

WINDSOR RURAL DEVELOPMENT CONTROL PANEL

21 October 2015

Item: 3

Application No.:	15/01961/VAR
Location:	La Garenne And Kotan 62A Wraysbury Road Staines TW19 6HA
Proposal:	Construction of two replacement dwellings and a clubhouse for the fishing lake following demolition of the existing as approved under planning permission 13/01547 without complying with condition 2 (Materials) and 4 (Design and Access Statement) to allow changes to materials.
Applicant:	Mr Duncan
Agent:	Sarah Threfall - TMA Chartered Surveyors
Parish/Ward:	Wraysbury Parish
If you have a question about this report, please contact: Claire Pugh on 01628 685739 or at claire.pugh@rbwm.gov.uk	

1. SUMMARY

- 1.1 Planning permission 13/01547 is for two replacement dwellings and a club house, where it was deemed that the development had an acceptable impact on the Green Belt, flood zone and highway safety. This application seeks to vary conditions 2 (materials) and 4 (details of the materials contained within the Design and Access Statement), and as such the planning assessment only considers whether varying these conditions would be acceptable. All other issues considered under 13/01547 remain unchanged. The application seeks to change the materials to be used on the two dwellings, so that the external walls would be finished in Freshfield Lane Lindfield Yellow Multi-facings, with a slate roof.
- 1.2 The change in materials will result in the dwellings looking different from that approved, however, it is considered the materials would be acceptable in the context of this site. The Design and Access Statement needs to be updated to refer to the proposed materials; the update report to Panel will state if this Design and Access Statement has been submitted.

It is recommended the Panel grants planning permission with the conditions listed in Section 9 of this report.

2. REASON FOR PANEL DETERMINATION

- At the request of Councillors Rayner and Lenton.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site comprises of 2 former residential properties and a man made lake. To the east of the site lies the M25 motorway. To the north of the site lies the settlement of Hythe End and to the east of the site lies further linear residential development fronting the river. The site lies within the Green Belt. The site is accessed from Wraysbury Road at the end of a slip road containing residential dwellings and some commercial premises. The lake was constructed in the 1930's and is currently used for recreational fishing.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Ref.	Description	Decision and Date
91/01936	Demolition of existing building/bungalow and construction of 2 storey club house for sea scouts with flat above.	Permitted
94/02054	Erection of 20 detached houses Application	Refused 23.5.1994
02/83125	Demolition of existing and erection of 2 detached dwellings.	Withdrawn 2002
06/00671	Certificate of lawful use for site as a builders yard	Refused 2006

13/01547/FULL	Construction of two replacement dwellings and a clubhouse for the fishing lake following demolition of the existing.	Permitted on the 31 st December 2013
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4.1 The scheme for the two replacement dwellings and boathouse was considered to have an acceptable impact on the Green Belt, Flood zone and highway safety under planning permission 13/01547. This application only seeks to vary the materials (condition 2) and the references within the Design and Access Statement (condition 4) to materials. There have been no material changes since the granting of 13/01547 that would warrant reaching a different decision on the acceptability of the development upon the Green Belt, flooding or highway safety.

4.2 Condition 2 of planning permission 13/01547 stated:

'The materials to be used on the external surfaces of the development shall be in accordance with those specified in the application unless any different materials are first agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.'

Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.'

Condition 4 of planning permission 13/01547 stated:

'The measures set out in the Design and Access Statement dated May 2013 shall be implemented in accordance with the statement prior to the first occupation of the dwellings. These approved measures shall be retained thereafter.'

Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development and to comply with the RBWM Sustainable Design and Construction SPD.'

4.3 The materials approved under permission 13/01547 were:

- Walls- Yellow stock facing bricks at ground floor level with vertical timber boarding at first floor level.
- Roof- recycled zinc
- Windows- Re-cycled aluminium powder coated - colour deep grey/green.
- Doors- Re-cycled aluminium powder coated - colour deep grey/green.

4.4 The materials proposed under this application (these relate to the proposed dwellings only) are :

- Walls to be yellow stock (sample provided, which is Freshfield Lane- Lindfield Yellow-Multi-facing) with reconstituted stone sills
- Roof coverings to be Eternit 'slate'
- Rainwater goods to be black plastic
- Window frames to be white upvc

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

Royal Borough Local Plan

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

	Within settlement area	Green Belt	High risk of flooding	Community Facilities	Highways /Parking issues
Local Plan	DG1, H10, H11	GB1, GB2, GB3	F1	CF1	T5, P4

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

- Interpretation of Policy F1 – Area Liable to Flood

- Sustainable Design and Construction

More information on these documents can be found at:

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

Other Local Strategies or Publications

5.3 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
- RBWM Strategic Flood Risk Assessment - view at: http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm

<ul style="list-style-type: none"> • 	<p>National Planning Policy Framework</p> <p>Core Planning Principles</p> <p>Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision taking. These twelve principles are that planning should:</p>
<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> • be genuinely plan-led, empowering local people to shape their surroundings with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;
<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> • not simply be about scrutiny but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> • proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;
<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> • always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> • take account of the different roles and character of different areas promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> • support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change and encourage the reuse of existing resources including conversion of existing buildings and encourage the use of renewable resources (for example, by the development of renewable energy);
<ul style="list-style-type: none"> • 	<ul style="list-style-type: none"> • contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land or development should prefer land of lesser environmental value, where consistent with other policies in this Framework;

•	encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
•	promote mixed use developments and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage or food production);
•	conserve heritage assets in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of this and future generations;
•	actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable; and
•	take account of and support local strategies to improve health, social and cultural wellbeing for all and deliver sufficient community and cultural facilities and services to meet local needs.

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Whether the proposed materials are in keeping with the character and appearance of the area;

Whether the proposed materials are in keeping with the character and appearance of the area

6.2 The proposed materials would make the dwellings appear quite different from that previously approved. However, the matter for consideration is whether the proposed materials would look appropriate in the setting of the site. The site is fairly isolated from buildings on Wraysbury Road, and the site has a semi-rural character. Given that there are no other buildings in close proximity that would be viewed in context with these proposed buildings, and because of the setting and character of the site, it is considered that a range of materials could be suitable at this site. The Freshfield Lindfield Yellow Multi-facings brick has been submitted for approval under this application. It is the view of officers that that this brick for the proposed dwellings would look suitable, however, an alternative sample of yellow stock brick (as previously approved) has also been requested. If an alternative sample is provided, it will be reported in the update to Panel. The use of the eternit slate for the roof, and upvc windows, doors and pipes is considered to be acceptable.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

20 occupiers were notified directly of the application.

The application was advertised in the Maidenhead & Windsor Advertiser on 9th July 2015.

The planning officer posted a statutory notice advertising the application at the site on 1st July 2015.

No comments from neighbours of the wider public have been received to date.

Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Parish Council	No objection, subject to compliance with local policies.	Noted.
Highways	No objection.	Noted.

8. OTHER MATERIAL CONSIDERATION

- 8.1 Planning permission 13/01547/FULL secured £18,880 towards LTP- Staines Road, Wraysbury, Wraysbury Parish Project – upgrade all village highway footways in Wraysbury and Traffic and Road safety improvement in Horton and Wraysbury.
- 8.2 The Community Infrastructure Levy (CIL) Regulations 2010 which came into force on 5 April 2015 introduced a tool for local authorities in England and Wales to apply a charge on new development. As CIL intends to deliver infrastructure needed to support the development of an area rather than making individual planning applications acceptable in planning terms, some site specific impact mitigation may still be necessary in order for a development to be granted planning permission. To secure S106 planning obligations the NPPG states that the local planning authority should be confident of specific consequences of a particular development and in the specific impact mitigation. While the Ministerial Statement on small scale development, which stated that contributions should not be sought from developments of 10-units or less, has been recently overturned following the judgement in R (on the application of West Berkshire District Council and Reading Borough Council) v Secretary of State for Communities and Local Government [2015], in this case, it is considered that the impact of the proposal on local infrastructure would be limited due to its location and scale. Therefore it is not considered appropriate to seek the previous S106 contributions under this application.

9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B- Proposed Layout and Elevations.
- Appendix C- Previously approved plans

This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. The Case Officer has sought solutions to these issues where possible to secure a development that improves the economic, social and environmental conditions of the area, in accordance with NPFF.

In this case the issues have been successfully resolved.

10. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced within three years from the date of approval of planning permission 13/01547
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The materials to be used on the external surfaces of the development shall be in accordance with those specified in the application, including Freshfield Lane Lindfield Yellow- Multi-facings for the external brick for the dwellings. Development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.
- 3 The development shall be carried out in accordance with the details included in the Flood Risk Assessment dated 30 August 2013 and the Flood Evacuation and Management Plan dated 25 February 2013 and the finished floor levels shall be raised 300mm above the 1 in 100 year floor level OR incorporate flood resilience/resistance measures up to the 1 in 100 year with an allowance for climate change, unless otherwise first agreed in writing by the Local Planning Authority.
Reason: To reduce the impact of flooding on the proposed development and future occupants. Relevant Policies - Local Plan F1.
- 4 Irrespective of the provisions of Classes A, B and E of part 1 of Schedule 2 of the Town and

Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no enlargement, improvement or any other alteration (including the erection of any ancillary building within the curtilage) of or to any dwelling house the subject of this permission shall be carried out without planning permission having first been obtained from the Local Planning Authority.

Reason: The site is in the Green Belt and whilst the development subject to this permission complies with the Green Belt policy further development would be unlikely to do so and the site is also situated within the floodzone, and any further development would need to be carefully controlled. Relevant Policies - Local Plan GB1, GB2, F1.

- 5 Any steps, ramps or terracing shown on the approved plans shall be constructed so as not to impede the free flow of floodwater and the areas beneath them shall be kept free of obstructions at all times.

Reason: To prevent an increased risk of flooding elsewhere due to impedance of flood flows and reduction of floodwater storage capacity. Relevant Policy - Local Plan F1.

- 6 Any 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

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.

- 7 No part of the development shall commence until revised access road plans have been submitted to and approved in writing by the Local Planning Authority. The access/access road shall thereafter be retained for the sole use of the proposals as detailed at the site only.

Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5, DG1.

- 8 Prior to the commencement of any works of demolition or construction a management plan showing how demolition and construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works period shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and maintained for the duration of the works or as may be agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.

- 9 The proposed clubhouse shall not be illuminated by floodlighting or other means at any time unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of the neighbourhood and to accord with the Local Plan Policy NAP3.

- 10 Within 3 months of completion of the new clubhouse building a Building Research Establishment (BRE)-issued Post Construction Review Certificate confirming that the it has achieved a BREEAM rating of 'Good' or 'Very Good' shall be submitted to the Local Planning Authority.

Reason: To accord with the Council's SPD on Sustainable Design and Construction (June 2009) and because the Code Assessor would only be able to confirm that the site wide works are satisfactory when the whole of the development is complete. The Assessor then needs to write a report and submit it to the BRE. The BRE can only then verify the submission and issue a Final Code Certificate. This could realistically take 3 months to achieve.

- 11 Prior to the substantial completion of the development a water butt of at least 120L internal capacity shall be installed to intercept rainwater draining from the roof of the building. It shall subsequently be retained.

Reason: To reduce the risk of flooding and demand for water, increase the level of sustainability of the development and to comply with Requirement 4 of the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document.

- 12 No tree or hedgerow shown to be retained in the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be lopped or topped other than in accordance with the

approved plans and particulars or without the prior written approval of the Local Planning Authority, until five years from the date of occupation of the building for its permitted use. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 Tree work. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate vicinity and that tree shall be of the same size and species unless the Local Planning Authority give its prior written consent to any variation.

Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1, N6.

13 Any additional walls, fencing or any other means of enclosure (including any retaining walls) shall be first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory resultant appearance and standard of amenity of the site and the surrounding area. Relevant Policy - Local Plan DG1.

14 Condition for approved plan numbers