

MAIDENHEAD DEVELOPMENT CONTROL PANEL

17 August 2022

Item: 3

Application No.:	22/01207/OUT
Location:	Oakley Green Mushroom Farm Oakley Green Road Oakley Green Windsor SL4 5UL
Proposal:	Outline application for Access, Layout and Scale only to be considered at this stage with all other matters to be reserved for the demolition of storage buildings (Class B8) and erection of 29 dwellings, together with associated access, parking and provision of amenity space.
Applicant:	Mr East
Agent:	Mr Douglas Bond
Parish/Ward:	Bray Parish/Bray

If you have a question about this report, please contact: Vivienne McDowell on 01628 796578 or at vivienne.mcdowell@rbwm.gov.uk

1. SUMMARY

- 1.1 The development is an outline application for a scheme of 29 houses with access, layout and scale only to be considered at this outline stage, following the demolition of storage buildings (Class B8).
- 1.2 The proposed development is considered to represent inappropriate development in the Green Belt for which there are no very special circumstances to overcome harm through inappropriateness and any other harm. The harm to the Green Belt in this case, is the loss of openness and other harm includes encroachment and urbanising impact on this rural location within the Green Belt; flood risk (the applicants have not satisfactorily demonstrated that there would be a safe/low hazard means of escape from the application site to an area completely outside of the areas liable flood); and the loss of employment use.
- 1.3 At the time of decision, no legal agreement is in place to secure the affordable housing nor necessary sustainability measures. Therefore the proposal is also contrary to policies HO3 and SP2. In addition, necessary highways improvement works have not been secured and so the proposal would be contrary to policy IF2.

1.4

It is recommended the Committee refuse planning permission for the reasons given in Section 12 of this report:

- 1. Given the spread of new buildings across the application site together with its layout, form and height, the proposal would have a greater impact on the openness of the Green Belt than the existing level of development. As such, the proposal represents inappropriate development in the Green Belt contrary to paragraph 149 of the National Planning Policy Framework (2021) and Policy QP5 of the adopted Borough Local Plan. Inappropriate development is by definition harmful to the Green Belt; furthermore there is not considered to be a case of very special circumstances that would clearly outweigh the harm caused by reason of inappropriateness and the other identified harm (impact on the rural character of the countryside, loss of employment use and flood risk) and referred to in the reasons for refusal below.**
- 2. The proposed development would not only cause actual harm to the openness of the Green Belt but would also be harmful to the character of this rural area, as it would represent encroachment in the Green Belt and the introduction of a tight grained, suburban layout would have an intrusive urbanising impact. The proposed development would therefore conflict with adopted Borough Local Plan Policies, QP1, QP3, QP5.**
- 3. The current proposal would entail the loss of 3,196 sq metres of warehousing space (B8). The applicant has not provided any credible and robust evidence of an appropriate period of marketing for economic use and sufficient evidence to**

<p>demonstrate that the proposals would not cause unacceptable harm to the local economy. A consideration of this proposal is the significance to the local economy of the use to be lost. The application therefore fails to comply with adopted Borough Local Plan Policy Policy ED3 3). .</p>
<p>4. The applicant has failed to provide sufficient information to demonstrate to the Local Planning Authority that there would be a safe/low hazard means of escape from the application site to an area completely outside of the area liable to flood. Details required include depth and velocities of flood waters along the entire escape route. The exact route of the means of escape also needs to be clearly identified. The proposal as submitted fails to comply with adopted Borough Local Plan policy NR1.</p>
<p>5. No legal agreement has been provided to secure the affordable housing provision and financial contribution. The proposal is therefore fails to provide the necessary affordable housing to meet the needs of the local area and is contrary to Policy HO3 of the Borough Local Plan.</p>
<p>6. No information has been provided to ensure that the proposed development would reduce carbon emissions, nor any legal agreement has been provided to secure the carbon offset contribution for the scheme to offset the impact of the proposal. The proposal is therefore contrary to policy SP2 of the Borough Local Plan.</p>
<p>7. The necessary highway and pedestrian improvement works have not been secured as part of this application. The proposed development would therefore be contrary to Borough Local Plan policy IF2 as it would not improve accessibility to the site and sustainable modes of transport.</p>

2. REASON FOR COMMITTEE DETERMINATION

- The Council's Constitution does not give the Head of Planning delegated powers to determine the application as it is for major development.

3. THE SITE AND ITS SURROUNDINGS

- 3.1 The site is in the Green Belt and lies to the west of Windsor and is accessed via a lane on the west side of Oakley Green Road (B3024). The site is close to the junction with the A308 Windsor Road, to the north.
- 3.2 A residential property (Farm View) lies to the east of the site entrance. To the west of the site lies Meadow Lane Farm. The site is surrounded by agricultural land. To the east of Oakley Green Road on the opposite side of the road to the application site, is land which has been allocated for residential development (Site ref: AL21) in the adopted Borough Local Plan.
- 3.3 The site lies within a predominantly countryside location and is rural in character with open fields surrounding the site. There are a few residential properties in the vicinity which are set within spacious plots.
- 3.3 The site comprises 14 semi-circular/tunnel shaped buildings which are linked by a taller central block-walled corridor building. There is also a site office and portable building. The buildings are surrounding by an area of hardstanding.

3. KEY CONSTRAINTS

- 4.1 The site lies within the designated Green Belt. The EA maps show the site to be within Flood Zones 1, 2 and 3.

4. THE PROPOSAL

- 4.1 The proposal is for a scheme of 29 housing units. This is an Outline application with Access, Layout and Scale only to be considered at this stage. Other matters would be reserved for later consideration via reserved matters applications.
- 4.2 The proposed site plan 21-J3610-03 shows 12 detached houses, 2 of which appear to be garage linked; 5 pairs of semi-detached houses, 3 terraced houses, and 4 flats in a single building. Open space would be provided in the northwest part of the site. Vehicular access would be in a similar position to that of the existing and a new pedestrian access is proposed immediately north of Farm View leading to Oakley Green Road.
- 4.3 The Design and Access Statement advises that the proposed buildings would be 2 storey and the apartment building would be 2.5 storey. The proposal would entail demolishing the existing buildings on the site.

5. RELEVANT PLANNING HISTORY

Application Ref	Description	Decision and Date
22/00795/CPD	Certificate of lawfulness to determine whether the proposed erection of extant buildings and hardstanding under Planning permission ref. APP/T0355/A/08/2071193/NWF is lawful.	Pending consideration at the time at the time of preparing this report.
22/00768/CLU	Certificate of lawfulness to determine whether the existing use of the land as B8 storage and distribution is lawful.	Pending consideration at the time at the time of preparing this report.
07/03232/FULL	Change of use from agriculture to storage and distribution (B8).	Refused and allowed on appeal 2008.
94/01174/TEMP	Retention of temporary cold store storage containers and portacabin offices.	Permitted 6.1.95
93/01103/FULL	The re-location of the peat store and mixing building and the re-siting of and alterations to the services building	Permitted 17.6.93
91/01143/REM	Approval of reserved matters of 424907 landscaping	Permitted 30.12.91
91/01142/REM	Erection of a mushroom farm	Permitted 10.7.91
91/01141/REM	To erect dwelling house for mushroom farm	Permitted 10.7.91
89/01440/OUT	Erection of agricultural buildings for mushroom production, alterations to access and an agricultural dwelling.	Permitted 6.7.89
89/01439/OUT	Erection of agricultural buildings for mushroom production, alterations to access and an agricultural dwelling.	Permitted 6.7.89

- 5.1 The last application relating to this site is the appeal allowed under reference number 07/03232/FULL was to change the use from agricultural to storage and distribution (Class B8). The appeal was allowed by the Inspector on the basis that it was a proposed re-use of existing buildings and it did not amount to inappropriate development in the Green Belt.

- 5.2 In granting permission the Inspector imposed a number of conditions to restrict the use including:

1) standard commencement condition – 3yrs:

2) to restrict the extent of the B8 use to the mushroom farm building complex and associated hardstanding to a defined curtilage. Condition 2 states:

'The change of use hereby permitted shall be confined to the existing curtilage of the mushroom farm building complex and associated hardstanding defined by hedging and post and wire fencing, as shown on the lodged drawing no. S-04 -272-01A dated December 2004. The remainder of the site shall remain in agricultural use.'

3) to prohibit any external additions or changes to the appearance of the buildings without consent;

4) to prohibit external storage in the open area around the building complex;

5) agree the volume of traffic movements;

6) restrict the number of employees to 10 no.;

7) restrict the use to Class B8 only and

8) restrict deliveries.

6. DEVELOPMENT PLAN

6.1 The main relevant policies are:

Borough Local Plan: Adopted Feb 2022.

Issue	Policy
Design in keeping with character and appearance of area	QP3
Impact on Green Belt	QP5
Noise and light pollution	EP3 & EP4
Managing Flood Risk and Waterways	NR1
Trees, Woodlands and Hedgerows	NR3
Nature Conservation and Biodiversity	NR2
Sustainable Transport	IF2
Historic Environment	HE1

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

Section 9- Promoting Sustainable Transport

Section 12- Achieving well-designed places

Section 13- Protecting Green Belt land

Section 14- Meeting the challenge of climate change, flooding and coastal change

Section 15- Conserving and enhancing the natural environment

Section 16 – Conserving and enhancing the historic environment

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

7.1 A total of 10 neighbours were directly notified. The application was advertised by way of a site notice (posted at site on 26th May 2022) and advertised in the Maidenhead Advertiser on 26th May 2022.

7.2 Six letters of objection has been received, including letters from Holyport Residents Association and Oakley Green, Fifield and District Community Association. The points made are summarised in the table below.

Comment	Officer Response
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The site is not allocated for housing in the Borough Local Plan. RBWM housing needs met up until 2033.	Noted see paragraph 8.82
Agricultural land and in the Green Belt. Inappropriate development. No case of Very Special Circumstances.	See paragraphs 8.2-8.31
There is no suitable foot path for pedestrians from the site along Oakley Green Road to Dedworth Road.	See paragraphs 8.61-8.62
Busy junction, restricted visibility, additional traffic. No visibility of strategic study of A308 which is 3 years overdue. No further development should be granted planning permission. Traffic has increased along the Oakley Green Road since Aldi has opened. Road structure and all infrastructure in the area is totally inadequate.	Noted. Highway comments awaited and will be reported in the panel update report if received in time. See paragraphs 8.52-8.62
If the AL21 and AL23 proposals proceed then junctions of Oakley Green Road and A308, together with Oakley Green Road and Dedworth Rd will become gridlocked. This proposal would exacerbate this to a higher level.	Highway comments awaited and will be reported in the panel update report if received in time. See paragraphs 8.52-8.62
This proposed development would extend the Windsor boundary towards Maidenhead beyond the Oakley Green Road thereby reducing the gap between Windsor and Maidenhead. This is a gap which must be preserved as much as is possible.	See paragraphs 8.26 -8.31
The junction of Oakley Green Road and Dedworth Road already has the highest pollution in Borough. The development of AL21 and AL23 will increase this alarmingly. There has been prevention of development due to the reduction in air quality that would have taken place if the development had proceeded.	Comments awaited from Environmental Protection team. Any comments received will be reported in the panel update report.
Berkshire Archaeology has raised concerns.	See paragraphs 8.75 -8.79

Consultees and Organisations

Comment	Officer Response
<p>Parish Council: Recommended for refusal. Overdevelopment of a previously developed site within Green Belt. The site was not considered as strategic or included in the recently adopted Borough Local Plan (BLP). Cllrs considered the importance of maintaining agriculture within the area. Mr Dan East, representing Westbourne Homes (applicant) spoke to Councillors noting a 15% reduction of buildings compared to the current site. The proposed development would also reduce hard standing and increase green space. Mrs Marisa Heath spoke to Councillors to confirm intentions to create electric charging points and ensure homes are insulated to reduce their carbon impact. Along with the provision of home offices, pedestrian and cycle access with a link to the opposite development site. Cllrs considered the improvement to the</p>	<p>See paragraphs 8.2 -8.31 and 8.52 -8.62.</p> <p>Highway comments awaited and will be reported in the panel update report if received in time.</p>

<p>site with the additional of open green space, but questioned the responsibility for ongoing maintenance of such large areas within the development. The Council noted the responsibility of the BLP to protect Green Belt, noting no shortage of housing or suitable building sites within the area. As the site borders the already congested A308, Cllrs felt the application should not be considered by RBWM until the A308 study has been released and fully assessed.</p>	
<p>Environmental Protection:</p>	<p>Comments awaited and will be reported in the panel update report if received in time.</p>
<p>Rights of Way Officer</p> <p>The proposed development will have an impact on the rural nature of Bray Footpath 52 which runs adjacent to Oakley Green Mushroom Farm and will also significantly increase vehicular traffic on the easternmost section of the path. The development offers the opportunity to create a new path linking Bray FP 52 to the permitted path Bray 20P which itself joins the A308 and also to improve the condition of the easternmost section of the path which is currently a narrow pavement.</p> <p>Access to the works site may cause damage to the existing footpath during the construction phase of works.</p> <p>It is recommended that the application is accepted on the condition that any damage caused to the footpath as result of the works are made good and the easternmost section of the path be improved in light of the additional vehicular traffic anticipated. In addition a linking path is requested from Bray FP 52 to Bray 20P. This is in accordance with saved Policy IF5 in the newly adopted Borough Local Plan (February 2022) which states that:</p> <p>Rights of Way and Countryside Recreation</p> <p>THE BOROUGH COUNCIL WILL SAFEGUARD AND ENHANCE THE PUBLIC RIGHTS OF WAY NETWORK AND RECREATIONAL CYCLE ROUTES.</p>	<p>See paragraphs 8.61 - 8.62</p>
<p>Council's Ecologist:</p>	<p>Comments awaited and will be reported in the panel update report if received in time.</p>
<p>Highway officer: Awaiting comments</p>	<p>Comments awaited and will be reported in the panel update report if received in time.</p>
<p>Lead Local Flood Authority.</p>	<p>Comments awaited and will be reported in the panel update report if received in time.</p>
<p>Berkshire Archaeology :</p> <p>Recommends a condition to secure a programme of archaeological work including a Written Scheme of Investigation.</p>	<p>See paragraphs 8.75 - 8.79</p>

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8. EXPLANATION OF RECOMMENDATION

8.1 The main considerations are:

- i Green Belt
- ii Encroachment in the Green Belt and impact on the rural character of the area
- iii Loss of the existing business/industrial use
- iv Flooding
- v Highway Safety and Parking
- vi Trees
- vii Ecology
- viii Impact on neighbours
- ix Residential Amenity for future occupiers
- x Affordable Housing
- xi Archaeology
- xii Sustainable Design and Construction
- xiii Housing Land Supply

i Green Belt

8.2 The site lies within the Green Belt. There are a number of light grey coloured single storey tunnel shaped structures/buildings arranged in series in two blocks which are linked by a central taller block-walled corridor building. There is also a site office and portable building and a large area of hardstanding at the site. The structures/buildings are currently used for storage and distribution purposes (B8 use). They were formerly used (and originally built) for mushroom production.

8.3 The existing buildings have an agricultural appearance and have a neutral impact on the character and appearance on this rural locality. They are not readily visible from outside of the site or from any public land. Furthermore, the existing areas of hardstanding within the site are not readily visible from outside of the site and do not result in any significant loss of openness in the Green Belt.

8.4 Paragraph 149 of the NPPF (2021) states:

A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- g) 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; or*
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.*

8.5 It is noted in the Glossary in Annex 2 of the NPPF (July 2021) that previously developed land is defined as:

‘ Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.’

8.6 From the approved drawing S-04 0272-01A on appeal application 07/03232/FULL (referred to in Condition 2 of 07/03232/FULL) it can be seen that the defined curtilage of the B8 use, is very tightly drawn to include the ‘existing’ built-up part of the site where there are ‘existing’ buildings, narrow strips of hardstanding immediately to the north and south of the existing building and the carparking area (hardstanding) to the east. The open land beyond the existing west elevation of the building and to the north is excluded from this B8 curtilage. The site of the unbuilt building/extension immediately to the west of the existing building, is also excluded from the defined curtilage.

8.7 The applicants have submitted a Certificate of Lawfulness Application 22/00768/CLU which relates to the use of additional areas of land immediately beyond the curtilage of the B8 use, as defined by the appeal inspector, and situated to the north, south, west. This application is still pending consideration. Regardless of whether or not it is concluded that these additional storage/parking areas are ‘lawful’; it is noted that these areas are not completely covered with vehicles and structures, and as such they do not result in a material loss of openness in the Green Belt.

8.8 It is considered that the ‘previously developed land’ (PDL) on the application site could be considered to include the part of the site contained within the curtilage identified by the appeal Inspector. The PDL could also potentially include the additional storage areas, shown on application 22/00768/CLU, if it is concluded that a Certificate of Lawfulness can be granted.

8.9 However, it is very important to note the NPPF Glossary definition of PDL (see paragraph 8.5 above) states that it should *not* be assumed that the whole of the curtilage should be developed.

8.10 Therefore, areas of the site which are open and not covered in permanent structures within a previously developed site should not automatically be considered suitable for redevelopment.

Impact on openness

8.11 Looking at the proposed site layout, only 12 no. of the proposed houses would fall loosely within the confines of this ‘previously developed’ B8 curtilage (i.e. plots 1-6 and plots 14-19); and of these 12 units, approximately 4 of them (plots 1, 2, 18 and 19) would however be on the open hardstanding area. The remainder of the units i.e. 7-13 and 21-29 would be sited on open Green Belt land, beyond the B8 curtilage identified by the appeal inspector.

8.12 The construction of new buildings onto areas of open hardstanding (within the B8 curtilage as identified by the Appeal Inspector) and indeed onto the additional areas of hardstanding identified in application 22/00768/CLU and beyond, would have a greater impact on the openness of the Green Belt than the existing development on the site. This loss of openness would represent inappropriate development. The proposed development would also cause encroachment and have an unacceptable urbanising impact harmful to the rural character of the area.

- 8.13 The existing buildings have a neutral impact on the Green Belt. The new 2 storey houses and 2.5 storey apartment building would be considerably taller than majority of the existing buildings on the site. Therefore, even if the new houses were confined to an area within the footprint area of the existing building complex, it is considered that the development would still have a much greater impact on the openness of the Green Belt than the existing buildings on the site and thus be deemed to be inappropriate development.
- 8.14 The applicant's planning statement provides figures for the proposed volumes and ground floor areas. The total proposed Gross external area (GEA) of the housing would be 4511 square metres and the total volume would be 14,282 cubic metres. By comparison the planning statement states that the existing building has a GEA of 3195 square metres and volume of 12,783 cubic metres. The new houses would therefore be 41% larger than the existing in terms of GEA and 12% larger in terms of volume.
- 8.15 The authorised use for the remainder of the site (beyond the defined B8 curtilage) is considered to be agricultural land, which according to the NPPF definition, cannot be considered to constitute 'previously developed land'. A total of 17 units i.e. units 7-13 and 20-29 would be sited beyond the defined B8 curtilage. The proposed development would therefore involve building on an area of the site that is not 'previously developed land' – i.e. on agricultural land.
- 8.16 The proposed new housing development is not considered to represent 'limited infilling in a village' (under NPPF para 149 e)), as there is no clearly defined village settlement nearby. The development would therefore not fall within the Green Belt exception listed under 149 e).
- 8.17 It is noted that only 'some' of the proposed housing scheme would be affordable housing, and not all of the proposed units sited on the agricultural land would be affordable units. Furthermore, the level of affordable housing provision would simply meet the general minimum threshold requirement (30%) for such provision that all development is expected to provide. The provision of 9 affordable housing units for the whole scheme would therefore not provide the justification for this development in the Green Belt (under NPPF para 149 f)).

Fall back situation

- 8.18 The applicant discusses a fall back situation with regard to building out remaining agricultural buildings and extension allowed under an earlier extant permissions (422290 outline and reserved matters application 424907 in July 1989 and May 1991 respectively). All of these 'unbuilt' agricultural structures/buildings would be on land that falls outside of the developed curtilage defined by the Appeal Inspector.
- 8.19 To establish the fall back position, the applicant has submitted a Certificate of Lawfulness application 22/00795/CPD to verify the lawfulness of the remaining agricultural buildings and extension permitted under 422290 and 424907. At the time of writing this report application 22/00795/CPD was still pending consideration. (The plans submitted with 22/00795/CPD show 3 detached buildings and additional building/extension attached to the west side of the existing building.)
- 8.20 One of the (unbuilt) detached buildings is on land which is beyond the application site boundary for 22/01207/FULL. Another (unbuilt) building/extension would be attached to the western end of the existing building. It is important to note that Condition 3 of the Inspector's decision notice ref. 07/03232/FULL states: 'There shall be no additions or extensions to the building complex or any changes to its external appearance without express consent, in writing, of the local planning authority.' Therefore, it would appear that in order to implement the additional building/extension to the west side of the existing building, the applicant would need to obtain planning permission.
- 8.21 Even if some of the unbuilt 'agricultural' buildings approved under 422290 and 424907 could be built (through the extant permission/s), they still would not provide the justification (very special circumstances) for the scale and spread of development in the Green Belt. Although the unbuilt agricultural buildings may be large and dispersed across the application site, they are agricultural buildings. In principle, agricultural buildings are deemed to be appropriate in the Green Belt.

Furthermore, the size and siting of these agricultural buildings were considered acceptable when the original permission was granted for them in 1989.

- 8.22 The applicants have provided GEA and volume figures for the combined existing and unbuilt buildings on the site, in order to make the point that these unbuilt agricultural buildings would be significantly greater than that of the proposed development. However, this does not provide overriding justification for the proposed scheme.
- 8.23 At most, Green Belt policy would only allow the conversion of agricultural buildings. However, it is unlikely that the approved agricultural buildings (comprising composting buildings and peat store building) would be considered suitable for conversions to residential units. Therefore, housing development beyond the curtilage of the previously developed land would amount to a loss of openness and encroachment in the Green Belt, which would represent inappropriate development in the Green Belt.
- 8.24 The applicant has provided a letter from Pike Smith and Kemp about the viability of constructing the unbuilt agricultural buildings approved under 422290 and 424907, and the letter suggests that there is potential demand to use such buildings for agricultural purposes, were they to be built. This would appear to support the argument for *resisting* the loss of agricultural land in the Green Belt, rather than developing it for housing.
- 8.25 There does not appear to be a case of very special circumstances to overcome the harm through inappropriateness or other harm which in this case is encroachment and harm to the rural character of the area; loss of an employment use, and flooding implications (safe means of escape).

ii Encroachment in the Green Belt and impact on the rural character of the area

- 8.26 This site currently forms an important role in maintaining a strategic gap between the developed areas of Windsor and Maidenhead. Residential development as proposed, would erode this gap and represent unacceptable encroachment. Surrounding residential development is rather sporadic and linear in form, with existing nearby residential properties are set in relatively large plots.
- 8.27 The existing buildings on the site have a neutral impact on the character of the area. The general level of activity on the site associated with the B8 use, also seems to be low key. It is noted that condition 6 of planning permission 07/03232/FULL states that at no time shall the on-site workforce exceed the equivalent of 10 full time employees. Condition 8 states that no deliveries shall be taken or dispatched from the site outside the hours of 7.30 and 18.00 Mondays to Fridays, and outside the hours of 08.00 and 13.00 Saturdays, nor at any time on Sundays or Bank or Public holidays.
- 8.28 The introduction of 29 houses on this site would introduce a fairly high density, suburban form of development, it would not only lead to a loss of openness of the Green Belt but it would also be harmful to the established low density rural character of the area. With the levels of activity associated with the proposed development, it would be an intrusive form of development.
- 8.29 As mentioned above, this site currently forms an important role in maintaining a strategic gap between the developed areas of Windsor and Maidenhead. The proposed development would not only erode this gap, it would also be incongruous, intrusive and harmful to the established rural character of this area. It is acknowledged that the site on the opposite side of the road is allocated for housing development (up to 450 units), having been released from the Green Belt with the adoption of the Borough Local Plan in Feb 2022, to provide additional housing in the borough. However, the prevailing pattern of development on the west side of Oakley Green Road is low density.

Conclusion on Green Belt considerations

- 8.30 It is considered that the proposed development is inappropriate development in the Green Belt as it would have a greater impact on openness than the existing development on the site. The existing buildings within the defined B8 curtilage which were originally designed for agricultural use (mushroom production), do not cover the entire curtilage and have a neutral impact on the Green Belt. Furthermore, the spread of the proposed development across the open parts of the

site would represent unacceptable encroachment, coalescence and urbanisation of the Green Belt and erosion of a strategic gap between the settlements of Windsor and Maidenhead.

- 8.31 It is very important to heed the NPPF Glossary definition of Previously Developed Land (PDL) (see paragraph 8.5 above) that states it should *not* be assumed that the whole of the curtilage should be developed. Therefore, areas of the site which are open and not covered in permanent structures within previously developed land should not automatically be considered suitable for redevelopment. Furthermore, PDL excludes land that is or was last occupied by agricultural or forestry buildings. It is not considered that any possible fall back option to construct agricultural buildings provides the very special circumstances to override the harm through inappropriateness and any other harm. The other harm in this case is encroachment, coalescence, urbanisation and erosion of a strategic gap (discussed above); loss of an existing business/industrial use; and flooding implications.

iii Loss of the existing business/industrial use

- 8.32 The current proposal would entail the loss of 3,196 sq metres of warehousing space. Policy ED3 3) of the adopted Borough Local Plan states: ‘Where a change is proposed from an economic use to another use, development proposals must provide credible and robust evidence of an appropriate period of marketing for economic use and that the proposals would not cause unacceptable harm to the local economy. A further consideration to be taken into account will be the significance to the local economy of the use to be lost.’
- 8.33 The applicant has not provided any supporting evidence to show that the site has been marketed for an appropriate period of time. Instead, the planning statement refers to application 18/03348 (Grove Park Industrial Estate White Waltham) and the officer report dated Nov 2020 which accepted the loss of 4823sq of employment floorspace (office use) after factoring known pipeline losses and gains in the Council’s Employment Topic Paper 2019.
- 8.34 However, it should be noted that the principle of redeveloping the site at Grove Park to provide housing was in accordance with the adopted Hurley and the Walthams Neighbourhood Policy WW1, which states that proposals for redevelopment of Grove Park to provide housing will be supported subject to type, impact on character and safe access. Additionally, application 18/03348/OUT was determined before the adoption of the Borough Local Plan.
- 8.35 The applicant’s planning statement in para. 5.68 states: ‘Whilst this proposal for the Mushroom Farm would entail the loss of further employment space within the Borough, the design of the buildings (as acknowledged in para. 4 of the appeal decision in August 2008) limits their adaptability to alternative uses. Although this was within the context of agriculture, it also applies to other employment uses’
- 8.36 It is considered that the potential for adaptability of the buildings for other employment uses should not be dismissed, in the absence of thorough marketing exercise. As submitted the application has failed to so compliance with adopted Borough Local Plan Policy ED3.

iv Flooding

- 8.37 The applicants have submitted a Flood Risk Assessment. The Environment Agency has been consulted and comments are awaited. Comments received from the EA prior to the Development Management Panel will be reported in a panel update report.
- 8.38 The Environment Agency (EA) Flood Zone map shows the site falling Flood Zones 3 (high risk 1:100 year probability) and Flood Zone 2 (Medium Risk – 1:1000 year probability) with the central area of the site being a ‘dry island’ on an area within Flood Zone 1 (low probability).
- 8.39 The FRA advises that the site specific information from the EA states that the site has no previous record of being affected by historic flooding. It is also understood that no detailed hydraulic model exists for the catchment in which the site lies. Therefore, to support a detailed assessment of the flood extents on the site and design flood levels for assessing the mitigation required, a site-specific analysis hydrology and hydraulic modelling exercise has been undertaken by Stantec (formerly Peter Brett Associates) to identify accurate flood extents and flood levels. The FRA advises that the EA has reviewed the modelling exercise and has

confirmed that is fit for the purpose of assessing the flood zones in the area and for assessing the mitigation required for fluvial flood risk. The FRA includes an email from the EA (dated 17th Feb 2022) advising that the modelling exercise is fit for purpose.

- 8.40 The outputs from the hydraulic modelling exercise confirm that the area of the site proposed for development is entirely in Flood Zone 1 'Low probability'. The FRA includes 3 figures to show the extent of the 1:20, 1:100 and 1:1000 probability scenarios. Although, the LPA notes that the site appears to be on a 'dry island' surrounded by areas liable to flooding.
- 8.41 The modelled 1 in 100 + 35% climate change allowance flood extent shows that the site with the exception of small areas along the eastern boundary are located outside of the Stantec modelled 1 in 100 annual probability + 35% allowance for climate change floodplain.
- 8.42 The Council's latest Strategic Flood Risk Assessment now says at 5.1.16, with regard to dry islands:
- 'It is highlighted that a small number of areas within the Royal Borough that fall into Zone 1 Low Probability are 'dry islands'. These areas may be surrounded by flood water for a considerable period of time. Whilst there is no direct risk to life and/or property as a result of water ingress, residents are unlikely to have ready access to medicines, food, water and utilities (i.e. electricity, telephone, and sewerage). It is essential that any future development within these areas considers carefully the emergency response in times of flood.'
- 8.43 So although it does not say that these dry islands should be categorised as falling within the flood zone that encircles it; the LPA must consider emergency response times. On this basis, whilst the Sequential Test is not required (or is in essence passed as Flood Zone 1) the LPA should be considering safe access/egress from the site.
- 8.44 It would appear that the proposed eastern end of the access road and the new footpath link to Oakley Green Road would cross areas liable to flooding in an extreme flood event. Regarding the safe access/egress the applicant's FRA acknowledges in para. 7.3.1 that the typical EA requirement for new development is that safe access arrangements to land outside of the floodplain are available in the event of a major flood (considered up to the 1 in 100 annual probability plus allowance for climate change flood).
- 8.45 Para. 7.3.3 advises: 'the vehicle access proposed is located in the south east corner and would be subject to shallow depth flooding at the design event. A new pedestrian access is proposed to the B3383 Oakley Green Road north of Farm View. This will cross the existing highway ditch and provide dry access to the highway ...'
- 8.46 However, the FRA does not provide any details about the potential depth and velocities of flood waters at the south east access. Furthermore, there are no such details for the new pedestrian access. The modelled flood information seems to show that a large parts of Oakley Green Road may flood in a major flood event. Therefore, the LPA considers that insufficient detail has been provided to demonstrate that there would be a safe/ low hazard means of escape from the site.
- 8.47 Policy NR1 of the emerging Borough Local Plan advises: 'Within designated flood zones development proposals will only be supported where an appropriate flood risk assessment has been carried out and it has been demonstrated that development is located and designed to ensure that flood risk from all sources of flooding is acceptable in planning terms.'
- 8.48 Policy NR1 3) advises that in all cases, development should not in itself, of cumulatively with other development, materially:
- a. impede the flow of flood water
 - b. reduce the capacity of the floodplain to store water
 - c. increase the number of people, property or infrastructure at risk of flooding
 - d. cause new or exacerbate existing flooding problems, either on the proposal site or elsewhere
 - e. reduce the waterway's viability as an ecological network or habitat for notable species of flora or fauna.

- 8.49 Adopted Policy NR1 6) (as worded in the Schedule of Main Modifications published in July 2021) states: Development proposals should:
- a) increase the storage capacity of the floodplain where possible
 - b) incorporate Sustainable Drainage Systems in order to reduce surface water run-off.
 - c) reduce flood risk both within and beyond the sites wherever practical
 - d) be constructed with adequate flood resilience and resistance measures suitable for the lifetime for the development
 - e) where appropriate, demonstrate safe access and egress in accordance with the Exception Test and incorporate flood evacuation plans where appropriate.
- 8.50 The EA's 'Risk of Flooding from Surface Water' map shows that large parts of the are subject to high and medium risk of surface water flooding. The FRA advises that this mapping provides a guide to potentially vulnerable areas based on the topography of an area. In this particular case the FRA advises in para. 4.1.9 'the extensive areas shown as at risk on the mapping outside the site do not appear to consider the routing of overland flows north to the watercourse. The main watercourse passes under the A308 in a large (2.5m clear span, greater than 1.2m high) culvert, and the highway drain to the east of the site also passes under the A308 in a 1.05m diameter culvert. There is a fall to the north of the A308 into the marina and it is unlikely that the ponding of water over large areas south of the A308 shown could occur in practice.'
- 8.51 The proposal would include Sustainable Drainage Systems. The LLFA has been consulted on the proposal. Comments had not been received at the time of writing this report. Any comments received prior to the Panel will be reported in an update report.

v Highway Safety and Parking

- 8.52 At the time of writing this report comments were awaited from the Highway Officer and if received prior to the panel date, will be reported in the panel update. However, comments have previously been received which have been used to inform the officer recommendation.
- 8.53 The development is bordered by the A308 Windsor Road to the north and the B3024 Oakley Green Road to the east. The site currently benefits from a single vehicular access off Oakley Green Road. The site is located circa 6.0km from Maidenhead town centre to the north-west, and 4km from Windsor town centre to the east. There are a number of retail and commercial facilities situated on the B3024 Dedworth Road which are approximately 1.4km from the site access. The new Aldi store on Dedworth Road is approximately 0.6 km away from the application site.
- 8.54 The nearest bus stops are located on Dedworth Road and Ruddlesway and the bus routes 16/16A and W1 provide a regular, but infrequent service to Dedworth, Clewer & Windsor to the east and to Holyport, Bray & Maidenhead to the west. Having regard to the areas served and the frequency of the services, the current bus routes are not considered to provide an attractive service to those currently residing in the surrounding residential settlements or for the prospective occupants of this proposed development. Further, the existing footway and cycle routes in the area are not suited to promote or encourage pedestrian and cycling movements, given the limited facilities that exist for users wishing to travel along Oakley Green Road and the A308 Windsor Road. Apart from a relatively short section of footway on the west side of Oakley Green Road immediately to south of the Windsor Road junction, there are no other footways along Oakley Green Road. It is noted that this existing footway does not extend up to the vehicular access to the application site.

- 8.55 Whilst the distance to the bus stops on Dedworth Road are within the accessible range identified in Manual for Streets, the current pedestrian environment and route to the bus stops is particularly poor. This is also applicable to pedestrian routes to the retail and commercial facilities on Dedworth Road and the schools on Smith's Lane and Oakley Green Road (Braywood CE First School). Having regard to the above, the proposed development by reason of its location and use is likely to be heavily reliant on private car use, as is not considered to be within a very accessible location.
- 8.56 The layout of the development utilises a shared surface approach which the applicant advises is to minimise the amount of hardsurfacing. The layout of the development would include pedestrian links to areas of the proposed open space and to Oakley Green Road where pedestrians would be able to join the existing footway that leads to Windsor Road and then across the main carriageway via a proposed new footway (on south side of Windsor Road A308) and pedestrian crossing improvements. It may have been possible for off-site improvements to the highway and footway to be secured by a Section 278 Highway Agreement, had the application been recommended for approval.
- 8.57 On the basis that the Borough may be seeking to improve the pedestrian and cycling infrastructure in the area as part of its aims to enhance existing links between Windsor and Maidenhead, financial contributions (through a S106 agreement) could possibly be sought to improve the existing highway and transport infrastructure (in terms of pedestrian, cycle and public transport facilities).
- 8.58 The application proposes that the existing access will be reconfigured to provide a 5.5m access with a 2m wide footway on the south side to accommodate the nearby public footpath. It is considered that the access arrangement proposed is likely to be considered acceptable, by the Highway Officer.
- 8.59 Regarding traffic generation, the trip rates for the residential units are below the rates anticipated approved for the neighbouring development proposals (on allocated site AL21). Nevertheless, it is acknowledged that the proposal is likely to increase traffic flows onto the local highway network. The applicant's transport statement states that the proposed development will generate 13 vehicular trips (2 way) in each peak period and this would be an increase over the existing B8 use of the site, although it is pointed out in the transport statement that the proposed development would lead to a reduction in HGV movements to and from the site (in existing B8 use). As no legal agreement is in place at the time of decision to secure necessary contributions to highways improvements required to make the scheme acceptable, a reason for refusal is recommended as the proposal would be contrary to Borough Local Plan IF2 without them.
- 8.60 It is understood that the development will comprise 4 x 1-bedroom flats, 5 x 2 bedroom houses, 13 x 3-bedroom houses and 7 x 4-bedroom houses. The parking standards are set out in the Council's Parking Strategy 2004. 1-bedroom units would require 1 parking space, 2 and 3 bedroom units require 2 parking spaces and 4-bedroom units would require 3 parking spaces. It appears that sufficient parking can be provided on site.
- 8.61 The Council's Rights of Way Officer has commented that the proposed development will have an impact on the rural nature of Bray Footpath 52 which runs adjacent to Oakley Green Mushroom Farm and will also significantly increase vehicular traffic on the easternmost section of the path. The development offers the opportunity to create a new path linking Bray FP 52 to the permitted path Bray 20P which itself joins the A308 (Windsor Road) and also to improve the condition of the easternmost section of the path which is currently a narrow pavement.
- 8.62 Access to the works site may cause damage to the existing footpath during the construction phase of works. The RoW officer has suggested a condition to ensure that any damage caused to the footpath as result of the works are made good and the easternmost section of the path be improved in light of the additional vehicular traffic anticipated. In addition, the RoW Officer has requested a linking path from Bray FP 52 to Bray 20P. This is required in order to accord with adopted Policy IF5 in the newly adopted Borough Local Plan (February 2022) which states that the Borough Council will safeguard and enhance the public rights of way network and recreational cycle routes. Had the LPA been minded to grant planning permission conditions

would have been applied as suggested by the RoW Officer.

vi Trees

- 8.63 The applicants have submitted an arboricultural assessment. The tree report indicates that no principal trees need to be removed to accommodate the proposed development and the scheme provides ample opportunity for new tree planting and landscaping. The site is well screened by trees and vegetation on the road frontages and the only disturbance to the boundary screening would be for the creation of the new pedestrian link. The applicant has been requested to clarify which trees would need to be removed in order to create the pedestrian path, as it is unclear from the submitted drawing GHA – Rev C. Any further details received can be reported in the panel update report.

vii Ecology

- 8.64 At the time of writing this report comments were awaited from the Council's Ecologist. Comments received prior to the Development Management Panel date, will be reported in a panel update.
- 8.65 The site comprises a number of buildings, hardsurfacing, managed grassland and boundary vegetation. It is bordered by the A308 to the north, a residential property (Farm View) and Oakley Green Road B3383 to the east and fields on the other sides. The applicants have submitted an Ecological report for the application site. The report advises: 'There are no habitats of international, national, county or local importance that would be directly affected by the proposals. The site is of overall low ecological value, with the species recorded described as common or abundant and are found in similar places across much of Britain, with no evidence of protected species recorded.'
- 8.66 The applicants have also submitted a technical note/report on Biodiversity Net Gain. The report advises that the existing buildings and hardstanding areas will be removed and replaced by a number of new homes and a mixture of hard and soft landscaping, including the planting of new trees. The majority of the managed grassland area will be retained and enhanced to create areas of open space and wildflower planting, with traditional orchards, LEAP and SUDS also created. In addition, further enhancement measures will include the provision of new roosting, nesting and sheltering opportunities for a range of species and the creation of new wildlife habitats, such as some of those recommended by the Chartered Institute of Ecology Environment and Management's recently published Biodiversity Net Gain Good Practice Guidance, e.g. Nest boxes, bird feeders, bug hotels, hedgehog houses, bat boxes, log piles, communal gardens, pollinator nest sites and planting wildflowers.

viii Impact on neighbours

- 8.67 Given the distance maintained between the proposed buildings and the neighbouring properties it is not considered that the proposed buildings would have an adverse impact on sunlight/daylight, outlook or privacy to the existing residential property at Farm View. Nevertheless, the increased levels of activity from vehicles going to and from the site (with this proposed residential scheme for 29 dwellings) could introduce more noise over an extended period of time (particularly in the evenings and on weekends), which could diminish the quiet enjoyment of this neighbouring property during such times. It is noted that there are a number of conditions on the 2007 application, which limit the intensity of use of the existing B8 use on this site (through controlling delivery times and limiting the employee numbers). Condition 6 of planning permission 07/03232/FULL states that at no time shall the on-site workforce exceed the equivalent of 10 full time employees. Condition 8 states that no deliveries shall be taken or dispatched from the site outside the hours of 7.30 and 18.00 Mondays to Fridays, and outside the hours of 08.00 and 13.00 Saturdays, nor at any time on Sundays or Bank or Public holidays.
- 8.68 Nonetheless, it is considered that it may be difficult to justify a reason for refusal on the basis of additional noise and disturbance to Farm View, given that the proposal is for residential use and the distances between properties.

ix Residential Amenity for future occupiers

- 8.69 It must be considered whether the proposed development would provide an adequate standard of amenity for future occupiers of the residential units, and also for neighbouring properties to the site, this is required by paragraph 130 (f) of the NPPF. The Borough Design Guide SPD (adopted) also provides guidance on residential amenity, including private garden sizes.
- 8.70 At this outline stage it is not possible assess the proposed houses in terms of required internal space standards. However, the general arrangement and spacing of the houses and the garden sizes appear to meet the standards set out in the RBWM Design Guide SPD.
- 8.71 It is likely that sound insulation measures would be required to mitigate aircraft noise and these would have been secured via a condition had the LPA been minded to grant planning permission.
- 8.72 The application proposes a Local Area of Plan and a Local Equipped Area of Play within the application site boundary. There would appear to be sufficient open space provision with this application.

x Affordable Housing

- 8.73 The total number of housing units proposed for this site 29. The planning statement advises that the proposal would include 9 affordable units on site (31% of the total). The amended application form states that 4 x 1-bed houses and 5 x 2-bed houses would be affordable. In terms of Policy HO3 of the adopted Borough Local Plan requires:
- a) on greenfield sites providing up to 500 dwellings gross – 40% of the total number of units proposed on the site.
 - b) on all other sites (including over 500 dwellings) – 30% of the total number of units.
- 8.74 A legal agreement would have been required to secure appropriate on-site affordable housing, had the LPA been minded to approve this application. In the absence of such an agreement, the proposal fails to comply with policy HO3.

xi Archaeology

- 8.75 The Council's Archaeological consultant has provided comments on the application. There are potential archaeological implications associated with this proposed scheme. The site lies within the Thames valley, c.350m south of the river. It therefore lies over the floodplain and gravel terraces which have been a focus of settlement, agriculture and burial from the earlier prehistoric period to the present day, as evidenced by data held on Berkshire Archaeology's Historic Environment Record.
- 8.76 Adjacent to the site, to the north, there is evidence of Mesolithic or early Neolithic activity with a large collection of 54 struck flint tools found (MRW6955). North of the river at this point there is evidence of extensive Mesolithic, Neolithic and Bronze Age activity. Important prehistoric finds, such as a Late Bronze Age spear head (MRW7582 SU 93740 77160) and Neolithic Flint axes (MRW7603) have been recovered from the river, close to the application site. Cropmarks have been recorded in several fields close to the proposed site, such as a ring ditch at (MRW140) c.280m north.
- 8.77 Immediately adjacent, to the north of the site, a late Bronze Age mound and Iron Age ditches, pit and pottery sherds have been discovered during an evaluation. These may be interpreted as periphery activities associated to a possible settlement nearby. In addition there are two late Iron Age to Roman farmsteads c.650m northwest including enclosures, field systems and cremation burials . Oakley's first known mention was in 1220, and surviving Medieval settlement to the south of the site includes two 15th century hall houses, (c.300m south and c.370m southeast).

8.78 As shown, the application site falls within an area of archaeological significance and archaeological remains may be damaged by ground disturbance for the proposed development. If it were recommended to grant planning permission, a condition would be included to ensure that the works were carried out in accordance with a written scheme of investigation.

x Sustainable Design and Construction

8.79 The proposed houses would need to comply with the measures set out in the Council's Interim Sustainability Position Statement. However no details have been submitted to demonstrate that the proposal could be carried out in accordance with the Council's Interim Sustainability Position Statement. The proposal is therefore considered to be contrary to Borough Local Plan Policy SP2.

xii Housing land supply

8.80 The applicant's agent maintains that the that the LPA cannot demonstrate a 5 year land supply.

8.81 The Borough Local Plan was adopted in Feb 2022. The Council considers that it now has an up-to-date Development Plan. The Borough Local Plan inspector has confirmed that on adoption the Council can now demonstrate a 5-year housing land supply. This, together with the Council's re-assessment of the Housing Delivery Test in the light of the BLP adoption means therefore, that in terms of Paragraph 11(d) of the NPPF the 'tilted balance' no longer applies and the provision of 29 no. additional units would not outweigh the harm in this case.

Xiii Planning Balance

8.82 The proposed development would provide additional housing, including affordable housing, within the borough. However, as the LPA has a 5 year housing land supply, this would be a benefit of only moderate weight. There would be biodiversity enhancements as a result of the scheme which is a benefit of significant weight.

8.83 However substantial weight should be given to the harm caused to the green belt by reason of inappropriate development and any other harm. In this case, the other harm is to the openness of the Green Belt, encroachment into the Green Belt and harm to the rural character of the area. In addition there is the loss of an employment use, and flooding implications (safe means of escape). The benefits of the proposed development would not outweigh these harms and the application should be refused. It is not considered that there are any very special circumstances which would justify granting planning permission in this case.

9. COMMUNITY INFRASTRUCTURE LEVY (CIL)

9.1 The development is CIL liable. The applicant has submitted CIL forms to advise that the proposal would create 762 sq metres of additional floorspace.

10 CONCLUSION

10.1 As this report sets out, the proposed development does not comply with the relevant local planning policies and the National Planning Policy Framework. It is therefore recommended that planning permission is refused for reasons listed below.

11. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Site layout drawings

12. REASONS FOR REFUSAL

- 1 Given the spread of new buildings across the application site together with its layout, form and height, the proposal would have a greater impact on the openness of the Green Belt than the existing level of development. As such, the proposal represents inappropriate development in the Green Belt contrary to paragraph 149 of the National Planning Policy Framework (2021) and Policy QP5 of the adopted Borough Local Plan. Inappropriate development is by definition harmful to the Green Belt; furthermore there is not considered to be a case of very special circumstances that would clearly outweigh the harm caused by reason of inappropriateness and the other identified harm (impact on the rural character of the countryside, loss of employment use and flood risk) and referred to in the reasons for refusal below.
- 2 The proposed development would not only cause actual harm to the openness of the Green Belt but would also be harmful to the character of this rural area, as it would represent encroachment in the Green Belt and the introduction of a tight grained, suburban layout would have an intrusive urbanising impact. The proposed development would therefore conflict with adopted Borough Local Plan Policies, QP1,QP3, QP5.
- 3 The current proposal would entail the loss of 3,196 sq metres of warehousing space (B8). The applicant has not provided any credible and robust evidence of an appropriate period of marketing for economic use and sufficient evidence to demonstrate that the proposals would not cause unacceptable harm to the local economy. A consideration of this proposal is the significance to the local economy of the use to be lost. The application therefore fails to comply with adopted Borough Local Plan Policy ED3 3). .
- 4 The applicant has failed to provide sufficient information to demonstrate to the Local Planning Authority that there would be a safe/low hazard means of escape from the application site to an area completely outside of the area liable to flood. Details required include depth and velocities of flood waters along the entire escape route. The exact route of the means of escape also needs to be clearly identified. The proposal as submitted fails to comply with adopted Borough Local Plan policy NR1.
- 5 No legal agreement has been provided to secure the affordable housing provision and financial contribution. The proposal is therefore fails to provide the necessary affordable housing to meet the needs of the local area and is contrary to Policy HO3 of the Borough Local Plan.
- 6 No information has been provided to ensure that the proposed development would reduce carbon emissions nor any legal agreement has been provided to secure the carbon offset contribution for the scheme to offset the impact of the proposal. The proposal is therefore contrary to policy SP2 of the Borough Local Plan.
- 7 The necessary highway and pedestrian improvement works have not been secured as part of this application. The proposed development would therefore be contrary to Borough Local Plan policy IF2 as it would not improve accessibility to the site and sustainable modes of transport.

APPENDIX B

Proposed street scenes

