

MAIDENHEAD DEVELOPMENT MANAGEMENT COMMITTEE

WEDNESDAY, 16TH NOVEMBER, 2022

At 7.00 pm

In the

COUNCIL CHAMBER - TOWN HALL, MAIDENHEAD, AND ON [RBWM YOUTUBE](#)

SUPPLEMENTARY AGENDA

PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
5.	<p><u>22/01207/OUT - OAKLEY GREEN MUSHROOM FARM OAKLEY GREEN ROAD OAKLEY GREEN WINDSOR SL4 5UL</u></p> <p>PROPOSAL: Outline application for Access, Layout and Scale only to be considered at this stage with all other matters to be reserved for the demolition of storage buildings (Class B8) and erection of 29 dwellings, together with associated access, parking and provision of amenity space.</p> <p>RECOMMENDATION: Refuse</p> <p>APPLICANT: Mr East</p> <p>EXPIRY DATE: 22 August 2022</p>	3 - 6

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Agenda Item 5

1. SUMMARY

- 1.1 Since the main report was written updated comments have been received from the Council's Ecologist advising that the conclusion is that 'the proposals are unlikely to affect priority habitats or protected species *other than* Great Crested Newts'.
- 1.2 The applicants have submitted further information and commented on various matters raised in the Council's report for this committee (Nov 16th). These are discussed below.
- 1.3 A further reason for refusal is recommended regarding the failure to secure the open space, Local Area for Play (LAP) and Locally Equipped Area for Play (LEAP) through a legal agreement. A legal agreement is considered necessary to ensure these areas remain open to public in perpetuity and to ensure the maintenance of these areas.

The recommendation is that planning permission be refused for the reasons given in the main report and the additional reason below (in para. 3.1).

2. ADDITIONAL INFORMATION

Great Crested Newts

- 2.1 Regarding Great Crested Newts (GCN) the applicants have commented that despite the 'red zone' status, application sites must still be considered on an individual basis. They advise that site specific ecological surveys have been carried out and from these the applicant concludes that the existing site is unsuitable as a GCN habitat. The applicant considers that a blanket approach to licences is inappropriate in this instance.
- 2.2 The applicant's ecologist's report proposes a 'Precautionary Working Method Statement' to mitigate any unlikely impact on GCN which they consider is a more balanced solution. The applicant also states that if the LPA does not consider this to be an acceptable approach, they suggest this requirement for a licence could be conditioned or dealt with as part of the reserved matter application (for landscaping).
- 2.3 The Council's ecologist has provided updated comments and concludes 'the proposals are unlikely to affect priority habitats or protected species other than Great Crested Newts'.
- 2.4 RBWM has recently enrolled on the Naturespace District Licence for GCN (GCNDL). The development site is within the GCNDL Red Zone meaning that the proposals are very likely to affect GCN. The LPA considers that the applicant would either need to register the site under this licence (and supply the first stage certificate from NatureSpace prior to determination of the application) or apply for a site-specific licence (through Natural England). If the applicant were to proceed with the latter, they would need to survey the nearby ponds, which can only be carried out between mid-March and mid- June.
- 2.5 The LPA maintains that licencing matters/certification through NatureSpace, or appropriate ecology surveys need to be submitted and dealt with *prior* to determination of this outline application. Dealing with such matters via a condition or at the reserved matters stage, is not considered appropriate.

Safe/low hazard means of escape

- 2.6 The applicant's flood consultant has commented that it is unclear why a grass verge (for an escape route) is not sufficient. They add that a fully surfaced, lit footway would be preferable but in this location the verge is wide and there are footways a short distance away in either direction. They also point out that the proposal includes extending existing footway on the opposite side of the A308.

- 2.7 The applicant points out that the wider flooding map shows that Dedworth to the east, Oakley Green Road to the north and developed areas along the A308 to the west starting at the Oakley Green Cemetery are dry during the critical flood event. They suggest that for use only in an extremely rare event and only if evacuation was required and not possible by car, the use of the grass verge along the A308 is entirely appropriate.

LPA response

- 2.8 The LPA is not satisfied that a safe/low hazard means of escape which relies on pedestrians using a grass verge alongside a main road is acceptable. A grass verge is unsuitable for people with mobility issues, wheelchair users and for prams and pushchairs. Heading east along the A308 (towards Windsor/Dedworth) there are no footpaths within a short distance. Furthermore, the FRA does not specify details of the entire route and final destination (refuge) for the escape route. The plans merely indicate that the escape route would head east along the A308.

Energy

- 2.9 The applicant has advised that as the current submission is an Outline Planning Application with detailed house design remaining to be considered, it is not possible to provide accurate carbon reduction/emission calculations at this stage. The applicant considers that this should be kept for consideration at the future reserved matters stage.

LPA response

- 2.10 The LPA considers that sustainability *is* a matter for the outline stage and a S106 agreement to secure carbon offset contributions should also be in place at this outline stage. Although the applicant may not know the detailed design at this stage, given that layout and scale are for consideration at the outline stage, it should be possible for the applicant to provide an estimate of energy efficiency and CO2 emissions based on a best-case scenario.

Affordable Housing

- 2.11 The applicant advises that they are fully committed to enter into a S106 agreement and state that should the committee be minded to approve the application, this should be subject to a signed S106 being provided.

LPA response

- 2.12 The applicant's willingness to enter into a S106 is noted.

Footpath/highway improvements

- 2.13 The applicant advises that they are fully committed to enter into a S106 and S78 agreement and suggest that should the committee be minded to approve the application, this should be subject to a signed S106 being provided.

LPA response

- 2.14 The applicant's willingness to enter into S106 and S78 agreements noted.

3. RECOMMENDATION – REFUSE

- 3.1** Reasons as per the main report and additional reason relating to the lack of a legal agreement to secure open space, LAP and LEAP in perpetuity.

Additional Reason:

The applicant has failed to secure the provision of open space, LAP and LEAP through a legal agreement. A legal agreement is considered necessary to ensure these areas remain open to the public in perpetuity and to ensure the maintenance of these areas. The proposal is therefore contrary to adopted Borough Local Plan policy IF4.

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