

21 February 2024

Item: 4.

<b>Application No.:</b>	23/01717/FULL
<b>Location:</b>	Fifield Polo Club Fifield House Farm Oakley Green Road Oakley Green Windsor SL4 4QF
<b>Proposal:</b>	Full application for the demolition of the existing stables, commercial buildings, 6no. residential flats and hardstanding and the erection of 25 two storey dwellings together with associated parking and the use of the existing vehicular access off Oakley Green Road.
<b>Applicant:</b>	Mr Griffiths
<b>Agent:</b>	Not Applicable
<b>Parish/Ward:</b>	Bray Parish/Bray
<b>If you have a question about this report, please contact:</b> Nick Westlake on 01628 796933 or at <a href="mailto:nick.westlake@rbwm.gov.uk">nick.westlake@rbwm.gov.uk</a>	

## 1. SUMMARY

- 1.1 The development is a full application for the demolition of the existing stables, commercial buildings, 6no. residential flats and hardstanding and the erection of 25 two storey dwellings together with associated parking, landscaping and the use of the two existing vehicular accesses off Oakley Green Road.
- 1.2 The proposed development is considered to represent inappropriate development in the Green Belt, which would have a significant impact on the openness of the Green Belt, for which there are no very special circumstances which outweigh the harm to the Green Belt (which is afforded substantial weight) and the other harm identified in this report. The development would also create a significant urbanising impact on this rural location outside the settlement boundary, detracting from the rural setting and harming the nearby heritage asset. Other harm arising from the scheme includes an internal layout that fails to include a play area for children. Separately, the proposal would result in the loss of an established Polo Club and several employments uses on site (those related in car sales and those relating to the Polo Club).
- 1.3 The benefits of the scheme that can be summarised as the provision of 25 new dwellings (net 19 as there are 6 flats existing on site that would be lost), this includes a 30% provision of affordable housing (8 in total), together with the economic benefits associated from the construction period (temporary), and from future residents living there, is not considered to amount to Very Special Circumstances which clearly outweigh the harm to the Green Belt and the other harm identified.
- 1.4 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. These harms have been taken into account in the planning balance, although it is appreciated the signing of a legal agreement could remove these harms. However, even if these harms were overcome, it is not considered VSC exists which outweigh other harms identified.

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

1.	The proposal represents inappropriate development in the Green Belt contrary to paragraph 154 of the National Planning Policy Framework (2023), also SP1 and QP5 of the adopted Borough Local Plan 2013-2033. Inappropriate development is by definition harmful to the Green Belt. The scheme would also harm the openness of the Green Belt, and would conflict with two of the purposes of including land in the Green Belt (encroachment and promoting urban regeneration). There is not considered to be a case of very special circumstances that would clearly outweigh the harm caused by reason of inappropriateness and harms to the purposes of the Green Belt.
2.	The proposal would harm the character of this rural area, with the introduction of a tight grained, suburban layout, with widespread use of Crown roofs. Collectively, forming an intrusively urbanising impact, failing to respect the established rural character of the area. The proposed development would therefore conflict with adopted Borough Local Plan Policies, QP1, QP3 and QP5 of the adopted Borough Local Plan 2013-2033 and Section 12 of the National Planning Policy Framework (2023).
3.	The existing lawful use of the site is as a Polo club, a sporting facility which serves the community, would likely be lost through the proposed development. As such, it is considered that the proposal is contrary to adopted Borough Local Plan 2013-2033 Policy IF6 (8) and paragraph 103 of the NPPF (2023).
4.	The current proposal would entail the loss of commercial space. The applicant has not provided any credible and robust evidence of an appropriate period of marketing for economic use and sufficient evidence to demonstrate that the proposals would not cause unacceptable harm to the local economy. A consideration of this proposal is the significance to the local economy of the uses to be lost. The application therefore fails to comply with adopted Policy ED3 of the Borough Local Plan 2013-2033.
5.	No legal agreement has been provided to secure the affordable housing provision. The proposal therefore fails to provide the necessary affordable housing to meet the needs of the local area and is contrary to Policy HO3 of the Borough Local Plan 2013-2033.
6.	No legal agreement has been provided to secure the carbon offset contribution for the scheme to offset the impact of the proposal. The proposal is therefore contrary to policy SP2 of the Borough Local Plan 2013-2033, Section 14 of the National Planning Policy Framework and the Council's Interim Sustainability Position Statement.
7.	The proposal would lead to less than substantial harm to the (Grade II Building Fifeld Farm Cottage). This is due in part to the unsympathetic forward building lines and also the overall scale of the buildings adjacent to the shared boundary, that include first floor side facing windows. Collectively, these buildings would reduce the openness between the two sites enclosing the space, leading to the permanent loss of views of and from the Listed building's principal elevation and grounds. Overall, the proposal would create less than substantial harm to the significance of the designated heritage asset. Given that no public benefits have been identified in the application that would outweigh this harm, the proposal is considered to be contrary to Section 16 of the National Planning Policy Framework, Policies HE1 and QP3 Borough Local Plan 2013-2033 also Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
8.	The layout of the proposed development fails to include space for a Local Equipped Area of Play (LEAP) or a Local Area of Play (LAP). This would be contrary to Policy IF4 and Appendix F of the Borough Local Plan 2013-2033 that identifies a development of this size (11-200 dwellings) would require the provision of both features.

## 2. REASON FOR COMMITTEE DETERMINATION

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

### **3. THE SITE AND ITS SURROUNDINGS**

- 3.1 The application site is located to the north of Oakley Green Road, it is rectangular in nature measuring approximately 165m wide and 160m deep, covering an area of approx. 2ha. The land is essentially flat. The application site has 17 different buildings on site, mainly on the in the central and western areas of the plot, these are accessed via the western entrance. These buildings mostly single storey basic agricultural styled barns of wooden, metal and block construction They are used for the Fifield Polo Club that operates from the site; their facilities include a polo training centre, manege, stables and a grassed playing field to the north (outside the redline boundary).
- 3.2 The other buildings on the western side include a car sales area in the southwestern corner with six residential flats in 3 buildings close by. Hardstanding links all these buildings together. The variety of uses mentioned all have the benefit of recent planning approvals confirming their lawfulness. The neighbouring site to the West, adjacent Oakley Green Road, is a Grade II Listed Building known as 'Fifield Farm Cottage'. This is a residential dwelling.
- 3.3 There is a section of land some 25m wide by 60m deep, approximately central to the site, adjacent to the Oakley Green Road that is excluded from the red line area. This area is occupied by a residential dwelling known as 'Benmead'. Beyond this, on the eastern side of the site, is the second main access to the Polo club facilities. The eastern side other than the access road is laid to grass other than a pond in the northeast corner. The neighbouring site to the east is Braywood Cricket Club.
- 3.4 The application site is located approximately 220m outside of Fifield's settlement boundary that is found to the northwest of the site along Fifield Road. The land classification of the area is effectively, countryside and the Green Belt washes over the entire location.
- 3.5 There are no protected trees on site or nearby, although there is a strong mature tree line along the western boundary and to the north, enclosing the menage. There is a pavement that runs adjacent to Oakley Green Road to the south. Also, there are a series of public footpaths nearby, the closest being Route 59, some 50m to the south east and Route 52 some 250m to the north.

#### Background Information

- 3.6 The Fifield Polo club is a non affiliated private club comprising an approximately 60 acre facility with 4 polo pitches and an arena. The website says they stable around 200 horses in 150 stables and turnout. The livery is available all year round.

### **4. KEY CONSTRAINTS**

- Green Belt.
- Grade II Listed Building 'Fifield Farm Cottage' to the West
- Great Crested Newts - Red

### **5. THE PROPOSAL**

- 5.1 The proposal is a full application for the demolition of the existing stables, commercial buildings, 6no. residential flats and hardstanding and the erection of 25 two storey dwellings together with associated parking, landscaping and the use of the two existing vehicular accesses off Oakley Green Road. The density of the development would be 13 dwellings per hectare, although they are focused on the western, northern and central areas. Given there are 6 residential flats on site at present, the application shall result in the net gain of 19 dwellings.
- 5.2 The overall housing mix includes 12 x detached houses, 3 x semi detached houses and 2x terrace blocks.
- 5.3 Of the up to 25 new dwellings created, 30% would be affordable, which equates to 8 dwellings. The affordable housing is set out below:

	2-bed house	3-bed house	4-bed house	Total
Market	0 (0%)	8 (47%)	9 (53%)	17
Affordable	4 (50%)	4 (50%)	0 (0%)	8
Total	4 (16%)	12 (27%)	9 (36%)	25

- 5.4 The housing schedule is set out below:

PLOT NO.	TYPE (H/F)	NO. OF BEDROOMS	AREA (GIA M2)	NO. OF PERSONS
1 Affordable Rent	End Terrace	2	83.0	4
2 Affordable Rent	Mid Terrace	2	86.0	4
3 Affordable Rent	Mid Terrace	2	86.0	4
4 Social Rent	End Terrace	2	83.0	4
5 Social Rent	End Terrace	3	89.4	4
6 Social Rent	Mid Terrace	3	92.1	4
7 Social Rent	End Terrace	3	89.4	4
8	Detached	4	218.4	8
9	Detached	4	164.7	7
10	Detached	3	101.4	5
11	Detached	3	102.8	5
12 Shared Ownership	Semi Detached	3	105.6	5
13	Semi Detached	3	105.6	5
14	Semi Detached	3	105.6	5
15	Semi Detached	3	105.6	5
16	Semi Detached	3	105.6	5

17	Semi Detached	3	105.6	5
18	Detached	3	130.5	6
19	Detached	4	164.7	7
20	Detached	4	164.7	7
21	Detached	4	218.4	8
22	Detached	4	218.4	8
23	Detached	4	210.2	7
24	Detached	4	218.4	8
25	Detached	4	210.2	7
<b>TOTAL</b>		<b>80</b>	<b>3365.3</b>	<b>141</b>

- 5.5 In total there are 17 buildings proposed. These are all considered 2 storey dwellings. All the dwellings will be brick built, with a red stock brick with contrasting feature orange stock bricks. Some dwellings are to retain elements of stained wood cladding and render. The roof tiles are brown and burgundy plain clay tiles, the road surfaces, the roads will involve a permeable tarmac access road and permeable paving drives and parking court.
- 5.6 The Design and Access Statement describes 3 different character areas. The terraces adjacent to Oakley Green Road are built to resemble farm cottages with simple brick detailing. The medium density semi-detached centrally positioned area, involves further brick elevations with enhanced brick detailing. Lastly, the larger detached houses to the north and north west have various detailing such as render, timber boarding and brick. All the styles are said to represent the architecture locally. Of the 17 buildings, 14 of them shall have a Crown roof of some form. (Crown roof – A roof which has side slopes which are divided by a flat roofed element).
- 5.7 The existing two access points to the south of the site off Oakley Green Road will be retained and adapted to facilitate the proposal. The layout provides for a new access road and landscaping to the east, also a new attenuation basin, in addition to the existing pond that shall remain. The main polo pitches to the north of the site (outside the red line boundary) will be retained.

## 6. RELEVANT PLANNING HISTORY

<b>Application Ref</b>	<b>Description</b>	<b>Decision and Date</b>
23/00638/CLU	Certificate of lawfulness to determine whether the existing use of part of the site as residential dwelling is lawful	Refuse
16/02283/CLU	Certificate of lawfulness to determine whether the existing use for car and motorcycle sales is lawful, together with a mixed use of car sales and parking and storage of vehicles in association with Fifield Polo Club (within the area shaded yellow on the submitted plan), is lawful. Permitted	Permitted
16/02288/CLU	Certificate of lawfulness to determine whether the existing use of 6 x flats (grooms accommodation occupied in association with Fifield Polo Club) is lawful	Permitted
11/02051/VAR	Formation of hardstanding for horse boxes and spectators vehicles as allowed under the appeal of planning permission 06/02632/FULL without complying with condition 4 (hardstanding use) of that approval so that 'Kit Stables' can be erected for the duration of the polo season (April - September)	Refused
10/02769/FULL	Change of use of part of exiting barn to provide grooms accommodation for polo club	Withdrawn
07/02190/FULL	Construction of an all-weather exercise track	Permitted
06/00096/FULL	Construction of a timber barn to provide 24 stables and 2 tack rooms together with formation of 2 paddocks with access track, all-weather exercise track, gates and fencing	Permitted
06/02630/FULL	Formation of additional floorspace at first floor for use as kitchen/restaurant (A3) in association with existing first floor bar area.	Withdrawn
05/02812/FULL	Construction of a two storey extension to provide store, w.c., bar and sitting accommodation (retrospective)	Permitted
05/00791/FULL	Erection of 25 stables with tack rooms (retrospective)	Permitted
05/02223/FULL	Construction of a timber barn to provide 24 stables and 2 tack rooms together with formation of 2 paddocks with access track, all-weather exercise track, gates and fencing	Refuse
05/01741/COU	Alterations to part of main barn to create club house with bar and sitting area (Retrospective application)	Permitted
04/01284/COU	Change of use of part of existing barn to a saddlery and repair workshop.	Permitted
04/41319/FULL	Formation of extension to existing all weather horse arena, with 1.5m post and rail fencing with 8 (no.) 5 metre high pole mounted lights	Refused
04/41850/FULL	Formation of an extension to existing all weather horse arena	Permitted
87/01207/FULL	Siting of mobile home.	Permitted

## **7 DEVELOPMENT PLAN**

7.1 The main relevant policies are:

## **Borough Local Plan: Adopted Feb 2022 (BLP)**

<b>Issue</b>	<b>Policy</b>
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	EP3
light pollution	EP4
Managing Flood Risk and Waterways	NR1
Trees, Woodlands and Hedgerows	NR3
Nature Conservation and Biodiversity	NR2
Sustainable Transport	IF2
Historic Environment	HE1
Loss of employment floorspace	ED3
Open Space	IF4
Rights of Way and Access to Countryside	IF5

### **Other Material Considerations**

#### **National Planning Policy Framework Sections (NPPF) (December 2023)**

Section 2 - Achieving Sustainable development  
Section 5 - Delivering a sufficient supply of homes  
Section 9 - Promoting Sustainable Transport  
Section 8 - Promoting healthy and safe communities  
Section 12 - Achieving well-designed places  
Section 13 - Protecting Green Belt land  
Section 14 - Meeting the challenge of climate change, flooding and coastal change  
Section 15 - Conserving and enhancing the natural environment  
Section 16 – Conserving and enhancing the historic environment

#### **Supplementary Planning Documents/Guidance**

- 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

## **8. CONSULTATIONS CARRIED OUT**

### **Comments from interested third parties**

- 8.1 A total of 9 neighbours were directly notified. The application was advertised by way of a site notice (posted at site on 25.07.2023) and advertised in the Maidenhead Advertiser on 28.07.2023.

8.2 There was 1 letter of support commenting:

<b>Supporting Comments</b>	<b>Comment</b>	<b>Where in the report this is considered</b>
1	The new houses have been located within the area of the existing buildings and hard standings of the Polo Club.	See paragraphs: 9.17
2	Replacing the existing buildings with a more attractive design of houses should be viewed positively	Noted - See
3	The design does not impact on the green belt as the houses replace existing buildings.	See paragraphs: 9.20 – 9.23 and the section of Impact on Character and Appearance, 9.62 - 9.66
4	The landscaping details proposed with the new scheme would greatly enhance this part of Fifield, preserving the openness of this part of the village.	Noted
5	The scheme will in particular offer much needed housing especially the 8 affordable homes providing houses for younger people who cannot afford to get onto the housing ladder.	Noted
6	Some objectors have raised the subject of local flooding however this was due in part to the culvert beneath Oakley Green Road being blocked, which has been cleared and the issue resolved.	Noted
7	Allowing the redevelopment of this area will address the poorly constructed, culvert between the cricket pitch and the polo club which causes the 'waterlogging' of the cricket pitch to be replaced with a new ditch which would overcome this issue and prevent future flooding.	Noted
8	The existing site is also covered by hard surfaces which prevents the Polo club draining properly and a newly designed drainage proposal for the development including surface water storage in ponds will prevent any future flooding.	See section on Flooding, 9.86 – 9.92
9	Very real community benefits without impacting on the Green Belt	Noted

8.4 There were 6 objections raising the following points:



<b>Objecting Comments</b>	<b>Comment</b>	<b>Where in the report this is considered</b>
1	NPPF states that Green Belts exist (b) to prevent neighbouring towns merging into one another; (c) to assist in safeguarding the countryside from encroachment; These are very important factors be adhered to	See paragraphs: 9.41 – 9.42
2	This area is not identified as a site for development in the Borough Local Plan and there are no special circumstances to warrant additional building on Green Belt land	Noted
3	This proposal will increase the level of traffic using the busy Oakley Green Road and the A308 and will also put additional pressure on local infrastructure	See paragraphs: 9.109 to 9.122
4	The immediate local area is liable to frequent flooding	See paragraphs: 9.86 to 9.92
5	Strict enforcement should be made to protect the ecology of the area which is home to protected amphibians Crested Newts, Bats, and other amphibians and indeed predator birds that require access to live small mammals available in the open spaces of Oakley Green.	See paragraphs: 9.95 to 9.100
6	Residential extensions etc have been rejected with strict planning criteria applied given the area. Why should this be different for this large development	Noted
7	The area is prone to flood and there is no drainage strategy	Not agreed regarding no drainage strategy. See paragraphs: 9.86 to 9.92
8	These developments will make the traffic, pollution and noise levels reach a significantly higher level, local to the Oakley Green Road, Dedworth Road and A308.	See paragraphs: 8.109 to 8.122
9	The Grade II Listed Building next door will have its foundations effected by the development.	See paragraphs: 9.75

Oakley Green, Fifield and District Community Association Limited commented against the scheme saying:

<b>Objecting Comments</b>	<b>Comment</b>	<b>Where in the report this is considered</b>
1	Due to its position at the end of Oakley Green Road it would have a significant impact on the current openness of the surrounding area, being open fields and adjacent to a cricket pitch. There are currently polo fields crossed by public footpaths at the rear of this site.	See paragraphs: 9.5 to 9.13

	These would become landlocked if the development is allowed. So, what is the plan for future use of this land?	
2	This area is already prone to flooding, including the road at the front of the site. The developer claims that a newly constructed pond would be sufficient to collect the extra water that the site would create, but that any surplus could be drained into the existing ditches. The ditches do not cope now, so there is little evidence to suggest that flooding would not become very much worse	See paragraphs: 9.86 to 9.92
3	The cricket pitch adjacent to the site suffers badly with flooding and, indeed, this year could not be used at the start of the season because it was too wet. Any further development nearby would exacerbate this situation	See paragraphs: 9.86 to 9.92
4	The site is within the Green Belt. The Borough Local Plan was supposed to protect any Green Belt sites not already included within the plan for development, which this was not. Oakley Green has already lost significantly large areas of Green Belt (AL21 North & South for example) and neither needs nor deserves to lose any more. The character of the area is already becoming increasingly damaged by urbanisation.	Noted

## 8.5 Consultees and Organisations

### Consultees

Consultee	Comment	Where in the report this is considered
Lead Local Flood Authority	No Objection, subject to condition/s	See paragraphs: 9.86 to 9.92
Highway Officer	No Objection, subject to condition/s	See paragraphs: 9.109 to 9.122
Thames Water	No objections there is capacity to accommodate the foul waste	See paragraphs: 9.92
Environmental Protection	No Objection. Conditions suggested regarding:  Ground contamination investigation and remedial measures	See paragraphs: 9.106 to 9.108

Berkshire Archaeology	No Objection	See paragraphs: 9.124 to 9.125
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	Recommends a condition to secure a programme of archaeological work including a Written Scheme of Investigation.	
Sport England	Objection because the development is not considered to accord with any of the exceptions to our Playing Fields Policy or paragraph 103 of the NPPF.	8.81 to 8.87
RBWM Ecological Consultant	No Objection	See paragraphs: 9.95 to 9.100
Nature Space	No Objection	See paragraphs: 8.98
Housing Enabling Officer	No Objection  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 30% of the proposed dwellings will be affordable tenure 8 in total.	See paragraphs: 9.48 to 9.56
Tree Officer	No Objection (Verbal comments received)	See paragraphs: 9.93 to 9.94
Conservation Officer	Objection  Less than substantial harm to the neighbouring heritage asset.  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.	See paragraphs: 9.67 to 9.75

#### Others (e.g. Parish and Amenity Groups)

Group	Comment	Where in the report this is considered
Fifield Parish Council	Objection  Inappropriate development in the Green Belt with no Very Special Circumstances. The application does not fall within the village envelope and thus 'infill' is not applicable. The bulk of the existing buildings are single storey and the two-storey nature of the houses will cause a reduction in the openness of the Green Belt.  Serious concerns about the plans for mitigating the flooding issues, in particular the proposed use of local ditches as the final destination for excess flood water. There is no information as to whether the land at the site will be 'raised', as this could	See paragraphs: 9.01 to 9.47  See paragraphs: 9.86 to 9.92

	<p>have serious consequences for the cricket club and Grade II listed Fifield Farm Cottage.</p> <p>Serious concerns about the effect of this development on the adjoining Grade II listed Fifield Farm Cottage immediately to the west of the site. This Cottage has no foundations and is particularly susceptible to any additional flood or surface water. They are also concerned about vibrations during the construction which could cause long term harm to this property.</p>	<p>See paragraphs: 9.67 to 9.75</p>
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## 9. EXPLANATION OF RECOMMENDATION

9.1 The main considerations are:

- i. Green Belt
- ii. Housing mix and Affordable Housing
- iii. Sustainable Design and Construction
- iv. Impact on Character, Appearance and Heritage Assets
- v. Heritage Assets
- vi. Loss of the employment floor space
- vii. Loss of the community facility
- viii. Flooding
- ix. Trees
- x. Ecology
- xi. Landscape and Open Space
- xii. Contaminated Land
- xiii. Highway Safety and Parking
- xiv. Residential Amenity
- xv. Archaeology
- xvi. Housing Land Supply Planning balance and conclusion

### i. Green Belt

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

9.2 The site is identified within the BLP as being within the Green Belt where BLP policies SP1 and QP5 applies. BLP 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 Green Belt, that being their openness and permanence, to accord with the requirements of the NPPF.

9.3 Paragraph 154 of the NPPF states that the construction of new buildings in the Green Belt is “inappropriate development” and should not be approved expect in very special circumstances. However, paragraph 154 of the NPPF also outlines a number of exceptions to this policy. The applicant is of the view the proposal represents an exception to Green Belt Policy via the following exceptions:

*NPPF 154 Section e) ‘Limited infilling in villages’*

NPPF 154 Section 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.'

9.4 Therefore, an assessment of each of the exemption criteria is required.

9.5 Exception Assessment NPPF 154 Section e) 'Limited infilling in villages'

9.6 The application site is located some 220m from the southern edge of the settlement boundary, therefore it is outside the defined village location. However, Officers accept the BLP policy direction within QP5 (4b) allows for the following:

*'Limited infilling outside identified village settlement boundaries where it can be demonstrated that the site can be considered as falling within the village envelope as assessed on the ground (emphasis added). In assessing the village envelope consideration will be given to the concentration, scale, massing, extent and density of built form on either side of the identified village settlement boundary and the physical proximity of the proposal site to the identified village settlement boundary.'*

9.7 The NPPF does not provide any set definition of a village for the purposes of paragraph 154 e). Paragraph (6.18.10) of the Borough Local Plan states that case law has now established that the infilling in villages exception is not restricted to sites that fall within identified settlement boundaries in local plans. This impacts on villages with defined boundaries shown on the Policies Map, such as Fifield and small villages that do not have defined boundaries. Julian Wood v SoS and Gravesham Borough Council reinforces that while a village boundary as defined in a Local Plan would be a relevant consideration, it would not necessarily be determinative. The assessment as to whether the application site is located within a village is a matter of planning judgement and a matter of fact and degree. The applicant is of the view that the application site falls within the defined village envelope, 'when assessed on the ground'. However, this is not a view shared by Officers.

9.8 There is a substantial gap (circa 220m) between the south eastern edge of the Fifield settlement boundary and the application site. Indeed, when viewing the southern aspect of the settlement boundary (focused on the east side of Fifield Road). This is characterized by a row of residential dwellings with buildings heights of 2 and 1.5 storey within regular intervals. Beyond on this, in the direction of the application site, there are wide open spaces (behind and in front of a circa 1.8 boundary wall). The buildings are single storey agricultural buildings with low eaves and ridge heights. The pitch of the roofs of these buildings are also gently sloping, not characteristic of the dwellings located close to the southern edge of the settlement boundary. Furthermore, beyond these buildings is a row of mature trees before which, the site is reached. This open space, low pitched buildings and tree line collectively, clearly establishes an edge of settlement from the much more urbanized Fifield settlement boundary to the north west.

9.9 The site is found in an area of Fifield that consists small clusters of residential and commercial development separated by fields. These clusters are also broken up internally by several visual gaps and are predominantly limited in depth. As such, Officers do not accept the site lies within the village boundary ‘when assessed on the ground’.

9.10 Furthermore, the BLP provides a clear indication of what should be considered as limited infilling, via the supporting text of Policy QP5 (at paragraph 6.18.9 of the BLP):

*“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.”*

9.11 With this in mind. Officers do not accept that the site is located within a ‘small gap in an otherwise continuous frontage’, or *the ‘small scale redevelopment of existing properties within such a frontage’*. The open space on site to the east, followed by the neighbouring cricket pitch fails to make the site as one being found within a continuous frontage. The second aspect to the policy, to ensure the development is appropriate to the scale of the locality; not having an adverse impact on the character of the locality, is also relevant.

9.12 The existing buildings in the main are well set back from the road, it is also relevant that the existing buildings on site are essentially single storey with shallow roofs. Officers accept that building 5, has an eaves of some 5.4 m and a ridge of some 6.4 m, together with a wide footprint so this is an exception. However, it is well set back from the road and the ridge is still relatively low. Although several of the buildings have an industrial form, they all painted in green or a dark stain making them appear as typical agricultural buildings having a minor negative impact on the character and appearance locally. While, due to their overall heights and position, they are not particularly prominent in the street scene. Furthermore, the existing areas of hardstanding within the site are not especially exposed from outside of the site due to building and tree cover. Therefore, these areas do not result in any significant loss of openness of the site.

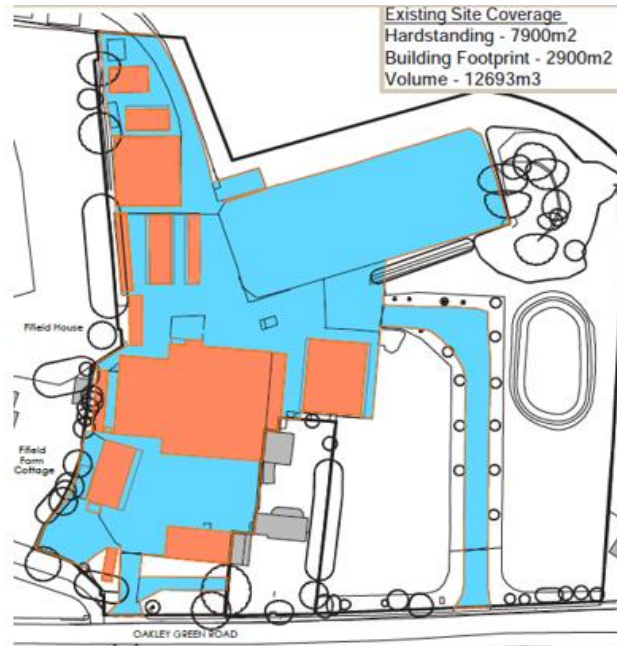
9.13 In comparison, the associated scale and layout of the proposed two storey development of 17 buildings creating 25 new terraced, semi-detached and detached dwellings. When considered against the level of built form currently on site, would be a significant increase in scale, especially with regards to building heights. What is proposed is effectively a new mini housing estate outside the village boundary. The pair of terraced blocks facing Oakley Green Road would be particularly prominent harming the open character of the area. The lack of separation distances is in stark contrast to the spacious building plots that are characteristic of the immediately prevailing character, as experienced from the street scene especially. Thus, due to the layout, height and quantum of development proposed, Officers fail to consider the development to be ‘limited’ in nature.

9.14 Exception Assessment NPPF 154 Section g) ‘Limited infilling or the partial or complete redevelopment of previously developed land (PDL), 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.'

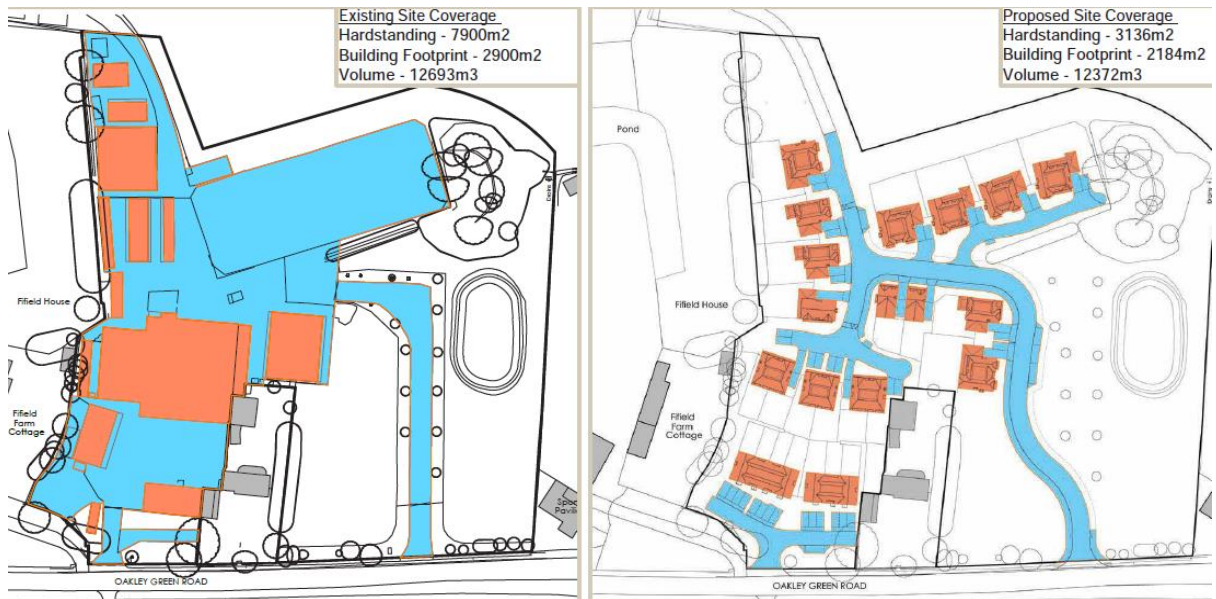
- 9.15 It is important to define the extent of PDL. The following image demonstrates the extent of previously developed land, (Blue = Hardstanding, Orange = Buildings). This is taken from the applicants Design and Access Statement. Officers have visited the site and can confirm the location of these buildings as accurate, however two of the buildings are to be discounted as they do not have the benefit of Planning Permission.



- 9.16 The glossary in Annex 2 of the NPPF defines PDL as follows:

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

- 9.17 The site is considered to comprise previously developed land. Mindful of the definition of PDL from the NPPF, that includes the sentence '*although it should not be assumed that the whole of the curtilage should be developed*'. The plan below, also from the applicant Design and Access Statement shows the existing built form / PDL (left) against the proposed layout (right).



9.18 When assessing the impact on the openness, the planning practice guidance says (See: Paragraph: 001 Reference ID: 64-001-20190722), this 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 volume of the proposal may be relevant, as could its visual impact.

9.19 The assessment is then required to consider whether the proposed development would have a greater impact on openness than the existing development.

Spatial Impact

9.20 The following table found in section 6.22 of the applicants Planning Statement. This table compares the existing building footprints, volume and areas of hardstanding to the proposed. The final column provides a net gain + / loss calculation.

Assessment Criteria	Existing Coverage	Proposed Coverage Net	Gain + / Loss -
Hardstanding	7,900 m2	3,136 m2	- 4764 m2
Building Footprint	2,900 m2	2,184 m2	- 716 m2
Building Volume	12,379 m3	12,372 m3	+ 7 m3

9.21 However, Officers do not accept that that existing buildings 12 and 13 should be included in this calculation. These buildings do not benefit from having planning permission and it has not been demonstrated that they are lawful through the passage of time.





9.22 Building 12 and building 13 have volume measurements of 494.9m<sup>3</sup> each, therefore 989.8 m<sup>3</sup> in total should be removed from the volume calculations of existing buildings as they do not benefit from planning permission and it has not been demonstrated that they are lawful. Also therefore, the footprint calculations should be reduced by 293.07 m<sup>2</sup> due to the loss of these buildings. The area should be added to the hardstanding. As such, the volume calculations should be as follows:

Assessment Criteria	Existing Coverage	Proposed Coverage Net	Gain + / Loss -
Hardstanding	8,193 m <sup>2</sup>	3,136 m <sup>2</sup>	- 5,057 m <sup>2</sup>
Building Footprint	2,607 m <sup>2</sup>	2,184 m <sup>2</sup>	- 423 m <sup>2</sup>
Building Volume	11,389 m <sup>3</sup>	12,372 m <sup>3</sup>	+ 983 m <sup>3</sup>

9.23 Therefore, when one considers the volume aspect, there is increase in volume of buildings from that that exists on site of some 983 m<sup>3</sup>, which is an increase in building volume of 8.6%. Although, there would be a significant reduction in hardstanding across the site, and a decrease in building footprint.

#### Visual Impact

9.24 The proposed terrace blocks to the front of the site (Plots 1 -7) would have a clear and demonstrably greater visual impact on the site than the existing because of their positioning closer to the road they are of a greater height than the existing buildings located there. Also, the development in the menage (Plots 22 – 25) and at (Plots 7 and 8) would more prominent than the existing as in the menage there is no significant development above ground, while in the case of Plots 7 and 8, these are in a more easterly position than the existing building located there.

9.25 Further to this, the building heights are increasing significantly across the site. The existing building heights and the proposed building heights are given below. A visual representation of the depth and width of the buildings is also shown in the above image

(8.17). From this it is clear several existing buildings have large footprints, especially the central building, Building 5. The dimensions of both the existing and proposed buildings is found in the public access file. \* Note Officers consider the eaves heights were not calculated using the definition within the 'Permitted Development Rights for Householders: Technical Guidance, 2019'. The corrected figures are provided below. The width and depth calculations are considered accurate within the original submission. The following table is provided to demonstrate the increases in building heights.

Existing		
Location	Eaves	Ridge
Building 1	2.56m	2.56m
Building 2	3.2m	4.45m
Building 3	3.3m	4.4m
Building 3 Extension	3m	Flat Roof
Building 4	2.6m	2.8m
Building 5	5.4m	6.5m
Building 5 Extension	3.2m	5.0m
Building 6	2.6m	2.8m
Building 7	3.2m	5.8m
Building 8	2.4m	2.6m
Building 9	2.6m	3.2m
Building 10	2.9m	3.6m

Proposed		
Location	Eaves	Ridge
Plots 1-4	4.9m max / 4.5 min	7.3m max / 7.0 min
Plots 5-7	4.9m max / 4.5m min	7.3m max / 7.0 min
Plot 8	5.3m	8m
Plot 9	5.3m	8m
Plot 10	5.3m	7.8m
Plot 11	5.3m	7.8m
Plots 12-13	5.3m	7.6m
Plots 14-15	5.3m	7.6m
Plots 16-17	5.3m	7.6m

9.26 Notwithstanding the fact that the existing buildings often have greater footprints than the proposed buildings. The overall ridge heights of the buildings proposed are far greater than the existing buildings, and many of the proposed dwellings have crown roofs adding considerable bulk and mass, in comparison the existing building which are low profile. A 'Landscape and Visual Impact Assessment' has been submitted with the application from 'Incola Landscape Planning'. This document concludes:

*‘There would be no greater impact on the visual or perceived openness of the Green Belt as experienced from views within the local area and wider landscape, including those from public rights of way, local roads and sporting grounds. As assessed by the LVIA, there will be beneficial effects upon the character and visual amenity associated with the proposals.’*

- 9.27 Officers don't accept this finding and are of the view that the proposals would have a greater visual impact of the Green Belt, than what exists at present. Especially from local views to the south and south east. This additional urban encroachment including the two terraces with minimal separation gap facing Oakley Green Road, together with a proliferation of Crown roofs on the site, means that the proposed development has a greater visual impact upon openness. Indeed, the spread of development across the site, including the introduction of buildings on land currently covered in hardstanding (including existing Building 12 and 13 that are not proven to be lawful), has more of a visual impact than the existing.
- 9.28 Officers accept there would be a significant reduction in traffic movements to the site as a result of the proposal. At the eastern site access, there is expected to be 123 less vehicular movements on a daily basis in the development scenario when compared existing site operations. At the western site access, there would be 193 less vehicular movements on a daily basis in the development scenario when compared existing site operation. Although, the level of activity associated with traffic movements to and from dwellinghouses would most likely to be greater later on in the evening/night time, than compared to the existing use.
- 9.29 With regards to the second exemption criteria of NPPF 154 para g).
- *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.*
- 9.30 The existing buildings are mostly single storey basic agricultural styled barns of wooden, metal and block construction. The largest and tallest of the buildings, Building 5, has a ridge of 6.4m and a eaves of between 3.2 m and 5.4m. This building is set back from the roadside by some 25m and has a mezzanine level. The buildings in front of this development are much lower in height namely Buildings 1, 2 and 5.



9.31 These buildings have the following ridge heights:

Existing Buildings	Eaves	Ridge
BUILDING 1	2.56m	2.56m
BUILDING 2	3.2m	4.45m
BUILDING 3	3.3m	4.4m
BUILDING 3 extension	3m	Flat roof

9.32 As such, it is clear these are small low rise buildings. The main bulk of the built form on site begins at the approximate position of Building 5 and then extends northwards and along the western boundary. This is not to say the front of the site is devoid of development, buildings 1, 2 and 3 clearly account for some development, however it is limited. The remaining area is largely given over as hardstanding at the front of the site.

9.33 The proposal introduces built form on site that is considerably larger in eaves and ridges heights than existing at present. This is especially evident when one considers the development to the front of the site that is some 15m closer to the road than the existing Building 5. Despite the fact the proposed terraces to the front of the site are described as 1.5 stories, the eaves and ridge heights remain that of effectively a 2 storey dwelling, (the maximum eaves is circa 4.9m and the maximum circa ridge 7.3m with a pitched roof central element having a 7.0m ridge). Thus, the proposed row of terraces (Plots 1 - 4) and (Plots 5 -7) would obscure views further back into the site with a minimal separation gap. This is in marked contrast to what exists on site at present that is more open.

9.34 The trend continues as one assess to the remaining buildings on site. The applicant confirms the building heights are capped at 8m. However, there is only one existing building on site (although it is by far the largest) that is 6.5m to the ridge, most of the others are well below this as evidenced in (para 8.25) above.

9.35 It is considered that the proposed development would have a far greater impact on the openness of the Green Belt than what exists at present and would result in substantial harm to the openness of the Green Belt.

9.36 Even if the level of harm to openness was disputed. The quantity of affordable housing provision is only in accordance with the standard provision for Policy HO3, 30% of the total or 8 dwellings out of 25 dwellings. This level of provision is policy compliant with HO3, but does not exceed the minimum requirement of this policy.

9.37 Indeed, with regards to the proposed housing mix. The Council's Housing Enabling Officer advises that a report was run on the Housing Register in June 2023 which showed that 36 applicants indicated they were interested in shared ownership, out of a total of 1050 households (3%). In a mailout to Housing Register households relating to a new build shared ownership scheme in the Borough, only 1 person said they were interested. The Council is of the view that the provision of a shared ownership unit would not deliver the tenure that is needed to meet the identified affordable housing need within the Borough.

9.38 As such, neither the exemption criteria e) or g) of Paragraph 154 of the NPPF in this case are met. The proposal is therefore considered to be 'inappropriate development'

in the Green Belt. The NPPF states in paragraph 152 that “inappropriate development” is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

## 2. Impact on the purposes of the Green Belt

9.39 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. Paragraph 143 of the NPPF sets out the five purposes which the Green Belt serves as follows:

- 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

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

The site is located in a rural location, outside the defined settlement boundary. However, 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.

9.41 b) to prevent neighbouring towns from merging into one another

The development would not conflict with this Green Belt purpose.

9.42 c) to assist in safeguarding the countryside from encroachment

The proposal would involve significant two storey-built development across an existing low rise shallow roof pitch development. Furthermore, elements of the proposed layout would further encroach into areas of land that are currently free of built development, visually being far more prominent due to the building lines proposed than the existing development. Therefore, the development would result in encroachment

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

The development would not impact on the setting and special character of historic towns and does not conflict with this purpose.

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

9.45 In general terms, the development could occur in the urban area and, in principle; there is no spatial imperative why Green Belt land is required to accommodate the proposals. Allowing unrestricted development on land outside the urban area would conflict with the aim of directing development towards the urban area. Therefore, the proposed dwellinghouses are inconsistent with the fifth purpose of the Green Belt.

9.46 In light of the above analysis, it is considered that the proposals would be contrary to purposes c) and e) of the above listed purposes of including land in 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?

9.47 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 153 of the NPPF stipulates that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Paragraph 153 of the NPPF goes on to say very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Whether there is a case of very special circumstances that exist which clearly outweigh the harm to the Green Belt, and any other harm is discussed in the planning balance at the end of this report.

**ii. Housing Mix and Affordable Housing**

9.48 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.*

9.49 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.

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

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The proposed development will provide 25 dwellings and the proposed housing mix is set out below:

	2-bed house	3-bed house	4-bed house	<b>Total</b>
Market	0 (0%)	8 (47%)	9 (53%)	<b>17</b>
Affordable	4 (50%)	4 (50%)	0 (0%)	<b>8</b>
<b>Total</b>	<b>4 (16%)</b>	<b>12 (48%)</b>	<b>9 (36%)</b>	<b>25</b>

- 9.50 The 3-bedroom dwellings would make up 47% of the total dwelling on the site, there are no 2 bed market dwellings, the SHMA expects 25 – 30% to be 2 bed dwellings. The provision of 9 x 4 bed properties or 53% of the total number of market units is above the preferred 2016 SHMA housing mix target of 20%. However, it is considered that the location within walking proximity of a primary school would be suitable for an increased percentage of 4 bed houses over 2 bedroom properties. Therefore, the proposed housing mix, in this instance, is considered acceptable. However, the number and size of proposed large units does negatively impact the Green Belt and this has been covered elsewhere in this report.

#### Accessible and Adaptable Housing

- 9.51 Policy HO2 sets out that for proposals of 20 or more dwellings, 30% of the dwellings should be delivered as accessible and adaptable dwellings by Building Regulations M4(2), and 5% of the dwellings should meet the wheelchair accessible standard in Building Regulations M4(3), unless evidence can be provided to demonstrate that such provision would be impracticable or render the scheme unviable.
- 9.52 According to the details submitted, affordable plots 1-4 shall be M4(2) compliant also market dwellings 8, 21, 22, 24 shall be M4 (2) compliant in order to meet the 30% policy requirement. Separately plot 23 will be M4 (3) (wheelchair accessible standard in Building Regulation) compliant, this is 5% of the total. These figures adhere to Policy HO2.

#### Affordable Housing

- 9.53 Policy HO3 of the BLP sets out that all developments for 10 dwellings gross, or more than 1,000 square metres of residential floorspace are required to provide on-site affordable housing as follows:
- On greenfield sites providing up to 500 dwellings gross – 40% of the total number of units proposed on the site.
  - On all other sites, (including those over 500 dwellings) – 30% of the total number of units.
- 9.54 Policy HO3 also sets out that the required affordable housing size and tenure mix shall be provided in accordance with the SHMA 2016 or subsequent affordable housing needs evidence. The delivery of onsite affordable housing should be distributed across the development to create a sustainable, balanced community. The provision of a minimum of 30% affordable housing is expected for developments on previously developed land such as this.

9.55 The planning statement advises that the proposal would include 8 affordable units on site (30% of the total). The submission plans propose 4x 2 bedroom and 4 x 3 bedroom properties to be affordable. The Affordable Housing Tenure Mix is specified as:

- 50% Social Rent (4 dwellings)
- 38% Affordable Rent (3 dwellings)
- 12% Shared Ownership (1 dwelling)

	1-Bed Flat	2-Bed Flat	2-Bed House	3-Bed House	4-Bed House	
<b>Rent</b>			<b>4</b>	<b>3</b>	<b>0</b>	<b>88% (7)</b>
Social Rent			1	3	0	(50%) (4)
Affordable Rent			3	0	0	(38%) (3)
<b>Shared Ownership</b>			<b>0</b>	<b>1</b>	<b>0</b>	<b>12% (1)</b>
Total			4 (50%)	4 (50%)	0 (0%)	100% (8)
			8 (100%)			
SHMA	35-40%	25-30%		25-30%	5-10%	

9.56 The Housing Enabling Officer has no objection to this provision. 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.

### iii. Sustainable Design and Construction

9.57 Policy QP 3 of the Borough Local Plan states:

1. *New development will be expected to contribute towards achieving sustainable high quality design in the Borough. A development proposal will be considered high quality design and acceptable where it achieves the following design principles:*
  - a. *Is climate change resilient and incorporates sustainable design and construction which:*

- minimises energy demand and water use
- maximises energy efficiency; and
- minimises waste.

9.58 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.*

9.59 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. 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.



- 9.60 This application is accompanied by an Energy Statement June 2023, by Blue Sky Unlimited. It is proposed to install a heat pump in every house, however no Photovoltaics are proposed. Also every house shall have an electric vehicle charging point & a fast internet connection. The details also indicate each houses will achieve a water use of less than 110 litres per person per day.
- 9.61 The statement summarises that the proposed development would be able to achieve a carbon reduction of 68%. 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. Such an obligation has not been secured in this application, due to the other reasons for objection identified in this report. Nevertheless, the likely adverse impact of climate change has not been overcome due to the lack of the signed S106 agreement. Therefore, the proposal fails to comply with Policy SP2 of the Borough Local Plan (2013-2033) and the Interim Sustainability Position Statement.

#### **iv. Impact on Character and Appearance**

- 9.62 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, within Paragraph 130 states, developments should be sympathetic to local character, however not preventing or discouraging appropriate innovation or change.
- 9.63 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. 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.
- 9.64 The RBWM Landscape Character Assessment shows the site within the 'Settled Farmed Sands and Clays' location. This document states of the villages in this area, 'the traditional pastoral setting of these villages is changing as modern low density detached residential development and horticultural land uses are becoming increasingly located on their periphery.'
- 9.65 The variety of the building materials proposed on the new dwellings is not objectionable and a degree of care has been taken to attempt to replicate the vernacular locally. However, with regards to the character, appearance and layout, there are two main areas of concern. Firstly, the wide nature of the terraced dwellings, plots 1 -7, with minimal separation distances, possessing irregular front building lines. The forward front building lines of plots 1 to 7, is beyond the notional line of the neighbouring properties; Fifield Farm Cottage to the west and Benmead to the east. (As a point of reference Benmead is a genuinely 1.5 storey building, with low eaves). At its furthest point, there is a front build line created some 7m (in the case of plot 4) and 5m (in the case of plot 5), beyond these neighbouring plots. Therefore, prominence of these building lines is not considered to preserve or enhance the existing character. Furthermore, the presentation of a pair of terraces in this location, is considered excessive in bulk, scale and massing. Resulting in a tight urban grain, which is not characteristic for this low rise rural setting. The proposed development is considered

to significantly urbanise the element of the site that is currently quite open, and will be highly visible within the streetscene. The back land nature of plots 22 -25 cannot be justified given the lack of development in these areas. This point has been explained in the section above.

- 9.66 The second main objection relates more widely to the buildings proposed, that is the wide spread use of Crown roofs. Although the maximum ridge heights are capped at 8.0m this is achieved by having a significant number of Crown roofs on the dwellings. Indeed 14 of the 17 new buildings have Crown Roofs. However, this is far from the rural character displayed locally. Officers have only found the odd isolated examples of such roof forms some 450m to the east of the site (outside the settlement boundary). Therefore, this is not considered reflective of the character of the area. The proliferation of such design features is considered poor design and not reflective of the prevailing character.

v. **Heritage Assets**

- 9.67 As established, to the east of the site is a Grade II Listed Building known as Fifield Farm Cottage. Therefore, under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission for development which affects a Listed Building or its setting, the local planning authority is instructed to 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.
- 9.68 Chapter 16 of the National Planning Policy Framework (2023) and Policy HE1 of the BLP states that the historic environment will be conserved and enhanced in a manner appropriate to its significance and that development proposals should preserve or enhance the character, appearance and function of heritage assets and their settings.
- 9.69 The Historic England advice note; ‘The Setting of Heritage Assets’ Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) 2017 say:

*‘The extent and importance of setting is often expressed by reference to visual considerations. Although views of or **from an asset** (emphasis added) will play an important part, the way in which we experience an asset in its setting’ (Part 1 pg 2)*

Also:

*‘The contribution of setting to the significance of a heritage asset is often expressed by reference to views, a purely visual impression of an asset or place which can be static or dynamic, long, short or of lateral spread, and include a variety of views of, **from** (emphasis added), across, or including that asset.’ (Point 10 pg 6)*

- 9.70 There are conflicting views from the LPA’s Conservation Officer and the applicants Heritage Consultants on the level of harm, if any, created as a result of the development. With this being said, it is a fact that the current buildings immediately adjacent to the boundary are low in height, namely buildings 1, 3 and 4.

Existing Buildings	Eaves	Ridge
Building 1	2.56m	2.56m
Building 3	3.3m	4.4m
Building 3 Extension	3m	Flat Roof

Building 4	2.6m	2.8m
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9.71 The proposed new dwellings principally the terrace block, plots 1 to 4, but also the pair of semi detached dwellings plots 17 and 18, due to the eaves and ridge heights would have a greater sense of enclosure on the shared boundary than the existing low rise buildings on site.

Proposed Buildings	Eaves	Ridge
Plots 1-4	Max 4.9m (facing the western boundary)	Max 7.3m (facing the western boundary)
Plots 16-17	5.3m	7.6m

9.72 Also, the forward positioning of plots 1 to 7, beyond the notional front building lines of the residential dwelling to the east and the listing building to the west does not help in preserving the sense of openness between the opposing sites. As stated by the Conservation Officer, due principally to the proposed building heights, and layout close to the shared western boundary, there would be an increased enclosure of the space close to the south western shared boundary. This in turn this would contribute to the permanent loss of views of and from the neighbouring Listed Building's principal elevation and grounds. Indeed, the proposed use of Crown roofs near the shared boundary would not help preserve or enhance the existing character setting.

9.73 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).

9.74 Paragraph 208 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. As this recommendation concludes, there is not considered to be public benefits of the proposal that outweigh the identified harm.

9.75 In terms of the construction works harming the foundations of the neighbouring Listed Building. Given the distance from the flank elevation of the Listed Building to the shared boundary is at least 18.7m and the distance to the flank elevation of the closest proposed new dwelling is 26.3m. Therefore, provided normal precautions are taken during construction, this would not, in my view, harm the listed building.

**vi. Loss of the employment floor space**

9.76 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.'

9.77 According to the agent there are 2 full time jobs on site, one for the Car Sales and 1 for the Polo Club, there are also 6 seasonal temporary groomers associated with the Polo club.

9.78 Policy ED3 says 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. No information on these matters has been provided. Therefore, it is considered that in the absence of a 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.

**vii. Loss of the community facility**

- 9.79 The existing lawful use of the site is as a Polo club, a sports club which serves the community, that would likely be lost through the proposed development. As such it is considered that the provisions of adopted Policy IF6 (8) (Community Facilities) is relevant, this says:

*'Loss of an indoor or outdoor sports facility will only be acceptable where an assessment of current and future needs has demonstrated that there is an excess of provision in the catchment, and the site has no special significance to the interests of sport.'*

- 9.80 Paragraph 103 of the NPPF also applies in this case this says:

*'Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*

*a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*

*b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*

*c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.'*

- 9.81 Within the statement from the applicant addressing this point, they say :

*'The club is not considered by the applicant as offering a community sporting facility as polo is a niche sport with this modest local ground not offering spectator participation. The applicant considers that its loss as a sporting facility would stretch the definition of the club as a sports venue.'*

- 9.82 This is not a view shared by the LPA who consider the community sporting facility as exactly that, and therefore, its loss should be assessed against the aforementioned policy guidance. The applicant within their statement says the existing facilities / club is no longer financially viable. They also say that there is an over provision of existing and more popular clubs in the near vicinity. Lastly, as a niche sport, a members only polo club without spectator participation does not offer any special significance as a sporting use. However, the concern with the applicants claims on these matters relates to the lack of details or evidence to support their claims. Within the submission there is no evidence of falling membership over the years, or open book calculations on matters relating to viability, such as yearly accounts. The statement that there is an over provision of the use in the locality is not supported by the feedback received by

Hurlingham Polo Association (HPA), which is the national governing body for Polo in the UK. This was included within the Sport England response dated 15<sup>th</sup> January 2024, the HPA said:

*'the demand is very high in that area, and it is understood that the area needs all the existing polo clubs to be functioning. Additionally, there could be scope for further polo clubs in that area.'*

- 9.83 Sport England themselves hold a strong objection to the application because it is not considered to accord with any of the exceptions of paragraph 103 of the NPPF. This is a view shared by Officers who agree the evidence is lacking to make the justification of the loss clear and compelling.
- 9.84 It is not clear how the Polo field to the rear of the site, outside the Red line, will be used given the absence of the stable buildings etc on site if the development is approved. The applicant says in their updates the 26 acre polo fields will not be lost and are still *likely* (emphasis added) to be used for their intended purpose as Polo fields with stabling facilities available in the adjacent establishment. The neighbouring Polo club is Luff and Llorens Polo Club, this is immediately east of the neighbouring cricket club, less than 200m away from the application site. There is no clear connection with this neighbouring Polo facility, ie the neighbouring Polo Club has not said the two clubs will merge etc. Therefore, as this has not been established and this does not form part of the application. The concept of a merger cannot be considered as part of this application.
- 9.85 Both Sport England and Hurlingham Polo Club suggest a replacement scheme for the stabling of horses and ponies retaining the exiting club and developing the residential aspect separately. However, this is not what is being applied for. Overall, on the basis of the evidence presented including the updated agent comments received on the 24th January 2024, where no viability evidence was submitted there is no clear justification for the loss of this sports facility and it is therefore contrary to the local and national policy requirements.

#### **viii Flooding**

- 9.86 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.'
- 9.87 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.
- 9.88 Although the area is outside of Flood zone 2 and 3. The LPA are aware of the concerns of local residents and the Parish Council with regards to the flood risk in the area, especially from surface water flooding. The applicant has submitted a comprehensive

Flood Risk Assessment from Water Environment Limited, with the application. The FRA is based on the use of permeable paving and also the piping of any excess storm / rainwater to a new 361m<sup>3</sup> volume attenuation basin to the west of the site. This is in addition to the existing pond on site that shall remain. It should also be stressed that 5,057 m<sup>2</sup> less hard standing shall be on the site post construction than what exists on site at present. This means a substantial additional amount of additional infiltration and surface water drainage should take place beyond the current levels.

- 9.89 The majority of the site where the new homes are to be cited is subject to a 'low risk' of surface water flooding (with a 0.1% to 1% or 1 in 1000 to 1 in 100 annual probability of flooding). A small area on the north-eastern boundary, is identified as 'medium risk' (with a 1% to 3.3% or 1 in 100 to 1 in 30 annual probability of flooding). This is due to an overland flow route passing adjacent to the site, across the cricket ground. Run-off from this route and the adjacent areas of 'high risk', filter to the existing pond in the north-east corner of the site.
- 9.90 Where parts of the proposed new homes are to be located within the 'low risk' surface water areas in the southern parts of the site, it is proposed to set the finished floor levels of the properties at least 150mm above the corresponding nearest flood level. The flood risk assessment concludes that the site is at a low risk of flooding from all sources when the suggested mitigation measures, such as the maintenance schedule, outlined in the FRA, are implemented.
- 9.91 Surface water runoff on the site will be managed by the implementation of a SuDS strategy. The LLFA have been consulted on this development and have concluded they are in agreement with the conclusions formed in the FRA and recommend a suitable covering condition based on the FRA details. Therefore, subject to a further detailed planning condition, the actual and residual risk of flooding is expected to be low and the flood risk to neighbouring properties will not be increased by the proposed development.
- 9.92 The applicant proposes to connect to a mains sewer. Thames Water has confirmed the scale of the proposed development doesn't materially affect the sewer network and they have no objection. The provision of connection to a mains sewer is covered via separate Building Regulations legislation, therefore no planning condition is recommended in the event of an approval.

#### **ix. Trees**

- 9.93 Policy NR3 of the BLP sets out that development proposals should carefully consider the individual and cumulative impact of proposed development on existing trees, woodlands and hedgerows, including those that make a particular contribution to the appearance of the streetscape and local character/distinctiveness. There are no Tree Preservation Orders (TPOS) within or immediately surrounding the application site. In terms of the impact on the trees, the application has been submitted alongside an Arboricultural Impact Assessment (AIA) by RPS. The report confirms the only trees to be removed are categorised as Category C, (Trees/Vegetation of low quality and value). This includes 2 individual trees, a small group near the south west entrance (G4) and several trees from the group (G7) along the existing main access road to the east of the site. All other Category A, B and C trees on the site and within the surrounding area would be retained. The Tree Officer has confirmed no objections to these losses due to the nature of the trees being non-native and poor quality. To mitigate the loss, a total of 23 new native trees shall be planted together with a range of landscaping and hedge planting (see Landscape strategy Plan 1073 P9 Sheet 2 of

2). The replacement planting is mostly along the site frontage /access, boundaries and rear of the site, to help enhance the character of the area and reduce visibility of the site.

- 9.94 The AIA also confirms any proposed works within trees RPAs will have a low impact on the retained trees, providing that the appropriate damage mitigation methods are followed. In order to minimise the potential impact new development will have on the existing trees, closest to the Root Protection Areas, "No-dig" construction principles will be used. These landscaping measures would have been secured a via planning condition in the event of a positive recommendation. No objections are raised within regards to impact on trees within the development.

## **x. Ecology**

- 9.95 Policy NR2 of the BLP requires applications to demonstrate how they maintain, protect and enhance the biodiversity of application sites, avoid impacts, both individually or cumulatively, on species and habitats of principal importance., the application has been submitted alongside an Ecological Appraisal by Ethos Environmental and a Biodiversity Net Gain (BNG) Assessment.

- 9.96 The application has been assessed by the RBWM Ecology Department, who confirm habitats on site comprise primarily hardstanding and buildings, grassland, hedgerow with a large pond surrounded by scrub in the north east of the site. With the exception of the pond which is a priority habitat as per the NPPF and will be retained, none of the habitats within the site are 'priority habitats' as defined in the NPPF. As such the conversion of non-priority habitats to buildings, garden and areas of public open space should not be a constraint to the proposals.

- 9.97 The site is predominantly developed land and short grassland which were considered unsuitable for reptiles and other Protected Species (eg badgers, nesting birds, reptiles). However, the Ecology report indicates evidence of house sparrow and swallow nesting in one of the stable buildings. The ecology reports indicates the loss of this habitat shall be offset by a dedicated colony nest tower to be installed in a suitable location in the retained and enhanced habitat in the northeast of the site. This could be secured via the Planning Condition in the event of an approval. There are fourteen buildings on site and one building was assessed as having 'low' potential to support roosting bats (all other buildings were unsuitable). A further bat survey carried out in May 2023 concluded that bat roosts were absent from this building.

- 9.98 The results from the eDNA survey found no evidence from Great Crested Newts (GCN) in the on-site pond. The communication from NatureSpace states:

*'The likely absence of great crested newts from the on-site pond and another nearby pond, along with the low suitability of much of the on-site habitats and the presence of roads between the site and most other ponds, indicate that impacts to great crested newts are unlikely to result from the proposed works (as concluded in the EclA).'*

As such, it is considered unlikely that GCN will be adversely affected by the proposals. This risk can be further reduced by implementing the mitigation measures detailed in the Ecology report. These measures should be secured by condition requiring the submission of a Construction Environmental Management Plan for Biodiversity

9.99 Policy NR2 of the BLP also requires proposals to identify areas where there is opportunity for biodiversity to be improved and, where appropriate, enable access to areas of wildlife importance. Development proposals should demonstrate a net gain in biodiversity by quantifiable methods such as the use of a biodiversity metric.

9.100 A BNG assessment has been undertaken and concludes that the development would result in a net gain in biodiversity of 85.62% habitat units, and a net gain of 34759% for hedgerows. The Ecology officer has accepted these findings. The scheme is therefore, subject to planning condition, compliant with the NPPF and NR2 of the Borough Local Plan in terms of biodiversity net gain.

#### **xi. Landscape and Open Space**

9.101 Policy QP3 requires high quality soft and hard landscaping where appropriate within new developments. The layout certainly provides such space for significant tree planting within the site layout. Such tree planting shall help soften the development and provide, in places, tree lined streets, in accordance with paragraph 136 of the NPPF, that is concerned with such provision. These areas also contribute towards the spacious character of the layout.

9.102 The open space to the west of the site measures some 0.4 and could be usable by the general public. The wider landscaping can be summarised as follows:

- retention of the existing hedgerow
- provision of a new hedgerow on the northern, eastern and part of the western boundary;
- creation of a belt of other broadleaved woodland along the northern section of the site and a woodland copse within the north-western corner;
- retention, enhancement and creation of mixed scrub habitat adjacent to the existing pond and north-eastern corner of the site;
- retention of the existing pond and creation of a new pond within the north-eastern section of the site;
- enhancement of grassland areas on site;
- addition of native trees along the site frontage, site access road and across the site. 23 native trees.

9.103 Overall, this is acceptable in landscaping terms.

9.104 With regards Open Space play provision. The Borough Local Plan Policy IF4 states:

*5. Proposals for residential development on non-allocated sites of ten dwellings and above should normally provide new open space and play facilities in accordance with the quantity standards set out in Appendix F, or those within a more up to date Open Space Study. However, where there is clear evidence that there is a quantitative surplus of one or more types of open space/play facilities in the local area, these standards will be applied flexibly in order to address any local deficits.*

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



9.105 Appendix F of the BLP 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 the dwellings. The Open Space Study 2019 shows there is neither a LAP or a LEAP in close proximity to the application site. The absence of space dedicated to such features on the layout plan is objectional and forms a reason for refusal. Natural surveillance of such areas would be required by the proposed dwellings if they were included on a revised scheme. These areas would need to be open to the public and would be secured by legal agreement.

#### **xii. Contaminated Land**

9.106 Policy EP5 of the BLP seeks to ensure that development proposals do not result in contamination to local land or water resources. Furthermore, if the land is suspected of being contaminated, it can be appropriately remediated, to remove the potential harm to human health and the environment.

9.107 A Ground Investigation Report - GIR (Aviron July 2023) has been submitted in connection with this planning application. This report concludes a moderate to low risk of contaminates within the site area and recommends a further intrusive site investigation to further explore the nature of ground contaminants if any on the site.

9.108 The Environmental Protection Officer has reviewed the findings of the report and concluded no objection to the development proposal in principle subject to a full land contamination condition. Such a condition shall require further intrusive surveys of the ground, as detailed in part 1 of the condition, while part 2 of the condition requires a submission of a remediation scheme. Collectively, strict adherence to this condition shall remove or mitigate any unacceptable risks to human health, buildings and the natural environment. Therefore, subject to the aforementioned full land contamination planning condition, no objection is raised. This would have been included in the event of an approval. The EPO also suggests a Construction Environmental Management Plan in the event of a positive recommendation, this is covered via the Ecology section above.

#### **xiii. Highway Safety and Parking**

9.109 Paragraph 115 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

9.110 The site is remote from local amenities and therefore reliant upon the private car or public transport. Bus Stops are located on both sides of Oakley Green Road and are within a reasonable walking distance of no more than 360m. These stops are served by bus service 16 an hourly service connecting Windsor to Maidenhead via Fifield). There is a footpath to the front of the site. On balance therefore, there is no objection to the location of the development on grounds of Policy IF2.

#### Access

- 9.112 This application is accompanied by a transport statement, which is produced by RGP on behalf of the applicant. The statement sets out that the proposed development would have no material impact on the capacity of the local highway network. While the proposed access arrangements would enable fire and refuse vehicles to satisfactorily access the site and the proposed visibility is sufficient to comply with Manual for Streets criteria. Also, the proposed vehicle and cycle parking provision would be appropriate to meet RBWM's parking standards.
- 9.113 The Council's Highways Authority has been formally consulted in this application and confirmed from the updated details submitted the Highway Authority now has no severe concerns with regards to the proposal and would therefore recommend that should planning permission be granted a financial contribution to improve the nearby 4 bus stops being opposite Braywood School and to the west of the site near the junction with Fifield Road should be pursued. The Highway Officer also recommends various highway related planning conditions relating to; accesses to complete before occupation as approved, internal access roads & parking spaces complete before occupation, surfacing of access, street lighting, parking being marked out, visibility splays as drawn, cycle parking to be provided, garage retention for car use, refuse bin and recycling provision to be submitted, electric vehicle charging, provision of residential pedestrian access for each dwelling and no gates at vehicular access. In the event of an approval these conditions would have been considered.
- 9.114 Officers note there is not a pavement leading into the site for plots 1 -7. However, these matters can be covered via planning condition and the S38 / S278 process, thus ensuring pedestrian safety on the finalised pedestrian layout.

#### Vehicle Movements

- 9.115 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 statement demonstrates a significant reduction in trip rates.

**Table 7A Eastern Site Access – Traffic Impact Assessment**

	Existing (Table 4A)		Proposed (Table 6B)		Net Change in Traffic		
	In	Out	In	Out	In	Out	Two-way
08:00-09:00	8	10	3	7	-5	-3	-8
17:00-18:00	15	18	5	3	-10	-15	-25
<b>Daily Weekday</b>	<b>104</b>	<b>103</b>	<b>41</b>	<b>43</b>	<b>-63</b>	<b>-60</b>	<b>-123</b>

**Table 7B Western Site Access – Traffic Impact Assessment**

	Existing (Table 4A)		Proposed (Table 6B)		Net Change in Traffic		
	In	Out	In	Out	In	Out	Two-way
08:00-09:00	14	6	1	3	-13	-3	-16
17:00-18:00	6	10	2	1	-4	-9	-13
<b>Daily Weekday</b>	<b>111</b>	<b>115</b>	<b>16</b>	<b>17</b>	<b>-95</b>	<b>-98</b>	<b>-193</b>

- 9.116 At the eastern site access, there would be 123 less vehicular movements on a daily basis in the development scenario when compared existing site operations. At the western site access, there would be 193 less vehicular movements on a daily basis in the development scenario when compared existing site operation. There is therefore no objection to the level of traffic likely to be generated.

#### Parking

- 9.117 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.

- 9.118 The two and three bed dwellings will be provided with two car parking spaces per unit. Four bed dwellings will be provided with three car parking spaces per unit. This provision is in accordance with the Council's car parking standards. Each dwelling will be provided with an electric vehicle charging point. A total of five visitor parking bays are proposed across the development site. This is acceptable.
- 9.119 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.
- 9.120 The transport statement and the site plan show that cycle parking facilities will be provided on-site. Further details of the cycle parking facilities should be provided but it is considered that such details can be secured by a planning condition.

#### **xiv. Residential Amenity**

- 9.121 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. All these distances have been achieved. Given this relationship it is not considered that the proposed buildings would have an adverse impact on sunlight/daylight, outlook or privacy.
- 9.122 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. The Borough Design Guide SPD (adopted) also provides guidance on residential amenity, including private garden sizes. All the gardens meet the standards set out in the RBWM Design Guide SPD. All the dwellings are in excess of the NDSS standards. There is no objection on grounds of residential amenity.
- 9.123 Officers would point out that in the case of both plot 1 and plot 17, there is a first floor window within the side elevation that would face the gardens of Fifield Farm Cottage. This would create overlooking. This is a negative in terms of residential amenity, although the windows could be conditioned to be made of obscure glass. In mitigation Officers accept there are mature trees on the boundary, however these trees cannot be relied upon. Nevertheless, on balance a reason for refusal on these grounds has not been recommended as permitted development rights could give rise to similar windows.

#### **xv. Archaeology**

- 9.124 The applicant has submitted an Archaeological Desk-Based Assessment from RPS Group (19/06/23). This report concludes a low potential of archaeological deposits on site, with the exception of a possible area of cropmark identified in historic aerial photography as a possible enclosure and the post-Medieval circular pond at the north-east of the site. The report states further investigation may be required to ascertain the

presence / absence of archaeological deposits within these areas. This may consist of non-intrusive and / or intrusive survey and can be secured as part of a planning condition should consent be granted. The Council's Archaeological consultant has provided comments on the application. They state there are potential archaeological implications associated with this proposed scheme as demonstrated by Berkshire Archaeology's Historic Environment Record. The site lies within the Thames Valley, which is known to have been settled from prehistory. There are several sites of interest within the immediate surrounding area and on the site itself.

- 9.125 Therefore, 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 211 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.

#### **xvi. Planning Balance**

- 9.126 The applicant has submitted a report (RPS Group Aug 2023) setting out their assessment of the 5 year housing land supply position for the Borough which concludes that there is a 3.42 year supply of deliverable housing sites. The Council published its latest Position Statement on the 5 year housing land supply in July 2023 which showed a 4.84 year supply of housing. There are a number of elements of the applicant's assessment that officers do not agree with. However, this is not the correct forum to explore these matters. Indeed, there have been no recent appeal findings that the LPA is aware of where Planning Inspectors have taken a differing view on the published LPA position on 5 year land supply levels.
- 9.127 As such, the LPA acknowledge that there is not a 5 year supply at present but that on the Council's evidence, the shortfall is limited. In any event, with regards to the provision of the titled balance. As the site is a Green Belt location, and would adversely affect the setting of a designated heritage asset and there are clear reasons for refusing the development on these grounds, the titled balance of the NPPF is not engaged.
- 9.128 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.
- 9.129 With regards to factors promoted as 'Very Special Circumstances'. Significant weight is attributed to the contribution towards providing additional housing in the Borough. Separately in terms of the Affordable housing provision. This is a prerequisite for any development over 10 units, thus the requirement of 30% is the minimum. Considering this is a rural, Green Belt location, this 30% provision of affordable housing is only given moderate weight. Jobs during construction period is also given limited weight.
- 9.130 A summary of the elements identified in this report and bringing harm to the area is given below.
- Inappropriate Development (Reduction in openness of the Green Belt / Conflict with the purposes of including land in the Green Belt)
  - Loss of the Polo Club (a community facility)
  - Loss of employment

- Adverse impact on character of area
- Adverse impact on Heritage Assets
- Lack of LEAP or LAP on site
- Lack of S106 to secure Affordable Housing
- Lack of S106 to secure Carbon Offset requirements

9.131 It is not considered that there are considerations which constitute Very Special Circumstances which clearly out weight the harm to the Green Belt (which is afforded substantial weight), and the other harm identified in this report listed above.

## **9. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

The development is CIL liable. The applicant has submitted CIL forms to advise that the proposal would create 2512.2 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

## **12. REASONS FOR REFUSAL**

- 1 The proposal represents inappropriate development in the Green Belt contrary to paragraph 154 of the National Planning Policy Framework (2023), also SP1 and QP5 of the adopted Borough Local Plan 2013-2033. Inappropriate development is by definition harmful to the Green Belt. The scheme would also harm the openness of the Green Belt, and would conflict with two of the purposes of including land in the Green Belt (encroachment and promoting urban regeneration). There is not considered to be a case of very special circumstances that would clearly outweigh the harm to the Green Belt and the other harm identified.
- 2 The proposal would harm the character of this rural area, with the introduction of a tight grained, suburban layout, with widespread use of Crown roofs. Collectively, forming an intrusively urbanising impact, failing to respect the established rural character of the area. The proposed development would therefore conflict with adopted Borough Local Plan Policies, QP1, QP3 and QP5 of the adopted Borough Local Plan 2013-2033 and Section 12 of the National Planning Policy Framework (2023).
- 3 The existing lawful use of the site is as a Polo club, a sporting facility which serves the community, would likely be lost through the proposed development. As such, it is considered that the proposal is contrary to adopted Borough Local Plan 2013-2033 Policy IF6 (8) and paragraph 103 of the NPPF (2023).
- 4 The current proposal would entail the loss of commercial space. The applicant has not provided any credible and robust evidence of an appropriate period of marketing for economic use and sufficient evidence to demonstrate that the proposals would not

cause unacceptable harm to the local economy. A consideration of this proposal is the significance to the local economy of the uses to be lost. The application therefore fails to comply with adopted Policy ED3 of the Borough Local Plan 2013-2033.

- 5 No legal agreement has been provided to secure the affordable housing provision. The proposal therefore fails to provide the necessary affordable housing to meet the needs of the local area and is contrary to Policy HO3 of the Borough Local Plan 2013-2033.
- 6 No legal agreement has been provided to secure the carbon offset contribution for the scheme to offset the impact of the proposal. The proposal is therefore contrary to policy SP2 of the Borough Local Plan 2013-2033, Section 14 of the National Planning Policy Framework and the Council's Interim Sustainability Position Statement.
- 7 The proposal would lead to less than substantial harm to the (Grade II Building Fifield Farm Cottage). This is due in part to the unsympathetic forward building lines and also the overall scale of the buildings adjacent to the shared boundary, that include first floor side facing windows. Collectively, these buildings would reduce the openness between the two sites enclosing the space, leading to the permanent loss of views of and from the Listed building's principal elevation and grounds. Overall, the proposal would create less than substantial harm to the significance of the designated heritage asset. Given that no public benefits have been identified in the application that would outweigh this harm, the proposal is considered to be contrary to Section 16 of the National Planning Policy Framework, Policies HE1 and QP3 Borough Local Plan 2013-2033 also Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 8 The layout of the proposed development fails to include space for a Local Equipped Area of Play (LEAP) or a Local Area of Play (LAP). This would be contrary to Policy IF4 and Appendix F of the Borough Local Plan 2013-2033 that identifies a development of this size (11-200 dwellings) would require the provision of both features.