

**ROYAL BOROUGH OF WINDSOR & MAIDENHEAD
PLANNING COMMITTEE**

WINDSOR RURAL DEVELOPMENT CONTROL PANEL

28 June 2017

Item: 1

Application No.:	17/01066/VAR
Location:	The Little House Charters Road Sunningdale Ascot SL5 9QF
Proposal:	Redevelopment of site to provide 6 x 3 bedroom apartments under planning permission 15/03090 (allowed on appeal) without complying with condition 2 (approved plans) to substitute approved drawings
Applicant:	Kebbell Homes Ltd
Agent:	Christopher Pickering
Parish/Ward:	Sunningdale Parish/Sunningdale Ward

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

1. SUMMARY

- 1.1 This application is essentially an amendment to 15/03090 (allowed on appeal). The application seeks to vary the approved plans listed in condition 2 of the decision notice.
- 1.2 This current application maintains the same general layout of that approved under 15/03090 i.e. an apartment building and 2 detached garages and surface car parking. However, this current application proposes an apartment building of a very similar above-ground design and proportions to that approved under 16/01680. The current application also proposes minor changes to the design of the garage roofs.
- 1.3 The applicants have submitted amended plans (P140 Rev A, P135 Rev A, P160 and P200 Rev A - received 12 June 2017) to accurately show the proposed roof lights in the side elevations serving kitchen/dining/living area, to show a smaller first floor side en-suite bathrooms windows and a reduction in the angle of pitch on the garage roofs so as to provide a fully hipped roof without a crown. The applicants have also submitted an amended layout (P050 Rev A -received 12 June 2017) showing existing (Lime) trees on the frontage retained.
- 1.4 It is considered that the changes to the scheme proposed in this current application can be dealt with under a section 73 (variation) application. Furthermore, it is considered that the proposed scheme including recent amendments mentioned in paragraph 1.3 are acceptable.
- 1.5 The applicant will need to submit a Deed of Variation to secure mitigation towards SAMM and SANG.

It is recommended the Panel grants planning permission with the conditions listed in Section 10 of this report.

It is recommended the Panel authorises the Head of Planning:

1.	To grant planning permission subject to the completion of a satisfactory Deed of Variation to secure SAMM and SANG mitigation.
2.	To refuse planning permission if satisfactory Deed of Variation to secure SAMM and SANG mitigation is not received by the 31 July 2017.

2. REASON FOR PANEL DETERMINATION

- The Council's Constitution does not give the Head of Planning delegated powers to determine the application in the way recommended; such decisions can only be made by the Panel.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site is located on the northeast side of Charters Road almost opposite the junction with Sunning Avenue. The site formerly accommodated a 1½ storey high single family dwelling, with a detached garage and outbuilding. The site measures 0.262 hectares and is accessed by a driveway positioned opposite Sunning Avenue. The site has been cleared of buildings.
- 3.2 There are trees along the boundaries of the site including the front boundary. There is currently good screening along the front boundary and a fence. The site is subject to an Area Tree Preservation Order (No 9 of 1984).
- 3.3 The site lies within the excluded settlement of Sunningdale and its boundaries are surrounded by residential houses with a property on the opposite side of Charters Road being subdivided into flats. The site is within the townscape area described as 'Leafy Residential Suburb'.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 This current application is for 6 x 3-bedroom apartments with 2 x double garages plus 8 parking car parking spaces within an open forecourt. In total the application proposes 12 car parking spaces (4 within the garages).

Ref.	Description	Decision and Date
03/84272	Erection of ten 2-bed apartments with associated parking and landscaping following demolition of existing dwelling	Refused 06/01/04 Appeal dismissed
04/84958	Erection of 8 x 2 bedroom flats following demolition of existing dwelling (revision of 03/84272).	Withdrawn 04/08/04
12/00325	Construction of two detached houses and garages with access and landscaping following demolition of existing house and garage	Approved 03.04.2012
12/01490	Erection of 6 x 3 bedroom flats together with garages and a parking court following demolition of the existing building	Refused 20.07.2012 Appeal dismissed
Appeal A 12/01490	Erection of 6 x 3-bedroom flats with garages and a parking court following demolition of existing.	Refused 28.5.2015. Appeal dismissed.
Appeal B 12/02720	Erection of 6 x 3 bedroom flats together with basement parking following demolition of the existing building	Refused 03.10.2012 Appeal allowed
14/00118	Erection of 4 semi-detached dwellings with basements and associated amenity space following the demolition of the existing.	Approved 20.7.14
14/01846/FULL	Construction of 4 x semi-detached dwellings with garages and associated amenity space.	Refused 21.8.2014. Appeal allowed 27.4.2015
14/02971/FULL	Construction of 4 x semi-detached dwellings with garages and associated amenity space.	Refused 11.11.2014 Appeal withdrawn.

Ref.	Description	Decision and Date
15/03090	Redevelopment of site to provide 6 x 3-bedroom apartments (with 2 garages on the frontage).	Refused and allowed on appeal 28 Oct 2016.
16/01680	6 x 3-bedroom apartments with basement parking.	Allowed 2 August 2016
17/00767	Variation to planning permission 12/02720- without complying with Condition 7 (tree protection) and Condition 17 (approved plans).	Pending decision.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework, Paragraph 17 (Core principles), Section 2 (Ensuring vitality of towns), Section 6 (Delivering a wide choice of high quality homes), Section 7 (Requiring good design).

Royal Borough Local Plan

5.2 The main strategic planning considerations applying to the site and the associated policies are:

	Within settlement area	Protected Trees	Highways /Parking issues
Local Plan	DG1, H10, H11, H14	N6	T5, P4
Ascot, Sunninghill and Sunningdale Neighbourhood Plan	NP/EN4, NP/H2, NP/H3, NP/DG1, NP/DG2, NP/DG3, NP/DG5, NP/T1, NP/T2	NP/EN2, NP/EN3	NP/T1, NP/T2

These policies can be found at

https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices

Supplementary planning documents

5.3 Supplementary planning documents adopted by the Council relevant to the proposal are:

- Sustainable Design and Construction
- Planning for an Ageing Population

More information on these documents can be found at:

http://www.rbwm.gov.uk/web/pp_supplementary_planning.htm

Other Local Strategies or Publications

5.4 Other Strategies or publications relevant to the proposal are:

- RBWM Landscape Character Assessment - view at:
http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm
- RBWM Townscape Assessment - view at:
http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm
- RBWM Parking Strategy - view at:
http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm

More information on these documents can be found at:

https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Impact on the character and appearance of the area.
- ii Impact on neighbours
- iii Highway and parking

Impact on the character and appearance of the area.

- 6.2 This application combines elements from two extant schemes. The layout and siting of the buildings (apartment building and detached garages) is similar to that approved under 15/03090. The design, layout and proportions of the apartment building (above ground), are all very similar to that approved under 16/01680, but without the basement car parking. Other differences relate to fenestration detailing on the front, side and rear elevations, and column details on the rear elevation. It is important to note that the building is no taller, wider or deeper than the building approved under 16/01680.
- 6.3 The applicant has submitted amended plans (on 12 June 2017) to accurately show how the elongated roof lights in the side elevations serving kitchen/dining/living area relate to the roof slope and to show the size of the first floor side en-suite bathrooms windows reduced in length. The applicants have also reduced the angle of pitch on the garage roofs so as to provide fully hipped roofs, rather than a crown roofs.
- 6.4 It is noted on the previous application 15/03090, there was fairly bulky parapet wall detailing above the garage doors and a pitched roof behind it (approximate height 4.7 metres). It is considered that the proposed garages (without a parapet) and fully hipped roof measuring approximately 5 metres to the peak, would not appear any more bulky in the street scene, than the previously approved garages with parapet.
- 6.5 It is considered that the proposed new apartment building in combination with the two double garages is acceptable in terms of the character and appearance of this area. The Inspector who determined the appeal for 15/03090 commented in paragraph 10 of the decision notice commented: ‘... garages prominently sited in front of the various types of residential buildings in this part of the street scene are part of the character of the area and therefore their inclusion within this scheme would not stand out as a departure from this pattern of development.’

- 6.6 It is noted that the application for 6 x 3-bedroom flats and garages proposed under 12/01490/FULL, which was refused and dismissed on appeal, provided much larger garages and much more of the open central parking forecourt would have been readily visible from Charters Road frontage in that proposal.
- 6.7 The applicants have submitted an amended layout drawing to show existing trees along the Charters Road frontage retained. These trees were omitted from the originally submitted drawings. These trees are covered by an area Tree Preservation Order. The retention of these trees is important in order to retain the character of this 'Leafy Residential Suburb', townscape.
- 6.8 The removal of 4 Western Red Cedars along the side (south eastern) boundary and replacement with new Western Red Cedars is considered acceptable.

Impact on neighbouring properties

- 6.9 It is considered that the impact on neighbouring properties would be acceptable. Given there are extant permissions for both the apartment building and detached garages on this site, it is considered that it would be difficult to justify a reason for refusal based on the impact on the on neighbouring properties.
- 6.10 This current proposal proposes full length roof lights approximately 0.76 above internal floor level in the side elevations – serving kitchen, living, dining areas. This will allow more light to these habitable areas. The previous application 16/01680/FULL proposed smaller/higher level roof lights, in similar relative positions. Nevertheless, it is considered that these full length roof lights would not give rise to additional levels of overlooking or loss of privacy to the properties on either side, such that would warrant refusal of the application on those grounds. It is noted that no objection was raised from neighbours on either side.

Highway and parking considerations.

- 6.11 In highway terms there are no material differences between this application and planning application number 15/03090, that was allowed at appeal. The Highway Authority recommends conditions, as per the Inspector's appeal decision. See conditions 5 -11 in section 10 below. Standard highway informatives are also suggested – see informatives 1-3 in section 10.
- 6.12 Charters Road is a local distributor road that is subject to a 30mph speed limit, which has its access off the A30 London Road and the A330 Devenish Road. On street parking is prohibited between the hours of 8am and 6pm, from Mondays to Fridays.
- 6.13 To comply with the Authority's maximum parking standard, currently set at 2 spaces per dwelling the scheme would need to provide 12 spaces. These 12 spaces are provided by the 2 x double garages and the 8 surface parking spaces. The scheme has the potential to generate between 36 and 48 vehicular trips per day.
- 6.14 The site is 0.4 miles (640 metres) from Sunningdale Train Station. In line with the Council's adopted Parking Strategy, a site that is within 800 metres of a train station with a regular half hourly or better train service is considered to be an accessible location. There are also shops and services within walking distance of the application site in Sunningdale. The parking provision of 2 spaces per dwelling is the maximum standard for areas of poor accessibility. It is noted in the adopted Council's Parking Strategy, that the maximum parking requirement in an area of good accessibility is 1 space per dwelling. Therefore, the current proposal 17/01066 for 12 spaces meets the maximum standard for areas of poor accessibility, with 2 spaces per 3-bedroom apartment.
- 6.15 It is noted that the approved application 14/01846 (for 4 x 4-bedroom houses) provided only 1 space per dwelling - complying with the maximum standard for areas of good accessibility. It is noted that there are parking restrictions on the road between 8am-6pm week days (yellow lines), so the potential for on-street parking in this area is limited.

Other Material Considerations

Housing Land Supply

- 6.16 Paragraphs 7 and 14 of the National Planning Policy Framework (NPPF) set out that there will be a presumption in favour of Sustainable Development. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development, and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites.
- 6.17 It is acknowledged that this scheme would make a contribution to the Borough's housing stock and it is the view of the Local Planning Authority that the socio-economic benefits of the additional dwelling(s) would also weigh in favour of the development.
- 6.18 The conditions imposed on the previous decision 15/03090 have been repeated on this current application (see section 10 below). The condition on archaeology (see condition 12 in section 10) has been reworded reflect the details approved under a recent conditions application.

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 A section 73 Variation application which would not have a larger floor area than the original scheme approved under 15/03090 in August 2016, would not attract CIL payments. The floor space of the this current scheme and previous scheme approved under 15/03090 are very similar. The applicant has been requested to submit a CIL - Additional Information Form and to verify the floor space figures for both schemes.
- 7.2 CIL will be charged on any additional floorspace at a rate of £240 per square metres. Final figures will need to be agreed by the Council's CIL officers.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

- 8.1 13 occupiers were notified directly of the application.
- 8.2 No letters were received from neighbours either supporting or objecting to the application,

Statutory consultees

Consultee	Comment	Where in the report this is considered
Parish Council	Council strongly objects to this variation to application and will be calling to WRDCP. The council does not accept that this is a variation to an existing permitted development as the drawings submitted show substantial and material changes to the permitted development. The roof profile of the building is now shown as extending the main ridge; removal of chimneys; larger balconies; larger dormers in the roof; removal of the trees to the front of the property to name a few. The council request that this variation be refused and the applicant invited to submit a full application for the proposed drawings attached	See main report paragraphs 1.4 and paragraphs 6.1- 6.8 in main report.
Council's Tree Office	There don't appear to be any changes to the layout that would affect trees. However, the layout shows 2 new Western red cedars to replace others due to be removed. The Tree Officer would also like to see new tree planting in the front garden, in the space between the garages and the	Noted. A landscaping condition is to be imposed. See condition 4 in Section 10.

	<p>front boundary. If the tree planting does not take place, then the built form cannot be adequately softened when viewed from the road and the local character 'Leafy residential suburbs' would be compromised.</p> <p>A full landscaping scheme should be submitted including details of species, positions, stock type, sizes, and maintenance to ensure establishment. Quality standards for stock, plant handling and planting must be referred to. Scots pine, Sweet chestnut, English oak, Silver birch and Holly should be included as they are appropriate for the soil type and character of the area.</p>	
Highways	No objection subject to conditions and informatives.	See conditions 5-11 in Section 10 and informatives 1-3 in Section 10.

Consultee	Comment	Where in the report this is considered
SPAE	<p>Under normal circumstances there is rarely a need for SPAE to comment or object to a vary a planning application. There is a complex history of refusals and appeals. Changes proposed are significant and cannot be regarded as minor alterations of the type normally expected to be seen in a variation application.</p> <p>Changes include: Change to roof profile extension of main ridge. Removal of chimney stacks; introduction of much larger central gable entrance bay on front elevation; larger balconies and relocated balconies on front elevation; larger FF balconies on rear elevation and larger second floor dormers; repositioned and larger windows in side elevations; changers to garages – removal of pediment and introduction of hipped roof.</p> <p>This needs a full application.</p>	Noted. See paragraph 1.4 and 6.1 -6.10 of main report.

9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout
- Appendix B – plan and elevation drawings

10. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED.

- 1 The development hereby permitted shall be commenced within three years from the date of the permission for 15/03090 (i.e. 28 October 2016).
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 No development shall take place until details and samples of the materials to be used in the

construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area. Relevant Policy DG1, H10, H11. NP/DG3

- 3 The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars submitted with 15/03090, i.e. Arboricultural Method Statement Rev B dated 13-8-2015 and tree protection plan KEB 18037-03C before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the Local Planning Authority.
Reason: To protect trees that contribute to the visual amenities of the area. Relevant Policy - Local Plan N6.
- 4 No development shall take place and no trees or hedging shall be removed until full details of both hard and soft landscaping works have been submitted to and approved in writing by the local planning authority. All hard and soft landscape works shall be carried out in accordance with the approved details and prior to the occupation of any part of the development or in accordance with a programme agreed with the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
Reason: In the interests of the visual amenities of the area. This detail is required prior to commencement because the landscaping should be considered in the overall design of the scheme. Relevant Policy - N6.
- 5 No part of the development shall be occupied until a refuse bin storage area and recycling facilities have been provided in accordance with details that have first been submitted to and approved in writing by the local planning authority. These facilities shall be kept available for use in association with the development at all times.
Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - Local Plan T5, DG1.
- 6 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with details that have first been submitted to and approved in writing by the local planning authority. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.
Reason: To ensure that the development is provided with adequate parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1
- 7 No entrance gates shall be installed unless they are set back a minimum distance of at least five metres from the highway boundary or seven metres from the nearside edge of the carriageway of the adjoining highway and hung so that the gates can only open inwards.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5, DG1.
- 8 No part of the development shall be occupied until vehicle parking spaces have been provided in accordance with the approved drawing. The spaces shall be retained for parking in association with the development.
Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety. Relevant Policies - Local Plan P4, DG1.
- 9 No part of the development shall be occupied until the access has been constructed in accordance with the approved drawing. The access shall thereafter be retained.
Reason: In the interests of highway safety. Relevant Policy - T5.

- 10 The garages hereby permitted shall be kept available at all times for the parking of motor vehicles by the occupants of the apartments and for no other purpose.
Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety. Relevant Policies - Local Plan P4, DG1.
- 11 No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: I. the parking of vehicles and necessary facilities for site operatives and visitors; II. manoeuvring of vehicles (including cranes) within the site; and III. storage of plant and materials used in constructing the development.
Reason In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.
- 12 The development shall be undertaken in accordance with the revised written scheme of investigation for a programme of archaeological work (prepared by Thames Valley Archaeological Services) dated 24th February 2016 - Ref 16e21ra , approved under condition application 16/00317/CONDIT. The agreed programme of archaeological work must be completed as evidenced by a report on the results, in order for the condition to be fully discharged.
Reason: The site lies within an area of archaeological potential, specifically relating to Roman remains. The Condition will ensure the satisfactory mitigation of the impact of development and to record any surviving remains so as to advance our understanding of their significance in accordance with national and local plan policy ARCH 2.
- 13 The hard surfaces shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.
Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with Requirement 5 of the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document.
- 14 The development hereby permitted shall be carried out in accordance with the approved plans listed below.
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

Informatives

- 1 The Streetcare Services Manager at Tinkers Lane Depot Tinkers Lane Windsor SL4 4LR tel: 01628 796801 should be contacted for the approval of the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made allowing at least 4 weeks' notice to obtain details of underground services on the applicant's behalf.
- 2 The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which enables the Highway Authority to recover expenses due to extraordinary traffic.
- 3 No builders materials, plant or vehicles related to the implementation of the development should be parked/stored on the public highway so as to cause an obstruction at any time.