

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

DEVELOPMENT CONTROL PANEL

17 March 2021

Item: 2

Application No.:	20/03371/OUT
Location:	Lodge Farm And Water Tower Ascot Road Holyport Maidenhead
Proposal:	Outline application for access only to be considered at this stage with all other matters to be reserved for the construction of x124 dwellings with new access off Holyport Road, change of use of agricultural land to community park, open space, two grass football pitches, allotments, a community building and ancillary landscaping and parking.
Applicant:	Mr Killoran
Agent:	Mr Nicholas Cobbold
Parish/Ward:	Bray Parish/Bray
If you have a question about this report, please contact: Jo Richards on 01628 682955 or at jo.richards@rbwm.gov.uk	

1. SUMMARY

- 1.1 Outline planning permission is sought, with all matters reserved apart from the means of access, for a development comprising 124 dwellings, a new access off Holyport Road, the change of use of agricultural land to a community park, open space, two grass football pitches, allotments, a new community building (to replace an existing agricultural building) and ancillary landscaping and parking.
- 1.2 This application follows a similar scheme, ref: 17/03857/FULL, for 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, ancillary landscaping and parking. This application, which the Council would have refused, was appealed against non-determination and the appeal was subsequently dismissed. The two main grounds for dismissing the appeal were i) inappropriate development in the Green Belt and additional Green Belt harm in the form of impact on openness, conflict with purposes and impact on the rural, spacious and undeveloped character of the area; and ii) harm to the setting of Holyport Village Conservation Area, including harm to the setting of listed and non-designated heritage assets and harm to views into and out of the Conservation Area.
- 1.3 The current application has been submitted with some changes to the amount of development proposed and its siting and layout within the application site. The main differences between the current application and the appeal scheme are:
- A reduction of 26 dwellings;
 - Omission of Doctors Surgery,
 - Lodge Farm now to be replaced by a new community building rather than re-used and converted
 - Residential development all now located to the north east of the proposed access road (off Holyport Road)

- Update VSC package including (but not limited to) increased affordable housing provision and zero carbon initiative
- 1.4 The Inspector's decision, which is a significant material consideration, has been examined in detail. The proposed development (as a whole) remains inappropriate development in the Green Belt as it does not fall under any of the limited exceptions outlined in paragraphs 145 and 146 of the NPPF. Other harm to the Green Belt which has been identified includes the significant loss of openness, conflict with two of the five purposes of the Green Belt and harm to the rural, spacious and undeveloped character of the area. This cumulative Green Belt harm is afforded substantial weight in accordance with paragraph 144 of the NPPF.
 - 1.5 The revised proposal would also cause less than substantial harm to the significance of the Holyport Conservation Area through the erosion of the open setting and rural characteristics that contribute to its special interest. The development would also harm the setting of non-designated and designated heritage assets (listed and non-listed buildings) by the increased suburbanisation of the village and surrounding area. Furthermore, due to the location and scale of the proposed development it would significantly harm the extant open and undeveloped character of the area and as a result would negatively affect views into and out of the Conservation Area.
 - 1.6 The benefits advanced in support of the application including; the provision of housing (including 50% on-site affordable housing provision); the provision of community facilities (including open space, sports provision and allotments), ecology benefits, heritage benefits and the provision of zero carbon homes, hold some weight in the Green Belt balancing exercise, but they do not either individually or cumulatively clearly outweigh the harm the Green Belt and Conservation Area to justify that planning permission is granted and therefore Very Special Circumstances do not exist in this case.
 - 1.7 The panel are advised that reasons for refusal 3, 4 and 5 would fall away in the event that the section 106 (currently being drafted to address these issues) were to be secured.
 - 1.8 Additionally, reasons for refusal 6 (badgers), 7 (foraging bats), 8 (lighting strategy), 9 (Barn Owls) and 10 (LLFA) could be addressed through the submission of additional information and updated surveys, however at the time of writing, these matters are outstanding.

It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 12 of this report):	
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 would outweigh the substantial harm to the Green Belt by reason of inappropriateness and the other Green Belt harm which includes the impact on visual and spatial openness and conflict with more than one of the purposes of the Green Belt. The other identified harms are detailed in the following reasons for refusal.</p> <p>The proposal is therefore contrary to paragraphs 143- 145 of the National Planning Policy Framework (2019).</p>

2.	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 is 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; and whilst this is considered ‘less than substantial harm’, it is not considered that it has been demonstrated that public benefits exist which would outweigh the harm, contrary to paragraph 196 of the National Planning Policy Framework (2019).
3.	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 agreed deliverable mitigation 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).
4.	In the absence of a completed legal agreement the proposed development has failed to secure the provision of 30% on site affordable housing 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).
6.	In the absence of satisfactory information being submitted relating to badger monitoring and information on badger territories, the impact on badgers, a protected species, is unknown. This is contrary to Section 15 of the NPPF paragraphs 175 and Paragraphs 98 and 99 of Circular 06/2005.
7.	The application submissions are unclear within regard to disturbance to buildings and trees that provide roosting habitats for bats. If any buildings or trees with the potential to support bats are to be lost/ impacted as part of the current development proposals, further surveys and mitigation plans (if required) should be submitted. This is contrary to Section 15 of the NPPF paragraphs 175 and Paragraphs 98 and 99 of Circular 06/2005.
8.	The proposed development is likely to increase the light levels significantly which will affect commuting bats, commuting and foraging badgers and foraging barn owls known to be present on site. In the absence of a sensitive lighting strategy, the impact on wildlife is unknown. This is contrary to paragraph 175 of Section 15 of the NPPF and Paragraphs 98 and 99 of Circular 06/2005.
9.	Barn owls have been found nesting on site and within the Water Tower. If disturbed a licence would be needed from Natural England. Further clarification is required that these schedule 1 birds will not be disturbed as a result of the proposed development and without it, the impacts are unknown. This is contrary to paragraph 175 of Section 15 of the NPPF and Paragraphs 98 and 99 of Circular 06/2005.

10	In the absence of sufficient information, it has not been demonstrated that there would be an acceptable sustainable drainage system in place. Accordingly, the proposal is contrary to paragraph 165 of the NPPF.
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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 application site is made up of a series of open agricultural fields and covers an area of 20.63 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 and non-designated heritage assets, lies to the south of the site. Part of the south east of the application site area is actually within the Holyport Conservation Area.
- 3.2 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 and south-west of the site. 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 demolished and replaced by a community building), 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 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. There are several listed buildings within Holyport Street, close to the boundary with the application site.

4. KEY CONSTRAINTS

- 4.1 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
 Tree Preservation Order

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The application seeks outline planning permission, with all matters reserved apart from the means of access to the site, for a development comprising 124 dwellings together with the change of use of agricultural land to a community park, open space, two grass football pitches, allotments and the replacement of an existing agricultural building with a new 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.
- 5.2 The submitted masterplan shows an illustrative layout of the proposed development and shows a new access to be constructed off Holyport Road. The proposed housing would be located to the north-east of this access road, filling this section of the application site right up to its north-east boundary with Aysgarth Park.
- 5.3 The remainder of the site would contain those facilities associated with the community park, outdoor playing pitches and allotments.
- 5.4 Planning history at this application/ appeal site includes:

Reference	Description	Decision
17/03857/OUT	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	Would have been refused. Appeal dismissed

	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.	
<p>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.</p> <p>The Appellants/ developer were fined £16,000 (and ordered to pay costs).</p>		
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://www.rbwm.gov.uk/home/planning/planning-policy/adopted-local-plan>

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2019)

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

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

Borough Local Plan: Submission Version Proposed Changes (2019)

Issue	Local Plan Policy
Green Belt	SP1 and SP5
Design in keeping with character and appearance of area	QP1,QP3
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

- 7.1 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. Public consultation ran from 1 November

to 15 December 2019. All representations received have been reviewed by the Council and the Proposed Changes have been submitted to the Inspector. The Examination of the BLPSV has now resumed and hearings were held at the end of 2020. The BLPSV and 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://www.rbwm.gov.uk/home/planning/planning-policy/emerging-plans-and-policies>

Supplementary Planning Documents

- RBWM Interpretation of Policy F1
- Borough Wide Design Guide SPD

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://www.rbwm.gov.uk/home/planning/planning-policy/planning-guidance>

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

246 occupiers of properties in the vicinity of the site were notified directly of the application.

The planning officer posted notices advertising the application at various locations around the site on 24.12.2020 and the application was advertised in the Local Press on 24.12.2020

At the time of writing, 2 letters had been received supporting the application, summarised as:

Comment	Where in the report this is considered
<p>1. <u>Need for affordable family homes</u> This scheme has a high level of affordable housing which are family homes. All new builds in Maidenhead are mainly flats and there is a high level of affordable family homes. The housing shortage in the Borough and especially shortage of affordable homes means that additional sites should be considered.</p>	<p>Section iv</p>

2.	<p><u>Importance of additional open space</u></p> <p>The new Taplow Riverside development has provided attractive open space which is a valuable community resource.</p> <p>The current pandemic highlights the importance of outdoor activity/need for sufficient exercise space.</p> <p>A one-off capital sum may not be sufficient to maintain the open space to a high standard in perpetuity.</p>	Section xii
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At the time of writing, 137 letters were received objecting to the application, summarised as:

Comment		Where in the report this is considered
1.	<p><u>Green Belt</u></p> <p>This is Green Belt land and should not be developed.</p> <p>Inappropriate development in the Green Belt</p> <p>Will set precedent for subsequent applications leading to more extensive loss of the Green Belt</p> <p>We should be protecting our Green Belt land now more than ever as lockdowns and major living restrictions have meant we have been allowed only an hour's exercise outside per day. Mental health and sanity are also important</p> <p>Brownfield sites should be developed over greenfield</p>	Section ii
2.	<p><u>Openness</u></p> <p>Buildings would destroy the "openness" of the area.</p> <p>Would give the impression of urban sprawl</p>	Section ii
3.	<p><u>Loss of Countryside</u></p> <p>Farm land will be eroded, countryside gone never to be replaced.</p> <p>It would dilute division between urban and rural</p> <p>Once the green gap is built on, it becomes urbanised and the current village setting will be lost and will become a suburb of Maidenhead</p>	Section ii
4.	<p><u>Important Local Gap</u></p> <p>Land provides a gap between the settlements of Maidenhead and Holyport. The NPPF supports the retention of such gaps.</p> <p>The RBWM Edge of Settlement Analysis determined in July 2016 that this land cannot be developed.</p> <p>An appeal has already been dismissed at Aston Clinton. The dismissal was mainly due to the area being a gap between settlements.</p>	Section ii
5.	<p><u>Conservation</u></p> <p>Proposals would harm historic assets and the character of Holyport.</p> <p>Will encroach on the conservation area of Holyport to the detriment of the overall character of the village</p> <p>Does not preserve the setting and special character of a historic village</p> <p>Development will obstruct some important views within Holyport Conservation Area as identified within the Holyport Conservation Area appraisal</p>	Section iii
6.	<p><u>Need</u></p>	Section iv (housing need)

	<p>There are several new developments in the Maidenhead area which are still unoccupied</p> <p>The site has not been identified in the Borough Plan for development</p> <p>The Borough-wide Local Plan meets 100% of the Objectively Assessed Need and confirms a 5.1 year housing supply.</p> <p>Already have community buildings, football pitches, allotments</p> <p>Bray Parish has many allotments and there is not currently a waiting list</p> <p>Already have a village hall</p>	and Section xii (community park need)
7.	<p><u>Traffic</u></p> <p>Holyport and Ascot Road cannot support 124 houses.</p> <p>Increased traffic on the Windsor Road.</p> <p>Local roads struggle to cope with traffic cutting through from Bracknell to Windsor and Maidenhead</p> <p>Since the previous planning application, the traffic on Windsor, Holyport and Ascot Roads has increased enormously</p> <p>Traffic would be subject to delay being close to Stroud Farm Road; Holyport Road is already incredibly busy and the proposal will add to additional traffic build up</p> <p>There is slow moving traffic especially during peak times;</p> <p>Traffic will increase commutes to work and for parents who have to transport children to schools outside Holyport</p> <p>Were the proposed Summerleaze development to go ahead this would generate more traffic</p> <p>Traffic during the construction phase would have a negative impact on traffic flow and the wear and tear of local roads;</p> <p>The submitted Transport Plan is out of date being used as supporting documentation for the previous application 17/03857/OUT.</p> <p>The traffic testing was not carried out during peak hours during the school term time.</p> <p>Unlikely football pitches will be limited to Holyport village itself. No parking provision has been made for users of the community facilities</p>	Section vii
8	<p><u>Highway Safety</u></p> <p>Increased traffic and access to the development will cause danger/significant risk to pedestrians, cyclists and school children</p> <p>Increased traffic accidents</p> <p>Hoyport Road is unsuitable for additional traffic</p> <p>Holyport Road is already restricted in terms of width</p> <p>Holyport Road does not meet the Borough's highway design guidance</p> <p>The site is directly opposite and there are problems with exiting our driveway at peak times</p>	Section vii
9.	<p><u>Objection to the proposed access</u></p> <p>The access off Holyport Road was permitted on appeal for limited agricultural uses only as it was deemed unsuitable and unsafe for any other access onto Holyport Road</p> <p>Adding access to a new housing development via one entry point onto a minor road is unacceptable in terms of air quality, congestion and impact on current residents and pedestrians.</p> <p>Land was meant for agricultural use only</p>	Section vii

10.	<p><u>Air Pollution</u> Would increase air pollution from increased traffic. Additional effects from M4 widening/Heathrow The AQMA is only 200m away from the proposed location of 124 houses. The additional houses and resulting extra traffic would significantly add to the harm suffered by residents Air Pollution Statement out of date. Request further Air Quality Assessments on the Holyport Road and the A330.</p>	No objection raised by the Environmental Health Officer
11.	<p><u>Flooding/Drainage</u> Parts of the proposed site (and surrounding area) are flooded on a regular basis. Would exacerbate flooding problems. There doesn't appear to be any information as to the prevention of water run-off from the higher ground onto Aysgarth Park estate; Owners value the function of farmland to absorb its share of rainwater. Much of the surrounding lower area has a high water table and building on higher ground with a consequent reduction in its ground water absorption would cause flooding nearby. Concern about the loss of this area as a natural soak away for ground water in area of high density housing Drains on Aysgarth Park frequently overflow when there has been heavy rainfall and on occasions sewage has leaked out. Already an issue with the capacity for sewage, this will only exacerbate the issue. Local sewage systems cannot cope.</p> <p>The intention to gift some land is unsuitable due to high water table and periodic flooding.</p>	Section x
12.	<p><u>Ecology/Climate Change</u> Will adversely affect the environmental and ecological aspects of the site; Harm to badgers and bats identified on the site; Harm to local hedgehogs Loss of habitat of flora and fauna. Field and ancient hedgerow along Holyport Road provide a valuable haven for wildlife to prosper Adversely impact the environmental and ecological aspects of this site, a retrograde step with a negative impact upon climate change</p>	Section ix
13.	<p><u>Impact on Local infrastructure and Services</u> Local schools cannot support additional children – it's already difficult to get children into primary and secondary schools which are over-subscribed Existing schools, doctor's surgeries and infrastructure are already at breaking point</p>	Section xi
14.	<p><u>Neighbouring Amenity</u> Disruption and loss of privacy to neighbouring properties Unknown impact on daylight and noise levels Harm imposed on Holyport Road residents, in particular those living near the entrance, will be intolerable</p>	Section vi

	Noise disturbance Floodlight pollution from football pitches Development is hidden from Holyport Road, which may erode community spirit	
15.	<u>Similar application to previous application</u> The application offers nothing new to the previous application	Section i
16.	<u>Against local democracy/the feelings of local residents</u> Undermines confidence in local democracy. Many people participated in the Local Plan. Cuts across wishes of local stakeholders as communicated during the Local Plan process. Local Plan becomes defunct. Not supported by the majority of residents.	The applicant is entitled to submit a further application to be assessed by the LPA.
17.	<u>Precedent</u> It would set a precedent for more development	Each application is assessed on its own merits

Statutory consultees

Consultee	Comment	Where in the report this is considered
LLFA	Objections to submitted drainage strategy. Unless the applicant is given the opportunity to provide further information the application should be refused.	Section x
Environment Agency	No comment	

Consultees

Consultee	Comment	Where in the report this is considered
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Ecologist	Objections on grounds of potential harm to badgers and foraging bats. Insufficient information has been received to demonstrate what the impact upon these protected species would be and whether any potential impact could be successfully mitigated.	Section ix
Conservation Officer	The proposal would also cause less than substantial harm to the significance of the Holyport Conservation Area through the erosion of the open setting and rural characteristics that contribute to the special interest, as well as being unsympathetic in scale, form and density. The development would also erode the setting of the numerous non-designated and designated heritage assets (listed and non-listed buildings) by the increased suburbanisation of the village and surrounding area. Furthermore, due to the location and scale of the proposed development it would significantly erode the extant open and undeveloped	Section iii

	character of the area and as a result would negatively affect views into and out of the Conservation Area.	
Highways	No objections subject to a combined Section 38 & 278 Agreement to cover the construction of the highway improvement works on Holyport Road, a S106 contribution of £50,000 to deliver highway improvements along the A308 corridor and for the introduction of a 'keep clear' marking at the junction of Earlsfield with Holyport Road and a sustainable transport contribution; and a condition requesting a construction management plan.	Section vii
Environmental Protection	The Air Quality impact assessment is considered acceptable.	Noted
Berkshire Archaeology	The application site falls within an area of archaeological significance and archaeological remains will be damaged by ground disturbance for the proposed development. A condition is recommended to mitigate the impacts of the proposed development.	Noted
Housing Enabling Officer	The Planning Statement sets out a figure of 51 units (41%) affordable housing provision. Consideration should be given to 63 (50%) of the total dwellings being affordable and the site is within the Green Belt. The proportion of dwelling types and sizes is acceptable. The tenure split is not specified and would need to be 45% social rent/35% affordable rent/20% intermediate. Affordable Housing provision would need to be secured by a legal agreement	See section iv and xi

Others

Group	Comment	Where in the report this is considered
Parish Council	<p>Bray Parish Council has Strong Objection to the planning application on the following (summarised) grounds:</p> <ul style="list-style-type: none"> - Timing of the application over the Christmas/New Year break and during the COVID-19 pandemic is inconsiderate to the local community - The applicant failed to inform the Inspector at the BPL examination of their intention to submit the application only days later - The scheme is inappropriate development in the Green Belt which is harmful by definition - Contrary to policy GB1 - Visual impact of the development would impinge on the character and nature of the Green Belt significantly, diminishing the quality of its openness through the proposed buildings and urbanisation of the open space within the site. - The identified harm to the Green Belt must be given substantial weight 	<p>The application has been advertised and notification carried out sufficiently to allow the local community to comment on the revised proposal.</p> <p>Objections relating to</p>

	<ul style="list-style-type: none"> - Conflict with adopted policy CA2 which seeks to ensure that the development preserves or enhance the character of the conservation areas, including Holyport Conservation Area, as well as protecting views. Contrary to NNPPF aims and objective which seek to conserve designate heritage assets in a manor appropriate to their significance - There is not a need for the community park open space, football pitches, allotments and community building within Holyport or within Bray Parish so this shouldn't be a Very Special Circumstance - Circumstances have not changed since the previous application was dismissed at appeal - The proposed emergency vehicular access off the A330 Ascot Road is unnecessary and potentially hazardous. • The inclusion of the emergency access could be used as justification for proposals for further inappropriate development on this land if the application is approved. 	<p>Green Belt, Heritage and the VSC case are considered in sections ii, iii and xii respectively</p>
<p><u>Holyport Resident's Association</u></p>	<ul style="list-style-type: none"> • It is a legal requirement that Borough Planning give residents the opportunity to comment for or against a developer's proposals. • The proportion of affordable housing has been increased from 41% to 50%. It is very common that the amount of affordable housing promised in an application is never delivered on the ground. The offer could be withdrawn or will never be enforceable. It should play no part in the decision. • NPPF Para 7 gives a definition of sustainable development. This is not sustainable development as it would contribute to more traffic and atmospheric pollution. Requested that should RBWM be minded to approve, they should first assess the atmospheric pollution status of the whole of Holyport Road. LDP Policy EP2 states why this development should not proceed. • All matters are reserved – the applicant could change his plans to the disadvantage of the local population • The state of the RBWM Local Development Plan is of no relevance to the planning application, except for the fact that the LDP does not recognise this land as suitable for development. In terms of references to the Local Development Plan process and allocation of sites, only the currently applicable LDP and the LDP that currently awaits the Inspector's verdict are relevant. Both the 	<p>These comments have been taken into consideration in the assessment below in Section 9.</p>

	<p>existing and presently applicable RBWM LDP; and the emerging LDP do not permit this proposed development.</p> <ul style="list-style-type: none">• There could not be any “Very Special Circumstances” of the type that a planning authority could accept that could justify the application• The M4 does not separate Lodge Farm from Maidenhead nor Holyport. Lodge Farm is a gap between the settlements of Maidenhead and Holyport Village. The Planning Inspectorate ruled in 2017 against development of a similar area due to it being a gap between settlements (Land west of College Road South, Aston Clinton).• Development would constitute sprawl. No join to Holyport. The Edge of Settlement Analysis (July 2016) determined that this land cannot be developed.• The site is not at all screened from the view from Holyport Road or from Aysgarth Park. The new buildings would be a visible eyesore from Holyport Road and Aysgarth Park. They would loom above Aysgarth Park as Aysgarth Park is on lower ground.• The areas that would be gifted are mostly subject to flooding and cannot be developed for housing. The area subject to the worst flooding is allocated for football pitches. The so-called parkland is mostly subject to flooding. Aysgarth Park is at a lower level than the site, and already in adverse weather conditions, flood water seeps down to them from the proposed building site.• If the SUDs are to be the underground tank type, the removal of below surface ground that presently forms a soak away for rainwater, so as to use that volume as tanks entirely in favour of the site, will lead to worse flooding nearby.• The concept of a single access for 124 houses onto Holyport Road is unacceptable. The road does not meet the borough’s highway design guidance and is therefore unsuitable for the addition of more traffic from any new development. Police and Emergency Services have previously objected to an obstructive traffic calming here, referring it to a Strategic Route. This new junction and the development’s new traffic would have a	
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	<p>similar delaying effect. RBWM have previously rejected applications for a pedestrian crossing.</p> <ul style="list-style-type: none">• Traffic entering and leaving the new site would be delayed due to existing traffic (including from Stroud Farm Road). The traffic combination would cause chaos, and more air pollution possibly over a long stretch of Holyport Road• Severe harm would be imposed on Holyport Road residents by the building work accessed from Holyport Road and by the new ongoing traffic and air pollution.• The proposed access road is immediately opposite the driveway of existing Holyport Road residents, which would be both detrimental to neighbouring amenity as well as highway safety• Conditional access onto Holyport Road was for agricultural access only. The Inspector's logic was that only a few agricultural uses would be unsafe and acceptable in this busy populated road bordering on green belt land• The development is in the worst possible position for the health and well-being of Holyport Road residents. It is not sustainable as it would contribute to more traffic holdups and more air pollution.• The Transport Assessment has not been updated. The assessment says very little about the impact of vehicular traffic. These new proposals are worse for residents as now the only access would be onto Holyport Road.• The Road Traffic Noise Survey does not consider the unacceptable noise that would be experienced by existing residents of Holyport, both during building and ongoing occupancy• The Air Quality Assessment is out of date. It is of no use for this application. The traffic from 124 dwellings would make air pollution worse. Building houses on Holyport road would exacerbate high levels of pollution and would encourage car use/delivery vehicles etc. Air Pollution has been sufficient grounds in other locations to have such developments refused (reference a High Court Ruling preventing development on the grounds of air pollution in Kent)	
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	<ul style="list-style-type: none"> • Hedgehogs have not been included in the ecological study. The development will be harmful to all wildlife on the site. • Allotments are not in demand. • If RBWM are minded to approve there should be a condition that no gravel extraction will ever be allowed • The owner was fined for cutting down trees in the past - he was obliged to plant new trees – but the new trees have mostly died • There is no mitigation of any aspect of the imposition that Beaulieu Homes want RBWM to agree to residents 	
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9. EXPLANATION OF RECOMMENDATION

9.1 The assessment of the application is set out in the following way:

- i Background
- Previous application
 - Inspectors Decision
 - Comparison between schemes

Main issues forming part of previous appeal

- ii Green Belt
- Is the development inappropriate development within the Green Belt?
 - What is the effect of the development on the spatial and visual openness of the Green Belt, the purposes of the Green Belt and on the character and appearance of the area, including the setting of Holyport Conservation Area.
- iii Impact on Heritage
- iv Housing
- Housing land supply
 - Affordable Housing
 - Housing Mix

Other matters not assessed in detail as part of appeal

- v Design Considerations
- vi Provision of a suitable residential environment and Impact on residential amenity
- vii Highways
- viii Trees

- ix Ecology
- x Flooding
- xi Infrastructure Provision

Very Special Circumstance and Planning Balance

- xii Very Special Circumstances

i. Background

Previous application

- 9.2 The current application follows an earlier outline application, ref: 17/03857/OUT which has been described above. This application was an outline application with all matters reserved except for access.
- 9.3 This earlier application was appealed against non-determination by the Council, however the Council stated they would have refused the application for the following summarised reasons:

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 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).

- 9.4 During the course of the appeal, reasons 3, 4 and 5 were dealt with through the submission of legal agreements relating to road improvements, the provision of affordable housing and infrastructure provisions respectively. The Inspector's appeal decision therefore focused on the two main matters under dispute – the impact on the Green Belt and Impact on Heritage Assets. Consideration was also given to the benefits of the proposal and whether there were any Very Special Circumstances to justify the proposed development.
- 9.5 This panel report will also focus on the main issues of dispute, setting out any changes to the proposal and changes to the status of planning policy, guidance and evidence to determine whether a different conclusion should be reached. Any additional concerns as a result of changes to the proposal will also be identified. The benefits put forward by the applicant will be duly considered to establish whether Very Special Circumstances now exist to justify the proposed development.

Inspectors Decision

- 9.6 The previous proposal was found to be inappropriate development within the Green Belt. The proposed 150 dwellings and Doctors surgery were found to constitute inappropriate development in the Green Belt by virtue of these parts of the proposal not meeting any of the exceptions set out in paragraphs 145 or 146 of the NPPF. The Inspector set out at paragraphs 21 and 22 of the appeal decision that the community park and related outdoor elements would have met one of the exceptions set out in paragraph 145 of the NPPF and would therefore not *in principle* amount to inappropriate development in the Green Belt, but that overall, the scheme would have been inappropriate in the Green Belt which is harmful by definition.
- 9.7 Regarding impact on openness, the Inspector found that the proposed dwellings and Doctors surgery, including road layouts and associated infrastructure would have introduced an urban character of built form which would have presented a significantly greater spread of development across the site introducing development on land currently free from any built form. It was concluded that there would have been a significant impact on the openness of the Green Belt.
- 9.8 The site was found to play an important role in protecting the openness and permanence of the Green Belt by preventing unrestricted sprawl of the existing large built up areas to the north-east and south-east as well as safeguarding the countryside from encroachment. The proposal therefore conflicted with two of the five purposes of the Green Belt.

- 9.9 The Inspector noted that the appeal site played an important role in the Green Belt due to its rural, spacious and undeveloped nature. The proposal was found to considerably diminish the rural spaciousness and character provided by the appeal site, resulting in a permanent loss and an unacceptable change to its character and nature.
- 9.10 The cumulative impact on the Green Belt, including the harm by inappropriateness, the harm to openness, the conflict with purposes and the impact on its rural and spacious character was given substantial weight in accordance with paragraph 144 of the NPPF.
- 9.11 In terms of impact upon heritage, the rural, agricultural nature of the site and the important open views across the site were said to make an important contribution to the significance of the Holyport Conservation Area. The scale and location of development was found to significantly diminish the current open, undeveloped character of the area and would have affected views into and out of the Conservation Area. The proposal was found to affect the character and setting of the Conservation Area itself, the setting of the listed buildings within the north-east end of Holyport Street and the setting of the Water Tower, a non-designated heritage asset within the application site. The harm to the significance of the Conservation Area was found to be less than substantial, but this was not outweighed by public benefits.
- 9.12 Regarding housing provision, the Inspector estimated the Council's housing land supply position was approximately midway between the Council's estimate of 4.5 years and the appellants estimate of 2.6 years. He attached significant weight to this shortfall.
- 9.13 In terms of affordable housing provision, 30% was secured by legal agreement during the course of the appeal. Whilst this was only a policy compliant amount, significant weight was attached to this provision due to the considerable need for affordable housing within the Borough.
- 9.14 The Inspector weighed up the benefits of the scheme against the harm to the Green Belt and harm to heritage assets. Significant weight was attributed to both affordable housing and housing delivery. Moderate weight was given to the provision of mainly houses rather than flats. No more than moderate weight was given to the proposed community park, allotments and sports provisions. Limited and moderate weight were given to the short-term and long-term economic impacts of the development respectively. Limited weight was given to ecological benefits given the existing use of site. Finally, limited weight was given to the doctor's surgery.
- 9.15 The weight attributed to these benefits by the Inspector was not found to cumulatively outweigh the substantial Green Belt harm and the harm to heritage assets and accordingly, the appeal was dismissed.
- 9.16 The appeal decision is a significant material consideration in the assessment of the current application and should inform the assessment of the revised application.

Comparison between schemes

- 9.17 The current scheme includes the following main differences:
- The reduction in the number of dwellings from 150 to 124;
 - Omission of the Doctors Surgery.
 - Lodge Farm now to be replaced by a new community building rather than re-used and converted

- Residential development all now located to the north east of the proposed access road (off Holyport Road) resulting in a gap between the housing and Blind Lane
- Increase in Affordable Housing provision from 30% to 50%, amounting to 62 units (to include 40% at preferred tenure mix and 10% starter homes)
- An updated package of benefits has been put forward in support of the scheme which outlines a zero carbon homes initiative.

9.18 The reduction in the number of dwellings from 150 to 124 would result in 26 fewer dwellings as part of the proposal (a 17% reduction compared to the appeal scheme). The proposed housing would now be laid out within the north-east part of the site, in between the access road off Holyport Road and the existing estate of housing within Aysgarth Park. Whilst the width of development across Holyport Road has been reduced, the depth of development in a north-west/south-east direction would be increased.

9.19 The community park, sports facilities and allotments are all proposed to be sited within the remainder of the application site, much in the same way as in the appeal scheme.

ii. **Green Belt**

Inappropriate development

9.20 Whilst the current scheme results in a reduction in the number of dwellings proposed by 26, and the omission of the doctors surgery, the provision of 124 dwellings and associated infrastructure within the open Green Belt does not fall within any of the limited exceptions in paragraph 145 or 146 of the NPPF and is therefore still inappropriate development within the Green Belt.

9.21 Whilst some of the uses associated with the proposed development could be considered appropriate in isolation under paragraphs 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) and the proposed allotments and community gardens, provided they were considered to preserve openness and not to conflict with the purposes of the Green Belt, the Inspector was clear that the proposed development must be considered as a whole.

9.22 On this basis, it is clear that the proposal would remain inappropriate development in the Green Belt, which is by definition harmful to the Green Belt and should not be approved except in Very Special Circumstances.

Impact on Openness

9.23 Of the 20.6 ha application site, the applicant sets out that approximately 21% (approximately 4.5 ha) will comprise of built development consisting of housing, roads and other associated development and infrastructure required for the residential element of the application. Of the 79% remaining land to be designated as Holyport Community Park and outdoor facilities, this land would also comprise some development, albeit more limited, including football pitches, hard-surfaced roads and paths, parking areas and play equipment. Compared to the current open and undeveloped application site, there would be a clear loss of openness, in spatial terms. This loss of openness would be substantial within the part of the site to be redeveloped for the housing and more limited in the remainder of the site to be allocated as the community park. The loss of spatial openness when compared with the current site is therefore significant.

- 9.24 Regarding the visual impact on openness, the applicant has produced a Landscape and Visual Impact Assessment as part of the submission. It is acknowledged that the site contains some screening both within and along the boundaries. The wide open and undeveloped site however is clearly visible from various viewpoints around the site, including the elevated position of Ascot Road, from the permissive path adjacent to Aysgarth Park, from footpath 38 adjacent to Blind Lane), from the top of Holyport Street (indeed the applicant's viewpoint 5 is setback significantly from what is marked as the important viewpoint at the top of Holyport Street and therefore is not reflective of the real openness that is experienced when looking over the application site from Holyport Street) and at various points along Holyport Road. Furthermore, the new vehicular access off Holyport Road would open up views into the site of the new housing. The application proposes some enhanced landscaping, however given the quantum and spread of development within the north-east part of the application site, coupled with the relatively open views of the site as described above, the visual impact on the openness of the Green Belt would be readily apparent and the loss of openness clear from several surrounding public vantage points. The visual impact on openness is therefore also considered to be significant.
- 9.25 At this point it is worth referring back to what the inspector reported on the subject of openness within the previous scheme. He stated that the current site had an uncluttered, agricultural appearance and that *'the concentration of up to 150 dwellings, together with the provision of a doctors surgery, would present a significant impact on openness of the Green Belt, resulting in its permanent loss and an unacceptable change to its character.'* It is also worth noting that within the previous application 78% of the site would be for the community park and outdoor facilities, whereas 79% of the current application site would be for the community park an outdoor facilities. A difference of only 1% is not sufficient for the Council to form a different view on the overall impact on openness. It is therefore concluded that the impact on openness remains significant as a result of the proposed development both spatially and visually.

Harm to purposes

- 9.26 The Inspector found the appeal site to make a positive contribution to the Green Belt as it prevents unrestricted sprawl of the existing large built up areas of Holyport and Maidenhead to the north and south of the site respectively. The Council's interpretation of the appeal decision is that the Inspector found the development to conflict with two of the five purposes of the Green Belt; to check the unrestricted sprawl of large built up areas and to assist in safeguarding the countryside from encroachment.
- 9.27 The part of the site to be redeveloped for housing has taken on a slightly different layout and spread within the application site. This area is now deeper (north-west to south-east) but narrower (south-west to north-east) leaving a gap between the south-eastern edge of the proposed housing to Blind Lane and the housing within Cadogan Close. Whilst the applicant claims that this gap and the public open space in the remainder of the site would ensure a gap in maintained between the two settlements, it is considered that the gap between the proposed housing and Blind Lane, would be insufficient in size to constitute a meaningful gap in Green Belt terms and the damage would already have been carried out by the development which only provides a 1% reduction in built form across the site from the previous scheme. Therefore, there would be a very similar impact in terms of encroachment into the countryside. The harm to the purposes of the Green Belt is therefore the same as within the appeal scheme – the countryside would still be encroached upon and the large built up area of Maidenhead to the north-east and south-east of the application site would sprawl.

- 9.28 Indeed one could argue that the proposed layout, which does not provide a meaningful gap between the settlements, would only lead to pressure for an infill development in the future if the current application were approved, as the remaining land left undeveloped would not perform as strongly against the purposes of the Green Belt as the existing site in terms of providing a strong undeveloped gap between settlements.

Character and Appearance of the area

- 9.29 The Inspector describes the site as *'distinguishable from the surrounding areas'* and *'agricultural in nature comprising mostly agricultural fields and open land'*. He states that the site plays a *'notable role in the transition from the built-up area of Maidenhead and the village of Holyport to the south-west'*. He stated that the introduction of the considerable built form and associated domestic gardens and paraphernalia into the area would considerably diminish the rural spaciousness and character provided by the appeal site. Given that minimal changes have been made to the scheme and therefore, the amount of development proposed within this undeveloped site remains significant, the proposed changes to the scheme would not materially alter the harmful impact on the character of the Green Belt as set out by the inspector in his appeal decision.

Conclusion on impact on the Green Belt

- 9.30 The collective harm identified to the Green Belt including the harm by virtue of inappropriateness, the harm to openness and purposes, and the harm to the open, rural and spacious character of the area is afforded **substantial weight** in accordance with paragraph 144 of the NPPF. It is therefore necessary for the Local Planning Authority to consider whether Very Special Circumstances (VSC) exist that would clearly outweigh the harm to the Green Belt and any other harm resulting from the proposal. This case is considered in detail at section xii of this report.

iii. Impact on Heritage

- 9.31 The harm to heritage assets as set out in the Inspector's decision was due to the scale and location of the development very substantially and significantly diminishing the current open, undeveloped character of the area, affecting views into and out of the conservation area (including three of the important views identified within the HCAA), the resultant harm to the character and setting of the Conservation Area itself and the setting of the listed buildings within the north-eastern end of Holyport Street and the setting of the water tower (a non-designated heritage asset). The inspector stated that the harm to the Conservation Area as a result of the appeal proposal would be less than substantial and that this less than substantial harm would not be outweighed by public benefits either individually or cumulatively
- 9.32 The applicant considers that the harm to heritage assets as a result of the amended proposal would be at the 'lower end of the less than substantial harm spectrum' and that the additional public benefits put forward in support of the proposal would tip the balance such that there is not a clear reason for refusing planning permission as set out within the balancing exercise required by paragraph 196 of the NPPF.

Impact on the heritage assets:

Conservation Area

- 9.33 As set out within the Holyport Conservation Area Character Appraisal, the Conservation Area has historic value as seen through the preservation of buildings,

their layout, streetscape, and wider landscape setting that has survived since the earliest known records of the settlement in the C13. It is these elements and the distribution of the village that allow connection to the past and illustrates the village's development over time. The boundary of the Conservation Area is important in marking its significance as an historic village with a central core which is surrounded by land with an open and rural quality.

- 9.34 Setting is a crucial contributing factor to the significance of the Conservation Area which includes a historic village core preserving a mix of traditional buildings, surrounded by open fields and undeveloped land. As stated in Historic England's guidance on The Setting of Heritage Assets in paragraph 9: "*Settings of heritage assets change over time. Understanding this history of change will help to determine how further development within the asset's setting is likely to affect the contribution made by setting to the significance of the heritage asset.*" The existing open and undeveloped setting creates a strong and distinctive boundary to the village. This also provides the village with a rural setting on approach and when looking into and out of the historic core. The village, which is traditional in appearance, is framed by this open rural landscape giving it particularly high aesthetic quality and allowing the historic townscape of the village to be clearly read and appreciated.
- 9.35 The Conservation Area Appraisal states the following: "*At the north end the [Holyport] street opens on to open fields with the edges of urban Maidenhead visible beyond*". This area to be developed is a large open space, in the setting of the Conservation Area, and which strongly contributes to the significance of the Conservation Area as an identified rural village. This space affords an important buffer between the Conservation Area and the residential developments to the north and is a characteristic which should be maintained as far as possible.
- 9.36 The setting of Holyport is one of an agricultural nature and comprises of open fields and land and as such it creates a spacious and rural character. The introduction of a suburban housing estate, even with the proposed spacing and landscaping mitigation, would diminish the rural character and spaciousness extant within the setting of the Conservation Area. The revised proposal therefore would still result in clear harm to the special character and setting of the Conservation Area.

Listed Buildings

- 9.37 It is accepted that the proposed residential development would be positioned further away from the grade II listed buildings within the north-east end of Holyport Street. However, the setting of a Heritage Asset is not just the ability to see something from that asset, it is also to do with atmosphere and the way the heritage assets are appreciated. Although views of or from an asset will play an important part, the way in which one experiences an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by the understanding of the historic relationship between places. As such, it still remains the view that the non-designated and designated assets of Holyport Street, when viewed as intrinsic elements of the Holyport Conservation Area would be adversely affected by the proposed development. These buildings enjoy a rural and semi-rural setting which has altered little, however the increased physical development together with the increased usage of this quiet lane would detrimentally affect this extant character.

Non-Designated Heritage Assets:

- 9.38 The Water Tower and its setting between Holyport Street and Ascot Road is an important landmark of Holyport and the Holyport Conservation Area. It is a tall brick built structure which is clearly 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.”* Due to the height and form of the building it is easily recognisable within the landscape. Part of this recognition, and therefore significance it that is lies in the open countryside. The increased development and effective removal of the agricultural land and therefore setting will erode this significance and result in less than substantial harm to the special interest of this asset when viewed in the context of the Conservation Area.

Archaeology

- 9.39 Berkshire Archaeology have advised that the impacts on archaeological remains by the proposed development can be mitigated by condition if planning permission were to be granted.

Conclusion on Impact on Heritage

- 9.40 In summary, the proposals presented within this outline application would cause less than substantial harm to the significance of the Holyport Conservation Area through the erosion of its open setting and rural characteristics that contribute to its special interest, as well as being unsympathetic in scale, form and density. The development would also erode the setting of the numerous non-designated and designated heritage assets (listed and non-listed buildings) by the increased suburbanisation of the village and surrounding area.
- 9.41 Furthermore, due to the location and scale of the proposed development it would significantly erode the extant open and undeveloped character of the area and as a result would negatively affect views into and out of the Conservation Area. As such, the proposals would conflict with Policy CA2 of the RBWM Local Plan, which seeks to protect views that contribute to the identified character of the Conservation Area and ensure that development preserves or enhances the character of the area.
- 9.42 The amendments to the previous scheme, including the reduction in the number of dwellings and the introduction of the small gap between Blind Lane and the proposed housing, would not be sufficient to reduce the significant impact on the setting of the Conservation Area. Currently the whole application site, apart from a very limited number of agricultural buildings is viewed as an open, rural and undeveloped piece of land that is an important part of the Conservation Area’s historic and rural setting. This wide and undeveloped gap is necessary to separate the Conservation Area from the suburban 20th Century housing on Holyport Road and Aysgarth Park. The proposed housing would significantly fill a large part of the application site encroaching the suburban development close to the Conservation Area such that its setting and character would be significantly compromised. The changes to the scheme therefore do not overcome previous concerns and the harm attributed remains the same – **less than substantial**.
- 9.43 The balancing exercise required by paragraph 196 of the NPPF is carried out in section xii.

iv. Housing

Housing Land Supply

- 9.44 At the time of the previous appeal, it was accepted by both the Council and the appellant as common ground that the Council could not demonstrate a Five Year Housing Land Supply (5YHLS), but what was not common ground was the actual number of years supply that could be provided. The Council made the case that it was approximately 4.3 years, whereas the appellant stated it was 2.6 years. The Inspector considered the evidence behind both cases and concluded that the actual supply was around the midpoint between the two figures. The Inspector stated that the extent of the shortfall was relevant to the appeal as it would have a bearing on the weight that could be given to the benefits of the proposed development. He stated that the shortfall was significant.
- 9.45 Since the appeal, the Council has not produced an updated 5YHLS position, and therefore it must be accepted that the shortfall in housing land supply remains significant. The applicant has not put forward a case which suggests what the current supply specifically is, but again points out the lack of a 5 YHLS and the lack of an adopted local plan.
- 9.46 The provision of 124 dwellings would not meet the shortfall in housing land supply required to give the Council its 5 year supply. Furthermore, the housing provision set out in this case is less than the provision set out in the appeal scheme (by 26 units). The weight attributed to the benefit of housing provision can therefore be no greater than **significant**.

Affordable Housing

- 9.47 Policy H3 Affordable Housing of the adopted Local Plan requires that this development provides 30% affordable housing on site. 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.
- 9.48 The identified need set out in the Borough's most recent Strategic Housing Market Assessment (SHMA) would be 80% of rented tenures and 20% intermediate housing. The 80% rented tenures is split into 45% social rent and 35% affordable rent.
- 9.49 In the appeal, the Inspector concluded that there was a considerable identified need for affordable housing within the Borough and that a policy compliant amount of 30% would be a clear benefit which must be given significant weight in the overall balance.
- 9.50 The applicant has put forward an offer of 50% on-site affordable housing provision. 40% of which would be of the Borough's preferred tenure mix of 45% social rent, 35% affordable rent and 20% intermediate. And a further 10% would be starter homes.
- 9.51 50% affordable housing provision would result in 62 units being affordable compared to 45 in the appeal scheme, so an increase of 17 dwellings to put towards the Borough's identified need. An increase in 17 affordable housing units is not materially different to afford an increase in the amount of weight attributed to this benefit. As in the appeal scheme therefore, this benefit is given **significant** weight.

Housing Mix

- 9.52 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.

- 9.53 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 (which would include custom built/self-build homes) for different groups in the community in order to ensure that any development contributes to the objective of creating mixed and balanced communities.
- 9.54 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 a need for predominately three and two bedroom units (38.6% and 28.6% respectively). Policy H02 also sets out that proposals for 20 or more housing units are required to include 5% of the proposed dwelling number as fully serviced plots for custom and self-build.
- 9.55 The amended proposal includes 20 apartments and 104 houses. The appellants argues that the provision of mainly houses is a benefit to be given weight in light of evidence from the SHMA which reports that housing decisions are delivering an abundance of flats in the Borough. In the appeal the Inspector gave no more than moderate weight to the provision of mainly houses rather than flats. It is considered that no extra weight be given to this benefit than in the appeal scheme. Indeed it is noted that the number of dwellings proposed is actually reduced from 137 to 104.
- 9.56 The applicant has also put forward that 10% (approx. 12) of the homes would be custom or self-build. The Borough has an under provision of custom/self-build homes and therefore this contribution is recognised as part of the overall housing mix. It is therefore considered that the mix of housing provided, which includes mainly houses rather than flats and 10% custom built homes, be given no more than **moderate** weight.

v. Design Considerations

- 9.57 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.
- 9.58 The NPPF states that design quality should be considered throughout the evolution and assessment of individual proposals and encourages early discussion between applicants, the local planning authority and local communities 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.
- 9.59 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.

- 9.60 The previous panel report set out that 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 124 dwellings along with approx. 15 hectares of public open space.
- 9.61 As with the previous proposal, 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.
- 9.62 In terms of the proposed layout, scale, overall visual appearance and landscaping of the proposed development such matters are not considered at the outline stage. As with the appeal scheme, there are a number of concerns regarding the proposed layout (internal road layout and layout of dwellings) and how it relates to the wider area. If any subsequent appeal were allowed the LPA would seek as part of the reserved matters to uplift the proposed layout.

vi. Provision of a Suitable Residential Environment and Impact on Neighbouring Amenity

- 9.63 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. There is no specific policy in the Development Plan regarding provision of a suitable residential environment or regarding the impact of neighbouring amenity, however the Council now has a Design Guide SPD which considers these matters in detail.
- 9.64 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.
- 9.65 The government has also published Technical Housing Standards- nationally described space standards (2015) which sets out guidance on floor space requirements for new developments.
- 9.66 Layout, scale and appearance will be considered at the reserved matters stage. Nonetheless, and based on the masterplan layout and other details within the submission, as with the appeal scheme, 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 outline permission were to be granted.
- 9.67 In terms of the impact on neighbouring amenity similarly such matters would be considered at reserved matters stage. 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 124 dwellings on this site would result in a detrimental impact on the nearby existing and proposed residential dwellings.

9.68 In terms of proposed open space provision, policies R3 and R4 of the Borough Local Plan seek 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 and is largely at the edge of the indicative area to be developed and the proposed LEAP is in the south western corner. The layout of the open space would be considered in more detail at a reserved matters stage, if outline permission were to be granted.

vii. Highways

9.69 During the previous application, it was initially proposed to serve the development with two vehicular accesses, the first off Holyport Road, and a secondary access off the A330 Ascot Road. However, a subsequent revised submission proposed serving the development by a single access off Holyport Road.

9.70 Whilst the previous appeal scheme was dismissed on grounds of impact on the Green Belt and harm to Heritage Assets, in highway terms the development was considered acceptable subject to the inclusion of a number of highway conditions and obligations.

9.71 Like with the previous scheme, the proposed development would be served by a singular vehicular access off Holyport Road that offers visibility splays compliant with the Borough's Highway Design Standard.

9.72 The development proposes a short 2m section of footway to the north of the new vehicular access, as well a 2m wide footway running south along the western side of Holyport Road, connecting onto a proposed zebra crossing. The proposed highway works will need to be secured through the imposition of a combined Section 38/278 Agreement (Highways Act 1980). The relocation of a nearby bus stop would also need to be covered under the S278 Agreement.

9.73 The submission is accompanied by the indicative swept path analysis of the manoeuvres of a large family car as well as a refuse vehicle. A more detailed analysis is required and could be secured by condition.

9.74 Although not a matter to be considered at this stage, parking for the residential development will be informed by the Borough's Parking Strategy (2004).

9.75 As reported in the accompanying Transport Assessment (TA), trip rates for the previous submission were approved by Project Centre. This development is predicted to generate less vehicular trips during both peak periods when compared to the previous submission; the TA predicts a reduction of 14 trips during the *am* and *pm* peak periods.

9.76 As agreed in the previous application, the applicant proposes a S106 contribution of £50,000 to deliver improved highway capacity improvements along the A308 corridor. In addition to the above it is requested that the applicant incurs the full cost of installing a 'Keep Clear' road marking at the junction of Earlsfield with Holyport Road.

9.77 In highway terms the only material difference between the current and the previous submissions is the reduced number of residential dwellings; the site will still be served

from a single access off Holyport Road; the development proposes similar improvements on the adjoining highway.

- 9.78 To make the proposal acceptable on highway grounds the applicant shall enter into a legal agreement with the Council under Section 278 of the Highways Act 1980 to cover the construction of the highway improvement works on Holyport Road.
- 9.79 Furthermore, the applicant is required to enter into a section 106 agreement Highway Contribution of £50,000 to deliver highway improvements along the A308 corridor. A further contribution is requested for the introduction of a 'Keep Clear' marking at the junction of Earlsfield with Holyport Road. A Sustainable Transport Contribution is requested (sum to be agreed) to promote sustainable modes of transport within the vicinity of the development.
- 9.80 The applicant has advised that they would be willing for these obligations to be secured by legal agreement (currently being drafted). At the time of writing this panel report such agreement has not been secured and therefore technical reason for refusal 3 applies.
- 9.81 The level of objection from local residents on highway grounds is noted, however the proposed accesses were accepted by the Local Planning Authority (subject to the mitigation outlined in the secured legal agreements) at the time of the previous appeal. There are no material changes to the proposal in terms of access, indeed the number of dwellings has decreased. As such an objection to the proposed accesses on highway grounds would be unfounded.

viii. Impact on Trees

- 9.82 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.
- 9.83 The previous panel report concluded that concerns raised by the Tree Officer relating to the loss of trees and hedgerows from the internal housing and road layout within the site would be a consideration as part of the reserved matters application. 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. Much of the frontage from the Ascot Road is currently cleared to facilitate these works. Therefore, it is not considered any trees of significant value would be affected by this proposed outline application.

ix. Ecology

- 9.84 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 provide 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...

- 9.85 Furthermore, if the impacts and whether they can be mitigated against are unknown, planning permission must be withheld until such a time when they can be resolved.
- 9.86 The site currently comprises grassland and arable fields, with areas of woodland and scrub and several buildings. A Preliminary Ecological Appraisal was undertaken in 2020 (Ethos Environmental Planning, 2020) and a number of surveys have been undertaken previously at the site for planning application ref: 17/03857/OUT

Badgers

- 9.87 The badger walkover survey conducted in 2020 has concluded that one of the previous outlier setts was active and therefore reclassified as a main sett. Further survey information is required to demonstrate that the sett has been adequately monitored, and territorial boundaries estimated. This information should be provided prior to the determination of this application as at present, the LPA has been provided with insufficient information to establish how the proposals might impact badger setts (which are a material consideration in the planning process as per Paragraph 98 of the ODPM Circular 06/2005). The proposal is therefore currently unacceptable for this reason (reason 6).

Roosting Bats

- 9.88 An updated bat survey of the buildings and trees has not been undertaken as part of this current planning application, as the applicant's ecologist suggests that all the buildings and trees are to be retained as part of this development. However, other parts of the application submissions suggest that some trees and buildings could be removed. Further clarification is required on this point as the 2017 surveys are now out-of-date. If any buildings or trees with the potential to support bats are to be lost and/or impacted upon as part of the current development proposals, further surveys and mitigation plans (if required) should be provided to the LPA in order to demonstrate that the conservation status of bats will be maintained during and following development. The development is therefore currently unacceptable for this reason (reason 7).

Foraging Bats

- 9.89 Bat activity surveys undertaken in 2020 showed that the site was being used by bats in particular along the boundaries of the site and along the woodland edges. The majority of the habitats which were recorded as being important for foraging and roosting bats are to be retained and enhanced as part of the development except two of the internal hedgerows, although it is understood that these will be replaced by native hedgerow planting.
- 9.90 Lighting, without appropriate mitigation, could have a severe detrimental effect on bat species, as well as other nocturnal animals such as badgers and barn owls by disturbing foraging and commuting habitat and discouraging bats from roost sites. The proposed development is likely to significantly increase the light levels as a result of internal and external lighting within the houses and lighting along the new road

scheme, car parks, pedestrian network and cycle paths. In addition, it is unclear as to whether the football pitches are to be lit as this will also increase the light levels at the site. Dark corridors need to be identified, to show the parts of the site which will not be lit in order to facilitate movement of nocturnal animals across the site. Increased lighting could affect commuting bats, commuting and foraging badgers and foraging barn owls known to be present on site. This matter needs to be addressed through the submission of a sensitive lighting strategy, which at the time of writing has not been received. The development is therefore currently unacceptable on this ground (reason 8).

Reptiles

- 9.91 A detailed method statement has been provided in order to safeguard reptiles during and following development. Given the very low numbers of slow worm previously found (one, on two of the visits) and the retention and enhancement of other areas on site, the risk of the proposals adversely affecting reptiles can be considered to be minimal, subject to the implementation of a reptile mitigation strategy that includes the points outlined in the Preliminary Ecological Appraisal. This matter could be dealt with via condition if the application were to be approved.

Breeding Birds

- 9.92 The site has high value for breeding birds within the hedgerows, scrub and woodland. Furthermore, barn owls have been recorded roosting and foraging across the site within the surveys.
- 9.93 It is understood that the water tower, where barn owls were roosting and possibly breeding, is to be retained during development. If the development plans change and the building is to be demolished, mitigation and a licence from Natural England is likely to be required. No works, which could disturb breeding barn owls, should be undertaken within the breeding bird season (all works should be undertaken within the period September to February inclusive).
- 9.94 In addition, any buildings to be demolished and vegetation to be removed should also be undertaken outside the breeding bird season. If this is not possible, a careful, detailed check of vegetation and buildings for active birds nests by a suitably qualified ecologist immediately before vegetation clearance should be undertaken and evidence provided to the Local Planning Authority. This matter could be covered via condition if permission were to be granted.

Invasive Species

- 9.95 In order to prevent the spread of Japanese knotweed during development, it is recommended that an invasive non-native species method statement is submitted to and approved by the Local Planning Authority. This matter can be covered via condition.

Biodiversity net gains

- 9.96 The development would result in biodiversity net gains through the creation of amenity grassland in gardens (in place of arable land), scrub, hedgerow, semi-improved grassland and allotment plots as well as enhancing the existing woodlands, hedgerows and grassland habitats. The site can be further enhanced by installing wildlife features such as bird and bat boxes, log piles and enhancements for badgers. Since the site will be 'boxed in' by residential development on either side, permeability for badgers

through the site will need to be retained. As such, garden boundaries should incorporate hedges and/ or fences with mammal gaps at the bases. This could be dealt with via condition if permission were to be granted.

x. Flooding

- 9.97 The site lies partly within flood zones 1 and 2. As with the appeal scheme, the uses that require an open space would be located within Flood Zone 2, which is considered appropriate in flood risk terms. The proposed residential development would be sited within Flood Zone 1. No comments have been received by the EA in relation to the current application. Furthermore, it is noted that no objections were raised to the previous application regarding fluvial flood risk subject to appropriate mitigation.

Drainage

- 9.98 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.
- 9.99 The LLFA has considered the proposal and the Sustainable Urban Drainage information submitted as part of this planning application. They advise that the drainage strategy and drainage design differs substantively from that submitted under the previous application. Concerns have been raised relating to various elements of the proposed drainage strategy as outlined in the detailed comments from the LLFA dated 5th January 2021. At the time of writing the panel report these matters had not been addressed and therefore the application is found unacceptable in relation to sustainable drainage (reason 10).

xi. Infrastructure Provision/section 106

- 9.100 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.
- 9.101 The development would create additional pressures on the infrastructure needed to support residential development. 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. As such, there will be necessary matters/obligations to be agreed as part of a section 106 agreement in the event outline planning permission were to be approved or as part of any subsequent appeal progress.
- 9.102 A section 106 agreement is currently being drafted and includes obligations/provisions relating to matters including; sustainable transport, affordable housing, public open space requirements and benefits, highways works and details of the zero carbon homes initiative.

xii. Very Special Circumstances Case

- 9.103 The proposed development (as a whole) remains inappropriate development in the Green Belt as it does not fall under any of the limited exceptions outlined in paragraphs 145 and 146 of the NPPF. Other harm to the Green Belt which has been identified

includes the significant loss of openness, conflict with two of the five purposes of the Green Belt and the harm to the rural, spacious and undeveloped character of the area. This cumulative Green Belt harm is afforded **substantial** weight.

- 9.104 The revised proposal would also cause less than substantial harm to the significance of the Holyport Conservation Area through the erosion of the open setting and rural characteristics that contribute to its special interest. The development would also harm the setting of non-designated and designated heritage assets (listed and non-listed buildings) by the increased suburbanisation of the village and surrounding area. Furthermore, due to the location and scale of the proposed development it would significantly harm the extant open and undeveloped character of the area and as a result would negatively affect views into and out of the Conservation Area.
- 9.105 Other issues identified within this report could be resolved through the completion of a section 106 agreement (for highways improvements, affordable housing provision and infrastructure provision) and the submission of further ecological surveys and drainage information. The balancing exercise carried out is therefore against the two substantive harms to the Green Belt and Heritage Assets.
- 9.106 The applicant has highlighted several considerations within both the Planning Statement (listed at 9.5) and within their letter dated 10.02.2021 that need to be assessed to determine whether Very Special Circumstances exist that would outweigh the harm identified above.

Housing Delivery

- 9.107 At 9.6 – 9.32 of the planning statement, the applicant sets out the case for housing delivery. The applicant asserts that the Council's lack of an up-to-date Local Plan and insufficient delivery of housing should amount to Very Special Circumstances. It is stated that the NPPG makes no reference to housing need being incapable of being a VSC and therefore it can be taken into account. In the appeal however, the Inspector stated that current guidance at the time was that unmet need on its own is unlikely to be sufficient to represent the very special circumstances necessary to justify inappropriate development in the Green Belt. It is considered that guidance and case law does not shed a different light on the matter a year on and that unmet need is still on its own unlikely to be a VSC. Whilst the Council still do not have an adopted local plan, that point has not changed since the time of the appeal and if anything, it could be said that the Council may be one step closer to the end of the examination process. However both sides of this argument are speculative at present and it is considered that it would be reasonable to follow the same thought process that the Inspector followed in the appeal – that the weight to be applied is related to the shortfall and that shortfall is still significant.
- 9.108 In view of the foregoing and for the reasons set out in paragraphs 9.44 – 9.46 of this panel report the weight attributed to the provision of housing is **significant**.

Affordable Housing provision

- 9.109 In the Planning Statement the agent cites three appeal decisions where Inspectors have afforded 'very significant' and 'very substantial' weight to affordable housing provision in Local Authority areas where there was an identified need. These appeal decisions would have been available to the Inspector at the time of the appeal given that they pre-dated the 2019 appeal decision for Lodge Farm. Indeed, the Inspector's view on this point was a matter of challenge to the High Court that was dismissed. The only difference therefore with regard to this matter is the increase from 30% to 50%

provision, which as a result of a lower number of dwellings proposed overall, amounts to an increase in the number of affordable housing units of 17 from that of the appeal scheme. This amount is not significant enough to shift the weight attributed to this benefit from significant to substantial.

- 9.110 In view of the foregoing and for the reasons set out in paragraphs 9.47 – 9.51 of this report the weight attributed to this benefit is **significant**.

Housing Mix

- 9.111 For the reasons set out in paragraphs 9.52 – 9.55 the weight attributed to this benefit is **moderate**.

Provision of Holyport Community parkland, sports provision and allotments

- 9.112 The current proposal sets out that in excess of 15 hectares of the application site will form Holyport Community Park, providing a range of formal and informal open space uses, including two full-sized grass football pitches, play areas and allotments. This part of the proposal is to be gifted to the local community in perpetuity for use as a public park.

- 9.113 The case is made that the community parkland would not be inappropriate development within the Green Belt providing opportunities in the Green Belt as set out in paragraph 141 of the NPPF such as for outdoor sport and recreation. It is set out that the community parkland could not be delivered without the residential part of the proposal.

- 9.114 A similar case is put forward as within the previous scheme regarding the need for the community park, citing the findings of the Open Space Study (2019). However, this study shows an over provision of public parkland within the Borough as a whole. Furthermore, the study does not identify a deficiency for Holyport or Maidenhead. The applicant raises the point that the closest public park to the appeal site (Gays Lane Field, Holyport) scored poorly in the qualitative rating, however due to the current over supply across the Borough and quantitative need for Holyport this is not attributed weight. For these reasons the Inspector only attributed moderate weight to this benefit

- 9.115 A further consideration not in place at the time of the appeal is the COVID-19 pandemic which the applicant cites as highlighting the need for people to be able to access outdoor space for exercise and recreation for mental health and well-being as well as physical exercise during lockdown. This point is noted but due to the fact that there is already an over provision of public open space in the Borough and the lockdown restrictions will be lifted significantly before this development would be realised, this additional factor does not up the weighting attributed to the community park benefit.

- 9.116 For these reasons the Council considers there is no reason to attribute any greater weight to this benefit than the Inspector did and therefore only **moderate** weight is attached to this benefit.

- 9.117 With regard to Sports Provision, the proposal includes two full-sized grass pitches with changing facilities and a community centre (on the site of an existing agricultural building). The Planning Statement sets out that the development will provided £100,000 towards the cost of the changing rooms and gift the land and construct the pitches. Again, it is stated that this would be a significant community benefit. The applicant suggests this should be afforded **moderate** weight due to the benefits of

physical exercise. This was the same amount of weight attributed to sports provision by the Inspector and so this is not disputed by the Council.

- 9.118 Regarding the provision of allotments, the applicant makes the case that demand is high. The Inspector gave moderate weight to the provision of allotments in the appeal scheme. The need for allotments has not changed since the time of the appeal and therefore the Council attributes the same weight to this benefit – **moderate**.

Economic Benefits

- 9.119 There is no reason to alter the weight attributed to economic benefits as identified by the Inspector which were **limited** weight to the short term benefits arising from construction, and **moderate** weight to the benefits to the local economy following occupation of the development.

Ecological Enhancements

- 9.120 The proposal would result in a biodiversity net gain, but no more than was identified in the previous scheme to which limited weight was attributed as a benefit. The applicant also considers this benefit to hold **limited** weight.

Heritage Benefits

- 9.121 It has already been identified that the proposal would result in less than substantial harm to heritage assets, by both the Council and the applicant, albeit the applicant argues that the harm is at the lower end of the less than substantial scale. When less than substantial harm is identified, this needs to be weighed against the public benefits of the application. In the appeal decision the Inspector weighed up the harm to heritage assets against both the public benefits and heritage benefits put forward.

- 9.122 The public benefits are those listed in the preceding sections of the report. The Heritage benefits put forward are listed at 9.78 of the Planning Statement and comprise of:

- The detailed layout of the country park paths, and planting could be based on or inspired by the historic layout of this area
- Restoration of those important historic elements to be retained including the orchard
- Detailed design of access routes to follow the line of historic access drives
- Archaeological findings to be disseminated to the public within the country park
- Minimising risk to the Water Tower securing its structural condition
- Better revealing of the heritage values of the water tower through increased public access within the site

- 9.123 The only additional heritage benefit put forward is for the detailed design of access routes to broadly follow the line of historic access drives into the buildings on Area C. Indeed, one of the heritage benefits previously put forward, the restoration of Lodge Farm, has been removed. It is therefore concluded that the public and heritage benefits put forward as part of the application do not outweigh the identified harm to the Heritage Assets outlined in section iii. of this report.

Zero Carbon Initiative

9.124 The applicant has put forward that the proposed dwellings would be designed as 'zero carbon homes'. The following measures are to be incorporated as detailed within the letter from the applicant dated 10.2.2021:

- Air source heat pumps
- PV tiling
- Water efficiency measures
- Insulation
- Electric charging points
- Passivhaus design principles
- Electricity provided for each dwelling already arranged as renewable
- Sustainability booklet

9.125 Whilst having zero carbon homes would be of greater benefit than homes with no special sustainability design features, the weight to be attached needs to be considered in the context that this site is currently undeveloped and therefore the impact from carbon emissions for the existing site is negligible. The construction of 124 homes with associated infrastructure would result in significant carbon emissions. The proposed zero carbon features set out by the applicant are merely add-ons to the homes after construction is complete, and once the significant impact on the environment has already occurred. The weight attributed to the zero homes initiative is therefore no more than **limited**.

Other benefits

9.126 The applicant states that all residential units would comply with the Nationally Described Space Standards. This is a standard requirement as set out by the Council's Borough Wide Design Guide and therefore is a **neutral** planning benefit.

9.127 The applicant states that all homes would be designed to M42 standards and 30% designed to M43 standards (building regulations – accessibility). Building to M41 regulations is a current requirement and building to M42 and M43 is optional at the present time and therefore **limited** weight is given to this benefit.

9.128 The use of a design code is not afforded any weight at this stage. The detailed design of the dwellings will be a matter for the reserved matters application and quality design is a policy requirement to be met in any case.

9.129 The proposed heritage and education trail is to be considered as part of the overall package of benefits for the community park/open space and therefore is not attributed any additional weight alone.

Conclusion on Very Special Circumstances

9.130 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.

9.131 The harm to the Green Belt as a result of inappropriateness combined with the significant harm to openness, conflict with purposes and significant harm to the rural character of the area must be afforded **substantial** weight in accordance with paragraph 144 of the NPPF. In addition, the 'other' harm identified for the purposes of

the Green Belt balancing exercise is the 'less than substantial' or '**significant**' harm to heritage assets.

- 9.132 As highlighted above the weight attributed to the housing supply and affordable housing is **significant**. The weight attributed to the housing mix (including the provision of mainly houses rather than flats and 10% custom built homes) is **moderate**. The provision of the community park, sports provision and allotments is also **moderate**. The economic benefits attributed would be **moderate** (long-term) and **limited** (short-term). The weight to be attributed to ecological enhancements, the zero homes initiative and the accessibility standards ratings are no more than **limited**. Other benefits put forward by the applicant have been found to have a neutral weighting. As such, when considering these matters both individually and cumulatively, the weight to be applied to the benefits of the scheme would not clearly outweigh the harm to the Green Belt such that Very Special Circumstances exist in this case to justify the harm to the Green Belt and the harm to heritage assets arising from the proposed development.
- 9.133 Put simply, the revised scheme is very similar to that previously proposed by the applicant which was recently dismissed at appeal in terms of the overall harm to the Green Belt and Heritage Assets. The additional benefits put forward in the revised scheme comprising of an additional 17 affordable homes, the zero homes initiative, the provision of custom built homes and improved accessibility, when viewed in the context of less housing overall, are simply not sufficient to tip the balance in favour of the development and clearly outweigh the identified harm to the Green Belt and heritage assets, which is what is required by paragraph 144 of the NPPF to justify such harm.

10. OVERALL PLANNING BALANCE AND CONCLUSION

- 10.1 Paragraph 11 of the Framework explains how the presumption in favour of sustainable development applies. The Inspector stated that whilst the appeal site is located within the Green Belt, paragraph 11 d)i. of the Framework applied to the proposal. He also highlighted that when considering the weight to be applied to this deficiency (the lack of a 5 year housing land supply), *'guidance says unmet need on its own is unlikely to be sufficient to represent the Very Special Circumstances necessary to justify inappropriate development in the Green Belt.'*
- 10.2 The harm to the Green Belt as a result of inappropriateness combined with the significant harm to openness and purposes and impact on the spacious, rural and undeveloped character of the area must be afforded **substantial** weight in accordance with paragraph 144 of the NPPF. Also, on this side of the balance is the harm identified to heritage assets which is afforded **significant** weight. Compared to the previous application, whilst the quantum of development has been reduced marginally, compared the status of the existing site, the harm caused by the introduction of such a significant amount of development is still significant. The weight attributed to the harm is therefore the same as at the time of the appeal.
- 10.3 Other harm identified at the time of writing this panel report, relating to the need for highway improvements, affordable housing provision and infrastructure provision, could be resolved through a section 106 legal agreement. Whilst an agreement is yet to be secured relating to the current scheme, as these matters were agreed upon at the time of the appeal and a unilateral and bi-lateral agreement accepted by the Inspector, there is no reason to believe that these matters cannot be agreed upon again in relation to the current proposal. Furthermore, the ecology and sustainable drainage objections outlined at sections ix and x respectively, could be resolved

through the submission of further technical information. To be clear the Green Belt balancing exercise has been carried out with the assumption that these matters will be resolved.

- 10.4 In all other respects the matters under consideration within this outline application, namely the principle and the external access, meets the relevant development plan policies and NPPF, with the layout, scale, appearance and landscaping to be assessed as part of a reserved matters application if outline planning permission were to be granted.
- 10.5 The weight attributed to all the material considerations/benefits put forward by the applicant has been set out under section xii above and has not been found to constitute Very Special Circumstances for the purposes of outweighing the Green Belt harm and other harm identified.
- 10.6 There are no other material consideration that indicate that planning permission should be granted. For the reasons outlined in this report the development is therefore unacceptable and planning permission should be refused.

11. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout

12. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 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 would outweigh the substantial harm to the Green Belt by reason of inappropriateness and the other Green Belt harm which includes the impact on visual and spatial openness and conflict with more than one of the purposes of the Green Belt. The other identified harms are detailed in the following reasons for refusal. The proposal is therefore contrary to paragraphs 143- 145 of the National Planning Policy Framework (2019).
- 2 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 is 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; and whilst this is considered 'less than substantial harm', it is not considered that it has been demonstrated that public benefits exist which would outweigh the harm, contrary to paragraph 196 of the National Planning Policy Framework (2019).
- 3 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 agreed deliverable mitigation 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).
- 4 In the absence of a completed legal agreement the proposed development has failed to secure the provision of 30% on site affordable housing 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).
 - 6 In the absence of satisfactory information being submitted relating to badger monitoring and information on badger territories, the impact on badgers, a protected species, is unknown. This is contrary to Section 15 of the NPPF paragraphs 175 and Paragraphs 98 and 99 of Circular 06/2005.
 - 7 The application submissions are unclear within regard to disturbance to buildings and trees that provide roosting habitats for bats. If any buildings or trees with the potential to support bats are to be lost/ impacted as part of the current development proposals, further surveys and mitigation plans (if required) should be submitted. This is contrary to Section 15 of the NPPF paragraphs 175 and Paragraphs 98 and 99 of Circular 06/2005.
 - 8 The proposed development is likely to increase the light levels significantly which will affect commuting bats, commuting and foraging badgers and foraging barn owls known to be present on site. In the absence of a sensitive lighting strategy, the impact on wildlife is unknown. This is contrary to paragraph 175 of Section 15 of the NPPF and Paragraphs 98 and 99 of Circular 06/2005.
 - 9 Barn owls have been found nesting on site and within the Water Tower. If disturbed a licence would be needed from Natural England. Further clarification is required that these schedule 1 birds will not be disturbed as a result of the proposed development and without it, the impacts are unknown. This is contrary to paragraph 175 of Section 15 of the NPPF and Paragraphs 98 and 99 of Circular 06/2005.
 - 10 In the absence of sufficient information, it has not been demonstrated that there would be an acceptable sustainable drainage system in place. Accordingly, the proposal is contrary to paragraph 165 of the NPPF.