

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

06 August 2019

Item: 1

Application No.:	17/03857/OUT
Location:	Lodge Farm And Water Tower Ascot Road Holyport Maidenhead SL6 2HX
Proposal:	Outline application for 150 dwellings with new access off Holyport Road with emergency access only onto Ascot Road. Provision of a 667sq.m. Doctors Surgery with 25 parking spaces. Change of use of agricultural land to community park, open space, two grass football pitches, allotments and the change of use of an existing farm building to a community building. Ancillary landscaping and parking. All matters reserved except for access.
Applicant:	Mr Killoran
Agent:	Mrs Elizabeth Alexander
Parish/Ward:	Bray Parish/Bray Ward
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1. SUMMARY

The application is subject to a non-determination appeal and as such the final decision on this case will now be taken by the Planning Inspectorate following a Public Inquiry. This report seeks confirmation from the Panel of the reasons for refusal which the Council will seek to defend at the forthcoming appeal to be heard from 22-25 October 2019; these dates have been imposed by the Planning Inspectorate and the Inquiry is proceeding under a new fast track system. The Council's Statement of Case must be lodged on or before 8 August 2019.

The proposal is in outline form and seeks permission for the development of this greenfield, Green Belt site with 150 dwellings together with the change of use of agricultural land to a community park, open space, two full-sized grass football pitches, allotments, the construction of an on-site doctor's surgery (added during the course of the application) and the change of use of an existing agricultural building to a community building. The proposal also incorporates ancillary landscaping and parking. All matters are reserved for subsequent approval apart from the access to the site.

The application has been amended from that originally submitted to incorporate an on-site doctor's surgery and also to propose a single vehicular access off the Holyport Road only with a pedestrian/cycle and emergency vehicle only access onto Ascot Road. Yet as part of the appeal submission the appellant has sought to 're-include' the access from Ascot Road; this will be up to the Inspector to consider.

The site itself covers an area of 21.75 hectares and is located between Holyport to the south and east and Bray to the north. The Appellants claim that 30% of the site is proposed to be developed for housing (specific area has not been given), located on the eastern portion of the site, with the remaining 16 hectares opened up for public access as a proposed community park across the western section of the site, the north-western part of which is proposed to remain as part of the functioning Green Belt. The proposed masterplan and site layout are both indicative: the assessment is simply whether the site could accommodate in principle the proposed development.

The proposed development constitutes inappropriate development within the Green Belt which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (VSC). In consideration of this application substantial weight must be given to any

harm to the Green Belt and VSC 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.

A detailed assessment of the merits of the proposed development is set out in Section 9 of this report, along with an assessment of the Appellants VSC case. Much of the Appellants VSC case amounts to compliance with planning policy to achieve an acceptable form of development which should be sought on any form of development, irrespective of whether a proposal is located in the Green Belt. Whilst there is a case for Very Special Circumstances, when those elements are taken together it is not considered that this amounts to a case of substantial weight to clearly outweigh the harm caused in principle and the other harm.

The application is recommended for refusal for the following reasons:

<p>It is recommended the Panel confirms that it WOULD HAVE REFUSED planning permission for the following summarised reasons (the full reasons are identified in Section 12 of this report).</p> <p>Delegated Authority is also sought for the Head of Planning:</p> <p>i) to agree Heads of Terms for any Section 106, ii) to agree any Statement of Common Ground, iii) to formally request the additional information required from the appellant, iv) and to agree any other matters required for the purposes of the proper conduct of the appeal and as may be required by the appointed Planning Inspector.</p>	
1.	<p>The proposal is for the development of a greenfield site located in the designated Green Belt, as shown on the Local Plan Proposals Map. On assessment the proposal constitutes inappropriate development within the Green Belt which is, by definition, harmful as identified in paragraph 143 of the NPPF 2019. It is not considered that very special circumstances exist which outweigh the substantial harm to the Green Belt by reason of inappropriateness and the other harm resulting from the proposal which includes the impact on visual and spatial openness, on open countryside which separates Holyport from Bray and provides a rural setting to Holyport village and contributes positively to the setting of the Holyport Conservation Area. Furthermore, mitigation measures may be needed from this development towards the strategic highway improvements needed to ensure the cumulative, residual impact of development on the highway network is not severe.</p> <p>The proposal is therefore contrary to paragraphs 143- 145 of the National Planning Policy Framework (2019).</p>
2.	<p>The proposed development would erode the northern boundary of the Conservation Area which at present is defined by the very distinct change between the village edge on one side and open space on the other. The loss of this open field would therefore erode its significance as “a settlement preserving a mix of historic buildings”. The proposal does not therefore meet the test in paragraph 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and contrary to policy CA2(1) of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations made in 2003). It is considered that this would result in a level of harm to the setting of the Conservation Area, whilst this is considered ‘less than substantial harm’, it is not considered that it has been demonstrated that public benefits exist which outweigh the harm, contrary to paragraph 196 of the National Planning Policy Framework (2019).</p>
3.	<p>The proposed development would increase demand for use of a section of the strategic highway network that is already operating at over-capacity levels. In the absence of an agreed deliverable migration measures the residual cumulative impacts on the road network would be severe contrary to DfT Circular 20/2013 and paragraph 109 National Planning Policy Framework (2019).</p>

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

2. REASON FOR PANEL DETERMINATION

- The Council's Constitution does not give the Head of Planning delegated powers to determine the application in the way recommended; such decisions can only be made by the Panel.
- At the request of Councillor Walters in the public interest and regardless of the recommendation.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is made up of a series of open agricultural fields and covers an area of 21.75 hectares of land. It is located to the south of the M4 motorway, to the east of the A330 Ascot Road, to the south west of Aysgarth Park housing estate and to the north west of Holyport Road. The village centre of Holyport and its Conservation Area containing a number of listed buildings lies to the south of the site. Part of the south east of the application site area is actually included in the Holyport Conservation Area. The site is surrounded by residential development of varying ages, sizes and designs to the north, east and west but noticeably less dense in appearance to the north-west of the site.
- 3.2 Located in the centre of the site but excluded from the application site itself is Philberds Lodge, a building containing 8 flats. Various other agricultural buildings are scattered in the southern portion of the site including Lodge Farm itself, which is proposed to be converted into a community use, and a water tower, which is intended to be retained as a landscape feature.
- 3.3 The site is in the Metropolitan Green Belt between the towns of Maidenhead and Windsor and abuts up to an excluded settlement to the north-west (Maidenhead) and part of the Recognised Settlement of Holyport to the south-east. In this location the Green Belt plays an important role in preventing towns/settlements from merging into one another and in safeguarding the countryside from encroachment.
- 3.4 A Public Footpath (Footpath 38 Bray) runs along the southern side of the application site, and a Public Bridleway (Byway 37 Bray) runs to the south of and parallel with the footpath. Additionally there is an existing permissive footpath close to the northern edge of the application site, adjacent to Aysgarth Park; all of these pedestrian routes offer extensive views across the application site. Part of the north western area of the site lies within Flood Zone 2 but the proposals exclude this area from residential development. The remainder of the site is located in Flood Zone 1.
- 3.5 The site is subject to Tree Preservation Order 09/2015, an 'area' designation covering all species. The western sector of the site is situated in a Conservation Area, which confers protection on trees. The site is classified as 'settled farm, sands and clays, key characteristics include: remnant woodland areas, farm woodlands and copses of ancient origin, hedgerows and hedgerow/trees.
- 3.6 Part of the southern section of the site is located within the Holyport Conservation Area. The closest development in the Conservation Area to the application site is Cadogan Close, built in the 1970's, and the historic Holyport Street, said to be the oldest part of the Conservation Area. Between Cadogan Close and the application site runs a historic footpath, Blind Lane, which has been present since at least 1844 where it can be seen on the Tithe map. This footpath is very frequently used by pedestrians to access the historic village through the top of Holyport Street. The

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

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

4. KEY CONSTRAINTS

- 4.1 The following are the main constraints associated with this site:
- Designated Metropolitan Green Belt
 - Part of site within Holyport Conservation Area
 - Proximity to Grade II Listed Buildings
 - Part of site within Flood Zone 2
 - Source Protection Zone

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 **The proposed development has been considered in the context of the application as initially submitted and amendments made during the course of the application. It also has due regard for Appellants ‘Statement of Case: Informal Hearing. Non determination Appeal’ which was submitted in support of their appeal against non-determination. However, since that submission the Planning Inspectorate have ‘upgraded’ the appeal procedure to an Inquiry. The Appellants are required to submit a new Statement of Case for the Inquiry by the 25 July 2019. Due to the timing of this report, Officers unable to take into account the contents of this revised document in advance of publishing this report. The Council will update their position having due regard for any new information submitted as part of the appellants SOC as the appeal process continues.**
- 5.2 The application seeks outline planning permission, with all matters reserved apart from the means of access to the site, for a development comprising of 150 dwellings together with the change of use of agricultural land to a community park, open space, two grass football pitches, allotments, the construction of an on-site doctor’s surgery (added during the course of the application) and the change of use of an existing agricultural building to a community building. The proposal also incorporates ancillary landscaping and parking. Vehicular access to the site would be provided via a junction off the Holyport Road with a pedestrian/cycle and emergency vehicle only access provided out onto Ascot Road.
- 5.3 The indicative plans suggested that the residential development could occupy the eastern portion of the site within what is described in the Planning Statement as the context of the surrounding suburban areas. Their planning statement sets out that this would cover approximately 30% of the site area and the remaining comprise a community park including the proposed football pitches, allotments and community building. New play facilities are proposed in the form of a Locally Equipped Area for Play (LEAP) and a number of smaller Local Areas of Play (LAP). Existing landscape features would be retained within the open space, including the water tower and the remnants of the old moat.
- 5.4 The illustrative block plan and draft layout submitted with the application shows the housing development set out in a relatively conventional estate layout either side of a spine road which runs north-west to south-east. The proposed doctor’s surgery and associated car parking are shown to be located just to the south-west of the proposed access onto Holyport Road. However no parameter plans have been submitted as part of this application and thus would be considered indicative only.

- 5.5 A residential Travel Plan has been submitted in support of the application which seeks to deliver travel behaviour change amongst future residents, aiming to reduce the reliance on the private car and increase travel by more sustainable modes.
- 5.6 A Sustainable Drainage System (SuDS) is proposed as part of the development.
- 5.7 There are a number of difficulties associated with considering an outline application for a proposal in the Green Belt, as a fundamental consideration of such proposed developments is the impact on openness, as this goes to matters regarding layout and scale. However an outline application effectively agrees the principle of a certain quantum of development, without considering such detailed matters. In taking forward the appeal against non-determination the LPA will be requesting further information including:
- Proposed parameter plans indicating the location and size of developable area (outside of flood zone 2) and proposed area to be given as open space. This is in the interest of clarity for all parties
 - The Appellants Planning Statement, Design and Access Statement and the appellants ‘Informal Hearing Statement of Case’ states that site area is 21.75 ha and that 30% would form the proposed developable area. This would equate to 6.5 hectares. However this area is not confirmed in any of the proposed documents (albeit the Flood Risk assessment refers to 5 ha but it is unclear if this includes residential gardens). The Design and Access Statement and Planning Statement states that 16ha (approx.) being gifted as a community park. The appellants ‘Informal Hearing Statement of Case’ states that 15.2 hectares would be provided as open space. The latter being that which the LPA have estimated.
 - Clarification on the maximum height of the proposed residential development, this has been set out as ‘two storey’ which could mean anything between 5m from Ground Finish floor level to up to 10m. Some of the indicative images set out in the Design and Access Statement also exceed two storey in form.
- 5.8 Further to this application, and if the appeal were to be allowed the Appellants would be required to submit application(s) for the following reserved matters:
- ‘Appearance’: the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
- ‘Landscaping’: the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;
- ‘Layout’: the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
- ‘Scale’: the height, width and length of each building proposed within the development in relation to its surroundings.

5.9 Planning history at this application/ appeal site includes:

Reference	Description	Decision
	In 2015 the Appellants (Beaulieu Homes Southern Limited) cut down 36 TPO trees on this site. The Planning Enforcement and Council’s Tree team subsequently attended the site and later charged the developer with the unauthorised removal of the trees under section 211(1) of the Town and Country Planning Act 1990.	The Appellants/ developer were fined £16,000 (and ordered to pay costs).

03/40309/COU	Conversion of two derelict agricultural buildings into three residential units	Ref 11.12.2003. Appeal dismissed 11.03.2004
04/41284/COU	Conversion of two derelict buildings and a water tower into four residential units.	Ref 04.03.2004. Appeal dismissed 01.10.2004
10/00233/FULL	Conversion of existing agricultural building into a single residential unit.	Ref 17.03.2010. Appeal dismissed 21.10.2010
11/03534/FULL	New access and gate along Holyport Road approx. 150m NE of Stroud Farm Road	Ref 31.01.2012. Appeal allowed 30.11.2012

6. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

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

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

These policies can be found at https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2019)

7.1 This document was revised in February 2019 and acts as guidance for local planning authorities and decision-makers, both in drawing up plans and making decisions about planning applications. At the heart of the NPPF is a presumption in favour of sustainable development. The document, as a whole, forms a key and material consideration in the determination of any planning permission.

7.2 Below are the sections of the NPPF which are key to the assessment of this application.

Section 4- Decision-making

Section 5 – Delivering a Sufficient Supply of Homes

Section 8 – Promoting Healthy and Safe Communities

Section 9- Promoting Sustainable Transport

Section 12- Achieving Well-designed Places

Section 13- Protecting Green Belt Land

Section 14- Meeting the Challenge of Climate Change, Flooding and Coastal Change

Section 15 – Conserving and Enhancing the Natural Environment

Section 16- Conserving and enhancing the historic environment

Borough Local Plan: Submission Version

7.3 Paragraphs 48 of the NPPF (2019) sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submissions Version (BLPSV) was submitted for examination in January 2018. The BLPSV does not form part of the statutory development plan for the Borough. However, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed

its intention to adopt the submission version. The Council considers the emerging Borough Local Plan to be sound and legally compliant. The policies in the BLPSV relevant to the determination of this application are as follows.

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

7.4 However and whilst submitted, the examination is currently paused and the Inspectorate has yet to reach final view on the Plan's soundness. The BLPSV policies therefore remains a material consideration in planning applications subject to the level to which it is consistent with the relevant version of the NPPF and the extent there are unresolved objections to relevant policies. Where relevant this is considered further below.

7.5 This document can be found at:
https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1

Supplementary Planning Documents

- RBWM Interpretation of Policy F1

Other Local Strategies or Publications

7.6 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy
- Affordable Housing Planning Guidance
- Edge of Settlement Assessment (part 1 and 2) (2016)

More information on these documents can be found at:
https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

8.1 324 occupants of properties in the vicinity of the application site were notified directly of the application and of the subsequent amendments.

8.2 The planning officer posted a notice advertising the application at the site on 20.12.2017 and the application was advertised in the Local Press as a Major application on 21.12.2017 and as a Departure from the Development Plan on 28.12.2017.

8.3 5 letters were received supporting the application, summarised as:

Comment	Where in the report this is considered
1. Additional houses would be of great benefit to people living in Holyport.	See Section 9.4 Housing Mix

2.	Developers have put a lot of thought into the community and the needs of the area and the development would provide amenities not currently available in the community.	Section 9.8 Infrastructure provision
3.	Consideration needs to be given to the provision of additional traffic calming measures.	Section 9.7 Highway considerations and parking provision
4.	Support in principle for the development of part of the Lodge Farm site for housing and publicly accessible open space on the remainder of the site, subject to: <ul style="list-style-type: none"> - Details of viable and sustainable mechanism to ensure the delivery and ongoing maintenance of a large part of the site as publicly-accessible open space in perpetuity - Clarity over whether gravel is proposed to be extracted from the site. - Significant proportion of affordable housing is for social rent. - Full funding of traffic mitigation measures at Braywick Roundabout. - Development parameters must be fixed as firmly as possible at the outline stage and embodied into planning conditions and a legal agreement. 	Section 9.8 Infrastructure provision
5.	The eastern part of the site does not perform a Green Belt function. It does not separate Holyport from Maidenhead and it would be logical to see that part of the site developed for housing to help meet the need for more homes. The western part of the site should be retained as open space and Green Belt to retain open aspect and in recognition of greater flooding risk.	Section 9.3 Green Belt Considerations
6.	Affordable housing must meet needs for homes to rent at social rents.	Section 9.5 Affordable Housing
7.	Appellants must fully fund requisite works to the Braywick roundabout.	Section 9.7 Highway considerations and parking provision
8.	Upkeep of open-space must be financially viable for local community and phased delivery enshrined in a S.106 agreement.	Section 9.8 Infrastructure provision
9.	Important that there is constructive dialogue with the developer to shape the development rather than the application be refused by the Council to be potentially approved on appeal.	n/a
10.	This is the way to develop in the Green Belt, if you have to – a low density scheme including affordable housing surrounded by a community park provided and funded by the developer.	Section 9.3 Green Belt Considerations
11.	Existing community facilities in Holyport are poor with many families having to travel by car to find decent facilities. Proposed park will promote a healthy and active lifestyle among residents. Existing land is only used by dog walkers currently; otherwise it is simply a pleasant view enjoyed by a small number of residents	Section 9.8 Infrastructure provision
12.	Would not result in increased congestion with majority of traffic through Holyport being school/commuter generated.	Section 9.7 Highway considerations

		and parking provision
13.	Living in Holyport can be isolating and development could provide a community hub that could make a huge difference to many	Section 9.8 Infrastructure provision
14.	Other housing sites being considered by the Council have significant drawbacks, being further away from supporting infrastructure such as schools, shops and doctors.	Section 9.8 Infrastructure provision

8.4 185 letters were received from separate properties objecting to the application as originally submitted, summarised as:

Comment		Where in the report this is considered
1.	Proposed development comprises inappropriate development in the Green Belt. Proposals amount to a significant overdevelopment that would put too much strain on the community and would result in the loss of valuable amenity land. Doctors and schools already over-subscribed and roads heavily congested.	Section 9.3 Green Belt Considerations
2.	Green Belt should not be sacrificed for extra housing. It would be irreversible. Contrary to RBWM Green Belt policy. This site is designated Edge of Settlement and comprises a 'settlement gap' between Maidenhead and Old Holyport. Green Belt is in place to prevent urban sprawl. Reference to RBWM Green Belt Analysis 2016. No very special circumstances exist that would warrant the application be approved. Would set an undesirable precedent to develop other areas of the Green Belt.	Section 9.3 Green Belt Considerations
3.	Development represents pure greed. Provision of football pitches and footpaths is a smokescreen for commercial gain. Holyport will be strangled by over-population.	noted
4.	Holyport is a village and the proposals would change this irreversibly with Holyport becoming another sprawling suburb of Maidenhead or appear as a housing estate like Cox Green. Green gap should be maintained, as supported by a recent appeal decision at Aston Clinton.	Section 9.3 Green Belt Considerations
5.	Development would impact on Holyport Conservation Area including views from and too it. The Water Tower is noted as a significant non-listed building. Impact from parking on Holyport Street to access public areas of the site, and would result in increased footfall and consequent loss of privacy and increased noise. Character of historic Holyport Street would be destroyed.	Section 9.6 Design Consideration including Impact on heritage assets
6.	Increased congestion on surrounding roads which are already heavily congested. The roads in Holyport have become rat-runs between Maidenhead/Windsor and Bracknell. This is exacerbated when the M4 is shut.	Section 9.7 Highway considerations and parking provision
7.	Increased traffic noise and public safety issues to existing residents and school children of Holyport. There is already a problem with light and air pollution/road noise, which will be exacerbated by other proposed developments in the vicinity, including the M4 Smart motorway proposals. Area around M4 motorway flyover has been declared an AQMA. Proposal would lead to significant traffic congestion in the vicinity. Traffic is further exacerbated by phasing out of school buses. Land currently acts as a green lung. More investment in local roads would be needed to accommodate the proposed development.	Section 9.7 Highway considerations and parking provision

8.	The land is subject to regular and severe flooding and the Environment Agency Flood Risk Assessments are outdated and unrealistic for use as a planning tool to support the proposed development. Flood risk from rising groundwater should be included. Development of this land for housing would be irresponsible and would put existing houses in the vicinity at risk of flooding. Aysgarth Park liable to flood as a result of any development on this site due to difference in land levels.	Section 9.9 deals with flooding
9.	Points 302, 303 and 310 in the RBWM analysis of Lodge Farm are strong arguments against this development. The site performed very strongly in the Edge of Settlement Analysis (July 2016) when assessed against the purposes of including land in the Green Belt. The land was excluded from RBWM's BLP. There are other sites nearby, such as adjacent to Bray Lake. The site has been assessed and rejected for housing development based on the 5 purposes of the Green Belt. Sewage system is also at capacity.	Acknowledged in section 9.3 Principle of the development in the Green Belt
10.	Impact on natural habitat and on local wildlife including bats, barn owls, deer, breeding birds of prey and geese, which all regularly visit the site together with evidence of badgers.	Section 9.9 deals with biodiversity
11.	A number of protected trees have been removed from this site.	Noted. This is being dealt with under separate enforcement action.
12.	Additional accesses out onto Holyport Road have been resisted in the past, apart from for agricultural purposes.	Section 9.7 Highway considerations and parking provision
13.	Medieval earthworks and moat should be protected.	Section 9.6 Design Consideration including Impact on heritage assets
14.	Development would set an undesirable precedent.	Officers raised this in section 9.12 that such development should be planned
15.	Development would not bring any benefits to the residents of Holyport. Holyport is not an area for estate living and is not suitable for first time buyers.	noted
16.	'Affordable houses' would not be truly affordable as house prices in Holyport are significantly above the national average.	noted
17.	Concern regarding capacity of existing sewers and drains to cope with the additional development. Intolerable burden on local infrastructure.	Section 9.9 deals with flooding
18.	There is no requirement for additional football pitches/recreation areas. There are ample facilities at the nearby Braywick Park. Offer of Community Park is ill thought out, disingenuous and entirely impractical.	The benefits of the proposed open space is considered in section 9.12
19.	Techtonic Place should be developed instead.	noted
20.	Possibility of increased crime and public disorder.	noted
21.	Sceptical that any 'benefits' of the scheme would actually happen as not viable.	noted

22	Not established who would be responsible for the upkeep of the open space or that the ownership of these facilities would be handed over to the community. Additional community building and village green are not needed.	Officers raised this in section 9.12
23	There is a clear need for housing but it should be provided in a planned way.	Officers raised this in section 9.12
24	Appellants company has already removed trees from the site unlawfully and has been fined. Concern that Tree Survey states that only 30 trees out of 110 are viable for retention.	Section 9.6 deals with trees
25	New zebra crossing proposed in location previously deemed to be too dangerous.	Section 9.7 Highway considerations and parking provision
26	In a recent consultation 96.7% of local residents stated that they wanted the land to remain undeveloped.	noted
27	Properties on Holyport Road would be overlooked by the proposed development.	Section 9.10 deals with neighbouring amenity
28	The fields are of historic interest being the home of Nell Guinn and the location of war-time prisoner of war camps.	Heritage assets considered in Section 9.6
29	Years of noise and disruption to local residents from building works.	noted
30	New hospice has already increased traffic on Windsor Road and this proposal would further exacerbate this situation.	Section 9.7 Highway considerations and parking provision
31	Proposed drop-off point for school is too far away and not practical.	Noted.
32	Location is not sustainable and existing bus services infrequent and unreliable.	Section 9.7 Highway considerations and parking provision
33	Appellants are a small company operating under a number of names. Concerned that they would not be able to fulfil a significant, challenging and complex development.	Not a material consideration
34	The Appellants SuDS proposals would create dangerous areas for children.	Noted
35	Having all matters (apart from access) reserved could result in the developer amending the scheme and developing the whole site area.	The application is for 150 dwellings
36	No thought given to infrastructure provision when large new developments are proposed.	Section 9.7 Highway considerations and parking provision

37	No notices were erected notifying residents of this proposal.	Notices were posted by the site and in the local paper as well as letter being send out to all those with a common boundary
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8.5 A further 81 letters were received objecting to the application after it was first amended through the proposed provision of a doctor's surgery. As well as reiterating many of the comments already made, the additional comments can be summarised as follows:

Comment		Where in the report this is considered
1.	No need for a new doctor's surgery that would only bring more traffic to Holyport. It is doctors that are in short supply. This is a cynical effort to sway the local community to support the application but it does not address any of the fundamental issues raised to the original proposal. Any increased capacity would be taken up by an increase in patients.	Officers have considered the weight given to the proposed doctors surgery / health hub in section 9.12
2.	Appellants statement that a 'number of respondents' stated that they find it challenging to make a doctor's appointment at the existing surgery must be a very small number. Where is the back-up data and process used to identify the claim that Holyport residents find it difficult to make a doctor's appointment? The figure of 8000 residents quoted by the Appellants for the surgery to service Holyport residents, is over 2000 more than the current population of the whole of Bray Parish, which includes Holyport, Bray, Fifield, Water Oakley and Dedworth put together.	
3.	Question whether Appellants were encouraged to include a doctor's surgery by the Council to establish 'very special circumstances'. Such proposed provision cannot, in any case, amount to 'very special circumstances'.	
4.	There was an offer by Beaulieu Homes to extend the existing surgery and the practice managers were in full agreement to this proposition.	
5.	Further applications for development have been permitted in the vicinity of this site that since the original submission of this application that have added additional traffic onto the roads.	
6.	Doctor's surgery will not help the detrimental impact of the development on wildlife or ease the traffic congestion or over-subscribed schools.	
7.	Perhaps the doctor's surgery are expecting an increase in business from lung and chest complaints due to increased pollution from the proposed development.	
8.	It is understood that there is no contractual agreement with the surgery but that any agreement with the surgery amounts to them considering having a surgery built should land be made available. This would not amount to a replacement surgery. Proposal lacks any detail.	
9.	Offer would not pass the necessary tests to be included under a S.106 contribution.	

8.6 A further 102 letters were received objecting to the application after it was further amended to provide access out onto Holyport Road only with emergency access only out onto Ascot Road. As well as reiterating many of the comments already made, the additional comments can be summarised as follows:

Comment		Where in the report this is considered
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1.	Question why traffic surveys have been withheld for two years and how can these be considered impartial when commissioned by the developer	Section 9.7 Highway considerations and parking provision
2.	Does not resolve any of the previous objections. Increased risk of accidents along the already busy Holyport Road	Section 9.9 deals with flooding
3.	Holyport Road should more accurately be labelled as a District Distributor, however it does not meet the requirements, which prohibits the provision of any further accesses onto the road. A single access for this quantum of development onto this section of road would be creating a dangerous situation.	Section 9.7 Highway considerations and parking provision
4.	Access would be splayed over the frontages of three existing Holyport Road houses. The occupants of these houses would be dangerously and adversely affected. Pedestrians would have to walk across the width of this access and the proposed new pedestrian crossing would not assist with this problem.	
5.	RBWM has previously refused to install a pedestrian crossing on Holyport Road, presumably because it is a strategic route.	
6.	Increased delays to traffic using Holyport Road from new access, including to emergency services.	
7.	Accident records are not reliable and should not be admissible in support of this application,	
8.	Provision of access should require separate consultation with all Holyport residents and drivers transiting Holyport Road, A308 and A330 and could result in the formation of a new AQMA.	
9.	Traffic surveys were carried out over a Bank Holiday period, which is not an accurate reflection of the existing situation. Concerns regarding statement made in the revised Transport Statement regarding queue lengths at junctions.	
10	Not clear how emergency access onto Ascot Road would be managed and traffic prevented from using it and emergency vehicles enabled to use it.	
11	Making amendments at holiday times is a tactical move to limit the number of residents who will have the opportunity to respond.	

Statutory consultees

Consultee	Comment	Where in the report this is considered
Highways Authority:	<p>A number of junctions will exceed the operational capacity based on future growth. Wider Strategic mitigation will be needed to ensure that the residential cumulative impact of development would not have a severe impact.</p> <p>The TA reports that the Developer is happy to pay a proportionate contribution to both the Braywick Roundabout and the Windsor Road/Upper Bray Road improvements as identified in the IDP.</p> <p>The Council are currently not in a position to advise of the costs associated with this scheme.</p> <p>The Developer proposes a new pedestrian crossing on Holyport Road and an improved footway along the site frontage on Holyport Road.</p>	Section 9.7 Highway considerations and parking provision

Highways England	No Objection. Recommended imposition of a condition relating to the original proposal for access out onto Ascot Road.	noted
Highways Right of Way	Taking into account the opportunities to create new footpaths and cycle-ways within the development, which would link in with the existing public rights of way network, thereby enhancing connectivity, I have no objection in principle to this outline application on public rights of way grounds.	Section 9.6 Design Consideration including Impact on heritage assets
Conservation	<p>It is considered that the proposal would cause harm to the significance of the conservation area through the removal of identified views from the conservation area on to its surrounding open fields although this harm would be less than substantial. The proposals are large in scale and it has not yet been demonstrated that this current layout is the least intrusive manner in which to achieve the proposed outcome or the best way in which the Conservation Area could be preserved or enhanced.</p> <p>The application poses public benefits in the way of providing further community facilities and encouraging locals to utilise the proposed green spaces. However, the current layout/design should be reconsidered in order to further mitigate the harm to the conservation area.</p>	Section 9.6 Design Consideration including Impact on heritage assets
Tree Officer	Given the loss of hedgerows, trees and scrub and that the full impacts in regard to the realigned road remain uncertain, I recommend a precautionary approach is taken and the application be refused under N6, N7 and DG1.	Section 9.6 Design Consideration including Impact on heritage assets
Ecology	Overall, sufficient information has been provided to demonstrate that protected wildlife can be safeguarded and that a net gain for biodiversity can be achieved.	Section 9.9 Environmental considerations
Archaeology	<p>Through the provision of additional information in the form of a geophysical survey, aerial photographic transcription and exploratory field evaluation by the Appellants's archaeological consultant, Berkshire Archaeology is now satisfied there is sufficient information to understand the archaeological impacts of the proposal.</p> <p>Further phases of archaeological work will be required in order to mitigate the impacts of the development. Recommends the imposition of conditions.</p>	Section 9.6 Design Consideration including Impact on heritage assets
Environment Agency	<p>Confirm that the details provided show to our satisfaction that the reduction in floodplain storage as a result of the access road can be mitigated for by providing floodplain compensation within the proposed sports pitches and on land to the north of the application site as shown on the floodplain compensation drawing.</p> <p>The drawing shows that floodplain compensation being provided exceeds what's lost. It has also been clarified that the penstock valve is included to ensure water flowing into the drainage system under extreme conditions.</p> <p>Based on this detail, we are able to remove our objection to this proposal. Recommends the imposition of conditions.</p>	Section 9.9 Environmental considerations

Local Lead Flood Authority	Whilst the surface water drainage strategy is likely to be acceptable we will require further detail before we can recommend planning permission is granted (with a suitably worded pre-commencement condition requiring full details of the proposed surface water drainage scheme be provided).	Section 9.9 Environmental considerations
Housing Enabling Manager	Current policy requirements are for 30% affordable housing on sites of 0.5Ha or over, or schemes proposing 15 or more net additional dwellings. This is confirmed in the affordable housing supplementary planning guidance document produced in December 2016. The composition of the affordable housing is informed by the latest Strategic Housing Market Assessment, which informs the emerging Borough Local Plan.	Section 9.5 Affordable Housing
RBWM Access Advisory Forum	There is no information in the documents connected with this application about the number of homes that will be built to Part M4 (2) standards. The Appellants references the emerging RBWM Local Plan several times. In the emerging Local Plan RBWM proposed that, in developments of 20 or more dwellings, 5% of dwellings should be Accessible & Adaptable. Therefore there should be a minimum of 7 dwellings on this proposed development built to Part M4 (2) standards	Section 9.4 Housing Mix

Parish Council

Consultee	Comment	Where in the report this is considered
Bray Parish Council	There are no very special circumstances which would clearly outweigh harm to the Green Belt by the inappropriateness and encroachment of domestic use over the Green Belt countryside and harm the important setting of the Holyport Conservation Area. The development sits in Flood Zone 1 and 2. Any development on site will increase the number of neighbouring properties at risk from flooding. BPC does not believe Holyport Road is able to cope with the increase in the traffic this development will generate. The Appellants in his application has used traffic data going back to 2007 which is outdated.	Section 9 of the report addressees all relevant matters raised

9. EXPLANATION OF RECOMMENDATION

9.1.1 The key issues for consideration are:

- Section 9.2 Main statutory duties and status of the Development Plan
- Section 9.3 Principle of the development in the Green Belt
- Section 9.4 Housing Mix
- Section 9.5 Affordable Housing
- Section 9.6 Design Consideration including Impact on heritage assets
- Section 9.7 Highway considerations and parking provision
- Section 9.8 Infrastructure provision
- Section 9.9 Environmental considerations
- Section 9.10 Impact on neighbouring amenity and Provision of a suitable residential environment
- Section 9.11 Other material considerations
- Section 9.12 Very special circumstances

9.2 Main statutory duties and status of the Development Plan

- 9.2.1 The Council, in determining the planning application has the following main statutory duties to perform:
- 9.2.2 To have regard to the provisions of the development plan, so far as material to the application, any local finance considerations so far as material to the application, and any other material considerations. (Section 70(2) Town & Country Planning Act 1990);
- 9.2.3 To determine the application in accordance with the development plan unless other material considerations indicate otherwise. (Section 38(6) of the Planning and Compulsory Purchase Act 2004).
- 9.2.4 In considering whether to grant planning permission for development which affects a listed building or its setting, 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. (S72 Planning (Listed Buildings and Conservation Areas) Act 1990); in this case the duty is to have special regard to the desirability of preserving the setting of the Conservation Area. The effect of the duties imposed by section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is, respectively, to require decision-makers to give considerable weight and importance to the desirability of preserving the setting of the Listed Building.
- 9.2.5 The Council must, in exercising its functions, including when considering whether to grant planning permission; have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity (section 40(1) Natural Environment and Rural Communities Act 2006).
- 9.2.6 The public sector equality duty applies (Section 149 Equality Act 2010).
- 9.2.7 Paragraph 2 of the NPPF highlights that The National Planning Policy Framework is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.
- 9.2.8 Paragraphs 11 of the NPPF states that:
- For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*
- 9.2.9 Footnote 7 of the NPPF (2019) clarifies that policies which are most important for determining the application are out-of-date includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer).
- 9.2.10 For the purposes of this application and based on the revisions of the NPPF (2019) the Council is currently unable to demonstrate the five year supply of deliverable housing sites that is required by the National Planning Policy Framework (the Framework). In line with footnote 7 to paragraph 11(d) of the Framework, the development plan policies which are most important for determining the application are also therefore deemed to be out-of-date. These policies are considered to be those associated with the principle of the development in the Green Belt, Impact on Heritage and Transport (policies GB1, GB2, GB3, CA1, CA2 and T5) contained in the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations made in 2003).
- 9.2.11 The below assessment is made having due regard for the above

9.3 Principle of the development in the Green Belt

Policy Context

- 9.3.1.1 The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. 134. Green Belt serves five purposes:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns 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.

- 9.3.2 Paragraph 136 of the NPPF states that:

Once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. Where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non-strategic policies, including neighbourhood plans.

- 9.3.3 Paragraph 137 of the NPPF states that:

Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development. This will be assessed through the examination of its strategic policies....

- 9.3.4 As set out above the Council submitted the Borough Local Plan Submission Version (BLPSV) for Examination in January 2018. This proposed a number of Green Belt release to meet the Borough's Objectively Assessed Need (OAN) and were to be assessed against the NPPF (2012). The examination is currently paused and the Inspectorate has yet to reach final view on the Plan's soundness.

- 9.3.5 Policy S1 of the BLPSV sets out that the Council's overarching spatial strategy for the Borough is to focus the majority of development in three growth areas (Maidenhead, Windsor and Ascot) to make best use of infrastructure and services, in addition to providing a sustainable approach to growth. The policy further identifies that a large proportion of the Borough's new housing development is to be built as an extension of the town with approximately 2,500 homes focused on a cluster of sites near to Maidenhead railway station (Maidenhead Golf Course, Land south of Harvest Hill Road and Land south of Manor Lane). Growth in Maidenhead will be focused on existing urban sites wherever possible, with some limited release of Green Belt.

- 9.3.6 Other limited green belt releases are also proposed to form an urban extension to Windsor and a limited green belt relates next to the centre of Ascot. i.e. the spatial strategy is that any proposed green belt releases next to (or within) existing settlements.

- 9.3.7 Paragraph 48 of the NPPF (2019) states that :

Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

- 9.3.8 Whilst the plan is at an advance stage and consistent with the NPPF (in accordance with the transitional period it is to be assessed against the NPPF 2012). It is considered that only limited weight

can be given to this policy, this is given the level of unresolved objections to the spatial policy of the emerging Local Plan in context to the approach to the proposed release of land from the Green Belt to meet the Borough's Objectively Assessed Need. Such matters are yet to be considered as part of the Examination by the Inspector.

9.3.9 However as part of the evidence base for the proposed limited Green belt releases in support of the BLPSV is the Edge of settlement assessment (dated July 2016). The first part of this is assessment critically consider how land currently designated Green Belt performs against the purposes of Green Belt as defined in the NPPF (this was as per the 2012 version however the purposes have not changed.)

9.3.10 This second part of the process is detailed in the Edge of Settlement: Part 2 Constraints, Opportunities and Delivery Assessment continue to consider further indicators of their suitability based on those parcels of land which perform least well against the purpose of the Green Belt.

9.3.11 Edge of Settlement: Part 1 identified the planning application site, prompted by the appellants, as Parcel 'M34' in which an assessment was made against the relevant purposes of the Green Belt:

To check the unrestricted sprawl of large built-up areas

9.3.12 This document identified that this site makes a very strong contribution to preventing the unrestricted sprawl of a built-up area. The site was considered to contribute to the separation of the built-up area of Maidenhead and the Green Belt settlement of Holyport. It was concluded that development would act to reduce the separation increasing the impression of sprawl.

9.3.13 The assessment further considered that the parcel is well related to the built-up area of Maidenhead. Notwithstanding this it is not contained by the built-up area nor does any surrounding feature provide a sense of visual containment. The land is highly visible from beyond the parcel including the Ascot Road and displays an important connection to the wider countryside and Green Belt. In conclusions the land was considered to perform very strongly against preventing unrestricted sprawl of large built-up areas.

To prevent neighbouring towns merging into one another

9.3.14 The site was considered to make a very strong contribution to preventing settlements from merging. The parcel forms part of a gap between the excluded settlements of Maidenhead and the Green Belt settlement of Holyport. It was considered that the site provided a gap on the north western side of Holyport Road. It further concluded that Development would significantly reduce the actual and perceived distance between the settlements.

To assist in safeguarding the countryside from encroachment;

9.3.15 The site was considered to make a strong contribution to safeguarding the countryside from encroachment. The site displays a largely rural character with the land comprising agricultural fields. The centrally located residential properties do not detract from this character. Views into and out of the parcel are restricted in part from Holyport Road by a boundary hedge. Development would however be visible should this occur. The land is highly visible from Ascot Road. The parcel displays an important connection to the wider countryside and Green Belt.

To preserve the setting and special character of historic towns

9.3.16 The site was also considered to make a very strong contribution to preserving the setting or special qualities of a historic place. The parcel adjoins the identified historic settlement of Holyport. While boundary tree and shrub cover restrict views into and out of the parcel, the land comprises open space which plays an important role in maintaining the setting of the historic settlement. The assessment further noted that the Holyport Conservation Area abuts the parcel at its southern boundary. While development is continuous to the south eastern side of Holyport Road, the open expanse to the north western side provides a sense of approaching Holyport. Development would impact the approach to the historic core of Holyport.

To assist in urban regeneration, by encouraging the recycling of derelict and other urban land

- 9.3.17 The assessment further noted that the parcel is not in proximity to a regeneration project supported in existing development plan policy.
- 9.3.18 Given how strongly the site performs against the purposes of the Green Belt this site was discounted as a proposed allocation.
- 9.3.19 This document superseded Edge of Settlement Analysis January 2014 which was not considered robust as it did not properly consider the five purposes of the Green Belt nor comply with the updated Planning Advisory Service guidance published in February 2015. The Appellants Statement of Case is critical of the Council for superseding this document however the Council's approach to looking to continue update and ensure the robustness of the evidence base which underpins strategic policy making is a consideration of the soundness of the adoption of a Plan.
- 9.3.20 In light of a number of assertions made by the Appellants the above provides a brief context for why the application site was discounted as a site from release from the Green Belt as part of the emerging Local Plan. The emerging Local Plan is seeking to allocate a number of sites for Green Belt release, where as the specifics of this development is being assessed without a full comparative exercise of the wider strategic Green Belt. An assessment of the impact on 'openness' for a particular planning application is materially different to that undertaken as part of a wider Green Belt Assessment forming justification for a green belt release in the context of a Local Plan. The test for considering the appropriateness of a proposed development in the context of a planning application are set in 145 of the NPPF, these are different from the Local Plan tests relating to the review of boundaries. The assessment for the impact on openness is set out further below in paragraphs 9.3.22 - 9.3.41.
- 9.3.21 Paragraph 11 of the NPPF is also clear that the so called 'tilted balance' is not engaged in circumstances where the application of policies in this Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. Footnote 6 of the NPPF identifies that this includes circumstances where the land is designated as Green Belt. This matter is discussed further below as part of the wider planning balance.

Principle of the development in the Green Belt

- 9.3.22 Policy GB1 of the Adopted Local Plan (2003) sets out acceptable uses and development in the Green Belt, which differs from the NPPF and therefore cannot be considered to be up-to-date. GB2 of the Local Plan addresses the effect of the proposed development on openness and the purposes of including land in the Green Belt while part (b) goes beyond the scope of Green Belt policy. Policy GB3 deals with residential development in the green belt, similarly this is not consistent with the NPPF. Therefore, policies GB1, GB2 and GB3 are not considered up-to-date. Limited weight is therefore given to these policies and the *appropriateness* of this development in the Green Belt will be made in line with the NPPF.
- 9.3.23 Paragraphs 133 and 134 of the NPPF state that The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Green Belt serves five purposes:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns 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.
- 9.3.24 Paragraph 143 of the NPPF (2019) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. '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.

- 9.3.25 Paragraph 145 of the NPPF (2019) makes it clear that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt apart from in the case of a limited number of specified exceptions.
- 9.3.26 It is agreed that the lawful use of the site is entirely agricultural with no previously developed land. Whilst some of the uses associated with this proposed development could be considered appropriate in isolation under paras. 145 (b) and 146 (d) and (e) of the NPPF and policy GB2 (a) of the Local Plan, such as the provision of parks and gardens (including the proposed football pitches), the proposed allotments and community gardens, the amenity green space and the change of use of the farm building, the proposed development must be considered as a whole. On this basis it is clear that the proposals would not fall within any of the listed exceptions in para. 145 of the NPPF and that therefore the proposed development amounts to inappropriate development in the Green Belt.
- 9.3.27 Furthermore, it is considered that the proposed development would be contrary to three out of the five purposes of the Green Belt, (a) to (c) inclusive of the NPPF.
- 9.3.28 The proposed development is therefore, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight is given to this harm to the Green Belt. An assessment of any other harm resulting from the development is given below and the overall harm is further assessed in the planning balance section against the very special circumstances preyed in aid of this application.

Impact on Openness of the Green Belt

- 9.3.29 There have been a number of High Court decisions regarding how the visual appearance within the Green Belt should be considered. Turner V SSCLG [2016] EWCA CIV 466 has established a number of key principles in relation to openness, including that it is not simply about volume and that the visual impact of development is implicitly about openness. Similarly Council and Samuel Smith Old Brewery (Tadcaster) Oxtan Farm v North Yorkshire County Council & Anor [2018] EWCA Civ 489 (16 March 2018) establishes that an assessment of the likely effects of the development on the landscape, visual impact on openness was “quite obviously” relevant to its effect on the openness of the Green Belt. Euro Garages Limited v SSCLG [2018] EWHC 1753 (Admin) establishes that greater floor area and/or volume does not necessarily mean that there is a greater impact. It is also necessary to consider “the impact or harm, if any, wrought by the change”.
- 9.3.30 This Case Law is a material consideration. The above Case Law establishes that ‘openness of the Green Belt’ is not limited to the volumetric approach; the word ‘openness’ is open-textured and many factors are capable of being a material consideration.
- 9.3.31 In response to this case law the National Planning Policy Guidance (NPPG) which supports the NPPF (2019) was updated on the 22 July 2019. This provides further clarification on assessing the impact of a proposal on the openness of the Green Belt. The NPPG (Paragraph: 001 Reference ID: 64-001-20190722) highlights a judgment based on the circumstances of the case is needed. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:
- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;
 - the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
 - the degree of activity likely to be generated, such as traffic generation.
- 9.3.32 Paragraph: 002 Reference ID: 64-002-20190722 of the above NPPG offers further advice how plans may set out ways in which the impact of removing land from the Green Belt can be off set. This guidance is clear that this forms part of strategic policy making (ensuring a plan-lead system) and is not relevant for individual planning applications.

- 9.3.33 As set out above as part of the Council's Edge of Settlement review this site was considered against the five purposes of the Green Belt and was considered to function very strongly in meeting these purposes. The site was considered to contribute to the separation of the built-up area of Maidenhead and the Green Belt settlement of Holyport. It was considered that the site provided a gap on the north western side of Holyport Road. It further concluded that Development would significantly reduce the actual and perceived distance between the settlements. Therefore in terms of preventing urban sprawl and coalescence of towns this site performs strongly.
- 9.3.34 When approaching this site from Maidenhead across the Ascot Road and/or Holyport Road it performs strongly in signifying the end of the urban area. The site displays a predominantly rural character of agricultural fields. The centrally located residential properties do not detract from this. Whilst views into and out of the parcel are restricted in part from Holyport Road by a boundary hedge. Development would be visible and infilling this gap would substantially reduce the function of visual and spatial openness which this site performs.
- 9.3.35 The land is highly visible from Ascot Road, this is further accentuated from the M4 Bridge which allows an elevated view of this site and across the site providing a perception of a rural area and a definite visual gap before entering Holyport village then to the south. A proposed residential development of 150 dwellings would have a significant urbanising impact, even if the proposed development were to be located to the southern side of the application site it would have the effect of visually closing this gap and coalescing settlements.
- 9.3.36 If the proposed access from Ascot Road were also approved (and whilst accepting internal roads are a consideration for the reserved matters regarding layout) this would have a substantial urbanising impact. The perception of rural open fields would be replaced with a residential development highly visible and prominent with the proposed access road and potential roundabout dominating the frontage along the Ascot Road, replacing the rural and open appearance this area currently provides.
- 9.3.37 The site is bounded to the north by Aysgarth Park, a residential development which is suburban in form. Along the southern boundary of this development is a permissive path, houses have been oriented to provide an active frontage looking out beyond this path in to the appeal site and the rural countryside. The boundary is interspersed with hedgerow and tree planting which allows views out across this area reinforcing the edge of this residential area as distinct from the open countryside which currently forms the appeal site.
- 9.3.38 Along the eastern perimeter of the site Holyport Road has continuous frontage of residential properties to its east side. These are afforded views out across the appeal site which along this eastern side has a well kept hedge which reduces the ability to achieve views across the site when travelling north and south along Holyport Road. It is clear that the land beyond the hedge is not developed travelling north out of Holyport and pass Cadogan Close the perception is having left the village and entering a more suburban setting to the south of Maidenhead (Bray Parish).
- 9.3.39 Along the southern perimeter of the site is residential development of varied character, style and age. As already described there is a byway which runs along this southern boundary which can be accessed via a historic route through Cadogan Close. The narrow path between properties opens out into a countryside vista with very low scale planting to this edge and few trees. From the historic core of Holyport, from the Green and travelling along Holyport Street through a more close knit and historic residential street with homes sitting on the back edge of the road and no footway, the street is dominated at parking and opens out as it terminates to allow views across the site, with short range views of the water tower here experienced to the west. A footway travels in a northeasterly direction along the edge of the site and north of the Byway.
- 9.3.40 In addition to the strong Green Belt function the site performs in terms of a gap between existing settlements it also has a substantial degree of openness which is both spatial and visual and has been described above. The site provides a rural edge to Aysgarth Park and also to Holyport village and the designated Conservation Area. The permissive and public rights of way provide an opportunity for this openness to be experienced from publicly accessible vantage points. The loss of openness by reason of the appeal proposal would be significant and substantial harm to the Green Belt would result.

9.3.41 Having identified that the proposal would represent inappropriate development in the Green Belt and would cause harm to openness, the appellant has made a case that Very Special Circumstances exist which in the opinion of the appellant outweigh the harm caused. The Appellants VSC is considered at the end of the officers report, having due regard for any other harm identified below.

9.4 Housing mix

9.4.1 Policy H8 of the adopted Local Plan states that redevelopments should contribute towards improving the range of housing accommodation in the borough and will particularly favour proposals which include dwellings for small households and those with special needs.

9.4.2 Paragraph 61 of the NPPF seeks a wide choice of high quality housing to be provided through the planning system, and requires Local Planning Authorities to identify the housing mix that is required and plan to meet the identified need. This includes a mix of types and tenures of housing for different groups in the community in order to ensure that contributes to the objective of creating mixed and balanced communities. Affordable housing is considered in section v.

9.4.3 Policy HO2 of the of the BLPSV states that the provision of new homes should contribute to meeting the needs of current and projected households by providing an appropriate mix of dwelling types and sizes, reflecting the most up to date evidence as set out in the Berkshire SHMA 2016. The mix in the most up to date evidence indicates that there is need for predominately three and two bedroom units (38.6% and 28.6% respectively).

9.4.4 The proposed development is for up to 150 dwellings. Three residential landscape character areas are set out in the supporting Design and Access Statement seeks to demonstrate the form of the proposed development. This sets out that all properties would be of two storey height (although it is unclear regarding what height this would translate to (it could be anywhere between 5- 10m) and no parameters plans have been submitted as part of this application.) Whilst the Appellants' appeal statement states that 'types of homes are to be provided to accord with policy' it is unclear which policy this relates. The Council would usually expect indicative information to demonstrate that this would broadly accord with the need identified in the Council's most recent evidence to ensure sustainable communities and indeed to support their assertions that this proposed development would provide mix of family-sized homes

9.4.5 In the event the appeal were allowed the LPA will be seeking that a range of the units to come forward as part of the reserved matters would be at the reserved matters stage the LPAS would seek to secure the housing to reflect need and indeed will seek conditions to this regard. We will also seek an appropriate level of the proposed units will be expected to be delivered as accessible and adaptable dwellings in accordance with Building Regulations M4(2) to fully reflect the requirements to meeting needs.

9.5 Affordable Housing Considerations

9.5.1 Policy H3 Affordable Housing of the adopted Local Plan requires that this development provides 30% affordable housing on site, this would equate to 44.7 affordable housing units being provided. The affordable housing guidance would allow this to be rounded down to 44 units. The NPPF is a significant material consideration and at paragraph 63 it is made clear that affordable homes should be provided as part of this scheme. The emerging policy HO3 of the BLPSV is a relevant material consideration, it is compliant with the NPPF, however, due to the number of objections received to it, is given limited weight as a material consideration. Policy H3 has primacy here.

9.5.2 The identified need set out in the Borough most recent Strategic Housing Market Assessment (SHMA) would be 80% of rented tenures and 20% intermediate housing.

9.5.3 This application proposes 150 residential dwellings resulting in the policy requirement of 45 affordable homes. The tenure provision to meet the defined need in the SHMA would be 20 homes for affordable rent capped at Local Housing Allowance, 16 homes for social rent and 9 homes for intermediate tenure such as shared ownership/shared equity/intermediate rent.

9.5.4 As part of the initial planning application the Appellants' proposal was to deliver 50 homes for social rent (33% affordable housing provision). The Council's Housing Enabling Manager recognised this as a benefit due to the lack of provision of affordable social rented housing in the borough. However having all units proposed as social rent do not reflect the need to ensure integrated and mix communities where the local needs are met through balanced schemes coming forward in sustainable locations. It is also no longer compliant with the NPPF, specifically paragraph 64 which required or development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership.

9.5.5 However as part of the Appellants 'Statement of Case: Informal Hearing. Non determination Appeal' paragraph 5.75 now appears to contradict this initial proposal as it sets out that:

"The appellant is committed to delivering at least a policy compliant amount of affordable housing on the site. "

9.5.6 The weight attributed to having a policy compliant affordable housing scheme will be considered further below as part of the wider planning balance.

9.5.7 As part of the non-determination appeal the LPA (without prejudice to its case) will be seeking to ensure a mix of homes are secured to from the affordable offer to ensure they cater for a wide range of family sized and equally dispersed across the site to ensure sustainable communities in the event the appeal is allowed. A legal agreement would be needed to secure such provision.

9.6 Design considerations including the impact on heritage assets

Potential Impact on Heritage Assets, including Archaeology

9.6.1 The application site is to the north of, and is partially within, Holyport Conservation Area. The north west of the site is bordered by Ascot Road and the south east by Holyport Road, both are main access roads into the Conservation Area. The south western section of the site overlaps a portion of the Conservation Area which is currently characterised by its open green space and significant local features such as The Water Tower and The Moat associated with Philberds Lodge. The closest development in the Conservation Area to the application site is Cadogan Close, built in the 1970's, and the historic Holyport Street, said to be the oldest part of the Conservation Area. Between Cadogan Close and the proposed application site runs an historic footpath, Blind Lane, which has been present since at least 1844 where it can be seen on the Tithe map. This footpath is very frequently used by pedestrians to access the historic village through the top of Holyport Street. To the north east of the application site is a series of modern residential developments. To the south eastern corner, opposite Holyport road, is a modern expanse of the village.

9.6.2 The Conservation Area was designated in 1968 and the current appraisal was adopted in 2016. The Conservation Area comprises the historic settlement of Holyport which is significant due to its organic development in architecture, streetscape, spacing and setting since the earliest known records of the settlement in the 13th century. The village has a rural quality and its surrounding landscape, which comprises of open fields and spaces, contributes strongly to the significance and character of the Conservation Area. The NPPF glossary, states that significance is derived from not only "a heritage asset's physical presence, but also from its setting". The setting of Holyport Conservation Area positively contributes to the significance of the Heritage Asset. As stated in the Appraisal "The surrounding landscape of open fields is important in preserving the historic setting of the Conservation Area" and "there are important views [...] across open spaces".

9.6.3 The border of the Conservation Area is described as follows within its appraisal: "The Conservation Area boundary encloses not only the historic core of the village, but also a number of historic farms and manors on its periphery. The land around the village is extensively used for farming and equestrian purposes."

9.6.4 The Water Tower is located within the south section of the application site and also within the northern part of the Conservation Area. It is identified as a non-designated heritage asset.

- 9.6.5 Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that Conservation area. This includes its setting.
- 9.6.6 Policy CA2 of the Local Plan 1999 set out a number of design criteria for development affecting the conservation area. Section CA2(1) effectively sets out the relevant tests in the above Act and therefore should be seen as being up-to-date. The wider design criteria CA2 2- 7. Sets out further detailed design criteria for development to adhere to. However much of this content is not consistent with NPPF in so far as it fails to consider the level of harm and as such this criteria is considered to not be up-to-date. CA2(1) remains relevant as it is reflective of the statutory tests.
- 9.6.7 The NPPF states great weight should be given to heritage assets like Conservation Areas, this includes their setting. The NPPF requires an assessment on the impact of development on the significance of the heritage asset including the setting of the heritage asset. Where impact is harmful there are two levels of harm, 'substantial harm' and 'less than substantial harm'. Having established the level of harm the policies then set out a number of tests that, if met, might present substantial benefits, or in the case of less than substantial harm, public benefits weighed against the harm that would result from the development.
- 9.6.8 Great weight should be given to the Conservation Appraisal which is Council guidance and which describes the characteristics of the Conservation Area and how these characteristics should be protected. Whist already highlighted a number of times, It should again be stressed that the assessment of the impact on the Conservation Area is made having due regard for the scheme as shown in the indicative plans. The LPA considers that given the site sensitivities that a greater level of detail including parameter plans demonstrating the location of the proposed developable area (clearly specified) along with the maximum height parameters should be provided as part of this appeal.
- 9.6.9 Historic England's Good Practice Advice in Planning Note 3 (second edition) states that the importance of setting lies in what it contributes to the significance of the heritage asset or to the ability to appreciate that significance.
- 9.6.10 PPG guidance on setting (updated 23/07/2019) states that the extent and importance of setting is often expressed by reference to the visual relationship between the asset and the proposed development and associated visual/ physical considerations. However, it also emphasises that although views of or from an asset will play an important part in the assessment of impacts on setting, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust, smell and vibration from other land uses in its vicinity.
- 9.6.11 It is not considered that the provided archaeological and heritage based assessment of the Conservation Area or its setting is accurate and is not robust for the following reasons:
- The assessment has failed to consider the importance of the development site and the open space the immediate north of the CA in terms of its contribution to the setting of the Conservation Area. It is stated in the heritage statement that the "development in this area would not affect the Conservation Area's links to the countryside, which are mainly to the south, south-east and west, rather than to the north-east". However, the area of open land that forms part of the development site is one with a countryside character and is undeveloped land. This is highlighted and supported by the appraisal which states that the "agricultural land to the north which [provides] an open rural character to the north end of Holyport Street" is an important area of relatively open land.
 - On page 13 of the heritage statement the development has been assessed to "enhance the overall ambience of this fringe of the Conservation Area". The principle of adding 150 dwellings into a piece of undeveloped land in the direct setting of the Conservation Area cannot be considered to enhance it. The importance of this area and its contribution to the significance of the Conservation Area has been identified in the Appraisal. Statements such as the above demonstrate a lack of consideration for the significance of the Heritage Asset as set out in the Conservation Area Appraisal.
 - On page 15 of the heritage statement it is stated that "The Conservation Area already borders extensive modern residential development to its north-east, and the proposals would merely fill

in part of a gap towards this". This statement is incorrect as at present the north eastern boundary is bounded by Blind Lane and the open fields proposed to be developed. As in the above description of the boundary of the Conservation Area, the setting of the Conservation Area is "extensively used for farming and equestrian purposes".

- 9.6.12 As stated in the PPG "Heritage assets may be affected by direct physical change or by change in their setting" and "as the National Planning Policy Framework makes clear, significance derives not only from a heritage asset's physical presence, but also from its setting". It is therefore considered that the proposal would cause less than substantial harm to the significance of the Conservation Area through the loss of the open space that forms its northern setting. The reasons for the harm are set out below.
- 9.6.13 The development would erode the northern boundary of the Conservation Area which at present is defined by the very distinct change between the village edge on one side and open space on the other. The new development would instead join the village with the modern development above. The summary of significance in the Conservation Area Appraisal states that "the surrounding landscape of open fields is important in preserving the historic setting of the Conservation Area" The loss of this open field would therefore erode its significance as "a settlement preserving a mix of historic buildings" (summary of significance, Holyport Conservation Area Appraisal). The proposal does not therefore meet the test in paragraph 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area".
- 9.6.14 As stated in Historic England's Guidance note "The Setting of Heritage Assets", "the contribution of setting to the significance of a heritage asset is often expressed by reference to views". The principle of development would negatively impact the setting of the Conservation Area through a significant change and loss of open views into and out of the Heritage Asset. The characteristic features of the surrounding farm land, ie, it is flat open, and expansive, means that it does not have the capacity to easily absorb change as any development would be clearly visible and would impact on the setting of the Conservation Area.
- 9.6.15 Views *into* the Conservation Area would be negatively affected. When seen from Ascot Road the 150 dwellings would totally alter the setting of the Conservation Area, substantially diminishing its open surroundings. Additionally, the establishment of an access point from this location would be likely to increase the presence of development and the activity of cars in this area which would compromise the rural landscape context and quiet ambience of the wider setting of the Conservation Area.
- 9.6.16 Views *out of* the Conservation Area would also be negatively affected. The Conservation Area Appraisal sets out 24 views which are noted as being important. The development would have a very serious impact on at least three of the views identified with seven considered to be negatively affected. The ones seriously affected are at the east and west end of Blind Lane. These views are focused directly towards the proposed development, and are mentioned in the appraisal as follows: "important views are available from the footpath across the fields, framed by formally planted trees". The proposals would fundamentally change these views which at present contribute to both the aesthetic and historic value of the Conservation Area and the way in which it is experienced. In its Summary of Key Issues, The Landscape and Visual Impact Assessment document does not identify the openness of the view from the end of Holyport towards the fields to be an Issue. However, it contradicts itself by acknowledging that the Holyport Conservation Area Appraisal identifies this view as important. It focuses on the need to preserve the view to the Water Tower, but not the open field ahead.
- 9.6.17 Although views play an important role in the assessment of impacts on setting, Planning Policy Guidance states that "the way we experience an asset in its setting is also influenced by other environmental factors such as noise, dust, smell and vibration from other land uses in the vicinity". The appeal statement suggests that "through the reserved matters stage of the planning process" it will be demonstrated how "the layout of the development proposal will minimise any impact on the setting of the heritage asset and enhance the character of the Conservation Area". However, it is considered that in principal a large scale development such as that proposed, located within the

direct setting of the Conservation Area, will inevitably cause harm to the significance of the Heritage Asset.

- 9.6.18 The Water Tower and its setting between Holyport Street and Ascot Road is an important and long established landmark within Holyport and within Holyport Conservation Area. It is a tall brick built structure which is visible from a variety of viewpoints. The Conservation Area Appraisal describes the structure as follows: "Late nineteenth-century or early twentieth-century Water Tower. Square in plan, brick arch at base with blind arcading above. Rendered upper storey with pyramidal red clay tile roof." The development will cause harm to the significance of the non-designated heritage asset as it will alter the character of its open setting and remove its prominence as a standalone structure within large open fields.
- 9.6.19 In light of the above assessment it can be concluded that a level of harm would be caused to both the Conservation Area and Water Tower, or Non-Designated Heritage Asset. Whilst this is considered to be "less than substantial harm" clear and convincing justification for the development has not yet been presented. The proposed development is therefore not considered to preserve nor enhance the setting of the Conservation Area or Non-Designated Heritage Asset.
- 9.6.20 In addition to Green Belt being considered a protected policy in the context of Paragraph 11 of the NPPF, designated heritages assets are an asset of particular importance. In this context the so-called tilted balance is not engaged where the application of policies in this Framework provide a clear reason for refusing the development proposed. This matter is discussed further below as part of the wider planning balance.
- 9.6.21 In terms of archaeological impact, paragraph 189 of the NPPF states that local planning authorities should:
- 'Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation'.*
- 9.6.22 The site contains potentially significant buried archaeological heritage including the moated manor of Hynden and as yet unidentified buried remains of significance by virtue of the site's location within the archaeologically rich Middle Thames Valley. The site also contains two circular features whose size would be typical of Bronze Age round barrows.
- 9.6.23 During the consideration of this application the Appellants' archaeological consultant submitted additional information. The report details archaeology at the site which spans multiple periods and a wide area. In the event the appeal were allowed phases of archaeological work will be required in order to mitigate the impacts of the development.

Wider Design Considerations

- 9.6.24 Policies DG1 and H10 of the adopted Local Plan seek to ensure that residential development will be of a high standard of design and landscaping, compatible with the area and street scene. Section 12 of the NPPF deals with achieving well designed places and the delivery of developments that will function and contribute to the overall quality of the area in the long term. To achieve this, development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; they should be sympathetic to local character and history, including the surrounding built environment and landscape setting. The NPPF is clear in emphasising that this should not prevent or discourage change (such as increased densities).
- 9.6.25 The NPPF further states that design quality should be considered throughout the evolution and assessment of individual proposals and encourages early discussion between Appellants, the local planning authority and local community about the design and style and that designs should evolve to take account of the views of the community. National policy guidance is clear that applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.

- 9.6.26 The NPPF further encourages local planning authorities to utilise design advice and review arrangements, particularly for significant projects such as large scale housing and mixed use developments. In assessing applications, local planning authorities should also have regard to the outcome from these processes, including any recommendations made by design review panels.
- 9.6.27 When assessing an outline application the key design consideration would be one regarding the principle of the development and if the site can accommodate the quantum of development proposed having due regard for the character of the area. In this instance the quantum proposed is 150 dwellings along with 15.2- 16 hectares of public open space.
- 9.6.28 The proposed development would result in a density of around 10 dwellings per hectare (dph) over the site as a whole. In the context of the developable area, the proposed density would be one which would in the region of 23 dph. The minimum density encouraged as an average across the Borough would be 30 dph as reflected in Policy HO5 of the emerging BLPSV, afforded limited weight as a material planning consideration. As such, in design terms, the principle of this quantum of development would result in a development below the recommended densities. This reflects not only that the site is located outside of the urban area but that it is located in the Green Belt, an area of development restraint. Notwithstanding the implications for the Green Belt, it is considered that the site can physically accommodate this amount of development.
- 9.6.29 In terms of the proposed layout, scale, overall visual appearance and landscaping of the proposed development such matters are considered at the outline stage. There are a number of concerns regarding the proposed layout and how it relates to the wider area. If the appeal is allowed the LPA will seek as part of the reserved matters to uplift the proposed layout.

Impact on Trees

- 9.6.30 Policy N6 of the adopted Local Plan states that plans for new development should, wherever practicable, allow for the retention of existing suitable trees and include an appropriate tree planting and landscaping scheme. Where the amenity value of trees outweighs the justification for development, planning permission should be refused. Whilst matters regarding landscaping are a reserved matter the proposed access is matter for consideration and the site is subject to Tree Preservation Order 09/2015, an 'area' designation covering all species. The western sector of the site is situated in a Conservation Area, which confers protection on trees. Accordingly it is necessary to understand if the principle of the development would affect the existing trees.
- 9.6.31 The Council's Tree Officer has reviewed a layout plan with the trees constraints plans and considers the application should be refused given the loss of hedgerows, trees and scrub. Most of the concerns relates to the loss of trees and hedgerows needed to facilitate the proposed access from the Ascot Road. However the concerns relates to the loss of trees and hedgerow which forms part of the roads within the site and as such would be a consideration as part of the reserved matters regarding layout. Highways England are currently implementing a widening scheme on the M4 as part of providing a 'smart motorway' between junctions 2 and 12. As part of the widening, improvements will be made to the existing bridge over the M4 on Ascot Road. The Appellants' Design and Access Statement sets out that as part of the Ascot Rd improvements, which form part of the smart Motorway Highway works (separate to this application). Much the frontage from the Ascot Road is currently cleared to facilitate these works. Therefore it is not considered that any evidence submitted as part of this application demonstrates that the trees of significant value would be affected by this proposed outline application. It is noted that the applicant has previously removed a number of trees from the site and been prosecuted for this. The Council are ensuring replacement tree planting has been undertaken under separate enforcement action.

9.7 Highway considerations and Parking Provision

- 9.7.1 Policy TF6 of the adopted Local Plan states that all development proposals will be expected to comply with the Council's adopted highway design standards. The NPPF states that developments should promote opportunities for sustainable transport modes (suitable to the type of development and its location), providing safe and suitable access to the site can be achieved for all users; and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

- 9.7.2 The NPPF is clear that proposals should be designed to give priority to pedestrian and cycle movements having due regard for the wider areas and design access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use. A further priority is to address the needs of people with disabilities and reduced mobility and create places that are safe and secure. Developments should also take into consideration on-site access for deliveries, and servicing and be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 9.7.3 A Transport Assessment (TA) and Framework Travel Plan has been prepared by Stuart Michael Associates dated November 2018 and submitted in support of this planning application. The assessment below considers the submitted information against the Development Plan and gives regard to material planning considerations.
- 9.7.4 The proposed development is outline for 150 units, as well as access being a reserved matter. During the consideration process of the application the access from Ascot Road was amended to be for emergency only. However as part of the appellant's statements it would appear that they are now proposing to re-include this as part of the proposed development. Or at least as part of the appal process ascertain if a single access off Holyport Road is acceptable.

Sustainable transport modes

- 9.7.5 In terms of giving priority to sustainable transport modes, the application site is not located in a high accessibility area or indeed the urban area. The site is located in close proximity to Maidenhead and the wider area, where it is more than likely future residents will work and visit, however the choice of transport mode to these places is limited. Whilst the local bus comes approximately every 30 minutes from 6:30am until 8pm in the evening, the Appellants own evidence demonstrates that around 78% of the population in this area commute to work by private vehicle.
- 9.7.6 A draft travel plan has been submitted as part of this planning application which proposes a number of actions to support the Appellants' initiatives to promote sustainable modes of transport to reduce the number of single occupancy car trips. These include:
- Marketing
 - Promotion of walking and cycling
 - Public transport
 - Car Sharing
 - Works on site to link the proposed development to the wider network (which form a key aspect of good planning)
- 9.7.7 The draft Travel Plan sets out that the Appellants are willing to fund this for a period of 5 years (assumed after full occupation). The LPA will seek as part of the non-determination appeal the finalisation, implementation and monitoring of the travel plan to be secured though the Section 106 legal agreement (and not a conditions as inferred in the draft Travel Plan). We consider that should include triggers for implementation, monitoring fees and penalties for not meeting implementation benchmarks. Neither the travel plan (nor the Transport Statement) make reference to any dwellings being provided with the infrastructure for charging electric vehicles. Again without prejudice to the Council's Case we will be seeking conditions to secure this through the reserved matters applications as part of the appeal process.
- 9.7.8 On the 31 January 2019 Cabinet agreed a Cycling Action Plan which aims to improve infrastructure and promote cycling over the 10-year period to 2028. As part of the appeal process (and without prejudice to the Council's Case) the Council will be seeking contributions towards this, along with contributions towards improved bus links, if the appeal were allowed. This goes to making the development acceptable in planning terms by assisting in creating improved connections to the urban areas and promotes less need on using private vehicles for transport.

9.7.9 The Appellants are also proposing to provide a pedestrian crossing along the Holyport Road as part of creating sustainable communities where local amenities can be safely and easily reached through walking.

Highway safety and capacity

9.7.10 The NPPF states at paragraph 109 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.’

9.7.11 The proposed southern access via Holyport Road is a single carriageway road with a designated speed limit of 30mph adjacent. The road connects to Stroud Farm Road (and Stompits Road) opposite the southern end of the site where the local amenities and shops are primarily located. This road connects to the Windsor Road to the north west.

9.7.12 The proposed northern access to the Ascot Road is also a single carriageway road with a designated speed limit of 30mph, which when travelling towards Maidenhead increases to 40mph. At the Braywick roundabout (to the north west) the Ascot Road links to Maidenhead, the M4 and the Windsor Road.

9.7.13 As set out above it would now appear that the Appellants are proposing as part of the appeal against non-determination to the Planning Inspectorate that they consider this application with the two access from the highway, one to the north of the site (Ascot Road) and that on the south (Holyport Road) is acceptable in highways terms.

9.7.14 The proposed plans show a ‘T’-junction access onto Holyport, with 10m radii, 3.5m wide access lanes and a footway on either sides of the access. The Project Centre in their capacity as the Highway Authority have confirmed that the new access can achieve visibility splays compliant with the Borough’s current guidelines and the recommendations set out in Manual for Streets to enable vehicles to access and enter safely

9.7.15 The development also proposes a zebra crossing on Holyport Road which provides a pedestrian connectivity between the development and the small parade of shops off Stompits Road which is considered appropriate to encourage sustainable modes of transport (and general good planning to improve links). Although the existing bus stop would also have to be relocated.

9.7.16 In terms of the potential access from the north along the Ascot Road the Project Centre in their role as Highway Authority have not actually commented on the acceptability of this potential access and if this is an appropriate solution on a scheme for 150 dwellings with proposed Open Space. It is however noted that any proposed roads within the application site form a consideration for reserved matters regarding layout and it is the access for the existing highway network which is the consideration. Therefore and whilst the indicative plans show a large (and more than likely over engineered) roundabout from the Ascot Road that would have to be considered as part of reserved matters. (There are also number of concerns regarding this design approach and impact on the openness).

9.7.17 In terms of the impact on the capacity of the highway network the Transport Statement looks at the potential impact of this development on the existing highway network until 2022.

9.7.18 The Project Centre in their role as the Highway Authority have already noted that at the following junctions will exceed capacity irrespective of the proposed development:

- The junction with Windsor Road and Holyport Road will exceeds the operational capacity on this junction by 2023. The proposed development would marginally affect this but the impact would not be severe.
- Allowing for growth the junction at Windsor Road and Upper Bray Road will need improvements by 2032 even without this proposed development. The proposed development would marginally affect this but the impact would not be severe.

- Braywick Road Roundabout will be exceeding its capacity on multiple arms in both peaks. The applicants TA has indicated mitigation as part of this proposed development but the Highway Authority have confirmed that this could lead to negative impacts at other arms of the roundabout and are not considered to be appropriate. The Highway Authority are currently reviewing the detailed work around upgrading this roundabout to ensure it is upgraded to cope with the development coming forward as part of the Borough Local Plan. However this work is ongoing.

9.7.19 The Appellants own evidence also concludes that that Braywick Road Roundabout experiences delays and queues and that the junction with the A308 Windsor Road is over its theoretical capacity. It is further evident that the Braywick Roundabout will suffer from congestion in the future regardless of the proposed development, and that mitigation measures are needed in order to ensure that future development would not result in a cumulative severe impact on highway capacity. The Appellants Transport Assessment further demonstrates that the proposed development would only exacerbate the delay and queues at the junction to the A308 Windsor Road during the peak hours. The Appellants argue that this would not be material, however the impact the proposed development would have on 'Ratio of flow to Capacity' on this particular junction would increase the delays and congestion by a further 10%.

9.7.20 DfT Circular 20/2013 is clear that:

Development proposals are likely to be acceptable if they can be accommodated within the existing capacity of a section (link or junction) of the strategic road network, or they do not increase demand for use of a section that is already operating at over-capacity levels, taking account of any travel plan, traffic management and/or capacity enhancement measures that may be agreed. However, development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

9.7.21 The appellant have set out they would be willing to 'provide a proportional contribution towards the improvement of this junction' recognising the need for mitigation measures. They further recognise that further work is currently being undertaken by the Council to understand what mitigation is needed and that 'Once the design and junction assessments are publicly available, the development impact can be confirmed. It therefore remains that in advance of further assessments and feasibility studies being completed it is difficult to establish what junction works are needed and what financial contributions would be needed towards the mitigation measures to make this development acceptable in planning terms. Even if a 'contribution' towards works to upgrade the roundabout could be secured as part of the appeal process at this stage the LPA cannot guarantee when it would be delivered and if this could be implemented in advance of 2022. This therefore raises further issues regarding deliverability. Given timeframes it may not be possible for matters be clarified in advance of this appeal.

9.7.22 At this stage Officers are only able to conclude that Braywick Road Roundabout is currently over its theoretical capacity and this is only set to increase. Irrespective of if this development comes forward, the future growth of the Borough would likely have a severe impact on the capacity of Braywick Roundabout. However this application would exacerbate this impact and mitigation would be needed to ensure it would not have a severe *residual cumulative impact* on the highway network. Conversely at this stage and in advance of further work being completed Officers are unable to advise what the mitigation package would be and if and how it could be delivered.

Parking Provision

9.7.23 The Council's Parking Strategy (2004) sets out the Council's recommended parking requirements for new developments.

9.7.24 Parking provision would not normally be considered at the outline stage, this is a consideration of the reserved matters regarding layout. However, the site is within the greenbelt where the impact on openness from a principle consideration of this scheme. It is necessary to understand if sufficient parking can be accommodated to support the principle of up to 150 dwellings on this site and the level of impact this would have on the openness of the area.

9.7.25 The Planning Statement confirms that whilst parking is not for determination at this stage the Illustrative Layout has been designed to demonstrate that parking can be accommodated in accordance with the Council's adopted standards and that the reserved matters applications would comply with this. However the LPA have significant concerns if the indicated landscape master plan does indeed demonstrate the provision of parking in accordance with this document. The concerns this raises is not necessarily in terms of the proposed parking provision per say as this forms a consideration of the reserved matter relating to layout (in which we would have due regard for the status of the Council's Parking Standards, which are currently some 15 years old). Rather it is to highlight that level of hardstanding and spread of development likely associated with such a scheme and visual impact it would likely have on the openness of the Green Belt

9.8 Infrastructure Provision

9.8.1 The Council published its latest Infrastructure Delivery Plan (IDP) in January 2018 which sets out the infrastructure needed to support the development coming forward in the Borough over the Plan period (including social infrastructure) and how this may be funded. This site does not form part of the proposed housing allocations.

9.8.2 The development would create additional pressures on the infrastructure needed to support residential development. Whilst an assessment on utilities have been submitted a Social Infrastructure Impact Assessment has not been submitted as part of this application to explain or to justify the requirements of the proposal and its impact on existing infrastructure capacity. Although it is noted that many comments and justification have been made regarding meeting the local needs and the benefit they have on the economy (this is discussed further in the Very Special Circumstances.

9.8.3 The Council's IDP identifies that the existing provision of GPs in Maidenhead is better than the Department of Health's target patient ratio. However, the Borough has a high concentration of residential and nursing homes which places pressure on existing facilities due to the higher dependency of elderly patients in primary care facilities. The Clinical Commissioning Group (CCG) assumes no surplus capacity GPs in the Borough and estimates a need for additional GP's to meet the future growth across the Borough. The IDP identifies how the Council, working in connection with the CCG and the NHS, can look to accommodate the future growth in demand. As part of the revised information an area for a new GP surgery has been identified. A single storey building of 667 sqm as well as 25 parking spaces has been proposed. There are number of unsolved matters regarding this proposed new health hub:

- The supporting letter from the Claremont & Holyport Practice Manager indicates that the land would be gifted and a contribution towards the cost would be provided. However neither this letter, nor the information submitted by the Appellants has indicated what this contribution would be.
- No information has been provided regarding the mechanisms for the surgeries delivery (if they are not funding it in full)
- No indication what part of this proposed development forms mitigation associated as infrastructure needed to support the development of 150 houses and that which would be 'additionally' and should be considered a benefit of this proposed development, as opposed to mitigation.
- No indicative floor plans have been provided to demonstrate the facilities which should be provided in a building of this size.
- No robust justification has been provided to demonstrate that this is the most appropriate location for a health care hub (I.e. communication with the Clinical Commissioning Group). The site is outside of the urban area and not in a sustainable location and would rely on private vehicle trips (demonstrated by the proposed 25 parking spaces).

9.8.4 Therefore at this point in time the LPA are unable to assess if the provision of land in connection with providing a health care hub and an unknown financial contribution towards its construction would form a realised benefit to this scheme which would actually be delivered and provided the right infrastructure in the right location to meet future growth. The LPA will be clarifying this matter with the CCG and it will be dealt with as part of the LPA's case at Inquiry.

- 9.8.5 Any increase in housing delivery above that anticipated in the BLPSV would also result in long term increase in the demand on school places. Whilst the IDP does set out the potential expansion of nearby schools to support planned development contained in the BLPSV this does not allow for any additional development. In terms of the assessment for Green Belt it is not considered that the harm would be so substantial that it would equate to 'other harm' to which the Appellants VSC case needs to be considered against. However this is considered to weigh against this scheme and will be considered as part of the wider planning balance.
- 9.8.6 Currently the appropriate mechanism to fund the provision of education or health provision, or indeed any other infrastructure requirements, is through the Community Infrastructure Levy. The site is liable for the CIL at a rate of £240 per square metre (net floor space). CIL will generate receipts which can go towards funding the infrastructure needed to support the development of the borough as a whole, but not towards specific onsite mitigation. At outline stage it is not possible to establish the CIL receipts resulting from the development. This will be calculated at the reserved matters stage when the layout is known. However based on the indicative number of assuming and assuming an average floorspace of a three bedroom unit this would likely be in the region of £3.5 million (plus indexation).
- 9.8.7 It should also be highlighted that the Community Infrastructure Levy (Amendment) (England) (no. 2) Regulations 2019 was made by Parliament on the 9 July 2019. This comes into force on the 9 September 2019 and creates revisions and amendments about what contributions LPA's can collect toward site specific infrastructure to make a development acceptable in planning terms.
- 9.8.8 Without prejudice to the Council's Case we will be required as part of the appeal process to provide the Planning Inspectorate details of the likely Head of Terms for any legal agreement seeking to secure the necessary matters to make the development acceptable in planning terms.
- 9.8.9 Accordingly it is requested that in the event Members of the Panel agree the grounds for why the development would have been refused delegated authority be granted to the Head of Planning to consider this matter. The Heads of Terms of the S106 will likely include (but not exhaustive) the following:
- i. Residential travel plan with penalties, monitoring fee and triggers
 - ii. Sustainable transport contribution towards improved bus links
 - iii. Sustainable transport contribution improved cycle links
 - iii. Mix, tenure, trigger for delivery and nomination rights for affordable housing
 - iv. Trigger for the provision of open space, at no cost to the council or other third party and ongoing maintenance and management in perpetuity (agreed definition of adult football pitches, size of LEAP, NEAP, size and number of allotments and size of amenity green space).
 - v. trigger for the provision of the changing facilities associated with the Open Space at no cost to the council or other third party and the ongoing maintenance and management in perpetuity
 - vi. Section 278 highway works as required including the zebra crossing as well as relocating the proposed bus stop
 - vii. Provision of public permissive paths into the site to access the open space, pavilion and open space
 - ix. Plan to identify the public realm
 - x. Details of waste receptacles to be provided (refuse/recycling/ food wastes bins)
 - xi. Trigger for the provision of proposed surgery which has a gross internal floor area of no less than 667sqm, along with a car park providing a minimum of 25 spaces built to agreed space standards.
 - xii. Long term management and maintenance of SuDs

9.9 Environmental Considerations

Flooding and Sustainable Urban Drainage

- 9.9.1 The north western part of the site falls within flood zone 2. Where the proposed open space would be located, such uses are considered appropriate in this location. However one option of the indicative master plans indicates a proposed access from this part of the site, Ascot Road as

identified by the Environment Agency (EA) is also partly within flood zone 3a. The Appellants claim that the proposed developable area does not include land within flood zone 2 however as no parameter plans have been submitted in support of this application, the LPA would expect as part of appeal process clarification be provided to demonstrate that proposed developable area on a scale plans indicating the maximum are to be developed. Nonetheless the proposed access from the Ascot Road falls within flood zone 2 and the road itself in flood zone 3a. A Flood Risk Assessment dated December 2017 has been provided by Stuart Michael Associates in support of this planning application.

- 9.9.2 In accordance with the NPPF (2018) and its associated guidance in order for the principle of a residential development to be acceptable in this location a sequential test for the development is required (as the proposed access from the Ascot Road forms part of this application site). The aim of the Sequential Test is to steer development to areas at the lowest risk of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. If the sequential test cannot be met the principle of the development in Flood Zone 2 is not acceptable. Reasonably available sites would usually include any sites that are suitable, developable *and* deliverable. Such matters cannot be conditions as they from a fundamental considerations of the appropriateness of the development location in the context of flooding impact.
- 9.9.3 Appendix I of the aforementioned document sets out the Appellants supporting information in this regard. However the area reviewed solely looks at land within Holyport and does not look at the Borough as whole. No justification has been given by the Appellants for their proposed area of search.
- 9.9.4 The Council's most recent housing position in the Housing and Economic Land Availability Assessment (HELAA) would usually be the correct document to inform the sequential test and would expected as part of any robust assessment. Whilst the HELAA does demonstrate that the Council are unable to meet their objectively assessed housing need without looking at development which falls partially within flood zone 2. However the proposed access route to this site is located within flood zone 3. The Appellants have not demonstrated that this site, given the proposed access is sequentially preferred. Officers consider that it is likely that the Appellants can demonstrate compliance with this requirement (given the submission of sequential test for other proposed development of a similar size to this application and as the emerging Borough Local Plan looks to propose development in flood zone 2). However, the NPPF is clear that the onus rest with the Appellant to demonstrate the Sequential Test has been passed. The mater for considering if the Sequential Test has been passed lies with the LPA and not the EA. Such matters cannot be dealt with under conditions.

The Exceptions Test

- 9.9.5 The Appellants FRA is keen to highlight that the proposed residential development would located within Flood Zone 1. However access is a matter for consideration and the route to the development is proposed from the Ascot Road, as this road falls within Flood Zone 3. During the application the proposed plans were amended due to concerns about the access from Ascot Road as a means of access from the Environment Agency. An emergency access only was then proposed from the North Western side of the site. However in the case of a flood emergency this access would not be appropriate. The Appellants 'Statement of Case: Informal Hearing. Non determination Appeal' in paragraph 3.33 now sets out that:

'This matter has now been completely resolved and there is no reason why the original option of all vehicle accesses off Holyport Road and Ascot Road with a through road could not be delivered.'

- 9.9.6 As it is unclear if the proposed development would include an access from Ascot Road, therefore for completeness the assessment has been considered as proposed. The Appellants have failed to demonstrate through a robust sequential test that the development could not be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives).
- 9.9.7 Following the sequential test the Exception Test then needs to be applied as the access from the Ascot Road falls within flood zone 3A according to the EA. The Appellants FRA also confirms that

the sequential test needs to be applied. For the Exceptions Test to be passed it should be demonstrated that:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

9.9.8 The Appellants FRA consider that the proposed development would provide sustainability benefits to the community which would outweigh flood risk. This can be summarised as:

- Additional flexibility is needed to deliver RBWM's housing requirement.
- The proposed development will assist in meeting housing targets, as well as provide the opportunity to upgrade surrounding highways in need of improvement and infrastructure.

9.9.9 Whilst housing can be seen as a benefit of a proposed development, Officers struggle to consider how proposed residential development residential development on its own can be considered to be a 'sustainability benefit' to the community'. Any highway works needed would be to make the development acceptable in planning terms. Indeed it is unclear what highway works are in fact proposed as part of this application. Moreover given the Appellants submission it is unclear if the proposed access from Ascot road is , in fact actually needed in the first instance. It is considered that the Appellants have failed to demonstrate compliance with part 1 of the Exceptions Test.

9.9.10 The second part of the Exception Test requires development to be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, reduce flood risk overall. Based on the indicative plans the Appellants can demonstrate that that no residential units are being proposed within the identified 1 in 100 year flood extent with an allowance for climate change. The Environment Agency have confirmed that the details provided demonstrate that the reduction in floodplain storage as a result of the access road can be mitigated for by providing floodplain compensation within the proposed sports pitches and on land to the North of the application site as shown on the floodplain compensation drawing. The drawing shows that floodplain compensation being provided exceeds what's being lost and do not object to the proposed development.

9.9.11 The comments from the statutory consultee therefore support the need for proposed parameter plans as part of the non-determination appeal to demonstrate that the principle of the development, including the only vehicle access being flood zone 3. In the absence of such plans securing the parameters of the proposed development the Appellants cannot reasonably demonstrate compliance with the above.

9.9.12 The NPPF further states that development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and safe access and escape routes are included where appropriate, as part of an agreed emergency plan

9.9.13 It is considered that the submitted Flood Risk Assessment has demonstrated compliance with the above criteria in regards to the residential development. However the proposed access from Ascot Road remains in an area of greater probability of flooding and there is evidence to demonstrate that it is not needed (the Appellants own submission) and that there is no overriding reason for this access to be proposed *if* as asserted by the Appellants the access proposed form Holyport Road provides safe access and egress. It should also be again stressed that the FRA submitted in support of the Appellants planning application is predicated on the development coming through as shown on the indicative plans. Without being too repetitive parameter plans securing the residential developable area being located in flood zone 1 would need to be submitted as part of the appeal to ensure the development proposed accords with the contents of the FRA otherwise

the FRA would need to demonstrate that principle of 150 dwellings irrespective of where they are located can comply with the above. Further information regarding matters b- d would be needed at reserved matters stage if the appeal were successful.

Drainage

- 9.9.14 In terms of Sustainable Urban Drainage and as introduced from 6 April 2015 the Government has strengthened planning policy on the provision of sustainable drainage systems (SuDS) for 'major' planning applications. Paragraph 165 of National Planning Policy Framework states that all 'major' planning applications must incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. SuDS must be properly designed to ensure that the maintenance and operation costs are proportionate and sustainable for the lifetime of the development.
- 9.9.15 In accordance with The Flood and Water Management Act 2010 the Royal Borough in its role as Lead Local Flood Authority (LLFA), is a statutory consultee for all major applications. The LLFA has considered the proposal and the Appellants's Sustainable Urban Drainage information submitted as part of this planning application. Whilst in principle it is likely that The LLFA do not considers that the principle of a working sustainable drainage scheme has been demonstrated. As part of the appeal non determination the LPA will request that the appellants seek to resolve this matter. However and even with the absence of such information given the comments from the LLFA it is more than likely that a suitable SuDS can be developed within this site it is not considered that the absence of robust information in this regard would be significant to constitute harm resulting from the proposed outline application.

Impact on Biodiversity

- 9.9.16 There are no policies in the adopted Local Plan which deal with ecology or biodiversity.
- 9.9.17 Paragraph 170 of the NPPF (2019) states that planning decisions should contribute to and enhance the natural and local environment and minimise impacts on, and providing net gains for, biodiversity. Paragraph 175 of the NPPF (2019) states that:
- “When determining planning applications, local planning authorities should apply the following principles:*
- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused...*
- 9.9.18 The Council's Ecologist considers that the information submitted in support of the indicative plans demonstrates that the proposed development that protected wildlife can be safeguarded and that a net gain for biodiversity can be achieved. In the event that this appeal were allowed Officers would seek to secure such provision through conditions. In addition, a wildlife-sensitive lighting scheme and landscape and ecological management plan would be needed as part of any reserved matters application regrading layout and landscaping.

Sustainable Development and Energy

- 9.9.19 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. The Council's adopted Sustainable Design and Construction SPD (2009) provides further guidance on this. However, Sustainable development techniques have moved on since the adoption of this application, notably Code for Sustainable Homes is no longer a national standard. Therefore less weight should be attributed to this document in this regard. Nonetheless the SPD sets out measures for achieving sustainable forms of development, including 10% energy being delivered through renewable sources and meeting BREEAM measures.
- 9.9.20 The NPPF paragraph 153 states that in determining planning applications developments should comply with any development plan policies on local requirements for decentralised energy supply

unless it can be demonstrated by the Appellants, having regard to the type of development involved and its design, that this is not feasible or viable

- 9.9.21 Paragraph 131 of the NPPF also states that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings. The Appellants submission is largely silent on how carbon reduction technologies and renewable energy forms part of the proposed development. In the event an appeal on this site were allowed then as part of the reserved matters applications it will be expected that the development will demonstrate how, through the design process, it has embraced innovative design to promote high levels of sustainability as part of delivering a high quality designed scheme.

Ground contamination

- 9.9.21 Policy NAP4 of the Borough Local Plan seeks to ensure that development will not pose an unacceptable risk to the quality of groundwater. In the event an appeal were allowed details would be sought at the proposed layout stage when it is understood where the relevant components of the development proposed would be located.

9.10 Provision of a Suitable Residential Environment and Impact on Neighbouring Amenity

- 9.10.1 There is no specific policy in the Development Plan regarding provision of a suitable residential environment or regarding the impact of neighbouring amenity. Paragraph 127 of the NPPF states that planning decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 9.10.2 Policy SP3 of the BLPSV states that development will be expected to have no unacceptable effect on the amenities enjoyed by the occupants of adjoining or proposed properties in terms of privacy, light, disturbance, vibration, pollution, dust, smell and access to sunlight and daylight.
- 9.10.3 The government has also published Technical Housing Standards- nationally described space standards (2015) which sets out guidance on floor space requirements for new developments.
- 9.10.4 Layout, scale and appearance will be considered at the reserved matters stage. Nonetheless, and based on the indicative information proposed by the Appellants, there is nothing to indicate that a suitable residential environment cannot be brought forward as part of this development. This would be considered further as part of any reserved matters application if the appeal were allowed.
- 9.10.5 In terms of the impact on neighbouring amenity similarly such matters would be considered at reserved matters stage. As part of the Inquiry the LPA will be seeking that the appellants submit proposed parameter plans as part of the consideration process to agree the proposed area for development. Nonetheless, based on the indicative masterplan a separation of well over 20m would be given to the nearest existing residential dwelling. On this basis it is not considered that the principle of up to 150 dwellings on this site could result in a detrimental impact on the nearby existing and proposed residential dwellings.
- 9.10.6 In terms of proposed open space provision, policies R3 and R4 of the Borough Local Plan seeks the provision of open space within an application site. This states that developments like this should provide a minimum of 15% of the gross site to be public open space and that space for a local equipped area for play (LEAP) should also be provided. For a likely developable area of 6.5ha this would equate to 1 ha. The indicative layout shows that this will be provided within the proposed open space is largely at the edge of the indicative area to be developed and the proposed LEAP in the south western corner. The LPA have concerns about how a development should be laid out more generally and the opportunity for open space to create a setting for the development not just around the edge of the proposed built form but also within. However given the matters for consideration these concerns and those regarding the location of the LEAP would be considered further at the layout and landscaping stage, in the event the appeal were allowed.

9.11 Other Considerations

Housing Land Supply

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

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

iii. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;”

9.11.2 Footnote 6 confirms that land designated as Green Belt forms a ‘protect areas’ in so far as it provides a clear reason for refusing an application unless VSC justify the substantial harm to the Green Belt or any other harm. The setting of a Conservation Area can also be considered an asset of particular importance where the same assessment is relevant.

9.11.3 Accordingly and whilst arguments regarding housing delivery may be a material consideration in assessing this application, the so-called ‘tilted balance’ is not applicable to this application.

9.11.4 The Council's Housing land supply position is a materiel consideration in terms of the normal planning balance. At the time of writing this report the Council can demonstrate a rolling housing land supply in the region of 4.6 - 4.7 years’ worth of housing land supply (this fluctuates based on schemes permitted vs. those completed). This proposed development would equate to 0.19 years housing land supply, contrary to the Appellants assertions that this make a significant contribution towards meeting need, officers are of the view that this benefit would be moderate.

Other comments from representations not considered above

9.11.5 A number of representations have been made against this planning application. All material considerations have been assessed as part of this application for outline and access.

9.11.6 In terms of concerns raised about increased anti-social behaviour or crime, there is nothing to indicate that the development of 150 units and proposed open space would, in principle result in increased anti-social behaviour. Ensuing a proposed development would design out crime would be consideration at reserved matters stage.

9.11.7 Some concerns have also be expressed in terms of if the scheme proposed is viable. The LPA have identified where relevant concerns regarding funding and deliverability of the proposed social and community infrastructure.

9.11.8 Potential noise and disruption resulting for the construction process are dealt with under separate Environmental Health legislation.

The Appellants Appeal Statement- Response to section 2; accusations against the Council's dealings with this application

9.11.9 It is not the purpose of Local Planning Authority to consider political issues or the progress of the Development Plan. Nonetheless, given the Appellants have made a number of comments within their ‘*Statement of Case: Informal Hearing. Non determination Appeal*’ the LPA consider it necessary to make some further comments in this regard.

9.11.10 Matters regarding the site promotion as part of the Borough Local Plan and the site not being allocated within the emerging document are a consideration for the Planning Inspectors as part of the Examination of the Borough Local Plan. They are not a consideration for this particular planning application and have no bearing nor merit in this proposed development. Neither is any Freedom of Information application requests. Officers are confused to how this is relevant to the decision making process.

9.11.11 In terms of the implied political issues contained in the *Statement of Case* document. It is worth highlighting that Local Ward Councillors are more than entitled to express an opinion on a development coming forward in their area if they are not on the relevant planning committee (in this instance the Maidenhead Development Panel). That is not unusual and only merely seeks to highlight a significant level of local opposition to this application. None of the Councillors referred to the Appellants statement are current Members of the Maidenhead Development Panel in which pre-determination could be inferred.

9.11.12 The reference made in para 2.42 of the *Statement of Case* highlights that in order to ensure transparency applications which are considered to be contentious are not considered during pre-election period. A process common place in Local Authorities to ensure transparent decision making it.

The Appellants Appeal Statement- Response to section 4

9.11.13 A number of comments have been made Appellants regarding the Council's success in producing Sound Development plans. This is not considered material consideration in the determination process of this application.

9.11.14 The Appellants have also made a number of comments regarding the soundness of the Borough Local Plan and the allocations process. This is a consideration for the Examination of this document.

9.12 Very Special Circumstances and the Planning Balance

9.12.1 The harm identified in the above assessment is that the proposed development constitutes inappropriate development within the Green Belt. This is given substantial weight.

9.12.2 The other harm identified is summarised as follows:

- Impact on the setting of the Conservation Area
- The residual cumulative impacts on the road network would be severe and in advance of the Borough Local Plan it is not possible to ascertain how this can be mitigated against to an acceptable degree
- Insufficient information has been submitted to demonstrate that the proposed development complies with the Sequential Test
- Insufficient information has been submitted to demonstrate that the proposed development complies with the Exceptions Test (assuming the access from Ascot Road is put forward)

9.12.3 The Appellants VSC argument is set out in the planning statement and can be summarised as follows:

Meeting housing need

9.12.4 Much of the Appellants arguments regarding the justification for this proposed development is the Council's apparent "*slow progress*" with advancing a Local Plan for the Borough. They consider that this has led to considerable shortages of homes in the Borough, including family homes and affordable homes. Much of this is considered to form justification to be considered as part of the Plan making process.

9.12.5 The Appellants further consider that the 'The lack of provision of family homes is *likely* to be causing a number of social and economic issues such as rising house prices and longer commuting distances.' Albeit no evidence has been submitted to support the appellant's assertions regarding tangible links to such claims. RBWM is an area which is subject to high house prices and it is unsurprising in recent years that values have gone up. The appellants have made some assessment regarding house prices in Holyport however given this area is a washed by Green Belt it is unsurprising not many new houses have been delivered in this location. In such a rural and visually aesthetic area it is unsurprising that house prices have risen in such a sought after area, irrespective of the progress of the Local Plan.

9.12.6 The Secretary of State's decision at *Jotmans Lane, Benfleet* confirmed his view that:

'In the light of the Chief Planner's letter of 31 August 2015 and the Written Ministerial Statement of 17 December 2015, he considers that it is national policy that (subject to the best interests of the child) personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and other harm so as to establish very special circumstances.'

- 9.12.7 Government is clear that the supply of housing can be a material consideration which contributes towards a case of Very Special Circumstances but cannot be of sufficient weight on its own to clearly outweigh harm to the Green Belt, in principle. The contribution of a particular tenure and mix does not advance the matter any further. It is simply a contribution to the particular housing need which has been identified locally.
- 9.12.8 A shortfall against the OAN is not surprising in a Borough which is highly constrained by Green Belt. Nor is RBWM alone in seeking to have in place a Local Plan that will govern the provision of housing land in a sustainable way which includes removing sites from the Green Belt.
- 9.12.9 The appeal site sits within a plot of land which is of importance to the Green Belt as set out in section 9.3. It is considered that permitting inappropriate development here would drastically undermine public confidence in the ability of the planning system to deliver a locally shared vision of sustainable development.
- 9.12.10 The Appellants considers that the so-called "*slow progress*" in the Local Plan has led to a number of implications. However, the Council has not been "*sitting on its hands*" and is currently carrying out considerable work in the course of preparing supplementary information at the request of the Planning Inspector to assist in the Examination of the Local Plan. The NPPF seeks to deliver sustainable development within a plan-led system. It does not provide licence for speculative and damaging development whilst the statutory process for adopting a new local plan follows its course.
- 9.12.11 Paragraph 49 of the NPPF states that

However in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

- 9.12.12 Officer acknowledge that refusal of planning permission on grounds of prematurity will seldom be justified and given the current 'pause period' in the Borough Local Plan submission it is not recommended that the LPA take forward a refusal reason on the grounds of the prematurity. However this planning application is being considered outside of the local plan process. This means that all factors cannot have been considered fully during the development of the proposal (which would otherwise be done as part of the Plan making process).
- 9.12.13 There is a sizable public interest in the plan-led system. This is reflected in the NPPF and in a decision of the Court of Appeal in Gladman Developments Ltd v Daventry DC [2016] EWCA Civ 1146, paragraph 6 :

'A plan-led system of planning control promotes the coherent development of a planning authority's area, allowing for development to be directed to the most appropriate places within that area, and enables land-owners, developers and the general public to have notice of the policies to be applied by the planning authority to achieve those objectives. It is not in the public interest that planning control should be the product of an unstructured free-for-all based on piecemeal consideration of individual applications for planning permission.'

- 9.12.14 The timing and advancement of the application in advance of the Borough Local Plan Examination does cause harm to the public confidence in the plan-system and the genuineness of the plan-led system. This is a material consideration.

9.12.15 **Therefore only limited weight is given to this as very special circumstances.**

Affordable housing provision

9.12.16 The Appellants have highlighted there is significant need for affordable housing in the Borough and that in years to date there has been an undersupply. The Appellants appeal statement has confirmed that they would deliver at least a policy compliant amount of affordable housing on the site although the exact mix and tenure is undisclosed.

9.12.17 Affordable housing provision is simply seeking to comply with planning policy and no provision above and beyond that is proposed by the Appellants. Nonetheless this does form a benefit to the proposed development which would go towards meeting the affordable needs of the Borough. **This is therefore given moderate weight as a VSC** (under the assumption 30% provision to reflect need is proposed).

Provision of a Doctors Surgery/ Health Hub

9.12.18 The proposed development was amended to provide a doctors surgery/ health hub and associated parking. Although no justification of the level of parking proposed and if this is commensurate toward serving the local population. Reference has been made to the new model of facilities which form a healthcare hub for the needs of the community. Such models are being rolled out across the country. Very limited information has been provided regarding this proposed health care hub and the likely layout and what facilities it would provide. The Appellants have set out that this would go towards meeting need and that the provision of a much-needed new medical facility constitutes a further example of 'very special circumstances' to support this development within the Green Belt but not identified the need or what this facility would indeed provide.

9.12.19 Based on the information provided it is understood that land will be gifted to the local practice and an unknown contribution towards the construction cost of a new health will be provided (although the latter is only gained through the email contained in Appendix 17 of the appellants Statement of Case). The Appellants have not demonstrated or highlighted what part of this provision forms mitigation for the proposed development and what should be seen as additionally. No evidence has been provided by the CCG group which demonstrates that they support this proposal and that it would deliver a health care hub in the right location to serve the local community and future proposed growth. It is understood that the exiting GP practice in Holyport is at capacity. In order to meet future growth the emerging Borough Local Plan looks to deliver a new GP provision within the site known as 'Maidenhead Golf Course' to assist in meeting future need within this part of the Borough and this is understanding which the Council have been working with the CCG to develop.

9.12.20 **Therefore and based on the information provided only limited weight can be given to this doctors surgery as being a VSC** of this scheme as it is unclear the level of need/ mitigation and if the Appellants are delivering a new facility to simply allocating land in the application site towards provision. Moreover it has not been demonstrated if and how a hub in this location will go towards existing and future needs of the community which accords with the strategy of the CCG.

9.12.21 However as part of the appeal process the LPA will be seeking to ensure that this scheme appropriately mitigates against the impact on infrastructure including Health.

Provision of Holyport Community parkland- including proposed play pitches and allotments

9.12.22 The appellants Appeal Statement (paragraphs 5.119.86) highlights that this proposed new community park forms a 'considerable contribution' to the overall very special circumstances case. The parkland will be gifted in perpetuity to the residents, with a trust set up for its management. Paragraph 5.149 of the Appeal Statement sets out that an endowment of £850,000 to a not for profit organisation to safeguard the future maintenance of the park.

9.12.23 The appellants proposed as part of the community park that 28 allotment plots could be provided.

9.12.24 On the 16th July 2017 the Council public an updated Open space Study dated May 2019. This demonstrates that based against recommended standards the Borough has a surplus of allotment

land of around 16.06 hectares and a deficit in 2033 of about 12.60 hectares. Accessibility is generally good, although there is some shortfall to the north west of the Borough. Despite the fact that against this standard, there is a surplus of allotment land in the Borough, demand is unusually high. Waiting lists for plots typically range from one year to four years in duration.

- 9.12.25 The outline application indicates that the appeal proposal provides two full sized grass pitches for FC Holyport and a £100,000 towards proposed changing rooms. The Council's Play Pitch Strategy (dated April 2016) highlights that there is overplay at Holyport FC. The Strategy which informs the Council's Borough Local Plan seeks to improve the maintenance of existing pitches and securing 3G pitches. Other recommendation is to utilise existing spare capacity to cater for displaced and future demand, especially at Braywick Park (where pitches are being improved.)
- 9.12.26 The Council's Infrastructure Delivery Plan (2018) highlights that there is an undersupply for youth and adult pitches. A key outcome of the Play Pitch Strategy (which the Appellants have also reference in their case) is to assist in future football trends. The emphasis is on additional need is for 3G pitches and qualitative improvements to national league stadia facilities to sustain clubs at that level. It should also be noted that the NPPF, as well as the play pitch strategy seeks to ensure wider community use and shared facilities. As part of the appeal process and without prejudice to the Council's Case, Officers will seek to ensure a wider community use of the proposed facilities is secured as opposed to one specific football club.
- 9.12.27 Officers are unsure if this contribution of £850,000 would be towards the park in its entirety (including the allotments, play park space and football pitches.) Officers remained unconvinced that a Land Trust on a scheme of 150 dwellings would have sufficient population to make it viable in the longer term (these are usually established on Garden Village development of 1,000 dwellings or more) nor indeed if the above sum would be sufficient to ensure long term management of this area. The assessment of the weight which should be given to this as well as the sport pitches and allotments is subject to it being robustly demonstrates as part of the appellants submission that the long terms cost of maintaining the proposed 15.2 ha of proposed open space is viable.
- 9.12.28 This Open space as a whole, could be utilised by the public, does weigh in favour of this scheme and could be considered a **benefit of moderate weight other consideration' which contributes towards VSC.**
- 9.12.29 However, this subject to the Appellant demonstrating the maintenance being viable in the long term and securing how members of the public, outside of the application site could access the land. In the event the appeal is allowed as part of any reserved matters application for layout it is expected that detailed evidence (including paths through the open space) will be provided that this area will be widely accessible and user friendly for all local residents, including those with limited mobility.

Ecological Enhancements

- 9.12.30 The appellants said out that extensive new planting, SuDs and landscaping will be provided and this will increase the ecological and biodiversity value. Such matters are a consideration of reserved matters. In any case, the NPPF requires biodiversity enhancements as part of the redevelopment of any site. **Nonetheless and whilst simply being policy compliant this is a benefit of this scheme and moderate weight is therefore given to it as a VSC.**

Design and Layout

- 9.12.31 The proposed development is outline and access only yet the appellants claim that through the masterplan the design and layout of the proposed development and the park, is of a high quality and also very functional. High quality design should be sought as part of any proposed development but in any case are a consideration for a reserved matters application and cannot be secured as part of an outline application. **Accordingly this is not considered as an 'other consideration' which contributes towards VSC.**

Impact on the economy

- 9.12.32 The appellants have considered that the economic benefits which will flow from the proposal, which include the provision of CIL contribution which is a final contribution to funded infrastructure needed to support the development as well as the economic impact resulting from 150 homes should be given significant/ substantial weight as part of their VSC case.
- 9.12.33 The additional expenditure is a benefit of this development in the usual balancing exercise. However this needs to be tempered against the impact the proposed development would have regarding the creation of additional pressures on infrastructure. **This is therefore given moderate weight as a VSC but is considered as part of the overall wider planning balance.**

Highways improvements

- 9.12.34 As part of the initial planning statement the appellants inferred that the transport mitigation measure would have significant benefit as part of the Appellants Very Special Circumstances Case. This does not appear to be the case as part of the Appeal Statement.
- 9.12.35 Zebra crossing on Holyport Road which provides a pedestrian connectivity between the development and the small parade of shops off Stompits Road. This is necessary to ensure suitable pedestrian access and encourage sustainable modes of transport. Improved paths and cycle ways would be sought as part of any planning application and are considered to be basic principles of good urban design. **Whilst this is not given put forward as part of the Appellants Appeal submission it is a benefit of the scheme, given limited weight as it would largely be mitigation needed to make the development acceptable in planning terms.**
- 9.12.36 Further transport measures need to mitigate the cumulative effects of this proposed development are currently unknown but even if they were they would form mitigation.

Green Belt balancing exercise

- 9.12.37 The NPPF states that very special circumstances will not exist unless the harm to the Green Belt, and any other harm, is *'clearly outweighed'* by the benefits of the scheme. The decision-taker has to exercise a qualitative judgment and ask whether the circumstances, taken together, are very special. The Courts have not defined *'very special'*, beyond confirming that the words must be given their ordinary and natural meaning as contained in R(Chelmsford BC) v First Secretary of State [2004] EWHC 2978 (Admin), paragraphs 55 to 56 (appended to LPA14):

'The words 'very special' must be given their ordinary and natural meaning. Since the expression 'very special' is so familiar, any attempt at definition is probably superfluous, but for what it is worth, the Shorter Oxford English Dictionary tells us that special means:

Of such a kind as to exceed or excel in some way that which is usual or common; exceptional in character, quality or degree The circumstances must be not merely special in the sense of unusual or exceptional, but very special'

- 9.12.38 The Courts have, held that features of the development would have to go beyond the satisfaction of development control policies to form a part of a very special circumstances case. St Albans DC v Hunston Properties Ltd [2013] EWCA Civ 1610, paragraph 29 is clear that:

'it may be wholly unsurprising that there is not a five year supply of housing land when measured simply against the unvarnished figures of household projections. A decision-maker would then be entitled to conclude, if such were the planning judgment, that some degree of shortfall in housing land supply, as measured simply by household formation rates, was inevitable. That may well affect the weight to be attached to the shortfall'

- 9.12.39 The Green Belt balancing exercise therefore needs to be if 'other considerations' put forward as part of this planning application equate to VSC which exists to outweigh the harm and any other harm. This harm includes the inappropriate development of 150 dwellings in the Green Belt, the impact on openness; the impact on the setting of the Heritage Assets; the failure to adequately demonstrate compliance with the Sequential Test and/or the Exemptions Test, and the severe cumulative impact this development would have on highway capacity.

9.12.40 The overall harm to the Green Belt own its own is considered to equate to very substantial harm, the highest level of harm. As it stands, whilst there is a case for Very Special Circumstances when those elements are taken together it is not considered that this amounts to a case of substantial weight to clearly outweigh the harm caused in principle and the other harm. The above assessment is considered even if matters regarding flooding and highways could be overcome during the consideration of the appeal though the submission of additional information.

10. CONCLUSION

10.1.1 As it stands, whilst a case has been advanced for Very Special Circumstances by the appellant, when those elements are taken cumulatively together it is not considered that this amounts to a case of substantial weight to clearly outweigh the harm caused in principle and the other harm.

10.1.2 In line with Section 38(6) it should be considered if the proposed development complies with the Development Plan or whether there are any other material considerations exist which indicate otherwise.

10.1.3 The appropriateness and potential impact the proposed development would have on the Green Belt has been considered against the provisions of the NPPF, given that the relevant Local Plan (Incorporating Alterations Adopted June 2003) policies (GB1, GB2 and GB3) are found to be out-of-date given they are not consistent with the NPPF. The proposed development by reason of its inappropriateness and impact on openness would result in more than substantial harm.

10.1.4 However the proposed development would provide 150 dwellings which could make a moderate contribution towards helping meeting the Council's rolling five year housing land supply. The provision of policy compliant affordable housing (albeit unspecified by the Appellants) would also be a benefit which weighs in favour of this scheme.

10.1.5 The proposed development would erode the northern boundary of the Conservation Area which at present is defined by the very distinct change between the village edge on one side and open space on the other. The loss of this open field would therefore erode its significance as "a settlement preserving a mix of historic buildings". The proposal does not therefore meet the test in paragraph 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and contrary to policy CA2(1) of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations made in 2003). It is considered that this would result in a level of harm to the setting of the Conservation Area, whilst this is considered 'less than substantial harm', it is not considered that it has been demonstrated that public benefits exist which outweigh the harm, contrary to paragraph 196 of the National Planning Policy Framework (2019). Overall the harm to the setting of the Conservation Area from the proposed development is considered to be significant.

10.1.6 Notwithstanding the above objections in terms of the Green Belt and impact on the Heritage Assets there is nothing to indicate that the proposed quantum of development could not be achieved within the proposed site. It is considered that matters regarding wider design considerations, including the impact on trees could; be dealt with at reserved matters stage, in the event this appeal were allowed.

10.1.7 In terms of Highway Considerations, no objections are raised in terms of access or egress. There are however concerns about the wider impact on the capacity of the strategic road network and increase demand on the Braywick Roundabout. The Braywick roundabout is already and will continue to operate above theoretical capacity and the proposed development would only exacerbate this. In the absence of being able to deliver mitigation measures in advance of this development coming forward the residual cumulative impacts on the road network would be severe contrary to DfT Circular 20/2013 and the National Planning Policy Framework (2019). This is considered to result in significant harm which weighs against the scheme.

10.1.8 In terms of infrastructure provision. The proposed of a new doctor surgery is only given limited weight as a benefit of this scheme as its delivery is unknown both in terms of its actual delivery and if and how it fits with the CCG wider strategic plans to meet the needs of the Borough as a whole. Subject to further understanding of the proposed Open Space provision and its long terms

management this too is benefit in that it would be available for the wider community to use. This is given moderate weight. Significant weight also is given the economic benefits associated with the proposed development as part of the regular planning balance.

- 10.1.9 In terms of environmental considerations, due to the re-introduction of the proposed access from Ascot Road the applicants have not demonstrated compliance with the sequential test and exceptions test. The onus is on the applicants to demonstrate compliance and such matters cannot be dealt with by way of condition. The applicants have therefore failed to demonstrate that development has been steered to areas with the lowest risk of flooding, contrary to paragraph 158 - 161 of NPPF. This is considered to result in significant harm, however the officer view is that a more robust and considered assessment *could likely* be submitted by the Appellants as part of the Appeal process and/or the removal of the Ascot Road access would remove harm in this regard.
- 10.1.10 Further information regarding SuDs is also needed to demonstrate a workable system, however given the outline nature of the proposed development this is also not considered a matter which could be dealt with at reserved matters stage. Provide a workable and managed SuDs system could be demonstrate this would be a benefit of the proposed development which would weigh moderately in favour of the development.
- 10.1.11 The proposed development would provide biodiversity enhancements as required by the NPPF which are considered to be a moderate benefit of this scheme. There is nothing to demonstrate that there are significant ground contamination issues on this site which cannot be dealt with by conditions.
- 10.1.12 No renewable energy measures of sustainable construction techniques have been put forward as part of this scheme. Which such matters weigh against a proposed development, given the outline nature of this application such matters can be secured at the reserved matters stage. There is nothing to indicate that the quantum of development would affect the amenities of the occupiers of the adjacent dwellings and/or that the development would not provide a suitable residential environment.
- 10.1.13 This planning application is being considered outside of the local plan process. This means that all factors cannot have been considered fully during the development of the proposal. It is not in the public interest that planning control should be the product of an unstructured free-for-all based on piecemeal consideration of individual applications for planning permission. This is a material consideration which is considered to weigh significantly against the proposed development.
- 10.1.14 Even if matters regarding flooding and highways could be resolved during the course of the appeal the combined weight of the benefits is not considered to come close to offsetting the combined weight of the harm of the impact on the Green Belt and the setting of the Conservation Area.
- 10.1.15 The Officers recommendation is that the Panel endorse that the proposed development would have been refused for reason set out below.

11. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and indicative site layout(s)

REASONS RECOMMENDED FOR REFUSAL IF LOCAL PLANNING AUTHORITY HAD DETERMINED THIS APPLICATION:

1. The proposal is for the development of a greenfield site located in the designated Green Belt, as shown on the Local Plan Proposals Map. On assessment the proposal constitutes inappropriate development within the Green Belt which is, by definition, harmful as identified in paragraph 143 of the NPPF 2019. It is not considered that very special circumstances exist which outweigh the substantial harm to the Green Belt by reason of inappropriateness and the other harm resulting from the proposal which includes the impact on visual and spatial openness, on open countryside which separates Holyport from Bray and provides a rural setting to Holyport village and contributes positively to the setting of the Holyport Conservation Area. Furthermore, mitigation measures may

be needed from this development towards the strategic highway improvements needed to ensure the cumulative, residual impact of development on the highway network is not severe.

2. The proposal is therefore contrary to paragraphs 143- 145 of the National Planning Policy Framework (2019).
3. The proposed development would erode the northern boundary of the Conservation Area which at present is defined by the very distinct change between the village edge on one side and open space on the other. The loss of this open field would therefore erode its significance as “a settlement preserving a mix of historic buildings”. The proposal does not therefore meet the test in paragraph 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and contrary to policy CA2(1) of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations made in 2003). It is considered that this would result in a level of harm to the setting of the Conservation Area, whilst this is considered ‘less than substantial harm’, it is not considered that it has been demonstrated that public benefits exist which outweigh the harm, contrary to paragraph 196 of the National Planning Policy Framework (2019).
4. The proposed development would increase demand for use of a section of the strategic highway network that is already operating at over-capacity levels. In the absence of an agreed deliverable migration measures the residual cumulative impacts on the road network would be severe contrary to DfT Circular 20/2013 and paragraph 109 National Planning Policy Framework (2019).
5. In the absence of a completed legal agreement the proposed development has failed to secure the provision of 45 affordable housing units ((30% on site provision) to meet local needs. The proposed development is therefore contrary to policy H3 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations made in 2003) and the National Planning Policy Framework (2019).
6. In the absence of a completed legal agreement the proposed development has failed to secure the provision of the necessary infrastructure needed to make this development acceptable in planning terms. The proposed development is therefore contrary to policies R4, R5, T5, T7 T8 and IMP1 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations made in 2003) and the National Planning Policy Framework (2019).

- 1: PROPOSED DEVELOPMENT**
A proposed development of approx. 150 dwellings, of mixed size (2 Storey) including affordable housing.
- 2: NEW ACCESS**
New junction created from Holyport Road and Ascot Rd with appropriate 'gateway' planting.
- 3: BOUNDARY VEGETATION**
Existing hedges and boundary vegetation retained and strengthened with additional tree and shrub planting to reduce the impact of the development.
- 4: PROPOSED TREES**
New parkland trees to filter views of development and connect into the existing parkland tree structure planting on site.
- 5: PEDESTRIAN NETWORK**
A network of footpaths will be created around the site, which will connect into the surrounding Public Rights of Way for use by the whole community including:
5a - a new crossing will be created across Holyport Road to the school.
5b - Arboretum walk - through existing and proposed specimen trees
5c - mown paths - additional footpaths for dog walkers etc.
5d - fitness trail - outdoor fitness equipment for all generations
- 6: PLAY FACILITIES**
A new Local Equipped Area for Play (LEAP) will be created in the south west corner of the site, with LAP's along footpaths, and fitness trails within wider park area
- 7: DROP-OFF / PARKING**
Potential parking for the new play area, which can also function as drop-off for the school in conjunction with the new crossing point on Holyport Road.
- 8: VILLAGE GREEN**
More formal public open spaces provides an attractive setting to the new housing
- 9: SUSTAINABLE DRAINAGE SYSTEM (SuDS) / SUSTAINABLE STREETS**
Bioretention planters and swales along streets to deal with storm water run-off from roads, and shallow basins to site boundaries for infiltration of run-off from larger storm events.
- 10: EXISTING TREES**
Good quality existing trees will be retained and incorporated within the development.
- 11: CYCLE PATH**
3m shared footpath / cycleway - set back from road as safe and attractive route through centre of development.
- 12: EXISTING LANDSCAPE FEATURES**
Features to be retained within the open space, as local features. Includes the water tower and the old moat, an archaeological feature.
- 13: PHILBERDS BUILDING**
Previously converted to apartments - no change within the development.
- 14: ALLOTMENTS**
Enclosed by existing field boundary hedging, with vehicular access and parking area.
- 15: COMMUNITY BUILDING**
Existing agricultural building redeveloped for community use - changing rooms, toilets potential coffee pod etc.
- 16: PICNIC AREA**
Proposed picnic tables associated with new / existing orchard trees
- 17: GRASS PITCHES**
2 under 17/18 pitches at 110.6 x64m
- 18: MEADOWS**
Creation of new meadows / management of existing grassland for biodiversity benefits
- 19: OVERFLOW PARKING**
Area retained open to allow for overflow parking on match days
- 20: EXISTING WOODLAND / SCRUB PLANTING**
Existing woodland areas and scrub vegetation to be managed for biodiversity benefits and habitat creation, in line with ecology report recommendations.
- 21: GP SURGERY**
Creation of a new 667m² GP surgery with 25no. parking spaces to serve the health needs of the local community

STATUS	PLANNING			
B	1.11.18	GP surgery added to scheme	IW	HMCh
A	8.12.17	Minor amends to key	IW	HMCh
REV	DATE		BY	CHKD

illmanyOUNG

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Project
Lodge Farm, Holyport

Client
Beaulieu Homes Southern Limited

Title
Indicative Landscape Masterplan

Scale	Date	Drawn	Checked	Approved
1:1000	Nov 17	IW	HMCh	HMCh
Drawing no.	21415/01			Revision
				B

A1 Original

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