OFFICER DELEGATED REPORT

Reference No.:	14/03143 **Full**
Proposal:	Replacement of brick gate piers and widening of gateway and access track, following demolition of existing brick gate.
Location:	Access Drive To Royal Berkshire County Real Tennis Club And The Lodge Holyport Street Holyport Maidenhead
Applicant:	Mr Burgess
Agent:	Mr John Hunt- Pike Smith And Kemp Rural And Commercial Ltd
Date Received:	9 October 2014
Case Officer:	Alison Cox
Recommendation:	Refuse
Parish/Ward:	Bray Parish

1.0 INTRODUCTION

1.1 The Council receives around 3,000 applications under the Planning Acts each year and it is not therefore practical for all to be determined by Councillors in a public meeting.

1.2 This application is of a nature where the Council's Constitution delegates the authority to make the decision to the Head of Planning & Development rather than it being determined by a Panel of Councillors.

2.0 SUMMARY

2.1 The widening of both the gateway and access track and replacing it with an expanse of tarmac would have an urbanising impact which is not appropriate in a traditional, narrow, unmade street such as this. Whilst actual impact on openness would be limited there would be harm to the character of the countryside which is one of the main purposes of including land in the Green belt. As such the development does not constitute an appropriate form of development in the Green belt. Furthermore, increasing the area of hard-standing through the change of the use of the garden area to hard-standing to be used as part of an access road is also considered inappropriate development. As such the proposal is contrary to the NPPF and Policy GB1 and GB2 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted in June 2003). Officers do not consider that the case of very special circumstances put forward by the applicant overcomes the harm caused.

2.2 Although the plans indicate that the visibility splays would not be solely for the purposes of parking; it is nonetheless considered that parking/waiting/turning/passing purposes amounts to much the same. There is no meaningful soft landscaping proposed (aside from the relocation of an existing Beech hedge) and the development overall is also considered contrary to Policies CA2 and CA6 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted in June 2003).

2.3 The plans indicate that no parking controls would exist over the widened access. Visibility splays out of the access would not necessarily be improved if vehicles continue to park on-street. Notwithstanding this; the proposal is overall considered to comply with Policy T5 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted in June 2003).

3.0 DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

3.1 A vast area of Holyport is protected by virtue of being both in the Green Belt and, additionally a Conservation Area.

3.2 Holyport Street is classified as an adopted mainly residential highway in the form of a cul-de-sac. It is subject to a 30mph speed restriction, it is of varying width, there are no footways and no adopted street lighting. The application site comprises roughly an inverted 'T' shape on the north-west side of Holyport Street. The application site encompasses a length of access drive around 27m with the top of the inverted 'T' taking in part of the front/side boundaries of the residential properties either side of the access (Morris Cottage to the south-west and Rose Cottage to the north-east). The existing access currently serves the Royal County of Berkshire Real Tennis Club, as well as a private dwelling.

3.3 Holyport Street was historically the core street of the original medieval settlement. This is the most densely built area of the Conservation Area with many of the properties on the eastern side fronting directly onto the street with those on the western side set back in small front gardens, bounded by walls and hedges. The properties in Holyport Street are much smaller and stand in smaller grounds; but the street includes (in addition to the listed buildings) several 18th Century buildings, including Vor Cottage, Apple Cottage, Rose Cottages and several groups of Victorian Cottages. On a more intimate scale there are a series of views as one moves north along Holyport Street before it opens out with wider views across open land at its northern end.

3.4 The existing access to the Real Tennis Club is around 6m wide, narrowing to around 3m where the pillars exist. To the left hand side of the access is the front/side gardens of Morris Cottage which contains a boundary of low-key fencing (around 1.2m high) with established beech hedge behind. The fence/hedge abuts the historic wall fronting the terrace of four dwellings and runs parallel to the access track for a length of some 18m or so. The 'apron' of the access is part worn/damaged tarmac and hardcore, separated from the main 'road' by stone sets. To the right hand side of the access is the front/side garden of Rose Cottage which contains a low-key picket fence, the scale of which runs around the entire perimeter of the residential garden.

3.5 The site may well have suffered from surface-water flooding historically nonetheless it is not formally defined as being within either Flood Zones 2 or 3.

4.0 DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

4.1 The application proposes the following:-

- The demolition of the existing gate piers and re-siting them
- Widening the existing vehicular visibility splays
- Widening the existing access track

4.2 The gate piers themselves would be sited marginally further rearwards than their existing location (around 0.7m) but the distance between them would be increased from 3.7m to 4.9m.

4.3 In proposing the widening of the existing access in terms of both visibility splays and passing places on the access drive itself, the existing part front/side of Morris Cottage and the front 4m or so of Rose Cottage garden would be utilised to widen the access and provide pull-in/passing places.

4.4 It is proposed to reinstate the existing boundary treatments using the same materials and styles as the existing, including (where possible) the beech hedge to Morris Cottage. The access apron would be laid with Tarmac, dressed with Golden Berkshire stone and this would continue for a further 5m beyond the reconstructed gate piers.

5.0 MAIN POLICIES RELEVANT TO THE DECISION

Royal Borough Local Plan

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

Issue	Local Plan Policy	Compliance	
Acceptable impact on character and appearance of area	DG1		No
Acceptable impact on Green Belt	GB1, GB2		No
Acceptable impact on highway safety	T5	Yes	
Preserves or enhance Conservation Area	CA2 CA6		No

The Council's planning policies in the Local Plan can be viewed at: http://www.rbwm.gov.uk/web/pp_adopted_local_plan.htm.

The application has also been assessed against and is considered to comply with the Council's 'Sustainable Design and Construction' Supplementary Planning Document (SPD), which can be viewed at: http://www.rbwm.gov.uk/web/pp_sustainable_design_and_construction_spd.htm

This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. The Case Officer has sought solutions to these issues where possible to secure a development that improves the economic, social and environmental conditions of the area, in accordance with NPPF.

In this case the issues have been unsuccessfully resolved.

6.0 EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

i whether the proposal amounts to appropriate development in the Green Belt, and if not whether there are any very special circumstances that clearly outweigh the harm caused to the Green belt by reason of its inappropriateness and any other harm caused by the proposal; and

ii whether the proposal preserves or enhances the character of the Conservation Area

iii the impact on highway safety in the area

iv the living conditions of the neighbouring properties

Green Belt

6.2 The application area is located in the Green belt. Policy GB1 of the local plan cites that approval will only be given, save in very special circumstances, for (amongst other types of development) engineering and other operations and the making of material changes in the use of land; providing such maintain openness and do not conflict with the purposes of including land in the Green belt. There are five purposes of including land in Green Belts:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns from merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

6.3 It is widely accepted that the garden areas indicated within the extent of the red-outlined site plan belong to the applicant and not the occupiers of the properties. Nonetheless, the two areas both

have the very clear character of appearing as respective 'curtilage' gardens, containing such features as play-equipment, ornamental shrubs/bushes and seating. The Local Planning Authority cannot agree with the observation made in the Design & Access Planning Statement, paragraph 4.1.3 which states "There is no change of use associated with the proposal."

6.4 The Council's Green Belt policies are not up-to-date guidance; the NPPF carries more weight than the Local Plan. Paragraph 90 of the NPPF does not list changes of use as being appropriate development in the Green belt.

6.5 Additionally**,** Policy GB2 cites that permission will not be granted for new development or the redevelopment, change of use, or replacement of existing buildings within the Green belt if it would have a greater impact on the openness of the Green belt or the purposes of including land in it than an existing development on the site. The rural character of the countryside would be harmed through the loss of trees and the creation of an extensive hard-surfaced area.

6.6 Increasing the area of hardstanding through the changing of the use of the garden area to hardstanding (irrespective of whether it is for parking/waiting/turning/passing vehicles) would be harmful to the character of the countryside. Furthermore, this part of the street reflects the intimate character of the historic core of the village. The cumulative result of the loss of the soft landscaping, delineating the unassuming entrance to the driveway and replacing it with an expanse of tarmac would have an urbanising impact which is not appropriate in a traditional, narrow, unmade street such as this.

Very Special Circumstances

6.7 Paragraph 88 of the National Planning Policy Framework states "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' (VSC) 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".

6.8 The Design & Access Planning Statement, in section 5. 'Justification' the following:-

"Holyport Street itself is narrow with no pavements and virtually no provision for off road parking, as a consequence the majority of houses on Holyport Street must park their cars on the road outside their houses. This has the effect of making an already narrow street even harder to negotiate. In many cases cars are often parked very close to the access to the Tennis Club making it even harder for cars to turn in and out.

The improvements to the access will allow two cars to pass within the access as well as allowing two cars to pass in the track beyond the access. This will help maintain a freer flow of traffic on Holyport Street and potentially reduce conflict with pedestrians. The improvement to the access and widening of the track may even encourage local members to walk to the club as opposed to driving thus reducing traffic movements.

As well as reducing the need for cars to shuffle backwards and forwards along Holyport Street, the improved visibility will give drivers a better view, meaning that if there are any vehicles, cyclists or pedestrians coming down the road drivers will be able to see them and can wait in the access, rather than the current position whereby cars have to drive almost all the way out of the access, before they have a clear view of the highway. The current Highways Design Standards recommend that where the speed of the road is 20mph the y visibility in both directions should be 25m where the x distance is 2.4m from the edge of the highway. It is clear that the existing access does not provide anywhere near this level of visibility."

6.9 The Highway officer has confirmed that "The access has been in operation for some years without incident, the reportable injury accident database has been interrogated and there have been no reportable injury accidents at the access in the last 10 year and only one at the junction of Holyport Street with Holyport Road."

6.10 This access road is not heavily used and comments from local residents do not seem to support the applicants case. Given the substantial weight that has to be given to any harm to the Green belt the improvements to this junction do not amount to VSC which would clearly out weigh harm to the Green Belt and any other harm given that there appears to be no current strong safety objection to the existing access. Further, in purporting that the development will maintain a 'freer' flow of traffic; the plans indicate that no parking controls would exist over the widened access. Visibility splays out of the access would not necessarily be improved if vehicles continue to park on-street. As such the proposed VSC are not considered to overcome the harm to the Green Belt and any other harm.

Conservation Area

6.11 Policy CA6 states that the Borough Council will (1) expect any new car parking provision within conservation areas to be sensitively designed and incorporate appropriate hard and soft landscaping (2) not permit the conversion of front garden areas to car parking and (3) seek improvements to existing car parking arrangements through revised layouts and landscaping. Policy CA2 requires that new development in a Conservation Area should enhance or preserve the character or appearance of the Conservation Area.

6.12 The streetscape and the treatment of the spaces between buildings can be as important to the appearance of a conservation area as the buildings themselves. Every effort should be made to improve the quality of materials, street furniture, and landscaping and their maintenance within conservation areas. The Local Planning Authority will need to be satisfied that any new development would preserve or enhance the character or appearance of the conservation area, before granting any approval. The loss of significant features will generally be opposed, as it is likely they will have an historic character that cannot be replicated by development. Inappropriate changes of use can detract from that character in terms of both the alterations to the building/open space and the altered pattern and level of activities resulting from the new use. Once a change of use has been permitted, it can be difficult to resist further minor changes and alterations that can be considered normal requirements of that use, but may nevertheless detract from the character of the conservation area.

6.13 With regard to the effect on the character and appearance of the Conservation Area, the scheme would result in the loss of a large proportion of land which has the *characteristics* of residential garden, replacing it with areas of tarmac. The cumulative result of the loss of the soft landscaping (gardens) which delineate the unassuming entrance to the driveway and replacing it with a large expanse of [modern] tarmac would have an urbanising impact which is not appropriate in a traditional, narrow, unmade street such as this. The only landscaping proposed is the relocation of the existing Beech hedge (which is currently maintained by the owner of Morris Cottage) no other soft landscaping is proposed. The proposal is therefore contrary to DG1, CA2 and CA6 as it would neither preserve of enhance the character or appearance of the Conservation Area.

The Living Conditions of the Neighbouring Properties

6.14 The NPPF advises that development should not significantly affect neighbouring occupiers' amenities.

6.15 The owners of both Morris Cottage and Rose Cottage (sited either side of the access) are well aware that the areas proposed for conversion are outside of their ownership; as such these areas are 'borrowed' for the enjoyment of their amenity. It would be difficult to justify the harm to their amenity on the grounds that the garden areas to be lost don't belong to them.

7.0 CONSULTATIONS CARRIED OUT

Comments From Interested Parties

Fourteen contributions were received objecting to the application summarised as:

Comment	Officer Response
Green Belt	Paragraphs 6.2 to 6.10
Conservation Area	Paragraph 3.1
Flooding	Paragraph 3.4
Application not Needed/ Necessary and/or the future planning-intentions for the site	The motives, the applicant's personal conduct or history of an applicant are not a material consideration in the determination of a planning application.
Just Repair the Gates	Noted
Highway Improvements/ Parking	
The Real Tennis Club only has one Real Tennis Court	Noted
Lodge Farm is Green Belt Land currently under consideration in RBWMs Edge of Settlement Analysis for the New Local Plan and is identified as Area 7 A.	Noted; the Edge of Settlement Analysis has not been adopted as Supplementary Planning Guidance yet. Accordingly, very little weight can be attributed to its contents.
The gateway is poorly identified as being at Holyport Real Tennis Club, as the Tennis Club has not asked for this alteration and has no part in the matter.	Noted

Statutory Consultees

Comment	Officer Response
Parish Council - Recommended for refusal on the following grounds:- Inappropriate development in the Green Belt and intensification in a conservation area which contravenes GB1, GB2 CA2, CA6.- Negative impact on the street scene.- Objections from local residents, Holyport Residents Association and Holyport Preservation Society.	Agreed

Councillor Walters requested (for reasons in the public interest) a referral to a Development Control Panel for a decision in the circumstances of the application being recommended for approval. As the application is recommended for refusal the application is not being referred to the Development Control Panel.

Other Consultees and Organisations

Comment	Officer Response
The Highways Officer states that "There will be no highway objections subject to the inclusion of various conditions and informatives.	Noted

8.0 RECOMMENDATION

Refuse planning permission for the following reason(s):

Reasons

1 The proposal represents inappropriate development in the Green Belt contrary to saved Policy GB1 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations adopted June 2003). Inappropriate development is by definition harmful to the Green Belt and the applicant has failed to demonstrate that any very special circumstances exist that clearly outweigh the harm caused by the reason of inappropriateness and the other harm identified in subsequent reasons for refusal.

2 The proposal would harm the character of the countryside because of the urbanisng impact such a large expanse of hardstanding would have on the character and appearance of the area as such the proposal is contrary to saved policy GB2 (B) of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations adopted June 2003).

3 The proposed development would have an urbaning impact harmful to the character and appearance of the Conservation Area. As such the proposal fails to preserve or enhance the character and appearance of the Conservation and is contrary to Policies CA2 and CA6 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted in June 2003).