

# Public Document Pack

## 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 21 February 2024 7.00 pm

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

www.rbwm.gov.uk



### Agenda

| Item | Description   | Page    |
|------|---|---------|
| 1    | <b>Apologies for Absence</b><br>To receive any apologies for absence.   |         |
| 2    | <b>Declarations of Interest</b><br>To receive any declarations of interest.   | 5 - 8   |
| 3    | <b>Minutes</b><br>To approve the minutes of the meeting held on 17 January as a true and accurate record.   | 9 - 12  |
| 4    | <b>22/02821/FULL Adam Cottage And Harvest Hill House And Grove House And Land To The South of Harvest Hill Road Maidenhead</b><br><br><b>PROPOSAL: Demolition of Adam Cottage, formation of new vehicular access from Harvest Hill Road and erection of 43 new dwellings to include 28 houses, 2 no. apartment blocks containing 15 dwellings along with associated car parking and landscaping.</b><br><br><b>RECOMMENDATION: PERM</b><br><br><b>APPLICANT: Elivia Homes</b><br><br><b>EXPIRY DATE: 19 December 2023</b>   | 13 - 44 |
| 5    | <b>23/00834/OUT Land Bordered By Woodlands Park Avenue And Woodlands Park Road Maidenhead</b><br><br><b>PROPOSAL: Outline application for access only to be considered at this stage with all other matters to be reserved for up to 225 residential dwellings with strategic open space incorporating informal sports pitches and land for allotments, new vehicular access off Woodlands Park Road and emergency access off Woodlands Park Avenue, pedestrian and cycle access, SUDs, biodiversity features and other associated infrastructure.</b><br><br><b>RECOMMENDATION: PERM</b><br><br><b>APPLICANT: Mr Lambert</b> | 45 - 80 |

|   |   |           |
|---|---|-----------|
|   | <b>EXPIRY DATE: 31 December 2023</b>  |           |
| 6 | <p><b>23/01558/FULL Elmgrove House 48 Castle Hill Maidenhead SL6 4JW</b></p> <p><b>PROPOSAL: 2no. detached dwellings with parking and amenity space following demolition of existing dwelling and garage.</b></p> <p><b>RECOMMENDATION: PERM</b></p> <p><b>APPLICANT: Mr Bertram</b></p> <p><b>MEMBER CALL-IN: Not applicable</b></p> <p><b>EXPIRY DATE: 23 February 2024</b></p>   | 81 - 104  |
| 7 | <p><b>23/01717/FULL Fifield Polo Club Fifield House Farm Oakley Green Road Oakley Green Windsor SL4 4QF</b></p> <p><b>PROPOSAL: Full application for the demolition of the existing stables, commercial buildings, 6no. residential flats and hardstanding and the erection of 25 two storey dwellings together with associated parking and the use of the existing vehicular access off Oakley Green Road.</b></p> <p><b>RECOMMENDATION: REF</b></p> <p><b>APPLICANT: Mr Griffiths</b></p> <p><b>EXPIRY DATE: 23 February 2024</b></p> | 105 - 152 |
| 8 | <p><b>23/02979/FULL Lowbrook Academy The Fairway Maidenhead SL6 3AS</b></p> <p><b>PROPOSAL: Single storey rear extension following demolition of existing shed.</b></p> <p><b>RECOMMENDATION: PERM</b></p> <p><b>APPLICANT: Mr Rooney</b></p> <p><b>EXPIRY DATE: 23 February 2024</b></p>   | 153 - 166 |
| 9 | <p><b>Planning appeals received and planning decision report</b></p> <p>Committee Members to note the report.</p>   | 167 - 170 |

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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](mailto:Will.Ward@RBWM.gov.uk), with any special requests that you may have when attending this meeting.

Published: Tuesday 13 February 2024



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## **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

In accordance with the requirements of the Local Government (Access to Information) Act 1985, each item on this report includes 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 17 January 2024

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

Also in attendance: Councillor Catherine Del Campo and Suzanne Cross.

Officers: Will Ward, Claire Pugh and Adrien Waite.

Officers in attendance virtually: Helena Stevenson.

### Apologies for Absence

No apologies for absence were received.

### Declarations of Interest

No Interests were declared.

### Minutes

**AGREED UNANIMOUSLY: That the minutes of the meeting held 20 December 2023 were a true and accurate record.**

### 23/00455/FULL Land At The North of Foxley Green Farm Ascot Road Holyport Maidenhead

Councillor Reeves proposed a motion to grant planning permission in accordance with Section 14 of the report along with the additional conditions required of the district licence in Section 3 of the committee report. Along with the added condition that the proposed pitch to be used for training/practice and not for matches. This was seconded by Councillor Hill.

Councillor Walters also proposed a motion, but this was intended to refuse planning permission. On the grounds that the proposed development would increase the risk of flooding to the local area. As Councillor Walter's motion did not have a seconder, no named vote was taken on the motion.

A named vote was taken on Councillors Reeves' motion.

| <b>23/00455/FULL (Motion)</b> |         |
|-------------------------------|---------|
| Councillor Joshua Reynolds    | For     |
| Councillor Siân Martin        | For     |
| Councillor Maureen Hunt       | Against |
| Councillor Leo Walters        | Against |
| Councillor Mandy Brar         | Against |
| Councillor Geoff Hill         | For     |
| Councillor Helen Taylor       | Abstain |
| Councillor Gary Reeves        | For     |
| Councillor Kashmir Singh      | For     |
| <b>Carried</b>                |         |

The result was three against one abstention and five for, therefore the motion passed.

**Agreed: To grant planning permission with the conditions listed in Section 14 of the report with the additional condition in Section 3 of the committee update. Along with the additional condition that the pitch be only used for training and not matches.**

The committee heard from three registered speakers Bruce McArthur, objector Louvaine Keen, parish councillor and Declan Bristow, applicant.

23/01232/FULL Land To The West of Mullberry Coningsby Lane Fifield Maidenhead

Councillor Hill proposed a motion to grant planning permission with the conditions listed in Section 13 of the report. Councillor Taylor seconded the motion.

A named vote was taken.

| <b>23/01232/FULL (Motion)</b> |         |
|-------------------------------|---------|
| Councillor Joshua Reynolds    | For     |
| Councillor Siân Martin        | For     |
| Councillor Maureen Hunt       | For     |
| Councillor Leo Walters        | Abstain |
| Councillor Mandy Brar         | For     |
| Councillor Geoff Hill         | For     |
| Councillor Helen Taylor       | For     |
| Councillor Gary Reeves        | For     |
| Councillor Kashmir Singh      | For     |
| <b>Carried</b>                |         |

The result was eight for and one abstention, therefore the motion passed.

**Agreed: To grant planning permission with the conditions listed in section 13 of the report.**

The Committee heard from three speakers Sarah Grace, objector, Julie Glover, parish council and Tom McArdle, applicant.

23/02336/FULL 11 Mallow Park Maidenhead SL6 6SQ

Councillor Hunt proposed a motion to grant planning permission with the conditions listed in Section 14 of the report. This was seconded by Councillor Hill.

A named vote was taken.

| <b>23/02336/FULL (Motion)</b> |         |
|-------------------------------|---------|
| Councillor Joshua Reynolds    | Against |
| Councillor Siân Martin        | For     |
| Councillor Maureen Hunt       | For     |
| Councillor Leo Walters        | Against |
| Councillor Mandy Brar         | For     |
| Councillor Geoff Hill         | For     |
| Councillor Helen Taylor       | Against |
| Councillor Gary Reeves        | Abstain |
| Councillor Kashmir Singh      | For     |
| <b>Carried</b>                |         |

The result was three against, one abstention and five for, therefore, the motion passed.

**Agreed: To grant planning permission with the conditions listed in section 14 of the report.**

The Committee heard from three registered speakers Irene Perrin, objector, Nathan Anthony, applicant and Councillor Catherine Del Campo, other councillors.

Planning appeals received and planning decision report

The Committee noted the report.

The meeting, which began at 7.00 pm, finished at 8.45 pm

Chair.....

Date.....

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# Agenda Item 4

21 February 2024

Item: 1.

|   |   |
|---|---|
| <b>Application No.:</b>   | 22/02821/FULL   |
| <b>Location:</b>  | Adam Cottage And Harvest Hill House And Grove House And Land To The South of Harvest Hill Road Maidenhead   |
| <b>Proposal:</b>  | Demolition of Adam Cottage, formation of new vehicular access from Harvest Hill Road and erection of 43 new dwellings to include 28 houses, 2 no. apartment blocks containing 15 dwellings along with associated car parking and landscaping. |
| <b>Applicant:</b>   | Elivia Homes  |
| <b>Agent:</b>   | Mrs Rosalind Gall   |
| <b>Parish/Ward:</b>   | Bray Parish/Bray  |
| <b>If you have a question about this report, please contact:</b> Sarah Tucker on 01628 796292 or at sarah.tucker@rwm.gov.uk |   |

## 1. SUMMARY

- 1.1 The proposal seeks full planning permission for the erection of 43no dwellings, 28 of which are proposed as houses and 15 as flats.
- 1.2 There are many benefits to the scheme including affordable housing, 3 and 4 bed housing of which there is a need, financial contributions towards Harvest Hill Road improvements and other infrastructure, provision of open space and a contribution towards the Council's off-setting scheme.
- 1.3 There are some harms to the scheme, some of which can be mitigated. The greatest harm is the loss of trees and the loss of some priority habitat, which whilst off-set cannot be replaced on site. However, given that Council does not have a 5 year housing land supply, the titled balance of paragraph 11(d) of the NPPF applies, and as such it is not considered that the adverse impacts would not significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole and so it is recommended that the application is approved.

### **It is recommended the Committee authorises the Head of Planning:**

1. **To grant planning permission on the completion of a bat survey of trees 253 and 226, and outbuildings, which do not show evidence of roosting bats, or if bats present that the Head of Planning considers that a licence from Natural England would likely be granted, and on the satisfactory completion of an undertaking to secure the infrastructure in Section 10 of this report and with the conditions listed in Section 14 of this report:**
  - **Financial contributions towards necessary local infrastructure on a pro-rata basis (which include highway improvements to Harvest Hill Road)**
  - **Delivery of affordable housing**
  - **Delivery of wheelchair accessible units**
  - **Provision of public open space, including a local area of play**
  - **Carbon off-set contribution**
  - **BNG off-set contribution to a local off-set scheme**

## 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 site consists of the house and grounds of Adam's Cottage on Harvest Hill Road, and the majority of the rear gardens of the two adjoining properties of Harvest Hill House and Grove House. The overall site area is 1.59 ha. These gardens are extensive and run from the rear of the existing residential properties to the border with the A308. The site slopes significantly north to south. To the north of the site lies Harvest Hill Road itself, to the east lie existing properties on Oaklands Grove, to the south the A308 and to the west open fields.

### 4. KEY CONSTRAINTS

- 4.1 The site lies within the South West Maidenhead Strategic Area allocation as set out in the BLP and the South West Maidenhead Development Framework SPD. The site lies within Flood Zone 1. There is a Tree Preservation Order (TPO) covering the majority of the trees on site.

### 5. THE PROPOSAL

- 5.1 The proposal seeks full planning permission for the erection of 43no dwellings, 28 of which are proposed as houses and 15 as flats. 13 of these dwellings are proposed to be affordable as 7 houses and 6 flats. The access is proposed directly off Harvest Hill Road, with residential properties set off an oval shaped internal road; the flats and the affordable housing to the west of this. A footpath and pedestrian link is proposed to the residential parcel to the west. Informal public open space is proposed as well as a local area of play. To the south the internal road lies an area open space, an attenuation pond and a pumping station. The proposal will result in the loss of 132 trees.
- 5.2 The application has been revised from that submitted to reduce the number of dwellings from 47 to 43.

### 6. RELEVANT PLANNING HISTORY

- 6.1 There is only one history record pertaining to the application site itself:

| Reference     | Description                                  | Decision           |
|---------------|--|--------------------|
| 06/01447/FULL | Single storey rear extension with open porch | Permitted 3/8/2006 |

However, there are two application within the South West Maidenhead Development Framework SPD area that are of relevance:

| Reference     | Description   | Decision  |
|---------------|---|---|
| 23/00511/FULL | 215no. dwellings with access, landscaping, open space, parking and associated infrastructure. | Pending decision following approval by the Maidenhead Development |

|               |  |                                  |
|---------------|--|----------------------------------|
|               |  | Management Committee on 18/10/23 |
| 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 | Permitted 4/8/23                 |

## 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 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    |
| Renewable Energy                           | NR5    |
| Environmental Protection                   | EP1    |
| Air Pollution                              | EP2    |
| Artificial Light Pollution                 | EP3    |
| Noise                                      | EP4    |
| Contaminated Land and Water                | EP5    |
| Infrastructure and Developer Contributions | IF1    |
| Sustainable Transport                      | IF2    |
| Open Space                                 | IF4    |

## 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

- Borough Wide Design Guide
- South West Maidenhead Development Framework SPD
- Tall Buildings SPD

## Other Local Strategies or Publications

Other Strategies or publications material to the proposal are:

- 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

23 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 18/10/2022 and the application was advertised in the Local Press on 27/10/2022

No representations were received supporting the application.

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

| Comment |   | Where in the report this is considered |
|---------|---|--|
| 1.      | Overlooking of neighbouring gardens from dormer windows   | Section 10                             |
| 2.      | Increased traffic on Harvest Hill Road leading to harm to road safety                             | Section 10                             |
| 3.      | Are there plans to slow down traffic on Harvest Hill Road and safeguard pedestrians and cyclists? | Section 10                             |
| 4.      | Removal of 20 mature TPO trees  | Section 10                             |

|     |   |  |
|-----|---|--|
| 5.  | Loss of wildlife due to loss of trees   | Section 10   |
| 6.  | Removal of a total of 139 trees   | Section 10   |
| 7.  | Disagree with arboricultural report in terms of impact  | Section 10   |
| 8.  | Public services already under immense pressure, should be clear measures to improve schools, traffic, health services, hospitals, footpaths | Section 10   |
| 9.  | No school places available for more children  | Section 10   |
| 10. | Traffic is already congested in the area  | Section 10   |
| 11. | Install street lights and a complete footpath to Kimbers Lane on Harvest Hill Road  | Section 10   |
| 12. | Overdevelopment of the town   | Section 10   |
| 13. | Little attempt to create affordable housing   | Section 10   |
| 14. | Since covid apartments are no longer desirable  | This is not a material planning consideration that can be taken into account in the assessment of the application. |
| 15. | Decision making process lacking in transparency and honesty   | Section 10   |
| 16. | Area floods when it rains   | Section 10   |
| 17. | The number of trees for removal should be reduced   | Section 10   |
| 18. | Works to Harvest Hill Road should begin before works on site  | Section 10   |
| 19. | Detrimental impact on air quality   | Section 10   |
| 20. | Need a pedestrian crossing where Harvest Hill Road and the A308 meet  | Section 10   |

### Statutory consultees

| Consultee | Comment                            | Where in the report this is considered |
|-----------|------------------------------------|--|
| LLFA      | No objection subject to conditions | Section 10                             |

### Consultees

| Consultee            | Comment  | Where in the report this is considered |
|----------------------|--|--|
| RBWM Highways        | No objection subject to conditions   | Section 10                             |
| RBWM Planning Policy | Whilst the number of 3 and 4 bed units has been increased to 55% of the total as set out in the 2016 SHMA it does not reflect the SW Maidenhead SPD in that there should be a greater number of family homes in the southern neighbourhood to balance the number of flats in the northern neighbourhood. More details are required on custom build plots.<br>Welcome the intention of adopt the 'simple approach' to the S106 infrastructure contributions | Section 10                             |

|                               |   |            |
|-------------------------------|---|------------|
| Berkshire Archaeology         | The site falls within an area of archaeological significance and a written scheme of investigation condition is required on any permission.   | Section 10 |
| RBWM Housing Enabling         | 13 affordable homes are proposed, in a tenure split of 45% social rent, 35% affordable rent and 20% shared ownership. 6 of the affordable homes are flats and 7 are houses. Wheelchair accessible housing is proposed. These are all acceptable, further detail is requested for the Part M4(3) dwellings   | Section 10 |
| Thames Water                  | The scale of the proposed development does not materially affect the sewer network and therefore we have no objection however care needs to be taken when designing new networks to ensure that they don't surcharge and cause flooding. No objection with regard to capacity. Discharge of surface water to the public network this would be a material change to the proposal as none is proposed at present. | Section 10 |
| RBWM Ecology                  | Whilst surveys have been carried out, further detailed surveys are required for bats and reptiles and these should be secured via a condition. A re-survey of the badger sett should be undertaken and can be required by condition. There are some discrepancies in the BNG metric and this needs to be re-submitted and the habitat loss off-sett- these can be secured by condition.                         | Section 10 |
| RBWM Environmental Protection | No response received  | Section 10 |
| Naturespace UK                | Highly unlikely that great crested newts will be impacted by the proposal as there are no ponds within 500m except for the one across the A308, which would act as a barrier to GCN dispersal.  | Section 10 |
| Leisure Services              | No response received  | Section 10 |

#### Others (e.g. Parish and Amenity Groups)

| Group               | Comment  | Where in the report this is considered |
|---------------------|--|--|
| Bray Parish Council | Originally commented on 2/11/22 stating that they recommend refusal until clarification is received over compliance with environmental policy, plans for the removal of multiple TPO trees, lack of clarity on sustainable transport options | Section 10                             |

|                |   |            |
|----------------|---|------------|
|                | <p>and overall future infrastructure of the Harvest Hill Road area.</p> <p>The Parish Council further commented on 22/6/23 stating that the BPC recommend refusal as the information requested in the original plans has not been answered.</p> <p>The Parish Council further commented on 6/11/23 recommending refusal, citing ongoing concerns over plans for TPO trees, protection of badgers, with a suggestion that the applicant contacts Binfield Badgers to ensure a more in depth report is produced. Concern re: the absence of a SUDS analysis in what is a known flood area, which is required. BPC also considers that previously requested transport statement is yet to be submitted by the application and should be completed. BPC also considers the parking provision to show a shortfall of at least 7+ spaces, with this BPC has concerns that unsafe parking by residents and visitors would be inevitable. BPC is disappointed that sustainable energy provision is lacking with no solar panels or EV charging points included in the plans. BPC also has continued concerns over air quality in the area of Harvest Hill Road where BPC monitoring has shown data which is far in excess of current WHO guidelines. BPC draws comparison with an adjacent plan 23/00511/FULL where financial contributions were agreed towards necessary local infrastructure, which includes highway improvements to Harvest Hill Road and would urge the applicant to consider making a suggestion in this regard before proceeding with this application.</p> |            |
| Georgian Group | Adam's Cottage is of interest and request a condition recording the building.   | Section 10 |

## 10. EXPLANATION OF RECOMMENDATION

10.1 The key issues for consideration are:

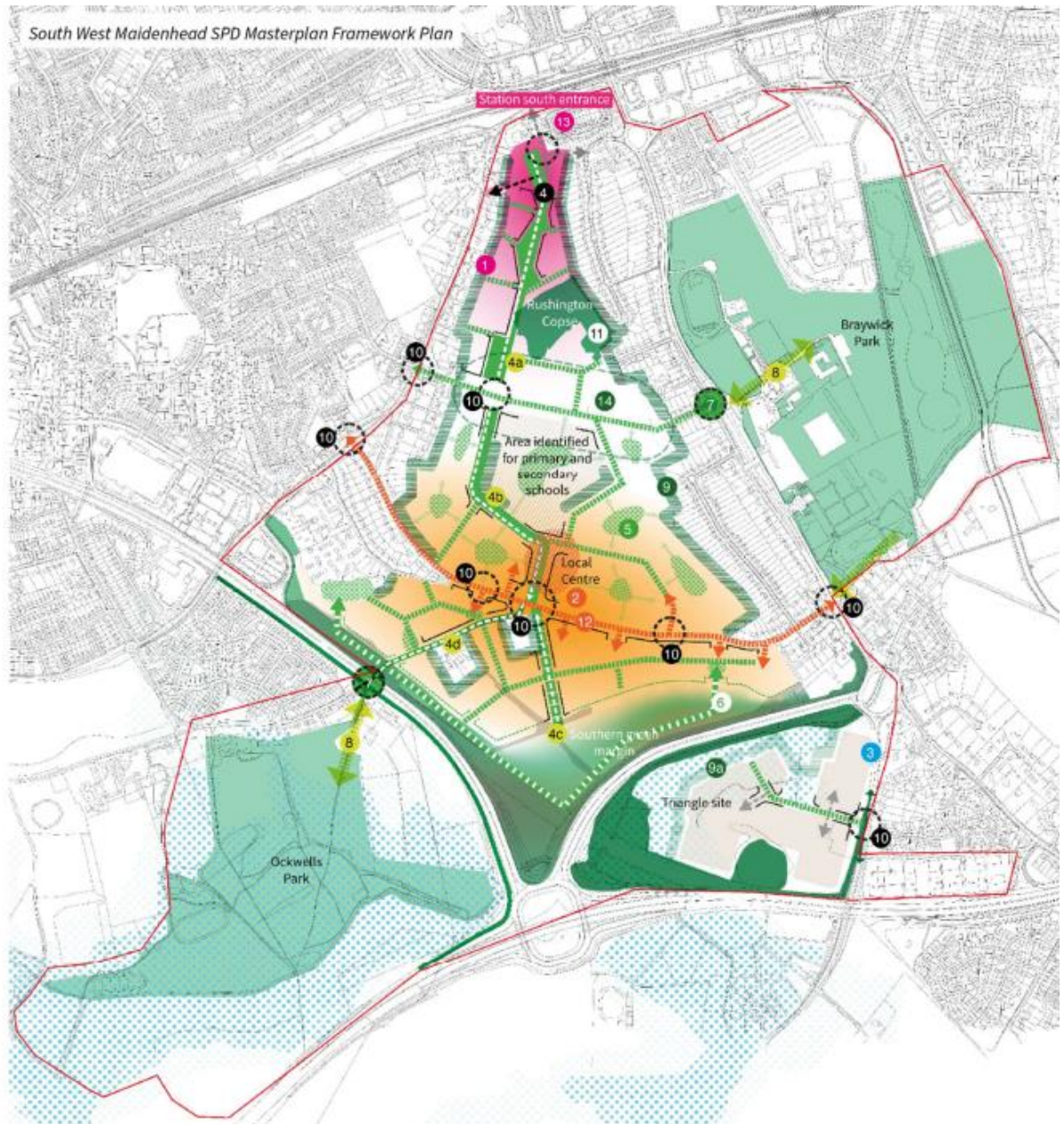
- i Principle of Development
- ii Climate Change and Sustainability
- iii Affordable Housing
- iv Housing Provision and Quality
- v Flooding
- iv Design and Character

- v Parking and Highways Impacts
- vi Impact on amenity of neighbouring buildings
- vii Trees
- viii Ecology
- vii Other Material Considerations

#### Principle of Development

- 10.2 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.
- 10.3 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.





- 10.4 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. 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.
- 10.5 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.

- 10.6 The current application site lies in the south-eastern side of the South of Harvest Hill Road neighbourhood, to the west of the Taylor Wimpey scheme. The site is currently the house and gardens of Adam's Cottage and two adjoining large rear gardens. The proposal seeks to enlarge the existing access to Harvest Hill Road and create 44 dwellings on site, consisting of 28 houses and 15 flats. A pedestrian/cycle link is proposed on the western boundary of the site, linking to adjacent parcels. This will enable comprehensive development when the other development parcels are put forward for development. As such, the proposal accords with the main purpose of the SPD and BLP allocation AL13 in ensuring comprehensive development.
- 10.7 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, a 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 3 storeys, in this context, the amount of density and proposed building heights are considered appropriate.
- 10.8 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.
- 10.9 Given the above it is considered that the proposal accords with the BLP allocation set out in AL13 and the general thrust of the South West Maidenhead SPD.

#### Climate Change and Sustainability

- 10.10 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.
- 10.11 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 allocated spaces. Furthermore, the application includes sustainability calculations in order to address the requirements of the Interim Sustainability Position Statement can be met.
- 10.12 The proposal includes does not reach net-zero carbon but carbon emissions have been reduced by 70.62% compared with part L of 2021 baseline of building regulations, and the solar panels are proposed to generate 32KWp. Accordingly, the required carbon off-set financial contribution has been calculated and will be 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

- 10.13 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).
- 10.14 The proposed affordable accommodation is as follows:
- 3 x 3bed houses
  - 3 x 2 bed houses
  - 1 x 4 bed house
  - 2 x 1 bed flat
  - 4 x 2 bed flats
- This equates to 13 out of 43 units, which is equates to 30% affordable housing provision. The tenure split proposed is 45% social rent (equating to 5 no. houses), 35% affordable rent (equating to 6 no. flats) and 20% shared ownership (equates to 2 no houses).
- 10.15 This provision is in line with the housing mix recommended by the Council's Housing Enabling Officer. The social rent houses will meet the needs of families on the Housing Register and/or in temporary accommodation. There is a slight over emphasis on rented housing at 85% and this is considered appropriate given the need. The mix of flats and houses is considered acceptable.
- 10.16 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

- 10.17 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
- 10.18 The proposed market housing has the following mix: 5bed x 2 units, 4bed x 3, 3bed x 14, 2bed x 6 and 1bed x 5. This equates to- 17% 4+ beds, 46% 3 beds, 20% of 2 beds and 17% of 1 beds. The Berkshire SHMA has for Eastern Berks states for market housing there should be the following percentages: 4+ bed 20-25%, 3 bed 40-45%, 2 bed 25-30%, 1 bed 5-10%.
- 10.19 This means that there is slight under provision of 4+ beds, an over provision in 3 beds dwellings, a slight under provision of 2 bed dwellings and small over provision of 1 bed flats compared to the SHMA but overall this is considered an appropriate mix, as the greatest need is for 2 and 3 bed units, which represent 66% of the market dwellings.
- 10.20 The Planning Policy Team have raised issues regarding the amount of 1 and 2 bed flats, on the grounds that the South West Maidenhead SPD states that in the southern neighbourhood proposed south of Harvest Hill Road, there should be a greater number of family sized dwellings to off-set the amount of smaller dwellings in the high density

element of the northern neighbourhood on the Golf Course part of the allocation. However, the housing mix is broadly in accordance with the Berkshire SHMA, as set out above. Given this, it is considered that the proposed housing mix is acceptable.

- 10.21 The proposal also includes 3 wheelchair accessible units, which is 6% of the total, in accordance with the requirements of Policy HO2, and these will be secured by a S106 obligation. There is no requirement for custom build or self-build units on sites less than 100 dwellings in size.

#### Drainage

- 10.22 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.
- 10.23 The site lies wholly within Flood Zone 1 and is therefore not at risk of flooding.
- 10.24 Surface water drainage is proposed to drain into a large attenuation basin in the southern part of the site, then draining into The Cut waterway. Foul water is proposed to be pumped from the site to the existing foul sewer onto Harvest Hill Road. The Local Lead Flood Authority (LLFA) considers the proposed drainage scheme acceptable subject to a recommended condition, and Thames Water consider the scale of development proposed will not impact on the existing sewer network.
- 10.25 Given the above, the drainage elements of the scheme are considered acceptable, subject to the recommended condition and in accordance with Policy NR1.

#### Urban Design and Character

- 10.26 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. The Tall Buildings SPD sets out what is appropriate in terms of tall buildings within the Borough.
- 10.27 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
  - Set new development within a variety of high-quality public realm and open space
- 10.28 The proposal has a vehicular access from Harvest Hill Road from which the residential road runs in an oval shape, with a western extension. Residential development is set around and within with oval and to the western part of the site; the southern part of the site has been retained for open space and buffering to existing trees, -including veteran trees. The proposed surface water attenuation pond and the foul water pumping station are situated here also. The western part of the site includes the two blocks of flats and the pedestrian/cycle link to the adjacent site.

- 10.29 The proposed dwellings are two storey or two and half storeys, with most buildings having a traditional form of pitched roofs with dormers where there is accommodation in the roof. Materials proposed are mostly brick plain concrete roof tiles and some render. The proposed flat blocks are three storey, also in a traditional form, with pitched roofs and in a mixture of brick and render.
- 10.30 The proposed height of the development is considered appropriate and within the parameters set out in the South West Maidenhead SPD (see para 12.6 above). The traditional forms of development are considered appropriate in this context adjacent to existing dwellings also in the traditional vernacular. The proposed development is of a higher density than surrounding development, but of similar density of the recently approved Manor Farm scheme (22/01717/FULL) and the Badgers Wood scheme that was recently approved by Committee but awaiting the signing of a S106 agreement (23/00511/FULL). Given the context of the South West Maidenhead allocation, where densities, by necessity to achieve appropriate housing numbers, will be greater than that of the surrounding area, the proposed densities are considered acceptable here.
- 10.31 In terms of street hierarchy, there is a clear visual stop with the angled terraced of plot numbers 14 and 15 at the northern end of the internal road, -indicating a change from vehicular only access to shared surfaces (which will be enhanced by a change a road surfacing). This will ensure a prioritization of pedestrian movement throughout the scheme. Lower density of dwellings to the east adjacent to existing dwellings on Oaklands Grove and a higher density to the west, where the site will in future meet further development in the parcel to the west. The proposal also includes pedestrian/cycle access to the west, which will be controlled by way of a recommended condition, informal open space to the north and south of the site, including a Local Area of Play (LAP) and mixture of dwelling types. The retention of trees on the southern boundary will provide some screening of the development to views from the A308 to the south.
- 10.32 Part of the scheme, especially on the northern side of the development is a little cramped and that is reflected in the Residential Amenity section below. This is partly a function of the constraints on the site, including the topography and the retained trees. Nevertheless, it is a harm that weighs against the proposal.
- 10.33 The Council adopted the Tall Buildings SPD in November 2023. For the South West Maidenhead Allocation it states that within the 'peripheral areas' of the allocation there should be a maximum of 2-3 storeys. The site is on the far eastern edge of the allocation and therefore is considered a 'peripheral area'. The majority of the houses proposed on site are 2 storey, with some 2.5 storeys and the proposed flat blocks 3 storey. As such the proposals accord with the Tall Buildings SPD.
- 10.34 Given the above, it is considered that most of the proposed design, density and layout is in accordance with the parameters set out in Policies QP1, QP3, Site Allocation Proforma A13 and the South West Maidenhead SPD. There is some harm identified in that part of the site is slightly cramped, however, -overall the proposal is considered acceptable in urban design and character terms. To ensure quality of design, a condition securing details of the materials is recommended as well as details of any retaining structures to gardens given the sloping topography.

#### Impact on amenity of neighbouring buildings and future residents

- 10.35 The site lies within an area allocated in the BLP for residential development. Land to the west also lies within the allocation and is currently fields. Harvest Hill House and

Grove House lie directly to the north of the site, and Oaklands Grove lies to the east. To the south lies the A308.

- 10.36 The rear of Harvest Hill House lies 38m from the rear of proposed plots 20-27. Grove House lies 18m from the flank end of proposed plot 1. Properties on Oaklands Grove have their flank wall 25m from proposed plots 1 and 2, and the flank end of another property in Oaklands Grove lie 20.5m from rear of proposed plots 2, 4 and 5. All these distances are within the parameters set out in the Borough Wide Design Guide, which states that for residential development for 1 to 2 storey buildings, rear to rear should be 20m apart, and a flank wall to the rear of a dwelling 12m.
- 10.37 Whilst no response has been received from the Environmental Protection team, it is unlikely that future residents will be harmed by noise from the A308, since it would be 50m from the nearest proposed property on site, and there will be a buffer of existing retained trees. It is not considered that a noise barrier would be effective here given the topography, with a considerable drop in levels from north to south.
- 10.38 The majority of the proposed houses have rear gardens that accord with the outdoor amenity space size standards set out in the Borough Wide Design Guide. Plots 22 to 27 have north facing gardens and have slightly undersized gardens when assessed with the Design Guide. However, given the amount of informal public open space proposed on site, this is considered to be, on balance, acceptable.
- 10.39 The proposed flats have balconies that is in accordance with size requirements of the Design Guide, apart from the ground floor flats that have a slightly undersized private amenity space when assessed by the Design Guide. However, given that amount of informal public open space proposed on site, this is considered to be, on balance, acceptable.
- 10.40 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

- 10.41 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 sets out a number of approaches to the Harvest Hill Road Corridor including: integrating the corridor within a new neighbourhood giving it purpose as an East-West route as well as a north-south one, maintain existing movements whilst creating a more pleasant, connected network, create an attractive, safe and inviting corridor that shifts modes of travel from vehicular to pedestrian focussed, retain the green characteristics of the corridor, and creating multiple crossing points.
- 10.42 The site lies south of Harvest Hill Road which is currently has sections of 30mph and some of 40mph but as part of the proposed highway works the speed would be reduced along its entire length. East to west pedestrian and cycle connectivity to link to Shoppenhangers Road to Braywick Road is currently not provided. Grass verges exist on the south of Harvest Hill Road and to the north there are intermittent narrow footways. S106 contributions for all development in the South West Maidenhead Allocation would be used to improve Harvest Hill Road to reduce the speed limit, create a segregated footway/cycleway on the northern side, provide zebra and tiger crossings



along Harvest Hill Road and widening the footpath on the eastern end of the road. The nearest proposed tiger crossing would be to the west of the site. Contributions would also be sought to support a bus service for the first 3 years.

- 10.43 The position of the proposed access complies with the South West Maidenhead SPD. South of the proposed access the highways are proposed as shared surfaces which is considered acceptable subject to details of surfacing materials, which is recommended by condition.
- 10.44 The Highway Officer is satisfied with the conclusions of the Transport Assessment which concludes that the traffic flows from the proposed development would be 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 as specified above.
- 10.45 The proposal has 73 assigned off-street parking -spaces and 5 visitor spaces. The Highway Officer considers this amount of car parking acceptable given the aspirations of the South West Maidenhead SPD and the NPPF and has requested a condition for a car parking management plan to control obstructive parking. However, it is considered that this could be controlled by the Highway Act 1980 in any case, and as such, is outside the scope of planning conditions.
- 10.46 The Highway Officer has raised concerns regarding the refuse stores for plots 20-27, with the front of plots being congested with refuse stores blocking the cycle storage. Amended details of refuse and cycle storage for these plots will be required by a recommended condition. Further details required by condition are details of electric car charging, details of cycle parking, and a construction management plan.
- 10.47 Subject to the proposed recommended conditions, and S106 obligations, the highway impacts of the proposal are acceptable, and are considered to accord with Policy IF2 and the South West Maidenhead SPD in this respect.

#### Ecology and Biodiversity

- 10.48 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.
- 10.47 A bat survey has been undertaken that concludes that Adam Cottage is very unlikely to host roosting bats, but the Council's Ecologist has requested further surveys of two trees, trees 253 and 226 for bat roosts and the outbuildings on site -to be undertaken prior to determination. This has been agreed with the developer. It is recommended that power be delegated to the Head of Planning to allow for the development to be approved if no bat roosts are found in this trees, or if surveys reveal the presence of bat roosts that the Head of Planning is satisfied that a license from Natural England would likely be granted.
- 10.48 The applicant has not provided a suitable survey for reptile presence/absence and as such a condition requiring this -and appropriate mitigation is recommended. However there are unlikely to be any great crested newts on site.

- 10.49 There is a disused outlier on site. Badgers can open up new and re-open dis-used setts and as such a condition requiring a re-survey of badger prior to commencement is recommended.
- 10.50 A small part of the site is a 'traditional orchard' priority habitat (0.19ha). The loss of this priority habitat can be off-set via 'traditional orchard' biodiversity units -to offset any loss. The tree survey indicates that the fruit trees on site are old and are therefore of a poor standard. Whilst their removal is a harm that weighs against the proposal, they can be satisfactorily off-set by suitable BNG credits and will be secured by a recommended S106 obligation.
- 10.51 The Council's Ecologist has stated that there are some discrepancies in the BNG metric and has recommended a condition to rectify this by requiring the re-submission of a BNG metric. A S106 obligation details of off-setting of BNG is also recommended since the site is too small for a 10% increase in BNG. It is likely that the applicant will pay a contribution towards an appropriate and identified off-setting scheme in the Borough.
- 10.52 Whilst there are harms identified with regard to ecology and biodiversity, it is considered that given the site is allocated for housing, it is considered that these can be appropriately mitigated with further surveys, re-submitted BNG metric and off-setting, all secured by recommended conditions and appropriate S106 obligations.

#### Trees, Landscape and Open Space

- 10.53 Policy NR3 seeks to ensure that development proposals should carefully consider the individual and cumulative impact of proposed development on existing trees, woodlands and hedgerows, including those that make a particular contribution to the appearance of the local character/distinctiveness. Policy IF4 requires new development for housing to include open space and play facilities in accordance with the quantity standards. One of the overarching design principles in the South West Maidenhead SPD is that new development should be set within a variety of high quality public realm and open spaces, including suitable provision for landscape.
- 10.54 The site has 206 existing trees and a number of hedgerows on site within the existing gardens and providing current boundaries. A number of the trees are covered by a TPO but most are not. There are two veteran oaks on site- one in the north east corner and one on the southern boundary of the site. The trees lie across the site in the existing gardens and so the creation of dwellings here will require the removal of a large number of trees. The arboricultural report states that there will be a loss of 132 trees, but the majority of these are either Category 'C' or below (and therefore of low or poor quality) and are mostly semi-mature or garden fruit trees. A large number of leylandii trees are proposed to be removed. However, 15 of the trees proposed to be removed are mature, Category B trees, of a moderately high quality. The two veteran trees are to be retained. The majority of the trees on the southern boundary are to be retained. Several hedgerows within the main body of the site are proposed to be removed, but the substantial hedgerow to the southern boundary is retained.
- 10.55 The scheme would result in a loss of a large number of trees and hedgerows, albeit the majority of a fairly poor quality. Whilst there is some tree planting proposed on site, this is no way mitigates for the loss of trees proposed. However, the site is allocated within the South West Maidenhead allocation for housing development. In terms of trees that make a particular contribution to the local character of the area, the majority of these trees are being retained, including trees on frontage, and along the



boundaries, as well as the two veteran trees. Whilst concern is raised by local residents regarding the loss of trees, from the majority of views, the majority of the trees proposed to be removed would not be visible from the streetscene along Harvest Hill Road or the wider landscape due to the retained trees on the eastern, western and northern boundaries, except from views to the south towards the A308, where they will be viewed by passing vehicles. However, even given that the site lies within the South West Maidenhead SPD allocation area, the loss of trees and hedgerows is a harm that weighs against the proposal, as the loss cannot be mitigated on site.

- 10.56 In terms of landscape impact, there will be change from a currently suburban feel to the area to a more urban one, as the development of the South West Maidenhead allocation is built out and is an inevitability of housing development here. Views of the site will be afforded from the A308 and longer distances to the south, due to the sloping topography of the site, but they will be read in conjunction with the other parts of the South West Maidenhead allocation that are currently are being built out, or will be in the near future. Given this, the landscape impact of the proposal is considered acceptable here.
- 10.57 The proposal includes 0.46 ha of public open space, including amenity greenspace, natural/semi-natural greenspaces and a local area of play (LAP), most of which is in the southern part of the site, with some adjacent to the proposed access. The amount of open space accords and in some cases exceeds the required provision set out in Appendix 7 of the BLP. However, whilst the BLP requires a local equipped area of play (LEAP) for developments of 11-200 dwellings, given the steep topography of the site and the retained trees, it is considered acceptable not to include a LEAP here.
- 10.58 Overall, the landscape and open space elements of the scheme accord with Policies NR3 and IF4 of the BLP, as well as the South West Maidenhead SPD, however, the loss of the amount of trees results in some harm that weighs against the proposal.

#### Archaeology and Heritage

- 10.59 BLP Policy HE1 states that the historic environment will be conserved and enhanced in a manner appropriate to its significance.
- 10.60 The site falls within an area of high archaeology potential. Important prehistoric sites and finds spots are recorded near this site including the nationally important Scheduled Mesolithic site at Moor Farm, c80m to the south-west, the Neolithic site at Cannon Hill to the east and prehistoric flint scatters at Willow Drive to the south.
- 10.61 Given that archaeological remains may be present on site, the County Archaeologist has recommended a written scheme of investigation condition so that site investigations and recording can be undertaken before development commences. The County Archaeologist does not consider that the setting of the scheduled ancient monument at Moor Farm would be affected by the proposed development.
- 10.62 The proposal includes the removal of Adam's Cottage at the frontage of the site. The building is a early 19<sup>th</sup> property with late 19<sup>th</sup> century and 20<sup>th</sup> century additions and the Georgian Group has stated that it may be of some importance, and have requested a condition requiring the recording of the building, and this is recommended.
- 10.63 Subject to the addition of recommended condition, the proposal is acceptable in heritage terms and in accordance with BLP Policy HE1.

#### Other Infrastructure requirements

- 10.64 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 his 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), and the 215 dwelling scheme at Badger's Wood (23/00511/FULL).
- 10.65 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.
- 10.66 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.
- 10.67 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

- 10.68 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.
- 10.69 Whilst no response has been received from the Environmental Protection Team, the applicant has submitted air quality and noise reports from appropriately qualified companies. These reports conclude that neither air quality or noise from the proposals would be detrimental to existing or future residents.

#### Other issues

- 10.70 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

10.71 The Borough does not have a five-year housing land supply. Since the application was submitted before 19/12/2023, -paragraph 11(d) of the NPPF is relevant, 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.

10.72 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.

10.73 There are many benefits to the scheme as follows:

- Delivery of 43 dwellings, 13 of which are proposed to be affordable, including a slight emphasis on rented housing which will help those most in need.
- 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 0.46 ha of open space on site, including a LAP.
- Provision of family homes in the form of 3 and 4 bed housing for which there is a need.

10.74 However, there are some harms to the proposal- including some of the plots do not have the required amount of private amenity space required by the Borough Design Guide leading to a slightly cramped layout, the lack of a LEAP, the loss of trees on site and the loss of some priority habitats. The lack of amenity space, the slightly cramped layout, the over provision of informal public open space on site and the lack of a LEAP are due to the site constraints and the retention of trees on the public open space. The loss of the priority habitat can be mitigated via appropriate BNG off-setting within the Borough, however, this will not be on site, and this weighs against the proposal. Similarly, the loss of trees on site is a harm that cannot be mitigated on site and weighs against the proposal. In this case, given that the Council does not have a five year land supply, it is considered that the loss of trees, the majority of which are semi-mature and of poor quality and the loss of a priority habitat, since it would be appropriately off-set, would not significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole and planning permission is recommended.

## **11. CONCLUSION**

11.1 As set out in the paragraphs above, the adverse impacts of the scheme that cannot be mitigated do not outweigh the significant benefits of the scheme.

11.2 Given this, 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 and subject to a bat survey on trees 253 and 226 submitted to the local planning authority and if bats roosts are not found that power is delegated to the Head of Planning to issue a decision. If bat roosts are found then then the authority for the Head of Planning to grant planning permission, if they are satisfied a licence from Natural England would likely be granted.

## 12. APPENDICES TO THIS REPORT

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

## 13. 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 No development above slab level shall take place until details of the materials to be used on the external surfaces of the development have first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.  
Reason: In the interests of the visual amenities of the area and in accordance with BLP Policy QP3
- 3 The site shall not be occupied until the vehicular access has been constructed onto Harvest Hill Road in accordance with the details to be submitted to and approved in writing by the Local Planning Authority.  
Reason: In the interests of highway safety. Relevant Policies and in accordance with BLP Policies IF2 and QP3.
- 4 No part of the development shall be occupied until the visibility splays shown on the approved drawings at the main vehicle access have been provided. The areas within these splays shall be kept free of all obstructions to visibility above a height of 0.6 metres from the surface of the carriageway.  
Reason: In the interests of highway safety and in accordance with BLP Policies IF2 and QP3
- 5 No part of the development shall be occupied until the on-site highway visibility plan which includes both forward visibility and junction visibilities conforming to Manual for Streets 20mph specification shown on the approved drawings have been provided. The visibility splay areas shall thereafter be kept free of all obstructions to visibility over a height of 0.6 metres measured from the surface of the adjacent carriageway.  
Reason: In the interests of highway safety and in accordance with Policies IF2 and QP3.
- 6 No dwelling on the development shall be occupied until a means of access for pedestrians and cyclists to the Tiger Crossing to reach the north side of Harvest Hill Road has been constructed in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.  
Reason: In the interests of accessibility and to facilitate access by cyclists and/or pedestrians and in accordance with BLP Policies IF1/IF2 and QP3 of the

- 7 No development hereby permitted shall be occupied until a means of access to the front door and rear garden for pedestrians and cyclists has been constructed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.  
Reason: In the interests of accessibility and to facilitate access by pedestrians and cyclists and in accordance with BLP Policies IF2 and QP3
- 8 Each dwelling hereby permitted shall not be occupied until the associated vehicle parking or vehicle parking and turning space for that dwelling has been provided 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 BLP Policies IF2 and QP3
- 9 No part of the development shall be occupied until a car parking allocation and management plan showing how the car parking facilities within the communal areas of the estate including the access road, turning heads and visitor spaces will be allocated, signed and managed has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved plan.  
Reason: To ensure that car parking is allocated fairly and to demand that would not lead to increased roadside parking which could be detrimental to the free flow of traffic and to Highway safety and to facilitate access for all vehicles including the refuse vehicle and all emergency service vehicles and in accordance with BLP Policies: Policies IF2 and QP3 .
- 10 Prior to first occupation, 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 in accordance with the approved details.  
Reason: In the interests of sustainable transport. Relevant Policies: NPPF paragraph 112 e); at paragraph 107 e), to comply with Part S 1 of the Building Regulations Approved Document s 2021 edition or subsequent amendments, RBWM's Electric Vehicle Chargepoint Implementation Plan & IF2 and QP3 of the Borough Local Plan
- 11 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.  
Reason: To ensure that the development is provided with adequate parking facilities in order to encourage the use of alternative modes of transport and to accord with BLP Policies IF2 and QP3
- 12 No part of the development shall be occupied until a refuse bin storage area and recycling facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall 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 and in accordance with BLP Policies IF2 and QP3

- 13 No development (including any demolition or site clearance) shall take place, until a Construction (and Demolition) Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include as a minimum:(i) Vehicle access and Routing of construction and demolition traffic (including directional signage and appropriate traffic management measures);(ii) Details of the parking of vehicles of site operatives and visitors;(iii) Areas for loading and unloading of plant and materials;(iv) Areas for the storage of plant and materials used in constructing the development;(v) Location of any temporary portacabins and welfare buildings for site operatives;(vi) Details of any security hoarding;(vii) Details of any external lighting of the site;(viii) Details of the method of piling for foundations;(ix) Measures to control the emission of dust, dirt, noise and odour during demolition and construction;(x) Measures to control surface water run-off during demolition and construction;(xi) Construction and demolition working hours and hours during which delivery vehicles or vehicles taking materials away are allowed to enter or leave the site (to avoid peak times);(xii) Details of wheel-washing facilities during both demolition and construction phases; and(xiii) Areas for the turning of construction and demolition vehicles such that the largest anticipated vehicle can turn and leave the site in a forward gear. The approved Construction Environmental Management Plan shall be adhered to throughout the demolition and construction period.  
Reason: In the interests of highway safety and to mitigate and control environmental effects during the demolition and construction phase and in accordance with BLP Policies IF2 and QP3
- 14 No development hereby permitted, including any vegetation clearance shall commence until a badger sett survey of the development site and immediately adjacent areas has been undertaken. This survey shall be undertaken within 28 days of the start of works on site and a brief letter report detailing the results of the surveys is to be submitted to and approved in writing by the Local Planning Authority. If surveys show that a licence to disturb a badger sett is required a copy of a valid licence is to be submitted to the planning authority prior to the commencement of works.  
Reason: Badgers are known to inhabit the area and, although no active setts were present at the time of the most recent survey, can open-up setts in very short time periods. This condition will ensure that badgers (a protected species) are not adversely affected by the proposals and in accordance with BLP Policy NR2
- 15 No development hereby permitted, including ground works or vegetation clearance, shall commence until a reptile mitigation strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy be based upon an up to date reptile survey and shall include full details of how reptiles will be protected from harm during the construction period. The development shall be undertaken in accordance with the approved strategy.  
Reason: To ensure the protect or mitigation of reptiles on site and in accordance with BLP Policy NR2.
- 16 Prior to the commencement of the development hereby approved, a biodiversity metric assessment (using the DEFRA statutory Metric) shall be submitted to and approved in writing by the local planning authority. The biodiversity metric assessment shall assess the lawful ecological baseline value of the site and approved plans for the post-development value. Each entry into the biodiversity metric shall be appropriately explained with regard to the best available evidence (e.g. habitat surveys, photographs of trees before removal), appropriate habitat description and habitat condition criteria. The biodiversity metric assessment shall establish the net impact of development on

the biodiversity value of the site in biodiversity units.

Reason: To comply with the requirements of BLP Policy NR2 and paragraphs 180 and 186 of the NPPF.

- 17 No development shall commence unless and until a certificate confirming the agreement of an Offsetting Provider to deliver a Biodiversity Offsetting Scheme, totalling a minimum of the biodiversity units agreed through the Biodiversity Metric Assessment condition 16 above, has been submitted to and agreed in writing by the Local Planning Authority. The written approval of the Council shall not be issued before the certificate has been issued by the Offset Provider. The details of biodiversity enhancements shall be documented by the Offset Provider and issued to the Council for their records.

Reason: To compensate for the net loss of biodiversity resulting from the development by providing biodiversity enhancements off site in accordance with BLP Policy NR2 and 180 and 186 of the NPPF.

- 18 No development shall take place (including demolition, ground works, 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 (may be provided as a set of method statements). d) the results of up to date surveys for bats, badgers and reptiles carried out in accordance with recognised guidelines 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 minimise impacts on biodiversity in accordance with Paragraphs 185 and 186 of the NPPF

- 19 A) 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 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.B) The Development shall take place in accordance with the WSI approved under condition part (A).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 part(A) 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 remains. The potential impacts of the development can be mitigated through a programme of archaeological work.

- 20 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. c) Clarification is required on the future ownership of all SuDS measures. d) The discharge rate for the development shall be limited to 2l/s for events up to and including the 1 in 100 year plus 40% climate change event. 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 the NPPF and BLP Policy NR1

- 21 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 and to accord with BLP Policy NR3

- 22 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 and in accordance with BLP Policy QP3

- 23 No development to which this permission relates shall commence until a level 2 building record of the building and site as existing shall be submitted to and approved in writing by the Local Planning Authority. The required record level shall be in accordance with guidance as set out in the recording levels described in Historic England's, Understanding Historic Buildings: A guide to good recording practice (May 2016). Copies of the building recording shall be deposited to the Local Studies Archive and the Berkshire Historic Environment Record following written approval by the Local Planning Authority.

Reason: To ensure that the building of some historic interest is recorded and in accordance with BLP Policy HE1

- 24 All vehicular, cycle and pedestrian accesses shall be constructed to the boundary of the site.

Reason: To ensure that comprehensive development is achieved and in accordance with Policy QP1b of the adopted Borough Local Plan.

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



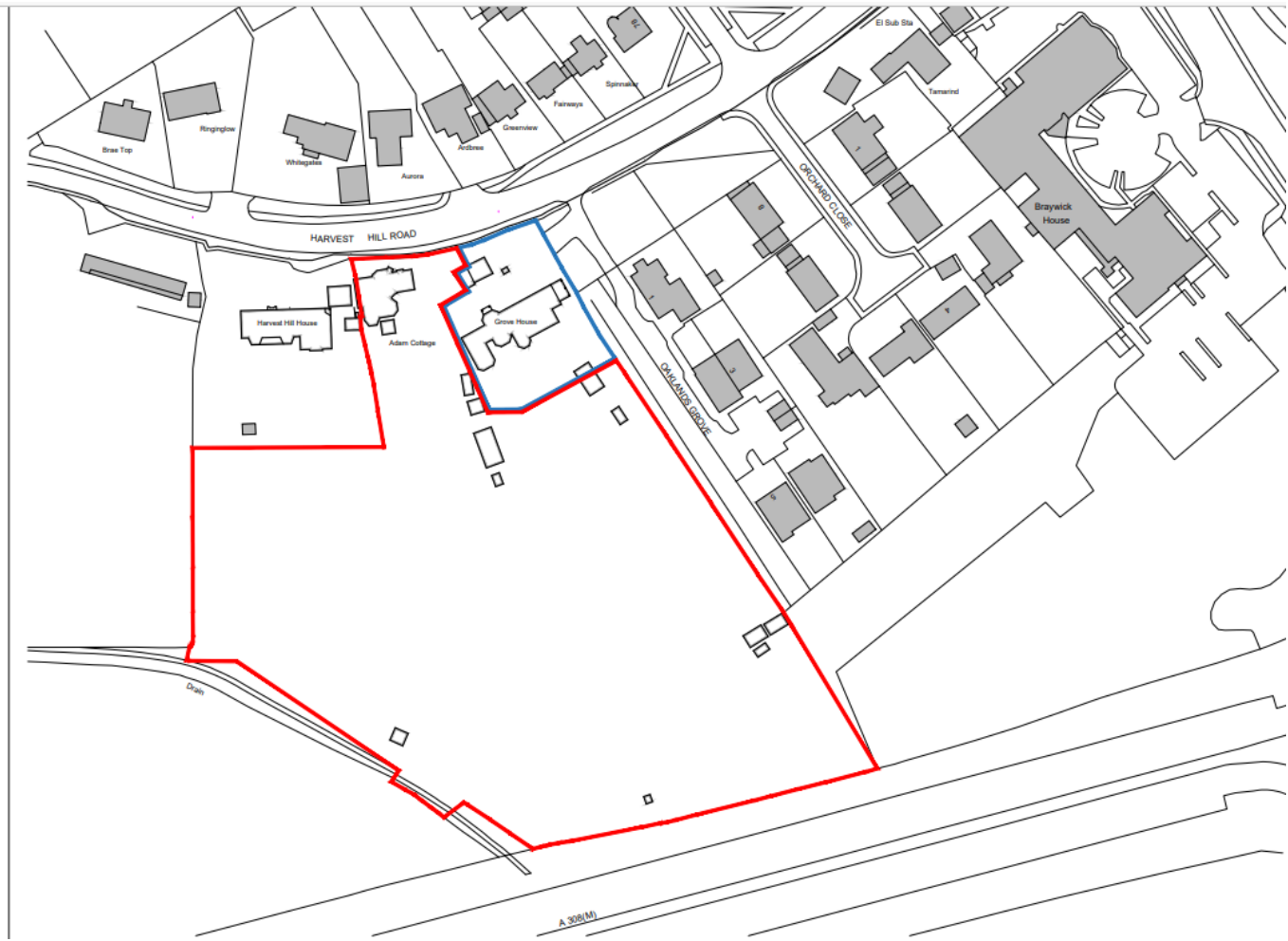
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

### **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 Highways Act Section 278/38 would need to be entered into with the Highway Authority in order to form the vehicular site access onto Harvest Hill Road with street lighting including all the other necessary associated infrastructure works such as new footways, kerbs, drainage, street lighting, landscaping, vegetation/soil removal / relevelling, carriageway & footway re-surfacing/widening, cats' eyes, signs and lining works. The section can be contacted via email at [HighwaysDC@RBWM.gov.uk](mailto:HighwaysDC@RBWM.gov.uk) to receive the initial email.
- 3 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.



SITE PLAN



EXISTING SITE SURVEY



# PROPOSED SITE PLAN





# PROPOSED STREETSCENES



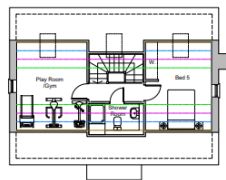
# PROPOSED PLANS AND ELEVATIONS (EXAMPLES)



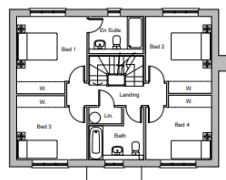
Sheet  
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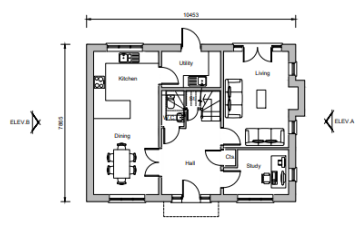
Roof Plan



Second Floor Plan



First Floor Plan



Ground Floor Plan



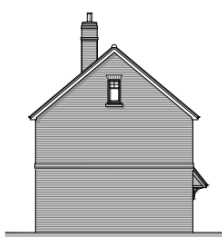
Front Elevation



Side Elevation A



Rear Elevation



Side Elevation B



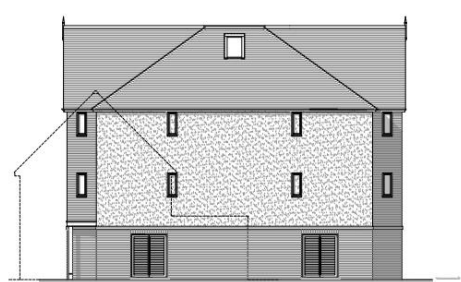
Front Elevation



Side Elevation A



Rear Elevation



Side Elevation B



Front Elevation



Side Elevation A



Rear Elevation



Side Elevation B



# Agenda Item 5

21 February 2024

Item: 2.

|                         |  |
|-------------------------|--|
| <b>Application No.:</b> | 23/00834/OUT   |
| <b>Location:</b>        | Land Bordered By Woodlands Park Avenue And Woodlands Park Road Maidenhead  |
| <b>Proposal:</b>        | Outline application for access only to be considered at this stage with all other matters to be reserved for up to 225 residential dwellings with strategic open space incorporating informal sports pitches and land for allotments, new vehicular access off Woodlands Park Road and emergency access off Woodlands Park Avenue, pedestrian and cycle access, SUDs, biodiversity features and other associated infrastructure. |
| <b>Applicant:</b>       | Mr Lambert   |
| <b>Agent:</b>           | Mr Luke Veillet  |
| <b>Parish/Ward:</b>     | Cox Green Parish/Cox Green   |

**If you have a question about this report, please contact:** Sarah Tucker on 01628 796292 or at sarah.tucker@rwm.gov.uk

## 1. SUMMARY

- 1.1 The proposal seeks outline planning permission only with all matters reserved apart from access for the erection 225 dwellings on the western part of the site, with the provision of two sports pitches, allotments, informal open space and drainage attenuation ponds to the eastern side of the site. The site lies within Borough Local Plan (BLP) Allocation AL24: Land east of Woodlands Park Avenue and north of Woodlands Business Park. The site is allocated for approximately 300 residential units, strategic open space and sports pitches.
- 1.2 The proposal includes substantial benefits in terms of the provision of housing on an allocated site, along with 85 affordable homes, in line with the requirements of BLP Site Allocation AL24, and would provide significant improvements to Woodlands Park Road and Woodlands Park Avenue, provision of open space, sports pitches and allotments, funding towards the Borough's carbon off-setting fund, funding towards improving public rights of way in the vicinity of the site, and would deliver significant biodiversity net gain on site.

|   |   |
|---|---|
| <b>It is recommended the Committee authorises the Assistant Director of Planning:</b> |   |
| 1.  | <b>To grant planning permission on the satisfactory completion of an undertaking to secure the infrastructure in Section 12 of this report, set out below:</b> <ul style="list-style-type: none"><li>• <b>Contribution towards the Council's carbon off-setting fund;</b></li><li>• <b>On site policy compliant affordable housing;</b></li><li>• <b>5% of housing to be to Building Regulation M4(2) standard;</b></li><li>• <b>5% of housing to be fully wheelchair accessible;</b></li><li>• <b>On site policy compliant 5% custom built housing;</b></li><li>• <b>Provision of on site biodiversity net gain;</b></li><li>• <b>Construction of the main vehicular site access onto Woodlands Park Road;</b></li><li>• <b>Construction of the emergency vehicular access onto Woodlands Park Avenue;</b></li><li>• <b>Provision of uncontrolled and controlled pedestrian crossings across Woodlands Park Road and Woodlands Park Avenue with associated infrastructure;</b></li></ul> |

- Widening of the carriageway of Woodlands Park Road and provision of a right turn lane;
- Improvements to the roundabout junction with Woodlands Park Road/Cannon Lane/Waltham Road;
- Contribution for funding for a Traffic Regulation Order (TRO) for parking and waiting restrictions;
- Contribution for funding for a Traffic Regulation Order (TRO) to reduce the speed limit from 40 mph to 30 mph on Woodlands Park Road;
- Provision of three new bus stops on Woodlands Park Road;
- Implementing and monitoring a Travel Plan to encourage residents to use sustainable modes of travel;
- Contribution towards the improvements of Public Rights of Way (PROW) in the vicinity of the site; and,
- Provision of on site open space including sports pitches, allotments and informal open space and play areas.

and with the conditions listed in Section 15 of this report.

## **2. REASON FOR COMMITTEE DETERMINATION**

- The Council's Constitution does not give the Assistant Director 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 comprises two fields of agricultural land (16.8ha) bordered by Woodlands Park Road to the north, Woodland Park Avenue to the west, Lillibrooke Manor and Barns and a turf supplier to the east, and Woodlands Business park to the south.
- 3.2 There is a hedgerow tree belt between the two fields and hedgerows along the boundaries to the north and west and part of southern boundary. The site lies within the south-western part of Maidenhead in the parish of Cox Green. The site is broadly flat and is bounded by existing development on north, south and west sides, with agricultural land to the south-east.
- 3.3 The site forms the AL24, Land east of Woodlands Park Avenue and north of Woodlands Business Park Site Allocation within the BLP.

## **4. KEY CONSTRAINTS**

- 4.1 The site is allocated in the BLP (AL24) for residential use, public open space and two junior sports pitches, with the retention of the central tree belt and provision of all housing to the west of the existing tree belt.
- 4.2 The area to the east of the tree belt is retained in the site allocation as Green Belt. Lillibrooke Manor and Barns is a Grade II listed building. The far south-east corner of the site lies within Flood Zone 2; however, but the rest of the site is within Flood Zone 1. A sewer easement runs through the site.

- 4.3 To the eastern boundary of the site lies PROW COXG/6/1, and PROW COXG/7/1 which runs along the southern site boundary. There are no trees on the site which are the subject of Tree Preservation Orders (TPO's) or classified as veteran trees.

## 5. THE PROPOSAL

- 5.1 The application seeks outline planning permission only with all matters reserved apart from access for the erection 225 dwellings on the western part of the site, with the provision of two sports pitches, allotments, informal open space and drainage attenuation ponds to the eastern side of the site. The central tree belt is proposed to be retained. Access is proposed to the north from Woodlands Park Road, with a 4m wide pedestrian and emergency access to the west onto Woodlands Park Avenue.
- 5.2 The proposed housing would comprise a mix of apartments and houses with 40% affordable housing, in a mix of 12 x 1 bed apartments, 27 x 2 bed apartments, 12 x 2 bed houses, 25 x 3 bed houses and 9 x 4 bed houses. The affordable houses would be predominately for social rent.
- 5.3 The proposal is in outline, with all matters reserved apart from access. As such, only the principle of development and the details of access are for determination here. All other matters including layout, scale, design and landscaping will be included in subsequent reserved matters applications if the scheme is approved. However, the applicants have submitted a parameter plan and an illustrative master plan to ensure that the development can be carried out appropriately.

## 6. RELEVANT PLANNING HISTORY

- 6.1 There is no planning history to the site in relation to planning applications. However, it is noted that a Stakeholder Masterplan document (SMD) for the site was approved by Cabinet on 26 January 2023.

## 7. DEVELOPMENT PLAN

- 7.1 The main relevant policies are:

### **Borough Local Plan (BLP)**

| 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   |
| Development in Rural Areas and the Green Belt | QP5    |
| Housing Development Sites                     | HO1    |
| 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 |
| Renewable Energy                            | NR5 |
| Environmental Protection                    | EP1 |
| Air Pollution                               | EP2 |
| Artificial Light Pollution                  | EP3 |
| Noise                                       | EP4 |
| Infrastructure and Developer Contributions  | IF1 |
| Sustainable Transport                       | IF2 |
| Open Space                                  | IF4 |
| Rights of Way and Access to the Countryside | IF5 |
| Community Facilities                        | IF6 |
| Utilities                                   | IF7 |

## 8. MATERIAL PLANNING CONSIDERATIONS

### National Planning Policy Framework (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 13- Green Belt

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
- Tall Buildings SPD

### Other Local Strategies or Publications

Other Strategies or publications material to the proposal are:

- RBWM Townscape Assessment
- RBWM Landscape Assessment
- RBWM Parking Strategy

- Interim Sustainability Position Statement
- Corporate Strategy
- Environment and Climate Strategy

## 9. CONSULTATIONS CARRIED OUT

### Comments from interested parties

81 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 18/05/2023 and the application was advertised in the Local Press on 13/04/23

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

| Comment |  | Where in the report this is considered  |
|---------|--|---|
| 1.      | Woodlands Park Avenue road is a small road and cannot take an additional 300-400 cars plus construction traffic. | See section 10  |
| 2.      | Increased noise pollution.   | See section 10  |
| 3.      | Green Belt should be protected   | The residential part of the development is not Green Belt but allocated for development in the BLP (AL24). See section 10   |
| 4.      | Drains get choked when there is heavy rain, the drainage system is frail   | See section 10  |
| 5.      | GP's are over-subscribed and no hospital in Maidenhead.  | See section 10  |
| 6.      | Local schools are at capacity.   | See section 10  |
| 7.      | Loss of green space for housing.   | See section 10  |
| 8.      | Area is prone to flooding  | See section 10  |
| 9.      | Loss of views from existing residential properties   | Loss of view is not a material consideration that can taken into account in the assessment of this application in accordance with relevant development plan policies. |
| 10.     | Only one secondary school in the vicinity.   | See section 10  |
| 11.     | How is the local infrastructure to absorb the new development.   | See section 10  |
| 12.     | Query how CIL going to pay for existing issues such as traffic/schools/GP's.                                     | See section 10  |

|     |  |                |
|-----|--|----------------|
| 13. | Air quality is poor in the area and the development will make it worse.  | See section 10 |
| 14. | Traffic data for this proposal was undertaken in 2017 which needs to be updated.   | See section 10 |
| 15. | Proposed access is very close to existing residents properties, which will cause conflict.   | See section 10 |
| 16. | Concern that the emergency access will be changed to an all vehicle access.  | See section 10 |
| 17. | Will the 2/3 storey flats at the end of Woodlands Park Avenue obstruct the view of oncoming vehicles?  | See section 10 |
| 18. | 2/3 storey flats will look out of place here.  | See section 10 |
| 19. | Development should be a mix of houses for families not flats as they would look totally out of place, as the area is a mix of bungalows and houses. There are plenty of flats being built elsewhere. | See section 10 |
| 20. | Berkeley Homes have not provided any current traffic analysis past Woodlands Park Road. Development will have a huge knock on effect in the wider area, not just near the development.               | See section 10 |
| 21. | The proposed access into Woodlands Park will be dangerous due to the speed of the traffic and the volumes of traffic using the area - needs further review.  | See section 10 |
| 22. | The Residential Travel Plan will not work as people will not use public transport or cycle.  | See section 10 |
| 23. | Mode of Transport Census is 12 years out of date and cannot be used to determine the suitability or impact of this development.  | See section 10 |
| 24. | No report assessing impacts on wildlife  | See section 10 |
| 25. | Impact on road safety of the area.   | See section 10 |
| 26. | The proposal represents large urban sprawl that does not integrate well with existing housing and neighbours.  | See section 10 |
| 27. | There are too many dwellings for the size and position of the plot. The flats are not consistent with the existing housing types.  | See section 10 |
| 28. | Will need to be significant improvements to Woodlands Park Road, especially the junction with Woodlands Park Avenue as there is a poor site line.  | See section 10 |

|     |   |   |
|-----|---|---|
| 29. | Woodlands Park should remain a village not become urbanised.  | See section 10  |
| 30. | Has it been decided which schools are to take the increase in children numbers which will affect safe routes to school.                             | See section 10  |
| 31. | Increase in light pollution.  | See section 10  |
| 32. | Loss of surrounding property value.   | This is not a material consideration that can be taken into account in the assessment of this application |
| 33. | Development will result in overshadowing and loss of outlook.   | See section 10  |
| 34. | Construction will disrupt business activities to Woodlands Business Park.   | This is covered by other legislation.   |
| 35. | Parking in the business estate when the site is occupied will be a problem.   | Parking for the development will be secured by recommended condition. See section 10.                     |
| 36. | The ditch on the border of Woodlands Business Park often floods and we fear that the development will result in increased flooding to our property. | See section 10  |
| 37. | Harm to local wildlife as a result of construction works.   | See section 10  |
| 38. | Local residents were not properly consulted on this application, should have been wider consultations.  | See section 10  |
| 39. | Too much emphasis on non-motor traffic in traffic improvements.   | See section 10  |
| 40. | Lack of parking space at Maidenhead Station.  | This is outside the scope of the application currently under consideration.                               |

### Statutory consultees

| Consultee               | Comment   | Where in the report this is considered |
|-------------------------|---|--|
| Environment Agency (EA) | The Thames Area Sustainable Places Team is unable to provide a detailed response to this application. We are currently only providing bespoke response to the highest risk cases. The proposal is within a groundwater protection area and if infiltration drainage is proposed then it must be demonstrated that it will not pose a risk to groundwater quality. | Noted. See Section 10                  |
| Active Travel England   | No comment  | Noted. See section 10                  |

|                                   |  |                |
|-----------------------------------|--|----------------|
| Local Lead Flood Authority (LLFA) | No objection subject to a recommended condition  | See section 10 |
| Natural England                   | Site is within an Impact Risk Zone for Great Thrift Wood SSSI. No objection subject to Construction Management Plan condition to mitigate impacts. | See section 10 |

### Consultees

| Consultee                     | Comment  | Where in the report this is considered |
|-------------------------------|--|--|
| Berkshire Fire Service        | No duty placed on the Fire Authority to make any comment on the application. Any structural fire precautions and all means of escape provision will have to satisfy Building Regulation requirement.   | Noted                                  |
| East Berkshire Ramblers       | No objections at this stage of the application. We would like to be consulted on future proposals as the land borders two public rights of way.  | Noted. See section 10                  |
| Nature Space                  | Satisfied that if this development was to be approved, it is unlikely to cause an impact on great crested newts and/or their habitats.   | See section 10                         |
| RBWM Housing Enabling Officer | Whilst the application is in outline, an indicative housing mix has been proposed. This mix incorporates a range of house types with a mixture of homes as affordable housing. The affordable housing proposals are generally supported by the housing officer.  | See section 10                         |
| RBWM Education Services       | School places will be funded via CIL not S106 payments. Spare school places are available at Woodlands and Wessex Primary Schools in the short term. However, an increase in the birth rate, and immigration to the district plus new housing is likely to lead to an increase in demand in both primary and secondary places, but there are initial plans to meet the demand in due course.   | Noted. See section 10                  |
| RBWM Leisure Services         | No response.   | See section 10                         |
| RBWM Conservation             | No response.   | See section 10                         |
| RBWM Environmental Protection | <i>General</i> - Construction Environmental Management Plan required<br><i>Contaminated land</i> : No objection subject to conditions<br><i>Noise</i> : No objection subject to a condition<br><i>Air Quality</i> : The site does not lie within an Air Quality Management Area (AQMA). The submitted air quality report is acceptable. The mitigation measure for operational development set out in 6.2 of the report should be implemented in full. | See section 10                         |



|                           |  |                |
|---------------------------|--|----------------|
| Berkshire Archaeology     | The site falls within an area of archaeological significance and archaeological remains may be damaged by ground disturbance. Recommended Written Scheme of Investigation condition.   | See section 10 |
| RBWM Public Rights of Way | Acceptance of S106 contribution as mitigation for the adverse impact on the recreational and amenity value of the PROW immediately adjacent to the site.   | See section 10 |
| RBWM Highways             | No objection to the principle of the proposed access points and improvements at this stage subject to a S106/S278 agreement and recommended conditions. The modelling is acceptable and represents an appropriate baseline to assess the local highways network. | See section 10 |
| RBWM Ecology              | No objection, subject to condition.  | See section 10 |
| Thames Water              | No response received   | Noted.         |

#### Others (e.g. Parish and Amenity Groups)

| Group                    | Comment  | Where in the report this is considered |
|--------------------------|--|--|
| Cox Green Parish Council | <p>1. The proposed crossing on Woodlands Park Road near the junction of Woodlands Park Avenue is clearly unsafe due to traffic approaching from the east via a steep decline and sharp bend. The needs of, and mitigation for, the development would be better served by a raised zebra crossing further into Woodlands Park (suggest by doctors' surgery which serves Cox Green as well as Woodlands Park). This would also provide a 'cleaner' junction in terms of road markings.</p> <p>2. It is suggested that the crossing point on Woodlands Park Avenue (at its junction with Woodlands Park Road), be raised and therefore form part of the existing traffic calming on the road.</p> <p>3. The proposed pedestrian crossing at the entrance is totally inappropriate situated in the turning section of the sole vehicle access to the development. Safety concerns will not encourage parents to allow their children to walk to the schools using this route and does not provide a safe way for cyclists to join the existing cycle network. Furthermore, this crossing would link to a very narrow and poorly maintained footway thus providing a further disincentive to walking.</p> <p>4. As a result of 3 above and the proposed pedestrian/cycle route within 4. As a result of 3 above and the proposed pedestrian/cycle route within the development alongside the entrance, the need for a</p> | See section 10                         |

|  |   |  |
|--|---|--|
|  | <p>footway leading out of the access point is considered unnecessary. There is no walking route or destination that would require this footway, indeed the proposed routes within the development provide more direct and safer routes.</p> <p>5. The Parish Council is opposed to a pedestrian crossing between Lowbrook Drive and Heynes Green as the developer's proposal would have a major impact on peak time traffic exiting Lowbrook Drive.</p> <p>6. In consideration of 3 and 5 above, the Parish Council would support the concept of a repositioned tiger crossing at our desired location (as shown on the attached map) with the addition of pedestrian activated traffic lights. This would also provide more direct access to Lowbrook Drive and hence the direct route to local facilities, schools, etc. as well as cycle route 4 for any cyclist.</p> <p>7. To improve access and utilisation of the local public transport an enhancement to the bus stop opposite Lowbrook Drive is sought. The repositioning of it alongside the above-mentioned tiger crossing and creation of a bus layby will help promote a safer transport option to and from the new development as well as the new public and recreational facilities.</p> <p>8. The measures above also help facilitate the rerouting of the proposed pedestrian/cycle path across the public open space, which in its currently proposed position is not conducive to the activities over the area it currently crosses. Whilst the sports pitches are primarily informal, their proximity to a pedestrian/cycle surface is not considered appropriate.</p> <p>9. The principle of encouraging greater uptake of walking and cycling in the local area will only be achieved by making it a more attractive and feasible option and by reducing the impact of the many disincentives. To this end the pedestrian and cycling routes within the development, in particular those linking to the existing road network will need appropriate lighting including low level within the open space.</p> <p>10. Whilst the submission indicates the extent of the potential adopted highway leading from the existing road, it does not extend into the public realm area (public open space, community orchard, allotments and other areas). It is suggested that a publicly accessible area should have access from the public highway and therefore an extension of the proposed adopted highway area is suggested on the attached map.</p> <p>Informative:</p> |  |
|--|---|--|

|                       |   |            |
|-----------------------|---|------------|
|                       | <p>1. The Parish Council considers the travel/transport modal choices of the residents of the development to be of high strategic importance.</p> <p>2. Woodlands Park Road, whilst being a relatively narrow road is the strategic through route linking outlying areas of the Borough to the A404(M) and M4 and often carries heavy lorries. It also serves as the primary route within Cox Green to the motorway network for the Heynes Green and Lowbrook estates as well as the neighbouring community of Woodlands Park.</p> <p>3. Cox Green is home to 5 schools (1 x secondary, 2 x primary, 1 x special needs, 1 x private), 2 day nurseries, a local shopping precinct which hosts retail, leisure and food outlets, a Post Office, 2 public houses, a community centre, a library, and a leisure/sports centre plus other employment destinations. All these local community facilities and associated services are on the opposite side of Woodlands Park Road to the development.</p> <p>4. Existing vehicular traffic during “school runs” is a direct cause of disturbance and disruption for residents and a primary cause of peak time traffic congestion.</p> <p>5. There is one woefully inadequate pedestrian crossing on Woodlands Park Road within Cox Green at the junction with Ockwells Road, the primary pedestrian &amp; cyclist route to Ockwells Park, pedestrian access to the public footpath network via footpath 6 and part of the Civic Society’s Boundary Walk. The Parish Council is actively seeking a significant upgrade of this crossing as part of its “safe Routes to Schools initiative.</p> <p>6. Most peak time traffic movements exiting the Lowbrook estate will be trying to turn left including the newly re-routed bus service.</p> <p>7. There are two bus stops on Woodlands Park Road within the civil parish. The town centre bound stop is currently unused as the number 7 route is subject to a trial change. The outward bound is not served by a safe road crossing.</p> |            |
| Binfield Badger Group | Request there be a full ecological survey undertaken at a time of year when the presence of active badger setts is not obscured by foliage. We also ask that we be sent an unredacted copy of any report subsequently produced. If a clan is indeed resident on the site then we object to the development on the basis that the badgers will suffer disturbance during the construction and habitation phases as there will be:  | Section 10 |

|  |  |  |
|--|--|--|
|  | <ul style="list-style-type: none"> <li>• much foraging lost</li> <li>• increased human footfall near the setts</li> <li>• increased dog presence</li> <li>• increased traffic</li> <li>• increased light pollution</li> <li>• the risk of badgers taking up residence in newly constructed gardens, thus rendering some uses by the householder potentially illegal and</li> <li>• increased risk of resident badgers being displaced and coming into conflict with other neighbouring clans.</li> </ul> <p>We ask that we be kept informed of the progress of this application.</p> |  |
|--|--|--|

## 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 and Quality;
- v Flooding and Drainage;
- vi Design and Character;
- vii Trees and Landscape;
- viii Ecology and Biodiversity;
- ix Impact on Heritage Assets;
- x Impact on amenity of neighbouring buildings;
- xi Parking and Highways Impacts;
- xii Air Quality and Noise;
- xiii Other infrastructure requirements; and,
- xiv Other Material Considerations

### Principle of Development

10.2 Policy HO1 of the BLP commits to providing at least 14,240 new dwellings in the plan period up to 2033 that will focus on existing urban areas and the allocations listed within the policy and as shown on the Proposals Map.

10.3 The site is allocated in the BLP under Site Allocation Proforma AL24. This allocates the site for approximately 300 residential units, public open space and sports pitches. The site specific requirements are as follows.

1. Provide a mix of residential, strategic public open space and sporting hub for western Maidenhead
2. Retain the existing central tree belt in the centre of the site running north to south
3. Provide all housing to the west of the existing central tree belt order to create a defensible boundary to the urban edge
4. Limit development on the eastern side of the central tree belt to the provision of facilities associated with delivery of the strategic open space and sports pitches
5. Provide strong pedestrian and cycle connectivity throughout the housing area and into and through the strategic public open spaces on the eastern side of the central tree belt. Provide strong linkages into surrounding urban and countryside areas including connections to the Public Rights of Way network

6. Ensure that the development is well served by public bus routes/demand responsive transport/other innovative public transport solutions, with appropriate provision for new bus stop infrastructure, such that the bus is an attractive alternative to the private car for local journeys, including local railway stations
7. Develop and implement a robust residential travel plan to manage travel to and from the site and reduce instances of single-occupancy car trips, including a car club for residents
8. Create a strong high quality green and blue infrastructure framework across the whole site to deliver biodiversity, health and wellbeing benefits, recreation, food production and leisure opportunities. The central tree belt and the public open spaces to the east will form the focus for the Green Infrastructure network on the site
9. Retain valuable trees at site boundaries and enhance biodiversity across the site by placing sports pitches in a woodland setting
10. Provide appropriate edge treatment and transition from the strategic public open spaces to the countryside
11. Minimise the visual impacts of any recreational, sporting or leisure built form on the eastern side of the central tree belt, including sports pitch lighting
12. Provide family housing with gardens
13. Provide 40% affordable housing
14. Provide 5% of market housing units for custom and self build plots (fully serviced)
15. Be designed sensitively to conserve and enhance the setting of nearby Listed Building
16. Provide appropriate mitigation measures to address the impact of noise and air quality so as to protect residential amenity
17. Front onto both Woodlands Park Road and Woodlands Park Avenue
18. Address potential risks to ground water and surface water flooding issues
19. Consider flood risk as part of a Flood Risk Assessment as the site is partially located within Flood Zone 2 and larger than one hectare
20. Demonstrate the sustainable management of surface water runoff through the use of Sustainable Drainage Systems (SuDS) in line with policy and best practice; any proposed surface water discharge must be limited to greenfield runoff rates
21. Undertake a minerals assessment to assess the viability and practicality of prior extraction of the minerals resource, as the site falls within a Minerals Safeguarding Area.

10.4 The report below will address the individual requirements of the proforma in detail. However, the principle of the residential use is acceptable. The site is in two parts. The eastern side would be for residential development, then to the west of the central tree belt would be the sports pitches, open space and allotments. Whilst the application is in outline with access only to be determined, the applicant has submitted a parameter plan to indicate where and what type of development would take place on site. This shows that the residential development of 225 units would be in the western side of the site, on two sides of the sewer easement, with the north-west corner of the site for sustainable urban drainage (SUD's), together with the retention of the central tree belt and the provision of two junior sports pitches, allotments, informal open space and sustainable urban drainage on the western side of the site. Furthermore, the illustrative masterplan gives an indication of how the 225 dwellings and the sports pitches, allotments and SUD's could be achieved. This is discussed further in the Design and Character section below, but both the parameter plan and the illustrative masterplan indicate that the principle of the residential development accords with the Site Allocation Proforma AL24.

10.5 The eastern part of the site lies within the Green Belt and as such the proposed uses here (the two junior sports pitches, the allotments, informal open space and SUD's)

does require a further Green Belt assessment under BLP Policy QP5 and NPPF paragraph 155.

- 10.6 Paragraph 155 of the NPPF gives a list of appropriate development in the Green Belt and these include material changes in the use of land such as changes of use such as for outdoor sport and recreation and engineering operations. BLP Policy QP5 sets out that outdoor sport or outdoor recreation should be of a scale appropriate to the functioning of the use to which the land is associated, buildings should be unobtrusive, and the development (including lighting) should have no detrimental effect on landscape quality.
- 10.7 Whilst the proposals are in outline, the illustrative masterplan gives an indication of the form of development on the eastern side of the site. The two junior sports pitches, allotments and informal open space would constitute appropriate development in the Green Belt. Furthermore, they are of a scale that is appropriate to the scheme, and no floodlighting is proposed for the pitches. The allotments may in the future include small scale sheds for occupiers to keep tools in etc.; however, these would be small and unobtrusive and can be controlled via condition on any future reserved matters application. Whilst the proposals do include some parking for the allotments, this can be landscaped appropriately, again at reserved matters stage. The proposed SUD's comprises attenuation ponds and as such are considered engineering operations and are also therefore appropriate development in the Green Belt. The proposed SUDs do not include buildings.
- 10.8 Given the above, it is considered that the development is in principle in accordance with Site Allocation Proforma AL24 and as such BLP Policy HO1. The development is also in accordance with Green Belt policy set out in BLP Policy QP5 and the NPPF paragraph 155. The principle of the development is therefore acceptable.

### **Climate Change and Sustainability**

- 10.9 New development is expected to demonstrate how it has incorporated sustainable principles into the development including, construction techniques, renewable energy, green infrastructure and carbon reduction technologies as set out in Policy SP2 of the BLP that requires all development to demonstrate how they have been designed to incorporate measures to adapt to and mitigate climate change.
- 10.10 A Sustainability and Energy Statement has been submitted as part of the planning application. This sets out the energy efficiency, low carbon and renewable energy measure which could be incorporated into the detailed design. The report highlights the use of sustainable materials to reduce environmental impacts of construction, together with measures through construction and operation of the site to reduce pollution, minimise waste and encourage recycling and passive design measures, the use of photovoltaic panels and the use of energy efficient, low-carbon and renewable technologies and water efficiency measures.
- 10.11 The proposed development would also be designed to minimise pollution, be adaptable to climate change and also consider health and wellbeing. Whilst the application is outline and the proposed sustainable strategy is indicative and sets out what could be achieved, on this basis the proposed development would sufficiently incorporate sustainable design techniques. A condition is recommended which would secure the submission of an updated Energy and Sustainability Statement as part of a future reserved matters application. This would provide further details of sustainable design and construction measures to be incorporated into the development to achieve, as far as possible, a net-zero carbon outcome on site. As it is not clear as to whether

the development would be net-zero carbon at this stage, the legal agreement would secure an appropriate carbon off-set contribution at reserved matters stage should the development not be net-zero carbon. This would ensure compliance with the requirements of policy SP2 of the BLP and the Council's Interim Sustainability Position Statement.

### **Affordable Housing**

- 10.12 Policy HO3 of the BLP requires the development of greenfield sites providing up to 500 dwellings to provide 40% of the total number of units as affordable, in a mix in accordance with the Berkshire Strategic Housing Market Assessment (SHMA) 2016. The Site Allocation Proforma also requires 40% affordable housing provision.
- 10.13 Whilst the application is in outline, an indicative mix is proposed as follows. 85 residential units in the following form, 12 x 1bed flat, 27 x 2 bed flat, 12 x 2 bed houses, 25 x 3 bed houses and 9 x 4 bed houses. Of the proposed affordable housing units, 46% is proposed as social rent (all the proposed affordable houses), 34% as affordable rent (22 apartments plus seven of the 2 bed houses), and 20% shared ownership (17 x 2 bed flats).
- 10.14 The RBWM Housing Enabling Officer has stated a preference for a more even split between 2 bed apartments and 2 bed houses. However, this would result in a reduction of the overall quantum of residential dwellings on site since the extra land-take required for houses and gardens compared to flats and given the extensive constraints on site (the storm sewer, the tree belt and the Green Belt) this approach is considered acceptable for this particular site. As such, in this context, the Housing Enabling Officer considers the amount and mix of the proposed indicative affordable housing to be acceptable.
- 10.15 Given the above, the proposal is in accordance with Policy HO3 of the BLP, the BLP AL24 Site Allocation proforma with regard to affordable housing and as such this provision is acceptable and will be secured by a recommended S106 obligation.

### **Housing Provision and Quality**

- 10.16 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). BLP Policy HO2 also requires on sites of 100 or more dwellings, the provision of 5% of market housing as fully serviced plots for custom and self-build housing. Furthermore, Policy BLP HO2 requires for larger sites, 30% of the dwellings delivered as accessible and adaptable dwellings in accordance with Building Regulations M4(2) and 5% as wheelchair accessible. Site Proforma AL24 also requires 5% self-built or custom built residential units.
- 10.17 The proposed indicative market housing mix is as follows. 128 dwellings of which there are 9% 1 bed apartments, 13% 2 bed apartments or houses, 40% 3 bed houses, and 38% 4+ bed houses. This mix of market housing is close to the recommended housing mix for East Berkshire, but with a slightly lower percentage of 2 bed units and a slightly higher percentage of 4+ bed units. Given that the majority of the mix is in accordance with the Berkshire SHMA and given the constraints of the site in terms of Green Belt, existing trees and the sewer easement, this is considered acceptable.

- 10.18 The application states that 30% of the homes are proposed to be built to Building Regulations M4(2) as accessible and adaptable, and 5% of the homes are proposed to be fully wheelchair accessible. These will be secured via a S106 obligation.
- 10.19 The application states that 5% of the market units are proposed to be custom build homes, equating to 11 plots. 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. Since the application is in outline, a design code for these units is recommended by condition.
- 10.20 Given the above, the housing provision and quality is considered acceptable, subject to recommended S106 obligations and conditions and as such conforms to Policy HO2 of the BLP and the AL24 Site Allocation Proforma.

### **Flooding and Drainage**

- 10.21 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. Furthermore, the AL24 Site Allocation Proforma states development should address potential risks to ground water and surface water and consider flood risk as part of a Flood Risk Assessment (FRA), as well as demonstrate suitable management of surface water runoff through the use of SUD's.
- 10.22 As set out above, the majority of the site lies within Flood Zone 1, with the far south-eastern part of the site just located within the edge of Flood Zone 2. The south-western part of the site lies within the Source Protection Zone (SPZ) for groundwater aquifer. The western edge of the site and south western part of the site lies in an area that is at risk for surface water flooding. There is also a Thames Water storm water sewer that runs through the site with an easement, and the Thames Water foul water sewer runs along Woodlands Park Road to the north of the site.
- 10.23 In terms of the part of the site that is within Flood Zone 2, this is proposed to be informal open space and as such, this is an appropriate use within this flood zone, as it is considered by the NPPF to be water-compatible development. This is a stance also supported by BLP Policy NR1.
- 10.24 The SPZ lies partially in the south-western section of the site, as does a borehole abstraction point; however, again, development is not proposed at the borehole itself. The LLFA have raised no objections to the development with regard to its location at a SPZ, subject to a recommended condition 4 relating to a detailed drainage scheme.
- 10.25 The site is partially at risk of surface water flooding on the western and south-western areas. To address this as part of the proposed development, a large surface water exceedance flow attenuation basin is proposed in the north-western tip of the site, as well as attenuation basins in the informal open space in the south-eastern part of the site. Since there is a stormwater sewer that runs through the site, Thames Water have agreed a number of storm water connections to this sewer with the applicant. Furthermore, levels to the west of the current storm sewer easement are proposed to be raised by 1.5- 2m to enable surface water run-off to two proposed drainage ditches/swales. Whilst this approach is acceptable in principle, a recommended condition will require these details to be provided prior to the relevant reserved matters application.
- 10.26 There is a Thames Water foul sewer that runs along Woodlands Park Road to the north of the site and the proposal is to connect to this foul sewer with the use of a pumping



statement. Whilst no comment has been made by Thames Water following consultation, it is clear from the FRA that they have been in discussions with the applicant regarding foul and surface water connections, and these are considered acceptable in principle.

- 10.27 Given the above, and with no objection from the LLFA or other consultees to the scheme, subject to recommended detailed conditions, the flooding and drainage impacts of the proposal are considered acceptable and in accordance with the NPPF, BLP Policy NR1 and the AL24 Site Allocation Proforma.

### **Design and Character**

- 10.28 Policy QP3 of the BLP sets out that new development will be expected to contribute towards achieving sustainable high quality design in the Borough, and help create attractive new townscapes and landscapes, create easy and safe access and movement for pedestrians, cyclists, and cars. Policy QP3a sets out that large developments can establish their own sense of place and general heights maybe increased to support placemaking and efficient use of land. The recently adopted Tall Buildings SPD states that for the current application site, there are no opportunities for tall buildings but opportunities for a single large building to emphasise the entrance on Woodlands Park Road, with a maximum of three storeys. It also states that on large greenfield development sites such as this, there may be an opportunity to increase the general heights beyond the existing context to deliver sustainable developments and make efficient use of land.
- 10.29 The AL24 Site Allocation proforma states that development should front onto Woodlands Park Road and Woodlands Park Avenue and minimise the visual impacts of recreational or sports use on the eastern side of the development. It further states that development should provide strong pedestrian and cycle connectivity throughout the housing area and into the public open space and provide linkages to the existing PROW network. The Borough Wide Design Guide (BWDG) sets out design principles relating to character and layouts of new developments.
- 10.30 The application is in outline, with the access only to be determined at this time, and as such layout, scale and design are reserved matters that can only be determined when the relevant reserved matters applications are submitted. However, the applicants have submitted a parameter plans which sets of types of development 'zones' and gives an indication as to the general form of development.
- 10.31 The parameter plan indicates that adjacent to Woodlands Park Road and Woodlands Park Avenue there would be zones of two storey buildings, with a zone 2.5 storeys high buildings adjacent to the business park to the south of the site. Within the main body of the site, situated around the surface water exceedance flow attenuation basin and the sewer easement, up to three storeys are proposed.
- 10.32 It is clear from the indicative residential unit mix that the majority of the dwellings are proposed to be housing (rather than apartments). The increase in height to part of the site due to surface water flooding issues, as set out in the Flood and Drainage section above, would not unduly raise levels in the area since there is a dip on the land here and the raising of levels would make the site compatible in height to the adjacent Woodlands Park Avenue. Given the constraints on the site, including the sewer easement, the trees and hedgerows and the need for surface water attenuation areas, the use of the inner part of the site for three storey dwellings to achieve the numbers of units proposed is considered appropriate and in accordance with BLP Policy QP3a and the Tall Buildings SPD. Since layout, scale and design are not for determination

here, these issues can be controlled by way of a recommended condition requiring a design code to be submitted prior to the relevant reserved matters application.

- 10.33 The BWDG states that designers should pay particular attention to connectivity, street design, open spaces, and blocks. Layouts should be designed to encourage walking, cycling and public transport. This is supported by the requirement in AL24 Site Allocation Proforma for strong pedestrian and cycle connectivity.
- 10.34 Whilst these issues are for determination at a later date at reserved matters stage, the current application should indicate that these issues can be resolved satisfactorily. The parameter plan shows pedestrian/cycle linkages to the east of the main access from Woodlands Park Road to the proposed sports pitches at the junction of Woodlands Park Road and Woodlands Park Avenue, with two further pedestrian accesses onto Woodlands Park Avenue and accesses to the open space from the PROW's to the east. The proposal is therefore considered to have suitable pedestrian/cycle access through the site, connecting it to the existing residential area and also connecting the open space and recreational elements of the proposed scheme to the wider area. Within the development site itself, the eastern section of the residential development is proposed to have a primary vehicular route, with secondary routes crossing the sewer easement to the western part of the proposed residential development. This will provide a clear street hierarchy within the site itself. The illustrative masterplan indicates that street layout, block design and street design has the potential to provide priority to pedestrian and cycle movement throughout the scheme. These details can be secured by way of a recommended condition requiring a relevant design code for submission prior to the relevant reserved matters application.
- 10.35 Whilst the AL24 Site Allocation Proforma states that development should front onto Woodlands Park Road and Woodlands Park Avenue, there is substantial hedgerow along the boundary of Woodlands Park Avenue and a lesser hedgerow but some well-established trees along the boundary of Woodlands Park Road. There is swale proposed close to this boundary that connects to the storm water sewer. As it is desirable from both a visual and biodiversity perspective to retain these hedgerow and trees, apart from where accesses are proposed, development is shown on the parameter plan to be set back from these hedgerows and trees, giving room for the swales in this location.
- 10.36 Since this application is in outline, with only access to be determined at this time, details of the layout and landscaping for the open space and recreational elements of the scheme will be subject to a design code controlled by a recommended condition, with details to be submitted before the relevant reserved matters application.
- 10.37 Given the above, the character and design of the proposal is considered acceptable and in accordance with BLP Policies QP3 and QP3a, the Tall Buildings SPD, the AL24 Site Allocation Proforma and the BWDG.

### **Trees and Landscape**

- 10.38 BLP Policy NR3 sets out that development proposals should carefully consider the individual and cumulative impact of development on existing trees, woodlands and hedgerows, including those that make a particular contribution to the appearance of the local character. The AL24 Site Allocation Proforma states that the existing central tree belt should be retained, and that valuable trees at site boundaries should be retained. Furthermore, it states that visual impacts of any recreational, sporting or leisure on the eastern side of the site should be minimised, with appropriate edge

treatment and transition from the open space to the countryside. There are no TPO's on site and no veteran trees.

- 10.39 The central tree belt is proposed to be retained, with residential development to the west of it, and open space, allotments and sports facilities to the east. There would be some minor breakthrough in order to enable a footpath to connect these parts of the development. Details of this would be submitted as part of a future reserved matters application for site layout and landscaping. The hedgerow on the western boundary of the site is also proposed to be retained, albeit with a small breakthrough for the emergency/pedestrian access to Woodlands Park Avenue. The hedgerow to the south is proposed to be retained. The hedgerow on the northern edge of site is patchy and non-existent in places, though there are some large trees here. There would be some removal of vegetation to enable vehicular access to the site from Woodlands Park Road, but the existing large trees would be retained. Conditions requiring details of tree retention and protection at reserved matters stage are recommended to address this.
- 10.40 There are no landscape designations within the vicinity of the site. The site is mostly flat and the surrounding landscape is also relatively flat. Views out of the site are disrupted by the existing mature boundary vegetation and the central tree belt. The existing houses in the vicinity limit views of the site to that of the immediate surroundings to the north and the west. To the east and the south there are open views of the site from the PROW's, though most of these views would be of the proposed open space, sports pitches and allotments, rather than the built development itself.
- 10.41 Proposed building heights are up to a maximum height of three storeys with restrictions to two storeys along the western boundary and 2.5 storeys along the northern and southern boundaries. Effects on the wider landscape are considered negligible given that the site is visually well contained, with well-established trees and hedgerows, the majority of which are proposed to be retained. Further landscape planting is also proposed within the site, both for the built development and the open space, sports pitches and allotments, the details of which would be included in the relevant reserved matters application.
- 10.42 Given the above, subject to recommended condition, the impact on the trees and hedgerows and landscape is acceptable, and in accordance with BLP Policy NR3 and the AL24 Site Allocation Proforma.

### **Ecology and Biodiversity**

- 10.43 BLP Policy NR2 sets out that development proposals will be expected to demonstrate how they maintain, protect and enhance the biodiversity of sites including features of conservation value and the presence of protected species and should avoid impacts on habitats and species of principal importance. The policy further sets out that proposals will be required to demonstrate a net gain in biodiversity by quantifiable methods. The AL24 Site Allocation Proforma states that development should create a high quality green and blue infrastructure framework across the site to deliver biodiversity.
- 10.44 The habitats within the site compromise one large and one small arable field, an area of semi improved grassland, the central tree belt and species rich boundary hedge lines to the west and north. The site lies within the Impact Risk Zone for the Great Thrift Wood SSSI to the south-east of the site and Natural England have advised that a construction and environmental plan condition be implemented to address any impacts on the SSSI. This condition is recommended.

- 10.45 A Biodiversity Net Gain (BNG) calculation has been undertaken as part of the application which shows a net gain in biodiversity units of 30%, which would be provided on site, the majority of which is within the eastern part of the site. It is recommended that the BNG is secured via a S106 obligation.
- 10.46 Bat surveys undertaken showed that there was low to moderate use of the site by bats and that the two sheds on site were unsuitable for use by roosting bats. Most of the bat activity was found along the central tree belt which is proposed to be retained. A condition requiring wildlife friendly lighting is recommended.
- 10.47 There was no evidence of great crested newts, dormice, otter or watervole on site. However, a low population of slow worms on site has been identified and as such, a condition requiring the submission of a reptile mitigation strategy is recommended. The site contains habitats suitable for nesting birds and as such any vegetation clearance or demolition of sheds should be undertaken outside of the bird nesting season and this is secured via a recommended condition.
- 10.48 A main badger sett has been identified on site. The Council's Ecologist has agreed that as a last resort the badger sett can be relocated to a more appropriate location and has recommended a condition to this effect. Since the application is in outline with only access to be determined here, the location of the badger sett can be taken into account when layout is applied for.
- 10.49 Subject to the completion of a legal agreement to secure BNG and the recommended conditions it is considered that the proposal would accord with the NPPF, BLP Policy NR2 and the AL24 Site Allocation Proforma.

#### **Impact on Heritage Assets**

- 10.50 BLP Policy HE1 sets out that development proposals are required to demonstrate how they preserve or enhance the character, appearance and function of heritage assets and their settings and respect the significance of the historic environment. The AL24 Site Allocation Proforma states that the development should be designed sensitively to conserve and enhance the setting of the nearby Listed Building.
- 10.51 The Historic England listing for Lillibrooke Manor states that it is a 14<sup>th</sup> century hall house, mostly re-built in the late 16<sup>th</sup> century and extended in the 19<sup>th</sup> and 20<sup>th</sup> centuries. The building itself is part timber framed, encased in brick and part brick with old tile gabled roofs. It now has a U plan form, with a mid 20<sup>th</sup> century extension on the north-east gable. The building is currently used as a private house and a wedding venue. As it stands, the setting of the listed building has been somewhat compromised by the erection of a large barn and turfing works 60m to the south of the south wing. There are no listed walls surrounding the listed building in the vicinity of the application site.
- 10.52 The listed building itself lies 20m from the easterly site boundary of the application site, with an open grassed area in-between. The two junior sports pitches are proposed to the east of the listed building, so the area would remain open. No floodlighting or associated sports buildings are proposed here due to the sensitivity of the site within the Green Belt. On-site planting could provide a boundary to the grounds of the listed building to enable a soft visual edge to the site. Details of this would be set out in a recommended condition for inclusion in the relevant reserved matters application for landscaping. Given the open nature of the site proposed here, and the proposed planting, which can be controlled at a future reserved matters stage, it is considered

that there would be a negligible impact on the setting of the listed building adjacent to the site.

- 10.53 The site lies within the archaeologically rich Thames Valley that has been occupied since prehistory. It is adjacent to Lillibrooke Manor, a medieval hall house, and to the north west there are known Roman villa sites. Archaeological investigation to the north revealed archaeological finds of possible Bronze Age date. There are also a range of medieval and post-medieval sites within 1km of the site. As such, the site falls within an area of archaeological significance and archaeological remains may be damaged by ground disturbance for the proposed development. To address this, Berkshire Archaeology have recommended a written scheme of investigation condition, to undertake archaeological site investigation, including trial trenching.
- 10.54 Given the above, it is considered that the proposed impact on the heritage assets is acceptable and as such the proposals conform with BLP Policy HE1 and AL24 Site Allocation Proforma in this regard.

#### **Amenity of neighbouring buildings**

- 10.55 BLP Policy QP3 sets out that new development should have no unacceptable effect on the amenities enjoyed by the occupants of adjoining properties.
- 10.56 The submitted parameter plan shows that the nearest development to existing residential properties on Woodlands Park Avenue would be 29m away and from Woodlands Park Road, the closest is 27m. Most development on the edges of the site would be between 30m-49m from existing properties. From these distances, there would be no unacceptable impact in terms of loss of privacy or outlook for existing residents. Furthermore, the parameter plans indicate that development near the boundaries of the site is proposed to be two storey. Details of the layout, scale and design would be dealt with a reserved matters stage; however, the parameter plan can be secured by way of a recommended condition.
- 10.57 Given the above, it is not considered that there are unacceptable impacts on the amenities of existing local residents, in accordance with BLP Policy QP3.

#### **Parking and Highways**

- 10.58 BLP Policy IF2 states that development should be designed to improve pedestrian and cyclist access and be designed to improve accessibility by public transport. The AL24 Site Allocation Proforma states that development will be required to be well served by public transport with appropriate provision for new bus stop infrastructure, development and implement a robust residential travel plan to reduce instances of single-occupancy car trips.
- 10.59 Vehicular access is proposed from Woodlands Park Road via a splitter junction and a right hand turn, with an emergency vehicular access proposed on Woodlands Park Avenue, which would also serve as a pedestrian and cycle access.
- 10.60 The submitted Transport Statement states that nine junctions were subject to traffic modelling, and two junctions were found to have exceeded capacity. These were the Woodlands Park Road/Woodlands Park Avenue junction and the Cannon Lane/Woodlands Park Road/Waltham Road junction. Mitigation is therefore proposed for these junctions.

- 10.61 Highway improvements are proposed to Woodlands Park Road to accommodate the access and increase safety for pedestrians on both sides of the road. This includes road widening and the speed limit is proposed to be reduced from 40mph to 30mph. Two zebra crossings are also proposed crossing Woodlands Park Road, one to the east of the proposed junction and one zebra crossing close to the junction of Woodlands Park Road and Woodlands Park Avenue. Three further uncontrolled crossings are also proposed, two on Woodlands Park Road and one on Woodlands Park Avenue. Three further bus stops are proposed in the vicinity of the site. Mitigation at the Cannon Lane/Woodlands Park Road/ Waltham Road junction comprises a junction redesign to accommodate the extra traffic from the development.
- 10.62 The Highway Officer is satisfied that the proposed access, pedestrian and cycle crossings, and the proposed highway improvements are acceptable in relation to the development and would be secured via a S106 obligation. Furthermore, the relevant reserved matters application should include the submission of further detail to confirm that refuse and fire tender would be able to safely manoeuvre around internal roads. This would be required by a recommended condition.
- 10.63 Parking has not been considered at this stage as scale, layout and design has not been applied for at this time; however, a condition requiring parking to be design coded is recommended.
- 10.64 The Highway Officer and the PROW Team have expressed concerns regarding a direct route for pedestrians and cyclists through the site to link up to PROW COXG/6/1 that runs along the eastern boundary of the site. However, the footpath itself is outside the red line and within third party ownership and as such there is no mechanism as part of the determination of this application to enable upgrading this footpath directly. As such, the PROW Team have requested a S106 contribution to enable them to mitigate the impacts of the development on this PROW and PROW's COXG/7 and 8, which the developer has agreed to and would be secured as part of this application.
- 10.65 Concerns have been raised by Cox Green Parish Council regarding the location of the proposed crossings and the lack of detail on walking and cycling access, which is integral to the greater uptake of these forms of travel. However, the Highway Officer is satisfied that the proposed crossings, their type and location would result in a safe environment for pedestrian and cyclists accessing or egressing the development. Since the application is in outline with only vehicular access to be determined at this stage, the pedestrian and cycle routes have not been designed to any great detail, and will be assessed when the relevant reserved matters have been submitted.
- 10.66 Concerns have been raised by local residents about the suitability of the traffic data for the development. The traffic modelling data is based on the Council's own Strategic Transport Model and has been fully assessed by the Highway Officer. There is no modelling data later than 2017; however, the validated flows have been extrapolated to 2033 and the Highway Officer is satisfied with the results.
- 10.67 The following S106 obligations are proposed to address and mitigate any highways impacts of the proposed development:
- i. Construction of the main vehicular site access onto Woodlands Park Road;
  - ii. Construction of the emergency vehicular access onto Woodlands Park Avenue;
  - iii. Uncontrolled and controlled pedestrian crossings across Woodlands Park Road and Woodlands Park Avenue with associated infrastructure;
  - iv. Widening of the carriageway of Woodlands Park Road and provision of a right turn lane;

- v. Improvements to the roundabout junction with Woodlands Park Road/Cannon Lane/Waltham Road;
- vi. Contribution for funding for a TRO for parking and waiting restrictions ;
- vii. Contribution for funding for a TRO to reduce the speed limit from 40 mph to 30 mph on Woodlands Park Road;
- viii. Provision of three new bus stops on Woodlands Park Road;
- ix. Implementing and monitoring a Travel Plan to encourage residents to use sustainable modes of travel; and,
- x. Contribution towards improvements in the local PROW network

This would also ensure that there would be safe routes to school to nearby primary schools.

- 10.68 Subject to the recommended conditions and S106 obligations secured through the legal agreement, the proposed impacts on the highway network, both vehicular and pedestrian are considered acceptable in accordance with BLP Policy IF2 and the AL24 Site Allocation Proforma.

### **Air Quality and Noise**

- 10.69 BLP Policy EP2 sets out that development proposals should show how they have considered air quality and should not put new or existing residents at risk of harm from unacceptable levels of air quality. BLP Policy EP4 is also relevant and sets out that development proposals should consider the noise impact on nearby properties and the intended new occupiers. The site does not lie within or close to an Air Quality Management Area.

- 10.70 The applicant has submitted an air quality assessment which shows that local air quality conditions are below the respective air quality objectives. Air quality mitigation measures are set out in the report, including the use of air source heat pumps instead of gas boilers and thermal glazing windows and these issues would be controlled via the sustainability measures for the dwellings set out at reserved matters stage and controlled via a S106 obligation. This mitigation is considered acceptable.

- 10.71 An acceptable noise assessment has also been submitted which demonstrates that there would be no adverse impacts regarding noise as a result of the proposal subject to a recommended construction management plan condition.

- 10.72 Subject to the proposed S106 obligation and the recommended condition, the implications of the proposal on air quality and noise of existing and future residents is considered acceptable and in accordance with BLP Policies EP2 and EP4.

### **Other infrastructure requirements**

- 10.73 BLP Policy IF4 states that new open space and play facilities for children will be required for sites allocation for new housing in accordance with the Open Space Study (OSS). The AL24 Site Allocation Proforma states that the site is required to provide public open space and sports facilities as well as residential on the eastern side of the allocation.

- 10.74 The open space provided has been assessed against the requirements in the OSS. The amount of amenity greenspace (0.324 ha provided), sports pitches (0.648 ha) natural and semi natural green space (0.972 ha) are over the required amounts set out in the OSS. The provision for children is in accordance with the amount required and comprises one Local Equipped Area of Play (LEAP) and one Local Area of Play (LAP)

on the eastern side of the development within the wider area of open space, and one LEAP and four LAP's located within the western part of the site within the residential area (totalling 0.13ha).

- 10.75 The site has a large over-provision of allotments when assessed by the OSS, which requires 0.108 ha of allotments, and the proposal is providing 1.074 ha. This over provision of allotments was requested by Cox Green Parish Council during pre-application discussions and detailed in the approved stakeholder masterplan, for use for the wider community given the locally expressed need, not just as mitigation for the occupiers of the site itself. The Parish Council has confirmed that they are willing to take on the management of the allotments as well as other open space. Given that this is related to a locally expressed need by the Parish Council for allotments, this policy over-provision is acceptable.
- 10.76 The types and amounts of open space and recreation would be included in a S106 obligation and the details and layout of the open space and recreation would be subject to the relevant reserved matters application. Given this, the proposals are considered to be in accordance with BLP Policy IF4 and the AL24 Site Allocation Proforma.
- 10.77 Whilst details and layout of the open space and reaction would be included in the relevant reserved matters application, as discussed above under the Principle of Development, the use of floodlighting and changing rooms are not included on site due to the visual sensitivity of the Green Belt.
- 10.78 With regard to school places, the RBWM Education Services Officer has stated that the pupil yield model indicates that the demand for reception places in local primary schools from the development would grow slowly with demand peaking in 2040 then falling and as such the development would lead to a need for new school places locally. There are currently spare primary school places at Lowbrook Academy, Wessex Primary School, and Woodlands Park Primary, although there is a shortage of spaces for girls in years 7 and 8 at secondary school level. However, Education Services have confirmed that there are initial plans to meet the demand in due course and that this demand will be funded by CIL payments.

#### **Other Material Considerations**

- 10.79 The Environmental Protection Officer has concluded that the contaminated land implications of the school are acceptable subject to recommended conditions.
- 10.80 The applicant has submitted a Minerals Assessment as required by the AL24 Site Allocation Proforma. The intrusive investigation identified the presence of sandy gravelly clay beneath the site; however, that this was at a thickness and depth below overburden strata which were considered to have no/negligible mineral worth. Furthermore, the size of the site introduces constraints which would limit the volume of material which could be won by mass extraction and there are two sewers also crossing the site, restraining it further. It was therefore concluded that the presence of sandy gravelly clay beneath the site has no mineral worth and as such, mass extraction is not considered economically viable. This is accepted and on this basis, the application demonstrates compliance with the requirements of the AL24 Site Allocation proforma.
- 10.81 Concerns have been raised by local residents that there was not enough consultation on the application. However, consultation was undertaken in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 as set out in section 6.



10.82 Concerns have been raised the proposals will impact on existing health services. However, the scheme is not of a size to justify contributions to the local health services such as GP's and recent case law states that higher level health services such as hospitals cannot be funded by S106 obligations.

10.83 Concerns have been raised with regard to the potential for light pollution as a result of development. As set out in the Principle of Development section above, the site is allocated within the BLP for development of this form and as such there would be an urbanising effect of the development on what is currently a greenfield site. Whilst this would include street lighting, which is required in urban areas for safety reasons, this is an inevitable part of urban development on an allocated site.

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

11.1 The development would be liable to pay CIL at a rate of £141.11sqm. The liability would be calculated at Reserved Matters stage.

## **12. PLANNING BALANCE**

12.1 The Borough does not have a five-year housing land supply. Given that the application was submitted before the 19/12/2023 paragraph 11(d) of the NPPF is relevant, 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.

12.2 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.

12.3 There are many benefits to the scheme as follows:

- i. Delivery of 225 homes, 85 of which would be affordable;
- ii. Provision of a reduction in carbon compared to buildings regulations and a contribution to the Borough's carbon off-set fund is net zero not achieved at reserved matter stage;
- iii. Highway improvements, including extra bus stops and crossings on Woodlands Park Road and Woodlands Park Avenue;
- iv. Provision of a policy compliant area of green space, including two junior sports pitches, allotments, informal green space and two LEAP's and five LAP's;
- v. Provision of policy compliant biodiversity net gain;
- vi. Provision of family homes in the form of three and four bedroom housing for which there is need;
- vii. Provision of custom build homes; and,
- viii. A contribution towards upgrading PROW in the vicinity of the site.

12.4 There would be no adverse impacts within the application that cannot be mitigated by either recommended condition or S106 obligations that would outweigh the significant benefits of the scheme.

12.5 For the reasons set out within the report, the proposed development is compliant with the NPPF, the relevant policies of the BLP, including the AL24 Site Allocation Proforma. The application is therefore recommended for approval subject to the recommended conditions and the S106 obligations.

### **13. CONCLUSION**

13.1 The application, would for the reasons set out above, represent an acceptable form of development on an Allocated Site in the BLP that would make for highly efficient use of the site, with an acceptable access to be provided.

### **14. APPENDICES TO THIS REPORT**

- Appendix A - Site location plan
- Appendix B – Access plans, parameter plan and illustrative masterplan

### **15. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED**

1 Details of the scale, layout, appearance and landscaping (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is commenced.

Reason: To accord with the provisions of the Town and Country Planning (General Development Management Procedure) (England) Order 2015.

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

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

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

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

4 Prior to commencement of the development, a surface water drainage scheme, based on the submitted sustainable drainage strategy, shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

i. Full details of all components of the proposed surface water drainage system including dimensions, locations, gradients, invert levels, cover levels and relevant construction details;

ii. Supporting calculations confirming compliance with the Non-statutory Technical Standards for Sustainable Drainage Systems, and the attenuation volumes to be provided;

iii. 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; and,

iv. Details of the proposed levels in the north-west corner of the site, indicating how overland flows will be directed into the attenuation basin

The surface water drainage system shall be implemented and maintained in accordance with the approved details thereafter.

Reason: To ensure compliance with the NPPF, BLP Policy NR1 and to ensure the proposed development is safe from flooding and does not increase flood risk elsewhere.

- 5 No development shall take place (including demolition, ground works, 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 (may be provided as a set of method statements);
  - d) the results of up to date surveys for bats, badgers and reptiles carried out in accordance with recognised guidelines;
  - 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; and,
  - 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 incorporate biodiversity in and around developments in accordance with the NPPF and BLP Policy NR2.
- 6 Prior to the commencement of development, a report detailing the external lighting scheme and how this will not adversely impact upon wildlife shall be submitted to and approved in writing by the Local Planning Authority. The report shall include the following figures and appendices:
- i. A layout plan with beam orientation;
  - ii. A schedule of equipment;
  - iii. Measures to avoid glare; and,
  - iv. An isolux contour map showing light spillage to 1 lux.
- The approved lighting plan shall be maintained thereafter be implemented as approved.
- Reason: To limit the impact of light pollution from artificial light on nature conservation in accordance with the NPPF.
- 7 No development hereby permitted, site clearance, vegetation removal, or ground works shall commence until a badger mitigation strategy has been submitted to and approved in writing by the local planning authority. The strategy shall be based upon an up to date badger survey and include 1) measures to ensure that the main badger sett identified in the ecology report (Ecological Assessment, Hankinson Duckett Associates, November 2023, ref: 2090.68) is retained and protected from interference during the construction period or if this is not possible details of the new artificial sett and methodology for excluding it, 2) measures to protect the existing and or artificial sett from interference during the construction phase and after completion of the development, and 3) measures to ensure that badgers will be able to continue to traverse across and forage within the application site during construction and after completion of the development.
- Reason: To protect badgers, a protected species, from the adverse impacts of development. Relevant policies - Local Plan NR2.
- 8 No development hereby permitted, including ground works or vegetation clearance, shall commence until a reptile mitigation strategy has been submitted to and approved in writing by the council. The strategy be based upon an up to date reptile survey and

shall include full details of how reptiles will be protected from harm during the construction period.

Reason: In protect reptiles and habitats on site and in accordance with the NPPF and BLP Policy NR2.

- 9 No vegetation clearance or demolition of sheds on site shall be undertaken outside the bird nesting season or if that is not practical, areas to be cleared should be checked by a suitably qualified ecologist immediately prior to the works commencing.

Reason: To ensure the protection of nesting birds and in accordance with the NPPF and BLP Policy NR2.

- 10 No development shall take place until a programme of archaeological work including a Written Scheme of Investigation (WSI) has been submitted to and approved in writing by the Local Planning Authority. 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; and,
6. 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: To protect potential archaeological remains within the site and surrounding area in accordance with policy HE1 of the Borough Local Plan.

- 11 Prior to any equipment, machinery or materials being brought onto the site, details of the measures to protect, during construction, the trees shown to be retained on the approved plan, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full prior to any equipment, machinery or materials being brought onto 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. These measures shall include fencing in accordance with British Standard 5837. 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.

Reason: To protect trees which contribute to the visual amenities of the site and surrounding area and in accordance with BLP Policy NR3.

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

#### 1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the

nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

land;

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

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

#### 2. Submission of Remediation Scheme.

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

#### 3. Implementation of Approved Remediation Scheme.

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

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

#### 4. Reporting Unexpected Contamination

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

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

#### 5. Long Term Monitoring and Maintenance

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

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

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

Reason: To ensure that risks from land contamination to the future users of the land and the neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and in accordance with BLP Policy EP1.

- 13 No development shall commence until the vehicular access has been constructed onto Woodlands Park Road in accordance with the details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety. Relevant Policies and in accordance with BLP Policies IF2 and QP3.

- 14 No part of the development shall be occupied until the emergency access from Woodlands Park Avenue has been constructed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The access shall thereafter be retained for emergency purposes only.

Reason: In the interests of highway and pedestrian safety and to facilitate access by emergency service vehicles or vehicles in the event of an emergency and in accordance with BLP Policies IF2 and QP3.

- 15 No part of the development shall be occupied until the visibility splays shown on the approved drawings at the main vehicle access, emergency service access, junction with Woodlands Park Avenue/Road and all proposed controlled and uncontrolled crossings have been provided. The areas within these splays shall be kept free of all obstructions to visibility above a height of 0.6 metres from the surface of the carriageway.

Reason: In the interests of highway safety and in accordance with BLP Policies IF2 and QP3 of the Borough Local Plan.

- 16 Details of the following shall be submitted with the relevant reserved matters application:

- i. A detailed sustainability and energy statement for all residential properties;
- ii. A design code for all types of residential development including the street hierarchy, block structure and street design (including parking) and how this is in accordance with the approved parameter plan;
- iii. Details including cross sections showing the change in levels necessitated by the surface water drainage;
- iv. Details of evidence that refuse and fire tender would be able to safely manoeuvre around internal roads; and,  
Details of cycle parking facilities for all dwellings

Reason: To ensure that these details can be fully assessed at reserved matters stage.

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

S 001 Rev. P2  
PP01 Rev. P2  
MP01 Rev. P2

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

### **Informatives**

- 1 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
- 2 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.
- 3 Highways Act Section 278/38 would need to be entered into with the Highway Authority in order to form the vehicular site accesses onto Woodlands Park Road & Avenue including all the other necessary associated infrastructure works such as new footways, kerbs, drainage, street lighting, landscaping, vegetation/soil removal / releveling, carriageway & footway re-surfacing/widening, cats' eyes, signs and lining works. In addition, the main pedestrian/cycle formalised crossings and access and the improvements to the roundabout junction with Waltham Road, Cannon lane and Woodlands Park Road. The section can be contacted via email at [HighwaysDC@RBWM.gov.uk](mailto:HighwaysDC@RBWM.gov.uk) to receive the initial email.





SITE LOCATION PLAN



# PROPOSED PARAMETER PLAN





ILLUSTRATIVE MASTERPLAN



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21 February 2024

Item: 3.

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|--|--|
| <b>Application No.:</b>  | 23/01558/FULL  |
| <b>Location:</b>   | Elmgrove House 48 Castle Hill Maidenhead SL6 4JW   |
| <b>Proposal:</b>   | 2no. detached dwellings with parking and amenity space following demolition of existing dwelling and garage. |
| <b>Applicant:</b>  | Mr Bertram   |
| <b>Agent:</b>  | Not Applicable   |
| <b>Parish/Ward:</b>  | Maidenhead Unparished/St Marys   |
| <b>If you have a question about this report, please contact:</b> David Johnson on 01628 685692 or at david.johnson@rbwm.gov.uk |  |

## 1. SUMMARY

- 1.1 The application seeks planning permission for the construction of two detached dwellings with parking and amenity space following the demolition of the existing dwelling and garage.
- 1.2 The proposed works comprise relevant demolition within the conservation area, resulting in total loss of the existing building on the site. It has been identified that the proposal would cause less than substantial harm to the character and appearance of the Castle Hill Conservation Area, at a moderate level. In accordance with paragraph 208 of the NPPF, 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. It is considered that the public benefit, in this case the provision of an additional family sized residential dwelling (2 x 4 bed units are proposed) which would contribute towards the Council's targets, would be sufficient to outweigh the limited heritage harm in this particular instance. Furthermore, the proposed development has been designed to be of a high quality and given the context of the application site as detailed in section 10, the subdivision would be in keeping with the established form of development in the surrounding area. Conditions are recommended to secure the use of appropriate, contextual and high quality materials.
- 1.3 It has been demonstrated that the proposed dwellings would represent an acceptable standard of residential accommodation and would not result in unacceptable harm to amenities of neighbouring properties given the scale, siting and separation distances, subject to recommended conditions. Furthermore, the proposal would not result in unacceptable harm to trees, surface water drainage, parking and highway safety, again subject to recommended condition.
- 1.4. The application has been submitted alongside an ecology report which demonstrates that subject to recommended condition, there would be no unacceptable harm to protected species on the site and surrounding area, and subject to completion of the legal agreement to secure an appropriate financial contribution, the proposal would offset any losses in biodiversity net gain. The application has also been submitted alongside an Energy Statement which demonstrates that the development has the potential to introduce sustainability measures to reduce the carbon footprint of the development, subject to the use of condition and securing a carbon off set contribution through the legal agreement.

**It is recommended the Committee authorises the Assistant Director of Planning:**

|    |   |
|----|---|
| 1. | <b>To grant planning permission on the satisfactory completion of a unilateral undertaking to secure the Carbon Off-set and Biodiversity Net Gain contributions as detailed in Section 10 of this report and with the conditions listed in Section 14 of this report.</b> |
| 2. | <b>To refuse planning permission if an undertaking to secure the Carbon Off-set and Biodiversity Net Gain contributions as detailed in Section 10 of this report has not been satisfactorily completed.</b>   |

## **2. REASON FOR COMMITTEE DETERMINATION**

- The Council's Constitution does not give the Assistant Director of Planning delegated powers to determine the application in the way recommended; such decisions can only be made by the Committee as the application has been called in by Cllr Douglas if the recommendation is for approval. The reason for the call in is stated that *'as it stands, the application does not address concerns about drainage, and it may be appropriate to attach a condition that the driveway is to be permeable to minimise storm run-off into Elm Grove. I've discussed this concern with the planning case officer but a resolution is not going to be possible before the deadline so need to call in now.'*

## **3. THE SITE AND ITS SURROUNDINGS**

- 3.1 The application site is located on the north side of Castle Hill, Maidenhead. On the site currently is Elmgrove House, a two-storey detached building with a double fronted (south facing) elevation constructed of red brick, with a gabled roof, finished in plain tiles. The double fronted south elevation features two, double height bay windows with tile hanging detail between the ground and first floor. The entrance door is centrally positioned under a recess. The rear and flank elevations are simple in appearance, with a projecting two-storey gable element dominating the rear elevation and forming the L-shaped plan form of the dwelling.
- 3.2 Whilst facing onto Castle Hill, the main vehicular access to the property is from the rear, off Elm Grove, alongside other properties along this section of Castle Hill. Historically, a larger property named 'Elmgrove House' existed on the land. The former house was demolished in the 1920s and the larger plot subsequently subdivided for residential units.
- 3.3 Castle Hill relates to the old Bath Road, leading from London to Bath, which historically connected directly to Maidenhead High Street prior to the later 20th century highway alterations taking vehicles around the centre of the town. The application site is located within the Castle Hill Conservation Area.

## **4. KEY CONSTRAINTS**

- 4.1 The site is located within the Castle Hill Conservation Area. There are no other constraints associated with the site.

## **5. THE PROPOSAL**

- 5.1 The application seeks planning permission for the construction of two detached dwellings with parking and amenity space, following the demolition of the existing dwelling and garage on the site.

- 5.2 The submitted plans show that the proposed dwellings would be two storeys brick built properties, accessed from Elm Grove to the north. Two parking spaces would be provided for each property.

## 6. RELEVANT PLANNING HISTORY

| Reference     | Description  | Decision                |
|---------------|--|-------------------------|
| 22/02463/FULL | 1no. detached dwelling, associated parking, refuse and cycle storage and widening of the existing access to create a shared access following the demolition of the existing outbuilding. | Refused<br>16.03.2023   |
| 21/02259/FULL | Replacement detached dwelling with cycle store and associated parking.   | Withdrawn<br>16.08.2022 |

- 6.1 Application ref. 22/02463/FULL (see above), which sought to retain the existing property and construct one additional dwelling on the site, was refused for the following reasons:

1. The new dwelling by reason of its layout and siting between the existing dwelling and western boundary of the site, would result in a cramped and contrived form of development, which would neither preserve nor enhance the character or appearance of the site and wider conservation area. Therefore, the proposal is contrary to Section 12 and 16 of the NPPF (2021) and Borough Local Plan (2022) Policies QP1, QP3 and HE1.
2. By reason of the depth, height, width, proximity of the new dwelling to the existing dwelling on the site, Elmgrove House, and April Cottage immediately to the rear of the application site, and the land levels, the proposal would appear obtrusive and overbearing when viewed from the rear gardens of the neighbouring properties Elmgrove House and April Cottage. The proposals would result in a material loss of light and overshadowing to these neighbouring dwellings which would cause detrimental harm to the users amenities at these properties. Therefore, the proposal is contrary to Paragraph 130(f) of the NPPF (2021) and Policy QP3 of the Borough Local Plan (2022).
3. The application fails to demonstrate that the proposal would not have an adverse ecological impact on protected species and local biodiversity and would secure the provision of biodiversity enhancements. The proposal, therefore, fails to comply with Policy NR2 of the Borough Local Plan and section 15 of the National Planning Policy Framework.
4. The proposed parking arrangements would fail to demonstrate that vehicles would be able to safely manoeuvre within the site and that the safe entry/exit to and from the site can be achieved. It is therefore considered that the proposal as submitted does not fully satisfy the requirement to show that development of the site would not cause material harm to the safe and efficient operation of the surrounding highway network. The proposal is therefore contrary to Policy IF2 of the Borough Local Plan (2022) and the guidance contained in the RBWM Highway Design Guide and Parking Strategy (2004).
5. In the absence of a completed legal agreement to secure any potential carbon off-set financial contribution for the development, the proposal is contrary to policy

SP2 of the Borough Local Plan and the guidance contained in the Interim Sustainability Position Statement.

## 7. DEVELOPMENT PLAN

7.1 The main relevant policies are:

### Borough Local Plan (BLP)

| Issue                                   | Policy |
|---|--------|
| Spatial Strategy for the Borough        | SP1    |
| Climate Change                          | SP2    |
| Sustainability and Placemaking          | QP1    |
| Character and Design of New Development | QP3    |
| Housing Development Sites               | HO1    |
| Housing Mix and Type                    | HO2    |
| Historic Environment                    | HE1    |
| Nature Conservation and Biodiversity    | NR2    |
| Trees, Woodlands and Hedgerows          | NR3    |
| Environmental Protection                | EP1    |
| Contaminated Land and Water             | EP5    |
| 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 supply of homes  
 Section 9 - Promoting Sustainable Transport  
 Section 11 – Making effective use of land  
 Section 12 - Achieving well-designed places  
 Section 15 - Conserving and enhancing the natural environment  
 Section 16 - Conserving and enhancing the historic environment

### Supplementary Planning Documents

- Borough Wide Design Guide (BWDG)

### Other Local Strategies or Publications

Other Strategies or publications material to the proposal are:

- RBWM Townscape Assessment
- RBWM Landscape Assessment
- RBWM Parking Strategy



- Interim Sustainability Position Statement
- Environment and Climate Strategy
- Corporate Strategy

## 9. CONSULTATIONS CARRIED OUT

### Comments from interested parties

9.1 Eight neighbouring properties were directly notified of the application.

A site notice advertising the application was posted at the site on the 24<sup>th</sup> August 2023 and the application was advertised in the Local Press on the 7<sup>th</sup> July 2023.

One letter has been received commenting on the application, summarised as:

| Comment  | Where in the report this is considered  |
|--|---|
| <p>1. No objections to the building application but consideration should be given to:</p> <ol style="list-style-type: none"> <li>1. Damage by the builders' vehicles to the unadopted Elm Grove by which we gain access to our property and which is maintained by the residents;</li> <li>2. Access past our garage to the site which has a very tight corner; and,</li> <li>3. Electricity and water supplies to No. 48 which run through our garden.</li> </ol> | <p>Noted. However, these are private legal matters and would not preclude the determination of the application in accordance with relevant development plan policies.</p> |

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

| Comment   | Where in the report this is considered                                   |
|---|--|
| <p>1. The increased density places increased pressure on services and utilities to Elm Grove. There are existing problems with sewage capacity flow and storm water run-off. Adding more hardstanding, losing invaluable soak away garden surface area will exacerbate the flash-flooding and inundation problems.</p>  | <p>See section 10</p>  |
| <p>2. There is not enough parking in the proposal.</p>  | <p>See section 10.</p>   |
| <p>3. Significant and serious loss of privacy to the residents of April Cottage and March Lodge.</p>  | <p>See section 10.</p>   |
| <p>4. Increased construction traffic will further damage the privately maintained road, while the dirt and dust from the site and materials coming in or going out risk damaging cars parked in the surrounding houses. Additionally, since the No. 48 property was built in the 1930s, we need to ensure that the demolition will be safe and that there will be no hazardous materials. Furthermore, during the planning phase, it is crucial to consider whether the Railway Authorities have reviewed and agreed to these applications, given that the proposal is building closer to the railway line.</p> | <p>Noted. However, this would be considered under other legislation.</p> |

|    |  |                 |
|----|--|-----------------|
| 5. | The development represents an overdevelopment of the site and considerable increase in density to that which presently exists. | See section 10. |
|----|--|-----------------|

### Statutory consultees

| Consultee        | Comment     | Where in the report this is considered |
|------------------|-------------|--|
| Historic England | No comment. | Noted.                                 |

### Consultees

| Consultee                     | Comment   | Where in the report this is considered |
|-------------------------------|---|--|
| RBWM Conservation             | Objection. The proposed development would amount to less than substantial harm to the character and appearance of the conservation area at a moderate level | See section 10                         |
| RBWM Environmental Protection | No objection, subject to suggested conditions.  | See section 10                         |
| RBWM Ecology                  | No objection, subject to suggested conditions.  | See section 10                         |

### Others (e.g. Parish and Amenity Groups)

| Group                    | Comment   | Where in the report this is considered |
|--------------------------|---|--|
| Maidenhead Civic Society | <p>Classic example where the desire to add one property to the housing stock has to be set against the ecological footprint caused by demolishing a perfectly sound family home and replacing it with two new dwellings, albeit constructed to modern energy efficient standards.</p> <p>Earlier proposal (ref. 22/02463) to retain the existing house and build a new dwelling alongside was refused last year. This scheme would have avoided the impact of demolition, but the configuration and access to the site was not suitable for two dwellings. Although the address is 48 Castle Hill the property is accessed from the north via Elm Grove. It is situated at the end of Elm Grove and the submitted vehicle tracker document illustrates the confined access, limited parking and vehicle movement space associated with the proposed two detached dwellings. Garden amenity space appears adequate.</p> <p>The site also lies within Castle Hill Conservation Area, although the loss of the existing house would have marginal visual impact. The replacement</p> | See section 10                         |

|  |   |  |
|--|---|--|
|  | <p> dwellings appear to be in an acceptable architectural style and traditional materials.</p> <p>The key issue is whether the site is suitable for subdivision given its size, location and limited access. On balance, we believe that the proposed two detached dwellings will constitute overdevelopment and the application should be refused.</p> |  |
|--|---|--|

## 10. EXPLANATION OF RECOMMENDATION

10.1 The key issues for consideration are:

- i. Principle of Development;
- ii. Whether the proposals preserve or enhance the character or appearance of the Castle Hill Conservation Area;
- iii. Impact on amenity;
- iv. Ecology and biodiversity;
- v. Access, Parking and Highways;
- vi. Sustainability; and,
- vii. Other material considerations.

### Principle of development

10.2 The application site is located within an established residential area, within the settlement limits of Maidenhead. The principle of a continued residential use here in the form of two dwelling is acceptable in housing terms, subject to compliance with relevant development plan policies which will be addressed in detail below.

### Character and appearance

10.3 NPPF Section 12 (Achieving well-designed places) advises that all development should seek to achieve a high quality of design that improves the character and quality of an area. BLP Policies QP1 and QP3 set out that new development will be expected to contribute towards achieving sustainable high-quality design that enhances the wider area and Policy HE1 sets out the requirement for development to conserve and enhance the historic environment in a manner appropriate to its significance. The Borough Wide Design Guide (BWDG) supports BLP policies by setting out in detail what the Council considers to be design excellence.

10.4 The appearance of a development is a material planning consideration. The design and scale of a proposal should not adversely impact the character and appearance of the wider street scene. The assessment is whether a proposal preserves or enhances the character or appearance of the conservation area.

10.5 The existing building appears to date from the early 20<sup>th</sup> century, most likely during the mid-1920's. Historic maps show that the existing dwelling and those in the immediate area surrounding the site, are located on land which previously housed a single larger property. This building was demolished in the 1920's and the original larger plot was subsequently subdivided for the application site and others. The proposed development seeks planning permission for the demolition of the existing dwelling and garage and the redevelopment of the site to provide two residential dwellings. The proposed works would comprise relevant demolition within the conservation area,

resulting in total loss of the existing building on the site. The existing property appears to be in a sound condition, functioning as a family home and the proposed demolition and associated development would amount to less than substantial harm to the character and appearance of the Castle Hill Conservation Area, at a moderate level.

- 10.6 In accordance with paragraph 208 of the NPPF, 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. Within the scope of 'less than substantial harm', there is a range from the lowest level of harm to the higher level. In this case, as set out above, it has been identified at a moderate level. In terms of benefits, the existing building on the site comprises a single four bedroom dwelling. The proposed development would provide for two four bedroom dwellings, an uplift of one unit on the site which would contribute towards the Council's housing targets. Both dwellings would represent an acceptable standard of residential accommodation as set out below, and this additional residential accommodation would constitute a benefit of moderate weight.
- 10.7 Notwithstanding the above, consideration is also given below as to whether the proposed development would be appropriate for its setting and thereby preserve the character and appearance of the conservation area.
- 10.8 The existing dwelling has an overall height when measuring the front elevation, of approximately 8.52m, with a height of approximately 9.2m when taken from the rear elevation given the difference in ground levels across the site. The proposed dwellings would each have an overall height when measured from the front and rear elevations of approximately 8.6m and would therefore generally accord with the height of the existing dwelling. Furthermore, given the variety of housing types and scales in the immediate vicinity of the application site, taken together with the side-to-side gap from the adjacent houses and generally well-proportionate buildings, they would not be unduly prominent or incongruous in the street scene or wider locality.
- 10.9 The form and design of the proposed houses adopts building and material finishes that would reflect the character and appearance of the existing dwelling on the site, whilst reflecting the historic values of the wider area, whilst incorporating differing design features between the two properties to retain interest and character in the street scene. The result is a development that ensures the proposals harmonise with the surrounding area and its character and appearance. Further details of the materials would be secured by recommended condition.
- 10.10 In terms of the siting of the buildings within the plot and further subdivision of the land to provide the proposed two units, as set out above, historic maps show that the existing dwelling and those in the immediate area surrounding the application site, are located on land which previously housed a single larger property which was demolished in the 1920's and the original larger plot, subsequently subdivided for the application site and others over the passage of time. As such, whilst it is acknowledged that the wider site previously formed one larger plot, this has been eroded over the passage of time to provide eight plots (between approximately 1925 and 1988) and the continuation of this here would not harm the overall character of the conservation area, with the retention of the more traditional and historic development to the west. Furthermore, this was the character of the site and the time of the designation of the Castle Hill Conservation Area in 1981. In this context, the further subdivision of this particular site would not be out of character with the established form of development in this particular part of the conservation area.

- 10.11 The existing dwelling is setback from the shared boundary with 46 Castle Hill by between 4.1m and 3.2m at its closest point, with the proposed replacement dwellings setback from the same boundary by between approximately 4.4m and 2.9m. The siting of the proposed dwellings would not be in line with adjacent houses when viewed from the Castle Hill side of the site to the south; however, the set back is not uniform and given the differing layouts of neighbouring dwellings, the layout of the proposed dwellings are not considered to be out of keeping with the form of development in the area. The siting within the newly formed plots is acceptable and the resultant development would not appear as cramped or overdevelopment, as the siting of the dwellings would be offset from the side boundaries, and the proposed footprint, bulk and mass of the proposed dwellings would be proportionate to the plot. Furthermore, April Cottage to the north is sited within close proximity of the railway line and a buffer to the railway line to the west would be retained.
- 10.12 In this context, whilst the loss of the existing building on the site would result in less than substantial harm to the character and appearance of the Castle Hill Conservation Area, this has been identified at a moderate level and it is considered that the public benefit, in this case the provision of an additional family sized residential dwelling, would be sufficient to outweigh the limited heritage harm in this particular instance. Furthermore, the proposed development has been designed to be of a high quality and given the context of the application site identified above, the subdivision would be in keeping with the established form of development in the surrounding area. Conditions are recommended to secure the use of appropriate, contextual and high quality materials.

### **Amenity**

- 10.13 Paragraph 135(f) of The NPPF (states that planning decisions should ensure that developments create places that have a high standard of amenity for existing and future users. BLP Policy QP3(m) sets out that developments should have no unacceptable effect on the amenities enjoyed by the occupants of adjoining properties in terms of privacy, light, disturbance, vibration, pollution, dust, smell and access to sunlight and daylight.
- 10.14 The existing dwelling is two storeys and is located between 14.65m and 15.52m to the shared boundary with April Cottage and between 22.9m and 23.6m rear wall to rear wall. The proposed dwellings would be two storeys, with a gable roof to the rear and side roofscapes and a hipped roof to the front. The overall height to the ridge would be 8.6m and to the eaves would be approximately 5.35m. The proposed plans show that the new dwellings would be located between approximately 13.9m and 15.4m from the shared boundary and between approximately 22.1m and 23.4m from the rear walls of the new dwellings and rear wall of the detached bungalow April Cottage (to the north).
- 10.15 The siting of the proposed dwellings are such that there would be a similar relationship as existing, albeit with two dwellings rather than one single. Table 8.1 of the BWDG provides separation distances for two storey buildings such as this, requiring a minimum 20m separation distance between rear walls of dwellings, in this case April Cottage. The proposed dwellings based on the figures above are compliant with this guidance and there would be no unacceptable loss of privacy. Whilst it is noted that there is a difference in ground levels between the application site and April Cottage, this is an existing context within an established residential area and the separation distances would ensure that the proposals would not result in unacceptable loss of privacy, light or increased sense of enclosure. The proposed dwellings would not have an unacceptable impact on the amenities of the neighbouring property No. 46, given the separation distance between the dwellings and there are no properties immediately

to the west of the site. Furthermore, there would be no first floor habitable rooms facing east and this would be secured by recommended condition.

- 10.16 With regard to amenity of future occupiers, Policy QP3 of the BLP seeks to ensure that all new residential units provide for a satisfactory standard of accommodation, including adequate living space and both a quality internal and external environment. The Borough Wide Design Guide SPD sets out a number of criteria in order to secure this.
- 10.17 The proposed units would all meet the required internal space standards with natural light and ventilation provided for all habitable rooms and amenity space would also be provided in line with the requirements set out in the BWDG. The proposals would therefore represent an appropriate standard of residential accommodation.
- 10.18 The properties have been designed to ensure that there would be no unacceptable mutual overlooking between the two properties, with no openings to habitable rooms facing between the two properties. A condition is recommended to ensure that the first floor openings to the east facing elevations are obscurely glazed, and with no further first floor openings. The railway line is located to the west of the site. In this context, whilst the provision of an additional residential unit is acceptable, in this location, a condition is recommended to secure further details of noise insulation. A condition is also recommended to secure further detail if any unexpected contamination is found during the course of the development.

### **Ecology and biodiversity**

- 10.19 The application site comprises a single detached building and garage which would be demolished and replaced with two dwellings. The site is located in a residential area and is bordered by a treelined railway corridor to the west of the site.
- 10.20 The application has been submitted alongside an Ecology Report (LUS Ecology, June 2023) which concludes that the main building has a number of features potentially suitable for use by roosting bats. Details of two bat emergence and one dawn re-entry surveys have also been supplied which were carried out in 2023. A common pipistrelle bat was seen to emerge from under a gap in the roof tile on the front elevation of the main house and the report concludes that the building hosts a day/summer roost of low conservation significance for a low number of common pipistrelle bats.
- 10.21 The proposed works would lead to the destruction of a bat roost and as such, a licence for development works affecting bats will need to be obtained from Natural England, for derogation from the provisions of the Habitat Regulations, before works which could impact upon the roost can commence. Section 5 of the report provides a mitigation plan to ensure that bats are not harmed and that replacement roosting sites are provided and if it is implemented the favourable conservation status of bats would be maintained.
- 10.22 Planning Authorities have statutory duties under The Habitat Regulations. It needs to be satisfied that a licence for development works affecting bats is likely to be granted by Natural England. [The courts have considered the application of a planning authority's duty under the Habitat Regulations e.g. Morge vs Hampshire County Council (2010). In the Morge case the supreme court has ruled that it cannot see why planning permission should not be granted unless the proposed development would be unlikely to be licensed as a derogation from those provisions.] In this case, as long as a mitigation plan such as that given in the bat survey report is provided, the

proposed works would pass the three tests of The Habitat Regulations, and as such receive from Natural England a licence, because:

1. The development is for an imperative reason of overriding public interest of an economic nature as the development will contribute to a social and economic need of the local community for better housing (this is assuming that it is in compliance with other planning policy) - therefore Regulation 55(2)(e) can be met
2. There is no satisfactory alternative to the development as without carrying out the works the aforementioned need would not be met - therefore Regulation 55(9)(a) can be met
3. Appropriate mitigation can be provided which will ensure that there will not be a detrimental impact to the favourable conservation status of the bat species concerned - therefore Regulation 55(9)(b) can be met

Paragraph 99 of the government Circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System (NB this document has not been revoked by the National Planning Policy Framework) states that:

“It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by the development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and/or planning obligations before the permission is granted. In appropriate circumstances the permission may also impose a condition preventing the development from proceeding without the prior acquisition of a licence under the procedure set out in section C below. “

As such, a condition is recommended to ensure that a bat licence is obtained prior to commencement of development.

10.23 Paragraph 180 (d) of the NPPF states that planning decisions should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity. Policy NR2 of the BLP states that development proposals need to demonstrate a net gain in biodiversity by quantifiable methods such as the use of a biodiversity metric.

10.24 The application has been submitted alongside a biodiversity net gain calculation (using the DEFRA 4 metric and the accompanying report concludes that the development would lead to a net gain of 0.01 habitats units (+2.09%). However, it is very unlikely that the development would lead to a net gain in biodiversity as two urban trees have been included in the post development and the guidance discounts these as the Local Planning Authority cannot reasonably exercise a control over the management of private gardens for the minimum 30 years period to contribute towards biodiversity net gain as trees provided within private gardens would be within the power of a future occupier to remove.

10.25 When taking the above into account, there would be a loss of 0.02 habitat units. In this context, where it is not possible to achieve biodiversity net gain within the site, in order to demonstrate compliance with BLP Policy NR2, this loss should be offset. In cases where net gain cannot be met through an on-site provision, there are three options available to make-up this deficit by way of an off-site provision:

- 1) Purchase of biodiversity credits from the Council;
- 2) Offset the deficit on land either owned by the applicant or a third-party. If owned by a third party, this would be subject to an agreement with the landowner; or,
- 3) Purchase of biodiversity credits from a broker or Habitat Bank

10.26 The Council does not currently have any biodiversity land banks which can accommodate an off-site provision and the applicant does not have any alternative sites in their ownership which can also accommodate an off-site provision. Therefore, in this instance it is deemed necessary and appropriate for the net loss to be compensated with a financial contribution. This is at a rate of £40,000 per unit (1.0). The biodiversity units to be offset amount to 0.02, which in this instance requires a financial contribution of £800.00 towards the Council's Biodiversity Offsetting Scheme. Therefore, subject to securing this through the legal agreement, it is considered that adequate compensatory measures would be secured to offset the net loss in habitat units as a result of the development.

#### **Access, Parking and Highways**

10.27 The NPPF 2023 states that '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'. BLP policy IF2 sets out that development proposals should support the policies and objectives of the Transport Strategy as set out in the Local Transport Plan and provide car and cycle parking in accordance with the current Parking Strategy.

10.28 The proposed development would result in one additional dwelling on the site and would utilise the existing access. This is acceptable in principle from a highway safety perspective and the application demonstrates that sufficient turning space would be accommodated within the site. Parking for two vehicles is shown for each property, alongside cycle parking and refuse storage, all of which would be secured by recommended condition.

#### **Sustainability**

10.29 The Climate Change Act 2008 (CCA2008) imposes a duty to ensure that the net UK carbon account for the year 2050 is at least 100% lower than the 1990 baseline. Paragraph 152 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate by contributing to a radical reduction in greenhouse gas emissions, minimising vulnerability and improving resistance, and supporting renewable and low carbon energy and associated infrastructure. The Council declared a climate emergency in June 2019 and intends to implement a national policy to ensure net-zero carbon emissions can be achieved by no later than 2050.

10.30 In December 2020, the Environment and Climate Strategy was adopted to set out how the Borough will address the climate emergency. These are material considerations in determining this application. The strategy sets a trajectory which seeks a 50% reduction in emissions by 2025. While a Sustainability Supplementary Planning Document will be produced in due course, the changes to national and local climate



policy are material considerations that should be considered in the handling of planning applications and achievement of the trajectory in the Environment and Climate Strategy will require a swift response. An Interim Sustainability Position Statement (ISPS) has therefore been adopted to clarify the Council's approach to these matters.

- 10.31 This application is accompanied by an Energy Statement. This sets out a number of sustainability measures to maximise energy efficiency. The proposed sustainability measures show that through the use of Air Source Heat Pumps, the proposals would achieve a 52% reduction in CO2 emissions. Whilst the proposals would represent a reduction in the potential CO2 emitted from the site, the proposal would not achieve net zero. As such, it is reasonable for the Local Planning Authority to achieve the remainder by a Building Emission contribution. This building emission contribution has been calculated and would be secured through the legal agreement. Lifestyle contributions would also be sought in line with the ISPS. Subject to completion of the legal agreement and recommended condition to secure further details of the energy efficiency measures set out in the report, the proposal would accord with Policy SP2 of the BLP.

#### **Other material considerations**

- 10.32 The site does not lie within Flood Zone 2 or 3 and as such a flood risk assessment is not required. However, it is acknowledged that there would be additional hardstanding resulting from the proposal and concerns have been raised regarding the impact of surface water runoff on neighbouring properties. The existing dwelling on the site is served by a driveway off Elm Grove. However, given the additional hardstanding resulting from this development, a condition is recommended which would ensure that all hard surfaces associated with the development would be constructed to be permeable or be designed to allow surface water to run off the hard surface into soft landscaping.
- 10.33 Objections have been raised to the proposed development on the grounds that the additional dwelling would add further pressures on the sewage system and surface water flooding from the additional hardstanding proposed. In considering the concerns raised regarding the impact on the sewage system from the proposed development, this is a mains connection and Thames Water as the statutory body were notified of the application. No comments have been received from Thames Water on this consultation.

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

- 11.1 The development is CIL liable. The proposed floorspace of the two dwellings is 320.82 square metres.

#### **12. CONCLUSION**

- 12.1 For the reasons set out in this report the proposals are deemed to comply with relevant development plan policies. It is therefore recommended that planning permission is granted subject to the conditions listed below.

#### **13. APPENDICES TO THIS REPORT**

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

- Appendix D – Proposed floor plans and elevations

#### 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 No development above slab level shall take place until details of the materials to be used on the external surfaces of the development have first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.  
Reason: In the interests of the visual amenities of the area. Relevant Policy - Borough Local Plan QP3 and HE1.
- 3 No works hereby permitted shall commence until a licence for development works affecting bats has been obtained from the Statutory Nature Conservation Organisation (Natural England) and a copy has been submitted to and approved in writing by the Local Planning Authority. Thereafter mitigations measures approved in the licence shall be maintained in accordance with the approved details. Should conditions at the site for bats change and/or the applicant conclude that a licence for development works affecting bats is not required the applicant is to submit a report to the Local Planning Authority detailing the reasons for this assessment and this report is to be approved in writing by the council prior to commencement of works.  
Reason: The house hosts a bat roost which will be affected by the proposals. This condition will ensure that bats, a material consideration, are not adversely impacted upon by the proposed development, and that the Council demonstrates that the council has fulfilled its duties under the 2017 Habitat Regulations - Relevant Policy - Borough Local Plan NR2.
- 4 Prior to commencement of the development above slab level, details of the measures to be taken to acoustically insulate all habitable rooms of the development hereby permitted against railway noise, together with details of the methods of providing ventilation to habitable rooms shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintain thereafter.  
Reason: To ensure an acceptable living environment for future occupiers. Relevant Policies Local Plan EP1.
- 5 New hard surfaces at the site shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.  
Reason: To increase the level of sustainability of the development. Relevant policy - Borough Local Plan Policy NR1.
- 6 No part of the development shall be occupied until vehicle parking and turning space has been provided, surfaced and marked out in accordance with the approved drawings. The spaces shall thereafter be kept available for parking and turning in association with the development.  
Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety, and to facilitate vehicles entering and leaving the highway in forward gear. Relevant Policies - Borough Local Plan QP3 and IF2.

- 7 No part of the development shall be occupied until cycle parking/storage facilities have been provided in accordance with the details as shown on the approved plans. These facilities shall thereafter be kept available for the parking/storage of cycles in association with the development.  
Reason: To ensure that the development is provided with adequate parking facilities to encourage the use of alternative modes of transport. Relevant Policy - Borough Local Plan IF2.
- 8 No part of the development shall be occupied until refuse bin storage areas and recycling facilities have been provided in accordance with the details shown on the approved plans. These facilities shall always be kept available for use in association with the development.  
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 Policy - Borough Local Plan IF2.
- 9 The erection of fencing for the protection of any trees to be retained on the site and any other protection measures, shall be undertaken prior to any equipment, machinery or materials being 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 and QP2.
- 10 Prior to occupation of the development, details of the air source heat pumps shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained thereafter in accordance with the approved details and in accordance with the details set out in the Energy Statement dated September 2023.  
Reason: To help mitigate climate change in accordance with the Interim Sustainability Position Statement. Relevant Policy - Local Plan SP2.
- 11 In the event that unexpected soil contamination is found after development has begun, development must be halted. The contamination must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared and approved in writing by the Local Planning Authority.  
Reason: To ensure that any unexpected contamination is appropriately addressed as the site is adjacent to a contaminative land use. Relevant policy - Borough Local Plan EP5.
- 12 The first floor windows in the east facing elevations of the buildings shall be of a permanently fixed, non-opening design, with the exception of an opening toplight that is a minimum of 1.7m above the finished internal floor level, and fitted with obscure glass and the window shall not be altered.  
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan QP3.
- 13 No further windows shall be inserted at first floor level in the first floor side facing elevations of the buildings.  
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers.

Relevant Policies - Local Plan QP3.

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

001

004

004 – 2

004 – 3

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006

007

008

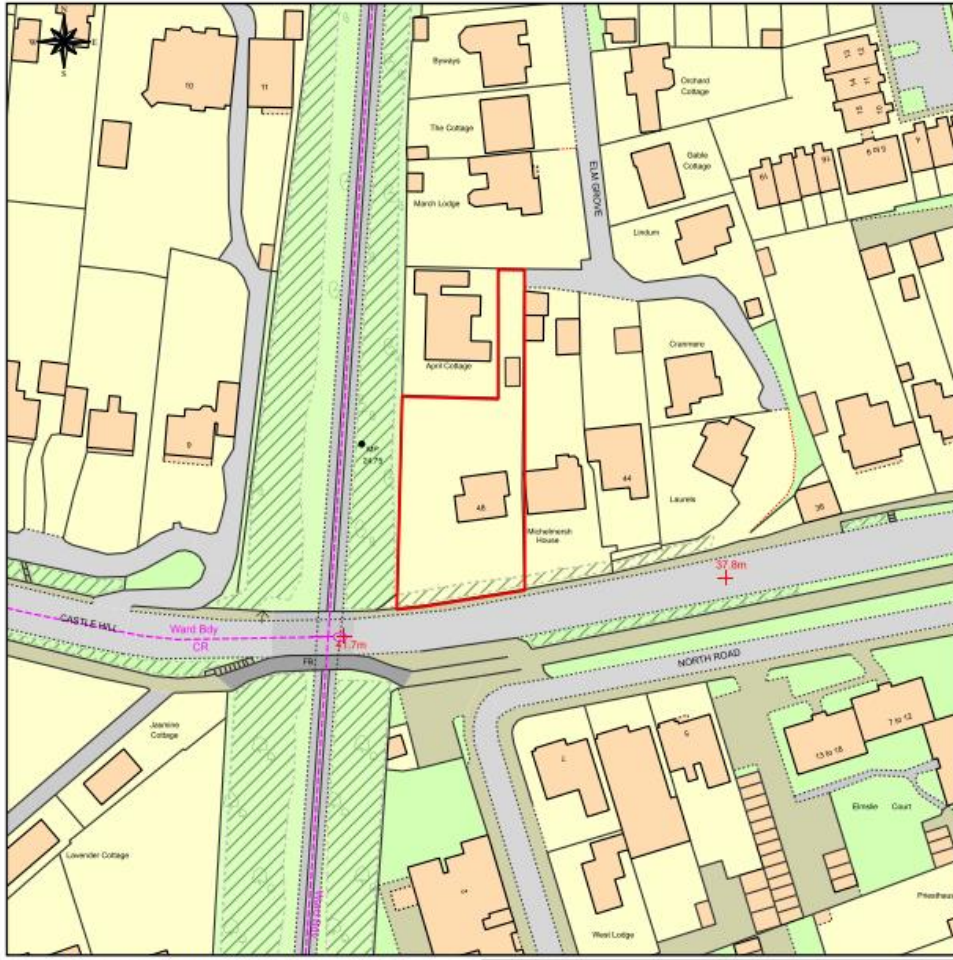
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.



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# Appendix A - Site location plan

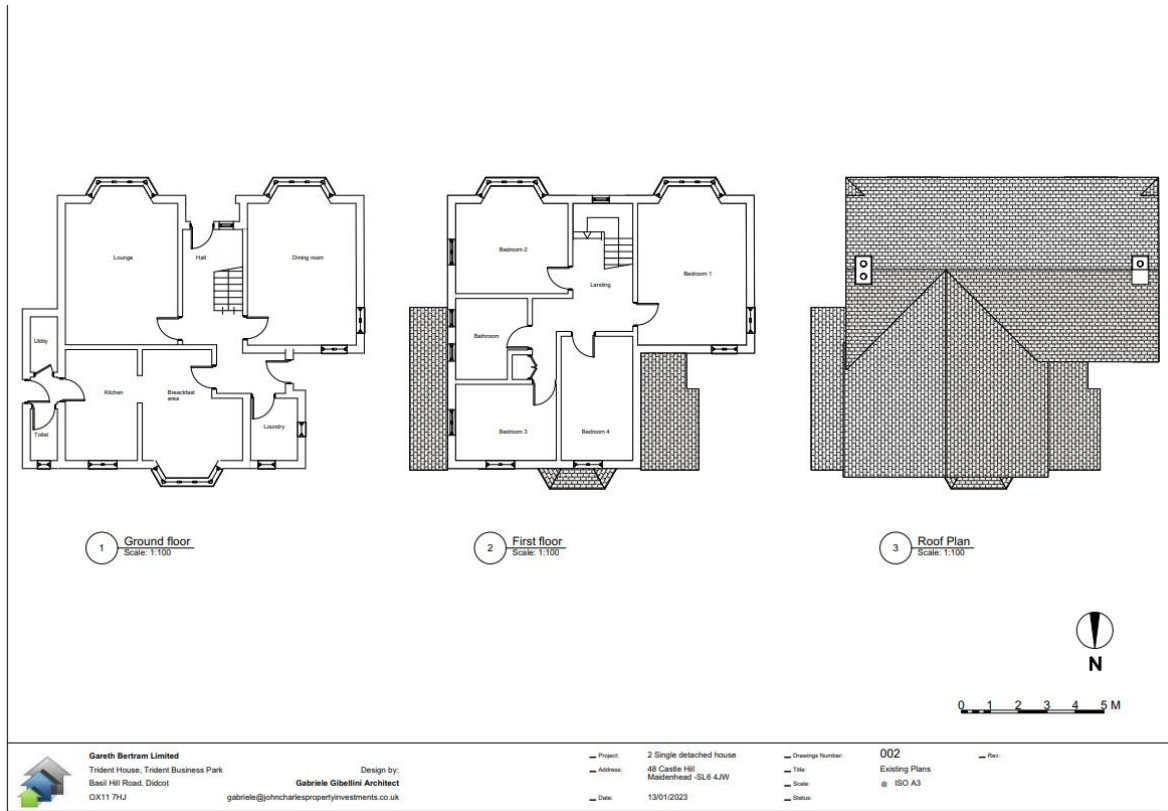
## Location Plan of SL64JW



This Plan includes the following Licensed Data: OS MasterMap Colour PDF Location Plan by the Ordnance Survey National Geographic Database and incorporating surveyed revision available at the date of production. Reproduction in whole or in part is prohibited without the prior permission of Ordnance Survey. The representation of a road, track or path is no evidence of a right of way. The representation of features, as lines is no evidence of a property boundary. © Crown copyright and database rights, 2021. Ordnance Survey 0100031673

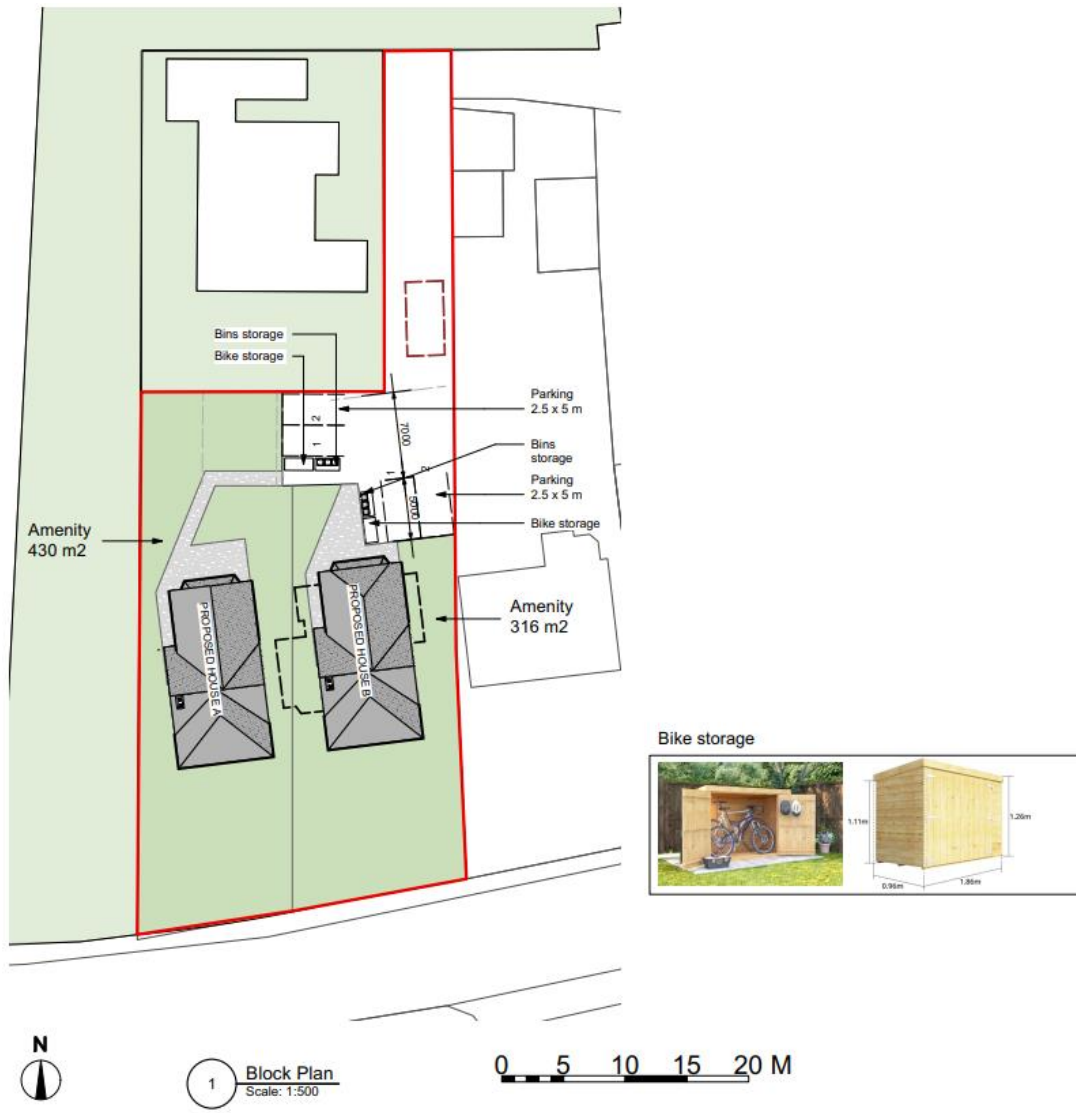
1 Location Plan  
Scale: 1:1250

## Appendix B – Existing floor plans and elevations

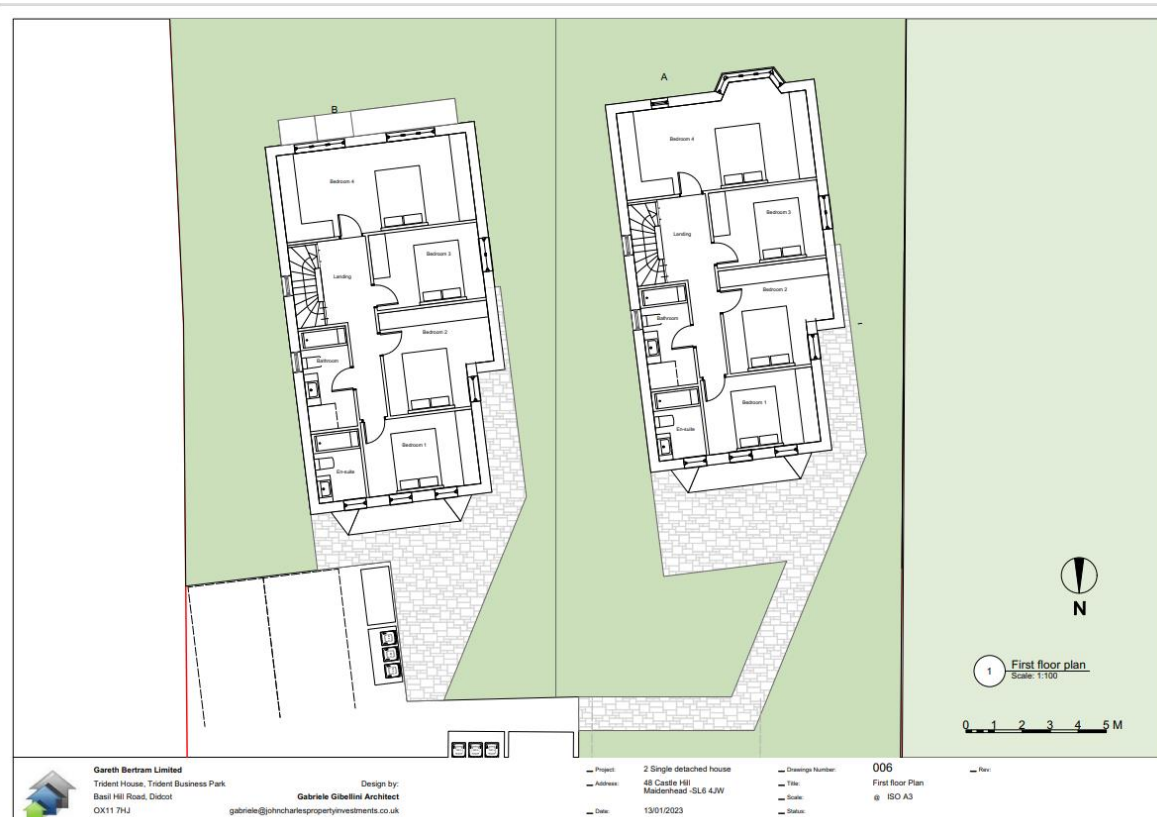




# Appendix C – Proposed Block Plan



## Appendix D – Proposed floor plans and elevations





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21 February 2024

Item: 4.

|   |   |
|---|---|
| <b>Application No.:</b>   | 23/01717/FULL   |
| <b>Location:</b>  | Fifield Polo Club Fifield House Farm Oakley Green Road Oakley Green Windsor SL4 4QF   |
| <b>Proposal:</b>  | Full application for the demolition of the existing stables, commercial buildings, 6no. residential flats and hardstanding and the erection of 25 two storey dwellings together with associated parking and the use of the existing vehicular access off Oakley Green Road. |
| <b>Applicant:</b>   | Mr Griffiths  |
| <b>Agent:</b>   | Not Applicable  |
| <b>Parish/Ward:</b>   | Bray Parish/Bray  |
| <b>If you have a question about this report, please contact:</b> Nick Westlake on 01628 796933 or at <a href="mailto:nick.westlake@rbwm.gov.uk">nick.westlake@rbwm.gov.uk</a> |   |

## 1. SUMMARY

- 1.1 The development is a full application for the demolition of the existing stables, commercial buildings, 6no. residential flats and hardstanding and the erection of 25 two storey dwellings together with associated parking, landscaping and the use of the two existing vehicular accesses off Oakley Green Road.
- 1.2 The proposed development is considered to represent inappropriate development in the Green Belt, which would have a significant impact on the openness of the Green Belt, for which there are no very special circumstances which outweigh the harm to the Green Belt (which is afforded substantial weight) and the other harm identified in this report. The development would also create a significant urbanising impact on this rural location outside the settlement boundary, detracting from the rural setting and harming the nearby heritage asset. Other harm arising from the scheme includes an internal layout that fails to include a play area for children. Separately, the proposal would result in the loss of an established Polo Club and several employments uses on site (those related in car sales and those relating to the Polo Club).
- 1.3 The benefits of the scheme that can be summarised as the provision of 25 new dwellings (net 19 as there are 6 flats existing on site that would be lost), this includes a 30% provision of affordable housing (8 in total), together with the economic benefits associated from the construction period (temporary), and from future residents living there, is not considered to amount to Very Special Circumstances which clearly outweigh the harm to the Green Belt and the other harm identified.
- 1.4 At the time of decision, no legal agreement is in place to secure the affordable housing nor the necessary sustainability measures. Given the level of in principle objections to the proposal, Officers have not pursued the costly exercise of sealing a legal agreement. These harms have been taken into account in the planning balance, although it is appreciated the signing of a legal agreement could remove these harms. However, even if these harms were overcome, it is not considered VSC exists which outweigh other harms identified.

**It is recommended the Committee refuse planning permission for the reasons given in Section 12 of this report:**

|    |  |
|----|--|
| 1. | The proposal represents inappropriate development in the Green Belt contrary to paragraph 154 of the National Planning Policy Framework (2023), also SP1 and QP5 of the adopted Borough Local Plan 2013-2033. Inappropriate development is by definition harmful to the Green Belt. The scheme would also harm the openness of the Green Belt, and would conflict with two of the purposes of including land in the Green Belt (encroachment and promoting urban regeneration). There is not considered to be a case of very special circumstances that would clearly outweigh the harm caused by reason of inappropriateness and harms to the purposes of the Green Belt.   |
| 2. | The proposal would harm the character of this rural area, with the introduction of a tight grained, suburban layout, with widespread use of Crown roofs. Collectively, forming an intrusively urbanising impact, failing to respect the established rural character of the area. The proposed development would therefore conflict with adopted Borough Local Plan Policies, QP1, QP3 and QP5 of the adopted Borough Local Plan 2013-2033 and Section 12 of the National Planning Policy Framework (2023).   |
| 3. | The existing lawful use of the site is as a Polo club, a sporting facility which serves the community, would likely be lost through the proposed development. As such, it is considered that the proposal is contrary to adopted Borough Local Plan 2013-2033 Policy IF6 (8) and paragraph 103 of the NPPF (2023).   |
| 4. | The current proposal would entail the loss of commercial space. The applicant has not provided any credible and robust evidence of an appropriate period of marketing for economic use and sufficient evidence to demonstrate that the proposals would not cause unacceptable harm to the local economy. A consideration of this proposal is the significance to the local economy of the uses to be lost. The application therefore fails to comply with adopted Policy ED3 of the Borough Local Plan 2013-2033.  |
| 5. | No legal agreement has been provided to secure the affordable housing provision. The proposal therefore fails to provide the necessary affordable housing to meet the needs of the local area and is contrary to Policy HO3 of the Borough Local Plan 2013-2033.   |
| 6. | No legal agreement has been provided to secure the carbon offset contribution for the scheme to offset the impact of the proposal. The proposal is therefore contrary to policy SP2 of the Borough Local Plan 2013-2033, Section 14 of the National Planning Policy Framework and the Council's Interim Sustainability Position Statement.   |
| 7. | The proposal would lead to less than substantial harm to the (Grade II Building Fifeld Farm Cottage). This is due in part to the unsympathetic forward building lines and also the overall scale of the buildings adjacent to the shared boundary, that include first floor side facing windows. Collectively, these buildings would reduce the openness between the two sites enclosing the space, leading to the permanent loss of views of and from the Listed building's principal elevation and grounds. Overall, the proposal would create less than substantial harm to the significance of the designated heritage asset. Given that no public benefits have been identified in the application that would outweigh this harm, the proposal is considered to be contrary to Section 16 of the National Planning Policy Framework, Policies HE1 and QP3 Borough Local Plan 2013-2033 also Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. |
| 8. | The layout of the proposed development fails to include space for a Local Equipped Area of Play (LEAP) or a Local Area of Play (LAP). This would be contrary to Policy IF4 and Appendix F of the Borough Local Plan 2013-2033 that identifies a development of this size (11-200 dwellings) would require the provision of both features.  |

## 2. REASON FOR COMMITTEE DETERMINATION

- The Council's Constitution does not give the Assistant Director of Planning delegated powers to determine the application as it is for major development.

### **3. THE SITE AND ITS SURROUNDINGS**

- 3.1 The application site is located to the north of Oakley Green Road, it is rectangular in nature measuring approximately 165m wide and 160m deep, covering an area of approx. 2ha. The land is essentially flat. The application site has 17 different buildings on site, mainly on the in the central and western areas of the plot, these are accessed via the western entrance. These buildings mostly single storey basic agricultural styled barns of wooden, metal and block construction They are used for the Fifield Polo Club that operates from the site; their facilities include a polo training centre, manege, stables and a grassed playing field to the north (outside the redline boundary).
- 3.2 The other buildings on the western side include a car sales area in the southwestern corner with six residential flats in 3 buildings close by. Hardstanding links all these buildings together. The variety of uses mentioned all have the benefit of recent planning approvals confirming their lawfulness. The neighbouring site to the West, adjacent Oakley Green Road, is a Grade II Listed Building known as 'Fifield Farm Cottage'. This is a residential dwelling.
- 3.3 There is a section of land some 25m wide by 60m deep, approximately central to the site, adjacent to the Oakley Green Road that is excluded from the red line area. This area is occupied by a residential dwelling known as 'Benmead'. Beyond this, on the eastern side of the site, is the second main access to the Polo club facilities. The eastern side other than the access road is laid to grass other than a pond in the northeast corner. The neighbouring site to the east is Braywood Cricket Club.
- 3.4 The application site is located approximately 220m outside of Fifield's settlement boundary that is found to the northwest of the site along Fifield Road. The land classification of the area is effectively, countryside and the Green Belt washes over the entire location.
- 3.5 There are no protected trees on site or nearby, although there is a strong mature tree line along the western boundary and to the north, enclosing the manege. There is a pavement that runs adjacent to Oakley Green Road to the south. Also, there are a series of public footpaths nearby, the closest being Route 59, some 50m to the south east and Route 52 some 250m to the north.

#### Background Information

- 3.6 The Fifield Polo club is a non affiliated private club comprising an approximately 60 acre facility with 4 polo pitches and an arena. The website says they stable around 200 horses in 150 stables and turnout. The livery is available all year round.

### **4. KEY CONSTRAINTS**

- Green Belt.
- Grade II Listed Building 'Fifield Farm Cottage' to the West
- Great Crested Newts - Red

### **5. THE PROPOSAL**

- 5.1 The proposal is a full application for the demolition of the existing stables, commercial buildings, 6no. residential flats and hardstanding and the erection of 25 two storey dwellings together with associated parking, landscaping and the use of the two existing vehicular accesses off Oakley Green Road. The density of the development would be 13 dwellings per hectare, although they are focused on the western, northern and central areas. Given there are 6 residential flats on site at present, the application shall result in the net gain of 19 dwellings.
- 5.2 The overall housing mix includes 12 x detached houses, 3 x semi detached houses and 2x terrace blocks.
- 5.3 Of the up to 25 new dwellings created, 30% would be affordable, which equates to 8 dwellings. The affordable housing is set out below:

|            | 2-bed house | 3-bed house | 4-bed house | Total |
|------------|-------------|-------------|-------------|-------|
| Market     | 0 (0%)      | 8 (47%)     | 9 (53%)     | 17    |
| Affordable | 4 (50%)     | 4 (50%)     | 0 (0%)      | 8     |
| Total      | 4 (16%)     | 12 (27%)    | 9 (36%)     | 25    |

- 5.4 The housing schedule is set out below:

| PLOT NO.            | TYPE (H/F)    | NO. OF BEDROOMS | AREA (GIA M2) | NO. OF PERSONS |
|---------------------|---------------|-----------------|---------------|----------------|
| 1 Affordable Rent   | End Terrace   | 2               | 83.0          | 4              |
| 2 Affordable Rent   | Mid Terrace   | 2               | 86.0          | 4              |
| 3 Affordable Rent   | Mid Terrace   | 2               | 86.0          | 4              |
| 4 Social Rent       | End Terrace   | 2               | 83.0          | 4              |
| 5 Social Rent       | End Terrace   | 3               | 89.4          | 4              |
| 6 Social Rent       | Mid Terrace   | 3               | 92.1          | 4              |
| 7 Social Rent       | End Terrace   | 3               | 89.4          | 4              |
| 8                   | Detached      | 4               | 218.4         | 8              |
| 9                   | Detached      | 4               | 164.7         | 7              |
| 10                  | Detached      | 3               | 101.4         | 5              |
| 11                  | Detached      | 3               | 102.8         | 5              |
| 12 Shared Ownership | Semi Detached | 3               | 105.6         | 5              |
| 13                  | Semi Detached | 3               | 105.6         | 5              |
| 14                  | Semi Detached | 3               | 105.6         | 5              |
| 15                  | Semi Detached | 3               | 105.6         | 5              |
| 16                  | Semi Detached | 3               | 105.6         | 5              |



|              |               |           |               |            |
|--------------|---------------|-----------|---------------|------------|
| 17           | Semi Detached | 3         | 105.6         | 5          |
| 18           | Detached      | 3         | 130.5         | 6          |
| 19           | Detached      | 4         | 164.7         | 7          |
| 20           | Detached      | 4         | 164.7         | 7          |
| 21           | Detached      | 4         | 218.4         | 8          |
| 22           | Detached      | 4         | 218.4         | 8          |
| 23           | Detached      | 4         | 210.2         | 7          |
| 24           | Detached      | 4         | 218.4         | 8          |
| 25           | Detached      | 4         | 210.2         | 7          |
| <b>TOTAL</b> |               | <b>80</b> | <b>3365.3</b> | <b>141</b> |

- 5.5 In total there are 17 buildings proposed. These are all considered 2 storey dwellings. All the dwellings will be brick built, with a red stock brick with contrasting feature orange stock bricks. Some dwellings are to retain elements of stained wood cladding and render. The roof tiles are brown and burgundy plain clay tiles, the road surfaces, the roads will involve a permeable tarmac access road and permeable paving drives and parking court.
- 5.6 The Design and Access Statement describes 3 different character areas. The terraces adjacent to Oakley Green Road are built to resemble farm cottages with simple brick detailing. The medium density semi-detached centrally positioned area, involves further brick elevations with enhanced brick detailing. Lastly, the larger detached houses to the north and north west have various detailing such as render, timber boarding and brick. All the styles are said to represent the architecture locally. Of the 17 buildings, 14 of them shall have a Crown roof of some form. (Crown roof – A roof which has side slopes which are divided by a flat roofed element).
- 5.7 The existing two access points to the south of the site off Oakley Green Road will be retained and adapted to facilitate the proposal. The layout provides for a new access road and landscaping to the east, also a new attenuation basin, in addition to the existing pond that shall remain. The main polo pitches to the north of the site (outside the red line boundary) will be retained.

## 6. RELEVANT PLANNING HISTORY

| <b>Application Ref</b> | <b>Description</b>   | <b>Decision and Date</b> |
|------------------------|--|--------------------------|
| 23/00638/CLU           | Certificate of lawfulness to determine whether the existing use of part of the site as residential dwelling is lawful  | Refuse                   |
| 16/02283/CLU           | Certificate of lawfulness to determine whether the existing use for car and motorcycle sales is lawful, together with a mixed use of car sales and parking and storage of vehicles in association with Fifield Polo Club (within the area shaded yellow on the submitted plan), is lawful. Permitted   | Permitted                |
| 16/02288/CLU           | Certificate of lawfulness to determine whether the existing use of 6 x flats (grooms accommodation occupied in association with Fifield Polo Club) is lawful   | Permitted                |
| 11/02051/VAR           | Formation of hardstanding for horse boxes and spectators vehicles as allowed under the appeal of planning permission 06/02632/FULL without complying with condition 4 (hardstanding use) of that approval so that 'Kit Stables' can be erected for the duration of the polo season (April - September) | Refused                  |
| 10/02769/FULL          | Change of use of part of exiting barn to provide grooms accommodation for polo club  | Withdrawn                |
| 07/02190/FULL          | Construction of an all-weather exercise track  | Permitted                |
| 06/00096/FULL          | Construction of a timber barn to provide 24 stables and 2 tack rooms together with formation of 2 paddocks with access track, all-weather exercise track, gates and fencing  | Permitted                |
| 06/02630/FULL          | Formation of additional floorspace at first floor for use as kitchen/restaurant (A3) in association with existing first floor bar area.  | Withdrawn                |
| 05/02812/FULL          | Construction of a two storey extension to provide store, w.c., bar and sitting accommodation (retrospective)   | Permitted                |
| 05/00791/FULL          | Erection of 25 stables with tack rooms (retrospective)   | Permitted                |
| 05/02223/FULL          | Construction of a timber barn to provide 24 stables and 2 tack rooms together with formation of 2 paddocks with access track, all-weather exercise track, gates and fencing  | Refuse                   |
| 05/01741/COU           | Alterations to part of main barn to create club house with bar and sitting area (Retrospective application)  | Permitted                |
| 04/01284/COU           | Change of use of part of existing barn to a saddlery and repair workshop.  | Permitted                |
| 04/41319/FULL          | Formation of extension to existing all weather horse arena, with 1.5m post and rail fencing with 8 (no.) 5 metre high pole mounted lights  | Refused                  |
| 04/41850/FULL          | Formation of an extension to existing all weather horse arena  | Permitted                |
| 87/01207/FULL          | Siting of mobile home.   | Permitted                |

## 7 DEVELOPMENT PLAN

7.1 The main relevant policies are:

## **Borough Local Plan: Adopted Feb 2022 (BLP)**

| <b>Issue</b>  | <b>Policy</b> |
|---|---------------|
| Sustainability and Placemaking                          | QP1           |
| Design in keeping with character and appearance of area | QP3           |
| Housing Mix and Type                                    | HO2           |
| Affordable Housing                                      | HO3           |
| Impact on Green Belt                                    | QP5           |
| Noise   | EP3           |
| light pollution   | EP4           |
| Managing Flood Risk and Waterways                       | NR1           |
| Trees, Woodlands and Hedgerows                          | NR3           |
| Nature Conservation and Biodiversity                    | NR2           |
| Sustainable Transport                                   | IF2           |
| Historic Environment                                    | HE1           |
| Loss of employment floorspace                           | ED3           |
| Open Space  | IF4           |
| Rights of Way and Access to Countryside                 | IF5           |

### **Other Material Considerations**

#### **National Planning Policy Framework Sections (NPPF) (December 2023)**

Section 2 - Achieving Sustainable development  
Section 5 - Delivering a sufficient supply of homes  
Section 9 - Promoting Sustainable Transport  
Section 8 - Promoting healthy and safe communities  
Section 12 - Achieving well-designed places  
Section 13 - Protecting Green Belt land  
Section 14 - Meeting the challenge of climate change, flooding and coastal change  
Section 15 - Conserving and enhancing the natural environment  
Section 16 – Conserving and enhancing the historic environment

#### **Supplementary Planning Documents/Guidance**

- Borough Wide Design Guide SPD- Adopted 2020
- Environment and Climate Strategy
- RBWM Landscape Character Assessment 2004
- RBWM Parking Strategy 2004
- Affordable Housing Planning Guidance
- Interim Sustainability Position Statement (Sustainability and Energy Efficient Design – March 2021)
- Sustainable Design and Construction Supplementary Planning Document 2009
- Corporate Strategy

## **8. CONSULTATIONS CARRIED OUT**

### **Comments from interested third parties**

- 8.1 A total of 9 neighbours were directly notified. The application was advertised by way of a site notice (posted at site on 25.07.2023) and advertised in the Maidenhead Advertiser on 28.07.2023.

8.2 There was 1 letter of support commenting:

| <b>Supporting Comments</b> | <b>Comment</b>   | <b>Where in the report this is considered</b>  |
|----------------------------|--|--|
| 1                          | The new houses have been located within the area of the existing buildings and hard standings of the Polo Club.  | See paragraphs: 9.17   |
| 2                          | Replacing the existing buildings with a more attractive design of houses should be viewed positively   | Noted - See  |
| 3                          | The design does not impact on the green belt as the houses replace existing buildings.   | See paragraphs: 9.20 – 9.23 and the section of Impact on Character and Appearance, 9.62 - 9.66 |
| 4                          | The landscaping details proposed with the new scheme would greatly enhance this part of Fifield, preserving the openness of this part of the village.  | Noted  |
| 5                          | The scheme will in particular offer much needed housing especially the 8 affordable homes providing houses for younger people who cannot afford to get onto the housing ladder.  | Noted  |
| 6                          | Some objectors have raised the subject of local flooding however this was due in part to the culvert beneath Oakley Green Road being blocked, which has been cleared and the issue resolved.   | Noted  |
| 7                          | Allowing the redevelopment of this area will address the poorly constructed, culvert between the cricket pitch and the polo club which causes the 'waterlogging' of the cricket pitch to be replaced with a new ditch which would overcome this issue and prevent future flooding. | Noted  |
| 8                          | The existing site is also covered by hard surfaces which prevents the Polo club draining properly and a newly designed drainage proposal for the development including surface water storage in ponds will prevent any future flooding.  | See section on Flooding, 9.86 – 9.92   |
| 9                          | Very real community benefits without impacting on the Green Belt   | Noted  |

8.4 There were 6 objections raising the following points:

| <b>Objecting Comments</b> | <b>Comment</b>   | <b>Where in the report this is considered</b>                           |
|---------------------------|--|---|
| 1                         | NPPF states that Green Belts exist (b) to prevent neighbouring towns merging into one another;<br>(c) to assist in safeguarding the countryside from encroachment;<br>These are very important factors be adhered to   | See paragraphs: 9.41 – 9.42   |
| 2                         | This area is not identified as a site for development in the Borough Local Plan and there are no special circumstances to warrant additional building on Green Belt land   | Noted   |
| 3                         | This proposal will increase the level of traffic using the busy Oakley Green Road and the A308 and will also put additional pressure on local infrastructure   | See paragraphs: 9.109 to 9.122  |
| 4                         | The immediate local area is liable to frequent flooding  | See paragraphs: 9.86 to 9.92  |
| 5                         | Strict enforcement should be made to protect the ecology of the area which is home to protected amphibians Crested Newts, Bats, and other amphibians and indeed predator birds that require access to live small mammals available in the open spaces of Oakley Green. | See paragraphs: 9.95 to 9.100   |
| 6                         | Residential extensions etc have been rejected with strict planning criteria applied given the area. Why should this be different for this large development  | Noted   |
| 7                         | The area is prone to flood and there is no drainage strategy   | Not agreed regarding no drainage strategy. See paragraphs: 9.86 to 9.92 |
| 8                         | These developments will make the traffic, pollution and noise levels reach a significantly higher level, local to the Oakley Green Road, Dedworth Road and A308.   | See paragraphs: 8.109 to 8.122  |
| 9                         | The Grade II Listed Building next door will have its foundations effected by the development.  | See paragraphs: 9.75  |

Oakley Green, Fifield and District Community Association Limited commented against the scheme saying:

| <b>Objecting Comments</b> | <b>Comment</b>   | <b>Where in the report this is considered</b> |
|---------------------------|--|---|
| 1                         | Due to its position at the end of Oakley Green Road it would have a significant impact on the current openness of the surrounding area, being open fields and adjacent to a cricket pitch. There are currently polo fields crossed by public footpaths at the rear of this site. | See paragraphs: 9.5 to 9.13                   |

|   |  |                              |
|---|--|------------------------------|
|   | These would become landlocked if the development is allowed. So, what is the plan for future use of this land?   |                              |
| 2 | This area is already prone to flooding, including the road at the front of the site. The developer claims that a newly constructed pond would be sufficient to collect the extra water that the site would create, but that any surplus could be drained into the existing ditches. The ditches do not cope now, so there is little evidence to suggest that flooding would not become very much worse                       | See paragraphs: 9.86 to 9.92 |
| 3 | The cricket pitch adjacent to the site suffers badly with flooding and, indeed, this year could not be used at the start of the season because it was too wet. Any further development nearby would exacerbate this situation  | See paragraphs: 9.86 to 9.92 |
| 4 | The site is within the Green Belt. The Borough Local Plan was supposed to protect any Green Belt sites not already included within the plan for development, which this was not. Oakley Green has already lost significantly large areas of Green Belt (AL21 North & South for example) and neither needs nor deserves to lose any more. The character of the area is already becoming increasingly damaged by urbanisation. | Noted                        |

## 8.5 Consultees and Organisations

### Consultees

| Consultee                  | Comment   | Where in the report this is considered |
|----------------------------|---|--|
| Lead Local Flood Authority | No Objection, subject to condition/s  | See paragraphs: 9.86 to 9.92           |
| Highway Officer            | No Objection, subject to condition/s  | See paragraphs: 9.109 to 9.122         |
| Thames Water               | No objections there is capacity to accommodate the foul waste   | See paragraphs: 9.92                   |
| Environmental Protection   | No Objection. Conditions suggested regarding:<br><br>Ground contamination investigation and remedial measures | See paragraphs: 9.106 to 9.108         |

|                       |              |                                |
|-----------------------|--------------|--------------------------------|
| Berkshire Archaeology | No Objection | See paragraphs: 9.124 to 9.125 |
|-----------------------|--------------|--------------------------------|

|                            |   |                               |
|----------------------------|---|-------------------------------|
|                            | Recommends a condition to secure a programme of archaeological work including a Written Scheme of Investigation.  |                               |
| Sport England              | Objection because the development is not considered to accord with any of the exceptions to our Playing Fields Policy or paragraph 103 of the NPPF.   | 8.81 to 8.87                  |
| RBWM Ecological Consultant | No Objection  | See paragraphs: 9.95 to 9.100 |
| Nature Space               | No Objection  | See paragraphs: 8.98          |
| Housing Enabling Officer   | No Objection<br><br>The site is in a designated rural area and delivers 10+ dwellings. Policy HO3(b) requires 30% of the dwellings to be affordable housing, and the site is not greenfield 30% of the proposed dwellings will be affordable tenure 8 in total.           | See paragraphs: 9.48 to 9.56  |
| Tree Officer               | No Objection (Verbal comments received)   | See paragraphs: 9.93 to 9.94  |
| Conservation Officer       | Objection<br><br>Less than substantial harm to the neighbouring heritage asset.<br><br>Duties under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 would also need to be considered by the decision maker in determining this application. | See paragraphs: 9.67 to 9.75  |

**Others (e.g. Parish and Amenity Groups)**

| <b>Group</b>           | <b>Comment</b>   | <b>Where in the report this is considered</b>                    |
|------------------------|--|--|
| Fifield Parish Council | Objection<br><br>Inappropriate development in the Green Belt with no Very Special Circumstances. The application does not fall within the village envelope and thus 'infill' is not applicable. The bulk of the existing buildings are single storey and the two-storey nature of the houses will cause a reduction in the openness of the Green Belt.<br><br>Serious concerns about the plans for mitigating the flooding issues, in particular the proposed use of local ditches as the final destination for excess flood water. There is no information as to whether the land at the site will be 'raised', as this could | See paragraphs: 9.01 to 9.47<br><br>See paragraphs: 9.86 to 9.92 |

|  |   |                                     |
|--|---|-------------------------------------|
|  | <p>have serious consequences for the cricket club and Grade II listed Fifield Farm Cottage.</p> <p>Serious concerns about the effect of this development on the adjoining Grade II listed Fifield Farm Cottage immediately to the west of the site. This Cottage has no foundations and is particularly susceptible to any additional flood or surface water. They are also concerned about vibrations during the construction which could cause long term harm to this property.</p> | <p>See paragraphs: 9.67 to 9.75</p> |
|--|---|-------------------------------------|

## 9. EXPLANATION OF RECOMMENDATION

9.1 The main considerations are:

- i. Green Belt
- ii. Housing mix and Affordable Housing
- iii. Sustainable Design and Construction
- iv. Impact on Character, Appearance and Heritage Assets
- v. Heritage Assets
- vi. Loss of the employment floor space
- vii. Loss of the community facility
- viii. Flooding
- ix. Trees
- x. Ecology
- xi. Landscape and Open Space
- xii. Contaminated Land
- xiii. Highway Safety and Parking
- xiv. Residential Amenity
- xv. Archaeology
- xvi. Housing Land Supply Planning balance and conclusion

### i. Green Belt

#### 1. Whether the proposals constitute inappropriate development in the Green Belt?

9.2 The site is identified within the BLP as being within the Green Belt where BLP policies SP1 and QP5 applies. BLP Policy SP1 identifies that the Green Belt will be protected from inappropriate development in line with Government Policy. Policy QP5 states that the Council will protect against inappropriate development (as defined by the NPPF), unless very special circumstances apply. These policies aim to prevent urban sprawl and maintain the essential characteristics of the Green Belt, that being their openness and permanence, to accord with the requirements of the NPPF.

9.3 Paragraph 154 of the NPPF states that the construction of new buildings in the Green Belt is “inappropriate development” and should not be approved expect in very special circumstances. However, paragraph 154 of the NPPF also outlines a number of exceptions to this policy. The applicant is of the view the proposal represents an exception to Green Belt Policy via the following exceptions:

*NPPF 154 Section e) ‘Limited infilling in villages’*



NPPF 154 Section g) ‘Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.’

9.4 Therefore, an assessment of each of the exemption criteria is required.

9.5 Exception Assessment NPPF 154 Section e) ‘Limited infilling in villages’

9.6 The application site is located some 220m from the southern edge of the settlement boundary, therefore it is outside the defined village location. However, Officers accept the BLP policy direction within QP5 (4b) allows for the following:

*‘Limited infilling outside identified village settlement boundaries where it can be demonstrated that the site can be considered as falling within the village envelope as assessed on the ground (emphasis added). In assessing the village envelope consideration will be given to the concentration, scale, massing, extent and density of built form on either side of the identified village settlement boundary and the physical proximity of the proposal site to the identified village settlement boundary.’*

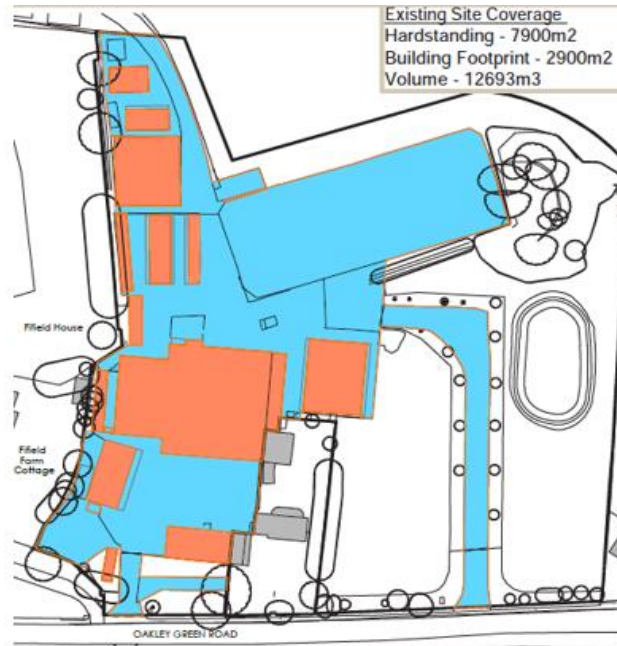
9.7 The NPPF does not provide any set definition of a village for the purposes of paragraph 154 e). Paragraph (6.18.10) of the Borough Local Plan states that case law has now established that the infilling in villages exception is not restricted to sites that fall within identified settlement boundaries in local plans. This impacts on villages with defined boundaries shown on the Policies Map, such as Fifield and small villages that do not have defined boundaries. Julian Wood v SoS and Gravesham Borough Council reinforces that while a village boundary as defined in a Local Plan would be a relevant consideration, it would not necessarily be determinative. The assessment as to whether the application site is located within a village is a matter of planning judgement and a matter of fact and degree. The applicant is of the view that the application site falls within the defined village envelope, ‘when assessed on the ground’. However, this is not a view shared by Officers.

9.8 There is a substantial gap (circa 220m) between the south eastern edge of the Fifield settlement boundary and the application site. Indeed, when viewing the southern aspect of the settlement boundary (focused on the east side of Fifield Road). This is characterized by a row of residential dwellings with buildings heights of 2 and 1.5 storey within regular intervals. Beyond on this, in the direction of the application site, there are wide open spaces (behind and in front of a circa 1.8 boundary wall). The buildings are single storey agricultural buildings with low eaves and ridge heights. The pitch of the roofs of these buildings are also gently sloping, not characteristic of the dwellings located close to the southern edge of the settlement boundary. Furthermore, beyond these buildings is a row of mature trees before which, the site is reached. This open space, low pitched buildings and tree line collectively, clearly establishes an edge of settlement from the much more urbanized Fifield settlement boundary to the north west.

- 9.9 The site is found in an area of Fifield that consists small clusters of residential and commercial development separated by fields. These clusters are also broken up internally by several visual gaps and are predominantly limited in depth. As such, Officers do not accept the site lies within the village boundary ‘when assessed on the ground’.
- 9.10 Furthermore, the BLP provides a clear indication of what should be considered as limited infilling, via the supporting text of Policy QP5 (at paragraph 6.18.9 of the BLP):
- “For the purposes of this policy, limited infilling is considered to be the development of a small gap in an otherwise continuous frontage, or the small scale redevelopment of existing properties within such a frontage. It also includes infilling of small gaps within built development. It should be appropriate to the scale of the locality and not have an adverse impact on the character of the locality.”*
- 9.11 With this in mind. Officers do not accept that the site is located within a ‘small gap in an otherwise continuous frontage’, or *the ‘small scale redevelopment of existing properties within such a frontage’*. The open space on site to the east, followed by the neighbouring cricket pitch fails to make the site as one being found within a continuous frontage. The second aspect to the policy, to ensure the development is appropriate to the scale of the locality; not having an adverse impact on the character of the locality, is also relevant.
- 9.12 The existing buildings in the main are well set back from the road, it is also relevant that the existing buildings on site are essentially single storey with shallow roofs. Officers accept that building 5, has an eaves of some 5.4 m and a ridge of some 6.4 m, together with a wide footprint so this is an exception. However, it is well set back from the road and the ridge is still relatively low. Although several of the buildings have an industrial form, they all painted in green or a dark stain making them appear as typical agricultural buildings having a minor negative impact on the character and appearance locally. While, due to their overall heights and position, they are not particularly prominent in the street scene. Furthermore, the existing areas of hardstanding within the site are not especially exposed from outside of the site due to building and tree cover. Therefore, these areas do not result in any significant loss of openness of the site.
- 9.13 In comparison, the associated scale and layout of the proposed two storey development of 17 buildings creating 25 new terraced, semi-detached and detached dwellings. When considered against the level of built form currently on site, would be a significant increase in scale, especially with regards to building heights. What is proposed is effectively a new mini housing estate outside the village boundary. The pair of terraced blocks facing Oakley Green Road would be particularly prominent harming the open character of the area. The lack of separation distances is in stark contrast to the spacious building plots that are characteristic of the immediately prevailing character, as experienced from the street scene especially. Thus, due to the layout, height and quantum of development proposed, Officers fail to consider the development to be ‘limited’ in nature.
- 9.14 Exception Assessment NPPF 154 Section g) *‘Limited infilling or the partial or complete redevelopment of previously developed land (PDL), whether redundant or in continuing use (excluding temporary buildings), which would:*
- not have a greater impact on the openness of the Green Belt than the existing development; or*

– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.'

- 9.15 It is important to define the extent of PDL. The following image demonstrates the extent of previously developed land, (Blue = Hardstanding, Orange = Buildings). This is taken from the applicants Design and Access Statement. Officers have visited the site and can confirm the location of these buildings as accurate, however two of the buildings are to be discounted as they do not have the benefit of Planning Permission.



- 9.16 The glossary in Annex 2 of the NPPF defines PDL as follows:

*'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens (emphasis added), parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.'*

- 9.17 The site is considered to comprise previously developed land. Mindful of the definition of PDL from the NPPF, that includes the sentence *'although it should not be assumed that the whole of the curtilage should be developed'*. The plan below, also from the applicant Design and Access Statement shows the existing built form / PDL (left) against the proposed layout (right).



9.18 When assessing the impact on the openness, the planning practice guidance says (See: Paragraph: 001 Reference ID: 64-001-20190722), this requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment, openness is capable of having both spatial and visual aspects. In other words, the volume of the proposal may be relevant, as could its visual impact.

9.19 The assessment is then required to consider whether the proposed development would have a greater impact on openness than the existing development.

Spatial Impact

9.20 The following table found in section 6.22 of the applicants Planning Statement. This table compares the existing building footprints, volume and areas of hardstanding to the proposed. The final column provides a net gain + / loss calculation.

| Assessment Criteria | Existing Coverage | Proposed Coverage Net | Gain + / Loss - |
|---------------------|-------------------|-----------------------|-----------------|
| Hardstanding        | 7,900 m2          | 3,136 m2              | - 4764 m2       |
| Building Footprint  | 2,900 m2          | 2,184 m2              | - 716 m2        |
| Building Volume     | 12,379 m3         | 12,372 m3             | + 7 m3          |

9.21 However, Officers do not accept that that existing buildings 12 and 13 should be included in this calculation. These buildings do not benefit from having planning permission and it has not been demonstrated that they are lawful through the passage of time.



9.22 Building 12 and building 13 have volume measurements of 494.9m<sup>3</sup> each, therefore 989.8 m<sup>3</sup> in total should be removed from the volume calculations of existing buildings as they do not benefit from planning permission and it has not been demonstrated that they are lawful. Also therefore, the footprint calculations should be reduced by 293.07 m<sup>2</sup> due to the loss of these buildings. The area should be added to the hardstanding. As such, the volume calculations should be as follows:

| Assessment Criteria | Existing Coverage     | Proposed Coverage Net | Gain + / Loss -        |
|---------------------|-----------------------|-----------------------|------------------------|
| Hardstanding        | 8,193 m <sup>2</sup>  | 3,136 m <sup>2</sup>  | - 5,057 m <sup>2</sup> |
| Building Footprint  | 2,607 m <sup>2</sup>  | 2,184 m <sup>2</sup>  | - 423 m <sup>2</sup>   |
| Building Volume     | 11,389 m <sup>3</sup> | 12,372 m <sup>3</sup> | + 983 m <sup>3</sup>   |

9.23 Therefore, when one considers the volume aspect, there is increase in volume of buildings from that that exists on site of some 983 m<sup>3</sup>, which is an increase in building volume of 8.6%. Although, there would be a significant reduction in hardstanding across the site, and a decrease in building footprint.

#### Visual Impact

9.24 The proposed terrace blocks to the front of the site (Plots 1 -7) would have a clear and demonstrably greater visual impact on the site than the existing because of their positioning closer to the road they are of a greater height than the existing buildings located there. Also, the development in the menage (Plots 22 – 25) and at (Plots 7 and 8) would more prominent than the existing as in the menage there is no significant development above ground, while in the case of Plots 7 and 8, these are in a more easterly position than the existing building located there.

9.25 Further to this, the building heights are increasing significantly across the site. The existing building heights and the proposed building heights are given below. A visual representation of the depth and width of the buildings is also shown in the above image

(8.17). From this it is clear several existing buildings have large footprints, especially the central building, Building 5. The dimensions of both the existing and proposed buildings is found in the public access file. \* Note Officers consider the eaves heights were not calculated using the definition within the 'Permitted Development Rights for Householders: Technical Guidance, 2019'. The corrected figures are provided below. The width and depth calculations are considered accurate within the original submission. The following table is provided to demonstrate the increases in building heights.

| Existing             |       |           |
|----------------------|-------|-----------|
| Location             | Eaves | Ridge     |
| Building 1           | 2.56m | 2.56m     |
| Building 2           | 3.2m  | 4.45m     |
| Building 3           | 3.3m  | 4.4m      |
| Building 3 Extension | 3m    | Flat Roof |
| Building 4           | 2.6m  | 2.8m      |
| Building 5           | 5.4m  | 6.5m      |
| Building 5 Extension | 3.2m  | 5.0m      |
| Building 6           | 2.6m  | 2.8m      |
| Building 7           | 3.2m  | 5.8m      |
| Building 8           | 2.4m  | 2.6m      |
| Building 9           | 2.6m  | 3.2m      |
| Building 10          | 2.9m  | 3.6m      |

| Proposed    |                     |                    |
|-------------|---------------------|--------------------|
| Location    | Eaves               | Ridge              |
| Plots 1-4   | 4.9m max / 4.5 min  | 7.3m max / 7.0 min |
| Plots 5-7   | 4.9m max / 4.5m min | 7.3m max / 7.0 min |
| Plot 8      | 5.3m                | 8m                 |
| Plot 9      | 5.3m                | 8m                 |
| Plot 10     | 5.3m                | 7.8m               |
| Plot 11     | 5.3m                | 7.8m               |
| Plots 12-13 | 5.3m                | 7.6m               |
| Plots 14-15 | 5.3m                | 7.6m               |
| Plots 16-17 | 5.3m                | 7.6m               |

9.26 Notwithstanding the fact that the existing buildings often have greater footprints than the proposed buildings. The overall ridge heights of the buildings proposed are far greater than the existing buildings, and many of the proposed dwellings have crown roofs adding considerable bulk and mass, in comparison the existing building which are low profile. A 'Landscape and Visual Impact Assessment' has been submitted with the application from 'Incola Landscape Planning'. This document concludes:



*‘There would be no greater impact on the visual or perceived openness of the Green Belt as experienced from views within the local area and wider landscape, including those from public rights of way, local roads and sporting grounds. As assessed by the LVIA, there will be beneficial effects upon the character and visual amenity associated with the proposals.’*

- 9.27 Officers don't accept this finding and are of the view that the proposals would have a greater visual impact of the Green Belt, than what exists at present. Especially from local views to the south and south east. This additional urban encroachment including the two terraces with minimal separation gap facing Oakley Green Road, together with a proliferation of Crown roofs on the site, means that the proposed development has a greater visual impact upon openness. Indeed, the spread of development across the site, including the introduction of buildings on land currently covered in hardstanding (including existing Building 12 and 13 that are not proven to be lawful), has more of a visual impact than the existing.
- 9.28 Officers accept there would be a significant reduction in traffic movements to the site as a result of the proposal. At the eastern site access, there is expected to be 123 less vehicular movements on a daily basis in the development scenario when compared existing site operations. At the western site access, there would be 193 less vehicular movements on a daily basis in the development scenario when compared existing site operation. Although, the level of activity associated with traffic movements to and from dwellinghouses would most likely to be greater later on in the evening/night time, than compared to the existing use.
- 9.29 With regards to the second exemption criteria of NPPF 154 para g).  
*– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*
- 9.30 The existing buildings are mostly single storey basic agricultural styled barns of wooden, metal and block construction. The largest and tallest of the buildings, Building 5, has a ridge of 6.4m and a eaves of between 3.2 m and 5.4m. This building is set back from the roadside by some 25m and has a mezzanine level. The buildings in front of this development are much lower in height namely Buildings 1, 2 and 5.



9.31 These buildings have the following ridge heights:

| Existing Buildings   | Eaves | Ridge     |
|----------------------|-------|-----------|
| BUILDING 1           | 2.56m | 2.56m     |
| BUILDING 2           | 3.2m  | 4.45m     |
| BUILDING 3           | 3.3m  | 4.4m      |
| BUILDING 3 extension | 3m    | Flat roof |

9.32 As such, it is clear these are small low rise buildings. The main bulk of the built form on site begins at the approximate position of Building 5 and then extends northwards and along the western boundary. This is not to say the front of the site is devoid of development, buildings 1, 2 and 3 clearly account for some development, however it is limited. The remaining area is largely given over as hardstanding at the front of the site.

9.33 The proposal introduces built form on site that is considerably larger in eaves and ridges heights than existing at present. This is especially evident when one considers the development to the front of the site that is some 15m closer to the road than the existing Building 5. Despite the fact the proposed terraces to the front of the site are described as 1.5 stories, the eaves and ridge heights remain that of effectively a 2 storey dwelling, (the maximum eaves is circa 4.9m and the maximum circa ridge 7.3m with a pitched roof central element having a 7.0m ridge). Thus, the proposed row of terraces (Plots 1 - 4) and (Plots 5 -7) would obscure views further back into the site with a minimal separation gap. This is in marked contrast to what exists on site at present that is more open.

9.34 The trend continues as one assess to the remaining buildings on site. The applicant confirms the building heights are capped at 8m. However, there is only one existing building on site (although it is by far the largest) that is 6.5m to the ridge, most of the others are well below this as evidenced in (para 8.25) above.

9.35 It is considered that the proposed development would have a far greater impact on the openness of the Green Belt than what exists at present and would result in substantial harm to the openness of the Green Belt.

9.36 Even if the level of harm to openness was disputed. The quantity of affordable housing provision is only in accordance with the standard provision for Policy HO3, 30% of the total or 8 dwellings out of 25 dwellings. This level of provision is policy compliant with HO3, but does not exceed the minimum requirement of this policy.

9.37 Indeed, with regards to the proposed housing mix. The Council's Housing Enabling Officer advises that a report was run on the Housing Register in June 2023 which showed that 36 applicants indicated they were interested in shared ownership, out of a total of 1050 households (3%). In a mailout to Housing Register households relating to a new build shared ownership scheme in the Borough, only 1 person said they were interested. The Council is of the view that the provision of a shared ownership unit would not deliver the tenure that is needed to meet the identified affordable housing need within the Borough.

9.38 As such, neither the exemption criteria e) or g) of Paragraph 154 of the NPPF in this case are met. The proposal is therefore considered to be 'inappropriate development'



in the Green Belt. The NPPF states in paragraph 152 that “inappropriate development” is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

## 2. Impact on the purposes of the Green Belt

9.39 Having established that the proposals are inappropriate development, it is necessary to consider the matter of harm. Inappropriate development is, by definition, harmful to the Green Belt, but it is also necessary to consider whether there is any other harm to the Green Belt and the purposes of including land therein. Paragraph 143 of the NPPF sets out the five purposes which the Green Belt serves as follows:

- a) to check the unrestricted sprawl of large built-up areas
- b) to prevent neighbouring towns from merging into one another
- c) to assist in safeguarding the countryside from encroachment
- d) to preserve the setting and special character of historic towns and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

9.40 a) to check the unrestricted sprawl of large built-up areas

The site is located in a rural location, outside the defined settlement boundary. However, for the purposes of the NPPF, the site is considered to be outside of any ‘large built-up areas’. As a result, the development would not result in the unrestricted sprawl of a ‘large built-up area’ and therefore would not conflict with this purpose.

9.41 b) to prevent neighbouring towns from merging into one another

The development would not conflict with this Green Belt purpose.

9.42 c) to assist in safeguarding the countryside from encroachment

The proposal would involve significant two storey-built development across an existing low rise shallow roof pitch development. Furthermore, elements of the proposed layout would further encroach into areas of land that are currently free of built development, visually being far more prominent due to the building lines proposed than the existing development. Therefore, the development would result in encroachment

9.43 d) to preserve the setting and special character of historic towns;

The development would not impact on the setting and special character of historic towns and does not conflict with this purpose.

9.44 e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

9.45 In general terms, the development could occur in the urban area and, in principle; there is no spatial imperative why Green Belt land is required to accommodate the proposals. Allowing unrestricted development on land outside the urban area would conflict with the aim of directing development towards the urban area. Therefore, the proposed dwellinghouses are inconsistent with the fifth purpose of the Green Belt.

9.46 In light of the above analysis, it is considered that the proposals would be contrary to purposes c) and e) of the above listed purposes of including land in the Green Belt.

3. Whether the harm to the Green Belt is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify inappropriate development?

9.47 The NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 of the NPPF stipulates that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Paragraph 153 of the NPPF goes on to say very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Whether there is a case of very special circumstances that exist which clearly outweigh the harm to the Green Belt, and any other harm is discussed in the planning balance at the end of this report.

**ii. Housing Mix and Affordable Housing**

9.48 Policy HO2 of the Borough Local Plan deals with Housing Mix and Type and states amongst other things:

*1. The provision of new homes should contribute to meeting the needs of current and projected households by having regard to the following principles*

*a. provide an appropriate mix of dwelling types and sizes, reflecting the most up to date evidence as set out in the Berkshire SHMA 2016, or successor documents. Where evidence of local circumstances/market conditions demonstrates an alternative housing mix would be more appropriate, this will be taken into account.*

*b. be adaptable to changing life circumstances*

*2. The provision of purpose built and/or specialist accommodation with care for older people will be supported in settlement locations, subject to compliance with other policy requirements.*

*3. Development proposals should demonstrate that housing type and mix have been taken into account and demonstrate how dwellings have been designed to be adaptable.*

9.49 The 2016 Berkshire SHMA identified a need for a focus on 2- and 3-bedroom properties in the market housing sector with an emphasis on 1 bedroom units in the affordable sector. The table below shows the mix of housing recommended across the whole housing market area in the 2016 SHMA.

|               | <b>1-bed</b> | <b>2-bed</b> | <b>3-bed</b> | <b>4+ bed</b> |
|---------------|--------------|--------------|--------------|---------------|
| Market        | 5-10%        | 25-30%       | 40-45%       | 20-25%        |
| Affordable    | 35-40%       | 25-30%       | 25-30%       | 5-10%         |
| All dwellings | 15%          | 30%          | 35%          | 20%           |

|  |  |  |  |  |
|--|--|--|--|--|
|  |  |  |  |  |
|--|--|--|--|--|

The proposed development will provide 25 dwellings and the proposed housing mix is set out below:

|              | 2-bed house    | 3-bed house     | 4-bed house    | <b>Total</b> |
|--------------|----------------|-----------------|----------------|--------------|
| Market       | 0 (0%)         | 8 (47%)         | 9 (53%)        | <b>17</b>    |
| Affordable   | 4 (50%)        | 4 (50%)         | 0 (0%)         | <b>8</b>     |
| <b>Total</b> | <b>4 (16%)</b> | <b>12 (48%)</b> | <b>9 (36%)</b> | <b>25</b>    |

- 9.50 The 3-bedroom dwellings would make up 47% of the total dwelling on the site, there are no 2 bed market dwellings, the SHMA expects 25 – 30% to be 2 bed dwellings. The provision of 9 x 4 bed properties or 53% of the total number of market units is above the preferred 2016 SHMA housing mix target of 20%. However, it is considered that the location within walking proximity of a primary school would be suitable for an increased percentage of 4 bed houses over 2 bedroom properties. Therefore, the proposed housing mix, in this instance, is considered acceptable. However, the number and size of proposed large units does negatively impact the Green Belt and this has been covered elsewhere in this report.

#### Accessible and Adaptable Housing

- 9.51 Policy HO2 sets out that for proposals of 20 or more dwellings, 30% of the dwellings should be delivered as accessible and adaptable dwellings by Building Regulations M4(2), and 5% of the dwellings should meet the wheelchair accessible standard in Building Regulations M4(3), unless evidence can be provided to demonstrate that such provision would be impracticable or render the scheme unviable.
- 9.52 According to the details submitted, affordable plots 1-4 shall be M4(2) compliant also market dwellings 8, 21, 22, 24 shall be M4 (2) compliant in order to meet the 30% policy requirement. Separately plot 23 will be M4 (3) (wheelchair accessible standard in Building Regulation) compliant, this is 5% of the total. These figures adhere to Policy HO2.

#### Affordable Housing

- 9.53 Policy HO3 of the BLP sets out that all developments for 10 dwellings gross, or more than 1,000 square metres of residential floorspace are required to provide on-site affordable housing as follows:
- On greenfield sites providing up to 500 dwellings gross – 40% of the total number of units proposed on the site.
  - On all other sites, (including those over 500 dwellings) – 30% of the total number of units.
- 9.54 Policy HO3 also sets out that the required affordable housing size and tenure mix shall be provided in accordance with the SHMA 2016 or subsequent affordable housing needs evidence. The delivery of onsite affordable housing should be distributed across the development to create a sustainable, balanced community. The provision of a minimum of 30% affordable housing is expected for developments on previously developed land such as this.

9.55 The planning statement advises that the proposal would include 8 affordable units on site (30% of the total). The submission plans propose 4x 2 bedroom and 4 x 3 bedroom properties to be affordable. The Affordable Housing Tenure Mix is specified as:

- 50% Social Rent (4 dwellings)
- 38% Affordable Rent (3 dwellings)
- 12% Shared Ownership (1 dwelling)

|                         | 1-Bed Flat | 2-Bed Flat | 2-Bed House | 3-Bed House | 4-Bed House |                |
|-------------------------|------------|------------|-------------|-------------|-------------|----------------|
| <b>Rent</b>             |            |            | <b>4</b>    | <b>3</b>    | <b>0</b>    | <b>88% (7)</b> |
| Social Rent             |            |            | 1           | 3           | 0           | (50%) (4)      |
| Affordable Rent         |            |            | 3           | 0           | 0           | (38%) (3)      |
| <b>Shared Ownership</b> |            |            | <b>0</b>    | <b>1</b>    | <b>0</b>    | <b>12% (1)</b> |
| Total                   |            |            | 4 (50%)     | 4 (50%)     | 0 (0%)      | 100% (8)       |
|                         |            |            | 8 (100%)    |             |             |                |
| SHMA                    | 35-40%     | 25-30%     |             | 25-30%      | 5-10%       |                |

9.56 The Housing Enabling Officer has no objection to this provision. A legal agreement is required to secure appropriate on-site affordable housing. In the absence of such an agreement, the proposal fails to comply with policy HO3. The legal agreement was not pursued due to the other objections associated with this application.

### iii. Sustainable Design and Construction

9.57 Policy QP 3 of the Borough Local Plan states:

1. *New development will be expected to contribute towards achieving sustainable high quality design in the Borough. A development proposal will be considered high quality design and acceptable where it achieves the following design principles:*
  - a. *Is climate change resilient and incorporates sustainable design and construction which:*

- minimises energy demand and water use
- maximises energy efficiency; and
- minimises waste.

9.58 Policy SP 2 Climate Change states:

1. *All developments will demonstrate how they have been designed to incorporate measures to adapt to and mitigate climate change.*

9.59 The Council's Interim Sustainability Position Statement (ISPS) sets out the various criteria for achieving sustainability. These include the requirement to reduce carbon emissions. If new dwellings cannot achieve carbon zero, carbon offset contributions are required, and these contributions would need to be secured by way of a S106 Legal Agreement. Other requirements in the ISPS include the provision of electric vehicle charging points, provision of high speed internet connection, 3-phase power supply and measures to minimise water consumption.

- 9.60 This application is accompanied by an Energy Statement June 2023, by Blue Sky Unlimited. It is proposed to install a heat pump in every house, however no Photovoltaics are proposed. Also every house shall have an electric vehicle charging point & a fast internet connection. The details also indicate each houses will achieve a water use of less than 110 litres per person per day.
- 9.61 The statement summarises that the proposed development would be able to achieve a carbon reduction of 68%. According to the Council's Interim Sustainability Position Statement, new development should be net-zero carbon unless it is demonstrated this would not be feasible. Any non-net-zero carbon developments will be required to make a carbon offset contribution and it will be secured by an S106 planning obligation. Such an obligation has not been secured in this application, due to the other reasons for objection identified in this report. Nevertheless, the likely adverse impact of climate change has not been overcome due to the lack of the signed S106 agreement. Therefore, the proposal fails to comply with Policy SP2 of the Borough Local Plan (2013-2033) and the Interim Sustainability Position Statement.

#### **iv. Impact on Character and Appearance**

- 9.62 Paragraph 126 of the NPPF states that the creation of high quality, beautiful and sustainable buildings is fundamental to what the planning and development process should achieve. Also, within Paragraph 130 states, developments should be sympathetic to local character, however not preventing or discouraging appropriate innovation or change.
- 9.63 Local Plan Policy QP1 (Sustainability and Placemaking) is consistent with these overarching objectives and states all new developments should positively contribute to the places in which they are located and inter alia, be of high quality design that fosters a sense of place and contributes to a positive place identity. Policy QP3 also seeks to achieve a high quality sustainable design by inter alia respecting and enhancing the local character of the environment, paying particular regard to urban grain, layouts, rhythm, density, height, skylines, scale, bulk, massing, proportions, and materials.
- 9.64 The RBWM Landscape Character Assessment shows the site within the 'Settled Farmed Sands and Clays' location. This document states of the villages in this area, 'the traditional pastoral setting of these villages is changing as modern low density detached residential development and horticultural land uses are becoming increasingly located on their periphery.'
- 9.65 The variety of the building materials proposed on the new dwellings is not objectionable and a degree of care has been taken to attempt to replicate the vernacular locally. However, with regards to the character, appearance and layout, there are two main areas of concern. Firstly, the wide nature of the terraced dwellings, plots 1 -7, with minimal separation distances, possessing irregular front building lines. The forward front building lines of plots 1 to 7, is beyond the notional line of the neighbouring properties; Fifield Farm Cottage to the west and Benmead to the east. (As a point of reference Benmead is a genuinely 1.5 storey building, with low eaves). At its furthest point, there is a front build line created some 7m (in the case of plot 4) and 5m (in the case of plot 5), beyond these neighbouring plots. Therefore, prominence of these building lines is not considered to preserve or enhance the existing character. Furthermore, the presentation of a pair of terraces in this location, is considered excessive in bulk, scale and massing. Resulting in a tight urban grain, which is not characteristic for this low rise rural setting. The proposed development is considered

to significantly urbanise the element of the site that is currently quite open, and will be highly visible within the streetscene. The back land nature of plots 22 -25 cannot be justified given the lack of development in these areas. This point has been explained in the section above.

- 9.66 The second main objection relates more widely to the buildings proposed, that is the wide spread use of Crown roofs. Although the maximum ridge heights are capped at 8.0m this is achieved by having a significant number of Crown roofs on the dwellings. Indeed 14 of the 17 new buildings have Crown Roofs. However, this is far from the rural character displayed locally. Officers have only found the odd isolated examples of such roof forms some 450m to the east of the site (outside the settlement boundary). Therefore, this is not considered reflective of the character of the area. The proliferation of such design features is considered poor design and not reflective of the prevailing character.

v. **Heritage Assets**

- 9.67 As established, to the east of the site is a Grade II Listed Building known as Fifield Farm Cottage. Therefore, under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission for development which affects a Listed Building or its setting, the local planning authority is instructed to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 9.68 Chapter 16 of the National Planning Policy Framework (2023) and Policy HE1 of the BLP states that the historic environment will be conserved and enhanced in a manner appropriate to its significance and that development proposals should preserve or enhance the character, appearance and function of heritage assets and their settings.
- 9.69 The Historic England advice note; ‘The Setting of Heritage Assets’ Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) 2017 say:

*‘The extent and importance of setting is often expressed by reference to visual considerations. Although views of or **from an asset** (emphasis added) will play an important part, the way in which we experience an asset in its setting’ (Part 1 pg 2)*

Also:

*‘The contribution of setting to the significance of a heritage asset is often expressed by reference to views, a purely visual impression of an asset or place which can be static or dynamic, long, short or of lateral spread, and include a variety of views of, **from** (emphasis added), across, or including that asset.’ (Point 10 pg 6)*

- 9.70 There are conflicting views from the LPA’s Conservation Officer and the applicants Heritage Consultants on the level of harm, if any, created as a result of the development. With this being said, it is a fact that the current buildings immediately adjacent to the boundary are low in height, namely buildings 1, 3 and 4.

| Existing Buildings   | Eaves | Ridge     |
|----------------------|-------|-----------|
| Building 1           | 2.56m | 2.56m     |
| Building 3           | 3.3m  | 4.4m      |
| Building 3 Extension | 3m    | Flat Roof |

|            |      |      |
|------------|------|------|
| Building 4 | 2.6m | 2.8m |
|------------|------|------|

9.71 The proposed new dwellings principally the terrace block, plots 1 to 4, but also the pair of semi detached dwellings plots 17 and 18, due to the eaves and ridge heights would have a greater sense of enclosure on the shared boundary than the existing low rise buildings on site.

| Proposed Buildings | Eaves                                  | Ridge                                  |
|--------------------|--|--|
| Plots 1-4          | Max 4.9m (facing the western boundary) | Max 7.3m (facing the western boundary) |
| Plots 16-17        | 5.3m                                   | 7.6m                                   |

9.72 Also, the forward positioning of plots 1 to 7, beyond the notional front building lines of the residential dwelling to the east and the listing building to the west does not help in preserving the sense of openness between the opposing sites. As stated by the Conservation Officer, due principally to the proposed building heights, and layout close to the shared western boundary, there would be an increased enclosure of the space close to the south western shared boundary. This in turn this would contribute to the permanent loss of views of and from the neighbouring Listed Building's principal elevation and grounds. Indeed, the proposed use of Crown roofs near the shared boundary would not help preserve or enhance the existing character setting.

9.73 Paragraphs 199 of the NPPF says when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).

9.74 Paragraph 208 of the NPPF says 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. As this recommendation concludes, there is not considered to be public benefits of the proposal that outweigh the identified harm.

9.75 In terms of the construction works harming the foundations of the neighbouring Listed Building. Given the distance from the flank elevation of the Listed Building to the shared boundary is at least 18.7m and the distance to the flank elevation of the closest proposed new dwelling is 26.3m. Therefore, provided normal precautions are taken during construction, this would not, in my view, harm the listed building.

**vi. Loss of the employment floor space**

9.76 Policy ED3 3) of the adopted Borough Local Plan states: 'Where a change is proposed from an economic use to another use, development proposals must provide credible and robust evidence of an appropriate period of marketing for economic use and that the proposals would not cause unacceptable harm to the local economy. A further consideration to be taken into account will be the significance to the local economy of the use to be lost.'

9.77 According to the agent there are 2 full time jobs on site, one for the Car Sales and 1 for the Polo Club, there are also 6 seasonal temporary groomers associated with the Polo club.

9.78 Policy ED3 says where a change is proposed from an economic use to another use, development proposals must provide credible and robust evidence of an appropriate

period of marketing for economic use and that the proposals would not cause unacceptable harm to the local economy. A further consideration to be taken into account will be the significance to the local economy of the use to be lost. No information on these matters has been provided. Therefore, it is considered that in the absence of a marketing exercise to demonstrate the loss of employment space is not significantly to the local economy. The application has failed to comply with adopted Borough Local Plan Policy ED3.

**vii. Loss of the community facility**

- 9.79 The existing lawful use of the site is as a Polo club, a sports club which serves the community, that would likely be lost through the proposed development. As such it is considered that the provisions of adopted Policy IF6 (8) (Community Facilities) is relevant, this says:

*'Loss of an indoor or outdoor sports facility will only be acceptable where an assessment of current and future needs has demonstrated that there is an excess of provision in the catchment, and the site has no special significance to the interests of sport.'*

- 9.80 Paragraph 103 of the NPPF also applies in this case this says:

*'Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*

*a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*

*b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*

*c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.'*

- 9.81 Within the statement from the applicant addressing this point, they say :

*'The club is not considered by the applicant as offering a community sporting facility as polo is a niche sport with this modest local ground not offering spectator participation. The applicant considers that its loss as a sporting facility would stretch the definition of the club as a sports venue.'*

- 9.82 This is not a view shared by the LPA who consider the community sporting facility as exactly that, and therefore, its loss should be assessed against the aforementioned policy guidance. The applicant within their statement says the existing facilities / club is no longer financially viable. They also say that there is an over provision of existing and more popular clubs in the near vicinity. Lastly, as a niche sport, a members only polo club without spectator participation does not offer any special significance as a sporting use. However, the concern with the applicants claims on these matters relates to the lack of details or evidence to support their claims. Within the submission there is no evidence of falling membership over the years, or open book calculations on matters relating to viability, such as yearly accounts. The statement that there is an over provision of the use in the locality is not supported by the feedback received by



Hurlingham Polo Association (HPA), which is the national governing body for Polo in the UK. This was included within the Sport England response dated 15<sup>th</sup> January 2024, the HPA said:

*'the demand is very high in that area, and it is understood that the area needs all the existing polo clubs to be functioning. Additionally, there could be scope for further polo clubs in that area.'*

- 9.83 Sport England themselves hold a strong objection to the application because it is not considered to accord with any of the exceptions of paragraph 103 of the NPPF. This is a view shared by Officers who agree the evidence is lacking to make the justification of the loss clear and compelling.
- 9.84 It is not clear how the Polo field to the rear of the site, outside the Red line, will be used given the absence of the stable buildings etc on site if the development is approved. The applicant says in their updates the 26 acre polo fields will not be lost and are still *likely* (emphasis added) to be used for their intended purpose as Polo fields with stabling facilities available in the adjacent establishment. The neighbouring Polo club is Luff and Llorens Polo Club, this is immediately east of the neighbouring cricket club, less than 200m away from the application site. There is no clear connection with this neighbouring Polo facility, ie the neighbouring Polo Club has not said the two clubs will merge etc. Therefore, as this has not been established and this does not form part of the application. The concept of a merger cannot be considered as part of this application.
- 9.85 Both Sport England and Hurlingham Polo Club suggest a replacement scheme for the stabling of horses and ponies retaining the existing club and developing the residential aspect separately. However, this is not what is being applied for. Overall, on the basis of the evidence presented including the updated agent comments received on the 24th January 2024, where no viability evidence was submitted there is no clear justification for the loss of this sports facility and it is therefore contrary to the local and national policy requirements.

#### **viii Flooding**

- 9.86 Policy NR1 of the adopted Borough Local Plan advises: 'Within designated flood zones development proposals will only be supported where an appropriate flood risk assessment has been carried out and it has been demonstrated that development is located and designed to ensure that flood risk from all sources of flooding is acceptable in planning terms.'
- 9.87 Policy NR1 6) states: Development proposals should:
- a) increase the storage capacity of the floodplain where possible
  - b) incorporate Sustainable Drainage Systems in order to reduce surface water run-off.
  - c) reduce flood risk both within and beyond the sites wherever practical
  - d) be constructed with adequate flood resilience and resistance measures suitable for the lifetime for the development
  - e) where appropriate, demonstrate safe access and egress in accordance with the Exception Test and incorporate flood evacuation plans where appropriate.
- 9.88 Although the area is outside of Flood zone 2 and 3. The LPA are aware of the concerns of local residents and the Parish Council with regards to the flood risk in the area, especially from surface water flooding. The applicant has submitted a comprehensive

Flood Risk Assessment from Water Environment Limited, with the application. The FRA is based on the use of permeable paving and also the piping of any excess storm / rainwater to a new 361m<sup>3</sup> volume attenuation basin to the west of the site. This is in addition to the existing pond on site that shall remain. It should also be stressed that 5,057 m<sup>2</sup> less hard standing shall be on the site post construction than what exists on site at present. This means a substantial additional amount of additional infiltration and surface water drainage should take place beyond the current levels.

- 9.89 The majority of the site where the new homes are to be cited is subject to a 'low risk' of surface water flooding (with a 0.1% to 1% or 1 in 1000 to 1 in 100 annual probability of flooding). A small area on the north-eastern boundary, is identified as 'medium risk' (with a 1% to 3.3% or 1 in 100 to 1 in 30 annual probability of flooding). This is due to an overland flow route passing adjacent to the site, across the cricket ground. Run-off from this route and the adjacent areas of 'high risk', filter to the existing pond in the north-east corner of the site.
- 9.90 Where parts of the proposed new homes are to be located within the 'low risk' surface water areas in the southern parts of the site, it is proposed to set the finished floor levels of the properties at least 150mm above the corresponding nearest flood level. The flood risk assessment concludes that the site is at a low risk of flooding from all sources when the suggested mitigation measures, such as the maintenance schedule, outlined in the FRA, are implemented.
- 9.91 Surface water runoff on the site will be managed by the implementation of a SuDS strategy. The LLFA have been consulted on this development and have concluded they are in agreement with the conclusions formed in the FRA and recommend a suitable covering condition based on the FRA details. Therefore, subject to a further detailed planning condition, the actual and residual risk of flooding is expected to be low and the flood risk to neighbouring properties will not be increased by the proposed development.
- 9.92 The applicant proposes to connect to a mains sewer. Thames Water has confirmed the scale of the proposed development doesn't materially affect the sewer network and they have no objection. The provision of connection to a mains sewer is covered via separate Building Regulations legislation, therefore no planning condition is recommended in the event of an approval.

#### **ix. Trees**

- 9.93 Policy NR3 of the BLP sets out that development proposals should carefully consider the individual and cumulative impact of proposed development on existing trees, woodlands and hedgerows, including those that make a particular contribution to the appearance of the streetscape and local character/distinctiveness. There are no Tree Preservation Orders (TPOS) within or immediately surrounding the application site. In terms of the impact on the trees, the application has been submitted alongside an Arboricultural Impact Assessment (AIA) by RPS. The report confirms the only trees to be removed are categorised as Category C, (Trees/Vegetation of low quality and value). This includes 2 individual trees, a small group near the south west entrance (G4) and several trees from the group (G7) along the existing main access road to the east of the site. All other Category A, B and C trees on the site and within the surrounding area would be retained. The Tree Officer has confirmed no objections to these losses due to the nature of the trees being non-native and poor quality. To mitigate the loss, a total of 23 new native trees shall be planted together with a range of landscaping and hedge planting (see Landscape strategy Plan 1073 P9 Sheet 2 of

2). The replacement planting is mostly along the site frontage /access, boundaries and rear of the site, to help enhance the character of the area and reduce visibility of the site.

- 9.94 The AIA also confirms any proposed works within trees RPAs will have a low impact on the retained trees, providing that the appropriate damage mitigation methods are followed. In order to minimise the potential impact new development will have on the existing trees, closest to the Root Protection Areas, "No-dig" construction principles will be used. These landscaping measures would have been secured a via planning condition in the event of a positive recommendation. No objections are raised within regards to impact on trees within the development.

#### **x. Ecology**

- 9.95 Policy NR2 of the BLP requires applications to demonstrate how they maintain, protect and enhance the biodiversity of application sites, avoid impacts, both individually or cumulatively, on species and habitats of principal importance., the application has been submitted alongside an Ecological Appraisal by Ethos Environmental and a Biodiversity Net Gain (BNG) Assessment.

- 9.96 The application has been assessed by the RBWM Ecology Department, who confirm habitats on site comprise primarily hardstanding and buildings, grassland, hedgerow with a large pond surrounded by scrub in the north east of the site. With the exception of the pond which is a priority habitat as per the NPPF and will be retained, none of the habitats within the site are 'priority habitats' as defined in the NPPF. As such the conversion of non-priority habitats to buildings, garden and areas of public open space should not be a constraint to the proposals.

- 9.97 The site is predominantly developed land and short grassland which were considered unsuitable for reptiles and other Protected Species (eg badgers, nesting birds, reptiles). However, the Ecology report indicates evidence of house sparrow and swallow nesting in one of the stable buildings. The ecology reports indicates the loss of this habitat shall be offset by a dedicated colony nest tower to be installed in a suitable location in the retained and enhanced habitat in the northeast of the site. This could be secured via the Planning Condition in the event of an approval. There are fourteen buildings on site and one building was assessed as having 'low' potential to support roosting bats (all other buildings were unsuitable). A further bat survey carried out in May 2023 concluded that bat roosts were absent from this building.

- 9.98 The results from the eDNA survey found no evidence from Great Crested Newts (GCN) in the on-site pond. The communication from NatureSpace states:

*'The likely absence of great crested newts from the on-site pond and another nearby pond, along with the low suitability of much of the on-site habitats and the presence of roads between the site and most other ponds, indicate that impacts to great crested newts are unlikely to result from the proposed works (as concluded in the EclA).'*

As such, it is considered unlikely that GCN will be adversely affected by the proposals. This risk can be further reduced by implementing the mitigation measures detailed in the Ecology report. These measures should be secured by condition requiring the submission of a Construction Environmental Management Plan for Biodiversity

9.99 Policy NR2 of the BLP also requires proposals to identify areas where there is opportunity for biodiversity to be improved and, where appropriate, enable access to areas of wildlife importance. Development proposals should demonstrate a net gain in biodiversity by quantifiable methods such as the use of a biodiversity metric.

9.100 A BNG assessment has been undertaken and concludes that the development would result in a net gain in biodiversity of 85.62% habitat units, and a net gain of 34759% for hedgerows. The Ecology officer has accepted these findings. The scheme is therefore, subject to planning condition, compliant with the NPPF and NR2 of the Borough Local Plan in terms of biodiversity net gain.

#### **xi. Landscape and Open Space**

9.101 Policy QP3 requires high quality soft and hard landscaping where appropriate within new developments. The layout certainly provides such space for significant tree planting within the site layout. Such tree planting shall help soften the development and provide, in places, tree lined streets, in accordance with paragraph 136 of the NPPF, that is concerned with such provision. These areas also contribute towards the spacious character of the layout.

9.102 The open space to the west of the site measures some 0.4 and could be usable by the general public. The wider landscaping can be summarised as follows:

- retention of the existing hedgerow
- provision of a new hedgerow on the northern, eastern and part of the western boundary;
- creation of a belt of other broadleaved woodland along the northern section of the site and a woodland copse within the north-western corner;
- retention, enhancement and creation of mixed scrub habitat adjacent to the existing pond and north-eastern corner of the site;
- retention of the existing pond and creation of a new pond within the north-eastern section of the site;
- enhancement of grassland areas on site;
- addition of native trees along the site frontage, site access road and across the site. 23 native trees.

9.103 Overall, this is acceptable in landscaping terms.

9.104 With regards Open Space play provision. The Borough Local Plan Policy IF4 states:

*5. Proposals for residential development on non-allocated sites of ten dwellings and above should normally provide new open space and play facilities in accordance with the quantity standards set out in Appendix F, or those within a more up to date Open Space Study. However, where there is clear evidence that there is a quantitative surplus of one or more types of open space/play facilities in the local area, these standards will be applied flexibly in order to address any local deficits.*

*6. Whilst on-site provision is preferred, provision of new open space and play facilities on an alternative site within walking distance of the development site, as set out in Appendix F, would be acceptable if this meets the needs of the community and results in a greater range of functional uses. A financial contribution towards improving existing provision may be acceptable if there are qualitative open space deficiencies in the area.*

9.105 Appendix F of the BLP identifies that a development of this size (11-200 dwellings) would need a Local Area of Plan (LAP) and a Local Equipped Area of Play (LEAP) within 100m and 400m respectively from the dwellings. The Open Space Study 2019 shows there is neither a LAP or a LEAP in close proximity to the application site. The absence of space dedicated to such features on the layout plan is objectional and forms a reason for refusal. Natural surveillance of such areas would be required by the proposed dwellings if they were included on a revised scheme. These areas would need to be open to the public and would be secured by legal agreement.

#### **xii. Contaminated Land**

9.106 Policy EP5 of the BLP seeks to ensure that development proposals do not result in contamination to local land or water resources. Furthermore, if the land is suspected of being contaminated, it can be appropriately remediated, to remove the potential harm to human health and the environment.

9.107 A Ground Investigation Report - GIR (Aviron July 2023) has been submitted in connection with this planning application. This report concludes a moderate to low risk of contaminants within the site area and recommends a further intrusive site investigation to further explore the nature of ground contaminants if any on the site.

9.108 The Environmental Protection Officer has reviewed the findings of the report and concluded no objection to the development proposal in principle subject to a full land contamination condition. Such a condition shall require further intrusive surveys of the ground, as detailed in part 1 of the condition, while part 2 of the condition requires a submission of a remediation scheme. Collectively, strict adherence to this condition shall remove or mitigate any unacceptable risks to human health, buildings and the natural environment. Therefore, subject to the aforementioned full land contamination planning condition, no objection is raised. This would have been included in the event of an approval. The EPO also suggests a Construction Environmental Management Plan in the event of a positive recommendation, this is covered via the Ecology section above.

#### **xiii. Highway Safety and Parking**

9.109 Paragraph 115 of the NPPF sets out that 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. Policy IF2 of the Borough Local Plan 2013-2033 sets out that new development should provide safe, convenient, and sustainable modes of transport.

#### Sustainable Modes of Transport

9.110 The site is remote from local amenities and therefore reliant upon the private car or public transport. Bus Stops are located on both sides of Oakley Green Road and are within a reasonable walking distance of no more than 360m. These stops are served by bus service 16 an hourly service connecting Windsor to Maidenhead via Fifield). There is a footpath to the front of the site. On balance therefore, there is no objection to the location of the development on grounds of Policy IF2.

#### Access

- 9.112 This application is accompanied by a transport statement, which is produced by RGP on behalf of the applicant. The statement sets out that the proposed development would have no material impact on the capacity of the local highway network. While the proposed access arrangements would enable fire and refuse vehicles to satisfactorily access the site and the proposed visibility is sufficient to comply with Manual for Streets criteria. Also, the proposed vehicle and cycle parking provision would be appropriate to meet RBWM's parking standards.
- 9.113 The Council's Highways Authority has been formally consulted in this application and confirmed from the updated details submitted the Highway Authority now has no severe concerns with regards to the proposal and would therefore recommend that should planning permission be granted a financial contribution to improve the nearby 4 bus stops being opposite Braywood School and to the west of the site near the junction with Fifield Road should be pursued. The Highway Officer also recommends various highway related planning conditions relating to; accesses to complete before occupation as approved, internal access roads & parking spaces complete before occupation, surfacing of access, street lighting, parking being marked out, visibility splays as drawn, cycle parking to be provided, garage retention for car use, refuse bin and recycling provision to be submitted, electric vehicle charging, provision of residential pedestrian access for each dwelling and no gates at vehicular access. In the event of an approval these conditions would have been considered.
- 9.114 Officers note there is not a pavement leading into the site for plots 1 -7. However, these matters can be covered via planning condition and the S38 / S278 process, thus ensuring pedestrian safety on the finalised pedestrian layout.

### Vehicle Movements

- 9.115 Policy IF2 of the Borough Local Plan sets out that new development shall be located to minimise the distance people travel and the number of vehicle trips generated. The transport statement demonstrates a significant reduction in trip rates.

**Table 7A Eastern Site Access – Traffic Impact Assessment**

|                      | Existing (Table 4A) |            | Proposed (Table 6B) |           | Net Change in Traffic |            |             |
|----------------------|---------------------|------------|---------------------|-----------|-----------------------|------------|-------------|
|                      | In                  | Out        | In                  | Out       | In                    | Out        | Two-way     |
| 08:00-09:00          | 8                   | 10         | 3                   | 7         | -5                    | -3         | -8          |
| 17:00-18:00          | 15                  | 18         | 5                   | 3         | -10                   | -15        | -25         |
| <b>Daily Weekday</b> | <b>104</b>          | <b>103</b> | <b>41</b>           | <b>43</b> | <b>-63</b>            | <b>-60</b> | <b>-123</b> |

**Table 7B Western Site Access – Traffic Impact Assessment**

|                      | Existing (Table 4A) |            | Proposed (Table 6B) |           | Net Change in Traffic |            |             |
|----------------------|---------------------|------------|---------------------|-----------|-----------------------|------------|-------------|
|                      | In                  | Out        | In                  | Out       | In                    | Out        | Two-way     |
| 08:00-09:00          | 14                  | 6          | 1                   | 3         | -13                   | -3         | -16         |
| 17:00-18:00          | 6                   | 10         | 2                   | 1         | -4                    | -9         | -13         |
| <b>Daily Weekday</b> | <b>111</b>          | <b>115</b> | <b>16</b>           | <b>17</b> | <b>-95</b>            | <b>-98</b> | <b>-193</b> |

- 9.116 At the eastern site access, there would be 123 less vehicular movements on a daily basis in the development scenario when compared existing site operations. At the western site access, there would be 193 less vehicular movements on a daily basis in the development scenario when compared existing site operation. There is therefore no objection to the level of traffic likely to be generated.

### Parking

- 9.117 Policy IF2 of the Borough Local Plan sets out that new developments should provide vehicle and

cycle parking in accordance with the parking standards in the 2004 Parking Strategy (prior to the adoption of the Parking SPD). Consideration will be given to the accessibility of the site and any potential impacts associated with overspill parking in the local area.

- 9.118 The two and three bed dwellings will be provided with two car parking spaces per unit. Four bed dwellings will be provided with three car parking spaces per unit. This provision is in accordance with the Council's car parking standards. Each dwelling will be provided with an electric vehicle charging point. A total of five visitor parking bays are proposed across the development site. This is acceptable.
- 9.119 The Council's Interim Sustainability Position Statement sets out that at least 20% of parking spaces should be provided with active electric vehicle charging facilities and 80% of parking spaces should be provided with passive provision. No electric vehicle charging facilities are proposed. However, it is considered that such details can be secured by a planning condition.
- 9.120 The transport statement and the site plan show that cycle parking facilities will be provided on-site. Further details of the cycle parking facilities should be provided but it is considered that such details can be secured by a planning condition.

#### **xiv. Residential Amenity**

- 9.121 Table 8.1 of the Borough Wide Design Guide SPD sets out the minimum separation distances for front to front, rear to rear and front/back to flank relationships for both 2 storey and above. All these distances have been achieved. Given this relationship it is not considered that the proposed buildings would have an adverse impact on sunlight/daylight, outlook or privacy.
- 9.122 In terms of whether the proposed development would provide an adequate standard of amenity for future occupiers of the residential units, and also for neighbouring properties within the site. This is required by paragraph 130 (f) of the NPPF. The Borough Design Guide SPD (adopted) also provides guidance on residential amenity, including private garden sizes. All the gardens meet the standards set out in the RBWM Design Guide SPD. All the dwellings are in excess of the NDSS standards. There is no objection on grounds of residential amenity.
- 9.123 Officers would point out that in the case of both plot 1 and plot 17, there is a first floor window within the side elevation that would face the gardens of Fifield Farm Cottage. This would create overlooking. This is a negative in terms of residential amenity, although the windows could be conditioned to be made of obscure glass. In mitigation Officers accept there are mature trees on the boundary, however these trees cannot be relied upon. Nevertheless, on balance a reason for refusal on these grounds has not been recommended as permitted development rights could give rise to similar windows.

#### **xv. Archaeology**

- 9.124 The applicant has submitted an Archaeological Desk-Based Assessment from RPS Group (19/06/23). This report concludes a low potential of archaeological deposits on site, with the exception of a possible area of cropmark identified in historic aerial photography as a possible enclosure and the post-Medieval circular pond at the north-east of the site. The report states further investigation may be required to ascertain the

presence / absence of archaeological deposits within these areas. This may consist of non-intrusive and / or intrusive survey and can be secured as part of a planning condition should consent be granted. The Council's Archaeological consultant has provided comments on the application. They state there are potential archaeological implications associated with this proposed scheme as demonstrated by Berkshire Archaeology's Historic Environment Record. The site lies within the Thames Valley, which is known to have been settled from prehistory. There are several sites of interest within the immediate surrounding area and on the site itself.

- 9.125 Therefore, if the application was being recommended for approval, a condition would be included to ensure that the works were carried out in accordance with a written scheme of investigation. This is in accordance with Paragraph 211 of the NPPF (2023) which states that local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

#### **xvi. Planning Balance**

- 9.126 The applicant has submitted a report (RPS Group Aug 2023) setting out their assessment of the 5 year housing land supply position for the Borough which concludes that there is a 3.42 year supply of deliverable housing sites. The Council published its latest Position Statement on the 5 year housing land supply in July 2023 which showed a 4.84 year supply of housing. There are a number of elements of the applicant's assessment that officers do not agree with. However, this is not the correct forum to explore these matters. Indeed, there have been no recent appeal findings that the LPA is aware of where Planning Inspectors have taken a differing view on the published LPA position on 5 year land supply levels.
- 9.127 As such, the LPA acknowledge that there is not a 5 year supply at present but that on the Council's evidence, the shortfall is limited. In any event, with regards to the provision of the titled balance. As the site is a Green Belt location, and would adversely affect the setting of a designated heritage asset and there are clear reasons for refusing the development on these grounds, the titled balance of the NPPF is not engaged.
- 9.128 Officers consider the development is inappropriate development in the Green Belt, and the NPPF is clear that harm to the Green Belt should be afforded substantial weight. The NPPF sets out that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 9.129 With regards to factors promoted as 'Very Special Circumstances'. Significant weight is attributed to the contribution towards providing additional housing in the Borough. Separately in terms of the Affordable housing provision. This is a prerequisite for any development over 10 units, thus the requirement of 30% is the minimum. Considering this is a rural, Green Belt location, this 30% provision of affordable housing is only given moderate weight. Jobs during construction period is also given limited weight.
- 9.130 A summary of the elements identified in this report and bringing harm to the area is given below.
- Inappropriate Development (Reduction in openness of the Green Belt / Conflict with the purposes of including land in the Green Belt)
  - Loss of the Polo Club (a community facility)
  - Loss of employment



- Adverse impact on character of area
- Adverse impact on Heritage Assets
- Lack of LEAP or LAP on site
- Lack of S106 to secure Affordable Housing
- Lack of S106 to secure Carbon Offset requirements

9.131 It is not considered that there are considerations which constitute Very Special Circumstances which clearly out weight the harm to the Green Belt (which is afforded substantial weight), and the other harm identified in this report listed above.

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

The development is CIL liable. The applicant has submitted CIL forms to advise that the proposal would create 2512.2 sq metres of additional floorspace.

## **10. CONCLUSION**

As this report sets out, the proposed development does not comply with the relevant local planning policies and the National Planning Policy Framework. It is therefore recommended that planning permission is refused for reasons listed below.

## **11. APPENDICES TO THIS REPORT**

- Appendix A - Site location plan
- Appendix B – Site layout drawings

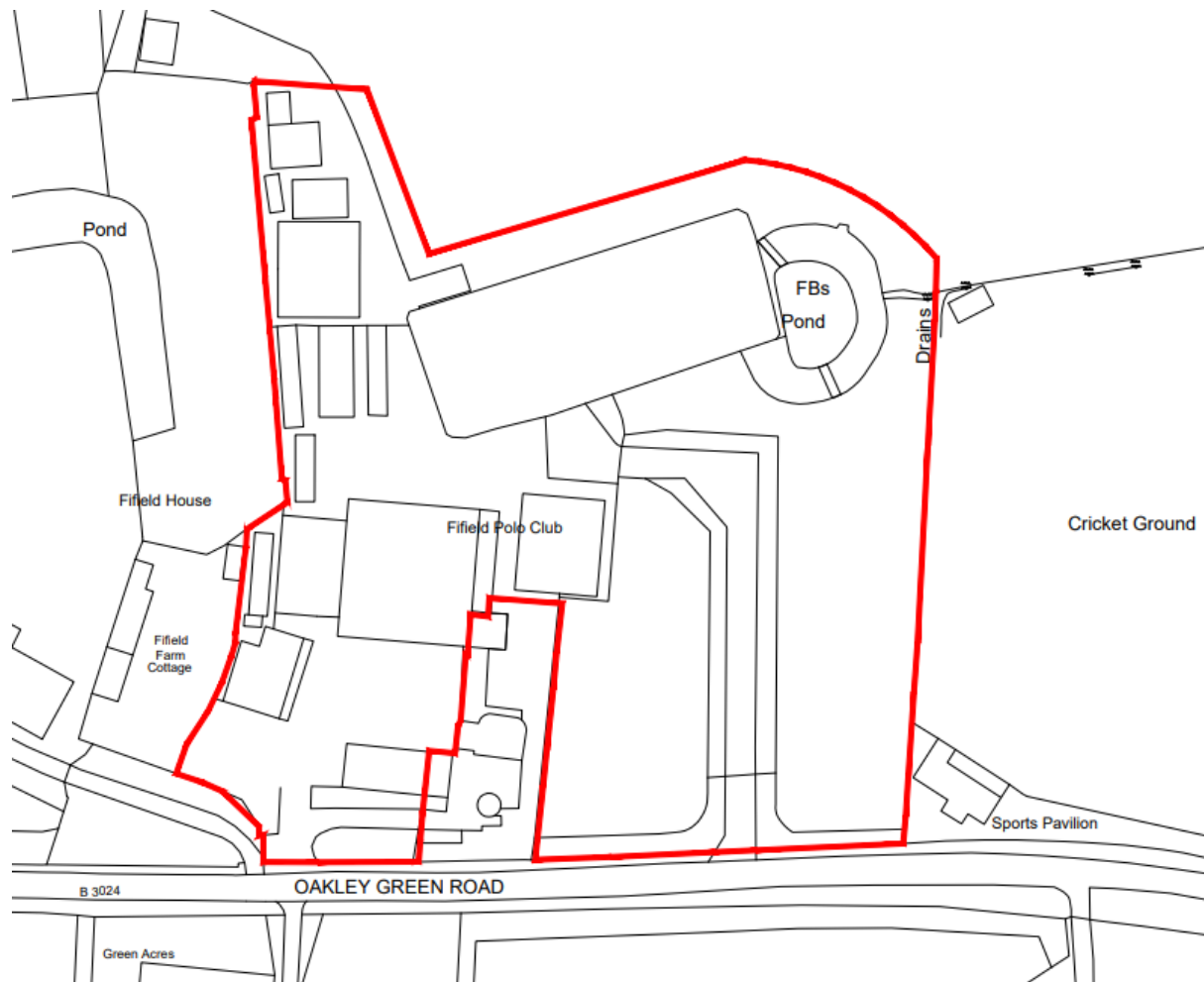
## **12. REASONS FOR REFUSAL**

- 1 The proposal represents inappropriate development in the Green Belt contrary to paragraph 154 of the National Planning Policy Framework (2023), also SP1 and QP5 of the adopted Borough Local Plan 2013-2033. Inappropriate development is by definition harmful to the Green Belt. The scheme would also harm the openness of the Green Belt, and would conflict with two of the purposes of including land in the Green Belt (encroachment and promoting urban regeneration). There is not considered to be a case of very special circumstances that would clearly outweigh the harm to the Green Belt and the other harm identified.
- 2 The proposal would harm the character of this rural area, with the introduction of a tight grained, suburban layout, with widespread use of Crown roofs. Collectively, forming an intrusively urbanising impact, failing to respect the established rural character of the area. The proposed development would therefore conflict with adopted Borough Local Plan Policies, QP1, QP3 and QP5 of the adopted Borough Local Plan 2013-2033 and Section 12 of the National Planning Policy Framework (2023).
- 3 The existing lawful use of the site is as a Polo club, a sporting facility which serves the community, would likely be lost through the proposed development. As such, it is considered that the proposal is contrary to adopted Borough Local Plan 2013-2033 Policy IF6 (8) and paragraph 103 of the NPPF (2023).
- 4 The current proposal would entail the loss of commercial space. The applicant has not provided any credible and robust evidence of an appropriate period of marketing for economic use and sufficient evidence to demonstrate that the proposals would not

cause unacceptable harm to the local economy. A consideration of this proposal is the significance to the local economy of the uses to be lost. The application therefore fails to comply with adopted Policy ED3 of the Borough Local Plan 2013-2033.

- 5 No legal agreement has been provided to secure the affordable housing provision. The proposal therefore fails to provide the necessary affordable housing to meet the needs of the local area and is contrary to Policy HO3 of the Borough Local Plan 2013-2033.
- 6 No legal agreement has been provided to secure the carbon offset contribution for the scheme to offset the impact of the proposal. The proposal is therefore contrary to policy SP2 of the Borough Local Plan 2013-2033, Section 14 of the National Planning Policy Framework and the Council's Interim Sustainability Position Statement.
- 7 The proposal would lead to less than substantial harm to the (Grade II Building Fifield Farm Cottage). This is due in part to the unsympathetic forward building lines and also the overall scale of the buildings adjacent to the shared boundary, that include first floor side facing windows. Collectively, these buildings would reduce the openness between the two sites enclosing the space, leading to the permanent loss of views of and from the Listed building's principal elevation and grounds. Overall, the proposal would create less than substantial harm to the significance of the designated heritage asset. Given that no public benefits have been identified in the application that would outweigh this harm, the proposal is considered to be contrary to Section 16 of the National Planning Policy Framework, Policies HE1 and QP3 Borough Local Plan 2013-2033 also Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 8 The layout of the proposed development fails to include space for a Local Equipped Area of Play (LEAP) or a Local Area of Play (LAP). This would be contrary to Policy IF4 and Appendix F of the Borough Local Plan 2013-2033 that identifies a development of this size (11-200 dwellings) would require the provision of both features.

- **Appendix A - Site Location Plan**



- **Appendix B – Site layout drawings**

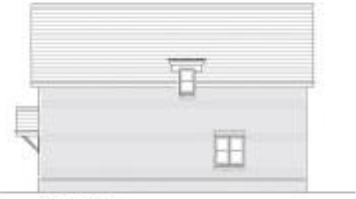
### Proposed Block Plan



Plots 1 -4 (Plots 5 – 7 are similar)



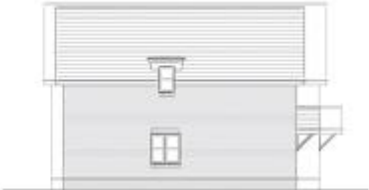
Front Elevation



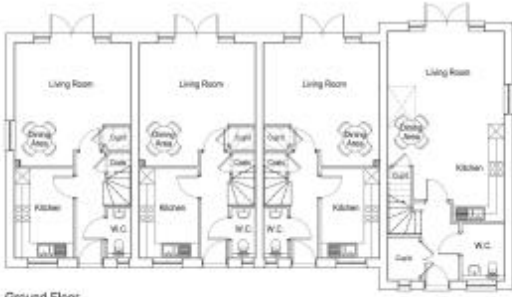
Side Elevation



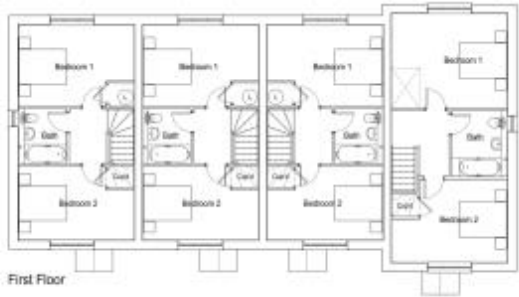
Rear Elevation



Side Elevation



Ground Floor



First Floor

Plot 8



Front Elevation



Side Elevation



Rear Elevation



Side Elevation



Ground Floor



First Floor

Plot 9 (Plots 19 and 20 are similar)



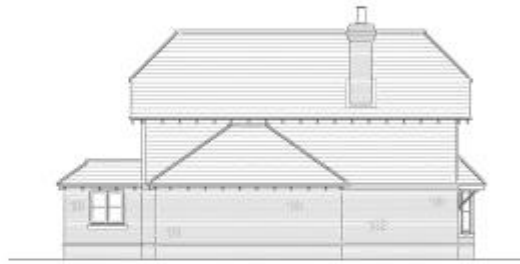
Front Elevation



Side Elevation



Rear Elevation



Side Elevation



Ground Floor



First Floor

Plot 10 (Plot 11 is similar)



Front Elevation



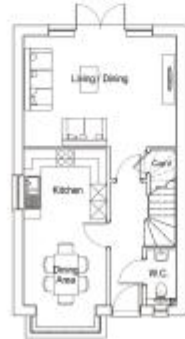
Side Elevation



Side Elevation



Rear Elevation



Ground Floor



First Floor

Plots 12 and 13 (Plots 14 - 15 and 16 - 17 are similar)





Front Elevation



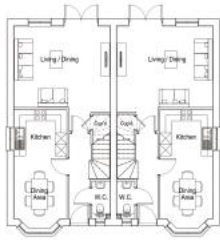
Side Elevation



Rear Elevation



Side Elevation



Ground Floor



First Floor

Plot 18



Front Elevation



Side Elevation



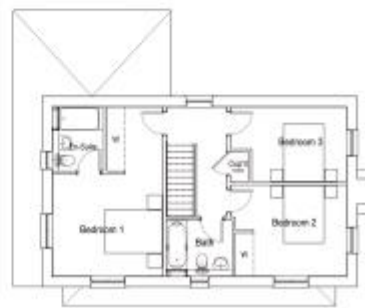
Rear Elevation



Side Elevation



Ground Floor



First Floor

Plot 21 (Plots 22, 23, 24 and 25 are similar)



Front Elevation



Side Elevation



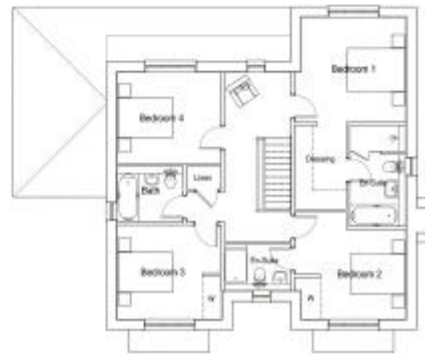
Rear Elevation



Side Elevation



Ground Floor



First Floor

## Street Scenes



Plots 1-7



Plots 19-21

21 February 2024

Item: 5.

|  |   |
|--|---|
| <b>Application No.:</b>  | 23/02979/FULL   |
| <b>Location:</b>   | Lowbrook Academy The Fairway Maidenhead SL6 3AS                     |
| <b>Proposal:</b>   | Single storey rear extension following demolition of existing shed. |
| <b>Applicant:</b>  | Mr Rooney   |
| <b>Agent:</b>  | Oxford Architects LLP   |
| <b>Parish/Ward:</b>  | Cox Green Parish/Cox Green  |
| <b>If you have a question about this report, please contact:</b> David Brett on 01628 796580 or at david.brett@rbwm.gov.uk |   |

## 1. SUMMARY

- 1.1 The application seeks planning permission for the demolition of a shed to the rear of the main school building at Lowbrook Academy, and the erection of a single storey extension. The single storey extension would facilitate internal alterations to two of the existing classrooms and a toilet block inside the building.
- 1.2 The proposal would improve and enhance the existing facilities at Lowbrook Academy. The principle of the development is therefore acceptable. The proposed development would be in keeping with the existing building and would not therefore harm the overall appearance of the existing building and surrounding area. Furthermore, the proposals would not result in unacceptable harm to amenity or parking and highway safety in the surrounding area due to its scale and siting.
- 1.3 On this basis, the application demonstrates compliance with relevant development plan policies.

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

## 2. REASON FOR COMMITTEE DETERMINATION

- The Council's Constitution does not give the Assistant Director of Planning delegated powers to determine the application in the way recommended; such decisions can only be made by the Committee as the Council has an interest in the land (ownership); such decision can therefore only be made by the Committee.

## 3. THE SITE AND ITS SURROUNDINGS

- 3.1 The application site comprises Lowbrook Academy, an existing school site which is accessed from The Ridgeway. The school provides for 330 pupils, aged 5-11.
- 3.2 The school building is set comfortably within the 1.2ha site, with the surrounding area predominantly residential in nature. Manor Green School and Cox Green School are located to the west of the site.

## 4. THE PROPOSAL

- 4.1 The application seeks planning permission for the construction of a single storey extension to the rear of the main school building.

- 4.2 The Design and Access Statement that accompanies this application sets out that the development is proposed in order to adapt the building to the new Department for Education (DfE) standards and requirements. The extensions to two existing classrooms would ensure that compliance with the current BB103 guidance (which is a document which provides guidance on new school buildings, refurbishment or conversion projects, including the number, size and type of rooms) set out by the DfE would be maintained.
- 4.3 The proposed extension (38sqm) would provide a new extended internal layout for two existing classrooms, with associated cloakroom, storage, and pupil's WC. The proposed extension would have a depth of 2.7m, a ground to eaves height of 2.6m, a maximum height of 3.8m, and a width of 17.6m. The external walls of the proposed extension would be constructed in cedar timber cladding, with white uPVC windows, doors and cills, black uPVC rooflights and concrete roof tiles.
- 4.4 During the course of the application, an amended site location plan was submitted. No changes were proposed to the form of the extension as part of this.

## 5. RELEVANT PLANNING HISTORY

| Reference       | Description   | Decision               |
|-----------------|---|------------------------|
| 20/03470/FULL   | Single storey front extension to classroom.   | Approved<br>02/03/2021 |
| 17/02230/FULL   | Proposed two storey detached building to accommodate 4 additional classrooms and sports hall.   | Approved<br>14/06/2018 |
| 16/03424/CONDIT | Details required by Conditions 2 (external materials) 4 (cycle parking) 5 (construction management plan) of planning permission 16/02247 for and extension to form new classroom, washrooms, lobby and outside breakout area. | Approved<br>15/11/2016 |
| 16/02247/FULL   | Extension to form new classroom, washrooms, lobby and outside breakout area.  | Approved<br>08/09/2016 |

## 6 DEVELOPMENT PLAN

- 6.1 The main relevant policies are:

### Borough Local Plan (BLP)

| Issue                                   | Policy |
|---|--------|
| Spatial Strategy for the Borough        | SP1    |
| Climate Change                          | SP2    |
| Sustainability and Placemaking          | QP1    |
| Character and Design of New Development | QP3    |
| Sustainable Transport                   | IF2    |

|                      |     |
|----------------------|-----|
| Community Facilities | IF6 |
|----------------------|-----|

**7. MATERIAL PLANNING CONSIDERATIONS**

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

- Section 2 Achieving sustainable development
- Section 4 Decision-making
- Section 8 Promoting healthy and safe communities
- Section 11 Making effective use of land
- Section 12 Achieving well-designed and beautiful places

**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
- Corporate Strategy
- Environment and Climate Strategy

**8. CONSULTATIONS CARRIED OUT**

**Comments from interested parties**

The planning officer posted a notice advertising the application at the site on 26<sup>th</sup> January (on the basis of the amended site location plan). This consultation ends on the 16<sup>th</sup> February.

If further comments are received, this will be detailed in an Update Report ahead of the committee.

Fourteen neighbouring properties were directly notified of the application.

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

| Comment   | Where in the report this is considered  |
|---|---|
| 1. The revised plan shows that the red line now includes the car park area of the school. | The location plan has been amended to include all necessary land to carry out the proposed development. The size, scale or appearance of the proposed rear extension has not been amended from the original submission. |

|    |  |                                |
|----|--|--------------------------------|
| 2. | Concerns that the development would result in increased traffic congestion in The Fairway and Fairlea. | See section 9.8 of the report. |
|----|--|--------------------------------|

**Consultees**

| Consultee                     | Comment   | Where in the report this is considered                      |
|-------------------------------|---|---|
| RBWM Environmental Protection | Conditions and informatives suggested for any approval relating to construction site working hours, collections during construction and demolition, smoke control and dust control. | Noted. However, this would be covered by other legislation. |

**Others (e.g. Parish and Amenity Groups)**

| Group                    | Comment       | Where in the report this is considered |
|--------------------------|---------------|--|
| Cox Green Parish Council | No objection. | Noted.                                 |

**9. EXPLANATION OF RECOMMENDATION**

9.1 The key issues for consideration are:

- i. Principle of Development;
- ii. Design and Character;
- iii. Impact on amenity; and
- iv. Parking and highway safety.

**Principle of Development**

9.2 Paragraph 14.14.1 of the BLP defines schools as being a Community Facility. Policy IF6 (Community Facilities) of the BLP sets out that proposals for new or improved community facilities which meet the needs or aspirations of local residents and visitors will be supported. Further to this, Policy IF6 sets out that existing community facilities should be retained, improved and enhanced.

9.3 The application seeks to improve and enhance the existing facilities at Lowbrook Academy. The principle of the development is therefore acceptable, provided the development accords with the requirements of the BLP which will be addressed further below.

**Design**

9.4 The appearance of the development is a material planning consideration. Section 12 of the NPPF and BLP Policy QP3 sets out that all development should achieve a high quality of design that improves the character and quality of an area.

9.5 As existing, the location of the proposed extension comprises a flower bed, a storage shed, two AC units to the wall of the school building and a pedestrian walkway providing access to other parts of the school. The proposed extension, which would not be visible from the highway along the Ridgeway, would allow for an improved layout of both the existing classrooms, cloakroom, and WC. Both classrooms would also



benefit from individual external doors to the footpath to the north of the site, with the cloakroom and WC forming a central block between the two classrooms.

- 9.5 The proposed material would be suitable for the site, noting that there is timber cladding to other external surfaces of the main school building. Overall, given the modest size and scale of the proposed development, along with its location within the Lowbrook School site, the development complies with BLP Policy QP3. A condition is recommended to ensure that the development is carried out in accordance with the materials detailed within the submission.
- 9.6 It is noted that there are trees within the school to the rear of the building that are within 15m of the proposed rear extension. However, the trees are not protected by virtue of either a tree preservation order or conservation area location. Notwithstanding this, the trees are located behind existing heras fencing and are separated from the development by the existing concrete footpath. As such, the proposed development would not result in harm to trees on the site which contribute to the overall appearance of the area.

### **Amenity**

- 9.7 BLP Policy QP3 requires development proposals to demonstrate that there would be no unacceptable effect on the amenities enjoyed by the occupants of adjoining properties. Given the modest size, scale and location of the proposed extension within an existing school complex, the development would not result in unacceptable harm to amenities of residents within the surrounding area over and above that of the existing situation. As such, the proposal complies with BLP Policy QP3.

### **Parking and highway safety**

- 9.8 The application relates to an existing school site and the proposed extension would result in an additional 38 sqm of floor space to extend existing classrooms to enable compliance with (DfE) standards and requirements. The existing access to the site would be retained and there would be no loss of parking or additional staff requirements resulting from the proposed extension. As such, in this context, the proposals would not result in harm to parking and highway safety in the surrounding area. As such, the proposals complies with BLP Policy IF2.

## **10. CONCLUSION**

- 10.1 For the reasons set out in this report the proposals comply with relevant development plan policies. It is therefore recommended that planning permission is granted subject to the conditions listed below.

## **11. APPENDICES TO THIS REPORT**

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

## **12. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED**

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.

Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The materials to be used on the external surfaces of the development shall be in accordance with those specified in the application unless any different materials are first agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area. Relevant Policies - Borough Local Plan QP3.

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

23013-OA-B1-00-DR-A-2003 Rev. P4

23013-OA-B1-00-DR-A-3002 Rev. P6

23013-OA-B1-00-DR-A-5001 Rev. P6

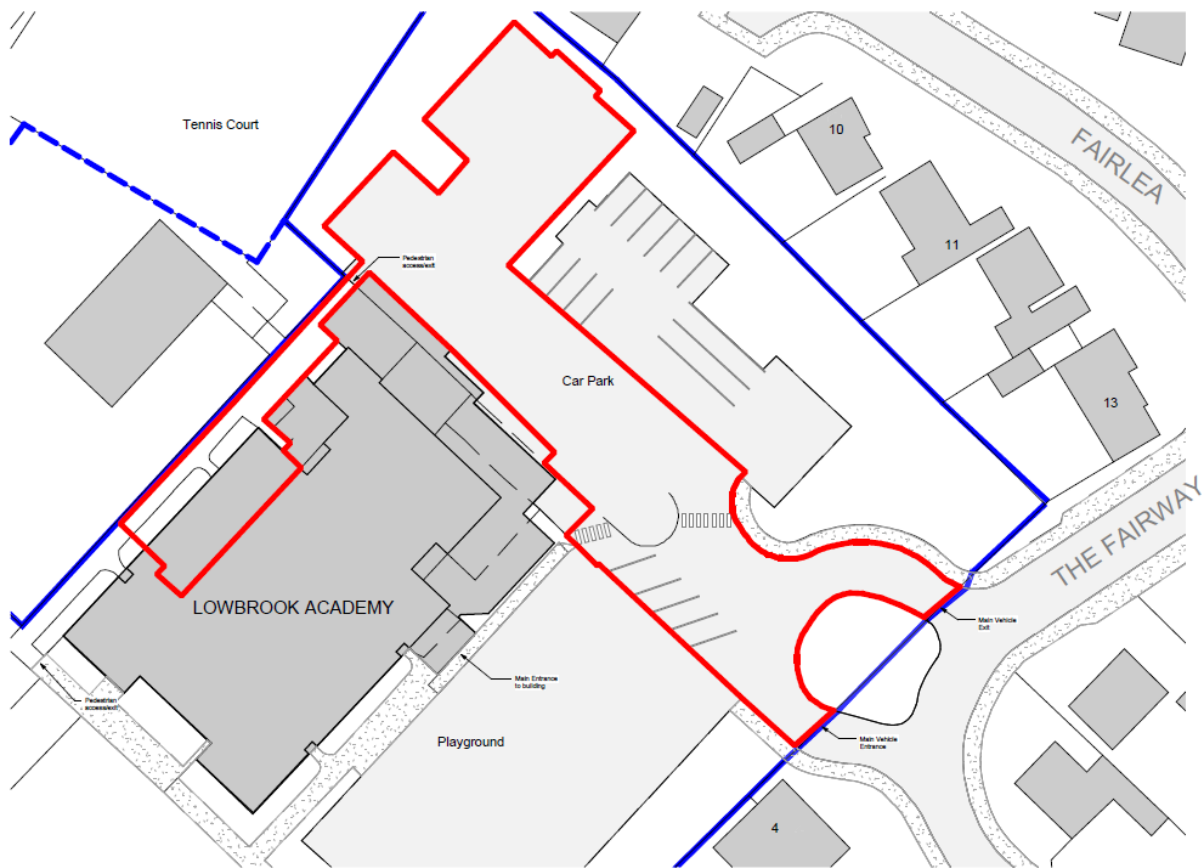
23013-OA-B1-00-DR-A-2001 Rev. P3

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

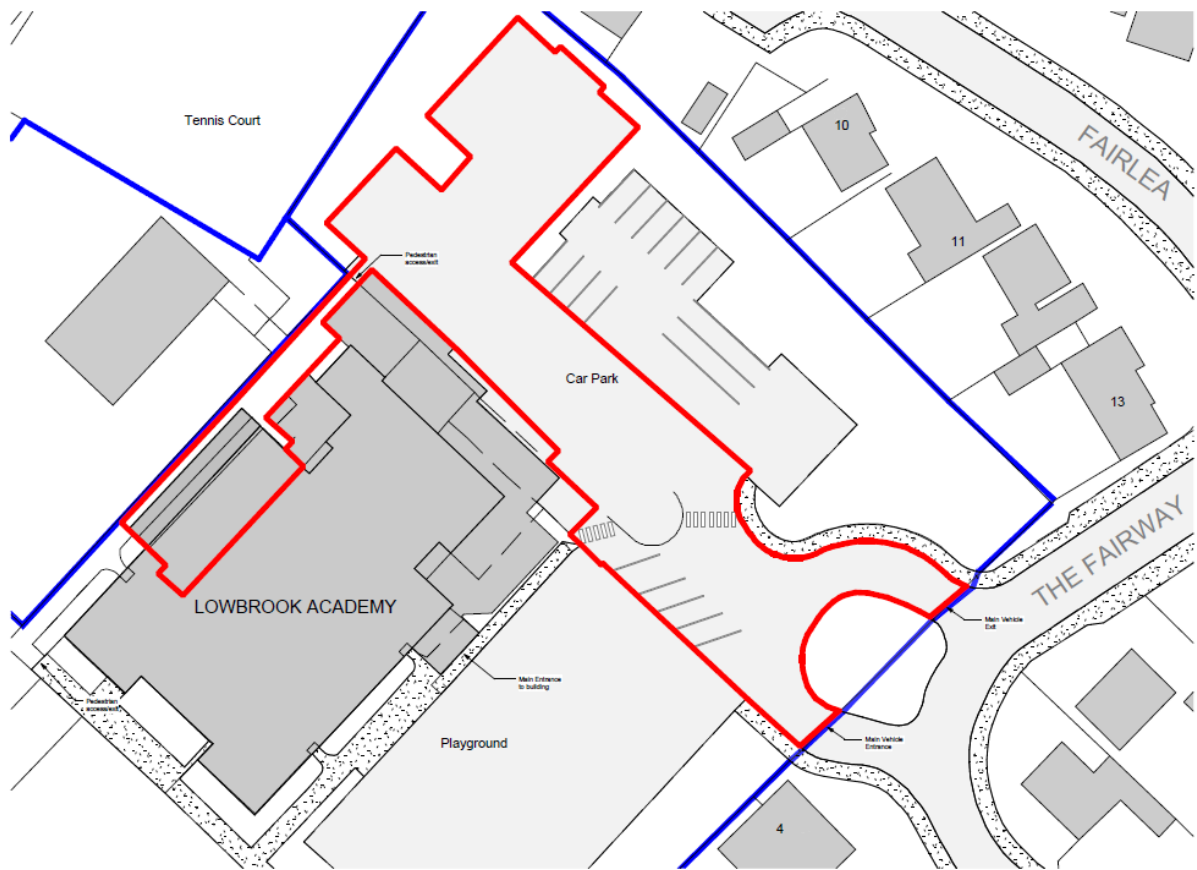


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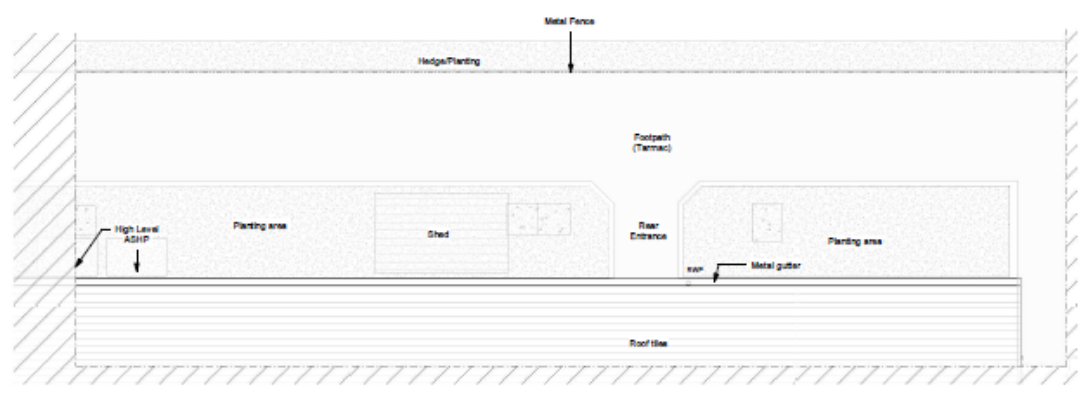
# Existing Block Plan



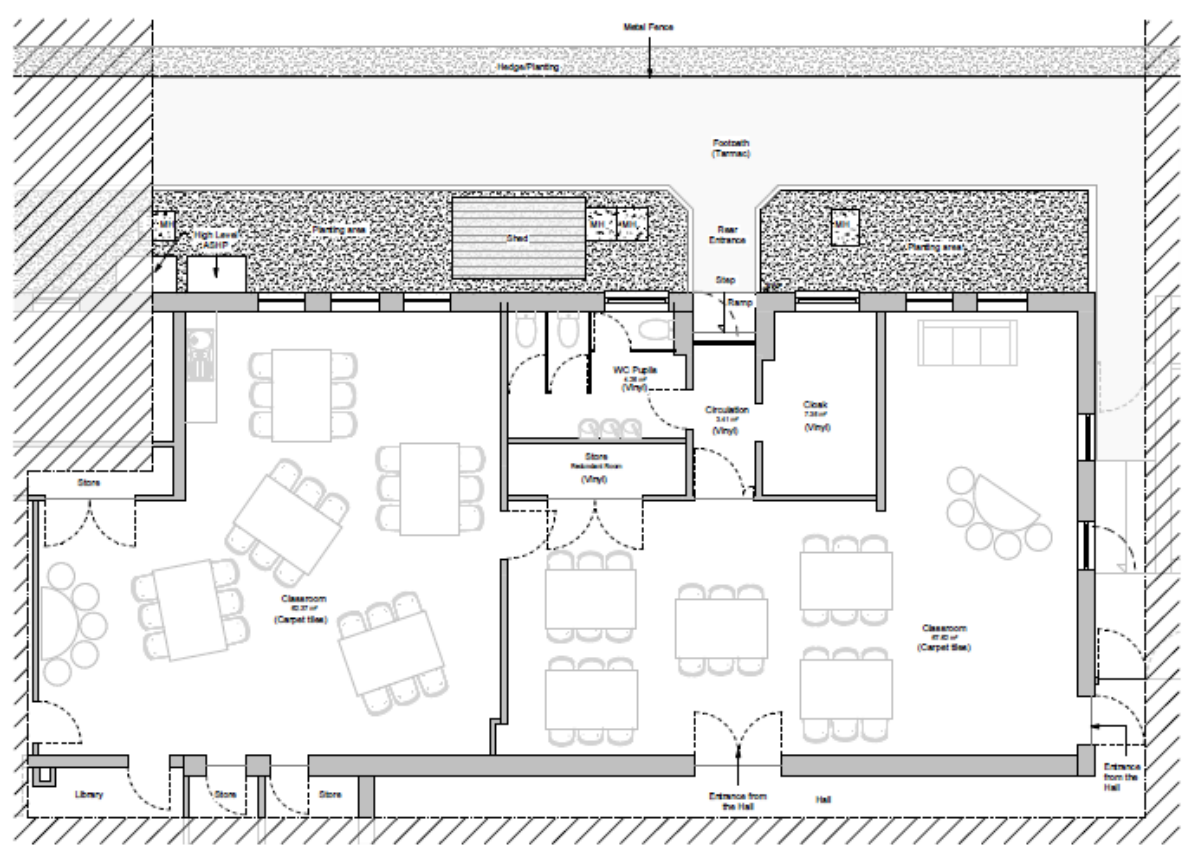
# Proposed Block Plan



# Existing Plans

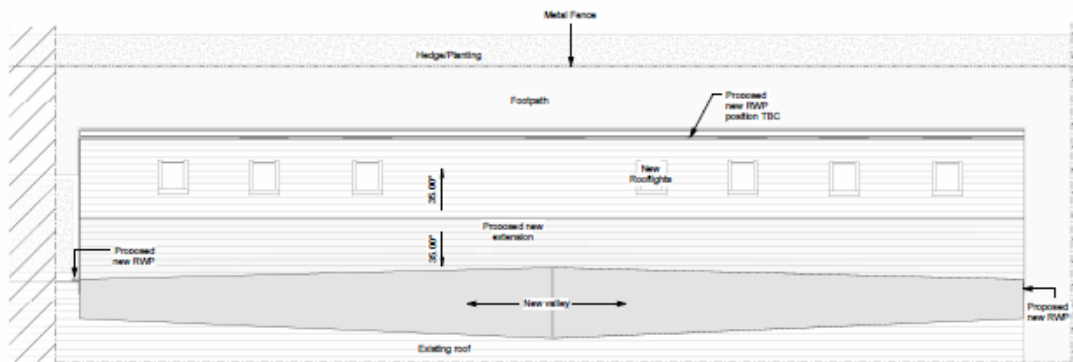


2 Roof Plan  
3000 1:50

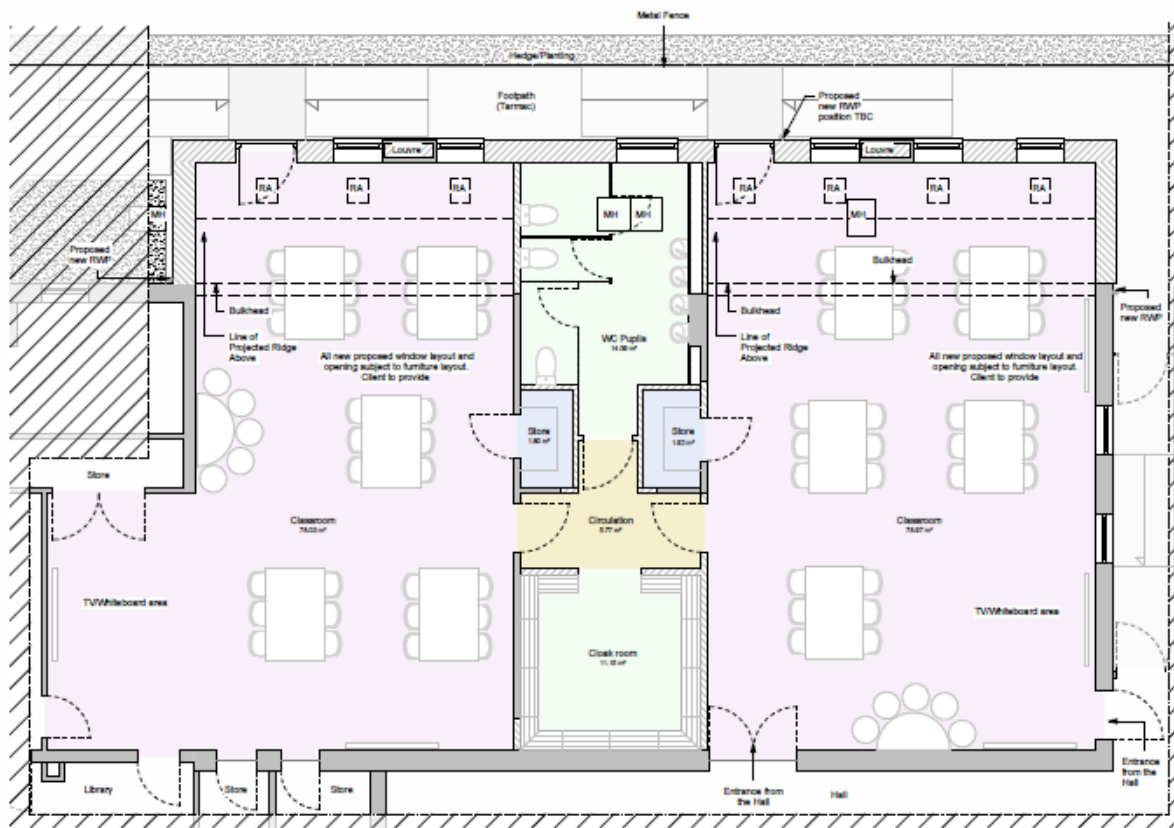


1 Ground Floor Plan  
3000 1:50

# Proposed Plans



2 Roof Plan  
1:50

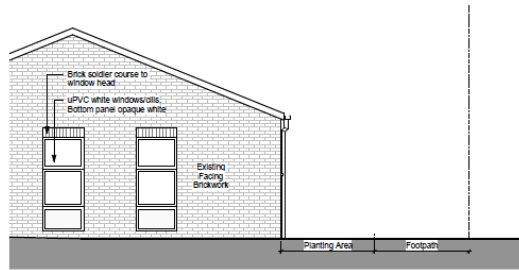


1 Ground Floor Plan  
1:50

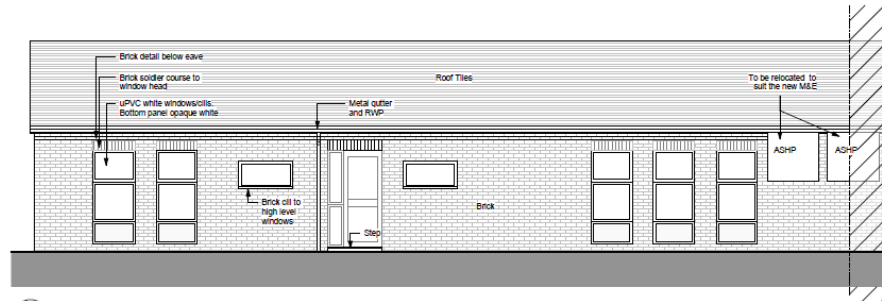


# Existing and Proposed Elevations

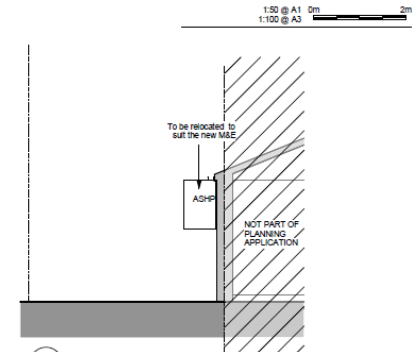
## EXISTING



3 Existing Side Elevation #1  
1:50

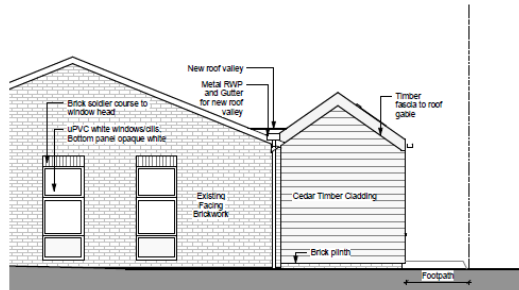


1 Existing Rear Elevation  
1:50

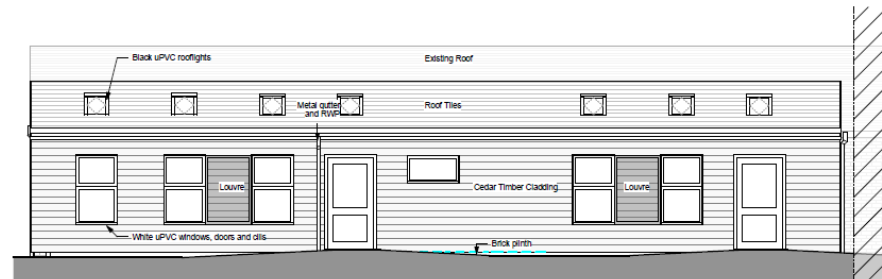


5 Existing Side Elevation #2  
1:50

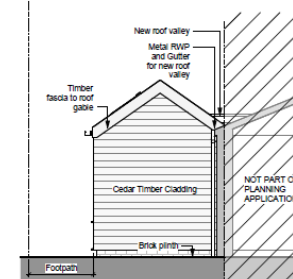
## PROPOSED



4 Proposed Side Elevation #1  
1:50

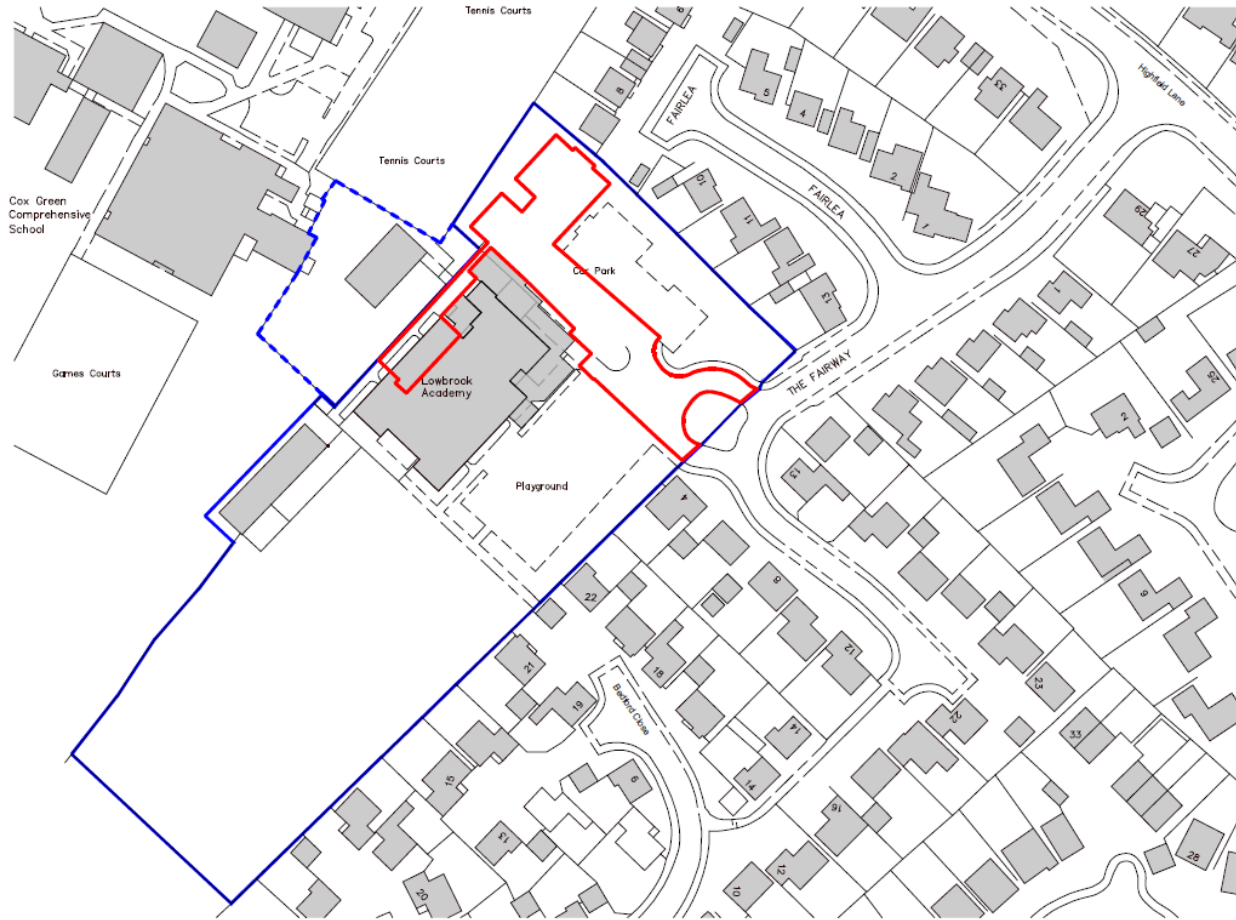


2 Proposed Rear Elevation  
1:50



6 Proposed Side Elevation #2  
1:50

# Site Location Plan



- Planning Application Boundary  
Proposed Extension
- Site Boundary
- - - Land under Applicant's control  
but sublet to a tenant



## Planning Appeals Received

### Weekly List - 12 February 2024

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 PIn 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:** White Waltham Parish  
**Appeal Ref.:** 24/60003/REF      **Planning Ref.:** 22/03270/OUT      **PIn Ref.:** APP/T0355/W/24/3336224  
**Date Received:** 17 January 2024      **Comments Due:** 21 February 2024  
**Type:** Refusal      **Appeal Type:** Public Inquiry  
**Description:** Outline application for access only to be considered at this stage with all other matters to be reserved for demolition of the existing buildings and redevelopment of the site for industrial and logistics use within Use Classes E(G)(iii), B2 and B8, with surface car parking, landscaping, and associated works.  
**Location:** **Maidenhead Office Park Westacott Way Littlewick Green Maidenhead SL6 3QH**  
**Appellant:** Anglesea Capital LLP **c/o Agent:** Mr Daniel Hyde Freeths LLP 1 Vine Street LONDON W1J 0AH

**Ward:**  
**Parish:** Bray Parish  
**Appeal Ref.:** 24/60006/REF      **Planning Ref.:** 23/01451/FULL      **PIn Ref.:** APP/T0355/D/23/3332206  
**Date Received:** 26 January 2024      **Comments Due:** N/A  
**Type:** Refusal      **Appeal Type:** Householder  
**Description:** 1no. new detached outbuilding ancillary to main dwelling following demolition of existing garage.  
**Location:** **Oak Cottage Long Lane Maidenhead SL6 3LF**  
**Appellant:** Ms Anne-Marie Eve **c/o Agent:** Nigel Ozier Aitchison Raffety The Granary Spring Hill Office Park Harborough Road Pitsford NN6 9AA

**Ward:**  
**Parish:** Bisham Parish  
**Appeal Ref.:** 24/60007/ENF      **Enforcement Ref.:** 20/50056/ENF      **PIn Ref.:** APP/T0355/C/23/3334138  
**Date Received:** 31 January 2024      **Comments Due:** 13 March 2024  
**Type:** Enforcement Appeal      **Appeal Type:** Written Representation  
**Description:** Appeal against Enforcement Notice: Without pp erection of a carport and fencing  
**Location:** **Hideaway Quarry Wood Bisham Marlow SL7 1RF**  
**Appellant:** Beth Cullen-Kerridge Hideaway, Quarry Wood, Bisham, Marlow, SL7 1RF

**Ward:**  
**Parish:** Bisham Parish

**Appeal Ref.:** 24/60008/ENF      **Enforcement Ref.:** 20/50056/ENF      **Plns Ref.:** APP/T0355/C/23/3334139  
**Date Received:** 31 January 2024      **Comments Due:** 13 March 2024  
**Type:** Enforcement Appeal      **Appeal Type:** Written Representation  
**Description:** Appeal against Enforcement Notice: Without pp erection of vehicular gates and associated fencing.  
**Location:** **Hideaway Quarry Wood Bisham Marlow SL7 1RF**  
**Appellant:** Beth Cullen-Kerridge Hideaway, Quarry Wood, Bisham, Marlow, SL7 1RF

**Ward:**  
**Parish:** Maidenhead Unparished  
**Appeal Ref.:** 24/60009/REF      **Planning Ref.:** 23/02337/FULL      **Plns Ref.:** APP/T0355/D/24/3336911  
**Date Received:** 8 February 2024      **Comments Due:** N/A  
**Type:** Refusal      **Appeal Type:** Householder  
**Description:** Two rear storey extension linking converted garage to the main dwelling, first floor front/side extension with supporting column and alterations to fenestration.  
**Location:** **24 Highway Road Maidenhead SL6 5AE**  
**Appellant:** Mr Johnny Santonocito 24 Highway Road Maidenhead SL6 5AE

# Appeal Decision Report

Weekly List - 12 February 2024

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Royal Borough  
of Windsor &  
Maidenhead

**Appeal Ref.:** 23/60025/ENF      **Enforcement Ref.:** 21/50071/ENF      **Plns Ref.:** APP/T0355/C/23/3315118

**Appellant:** Mr C Stonnell Of Green Tiles, 4A Chestnut, Avenue, High Wycombe HP11 1DJ.

**Decision Type:** **Officer Recommendation:**

**Description:** Appeal against THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL Without planning permission: a) Erection of a means of enclosure comprising fencing and gates; b) Erection of a building.

**Location:** **Pound Meadow Temple Lane Bisham Marlow SL7 1SA**

**Appeal Decision:** Upheld and Varied      **Decision Date:** 16 January 2024

**Main Issue:**

**Appeal Ref.:** 23/60076/REF      **Planning Ref.:** 22/01954/FULL      **Plns Ref.:** APP/T0355/W/23/3322301

**Appellant:** Ian Thomas **c/o Agent:** Other ET Planning Office 200 Dukes Ride CROWTHORNE RG45 6DS

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

**Description:** x1 new dwelling.

**Location:** **Land To North East of Hawthorn Lee Cedar Drive Cookham Maidenhead**

**Appeal Decision:** Dismissed      **Decision Date:** 6 February 2024

**Main Issue:**

**Appeal Ref.:** 23/60081/REF      **Planning Ref.:** 23/00950/FULL      **Plns Ref.:** APP/T0355/D/23/3325825

**Appellant:** Mr And Mrs T Ritchie **c/o Agent:** Miss Emma Freeman Hyde Farm Marlow Road MAIDENHEAD SL6 6PQ

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

**Description:** New front canopy, part two part single storey rear extension, single storey side extension and alterations to fenestration following demolition of existing front element.

**Location:** **Old Oak Cottage Sill Bridge Lane Waltham St Lawrence Reading RG10 0NT**

**Appeal Decision:** Dismissed      **Decision Date:** 9 February 2024

**Main Issue:**

**Appeal Ref.:** 23/60082/REF      **Planning Ref.:** 23/00325/FULL      **Plns Ref.:** APP/T0355/D/23/3327013

**Appellant:** Mr Moyle **c/o Agent:** Mr Stuart Keen SKD Design Ltd Unit 2 Howe Lane Farm Howe Lane Maidenhead SL6 3JP

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

**Description:** 2 storey rear extension, garage to annex conversion and alterations to fenestration following the demolition of existing conservatory

**Location:** **Angela Laycocks Cottage Ascot Road Hawthorn Hill Bracknell RG42 6HH**

**Appeal Decision:** Dismissed      **Decision Date:** 22 January 2024

**Main Issue:**

**Appeal Ref.:** 23/60098/REF      **Planning Ref.:** 23/01758/FULL      **Plns Ref.:** APP/T0355/D/23/3332916  
**Appellant:** Mr Anthony 11 Mallow Park Maidenhead SL6 6SQ  
**Decision Type:** Delegated      **Officer Recommendation:** Refuse  
**Description:** Two storey side extension and new refuse store.  
**Location:** **11 Mallow Park Maidenhead SL6 6SQ**  
**Appeal Decision:** Dismissed      **Decision Date:** 5 February 2024

**Main Issue:**

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