

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

**MAIDENHEAD DEVELOPMENT CONTROL PANEL**

10 April 2019

Item: 1

<b>Application No.:</b>	18/03324/FULL
<b>Location:</b>	Land To The West Of Mullberry Coningsby Lane Fifield Maidenhead
<b>Proposal:</b>	Rural workers dwelling
<b>Applicant:</b>	Kendall Smith
<b>Agent:</b>	Mr Jack Clegg
<b>Parish/Ward:</b>	Bray Parish/Bray Ward

**If you have a question about this report, please contact:** Antonia Liu on 01628 796034 or at [antonia.liu@rbwm.gov.uk](mailto:antonia.liu@rbwm.gov.uk)

**1. SUMMARY**

- 1.1 The proposal is for a new dwelling for a rural worker to support a relocated agricultural enterprise. While the development of isolated homes in the countryside should normally be avoided, it is established that there is an essential need for new permanent dwelling on site which should be given substantial weight in support of the development.
- 1.2 The site lies in Green Belt and the proposed development is considered to be an inappropriate form of development in the Green Belt, would result in harm to the openness and would be contrary to one of the purposes of the Green Belt. This should be given substantial weight against the development. However, it is considered that a case of Very Special Circumstances (VSC) has been demonstrated in relation to the essential need for a new permanent dwelling on site for a rural worker and other identified benefits to justify the harm to the Green Belt and any other harm.
- 1.3 Due to inaccuracies between proposed elevations, amended plans were submitted during the course of this application. At the time of writing this report the re-consultation period is open. The final comments of the Council's Ecologist and Arboriculture Officers are also awaited. Any additional comments received will be reported in an update.

**Subject to no substantive objection(s) from the Council's Ecologist and Arboriculture Officers, and no new substantive objections arising as a result of public re-consultation, it is recommended the Panel GRANTS planning permission with the conditions listed in Section 13 of this report.**

**2. REASON FOR PANEL DETERMINATION**

- At the request of Councillor Coppinger if the recommendation is to grant the application as it is contended that this, together with other works, will destroy the openness of the Green Belt, and Councillor Walters if the recommendation is to grant the application, in the public interest.

**3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

- 3.1 While the application form states that the site area is 103sqm (0.01ha), based on the submitted red-line site plan the site measures approximately 2106sqm (0.2ha). The site comprises of part of a relatively flat and open field on the northern side of Coningsby Lane, to the west of Mullberry. Further east is the village settlement of Fifield. To the south, north and east of the site are more open fields, which are primarily used agriculture.

#### 4. KEY CONSTRAINTS

- 4.1 The site lies in Green Belt. Outside of the site there is an oak tree which lies to the east of the proposed access and 2 oak trees to the west of the proposed access road which are subject to a TPO, ref: 001/2019/TPO.

#### 5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 Based on amended plans submitted during the course of the application, the proposal is for a 1 ½ storey, 4-bed house located on the north side of Coningsby Lane. The proposed house would have a footprint of approximately 130sqm in the form of a squat L-shape, providing approximately 107sqm of internal floorspace on the ground floor and approximately 88sqm on the first floor within the roof space. The house is traditional in design with a dual pitch, gable roof. The proposed eaves measure 2.4m in height with a maximum ridge height of 6.6m. There is an intersecting gable on the north elevation to the maximum ridge height, forming the L-shaped plan, and a centralised gable feature on the south elevation with maximum ridge height of 5.8m. Proposed materials include red clay brick and black timber cladding for the external elevations, red clay tiles for the roof, black aluminium double glazed windows, and black UPVc guttering and downpipes. To the north-east of the proposed house is an area intended for parking and turning measuring approximately 435sqm. Around the house is an area of amenity space, measuring approximately 573sqm. The amenity space would be bounded by fencing and a hedgerow, but no further details have been submitted.
- 5.2 The house is sited approximately 115m from Coningsby Lane and a new access road is proposed from Coningsby Lane. It should be noted that a similar vehicular entrance and gates were approved under 17/03579/FULL, 17/03580/FULL and 17/03581/FULL for two agricultural livestock buildings, storage building, and American barn stables, respectively, but at the time of writing this report these have not been implemented. The submitted access differs as a passing bay is now included.
- 5.3 Relevant planning history is as follows:

Reference	Description	Decision
18/02510/FULL	Construction of an agricultural building	Approved - 04.01.2019
17/03581/FULL	Erection of American barn stables, new access with wire stock fencing and timber posts, gates and track and agricultural hardstanding.	Approved - 30.11.2018
18/02289/FULL	Change of use of the land to joint agricultural and equestrian use.	Approved - 23.11.2018
18/02886/AGDET	Notification to determine whether prior approval is required for the construction of a new agricultural barn	Refused - 06.11.2018
18/02513/FULL	Construction of permanent essential workers dwelling, new access and track with entrance gates, hard standing and new boundary treatment	Refused - 24.10.2018
17/03596/FULL	Construction of permanent essential workers dwelling, garage and multi-use agricultural building/farm shop, new access and track with entrance gates, hard standing and new boundary treatment	Refused - 06.06.2018
17/03580/FULL	Erection of agricultural storage building, new access with wire stock fencing and timber posts, gates and track and agricultural hardstanding.	Approved – 09.04.2018

17/03579/FULL	Erection of two agricultural livestock buildings, new access with wire stock fencing and timber posts, gates and track and agricultural hardstanding.	Approved - 09.04.2018
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5.4 17/03596/FULL for the construction of permanent essential workers dwelling, garage and multi-use agricultural building/farm shop, new access and track with entrance gates, hard standing and new boundary treatment was refused for the following reasons:

1. *The proposed development would not fall under any of the exceptions to inappropriate development in the Green Belt as outlined under paragraphs 89 and 90 of the National Planning Policy Framework (2012). As such it would constitute inappropriate development within the Green Belt, which is by definition harmful to the Green Belt, and should not be approved except in very special circumstances. It would also impact on the openness of the Green Belt contrary to the fundamental aim of Green Belt policy and would conflict with one of the purposes of including land within the Green which is to safeguard the countryside from encroachment. It is not considered that any very special circumstances exist that would outweigh the harm identified by inappropriateness and any other harm. The proposal is therefore contrary to paragraphs 80, 87, 88 and 89 of the National Planning Policy Framework (NPPF), the provisions of saved Policies GB1 and GB2 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations adopted June 2003) and policy SP5 of the Borough Local Plan Submission Version.*
2. *The proposed development, by reason of its excessive size, siting, layout and scale, would result in an uncharacteristic form of development in this countryside location that would detract from its open and undeveloped character. The proposal is therefore contrary to Policies DG1, H10, H11 and GB2 of the RBWM Local Plan 1999 (Incorporating Alterations Adopted 2003), paragraphs 17 (Core Planning Principle 4), 56, 58, 61 and 64 of the National Planning Policy Framework (NPPF) and policy SP5 of the Borough Local Plan Submission Version.*

5.5 18/02513/FULL for the construction of permanent essential workers dwelling, new access and track with entrance gates, hard standing and new boundary treatment was refused for the following reasons

1. *The proposed development would not fall under any of the exceptions to inappropriate development in the Green Belt as outlined under paragraphs 145 and 146 of the National Planning Policy Framework (2018). As such it would constitute inappropriate development, which is by definition harmful to the Green Belt, and should not be approved expect in very special circumstances. It would also impact on the openness of the Green Belt contrary to the fundamental aim of Green Belt policy which is to keep land permanently open and would conflict with one of the purposes of including land within the Green which is to safeguard the countryside from encroachment. It is not considered that any very special circumstances exist that would outweigh the harm identified by inappropriateness. The proposal is therefore contrary to paragraphs 133, 134, 143 and 144 of the National Planning Policy Framework (NPPF,2018), the provisions of saved Policies GB1 and GB2 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations adopted June 2003) and policy SP5 of the Borough Local Plan Submission Version.*
2. *The proposed development, by reason of siting, layout and scale, would result in an uncharacteristic form of development in this countryside location that would detract from its open and undeveloped character. The proposal is therefore contrary to Policies DG1, H10, H11 and GB2 of the RBWM Local Plan 1999 (Incorporating Alterations Adopted 2003), paragraphs 127, 130 and 133 of the National Planning Policy Framework (NPPF, 2018) and policies SP3 and SP5 of the Borough Local Plan Submission Version.*

5.6 This current application seeks to overcome the concerns raised under the previous refusal.

## 6. DEVELOPMENT PLAN

### Adopted Royal Borough Local Plan (2003)

6.1 The main Development Plan policies applying to the site are:

Issue	Adopted Local Plan Policy
Appropriate development in the Green Belt and acceptable impact on the Green Belt	GB1, GB2, GB3
Design in keeping with character and appearance of area	DG1, H10, H11
Acceptable impact on neighbouring amenity	H11
Highways	P4, T5, T7
Trees	N6

These policies can be found at

[https://www3.rbwm.gov.uk/downloads/download/154/local\\_plan\\_documents\\_and\\_appendices](https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices)

## 7. MATERIAL PLANNING CONSIDERATIONS

### National Planning Policy Framework Sections (NPPF) (2019)

Section 2- Achieving Sustainable Development  
Section 4- Decision-Making  
Section 5- Delivering a Sufficient Supply of Homes  
Section 6- Building a Strong, Competitive Economy  
Section 9- Promoting Sustainable Transport  
Section 12- Achieving Well-Designed Places  
Section 13- Protecting Green Belt Land

### Borough Local Plan: Submission Version

Issue	Local Plan Policy
Appropriate development in Green Belt and acceptable impact on Green Belt	SP1, SP5
Design in keeping with character and appearance of area	SP2, SP3
Sustainable Transport	IF2
Trees	NR2

7.1 The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents have now been submitted to the Secretary of State for examination. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough. However, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the submission version. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy. This is addressed in more detail in the assessment below.

7.2 This document can be found at:

[https://www3.rbwm.gov.uk/info/201026/borough\\_local\\_plan/1351/submission/1](https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1)

## 8. CONSULTATIONS CARRIED OUT

## Comments from interested parties

Amended plans were requested by the Local Planning Authority during the course of the application due to discrepancies between proposed elevations and re-consultation is currently open. Any further comments received will be reported in an update.

4 letters were received supporting the application, summarised as:

Comment		Where in the report this is considered
1.	Proposed house is smaller than proposed under 18/02513/FULL (dwelling) and 18/02510 (agricultural barn) and the house granted for this business in 2015 at its current site; proposed house is modest in comparison to other surrounding farmhouses; the majority of the site will remain as open grazing land.	Para. 9.10
2.	Rural workers dwelling is necessary to support sustainable rural enterprises; proposed house is appropriate for the number of livestock and farm workers required	Para. 9.25 – 9.34
3.	Dwelling would be located near barns already granted.	Extant permission noted but not yet implemented, and application should be considered in context of the existing environment at the time of assessment.
4.	Preference to see a working farm with livestock than other development (residential, gym, leisure or school).	The Local Planning Authority is required to assess the proposal before us, and the application should be determined on its own merits.
5.	General support, support based on non-material planning issues	Noted, but not a material planning consideration.

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

Comment		Where in the report this is considered
1.	Proposal would not represent appropriate development in the Green Belt, which would be harmful to the Green Belt and conflict with the purposes of including land within the Green Belt.	Para. 9.2 – 9.4
2.	There are no very special circumstances to approve the dwelling.	Para. 9.26 – 9.39
3.	The propose house would be uncharacteristic in this countryside location and detract from its open and undeveloped character; would have an undue urbanising effect.	Para. 9.8 – 9.10
4.	Alternative accommodation is available in the area; not necessary to erect a permanent dwelling at this site; viability of venture not established; size of house not commensurate in size to the holding.	Para. 9.28 – 9.34
5.	Flood risk, concerns over drainage and foul sewage	Para. 9.21
6.	Increase in traffic.	Para. 9.16

7.	Should not be assessed in isolation, the cumulative impact of related proposals would change the rural pasture character of the site, and would enable / encourage more development.	Agricultural buildings, subject to extant permissions, would generally be expected and appropriate within the countryside. The impact on character of the proposed dwelling is assessed at paras. 9.8 – 9.10
8.	Harm to Great Crested Newts that live on the site	Para. 9.20

## Consultees

Consultee	Comment	Where in the report this is considered
Bray Parish Council	<p>Objects to the proposal for the following reasons:</p> <p>Inappropriate development in the Green Belt and scale, siting and mass of the development would impact on the openness of the Green Belt. VSC has not been demonstrated to outweigh harm.</p> <p>Sited in an area liable to flood and may increase number of properties at risk of flooding.</p> <p>Lane not suitable for the increase in traffic the business on this site will generate.</p>	Paras. 9.2 – 9.7, 9.26 – 9.39; paras. 9.21; 9.16
Environmental Protection	No objection subject to conditions relating to a Site Specific Construction Environmental Management Plan (CEMP), Commercial Vehicle Deliveries, and informatives relating to dust and smoke control.	Condition 7 and informatives 1 and 2. It is not considered that a condition restricting commercial vehicle deliveries is necessary or reasonable for a residential dwelling.
Highways	No objection subject to a condition relating to the provision of visibility splays, and informatives relating to damage to footways and verges, extraordinary traffic, and storage of equipment	Para. 9.13 – 9.18, and informatives 3, 4 and 5.

## Others

Group	Comment	Where in the report this is considered
Oakley Green and Fifield Residents Association	<p>Objections to the proposal for the following reasons:</p> <p>No very special circumstances for a permanent building within the Green Belt</p> <p>Would harm openness of the Green Belt</p> <p>Size of the dwelling is not commensurate with the needs of a workers dwelling being larger than necessary</p>	Para. 9.5 – 9.7 and para. 9.26 – 9.39

## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Green Belt
- ii Character and Appearance
- iii Neighbouring Amenity
- iv Highways and Parking
- v Other Material Considerations
- vi Very Special Circumstances

### **Green Belt**

#### Appropriate Development

9.2 The site lies within the Green Belt and the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 145 of the NPPF (2019) states that new buildings in the Green Belt would be regarded as inappropriate development with some exceptions. Local Plan policy GB1 and BLPSV policy SP5 also sets out appropriate development in the Green Belt, however the Local Plan was prepared in accordance with the cancelled PPG2: Green Belts, while the BLPSV was prepared in accordance with the NPPF (2012). As such, Local Plan policy GB1 is not consistent with the NPPF (2019) and is not given full weight. Under transitional arrangements the BLPSV is assessed against the NPPF (2012) and BLPSV Policy SP5 is NPPF (2012) consistent, but due to unresolved objections is given moderate weight as a material planning consideration. The NPPF is considered to be a more up-to-date expression of Government intent and is afforded significant weight as a material planning consideration.

9.3 In accordance with paragraph 145 of the NPPF the proposed dwelling for a rural worker would not fall under any of the exceptions listed, and is therefore inappropriate development in the Green Belt. One of the exceptions includes buildings for agriculture and forestry and the proposed dwelling would be for an agricultural worker, but the main use would be residential and so would not constitute a building for agriculture and therefore would not qualify as an exception under paragraph 145.

9.4 Paragraph 143 of 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). The case for VSC has been put forward by the applicant and is assessed from paragraph 9.26 below.

#### Purpose of the Green Belt - Impact on Openness

9.5 In terms of any other harm to the Green Belt, paragraph 133 of the NPPF makes it clear that the essential characteristics of Green Belt are their openness and their permanence. As inappropriate development in the Green Belt 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' which forms the third bullet point in paragraph 134 of the NPPF.

9.6 In relation to actual openness, the concept relates to the lack of development or built form, however mindful of recent case law (Goodman v SSCLG [2017] and Turner v SSCLG and East Dorset Council [2016]) the impact on openness of the Green Belt should be assessed taking into account both its spatial and visual impact.

9.7 At present there are no buildings or structures within the vicinity of the proposed site and the existing site comprises of an open area. Therefore, with a footprint of approximately 129sqm and a maximum ridge height of 6.6m, the proposed dwelling would reduce the spatial openness of the Green Belt. Furthermore, although the degree would be dependent on the intensity of use at a particular time, it is considered that parked cars to the north-east of the dwelling would have a negative impact on spatial openness of the Green Belt. The lack of details on the proposed boundary treatment results in some uncertainty as to what the effects on openness would be in reality, but fencing would also reduce openness. Overall, it is considered that the spatial harm to openness would be significant. Visually, the proposed dwelling and associated development would intrude into the open landscape which is currently open and there is no sense of enclosure, but the field of which the site forms part is bounded by an established hedgerow and so it is considered that the proposed dwelling and associated development would only be readily apparent from short-range views. On balance this is considered to result in limited visual harm to openness.

### **Character and Appearance**

- 9.8 Local Plan policy H10 states that new residential schemes will be required to display a high standard of design and landscaping and where possible enhance the existing environment, policy H11 resists development which would introduce a scale or density which would be incompatible with or cause damage to the character of the area, and policy DG1 states that harm should not be caused to the character of the surrounding area through development which is cramped or which results in the loss of important features that contribute to local character. As a material consideration, BLPSV policy SP2 requires new development to contribute positively to the place in which they are located, and SP3 requires development to achieve a high quality design and expects compliance with the design principles set out in the policy. These policies accord with the NPPF which states that good design is a key aspect of sustainable development and indivisible from good planning, and planning permission should be refused for development of poor design that fails to take the opportunity available for improving the character and quality of an area and the way it functions.
- 9.9 To the west is the village settlement of Fifield but the site and adjoining land to the north, south and west comprises of open, grassed land and it is considered that the area has a strong rural, green and open character.
- 9.10 The previous proposals under 17/03596/FULL and 18/02513/FULL were both refused on the basis that the proposed dwelling due to its siting, layout and scale would represent an uncharacteristic form of development, which would detract from its rural and open character. In this case, the proposed dwelling would still be sited on land where there is currently no development and would result in an isolated dwelling at odds with the established character, while the fence to delineate its associated curtilage would be more conspicuous in views from the open countryside to the west and north. However, the scale and form of the proposed building has evolved from 17/03596/FULL and 18/02513/FULL. The footprint of the proposed house, while approximately 26sqm smaller than the refused dwelling under 17/03596/FULL would be 9sqm larger than the dwelling refused under 18/0251/FULL, but with the first floor accommodation located within the roof space there would be a reduction in height from approximately 4.9m / 8.8m to 2.4m / 6.6m (eaves / ridge), which results in a more modest scale dwelling which is visually less conspicuous. While the design, materials and curtilage indicate a residential character to some degree it would be reminiscent of the utilitarian character of agricultural buildings, including the agricultural buildings approved to the west of the proposed dwelling under 17/03579/FULL, 17/03580/FULL, 17/03581/FULL and 18/02510/FULL, through its rectilinear form, traditional materials of recessive colours and the one and a half storey height. Views would also be limited from a public vantage point with the proposed dwelling set back approximately 110m from Coningsby Lane and with a separation distance of at least 140m from the public right of way that runs along the eastern boundary of Mulberry. On this basis the proposed development would cause limited harm to the character and appearance of the surrounding countryside.

## **Neighbouring Amenity**

- 9.11 Local Plan policy H11 states that planning permission will not be granted for schemes which introduce a scale or density of new development which would cause damage to the amenity of the area. As a material consideration of significant weight, BLPSV Policies SP3 and HO5 also seek to ensure that no undue harm to residential amenity enjoyed by the occupants of adjoining properties would result from a proposed development, while paragraph 127(f) of the NPPF states that decisions should ensure that development achieves a high standard of amenity for existing and future users.
- 9.12 In this case, given the siting of the proposed dwelling and separation distance of over 100m from the nearest residential properties, the proposed development is not considered to result in undue harm in terms of loss of light, loss of privacy or visual intrusion.

## **Highways and Parking**

- 9.13 Local Plan policy T5 requires all development proposals to comply with adopted highway design standards, policy P4 requires all development proposals to accord with adopted car parking standards and policy T7 seeks to ensure that new development makes appropriate provision for cyclists including cycle parking. As a material consideration, BLPSV policy IF2 states that development proposals should support the policies and objectives of the Transport Strategy as set out in the Local Transport Plan and provide car and cycle parking in accordance with the current Parking Strategy. Given the lack of unresolved objections to policy IF2 it is considered that this policy should be afforded significant weight in the consideration of this application.

### Access

- 9.14 The site will be accessed via a vehicular track from Coningsby Lane measuring approximately 4m in width. The proposed width would be insufficient for two vehicles to pass, but a passing bay is proposed near the mid-point to allow two vehicles to pass along the access road, which is considered acceptable.
- 9.15 The new access would achieve visibility splays of 2.5m x 160m to the east by 2.5m x 105m to the west. The east splay complies with the Council's Highway Design Standards but the west splay would fail to comply due to the bend in the road. However, the west splay would be the best possible visibility splay given the road characteristics and when considered with survey and accident data, which demonstrate that the average speed was 30.2mph and there has been no reported injury accidents within the last 20 years on this section of Coningsby Lane, it is considered that the visibility splays proposed are acceptable in this instance and can be secured by condition 8. It should also be noted that the access without the passing bay has been approved under 17/03579/FULL, 17/03580/FULL and 17/03581/FULL, and approved with the passing bay under 18/02510/FULL. As such, the acceptability of the access has already been established.

### Traffic Generation

- 9.16 A 4-bed dwelling would have the potential to generate 8 to 18 additional vehicle movements per day which is not considered to be so significant to adversely affect local highway infrastructure.

### Car Parking

- 9.17 In accordance with the Council's adopted Parking Strategy, 3 car parking spaces are required for a 4+ bedroom house. The submitted site layout indicates an area to the north-east of the proposed house for parking and turning, which measures approximately 435sqm, which would be sufficient to park and manoeuvre 3 cars without hindrance.

### Cycle Parking

- 9.18 In accordance with the Council's adopted Parking Strategy, 3 cycle parking spaces are required for a 4-bed dwelling. No information on cycle parking has been submitted to support the

application, but it is noted that there would be sufficient space within the site to meet this requirement. It is recommended that details of cycle parking can be secured by condition 9.

## **Other Material Considerations**

### Trees

- 9.19 During the course of this application 3 oak trees near the proposed access road have been protected by a TPO. The access without the passing bay has been approved under 17/03579/FULL, 17/03580/FULL and 17/03581/FULL, and approved with the passing bay under 18/02510/FULL. The NPPG clarifies that the authority's consent is not required for carrying out work on trees subject to a TPO in so far as such work is necessary to implement full planning permission. However, balanced against this, the TPO is a material consideration under this application and consequently the Council's Arboriculture Officer has been consulted and their comments will be reported in an update.

### Ecology

- 9.20 Following a request from the Local Planning Authority, an Extended Phase One Habitat Survey was submitted during the course of the application. The survey is the same as that submitted under 18/02513/FULL and under this application no objections were raised on ecological grounds. The survey is not considered out of date, and there are no apparent changes to the environmental context. However, each application should be considered on its own merits, and at the time of writing this report, the comments from the Council's ecologist are still awaited. Their comments will be reported in an update.

### Flood Risk

- 9.21 In accordance with the Environmental Agency Flood Map for Planning, the site is located in Flood Zone 1, which is land assessed as having less than 1 in 1000 annual probability of river or sea flooding. In accordance with the Council's Strategic Flood Risk Assessment, although the Coningsby Lane is susceptible to Sewer Flooding, the site itself is not located in an area susceptible to Ground Water Flooding or Surface Water Flooding. As such, there are no significant flood risk concerns to warrant refusal.

### Housing Land Supply

- 9.22 Paragraphs 10 and 11 of the NPPF set out that there will be a presumption in favour of Sustainable Development. The latter paragraph states that:

*For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

- 9.23 Footnote 7 of the NPPF (2019) clarifies that:

*'out-of-date policies include, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer)'*

- 9.24 At the time of writing, currently the Council is able to demonstrate 4.08 years of housing land supply. Therefore, for the purpose of this planning application the LPA currently cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer). Following the Regulation 19 consultation on the Submission Version of the Local Plan, the Council formally submitted the BLPSV for Examination in January 2018. The Borough Local Plan

Submissions Version sets out a stepped housing trajectory over the plan period (2013-2033) to meet the Boroughs Housing need. However, the BLPSV is not yet adopted planning policy and the Council's adopted Local Plan is more than five years old. Therefore, for the purposes of decision making, currently the starting point for calculating the 5 year housing land supply should be the 'standard method' as set out in the NPPF (2019).

- 9.25 However, in this instance subsection d(i) of paragraph 11 is engaged as Green Belt policies in the NPPF which protect areas or assets of particular importance provide a clear reason for refusing the development proposed. As such, the tilted balance is not engaged and the planning balance is carried out in the ordinary way, having regard to the statutory test in section 38(6) of the 2004 Act. This is set out below in the conclusion.

### **Very Special Circumstances**

- 9.26 It has been demonstrated that in accordance with the NPPF the proposal is inappropriate development in the Green Belt and should not be approved except in very special circumstances (VSC). VSC will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations.
- 9.27 In accordance with paragraph 144 of the NPPF substantial weight is given to the harm to the Green Belt by reason of inappropriateness, conflict with one of the purposes of the Green Belt, and the harm to openness. For the development substantial weight is given in favour of the proposal in terms of essential need for a rural worker dwelling to support the rural economy, the reasons for which are expanded on below.

### Essential Need

- 9.28 Paragraph 79 of the NPPF advises that planning decisions should avoid isolated homes in the countryside unless there is an essential need for a rural worker to live permanently at or near their place of work in the countryside. The NPPF does not define what constitutes an essential need, but PPS7: Sustainable Development in Rural Areas identifies a functional and financial test. While PPS7 no longer has status as national planning policy it is considered that the functional and financial tests remain a sound basis for assessing need and such an approach has been supported in appeal decisions.
- 9.29 Under applications 17/03596/FULL and 18/02513/FULL where statements outlined the intended operation of the enterprise on site were submitted by the applicant and reviewed by Reading Agricultural Consultants, it was established that there was demonstrable need for a rural worker to live on site. Based on the same information on the intended operation of the enterprise, it is considered that there is no significant reason to reach a different conclusion in respect of this application.
- 9.30 In terms of the functional test the applicant has been farming alpacas for approximately 11 years and the proposal seeks to relocate their business which has been based at Clay Meadows Farm in Cirencester since 2012. The current livestock enterprise comprises of the following:
- 30 breeding alpacas
  - 10 stud alpaca males and walking males
  - 13 cria youngstock
  - 4 wensleydale ewes
  - 1 wensleydale ram
  - 2 rare breed mares both in foal

There is a legal responsibility under the Animal Welfare Act 2006 to ensure that animals are kept in a manner which accords them freedom from thirst, hunger and malnutrition; appropriate comfort and shelter; the prevention or rapid diagnosis and treatment of injury; disease or infestation; freedom from fear; and freedom to display most normal patterns of behaviour. The Act also contains a duty of care to animals, which makes sure that anyone responsible for an

animal must take reasonable steps to make sure that the animal's needs are met. Specific issues for alpacas are as follows:

Mating - alpaca mating is an intricate, managed process as alpacas are induced ovulators and do not display normal signs of heat and therefore require careful preparation and supervision to ensure fertilisation occurs at the right time.

Abortions and still-births – these can be due to stress related factors from 30 days after conception and requires the presence of a stockperson on site to reduce stress and identify any problems.

Birthing - alpacas do not have a closely defined gestation period, varying from 320 to 360 days. With difficulty predicting the timing of birth if assistance is required at parturition this would only be apparent if the animal was observed by the stockperson.

Rearing - lack of colostrum and milk for the cria following birth is not uncommon and consequently may require artificial rearing. This requires 2 hourly feeds day and night for the first two weeks of life, then 3 hourly feeds to eight weeks of age and finally 3 times daily to four months.

Health – in general livestock should be inspected frequently for signs of illness, distress or injury. Alpacas tend to hide their symptoms of disease or poor wellbeing therefore if serious health issues arise rapid treatment would be necessary.

In addition to the specific issues there are general issues for any livestock farm, such as unforeseen incidences (e.g. dog attack) and security.

9.31 There are no standard labour data for alpaca enterprises but Reading Agricultural Consultants considered the suckler beef cow as the closest livestock equivalent for comparison and based on the Standard Man Day data in the Equine Business Guide (2015) and ABC Agricultural Budgeting and Costing Book (84th Edition, 2017) the following labour calculations have been produced:

	SMD/animal	Size at 2018	Total SMDS
Alpacas (Breeding Females)	1.35	30	40.5
Alpacas (Other)	0.5	39	19.5
Sheep	0.5	5	2.5
Broodmares	57	2	114
Foals	26.2	2	52.4
Sub Total			228.9
15% Management and Maintenance			34.3
Total			263.2
No. of Workers at 275 SMD/Workers			0.95

9.32 Given the type and size of the business to be operated on site it is concluded that there is a functional requirement for one worker to be present on the site at most times of the day and night.

9.33 In terms of the financial test it would be necessary to be established that the enterprise has the ability to stay in business and endure in the long-term to justify a new permanent dwelling to support it. To demonstrate economic viability it is considered that any viable business should be generating profits sufficient to provide a return on investment equivalent to the minimum wage and provide for the build cost of the dwelling. In agriculture a figure of 2.5% is usually cited as reward for the owner for any unpaid labour. Based on accounts for Mrs H Kendall Smith trading as Kensmyth, Reading Agricultural Consultants concluded that the business was financially viable.

- 9.34 Reading Agricultural Consultants had expressed concerns over relocation from the Cotswolds to Maidenhead and there was no guarantee that the customers would also transfer to the new location. However, the applicant has detailed that the business is a national company which does not rely on local clientele and therefore custom would be unaffected by the move as a whole.
- 9.35 The functional requirement for one worker to be present on site at most times of the day and night has been established and therefore it is considered residential accommodation off-site would not be a reasonable alternative, and currently there are no existing buildings on site that could be converted into residential accommodation. As such, the essential need for a new permanent rural worker dwelling is considered to be established.
- 9.36 PPS7 advises that an agricultural dwellings should be of a size commensurate with the established functional requirement, and dwellings that are unusually large in relation to the agricultural needs of the unit should not be permitted. In this case, the proposed dwelling would comprise of approximately 195sqm of accommodation, including 4-bedrooms, two large reception rooms (lounge and kitchen/dining room) and office. The Local Planning Authority sought justification for the size of the dwelling, and the agent put forward a case that *'the proposed 4 bedroom dwelling is commensurate with the needs of the holding on the basis that a suitably qualified and experienced manager would be of an age whereby he/she would have a partner and 2.4 children which would need to be accommodated in the proposed dwelling'* (email from Mr Tom Mcardle, dated 11 March 2019). It is noted that PPS7 advises that it is the requirements of the enterprise rather than those of the owner / occupier that is relevant in determining the size of the dwelling that is appropriate to a particular holding, but it has been established through recent appeal decisions that it would be unreasonable to expect the rural worker's family to live elsewhere. As a family dwelling a 4-bed dwelling would not be unreasonable.
- 9.37 In terms of actual size, no justification has been put forward by the applicant / agent. With reference to the Table 1 in the Technical Housing Standards – Nationally Described Spaces Standards (2015), a 4-bed, 6-bed space, 2 storey dwelling should have a minimum gross internal floor area of 106sqm. The proposed dwelling would be significant larger, but the standards are minimum standards. The Local Plan is silent on the issue and there is no specified maximum size standards for a rural worker dwelling. Overall the room sizes are generous but not considered to be so excessive. However, to ensure that the dwelling remains appropriate to the scale and nature of the enterprise, it is considered reasonable and necessary to ensure a condition is attached to any permission granted to restrict permitted development rights for extensions or enlargements (condition 5).

#### Other Benefits

- 9.38 The Council cannot demonstrate a 5-year housing supply, but given that the proposal would be for 1 dwelling for a specific occupier to meet a specific need it is considered that it would only make a very limited contribution towards the supply of housing in the local area, and this would therefore be given limited weight in support of the development. There would some contribution towards the economy during construction and from any expenditure from the future occupier, which is given moderate weight.
- 9.39 Weighing up the development, on balance it is considered that the benefits would clearly outweigh the harm to the Green Belt and any other harm. Consequently very special circumstances exist to justify the inappropriate development in the Green Belt.

### **10. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 10.1 In accordance with the Council's adopted CIL charging schedule, the development is CIL liable at a rate of £240 per square metre of chargeable floor space.

### **11. CONCLUSION**

- 11.1 The proposed development constitutes an inappropriate form of development in the Green Belt, would be contrary to one of the purposes of the Green Belt and would result in harm to the openness of the Green Belt. This harm to the Green Belt is afforded substantial weight against

the development. The case of VSC put forward by the applicant in relation to essential need for a rural worker to live permanently at the site and other identified benefits would clearly outweigh this harm and therefore it is considered that VSC exists to justify the proposal in accordance with Local Plan Policies GB1 and GB2(a), BLPSV policies SP1 and SP5 and paragraphs 143 and 144 of the NPPF

- 11.2 Due to the scale, height, form and design of the proposed dwelling, together with the limited views from public vantage points, with impacted views being localised, the proposal is not considered to be unduly harmful to the character and appearance of the open and rural countryside. The proposal is considered to comply with Local Plan policies DH1, H10 and H11, BLPSV policies SP2 and SP3, and paragraph 124 and 127 of the NPPF.
- 11.3 The proposal not considered to result in undue harm to neighbouring amenity in terms of loss of light, loss of privacy, visual intrusion or noise and disturbance given the separation distance of the proposal from the nearest residential neighbour. The proposal is considered to comply with Local Plan policy H11, BLPSV policies SP3 and HO5 and paragraph 127 of the NPPF.
- 11.4 The proposal is considered compliant with Local Plan policies T5, T7 and P4, and BLPSV policy IF2 as the access is considered acceptable in terms of highway safety and there would sufficient space for on-site car and cycle parking to meet Council requirements. The proposal is also not considered to generate significant additional vehicle movements to warrant refusal in terms of impact on highway infrastructure.
- 11.5 Subject to no substantive objection from the Council's Ecologist and Arboriculture Officer there are no concerns in relation to the impact on ecology and trees within and around the site. Comments from Council's Ecologist and Arboriculture Officer will be reported in an update.
- 11.6 There are no objections in relation to flood risk as the site is located in Flood Zone 1 and the site is not located in an area susceptible to Ground Water Flooding or Surface Water Flooding.

## **12. APPENDICES TO THIS REPORT**

- Appendix A – Site Location Plan and Site Layout
- Appendix B – Proposed Plans and Elevations

## **13. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED**

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 No development above slab level shall take place until details of the materials to be used on the external surfaces of the development have first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.  
Reason: In the interests of the visual amenities of the area. Relevant Policies Local Plan DG1 and H10
- 3 The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture (as defined in section 336 of the Town and Country Planning Act 1990) or in forestry, or a widow or widower of such a person, and to any resident dependants.  
Reason: The site of the dwelling lies within the designated Green Belt and permission is only granted to meet proven agricultural needs. Relevant Policies - Local Plan GB1, and GB3
- 4 No development shall commence until details of all finished slab levels in relation to ground level (against OD Newlyn) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.  
Reason: In the interest of the visual amenities of the area. This condition is pre-commencement to ensure that the slab levels are agreed prior to construction. Relevant Policy Local Plan DG1.
- 5 Irrespective of the provisions of Classes A and B of part 1 of Schedule 2 of the Town and Country

Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no enlargement to the dwellinghouse the subject of this permission shall be carried out without planning permission having first been obtained from the Local Planning Authority.

Reason: To ensure that the dwelling remains appropriate in scale and nature to the associated rural enterprise that justifies an isolated rural worker dwelling within the countryside. Relevant Policies - Paragraph 79 of the National Planning Policy Framework (2019).

- 6 The development shall not be occupied until the hard and soft landscaping scheme has been implemented within the first planting season following the substantial completion of the development in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The development shall be retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its prior written consent to any variation.

Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1.

- 7 No development shall take place until a site specific Construction Environmental Management Plan has been submitted to and been approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to procedures for maintaining good public relations including complaint management, public consultation and liaison; arrangements for liaison with the Environmental Protection Team; all works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays; deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above; mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works; procedures for emergency deviation of the agreed working hours.; control measures for dust and other air-borne pollutants. This must also take into account the need to protect any local resident who may have a particular susceptibility to air-borne pollutants; and measures for controlling the use of site lighting whether required for safe working or for security purposes.

Reason: In the interests of the amenities of surrounding occupiers during the construction of the development. This condition is pre-commencement to ensure that the details of the Construction Environment Management Plan are approved prior to and implemented during the course of construction.

- 8 No part of the development shall be occupied until the visibility splays shown on the approved drawings have been provided. The areas within these splays shall be kept free of all obstructions to visibility above a height of 0.6 metres from the surface of the carriageway.

Reason: In the interests of highway safety. Relevant Policies - Local Plan T5

- 9 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.

Reason: To ensure that the development is provided with adequate parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1

- 10 The development shall not be occupied until all walls, fencing or any other means of enclosure (including any retaining walls), have been constructed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory resultant appearance and standard of amenity of the site and the surrounding area. Relevant Policy - Local Plan DG1.

- 11 The development hereby permitted shall be carried out in accordance with the approved plans listed below.

Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

## **Informatives**

- 1 The Royal Borough receives a large number of complaints relating to construction burning activities. The applicant should be aware that any burning that gives rise to a smoke nuisance is actionable under the Environmental Protection Act 1990. Further that any burning that gives rise to dark smoke is considered an offence under the Clean Air Act 1993. It is the Environmental Protection Team policy that there should be no fires on construction or demolition sites. All construction and demolition waste should be taken off site for disposal. The only exceptions relate to knotweed and in some cases infected timber where burning may be considered the best practicable environmental option. In these rare cases we would expect the contractor to inform the Environmental Protection Team before burning on 01628 68 3830 and follow good practice.
- 2 The applicant and their contractor should take all practicable steps to minimise dust deposition, which is a major cause of nuisance to residents living near to construction and demolition sites. The applicant and their contractor should ensure that all loose materials are covered up or damped down by a suitable water device, to ensure that all cutting/breaking is appropriately damped down, to ensure that the haul route is paved or tarmac before works commence, is regularly swept and damped down, and to ensure the site is appropriately screened to prevent dust nuisance to neighbouring properties. The applicant is advised to follow guidance with respect to dust control: London working group on Air Pollution Planning and the Environment (APPLE): London Code of Practice, Part 1: The Control of Dust from Construction; and the Building Research Establishment: Control of dust from construction and demolition activities
- 3 The attention of the applicant is drawn to the Berkshire Act 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway or grass verge arising during building operations.
- 4 The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which enables the Highway Authority to recover expenses due to extraordinary traffic.
- 5 No builders materials, plant or vehicles related to the implementation of the development should be parked/stored on the public highway so as to cause an obstruction at any time.

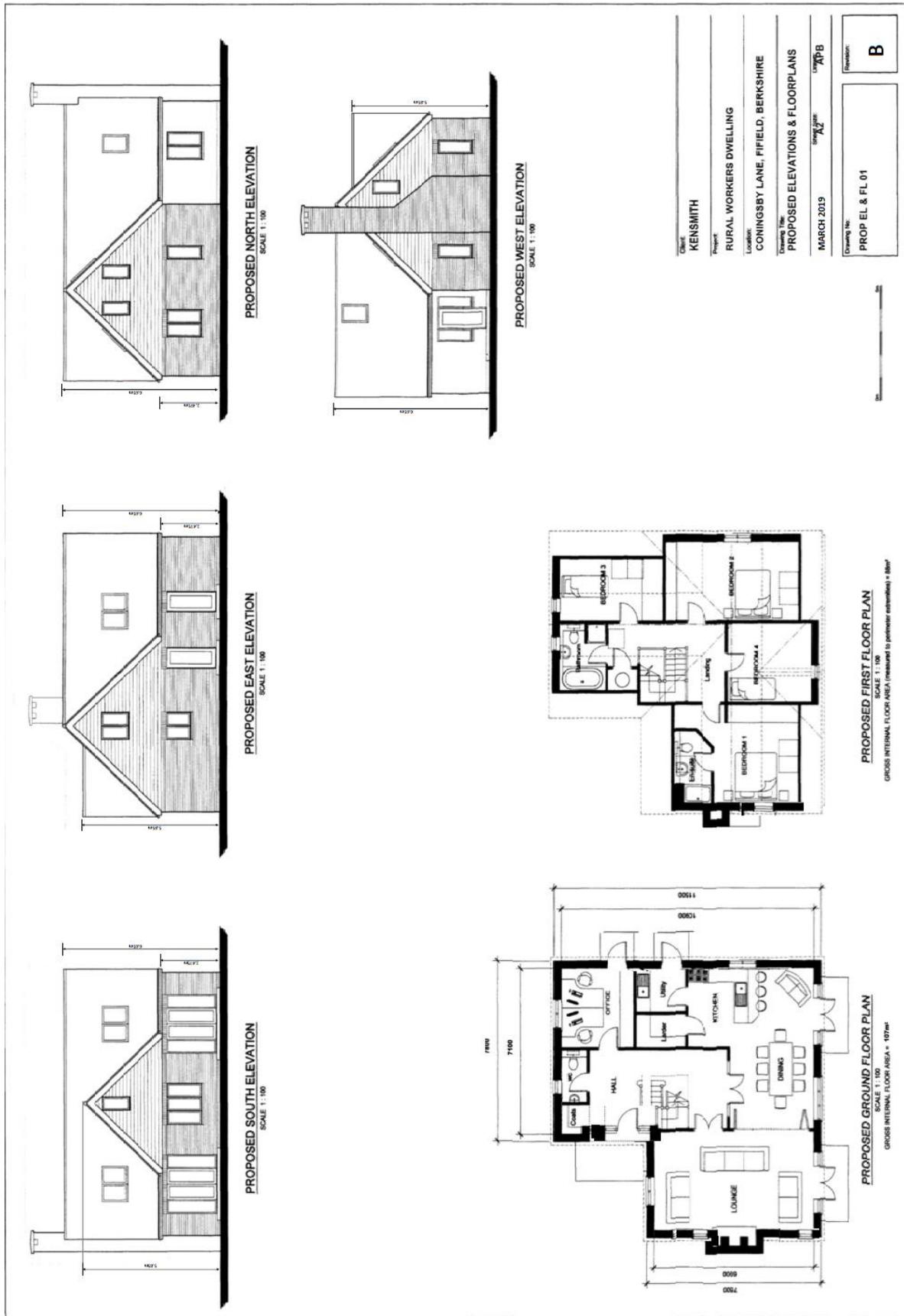
# Appendix A – Site Location Plan and Site Layout

## LOCATION PLAN - PROPOSED RURAL WORKERS DWELLING LAND AT CONINGSBY LANE, FIFIELD, BERKSHIRE





Appendix B – Proposed Plans and Elevations



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

**MAIDENHEAD DEVELOPMENT CONTROL PANEL**

10 April 2019

Item: 2

<b>Application No.:</b>	18/03646/FULL
<b>Location:</b>	Maidenhead United Football Club York Road Maidenhead SL6 1SF
<b>Proposal:</b>	Extension to the existing South stand, including the installation of pods; erection of new North East stand; erection of new two storey changing facility with ancillary uses, and installation of replacement floodlights.
<b>Applicant:</b>	Mr Adams
<b>Agent:</b>	Mr Philip Neaves
<b>Parish/Ward:</b>	Maidenhead Unparished/Oldfield Ward
<b>If you have a question about this report, please contact:</b> Claire Pugh on 01628 685739 or at <a href="mailto:claire.pugh@rbwm.gov.uk">claire.pugh@rbwm.gov.uk</a>	

**1. SUMMARY**

- 1.1 The application seeks planning permission to provide a new changing facility, additional spectator seating and the introduction of new floodlighting. These changes are proposed to help meet Maidenhead Football Club's aspirations to become a League 2 Club.
- 1.2 The proposal, subject to planning conditions is considered to have an acceptable impact on the character of the area, trees, transport, residential amenity and archaeology. The only outstanding matter is the provision of acceptable Sustainable Drainage, and comments are awaited from the Lead Local Flood Authority. This will be reported in the update to Panel.

<b>It is recommended the Panel authorises the Head of Planning:</b>	
1.	<b>To GRANT planning permission on the basis the Lead Local Flood Authority raise no objection.</b>
2.	<b>To REFUSE planning permission if the Lead Local Flood Authority maintain their objection to the application.</b>

**2. REASON FOR PANEL DETERMINATION**

- The Council's Constitution does not give the Head of Planning delegated powers to determine the application in the way recommended; such decisions can only be made by the Panel.

**3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

- 3.1 Maidenhead Football Club is situated to the south of York Road, within the town centre. The site is situated within York Road Opportunity Area within the Maidenhead Area Action Plan.
- 3.2 The application site includes the football ground, training facilities, changing rooms and spectator stands. The site is situated next to residential properties and non-residential uses. To the south of the site is the railway track.

**4. KEY CONSTRAINTS**

- 4.1 N/A

## 5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

5.1 The application seeks planning permission for:

- **Extension to the existing spectator stand** in the southern part of the application site, which would provide an additional 224 seats, giving a total capacity of 773 seats in that stand. The extended stand would be circa 16 metres wide and would match the height of the existing stand.
- **A new 300 seater stand** would be situated in the north-eastern part of the site on existing hardstanding. It would be about 40 metres wide and 5 metres tall (at the highest point).
- **New two storey changing facility with ancillary uses.** The building would have a maximum height of around 7 metres. It would provide changing facilities, toilets, showers, a meeting room and a medical room. The changing facilities would be in a similar location to the existing changing facilities in the northern part of the application site.
- **The installation of replacement floodlights.** The 4 floodlights would be 20 metres high.

5.2 Planning History

Reference	Description	Decision
13/00771/FULL	Construction of a replacement grandstand to the south side of the football ground.	Permitted 15 <sup>th</sup> May 2013.
00/35657/FULL	Replacement terrace and new stand	Permitted 8 <sup>th</sup> August 2000.
94/01163/FULL	REPLACEMENT OF ONE FLOODLIGHT TOWER WITH A 22.5M HIGH TELECOMMUNICATIONS TOWER WITH TWO	Permitted 7 <sup>th</sup> April 1994.
87/01202/FULL	ERECTION OF REPLACEMENT CHANGING ROOM (INCLUDING TWO PORTAKABINS) AND NEW STANDS	Permitted 26 <sup>th</sup> June 1987

## 6. DEVELOPMENT PLAN

**Adopted Royal Borough Local Plan (2003)**  
considerations

6.1 The main Development Plan policies applying to the site are:

Issue	Adopted Local Plan Policy
Design	DG1
Highways	P4 and T5
Trees	N6
Sport and Recreation	R8
Improvement of Existing community facility.	CF2
Archaeology	ARCH4

These policies can be found at

[https://www3.rbwm.gov.uk/downloads/download/154/local\\_plan\\_documents\\_and\\_appendices](https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices)

**Maidenhead Area Action Plan 2011**

Issue	Neighbourhood Plan Policy
Design	MTC4
Community, Culture and Leisure	MTC13
York Road Opportunity Area	OA3

These policies can be found at

[https://www3.rbwm.gov.uk/info/200209/planning\\_policy/477/neighbourhood\\_plans/2](https://www3.rbwm.gov.uk/info/200209/planning_policy/477/neighbourhood_plans/2)

## 7. **MATERIAL PLANNING CONSIDERATIONS**

### **National Planning Policy Framework Sections (NPPF) (2019)**

Section 4- Decision-making

Section 8- Promoting healthy and safe communities

Section 9- Promoting Sustainable Transport

Section 12- Achieving well-designed places

Section 15- Conserving and enhancing the Natural Environment

Section 16- Conserving and enhancing the historic environment

### **Borough Local Plan: Submission Version**

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Sustainable Transport	IF2
Trees	NR2
Artificial light pollution	EP3
Community facilities	IF7
Mixed use Housing and Employment allocation	H01, ED2
Archaeology	HE1

7.1 The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents have now been submitted to the Secretary of State for examination. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough. However, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the submission version. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy. This is addressed in more detail in the assessment below.

7.2 This document can be found at:

[https://www3.rbwm.gov.uk/info/201026/borough\\_local\\_plan/1351/submission/1](https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1)

### **Other Local Strategies or Publications**

7.3 Other Strategies or publications material 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](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)

## 8. CONSULTATIONS CARRIED OUT

### Comments from interested parties

20 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on the 16<sup>th</sup> January 2019 and the application was advertised in the Local Press on the 24<sup>th</sup> January 2019.

### Statutory consultees

Consultee	Comment	Where in the report this is considered
Lead Local Flood Authority	Require further information.	Will be reported in the update to Panel.

### Consultees

Consultee	Comment	Where in the report this is considered
Environment Agency	Did not wish to be consulted on the application.	Noted.
Environmental Protection	No objection, provided the floodlighting is undertaken in accordance with the submitted technical detail. Also require the submission of a Construction Environmental Management Plan.	See paragraph 9.14 It is not considered necessary to condition a CEMP.
Highways	No objection but request the submission of a Construction Management Plan	See 9.12
Berkshire Archaeology	Recommends a condition for a written scheme of investigation to be submitted.	See 9.15-9.18

### Others

Group	Comment	Where in the report this is considered
RBWM Access Advisory Forum	We have reviewed the above application for its impact on people with disabilities and have the following comments :  There is no information about the provision of accessible seating in the new North East stand	9.8

## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Principle of Intensification
- ii Design, and impact of development on trees
- iii Highways

- iv Residential amenity
- v Archaeology
- vi Sustainable Drainage

### **Principle of Intensification**

- 9.2 The Adopted Area Action Plan shows that this site is within the York Road Opportunity Area, and Policy OA3 of the plan sets out the requirements for this area. The football club is shown for retention under this policy.
- 9.3 Policy CF2 of the Adopted Local Plan sets out that the improvement of existing community facilities will be permitted where adequate parking can be provided in accordance with the Council's parking standards and adequate access for people with disabilities can be provided.
- 9.4 This policy is considered to be broadly consistent with the aims of the NPPF. The impact on transport, and how the scheme provides for disabled access is discussed within this report.

### **Design, and impact of development on trees**

- 9.5 The proposed changing facilities would be 2 stories in height and would be finished in a metal cladding. The building has a functional appearance, but this is considered to be appropriate for its use. In addition the site is self-contained and the building would not be highly visible in public view. A condition is recommended to obtain the details of the metal cladding to be used on the exterior of the building (see condition 2).
- 9.6 The proposed new stand, and the extended stand would be of a similar height to the existing seating stands within the football ground. The scale and appearance of the stands are considered to be acceptable when viewed in the context of the football ground. .
- 9.7 The floodlights are structures that would be expected for this use, and their height and appearance is considered to be acceptable.
- 9.8 The applicant has confirmed that the proposed new stand (to the north of the site) includes provision for 4 wheel chairs plus carers. The applicant advises that the main stand has additional disabled provision for 4 wheelchairs plus carers. The provision for disabled access has been considered and incorporated, as required by Policy CF1 of the Adopted Local Plan.
- 9.9 A line of mature trees are growing on the southern boundary of the site. These trees provide a green backdrop to the site and important screening from the railway line. The extension of the existing stand will fall within the minimum root protection of a mature lime tree. The construction of the extended stand will require some pruning works to remove low branches and require the installation of two small concrete pad foundations within the trees root protection area. The highly alkaline leachate produced during the curing of wet concrete can cause significant damage to tree roots.
- 9.10 The impact of the proposed works would be limited by the existing concrete terraces that would provide ground protection for the majority of the proposed works. However some additional tree protection measures will also be required to ensure that the line of trees on the southern boundary can be safely retained. These measures would include protective fencing, providing details of any necessary pruning works and ensuring that no new concrete is poured in the vicinity of the trees unless an impermeable liner has first been installed to prevent damage to tree roots. The details of tree protection measures can be secured by planning condition (see conditions 5 and 6).

### **Highways**

- 9.11 The proposal includes additional spectator seating, in order to provide the required capacity to become a League 2 side in line with the club's ambitions moving forward. The Council's parking standards do not set out what the parking standards would be for this facility. However, given that this site is located in a very sustainable location within the town centre, it is not considered that additional car parking provision would be necessary. The additional capacity for spectators that this scheme would provide is considered to have an acceptable impact on transport.
- 9.12 Given the location of this site within the town centre, and the lack of space for construction vehicles, it is considered necessary to require the submission of the Construction Management Plan (see condition 3) to ensure that the traffic during the construction process is managed so as to minimise the impact on traffic and highway safety.

### **Residential amenity**

- 9.13 A degree of noise and disturbance would be expected from a football ground, particularly during football matches. There are neighbouring residential uses to the football club, however, the football club is a long standing use at this location. The proposed football stands and changing facilities are not located in close proximity to the neighbouring residential properties and would not adversely impact upon them.
- 9.14 Floodlighting already existing on site, but this application proposes new floodlighting to replace the existing floodlights. The new columns are to be fitted with 40 No. 2000 watt Philips Optivision narrow beam asymmetric low glare floodlight luminaires complete with Tridonic control gear and Philips MHN-FC lamps. The lights selected are modern fittings and highly energy efficient. They are able to be directed to the correct levels to reduce both glare and spillage, providing a high standard of floodlighting to the playing surface whilst avoiding impact on the surrounding area and vertical spillage. Environmental Protection are satisfied with the type of floodlighting proposed. Advice has been sought from Environmental Protection as to whether the proposed floodlighting would have more of an impact than the existing floodlighting on neighbouring residential properties. If this is the case, it could be appropriate to condition the hours of operation of the floodlighting. Comments on this will be reported in the Panel Update.

### **Archaeology**

- 9.15 The site lies within the Thames valley, adjacent to the river. It therefore lies over the floodplain and gravel terraces which have been a focus of settlement, agriculture and burial from the earlier prehistoric period to the present day, as evidenced by data held on Berkshire Archaeology's Historic Environment Record.
- 9.16 Immediately to the north and south of Maidenhead, archaeological excavations and research have demonstrated the richness of buried prehistoric remains on the gravel terraces of the River Thames. Immediately to the north of Maidenhead excavations in 2010 at White Place Farm, Cookham, revealed a possible Early Bronze Age (2,000 – 1,700 BC) inhumation burial and later Iron Age (600 – 100 BC) and Roman settlement remains. A Late Bronze Age (1,000 – 700 BC) settlement was recorded at Switchback Road, while widespread crop marks on Widbrook Common indicate the presence of buried prehistoric settlement and funerary monuments.
- 9.17 To the south of Maidenhead excavations at Weir Bank Stud Farm, Bray, recorded a Middle Bronze Age (1,500 – 1,000 BC) settlement, while recent excavations at Bray Triangle recorded Neolithic and Bronze Age features, alongside rare evidence for Mesolithic (8,000 – 5,000 BC) antler working. Furthermore the site itself is considered historic as it is widely understood to be one of the oldest football grounds in the world, having been in continuous use since 1871. Therefore it is possible excavations relating to this development may reveal evidence of earlier structures on the site which would be of specific interest to the football community.
- 9.18 As the site falls within an area of archaeological significance, it is therefore necessary to condition the submission of an archaeological watching brief (see condition 4).

## **Sustainable Drainage**

- 9.19 As the application is a major development, there is a requirement to provide Sustainable Drainage. The applicant has provided information on this, and further comments from the Lead Local Flood Authority will be reported in the update to Panel.

## **10. CONCLUSION**

- 10.1 The principle of improving the facilities at the football club and increasing the capacity for spectators is considered to be acceptable, and as an important sport and community facility proposals to improve this facility are welcomed. The appearance of the stands and changing facilities are functional, but appropriate given the use and the context of the site. The proposals, subject to planning conditions, are considered to have an acceptable impact on transport, residential amenity and trees and archaeology. The scheme is considered to accord with the relevant policies of the development plan which are considered to be up-to-date and should be given greatest weight.

## **11. APPENDICES TO THIS REPORT**

- Appendix A - Site location plan
- Appendix B – Proposed layout
- Appendix C – Elevations and floor plans

## **12. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED**

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 Notwithstanding the building containing the changing facilities, the materials to be used on the external surfaces of the development shall be in accordance with those specified in the application unless any different materials are first agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Details of the finishing materials for the external surfaces of the changing facilities shall be submitted to and approved in writing by the Local Planning Authority before the construction of this building. The building shall be constructed in accordance with the approved materials.  
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.
- 3 Prior to the commencement of any works of demolition or construction a management plan showing how demolition and construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works period shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and maintained for the duration of the works or as may be agreed in writing by the Local Planning Authority.  
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.
- 4 No development shall take place until the applicant or their agents or successors in title have secured the implementation of a programme of archaeological mitigation (which may comprise more than one phase of work) in accordance with a written scheme of investigation (Wintertree Software Inc.), which has been submitted by the applicant and approved in writing by the planning authority. The development shall be carried out in accordance with these approved details.  
Reason: The site lies in an area of archaeological potential, particularly for, but not limited to, Prehistoric remains. The potential impacts of the development can be mitigated through a programme of archaeological work. This is in accordance with national and local plan policy.
- 5 Before the construction of the seating stand on the southern part of the site, prior to any equipment, machinery or materials in association with the construction of this stand being brought onto the site, details showing the location and species of all trees to be retained as part of the development shall be submitted to and approved by the Local Planning Authority. These trees shall be retained in accordance with the approved details. No tree work shall be undertaken

other than in accordance with the approved plans and particulars without the prior written approval of the Local Planning Authority, until five years from the completion of this stand. Any tree work approved shall be carried out in accordance with British Standard 3998 Tree work. If any retained tree is removed, uprooted or destroyed or dies, another tree of the same species shall be planted in the immediate vicinity unless the Local Planning Authority gives its written consent to any variation.

Reason: To protect trees which contribute to the visual amenities of the area. Relevant Policies Local Plan DG1, N6

- 6 Before the construction of the seating stand on the southern part of the site, prior to any equipment, machinery or materials being brought onto the site in association with the construction of this stand, details of the measures to protect, during construction, the trees growing within and adjacent to the site, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full prior to any equipment, machinery or materials being brought onto the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. These measures shall include fencing in accordance with British Standard 5837. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.

- 7 The floodlights shall be installed and maintained in accordance with the technical details received on the 14th February 2019.

Reason: : To ensure the floodlights are installed in accordance with the details specified in the application.

- 8 The development hereby permitted shall be carried out in accordance with the approved plans listed below.

Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

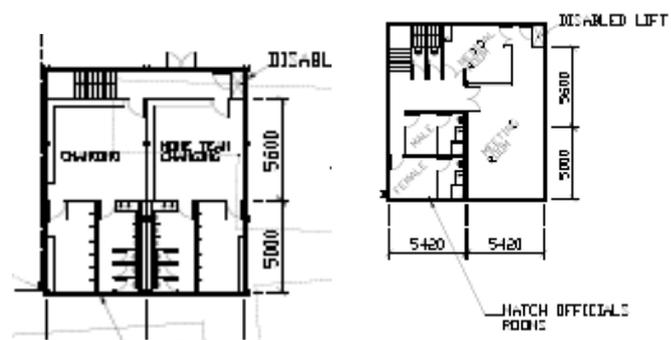
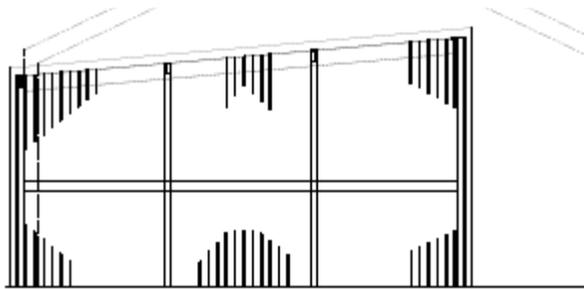
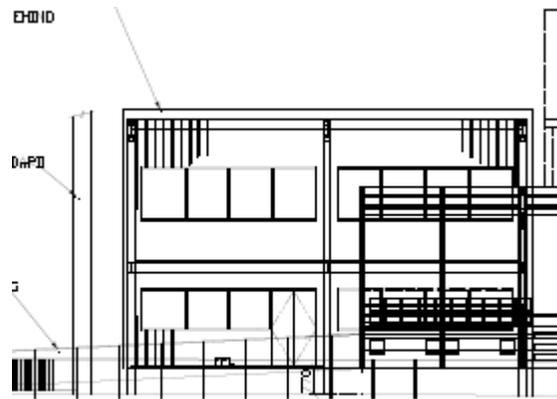
# Appendix A- site location



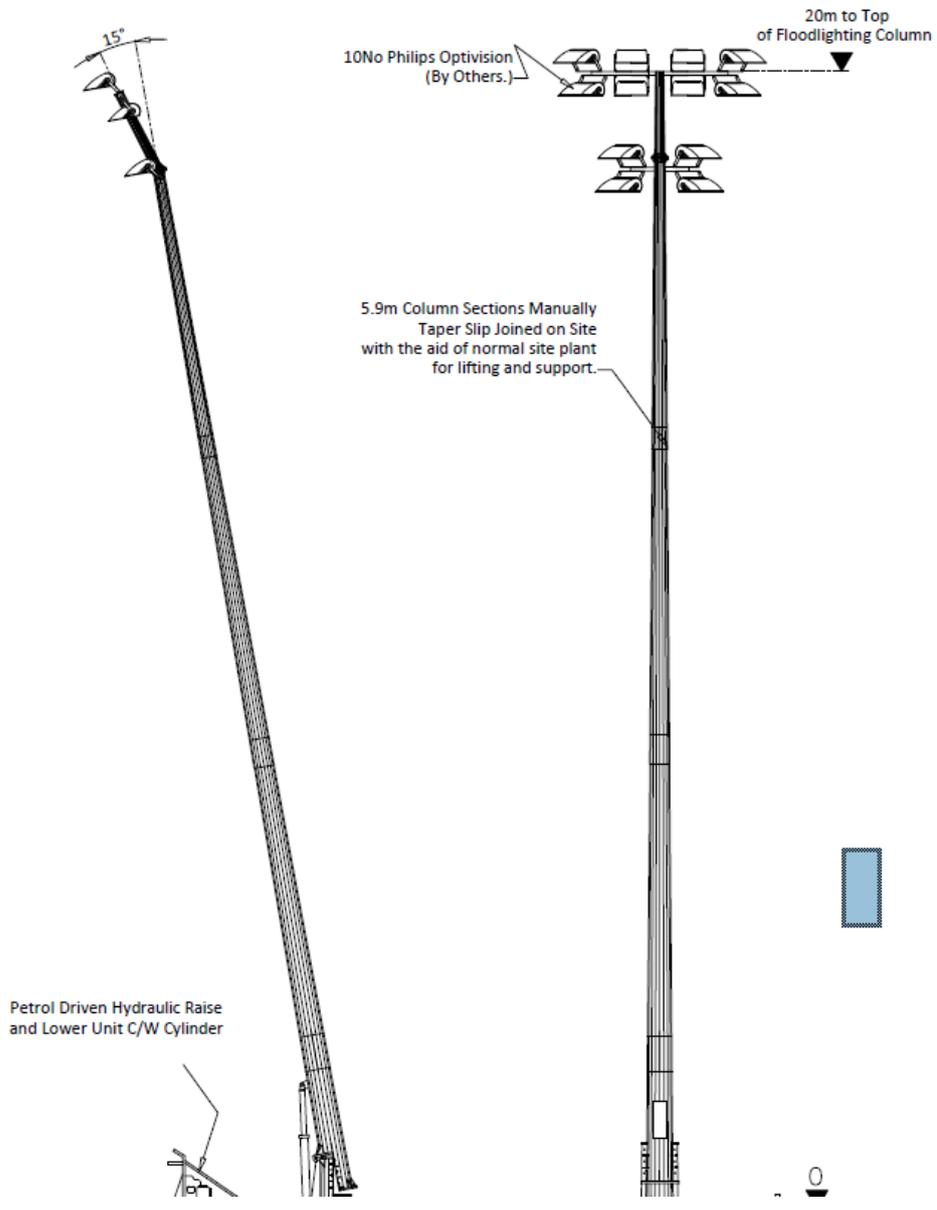




# Proposed changing facilities



# Proposed flood lights



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

**MAIDENHEAD DEVELOPMENT CONTROL PANEL**

10 April 2019

Item: 3

<b>Application No.:</b>	19/00042/FULL
<b>Location:</b>	Boyne Hill Garage Ltd 7 Bath Road Maidenhead SL6 4AH
<b>Proposal:</b>	Proposed new building comprising of B1(a) office and 8no. apartments with associated parking following demolition of existing building
<b>Applicant:</b>	Honar Holdings Ltd
<b>Agent:</b>	Mr Duncan Gibson
<b>Parish/Ward:</b>	Maidenhead Unparished/Boyn Hill Ward

**If you have a question about this report, please contact:** Claire Pugh on 01628 685739 or at [claire.pugh@rbwm.gov.uk](mailto:claire.pugh@rbwm.gov.uk)

**1. SUMMARY**

- 1.1 The proposed scheme is considered to represent a cramped form of development, and the proposed building owing to its scale and design would appear out of keeping within this area. It also has not been demonstrated that the scheme would not have an adverse impact on trees which are subject to a Tree Preservation Order on the adjacent site.
- 1.2 The scheme would result in a significant adverse impact on the residential amenity of the occupiers of Moorcroft (residential dwelling to the south).
- 1.1 With regard to the impact on transport, it is not considered that the impact on traffic would be severe, and a sufficient number of car parking spaces has been provided. However, further information would be required on refuse storage and collection, to demonstrate that the scheme would have an acceptable impact on Highway Safety.
- 1.2 This is a mixed use scheme, which incorporates B1 (a) office space; the application fails to demonstrate that the Sequential Test (town centre first) approach is passed (in that the office space could not be located in the town centre). The scheme has also failed to demonstrate that an adequate Sustainable Drainage Scheme could be provided.
- 1.3 Although the Council cannot demonstrate a 5 year housing land supply, the provision of 8 residential units does not outweigh the significant and demonstrable harm caused by the development.

<b>It is recommended the Panel REFUSES planning permission for the following summarised reasons (the full reasons are identified in Section 14 of this report):</b>	
<b>1.</b>	<b>The scheme represents a cramped form of development. The proposed building owing to its scale and design would appear out of keeping with the area, and would cause harm to the character of the area. In addition, it has not been demonstrated that the scheme would not cause harm to off-site trees which make an important contribution to the character of the area.</b>
<b>2.</b>	<b>The building would be overbearing and appear visually intrusive to the occupiers of Moorcroft.</b>
<b>3.</b>	<b>It has not been demonstrated that adequate refuse storage and collection can be provided without causing harm to highway safety.</b>
<b>4.</b>	<b>The scheme has not demonstrated that adequate Sustainable Drainage can be provided.</b>

## 2. REASON FOR PANEL DETERMINATION

- The Council's Constitution does not give the Head of Planning delegated powers to determine the application in the way recommended; such decisions can only be made by the Panel.

## 3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site relates to a former car show room premises located on the Bath Road in Maidenhead. The existing building is mainly 2 storeys in height with a flat roof, to the rear is a single storey element with a pitched roof. The building is finished in a brown brick.
- 3.2 Vehicular access to the site is off the Bath Road on the western part of the site. To the east of the site is a semi-detached two storey building with double gable roof, which is in commercial use. To the west of the site is a residential property set in a substantial plot. This site is covered by an area Tree Preservation Order.
- 3.3 To the south of the site is a detached dwelling (Moorcroft) and its rear garden. To the North of the site is the Bath Road, and on the other side of this is the Tesco Express, and a Grade II Listed Building.

## 4. KEY CONSTRAINTS

- 4.1 Tree Preservation Order on adjoining site

## 5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 There is no planning history of relevance to this application.
- 5.2 The scheme proposes the demolition of the existing building, and the construction of a 3 storey flat roofed building. The new building would accommodate 8 apartments across the first and second floor level. At ground floor office space would be provided, together with under-croft spaces for car parking and bin storage.
- 5.3 The building would have a height of circa 9.4 metres. And would span the width of the site, with the front elevation following the building line of numbers 3 and 5 Bath Road (building to the east). The building would be finished in a mixture of render, brick and timber cladding.
- 5.4 The scheme would provide 4x 1 bedroom flats and 4 x 2 bedroom flats. Balconies, with screens would be provided across the rear elevation of the building. The vehicular access would be provided onto the Bath road on the western part of the site.

## 6. DEVELOPMENT PLAN

### Adopted Royal Borough Local Plan (2003)

- 6.1 The main Development Plan policies applying to the site are:

Issue	Adopted Local Plan Policy
Design	DG1,
Highways	P4 AND T5
Trees	N6
Setting of Listed Building	LB2
Location of development	E1

These policies can be found at

[https://www3.rbwm.gov.uk/downloads/download/154/local\\_plan\\_documents\\_and\\_appendices](https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices)

## 7. **MATERIAL PLANNING CONSIDERATIONS**

### **National Planning Policy Framework Sections (NPPF) (2019)**

Section 4- Decision-making

Section 5- Delivering a sufficient supply of homes

Section 6- Building a strong competitive economy

Section 7- Ensuring the vitality of town centres

Section 9- Promoting Sustainable Transport

Section 12- Achieving well-designed places

Section 16- Conserving and enhancing the historic environment

### **Borough Local Plan: Submission Version**

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Sustainable Transport	IF2
Trees	NR2
Setting of Listed Building	HE1
Employment	ED3

7.1 The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents have now been submitted to the Secretary of State for examination. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough. However, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the submission version. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy. This is addressed in more detail in the assessment below.

7.2 This document can be found at:  
[https://www3.rbwm.gov.uk/info/201026/borough\\_local\\_plan/1351/submission/1](https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1)

### **Other Local Strategies or Publications**

7.3 Other Strategies or publications material 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](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)

## 8. **CONSULTATIONS CARRIED OUT**

### **Comments from interested parties**

10 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 29<sup>th</sup> January 2019 and the application was advertised in the Local Press on the 14<sup>th</sup> February 2019.

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

Comment		Where in the report this is considered
1.	The building would appear completely at odds with its surroundings and introduce an overly complex form of architecture into the street scene.	9.2-9.9
2.	The scheme could cause harm to trees which contribute to the character of the area.	9.10
3.	The scheme would result in harm to neighbouring residential properties. It would appear visually intrusive to the property to the south, and the balconies would result in a perception of overlooking.	9.17-9.19
4.	Scheme is overdevelopment of the site.	9.2-9.9
5.	Considers the scheme does directly impact on the area surrounding the Listed Buildings (opposite the site)	9.9
6	Concerns over the impact on highway safety, and there is limited space on site for vehicles to manoeuvre.	9.11-9.16
7	The scheme would result in overlooking to 22 and 24 Bath Road.	9.17-9.19
8	Concerns over inadequate parking.	9.11-9.16

### Statutory consultees

Consultee	Comment	Where in the report this is considered
Lead Local Flood Authority	Set out that SUDS information needs to be provided.	9.21

### Consultees

Consultee	Comment	Where in the report this is considered
Environmental Protection	Recommend conditions for a CEMP and plant.	These conditions are not considered necessary.
Ecology	No objection, subject to a condition for biodiversity enhancements.	Noted.
Highways	Requires the applicant to provide a plan showing visibility splays, and details on the refuse strategy.	9.11-9.16
Conservation Officer	Advises that the proposed alterations will negatively impact the setting of the Listed Buildings and therefore would cause a level of harm to these Heritage Assets.	9.9

### Others

Group	Comment	Where in the report this is considered
Maidenhead Civic Society	The proposed building does not reflect the architectural opportunity offered by the site. A building should pick up on	9.2-9.9

## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Design, and impact on the Setting of the Listed Building
- ii Trees
- iii Transport
- iv Residential Amenity
- v Location of Office development
- vi Sustainable Drainage
- v Affordable Housing

### **Design, and impact on the Setting of the Listed Building**

- 9.2 There are examples of traditional buildings within the locality, these buildings are adjacent to the site, and on the opposite side of the road. These buildings are more domestic in scale and have traditional roof forms. There is also a Tesco store located on the opposite side the road, which is a flat roof building with a functional appearance.
- 9.3 Whilst there is no objection in principle to a contemporary building, or to the use of a flat roof (the existing building has a flat roof, and the Tesco building on the opposite side of the road has a flat roof), the building needs to be appropriate in scale and appearance
- 9.4 The proposed building at 3 storeys in height, with a flat roof would appear dominant and out of scale to the buildings in the locality. The building is not broken up in scale or massing, and would appear as a large unrelieved mass. There would be very little spatial relief around the building, and as such, in combination with the large scale of the building, it would appear cramped within the site.
- 9.5 The building adjacent to this site (to the east) has a double gable roof. The proposed building would be significantly higher than the eaves of this building; there would be a stark increase in height and the relationship between these buildings would appear awkward. The proposed building fails to respond to the roofscape of this building, and would appear incongruous in the street scene and comprise a dominant form of development.
- 9.6 The scale of the proposed building is out of keeping with other buildings in the locality which are more domestic in scale. The Tesco building on the opposite side of the road is not as tall as the proposed building at this site, and also has more spatial relief than this proposed building would have.
- 9.7 Turning to the appearance of the building, the planning statement sets out that the building is reflective of the Tesco building on the opposite side of the road. Aside from this, it is not clear how the design of this building has evolved or how it has drawn influences from other buildings in the locality. Whilst a contemporary approach would be acceptable in principle, a building needs to respond to the character of the area. In this case, the order of fenestration is confused and the design appears fussy. The use of multiple materials adds to the confused design of the building. Whilst the buildings in the locality vary in style, they are simple in appearance. This building fails to respond to this character, and as such would look out of keeping in the area.
- 9.8 The scheme owing to its scale and appearance would cause harm to the character of this area. The scheme conflicts with Policy DG1 of the Adopted Local Plan, which should be given

significant weight, and also the aims of the NPPF (as a material consideration) which seeks to secure high quality design.

- 9.9 On the opposite side of the road are numbers 22 and 24 Bath Road, Grade II Listed Buildings dating from 1840. Whilst the Conservation Officer has raised concerns that this scheme would adversely impact on the setting of these Listed Buildings, it is considered that the setting of these Listed Building has changed over time. The A4 is a large busy road which runs between this site and the Listed Buildings and provides a distinct physical separation. As such, it is not considered that the development at this site would impact on the setting of the Listed Buildings. However, as set out previously, the scheme is considered to be poor design that would be harmful to the character of the area.

### **Trees**

- 9.10 There are off site trees on the neighbouring site (to the west) which are subject to a Tree Preservation Order. The proposed building would be taller and closer to this site than the existing. Insufficient information has been submitted to demonstrate that this scheme would have an acceptable impact on these trees.

### **Transport**

- 9.11 The Bath Road (A4) forms part of the strategic road network providing a key route into Maidenhead and further east towards London and west towards Reading. Bath Road in the immediate vicinity of the site accommodates two-way traffic, is circa 8m in width and is restricted with a 30mph speed limit.
- 9.12 Compared to the extant use, it is considered there is likely to be a small increase in traffic movements to and from the site as a result of the development, however, the increase in traffic is not considered to be severe.
- 9.13 The application proposes a new vehicular access onto Bath Road located in the same location as the current access. Although, according the Council's Highway Design Guide, visibility splays of 2.4 x 90 metres would be required, given that the road is fairly straight and there have been limited recorded accidents on this road, visibility splays of 2.4 x 43 metres would be considered adequate. If this application was been recommended for approval, the applicant would be required to submit a plan to show that these visibility splays can be achieved.
- 9.14 The positioning of car parking bay 1, so close to the vehicular entrance is not ideal, however, the Highway Authority do not object to this specifically.
- 9.15 The area for the bin store is located close to car parking bay 1, and the plans show the doors to this store to open outwards. This layout would make it difficult for refuse operatives to manoeuvre the bins out on bin collection day, and given how busy the Bath Road is, this could cause a danger to highway safety. More details would be required on the refuse strategy for the site.
- 9.16 The scheme would provide 15 car parking spaces. This number of car parking spaces would be sufficient for this scheme, and would accord with the Council's parking standards.

### **Residential Amenity**

- 9.17 The scheme is not considered to cause harm to the amenity of the occupiers of the buildings to the east or west of the site. The buildings on the opposite side of the Bath Road are a considerable distance away, and there would not be unacceptable levels of overlooking to dwellings on this side of the road.
- 9.18 To the south of the site (rear) is Moorcroft which comprises a dwelling and its rear garden. The existing building has some impact on this property and garden, however, it is lower in height than the proposed building, and has a single storey pitched element which is located close to the boundary. In comparison, this proposed building will go up to 3 storeys in height and would be located in close proximity to the boundary. It is considered that the proposed building, owing to its

scale, and proximity, spanning the length of the garden boundary of Moorcroft would have an overbearing and visually intrusive impact on the outlook from this property and its garden area.

- 9.19 The rear balconies to the flats, whilst they are proposed to have screens to obscure views, would be close to the boundary of the garden of Moorcroft. Future occupiers of the flats using the balconies would be heard and their presence would be noticeable by the occupiers of Moorcroft when using their garden. This would be unneighbourly and would adversely impact on the amenity of the occupiers of Moorcroft. It should also be noted, that a section showing the proposed balcony does not match the proposed rear elevation, which shows the balcony screen to be full height with no opening on the rear elevation.

### **Location of Office development**

- 9.20 The scheme proposes B1a office space on the ground floor. This office space would have a separate access from the residential units. Policy E1 of the Adopted Local Plan sets out that business development will usually be restricted to employment areas and the town and commercial centres, unless it meets one of the criteria set out by this policy. This scheme would not meet one of the exceptions listed in Policy E1 and as such the proposed office space conflicts with this Policy of the development plan, which should be given significant weight. In addition, the National Planning Policy Framework (2019), which is a material consideration of significant weight, sets out that B1 office is a town centre use, and should be located in a town centre. It sets out that the Sequential Test (town centre first approach) should be applied where such a use is proposed outside of the town centre. In this case, it has not been demonstrated that the Sequential Test has been passed.

### **Sustainable Drainage**

- 9.21 As this scheme is a major development, it is a requirement for an adequate Sustainable Drainage scheme to be provided. This information has not been provided. As such the scheme is considered to be unacceptable in this regard.

### **Affordable Housing**

- 9.22 This scheme is below the threshold for affordable housing provision under Policy H3 of the Adopted Local Plan. The National Planning Policy Framework, which is a material consideration of significant weight, sets out that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership. However, given that the number of flats is less than 10, and as the floorspace of the proposed flats is less than 1000 square metres, it would not meet the definition of major development in the glossary of the NPPF, and as such, it would not be a requirement to provide affordable housing in this scheme.

## **10. Housing Land Supply**

- 10.1 Paragraphs 10 and 11 of the NPPF set out that there will be a presumption in favour of Sustainable Development. The latter paragraph states that:

*For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

- 10.2 Footnote 7 of the NPPF (2019) clarifies that:

*'out-of-date policies include, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer).'*

- 10.3 Following the Regulation 19 consultation on the Submission Version of the Local Plan, the Council formally submitted the BLPSV for Examination in January 2018. The Borough Local Plan Submissions Version sets out a stepped housing trajectory over the plan period (2013-2033) to meet the Boroughs Housing need. However, the BLPSV is not yet adopted planning policy and the Council's adopted Local Plan is more than five years old. Therefore, for the purposes of decision making, currently the starting point for calculating the 5 year housing land supply (5hr hls) should be the 'standard method' as set out in the NPPF (2019).
- 10.4 At the time of writing, currently the Council is able to demonstrate 4.08 years of housing land supply. Therefore, for the purpose of this planning application the LPA currently cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer).

The LPA therefore accepts for the purpose of this application and in the context of paragraph 11 of the NPPF (2019), including footnote 7, the 'tilted balance' is engaged. The LPA further acknowledge that there are no 'restrictive' policies relevant to the consideration of this planning application which would engage section d (i) of paragraph 11 of the NPPF (2019). The assessment of this and the wider balancing exercise is set out below in the conclusion.

## **11. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 11.1 The development is CIL liable.

## **12. CONCLUSION**

- 12.1 The proposed building would appear as a cramped and dominant form of development that fails to respond to the character of this area. The scheme represents poor design which would cause harm to the character of the area and the appearance of the street scene. The scheme would also result in harm to the residential amenity of the dwelling to the south (Moorcroft). The scheme fails to demonstrate that it can provide adequate Sustainable Drainage and that would have an acceptable impact on off-site trees which contribute to the character of the area. In addition, the site is not suitable for B1a office space, as it has not been demonstrated that this space could not be located within the town centre. There are also concerns over the layout of the scheme and how bins would be collected, without causing detriment to highway safety. Although the Council cannot demonstrate a 5 year housing land supply, it is not considered that the provision of 8 residential units would be a benefit that would outweigh the significant and demonstrable harm that would be caused by the development.

## **13. APPENDICES TO THIS REPORT**

- Appendix A - Site location plan and site layout
- Appendix B – Elevations
- Appendix C – Floorplans

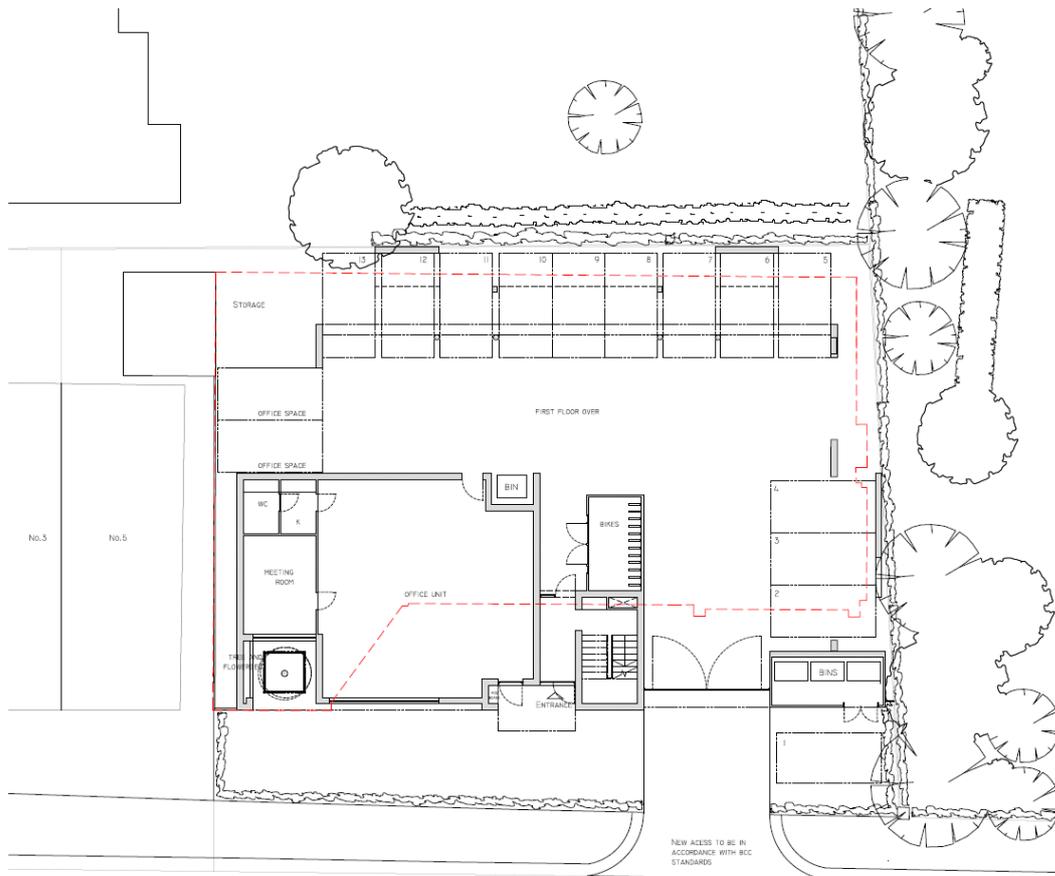
## **14. REASONS RECOMMENDED FOR REFUSAL**

- 1 Due to the large scale of the proposed building, and limited amount of spacing around the building, the scheme represents a cramped over-development of the site. The proposed building is too large in scale and does not respond to the scale of buildings in the locality. The design of the building is confused and fussy, and fails to respond to the local context. As a result the proposed building would cause harm to the character and appearance of this area. The scheme therefore conflicts with Policy DG1 of the Adopted Local Plan and also fails to comply with Section 12 of the National Planning Policy Framework (2019).
- 2 The application fails to demonstrate that it would not cause harm to off-site trees on the adjacent site which are subject to a Tree Preservation Order. The scheme fails to comply with Policy N6 of

the Adopted Local Plan.

- 3 The scheme, owing to the scale and positioning of the proposed building, would have an overbearing impact and would be visually intrusive when viewed from Moorcroft. The scheme fails to comply with paragraph 127 of the National Planning Policy Framework which seeks to secure a high standard of amenity for all.
- 4 The application fails to demonstrate that refuse can be stored and collected adequately, so as not to result in a danger to highway safety. The application fails to comply with Policy T5 of the Adopted Local Plan and paragraph 109 of the National Planning Policy Framework (2019).
- 5 The application fails to demonstrate that adequate Sustainable Drainage can be provided, which is a mandatory requirement for a Major development.

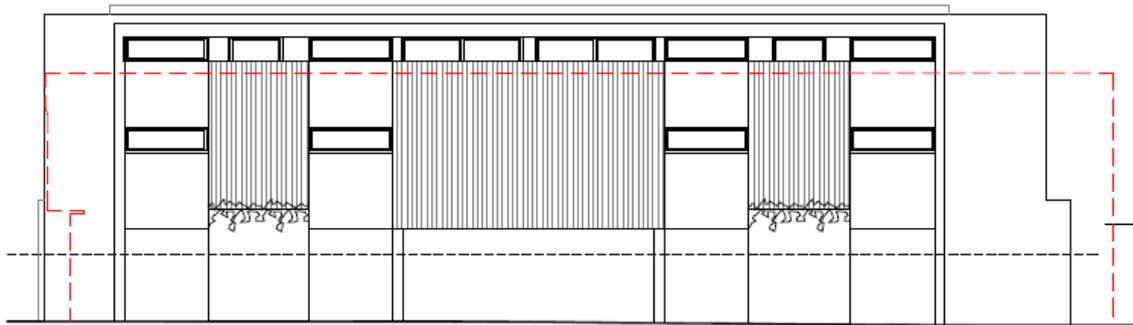
# Appendix A – site location and proposed layout



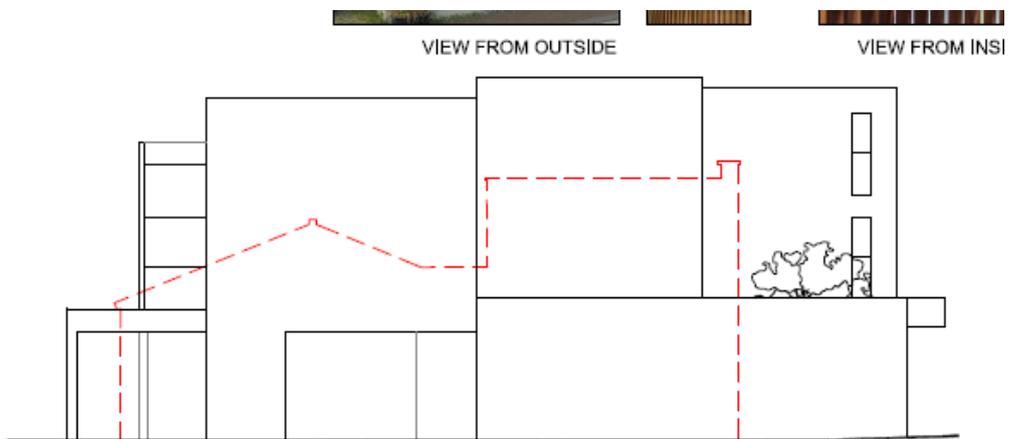
Appendix B- Elevations



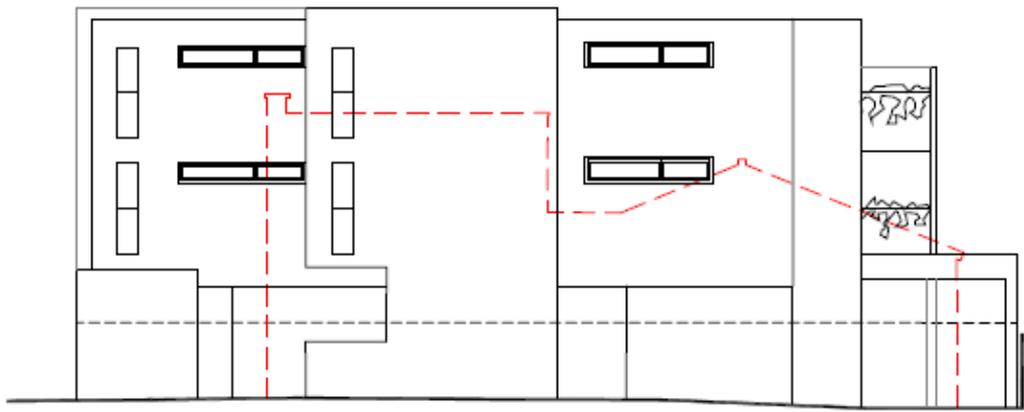
FRONT ELEVATION



REAR ELEVATION



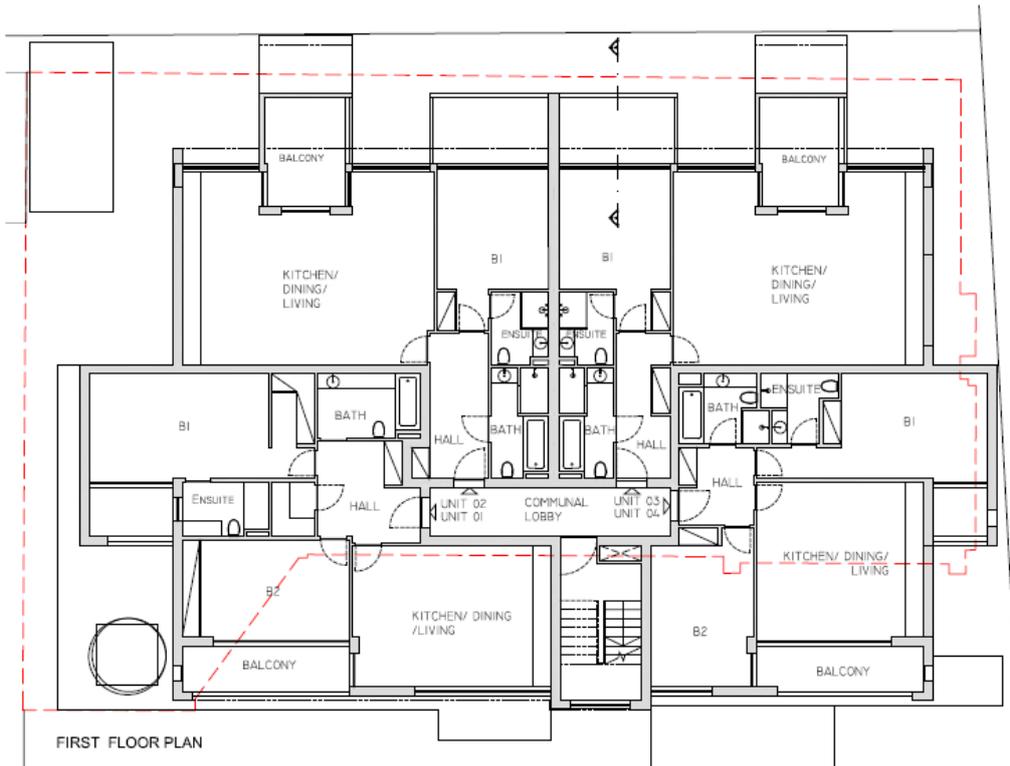
LEFT ELEVATION



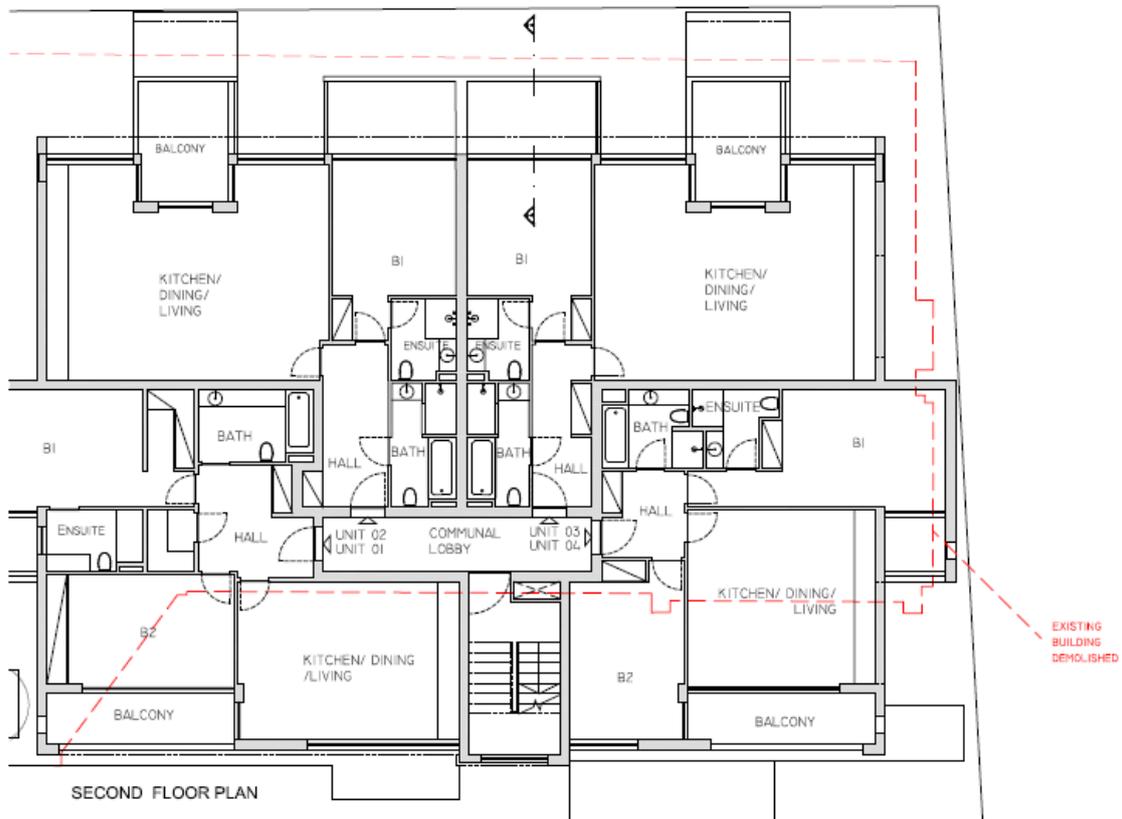
RIGHT ELEVATION







FIRST FLOOR PLAN



SECOND FLOOR PLAN

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

**MAIDENHEAD DEVELOPMENT CONTROL PANEL**

10 April 2019

Item: 4

<b>Application No.:</b>	19/00279/OUT
<b>Location:</b>	Fernbank The Straight Mile Shurlock Row Reading RG10 0QN
<b>Proposal:</b>	Outline application with all matters reserved for the construction of a replacement dwelling and outbuildings.
<b>Applicant:</b>	Mr & Mrs Guthrie
<b>Agent:</b>	Mr Tom McArdle
<b>Parish/Ward:</b>	Waltham St Lawrence Parish/Hurley And Walthams Ward

**If you have a question about this report, please contact:** Briony Franklin on 01628 796007 or at [briony.franklin@rbwm.gov.uk](mailto:briony.franklin@rbwm.gov.uk)

**1. SUMMARY**

- 1.1 The proposal involves the construction of a replacement dwelling (outline application with all matters reserved) and the demolition and erection of outbuildings. The site lies within the designated Green Belt. The proposed dwelling would be materially larger than the dwelling it would replace and would constitute inappropriate development in the Green Belt. It is not considered that the demolition of some outbuildings and their replacement with smaller outbuildings would justify a materially larger dwelling and no very special circumstances exist in this case to outweigh the harm to the Green Belt.

**It is recommended the Panel REFUSES planning permission for the following summarised reason (the full reason is identified in Section 13 of this report):**

- |           |  |
|-----------|--|
| <b>1.</b> | <b>The proposed replacement dwelling would be materially larger than the one it would replace and would constitute inappropriate development in the Green Belt. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. It is not considered that 'very special circumstances' exist that would outweigh the harm in this case. The proposal is contrary to local plan policies GB1, GB2 and GB3 and emerging policy SP5 and the guidance set out in section 13 of the NPPF.</b> |
|-----------|--|

**2. REASON FOR PANEL DETERMINATION**

- At the request of Councillor Hunt, if the application is to be recommended for refusal. The request is made on the grounds that the proposal will be an enhancement to the Green Belt due to the reduction of built form when viewed from the highway and the sustainability of the 1940's prefab.

**3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

- 3.1 The application site lies on the southern side of The Straight Mile and comprises of a small timber clad bungalow set within a long plot which backs onto open fields.
- 3.2 There are a number of outbuildings on the site which include a large corrugated iron building situated to the side/rear of the bungalow, a smaller corrugated iron outbuilding, two greenhouses and an outbuilding which is being used in connection with a beauty business. A mobile home is currently sited in the front garden.

3.3 A driveway serves a parking area situated to the rear of the bungalow. The dwelling lies within a linear pattern of development on The Straight Mile. Most of the dwellings are single storey.

#### 4. KEY CONSTRAINTS

4.1 The site lies within the designated Green Belt.

#### 5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

5.1 Outline consent is sought to construct a replacement dwelling. The proposed 4 bed dwelling would be single storey and would be sited in a similar position to the existing bungalow. It would be 5.6m in height and have an overall depth of 24.1m.

5.2 A large corrugated iron outbuilding, a smaller corrugated iron outbuilding and two greenhouses are proposed to be demolished. A detached double car port and garage building and detached garden store are proposed to be erected to the rear of the proposed bungalow.

5.3 All matters including layout, access, scale and appearance of the development are reserved for subsequent approval although details have been supplied with the application to enable a proper consideration of the issues.

5.4 The outbuilding sited on the rear portion of the site, which is being used in connection with a beauty business, is proposed to be retained. The drawings also indicate the siting of a large outbuilding (leisure building) at the rear of the site which would house an indoor swimming pool (determined to be permitted development under 16/03961/CPD).

5.5 The relevant planning history is set out as follows:

Reference	Description	Decision
13/02615/CPD	Certificate of lawfulness to determine whether a proposed timber outbuilding replacing the existing garage is lawful.	Permitted
15/03212/FULL	Replacement dwelling following demolition of existing dwelling.	Refused and dismissed on appeal
16/03961/CPD	Certificate of lawfulness to determine whether a detached leisure building is lawful.	Permitted
17/00239/CPD	Certificate of lawfulness to determine whether 2 x single storey rear, a single storey sider/rear extension and addition of 2 x roof lights are lawful.	Refused
17/01213/CPD	Certificate of lawfulness to determine whether the side and rear extensions are lawful.	Planning permission required.
17/02189/CPD	Certificate of lawfulness to determine whether a side extension is lawful.	Permitted Development
17/03693/PDXL	Single storey rear extension no greater than 7.9m depth, 4m high and an eaves height of 2.7m.	Prior approval not required
18/02016/OUT	Outline application with all matters reserved for the construction of a replacement dwelling and outbuildings.	Refused and dismissed on appeal 27 <sup>th</sup> March 2019

5.6 The previous outline application, reference number 18/02016/OUT, was refused for the following reason:

*'The proposed replacement building, by reason of its scale, floor space and spread across the site, would be materially larger than the one it would replace meaning that the proposal would constitute inappropriate development within the Green Belt. Inappropriate development is by definition harmful to the Green Belt and should not be approved expect in very special circumstances. It is not considered that any very special circumstances exist that would outweigh the harm identified by inappropriateness and consequently the proposed development would impact on the openness of the Green Belt. The proposal is therefore contrary to paragraphs 133, 143, 144 and 145 of the National Planning Policy Framework (NPPF), the provisions of saved Policies GB1 and GB2 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations adopted June 2003) and policy SP5 of the emerging Borough Local Plan Submission Version.'*

The current application amends the previously appeal scheme. The revisions include:

- The deletion of the hall link in the centre of the proposed dwelling which results in a reduction in the overall depth of the proposed dwelling by 3.6m, from 27.7m to 24.1m.
- The floor area of the proposed dwelling has been reduced by 15 sq.m.
- The games room/garden store has been deleted and replaced with a smaller garden store.
- The pitch roof of the proposed garage/car port has been reduced in height to 3.5m by providing a bi-dual pitched roof.
- The outdoor swimming pool has been deleted.

## 6 DEVELOPMENT PLAN

### Adopted Royal Borough Local Plan (2003)

6.1 The main Development Plan policies applying to the site are:

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1, H10,H11
Impact on the Green Belt	GB1, GB2, GB3
Highways	P4 AND T5

These policies can be found at

[https://www3.rbwm.gov.uk/downloads/download/154/local\\_plan\\_documents\\_and\\_appendices](https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices)

### Adopted Hurley and the Waltham's Neighbourhood Plan (2015-2030)

Issue	Neighbourhood Plan Policy
Sustainable Development	Env 1
Quality Design	Gen 2

These policies can be found at

[https://www3.rbwm.gov.uk/info/200209/planning\\_policy/477/neighbourhood\\_plans/2](https://www3.rbwm.gov.uk/info/200209/planning_policy/477/neighbourhood_plans/2)

## 7. MATERIAL PLANNING CONSIDERATIONS

### National Planning Policy Framework Sections (NPPF) (2019)

Section 4- Decision-making

Section 12- Achieving well-designed places

Section 13- Protecting Green Belt land

### Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Development in the Green Belt	SP1, SP5
Sustainable Transport	IF2

7.1 The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents have now been submitted to the Secretary of State for examination. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough. However, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the submission version. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy. This is addressed in more detail in the assessment below.

7.2 This document can be found at:  
[https://www3.rbwm.gov.uk/info/201026/borough\\_local\\_plan/1351/submission/1](https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1)

## 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 19<sup>th</sup> February 2019.

2 letters have been received from both neighbours in support of the application.

### Statutory consultees

Consultee	Comment	Where in the report this is considered
Archaeology Officer	The application site falls within an area of archaeological significance and archaeological remains may be damaged by ground disturbance for the proposed development. It is therefore recommended that a condition is applied in order to mitigate the impacts of development.	See paragraphs 9.18 & 9.19
Environmental Protection	Suggested conditions and informatives relating to the construction phase.	See paragraph 9.20
Highways Authority	No objection subject to conditions and informatives	See paragraph 9.17

### Consultees

Consultee	Comment	Where in the report this is considered
Parish Council	No objection provided it does not contravene GB2.	See paragraphs 9.2 to 9.10

## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Green Belt
- ii Impact on the character and appearance of the site itself and the locality in general.
- iii Impact on the living conditions of the neighbouring properties.
- iv Highways/ Parking
- v Other material considerations

### **i Green Belt**

9.2 The site lies within the designated Metropolitan Green Belt; the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

9.3 Paragraph 145 of the NPPF states that new buildings should be regarded as inappropriate development in the Green Belt subject to a number of exceptions. The replacement of a building is included in these exceptions provided *'the new building is in the same use and not materially larger than the one it replaces.'* Local Plan Policies GB1, GB2 and GB3 similarly identify which types of development are considered to be not inappropriate in the Green Belt, and include the replacement of an existing dwelling which is not materially larger and would not result in a material alteration to the scale of the development on the site.

9.4 The decision notice dismissing the previous appeal under application number 18/02016/OUT is attached to this report in full at appendix F. The Inspector wrote (paragraph 7 & 8):

*'7.....Whilst there is disagreement between the Council and the appellant regarding precise dimensions of the existing roof space of the dwelling what is clear is that the footprint would be almost double that of the existing house. This would represent a significant increase to the bulk and massing of the dwelling which would be materially larger than the building it would replace.*

*8. In this regard the appeal proposal represents inappropriate development in the Green Belt, in conflict with Saved Policies GB1 and GB2 of the Local Plan and the requirements of the Framework....'*

9.5 The current scheme does not significantly alter the footprint, bulk and massing of the proposed dwelling. The only difference relates to the deletion of the hall link in the centre of the dwelling which results in a marginal reduction in the overall depth of the dwelling of 3.6m and a slight reduction of floor area of 15 sq.m.

9.6 It was agreed under the first appeal, reference number 15/03212/FULL, that the floor space of the existing bungalow measures 113sq.m. This includes an allowance for the useable floor area (minimum floor to ceiling height of 1.5m) within the roof space. The calculations provided by the applicant contend that the existing dwelling has a floor space of 150.9 sq.m. This is not accepted by the Council. The discrepancy in the figures appears to lie in the calculation of the first floor roof space. It is only useable floor space that can be taken into account in the floor space calculation i.e. any floor space that has a floor to ceiling height of 1.5m. Therefore the amount of useable floor area within the existing roof space is only very limited and not as extensive as suggested by the agent. The existing dwelling has a ridge height of 5.3m and an eaves height of 2.6m. The volume of the existing dwelling has been calculated at 363.07 cu.m. The replacement dwelling would have a ridge height of 5.6m, an eaves height of 2.1m and a floor area of 219.79 sq.m which would amount of an increase in floor area of 106.79sq.m. The volume of the proposed dwelling has been calculated at 834.89 cu.m.

- 9.7 The replacement dwelling would therefore result in a 94.5% increase in floor space, over and above the size of the existing dwelling and a 130% increase in volume. Whilst the height would remain relatively unchanged, with an increase of 0.3m, the proposal would result in a significant increase in footprint and volume. Overall it must be concluded that the replacement dwelling would be materially larger than the existing dwelling and would constitute inappropriate development which, by definition, is harmful to the Green Belt and substantial weight must be given to this harm. This is entirely consistent with the findings of the Inspector in the recent appeal decision. The relevant policies in the Development Plan are generally in accord with the NPPF and should be given significant weight. The NPPF and policy SP5 of the BLP Submission Version should be accorded significant weight as material planning considerations.
- 9.8 It is necessary to be considered whether there are any very special circumstances in this case which would outweigh the harm.
- 9.9 In determining the previous appeal the Inspector (paragraph 9) considered that *'The replacement dwelling even though it would be generally of the same height as the existing dwelling would be substantially deeper into the site and would therefore result in a materially larger building than the one it would replace. Consequently, it would result in some loss of openness in the Green Belt.'*
- 9.10 Whilst the revised proposal has been marginally reduced in depth it would still be substantially deeper than the existing dwelling and therefore it is still considered that it would result in some loss of openness.
- 9.11 As before, the applicant has attempted to argue that the increase in size would be off-set by the demolition of the outbuildings on the site, the reduction in lateral spread of buildings across the site and the alteration to the profile of building as presented to the roadside elevation would minimise the visual impact from the road. However the Inspector in considering these arguments (paragraph 10) wrote *'even when offset by the buildings to be removed the replacement dwelling would result in a loss of openness on the site due to the resulting volume which would be significantly greater than the buildings to be removed.'*

*11. Added to the effect of the replacement dwelling there would be an impact on openness from the additional ancillary buildings (the garage, car port and games room) which are also relevant to my overall assessment of the effect on openness as they form part of the appeal proposal. This would further harm the openness of the site and the benefit arising from the removal of existing structures would be negated by the erection of the proposed buildings.'*

- 9.12 The current proposal has deleted the proposed games room/garden store and replaced it with a smaller garden store. The pitch roof over the proposed garage/car port has been reduced in height to 3.5m and the outdoor swimming pool has also been deleted. It is still proposed to demolish the corrugated iron outbuildings and two greenhouses. It is estimated that the floor area of the outbuildings to be demolished amounts to 124.66 sq.m and they all have low ridge heights (maximum height of 4m). The proposal includes the erection of a car port/garage building and a garden store. These proposed outbuildings would have a floor area of 81 sq.m and an overall height of 3.5m which would result in a reduction in floor area in terms of outbuildings of 43.66 sq.m. However this reduction in floor area is still not considered to be sufficient to justify the large increase in floor area and volume of the proposed dwelling.
- 9.13 The applicant also argues a fall-back position exists whereby side and rear extensions (reference numbers 17/02189/CPD and 17/03693/PDXL) could be added to the existing building. However, in determining the previous appeal the Inspector wrote (paragraph 13) *'...My assessment must be made against the existing buildings and not by comparison to the cumulative impact of the volume of structures which would theoretically be built, or which may, or may not, be constructed in the future.'* The agent has indicated that work has commenced on digging the foundations for the leisure building and that work will commence in due course on digging the foundations for the PD extensions. These works have not been verified and there was no evidence that work had commenced on site when the planning officer undertook a site visit. In any case the existing dwelling is in a poor state and it seems likely that the applicant will want to retain access into the rear of the site and therefore it is not realistic to expect the PD extensions to be built out.

9.14 To conclude, it is not considered that the amended proposal has satisfactorily overcome the reasons for the Inspector dismissing the recent appeal under application number 18/02016/OUT. The proposal is considered to constitute inappropriate development in the Green Belt and would conflict with local plan Policies GB1, GB2 and GB3, emerging policy SP5 and the guidance set out in Paragraph 145 of the NPPF and no very special circumstances exist in this case to outweigh the harm.

#### **ii Impact on the character and appearance of the site itself and the locality in general**

9.15 The site lies within a row of existing residential properties, which are mainly single storey. The siting, size and design of the proposed dwelling and outbuildings would be in keeping with the locality in general and the proposal would accord with local plan policies DG1, H10 and H11, emerging policies SP3 and HO5 and Neighbourhood Plan policies Env 1 and Gen 2.

#### **iii. Impact on living conditions of neighbouring properties**

9.16 It is necessary to assess the proposals impact on the living conditions of the neighbouring properties in terms of light, outlook and privacy. Both neighbouring properties, 'Sunnyside' and 'Champions' have written in support of the application. It is considered that the resulting relationship between the proposed single storey dwelling and outbuildings and the neighbouring properties would be acceptable and the proposal would not introduce an unacceptable loss of light, outlook or privacy to these properties. The proposal would accord with emerging policy SP3 and guidance set out in paragraph 127(f) of the NPPF.

#### **iv Highways/Parking**

9.17 No alterations to the existing vehicular access are proposed. The proposal provides parking for a minimum of 3 cars and enables vehicles to enter and exit the site in a forward gear which complies with the Local Authority's standards. The proposal accords with local plan policies T5 and P4.

#### **Other Material Considerations**

9.18 There are potential archaeological implications associated with this proposed scheme. The site lies wholly within the known heritage asset of Billingbear Park; a 13<sup>th</sup> century enclosed deer park. The site is surrounded by a number of find spots of medieval material and there is a series of prehistoric and Roman finds in the local area. The archaeological officer has recommended the imposition of a condition in order to mitigate the impact of development in accordance with Paragraph 141 of the NPPF which 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 the importance and the impact, and to make this evidence (and any archive generated) publicly accessible'*.

9.19 The agent has confirmed his acceptance of the suggested condition in the event of planning permission being granted.

9.20 The Environmental Protection team has suggested conditions relating to the construction phase of the development including construction working hours and deliveries. Given the location of the site it is not considered that such conditions would be either reasonable or necessary in this instance and a suitable informative could be added to deal with these aspects in the event of planning permission being granted.

### **10. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

10.1 The development is CIL liable. CIL is calculated based on the net additional increase in floorspace (internal measurement) of a development multiplied by the charging rate. In this case the proposed internal floor area (dwelling, garage/car port and garden store) has been calculated at 274.11sq.m and the existing internal floor area to be demolished (dwelling and corrugated iron outbuildings) has been calculated at approximately 202sq.m. Therefore the net additional

increase in floorspace has been calculated at 72.11 sq.m. As the threshold for CIL is 100sq.m no CIL will payable.

## **11. CONCLUSION**

- 11.1 The proposed replacement dwelling would be materially larger than the one it would replace and would constitute inappropriate development in the Green Belt. Inappropriate development is by definition harmful to the Green Belt and should not be approved expect in very special circumstances. It is not considered that 'very special circumstances' exist in this case that would outweigh the harm and the proposal is contrary to local policies GB1, GB2 and GB3 and emerging policy SP5 and the guidance set out in section 13 of the NPPF.

## **12. APPENDICES TO THIS REPORT**

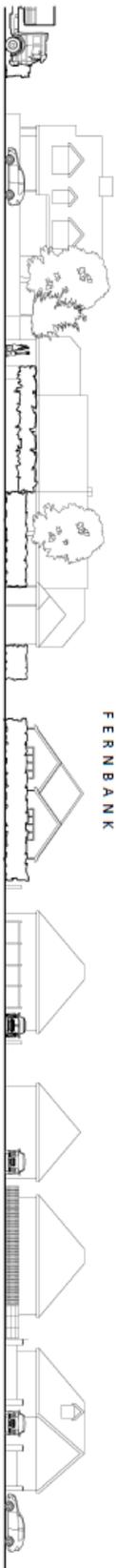
- Appendix A – Site/ location plan
- Appendix B – Existing dwelling
- Appendix C - Proposed dwelling
- Appendix D – Proposed outbuildings
- Appendix E – Appeal scheme
- Appendix F – Appeal decision

## **13. REASON RECOMMENDED FOR REFUSAL**

- 1 The proposed replacement building, by reason of its scale and floor space would be materially larger than the one it would replace and would therefore constitute inappropriate development in the Green Belt. Inappropriate development is by definition harmful to the Green Belt and should not be approved expect in very special circumstances. It is not considered that any very special circumstances exist that would outweigh the harm in this case. The proposal is therefore contrary to local plan policies GB1,GB2 and GB3 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations adopted June 2003), policy SP5 of the emerging Borough Local Plan Submission Version and the guidance set out in Section 13 of the NPPF (revised 2019).

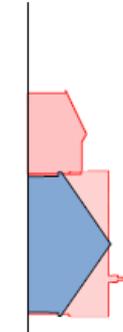
# APPENDIX A – SITE LOCATION PLAN



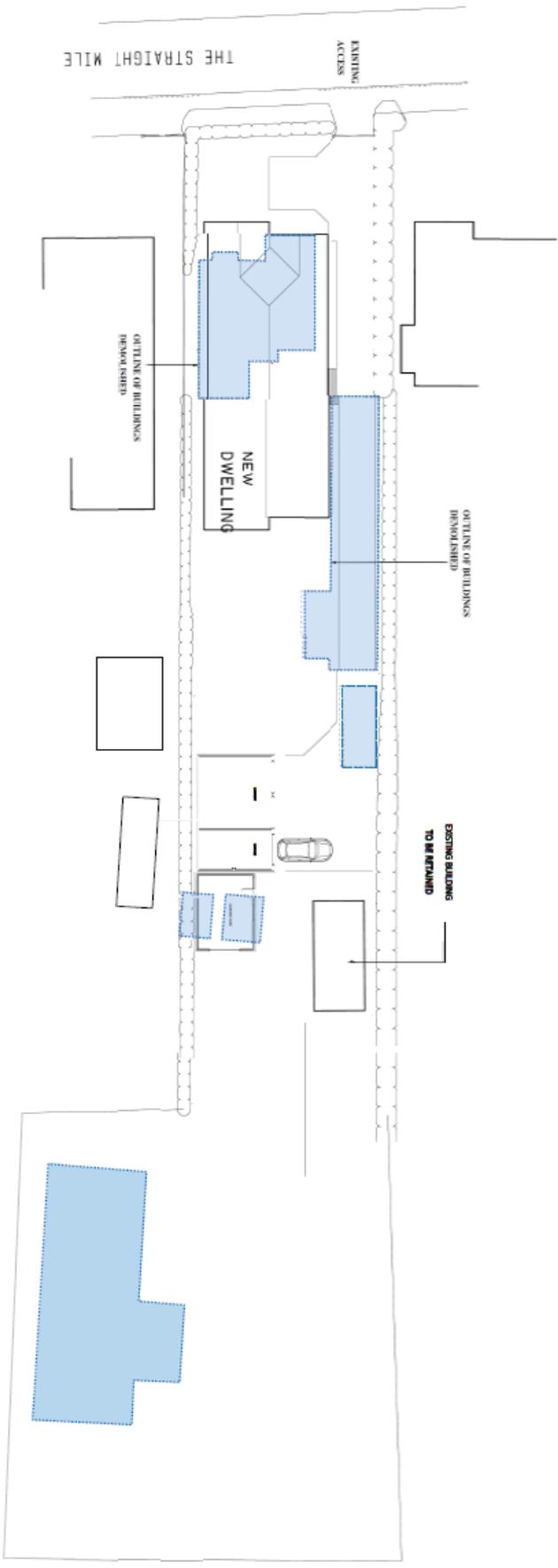


FERNBANK

STREET ELEVATION  
SCALE 1:200



EXISTING FRONT ELEVATION FACING ONTO THE STRAIGHT MILE  
PROPOSED ELEVATION FACING ONTO THE STRAIGHT MILE



OUTLINE OF BUILDINGS DEMONSTRATED

EXISTING BUILDING TO BE REPAIRED

OUTLINE OF BUILDINGS DEMONSTRATED

THE STRAIGHT MILE

EXISTING ACCESS

NEW DWELLING

# APPENDIX B – EXISTING DWELLING



Front elevation (North)

Datum 45.00m



Rear elevation (South)

Datum 45.00m



Side elevation (East)

Datum 45.00m

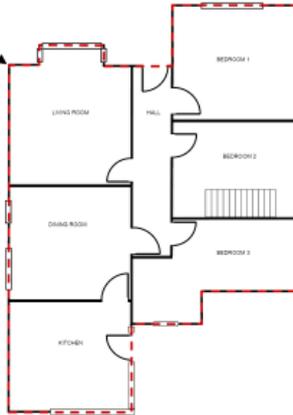


Side elevation (West)

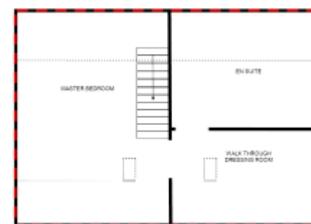
Datum 45.00m

## EXISTING GROUND FLOOR

ORIGINAL DWELLING  
SHOWN OUTLINED IN  
INTERMITTANT RED LINE



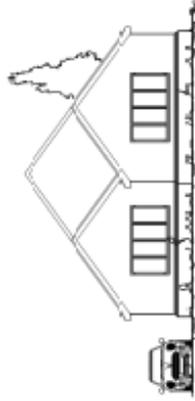
## FIRST FLOOR (AS PERMITTED 17/02/18/CPD)



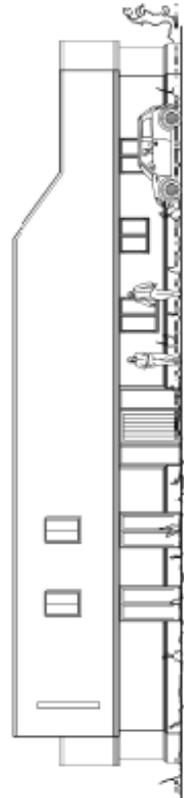
# APPENDIX C – PROPOSED DWELLING



REAR ELEVATION



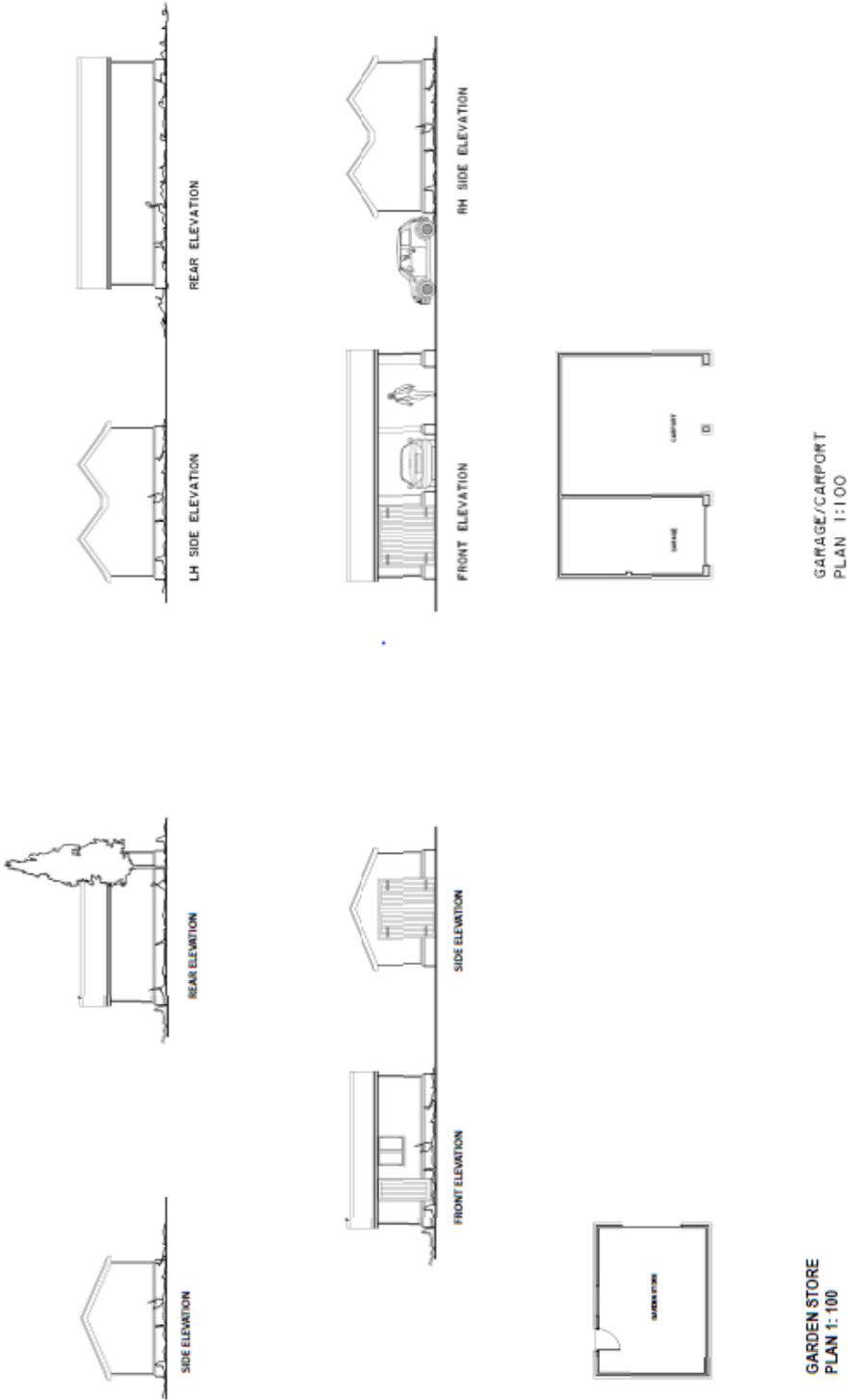
RH SIDE ELEVATION



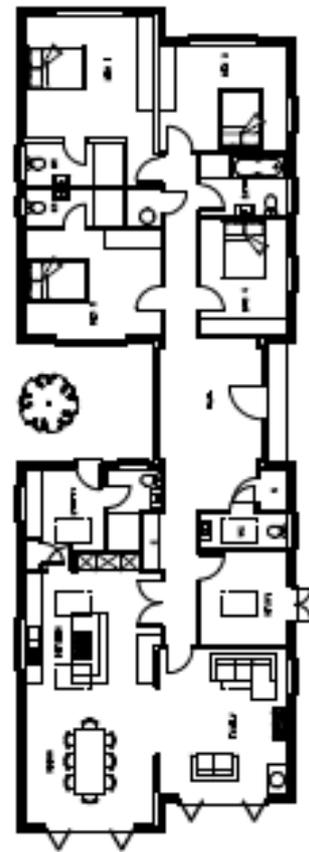
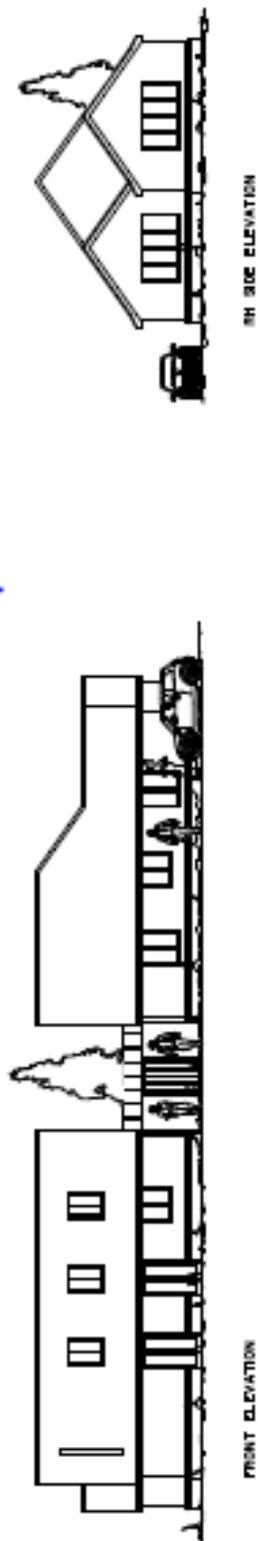
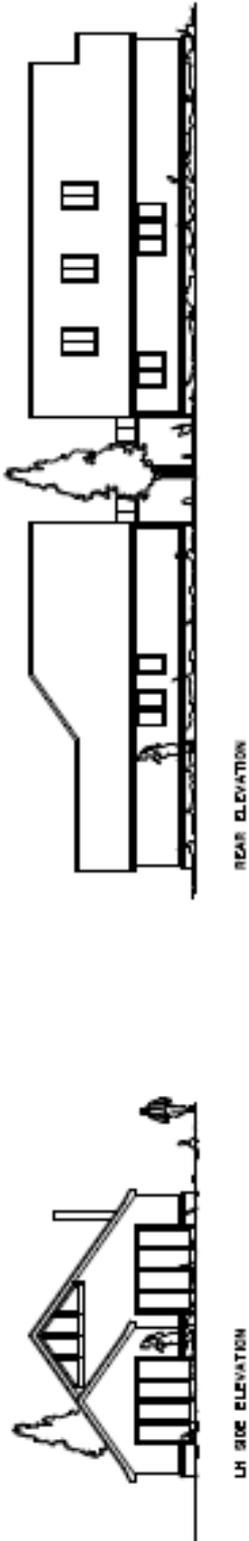
FRONT ELEVATION

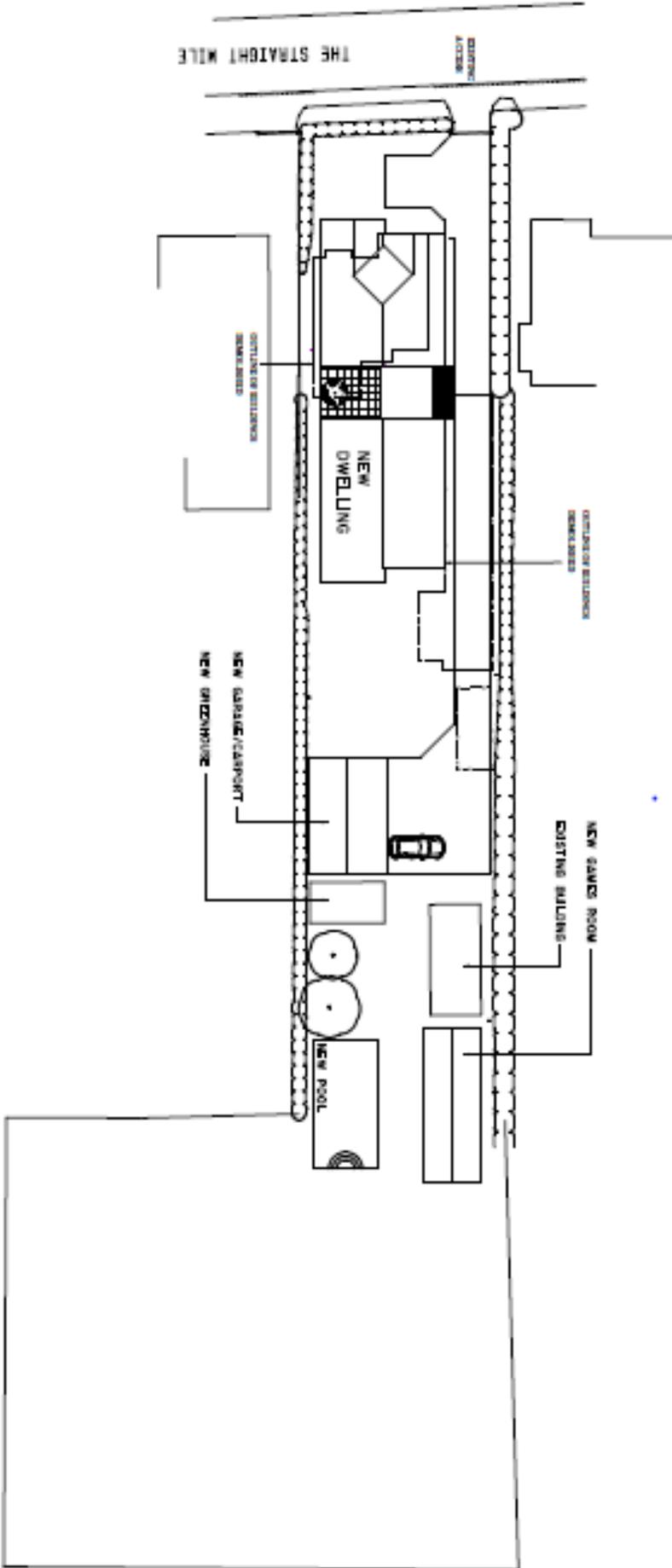


# APPENDIX D – OUTBUILDINGS



APPENDIX E – APPEAL SCHEME (18/02016/OUT)





SITE PLAN



## APPENDIX F – APPEAL DECISION (18/02016/OUT)



The Planning Inspectorate

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### Appeal Decision

Site visit made on 19 March 2019

by **Mrs J Wilson BA Hons BTP MRTPI DMS**

an Inspector appointed by the Secretary of State

Decision date: 27<sup>th</sup> March 2019

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**Appeal Ref: APP/T0355/W/18/3218002**

**Fernbank, The Straight Mile, Shurlock Row, Reading RG10 0QN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr and Mrs Guthrie against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
  - The application Ref 18/02016, dated 9 July 2018, was refused by notice dated 31 August 2018.
  - The development proposed is erection of replacement dwelling and outbuildings following demolition of existing dwelling and outbuildings.
- 

#### Decision

1. The appeal is dismissed.

#### Procedural Matters

2. The application was made for outline planning permission with all matters reserved for future consideration. The information on plan numbers 1590 – P1, P2 and P3 together with the site and location plan are not marked for illustrative purposes only. In accordance with the guidance contained in the Planning Practice Guidance<sup>1</sup> (PPG) such plans must be treated as part of the development applied for and I have considered both the footprint and general dimensions of the buildings as part of the proposal applied for.
3. Reference has been made in the appellants' statement of case to an intention to apply for costs however no documentation has been provided in this regard and as a result I have not given consideration to that matter.
4. The appeal site was the subject of a dismissed appeal<sup>2</sup> for a replacement dwelling in 2016. However, I have made my decision based on the appeal proposal in the light of the development plan and national policy in force now and not in respect of the earlier appeal decision.

#### Main Issues

5. The main issues are:
  - Whether the development is inappropriate development within the Green Belt, having regard to the National Planning Policy Framework (the Framework) and policies in the Development Plan;

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<sup>1</sup> Paragraph: 035 Reference ID: 14-035-20140306

<sup>2</sup> APP/T)355/W/16/3144712

- The effect of the development on the openness of the Green Belt;
- If the development is deemed inappropriate, whether the harm to the Green Belt by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

## Reasons

### *Inappropriateness*

6. Paragraph 145 of the Framework says that, subject to certain exceptions, new buildings are inappropriate in the Green Belt. Exceptions include the replacement of a building, provided the new building is in the same use and is not materially larger than the one it replaces. Saved Policies GB1 and GB2 of the Royal Borough of Windsor and Maidenhead Local Plan (including alterations adopted in 2003) (Local Plan) are generally consistent with the Framework in this regard.
7. The appeal proposal is for a replacement dwelling and notwithstanding that all detailed matters are reserved for subsequent approval, the plans indicate the intended dimensions of the proposed dwelling. Whilst there is disagreement between the Council and the appellant regarding the precise dimensions of the existing accommodation in the roof space of the dwelling what is clear is that the footprint would be almost double that of the existing house. This would represent a significant increase to the bulk and massing of the dwelling which would be materially larger than the building it would replace.
8. In this regard the appeal proposal represents inappropriate development in the Green Belt, in conflict with Saved Policies GB1 and GB2 of the Local Plan and the requirements of the Framework. These together seek to restrict inappropriate development in the Green Belt. The Framework at paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

### *Openness*

9. As set out under Paragraph 133 of the Framework the essential characteristics of Green Belts are their openness and their permanence. The replacement dwelling even though it would be generally of the same height as the existing dwelling would be substantially deeper into the site and would therefore result in a materially larger building than the one it would replace. Consequently, it would result in some loss of openness in the Green Belt.
10. The appellant highlights that the increase in size would be off-set through the demolition of a storage building which would reduce the lateral spread of buildings across the site. Also altering the profile of the building as presented to the roadside elevation would minimise visual impact from the road. Nonetheless, even when offset by the buildings to be removed the replacement dwelling would result in a loss of openness on the site due to the resulting volume which would be significantly greater than the buildings to be removed.
11. Added to the effect of the replacement dwelling there would be an impact on openness from additional ancillary buildings (the garage, car port and games room) which are also relevant to my overall assessment of the effect on openness as they form part of the appeal proposal. This would further harm the

openness of the site and the benefit arising from the removal of existing structures would be negated by the erection of the proposed buildings.

12. For these reasons I conclude that the proposal would cause harm to the openness of the Green Belt.

#### *Other considerations*

13. The appellant argues a fall-back position exists whereby side and rear extensions could be added to the existing building and whilst they would provide an acceptable layout of accommodation would not represent good design or a high standard of accommodation and replacement dwelling is therefore sought. The Framework is clear in its distinction between enlargements to an existing house and the issue of disproportionality which is not the case here and the issues for a replacement dwelling where the test is to assess whether the replacement is materially larger. The appellant argues the visual impact would be reduced however in my view this would not be the case. My assessment must be made against the existing buildings and not by comparison to the cumulative impact of the volume of structures which could theoretically be built, or which may, or may not, be constructed in the future.
14. Whilst materially larger is not defined in the framework and involves a planning judgement in this case the difference between existing and proposed is not, in my view, marginal. I have concluded above that the proposed enlargement would be materially larger, the issue of what could be constructed through permitted development does not alter my findings in this respect.
15. The appellant has pointed to perceived inaccuracies and inconsistencies of interpretation in the planning officers report in respect of the coverage of buildings across the site. Moreover, he points out that the permitted indoor swimming pool building would be given up as part of the proposal and that permitted development rights could also be restricted for any new dwelling. I have to consider the difference between what is there now and what is proposed and not what might be built under permitted development and although I note that the appellant has sought, and has been granted, certificates of lawfulness for proposed developments these have not been constructed (save for a home office). Moreover, the appellant has not offered a mechanism to remove the permission granted by way of a lawful development certificate which cannot be achieved by a planning condition as it would not meet the necessary tests in the Planning Practice Guidance<sup>3</sup>
16. I have noted that the appellant wishes to retain access into the rear of the site however this only serves to reinforce that the likelihood of side extensions being constructed to the main property under permitted development rights is low.

#### **Planning Balance**

17. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise. The Framework is also clear that inappropriate development is, by definition, harmful and should not be approved except in very special circumstances.

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<sup>3</sup> As set out in the Planning Practice Guidance - Reference ID: 21a-003-20140306

18. I have found that the appeal proposal would be inappropriate development in the Green Belt and, thus, harmful to it. The Framework makes it very clear that such harm should be afforded substantial weight. I have also concluded that there would be harm the openness of the Green Belt. I have considered the matters cited in support. However even when taken together, they do not clearly outweigh the harm that the scheme would cause. Consequently, the very special circumstances necessary to justify the development do not exist.

**Conclusion**

19. For the reasons above, and having regard to all other matters raised, the appeal is dismissed.

*Janet Wilson*

INSPECTOR