

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

PANEL UPDATE

Maidenhead Panel

Application No.:	21/03497/FULL
Location:	Culham Farms Frogmill Stables And The Old Estate Office Frogmill Farm Black Boy Lane Hurley Maidenhead
Proposal:	Conversion of stable barns to 7 no. dwellings and associated garages, demolition of remaining buildings and erection of 5 no. detached dwellings (and associated garage and bin stores) together with landscaping and new vehicular access.
Applicant:	Culden Faw Ltd
Agent:	Mrs Jo Unsworth
Parish/Ward:	Hurley Parish/Hurley And Walthams
If you have a question about this report, please contact: Carlos Chikwamba on 01628796745 or at carlos.chikwamba@rbwm.gov.uk	

1. SUMMARY

- 1.1 The panel update sets out an updated list of reasons for refusal. Further consultee and comments from the public have been received, and these are summarised within this report. Furthermore, the applicant has since provided more information in relation to the scheme's flooding, archaeological and affordable housing considerations.
- 1.2 It has now been adequately demonstrated that there is no archaeological potential remaining at the site, and therefore no archaeological mitigation is required in relation to this development. As such, this reason for refusal number 2 of the main report is removed.

- 1.3** With regard to affordable housing, the agent is offering a financial contribution for off-site provision. A contribution towards off-site provision is considered acceptable in this case, and the amount is considered sufficient. The proposal now meets the affordable housing requirements as per Policy HO3 of the Local Plan. However, without a legal agreement these provisions cannot be secured, as such the failure to secure an in lieu financial contribution towards affordable housing is a reason for refusal. The wording of reason for refusal number 3 has been amended to reflect this.
- 1.4** The recommended reason for refusal number 8 in the main report for failure to comply with Policy HO2 (housing mix) has been removed as although the mix of housing is not strictly in accordance with that required by this policy, it is considered that the range of housing provided would broadly meet the aims of this policy and any harm from the failure to meet the precise mix would not warrant a refusal of planning permission. Reason number 8 is removed as a recommended reason for refusal.
- 1.5** The recommended reason for refusal number 6 in the main report in relation to flooding has now been removed because the applicant has now demonstrated that the development can achieve a safe and dry flood escape route in line the SFRA. Therefore, it has now been adequately demonstrated that the proposal can now safely manage the residual flood risk. Reason number 6 is removed as a recommended reason for refusal.
- 1.6** The proposed development relates to a proposal for x12 new dwellings. The site is deemed to be previously developed land and it is located in Green Belt. However, the proposed development would have a greater impact on openness than the existing development on-site. No case for very special circumstances exists to clearly outweigh the harm to the Green Belt by reason of inappropriateness or any other harm.
- 1.7** The site is deemed to be in an unsustainable location, which would lead to an overreliance on private cars as opposed to sustainable and active modes of travel. Furthermore, due to the lack of a legal agreement to secure the carbon offset and affordable housing financial contributions related to the scheme, it fails to comply with Policy HO3 and SP2 of the Local Plan.
- 1.8** It has not been adequately demonstrated that the scheme would comply with the relevant policy for open space requirements. Lastly, the proposal fails to meet the derogation tests and it would have an adversely impact on ecology. Therefore, it is contrary Policy NR2 of the Local Plan (2022), and Part 1 of Regulation 9 of the Conservation of Habitats and Species Regulations (2017).
- 1.9** Overall, taking account of the Framework and the above considerations, including the benefits of the development, it is considered that material considerations do not indicate that planning permission should be granted for the development as it conflicts with the development plan.

It is recommended the Panel refuses planning permission for the following summarised reasons	
1.	The proposal would have a greater impact on the openness of the Green Belt than the existing development on site, as such fails to be an exception to inappropriate development in the Green Belt. The applicant has failed to demonstrate that any other considerations would clearly outweigh the harm to the Green Belt by reason of inappropriateness or any other harm, (as identified in the subsequent reasons), and therefore 'very special circumstances' do not exist which clearly outweigh the harm.
2.	

	In the absence of signed a legal agreement to secure the in lieu financial contribution towards off-site affordable housing, the proposal is contrary to Policy HO2 of the Borough Local Plan (2022).
3.	The development is not considered to promote and encourage travel by sustainable or active modes of travel. Therefore, the proposal is deemed to be in an unsustainable location, thus, it is contrary to Section 9 of the NPPF (2021) and Policy IF2 of the Borough Local Plan (2022)
4.	The proposal fails to meet the derogation tests and it would have an adverse impact on ecology. Therefore, it is contrary Policy NR2 of the Local Plan (2022), and Part 1 of Regulation 9 of the Conservation of Habitats and Species Regulations (2017).
5.	No 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 (2022) and The Interim Sustainability Position Statement (2021).
6.	It has not been adequately demonstrated that the scheme would be in compliance with Policy IF4 of the Borough Local Plan (2022) in terms of the provision open space.

2. ADDITIONAL INFORMATION

The applicant has submitted an Archaeological Evaluation report, which details the site's archaeological potential. Furthermore, emails from the applicant were received confirming the proposed affordable housing financial contribution. An alternative safe access route has also been submitted by applicant, which they indicate achieves a dry and safe means of escape.

2.1 Comments from Consultees

Comment	Officer response	Change to recommendation?
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<p><i>Berkshire Archaeology;</i></p> <p>An archaeological evaluation was undertaken, pre-determination, in relation to the proposed development at this site.</p> <p>The evaluation did not identify any archaeological material / remains, as detailed in Frogmill Farm, Black Boy Lane, Hurley, Maidenhead, Berkshire An Archaeological Evaluation, Oct 22.</p> <p>The work which has been done is satisfactory and the stated report has been submitted to HER. There is no archaeological potential remaining. I can confirm, therefore, that there is no requirement for any further archaeological mitigation in relation to this development.</p>	<p>Noted. The recommend reason for refusal has been removed.</p>	<p>No.</p>
<p><i>Affordable Housing Officer;</i></p> <p>Financial contribution acceptable.</p>	<p>Noted and report updated accordingly.</p>	<p>No.</p>

2.2 Comments from Neighbours/3rd Parties

3 additional letters were received supporting the scheme as summarised below;

Comment	Officer response	Change to recommendation?
<ul style="list-style-type: none"> -High quality development which enhances the area. -Development will reinvigorate the site. -Development does not have any flooding issues. -Wider community benefits. 	<p>Noted.</p>	<p>No.</p>

2.3 Paragraph 9.23 of the main report concludes that the applicant had not provided information in relation to investigative works to demonstrate that the proposal would not have any implications on any potential archaeological remains on-site. Therefore, the scheme was deemed contrary to paragraph 194 of the NPPF (2021) and Policy HE1 of the Local Plan (2022). The applicant has since provided this information and Berkshire Archaeology (BA) have made comments in regard to the archaeological investigative works. BA concluded that there is no archaeological potential remaining on-site. Therefore, there would be no requirement for any further archaeological mitigation in relation to the development. Based on this officers are satisfied that the scheme has no archaeological implications, and it is therefore in compliance with Policy HE1 of the Local Plan and the NPPF.

- 2.4 Paragraph 9.45 of the main report highlights that the applicant had not clearly indicated their intentions on making an in lieu financial contribution in regard to the affordable housing provisions. The applicant has since clarified their intention of providing the required financial contribution for 0.8 of unit of affordable housing required for the scheme, which equates to £191,266.66, a figure which has also been agreed by the Council's Affordable Housing Officer. However, without a legal agreement in place this financial contribution cannot be secured. In the absence of a signed legal agreement, the scheme is contrary to Policy HO3 of the Local Plan.
- 2.5 Paragraph 9.48 of the main report states that the proposed housing mix is not reflective of the SHMA, as required by policy HO2. No evidence of local circumstances/ market conditions has been undertaken to show an alternative housing mix would be more appropriate. Although this proposal does not strictly meet the mix requirements of Policy HO2, it is considered that there is a suitable mix of 2,3 and 4+ beds dwellings, and it is considered that the scheme would broadly meet the aims of this policy. As such, recommended reason for refusal 8 has been removed.
- 2.6 Paragraphs 9.76-87 in the main report covers the scheme's flooding considerations. The applicant has now provided further clarity and information in regard to the flood considerations. It has now been demonstrated that a safe and dry access route can be achieved via the site and land adjacent to the site in the applicant's ownership which leads onto the black boy lane public house, an area wholly outside the flood plain. The entire route is considered to have a low hazard rating and is therefore in line with the council's SFRA. A flood evacuation plan is no longer required by virtue of the applicant providing a safe and dry access route. Overall, it has now been adequately demonstrated that the development can safely manage the residual flood risk on-site.

