

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

12 April 2017

Item: 1

Application No.:	17/00129/FULL
Location:	Challen's Chickens Land Adjacent Honey House Winter Hill Road Cookham Maidenhead SL6 6PJ
Proposal:	Construction of 3x dwellings with garages following demolition of existing poultry /egg plant and silo
Applicant:	Mr Challen
Agent:	Mr Lawrence Jones - Barrister At Law
Parish/Ward:	Bisham Parish/Bisham And Cookham Ward
If you have a question about this report, please contact: Antonia Liu on 01628 796697 or at antonia.liu@rbwm.gov.uk	

1. SUMMARY

- 1.1 The proposal for 3 dwellings is inappropriate development in Green Belt and would conflict with one of the purposes of the Green Belt, namely 'to assist in safeguarding the countryside from encroachment'. Due to the scale and bulk the proposed dwellings are also considered to erode actual openness. As such, the harm as a result of the development is considered to be substantial. The scale, form, mass and bulk of the development would reduce openness and have an adverse effect on the character of the area, including the Area of Special Landscape Importance. It is not considered that a case for VSC has been demonstrated.

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. | The proposal represents inappropriate development and would conflict with one of the purposes of the Green Belt, namely 'to assist in safeguarding the countryside from encroachment'. No Very Special Circumstances have been demonstrated that clearly overcomes the harm to the Green Belt and any other harm. |
| 2. | Due to its scale, height, form, mass and bulk the proposal would result in the loss of actual openness across the site representing an intrusion/encroachment into the countryside which would conflict with one of the main purposes and open character of the Green Belt, and harm the open character of this Area of Special Landscape Importance and locality in general. |

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Kellaway to consider all the options available in a green belt site.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site, measuring approximately 0.42ha, is located in a gap in a relatively isolated row of houses set in a wider rural setting. An access track serves the row of houses, linking to the main carriage way of Winter Hill Road by Honey House at the north end and The Brackens towards the southern end. The site is located within Green Belt and an Area of Special Landscape Importance.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The proposal comprises of the erection of 3 x 5-bed detached houses following the demolition of the existing poultry / egg plant and silo.

- 4.2 6 of the 7 houses to the south of the application site were built under a pre-war consent for 10 houses before the introduction of the planning system introduced by the 1947 Town and Country Planning Act. The foundations of the house immediately to the south of the application site had been laid and therefore its permission remained valid. A Revocation Order cancelling permission for the 3 unbuilt houses on the application site was confirmed in 1947. Planning permission for the house to the north (originally Penn Cottage, now Honey House), was granted in 1953.
- 4.3 There is a history of refusals for residential development on the application site from 1956 which is as follows:

Planning Reference	Proposal	Decision
2658/56	Erection of 5 houses	Refused – 02.01.1956
2706/57	Erection of 1 house	Refused – 02.01.1957
5324/62	Erection of 4 houses	Refused 31.01.1963 Appeal Dismissed
411553	Erection of 2 houses	Refused – 15.05.1980 Appeal – Dismissed
10/00259/FULL	Erection of 3 houses	Refused – 08.04.2010 Appeal – Dismissed
12/02898/FULL	Siting of farmworkers caravan and parking space	Refused – 13.12.2012

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework Sections 6, 7, 9, 11.

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
GB1, GB2, GB3, N1, DG1, H10, H11, ARCH2, ARCH 4	P4, T5	N6

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
 - Landscape Character Assessment

More information on these documents 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 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 Green Belt / Principle of Development
 - ii Character and Appearance
 - iii Residential Amenity
 - iv Highway and Parking
 - v Archaeology
 - vi Other Material Considerations

Green Belt

Appropriate Development

- 6.2 The site is located within the Green Belt and paragraph 89 of the NPPF states that the construction of new buildings is inappropriate within the Green Belt with some exceptions. One of these exceptions is the 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 than the existing development nor conflict with the purposes of including land within it. However, the definition of 'previously developed land' in the NPPF excludes land that has been occupied by agriculture or forestry buildings. Being occupied by an existing agricultural use the site is therefore not 'previously development land' in this respect. The other exceptions relate buildings for agriculture or forestry, facilities for outdoor sport and recreation, extensions or alterations of a building, replacement buildings, limited infilling in villages and limited affordable housing and therefore not applicable in this case.
- 6.3 Consequently, the proposal is inappropriate development within Green Belt and paragraph 87 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt. Inappropriate development should not be approved except in Very Special Circumstance (VSC) that clearly overcomes the harm to the Green Belt and any other harm. The applicant has made a case for VSC and this is considered at the end of the report under 'Planning Balance and the Case of Very Special Circumstances'.

Purpose and Open Character of Green Belt

- 6.4 Paragraph 79 of the NPPF states the fundamental aim of Green Belt is to prevent urban sprawl by keeping land permanently open and the essential characteristics of the Green Belt are their openness and their permanence. Local Plan policy GB2(a) states that planning permission will not be granted for new development or the redevelopment of buildings within the Green Belt if it would have a greater impact on the openness of the Green Belt or the purposes of including land in it than the existing development on site. As inappropriate development, the proposal is by definition harmful to its openness and would conflict with one of the purposes of the Green Belt, namely 'to assist in safeguarding the countryside from encroachment'.
- 6.5 In relation to actual harm to openness it is considered that openness means the absence of buildings or development. The proposal includes the removal of the existing poultry and egg plant and silo, and any agricultural PD buildings and structures will have to be removed if the agricultural use ceases. To undertake a comparison between the existing development and the proposed information on the existing footprint and volume of the existing buildings / structures has been requested from the applicant, but at the time of writing this has not been provided. However, with each house measuring approximately 13.5m in width, 7.5 to 15m in depth, and 5m / 8m (eaves / ridge) it is clear that the 3 new dwellings would be materially larger than the existing buildings and structures on site. Furthermore, with the exception of the silo, the existing buildings and structures are single storey and low level and therefore would have a significantly

lesser visual impact than the two storey houses. The proposal is therefore considered to materially erode the actual openness of the Green Belt.

- 6.6 For these reasons the proposal is considered contrary to paragraph 79 of the NPPF and Local Plan policy GB2(a). In accordance with paragraph 88 of the NPPF, together with its inappropriateness, the harm caused by reason of the encroachment into the countryside and loss of openness should be given substantial weight.

Character and Appearance

- 6.7 The NPPF attaches great importance to the design and states it is proper to promote or reinforce local distinctiveness. Local Plan policy DG1 sets out design guidelines to which the Council will have regard in assessing development proposals. Policy H10 requires new residential development to display high standards of design and landscaping. Policy H11 states that in established residential areas planning permission will not be granted for schemes which introduce a scale or density of new development which would be incompatible with or cause damage to the character and amenity of the area. The site lies within an Area of Landscape Importance and therefore Local Plan policy N1 is also relevant. Policy N1 states with Areas of Landscape Importance, development which would detract from the special qualities of that landscape would not be permitted. The Council's Landscape Character Assessment identifies Winter Hill as 'Settled Wooded Chalk Knolls' the key characteristics of which are undulating wood covered landform with pronounced knolls contrasting with areas of open chalkland in adjacent landscapes. Other key characteristics include mixed farmland with paddocks and larger fields of arable in more flatter, open areas and village greens and extensive areas of common land (wood and open pasture).
- 6.8 The proposed dwellings would be sited in a gap in a row of houses located on relatively open, flat land with larger fields of arable to the north and west, and Cookham Dean Common to the east. In this context, openness is considered to be an important visual component of the locality. The siting of the proposed dwellings would respect the existing building line, and the limits of the group would not be extended. However, being 2 storeys it is considered that the bulk of the proposed houses would be significantly larger than the nearby houses which are predominately chalet style bungalows. The form, which includes gable roofs and a large gable projection to the front of the houses, increases its visual bulk and prominence. Together with the material scale of development on the site in comparison to the existing buildings and structures, the proposal is considered to reduce openness and have an adverse effect on the open character of the area including the Area of Special Landscape Importance, contrary to the NPPF, Local Plan policies DG1, H11 and N1 and Policy G6.1 Building Form and context of the Cookham Village Design Statement.

Residential Amenity

- 6.9 Core Principle 4 requires new development to secure good amenity for all, while Local Plan policy H11 states that planning permission will not be granted for schemes which would cause damage to the amenity of the area.
- 6.10 While sited approximately in line with the existing houses, the proposed houses would project further rearwards than the adjacent houses at Weathertop to the south and Honey House to the north, but due to the proposed depth of the projection and offset from the flank boundaries, the rearward projection would not intrude through a 45 or 60 degree line taken from the centre of the nearest window serving a habitable room of adjoining properties. As such, the proposal is not considered to be unduly harmful to the residential amenity of Weathertop and Honey House in terms of loss of light or visual intrusion. There would be an increase in visual presence when viewed from adjoining gardens, but due to the limited rearward projection would not warrant refusal in this respect. Flank windows are proposed first floor level, but serving a non-habitable room (a bathroom) it is not considered to introduce an unreasonable level of overlooking into neighbouring sites. Rooflights are also proposed on the flank roof slope, but given the height above the internal floor level and their upwards angle these are not considered to result in undue loss of privacy.

- 6.11 Concerns have been raised over noise and disturbance from an increase in traffic to and from the application site. No substantive information has been provided by the applicant on the existing agricultural activities on site resulting in uncertainties over existing traffic figures. However, 3 5-bed residential units have the potential to generate between 15 and 45 vehicle movements per day which is not considered excessive or to result in unreasonable levels of noise and disturbance to neighbouring properties.
- 6.12 Overall, it is considered that the proposal is considered compliant with Core Principle 4 and Local Plan policy H11.

Highways and Parking

- 6.13 Local Plan policy T5 requires all development proposals to comply with the Council's adopted highway design standards. Access from the site to the public highway at Winter Hill Road is derived by way of an existing shared gravel drive, which is wide enough to permit two-way vehicular movements. There is also an acceptable level of visibility at the shared private access road junction with Winter Hill Road.
- 6.14 The internal shared access arrangement does not make provision for service delivery vehicles and visitor cars to turn around so such vehicles can enter and leave in forward gear. However, there is scope for a formal turning area to be provided as part of the development and if recommended for approval it is considered such a facility could be secured by way of a planning condition.
- 6.15 Local Plan policy P4 requires all development proposals to comply with the Council's adopted parking standards. In accordance 3 spaces per unit is required. It is considered that there is sufficient space on site to provide the required parking. If recommended for approval, a parking layout could be secured by a suitable planning condition.
- 6.16 The proposal has the potential to generate traffic of between 15 and 45 vehicle movements per day, which is not considered to have a significant impact on highway safety nor result in undue pressure on the local highway infrastructure network.
- 6.17 There is a public footpath running along the northern boundary of Honey House. Given the separation distance the proposal is unlikely to have any significant impact on this public right of way.

Archaeology

- 6.18 The site is located in an area of archaeological interest as evidenced by Berkshire Archaeology's Historic Environment Record (HER) and besides from the existing structures of the chicken farm the site largely comprises of previously undeveloped land. The NPPF states that Local Planning Authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. Local Plan policy ARCH2 and ARCH4 are broadly in line with the NPPF requirements. As such, if the proposal had been recommended for approval this would have been subject to a condition to secure a programme of archaeological work to record and advance understanding of the significance of any heritage assets.

Other Material Considerations

Housing Land Supply

- 6.19 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.

- 6.20 It is acknowledge 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 and neighbourhood plan policies, all of which are essentially consisted with the NPPF, and to the development plan as a whole.

Sustainable Location

- 6.21 Concerns have been raised by a local resident over its distance to local facilities and services. This is not considered to warrant refusal on this basis given the need for housing within the Borough.

Planning Balance and the Case of Very Special Circumstances

- 6.22 The NPPF states that inappropriate development is by definition harmful to the Green Belt, and should not be approved except in very special circumstances (VSC). In accordance with guidance contained in the NPPF a balancing exercise needs to be undertaken on whether by reason of inappropriateness and any other harm is clearly outweighed by other considerations which would amount to VSC necessary to justify the development.
- 6.23 It has been concluded that the harm caused by reason of inappropriate development, conflict with one of the purposes of the Green Belt through encroachment into the countryside, and loss of actual openness should be afforded substantial weight against the development. Significant weight is also given against the proposal in terms of harm to the character and appearance of the Area of Special Landscape Importance and visual amenity in general.
- 6.24 There is an acceptable impact in terms of residential amenity, highways and parking, and archaeology but as policy requirements this is afforded no weight. The provision of additional housing is given significant weight for the proposal.
- 6.25 The applicant has put forward the benefit to residential amenity from the loss of agriculture. Environmental Protection has confirmed that there have been complaints about the site relating to odour and general nuisance, and it not established to be a statutory nuisance it is considered that the loss of the chicken farm to residential amenity would be a benefit in this respect. This benefit is given moderate weight for the proposal. The applicant has also stated that should planning permission for the residential development not be forthcoming there is an intention to expand and intensifying the agriculture use including more poultry houses, and duck breeding station. Little to no evidence has been provided by the applicant to support this statement, therefore based on this lack of information and consequent uncertainly this consideration is afforded limited weight.
- 6.26 In balancing all these factors together it is considered that in this case the benefits do not clearly outweigh the harm that have been identified. Very special circumstances needed to justify the development are not considered to exist.

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 In line with the Council's Charging Schedule, if approved the proposed development would be CIL liable. The required CIL payment for the proposed development would be at a rate of £240 per square metre on the chargeable floorspace.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

2 occupiers were notified directly of the application. The planning officer posted a notice advertising the application at the site on 14 February 2017.

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

Comment		Where in the report this is considered
1.	Inappropriate development in Green Belt	Para. 6.2 – 6.3
2.	Harm to openness of Green Belt	Para. 6.4 – 6.6
3.	Unsustainable location due to distance from facilities and services	Para. 6.21
4.	Harm to Special Landscape Importance	Para. 6.7 – 6.8
5.	Inadequate access and increase in traffic to the detriment of highway safety	Para. 6.13 - 6.17
6.	Noise and disturbance from traffic to the detriment of neighbouring amenity	Para. 6.11
7.	Increase in hardstanding, resulting in increase in flooding	The site is not located within a Flood Zone nor a critical drainage area
8.	Inadequate drains / sewage infrastructure	Not a material planning consideration
9.	Unauthorised access over land belonging to Honey House, causing damage to property	Not a material planning consideration

Other consultees

Consultee	Comment	Where in the report this is considered
Environmental Protection	No objections subject to informatives relating to dust control, smoke control and permitted hours of construction	Noted
Local Highway Authority	No objections subject to conditions to secure an acceptable parking layout, turning facility, and construction management plan.	Para. 6.13 – 6.17
Berkshire Archaeology	No objections subject to a condition to secure the implementation of a programme of archaeological works to be submitted to and approved by the Local Planning Authority	Para. 6.18
Bisham Parish Council	Objects to the proposal due to its conflict with Green Belt policy.	Para. 6.2 – 6.6
Cookham Parish Council	Objects to the proposal due to its conflict with Green Belt policy.	Para. 6.2 – 6.6
Cookham Society	Objects to the proposal, which is inappropriate development in Green Belt and contrary to Green Belt policy.	Para. 6.2 – 6.6

9. APPENDICES TO THIS REPORT

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

10. RECOMMENDED FOR REFUSAL

- 1 The proposal represents inappropriate development in Green Belt, which is by definition harmful to the Green Belt and would conflict with one of the purposes of the Green Belt, namely 'to assist in safeguarding the countryside from encroachment'. No Very Special Circumstances have been demonstrated that clearly overcomes the harm to the Green Belt and any other harm. The proposal is therefore contrary to paragraph 87, 88 and 89 of the National Planning Policy Framework (2012) and saved policies GB1 and GB2(a) of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted in June 2003).
- 2 Due to its scale, height, form, mass and bulk the proposal would erode openness within the Green Belt, and the open character of the Area of Special Landscape Importance and locality in general. This is contrary to paragraph 60, 79 and 80 of the National Planning Policy Framework, Policies Local Plan policies DG1, H11 and N1 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations adopted June 2003) and Landscape Character Assessment for the Royal Borough of Windsor and Maidenhead (2004) and Policy G6.1 of the Cookham Village Design Statement (2013).