

## DEVELOPMENT CONTROL PANEL

19 August 2020

Item: 3

<b>Application No.:</b>	19/03468/FULL
<b>Location:</b>	Taylor Made Liveries And Riding School Strande Lane Cookham Maidenhead SL6 9DN
<b>Proposal:</b>	Reconfiguration, relocation and replacement of existing stable blocks and associated equestrian facilities (including tack rooms, stores and a horse walker) and an additional 4 new stable blocks (including 16 No. stables, 4 no. tack rooms, 1 no. store and 1 no. break room); retention of 4 existing stable blocks; change of use of existing agricultural land to equestrian, car parking, landscaping and associated works. Localised widening of Strand Lane and provision of passing points to enable 2-way vehicle movement.
<b>Applicant:</b>	Mr Christie
<b>Agent:</b>	Miss Mhairi Summers
<b>Parish/Ward:</b>	Cookham Parish/Bisham And Cookham
<b>If you have a question about this report, please contact:</b> Haydon Richardson on 01628 796697 or at <a href="mailto:haydon.richardson@rbwm.gov.uk">haydon.richardson@rbwm.gov.uk</a>	

### 1. SUMMARY

- 1.1 The application seeks planning permission for the retention of 4 stables, construction of 3 new stables and a barn, relocation of existing equestrian facilities and buildings, widening of Strande Lane to create vehicle passing points, landscaping works and the change of use agricultural land to equestrian Land. All of the works would take place following the demolition of existing buildings on the land.
- 1.2 Due to the increased height of the new buildings and significant increase in built development on the site (271m2 additional footprint) the proposed development would not preserve the openness of the Green Belt and would conflict with one of the purposes of including land in the Green Belt; to assist in safeguarding the countryside from encroachment. The proposal would not therefore comply with exception (b) of paragraph 145 of the NPPF. Furthermore, due to the aforementioned increases in the scale of built development on the site, the development would have a greater spatial and visual impact on the openness of the Green Belt when compared with existing development on the site and would therefore not be an appropriate redevelopment of previously developed land. The new buildings would be materially larger than the ones they are proposed to replace. For these reasons the proposal is considered to constitute inappropriate development in the Green Belt, which is also harmful to openness. No very special circumstances have been demonstrated which would outweigh the substantial harm to the Green Belt and other harm (ecology, flooding, visual impact due to loss of trees).
- 1.3 The submitted ecological appraisal is almost 2 years out of date. Furthermore the appraisal was carried out for applications 18/02753/FULL and 18/02795/FULL; not this application. Taking into consideration these points the impacts of the proposed development may be different to those detailed in the ecological report. Priority species may now exist on site that were not present at the time of the appraisal. Those species therefore would not have been considered in the ecological report or protected by the measures set out in the report. Furthermore, Bats were found in trees within the site and could therefore be utilising buildings on the site. The buildings proposed for demolition and relocation have not been surveyed for bats. Bats are a protected species and may inhabit these buildings and therefore could be harmed by the proposed development. For the reasons mentioned above, it is considered that without a relevant and up to date ecological survey, the proposed development could have an adverse impact on priority species and those adverse impacts cannot be avoided, compensated for or mitigated.
- 1.4 At present the beginning of Strande Lane is lined with trees and greenery on both sides. The tree lined road forms part of the areas rural character and contributes to its countryside feel. The first proposed passing point could lead to the loss of these trees, creating gaps in the tree lined street, harming the appearance of the road and therefore the areas rural character. No tree

surveys, protection plan or arboricultural assessments have been submitted to indicate otherwise.

- 1.5 For the reasons mentioned above the proposal would fail to comply with Local Plan policies GB1, GB2, GB6, F1, N6, DG1 and paragraphs 127, 143, 144, 145, 170, 174, 175 of the NPPF (2019); warranting refusal of the application.

<b>It is recommended that the Panel REFUSES planning permission for the following summarised reasons (the full reasons are identified in section 13 of this report:</b>	
<b>1.</b>	<b>The proposal comprises inappropriate and harmful development in the Green Belt and no very special circumstances have been demonstrated to outweigh the harm and any other harm resulting from the proposal.</b>
<b>2.</b>	<b>The proposal could cause harm to bats and other protected species that may inhabit the site. No up-to-date and relevant ecological appraisal has been submitted in support of the application to suggest otherwise.</b>
<b>3.</b>	<b>It has not been established that the proposed works to widen Strande Lane would not cause harm to important trees; the loss of such trees would, in turn, cause harm to the area's character and appearance.</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 development site is currently used as an equestrian livery (with the exception of a portion of land directly north of the manege which is in agricultural use). It can be found at the eastern end of Strande Lane, Cookham, Maidenhead. Currently the site comprises several stable blocks, a barn, shed, horse walker, and manege. Each building within the site is low rise and visually integrates with the site's wider rural setting. In terms of size, the site is 1.41 hectares (ha) and falls within the applicant's wider land ownership which extends to approximately 18.2 ha.
- 3.2 Directly west of the site is Mowers Meadow, which is home to a scout group. Further along, the western stretch of Strande Lane is predominantly residential in character. To the north and south of the site is agricultural land and to the east agricultural land is separated from the site by a small stream and significant stretch of trees and greenery which act as a wildlife corridor.
- 3.3 A Public Right of Way (PROW) enters the Applicant's land from the north and runs adjacent to the agricultural access south into the liveries site. It passes the eastern edge of the existing manege and proceeds south through the Applicant's land, exiting at the south west corner.
- 3.4 The EA's Flood Maps suggest that the development site is located within Flood Zone 3. The Boroughs Strategic Flood Risk Assessment (2017) shows the site to be located within Flood Zone 3B (functional floodplain).
- 3.5 The development site is also located within the Green Belt.

## **4. KEY CONSTRAINTS**

- iii. Green Belt
- iv. Flooding (Flood Zone 3 and 3B)

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

- 5.1 The application seeks planning permission for the reconfiguration, relocation and replacement of existing stable blocks and associated equestrian facilities (including tack rooms, stores and a horse walker); following the demolition of existing stable blocks, barn and shed. The proposed works also include localised widening of Strande Lane and provision of passing points to enable 2-way vehicle movement; the retention of 4 existing stable blocks; change of use of existing agricultural land to equestrian, car parking, landscaping and associated works.
- 5.2 During the process of the application the applicants requested that the description of the application be changed to include the retention of stable buildings 12, 13, 14 and 15 (Plan No.P03, Revision C, dated September 2019). The description was changed and neighbours were re-consulted. An updated covering letter responding to queries was also submitted, along with new SUDs information. The LLFA were consulted on the new drainage information and their comments are set out in section 8 of this report.
- 5.3 Other relevant applications at the site:

Reference	Description	Decision
19/01445/CLD	Application for a Lawful Development Certificate for all built structures relating to the existing equestrian use including stable blocks, a field shelter and horse walker, on land at Strande Lane, Cookham, SL6 9DN.	05.08.2019 – approved
18/02795/FULL	Reconfiguration and replacement of existing stables and other equestrian facilities (inc. 4 x tack room, feed store, rug store and horse walker) and provision of an additional 4 stables and associated works	04.12.18 - Withdrawn
18/02753/FULL	New access road from B4447 Maidenhead Road, new horse manege and associated landscape works	16.11.2018 – withdrawn
15/01308/FULL	Part demolition of stable and tack room and construction of detached 1 No. bedroom equestrian dwelling.	18.09.2015 - Refuse
14/03353/AGDET	Notification to determine whether prior approval is required for the erection of an agricultural barn for hay/ straw	27.11.2014 – Refuse

## 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
The proposal would have an acceptable impact on the Floodplain, would not increase the risk of flooding, or put people at increased flood risk	F1
Appropriate development in the Green Belt	GB1, GB2, GB6
Appropriate Business development	E10
Protecting important trees	N6
Archaeology	Arch 3

6.2 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 6 – Building a strong and competitive economy  
 Section 12 - Achieving well-designed places  
 Section 13 - Protecting Green Belt land  
 Section 15 - Conserving and enhancing the natural environment  
 Section 16 - Conserving and enhancing the historic environment

### **Borough Local Plan: Submission Version and Submission Version with Proposed Changes (2019)**

- 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 was submitted to the Secretary of State for independent examination in January 2018. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough.
- 7.2 In December 2018, the examination process was paused to enable the Council to undertake additional work to address soundness issues raised by the Inspector. Following completion of that work, in October 2019 the Council approved a series of Proposed Changes to the BLPSV. Public consultation ran from 1 November to 15 December 2019. All representations received will be reviewed by the Council to establish whether further changes are necessary before the Proposed Changes are submitted to the Inspector. In due course the Inspector will resume the Examination of the BLPSV. The BLPSV and the BLPSV together with the Proposed Changes are therefore material considerations for decision-making. However, given the above both should be given limited weight. Taking into consideration the above, the application has been assessed against the RBWM Adopted Local Plan (2003) and the NPPF (2019) is a material consideration. Both have been afforded more weight in this decision making process than the mentioned submission plans.
- 7.3 The submission plan documents can be found at: <https://www3.rbwm.gov.uk/blp>

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

7.4 Other Strategies or publications material to the proposal are:

- RBWM Townscape Assessment

- 7.5 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

- 8.1 A notice advertising the proposed development was placed outside the site on **23.12.19**. The application was also advertised in the Local Press on **20.12.2019** and 2 neighbouring properties were directly notified of the proposed development on **19.12.2019 and 07.07.2020**.
- 8.2 Two letters of representation have been received regarding this application. One from Cllr Brar stating no objection to the proposed development, the other from The Cookham Society raising the following issues.

Comment	Where in the report this is considered
Cookham Society comment that the application should be refused unless the following concerns are addressed: several buildings on the site exist without planning permission can they be conditioned to be removed if the equestrian use of the site ceases; a parking area should be provided for horseboxes, trailers, and machinery; the proposed road works to Strande lane should be carried out at a time which is not of hindrance to its users and local residents; a caravan exists on site without planning permission, its existence has been allowed by planning enforcement for a limited use, a public footpath between the end of Strande lane and footpath 49 would benefit the wider community.	In response to those comments it should be noted that machinery and vehicles could be stored in the new barn, that this application seeks permission for the stable blocks, that the caravan on site is not subject of this application and the proposal does not include proposals for a new public footpath.

### Statutory Consultees

Consultee	Comment	Where in the report this is considered
Environment Agency	No objection, subject to a condition which requires the proposed development to be carried out in accordance with the submitted floodplain compensation scheme and FRA (reference 46030/4001, dated December 2019 and prepared by Peter Brett Associates)	Noted. The relevant conditions and informatives are recommended for inclusion in the decision, if permission is granted.
Lead Local Flood Authority	No objection, subject to the condition set out below.  Prior to the construction of the buildings hereby approved, a surface water drainage scheme for the development, based on sustainable drainage principles shall be submitted to and approved in writing by the	

	<p>Local Planning Authority. Details shall include:</p> <ul style="list-style-type: none"> <li>• Associated calculation to ensure that the proposed surface water drainage measures to be designed for the upper end climate change allowance of 40%.</li> <li>• Full details of all components of the proposed surface water drainage system including dimensions, locations, gradients, invert levels, cover levels and relevant construction details.</li> <li>• Details of the maintenance arrangements relating to the proposed surface water drainage system, confirming who will be responsible for its maintenance and the maintenance regime to be implemented.</li> <li>• The surface water drainage system shall be implemented and maintained in accordance with the approved details thereafter.</li> </ul> <p>Reason: To ensure compliance with the National Planning Practice Guidance and the Non-Statutory Standards for Sustainable Drainage Systems, and to ensure the proposed development is safe from flooding and does not increase flood risk elsewhere.</p>	
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### Consultees

Consultee	Comment	Where in the report this is considered
RBWM Ecologist	<p>Objection: The submitted ecological survey is out of date and does not relate to the proposed development. As such priority species may now inhabit the site and may not be considered in the ecological report or protected by the measures set out in the report. Furthermore buildings proposed for demolition and relocation have not been surveyed for bats. Bats are a protected species and may inhabit those buildings and therefore could be harmed by the proposed development. An updated ecological survey (comprising an extended Phase 1 Habitat and Species Scoping Survey, bat surveys of all buildings and trees to be affected, and any phase 2 surveys) should be submitted before the application is determined.</p>	<p>No updated ecological survey has been submitted and as such the application has been recommended for refusal on ecological grounds. See paragraphs 9.34 – 9.42 for further information.</p>
RBWM Tree Officer	<p>Objection: to the proposed development due to the insufficient provision of information regarding the developments impact on non-protected trees within the site and along the Strande Lane.</p>	<p>No updated survey has been submitted and as such the application has been recommended for refusal due to the adverse impact that tree loss could have on the areas appearance and character. See paragraphs 9.44 – 9.48 for further information.</p>
Parish Council	<p>No objection subject to clarification over flooding and surface water drainage query.</p>	<p>See paragraphs 9.18 – 9.33.</p>

Berkshire Archaeology	No objection subject to a condition requiring a programme of archaeological works and written scheme of investigation being submitted prior to any works at the site.	Noted. The relevant conditions and informatives are recommended for inclusion in the decision, if permission is granted.
Parks and Countryside Manager	No objection to the proposed development.	
RBWM Environmental Protection Officer	No objection subject to conditions relating to the adequate removal of animal waste and construction hours.	
RBWM Highways Officer	No objection is raised to the proposed development. The proposed development would not have a severe impact on traffic movements in and out of the site, nor would it harm the highway network. The widening works proposed to Strande Lane would improve road safety and the site accessibility.	

## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Impact of the proposal on the Green Belt and its purposes
- ii Impact of the proposal on Flooding and Flood Risk
- iii Impact of the proposal on the natural environment, biodiversity and ecology
- iv Impact of the proposal on the character and appearance of the area
- v Supporting business development
- vi Impact on the amenities of neighbours
- vii Highways impact

Other issues for consideration are:

- viii Archaeological impact
- ix Impact of the development on site drainage (SuDS)

### Issue i - Impact of the proposal on the Green Belt and its purposes

9.2 Policy GB1 of the Local Plan sets out appropriate forms development in the Green Belt, it allows for essential facilities for outdoor sports and outdoor recreation which preserve the openness of the Green Belt and do not conflict with its purposes. The policy also allows for engineering and other operations and the making of material changes in the use of land which maintain its openness and do not conflict with the purposes of including land in the Green Belt. Policy GB2 follows on from GB1 and allows for new development provided it does not, inter-alia, have a greater impact on the openness of the Green Belt than existing development on the site.

9.3 Policy GB6 states that proposals for new and enlarged commercial equestrian facilities will be permitted where there is sufficient residential accommodation on site, the development would not result in a harmful proliferation of commercial equestrian establishments within an area, the development would not have an unacceptable highways impact, suitable space exists for exercising horses off of the public highway and there is no conflict with Policy GB2.

- 9.4 Paragraph 145 of the NPPF (2019) sets out appropriate forms of development in the Green Belt. The exceptions deemed relevant to this application are below:
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
  - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
  - g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
    - not have a greater impact on the openness of the Green Belt than the existing development; or
    - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
- 9.5 Paragraph 146 of the NPPF (2019) states that the re-use of buildings, provided that the buildings are of permanent and substantial construction, can also amount to appropriate development in the Green Belt. Furthermore, any material change in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and engineering operations can also be appropriate development. Both of these exceptions are subject to the proviso that they preserve openness and do not conflict with the purposes of the Green Belt; which are set out in paragraph 134 of the NPPF (2019).
- 9.6 The Local Plan was prepared in accordance with the cancelled PPG2: Green Belts. As such, Local Plan policies GB1, GB2 and GB6 are not entirely consistent with the NPPF and are not given full weight. The NPPF is considered to be a more up-to-date expression of Government intent and is afforded significant weight as a material consideration.
- 9.7 The proposed development includes the following:
- The retention of 4 existing stables
  - The relocation and reconfiguration of existing stables, buildings and equestrian facilities
  - 3 new stables and 1 new barn following the demolition of existing stables, barn and other outbuildings
  - Localised widening of Strande Lane to allow for the two way passing of vehicles
  - The change of use of agricultural land to equestrian land
  - Landscaping, internal roads and parking
- 9.8 During the process of the application the applicants requested that the description of the application be changed to include the retention of stable buildings 12,13,14,15 (Plan No.P03, Revision C, dated September 2019). The description was changed and neighbours were re-consulted accordingly.
- 9.9 At present the aforementioned buildings do not benefit from planning permission, do not amount to permitted development, and have not been evidenced as lawful through the requisite passage of time (4 years). However the NPPF (2019) allows for appropriate facilities for outdoor sports and recreation. The buildings form part of an existing livery enterprise and allow for the stabling of existing horses. The stables are screened from public views by trees and greenery. They are not considered to have an excessive footprint or height and they blend in well with existing buildings on the equestrian establishment. As it is appropriate for an existing equestrian enterprise to have small stables for horses; the retention of the stable buildings is considered to be acceptable under paragraph 145 of the NPPF.

- 9.10 The relocation and reconfiguration of the existing equestrian facilities (buildings M,K,L,J, F) shown on Plan No.P05, Revision B, dated October 2019 is also considered to amount to appropriate development in the Green Belt. These buildings are of permanent and substantial construction, would be used in an identical manner to now, and would be in a well screened location on the site. Their re-location would not cause any additional harm to the openness of the Green Belt and nor would it conflict with the purposes of the Green Belt.
- 9.11 The proposed car parking area, already exists in the form of a gravelled surface near the existing manuge. The new internal access roads and widening of Strande Lane are considered to be appropriate engineering operations under paragraph 146 of the NPPF.
- 9.12 The principle of changing the use of agricultural land to equestrian land is also considered to be acceptable under paragraph 146 of the NPPF, although the new buildings proposed to be sited on the land are not (discussed below).
- 9.13 The new American Barn and 3x 3 stables with single tack rooms (marked A, G, H and I on Plan No. P05 Rev B), would undoubtedly be materially larger than the buildings they are proposed to replace (buildings 5,6,7,8,9,11 on Plan No.P04, Rev C). Each of the new stables would be taller than the existing buildings on the site and they would also have a larger footprint. The total increase in built development on site would be 271m<sup>2</sup>, which is considered to be a significant increase. Taking into consideration these points, the proposed development as a whole is not considered to preserve the openness of the Green Belt and would conflict with the purpose of safeguarding the countryside from encroachment. Furthermore, the development would have a greater spatial and visual impact on the openness of the Green Belt when compared with existing development on the site and would therefore not be an appropriate redevelopment of previously developed land. The replacement buildings would also be materially larger than those they would replace (as outlined above). The proposal would therefore constitute inappropriate development in the Green Belt, which would not fall within any of the exceptions contained within paragraphs 145 or 146 of the NPPF.
- 9.14 Moderate harm would be caused to the openness of the Green Belt due to the spatial impact of having more built development on the site (footprint) at an increased height.
- 9.15 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'.
- 9.16 Paragraph 144 states that 'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances' 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'.
- 9.17 No 'very special circumstances' have been demonstrated to outweigh the substantial harm identified above and the other harm resulting from the proposal discussed below.

### **Issue ii - Flooding**

- 9.18 The development site is located within Flood Zone 3, which is defined in the NPPF and NPPG as having a high probability of flooding. Furthermore, the councils Strategic Flood Risk Assessment (2017) shows the site to be in Flood Zone 3B (functional floodplain).
- 9.19 Local Plan Policy F1 states that development should not be approved where it would increase the number of people or properties at risk from flooding, impede the flow of flood water or reduce the water storage capacity of the flood plain.
- 9.20 The National Planning Policy Framework (2019) provides up to date advice on how development within areas prone to flooding should be assessed, the paragraphs considered relevant to this application are as follows and they have been given significant weight in the determination of this application.

- 9.21 Paragraph 155 states that 'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere'.
- 9.22 Paragraph 158 states that the 'aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding'.
- 9.23 Paragraph 159 states that 'If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national planning guidance.
- 9.24 Paragraph 160 states that 'The application of the exception test should be informed by a strategic or site specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. For the exception test to be passed it should be demonstrated that:
- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
  - b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 9.25 Paragraph 161 states that 'Both elements of the exception test should be satisfied for development to be allocated or permitted.
- 9.26 Paragraph 163 states that 'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:
- within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
  - the development is appropriately flood resistant and resilient;
  - it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
  - any residual risk can be safely managed; and
  - safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
- 9.27 Paragraph 164 states that 'Applications for some minor development and changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments set out in footnote 50.
- 9.28 The applicant currently operates Taylor Made Liveries (an equestrian enterprise) from the development site and surrounding land. The purpose of this application is to improve and move the business from a flood prone area to a less flood prone area.
- 9.29 The proposed development involves the use of horses (which are kept at the site) for outdoor sports and recreation. For the purposes of this assessment the proposal has been classified as

'less vulnerable development' and not water compatible development (as suggested by the applicants). The Environment Agency agree with this stance.

- 9.30 The NPPG flood risk classification table states that 'less vulnerable development' in flood zone 3b is inappropriate development and should not be permitted. However paragraph 150 of NPPF (2019) suggests that where inappropriate development is necessary, it should be made safe for its lifetime. It is accepted that it is necessary to move the business to a less flood prone area in the vicinity, as relocation to higher ground would provide a betterment to the sites existing flooding situation.

#### *Sequential Test*

- 9.31 The development is considered to comply with the sequential test as the business already operates from the site and this application would involve creating and moving existing equestrian facilities to higher (less flood prone) ground on the site. Ground which is also further away from the River Thames further reducing flood risk.

#### *Exception Test*

- 9.32 The proposed development would allow the business to operate in a safer and more sustainable environment. This would in turn improve the businesses longevity and its contribution as an available service to the wider community. The proposal includes a 900m<sup>3</sup> flood compensation scheme, when only 271m<sup>2</sup> of additional footprint would be built on the site. The development would therefore improve the areas floodplain capacity benefiting the community. The proposal is therefore considered to comply with paragraph 160 (a) and (b) of the NPPF 2019. Although no safe access and escape routes have been shown in the submitted FRA, as the proposed development would not lead to a material increase in the number of people at the site it is not considered reasonable to refuse the application on this ground.

### **Issue iii – Impact on biodiversity and ecology**

- 9.34 Emerging Borough Plan Policy NR3 states that: 'Development proposals...will be expected to demonstrate how they maintain, protect and enhance the biodiversity of application sites including features of conservation value such as hedgerows, trees, river corridors and other water bodies and the presence of protected special... and development proposals shall be accompanied by ecological reports in accordance with BS42020 to aid assessment of the proposal. Such reports should include details of any alternative sites considered, and any mitigation measures considered necessary to make the development acceptable'. Due to the status of the BLPSV this policy is afforded limited weight and the NPPF has been afforded greater weight in this assessment.

- 9.35 Paragraph 170 of the NPPF advises that 'Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

- 9.36 Paragraph 174 of the NPPF states that development should seek 'to protect and enhance biodiversity and geodiversity, plans should, promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity'.
- 9.37 Paragraph 175 states 'when determining planning applications, local planning authorities should apply the following principles: if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused'.
- 9.38 An ecological appraisal conducted by Peter Brett Associates (Ref: 38961/3001, date October 2018) has been submitted in support of this application. The survey was prepared in support of two older applications (18/02753/FULL and 18/02795/FULL) and not this application.
- 9.39 Those applications differ from this proposal in that the new stables were proposed in a different location, existing stables were being moved to different locations, works to Strande Lane are now to the south and not the north, the proposed manuge and internal access roads were also different. It is therefore considered that the ecological impacts of this proposal would be different to those in the submitted appraisal and this is explained in more detail below.
- 9.40 The extended phase 1 habitat survey was carried out on 10<sup>th</sup> February 2018 and so is more than two years old. It is therefore considered that conditions on the site could have changed since 2018 and other protected and/or priority species may now exist on the site. No up to date survey or appraisal has been submitted to suggest otherwise and therefore species of importance maybe adversely impacted by the proposed development and have not been considered, mitigated, or compensated for in the submitted ecological appraisal.
- 9.41 In addition to the above, the appraisal found that bats roost within trees on the site, this suggests that bats may exist on other parts of the site. The buildings to be demolished, retained and repositioned as part of this application have not been surveyed for bats (sections A.4 - A.6 of the appraisal). It is therefore likely that they could be home to bats, which are a protected species under the Wildlife and Countryside Act 1981 and Conservation of Habitats and Species Regulations 2017 and may be harmed by the demolition and repositioning of the buildings. As this development is different to the appraised development, other habitats on site may also be adversely effected which host foraging or commuting bats.
- 9.42 For these reasons the applicant should have submitted an updated ecology report relevant to this application. The report should have comprised an extended Phase 1 Habitat and Species Scoping Survey, bat surveys of all buildings and trees to be affected, and any phase 2 surveys; this would establish the important species that exist on site and whether they or their habitats would be adversely impacted by the proposed development. No such information has been submitted and it is therefore likely that the proposed development could cause harm to bats, as well as other priority species that may exist on site. This harm cannot be avoided, compensated or mitigated for without up to date information. The development is therefore considered to be contrary to the NPPF planning guidance mentioned above.
- 9.43 The Boroughs Ecology Officer agrees that the development should not be approved without receipt of the information in paragraph 9.42.

#### **Issue iv - Impact on the character and appearance of the area and important trees**

- 9.44 National Planning Policy Framework, Section 12 (Achieving well-designed places) and Local Plan Policy DG1, advises that all development should seek to achieve a high quality of design that improves the character and quality of an area.
- 9.45 Local Plan Policy N6 suggests that new developments should protect and conserve trees important to the amenity of the area; ample space should also be provided for the future growth of these trees. Any loss or harm to such trees can in some circumstances be mitigated by replanting but should always be justified by the applicant. The policy also states that where the contribution of the trees to local amenity outweighs the justification for development, planning permission may be refused.
- 9.46 The proposed stable blocks and barn would visually complement the site's rural setting. The new compact building layout would arguably improve the sites existing layout which consists of randomly scattered buildings with no clear correlation to one another. The parking area would be similar to the existing and in the same location. Other equestrian facilities would be moved into more accessible locations on the site. 4 stable blocks would remain in situ. The new internal access roads would cause no significant harm to the sites appearance, nor would the change of use of the agricultural land to equestrian land have an adverse impact on the rural appearance of the site or surrounding area.
- 9.47 The submitted plans suggest that trees would be retained on the site's eastern, western, and southern boundaries, this is welcomed. To the north a small row of trees and hedging is to be removed to allow for the new stable area to be created. The loss of such trees is unlikely to harm the site's appearance or the character of the area, especially as some replanting is proposed which could be controlled by condition.
- 9.48 The development also includes works to Strande Lane to create vehicular passing points. At present the beginning of Strande Lane is tree lined on both sides. The green and tree lined nature of the road contributes to the area's rural character. The first passing point on plan 46030/5501/001 is 14m wide, 1m deep and is located in proximity to several trees. The works could lead to the loss of these trees through pruning and incursions into their root protection areas. The loss of these trees would create gaps in the tree-lined lane, reducing its symmetry and harming the appearance of the lane, which would in turn harm the areas rural character. No tree surveys, protection plan or arboricultural assessments have been submitted to suggest otherwise. For these reasons the proposal is considered to be contrary to Policies N6, DG1 of the Local Plan.

#### **Issue v - Supporting business in the Borough**

- 9.49 Local Plan Policy E10 suggests that when considering planning applications for business development, layout of activities, design of buildings, and materials usage should be well designed and appropriate for the area. The policy also advises that new development should not result in any unneighbourly or undesirable intensification of the sites use. Section 6 of the NPPF (2019) also states that planning decisions should support businesses to help in creating a competitive economy.
- 9.50 The stable blocks and barns would be appropriate for the site's rural setting. The site's capacity would increase from 26 to 30 horses, with no change in staff numbers, is unlikely to cause any significant intensification in the site's use. The layout of the site would be an improvement on the existing layout which consists of scattered buildings. The new cluster of buildings would be situated further away from neighbouring properties than the existing business and as such the proposal is unlikely to be unneighbourly. The proposal is therefore considered acceptable in this regard.

#### **Issue vi - Impact on neighbouring amenities**

- 9.51 There are no relevant Local Plan policies regarding impact on neighbouring amenity.

- 9.52 Paragraph 127 of the NPPF states that development should 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'.
- 9.53 Due to the nature of the proposed works and the fact that the business is being moved further away from nearby residences, the development would not cause any harm to the amenities of neighbours. The Borough's Environmental Protection team have recommended that if permission is granted a condition should be added to ensure animal waste is safely managed and disposed of. The condition would be recommended for inclusion in the decision, if permission were granted.

#### **Issue vii - Highways impacts**

- 9.54 Local Plan Policy P4 advises that new development should be provided with adequate parking. Policy T5 of the Plan advises that development should not have an adverse impact on highway safety.
- 9.55 Paragraph 109 of the NPPF (2019) states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.
- 9.56 The proposed development includes no increase in staff numbers. At present a large parking area exists on site (south of the manage) which accommodates the site's operators and users of the business. The parking area would be retained in situ but marked out. Additional parking space would be available to the side of the barn. In addition to the above the minor increase in horse capacity from 26 to 30 is unlikely to attract an increase in visitors which would significantly increase vehicle movements or be severely harmful to the highway network.
- 9.57 There would be no change to the sites accesses.
- 9.58 The proposed works to widen Strande Lane are welcomed from a highway safety perspective as they would provide vehicular passing points, which would improve traffic flow and road user safety on this narrow private road.
- 9.59 The borough's highways officer has raised no objection to the proposed development.
- 9.60 For the reasons mentioned above the proposal would be in compliance with planning guidance and there are no highway or parking related reasons for refusing this application.

#### **Issue viii – Archaeological impact**

- 9.61 Local Plan Policy Arch 3 advises that development will not be permitted where it has an adverse impact on areas of potential archaeological importance. Paragraphs 187 and 189 of the NPPF (2019) also seek to protect such areas. The proposed development includes excavation and construction works which could unearth items and/or remains of archaeological significance. Berkshire Archaeology have suggested that if permission is granted a condition should be added requiring a programme of archaeological works and written scheme of investigation to be submitted prior to any works at the site. If the application is granted permission, the condition should be included.

#### **Issue ix - The impact of the proposal on drainage at the site (SuDS)**

- 9.62 Paragraph 165 of NPPF states that all 'major' planning applications must incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. SuDS must be properly designed to ensure that the maintenance and operation costs are proportionate and sustainable for the lifetime of the development. In accordance with The Flood and Water Management Act 2010 the Royal Borough in its role as Lead Local Flood Authority (LLFA), is a statutory consultee for all major applications.

9.63 The Lead Local Flood Authority have been consulted on the application and have suggested that the development is acceptable in principle, however prior to the commencement of any development on site, a surface water drainage scheme should be submitted and approved. If the application is approved the condition is recommended for inclusion in the decision.

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

10.1 The development is not CIL liable.

## **11. PLANNING BALANCE AND CONCLUSION**

11.1 The NPPF favours sustainable development as set out in paragraph 11, however the development is not sustainable and there are clear reasons within the NPPF which warrant refusal of the development (harm to protected land - in this case Green Belt). As such the presumption in favour of sustainable development does not apply to this application.

11.2 The proposed development would be harmful to the Green Belt, the site's biodiversity and the character and appearance of the area. Whilst it is accepted and understood that the business needs to relocate to a less flood prone area, the proposed development would fail to comply with policies GB1,GB2,GB6, F1, DG1, N6 of the Local Plan and paragraphs 11,127,143, 144, 145,160,163, 170 , 174 and 175 of the NPPF (2019).

11.3 For the reasons mentioned above it is recommended that the Panel refuse planning permission for the proposed development.

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

- Appendix A - Site location plan
- Appendix B – Existing site plan
- Appendix C – Proposed site plan
- Appendix D – Proposed stables and barn (elevations and floor plans)
- Appendix E – Change of use plan
- Appendix F – Strande Lane road works plan
- Appendix G – Demolition and Relocation plan

## **13. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED**

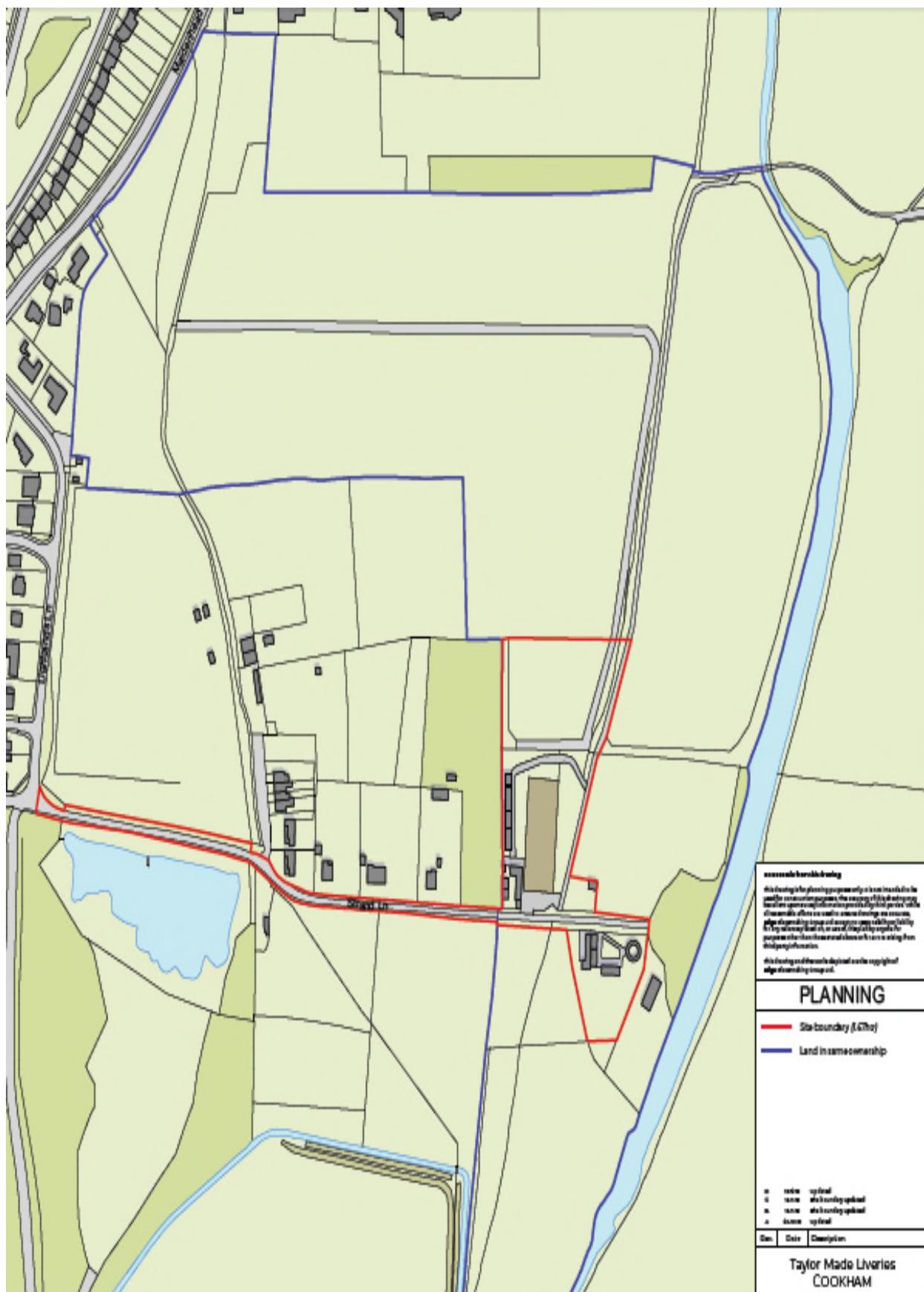
1 Due to the increased height of the new buildings and significant increase in built development on the site, the proposed development would not preserve the openness of the Green Belt and would encroach into the countryside, thereby conflicting with one of the purposes of including land within the Green Belt. Furthermore, by virtue of this increase in built development, the proposal would have a greater spatial and visual impact on the openness of the Green Belt when compared with existing development on the site and would therefore not be an appropriate redevelopment of previously developed land. In addition, the new buildings would be materially larger than the ones they are proposed to replace. Consequently the proposal is considered to constitute inappropriate development in the Green Belt, which is also harmful to openness. No very special circumstances have been demonstrated which would outweigh this substantial harm to the Green Belt and the other identified harm (ecology and loss of trees). The proposal is therefore contrary to Local Plan Policies GB1, GB2, GB6 and paragraphs 143, 144 and 145 of the NPPF (2019).

2 The submitted ecological appraisal is out of date and, the appraisal was carried out for applications 18/02753/FULL and 18/02795/FULL; which were for different developments. Taking into consideration these points, the impacts of the development may be different to those referenced in the ecological report and potential habitats for priority species may not have been surveyed, as the proposed works are different to those mentioned in the survey. Priority species may now exist on the site, that did not exist at the time of the appraisal. Those species therefore would not have been considered in the ecological report nor would they be protected by the measures set out in the report. Furthermore, Bats were found in trees within the site and could therefore be within buildings on the site. The buildings proposed for demolition and relocation

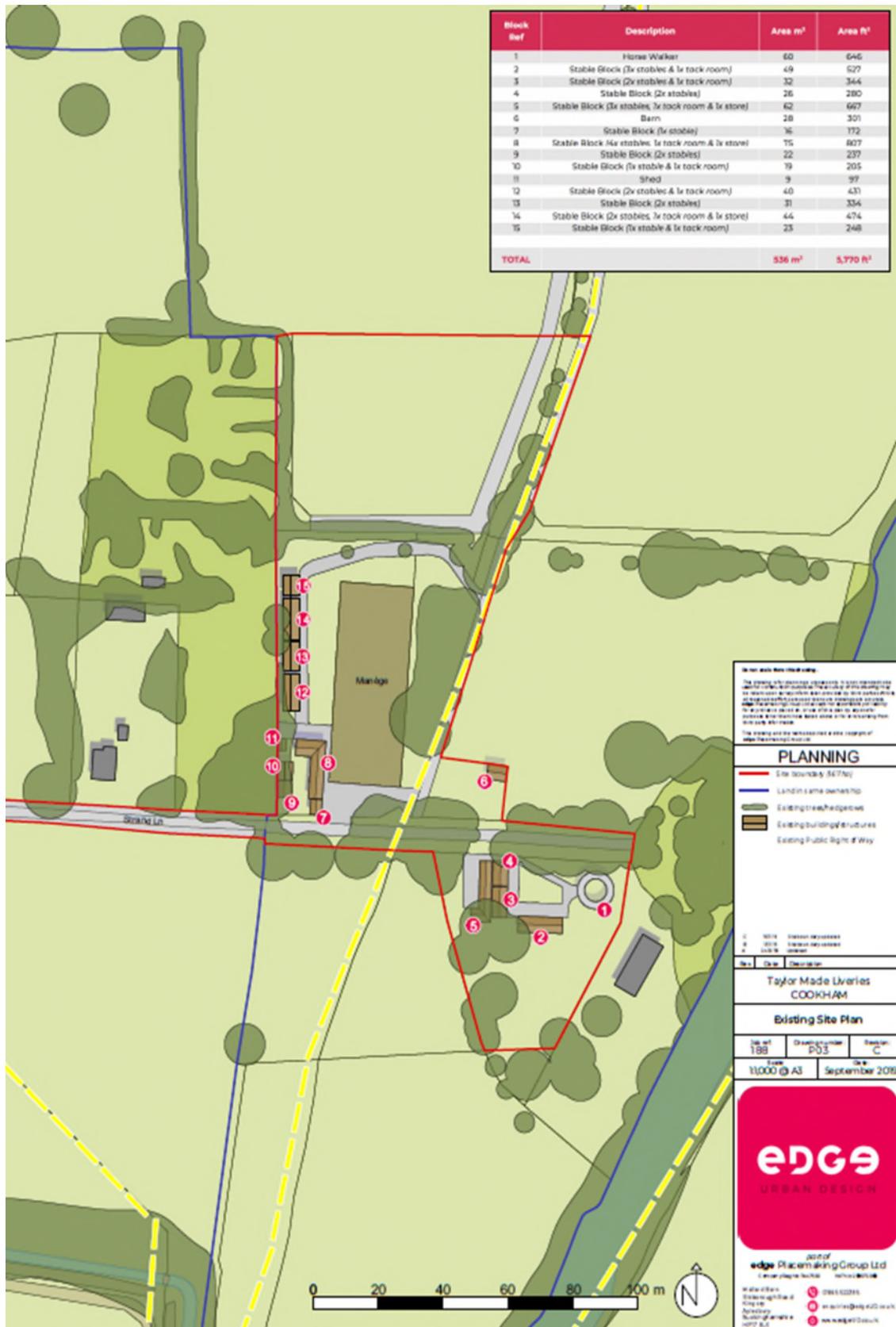
have not been surveyed for bats. Bats are a protected species and may inhabit these buildings and therefore could be harmed by the proposed development. For the reasons mentioned above, it is considered that without a relevant and up to date ecological survey, the proposed development could have an adverse impact on priority species and those adverse impacts cannot be avoided, compensated or mitigated. The proposal would therefore fail to comply with paragraphs 170, 174 and 175 of the NPPF (2019).

- 3 At present the initial section of Strande Lane is lined with trees and greenery on both sides. This tree lined lane forms part of the area's rural character and contributes to its countryside feel. The first passing point on plan 46030/5501/001 is 14m wide, 1m deep and is located in proximity to several trees. The works could lead to the loss of these trees thereby creating gaps in the tree lined street, harming the appearance of the area road and therefore the area's rural character. No tree surveys, protection plan or arboricultural assessments have been submitted in support of this application that would suggest otherwise. The proposal is therefore considered to be contrary to Local Plan Policies DG1, N6 and paragraph 127 of the NPPF(2019) which seeks to sympathetically integrate development into existing environments.

Appendix A – Location Plan



Appendix B – Existing site layout plan

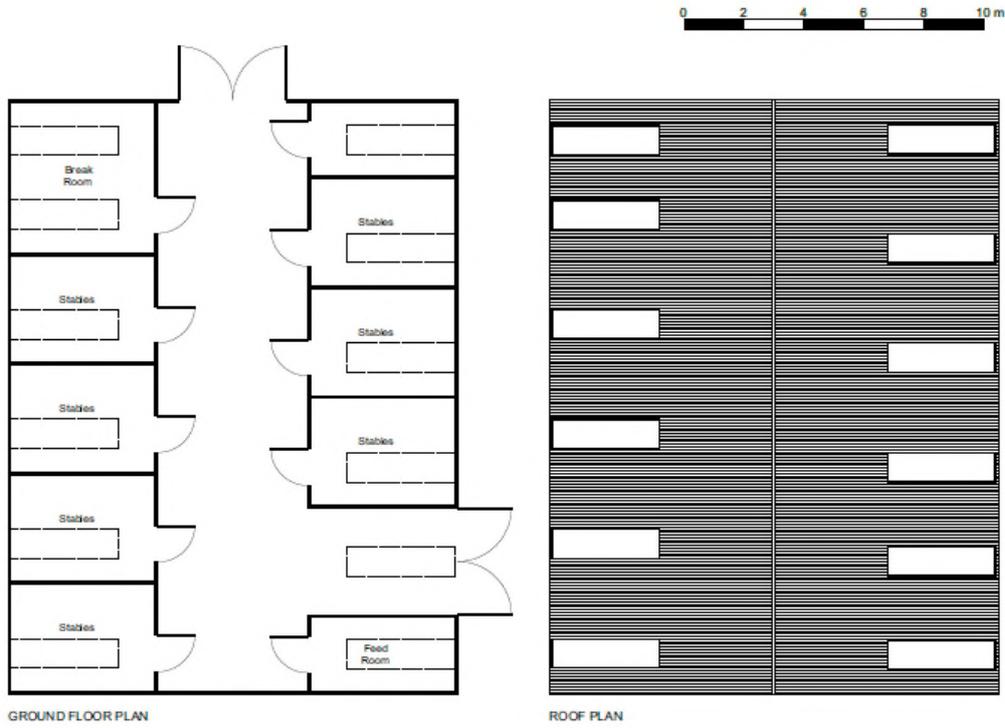


Appendix C – Proposed site layout plan



# Appendix D – Proposed Stables and Barn (Elevation and Floor Plans)

## Block A



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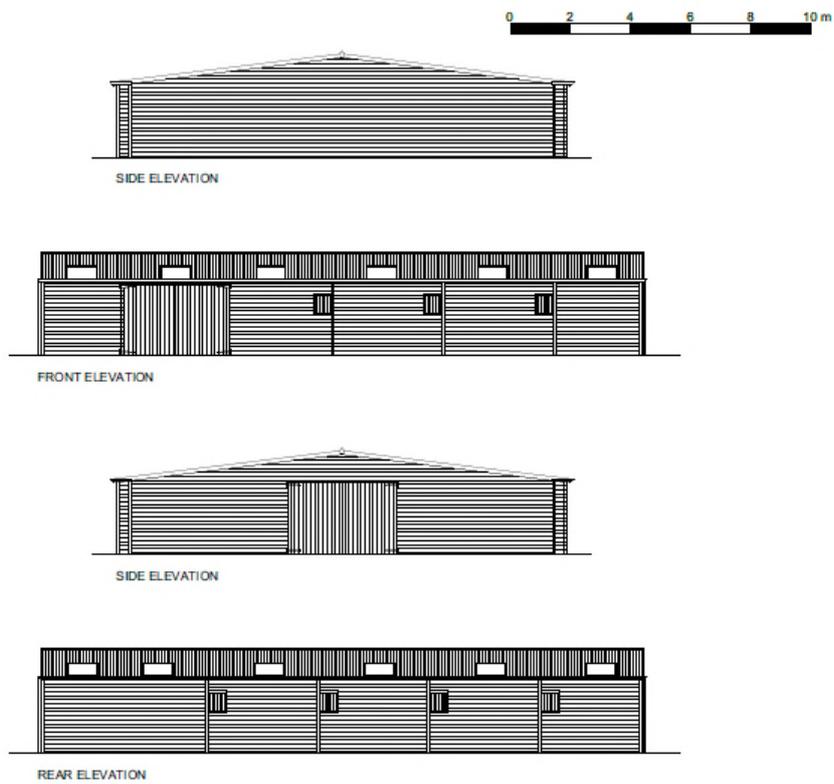
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This is a new barn structure with stables.

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Project	BLOCK A Plans
Issue	1100
Drawn	AS
Date	October 2018

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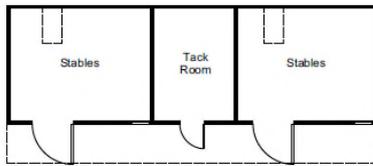
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Issue	1100
Drawn	AS
Date	October 2018

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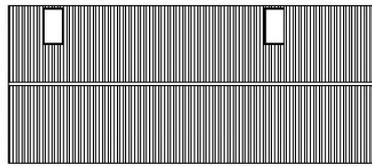
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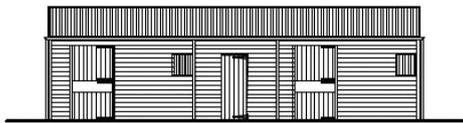
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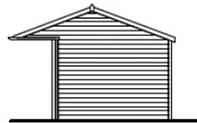
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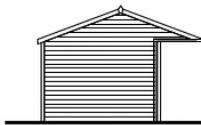
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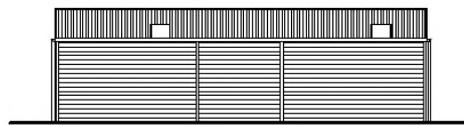
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SIDE ELEVATION



SIDE ELEVATION



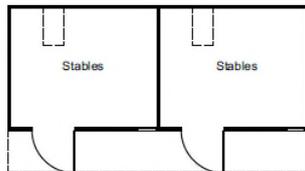
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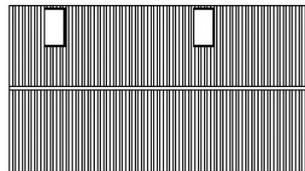
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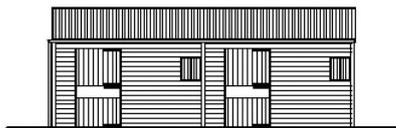
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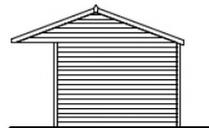
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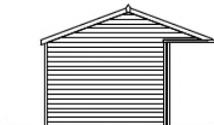
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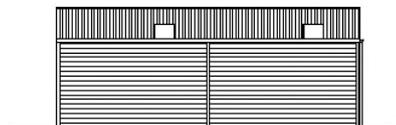
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SIDE ELEVATION



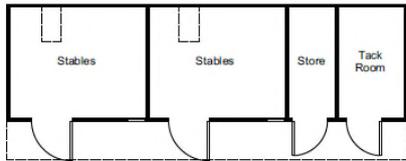
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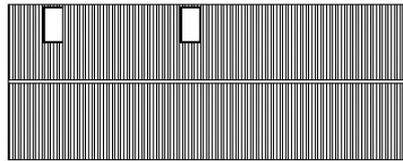
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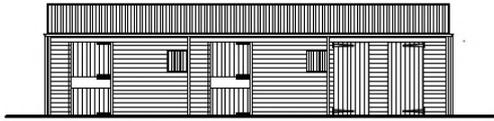
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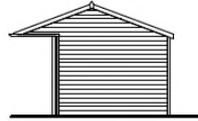
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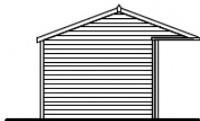
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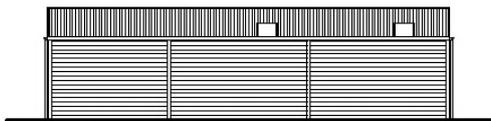
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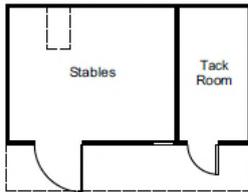
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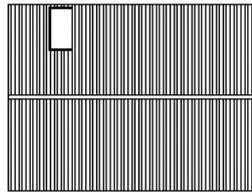
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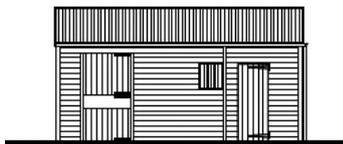
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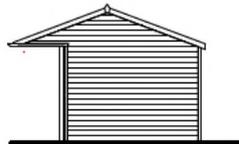
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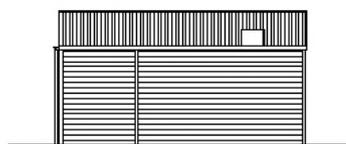
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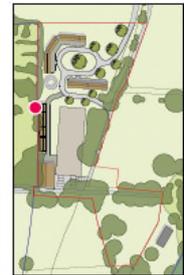
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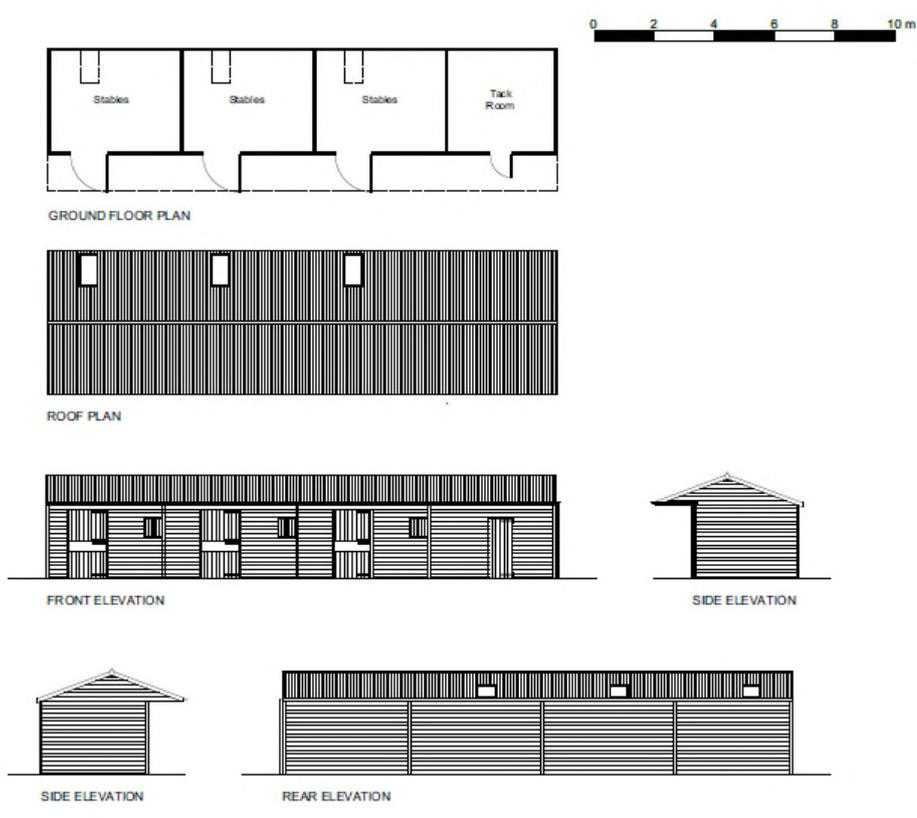


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**PLANNING**

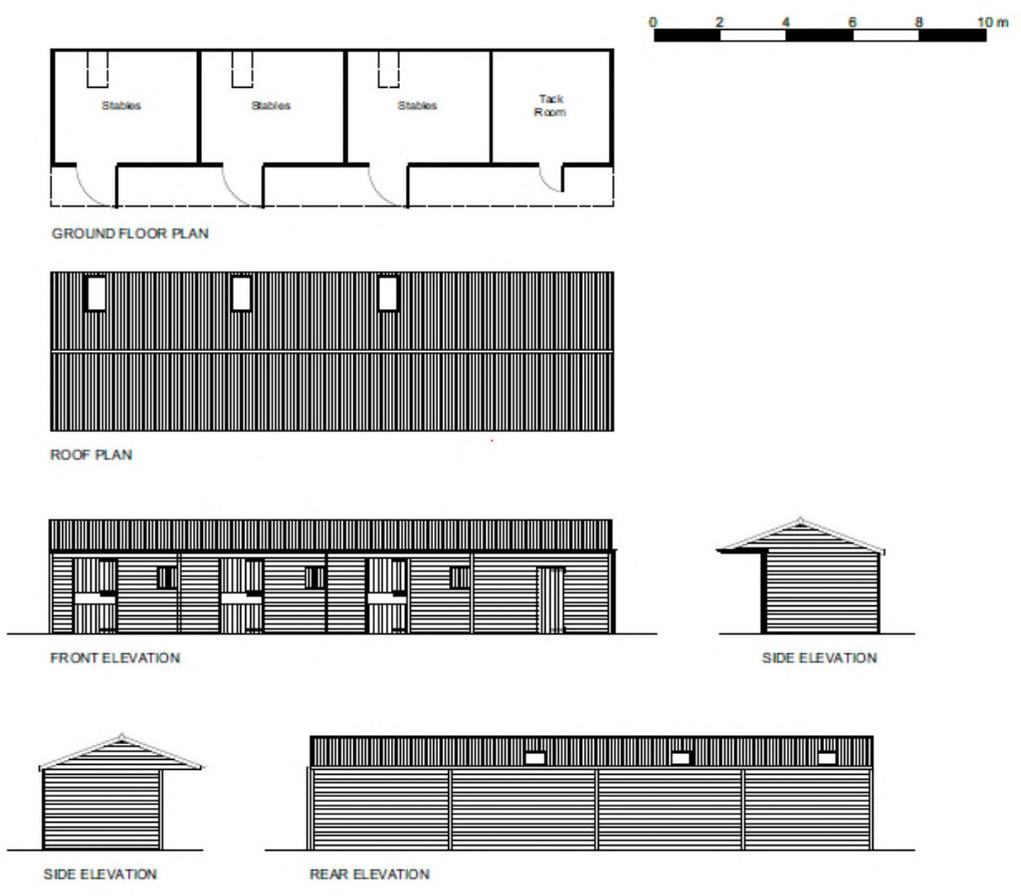
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13/03/2019	October 2019	

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Block I



**PLANNING**

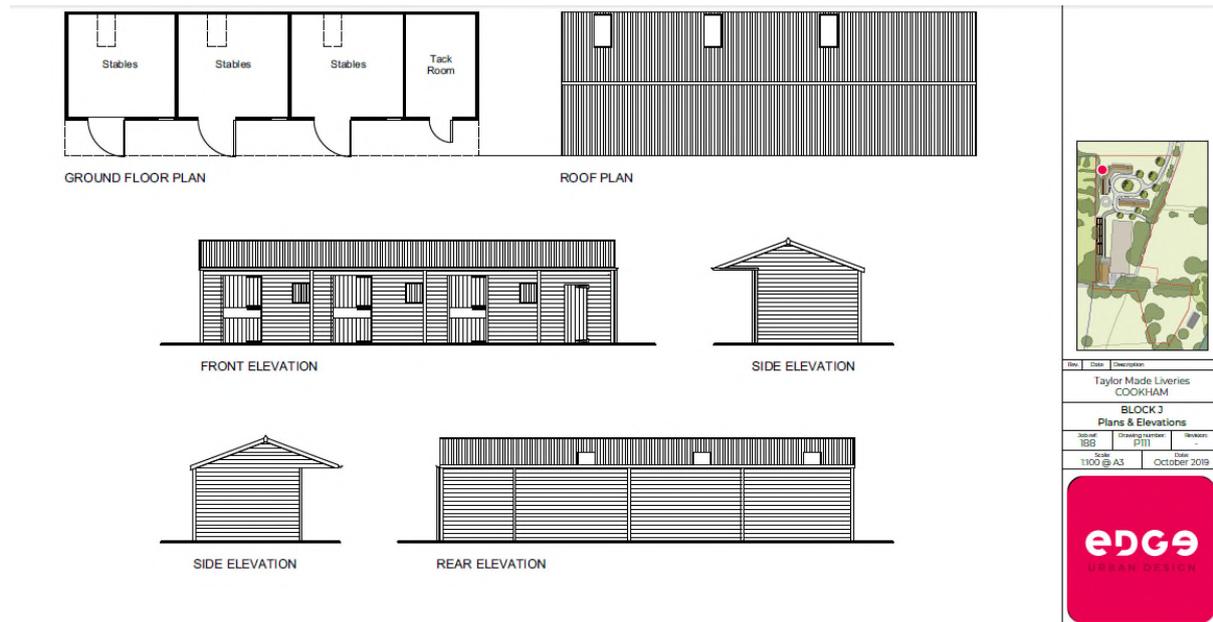
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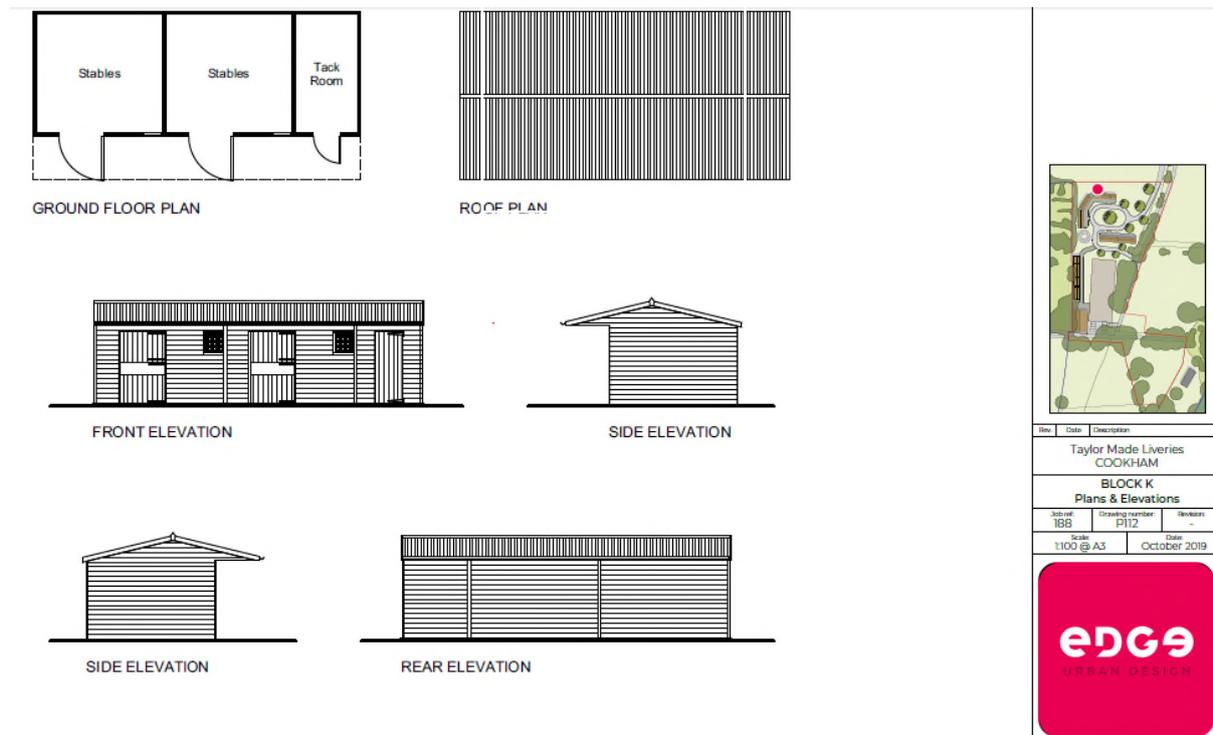
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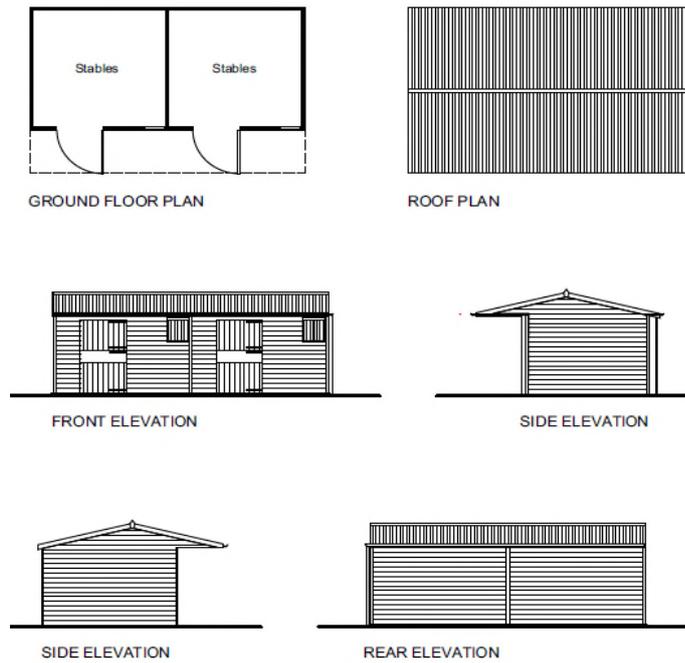
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## Block K

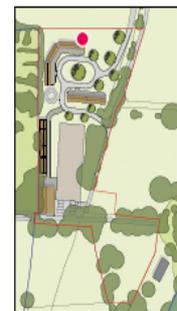
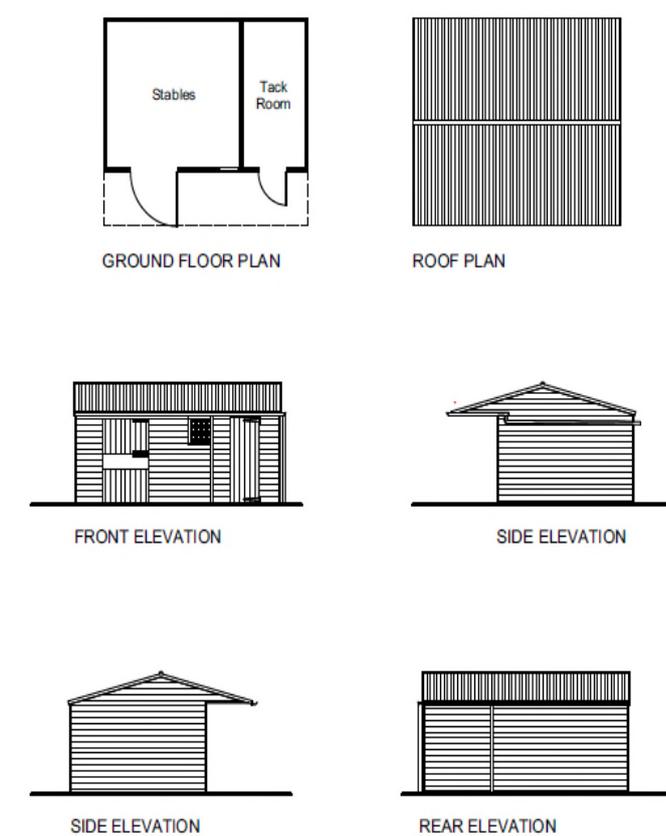


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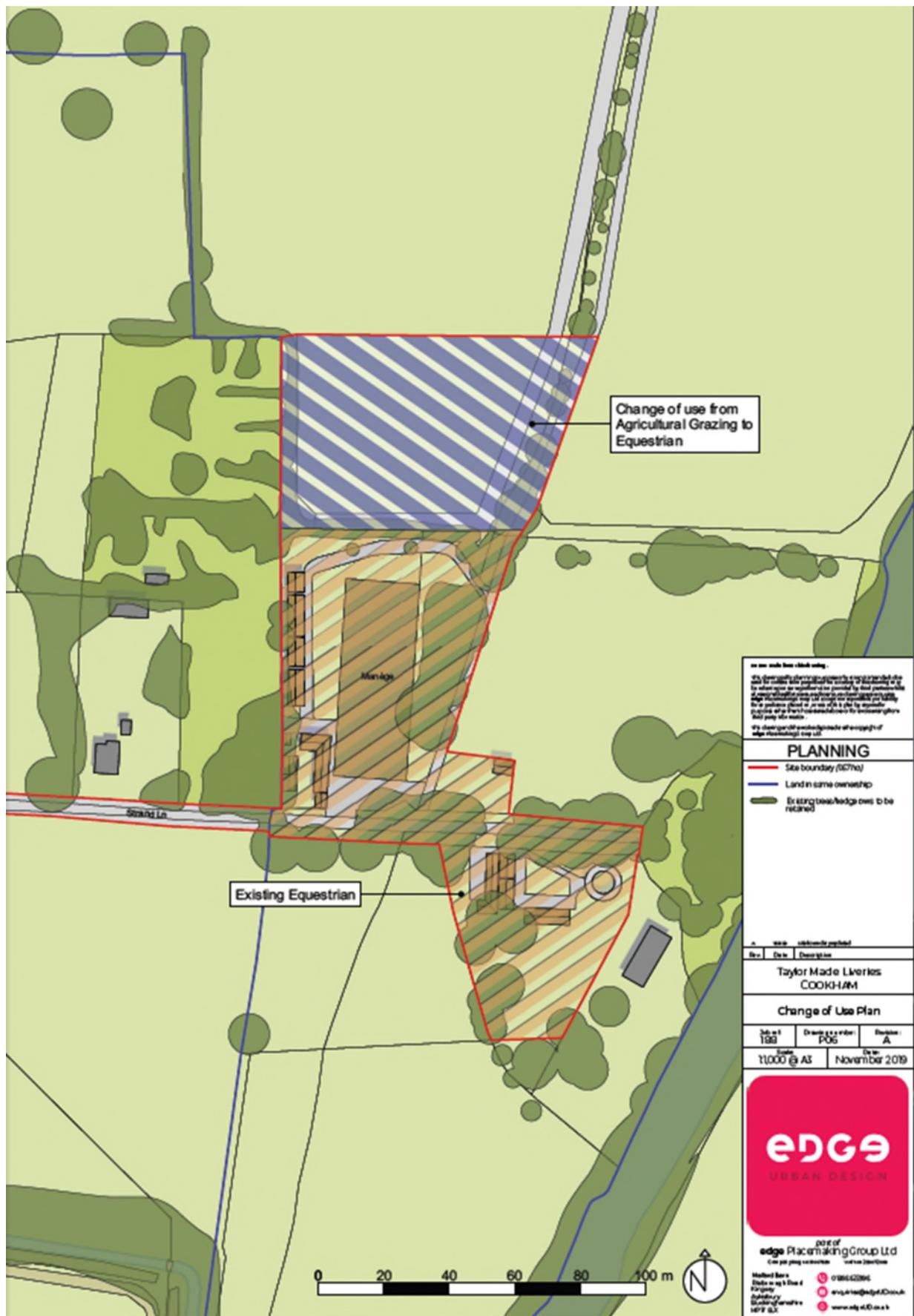
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<b>edg9</b> URBAN DESIGN		

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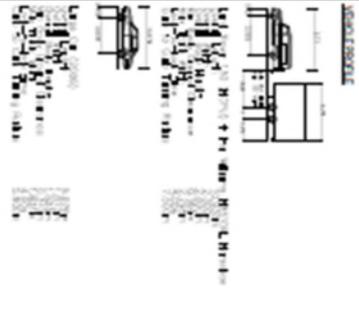
Appendix E – Change of use Plan



Appendix F – Strande Lane widening



- NOT TO SCALE
- INDICATE TREE LOCATION NOT COMPOUNDING
  - INDICATE LOCATION OF ACCESS
  - PUBLIC ROAD OF WAY ACCESS
  - DESIGN SPEED APPROXIMATELY 20m
  - VEHICLE TO WHOLE INDESTRUCTIBLY
  - INDICATE AREA OF LOCALISED WIDENING TAILOR FOR PASSING VEHICLES
  - POSSIBLE ADDITIONAL AREA FOR WIDENING
- PLEASE NOTE ALL DIMENSIONS SHOWN IN BLUE ARE INDICATIVE ONLY. CHECK DIMENSIONS AND DO NOT NECESSARILY SELECT THE DIMENSIONS DO NOT SCALE FROM THIS DRAWING



NO.	REVISION	DATE	BY	CHECKED

FOR INFORMATION

TAYLOR MADE LIVERIES

COOKHAM

STRAND LANE

LOCALISED WIDENING & PASSING POINTS

TAYLOR MADE LIVERIES

now part of

**pbq** **power & heat**

**Startpac**

46030/SS01/001

