

# Public Document Pack

## MAIDENHEAD DEVELOPMENT MANAGEMENT COMMITTEE

WEDNESDAY, 16 NOVEMBER 2022

PRESENT: Councillors Maureen Hunt (Chairman), Leo Walters (Vice-Chairman), John Baldwin, Gurpreet Bhangra, Mandy Brar, Gerry Clark, Geoff Hill, Joshua Reynolds and David Coppinger

Also in attendance virtually: Councillors Donna Stimson and Phil Haseler

Officers: Sian Saadeh, Carlos Chikwamba, Oran Norris-Browne, Claire Pugh, James Overall and Sean O'Connor (Virtually)

### APOLOGIES FOR ABSENCE

No apologies for absence were received.

### DECLARATIONS OF INTEREST

Councillor Hunt declared that one of the speakers on the item 22/01207/OUT was known to all of the committee members, as she was a former Councillor. Councillor Hunt declared that in reference to item 21/03497/FULL, she had met with the applicant as it was in her ward. However, she made no comment and came to the meeting with an open mind.

Councillor Walters declared that he knew the father of the applicant for item 22/01207/OUT, but that he had since passed away. He now knew the sons but only as acquaintances but wished to declare this for transparency.

Councillor Coppinger declared that he also knew the owners of item 22/01207/OUT for over 25 years, similarly to Councillor Walters.

Councillor Bhangra declared for transparency that he had received numerous communications from the agent on behalf of the applicant for item 21/03497/FULL, but he did not discuss the merits of the application at all and that he attended the meeting with an open mind.

The Chairman agreed that all committee members had received numerous communications from the agent.

Councillor Hunt said that originally when the application 22/01878/REM came before the committee, she spoke against it, however she acknowledged that this was an entirely new application and that she attended the meeting with a fully open mind.

Councillor Walters said that due to technical issues in the past, he was unable to attend the committee as a voting member on the original application of 22/01878/REM, however he had made a case about it that he was going to speak on. He attended the meeting with an open mind.

### MINUTES OF THE PREVIOUS MEETING

**AGREED UNANIMOUSLY: That the minutes of the meeting held 19 October 2022 were a true and accurate record.**

21/03497/FULL - CULHAM FARMS FROGMILL STABLES AND THE OLD ESTATE OFFICE FROGMILL FARM BLACK BOY LANE HURLEY MAIDENHEAD

A motion was put forward by Councillor Hill to refuse planning permission, which was in line with officer's recommendation. This was seconded by Councillor Reynolds.

A named vote was taken.

<b>21/03497/FULL - Culham Farms Frogmill Stables and The Old Estate Office Frogmill Farm Black Boy Lane Hurley Maidenhead (Motion)</b>	
Councillor Maureen Hunt	Against
Councillor Leo Walters	For
Councillor John Baldwin	Against
Councillor Gurpreet Bhangra	Against
Councillor Mandy Brar	Abstain
Councillor Gerry Clark	Against
Councillor Geoffrey Hill	For
Councillor Joshua Reynolds	For
Councillor David Coppinger	Against
<b>Rejected</b>	

The result was 3 for, 5 against and 1 abstention so the motion fell.

A motion was put forward by Councillor Hunt to delegate the Head of Planning to grant planning permission subject to appropriate development conditions and legal agreement to address the relevant affordable housing, flooding, archaeology, ecology, flood risk, carbon offset and open space objections in the officer recommendation and to make the development acceptable. This was seconded by Councillor Baldwin.

The reasons given for the decision were that members considered that the proposal would not have a greater impact on the openness of the green belt and would therefore be appropriate development. The members also did not agree that the site did not promote sustainable transport, walking and cycling in this rural location.

A named vote was taken.

<b>21/03497/FULL - Culham Farms Frogmill Stables and The Old Estate Office Frogmill Farm Black Boy Lane Hurley Maidenhead (Motion)</b>	
Councillor Maureen Hunt	For
Councillor Leo Walters	Against
Councillor John Baldwin	For
Councillor Gurpreet Bhangra	For
Councillor Mandy Brar	Against
Councillor Gerry Clark	For
Councillor Geoffrey Hill	Against
Councillor Joshua Reynolds	Against
Councillor David Coppinger	For
<b>Carried</b>	

**AGREED: That the committee delegated the granting of planning permission to the Head of Planning subject to appropriate development conditions and legal agreement to address the relevant affordable housing, flooding, archaeology, ecology, flood risk, carbon offset and open space objections.**

The committee were addressed by 2 speakers, Jo Unsworth, Applicant and Councillor Johnson, Ward Councillor.

22/01207/OUT - OAKLEY GREEN MUSHROOM FARM OAKLEY GREEN ROAD OAKLEY GREEN WINDSOR SL4 5UL

*(Councillor Stimson left the meeting virtually at this stage)*

A motion was put forward by Councillor Reynolds to refuse planning permission for the reasons given in section 12 of the report and the committee update, which was in line with officer's recommendation. This was seconded by Councillor Walters.

A named vote was taken.

<b>22/01207/OUT - Oakley Green Mushroom Farm Oakley Green Road Oakley Green Windsor SL4 5UL (Motion)</b>	
Councillor Maureen Hunt	For
Councillor Leo Walters	For
Councillor John Baldwin	For
Councillor Gurpreet Bhangra	Abstain
Councillor Mandy Brar	For
Councillor Gerry Clark	For
Councillor Geoffrey Hill	For
Councillor Joshua Reynolds	For
Councillor David Coppinger	Abstain
<b>Carried</b>	

**AGREED: That planning permission be refused due to the reasons listed in section 12 of the report and the committee update.**

The committee were addressed by 2 speakers, Martin Hall, Objector and Alison Knight, Applicant's Agent.

22/01878/REM - GROVE PARK INDUSTRIAL ESTATE WALTHAM ROAD WHITE WALTHAM MAIDENHEAD SL6 3LW

The meeting was adjourned at 21.00 and re-commenced at 21.05.

*(Councillor Haseler left the meeting virtually)*

Councillor Hill re-joined the meeting after the officer's presentation had begun and questioned whether he was still able to take part in the debate. Sean O'Connor, Legal Officer, advised Councillor Hill to take no further action in the meeting.

*(Councillor Hill left the meeting and took no further part in the discussions or the vote)*

A motion was put forward to grant planning permission on the satisfactory completion of an undertaking to secure a contribution to the Council's Carbon Offset Fund and with the conditions listed in Section 15 of the report, which was in line with officer's recommendation. This was seconded by Councillor Baldwin.

A named vote was taken.

<b>22/01878/REM - Grove Park Industrial Estate Waltham Road White Waltham Maidenhead SL6 3LW (Motion)</b>	
Councillor Maureen Hunt	For
Councillor Leo Walters	For
Councillor John Baldwin	For
Councillor Gurpreet Bhangra	For
Councillor Mandy Brar	For
Councillor Gerry Clark	For
Councillor Geoffrey Hill	No vote recorded
Councillor Joshua Reynolds	For
Councillor David Coppinger	For
<b>Carried</b>	

**AGREED UNANIMOUSLY:** to grant planning permission upon the satisfactory completion of an undertaking to secure a contribution to the Council’s Carbon Offset Fund and with the conditions listed in Section 15 of the report.

PLANNING APPEALS RECEIVED AND PLANNING DECISION REPORTS

The committee noted the report.

The meeting, which began at 7.03 pm, finished at 9.30 pm

CHAIRMAN.....

DATE.....

**PANEL UPDATE**

**Maidenhead Panel**

<b>Application No.:</b>	21/03497/FULL
<b>Location:</b>	Culham Farms Frogmill Stables And The Old Estate Office Frogmill Farm Black Boy Lane Hurley Maidenhead
<b>Proposal:</b>	Conversion of stable barns to 7 no. dwellings and associated garages, demolition of remaining buildings and erection of 5 no. detached dwellings (and associated garage and bin stores) together with landscaping and new vehicular access.
<b>Applicant:</b>	Culden Faw Ltd
<b>Agent:</b>	Mrs Jo Unsworth
<b>Parish/Ward:</b>	Hurley Parish/Hurley And Walthams
<b>If you have a question about this report, please contact:</b> Carlos Chikwamba on 01628796745 or at carlos.chikwamba@rbwm.gov.uk	

**1. SUMMARY**

- 1.1 The panel update sets out an updated list of reasons for refusal. Further consultee and comments from the public have been received, and these are summarised within this report. Furthermore, the applicant has since provided more information in relation to the scheme's flooding, archaeological and affordable housing considerations.
- 1.2 It has now been adequately demonstrated that there is no archaeological potential remaining at the site, and therefore no archaeological mitigation is required in relation to this development. As such, this reason for refusal number 2 of the main report is removed.

- 1.3** With regard to affordable housing, the agent is offering a financial contribution for off-site provision. A contribution towards off-site provision is considered acceptable in this case, and the amount is considered sufficient. The proposal now meets the affordable housing requirements as per Policy HO3 of the Local Plan. However, without a legal agreement these provisions cannot be secured, as such the failure to secure an in lieu financial contribution towards affordable housing is a reason for refusal. The wording of reason for refusal number 3 has been amended to reflect this.
- 1.4** The recommended reason for refusal number 8 in the main report for failure to comply with Policy HO2 (housing mix) has been removed as although the mix of housing is not strictly in accordance with that required by this policy, it is considered that the range of housing provided would broadly meet the aims of this policy and any harm from the failure to meet the precise mix would not warrant a refusal of planning permission. Reason number 8 is removed as a recommended reason for refusal.
- 1.5** The proposed development relates to a proposal for x12 new dwellings. The site is deemed to be previously developed land and it is located in Green Belt. However, the proposed development would have a greater impact on openness than the existing development on-site. No case for very special circumstances exists to clearly outweigh the harm to the Green Belt by reason of inappropriateness or any other harm. The scheme would also fail to manage the development's residual flood risk.
- 1.6** The site is deemed to be in an unsustainable location, which would lead to an overreliance on private cars as opposed to sustainable and active modes of travel. Furthermore, due to the lack of a legal agreement to secure the carbon offset and affordable housing financial contributions related to the scheme, it fails to comply with Policy HO3 and SP2 of the Local Plan.
- 1.7** It has not been adequately demonstrated that the scheme would comply with the relevant policy for open space requirements. Lastly, the proposal fails to meet the derogation tests and it would have an adversely impact on ecology. Therefore, it is contrary Policy NR2 of the Local Plan (2022), and Part 1 of Regulation 9 of the Conservation of Habitats and Species Regulations (2017).
- 1.8** Overall, taking account of the Framework and the above considerations, including the benefits of the development, it is considered that material considerations do not indicate that planning permission should be granted for the development as it conflicts with the development plan.

<b>It is recommended the Panel refuses planning permission for the following summarised reasons</b>	
<b>1.</b>	<b>The proposal would have a greater impact on the openness of the Green Belt than the existing development on site, as such fails to be an exception to inappropriate development in the Green Belt. The applicant has failed to demonstrate that any other considerations would clearly outweigh the harm to the Green Belt by reason of inappropriateness or any other harm, (as identified in the subsequent reasons), and therefore 'very special circumstances' do not exist which clearly outweigh the harm.</b>
<b>2.</b>	<b>In the absence of signed a legal agreement to secure the in lieu financial contribution towards off-site affordable housing, the proposal is contrary to Policy HO2 of the Borough Local Plan (2022).</b>
<b>3.</b>	<b>The development is not considered to promote and encourage travel by sustainable or active modes of travel. Therefore, the proposal is deemed to be in an</b>

	unsustainable location, thus, it is contrary to Section 9 of the NPPF (2021) and Policy IF2 of the Borough Local Plan (2022)
4.	The proposal fails to meet the derogation tests and it would have an adverse impact on ecology. Therefore, it is contrary Policy NR2 of the Local Plan (2022), and Part 1 of Regulation 9 of the Conservation of Habitats and Species Regulations (2017).
5.	The escape route, together with the evacuation plan are not deemed adequate to safely manage the residual flood risk. Therefore, the development is considered to be contrary to Paragraph 167(d & e) of the NPPF (2021), Part 6(c & e) of Policy NR1 of the Borough Local Plan (2022) and RBMW's Strategic Flood Risk Assessment (2017).
6.	No legal agreement has been provided to secure the carbon offset contribution for the scheme to offset the impact of the proposal. The proposal is therefore contrary to Policy SP2 of the Borough Local Plan (2022) and The Interim Sustainability Position Statement (2021).
7.	It has not been adequately demonstrated that the scheme would be in compliance with Policy IF4 of the Borough Local Plan (2022) in terms of the provision open space.

## 2. ADDITIONAL INFORMATION

The applicant has submitted an Archaeological Evaluation report, which details the site's archaeological potential. Furthermore, emails from the applicant were received confirming the proposed affordable housing financial contribution. An alternative safe access route has also been submitted by applicant, which they indicate achieves a dry and safe means of escape.

### 2.1 Comments from Consultees

Comment	Officer response	Change to recommendation?
---------	------------------	---------------------------

<p><i>Berkshire Archaeology;</i></p> <p>An archaeological evaluation was undertaken, pre-determination, in relation to the proposed development at this site.</p> <p>The evaluation did not identify any archaeological material / remains, as detailed in Frogmill Farm, Black Boy Lane, Hurley, Maidenhead, Berkshire An Archaeological Evaluation, Oct 22.</p> <p>The work which has been done is satisfactory and the stated report has been submitted to HER. There is no archaeological potential remaining. I can confirm, therefore, that there is no requirement for any further archaeological mitigation in relation to this development.</p>	<p>Noted. The recommend reason for refusal has been removed.</p>	<p>No.</p>
<p><i>Affordable Housing Officer;</i></p> <p>Financial contribution acceptable.</p>	<p>Noted and report updated accordingly.</p>	<p>No.</p>

## 2.2 Comments from Neighbours/3<sup>rd</sup> Parties

3 additional letters were received supporting the scheme as summarised below;

Comment	Officer response	Change to recommendation?
<ul style="list-style-type: none"> <li>-High quality development which enhances the area.</li> <li>-Development will reinvigorate the site.</li> <li>-Development does not have any flooding issues.</li> <li>-Wider community benefits.</li> </ul>	<p>Noted.</p>	<p>No.</p>

2.3 Paragraph 9.23 of the main report concludes that the applicant had not provided information in relation to investigative works to demonstrate that the proposal would not have any implications on any potential archaeological remains on-site. Therefore, the scheme was deemed contrary to paragraph 194 of the NPPF (2021) and Policy HE1 of the Local Plan (2022). The applicant has since provided this information and Berkshire Archaeology (BA) have made comments in regard to the archaeological investigative works. BA concluded that there is no archaeological potential remaining on-site. Therefore, there would be no requirement for any further archaeological mitigation in relation to the development. Based on this officers are satisfied that the scheme has no archaeological implications, and it is therefore in compliance with Policy HE1 of the Local Plan and the NPPF.



- 2.4 Paragraph 9.45 of the main report highlights that the applicant had not clearly indicated their intentions on making an in lieu financial contribution in regard to the affordable housing provisions. The applicant has since clarified their intention of providing the required financial contribution for 0.8 of unit of affordable housing required for the scheme, which equates to £191,266.66, a figure which has also been agreed by the Council's Affordable Housing Officer. However, without a legal agreement in place this financial contribution cannot be secured. In the absence of a signed legal agreement, the scheme is contrary to Policy HO3 of the Local Plan.
- 2.5 Paragraph 9.48 of the main report states that the proposed housing mix is not reflective of the SHMA, as required by policy HO2. No evidence of local circumstances/ market conditions has been undertaken to show an alternative housing mix would be more appropriate. Although this proposal does not strictly meet the mix requirements of Policy HO2, it is considered that there is a suitable mix of 2,3 and 4+ beds dwellings, and it is considered that the scheme would broadly meet the aims of this policy. As such, recommended reason for refusal 8 has been removed.
- 2.6 Paragraphs 9.76-87 in the main report cover the scheme's flooding considerations. The submitted alternative evacuation route shows an escape route to a parcel of land in the applicant's ownership directly adjacent to the site and Blackboy Lane. However, this route is a continuation of the site's dry island, and it is surrounded by land within the floodplain. An evacuation point to an area of land which is surrounded by flood zone (a dry island) is not considered to be a suitable location for future occupiers to go to in the event of a flood.

