

NOTICE
OF
MEETING

**ROYAL BOROUGH DEVELOPMENT
MANAGEMENT PANEL**

will meet on

WEDNESDAY, 17TH MARCH, 2021

At 6.15 pm

by

VIRTUAL MEETING - ONLINE ACCESS, ON [RBWM YOUTUBE](#)

TO: MEMBERS OF THE ROYAL BOROUGH DEVELOPMENT MANAGEMENT PANEL

COUNCILLORS PHIL HASELER (CHAIRMAN), DAVID CANNON (VICE-CHAIRMAN),
JOHN BOWDEN, GEOFF HILL, DAVID HILTON, NEIL KNOWLES,
JOSHUA REYNOLDS, AMY TISI AND LEO WALTERS

SUBSTITUTE MEMBERS

COUNCILLORS GURPREET BHANGRA, MANDY BRAR, KAREN DAVIES,
ANDREW JOHNSON, GREG JONES, JULIAN SHARPE, SHAMSUL SHELIM,
HELEN TAYLOR AND JON DAVEY

Karen Shepherd – Head of Governance - Issued: Date Not Specified

Members of the Press and Public are welcome to attend Part I of this meeting. The agenda is available on the Council's web site at www.rbwm.gov.uk or contact the Panel Administrator **Shilpa Manek** 01628 796310

Recording of Meetings – In line with the council's commitment to transparency the Part I (public) section of the virtual meeting will be streamed live and recorded via Zoom. By participating in the meeting by audio and/or video, you are giving consent to being recorded and acknowledge that the recording will be in the public domain. If you have any questions regarding the council's policy, please speak to Democratic Services or Legal representative at the meeting.

AGENDA

PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
1.	<u>APOLOGIES FOR ABSENCE</u> To receive any apologies for absence.	
2.	<u>DECLARATIONS OF INTEREST</u> To receive any declaration of interest.	5 - 6
3.	<u>MINUTES OF THE MEETINGS HELD ON 17 FEBRUARY AND 3 MARCH 2021</u> To approve the minutes of the meeting held on 17 February and 3 March 2021 to be a true and accurate record.	7 - 12
4.	<u>20/00864/OUT - STATION COURT - HIGH ROAD - COOKHAM - MAIDENHEAD - SL6 9JF</u> <i>PROPOSAL: Outline application for access, appearance, layout and scale only to be considered at this stage with all other matters to be reserved for the erection of x12 flats.</i> RECOMMENDATION: PERMIT APPLICANT: David Howells MEMBER CALL-IN: N/A EXPIRY DATE: 24 March 2021	13 - 38
5.	<u>20/03371/OUT - LODGE FARM AND WATER TOWER - ASCOT ROAD - HOLYPORT - MAIDENHEAD</u> <i>PROPOSAL: Outline application for access only to be considered at this stage with all other matters to be reserved for the construction of x124 dwellings with new access off Holyport Road, change of use of agricultural land to community park, open space, two grass football pitches, allotments, a community building and ancillary landscaping and parking.</i> RECOMMENDATION: REFUSE APPLICANT: Mr Killoran MEMBER CALL-IN: N/A EXPIRY DATE: 12 March 2021	39 - 80
6.	<u>21/00100/FULL - 42 BISHAM VILLAGE - MARLOW ROAD - BISHAM -</u>	81 - 92

MARLOW - SL7 1RR

PROPOSAL: Two storey side extension, new and replacement windows, single storey extension and 2 No. new rooflights to existing outbuilding following demolition of existing single storey side/rear element and detached garage.

RECOMMENDATION: REFUSE

APPLICANT: Mr Robson

MEMBER CALL-IN: Councillor Mandy Brar

EXPIRY DATE: 16 March 2021

7.

21/00274/FULL - FURZE PLATT JUNIOR SCHOOL - OAKEN GROVE
- MAIDENHEAD - SL6 6HQ

93 - 102

PROPOSAL: Single storey front and side extensions.

RECOMMENDATION: PERMIT

APPLICANT: The Royal Borough of Windsor and Maidenhead

MEMBER CALL-IN: N/A

EXPIRY DATE: 5 May 2021

8.

ESSENTIAL MONITORING REPORTS

103 - 112

To note the contents of the report.

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LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

In accordance with the requirements of the Local Government (Access to Information) Act

1985, each item on this report includes a list of Background Papers that have been relied

on to a material extent in the formulation of the report and recommendation.

The list of Background Papers will normally include relevant previous planning decisions, replies to formal consultations and relevant letter of representation received from local societies, and members of the public. For ease of reference, the total number of letters received from members of the public will normally be listed as a single Background Paper,

although a distinction will be made where contrary views are expressed. Any replies to consultations that are not received by the time the report goes to print will be recorded as

“Comments Awaited”.

The list will not include published documents such as the Town and Country Planning Acts

and associated legislation, Department of the Environment Circulars, the Berkshire Structure Plan, Statutory Local Plans or other forms of Supplementary Planning Guidance,

as the instructions, advice and policies contained within these documents are common to

the determination of all planning applications. Any reference to any of these documents will be made as necessary under the heading “Remarks”.

STATEMENT OF THE HUMAN RIGHTS ACT 1998

The Human Rights Act 1998 was brought into force in this country on 2nd October 2000, and it will now, subject to certain exceptions, be directly unlawful for a public authority to act in a way which is incompatible with a Convention right. In particular, Article 8 (respect

for private and family life) and Article 1 of Protocol 1 (peaceful enjoyment of property) apply to planning decisions. When a planning decision is to be made however, there is further provision that a public authority must take into account the public interest. In the vast majority of cases existing planning law has for many years demanded a balancing exercise between private rights and public interest, and therefore much of this authority's decision making will continue to take into account this balance.

The Human Rights Act will not be referred to in the Officer's report for individual applications beyond this general statement, unless there are exceptional circumstances which demand more careful and sensitive consideration of Human Rights issues.

MEMBERS' GUIDE TO DECLARING INTERESTS IN MEETINGS

Disclosure at Meetings

If a Member has not disclosed an interest in their Register of Interests, they **must make** the declaration of interest at the beginning of the meeting, or as soon as they are aware that they have a DPI or Prejudicial Interest. If a Member has already disclosed the interest in their Register of Interests they are still required to disclose this in the meeting if it relates to the matter being discussed.

A member with a DPI or Prejudicial Interest **may make representations at the start of the item but must not take part in the discussion or vote at a meeting.** The speaking time allocated for Members to make representations is at the discretion of the Chairman of the meeting. In order to avoid any accusations of taking part in the discussion or vote, after speaking, Members should move away from the panel table to a public area or, if they wish, leave the room. If the interest declared has not been entered on to a Members' Register of Interests, they must notify the Monitoring Officer in writing within the next 28 days following the meeting.

Disclosable Pecuniary Interests (DPIs) (relating to the Member or their partner) include:

- Any employment, office, trade, profession or vocation carried on for profit or gain.
- Any payment or provision of any other financial benefit made in respect of any expenses occurred in carrying out member duties or election expenses.
- Any contract under which goods and services are to be provided/works to be executed which has not been fully discharged.
- Any beneficial interest in land within the area of the relevant authority.
- Any licence to occupy land in the area of the relevant authority for a month or longer.
- Any tenancy where the landlord is the relevant authority, and the tenant is a body in which the relevant person has a beneficial interest.
- Any beneficial interest in securities of a body where:
 - a) that body has a piece of business or land in the area of the relevant authority, and
 - b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body **or** (ii) the total nominal value of the shares of any one class belonging to the relevant person exceeds one hundredth of the total issued share capital of that class.

Any Member who is unsure if their interest falls within any of the above legal definitions should seek advice from the Monitoring Officer in advance of the meeting.

A Member with a DPI should state in the meeting: ***'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Or, if making representations on the item: 'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'

Prejudicial Interests

Any interest which a reasonable, fair minded and informed member of the public would reasonably believe is so significant that it harms or impairs the Member's ability to judge the public interest in the item, i.e. a Member's decision making is influenced by their interest so that they are not able to impartially consider relevant issues.

A Member with a Prejudicial interest should state in the meeting: ***'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Or, if making representations in the item: 'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'

Personal interests

Any other connection or association which a member of the public may reasonably think may influence a Member when making a decision on council matters.

Members with a Personal Interest should state at the meeting: ***'I wish to declare a Personal Interest in item x because xxx'. As this is a Personal Interest only, I will take part in the discussion and vote on the matter.***

Agenda Item 3

ROYAL BOROUGH DEVELOPMENT MANAGEMENT PANEL

WEDNESDAY, 17 FEBRUARY 2021

PRESENT: Councillors Phil Haseler (Chairman), John Bowden, David Cannon (Vice-Chairman), Geoff Hill, David Hilton, Neil Knowles, Joshua Reynolds, Amy Tisi and Leo Walters

Also in attendance: Councillors Gurpreet Bhangra, Mandy Brar, Gerry Clark, Shamsul Shelim and Donna Stimson

Officers: Neil Allen (Legal), Tony Franklin (Planning), Shilpa Manek (Clerk), Fatima Rehman (Host), Jo Richards (Planning), Sian Saadeh (Planning) and Megan Summerfield (Legal Trainee)

APOLOGIES FOR ABSENCE

No apologies for absence were received.

DECLARATIONS OF INTEREST

Councillor Bowden declared a personal interest that he was Chairman of the Eton and Windsor Town Partnership and had used the function room at the racecourse before but was attending the meeting with an open mind.

Councillor Haseler declared a personal interest as he had received an email from an objector for item 5. He had acknowledged the email and sent on to the planning team and it had been included in the panel report.

Councillor Hilton declared a personal interest for item 7 as this was a major business in his ward and would meet regularly meet the director and the registered speaker. Councillor Hilton was attending the meeting with an open mind.

MINUTES OF MEETING HELD ON 16 DECEMBER 2020

RESOLVED UNANIMOUSLY: That the minutes of the last meeting held on 16 December 2020 be approved as an accurate record.

This was proposed by Councillor Haseler and seconded by Councillor Bowden.

20/01987/FULL - LAND AT AND INCLUDING THE OLD RUINS - ST LEONARDS HILL - WINDSOR

A motion was put forward to Approve the application as per the Officers recommendation and subject to the conditions in the Panel update report by Councillor Knowles and seconded by Councillor Walters.

A named vote was carried out.

20/01987/FULL - LAND AT AND INCLUDING THE OLD RUINS - ST LEONARDS HILL - WINDSOR (Motion)	
Councillor Phil Haseler	For
Councillor John Bowden	For

Councillor David Cannon	For
Councillor Geoffrey Hill	For
Councillor David Hilton	For
Councillor Neil Knowles	For
Councillor Joshua Reynolds	For
Councillor Amy Tisi	For
Councillor Leo Walters	For
Carried	

RESOLVED UNANIMOUSLY: That the application be **PERMITTED** subject to the conditions listed in the Panel Update Report, as per Officers recommendation.

20/02689/FULL - LAND WEST OF MAIN FARM BUILDINGS - LOWER MOUNT FARM - LONG LANE - COOKHAM - MAIDENHEAD

A motion was put forward to Approve the application as per Officers recommendation and subject to the amendment to conditions 4 and 5 to remove the words “unless otherwise agreed in writing by the Local Planning Authority”. This was proposed by Councillor Cannon and seconded by Councillor Hilton.

A named vote was taken.

20/02689/FULL - LAND WEST OF MAIN FARM BUILDINGS - LOWER MOUNT FARM - LONG LANE - COOKHAM - MAIDENHEAD (Motion)	
Councillor Phil Haseler	For
Councillor John Bowden	For
Councillor David Cannon	For
Councillor Geoffrey Hill	For
Councillor David Hilton	For
Councillor Neil Knowles	For
Councillor Joshua Reynolds	Against
Councillor Amy Tisi	For
Councillor Leo Walters	For
Carried	

RESOLVED: That the application be **PERMITTED** as per Officers recommendation and subject to the amendment to conditions 4 and 5.

WITHDRAWN - 20/03418/FULL - LAND ADJACENT TO THE DRAWERY – WINDSOR GREAT PARK - WINDSOR

ITEM WITHDRAWN

20/02720/FULL - RESEVOIR ASCOT RACECOURSE - WINKFIELD ROAD ASCOT TO PUMPING STATION WEST OF THE POND WATERSPLASH LANE ASCOT

A motion was proposed to refuse the application as per Officers recommendation. This was proposed by Councillor Hill and seconded by Councillor Knowles.

A second motion was proposed to approve the application, contrary to Officers recommendation. This was proposed by Councillor Bowden. This was not seconded. This motion fell.

A third motion was proposed to defer the application for more information that was required by Officers. This was proposed by Councillor Hilton and was seconded by Councillor Walters.

Councillor Knowles withdrew his motion to second the first proposal. Motion one fell.

Motion one and two, both fell away.

A named vote was taken for motion three, to defer the application until further information had been received.

20/02720/FULL - RESEVOIR ASCOT RACECOURSE - WINKFIELD ROAD ASCOT to PUMPING STATION WEST OF THE POND WATERSPLASH LANE ASCOT (Motion)	
Councillor Phil Haseler	For
Councillor John Bowden	For
Councillor David Cannon	For
Councillor Geoffrey Hill	For
Councillor David Hilton	For
Councillor Neil Knowles	For
Councillor Joshua Reynolds	For
Councillor Amy Tisi	For
Councillor Leo Walters	For
Carried	

RESOLVED UNANIMOUSLY: That the application be DEFERRED to obtain further information.

ESSENTIAL MONITORING REPORTS

Members noted the contents of the reports.

The meeting, which began at 6.25 pm, finished at 8.30 pm

CHAIRMAN.....

DATE.....

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ROYAL BOROUGH DEVELOPMENT MANAGEMENT PANEL

WEDNESDAY, 3 MARCH 2021

PRESENT: Councillors Phil Haseler (Chairman), David Cannon (Vice-Chairman), John Bowden, David Hilton, Neil Knowles, Joshua Reynolds, Helen Taylor, Amy Tisi and Leo Walters

Also in attendance: Councillor Christine Bateson, Councillor Mandy Brar, Councillor Gerry Clark, Councillor David Coppinger, Councillor Karen Davies, Councillor Shamsul Shelim, Councillor Gurch Singh and Councillor Donna Stimson

Officers: Tim Chapman, Rachel Lucas, Shilpa Manek, Fatima Rehman, Barbara Richardson, Sian Saadeh, Duncan Sharkey and Adrien Waite

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Hill. Councillor Taylor was substituting.

DECLARATIONS OF INTEREST

Councillor Hilton declared an interest that he had welcomed the proposal in the budget proposal, as Cabinet member for Finance and Ascot. Councillor Hilton was attending the meeting with an open mind.

Councillor Taylor declared a personal interest as she knew one of the objectors sons from a previous borough festival. Councillor Taylor had also attended a meeting at Smokeys nightclub with other councillors regarding the Maidenhead Regeneration, but had no further involvement after that meeting and was attending the meeting with an open mind.

20/01251/OUT - SITE KNOWN AS NICHOLSON QUARTER BOUND BY HIGH STREET AND BROADWAY - MAIDENHEAD

A motion was put forward by Councillor Bowden for Officers recommendation as per the second panel update report. This was seconded by Councillor Cannon. This was to delegate authority to the Head of Planning to:

- grant planning permission subject to the conditions listed in Section 4 of the panel update report and subject to the completion of a legal agreement to secure the affordable housing review mechanism and other infrastructure set out in section 10 of the main report.
- refuse planning permission if a legal agreement to secure the affordable housing review mechanism and other infrastructure set out in section 10 of the main report has not been completed by 3rd June 2021 for the reason that the application would not secure the provision of affordable housing from the scheme nor provision of other infrastructure necessary to offset the impact of the development.

A named vote was taken.

20/01251/OUT - SITE KNOWN AS NICHOLSON QUARTER BOUND BY HIGH STREET AND BROADWAY - MAIDENHEAD (Motion)	
Councillor Phil Haseler	For
Councillor David Cannon	For
Councillor John Bowden	For
Councillor David Hilton	For
Councillor Neil Knowles	For
Councillor Joshua Reynolds	For
Councillor Helen Taylor	For
Councillor Amy Tisi	For
Councillor Leo Walters	For
Carried	

RESOLVED UNANIMOUSLY: That the delegated authority was granted to the Head of Planning to approve the application subject to conditions or legal agreement, and delegated powers to refuse planning permission if a legal agreement to secure the affordable housing review mechanism and other infrastructure set out in section 10 of the main report has not been completed by 3rd June 2021.

The meeting, which began at 6.15 pm, finished at 8.20 pm

CHAIRMAN.....

DATE.....

Agenda Item 4

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

DEVELOPMENT CONTROL PANEL

17 March 2021

Item: 1

Application No.:	20/00864/OUT
Location:	Station Court High Road Cookham Maidenhead SL6 9JF
Proposal:	Outline application for access, appearance, layout and scale only to be considered at this stage with all other matters to be reserved for the erection of x12 flats.
Applicant:	David Howells
Agent:	Not Applicable
Parish/Ward:	Cookham Parish/Bisham And Cookham
If you have a question about this report, please contact: Antonia Liu on 01628 796034 or at antonia.liu@rbwm.gov.uk	

1. SUMMARY

- 1.1 The application is for outline permission for the erection of a new block of 12 residential flats and associated development following the demolition of the existing office building. Access, appearance, layout and scale are to be considered at this stage with the only remaining matter (landscaping) reserved for subsequent approval.
- 1.2 The loss of employment uses and redevelopment of the site for housing is acceptable in principle. The harm resulting from the loss of the non-designated heritage asset should be weighed up in the planning balance.
- 1.3 Due to the proposed layout the proposed building would respect the general building line / set back from the road and the spacing of buildings which characterise the area. The height, scale and form of the proposed building would not result in an overly dominant or incongruous building within the plot or the streetscene. There is no objection to the proposed design. Landscaping is a reserved matter, but there is space for a sufficient level of sustainable planting to soften the development.
- 1.4 The proposed access is acceptable in respect of highway safety. A parking ratio of 1 space per flat is acceptable due to the accessible location and existing parking restrictions in the vicinity that would prevent any potential indiscriminate on-street parking to the detriment of highway safety. With reference to paragraph 109 of the NPPF, it is not considered that the proposal would result in a severe impact on the road network that would warrant refusal.
- 1.5 There are no concerns in relation to loss of light, loss of privacy or visual intrusion to existing neighbouring houses. Noise from the adjacent railway can be satisfactorily mitigated for future occupants of the development. All habitable rooms are of a satisfactory size and benefit from natural light and ventilation. Proposed outdoor amenity space falls short of Council standards, which should be weighed against the development in the planning balance.
- 1.6 There are no objections in relation to sustainable drainage, ecology or contaminated land.
- 1.7 In accordance with paragraph 11 of the National Planning Policy Framework, the titled balance is engaged. The moderate harm in terms of inadequate amenity space would not significantly and demonstrably outweigh the value of using suitable brownfield land within the settlement area which is given substantial weight and the benefit of using suitable small-medium windfall sites within existing settlements for homes, which should be given great weight.

It is recommended the Panel grants planning permission with the conditions listed in Section 13 of this report.

2. REASON FOR PANEL DETERMINATION

- The Council's Constitution does not give the Head of Planning delegated powers to determine the application in the way recommended; such decisions can only be made by the Panel.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site measures approximately 0.16ha and is located within the settlement of Cookham on the south side of High Road at its junction with Peace Lane. The site currently comprises a single storey, L-shape building in office (Class E) use with a footprint of approximately 423sqm and maximum height of approximately 4.8m. The building is sited to the southeast of the site with the short arm of the L sited approximately 1m from the southern boundary and the long arm sited approximately 3m from the eastern boundary. Between the existing building and the eastern boundary is a narrow strip of grass which, due to the change in ground level, is approximately 1m higher than the remainder of the site. The remainder of the site predominately comprises of hardsurfacing for parking and turning which measures approximately 957sqm. The site is enclosed by a brick wall along the southern boundary, and railings along the western and eastern boundary. Access to the site is located to the north, off High Road. There is a further change in ground level between the site and Peace Lane with Peace Lane sited approximately 1m higher.
- 3.2 The surrounding area is predominately residential, although Cookham train station and a parade of shops is located approximately 60-100m to the north-east. Parking for the train station lies immediately to the north of the site. The railway track runs north to south adjacent to the eastern boundary to the site. To the south of the site are residential bungalows on the east side of Peace Lane. The adjacent bungalow to the south is known as St Ives. On the western side of Peace Lane are two storey detached houses.

4. KEY CONSTRAINTS

- 4.1 The site lies within an area of contaminated land.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The original application was for outline permission for the erection of a new block of 14 residential flats and associated development following the demolition of the existing office building. Access, appearance, layout and scale are to be considered with all other matters (landscaping) reserved.
- 5.2 During the course of the application the scheme has been amended. The main changes are as follows:
- reduction in size of the proposed building resulting in the provision of 12 flats
 - reduction in ridge height and simplification of roof form
 - shallower pitches to the gables, and removal gable on side (Peace Lane) Elevation
 - replacement of stone quoins with brick quoins
 - stone headers have been retained on the ground and first floor windows within the gable elements, but replaced with brick headers on all other windows
- A subsequent set of plans were submitted by the applicant. The main changes are:
- change to cantilever balconies
 - amended dimensions of patio areas and balconies

- 5.3 The proposed building is sited centrally, measuring approximately 23.5m in length and 16.3m in width, excluding the west gable which projects a further 2.3m and the east gable which projects a further 2.7m. The overall footprint of the building measures approximately 437sqm. The building is

two-storey in height with accommodation in the roof. The north, west and east facing pitch-roof gables have an eaves height of around 5.7m and a ridge height of around 9.8m. The main crown roof has an eaves height of around 5.3m and a ridge height of around 9.4m.

- 5.4 The proposed building is to be constructed out of red brick with brick quoins, a mix of brick and stone headers, and stone sills.
- 5.5 The proposed accommodation comprises of 9 x 2-bed flats and 3 x 1-bed flats.
- 5.6 The existing vehicular access to the north of the site will be retained although narrowed in width to serve a car parking area which comprises 5 spaces and measures approximately 155sqm in area. To the north of this car parking area is a bin store. A new access is proposed from Peace Lane to serve a car parking area to the south which comprises 7 spaces and measures approximately 424sqm in area. To the north of this car parking area is a cycle store. The main pedestrian access to the flats is through a door on the north (High Road) elevation with a second access on the west (Peace Lane) elevation.
- 5.7 Around the building is open space measuring approximately 626sqm. The ground floor flats (nos. 1-4) benefit from a private patio area and the first floor flats (nos. 5-8) benefit from a private balcony.
- 5.8 The most relevant planning history for the site is as follows:

Reference	Description	Decision
19/03030/CLASSO	Change of use from B1 (Offices) to C3 (Residential) to provide x4 flats.	Prior Approval Required and Granted - 18.12.2019
04/01631/FULL	Construction of single storey office (B1)	Approved - 24.03.2005
99/34173/FULL	Part change of use from storage to office accommodation	Approved - 19.08.1999
88/00123/FULL	Change of use to storage and distribution of scaffolding and relaxation of condition 4 on consent 418308 (working hours)	Approved - 13.01.1989
87/00093/FULL	Extension to workshop for motor car repairs	Approved - 13.11.1987

6. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

- 6.1 The main Development Plan policies applying to the site are:

Issue	Adopted Local Plan Policy
Character and Appearance	DG1, H10, H11
Loss of Employment	E6
Highways and Parking	P4, T5, T7
Trees	N6

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

7. MATERIAL PLANNING CONSIDERATIONS

- 7.1 **National Planning Policy Framework Sections (NPPF) (2019)**

Section 2 – Achieving Sustainable Development
 Section 4 – Decision-Making
 Section 6 – Building a Strong, Competitive Economy
 Section 9 – Promoting Sustainable Transport
 Section 11 – Making Effective Use of Land
 Section 12 – Achieving Well-Design Places

National Design Guide

7.2 This document was published in October 2019 and seeks to illustrate how well-designed places that are beautiful, enduring and successful can be achieved in practice. It forms part of the Government’s collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools. The focus of the design guide is on layout, form, scale, appearance, landscape, materials and detailing.

7.3 Borough Local Plan: Submission Version and Submission Version Proposed Changes

Issue	BLPSV Policy	BLPSVPC Policy
Character and Appearance	SP2, SP3	QP1, QP3
Housing Provision	HO2	HO2
Loss of Employment Land	ED3	ED3
Sustainable Transport	IF2	IF2
Trees	NR2	NR3
Neighbouring Amenity	EP1, EP3, EP4	EP1, EP3, EP4

7.4 The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents was submitted to the Secretary of State for independent examination in January 2018. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough.

7.5 In December 2018, the examination process was paused to enable the Council to undertake additional work to address soundness issues raised by the Inspector. Following completion of that work, in October 2019 the Council approved a series of Proposed Changes to the BLPSV. Public consultation ran from 1 November to 15 December 2019. The Inspector resumed the Examination of the BLPSV and Proposed Changes with hearings held between 5 October 2020 to 9 December 2020. The BLPSV and the BLPSV together with the Proposed Changes are therefore material considerations for decision-making. However, given the above both should currently be given limited weight.

7.6 The Borough Local Plan documents can be found at:
<https://www.rbwm.gov.uk/home/planning/planning-policy/emerging-plans-and-policies>

7.7 Supplementary Planning Documents

- Cookham Village Design Statement
- Borough Wide Design Guide

7.8 Other Local Strategies or Publications

- RBWM Parking Strategy

More information on these documents can be found at:
<https://www.rbwm.gov.uk/home/planning/planning-policy/planning-guidance>

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

16 occupiers were notified directly of the application. The planning officer posted a notice advertising the application at the site on 6 May 2020 and the application was advertised in the

Local Press on 16 April 2020. Re-consultation was undertaken on the first set of amended plans on 11 December 2020. Re-consultation was not undertaken on the second set of amended plans as the amendments are minor.

1 letter was received neither supporting or objecting to the proposal, but commenting that the submitted Planning, Design and Access Statement states that there is only one train per hour, which is incorrect, and the trains run twice per hour.

39 letters were received objecting to the application, including from Cookham Parish Council and the Cookham Society (3 letters taken as 1 representation). There are a number of letters received in which the author has indicated that they had previously sent in objections and wished to reiterate their concerns. Any additional material planning considerations have been noted but these letters have not been counted as a separate objection. In general, there appears to be no objection in principle to redevelopment of the site to residential however the following concerns have been raised (summarised below):

Comment	Where in the report this is considered
Overdevelopment of the site due to mass and scale of building, amount of associated development and lack of soft landscaping.	Section ii
Scale and type of development is overly dominant and out of keeping with the character of the area.	Section ii
Concerns over highway safety due to location on dangerous bend in the road, inadequate access, and increase in traffic generation	Section iv
Insufficient on-site parking and turning provision.	Section iv
Loss of light, overlooking and visual intrusion to neighbouring houses, and increase in noise from intensification of the site to the detriment of neighbouring amenity.	Section iii
Inadequate level of amenity space provided and noise and disturbance from railway resulting in poor amenity for future occupiers.	Section iii
Frontage dominated by inactive rooms (bedrooms) resulting in poor natural surveillance / encouraging crime.	Bedrooms are habitable rooms. Bedroom windows therefore provide natural surveillance.
Houses are needed to meet local demand, not flats	Section i
Loss of employment.	Section i
Loss of historic element – platform 2 waiting room forms part of the site, which was built in 1850s.	Section ii
Inadequate sustainable drainage and flash flooding.	Section v
Noise and disturbance during construction.	A condition requiring a site specific construction environmental management plan is advised by the Environmental Protection Officer and recommended (condition 4).
Harm to ecology. Tilted balance is not engaged due to harm to habitat sites.	Section vi
Natural England should be consulted due to proximity to Burnham Beeches (SSSI and SAC).	Section vi
Network Rail should be consulted. Contrary to covenant with Network Rail	Network Rail were consulted. See Consultees box below. Any covenants do not amount to material planning considerations.
Lack of consultation by the applicant, as required by the Borough Wide Design Guide SPD.	While community engagement is desirable and encouraged, the SPD supports and sets out how to achieve compatibility with local plan policies. The lack of these documents is not

	considered to hinder the ability to assess the application nor warrant refusal in this respect.
A vision, concept plans, master plot plans and design checklist were not submitted by the applicant as required by the Borough Wide Design Guide SPD	While these supporting documents are desirable and encouraged, the SPD supports and sets out how to achieve compatibility with local plan policies. The lack of these documents is not considered to hinder the ability to assess the application nor warrant refusal in this respect.

Consultees

Consultee	Comment	Where in the report this is considered
Arboriculture Officer	Notes that landscaping is a reserved matter and no detailed landscaping has been provided with the outline application. Notes that the existing site contains very little landscaping, and any new development provides the opportunity for new tree planting and additional landscaping. Raises concerns there is limited space between the proposed building and High Road to the west and the building and railway to the east for any significant tree planting and would therefore harm the character and appearance of the surrounding area.	Comments were provided on the original scheme submitted. Following a reduction in scale and change in the form there are wider and larger strips between the proposed building and High Road to the west and the building and railway to the east. The overall amount of green space around the building is considered to be sufficient to provide sustainable landscaping.
Conservation Officer	The proposal would result in the loss of a non-designated heritage asset and a lesser level of harm to the setting of the nearby station and workers cottages, which are also non-designated heritage assets. The harm could be reduced by some degree by ensuring elevations are well-detailed, the use of quality materials particularly for the roof, introduction of more soft landscaping along the boundary and use of well-designed boundary treatments including along the railway line. The harm needs to be considered in the planning balance. If approved, the original waiting room, its canopy and platform area adjacent should be recorded to Historic England level 1-2.	Section 9 ii
Environmental Protection	The site is within or near an Air Quality Management Area (AQMA) and an Air Quality Assessment is required. No objection subject to conditions relating to noise and vibration mitigation measures; a site specific construction environmental management plan; vehicle deliveries and collection restrictions; and contaminated land. A smoke control informative is also recommended.	DEFRA records do not list the area or nearby areas as being under an AQMA and therefore an Air Quality Assessment is not required. In relation to noise and contaminated land see section iii and vii. Site specific construction environmental management plan condition recommended. A condition restricting vehicle deliveries and collection is not considered to meet the statutory

		tests of necessary to make the development acceptable nor enforceable.
Highways	The development is in an area of good accessibility, and therefore a parking ratio of 1 space per flat is considered acceptable for this development. Details of cycle parking that complies with the guidance set out in the West London Cycle Parking Guidelines is requested prior to determination.	Section 9 iv
Lead Local Flood Authority	Objects due to lack of ground investigation to inform the infiltration rate at the outset to ensure the proposed strategy is robust. Should tests reveal very low infiltration or high ground water, questions what would be the alternative strategy. Requests further information on the level of treatment of roof water before being discharged to the permeable pavement, and on the issue of compaction of gravel, and potential ground water contamination.	Section 9 v
Network Rail	Objects to the development as there is a covenant contained in the land sale that any building should not be more than one storey, and there is a requirement that any subsequent purchaser enter into a deed of covenant in respect of the liabilities contained in the original sale.	A covenant containing a deed to land is not a material planning consideration in determining an application, and planning permission does not override any restrictions on the title. A developer must obtain both planning permission and comply with any covenant on the land (or negotiate release or amendments outside of the planning permission process) for the development to be carried out.
Thames Water	No objection in relation to the waste water network and sewage treatment works infrastructure capacity. With regard to surface water drainage, Thames Water advised that where the developer proposed to discharge to a public sewer prior approval from Thames Water Developer Services will be required and refers the developer to the Thames Water website.	Comments on waste water network and sewage treatment works capacity are noted. In relation to sustainable drainage see section v.

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Principle of Development
- ii Character and Appearance
- iii Residential Amenity

- iv Highway Safety and Parking
- v Sustainable Drainage
- vi Ecology
- vii Contaminated Land
- viii Other Material Considerations

i Principle of development

9.2 The existing use of the site is Class E (offices) and the proposal would result in the loss of existing employment generating uses within the site.

9.3 With reference to the Local Plan Proposals Map, the site is not a designated Employment Area (policy E2) therefore the relevant Local Plan policy is E6. Local Plan policy E6 states that for non-designated employment sites proposals for redevelopment will be supported in appropriate circumstances. Paragraph 4.2.21 of the supporting text elaborates and states that redevelopment of sites in existing business use to alternative uses such as housing outside of identified employment areas will generally be supported subject to proposals having no adverse impact on locally available employment opportunities and their compatibility with other policies in the Local Plan.

9.4 Paragraph 121 of the NPPF, which is a material consideration, states that:

“Local Planning Authorities should also take a positive approach to applications for alternative uses of land which is currently but not allocated for specific purposes in plans where this would help to meet identified development needs. In particular they should support proposals to:

a) Use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres and would be compatible with other policies in this framework...”

9.5 In terms of loss of employment uses, the existing building benefits from prior approval for a change of use from B1 (offices) to C3 (residential), ref: 19/03030/CLASSO. Overall, given the flexible policy context and this fall-back position, there is no objection to the loss of the existing office building.

9.6 In terms of redevelopment for housing, the Council’s Strategic Housing Market Assessment (SHMA) has identified a housing need of 14,240 new dwellings from April 2013 to April 2033 and windfall sites are expected to provide an additional 2,065 during this period. Therefore, the Council will generally be supportive of new residential development on small sites that unexpectedly become available provided that the proposal complies with other policies in the Local Plan. It has been raised by residents that houses, not flats, are required. The most up-to-date evidence on identified need is set out in the Berkshire Strategic Housing Market Assessment (SHMA) (2016), which sets out that provision of housing types is relatively even (Detached: 31%, semi-detached: 25%, terraced: 19%, flats: 24%). In this context and given the number of flats proposed, the proposal is not considered to amount to a disproportionate addition of flats within the Borough. In terms of number of bed-rooms, the table below summaries the completions by housing size for the for the past 6 years taken from the Monitoring Report 2019, Table 8, while the Council’s 5 Year Housing Land Supply Statement (March 2019) reports a housing delivery rate of 97% based on the 2018 Housing Delivery Test. On this basis, the proposal for 2-bed and 1-bed units are acceptable. An assessment on the proposal’s compliance with other relevant Local Plan policies is undertaken below.

	1 bed	2 bed	3 bed	4+ bed
Need (2013 – 2036) (Market Sector)	966	3,508	4,737	3,074
	7.9%	28.6%	38.6%	25.0%
Completions (2013 – 2019) (Total)	818	1,429	538	499

	24.9%	43.5%	16.5%	15.1%
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ii Character and Appearance

Density

- 9.7 The proposal will result in approximately 87 dwellings per hectare (dph) which represents a high-density development. The surrounding area has a density of around 53dph and so the proposal would represent a moderate uplift in density. However, the Council's Borough Wide Design Guide states that places with a mix of densities are important to create balanced and sustainable communities, and therefore should be generally encouraged. Furthermore, paragraph 122 of the NPPF states that planning decisions should support development that makes efficient use of land taking into account the identified need for housing and the availability of land suitable for accommodating it, while paragraph 123 of the NPPF states that where there is an existing shortage of land for meeting identified housing need, which at the time of writing is currently the case (see section viii), it is especially important that planning decisions avoid homes being built at low densities and ensure that development makes optimal use of the potential of each site. As such, there is no objection in principle to the proposed density.
- 9.8 Balanced against this is Local Plan policy H11 which states that schemes that introduce a scale or density of new development which would be incompatible and cause damage to the character of the area would be resisted and, while paragraph 118 of the NPPF states that substantial weight should be given to the value of using suitable brownfield land within settlements for homes, paragraph 122 of the NPPF states that making efficient use of land should take into account the desirability of maintaining an area's prevailing character and setting and the importance of securing well-designed places.

Design Policies

- 9.9 In addition to Local Plan policy H11, which requires a compatible scale or density of new development with the character of the area, Local Plan policy H10 requires new development to display a high standard of design and where possible to enhance the existing environment, and policy DG1 states that harm should not be caused to the character of the surrounding area. As a material consideration, paragraphs 124 and 130 of the NPPF advise that high quality buildings and places is fundamental to what planning should achieve and permission should be refused for development of poor design that fails to take the opportunity for improving the character and quality of the area and the way it functions.
- 9.10 The Council's Borough Wide Design Guide SPD, which supports the aims and objectives of the above policies, sets out the over-arching specific design considerations for all scales and types of development from strategic design principles to detailed matters. In relation to the established character, the Cookham Village Design Statement (VDS) SPD identifies the key characteristics and provides detailed guidance on how to achieve compatibility.

Identified Character of the Area

- 9.11 With reference to the Cookham VDS SPD, the site forms part of the 'Cookham Rise and Station Hill Area' in the sub-area of 'High Road'. The Cookham VDS SPD sets out that the 'Cookham Rise and Station Hill Area' have a degree of urbanisation with a more compact housing pattern that typifies the rest of Cookham, although development has maintained generous spaces around individual properties to maintain a rural and semi-rural quality. In relation to the sub-area, the Cookham VDS SPD states that it is predominately a residential area comprising of mainly Victorian housing with some modern development in the mix.

Loss of Existing Building and Flatted Development

- 9.12 The site was formerly part of Cookham Railway Station, which was established as part of the Wycombe Railway Company in 1854 and includes the 19th century former waiting room for platform 2 (platform 2, no longer in existence). It is noted that the original chimney breast still exists, but little else has been retained internally. Externally, the timber platform canopy and valance and brick

corbelled chimney stacks have been retained. Overall, the design of the building is characteristic of standard Victorian railway architecture of the period and is of architectural interest; has a relationship with adjacent non-designated heritages assets (the main station and possible railway workers cottages running along High Road); and as part of a group illustrates the development of the local area. The building is not designated as a Listed Building nor a Significant Non-Listed Building but considered to be a non-designated heritage asset.

- 9.13 The proposed works would require the demolition of the former waiting room and additions, the loss of which is considered to represent harm in itself and would result in a lesser level of harm to the setting of the nearby station and workers cottages. Paragraph 197 of the NPPF states that in taking account of the effect of an application on the significance of a non-designated heritage asset, a balanced judgement will be required. Therefore, the loss of the non-designated heritage asset and harm to the nearby non-designated heritage assets should be weighed against the development in the overall planning balance. Turning to the redevelopment of the site, while the type of housing within the locality is characterised by houses there is no objection in principle to a flattened scheme subject to acceptability of layout, height, scale, form and architectural detailing.

Layout, Height, Scale, Form and Architectural Detailing

- 9.14 Cookham VDS SPD guidance G6.1 advises that new buildings should sit comfortably in their surrounds. The width, depth and height of a proposed building should be in keeping with buildings in the area, and new buildings should respect the general building line / set back from the road and the spacing of buildings which characterise the area. In relation to new apartment buildings G6.7 advises that they should adhere to modest scale and discreet design principles and should harmonise with their immediate locality.
- 9.15 The proposed building would be sited centrally within the plot but would not break the established building line formed by the bungalows to the south of the site and there would be a sufficient set back from the High Road and Peace Lane frontage to provide space for landscaping to soften the visual impact on the streetscene. No substantive details on landscaping have been submitted but landscaping is a reserved matter and therefore if outline permission is forthcoming such details would be considered as part of a reserved matters application.
- 9.16 Based on the height, scale and form of the proposed building, which is described in paragraph 6.3 of this report, it would be a taller and larger building than the surrounding houses. However, this would not automatically render the scheme unacceptable; the assessment should be based on whether the taller and larger building would be overly dominant or incongruous. In this case at two and half storeys the proposed building would not be significantly taller than the 2 storey houses within the vicinity, and it is noted that ground levels fall away from Peace Lane and so the proposed building would be sited approximately 1m lower than neighbouring houses. While there is some uniformity in height to the bungalows to the south of the site on Peace Lane, there is a mix of building heights including on the opposite side of Peace Lane and on High Road. In terms of resulting mass and bulk, the proposed building is considered to sit comfortably within the plot with sufficient space to provide an adequate setting. In addition, the open areas created within the site would provide a reasonable gap between the development and neighbouring properties, which is an identified characteristic in the Cookham VDS SPD as noted in paragraph 9.9 of this report. Some of the space is given over to parking with 5 car parking space to the north and 7 spaces to the south of the proposed building, but it is considered that there would still be sufficient space for a green setting and soft landscaping around the proposed building. As such, the proposal is not considered to be overly dominant within the site or incongruous in this respect.
- 9.17 In terms of architectural detailing, given that there is a variety of architectural styles within the locality, there is no objection to the proposed design which appears to be turn-of-the-century architecture. During the application the detailing and materials has been altered to sufficiently harmonise the proposed development with the surrounding character.
- 9.18 Taken together the proposal would not appear unduly incongruous, nor result in undue harm to the character and appearance of the streetscene and wider area to warrant refusal.

- 9.19 Local Plan policy H11 states that in residential areas, planning permission will not be granted for schemes which introduce a scale or density of new development which will cause damage to the amenity of the area. As a material consideration, paragraph 127 of the NPPF states that planning decisions should ensure that development should achieve a high standard of amenity for existing and future users.
- 9.20 To the south, adjacent to the site, is a detached bungalow known as St Ives, which is the closest neighbouring house. There is a separation distance of approximately 20m between the proposed building and shared boundary with St Ives, which is considered to mitigate any loss of light, visual intrusion or loss of privacy. Four car parking spaces serving the flatted development are located adjacent to the rear garden of St Ives but given the residential use and limited number it is not considered to result in undue noise or disturbance.
- 9.21 In relation to future residents of the development, the proposed site lies adjacent to a railway line and near Cookham Train Station. A Noise and Vibration Assessment has been submitted to support the application, which concludes that mitigation measures would be required to provide satisfactory amenity levels for future residents in this respect. The mitigation measures proposed, which includes practical design measures including suitable glazing, acoustically attenuated ventilation and building fabric with a sufficient onsite sound insulation and sound reduction qualities would meet Progression Practice Guidance (ProPG). If minded to approve a condition to secure these mitigation measures is recommended (condition 14).
- 9.22 Based on the proposed floor plans, all habitable rooms are of an acceptable size and shape to ensure that the rooms are able to function for the purposes they are intended. All habitable rooms also benefit from windows and so would have natural light and ventilation.
- 9.23 In terms of outdoor amenity space, paragraph 8.26 of the Council's Borough Wide Design Guide SPD states that flatted development should provide both private and communal amenity space. Principle 8.5 sets out that ground floor flats should have private amenity space which adjoins, is accessible from the flat with a minimum depth of 3m and as wide as the dwelling it serves. Balconies for flats above ground floor should relate well to internal accommodation and be a minimum of 2m deep, wider than their depth and provide a minimum floor area of 5sqm. The depth of the private patio areas for the ground floor flats would measure approximately 3m in depth but would not be as wide as the dwelling it serves. The proposed balconies for the first floor flats would comply with the standards, but no balconies are proposed for the second floor flats accommodated within the roof space. For communal space, Principle 8.6 of the Borough Wide Design Guide SPD states that there should be a minimum of 10sqm of communal outdoor amenity space per flat which must be connected to the building and easily accessible to residents and should be screened from public view, free from vehicles, located to receive sunlight and dominated by planting and allow for sustainable tree planting. It is considered that the communal outdoor space would meet the quantity required but not the quality due to its form and layout. This harm due to inadequate amenity space should be weighed against the development in the overall planning balance.

iv Highway Safety and Parking

- 9.24 Local Plan policy T5 requires all development proposals to comply with adopted highway design standards, policy P4 requires all development proposals to accord with adopted car parking standards, and policy T7 seeks to ensure that new development makes appropriate provision for cyclists including cycle parking.

Trip Generation and Access

- 9.25 A Transport Assessment was submitted to support the proposal, which demonstrated that the proposed development will give rise to a reduction in vehicle movements in both peak hours and across the day. The methodology in predicting trip rates for both the existing and proposed use is robust. The existing access from High Road will be narrowed to approximately 4.8m in width to serve the car parking area to the north of the site, while a new access is proposed from Peace Lane to serve the car parking area to the south. The tracking shows that vehicles can enter and

exit both car parks in forward gear, and the visibility splays of 25m to the left and right for both accesses are considered to be acceptable for a car to exit the site safely.

Car and Cycle Parking

- 9.26 12 on-site parking spaces have been proposed. Concerns have been raised by local residents over insufficient on-site parking provision, and an increase in indiscriminate on-street parking as a result of the development. The Council's Parking Strategy sets out maximum parking standards for residential development, and pre-dates the NPPF. With reference to the NPPF, which is a more up-to-date expression of Government intent, paragraph 106 states that maximum parking standards should only be set where there is a clear and compelling justification that they are necessary for managing the local road network. Paragraph 105 indicates that when determining parking standards, the type of development, accessibility and local car ownership levels should be taken into account. Paragraph 109 of the NPPF further states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.27 In this case, the Local Highway Authority have advised that a parking ratio of 1 space per flat in this location is acceptable as it lies within a short walking distance of Cookham Station, which runs a half hourly service during peak periods and an hourly service during the off-peak periods ensuring that the site can be considered to be accessible. Furthermore, there are existing parking restrictions within the vicinity such as double yellow lines, and time limited and permit parking bays to prevent any potential indiscriminate on-street parking to the detriment of highway safety and so the development is unlikely to result in a severe impact on the road network that would warrant refusal in this respect. No objections were raised over the parking layout and turning within the parking area. If minded to approve, a condition is recommended that parking and turning is provided in accordance with the approved plans (condition 9).
- 9.28 In relation to cycle parking, the proposal includes 1 cycle parking space per unit. The Local Highway Authority have requested this information prior to determination, but it is considered that there is sufficient room on site to provide adequate cycle parking and if minded to approve the details can be secured by condition (condition 10).

v Sustainable Urban Drainage (SUDS)

- 9.29 Paragraph 165 of the NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. A Sustainable Drainage Strategy (SUDS) has been submitted to support the proposal, which comprises of lowering the car park areas to act as shallow ponds and permeable paving which aims to completely attenuate the runoff in 1 in 100 plus climate change storms.
- 9.30 The proposed sustainable drainage strategy is agreed in principle, but the Lead Local Flood Authority have raised concerns that in the absence of ground investigation to establish infiltration rates there is an assumption that the site will be able to infiltrate at the lowest possible infiltration rate. However, if soakage tests identify infiltration rates lower than those used in the strategy then detailed design can adjust the parameters accordingly. In the event of a worst case scenario of very low infiltration rates then the scheme can include an overflow to the foul sewer at a trickle rate (subject to permission from Thames Water). The detailed design following soakage tests to inform the detailed design can be conditioned (condition 11). The materials for the permeable pavement can also be selected to mitigate compaction based on standards details and can be secured as part of the detailed sustainable drainage design.
- 9.31 In relation to rainwater, in accordance with the SUDS manual, roof water is clean by definition and therefore does not require treatment. As such, the lack of a filter strip would not a warrant refusal of this application.

vi Ecology

- 9.32 The site lies within the 5km zone of influence Chiltern Beechwoods SAC which is a European Designated site. Where a proposal is likely to have a significant effect on a European Designated

site either alone or in combination with other plans or projects the Conservation of Habitats and Species Regulations 2017 requires an appropriate assessment to be made in view of that site's conservation objectives. Paragraphs 175 and 176 of the NPPF state that development resulting in the loss or deterioration of Special Areas of Conservation should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists.

- 9.33 The primary reason for designation of Chiltern Beechwoods SAC is the extensive tract of beech forest which is an important part of a grassland-scrub-woodland mosaic, which support important orchid sites and stag beetles. Threats and pressures include management and use, problematic native species and invasive non-native species, and interspecies flora relations.
- 9.34 Given the amount of development, the separation distance and the identified threats and pressures, the proposed development is not considered to have a significant effect on Chiltern Beechwoods SAC. Therefore, an appropriate assessment is not required.
- 9.35 Burnham Beechwood SAC lies over 5km from the application site, and therefore out of a zone of influence and the proposed development is unlikely to have a significant effect on this SAC due to the distance involved.
- 9.36 The site lies approximately 1500m from Cock Marsh which is designated an SSSI. The Cock Marsh SSSI Designated Site Details via Natural England website lists operations that would require Natural England's consent and management issues (threats). This primarily focuses on potential impact on floodplain grazing marsh (drainage, water quality, grazing and use of fertilizers). In this context and given the scale, nature and distance of the proposal from the Cock Marsh, the proposal is not considered to result in any undue harm to this SSSI.
- 9.37 In terms of wildlife within the area, paragraph 170 of the NPPF states that planning decisions should minimise impacts on and provide net gains for biodiversity. A wildlife friendly landscaping scheme incorporating biodiversity enhancement such as the incorporation of native species, bird and bat boxes, log-piles, holes in boundary fencing to ensure wildlife can move from garden to garden etc. would address this issue. However, landscaping is a reserved matter and therefore if minded to approve the details of the landscaping scheme and its acceptability would be considered under the reserved matters application.

vii Contaminated Land

- 9.38 The site comprises of brownfield land and within an area designated as contaminated land. If minded to approve a condition to ensure any risks from land contamination to the future users of the land and neighbouring land are minimised can be imposed (condition 6).

viii Other Material Considerations

Housing Land Supply

- 9.39 Paragraphs 10 and 11 of the NPPF set out that there will be a presumption in favour of Sustainable Development and the latter paragraph states that:

For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

- 9.40 Footnote 7 of the NPPF (2019) clarifies that:

'out-of-date policies include, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer).'

9.41 At the time of writing, the Council cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer). It is further acknowledged that there are no 'restrictive' policies relevant to the consideration of this planning application which would engage section d(i) of paragraph 11 of the NPPF (2019). It is therefore accepted that for the purposes of this application and in the context of paragraph 11 of the NPPF, including footnote 7, the so-called 'tilted balance' is engaged. The assessment of this and the wider balancing exercise is set out below in the conclusion.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

10.1 In accordance with the Council's adopted Community Infrastructure Levy (CIL) Charging Schedule, the development is CIL liable. The required CIL payment for the proposed development is set at £295.20 per square metre on the chargeable floor space.

11. PLANNING BALANCE AND CONCLUSION

11.1 As set out in section viii it is considered that in this instance the tilted balance should be applied.

11.2 Weighing in favour of the proposal is the value of using suitable brownfield land within a settlement area for homes, which in accordance with paragraph 118 of the NPPF should be given substantial weight, and the benefit of using suitable small-medium windfall sites within existing settlements for homes, which in accordance with paragraph 68 of the NPPF should be given great weight.

11.3 Against this would be the harm in terms of inadequate amenity space. Given the acceptable quality of the residential accommodation overall, this should be afforded moderate weight in the planning balance. The harm from loss of the non-designated heritage asset and to the nearby station and workers cottages, which are also non-designated heritage assets should be afforded moderate weight.

11.4 Overall and having due regard for the tilted balance, it is, in this instance, not considered that the identified harms would significantly and demonstrably outweigh the benefits of the proposal.

12. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout
- Appendix B – Proposed floorplans and elevations

13. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

1 Details of the landscaping (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is commenced. Reason: To accord with the provisions of the Town and Country Planning (General Development Procedure) Order 1995.

2 The Development shall commence within two years from the date of approval of the last of the reserved matters.

Reason: In accordance with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

3 An application for the approval of the reserved matters shall be made to the Local Planning Authority within three years of the date of this permission

Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

4 No development shall take place (including site clearance, demolition or ground works) until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:

- a) Arrangements for liaison with the Environmental Protection Team;
- b) Procedures for maintaining good public relations including complaint management, public consultation and liaison;
- c) Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works;
- d) Control measures for dust and other air-borne pollutants;
- e) Measures for controlling the use of site lighting whether required for safe working or for security purposes.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: In the interests of the amenities of surrounding occupiers during the construction of the development.

- 5 Prior to the commencement of any works of demolition or construction a management plan showing how demolition and construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works period shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and maintained for the duration of the works or as may be agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.

- 6 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 1 to 4 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

1. Site Characterisation An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- a survey of the extent, scale and nature of contamination;
- an assessment of the potential risks to:
 - human health
 - property (existing or proposed) including buildings, crops, livestock, adjoining land, groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
 - an appraisal of remedial options, and proposal of preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme. A detailed remediation scheme to bring the site to a condition suitable for intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting Unexpected Contamination In the event that contamination is found at anytime when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is the subject of the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

5. Long Term Monitoring and Maintenance A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of (x) years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and the neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. Relevant Policy Local Plan NAP4.

7 No development above slab level shall take place until details of the materials to be used on the external surfaces of the development have first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.

Reason: In the interests of the visual amenities of the area. Relevant Policy DG1, H10, H11

8 No other part of the development shall commence until the access has been constructed in accordance with the approved drawing. The access shall thereafter be retained as approved.

Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5, DG1

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

Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety, and to facilitate vehicles entering and leaving the highway in forward gear. Relevant Policies - Local Plan P4, DG1.

10 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.

Reason: To ensure that the development is provided with adequate parking facilities in order to

- 11 encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1
 No development shall commence until a surface water drainage scheme for the development, based on the sustainable drainage principle, has been submitted to and approved in writing by the Local Planning Authority. Details shall include:
- a) Full details of all components of the proposed surface water drainage system including dimensions, locations, gradients, invert levels, cover levels and relevant construction details;
- b) Supporting calculations confirming compliance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (where infiltration to ground is proposed the calculations should be based on infiltration rates determined by on-site testing undertaken in accordance with BRE:365);
- c) Results of groundwater monitoring indicating levels recorded on the site and a design based on these levels;
- d) Details of the Maintenance arrangement relating to the proposed surface water drainage systems, confirming who will be responsible for its maintenance and the maintenance regime to be implemented.
 The surface water drainage system shall be implemented and maintained in accordance with the approved details thereafter.
Reason: To ensure the development is safe from flooding and does not increase flood risk elsewhere in accordance with paragraph 165 of the NPPF.
- 12 No development shall commence until details of all finished slab levels in relation to ground level (against OD Newlyn) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
Reason: In the interest of the visual amenities of the area. Relevant Policy Local Plan DG1.
- 13 The development shall not be occupied until all walls, fencing or any other means of enclosure (including any retaining walls), have been constructed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the satisfactory resultant appearance and standard of amenity of the site and the surrounding area. Relevant Policy - Local Plan DG1.
- 14 The proposed development should be built in accordance with the proposed mitigation strategy in the Noise and Vibration Assessment by Mewies Engineering Consultants Ltd, Ref: 25370-04-NA-01 Rev A, dated November 2019.
Reason: To secure an acceptable standard of residential amenity
- 15 No works shall commence until the making of a detailed record of the building, up to Historic England Recording Level 2 has been undertaken in accordance with a written scheme approved by the Local Planning Authority in writing. The final document shall be agreed in writing by the Local Planning Authority, and copies of the document provided for Maidenhead Local History Library, Maidenhead Heritage Centre, Historic England and Berkshire Archaeology. Reason: To mitigate the impact of development and to record historic and architectural interest of the non-designated heritage asset.
Reason: To mitigate the impact of development and to record historic and architectural interest of the non-designated heritage asset.
- 16 The development hereby permitted shall be carried out in accordance with the approved plans listed below.
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

Informatives

- 1 applicant is advised to follow guidance with respect to dust control: London working group on Air Pollution Planning and the Environment (APPLE): London Code of Practice, Part 1: The Control of Dust from Construction; and the Building Research Establishment: Control of dust from construction and demolition activities. applicant should be aware the permitted hours of construction working in the Authority are as follows:
 - Friday 08.00 - 18.00
 08.00 - 13.00
 working on Sundays or Bank Holidays.

- 2 The Royal Borough receives a large number of complaints relating to construction burning activities. The applicant should be aware that any burning that gives rise to a smoke nuisance is actionable under the Environmental Protection Act 1990. Further that any burning that gives rise to dark smoke is considered an offence under the Clean Air Act 1993. It is the Environmental Protection Team policy that there should be no fires on construction or demolition sites. All construction and demolition waste should be taken off site for disposal. The only exceptions relate to knotweed and in some cases infected timber where burning may be considered the best practicable environmental option. In these rare cases we would expect the contractor to inform the Environmental Protection Team before burning on 01628 68 3830 and follow good practice.

Appendix A – Site Location Plan and Site Layout



Proposed Redevelopment of Station Court, Cookham
Location Plan
Scale: 1:1250
SCC/PLN/100
08/10/19

Proposed Block Plan



Existing Block Plan



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Notes

Rev.	Description	Date
B	Amendments	10/02/21
A	Amendments	08/09/20

Project
Proposed Redevelopment of Station Court
 Cookham

Drawing Title
Existing and Proposed Block Plans
 (Coloured)

SORBON ESTATES

Sorbon, Aylesbury End, Beaconsfield, Bucks HP8 4JL
 Tel: 01494 678417
 Fax: 01494 678417
 DX 34507 Beaconsfield

Drawn By: AJT	Date: 08.10.19
Scale: 1:500	A3
Drawing No: SCC/PLN/104	Revision: B

Appendix B – Plan and Elevations

<p>© This drawing is the copyright of SORBON ESTATES All dimensions and levels must be checked on site and verified prior to construction.</p>	<p>Notes</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 50%; height: 15px;"> </td><td style="width: 50%; height: 15px;"> </td></tr> <tr><td style="width: 50%; height: 15px;"> </td><td style="width: 50%; height: 15px;"> </td></tr> <tr><td style="width: 50%; height: 15px;"> </td><td style="width: 50%; height: 15px;"> </td></tr> <tr><td style="width: 50%; height: 15px;"> </td><td style="width: 50%; height: 15px;"> </td></tr> <tr> <td style="width: 50%; font-size: 8px;">Rev.</td> <td style="width: 50%; font-size: 8px;">Date</td> </tr> <tr> <td style="width: 50%; font-size: 8px;"> </td> <td style="width: 50%; font-size: 8px;"> </td> </tr> </table>									Rev.	Date			<p>Project</p> <p style="text-align: center;">Proposed Redevelopment of Station Court Cootham</p>	<p>Drawn: TJB</p> <p style="text-align: center;">Proposed Front Elevation (High Road)</p>	<p style="text-align: center;">SORBON ESTATES</p> <p style="font-size: 8px;">Sorbon, Alameida Blvd, Bayswaterfield, Buckinghamshire, UK Tel: 01494 673333 Fax: 01494 678417 DN 3407 Bayswaterfield</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; font-size: 8px;">Title: By: AJT</td> <td style="width: 50%; font-size: 8px;">Date: 10/02/21</td> </tr> <tr> <td style="width: 50%; font-size: 8px;">Scale: 1:100</td> <td style="width: 50%; font-size: 8px;">A3</td> </tr> <tr> <td colspan="2" style="font-size: 8px;">Drawing No. SCCP/IN/111</td> </tr> <tr> <td colspan="2" style="font-size: 8px;">Project No. 11111</td> </tr> </table>	Title: By: AJT	Date: 10/02/21	Scale: 1:100	A3	Drawing No. SCCP/IN/111		Project No. 11111	
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Project No. 11111																										



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ROYAL BOROUGH OF WINDSOR & MAIDENHEAD PLANNING COMMITTEE

DEVELOPMENT CONTROL PANEL

17 March 2021

Item: 2

Application No.:	20/03371/OUT
Location:	Lodge Farm And Water Tower Ascot Road Holyport Maidenhead
Proposal:	Outline application for access only to be considered at this stage with all other matters to be reserved for the construction of x124 dwellings with new access off Holyport Road, change of use of agricultural land to community park, open space, two grass football pitches, allotments, a community building and ancillary landscaping and parking.
Applicant:	Mr Killoran
Agent:	Mr Nicholas Cobbold
Parish/Ward:	Bray Parish/Bray
If you have a question about this report, please contact: Jo Richards on 01628 682955 or at jo.richards@rbwm.gov.uk	

1. SUMMARY

- 1.1 Outline planning permission is sought, with all matters reserved apart from the means of access, for a development comprising 124 dwellings, a new access off Holyport Road, the change of use of agricultural land to a community park, open space, two grass football pitches, allotments, a new community building (to replace an existing agricultural building) and ancillary landscaping and parking.
- 1.2 This application follows a similar scheme, ref: 17/03857/FULL, for 150 dwellings, together with the change of use of agricultural land to a community park, open space, two full-sized grass football pitches, allotments, the construction of an on-site doctor's surgery (added during the course of the application) and the change of use of an existing agricultural building to a community building, ancillary landscaping and parking. This application, which the Council would have refused, was appealed against non-determination and the appeal was subsequently dismissed. The two main grounds for dismissing the appeal were i) inappropriate development in the Green Belt and additional Green Belt harm in the form of impact on openness, conflict with purposes and impact on the rural, spacious and undeveloped character of the area; and ii) harm to the setting of Holyport Village Conservation Area, including harm to the setting of listed and non-designated heritage assets and harm to views into and out of the Conservation Area.
- 1.3 The current application has been submitted with some changes to the amount of development proposed and its siting and layout within the application site. The main differences between the current application and the appeal scheme are:
- A reduction of 26 dwellings;
 - Omission of Doctors Surgery,
 - Lodge Farm now to be replaced by a new community building rather than re-used and converted
 - Residential development all now located to the north east of the proposed access road (off Holyport Road)

- Update VSC package including (but not limited to) increased affordable housing provision and zero carbon initiative
- 1.4 The Inspector's decision, which is a significant material consideration, has been examined in detail. The proposed development (as a whole) remains inappropriate development in the Green Belt as it does not fall under any of the limited exceptions outlined in paragraphs 145 and 146 of the NPPF. Other harm to the Green Belt which has been identified includes the significant loss of openness, conflict with two of the five purposes of the Green Belt and harm to the rural, spacious and undeveloped character of the area. This cumulative Green Belt harm is afforded substantial weight in accordance with paragraph 144 of the NPPF.
 - 1.5 The revised proposal would also cause less than substantial harm to the significance of the Holyport Conservation Area through the erosion of the open setting and rural characteristics that contribute to its special interest. The development would also harm the setting of non-designated and designated heritage assets (listed and non-listed buildings) by the increased suburbanisation of the village and surrounding area. Furthermore, due to the location and scale of the proposed development it would significantly harm the extant open and undeveloped character of the area and as a result would negatively affect views into and out of the Conservation Area.
 - 1.6 The benefits advanced in support of the application including; the provision of housing (including 50% on-site affordable housing provision); the provision of community facilities (including open space, sports provision and allotments), ecology benefits, heritage benefits and the provision of zero carbon homes, hold some weight in the Green Belt balancing exercise, but they do not either individually or cumulatively clearly outweigh the harm the Green Belt and Conservation Area to justify that planning permission is granted and therefore Very Special Circumstances do not exist in this case.
 - 1.7 The panel are advised that reasons for refusal 3, 4 and 5 would fall away in the event that the section 106 (currently being drafted to address these issues) were to be secured.
 - 1.8 Additionally, reasons for refusal 6 (badgers), 7 (foraging bats), 8 (lighting strategy), 9 (Barn Owls) and 10 (LLFA) could be addressed through the submission of additional information and updated surveys, however at the time of writing, these matters are outstanding.

It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 12 of this report):	
1.	<p>The proposal is for the development of a greenfield site located in the designated Green Belt, as shown on the Local Plan Proposals Map. On assessment the proposal constitutes inappropriate development within the Green Belt which is, by definition, harmful as identified in paragraph 143 of the NPPF 2019. It is not considered that very special circumstances exist which would outweigh the substantial harm to the Green Belt by reason of inappropriateness and the other Green Belt harm which includes the impact on visual and spatial openness and conflict with more than one of the purposes of the Green Belt. The other identified harms are detailed in the following reasons for refusal.</p> <p>The proposal is therefore contrary to paragraphs 143- 145 of the National Planning Policy Framework (2019).</p>

2.	The proposed development would erode the northern boundary of the Conservation Area which at present is defined by the very distinct change between the village edge on one side and open space on the other. The loss of this open field would therefore erode its significance as “a settlement preserving a mix of historic buildings”. The proposal does not therefore meet the test in paragraph 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is contrary to policy CA2(1) of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations made in 2003). It is considered that this would result in a level of harm to the setting of the Conservation Area; and whilst this is considered ‘less than substantial harm’, it is not considered that it has been demonstrated that public benefits exist which would outweigh the harm, contrary to paragraph 196 of the National Planning Policy Framework (2019).
3.	The proposed development would increase demand for use of a section of the strategic highway network that is already operating at over-capacity levels. In the absence of agreed deliverable mitigation measures the residual cumulative impacts on the road network would be severe, contrary to DfT Circular 20/2013 and paragraph 109 National Planning Policy Framework (2019).
4.	In the absence of a completed legal agreement the proposed development has failed to secure the provision of 30% on site affordable housing provision to meet local needs. The proposed development is therefore contrary to policy H3 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations made in 2003) and the National Planning Policy Framework (2019).
5.	In the absence of a completed legal agreement the proposed development has failed to secure the provision of the necessary infrastructure needed to make this development acceptable in planning terms. The proposed development is therefore contrary to policies R4, R5, T5, T7 T8 and IMP1 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations made in 2003) and the National Planning Policy Framework (2019).
6.	In the absence of satisfactory information being submitted relating to badger monitoring and information on badger territories, the impact on badgers, a protected species, is unknown. This is contrary to Section 15 of the NPPF paragraphs 175 and Paragraphs 98 and 99 of Circular 06/2005.
7.	The application submissions are unclear within regard to disturbance to buildings and trees that provide roosting habitats for bats. If any buildings or trees with the potential to support bats are to be lost/ impacted as part of the current development proposals, further surveys and mitigation plans (if required) should be submitted. This is contrary to Section 15 of the NPPF paragraphs 175 and Paragraphs 98 and 99 of Circular 06/2005.
8.	The proposed development is likely to increase the light levels significantly which will affect commuting bats, commuting and foraging badgers and foraging barn owls known to be present on site. In the absence of a sensitive lighting strategy, the impact on wildlife is unknown. This is contrary to paragraph 175 of Section 15 of the NPPF and Paragraphs 98 and 99 of Circular 06/2005.
9.	Barn owls have been found nesting on site and within the Water Tower. If disturbed a licence would be needed from Natural England. Further clarification is required that these schedule 1 birds will not be disturbed as a result of the proposed development and without it, the impacts are unknown. This is contrary to paragraph 175 of Section 15 of the NPPF and Paragraphs 98 and 99 of Circular 06/2005.

10	In the absence of sufficient information, it has not been demonstrated that there would be an acceptable sustainable drainage system in place. Accordingly, the proposal is contrary to paragraph 165 of the NPPF.
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2. REASON FOR PANEL DETERMINATION

- The Council's Constitution does not give the Head of Planning delegated powers to determine the application in the way recommended; such decisions can only be made by the Panel.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is made up of a series of open agricultural fields and covers an area of 20.63 hectares of land. It is located to the south of the M4 motorway, to the east of the A330 Ascot Road, to the south west of Aysgarth Park housing estate and to the north west of Holyport Road. The village centre of Holyport and its Conservation Area, containing a number of listed buildings and non-designated heritage assets, lies to the south of the site. Part of the south east of the application site area is actually within the Holyport Conservation Area.
- 3.2 The site is surrounded by residential development of varying ages, sizes and designs to the north, east and west but noticeably less dense in appearance to the north-west and south-west of the site. Located in the centre of the site but excluded from the application site itself is Philberds Lodge, a building containing 8 flats. Various other agricultural buildings are scattered in the southern portion of the site including Lodge Farm itself (which is proposed to be demolished and replaced by a community building), and a water tower, which is intended to be retained as a landscape feature.
- 3.3 The site is in the Metropolitan Green Belt between the towns of Maidenhead and Windsor and abuts an excluded settlement to the north-west (Maidenhead) and part of the Recognised Settlement of Holyport to the south-east. In this location the Green Belt plays an important role in preventing towns/settlements from merging into one another and in safeguarding the countryside from encroachment.
- 3.4 A Public Footpath (Footpath 38 Bray) runs along the southern side of the application site, and a Public Bridleway (Byway 37 Bray) runs to the south of and parallel with the footpath. Additionally, there is an existing permissive footpath close to the northern edge of the application site, adjacent to Aysgarth Park; all of these pedestrian routes offer extensive views across the application site. Part of the north western area of the site lies within Flood Zone 2 but the proposals exclude this area from residential development. The remainder of the site is located in Flood Zone 1.
- 3.5 The site is subject to Tree Preservation Order 09/2015, an 'area' designation covering all species. The western sector of the site is situated in a Conservation Area, which confers protection on trees. The site is classified as 'settled farm, sands and clays, key characteristics include: remnant woodland areas, farm woodlands and copses of ancient origin, hedgerows and hedgerow/trees.
- 3.6 Part of the southern section of the site is located within the Holyport Conservation Area. The closest development in the Conservation Area to the application site is Cadogan Close, built in the 1970's, and the historic Holyport Street, said to be the oldest part of the Conservation Area. Between Cadogan Close and the application site runs a historic footpath, Blind Lane, which has been present since at least 1844 where it can be seen on the Tithe map. This footpath is very frequently used by pedestrians to access the historic village through the top of Holyport Street. The Conservation Area is significant

due to its organic development in architecture, streetscape, spacing and setting since the earliest known records of the settlement in the 13th century. The village therefore has a rural quality and its surrounding landscape, which comprises of open fields and spaces, contributes strongly to the significance and character of the Conservation Area.

- 3.7 The border of the Conservation Area is described as follows within its appraisal: “The Conservation Area boundary encloses not only the historic core of the village, but also a number of historic farms and manors on its periphery. The land around the village is extensively used for farming and equestrian purposes.” The Water Tower is located within the south section of the application site and also within the northern part of the Conservation Area. It is identified as a non-designated heritage asset. There are several listed buildings within Holyport Street, close to the boundary with the application site.

4. KEY CONSTRAINTS

- 4.1 Green Belt
 Part of site within Holyport Conservation Area
 Proximity to Grade II Listed Buildings
 Part of Site within Flood Zone 2
 Source Protection Zone
 Tree Preservation Order

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The application seeks outline planning permission, with all matters reserved apart from the means of access to the site, for a development comprising 124 dwellings together with the change of use of agricultural land to a community park, open space, two grass football pitches, allotments and the replacement of an existing agricultural building with a new community building. The proposal also incorporates ancillary landscaping and parking. Vehicular access to the site would be provided via a junction off the Holyport Road with a pedestrian/cycle and emergency vehicle only access provided out onto Ascot Road.
- 5.2 The submitted masterplan shows an illustrative layout of the proposed development and shows a new access to be constructed off Holyport Road. The proposed housing would be located to the north-east of this access road, filling this section of the application site right up to its north-east boundary with Aysgarth Park.
- 5.3 The remainder of the site would contain those facilities associated with the community park, outdoor playing pitches and allotments.
- 5.4 Planning history at this application/ appeal site includes:

Reference	Description	Decision
17/03857/OUT	Outline application for 150 dwellings with new access off Holyport Road with emergency access only onto Ascot Road. Provision of a 667sq.m. Doctors Surgery with 25 parking spaces. Change of use of agricultural land to community park, open	Would have been refused. Appeal dismissed

	space, two grass football pitches, allotments and the change of use of an existing farm building to a community building. Ancillary landscaping and parking. All matters reserved except for access.	
<p>In 2015 the Appellants (Beaulieu Homes Southern Limited) cut down 36 TPO trees on this site. The Planning Enforcement and Council's Tree team subsequently attended the site and later charged the developer with the unauthorised removal of the trees under section 211(1) of the Town and Country Planning Act 1990.</p> <p>The Appellants/ developer were fined £16,000 (and ordered to pay costs).</p>		
03/40309/COU	Conversion of two derelict agricultural buildings into three residential units	Ref 11.12.2003. Appeal dismissed 11.03.2004
04/41284/COU	Conversion of two derelict buildings and a water tower into four residential units.	Ref 04.03.2004. Appeal dismissed 01.10.2004
10/00233/FULL	Conversion of existing agricultural building into a single residential unit.	Ref 17.03.2010. Appeal dismissed 21.10.2010
11/03534/FULL	New access and gate along Holyport Road approx. 150m NE of Stroud Farm Road	Ref 31.01.2012. Appeal allowed 30.11.2012

6. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

6.1 The main Development Plan policies applying to the site are:

Issue	Adopted Local Plan Policy
Green Belt	GB1, GB2, and GB8
Design in keeping with character and appearance of area	DG1, H10 and H11
Housing Provision and Affordable Housing	H3 and H8/9
Highways and Pedestrian Movement	P4, T5, T7 and T8
Trees	N6
Protecting the Historic Environment	CA1, CA2 and LB2
Recreation and Open Space	R3, R4 and R5
Infrastructure	IMP1
Pollution of groundwater and surface water	NAP4

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

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2019)

Section 4- Decision-making

Section 5 – Delivering a Sufficient Supply of Homes

Section 8 – Promoting Healthy and Safe Communities
 Section 9- Promoting Sustainable Transport
 Section 12- Achieving Well-designed Places
 Section 13- Protecting Green Belt Land
 Section 14- Meeting the Challenge of Climate Change, Flooding and Coastal Change
 Section 15 – Conserving and Enhancing the Natural Environment
 Section 16- Conserving and enhancing the historic environment

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Green Belt	SP1 and SP5
Design in keeping with character and appearance of area	SP2, SP3
Housing Provision and Affordable Housing	H01, H02, H03 and H05
Sustainable Transport, Highways and Pedestrian Movement	IF1 and IF2
Trees and the Natural Environment	NR1, NR2 and NR3
Protecting the Historic Environment	HE1 and HE3
Recreation, Open Space and Community Facilities	IF3, IF4, IF5 and IF7
Infrastructure	IF8
Environmental Protection	EP1, EP2, EP3, EP4 and EP5

Borough Local Plan: Submission Version Proposed Changes (2019)

Issue	Local Plan Policy
Green Belt	SP1 and SP5
Design in keeping with character and appearance of area	QP1,QP3
Sustainable Transport, Highways and Pedestrian Movement	IF1 and IF2
Trees and the Natural Environment	NR1, NR2 and NR3
Protecting the Historic Environment	HE1 and HE3
Recreation, Open Space and Community Facilities	IF3, IF4, IF5 and IF7
Infrastructure	IF8
Environmental Protection	EP1, EP2, EP3, EP4 and EP5

- 7.1 The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents was submitted to the Secretary of State for independent examination in January 2018. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough.
- 7.2 In December 2018, the examination process was paused to enable the Council to undertake additional work to address soundness issues raised by the Inspector. Following completion of that work, in October 2019 the Council approved a series of Proposed Changes to the BLPSV. Public consultation ran from 1 November

to 15 December 2019. All representations received have been reviewed by the Council and the Proposed Changes have been submitted to the Inspector. The Examination of the BLPSV has now resumed and hearings were held at the end of 2020. The BLPSV and the BLPSV together with the Proposed Changes are therefore material considerations for decision-making. However, given the above both should be given limited weight.

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

Supplementary Planning Documents

- RBWM Interpretation of Policy F1
- Borough Wide Design Guide SPD

Other Local Strategies or Publications

- 7.4 Other Strategies or publications material to the proposal are:
- RBWM Townscape Assessment
 - RBWM Parking Strategy
 - Affordable Housing Planning Guidance

More information on these documents can be found at:
<https://www.rbwm.gov.uk/home/planning/planning-policy/planning-guidance>

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

246 occupiers of properties in the vicinity of the site were notified directly of the application.

The planning officer posted notices advertising the application at various locations around the site on 24.12.2020 and the application was advertised in the Local Press on 24.12.2020

At the time of writing, 2 letters had been received supporting the application, summarised as:

Comment	Where in the report this is considered
<p>1. <u>Need for affordable family homes</u> This scheme has a high level of affordable housing which are family homes. All new builds in Maidenhead are mainly flats and there is a high level of affordable family homes. The housing shortage in the Borough and especially shortage of affordable homes means that additional sites should be considered.</p>	<p>Section iv</p>

2.	<p><u>Importance of additional open space</u></p> <p>The new Taplow Riverside development has provided attractive open space which is a valuable community resource.</p> <p>The current pandemic highlights the importance of outdoor activity/need for sufficient exercise space.</p> <p>A one-off capital sum may not be sufficient to maintain the open space to a high standard in perpetuity.</p>	Section xii
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At the time of writing, 137 letters were received objecting to the application, summarised as:

Comment		Where in the report this is considered
1.	<p><u>Green Belt</u></p> <p>This is Green Belt land and should not be developed.</p> <p>Inappropriate development in the Green Belt</p> <p>Will set precedent for subsequent applications leading to more extensive loss of the Green Belt</p> <p>We should be protecting our Green Belt land now more than ever as lockdowns and major living restrictions have meant we have been allowed only an hour's exercise outside per day. Mental health and sanity are also important</p> <p>Brownfield sites should be developed over greenfield</p>	Section ii
2.	<p><u>Openness</u></p> <p>Buildings would destroy the "openness" of the area.</p> <p>Would give the impression of urban sprawl</p>	Section ii
3.	<p><u>Loss of Countryside</u></p> <p>Farm land will be eroded, countryside gone never to be replaced.</p> <p>It would dilute division between urban and rural</p> <p>Once the green gap is built on, it becomes urbanised and the current village setting will be lost and will become a suburb of Maidenhead</p>	Section ii
4.	<p><u>Important Local Gap</u></p> <p>Land provides a gap between the settlements of Maidenhead and Holyport. The NPPF supports the retention of such gaps.</p> <p>The RBWM Edge of Settlement Analysis determined in July 2016 that this land cannot be developed.</p> <p>An appeal has already been dismissed at Aston Clinton. The dismissal was mainly due to the area being a gap between settlements.</p>	Section ii
5.	<p><u>Conservation</u></p> <p>Proposals would harm historic assets and the character of Holyport.</p> <p>Will encroach on the conservation area of Holyport to the detriment of the overall character of the village</p> <p>Does not preserve the setting and special character of a historic village</p> <p>Development will obstruct some important views within Holyport Conservation Area as identified within the Holyport Conservation Area appraisal</p>	Section iii
6.	<p><u>Need</u></p>	Section iv (housing need)

	<p>There are several new developments in the Maidenhead area which are still unoccupied</p> <p>The site has not been identified in the Borough Plan for development</p> <p>The Borough-wide Local Plan meets 100% of the Objectively Assessed Need and confirms a 5.1 year housing supply.</p> <p>Already have community buildings, football pitches, allotments</p> <p>Bray Parish has many allotments and there is not currently a waiting list</p> <p>Already have a village hall</p>	and Section xii (community park need)
7.	<p><u>Traffic</u></p> <p>Holyport and Ascot Road cannot support 124 houses.</p> <p>Increased traffic on the Windsor Road.</p> <p>Local roads struggle to cope with traffic cutting through from Bracknell to Windsor and Maidenhead</p> <p>Since the previous planning application, the traffic on Windsor, Holyport and Ascot Roads has increased enormously</p> <p>Traffic would be subject to delay being close to Stroud Farm Road; Holyport Road is already incredibly busy and the proposal will add to additional traffic build up</p> <p>There is slow moving traffic especially during peak times;</p> <p>Traffic will increase commutes to work and for parents who have to transport children to schools outside Holyport</p> <p>Were the proposed Summerleaze development to go ahead this would generate more traffic</p> <p>Traffic during the construction phase would have a negative impact on traffic flow and the wear and tear of local roads;</p> <p>The submitted Transport Plan is out of date being used as supporting documentation for the previous application 17/03857/OUT.</p> <p>The traffic testing was not carried out during peak hours during the school term time.</p> <p>Unlikely football pitches will be limited to Holyport village itself. No parking provision has been made for users of the community facilities</p>	Section vii
8	<p><u>Highway Safety</u></p> <p>Increased traffic and access to the development will cause danger/significant risk to pedestrians, cyclists and school children</p> <p>Increased traffic accidents</p> <p>Hoyport Road is unsuitable for additional traffic</p> <p>Hoyport Road is already restricted in terms of width</p> <p>Hoyport Road does not meet the Borough's highway design guidance</p> <p>The site is directly opposite and there are problems with exiting our driveway at peak times</p>	Section vii
9.	<p><u>Objection to the proposed access</u></p> <p>The access off Holyport Road was permitted on appeal for limited agricultural uses only as it was deemed unsuitable and unsafe for any other access onto Holyport Road</p> <p>Adding access to a new housing development via one entry point onto a minor road is unacceptable in terms of air quality, congestion and impact on current residents and pedestrians.</p> <p>Land was meant for agricultural use only</p>	Section vii

10.	<p><u>Air Pollution</u> Would increase air pollution from increased traffic. Additional effects from M4 widening/Heathrow The AQMA is only 200m away from the proposed location of 124 houses. The additional houses and resulting extra traffic would significantly add to the harm suffered by residents Air Pollution Statement out of date. Request further Air Quality Assessments on the Holyport Road and the A330.</p>	No objection raised by the Environmental Health Officer
11.	<p><u>Flooding/Drainage</u> Parts of the proposed site (and surrounding area) are flooded on a regular basis. Would exacerbate flooding problems. There doesn't appear to be any information as to the prevention of water run-off from the higher ground onto Aysgarth Park estate; Owners value the function of farmland to absorb its share of rainwater. Much of the surrounding lower area has a high water table and building on higher ground with a consequent reduction in its ground water absorption would cause flooding nearby. Concern about the loss of this area as a natural soak away for ground water in area of high density housing Drains on Aysgarth Park frequently overflow when there has been heavy rainfall and on occasions sewage has leaked out. Already an issue with the capacity for sewage, this will only exacerbate the issue. Local sewage systems cannot cope.</p> <p>The intention to gift some land is unsuitable due to high water table and periodic flooding.</p>	Section x
12.	<p><u>Ecology/Climate Change</u> Will adversely affect the environmental and ecological aspects of the site; Harm to badgers and bats identified on the site; Harm to local hedgehogs Loss of habitat of flora and fauna. Field and ancient hedgerow along Holyport Road provide a valuable haven for wildlife to prosper Adversely impact the environmental and ecological aspects of this site, a retrograde step with a negative impact upon climate change</p>	Section ix
13.	<p><u>Impact on Local infrastructure and Services</u> Local schools cannot support additional children – it's already difficult to get children into primary and secondary schools which are over-subscribed Existing schools, doctor's surgeries and infrastructure are already at breaking point</p>	Section xi
14.	<p><u>Neighbouring Amenity</u> Disruption and loss of privacy to neighbouring properties Unknown impact on daylight and noise levels Harm imposed on Holyport Road residents, in particular those living near the entrance, will be intolerable</p>	Section vi

	Noise disturbance Floodlight pollution from football pitches Development is hidden from Holyport Road, which may erode community spirit	
15.	<u>Similar application to previous application</u> The application offers nothing new to the previous application	Section i
16.	<u>Against local democracy/the feelings of local residents</u> Undermines confidence in local democracy. Many people participated in the Local Plan. Cuts across wishes of local stakeholders as communicated during the Local Plan process. Local Plan becomes defunct. Not supported by the majority of residents.	The applicant is entitled to submit a further application to be assessed by the LPA.
17.	<u>Precedent</u> It would set a precedent for more development	Each application is assessed on its own merits

Statutory consultees

Consultee	Comment	Where in the report this is considered
LLFA	Objections to submitted drainage strategy. Unless the applicant is given the opportunity to provide further information the application should be refused.	Section x
Environment Agency	No comment	

Consultees

Consultee	Comment	Where in the report this is considered
	-	
Ecologist	Objections on grounds of potential harm to badgers and foraging bats. Insufficient information has been received to demonstrate what the impact upon these protected species would be and whether any potential impact could be successfully mitigated.	Section ix
Conservation Officer	The proposal would also cause less than substantial harm to the significance of the Holyport Conservation Area through the erosion of the open setting and rural characteristics that contribute to the special interest, as well as being unsympathetic in scale, form and density. The development would also erode the setting of the numerous non-designated and designated heritage assets (listed and non-listed buildings) by the increased suburbanisation of the village and surrounding area. Furthermore, due to the location and scale of the proposed development it would significantly erode the extant open and undeveloped	Section iii

	character of the area and as a result would negatively affect views into and out of the Conservation Area.	
Highways	No objections subject to a combined Section 38 & 278 Agreement to cover the construction of the highway improvement works on Holyport Road, a S106 contribution of £50,000 to deliver highway improvements along the A308 corridor and for the introduction of a 'keep clear' marking at the junction of Earlsfield with Holyport Road and a sustainable transport contribution; and a condition requesting a construction management plan.	Section vii
Environmental Protection	The Air Quality impact assessment is considered acceptable.	Noted
Berkshire Archaeology	The application site falls within an area of archaeological significance and archaeological remains will be damaged by ground disturbance for the proposed development. A condition is recommended to mitigate the impacts of the proposed development.	Noted
Housing Enabling Officer	The Planning Statement sets out a figure of 51 units (41%) affordable housing provision. Consideration should be given to 63 (50%) of the total dwellings being affordable and the site is within the Green Belt. The proportion of dwelling types and sizes is acceptable. The tenure split is not specified and would need to be 45% social rent/35% affordable rent/20% intermediate. Affordable Housing provision would need to be secured by a legal agreement	See section iv and xi

Others

Group	Comment	Where in the report this is considered
Parish Council	<p>Bray Parish Council has Strong Objection to the planning application on the following (summarised) grounds:</p> <ul style="list-style-type: none"> - Timing of the application over the Christmas/New Year break and during the COVID-19 pandemic is inconsiderate to the local community - The applicant failed to inform the Inspector at the BPL examination of their intention to submit the application only days later - The scheme is inappropriate development in the Green Belt which is harmful by definition - Contrary to policy GB1 - Visual impact of the development would impinge on the character and nature of the Green Belt significantly, diminishing the quality of its openness through the proposed buildings and urbanisation of the open space within the site. - The identified harm to the Green Belt must be given substantial weight 	<p>The application has been advertised and notification carried out sufficiently to allow the local community to comment on the revised proposal.</p> <p>Objections relating to</p>

	<ul style="list-style-type: none"> - Conflict with adopted policy CA2 which seeks to ensure that the development preserves or enhance the character of the conservation areas, including Holyport Conservation Area, as well as protecting views. Contrary to NNPPF aims and objective which seek to conserve designate heritage assets in a manor appropriate to their significance - There is not a need for the community park open space, football pitches, allotments and community building within Holyport or within Bray Parish so this shouldn't be a Very Special Circumstance - Circumstances have not changed since the previous application was dismissed at appeal - The proposed emergency vehicular access off the A330 Ascot Road is unnecessary and potentially hazardous. • The inclusion of the emergency access could be used as justification for proposals for further inappropriate development on this land if the application is approved. 	<p>Green Belt, Heritage and the VSC case are considered in sections ii, iii and xii respectively</p>
<p><u>Holyport Resident's Association</u></p>	<ul style="list-style-type: none"> • It is a legal requirement that Borough Planning give residents the opportunity to comment for or against a developer's proposals. • The proportion of affordable housing has been increased from 41% to 50%. It is very common that the amount of affordable housing promised in an application is never delivered on the ground. The offer could be withdrawn or will never be enforceable. It should play no part in the decision. • NPPF Para 7 gives a definition of sustainable development. This is not sustainable development as it would contribute to more traffic and atmospheric pollution. Requested that should RBWM be minded to approve, they should first assess the atmospheric pollution status of the whole of Holyport Road. LDP Policy EP2 states why this development should not proceed. • All matters are reserved – the applicant could change his plans to the disadvantage of the local population • The state of the RBWM Local Development Plan is of no relevance to the planning application, except for the fact that the LDP does not recognise this land as suitable for development. In terms of references to the Local Development Plan process and allocation of sites, only the currently applicable LDP and the LDP that currently awaits the Inspector's verdict are relevant. Both the 	<p>These comments have been taken into consideration in the assessment below in Section 9.</p>

	<p>existing and presently applicable RBWM LDP; and the emerging LDP do not permit this proposed development.</p> <ul style="list-style-type: none"> • There could not be any “Very Special Circumstances” of the type that a planning authority could accept that could justify the application • The M4 does not separate Lodge Farm from Maidenhead nor Holyport. Lodge Farm is a gap between the settlements of Maidenhead and Holyport Village. The Planning Inspectorate ruled in 2017 against development of a similar area due to it being a gap between settlements (Land west of College Road South, Aston Clinton). • Development would constitute sprawl. No join to Holyport. The Edge of Settlement Analysis (July 2016) determined that this land cannot be developed. • The site is not at all screened from the view from Holyport Road or from Aysgarth Park. The new buildings would be a visible eyesore from Holyport Road and Aysgarth Park. They would loom above Aysgarth Park as Aysgarth Park is on lower ground. • The areas that would be gifted are mostly subject to flooding and cannot be developed for housing. The area subject to the worst flooding is allocated for football pitches. The so-called parkland is mostly subject to flooding. Aysgarth Park is at a lower level than the site, and already in adverse weather conditions, flood water seeps down to them from the proposed building site. • If the SUDs are to be the underground tank type, the removal of below surface ground that presently forms a soak away for rainwater, so as to use that volume as tanks entirely in favour of the site, will lead to worse flooding nearby. • The concept of a single access for 124 houses onto Holyport Road is unacceptable. The road does not meet the borough’s highway design guidance and is therefore unsuitable for the addition of more traffic from any new development. Police and Emergency Services have previously objected to an obstructive traffic calming here, referring it to a Strategic Route. This new junction and the development’s new traffic would have a 	
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	<p>similar delaying effect. RBWM have previously rejected applications for a pedestrian crossing.</p> <ul style="list-style-type: none"> • Traffic entering and leaving the new site would be delayed due to existing traffic (including from Stroud Farm Road). The traffic combination would cause chaos, and more air pollution possibly over a long stretch of Holyport Road • Severe harm would be imposed on Holyport Road residents by the building work accessed from Holyport Road and by the new ongoing traffic and air pollution. • The proposed access road is immediately opposite the driveway of existing Holyport Road residents, which would be both detrimental to neighbouring amenity as well as highway safety • Conditional access onto Holyport Road was for agricultural access only. The Inspector's logic was that only a few agricultural uses would be unsafe and acceptable in this busy populated road bordering on green belt land • The development is in the worst possible position for the health and well-being of Holyport Road residents. It is not sustainable as it would contribute to more traffic holdups and more air pollution. • The Transport Assessment has not been updated. The assessment says very little about the impact of vehicular traffic. These new proposals are worse for residents as now the only access would be onto Holyport Road. • The Road Traffic Noise Survey does not consider the unacceptable noise that would be experienced by existing residents of Holyport, both during building and ongoing occupancy • The Air Quality Assessment is out of date. It is of no use for this application. The traffic from 124 dwellings would make air pollution worse. Building houses on Holyport road would exacerbate high levels of pollution and would encourage car use/delivery vehicles etc. Air Pollution has been sufficient grounds in other locations to have such developments refused (reference a High Court Ruling preventing development on the grounds of air pollution in Kent) 	
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	<ul style="list-style-type: none"> • Hedgehogs have not been included in the ecological study. The development will be harmful to all wildlife on the site. • Allotments are not in demand. • If RBWM are minded to approve there should be a condition that no gravel extraction will ever be allowed • The owner was fined for cutting down trees in the past - he was obliged to plant new trees – but the new trees have mostly died • There is no mitigation of any aspect of the imposition that Beaulieu Homes want RBWM to agree to residents 	
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9. EXPLANATION OF RECOMMENDATION

9.1 The assessment of the application is set out in the following way:

- i Background
 - Previous application
 - Inspectors Decision
 - Comparison between schemes

Main issues forming part of previous appeal

- ii Green Belt
 - Is the development inappropriate development within the Green Belt?
 - What is the effect of the development on the spatial and visual openness of the Green Belt, the purposes of the Green Belt and on the character and appearance of the area, including the setting of Holyport Conservation Area.
- iii Impact on Heritage
- iv Housing
 - Housing land supply
 - Affordable Housing
 - Housing Mix

Other matters not assessed in detail as part of appeal

- v Design Considerations
- vi Provision of a suitable residential environment and Impact on residential amenity
- vii Highways
- viii Trees

- ix Ecology
- x Flooding
- xi Infrastructure Provision

Very Special Circumstance and Planning Balance

- xii Very Special Circumstances

i. Background

Previous application

- 9.2 The current application follows an earlier outline application, ref: 17/03857/OUT which has been described above. This application was an outline application with all matters reserved except for access.
- 9.3 This earlier application was appealed against non-determination by the Council, however the Council stated they would have refused the application for the following summarised reasons:

1.	<p>The proposal is for the development of a greenfield site located in the designated Green Belt, as shown on the Local Plan Proposals Map. On assessment the proposal constitutes inappropriate development within the Green Belt which is, by definition, harmful as identified in paragraph 143 of the NPPF 2019. It is not considered that very special circumstances exist which outweigh the substantial harm to the Green Belt by reason of inappropriateness and the other harm resulting from the proposal which includes the impact on visual and spatial openness, on open countryside which separates Holyport from Bray and provides a rural setting to Holyport village and contributes positively to the setting of the Holyport Conservation Area. Furthermore, mitigation measures may be needed from this development towards the strategic highway improvements needed to ensure the cumulative, residual impact of development on the highway network is not severe.</p> <p>The proposal is therefore contrary to paragraphs 143- 145 of the National Planning Policy Framework (2019).</p>
2.	<p>The proposed development would erode the northern boundary of the Conservation Area which at present is defined by the very distinct change between the village edge on one side and open space on the other. The loss of this open field would therefore erode its significance as “a settlement preserving a mix of historic buildings”. The proposal does not therefore meet the test in paragraph 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and contrary to policy CA2(1) of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations made in 2003). It is considered that this would result in a level of harm to the setting of the Conservation Area, whilst this is considered ‘less than substantial harm’, it is not considered that it has been demonstrated that public benefits exist which outweigh the harm, contrary to paragraph 196 of the National Planning Policy Framework (2019).</p>
3.	<p>The proposed development would increase demand for use of a section of the strategic highway network that is already operating at over-capacity levels. In the absence of agreed deliverable migration measures the residual cumulative impacts on the road network would be severe contrary to DfT Circular 20/2013 and paragraph 109 National Planning Policy Framework (2019).</p>

4	In the absence of a completed legal agreement the proposed development has failed to secure the provision of 45 affordable housing units (30% on site provision) to meet local needs. The proposed development is therefore contrary to policy H3 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations made in 2003) and the National Planning Policy Framework (2019).
5	In the absence of a completed legal agreement the proposed development has failed to secure the provision of the necessary infrastructure needed to make this development acceptable in planning terms. The proposed development is therefore contrary to policies R4, R5, T5, T7 T8 and IMP1 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations made in 2003) and the National Planning Policy Framework (2019).

9.4 During the course of the appeal, reasons 3, 4 and 5 were dealt with through the submission of legal agreements relating to road improvements, the provision of affordable housing and infrastructure provisions respectively. The Inspector’s appeal decision therefore focused on the two main matters under dispute – the impact on the Green Belt and Impact on Heritage Assets. Consideration was also given to the benefits of the proposal and whether there were any Very Special Circumstances to justify the proposed development.

9.5 This panel report will also focus on the main issues of dispute, setting out any changes to the proposal and changes to the status of planning policy, guidance and evidence to determine whether a different conclusion should be reached. Any additional concerns as a result of changes to the proposal will also be identified. The benefits put forward by the applicant will be duly considered to establish whether Very Special Circumstances now exist to justify the proposed development.

Inspectors Decision

9.6 The previous proposal was found to be inappropriate development within the Green Belt. The proposed 150 dwellings and Doctors surgery were found to constitute inappropriate development in the Green Belt by virtue of these parts of the proposal not meeting any of the exceptions set out in paragraphs 145 or 146 of the NPPF. The Inspector set out at paragraphs 21 and 22 of the appeal decision that the community park and related outdoor elements would have met one of the exceptions set out in paragraph 145 of the NPPF and would therefore not *in principle* amount to inappropriate development in the Green Belt, but that overall, the scheme would have been inappropriate in the Green Belt which is harmful by definition.

9.7 Regarding impact on openness, the Inspector found that the proposed dwellings and Doctors surgery, including road layouts and associated infrastructure would have introduced an urban character of built form which would have presented a significantly greater spread of development across the site introducing development on land currently free from any built form. It was concluded that there would have been a significant impact on the openness of the Green Belt.

9.8 The site was found to play an important role in protecting the openness and permanence of the Green Belt by preventing unrestricted sprawl of the existing large built up areas to the north-east and south-east as well as safeguarding the countryside from encroachment. The proposal therefore conflicted with two of the five purposes of the Green Belt.

- 9.9 The Inspector noted that the appeal site played an important role in the Green Belt due to its rural, spacious and undeveloped nature. The proposal was found to considerably diminish the rural spaciousness and character provided by the appeal site, resulting in a permanent loss and an unacceptable change to its character and nature.
- 9.10 The cumulative impact on the Green Belt, including the harm by inappropriateness, the harm to openness, the conflict with purposes and the impact on its rural and spacious character was given substantial weight in accordance with paragraph 144 of the NPPF.
- 9.11 In terms of impact upon heritage, the rural, agricultural nature of the site and the important open views across the site were said to make an important contribution to the significance of the Holyport Conservation Area. The scale and location of development was found to significantly diminish the current open, undeveloped character of the area and would have affected views into and out of the Conservation Area. The proposal was found to affect the character and setting of the Conservation Area itself, the setting of the listed buildings within the north-east end of Holyport Street and the setting of the Water Tower, a non-designated heritage asset within the application site. The harm to the significance of the Conservation Area was found to be less than substantial, but this was not outweighed by public benefits.
- 9.12 Regarding housing provision, the Inspector estimated the Council's housing land supply position was approximately midway between the Council's estimate of 4.5 years and the appellants estimate of 2.6 years. He attached significant weight to this shortfall.
- 9.13 In terms of affordable housing provision, 30% was secured by legal agreement during the course of the appeal. Whilst this was only a policy compliant amount, significant weight was attached to this provision due to the considerable need for affordable housing within the Borough.
- 9.14 The Inspector weighed up the benefits of the scheme against the harm to the Green Belt and harm to heritage assets. Significant weight was attributed to both affordable housing and housing delivery. Moderate weight was given to the provision of mainly houses rather than flats. No more than moderate weight was given to the proposed community park, allotments and sports provisions. Limited and moderate weight were given to the short-term and long-term economic impacts of the development respectively. Limited weight was given to ecological benefits given the existing use of site. Finally, limited weight was given to the doctor's surgery.
- 9.15 The weight attributed to these benefits by the Inspector was not found to cumulatively outweigh the substantial Green Belt harm and the harm to heritage assets and accordingly, the appeal was dismissed.
- 9.16 The appeal decision is a significant material consideration in the assessment of the current application and should inform the assessment of the revised application.

Comparison between schemes

- 9.17 The current scheme includes the following main differences:
- The reduction in the number of dwellings from 150 to 124;
 - Omission of the Doctors Surgery.
 - Lodge Farm now to be replaced by a new community building rather than re-used and converted

- Residential development all now located to the north east of the proposed access road (off Holyport Road) resulting in a gap between the housing and Blind Lane
- Increase in Affordable Housing provision from 30% to 50%, amounting to 62 units (to include 40% at preferred tenure mix and 10% starter homes)
- An updated package of benefits has been put forward in support of the scheme which outlines a zero carbon homes initiative.

9.18 The reduction in the number of dwellings from 150 to 124 would result in 26 fewer dwellings as part of the proposal (a 17% reduction compared to the appeal scheme). The proposed housing would now be laid out within the north-east part of the site, in between the access road off Holyport Road and the existing estate of housing within Aysgarth Park. Whilst the width of development across Holyport Road has been reduced, the depth of development in a north-west/south-east direction would be increased.

9.19 The community park, sports facilities and allotments are all proposed to be sited within the remainder of the application site, much in the same way as in the appeal scheme.

ii. Green Belt

Inappropriate development

9.20 Whilst the current scheme results in a reduction in the number of dwellings proposed by 26, and the omission of the doctors surgery, the provision of 124 dwellings and associated infrastructure within the open Green Belt does not fall within any of the limited exceptions in paragraph 145 or 146 of the NPPF and is therefore still inappropriate development within the Green Belt.

9.21 Whilst some of the uses associated with the proposed development could be considered appropriate in isolation under paragraphs 145 (b) and 146 (d) and (e) of the NPPF and policy GB2 (a) of the Local Plan, such as the provision of parks and gardens (including the proposed football pitches) and the proposed allotments and community gardens, provided they were considered to preserve openness and not to conflict with the purposes of the Green Belt, the Inspector was clear that the proposed development must be considered as a whole.

9.22 On this basis, it is clear that the proposal would remain inappropriate development in the Green Belt, which is by definition harmful to the Green Belt and should not be approved except in Very Special Circumstances.

Impact on Openness

9.23 Of the 20.6 ha application site, the applicant sets out that approximately 21% (approximately 4.5 ha) will comprise of built development consisting of housing, roads and other associated development and infrastructure required for the residential element of the application. Of the 79% remaining land to be designated as Holyport Community Park and outdoor facilities, this land would also comprise some development, albeit more limited, including football pitches, hard-surfaced roads and paths, parking areas and play equipment. Compared to the current open and undeveloped application site, there would be a clear loss of openness, in spatial terms. This loss of openness would be substantial within the part of the site to be redeveloped for the housing and more limited in the remainder of the site to be allocated as the community park. The loss of spatial openness when compared with the current site is therefore significant.

- 9.24 Regarding the visual impact on openness, the applicant has produced a Landscape and Visual Impact Assessment as part of the submission. It is acknowledged that the site contains some screening both within and along the boundaries. The wide open and undeveloped site however is clearly visible from various viewpoints around the site, including the elevated position of Ascot Road, from the permissive path adjacent to Aysgarth Park, from footpath 38 adjacent to Blind Lane), from the top of Holyport Street (indeed the applicant's viewpoint 5 is setback significantly from what is marked as the important viewpoint at the top of Holyport Street and therefore is not reflective of the real openness that is experienced when looking over the application site from Holyport Street) and at various points along Holyport Road. Furthermore, the new vehicular access off Holyport Road would open up views into the site of the new housing. The application proposes some enhanced landscaping, however given the quantum and spread of development within the north-east part of the application site, coupled with the relatively open views of the site as described above, the visual impact on the openness of the Green Belt would be readily apparent and the loss of openness clear from several surrounding public vantage points. The visual impact on openness is therefore also considered to be significant.
- 9.25 At this point it is worth referring back to what the inspector reported on the subject of openness within the previous scheme. He stated that the current site had an uncluttered, agricultural appearance and that '*the concentration of up to 150 dwellings, together with the provision of a doctors surgery, would present a significant impact on openness of the Green Belt, resulting in its permanent loss and an unacceptable change to its character.*' It is also worth noting that within the previous application 78% of the site would be for the community park and outdoor facilities, whereas 79% of the current application site would be for the community park an outdoor facilities. A difference of only 1% is not sufficient for the Council to form a different view on the overall impact on openness. It is therefore concluded that the impact on openness remains significant as a result of the proposed development both spatially and visually.

Harm to purposes

- 9.26 The Inspector found the appeal site to make a positive contribution to the Green Belt as it prevents unrestricted sprawl of the existing large built up areas of Holyport and Maidenhead to the north and south of the site respectively. The Council's interpretation of the appeal decision is that the Inspector found the development to conflict with two of the five purposes of the Green Belt; to check the unrestricted sprawl of large built up areas and to assist in safeguarding the countryside from encroachment.
- 9.27 The part of the site to be redeveloped for housing has taken on a slightly different layout and spread within the application site. This area is now deeper (north-west to south-east) but narrower (south-west to north-east) leaving a gap between the south-eastern edge of the proposed housing to Blind Lane and the housing within Cadogan Close. Whilst the applicant claims that this gap and the public open space in the remainder of the site would ensure a gap in maintained between the two settlements, it is considered that the gap between the proposed housing and Blind Lane, would be insufficient in size to constitute a meaningful gap in Green Belt terms and the damage would already have been carried out by the development which only provides a 1% reduction in built form across the site from the previous scheme. Therefore, there would be a very similar impact in terms of encroachment into the countryside. The harm to the purposes of the Green Belt is therefore the same as within the appeal scheme – the countryside would still be encroached upon and the large built up area of Maidenhead to the north-east and south-east of the application site would sprawl.

- 9.28 Indeed one could argue that the proposed layout, which does not provide a meaningful gap between the settlements, would only lead to pressure for an infill development in the future if the current application were approved, as the remaining land left undeveloped would not perform as strongly against the purposes of the Green Belt as the existing site in terms of providing a strong undeveloped gap between settlements.

Character and Appearance of the area

- 9.29 The Inspector describes the site as *'distinguishable from the surrounding areas'* and *'agricultural in nature comprising mostly agricultural fields and open land'*. He states that the site plays a *'notable role in the transition from the built-up area of Maidenhead and the village of Holyport to the south-west'*. He stated that the introduction of the considerable built form and associated domestic gardens and paraphernalia into the area would considerably diminish the rural spaciousness and character provided by the appeal site. Given that minimal changes have been made to the scheme and therefore, the amount of development proposed within this undeveloped site remains significant, the proposed changes to the scheme would not materially alter the harmful impact on the character of the Green Belt as set out by the inspector in his appeal decision.

Conclusion on impact on the Green Belt

- 9.30 The collective harm identified to the Green Belt including the harm by virtue of inappropriateness, the harm to openness and purposes, and the harm to the open, rural and spacious character of the area is afforded **substantial weight** in accordance with paragraph 144 of the NPPF. It is therefore necessary for the Local Planning Authority to consider whether Very Special Circumstances (VSC) exist that would clearly outweigh the harm to the Green Belt and any other harm resulting from the proposal. This case is considered in detail at section xii of this report.

iii. Impact on Heritage

- 9.31 The harm to heritage assets as set out in the Inspector's decision was due to the scale and location of the development very substantially and significantly diminishing the current open, undeveloped character of the area, affecting views into and out of the conservation area (including three of the important views identified within the HCAA), the resultant harm to the character and setting of the Conservation Area itself and the setting of the listed buildings within the north-eastern end of Holyport Street and the setting of the water tower (a non-designated heritage asset). The inspector stated that the harm to the Conservation Area as a result of the appeal proposal would be less than substantial and that this less than substantial harm would not be outweighed by public benefits either individually or cumulatively
- 9.32 The applicant considers that the harm to heritage assets as a result of the amended proposal would be at the 'lower end of the less than substantial harm spectrum' and that the additional public benefits put forward in support of the proposal would tip the balance such that there is not a clear reason for refusing planning permission as set out within the balancing exercise required by paragraph 196 of the NPPF.

Impact on the heritage assets:

Conservation Area

- 9.33 As set out within the Holyport Conservation Area Character Appraisal, the Conservation Area has historic value as seen through the preservation of buildings,

their layout, streetscape, and wider landscape setting that has survived since the earliest known records of the settlement in the C13. It is these elements and the distribution of the village that allow connection to the past and illustrates the village's development over time. The boundary of the Conservation Area is important in marking its significance as an historic village with a central core which is surrounded by land with an open and rural quality.

- 9.34 Setting is a crucial contributing factor to the significance of the Conservation Area which includes a historic village core preserving a mix of traditional buildings, surrounded by open fields and undeveloped land. As stated in Historic England's guidance on The Setting of Heritage Assets in paragraph 9: "*Settings of heritage assets change over time. Understanding this history of change will help to determine how further development within the asset's setting is likely to affect the contribution made by setting to the significance of the heritage asset.*" The existing open and undeveloped setting creates a strong and distinctive boundary to the village. This also provides the village with a rural setting on approach and when looking into and out of the historic core. The village, which is traditional in appearance, is framed by this open rural landscape giving it particularly high aesthetic quality and allowing the historic townscape of the village to be clearly read and appreciated.
- 9.35 The Conservation Area Appraisal states the following: "*At the north end the [Holyport] street opens on to open fields with the edges of urban Maidenhead visible beyond*". This area to be developed is a large open space, in the setting of the Conservation Area, and which strongly contributes to the significance of the Conservation Area as an identified rural village. This space affords an important buffer between the Conservation Area and the residential developments to the north and is a characteristic which should be maintained as far as possible.
- 9.36 The setting of Holyport is one of an agricultural nature and comprises of open fields and land and as such it creates a spacious and rural character. The introduction of a suburban housing estate, even with the proposed spacing and landscaping mitigation, would diminish the rural character and spaciousness extant within the setting of the Conservation Area. The revised proposal therefore would still result in clear harm to the special character and setting of the Conservation Area.

Listed Buildings

- 9.37 It is accepted that the proposed residential development would be positioned further away from the grade II listed buildings within the north-east end of Holyport Street. However, the setting of a Heritage Asset is not just the ability to see something from that asset, it is also to do with atmosphere and the way the heritage assets are appreciated. Although views of or from an asset will play an important part, the way in which one experiences an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by the understanding of the historic relationship between places. As such, it still remains the view that the non-designated and designated assets of Holyport Street, when viewed as intrinsic elements of the Holyport Conservation Area would be adversely affected by the proposed development. These buildings enjoy a rural and semi-rural setting which has altered little, however the increased physical development together with the increased usage of this quiet lane would detrimentally affect this extant character.

Non-Designated Heritage Assets:

- 9.38 The Water Tower and its setting between Holyport Street and Ascot Road is an important landmark of Holyport and the Holyport Conservation Area. It is a tall brick built structure which is clearly visible from a variety of viewpoints. The Conservation Area Appraisal describes the structure as follows: *“Late nineteenth-century or early twentieth-century water tower. Square in plan, brick arch at base with blind arcading above. Rendered upper storey with pyramidal red clay tile roof.”* Due to the height and form of the building it is easily recognisable within the landscape. Part of this recognition, and therefore significance it that is lies in the open countryside. The increased development and effective removal of the agricultural land and therefore setting will erode this significance and result in less than substantial harm to the special interest of this asset when viewed in the context of the Conservation Area.

Archaeology

- 9.39 Berkshire Archaeology have advised that the impacts on archaeological remains by the proposed development can be mitigated by condition if planning permission were to be granted.

Conclusion on Impact on Heritage

- 9.40 In summary, the proposals presented within this outline application would cause less than substantial harm to the significance of the Holyport Conservation Area through the erosion of its open setting and rural characteristics that contribute to its special interest, as well as being unsympathetic in scale, form and density. The development would also erode the setting of the numerous non-designated and designated heritage assets (listed and non-listed buildings) by the increased suburbanisation of the village and surrounding area.
- 9.41 Furthermore, due to the location and scale of the proposed development it would significantly erode the extant open and undeveloped character of the area and as a result would negatively affect views into and out of the Conservation Area. As such, the proposals would conflict with Policy CA2 of the RBWM Local Plan, which seeks to protect views that contribute to the identified character of the Conservation Area and ensure that development preserves or enhances the character of the area.
- 9.42 The amendments to the previous scheme, including the reduction in the number of dwellings and the introduction of the small gap between Blind Lane and the proposed housing, would not be sufficient to reduce the significant impact on the setting of the Conservation Area. Currently the whole application site, apart from a very limited number of agricultural buildings is viewed as an open, rural and undeveloped piece of land that is an important part of the Conservation Area’s historic and rural setting. This wide and undeveloped gap is necessary to separate the Conservation Area from the suburban 20th Century housing on Holyport Road and Aysgarth Park. The proposed housing would significantly fill a large part of the application site encroaching the suburban development close to the Conservation Area such that its setting and character would be significantly compromised. The changes to the scheme therefore do not overcome previous concerns and the harm attributed remains the same – **less than substantial**.
- 9.43 The balancing exercise required by paragraph 196 of the NPPF is carried out in section xii.

iv. Housing

Housing Land Supply

- 9.44 At the time of the previous appeal, it was accepted by both the Council and the appellant as common ground that the Council could not demonstrate a Five Year Housing Land Supply (5YHLS), but what was not common ground was the actual number of years supply that could be provided. The Council made the case that it was approximately 4.3 years, whereas the appellant stated it was 2.6 years. The Inspector considered the evidence behind both cases and concluded that the actual supply was around the midpoint between the two figures. The Inspector stated that the extent of the shortfall was relevant to the appeal as it would have a bearing on the weight that could be given to the benefits of the proposed development. He stated that the shortfall was significant.
- 9.45 Since the appeal, the Council has not produced an updated 5YHLS position, and therefore it must be accepted that the shortfall in housing land supply remains significant. The applicant has not put forward a case which suggests what the current supply specifically is, but again points out the lack of a 5 YHLS and the lack of an adopted local plan.
- 9.46 The provision of 124 dwellings would not meet the shortfall in housing land supply required to give the Council its 5 year supply. Furthermore, the housing provision set out in this case is less than the provision set out in the appeal scheme (by 26 units). The weight attributed to the benefit of housing provision can therefore be no greater than **significant**.

Affordable Housing

- 9.47 Policy H3 Affordable Housing of the adopted Local Plan requires that this development provides 30% affordable housing on site. The NPPF is a significant material consideration and at paragraph 63 it is made clear that affordable homes should be provided as part of this scheme. The emerging policy HO3 of the BLPSV is a relevant material consideration, it is compliant with the NPPF, however, due to the number of objections received to it, is given limited weight as a material consideration.
- 9.48 The identified need set out in the Borough's most recent Strategic Housing Market Assessment (SHMA) would be 80% of rented tenures and 20% intermediate housing. The 80% rented tenures is split into 45% social rent and 35% affordable rent.
- 9.49 In the appeal, the Inspector concluded that there was a considerable identified need for affordable housing within the Borough and that a policy compliant amount of 30% would be a clear benefit which must be given significant weight in the overall balance.
- 9.50 The applicant has put forward an offer of 50% on-site affordable housing provision. 40% of which would be of the Borough's preferred tenure mix of 45% social rent, 35% affordable rent and 20% intermediate. And a further 10% would be starter homes.
- 9.51 50% affordable housing provision would result in 62 units being affordable compared to 45 in the appeal scheme, so an increase of 17 dwellings to put towards the Borough's identified need. An increase in 17 affordable housing units is not materially different to afford an increase in the amount of weight attributed to this benefit. As in the appeal scheme therefore, this benefit is given **significant** weight.

Housing Mix

- 9.52 Policy H8 of the adopted Local Plan states that redevelopments should contribute towards improving the range of housing accommodation in the borough and will

particularly favour proposals which include dwellings for small households and those with special needs.

- 9.53 Paragraph 61 of the NPPF seeks a wide choice of high quality housing to be provided through the planning system, and requires Local Planning Authorities to identify the housing mix that is required and plan to meet the identified need. This includes a mix of types and tenures of housing (which would include custom built/self-build homes) for different groups in the community in order to ensure that any development contributes to the objective of creating mixed and balanced communities.
- 9.54 Policy HO2 of the of the BLPSV states that the provision of new homes should contribute to meeting the needs of current and projected households by providing an appropriate mix of dwelling types and sizes, reflecting the most up to date evidence as set out in the Berkshire SHMA 2016. The mix in the most up to date evidence indicates that there is a need for predominately three and two bedroom units (38.6% and 28.6% respectively). Policy H02 also sets out that proposals for 20 or more housing units are required to include 5% of the proposed dwelling number as fully serviced plots for custom and self-build.
- 9.55 The amended proposal includes 20 apartments and 104 houses. The appellants argues that the provision of mainly houses is a benefit to be given weight in light of evidence from the SHMA which reports that housing decisions are delivering an abundance of flats in the Borough. In the appeal the Inspector gave no more than moderate weight to the provision of mainly houses rather than flats. It is considered that no extra weight be given to this benefit than in the appeal scheme. Indeed it is noted that the number of dwellings proposed is actually reduced from 137 to 104.
- 9.56 The applicant has also put forward that 10% (approx. 12) of the homes would be custom or self-build. The Borough has an under provision of custom/self-build homes and therefore this contribution is recognised as part of the overall housing mix. It is therefore considered that the mix of housing provided, which includes mainly houses rather than flats and 10% custom built homes, be given no more than **moderate** weight.

v. Design Considerations

- 9.57 Policies DG1 and H10 of the adopted Local Plan seek to ensure that residential development will be of a high standard of design and landscaping, compatible with the area and street scene. Section 12 of the NPPF deals with achieving well designed places and the delivery of developments that will function and contribute to the overall quality of the area in the long term. To achieve this, development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; they should be sympathetic to local character and history, including the surrounding built environment and landscape setting.
- 9.58 The NPPF states that design quality should be considered throughout the evolution and assessment of individual proposals and encourages early discussion between applicants, the local planning authority and local communities about the design and style and that designs should evolve to take account of the views of the community. National policy guidance is clear that applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.
- 9.59 The NPPF further encourages local planning authorities to utilise design advice and review arrangements, particularly for significant projects such as large-scale housing

and mixed use developments. In assessing applications, local planning authorities should also have regard to the outcome from these processes, including any recommendations made by design review panels.

- 9.60 The previous panel report set out that when assessing an outline application the key design consideration would be one regarding the principle of the development and if the site can accommodate the quantum of development proposed having due regard for the character of the area. In this instance the quantum proposed is 124 dwellings along with approx. 15 hectares of public open space.
- 9.61 As with the previous proposal, the principle of this quantum of development would result in a development below the recommended densities. This reflects not only that the site is located outside of the urban area but that it is located in the Green Belt, an area of development restraint. Notwithstanding the implications for the Green Belt, it is considered that the site can physically accommodate this amount of development.
- 9.62 In terms of the proposed layout, scale, overall visual appearance and landscaping of the proposed development such matters are not considered at the outline stage. As with the appeal scheme, there are a number of concerns regarding the proposed layout (internal road layout and layout of dwellings) and how it relates to the wider area. If any subsequent appeal were allowed the LPA would seek as part of the reserved matters to uplift the proposed layout.

vi. Provision of a Suitable Residential Environment and Impact on Neighbouring Amenity

- 9.63 Paragraph 127 of the NPPF states that planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. There is no specific policy in the Development Plan regarding provision of a suitable residential environment or regarding the impact of neighbouring amenity, however the Council now has a Design Guide SPD which considers these matters in detail.
- 9.64 Policy SP3 of the BLPSV states that development will be expected to have no unacceptable effect on the amenities enjoyed by the occupants of adjoining or proposed properties in terms of privacy, light, disturbance, vibration, pollution, dust, smell and access to sunlight and daylight.
- 9.65 The government has also published Technical Housing Standards- nationally described space standards (2015) which sets out guidance on floor space requirements for new developments.
- 9.66 Layout, scale and appearance will be considered at the reserved matters stage. Nonetheless, and based on the masterplan layout and other details within the submission, as with the appeal scheme, there is nothing to indicate that a suitable residential environment cannot be brought forward as part of this development. This would be considered further as part of any reserved matters application if outline permission were to be granted.
- 9.67 In terms of the impact on neighbouring amenity similarly such matters would be considered at reserved matters stage. Based on the indicative masterplan a separation of well over 20m would be given to the nearest existing residential dwelling. On this basis it is not considered that the principle of up to 124 dwellings on this site would result in a detrimental impact on the nearby existing and proposed residential dwellings.

9.68 In terms of proposed open space provision, policies R3 and R4 of the Borough Local Plan seek the provision of open space within an application site. This states that developments like this should provide a minimum of 15% of the gross site to be public open space and that space for a local equipped area for play (LEAP) should also be provided. For a likely developable area of 6.5ha this would equate to 1 ha. The indicative layout shows that this will be provided within the proposed open space and is largely at the edge of the indicative area to be developed and the proposed LEAP is in the south western corner. The layout of the open space would be considered in more detail at a reserved matters stage, if outline permission were to be granted.

vii. Highways

9.69 During the previous application, it was initially proposed to serve the development with two vehicular accesses, the first off Holyport Road, and a secondary access off the A330 Ascot Road. However, a subsequent revised submission proposed serving the development by a single access off Holyport Road.

9.70 Whilst the previous appeal scheme was dismissed on grounds of impact on the Green Belt and harm to Heritage Assets, in highway terms the development was considered acceptable subject to the inclusion of a number of highway conditions and obligations.

9.71 Like with the previous scheme, the proposed development would be served by a singular vehicular access off Holyport Road that offers visibility splays compliant with the Borough's Highway Design Standard.

9.72 The development proposes a short 2m section of footway to the north of the new vehicular access, as well a 2m wide footway running south along the western side of Holyport Road, connecting onto a proposed zebra crossing. The proposed highway works will need to be secured through the imposition of a combined Section 38/278 Agreement (Highways Act 1980). The relocation of a nearby bus stop would also need to be covered under the S278 Agreement.

9.73 The submission is accompanied by the indicative swept path analysis of the manoeuvres of a large family car as well as a refuse vehicle. A more detailed analysis is required and could be secured by condition.

9.74 Although not a matter to be considered at this stage, parking for the residential development will be informed by the Borough's Parking Strategy (2004).

9.75 As reported in the accompanying Transport Assessment (TA), trip rates for the previous submission were approved by Project Centre. This development is predicted to generate less vehicular trips during both peak periods when compared to the previous submission; the TA predicts a reduction of 14 trips during the *am* and *pm* peak periods.

9.76 As agreed in the previous application, the applicant proposes a S106 contribution of £50,000 to deliver improved highway capacity improvements along the A308 corridor. In addition to the above it is requested that the applicant incurs the full cost of installing a 'Keep Clear' road marking at the junction of Earlsfield with Holyport Road.

9.77 In highway terms the only material difference between the current and the previous submissions is the reduced number of residential dwellings; the site will still be served

from a single access off Holyport Road; the development proposes similar improvements on the adjoining highway.

- 9.78 To make the proposal acceptable on highway grounds the applicant shall enter into a legal agreement with the Council under Section 278 of the Highways Act 1980 to cover the construction of the highway improvement works on Holyport Road.
- 9.79 Furthermore, the applicant is required to enter into a section 106 agreement Highway Contribution of £50,000 to deliver highway improvements along the A308 corridor. A further contribution is requested for the introduction of a 'Keep Clear' marking at the junction of Earlsfield with Holyport Road. A Sustainable Transport Contribution is requested (sum to be agreed) to promote sustainable modes of transport within the vicinity of the development.
- 9.80 The applicant has advised that they would be willing for these obligations to be secured by legal agreement (currently being drafted). At the time of writing this panel report such agreement has not been secured and therefore technical reason for refusal 3 applies.
- 9.81 The level of objection from local residents on highway grounds is noted, however the proposed accesses were accepted by the Local Planning Authority (subject to the mitigation outlined in the secured legal agreements) at the time of the previous appeal. There are no material changes to the proposal in terms of access, indeed the number of dwellings has decreased. As such an objection to the proposed accesses on highway grounds would be unfounded.

viii. Impact on Trees

- 9.82 Policy N6 of the adopted Local Plan states that plans for new development should, wherever practicable, allow for the retention of existing suitable trees and include an appropriate tree planting and landscaping scheme. Where the amenity value of trees outweighs the justification for development, planning permission should be refused. Whilst matters regarding landscaping are a reserved matter the proposed access is matter for consideration and the site is subject to Tree Preservation Order 09/2015, an 'area' designation covering all species. The western sector of the site is situated in a Conservation Area, which confers protection on trees. Accordingly, it is necessary to understand if the principle of the development would affect the existing trees.
- 9.83 The previous panel report concluded that concerns raised by the Tree Officer relating to the loss of trees and hedgerows from the internal housing and road layout within the site would be a consideration as part of the reserved matters application. Highways England are currently implementing a widening scheme on the M4 as part of providing a 'smart motorway' between junctions 2 and 12. As part of the widening, improvements will be made to the existing bridge over the M4 on Ascot Road. Much of the frontage from the Ascot Road is currently cleared to facilitate these works. Therefore, it is not considered any trees of significant value would be affected by this proposed outline application.

ix. Ecology

- 9.84 Paragraph 170 of the NPPF (2019) states that planning decisions should contribute to and enhance the natural and local environment and minimise impacts on, and provide net gains for, biodiversity. Paragraph 175 of the NPPF (2019) states that:

“When determining planning applications, local planning authorities should apply the following principles:

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

- 9.85 Furthermore, if the impacts and whether they can be mitigated against are unknown, planning permission must be withheld until such a time when they can be resolved.
- 9.86 The site currently comprises grassland and arable fields, with areas of woodland and scrub and several buildings. A Preliminary Ecological Appraisal was undertaken in 2020 (Ethos Environmental Planning, 2020) and a number of surveys have been undertaken previously at the site for planning application ref: 17/03857/OUT

Badgers

- 9.87 The badger walkover survey conducted in 2020 has concluded that one of the previous outlier setts was active and therefore reclassified as a main sett. Further survey information is required to demonstrate that the sett has been adequately monitored, and territorial boundaries estimated. This information should be provided prior to the determination of this application as at present, the LPA has been provided with insufficient information to establish how the proposals might impact badger setts (which are a material consideration in the planning process as per Paragraph 98 of the ODPM Circular 06/2005). The proposal is therefore currently unacceptable for this reason (reason 6).

Roosting Bats

- 9.88 An updated bat survey of the buildings and trees has not been undertaken as part of this current planning application, as the applicant's ecologist suggests that all the buildings and trees are to be retained as part of this development. However, other parts of the application submissions suggest that some trees and buildings could be removed. Further clarification is required on this point as the 2017 surveys are now out-of-date. If any buildings or trees with the potential to support bats are to be lost and/or impacted upon as part of the current development proposals, further surveys and mitigation plans (if required) should be provided to the LPA in order to demonstrate that the conservation status of bats will be maintained during and following development. The development is therefore currently unacceptable for this reason (reason 7).

Foraging Bats

- 9.89 Bat activity surveys undertaken in 2020 showed that the site was being used by bats in particular along the boundaries of the site and along the woodland edges. The majority of the habitats which were recorded as being important for foraging and roosting bats are to be retained and enhanced as part of the development except two of the internal hedgerows, although it is understood that these will be replaced by native hedgerow planting.
- 9.90 Lighting, without appropriate mitigation, could have a severe detrimental effect on bat species, as well as other nocturnal animals such as badgers and barn owls by disturbing foraging and commuting habitat and discouraging bats from roost sites. The proposed development is likely to significantly increase the light levels as a result of internal and external lighting within the houses and lighting along the new road

scheme, car parks, pedestrian network and cycle paths. In addition, it is unclear as to whether the football pitches are to be lit as this will also increase the light levels at the site. Dark corridors need to be identified, to show the parts of the site which will not be lit in order to facilitate movement of nocturnal animals across the site. Increased lighting could affect commuting bats, commuting and foraging badgers and foraging barn owls known to be present on site. This matter needs to be addressed through the submission of a sensitive lighting strategy, which at the time of writing has not been received. The development is therefore currently unacceptable on this ground (reason 8).

Reptiles

- 9.91 A detailed method statement has been provided in order to safeguard reptiles during and following development. Given the very low numbers of slow worm previously found (one, on two of the visits) and the retention and enhancement of other areas on site, the risk of the proposals adversely affecting reptiles can be considered to be minimal, subject to the implementation of a reptile mitigation strategy that includes the points outlined in the Preliminary Ecological Appraisal. This matter could be dealt with via condition if the application were to be approved.

Breeding Birds

- 9.92 The site has high value for breeding birds within the hedgerows, scrub and woodland. Furthermore, barn owls have been recorded roosting and foraging across the site within the surveys.
- 9.93 It is understood that the water tower, where barn owls were roosting and possibly breeding, is to be retained during development. If the development plans change and the building is to be demolished, mitigation and a licence from Natural England is likely to be required. No works, which could disturb breeding barn owls, should be undertaken within the breeding bird season (all works should be undertaken within the period September to February inclusive).
- 9.94 In addition, any buildings to be demolished and vegetation to be removed should also be undertaken outside the breeding bird season. If this is not possible, a careful, detailed check of vegetation and buildings for active birds nests by a suitably qualified ecologist immediately before vegetation clearance should be undertaken and evidence provided to the Local Planning Authority. This matter could be covered via condition if permission were to be granted.

Invasive Species

- 9.95 In order to prevent the spread of Japanese knotweed during development, it is recommended that an invasive non-native species method statement is submitted to and approved by the Local Planning Authority. This matter can be covered via condition.

Biodiversity net gains

- 9.96 The development would result in biodiversity net gains through the creation of amenity grassland in gardens (in place of arable land), scrub, hedgerow, semi-improved grassland and allotment plots as well as enhancing the existing woodlands, hedgerows and grassland habitats. The site can be further enhanced by installing wildlife features such as bird and bat boxes, log piles and enhancements for badgers. Since the site will be 'boxed in' by residential development on either side, permeability for badgers

through the site will need to be retained. As such, garden boundaries should incorporate hedges and/ or fences with mammal gaps at the bases. This could be dealt with via condition if permission were to be granted.

x. Flooding

- 9.97 The site lies partly within flood zones 1 and 2. As with the appeal scheme, the uses that require an open space would be located within Flood Zone 2, which is considered appropriate in flood risk terms. The proposed residential development would be sited within Flood Zone 1. No comments have been received by the EA in relation to the current application. Furthermore, it is noted that no objections were raised to the previous application regarding fluvial flood risk subject to appropriate mitigation.

Drainage

- 9.98 Paragraph 165 of National Planning Policy Framework states that all ‘major’ planning applications must incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. SuDS must be properly designed to ensure that the maintenance and operation costs are proportionate and sustainable for the lifetime of the development.
- 9.99 The LLFA has considered the proposal and the Sustainable Urban Drainage information submitted as part of this planning application. They advise that the drainage strategy and drainage design differs substantively from that submitted under the previous application. Concerns have been raised relating to various elements of the proposed drainage strategy as outlined in the detailed comments from the LLFA dated 5th January 2021. At the time of writing the panel report these matters had not been addressed and therefore the application is found unacceptable in relation to sustainable drainage (reason 10).

xi. Infrastructure Provision/section 106

- 9.100 The Council published its latest Infrastructure Delivery Plan (IDP) in January 2018 which sets out the infrastructure needed to support the development coming forward in the Borough over the Plan period (including social infrastructure) and how this may be funded.
- 9.101 The development would create additional pressures on the infrastructure needed to support residential development. CIL will generate receipts which can go towards funding the infrastructure needed to support the development of the borough as a whole, but not towards specific onsite mitigation. As such, there will be necessary matters/obligations to be agreed as part of a section 106 agreement in the event outline planning permission were to be approved or as part of any subsequent appeal progress.
- 9.102 A section 106 agreement is currently being drafted and includes obligations/provisions relating to matters including; sustainable transport, affordable housing, public open space requirements and benefits, highways works and details of the zero carbon homes initiative.

xii. Very Special Circumstances Case

- 9.103 The proposed development (as a whole) remains inappropriate development in the Green Belt as it does not fall under any of the limited exceptions outlined in paragraphs 145 and 146 of the NPPF. Other harm to the Green Belt which has been identified

includes the significant loss of openness, conflict with two of the five purposes of the Green Belt and the harm to the rural, spacious and undeveloped character of the area. This cumulative Green Belt harm is afforded **substantial** weight.

- 9.104 The revised proposal would also cause less than substantial harm to the significance of the Holyport Conservation Area through the erosion of the open setting and rural characteristics that contribute to its special interest. The development would also harm the setting of non-designated and designated heritage assets (listed and non-listed buildings) by the increased suburbanisation of the village and surrounding area. Furthermore, due to the location and scale of the proposed development it would significantly harm the extant open and undeveloped character of the area and as a result would negatively affect views into and out of the Conservation Area.
- 9.105 Other issues identified within this report could be resolved through the completion of a section 106 agreement (for highways improvements, affordable housing provision and infrastructure provision) and the submission of further ecological surveys and drainage information. The balancing exercise carried out is therefore against the two substantive harms to the Green Belt and Heritage Assets.
- 9.106 The applicant has highlighted several considerations within both the Planning Statement (listed at 9.5) and within their letter dated 10.02.2021 that need to be assessed to determine whether Very Special Circumstances exist that would outweigh the harm identified above.

Housing Delivery

- 9.107 At 9.6 – 9.32 of the planning statement, the applicant sets out the case for housing delivery. The applicant asserts that the Council's lack of an up-to-date Local Plan and insufficient delivery of housing should amount to Very Special Circumstances. It is stated that the NPPG makes no reference to housing need being incapable of being a VSC and therefore it can be taken into account. In the appeal however, the Inspector stated that current guidance at the time was that unmet need on its own is unlikely to be sufficient to represent the very special circumstances necessary to justify inappropriate development in the Green Belt. It is considered that guidance and case law does not shed a different light on the matter a year on and that unmet need is still on its own unlikely to be a VSC. Whilst the Council still do not have an adopted local plan, that point has not changed since the time of the appeal and if anything, it could be said that the Council may be one step closer to the end of the examination process. However both sides of this argument are speculative at present and it is considered that it would be reasonable to follow the same thought process that the Inspector followed in the appeal – that the weight to be applied is related to the shortfall and that shortfall is still significant.
- 9.108 In view of the foregoing and for the reasons set out in paragraphs 9.44 – 9.46 of this panel report the weight attributed to the provision of housing is **significant**.

Affordable Housing provision

- 9.109 In the Planning Statement the agent cites three appeal decisions where Inspectors have afforded 'very significant' and 'very substantial' weight to affordable housing provision in Local Authority areas where there was an identified need. These appeal decisions would have been available to the Inspector at the time of the appeal given that they pre-dated the 2019 appeal decision for Lodge Farm. Indeed, the Inspector's view on this point was a matter of challenge to the High Court that was dismissed. The only difference therefore with regard to this matter is the increase from 30% to 50%

provision, which as a result of a lower number of dwellings proposed overall, amounts to an increase in the number of affordable housing units of 17 from that of the appeal scheme. This amount is not significant enough to shift the weight attributed to this benefit from significant to substantial.

- 9.110 In view of the foregoing and for the reasons set out in paragraphs 9.47 – 9.51 of this report the weight attributed to this benefit is **significant**.

Housing Mix

- 9.111 For the reasons set out in paragraphs 9.52 – 9.55 the weight attributed to this benefit is **moderate**.

Provision of Holyport Community parkland, sports provision and allotments

- 9.112 The current proposal sets out that in excess of 15 hectares of the application site will form Holyport Community Park, providing a range of formal and informal open space uses, including two full-sized grass football pitches, play areas and allotments. This part of the proposal is to be gifted to the local community in perpetuity for use as a public park.

- 9.113 The case is made that the community parkland would not be inappropriate development within the Green Belt providing opportunities in the Green Belt as set out in paragraph 141 of the NPPF such as for outdoor sport and recreation. It is set out that the community parkland could not be delivered without the residential part of the proposal.

- 9.114 A similar case is put forward as within the previous scheme regarding the need for the community park, citing the findings of the Open Space Study (2019). However, this study shows an over provision of public parkland within the Borough as a whole. Furthermore, the study does not identify a deficiency for Holyport or Maidenhead. The applicant raises the point that the closest public park to the appeal site (Gays Lane Field, Holyport) scored poorly in the qualitative rating, however due to the current over supply across the Borough and quantitative need for Holyport this is not attributed weight. For these reasons the Inspector only attributed moderate weight to this benefit

- 9.115 A further consideration not in place at the time of the appeal is the COVID-19 pandemic which the applicant cites as highlighting the need for people to be able to access outdoor space for exercise and recreation for mental health and well-being as well as physical exercise during lockdown. This point is noted but due to the fact that there is already an over provision of public open space in the Borough and the lockdown restrictions will be lifted significantly before this development would be realised, this additional factor does not up the weighting attributed to the community park benefit.

- 9.116 For these reasons the Council considers there is no reason to attribute any greater weight to this benefit than the Inspector did and therefore only **moderate** weight is attached to this benefit.

- 9.117 With regard to Sports Provision, the proposal includes two full-sized grass pitches with changing facilities and a community centre (on the site of an existing agricultural building). The Planning Statement sets out that the development will provided £100,000 towards the cost of the changing rooms and gift the land and construct the pitches. Again, it is stated that this would be a significant community benefit. The applicant suggests this should be afforded **moderate** weight due to the benefits of

physical exercise. This was the same amount of weight attributed to sports provision by the Inspector and so this is not disputed by the Council.

- 9.118 Regarding the provision of allotments, the applicant makes the case that demand is high. The Inspector gave moderate weight to the provision of allotments in the appeal scheme. The need for allotments has not changed since the time of the appeal and therefore the Council attributes the same weight to this benefit – **moderate**.

Economic Benefits

- 9.119 There is no reason to alter the weight attributed to economic benefits as identified by the Inspector which were **limited** weight to the short term benefits arising from construction, and **moderate** weight to the benefits to the local economy following occupation of the development.

Ecological Enhancements

- 9.120 The proposal would result in a biodiversity net gain, but no more than was identified in the previous scheme to which limited weight was attributed as a benefit. The applicant also considers this benefit to hold **limited** weight.

Heritage Benefits

- 9.121 It has already been identified that the proposal would result in less than substantial harm to heritage assets, by both the Council and the applicant, albeit the applicant argues that the harm is at the lower end of the less than substantial scale. When less than substantial harm is identified, this needs to be weighed against the public benefits of the application. In the appeal decision the Inspector weighed up the harm to heritage assets against both the public benefits and heritage benefits put forward.

- 9.122 The public benefits are those listed in the preceding sections of the report. The Heritage benefits put forward are listed at 9.78 of the Planning Statement and comprise of:

- The detailed layout of the country park paths, and planting could be based on or inspired by the historic layout of this area
- Restoration of those important historic elements to be retained including the orchard
- Detailed design of access routes to follow the line of historic access drives
- Archaeological findings to be disseminated to the public within the country park
- Minimising risk to the Water Tower securing its structural condition
- Better revealing of the heritage values of the water tower through increased public access within the site

- 9.123 The only additional heritage benefit put forward is for the detailed design of access routes to broadly follow the line of historic access drives into the buildings on Area C. Indeed, one of the heritage benefits previously put forward, the restoration of Lodge Farm, has been removed. It is therefore concluded that the public and heritage benefits put forward as part of the application do not outweigh the identified harm to the Heritage Assets outlined in section iii. of this report.

Zero Carbon Initiative

9.124 The applicant has put forward that the proposed dwellings would be designed as 'zero carbon homes'. The following measures are to be incorporated as detailed within the letter from the applicant dated 10.2.2021:

- Air source heat pumps
- PV tiling
- Water efficiency measures
- Insulation
- Electric charging points
- Passivhaus design principles
- Electricity provided for each dwelling already arranged as renewable
- Sustainability booklet

9.125 Whilst having zero carbon homes would be of greater benefit than homes with no special sustainability design features, the weight to be attached needs to be considered in the context that this site is currently undeveloped and therefore the impact from carbon emissions for the existing site is negligible. The construction of 124 homes with associated infrastructure would result in significant carbon emissions. The proposed zero carbon features set out by the applicant are merely add-ons to the homes after construction is complete, and once the significant impact on the environment has already occurred. The weight attributed to the zero homes initiative is therefore no more than **limited**.

Other benefits

9.126 The applicant states that all residential units would comply with the Nationally Described Space Standards. This is a standard requirement as set out by the Council's Borough Wide Design Guide and therefore is a **neutral** planning benefit.

9.127 The applicant states that all homes would be designed to M42 standards and 30% designed to M43 standards (building regulations – accessibility). Building to M41 regulations is a current requirement and building to M42 and M43 is optional at the present time and therefore **limited** weight is given to this benefit.

9.128 The use of a design code is not afforded any weight at this stage. The detailed design of the dwellings will be a matter for the reserved matters application and quality design is a policy requirement to be met in any case.

9.129 The proposed heritage and education trail is to be considered as part of the overall package of benefits for the community park/open space and therefore is not attributed any additional weight alone.

Conclusion on Very Special Circumstances

9.130 The NPPF states that very special circumstances will not exist unless the harm to the Green Belt, and any other harm, is '*clearly outweighed*' by the benefits of the scheme. The decision-taker has to exercise a qualitative judgment and ask whether the circumstances, taken together, are very special.

9.131 The harm to the Green Belt as a result of inappropriateness combined with the significant harm to openness, conflict with purposes and significant harm to the rural character of the area must be afforded **substantial** weight in accordance with paragraph 144 of the NPPF. In addition, the 'other' harm identified for the purposes of

the Green Belt balancing exercise is the 'less than substantial' or '**significant**' harm to heritage assets.

- 9.132 As highlighted above the weight attributed to the housing supply and affordable housing is **significant**. The weight attributed to the housing mix (including the provision of mainly houses rather than flats and 10% custom built homes) is **moderate**. The provision of the community park, sports provision and allotments is also **moderate**. The economic benefits attributed would be **moderate** (long-term) and **limited** (short-term). The weight to be attributed to ecological enhancements, the zero homes initiative and the accessibility standards ratings are no more than **limited**. Other benefits put forward by the applicant have been found to have a neutral weighting. As such, when considering these matters both individually and cumulatively, the weight to be applied to the benefits of the scheme would not clearly outweigh the harm to the Green Belt such that Very Special Circumstances exist in this case to justify the harm to the Green Belt and the harm to heritage assets arising from the proposed development.
- 9.133 Put simply, the revised scheme is very similar to that previously proposed by the applicant which was recently dismissed at appeal in terms of the overall harm to the Green Belt and Heritage Assets. The additional benefits put forward in the revised scheme comprising of an additional 17 affordable homes, the zero homes initiative, the provision of custom built homes and improved accessibility, when viewed in the context of less housing overall, are simply not sufficient to tip the balance in favour of the development and clearly outweigh the identified harm to the Green Belt and heritage assets, which is what is required by paragraph 144 of the NPPF to justify such harm.

10. OVERALL PLANNING BALANCE AND CONCLUSION

- 10.1 Paragraph 11 of the Framework explains how the presumption in favour of sustainable development applies. The Inspector stated that whilst the appeal site is located within the Green Belt, paragraph 11 d)i. of the Framework applied to the proposal. He also highlighted that when considering the weight to be applied to this deficiency (the lack of a 5 year housing land supply), *'guidance says unmet need on its own is unlikely to be sufficient to represent the Very Special Circumstances necessary to justify inappropriate development in the Green Belt.'*
- 10.2 The harm to the Green Belt as a result of inappropriateness combined with the significant harm to openness and purposes and impact on the spacious, rural and undeveloped character of the area must be afforded **substantial** weight in accordance with paragraph 144 of the NPPF. Also, on this side of the balance is the harm identified to heritage assets which is afforded **significant** weight. Compared to the previous application, whilst the quantum of development has been reduced marginally, compared the status of the existing site, the harm caused by the introduction of such a significant amount of development is still significant. The weight attributed to the harm is therefore the same as at the time of the appeal.
- 10.3 Other harm identified at the time of writing this panel report, relating to the need for highway improvements, affordable housing provision and infrastructure provision, could be resolved through a section 106 legal agreement. Whilst an agreement is yet to be secured relating to the current scheme, as these matters were agreed upon at the time of the appeal and a unilateral and bi-lateral agreement accepted by the Inspector, there is no reason to believe that these matters cannot be agreed upon again in relation to the current proposal. Furthermore, the ecology and sustainable drainage objections outlined at sections ix and x respectively, could be resolved

through the submission of further technical information. To be clear the Green Belt balancing exercise has been carried out with the assumption that these matters will be resolved.

- 10.4 In all other respects the matters under consideration within this outline application, namely the principle and the external access, meets the relevant development plan policies and NPPF, with the layout, scale, appearance and landscaping to be assessed as part of a reserved matters application if outline planning permission were to be granted.
- 10.5 The weight attributed to all the material considerations/benefits put forward by the applicant has been set out under section xii above and has not been found to constitute Very Special Circumstances for the purposes of outweighing the Green Belt harm and other harm identified.
- 10.6 There are no other material consideration that indicate that planning permission should be granted. For the reasons outlined in this report the development is therefore unacceptable and planning permission should be refused.

11. APPENDICES TO THIS REPORT

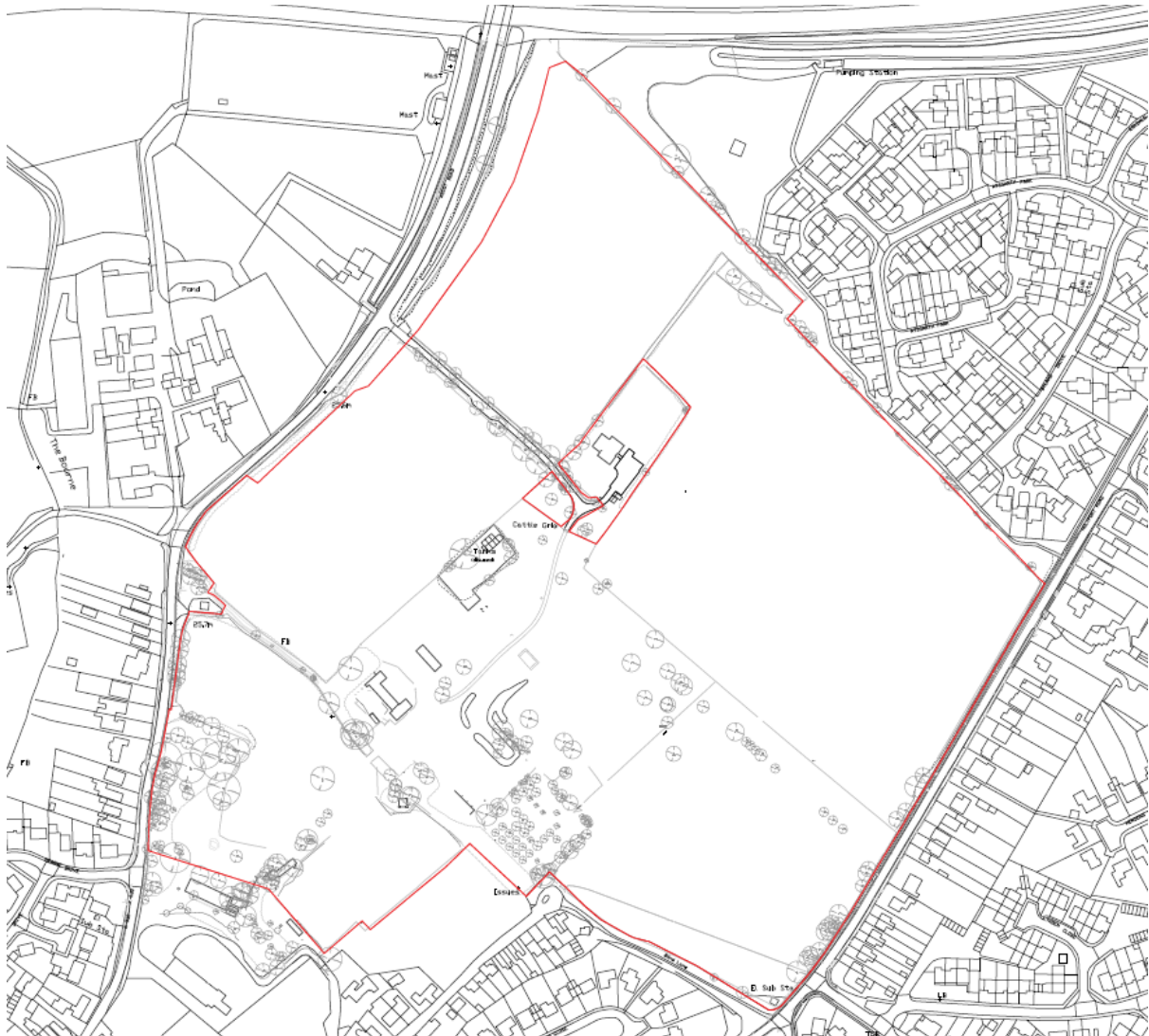
- Appendix A - Site location plan and site layout

12. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 1 The proposal is for the development of a greenfield site located in the designated Green Belt, as shown on the Local Plan Proposals Map. On assessment the proposal constitutes inappropriate development within the Green Belt which is, by definition, harmful as identified in paragraph 143 of the NPPF 2019. It is not considered that very special circumstances exist which would outweigh the substantial harm to the Green Belt by reason of inappropriateness and the other Green Belt harm which includes the impact on visual and spatial openness and conflict with more than one of the purposes of the Green Belt. The other identified harms are detailed in the following reasons for refusal. The proposal is therefore contrary to paragraphs 143- 145 of the National Planning Policy Framework (2019).
- 2 The proposed development would erode the northern boundary of the Conservation Area which at present is defined by the very distinct change between the village edge on one side and open space on the other. The loss of this open field would therefore erode its significance as "a settlement preserving a mix of historic buildings". The proposal does not therefore meet the test in paragraph 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is contrary to policy CA2(1) of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations made in 2003). It is considered that this would result in a level of harm to the setting of the Conservation Area; and whilst this is considered 'less than substantial harm', it is not considered that it has been demonstrated that public benefits exist which would outweigh the harm, contrary to paragraph 196 of the National Planning Policy Framework (2019).
- 3 The proposed development would increase demand for use of a section of the strategic highway network that is already operating at over-capacity levels. In the absence of agreed deliverable mitigation measures the residual cumulative impacts on the road

- network would be severe, contrary to DfT Circular 20/2013 and paragraph 109 National Planning Policy Framework (2019).
- 4 In the absence of a completed legal agreement the proposed development has failed to secure the provision of 30% on site affordable housing provision to meet local needs. The proposed development is therefore contrary to policy H3 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations made in 2003) and the National Planning Policy Framework (2019).
 - 5 In the absence of a completed legal agreement the proposed development has failed to secure the provision of the necessary infrastructure needed to make this development acceptable in planning terms. The proposed development is therefore contrary to policies R4, R5, T5, T7 T8 and IMP1 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations made in 2003) and the National Planning Policy Framework (2019).
 - 6 In the absence of satisfactory information being submitted relating to badger monitoring and information on badger territories, the impact on badgers, a protected species, is unknown. This is contrary to Section 15 of the NPPF paragraphs 175 and Paragraphs 98 and 99 of Circular 06/2005.
 - 7 The application submissions are unclear within regard to disturbance to buildings and trees that provide roosting habitats for bats. If any buildings or trees with the potential to support bats are to be lost/ impacted as part of the current development proposals, further surveys and mitigation plans (if required) should be submitted. This is contrary to Section 15 of the NPPF paragraphs 175 and Paragraphs 98 and 99 of Circular 06/2005.
 - 8 The proposed development is likely to increase the light levels significantly which will affect commuting bats, commuting and foraging badgers and foraging barn owls known to be present on site. In the absence of a sensitive lighting strategy, the impact on wildlife is unknown. This is contrary to paragraph 175 of Section 15 of the NPPF and Paragraphs 98 and 99 of Circular 06/2005.
 - 9 Barn owls have been found nesting on site and within the Water Tower. If disturbed a licence would be needed from Natural England. Further clarification is required that these schedule 1 birds will not be disturbed as a result of the proposed development and without it, the impacts are unknown. This is contrary to paragraph 175 of Section 15 of the NPPF and Paragraphs 98 and 99 of Circular 06/2005.
 - 10 In the absence of sufficient information, it has not been demonstrated that there would be an acceptable sustainable drainage system in place. Accordingly, the proposal is contrary to paragraph 165 of the NPPF.

Appendix 1
Location Plan



ROYAL BOROUGH OF WINDSOR & MAIDENHEAD PLANNING COMMITTEE

DEVELOPMENT CONTROL PANEL

17 March 2021

Item: 3

Application No.:	21/00100/FULL
Location:	42 Bisham Village Marlow Road Bisham Marlow SL7 1RR
Proposal:	Two storey side extension, new and replacement windows, single storey extension and 2 No. new rooflights to existing outbuilding following demolition of existing single storey side/rear element and detached garage.
Applicant:	Mr Robson
Agent:	Mr Sam Gardner
Parish/Ward:	Bisham Parish/Bisham And Cookham
If you have a question about this report, please contact: Sheila Bowen on 01628 796061 or at sheila.bowen@rbwm.gov.uk	

1. SUMMARY

- 1.1 This application is for a two storey side extension following demolition of an existing single storey side/rear element and new and replacement windows, and a single storey extension and 2 No. new roof-lights to an existing outbuilding following demolition of an existing detached garage. The site lies in the Green Belt, and the proposed house extension, having taken account of the demolition of the existing single storey elements, would be disproportionate to the size of the original dwelling, and would therefore amount to inappropriate development in the Green Belt.

It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 12 of this report):

- | | |
|----|--|
| 1. | The proposed extension to the house would be disproportionate to the size of the original dwelling, and would therefore be inappropriate development in the Green Belt and would impact on the openness of the Green Belt, which must be afforded substantial weight. No very special circumstances are apparent to outweigh the harm to the Green Belt. The proposal is contrary to Policies GB1 and GB4 of the Local Plan and Paragraphs 143 - 145 of the National Planning Policy Framework. |
|----|--|

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Brar if the recommendation is refusal.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site is the end house in a terrace of 3 houses located near the entrance of Town Farm in the village of Bisham. It has a detached outbuilding and a detached garage in front. The surrounding area is very rural in character and the site lies in the Green

Belt, within the Setting of the River Thames and in the Bisham Conservation Area. It does not lie in an area at high risk of flooding, as it is on a dry island.

4. KEY CONSTRAINTS

- 4.1 The site is located within the Green Belt, within the setting of the River Thames and in the Bisham Conservation Area.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 This application is for a two storey side extension following demolition of an existing single storey side/rear element and new and replacement windows, and a single storey extension and 2 No. new roof-lights to an existing outbuilding following demolition of an existing detached garage.

5.2

Ref.	Description	Decision and Date
185/70	Single storey extension to the side of front elevation	Approved 1970
02/39240	Side/ rear conservatory	Approved 2002

6. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

- 6.1 The main development plan policies applying to the site are:

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1, H14
Green Belt	GB1, GB4
Conservation Area	CA2
Setting of Thames	N2

These policies can be found at:

<https://www.rbwm.gov.uk/home/planning/planning-policy/adopted-local-plan>

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2019)

Section 4- Decision-making

Section 8 – Promoting healthy and safe communities

Section 12- Achieving well-designed places

Section 13- Protecting Green Belt land

Section 16 – Conserving and enhancing the historic environment

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Appropriate Development in Green Belt and acceptable impact on Green Belt	SP1, SP5
Design in keeping with character and appearance of area	SP2, SP3
Acceptable impact on River Thames corridor	SP4

Borough Local Plan: Submission Version Proposed Changes (2019)

Issue	Local Plan Policy
Appropriate Development in Green Belt and acceptable impact on Green Belt	QP5
Design in keeping with character and appearance of area	QP1, QP3

- 7.1 The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents was submitted to the Secretary of State for independent examination in January 2018. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough.
- 7.2 In December 2018, the examination process was paused to enable the Council to undertake additional work to address soundness issues raised by the Inspector. Following completion of that work, in October 2019 the Council approved a series of Proposed Changes to the BLPSV. Public consultation ran from 1 November to 15 December 2019. All representations received have been reviewed by the Council and the Proposed Changes have been submitted to the Inspector. The Examination of the BLPSV has now resumed and hearings were held at the end of 2020. The BLPSV and the BLPSV together with the Proposed Changes are therefore material considerations for decision-making. However, given the above both should be given limited weight.
- 7.3 These documents can be found at:
<https://www.rbwm.gov.uk/home/planning/planning-policy/emerging-plans-and-policies>

Supplementary Planning Documents

Borough Wide Design Guide SPD

Other Local Strategies or Publications

- 7.4 Other Strategies or publications relevant to the proposal are:
- RBWM Parking Strategy
 - Bisham Village Conservation Area Appraisal

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

- 8.1 4 occupiers were notified directly of the application.
- 8.2 The application was advertised in the Maidenhead Advertiser/Windsor, Slough and Eton Express on 28.1.2021.
- 8.3 The planning officer posted a statutory notice advertising the application at the site on 22.1.2021
- 8.4 No letters were received.

Consultees

Consultee	Comment	Where in the report this is considered
Conservation Officer	It is considered that the two storey side extension to the main house and the several alterations proposed for the outbuilding would increase the uniformity of the terrace and follow the precedent set by numbers 40 and 41. The overall design and materials would remain in line with the existing and would be considered to preserve the character and appearance of the conservation area.	9.7

Others

Consultee	Comment	Where in the report this is considered
Bisham Parish Council	No objection. Asked that the following conditions be imposed: -That future permitted development rights are removed -That the proposed extension remains ancillary to the main property and doesn't become a separate dwelling. Cllrs felt that the proposed extension would benefit the street scene and the conservation area. They asked that the application be called in by the Development Panel.	9.2-9.10

9. EXPLANATION OF RECOMMENDATION

- 9.1 The key issues for consideration are:
- i whether the proposal is appropriate development in the Green Belt;
 - ii whether the design of the proposed extensions are acceptable;
 - iii whether the proposal preserves the character of the conservation area;
 - iv whether the proposal preserves the Setting of the Thames;

- v whether the proposal would harm any neighbouring amenities; and
- vi. parking

Green Belt

- 9.2 The site lies in the Green Belt, wherein a local planning authority should regard the construction of new buildings as inappropriate unless they comply with one of the exceptions to inappropriate development or very special circumstances can be established. Adopted Local Plan policy GB1 sets out acceptable uses and development in the Green Belt; however, the Local Plan was prepared in accordance with the cancelled PPG2 Green Belts and therefore, while broadly in line with the NPPF, policy GB1 differs in emphasis. As such, policy GB1 is given weight, but not full weight in the consideration of a proposal. Policy GB4 of the Local Plan is more consistent with the NPPF and is therefore given moderate weight. The proposal should therefore be assessed primarily against the criteria in the NPPF as it is considered to be a more up-to-date expression of government intent. Paragraph 145(c) and (d) of the NPPF sets out the relevant exceptions appropriate to the assessment of this application as follows: -

The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

This Council normally considers any extension of over a 50% increase in floorspace as being disproportionate.

- 9.3 In this case, the original house had 62 sqm of floorspace, and it has been extended twice, firstly by 12 sqm in 1970, and secondly by 12 sqm in 2002. These total 24 sqm, and represent a 39% increase. The current proposal would demolish those extensions and increase the floor area by 48 sqm, which would amount to a 77% increase over and above the original building. This, together with the increased bulk of the extension, particularly at first floor level, is considered to be disproportionate to the original and so the proposal comprises inappropriate development in the Green Belt, contrary to Policies GB1 and GB4 of the Local Plan and Paragraph 145(c) of the NPPF. This increase in bulk at first floor level would also impact on the spatial and visual openness of the Green Belt.
- 9.4 This in-principle harm to the Green Belt and the harm to openness must be attributed substantial weight in accordance with paragraph 144 of the NPPF. Paragraph 144 of the NPPF also makes it clear that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. No such very special circumstances have been advanced or are apparent in this case that would outweigh the harm to the Green Belt.
- 9.5 The replacement of the garage by an extension to the adjacent outbuilding of almost the same size is considered to be in accordance with Paragraph 145(d) of the NPPF, and is appropriate development in the Green Belt.

Design

- 9.6 The design of the proposed extension to the house would almost mirror the original house, and would also be similar in appearance to the extension to the house at the other end of the terrace, which was carried out some years ago. It is considered that in design terms, the extension would be acceptable. The design of the extension that would replace the garage would be in keeping with the house, and would be an improvement over the rather unattractive existing pre-fabricated garage. The proposed replacement windows and rooflights on the outbuilding would also be acceptable.

Conservation Area

- 9.7 The site lies in the Bisham Village Conservation Area. The Council has to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area, as required under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is considered that the proposals would preserve the character of the conservation area, and the Conservation Officer has no objection to the proposals.

Setting of The Thames

- 9.8 The site lies in the Setting of The Thames. It is considered that the proposal would not harm the Setting of The Thames in any way.

Amenities

- 9.9 The house extension would be well away from other houses, and the replacement outbuilding would not have any impact on neighbouring amenities

Parking

- 9.10 The existing garage is substandard in size and so its loss would not affect the amount of parking on the site. There is space for the parking of 2-3 cars on the site in accordance with the Council's parking standards.

10 PLANNING BALANCE AND CONCLUSION

- 10.1 Whilst this proposed extension to the house and outbuilding are considered acceptable with regard to an assessment of design, impact on the character and appearance of the Conservation Area and the River Thames, residential amenity and parking, the proposals are considered to constitute inappropriate development in the Green Belt, which would also impact on the visual and spatial openness of the Green Belt.

- 10.2 Paragraph 144 of the NPPF makes it clear that substantial weight must be attributed to this harm to the Green Belt and paragraph 143 states that inappropriate development should only be approved in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Compliance with the matters outlined in paragraph 10.1 of this report above do not amount to very special circumstances and no other very special circumstances have been advanced or are apparent in this case that would outweigh the harm to the Green Belt.

11. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B –Existing and proposed site plans
- Appendix C – Existing plans and elevations
- Appendix D – Proposed plans and elevations

Documents associated with the application can be viewed at <https://www.rbwm.gov.uk/home/planning/find-planning-application> by entering the application number shown at the top of this report without the suffix letters.

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

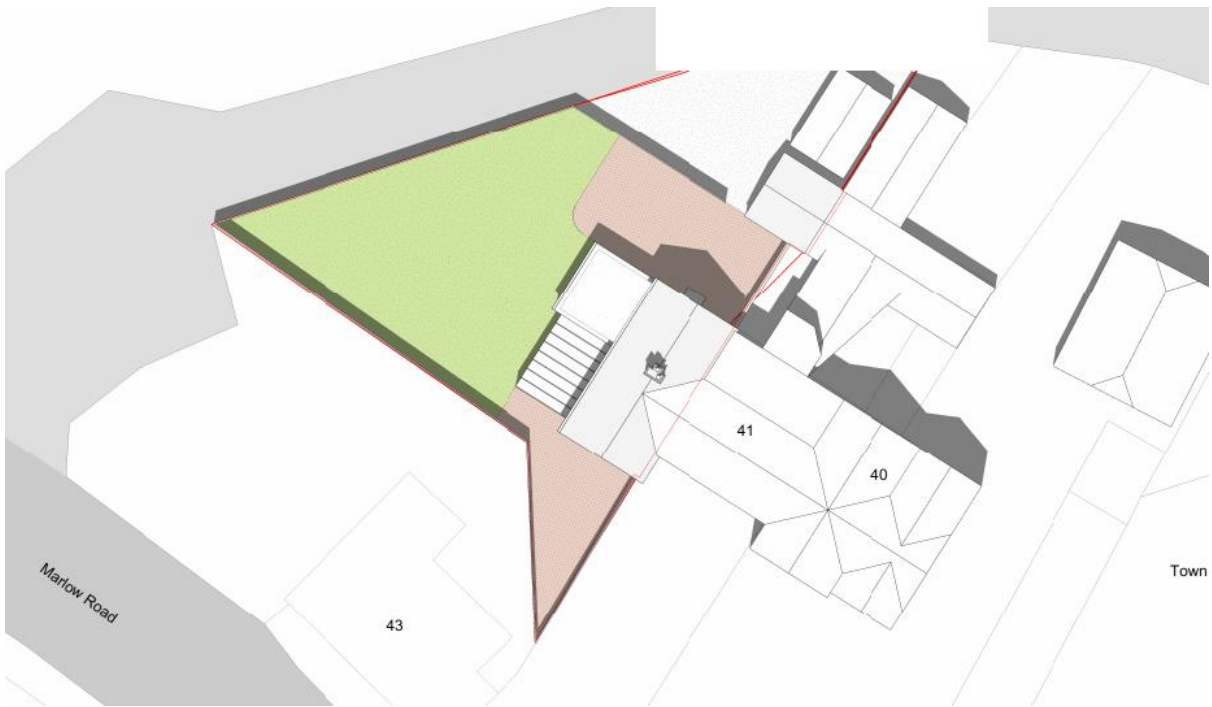
In this case the issues have been unsuccessfully resolved.

12. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

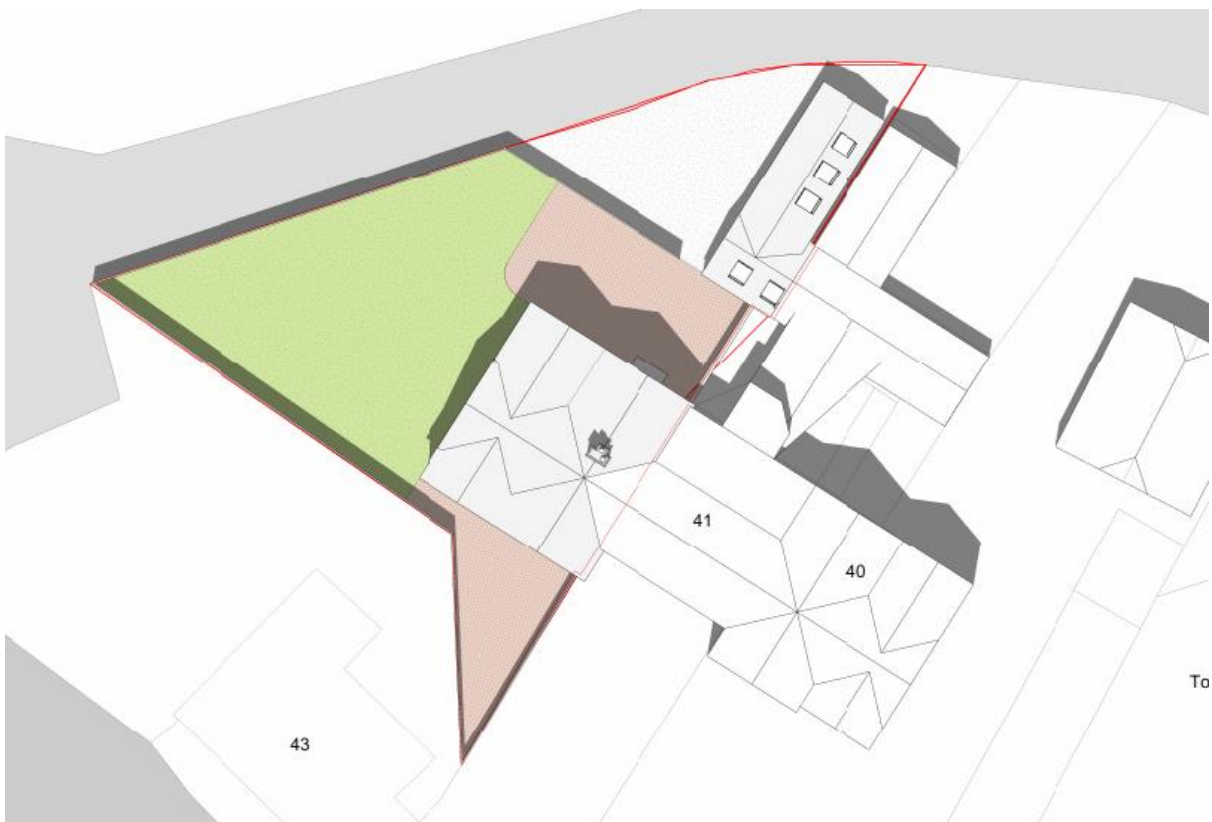
- 1 The proposed extension to the house would be disproportionate to the size of the original dwelling, and would therefore be inappropriate development in the Green Belt. Furthermore, by virtue of the increase in scale and bulk resulting from the proposals, particularly at first floor level, the development would also impact on the visual and spatial openness of the Green Belt. This in-principle harm to the Green Belt and the harm to openness must be attributed substantial weight. No very special circumstances have been advanced or are apparent in this case that would outweigh this harm to the Green Belt. The proposal is therefore contrary to Policies GB1 and GB4 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations Adopted June 2003), and Paragraphs 143 - 145 of the National Planning Policy Framework.

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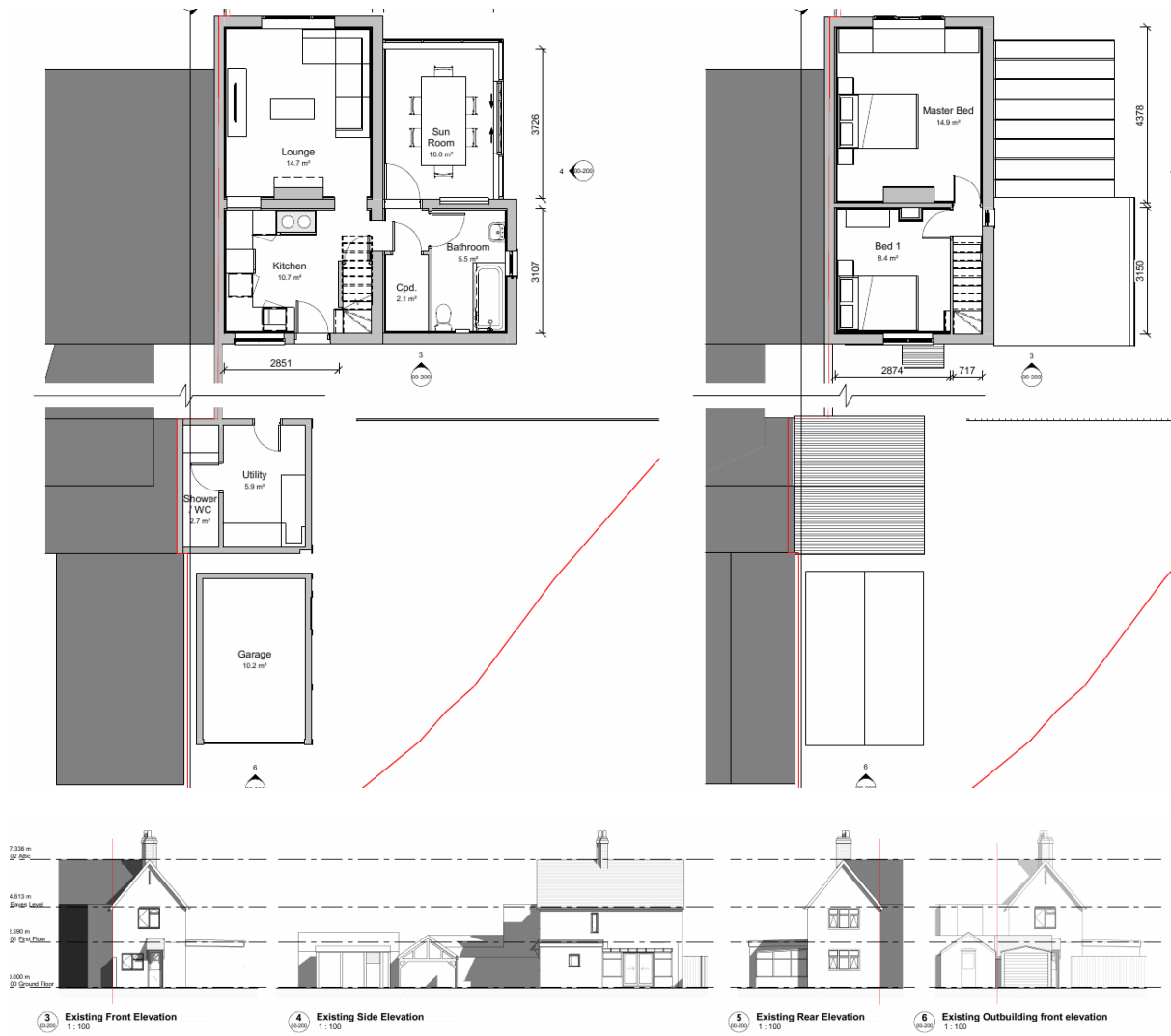


Existing site plan

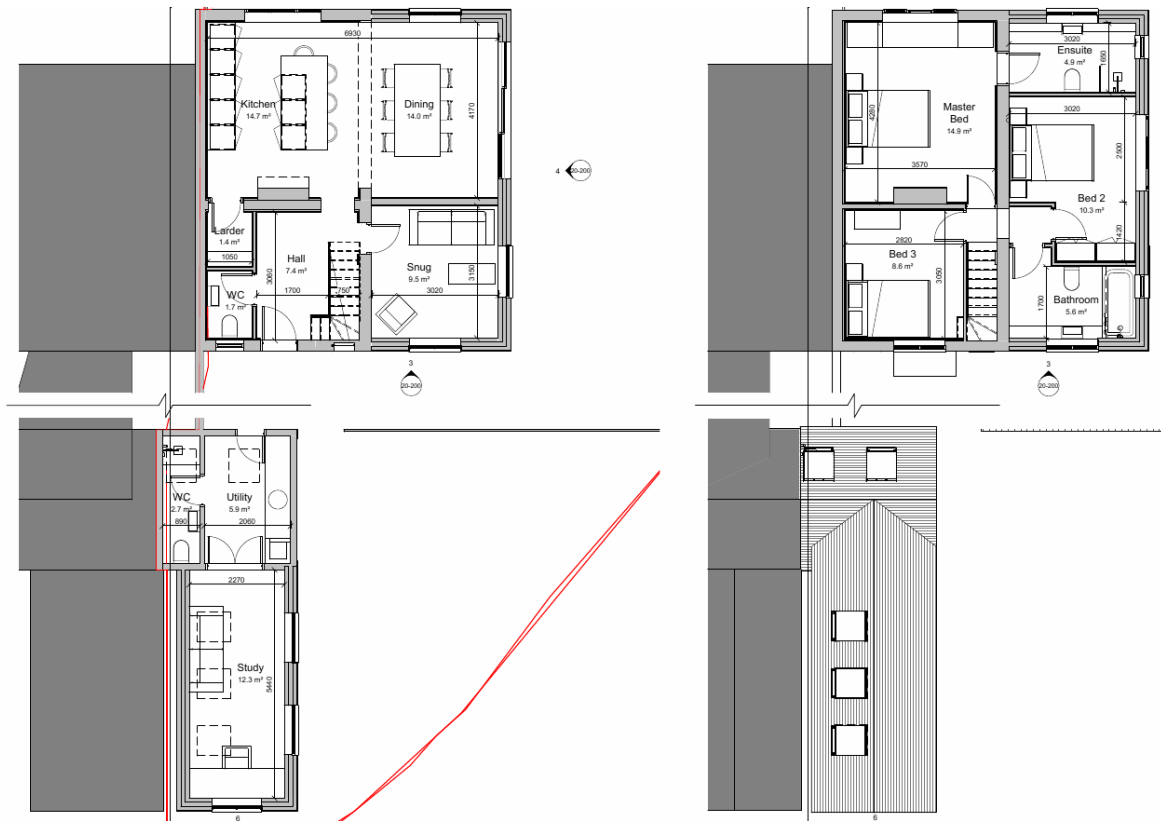


Proposed site plan

Appendix B



Existing plans and elevations



Proposed plans and elevations

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD PLANNING COMMITTEE

DEVELOPMENT CONTROL PANEL

17 March 2021

Item: 4

Application No.:	21/00274/FULL
Location:	Furze Platt Junior School Oaken Grove Maidenhead SL6 6HQ
Proposal:	Single storey front and side extensions.
Applicant:	The Royal Borough of Windsor And Maidenhead
Agent:	Paul Ansell
Parish/Ward:	Maidenhead Unparished/Furze Platt
If you have a question about this report, please contact: Sheila Bowen on 01628 796061 or at sheila.bowen@rbwm.gov.uk	

1. SUMMARY

- 1.1 This application is for two small extensions, one to the infant's school and one to the junior school. They are to provide teaching areas for children with special needs. The extensions would be self-contained within the site and would not harm the appearance of the schools, nor the character of the area. There would ultimately be 10 extra pupils and 5 extra members of staff.

It is recommended the Panel grants planning permission with the conditions listed in Section 12 of this report.

2. REASON FOR PANEL DETERMINATION

- The Council's Constitution does not give the Head of Planning delegated powers to determine the application in the way recommended as it is major development; such decisions can only be made by the Panel.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site is a well-established Junior School, which includes an infant's school in a separate building, located on a campus with a Senior School, in the north of Maidenhead. It is surrounded by residential areas on 3 sides, and open countryside beyond the senior school to the north.

4. KEY CONSTRAINTS

- 4.1 No planning constraints cover the site.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The extension to the Junior site would measure 40 sqm internally, and the extension to the Infants site would measure 20 sqm internally. The Junior site extension would consist of one room as a group area and one as a learning area, and the Infants site extension would consist of one room as a group/ learning area. Materials and detailing would match the school.

5.2

Reference	Description	Decision and Date
92/00835/REG3	Erection of temporary toilet block	Approved 14.01.1993
98/33224/FULL	To provide new toilets and connecting corridor	Approved 07.12.1998
00/36369/REG3	Erection of single storey extension to staff toilets and new window to south west elevation	Approved 01.03.2001
01/36966/REG3	Brick clad modular classroom for IT and Library use connected to existing main school	Approved 21.06.2001
01/37946/REG3	Creation of two parking bays, increase area of existing car park, extension of playground and soft play area and ancillary works.	Approved 07.02.2002
02/39270/OUT	Detached modular classroom for use as an After-School Club	Approved 12.12.2002
06/00095/FULL	Construction of a single storey modular classroom extension and formation of a disabled W.C.	Approved 16.03.2006
13/01467/FULL	Construction of a single storey extension to main school building	Approved 15.07.2013
17/01321/FULL	Provision of additional main hall space	Approved 21.9.2017

6. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

6.1 The main Development Plan policies applying to the site are:

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1,
Highways	P4 AND T5
Improvement to a community facility	CF2

These policies can be found at

<https://www.rbwm.gov.uk/home/planning/planning-policy/adopted-local-plan>

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2019)

Section 4- Decision-making

Section 8 – Promoting healthy and safe communities

Section 9- Promoting Sustainable Transport

Section 12- Achieving well-designed places

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Sustainable Transport	IF2

Borough Local Plan: Submission Version Proposed Changes (2019)

Issue	Local Plan Policy
Design in keeping with character and appearance of area	QP1, QP3
Sustainable Transport	IF2

- 7.1 The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents was submitted to the Secretary of State for independent examination in January 2018. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough.
- 7.2 In December 2018, the examination process was paused to enable the Council to undertake additional work to address soundness issues raised by the Inspector. Following completion of that work, in October 2019 the Council approved a series of Proposed Changes to the BLPSV. Public consultation ran from 1 November to 15 December 2019. All representations received have been reviewed by the Council and the Proposed Changes have been submitted to the Inspector. The Examination of the BLPSV has now resumed and hearings were held at the end of 2020. The BLPSV and the BLPSV together with the Proposed Changes are therefore material considerations for decision-making. However, given the above both should be given limited weight.
- 7.3 These documents can be found at:
<https://www.rbwm.gov.uk/home/planning/planning-policy/emerging-plans-and-policies>

Supplementary Planning Documents

Borough Wide Design Guide SPD

Other Strategies or Publications

- 7.3 Other Strategies or publications material to the proposal are:
- RBWM Parking Strategy

More information on these documents can be found at:

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

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

45 occupiers were notified directly of the application.

The application was advertised in the Local Press on 11.2.2021

No comments were received

Consultees

Consultee	Comment	Where in the report this is considered
Highways Officer	No objection to amended plans showing 5 parking spaces	
Tree Officer	No objection	-

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i principle of development;
- ii design considerations;
- iii impact on neighbouring amenity;
- iv highway considerations and parking; and
- v environmental considerations.

Principle of development

9.2 On 27th August 2020, following public consultation, the Royal Borough's Cabinet approved, in principle, the opening of a new Resource Base at the Furze Platt Primary Federation. The proposed Resource Base will provide ten places for children with social communication difficulties and related difficulties.

9.3 The objective of the proposal is to provide more local provision for children with special educational needs, reducing the number of children who have to travel further afield for suitable provision. The new Resource Provision will help address a gap in the provision locally for primary school age children with EHCPs (Education, Health and Care Plans) for social communication difficulties and related behaviours who can, with support, attend a mainstream school. These children will now be able to go to a primary school in Maidenhead.

9.4 The children will spend the majority of their school day in mainstream classes, and less than 50% of their time receiving additional support in their learning within the new provision. The number of children will grow over a number of years to the maximum of 10.

- 9.5 The children will require additional teaching support staff to assist them in the time they are not in education. This number is anticipated to grow to an additional 5 Full-Time equivalent support staff during this time.
- 9.6 The proposal represents an improvement to a community facility, and accords with Policy CF2 of the Local Plan.

Design Considerations

- 9.7 The design of the proposed extensions would match the buildings to which they would be attached, and would not harm the appearance of the buildings or the character of the area. The proposal is considered to accord with Policy DG1 of the Local Plan.

Impact on Neighbouring Amenity

- 9.8 The proposed extensions would be sited well away from neighbouring houses, so it is considered there would be no negative impact on neighbouring amenities.

Highway consideration and parking provision.

- 9.9 The proposal has been amended at the request of the planning officer to include 5 extra parking spaces on site. This is satisfactory, as it will serve the 5 new members of staff, and prevent on-street parking, which could have been detrimental to highway safety. The provision and retention of this additional car parking can be secured via an appropriate condition should permission be forthcoming (condition 3).

Environmental considerations

- 9.10 The proposed extensions would not harm the environment in any way, as they would not impact on any trees or green space. The Tree Officer has raised no objections to the application.

10. PLANNING BALANCE AND CONCLUSION

It is concluded that the proposal represents an improvement to a community facility that would be beneficial to the school and to the wider community. The proposal complies with all relevant development plan policies.

11. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout
- Appendix B – Proposed plans and elevations Junior site
- Appendix C – Proposed plans and elevations Infants site

12. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The materials to be used on the external surfaces of the development shall be in accordance with those specified in the application unless any different materials are

first agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.

- 3 No part of the development shall be occupied until vehicle parking space has been provided in accordance with the approved drawing. The space approved shall be retained for parking in association with the development.

Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety. Relevant Policies - Local Plan P4, DG1.

- 4 The development hereby permitted shall be carried out in accordance with the approved plans listed below.

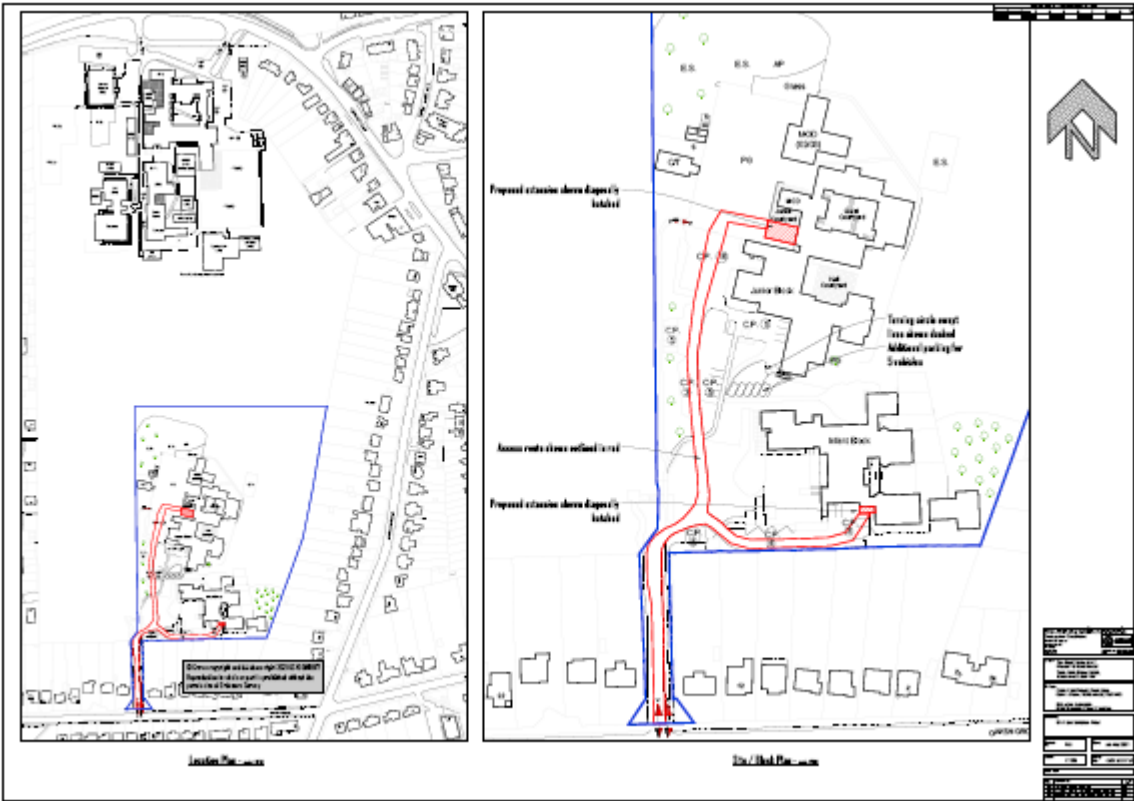
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

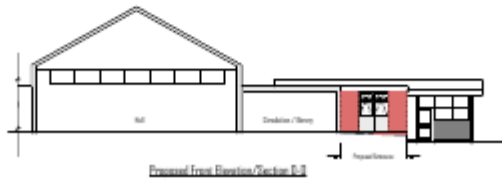
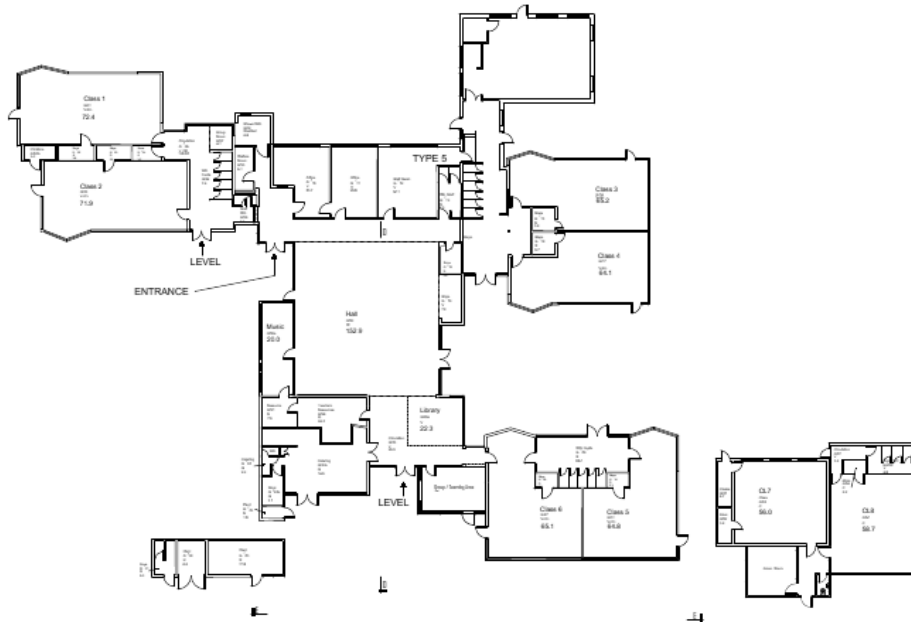
Informatives

- 1 The attention of the applicant is drawn to the Berkshire Act 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway or grass verge arising during building operations.

- 2 The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which enables the Highway Authority to recover expenses due to extraordinary traffic.

- 1 No builders materials, plant or vehicles related to the implementation of the development should be parked/stored on the public highway so as to cause an obstruction at any time.





Infants site

Appendix C

Planning Appeals Received

5 February 2021 - 5 March 2021

The appeals listed below have been received by the Council and will be considered by the Planning Inspectorate. Should you wish to make additional/new comments in connection with an appeal you can do so on the Planning Inspectorate website at <https://acp.planninginspectorate.gov.uk/> please use the Plns reference number. If you do not have access to the Internet please write to the relevant address, shown below.

Enforcement appeals: The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN

Other appeals: The Planning Inspectorate Temple Quay House, 2 The Square Bristol BS1 6PN

Ward:
Parish: Maidenhead Unparished
Appeal Ref.: 21/60012/REF **Planning Ref.:** 20/01664/CPD **Plns Ref.:** APP/T0355/X/20/3266051
Date Received: 9 February 2021 **Comments Due:** 23 March 2021
Type: Refusal **Appeal Type:** Written Representation
Description: Certificate of lawfulness to determine whether the proposed detached outbuilding comprising of a double garage, swimming pool, gymnasium, plant room and office area to be used ancillary to the main dwelling is lawful.
Location: **12 Walker Road Maidenhead SL6 2QT**
Appellant: Mr Shaminder Sansoy 12 Walker Road Maidenhead SL6 2QT

Ward:
Parish: Maidenhead Unparished
Appeal Ref.: 21/60014/COND **Planning Ref.:** 20/00484/TPO **Plns Ref.:** APP/TPO/T0355/8253
Date Received: 9 February 2021 **Comments Due:** Not Applicable
Type: Appeal against conditions imposed **Appeal Type:** Fast Track Appeal
Description: (T2) - Horse Chestnut Reduce upper section of decayed subsidiary stems overhanging the public alleyway back to solid wood. This equates to the removal of 3 to 4m of branch material. (T3) - Horse Chestnut - Crown reduce by 2m back to established reduction points within the upper canopy of the tree, leaving a final height of 16.5m and width of 6.5m.(T4) - Lime - Crown reduce by 3m back to established reduction points within the upper canopy of the tree, leaving a final height of 17.5m and width of 9.5m.(T5) - Horse Chestnut - Crown reduce by 2m back to established reduction points within the upper canopy of the tree, leaving a final height of 16m and width of 6.5m.
Location: **2 The Bryher Maidenhead SL6 4GZ**
Appellant: Mr Robert Kelly 2 The Bryher Maidenhead SL6 4GZ

Ward:
Parish: Datchet Parish
Appeal Ref.: 21/60013/ENF **Enforcement Ref.:** 16/50301/ENF **Plns Ref.:** APP/T0355/C/21/3267890
Date Received: 10 February 2021 **Comments Due:** 24 March 2021
Type: Enforcement Appeal **Appeal Type:** Public Inquiry
Description: Appeal against the Enforcement Notice: (1) Change of use of the land to extend carpark area. (2) Use of public address system in breach of planning condition and (3) Use of clubhouse beyond 22:00hrs. Alleged change of use of the site.
Location: **Liquid Leisure Waterski And Wakeboard Ltd Horton Road Datchet Slough SL3 9HY**
Appellant: Liquid Leisure Limited, **c/o Agent:** Miss Amy Cater Tozers LLP North Door Broadwalk House Southernhay West Exeter EX1 1UA

Ward:
Parish: Windsor Unparished

Appeal Ref.: 21/60015/REF **Planning Ref.:** 19/01513/FULL **Plns Ref.:** APP/T0355/W/20/3253114
Date Received: 10 February 2021 **Comments Due:** 17 March 2021
Type: Refusal **Appeal Type:** Written Representation
Description: Construction of 50 bedroom hotel.
Location: **S G Autopoint 437 - 441 St Leonards Road Windsor SL4 3DT**
Appellant: Dr C Marsden-Huggins **c/o Agent:** Mr Andrew Ransome ADP Ltd Hophouse West Bergholt Colchester CO6 3TJ

Ward:
Parish: Bray Parish
Appeal Ref.: 21/60016/REF **Planning Ref.:** 20/00932/FULL **Plns Ref.:** APP/T0355/W/20/3265485
Date Received: 18 February 2021 **Comments Due:** 25 March 2021
Type: Refusal **Appeal Type:** Written Representation
Description: Construction of a new crossover and access with a vehicular entrance gate.
Location: **Oakley Green Nurseries Oakley Green Road Oakley Green Windsor SL4 4PZ**
Appellant: N Dearman **c/o Agent:** Mr Krzys Lipinski 39 Roundwood Road High Wycombe Buckinghamshire HP12 4HD

Ward:
Parish: Cookham Parish
Appeal Ref.: 21/60017/REF **Planning Ref.:** 20/01992/FULL **Plns Ref.:** APP/T0355/D/21/3266900
Date Received: 18 February 2021 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Householder Appeal
Description: Two storey front/side extension, relocation of front door, altered front drive to allow for a new drop curb for two repositioned parking bays and alteration to fenestration.
Location: **11 Windmill Road Cookham Maidenhead SL6 9NE**
Appellant: D Ovens **c/o Agent:** Mr Scott Wood SDW Design 63 Hillary Road High Wycombe HP13 7RB

Ward:
Parish: Maidenhead Unparished
Appeal Ref.: 21/60018/REF **Planning Ref.:** 20/02316/FULL **Plns Ref.:** APP/T0355/D/21/3267132
Date Received: 18 February 2021 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Householder Appeal
Description: Part single part two storey side extension, replacement roof including x1 rear dormer and alterations to fenestration following demolition of the existing single storey side element - part retrospective.
Location: **40 Queensway Maidenhead SL6 7SD**
Appellant: Mr S Afzal **c/o Agent:** Mr Reg Johnson 59 Lancaster Road Maidenhead Berkshire SL6 5EY

Ward:
Parish: Old Windsor Parish
Appeal Ref.: 21/60019/REF **Planning Ref.:** 20/02436/TLDDT **Plns Ref.:** APP/T0355/W/20/3265640
Date Received: 25 February 2021 **Comments Due:** 1 April 2021
Type: Refusal **Appeal Type:** Written Representation
Description: Proposed 15.0m AGL Phase 8 monopole c/w wraparound cabinet at base and associated ancillary works.
Location: **Telecommunications Mast In Front of Toby Carvery 14 Straight Road Old Windsor Windsor**
Appellant: MBNL **c/o Agent:** Mr Damian Hosker WHP Ponderosa Scotland Lane Horsforth Leeds LS18 5SF

Ward:
Parish: Windsor Unparished
Appeal Ref.: 21/60020/REF **Planning Ref.:** 20/02730/TLDDT **Plns Ref.:** APP/T0355/W/20/3265270
Date Received: 25 February 2021 **Comments Due:** 1 April 2021
Type: Refusal **Appeal Type:** Written Representation
Description: Application for determination as to whether prior approval is required for 1no. 20m Phase 8 streetpole C/W wraparound cabinet on concrete base, 3no. cabinets, 3no. antennas and associated ancillary works.
Location: **Telecommunications Mast At Junction of Vale Road And Shirley Avenue Windsor**

Appellant: MBNL **c/o Agent:** Mr Damian Hosker WHP Ponderosa Scotland Lane Horsforth Leeds LS18 5SF

Ward:
Parish: Bisham Parish
Appeal Ref.: 21/60021/REF **Planning Ref.:** 20/00064/FULL **Plns Ref.:** APP/T0355/W/20/3259258
Date Received: 26 February 2021 **Comments Due:** 2 April 2021
Type: Refusal **Appeal Type:** Written Representation
Description: Replacement dwelling.
Location: **Little Croft Bisham Road Bisham Marlow SL7 1RL**
Appellant: Ms Ruth Taylor **c/o Agent:** Mr Matthew Green Green Planning Studio Ltd Unit D Lunesdale Shrewsbury Upton Magna SY4 4TT

Ward:
Parish: Cookham Parish
Appeal Ref.: 21/60022/REF **Planning Ref.:** 20/01789/VAR **Plns Ref.:** APP/T0355/D/20/3261502
Date Received: 26 February 2021 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Householder Appeal
Description: Variation (under Section 73A) of condition 3 (Rem PD) as approved under planning permission 16/02326/FULL for part single part two storey front extension.
Location: **The Farm Bigfrith Church Road Cookham Dean Maidenhead SL6 9PR**
Appellant: Mr And Mrs Zinc **c/o Agent:** Mr Anthony Keen Barham Court Teston Maidstone Kent ME18 5BZ

Ward:
Parish: Bray Parish
Appeal Ref.: 21/60023/REF **Planning Ref.:** 20/02068/FULL **Plns Ref.:** APP/T0355/W/20/3265135
Date Received: 1 March 2021 **Comments Due:** 5 April 2021
Type: Refusal **Appeal Type:** Written Representation
Description: Construction of an all weather surface manege.
Location: **Patterdale Farm Blackbird Lane Maidenhead SL6 3SX**
Appellant: Mrs Lisa Bolt **c/o Agent:** Miss Eva Gascoigne Pike Smith And Kemp Rural The Old Dairy Hyde Farm Marlow Road Maidenhead SL6 6PQ

Ward:
Parish: Maidenhead Unparished
Appeal Ref.: 21/60024/REF **Planning Ref.:** 20/01923/FULL **Plns Ref.:** APP/T0355/W/21/3267234
Date Received: 2 March 2021 **Comments Due:** 6 April 2021
Type: Refusal **Appeal Type:** Written Representation
Description: Construction of x1 dwelling.
Location: **Land Adjacent To 38 Pinkneys Road Maidenhead**
Appellant: Pinkneys Stores **c/o Agent:** Mr Reg Johnson 59 Lancaster Road Maidenhead Berkshire SL6 5EY

Ward:
Parish: Windsor Unparished
Appeal Ref.: 21/60025/REF **Planning Ref.:** 20/00935/FULL **Plns Ref.:** APP/T0355/W/20/3265984
Date Received: 2 March 2021 **Comments Due:** 6 April 2021
Type: Refusal **Appeal Type:** Written Representation
Description: Construction of x10 flats with associated landscaping, parking and bin store and alterations to the existing access, following demolition of the existing building.
Location: **Essex Lodge 69 Osborne Road And Annexe Essex Lodge 69 Osborne Road Windsor**
Appellant: Sorbon Estates Ltd **c/o Agent:** Mr Kevin Scott Solve Planning Ltd Sentinel House Ancells Business Park Harvest Crescent Fleet GU51 2UZ

Ward:
Parish: Maidenhead Unparished
Appeal Ref.: 21/60026/REF **Planning Ref.:** 20/02794/FULL **Plns Ref.:** APP/T0355/W/21/
3266843
Date Received: 2 March 2021 **Comments Due:** 6 April 2021
Type: Refusal **Appeal Type:** Written Representation
Description: Two storey side extension, two storey rear extension and alterations to fenestration to convert the existing shop into 2no. two bedroom flats, following demolition of the existing side conservatory and rear enclosed and covered store.
Location: **K & L Heating 58 College Glen Maidenhead SL6 6BL**
Appellant: Nationwide Land Ltd **c/o Agent:** Mr Allen Watson Buttery And Watson Berry House 78 Altwood Road Maidenhead Berkshire SL6 4PZ

Appeal Decision Report

5 February 2021 - 5 March 2021

Appeal Ref.: 20/60081/REF **Planning Ref.:** 19/01900/FULL **Plns Ref.:** APP/T0355/W/20/3
258778

Appellant: Sir Christopher Wren Hotel And Spa **c/o Agent:** Mr Thomas Copp CGMS 20 Farringdon Street
London EC4A 4AB

Decision Type: Delegated **Officer Recommendation:** Refuse

Description: Part three storey/part two storey rear extension with front and rear dormers and balconies to facilitate accommodation in the roofspace, glass canopy over existing terrace with replacement fire escape, replacement entrance doors to the car park, 2no. air conditioning units and new signage following part demolition of the existing building.

Location: **Sir Christopher Wren Hotel And Spa Thames Street Windsor SL4 1PX**

Appeal Decision: Dismissed **Decision Date:** 9 February 2021

Main Issue: The appeal proposal would fail to preserve the special architectural and historic interest of the Grade II* listed Old House Hotel, and the significance of the Grade I listed Windsor Castle, as derived from its setting. Furthermore, the appeal scheme would fail to preserve or enhance the character and appearance of the Windsor Town Centre Conservation Area. The proposed development and works would therefore conflict with Saved Policies DG1, CA2 and LB2 of the Royal Borough of Windsor and Maidenhead Local Plan, emerging Policies SP2 and SP3 of the Borough Local Plan Submission Document and section 16 of the Framework. These policies notably seek to ensure that development proposals enhance or preserve heritage assets, and that important views of Windsor Castle are recognised and retained.

Appeal Ref.: 20/60082/REF **Planning Ref.:** 19/01901/LBC **Plns Ref.:** APP/T0355/Y/20/
3258782

Appellant: Sir Christopher Wren Hotel And Spa **c/o Agent:** Mr Thomas Copp CGMS 20 Farringdon Street
London EC4A 4AB

Decision Type: Delegated **Officer Recommendation:** Refuse

Description: Consent for part three storey/part two storey rear extension with front and rear dormers and balconies to facilitate accommodation in the roofspace, glass canopy over existing terrace with replacement fire escape, replacement entrance doors to the car park, 2no. air conditioning units, new signage and internal alterations following part demolition of the existing building.

Location: **Sir Christopher Wren Hotel And Spa Thames Street Windsor SL4 1PX**

Appeal Decision: Dismissed **Decision Date:** 9 February 2021

Main Issue: The appeal proposal would fail to preserve the special architectural and historic interest of the Grade II* listed Old House Hotel, and the significance of the Grade I listed Windsor Castle, as derived from its setting. Furthermore, the appeal scheme would fail to preserve or enhance the character and appearance of the Windsor Town Centre Conservation Area. The proposed development and works would therefore conflict with Saved Policies DG1, CA2 and LB2 of the Royal Borough of Windsor and Maidenhead Local Plan, emerging Policies SP2 and SP3 of the Borough Local Plan Submission Document and section 16 of the Framework. These policies notably seek to ensure that development proposals enhance or preserve heritage assets, and that important views of Windsor Castle are recognised and retained.

Appeal Ref.: 20/60093/REF **Planning Ref.:** 20/01756/FULL **Plns Ref.:** APP/T0355/D/20/3261260

Appellant: Mr And Mrs Walker-Beagle **c/o Agent:** Mr Stephen Varney Stephen Varney Associates Siena Court The Broadway Maidenhead SL6 1NJ

Decision Type: Delegated **Officer Recommendation:** Refuse

Description: Front porch extension, canopy and rendering.

Location: **67 Lower Cookham Road Maidenhead SL6 8JY**

Appeal Decision: Dismissed **Decision Date:** 1 March 2021

Main Issue: The proposal would have an unacceptable and harmful effect with respect to flood risk, not decreasing the risk and not making it sufficiently clear that the risk would be at an acceptable level in regard to the requirements of the development plan. The proposal would conflict with Policy F1 of the Local Plan, which provides that within areas liable to flood, the size of extensions will be controlled to reduce the risk of flooding.

Appeal Ref.: 20/60094/REF **Planning Ref.:** 20/01648/FULL **Plns Ref.:** APP/T0355/D/20/3261273

Appellant: Mr Liam Derothschild **c/o Agent:** Other ET Planning Office ET Planning 200 Dukes Ride CROWTHORNE RG45 6DS

Decision Type: Delegated **Officer Recommendation:** Refuse

Description: Single storey side/rear wraparound extension, following demolition of the existing lean-to extension.

Location: **44 Belmont Crescent Maidenhead SL6 6LW**

Appeal Decision: Dismissed **Decision Date:** 24 February 2021

Main Issue: The Inspector found that the bulk and massing of the proposed extension would unduly reduce the light to the kitchen and dining room of no. 46 and would appear overdominant and overbearing with respect to outlook from them. Also it would create a tunnelling effect. The inspector concluded that the extension would have an unacceptable and harmful effect on the living conditions of the occupants of no.46.

Appeal Ref.: 20/60096/REF **Planning Ref.:** 20/01918/FULL **Plns Ref.:** APP/T0355/W/20/3263006

Appellant: Mr / Mr Simon / Kier Tong / Dungo **c/o Agent:** Mrs Sophie Matthews Walsingham Planning Bourne House Cores End Road Bourne End Buckinghamshire SL8 5AR

Decision Type: Delegated **Officer Recommendation:** Refuse

Description: Two storey rear extension with first floor balcony to the existing dwelling and x1 new dwelling with new vehicular access.

Location: **The Gables 49 Whyteladyes Lane And Land Adjacent To The Gables 49 Whyteladyes Lane Cookham Maidenhead**

Appeal Decision: Dismissed **Decision Date:** 26 February 2021

Main Issue: Having considered the benefits and adverse impacts of the scheme the Inspector concluded that the harm and associated policy conflicts that the Inspector has identified, would significantly and demonstrably outweigh the proposal's benefits when assessed against the Framework's policies taken as a whole. The presumption in favour of sustainable development, as set out in the Framework, does not therefore apply. The proposal conflicts with the development plan when read as a whole, and material considerations lead to a decision to dismiss the appeal.

Appeal Ref.: 20/60097/REF **Planning Ref.:** 20/01686/FULL **Plns Ref.:** APP/T0355/D/20/3262298

Appellant: Mr Hussein c/o **Agent:** Mr Mark Schnull Arrow Planning Limited 28 Wingate Avenue High Wycombe HP13 7QP

Decision Type: Delegated **Officer Recommendation:** Refuse

Description: Infill roof extension over the existing flat roof terrace.

Location: **Burfield Grange 34 Burfield Road Old Windsor Windsor SL4 2LG**

Appeal Decision: Dismissed **Decision Date:** 1 March 2021

Main Issue: The main issues are: 1) Whether the proposal would be inappropriate development in the Green Belt; 2) the effect of the proposal on the openness of the Green Belt; and 3) if the proposal would be inappropriate development, whether the harm by reason of inappropriateness and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it. The proposal would be inappropriate development in the Green Belt and would result in a reduction of its openness. These harms carry substantial weight as explained. Taken together and for the reasons given, it is found that the other considerations in this case are not sufficient to clearly outweigh them. Consequently, the very special circumstances necessary to justify the proposal do not exist. Thus, the proposal would not comply with Policies GB1, GB2 and GB4 of the Local Plan and the provisions of section 13 of the Framework, which collectively seek to protect the Green Belt against inappropriate development and to maintain its openness.

Appeal Ref.: 20/60098/COND **Planning Ref.:** 20/00501/FULL **Plns Ref.:** APP/T0355/W/20/3258417

Appellant: Mr & Mrs Fawell c/o **Agent:** Mr Mark Berry JSA Architects Tavistock House Waltham Road Maidenhead SL6 3NH

Decision Type: Delegated **Officer Recommendation:** Application Permitted

Description: Single storey rear extension with canopy and chimney, raised patio area, retaining wall and a canopy to the side elevation.

Location: **Brackenwood Grubwood Lane Cookham Maidenhead SL6 9UD**

Appeal Decision: Allowed **Decision Date:** 26 February 2021

Main Issue: The disputed conditions were neither reasonable nor necessary in the interests of maintaining the Green Belt's openness. As such, even with Conditions 3 and 4 deleted, there would be satisfactory compliance with saved Policies GB1, GB2 and GB4 of the Royal Borough of Windsor and Maidenhead Local Plan (adopted June 2003) and with the Framework in so far as these policies recognise that the essential characteristics of Green Belts are their openness and their permanence.

Appeal Ref.: 20/60099/COND **Planning Ref.:** 20/01844/FULL **Plns Ref.:** APP/T0355/W/20/3263317

Appellant: Mr Willis And Mrs Marcus **c/o Agent:** Mr Michael Ruddock Pegasus Group The Columbia Centre Station Road Bracknell Berkshire RG12 1LP

Decision Type: Delegated **Officer Recommendation:** Application Permitted

Description: Alteration to roof of existing outbuilding. (part retrospective)

Location: **Summer Place Darlings Lane Maidenhead SL6 6PB**

Appeal Decision: Allowed **Decision Date:** 1 March 2021

Main Issue: The Inspector deleted the disputed Condition 2 as it is neither reasonable nor necessary in the interests of seeking to prevent the consolidation of development in the Green Belt. As such, even with Condition 2 deleted, there would be satisfactory compliance with saved Policies GB1 and GB2 of the Royal Borough of Windsor and Maidenhead Local Plan (adopted June 2003) and with the National Planning Policy Framework (February 2019) in so far as these policies affirm that inappropriate development is, by definition, harmful to the Green Belt, and recognises that the essential characteristics of Green Belts are their openness and their permanence.

Appeal Ref.: 20/60100/REF **Planning Ref.:** 20/00052/FULL **Plns Ref.:** APP/T0355/W/20/3263204

Appellant: EE (UK) LTD & H3G (UK) LTD **c/o Agent:** Mr Ben Gilpin CS Planning Ltd Flat 41 Duncan House Old Torwood Road Torquay TQ1 1PU

Decision Type: Delegated **Officer Recommendation:** Refuse

Description: Replacement of the existing column with a 20m street works column with 9no. antennas and additional equipment cabinets and ancillary development.

Location: **Telecommunications Mast At Legoland Roundabout Winkfield Road Windsor**

Appeal Decision: Dismissed **Decision Date:** 26 February 2021

Main Issue: The proposed street works column with antennas (the new pole) is regarded as a building for the purposes of assessment against the Framework's Green Belt provisions. The new pole would be materially larger than the existing column to be replaced. The proposal would be inappropriate development in the Green Belt and conflicts with saved policies GB1 and TEL1. The proposal would lead to a loss of Green Belt openness (visual) due to the pole's intended height, siting and clear visibility from the road. It would cause harm to the openness of the Green Belt and conflicts with saved policies GB2 and TEL1 of the Local Plan and the Framework. The new pole would appear as an imposing and urbanising addition due to its height and detached positioning from the roundabout and existing pole and would cause some limited harm to the character and appearance of the area in conflict with saved policies TEL1 and N1. The proposal would have no adverse impact on the trees or upon the nearby SSSI or SAC and accords with Policy N6 and DG1. It has not been clearly demonstrated that potential alternative positions for the new pole (closer to the existing pole, for example) have been thoroughly explored, considered and discounted with good reason. Whilst the Inspector attaches considerable weight to the economic and social benefits brought about by the improved digital communications networks, the scheme's benefits would not outweigh the substantial harm identified to the Green Belt (including harm derived from loss of openness), in addition to the limited harm identified to the character and appearance of the area, so as to amount to very special circumstances necessary to justify the proposal.

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