

DEVELOPMENT CONTROL PANEL

3 November 2021

Item: 2

Application No.:	21/02144/OUT
Location:	Land At 19 And 19 Old Ferry Drive Wraysbury Staines
Proposal:	Outline application for access and layout only to be considered at this stage with all other matters to be reserved for the construction of x32 dwellings (comprising x14 two-storey affordable retirement living units, x4 two-storey detached dwellings and x14 two-storey semi-detached dwellings), revised pedestrian and vehicular access, local business/community hub and children's play area, following removal of existing structures.
Applicant:	OSB Ltd
Agent:	Mr Alan Gunne-Jones
Parish/Ward:	Wraysbury Parish/Datchet Horton And Wraysbury

If you have a question about this report, please contact: Michael Lee on or at michael.lee@rbwm.gov.uk

1. SUMMARY

- 1.1 The application is for outline consent for the erection of 32 dwellings, revised pedestrian and vehicular access, the erection of a community and business hub and children's play area following the demolition of the existing structures. The application is made in Outline form with the principle, means of access and layout to be considered. Scale, appearance and landscaping are to be reserved. The site lies within the Green Belt and flood zones 3b, 3a and 2.
- 1.2 The proposal is considered to be unacceptable for a number of reasons including; 1) the principle of the new housing representing inappropriate development in the Green Belt; 2) the inappropriateness of the development within Flood Zone 3b and failure to pass the sequential and exceptions tests; 3) that the site constitutes an unsustainable location that would actively discourage future occupants from sustainable forms of transport; 4) the layout represents a poor form of design by virtue of inactive frontages and lack of connectivity within the site itself and to the surroundings; 5) no Arboricultural Reports have been submitted and therefore an assessment on the potential impacts on trees and other landscaping cannot be determined; 6) the scale and proximity of the proposed apartment building would be harmful to the living conditions of neighbouring occupiers at 21 Old Ferry Lane, 7) there is no mechanism in place to secure the proposed 40% affordable housing; and 8) without a Heritage Assessment the Local Planning Authority are unable to fully assess the potential impacts on the Grade II* Listed Building known as King Johns Hunting Lodge;
- 1.3 Weighing in favour of the scheme, the proposal would provide 32 new dwellings and seek to achieve on site affordable housing of 40%. The proposal also includes a children's play area and community hub. The weight attributed to these benefits would not either individually or cumulatively, be sufficient to outweigh the other harms that are set out above. On the basis of the foregoing it is therefore recommended that planning permission be refused.

It is recommended that Committee REFUSES planning permission for the reasons listed below and in Section 13 of this report.

	<p>1. The application site does not fall within the recognised Green Belt settlement of Wraysbury or within the wider understanding of what comprises the village. Furthermore, the proposed development would not constitute limited infilling within a built up frontage. Therefore, the proposal represents inappropriate development in the Green Belt, which is by definition harmful to the Green Belt. Furthermore, the proposal would result in harm to the openness of the Green Belt and would conflict with one of the purposes of the Green Belt, namely 'to assist in safeguarding the countryside from encroachment'. No Very Special Circumstances have been demonstrated that clearly overcome the harm to the Green Belt and any other harm. The proposal is therefore contrary to paragraphs 147, 148 and 149 of the National Planning Policy Framework (2021) and saved policies GB1, GB2(a) and GB3 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted in June 2003).</p> <p>2. The application site falls within Environment Agency flood zones, 2, 3a and 3b. It has not been demonstrated that the proposed development lies outside the functional floodplain (3b) wherein residential development is unacceptable in principle.</p> <p>Furthermore, the proposal, by reason of its siting in an area where there is a high probability of flooding, fails to demonstrate that there are no other reasonably available sites appropriate for the proposed development with a lower risk of flooding than the application site. The application therefore fails the sequential test.</p> <p>In addition, the submitted flood risk assessment fails to adequately assess the flood risk posed by the development. Accordingly, the application has not demonstrated that the proposed development would be safe for its lifetime without increasing flood risk elsewhere.</p> <p>For these reasons, the proposal is contrary to Policy F1 of the adopted Royal Borough of Windsor and Maidenhead Local Plan 1999 (including adopted alterations 2003), Policy NR1 of the emerging Borough Local Plan (Main Modifications 2021) and paragraphs 163 - 173 of the National Planning Policy Framework 2021.</p>
	<p>3. The proposal comprises residential intensification and community facilities within a rural countryside location which suffers from poor accessibility and reliance on the private motor car. The road network serving the site is poorly lit and the footpaths and cycleways are substandard. The upgrading of the existing infrastructure has not been secured and therefore the proposed development would remain inaccessible for future residents. The location of the proposed development would go against the aims of paragraph 110 of the National Planning Policy Framework and emerging policy IF2 of the Borough Local Plan (Main Modifications version) which advises that development should be focussed on locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes.</p> <p>4. The proposed development, by virtue of its in-ward facing layout represents a poorly laid out scheme that would create numerous inactive frontages. Furthermore, the different elements of the development are not laid out in such a way so as they connect well with one another or respect the surrounding pattern of development. In addition the built form includes excessive and unnecessary hard-surfacing, namely the 9m wide circular roadway that would appear highly engineered and dominate the site. The proposal constitutes a poor form of design contrary to the objectives of Policy DG1 of the Local Plan and Policy H10 of the Local Plan, Policies HOU1 and HOU2 of the Neighbourhood Plan, Section 12 of the NPPF, Policy QP3 of the emerging Borough Local Plan (Main modifications Version) and Principle 6.2 of the Borough Wide Design Guide SPD.</p> <p>5. In the absence of a supporting Arboriculture Report, Tree Constraints Plan and Tree Protection plan it is not possible for the Local planning Authority to fully assess the potential arboriculture related issues arising from the proposal. The scheme is therefore contrary to the aims of Policies DG1 and N6 of the Local Plan, Policy NP/HOU1 of the</p>

	<p>Neighbourhood Plan, Section 12 of the NPPF, Policies QP3 and NR2 of the emerging Borough Local Plan (Main Modifications Version) and Principle's 5.1 and 6.2 of the Borough Wide Design Guide SPD.</p>
6.	<p>Block E, by virtue of its height, orientation and proximity to the shared boundary with No. 21 Old Ferry Drive would be likely to result in a materially harmful loss of privacy to the occupants of No. 21. As such the development proposals are contrary to the objectives of paragraph 130(f) of the NPPF, emerging Policy QP3 of the Borough Local Plan (Main Modifications Version) and Principle 8.1 of the Borough Wide Design Guide SPD.</p>
7.	<p>In the absence of a mechanism to secure the proposed 40% Affordable Housing as set out in the submitted Affordable Housing Technical Note, the proposal is contrary to the objectives of Policy H3 of the Local Plan, paragraph 63 of the NPPF (2021), Policy HO3 of the emerging Borough Local Plan (Main Modifications Version) and the Planning Obligations and Development Contributions SPD.</p>
8.	<p>In the absence of a Heritage Statement, the LPA are unable to assess the potential impacts on the Listed Building that, as a Grade II* building is of particular importance. Owing to the importance of King Johns Hunting Lodge, and without any assessment of the potential impacts on this building the proposal is contrary to policy HE1 of the emerging Borough Local Plan (Main modifications Version), Policy NP/BE2 of the Neighbourhood Plan, paragraph 194 of the NPPF and Policy HE1 of the emerging Borough local Plan (Main Modifications Version).</p>

2. REASON FOR PANEL DETERMINATION

- 2.1 The Council's Constitution does not give the Head of Planning delegated powers to determine the application in the way recommended as it is for major development; such decisions can only be made by the Committee.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site measures approximately 2.2ha and is located within the Green Belt to the west of the settlement of Wraysbury.
- 3.2 The site is a roughly rectangular area that is comprised of four mobile homes and other structures and hardstanding the subject of the 2011 Lawful Development Certificate which are sited to the west of the site with the majority of the site forming open green space which is bound by sporadic trees and landscaping.
- 3.3 Beyond to the east and south are residential properties that front Hill View Road and Fairfield Approach respectively. Both residential streets include typical suburban development that is comprised of detached bungalows and two storey properties.
- 3.4 To the north and west lie areas of dense trees and woodland with the Grade II* Listed Building known as King Johns Hunting Lodge.
- 3.5 Old Ferry Drive itself extends roughly east/west and connects Wraysbury in the east to Ferry Island in the west where properties front the River Thames associated with Old Windsor.
- 3.6 The road itself is a single width carriageway without footpaths and around the site and to west there are no street lights. Heavy tree lines border the site and contributes to its green and verdant character.
- 3.7 Whilst linking two suburban residential streets Old Ferry Drive, once past the Kingswood Creek junction, takes on a very green and verdant almost rural character

befitting its Green Belt location with dense trees belts and woodland to the north and south of Old Ferry Drive.

4. KEY CONSTRAINTS

- 4.1 The site lies within the Green Belt and is located wholly within Flood Zones 2 and 3.
- 4.2 In addition the site is located to the south of King Johns Hunting Lodge, a Grade II* Listed Building; Public Right of Way Path WRAY/8C/1 extending across the south west part of the site. Further to the above the site is located within the London Heathrow safeguarding area, minerals consultation area, Colne Valley Regional Park area and the Wraysbury CP Article 4 area.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The proposal is for erection of 32 dwellings, revised means of vehicular and pedestrian access, local community and business hub and children's play area. The application is made in Outline form with the principle, means of access and layout to be considered. Appearance and landscaping are to be reserved. The applicant has stated that the residential element of the scheme will be two storey. No further information on scale has been provided. If the application were to be approved additional information on scale would need to be submitted with the Reserved Matters application.
- 5.2 The scheme proposes residential properties fronting a circular internal access road with the new access proposed to the east of the site. To the south east of the site would be the community and business hub, the children's play area would be to the south, with the two storey retirement properties being sited to the north west part of the site.
- 5.3 The residential units would be comprised of four two-storey detached dwellings that would front the internal access road to the north of the site; two terraces of 7 two-storey properties protruding north/south within the centre of the site and 14 units of accommodation for the elderly.
- 5.4 The proposals also incorporates a local community and business hub. It is not clear, on the basis of the information submitted what this would comprise or how it would function nor has there been any justification for the need for such a use and the associated built form in the Green Belt.
- 5.5 The application, as submitted, proposed a tenure split between market and affordable dwelling as the 14 elderly units of accommodation as affordable while the remaining 18 residential properties would be open market dwellings. In response to the consultation response from the Housing Officer the applicant has confirmed that it is possible to provide 13 residential units as affordable properties. Reference is made to this below in more detail. The applicant also notes that the four detached properties would be self-build units.

6. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

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

Issue	Adopted Local Plan Policy
Acceptable Uses and Development in the Green Belt	GB1
Unacceptable Development in the Green Belt	GB2
Residential Development in the Green Belt	GB3
Character and Appearance	DG1, H10, H11
Market & Affordable Housing Provision	H3, H6, H8, H9
Residential Amenity	H11
Highways	P4, T5, T7
Trees	N6
Development within Areas Liable to Flood	F1

6.2 Horton & Wraysbury Neighbourhood Plan (2018 – 2033)

Issue	NP Policy
Presumption in Favour of Sustainable Development	SUSTEV 01
Management of the Water Environment	SUSTEV 02
Good Quality Design	HOU1
Footprint, Separation, Scale & Bulk	HOU2
Smaller Properties & Housing Mix	HOU3
Redevelopment & Change of Use	HOU4
Water Supply, Waste Water, Surface Water and Sewerage Infrastructure	HOU5
Heritage Assets	BE2
Landscape	OE1
Ecology	OE2
Public Rights of Way	OE3
Local Green Space	OE4
Traffic Management including Pedestrians & Cyclists	TM1
Community Facilities	KF1

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 6 – Building a strong, competitive economy
 Section 8 – Promoting Healthy and Safe Communities
 Section 11 – Making Effective Use of Land
 Section 12 – Achieving Well-Designed Places
 Section 13 – Protecting Green Belt Land
 Section 14 – Meeting the Challenge of Climate Change, Flooding and Costal Change
 Section 15 – Conserving and Enhancing the Natural Environment
 Section 16 – Conserving and Enhancing the Historic Environment

7.2 National Design Guide

This document was published in October 2019 and seeks to illustrate how well-designed places that are beautiful, enduring and successful can be achieved in practice. It forms part of the Government's collection of planning practice guidance and

should be read alongside the separate planning practice guidance on design process and tools.

The National Design Guidance re-emphasis that creating high quality well designed buildings and places is fundamental to what planning and development process should achieve. The focus of the design guide is on layout, form, scale, appearance, landscape, materials and detailing. It further highlights ten characteristics which work together to create its physical character, these are context, identity, built forms, movement, nature, public spaces, uses, homes and buildings, resources and life span.

7.3 Borough Local Plan: Main Modifications Version (July 2021)

Issue	BLP MM Version Policy
Character and Design of New Development	QP3
Building Height and Tall Buildings	QP3(a)
Development in Rural Areas and the Green Belt	QP5
Housing Mix and Type	HO2
Affordable Housing	HO3
Nature Conservation and Biodiversity	NR2
Trees, Woodland and Hedgerows	NR3
Historic Environment	HE1

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 Modifications has recently closed.

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.

7.4 Supplementary Planning Documents

- ❑ Planning Obligations and Development Contributions
- ❑ Borough Wide Design Guide

7.5 Other Local Strategies, Publications & Guidance

- ❑ RBWM Townscape Assessment
- ❑ RBWM Parking Strategy
- ❑ Interim Sustainability Position Statement
- ❑ National Design Guide

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

21 occupiers were notified directly of the application, a site notice was displayed and the application was advertised in the Local Press.

56 letters have been received objecting to the development. Three letters of support have been received. The issues raised are summarised in the table below:

Comment	Where in the report this is considered
<p>The 56 letters of objection raise a number of issues which are distilled below:</p> <ul style="list-style-type: none">• The development represents inappropriate and harmful development in the Green Belt;• Agricultural land is not suitable for such a development;• Building on the flood plain is wholly inappropriate – exacerbated as floods are becoming more frequent and severe owing to climate change;• Funding for the proposed flood relief scheme scrapped;• Additional residents would reduce the ability to safely evacuate in times of flood;• Flood warning times are questionable as floods often happen without warning;• Sewage/electricity often fails in times of flood;• Old Ferry Drive is a single width road incapable of taking the additional traffic;• Additional vehicular movements would impact on pedestrian and cyclist safety;• Community/business hub would further increase traffic movements on an already unsuitable road;• Access should be from Fairfield Approach;	<p>Reference to Green Belt; Flooding, Highways and Sustainability; Design and Character, Neighbouring Impacts and other matters are set out in Section 9 below.</p>

<ul style="list-style-type: none"> • The site is 20km from Cycle Network not 5km as suggested owing to the River Thames; • Local road and services infrastructure can't cope with existing residents; • The school could not accommodate additional children; • Development would be out of keeping with the surrounding area; • No information on design given, exacerbated by the likely need to raise houses up for flooding grounds; • The inward facing layout represents poor design; • 32 houses is too much for the village; • The park would give rise to anti-social behaviour; • The development would adversely impact on wildlife and ecology; and • The noise from the construction and associated vehicles would be harmful to residents. 	
<p>The issues/matters given in support of the scheme are distilled/listed below:</p> <ul style="list-style-type: none"> • The provision of smaller homes is welcome; • If flooding issues have been addressed resident would welcome the development; • The development would bring much needed affordable housing to the area; • Site is currently messy and the development would please local neighbours; • Development would benefit the elderly and youth and would bring such members of the community together. 	<p>Benefits associated with the provision of market and affordable housing and the community hub are set out in Section 9 below.</p>

Consultees

Consultee	Comment	Where in the report this is considered
Environment Agency	<p>Recommend refusal on two grounds:</p> <ol style="list-style-type: none"> 1. Development falls within a vulnerability category that is inappropriate to the Flood Zone and therefore contrary to the NPPF; 2. The development fails the exception test, the development would reduce the 	Section 9 (issue ii)

	capacity of the flood plain nor has information of flood voids been given.	
Housing	<p>Housing Enabling Officer comments summarised as follows:</p> <p>No tenure given for the 14 retirement dwellings;</p> <p>Of the need for 1,901 units for the elderly affordable units only constitutes 2% (35 units);</p> <p>The elderly accommodation proposed does adequately meet the needs of those on the Council's Housing Register.</p>	Section 9 (vii)
Lead Local Flood Authority	<p>Summary of LLFA comments:</p> <ul style="list-style-type: none"> - Can the applicant confirm which flood mitigation measures are proposed; - Can the applicant clarify how the infiltration rates have been derived; - Clarification of ground water levels and flood water flow needed; - Have Thames Water given permission for the permeable surfacing and such surfacing to the front f the housing would not be permitted as it may be removed during the lifespan of the development; - Who would be responsible for maintenance and management of such flood/drainage infrastructure 	<p>Section 9 (ii)</p> <p>Additional information has been submitted. Any additional LLFA comments will be the subject of a Committee update on the day of committee.</p>
Environmental Protection	No objection subject to conditions regarding aircraft noise and construction management plan.	Section 9 (vi)
Public Rights of Way/Parks and Countryside officer	Wraysbury Footpath 8c Public Rights of Way crosses the site. DAS notes that this would be retained. Accordingly no objection at this stage is raised.	Section 9 (iii and viii)
Highways Authority	<p>Highways confirm the site is in an unsustainable location and therefore recommend refusal.</p> <p>If Officers are minded to approve the scheme numerous conditions and informatives are suggested.</p>	Section 9 (issue iii and vii)

Ecology Officer	<p>The Ecology Officer requires additional information before recommending permission be granted.</p> <p>Additional information is required in relation to numerous designated sites including the South West London RAMSAR/SPA and Wraysbury Gravel SSSI sites and the adjoining woodland. Justification of the assumption that the additional 32 dwellings would be unlikely to result in increased footfall/impacts on the woodland is required.</p> <p>Clarification on Bats and the surveys undertaken and why certain buildings were unable to be surveyed. Clarification of when precisely the surveys were undertaken.</p> <p>Further information regarding reptiles and great crested newts is also required. Lastly, a bespoke Biodiversity Enhancement Report is required that details the precise measure to be undertaken to achieve the necessary biodiversity enhancements.</p>	Section 9 (v)
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9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i. Development in the Green Belt
- ii. Flood Risk & Drainage
- iii. Sustainability of the Site
- iv. Design & Character
- v. Trees and Landscaping & Ecology
- vi. Residential Amenity
- vii. Provision of Market & Affordable Housing
- viii. Highway Safety and Parking
- ix. Heritage
- x. Community/Business Hub & Children's Play
- xi. Housing Land Supply
- xii. Very Special Circumstances

- i **Development in the Green Belt**

- 9.2 The entire site is located within the Green Belt and as such assessing the proposal against national and local Green Belt policy is of paramount importance to the acceptability of the scheme.
- 9.3 Paragraph 148 of the NPPF explains that inappropriate development in the Green Belt is harmful and that it should only be approved in Very Special Circumstances.
- 9.4 Paragraph 148 continues by stating that when considering planning applications, substantial weight should be given to any harm to the Green Belt. "Very Special Circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 9.5 The applicant contends that the proposal is not inappropriate development in the Green Belt as the scheme represents limited infilling in villages and the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, is appropriate pursuant to paragraphs 149 (e) and (g) of the NPPF respectively.
- 9.6 Adopted Local Plan Policies GB1 and GB2, while having been found to be dated, and not wholly consistent with the broader more flexible approach contained within the NPPF, do however reflect the national Green Belt policy position by only allowing a few certain forms of development and seeking to retain the openness and character of such areas. Policy QP5 of the Borough Local Plan Main Modifications version states that the Metropolitan Green Belt will continue to be protected, as designated on the Policies Map, against inappropriate development. Permission will not be given for inappropriate development (as defined by the NPPF), unless very special circumstances are demonstrated.
- 9.7 The proposal seeks outline consent with means of access and layout to be considered for a residential development of 32 dwellings along with a community/business hub and children's play area and associated parking within the Green Belt. Paragraph 149 of the revised NPPF outlines that the construction of new buildings should be regarded as inappropriate development apart from a few limited exceptions. Exception (e) is for the limited infilling in villages and (g) is for the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development. Whilst the site contains some previously developed land (the western part of the site) this only represents a fairly small part of the site. The significant majority of the site and its associated Old Ferry Drive frontage remains undeveloped. It is the extent of the sites openness which leads on to an assessment of whether the site and proposal represents limited infilling in villages.
- Limited infilling in Villages
- 9.8 Policy GB3(1) of the Local Plan states that there will be a general presumption against allowing proposals for residential development except where, inter alia, the proposals relate to infilling within the boundaries of a recognised settlement. New dwellings will only be permitted where the development represents the closing of an existing small

gap in an otherwise built up frontage. Such allowances echo exception (e) of paragraph 149 of the NPPF which allows for limited infilling in villages.

- 9.9 The applicant, in support of the argument that the scheme represents limited infilling in an otherwise built up frontage, refers to Policy QP5 of the emerging Borough Local Plan Main Modifications version that states “Limited infilling outside identified village settlement boundaries where it can be demonstrated that the site can be considered as falling within the village envelope as assessed on the ground....”.
- 9.10 Importantly, and of particular importance to this case it is the view of Officers that the defined settlement boundaries are not necessarily the same as village boundaries for the purposes of infilling within the NPPF and an assessment needs to be made in this case to determine whether the application site could be deemed as falling within the village of Wraysbury.
- 9.11 Prior to considering this however it is pertinent to note the comments from the applicant. The applicant, in support, refers to an appeal (APP/R0660/W/20/3259305) in Prestbury within the Borough of East Cheshire. The applicant then refers to the existing development that flanks the application site thereby forming an otherwise built up frontage. This is plainly an exaggerated assertion. Before considering the merits of the current application it is necessary to refute the Prestbury appeal that the applicant highlights in support of the scheme. In this example, the proposal represented subdividing an existing residential plot sited on the junction of Prestbury Road and Macclesfield Road to provide a single additional dwelling. In this example, the appeal site comprised a dwelling to the south of a row of four detached properties that were sited within spacious plots and each had gaps of approximately 20 to 30 metres between them save for the appeal site that had a gap of approximately 50 metres.
- 9.12 The application site comprise a series of dilapidated single storey structures and mobile homes to the west of the site that would be removed as part of the development. To the east of the site lies the built up edge of the village of Wraysbury. Between these two areas of development lies a gap of approximately 95 metres. Such a significant gap which allows views of the open nature of the site cannot be considered as a ‘small gap’ in an otherwise built up frontage. Such a sizeable gap gives one a clear impression of leaving the otherwise built up envelope of the village of Wraysbury and leaving such a location and entering a considerably more rural area that is dominated by trees, landscaping and the woodlands the comprises the designated area of Green Space within the Neighbourhood Plan.
- 9.13 In turning to Policy QP5 again, the Policy states that in assessing what constitutes the village envelope, consideration will be given to the concentration, scale, massing, extent and density of built form ether side of the identified village settlement boundary and the physical proximity of the proposal to the identified village settlement boundary.
- 9.14 There is no disagreement that the eastern edge of the site abuts the edge of the village settlement boundary. However, the western edge of the site adjoins a single dwelling which in itself is largely dominated by mature trees with an extensive area of woodland protruding for approximately a further 220 metres before there is any other noticeable development. The single dwelling adjacent to the site to the west does not form an extended part of the village boundary that would allow officers to conclude the site represents a built up frontage. Whilst the proposal site lies immediately adjacent to the settlement area of Wraysbury, this application site and surrounds, for the reasons set

out above, represents a looser, more sporadic grain of development compared to the tighter grain of development which sits inside the settlement boundary. Such a form of development together with the extensive gap of nearly 100 metres from the dilapidated strictures on site to the properties within Wraysbury village, coupled with the open nature of the site frontage further serves to highlight the separation from, and the visual contrast to, the village boundary which has a considerably more suburban character atypical of many such built up areas. Whilst the Site Layout is discussed below in more detail the proposed inwards facing form of development represent a harmful juxtaposition. It is evident therefore that the site does not lie within the village envelope of Wraysbury but rather it clearly falls outside the built up village boundary.

- 9.15 Furthermore, the Council also have concerns that the amount of development proposed would not be 'limited'. The erection of 32 dwellings, many of which are terraced, and an internal road layout (the carriageway and pavements combined being approximately 9m in width) would not accord with the pattern of development within the vicinity of the site in terms of density and extent of built form. Given that the proposal would result in a site which would be more intensively developed than other plots within the immediate vicinity which contain detached dwellings, the proposal does not constitute limited infilling for the purposes of bullet point 5 of paragraph 145 of the NPPF or policy GB3 of the adopted local plan.

Limited infilling or redevelopment of previously developed land

- 9.16 Exception (g) is for the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development. Whilst the site contains some previously developed land (the western part of the site), a large part of the site remains undeveloped. Furthermore, the proposal of 32 dwellings and all the associated infrastructure would far exceed the amount of development currently on site, such that it would have a significantly greater impact on openness. As such, the proposal would fall foul of this exception.

Impact on openness

- 9.17 In addition to the harm caused by inappropriateness, the proposal would have a significant impact on the openness of the Green Belt, by virtue of the addition of 32 dwellings, community and business hub, associated hard-surfacing and increase in intensity of the site and the addition of domestic paraphernalia which would arise from the use of the 32 properties on a site which is largely free from development. The term openness, pursuant to Paragraph 001 Reference ID: 64-001-20190722 of the NPPG, has both a spatial and visual dimension and in this case the harm to openness would arise from both the presence of built form and increased activity on the site.
- 9.18 Furthermore, the use of the land for residential purposes would conflict with the purposes of including land within the Green Belt, namely protecting the countryside from encroachment. The construction of 32 dwellings and their associated development and paraphernalia would urbanise this site and detract from the character of the open countryside contrary to the purposes of the Green Belt.

9.19 The proposal has been found to constitute inappropriate development which would result in a significant impact on openness, conflicting with the purposes of the Green Belt to which substantial weight must be attached. Inappropriate development can only be approved if Very Special Circumstances can be demonstrated and Very Special Circumstances will not exist unless the harm to the Green Belt by inappropriate development and any other harm are clearly outweighed. The case for Very Special Circumstances will be discussed below.

ii Flood Risk

Fluvial Flooding

9.20 The application site falls wholly within Flood Zones 2 and 3 and as such any development must fully accord with Policy F1 of the Local Plan which states that development in excess of 30 sq.m will not be permitted unless it can be demonstrated that it will not impede the flow of flood water; reduce the capacity of the flood water to store flood water or increase the number of people or properties at risk from flooding.

9.21 The scheme also needs to satisfy the requirements of paragraphs 163 – 173 of the NPPF which collectively set out the need for a site-specific Flood Risk Assessment in such locations as well as the need to undertake a sequential test and (if passed) an exceptions test. These tests seek to, respectively, direct development away from areas at risk of flooding, and if such areas are not available then ensure development should not increase the risk of flooding elsewhere.

Flood vulnerability

9.22 Before discussing the sequential test, it should be noted that the EA have objected on the grounds that part of the site is within the functional floodplain (flood zone 3b). The proposed development is ‘more vulnerable’ and therefore not compatible with this floodzone.

Sequential Test

9.23 The application is accompanied by a Sequential Test that has focused solely on sites within the parish of Wraysbury which is unacceptable. The Sequential Test needs to focus on the Borough as a whole and as such to focus on such a small area fails the test of seeking to ensure whether there are any sequentially preferable sites to accommodate such a proposed development. Whilst an appeal decision has been submitted to support the approach of the applicant, RBWM have appeal decisions which support the application of a Borough Wide sequential test and this is an adopted approach.

Exceptions Test

9.24 With regard to the exceptions test, it is for the LPA to assess whether safe access and escape routes are included. Section 6.2 of the updated Flood Risk Assessment received in October 2021 states that a safe means of escape may not be possible. The Borough Council would require, at worst, a very low hazard means of safe escape and this has not been demonstrated. Furthermore, the LPA must determine whether this option satisfies the hazard associated in consultation with emergency services / emergency planners, and the Council must accept any increased burden, including any financial or other resourcing matters on emergency services. In cases such as

these, the Council would not support a Flood Evacuation plan as there is no guarantee that this could be implemented safely.

- 9.25 Furthermore, the EA have objected to the submitted FRA on the grounds that it has not been demonstrated that the development would not increase flood risk elsewhere.
- 9.26 On the basis of the foregoing, and whilst pursuant to paragraph 163 of the NPPF, it is not necessary to go on to the exception test if the Sequential Test has not been passed, consideration of the exception test further highlights the unacceptability of the principle of the development in flood risk terms.
- 9.27 To conclude, the site lies partly within the functional floodplain (zone 3b) where residential development is unacceptable in principle, the applicant has failed to undertake a Borough wide Sequential Test, there is no safe access/escape, and it has not been demonstrated that the development would not increase flood risk elsewhere. The development is therefore contrary to the objectives of Policy F1 of the Local Plan, Policy NR1 of the emerging Borough Local Plan (Main Modifications Version) and Section 14 of the NPPF.

Surface Water Flooding and Drainage (LLFA)

- 9.28 With regard to surface water drainage, the LLFA have recommended that permission is not forthcoming until a number of issues are clarified and addressed. The issues include the need to set out what flood mitigation measures are proposed, how infiltration rates and groundwater levels have been assessed, clarification on the exceedance flow routes, have Thames Water granted permission for the permeable paving, permission for permeable to the front of properties would not be forthcoming as it is likely t would be taken up, who would be responsible for the maintenance of such flood risk schemes and can BIM calculations be provided.
- 9.29 As a result the LLFA have confirmed they would not support the scheme in its current form. Additional information has been submitted to try and address the initial comments made by the LLFA. Accordingly, the LLFA have been re-consulted.

iii. Sustainability of the Site

- 9.30 Paragraph 110 of Section 9 of the NPPF, entitled Promoting Sustainable Transport, states that in assessing applications for specific development it should be ensured that appropriate opportunities to promote sustainable transport modes can be, or have been, taken up given the type of development proposed and its location.
- 9.31 Such a requirement mirrors the economic objective of sustainable development that requires land of the right type is located in the right place and, with regard to the environmental objective, seeks to ensure an effective use of land that improving biodiversity, using natural resources prudently and minimising waste and pollution and mitigating and adapting to climate change.
- 9.32 Pursuant to such objectives, Policy IF2 of the emerging Borough Local Plan (Main Modifications Version) ensures development should be located close to offices and employment, shops and local services and facilities and provide safe, convenient and sustainable modes of transport. Developments that help create safe and comfortable environment for pedestrians and cyclists and improve access by public transport will be supported.

- 9.33 The Manual for Streets, at Section 4.4 entitled The Walking Neighbourhood states that such neighbourhoods are characterised by having a range of facilities within a 10 minute walk, up to around 800 metres. As policy IF2 states however, it is not just the distance that is of particular importance in such cases, it is the quality and overall sense of safety that needs to be considered which includes the presence of footpaths, street lights etc.
- 9.34 The application site is, in terms of more general every day shops and services, some 1km from the nearest, albeit limited convenience store and public house to the south along Welly Road which exceeded the recommended 800m set by manual for Streets.
- 9.35 Whilst there are two facilities, a bus stop on Welly Road and the Wraysbury Primary School within the recommended 800m walking distance the bus stop has a very limited service and Old Ferry Drive does not have designated footpaths and is only lit along part of its length. Such matters would be likely to deter parents and children from walking to the school further contributing towards car based forms of travel. With regard to other facilities, the nearest train station Sunnymeads, is some 1.31km from the site.
- 9.36 Such distances exceed the recommended 800m distance set out in the Manual for Streets. This is not an upper limit however and it is considered that in conjunction with Old Ferry Drive failing to provide a separate footpath and street lights that the location of the development would, notwithstanding the Green Belt and Flood Zone constraints, fail to provide safe and convenient forms of sustainable development. Such issues highlight the unsustainable location of the site that which would fail to provide for sustainable modes of transport.
- 9.37 In their current form, the Highways Authority have stated that the existing cycle and pedestrian routes are substandard and would not encourage such modes of transport. Whilst there are a number of facilities within 2km, the recommended upper limit, the Highways Authority conclude that the site, without such enhancement measures, represents an unsustainable location. The Highways Officer goes on to say that were such measures in place, there would be insufficient grounds to recommend refusal, however, such enhancement measures have not been secured via a legal agreement.
- 9.38 Without any material opportunities for sustainable modes of transport the scheme is contrary to the objectives of Neighbourhood Plan Policy TM1, Section 9 of the NPPF and Policy IF2 of the emerging Borough local Plan (Main Modifications Version).

iv. Impacts on Character and Appearance

- 9.39 Section 12 of the NPPF clearly states that the creation of high quality, beautiful and sustainable buildings is *fundamental* to what the planning and development process should achieve. Local Plan Policy DG1 is consistent with these overarching objectives of Section 12 of the NPPF and requires new development to be of a high quality design and have regard to a range of design based criteria.
- 9.40 Policy DG1(3) ensures development is compatible with the established street facade having regard to scale, building lines and the roofscape of a building. Policy DG1(6) ensures development includes landscaping schemes that should utilise existing landscaping.
- 9.41 Neighbourhood Plan Policy NP/HOU1 states development proposals should make a positive contribution to the character and sense of place to Horton and Wraysbury's built environment and character. Further, Policy NP/HOU2.2 requires new

development to respect the established building lines and arrangements of front gardens.

- 9.42 Such objectives are further supported by the Borough Wide Design Guide that ensures, inter alia, all new development is of a high quality design. Principle 6.2 of the Design Guide SPD ensures, inter alia, that development creates animated and active streets by using fine grain development and designing strong active frontages. Further, Principle 6.4 ensures large developments should incorporate blocks that create a clearly defined street network
- 9.43 While submitted in outline form with appearance being reserved the application has sought permission for layout and as such there are several urban design aspects that can be considered at this stage.
- 9.44 The scheme would comprise a primarily circular internal access road with the three main residential elements (the detached housing in the north and the terraced housing west and east) facing inwards towards the circular access road with the elderly accommodation also facing inwards fronting a spur off the circular access.
- 9.45 Such a layout would result in the four detached properties backing onto Old Ferry Drive, thus failing to provide any active frontage to Old Ferry Drive. Furthermore, this layout would result in a visual disconnect with the residential development to the east. Such a poor layout would further serve to demonstrate that the scheme does not represent any connection to the surroundings or that it would represent infilling within a village as it would be out of character with and represent an incongruous feature within the Old Ferry Drive street scene.
- 9.46 Furthermore, the two terraces of residential properties would also face inwards towards one arm of the circular internal access road. Such a layout creates yet further areas of blank street scenes with Block C creating a poor relationship with the north/south access road arm. Block C would also create an inactive relationship with the parking area proposed to the west of the site, and the children's play area.
- 9.47 The Borough Wide Design Guide refers to the need to ensure the design of a layout reduces the fear of crime. Such a requirement stems from having areas actively overlooked through active frontages. Not only does inactive and blank street scenes represent a poor form of design it also increases the fear of crime that further discourages sustainable modes of travel. The lack of natural surveillance over the internal access roads, parking areas and children's play area would lead to an increased risk of anti-social behaviour thereby increasing the fear of crime as a result of what is considered to be a poorly laid out form of development thereby constituting a poor form of design.
- 9.48 Furthermore, the in-ward facing layout would result in walls/fences protruding up to existing and proposed streets and paths that would fail to provide any opportunities for additional landscaping further serving to demonstrate the unacceptability of the proposal in design terms.
- 9.49 Finally, the proposed layout and different elements within the scheme do not relate or connect well with one another. The proposal comprises of different types of housing, a 9m wide circular road, and two large car parking areas. Each element is disconnected spatially. The layout connects poorly to the surroundings and within the site itself.
- 9.50 While submitted in outline form with layout to be considered it is not possible to consider the appearance at this stage. Nevertheless, the in-ward facing layout

represents a poorly laid out scheme that would create numerous inactive frontages that would constitute a poor form of design contrary to the objectives of Policy DG1 of the Local Plan and Policy H10 of the Local Plan, Policies HOU1 and HOU2 of the Neighbourhood Plan, Section 12 of the NPPF and Policy Qp3 of the emerging Borough Local Plan (Main modifications Version).

v. Trees and Landscaping & Ecology

Trees and Landscaping

- 9.51 Old Ferry Drive is, once one travels past the residential element, dominated by mature trees and landscaping that serve to create a verdant and almost rural appearance. While the existing Old Ferry Drive Frontage has a low wall the railings within this boundary treatment allow for views over the open undeveloped site towards more trees and landscaping.
- 9.52 Policies DG1 and H10 of the Local Plan both highlight the importance that trees and landscaping make to the character of an area. Furthermore, Policy NP/HOU1 of the Neighbourhood Plan encourages the incorporation of appropriate landscaping.
- 9.53 In addition to the policies referred to above, the importance of trees is further highlighted by paragraph 131 of the NPPF which states "**Trees make an important contribution to the character and quality of urban environments and that opportunities are taken to incorporate trees into developments.**" The importance of trees to the built environment is from both a character aspect as well as an ecological aspect. Moreover, paragraphs 131 and 132 highlight the importance of early discussions between applicants and officers, particular highway and trees officers. The applicant has failed to enter into any early pre-application discussions as encouraged by Section 4 of the NPPF.
- 9.54 Whilst an Outline application with only access and layout to be considered, the layout of and the extent of built form could adversely impact the health and long-term vitality of existing trees on site. As such, and without an Arboriculture Report and Tree Protection plan it is not possible for the Local planning Authority to fully assess the potential arboriculture related issues arising from the proposal. The scheme is therefore contrary to the aims of Policies DG1 and H10 of the Local Plan, Policy NP/HOU1 of the Neighbourhood Plan, Section 12 of the NPPF and Policies QP3 and NR2 of the emerging Borough Local Plan (Main Modifications Version).

Ecology

- 9.55 A preliminary ecological appraisal and an Ecology Impact Assessment have been submitted in support of the application. Comments from the Council's Ecologist has reviewed the two documents submitted with the application and has requested additional information and numerous points to be clarified prior to determination. The site is approximately 350, from the South West London Waterbodies SPA and as such the ecological issues related to the scheme are of particular importance to the merits of the scheme.
- 9.56 Additional information on and justification regarding potential impacts on designated sites within the surrounding area including the South West London Waterbodies

RAMSAR/SPA site, the Wraysbury Gravel SSSI site and the woodland to the west of the site. Additional information is required on and existing information to be clarified regarding bats, reptiles and great crested newts.

- 9.57 In light of the above and with the increasing importance of protecting the natural environment such an issues weighs against the development.

vi Residential Amenity

- 9.58 Paragraph 130(f) of the NPPF ensures planning creates places that are safe, inclusive and accessible which promote health and well-being with *a high standard of amenity for existing and future residents*. The need to ensure a high standard of amenity for both existing and future residents is set out in the Borough Wide Design Guide.
- 9.59 Paragraph 8.1 of the Borough Wide Design Guide SPD states that residential amenity in the form of light, privacy, outlook and provision of outdoor amenity space is a detailed but important design matter that has a very strong influence on the quality of people's living environments. Paragraph 8.2 states that new developments should provide future occupiers with high quality amenities and not undermine the amenities of occupiers of neighbouring properties, especially where these are residential properties.
- 9.60 Table 8.1 of the Borough Wide Design Guide SPD sets out the minimum separation distances for, inter alia, front to front, rear to rear and front/back to flank relationships for both 2 storey and above. Table 8.1 and the separation distances are referred to below where necessary.

Existing Residents

- 9.61 To the east of the site is no. 7 Old Ferry Drive. The eastern property of Block B would have a flank/front relationship with no. 7 with the flank elevation being approximately 18 metres from the front of no. 7. Such a distance would ensure there is no adverse amenity impact on the occupants of no. 7.
- 9.62 With regard to Block C, this would have a back to flank relationship with the rear garden area of no. 7. The northernmost property on this terrace would be approximately 20 metres from the side boundary of no. 7 and in excess of 25 metres from the rear elevation of no. 7. Such distances would exceed the minimum distance of 12 metres set out in the Borough Wide Design Guide.
- 9.63 To the west of the site is no. 21 Old Ferry Drive. The proposed two storey elderly accommodation annotated as block E on the Site Plan would have an angled rear to flank relationship with no. 21. The rear elevation of this block would be between 5 and 6 metres from the boundary with no. 21.
- 9.64 Such a distance would be significantly below the recommended 12 metre distance set out in the Borough Wide Design Guide. While not having detailed floor plans it is nevertheless such a relationship that would be likely to result in a materially harmful overlooking impact on the occupants of no. 21. Such an impact would be exacerbated by the protrusion of Block E extending the entire length of the shared flank boundary of their garden and the number of windows that could overlook the property.
- 9.65 The proposal would therefore be contrary to paragraph 130 of the NPPF and Policy QP3 of the emerging Borough Local Plan.

Future Occupants

- 9.66 In addition to the above it is important to ensure new developments would provide future occupants with a high standard of amenity, both internally and externally.
- 9.67 The application is submitted in Outline form with only the means of access and layout to be considered. As such it is not possible to assess the proposed residential units against the Internal Space Standards. This would be an issue to be considered at the Reserved Matters Stage.
- 9.68 In terms of outdoor space, the Borough Design Guide ensures all new houses are provided with their own private garden/amenity space with Principle 8.4 setting minimum spaces of 40 sq.m for 1 bedroom properties, 55 sq.m for 2 and 3 bedroom properties and 70 sq.m for 4+ bedroom properties. These areas increase to 50, 65 and 85 sq.m respectively for north facing gardens.
- 9.69 The submitted Site Plan shows that each of the houses with their own private rear gardens. Each of the gardens would appear to measure approximately 140 sq.m for the four detached north facing gardens and 60 sq.m for the east/west facing gardens associated with the terrace properties of Block C. Whilst the size of these properties in terms of scale and number of bedrooms is to be reserved, it appears that the Site Layout plan demonstrates that suitable rear garden areas can be provided.

vii Provision of Market and Affordable Housing

- 9.70 Local Plan Policy H8 seeks to ensure that development provides for a mix of dwelling types and Neighbourhood Plan Policy NP/HOU3.1 and 3.2 ensures schemes of five units or more should deliver at least 20% of these units as 1 and 2 bedroom units and also for the provision of small properties suitable for older people and starter homes.
- 9.71 The scheme is submitted in Outline form with appearance and scale to be reserved. The Reserved Matters application would also involve details on the precise size and type of the residential units proposed. This outline application however confirms that specialist accommodation would be provided for the elderly together with larger detached properties would be provided as well as smaller terraced properties.
- 9.72 In this regard the development would appear to accord with Local Plan policies that seek to ensure that both a mix of house types and sizes are provided.
- 9.73 In turning to the provision of affordable housing. Policy H3 of the Local Plan ensures that on schemes of 15 units or more or a site area of more than 0.5ha there is suitable provision for affordable housing. Table 1 of the Revised Planning Obligations and Developer Contributions and Infrastructure and Amenity Requirements SPD states that the minimum provision sought is 30%. Of the 30% the tenure should comprise 80% social/affordable rent and 20% shared ownership.
- 9.74 The scheme, as originally submitted proposed the 14 units of accommodation for the elderly as affordable. This would represent 44% provision. The Housing Officer commented however that the SHMA confirms that of the need for 1,901 units of accommodation for the elderly only 35 are needed as affordable, some 2% of the total need. As such, the scheme would not adequately meet the need for those on the RBWM housing register.
- 9.75 The applicant has provided a Technical Note in response to these comments that concluded that the applicant can provide 13 of the dwellings as affordable units that

represents a policy compliant scheme in terms of affordable housing. Such provision could if the development proposal was acceptable in all other aspects, be secured by way of a Section 106 Legal Agreement. However there is no such mechanism in place at the current time to secure this level of affordable housing.

- 9.76 Additional reference is made to the provision of market and affordable housing below within the Planning Balance and Conclusion section of this report.

viii Highway Safety & Parking

- 9.77 The Highways Authority have reviewed the application and have made the following comments.

- 9.78 Outlined above in Section 9(iii) is reference to the sustainability of the site. It is concluded therein, and as further demonstrated by the comments of the Highways Authority, that the site is not in a sustainable location and would fail to provide realistic opportunities for sustainable travel. The following considers the more technical aspects of the development in terms of parking and access.

Access & Internal Road Arrangements

- 9.79 The proposal seeks to stop up the existing access and to form a new access to the east of the site. The applicant states that this will achieve the necessary 2.4 x 25 visibility splays in both directions and that all internal access roads would be between 5.6 and 6 metres. The Highways Authority confirm that this is acceptable. However the submitted site plan shows that the internal circular road would be approximately 9m in width (including carriageway and pavements). The LPA consider this to exceed the standards for a development of this nature, and is further indicative of the poor design and inappropriate development in the Green Belt.

Parking Provision

- 9.80 With regard to parking arrangements, each of the dwellings appears to show the parking for each of the houses being sited to the front which is, in principle acceptable. The precise level of parking would need to be confirmed at the Reserved Matters stage when the size and number of bedrooms are confirmed.

Vehicular Movements

- 9.81 The Highway Authority have reviewed the submitted Transport Statement which refers to the national TRICS database and confirms that the proposal would not be likely to result in a severe highway impact with regard to paragraph 111 of the NPPF.

Cycle Provision

- 9.82 With regard to secure bicycle parking provision, there would appear to be sufficient space within the curtilages to be afforded to the dwellings to provide for secure bicycle parking

Refuse Provision

- 9.83 The proposed refuse strategy set out at Section 5.4 of the Transport Statement is considered acceptable.

Summary/Additional Highway Comments

- 9.84 The Highways Authority have commented on the site's unsustainable location. However, they have listed a number of conditions that should be imposed should the LPA be minded to grant permission.

9.85 Such conditions and informatives relate to:

- Approved access to be laid out prior to occupation;
- Visibility splays to be provided and retained as such;
- Existing access to be stopped up.
- Confirm height of entrance archway.
- Parking and access for delivery vehicles.
- Cycle provision and access.
- Refuse provision with swept path analysis plan.

ix Heritage

9.86 The application site is located to the south of a Grade II* Listed Building known as King Johns Hunting Lodge. Policy NP/BE2 of the Neighbourhood Plan states that proposals which would directly or indirectly affect locally or nationally important heritage assets should seek to safeguard or enhance the asset and the effect of a proposal on an asset will be taken into account during the course of an application.

9.87 Paragraph 194 of the NPPF requires applicants to describe the significance of any heritage assets affected, including the contribution of their setting. The applicant has failed to submit any Heritage Assessment that considers the potential impacts of the proposed development on the significance of King Johns Hunting Lodge.

9.88 Without such an assessment the LPA are unable to assess the potential impacts on the Listed Building that, as a Grade II* building is of particular importance of more than special interest with some 5.8% of such buildings as being Grade II*. Owing to the importance of King Johns Hunting Lodge, and without any assessment of the potential impacts on this building the proposal is contrary to policy HE1 of the emerging Borough Local Plan (Main modifications Version), Policy NP/BE2 of the Neighbourhood Plan, paragraph 194 of the NPPF and Policy HE1 of the emerging Borough local Plan (Main Modifications Version).

x Housing Land Supply

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

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

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

9.90 Footnote 7 clarifies that '*out-of-date policies include, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of*

For the purpose of this planning application the LPA currently cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer). In cases

where Local Planning Authorities cannot demonstrate an up-to-date housing land supply position the presumption in favour of sustainable development ('the tilted balance'), pursuant to paragraph 11(d), would be engaged.

- 9.91 However, footnote 7 of the NPPF lists a number of instances where the tilted balance would not apply. Of particular relevance to this application is the Green Belt and flood zone designations. As the site is within the Green Belt and an area of flood risk the tilted balance would not be engaged. Additional reference is made to the housing land supply position below in the Planning Balance and Conclusions section below.

xi. Community business hub and Children's play

- 9.92 The application also proposes a community and business hub. Such a proposal could be of benefit to the local community and local businesses. However, the applicant has provided no information within the application about the need for a community business hub, or an identified end user. As such, and at most, only limited weight could be given to the provision of such a facility.
- 9.93 The principle of a children's play area to accompany a residential development would be welcomed, however the site constraints, namely the Green Belt and Flood Risk mean the development is unacceptable in principle and the provision of children's play space would not justify the development.

xii. Very Special Circumstances

- 9.94 The objectives of national Green Belt policy are discussed above. Of relevance however is paragraph 148 that states Very Special Circumstances (VSC's) will, not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 9.95 It has been concluded above that the development constitutes an inappropriate form of development which is harmful by definition. There is further harm to the Green Belt as a result of harm to openness and harm to purposes. **Substantial weight** needs to be given to cumulative harm to the Green Belt. Furthermore, **significant** weight needs to be attached to the harm to flood risk for the reasons outline in section (ii) and **significant** weight needs to be attached to the harm to impact on the character of the area as outline in section (iv). There are other grounds of objection as highlighted within the report that need to be taken into account on this side of the balance.
- 9.96 Weighing in favour, is the provision of market and affordable housing with four of the market houses being for self-build properties and the community and business hub. The provision of market and affordable housing attracts **significant** weight at a time where the Council cannot demonstrate a 5 year housing land supply. Without any end user identified or in the absence of any meaningful justification for the community/business hub this could only attract **limited** weight.
- 9.97 Case law has established that VSC do not need to be 'very special' and that they can arise as a result of numerus normal planning benefits that cumulatively add up to amount to VSC thereby clearly outweighing the harm to the Green Belt. Such benefits in this case cannot be said to clearly outweigh the harm to the Green Belt and any other harm. Such benefits do not outweigh the harms identified and as such the case for VSC is not made.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 10.1 In accordance with the Council's adopted Community Infrastructure Levy (CIL) Charging Schedule, the development is CIL liable at a rate of £295.20.
- 10.2 The proposal is made in outline form and the appearance and scale would be addressed at the Reserved matters stage. This would include the assessment of the potential CIL charge to be levied on the development.

11. PLANNING BALANCE & CONCLUSION

- 11.1 This application seeks outline permission for the erection of 32 residential units with the principle, means of access and layout to be considered. Appearance, scale and landscaping are to be considered at the reserved matters stage.
- 11.2 Section 38(6) of the Planning and Compulsory Act (2004) states that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise" and as such the starting point for the determination of this application is The Royal Borough of Windsor and Maidenhead Local Plan (Saved Policies) (Incorporating Alterations adopted June 2003) and the Horton and Wraysbury Neighbourhood Plan (2019).
- 11.3 Also of relevance is the emerging Borough Local Plan 2013 – 2033 (Submission Version incorporating Proposed Main Modifications) (July 2021). Paragraph 48 of the NPPF states that Local Planning Authorities may give weight to relevant policies in emerging plans according to:
 - a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
 - and
 - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 11.4 Furthermore, the 2021 NPPF is a material consideration of significant weight. As set out above in Section 9 (xii) of this report the Council cannot demonstrate a five year housing land supply and therefore, pursuant to paragraph 11(d) of the NPPF the presumption in favour of sustainable development would be engaged, referred to as the tilted balance. However, owing to footnote 7 and due to the location of the site within the Green Belt, the tilted balance would not apply in this case. On the basis of the foregoing the application should therefore be assessed by way of an ordinary 'un-tilted' balancing exercise.

Green Belt

- 11.5 The application is located within the Green Belt where local policy and the NPPF seek to prevent inappropriate development in order to protect the openness of such areas. The applicant claims that the scheme represents limited infilling on villages pursuant to paragraph 149(e) of the NPPF and that, as part of the site represents previously

developed land (PDL) and therefore pursuant to 149(g) the development does not represent inappropriate development in the Green Belt.

- 11.6 Whilst part of the site is considered to be PDL this is only a relatively small part of the site. On this basis, as the majority of the site is open greenfield the proposal does not accord with 149(g) of the NPPF. In turning to whether the proposal represents limited infilling in villages; the existing mobile homes and associated dilapidated structures are located some 95 metres further to the west of the easternmost dwelling associated with the built up village of Wraysbury. Such a significant gap, and such a significant proposal cannot therefore be said to constitute limited infilling in villages.
- 11.7 The scheme therefore represents inappropriate development in the Green Belt. This attracts substantial weight against the development.

Flood Risk

- 11.8 The site is located within Flood Zones 2, 3a and 3b. In Flood Zone 3b (functional floodplain) residential development is unacceptable in principle. Furthermore in flood zones 3a and 2 residential development must be accompanied by a site specific Flood Risk Assessment; and must also pass both the Sequential Test and Exception Test.
- 11.9 The application is accompanied by a Flood Risk Assessment however the Sequential Test only considers the Wraysbury parish. This is insufficient and assessment area and therefore the scheme fails the Sequential Test. Further, and notwithstanding the technical issues such as the need to raise the finished floor levels up and to provide flood voids under dwellings, the FRA confirms it is likely not possible to ensure, at worst, a very low hazard means of safe escape from the development. The Exception Test is therefore also failed. This weighs heavily against the development.

Unsustainable Location

- 11.10 The overarching objective of the NPPF and the Neighbourhood Plan is to ensure that the planning system delivers sustainable development. A key facet of this is to ensure sustainable non-car based travel.
- 11.11 The application site is located outside of the recommended Manual for Streets 800m/10 minute walking guidance and down a road without designated footpaths and, in part, is unlit by street lamps. Such issues would actively discourage sustainable modes of transport in favour of the private car. This is wholly contrary to the objectives of sustainable development. This weighs significantly against the development.

Design and Character

- 11.12 Section 12 of the NPPF states that achieving high quality design is fundamental to what the planning and development process should achieve. Such a requirement is echoed in local policies and guidance. The Borough Wide Design Guide clearly states that residential development should deliver active and strong street scenes. Development must therefore front onto existing and proposed streets such that inactive street frontages are avoided. This also reduces the fear of crime and anti-social behaviour.
- 11.13 The internal and circular access roads have resulted in an inward facing design that is contrary to the key aspects of urban design and would result in a poorly laid out form of development. The development does not connect well with the surrounding pattern

of development or with the different elements of the scheme itself. The proposal therefore amounts to poor design contrary to the Local Plan, Neighbourhood Plan and the NPPF. Such an impact is of fundamental importance against the proposal.

Neighbour amenity

- 11.14 Paragraph 130 of the NPPF ensures new development ensures a high standard of amenity for both existing and future residents. The future residents would all appear to have private garden areas that would exceed the minimum space set out in the Borough Wide Design Guide.
- 11.15 Regarding existing residents, number 7 Old Ferry Drive would not be materially affected by the development. No. 21 Old Ferry Drive however would, by virtue of the proximity of Block E to the shared boundary have a materially adverse impact owing to a loss of privacy. Such an impact weighs against the development.

Heritage

- 11.16 The site is located to the south of a Grade II* Listed Building known as King Johns Hunting Lodge. Such a listing ensures that the building is of more than local significance where the Neighbourhood Plan and the NPPF seeks to protect and where possible enhance the significance of such buildings.
- 11.17 In the absence of a Heritage Assessment the LPA are unable to assess the potential impacts on the building's significance and its setting. The development is therefore contrary to the objectives of both paragraph 194 of the NPPF and Policy NP/BE2 of the Neighbourhood Plan.

Trees & Ecology

- 11.18 Paragraph 131 of the NPPF highlight the importance of trees to the character of an area and the quality of a development. The site is bound on all boundaries by a range of trees and other landscaping. In the absence of any arboricultural information the LPA are unable to assess the potential impacts on the health and long terms impacts on such trees. The scheme is therefore contrary to the objectives of Policy DG1 of the Local Plan and the NPPF.
- 11.19 There are several designated RAMSAR, SPA and SSSI sites within the surrounding area and as such the potential ecological impacts associated with the development are of particular importance to the merits of the scheme. With additional surveys and clarification being required by the Council's Ecology officer the lack of such information must therefore weigh against the granting of planning permission.

Matters weighing in favour of Proposal and balance

- 11.19 The provision of both market (including four self-build) and affordable housing both attract significant weight in favour of the development. The provision of the community and business hub would also weigh in favour of the scheme. Without an identified end user however, or without any meaningful justification as to the need for such a use this can only attract limited weight.
- 11.20 There would also be a limited benefit in the provision of a children's play area.

11.21 Paragraph 8 of the NPPF defines what sustainable development is by setting out the three roles of the planning system which are listed below:

- a) an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

11.22 These are interdependent and mutually supportive roles. In order to achieve sustainable development therefore there needs to be a contribution to each of these individual roles. Therefore, there needs to be an assessment of the benefits and impacts and the weight to be afforded to each.

11.23 Both the benefits and impacts and the weight to be afforded to each are listed in the table below:

Issue	Benefit or Harm	Weight
Provision of Housing	Benefit	Significant
Provision of Affordable Housing	Benefit	Significant
Community/Business Hub	Benefit	Limited
Children's Play Area	Benefit	Limited
Green Belt	Harm	Substantial
Flood Risk	Harm	Significant
Unsustainable Location	Harm	Significant
Character and Appearance	Harm	Significant
Existing Resident's Amenity	Harm	Moderate
Heritage	Harm	Moderate
Trees	Harm	Moderate
Ecology	Harm	Moderate

11.24 Furthermore there would be some benefit to the local economy as a result of the development, both during the construction phase and long-term as a result of the provision of housing.

11.25 To conclude the balancing exercise, while there are benefits associated with the proposal, these are relatively limited in both quantity and weight, and therefore would not outweigh the identified harms, in particular the harm to the Green Belt by reason of inappropriateness such that planning permission should be forthcoming for this proposal.

12. APPENDICES TO THIS REPORT

- Appendix A – Site Location Plan
- Appendix B – Proposed Site Plan, Storey Plan and Floor Plans

13. REASONS FOR REFUSAL:

- 1 The application site does not fall within the recognised Green Belt settlement of Wraysbury or within the wider understanding of what comprises the village. Furthermore, the proposed development would not constitute limited infilling within a built up frontage. Therefore, the proposal represents inappropriate development in the Green Belt, which is by definition harmful to the Green Belt. Furthermore, the proposal would result in harm to the openness of the Green Belt and would conflict with one of the purposes of the Green Belt, namely 'to assist in safeguarding the countryside from encroachment'. No Very Special Circumstances have been demonstrated that clearly overcome the harm to the Green Belt and any other harm. The proposal is therefore contrary to paragraphs 147, 148 and 149 of the National Planning Policy Framework (2021) and saved policies GB1, GB2(a) and GB3 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted in June 2003).
- 2 The application site falls within Environment Agency flood zones, 2, 3a and 3b. It has not been demonstrated that the proposed development lies outside the functional floodplain (3b) wherein residential development is unacceptable in principle. Furthermore, the proposal, by reason of its siting in an area where there is a high probability of flooding, fails to demonstrate that there are no other reasonably available sites appropriate for the proposed development with a lower risk of flooding than the application site. The application therefore fails the sequential test. In addition, the submitted flood risk assessment fails to adequately assess the flood risk posed by the development. Accordingly, the application has not demonstrated that the proposed development would be safe for its lifetime without increasing flood risk elsewhere. For these reasons, the proposal is contrary to Policy F1 of the adopted Royal Borough of Windsor and Maidenhead Local Plan 1999 (including adopted alterations 2003), Policy NR1 of the emerging Borough Local Plan (Main Modifications 2021) and paragraphs 163 - 173 of the National Planning Policy Framework 2021.
- 3 The proposal comprises residential intensification and community facilities within a rural countryside location which suffers from poor accessibility and reliance on the private motor car. The road network serving the site is poorly lit and the footpaths and cycleways are substandard. The upgrading of the existing infrastructure has not been secured and therefore the proposed development would remain inaccessible for future residents. The location of the proposed development would go against the aims of paragraph 110 of the National Planning Policy Framework and emerging policy IF2 of the Borough Local Plan (Main Modifications version) which advises that development should be focussed on locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes.
- 4 The proposed development, by virtue of its in-ward facing layout represents a poorly laid out scheme that would create numerous inactive frontages. Furthermore, the different elements of the development are not laid out in such a way so as they connect well with one another or respect the surrounding pattern of development. In addition the built form includes excessive and unnecessary hard-surfacing, namely the 10m wide circular roadway that would appear highly engineered and dominate the site. The proposal constitutes a poor form of design contrary to the objectives of Policy DG1 of the Local Plan and Policy H10 of the Local Plan, Policies HOU1 and HOU2 of the Neighbourhood Plan, Section 12 of the NPPF, Policy QP3 of the emerging Borough

- Local Plan (Main modifications Version) and the Borough Wide Design Guide SPD.
- 5 In the absence of a supporting Arboriculture Report, Tree Constraints Plan and Tree Protection plan it is not possible for the Local planning Authority to fully assess the potential arboriculture related issues arising from the proposal. The scheme is therefore contrary to the aims of Policies DG1 and N6 of the Local Plan, Policy NP/HOU1 of the Neighbourhood Plan, Section 12 of the NPPF and Policies QP3 and NR2 of the emerging Borough Local Plan (Main Modifications Version).
 - 6 Block E, by virtue of its height, orientation and proximity to the shared boundary with No. 21 Old Ferry Drive would be likely to result in a materially harmful loss of privacy to the occupants of No. 21. As such the development proposals are contrary to the objectives of paragraph 130(f) of the NPPF and emerging Policy QP3 of the Borough Local Plan (Main Modifications Version).
 - 7 In the absence of a mechanism to secure the proposed 40% Affordable Housing as set out in the submitted Affordable Housing Technical Note, the proposal is contrary to the objectives of Policy H3 of the Local Plan, paragraph 63 of the NPPF (2021), Policy HO3 of the emerging Borough Local Plan (Main Modifications Version) and the Planning Obligations and Development Contributions SPD.
 - 8 In the absence of a Heritage Statement, the LPA are unable to assess the potential impacts on the Listed Building that, as a Grade II* building is of particular importance of more than special interest with some 5.8% of such buildings as being Grade II*. Owing to the importance of King Johns Hunting Lodge, and without any assessment of the potential impacts on this building the proposal is contrary to policy HE1 of the emerging Borough Local Plan (Main modifications Version), Policy NP/BE2 of the Neighbourhood Plan, paragraph 194 of the NPPF and Policy HE1 of the emerging Borough local Plan (Main Modifications Version).