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Notice of Meeting

Maidenhead Development Management Committee

Councillors Joshua Reynolds (Chair), Siân Martin (Vice-Chair), Maureen Hunt, Leo Walters, Mandy Brar, Geoff Hill, Helen Taylor, Gary Reeves and Kashmir Singh

Wednesday 18 October 2023 7.00 pm

Council Chamber - Town Hall, Maidenhead & on [RBWM YouTube](#)

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Agenda

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1	Apologies for Absence To receive any apologies for absence.	
2	Declarations of Interest To receive any declarations of interest.	3 - 6
3	Minutes To approve the minutes of the meeting held on the 20 th of September as a true and accurate record.	7 - 10
4	22/02820/FULL Land To The South of Valentines The Straight Mile Shurlock Row Reading PROPOSAL: Installation of a solar energy park comprising ground mounted photovoltaic solar panels, power stations, a substation, ancillary buildings and associated plant and equipment, a new access from The Straight Mile (B3018), the installation of hardstanding, fencing, CCTV apparatus, landscaping and biodiversity enhancement for a period of 35 years. RECOMMENDATION: PERM APPLICANT: Mr Bellm EXPIRY DATE: 17 January 2023	11 - 84
5	23/00511/FULL Land South And East of Badgers Wood Kimbers Lane Maidenhead PROPOSAL: 215no. dwellings with access, landscaping, open space, parking and associated infrastructure. RECOMMENDATION: PERM EXPIRY DATE: 20 October 2023	85 - 114

6	<p>23/00814/FULL Zaman House And Awan House Church Road Maidenhead</p> <p>PROPOSAL: Construction of 5no. dwellings with cycle and bin storage and alterations to existing vehicular and pedestrian access following demolition of existing dwellings.</p> <p>RECOMMENDATION: REF</p> <p>APPLICANT: Mr Iqbal</p> <p>MEMBER CALL-IN: Cllr Geoffrey Hill</p> <p>EXPIRY DATE: 25 May 2023</p>	115 - 144
7	<p>Planning appeals received and planning decision report</p> <p>Committee Members to note the report.</p>	145 - 146

By attending this meeting, participants are consenting to the audio & visual recording being permitted and acknowledge that this shall remain accessible in the public domain permanently.

Please contact Will Ward, Will.Ward@RBWM.gov.uk, with any special requests that you may have when attending this meeting.

Published: Tuesday 10 October 2023



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 Background Papers that have been relied on to a material extent in the formulation of the report and recommendation.

The 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 within the report, 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, The National Planning Policy Framework, National Planning Practice Guidance, National Planning Circulars, 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 within the report.

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 AT 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 Disclosable Pecuniary Interest (DPI) or Other Registerable 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.

Any Member with concerns about the nature of their interest should consult the Monitoring Officer in advance of the meeting.

Non-participation in case of Disclosable Pecuniary Interest (DPI)

Where a matter arises at a meeting which directly relates to one of your DPIs (summary below, further details set out in Table 1 of the Members' Code of Conduct) you must disclose the interest, **not participate in any discussion or vote on the matter and must not remain in the room** unless you have been granted a dispensation. If it is a 'sensitive interest' (as agreed in advance by the Monitoring Officer), you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted by the Monitoring Officer in limited circumstances, to enable you to participate and vote on a matter in which you have a DPI.

Where you have a DPI on a matter to be considered or is being considered by you as a Cabinet Member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

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 (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her 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 council.*
- *Any licence to occupy land in the area of the council for a month or longer.*
- *Any tenancy where the landlord is the council, and the tenant is a body in which the relevant person has a beneficial interest in the securities of.*
- *Any beneficial interest in securities of a body where:*
 - a) *that body has a place of business or land in the area of the council, 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.

Disclosure of Other Registerable Interests

Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (summary below and as set out in Table 2 of the Members Code of Conduct), you must disclose the interest. **You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.** If it is a 'sensitive interest' (as agreed in advance by the Monitoring Officer), you do not have to disclose the nature of the interest.

Other Registerable Interests:

- a) any unpaid directorships
 - b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
 - c) any body
 - (i) exercising functions of a public nature
 - (ii) directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)
- of which you are a member or in a position of general control or management

Disclosure of Non- Registerable Interests

Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a DPI) or a financial interest or well-being of a relative or close associate, or a body included under Other Registerable Interests in Table 2 you must disclose the interest. **You may speak on the matter only if members of the public are also allowed to speak at the meeting** but otherwise **must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation**. If it is a 'sensitive interest' (agreed in advance by the Monitoring Officer) you do not have to disclose the nature of the interest.

Where a matter arises at a meeting which **affects** –

- a. your own financial interest or well-being;
- b. a financial interest or well-being of a friend, relative, close associate; or
- c. a financial interest or well-being of a body included under Other Registerable Interests as set out in Table 2 (as set out above and in the Members' code of Conduct)

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied.

Where a matter (referred to in the paragraph above) **affects** the financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise **must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation**. If it is a 'sensitive interest' (agreed in advance by the Monitoring Officer), you do not have to disclose the nature of the interest.

Other declarations

Members may wish to declare at the beginning of the meeting any other information they feel should be in the public domain in relation to an item on the agenda; such Member statements will be included in the minutes for transparency.

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Agenda Item 3

MAIDENHEAD DEVELOPMENT MANAGEMENT COMMITTEE

WEDNESDAY 20 SEPTEMBER 2023

Present: Councillors Joshua Reynolds (Chair), Siân Martin (Vice-Chair), Maureen Hunt, Leo Walters, Mandy Brar, Geoff Hill, Gary Reeves and Kashmir Singh

Also in attendance: Councillor Jack Douglas, Councillor Gurch Singh and Councillor George Blundell

Officers: Will Ward, Alison Long, Gilian Macinnes, Kirsty Hunt, Jeffrey Ng and Helena Stevenson, Sarah Tucker (virtual)

APOLOGIES FOR ABSENCE

Councillor Taylor sent apologies.

DECLARATIONS OF INTEREST

Councillor Mandy Brar stated that with Item number 2, there was a possible conflict but that the Legal department had cleared her to sit and vote on the panel. Councillor Brar stated that she came with an open mind.

Councillor Maureen Hunt said regarding application 22/0370/OUT, that Anglesea Capital LLP was a contributor to the British Airways pension fund. Councillor Hunt stated that she had a British Airways pension, Councillor Hunt stated that she had no knowledge of this and it would not affect her voting intentions.

MINUTES OF THE PREVIOUS MEETING

AGREED UNANIMOUSLY: That the minutes of the meeting held 16 August 2023 were a true and accurate record.

22/03270/OUT - Maidenhead Office Park Westacott Way Littlewick Green Maidenhead SL6 3QH

AGREED: That the order of the agenda was changed so that item 5 was heard first, with item 4 being heard second.

Councillor Hunt proposed a motion to refuse planning permission, this was against the officer's recommendation, this motion was seconded by Councillor Reynolds. This was due to inappropriate development in the Green Belt with no very special circumstances to outweigh this harm.

The proposal, by reason of the increase in floor area, volume, and overall scale of the building, would result in development which would constitute inappropriate development in the Green Belt which is by definition harmful to the Green Belt. Inappropriate development should not be approved except in very special circumstances. No very special circumstances associated with the development have been identified which would outweigh the harm to the Green Belt by reason of its inappropriateness.

Furthermore, the proposal, due to the large increase in scale of the building, would be harmful to the openness of the Green Belt. As such, the proposal fails to comply with paragraphs 147 and 148 of the NPPF and Borough Local Plan policy QP5.

In line with the Committee report, Officers have added the following two additional reasons for refusal:

In the absence of a completed legal agreement to secure the delivery and maintenance of biodiversity net, the proposal fails to secure a net gain in biodiversity, contrary to policy NR2 of the Borough Local Plan.

In the absence of a completed legal agreement to secure a travel plan for the development, the proposal fails to demonstrate that the proposals would not result in material harm to the safe and efficient operation of the surrounding highway network, contrary to policy IF2 of the Borough Local Plan.

A named vote was then taken.

22/03270/OUT - Maidenhead Office Park Westacott Way Littlewick Green Maidenhead SL6 3QH (Motion)	
Councillor Joshua Reynolds	For
Councillor Siân Martin	For
Councillor Maureen Hunt	For
Councillor Leo Walters	For
Councillor Mandy Brar	For
Councillor Geoff Hill	Against
Councillor Gary Reeves	For
Councillor Kashmir Singh	Against
Carried	

Agreed: The Motion to refuse planning permission was carried with six voting in favour and two voting against.

The Committee was addressed by four speakers Philip Pyle, Objector, Paul Martin, Parish Council, Mark Harris, Applicant and Councillor George Blundell.

The meeting was adjourned at 8:40 and re-convened at 8:55. Councillor Walters left the meeting at this point and took no further part.

21/02963/FULL - Land West of Switchback Road North And North of Nightingale Lane Maidenhead

Councillor Reeves proposed a motion to grant planning permission to the application, this was seconded by Councillor Hunt. It was recommended that the Committee granted planning permission with the conditions listed in Section 13 of the report and the committee update report. An additional condition was recommended, that measures be taken to further reduce the visual impact of the site, this included painting the silos green. That within one month of the date of the decision, further details of the green paint to be used for the painting of the feed silos shall be submitted to be approved in writing by the Local Planning Authority. Following approval of the details, the feed silos shall be painted in the approved green colour within one month, in accordance with the approved details and maintained thereafter. In the interests of the visual amenities of the area - Relevant Policies – BLP Policy QP3.

A named vote was taken.

21/02963/FULL - Land West of Switchback Road North And North of Nightingale Lane Maidenhead (Motion)	
Councillor Joshua Reynolds	For
Councillor Siân Martin	For
Councillor Maureen Hunt	For
Councillor Mandy Brar	For
Councillor Geoff Hill	For
Councillor Gary Reeves	For
Councillor Kashmir Singh	For
Carried	

Agreed: The Motion to grant planning permission was carried with six voting in favour and one voting against.

The Committee was addressed by three speakers Dick Scarff, Objector, Parish Councillor Jacqui Edwards and Mumtaz Alam, Applicant.

23/01142/FULL - Land Between Gringer Hill And Hargrave Road Maidenhead

Councillor Reeves proposed a motion that planning permission be granted subject to the following:

- The Completion of a Section 106 legal Agreement to secure Carbon Offset Contributions, the requisite Lifestyle Contribution, and a mechanism to secure compliance testing and any resulting shortfall. Payments, pursuant to the Position Statement on Sustainability and Energy Efficient Design – March 2021.
- Travel plan; and,
- A financial contribution of £367,500 in lieu to provide affordable housing on an alternative site.
- The conditions as listed in Section 15 of the report.

This was seconded by Councillor Hill.

A named vote was taken.

AGREED: That the motion to grant planning permission was carried unanimously.

23/01142/FULL - Land Between Gringer Hill And Hargrave Road Maidenhead (Motion)	
Councillor Joshua Reynolds	For
Councillor Siân Martin	For
Councillor Maureen Hunt	For
Councillor Mandy Brar	For
Councillor Geoff Hill	For
Councillor Gary Reeves	For
Councillor Kashmir Singh	For
Carried	

PLANNING APPEALS RECEIVED AND PLANNING DECISION REPORT

The committee noted the report.

The meeting, which began at 7.02 pm, finished at 9.45 pm

CHAIR.....

DATE.....

MAIDENHEAD DEVELOPMENT CONTROL PANEL

18 October 2023

Item: 1.

Application No.:	22/02820/FULL
Location:	Land To The South of Valentines The Straight Mile Shurlock Row Reading
Proposal:	Installation of a solar energy park comprising ground mounted photovoltaic solar panels, power stations, a substation, ancillary buildings and associated plant and equipment, a new access from The Straight Mile (B3018), the installation of hardstanding, fencing, CCTV apparatus, landscaping and biodiversity enhancement for a period of 35 years.
Applicant:	Mr Bellm
Agent:	Not Applicable
Parish/Ward:	Waltham St Lawrence Parish/Hurley And Walthams
If you have a question about this report, please contact: James Overall on or at james.overall@rbwm.gov.uk	

1. SUMMARY

- 1.1 The application seeks planning permission for a solar energy park comprising ground mounted photovoltaic solar panels, six small power stations to support the PV arrays, a substation compound with two ancillary buildings (comprising a DNO Control Room and a Client Control Room situated within the substation compound) and other associated security (comprising 1.8m deer fencing). Additionally, the proposal seeks to provide biodiversity enhancements across an area of land measuring 17.9 acres.
- 1.2 The proposed solar energy park is proposed to operate for a period of 35 years. The PV panels would have an output of approximately 21.505 megawatts (MW) with an annual energy delivery of 25.41 gigawatts-hours. The applicant sets out that this would be the equivalent supply of 6,336 homes at peak output representing a saving of around 5,476 tonnes of CO2 a year.
- 1.3 The Council's target is to go from 13.067 GWh/yr to ten times that (130.67 GWh/yr), which is an increase of 117.603 GWh/yr by 2025. The proposed solar farm therefore contributes 21.6% of the additional renewable capacity required to meet the 2025 target.
- 1.4 The applicant has agreed to establish a community fund, with the applicant making a financial contribution towards (based upon the number of MWs generated from the development. This contribution will be used for purposes which benefit the Borough's community i.e. combatting fuel poverty.
- 1.5 The proposal is inappropriate development within the Green Belt which is harmful. The scheme would impact upon the openness of the Green Belt and would result in encroachment which conflicts with one of the five purposes of the Green Belt. In this case the benefits of the scheme which consist of significant generation of renewable energy, a significant reduction in carbon emissions, which would help meet the Council' targets for carbon reduction, a community benefit through the establishment of a community fund, and a significant biodiversity net gain which are considered to amount to very special circumstances (VSC) which would clearly outweigh the harm to the Green Belt which is afforded substantial weight.

- 1.6 The application is supported by a Landscape and Visual Impact Assessment (LVIA). The LVIA assessed the likely impacts and effects of the proposed development that would arise from the development on 12 receptors. The report concluded that the most significant impact from the proposed development would be from the Straight Mile (B3018); however, to minimise the impact of this, the scheme has sought to retain existing landscaping features as well as introduce new boundary hedgerows and planting to reinforce the landscape value.
- 1.7 The proposal was the subject of consultations, and no objections were raised following the receipt of amended plans and reports, from Highways, the Lead Local Flood Authority, and the Council's ecologist.
- 1.8 The proposal is recommended for approval subject to the satisfactory undertaking of a legal agreement securing the establishment of a community fund with contributions of £250 a year per installed MW, index-linked (circa £5,000 per year), for the 35-year lifetime of the Asset.

It is recommended the Committee authorises the Head of Planning:	
2.	<ul style="list-style-type: none"> 1. To refer to application the Secretary of State under the Town and Country Planning (Consultation) (England) Direction 2021 with a recommendation to grant planning permission subject to the imposition of the planning conditions recommended in section 14 of the report and upon the satisfactory completion of an undertaking to secure the establishment of a community fund. 2. To refuse planning permission if a legal agreement to secure a community fund is not secured.

REASON FOR COMMITTEE DETERMINATION

- 2.1 The application is classified as a 'major' application due to the size of the application site, and therefore this application should be referred to the Maidenhead Development Management Committee.

3. THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is located to the south of The Straight Mile (B3018), comprising approximately 28.63 hectares of Grade 3 arable agricultural land; a mixture of Grade 3a and b, good to moderate). The site comprises three fields separated by hedgerows, trees and grass field margins. The land surrounding the application site is also primarily agricultural in nature. The M4 corridor is approximately 250m south of the application site. The village of Shurlock Row lies approximately 300m to the north-east of the application site.
- 3.2 The boundaries of the application site are largely bound by established hedgerows and trees, and there are numerous pockets of woodland in the area surrounding the application site, several of which are characterised as 'ancient'.
- 3.3 There are no residential properties immediately adjoining the site, with those nearest located approximately 150m to the north of the site, along The Straight Mile.
- 3.4 A Public Right of Way runs north-south adjacent the eastern edge of the land designated for biodiversity net gain.

4. KEY CONSTRAINTS

4.1

- Green Belt
- Minerals safeguarding
- TVERC Ancient Woodland
 - Surrell's Wood
 - The Gravelpits
 - Bushy Lees
- TVERC Local Wildlife Site
 - Surrell's Wood
 - The Gravel Pits/Old Gravel Pits
 - Bushy Lees
- Public Right of Way (PROW)
- Archaeology

5. THE PROPOSAL

- 5.1 The application seeks planning permission for the installation of a solar energy park comprising ground mounted photovoltaic solar panels, six power stations (12.19m in length, by 2.44m in width by 2.90m in height), a substation and ancillary buildings to operate for a period of 35 years. As part of the proposal further landscaping and biodiversity enhancements are sought. The proposed landscaping and ecological enhancements will also need to be maintained to ensure compliance with the Ecological Mitigation, Enhancement & Management Plan (MM Arboriculture Ltd, August 2022).
- 5.2 The application site is divided into two main fields (east and west) with the western-most field hosting the solar arrays and the eastern-most hosting the biodiversity enhancements.
- 5.3 Within the western-most field, the solar arrays are to be situated in rows 1.5m away from one another, each tilted at an angle of 25° with a maximum height of 1.59m (from ground level). The bottom of the panels will be 0.63m above the ground to allow sheep to pass underneath. The substation compound will be in the south-east of this field, which will contain two outbuildings (a DNO Control Room measuring 10.87m in length, 4.7m in width and 4.775m in height; and a Client Control Room measuring 16.19m in length, 4.7m in width and 4.775m in height).
- 5.4 The eastern-most field will contain three SUDs in the form of two shallow flow ponds or clay lined scrapes planted with marginal aquatics; and one shallow depression bio-retention area or scrape planted with wild grasses. The biodiversity area will also contain beetle & bee banks/mounds with low grass; a collection of beehives; piles of logs, brash and leaves; and additional planting of native species within the existing hedgerow boundaries.
- 5.5 The solar farm will be contained within a 1.8m deer fence and access to the site is sought via a new access from The Straight Mile (B3018).
- 5.6 Whilst there are no official public rights of ways running through the applications site, there is a permissive dog walking route through the existing site which is to be

relocated and realigned approximately 10 metres further south to allow the extension of the Gravel Pits woodland, which runs along the northern edge of the biodiversity area.

- 5.7 Originally the scheme sought to provide a hydrogen compound; however, due to many of the third-party letters objecting to this element of the scheme, the applicant removed this element of the scheme.

6. RELEVANT PLANNING HISTORY

- 6.1 None.

7. DEVELOPMENT PLAN

- 7.1 The main relevant policies are:

Adopted Borough Local Plan (2013-2033)

Issue	Policy
Spatial Strategy for the Borough	SP1
Climate Change	SP2
Sustainability and Placemaking	QP1
Green and Blue Infrastructure	QP2
Character and Design of New Development	QP3
Development in Rural Areas and Green Belt	QP5
Historic Environment	HE1
Nature Conservation and Biodiversity	NR2
Trees, Woodlands and Hedgerows	NR3
Renewable Energy Generation Schemes	NR5
Environmental Protection	EP1
Air Pollution	EP2
Artificial Light Pollution	EP3
Noise	EP4
Infrastructure and Developer Contributions	IF1
Sustainable Transport	IF2
Utilities	IF7

Adopted Hurley and the Waltham's Neighbourhood Plan (2015-2030)

Issue	Neighbourhood Plan Policy
Sustainable Development	ENV1
Climate Change, Flood and Water Management	ENV2
Character and Appearance, including Special Character	Gen 2
Highways and Parking	T1

8. MATERIAL PLANNING CONSIDERATIONS

8.1 National Planning Policy Framework Sections (NPPF) (2023)

- Chapter 2: Achieving sustainable development
- Chapter 4: Decision making
- Chapter 6: Building a strong, competitive economy
- Chapter 9: Promoting Sustainable Transport
- Chapter 11: Making effective use of land
- Chapter 12: Achieving well-designed places
- Chapter 13: Protecting Green Belt land
- Chapter 14: Meeting the challenge of climate change, flooding and coastal change
- Chapter 15: Conserving and enhancing the natural environment
- Chapter 16: Conserving and enhancing the historic environment

8.2 Supplementary Planning Documents

- Borough Wide Design Guide

8.3 Other Local Strategies or Publications

Other Strategies or publications material to the proposal are:

- RBWM Landscape Assessment
- RBWM Parking Strategy
- Interim Sustainability Position Statement
- Corporate Strategy
- Environment and Climate Strategy

9. CONSULTATIONS CARRIED OUT

Comments from interested parties

16 occupiers were notified directly of the application.

The planning officer posted two notices advertising the application at the site on 23rd November 2022 and the application was advertised in the Local Press on 10th November 2022.

12 letters were received objecting to the application, which can be summarised as follows:

Comment	Where in the report this is considered

1.	Proposal would impact on the Green Belt conflicting with NPPF policies	Section 10
2.	Proposal would cause light pollution	Section 10
3.	Noise and pollution arising from HGV vehicles accessing and passing the site	Section 10
4.	Height of the infrastructure is excessive	Section 10
5.	The area around the site is prone to flooding which the proposal will exacerbate	Section 10
6.	Concerns that the site are could be enhanced under future applications	Section 10
7.	The proposal would impact a green area and wildlife habitat	Section 10

Statutory Consultees

Consultee	Comment	Where in the report this is considered
Natural England	No objections.	
Highways	Initial concerns have been addressed with amended plans. No objection to the proposal subject to the use of planning conditions	Section 10
LLFA	No objections subject to the use of planning conditions	Section 10

Consultee responses

Consultee	Comment	Where in the report this is considered
Berkshire Archaeology	Berkshire Archaeological note the content of the desk based assessment and agree with its conclusions. Mitigation may be required in the form of a condition.	Section 10
Environmental Protection	The submitted CEMP has many aspects missing. Whilst these missing aspects would not mean an objection, we would require these to be managed through the application of a suitably worded condition (CEMP)	Section 10
Ecology	No objections subject to the use of conditions	Section 10

Amenity Groups & Other

Consultee	Comment	Where in the report this is considered
Waltham St Lawrence & Shurlock Row Preservation Society	Excessive height	Section 10
	Inappropriate development within the Green Belt	Section 10
	Noise pollution	Section 10
	Light pollution	Section 10
	Bore hole is near ancient woodland and could impact the water table and the viability of habitats	Section 10
	New road will have a visual impact given the width of 31m, and may have highway safety issues	Section 10
	Outlook impact upon neighbouring residents	Section 10
	Should be located in industrial and commercial areas i.e. on rooftops - not in the Green Belt	Section 10

10.	Privacy intrusion from CCTV	Section 10
	Legal agreement required for duration, else no finality	Section 10
	Loss of food production	Section 10

EXPLANATION OF RECOMMENDATION

10.1 The key issues for consideration are:

- i Green Belt
- ii Landscape and Visual Impact
- iii Climate Change, Sustainability & Renewable Energy Generation
- iv Effect on agricultural land
- v Trees
- vi Ecology
- vii Heritage assets
- viii Highways
- ix Impact on neighbouring amenity
- x Other material considerations
- xi Planning Balance

i. Principle of Development

Green Belt

- 10.1 The entire site lies within the Metropolitan Green Belt and the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 149 and 150 of the NPPF (2023) states that new buildings and certain other forms of development in the Green Belt would be regarded as inappropriate development with some exceptions. The NPPF is the most up-to-date expression of Government intent and given significant weight. Adopted Borough Local Plan policy QP5 also sets out the exceptions to inappropriate development in the Green Belt., which is line with that set out in the NPPF.
- 10.2 The proposed development would not fall under any of the exceptions noted within paragraphs 149 and 150 of the NPPF (2023) nor within Policy QP5 of the Local Plan. Therefore, this development is deemed to be inappropriate development and would be, by definition, harmful to the Green Belt. The NPPF is clear that any harm to the Green Belt is given substantial weight.
- 10.3 Paragraph 151 of the NPPF (2023) goes on to say, *“When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider*

environmental benefits associated with increased production of energy from renewable sources”.

Impact on openness and other purposes of the Green Belt

- 10.4 In terms of openness, the judgement of *Europa Oil & Gas Ltd v Secretary of State for Communities and Local Government* (2014) confirms that the mere presence of development where there is currently no development should not be taken as a breach of the proviso of preserving openness. A broader interpretation of the preservation of openness should therefore be applied.
- 10.5 Paragraph 137 of the NPPF notes that the fundamental aim of the Green Belt is to prevent urban sprawl and keep land permanently open. Openness has both visual and spatial qualities. The site consists of three fields, of which one is to host the solar arrays, one is to provide an access road to the solar arrays and the other is to provide on-site biodiversity. These fields are all enclosed by trees and hedge boundaries, including some woodland areas. In terms of topography, the site is within gently undulating land.

Visual and Spatial Impacts

- 10.6 From a spatial perspective, the proposed solar panels would introduce development into the area in terms of ground cover due to the quantity of arrays within the scheme (1,620 grounded mounted racks, each with 24 solar panels attached, totalling approximately 38,854 panels). Furthermore, the associated access track, substation, inverter stations, fencing and CCTV facilities would result in additional built form that would further diminish the openness of the Green Belt spatially.
- 10.7 Nevertheless, the proposed solar arrays would be relatively modest in height and would be spaced out at regular intervals reducing the overall scale of the development. Given this modest height of 1.59m, taking into consideration the topography of the landform and the extent of existing screening, the overall visual effect of the proposal from wider views (i.e. The Straight Mile, the PRoW and motorway crossing bridges) would be limited. In addition to existing screening, further planting is proposed which will further aid with restricting wider public views into the site (albeit taking time to mature).
- 10.8 The most prominent views into the site will be from the permissive dog walking footpath, which passes directly by the proposed deer fencing, giving full visibility into the solar array. These views are only possible given the short distances involved and the wider views as noted in the above paragraph will be relatively unaffected.
- 10.9 It is also important to consider the duration of a development, and its permanence when considering openness. The proposed development would be in place for a 35-year period. It would then be fully demounted, and land returned to its former condition, at the end of its use. As such, whilst 35 years is a long period of time, it is not permanent. Therefore, the impact on the openness of the Green Belt would be impacted for a period of time, but after that the site would be reinstated to its former open character.
- 10.10 With regard to the degree of activity likely to be generated, the development would generate a higher level of activity during the construction period. Once built and operational, people would only need to visit for maintenance purposes which would

not be a regular occurrence, and so activity generation would be low during operation. Taking all of these factors into account, it is considered that the development would have a moderate impact on the openness of the Green Belt.

- 10.11 Paragraph 138 of the NPPF defines the five key purposes of the Green Belt. These are:
1. to check unrestricted sprawl of large built-up areas,
 2. prevent neighbouring towns merging,
 3. safeguard the countryside from encroachment,
 4. preserve the setting of historic towns, and
 5. assist in urban regeneration (by encouraging the reuse of urban land).
- 10.12 Given the location of the site is not close to a built-up area, it is not considered that the proposal would contribute towards urban sprawl or towns merging, and it would not affect the setting of historic towns. Nevertheless, the proposal would result in encroachment.
- 10.13 In terms of encroachment, the proposed scheme would place a large number of solar arrays across a field. Their operation would be supported by power stations, a main substation, 1.8m deer fencing and CCTV. Although maintaining some space between them, the arrays and associated equipment would fundamentally alter the appearance of the field. This would alter from an open green space to accommodating solar equipment, which would result in encroachment, and so the proposal conflicts with this purpose of the Green Belt.
- 10.14 A further purpose of the Green Belt is to deflect new development towards previously developed land (PDL) to assist in urban regeneration. The applicant notes that it would not be feasible to locate the scheme elsewhere as several factors were taken into consideration whilst identifying a site – principally due to its favourable technical characteristics, which include:
- space,
 - proximity to the grid connection point, and
 - the export parameters of the local electrical distribution infrastructure.
- 10.15 The importance of proximity of the connection point and export availability over the 132kv lines cannot be understated for a sustainable energy scheme of this nature. Even if an alternative area of land could be identified outside the Green Belt, it is not guaranteed that the technical aspects of such a site would be suitable. In particular, a grid connection is essential for any solar project as electricity generated must be exported to the end user. The connection point and availability of space on the Network are therefore critical factors in determining the suitability of the site. The local Distribution Network Operator (DNO), SSE, has confirmed that suitable capacity is only available on the 132kV system in this area. The application site has an existing oversailing 132KV power line which will act as the connection point for the solar farm and will be done using a point of connection mast. An alternative site without such a connection would require cabling to a substation, the nearest of which are located in Fleet and Wokingham. This would cause considerable disruption; environmental impacts and the expense would render the project unfeasible.
- 10.16 In addition to the above, Officers are of the opinion that the reuse of PDL for such a scheme would unlikely secure the most efficient or optimum reuse of such land for a temporary period of time. Accordingly, it is considered that the proposal would not be in conflict with the purpose of assisting in urban regeneration.

10.17 The proposal is inappropriate development, which is by definition harmful to the Green Belt. It would result in moderate harm to the openness of the Green Belt and would result in encroachment which conflicts with one of the purposes of the Green Belt. Accordingly, the proposed development would conflict with Policy QP5 of Borough Local Plan (BLP) and Chapter 13 of the NPPF. Planning policy is clear that substantial weight is afforded to any harm to the Green Belt, and a development should only be approved if there is a case of Very Special Circumstances which clearly outweighs the harm to the Green Belt and any other harm arising. The case of Very special Circumstances is considered in the planning balance at the end of this report.

ii. Landscape and Visual Impact

10.18 The appearance of a development is a material planning consideration and the National Planning Policy Framework, Section 12 (Achieving Well-Designed Places) and Local Plan Policy QP1 and QP3, advises that all development should seek to achieve a high quality of design that improves the character and quality of an area.

10.19 A Landscape Visual Impact Assessment (LVIA) was submitted with the application to assess the impact of the proposed development focusing on the impact and effects of the proposal once constructed, taking into account the proposed mitigation landscaping. Whilst the survey was undertaken during June and July 2022, it is unlikely that the site will be any further exposed during the winter months once the surrounding trees and hedgerows are not in leaf. This is due to the density of boundary hedging and woodland.

10.20 It should be noted that there is a distinction to be made between impact on landscape, which should be treated as a resource, and impact on visual amenity, which is the effect on people observing the development in places where it can be viewed, such as from roads, public rights of way and individual dwellings.

Landscape Character

10.21 The site is included in the National Landscape Character Area (NCA) for the Thames Valley, although it is close to the south-eastern edge of the Chilterns NCA. The Thames Valley is mainly a low-lying wedge-shaped area, widening from Reading and including Slough, Windsor, the Colne Valley, and south-west London Fridges. The landscape within this NCA is very diverse, with the River Thames providing a unifying feature.

10.22 In the RBWM Landscape Character Assessment (LCA), Shurlock Row is described as containing “*wooded clay farmland*” with the following characteristics:

- Flat - gently undulating landscape of large open rectilinear fields, mainly of arable crops
- Framework of mixed woodland including coniferous plantations
- Extensive areas of mature woodland of ancient origin
- Dispersed settlement of traditional farmsteads and manor houses with some modern extensions
- Farm diversification for business, horsiculture and recreation purposes
- M4 motorway with its associated infrastructure
- Transmission lines
- Rural lanes

- Ditches and fishponds

- 10.23 The proposed development would locate solar arrays within the existing field pattern. It would retain and enhance field boundaries, leaving wooded areas intact. It would retain the structure of field boundaries and keep field patterns intact. As such, the proposal would have a largely non-invasive impact on the landscape features defined as important to the character areas.
- 10.24 The application site represents only a small proportion of the national and county character areas. At a district level, the impact on the landscape would be greater, but as the existing natural features of the site would be largely retained and enhanced, the overall landscape effect would be limited. Furthermore, the solar arrays would be low-lying, open sided features that would be temporary in nature, limiting the overall effect on the wider landscape. However, the proposed development would alter the landscape with the introduction of industrial development and equipment, which would result in some localised landscape harm. As a consequence, the scheme would result in a moderate adverse impact on the area's landscape character.

Visual Impact

- 10.25 Visual amenity relates to the direct visual impacts on receptors (people) rather than on the landscape.
- 10.26 The LVIA analyses the landscape visual impacts and effects from 12 viewpoints of various distances, namely short, medium and long. The most significant impacts and effects are from 'internal' viewpoints, which reflect the most exposed boundaries of the site; however, these viewpoints are not in areas that are open to the public.
- 10.27 Some minor visual impacts are anticipated from a few external viewpoints (including the Public Right of Way bordering the biodiversity element); however, these are all anticipated to be 'glimpses', which will in time become obscured through the proposed planting scheme of trees and hedgerows.
- 10.28 The proposal will be most prominent from the Straight Mile, which will be further emphasised when the vehicular access is opened up to service the solar farm. Along this stretch of road, there are no safe public footpaths running east west on both sides of the Straight Mile and with a national speed limit at this point, vehicles are unlikely to be driving a speed of which the solar farm will be in view for long.
- 10.29 The LVIA proposes mitigation measures of proposed tree and shrub planting to reinforce the surrounding hedgerows, which help alleviate visual harm. As a consequence, the scheme would result in a limited adverse visual impact.

iii. Climate Change, Sustainability & Renewable Energy Generation

- 10.30 A material consideration in the determination of planning proposals for renewable energy are the National Policy Statements (NPS) for the delivery of major energy infrastructure. The NPSs recognise that large scale energy generating projects will inevitably have impacts, particularly if sited in rural areas. In September 2021, draft updates to the Overarching National Policy Statement for Energy (EN-1) and the National Policy Statement for Renewable Energy Infrastructure (EN-3) were published.

- 10.31 The draft NPS EN-3 states that:
“solar farms are one of the most established renewable energy technologies in the UK and the cheapest form of electricity generation worldwide. Solar farms can be built quickly and, coupled with consistent reductions in the cost of materials and improvements in the efficiency of panels, large scale solar is now viable in some cases to deploy subsidy free and little to no extra cost to the consumer.”
- 10.32 Both the existing and proposed NPSs state that the NPSs can be a material consideration in decision making on applications that both exceed or sit under the thresholds for nationally significant projects.
- 10.33 The UK Government has declared a climate emergency and set a statutory target of achieving net zero emissions by 2050, and this is also a material consideration. Since the declaration, the Sixth Assessment Report of the Intergovernmental Panel on Climate Change has indicated that there is a greater than 50% chance that global temperature increases will exceed 1.5 degrees Celsius above pre-industrial levels. The report indicates that delay in global action to address climate change will miss a rapidly narrowing window of opportunity to secure a liveable and sustainable future for all.
- 10.34 In response to this UK Government declaration, the Council produced an Environment and Climate Change Strategy which was approved by cabinet on 17th December 2020. This strategy sets out the Council’s Vision and actions to achieve the borough’s net-zero carbon emissions target by 2050 and the five-year approach to working in partnership with local communities to tackle this challenge, which includes a target to increase renewable energy generation capacity within the borough to 130,670 Mw by Dec-26. Once fully operational, this scheme is anticipated to have a rated output of approximately 21.505 MW of energy. The Department for Energy Security and Net Zero monitoring showed that at the end of 2022 the Borough had only 12.7 MW of installed renewable electricity capacity, to make any progress towards significantly increasing installed capacity before 2026 the Authority must enable provision of additional capacity.
- 10.35 The UK Energy White Paper, Powering our Net Zero Future (2020), describes the costs of inaction as follows:

“We can expect to see severe impacts under 3°C of warming. Globally, the chances of there being a major heatwave in any given year would increase to about 79%, compared to a 5% chance now. Many regions of the world would see what is now considered a 1-in-100-year drought happening every two to five years.

At 3°C of global warming, the UK is expected to be significantly affected, seeing sea level rise of up to 0.83 m. River flooding would cause twice as much economic damage and affect twice as many people, compared to today, while by 2050, up to 7,000 people could die every year due to heat, compared to approximately 2,000 today. And, without action now, we cannot rule out 4°C of warming by the end of the century, with real risks of higher warming than that. A warming of 4°C would increase the risk of passing thresholds that would result in large scale and irreversible changes to the global climate, including large-scale methane release from thawing permafrost and the collapse of the Atlantic Meridional Overturning Circulation. The loss of ice sheets could result in multi-metre rises in sea level on time scales of a century to millennia.”
- 10.36 The draft NSPs recognise that to meet the Government’s objectives and targets for net zero by 2050, significant large and small scale energy infrastructure is required. This includes the need to ‘dramatically increase the volume of energy supplied from low carbon sources’ and reduce the amount provided by fossil fuels. Solar and wind are

recognised specifically in Draft EN-1 (para 3.3.21) as being the lowest cost way of generating electricity and that by 2050, secure, reliable, affordable, net zero energy systems are 'likely to be composed predominantly of wind and solar'. The Government aims by 2030 to quadruple offshore wind capacity so as to generate more power than all homes use today. This would therefore be delivered in collaboration with solar energy, and other measures, to provide a robust supply.

- 10.37 Planning Practice Guidance (PPG), on renewable and low carbon energy, states that *"there are no hard and fast rules about how suitable areas for renewable energy should be identified, but in considering locations, local planning authorities will need to ensure they take into account the requirements of the technology and critically, the potential impacts on the local environment, including from cumulative impacts"* (Paragraph: 005 Reference ID: 5-005-20150618).
- 10.38 The NPPF explains that when dealing with planning applications, planning authorities should not require a developer to demonstrate a need for low carbon or renewable energy projects, and should recognise that even small-scale projects can help reduce greenhouse gas emissions. Paragraph 158(b) of the NPPF also explains that such schemes should be approved if any impacts are, or can be made, acceptable. Furthermore, it identifies once areas have been identified for such projects, by local authorities in local plans, any subsequent applications should demonstrate how they would meet the criteria used in identifying suitable locations.
- 10.39 Policy NR5 of the BLP establishes locational principles that guide its consideration of suitable sites. It requires proposals to minimise adverse impacts on landscape, wildlife, heritage assets and amenity. The proposed development has been designed in a sympathetic way, providing a significant amount of planting to benefit biodiversity as well as minimise the impact this scheme will have upon the landscape. As such, Officers consider that overall, the proposed scheme conforms with Policy NR5 of the Borough Local Plan
- 10.40 The Council's Interim Sustainability Position Statement (ISPS) and Policies SP2 and QP3 of the Borough Local Plan require developments to be designed to incorporate measures to adapt to and mitigate climate change. The Interim Sustainability Position Statement requires a financial contribution be made in the form of a) Building Emissions, to make up any zero-carbon deficit; and b) Lifestyle, to account for carbon production as a result of the development use (e.g. vehicle movements).
- 10.41 Solar panels emit around 50g of CO₂ per kWh produced in their first few years of operation; however, by the third year of having solar panels, most become carbon neutral. Given the proposed 35-year operation of this scheme it is evident that the scheme would be carbon neutral and therefore a carbon offset contribution would not be required in this instance. Overall, the proposal would deliver significant benefits to addressing climate change and a large-scale renewable scheme of this nature is essential to ensure any meaningful progress is made towards the meeting the renewable capacity target in the Climate Strategy. Significant weight is placed on these factors.

iv. Loss of Agricultural land

- 10.42 Chapter 15 of the NPPF emphasises the importance of protecting and enhancing the natural environment through planning policies and decisions. It outlines various principles and considerations related to biodiversity, habitats, landscape, pollution, and other environmental aspects.

- 10.43 Paragraph 174(b), of the Framework, places value on recognising the intrinsic character and beauty of the countryside including the best and most versatile agricultural land. The Framework's Glossary defines Best and Most versatile (BMV) agricultural land as being land in grades 1, 2 and 3a.
- 10.44 With regard to the loss of agricultural land, paragraph 175 of the NPPF states that plans should distinguish between the hierarchy of international, national, and locally designated sites and allocate land with the least environmental or amenity value, where consistent with other policies. Footnote 58 notes that when significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred over those of higher quality. This indicates a preference for safeguarding higher-quality agricultural land.
- 10.45 Policy QP5 of the Adopted Local Plan notes, "*The rural areas in the Royal Borough are defined as land within the Metropolitan Green Belt [and]...within rural areas, proposals should not result in the irreversible loss of best and most versatile agricultural land (grades 1, 2 and 3a)*".
- 10.46 The application site comprises a mixture of Grade 3a (good) and 3b (moderate) agricultural land; however, the applicant has not specified figures for the amount of land falling into each Grade 3 category, a precautionary approach has been applied and it is assumed that all the land is grade 3a – 'good' quality agriculture – and therefore the Officer's assessment is based on this. Policy QP5 (2) states, "*Within rural areas, proposals should not result in the irreversible loss of best and most versatile agricultural land (grades 1, 2 and 3a)*".
- 10.47 The proposal would remain in place for 35 years. In a recent appeal decision (APP/W1525/W/22/3300222) in Chelmsford, Essex for a solar farm, the Inspector gave consideration to the temporary nature (40-years) of the proposal, setting out that the likelihood of the scenario was that the land would revert back, or have the option to revert back to arable land meaning that the loss was not absolute (see Appendix C). The planning statement explains that resting the soil and improving the biodiversity of this site (including through the creation of enriched grassland) for the lifetime of the proposed solar energy park is anticipated to help improve the quality and nutrient content of the soil, so that once returned to agricultural use, the soil within this field will be more fertile and more productive than it is as present Whilst it is accepted that there would be a loss of agricultural land this would not be irreversible as set out in Policy QP5 (2) as the land would be returned to its current condition after the 35 year period. Due to there being some loss of Grade 3a agricultural land, albeit it is not an irreversible loss, there would be some conflict with planning policy, but for the reasons set out above this is afforded limited harm.

v. Trees

- 10.48 The application site is between three ancient woodlands:
- Surrells Wood – west (adjacent the application site boundary)
 - The Gravelpits – north-east (adjacent the application site boundary)
 - Bushy Lees – 125m south-east
- 10.49 The Gravelpits and Bushy Lees are also protected by Tree Protection Orders, as well as a couple of smaller woodlands east of the public right of way along the eastern side of the site.

- 10.50 Ancient woodland are areas that have been wooded continuously since at least 1600 AD. It includes:
- ancient semi-natural woodland mainly made up of trees and shrubs native to the site, usually arising from natural regeneration.
 - plantations on ancient woodland sites - replanted with conifer or broadleaved trees that retain ancient woodland features, such as undisturbed soil, ground flora and fungi.

10.51 Paragraph 180(c) of the NPPF states, *“development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient veteran trees) should be refused, unless there are wholly exceptional reasons and a compensation strategy exists”*.

10.52 The NPPG notes recommendations with regard to buffer zones for ancient woodlands. It states, *“the proposal should have a buffer zone of at least 15 metres from the boundary of the woodland to avoid root damage (known as the root protection area). Where assessment shows other impacts are likely to extend beyond this distance, the proposal is likely to need a larger buffer zone. For example, the effect of air pollution from development that results in a significant increase in traffic”*.

10.53 Additional guidance regarding buffer zones states, *“Where assessment shows other impacts are likely to extend beyond this distance, the proposal is likely to need a larger buffer zone. Where possible, a buffer zone should:*

- *contribute to wider ecological networks*
- *be part of the green infrastructure of the area*
- *A buffer zone should consist of semi-natural habitats such as:*
- *woodland*
- *a mix of scrub, grassland, heathland and wetland*

The proposal should include creating or establishing habitat with local and appropriate native species in the buffer zone”.

10.54 The proposal seeks to provide a 20-metre buffer zone along the shared boundary with Surrells Wood. This 20-metre buffer zone is upheld for the whole length of the application site, except at the proposed entrance where the splays erode this slightly, bringing the buffer zone to a minimum of 11 metres. It should however be noted that, the applicant intends to submit a revised plan to bring the access away from the buffer zone, so that it is not eroded at all. This revision is anticipated to be received prior to Committee and will be addressed via a committee update. Noting that T053 (Common Ash – Category C1) lying within this eroded area of the buffer zone is to be removed, it is unlikely that bringing the access across this area will have any wider impacts. A condition for tree removal will be imposed to ensure care is taken during these works to ensure the protection of other trees (and their roots) in the vicinity. The remainder of the buffer has a minimum distance of 18+ metres between the ancient woodlands and the access road, which would be sufficient to ensure there would not be any risk posed to the long-term health of trees within the ancient woodland. Further to this the supporting landscape input sets out that trees and hedgerows are to be largely untouched which collectively contribute to the visual and ecological value of the site. The other ancient woodlands are sufficiently far enough away to not be impacted by the proposed development.

10.55 The scheme does require the removal of other trees namely, T035 (Goat Willow – Category C2), T047 (Pedunculate Oak – Category U), T054 (Sycamore – Category U),

a section (approx. 52m²) of H001 (Mixed Species Group x200 – Categories C1, C2 and C3) and a section (approx. 73m²) of H005 (Common Hawthorn x100 – Categories C2, C3). These removals are required to facilitate the proposal; however, none of them have High or Medium amenity value as such the impact of the removal shall be negligible to the local landscape. The proposal seeks to provide a substantial amount of new planting within landscape layout as such the loss shall be mitigated.

- 10.56 Having regard for the detailed protection of existing trees and woodland features within the proposed scheme as well as the proposed planting schedule of further native species, it is considered that the proposal would both protect and enhance landscape features of high amenity value which in turn protects their habitat value. As such, no policy-based concerns are raised in this regard.

vi. Ecology

Biodiversity

- 10.57 Policy NR2 of the Borough Local Plan (Biodiversity) states:
“Development proposals will be expected to identify areas where there is opportunity for biodiversity to be improved and, where appropriate, enable access to areas of wildlife importance. Development proposals shall also avoid the loss of biodiversity and the fragmentation of existing habitats, and enhance connectivity via green corridors, stepping stones and networks. Where opportunities exist to enhance designated sites or improve the nature conservation value of habitats, for example within Biodiversity Opportunity Areas or a similar designated area, they should be designed into development proposals. Development proposals will demonstrate a net gain in biodiversity by quantifiable methods such as the use of a biodiversity metric”.
- 10.58 The application site comprises arable fields, hedgerows (priority habitats), ditches and trees. The site is surrounded by fields and hedgerows with tree lines and woodland priority habitat including ancient woodlands. The site falls within the Waltham to Binfield Woodlands Biodiversity Opportunity Area (BOA) and bounds three local wildlife sites. The identification of Berkshire's BOAs was a detailed assessment process funded by all Berkshire's Unitary Authorities and was undertaken by Thames Valley Environmental Records Centre (TVERC). This process took into account existing concentrations of habitat; important areas for rare species of principal importance; land with potential for habitat restoration; and several other factors (including geology, topography and hydrology). BOAs identify where the greatest opportunities for habitat creation and restoration lie, enabling the efficient focusing of resources to where they will have the greatest positive conservation impact.
- 10.59 The information provided within the plans and associated reports sets out that hedgerows and field margins which are of higher ecological value and support breeding birds are to be retained. A tree which was noted as have moderate potential for bats is to be retained which protects its ecological value. The proposal includes landscaping and biodiversity enhancements as set out in the supporting reports. The enhancements include provision of habitats for a wide range of fauna and a mosaic of flora for bees, butterflies, amphibians, reptiles and nesting birds. Habitat features are to be created which would connect to the existing oak trees on site, as well as new mixed hedgerows. Following detailed correspondence between the applicant and officers, it has been confirmed that the only native species of local provenance will be planted. The submitted plans show the numbers and types of vegetation/trees to be planted and the submitted tree & shrub planting schedule specifies heights and other details.

- 10.60 These enhancements proposed will result in a biodiversity net gain of 22.84% in habitat units and 24.58% in hedgerow units. The proposal has demonstrated that it would not harm existing habitat features as well as providing opportunity to enhance the current arrangement on site. As such, the proposal would not conflict with the aims of Policy NR2 of the Local Plan (2022), or the context of Chapter 15 of the NPPF (2023). A condition securing the net biodiversity gain is recommended (see condition 7). This condition will also require details for the long-term maintenance and management of the proposed landscaping and ecological enhancements.

vii. Heritage

- 10.61 The National Planning Policy Framework highlights the importance of conserving and enhancing heritage assets, which range from local historic sites to internationally recognized World Heritage Sites. Paragraph 189 of the NPPF notes their irreplaceable value and calls for their conservation according to their significance.
- 10.62 Designated heritage assets, including Conservation Areas and listed buildings, must be protected and their significance sustained (Paragraph 196 of the NPPF). The impact of development on heritage assets must be carefully considered; giving significant weight to conservation, particularly for assets of higher significance (Paragraphs 199-201 of the NPPF).
- 10.63 Paragraph 202 of the NPPF states that “*where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including where appropriate, securing its optimum viable use*”.
- 10.64 The Borough Local Plan also prioritises heritage assets with Policy HE1 highlighting the need to conserve and enhance the historic environment, requiring development proposals to preserve or enhance the character and significance of heritage assets.

Shurlock Row Conservation Area

- 10.65 In considering the application special regard has been paid to the desirability of preserving the buildings and conservation area, or their setting, or any features of special architectural or historic interest which they possess, as required Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 10.66 Whilst the application site is not situated within the Shurlock Row Conservation Area, extensive heritage assets, such as landscapes and townscapes, can include many heritage assets and their nested and overlapping settings, as well as having a setting of their own. A conservation area will include the settings of listed buildings and have its own setting, as will the village or urban area in which it is situated (explicitly recognised in green belt designations).
- 10.67 Officers consider that given the location of the proposed development, there will be some impact on the wider rural setting of the Conservation Area; however, the Conservation Area lies 245m north-east of the proposed solar arrays, which is a sufficient distance to ensure any harm resulting from the solar farm would be de minimis. It is considered the proposal would not harm the setting of the Shurlock Row Conservation Area.

Archaeology

- 10.68 The submitted Archaeological Desk Based Assessment has been reviewed and Berkshire Archaeology who agree with its conclusions that there is archaeological potential at this site. Therefore, mitigation may be required; however, with appropriate wording this can be conditioned.
- 10.69 Berkshire Archaeology have agreed with the applicant and their archaeological consultant (AOC) that a Written Scheme of Investigation (WSI) will be drawn up and submitted to Local Planning Authority by condition (9).

viii. Highways

- 10.70 Paragraph 111 of the NPPF (2023) states "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*". As part of the consultation process, the Councils highways team were consulted on the proposal.
- 10.71 Concerns have been raised through representations as to the impact of Heavy Goods Vehicles (HGVs) on the highway network which reflected some of the concerns raised by highways officers. Amended plans were provided by the applicant to address these concerns. These included demonstrating adequate visibility splays of at least 2.4m x 215m and turning areas within the site to ensure there was no conflict with highway safety by allowing vehicles to exit the site in forward gear thereby.
- 10.72 The route for construction traffic to take has been reviewed in detail by both Officers at RBWM and the adjoining authority of Wokingham. The route agreed on by both Authorities is for construction traffic to turn right at Diamond Jubilee Way roundabout and follow the Northern Distributor Road until it meets Reading Road, turn right and head northbound until the Winnersh Triangle and join the A329M there. This route is contained within a detailed Construction Management Plan.
- 10.73 Subject to appropriate highway conditions to ensure the gate set-back distance from the highway(20m), bonded surface material, there are no concerns from a highways perspective.

ix. Impact on neighbouring amenity

- 10.74 Paragraph 130 (f) of the NPPF (2023) and Policy QP3 of the Local Plan states that development works should not cause an unacceptable impact on the amenities of the immediate neighbouring properties.
- 10.75 Houses to the north of the application site would have views towards the proposed solar farm from their rear elevations; however, the loss or change to a view would not itself be a reason for refusal. Furthermore, at a distance of approximately 150 metres it is considered that it would be difficult to argue that the proposed solar panels would adversely affect outlook on the nearby houses to the east.
- 10.76 Additionally a combination of existing and extensive new tree and shrub planting will provide a visual buffer to screen the development.

- 10.77 It is considered that the solar panels on the would not result in any direct loss of outlook to any neighbouring property. The Environment Protection Team has not raised concerns about noise nuisance from the solar panels.
- 10.78 Construction traffic was considered by the Environment Protection Team to be main potential loss of amenity arising from the development, which is suggested to last upwards of 20 weeks. The submitted Construction Environmental Management Plan (CEMP) has been reviewed by the Environment Protection Team who conclude that it covers some of the required aspects, such as the requirement for road maintenance to prevent traffic noise, construction hours of working, speed limits and white noise alerts for reversing vehicles; however, many aspects are missing. However, the condition recommended by Environmental Protection for the CEMP requires details that are covered by other legislation, as such this condition is not recommended as it is not considered necessary.

x. Other Material Considerations

Minerals

- 10.79 The site lies within a mineral safeguarding area for sand and gravel in the Central and Eastern Berkshire Joint Minerals and Waste Plan.
- 10.80 Policy M2 of the Plan states that *“Non-minerals development in the Mineral Safeguarding Area may be permitted where it can be demonstrated through the preparation of a Mineral Resources Assessment, that the option of prior extraction has been fully considered as part of an application...”*. In this instance the proposed use is not permanent and does not preclude the future extraction of the resource. Paragraph 210 of the NPPF seeks to ensure that minerals resource *“are not sterilised by non-mineral development”* and in this case as a temporary use there would not be permanent sterilisation of the land would not conflict with the aims of policy M2 of the Plan or the NPPF.
- 10.81 The foundations of the ground mounted solar arrays would be less than 1.5m in depth. The proposed temporary development will not disturb and impact upon the resource. Any ground disturbance necessary to facilitate the solar energy park are likely to be akin to those associated with past agricultural practices on the site and, as no substantial excavations are proposed, any mineral resources in this location would be preserved as they are in situ and would not be permanently sterilised (in accordance with section 3(b) of Policy M2).
- 10.82 As such due to the shallow and temporary nature of the proposed development and the intention to return the land to arable use once the lifetime of the solar park has expired (with the exception of the Biodiversity Net Gain area which is to be maintained in perpetuity for the benefit of the environment and community), the resource will remain in situ for further extraction if the future minerals plan allocates the site and there is landowner desire and market demand for extraction.

Flooding and drainage

- 10.83 In line with Paragraphs 167 and 169 of the NPPF and Borough Local Plan NR1 there is a requirement for the provision of a sustainable drainage system as the site is over 1 hectare in area (therefore a major development).

- 10.84 The application was supported by a Flood Risk Assessment prepared by Brighton Consulting engineers Ltd. The application site is located within Flood Zone 1 which sets out that the risk of fluvial flooding is low, even where there may be an extreme flood event. The supporting report sets out that the site is at low risk of surface water flooding although it is acknowledged an area at the proposed entrance to the site is classified as medium to high.
- 10.85 The proposed biodiversity area contains three SUDs in the form of two shallow flow ponds or clay lined scrapes planted with marginal aquatics; and one shallow depression bio-retention area or scrape planted with wild grasses.
- 10.86 A recommendation for a pre-commencement condition for the submission of a surface water drainage strategy has been recommended by the LLFA, and a condition (13) is recommended to secure the detailed design.

Glint & Glare

- 10.87 From an aviation perspective the glint and glare assessment concluded that the proposed development is acceptable in this regard without the need for any mitigation measures.
- 10.88 From a residential dwelling perspective, the glint and glare assessment concluded that reflections are geometrically possible; however, due to existing screening (which will block the view of the reflective areas), no impact is foreseen and therefore no mitigation measures are necessary. Although additional planting is proposed within the hedgerow boundaries, which will assist with mitigating this regardless of the glint and glare assessment conclusions.
- 10.89 From a road receptor perspective, the glint and glare assessment concluded that reflections are geometrically possible towards 14 of the 19 identified road receptors along the B3019 (The Straight Mile), which is the equivalent of circa 1.4km. With that said, when taking into consideration the existing screening this is reduced to a 100m section of road. With regard to the M4, the glint and glare assessment concludes that reflections are geometrically possible towards 7 of the 22 identified road receptors, which is the equivalent of circa 700m. With that said, when taking into consideration the existing screening and terrain, there will be no impact. Regardless, additional planting is proposed within the hedgerow boundaries, which will assist with mitigating any glint and glare towards both The Straight Mile and the M4. No impact is foreseen upon drivers travelling across the M4, and no mitigation is required

EIA

- 10.90 The proposed development is not considered to require an Environmental Impact Assessment (EIA). Under the EIA regulations proposed solar panels are not classed as 'Schedule 1' development, for which all proposals will require an EIA. As such, a criteria-based approach is used to determine if 'Schedule 2' development requires EIA. In Schedule 2, Part 3 (a), the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, defines what is classified as Schedule 2 development in relation to the proposed form of development. Column 1 - Description of development: '(a) Industrial installations for the production of electricity, steam and hot water (unless included in Schedule 1);' Column 2 - Applicable thresholds and criteria: 'The area of the development exceeds 0.5 hectare.'

10.91 The thresholds are meant to be indicative for the purposes of assessing whether an EIA is required and are not definitive. In this particular case, whilst the overall area of the site as outlined in red is 28.63 ha; given the nature of the proposal it is not considered that the development requires the submission of a separate EIA Statement. Indeed, the impacts of the proposal can be adequately assessed via the planning application.

Security Matters

10.92 The application proposal has been designed to include security features such as CCTV on high poles and fencing 1.8m in height constructed from galvanised steel fencing, supported by wooden stakes to be installed around the perimeter of the solar array.

10.93 The previously noted appeal, which was allowed (paragraph 10.46) in Chelmsford, England also referenced that a local police force had identified that solar farms, within other parts of the UK had been the target of theft. Whilst the Inspector considered there was no compelling evidence that the proposal would be especially vulnerable to theft, the Inspector recognised the need for security whereby natural surveillance is not viable owing to the isolated location of the site.

Section 106 contributions

10.94 The three tests set out in Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010 require S106 agreements to be:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

10.95 Regulation 123 of CIL Regulations states that a planning obligation may not constitute a reason for granting planning permission where the obligation provides for the funding or provision of an infrastructure project or type of infrastructure and five or more separate planning obligations for the funding or provision of that project or type of infrastructure have been entered into.

Community Fund

10.96 Following discussions between officers and the applicant, the applicant has agreed to provide a community fund to be established of £250 a year per installed MW, index-linked (circa £5,000 per year), for the 35-year lifetime of the Asset. The provision of the community benefit is a significant benefit arising from the proposed development, which has been considered in the planning balance. This community fund would be secured by legal agreement.

xi. Planning Balance

10.97 The entire site lies within the Metropolitan Green Belt and the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 149 and 150 of the NPPF (2023) states that new buildings and certain other forms of development in the Green Belt would be regarded as inappropriate development with some exceptions.

- 10.98 The proposed development would not fall under any of the exceptions noted within paragraphs 149 and 150 of the NPPF (2023). Therefore, this development is deemed to be inappropriate development and would be, by definition, harmful to the Green Belt. The NPPF is clear that any harm to the Green Belt is given substantial weight.
- 10.99 Paragraph 151 of the NPPF (2023) states, *“When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources”*.
- 10.100 The proposal would result in inappropriateness development within the Green Belt which must be afforded substantial weight, conflicting with the purpose of encroachment. From an openness perspective, the assessment sets out that moderate harm is awarded in this regard. In addition, the proposal would result in some moderate harm to the landscape character and wider area and would have a limited adverse visual impact. The proposal would also result in the loss of a small proportion of grade 3a (good agricultural land), although officers would afford this limited harm.
- 10.101 RBWM does not have any allocated sites for renewable energy however, Policy NR5 of the BLP does establish locational principles that guide its consideration of suitable sites. It requires proposals to minimise adverse impacts on landscape, wildlife, heritage assets and amenity. The proposed development has been designed in a sympathetic way, providing a significant amount of planting to benefit biodiversity as well as minimise the impact this scheme will have upon the landscape. As such, Officers consider that the proposed scheme conforms with Policy NR5 of the Borough Local Plan and the wider environmental benefits associated with the production of energy from renewable sources strongly weighs in favour of the scheme.
- 10.102 The proposal would deliver a renewable energy facility that would create up to 21.505 megawatts (MW) of power per year. This would provide power for around 6,336 homes and result in a likely carbon dioxide displacement of around 5,476 tonnes per year. The challenges of emissions are embedded within the NPPF (2023) and Local Plan (2022) in accordance with the Climate Change Act (2008). Section 14 of the NPPF (2023) sets out the government strategy to supply renewable and low-cost energy and as such, the delivery of such projects are key to the countries move towards a low carbon future. In addition, there are no other sites identified within the development plan for similar proposals. At the end of 2022 the Borough had only 12.7 MW of installed renewable capacity, this is one of relatively few projects which has the potential to meaningfully contribute towards the 2026 renewable generation objective set out within the Boroughs Environment and Climate Strategy. The applicant anticipates this scheme to be installed prior to 2026 should permission be granted. As such the delivery of a renewable energy scheme that would deliver significant carbon savings and generate significant amount of renewable energy over the lifetime of the development is given substantial weight as a benefit.
- 10.103 The applicant has agreed to establish a community fund, to which a contribution of £250 a year per installed MW, index-linked (circa £5,000 per year), shall be provided for the 35-year lifetime of the Asset. Moderate weight is given to this benefit of the scheme.
- 10.104 Furthermore, the proposal results in a significant uplift in biodiversity enhancement within the site which would weigh in favour of the scheme. It is intended that the biodiversity area will be publicly accessible, thereby creating a community asset which

will also help to support the health and wellbeing of local residents. These benefits are afforded substantial weight in favour of the scheme.

10.105 As such based on the benefits of the scheme summarised above and the weight attached to these benefits, collectively these are considered to amount to Very Special Circumstances that clearly outweigh the harm to the Green Belt and the other harm identified.

11. COMMUNITY INFRASTRUCTURE LEVY (CIL)

11.1 The development is not CIL liable.

12 CONCLUSION

12.1 The application is recommended approval subject to conditions detailed in Section 14 and the signing of a legal agreement to secure the community fund.

13. APPENDICES TO THIS REPORT

- Appendix A – Site location plan and site layout
- Appendix B – Plan and elevation drawings
- Appendix C – Appeal decision APP/W1525/W/22/3300222

14. 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 planning permission hereby granted shall be limited to a period of 35 -years commencing from the date electricity generated by the solar panels is first exported to the National Grid. The applicant shall advise the Local Planning Authority of the date of first export of electricity within 10 days.

Reason: The development is found acceptable on the basis will operate for a 35 year period.

3 At the end of this 35-year period, the development shall be removed, and the land restored to its previous agricultural use in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory restoration of the land back to its former state.

4 Prior to any equipment, machinery or materials being brought onto the site in association with the construction of this permission, tree protection fencing in accordance with British Standard 5837 and the approved tree protection plan shall be erected and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

Reason: To protect trees which contribute to the visual amenities of the site and

surrounding area and in accordance with Policy NR3 of the adopted Borough Local Plan (February 2022).

- 5 No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan for biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones" including a minimum 15 meter buffer from ancient woodland.
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements and should include all mitigation measures recommended in section 9 of the Preliminary Ecological Appraisal report (John Wenman Ecological Consultancy, August 2022, ref: R3111/b).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.
- Reason: To minimise impacts on biodiversity in accordance with Paragraphs 174 and 180 of the NPPF.
- 6 No external lighting is to be installed without the prior written permission of the local planning authority. Any external lighting shall be undertaken in accordance with the details approved by the LPA.
- Reason: To limit the impact of light pollution from artificial light on nature conservation in accordance with paragraph 185 of the NPPF.
- 7 No development shall take place until full details of a Biodiversity Net Gain (BNG) Plan for onsite delivery (including a 15 meter buffer from all ancient woodland), monitoring of Biodiversity Net Gain, and a Habitat Management Plan have been submitted to and approved in writing by the local planning authority. The plans shall deliver a measurable increase in habitat units which will be clearly demonstrated therein (using calculations from an appropriate metric such the DEFRA 4.0) and their maintenance for a period of 35-years. The BNG Plan shall include (but not be limited to) the following:
- a) A habitat management plan
 - b) Long term aims and objectives for habitats and species
 - c) Detailed management prescriptions and operations for newly created habitats, locations, timing, frequency, durations, methods, specialist expertise (if required), specialist tools/ machinery or equipment and personnel as required to meet the stated aims and objectives
 - d) A detailed prescription and specification for the management of the new habitats
 - e) Details of any management requirements for species specific habitat enhancements
 - f) Annual work schedule for at least a 35-year period
 - g) Detailed monitoring strategy for habitats and species and methods of measuring progress towards and achievement of stated objectives
 - h) Details of proposed reporting to the council and council ecologist and proposed

review and remediation mechanism

i) Proposed costs and resourcing and legal responsibilities The Biodiversity Gain and Habitat Management Plan shall be implemented in accordance with the agreed details and timetable, and all habitats and measures shall be retained and maintained thereafter in accordance with the approved details.

Reason: To ensure the provision of a net gain for biodiversity, in accordance with the NPPF and local policy NR2.

- 8 The biodiversity enhancements shown within the Landscape, Planting and Habitat Proposals for New Biodiversity Site (Drawing no 411/06B, 26/08/22) and described in the Ecological Mitigation, Enhancement and Management Plan (Matthew Game Consultancy), but that will not be included in the biodiversity net gain plan, to include (but not limited to) beetle banks, beehives, log piles, and bird and bat boxes, shall be installed under the supervision of a suitably qualified ecologist, prior to the first use of the solar farm hereby approved.
- 9 No development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation (WSI) has been submitted to, and approved by, the local planning authority in writing. The WSI shall include an assessment of significance and research questions; and:
- 1.The programme and methodology of site investigation and recording
 - 2.The programme for post investigation assessment
 - 3.Provision to be made for analysis of the site investigation and recording
 - 4.Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - 5.Provision to be made for archive deposition of the analysis and records of the site investigation
 - 6.Nomination of a competent person or persons/organisation to undertake the works set out within the WSI.
- Reason: The site lies in an area of archaeological potential, particularly for, but not limited to, Prehistoric Roman and Medieval remains. The potential impacts of the development can be mitigated through a programme of archaeological work. This is in accordance with national and local plan policy.
- 10 The Development shall take place in accordance with the Written Scheme of Investigation approved under condition (9).The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the WSI approved under condition (9) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
- Reason: The site lies in an area of archaeological potential, particularly for, but not limited to, Prehistoric Roman and Medieval remains. The potential impacts of the development can be mitigated through a programme of archaeological work. This is in accordance with national and local plan policy.
- 11 Any gates provided shall open away from the highway and be set back a distance of at least twenty (20) metres from the nearside edge of the carriageway of the adjoining highway.
- Reason: To ensure that all vehicles associated with the site can be driven off the highway before the gates are opened, in the interests of highway safety. Relevant Policies - Borough Local Plan QP3 and IF2.
- 12 The access hereby approved shall be surfaced with a bonded material across the entire width of the access for a distance of at least twenty (20) metres measured back from the highway boundary.

Reason: To avoid spillage of loose material onto the carriageway which could adversely affect conditions of highway safety. Relevant Policies - Borough Local Plan QP3 and IF2.

- 13 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) 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.
- 14 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.

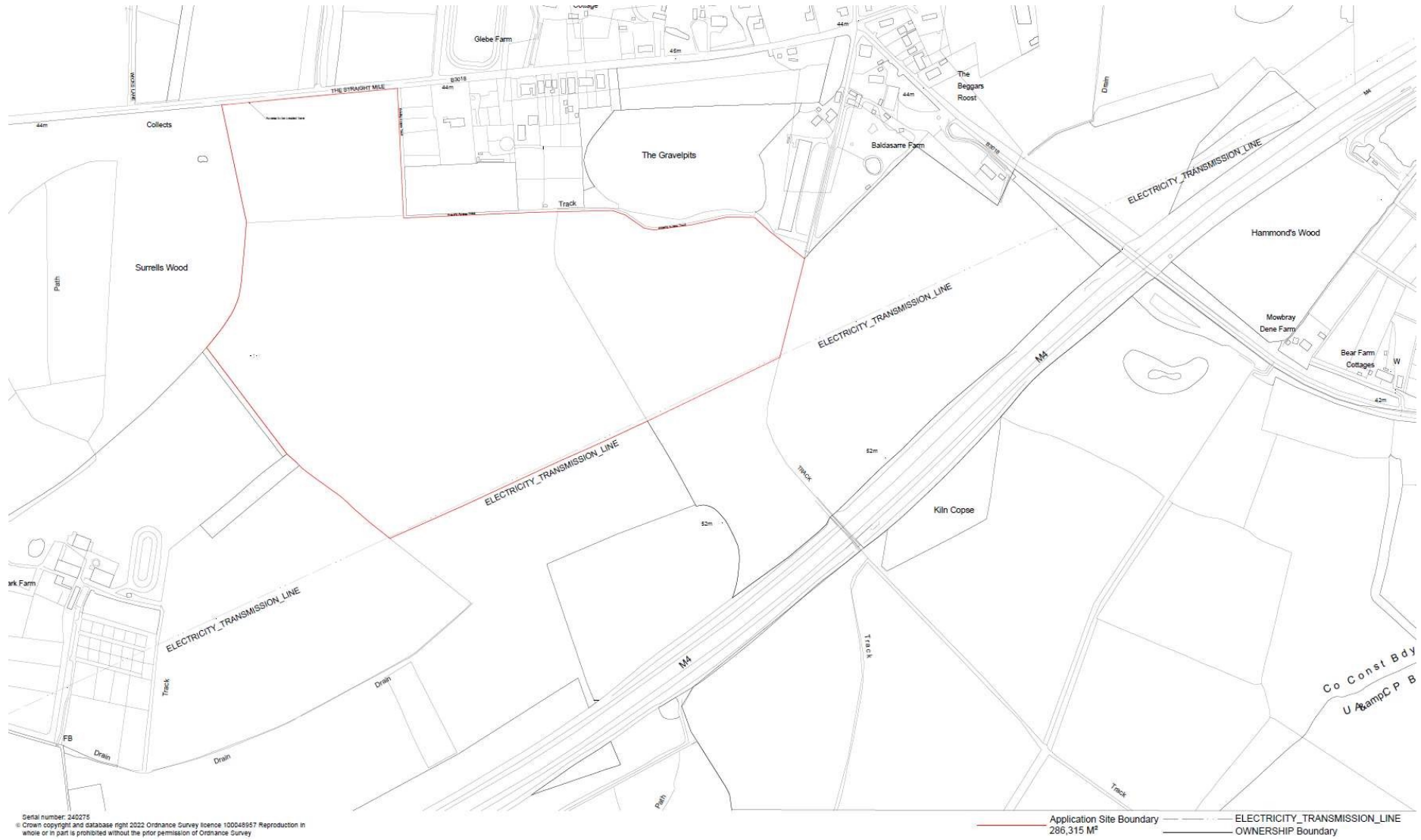
Informatives

- 1 Any incidental works affecting the adjoining highway shall be approved and a licence obtained before any work is carried out within the highway, through contacting The Highways and Transport Section at RBWM. A formal application should be made allowing at least 12 weeks prior to when works are required to allow for processing of the application, agreement of the details and securing the appropriate agreements and licences to undertake the work. Any work carried out on the public highway without proper consent from the Highway Authority could be subject to prosecution and fines related to the extent of work carried out.
- 2 No builder's 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.
- 3 Before any development commences 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 in The Straight Mile. The section can be contacted via email at HighwaysDC@RBWM.gov.uk to receive the initial email.
- 4 The development hereby approved must be carried out in compliance with relevant Environmental Protection Acts.

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Appendix

A



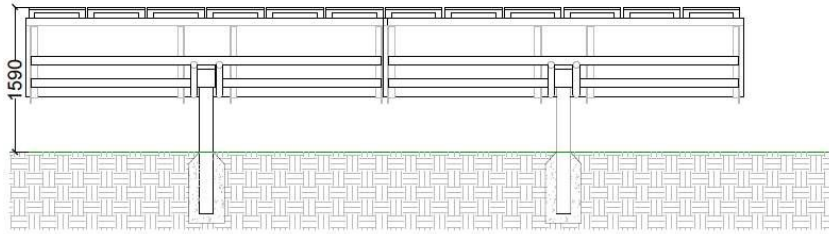
Site Location Plan



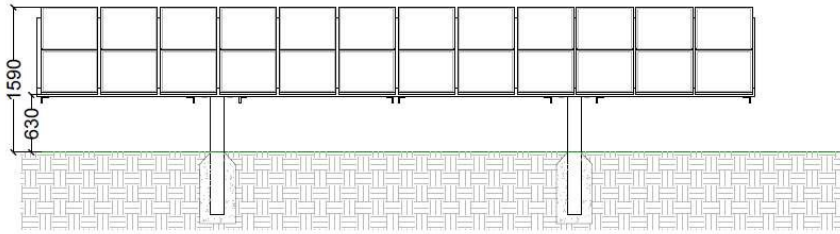
Proposed Site Layout Plan

Appendix

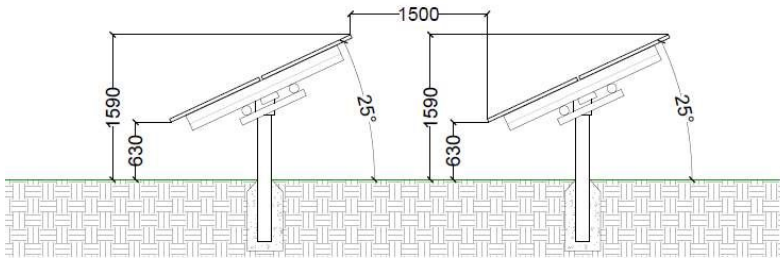
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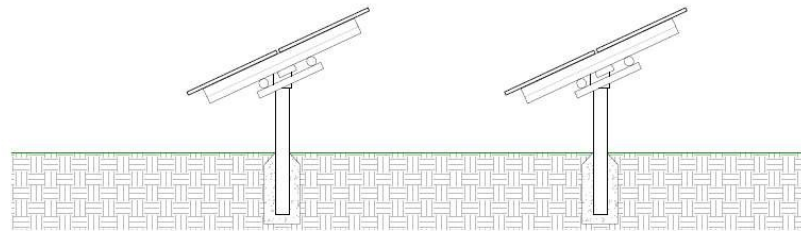
Northern Elevation



Southern Elevation

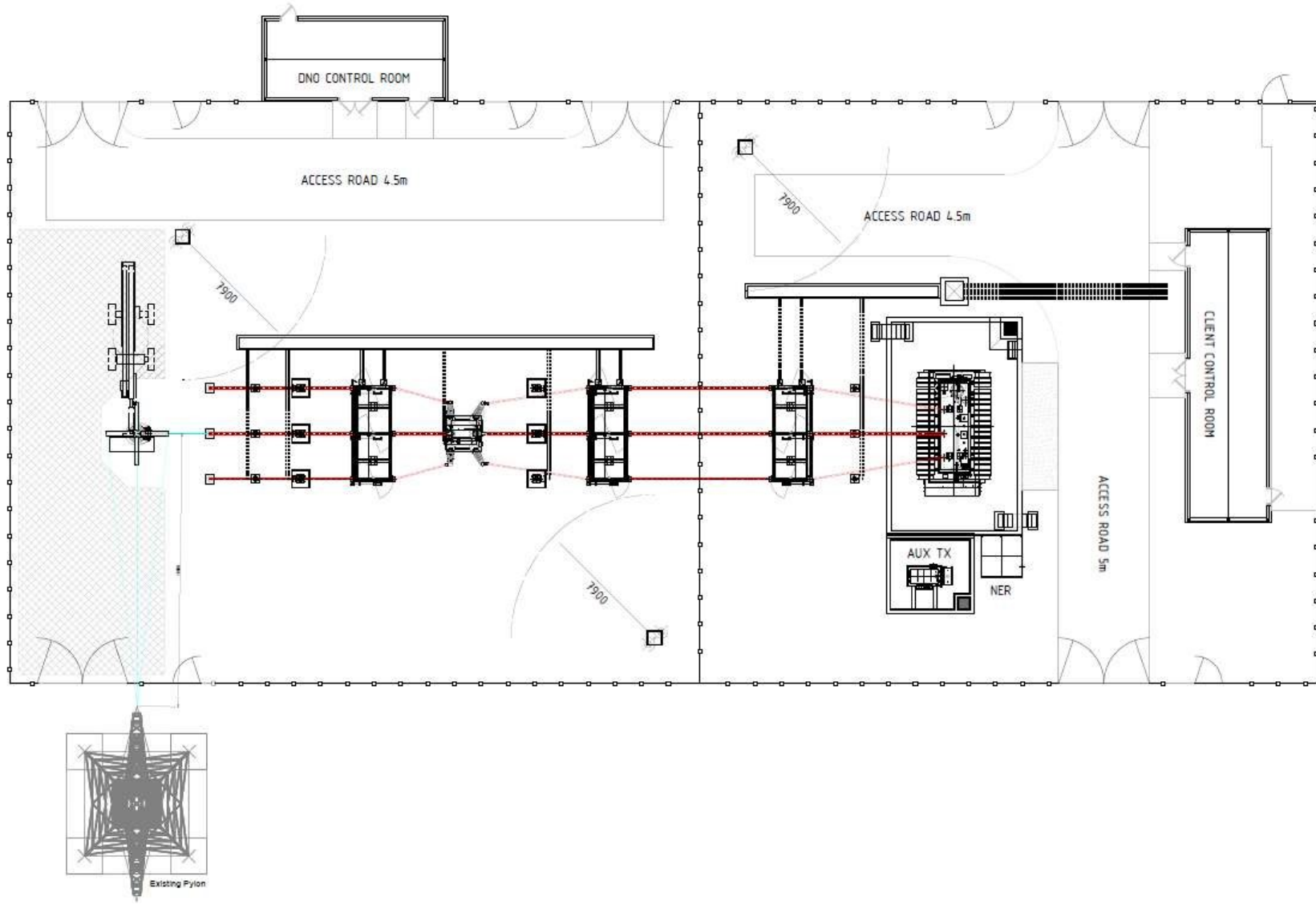


Western Elevation

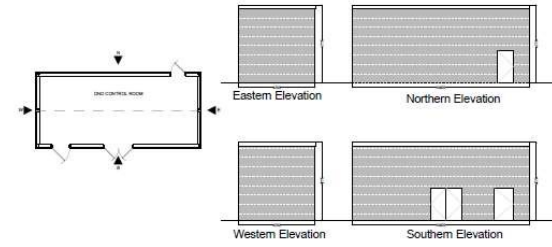
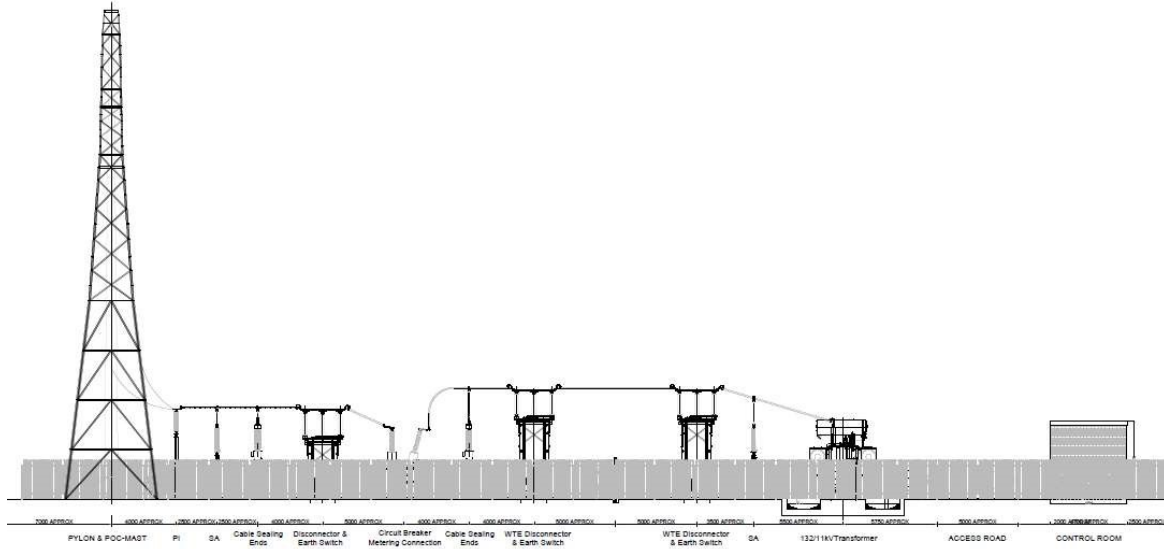


Eastern Elevation

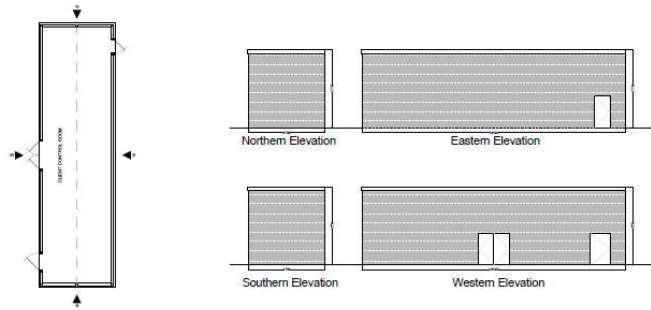
Solar Array Elevations



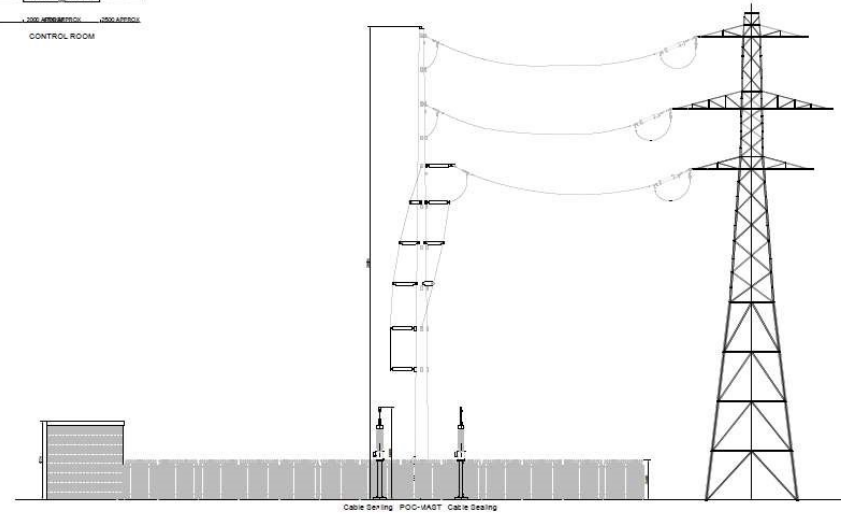
Proposed Substation Layout



DNO Control Room



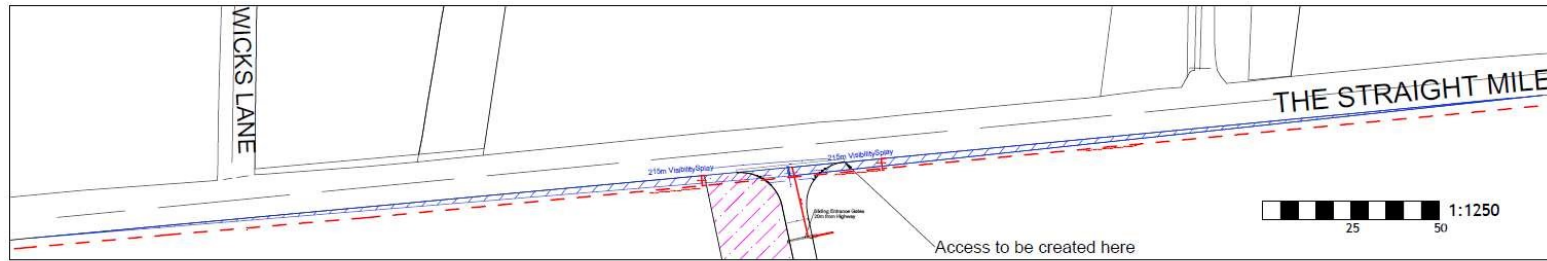
Client Control Room



Proposed Substation Floor Plans and Elevations



Proposed Access Road

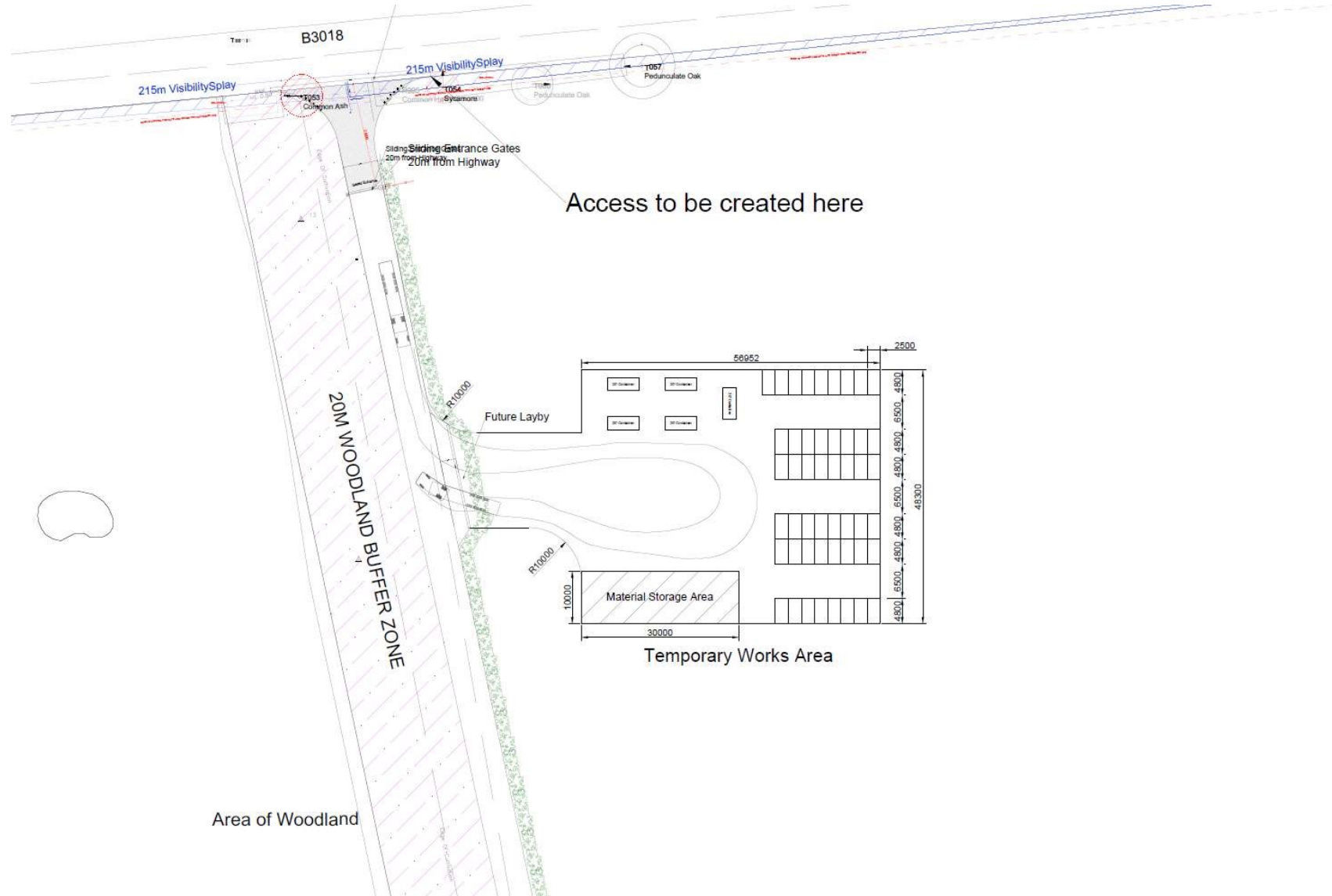


Visibility Splay Area Hatch.
Road Speed 60mph
215m Visibility Splay
2.4m Set Back



Proposed Visibility Splays

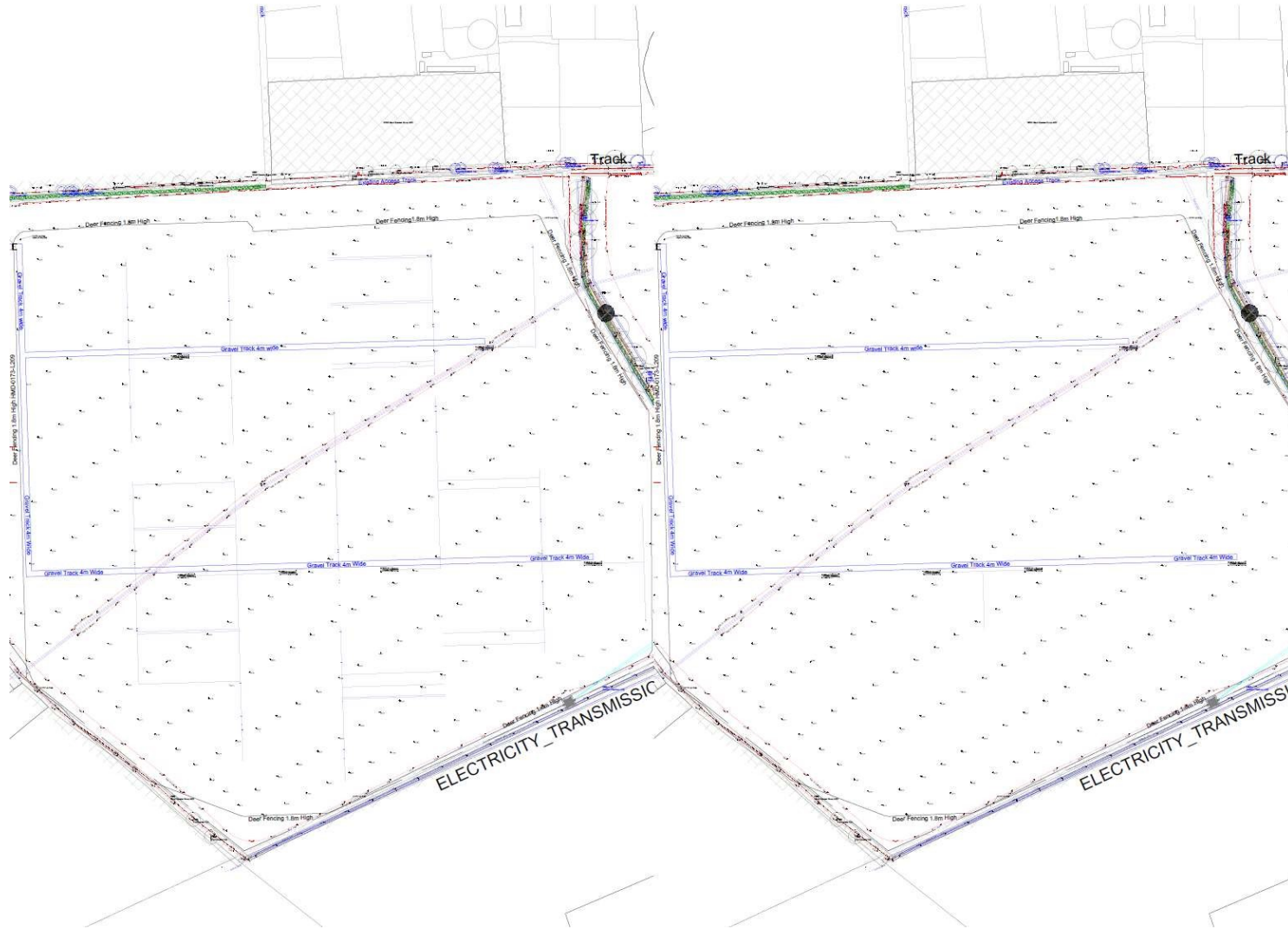
49



Proposed Temporary Works Area

LV Trench 400x1000

LV Trench 800x1000

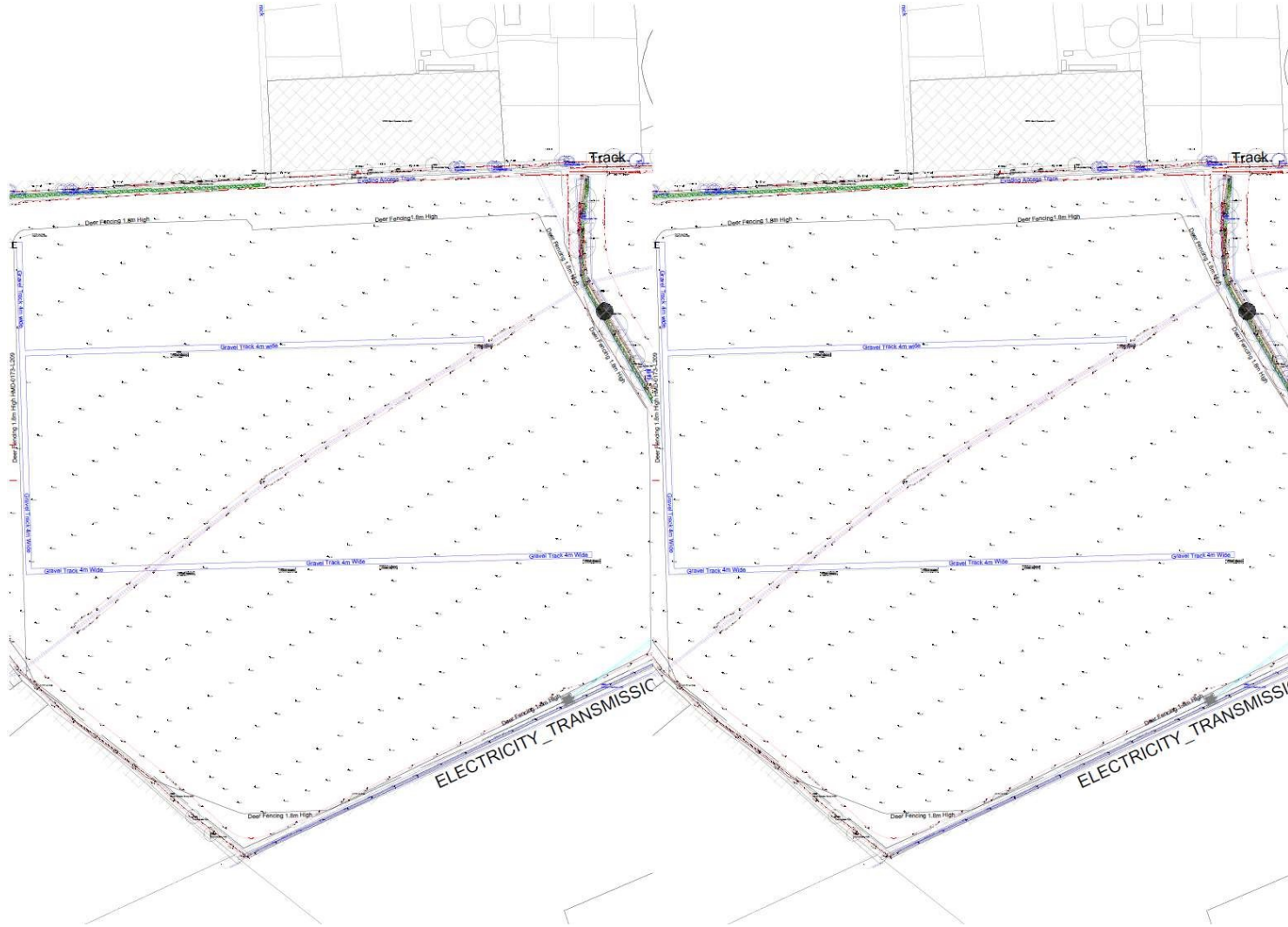


Proposed Trench Plan: LV400x1000 & 800x1000

MV Trench 400x1000

MV Trench 800x1000

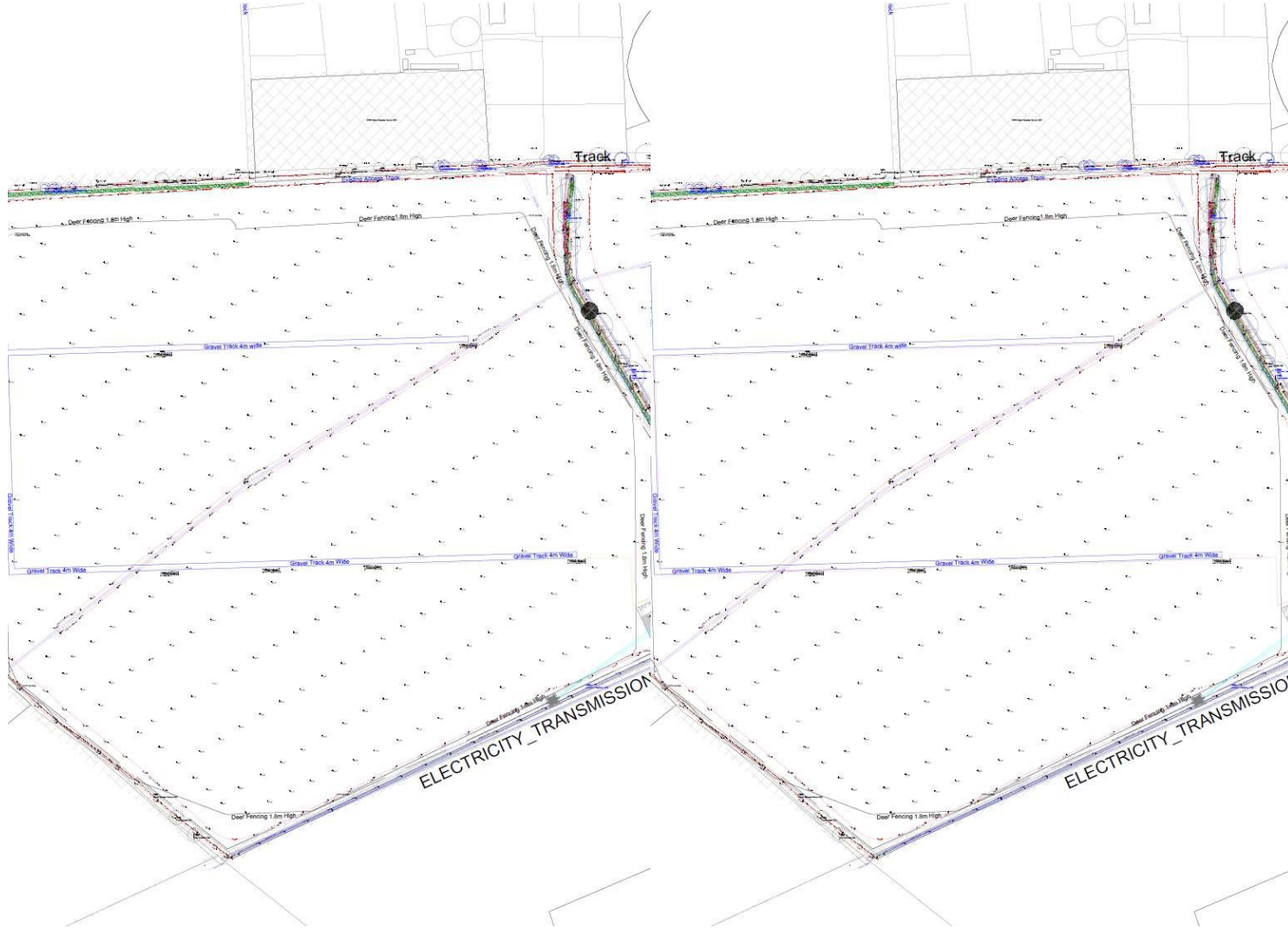
51



Proposed Trench Plan: MV400x1000 & 800x1000

MV Trench 800x1500

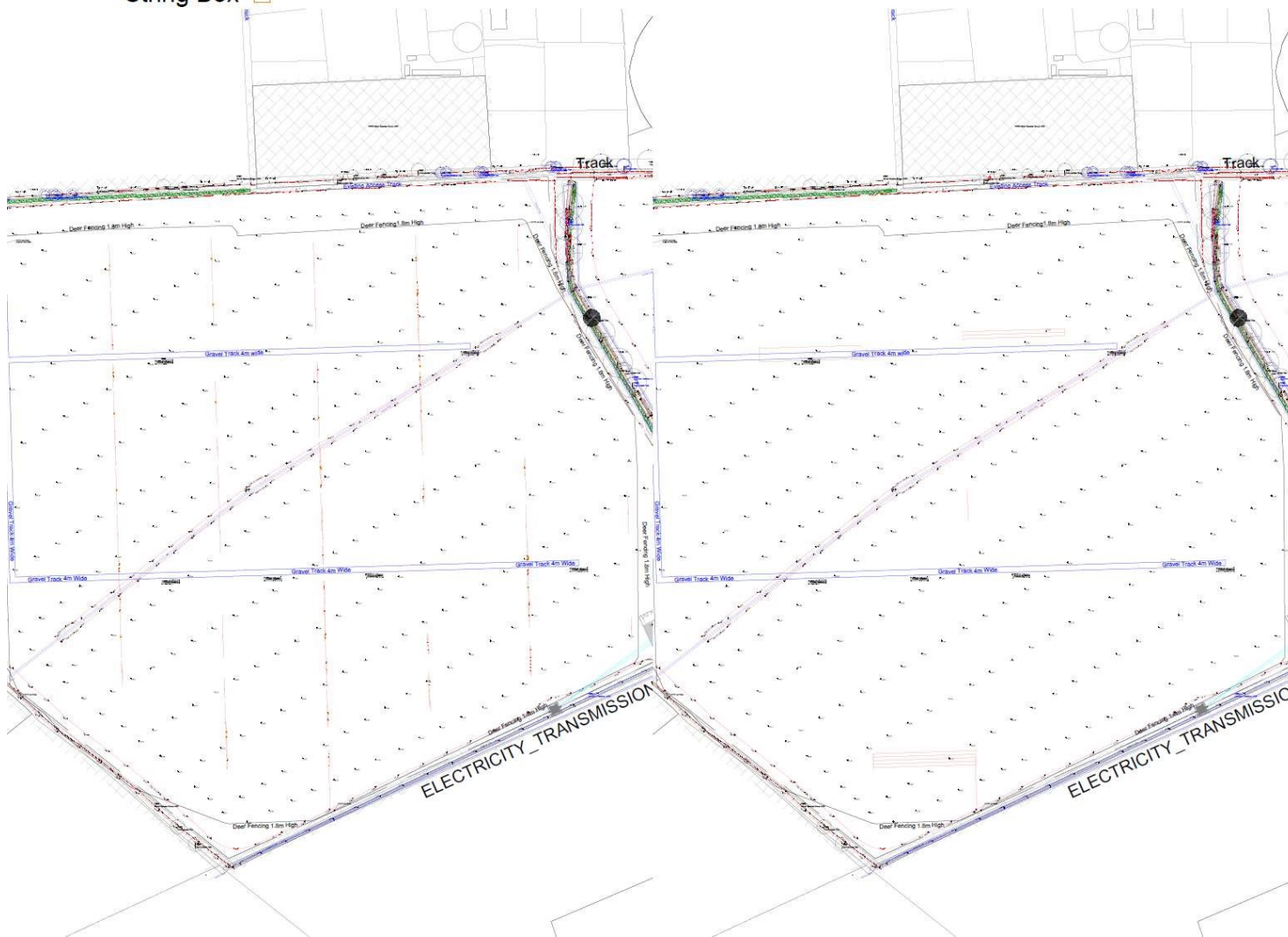
MV Cable 300mm²






Proposed Trench Plan: MV800x1500 & MV Cable 300mm²

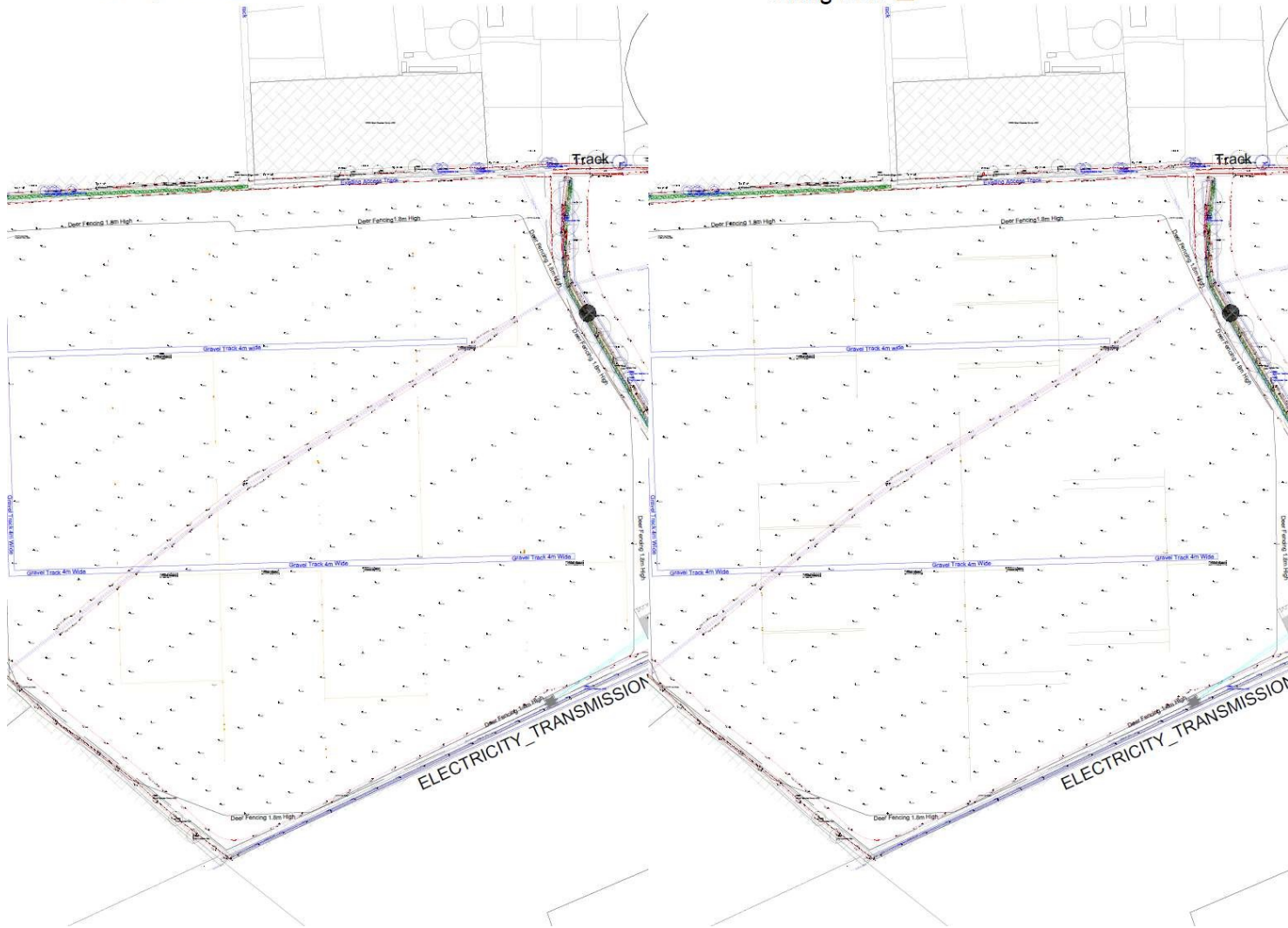
Cables LV 4 mm² ————
String Box □

Cables LV 10 mm² ————



Cables LV 240 mm² 
String Box 

Proposed LV Cable: 4mm² & 10mm²
Cables LV 500 mm² 
String Box 



Proposed LV Cable: 240mm² & 500mm²

Appendix

C



Appeal Decision

Hearing held on 6 December 2022 Site visit made on 5 December 2022 **by Ben**

Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 February 2023

Appeal Ref: APP/W1525/W/22/3300222 Land east & west of A130 and north & south Of Canon Barns Road, East Hanningfield, Chelmsford, Essex CM3 8BD Easting:575325, Northing:198892

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Low Carbon Solar Park 5 Limited against the decision of Chelmsford City Council.
 - The application Ref 21/00394/FUL, dated 22 February 2021, was refused by notice dated 9 December 2021.
 - The development proposed is the construction and operation of a solar farm and battery storage system together with all associated works, equipment and necessary infrastructure.
-

Decision

1. The appeal is allowed and planning permission is granted for the Installation of a solar photovoltaic (PV) park generating up to 49.9 MW of electricity spread over three sites (sited either side of the A130/Canon Barns Road), comprising of ground-mounted photovoltaic solar arrays, battery-based electricity storage containers, together with inverters/transformer stations, Distribution Network Operator (DNO) Substation, customer substation/switchgear and meter kiosk, batteries, internal buried cabling and grid connection cables, internal access tracks, security fencing and gates and CCTV cameras, other ancillary infrastructure, landscaping and biodiversity enhancements at Land east & west of A130 and north & south Of Canon Barns Road, Chelmsford CM3 8BD, in accordance with the terms of the application, Ref 21/00394/FUL, dated 22 February 2021, and the plans submitted with it, subject to the schedule of attached conditions.

Preliminary Matters

2. Since the Council's refusal of the proposal, two nearby solar farms have received planning permission. The 'Canon Barns site'¹ is southeast of the appeal site, would generate 8 MW of electricity, and is within the Green Belt. The 'Hill Farm site'² is northeast of the appeal site. This will generate 36.7 MW of electricity

and is adjacent to the Green Belt. These decisions are material considerations that I will take into account within this decision.

¹ Planning Application Reference: 21/00502/FUL ²
Planning Application Reference: 21/00555/FUL

3. A site visit was undertaken the day before the Hearing. During my visit I walked the site and its surroundings with a representative from the Council and the Appellant using a walking route agreed between main parties (Doc B). I therefore have a good awareness of the site and its surroundings.
4. A screening opinion, undertaken by the Council in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 concluded that the proposal was not deemed to be EIA development. I see no reason, within the evidence, to disagree with this view.
5. At the Hearing I was handed three letters of objection from the Parish Councils of West Hanningfield and East Hanningfield and from Mr Malcolm Thomas, a local resident (Docs D, E and F). These raised a range of points, the majority of which were already matters discussed in previously submitted objections. Nevertheless, I decided to accept these and am satisfied that no party would be prejudiced by my taking these into consideration as part of the appeal evidence.
6. The description of development, found on both the Council's Decision Notice and the appeal form, includes a more detailed description to that on the application form. The Appellant explains, at Section E of the appeal form, that the description was changed. As this has been agreed between main parties, and more accurately describes the scheme, I shall use the revised version in the permission.
7. Furthermore, since the refusal of the scheme the Appellant has continued discussions with UK Power Networks. As a result, the proposed 35 metre One Point of Connection Mast is no longer necessary. I understand that instead the development would be connected into the network at the point of an existing pylon. This has resulted in the submission of an amended plan, removing the mast. This alteration was discussed at the Hearing and has reduced the overall visual effect of the proposal, albeit to a small extent. Consequently, I have taken the revised plan into account without causing prejudice to any party.

Background and Main Issues

8. The proposed development is located within the metropolitan Green Belt. Section 13 of the National Planning Policy Framework (the Framework) establishes the national policy objective to protect the Green Belt. Paragraphs 149 and 150 define different types of development that would not be inappropriate development in the Green Belt. It is uncontested by main parties that the proposed solar farm would not comply with any such provisions. I see no reason, within the evidence or in matters discussed at the Hearing, to disagree with this assertion. The proposal would therefore be deemed to be inappropriate development in the Green Belt.

9. Paragraph 147 and 148 of the Framework state that inappropriate development in the Green Belt is, by definition, harmful and carries substantial weight. Such development should not be approved except in very special circumstances. It continues that very special circumstances will only exist if the harm to the Green Belt by its inappropriateness, and any other harm, would be clearly outweighed by other considerations.
10. Turning to a separate matter, during the course of the planning application consideration, the Council undertook an Appropriate Assessment to consider the effect of the proposed development on the Crouch and Roach Estuaries (Mid Essex Coast Phase 3) Special Protection Area (SPA). Following consultation with Natural England, the Council was content the impacts could be suitably addressed with mitigation secured by condition. Nevertheless, it is incumbent upon me, as the competent authority, to consider whether the proposal would be likely to have a significant effect on the integrity of the SPA. It is therefore still necessary to consider this matter as a main issue.
11. Accordingly, in consideration of the evidence, the main issues are:
- The effect of the proposal on the openness of, and purposes of including land within, the Green Belt;
 - The effects of the development on the settings of the Grade II* listed building Church of St Mary and St Edward, and the Grade II listed building Church House and other non-designated heritage assets;
 - The effects of the proposed development on the landscape character and appearance of the area;
 - The effect of the proposal on agricultural land;
 - The effect of the development on the integrity of the SPA; and
 - Whether the harm caused by the proposal, by virtue of being inappropriate development in the Green Belt, and any other identified harm, would be clearly outweighed by other considerations to result in 'Very Special Circumstances'

Reasons

Green Belt - openness and purposes

12. The fundamental aim of the Green Belt is to prevent urban sprawl and keep land permanently open¹. Openness has both visual and spatial qualities. The site consists of six fields. These are enclosed by tree and hedge boundaries, including some woodland areas, especially to the south of the main site. In terms of topography, the site is within gently undulating land with higher land to the south, north and centre of the site. The landform, and extent of field boundary screening, would reduce the overall visual effect of the proposal from wider views.
13. The site is currently farmland. From a spatial perspective, the proposed solar arrays would introduce substantial development into the area in terms of ground cover due to the quantity of arrays within the scheme. Furthermore, the

¹ Paragraph 137 of the National Planning Policy Framework

associated access track, substation, inverter stations, fencing and CCTV facilities would result in additional built form that would further diminish the openness of the Green Belt spatially.

14. Nevertheless, the proposed solar arrays would be relatively modest in mass and footprint and would be spaced out at regular intervals reducing the overall scale of the development. Furthermore, the scheme would be in place for a temporary 40-year period. It would then be fully demounted, and land returned to its former condition, at the end of its use. As such, whilst 40 years is a long period of time, it is not permanent. Therefore, the impact on the openness of the Green Belt would be reduced with the site ultimately reinstated to its

former open character. Consequently, both visually and spatially, the proposed development would result in moderate harm to the openness of the Green Belt.

15. Paragraph 138 of the Framework defines the five key purposes of the Green Belt. These are to check unrestricted sprawl of large built-up areas, prevent neighbouring towns merging, safeguard the countryside from encroachment, preserve the setting of historic towns and assist in urban regeneration (by encouraging the reuse of urban land). It was agreed between main parties at the Hearing that historic towns would be unaffected. Furthermore, despite the comments of the Council I am unconvinced that the proposal would contribute towards urban sprawl or towns merging as the site is not close to a built-up area. Nevertheless, the proposal could result in encroachment and would not contribute to the reuse of urban land.
16. In terms of encroachment, the proposed scheme would place a large number of solar arrays across six fields. Their operation would be supported by consumer units and a main compound. Although maintaining some space between them, the arrays and associated equipment would fundamentally alter the appearance of the fields. These would alter from a sequence of open green spaces to accommodating solar equipment that would be interspersed with retained field boundaries. Such an effect would result in encroachment, in contradiction of a Green Belt purpose.
17. A further purpose of the Green Belt is to deflect new development towards previously developed land (PDL) to assist in urban regeneration. At the Hearing the Appellants stated that it would not be cost effective to locate such a use on PDL due to land values and rates of return. Accepting this I am also unconvinced that the reuse of PDL for such a scheme would secure the most efficient or optimum reuse of such land for a temporary period of time. Accordingly, the proposal would not be in conflict with this purpose of the Green Belt.
18. The proposal, as inappropriate development, would by definition harm the Green Belt. It would result in encroachment and moderate harm to the openness of the Green Belt in both visual and spatial terms. Accordingly, the proposed development would conflict with policies DM6 and DM10 of the Chelmsford Local Plan (LP) and the Framework. These seek to resist inappropriate development and only allow engineering operations that would preserve openness and not conflict with the purposes of including land within the Green Belt. All harm to the Green Belt carries substantial weight.

Heritage Assets

19. S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, when considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or setting or any features of special architectural interest which it possesses. The Framework defines the setting of a heritage asset as the surroundings in which the asset is experienced.

20. The proposal has the capability to affect a range of designated and nondesignated heritage assets found around the site. These are identified within

the Appellant's Heritage Assessment² as including eight listed buildings and forty non-designated Heritage Assets (NDHAs). Four of these are identified as having an adverse effect on their settings. The setting of a heritage asset is not fixed and may change as the asset and its surroundings evolve. Guidance from Historic England explains that the extent and importance of setting is often expressed in visual terms but may also include other matters including our understanding of the historic relationship between places⁵.

21. The Church of St Mary and St Edward, a Grade II* listed building, is on the north side of Church Road set away from the highway, within West Hanningfield. It originates from the 12th century with 14th century additions including a timber frame belfry. It was also extended in the 18th and 19th centuries. The church consists of various facing materials providing an interesting if slightly eclectic appearance. Its significance derives from its intact historic fabric and the architectural interest of its unusual medieval belfry, and its spatial relationship with the surrounding village. Its setting includes the surrounding agricultural land to the north and south and include its approach from Church Road.

22. However, due to the recessed nature of the building from Church Road and the site's relationship with surrounding built form, intervisibility between the listed building and its grounds and site would be highly restricted. Furthermore, whilst having a social and functional relationship with the surrounding countryside, there is nothing before me to indicate that the appeal site makes a specific or important contribution to its setting. As a result, the proposal would preserve the setting of this listed building and would not harm its significance.

23. Church House, a Grade II listed building, is a timber framed, plastered house that originates from the 18th century. It is a large two-storey dwelling with white rendered walls, clay roof tiles and brick stacks. Its significance appears to derive from its relationship with the adjacent church, its use of traditional materials located within a rural setting. Views from the front of the dwelling, over Church Road, take in fields and parts of the appeal site. Field boundaries and rising topography screen most of the site. Therefore, the site makes a limited contribution to the setting of the listed building. The proposal would also be largely screened from this vantage offering only distant views of the eastern part of the solar farm and boundary related features. The surrounding farmland

² Historic Environment Desk-Based Assessment, by AECOM, dated February 2021 ⁵

contributes to its setting, but I am unconvinced that the appeal site itself makes a significant contribution to this. Due to the substantial separation distance, field boundary screening and topographical features, I am unconvinced that the proposal would result in any harm to the setting of Church House, which would accordingly preserve its significance.

24. The proposal would preserve the significance of the two identified listed buildings and would therefore accord with S66 of the Act. It would therefore comply with LP policy DM13, which requires proposed development within the setting of a listed building to not adversely affect its significance, including views to and from the building.
25. Cobb Cottage, a NDHA, was initially constructed as a pair of cottages in the C19 and has since been combined into one dwelling. It's significance appears to derive from its former use as a pair of agricultural worker's dwellings and being

of a traditional agrarian style of farmstead. Its surrounding fields make a contribution to its setting as its rear elevation overlooks the surrounding open countryside. Views from this dwelling would be similar to those from Church House affording distant views of a small part of the proposal. Although nearer to the appeal site, than Church House, its significance is reduced. Accordingly, the setting of Cobb Cottage would only experience limited change, that would not affect the significance of this NDHA.

26. Hophedges, a NDHA, is a cottage adjacent to the north boundary of the site. It appears on the village map in 1840. It is a white render cottage with weatherboarding, decorative dormers and a central brick stack. Its significance appears to derive from its historic interest and traditional agrarian character within a countryside setting. The rear elevation of the dwelling is adjacent to a field with the appeal site including the adjacent field beyond. An access track is proposed beyond the boundary hedge, with solar arrays proposed in the far corner of this adjacent field, around 750 metres from the NDHA. The closest part of the appeal site therefore makes a small contribution to the setting of the NDHA being within its local context. Furthermore, occupiers of this dwelling would be likely to experience some views of the proposal from first floor windows, albeit over a significant distance. Due to the close proximity of the scheme to the NDHA, and its intervisibility, the proposal would result in harm to its setting during the construction and operation of the proposal, albeit limited. Accordingly, this change to the setting of the building would amount to harm at the lower end of such harm.
27. The Framework states that when considering harm to NDHAs a balanced judgement will be required having regard to the scale of any harm and the significance of the asset. The impact of the proposal would cause limited harm to the significance of a non-designated asset, being an asset of lower importance. The negligible harm conveyed to the NDHA would be offset by the separation distance to the track and operational site beyond, existing screening and the merits conveyed through the generation of renewable energy. Accordingly, the proposal would also comply with LP policy DM14, where harm to the significance of a non-designated heritage asset, must be justified following a balanced judgement.

Landscape and Visual Impact

28. Both main parties acknowledge that the proposal would result in harm to the character and appearance of the area. However, there is a distinction to be made between impact on landscape, which should be treated as a resource, and impact on visual amenity, which is the effect on people observing the development in places where it can be viewed, such as from roads, public rights of way and individual dwellings.

Landscape character

29. The appeal site consists of six fields, the site and surrounding fields are used for a range of arable and pastoral purposes. The fields within the site are arranged in a cluster around the A130 and Canon Barns Road. Purely for convenience I shall refer to the various fields using the numbering convention found in the Appellant's Zoning Layout Plan³ that refers to Development Zones (DZs).
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30. The site includes one field to the east of the A130 (DZs 4 and 6) with the remainder of the site being to the west of this highway, in two similar sized parcels. These are to the north (DZs 1, 2, 3, and 5) and south (DZ 7) of Canon Barns Road. The site is bound partly along its western boundary by a row of electricity pylons, that generally follow a ridge line, and the Essex and Suffolk Waters Hanningfield Water Treatment Works. Also, the A130 follows a shallow valley floor alongside and through the site. Consequently, the site's undulating landform includes a number of relatively substantial man-made interventions.
31. The site is within Natural England's National Character Area 111: Northern Thames Basin, including woodlands, mixed farming and arable land. The site is also within the South Essex Farmlands area E1, within the County Council's character assessment. This is defined as consisting of small to medium sized arable and pastoral fields where tall thick boundary hedges contribute to an enclosed character. It is notable that this also recognises that overhead pylons and major roads visually interrupt the landscape.
32. At a district level, the site is within the South Hanningfield Wooded Farmland: F11⁴ in the Council's Landscape Character Assessment. This area is described as consisting of undulating farmland of medium to large arable fields that include hedged field boundaries and wooded horizons. The site is also adjacent to the East Hanningfield Woodland Farmland character area: F12. This is defined as having large arable fields, pockets of pony and pasture paddocks and mature treed field boundaries. The appeal site appears to generally align with these character assessments, especially F11, and therefore makes a positive contribution towards the landscape character.
33. The pattern and arrangement of character area F11 form low-lying land with elevated ridges. This area is largely to the north and east of the site on gradually climbing land. The A130 passes through the landscape along embankments and cuttings, with the adjacent reservoir and its associated buildings and pylons adding to the features evident within the area. The proposed development would locate solar arrays within the existing field

³ drawing number LCS039-DZ-01 revision 10

⁴ Braintree, Brentwood, Chelmsford, Maldon and Uttlesford Landscape Character Assessment

pattern. It would retain and enhance field boundaries, leaving most wooded areas. It would retain the structure of field boundaries and keep field patterns intact. As such, the proposal would have a largely non-invasive impact on the landscape features defined as important to the character areas.

34. The appeal site, whilst relatively extensive, represents only a small proportion of the national and county character areas. At a district level, the impact on the landscape would be greater, but as the existing natural features of the site would be largely retained and enhanced, the overall landscape effect would be limited. Furthermore, the solar arrays would be low-lying, open sided features that would be temporary in nature, limiting the overall effect on the wider landscape. However, the proposed development would alter the landscape with the introduction of industrial development and equipment across a relatively broad area. Therefore, this would result in some localised landscape harm. As a consequence, the scheme would result in a moderate adverse impact on the area's landscape character.

Visual Impact

35. Visual amenity relates to the direct visual impacts on receptors (people) rather than on the landscape. The Appellant's visual assessment was undertaken in December when leaves from deciduous trees would have fallen, offering a 'worst case scenario' of views through the site, when the site would be at its most exposed. Equally, my visit was undertaken at a similar time of the year enabling a similar useful assessment of the visual effects of the proposal to be most appreciated. The Appellant's Landscape and Visual Impact Assessment⁵ (LVIA) and its Addendum⁶ identify 33 viewpoints which assess the effect of the scheme on Visual Receptors (VRs). The viewpoints have been accepted by the council as being the most significant in understanding the visual effects of the proposal. These selected viewpoints provide only a snapshot of the site and would not necessarily reflect the experience of receptors walking through or around the site.
36. Figure 4 of the LVIA, shows the theoretical visibility of the scheme demonstrating that the majority of views outside the site would be from an arc from the northwest through to the east. In a southern arc around the site, from the west to the southeast, woodland and topography obscure most views. The LVIA considers the visual effects of the proposal both at year one and at year ten, the second assessment taking into account the growth of proposed landscape screening as it approaches maturity.
37. The general topography of the site, and its surroundings, provide screening from many wider views forming a degree of enclosure. Furthermore, manmade features also obscure some views of the site, such as by the embankments of Canon Barns Road and Church Road. The combination of these features would disaggregate and limit some views of the site.

⁵ Landscape and Visual Impact Assessment, by AECOM, February 2021

⁶ Landscape and Visual Impact Assessment, by AECOM, September 2021

38. The local roads and the A130 provide visual receptors from motorists that have a low sensitivity to change. Road users would primarily be paying due care and attention to other road users and hazards, taking in only limited glimpses of the site, resulting in only negligible adverse visual effect. Motorists of Southend Road (VR6a), Pan Lane (VR5) and Church Road (VR19 and VR21) would be travelling closer to the site and would have the opportunity to take in more of the area affected by development. Nevertheless, such views would result in only a 'minor adverse' effect in the first year, leading to 'negligible adverse' effects (for VR6a, VR19 and VR21) and 'neutral' effects (VR5) at year ten. The view of the scheme from motorists would be largely fleeting and offer only partially glimpsed views of constrained sections of the arrays and equipment. As such, the visual impact on motorists would be of low magnitude, resulting in only 'minor adverse' and 'neutral' effects.
39. Views of the proposal, from the northwest of the site and West Hanningfield, would be limited. Viewpoint VR18, for users of the Public Right of Way (PRoW) 236_26 and for residents of West Hanningfield (VR18a), southeast views take in fields and hedgerow planting and a ridgeline to the east. These features would limit most views of the solar arrays and their associated equipment. These viewpoints would experience only a small portion of the solar arrays, the fencing and CCTV columns that would enclose, and be within, area DZ2. Once

the proposed hedgerow screening has developed, after 10 years, the effect of such views would move from 'minor adverse' to 'negligible adverse'.

40. Views from VR26, on PRoW 236_36 looking southeast towards the site, would be similar to VR18 and VR18a, albeit closer to the site. These would also provide views of the edge of the solar array farm, only seeing those elements within area DZ2. This viewpoint would initially result in a 'moderate adverse' effect but would lessen over time. I am unconvinced that after 10 years this effect would remain 'moderate adverse'. The substation would be discreet beyond the ridgeline, with only boundary fencing and CCTV columns being evident in the distance behind the established landscape screening. Consequently, the visual effect after this period would be 'minor adverse' only after 10 years.
41. VR20a considers the rear view for occupiers of Hophedges. The SoCG identified that this VR point was in dispute, but the Council withdrew its dispute at the Hearing, but raised concerns due to the visual effect of the use of the access track. Vehicles using the access track would be infrequent based on the use of the site and as such the overall effect of the development on occupiers would be negligible. Accordingly, given the proximity and scale of existing tree and hedgerow screening views of the proposal from this vantage would be neutral.
42. Views from VR23 and VR24 look south towards the northern edge of the site, towards area DZ1. These take in viewpoints from walkers using PRoW 236_47. The addendum shows that these views would remain largely unchanged. The visual effect from these views would change from 'minor adverse' initially to 'minor adverse' and 'negligible adverse' effects respectively after 10 years.
43. The views from VR3 and VR3a, by users of PRoW 218_7 and occupiers of Hill Farm and Dunnock Cottage, are elevated and look down towards the site to the

southwest. These take in the eastern and northern parts of the site in a wide context with the fields of Hill Farm and the A130 forming the fore ground and middle views respectively. Much of the development zones would be screened by field boundary landscaping and the bridge and road embankments of Church Road and Cano Barns Road where these cross the A130. The effect on the view to VRs would initially be 'minor adverse'. With landscaping developing over future years this effect would reduce to 'negligible adverse' after ten years. Even if parts of the solar farm remained visible these would be likely to be seen as small parcels of development, interspersed by field boundaries and the established new landscaping, within distant views. The impact on these would therefore be 'negligible' after 10 years.

44. Walkers, cyclists and horse riders, among other slow moving road users, using local roads would be highly sensitive to change. However, such views would only experience small pockets of the proposal and would not provide a broad perception of most of the scheme. These views would also be partially obscured by topography and natural screening that would limit the overall visual effect of the scheme from 'minor adverse' in year one to 'negligible' in year ten.
45. The site is crossed by a number of public rights of way (PRoW). PRoW 218_12 runs through the north and south parcels of the site either side of Canon Barns Road. The PRoW of 236_36 comes into the site from the northwest and runs between DZ2. Also, PRoW 218_15 connects to 236_36 and runs through the middle and side of the north parcels (DZs 1, 3 and 5). The PRoWs that cross the site cut through several fields and follow the perimeter of others within the site. Users of these routes through the site currently enjoy an open aspect over the countryside. However, PRoW 218_12 exits the site to the west runs alongside the waterworks between tall hedges. This is within a relatively narrow walkway in an enclosed route.
46. VR27, on PRoW 218_15, assesses the typical effect of the proposed development on walkers from inside the site. These would be highly sensitive to visual change. Views of the scheme, from the routes that cross through the site, would fundamentally change from the current outlook over open arable land. The effect on users would be 'major adverse' in the first year. However, the sense of enclosure would partially replicate the effect of other sections of this route. Therefore, whilst views from the PRoWs through the site would become more enclosed, the visual impact on users of the PRoWs would be reduced to 'moderately adverse' by year ten.
47. A fence up to 5 metres high alongside the A130, has been offered by the Appellant to remove the Council's concerns with respect to glint and glare. In some viewpoints this would result in initial visual effects being diminished. The fence would screen the arrays, especially from views VR6 and VR7 from Southend Road. Accordingly, the proposed fence if deemed necessary, would moderate visual benefits of the proposal in screening some views.
48. Taking the above visual affects into account, most views of the proposal would be 'minor' or 'negligible' by year 10. Whilst the visual impacts of the proposal would be 'major adverse' from the PRoW from Visual Receptors through the site, these effects would be diminished to 'minor adverse' once the landscape screening has become established. Consequently, due to the arrangement of local topography the most adverse visual effects would be largely confined to

localised effects only. Accordingly, taking all of the above impacts into consideration the visual impact of the proposal would result in moderate harm.

Cumulative visual and landscape effects

49. The proposal would be close to the two recently approved solar farms at Canon Barns Road and Hill Farm. Table 4-A, of the addendum LVIA, considers the cumulative visual effects from these viewpoints. The addendum shows how the visual effect from two viewpoints, VR9 and VR29, would change in cumulative terms. Viewpoint VR9, from Canon Barns Road, shows the eastern part of the scheme with the Hill Farm and Canon Barns sites having a 'moderate adverse' visual effect on this view. Viewpoint VR29, from Pans Lane, shows parts of the Hill Farm and Canon Barns sites but also illustrates that the proposed scheme itself would not be visible.
50. Accordingly, the LVIA demonstrates that the cumulative visual effects of all three sites would increase the visual effects of most views from 'negligible' impact to 'minor adverse'. Consequently, in most wider views, the proposal would not materially contribute to a cumulative visual effect of these sites. Accordingly, the overall visual effects of all three sites would be limited and would not substantially increase the visual effect of the scheme from moderately harmful.
51. As has been found above, the proposal itself would only result in localised and a 'moderate adverse' effect on the landscape, for the 40-year duration of the proposed development. The cumulative effect of the development on the landscape, in combination with the two approved schemes, would be greater.
- Nevertheless, the combined effect, would only have a further limited adverse impact on the landscape character. Accordingly, the overall effect on the landscape character would remain as a 'moderate adverse' effect in this geographic context.
52. Consequently, despite its overall scale, the proposal would result in a 'moderate adverse' effect on the landscape character and moderate harm to the visual appearance of the area. In identifying harm, the proposal would conflict with LP policies DM6, DM10 and DM19, the Council's Solar Farm SPD and the Framework. These seek, among other matters, for development to not result in an unacceptable visual impact which would be harmful to the character of the area and to protect valued landscapes, to which I attribute moderate weight in the planning balance.

Effect on arable land

53. Paragraph 174(b), of the Framework, places value on recognising the intrinsic character and beauty of the countryside including the best and most versatile agricultural land. The Framework's Glossary defines Best and Most versatile (BMV) agricultural land as being land in grades 1, 2 and 3a. Most of the site would not qualify as BMV by this categorisation. Nevertheless, it is recognised that the site provides arable value. It would no longer be capable of providing such a function. Also, I recognise that the Appellant suggests that the site could be used for sheep grazing, but such an activity would be unlikely to fully offset the sites current capability for agricultural use.
54. The Appellant's Agricultural Land Assessment has considered the range of crops

that can be grown, the type and consistency of yield and the cost of producing the crop. This has found that the appeal site mainly consists of grade 3b agricultural land. Only a small parcel (of two hectares) was identified as being 3a agricultural land. The methodology and findings of the Assessment has not been disputed by the Council.

55. The PPG⁷ requires local planning authorities to aim to protect BMV agricultural land from significant, inappropriate or unsustainable development proposals. The Council's Solar Farm SPD also advises that such development should first favour the use of previously developed land and arable land graded as 3b, 4 or 5. Nevertheless, as the significant majority of the site does not meet a BMV classification, the loss of the small parcel of 3a graded arable land is attributed minor harm in the planning balance.

Integrity of the SPA

56. Natural England identifies that the proposal could have potential significant effects on Crouch and Roach Estuaries (Mid Essex Phase 3) Special Protection Area (SPA) and Ramsar, Crouch and Roach Estuaries Site of Special Scientific Interest (SSSI) and Hanningfield Reservoir SSSI.
57. The site is around 4.7km from the SPA. This is a European Designated Site afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitats Regulations) and is a wetland of international importance. The Habitats Regulations impose a duty on me, as the competent authority, to consider whether the proposal would be likely to have a significant effect on the integrity of the SPA, either alone or in combination with other

plans and projects. In 2018, the Court of Justice of the European Union held that the decision maker, when considering the effect that a proposal may have on a European Site, must consider mitigation within the Framework of an Appropriate Assessment (AA), rather than at the screening stage⁸.

58. Evidence shows that the SPA is used by a large number of skylark and corn bunting birds. Wintering dark-bellied brent geese, black-tailed godwit, shelduck and shoveler birds also regularly visit the SPA in nationally important numbers. In addition, the mud along the Crouch and Roach is used by redshank and dunlin for feeding and as a roosting site for lapwing and golden plover.
59. The site is also around 250 metres from the Hanningfield Reservoir SSSI. Its main scientific interest derives from its breeding and wintering wildfowl including Gadwall, Pochard, Shoveler, Teal, Tufted Duck and Shelduck.
60. The Appellant's Ornithological Survey⁹ Report demonstrates that 46 species of wintering birds and 51 species of breeding birds visit the site. This includes small numbers of little egret, skylark and black-headed gull which are waterbird species found within the SPA. The Ornithological Report has concluded that the distance between the SPA and the Site, the absence of wetland habitat on site and the abundance of similar farmland habitat between the sites indicates that the site is not especially important to the populations of these birds occurring

⁷ Guide to assessing development proposals on agricultural land, 2021

⁸ People over Wind and Sweetman v Coillte Teoranta ECLI:EU:C:2018:244

⁹ AECOM Ornithological Survey Report, June 2021

within the SPA. These seem to be reasonable conclusions and although the proposal would affect the integrity of the SPA, this effect would be limited.

61. The Appellant's Skylark Mitigation Strategy¹⁰ seeks to deliver long term habitats for the territories of skylark found on site, both during breeding and non-breeding seasons. These would include tightly mown plots, unmanaged grassland areas and cover-crops within the mitigation areas. This approach would ensure that the site would maintain a succession of occupation and productivity of the population of skylark as identified on site. The proposal would therefore minimise any direct impact on skylarks.
62. In assessment of the Council's AA, Natural England has concluded that the integrity of the SPA¹⁴ would not be adversely affected subject to the proposed mitigation within the Ornithological survey and Skylark Mitigation Strategy. I see no reason to disagree with this conclusion. Therefore, I am satisfied, based on the specific evidence before me, that a condition requiring the mitigation measures detailed in the surveys would prevent an adverse effect on the integrity of the SPA.
63. I therefore conclude through my AA that, with the provided mitigation, the proposal would not harm the integrity of the SPA and accord with the Habitat Regulations. I am also satisfied that the mitigation offered to address the adverse effects on the SPA and Ramsar site would mitigate the effects of development on the identified SSSIs.

Other matters

Flooding

64. The Appellant's Flood Risk Assessment¹¹ identifies that most of the site is within flood zone 1. A small section is in flood zone 3a, alongside Sandon Brook, although no work is proposed within it. The Assessment finds that rainfall falling on solar panels would runoff at an angle and result in a small increase in post development run-off rates. To account for the extra volume a sustainable drainage system (SUDs) would be installed. The proposed drainage system would reduce current run-off rates from the site resulting in betterment over the existing drainage arrangements.
65. The County's SUDs team raised no objection to the proposal subject to the provision of a sustainable urban drainage strategy. As such, despite the concerns raised by interested parties that the development would increase offsite flooding especially onto Church Road, I see no compelling evidence that any off-site flooding would be exacerbated by the proposal. Consequently, the scheme would accord with the requirements of LP policy DM18.

¹⁰ Skylark Mitigation - Technical note, by AECOM, date 20 October 2021 ¹⁴ Natural England letter dated 7 October 2021

¹¹ Flood Risk Assessment and Drainage Strategy, by AECOM, dated February 2021 ¹⁶ By Aecom, dated February 2021

Wildlife impacts

66. The fields within the appeal site are enclosed by hedgerows that include trees within the field boundaries. The hedgerows provide habitats for a diverse range of avian wildlife including hobby and barn owls and 12 priority bird species including skylark, thrush and yellow hammers. Whilst the hedgerows are considered to be a high value resource, the fields are of limited ecological interest being used as a combination of arable farmland and pastoral. The Appellant's desk based Ecological Assessment¹⁶ and associated surveys conclude that the effects on wildlife would be limited, and these could be mitigated through the preparation of a landscape and ecological management plan and a construction environmental management plan, both of which could be secured by condition.
67. In terms of bats, a bat survey identified that certain trees on site could offer suitable habitat. As these trees are proposed for retention, bats species would not be affected by the proposal. In terms of badgers, the submitted survey has been considered by the Council's ecologist and the required mitigation measures can be incorporated into an ecological management plan. A pond near Link House Farm has been found to include Great Crested Newts, a low impact class license would be required to be obtained from Natural England due to the proximity of this to the site.
68. The proposal includes new planting in the form of enhanced hedgerows both around the perimeter of the site, especially along the A130 corridor, and adjacent to the PRoWs that cross the site. The tree and species rich hedgerow planting, including reinforcement of existing hedging, would enhance the existing planting within the site and its wildlife value. Wild green grassland and new planting corridors would also be provided around the margins of the fenced area enhancing foraging routes.
69. The Bio-diversity Assessment¹² concludes that the proposal would exceed the 10% bio-diversity net gain objective of upcoming legislation. The proposal would result in a loss of 33% river unit habitat, due to the encroachment of the access route into the 10m riparian zone of the Sandon Brook. Nevertheless, the access route could be partially adjusted when the final layout of the site is agreed by condition and the effect further reduced by habitat enhancement that could be secured by condition. Overall, the proposal would result in a net bio-diversity gain of around 82% habitat units and 29% hedgerow units which would be of significant benefit to the wildlife within the area. A condition for a landscape scheme could be used to determine compliance with the biodiversity net gain metric to ensure it would deliver and manage the calculated gains in perpetuity.
70. Interested parties have identified that the proposal would reduce routes through the site used by large mammals, such as deer. Large mammals, traversing the site, have not been identified as using the site through the ecological assessment and surveys undertaken. However, whether present or

¹² By Aecom, dated September 2021

not, I am unconvinced that the site offers a particularly important route through the area. Furthermore, the proposal would retain the ability to accommodate some routes through the site for wildlife where within the landscape scheme that could be secured by planning condition.

Highway safety

71. The proposal includes six access points, four of which would be from Canon Barns Road. These would be used for construction access and then post construction occasionally used for maintenance purposes. The access into the site from Church Road would be for emergencies and to access the substation. Church Road is a single carriageway road with a 60mph speed restriction and is unlit. It also has limited passing points but has no recorded collisions within the prescribed study period. Speed analysis data has shown that actual recorded speeds are around 48mph and the proposed visibility splays, at the access, would enable safe egress and access in this context.
72. The Appellant's Transport Statement¹³ demonstrates that the proposal would generate a relatively low level of vehicular activity, with a nominal number of movements of four two-way vehicle trips a week. As such, due to the nature of the use, traffic associated with the operation of the facility would be light and infrequent. I am therefore satisfied that the use would operate without detriment to highway safety, a point supported by the County's Highway Authority.

Security matters

73. Essex Police has identified that solar farms, within other parts of the country, have been the target of theft¹⁴. The proposal would include security fencing and CCTV to attempt to protect the site and combat criminal activity. Interested parties have raised concerns that the proposal security measures would be ineffective to deter crime. Although recognising these concerns, there is no compelling evidence that the proposal would be especially vulnerable to theft, that the Appellants security measures would be ineffective or that the proposed

scheme would raise criminal activity in the area. Furthermore, this could be suitably addressed through agreement of the specification of robust boundary treatment and CCTV coverage by planning condition.

74. The CCTV cameras would be a significant distance from the nearest residential properties. Consequently, I am unconvinced that these would be capable of substantive overlooking into private spaces. Furthermore, this matter could be further mitigated through a planning condition, with respect to camera views, if deemed necessary by the Council.
75. Other concerns raised by interested parties, such as the health effects of the production of solar panels and operation of solar farms, and its impact on local property values are noted but do not have a material bearing on the main issues associated with this appeal.

¹³ Transport Statement, Low Carbon, February 2021

¹⁴ Essex Police – Design out Crime Team, Mr Stephen Armson-Smith, 22/03/21

Other Considerations

Renewable energy

76. A material consideration in the determination of planning proposals for renewable energy are the National Policy Statements (NPS) for the delivery of major energy infrastructure. The NPSs recognise that large scale energy generating projects will inevitably have impacts, particularly if sited in rural areas. In September 2021, draft updates to the Overarching National Policy Statement for Energy (EN-1) and the National Policy Statement for Renewable Energy Infrastructure (EN-3) were published.
77. The draft NPS EN-3 states that:
- "solar farms are one of the most established renewable energy technologies in the UK and the cheapest form of electricity generation worldwide. Solar farms can be built quickly and, coupled with consistent reductions in the cost of materials and improvements in the efficiency of panels, large scale solar is now viable in some cases to deploy subsidy free and little to no extra cost to the consumer."*
78. Both the existing and proposed NPSs state that the NPSs can be a material consideration in decision making on applications that both exceed or sit under the thresholds for nationally significant projects.
79. The UK Government has declared a climate emergency and set a statutory target of achieving net zero emissions by 2050, and this is also a material consideration. Since the declaration, the Sixth Assessment Report of the Intergovernmental Panel on Climate Change has indicated that there is a greater than 50% chance that global temperature increases will exceed 1.5 degrees Celsius above pre-industrial levels. The report indicates that delay in global action to address climate change will miss a rapidly narrowing window of opportunity to secure a liveable and sustainable future for all¹⁵.
80. The UK Energy White Paper, Powering our Net Zero Future (2020), describes the costs of inaction as follows:

"We can expect to see severe impacts under 3°C of warming. Globally, the chances of there being a major heatwave in any given year would increase to about 79%, compared to a 5% chance now. Many regions of the world would

see what is now considered a 1-in-100-year drought happening every two to five years.

At 3°C of global warming, the UK is expected to be significantly affected, seeing sea level rise of up to 0.83 m. River flooding would cause twice as much economic damage and affect twice as many people, compared to today, while by 2050, up to 7,000 people could die every year due to heat, compared to approximately 2,000 today. And, without action now, we cannot rule out 4°C of warming by the end of the century, with real risks of higher warming than that. A warming of 4°C would increase the risk of passing thresholds that would result in large scale and irreversible changes to the global climate, including large-scale methane release from thawing permafrost and the collapse of the

¹⁵ IPCC Sixth Assessment Report - Summary for Policymakers, paragraph D.5.3

Atlantic Meridional Overturning Circulation. The loss of ice sheets could result in multi-metre rises in sea level on time scales of a century to millennia.”

81. The draft NSPs recognise that to meet the Government’s objectives and targets for net zero by 2050, significant large and small scale energy infrastructure is required. This includes the need to ‘dramatically increase the volume of energy supplied from low carbon sources’ and reduce the amount provided by fossil fuels. Solar and wind are recognised specifically in Draft EN-1 (para 3.3.21) as being the lowest cost way of generating electricity and that by 2050, secure, reliable, affordable, net zero energy systems are ‘likely to be composed predominantly of wind and solar’. The Government aims by 2030 to quadruple offshore wind capacity so as to generate more power than all homes use today. This would therefore be delivered in collaboration with solar energy, and other measures, to provide a robust supply.
82. Planning Practice Guidance (PPG), on renewable and low carbon energy, states that ‘there are no hard and fast rules about how suitable areas for renewable energy should be identified, but in considering locations, local planning authorities will need to ensure they take into account the requirements of the technology and critically, the potential impacts on the local environment, including from cumulative impacts.’¹⁶
83. The Framework explains that when dealing with planning applications, planning authorities should not require a developer to demonstrate a need for low carbon or renewable energy projects, and should recognise that even smallscale projects can help reduce greenhouse gas emissions. Paragraph 158(b) also explains that such schemes should be approved if any impacts are, or can be made, acceptable. Furthermore, it identifies once areas have been identified for such projects, by local authorities in local plans, any subsequent applications should demonstrate how they would meet the criteria used in identifying suitable locations.
84. The Council has not allocated any sites for renewable energy schemes in the district. However, it’s Solar Farm Development – Supplementary Planning Document-2021 (SPD) includes locational principles that guide its consideration of suitable sites. Paragraph 8.2 requires solar farms in the Green Belt to demonstrate very special circumstances and, among other matters, to not adversely impact on the identified character and beauty of the Rural Area. Paragraph 5.5 reiterates guidance of the Framework in identifying that Very Special Circumstances may include wider environmental benefits associated with the production of energy from renewable sources.
85. The approved Cannon Barns site was allowed in the Green Belt. The Council found that the benefits of renewable energy would outweigh the harm to the openness of the Green Belt, the low level of ‘less than substantial’ harm to heritage assets and the modest harm to landscape character. Whilst each case must be considered on its own merits, this recent decision provides a useful insight into the weight the Council has applied in the past to renewable energy projects in the Green Belt.

¹⁶ PPG, Paragraph: 005 Reference ID: 5-005-20150618

86. The proposed solar farm is substantially larger than the Canon Barns site, with clear contextual differences. Nevertheless, it is plainly evident that a larger site, such as the current proposal that may have a greater impact, would also deliver a greater level of power output thus making a greater contribution towards the production of renewable energy. This benefit weighs strongly in favour of the scheme.

Planning balance

87. I have concluded that the appeal scheme would result in harm to the Green Belt from inappropriateness and loss of openness, to which I afford substantial weight. Furthermore, the proposal would also result in moderate harm to the landscape character and convey moderate visual harm to the area. The proposal would also convey limited harm to the loss of a small proportion of BMV arable land, attracting limited adverse weight. The limited harm identified to the NDHA would be outweighed by the public benefits of the proposal. Nevertheless, for the purpose of my overall planning balance this harm contributes to the adverse effects of the proposal.

88. The proposed scheme would not harm the integrity of the SPA, weighing neither for nor against the proposal. Furthermore, the other matters identified raise issues that either result in no harm or raise technical matters that could be adequately addressed through the imposition of appropriate conditions to negate the harm.

89. Conversely, the proposal would deliver a renewable energy facility that would create up to 49.9MW of power. This would provide power for around 16,581 households, result in a carbon dioxide displacement of around 11,210 tonnes per annum and therefore help combat climate change. The appeal site, whilst large is relatively unobtrusive, within a depression of land that prevents most wide views of the site to be experienced. The surrounding landscape also includes a range of man-made interventions. These features enable the area to accommodate a degree of change where other locally approved solar farms would contribute to the visual evolution of the appearance of the area.

90. The Framework identifies that many renewable energy projects in the Green Belt will comprise inappropriate development. In such cases, developers will need to demonstrate very special circumstances which could include the wider environmental benefits associated with the increased production of energy from renewable sources. Whilst this lends support for renewable projects in the Green Belt it does not confer an automatic approval of such schemes, where the effects of such development must take into account a broad range of issues in mind of the general presumption against inappropriate development and the resultant substantial harm conveyed to the Green Belt by this.

91. The benefits of renewable energy raise substantial benefits in favour of the proposal. These benefits are recognised in the Council's local policies and guidance and national policy in accordance with the Climate Change Act of 2008. It is also clearly identified, in Section 14 of the Framework, where it seeks to increase the use and supply of renewable and low-cost energy and to maximise the potential for suitable such development. The delivery of suitable renewable energy projects is fundamental to facilitate the country's transition to a low carbon future in a changing climate.

92. Also, a solar farm requires grid capacity and a viable connection to operate. As such, this requirement places a locational restriction on site selection that limits the number of appropriate sites for such a facility. The Appellant explains that the national grid suffers capacity difficulties and limits suitable points of connection. The Appellant proposes to connect to the adjacent electrical pylons placing the site in an advantageous location satisfying the connection constraints that exist. The Appellant has therefore demonstrated that a rational approach was taken to site selection lending support for the selected site.
93. Accordingly, the public benefits of the proposal are of sufficient magnitude to outweigh the substantial harm found to the Green Belt and all other harm identified above. These benefits identified attract very substantial weight in favour of the scheme. In this context, the harm to the Green Belt would be clearly outweighed by the other considerations identified and therefore the very special circumstances necessary to justify the development exist. Accordingly, the proposal would satisfy the local and national Green Belt policies I have already outlined.

Conditions

94. I have considered the use of conditions in line with the guidance set out in the PPG. I shall take the conditions within the agreed SoCG into consideration and impose these with some amendments and adjustments for clarity.
95. A number of conditions are necessary that relate to the submission of details prior to the commencement of development. These seek details relating to the specific placement of equipment on site, a landscape scheme, temporary fencing, arboricultural method statement, soil management plan, archaeological investigation and definition of exclusion zones, construction ecological management plan, construction traffic management plan and a surface water drainage strategy. I consider these pre-commencement conditions to be so fundamental to the development that it would have been otherwise necessary to refuse permission. These details are required at a precommencement stage as they relate to matters that may influence the configuration of equipment on site and relate to its initial setting out.
96. I have imposed the standard conditions with respect to timeframe and approved plans as advised by the PPG for clarity and certainty. Conditions are also necessary to determine the precise location of the equipment, grant only a temporary consent, establish a decommissioning strategy, decommissioning in the event of early closure of the facility and to require notification as to when power provision begins. These conditions would be required to manage the overall landscape impact of the development and comply with LP policy DM19.
97. Conditions are necessary with respect to the provision of a landscape planting scheme, an ecological management plan, construction ecological plan, to prevent the installation of external lighting, breeding bird mitigation and monitoring strategy and arboricultural method statement in the interests of the character and appearance of the area and to ensure the delivery of a net gain to Biodiversity.
98. It is necessary to require details of boundary treatment and the proposed

CCTV system to ensure the proposed works integrate well with their surroundings.

99. During the Hearing the Council explained that it would also require a condition for temporary fencing to prevent glint and glare to motorists. I acknowledge that there is no clear evidence before me that clearly demonstrates that solar farms cause glint and glare that might contribute towards accidents. Nevertheless, the County Highway Engineer's evidence illustrates that some motorists have stated, in accident reports, that dazzle was a distracting component. Therefore, despite the solar panels not being especially reflective, I find that a requirement for screening would be necessary due to the site's proximity to the A130 and the extent of panels that would otherwise be visible from this vantage. Accordingly, this condition would be necessary in the interests of highway safety.
100. It is also necessary for the submission of a construction traffic management plan, site access point specifications and for hardstanding around the accesses to be hard bound, all in the interests of highway safety. Furthermore, conditions are necessary to satisfy the archaeological interests of the site and to define any localised exclusion zones in accordance with LP policy DM15.
101. It is also necessary for the provision of a surface water drainage strategy and its maintenance plan to ensure that a SUDs scheme is installed to mitigate against any flood risk. Furthermore, a condition would be required to ensure that a soil management plan is submitted to manage soil compaction, water runoff and drainage.

Conclusion

102. For the above reasons, the appeal is allowed, and planning permission is granted subject to the conditions within the attached schedule.

Ben Plenty

INSPECTOR

APPEARANCES

For the Appellant;

Thomas Smith - Technical Director, AECOM
Richard Hammond - Landscape architect, AECOM
Jonathan Hill - Associate Director, AECOM
James Hartley-Bond - Low Carbon

For the Council;

Ruth Mabbutt - Senior Planning Officer, Chelmsford City Council
Ryan Mills - Place, Essex County Council
Sarah Hill-Saunders - Planning Officer, Chelmsford City Council
Richard Mackrodt - Highway Engineer, Essex County Council

Interested parties;

Cllr Richard Poultnier, for Bicknacre and East and West Hanningfield Ward
Cllr Sue Dobson, for Bicknacre and East and West Hanningfield Ward
Cllr Les Draper, East Hanningfield Parish Council
Cllr Malcolm Thomas, East Hanningfield Parish Council (and acting as resident)
Paul Galley, West Hanningfield Parish Council
John Dunton, West Hanningfield Parish Council
Mr and Mrs Hellings, residents

Additional documents

Doc A: Statement of Common Ground (signed version)
Doc B: Viewpoint suggestions and plan for site visit walking route from main parties
Doc C: Plan of Public Rights of Way
Doc D: objection from West Hanningfield Parish Councils
Doc E: objection from East Hanningfield Parish Councils
Doc F: objection from Mr Malcolm Thomas, a local resident
Doc G: Attendance List

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans and conditions listed on this decision notice: LCS039-SP-01_rev02 (Site Location Plan), LCS039-DZ-01_rev10 (Zoning Layout Plan), LCS-SD-11_rev02 (Panel Cross Section), LCS-SD-01_rev02 (DNO Substation Elevations and Dimensions Plan), LCS-SD-02_rev02 (Customer Substation Elevations and Dimensions Plan), LCS-SD-03_rev01 (Indicative CCTV Post), LCS-SD-04_rev02 (Security Fence and CCTV Standard Detail), LCS-SD-08_rev02 (Inverter Elevations and Dimensions Plan), LCS-SD-01_rev01 (DNO Substation Floor Plan), LCS-SD-15_rev01 (Customer Substation Floor Plan), LCS-SD-16_rev01 (Inverter Floor Plan), LCS-SD-21_rev01 (53ft Battery Container (HVAC on roof) Standard Detail), LCS-SD-23_rev01 (POC Mast Compound), LCS-SD-25_rev01 (Meter Kiosk Standard Detail), LCS039-PLE-01_rev22 (Indicative Site Layout (amended post-decision), 60644715-ACM-LCSF-SD-DR-DS-000001 Rev P02 (Sandon Brook Solar Farm Outline Drainage Strategy).
- 3) The planning permission hereby granted shall be limited to a period of 40 years commencing from the date electricity generated by the solar panels is first exported to the National Grid. At the end of this 40-year period, the development shall be removed, and the land restored to its previous agricultural use in accordance with details that shall have been previously submitted to and approved in writing by the Local Planning Authority.
- 4) Prior to their installation, full details of the final location, design and materials to be used for the: (a) panel arrays, (b) transformers, (c) inverters, (d) battery storage, (e) control room, (f) substations, (g) CCTV cameras, (h) fencing and gates, and (i) Any other auxiliary buildings. These details shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details and thereafter permanently maintained in the agreed form unless otherwise agreed in writing with the Local Planning Authority.
- 5) No later than six months prior to the expiry of the planning permission, or within six months of the cessation of electricity generation by this solar PV park, whichever is the sooner, a detailed scheme of works for the removal of the development (excluding the approved landscaping and biodiversity works) shall be submitted to and approved in writing by the Local Planning Authority (LPA). The scheme of works shall include the following: (a) a programme of works; (b) a method statement for the decommissioning and dismantling of all equipment and surfacing on site; (c) details of any items to be retained on site; (d) a method statement for restoring the land to agriculture; (e) timescale for the decommissioning, removal and reinstatement of the land; (f) a method statement for the disposal/recycling of redundant equipment/structures. The scheme of works shall be undertaken in accordance with the approved details and timescales. The operator shall notify the Local Planning Authority in writing within five working days following the

- cessation of electricity generation.
- 6) The applicant/developer shall notify the Local Planning Authority in writing within 10 working days of electricity being generated from the development being first exported to the National Grid.
 - 7) If the solar farm ceases to export electricity to the grid for a continuous period of twelve months, a scheme shall be submitted to the Local Planning Authority for its written approval within three months from the end of the twelve-month period for the removal of the solar farm and associated equipment and the restoration of (that part of) the site to agricultural use. The approved scheme of restoration shall then be fully implemented within nine months of the written approval being given.
 - 8) No construction or decommissioning works shall take place except between the following hours: 08:00 to 18:00 Monday to Friday, and 08:00 to 13:00 Saturday. No construction or decommissioning works shall take place at any time on Sunday or a Bank Holiday.
 - 9) Prior to the commencement of development, a landscaping scheme containing details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Subsequently the works shall be carried out as approved prior to the first exportation to the National Grid, or in the first available planting season following such exportation and permanently retained and maintained in accordance with the agreed lifetime of the development. The details to be submitted shall include: (a) Hard surfacing including pathways and driveways, other hard landscape features and materials; (b) Existing trees, hedges or other soft features to be retained; (c) Planting plans including specifications of species, sizes, planting centres, number and percentage mix; (d) Details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife; (e) compliance with the biodiversity net gain metric and (f) the continuation of unobstructed movement of species within the site.
 - 10) A Landscape and Ecological Management Plan (LEMP) shall be submitted to and be approved in writing by the local planning authority prior to first exportation to the National Grid. The content of the LEMP shall include the following: (a) Description and evaluation of features to be managed; (b) Ecological trends and constraints on site that might influence management; (c) Aims and objectives of management; (d) Appropriate management options for achieving aims and objectives; (e) Prescriptions for management actions; (f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period); (g) Details of the body or organisation responsible for implementation of the plan; (h) Ongoing monitoring and remedial measures. The LEMP shall include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the

- approved details.
- 11) Prior to their installation, details of boundary treatment and CCTV cameras shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be carried out as approved prior to first exportation to the National Grid and permanently retained and maintained in accordance with the agreed form subject to any such variation that has been previously agreed in writing with the Local Planning Authority. The details to be submitted shall include: (a) Details of the proposed treatment of all boundary fencing; and (b) Details of the CCTV cameras; (c) Whole perimeter fencing plan including provision for the ingress and egress of badgers and other small mammals.
- 12) Prior to the commencement of development, a scheme to deal with the provision of temporary boundary fencing to address glint and glare shall be submitted to and approved in writing by the Local Planning Authority. The temporary fencing should be installed to approximately 3 metres in height (or where necessary to a previously agreed greater height) and shall provide continuous unbroken screening, above the carriageway levels of the A130 and Southend Road. The fencing shall remain in place until the new planting and any additional planting to enhance the existing established planting has reached a minimum height of 3 metres (or greater), to be determined in writing with the Local Planning Authority. Prior to the removal of the temporary fencing, evidence shall be submitted to and approved in writing by the Local Planning Authority, which demonstrates the boundary landscaping has reached a height of 3 metres (or where necessary to a previously agreed greater height) and provides a continuous unbroken screen, above the carriageway levels of the A130 and Southend Road.

In the event of an extraordinary event, where the temporary screening along the perimeter of the site, as shown on the detailed site layout plan secured under Condition 4, is partially or completely removed or destroyed, an Emergency Plan shall be provided prior to the commencement of the development that identifies: i. the procedure to install temporary screening, with associated construction management plan; ii. permanent remedial actions; iii. the party or party's responsible; and iv. provision of any Traffic Management required to the A130 and Southend Road carriageways, as required by the LPA and the Highway Authority. Full details of the Emergency Plan will be agreed in writing with the Local Planning Authority and the Local Highway Authority prior to commencement.

- 13) In relation to tree protection, no works shall take place until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall only be carried out in accordance with the submitted Arboricultural Method Statement subject to such minor variations as may be agreed by the Local Planning Authority. The details to be submitted shall include: (a) Details of trees and hedges to be retained and removed; (b) Details of tree surgery work to retained trees; (c) Specification for tree protection including layout and type of tree protection for construction including change that may occur during development; (d) Location and

installation of services, utilities and drainage; (e) Details of construction within the root protection area of retained trees; (f) Details of site access, temporary parking, welfare facilities, loading and unloading, storage of equipment, materials, fuels and waste; (g) Boundary treatments within the root protection areas; (h) Arboricultural supervision and inspection, including timings, reporting of inspections and supervision; (i) Boundary treatments within the root protection areas, and (j) Arboricultural supervision and inspection, including timings, reporting of inspections and supervision.

- 14) Prior to first exportation to the National Grid, a wintering and farmland breeding bird mitigation and monitoring strategy, that includes reference to skylarks, shall be submitted to and approved in writing by the Local Planning Authority prior to the completion of the development. Thereafter, the works shall only proceed in accordance with the approved mitigation and monitoring strategy, subject to any minor variation that may be agreed in writing with the Local Planning Authority. The strategy shall include details of the following: (a) Purpose and conservation objectives for the proposed measures; (b) Detailed methodology for measures to be delivered; (c) Location of the proposed measures; and (d) the Mechanism for implementation and monitoring of delivery. The farmland bird mitigation strategy shall be implemented in the first nesting season following completion of the development and in accordance with the approved details or any such variation that has been previously agreed in writing by the Local Planning Authority and shall be delivered for a minimum period of 10 years from first implementation.
- 15) No work shall take place until a soil management plan has been submitted to, and approved in writing by, the local planning authority. Thereafter, the development shall be carried out in accordance with the approved details and thereafter permanently maintained in the agreed form unless otherwise agreed in writing with the Local Planning Authority.
- 16) No unbound material shall be used in the surface treatment of the vehicular access hereby permitted within 6 metres of the highway boundary.
- 17) Prior to their construction, details of the construction of the site accesses, visibility sight splays, dropped kerb vehicular crossings of the footway and details of surface water discharge from the highway, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the access points shall be constructed ready for use prior to first export to the National Grid in accordance with the approved details. The accesses shall be permanently retained in accordance with the agreed form at all times.
- 18) No development shall take place within the whole site until a programme of archaeological work has been secured and implemented, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority. The scheme of investigation shall include an assessment of significance and research questions; and: (a) The programme and methodology of site investigation and recording; (b) The programme for post investigation assessment; (c) Provision to be made for analysis of the site investigation

and recording; (d) Provision to be made for publication and dissemination of the analysis and records of the site investigation; (e) Provision to be made for archive deposition of the analysis and records of the site investigation; (f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation; (g) The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

The solar farm shall not be brought into operation until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation, and the provision made for analysis, publication and dissemination of results and archive deposition.

- 19) Prior to commencement of the development a detailed site plan including Archaeological Exclusion Zones will be submitted to and approved by the Local Planning Authority. Following the approval and completion of the archaeological evaluation referred to in Condition 18 and prior to the commencement of development, a final detailed site layout plan with full details of the final locations, design and materials to be used for the panel arrays, inverters, customer switchgear, substations, CCTV cameras, fencing, foundations and cabling will be submitted for approval.

Should the archaeological evaluation identify any significant archaeological deposits, the final detailed site layout plan will define Archaeological Exclusion Zones within which below and above ground development will be excluded or provide sufficient design mitigation including but not limited to the use of above ground cables, concrete shoes or other means to avoid any impact on archaeological deposits if required.

The final detailed site layout plan shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the County Council's Lead Archaeologist. Subsequently the development shall be carried out in accordance with the approved details.

If there are archaeological areas to be preserved in situ, a management plan will be produced for any archaeological areas to be preserved in situ, setting out the methodology to secure the ongoing protection of these areas both during construction, operation and decommissioning of the solar farm.

- 20) No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details for the control and management of noise and dust during the construction phase, and with respect to noise shall have due consideration of the guidance within BS 5228:2009+A1:2014. The CEMP will be adhered to by the contractor throughout the construction process. The CEMP shall include the following: (a) Risk assessment of potentially damaging construction activities; (b) Identification of "biodiversity protection zones"; (c) Practical measures (both physical measures and sensitive working

practices) to avoid or reduce impacts during construction (may be provided as a set of method statements); (d) The location and timing of sensitive works to avoid harm to biodiversity features; (e) The times during construction when specialist ecologists need to be present on site to oversee works; (f) Responsible persons and lines of communication; (g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; (h) Use of protective fences, exclusion barriers and warning signs; (i) Details for the control and management of noise and dust during the construction phase; and (j) Shall have due consideration of noise guidance contained within BS 5228:2009+A1:2014. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

- 21) No development shall take place, including any ground works or demolition, until a Construction Traffic Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved Plan shall be adhered to throughout the construction period. The Statement shall provide for: (a) Suitable construction vehicle routes for all construction vehicles, to be agreed with the Highway Authority; (b) The parking of vehicles of site operatives and visitors; (c) Loading and unloading of plant and materials iv. storage of plant and materials used in constructing the development; (d) Wheel and underbody washing facilities; (e) The location of the construction compound; and (f) Construction signage and traffic management measures.
- 22) No development shall commence until details of the strategy for the disposal of surface water on the site have been submitted to and approved in writing by the local planning authority (LPA).
- 23) Prior to first use of the development hereby permitted a detailed maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. It should additionally show that there is a regular and strict maintenance plan in place for the outfall to reduce the risk of blockage. Should any part be maintainable by a maintenance company, details of long-term funding arrangements should be provided.
- 24) No external lighting, including lighting required for construction and decommissioning, shall be installed at the site until such time as a lighting strategy for biodiversity has been submitted to and approved in writing by the local planning authority. All external lighting shall be installed in accordance with the details agreed in the strategy and shall be maintained thereafter in accordance with the agreed details, subject to any such variation that may be agreed with the Local Planning Authority. No additional external lighting shall be installed without prior written consent from the local planning authority.

End of conditions

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MAIDENHEAD DEVELOPMENT CONTROL PANEL

18 October 2023

Item: 2.

Application No.:	23/00511/FULL
Location:	Land South And East of Badgers Wood Kimbers Lane Maidenhead
Proposal:	215no. dwellings with access, landscaping, open space, parking and associated infrastructure.
Applicant:	
Agent:	Joanne Unsworth
Parish/Ward:	Bray Parish/Bray
If you have a question about this report, please contact: Sarah Tucker on or at sarah.tucker@rwm.gov.uk	

1. SUMMARY

- 1.1 The application seeks full planning permission for the erection of 215 dwellings on land south of Harvest Hill Road, to the south west of Badger’s Wood residential property. The site lies within the South West Maidenhead Allocation for housing in the adopted Borough Local Plan (BLP).
- 1.2 The proposal includes substantial benefits in terms of the provision of housing on an allocated site, along with 65 affordable housing units in line with the requirements of BLP Allocation AL13, would provide the necessary funding to support the delivery of infrastructure in accordance with the South West Maidenhead SPD, funding towards the Borough’s carbon off-setting fund, and would deliver significant biodiversity net gain on site.
- 1.3 The proposal provides a suitable level of accommodation for future with provision of on-site open space that exceeds BLP requirements in a legible layout that accords with the design principles set out in the South West Maidenhead SPD.

It is recommended the Committee authorises the Head of Planning:

- | | |
|----|---|
| 1. | <p>To grant planning permission on the satisfactory completion of an undertaking to secure the S106 obligations summarised below and detailed in Section 12 of this report and with the conditions listed in Section 15 of this report:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Financial contributions towards necessary local infrastructure on a pro-rata basis (which include highway improvements to Harvest Hill Road) <input type="checkbox"/> Delivery of affordable housing <input type="checkbox"/> On site open space provision <input type="checkbox"/> Delivery and maintenance of biodiversity net gain <input type="checkbox"/> Provision of private access footpaths and maintenance thereof within the public open space <input type="checkbox"/> Implementation and monitoring of a travel plan <input type="checkbox"/> Delivery of custom build units <input type="checkbox"/> Carbon off-set contribution |
|----|---|

2. REASON FOR COMMITTEE 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 Committee as the application is for major development

3. THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is included within the housing allocation of the Southwest Maidenhead SPD (allocation AL13 in the BLP) as part of the Harvest Hill Road Neighbourhood. The site is 8.52 hectares in size and consists of a roughly triangular parcel of land fronting Harvest Hill Road that is currently part of the Maidenhead Golf Course but has not been utilised for some time and is grassed. The site slopes steeply from north to south. There are a number of trees within the old field boundaries, including a number of veteran trees along Harvest Hill Road. There are hedgerows to the western boundary and along the former field boundary within the site. To the north of the site lies Harvest Hill Road, to the north- west lie properties on Kimbers Lane, to the west and east lie parts of the South West Maidenhead Allocation that are in different ownerships and to the south lies the A308. There is an existing access to the site from Harvest Hill Road. Kimbers Lane lies to the west of the site, along with the scheme at Manor House for 199 dwellings that was recently approved (see planning history below).

4. KEY CONSTRAINTS

- 4.1 The site lies wholly within the Southwest Maidenhead Allocation. There is a tree preservation order (TPO) across the allocation itself and a number of veteran trees along the northern boundary of the site, just south of Harvest Hill Road. There is a large tree on the eastern boundary and a number of hedgerow trees in the old field boundary two thirds of the way down the site, as well as two trees in the southern section of the site. A small part of the southern section of the site is lies in an area of flood risk in flood zones 2 and 3 for surface water flood risk.

5. THE PROPOSAL

- 5.1 The application seeks full planning permission for the erection of 215 dwellings, with access, landscaping, open space, parking and associated infrastructure proposed.
- 5.2 The proposed access is from Harvest Hill Road at the north-western corner of the site. An emergency access with pedestrian and cycle access is proposed in the north-western boundary of the site into another section of the South-West Maidenhead Allocation, just south of Kimbers Lane. Housing development is proposed on the northern section of the site, with the southern section of the site, south of the retained field boundary, is proposed as open space. No built development is proposed in the areas of flood risk.
- 5.3 From the main access the central spine round runs south, with secondary access running west and east off this central route. The central spine road then changes to become a pedestrian and cycle access as a green spine that runs the rest of the area of built development. Residential development consists of 140 houses and 75 apartments, in a mix of development ranging from 1 bedroom apartments to 5-bedroomed houses. The apartments are situated in 7 different apartment blocks: 3

blocks situated by the main access, 4 blocks along the central green spine and one in the north-east corner of the site. The majority of the housing is two and a half and three storeys high and the apartment blocks are three to four storeys high.

- 5.4 65 units (30% of proposed housing) are proposed to be affordable, with a tenure mix of 45% social rent, 35% affordable rent, and 20% shared ownership. The dwellings for social rent are 2, 3 and 4 bed housing, with the affordable rent units 1 and 2 bed flats, and the 13 shared ownership dwellings are a mix of 2 bed and flats and 2 bed houses.
- 5.5 The proposal includes 387 parking spaces, with the parking for the apartment blocks in separate courtyards.
- 5.6 Two formal play areas are proposed, a Local Area of Play (LAP) close to the entrance of the site and a Local Equipped Area of Play (LEAP). The southern section of the site is proposed to be informal open space, and also includes two attenuation basins for surface water drainage. The total amount of open space provision is 3.26 ha (which does not include the attenuation basins).

6. RELEVANT PLANNING HISTORY

- 6.1 Whilst there is no direct planning history on the site, the following outstanding applications are relevant, as are both included within the area of the South West Maidenhead Allocation:

Reference	Description	Decision
22/01717/FULL	Residential development comprising 199 new homes with open and recreational space, landscaping, improved pedestrian and access links, SUDS and biodiversity features and other associated infrastructure	Approved 4/08/2023
22/02821/FULL	Demolition of Adam Cottage, formation of new vehicular access from Harvest Hill Road and erection of 44 new dwellings to include 29 houses, 2 no. apartment blocks containing 15 dwellings along with associated car parking and landscaping.	Pending consideration

7. DEVELOPMENT PLAN

- 7.1 The main relevant policies are:

Adopted Borough Local Plan

Issue	Policy
Spatial Strategy for the Borough	SP1
Climate Change	SP2
Sustainability and Placemaking	QP1
Green and Blue Infrastructure	QP2
Character and Design of New Development	QP3
Building Height and Tall Buildings	QP3a
Housing Development Sites	HO1
Housing Mix and Type	HO2
Affordable Housing	HO3
Managing Flood Risk and Waterways	NR1
Nature Conservation and Biodiversity	NR2
Trees, Woodlands and Hedgerows	NR3
Environmental Protection	EP1
Air Pollution	EP2
Artificial Light Pollution	EP3
Noise	EP4
Infrastructure and Developer Contributions	IF1
Sustainable Transport	IF2
Open Space	IF4
Historic Environment	HE1

8. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2023)

Section 2 – Achieving sustainable development

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 11 – Making effective use of land

Section 12- Achieving well-designed places

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

Supplementary Planning Documents

- Adopted Borough Wide Design Guide
- RBWM South West Maidenhead adopted SPD

Other Local Strategies or Publications

Other Strategies or publications material to the proposal are:

- RBWM Townscape Assessment
- RBWM Landscape Assessment
- RBWM Parking Strategy
- Affordable Housing Planning Guidance
- Interim Sustainability Position Statement
- Corporate Strategy
- Environment and Climate Strategy

9. CONSULTATIONS CARRIED OUT

Comments from interested parties

Nine occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 15/03/2023 and the application was advertised in the Local Press (Maidenhead Advertiser) on 16/03/2023.

4 representations were received objecting to the application, summarised as:

Comment	Where in the report this is considered
1. Concerns with density	Section 12
2. Number of dwellings should be decreased considerably	Section 12
3. Green spaces are being depleted	Section 12
4. Loss of wildlife- site is not species poor	Section 12
5. Mitigation will not be enough for loss of wildlife	Section 12
6. Planning application does not appear to consider how the adjoining parcel of land would be able to come forward to deliver a comprehensive master-planned solution	Section 12
7. Question the appropriateness of access points given the level of demand expected- there should be two more road connections	Section 12
8. Concerned with the lack of comprehensive development	Section 12
9. Insufficient time was allowed to inspect the plans and make representations	Section 12
10. Part of the proposed development area close to the 8/9 junction is flooded every year	Section 12
11. The road infrastructure will not cope with the additional traffic this development will create	Section 12
12. Density of development is hugely out of character for the area	Section 12

13	There is only one road in and out of the development so no emergency access for emergency vehicles	Section 12
14	Insufficient parking for the number of cars that will be required	Section 12
15	This development will require a serious upgrade of sewers	Section 12
16	Already a lack of schools, GP surgeries and other essential services in Maidenhead and this will add to the shortages	Section 12
17	The site is an area of high archaeological potential	Section 12
18	There is no provision for any recreation or play areas for families with children	Section 12

Statutory consultees

Consultee	Comment	Where in the report this is considered
Environment Agency	No comment as it falls outside our remit as a statutory planning consultee	Section 12
Lead Local Flood Authority	No objections subject to conditions	Section 12
Highway Officer	No objection subject to conditions and S106 obligations	Section 12
Thames Water	No response received	Section 12
Environmental Protection	The findings and conclusion of the air quality assessment that the overall air quality impacts as a result of traffic generated by the development is to be not significant and therefore acceptable. The noise assessment is acceptable and development should be built in accordance with the report. Conditions and informatives are recommended.	Section 12

Consultees

Consultee	Comment	Where in the report this is considered
Berkshire Archaeology	No objections subject to a written scheme of information condition	Section 12
Council's Ecological Consultant	No objections subject to conditions	Section 12
Housing Enabling	The proposal will provide 30% affordable housing. The proposals accord with the South West Maidenhead SPD in terms of mix. 5% of the dwellings units will meet M4(3) Wheelchair accessible standards. The affordable housing is shown in 3	Section 12

	clusters which are well integrated throughout the development.	
Policy Team	No objection subject to conditions and S106 obligation in relation to self-build and custom built housing	Section 12
Nature Space	The development falls within the green impact risk zone for great crested newts. In this zone there is moderate habitat suitability and a low likelihood of great crested newt presence. There is limited connectivity between the development and surrounding features in the landscape. We are satisfied that if this development was to be approved, it is unlikely to cause an impact on great crested newts and/or their habitats.	Section 12
Fire Safety Officer	Any structural fire precautions and all means of escape provision will have to satisfy Building Regulation requirements.	Section 12
Leisure Services	The LAP and the LEAP are good provision	Section 12
Urban Design Consultant	No objections subject to conditions	Section 12

Others (e.g. Parish and Amenity Groups)

Group	Comment	Where in the report this is considered
Bray Parish Council	<p>Recommend for refusal., noting the inappropriate scale, design, density, height and layout of the proposal in comparison with 22/02821 for only 47 homes. BPC considers that there is insufficient provision of parking and cannot recommend approval without more information on the impact of increased traffic pressure on Harvest Hill Road, the Braywick roundabout and the A308 into Maidenhead Town Centre, all whilst there is currently an increase in HGV traffic up to 50 HGV's a day to and from the recycling centre off Kimbers Lane which has recently been allowed on appeal. BPC also has concerns regarding wildlife in the area and the need to ensure badgers are protected.</p> <p>Further comments received: Despite an assurance from the applicant that there is no badger presence on this site, BPC remains deeply concerned about the impact on wildlife in the area. Considering the various concerns held by</p>	Section 12

	the Parish Council, it is hoped that this application will be timebound and become subject to the proposed new Sustainability Checklist which is currently undergoing consultation within RBWM.	
Binfield Badger Group	Concerned that the development will be very detrimental to badgers using the site. Very likely that badgers are using the proposed site for foraging. We would ask for a full field survey by trained ecologists be carried out before the application is considered further. If permission is given we would like to see appropriate mitigation in place of the construction phase and the habitation phase.	Section 12

10. EXPLANATION OF RECOMMENDATION

10.1 The key issues for consideration are:

- i Principle of Development
- ii Climate Change and Sustainability
- iii Affordable Housing
- iv Housing Provision
- v Drainage
- vi Urban Design and Character
- vii Impact on amenity of neighbouring buildings and future residents
- viii Parking and Highways Impacts
- ix Ecology and Biodiversity
- x Trees, Landscape and Open Space
- xi Archaeology
- xii Other Infrastructure requirements
- xiii Other Issues
- xiv Planning balance

11. COMMUNITY INFRASTRUCTURE LEVY (CIL)

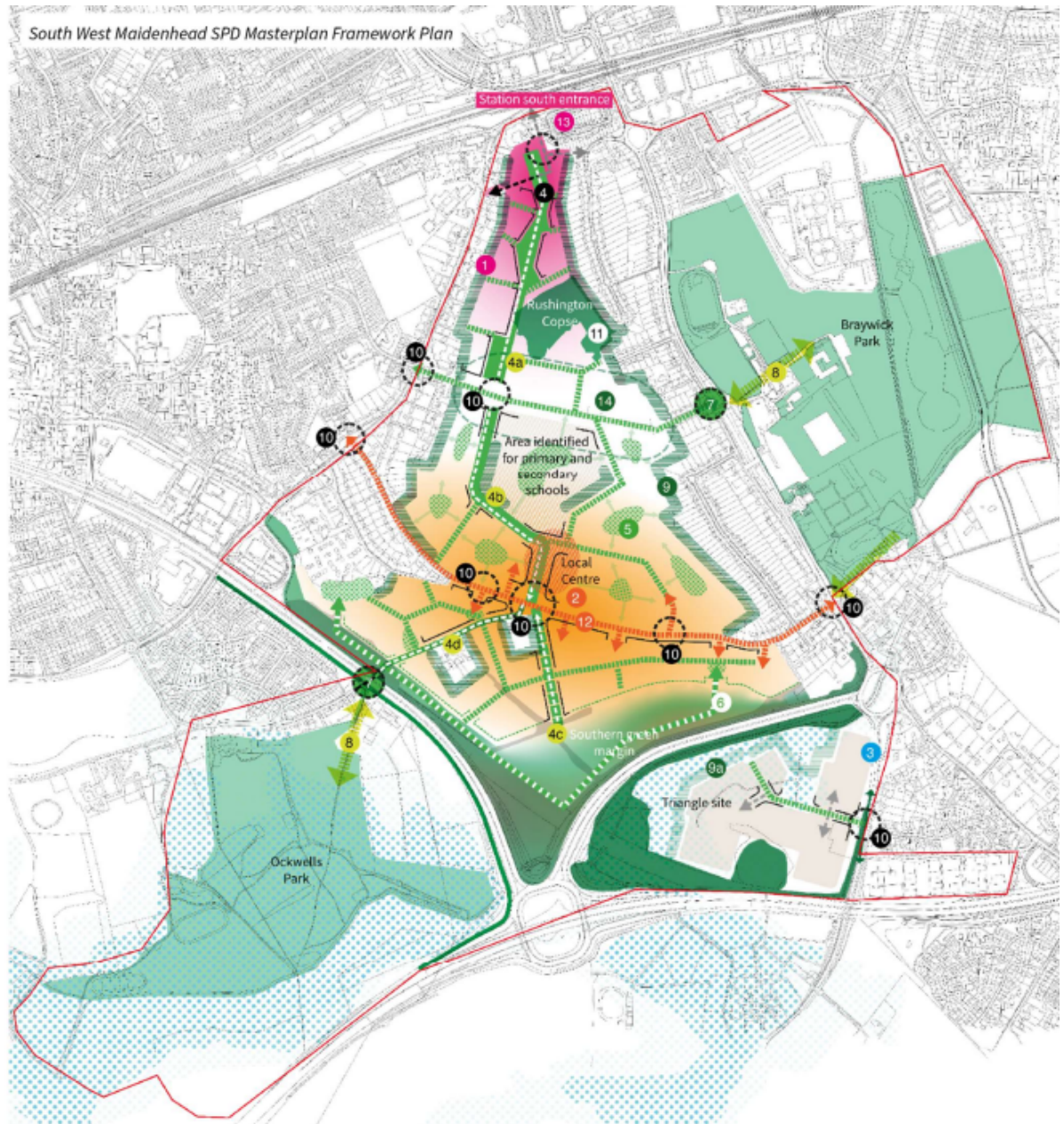
11.1 The development would be liable to pay CIL based on the following:

Reason for liability	New residential development
CIL Charging Rate	£240 per sq m
New floorspace	20,734.75 sq m

12. PLANNING BALANCE

Principle of development

- 12.1 The site lies within the South West Maidenhead allocation in the Adopted Borough Local Plan (BLP)- Site Allocation AL13: Desborough, Harvest Hill Road, South West Maidenhead. The site for this allocation is 89.93 ha and includes the golf course site that lies to the north of the current site under consideration, as well as other parcels of land south of Harvest Hill Road. This overall allocation is for 2,600 residential units, education facilities including primary and secondary schools, strategic open space, formal play and playing pitch provision, as well as a multi-functional community hub including retail as part of a local centre.
- 12.2 Given the large size of the allocation, the Council adopted a Supplementary Planning Document (SPD) for it, the South West Maidenhead Development Framework SPD, which was adopted in December 2022. This document provides a planning, design and delivery framework for the South West Maidenhead allocation. It adds details to the broad principles set out in the BLP and identifies key principles and requirements for the development of the area and assesses the infrastructure required to support development and provides a delivery framework that will ensure the timely and co-ordinated delivery of necessary supporting infrastructure.



12.3 The SPD includes an Illustrative Framework Plan which sets out how the key design principles could come together across the allocation area. The illustrative framework plan identifies two key residential neighbourhoods- the Northern Neighbourhood, close to the town centre and the Harvest Hill Neighbourhood to the south, which lies both north and south of Harvest Hill Road. The current site under consideration lies within this southern neighbourhood. The illustrative Framework Plan also shows a 'Green Spine' running from the local centre on the golf course site through to the current site under consideration, with an access from Harvest Hill Road. The Green Spine has a strategic role linking the town centre through the entire residential section of the allocation, and facilitating movement to the southern areas of green space.

12.4 One of the overarching principles of residential development is the need for comprehensive development, with linkages between parcels of land to create key routes within the allocation.

- 12.5 The current site under consideration lies within the southern Harvest Hill neighbourhood. It accords with the Illustrative Framework Plan in the SPD as it has an access from Harvest Hill road, close to the access proposed from the golf course site a central spine road, which becomes a landscaped pedestrian and cycle route to the open space to the south, and includes linkages east and west to adjacent development parcels, in other ownerships, as well as to Kimbers Lane and the open space in the southern part of the site. This will enable comprehensive development when the other development parcels are put forward for development and the accesses, both vehicular, pedestrian and cycle, can be linked up. As such, the proposal accords with the main purpose of the SPD and BLP allocation AL13 in ensuring comprehensive development.
- 12.6 The overall allocation includes the development of 2,600 dwellings. Whilst the SPD and the BLP allocation AL13 allow for town centre densities in the northern part of the allocation on the golf course site, the current application site is part of the Harvest Hill southern neighbourhood, where densities are lower but to achieve the overall number of dwellings, as medium density is required here, with building heights reduced to 4 to 6 storeys. Given that the maximum heights of the apartment blocks here are 4 storeys, In this context, the amount of density and proposed building heights are considered appropriate.
- 12.7 The proposals includes blue and green infrastructure such as the Green Spine, the public open space, children's play areas and the surface water drainage to The Cut to the south that is also capable of linking to other parcels of land within the allocation when they come forward for development.
- 12.8 Whilst the development comes forward ahead of the majority of the housing on the golf course site on the northern side of Harvest Hill Road, the application contributes to the S106 contributions set out in the SPD as the 'Simple Comprehensive Approach' in that the contributions are based on a proportion of overall fully funded infrastructure. This ensures that the S106 contributions are directly related to the proposed development and the amount of contribution is fairly and reasonably related in scale and kind to the individual developments (see further discussion below). Given this, and the proposed linkages to other parcels of land within the allocation, the proposal is not considered 'premature' to the development on the golf course site.
- 12.9 Given the above it is considered that the proposal accords with the BLP allocation set out in AL13 and the general thrust South West Maidenhead SPD.

Climate Change and Sustainability

- 12.10 Policy SP2 of the BLP seeks to ensure that new development is adaptable to and mitigates against climate change that together with the Sustainability Position Statement seeks to ensure that new development is, ideally, net zero or at least 20% more efficient than that required by the current Building Regulations.
- 12.11 The application has been submitted alongside an Energy and Sustainability Statement which sets out a number of sustainability measures as part of the construction, as well as measures to minimise energy efficiency and improve water resource management. The proposals include all dwellings to have air source heat pumps, and solar panels with waste water heat recovery for the housing, water saving measures and electric vehicle charging for all 180 allocated spaces. Furthermore, the application includes sustainability calculations in order to address the requirements of the Interim Sustainability Position Statement can be met.

- 12.12 The proposal includes the not quite reach net-zero carbon but carbon emissions have been reduced by 71% compared with part L of 2021 baseline of building regulations, and the solar panels are proposed to generated 180.6KWp. Accordingly the required carbon off-set financial contribution has been calculated and has been secured through the completion of a legal agreement to secure provision of this contribution as part of the development. The proposals are therefore acceptable, subject to the S106 contribution towards carbon off-set.

Affordable Housing

- 12.13 The BLP allocation A13 site proforma sets out a requirement for 30% affordable housing for each planning application containing residential development. The South West Maidenhead SPD states that there should be 30% affordable housing with a tenure mix in accordance with Policy HO3 (45% social rent, 35% affordable rent and 20% intermediate tenures).
- 12.14 65 dwellings are proposed as affordable which equates to 30% of the proposed dwellings. The Council's Housing Enabling Officer has confirmed that the mix of affordable residential dwellings broadly complies with the indicative mix set out in the SPD as well as the tenure mix . All 29 dwellings for social rent are 2/3/4 bed houses which addresses the housing needs of families. Furthermore, the 23 dwellings for affordable rent are 1 and 2 bed flats in two blocks, and the 13 shared ownership dwellings are a good mix of 1 and 2 bed flats and 2 bed houses.
- 12.15 Given the above, the proposal is in accordance with Policy HO3 of the BLP, the BLP A13 site proforma and the South West Maidenhead SPD with regard to affordable housing and as such this provision is acceptable and will be secured by a recommended S106 obligation.

Housing Provision

- 12.16 Policy HO2 states that provision of new homes should contribute to meeting the needs of current and projected households and provide an appropriate mix of dwelling types and sizes, reflecting the most up to date evidence set out in the Berkshire Strategic Housing Market Assessment (SHMA). Furthermore, the South West Maidenhead SPD sets out more detailed housing mix requirements. Policy HO2 also requires on sites of 100 or more dwellings to provide 5% of market housing as fully serviced plots for custom and self-build housing.
- 12.17 The market provision proposed of 150 dwellings is a range of housing from 1 bed apartments to 5 bedroom houses, with the greatest percentage (51%) of 3 bedroomed houses, followed by 24% of 2-bed apartment. 3% of the total are 5 bedroomed houses. Overall there is 35% of apartments on site, set out in three blocks; two apartment blocks on the Green Spine and one in the north-east corner of the site.
- 12.18 The proposal also includes 11 wheelchair accessible units, which is 5% of the total, in accordance with the requirements of Policy HO2. The proposal also includes 8 custom build dwellings as required by Policy HO2. To ensure that these dwellings are secured and developed in accordance with the Self-build and Custom Housebuilding Act 2015 (as amended) a S106 obligation and conditions are recommended.
- 12.19 The mix of family homes proposed is in broad accordance with the mix set out in the SPD, although there is a higher mix of 1 and 2 bed apartments than the SPD envisages in this part of the allocation area, however, given the overall densities required to

achieve the high number of dwellings set out in the BLP and the SPD in the allocation as a whole and the fact that the apartment blocks create legibility to the green spine, this is considered acceptable.

Drainage

- 12.20 Policy NR1 of the BLP states that development should be located and designed to ensure that flood risk from all sources of flooding is acceptable in planning terms.
- 12.21 The majority of the site lies in Flood Zone 1 with a small portion of the bottom south-eastern corner of the site in Flood Zones 2 and 3, however these parts of the site are not proposed to be built upon and are proposed to be retained as public open space. Since the site is allocated in the BLP there is no requirement for a sequential test here, and since there is no built development in the southern part of the site, there is no requirement for an exception test to be passed either.
- 12.21 Surface water drainage is proposed to drain into two attenuation basins in the southern portion of the site and then discharge into a small watercourse on the south-eastern border of the site, which flows into the The Cut, which is culverted under the A308. The attenuation basins lie above the areas of surface water risk towards the southern-eastern part of the site.
- 12.22 Thames Water currently has a sewer that runs along Harvest Hill Road and the proposal seeks connection to this. A pumping station is proposed at the southern end of the built development on site to pump foul water to this, which is a consequence of the steep topography of the site. Thames Water were consulted on application, but did not respond. Officers consider that since there is already a well established sewer network in the area that foul water will be dealt with appropriately and is effectively a private matter between the developer and Thames Water.
- 12.23 The Lead Local Flood Authority is satisfied that the drainage proposals are acceptable subject to recommended conditions relating to details of the surface water drainage system proposed and as such the proposals are in accordance with Policy NR1 of the BLP

Urban Design and Character

- 12.24 Policy QP1b states that development should be brought forward in a comprehensive manner, create distinctive, sustainable, high quality new development with the necessary social and physical infrastructure, provides measures to minimise the needs to travel and provide vehicular and non-vehicular connections across the allocation area, and provide a strategic green infrastructure network. Policy QP3 states that new development will be expected to achieve sustainable high quality design in the Borough.
- 12.25 The South West Maidenhead SPD includes a set of overarching design principles which sets out the following:
- Ensure comprehensive development to avoid piecemeal or isolated parts of the development and coordinate strategic green infrastructure
 - Create distinct neighbourhoods, which are walkable in size
 - Include a varied residential character and a mix of housing types

- Provide a vibrant local centre that is legible, distinct and easily accessible from surrounding development
 - Set new development within a variety of high-quality public realm and open space
- 12.26 From the main access the central spine round runs south, with secondary access running west and east off this central route. The central spine road then changes to become a pedestrian and cycle access as a green spine that runs the rest of the area of built development. The apartment blocks run along the majority of the green spine with semi-detached and short terraces of houses running east and west from this. The development is set out in a 'block-structure', so that rear gardens face each other. The majority of the housing is two and half storeys and three storeys high, and the apartment blocks are three and four storeys high. The design of the houses are traditional in form with pitched roofs and gable ends with the apartment blocks more contemporary in design with flat roofs and partially recessed elevations. Materials proposed are a mix of red and brown brick and tiles and light grey and grey boarding.
- 12.27 The scheme was amended to reduce some of the terraces to create a less austere built form and to break up the parking courtyards for the apartment blocks to ensure that they would not over dominate the streetscene and to enable more landscaping to be introduced, as well as providing a greater sense of ownership of parking courtyards themselves.
- 12.28 There is a clear street hierarchy which respects the primacy of Harvest Hill road as an access route and public transport corridor. The green spine is well located through the centre of the site, providing good access for pedestrians and cyclists directly to the crossing of Harvest Hill Road and towards the Local Centre (which is proposed on the Golf Course part of the allocation). Other streets connect into this green spine at clear junctions providing a strong sense of direction towards Harvest Hill Road and the Local Centre.
- 12.29 Building scale and form has been used in a strategic way to underpin the legibility and sense of direction throughout the scheme. Corner buildings and prominent features provide way marking. The street hierarchy is supported by the scale and arrangement of buildings. In particular the largest buildings, comprising groups of apartments are located at the entrance to the site and along the green spine providing a clear building line along this centre route through the site, and important connection to the north.
- 12.30 There are clear boundaries between public and private space. Main entrances to houses and apartment buildings face the streets which are public thoroughfares and private gardens and courtyards are enclosed at the rear of properties.
- 12.31 Within the scheme itself street layout, block design and street design has provided priority to pedestrian and cycle movement throughout the scheme. This is a positive step towards residents being able to make easy choices in favour of walking and cycling to local facilities, and across the town. More widely, good connections to Braywick Park, Ockwells Park and the town centre are provided for within the wider masterplan and the scheme provides good connections to all of these.
- 12.32 The layout of the scheme has strategic integrity, and this is supported by use of building scale and form and the use and location of street variation and public spaces. Materials have been used strategically to mark key corners, and assist the overall legibility, underpin the street hierarchy and sense of direction towards the future Local Centre on the golf course site.

- 12.33 The building heights proposed, with some apartment blocks up to 4 storeys high are considered acceptable. The site proforma set out in AL13 states that building heights in the southern neighbourhood should have maximum building heights of 4 to 6 storeys.
- 12.34 The proposal is therefore considered to provide development that has vehicular and non-vehicular links to other parts of the allocation, integrating with the rest of the allocation, and provides a distinct neighbourhood, with a varied residential character that has a high quality public realm.
- 12.35 The proposal in terms of urban design and character, therefore is considered to accord with Policies QP1b and QP3 of the BLP as well as the AL13 site proforma, and with the South West Maidenhead SPD. To ensure quality of design, a condition securing details of the materials is recommended as well as details of retaining structures to gardens given the sloping topography.

Impact on amenity of neighbouring buildings and future residents

- 12.36 The site lies within an area allocated in the BLP for residential development. Land to the east and west are also within this allocation. The nearest existing residential property to the site is Badger's Wood, which lies on the north-west corner of the site. This property is set towards, and has access off, Kimbers Lane with a substantial rear garden and as such the residential amenity of the occupiers of Badger's Wood will not be unduly affected by the development. The other property relatively close to the boundary is Kimbers House, which lies adjacent to the most western corner of the application site. This too is accessed off Kimbers Lane and has a large rear garden and will also not have its residential amenity unduly affected by the development.
- 12.37 With regard to the amenity of future occupiers of the scheme, all the proposed houses have appropriately sized rear gardens and all the apartments in the apartment blocks have a balcony (or a terrace on the ground floor) between 5 sq m and 7 sqm in size. Residents would also have access to open space directly in front of the apartment blocks in the case of the 4 blocks along the green spine where it is a pedestrian and cycle way in a landscaped space. Residents in the block in the northern part of the site access to open space around the veteran trees along the boundary with Harvest Hill Road. All residents of the site would have access to the informal open space to the south, and play areas, a LAP by the entrance of the site and a LEAP within the open space to the south.
- 12.38 Given the above the proposals would have a negligible effect on the amenity of neighbouring occupiers and would have an acceptable level of amenity for future residents and as such the proposals are in accordance with Policy QP3 of the BLP, and the section from the Borough Wide Design Guide SPD.

Parking and Highways Impacts

- 12.39 Policy IF2 of the BLP states that new development should be designed to improve pedestrian and cyclist access, improve accessibility to public transport, minimise and manage demand for travel and parking, and provide appropriate levels of cycle and vehicle parking. The South West Maidenhead SPD states that the green spine should provide a continually connected and legible route for pedestrian and cyclists and seeks to integrate Harvest Hill Road within the new neighbourhood, whilst maintaining the current movements but create an attractive, diverse and safe corridor that shifts modes of travel from vehicular to walking and cycling and to contribute to a network of walking and cycling links.

- 12.40 The Council's Highway Officer has stated that the traffic flows from the proposed development would be quite low and therefore the overall impact on the highway network is limited. These also have to be assessed in the context of the wider South West Maidenhead allocation when the Golf Course site to the north is developed out. The applicant has agreed to the 'comprehensive approach' to infrastructure contributions (see 'Other Infrastructure Contributions below where this is discussed in detail) and these include works to Harvest Hill Road to directly mitigate the effects of the development to include: speed limit reduction on Harvest Hill Road fronting the site, provision of a tiger crossing, and footway/cycleway improvements to the north side of Harvest Hill Road from the tiger crossing to the west to Shoppenhangers Road. The green spine is proposed to link to the tiger crossing to ensure non vehicular movements through the site are achieved and have the potential to link to directly to the green spine on the Golf Course part of the allocation. These S106 requirements are needed to ensure that since there will be time gap between the application site being developed (if approved) and the main part of the allocation on the Golf Course coming forward, residents are able to safely access public transport on Shoppenhangers Road and access shops and facilities there by foot or cycle.
- 12.41 With regard to vehicle parking the proposals provides 387 car parking spaces for 215 dwellings, which given that the 2004 Parking Standards are maximum standards, then this is provision is appropriate. The Council's Highway Officer considers the proposed level of parking appropriate given the provision of management of parking within the site, and S106 contributions as set out in the South West Maidenhead SPD. Furthermore, the size of the studies in some houses have been reduced in size as part of the negotiations to ensure that they cannot be used as a separate bedroom. The size of the proposed parking spaces and garages accords with the Borough Wide Design Guide. Given this, the overall level of parking is considered acceptable.
- 12.42 The proposal includes separate cycle parking for apartment blocks, in covered and secure facilities and garages are large enough to accommodate cycle parking for housing. This will be secured by way of a recommended condition.
- 12.43 A secure and covered refuse store is proposed for each independent dwelling with a communal refuse store for the apartment blocks. A clear, unobstructed 1.2m wide footpath would be provided to the rear garden for every housing plot which shares its parking area or is terraces. Plots which benefit from separate parking area to the site of the dwelling have a width of 3m to enable a refuse bin to be brought from the rear garden to the front of the site. This will be ensured via a recommended condition.
- 12.44 The Council's Highway Officer has recommended a travel plan be secured by S106 agreement to encourage residents to use sustainable modes of travel.
- 12.45 Given the above, the highway impacts of the proposal are considered acceptable and the proposal is considered to accord with Policy IF2 and the South West Maidenhead SPD in this respect, subject to the S106 obligations and recommended conditions.

Ecology and Biodiversity

- 12.46 Policy NR2 of the BLP states that developments will be expected to demonstrate how they maintain, protect and enhance the biodiversity of the application site. The South West Maidenhead SPD state that appropriate biodiversity mitigation measures will be required and assessed through the planning application process.

- 12.47 The application has been supported by the findings of an ecological assessment and a Biodiversity Net Gain calculation. The site currently comprises mostly of species poor grassland with hedgerow and trees, predominately on the site boundaries. The site is not designated for wildlife interest and there are not directly adjacent sites. The ecological assessment includes the findings of protected species surveys for bats (roosts and activity), great crested newt survey, reptile survey and badger survey. Ponds within a 500m radius have been shown not to support great crested newts and no reptiles have been recorded on site. The site is not likely to support badgers or be suitable for hazel dormice.
- 12.48 The bat survey (including an emergence survey) concludes that the loss of trees on site would not affect bats or their roosts. A Construction Environmental Management Plan (CEMP) is recommended by condition to ensure the trees are removed in accordance with good practice. The bat survey illustrates the distribution of bat activity and species on site. The site layout retains key commuting and foraging habitats. A lighting strategy for biodiversity condition is recommended to ensure that lighting has minimal impact on wildlife.
- 12.49 The biodiversity net gain is proposed on site, which is contained within the built form and within the open space proposed at the southern end of the site. This includes a planting regime to increase the biodiversity on the area which is currently species poor grassland as well as hedgerow gains. The biodiversity net gain therefore achieved on site is 11% and is therefore policy compliant with Policy NR2 of the BLP. The landscape creation necessary for this gain should be detailed within a Landscape and Ecological Management Plan (LEMP) recommended condition.
- 12.50 Subject to the S106 obligation and recommended conditions the proposal would mitigate the effects of the proposal on the ecology and biodiversity of the area and as such the proposals are acceptable and in accordance with Policy NR2 of the BLP and the South West Maidenhead SPD.

Trees, Landscape and Open Space

- 12.51 The site has a number of trees and hedgerows mostly on the boundaries and the old field boundary in the southern part of the site as well as a number of veteran trees along the boundary with Harvest Hill Road and one along the eastern boundary. The trees are covered by a TPO. The proposal includes the removal of a small amount of hedgerow to achieve the vehicular access, and small part of a hedgerow in the old field boundary in the southern section of the site, along with three trees here in some state of decay. The hedgerow in the western edge of the site is actually outside the current site and will not be affected by the application site, although future proposals to link the site to the west, also within the South West Maidenhead Allocation, to the current site under consideration will require some breakthrough into this hedge.
- 12.52 Overall, the amount of removal of hedgerows and trees is minimal and involves those in poor condition. The majority of the trees and hedgerows on site will be maintained and protected and a condition will be recommended to ensure this. The proposed landscaping on the built part of the development will include a high number of street trees, especially along the green spine and some of the secondary roads and shared spaces, as well as within gardens. Furthermore, as part of the Biodiversity Net Gain a large number of trees are proposed in the informal open space in the southern part of the site. A condition requiring detailed landscape proposals is recommended. This will more than mitigate for the loss of trees and hedgerows on site and will accord with Policies NR3, QP1b and the South West Maidenhead SPD in creating a high quality public realm with suitable provision for landscape.

- 12.53 The proposal includes a total of 3.26 ha of open space, most of which is informal open space in the southern part of the site but also includes a LAP and a LEAP. The LAP is proposed at the northern end of the site, with the LEAP within the southern section of the site. All the amounts of open space exceed the required provision set out in Appendix 7 of the BLP and the Leisure Services Officers are satisfied with the provision proposed. The provision of open space will be secured in perpetuity by a recommended S106 obligation.

Archaeology

- 12.54 The site lies on rich gravel terraces which have been the focus of human activity since prehistoric times. The site is located within 500-700m of a number of archaeological heritage assets, including a Bronze Age site at Braywick and a Roman settlement at Shoppenhanger's Manor. Further away there is a Mesolithic site. This suggests that the landscape has been settled continuously from the prehistoric to the present day and there is the potential for archaeological remains to survive and the site lies within an area of archaeological significance. Given this a condition requiring a Written Scheme of Investigation is recommended to ensure that there is a programme of site investigation and recording prior to works starting on site. As such the proposals accord with Policy HE1 of the BLP.

Other Infrastructure requirements

- 12.55 With regard to infrastructure funding the South West Maidenhead SPD provides an evidence base on the main infrastructure requirements and costs associated with the South West Maidenhead development. This is a pragmatic approach that seeks to provide certainty for developers on their Section 106 contributions and involves a simple but comprehensive approach to delivery whereby a combination of the CIL receipts payable in relation to the development within the South West Maidenhead area and section S106 contributions would fund those main infrastructure requirements. The proposed approach has followed the methodology set out in the SPD but has reviewed the appropriate level of contribution towards the secondary school. It is considered that this approach ensures that the contributions are directly related to the proposed development and the amount of contribution fairly and reasonably related in scale and kind to the individual development. The current developers have agreed to this approach and it was the one used in the approved nearby scheme within the allocation at for 199 dwellings Manor House, Kimbers Lane (22/01717/FULL).
- 12.56 The SPD sets out the range of infrastructure that development is intended to contribute towards, including highway junction improvements, improvements to walking and cycling routes, public transport improvements, primary and secondary school provision, and community and health provision.
- 12.57 This infrastructure is obviously reliant on other developments coming forward in the future, which is the nature of an allocated site that has a number of different developers and size of development. However, to ensure that there is appropriate primary school provision for the children on site in lieu of the proposed primary school on the golf course site, children would be able to attend the Chiltern Road school (formerly the Forest Bridge School) which is currently being remodelled and refurbished for a likely re-opening in September 2025.

- 12.58 Given the above, the simple comprehensive approach for providing S106 infrastructure contributions on a pro-rata basis accords with the SPD and the site proforma set out in AL13 of the BLP is considered acceptable.

Air Quality and Noise

- 12.59 Policy EP2 of the BLP states that development proposals should aim to contribute to conserving and enhancing the natural and local environment by avoiding putting new or existing occupiers at risk of harm from unacceptable levels of air quality. Policy EP4 states that development proposals should consider the noise and quality of life impacts on receipts in existing nearby properties and also the intended new occupiers ensuring they will not be subject to unacceptable harm. The site does not lie within, or is close to, an Air Quality Management Area.
- 12.60 The Environmental Protection Officer is satisfied with the air quality and noise reports and has requested a condition to ensure that the development is built in accordance with the submitted noise report as well as the submission of a construction environmental management plan by condition and these are recommended.

Other Issues

- 12.61 With regard to the concerns of a local resident about not having enough time to address the amended plans, all consultations were carried out in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 12.62 There is a requirement in the Site Allocation Proforma AL13 in the BLP for a minerals assessment to assess the viability and practicality of prior extraction of minerals as the site falls within a Minerals Safeguarding Area. However, given the site is allocated for housing in the BLP, and the Minerals Safeguarding Area covers a wide extent of land and so will not be compromised by this proposal, it is considered that the housing need outweighs the need for mineral extraction here. This requirement for a minerals assessment was not included in the South West Maidenhead SPD.

Planning Balance

- 12.63 The Borough does not have a five-year housing land supply. Paragraph 11(d) of the NPPF, which states that planning permission should be granted unless:
- (i) The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development or:
 - (ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.
- 12.64 In this case, there are no policies in the NPPF that protect areas or assets of particular importance that provide a clear reason to refuse the development, as such the application must be assessed under paragraph 11d(i) which sets out that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.
- 12.65 There are many benefits to the scheme as follows:
- Delivery of 215 new homes, 65 which are proposed to be affordable on a site allocated for housing development in the BLP

- Provision of a reduction in carbon compared to buildings regulations and a contribution to the Borough's carbon off-set fund
- Provision of necessary infrastructure on a pro-rata basis in accordance with the South West Maidenhead SPD
- Highway improvements to Harvest Hill Road
- Provision of over 3.5 ha of open space on site, including a LAP and a LEAP
- Provision of policy compliant biodiversity net gain on site, including a significant increase on tree planting on site from existing
- Provision of family homes in the form of 3 and 4 bed housing for which there is a need
- Provision of custom build homes required under the relevant legislation

13. CONCLUSION

- 13.1 As set out in the paragraphs above, there are no adverse impacts that cannot be mitigated that would outweigh the significant benefits of the scheme.
- 13.2 The proposal is compliant with the NPPF, the relevant policies of the BLP, including the site proforma set out in AL13 and the South West Maidenhead SPD. The application is therefore recommended for approval subject to the recommended conditions and S106 legal agreement.

14. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout
- Appendix B – Example plan and elevation drawings

15. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED REASONS

- 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 Prior to the commencement of the development above slab level samples of the materials to be used on the external surfaces of the development shall be 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 QP3 of the adopted Borough Local Plan
- 3 No development shall commence on the site until a surface water drainage scheme for the development, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority. Details shall include
1. Full details of all components of the proposed surface water drainage system including dimensions, locations, gradients, invert levels, cover levels and relevant construction details.
2. Supporting calculations confirming compliance with the Non-Statutory Technical Standards for Sustainable Drainage Systems, demonstrating that the peak discharge rate is limited to the agreed greenfield runoff rates.
3. Details of the maintenance arrangements relating to the proposed surface water drainage system, 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: Reason: To ensure compliance with National Planning Practice Guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems, and to ensure that the proposed development is safe from flooding and does not increase flood risk elsewhere.

- 4 No development shall take place (including ground works and vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following. a) Risk assessment of potentially damaging construction activities. b) Identification of "biodiversity protection zones". c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction, including precautionary measures in relation to bats and bat roosts d) Invasive species removal method statement [if applicable]e) The location and timing of sensitive works to avoid harm to biodiversity features. f) The times during construction when specialist ecologists need to be present on site to oversee works. g) Responsible persons and lines of communication. h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person. i) Use of protective fences, exclusion barriers and warning signs. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that impacts on protected species and other biodiversity are minimised in accordance with Paragraphs 170 and 175 of the NPPF, and NR3 of the submitted Local Plan.

- 5 No external lighting (including floodlighting) shall be installed until a report detailing the lighting scheme and how this will not adversely impact upon wildlife has been submitted to and approved in writing by the Local Planning Authority. The report shall include the following figures and appendices:- A layout plan with beam orientation - A schedule of equipment - Measures to avoid glare - An isolux contour map showing light spillage to 1 lux both vertically and horizontally and areas identified as being of ecological importance.- Hours of operation of any external lighting. The approved lighting plan shall thereafter be implemented as agreed.

Reason: To ensure that wildlife is not adversely affected by the proposed development in line with the NPPF.

- 6 A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The LEMP shall include the following .a) Description and evaluation of features to be managed, as well as biodiversity enhancements b) Ecological constraints on site that might influence management c) Aims and objectives of management. d) Prescriptions for management actions .e) Preparation of a work schedule f) Details of the body or organisation responsible for implementation of the plan. The LEMP will be implemented as approved unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that wildlife is safeguarded, and enhancements provided, in line with policy NR3 of the submitted Local Plan and paragraph 175 of the NPPF.

- 7 The development shall not be occupied until details of all 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 QP3 of the adopted Local Plan

- 8 The erection of fencing for the protection of any retained tree and any other protection specified shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the Local Planning Authority.
Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies Borough Local Plan NR3
- 9 No development shall take place until full details of both hard and soft landscape works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season following the substantial completion of the development and retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity.
Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan QP3.
- 10 No dwelling shall be occupied until covered and secure cycle parking facilities for the relevant dwelling have been provided in accordance with the approved drawing. 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 cycle parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan IF2, QP3.
- 11 No dwelling within the apartments shall be occupied until the refuse bin storage area and recycling facilities for that apartment building have been provided in accordance with the approved drawing. These facilities shall be kept available for use in association with the development at all times.
Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - Local Plan QP3.
- 12 The development shall be implemented in accordance with the Noise Assessment Report by Ardent Consulting Engineers dated August 2023.
Reason: To ensure the amenity of future occupiers of the site and to accord with Policy EP4 of the Borough Local Plan
- 13 All vehicular, cycle and pedestrian accesses shall be constructed to the boundary of the site. The boundary is defined as that shown on the drawing number PL-05P15
Reason: To ensure that comprehensive development is achieved and in accordance with Policy QP1b of the adopted Borough Local Plan.
- 14 No development shall commence until a programme of archaeological work, that may involve several phases dependent on results, including a Written Scheme of Investigation (WSI) has been submitted to, and approved by, the local planning authority in writing. The WSI shall include an assessment of significance and research questions; and:1. The programme and methodology of site investigation and

recording². The programme for post investigation assessment³. Provision to be made for analysis of the site investigation and recording⁴. Provision to be made for publication and dissemination of the analysis and records of the site investigation⁵. Provision to be made for archive deposition of the analysis and records of the site investigation⁶. Nomination of a competent person or persons/organisation to undertake the works set out within the WSI. The Development shall take place in accordance with the approved WSI. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved WSI and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: The site lies in an area of archaeological potential, particularly for, but not limited to, Prehistoric and Roman remains. The potential impacts of the development can be mitigated through a program of archaeological work. This is in accordance with national and local plan policy.

- 15 Prior to the commencement of development above slab level the vehicular access onto Harvest Hill Road shall be constructed in accordance with the details to be submitted and approved in writing by the Local Planning Authority.
Reason: In the interests of highway safety and in accordance with Policies IF2 and QP3 of the Borough Local Plan.
- 16 Prior to the commencement of the development above slab level a scheme for the provision of street lighting shall be submitted to and approved in writing by the Local Planning Authority for provision of street lighting. The street lighting so approved shall be maintained thereafter as such. .
Reason: To ensure that the main vehicle access and development is provided with sufficient street lighting for the safety of pedestrians, cyclists and vehicles and in accordance with Policies IF2 and QP3 of the Borough Local Plan
- 17 Each dwelling hereby permitted shall not be occupied until the associated vehicle parking or vehicle parking and turning space for that dwelling has been surfaced and marked out in accordance with the approved drawings. The spaces shall not thereafter be used for any purpose other than parking and turning.
Reason: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users and to facilitate vehicles entering and leaving the highway in forward gear and in accordance with Policies IF2 and QP3 of the Borough Local Plan
- 18 Before any dwelling hereby permitted is occupied, details of the design, operation and ongoing maintenance regime for electric vehicle charging infrastructure with a minimum output of 7kW to be provided for all the parking spaces shown on the approved plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the electric vehicle charging infrastructure shall be provided and maintained in working order.
Reason: In the interests of sustainable transport and in accordance with NPPF paragraph 112 e); at paragraph 107 e), to comply , RBWM's Electric Vehicle Chargepoint Implementation Plan & Policies IF2 and QP3 of the Borough Local Plan
- 19 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.

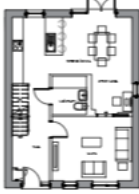
Informatives

- 1 Incidental Works Licence - Any incidental works affecting the adjoining highway shall be approved and a licence obtained before any work is carried out within the highway, through contacting The Highways and Transport Section at RBWM. A formal application should be made allowing at least 12 weeks prior to when works are required to allow for processing of the application, agreement of the details and securing the appropriate agreements and licences to undertake the work. Any work carried out on the public highway without proper consent from the Highway Authority could be subject to prosecution and fines related to the extent of work carried out.

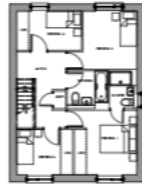
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PH4A
 4 bed Open Plan House
 1194.2sqm



Ground Floor Plan
 Plot 67, 105
 Plot 68, 54 (shared)



First Floor Plan

Red multi Brick
 Plot 64



Front Elevation
 Plot 67, 105
 Plot 68, 54 (shared)

Side Elevation

Rear Elevation

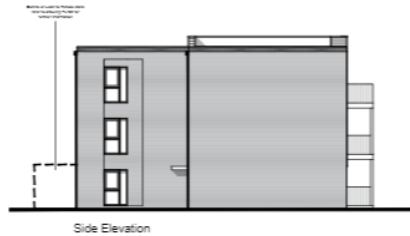
Side Elevation



Front Elevation

Side Elevation

Rear Elevation



Side Elevation

Material Call	Description
1	Red Multi Brick
2	Dark Grey Brick
3	Dark Grey Brick
4	Dark Grey Brick
5	Dark Grey Brick
6	Dark Grey Brick
7	Dark Grey Brick
8	Dark Grey Brick
9	Dark Grey Brick
10	Dark Grey Brick

MAIDENHEAD DEVELOPMENT CONTROL PANEL

18 October 2023

Item: 3.

Application No.:	23/00814/FULL
Location:	Zaman House And Awan House Church Road Maidenhead
Proposal:	Construction of 5no. dwellings with cycle and bin storage and alterations to existing vehicular and pedestrian access following demolition of existing dwellings.
Applicant:	Mr Iqbal
Agent:	Mr Matt Taylor
Parish/Ward:	Bray Parish/Oldfield
If you have a question about this report, please contact: Vivienne McDowell on 01628 796578 or at vivienne.mcdowell@rbwm.gov.uk	

1. SUMMARY

- 1.1 The proposal is for 5 detached houses. The development is considered to be overly dominant and out of character with area, and harmful to the adjacent Conservation Area. The applicant has not submitted a bespoke Arboricultural Survey, and so the impact of the development on protected trees cannot be determined.
- 1.2 The application fails to provide affordable housing, in accordance with the requirements of policy HO3 of the Adopted Local Plan. The scheme also fails to demonstrate it would be meet the requirements Policy SP2 of the Adopted Local Plan or the requirements of the Council's Interim Sustainability Statement.

It is recommended the Committee refuses planning permission for the following summarised reasons (the full reasons are identified in Section 15 of this report):	
1.	The proposed development is of poor design and would be overly dominant in the street scene and be out of character and detrimental to the character of the area.
2.	The application site is adjacent to the Conservation Area. The proposed development and would result in harm to the setting of the Conservation Area.
3.	The applicant has not submitted a bespoke arboricultural report for this scheme of 5 houses. It is not possible to determine the amount of incursion in the tree root protection area of TPO trees (in particular T3 and T15).
4.	The applicant has not submitted a S106 to secure on-site and/or off-site affordable housing provision.
5.	The applicant has not submitted a S106 to secure Carbon Offset Contributions.

2. REASON FOR COMMITTEE 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 Committee. This application has been called to panel by Cllr J Hill, if the recommendation is for refusal for the reason that the fall back position for the developer should this application be refused is

potentially more damaging to the Fisheries Estate than the current application. Quality detached houses are in-keeping with the Fisheries Estate.

3. THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is located on the north side of Church Road within The Fisheries Estate. It occupies a circa 0.344 hectare corner plot at the west end of Church Road at its junction with Bray Road, and is currently occupied by a two-storey detached house and two large outbuildings along the western boundary. The existing dwellings are positioned behind a mainly solid 2m high wall and gate, with the front of the site predominantly hard-surfaced associated with car parking and the rear is mainly a lawned areas.
- 3.2 The application site is surrounded to the north, east and south by detached, individually designed and predominantly two-storey, dwellings. These properties are set within fairly spacious plots and positioned back from the highway. Church Road itself is akin to a small lane, with no pavements and serving only four properties. The application site is within an established residential area where low-density development, (the density of development for the area is approximately 7 dwellings per hectare), mature vegetation and trees are key features.
- 3.3 The majority of the site is within Flood Zone 3, where there is a high probability of flooding, (with the exception of an area of land within the centre of the plot and a corner of the site that are within Flood Zone 2). The land surrounding the site is all within Flood Zone 3. The whole of the site, (including land associated with Rivermead) is covered by a Tree Preservation Order.
- 3.4 The eastern boundary of the applicant site abuts the edge of the Maidenhead Riverside Conservation Area

4. KEY CONSTRAINTS

- 4.1 The site is within the floodplain (Flood Zone 3) and adjacent to the Conservation Area. The site is also covered by a group Tree Preservation Order.

5. THE PROPOSAL

- 5.1 The proposal is for the construction of 5no. detached dwellings with cycle and bin storage and alterations to existing vehicular and pedestrian access following demolition of existing dwellings.
- 5.2 The applicant has submitted an amended plan to show one centrally positioned access onto Church Road to serve all 5 dwellings.

6. RELEVANT PLANNING HISTORY

- 6.1 Listed below is the planning history for the site.

Reference	Description	Decision
21/01270/FULL	Construction of x6 dwellings with cycle and bin storage and alterations to existing vehicular	Approved June 2022

	and pedestrian access following demolition of existing dwellings.	
20/00313/FULL	Construction of a new building comprising x8 apartments bin and cycle stores, associated landscaping, parking and access, following demolition of the existing dwelling.	Refused 22.10.2020 Appeal withdrawn.
19/00674/FULL	Construction of a new building comprising x8 apartments refuse and cycle stores, associated landscaping, parking and access, following demolition of the existing dwelling.	Refused 17.10.2019 Appeal withdrawn.
18/01785/OUT	Outline application, with access, appearance, layout and scale only to be considered at this stage, (with all other matters reserved), for the erection of eight apartments with access, parking, landscaping and amenity following demolition of existing dwelling.	Withdrawn 15.11.2018
16/03553/FULL	Construction of 16 x two bed apartments with access, parking, landscaping and amenity spaces following demolition of existing 2 x dwellings.	Withdrawn 07.02.2017
15/02530/CONDIT	Details required by condition 2 of 15/01887.	Approved – 18.09.2015
15/01887/FULL	Part two storey, part first floor front extension , and part two storey, part first floor rear extension, with raising of existing roof to facilitate loft conversion with addition of two front dormers.	Approved – 20.07.2015
14/03355/FULL	Two storey and part first floor front extension, part two storey and part first floor rear extension, loft conversion including raising the height of the main roof with two front dormer windows	Approved - 08.01.2015
12/00430/FULL	Two storey front extensions, first floor rear extension and replacement higher roof with loft accommodation and two front dormer windows	Approved – 13.04.2012
10/01336/FULL	Change of use from C3 (residential) to mixed use of C3 and Sui Generis (private hire office)	Refused – 20.09.2010
10/00709/CLU	Certificate of Lawful Use to establish whether the existing	Refused – 03.06.2010

	use of part of the garage outbuilding as a taxi base incidental to the primary use of the dwelling and curtilage within Class C3 is lawful	
08/02424/FULL	Erection of replacement boundary wall to Church Road frontage	Approved – 20.11.2008
03/40209/FULL	New conservatory, breakfast room to rear and two storey extension to side (retrospective)	Approved – 04.03.2004
03/40033/FULL	Construction of single storey rear and first floor rear extension and front ground floor extension with bay	Approved – 06.05.2003
02/38988/FULL	Single storey rear and first floor front extension. Conservatory to side and detached double garage	Approved – 22.08.2002
00/36250/FULL	Demolish existing garage and replace with single storey and two storey side extension, rear dormer window and front boundary wall	Approved – 01.03.2001
96/30700/FULL	Front entrance porch extension to existing garage and new pitched roof to garage	Approved - 02.04.1997

7. DEVELOPMENT PLAN

7.1 The main relevant policies are:

Adopted Borough Local Plan

Issue	Policy
Spatial Strategy for the Borough	SP1
Climate Change	SP2
Sustainability and Placemaking	QP1
Green and Blue Infrastructure	QP2
Character and Design of New Development	QP3
Housing Mix and Type	HO2
Affordable Housing	HO3
Historic Environment	HE1
Managing Flood Risk and Waterways	NR1

Nature Conservation and Biodiversity	NR2
Trees, Woodlands and Hedgerows	NR3
Environmental Protection	EP1
Air Pollution	EP2
Artificial Light Pollution	EP3
Noise	EP4
Infrastructure and Developer Contributions	IF1
Sustainable Transport	IF2

8. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2023)

Section 2 – Achieving sustainable development

Section 4- Decision-making

Section 5 – Delivering a sufficient supply of homes

Section 6 – Building a strong, competitive economy

Section 8 – Promoting healthy and safe communities

Section 9- Promoting Sustainable Transport

Section 11 – Making effective use of land

Section 12- Achieving well-designed places

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

Supplementary Planning Documents

- Borough Wide Design Guide

Other Local Strategies or Publications

Other Strategies or publications material to the proposal are:

- RBWM Townscape Assessment
- RBWM Landscape Assessment
- RBWM Parking Strategy
- Affordable Housing Planning Guidance
- Interim Sustainability Position Statement
- Environment and Climate Strategy

9. CONSULTATIONS CARRIED OUT

Comments from interested parties

A total of 43 occupiers were notified directly of the application. A site notice was posted at the site on 24th April 2023.

No letters were received supporting the application.

No letters were received objecting to the application.

Consultees

Consultee	Comment	Where in the report this is considered
Highways	No objection in principle. Conditions recommended relating to access construction, construction management plan, parking and turning, visibility, cycle parking, garage retention for parking, bin stores, stopping up access, and pedestrian access.	These conditions are like those imposed on 22/01270. Conditions would have been set had the recommendation been for approval. See paragraphs 10.56-10.58
Ecology	No objection – conditions recommended to secure biodiversity net gain(pre-commencement), external lighting scheme, and biodiversity enhancements	Conditions would have been set as recommended had the recommendation been for approval. See paragraphs 10.49 -10.55
Conservation Officer	Objection raised	See paragraphs 10.14-10.18
Environmental protection	No objection – conditions and infromatives suggested regarding construction hours, deliveries during construction, dust control, smoke control and asbestos.	All of these matters are covered by separate Environmental Protection Legislation and therefore could have been dealt with by way of informatives (rather than conditions) had the recommendation been for approval.
Environment Agency	Comments awaited.	Comments received by EA prior to the committee will be reported in the committee update report. See paragraphs 10.27-10.42

Consultees

Consultee	Comment	Where in the report this is considered
Bray Parish Council	Recommended for approval, Cllr Phillips noted that The Fisheries Residents Association are happy in principle with the proposed development	Noted. See main report. Paragraphs 10.1 – 13.2

10. EXPLANATION OF RECOMMENDATION

10.1 The key issues for consideration are:

- i Impact on the character of the area and the street scene
- ii Impact on Conservation Area
- iii Residential Amenity Issues
- iv Housing mix

v	Flooding issues
vi	Trees
vii	Ecology
viii	Highways & Parking
ix	Sustainability Measures

i Impact on the character of the area and street scene.

- 10.2 Policies QP1 and QP3 of the adopted Borough Local Plan (BLP) adopted 8th Feb 2022, amongst other things require all developments to positively contribute to the places in which they are located and be of high quality design. New development is also expected to be climate change resilient and sustainable in terms of minimising energy demand, water efficiency and waste. Policy QP3 states that development will be expected to contribute towards achieving sustainable high quality design in the Borough, and sets out a list of criteria that new development should meet.
- 10.3 The adopted Borough Wide Design Guide (BWDG), principle 6.5.1 states that all development will be expected to respond to the size, shape and rhythm of surrounding plot layouts. Plot layouts that are out of context with the surrounding character, will be resisted.
- 10.4 Principle 7.1 of the Borough Wide Design Guide (BWDG) states that housing development should be sustainable and seek to make effective use of land without:
- adversely impacting on the amenity of neighbours;
 - creating unsatisfactory living conditions for future occupants of the new development;
 - or
 - compromising local character, the environment (including biodiversity) or the appearance of the area.
- 10.5 Principle 7.6.1 (BWDG) states that new development should reflect and integrate well with the spacing, heights, bulk and massing and building footprints of existing buildings. Principle 7.6.2 states that the Council will resist proposals where the bulk, scale and mass adversely impacts on the street scene, local character and neighbour amenities.
- 10.6 The site and the surrounding area makes up an area known as The Fisheries that comprise large detached dwellings set within spacious plots. Church Road, and The Fisheries is characterised by large detached single-family houses with variation of scale, form and design set in large gardens which results in a spacious, low-density character. The presence of trees and other vegetation also gives the area a verdant appearance, and indeed the area is identified in the RBWM Townscape Assessment as being a 'Leafy Residential Suburb'. The Townscape Assessment is a useful document in assessing the impact of a proposed development on the character of an area in which it is proposed to be located
- 10.7 The Townscape Assessment (TA) provides a broad description of the urban form and character of a built up area. The key characteristics of the 'Leafy Residential Suburbs' as set out in the TA, are:
- Low to medium density residential suburbs with characteristic 'leafy' streets.
 - Urban form is defined by wide streets (curvilinear and straight) with secondary streets culminating in 'dead ends', cul-de-sacs or vegetated 'turning circles'.
 - Built form is defined by suburban style detached two storey houses, on medium to large plots.

- A variety of architectural styles, reflecting a range of periods, includes early 20th century houses (including Victorian, Edwardian and Arts and Crafts style), plus more recent development. The type is defined by a broad consistency of built form, spacing between buildings and lack of on street parking.
 - The leafy suburban character is reinforced by well-established private gardens (including mature trees/shrubs), that are often bounded by tall beech and laurel hedges. This provides a strong sense of enclosure and privacy to dwellings.
 - Mature oaks and scots pines reflect the underlying geology, while other large scale ornamental trees such as cedar and conifers contribute to the leafy character.
 - There is a well-defined interface between public/private realm –marked by tall hedges or fences with entrance gates.
 - Views are framed along leafy streets – street tree planting and/or trees and shrubs within front gardens allow only occasional glimpses to dwellings.
 - A quiet and peaceful residential suburb.
- 10.8 The TA identifies that the 'Forces for Change' in Leafy Residential Suburbs comes from development intensification including subdivision of plots and extensions to dwellings or subdivision of properties into flats, and from modern development with open or 'urbanised' frontage such as parapet walls, open garden frontages and extensive hardstanding, which detract from the 'leafy character. The TA recommends that the following principles are taken into account in the development design process:
- Retain mature trees and woodland belts. The active management of woodlands and other treed areas is encouraged, including planning for future planting.
 - Conserve and use trees as part of a leafy streetscape. The design should allow space for planting to mature.
 - Use a coordinated approach to new tree planting in terms of species and stature. Consider the planting of larger trees at key visual locations.
 - Conserve (and promote the use of) hedging for boundaries, in preference to other boundary treatments such as walls, fences, gates and railings.
 - Retain remaining Victorian, Edwardian and Arts and Crafts style buildings. Renovations should be sensitive with particular regard to roof heights, pitches, materials and detailing.
 - Sensitive contemporary design responding to its immediate context will be appropriate, where it makes reference to existing building heights.
- 10.9 The existing houses (Zaman House and Awan House) are very large detached houses, set in very generous plots. They are 2-storey houses measuring 8.6 metres tall and 30 overall width (Zaman House); and 8.8 m tall and 20.6 metres overall width (Awan House). These houses are separated by a gap of 13 metres and there are substantial gaps on either side of each house, in the order of 5 metres and 7 metres to the west and east boundaries respectively. Because of their overall breadth, these houses display a very strong horizontal emphasis.
- 10.10 There is a general feeling of spaciousness in Church Road, with houses sitting back in their plots and not dominating the street scene. Existing properties in the immediate locality are also generally well spaced and arranged in a rather irregular/organic layout. Houses in the vicinity are also characteristically 2 storey. The houses immediately opposite are Fatimah House which is a two storey house and Arcturus which is a bungalow with a couple of flat roofed dormers on the front elevation.
- 10.11 The current proposal is for 5 no. detached houses with accommodation arranged over 3 storeys. The houses would each measure approximately 10.1 metre in height and

be approximately 10 metres wide in the case of plots 2,3,4, and 12 metres wide in the case of plots 1 and 5. There would be a gap of merely 3 metres between each on the 5 new houses. The 5 no. houses by reason of their scale and regular layout would appear very urban in form and would introduce a much tighter grain of development in this locality. The proposed houses by reason of their height to width ratio would have a strong vertical emphasis, which is in contrast to the existing houses on the site.

- 10.12 The row of new houses would appear very dominant and out of character with surrounding houses. The design of the houses with their unusual roofs with parapets, prominent front feature gables making the row of buildings appear very dominant and out of keeping in the street scene. It is considered that the currently proposed development would be incongruous with the established character of the area and would not contribute positively to the character and appearance of Church Road and The Fisheries estate.
- 10.13 There is an extant planning permission (reference 21/02170) for 6 dwellings on this site (in the form of semi-detached dwellings), and this consent is a material consideration to the determination of this application. For the approved scheme for 6 dwellings were arranged in 3 pairs of semi-detached buildings. Each dwelling previously approved, were 2.5 storey houses with the second floor being within the roof space, with a ridge height of approximately 9.5m that would include a floodable void under each of the semi-detached pairs. Each pair would be approximately 21m in width. The semi-detached pairs would have a gap of approximately 4 metres between each of the flank elevations. It is considered that the previous scheme giving the outward impression of being 3 no. large houses provided a very strong horizontal emphasis. The larger gaps of 4 metres between the buildings (rather than 3 metres currently proposed), also provided greater visual separation between the buildings. Whilst it is noted the extant permission allows for an additional dwelling compared to the current scheme, the previously approved scheme is considered to be of a significantly better design for the reasons set out above, and also is more fitting with the character of this area compared to this scheme for five dwellings.

ii Impact on the Conservation Area

- 10.14 The eastern boundary of the site abuts the edge of the Maidenhead Riverside Conservation Area that runs roughly parallel with the River Thames around Ray Mill Island in the north, through Boulters Lock and south towards the area around Maidenhead & Bray Cricket Club.
- 10.15 Policy HE1 of the Adopted Local Plan seeks to ensure that heritage assets are conserved and enhanced in a manner appropriate to their significance. The Conservation Area Appraisal states that the areas defining character is low density detached housing and large green open spaces while the Thames dominates the area giving it its focus. Reference is made to more recent flatted developments which have diluted this character although the older properties are easily identifiable.
- 10.15 The application site while not sited in the Conservation Area is located immediately adjacent to it. The Council's Conservation Officer has commented on the application, raising concerns with regards to this proposal and its potential impact on the setting of the adjacent Maidenhead Riverside Conservation Area.
- 10.16 Church Road is a gateway into the Conservation Area; it has as a distinctive character derived from the large properties set in good sized gardens that line both sides of the road. This pattern reflects the general layout of the buildings within the Fishery area

and also within the Conservation Area. Previous approvals for the redevelopment of this site have been for new development comprising 3 no. larger blocks that reflect the scale and massing of the surrounding properties with a single shared access and frontage area.

- 10.17 Despite the fact that this proposal is for 5 dwellings, one less than previously approved, the tight grain of the layout and degree of subdivision of the site, would make the development appear quite busy and urban compared with the surroundings. As a result, it would appear more conspicuous in the townscape than the previously approved scheme. For these reasons, it is considered that the proposed scheme would have a negative impact on the setting of the nearby Conservation Area, and as such it, would not preserve or enhance the character of the area. The harm caused to the significance of the designated heritage asset would be less than substantial. The NPPF at paragraph 202 sets out that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate securing its optimal viable use. The public benefits of the scheme are considered in the planning balance.
- 10.18 With regard to the amended plans showing a single access the Conservation Officer has commented the frontage arrangement with the single access point is an improvement (on the originally proposed 5 no. accesses); however, this does not overcome the impact on the street scene of the layout the proposed houses, which would look very busy and urban and hence out of character with the more open appearance of the surrounding townscape. Regard has been had to Section 72 of the Planning (Listed Building and Conservation Area) Act 1990.

iii Residential Amenity Issues

- 10.19 Policy QP3 of the Adopted Local Plan, in addition to seeking high quality sustainable design, ensures new residential development provides for a high quality internal and external environment, that inter alia, does not have an unacceptable impact on the amenities of existing residents.
- 10.20 With regard to existing neighbouring residents, there are residential properties to the south, east and north. The nearest of these to the new dwellings proposed is Fatimah House to the south which would be approximately 32 metres from the south/front elevations of the houses proposed. To the north are two properties that front Glebe Road and are approximately 36m from the rear elevation of the units proposed. To the east is Hampton Lodge approximately 34m from the flank elevation of Plot 5. All of the separation distances to surrounding properties would comply with the separation distances set out in the Borough Wide Design Guide SPD.
- 10.21 Regarding the amenity of future occupants, the internal space of the dwellings proposed would exceed the minimum internal space standards, while the proposed garden areas would provide for sufficiently large private amenity areas.
- 10.22 There would be a degree of overlooking between each of the houses from the first and second floor windows and the first floor terraces proposed. The provision of screens to both sides of the terraces would reduce the potential for overlooking and this could be controlled by condition had the recommendation been for approval. There would, in addition, be a degree of overlooking from the ground floor terrace by virtue of the dwellings being raised up with the floodable voids. Screening to the side of these ground floor terraces would also reduce the potential for overlooking.

iv Housing mix

- 10.23 Policy HO2 of the BLP seeks to ensure that new residential developments provide for a mix of houses that accords with the most up to date information which, at the time of writing, comprises the 2016 Berkshire SHMA that identifies a predominant need, for 1,2, and 3 bedroom dwellings; with 4 plus bedroom properties (as proposed) making up approximately 20% of the total need for housing. The lack of housing mix would weigh against the grant of permission; however, such weight is limited as the size of the dwellings proposed would be commensurate with the size of houses in the surrounding area.
- 10.24 The floorspace to be created by the 5 new houses would exceed 1000 square metres, and as such Policy HO3 (affordable housing) of the Adopted Local Plan is triggered. The policy requirements are summarised below:
1. The Council will require all developments for 10 dwellings gross, or more than 1,000 sq. m of residential floorspace, to provide on-site affordable housing in accordance with the following:
 - a. On greenfield sites providing up to 500 dwellings gross - 40% of the total number of units proposed on the site;
 - b. On all other sites, (including those over 500 dwellings) – 30% of the total number of units
- 10.25 The on-site affordable housing requirement would amount to 1.5 units. If provision for affordable housing cannot be met on site there would be a requirement for financial contributions for off-site provision. Both on-site affordable housing and contributions for off-site affordable housing would need to be secured via a S106 legal agreement.
- 10.26 The applicant has not given any indication that any of the houses would be offered as affordable housing, nor indicated whether they are prepared to make financial contributions towards off-site provision. In order to calculate an off-site provision the applicant would need to provide details of the Open Market Value of the Proposal (Gross Development Value [GDV]) and from this the Council can calculate the affordable housing contribution. The LPA would not get the applicant to embark on the process of a S106 agreement unless there is considered to be a reasonable chance being recommended favourably. As there is no agreement from the applicant to provide affordable housing, and there is no S106 legal agreement to secure affordable housing, this is recommended as a reason for refusal.

v Flooding issues

- 10.27 The application site, as defined by the Environmental Agency, falls under Flood Zones 2 (medium risk) and 3, an area recognised as high risk to flooding. The Adopted Borough Local Plan policy NR1 states that all development should not itself, or cumulatively with other development, materially:
- Impede the flow of flood water
 - Reduce the capacity of the floodplain to store water
 - Increase the number of people, property or infrastructure at risk of flooding

- Cause new or exacerbate existing flooding problems, either on the proposal site or elsewhere
 - Reduce the waterways viability as an ecological network or habitat for notable species of flora or fauna.
- 10.28 The majority of the application site and wider surrounding area is in Flood Zone 3, where there is a high risk of flooding. The proposed development (residential) is classified as a 'more vulnerable' land use and is only acceptable in areas at high risk of flooding on passing the flood risk Sequential and Exception Tests.
- 10.29 The applicant has provided an update to the previous Flood Risk Assessment (FRA), which amongst other things compares the non-floodable footprint of the proposed scheme with the approved scheme and existing houses. The FRA identifies that the non-floodable footprint of the current scheme would be 3 sq metres less than the approved scheme; and the non permeable hardstanding in the current scheme would be 11 sq metres than the approved scheme.
- 10.30 The FRA states that the finished floor levels at 23.90 AOD would be set 300mm above the modelled 1 in 100 annual probability plus 35% climate change allowance. It is noted that some underfloor voids are shown on the elevation drawings; however, no voids are shown for the garages. It is important to note that Condition 4 on planning permission 21/01270/FULL required finished floor levels to be set no lower than 24.3 AOD. This would therefore be 0.4 metres higher than stated in the FRA. No detailed plans for the proposed development showing the detailed design and height of the voids and the finished floor level of the dwellings in relation to the predicted flood level (plus climate change allowance) have been provided. It is therefore not known if the proposed finished floor levels would be acceptable without this information. However, if approval was being recommended, this detail could be secured by planning condition.
- 10.31 The Environment Agency has indicated that they wish to comment on the application, however they advised on 29th August 2023 that they aim to provide comments within 8-10 weeks. Any comments received by the EA prior to the committee date will be reported in the committee update report, although it should be noted that if comments from the EA are not received, it is not considered necessary to delay the determination of the application. . The EA would only normally comment on the impact on the flood storage capacity, proposed finished floor levels and void design. The EA would not normally comment on the Sequential Test, as this test is the LPA to assess.

The Sequential Test

- 10.32 Paragraph 161 of the NPPF requires the application of a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change- so as to avoid, where possible, flood risk to people and property. This is achieved by applying a sequential test. Paragraph 162 of the NPPF goes on to state that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
- 10.33 The applicants have submitted an updated site specific Sequential Test for this current proposal for 5 houses.

- 10.34 For the previous application, a sequential test was undertaken by the applicant looking at similar sized sites to the application site, that are developable or potentially developable and reasonably available within the urban areas of the borough, as identified in the RBWM Housing and Economic Land Availability Assessment (HELAA) 2019. It was considered that the correct data source and methodology for the sequential test had been applied in the case of the previous application. The officer report for the previous application stated that the applicant had demonstrated that, following a borough wide assessment and a reasonable methodology for discounting sites that has included area, ecological constraints, other constraints including Green Belt, there were at the time no “reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding” than the application site, and therefore the sequential test was considered passed for 21/01270.
- 10.35 An updated Sequential Test has been submitted in relation to this current proposed development, this coupled with the extant permission for 6 dwellings which was found to pass the Sequential Test, means that officers are of the view that the flood risk Sequential Test is passed.
- 10.36 Paragraph 163 of the NPPF 2023 states that if it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainability development objectives), the exception test may need to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3 (of the NPPF). The proposed development is classified as ‘more vulnerable’ and being in Flood Zone 3, it would require the exception test to be passed.

The Exception Test

- 10.37 Paragraphs 164 and 165 of the NPPF state that ‘For the exception test to be passed it should be demonstrated that:
- a) the development would provide wider sustainability benefits to the community that outweigh flood risk; and
 - b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere and, where possible reduce flood risk overall.

Both elements of the exception test should be satisfied for development to be allocated or permitted.’

- 10.38 Policy NR1 of the BLP seeks, inter alia, to ensure that development does not increase flood risk. Paragraph 167 of the NPPF adds: ‘When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk from flooding where, in light of this assessment (and the sequential and exception tests as applicable) it can be demonstrated that
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
 - b) the development is appropriately flood resistant and resilient;
 - c) incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
 - d) any residual risk can be safely managed; and
 - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan’

10.39 Wider sustainability benefits to the community should be proportionate to the scale of development being proposed. In the case of the previous scheme it is noted that the officer report states:

'the social and economic benefits of the proposal are that it would provide a windfall site that would contribute to the housing supply in the borough and help provide additional family sized dwellings within an area characterised by such housing. Further economic benefits arise from the construction of the development itself, which would help support local trades and services, and from the occupation of the development attracting new residents that will use local shops and facilities further supporting the local economy. In terms of environmental benefits, the scheme would make more efficient use of land within an existing built-up area, helping to relieve pressure to build on greenfield sites. In addition, and in contrast to the existing and extant permission situations, in the event of a flood the proposed development would enable the free flow of flood water, (due to the voids underneath the dwellings), and significantly increase the flood storage capacity of the site, by approximately 41% by reducing the level of built form and the existing impermeable hardsurfacing, with the benefit of reducing flood risk to properties and people in the surrounding area. Relative to the scale of development being proposed, the scheme would provide wider sustainability benefits to the community.'

10.40 With regard to part b) of the Exception Test and having regard to the requirements set out in paragraph 167 of the NPPF, it was acknowledged on the previous application that the finished floor levels would be raised up (300mm) above the 1 in 100 year plus 35% Climate Change allowance, and this together with the floodable voids under the dwellings was considered to afford a degree of flood resilience. The use of soakaways was also accepted as an appropriate and sustainable approach.

10.41 It was concluded on 21/01270 that the flood escape route together with the proposed flood warning condition, the further condition proposed by the Environment Agency, the other associated improvement to the flood plain storage capacity and the infiltration approach for surface water, would ensure the development accords with the objectives of Policy NR1 of the BLP. It is noted that a condition was imposed on 21/01270 requiring the submission and approval a flood warning and evacuation plan (FWEP) for the development shall be submitted to and approved in writing by the local planning authority.

10.42 Based on previous scheme passing the flood risk Exception Test, and on the basis more detailed plans showing the height of the void being at a suitable level above the flood level being provided, it is considered that this scheme passes the Flood Risk Exceptions Test.

vi Trees

10.43 All the trees on site are protected by a Tree Preservation Order (TPO References 691 & 740). Policy NR3 of the adopted Borough Local Plan highlights the importance of retaining and enhancing the tree cover on sites. The trees on site are largely confined to those around the north, east and west boundaries of the site.

10.44 With this current application the applicant has re-submitted the same Arboriculture Report (TH2770B 15th April 2021) that was for submitted for application 21/01270/FULL. This Arboricultural Report identifies a number of trees to be removed; although it is noted that the planning statement submitted with the current application states: *'as with the extant application no trees would need to be removed.'*

- 10.45 It is considered that a revised bespoke arboricultural report should have been submitted with this current application. From the submitted information and comparison of the approved and proposed footprint, indications are that the majority of the trees on the site will be retained and can be afforded appropriate protection during the course of the construction phase of the proposed development. There is a cluster of approximately 8 no. trees around the south-west corner of the site adjacent to the Bray Road/Church Road junction. It was accepted on the previous application that these can be replaced with new planting which was to be secured by way of an appropriate condition.
- 10.46 As before, it appears that there are two other trees along the Church Road frontage shown for removal – these are small unnamed trees. A third, Tree T1 (Cedar) in the south eastern the front corner of the site has previously been consented for removed pursuant to TPO permission 16/02550/TPO.
- 10.47 Regarding the proximity of the proposed dwellings to the trees and the Root Protection Areas; the arboricultural report identifies that the single storey elements of Plots 3, 4 and 6 of the previous scheme would result in incursion into the Root Protection Areas (RPA's) of Trees T3 (Category B2 Sycamore) on side/east boundary, and T15 (Category B2 Tree of Heaven) adjacent to the rear boundary. It is stated in the arboricultural report that the incursion into the RPA's would measure approximately 3.5% for each of these trees. It is noted that the officer report of the previous application stated that such limited incursions would, together with careful construction techniques that can be secured by way of a condition, ensure there is no materially harmful long term impact on the health of the trees.
- 10.48 As there is no updated arboricultural report, the extent of incursions into RPA from the current scheme, have not been quantified. Comparing the footprint of the 2 schemes (on drawing 20-12-604 Rev A) , it appears that there may not be any significant additional incursion into the RPA of T15 (Tree of Heaven) as a result of the current scheme; however the currently proposed detached house (Plot 5) nearest to T3 (Sycamore) would appear to result in greater incursion into the RPA (of T3 Sycamore). Without a revised tree report, it is not possible to conclude that the impact on trees shown to be retained would be acceptable.

vii Ecology

- 10.49 The Council's Ecologist has commented on the application. In terms of ecological considerations this application is very similar to previous approved application 21/01270/FULL, but for five new dwellings instead of the permitted six. As such, Ecology's comments remain similar to the response on the previous application.
- 10.50 The applicant has submitted two bat survey reports, lighting plans, biodiversity enhancement, and landscaping plans with the current application, as previously submitted between applications 21/01270/FULL and 22/03369/CONDIT.
- 10.51 The application site comprises two large, detached houses with associated outbuildings, parking, and landscaping (consisting of amenity grassland, ornamental planting, and boundary trees and hedgerow). It is surrounded by habitat suitable for use by bats and other protected and priority species (fields, hedgerows, and the River Cut are to the west of the site, and large residential gardens with tree lines and the River Thames are to the east). The arboricultural report states that several trees and one outgrown hedgerow would be removed to facilitate the new development

(including a mature TPO Horse Chestnut, the removal of which has already been granted permission by the council).

- 10.52 The bat survey reports for each house (and associated outbuildings) (Dr. Jonty Denton, March 2021) detail the results of a preliminary bat roost assessment of the buildings and conclude that all of the buildings are unlikely to host roosting bats. The applicant has submitted the same arboricultural report as for application 21/01270 and it is therefore understood that no additional trees to those previous proposals would be affected by the current plans. An additional ecology addendum document was submitted with application 21/01270 in which it was confirmed by the applicant's ecologist that the trees to be affected by the proposals had negligible potential to host roosting bats.
- 10.53 The lighting and biodiversity enhancement plans submitted with this application appear to be the penultimate plans submitted with conditions application 22/03369/CONDIT. As such, the ecology comments now remain the same as before, as follows. The applicant has provided a horizontal isolux contour map of the proposed external lighting scheme on the site. Lux levels are still only shown to 2 lux, and not the 1 lux required by the condition wording, and still no vertical lux levels have been provided. However, in the absence of vertical isolux levels, it appears from the updated plans provided that a number of the bat boxes would be too brightly illuminated under the current proposals to be suitable for use by bats. Ideally the boxes would not be illuminated at all, but as a maximum, the boxes should be illuminated no more than 1 lux.
- 10.54 The Council's Ecologist has advised that the submitted plans would therefore not be suitable and it is recommended that, either revised plans are submitted with reduced lux levels illuminating the bat boxes prior to determination of the application, or conditions are set to ensure that the external lighting installed would not adversely affect bats or other wildlife and that biodiversity enhancements are provided as part of the new development (suggested wording has been provided). Hedgehog gaps should also be provided as part of the biodiversity enhancement plans.
- 10.55 Based on the onsite habitat descriptions provided in the bat survey reports, which state that:
'The surrounding grounds do not have any protected habitats. The habitats present are species poor mown lawn, ornamental shrubbery/screening beds with pebble/crushed slate weed suppressing coverings, and hard standing/paved patios and walkways.' It seems likely that the submitted landscaping plans would be sufficient (if implemented effectively) to provide a biodiversity net gain on the site. It is therefore suggested that, it would be sufficient to set a condition to demonstrate that a net gain will be provided and delivered in an effective way in the long term (in accordance with the NPPF and local policy NR2). Had the recommendation been for approval, conditions suggested by the Council's Ecologist would have been included.

viii Highways & Parking

- 10.56 The proposed development would provide for a total of 14 parking spaces set either side of a central singular access off Church Road and each house would have its own (attached) garage.
The amended plan shows a similar central vehicle access arrangement as that on proposed for the previous application 21/01270. The Highway Officer has commented on the original plans which proposed 5 individual access points -raising no objection. The Highway Officer has also commented on the site plan submitted for the Construction Management Plan (CMP) which in principle is considered accepted;

however, a more comprehensive document would be required, had the recommendation been for approval.

Regarding the CMP the Highway Officer has noted:

- The plan mentions Wokingham Road multiple times. This needs amending.
- Delivery times should be between 9:30am to 3pm.
- A swept path analysis drawing would be required to demonstrate that the largest predicted vehicle would be able to safely enter and leave the site onto Church Road in a forward gear.
- Vehicle routing plan and delivery numbers.
- As the road is private the Highway Authority would recommend that the applicant carries out a highway condition survey with the landowner and residents prior to work starting.

10.57 The Highway Authority has suggested conditions to be imposed if the proposal is to be approved. It is noted that the width of the single central vehicular access measures 3.4m when scaling from the amended drawing 20.012.604 Rev A. To the side of this vehicular access is a pedestrian access and gate. To accord with the Council's Highway Design Guide, the minimum width for the vehicular access (serving 5 dwellings) should be 4.8 metres. Had the LPA been recommending approval, amended plans would have been sought to show the vehicular access widened to 4.8 metres.

10.58 Regarding sustainability and for the promotion of non-car based modes of sustainable transport as sought by Policy IF2 it was stated in the report for 21/01270 that the site is located in a residential area between the south of Maidenhead and Bray. Within approximately 1km there are education facilities including a nursery and primary school, leisure facilities including restaurants and open green space and a small range of retail facilities. Further afield at approximately 1.5km is Maidenhead train station and a post office. In addition, there are bus stops that provide fairly frequent services into Maidenhead town centre, approximately 2km.

ix Sustainability Measures

10.59 Policy SP2 (Climate Change) of the Borough Local Plan Policy requires all developments to demonstrate how they have been designed to incorporate measures to adapt to and mitigate climate change. The Council's Interim Sustainability Position Statement gives more details of what is required (including Guidance and Requirements points 1-7). All developments (except householder extensions and non-residential development with a floorspace of below 100 sq m) should be net-zero carbon unless it is demonstrated this would not be feasible. In cases where buildings cannot achieve carbon zero the Council requires Carbon Offset Contributions and these are secured via a Section 106 Legal agreement. Furthermore, even if information has been submitted to demonstrate that the building could be net zero carbon, there would still be a need to enter into a S106 agreement in order for the Council to secure contributions in the event of the as built development falling short of the carbon zero target.

10.60 In order to calculate the Carbon Offset contributions, the applicant would need to submit energy calculations (SAP) to show the carbon emissions quantified in terms of tonnes of CO₂; however, the applicant has not submitted an energy statement. It is

therefore not known if the development would be net zero carbon, or if and how much contributions towards the carbon off-set fund would be required. In addition, securing that the development is net-zero carbon or obtaining contributions towards the Council's carbon off-set fund would need to be secured by legal agreement. In the absence of such, this forms a reason for refusal.

11. COMMUNITY INFRASTRUCTURE LEVY (CIL)

11.1 The development would be liable to pay CIL based on the following:

Reason for liability	New residential development, more than 100 sqm of new dev
CIL Charging Rate	£240 based on cil charging schedule
New floorspace	NB. The applicant has not submitted a completed CIL form to confirm the total floorspace.

12. PLANNING BALANCE

12.1 As there is considered to be clear reasons to refuse the scheme on harm to designated heritage assets, the tilted balance as set out in the NPPF is not engaged. The proposal is considered to cause less than substantial harm to the setting of the Conservation Area (designated heritage asset). As such the public benefits of the scheme must be weighed against the harm to the heritage asset. In this case, the provision of 5 (3 net additional) dwellings is not considered to provide a significant number of dwellings towards the Council's five housing land supply, which currently stands at 4.83 years. There would be economic benefits from the construction of the dwellings, and from the residents who would occupy them and spend money in the local area, but give that the number of dwellings is 5 (3 net additional), these benefits would be limited. As such there are not considered to be public benefits which outweigh the less than substantial harm caused to the setting of the Conservation Area.

12.2 The scheme is of poor design and would cause harm to a designated heritage asset.. Moreover, without an updated arboricultural report it is not possible to conclude that there would be no adverse impact on TPO trees shown to be retained. The scheme also fails to provide affordable housing and fails to demonstrate that it can achieve carbon-net zero, or if that is not viable make a shortfall contribution to the carbon off-set fund, and therefore fails to meet the requirements of Policy SP2 and the Council's Interim Sustainability Position Statement. The scheme conflicts with the requirements of the NPPF and Adopted Local Plan policy, and there are not considered to be material considerations that mean the development should be approved.

13. CONCLUSION

13.1 The proposal is contrary to adopted Local Plan Policies, the RBWM Borough Wide Design Guide and NPPF 2023.

13.2 The proposal is **RECOMMENDED for REFUSAL**

14. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout
- Appendix B – plan and elevation drawings

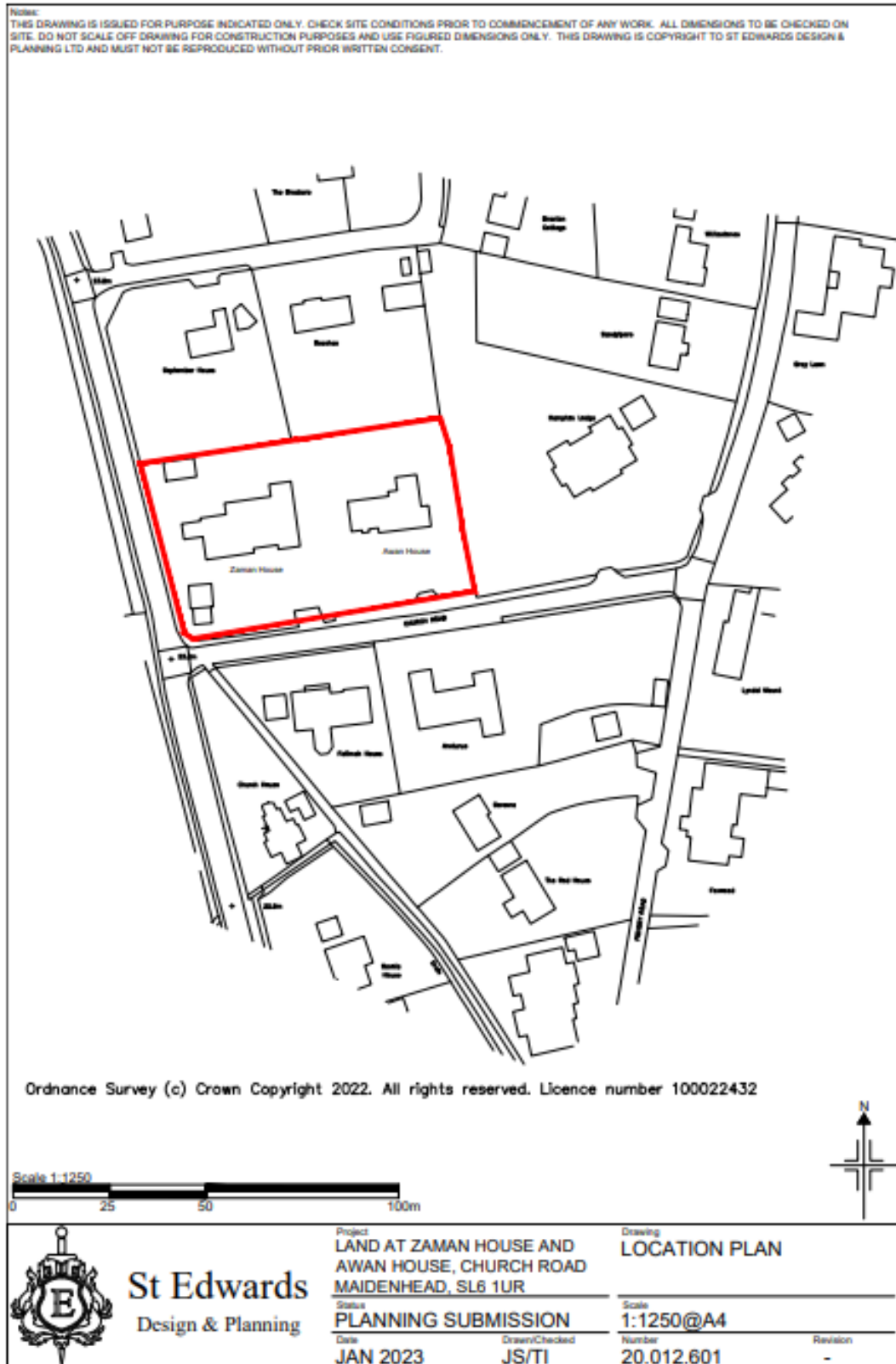
15. REASONS RECOMMENDED FOR REFUSAL

- 1 Given the design, height, urban grain, density, and limited separation between the proposed houses, the row of five new houses would represent an overly dominant and urbanising form of development out of character and detrimental to the spatial qualities of the surrounding properties in this low to medium density neighbourhood which is described in the RBWM Townscape Assessment as 'Leafy Residential Suburb'. The new houses would display a strong vertical emphasis and be arranged in the very regimented layout, which would be incongruous with the looser grain and more spacious layouts of surrounding properties. The proposed development is contrary to adopted Borough Local Plan policies QP1, QP3; adopted Borough Wide Design Guide including principles 6.5.1, 6.8., 7.1, 7.6.1, 7.6.2, 8.2 and National Planning Policy Framework (2023) paragraphs 126 and 130 a) b) f).
- 2 The tight grain of the proposed layout and degree of apparent subdivision of the site, would make the development appear very built up and urban compared with the adjacent Conservation Area. For these reasons, it is considered that the proposed scheme would have a negative impact on the setting of the nearby Conservation area. The proposal is contrary to adopted Borough Local Plan policy HE1, and section 16 of the NPPF.
- 3 The applicant has not submitted a revised/bespoke arboricultural report for this application. There appear to be incursions into tree root protection areas (T3 and T15) which have not been quantified or fully assessed. In the absence of sufficient technical information or mitigation measures regarding tree root protection, the Local Planning Authority cannot accurately assess the potential impact on trees (which are covered by Tree Preservation Order/s). The proposal is contrary to policies NR3, QP3 of the adopted Borough Local Plan.
- 4 The development proposes more than 1,000 sq metres of new residential floor space. The applicant has not submitted a S106 legal agreement to secure on-site and/or off-site affordable housing provision. The proposal is contrary to policy HO3 of the adopted Borough Local Plan.
- 5 Insufficient information has been provided to ensure that the proposed development would minimise potential carbon emissions and furthermore no legal agreement has been provided to secure carbon offset contribution for the scheme to offset the impact of the proposal. In the absence of financial provision towards the Council's Offset Fund, the likely adverse impact of climate change has not been overcome. The application therefore fails to meet the requirements of the Council's Interim Sustainability Position Statement in relation to climate change and is not in accordance with Policy SP2 of the adopted Borough Local Plan (2013-2033).

APPENDIX A

Application 23/00814/FULL – Zaman House and Awan House

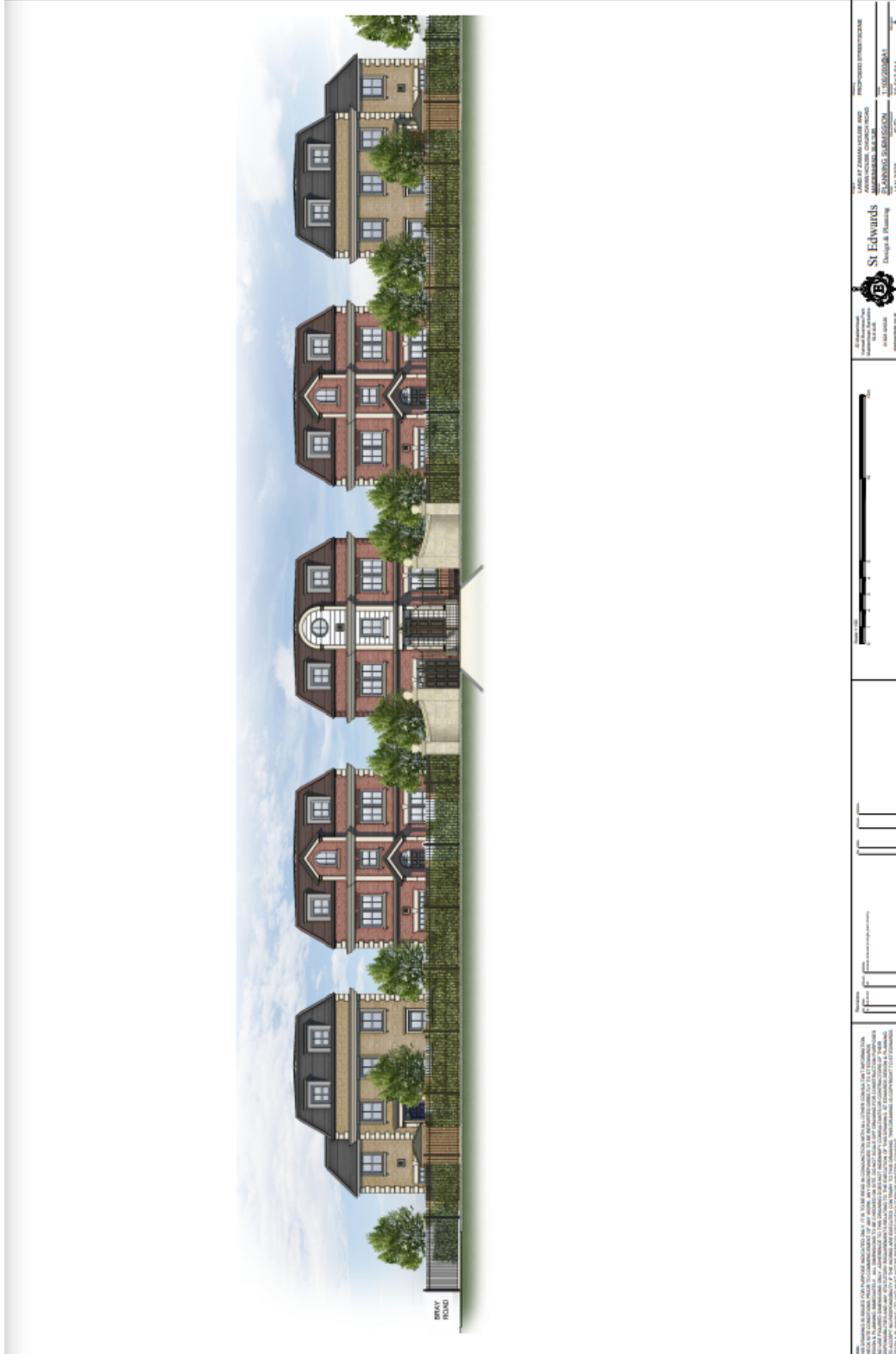
Site Location Plan



APPENDIX B

Application 23/00814/FULL – Zaman House and Awan House

Proposed street scene



APPENDIX B

Application 23/00814/FULL – Zaman House and Awan House

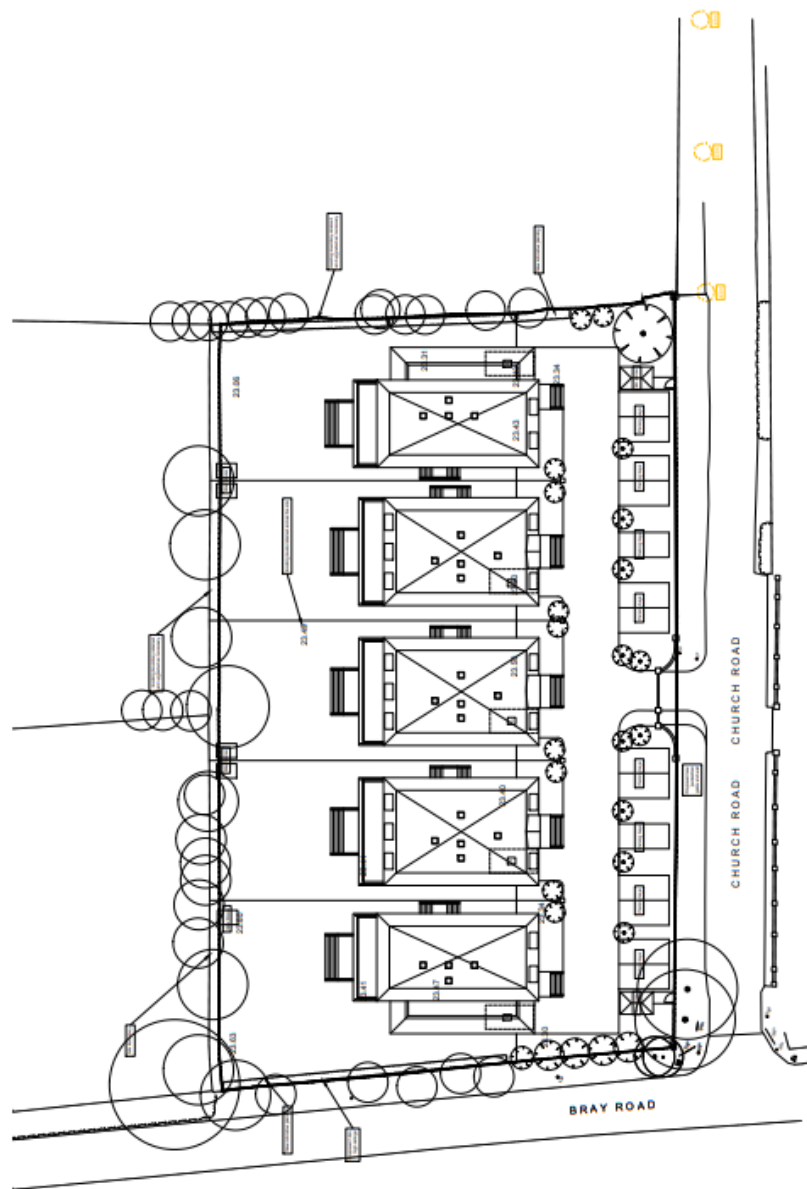
Comparison proposed and approved scheme



APPENDIX B

Application 23/00814/FULL – Zaman House and Awan House

Proposed layout



100% SITE PLAN FOR THE GENERAL ARRANGEMENT OF THE DEVELOPMENT ON CHURCH ROAD, BRAY, DUBLIN 14.
 PROJECT NO. 14/01000/2017
 DATE: 10/01/2018

St Edwards
 Design & Planning
 10, Ballymore Road, Dublin 4
 Tel: 01 454 4000
 Email: info@st-edwards.ie

CLIENT: ST EDWARDS DESIGN & PLANNING
 PROJECT: 100% SITE PLAN FOR THE GENERAL ARRANGEMENT OF THE DEVELOPMENT ON CHURCH ROAD, BRAY, DUBLIN 14.
 DRAWING NO.: 100% SITE PLAN FOR THE GENERAL ARRANGEMENT OF THE DEVELOPMENT ON CHURCH ROAD, BRAY, DUBLIN 14.
 DATE: 10/01/2018

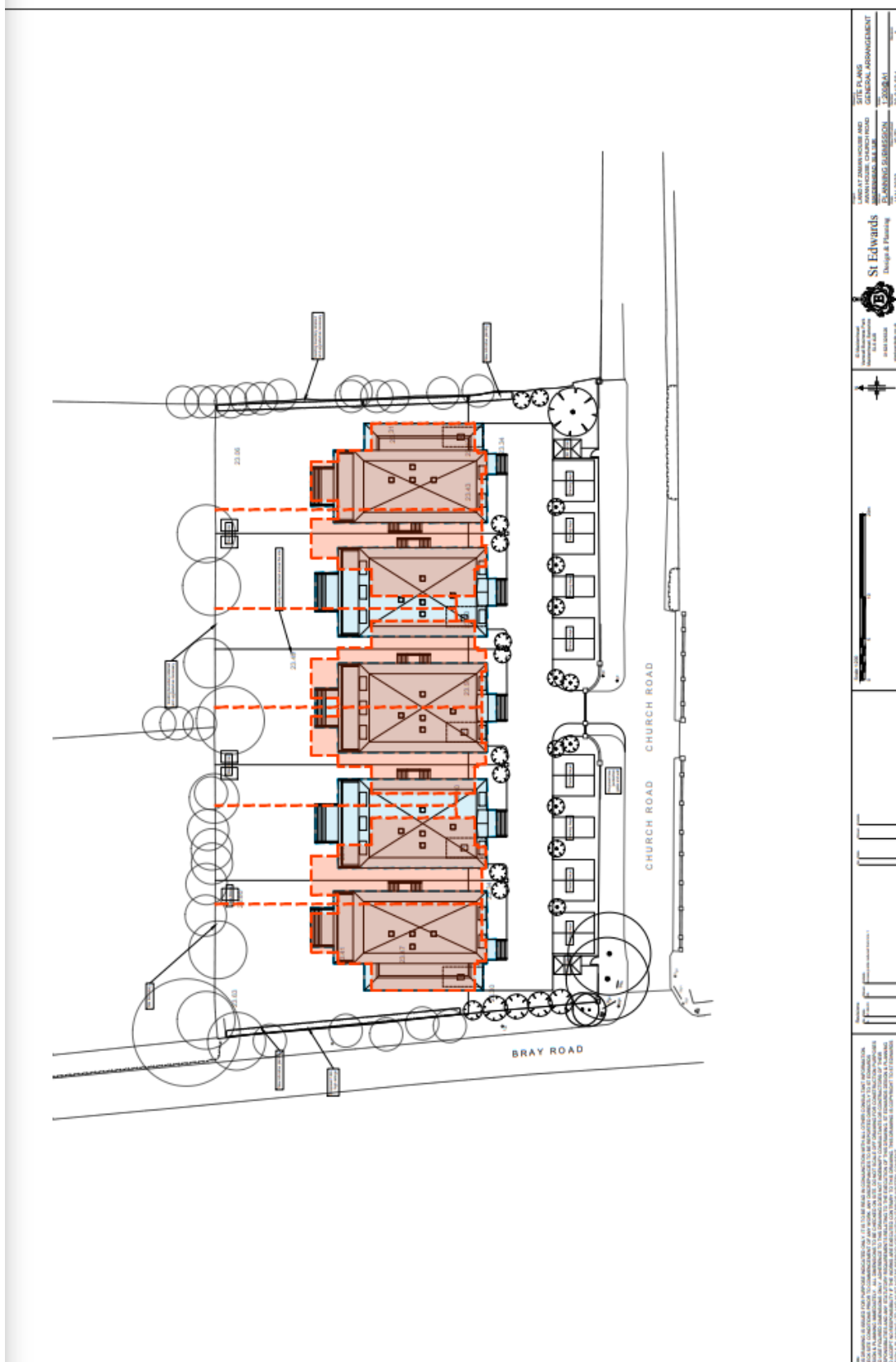
Scale: 1:500
 North Arrow

Notes:
 1. THIS PLAN IS A PRELIMINARY PLAN AND IS SUBJECT TO THE APPROVAL OF THE LOCAL AUTHORITY.
 2. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY CONSENTS AND APPROVALS FROM THE LOCAL AUTHORITY.
 3. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY CONSENTS AND APPROVALS FROM THE LOCAL AUTHORITY.
 4. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY CONSENTS AND APPROVALS FROM THE LOCAL AUTHORITY.
 5. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY CONSENTS AND APPROVALS FROM THE LOCAL AUTHORITY.

APPENDIX B

Application 23/00814/FULL – Zaman House and Awan House

Comparison plan proposed and approved scheme layout



APPENDIX B

Application 23/00814/FULL – Zaman House and Awan House Plot 1

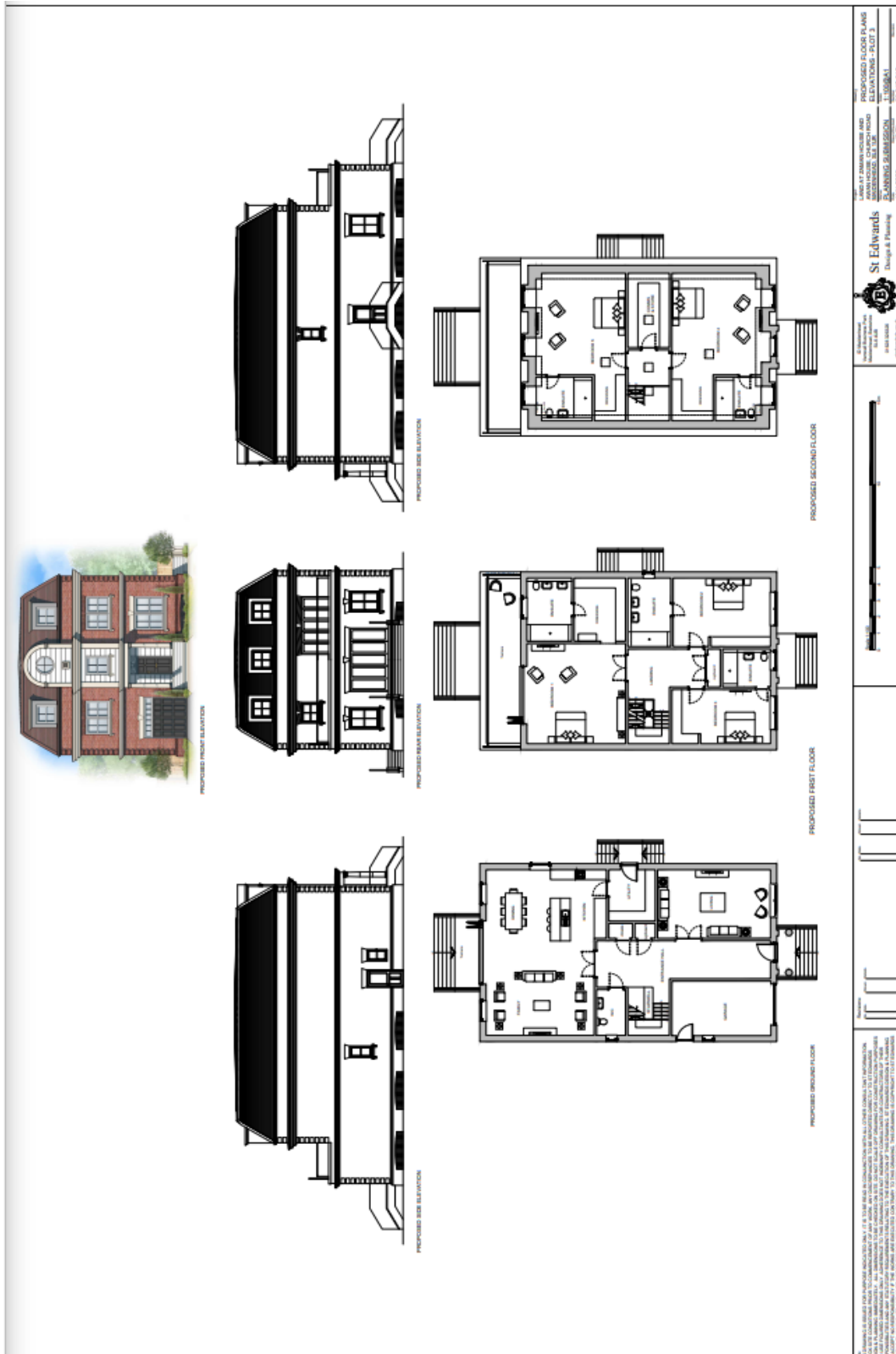
The architectural drawings are organized as follows:

- Top Left:** A 3D perspective rendering of the proposed house, showing its two-story structure, gabled roof, and front facade. It is labeled "PART 1" and "PROPOSED FRONT ELEVATION".
- Top Row (Left to Right):**
 - "PROPOSED SIDE ELEVATION": A side elevation of the house showing the roofline and window placement.
 - "PROPOSED REAR ELEVATION": A rear elevation of the house showing the entrance and rear facade.
 - "PROPOSED SIDE ELEVATION": Another side elevation of the house.
- Middle Row (Left to Right):**
 - "PROPOSED GROUND FLOOR": A detailed floor plan of the ground floor, showing the layout of rooms, stairs, and external features.
 - "PROPOSED FIRST FLOOR": A detailed floor plan of the first floor, showing the layout of rooms, stairs, and external features.
 - "PROPOSED SECOND FLOOR": A detailed floor plan of the second floor, showing the layout of rooms, stairs, and external features.
- Right Margin:**
 - A vertical scale bar.
 - A north arrow.
 - Professional details for St. Edwards Architects, including the architect's name, registration number, and contact information.
 - A title block containing the project name, application number, and drawing title.

APPENDIX B

Application 23/00814/FULL – Zaman House and Awan House

Plot 3



APPENDIX B

Application 23/00814/FULL – Zaman House and Awan House

Appeal Decision Report

06 September 2023 - 9 October 2023

Maidenhead

www.rbwm.gov.uk



Appeal Ref.: 22/60079/REF **Planning Ref.:** 21/03710/CLU **Plns Ref.:** APP/T0355/X/22/3309310
Appellant: Mr Pepe Parra c/o **Agent:** Seth Williams Tetra Tech 100 Avebury Boulevard Milton Keynes MK9 1FH
Decision Type: Delegated **Officer Recommendation:** Refuse
Description: Certificate of lawfulness to determine whether the existing C3 residential use of Park Farm Cottage without an agricultural occupancy restriction is lawful.
Location: **Park Farm Cottage Marlow Road Pinkneys Green Maidenhead SL6 6PH**
Appeal Decision: Allowed **Decision Date:** 7 September 2023

Main Issue:

Appeal Ref.: 23/60041/ENF **Enforcement Ref.:** 22/50301/ENF **Plns Ref.:** APP/T0355/C/23/3319664
Appellant: Nicole Eve Gregor The Black Boys Inn Henley Road Hurley Maidenhead SL6 5NQ
Decision Type: Enforcement Notice
Description: Appeal against the Enforcement Notice for THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL: Without planning permission: Erection of close boarded timber fencing and gates adjacent to Black Boys Lane (western boundary) and identified in the images marked AJH1, Erection of decking with associated paraphernalia identified on the appended plans BB-R00-EX-102 and BB-R00-EX-103 and further identified in the attached images marked AJH2, Erection of a timber pergola identified in the appended images marked AJH3 and Formation of a hardsurface identified in the images marked AJH4.
Location: **The Black Boys Inn Henley Road Hurley Maidenhead SL6 5NQ**
Appeal Decision: Withdrawn **Decision Date:** 2 October 2023

Main Issue:

Appeal Ref.: 23/60051/REF **Planning Ref.:** 22/03027/FULL **Plns Ref.:** APP/T0355/W/23/3321489
Appellant: Mr & Mrs Sambhi c/o **Agent:** Mr Justin Packman Southern Planning Practise Youngs Yard, Churchfields Youngs Yard Winchester, Hants SO21 1NN
Decision Type: Delegated **Officer Recommendation:** Refuse
Description: Detached outbuilding with machinery/vehicle store and stables following demolition of existing stables.
Location: **Glebe House Darvills Lane Shurlock Row Reading RG10 0PF**
Appeal Decision: Dismissed **Decision Date:** 3 October 2023

Main Issue:

Planning Appeals Received

06 September 2023 - 9 October 2023

Maidenhead

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 PIns 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: Cookham Parish
Appeal Ref.: 23/60076/REF
Date Received: 7 September 2023
Type: Refusal
Description: x1 new dwelling.
Location: Land To North East of Hawthorn Lee Cedar Drive Cookham Maidenhead
Appellant: Ian Thomas c/o Agent: Other ET Planning Office 200 Dukes Ride CROWTHORNE RG45 6DS
Planning Ref.: 22/01954/FULL
Comments Due: 12 October 2023
PIns Ref.: APP/T0355/W/23/3322301
Appeal Type: Written Representation

Ward:
Parish: White Waltham Parish
Appeal Ref.: 23/60078/REF
Date Received: 21 September 2023
Type: Refusal
Description: Application for determination as to whether prior approval is required for the proposed telecommunications installation of a 15m high 'slim line' phase 8 monopole c/w wraparound cabinet at base, 3no. additional ancillary equipment cabinets and associated ancillary works.
Location: Verge To South West of Waltham Grange Waltham Road White Waltham Maidenhead
Appellant: Mr Gallivan c/o Agent: Ms Hannah Gibson 14 Inverleith Place Edinburgh EH3 5PZ
Planning Ref.: 22/03340/TLDDT
Comments Due: 26 October 2023
PIns Ref.: APP/T0355/W/23/3323303
Appeal Type: Written Representation