

MAIDENHEAD DEVELOPMENT CONTROL PANEL

16 November 2022

Item: 2

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 This application was deferred from the previous Committee on 17th August 2022, to enable the Certificate of Lawfulness applications 22/00795/CPD and 22/00768/CLU to be determined. Application 22/00795/CPD was determined on 19th October 2002 (Certificate of Lawfulness granted) and application 22/00768/CLU was withdrawn (on 25th August 2022). This has not changed the recommendation set out in the report below.
- 1.2 The development is an outline application for a scheme of 29 houses with access, layout and scale only to be considered at this stage, following the demolition of storage buildings (Class B8).
- 1.3 The proposed development is considered to represent inappropriate development in the Green Belt for which there are no very special circumstances which outweigh the harm through inappropriateness and any other harm. Aside from the harm to the Green Belt arising from its inappropriateness, there would also be a loss of openness to the Green Belt, and encroachment and urbanising impact on this rural location within the Green Belt. Other harm arising from the scheme is the loss of employment use, harm to ecology, lack of affordable housing, the absence of sustainability information, and lack highway and pedestrian improvements.
- 1.4 At the time of decision, no legal agreement is in place to secure the affordable housing nor necessary sustainability measures. Furthermore, no survey work or licences have been submitted regarding Great Crested Newts. Therefore, the proposal is also contrary to Borough Local Plan policies HO3, SP2 and NR2. In addition, necessary highways improvement works have not been secured and so the proposal would be contrary to policy IF2.

1.5

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 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**

<p>grained, suburban layout would have an intrusive urbanising impact. The proposed development would therefore conflict with adopted Borough Local Plan Policies, QP1, QP3, QP5.</p>
<p>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). .</p>
<p>4. The applicant has failed to provide sufficient information to demonstrate to the Local Planning Authority that there would be a satisfactory safe/low hazard means of escape from the application site to an area completely outside of the area liable to flood. The proposal as submitted fails to comply with adopted Borough Local Plan policy NR1.</p>
<p>5. The development site is within the Great Crested Newts District Licencing Red Zone meaning that the proposals are very likely to affect Great Crested Newts. The applicant has not submitted any form of survey work, certification from NatureSpace, or site-specific licence from Natural England to demonstrate that there would be no adverse impact upon Great Crested Newts.</p>
<p>6. 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>7. 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>8. 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, and QP1 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.

4. 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. The site is also a potential habitat for Great Crested Newts.

5. THE PROPOSAL

- 5.1 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 (appearance and landscaping) would be reserved for later consideration via reserved matters applications.
- 5.2 The proposed site plan 21-J3610-03 Rev A 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. Additionally, drawing 21-J3610-03 Rev A also includes a new pedestrian path to serve as a safe/low hazard means of escape during a severe flood event, is proposed directly onto the Windsor Road (A308).
- 5.3 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 permission to construct the remaining (unbuilt) buildings and hardstanding approved under Outline Permission reference 422290 (1989) and the subsequent Reserved Matters permission reference 424907 remains extant.	Certificate of Lawfulness granted on 19th October 2022.
22/00768/CLU	Certificate of lawfulness to determine whether the existing use of the land as B8 storage and distribution is lawful.	Application withdrawn.
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

6. DEVELOPMENT PLAN

6.1 The main relevant policies are:

Borough Local Plan: Adopted Feb 2022.

Issue	Policy
Sustainability and Placemaking	QP1
Design in keeping with character and appearance of area	QP3
Housing Mix and Type	HO2
Affordable Housing	HO3
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
Loss of employment floorspace	ED3
Open Space	IF4
Rights of Way and Access to Countryside	IF5

Other Material Considerations

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

Section 2- Achieving Sustainable development

Section 5- Delivering a sufficient supply of homes

Section 9- Promoting Sustainable Transport

Section 12- Achieving well-designed places

Section 13- Protecting Green Belt land

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

Section 15- Conserving and enhancing the natural environment

Borough Wide Design Guide SPD- Adopted

Interim Position Statement on Sustainability

Environment and Climate Strategy

RBWM Corporate Strategy

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 Two letters of support and 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 tables below.

The points made in the letters of support are summarised in the table below as follows:

Comment	Officer Response
Support for the application because it reuses previously developed/brownfield land and therefore reduces the need to expand into undeveloped Green Belt elsewhere, such as Maidenhead Golf Course for example. The site is near shops, sport facilities and schools as well as employment areas like Bray Studio. RBWM desperately needs more family homes and affordable housing, which this application helps to provide.	This is a Green Belt site. It has not been allocated for housing development in the adopted Borough Local Plan. See paragraphs 8.2-8.30
The HGV traffic movements have been increasing every year and the owners have plans to extend the farm through construction of already approved farm buildings. This would only increase the activity at the site and GCV movements. This storage and distribution centre is a brownfield site of previously developed land with vast expanse of tarmac, with no benefit to the Green Belt.	See paragraphs 8.2-8.30 and 8.31-8.35

<p>The proposed development is well designed with benefits to the local area - providing family homes, affordable/social homes, environmental, ecological and biodiversity improvements, compared to the vast expanse of tarmac and concrete currently covering the site.</p>	
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The points made in the letters of objection are summarised in the table below as follows:

Comment	Officer Response
<p>The site is not allocated for housing in the Borough Local Plan. RBWM housing needs met up until 2033.</p>	<p>Noted. The site is not allocated for housing. See paragraphs 8.2-8.30 and 8.111</p>
<p>Agricultural land and in the Green Belt. Inappropriate development. No case of Very Special Circumstances.</p>	<p>See paragraphs 8.2-8.30</p>
<p>There is no suitable foot path for pedestrians from the site along Oakley Green Road to Dedworth Road.</p>	<p>See paragraph 8.53</p>
<p>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.</p>	<p>The Highway Authority has raised no objection. See paragraphs 8.51-8.62</p>
<p>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.</p>	<p>The Highway Authority has raised no objection. See paragraphs 8.51-8.62</p>
<p>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.</p>	<p>See paragraphs 8.26 -8.30</p>
<p>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.</p>	<p>The Environmental Protection Team have not raised objection in terms of air quality.</p>
<p>Berkshire Archaeology has raised concerns.</p>	<p>See paragraphs 8.103-8.106</p>

Consultees and Organisations

Comment	Officer Response
<p>Parish Council: Recommended for refusal. Overdevelopment of a previously developed site within</p>	<p>See paragraphs 8.2 - 8.116.</p>

<p>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.</p> <p>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.</p> <p>Cllrs considered the improvement to the site with the additional of open green space, but questioned the responsibility for ongoing maintenance of such large areas within the development.</p> <p>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><u>Conditions suggested regarding:</u></p> <ul style="list-style-type: none"> -Ground contamination investigation and remedial measures; -Noise insulation against road noise from A308 and aircraft noise; -Lighting scheme; -Construction working hours; -Collection and delivery times; <p><u>Informatives suggested regarding:</u></p> <p>Dust and smoke.</p>	<p>Had the LPA been minded to grant permission conditions would have been imposed regarding ground contamination; noise insulation measures; and lighting scheme.</p> <p>Construction working hours, collections and delivery times, smoke and dust control would be matters that would be addressed through informatives had the LPA been minded to grant permission. As such matters are covered by separate EP legislation (under Statutory Nuisance) there is no need for these to be controlled by conditions.</p> <p>See paragraph 8.85</p>
<p>Rights of Way Officer</p> <p>The proposed development will have an impact on the rural</p>	<p>See paragraphs 8.61 - 8.62</p>

<p>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>Council's Ecologist:</p> <p>The Council's Ecologist is satisfied that there would be no adverse impact on bats.</p> <p>The site is within the NatureSpace District Licence Red Zone meaning that the proposals are very likely to affect GCN.</p> <p>The applicant would either need to register the site under this licence scheme or apply for a site-specific licence (through Natural England).</p>	<p>See paragraphs 8.67 - 8.74</p>
<p>Highway officer:</p> <p>Having assessed the highway and transport information submitted, it is concluded that the development is unlikely to create any excess stress upon the local highway network.</p> <p>If, the Local Planning Authority is minded to approve the application, it is recommended that any consent includes conditions to secure:</p> <p>Approved access completed prior to occupation</p> <p>Off Site Highways Work to be secured by legal agreement under Section 278 of the Highways Act 1980 to cover the construction of the highway improvement works on the A308 Windsor Road.</p>	<p>See paragraphs 8.51 -8.62</p>
<p>Lead Local Flood Authority. The Lead Local Flood Authority (LLFA) has commented on the proposal advising:</p> <ul style="list-style-type: none"> -1. The proposed discharge rate of of 2.3l/s to the existing watercourse is acceptable. -2. At the next stage it will be expected that a full network 	<p>See paragraphs 8.49 - 8.50.</p> <p>Had the LPA been minded to grant planning permission,</p>

<p>model will be provided, as well an exceedance plan to show the flooding in the 1 in 100 year plus 40% climate change.</p> <p>Conditions has been suggested by the LLFA to secure the :</p> <p>1. submission of a surface water drainage scheme for the development, based on the submitted sustainable drainage strategy and;</p> <p>2. implementation of an approved sustainable drainage scheme.</p>	<p>the LLFA conditions would have been imposed.</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 8.103-8.106</p>
<p>Housing Enabling Officer</p> <p>Satisfied with the amount and mix of affordable housing in shown on the amended drawing 21-J3610-03 Rev A and in the Affordable Schedule (dated 16th Sept 2022). the Housing Enabling Officer has suggested the tenures for each type of housing.</p>	<p>See paragraphs 8.98 - 8.102.</p>

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 Layout of proposed development and residential amenity for future occupiers
- x Housing mix and 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 of the 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 large carparking area (hardstanding) to the east of the existing building. 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 B8 curtilage.) Please see appendix C.
- 8.7 It is important to note that not all of the areas within the defined B8 curtilage are covered with buildings and structures, and as such there are large areas within this curtilage which remain open.
- 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 B8 curtilage identified by the appeal Inspector.
- 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 beyond, would have a greater impact on the openness of the Green Belt than the existing development on the site, and as such would not fall under an exception to inappropriate development as set out under paragraph 149 (g) of the NPPF. The proposed development is therefore inappropriate development within the Green Belt. 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. 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)).
- 8.18 The NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 stipulates that when considering any planning application, local planning authorities should ensure that substantial weight is 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 resulting from the proposal, is clearly outweighed by other considerations. Whether there is a case of very special circumstances that exist which clearly outweigh the harm to the Green Belt, and any other harm is discussed in the planning balance at the end of this report.

Fall back situation

- 8.19 The applicant discusses a fall-back situation with regard to building out remaining (unbuilt) agricultural buildings allowed under an earlier extant permissions (422290 outline and reserved matters application 424907 in July 1989 and May 1991 respectively). It is important to note that with exception of one small unbuilt building on the east side of the existing building, all of the other remaining 'unbuilt' agricultural structures/buildings would be on land that falls outside of the developed B8 curtilage defined by the Appeal Inspector.
- 8.20 To establish the fallback position, the applicant submitted a Certificate of Lawfulness application 22/00795/CPD to verify the lawfulness of the remaining agricultural buildings permitted under 422290 and 424907. This application has now been determined and it concludes that the permission to build the remaining 'unbuilt' buildings is extant.
- 8.21 The grant of the Certificate of Lawfulness (22/00795) simply means there is a fallback position which is a material consideration. It remains for the decision maker to decide what weight to place on that fallback position. In light of the amount of time that the permission has not been implemented (over 30 years) and the fact that a housebuilder is now attempting to gain residential permission, it is considered that the fallback position is unlikely to be a viable development and that there is no realistic prospect of this taking place. As such, it is considered that very little if any weight, should be placed on the fallback position. It should also be noted, that even if these agricultural buildings were to be constructed, they would not be regarded as previously developed land, as agricultural buildings are excluded from the definition of previously developed land as set out in the NPPF.
- 8.22 The extant permission relates to 3 detached agricultural buildings and an additional agricultural building/extension adjacent to the west and east sides of the existing (B8) building. However, one of the (unbuilt) detached agricultural buildings is on land which is beyond the application site boundary for 22/01207/FULL. Even if the unbuilt 'agricultural' buildings approved under 422290 and 424907 were built 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.
- 8.23 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. As mentioned previously the NPPF definition of previously developed land specifically excludes land that is or was last occupied by agricultural or forestry buildings;
- 8.24 At most, Green Belt policy would only allow the conversion of agricultural buildings. However, it is unlikely that the approved agricultural buildings (described as 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.
- 8.25 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.

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.
- 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.

iii Loss of the existing business/industrial use

- 8.31 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.'
- 8.32 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.
- 8.33 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.
- 8.34 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’

- 8.35 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

- 8.36 The applicants have submitted a Flood Risk Assessment (FRA). The Environment Agency has been consulted and comments are awaited. Any comments that are received from the EA prior to the Development Management Panel will be reported in a panel update report.
- 8.37 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).
- 8.38 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.
- 8.39 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.
- 8.40 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, is located outside of the Stantec modelled 1 in 100 annual probability + 35% allowance for climate change floodplain.
- 8.41 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.’
- 8.42 So although the SFRA 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.
- 8.43 It would appear that the proposed eastern end of the access road and the new footpath link to Oakley Green Road would involve crossing areas liable to flooding in an extreme flood event and the hazard rating would be classified as ‘danger for most’ and as such would not provide safe/low hazard means of escape.
- 8.44 In an attempt to address the matter, the applicant has submitted further flood risk information (from Santec Ltd. dated 31/8/2022) and an amended plan 21-J3610-03 Rev A which shows an additional pedestrian access (with new pedestrian bridge over the watercourse/ditch which runs parallel and is adjacent to the A308). This pedestrian access would lead residents from the

application site directly to the A308 Windsor Road. The escape route would involve pedestrians crossing the A308 and heading eastwards along the A308. As there are no footpaths, pedestrians would need to walk along a grass verge on the north side of the main road (A308). This is not considered to be an appropriate or safe route for pedestrians to use.

- 8.45 It is noted that there would be a very small section of shallow flood water of low velocity, on the north side of the A308 in the vicinity of the junction of the A308 with Oakley Green Road and this section of floodwater is identified as being safe/very low hazard. However, a flood escape route which utilises a grass verge, and has an unspecified final destination with no identified safe refuge is not considered to be entirely satisfactory. Furthermore, with little or detail about the flood risk associated with all parts of the escape route including those beyond the junction (of A308 and Oakley Green Road), it is not possible for the LPA to conclude that the escape route is safe/low hazard.
- 8.46 The FRA advises that a Flood Management and Evacuation Plan would be prepared, to address this residual risk and demonstrate that future occupants can undertake appropriate arrangements to safely evacuate, if necessary, without placing an increased demand on local emergency services. However, the LPA considers that the Flood Evacuation Plan should be *in addition* to a safe/low hazard means of escape. In addition, the scheme is for independent dwellings. As the scheme would not be a 'gated/managed' site, a Flood Warning and Evacuation Plan would not be enforceable since the EA Flood Warning System is an opt in and not an opt out system and many of the actions are in relation to individual residents. It is considered that the proposed development would not comply with policy NR1 3) c. and NR1 6) e. of the Borough Local Plan as it would increase the number of people at risk of flooding and would not demonstrate a safe means of escape.
- 8.47 Policy NR1 of the adopted 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.'

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.

NR1 6) 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.

- 8.48 The EA's 'Risk of Flooding from Surface Water' map shows that large parts of the area 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.'

- 8.49 The proposal would include Sustainable Drainage Systems. The LLFA has been consulted on the proposal and has commented on the proposal advising:
1. The proposed discharge rate of of 2.3l/s to the existing watercourse is acceptable.
 2. At the next stage it will be expected that a full network model will be provided, as well an exceedance plan to show the flooding in the 1 in 100 year plus 40% climate change.
- 8.50 Conditions have been suggested by the LLFA, to secure a surface water drainage scheme based on the submitted drainage strategy and to ensure that any approved surface water drainage scheme is implemented in accordance with the approved plans. Had the recommendation been for approval, such conditions would have been imposed.

v Highway Safety and Parking

- 8.51 Comments have been received from the Highway Authority. The site is located approximately 3.45 miles to the South-East of Maidenhead, 0.75 miles from Dedworth and 2.13 miles to the West of Windsor. The site is accessed from a side road off Oakley Green Road, which is currently used for storage and distribution transport as well as the neighbouring Meadow Lane Farm. This application seeks planning permission for the erection of up to 29 dwellings together with associated landscaping, parking and open space.
- 8.52 Oakley Green Road is classified as the B3024 and forms a link between the A308 primary distributor road and the settlements of Dedworth, Oakley Green, Moneyrow Green and finally forms a junction at its western end with the A330 Ascot Road. In the vicinity of the site frontage, Oakley Green Road is subject to a 40mph speed limit. The nearest towns to the site are Windsor and Maidenhead. Both provide a wide range of amenities including shopping, leisure, and employment opportunities. The Towns can be reached by car, cycle or bus easily. A bus stop is located just outside the site on Windsor Road next to the cemetery. Buses take around 10 to 15 minutes. Train stations can be found in both Windsor and Maidenhead, offering regular direct services to London, Reading, Slough and Oxford.
- 8.53 The proposed access arrangements will involve the reconstruction of the existing access road to provide a formal kerbed bell mouth formed with 7.5m radii. The access road will continue into the site with an initial width of 5.5m with a 2m wide footway on the south side to accommodate the route of the public footpath. The access road junction will be provided with visibility splays of 2.4m x 120m in both directions to reflect the 40mph speed limit. This is considered acceptable.
- 8.54 The Transport Assessment (TA) advises that as the application is outline, only the full number of car parking spaces is to be determined; however the TA states that 'the final layout of the site will comply with the adopted car and cycle parking standards'. This is considered acceptable, and additional soft and hard landscaping, and EV car parking should be secured via condition had the recommendation been to approve. The TA outlines that TRICS trip generation has been undertaken and has shown not to have any significant increase in trips to and from the site that will be to the detriment of the site. This is considered acceptable to the Highway Authority.
- 8.55 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. Therefore, the application site is currently not easily or safely accessible for pedestrians.
- 8.56 Policy QP 3 states:
1. New development will be expected to contribute towards achieving sustainable high quality design in the Borough. A development proposal will be considered high quality design and acceptable where it achieves the following design principles:
 - d. Delivers easy and safe access and movement for pedestrians, cyclists, cars and service vehicles, maximising the use of sustainable modes of transport where possible.

- 8.57 The applicant proposes improving the pedestrian facilities on the A308 Windsor Road. The Highway Officer advises that this can be secured via a S278 Agreement. The Highway Officer also advises that the scale of the development does not warrant the submission of a residential travel plan.
- 8.58 The applicant outlines in the design and access statement that secure cycle storage will be provided to the rear of properties, which is considered acceptable. Had the recommendation been to approve, any subsequent submission (Reserve Matters Application) would need to include a detailed plan of the development's cycle parking proposal.
- 8.59 The applicant outlines in the design and access statement that rear access to private gardens allows for access to the storage of bins and recycling containers as well as garages potentially being used for refuse storage, this is considered acceptable. For apartments, specific bin stores have been allowed for to screen and secure a communal use, this is also considered acceptable. The above is supported by a swept path analysis plan of a 10.75mm refuse vehicle.
- 8.60 Having assessed the highway and transport information submitted, it is concluded that the development is unlikely to create any excess stress upon the local highway network. The Highway Authority has suggested conditions to be imposed, if the LPA were minded to grant permission. The suggested conditions relate to the access construction; and offsite highway works being secured via a legal agreement with the Council under Section 278 of the Highways Act 1980 to cover the construction of the highway improvements on the A308 Windsor Road.
- 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. However, 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 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 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 recommendation been to grant planning permission, conditions would have been applied as suggested by the RoW Officer. It is considered that a Legal Agreement would be required to secure a path/s to link FP 52 to Bray 20P particularly as this would involve bridging a highway ditch.

vi Trees

- 8.63 The applicant has 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 links.
- 8.64 The applicant has submitted an amended Tree Report and plan (received 15th August) to confirm that 2 x Category C trees on the eastern boundary of the site are proposed to be removed to make way for the proposed pedestrian footpath access onto Oakley Green Road. These trees form part of a group (G6) of self-set sycamores along the eastern boundary of the site and the loss of these two trees is not considered significant. Another tree (T10) to be removed is within the site and is a category C, self-set Willow. The LPA is also satisfied that there would be no significant further tree loss as a result of the new/additional pedestrian (safe/low hazard footway and bridge) onto the A308 proposed in the amended drawing 21-3610 -03 Rev A.

vii Ecology

Special Area of Conservation

- 8.65 The site lies within 5km and within the zone of influence of Windsor Forest and Great Park, a Special Area of Conservation (SAC) which is a European Designated site. The primary reason for designation is the significance of old acidophilous oak woods, range and diversity of sapxylic invertebrates, and fungal assemblages. The Natura 2000 data form for Windsor Forest and Great Park reports that the main threats relate to forest and plantation management and use; air pollution, invasive non-native species; and interspecific floral relations. Where any proposal is likely to have a significant effect on a European site either alone or in combination with other plans or projects, the Conservation of Habitats and Species Regulations 2017 requires an appropriate assessment to be made in view of that site's conservation objectives. Paragraphs 181 and 182 of the NPPF state that development resulting in the loss or deterioration of Special Areas of Conservation should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists. In this case the proposed development, along and in combination with the linked proposals, is not considered to have a significant effect on Windsor Forest and Great Park, due to the distance of the proposal from the SAC and given the nature and scale of the proposed development and the existing use of the site for B8; therefore an appropriate assessment is not required.
- 8.66 The nearby river and woodland may also constitute Habitats of Principle Importance under Section 40 of the Natural Environment and Rural Communities Act (2006). Sutherland Grange, is a designated as a Local Nature Reserve and Local Wildlife Site located approx. 500m to the east. However, as the application site is largely isolated from Sutherland Grange by main roads and existing development it is unlikely that the proposed works would significantly impact the Priority Habitats, Local Nature Reserve and Local Wildlife Site, provided standard measures to reduce the risk of pollution are adhered to.
- 8.67 The Council's Ecologist has commented on the application. An Ecological Survey letter report (AAe Environmental Consultants, April 2022) has been submitted to support the application. Habitats on site comprise buildings (polytunnels and single storey office building), portacabin, managed grassland, scrub, boundary trees and wet ditch. There is not a phase 1 map in the report which is surprising for a development of this size.
- 8.68 There are two types of buildings on site – polytunnel and a single storey building. Both are unsuitable for use by roosting bats, and no bats or signs of bats were observed during the survey. As such, the risk of the proposals adversely affecting bats is considered to be minimal. A single willow tree on site was assessed as being unsuitable for roosting bats.
- 8.69 The habitats are likely to be used by nesting birds and as such precautions to ensure no birds are harmed during construction works should be put in place. This could be secured via a condition (if the recommendation was to grant permission) for the submission, approval and implementation of a Construction Environmental Management Plan for Biodiversity (CEMP: Biodiversity).
- 8.70 The applicant's ecology report states that 'there were no ponds on the site and therefore no breeding opportunities for amphibians'. RBWM has recently enrolled on the NatureSpace District Licence for Great Crested Newts (GCNDL) and the development site is within the GCNDL Red Zone (meaning that the proposals are very likely to affect Great Crested Newts). The applicant would either need to register the site under this licence (and supply the first stage certificate from NatureSpace with the planning application), or apply for a site-specific licence (from Natural England). Any surveys of nearby ponds can only be carried out between mid-March and mid-June. As no survey work, licences or certificates have been submitted with this application, it is not possible to conclude that there would be no adverse impact on Great Crested Newts, which are protected species. Therefore, in the absence of adequate ecology surveys, this recommended as a reason for refusal.
- 8.71 No badger setts or evidence of badgers was recorded on the site. The report concludes that the terrestrial habitats on site are unsuitable for reptiles, however this could change should the site be left unmanaged.

- 8.72 The site primarily consists of hardstanding, buildings, managed grassland, scrub and boundary trees. These are not priority habitats as per the NPPF but nonetheless do have some ecological value. Policy NR2 of the Borough Local Plan (Biodiversity) reads: "Development proposals will be expected to identify areas where there is opportunity for biodiversity to be improved and, where appropriate, enable access to areas of wildlife importance. Development proposals shall also avoid the loss of biodiversity and the fragmentation of existing habitats, and enhance connectivity via green corridors, stepping stones and networks. Where opportunities exist to enhance designated sites or improve the nature conservation value of habitats, for example within Biodiversity Opportunity Areas or a similar designated area, they should be designed into development proposals. Development proposals will demonstrate a net gain in biodiversity by quantifiable methods such as the use of a biodiversity metric".
- 8.73 A biodiversity net gain calculation has been undertaken (AAE Environmental Consultants, April 2022) and concludes the development will result in a 19.66% net gain in habitat units. Enhancements include 148 new trees, non-native ornamental hedge planting, an orchard, SUDS features and modified grassland. The document states that a "large area of the site will remain undeveloped, a proportion of which will be managed for the benefit of wildlife, and the existing boundary vegetation will be retained, protected and enhanced" It therefore seems reasonable to assume that the proposals will result in a net gain for biodiversity. This could have been secured via a planning condition, if the recommendation was to grant permission.
- 8.74 Paragraph 174 of the NPPF reads: "Planning policies and decisions should contribute to and enhance the natural and local environment..."; The Design and Access Statement states that the following features will be supplied: Hedgehog Homes, Bee Hotels, Bat Boxes and Swift boxes as standard in all of their homes and would include all of these on this site. A proportion of any logs produced by the development will be stacked in a secluded area to encourage beetle and other invertebrate use. The maintenance/preservation of hedgerows and trees around the perimeter of the site to encourage nesting birds and insects. Full details of the above enhancements, including planting details, numbers, locations, specifications and ongoing management would need to be provided. This could be secured via a planning condition, if the recommendation was to grant permission.

viii Impact on neighbours

- 8.75 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.
- 8.76 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 given also the separation distances between properties.

ix Layout of the proposed development and residential amenity for future occupiers

- 8.77 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.

- 8.78 At this outline stage it is not possible to assess the proposed houses in terms of required internal space standards. However, the general arrangement and spacing of the houses and the garden sizes (apart from the currently proposed garden sizes to plots 28 and 25 discussed below) appear to meet the standards set out in the RBWM Design Guide SPD.
- 8.79 The proposed houses would for the most part face into the application site, with rear garden areas abutting the application boundary. The estate would be served by a couple of roads (referred to on the layout drawing as Mews and Main Street) both of which end in turning areas. These two roads are not interconnected at both ends.
- 8.80 The affordable housing on plots 21-29 inclusive are at the north-eastern sector of the application site and nearest to A308 Windsor Road. The layout proposes an area of open space in the northern part of the site. The layout drawing indicates an orchard, SUDS feature (which looks like a pond or a lake) a local area for play (LAP) and local equipped area for play (LEAP). There is connectivity throughout the site for pedestrians to access the open space and play areas.
- 8.81 The proposed houses would be 2 storey to 2.5 storey in height. The open market properties would be detached with either attached, linked or detached garages. The affordable housing would comprise terraced, semi-detached and an apartment block of 4 dwellings.
- 8.82 There is existing tree screening along the north and eastern boundaries of the site and the proposed layout indicates scope for additional boundary tree planting along the site boundaries. There also appears to be scope for additional tree planting within the site itself.
- 8.83 The BWDG requires a minimum garden size (mainly north facing), of 65 sq m for 2/3 bedroom houses, and 85 sq metres on 4-bedroom houses. The rear garden for plot no. 28 (a 2-bed affordable house) when scaled from the drawing appears to measure approx. 59 sq metres, which is below the minimum garden size in the BWDG. The garden to plot 25 (a 4-bedroom affordable house) when scaled from the drawing appears to measure 80 sq metres, which again is below the for a minimum. As layout is a matter for consideration at the outline stage, there would be no scope to change the layout so as to increase the garden lengths/widths plots 25, and 28 (in order to meet the minimum garden sizes), at the reserved matters stage.
- 8.84 On balance, given that only 2 of the proposed houses fall slightly short of the BWDG garden size standard, it would be difficult to justify a reason for refusal on this basis, given that there is a sizeable area of open space (with play areas) to be provided within the application site.
- 8.85 The Environmental Protection unit has suggested various conditions and informatives regarding ground contamination investigation and remedial measures; noise insulation against road noise from A308 and aircraft noise; a lighting scheme; construction working hours; collection/ delivery times, dust and smoke control. These matters would have been covered by conditions and informatives, if the recommendation was to grant planning permission. Construction working hours, collections and delivery times, smoke and dust control would be matters that would be addressed through informatives rather than by conditions as such matters are covered by separate EP legislation (Statutory Nuisance), so there no need for these to be controlled by planning conditions.
- 8.86 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.
- 8.87 Borough Local Plan Policy IF4 deals with Open Space provision and states:

5. Proposals for residential development on non-allocated sites of ten dwellings and above should normally provide new open space and play facilities in accordance with the quantity

standards set out in Appendix F, or those within a more up to date Open Space Study. However, where there is clear evidence that there is a quantitative surplus of one or more types of open space/play facilities in the local area, these standards will be applied flexibly in order to address any local deficits.

6. Whilst on-site provision is preferred, provision of new open space and play facilities on an alternative site within walking distance of the development site, as set out in Appendix F, would be acceptable if this meets the needs of the community and results in a greater range of functional uses. A financial contribution towards improving existing provision may be acceptable if there are qualitative open space deficiencies in the area.

- 8.88 Appendix F identifies that a development of this size (11-200 dwellings) would need a Local Area of Plan (LAP) and a Local Equipped Area of Play (LEAP) within 100m and 400m respectively from dwellings.
- 8.89 The proposed layout indicates two areas of open space measuring over 6900 sqm. This represents approximately 29% of the total application site.
- 8.90 Outdoor Sports and Play: Beyond the Six Acre Standards, (Nov 2020) sets out guidelines for amenity greenspace. In relation to the provision of a LAP and Leap, guidance in 'Beyond the Six Acre Standard', sets out the minimum dimensions for a LAP (10 x 10m) and LEAP (20 x 20m) and gives minimum separation distances between the nearest dwellings to a LAP and LEAP as 5m and 20m respectively.
- 8.91 The proposed open space for this application site is at least 6900 sq metres. Therefore, the proposed open space would be approximately 29% of the application site area. Within this open space area there is an area identified for a LAP and LEAP. The indicative area for the LAP and LEAP totals approximately 500 sq metres.

PRINCIPLE 6.3 of the RBWM Design Guide states:

1. Development proposals will be expected to provide high quality new open space at levels and types appropriate to their size and use type.
2. The role and function of public spaces must be clearly defined. Spaces should robustly connect with the existing network of streets and relate well to the wider context.
3. Public spaces should add to the existing blue and green infrastructure and include high levels of access to nature for people.
4. To be high quality, new public open spaces should:
 - Be based on existing local high quality landscape characteristics and appropriate in terms of character;
 - Contain generous amounts of green infrastructure, and where appropriate, blue infrastructure;
 - Be multifunctional and well connected;
 - Reduce environmental development impact;
 - Enhance biodiversity;
 - Be accessible and safe for all; and
 - Be functionally and visually attractive.

- 8.92 The proposed open space with LAP and LEAP would comply with the local plan requirements and open space standards and in particular would have good connectivity to the proposed houses and being overlooked by proposed houses would have good passive surveillance. The provision and management of open space (including trees) could be secured by an appropriate condition had the recommendation been for approval.

x Housing Mix and Affordable Housing

- 8.93 Policy HO2 of the Borough Local Plan deals with Housing Mix and Type and states amongst other things.

1. The provision of new homes should contribute to meeting the needs of current and projected households by having regard to the following principles

a. provide an appropriate mix of dwelling types and sizes, reflecting the most up to date evidence as set out in the Berkshire SHMA 2016, or successor documents. Where evidence of local circumstances/market conditions demonstrates an alternative housing mix would be more appropriate, this will be taken into account.

b. be adaptable to changing life circumstances

2. The provision of purpose built and/or specialist accommodation with care for older people will be supported in settlement locations, subject to compliance with other policy requirements.

3. Development proposals should demonstrate that housing type and mix have been taken into account and demonstrate how dwellings have been designed to be adaptable.

8.94 The 2016 Berkshire SHMA identified a need for a focus on 2 and 3 bedroom properties in the market housing sector with an emphasis on 1 bedroom units in the affordable sector. The table below shows the mix of housing recommended across the whole housing market area in the 2016 SHMA.

8.95 The policy for a mix of homes should be able to react to changing circumstances and ensure that it contributes to the mix of both the wider area as well as the development site itself. Therefore, the policy for a mix of homes does not prescribe the size of homes. Developers will be expected to have regard to the Borough-wide housing mix target set out in the 2016 SHMA (and subsequent successors) as a starting point when bringing forward proposals for individual sites.

	1 bed	2 bed	3 bed	4+ bed
Market	5-10%	25-30%	40-45%	20-25%
Affordable	35-40%	25-30%	25-30%	5-10%
All dwellings	15%	30%	35%	20%

Table 12 Housing Size Mix by tenure set out in 2016 SHMA for Eastern Berks & South Bucks HMA

8.96 The proposed scheme provides a total of 8 x 4-bedroom dwellings, 6 x 3-bedroom units, 11 x 2-bedroom units and 4 x 1 bedroom dwellings. In terms of percentages in relation to the proposed scheme, these are set out below:

27.6% of the total proposed dwellings would be 4-bedroom;

20.7% of the total proposed dwellings would be 3 bedroom;

37.9% of the total proposed units would be 2-bedroom;

13.8% of the total proposed units would be 1-bedroom.

8.97 The 2-bedroom and 3-bedroom dwellings would make up 58.6% of the total dwelling on the site. Overall it is considered that the proposed housing mix is acceptable, and in line with aims of Policy HO2.

8.98 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 revised Affordable Accommodation Schedule (dated 16/9/2022) proposes units 21-29 inclusive as affordable units, comprising 4 x 1-bed maisonettes, 3 x 2-bed terrace houses, 1 x 3-bed semi detached house and 1 x 4-bed semi detached house. These are indicated on amended drawing 21-J3610-03 Rev A.

8.99 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.

8.100 In response to the Housing Enabling Officer's (HEO) original concerns, the applicant submitted a revised affordable dwelling mix, which is encouraging and much more acceptable. The cluster of 9 affordable homes would be in the north-east part of the site and now that a broader range of dwelling types has been clarified the HEO has suggested the tenures for each in the following table:

Dwelling Type	Plot No.	Tenure	Tenure %age
1 bed flat	21	SO	44%
1 bed flat	22	SO	
1 bed flat	23	SO	
1 bed flat	24	SO	
2 bed house	27	AR	33%
2 bed house	28	AR	
2 bed house	29	AR	
3 bed house	26	SR	22%
4 bed house	25	SR	

TOTAL 9

8.101 The tenure percentages do not match those in BLP Policy HO3, as with smaller sites there is limited flexibility to match those percentages. The important issue is that all the houses are for affordable rent and will be able to accommodate families at an affordable tenure. The 1 bed flats will accommodate singles and couples who are seeking low cost home ownership.

8.102 A legal agreement is required to secure appropriate on-site affordable housing. In the absence of such an agreement, the proposal fails to comply with policy HO3.

xi Archaeology

8.103 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.

8.104 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.

8.105 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).

8.106 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 the application was being recommended for approval, a condition would be included to ensure that the works were carried out in accordance with a written scheme of investigation.

xii Sustainable Design and Construction

8.107 Policy QP 3 of the Borough Local Plan states:

1. New development will be expected to contribute towards achieving sustainable high quality design in the Borough. A development proposal will be considered high quality design and acceptable where it achieves the following design principles:

- a. Is climate change resilient and incorporates sustainable design and construction which:
- minimises energy demand and water use
 - maximises energy efficiency; and
 - minimises waste.

Policy SP 2 Climate Change states:

1. All developments will demonstrate how they have been designed to incorporate measures to adapt to and mitigate climate change.

8.108 The Council's Interim Sustainability Position Statement (ISPS) sets out the various criteria for achieving sustainability. These include the requirement to reduce carbon emissions. If new dwellings cannot achieve carbon zero, carbon offset contributions are required and these contributions would need to be secured by way of a S106 Legal Agreement. In order to calculate the amount of contributions, the applicant would need to submit detailed calculations (SAP) which quantify the carbon emissions. Such information has not been submitted with this application and neither has a S106 been submitted. Without the necessary calculations, and a legal agreement to secure contributions towards the carbon off set fund, this forms a reason for refusal.

8.109 Other requirements in the ISPS include the provision of electric vehicle charging points, provision of high speed internet connection, 3-phase power supply and measures to minimise water consumption. These could have been secured by condition, had the recommendation been to approve.

xiii Housing land supply

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

8.111 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.

xiv Planning Balance and conclusion

8.112 The development is inappropriate development in the Green Belt, and the NPPF is clear that harm to the Green Belt should be afforded substantial weight. The NPPF sets out that very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

8.113 In terms of the fall-back position; with regard to the extant permission for agricultural buildings, for the reasons set out in paragraphs 8.18 - 8.25, this fall-back position to construct the agricultural buildings under the extant planning permission is given limited weight in the consideration of this application. It is not considered that there is a realistic prospect that the remaining agricultural buildings would be constructed, and even if they were, such buildings would not be regarded as previously developed land for the purposes of the NPPF.

- 8.114 The proposed development would provide additional housing, including affordable housing (policy compliant), within the borough. However, as the Council has a 5 year housing land supply, this would be a benefit of only limited weight.
- 8.115 The harm arising from the scheme in addition to the harm to Green Belt by reason of inappropriateness, is the impact upon the openness of the Green Belt, and the encroachment into the countryside. The other harm identified within this report, includes the loss of employment floor space; the failure of the application to ensure the safety of the residents in leaving the site in a flood event; the lack of information to ascertain if the scheme would impact upon a protected species (Great Crested Newts); the lack of information to show that the scheme can meet the sustainability requirements of the Council; and in the absence of a legal agreement, the failure to secure the provision of affordable housing and the required highway improvements.
- 8.116 Taking this into account, it is not considered that there are considerations which constitute Very Special Circumstances which out weight the harm to the Green Belt (which is afforded substantial weight), and the other harm identified.

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

Appendix C – Drawing S-04 0272-01A approved under application/appeal 07/03232

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 and loss of employment use) 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 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 with details of a specified destination (and address of a safe refuge). The proposal as submitted fails to comply with adopted Borough Local Plan policy NR1.

5 No legal agreement has been provided to secure satisfactory housing provision and a financial contribution. The proposal 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.

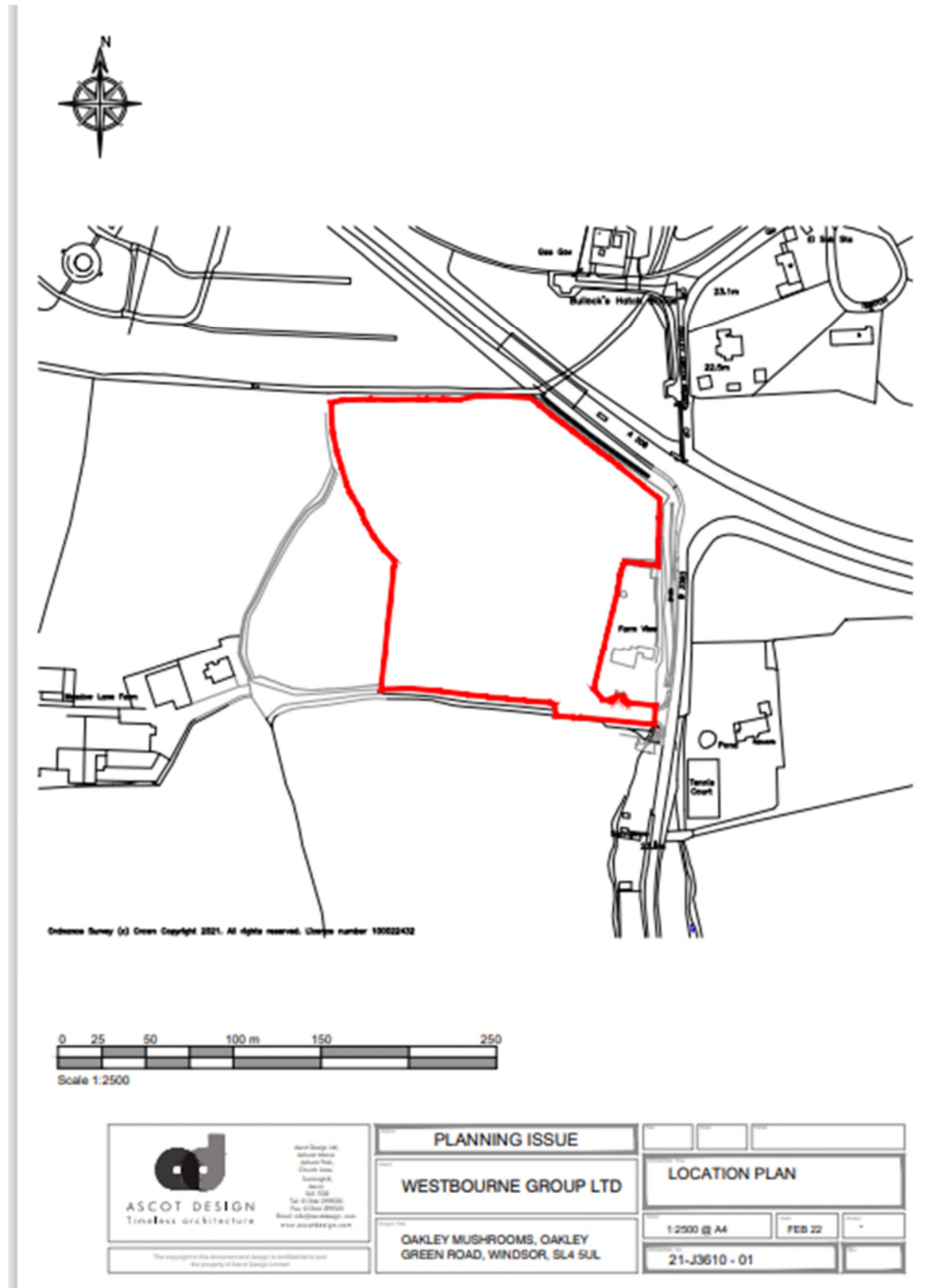
7 The necessary highway and pedestrian improvement works have not been secured as part of this application. The proposed development would therefore be contrary to Borough Local Plan policy IF2 as it would not improve accessibility to the site and sustainable modes of transport.


8 The proposals are very likely to affect Great Crested Newts. The applicant has not submitted any form of survey work, certification from NatureSpace, or site-specific licence from Natural England or satisfactorily demonstrated that there would be no harm to Great Crested Newts and their habitat. The proposal is therefore contrary to Borough Local Plan Policy NR2.

22/01207/OUT – Oakley Green Mushroom Farm

APPENDIX A

Location Plan



 ASCOT DESIGN Timeless architecture <small>The recognition that architectural design is a profession is one of the priorities of Ascot Design Limited.</small>	PLANNING ISSUE	
	WESTBOURNE GROUP LTD	LOCATION PLAN
	OAKLEY MUSHROOMS, OAKLEY GREEN ROAD, WINDSOR, SL4 5UL	1:2500 @ A4 FEB 22 21-J3610 - 01

APPENDIX B Proposed site plan



APPENDIX B Proposed site plan

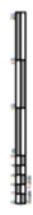


APPENDIX B

Proposed street scenes

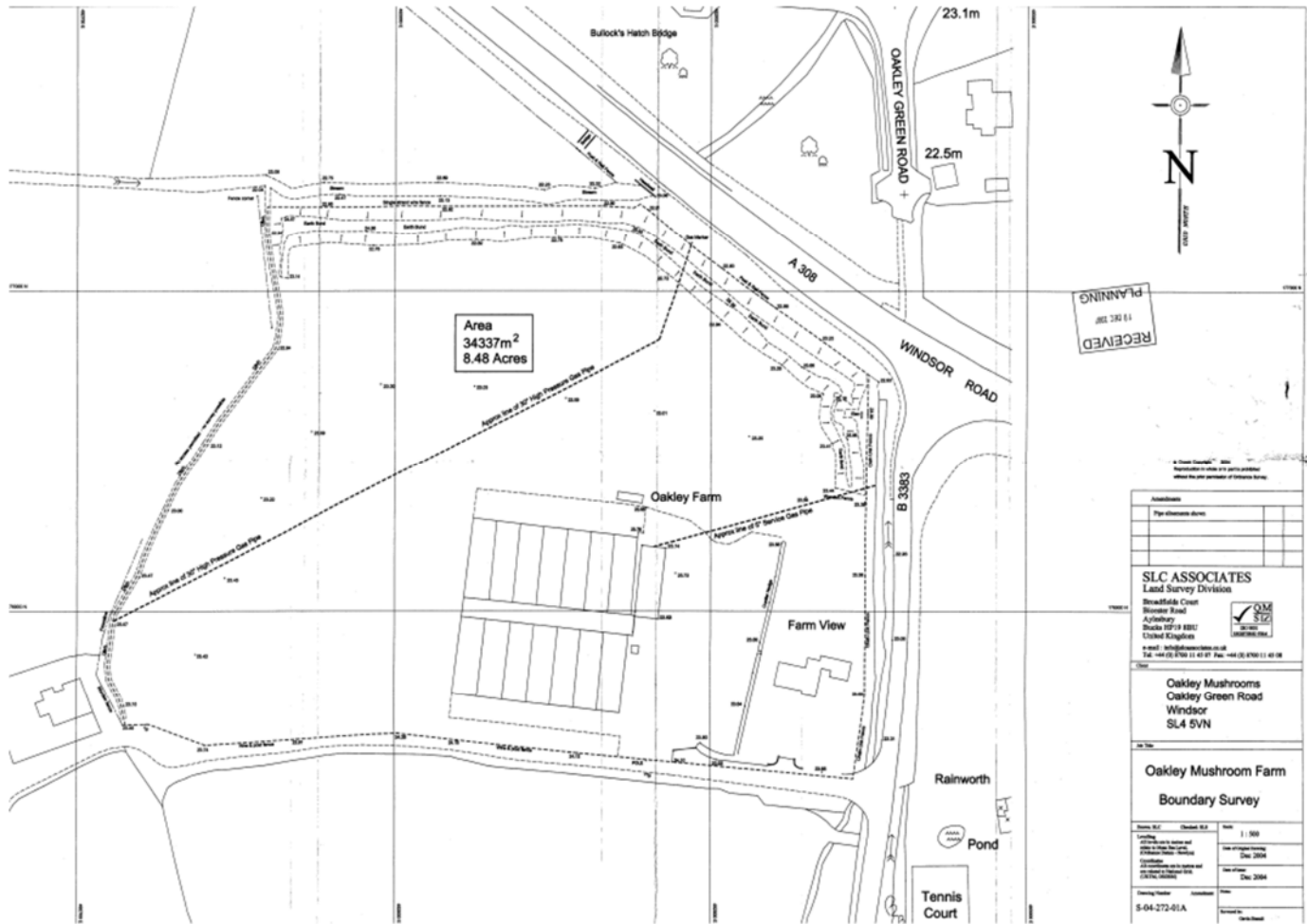


 <p>ASCO DESIGN 11, BARNWOOD ROAD, BARNWOOD, BIRMINGHAM, B4 7DQ TEL: 0121 714 1111 WWW.ASCODSIGN.CO.UK</p>	<p>PLANNING ISSUE</p>	<p>STREET SCENES</p>
	<p>WESTBOURNE GROUP LTD OAKLEY MUSHROOMS, OAKLEY GREEN ROAD, WINDSOR, B4 5LJ</p>	<p>1:200 @ A1 MAY 21</p>



Appendix C

Plan -S-04 02727-01 A : Approved Plan for 07/03232/FULL



Appendix C

The plan below is the LPA's interpretation of the extent of the B8 Curtilage – and delineated by the LPA with the solid line.

