

DEVELOPMENT CONTROL PANEL

7 December 2023

Item: 2

Application No.:	23/01387/FULL
Location:	Broom Lodge And Land At Broom Lodge Stanwell Road Horton Slough
Proposal:	Subdivision of existing residential dwelling into 5 flats (including partial demolition and extension of the dwelling) and erection of 10no. detached and semi-detached dwellings together with revised access, driveways and landscaping.
Applicant:	Mr Patel
Agent:	Mrs Brigid Taylor
Parish/Ward:	Horton Parish/Datchet Horton And Wraysbury
If you have a question about this report, please contact: Nick Westlake on or at nick.westlake@rbwm.gov.uk	

1. SUMMARY

- .1 The development is a full application for the subdivision of existing residential dwelling into 5 flats (including partial demolition and extension of the dwelling) and erection of 10no. detached and semi-detached dwellings together with revised access, driveways and landscaping.
- .2 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 the other harm identified in this report. Aside from the harm to the Green Belt, that the NPPF instructs should be given substantial weight, the development would also create a significant urbanising impact on this rural location, detracting from the wider village setting and nearby heritage assets. Other harm arising from the scheme includes; an internal layout that fails to meet the minimum technical requirements for road widths and parking, a drainage scheme that has not been derived from scientific on ground testing, the likely loss of trees to the perimeter of the site that currently shield the site from the countryside beyond, the lack of a biodiversity net gain calculation, poor standards of residential amenity and the loss of an employment use.
- .3 The weight given to the harm arising from the scheme significantly and demonstrably outweighs the benefits of the scheme that can be summarised as the provision of 14 new dwellings (1 house is in existence), this includes a 33% provision of affordable housing. Very Special Circumstances therefore do not exist.
- .4 At the time of decision, no legal agreement is in place to secure the affordable housing nor the necessary sustainability measures. Given the level of in principle objections to the proposal, Officers have not pursued the costly exercise of sealing a legal agreement, until the 'in principle' reasons are overcome. However, as these two reasons for refusal have been given no weight in the balancing process, due to the expectation that the legal agreement would have been a formality in the event of a positive recommendation.

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

1.	The proposed development, by virtue of the layout, scale, form and height of the proposed new dwellings would not engage the exemption criteria of the NPPF paragraph 149 e) or paragraph 149 g) of the NPPF 2023. The development is therefore considered inappropriate development which is by definition harmful to the Green Belt. 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. As such, the proposal represents inappropriate development in the Green Belt contrary to paragraph 149 of the National Planning Policy Framework (2023), Policy QP5 of the adopted Borough Local Plan (2022) and Policy NP/HOU4 – Redevelopment & Change Of Use of the Horton and Wraysbury Neighbourhood Plan (2011-2026).
2.	The proposed development, by virtue of its cramped, overdeveloped layout, lack of set back from Stanwell Road, together with the excessive scale, height and incongruous external appearance in particular, the wide spread use of mansard roofs; fails to respect the characteristics of the existing site and the immediate village context, having a harmful intrusive urbanising impact on this rural village edge location. The proposal is considered to be contrary to Sections 12 of the National Planning Policy Framework, Policy QP1 and QP3 of the adopted Borough Local Plan (2022) and Policies NP/HOU1 Good Quality Design, and NP/HOU2 - Footprint, Separation, Scale & Bulk and NP/HOU4 – Redevelopment & Change Of Use of the Horton and Wraysbury Neighbourhood Plan (2011-2026).
3.	The current proposal would entail the loss of 1,205 sq metres of commercial space. The applicant has not provided any credible / 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. The application therefore fails to comply with Policy ED3 of the Borough Local Plan (2022)
4.	No legal agreement has been provided to secure the affordable housing provision. Furthermore, the tenure of the affordable housing has not been agreed. Therefore, the proposal fails to secure the affordable housing, this is considered contrary to Policy HO3 of the Borough Local Plan (2022).
5.	No legal agreement has been secured to ensure the carbon offset contribution for the scheme to offset the impact of the proposal. Furthermore, the flats to be created have not been included in the energy statement, meaning an accurate calculation of the Carbon Offset fund is not possible. The proposal is therefore contrary to policy SP2 of the Borough Local Plan (2022), Section 14 of the National Planning Policy Framework and the Council's Interim Sustainability Position Statement (2021).
6.	The proposals do not set out a quantifiable biodiversity net gain. As such, the proposed development is contrary to Policy NR2 of the Borough Local Plan 2013-2033 and Policy NP/OE2 Ecology, of the Horton and Wraysbury Neighbourhood Plan (2011-2026).
7.	The proposed new hard surfacing and buildings lines of plots 5, 6 and 7 will fall close to and in part within the root protection zones of trees on the northern and western boundaries, in particular the Category B Trees. The close proximity to the trees is likely to both hinder the growth potential of these trees and give rise to pressure from future

	<p>occupiers to allow works to the tree to reduce or remove the perceived nuisance. These existing trees play an important role in shielding the site from external public views. Furthermore, the proposal is considered to result in unacceptable levels of overshadowing, enclosure and loss of light to the usable parts of these garden's rear garden space and associated internal living and dining room spaces, from their primary outlooks. The proposal, therefore, fails to comply with Section 15 of the National Planning Policy Framework, Policy NR3 and QP3 m), of the adopted Borough Local Plan (2022) and Policy NP/OE1 Landscape of the Policy Horton and Wraysbury Neighbourhood Plan (2011-2026).</p>
8.	<p>The proposal would lead to less than substantial harm to the Grade I Building St Michael's Church and the two Grade II Listed Lych Gate and the church yard wall, opposite the host site. The due in part to the unsympathetic forward building lines and also the positioning of the new entrance, proposal would reduce the openness between the two sites and lessen the architectural and historical interest by introducing a overdeveloped, suburban layout to the area. It represents less than substantial harm to the significance of the designated heritage assets. The public benefits of housing supply and the provision of affordable dwellings would not outweigh the harm as identified in the other reasons for refusal in this decision notice. Therefore, the proposal is considered to be contrary to Paragraph 202 of the National Planning Policy Framework, Policy HE1 of the Borough Local Plan (2022) and Policy NP/HOU2 Footprint, Separation, Scale & Bulk of the Horton and Wraysbury Neighbourhood Plan (2011-2026).</p>
9.	<p>The proposed flatted developments result in overlooking to the neighbouring properties of plot 10 and plot 2 in particular. There is also insufficient communal amenity space for future occupants of the first floor flatted developments. The bike and bin store due to its location, forms an uneighbouringly feature in close proximately to plot 10's front elevation. This would lead to an unnecessary loss of residential amenity for future users of this dwelling. As such, the proposed development fails to provide a good standard of accommodation for future occupiers and is contrary to Policy QP3 of the Borough Local Plan (2022), the Borough Wide Design Guide and Policy NP/HOU1 Good Quality Design of the Horton and Wraysbury Neighbourhood Plan (2011-2026).</p>
10.	<p>In the absence of an acceptable surface water storage strategy, the proposed development fails to demonstrate that it will not increase the risk of surface water flooding. The proposal development also fails to pass the sequential test. Therefore, the proposal is contrary to Section 14 of the National Planning Policy Framework and Policy NR1 of the Borough Local Plan (2022) and Policy NP/HOU5 Water Supply, Wastewater, Surface Water And Sewerage Infrastructure of the Policy Horton and Wraysbury Neighbourhood Plan (2011-2026).</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 host site is rectangular in nature, approximately 50m wide and 70m deep and lies to the north of Stanwell Road (total 0.36 ha). The land includes a two-storey, pitched roof, residential dwelling known as Broom Lodge, with a footprint of 236m². This is set back approximately 18m from Stanwell Road. The dwelling benefits from a front and rear grassed garden area, the rear garden is enclosed by residential outbuildings. A strip of land between 13m and 18m around the northern and western perimeter of the site, is given over to what appears to be an active builder's yard with elements of storage. The land consists of areas of hardstanding, stockpiles of building waste, car parts, a dilapidated caravan and approximately six shipping containers.
- 3.2 The land to the east of the host site is within the blue line ownership of the applicant. This land to the east is 25m wide and 70m deep, fronting Stanwell Road. The land consists of a single storey residential dwelling with rooms in the roof, set back some 35m from Broom Lodge. To the east of this residential building are several single storey commercial buildings that extend up to the northern boundary. Hardstanding is provided to the front of the site. Beyond the eastern boundary is an open agricultural field.
- 3.3 The owner runs a small scale storage and warehousing undertaking from this location. There are two access points into the site. To the immediate west of the site (outside the red line area) is an open recreational green field with separate enclosed play equipment area within the south east corner. To the north of the host site, there are open agricultural fields. To the south, on the southern side of Stanwell Road, set back approximately 50m from Stanwell Road, is St Michael's Church.
- 3.4 There are no protected trees on site or nearby, although the host site is enclosed to the south by a circa 3m tall laurel hedge. Mature hedging and tree planting is evident on the northern and western boundaries in particular, successfully enclosing the site. Other than the two-storey residential dwelling, all the buildings in the red line area are single storey, the surrounding vegetation successfully shields and encloses site from public vantage points.
- 3.5 KEY CONSTRAINTS**
- 3.6 The site lies within the designated Green Belt. The EA maps show the site to be within Flood Zones 1, with a small portion of the southern frontage of the site in flood zone 2. Grade I Listed St Michael's Church is opposite, together with a Grade II listed entrance gate known as Lych Gate and associated church wall. The host site is located within the defined village envelope of Horton. The site is also within a sharp sand and gravel safeguarding area.
- 3.7 The applicant states in their Design and Access Statement at point 2.8. That the Council has accepted that the host site is Previously Developed Land/ Brownfield, as set out in the Housing and Employment Land Availability Assessment 2019. This conclusion is not accepted by the Local Planning Authority. Although the host site is found within this document, this does not mean the site area is taken out the Green Belt or that the site is automatically classified as Previously Developed Land. The HEELA document is a 'scoping' document looking at 'potential' sites that could be developed. Therefore, only very limited weight is attached to this document. The host site is not on the Brownfield Register, and it has not been classified as an allocated Housing site. The site is also within the London Heathrow consultation area. The airport itself is approximately 2 miles away due east. Planes can be seen and heard frequently overhead.

4. THE PROPOSAL

- 4.1 The proposal is for the subdivision of existing residential dwelling into 5 flats (including partial demolition and extension of the existing dwelling) and separately, the erection of 10no. detached and semi-detached dwellings together with revised access, driveways and landscaping.

Plot	Dwelling Size and Type
1	Semi-detached 96m ² GIA 3B/5P
2	Semi-detached 96m ² GIA 3B/5P
3	Semi-detached 96m ² GIA 3B/5P
4	Semi-detached 96m ² GIA 3B/5P
5	Detached 144m ² GIA 4B/7P
6	Semi-detached 82m ² GIA 2B/4P
7	Semi-detached 105m ² GIA 3B/6P
8	Semi-detached 105m ² GIA 3B/6P
9	Semi-detached 82m ² GIA 2B/4P
10	Detached 82m ² GIA 2B/4P
11	Flat 77m ² GIA (in existing two storey building) 2B/3P
12	Flat 78m ² GIA (in existing two storey building) 2B/4P
13	Flat 58m ² GIA (in existing two storey building) 1B/2P
14	Flat 52m ² GIA (in existing two storey building) 1B/2P
15	Flat 50m ² GIA (in existing two storey building) 1B/2P

- 4.2 In total there are:

3 x 1-bedroom Flats
2 x 2 -bedroom Flats
3 x 2-bedroom House
6 x 3-bedroom House
1 x 4 bedroom House

- 4.3 The proposed site plan 071-S01 shows the part demolition (30 sq.m) of the existing dwelling (front porch and rear extension) and the addition of an 18sq.m extension (two storey front gable extension and single storey rear extension); the building will then be converted into separate flats (plots 11-15). The proposal also involves the erection of 10no. semi-detached and detached dwellings with garages on the Site (plots 1-10). The existing vehicle access would be stopped up and a new access created centrally located running immediately adjacent to the host dwelling. This access shall include a pedestrian on one side.
- 4.4 The proposed new dwellings would all be 2 storey, there are six different designs, that all have with front gables with pitched roofs. The three first floor flats all would have external balconies created.

5. RELEVANT PLANNING HISTORY

Application Ref	Description	Decision and Date
10/50080/UCO	Change of use of the site to utility company storage site without PP	Enforcement case closed 7 July 2010 No evidence of utility vehicles or materials being stored.
09/50191/UCU	Use of yard at side and rear as contractors' yard for Balfour Beatty without P.P	Enforcement case closed 5 June 2009 Some vans using the land as depot.
08/50041/UCU	1. increased activity and new building works. 2. Expired P.P. 96/74900 3. use of land for storage	Enforcement case closed 25 Nov 2008 Site visit indicates that the owner is doing some repair work and some ext. works to an end garage on an outbuilding.
99/03522/UCU	Use of site for parking/storing two commercial vehicles	Enforcement case closed 10 Sept 1999
98/02585/UCU	Old dogs home being used for car repairs. Also lorries coming & going	Enforcement case closed 21 April 1998. Various visits made but could not see any evidence of car repairs.
96/74900	Change of use of former kennels to storage use	Application Permitted February 1997 (delegated powers)
93/00450	Creation of vehicular access and erection of 2m high front boundary wall and entrance gates	Application Permitted October 1994 (delegated powers)
93/00449/FULL	Erection of two storey side extension	Application Permitted June 1993 (delegated powers)
89/00559/OUT	Erection of a detached house on land adjacent to Broom Lodge.	Refuse November 1989

6. DEVELOPMENT PLAN

6.1 The main relevant policies are:

Borough Local Plan: Adopted Feb 2022 (BLP)

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

Horton and Wraysbury Neighbourhood Plan, Adopted June 2020

Issue	Policy
Conserves locally important heritage asset	NP/BE2
Presumption in favour of sustainable development	NP/SUSTDEV01
Management of the Water Environment	NP/SUSTDEV02
Good Quality Design	NP/HOU1
Footprint, Separation, Scale and Bulk	NP/HOU2
Smaller Properties and Housing Mix	NP/HOU3
Re-development and Change of Use	NP/HOU4
Water Supply, Waste Water, Surface Water And Sewerage Infrastructure	NP/HOU5
Landscape	NP/OE1
Ecology	NP/OE2

Other Material Considerations

National Planning Policy Framework Sections (NPPF) (September 2023)

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 2020
- Environment and Climate Strategy
- RBWM Landscape Character Assessment 2004
- RBWM Parking Strategy 2004
- Affordable Housing Planning Guidance
- Interim Sustainability Position Statement (Sustainability and Energy Efficient Design – March 2021)

- Sustainable Design and Construction Supplementary Planning Document 2009
- Corporate Strategy

7. CONSULTATIONS CARRIED OUT

Comments from interested third parties

7.1 A total of 4 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 No comments have been received.

7.3 Consultees and Organisations

Statutory consultees

Consultee	Comment	Where in the report this is considered
Environment Agency	No comment as it falls outside our remit as a statutory planning consultee	Noted
Lead Local Flood Authority	Objection Without onsite testing it cannot be know if the infiltration rate is lower than the slowest rate of infiltration indicated as being viable by The SuDS Manual, (which has been assumed in the modelling). If the rate is lower than this, then it is not clear how the drainage design can be delivered to the required standards.	See paragraphs: 8:80 to 8:92
Highway Officer	Objection Insufficient parking detrimental impact on Stanwell Road. Objectional internal layout Technical Drawings absent in the proposal.	See paragraphs: 8.54 to 8:72
Thames Water	No objections there is capacity to accommodate the foul waste	See paragraphs: 8.82
Environmental Protection	No Objection Conditions suggested regarding: -Ground contamination investigation and remedial measures; - Noise insulation against aircraft noise; - Construction working hours; - Collection and delivery times;	See paragraphs: 8.78

	<p>- Contaminated Land</p> <p>Informatives suggested regarding:</p> <ol style="list-style-type: none"> 1. Dust 2. Smoke 3. Asbestos 	
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Consultees

Consultee	Comment	Where in the report this is considered
Berkshire Archaeology	<p>No Objection</p> <p>Recommends a condition to secure a programme of archaeological work including a Written Scheme of Investigation.</p>	See paragraphs: 8.103 to 8.105
RBWM Ecological Consultant	<p>Objection</p> <p>It has not been demonstrated through quantifiable methods, that there will be a “net gain in biodiversity” and as such that the proposals comply with policy NR2.</p> <p>The property, all out buildings and the single tree were found to have negligible potential to support roosting bats and therefore no further survey or mitigation is required with regards to roosting bats. The site was found to have no habitat to support other protected species such as great crested newt, reptiles or badgers.</p>	See paragraphs: 8.93 to 8.97
Housing Enabling Officer	<p>No Objection</p> <p>The site is in a designated rural area and delivers 10+ dwellings. Policy HO3(b) requires 30% of the dwellings to be affordable housing, and the site is not greenfield. 33% of the proposed dwellings will be affordable tenure – plots 11 to 15.</p>	See paragraphs: 8.66 to 8.72
Tree Officer	<p>Objection</p> <p>In the absence of a shadow survey showing the tree when they are mature, it is not possible to say with certainty whether the trees would affect the reasonable enjoyment of the properties.</p> <p>The development, by compromising the realistic retention and replanting the trees on the northern and western boundary is considered harmful to the amenity of the area.</p>	See paragraphs: 8.98 to 8.102
Conservation Officer	<p>Objection</p>	See paragraphs: 8.42 to 8.53

	<p>Less than substantial however at the lower end of the scale to the nearby Heritage Assets Paragraphs 199 and 202 within the National Planning Policy Framework (NPPF, 2021) would be relevant in this case.</p> <p>Duties under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 would also need to be considered by the decision maker in determining this application.</p> <p>If approved the recommended conditions are:</p> <ul style="list-style-type: none"> - Level 1 building recording - Sample of all external materials, finishes and colours 	
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Others (e.g. Parish and Amenity Groups)

Group	Comment	Where in the report this is considered
Horton and Wraysbury Parish Council	<p>Objection</p> <p>The Parish Council accept the concept of development however object to the current set of plans. Key points:</p> <ul style="list-style-type: none"> - This is considered over-development of a relatively small plot - The entrance, an opposite camber on a concave bend, is historically known to be dangerous and there is concern with regards to the numbers of vehicles entering and exiting the site with poor lines of sight. - There is not adequate provision for parking, the Neighbourhood Plan Policy NP/HOU1 - Good Quality Design requires a minimum one for each flat and one bedroomed house and 2 for each 2 or 3 bedroomed house 	<p>Comments noted and covered in the Assessment</p> <p>Had the LPA been minded to grant permission conditions would have been imposed regarding permitted, development rights, ground contamination; noise insulation measures; and lighting scheme.</p>

	<p>- Although not being in a flood zone, is very close to the flood zone 3 area and adequate provision should be made to protect the properties from potential damage and drainage provision should acknowledge the possibility of floods</p> <p>In the event of an approval the Parish have a series of comments and recommendations relating to the following aspects:</p> <ul style="list-style-type: none"> • Future Use • Neighbours, parking and access • Flood & green belt concerns • Construction • Housing Mix 	
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8. EXPLANATION OF RECOMMENDATION

8.1 The main considerations are:

- i) Green Belt
- ii) Loss of the existing industrial use
- iii) Sustainable Design and Construction
- iv) Impact on Character, Appearance and Heritage Assets
- v) Highway Safety and Parking
- vi) Housing mix and Affordable Housing
- vii) Residential Amenity
- viii) Flooding and Drainage
- ix) Ecology
- x) Trees
- xi) Archaeology
- xii) Housing Land Supply Planning balance and conclusion

i) **Green Belt**

8.2 The following three questions are relevant when considering Green Belt policy.

1. **Whether the proposals constitute inappropriate development in the Green Belt?**
2. **The impact on the openness and purposes of the Green Belt?**

3. Whether the harm to the Green Belt is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify inappropriate development?

1. Whether the proposals constitute inappropriate development in the Green Belt?

8.3 The site is identified within the BLP as being within the Green Belt where neighbourhood policy NP/HOU4 and BLP policies SP1 and QP5 apply. Policy SP1 identifies that the Green Belt will be protected from inappropriate development in line with Government Policy. Policy QP5 states that the Council will protect against inappropriate development (as defined by the NPPF), unless very special circumstances apply. These policies aim to prevent urban sprawl and maintain the essential characteristics of the openness and permanence of the Green Belt to accord with the requirements of the NPPF. Policy NP/HOU4 says where the properties or sites are located within the Green Belt the developments concerned should have no greater impact on the openness of the Green Belt than that of the existing building or buildings. The NPPF states in paragraph 147 that “inappropriate development” is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 of the NPPF states that the construction of new buildings in the Green Belt is “inappropriate development”, subject to some specific exceptions including:

NPPF para 149 e) limited infilling in villages and;

NPPF para 149 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.*

8.4 This aforementioned national guidance is replicated in part within Policy QP5 that makes specific reference to settlement boundaries when considering limited infilling in villages. The host site is located within the settlement boundary of Horton as defined by the adopted policies map of the BLP for the purposes of Policy QP5.

8.5 Nevertheless, the applicant is of the view the development involves the limited infilling in a village, and also the partial redevelopment of PDL which delivers affordable housing without causing substantial harm to openness. This being exception criteria 149 e) and g) of the NPPF. Therefore, an assessment of each of the exemption criteria is required.

8.6 Exemption criteria 1. Limited infilling in villages.

8.7 Officers accept the development location is found in the village of Horton. The supporting text of Policy QP5 (at paragraph 6.18.9 of the BLP) provides guidance on what is meant by ‘limited infilling’:

“For the purposes of this policy, limited infilling is considered to be the development of a small gap in an otherwise continuous frontage, or the small scale redevelopment of existing properties within such a frontage. It also includes infilling of small gaps within built development. It should be appropriate to the scale of the locality and not have an adverse impact on the character of the locality.”

- 8.8 With this in mind. Officers do not accept that the host site is located within a ‘small gap in an otherwise continuous frontage’. The recreation park to the west and agricultural fields to the east fails to make the host site as one being found within a continuous frontage. The second aspect to the policy of infilling of small gaps within built development is also relevant. With the requirement of ensuring the development is appropriate to the scale of the locality, not having an adverse impact on the character of the locality.
- 8.9 The host site is without question in part untidy and unkempt (adjacent to the northern and western boundaries in particular). However, the host building and associated front and rear garden’s, with rear ancillary outbuildings is quite different; boasting a quaint rural character. Admittedly, the tall laurel hedge hides this fact from public view. It is also relevant that the existing buildings on site (other than the main dwelling) are all single storey with flat or shallow roofs. Although several have an industrial appearance and a negative impact on the character and appearance locally. Due to their height and position (mostly offset from the boundaries of the site), they are not readily visible from outside of the site or from any public viewpoints. 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.
- 8.10 In comparison, the proposed development of 10 new detached two storey dwellings, including keeping the existing host residential building and converting that to form 5 flats, when considered against the level of built form currently, would be a significant overdevelopment to what is presently on site. What is proposed is effectively a new mini housing estate, although within the village boundary, this new estate shall be readily visible from the east and west due to the lack of a continuous frontage within the street and the removal of the hedge to the front of the site. Thus, Officers fail to consider the development to be ‘limited’ in nature, due to the form and quantum of development proposed.
- 8.11 Exemption criteria 2. Limited Infilling of Previously Developed Land

NPPF para 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.*

- 8.12 Assessing the impact of a proposal on the openness of the Green Belt, so the planning practice guidance says (See: Paragraph: 001 Reference ID: 64-001-20190722), requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment, openness is capable of having both spatial and visual

aspects. In other words, the visual impact of the proposal may be relevant, as could its volume. These concepts are discussed in more detail below.

- 8.13 With regards to the second exemption criteria this is predicated on the assumption that part of the site is classified as 'previously developed land'. It is noted in the Glossary in Annex 2 of the NPPF (July 2023) 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** (emphasis added) 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** (emphasis added), 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.'*

- 8.14 Officers accept that the land around the perimeter of the site appears to have been in non residential use for a number of years, this is evidenced by aerial photography. However, no certificate of lawfulness has been submitted to formalise this use. Furthermore, there are no sworn affidavits that the land has been used for B8 purposes (see 1.11 of the Design and Access Statement) for a period of 10 years or more and no other supporting evidence. As such, it is left to Officer discretion what weight is given to the area of land around the curtilage of the host site. Ultimately, based on the evidence submitted, namely aerial photographs and series of closed enforcement cases that concluded no breach had occurred (see history section), officers do not consider there to be sufficient evidence to demonstrate the continued commercial use of the land for 10 years. Furthermore, to make a judgement on such limited evidence could also set an undesirable precedent for other similar applications in the Borough. A certificate of lawfulness application needs to be submitted to formalise the use, where appropriate due diligence on the use of the land can take place, including possible advertising locally that could support or otherwise such claims. Officers would also mention that B8 Storage and Distribution sites benefit from a range of permitted development allowances detailed within the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 7 Class H – Extensions etc of industrial and warehouse. Large industrial style buildings can be built on such B8 sites without requiring Planning Permission even though its Green Belt. Therefore, correct due diligence needs to take place when considering such B8 claims. As a point of reference, a Builders Yard would instead be a Sui Generis use, not a B8 use class.

- 8.15 Therefore, Officers only accept the host residential dwelling as previously developed land. The residential garden space is not included, nor are the residential garden buildings enclosing the rear garden space. The conversion of an existing building to 5 flats is acceptable in principle. Equally, the amendments to the host building to formulate this change are supported. Given the structures affixed to the rear of the host building are being removed, the additions result in a slight reduction in overall floor space on the existing building. The resultant development is not a disproportionate addition over and above the size of the original building. As such, accords with paragraph 149 g) of the NPPF.

- 8.16 However, this leaves an assessment on the 10 new residential dwellings, both detached and semi detached in nature, all market dwellings. Clearly this would have a greater impact on the openness of the Green Belt than the existing development, therefore the first aspect of the exemption criteria is not engaged. In terms of the second aspect of the exemption criteria, namely:

'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.'

- 8.17 In this case, it has not been proven that the land around the permitter of the site can be classified as Previously Developed Land. Even it was, there are no affordable houses proposed on this part of the site. There are 10 market dwellings, this is not considered a sufficient quantum of affordable dwellings to demonstrate compliance with the exemption criteria.
- 8.18 It is important to note that not all of the areas within the claimed 'commercial perimeter area' are covered with buildings and structures, and as such there are large areas within this curtilage which remain open. Equally, the NPPF Glossary definition of PDL states that it should not be assumed that the whole of the curtilage should be developed.
- 8.19 Ultimately what is proposed is considered a significant overdevelopment of the site and fails to satisfy the exemption criteria g) of Paragraph 149 of the NPPF. The existing commercial styled outbuildings (not the residential outbuildings), due to their scale, height and location, have a low negative impact on the Green Belt. However, the proposed No. 10, new 2 storey dwellinghouses would be considerably taller than all the existing single storey outbuildings on the site. Therefore, even if the new houses were confined to an area within the footprint area of the existing commercial undertakings. Officers consider 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. Overall, the development would significantly reduce the level of openness of the site, leading to an unacceptable encroachment into the Green Belt, urbanising and harming the established rural character.

2. Impact on the purposes of the Green Belt?

- 8.20 Having established that the proposals are inappropriate development, it is necessary to consider the matter of harm. Inappropriate development is, by definition, harmful to the Green Belt, but it is also necessary to consider whether there is any other harm to the Green Belt and the purposes of including land therein.
- 8.21 Paragraph 134 of the NPPF sets out the five purposes which the Green Belt serves as follows:
- 8.22 In response to each of these five purposes:
- a. to check the unrestricted sprawl of large built-up areas;
 - b. to prevent neighbouring towns from merging into one another;
 - c. to assist in safeguarding the countryside from encroachment;
 - d. to preserve the setting and special character of historic towns; and
 - e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- a) to check the unrestricted sprawl of large built-up areas;

8.23 The site is located in a rural location, on the edge of the village of Horton. For the purposes of the NPPF, the site is considered to be outside of any 'large built up areas'. As a result, the development would not result in the unrestricted sprawl of a large built up area and therefore would not conflict with this purpose.

- b) to prevent neighbouring towns from merging into one another;

The development would not conflict with this Green Belt purpose.

- c) to assist in safeguarding the countryside from encroachment;

8.25 The proposal would involve the creation of significant level of new built development, leading back into the site and prominent on the street scene in what is currently a single residential dwelling with low rise outbuildings to the rear. The general level of activity on the site associated with the existing use, also seems to be low key. As a consequence of the layout, volume and height of the proposed development, Officers consider there would be objectional levels of encroachment towards the countryside to the north. Especially when one considered the likely loss of trees on the boundaries of the site as a consequence of the layout.

8.26 The nearby neighbouring residential development to the west is linear in form, well set back from the road. The introduction of 10 houses on this site would introduce a 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. Taken together with the levels of activity associated with the proposed development, it would be an intrusive form of development.

8.27 Overall, it is considered that the proposed development is inappropriate development in the Green Belt as it would have a far greater impact on openness than the existing development on the site. The 10 new residential dwellings would therefore contribute to encroachment of the countryside and is contrary to the purposes of the Green Belt.

- d) to preserve the setting and special character of historic towns;

The host site is not located in a Conservation Area. However, the impact on the heritage assets on the opposite side of the road is considered unacceptable. This is discussed in more detail in other sections of this report.

- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

8.28 There is no spatial imperative why this rural Green Belt village land is required to accommodate the proposals, or why so many dwellings are proposed. Thus, allowing unrestricted development on land outside of urban areas would conflict with the aim of directing development towards the urban environment. Therefore, the proposed new dwellinghouses are inconsistent with the fifth purpose of the Green Belt.

8.29 In light of the above analysis, it is considered that the proposals would be contrary to purposes c) and e) of the above 'purposes of the Green Belt'. Substantial weight should be afforded to these factors.

3. Whether the harm to the Green Belt is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify inappropriate development?

8.30 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. No very special circumstances have been advanced by the applicant. However, Officers accept that the inability of Local Authority to maintain a 5 year housing supply, must be afforded some weight in the deliberation against the harm identified above. The most recently published figures show 4.83 year supply in the Authority, so the development would help in small part to offset this. The planning balance is discussed at the end of this report.

ii) Loss of the existing industrial use

8.31 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 Irrespective of whether the 10 year continued use is demonstrated in the future or not, the Policy ED3 needs to be adhered to for the loss of this industrial land. Indeed, Policy ED1 notes there is a shortage of industrial space and limited scope to allocate new sites.

8.33 The applicant's planning statement in para. 2.9 states: 'There is no loss of employment floorspace associated with this proposal, as the B8 areas of the Site are occupied by open air storage, storage containers and a caravan. The permanent storage building is outside the red line boundary and to be retained as such.' Officers would contest the assumption 'there is no loss of employment floor space'. If the area around the residential curtilage, in particular the northern and western boundary of the site are being considered as commercial floor space due to being used for builders yard purposes. The applicant needs to provide supporting evidence to show that the site has been marketed for an appropriate period of time to account for this loss. Also, that the loss would not harm the local economy due to the suitability of other nearby sites.

8.34 No information has been provided. Therefore, it is considered that in the absence of a thorough marketing exercise to demonstrate the loss of employment space is not significantly to the local economy. The application has failed to comply with adopted Borough Local Plan Policy ED3.

iii) Sustainable Design and Construction

8.35 Policy QP 3 of the Borough Local Plan states:

- 8.36 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.*
- 8.37 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.*
- 8.38 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. 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.
- 8.39 This application is accompanied by an Energy Statement April 2023, by Beat. Within this document, the applicant is working from the Sustainable Design and Construction Supplementary Planning Document (SPD) Dated June 2009. However, fails to mention the requirements of the (ISPS) or any of the recently adopted policies on this subject. Nevertheless, the proposed scheme shall include new dwellings with enhanced U-Values as well as an Air Source Heat Pump for Heating & Hot Water. This shall achieve 'at least' 10% of its energy demand from renewable or low-zero carbon technologies. The SAP calculations (Appendix 1 of the Energy Statement) provides a figure of 93% of their energy from renewable or low carbon technologies across the new houses but omits the flats. Therefore, the proposal does not adhere to the ISPS that requires 12% of the energy to be generated from renewables **of all** (emphasis added) new developments. The development is not proposing to install any EV charge points. Nevertheless, in the event of an approval, this factor could have been included as a Planning condition also.
- 8.40 According to the Council's Interim Sustainability Position Statement, new development should be net-zero carbon unless it is demonstrated this would not be feasible. Any non-net-zero carbon developments will be required to make a carbon offset contribution and it will be secured by an S106 planning obligation. The legal agreement was not pursued due to the other objections associated with this application. Therefore, in the planning balance, this lack of a signed S106 agreement is given no weight against the scheme as this would have been a formality of any approval. Nevertheless, in the absence of a legal agreement and the carbon reduction figures across the entire development the likely adverse impact of climate change associated with this development has not been overcome. The proposal therefore fails to comply with Policy SP2 of the Borough Local Plan (2013-2033) and the Interim Sustainability Position Statement.
- 8.41 The Design Stage Water Efficiency Calculation Report, submitted with this application confirms the water usage for the dwelling to be 110 litres/person/day. The applicant

did not complete a schedule to confirm the water usage fixtures and fittings. Therefore, the calculation is based on an assumed water usage target for each of the fitting types. However, Officers accept this can be controlled via planning condition.

iv) Impact on Character, Appearance and Heritage Assets

- 8.42 Paragraph 126 of the NPPF states that the creation of high quality, beautiful and sustainable buildings is fundamental to what the planning and development process should achieve. Also, Paragraph 130 states, developments should be sympathetic to local character, however not preventing or discouraging appropriate innovation or change. Local Plan Policy QP1 (Sustainability and Placemaking) is consistent with these overarching objectives and states all new developments should positively contribute to the places in which they are located and inter alia, be of high quality design that fosters a sense of place and contributes to a positive place identity.
- 8.43 Policy QP3 also seeks to achieve a high quality sustainable design by inter alia respecting and enhancing the local character of the environment, paying particular regard to urban grain, layouts, rhythm, density, height, skylines, scale, bulk, massing, proportions, and materials. Neighbourhood Policy NP/HOU1 Good Quality Design, also requires development to responds positively to the local townscape and NP/HOU2 - Footprint, Separation, Scale & Bulk, seeks to respect the footprint, separation, scale, bulk and height of the buildings in the surrounding area. Also, importantly, that new development should respect established building lines.
- 8.44 The Horton and Wraysbury Neighbourhood Plan (Nov 2019) and accompanying Neighbourhood character assessment provides a detailed assessment of the area and surrounding environment. It is noted within the character assessment that the site forms part of the village character area. It is located on the eastern periphery, leading towards open farmland and the gravel pits. The RBWM Landscape Character Assessment shows the site within the 'Settled Developed Floodplain' location.
- 8.45 As established, to the south of the site is the Grade I Listed, St Michael's Church, a historic parish church with parts dating back to the 12th century. Adjacent to Sandwell Road is Lych Gate, the entrance to the churchyard which is Grade II Listed, the wall to the west of the church is also Grade II Listed, all these heritage assets form part of a group.
- 8.46 Duties under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 state when considering whether to grant planning permission for development which affects a Listed Building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This sentiment is covered in local Policy HE1 of the BLP.
- 8.47 Given this relationship to nearby heritage assets the Conservation Officer has commented on the proposals. Ultimately, the Conservation Officer considers there to be less than substantial harm to the heritage assets. However, the level of harm is at the lower end of the scale. Nevertheless, the heritage assets nearby the host site would be negatively impacted by the proposals. This is due in particular to the forward positioning of plots 1 and 2, that having a greater impact to their setting. Also, the loss of the vegetation to the front of the site, and the moving (and intensification) of the access to a more central position. Effectively, opening up the site with a high-density housing development. The proposed new access road would be almost opposite Lych Gate, this is not considered to preserve or enhance the feature that would be prominent

on weddings for example, due to the presence of cars potentially queuing to access or leave the host site. Overall, the proposal would reduce the sense of openness between the opposing sites.

- 8.48 Paragraphs 199 of the NPPF says when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).
- 8.49 Paragraph 202 of the NPPF says where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In this case, due to the harm to the Green Belt, streetscene and other reasons for refusal listed in this recommendation, despite aiding in the housing deficit, and the provision of affordable units, which is given significant weight, the public benefits are not considered to outweigh the less than substantial harm identified.
- 8.50 With regards to the layout specifically, when assessed against the rest of the street scene. Currently, the host dwelling sets a positive precedent in terms of front building line. As one goes westwards into the village from the host site, it is clear there is a significant set back of at least 11m, up to 13m from the front building lines of the nearest dwelling on both the northern and southern side of the road. The proposed forward projection of Plots 1 and 2, some 5.5m back from the boundary is considered an unnecessary forward projection that fails to respect the established character of the village in this locality. Ultimately, indicative of a wider overdevelopment of the site.
- 8.51 The Borough Wide Design Guide identifies that new development that occurs at the back of plots, as the proposal does in part, can have a detrimental impact on character, amenity and functionality if not treated sensitively. It is therefore important that backland development remains subordinate to existing buildings on the street frontage and is not overly prominent in the character and appearance of the area.
- 8.52 Principle 6.11 sets out the following criteria:
- All backland development should be subordinate to the existing buildings on the street frontage and not be overly prominent in the character and appearance of the area;
 - It should ensure that it:
 - a. Does not harm the existing character of the local area;
 - b. Relates positively to the existing layout and urban form;
 - c. Maintains the quality of the environment and does not result in the loss of green or blue infrastructure;
 - d. Creates or maintains satisfactory amenities for the occupiers of both the new and the existing surrounding properties; and,
 - e. Does not result in unacceptable noise and disturbance for properties adjacent to accessways serving the backland development.
- 8.53 Officers conclude that only part e) of the above would be adhered to. Officers agree with the Conservation Officer that there are also concerns in terms of the proposed mansard style roof forms to the plots to the rear of the site (5, 6, 7, 8 and 9). Officers agree, they would appear to be poorly integrated elements which would detract from the overall design aesthetic of the development, reducing its quality as a place. The ridge heights of the proposed dwellings on the northern boundary especially are approximately 0.4m taller than the host building failing to represent a subordinate appearance to the host building. Given the relatively exposed position especially to the

west, Officers do not consider the development would preserve or enhance the character of the area. What is proposed is an overdevelopment of the site, cramp in nature, harming the streetscene, rural character of the area and heritage assets. Contrary to the aforementioned design and heritage policies, detailed above.

v) Highway Safety and Parking

- 8.54 Paragraph 111 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policy IF2 of the Borough Local Plan 2013-2033 sets out that new development should provide safe, convenient, and sustainable modes of transport.

Sustainable Modes of Transport

- 8.55 The site is within a good walking distance of local shops, services and public transportation. Overall, it is within a sustainable location, and this allows future occupants an opportunity to use sustainable modes of transport.

Access and layout

- 8.56 This application is accompanied by a Transport Statement (TA), which is produced by RGP on behalf of the applicant. The Council's Highways Authority has been formally consulted on this application and have objections to the proposal. The concerns are documented in their response dated 10/11/2023. However, amended plans have been received on the 24/11/2023, addressing the following issues; sweep path drawings, road widths enlarging, one extra parking space provided, parking sizes to meet standards. Collectively, these overcome the Highways reasons for refusal.
- 8.57 With regards to the omission of Drawing 004 - Standard Car Swept Path, from the submitted TA, this has been provided in the latest update pack, cars, refuse trucks, and emergency vehicles can all clearly safely enter and exit the site. No objection is raised. There were concerns regarding the depth of parking for plots 2 and 4 in particular. The Highway Design Guide says parking bays should be at least 5m between the back of the pavement or property boundary (the face of the wall, fence or hedge) and the front of a building. A minimum distance of 6.0m is required if the car is parked in front of the entrance to the house or garage. The amended layout from the latest plans address this concern, the updates also cater for adequate parking sizes for the flatted developments. Overall, no objection is raised on these aspects.
- 8.58 The internal road width was in part 4.2m (adjacent to the 5 flats). The RBWM highways design guide standards and the number of dwellings served it would be expected that a minimum road width of 4.8m and a single 2m footway be provided. The updated plans address this concern, no objection is raised.
- 8.59 The Highways Department has not objected to the stopping up of the existing access and the moving of the access to a more central location. Officers agree with this conclusion. Suitable visibility splays of 2.4m x 43m are provided in both directions as shown in the TA. Officers do not consider a speed survey is necessary to inform the 43m visibility splays. After driving the stretch of road, there are speed humps in both directions immediately outside the site, with 'slow' marking on the ground. Therefore, the speed survey is not required. Also, not objectional to Officers is the requirement not to wheel a refuse bin or bicycle through parking spaces. Most of the spaces are over 3.2m wide and as such, this

request from Highways is considered unreasonable. Revised plans have been received that show the garages enlarged to provide space for both bikes and cars. Therefore, no objection is raised in that regard. Also, Officers accept the size of the bike and bin store for the flats could have been controlled via planning condition.

Vehicle Movements

- 8.60 Policy IF2 of the Borough Local Plan sets out that new development shall be located to minimise the distance people travel and the number of vehicle trips generated. The transport technical note sets out that the number of trip generated from the proposed development would be 3 during the AM peak and 2 during the PM peak. The overall number of movements is expected to be 45 per day on comparison to 5 per day currently. Officers note the Highways Officer's comments in this regard.
- 8.61 Despite the proposed development generating likely more vehicle movements than the existing development. The overall level of traffic that is likely to be generated by the proposed development is not considered to have a significant material impact on the existing highway network. No objection is raised.

Parking

- 8.62 Policy IF2 of the Borough Local Plan sets out that new developments should provide vehicle and cycle parking in accordance with the parking standards in the 2004 Parking Strategy (prior to the adoption of the Parking SPD). Consideration will be given to the accessibility of the site and any potential impacts associated with overspill parking in the local area. Neighbourhood Plan Policy NP/HOU1 - Good Quality Design, seeks to ensure that there is adequate off-street parking provided for the proposals. The parking requirement is greater at a neighbourhood level than Borough wide. Accordingly, the parking standards are provided below.

	Horton & Wraysbury Parking Standards	RBWM Parking Standards
Accommodation type	Number of car parking spaces	Maximum Parking Standard (Areas of Poor Accessibility)
1 bedroom house or flat	Minimum of 1 off road space	1 space per unit
2-3 bedroom dwelling	Minimum of 2 off road spaces	2 spaces per unit
4 or more bedrooms	Minimum of 3 off road spaces	3 spaces per unit
Visitor Parking	Additional 2 spaces per 5 dwellings	N/A

8.63 The Neighbourhood Plan requires a Visitor Parking rate of 1 space per 10 dwellings. With this in mind, Officers agree that given 15 dwellings are proposed, 2 visitor spaces would be appropriate. The following table shows the parking standards applied to the development. (Parking spaces constituted by Garage Parking are included in brackets). Officers note the error in the original Highway Officer calculation, however the below table is considered accurate.

Accommodation type	Proposed Quantum	Proposed Parking by Development	Horton & Wrasbury Standards (applied to development)	RBWM Standards (applied to development)
1 bedroom house or flat	3	4 (0)	3	3
2-3 bedroom dwelling	11	21 (7)	22	22
4 or more bedrooms	1	2 (1)	3	3
Visitor Parking		1 (0)	2	N/A
Total	15	28(8)	30	28

8.64 Based on the standards provided above, for the 15 dwellings proposed, a provision of 28 designated spaces and 2 visitor parking spaces is required. The current parking spaces provided meet the RBWM standards although fall short of the Horton and Wrasbury parking standards (by 2). Officers agree with the Highway Officer that the RBWM standards should apply in this case, therefore no objection is raised.

8.65 The Council's Interim Sustainability Position Statement sets out that at least 20% of parking spaces should be provided with active electric vehicle charging facilities and 80% of parking spaces should be provided with passive provision. No electric vehicle charging facilities are proposed. However, it is considered that such details can be secured by a planning condition. Overall, there is no highways related objection to the proposal.

vi) Housing Mix and Affordable Housing

8.66 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.

8.67 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.

	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

8.68 The proposed scheme provides a total of 3 x 1-bedroom dwellings, 5 x 2-bedroom units 6 x 3-bedroom units and 1 x 4 bedroom dwellings. In terms of percentages, they are as follows:

- 6% of the total proposed dwellings would be 4-bedroom;
- 40% of the total proposed dwellings would be 3 bedroom;
- 33% of the total proposed units would be 2-bedroom;
- 20% of the total proposed units would be 1-bedroom.

8.69 The 2-bedroom and 3-bedroom dwellings would make up 73% 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. Policy NP/HOU3 'Smaller Properties & Housing' of the Neighbourhood Plan states, all housing proposals of five or more units should deliver at least 20% of these units as one- or two-bed properties. This has been achieved via the flats all being 1 or 2 beds.

8.70 In terms of Policy HO3 (affordable housing) 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.

- 8.71 The planning statement advises that the proposal would include 5 affordable units on site (33% of the total). Of this number, 3 would be 1 bed flats and 2 would be 2 bed flats. The Housing Enabling Officer states there is a local housing need for 2/3/4 bed family flats and houses and has no objection to this provision. However, the Housing Officer said the tenure of the 5 flats should be social rent as this is the primary tenure stated in BLP, Policy HO3. Also, that it is not feasible to mix social rent with other affordable tenures in the same block. However, this tenure mix has not been agreed so it is unclear whether it complies with HO3 and no s106 to secure in any event. Policy HO 3 requires affordable housing at 30% for developments on non Green Field sites. However, as the site is located in the Green Belt, the restrictions are tighter as explained in the section above. An exception to Green Belt policy could be via the provision all or a greater percentage of affordable housing, effectively making the site a 'rural exception site'. However, this is caveated by the requirement of being 'limited' (NPPF 149 f) Officers consider the term 'limited' means, in nature and scale to the context of the area. This proposal is not considered 'limited' in nature or scale. Therefore, the provision of 33% affordable housing on development is only given minor weight in this case.
- 8.72 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. The legal agreement was not pursued due to the other objections associated with this application. Therefore, in the planning balance, this lack of a signed S106 agreement is given no weight against the scheme as this would have been a formality of any approval. However, limited weight was given to failure to agree to the tenure mix of the affordable housing units.

vii) Residential Amenity

- 8.73 In terms of whether the proposed development would provide an adequate standard of amenity for future occupiers of the residential units, and also for neighbouring properties within the site, this is required by paragraph 130 (f) of the NPPF, also within the BLP Policy QP3 m). The Borough Design Guide also provides guidance on residential amenity, including private garden sizes.

Amenity of neighbouring occupiers

- 8.74 Given the distances between the proposed buildings and the existing neighbouring properties outside the red line area. The existing nearby dwellings would not experience and significant loss of sunlight/daylight, outlook or privacy.

Amenity of future occupiers

- 8.75 All the gardens and balconies meet the standards set out in the RBWM Design Guide SPD, and the dwelling / flat sizes comply with the NDSS. The flats are dual aspect that this is a positive to the development. However, there is no communal outdoor space for the 5 flats. In particular the 3 dwellings on the first floor. This is contrary to Principle 8.6 of the RBWM Borough wide Design Guide. There is space for this area to be included, however, for now it must be considered a reason to object to the proposal.
- 8.76 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 single

access road. With regards to overlooking concerns within the site, Officers chiefly have concerns with regards to the proposed balconies associated with plots 13 and 15.

8.77 Table 8.1 of the Borough Wide Design Guide SPD sets out the minimum separation distances for front to front, rear to rear and front/back to flank relationships for both 2 storey and above. The flank to rear relationship should be 15m and this is not been met in relation to the balcony for flat 14 and the rear garden space of Plot 10. The distance is barely 7m to the flank wall, looking directly into the rear garden space of the neighbouring dwelling. Therefore, this relationship fails the residential amenity test with regards to overlooking and over dominance. Equally, the balcony at Plot 13 is approximately 11m from the flank wall/ rear garden of plot 2. Again, at this elevated level, this distance is considered unneighbourly and objectional creating actual and perceived overlooking concerns. Officers also object to the design of the bin and bike store. This is immediately next to the front kitchen window of Plot 10, this is considered unneighbourly in terms of overlooking and disturbance. Officers have reviewed the first floor flank window of the dwelling in the blue land area and assessed the distance to the rear wall at Plot 10. The distance of circa 16m is considered acceptable, in accordance with the Design Guide.

8.78 The Environmental Protection unit has suggested various conditions and informatives regarding

ground contamination investigation and remedial measures; noise insulation against aircraft noise; a lighting scheme; construction working hours; collection/ delivery times, dust and smoke control. These matters would have been covered by conditions and/or informatives, if the recommendation was to grant planning permission. As would the mitigation measures as outlined in Cass Allen Noise Impact Assessment, submitted with this application.

8.79 Borough Local Plan Policy IF4 deals with Open Space provision. 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. Immediately to the west of the site is a playing field with a locally equipped area of play, given the circumstances Officers do not consider it reasonable to provide any additional resources in this regard.

viii) Flooding and Drainage

8.80 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.'

8.81 Policy 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.

- 8.82 Additionally, Neighborhood Local Plan Policy NP/SUSTDEV 02 'Management of the Water Environment', seeks appropriate undertakings to improve and reduce the overall flood risk. While Policy NP/HOU5 'Water Supply, Wastewater, Surface Water And Sewerage Infrastructure', requires development proposals to demonstrate that there is surface water drainage, both on and off the site to serve the development and that it would not lead to problems to existing or new users. Drainage on the site must maintain separation of foul and surface water flows. Thames Water has confirmed they have capacity to deal with the expected foul waste. This can be suitably controlled via planning condition.

Fluvial Flooding

- 8.83 The FRA submitted with the application demonstrates a small section of the south east corner and southern frontage is located within Flood Zone 2. The rest of the site is within Flood Zone 1. Indeed, all the proposed 10 new dwelling houses, will be located within the northern and western portions of the site, all within the Flood Zone 1 area. The new dwellings will therefore be at low risk of fluvial or tidal flooding. The existing dwelling is proposed to be converted into flats as part of the proposed development, this is located on the edge the Flood Zone 2 area.
- 8.84 With regards to development in Flood Zone 2 needing to pass the sequential test. In this case, the proposal involves the change of use of an existing two storey residential dwelling, which will be retained in residential use, but subdivided into smaller units. The applicant has stated that in accordance with paragraph 168 of the NPPF and footnote 56 of the same, there is no need to satisfy the sequential or exception tests for development involving change of use, despite the nearby Zone 2 classification. This view is not shared by Officers, the proposal involves significant operational development to facilitate the change of use including a new access created, with the associated intensified residential use. As such, a Sequential Test should be undertaken. A current Sequential Test has not been carried out; therefore this forms a reason to object to the proposal.
- 8.85 The applicant identifies that the RBWM's Strategic Flood Risk Assessment (SFRA) 2017, involved a sequential test of this site. The SFRA 2017, confirmed that (along with 8 other similar sites in the nearby area), there are no alternative sites in areas of lesser flood risk, because the available Flood Zone 1 sites were all required for RBWM to deliver its housing and employment requirements. The SFRA goes on to say of the host site although there are no alternative sites in areas of lower flood risk, the site is deliverable, subject to a satisfactory Flood Risk Assessment being prepared and approved. Officers don't accept that the 2017 Strategic Flood Risk Assessment (SFRA) provides a current review of the Sequential Test assessment for the site. The 2017 (SFRA) should have been the starting point from which an updated document should have been provided, taking into consideration the current circumstances in the local area.
- 8.86 With regards to the exception test, there is no requirement to undertake the exception test, this is in accordance with the Flood Zone and Flood Risk table in the Planning Practice Guidance, (Paragraph: 077 Reference ID: 7-077-20220825). SFRA says of the site, there may be safe egress to the south but further investigation will be needed as there is localised flood risk. There is space to north or the west of the site that is within flood zone 1. The northern route can be accessed via the blue line area to the east via Plots 9 and 10. As such, in the event of an approval, an evacuation / emergency plan would have been a condition of that recommendation.

- 8.87 With specific focus on the FRA submitted with this application. The FRA demonstrates that the site is located within an area that is at risk of flooding from reservoirs. The submitted FRA mitigates this by stating that reservoirs are subject to statutory inspection. Therefore, it is anticipated that, 'artificial sources' of flooding in the vicinity of the proposed development will be adequately maintained. Officers accept this explanation and raise no objection. The FRA concludes the drainage and surface flooding arrangements are acceptable.
- 8.88 The (Lead Local Flooding Authority) LLFA and the Environment Agency (EA) have been consulted on this application. The EA have confirmed the development is under their consultation threshold and they make no comment on the proposals. There was no evacuation or emergency plan and accompanying operation & management plan for the EA to comment on submitted with the application. This would come about via the Planning Condition process.

Surface Water Flooding

- 8.89 With regards to the LLFA, they raise a series of concerns with regards to the details of the drainage strategy that amount to an objection to the current scheme (see consultation section). The main concerns related to a lack of information of how the infiltration rate of $6.9 \times 10^{-5} \text{m/s}$ was achieved, given that it appears that the only viable means of surface water discharge from this site. There was no evidence of on site testing. Furthermore, as referenced within the FRA the site is at risk of groundwater flooding, which would adversely impact the performance of the permeable paving. There was no evidence of testing the level of the groundwater table at the site, that could affect the performance of the permeable paving. Also, there is no detail to demonstrate how the permeable paving/geocellular storage arrangement will operate.
- 8.90 The applicant has responded in an email dated 09/11/2023, responding to the questions of the LLFA saying the following regarding the first two points in particular:
- '1. the infiltration rate of $6.9 \times 10^{-5} \text{m/s}$ has been derived from CIRIA's 'The SuDS Manual', which sets this rate of infiltration out as the slowest rate at which the use of infiltration techniques would be viable... as testing is yet to be undertaken at the site, this value has been applied as a worst-case scenario, demonstrating that the use of infiltration techniques would be acceptable to manage surface water runoff should the infiltration rate be found to be no slower than this rate.*
- 2. ...As previously stated, it is intended that groundwater testing be undertaken at the site to determine the depth of the water table prior to the detailed design of the surface water management strategy.'*
- 8.91 However, the LLFA have confirmed that without on site testing at this stage, Officers cannot know if the infiltration rate is lower than the slowest rate of infiltration indicated as being viable by The SuDS Manual. The current proposal assumed this rate. If the rate is lower than this, then the LLFA cannot see how the drainage design can be delivered to the required standards. This conclusion is considered a logical answer and on site tests at this stage is not considered an unreasonable request. The latest LLFA response was sent to the agent on 10/11/2023, at the time of writing no further updates have been received.
- 8.92 As a result of these deficiencies, there is not sufficient evidence demonstrate that a SuDS scheme can be implemented at this site to meet the required standards. No on-

site testing of the rate of infiltration has been provided, nor has any mitigation been put forward to account for the risk from groundwater which is a known issue at this site. Fundamentally without that information it has not been established that surface water flood risk from the development can be managed in the manner that the applicant has suggested. Therefore, given any evidence to the contrary, Officers recommend the proposal to be objected to on grounds of insufficient drainage information has been submitted with the application. Contrary to Policy NR1 of the BLP, also Policy NP/SUSTDEV 02 Management of the Water Environment and Policy NP/HOU5 Water Supply, Wastewater, Surface Water And Sewerage Infrastructure of the Neighborhood Local Plan.

ix) Ecology

- 8.93 Policy NR2 of the Borough Local Plan 2013-2033 sets out that development proposals will be expected to demonstrate how they maintain, protect and enhance the biodiversity of application sites including features of conservation value and the presence of protected species. Paragraph 174 of the NPPF reads: "Planning policies and decisions should contribute to and enhance the natural and local environment".
- 8.94 The site comprises of buildings, hard standing and vegetation including grassland, trees, hedgerows and scrub. While the site is surrounded by farmland, with a number of large waterbodies, including those that are designed sites, in close proximity. Furthermore, there are roof works to the host residential dwelling. The LPA's Ecologist notes there are several records of protected species within 1km of the site including bats and birds.
- 8.95 A Preliminary Ecological Survey Report (AA Environmental Ltd, October 2023) has been provided as part of this application. The property, all out buildings and the single tree were found to have negligible potential to support roosting bats and therefore no further survey or mitigation is required with regards to roosting bats. The site was found to have no habitat to support other protected species such as great crested newt, reptiles or badgers. The ecology report states that the tree and other vegetation have the potential to support nesting birds. In the event of an approval, a condition would have been used to ensure the development works do not adversely affect nesting birds.
- 8.96 Policy NR2 states that 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 will demonstrate a net gain in biodiversity by quantifiable methods such as the use of a biodiversity metric. Whilst the submissions refer to there being a biodiversity net gain, this has not been quantified through the use of a biodiversity metric. Paragraph 180 a) of the NPPF says:
- 'When determining planning applications, local planning authorities should apply the following principles:*
- (a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused'.*
- 8.97 The applicant was sent RBWM's updated Ecology comments on the 06/11/2023, however at the time of writing no response / additional information has been submitted on this point. Therefore, insufficient information has been provided in this application to determine a quantifiable biodiversity net gain, either on site, off site or via monetary contribution. As such, the proposed development is contrary to paragraph 180a) of the

NPPF, Policy NR2 of the Borough Local Plan 2013-2033 and Neighbourhood Planning Policy NP/EN4 of the Adopted Ascot, Sunninghill and Sunningdale Neighbourhood Plan (2011-2026).

x) Trees

- 8.98 The applicant has submitted an arboricultural assessment from DPA April 2023. 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 Tree Officer has no objection to the loss of the three category C trees or the laurel hedge to the front of the site. Although there is sufficient room for planting mitigation to take place, the current indicative planting lay is not considered sufficient to soften the development from the street scene. Officers consider this can be controlled via planning condition.
- 8.99 However, in discussion with the Tree Officer, Officers have concerns with regards to the layout of the proposed dwellings and the relationship with the trees on the western and northern boundaries in particular. Trees of particular concern are T8, T9 and T10 that are Category B trees. Several other lower category trees on the trees on the northern and western boundary are considered under threat, due to the proximity of the proposed dwellings, namely, T11, G4, T3 and G2.
- 8.100 Collectively these trees play an important role in screening the host site from the countryside to the north and also the recreational play area to the west. The concern is that the root protection areas adjacent to plots 5, 6, 7 and 9 are very close to the building lines of the residential dwellings and their garages. Also, as the farmers field is located to the north, that is routinely ploughed, the Tree Officer considers there would be larger areas of root protection south of their location, where the land is not ploughed. With regards to Plots 5, 6 and 7; they are between 6.5m and 8m from the Cat B trees, while the patio areas are within the root protection areas. Any future rear extensions would also be located within the root protection area, Officers do not consider it reasonable to simply remove PD rights to prevent extensions from happening in the future as an acceptable solution. Ultimately, the rear building lines should be moved further away from the northern boundary. The layout is considered an over development of the plot, creating development too close to the boundaries, this is indicative of that concern.
- 8.101 Officers also have concerns that in the absence of a shadow survey showing the trees on the northern and western boundaries when they are mature, it is not possible to say with certainty whether the trees would affect the reasonable enjoyment of the properties and their habitable spaces.
- 8.102 Therefore, the development, by compromising the realistic retention and replanting the trees on the northern and western boundary is considered harmful to the amenity of the area. There are not considered to be sufficient public benefits to outweigh the anticipated harm to these trees. Officers are therefore of the opinion that the proposal would not be compliant with policies Policy NR3 of the Borough Local Plan 2013-2033 and Policy NP/OE1 – Landscape of the Policy Neighbourhood Plan 2011-2026 that seeks to preserve, protect and enhance existing trees and hedges that have amenity value and contribute to the quality and character of the area and provide sufficient space for trees and other vegetation to mature. The development is also considered contrary to Para. 131 of the NPPF that seeks for existing trees to be retained wherever possible. The residential amenity concern is covered via BLP Policy QP3 m), that seeks to ensure new development has no unacceptable effect on the amenities enjoyed by occupants.

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 as demonstrated by Berkshire Archaeology's Historic Environment Record.
- 8.104 The site lies within the archaeologically rich Thames Valley that have clear evidence for settlement from prehistory. The site is within the historic village of Horton, which is mentioned in Domesday and must therefore have early Medieval origins. The field adjacent to the north has several recorded crop marks of uncertain date suggesting that the site is close to potential archaeology. It is also located opposite the historic church of St Michael which dates from the 12th century and was likely built in close proximity to the community it served.
- 8.105 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 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. This is in accordance with Paragraph 205 of the NPPF(2023) which states that local planning authorities should 'require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible'. Also, BLP Policy HE 1, that requires such studies in archaeologically sensitive areas.

xii) Planning Balance Housing land supply and conclusion

- 8.106 The LPA has recently published details of a 4.83 year housing land supply. However, as the site is a Green Belt location and there are clear reasons for refusing the development, the titled balance of the NPPF is not engaged. This is in accordance with Paragraph 11 d i) of the NPPF.
- 8.107 Officers consider 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. Significant weight is attributed to the contribution towards providing additional housing in the Borough. Affordable housing provision, a prerequisite for any development over 10 units, is only marginally above the minimum requirement of 30%. However, considering this is a rural location and Green Belt land is only given limited weight. Importantly, Officers have concluded not all the site can be considered 'Previously Developed Land', in accordance with the NPPF definition.
- 8.108 The other weighting given on this development are identified below.

Summary of the Harm against the Very Special Circumstances / Public Benefits

Harm	Weight (given in the Planning Balance)	Factors Promoted as Very Special Circumstances	Weight
Inappropriate Development (Reduction in openness of the Green Belt / Conflict with the purposes of including land in the Green Belt)	Substantial	A net increase of 14 dwellings and lack of Five Year Housing Supply	Significant Weight
Lack of Biodiversity Net gain	Significant	33% Affordable Housing	Limited Weight
Unproven drainage scheme	Significant		
Impact on street scene	Moderate		
Poor residential amenity	Moderate		
Impact to trees	Moderate		
Impact on Heritage Assets	Limited Weight		
Loss of commercial space	Limited Weight		
Failure to agree tenure of Affordable Housing	Limited Weight		
Lack of S106 to secure Affordable Housing	No Weight – as this could be overcome		
Lack of S106 to secure Carbon Offset requirements	No Weight – as this could be overcome		

8.109 Paragraph 8 of the NPPF reminds the reader that in seeking to achieve sustainable development the planning system has three roles, an environmental role to protect and enhance our natural, built and historic environment; including making effective use of land. An economic role which aims to help build a strong, responsive and competitive economy. Finally, a social objective to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places.

8.110 With regards to the Environmental aspects of sustainable development, there are objections to development in the Green Belt by reason of inappropriateness, impact upon the openness and the encroachment into the countryside. Furthermore, there are concerns regarding, drainage, biodiversity net gain, heritage and loss of boundary vegetation. This is chiefly due to the significant overdevelopment of the scheme.

8.111 It is accepted that the scheme would help 'socially' with regards to the provision of additional housing in the area. However, the expansive design, excessive scale and

incongruous (to the local area) layout of the development fails to result in a well designed development.

8.112 Paragraph 81 within Section 6 of the NPPF states that significant weight should be placed on the need to support economic growth and productivity taking into account both local business needs and wider opportunities for development. While not specifically referring to the loss of such employment and business development it is nevertheless reasonable to conclude that some weight must be given to the loss of such floorspace, particularly that which is currently in use and providing industrial space for local businesses.

8.113 Taking these factors 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 in this report. The scheme is not considered to be a sustainable undertaking and the adverse impacts of the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in NPPF taken as a whole.

9. COMMUNITY INFRASTRUCTURE LEVY (CIL)

The development is CIL liable. The applicant has submitted CIL forms to advise that the proposal would create 960 sq metres of additional floorspace.

10 CONCLUSION

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

1 The proposed development, by virtue of the layout, scale, form and height of the proposed new dwellings would not engage the exemption criteria of the NPPF paragraph 149 e) or paragraph 149 g) of the NPPF 2023. The development is therefore considered inappropriate development which is by definition harmful to the Green Belt. 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. As such, the proposal represents inappropriate development in the Green Belt contrary to paragraph 149 of the National Planning Policy Framework (2023), Policy QP5 of the adopted Borough Local Plan (2022) and Policy NP/HOU4 - Redevelopment & Change Of Use of the Horton and Wraysbury Neighbourhood Plan (2011-2026).

2 The proposed development, by virtue of its cramped, overdeveloped layout, lack of set back from Stanwell Road, together with the excessive scale, height and incongruous external appearance in particular, the wide spread use of mansard roofs; fails to respect the characteristics of the existing site and the immediate village context, having a harmful intrusive urbanising impact on this rural village edge location. The proposal is considered to be contrary to Sections 12 of the National Planning Policy Framework, Policy QP1 and QP3 of the adopted Borough Local Plan (2022) and Policies NP/HOU1 Good Quality Design, and NP/HOU2 - Footprint, Separation, Scale & Bulk and NP/HOU4 - Redevelopment & Change Of Use of the Horton and Wraysbury

Neighbourhood Plan (2011-2026).

- 3 The current proposal would entail the loss of 1,205 sq metres of commercial space. The applicant has not provided any credible / 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. The application therefore fails to comply with Policy ED3 of the Borough Local Plan (2022)
- 4 No legal agreement has been provided to secure the affordable housing provision. Furthermore, the tenure of the affordable housing has not been agreed. Therefore, the proposal fails to secure the affordable housing, this is considered contrary to Policy HO3 of the Borough Local Plan (2022).
- 5 No legal agreement has been secured to ensure the carbon offset contribution for the scheme to offset the impact of the proposal. Furthermore, the flats to be created have not been included in the energy statement, meaning an accurate calculation of the Carbon Offset fund is not possible. The proposal is therefore contrary to policy SP2 of the Borough Local Plan (2022), Section 14 of the National Planning Policy Framework and the Council's Interim Sustainability Position Statement (2021).
- 6 The proposals do not set out a quantifiable biodiversity net gain. As such, the proposed development is contrary to Policy NR2 of the Borough Local Plan 2013-2033 and Policy NP/OE2 Ecology, of the Horton and Wraysbury Neighbourhood Plan (2011-2026).
- 7 The proposed new hard surfacing and buildings lines of plots 5, 6 and 7 will fall close to and in part within the root protection zones of trees on the northern and western boundaries, in particular the Category B Trees. The close proximity to the trees is likely to both hinder the growth potential of these trees and give rise to pressure from future occupiers to allow works to the tree to reduce or remove the perceived nuisance. These existing trees play an important role in shielding the site from external public views. Furthermore, the proposal is considered to result in unacceptable levels of overshadowing, enclosure and loss of light to the usable parts of these garden's rear garden space and associated internal living and dining room spaces, from their primary outlooks. The proposal, therefore, fails to comply with Section 15 of the National Planning Policy Framework, Policy NR3 and QP3 m), of the adopted Borough Local Plan (2022) and Policy NP/OE1 Landscape of the Policy Horton and Wraysbury Neighbourhood Plan (2011-2026).
- 8 The proposal would lead to less than substantial harm to the Grade I Building St Michael's Church and the two Grade II Listed Lych Gate and the church yard wall, opposite the host site. This is due in part to the unsympathetic forward building lines and also the positioning of the new entrance, proposal would reduce the openness between the two sites and lessen the architectural and historical interest by introducing a overdeveloped, suburban layout to the area. It represents less than substantial harm to the significance of the designated heritage assets. The public benefits of housing supply and the provision of affordable dwellings would not outweigh the harm as identified in the other reasons for refusal in this decision notice. Therefore, the proposal is considered to be contrary to Paragraph 202 of the National Planning Policy Framework, Policy HE1 of the Borough Local Plan (2022) and Policy NP/HOU2 Footprint, Separation, Scale & Bulk of the Horton and Wraysbury Neighbourhood Plan (2011-2026).
- 9 The proposed flatted developments result in overlooking to the neighbouring properties of plot 10 and plot 2 in particular. There is also insufficient communal amenity space for future occupants of the first floor flatted developments. The bike and bin store due to its location, forms an uneighbouringly feature in close proximately to plot 10's front elevation. This would lead to an unnecessary loss of residential amenity for future users of this dwelling. As such, the proposed development fails to provide a good standard of accommodation for future occupiers and is contrary to Policy QP3 of the Borough Local Plan (2022) , the Borough Wide Design Guide SPD and Policy NP/HOU1 Good Quality Design of the Horton and Wraysbury Neighbourhood Plan

- (2011-2026).
- 10 In the absence of an acceptable surface water storage strategy, the proposed development fails to demonstrate that it will not increase the risk of surface water flooding. The proposal development also fails to pass the sequential test. Therefore, the proposal is contrary to Section 14 of the National Planning Policy Framework and Policy NR1 of the Borough Local Plan (2022) and Policy NP/HOU5 Water Supply, Wastewater, Surface Water And Sewerage Infrastructure of the Policy Horton and Wraysbury Neighbourhood Plan (2011-2026).