

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

**MAIDENHEAD DEVELOPMENT CONTROL PANEL**

15 March 2017

Item: 4

<b>Application No.:</b>	16/02814/FULL
<b>Location:</b>	Land At BCA And Bordered By Main Buildings To North And Dellars Copse To South Burchetts Green Road Burchetts Green Maidenhead
<b>Proposal:</b>	Development of a care village comprising of a 50 bedroom care home, village care and wellbeing centre, 26 assisted living units, 82 independent living units, landscaping, parking and associated new access drive
<b>Applicant:</b>	Berkshire College Agriculture
<b>Agent:</b>	Mr D Bond
<b>Parish/Ward:</b>	Hurley Parish/Hurley And Walthams Ward
<b>If you have a question about this report, please contact:</b> Victoria Gibson on 01628 685693 or at victoria.gibson@rbwm.gov.uk	

**1. SUMMARY**

This report demonstrates that the quantum of development proposed exceeds what is necessary to carry out the stated repairs and enhancements of the heritage assets and clear the colleges debt taking into accounts the costs associated with providing the development and allowing the developer a fair profit.

- 1.2 Fundamentally, the Very Special Circumstances put forward do not clearly outweigh the harm to the Green Belt and the other harm identified and there is not a case of public benefits which would outweigh the significant (less than substantial) harm to the heritage assets that are considered to be of national importance. Also, the applicant's assessment of the Heritage Asset and the Conservation Management Plan are considered wholly inadequate and the proposal fails to meet the tests for enabling development. Furthermore there is no evidence contained with the application to confirm that failure to approve this application would impact the educational opportunities for young people.
- 1.3 The development would also result in harm to the character and appearance of the area and result in an unacceptable loss of trees. Furthermore, it has not been demonstrated that the development would not increase the risk of flooding in the area or that it's impact on ecology and biodiversity can be adequately mitigated. These harms are not considered to be significantly and demonstrably outweighed by the socio- economic benefits of the scheme.
- 1.4 With regard to the issues raised in paragraph 1.3 the applicant has submitted more technical data in relation to these matters. This will be assessed and the conclusions reported in the Panel Update Report.
- 1.5 A site location plan, site layout plan, floor plans and elevations are attached at **Appendix A and B.**

**It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 10 of this report):**

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| <b>1.</b> | <b>Substantial harm to the Green Belt through i) inappropriate development, ii) significant loss of openness by reason of the developments scale and siting iii) contrary to one of the main purposes of the Green Belt i.e. to protect the countryside from encroachment. There are no 'Very Special Circumstances' to outweigh this harm and the harm identified below.</b> |
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2.	<b>Failure to adequately assess the Heritage Asset and significant harm (less than substantial) to the setting of the Listed Building and the Historic Garden given the developments size, siting and poor design which is derived by moving the vernacular architecture of the village so that it stands cheek-by-jowl with the refined architecture of the principal house and clearly misunderstands the significance of the house and its landscape setting. This harm is not outweighed by public benefits. Furthermore the proposal fails to meet the tests of enabling development.</b>
3.	<b>Harm to the character and appearance of the area as a result of the siting, scale and layout of the buildings and new access road along with associated paraphernalia which would have a harmful urbanising affect at odds with the both the rural undeveloped character of the area and the character of the cluster of built form within it which makes up the college.</b>
4.	<b>The proposal would result in the loss and the potential loss of trees which are considered important landscape features and are covered by a Tree Preservation Order. Their loss would be harmful to the character and appearance of the area.</b>
5.	<b>It has not been demonstrated that the proposed development would not cause harm to the two adjacent wildlife sites, priority habitat area or protected species namely great crested newts and bats.</b>
6.	<b>The proposal would increase flood risk from surface water, in the absence of evidence to the contrary.</b>

## 2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Kellaway given the amount of public interest and irrespective of the recommendation of the Head of Planning.

## 3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 BCA is an extensive and largely open site in the Green Belt relatively close to the north-western margins of Maidenhead. The nearer of two local villages to it is Burchett's Green which sits due south-east of the College campus at a distance of about 0.5 km
- 3.2 Within the greater BCA site the development envelope including much of the campus area covers about 6.8 hectares of land. It has a length of about 690 metres due north to south, and a maximum east to west width of about 175 metres.
- 3.3 Hall Place, the principal College administration building, is a Grade 1-listed structure, and there are a number of other structures and statuary around the site which are also protected by individual listing.
- 3.4 The BCA site is also crossed by public rights of way, and an extensive part of it, centred on the impressive Lime tree avenue approach from Burchetts Green Road, has been designated as Historic Parkland by English Heritage.
- 3.5 The area of land, which is the subject of this proposal, is located in the north eastern corner of a larger field, which is currently used for grazing and an activity area known as "High Wires". Previously the field had been developed as a short golf course as part of the college's green-keeping course and this previous development is still evident from the condition of the land. The site lies alongside BCA's main campus. The applicant has advised that the current use is to be relocated to the north. The applicant considers this would be better related to other educational facilities planned to the north of the development envelope strip.

### Historical Context of the Site

- 3.6 The manor of Hurley existed before the Norman invasion in 1066, when it was granted to Geoffrey de Mandeville, who founded Hurley Priory adjacent to the River Thames. Hall Place (also known as La Halle or The Hall), a recognisable estate in the 13th and 14th centuries, was assigned to the Priory in 1372. It was among the Priory's possessions at the Dissolution in 1536. The estate was then variously owned in the 16th and early 17th centuries.
- 3.7 In 1690 Sir Jacob Bancks, a Swedish diplomat who took English nationality, purchased the estate. According to the Victoria County History of Berkshire (VCH), the house he lived in until his death in 1724 was substantially larger than the present building: a sale plan of 1725 is mentioned in VCH and in Oswald (1938) but no source given. The purchaser was Richard Pennel, who sold the estate in 1728 to William East, a London lawyer who was then renting Kennington Manor, a former royal palace in south London.
- 3.8 East pulled down the old Hall Place and built the main house visible today. The house and its extensive estate (1,121 acres) remained in his family until the death of Sir Gilbert East in 1828, when it passed to a nephew East George Clayton, who took the name East. Sir Gilbert Augustus Clayton East (d. 1925) was responsible for several alterations to the house and its adjacent buildings. By then consisting of some 3,000 acres, the estate remained in the ownership of the Clayton East family until the Second World War, when it was requisitioned by the government and used by the Trinidad Leaseholds Oil Company. The house and 1,025 acres of the estate were compulsorily purchased by the Ministry of Agriculture in 1943. It was sold in 1948 to Berkshire County Council for the establishment of the Berkshire Institute of Agriculture (484 acres, renamed Berkshire College of Agriculture in 1968) and the separate Grassland Research Institute (541 acres). Adaptation of the college's estate for teaching purposes brought about further changes to the existing buildings and landscape as well as new buildings to meet educational needs.

### Heritage Assets

#### **Listed buildings**

The College's estate contains the following listed buildings:

- Hall Place, 1728-1735, described as extended and altered in 20th century, Grade I (listed 1955)
- Garden Cottage, 17th-century, rebuilt 18th century, extended mid 19th century, Grade II (listed 1987)
- Stable Block, described as 18th-century, Grade II (listed 1987)
- Wall and Gate Piers, early 18th-century, Grade II (listed 1987)
- Bee House, late 19th-century, restored in 1976, Grade II (listed 1987)
- Statue 45 metres south of the Main House, early 18th-century, Grade II (listed 1987 –Urn and statue missing when garden was registered in 2004)
- Statue 500 metres north of the Main House, early 18th-century, Grade II (listed 1987)  
Adjacent to the eastern avenue, near the entrance from Burchett's Green Road, are late 18th-century Applehouse Farmhouse, its stables and its barn all separately listed at Grade II.

Other buildings are listed by virtue of falling within the curtilage of Hall Place.

#### **Historic landscape**

Hall Place Garden was added to the Register of Parks and Gardens at Grade II in 2004. Additionally a small section of the south-western boundary of the estate borders the small and compact Burchett's Green Conservation Area, which was last appraised in 2008. The Conservation Area includes Hall Place Lane, which formed the village drive and entrance into the estate. Four listed buildings front the Lane, including The Dower House, which was used by several members of the families living in Hall Place.

#### **4. BACKGROUND INFORMATION REGARDING BERKSHIRE COLLEGE OF AGRICULTURE (BCA)**

- 4.1 The college offers a variety of further and higher education courses for students aged 16 and over. Historically BCA has concentrated on providing land based and agriculture study programmes, however its curriculum has adapted over time to provide a wider range of courses including sport and leisure, public services, animal management, equestrian studies, art and design, motor vehicles, hair and beauty, floristry, childcare, horticulture and foundation studies including provision for learners with profound and multiple learning difficulties. As of February 2016 there were 1,570 students enrolled on courses.
- 4.2 BCA experienced a 23% rise in new 16-18 enrolments in between 2011 and 2015, applications for full time courses for 2015-2016 are currently projected to be 2% ahead of the previous year. The BCA Strategic Plan identifies a small but steady level of growth in student numbers over the next 5 years.
- 4.3 There are 307 (245 FTE) members of staff currently employed at the college and 55 working in other on-site businesses for example Busy Bees nursery. The applicant advises that most members' of staff are employed on permanent or fixed term basis which allows for continuity of educational quality in meeting the needs of the students.
- 4.4 The number of students attending the college is steadily increasing and as a result its catchment area has grown beyond the Maidenhead Area, including High Wycombe, Thame, Henley, Reading, Bracknell and West London. The importance of BCA is reinforced by the limited number of other further education opportunities available locally. There is only one other college within the borough offering further education East Berkshire College.

#### BCA Future Status

- 4.5 BCA has recently undergone a significant period of major investment of £21m over 8 years which was considered by the applicant essential to upgrade existing dated facilities and provide a high quality education offer for the increase in student numbers seeking to attend the college. The applicant advises that the investment has been funded through government capital grants (about 30%), by disposal of assets on the periphery of the estate and by £6m of long term borrowing from Lloyd's PLC. BCA has been placed and remains under Financial Notice of Concern by the Skills Funding Agency (SFA) since November 2013.
- 4.6 A 3 year financial model submitted by the applicant indicates that through careful planning and management the college can return to a satisfactory health rating in 2015-2016 and a good rating for 2016-2017. The targeted growth in student numbers to achieve 1,600 full time equivalent students by 2019-2020 will mean that the college's revenue would represent a sustainable economic position whereby assets can be maintained into the future. Whilst these measures will allow for the completion of the existing campus development projects and a restructure of the balance sheet, they will not clear down the existing debt profile. In addition there is an ongoing requirement to undertake essential repairs and maintenance of the Grade 1 Hall Place and grounds as identified in the Heritage Assessment and draft Conservation Management Plan which are all discussed further in this report. It is clear that the college has not been managing the heritage assets and damage to buildings has been the result.
- 4.7 The applicant is therefore presenting the case that other sources of funding are necessary to ensure the long term stability of the college and preservation of important Heritage Assets. Allowing development to 'enable the restoration and maintenance of Heritage Assets' is a well

accepted practice in planning law and supported in national planning policy as Enabling Development. This part of the proposal forms a valid part of the decision making progress and is discussed in full later in the report and concluded upon in the planning balance.

- 4.8 With regard to clearing the colleges existing debt profile the most substantial asset of BCA is the estate itself and the applicant is advancing the case that parts of the estate will need to be released in order to pay down the remaining debt and that this approach is consistent with Central Government Policy and the announcement by the Skills Funding Agency to all further education and sixth form colleges that they are to identify surplus land and dispose of it in order to improve their financial health (see **Appendix C** for full letter). The Government is therefore encouraging colleges to make better use of existing assets. In the context of BCA that is its estate.
- 4.9 Whilst the government is encouraging colleges to make better use of existing assets this is not a green light to allow development that does not accord with planning policy and/or to create an asset where there isn't one. This land is heavily constrained and therefore in real terms it's potential as an asset is limited. (The college has sold off £4 million worth of assets already primarily consisting of staff houses which have been sold to private owners.)
- 4.10 The Department of Education has also produced a report, 'Thames Valley Area Review' which is one of 40 local area reviews to be completed by March 2017 covering all general further education and sixth form colleges in England. The report promotes the merger of BCA with either The Henley College or Abingdon and Witney College. It states that a partnership between 2 colleges would create a stable and viable institution with the potential for greater efficiencies and the development of better progression routes for learners. Whilst the Department of Education report concludes that BCA is not independently viable, plans are explored in this document to secure its future and this appears at odds with the appellant's submission that in all likelihood the college would be sold and broken up. A further update as to where the college is with regard to a merger will be reported in the Panel Update.
- 4.11 In the determination of a planning application the Local Planning Authority is required under planning law to assess a proposal against the relevant Development Plan policies unless there are material considerations which indicate otherwise. Planning Practice Guidance advises that "planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations".
- 4.12 The college's financial situation and the Government's Introduction of an insolvency regime for Higher Education establishments is considered to constitute a material consideration as the repercussions could impact the education use of the land which is in the public interest. However, when assessing financial matters as a material consideration it is necessary to assess precisely who the said benefits accrue to, and attribute weight accordingly.

## 5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY (LAST 5 YEARS)

Ref.	Description	Decision and Date
12/01848	Erection of four temporary teaching buildings [8 classrooms] in the same location as for the 2008 consent [08/00582].	A.13.11.2012
12/02994	Replacement Sports Hall.	A. 31.01.2013
13/00858	Second Biomass energy Centre.	A.09.05.2013
13/00860/	Works to underpin curtilage-listed wall and provide new pipeline run beneath it.	A.09.05.2013
13/00876	End extensions to existing menège, with second less wide menège adjacent to it, surround fencing, access	A. 13.06.2013

	gates and landscape [tree] planting.	
13/01233	3No. box cabins to provide temporary changing facilities whilst new Sports hall is constructed.	A.25.06.2013
13/01397	2No. additional temporary teaching facilities located as 12/01848 above.	A. 18.06.2013
13/01926	New single storey 'Animal Care Facility' building.	A 4.07.2013
13/02036	Construction of a 2-storey detached teaching building to become the 'Technology Research Centre' (TRC).	A 27.09.2013
13/02265	Construction of a replacement Sports Hall	A 17.10.2013
13/03326	Erection of a temporary lambing marquee	A 16.01.2014
14/02172	Two single storey dog kennels.	A 25.09.2014
15/04083	Erection of temporary marquee	A 19.01.2016
15/03976	Notification to determine whether prior approval is required for an agricultural poly tunnel.	R 29.12.2015
16/02697	Erection of a polytunnel.	A 11.10.2016

The above table covers the most recent history of the site for the BCA campus as a whole. There is no relevant planning history directly relevant to the application site as denoted under this application other than the change of the use of the land to a golf course in 1990.

- 5.1 A number of alternative development options have been considered on the BCA estate. These include office, residential and retail uses. Although these represent high value uses, they also result in high impacts, particularly in terms of traffic. A comparative matrix of alternative use options put forward by the applicant is set out below.

Use	High Value	Low Impact Traffic	Synergy with College	Conservation
Garden Centre	N	N	Y	Y
Golf Course	N	N	N	Y
Agriculture	N	Y	Y	Y
B1 Office	Y	N	Y/N	Y
B2 Units		N	Y/N	X
B8 Storage	N	N	N	X
Educational Uses	N	N	Y	Y
C3 Residential	Y	N	N	Y
A1 Retail	Y	N	Y/N	X
C2 Care Village	Y	Y	Y	Y

Please note that Officers do not agree with the conclusions of this table with regard to the Conservation impact of the alternative developments.

- 5.2 Based on the above assessment the applicant considered that a care village with low traffic movements was considered the most compatible.

#### Proposed Development

- 5.3 The proposed development as a care village will be a C2 Use comprising a range of elderly accommodation for people requiring care, ranging from a Care Home where full time care is required, through Assisted Living Units (ALUs) where a larger degree of care is required, to Independent Living Units (ILUs) where a limited amount of care is provided, but still required. A

condition would be attached to any planning consent to ensure that the care village was occupied as a C2 use.

- 5.4 The accommodation is so designed to give prospective residents a variety of living options comprising 82 ILUs, 26 ALUs and a 50 bed Care Home, all with use of the Village Care Centre.

The accommodation is comprised of:

<b>The ILUs will comprise:</b>	
Bungalows	The 'Bungalows' will be single storey units with ridge heights of up to 7.0m
Cottages	These are chalet-bungalows, meaning that they are single storey buildings, with an additional bedroom at first floor level, but entirely designed within the roof void by the addition of a dormer window. Ridge heights will be up to 8.8m.
Maisonettes	These would be two storey buildings. The ground floor unit would have front door access directly off the ground, and the upper floor units (usually two) will be accessed by way of shared lift and stair. Overall ridge height 10m.
Apartments	In some blocks the roof void will be used to provide additional units on a second floor level. As with the cottages, this will not result in additional height, the accommodation only manifesting through roof dormers. Overall ridge height 10m.
<b>ALU's will comprise:</b>	
Apartments	Which make up the first and second floors of the Village Care Centre and are principally for individuals who have a higher dependency for care
<b>Care Home will comprise</b>	
50 care bedrooms.	The Care Home will comprise a building of two floors. The ridge height will be at a maximum of 9.5m above ground floor level. The building would have a width and depth of approximately 50m.
<b>The Village Care Centre will comprise</b>	
The Village Care Centre will comprise administration and reception areas, a restaurant with private dining area, cafe, bar, snooker room, delicatessen, hairdresser and nail bar, and a cinema. In addition, a Wellness Centre will include a pool, sauna and steam rooms, jacuzzi, studio/gym and changing rooms, along with treatment rooms. These facilities will not be able to be accessed by the general public.	This building will be two and a half and three storeys, with a maximum ridge height that would not exceed 12.2m with the pool being within a single storey extension. The centre has an overall width of 75m and depth of 48m.

- 5.5 The buildings are to take on a 'traditional' appearance with cues influenced by the existing heritage buildings on the estate, neighbouring villages, and reflective of the local, varied vernacular of buildings, which adopt a variety of forms and shapes and have been articulated with bays, gables, dormers, balconies etc. all of which serve to add interest and variety.

- 5.6 Access to the care village will be via the existing drive from Burchett's Green Road and then via a new drive as shown in drawing number 65035-TS-002 which will turn south from the main drive about 550m from the college gates. This will then turn west and connect to the existing internal road which runs south from Hall Place and serves the sports hall car parking and Busy Bees

nursery. The new drive will be used by the Busy Bees nursery and will enable the separation of vehicle and pedestrian movements by staff and students of BCA from those related to the nursery and the care village. The new drive will require a reconfiguration of the sports hall and nursery car parks.

- 5.7 The existing sports hall car park is a mix of surface finishes and the existing markings are faded. It currently operates with a one-way loop in conjunction with the drive along its eastern side. It provides about 65 spaces although due to the sub standard size of the spaces and faded line markings this number is unlikely to be achieved. The revised car park layout would provide 53 spaces including 2 for disabled users which is akin to what can currently be provided on site.
- 5.8 Changes will also be made to the car park serving the Busy Bees nursery to avoid the use of the access drive for informal parking which currently takes place. The nursery has 16 parking spaces at present although a number of these are hatched and are used as a drop off area. The new layout will provide 15 parking spaces and 4 drop-off spaces. There are no planning conditions attached to previous decisions which would restrict the changes to the existing car parking arrangements. No new hardstanding would be created rather it is a re organisation of spaces on existing hardstanding area. Within the care village 164 car parking spaces would be provided.
- 5.9 A central island is also proposed opposite the main access to BCA which will provide a pedestrian crossing point and encourage cars to turn left towards the A4130/A404. It is also proposed to relocated the bus layby further north from its current position
- 5.10 New groups of trees would be planted to try and filter the views of the Care Village from the Chiltern Way public footpath route to the south. With a view to enhancements of the historic landscape setting the applicant proposes the reinstatement of the southern lime tree avenue with the removal of existing young trees and replacement with semi-mature lime trees. Furthermore, the replacement of the older oak trees with lime trees along the avenue, as and when the oaks die or need be replaced on safety grounds would be carried out. Further replacement trees will be considered to replace the poor quality Battle of the Nile trees as part of the parkland restoration.
- 5.11 Within the proposed site itself, standard, extra-heavy standard and semi-mature trees will be planted to soften the built form and help to assimilate the buildings into the surrounding landscape. Beech hedges will be incorporated to delineate between private and semi-private spaces. The new buildings will be surrounded by a landscaped area, (outside the red line) which will include a recreational walking path, new trees and wildflower meadow areas. A metal estate railing will demarcate the Village boundary.

## 6. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

### 6.1 National Planning Policy Framework

Sections 4 Promoting Sustainable Transport,  
 Section 6 Delivering a wide choice of high quality homes,  
 Section 7 Requiring Good Design,  
 8 Promoting Healthy Communities,  
 Section 9 Protecting Green Belt Land,  
 Section 11 Conserving and Enhancing the Natural Environment,  
 Section 12 Conserving and Enhancing the Historic Environment.

### Royal Borough Local Plan

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

Green Belt	Housing Design	Conservation and Listed Buildings	Highways and Parking	Trees and Ecology
GB1 and GB2	DG1,	LB2, HG1	P4, T5	N6 N9



These policies can be found at

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

### **Hurley and the Walthams Neighbourhood Plan (2015-2030)**

- 6.3 This neighbourhood plan has been through an examination (Jan 2017). The examiners report has been received and the next stage is for the Council to issue a decision notice on the plan before conducting a referendum. Given that this plan is a considerable way through the plan making process some weight can now be made to its policies.

The main policies that apply to this proposal are as follows:

ENV1 – Sustainable Development

ENV2 – Climate Change, Flood and Water Management

HUR1 – Housing schemes in Hurley

HUR2 – Berkshire College of Agriculture (Examiner recommends that this policy is deleted)

GEN2 – Quality Design

T1 – Accessibility and Highway Safety

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

- 6.4 Other Strategies or publications relevant to the proposal are:

- RBWM Landscape Assessment
- RBWM Parking Strategy

More information on these documents can be found at:

[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)

## **7. EXPLANATION OF RECOMMENDATION**

- 7.1 The key issues for consideration are:

- i Whether the development constitutes an appropriate form of development in the Green Belt and impact on openness;
- ii Impact on Heritage Assets and the case for Enabling Development;
- iii Impact on the character and appearance of the area including trees;
- iv Highways;
- v Impact on Public Rights of Way;
- vi Impact on neighbouring amenities;
- vii Sustainable Drainage;
- viii Ecology;
- ix Sustainability;
- x Viability Assessment;
- xi Other Considerations; and
- xii Planning Balance.

### **Whether the development constitutes an appropriate form of development in the Green Belt and impact on openness**

- 7.2 The fundamental aim of Green Belt policy, as set out in paragraph 79 of the NPPF, is to prevent urban sprawl by keeping land permanently open. Paragraph 89 of the NPPF indicates that with some exceptions, the construction of new buildings is inappropriate development in the Green Belt. Although the Local Plan pre-dates the publication of the NPPF, Policy GB1 adopts a broadly similar approach to national policy.

- 7.3 The care village and all of the associated development, access and parking is inappropriate development in the Green Belt and, by definition harmful. It is also considered to cause harm to openness and it would conflict with one of the purposes of Green Belt namely “to assist in safeguarding the countryside from encroachment.” (as described by Paragraph 80 of the NPPF).
- 7.4 The National Planning Framework makes it clear that one of the essential characteristics of Green Belt is openness. The physical presence of a collection of buildings consisting of a building envelope approximately 180m long by 120m deep reaching an overall height maximum of 12.2m together with the presence of 164 parking spaces would result in a significant physical reduction in openness across the site.
- 7.5 The proposals are contrary to Policy GB1 and GB2 (A) of the Local Plan and NPPF paragraphs 89 and 90. The NPPF states that inappropriate development should not be approved except in very special circumstances. ‘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. The NPPF also indicates that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. The applicant has made a case for VSC and this is considered at the end of the report under the ‘Planning Balance’ after consideration of all the other issues, including whether there is any other harm.

### **Impact on Heritage Assets and the case for Enabling Development**

- 7.6 The NPPF requires that, *“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.”*
- 7.7 The Conservation Officer’s comments set out in detail the significance that they consider should be given to the Heritage Assets and why. In summary, it is considered that Hall Place (Grade I listed building) and the historic landscape (Grade II) both have national significance, with the historic landscape also forming part of the setting of the Grade I listed asset. Furthermore the setting of the historic park also includes the environment and landscape beyond the park. The importance of the heritage asset is at the highest level. In terms of the NPPF this means that the local authority is justified in requiring a high level of detail in assessing the significance of the heritage assets and their setting.
- 7.8 The applicant’s Heritage Assessment is a long document, heavily illustrated and spaced. The main sources for this assessment appear to be: two *Country Life* articles dating to 1938; a sequence of historic maps; and direct observation and professional judgements of the author.
- 7.9 The vast majority of the document is devoted to the history and description of the assets. One page is devoted to significance (Page 33). The Heritage Statement seems to consider ‘setting’ only in terms of views, and only to consider as significant the views that are available from the public domain. The NPPF defines setting as, “The surroundings in which a heritage asset is experienced....” (A copy of NPPF, Annex 2, Glossary, Setting of a heritage asset - is attached at **appendix D**). Experiencing a heritage asset can take many forms. It is not confined to views of the heritage asset by members of the public from the public domain. Many of the nation’s most significant heritage assets are not accessible to the general public (large parts of Windsor Castle for example). This does not diminish their significance as heritage assets. Heritage assets are ‘experienced’ by visitors, people who work and/or live there, and in the case of BCA by students. The purpose of conservation is that they will also be experienced by future generations.
- 7.10 The Heritage Statement does not assess significance at a level of detail appropriate to the asset’s significance. Whilst there is no universally accepted scale of significance, in a case such as this where the assets are complex, the significance very high and the proposed development is very extensive, such a level of detail is justified. The Heritage Statement’s approach to ‘setting’ is too limited, concentrating on publicly available views rather than ‘The

surrounding in which the heritage asset is experienced”. In terms of the Heritage Asset’s physical presence, when dealing with views in the Heritage Statement, these tend to be thought of as view cones rather than as a whole visual experience. The physical works/repairs proposed to the Listed Building set out in the Heritage Statement would remedy the lack of maintenance but would not then be supported by any detailed programme of ongoing maintenance. In conclusion initially there would be a benefit to the physical presence of the building but it has not been demonstrated that this would be maintained.

7.11 During the pre application process the applicant was advised to prepare a Conservation Management Plan. Such a plan would normally be intended to inform all stakeholders as to the policies that would be adopted to secure the future of the heritage assets and to assist in both strategic and day-to-day decision making; it would not be unusual for an estate of this size and significance yet such a plan has not been properly prepared.

7.12 The document prepared for BCA does not follow best practise and in fact only appears to differ from the Heritage Statement in so much as it omits the sections on Proposals and on Heritage Planning Policy and Guidance; substituting three pages containing sections on Issues and Opportunities, and Heritage Strategy. The ‘strategy’ consists of catching up with essential backlog maintenance and also proposes a set of landscape enhancements. The short section on ‘Planned Maintenance’ lists eight items referred to as “The proposed maintenance work could include the following....” Under the heading ‘Landscape Enhancements’ a similar list of seven items has the same non-committal introduction. The Plan rightly identifies urgent maintenance issues. However, this is not by any definition a plan or a strategy that recognises the significance of the heritage assets (setting and physical presence) or the scale of the programme necessary to preserve and enhance them. The list of proposed works can be found at **Appendix E**.

7.13 The NPPF also places considerable weight on high quality design with paragraph 56 stating, “*The government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.*” The Design and Access Statement describes the appearance of the new development as follows: “*The buildings are to take on a ‘traditional’ appearance with cues heavily influenced by the existing heritage buildings on the estate, neighbouring villages, and reflective of the local, varied vernacular. The design has been significantly informed by the submitted Heritage Assessment in this respect. The buildings, which adopt a variety of forms and shapes as described previously, have been articulated with bays, gables, dormers, balconies etc., all of which serve to not only add interest and variety, but to break up scale to present a scheme that will be wholly ‘domestic’ in feel.*”

7.14 This description of the design and style of the proposed buildings is entirely accurate. However, in the context of a gentleman’s country house in a parkland setting, this design is entirely inappropriate. One of the main purposes of the park is to put distance between the polite architecture of the house and the vernacular buildings of the village. The main house at Hall Place is a high-status country residence. It deploys many of the elements of classical architecture, but in a restrained manner. Internally, the status of the owner is signalled by the size and arrangement of the rooms and their elaborate decoration. Externally this message is conveyed by means of distance, space, a formally arranged landscape and approach roads. The NPPF also advises at paragraph 58 that “*Planning policies and decisions should aim to ensure that developments respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation..*” To, in effect, move the vernacular architecture of the village so that it stands cheek-by-jowl with the refined architecture of the principal house is to misunderstand the significance of the house and its landscape setting. As such this is not considered to represent good design and fails to comply with the NPPF, the Local Plan and the emerging neighbourhood plan.

7.15 When assessing a proposals impact on heritage assets the NPPF states that,

Para 132	<i>When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should</i>
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	<i>be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification....</i>
Para 133	<i>Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss....</i>
Para 134	<i>Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.</i>

- 7.16 The grade I listed house at Hall Place is the most significant heritage asset impacted by the proposed development. Whilst there is no direct impact on the fabric of the building considerable harm would be caused to the setting of the house in its designed landscape. Setting cannot be reduced to a series of publicly available 'views'. Setting is concerned with the surroundings in which the building is experienced.
- 7.17 Space and distance are key elements of the way in which Hall Place is experienced. The scale of the development and its proximity to the principal heritage asset is harmful. The vernacular references in the design are inappropriate for this location. Harm would be caused to the formal approaches to the house. Traffic along the west drive will be diverted by a new road across open land. There is the potential for further harm caused by lighting and signage. Harm will be caused to the approach along the south avenue where the sense of space will be lost by the presence of the new development cutting off visual access to the parkland south and west of the house.
- 7.18 The setting will also be significantly harmed when experienced from the land south and west of the house. Those viewing the house from the land to the west will be aware of the presence of this large development to the right of the house. Those viewing the house from the southwest (near the Battle of the Nile trees) will be conscious of the close proximity of the proposed development.
- 7.19 In several documents the applicants make references to mitigating harm by the planting of screening trees. The partially hiding of the development behind trees is not considered in this instance to mitigate the harm given the scale of development proposed. If the development blocks a view or eliminates a space, planting trees will neither restore the view nor recreate the sense of space.
- 7.20 Harm has already been caused to the principal heritage asset by previously approved development on the site. Because of this the harm caused by the proposed development must be considered as a further extension of that harm rather than as an intrusion on an unspoilt landscape and setting of a Grade I listed building. The applicants draw attention to the recently built sports centre and describe the site of the proposed development as degraded land. Officers do not accept this argument. The scale of the proposed development is many orders of magnitude greater than the sports hall. (180m wide and 120m deep) The damage to the landscape caused by the golf course and high rope facilities is minor and could easily be reversed. In summary the proposed development would represent a **high level of harm (less than substantial)** to the setting of a **heritage asset of high significance**.
- 7.21 Whilst the setting of Hall Place and the separately Registered Park and Garden overlap, they are not the same thing. Harm would be separately caused to the historic park. A large area of the park would be built on, effectively causing this portion of the park to lose all significance. Further harm would be caused to the park as the development would cut off the land east of the house from the land west of the house. The Battle of the Nile Trees are a significant element in the registered park. The development would cause harm to the setting of these trees. The development would be in close proximity to the trees and thus compromise the sense of space

around them. In summary, the development would cause **major harm (less than substantial)** to a heritage asset of **moderate-high significance**.

7.22 Substantial harm, as defined by the NPPF is a very high test that may not arise in many cases. It is the equivalent of demolition, the almost total loss of significance. This is fairly easy to apply to a small scale heritage asset, such as a listed cottage. Either the cottage exists, or it does not. For more extensive heritage assets such as conservation areas or landscapes it is possible to envisage significance being totally lost from a key element without the loss of the entire heritage asset. In the case of the proposed development, the main harm is to the setting of a Grade I listed building and more directly to a Grade II registered park and garden. These heritage assets have already suffered a degree of harm from developments associated with the college. The proposed development represents very significant further harm. This does not pass the very high test of Substantial Harm. Nevertheless, the harm to the heritage assets is high. This view is also supported by Historic England.

7.23 The applicant has made the case that part of the proposed development is required as a form of Enabling Development to secure the future conservation of a heritage asset. Paragraph 140 of the NPPF states, *“Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the dis-benefits of departing from those policies.”* The NPPF is brief but it makes clear that enabling development is intended to secure the future conservation of a heritage asset; and that the local authority must balance the benefits for the heritage asset against the dis-benefits of departing from policy.

7.24 The first element of this test should be an objective assessment.

- i. Is there a plan in place that will sustain the future of the heritage assets?
- ii. Have the costs of securing the heritage assets been identified?
- iii. Have funds sufficient to meet those costs been secured from the developer?

As indicated above (Conservation Management Plan), point i) is not met. A Conservation Management Plan should be drawn up to an appropriate standard. Without an appropriate plan point ii) cannot be met. The scale of the work has not been appropriately identified and as such the Council cannot be convinced that the funds raised will secure the future viability of the heritage asset. Point iii) is addressed in the viability section of this report.

7.25 If the applicant has not demonstrated that the development will secure the future of the heritage assets then the council does not need to undertake the balancing assessment of benefits and dis-benefits as the application has fallen at the first hurdle. However Historic England goes further in outlining seven criteria, failure to meet **any one of which**, it says, should result in refusal of the application.

7.26 Enabling development that would secure the future of a significant place, but contravene other planning policy objectives, should be unacceptable unless:

- a. it will not materially harm the heritage values of the place or its setting
- b. it avoids detrimental fragmentation of management of the place
- c. it will secure the long-term future of the place and, where applicable, its continued use for a sympathetic purpose
- d. it is necessary to resolve problems arising from the inherent needs of the place, rather than the circumstances of the present owner, or the purchase price paid
- e. sufficient subsidy is not available from any other source
- f. it is demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place, and that its form minimises harm to other public interests
- g. the public benefit of securing the future of the significant place through such enabling development decisively outweighs the dis-benefits of breaching other public policies.

7.27 The current application fails in most if not all of these criteria:

- a. It will materially harm the heritage values of the place and its setting
- b. Selling off a large part of the registered park will fragment the management of the place
- c. It has not been demonstrated that the development will secure the long-term future of the place
- d. The funds are being sought largely to resolve the problems of the present owner (i.e. structural debt)
- e. There is little or no evidence that other sources of funding have been sought to secure the future of the heritage assets let alone exhausted. (There is ample evidence of numerous unsuccessful schemes to secure the future of the college, which is not the same thing.)  
On the criteria outlined above based on the NPPF and Historic England's guidance this proposal fails to meet the minimum criteria for enabling development.
- f. It has not been demonstrated that the harm would be outweighed by public benefits.

7.28 If the Council were to be convinced that the proposed development would secure the conservation of the heritage asset it would then have to weigh the disbenefits of the proposal against the public benefits. Historic England's view is that the only public benefit that is envisaged in the NPPF as justifying enabling development, that would otherwise be contrary to established policy, is the public benefit of securing the future of the heritage asset.

The applicant takes a different view. They identify a number of public benefits including:

- Securing the future of BCA (*Officer Comment: educational services are not necessarily under threat*)
- Securing the future of the heritage assets (*Officer Comment: the Conservation Management Plan does not adequately secure the future of the asset.*)
- Providing a care home facility in the Borough (*Officer Comment: there are other opportunities on less constrained sites to provide a care home facility, not just here.*)
- Educational synergies with the college for students and apprenticeships. (*Officer Comment: There is no legal mechanism proposed or in place to ensure that students from the college get opportunities in the care home. Furthermore the skill sets the care home is looking for may not be available at the college and there are also other opportunities in the Borough for work placements.*)

7.29 This report has set out the significance of the heritage assets and the potential harm arising from the proposed development. In balancing the harm to the heritage assets and the disbenefits of setting aside other established policies it is clear that a public benefit has not been demonstrated. To conclude the proposal does not constitute enabling development for the purposes of the NPPF

7.30 The proposals do not comply with the NPPF or Historic England's guidance for enabling development. There is no evidence of a long term plan and thus no evidence that this scheme will secure the future of the heritage assets.

7.31 It is recommended that the college urgently commission a thorough Conservation Management Plan. This will provide a significance-led plan for the future of the heritage assets. In seeking funding to conserve and enhance the heritage assets the college will discover that most grant-making bodies will insist that such a plan should be in place and the council should regard this as a first step before approving enabling development. Urgent repairs are indeed necessary. This goes far beyond not being able to finance an appropriate level of ongoing maintenance. It has been reported that students have destroyed the Nelson statue and the listed sculpture of a cherub, rather disingenuously described in the Heritage Assessment as a Grade II listed plinth. Also important gates and a sundial have been lost. It must be recognised that income secured for educational purposes cannot be diverted for the purposes of maintaining the heritage assets; and the priority of the senior management must be focused on educational outcomes. Nevertheless, the heritage assets are capable of generating an income, (e.g. the top floor of the house is currently being let to an outside organisation) however this income is used to service the college debt.

## Highways

- 7.32 Burchett's Green Road is a single carriageway which is subject to a 40mph speed limit and a 7.5T weight limit for traffic heading in a southerly direction. The carriageway is bounded on both sides by footways, which on the western side terminates at the college access. The footway on the east continues to head south towards the village. On the approach to Burchett's Green Village the road is subject to a 20mph speed limit that is further reinforced by speed tables.

## Access

- 7.33 The college benefits from an access off Burchett's Green Road measuring 4.5m wide and bounded on both sides by a grass verge. It is understood that the college advises drivers to turn left and head north towards the A4130/A404. With this development this advice is further reinforced by the introduction of a central island which has a further benefit of providing a pedestrian crossing point for those wishing to head south along the eastern footway.
- 7.34 Plan [65035-TS-003] shows the bus bay relocated further north from its current position. In highway terms the central island raises no concerns and will indeed improve pedestrian movements in the immediate vicinity. These works can be secured by the applicant entering into a Section 278 agreement with the Highway Authority. An integral part of the S278 is the safety audit which will identify potential road safety problems that may affect any users of the highway and suggest measures to eliminate or mitigate those problems.
- 7.35 Access to the care home is via a new drive that joins the college access at a distance of about 550m from the college gates, and heads south, before turning west to connect onto an existing internal road. The new drive provides an alternative route for the existing nursery (Busy Bees) and the sports hall car park. The design of the new drive complies with the Highway Authority's standard.

## Parking Requirements

- 7.36 Existing and Proposed parking arrangement

The sports hall has between 60 and 65 spaces. The layout is revised to provide 53 spaces including 2 disabled spaces. Busy Bees nursery has 16 spaces with a number being used as a drop-off area. The development provides the nurse's with 15 parking spaces, plus 4 drop-off spaces. The care village comprises a 50 bed care home, 26 Assisted Living Units and 82 Independent Living Units, plus 70 to 75 FTE employees.

The following summary explains in highway terms the difference between the 3 class uses.

- 1 Care Home - residents that are not independently mobile.
- 2 Assisted Living – residents that are not fully independent and require a varying degree of nursing care.
- 3 Independent Living – residents who are capable to live independently, but for whom some assistance may be helpful.

- 7.37 For the Care Home and Independent Living Units (ILU) the parking requirements are assessed on the C2 and C3 use respectively. Unfortunately, the Borough does not have a specific standard for Assisted Living. However, the Highway Authority is willing to accept Assisted Living being assessed as a C2 use. The table below compares the development parking provision against the Borough Standard.

Use Class	Borough's maximum Parking Standard	The Development Parking Provision
C3 (ILU's)	82	82
C2 (Care Home and ALU's)	95	82

Total Parking	177	164
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7.38 It should also be noted that the parking provision for under the ALUs use are excluded from the calculation. Based on the above the scheme exhibits a parking shortfall of 13 spaces. However, given that the development provides mini buses to shuttle staff to and from Maidenhead Railway Station and other points in the local area, and is also available to residents for both regular trips and ad-hoc journeys, the Highway Authority concludes that the development's parking provision is acceptable.

### **Cycle and Motorcycle Provision**

7.39 The applicant proposes a provision of 8 cycle spaces and 4 motorcycle parking spaces. The 8 spaces have been derived from the Borough's standard set at 1 cycle space per 10 employees and apply to the 75 FTE employees. The applicant is advised that the cycle spaces must be accommodated in a secure storage facility. This can be covered by a suitably worded planning condition.

### **Refuse Provision**

7.40 The submission includes a plan [65035-SK-013 Rev B] showing the manoeuvres of a typical refuse vehicle. Unfortunately, it's unclear from the plans what size vehicle was used in this assessment. The applicant is advised to seek confirmation from the Borough's Waste Management Authority on the size of vehicles currently employed in the area. Further details on this matter will be reported in the Panel Update.

### **Traffic and Highway Implication**

7.41 The planning application is accompanied by a Transport Statement which is supported by the following details:

- Public Transport Information
- TRICS Care Home, Sheltered Accommodation and Retirement Flats Trip Rates
- Burchett's Green Road Traffic Flow Data
- BCA College Traffic Flows & Access Turning Flows
- Draft Travel Plan
- Census Data

7.42 With reference to the Burchett's Green Road Traffic Flow Data, automatic traffic counts were installed in early December 2015 to determine the level of traffic flow on Burchett's Green Road. The results revealed that the daily traffic flows along this section of Burchett's Green Road ranges between 5,900 and 6,000 movements. During the *am* and *pm* peak periods (08:00 to 09:00 and 17:00 and 18:00) the average flows are 674 and 648 respectively. Presently, the college and nursery account for 37% of the daily flows along Burchett's Green Road. However, during the *am* and *pm* peak periods the flows account for 72% and 67% of the traffic flows.

7.43 An analysis of the turning movements at the BCA access show that 83% of the traffic entering the college approaches from the A404, and when leaving the site during the *am* and *pm* peak periods, between 87% and 86% turn left towards the A404. An interrogation of TRICS revealed that the proposal has a potential to generate 288 vehicular movements per day, which equates to 23 trips during the *am* and *pm* peak periods. In order to determine the origin of the journeys to BCA the applicant has used the Census 2011 data to compile the following table:

<b>Journey from Home Summary</b>	<b>Driving a car or van</b>	<b>% Distribution</b>
Maidenhead	895	42%
Slough	241	11.3%
Windsor	148	6.6%



Ascot	24	1.1%
Bracknell	122	5.7%
Wokingham	177	8.3%
Reading	93	4.4%
Marlow	146	6.8%
High Wycombe	233	10.9%
Henley	54	2.5%
Total	2133	100%

- 7.44 By using the Census Area Maps and Google Maps the applicant predicts that a large majority of the car journeys to and from BCA are likely to use the A404. The results also show that between 4.8% and 10% of drivers travelling from Wokingham area are likely to split their journeys between the A404 and Burchett's Green Road, via the A4 Bath Road. In numerical terms this equates to 14 and 28 cars trips per day. The Highway Authority accepts the approach taken to assess the development's impact on the highway network. Paragraph 32 of The National Planning Policy Framework states, "*Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*"
- 7.45 The scheme could potentially lead to a 4.9% increase in vehicular trips, or in numerical terms 288 trips per day, which is not a significant increase in vehicular activity. It should be noted that in determining the additional trips per day, no allowances have been made for the proposed mini buses or that staff will be able use the buses provided by BCA for students. As mentioned earlier the applicant also proposes the introduction of a central island to reinforce the advice given to drivers to turn left when leaving the site. In highway terms the traffic increase does not warrant the reconfiguration of the access, but does provide a benefit for pedestrians wishing to use the eastern footway.

#### **Impact on the character and appearance of the area.**

- 7.46 The general landscape character of the area encompasses the landscapes under intensive arable cereal production in the central area of the Farmed Chalk Slope landscape type within the Royal Borough. It is a rural managed landscape with contrasting elements. The expansive open arable landscapes are contained in the wider landscape by irregularly shaped woodland areas and belts resulting in distant but wooded horizons. Sitting within this landscape are the former Grassland Research Institute, Hall Place College (BCA) and Stubbings House all of which have substantial land holdings in this landscape area, relating to the farmstead estates referred to above.
- 7.47 The Landscape Impact Assessment confirms that the application site is likely to be valued for its openness, its trees and its historic interest. Overall, the landscape quality of the Site is assessed as medium due to the detracting features of the rough ground with bare soil patches, the high ropes facility and adjoining large sports centre. The land to the east and west of the site is however considered to have a high to very high landscape quality and value. The character and quality of the north western section of the Estate is again heavily affected by the College buildings, which include barns, workshops and animal enclosures, and is assessed as being of medium to high landscape quality.
- 7.48 The site lies within 500m of ancient woodland and Dellars Copse, which is within the grounds of Hall Place and closer to the southern boundary of the site, may be ancient woodland. As part of a desk top survey, Dellars Copse, was recorded by Thames Valley Environmental Records Centre as probably ancient. It is classified as WB36 lowland mixed deciduous woodland. The 'Tree protection plan on site layout' shows the proposed scheme will infringe a number of root protection areas, due to driveways, vehicle parking spaces and footpaths. These include: Lime no.142, London plane no.118, 20 trees of alternating species of Cherry, Italian alder no. 115 and Lime nos. 89 and 88.
- 7.49 Furthermore the proposal would result in the loss of two recently planted Lime trees on the west side of the avenue (these are too small to be recorded on the tree survey). These trees were planted to restore part of the avenue and the planting was required by way of a condition in

connection with the planning permission for the relatively new sports hall. (Semi-mature Lime, no. 78 and the mature Oaks, nos. 66, 64, 59, 54 and 52.)

- 7.50 The avenue trees can be classed as 'A' category, they are a principal landscape feature, along with the London plane no. 118. Their significance and their maturity means it is not acceptable to install new hard surfacing within their root protection areas. It is not appropriate to install hard standing underneath the crown spreads of the existing avenue trees, e.g. no. 59, or future crown spreads of the younger trees. This is because in the case of Lime, honey dew will fall onto vehicles, but the fall of general tree debris will also give rise to pressure to prune.
- 7.51 Further tree loss includes Oak no. 27, one tree from no. 11, 2 trees from no. 10, and trees, nos. 6, 7, 8 and 9. Other than the removal of the Oak, no. 27, officers have no objections to this – the trees are mainly non native and are not growing in historical positions.
- 7.52 The natural topography of the site is undulating, with a significant fall to the south west into a small copse of trees. Details of levels, existing and proposed need to be shown on a layout plan. These should be contoured so it's easy to see where the levels change. Level changes may create undesirable impacts including harm to root protection areas.
- 7.53 There will be issues to do with shading and reduced outlook from windows, particularly between the spinney no. 39 and the southern elevation of the Care Home. This will result in pressure to fell or detrimentally prune trees. This may also arise when the younger avenue trees and other planting matures. The installation of underground services and drainage runs can also cause extensive harm to trees. Given the size of the development and its location some distance from any public road, it is anticipated that excavations will be significant, which could result in tree loss.
- 7.54 The new access arrangements to relocate the bus bay and footway may have an impact on off-site trees. The tree survey will need to incorporate these trees. Whilst some new planting to restore the landscape as shown on historic maps is welcome (this is outside the application site), the density of planting should be kept low to avoid it working against the 'parkland' character. Planting should closely resemble the tree positions shown on those historic maps e.g. circa 1870's.
- 7.55 Given that the important landscape features of this area are noted as being its openness, trees and historic quality and that the proposed development causes harm to each of those qualities due to its size, siting and urbanising impact including the new access road, the proposed development is considered harmful to the character and appearance of the area.
- 7.56 The proposal would also be contrary to Local Plan policy DG1 which states that the design of new buildings should be compatible with the established street façade having regard to the scale, height and building lines. This proposed development would have a built envelope of approximately 180m by 120m of fairly dense development whereas the existing development is more loosely knit. The proposal would result in a stark contrast and result in a development at odds with the prevailing character. Policy DG1 also advises that harm should not be caused to the character of the surrounding area through development which is cramped or which results in the loss of important features which contribute to that character. As previously confirmed openness and trees are key features and these would be lost.

### **Impact on Public Rights of Way**

- 7.57 There are a number of public rights of way in the vicinity of the application site. **(See Appendix F)** The closest public right of ways to the application sites are Footpath 30 Hurley (part of the "Chiltern Way-Berkshire Loop"), which is approximately 100m to the south, and Footpath 18 Hurley which passes close to the route of the proposed new access road. There are also more distant views of the site from Footpath 17, to the west.
- 7.58 The Landscape and Visual Impact Assessment submitted with the application includes an assessment of the impact of the proposed development on views from these public rights of way and other public view points. The Assessment concludes that the impact on views from the

Footpath 30 (The Chiltern Way) would be “Moderate adverse, becoming slight as the new vegetation matures” and the impact on views from Footpath 18 would be “Slight adverse”. The Rights of Way Officer is broadly in agreement with this assessment.

#### Footpath 30 Hurley

The buildings comprising the care village would be visible from part of Footpath 30 Hurley, from a distance of approximately 100m at the closest point. However, the view would be partially screened by existing and proposed vegetation, and the buildings would only impact upon views from a relatively short section of the footpath.

#### Footpath 18 Hurley

The proposed site access road around the edge of “Five Trees Field” would be visible from the section of Footpath 18 Hurley that runs south-eastwards from the main BCA access drive, with the entrance to the access road being directly adjacent to the entrance to the public footpath.

- 7.59 Vehicles using this new access road would have an adverse impact on the setting of this section of the public footpath, both in terms of visual and noise disturbance, although partially screened by the existing tree belt alongside “Five Trees Field”. The level of disturbance could however be significantly reduced if the new access road was reduced to a single lane as part of a one-way only arrangement with vehicles accessing the site from the new road and leaving via the existing internal access road, as recommended in the Highways Officer’s comment.

#### Footpath 17 Hurley

The application site is sufficiently distant from this footpath such that there would be only minimal impact on views.

- 7.60 Overall, it is considered that whilst there would be some adverse impact on views from public footpaths 30 and 18, the magnitude of these impacts would not be sufficiently severe as to justify an objection to the application on public rights of way grounds. However, consideration should be given to minimising the impact of the proposed new access road on Footpath 18 by incorporating a one-way arrangement as noted above. This has been discussed with the applicant but it is an aim of the College to segregate movements associated with college activities and non-college activities where possible across the site.

### **Impact on existing neighbouring occupiers’ amenities and the future occupiers of the care home.**

- 7.61 The NPPF seeks to secure a good standard of living for existing and future occupants of land and buildings. The proposed care home would be sited over 300m away from the nearest residential property outside of the BCA campus site. At this distance the proposal would not result in any loss of amenity by virtue of overbearing impact, loss of light or privacy. The residential properties on the Campus are also far enough away so that there would be no detrimental impact.

### **Sustainable Drainage**

- 7.62 A Ministerial Statement from December 2014 confirms the Government’s commitment to protecting people from flood risk. This Statement was as a result of an independent review into the causes of the 2007 floods which concluded that sustainable drainage systems (SuDS) were an effective way to reduce the risk of ‘flash flooding’. Such flooding occurs when rain water rapidly flows into the public sewerage and drainage system which then causes overloading and back-up of water to the surface.
- 7.63 The Government has set out minimum standards for the operation of SuDS and expects there to be controls in place for ongoing maintenance over the lifetime of the development. The applicant has submitted a plan showing numerous soakaways. Whilst no objection is raised to the use of infiltration methods to dispose of surface water no evidence has been submitted to demonstrate that infiltration is viable. If this method is to be used infiltration testing must be carried out to demonstrate that the soakaways are adequately sized. A maintenance regime for the drainage proposals also need to be submitted. Until satisfactory further information has been received the

proposal is not acceptable as it has not been demonstrated that the proposal would not increase the risk of flood risk elsewhere as such the proposal is contrary to paragraph 103 of the NPPF.

## Ecology

- 7.64 In terms of the NPPF, protecting and enhancing the natural environment forms part of 'Environmental Role' dimension of 'Sustainable Development' and is one of the Core Planning Principles (bullet point 7).

### Designated Sites

- 7.65 Ashley Hill Forest and Dellars Copse Local Wildlife Site (LWS) lies within 200m of the proposed development. No assessment of the impact of the proposed development on the LWS has been undertaken. Given the type of development and the distance from the LWS, there may be a detrimental impact on the LWS through increased recreational pressure, pollution and run off. These impacts have not been discussed and appropriate mitigation provided.

### Habitats

- 7.66 The entire site is listed as the priority habitat wood-pasture and parkland. Wood-pasture and parkland are mosaic habitats valued for their trees, especially veteran and ancient trees, and the plants and animals that they support. Grazing animals are fundamental to the existence of this habitat. Wood pasture and parkland is listed in Section 41 as being a Habitat of Principal Importance for the Conservation of Biodiversity in England as required under Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006. Priority habitats are further protected by the NPPF, which states that '*council policies should, 'promote the preservation, restoration and re-creation of priority habitats.... the council should have regard for conserving this habitat'. Information on the effect of the development on this priority habitat has not been provided. This should be addressed prior to the determination of this application in order for the Local Planning Authority to assess the impact of the development on this priority habitat and to ensure mitigation is appropriate and proportionate. Paragraph 118 states that "local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:*

- *If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts,) adequately mitigated, or as a last resort, compensated for, then planning permission should be refused....."*

- 7.67 No information on the effect of the development on this priority habitat has been provided and no mitigation forms part of the proposal. This should be addressed prior to the determination of this application in order for the Local Planning Authority to assess the impact of the development on this priority habitat and to ensure mitigation is appropriate and proportionate.

### Bats

- 7.68 All buildings and trees on site were assessed for their potential to support roosting bats. The buildings were all considered unsuitable to support bats due to their construction and therefore no further survey is deemed necessary. Four trees on site (Trees TN2-5 within the ecology survey) were recorded as having some potential roosting features for bats. The ecologists report states that the trees with bat potential are to be retained. However, having consulted the arboricultural report for the site, it appears that Tree TN4 (numbered T53 within the arboricultural report) is to be removed. The applicant's ecologist has recorded this tree as having moderate potential to support roosting bats. Confirmation as to whether or not this tree is to be removed as part of the proposed development is being sought from the applicant and will be reported in the Panel Update sheet. If the tree is to be removed, further survey to establish the presence/absence of roosting bats should be undertaken prior to the determination of this application. The surveys should be undertaken following best practice guidelines, at an appropriate time of year. Appropriate mitigation strategies may be required following the results of the further surveys and these should be provided as part of the planning application.

## Great Crested Newts

- 7.69 No ponds were recorded within the application site boundary, however four ponds were recorded within 500m of the site. The four ponds were subject to a Habitat Suitability Index survey and all were assessed to have a poor suitability to support great crested newts. The pond locations have not been provided within the ecology report and therefore it is unclear as to which waterbodies have been surveyed. In addition, having consulted the council's GIS database, it appears that there are more waterbodies (ditches and ponds) within 500m of the proposed development than the four listed and it is unclear why these waterbodies have not been assessed. The closest ponds are within approximately 120m and 200m of the proposed development and are not separated from the proposed development by any barriers. There are areas of grassland, woodland and scrub within 500m of the ponds, some of which is within the proposed development which would provide suitable hibernating, foraging and refuge habitat for great crested newts. Great crested newts could be using the proposed development area for foraging and dispersal, if present.
- 7.70 In addition, there is a record of great crested newt presence on the National Biodiversity Network Gateway website within a 1km grid square immediately north of the proposed development, increasing the likelihood of great crested newts being within the local area. Great crested newts receive full legal protection under the Conservation of Species and Habitats Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended). This makes it illegal to deliberately injure, kill, capture or disturb a great crested newt, or to damage, destroy or obstruct any places used for shelter and protection. Natural England's standing advice states "*Survey for great crested newts if there's a pond within 500 metres of the development, even if it only holds water some of the year; the development site includes refuges (e.g. log piles or rubble), grassland, scrub, woodland or hedgerows*". Further survey work needs to be undertaken on the four ponds already assessed and any other waterbody within 500m of the proposed development in order to establish the presence/absence of great crested newts from the waterbodies. Appropriate mitigation strategies may be required following the further surveys and these should also be provided to the local planning authority.

## Badgers

- 7.71 No badger setts were recorded on site although an inactive outlier sett was recorded to the south of the site (outside the application boundary). The sett was assessed as currently being used by rabbits and no evidence of badgers was recorded on the site. Badgers are protected under the Protection of Badgers Act 1992, which makes it illegal to willfully kill, injure or take a badger or attempt to do so, or to recklessly damage, destroy or obstruct access to any part of a badger sett. The applicant's ecologist has provided recommendations within the ecology report to safeguard badgers during and after development. These include creation of a 10m buffer zone around the inactive sett, raising of fences or cutting holes in fences to allow movement of badgers and other species across the site, pipework and excavations covered at night and new landscape planting to provide additional food resource for badgers.
- 7.72 A condition could secure the recommendations with regards to safeguarding badgers within the ecology report. In addition, as badgers are mobile animals, it is recommended that the entire site and a 30m buffer around the site, including the outlier sett, is subject to a walkover for badgers prior to the commencement of development and any signs or setts recorded. If the outlier sett is deemed active or newly excavated holes discovered, a suitably qualified ecologist should be contacted for advice and the appropriate mitigation organised. The results of the walkover survey for badgers and appropriate mitigation/ licences, if required, should be provided to the council for approval prior to any approval being granted.

## Breeding Birds

- 7.73 The vegetation on site has the potential to support breeding birds. Breeding birds, their eggs and active nests are protected under the Wildlife and Countryside Act 1981, as amended. The applicant's ecologist has provided recommendations for the protection of breeding birds including timing of vegetation removal outside the breeding bird season (which spans from March to August inclusive). These recommendations are considered acceptable.

#### Biodiversity Enhancements

- 7.74 Paragraph 109 of the NPPF states that: "*The planning system should contribute to and enhance the natural and local environment by [...] minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures*". In addition, Section 40(1) of the Natural Environment and Rural Communities Act 2006 states that "The public authority must, in exercising its function, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity".
- 7.75 The application site provides opportunities for biodiversity enhancement for species found within the local area following development. These include installation of bird boxes (barn owl, swift, house sparrow boxes within new buildings or onto retained trees), installation of bat boxes and tubes within new buildings or on to suitable retained. The biodiversity enhancements which are to be incorporated within the proposed development should be detailed within an ecological management plan. Details should include locations, types, establishment and management of each enhancement and these could be secured by planning condition.

#### Sustainability

##### Economic, social and environmental considerations

- 7.76 The proposed site is over 5km from its nearest railway station. There are 2 Bus services 238/239 which operate between Maidenhead and BCA Monday to Friday calling four times per day. On Monday, Wednesday and Friday it operates as service 239 and travels to Henley on Thames. On Tuesday and Thursday it operates as route 238 and terminates at Bisham village. On Saturdays it operates twice each way between Maidenhead and Henley via Burchett's Green and Hurley. These services call at the bus stops adjacent to the college access and some enter the college site.
- 7.77 In addition to the public bus service, the applicant has confirmed that BCA College operates 18 bus routes for students covering a wide area around the college including the main towns and several mainline railway stations, including Reading, Slough and Maidenhead providing access to and from all major residential areas. Details of these are provided at Appendix E. Officers give limited weight to the provision of this service as the working patterns of the care village staff and the bus times which fit the college's student's working day do not tally with the shift patterns of the care village. The site is not considered to be in a sustainable location served by good public transport.
- 7.78 The proposed care home would provide economic benefits in staff employed in the care village and during the construction process. The applicant has also referred to the fact that 307 members of staff are currently employed at the college and 55 working in other on site businesses for example Busy Bees. The jobs created by the care village weigh in favour of the development. There is no evidence at present that the number of staff at the college would significantly change as a result of the refusal of this application and therefore this inference does not weigh in favour of the scheme.
- 7.79 There are a number of further economic and social benefits with regard to the provision of the care village as it has been evidenced that there are benefits of allowing older people to remain independent, while living in a retirement community with onsite support services and strong links into the wider community. It is questioned however given the fairly remote location of this care village how strong the links into the wider neighbourhood would be. From 2012 to 2015 the Extra Care Charitable Trust commissioned Aston University to undertake a study at the benefits for

older people of living in a retirement community with onsite support services and strong links into the wider neighbourhood. Keys findings of this research included the following:

- Residents experienced a significant reduction in the duration of unplanned hospital stays from 8 days to 14 days, to 1 to 2 days.
- Routine GP appointments for residents fell 46% after a year
- NHS costs for residents were cut by 38% over 12 months compared with their costs when they first moved in.

7.80 As described above there are socio-economic benefits attributed to the scheme however as detailed in early sections of this report the proposal would result in substantial and significant environmental harms namely, impact on the Green Belt, Heritage Assets of National Importance, character and appearance of the area, trees, ecology and possible surface water drainage issues and therefore the development is not considered to constitute sustainable development.

### **Viability Assessment**

7.81 The applicant is putting forward the case that this quantum of development is required in order to create a land value which would allow the college to cover its debt and for repairs to be made to the Listed Buildings and enhancements to the landscape.

7.82 On this basis the Local Planning Authority needs to be satisfied that the quantum of development is acceptable to achieve this. The District Valuers (DVS) have assessed the submitted viability report produced by James R Brown and Co Ltd (JRB) on behalf of the applicant. A summary of their assessment is as follows:

#### **1) Development Value**

7.83 JRB has derived their values by analysis of comparable units for the ILU's and ALU's who appear to have used asking prices gathered from Rightmove for their data as well as data from an area wide study for CIL purposes. They have also used a comparable method for the Care Home valuation. For the ILU's and ALU's JRB have used a flat rate and have looked at asking price comparable in Taplow (Cliveden Gages), Beaconsfield (St. Mary's Court) and Windsor (Connaught Court). The Connaught Court comparable which is closest to the adopted average is however a not completed transaction in an older property which will not benefit from a new build premium. Instead DVS has reviewed all recent sales of new build property within as close a proximity to the subject site as possible. Any connected party sales, or sales that appear to be to companies or on the fulfilment of mortgage obligations to lending bodies etc. or any that appear to be as part of any property exchange agreement have been stripped out. It is also important to consider all of the evidence without being selective, and to consider unit type and facilities (it is very important also to consider the facilities on offer at each of the schemes in comparison to those proposed here).

7.84 The majority of sales evidence in the suggested comparable schemes used by JRB is historic. The sales evidence for Cliveden Gages is mostly from 2014. Connaught Court also has sales reaching back to 2007. Consideration has also been given to Kestrel Court and Reed Court in Maidenhead however these developments do not offer the facilities and superior location offered by the proposed scheme at BCA. On this basis it is this valuer's opinion that the adopted psf may be a little low given what is proposed and a slightly higher rate has therefore been adopted.

7.85 In regards to the 50 bed Care Home JRB have adopted a value of £4,999,951 based upon analysis of comparable sales (equates to some £100,000 per bed). It is noted that the fees achieved, and therefore overall value, will be very dependent upon the level of care provided - and there is little detail in regards to this at the proposed scheme at present (which is not unusual due to its only outline nature). It is suggested however that based upon recent sales evidence of care homes in the local area the JRB figure is too low.

7.86 Considering the location and access to facilities in the 'hub' that will be available a value for the proposed Care Home of some £7.5m (£150,000 per bed) has been adopted. In their appraisal JRB have included Ground Rents of £510,000 (108 units at £250 pa capitalised at 5% less purchaser costs). DVS have seen comparable evidence of nearby similar properties and indeed the comparable schemes suggested by JRB which suggest that higher ground rents could easily be achieved.

**a) Gross Development Value (GDV):**

	<b>JRB</b>	<b>DVS</b>
<b>ILU's and ALU's</b>	£53,583,920	£54,099,150
<b>Care Home</b>	£4,999,951	£7,500,000
<b>Ground Rents</b>	£510,000	£1,017,360
<b>Totals</b>	<b>£59,093,871</b>	<b>£62,616,510</b>

**2) Development Costs**

**a) Build and Abnormal Costs:**

7.87 JRB have adopted a flat rate build cost against all types in their appraisal of £186.35 psf. This figure is as seemingly advised by BCIS of £150 psf (some £1,615 psm) - the exact reference to the BCIS insert in the report is unclear in terms of whether it is a median, mean rate etc. They have then added externals at 15%, a 5% contingency and abnormal costs of £984,730 (£175,070 for abnormal foundations, £435,000 for drainage, highways and services and £374,660 for landscaping). The JRB build cost is therefore £28,887,610 as stated in their report and £28,894,127 in their appraisal (difference due to area differences only).

7.88 As agreed on other cases DVS have adopted a current upper quartile BCIS 5 year rate for sheltered accommodation factored to Berkshire due to sample size. The adopted rate is £1,680 psm (£156 psf). A 5 year rate has been used as this is correct to reflect up to date Building Regulation requirements which a default figure may not, and used an upper quartile rate to reflect the quality of product that is suggested by the scheme and in order to attract the values adopted. On this basis the base build cost is some £24,200,400.

7.89 To that DVS has added 10% for external costs and service connections after considering the scheme plan and bearing in mind the abnormal sums accepted elsewhere for landscaping and such. The 10% allowance is in fact higher than that agreed on other such care schemes which are 'densely' fitted to the site and are normally in the range of 5-7.5% externals. In regards to the abnormal costs having reviewed the evidence and following the site inspections The sums proposed of £175,070 for abnormal foundations and £374,660 for the landscaping works which are unusual due to the Listed nature of the site in parts are accepted. The detailed costings for the other abnormal elements have not been provided but having considered the report by WYG they are accepted.

**b) Contingency:**

7.90 As above JRB have included a contingency of 5%. DVS has adopted the same rate as reasonable for a scheme of this nature and size. On a like for like basis the JRB build costs in their appraisal are £28,894,127 and DVS's are negligibly higher at £28,985,429 which is primarily due to the current BCIS build rate.

**c) Professional Fees:**

7.91 JRB have included 10% for professional fees. DVS would comment that a fee allowance of between 8-10% would not be unreasonable on a scheme such as the one proposed. Given the bespoke nature of the scheme and its specific challenges 10% has been adopted as a reasonable rate based on the information provided so far.

**d) Section 106 Costs and CIL:**



- 7.92 JRB have included a CIL assumption of £2,400,000. DVS has adopted a rate of £240 psm of GIA as set out in the Council's adopted CIL charge schedule. Which make the figures £3,457,200. The DVS calculation therefore far in excess of JRB's.

**e) Sale and Marketing Fees:**

- 7.93 JRB have adopted 1.5% for marketing fees, agents fees at 1.75% and a legal fee of £270,000. DVS agree these marketing and agents rates are reasonable but have adopted legal fees of 0.5%.

**f) Finance costs:**

- 7.94 JRB have calculated their interest at a debit rate of 6.75% and a credit rate of 0.5% to which they have added a finance facility fee of 1.5%. DVS has adopted a 7% debit rate inclusive of fees as reasonable in the current market for such a scheme, and warranted here due to the challenges of the type of development and the location. However a credit rate of 2%, as is currently agreed in other viability cases has been included.

**g) Developers Profit:**

- 7.95 In their report JRB have suggested a developer return of 20% on GDC is appropriate. This is equivalent to 16.67% on GDV. DVS suggest that different profit rates pertain to different levels of risk - and this is also surely guided by market conditions present at the time of appraisal. In a lower risk environment as at present where there is high demand and a lack of supply it seems perverse therefore to suggest that a higher profit which is directly linked to risk should be sought when in fact the risk is lower. DVS would also comment that there is a need to be clear about the basis upon which developer's profit is quoted and measured. House builders tend to talk of profit gross of the cost of design fees, marketing, and finance. DVS make separate deductions in their appraisals for design fees, marketing and finance.
- 7.96 In modelling the development viability appraisal and having considered other agreed viability cases I have adopted a slightly higher 17.5% of GDV. I am of the view that in the light of evidence available and our own experience of development appraisals this level of developers return represents a 'competitive return' in this case, as described in paragraph 173 of the NPPF.

**h) Development Programme:**

- 7.97 JRB's cash flow suggests a 2 month lead in period, 24 month build and 12 month post completion sales period. Following our experience on other schemes DVS have adopted the same lead in and build programme. The sales period may be ambitious but on the assumption that it is based on their market research of latent demand I have adopted the same.

**i) Land Value:**

- 7.98 Following various appeal cases it is well established that viability assessments are carried out in order to calculate the residual land value that the scheme can afford which is then compared to the Market Value of the site in accordance with the RICS guidance notes September 2012. As this is an enabling development scheme however the target residual land value should be that returned which is enough to fill the conservation gap of some £7.25m.

**Overall assessment and Recommendations on Viability:**

- 7.99 Our fully open market appraisal for the scheme as described and reflecting the specified unit mix results in a residual land value of some £10.931m which is significantly above the required £7.25m hurdle.

**Other Material Considerations**

## Debt Issue of BCA

- 7.100 The college's financial situation and the Government's introduction of an insolvency regime for Higher Education establishments is considered to constitute a material consideration as the repercussions could impact the educational use of the land which is in the public interest. When assessing financial matters as a material consideration it is necessary to assess precisely who the said benefits accrue to, and apply weight accordingly.
- 7.101 There is no evidence presented in the application to confirm that the college would close if it became insolvent nor is there any evidence to demonstrate that the educational requirements of this college could not be met by another college, albeit outside of the borough. Whilst the reduction of the debt would benefit the creditors and mean that the existing management structure of the college could be retained these are not matters which are in the public interest. On this basis this consideration is given limited weight as a consideration in favour of the development.

## Archaeology

- 7.102 The site lies within an area of archaeological potential. A programme of works is required to mitigate the impact of development and to record any surviving remains so as to advance our understanding of their significance in accordance with Paragraph 141 of the NPPF and local plan policy. The field evaluation should take the form of an archaeological trial trenching exercise and this will determine if any areas of archaeological interest are present and if further investigation of these areas, either prior to or during construction, are merited. Subject to a condition requiring the applicant to implement a programme of archaeological field evaluation in accordance with a written scheme of investigation approved by the Local Planning authority no objection would be raised.

## **8. PLANNING BALANCE**

- 8.1 Paragraph 14 of the NPPF states "at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking.

For decision-taking this means

- approving development proposals that accord with the development plan without delay; and
  - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when against the policies in the Framework taken as a whole; or
  - specific policies in the Framework indicate development should be restricted (i.e. land designated as Green Belt; designated heritage assets...)
- 8.2 In accordance with guidance contained in the NPPF there are three separate balancing exercises which need to be undertaken in this particular case.

132. Whether the very special circumstances which would clearly outweigh the harm to the Green Belt and any other harm;
133. Whether the less than substantial harm of a designated asset would be outweighed by the public benefits of the proposal;
134. Whether the other adverse impacts identified in the report would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole in establishing whether the proposal represents sustainable development.

## Green Belt Balancing

- 8.3 It has been demonstrated that in accordance with national policies this form of development in the Green Belt is inappropriate development which should not be approved except in very special circumstances. It is concluded that the harm caused by the proposal by reason of inappropriate development, the harm to the Green Belt through loss of openness and the conflict with one of the purposes of the Green Belt through encroachment into the countryside should be afforded substantial weight against the development.
- 8.4 Furthermore the proposal is contrary to GB1 and GB2 A) however only limited weight is given to this policy conflict as the policies are out of date in respect to this proposal in accordance with paragraph 49 of the NPPF.
- 8.5 The proposal would also cause significant harm (less than substantial) to the setting of a Grade I Listed Building and a Historic Garden (Grade II) and does not constitute enabling development given the inadequacies of the Conservation Management Report and given the quantum of development proposed. The heritage assets are considered significant and of national importance. The harm would be significant and this is afforded significant weight against the development.
- 8.6 The proposal would also cause harm to the character and appearance of the area by virtue of the siting, scale and layout of the buildings and new access road along with associated paraphernalia which would have a harmful urbanising affect at odds with the both the rural undeveloped character of the area and the character of the cluster of built form within it which makes up the college. This weighs against the development and is given significant weight.
- 8.7 The proposal also fails to demonstrate that it would not cause harm to priority habitat wood-pasture and parkland, the neighbouring Ashley Hill Forest and Dellars Copse Local Wildlife Site or detrimentally impact protected species (Bats and Great Crested Newts) this also weigh significantly against the development.
- 8.8 Lastly no evidence has been submitted to demonstrate that the proposal would not increase the risk of flooding through increased surface water and this is given significant weight against the development.

### *Very Special Circumstances (VSC)*

- 8.9 The NPPF advises that “ 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.” The applicant has put forward the following case for ‘VSC’ (see table below). Officers have assessed each in turn and then carried out a balancing exercise as required.

1.	<p>Delivering funding for essential repairs to the listed Hall Place.</p> <p><b><i>Officer Comment: The proposal would provide money for essential repairs but does not secure the future maintenance of the assets. Neither does the proposal constitute Enabling Development as set out in policy. Additionally this benefit is not exclusive to this particular scheme. The benefit of this consideration is therefore given limited weight. .</i></b></p>
2.	<p>Delivering an enhancement programme to the registered park and gardens on the Estate</p> <p><b><i>Officer Comment: The main landscape enhancements consist of reinstating the missing limes to the south avenue, restore the historic tree planting, replant with mature trees the missing or decaying Battle of the Nile Oak trees. These benefits are given limited weight given the harm the buildings would have on the setting of the Battle of the Nile Oak trees.</i></b></p>

3.	<p>Development on land that is surplus to the operational requirements of the college, consistent with Central Government Educational Policy.</p> <p><b>Officer Comment: consistency with this particular policy has very little effect in planning terms and is therefore afforded no weight in the assessment of VSC.</b></p>
4.	<p>Securing a source of funding to ensure the long term stability of the college.</p> <p><b>Officer Comment: the applicant cannot confirm that the college would close if permission was not granted.</b></p> <p><b>Furthermore the Department of Education has confirmed that, “in the event that a college become insolvent in the future, a new regime will be introduced to ensure that learners will be protected.” and “We will ensure that disruption to their studies is avoided or minimised as far as possible.</b></p> <p><b>Until there is some certainty as to the impact upon the land use i.e. the provision of education officers consider that this consideration does not constitute Very Special Circumstances.</b></p>
5.	<p>Helping to secure the long term future of an important further education institution essential for the young adults and children with special needs of the borough and surrounding area, which also delivers important economic benefits.</p> <p><b>Officer Comment: as point 4.</b></p>
6.	<p>Securing the future of a significant local employer, this also delivers important economic benefits.</p> <p><b>Officer Comment: There is no evidence before the Local Planning Authority to confirm that the college will close if planning permission is not granted. On this basis whilst there are benefits in respect of employment and important local economic benefits associated with the college it is not clear how the refusal of this scheme would impact these benefits. As such, officers do not consider that this consideration constitutes Very Special Circumstances in this case.</b></p>
7.	<p>Meeting the specific needs for the elderly in a unique, comprehensive care village development, confirmed in the Carterwood Report.</p> <p><b>Officer Comment: there are strong social and economic benefits associated with the provision of this type of development, however in this instance these benefits can only be afforded limited weight as it has not been demonstrated that there are not other sites where this need could be met.</b></p>
8.	<p>Making a contribution towards a significant 5 year housing land supply deficit. (Hunston)</p> <p><b>Officer Comment: this is afforded significant weight.</b></p>
9.	<p>Relevant policies for the supply of housing are out of date (East Cheshire).</p> <p><b>Officer Comment: the proposal has been assessed with regards to the policies that are considered up to date in the plan and the NPPF. This is not therefore a consideration which could constitute VSC.</b></p>
10.	<p>Provides a unique use that will include vocational training and apprenticeship opportunities for BCA students, creating in part, an educational related use on the site.</p> <p><b>Officer Comment: this is afforded limited weight; whilst the uniqueness of the opportunity weighs in the balance, on the basis of the information submitted it is</b></p>

	<b><i>difficult to assess the extent to which this would occur. There are other institutions where students can receive vocational training and no evidence has been presented to demonstrate that there is a shortfall.</i></b>
11.	<p>A use that generates comparatively low traffic movements comprising a compatible use with the surrounding area and the community's aspirations to preserve the tranquil character of the area, in particular at Burchetts Green (see submitted Transport Statement).</p> <p><b><i>Officer Comment: It is not considered that this proposal comprises a compatible use with the surrounding area as detailed in section 7 of this report whilst the use of the Care Village generates comparatively low traffic movements this is not considered a benefit that can be afforded more than limited weight.</i></b></p>

- 8.10 This set of considerations are not considered to clearly outweigh the harm to the Green Belt and the other harms identified and therefore a case of Very Special Circumstances has not been made.

### **Heritage Balancing**

- 8.11 This report has clearly set out that there would be significant (less than substantial) harm to the setting of the Grade 1 Listed Building and to the registered historic garden. Weighing in favour of the development is the fact that there would be the 1.6 million pounds that would be available for works to the Listed Building. There are also the public benefits (social and economic) associated with the provision of the care village. Given the quantum of development proposed (which far exceeds what would be required to generate the 1.6 million) the benefits are not considered to outweigh the harm identified. As such the proposal does not pass the "paragraph test" set out in the NPPF.

### **Whether the other adverse impacts identified in the report would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole in establishing whether the proposal represents sustainable development.**

- 8.12 It has been demonstrated that the proposed development would cause the following additional harm:

Harm to the character and appearance of the area as a result of the siting, scale and layout of the buildings and new access road along with associated paraphernalia which would have a harmful urbanising affect at odds with the both the rural undeveloped character of the area and the character of the cluster of built form within it which makes up the college.
The proposal would result in the loss and the potential loss of trees which are considered important landscape features and are covered by a Tree Preservation Order. Their loss would be harmful to the character and appearance of the area.
It has not been demonstrated that the proposed development would not cause harm to the two adjacent wildlife sites, priority habitant area or protected species namely great crested newts and bats.
The proposal would increase flood risk from surface water, in the absence of evidence to the contrary.

- 8.13 It is acknowledged that this scheme would make a contribution to the Borough's housing stock. Furthermore there are other socio-economic benefits associated with the provision of the care home. However, it is the view of the Local Planning Authority that the socio-economic benefits of the development would be significantly and demonstrably outweighed by the adverse impacts

noted above arising from the scheme proposed, contrary to the adopted local and neighbourhood plan policies, all of which are essentially consisted with the NPPF, and to the development plan as a whole.

## **Conclusion**

- 8.14 Importantly it has been concluded that the quantum of development proposed exceeds what is necessary to carry out the required repairs and enhancements of the heritage assets, clear the colleges debt taking into accounts the costs associated with providing the development and allowing the developer a profit. In accordance with the NPPF there are specific policies in the framework as detailed in this report which indicate that development should be restricted. Fundamentally, the Very Special Circumstances put forward do not clearly outweigh the harm to the Green Belt. Additionally there is not a case of public benefits which would outweigh the significant (less than substantial) harm to the heritage assets that are considered to be of national importance and lastly the harm to the character and appearance of the area, trees, possible flooding and ecology are not significantly and demonstrably outweighed by the socio- economic benefits of the scheme.

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

- 9.1 In line with the Council's Charging Schedule the proposed development would now be CIL liable. The applicant has submitted the required forms including the assumption of liability for payment on the net increase in gross internal floor space. The required CIL payment for the proposed development would be £3,457,200. No further action is required until prior to commencement of the development if the proposal is subsequently approved.

## **10. CONSULTATIONS CARRIED OUT**

### **Comments from interested parties**

The planning officer posted a statutory notice advertising the application at the site on 23<sup>rd</sup> September 2017 and the application was advertised in the Maidenhead & Windsor Advertiser on 29<sup>th</sup> September 2017

159 letters (of which at least 48 are from employees of the College letters were received supporting the application, summarised as:

Comment	Where in the report this is considered
1. Investment into the area creating new jobs and opportunities.	7.78
2. Secure college for the future, benefiting learners.	7.10,7.101
3. Vocational work experience and opportunities for the students that could have work placements in the care home.	8.9
4. Opportunity for local elderly.	7.79
5. Help in the upkeep of the Grade 1 Listed Building and restoration of heritage asset.	7.6 – 7.31
6. College provides fantastic facilities for the student	Noted
7. Safe guard existing jobs and restore the college's finances.	7.100, 7.101
8. A new care village will maintain the grounds beautifully	7.6 -7.31
9. A new care village is needed in Maidenhead	8.9
10. This will prevent the requirement to merge with a larger institution	7.100 – 7.101
11. The care village provides increased natural surveillance for BCA	Noted
12. It will reduce traffic in the area.	7.32 – 7.45
13. Care village has benefits to the community with regard to reduced hospital stays, reduced visits to GP and improves quality of life for the elderly.	7.79
14. The proposal would provide high quality accommodation in a beautiful	Noted

	setting	
15.	The college may lose its independence	7.100 – 7.101
16.	Merging with a larger provider could result in asset stripping and jobs may be lost.	7.100 – 7.101

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

Comment		Where in the report this is considered
1.	Harm to the Green Belt and inappropriate development in the Green Belt. The government advises that any harm to the Green Belt should carry substantial weight.	7.3 – 7.5
2.	Harm to a grade 1 Listed Building and its estate.	7.6 – 7.31
3.	The BCA campus is zoned for education and this is how it should remain. A care village is out of keeping with the educational campus.	7.46 – 7.56
4.	When has financial mismanagement considered justification for the flouting of basic planning principles?	4.9
5.	The transport data accompanying the application appears questionable.	7.32 – 7.45
6.	The location is not sustainable as it is not close to amenities or public transport	7.76 – 7.77
7.	Concerned about increase in traffic using Hall Place drive which already seems to be at its maximum capacity during peak hours.	7.32 – 7.45
8.	There is inadequate protection for the village from increased traffic, especially new the school and further traffic presents a serious risk to the children in the village and also to those attending school.	7.32 – 7.45
9.	Hurley and the Walthams Neighbourhood Plan had no notification from RBWM during its 4/5 years of working on its NP and all the evidence obtained in the process of producing its emerging NP was for the BCA site to remain exclusive to education.	Not a material planning consideration
10.	RBWM has not informed the local community properly about this planning application so please defer this application until that proper process has taken place.	Consultation has been carried out in accordance with Council procedure
11.	The BCA site is being considered for school expansion which is undoubtedly a more suitable fit.	-
12.	If the application is approved please make sure that the environment plan and the travel plan is sound and covered by a secure legal agreement.	This would be a secure by a legal agreement
13.	It is not so long ago that we were being told that there was not enough demand for the elderly care home industry and the nursing home in Apple Hill Hurley had to be reclassified against much local opposition.	-
14.	There is already far too much traffic passing through the village throughout the day and the increased traffic from the proposed Care Village would be unacceptable. Just trying to get out of our drive in the rush hour can be a challenge in its self.	7.32 – 7.45
15.	There is only one bus available and with no local shops within walking distance I cannot see how this can be a viable proposition.	7.76
16.	Proposal represents over development.	7.46 – 7.56
17.	Should the college fail to be viable in the future what would stop another damaging proposal from being approved if this application is approved it would set a precedent.	Each application considered on its own merits

18.	The care home is not strictly speaking a care home because the level of care for residents has a very low threshold at 1 hour per day. The project is in fact a private residence and of no benefit to the wider community.	5.3
19.	Proposal would be harmful to local wildlife.	7.64 – 7.79
20.	The degraded grassland adjacent to the proposed area is excellent for the prey of the owls that are seen at BCA.	7.64 – 7.79
21.	Emails have been sent to all the staff and students telling them to support the application. It was done in a way that made it seem like day to day administration of being part of the college, not as a decision that should be considered. I believe all support resulting from this email should be disregarded.	Not a material planning consideration

### Statutory consultees

Consultee	Comment	Where in the report this is considered
Historic England	Objection	7.6 – 7.31

### Other consultees

Consultee	Comment	Where in the report this is considered
Highways Officer	No objection subject to conditions.	7.32 – 7.45
Conservation Officer	Objection	7.6 – 7.31
Rights of Way Officer	No objection subject to conditions	7.57 – 7.60
Lead Local Flood Authority	Objection	7.62 – 7.64
Berkshire Archaeology	No objection subject to conditions	7.102
Access Forum	Objects to the vehicular entrance point at the junction of Hurley Footpath 18 as this is considered dangerous.	7.57 – 7.60
Bisham Parish Council	<p>Objects to the proposal for the following reasons;</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> That the “special circumstances” cited are not significant enough to overcome Green Belt Policy</li> <li><input type="checkbox"/> That the traffic ingress and egress at the main drive already has an impact on local residents, and the increased volume will exacerbate this.</li> <li><input type="checkbox"/> That the location itself is an inappropriate site for Older People, based on the local infrastructure</li> <li><input type="checkbox"/> There is a concern that the applicant is seen as “deserving” due to the circumstances, and this could have a prejudicial effect on the outcome.</li> </ul> <p>If you would like any further information, please feel free to contact me on the details above.</p>	<p>7.2 – 7.5</p> <p>7.32 – 7.45</p> <p>7.76</p>
Hurley Parish Council	Objects to the proposal as it is contrary to the emerging Neighbourhood Plan and is inappropriate development in the Green Belt.	7.2 – 7.5



- Appendix A -Site location plan and site layout
- Appendix B - Plan and Elevation drawings
- Appendix C -Letter from Education Funding Agency dated 4<sup>th</sup> February 2016
- Appendix D - NPPF, Annex 2, Glossary
- Appendix E - Schedule of works to be carried out to the Heritage Assets
- Appendix F - Plan showing Public Rights of Way.

## 12. REASONS RECOMMENDED FOR REFUSAL

- 1 The proposed development is inappropriate development in the Green Belt and therefore by definition harmful to openness. Notwithstanding this, it will also physically reduce the openness of the Green Belt by reason of the developments proposed scale and siting. The proposal would result in substantial harm to the openness of the Green Belt and one of the purposes of including land in the Green Belt, namely 'to assist in safeguarding the countryside encroachment'. There are no 'Very Special Circumstances' to outweigh the substantial harm to the Green Belt and the other significant harm which is identified below. The proposals are contrary to paragraphs 80, 87, 88 and 89 of the National Planning Policy Framework (NPPF) and the provisions of saved Policies GB1 and GB2A) of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations adopted June 2003).
- 2 The applicant has failed to adequately assess the Heritage Asset and has not submitted an adequate Conservation Management Plan. The proposal fails to constitute enabling development and would cause significant harm to the setting of the Grade 1 Listed Building and the Grade II Historic Garden given the developments size, siting and poor design which is derived by moving the vernacular architecture of the village so that it stands along side the refined architecture of the house and its landscape setting misunderstanding the significance of the house and its landscape setting. This harm is not outweighed by public benefits. The proposal is contrary to Core Planning Principle Bullet Point 10, Paragraphs 128, 132, 134, 140 of the National Planning Policy Framework (NPPF) and the provisions of saved policy LB2 and HG1 the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations adopted June 2003) and emerging policy Gen2 of the Hurley and the Walthams Neighbourhood Plan (2015-2030).
- 3 The proposed development would cause harm to the character and appearance of the area as a result of the siting, scale and layout of the buildings, the amount of hardstanding including the new access road and the associated paraphernalia including car parking and lighting, all of which would have an urbanising affect at odds with both the rural undeveloped character of the area and the character derived from the cluster of built form which forms the college. The proposal would be contrary to Core Planning Principle Bullet Point 5, paragraphs 56, 58, 61 and 64 of the National Planning Policy Framework (NPPF), the provisions of saved policy DG1 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations adopted June 2003) and emerging Policy Env1 and Gen2 of the Hurley and the Walthams Neighbourhood Plan (2015-2030).
- 4 The proposal would result in the loss and the potential loss of trees which are important landscape features and are covered by a Tree Preservation Order. Their loss would be harmful to the character and appearance of the area. The proposals will be contrary to Core Planning Principle Bullet Point 7 and paragraphs 61 and 118 of the National Planning Policy Framework and the provisions of saved policies DG1 and N6 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations adopted June 2003) and emerging Policy Env1 and Gen2 of the Hurley and the Walthams Neighbourhood Plan (2015-2030).
- 5 It has not been demonstrated that the proposed development would not cause harm to the priority habitat area, two adjacent wildlife sites, or protected species namely great crested newts and bats. The proposal would be contrary to Core Planning Principle Bullet Point 7 and paragraph 118 of the NPPF and the provisions of saved policy N9 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations adopted June 2003) and emerging Env1 of the Hurley and the Walthams Neighbourhood Plan 2015-2030.

- 6 The submitted Flood Risk Assessment fails to demonstrate that the proposal complies with national technical standards and no detail has been provided in respect of future management of any acceptable Sustainable Urban Drainage System scheme that may come forward. The proposal is contrary to paragraph 103 of the NPPF and emerging Env2 of the Hurley and the Walthams Neighbourhood Plan (2015-2030).