.	6.53
3. The developers are relying on local 'protest fatigue' to play the planning system.	Noted.
4. This is backland development.	6.4 – 6.29
5. The site is part of the setting for some of Sir Stanley Spencer's iconic landscape paintings. Views inside and across the site are important both for their amenity value and connections with Stanley Spencer. The development will block important views.	6.4 – 6.29
6. In 1991 the then Secretary of State made clear that the setting of the listed buildings could be harmed by development on Poundfield.	4.2
7. The boundary line for site is incorrect and part of the lane (drive) is owned by the neighbours at Paddocks End. This lane is not strong enough to take further traffic and it requires suitable drainage. Concern relating to the potential damage the development may have on Paddocks End.	This is not a planning matter.
8. There is a restrictive covenant with the land, which prohibits the owners building on it.	This is not a planning matter.
9. Will lead to an increase in traffic on the already congested country lanes.	6.31 – 6.33
10. Will add to the burden on local services.	7.1
11. The loss of open land will be significant, yet only one home will be provided which is insignificant in terms of housing needs.	6.53
12. The site is in the Green Belt – There are no very special circumstances to warrant the proposal.	4.2
13. The applicants have objected to the other Poundfield applications, but their objections apply equally to their own application – seems hypocritical.	Noted
14. The development would have an overbearing impact on the neighbouring properties.	6.30
15. Saxon remains could be on the site.	6.34 – 6.43
16. Loss of trees including a large mature Ash.	6.49
17. Loss of an important wildlife habitat.	6.44 – 6.48

18.	The proposed dwelling is completely out of keeping and character in relation to the listed cottage on Terry's lane and proposes considerable and disproportionate bulk and mass in relation to the other bungalows and cottages on the west side of Terry's Lane.	6.4 – 6.29
19.	This needs to be preserved and protected for the good of everyone.	6.53
20.	The site is within the Conservation Area. The proposal is contrary to Policy CA2 of the Local Plan and the Cookham Village Design Statement.	Reasons 1 and 3.
21.	The proposed construction is simply morally wrong for the residents of Cookham.	Noted

Consultee responses

Consultee	Comment	Where in the report this is considered
Cookham Parish Council	Overdevelopment in area considered to be vital Open Green Space.	6.4 – 6.29
The Cookham Society	Objects – Contrary to Policy CA2 of the Local Plan and the Cookham Village Design Statement. Will be overbearing and out of keeping with rural surroundings. Will harm the setting of Englefield House, a Grade II Listed building. Will harm several views painted by Sir Stanley Spencer.	6.4 – 6.29
Conservation	Objection – would cause substantial harm to an exceptionally significant heritage asset.	6.4 – 6.29
Highway Authority	No objection, subject to a parking condition.	6.31 – 6.33
Berkshire Archaeology	Inadequate evaluation of archaeological importance.	6.34 – 6.43
Ecology Officer	No objection subject to conditions.	6.44 – 6.48
Tree Officer	No objection subject to conditions.	6.49
Environmental Protection	No objection subject to informatives in respect of dust control, smoke control and permitted hours of construction.	Noted

9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Site layout plan
- Appendix C – Front elevation
- Appendix D – Rear elevation

10. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 1 The proposal, by reason of its siting and scale, will lead to substantial harm to the Cookham High Street Conservation Area, which is an exceptionally significant heritage asset. The NPPF advises local planning authorities to refuse consent unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm. In this case, no substantial public benefits exist that outweigh the harm to the heritage asset. The proposal is therefore contrary to saved policies DG1, CA2, and LB2 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations adopted in June 2003), G4.5 and G14.1 of the Cookham Village Design Statement SPD (Adopted May 2013) and paragraph 133 of the NPPF.
- 2 In the absence of an adequate evaluation, it has not been demonstrated to the satisfaction of the local planning authority that the proposal would not adversely affect archaeological sites of unknown importance and an area of high archaeological potential, contrary to saved policy ARCH3 of the Local Plan.
- 3 The proposed development, by reason of its siting, would result in loss of open space that

contributes to important open space with historical significance that is highly valued by the community as a place of tranquillity in the heart of the settlement. The proposal would substantially harm the visual amenity and enjoyment of the place and is therefore contrary to paragraph 74 of the NPPF.