

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

MAIDENHEAD DEVELOPMENT CONTROL PANEL

18 December 2019

Item: 3

Application No.:	19/01181/FULL
Location:	Queens Head Windsor Road Water Oakley Windsor SL4 5UJ
1.5	Change of use of the land to allow for the siting of up to x55 residential park homes, following demolition of existing buildings.
Applicant:	Mr Davidson
Agent:	Mr John Hunt
Parish/Ward:	Bray Parish/Bray
If you have a question about this report, please contact: Haydon Richardson on 01628 796697 or at haydon.richardson@rbwm.gov.uk	

1. SUMMARY

- 1.1 The site lies within the Green Belt and the proposed development does not fall under any of the listed exceptions to inappropriate development as outlined under paragraphs 145 and 146 of the National Planning Policy Framework. The proposal would therefore constitute inappropriate development which is by definition harmful to the Green Belt. The proposal would also cause significant harm to the openness of the Green Belt and would be contrary to three of the purposes of the Green Belt (encroachment, sprawl, and to prevent neighbouring towns from merging into one another). A case for Very Special Circumstances (VSC) has been put forward by the applicant but is not considered to outweigh the identified harm to the Green Belt and other harm identified below.
- 1.2 A large proportion of the site is located in an area at risk of surface water flooding and inadequate information has been submitted to demonstrate that the hard surfacing (associated with the proposed development) could be adequately drained without increasing flood risk on the site or elsewhere. Furthermore the submitted information suggests that floor levels within the park homes would be below the surface water flood levels. The proposal is therefore likely to increase flood risk elsewhere and to put additional people at risk of flooding.
- 1.3 The proposed development would be sited in close proximity to Queen Acre Cottage. A significant increase in people and vehicle movements at the site is likely to result in physical disturbance and increase in noise to the detriment of the amenities of the occupants of the cottage. Furthermore, several of the park homes are located within 4m – 10m of Queen Acre Cottage. No information has been submitted regarding the height and design of these properties and they could look directly into the rear elevation and garden of the cottage, leading to a significant loss in privacy for its occupiers.
- 1.4 36% of the proposed residential units are to be affordable housing, but in the absence of a completed legal agreement the development fails to secure the required affordable housing units (30%), thus constituting a reason for refusal.
- 1.5 For these reasons it is recommended that the panel refuse planning permission for the proposed development.

It is recommended the Panel REFUSES planning permission for the following summarised reasons (the full reasons are identified in Section 14 of this report):

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| 1. | The proposal represents inappropriate development in Green Belt, which is by definition harmful to the Green Belt and would conflict with three of the purposes of the Green Belt, namely, safeguarding the countryside from encroachment, to check the unrestricted sprawl of large built up areas, and to prevent neighbouring towns from merging into one another. The development would also cause significant harm to the openness of the Green Belt. No |
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	very special circumstances have been demonstrated to outweigh this substantial harm and the other harm identified.
2.	A large proportion of the site is located in an area at risk of surface water flooding. Inadequate information has been submitted to demonstrate that the hard-surfacing (associated with the proposed development) could be adequately drained without increasing flood risk on the site or elsewhere. Furthermore the submitted information suggests that floor levels within the park homes would be below the surface water flood levels. The proposal is therefore likely to increase flood risk elsewhere and to put additional people at risk of flooding.
3.	The proposed development would cause significant harm to the amenities of Queen Acre Cottage.
4.	In the absence of a completed legal agreement the development fails to secure 30% Affordable Housing to make this development acceptable in planning terms with regards affordable housing provision.

2. REASON FOR PANEL DETERMINATION

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

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The development site comprises a residential property, several outbuildings and caravan site within a 1.7 hectare plot.
- 3.2 The site is accessed from Windsor Road. To the front of the dwelling is a vehicle turning and parking area. To the rear is its residential garden an annexe and other outbuildings.
- 3.3 Beyond the residential curtilage of the site, is a caravan site and along the sites south western boundary is a vehicle storage area.
- 3.4 Queen Acre Cottage neighbours the site, and the remaining area is agricultural land with the exception of a BP filling station and some low density commercial developments.

4. KEY CONSTRAINTS

- 4.1 The development site is located within the Green Belt and an area liable to surface water flooding.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The application seeks planning permission to change the use of the land to allow for the siting of up to 55 residential park homes, following the demolition of existing buildings at the site.
- 5.2 The Queens Head was once a public house and was lawfully converted to a residential property in 2014 (12/02011/FULL and 13/02959/VAR). To the west of the Queens Head was an outbuilding/barn, that barn is now lawfully an independent dwelling known as Queen Acre Cottage (15/00811/CLU).
- 5.3 No planning history has been found to suggest that the caravan site or vehicle storage area (south of the Queens Head) are lawful.

Reference	Description	Decision
16/03979/CPD	Certificate of lawfulness to determine whether 2x part two storey/part single storey rears extensions to	Refused - 07.07.2017

	include 3x rear dormers and 2x two single storey side extensions are lawful	
16/03977/CPD	Certificate of lawfulness to determine whether construction of garage is lawful	Refused - 15.06.2017
16/03972/CPD	Certificate of lawfulness to determine whether construction of a leisure building is lawful.	Refused - 15.06.2017
16/03785/PDXL	Single storey rear extension no greater than 8m depth, 4m high and an eaves height of 2.3m.	Withdrawn - 19.01.2017
16/00381/CPD	Certificate of lawfulness to determine whether proposed 2x single storey side and 2x single storey rear extensions, single storey detached and addition of rear dormer to existing house, swimming pool/gymnasium, single storey detached stable block, single storey detached garden room and single storey detached music room are lawful	Refused - 22.07.2016
15/02524/CPD	Certificate of lawfulness to determine whether proposed single storey side and rear extension and addition of rear dormer to existing house, single storey detached swimming pool/gymnasium, single storey detached stable block, single storey detached occasional playroom and single storey detached garden room are lawful	Withdrawn - 23.10.2015
15/01620/CPD	Certificate of lawfulness to determine whether proposed single storey side and rear extension and addition of rear dormer to existing house, single storey detached swimming pool/gymnasium, single storey detached stable block, single storey detached occasional playroom and single storey detached garden room are lawful	Refused - 26.06.2015
15/00811/CLU	Certificate of lawfulness to determine whether existing residential use of the old barn at the Queens Head is lawful	Approved - 04.08.2015
13/02959/VAR	Change of use from Public House to a single residential dwelling, including a single storey front extension and first floor side extension and rear dormer window as approved under planning permission 12/02011 confirming the extent of the residential curtilage.	Approved - 09.01.2014
13/03027/CLU	Certificate of lawfulness to determine if the existing use of the barn as a residential dwelling is lawful.	Withdrawn - 19.12.2013

13/00099/CONDIT	Details required by conditions 4 (hard and soft landscaping) and 5 (vehicle parking and turning) of planning permission 12/02011 Change of use from public house to a single residential dwelling, including a single storey front extension and first floor side extension and rear dormer window.	Approved - 21.01.2013
12/02011/FULL	Change of use from public house to a single residential dwelling, including a single storey front extension and first floor side extension and rear dormer window.	Approved - 28.09.2012
08/00893/FULL	Formation of five practice football pitches including the importation of material to raise the land	Refused - 16.07.2008
07/02855/FULL	Single storey rear extension with balcony roof terrace above, first floor rear extension, raising the roof height. single storey side extension	Withdrawn - 20.12.2007
05/02207/FULL	Erection of a detached timber chalet style flower sales building	Refused - 14.10.2005
04/41558/COU	Change of use of land for temporary siting for no more than 5 caravans for keyworkers (Terminal 5) (RETROSPECTIVE)	Refused - 27.04.2004

6. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

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

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1, H10,H11
Highways	P4 AND T5
Protection of trees and hedges	N6 and N7
Pollution (noise, smells, fumes)	NAP3
Contamination	NAP4
Green Belt	GB1, GB2

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)

- Section 2 - Achieving Sustainable Development
- Section 4 – Decision making
- Section 5 – Delivering a sufficient supply of homes
- Section 9 - Promoting Sustainable Transport
- Section 12- Achieving well-designed places
- Section 13 – Protecting Green Belt Land
- Section 14 – Meeting the Challenges of Climate Change, Flooding and Coastal Change
- Section 15 – Conserving and Enhancing the Natural Environment

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Green Belt	SP1, SP5
Housing mix and type	HO2
Affordable housing	HO3
Sustainable Transport	IF2
Ecology and Biodiversity	NR3

Borough Local Plan: Submission Version Proposed Changes (2019)

Issue	Local Plan Policy
Design in keeping with character and appearance of area	QP1, QP3
Green Belt	SP1, QP5
Sustainable Transport	IF2
Housing mix and type	HO2
Affordable housing	HO3
Pollution (Noise, Air and Light)	EP1, EP2, EP3, EP4

- 7.1 The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents was submitted to the Secretary of State for independent examination in January 2018. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough.
- 7.2 In December 2018, the examination process was paused to enable the Council to undertake additional work to address soundness issues raised by the Inspector. Following completion of that work, in October 2019 the Council approved a series of Proposed Changes to the BLPSV which are now out to public consultation until Sunday, 15 December 2019. All representations received will be reviewed by the Council to establish whether further changes are necessary before the Proposed Changes are submitted to the Inspector. In due course the Inspector will resume the Examination of the BLPSV. The BLPSV and the BLPSV together with the Proposed Changes are therefore material considerations for decision-making. However, given the above both should be given limited weight.
- 7.3 These documents can be found at:
<https://www3.rbwm.gov.uk/blp>

Other Local Strategies or Publications

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

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

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

- 8.1 1 nearby occupier was directly notified of the application.
- 8.2 The planning officer posted a notice advertising the application at the site on **03.06.19** and the application was advertised in the local newspaper on **24.05.2019**.
- 8.3 3 letters were received objecting to the application, summarised as:

Comment		Where in the report this is considered
1.	The proposed development is poorly located between two towns.	The unfavourable location of the development is noted. See paragraph 9.14. As well as paragraphs 9.32 – 9.43 of this report.
2.	The proposed development would be inappropriate development in the Green Belt and no very special circumstances have been demonstrated to warrant approval of the application.	See paragraphs 9.1-9.18 of this report.
3.	The development will cause congestion and delays, as vehicles enter and exit the site on to the A308. Furthermore 55 new homes would cause additional traffic.	See paragraphs 9.53-9.61 of this report.

- 8.4 10 letters were received in support of the application, summarised as:

Comment		Where in the report this is considered
1.	The development would provide more affordable housing for the area and an opportunity for renters to get on the housing ladder	See paragraphs 9.1-9.18, as well as paragraphs 9.62-9.64 of this report.
2.	The development would use previously developed land	See paragraphs 9.1-9.18
3.	The site could be completely screened from the main road and therefore would not harm the appearance of the area	See paragraphs 9.32 – 9.43 of this report.
4.	A child's play area is included in the scheme	Noted. However the benefits of this scheme would not outweigh the harm identified. See paragraphs 9.1-9.18 of this report.
5.	The council has no 5year housing land supply and this would help to reduce housing need in the area	See paragraphs 9.1-9.18, as well as paragraphs 9.62-9.64 of this report.

6.	The development would free up houses in the area as elderly or renters move to the park home site	Noted. However the benefits of this scheme would not outweigh the harm identified to the Green Belt. See paragraphs 9.1-9.18 of this report.
7.	The site is well connected and has access to the A308 between Windsor and Maidenhead. It also has 2 bus stops in walking distance.	See paragraphs 9.53-9.61 of this report.
8.	The development would benefit existing and proposed local businesses as new park home owners use local shops and services.	See paragraphs 9.1-9.18 of this report.

8.5 Statutory consultees

Consultee		
Lead Local Flood Authority	Object to the proposed development on the grounds that a significant portion of the site is susceptible to surface water flooding. Inadequate information has been submitted to demonstrate that the hard surfacing (associated with the proposed development) could be adequately drained without increasing flood risk on the site or elsewhere). For these reasons the proposal is considered to be contrary to paragraph 165 of the NPPF.	See paragraphs 9.19-9.31

8.6 Consultees

Consultee	Comment	Where in the report this is considered
Tree Officer	Objects to the proposed development due to its adverse impact on the hedgerow surrounding the site.	See paragraphs 9.32 – 9.43 of this report.
Highways Officer	The proposed development is not considered to be in a sustainable location, however we raise no objection to the proposed development subject to conditions requiring a parking layout plan and cycle storage details.	See paragraphs 9.53-9.61 of this report.
Environmental Protection Officer	The development site is located in close proximity to land which has been contaminated. Notwithstanding this point, no objection is raised subject to conditions requiring the submission of an environmental construction plan and a scheme of contamination investigation works prior to development.	See paragraphs 9.72 – 9.75.
Berkshire Archaeology	No objection subject to a condition requiring the submission of a written scheme of investigation prior to development.	See paragraphs 9.69 – 9.71.
Thames Water	Following initial investigations, Thames Water has identified an inability of the existing foul water network infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the	See paragraphs 9.19 - 9.31.

	<p>developer in an attempt to agree a position for foul water networks but have been unable to do so in the time available and as such Thames Water request that the following condition be added to any planning Permission.</p> <p>No properties shall be occupied until confirmation has been provided that either all Waste water network upgrades required to accommodate the additional flows from the development have been completed; or a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.</p> <p>Reason - The development may lead to sewage flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents.</p>	
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8.7 Others

Group	Comment	Where in the report this is considered
Maidenhead Civic Society	Object to the proposed development on grounds that it is inappropriate development in the Green Belt and does not demonstrate any special circumstances to allow for the development.	See paragraphs 9.1-9.18 of this report.
Oakley Green and Fifield Residents Association	Strongly object to the proposed development on grounds that it would cause congestion on the busy A308 and harm to the safety of vehicles who use that Road. Furthermore it would be inappropriate and harmful development in the Green Belt.	See paragraphs 9.1-9.18, as well as paragraphs 9.53-9.61 of this report.
Down Place residents Association	Object to the proposed development on grounds that it is inappropriate development in the Green Belt and does not demonstrate any special circumstances to allow for the development. The site is not identified for housing in the Development Plan. The site would cause additional congestion on the busy A308.	See paragraphs 9.1-9.18, paragraphs 9.53 -9.61 and paragraphs 9.62-9.64 of this report.

9. EXPLANATION OF RECOMMENDATION

The key issues for consideration are:

- i The principle of the change of use and its impact on the Green Belt

- ii The impact of the proposal on flood risk and drainage
- iii The impact upon the character and appearance of the area
- iv The impact upon the amenities of nearby occupiers
- v Provision of a suitable residential environment
- vi The impact upon highway safety and parking
- vii Affordable housing provision
- viii Other Considerations (Ecology, Archaeology, Contaminated Land)

Issue i - The principle of the change of use and its impact on the Green Belt

- 9.1 Local Plan Policy GB1(c) states that approval will only be given for development in the Green Belt (save in very special circumstances) for engineering and other operations and the making of a material changes in the use of land which maintains openness and does not conflict with the purposes of including land within it. Policy GB2(a) states that permission will not be granted for...change of use within the Green Belt, where it would have a greater impact on the openness of the Green Belt or the purposes of the Green Belt than existing development on the site.
- 9.2 Paragraph 146 of the NPPF states that 'certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. The exception considered most relevant to this application is:
- material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds)
- 9.3 Taking into consideration the above, the afore-mentioned Local Plan policies are generally considered to be in line with the aims and objectives of the NPPF regarding 'change of use development' in the Green Belt.
- 9.4 The application seeks planning permission to change the use of the land, so that 55 mobile homes can be sited upon it, following the demolition of existing buildings.
- 9.5 The submitted planning statement suggests that the development would consist of:
- 1 1-2 bedroom mobile park homes, with comfortable living accommodation. Each home would be manufactured off site, assembled on site and would fall within the statutory definition of a caravan.
 - 2 Each park home would have a small curtilage area allowing for the parking of 1 vehicle, as well as amenity space.
 - 3 A community amenity space
 - 4 Cycle storage and communal refuse facilities
1. 20 affordable housing units to rent
 2. Landscaping where necessary
 3. Internal access roads and visitor parking areas
- 9.6 The applicant has suggested that the proposed development is appropriate development in the Green Belt for the following reasons:

'The change of use of the land can be considered to fall within the exception e) in paragraph 146 of the NPPF which will allow the material change of use of land. In this case, the change of use would have an impact on openness as it would facilitate the siting of up to 55 park homes on the application site. However, the application proposes demolition of the existing dwelling and numerous outbuildings on site which would increase openness. By their nature, park homes are low in profile and although permanently sited can be considered to be compatible with a countryside setting'.

- 9.7 At present the site comprises a two storey dwelling, surrounded by brick walls and limited vegetation. A single storey annexe and other single storey outbuildings also exist within the site. Due to the size and siting of the outbuildings, they have very limited visual and spatial impact upon the openness of the Green Belt. Due to its height the existing dwelling has more of a visual impact, however this is still limited due to its set back from Windsor Road.
- 9.8 The proposed site location plan suggests that park homes would cover the majority of the site, each building would have a footprint of approximately 52m². Scaled drawings showing the height and design of the new park homes have not been submitted, although brochures of potential homes have been submitted. National housing standards suggest that minimum floor to ceiling heights should be 2.3m, insulation and roofing is also likely to be necessary for each home. It is therefore likely that each of the park homes would be at least 2.5m in height.
- 9.9 The 55 new homes, parking areas (once occupied), refuse facilities and residential paraphernalia such as washing lines, likely boundary separation between pitches, and outdoor seating areas would undoubtedly have a significant spatial impact on the openness of the Green Belt. Furthermore due to their number, unspecified heights and the fact that some of the homes are located within close proximity to the sites open front access, it is likely that the proposed development would cause visual harm to the openness of the Green Belt, despite the sites set back from the road and landscaping.
- 9.10 It can be concluded therefore that the proposed development would have a greater impact on the openness of the Green Belt than existing development on the site and would therefore not preserve openness, contrary to planning guidance.
- 9.11 Furthermore park home sites can be considered as traveller sites as they will essentially house mobile homes/caravans. The Planning Policy for Traveller Sites 2015 (PPTS), which is to be read in conjunction with the NPPF is a material consideration in determining planning applications such as this. Policy E of the PPTS is specific to traveller sites in the Green Belt and states that: "Inappropriate development is harmful to the Green Belt and should not be approved, except in Very Special Circumstances (VSC). Traveller sites (temporary or permanent) in the Green Belt are inappropriate development". It states 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 any other harm so as to establish very special circumstances'. Therefore the proposal is considered to be inappropriate development.
- 9.12 The development does not appear to fall within any other form of appropriate development listed under paragraphs 145 or 146 of the NPPF or Policy GB1 of the Local Plan. Nor has the applicant evidenced that it does.
- 9.13 For these reasons the proposed change of use is considered to be inappropriate development, which would also cause significant harm to the openness of the Green Belt.
- 9.14 In addition to the above, the proposed development would be sited on predominantly open land between Maidenhead and Windsor. Other than a few houses, a petrol filling station and a hotel along Windsor Road (forming a ribbon development pattern) the area is green and open. The openness and low density development common of the area contributes towards the clear physical and visual distinction between the towns of Maidenhead and Windsor. The proposed development would introduce dense residential development to an area that is sparser in density and would erode the clear distinction between the towns and would be harmful to the purposes of including the land in the Green Belt, specifically to prevent the sprawl of built up areas, to assist

in safeguarding the countryside from encroachment and to prevent neighbouring towns from merging into one another.

Very Special Circumstances Test

- 9.15 Paragraph 143 states that ‘Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances’.
- 9.16 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’ and that ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations’.
- 9.17 The applicant has put forward several considerations, which they believe weigh in favour of the development. Those considerations have been summarised below:
- The proposed development would provide 55 homes, where there is currently no 5 year housing land supply for the Borough (This provides moderate weight in favour of the development).
 - 20 of the proposed dwellings would be affordable housing for rent (36%), as set out in appendix 2 of the NPPF. The applicant has suggested that they are open to entering into a legal agreement to ensure those units are provided (At present no legal agreement is in place and therefore this point is afforded limited weight in favour of the development).
 - The proposed development would provide economic benefits as homeowners use local shops and services, but also the siting of the mobile homes and development would provide work for the building industry (This point is afforded limited weight in the VSC balancing test as the mobile homes are ready built – thus would not require a substantial work force, furthermore the economic benefits from expenditure would not be significant due to the amount of dwellings proposed).
 - The homes can be provided in a short space of time and therefore quickly delivered where there is an identified need for housing (This point is afforded limited weight, as homes will still have to be constructed off site, assembled and services will still need to be fitted).
 - All of the properties provided are likely to be cheaper than the average price for single and two bed flats, terraces, in the area (This point is afforded limited weight).
 - The type of housing provided is cheaper and will allow younger people to get on the housing ladder. Older people may be attracted to the park homes releasing other homes in the vicinity. (These points are afforded limited weight in favour of the development).
- 9.18 The proposed development would cause significant harm to the openness of the Green Belt, further harm would be caused by its inappropriate nature and harm to the purposes of the Green Belt (encroachment, sprawl, and to prevent neighbouring towns from merging into one another). The harm identified above is attributed substantial weight in the VSC Balancing test and the other harm (amenity, character and appearance and environmental issues – mentioned later in the report) is attributed significant weight against the development. It is therefore considered that no ‘very special circumstances’ have been demonstrated to outweigh the harm to the Green Belt (and any other harm); that would justify the approval of the application.

Issue ii - The impact of the proposal on flood risk and drainage at the site

- 9.19 The development site is located within Flood Zone 1.
- 9.20 There are no relevant Local Plan policies for development in Flood Zone 1. Notwithstanding this point, the NPPF (2019) states that a site specific flood risk assessment (SSFRA) should be

submitted for major development in the Flood Zone and an assessment has been submitted in support of this application (QFRA, 1389, dated 20/06/19).

- 9.21 National Planning Policy Guidance states that the sequential test is not required for development in Flood Zone 1. The guidance also states that 'highly vulnerable development is appropriate development in Flood Zone 1 as such the development does not need to meet the requirements of the exceptions test.
- 9.22 Paragraph 163 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk 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
 - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
- 9.23 Paragraph 165 of NPPF states that all 'major' planning applications must incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:
- a) take account of advice from the lead local flood authority;
 - b) have appropriate proposed minimum operational standards;
 - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
 - d) where possible, provide multifunctional benefits.
- 9.24 EA Flood Maps suggest that the development is in an area at very low risk of fluvial flooding (sea, reservoir, and river). Notwithstanding this point the western and south western parts of the site are at high to medium risk of surface water flooding (the chance of flooding being between 1% and greater than 3.3% each year, with depths of flood water ranging from 300mm to greater than 900mm predicted for the 1% event). Furthermore, Plan number 0499-SFRA-LV1 rev A included within the Boroughs SFRA indicates that "sewer flooding" has previously affected the site.
- 9.25 The proposed plans do not clearly indicate the extent and nature of the hard surfaces throughout the proposed development (car parking areas, access roads, paths). Additionally the proposed park homes are to be located on concrete slabs, the footprint of these park homes is therefore likely to be impermeable. Taking into consideration that the type and extent of hard surfacing at the site is unknown, the proposed SuDS measures (swales and permeable surfaces) cannot be considered as adequate for draining the site. Therefore the SuDS information submitted with the application does not adequately demonstrate how the site will be drained and surface water is likely to be pushed elsewhere putting properties like Queen Acre Cottage at higher risk of flooding.
- 9.26 Furthermore, no information has been submitted to suggest that the park homes would be above the mentioned surface water flooding levels. Therefore the homes are likely to be vulnerable to surface water flooding and as mentioned previously no SuDS are in place to mitigate the risk. The proposal would therefore not be flood resistant and would put the sites users and their homes at risk of surface water flooding.
- 9.27 The submitted D and A statement suggests that the proposed development would be connected to the areas mains sewer. However Thames Water have objected to the scheme on the grounds that sewer systems in the area have no capacity for the proposed development. Taking into consideration that sewers in the area have previously flooded, the proposal is therefore likely to

increase the likelihood of sewer flooding in the area. Notwithstanding these points, Thames water have suggested that this concern could be overcome by a suitably worded condition (see section 8.6 of this report).

- 9.28 As the development site is in Flood Zone 1 and in an area at very low risk of fluvial flooding, it is not considered appropriate to have a safe means of egress and access from and to the site.
- 9.29 For the reasons mentioned above it is considered that the proposed development would increase flood risk elsewhere. Furthermore it would not include appropriate sustainable drainage systems or flood resistant measures (such as appropriately raised floor levels).
- 9.30 The proposed development is considered to be contrary to paragraphs 163 and 165 of the NPPF (2019).
- 9.31 The Lead Local Flood Authority is a statutory consultee for developments of this nature. They have been consulted on the application and also object to the proposed development (see section 8.5 of this report).

Issue iii - Impact upon the character and appearance of the area

- 9.32 Local Plan Policy DG1 places emphasis on achieving good design and creating new developments which sympathetically integrate into existing environments. Policy H10 of the adopted Local Plan states that new residential development schemes will be required to display high standards of design and landscaping in order to create attractive, safe and diverse residential areas and, where possible, to enhance the existing environment.
- 9.33 Policy H11 of the adopted Local Plan states that in established residential areas, planning permission will not be granted for schemes which introduce a scale or density of new development which would be incompatible with or cause damage to the character and amenity of the area.
- 9.34 Chapter 12 of the National Planning Policy Framework (2019) aims to achieve well designed places. Paragraph 127 specifically advises that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate landscaping, they should also be sympathetic to local character, history and the surrounding built environment.
- 9.35 In support of the above the Government published the National Design Guide in October 2019 and this seeks to illustrate how well-designed places that are beautiful, enduring and successful can be achieved in practice. The focus of the design guide is as a tool to inform layout, form, scale, appearance, landscape, materials and detailing.
- 9.36 The proposed development would be visible from Windsor Road and a public footpath east of the site. The proposed change of use would result in resurfacing for mobile home pitches, parking areas and access routes. It would also comprise the eventual siting of up to 55 mobile homes, refuse areas and cycle storage sheds. No scaled drawings have been submitted demonstrating the height and design of the mobile homes or cycle sheds.
- 9.37 Notwithstanding the above, it is considered that due to the set back of the homes and sheds from Windsor Road, the fact that parking areas are already visible from the road, and that a condition could be added to improve landscaping at the site (subsequently screening the development); the proposal could have an acceptable impact on the appearance of the area from the main road. Furthermore the site is 290m away from the aforementioned public footpath and is almost completely surrounded by a mature hedgerow. Due to the separation distance between the site and hedgerow, the development would cause no harm to views of the area from the footpath. In terms of character, the development would introduce a dense residential environment which contrasts with the immediate surrounding area. However this is common of park home sites such as the Willows Riverside Park and Windsor Racecourse Caravan Park. Both of which are sited along Maidenhead Road and are approximately 1.7km and 3.3km away from the development site respectively.

- 9.38 Policy N6 states that new developments should protect and conserve trees important to the amenity of the area; ample space should also be provided for the future growth of these trees. Any loss or harm to such trees can in some circumstances be mitigated by replanting but should always be justified by the applicant. The policy also states that where the contribution of the trees to local amenity outweighs the justification for development, planning permission may be refused. Policy N7 of the Local Plan seeks to protect hedgerows from development which would lead to their loss. The policy states that development will not be permitted 'which results in the loss of hedgerow, such as a boundary hedge. Where hedgerow removal is unavoidable replacement and improved planting will be required'.
- 9.39 The Boroughs Tree Officer has raised concerns regarding the impact of the proposed development on a hedgerow surrounding the site (labelled G7 and H1 on drawing 'AA PP 01' received 14/10/19). The officer suggests that future occupiers of the park homes may cut back the hedgerow to improve their amenity space and/or access to light. Further harm could be caused when installing hard standing for track roads, car parking and footpaths around the site. All of which could harm the hedgerows G7 and H1 to the detriment of the areas character and appearance. The tree officer has also stated that the landscaping scheme is not viable as many of the trees and hedging within the site are not fit for relocation.
- 9.40 Notwithstanding the above, an existing dirt track exists around the sites western boundary. The track would provide a clear gap between the eastern park homes and the eastern section of hedge G7, therefore there would be no need to prune the hedge and it is likely to be retained. The same track partly runs along the sites southern boundary; the submitted plans indicate that it would be cleared and extended to finish at the south west corner of the site. A condition could be added to ensure that the southern section of hedge G7 is appropriately protected and where necessary improved, should permission be forthcoming. Homes would also be sited in close proximity to hedge H1 and a similar landscaping condition could be added to ensure the hedges are protected and replaced.
- 9.41 Additionally, there is no guarantee that footpaths will be created along the sites boundary which would harm the hedgerow, nor is it guaranteed that future occupiers would wish to prune or cut back hedges G7 and H1, and as such many of the tree officers concerns are considered to be hypothetical. It should also be noted that only the eastern section of the hedgerow is visible to the public. That section of the hedgerow is most likely to be protected due to the dirt track surrounding the site. Therefore the most important part of the hedgerow is the most likely to be retained. Taking into consideration these points it is not considered that this application could be refused due to its impact on the hedgerow surrounding the site.
- 9.42 One mature tree exists within the site (T6). The tree is located over 40m from the road, the tree is not protected and adds minimal value to the areas appearance due to its size and set back from the street. The tree officer has not objected to its removal.
- 9.43 For the reasons mentioned above it is considered that, subject to the imposition of conditions (hedgerow protection and landscaping) should permission be forthcoming, the proposal could have an acceptable impact on the character and appearance of the area.

Issue iv – Impact of the proposal on neighbouring amenities and the amenities of future residents

- 9.44 Paragraph 127 of the NPPF (2019) states that development 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'.
- 9.45 Paragraph 180 of the NPPF (2019) states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the

development. This includes avoiding noise giving rise to significant adverse impacts on health and the quality of life.

- 9.46 There are no relevant Development Plan policies regarding impact on neighbouring amenity.
- 9.47 The park home site would comprise 55 new homes. Each home would have 1 to 2 bedrooms and thus could house a small family. 17 visitor parking spaces would be provided for the sites users and they would each have 1 private parking space. In order to access and exit the site each occupier and their visitors would have to use the access sited meters away from Queen Acre Cottage. Constant people and vehicle movements in and out of the site, coupled with a large increase in external activity would inevitably lead to an increase in noise, harming the amenities of Queen Acre Cottage.
- 9.48 Furthermore 6 of the 55 homes are to be sited within 4-10m of Queen Acre Cottage. The heights and designs of these properties have not been specified. As such they could provide views into Queen Acre Cottage and its rear garden. This would lead to a significant increase in overlooking and a loss of privacy to the occupiers of that property.
- 9.49 For these reasons, it is considered that due to the sites close proximity to Queen Acre Cottage, that neighbour is likely to be the subject of disturbance by constant vehicle and people movement, as well as an increase in noise. They could also be subject to a significant loss of privacy. For these reasons and the reasons mentioned above the proposal is considered to be harmful to the amenities of Queen Acre Cottage.

Issue v - Provision of a suitable residential environment

- 9.50 There are no specific policies in the adopted Local Plan regarding provision of a suitable residential environment. Paragraph 127 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. The government has also published Technical Housing Standards- nationally prescribed space standards (2015) which sets out guidance on floor space requirements for new developments.
- 9.51 The proposed plans do not indicate the height or design of the proposed park homes. Notwithstanding this point, each park home would have a semi private garden, parking facilities, access to cycle storage and refuse facilities. The dwellings would also have access to a community amenity area. Each park home would be approximately 52m² and is therefore likely to be able to create a suitable living environment for future occupiers.
- 9.52 It is considered that the application could provide a satisfactory level of amenity for future occupiers.

Issue vi - Impact upon highway safety and parking

- 9.53 Policy T5 requires all development proposals to comply with adopted highway design standards (HDS). The policy notes advise that the purpose of the HDS is to ensure that new development does not place an undue burden or create problems of congestion on the highway network. Policy P4 requires all development proposals to accord with adopted car parking standards, while policy T7 seeks to ensure that new development makes appropriate provision for cyclists including cycle parking.
- 9.54 The NPPF (2019) states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.
- 9.55 A transport statement (Ref: 1905036, Dated May 2019) and technical note (Ref: Technical Note 1: 1905036, Dated 6th August 2019) has been submitted in support of this application.
- 9.56 The sites access would be 6.5m wide as shown in Appendix A of Technical Note 1 and would provide adequate visibility in both directions when exiting and entering the site. A swept path

analysis (Appendix B of Technical Note 1) has been submitted which demonstrates that the new access road would allow for vehicles to safely pass alongside each other, whilst exiting and entering the site. A new 1.5m pedestrian footpath would also be provided within the site to allow for residents and bike users to exit and enter the site more safely. It should also be noted that the submitted transport statement and Boroughs Highways Officer suggest that the A308 has sufficient capacity for the additional vehicle movements generated by the proposed development.

- 9.57 55 homes would be provided in an area of poor accessibility. The development would therefore require the provision of 110 car parking spaces. The submitted plans show that the development would provide 72 car parking spaces (1 for each home and 17 visitor spaces). However the submitted transport statement (Technical note 1: dated 6th August 2019) suggests that each home has adequate space for the parking of 2 vehicles (in tandem). The Boroughs highways officer has accepted this point and it is therefore considered that the site could provide a total of 127 parking spaces; exceeding the requirement. It is therefore considered that adequate vehicle parking space could be provided at the site. If the application was recommended for approval a condition would have been suggested requiring a parking layout plan.
- 9.58 Cycle storage areas have been provided within the site. Whilst the areas themselves are considered to be acceptable, additional information would be required to ensure they are covered, secure and adequate in number. A condition would have been suggested to this effect had the application not been recommended for refusal.
- 9.59 The bin storage areas indicated are considered to be appropriately sited, however details regarding their height, capacity and the type of waste they would store is unknown. As these details would ultimately impact on their usage and the sites appearance a condition would have been suggested had the application not been recommended for refusal.
- 9.60 The Highway Authority has raised no objections to this application, subject to conditions. Although they have noted that the development is not in a sustainable location.
- 9.61 Overall and for the reasons mentioned above, it is considered that subject to conditions, the proposed development could have an acceptable impact on highway safety and would not cause any severe harm to the highways network. As such this application is not recommended for refusal on highway grounds.

Issue vii – Affordable Housing provision

- 9.62 The proposal would include 20 affordable units on site which accords with Local Plan policy H3 which requires that this development provides 30% affordable housing on site.
- 9.63 As a material consideration, paragraph 63 of the NPPF states that in cases of major development involving housing, at least 10% of the homes are expected to be available for affordable home ownership, as part of the overall affordable housing contribution from the site unless this would exceed the level of affordable housing required in the area or prejudice the ability to meet the identified affordable housing need within the Borough. The Strategic Housing Market Assessment (SHMA) highlights the needs of the Borough and sets out a tenure of 80% of social/affordable rented and 20% intermediate housing, but tenure mix is not specified in adopted policy and therefore it is considered that the NPPF should be a material consideration of more significant weight in this respect. The applicant has stated that 20 of the proposed units (36%) would be affordable housing to rent which would therefore accord with the NPPF.
- 9.64 Whilst it is noted that the applicant is willing for the proposal to be policy compliant and has advised that they are willing to secure a legal agreement, at the time of writing this report no legal agreement is in place. In the absence of a satisfactory legal agreement, the affordable housing contribution is not secured and the proposal therefore fails to make adequate provision for affordable housing and is contrary to Local Plan policy H3 and paragraph 63 of the NPPF. However, the weight to be attributed to having a policy compliant affordable housing scheme will be considered further below as part of the wider planning balance.

Issue viii - Other considerations

Ecology

- 9.65 Paragraph 170 of the NPPF (2019) states that planning decisions should contribute to and enhance the natural and local environment. The emphasis is on minimising 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...development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity”.
- 9.66 A phase 1 ecological survey was submitted in support of the application (Ref: Ecological Assessment, Queens Head - Derek Finnie Associates, Dated May 2019).
- 9.67 No badgers or bats were found at the site during the assessment, as such these species are unlikely to be adversely impacted by the proposed development. The existing hedgerow is to be retained and would provide home and refuge for animals in the future. Furthermore a condition would have been recommended to ensure the hedgerow was protected and appropriately supplemented if the application were recommended for approval. For these reasons the proposed development would not have an ecological impact which would warrant refusal of the application.
- 9.68 It should also be noted that the Boroughs ecologist has made no objection to the proposed development subject to the inclusion of conditions.

Archaeology

- 9.69 Local Plan policy ARCH3 and paragraph 189 of the NPPF seek to protect archaeological remains.
- 9.70 Berkshire Archaeology have been consulted on the application and have suggested that the development site could contain archaeological remains. However they have suggested that subject to a pre commencement condition requiring the submission of a programme of archaeological field evaluation in accordance with an approved written scheme of investigation, and any subsequent mitigation as necessary, the proposed development would be acceptable. Had the application been recommended for approval an appropriately worded condition would have been recommended.
- 9.71 For these reasons the proposed development would not have an archaeological impact which would warrant refusal of the application.

Contamination

- 9.72 Local Plan Policy NAP4 advises that planning permission should not be granted where a proposal is likely to pose an unacceptable risk to the quality of ground water or surface water.
- 9.73 During the process of the application concerns were raised by the Environmental Protection Officer regarding the impact of potentially contaminated land on the proposed development. However it was also suggested that a suitably worded condition requiring ground and soil surveys to establish whether the site is contaminated or not prior to commencement would overcome their concerns.
- 9.74 Had the application been recommended for approval an appropriately worded condition would have been recommended.
- 9.75 For these reasons the potentially contaminated land at the site would not have warranted refusal of the application. .

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 10.1 Page 11 of the RBWM CIL charging guide (2016) suggests that CIL is not charged on Mobile homes as they are not buildings as defined by planning law. The proposed development is therefore not considered to be CIL liable.

11. Planning Balance

- 11.1 Paragraphs 10 and 11 of the NPPF (2019) 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:

- 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.*

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

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

- 11.3 The BLPSV is not yet adopted planning policy and the Council's adopted Local Plan is more than five years old. Therefore, for the purposes of decision making, currently the starting point for calculating the 5 year housing land supply (5 yhls) is the 'standard method' as set out in the NPPF (2019). Currently the LPA cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer). The LPA therefore accepts, for the purpose of this application and in the context of paragraph 11 of the NPPF (2019), including footnote 7, the so-called 'tilted balance' is engaged.

- 11.4 However footnote 6 of the NPPF (2019) clarifies that section d(i) of paragraph 11 of the NPPF (2019) is not applied where '*policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed*'. This includes: Green Belt and areas at risk of flooding). For the reasons set out in paragraphs 9.1-9.28 the proposed development is considered to constitute inappropriate and harmful development in the Green Belt which would also increase the risk of flooding at the site and elsewhere. Plainly where there are such restrictive policies in play, and their requirements are not satisfied by the development proposed, it is clear that the "tilted balance" does not apply, and the planning balance is to be carried out in the ordinary way, having regard to the statutory test in section 38(6) of the 2004 Act. This is set out below in the conclusion.

12. Conclusion

- 12.1 The proposal could have an acceptable impact on the character and appearance of the area, potential archaeological remains, ecology, contaminated land and highway safety subject to conditions. However, the proposed development would constitute an inappropriate form of development in the Green Belt, would result in significant harm to the openness of the Green Belt, and would be contrary to three of the purposes of the Green Belt (encroachment, sprawl, and to prevent neighbouring towns from merging into one another). This harm to the Green Belt is afforded substantial weight against the development. The case of VSC put forward by the applicant would not clearly outweigh this harm and the other harm noted below. The proposal is also likely to have an unacceptable impact on the amenities of Queen Acre Cottage and to increase flood risk at the site and elsewhere. Furthermore without a legal agreement in place the affordable housing units mentioned cannot be secured. As such the proposal is considered to be contrary to Local Plan policies GB1, GB2(a), H3 and NAP3 as well as paragraphs 63, 127, 133, 134, 143, 144, 145, 146, 163, 165 of the NPPF.

- 12.2 With or without securing the proposed affordable housing contribution the scheme would be contrary to the planning guidance set out within the Development Plan and National Planning Policy Framework (2019).
- 12.3 For these reasons it is recommended that the Panel refuse planning permission for the proposed development.

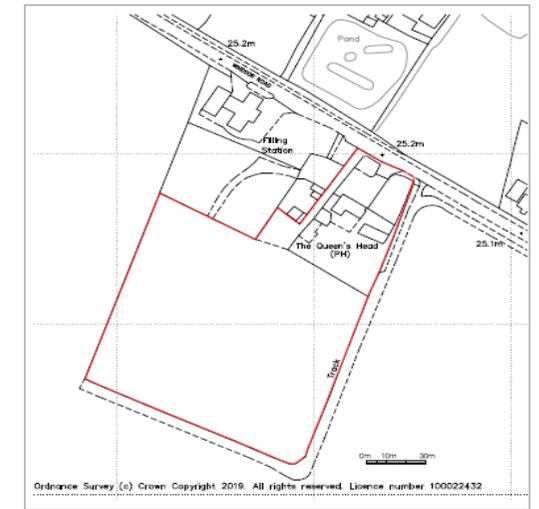
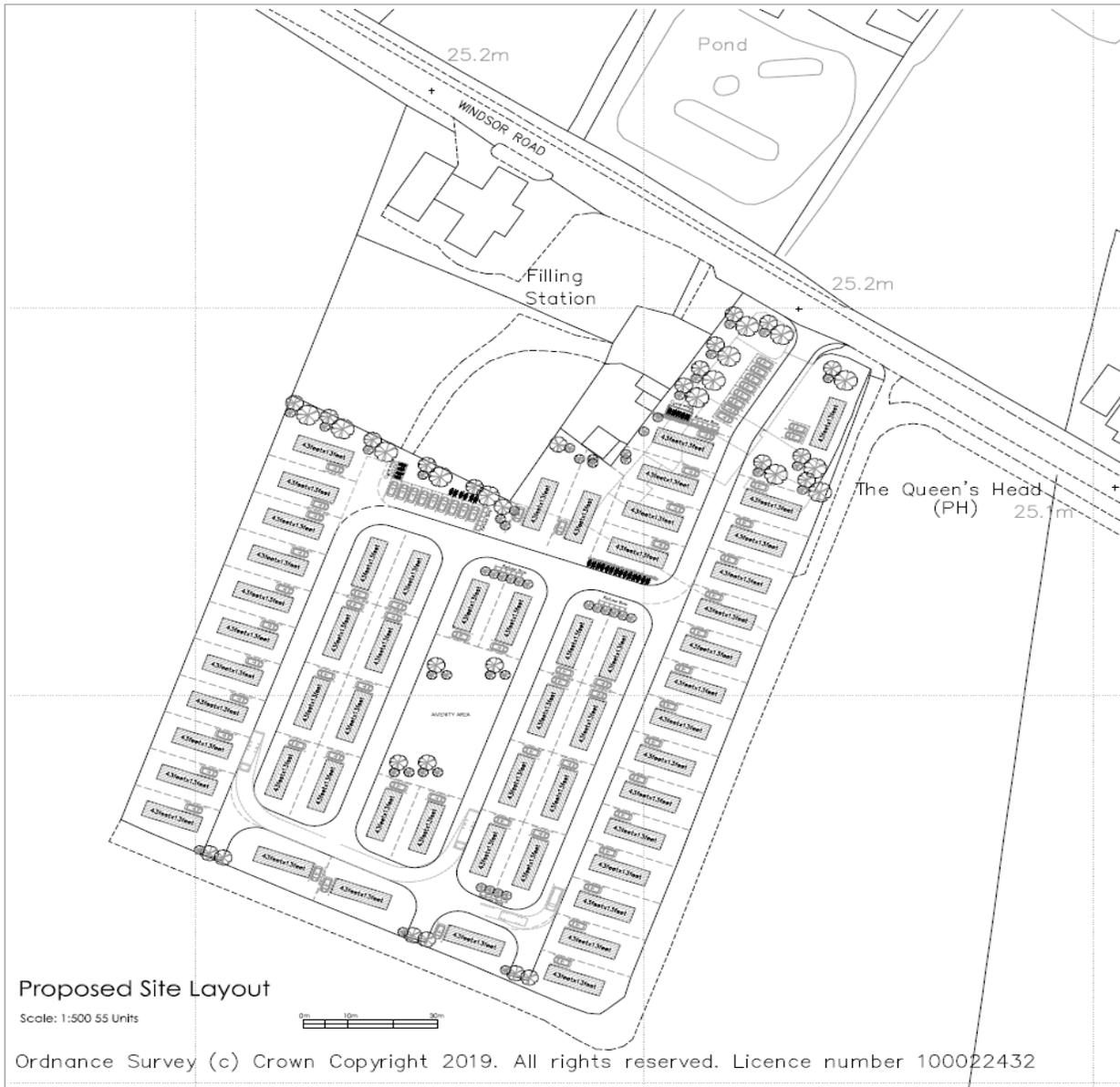
13. APPENDICES TO THIS REPORT

- Appendix A – Proposed Site Layout and Location Plan

14. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 1 The proposal represents inappropriate development in the Green Belt, which is by definition harmful to the Green Belt. It would also cause significant harm to the openness of the Green Belt and would conflict with three of the purposes of the Green Belt namely 'safeguarding the countryside from encroachment, to check the unrestricted sprawl of large built up areas, and to prevent neighbouring towns from merging into one another'. This harm is given substantial weight. No Very Special Circumstances have been demonstrated which clearly outweigh the harm to the Green Belt and the other harm identified (flooding and amenity). The proposal is therefore contrary to the provisions of saved policies GB1 and GB2(a) of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted in June 2003), paragraphs 133, 134, 143, 144, 145, 146 of the National Planning Policy Framework (2019), and paragraphs 16-17 of Planning Policy for Traveller Sites (2015).
- 2 Part of the site is located in an area at risk of surface water flooding and inadequate information has been submitted to demonstrate that the hard surfacing (associated with the proposed development) could be adequately drained without increasing flood risk on the site or elsewhere. Additionally it has not been demonstrated that the park homes would be above the surface water flooding levels for the site. The proposal is therefore likely to increase flood risk elsewhere and to put additional people at risk of flooding, contrary to paragraphs 163 and 165 of the National Planning Policy Framework (2019).
- 3 The proposed development would be sited in close proximity to Queen Acre Cottage. Significant increases in people and vehicle movements at the site are likely to result in physical disturbance and an increase in noise to the detriment of the amenities of the occupants of this cottage. Furthermore, several of the park homes are located within 4m - 10m of Queen Acre Cottage. No information has been submitted regarding the height and design of these properties and they could look directly into the rear elevation and garden of the cottage, leading to a significant loss of privacy for its occupiers. For these reasons the proposal is considered to have an unacceptable impact on the amenities of Queen Acre Cottage and to be contrary to Policy NAP3 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations made in 2003) and paragraph 127 of National Planning Policy Framework (2019) which seeks to achieve a high standard of amenity for all.
- 4 In the absence of a completed legal agreement the proposed development has failed to secure the provision of 17 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).

Appendix A – Proposed Site Layout and Location Plan



Site Location Plan

Scale: 1:1250



Note - Plan layout based on OS Ordnance Survey data only

Rev	Date	Description	Drawn
Copyright © Michael Pagliaroli Architects Ltd Chartered Architect, Residential Development, Listed Building Consents Southdown House 36 London Road, Haverley, Wiltshire Telephone: 01245 246177			
Project: Proposed Mobile Home Park, to the rear of The Queen's Head, Windsor Road, Water Oakley, Wiltshire, W14 9UL. For: Mr Henry Gaskin			
Drawing No: Proposed Site Layout and Site Location Plan			
Scale:	1:500 1:1250	Date:	February 2019
Drawing No:	1241 - PL100	Drawn:	
ORIGINAL DRAWING AT A1		Revised:	