

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

**DEVELOPMENT CONTROL PANEL**

17 February 2021

**Item: 1**

<b>Application No.:</b>	20/01987/FULL
<b>Location:</b>	Land At And Including The Old Ruins St Leonards Hill Windsor
<b>Proposal:</b>	New dwelling incorporating existing ruins. PV panels within grounds for carbon offsetting
<b>Applicant:</b>	Mr Try
<b>Agent:</b>	Ms Dido Milne
<b>Parish/Ward:</b>	Windsor Unparished/Clewer And Dedworth East
<b>If you have a question about this report, please contact:</b> Jo Richards on 01628 682955 or at <a href="mailto:jo.richards@rbwm.gov.uk">jo.richards@rbwm.gov.uk</a>	

**1. SUMMARY**

- 1.1 Permission is sought for a new family dwelling to be sited on grounds of a former 18<sup>th</sup> century mansion house. The remaining ruins of the mansion house, a non-designated heritage asset, are to be incorporated into the design and construction of the new dwelling.
- 1.2 The site lies within the Green Belt and the development is inappropriate as it does not fall within one of the limited exceptions outlined within paragraphs 145 and 146 of the NPPF. Furthermore, the siting of the new dwelling would result in some limited impact on the openness and purposes of the Green Belt.
- 1.3 The siting and scale of the dwelling would not result in any harm to neighbouring occupiers. The proposal would be acceptable with regard to impact on the highway.
- 1.4 The proposal would allow for the comprehensive management and long-term protection of the woodland and landscaped gardens. Some concerns have been raised by the Tree Officer however it is considered that these are addressed adequately in the submissions and by details to be submitted via condition. There would be no harm to ecological habitats or protected species and the proposal would result in biodiversity net gains.
- 1.5 The application submissions include a case of Very Special Circumstances comprising four main benefits; innovative and exceptional design quality; preservation and consolidation of a non-designated heritage asset; sustainable design and energy efficiency; and long-term management of the woodland.
- 1.6 The application was presented to a Design Review Panel on 14<sup>th</sup> December 2020. The panel comprised experts in the field of design, heritage, sustainability and landscape. The panel concluded that the proposal was of exceptional design quality and the sustainability credentials were to be commended.
- 1.7 The benefits surrounding the proposal are considered to cumulatively clearly outweigh the harm to the Green Belt, such that Very Special Circumstances exist in this case to justify the grant of planning permission for this single dwellinghouse.

<b>It is recommended the Panel grants planning permission with the conditions listed in Section 12 of this report.</b>
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## **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 site comprises approximately 9 hectares of land immediately to the north of Legoland with access from St Leonard's Hill which lies to the west. The built-up area of Windsor lies to the north with the site located on the south-western edge. The entire site lies within the Green Belt.
- 3.2 Within the site lies the ruins of a former mansion house, which was originally constructed in the early 18<sup>th</sup> century and then extensively remodelled during c.1870 in an ornate 'French Chateau' style. In the 1920s, parcels of land were sold as building plots, most notably along the drive where new residential dwellings were constructed during the 1920s and 1930s (St. Leonards Hill). In the 1920s, the mansion house itself was largely destroyed by an explosion and fire. This resulted in large quantities of dressed and decorated blocks of stone strewn across the site. The servants' wing survived until the 1950s when this burnt down.
- 3.3 Today, the ruins of the mansion house comprise the colonnade and the south east frontage, which are considered to be a non-designated heritage asset. The site also includes the former landscaped gardens and woodlands, which have largely been left unmanaged and which fall within an Area of Special Landscape Importance (Farmed Parkland). Trees on the site are covered by a blanket TPO. Within the former landscaped gardens and woodlands are the remains of the kitchen garden, icehouse and grotto.

## **4. KEY CONSTRAINTS**

- 4.1 Green Belt  
Non-designated Heritage Asset  
TPO

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

- 5.1 The proposal is for a single family dwellinghouse. The proposed building is a flat roofed 2 storey contemporary structure, with living accommodation on the upper ground floor level and non-habitable accommodation together with a guest bedroom on a partially sunken lower ground floor.
- 5.2 To the west the original driveway to the stables is to be used for access to a parking area and the main carriage drive retained as a route to the new house. To the west there will be a rectangular wild swimming pool.
- 5.3 In terms of the planning history, in 1955 Outline Planning consent was granted for 10 dwellings, glasshouse and new dwelling to replace the mansion house, ref: 4587, but did not progress further. In 1981 a planning application was submitted for 63 dwellings, ref: 460388, and another application submitted 6 dwellings, ref: 460389. Both were appealed against non-determination and subsequently dismissed.

## **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 and H11
Impact on Green Belt	GB1, GB2 and GB3
Highways	P4 and T5
Trees	N6
Historic Environment	ARCH2, ARCH3 and ARCH4

These policies can be found at <https://www.rbwm.gov.uk/home/planning/planning-policy/adopted-local-plan>

## 7. **MATERIAL PLANNING CONSIDERATIONS**

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

Section 4- Decision-making

Section 9- Promoting Sustainable Transport

Section 12- Achieving well-designed places

Section 13- Protecting Green Belt land

Section 16- Conserving and enhancing the historic environment

### **National Design Guide**

- 7.1 This document was published in October 2019 and seeks to illustrate how well-designed places that are beautiful, enduring and successful can be achieved in practice. It forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools. The focus of the design guide is on layout, form, scale, appearance, landscape, materials and detailing. It further highlights ten characteristics which work together to create its physical character, these are context, identify, built forms, movement, nature, public spaces, uses, homes and buildings, resources and life span.

### **Borough Local Plan: Submission Version (BLPSV)**

Issue	Local Plan Policy
Green Belt	SP1, SP5
Character and Appearance	SP2, SP3
Highways	IF2
Historic Environment	HE1
Trees, Woodland and Hedgerow	NR2
Biodiversity	NR3

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

Issue	Local Plan Policy
Green Belt	SP1, QP5
Character and Appearance	QP1, QP3
Sustainable Transport	IF2
Historic Environment	HE1
Trees, Woodland and Hedgerow	NR3
Biodiversity	NR2

- 7.2 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.

7.3 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 have been reviewed by the Council and the Proposed Changes have been submitted to the Inspector. The Examination of the BLPSV has now resumed and hearings were held at the end of 2020. 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.

7.4 These documents can be found at:  
<https://www.rbwm.gov.uk/home/planning/planning-policy/emerging-plans-and-policies>

### **Windsor Neighbourhood Plan (2011-2026)**

7.5 The Windsor Neighbourhood Plan has been submitted for referendum but not yet formerly adopted by the Council. It is a material consideration but of limited weight at this time.

<b>Issue</b>	<b>Neighbourhood Plan Policy</b>
<b>Design in keeping with character and appearance of area</b>	<b>DES.01</b>
<b>Highways/Parking</b>	<b>PAR.01</b>
<b>Residential Amenity</b>	<b>RES.01</b>
<b>Heritage</b>	<b>HER.01</b>

### **Supplementary Planning Documents**

- Borough Wide Design Guide SPD

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

7.6 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://www.rbwm.gov.uk/home/planning/planning-policy/planning-guidance>

## **8. CONSULTATIONS CARRIED OUT**

### **Comments from interested parties**

30 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 14.09.2020 and the application was advertised in the Local Press on 17.09.2020

7 letters were received supporting the application, summarised as:

<b>Comment</b>	<b>Where in the report this is considered</b>
1. The unique site deserves to be lived on and enjoyed. The dwelling will be there for generations to come	Sections iii and iv
2. Re-use of the old stone is resourceful and sustainable	Section viii
3. It is clear that the owner loves the site and has spent most of his life looking after it	Section iii

4.	The site is often opened up to local residents for family days/theatre experience	Noted
5.	The site has a great historical importance to Windsor and the proposed plans are respectful of this	Section iv
6.	The proposal is respectful of the environment	Section iii and iv
7.	The design is outstanding and beautiful	Section iii
8.	The zero carbon ambition is supported	Section viii

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

Comment		Where in the report this is considered
1.	Detrimental impact to Green Belt	See section ii
2.	Negative and detrimental impact on The Old Ruins, a place of historical significance	See section iv
3.	Impact on wildlife, trees. Many species are protected under the wildlife and countryside protection Act 1981.	See section vii
4.	The development would bring noise and disturbance	See section v
5.	Historical monuments and ruins that are a link to past generations should not be incorporated into a dwelling but preserved for future generations to see and access	The re-use of the site for a single residence would allow the ruins to be preserved.
6.	Concerns about the preservation of natural woodland given the track record of unlawful clearance and tree felling. The development proposes to remove a further 42 trees	See section vii
7.	Visual impact from removal of trees. Further consideration should be given to replanting along the boundary with St Leonards Hill	A landscaping scheme is to be sought via condition
8.	Impact on natural SUDs drainage capacity	The implementation of the submitted SUDs strategy will be secured by condition
9.	The removal of 42 trees within the woodland would reduce the natural noise barrier between legoland and local residents	The trees to be removed are category C or U trees. The tree removal needs to be considered in the wider context of the significant tree retention and woodland management
10.	More action should be taken towards how the woodland can be preserved and enhanced.	Section vii

11.	The development will result in increased traffic, putting strain on the private road. Can there be provision to reinforce or resurface the parts of the road in disrepair.	One dwelling will not make a material difference to highways traffic. Construction impacts are managed through environmental protection legislation.
12.	Impact from noise during construction and potential unsociable hours	Construction impacts are managed through environmental protection legislation.

### Consultees

Consultee	Comment	Where in the report this is considered
Conservation	It is considered that the proposal would not cause harm to any heritage assets, and this proposal is supported in principle, on both conservation and design grounds.	See section iv
Trees	Concerns regarding residential intensification of the site and the pressure to prune trees as a result on the PV panels. Conditions recommended.	Discussed in detail in section vii
Highways	No objection subject to condition	See section vi
Ecology	No objection subject to condition	See section vii
Archaeology	The application site falls within an area of archaeological significance and archaeological remains may be damaged but ground disturbance for the proposed development. A condition should be attached in order to mitigate the impacts of the proposed development.	See section iv
Environmental Protection	No objection subject to conditions and informatives	Only conditions that are reasonable and necessary will be attached to the decision

### Others

Group	Comment	Where in the report this is considered
Windsor Neighbourhood Plan Group	The WNP committee supports the application. Query as to why the description has been changed to from 'proposed house' to replacement dwelling' as no house has existed on site for more than a century. The development would enable the long-term future of the Ruin and surrounding landscape to be protected. The proposal would re-use the existing material on site The proposal would accord with emerging Neighbourhood Plan policy HER.02	Comments noted and expanded upon in the main report.

	<p>The proposals create an opportunity for the trees and landscape of St Leonards Hill to be properly managed. The proposals accords with emerging policies VIE.01 (views) and BIO.02 (biodiversity) of the Neighbourhood Plan.</p> <p>The dwelling would be of exceptional quality and a truly outstanding and innovative design and sensitive to the characteristic of St Leonards Hill.</p> <p>It is requested that parking area is screened from the south view of the ruins as this is the most important aspect of the site. The drawings are not clear on this point.</p>	
Windsor and Eton Society	<p>The Society supports the application. Very Special circumstances exist which clearly outweigh the harm to the Green Belt including the conservation and enhancement of the heritage asset. The development would enable the long term future of the ruins and extensive landscape.</p> <p>Approval of the application will enable a long term management plan of the woodlands and gardens.</p> <p>The design is an outstanding solution for a modern family home. The proposal will re-use existing stones and other material on the site.</p> <p>The proposal meets the test in NPPF paragraph 79 in that it is of exceptional quality, and a truly outstanding and innovative design.</p>	Comments noted and expanded upon in the main report

## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Background/History
- ii Whether the development is inappropriate development in the Green Belt and whether there is any other harm to the Green Belt
- iii Impact on the Character of the Area and design
- iv Heritage
- v Impact on Residential Amenity
- vi Parking/Highways considerations
- vii Trees, Woodland and Ecology
- viii Sustainable Design and Construction
- ix Case of Very Special Circumstance (VSC)
- x Other material considerations

### i. Background/History

9.2 This site includes the gardens and ruins of St Leonard's Hill, which historically was a very grand mansion. The site has archaeological interest, from as early as the Roman period onwards. A house was constructed on the site of the current ruins in the early 18<sup>th</sup> century, it was enlarged in the late 18<sup>th</sup> century and then extensively remodelled by its owner, Sir Francis Tress Barry, during the 1870s. This last phase of work was to the design of Charles Henry Howell and in the ornate "French chateau" style.

- 9.3 Following the death of Sir Francis, the house proved difficult to sell because of its high running costs and lack of modern services. As a result, during the 1920s his widow began to sell off parcels of land as building plots, most notably along the drive. Following a second unsuccessful attempt at selling the house in 1924 and upon her death in 1926, the son inherited the property and proceeded to destroy the main house by blowing it up. This resulted in large quantities of blocks of dressed and decorated stone and bricks being strewn across the site. The servant's wing, kitchen garden and vine house, however, survived.
- 9.4 During the later 1920s and 30s there were numerous proposals for the development of the estate and in 1942 it was sold to Reginald Try; who's descendants still own it. He gained consent for further development, although this was not realised. The servant's wing burnt down in the 1950s, and today the romantic ruins of the house, icehouse, grotto and parts of the walled garden remain amid substantial, although largely unkept, landscaped grounds. The gardens include an important collection of camellias, and a significant number of large veteran trees. The house and its wider site are a remarkable, atmospheric and attractive survival.
- 9.5 The current proposal has been borne out of several years of careful planning and design, which has considered the historic significance of the site in the development proposals. The applicant has put together a design team to draw together the different considerations needed for development on this sensitive and important site.

## ii. Green Belt

- 9.6 Paragraph 143 of the NPPF explains that inappropriate development in the Green Belt is harmful and that it should only be approved in Very Special Circumstances. Paragraph 144 continues by stating that when considering planning applications, substantial weight should be 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, is clearly outweighed by other considerations.
- 9.7 Adopted Local Plan policies GB1 and GB2, whilst dated, largely reflect the national Green Belt policy position by only allowing a few certain forms of development, other than in Very Special Circumstances. Policy SP5 of the Borough Local Plan submission version states that the Metropolitan Green Belt will continue to be protected, as designated on the Policies Map, against inappropriate development. Permission will not be given for inappropriate development (as defined by the NPPF), unless very special circumstances are demonstrated.
- 9.8 The proposal is for a new residential dwelling within the Green Belt. Whilst the proposal was originally described as a replacement dwelling, given that the former dwelling was destroyed a considerable time ago, the former use of the site for residential purposes has effectively been abandoned. The proposal is therefore more accurately described as a new dwelling. Paragraph 145 of the revised NPPF outlines that the construction of new buildings should be regarded as inappropriate development apart from a few limited exceptions. The construction of a new dwelling does not fall within any of the limited exceptions in paragraph 145 or 146 of the NPPF and is therefore inappropriate development.
- 9.9 The proposed dwelling is single storey and would be nestled behind the existing ruins on the siting of the former mansion. Its scale and form is very modest (and to be constructed partially below ground level) and the structure is considered to blend into the existing landscape such that the impact on the openness of the Green Belt is very limited. The proposal also includes some PV panels to be constructed within the wider grounds of the new dwellinghouse in the south-west part of the site. These panels would be of very limited height and well screened by trees and woodland. This part of the proposal would also result in limited harm to the openness of the Green Belt. Finally, it must be accepted that the proposal would result in an encroachment of the countryside by reverting the use of the land back to residential. This harm to purposes again is limited given the modest scale of development.
- 9.10 The collective harm identified to the Green Belt is afforded **substantial** weight in accordance with paragraph 144 of the NPPF. It is therefore necessary for the Local Planning Authority to consider

whether Very Special Circumstances (VSC) exist that would clearly outweigh the harm to the Green Belt and any other harm resulting from the proposal. This case is considered in detail towards the end of the report.

### **iii. Design Considerations and Impact on Character**

#### Policy Background and context

- 9.11 Policy DG1 of the Local Plan provides the overall guidelines for assessing the design of new development. Policy H10 states that new residential development will be required to display high standards of design and landscaping in order to create attractive, safe and diverse residential areas and, where possible, to enhance the existing environment. The Borough Wide Design Guide SPD is also a material consideration and sets out the over-arching specific design considerations for developments of this nature.
- 9.12 Section 12 of the NPPF (2019) deals with achieving well designed places and ensuring the delivery of developments that will function and contribute to the overall quality of the area in the long term. To achieve this, development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; they should be sympathetic to local character and history, including the surrounding built environment and landscape setting.
- 9.13 The NPPF further encourages local planning authorities to utilise design advice and review arrangements, particularly for significant projects such as large-scale housing and mixed use developments. In assessing applications, local planning authorities should also have regard to the outcomes from these processes, including any recommendations made by design review panels. It should be noted that the proposal went to a Design South East review panel for review in December 2020.
- 9.14 The scale of the proposed development is such that it would have very limited impact on the wider character of the area. Indeed the new dwellinghouse would have very limited visibility from outside the application site. It is therefore considered that its impact on the surroundings would be minimal.
- 9.15 With regard to the design and external appearance of the dwellinghouse, the applicant has sort to achieve something innovative and exceptional both aesthetically and in terms of the sustainable construction. As stated above, the design of the dwellinghouse has been borne out of years of careful planning and research, coupled with discussions with the Local Planning Authority as to how to achieve the best design approach for this sensitive site.
- 9.16 The ruins of the original house would be retained, consolidated and linked to the new structure. The new building is to be constructed using reclaimed and sustainable materials. It would be laid out in such a way as to align with the layout of the ruins; and designed around a sunken courtyard, positioned over the heart of the original house. This would be enclosed at the upper level by the ruins and by the original cellar walls to the south. The new walls at the lower level will be constructed from bricks reclaimed from the site and designed to reflect the architectural features of the cellars.
- 9.17 The courtyard is to be landscaped in a manner that reflects its semi wild state. To the east the facades will be fully glazed to take advantage of the views toward Windsor Castle, with the other elevations containing less glazing, but all wrapped with simple stone pillars, reflecting the columns of the ruined colonnade. The new building will have external access from both levels; however, the main entrance will be at upper ground level via a ramp and covered raised walkway with views onto the central courtyard garden. This will lead to a separate work space above an archive area both of which will overlook the double height original kitchen, which will be retained as an open space. At the end of the walkway is the main entrance to the house.
- 9.18 The current proposal has been subject to a Design Review Panel. The report produced following the Design Review sets out the panel's support for the proposal in terms of design, stating that the development has the exceptional quality required were Paragraph 79 of the NPPF to apply,

and should be allowed to override the green belt designation. Specific comments relating to design and architecture are as follows:

- *'The manner in which contemporary architecture and the heritage asset are combined is excellent.'*
- *'The scheme will form a marriage of new and old that is rare and could and should be exemplary as a way to reimagine pieces of otherwise redundant historic fabric.'*
- *'To have architecture that is clearly contemporary is sound. It differentiates new build and the ruin, and it respects the colonnade without resorting to pastiche. The outcome is something that can proudly take its place on the timeline of St Leonards Hill.'*
- *'The panel applauds client and design team for achieving this.'*

9.19 It is therefore concluded that the impact of the new dwellinghouse on the surroundings would be minimal and the external appearance and design of the dwelling can be deemed high quality, innovative and exceptional. The innovation and exception design quality of the dwelling is a clear benefit of the proposal to be afforded weight in the case of Very Special Circumstances (see section ix).

#### **iv. Heritage**

9.20 The Planning (Listed Buildings and Conservation Areas) Act 1990 (amended) requires planning authorities to preserve or enhance the significance of heritage assets through the planning process, according to the provisions of the Act. The Council is required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area to accord with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

9.21 The NPPF 2019 places strong emphasis on the desirability of sustaining and enhancing the significance of heritage assets and affords great weight to the asset's conservation. Paragraphs 193 to 196 of the NPPF state that the historic environment will be conserved and enhanced in a manner appropriate to its significance, and any harm to the significance of a heritage asset (whether designated or non-designated) or its setting will not be permitted unless the harm to the special interest is outweighed by public benefit. Paragraph 200 sets out that Local Planning Authorities should look for opportunities for new development within Conservation Areas and within the setting of designated heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

#### Significance of Heritage Asset

9.22 The ruins of the building and its gardens can be considered as locally important non designated heritage assets. The NPPF states that heritage assets, whether designated or not, are a "...irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations".

#### Assessment by Conservation Officer

9.23 This proposal has been subject to considerable pre-application discussion, and the design of the building and its green credentials are considered to be exemplary. The future of the ruins of the Victorian House will be secured for the long term and their setting enhanced by the thoughtful design of the new building, its use of salvaged material from the site and its considered landscaping. Given the scale and height of the proposed new structure, it is unlikely that there would be any impact on long views towards the site from the Castle and Great Park, both designated heritage assets.

9.24 The Conservation Officer has identified a number of points that require some further information/clarification surrounding the construction, materials and works within the wider grounds. These are to be dealt with via conditions which cover external materials (conditions 2 and 3), consolidation and restoration of the ruins (condition 4), restoration and management of

the gardens (condition 5), details of original and proposed footings (condition 6) and details of fenestration and other detailed design features (condition 7).

- 9.25 In conservation terms, the proposal is supported, as it would secure the consolidation of the existing structures on the site and provide a use for the ruins, ensuring their long-term protection and maintenance. The gardens and woodland surrounding the ruins are important in terms of providing a setting for the structures and are also of considerable historic, aesthetic and ecological interest. Proposals for their restoration should be part of the overall scheme. The Design Review Panel also considered that the restoration of the wider site needs to be tied into the proposals – this will be covered by condition 5. Therefore, it is considered that the proposal would not cause harm to any heritage assets, and this proposal is supported, both in conservation and design grounds.

#### Archaeology

- 9.26 Berkshire Archaeology have advised that there are potential archaeological implications associated with this proposed scheme. Many important archaeological finds have been discovered around the proposed development area including Roman brass and silver coins, an Iron Age horn cap and several bronze objects. The site is also the known location of St Leonards chapel, first mentioned in 1215. Therefore, the application site falls within an area of archaeological significance and archaeological remains may be damaged by ground disturbance in the construction of the proposed development. It is therefore recommended that a condition is applied should permission be granted in order to mitigate the impacts of development in accordance with Paragraph 199 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 their importance and the impact, and to make this evidence (and any archive generated) publicly accessible'*. (Condition 8).

#### **v. Impact on Neighbouring Amenity**

- 9.27 The NPPF identifies as a core planning principle that planning should always seek a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings. Specifically, Paragraph 127 of the NPPF states that planning decisions should ensure that development should achieve a high standard of amenity for existing and future users.
- 9.28 Given the significant separation distance between the new dwellinghouse and the nearest neighbouring properties, coupled with the limited height of development, it is not considered that there would be any undue harm to neighbouring amenity in terms of loss of light, visual intrusion or loss of privacy. Noise and disturbance from a single family dwellinghouse would also be very minimal.

#### **vi. Highway consideration and parking provision.**

- 9.29 The proposal sits within the outskirts of Windsor Town Centre, at approximately 4.2 km from the closest train station, suffering from poor accessibility levels. As shown on drawing no. 1613 / P03, access to the site will be gained via a prolonged existing track which is accessed off St Leonards Hill.
- 9.30 Maximum parking standards for dwellinghouses are set at 3 spaces for 4-bedroom units located within poor accessibility areas. The development proposes 5 car parking spaces plus a disabled parking space, adding up to a total of 6 bays. The proposed parking will be located adjacent to the dwelling on a permeable hard-standing area and should be laid out prior to occupation of the development (condition 9). Consideration will need to be given to the appearance of this hard-surfacing and this is covered by condition 3.
- 9.31 The development is likely to generate 8 new extra daily trips. The Highway Authority does not consider that this would have an impact on the local highway network.
- 9.32 C3 residential standards are set at one cycle parking place per dwelling. The development proposes 4 cycle parking spaces within an accessible, enclosed area (Drawing no. 1613 / P04).

As shown on Drawing no. 1613 /P04, bin storage is located adjacent to the cycle parking. The cycle parking and bin storage is considered acceptable in terms of meeting the relevant highway standards and ensuring that harm to sensitive areas of the site in terms of trees and ecology is minimised. Cycle parking and bin storage are covered by conditions 10 and 11.

## **vii. Trees, Woodland and Ecology**

### Trees

- 9.33 The woodland and trees within the site are subject to Tree Preservation Order (TPO) 37 of 1959. The site also contains veteran trees. Veteran trees are trees which, because of their age, size or condition are of cultural, historical, landscape and nature conservation value. They are irreplaceable. The NPPF supports the protection of these trees. As the site hasn't been proactively managed for some decades, there are many trees which carry defects, but which are beneficial to various species, such as saproxylic insects, nesting birds and roosting bats.
- 9.34 The site is classed as priority habitat (Deciduous lowland woodland and Woodpasture and Parkland). UK BAP priority habitats are those that were identified as being the most threatened and requiring conservation action under the UK Biodiversity Action Plan. The UK list of priority habitats was drawn up in compliance with the requirements of the Natural Environment and Rural Communities (NERC) Act 2006 (England) Section 41.
- 9.35 The red line site boundary encompasses the woodland and parkland and any grant of permission will result in a change in the land use classification to 'residential' and the tree officer has expressed concerns that this change in use would pose a threat to the well-being of these trees through potential need to prune and fell trees. However it must be accepted that the land is already owned by the applicant and used on an ad hoc basis by the applicant and his family. The change of use of the land to house a single dwellinghouse would not result in materially greater levels of activity within the site and woodland. Furthermore, the granting of planning permission would formally allow for the protection and management of the woodland, which would not happen if planning permission were refused.
- 9.36 Concerns have been raised regarding the felling of 42 trees. These trees are mainly identified as category C or U trees within the arboricultural survey and must be viewed in the context of the significant tree retention on site (the survey includes 146 individual in addition to groups and woodland trees). This level of tree loss is considered acceptable.
- 9.37 The tree officer has raised concerns that the installation of PV panels in the area of the disused water tank would bring about pressure to fell or detrimentally prune trees. The PV panels are to be sited within an area of open land. There is some dispute between the applicant and the Tree Officer as to the impact on those trees in closest proximity to the proposed panels. The applicant has advised that only laurel has been cleared to make way for the siting of the panels and the closest woodland trees are a significant distance away. The PV panels are an integral part of the proposal, necessary to realise the applicant's aims of reaching a net zero carbon development and are therefore supported in principle. Further details will be required to be submitted regarding their height, siting, construction and arboricultural impact such as to minimise the impact on trees within the woodland (condition 25).
- 9.38 The indicative landscaping is considered acceptable but detailed information needs to be submitted via condition (condition 12). Other conditions relating to tree protection, submission of an arboricultural method statement and underground services are recommended to cover the works to the dwellinghouse and the wider grounds including the PV panels (conditions 13, 14 and 15).
- 9.39 The Tree officer has also expressed concerns regarding unnecessary additional tree planting as a means of carbon off-setting. The Woodland Management Plan, to sympathetically manage the woodland/parkland is of upmost importance and needs to be updated to reflect the comments/concerns raised by the tree officer (condition 16).

### Ecology

- 9.40 The application site falls within 500m of Windsor Forest and Great Park Special Area of Protection (SAC, SSSI) and is within the SSSI Impact Risk Zone. The proposed development is for one dwelling and therefore there will be no impact on this designated site given the small scale and nature of the development. In addition, the surrounding woodland is to be retained and enhanced and therefore will provide a buffer between the proposed development and the SAC. The development is in close proximity to Hemwood Dell Local Wildlife Site (LWS). In order to ensure that the development during construction will not cause an indirect effect on the LWS, appropriate pollution prevention measures should be adhered to. It is therefore recommended that a Construction Environmental Management Plan (CEMP) is implemented. This is to be secured via condition 17.

#### Habitats

- 9.41 As stated above, the proposed development is situated within a woodland, which is likely to constitute Lowland Mixed Deciduous Woodland Priority Habitat. Removal of trees would result in a loss in priority habitat. However, the applicant has provided a woodland management plan which provides details of the enhancements and management of the woodland surrounding the site for a 20-year period. This includes native species tree planting to create a mosaic of ages of trees, native shrub planting, monitoring of the veteran and mature trees on an annual basis, and creation of wood pasture. The details of the management and maintenance of the woodland has been detailed in the woodland management plan. The Ecologist is satisfied with the plan, however the Tree Officer has recommended several updates to the plan before it is implemented, and this is covered by condition 16.

#### Badgers

- 9.42 A number of badger setts were recorded on site within the surrounding woodland, the closest badger sett being recorded over 50m away, therefore it is unlikely that the badger setts will be impacted by the proposed development. However, given the likelihood that badgers traverse the application site and can open new setts overnight, a condition is to be attached to ensure that the site is re-surveyed prior to commencement of works and, if there is a new sett in close proximity to the proposed development, it may need to be excluded under licence to Natural England. (This will be covered by condition 17 relating to the CEMP).

#### Bats

- 9.43 The submitted bat survey recorded a brown long eared bat hibernating within the ruins and droppings within the cellar. Both the cellar and ruins will be retained as part of the development, however the roosts may be disturbed during construction of the dwelling. The trees that are to be removed as part of the development were deemed to be of low/ negligible potential to support roosting bats and therefore no further survey of the trees is required.
- 9.44 If a bat roost will be affected by the works, a licence for development works affecting bats (i.e. for derogation from the provisions of the Habitat Regulations) will need to be obtained before works which could impact upon the roost can commence. A condition is included requiring that a copy of the EPSL for bats, issued by Natural England, is provided to the Local Planning Authority prior to the commencement of site works and that the development be carried out in accordance with the details within the agreed licence (condition 19). Planning Authorities have statutory duties under The Habitat Regulations and need to be satisfied that a license for development works affecting bats is likely to be granted by Natural England. Given the proposed mitigation it is considered that the proposed works would be likely to receive a bat license and officers consider that the proposed development pass the three tests of The Habitat Regulations (set out in subparagraphs 53(2)(e), (9)(a) and (9)(b)).
- 9.45 A number of bats were recorded to be using the site for foraging and commuting. As the proposed dwelling will cause an increase in lighting at the site, the applicant has provided a lighting note as part of the woodland management plan which provides details of how the applicant will reduce the impact of lighting at the site. A lighting scheme should be prepared and secured via a planning condition (condition 18).

### Great crested newts and reptiles

- 9.46 The Ecologist is satisfied with the survey work submitted in relation to Great crested Newts and reptiles. Precautionary measures are to be undertaken during site clearance and works, details of which can be provided as part of the CEMP (condition 17).

### Breeding birds

- 9.47 All birds, their nests and eggs, are protected by law. It is a criminal offence (with certain exemptions) to deliberately or recklessly take, damage or destroy the nest of any wild bird whilst it is in use or being built. The trees and vegetation to be cleared is likely to be suitable for use by nesting birds. This matter is covered by an informative.

### Biodiversity Enhancements

- 9.48 In line with paragraph 175 of the NPPF and Policy NR3 of the emerging Borough Local Plan, opportunities for wildlife should be incorporated into the development. The ecology report and woodland management plan contain recommendations for biodiversity enhancements at the site including native species tree and scrub planting, retention of standing and fallen dead wood, provision of hibernacula and log piles, enhancement of the grassland, removal of non-native species and provision of gaps in the boundary fences to allow mammals to transverse through the site. Details of such enhancements are to be provided within a biodiversity enhancement scheme (condition 20).

### Conclusion on impact on trees, woodland and ecology

- 9.49 The harm identified to trees within the woodland as a result of the PV panels and additional tree planting for carbon off-setting is to be addressed through the submission of further information relating to the PV panels and an updated Woodland Management Plan. The use of the site for residential purposes will not materially alter the level of activity within the site and woodland from the current situation given that the site would be used as a single-family dwelling. Furthermore, the granting of planning permission would secure the long-term management of the woodland which would bring about enhancement to trees, wildlife and biodiversity. In the absence of a planning permission the trees and woodland would remain unmanaged. Conditions are recommended to secure the woodland management plan is updated and implemented and that trees are protected and retained in line with the arboricultural impact assessment.

## **viii. Sustainable Design and Construction**

- 9.50 One of the main aims of the proposal was to design a dwellinghouse which could set an example in terms of its green credentials, through sustainable design and construction. This is an important consideration given the Council's declaration of a climate emergency and the newly adopted Climate Change Strategy. Furthermore, the NPPF advises that the planning system should encourage the re-use of existing resources and help reduce greenhouse gas emission through design of development.
- 9.51 The Council are in the early stages of producing a Sustainable Design SPD. Whilst there is no adopted local policy on sustainable energy, the Borough Wide Design Guide includes advice on Solar Design and Climate Change and minimising energy consumption through the promotion of dual aspect living accommodation.
- 9.52 The environmental report sets out that the proposal would re-use existing materials on site from the former mansion and utilise timber within the structure and external finishes, thus reducing embodied carbon emissions. Other design solutions have been considered including orientation of the building, the amount of glazing and shading and the thermal properties of materials. The use of PV panels and additional tree planting will also contribute to the carbon off-setting. The results of this approach is a development that is targeting net zero carbon over its lifespan and meeting RIBA Climate Challenge 2025 targets. This clearly goes above and beyond what is

expected of new dwellings in terms of their construction. Another important point is that the beauty/exceptional design of the building would ensure its long term retention for generations to come – this was recognised by the Design Review Panel. A detailed energy strategy is to be requested via condition (condition 21).

#### **ix. Very Special Circumstances**

##### Harm to the Green Belt and any other harm

- 9.53 The harm to the Green Belt as a result of inappropriateness combined with the limited harm to openness and purposes must be afforded **substantial** weight in accordance with paragraph 144 of the NPPF. The proposed development is considered to comply with the development plan and NPPF in all other respects.
- 9.54 On the other side of the balance, the applicant has highlighted several considerations within the submissions that need to be assessed to determine whether Very Special Circumstances exist to outweigh the harm identified above.

##### Exceptional Design Quality

- 9.55 It is pertinent at this point to comment on paragraph 79 of the NPPF which states that planning decisions should avoid the development of isolated homes in the countryside unless the design is of exceptional quality, in that it is truly outstanding or innovative, reflecting the highest standards in architecture and would help raise standards of design more generally in rural areas; and would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area. Whilst the Local Planning Authority does not consider that the site can be deemed as an isolated site in countryside, the test of innovative design can still be a material consideration and could amount to a Very Special Circumstance in exceptional cases.
- 9.56 The proposed design of the dwellinghouse has been borne out of considerable thought and discussion over the years. The applicant has put together a design team specific to the purposes of designing a dwellinghouse for this sensitive and historic site. The design review panel have commended the proposal and advised that were the proposal to fall under paragraph 79, it would meet the necessary tests of exceptional design quality and would have the merit to justify the inappropriate development in the Green Belt. Whilst the LPA are not of the opinion that the application site is an isolated site within the countryside, that does not negate from the qualities of the proposal and the truly innovative design that has been found to exist in this case which could not easily be repeated without the years of hard work and dedication that has been shown here by the applicant and the design team. In light of the high praise from the Design Review Panel it is considered that **substantial** weight be given to this benefit.

##### Retention and preservation of Non-designated Heritage Asset

- 9.57 It has been concluded that the proposal would ensure the long-term retention and protection of the non-designated heritage asset. If planning permission were to be refused, the non-designated heritage asset would remain in situ but without formal controls over its future preservation and therefore may fall into disrepair at an earlier point in time than if the proposal were to be implemented.
- 9.58 Also to be noted is how the proposal incorporates the ruin into the proposed dwelling. The scheme therefore meets two aims of para 79 (b) concerning heritage and (e) concerning exceptional quality. The design review panel have recognised that hitting both points reinforces the true quality and specialness of the approach and resultant scheme
- 9.59 This is a benefit to be afforded weight in the planning balance, albeit **moderate** weight as the heritage asset is non-designated.

##### Sustainable Design and Construction

- 9.60 The proposal has sort to achieve high standards of sustainable design with an overall aim of achieving net zero carbon over its lifespan. The conclusions of the design review panel were that the environmental sustainability principles which have been embedded into the scheme are to be commended. This benefit is afforded **significant** weight.

#### Woodland Management

- 9.61 The applicant has provided a woodland management plan which provides details of the enhancements and management of the woodland surrounding the site for a 20-year period. This include native species tree planting to create a mosaic of ages of trees, native shrub planting, monitoring of the veteran and mature trees on an annual basis, and creation of wood pasture. The details of the management and maintenance of the woodland has been detailed in the woodland management plan, which is to be updated to take account of comments raised by the Tree Officer, and secured by condition 16. This benefit is afforded **moderate** weight.

#### Housing

- 9.62 At the time of writing, the Council is unable to demonstrate a 5 year housing land supply. The proposal would only deliver one unit and therefore the housing benefit is limited and therefore the weight afforded to this additional housing resulting from the proposal is also **limited**.

#### Conclusion on Very Special Circumstances

- 9.63 As highlighted above the weight attributed to the innovative and exception design is **substantial**. Also on this side of the balance is the **significant** weight to sustainable design and construction, the **moderate** weight to retention and restoration of a non-designated heritage asset, the **moderate** weight to woodland management and the **limited** benefit to housing need. As such, when considering these matters cumulatively, the weight to be applied to the benefits of the scheme would more than outweigh the harm to the Green Belt such that Very Special Circumstances exist in this case to justify the harm to the Green Belt as a result of the proposal.

#### **x. Other Material Considerations**

##### Housing Land Supply

- 9.64 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.*

- 9.65 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..).'*

- 9.66 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 (5hyr hls) is the 'standard method' as set out in the NPPF (2019).

- 9.67 At the time of writing, the Council is unable to demonstrate 5 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).
- 9.68 Footnote 6 of the NPPF (2019) clarifies that section d(i) of paragraph 11 of the NPPF (2019) is not applied where '*policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed*'. This includes **habitats sites and/or land designated as Green Belt**. For the reasons set out above there is no clear reason for refusing the proposed development on this basis. Accordingly the so-called 'tilted balance' is engaged. The assessment of this and the wider balancing exercise is set out below in the conclusion.

## **10. PLANNING BALANCE AND CONCLUSION**

- 10.1 Paragraph 11 of the Framework explains how the presumption in favour of sustainable development applies. As set out above it is considered whilst the proposed development falls within the Green Belt, Very Special Circumstances has been found to exist and as such, there is no clear reason for refusing the proposed development on this basis. The proposal complies with the development plan in all other respects.
- 10.2 As such, and for the reasons set out above, the proposed development is considered acceptable and planning permission is recommended subject conditions.

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

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

## **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 No development shall take place until a schedule of the materials to be used on the external surfaces of the development has 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 site and the area in general and to ensure the character and appearance of the non-designated heritage asset is preserved. Relevant Policy DG1 and NPPF Section 16
- 3 No development above slab level shall take place until a schedule of the finishing materials to be used within any hard-surfacing of the grounds has 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 site and the area in general and to ensure the character and appearance of the non-designated heritage asset is preserved. Relevant Policy DG1 and NPPF Section 16
- 4 No works or development shall take place until a schedule of works, method statement and management plan for the restoration, consolidation and maintenance of the ruins has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the areas of linkages between the ruins and new dwelling. The development shall be carried out and maintained in accordance with the approved details.  
Reason: To preserve the historic significance and long-term protection and restoration of the non-designated heritage asset. NPPF Section 16
- 5 Prior to occupation of the dwellinghouse hereby permitted, a management plan for the maintenance of the grounds of the new dwelling and restoration re-building of all garden structures shall be submitted to and approved in writing by the Local Planning Authority. Thereafter any works within the grounds of the new dwellinghouse shall accord with these approved details.

Reason: In the interests of the visual amenities of the site and the area in general and to ensure the character and appearance of the non-designated heritage asset and its setting is preserved and enhanced. Relevant Policy DG1 and NPPF Section 16

6 No works or development shall take place until a structural report and plans (at scale 1:10 or as appropriate) detailing the original footings/structure of the mansion house, and the location and design of new footings and positions of new underground services, within the permitted dwellinghouse has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the site and the area in general and to ensure the character and appearance of the non-designated heritage asset is preserved. Relevant Policy DG1 and NPPF Section 16

7 No works or development shall take place until plans (at scale 1:5, 1:10 or as appropriate) and details of the design features of the dwellinghouse hereby permitted including, windows and glazing, external doors, parapets, balustrades, fenestrations, pergola, hand rails and internal covered courtyard walkway, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these details.

Reason: The submitted drawings are inadequate in these respects and in the interests of the visual amenities of the site and the area in general and to ensure the character and appearance of the non-designated heritage asset is preserved. Relevant Policy DG1 and NPPF Section 16

8 A) No development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
7. Details of salvage, storage and re-use of materials from site

B) The Development shall take place in accordance with the Written Scheme of Investigation approved under condition (A). The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: The site lies in an area of archaeological potential, particularly for, but not limited to, Medieval 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.

9 No part of the development shall be occupied until vehicle parking and turning space has been provided, surfaced and marked out in accordance with the approved drawing. The space approved shall be kept available for parking and turning in association with the development.

Reason: To ensure that the parking facilities are as shown on the approved plans and do not impact on trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.

10 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with the approved drawing. 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 cycle parking is located sensitively within the site to avoid conflict with trees. Relevant Policies - DG1, N6.

11 No part of the development shall be occupied until the refuse bin storage area and recycling facilities have been provided in accordance with the approved drawing. These facilities shall be kept available for use in association with the development at all times.

Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - Local Plan T5, DG1.

12 No development shall take place until full details of both hard and soft landscape works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season following the substantial completion of

the development and retained thereafter 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 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.

- 13 Prior to any equipment, machinery or materials being brought onto the site, revised details of the measures to protect, during construction, the trees shown to be retained on the approved plan, 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.

- 14 Prior to the commencement of development or other operations on site, an arboricultural method statement shall be submitted to and approved in writing by the Local Planning Authority and shall include details of the implementation, supervision and monitoring of all temporary tree protection and any special construction works within any defined tree protection area. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement.

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

- 15 Prior to the commencement of development or other operations on site, details of all services/utilities and drainage shall be submitted to and approved in writing by the Local Planning Authority. This includes the alignment, depth and type, and these works shall be carried out as approved and retained thereafter in accordance with the approved details.

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

- 16 Prior to commencement of the development, an updated Woodland Management Plan (incorporating the recommendations for biodiversity enhancements and management provided in ecological appraisal, BSG 2020 and woodland and biodiversity management plan, U&H, 2020 )shall be submitted and approved in writing by the council. The approved Woodland Management Plan shall thereafter be implemented as agreed.

Reason: To ensure long-term protection and enhancement of the woodland in accordance with paragraph 175 of the NPPF.

- 17 No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

a) Risk assessment of potentially damaging construction activities.

b) Identification of "biodiversity protection zones".

c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction, in particular to nearby Local Wildlife Sites, woodland, GCN, reptiles, hedgehogs, badgers and invertebrates (this may be provided as a set of method statements).

d) The location and timing of sensitive works to avoid harm to biodiversity features.

e) The times during construction when specialist ecologists need to be present on site to oversee works.

f) Responsible persons and lines of communication.

g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To minimise impacts on biodiversity in accordance with Paragraphs 170 and 175 of the NPPF.

18 Prior to commencement of the development, a report detailing any new a scheme detailing the lighting and how this will not adversely impact upon wildlife shall be submitted to and approved in writing by the LPA. The report shall include the following figures and appendices:

- A layout plan with beam orientation

- A schedule of equipment

- Measures to avoid glare

- An isolux contour map showing light spillage to 1 lux both vertically and horizontally and areas identified as being of importance for commuting and foraging bats.

The approved lighting plan shall thereafter be implemented as agreed.

Reason: To limit the impact of light pollution from artificial light on nature conservation in accordance with para 180 of the NPPF.

19 The development shall not commence until a licence for development works affecting bats has been obtained from the Statutory Nature Conservation Organisation (Natural England) and a copy has been submitted to the council. Thereafter mitigations measures approved in the licence shall be maintained in accordance with the approved details. Should the applicant conclude that a licence for development works affecting bats is not required, the applicant is to submit a report to the council detailing the reasons for this assessment, and this report is to be approved in writing by the council prior to the commencement of works.

Reason: The structures host roosting bats which may be affected by the proposals. This condition will ensure that bats, a material consideration, are not adversely affected by the development.

20 Prior to commencement of the development, a Biodiversity Enhancement Scheme (incorporating the recommendations for biodiversity enhancements and management provided in ecological appraisal, BSG 2020 and woodland and biodiversity management plan, U&H, 2020 )shall be submitted and approved in writing by the council. The Approved Biodiversity Enhancement Scheme shall thereafter be implemented as agreed.

Reason: To incorporate biodiversity improvements in and around developments in accordance with paragraph 175 of the NPPF.

21 No development above Ground Finish Floor Level of the development hereby permitted shall take place until full details of measures to incorporate sustainable design and construction measures for the development shall be submitted to and approved by the Local Planning Authority in writing. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure the development is carried out in line with the aims of the application in incorporating high levels of sustainable design and energy efficiency. NPPF section 14

22 Prior to occupation of the dwellinghouse hereby permitted, a residential curtilage plan shall be to submitted and approved by the Local Planning Authority. Thereafter the works shall accord with these approved details.

Reason: The site is in the Green Belt and there is a need to control future development within the grounds of the new dwelling, Relevant Policies - Local Plan GB1, GB2

23 Irrespective of the provisions of Classes A, B and E 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, improvement or any other alteration (including the erection of any ancillary building within the curtilage) of or to any dwellinghouse the subject of this permission shall be carried out without planning permission having first been obtained from the Local Planning Authority.

Reason: The site is in the Green Belt and planning permission is granted in only in light of Very Special Circumstances and changes to the scale and design of the dwelling would undermine this. Relevant Policies - Local Plan GB1, GB2 and DG1.

24 The surface water drainage system shall be implemented and maintained in accordance with the submitted details.

Reason: To ensure compliance with National Planning Practice Guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems, and to ensure the proposed development is safe from flooding and does not increase flood risk elsewhere.

25 Prior to commencement of any works or development in connection with the PV panels, details of their siting, design and construction shall be 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 site and the area in general and to ensure protection of trees. Relevant Policy DG1 and N6

26 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 Due to the close proximity of the site to existing residential properties, the applicant's attention is drawn to the Considerate Constructors Scheme initiative. This initiative encourages contractors and construction companies to adopt a considerate and respectful approach to construction works, so that neighbours are not unduly affected by noise, smells, operational hours, vehicle parking at the site or making deliveries, and general disruption caused by the works. By signing up to the scheme, contractors and construction companies commit to being considerate and good neighbours, as well as being clean, respectful, safe, environmentally conscious, responsible and accountable. The Council highly recommends the Considerate Constructors Scheme as a way of avoiding problems and complaints from local residents and further information on how to participate can be found at [www.ccscheme.org.uk](http://www.ccscheme.org.uk)
- 2 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.