

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

20 October 2021

Item: 1

Application No.:	20/01779/OUT
Location:	Berkshire College of Agriculture Burchetts Green Road Burchetts Green Maidenhead SL6 6QR
Proposal:	Outline application for access, layout and scale only to be considered at this stage with all other matters to be reserved for the construction of 26 dwellings with associated access, landscaping, parking and servicing.
Applicant:	Berkshire College of Agriculture
Agent:	Mr Kevin Scott
Parish/Ward:	Hurley Parish/Hurley And Walthams
If you have a question about this report, please contact: Antonia Liu on 01628 796034 or at antonia.liu@rbwm.gov.uk	

1. SUMMARY

- 1.1 The application seeks outline permission for the construction of 26 dwellings with associated access, landscaping, parking and servicing with access, layout and scale to be considered and all other matters reserved (appearance and landscaping).
- 1.2 The proposed development is inappropriate development in the Green Belt, would cause harm to the openness of the Green Belt and be contrary to one of the purposes of the Green Belt, namely safeguarding the countryside from encroachment. Therefore, a case of Very Special Circumstances (VSC) would need to be demonstrated where harm to the Green Belt and any other harm is clearly outweighed by other considerations. In terms of other harm, the proposed development would be located in an unsustainable location, cause harm to the character of the site and its locality, and result in the loss of the best and most versatile agricultural land.
- 1.3 The proposed development is put forward as enabling development to raise funds for urgent and essential repairs to important heritage assets on the BCA estate, which are approaching a condition where the heritage assets are beyond the stage of reasonable repair and would therefore result in great benefit to important heritage assets without harm to their significance. Following guidance published by Historic England, it is considered that the proposed development would meet the case for being enabling development. Other benefits include the contribution of housing towards meeting identified local need, in the absence of a 5-year housing supply, and economic benefit in terms of employment and spends as a result of the construction of the development and repair works to the heritage assets being funded.
- 1.4 In the overall balancing exercise for establishing VSC, it is considered that the identified harm is clearly outweighed by other considerations, and therefore VSC exists which justifies the development in the Green Belt. For the same reasons, the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits having due regard for the tilted balance.

It is recommended the Panel authorises the Head of Planning:

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| 1. | To grant planning permission on the satisfactory completion of an undertaking to secure the money raised from the development to be used to complete a schedule of works that relate to the heritage assets at BCA and appear necessary for their on-going maintenance, set out in the Condition Survey, in line with an approved Conservation Management Plan and affordable housing set out in Section 9 of this report, and with the conditions listed in Section 13 of this report. |
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2.	To refuse planning permission if an undertaking to secure a undertaking to secure the money raised from the development to be used to complete a schedule of works that relate to the heritage assets at BCA and appear necessary for their on-going maintenance, set out in the Condition Survey, in line with an approved Conservation Management Plan and affordable housing set out in Section 9 of this report.
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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 site measures approximately 2.3ha and comprises agricultural land currently growing willow crop. The site forms part of the estate owned and managed by Berkshire College of Agriculture (BCA), which offers further and higher education courses for students aged 16 and over. Historically BCA provided land based and agriculture study programmes, but the curriculum has expanded to a wider range, including but not limited to equestrian studies, horticulture, floristry, sports and leisure, and public services.
- 3.2 The grounds of the BCA estate extent up to 162ha. The estate lies north-west of the village of Burchett's Green, and the application site lies on the western edge of the estate, adjacent to Honey Lane which runs along the eastern boundary of the site. On the western side of Honey Lane is a linear development of semi-detached two-storey houses (no. 1-20 Honey Lane) dating from the mid-20th century. To the north of the application site is an area of woodland (High Wood) and open, arable fields while to the south is an area of woodland (Ashley Hill Forest and Dellars Copse) and open grass land. High Wood and Ashley Hill Forest and Dellars Copse are designated as Ancient Woodland and Local Wildlife Sites. The site, the entire BCA estate and wider surrounds lie within the Green Belt.
- 3.3 The main BCA campus lies approximately 500m to the east of the site and covers approximately 6.8ha of the estate. It predominately comprises the administrative and teaching buildings, animal units, equine and arable land, and sports fields. The buildings are grouped centrally, and the form of development is linear (north-south).
- 3.4.1 Within the BCA campus is a number of listed buildings and structures:
- Hall Place (the principle college administration building), 1728-1735 altered in 20th century, Grade I (listed 1955)
 - Garden Cottage, 17th century, rebuilt 18th century, extended 19th century, Grade II (listed 1987)
 - Stable Block, 18th century, Grade II (listed 1987)
 - Wall and Gate Piers, early 18th century, Grade II (listed 1987)
 - Bee House, late 19th century, restored in 1976, Grade II (listed 1987)
 - Statue (45m south from the main house), early 18th century, Grade II (listed 1987) (statue missing when garden was registered in 2004)
 - Statue (500m north from the main house), early 18th century, Grade II (listed 1987)

Other buildings are listed by virtue of falling within the curtilage of Hall Place. Hall Place Garden, was also added to the Register of Parks and Gardens in 2004 and designated Grade II. The site

does not form part of the Registered Garden, but the site, Registered Garden and wider surrounds falls within an Area of Special Landscape Importance. There is a public right of way running north-south to the east of the site.

3.5 Adjacent to the eastern avenue, near the entrance from Burchett's Green Road, is Applehouse Farmhouse, its stables and its barn which are all separately Grade II listed. Burchetts Green Conservation Area lies adjacent to the south-east boundary of the estate.

4. DESCRIPTION OF THE PROPOSAL

4.1 The application is for outline consent for 26 dwellings with associated access, landscaping, parking and servicing with access, layout and scale being considered at this stage, and appearance and landscaping being reserved matters. From the application form, the proposal comprises of 20 x 4-bed houses for the open market, and 6 x 2-bed houses as affordable.

Access

4.2 A new vehicular access in the form of a priority T-junction is proposed from Honey Lane approximately sited opposite no. 8 and 9 Honey Lane. An additional pedestrian access is also proposed, sited opposite no. 18 and 19 Honey Lane. Honey Lane is to be widened in the vicinity of the new access to 4.1m for a stretch of approximately 132m and a passing place is proposed measuring 36m long and 2.4m wide, opposite no. 15-18 Honey Lane.

Layout

4.3 Both accesses lead to a secondary street that runs parallel with Honey Lane. The proposed houses on plots 1-11 are sited along the eastern side of the secondary street and front onto the road, opposite a landscape buffer. The houses on plots 1-6 are semi-detached houses, while the houses on plots 7-11 are detached.

4.4 Leading off the secondary street are two secondary arms to the north and south, which terminate in dead-ends. Detached houses on plots 12–19 are sited along both sides and front onto the secondary arm to the north, which runs east-west. The secondary arm to the south has two branches, one running east-west with detached houses (plots 20-22) on the northern side of this branch, and the other branch running north-south with detached houses (plots 23-26) on the eastern side. Building lines are regular.

4.5 Each house has an area of private amenity space to the rear, with shorter front gardens accommodating an area of hardstanding for parking and turning. Houses on plots 13, 14, 16, 17, 20, 22, 23, 26 include a detached garage to the side or front of the main house.

Scale

4.6 Appearance is a reserved matter, but proposed floor plans and elevations for 5 housing types have been submitted which provides the parameters for scale which are as follows:

House Type 1 Detached, Two storeys, 4-bed	Plots 7-8, 11, 19, 21 and 24-25	Maximum ridge height: 8.8m Maximum width: 13.45m Maximum depth: 11.85m
House Type 2 Detached, Two storeys, 4-bed	Plots 9-10, 14, 20 and 23	Maximum ridge height: 8.8m Maximum width: 13m Maximum depth: 12.4m
House Type 3 Detached, Two storeys, 4-bed	Plots 13, 16-17, 22 and 26	Maximum ridge height: 8m Maximum width: 13.2m Maximum depth: 11.8m
House Type 4 Detached, Two Storeys, 4-bed	Plots 12, 15, 18	Maximum ridge height: 10m Maximum width: 16.6 Maximum depth: 10.2m
House Type 5 Semi-detached, Two	Plots 1-6	Maximum ridge height: 8.5m Maximum width: 6.7m

Storeys, 2-bed		Maximum depth: 10.1m
Detached Garage	Plots 13-14, 16-17, 20, 22-23 and 26	Ridge height: 5.1m Width: 6m Depth: 6m

5. BACKGROUND INFORMATION AND RELEVANT PLANNING HISTORY

- 5.1 The housing is proposed as enabling development to fund an urgently required programme of restoration of the historic buildings and parkland, which are approaching a condition where the heritage assets would not only go beyond the stage of reasonable repair but pose a risk to health and safety. The required cost of funding is referred to as a Conservation Deficit and in this case amounts to £6.46 million (the cost of £5.42 million plus VAT). This position has been reached through use of the heritage assets, and lack of repairs and maintenance due to lack of capital. There is no evidence of any deliberate neglect.
- 5.3 Since 2013, when it was placed under Financial Notice of Concern by the Education and Skills Funding Agency (ESFA), the college's main funding provider, BCA has been through a substantial period of financial recovery. As a result of financial restructuring following a restructuring grant and long-term loan from the Department of Education (DfE), financial stability for the operation of BCA has been reached and the Notice of Concern was subsequently lifted in October 2019. However, the Conservation Deficit remains.
- 5.4 It is proposed that funds raised by the housing would be used wholly and exclusively for the restoration works of the heritage assets. In terms of the long-term maintenance, as part of the restoration programme the intention is to restore and convert the South Wing of Hall Place to office space for rent. The rental income is estimated to be approximately £30,000pa which would be held in trust in perpetuity solely for the benefit of on-going repair and maintenance of the heritage assets. This would alleviate any pressure for further development to support the listed assets.
- 5.5 There is no planning history for the subject parcel of land, although there is extensive planning history relating to BCA, mainly relating to the operational aspects of the college. Also, of relevance is planning application 16/02814/FULL for the development of a care village comprising of a 50 bedroom care home, village care and wellbeing centre, 26 assisted living units, 82 independent living units, landscaping, parking and associated new access drive. The aim of the development proposed under was to provide funds necessary to secure the long-term stability of the college and the preservation of important Heritage Assets. Members resolved to approve the application subject to referral to the Secretary to State as it was a departure from the Development Plan. The motion was agreed for the following reasons:
- Restoring a Grade I listed building, financially securing BCA and reducing its debt and the provision of units for the elderly residents in the borough constituted a case of VSC.
 - The potential harm to the Green Belt by reason of inappropriateness, and any other harm, was considered to be clearly outweighed by the above considerations.
 - It was also concluded that there was only a minor impact to the Heritage Asset given the sports hall building.
 - The loss of trees was disputed as any lost trees would be replaced.
 - No harm to character and appearance, proposal constitutes a good design.
 - No harm would be caused to wildlife and protected species.
 - Flood risk would not be increased.
- 5.6 The Secretary of State subsequently resolved to call-in the application and an Inquiry was scheduled to consider the proposal. Since the Council took the decision to approve the application subject to referral to the Secretary to State, further work was undertaken by the Borough on assessing its need for elderly accommodation, which demonstrated that there was not a need for additional care homes in the Borough. As this formed an important component of the decision's justification for Very Special Circumstances (VSC) in relation to Green Belt policy, this was a material change in circumstances. The application was referred to a second Planning

meeting where Members resolved to remove support and indicated that they were minded to refuse the application. The application was subsequently withdrawn by the applicant.

6. DEVELOPMENT PLAN

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

Adopted Royal Borough Local Plan (2003)

Issue	Adopted Local Plan Policy
Green Belt	GB1, GB2
Design and Character	DG1, H10
Historic Conservation	LB2, HG1, ARCH2, ARCH 3, ARCH 4
Area of Special Landscape Importance	N1
Trees and Hedgerows	N6, N7
Public Rights of Way	R14
Highway Safety and Parking	P4, T5, T7
Open Space	R3, R4, R5
Affordable Housing	H3
Housing Provision	H8

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

Issue	Neighbourhood Plan Policy
Sustainable Development	ENV1
Sustainable Drainage	ENV2
Quality Design	GEN2
Accessibility and Highway Safety	T1

7. MATERIAL PLANNING CONSIDERATIONS

7.1 National Planning Policy Framework Sections (NPPF) (2021)

Section 2 – Achieving Sustainable Development
 Section 4 – Decision Making
 Section 5 – Delivering a Sufficient Supply of Homes
 Section 8 – Promoting Healthy and Safe Communities
 Section 9 – Promoting Sustainable Transport
 Section 12 – Achieving Well Designed Places
 Section 13 – Protecting Green Belt Land
 Section 15 – Conserving and Enhancing the Natural Environment
 Section 16 – Conserving and Enhancing the Historic Environment

7.2 Borough Local Plan: Submission Version Borough Local Plan (BLPSV) (2017) and Borough Local Plan Submission Version Proposed Changes (BLPSVPC) (2019)

Issue	BLPSV policy	BLPSVPC policy
Green Belt	SP1, SP4	SP1, QP5
Historic Environment	HE1	HE1
Design and Character	SP1, SP3	QP1, QP3
Housing Development	HO2, HO3, HO5	HO2, HO3
Trees, Woodlands and Hedgerows	NR2	NR3
Ecology	NR3	NR2
Environmental Protection	EP1, EP3, EP4, EP5	EP1, EP3, EP4, EP5
Sustainable Transport	IF2	IF2
Open Space	IF4	IF4
Public Rights of Way	IF5	IF5
Utilities	IF8	IF7
Climate Change	-	SP2

Paragraph 48 of the NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to:

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

The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. The plan and its supporting documents, including all representations received, was submitted to the Secretary of State for independent examination in January 2018. 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 were reviewed by the Council before the Proposed Changes were submitted to the Inspector. The Examination was resumed in late 2020 and the Inspector's post hearings advice letter was received in March 2021. The consultation on the main modification to the BLPSV ran from 19 July to 5 September 2021.

The BLPSV together with the Proposed Changes are material considerations for decision-making. The weight to be given to each of the emerging policies and allocations will depend on an assessment against the criteria set out in paragraph 48 of the NPPF. This assessment is set out in detail, where relevant, in Section 9 of this report.

7.3 Supplementary Planning Documents (SPD)

- Borough Wide Design Guide

7.4 Other Local Strategies or Publications

Other Strategies or publications material to the proposal are:

- RBWM Landscape Assessment
- RBWM Parking Strategy
- Interpretation of Policies R2, R3, R4, R5 and R6
- Affordable Housing Planning Guidance
- Interim Sustainability Position Statement

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

20 occupiers were notified directly of the application. The planning officer posted a notice advertising the application at the site and the application was advertised in the Local Press.

60 letters were received objecting to the application (multiple representations from same author are counted as 1 representation), summarised as:

Comment	Where in the report this is considered
Inappropriate development in Green Belt, loss of gap between Hurley, Burchetts Green and other local communities / urban sprawl, loss of openness. VSC not demonstrated as protection of green belt and rural character outweighs maintenance of heritage assets.	Sections 9(i) and 9(xiii)
Dangerous precedent to allow development in Green Belt outside of existing settlements. Approval would be contrary to Council decision to reject proposed housing allocation for emerging Borough Local Plan on land at BCA estate.	Sections 9(i), 9(xiii) and 11.
Enabling development is not necessary; Historic England guidance not followed as alternative options for funding not properly explored and persuasively discounted, and alternative site not properly considered: development should be located in existing brownfield site within BCA estate.	Section 9(ii) and 9(xiii)
Proposed development would not be sufficient to cover heritage deficit, necessitating further sources of funding including potential future development on the Green Belt. No prevention of BCA failing to secure sustainable funding to manage heritage asset / using funds for other purposes, and BCA returning with same case for future development in Green Belt.	Section 9(ii) A Conservation Management Plan has been submitted setting out long-term maintenance which can be secured by condition. Any future enabling development will require planning permission, and each application will be determined on its merits.
Scale of development to big / too number of houses to many; in excess to cover heritage deficit.	Section 9(ii)
Situation is a result of poor management which should not justify development on Green Belt.	Section 9(ii), 9(xiii) and 11
Inappropriate density, overdevelopment of the site, resulting in harm to rural, local character.	Section 9(v).
Development is of poor design, contrary to national and local policies and guidance.	Section 9(v).
Modern / town house design of houses out of character, with rural, local character.	Appearance would be considered as under a reserved matters application if outline permission is granted.
Harm to views from public right of way / footpath.	Section 9(v)

Harm to nearby conservation area, and area of outstanding beauty.	The conservation area is unspecified, but Hurley Village Conservation Area is around 840m to the north of the site and Burchetts Green Conservation Area is around 1km distance and thereby it is not considered that the proposed would result in harm to the special interest of either conservation area or its setting. The area of outstanding beauty is also unspecified, but there are no areas of outstanding natural beauty (AONB), as designated in the Countryside and Rights of Way Act 2000, within the Borough with the nearest AONB (Chiltern Hills AONB) being over 3km away.
Honey Lane cannot accommodate increase in traffic from construction and / or occupation of proposed development without harm to highway safety as it is single track with no footpaths or lighting, well used by pedestrians and cyclists.	9(ix)
Traffic survey took place during the pandemic and does not represent traffic movements during 'normal' times.	The traffic survey was undertaken as part of the speed assessment and not part of the trip assessment to calculate existing and predicted traffic movements.
Proposed access is unsafe.	9(ix)
Increase in pollution from additional traffic.	9(viii)
Construction works / traffic would prevent people with caravans accessing the village.	No reasoning given on why this would occur, nevertheless it is considered that the local highway network can and does accommodate larger vehicles, including caravans and construction vehicles.
Loss of trees and harm to High Wood which is ancient woodland.	9(vi)
Loss of habitat, including hedgerow, to the detriment of wildlife.	Section 9(vii)
Loss of agricultural land.	Section 9(xi)
Impact on ecology from relocation of willow plantation, which would be lost as a result of the development, has not been considered.	There is potential for willow to be planted elsewhere, but the type of agricultural crops grown is not a material planning consideration.
Increase in hard surfacing, resulting in flood risk.	Section 9(x)
No housing for the purposes of supporting the agricultural industry.	Housing for agricultural workers not a policy requirement for this development, nor put forward as housing for agricultural works to address need as a benefit of the scheme.
6 houses for key workers, beyond the housing needed to fund the Conservation Deficit.	Section 9(iii)
Local infrastructure (schools, GP Surgeries, shops, parking facilities in Hurley) are incapable of supporting additional housing development.	Section 10.

Supporting information is a mis-representation of existing situation and proposed development.	No specification or evidence of inaccuracy given. Technical reports including Heritage Statement, Condition Survey and Cost Report, Financial Viability Assessment, Written Scheme of Investigation: Archaeology, Landscape and Visual Impact Assessment, Transport Statement, and Flood Risk Assessment and SUDS Strategy, Ecological Appraisal were reviewed by technical officers, and conclusions considered to be acceptable.
Development does not represent sustainable development as no economic, environmental and social benefit.	Section 11.
Insufficient water utilities with existing low water pressure, and sewer provision. Location of sewage plant opposite existing houses on Honey Lane, resulting in unpleasant odour.	Water supply is remit of South East Water Company. In the absence of public foul sewerage in the area, all existing properties on Honey Lane utilise package treatment works to treat foul sewage before discharge of treated effluence into ground. This has been taken into account as part of the proposed development, and based on the same principle, includes a package treatment plant with discharge of treated effluence to ground. If used correctly, there is no evidence that the proposed package treatment plant would result in undue harm to local residents over and above the package treatment works for the existing development A discharge permit will also be required from the Environment Agency under the Environmental Permitted regulations. This is a separate application process, and the Environment Agency is the regulatory body.
Risk of subsidence to nearby residents as a result of the development.	Not a material planning consideration.
Loss of views of open fields for residents of Honey Lane.	Not a material planning consideration.

1 letter neither supporting nor objecting to the application:

Comment	Where in the report this is considered
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<p>If permission is granted requests the following conditions:</p> <ul style="list-style-type: none"> - All construction traffic accesses the building site through the BCA's main drive and does not use Burchetts Green Road or Honey Lane. - All construction traffic using the main drive should be advised to arrive and depart the college via the Henley roundabout and not access via the village. - During construction a "Turn Left Only" sign be placed at the exit of the main drive in order that traffic returns to the Henley roundabout. - The BCA enters into a legally binding covenant that they will not pursue any further planning applications outside of their existing permitted development area for a period of time no less than 10 year. 	<p>Condition securing a construction management plan is not considered to pass the statutory test of necessity due to open nature of area, and undue adverse impact from construction vehicles can be controlled / mitigated by existing highway and environmental protection legislation.</p>
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Consultees

Consultee	Comment	Where in the report this is considered
Arboriculture Officer	No formal comments received.	Section 9(vi)
Berkshire Archaeology	No objection subject to a condition to secure compliance with a proposed scheme of archaeological trial trench evaluation to investigate features noted within the site, agreed with Berkshire Archaeology, and the results submitted the LPA.	Section 9(ii)
Berkshire Garden Trust	<p>No objections. The site lies outside of the Registered Park and do not considered that the development would have an adverse effect on the setting given the tree and woodland cover, which screens the site along the edge of the park to the south-east of the site is retained.</p> <p>Notes that applicant is willing to enter into a S106 agreement to ensure that the money raised by the development would be used to carry out repairs to Hall Place. Request that money is also used as far as possible to carry out any repairs and maintenance to the landscape within the western part of the Park to ensure that the Park and the setting of the Grade I Hall Place are conserved and enhanced.</p>	<p>Section 9(ii)</p> <p>Money raised would be used to complete a schedule of works that relate to the heritage assets at BCA and appear necessary for their on-going maintenance, set out in the Condition Survey, in line with an approved Conservation Management Plan.</p>
Conservation	No objection in principle. Further comments to be provided.	Section 9(ii) and 9(xiii). Any further comments received shall be reported in an update.
Ecology	Requests demonstration that net gain for	Section 9(vii)

	<p>biodiversity can be achieved on site and hedgerow is can be adequately replaced prior to determination. Subject to demonstration that net gain is achievable on site as per the above, recommends conditions relating to a Construction Environmental Management Plan for biodiversity (CEMP), a Landscape Ecological Management Plan to include biodiversity enhancements (LEMP) and a wildlife friendly lighting strategy.</p>	
Housing Officer	No formal comments received.	Section 9(iii)
Historic England	<p>No objection on heritage grounds. The application site is outside of the registered garden and the proposal would not be visible from the house and visibility from the garden would be very limited. It is not considered that the proposals would adversely affect the significance of either the listed buildings on site or registered garden. Of concern is the widening of the driveway and its impact on the registered garden. The impact would be limited, but it would not preserve or sustain the significance of the park.</p> <p>The schedule of works to Hall Place appear necessary and appropriate for on-going maintenance and providing income to address the repair needs of Hall Place would be a heritage benefit as investment in this building would be needed.</p> <p>Content that reasonable efforts have been made to explore alternative approaches to enabling development. Confirms that there is no need to market the main house.</p> <p>It is for the Council to assessment whether an exception case for development on this Green Belt site has been made and compliance of tests set out in paragraph 202 of the NPPF (superseded by paragraph 208 of the NPPF, 2021) in respect of Enabling Development.</p> <p>From a heritage standpoint, the proposal would entail a major benefit of providing funding for much needed repairs to an important listed building without harm to its significance or that of the park.</p>	Sections 9(ii), 9(xiii) and 11
Lead Local Flood Authority	No objections as the drainage strategy is acceptable. Further clarification required on infiltration storage, impact on closely placed soakaways on ground stability, and responsibility for the maintenance of soakaways once construction have been	Section 9(x)

	provided and acceptable.	
Local Highway Authority	No objection relating to highway safety and capacity. Parking provision is in accordance with guidance set out in RBWM's Car Parking Standards.	Section 9(ix)
Thames Water	No objection as the application sets out that foul water and surface water will not be discharged to the public network. Should the applicant subsequent seek a connect to the discharge foul water and / or surface water into the public network this would be a material change to the proposal, and at which point Thames Water will need to review their position.	Section 9(x)

Others

Group	Comment	Where in the report this is considered
Bisham Parish Council	<p>Objects to the planned route for construction across the estates due to:</p> <ul style="list-style-type: none"> - Number of conflicts with footpath users, students, staff and animals - Use of the main drive which would require upgrading in contravention of the protection under a designated Historic Parks and Gardens - Heavy vehicles to contravene the 7.5 tonne weight limit in Burchetts Green Road - Increase in traffic nuisance for Bisham residents 	Sections 9(ii) and 9(ix)
Hurley Parish Council	<p>Objects to the proposed development due to:</p> <ul style="list-style-type: none"> - Contrary to HWNP policy HUR1 - Honey Land is unsuitable for increased traffic movements contrary to Local Plan policy DG1 and HWNP policy T1 - Contrary to Green Belt policies and no Very Special Circumstance has been demonstrated to outweigh harm to the local area and impact on neighbours 	<p>Sections 9(i), 9(ix) and 9(xiii)</p> <p>HWNO HUR1 is a positive worded policy in support of housing schemes within or adjoining the boundary of recognised settlements in Hurley Parish, subject to further criteria. The policy does not prohibit proposals outside or not adjoining recognised settlements in Hurley Parish, such as the proposed development, and consideration of the proposal against other relevant planning policies.</p>
Thames Valley Police Crime Prevention Design Advisor	<p>Objections as proposed development is contrary to section 12 of the NPPF (2018). Access to the rear of the dwellings should be avoided. A combination of Sympathetic treatments could be used to clarify demarcation between public access footpaths or track and private rear garden boundary treatments.</p> <p>Reserved matters application should consider boundary treatment, how the development will create safe accessible</p>	Section 9(v)

	and safe environment and Secured by Design principles and standards should be made a condition of any future planning approval.	
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9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Green Belt
- ii Impact on Heritage Assets and the Case for Enabling Development
- iii Housing Mix and Affordable Housing
- iv Open Space
- v Impact on Character of the Area
- vi Trees
- vii Ecology
- viii Residential Amenity
- ix Highway Safety and Parking
- x Sustainable Drainage
- xi Loss of Best and Most Versatile Agricultural Land
- xii Climate Change and Sustainability
- xiii The Case for Very Special Circumstances
- i Green Belt**

Whether the Development is Appropriate Development in the Green Belt

- 9.1 The entire site lies within the Green Belt and the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Local Plan policy GB1 sets out forms of appropriate development in the Green Belt but was prepared in accordance with the cancelled PPG2: Green Belts which has since been replaced by the NPPF. While broadly reflective of current national Green Belt policy at a strategic level, it is more prescriptive and therefore policy GB1 is given less weight. The NPPF is a material consideration of significant weight, and therefore greater weight, and it sets out what comprises appropriate development in the Green Belt in paragraph 149 and paragraph 150. As a further material consideration of significant weight, BLPSVPC policy SP1 states that the Green Belt would be protected from inappropriate development in line with Government Policy.
- 9.2 BLPSVPC policy QP5 also states that states that permission will not be given for inappropriate development, as defined in the NPPF, unless very special circumstances are demonstrated, but due to unresolved objections this policy is currently given limited weight for the purposes of this assessment.
- 9.3 With reference to paragraph 149 and 150 of the NPPF and BLPSVPC policy SP1, the proposed development would not fall under any of the exceptions listed as appropriate development in the Green Belt, and in accordance with paragraph 147 of the NPPF inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (VSC). This is common ground with the applicant with acknowledges the same in

paragraph 6.3 of the submitted Planning Statement. A case for VSC has been put forward by the applicant, which is considered in section 9(xii) of this report.

Other Harm to the Green Belt

- 9.4 Local Plan policy GB2(a) states that permission will not be granted for new development within the Green Belt which would have a greater impact on openness of the Green Belt or the purposes of including land within it than existing development on the site. Insofar as assessing the impact of development on the openness of the Green Belt, Local Plan policy GB2(a) is more prescriptive than the NPPF and therefore not given full weight. However, the objective of GB2(a) is consistent with paragraph 137 of the NPPF which makes it clear that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; and the essential characteristics of Green Belt are their openness and their permanence. Paragraph 138 of the NPPF goes on to state that the Green Belt serves 5 purposes: to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration by encouraging the recycling of derelict and other urban land. The NPPF is a material consideration of significant weight.
- 9.5 As inappropriate development in the Green Belt the proposal is, by definition, harmful to openness. In terms of actual openness, the NPPG advises that when considering the potential impact of development on actual openness of the Green Belt, openness is capable of having both a spatial and visual aspect, and the permanence and degree of activity likely to be generated should be taken into account. Located on a site comprising of an open field where there are currently no buildings within the site, the permanent siting, layout, height, scale and form of 26 houses and associated development, as described in section 4 of this report, would unavoidably result in an adverse effect on spatial and visual openness in comparison with the existing situation. Furthermore, due to the relatively flat topography, the permanent loss of openness would be visually apparent from Honey Lane and public right of way running between Hurley Bottom to Ashley Hill Forest that lies to the east of the site.
- 9.6 Turning to the purposes of the Green Belt, as inappropriate development, the proposal would conflict with one of the purposes of the Green Belt, namely assisting in safeguarding the countryside from encroachment.

ii Impact on Heritage Assets, and the Case for Enabling Development (Part 1)

- 9.7 Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when determining an application, the local planning authority shall have special regard to the desirability of preserving the building or its setting of any feature of special architectural or historic interest which it processes. Local Plan policy LB2 states that the Council will have special regard to the preservation of listed buildings and their setting, while policy HG1 states that development proposals would have an adverse effect on the special historic interest, appearance or setting of the registered park and garden identified will not be permitted. As a material consideration of significant weight, paragraph 194 of the NPPF states that in determining applications the local planning authority should require an applicant to describe the significance of any heritage asset affected, including any contribution made by their setting and paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation irrespective of the amount of harm. BLPSVPC policy HE1 also states that the historic environment and its setting will be conserved and enhanced in a manner appropriate to its significance, but currently this policy is given limited weight.

Historic Core of the BCA Estate and Registered Park and Garden

- 9.8 The proposed site is located approximately 750m from the historic core of the estate, which includes Hall Place (Grade I), Garden Cottage (Grade II), Stable Block (Grade II), Bee House (Grade II), Statue sited 45m south from the main house (Grade II), Statue sited 500m north of main house (Grade II) and Wall and Gate Piers (Grade II, and outside the Registered Park and

Garden (Grade II) with a separation distance of approximately 230m at its closet point. However, although located as some distance from the heritage assets, it is considered to form part of the rural setting.

- 9.9 The submitted Heritage Statement demonstrates that the application site and proposed development would not be visible from key views to, across and from the identified heritage asset, including the long views from Hall Place west across the park and garden (and corresponding views east towards Hall Place), and the silhouettes of Hall Place when viewed from the east. As such, the proposed development is not considered to adversely affect the setting of the historic core of the estate and listed buildings and structure within. In relation to the Registered Park and Garden, due to its location and as it would not be apparent from within the Registered Park and Garden, the proposed development would not cause harm to or isolate the Registered Park and Garden from its immediate rural surrounds. The proposal is therefore considered to be in compliance with the above policies.
- 9.10 Historic England have raised concerns on the widening of the existing BCA driveway and its impact on the registered garden as shown on drawing ref: 305-02-PL-200 rev 00. However, these do not form part of proposed development, the proposed development has no reliance on these works, and these works lies outside of the red-line plan for the application. Therefore, it is not under consideration for the purposes of this application.

Archaeology

- 9.11 The site falls within an area of archaeological significance. Hall Place, the outbuildings and parkland were built in 1728 on land formally part of the estate of Hurley Priory which reportedly replaced an early house with medieval origins. The proposed site was previously 'field walked' and archaeological material had been found within the site, including medieval, Roman and prehistoric finds with similar finds in adjacent fields. However, it is acknowledged that the site has been used to grow willow crop, which is likely to have caused some negative impact on the quality of surviving archaeology.
- 9.12 Local Plan policy ARCH3 states that planning permission will be not granted for proposals which affect archaeological sites and moments of unknown importance and areas of high potential unless adequate evaluation enabling the full implications of the development on matters of archaeological interest is carried out. Policy ARCH2 states that where archaeological features merit in situ preservation, it should be demonstrated that the proposal will not harm the archaeological feature or its setting and appropriate provision is made for its protection and management during development, while policy ARCH4 states that where evaluation of a site demonstrates the presence of archaeological remains which do not merit in situ preservation, provision should be made for appropriate recording and publication/display.
- 9.13 In this case, a scheme of archaeological trial trench evaluation to investigate noted features within the site was devised in conjunction with and agreed by Berkshire Archaeology. As such, the submitted scheme of archaeological trial trench evaluation is considered to be appropriate and acceptable in safeguarding archaeological interest.

Enabling Development

- 9.14 While the proposed development constitutes inappropriate development in the Green Belt, the proposal is put forward as 'enabling development'. Paragraph 208 of the NPPF sets out that, *"Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies, but which would secure the future conservation of a heritage asset, outweigh the dis-benefits of departing from those policies."* Therefore, enabling development is a planning mechanism which permits departure from planning policies in appropriate cases.
- 9.15 Enabling Development and Heritage Assets - Historic Environment Good Practice Advice in Planning: 4 (June 2020) published by Historic England provides guidance on assessing whether enabling development might be appropriate. In the first instance, paragraph 27 of this guidance sets out that there should be a preliminary assessment as to whether the future of the heritage

asset may be secured by alternative uses, sale to another owner, other ownership arrangements e.g., charitable trust or through funds available from other sources.

9.16 In relation to alternative uses and other ownership, the heritage assets are interspersed and / or ingrained within the campus and therefore cannot be separated into neat parcels for alternative uses and / or sale. Furthermore, in this instance it is considered that the buildings, statues, garden and parkland form a historic entity that would result in some harm by a private sale and separation or removal of some of these assets from the group. As an educational facility there are also safeguarding and compatibility issues. It is not considered unreasonable to discount alternative use and sale on this basis. In terms of funding from other sources, information on the financial position of BCA has been provided which reports on operating deficit / surplus of income, which demonstrates that following financial restructuring to resolve the education deficit, there would be insufficient income to address the Conservation Deficit. Sources of grants have been explored in which successful applications were for amounts which only made a limited contribution to the total Conservation Deficit or unsuccessful.

9.17 The Historic England guidance on Enabling Development goes on to state that if, after the preliminary assessment, enabling development genuinely appears necessary, there are 7 steps to providing a full case that would meet the requirements of paragraph 202 of the NPPF (since superseded by paragraph 208 of the NPPF, 2021). The 7 steps are as follows:

1. carry out of a condition survey in need of conservation repairs to inform a conservation management plan;
2. undertake an options analysis comprising of assessment of alternative solutions by which the asset's future might be secured;
3. carry out an assessment of cost of repairs and how future maintenance liabilities might be met;
4. make an assessment of the market value of the heritage asset in current and repaired condition. The conservation deficit may then be calculated;
5. draw up a detailed scheme for the preferred option;
6. produce a development appraisal that demonstrates the financial contribution the development will make to the conservation asset;
7. create a delivery plan that demonstrates how the heritage benefits will be secured in a timely matter.

The guidance states that the extent and detail of the work entailed in each step needs to be proportionate and appropriate to the specific circumstances of the heritage asset and proposed scheme.

1. *Condition Survey and Conservation Management Plan (CMP)*

9.18 A condition survey to understand the current and future conservations needs of the heritage asset, and CMP have been submitted to support the application. Concerns have been raised by local residents that there may be works which are aspirational rather than necessary, but both Historic England and planning officers consider that the condition survey provided sets out a comprehensive schedule of work that relates to the historic buildings on site and consists of works that appear necessary and appropriate for its on-going maintenance. As such, it is considered that a reasonable level of conservation that will sustain the asset in the long-term has been identified. In relation to the CMP it is noted that this is to be finalised, however, the measures within are reasonable and acceptable. If minded to approve, the submission and approval of a CMP can be secured by condition.

2. *Alternative Solutions*

9.19 Further to the preliminary assessment on alternative solutions set out in paragraph 9.16, more detailed consideration was given to alternative uses including converting Hall Place and creating a new campus separate from these buildings, and alternative site to residential development on land known as 'the former sewage works' to the rear of the college. These were discounted for the same reasons set out in paragraph 9.16 and also significant adverse impact on the heritage assets as a result of the new buildings. There are concerns from local residents that not all options have been explored and discounted, but Historic England guidance on Enabling Development makes clear that solutions must be proportionate and appropriate to specific

circumstances of the heritage asset. Overall, both Historic England and planning officers are satisfied that reasonable efforts have been made in respect of exploring reasonable alternatives to enabling development.

3. *Assessment of Cost*

- 9.20 A Cost Report for the heritage works at BAC identified in the condition survey and Conservation Management Plan was submitted by the applicant. The Cost Report has been independently reviewed by a Cost Consultant who has provided a Cost Plan Assessment. The Cost Plan Assessment concludes that the Cost Report is based on a reasonable level of detail and robust supporting evidence including building, heritage, condition, structure, electrical and fire risk survey reports. In terms of detail, the Cost Report is divided up into sections: Main House, South Wing, North Wing, Stable Block, Jacobs Bancks Wing, external works, main drive, Diane statue and Bee House, with each section including itemised schedule of quantified items and cost rates for each item. This gives a degree of certainty of costs, and the cost levels given in the Cost Report are reasonable given the nature and value of works. Overall, the total costs for the heritage works of £5,427,179.71 is accepted. A summary of costs is set out in Figure 5 of the Planning Statement.

4. *Market Valuation and Conservation Deficit*

- 9.21 Historic England guidance on Enabling Development sets out that in order to understand how much money the enabling development will be required to raise an applicant will need to assess the market value of the asset in its current state and when completed. If the current value plus the cost of the reasonably required repairs exceeds the value when completed, then there is a Conservation Deficit. The Conservation Deficit will be the amount the enabling development needs to raise.
- 9.22 As an educational establishment, there would be no uplift in value as a result of the repair works to the heritage assets, as there would be for a residential or commercial site, and therefore the calculation formula is not considered appropriate in this instance. Furthermore, Given the financial situation of BCA and that the loss or decline of a further education establishment should be resisted, backed by paragraph 95 of NPPF which states that it is important that a sufficient choice of school places is available, and the Local Planning Authority should take a proactive, positive and collaborative approach in meeting this requirement, the total cost of the heritage works is taken as the Conservation Deficit.

5. *A Scheme Design*

- 9.23 A proposed scheme is described in section 4 of this report. The application is also supported by a Design and Access Statement which provide further details on the siting, scale, layout and access for the proposed development.

6. *Development Appraisal*

- 9.24 In order to calculate the amount of enabling development that might be needed, Historic England guidance on Enabling Development advises that two appraisals should be undertaken. The first to establish whether there is a conservation deficit and the second to demonstrate the minimum amount of enabling development needed to meet the deficit. In relation to the first, as set out in paragraph 9.22 it is considered that the cost of the heritage works (paragraph 9.20) should be taken as the Conservation Deficit. Turning to the second appraisal, the Financial Viability Assessment has been submitted by the applicant to demonstrate that the residual land value of the proposal is sufficient, and the minimum required to cover the Conservation Deficit. The Financial Viability Assessment has been independently reviewed, and the consultant has provided a Viability Review. The Viability Review agrees the benchmark land value, the development costs, development revenue and sensitivity analysis are reasonable and concludes that the quantum of market units proposed is appropriate to make good the Conservation Deficit. In respect of the affordable units, as these will be handed over at cost to the Registered Provider, it is agreed that no value should be attributed.

- 9.25 If minded to approve, it is recommended that a review mechanism is secured by a S106 legal agreement, and any potential uplift in the land value achieved once the site is sold to a developer is ring-fenced to go towards the ongoing maintenance of the heritage assets.

7. A Delivery Plan

- 9.26 Section 6 of the Conservation Management Plan sets out the action plan for delivery which is broken up in to short (1-2 years), medium (up to 5 years) and long-term (completion within 10 years) requirements, and monitoring. The action plan for delivery and monitoring measures is considered to be reasonable and acceptable. If minded to approve, it is recommended that the delivery and monitoring is secured by appropriate condition.
- 9.27 With reference to the 7 steps set out in Historic England guidance on Enabling Development, the proposal would meet the case for enabling development in this respect. Paragraph 208 of the NPPF refers to the overall balance of benefits of the proposal for enabling development and disbenefits of breaching other policies. The balancing exercise is considered to in section 9(xiii) following consideration of other planning issues.

iii Housing Mix and Affordable Housing

- 9.28 Local Plan policy H8 states that the Council will expect development to contribute towards improving the range of housing accommodation within the Borough and will favour proposals which include dwellings for small householders. As a material consideration, BLPSV policy HO2 states that the provision of new homes should contribute to meeting the housing needs of the current and projected households by providing an appropriate mix of dwelling types and sizes reflecting most up-to-date evidence, but this is currently given limited weight.
- 9.29 With reference to the most up-to-date evidence on identified need from 2013 to 2036 set out in the Berkshire Strategic Housing Market Assessment (SHMA) (2016) and the Council's Monitoring Reports which sets out housing completions from 2013 to 2020, there is a demonstrated need for 3,074 4-bed and 543 (as of 2020) have been built. As such, the proposal for 20 x 4-bed units would contribute to the apparent shortfall in 4-bed houses and therefore acceptable in principle.
- 9.30 For residential development sites of 0.5ha or over or schemes proposing 15 or more net additional dwellings, such as this, Local Plan policy H3 requires the provision of 30% of the total units provided on site as Affordable Housing. BLPSV Policy HO3 is given limited weight due to the extent of unresolved objections but for a scheme of this size would result in the same affordable housing requirement.
- 9.31 In this case, 20 market houses is the minimum amount of development required in the context of enabling development (section 9 (xii)). Taking a practical approach to ensure that the proposal is only for the number of housing required to address the heritage deficit and to keep development at the minimum in the Green Belt while complying with the aims and objectives of Local Plan policy H3, 6 affordable houses are proposed (30% of 20 houses). This is acceptable.
- 9.32 Local Plan policy H3 of the adopted Plan is silent on tenure mix, but it makes reference to identified local need which the Council's Strategic Housing Market Assessment (SHMA) sets out in detail. The SHMA sets out a tenure of 80% as social/affordable rented and 20% as intermediate housing. As a material consideration of significant weight, Paragraph 65 of the NPPF states that at least 10% of the overall homes are expected to be available for affordable home ownership, as part of the affordable housing contribution from the site, unless this would exceed the level of affordable housing required in the area or significantly prejudice the ability to meet the identified affordable housing need within the Borough.
- 9.33 The Viability Report by Kempton Carr Croft submitted by the applicant sets out that the 6 afford houses would be provided as affordable rent. This would not accord with the tenure mix set out above, but it is considered that the proposal for 100% affordable rented tenure would address the apparent short fall for affordable rented homes. In support of this position, the SHMA sets out an overall need for an additional 434 new affordable homes in the Borough every year in the plan period and to meet local need 80% should be social/affordable rented and 20% as intermediate

housing. The Council's Monitoring Report sets out that between 2013-2020 a total of 333 affordable units have been completed between 2013-2020, and only 52% comprised affordable/social rent. Given the overall shortfall of affordable homes in total, and the shortfall in affordable/social rented homes, it is considered that the proposal for 100% affordable rented homes would make a positive and material contribution to meeting identified local need within the Borough and therefore acceptable. It is recommended that the affordable housing is secured by a S106 legal agreement.

- 9.34 If the proposed social rented housing is to be restricted to occupation by 'key workers', as is suggested in the Planning Statement, then the definition and the nominations process to identify suitable households and rent levels will also need to be agreed and set out in the legal agreement.

iv Open Space

- 9.35 Local Plan policy R4 sets out that new housing development on sites over 1 hectare in size, 15% of the site should be in the form of open space, while policy R5 sets out that within new developments of family housing on site larger than 0.8ha than a Local Area for Play (LAP) and Local Equipped Area for Play (LEAP) would be required.

- 9.36 While there is a landscaped buffered along Honey Lane, no open space with a LAP and LEAP is proposed. However, while not in compliance, policy R3 sets out a minimum on-site open space provision of 4.3ha per 1000 population, which is well in excess of requirements set out in national guidance (Guidance for Outdoor Sports and Play: Beyond the Six Acre Standards) for equipped / designated play areas (0.25ha/1000) and in excess of assessed need within the Borough for amenity green space (0.60ha/1000) and provision for children and young people (0.25ha/1000) identified in the Councils Open Space Study (2019). Furthermore, given that each house is provided with private usable amenity space and that the supporting text for policy R3, R4 and R5 states that the minimum provision can be applied flexibly, it is considered that a reason for refusal on these grounds could not be supported. Therefore, the lack of open space provision is acceptable in this instance.

v Impact on Character of the Area and Design

- 9.37 Appearance and landscaping are reserved matters. However, density, layout and scale contribute towards the visual impression of a place and as part of this outline application it should be demonstrated that the proposal for 26 residential units can be satisfactorily accommodated on site without undue harm to the character of the area.

- 9.38 Local Plan policy H10 states that new residential schemes will be required to display a high standard of design and landscaping and where possible enhance the existing environment. Local Plan policy DG1 resists development which is cramped or which results in the loss of important features which contribute to local character. Local Plan policy N1 states that within areas of special landscape importance, land uses and development which would detract from the special qualities of that landscape will not be permitted. HWMP policy Gen2 states the development proposals will be supported in the context of all other policies, provided their scale, density, massing, height and layout reflects the architectural and historic character and scale of the buildings and landscape of the respective Parishes.

- 9.39 As a material consideration of significant weight, paragraph 126 of the NPPF advises that high quality buildings and places is fundamental to what the planning and development process should achieve, and good design is a key aspect of sustainable development. To achieve this, paragraph 130 of the NPPF advises that planning decisions should ensure that developments function well and add to the overall quality of the area for the lifetime of the development; is visually attractive as a result of good layout; are sympathetic to the local character and history of the surrounding environment while not preventing appropriate change; and create places that are safe and inclusive. Paragraph 134 of the NPPF states that development that is not well designed should be refused. As a further material consideration of significant weight, BLPSVPC policy QP1 states that all new development should positively contribute to the place in which they are located, and larger developments will be expected to be of high quality that fosters a sense of

place, while QP3 states that new development will be expected to contribute towards achieving sustainable high quality design in the Borough and sets out design principle for new development to achieve this. The principles include respecting and enhancing the local character of the environment.

- 9.40 Within the site itself, it is not considered that the amount and layout would constitute a cramped form of overdevelopment. The scale of each detached and semi-detached house sits comfortably within its plot with appropriate gaps between buildings, resulting in an appropriate setting for each building. To the front of each house, there is sufficient space for some landscaping to soften the development, while the landscape buffer would soften the appearance of the development when seen from Honey Lane. Concerns were raised by the Thames Valley Police Crime Prevention Design Advisor over the access to the rear of dwellings (plots 1-6) which should be avoided, but as straight short length without obvious places to hide and overlooked by proposed houses on plots 20 and 23-26), crime and safety risk is considered to be acceptable.
- 9.41 However, it is considered that the proposed density, scale and layout of the houses would broaden and consolidate the existing ribbon of built development along this part of Honey Lane, resulting in an urbanising cluster of development, in contrast to the open fields beyond and the isolated farmsteads, to the detriment of the rural character of the surrounding area. It is acknowledged that the main BCA campus lies around 500m to the east of the site, but the campus itself is considered to be separate and distinct from the surrounding countryside, and the development would not be readily seen in context with the campus. Furthermore, it is considered that the proposal would be atypical of the landscape character type and due to the density, scale and layout of residential units it would unduly erode key characteristics of the landscape including of expansiveness and ruralness, in addition to the loss of the quiet rural character through the increase in activity and illumination of existing dark skies.
- 9.42 It appears to be common ground between planning officers and the applicant that the proposed development would cause harm to the landscape character, although there is disagreement on the value of the landscape and extent of harm following mitigation measures.
- 9.43 The site falls within a landscape character area identified as Farmed Chalk Slopes (11b – Burchett Green) in the Council's Landscape Character Assessment (LCA) SPG. The key characteristics are flat to rolling chalk slopes with areas of mature woodland and woodland belts. Land use is primarily large expansive scaled fields of arable cereal crops with an absence of field boundary vegetation but contained in the wider landscape by the irregular woodland areas and belts. There are incidences of settlement within this landscape area i.e., Burchetts Green and Littlewick Green, but the land use is otherwise largely characterised by farmland and sporadic built development. It is considered that the application site and surrounds largely conforms to this character and makes a valued contribution to the rural character of the area.
- 9.44 A Landscape Impact Assessment (LIA) has been submitted by the applicant, which includes a site specific assessment on the landscape value of the site, sensitivity and potential landscape and visual effects. In terms of the baseline character, paragraph 2.41 of the LIA agrees with the LCA SPG that the key characteristics outlined in preceding paragraph of this report are applicable to the site and its immediate localised setting.
- 9.45 However, the landscape quality of the site is valued as medium / low in the LIA, the reasoning given set out in Table 1: Assessment of Landscape Value to the Site. This includes the influence of the residential built form on Honey Lane and BCA building, and willow cropping not being a common agricultural feature, and loss of hedgerows and fragmented field patterns. The value of medium / low is not agreed. Insofar as the residential development on the western side of Honey Lane is visually apparent from the site, the site is largely unspoiled by any development. In terms of BCA buildings, the closest buildings are sited approximately 500m to the east and so their influence is considered to be limited. Willow cropping is not prevailing but still contributes to the rural, agricultural feel of the landscape. In terms of the loss of hedgerows and fragmented fields patterns, the Council's LCA and applicant's LIA both agree that a key character is an absence of field boundary vegetation and while the field patterns are smaller in size in this location, the boundaries such as tree lining, hedgerows and fencing between the fields and wider countryside predominately lack durability, thereby connecting and resulting in a larger, expansive feel.

- 9.46 Nevertheless despite the difference in valuation, Table 3: Assessment of Visual Effects in the LIA concludes that for viewpoints 4 (public right of way intersection at BCA), 5 (public right of way at High Wood), 6 (public right of way and permitted footpath at BCA), 9 (Honey Lane north west site corner opposite dwellings) and 10 (Honey Lane south west site corner opposite dwellings) the importance of effect of the development on the landscape would be major/moderate adverse, while viewpoints 3 (public right of way on Lime Avenue at BCA) would be moderate adverse and viewpoint 11 (junction of permitted footpath and Honey Lane) would be moderate/minor adverse. For the assessment, a number of publicly accessible viewpoints were identified to provide a representation of the visual environment within which the site is set. A map of the location of these viewpoints can be found at Appendix 2: Visually Assessment of the LIA.
- 9.47 Table 3: Assessment of Visual Effects uses the heading 'importance of effect' which is presumed to be 'significance of effect' in line with the landscape and visual impact assessment methodology and process followed for the LIA, set out in Appendix 1. On that basis, and the definitions given in Appendix 1, paragraph 1.3 and Table 4: Significance of Effect of the LIA, 'major adverse significance of effect' is a high magnitude of loss of landscape elements or the detraction from the landscape quality and character of the area that materially affects a landscape or view that has little or no ability to accommodate change. 'Moderate significance of effect' is defined as a medium magnitude of loss of landscape elements or the detraction from the landscape quality and character of the area that materially affects a landscape or view that may have the ability of accommodate change.
- 9.48 With regard to mitigation for the impact on landscape character, the LIA states that the existing willow cropping provides an element of screening benefits and the introduction of native boundary vegetation will assist in strengthening screening and soften the effect of the proposal within its environment. The LIA considers that this reduces the significance of effect of viewpoints assessed as 'major / moderate' to 'moderate' (viewpoints 4, 5, 6, 9 and 10). However, it is considered that these mitigation measures would not protect, reinforce or enhance identified features of the landscape character area, such as expansiveness and ruralness that would be lost as a result of the development. Furthermore, there is a limit to what can realistically be screened by planting and there is a point where an increase in planting to increase screening would have an impact on an identified characteristic, openness. Therefore, it is not agreed that the proposed mitigation measures would materially reduce the significance of effect on the identified landscape character.
- 4.49 It is noted that the LCA SPG specifically identifies incremental spread of piecemeal (residential) development as a local force for change that would result in the degradation of rural character.
- 4.50 As such, the proposal is considered to result in significant harm to the identified character of the site and wider locality. This harm should be weighed against the development and considered further in the Case of Very Special Circumstances (section 9(xii)) and the Planning Balance (section 11).

vi Trees

- 9.51 Local Plan policy N6 requires new development to allow for the retention of existing suitable trees wherever practicable, should include protection measures necessary to protect trees during development, and where the amenity value of trees outweigh the justification for development then planning permission may be refused. As a material consideration of significant weight, paragraph 131 of the NPPF states that appropriate measures are in place to ensure that existing trees are retained wherever possible while 174 of the NPPF states that planning decisions should recognise the intrinsic character and benefits of natural capital including trees and woodland. BLPSVPC policy N3 also requires development proposal to protect and retain trees, and plant new trees where possible, but this policy is currently given limited weight.

- 9.52 An Arboricultural Implications Assessment was submitted to support the application, which includes a tree survey and tree protection plan and method statement. The Arboricultural Implications Assessment was undertaken in line with BS: 5837:2012 (Trees in relation to design, demolition and construction – Recommendations) and therefore considered to be sufficiently robust.
- 9.53 No trees are proposed to be removed. There is an existing surfaced track within the site, which is proposed to be removed and replaced by a pedestrian footway which would run through the Root Protection Area (RPA) of Oak no. 1, a category B tree. For the works within the RPA, a soil surfacing technique is proposed using only hand tools and/or an air-spade under arboricultural supervision. This is considered to sufficiently safeguard the roots within the RPA. The proposal includes the widening of Honey Lane, but the dimensions of Honey Lane will remain unchanged within the Root Protection Area (RPA) of Oak no. 1. Although there would be some resurfacing works, the existing road sub-base within the RPA will be reused and there would be no excavation associated with these works within it. Crown lifting of Oak no. 1 is also required, comprising of crown clearance is between 2-4.5m over the road and proposed footpath. This is a limited extent and therefore would not have a significant impact on the tree's appearance, health or longevity.
- 9.54 Landscaping is a reserved matter, but tree planting is proposed along the site boundaries and throughout the site. In respect of proposed trees, based on the proposed layout, there is sufficient room on site to accommodate a sufficient number of trees without conflict with the proposed development. Soakaways are proposed for the road surface water run-off and the Sustainable Drainage Strategy proposes soffits of the crates approximately 2m below ground which would provide sufficient space for the trees within the vicinity of the soakaways to be planted in root protection boxes or control bags. As such, in respect of proposed trees it is considered that the proposed development would be acceptable in principle.
- 9.55 Due to the distance from the application site from High Wood to the north and Ashley Hill Forest and Dellars Copse to the south, which are designated Ancient Woodland, the nearest of which is over 130m away, it is not considered that the proposal would result in any undue harm to these areas of woodland during construction or operation.

vii Ecology

Special Area of Conservation

- 9.56 The site lies within 5km and within the zone of influence of Chiltern Beechwoods Special Area of Conservation (SAC), which is a European Designated site. Where a proposal is likely to have a significant effect on a European Designated site either alone or in combination with other plans or projects the Conservation of Habitats and Species Regulations 2017 requires an appropriate assessment to be made in view of that site's conservation objectives. Paragraphs 180 of the NPPF state that development resulting in the loss or deterioration of Special Areas of Conservation should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists.
- 9.57 The primary reason for designation of Chiltern Beechwoods SAC is the extensive tract of beech forest which is an important part of a grassland-scrub-woodland mosaic, which support important orchid sites and stag beetles. Threats and pressures include management and use, problematic native species and invasive non-native species, and interspecies flora relations.
- 9.58 Given the amount of development, the separation distance and the identified threats and pressures, the proposed development is not considered to have a significant effect on Chiltern Beechwoods SAC. Therefore, an appropriate assessment is not required.

Other Designations

In terms of biodiversity in general, HWNP policy Env1 states that development proposals should maintain and where practicable and appropriate, enhance biodiversity. As a material consideration of significant weight, paragraph 174 of the NPPF states that planning decisions should recognise the wider benefits from natural capital and ecosystem services and minimise impacts on and provide net gains for biodiversity. Paragraph 180(a) states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or as a last resort compensated for then planning permission should be refused. As further material considerations of significant weight, BLPSVPC policy QP1 requires larger developments, such as this, to foster biodiversity; policy QP3 requires new development to respect and enhance biodiversity; policy EP3 requires development proposals avoid generating artificial light pollution that would have a detrimental impact on biodiversity; and EP4 states that development would generate unacceptable levels of noise that adversely impacts biodiversity would not be permitted. BLPSVPC NR2, which expects development proposals to demonstrate how they maintain, protect and enhance the biodiversity of sites, is currently given limited weight.

Bats

- 9.59 All British bats and their roosts are afforded full protection under the Conservation of Habitats and Species Regulations 2017 and Wildlife and Countryside Act 1981 (as amended). No bat survey was undertaken, but a desktop study returned no records of bats from within or adjacent to the site, the closest record being a Common Pipistrelle field located in the Village of Hurley approximately 1km to the north of the site and so it is considered that bats are absent from the site. However, due to the presence of dense Ivy coverage on its trunk, the oak tree (T1 on plan ref: 5445/ECO3) located within the hedgerow on the western boundary is capable of supporting roosting bats. T1 is proposed to be retained and so it is considered that the roosting potential of this tree is unaffected by the proposal subject to a sensitive lighting strategy.
- 9.60 In terms foraging and commuting, the hedgerow along the western boundary of the site provides connectivity between the woodland located around 300m to the north of the site and woodland located around 75m to the south. The hedgerow would largely be lost as a result of the development to facilitate the access, however, a replacement hedge set back from Honey Lane will provide continued connectivity. New tree and shrub planting is also proposed along the northern, eastern and southern boundaries of the site, comprising of a range of species which supports various invertebrates and thereby improves foraging opportunities within the site.
- 9.61 Landscaping is a reserved matter, but if minded to approve, mitigation and enhancement planting related to biodiversity can be conditioned as part of the outline application.

Badgers

- 9.62 Badgers are protected under the Protection of Badgers Act 1992 (as amended). A Badger survey was undertaken, and no badger setts or other evidence of badger activity was recorded within or immediately adjacent to the site. However, it is possible that badgers utilise the site for foraging and commuting. It is proposed that foraging habitat on site would be compensated for, including a landscape buffer comprising of native species which yield fruits and nuts, while links will be maintained due to the siting and size of the proposed development. Precautionary measures to safeguard badgers (and other wild mammals) are also proposed including means of escape for any trenches or excavation, daily checks of any trenches or pits for any trapped mammals, checking of piles of materials (particularly mounds of soil or vegetation) prior to the use of any machinery and/or disposal, and secure storage of any food or chemicals, amongst other measures.

Dormice

- 9.63 Dormice are a Priority Species under the Conservation of Habitats and Species Regulations 2017 (as amended) and are fully protected under the Wildlife and Countryside Act 1981 (as amended). A Dormouse Survey has been submitted and the method and evaluation are to an appropriate standard. From survey there was no evidence of the presence of dormice recorded and so it is

considered that dormice are absent from the site and no specific mitigation is measures of licencing is required in respect of this species. However, the hedgerow along the western boundary is suitable for foraging and commuting. While this hedgerow will largely be lost, a replacement is proposed which will provide continued connectivity between local woodlands. Precautionary measures during construction works including safeguarding measures during vegetation clearance and relocation under the supervision of a suitably licenced ecologist or accredited agent, and enhancements including planting of honey bark (used to weave nests) and nest holes are also recommended. This is considered to be acceptable and can be secured by condition.

Great Crested Newts

- 9.64 Great Crested Newts are a Priority Species under the under the Conservation of Habitats and Species Regulations 2017 (as amended), and this afforded protection under this act and under the Conservation of Habitats and Species Regulation 2017. In this case, there are no ponds within 250m of the site although a field drain lies 200m to the southwest of the site. The field drain was noted as being dry at the time of the survey and therefore unsuitable to support breeding Great Crested Newts. There are a number of waterbodies between 250m and 500m from the site boundaries, but all to the west of the site and physically separated from the site by existing development including a country lane. Any Great Crested Newts that may be present in these water bodies are unlikely to utilise the site.
- 9.65 The habitat within the site is considered suitable for foraging, sheltering and commuting amphibians, including Great Crested Newts, but the Rapid Risk Assessment tool for Great Crested Newts indicates that the loss of habitat measuring less than 2.5ha more than 250m from any pond is highly unlikely to result in an offence. There is potential for Great Crested Newts to pass through the site, and therefore precautionary measures centred on a 'destructive search' which encourages Great Crested Newts to disperse into retained / nearby habitat and relocation under the supervision of a competent ecologist is recommended. This is considered to be acceptable and can be secured by condition.

Reptiles

- 9.66 All six species of British reptiles are Priority Species under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended) protects all six species of British reptile against intentional killing or injury. There was no evidence of reptiles recorded during the Phase 1 survey, and the Willow plantation to the east and south and hedgerow to the west are considered to be sub-optimal habitat for reptiles. As such, it is considered unlikely that the site supports a resident reptile population and so no subsequent reptile survey was undertaken. However, there is potential for reptiles to pass through the site. If minded to approve, a condition to secure a 'destructive search' and relocation under the supervision of a competent ecologist is recommended.

Breeding Birds

- 9.67 The vegetation on site has the potential to support breeding birds. Breeding birds, their eggs and active nests are protected under the Wildlife and Countryside Act 1981 (as amended). To avoid potential offence under the relevant legislation, an informative is recommended to advise the agent that there should be no clearance of suitable vegetation during bird-nesting season (1 March to 31 August, inclusive).

Biodiversity Enhancements

- 9.68 Biodiversity enhancements measures would be incorporated into the proposed development, including new planting, native species of value to wildlife, invertebrate habitat piles, bat and bird boxes and hedgehog nest domes.

- 9.69 The DEFRA 3.0 Biodiversity Impact Calculation Tool in line has been used in line with user guidance to conduct a Biodiversity Net Gain Assessment, which enables the change in biodiversity units for habitats both pre and post development to be measured and provides indicative values and percentage loss / gain of total biodiversity units to quantify the ecological impact of the proposed development.
- 9.70 The Biodiversity Impact Calculation demonstrates that the proposed development will result in a 15.63% net gain in biodiversity units and 21.21% net gain in hedgerow units at the site, which will make a positive contribution to local biodiversity.

viii Residential Amenity

- 9.71 HWNP policy Env1 states that development proposals should not give rise to harmful disturbance from noise. As a material consideration of significant weight, paragraph 130 of the NPPF states that planning decisions should create a high standard of amenity for existing and future users, while BLPSVPC policy QP3 requires new development to have no unacceptable effect on the amenities enjoyed by the occupants of adjoining properties in terms of privacy, light, disturbance, vibration, pollution, dust, smell and access to sunlight and daylight.
- 9.72 There are no residential properties within 150m to the north, east and south of the site. To the west of the site, on the opposite side of Honey Lane, is no. 1-20 Honey Lane. There would be a separation distance of over 15m between the side elevation of the proposed house on plot no. 12 and the front elevation of no. 5-8 Honey Lane, and a separation distance of over 40m between the front elevation of the proposed houses on plots no. 1-11 and the front elevation of no. 9-20 Honey Lane. Due to the separation distances, it is considered that there would be no undue impact in terms of loss of light, loss of privacy and visual intrusion to these neighbours. The proposed development would result in an increase in activity at the site, but as residential development this is not considered to result in noise and disturbance that would reduce neighbouring amenity to an unacceptable level.
- 9.73 The submitted Transport Statement sets out that the predicted number of two-way daily trips is estimated to be 118. This level is not considered to reduce air quality to an unacceptable level to the detriment of residential amenity. The site does not lie in an Air Quality Management Area or Clean Air Zone where air quality does not meet or unlikely to meet air quality objectives.
- 9.74 In relation to residential amenity for future occupants, all houses comply with the national internal space standards and minimum outdoor amenity space size standards in addition to being roughly rectangular in shape and accessible from the home, as required by the Council's Boroughwide Design Guide SPD. Based on the proposed site layout, due to their siting, orientation and separation distance, it is not considered that future occupants would experience unacceptable levels of natural light, overlooking or visual intrusion resulting in unacceptable residential amenity.

ix Highway Safety and Parking

- 9.75 Local Plan policy T5 requires all development proposals to comply with adopted highway design standards, policy P4 requires all development proposals to comply with the adopted Parking Strategy, and policy T7 seeks to ensure that new development makes appropriate provision for cyclists including cycle parking. HWNP policy T1 states that development proposals requiring access must demonstrate safe and suitable access, and development proposals that would have a severe residual cumulative impact on highway safety will be refused. As a material consideration, paragraph 110 of the NPPF states that safe and suitable access to the site should be achieved for all users; and any significant impacts from the development on the transport network (in terms of capacity and congestion) or on highway safety should be cost effectively mitigated to an acceptable degree. Paragraph 111 of the NPPF goes on to state that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. As a material consideration of significant weight, BLPSV policy IF2 states that development should be located in sustainable locations, and proposals should be designed to improve pedestrian and cyclist access to and through the Borough; be located to minimise the distance people travel and the number of vehicle trips generated; secure measures to minimise

and manage demand for travel and parking; optimise traffic flows and circulation to minimise negative environmental impacts of travel and provide car and cycle parking in accordance with the current Parking Strategy.

Sustainable Location

- 9.76 Located in a rural location, the site is not close to offices and other employment, shops and local services and facilities, nor near convenient and sustainable modes of public transport. As enabling development on the BCA estate, it is acknowledged that a different, more sustainable location, is impractical. However, the proposed houses are not considered to be in a sustainable location. Given the number of houses, it is considered that this would result in moderate harm. This harm should be weighed against the development, which is considered further in the Case for Very Special Circumstances (section 9(xii)) and the Planning Balance (section 11).

Trip Generation

- 9.77 The submitted Transport Statement sets out that the TRICS database has been used to predicted vehicular two-way trips generated by the proposed development. The criteria for comparable site selection is acceptable, generating 38 sites which is a sufficient sample size. On this basis, TRICS predicts that in the worst case scenario, the proposal would result in 118 two-way daily trips, 14 of which would take place in the morning peak and 13 in the evening peak. This level of additional traffic is not considered to have a severe impact on the local highway network subject to the proposed widening of Honey Lane, which is a single lane road, in the vicinity of the new access to 4.1m for a stretch of approximately 130m as shown in proposed site plan drawing ref: 100 rev.00. The applicant would need to enter into an agreement with the Council under S278 of the Highways Act, which can be secured by condition.

Access

- 9.78 The proposal includes the formation of new access in the form of a priority junction with Honey Lane, and Honey Lane is to be widened in the vicinity of the new access. The proposed access and resulting visibility splays, as shown in Appendix 5.2 in the submitted Transport Statement, are in accordance with Manual for Streets and the Borough's Highway Design Guide. Therefore, the access is acceptable. If minded to approve, a condition is recommended to ensure that the site access is constructed first in accordance with these details.

Parking

- 9.79 The site is located in an area of poor accessibility. For areas of poor accessibility, the Council's adopted Parking Strategy requires a maximum provision of 2 car parking spaces per 2-bed unit and 3 car parking spaces per 4-bed unit. In terms of cycle parking, the Council's Parking Strategy sets out that residential standards are set at one cycle parking per dwelling. Paragraph 5.3.2 of the Transport Statement confirms compliance. It is recommended that vehicle and cycle parking, which accords with the Parking Strategy is secured by condition.

Servicing

- 9.80 In terms of servicing during the operational phase, a swept path analysis for the proposed layouts has been submitted to show that a refuse vehicle and enter and exit the site in forward gear.

Public Right of Way

- 9.81 There is a north/south public right of way (footpath 17) which runs from Hurley Bottom through Highwood, sited over 150m to the east of the application site. Paragraph 100 of the NPPF states that planning decisions should protect and enhance public rights of way. There would be no alteration to the route of the footpath or its enclosures.

x Sustainable Drainage

- 9.82 HWNP policy Env2 states the inclusion of sustainable drainage systems as part of new development will be supported. As a material consideration of significant weight, paragraph 169 of the NPPF states that major developments, such as this, should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. To accord, a Sustainable Drainage Strategy (SUDS) has been submitted which proposes individual soakaways for each house. The soakaways are designed to use both side and base infiltration. However, due to potential for the base of soakaways to be clogged due to siltation and ground water flooding, microdrainage calculation with infiltration through the sides only have been provided as a 'worst case scenario'. On this basis of the calculations, the proposed soakaways are considered to be appropriate. Maintenance of the soakaways will be the responsibility of the individual freeholder or management company (depending on the developer) and can be confirmed as part of the detailed design, which can be secured by condition.

xi Loss of Best and Most Versatile Agricultural Land

- 9.83 Local Plan policy GB2(b) states that planning permission will not be granted for new development within the Green Belt if it would harm the character of the countryside through the permanent loss of Grade 1, 2 or 3a agricultural land but, due to inconsistency with the NPPF, policy GB2(b) is afforded limited weight. However, as a material consideration of significant weight, paragraph 174 of the NPPF states that planning decisions should recognise the wider benefits from natural capital including the economic and other benefits of the best and most versatile agricultural land. Annex 2 of the NPPF states land in grade 1, 2 and 3a of the Agricultural Land Classification (ALC) is the best and most versatile agricultural land. As a further material consideration of significant weight, BLPSVPC policy QP5 states that proposals should not result in the irreversible loss of best and most versatile agricultural land (grades 1, 2 and 3a).
- 9.84 The site has been classified under the ALC as Grade 2 which is deemed to be very good quality. The proposal would result in the permanent loss of Grade 2 land it is considered that the harm caused by this loss is limited given the amount (approximately 2.3ha) in absolute terms. The limited harm is considered further in the overall planning balance.

xii Climate Change and Sustainability

- 9.85 The Climate Change Act 2008 (CCA2008) imposes a duty to ensure that the net UK carbon account for the year 2050 is at least 100% lower than the 1990 baseline. Paragraph 152 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate by contributing to a radical reduction in greenhouse gas emissions, minimise vulnerability and improve resistance, and support renewable and low carbon energy and associated infrastructure. These are material considerations of significant weight.
- 9.86 In June 2019 RBWM have declared an environment and climate emergency with aims to ensure the Borough will achieve net zero carbon emissions by 2050. In December 2020 the Council approved the Borough's Environment and Climate Strategy. The Council has published an interim sustainability position statement. However, this application was submitted prior to this position statement being published, and so the position statement is given limited weight in the determination of this application.
- 9.87 The proposed development includes photo voltaic panels and air source heat pumps, which is calculated to achieve an overall reduction in emissions of 11.77%, while proposed water efficiency measure will ensure water use is estimated to be less than 110 litres per person per day. If minded to approve, submission, approval and implementation of details to be used can be secured by condition.

xiii The Case for Very Special Circumstances

Very Special Circumstances

- 9.88 As set out in section 9(i) of this report, the proposal is inappropriate development in the Green Belt. Paragraph and should not be approved except in Very Special Circumstances (VSC). Paragraph 148 of the NPPF states that VSC will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 9.89 To accord with Paragraph 148 of the NPPF, local planning authorities should ensure that **substantial weight** against the proposed development should be given to any harm to the Green Belt. This includes inappropriateness, harm to openness and conflict with one of the purposes of the Green Belt. Furthermore, as set out in section 9(v), the proposal is considered to result in significant harm to the identified character of the site and wider locality, which should be given **significant weight** against the proposed development, the moderate harm from its unsustainable location (section 9(ix)) is given **moderate weight** against the proposal, while the limited harm from the loss 2.3ha of best and most versatile agricultural land (section 9(xi)) merits **limited weight** against the proposed development.
- 9.90 Turning to benefits and with reference to paragraph 208 of the NPPF, the primary benefit of the proposal, as enabling development, is the delivery of funding for urgent and essential repairs to important heritage assets on the BCA estate including Listed Grade I Hall Place, Listed Grade II structure and buildings and Listed Grade II Registered Park and Garden, which are approaching a condition where the heritage assets are beyond the stage of reasonable repair. From a heritage standpoint, the proposal would result in a great benefit to important heritage assets without harm to their significance. This is given **significant weight** in favour of the development.
- 9.91 The proposal would result in the provision of 26 houses, which includes 6 affordable homes. The provision of affordable houses is considered necessary to meet policy expectations, and therefore while the 6 affordable homes would make a valued contribution towards meeting identified local need, it should not be counted as a benefit. However, in terms of the overall housing provision, at the time of writing the Local Planning Authority cannot demonstrate a five year housing supply of deliverable housing sites with an appropriate buffer. In the absence of a five year housing supply and the Government's objective to significantly boost the supply of housing, as set out in paragraph 60 of the NPPF, the provision of housing would weight in favour of the proposal. In this context and given that the number of units the proposal would make a significant contribution to the Borough's Housing stock, this benefit is afforded **significant weight** in favour of the development.
- 9.92 There would be an economic benefit in terms of employment and spends as a result of the construction of the development and repair works to the heritage assets being funded. Given costings for the construction of the housing and repair works set out in the Financial Viability Assessment and Cost Report, this is given **significant weight** in favour of the development.
- 9.93 In balancing these matters, it is considered that the identified harm is clearly outweighed by other considerations, and therefore VSC exists which justifies the development in the Green Belt.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 10.1 Concerns have been raised by local residents on the increased pressure social infrastructure. To help delivery of infrastructure to support growth of an area, the Council has approved a Community Infrastructure Level (CIL). In line with the Council's Charging Schedule the proposal development would be CIL liable at a rate of £295.20 per square metre of chargeable floor space. The chargeable floor area would be calculated at the reserved matters stage, but based on the floor area provided in the viability assessment this would be a figure over £1.6million.

11. PLANNING BALANCE AND CONCLUSION

- 11.1 Paragraph 11 of the Framework explains how the presumption in favour of sustainable development applies. Footnote 6 of the NPPF clarifies that section d(i) of paragraph 11 of the NPPF (2019) is not applied where '*policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed*'. This includes land designated as Green Belt. For the reasons set out in section 9(i) the proposal is considered to be inappropriate development in the Green Belt, would result in loss of openness and conflict with one of the purposes of the Green Belt, but as set out in section 9 (xiii) it is considered that VSC has been demonstrated. As such, the so-called 'tilted balance' is engaged.
- 11.2 As set out in section 9(xiii) it is considered that very special circumstances exist, which justify allowing the development in the Green Belt. Consequently, Green Belt policies do not provide a clear reason for refusing the development. For the same reasons set out, the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits having due regard for the tilted balance.
- 11.4 On the basis of the site and specific aspects of this case, it is not considered to create a precedent of inappropriate development of other Green Belt land, where enabling development and very special circumstances is not established.

12. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout
- Appendix B – Proposed plans

13. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 An application for the approval of the reserved matters shall be made to the Local Planning Authority within three years of the date of this permission
Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).
- 2 Details of appearance and landscaping (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is commenced.
Reason: To accord with the provisions of the Town and Country Planning (General Development Procedure) Order 1995.
- 3 The Development shall commence within two years from the date of approval of the last of the reserved matters.
Reason: In accordance with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).
- 4 No development shall commence until a completed Section 278 (of the Highways Act 1980) Agreement is submitted to the Local Planning Authority for the priority junction highway works for the approved access. The development shall not be occupied until the mitigation works have been carried out in full.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policy - Local Plan T5.
- 5 No other part of the development shall commence until the access has been constructed in accordance with the approved drawing. The access shall thereafter be retained as approved.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5, DG1
- 6 No part of the development shall be occupied until vehicle parking and turning space has been provided, surfaced and marked out in accordance with the approved drawing. The space approved shall be kept available for parking and turning in association with the development.
Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety, and to facilitate vehicles entering and leaving the highway in forward gear. Relevant Policies - Local Plan P4, DG1.
- 7 No part of the development shall be occupied until covered and secure cycle parking facilities

have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.

Reason: To ensure that the development is provided with adequate parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1

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

Reason: To ensure that impacts on protected species and other biodiversity are minimised.

- 9 No part of the development shall be occupied until details of replacement hedge along the western boundary of the site and new tree and shrub planting along the northern, eastern and southern boundaries of the site, including siting, number, size and species has been submitted to and approved in writing by the Local Planning Authority. The hedge, trees and shrub planting shall be planted as approved within the next planting season. If within a period of five years from the date of occupation of the building for its permitted the hedge, tree or shrub planting is removed, uprooted or destroyed or dies, another shall be planted in the immediate vicinity and that hedge, tree or shrub shall be of the size and species, and shall be planted within the next planting season.

Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1, N6.

- 10 The dwelling hereby permitted shall not be occupied until the locations and specifications of biodiversity enhancements to achieve a minimum of 15.63% net gain in biodiversity units and 25% net gain in hedgerow units at the site, as calculated in the Biodiversity Net Gain Assessment: Honey Lane, Burchett's Green, dated 26 August 2021, have been submitted and approved in writing by the council. The biodiversity enhancements shall be installed as agreed.

Reason: To incorporate biodiversity in and around the development.

- 11 A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to first occupation of the development. The LEMP shall include the following.a) Description and evaluation of features to be managed, as well as biodiversity enhancements b) Ecological constraints on site that might influence management c) Aims and objectives of management.d) Prescriptions for management actions.e) Preparation of a work schedule including a 5 year plan f) Details of the body or organisation responsible for implementation of the plan. The LEMP will be implemented as approved unless otherwise agreed in writing by the local planning authority.

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

- 12 No development shall commence until a surface water drainage scheme for the development has been submitted to and approved in writing by the Local Planning Authority. Details shall include: a) Full details of all components of the proposed surface water drainage system including dimensions, locations, gradients, invert levels, cover levels and relevant construction details; b) Supporting calculations confirming compliance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (where infiltration to ground is proposed the calculations should be based on infiltration rates determined by on-site testing undertaken in accordance with BRE:365); c) Results of groundwater monitoring indicating levels recorded on the site and a design based on these levels; d) Details of the Maintenance arrangement relating to the proposed surface water drainage systems, confirming who will be responsible for its maintenance and the maintenance regime to be implemented. The surface water drainage system shall be implemented and maintained in accordance with the approved details thereafter.

- Reason: To ensure the development is safe from flooding and does not increase flood risk elsewhere.
- 13 The reserved matters shall consist of 20 x 4-bed, 6 x 2-bed houses.
Reason: To ensure that a satisfactory housing mix and in accordance with the demonstrated viability of the scheme.
- 14 No tree or hedgerow shown to be retained in the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be lopped or topped other than in accordance with the approved plans and particulars or until five years from the date of occupation of the building for its permitted use. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 Tree work. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate vicinity and that tree shall be of the same size and species unless the Local Planning Authority give its prior written consent to any variation.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1, N6.
- 15 No development shall take place other than demolition to ground level until the approved scheme of archaeological trial trenching evaluation has been implemented and, informed by the findings of the programme of archaeological field evaluation, a mitigation strategy has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved mitigation strategy.
Reason: Reason: To record and advance understanding of the significance of any heritage assets to be lost (wholly or in part).
- 16 No development shall commence until details of all finished slab levels in relation to ground level (against OD Newlyn) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
Reason: In the interest of the visual amenities of the area. Relevant Policy Local Plan DG1.
- 17 The development hereby permitted shall be carried out in accordance with the approved plans listed below.
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.
- 213 The erection of fencing for the protection of any retained tree and any other protection specified shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the Local Planning Authority.
Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.

Informatives

- 1 Notwithstanding what is shown on the approved plans, details of appearance and landscaping are reserved matters and therefore illustrative only. For the avoidance of doubt, the approved plans relate to the principle of development and details of access, layout and scale only.
- 2 Breeding birds, their eggs and active nests are protected under the Wildlife and Countryside Act 1981 (as amended). To avoid potential offence under the relevant legislation there should be no clearance of suitable vegetation during bird-nesting season (1 March to 31 August, inclusive).
- 3 The Streetcare Services Manager at Tinkers Lane Depot Tinkers Lane Windsor SL4 4LR tel: 01628 796801 should be contacted for the approval of the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made allowing at least 4 weeks notice to obtain details of underground services on the applicant's behalf.
- 4 The attention of the applicant is drawn to the Berkshire Act 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway or grass verge arising during building operations.

- 5 The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which enables the Highway Authority to recover expenses due to extraordinary traffic.
- 6 There may be public sewers crossing or close to your development. If you discover a sewer, it is important that you minimise risk of damage. Thames Water will need to check that your development does not reduce capacity, limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read guidance on working near or diverting pipes at: <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.