

NOTICE
OF
MEETING
**WINDSOR RURAL DEVELOPMENT
MANAGEMENT PANEL**

will meet on

WEDNESDAY, 19TH SEPTEMBER, 2018

At 7.00 pm

at

WRAYSBURY PRIMARY SCHOOL, WELLEY ROAD TW19 5DJ

TO: MEMBERS OF THE WINDSOR RURAL DEVELOPMENT MANAGEMENT PANEL

COUNCILLORS DR LILLY EVANS (CHAIRMAN), COLIN RAYNER (VICE-CHAIRMAN),
MICHAEL AIREY, CHRISTINE BATESON, DAVID HILTON, JOHN LENTON,
JULIAN SHARPE, LYNDA YONG AND MALCOLM BEER

SUBSTITUTE MEMBERS

COUNCILLORS JOHN BOWDEN, SAYONARA LUXTON, NICOLA PRYER,
EILEEN QUICK, JACK RANKIN, WESLEY RICHARDS, SAMANTHA RAYNER,
JOHN STORY AND LYNNE JONES

Karen Shepherd – Service Lead - Democratic Services - Issued: Tuesday, 11 September 2018

Members of the Press and Public are welcome to attend Part I of this meeting. The agenda is available on the Council's web site at www.rbwm.gov.uk or contact the Panel Administrator **Andy Carswell** 01628 796319

Fire Alarm - In the event of the fire alarm sounding or other emergency, please leave the building quickly and calmly by the nearest exit. Do not stop to collect personal belongings and do not use the lifts. Do not re-enter the building until told to do so by a member of staff.

Recording of Meetings –In line with the council's commitment to transparency the public part of the meeting will be audio recorded, and may also be filmed and broadcast through the online application Periscope. If filmed, the footage will be available through the council's main Twitter feed @RBWM or via the Periscope website. The audio recording will also be made available on the RBWM website, after the meeting.

Filming, recording and photography of public Council meetings may be undertaken by any person attending the meeting. By entering the meeting room you are acknowledging that you may be audio or video recorded and that this recording will be in the public domain. If you have any questions regarding the council's policy, please speak to the Democratic Services or Legal representative at the meeting.

AGENDA

PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
1.	<u>APOLOGIES FOR ABSENCE</u> To receive any apologies for absence.	-
2.	<u>DECLARATIONS OF INTEREST</u> To receive any Declarations of Interest.	3 - 4
3.	<u>MINUTES</u> To confirm the Part I Minutes of the meeting of the previous meeting	5 - 6
4.	<u>PLANNING APPLICATIONS (DECISION)</u> To consider the Head of Planning's report on planning applications received. Full details on all planning applications (including application forms, site plans, objections received, correspondence etc.) can be found by accessing the Planning Applications Public Access Module at http://www.rbwm.gov.uk/pam/search.jsp .	7 - 54
5.	<u>ESSENTIAL MONITORING REPORTS (MONITORING)</u> To consider the Essential Monitoring Reports.	55 - 56

MEMBERS' GUIDE TO DECLARING INTERESTS IN MEETINGS

Disclosure at Meetings

If a Member has not disclosed an interest in their Register of Interests, they **must make** the declaration of interest at the beginning of the meeting, or as soon as they are aware that they have a DPI or Prejudicial Interest. If a Member has already disclosed the interest in their Register of Interests they are still required to disclose this in the meeting if it relates to the matter being discussed.

A member with a DPI or Prejudicial Interest **may make representations at the start of the item but must not take part in discussion or vote at a meeting.** The term 'discussion' means a discussion by the members of meeting. In order to avoid any accusations of taking part in the discussion or vote, Members should move to the public area or leave the room once they have made any representations. If the interest declared has not been entered on to a Members' Register of Interests, they must notify the Monitoring Officer in writing within the next 28 days following the meeting.

Disclosable Pecuniary Interests (DPIs) (relating to the Member or their partner) include:

- Any employment, office, trade, profession or vocation carried on for profit or gain.
- Any payment or provision of any other financial benefit made in respect of any expenses occurred in carrying out member duties or election expenses.
- Any contract under which goods and services are to be provided/works to be executed which has not been fully discharged.
- Any beneficial interest in land within the area of the relevant authority.
- Any license to occupy land in the area of the relevant authority for a month or longer.
- Any tenancy where the landlord is the relevant authority, and the tenant is a body in which the relevant person has a beneficial interest.
- Any beneficial interest in securities of a body where:
 - a) that body has a piece of business or land in the area of the relevant authority, and
 - b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body **or** (ii) the total nominal value of the shares of any one class belonging to the relevant person exceeds one hundredth of the total issued share capital of that class.

Any Member who is unsure if their interest falls within any of the above legal definitions should seek advice from the Monitoring Officer in advance of the meeting.

A Member with a DPI should state in the meeting: ***'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Or, if making representations on the item: 'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'

Prejudicial Interests

Any interest which a reasonable, fair minded and informed member of the public would reasonably believe is so significant that it harms or impairs the Member's ability to judge the public interest in the item, i.e. a Member's decision making is influenced by their interest so that they are not able to impartially consider relevant issues.

A Member with a Prejudicial interest should state in the meeting: ***'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Or, if making representations in the item: 'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'

Personal interests

Any other connection or association which a member of the public may reasonably think may influence a Member when making a decision on council matters.

Members with a Personal Interest should state at the meeting: ***'I wish to declare a Personal Interest in item x because xxx'. As this is a Personal Interest only, I will take part in the discussion and vote on the matter.***

This page is intentionally left blank

Agenda Item 3

WINDSOR RURAL DEVELOPMENT MANAGEMENT PANEL

WEDNESDAY, 22 AUGUST 2018

PRESENT: Councillors Dr Lilly Evans (Chairman), Michael Airey, Christine Bateson, John Bowden, David Hilton, John Lenton, Julian Sharpe and Malcolm Beer

Officers: Andy Carswell, Jenifer Jackson, Sean O'Connor and Susan Sharman

APOLOGIES FOR ABSENCE

Apologies were received from Cllrs Rayner and Yong. Cllr Bowden was attending as a substitute.

DECLARATIONS OF INTEREST

There were no declarations of interest received.

MINUTES

RESOLVED UNANIMOUSLY: That the Part I minutes of the meeting held on July 25th 2018 be approved as an accurate record.

PLANNING APPLICATIONS (DECISION)

17/03426 Mr Lowe: Sand and gravel extraction and restoration by infilling with inert waste of Poyle Quarry extension (preferred Area 12) at Land West of Colne Brook, Foundry Lane, Horton, Slough – **THE PANEL VOTED UNANIMOUSLY to defer and delegate to the Head of Planning to APPROVE planning permission subject to the conditions listed in Section 9 of the main report, and following a resolution to grant planning permission from Slough Borough Council in respect of the alternative access road to the Poyle Quarry processing plant, and for a transport plan to satisfactorily resolve the issue of traffic queuing on the approach road to be agreed. The Panel agreed that the Head of Planning should write to Slough Borough Council to address the concerns relating to the transport plan.**

The Panel was addressed by Janet Crame, on behalf of Horton Parish Council, and by Steve Lamb, the agent.

18/00226 Mr Perkins: Construction of a two storey building comprising of a ground floor car showroom, first floor offices, three single storey industrial units, new vehicular access and associated parking following the demolition of existing buildings at Land South of Ascentia House and North of Station Works, Lyndhurst Road, Ascot – **The Panel was informed that this item had been withdrawn from the agenda by the Head of Planning as the drainage details that had been submitted since the publication of the agenda were not acceptable and the recommendation was now to refuse the application. The Panel was informed that because this was a major application recommended for refusal, constitutionally it had to be considered by the Boroughwide Development Management Panel.**

ESSENTIAL MONITORING REPORTS (MONITORING)

Members noted the contents of the monitoring reports.

The meeting, which began at 7.00 pm, finished at 8.00 pm

CHAIRMAN.....

DATE.....

Agenda Item 4

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

Windsor Rural Panel

19th September 2018

INDEX

APP = Approval
CLU = Certificate of Lawful Use
DD = Defer and Delegate
DLA = Defer Legal Agreement
PERM = Permit
PNR = Prior Approval Not Required
REF = Refusal
WA = Would Have Approved
WR = Would Have Refused

Item No.	1	Application No.	17/03850/VAR	Recommendation	DD	Page No.	9
Location:	Land East of Horton Road Horton Slough						
Proposal:	Variation of condition 40 (under Section 73) to allow for continued extraction, infilling and restoration of site for the extraction of sand and gravel and restoration to agricultural land using imported inert fill, creation of a site access road onto Horton Road, erection of a gravel processing plant, site offices and facilities, and formation of settlement ponds approved under (07/00590) (allowed on appeal).						
Applicant:	Jayflex Construction Ltd Jayflex	Member Call-in:	N/A	Expiry Date:	21 September 2018		
<hr/>							
Item No.	2	Application No.	18/01251/FULL	Recommendation	PERM	Page No.	23
Location:	The Big Cedar London Road Sunningdale Ascot SL5 0JL						
Proposal:	Construction of a detached dwelling with new access, landscaping and associated works						
Applicant:		Member Call-in:	Cllr Bateson	Expiry Date:	28 August 2018		
<hr/>							
Item No.	3	Application No.	18/02000/VAR	Recommendation	DD	Page No.	39
Location:	Former The Little House Charters Road Sunningdale Ascot SL5 9QF						
Proposal:	Variation of condition 14 (rooflights) 15 (approved plans) under (Section 73) of application 17/01066/VAR to amend rooflights and substitute approved drawing numbers FD16-1361-P135A and FD16-1361-P140A with drawing numbers FD16-1361-P135B and FD16-1361-P140B for the redevelopment of site to provide 6 x 3 bedroom apartments under application 15/03090 (allowed on appeal).						
Applicant:	Kebbell Homes Ltd	Member Call-in:	N/A	Expiry Date:	21 September 2018		
<hr/>							

This page is intentionally left blank

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

WINDSOR RURAL DEVELOPMENT CONTROL PANEL

19 September 2018

Item: 1

Application No.:	17/03850/VAR
Location:	Land East of Horton Road Horton Slough
Proposal:	Variation of condition 40 (under Section 73) to allow for continued extraction, infilling and restoration of site for the extraction of sand and gravel and restoration to agricultural land using imported inert fill, creation of a site access road onto Horton Road, erection of a gravel processing plant, site offices and facilities, and formation of settlement ponds approved under (07/00590) (allowed on appeal).
Applicant:	Jayflex Construction Ltd Jayflex
Agent:	Phil Taylor
Parish/Ward:	Horton Parish/Horton & Wraybury Ward
If you have a question about this report, please contact: Jo Richards on 01628 682955 or at jo.richards@rbwm.gov.uk	

1. SUMMARY

- 1.1 On 2 September 2008, planning permission was granted on appeal for the extraction of sand and gravel and restoration to agricultural land using inert fill, the creation of a site access road onto Horton Road, the erection of a gravel processing plant, site offices and facilities and the formation of settlement ponds.
- 1.2 Permission was granted subject to several conditions. Condition 40 states that all extraction and infilling operations hereby permitted shall cease no later than 13 years from the date of commencement. The current section 73 application seeks to vary this condition to allow for a further two years to complete the extraction and infilling works. There is a separate condition (condition 42), which requires the land to be brought back to restoration no later than 18 months from the cessation of extraction and infilling.
- 1.3 The variation of condition 40 to allow a further 2 years is considered to result in minimal harm to amenity and when weighed against the significant benefits of the proposal relating to additional extraction of natural resources, it is considered that planning permission for the variation be forthcoming.
- 1.4 The application has been accompanied by an Environmental Statement (ES) in accordance with the EIA Regulations as being an amendment to a schedule 1 development.
- 1.5 An extension of time until 21st September has been agreed with the applicant in order to proactively address issues raised in the assessment of the application.

It is recommended the Panel authorises the Head of Planning:
To grant planning permission subject to i) the satisfactory completion of a Deed of Variation if required to the existing section 106 agreement and ii) upon receipt of no substantiated objection raised by the Council's Ecologist and with the conditions listed in Section 9 of this report
To refuse planning permission if i) the required Deed of Variation to the existing section 106 agreement is not satisfactorily progressed as the proposed development would have a detrimental impact on the free flow of traffic and highway safety and/or ii) should the Council's Ecologist raise a substantiated objection and the proposal would result in unacceptable ecological impacts.

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 application site comprises an area of land of approximately 55 hectares to the east of Horton Road within the metropolitan Green Belt area of Horton. Prior to the commencement of the extraction works, the site was solely in agricultural use. Works commenced in 2010 and have been ongoing for approximately 8 years for the extraction of gravel and sand. Bunding exists along some of the site boundaries and the majority of plant and machinery is stationed in the centre of the site, opposite the site entrance off Horton Road. Beyond Horton Road lies Queen Mother Reservoir.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

4.1 Permission exists for use of the land for the extraction of gravel and sand, infilling of the land with inert materials, and restoration of the site to agricultural land (Appeal ref: APP/T0355/A/08/2065394). The period for extraction and infilling is 13 years from the commencement of development (condition 40). Permission is sought to extend the period for extraction and infilling for a further 2 years. The reason being that during extraction, deeper seams and richer reserves of sand and gravel have been found and it is estimated an additional 24.7% of sand and gravel can be extracted from the site to that which was forecast within the original planning application. Based on an extraction rate of 200,000 tonnes per year (condition 22), there remains 5 years of reserves to be extracted which would fall outside of the requirements of condition 40, hence the applicant has requested that this time limit be extended by 2 years.

4.2

Ref.	Description	Decision and Date
06/00588/FULL	Extraction of sand and gravel and restoration to agricultural land using imported inert waste, creation of a site access road onto Horton Road, erection of a gravel processing plant, site offices and facilities and the formation of settlement ponds	Withdrawn - 20.06.2006
07/00590/FULL	Extraction of sand and gravel and restoration to agricultural land using imported inert fill, creation of a site access road onto Horton Road, erection of a gravel processing plant, site offices and facilities, and formation of settlement ponds	Refused – 7.11.2007
08/60030/REF (APP/T0355/A/08/2065394)	Extraction of sand and gravel and restoration to agricultural land using imported inert fill, creation of a site access road onto Horton Road, erection of a gravel processing plant, site offices and facilities, and formation of settlement ponds	Allowed – 2.9.2008
09/01696/VAR	Variation of S106 Agreement completed in connection with the permission for extraction of sand and gravel so the developer provides a financial contribution to the Council to pay for improvements to Bridleway 4 rather than the developer undertaking the improvements itself	Permitted – 18.5.2011

09/02618/VAR	Variation of S106 agreement completed in connection with the permission for extraction of sand and gravel so that the Horse Margin to be constructed along the western boundary (Horton Road) is constructed of hoggin rather than grass seeded	Permitted – 18.5.2011
--------------	---	-----------------------

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework Sections:

- 6 – Building a strong competitive economy
- 8 – Promoting Healthy and Safe Communities
- 13 – Protecting Green Belt Land
- 14 – Meeting the challenge of climate change, flooding and coastal change
- 17 – Facilitating the sustainable use of minerals

Royal Borough Local Plan

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

Green Belt	Flood risk and ground-water	Archaeology	Historic Parks and Gardens Listed buildings and Conservation Area	Design	Wildlife Sites	Trees and hedges	Noise, dust and other pollution issues	Highways and transport
GB1, GB2	F1, NAP4	ARCH2, ARCH3 and ARCH4	HG1, LB2, CA2	DG1	N9	N6, N7	NAP3 and NAP4	T5, T6, P4

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Appropriate Development in Green Belt and acceptable impact on Green Belt	SP1, SP5
Acceptable impact on River Thames corridor	SP4
Manages flood risk and waterways	NR1
Makes suitable provision for infrastructure	IF1

The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents have now been submitted to the Secretary of State for examination. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough. However, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the submission version. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy. This is addressed in more details in the assessment below.

Significant weight is to be accorded to Borough Local Plan Submission Version policies SP1, SP2, SP3, SP4, SP5 and IF1 in this case. Lesser weight should be accorded to Borough Local

Plan Submission Version policy NR1 due to the extent and nature of objections raised to it by representations on the Borough Local Plan Submission Version. The above application is considered to comply with the relevant policies listed within the Development Plan and those Borough Local Plan Submission Version policies to which significant weight is to be accorded.

This document can be found at:

<http://rbwm.moderngov.co.uk/documents/s14392/Appendix%20A%20-%20Borough%20Local%20Plan%20Submission%20Version.pdf>

The Berkshire Replacement Minerals Local Plan (Incorporating the Alterations Adopted in December 1997 and May 2001):

This is referred to as the Berkshire Minerals Plan or BMP within this report. The following policies are of relevance to this application:

- BMP6 - Planning permission to be granted only where an acceptable balance is achieved between all relevant planning considerations and appropriate site restoration is provided for
- BMP7 - Criteria for assessment of minerals applications
- BMP8 - Presumption in favour of permission within Preferred Areas subject to criteria in BMP6 and specific requirements for each of the Preferred Areas
- BMP10 - Presumption against minerals development outside the identified Preferred Areas
- BMP11 - Presumption against minerals development within identified designated areas, including (as numbered within the policy):
 - (vii) registered Parks and Gardens and
 - (ix) Green Belt land.
- BMP18 - Restoration of mineral workings, including provision of legal agreements to secure the restoration
- BMP19 - Public benefits to be secured through restoration schemes
- BMP20 - Restoration schemes to be in accordance with specific proposals for each Preferred Area identified in the Plan.
- BMP21 - Documentation required to accompany applications
- BMP28 - Erection of processing and manufacturing plant at minerals sites.

(The Berkshire Minerals Plan identifies the application site as part of a preferred area for the extraction of sand and gravel (Preferred area 12).

Policies 6 and 8 carry a presumption in favour of allowing applications within designated preferred areas, for the extraction of sharp sand and gravel.)

The Waste Local Plan for Berkshire (adopted December 1998)

This is referred to as the Waste Local Plan or WLP within this report. The following policies are relevant:

- WLP1 - Sustainability of waste development
- WLP11 - Preferred areas for waste treatment
- WLP21 - Safeguarding waste sites, including mineral extraction sites
- WLP25 - Disposal of inert waste at Preferred mineral extraction sites in the BMP
- WLP27 - Criteria for waste management sites, including provision of infrastructure etc. required by the development
- WLP29 - Presumption against minerals development within identified designated areas, including registered Parks and Gardens, outside preferred areas as identified within the WLP
- WLP30 - Assessing the impacts of development proposals
- WLP31 - Documentation required to accompany applications

Emerging Joint Minerals and Waste Plan

RBWM together with Bracknell Forest Council, Reading Borough Council and Wokingham Borough Council are working collectively to produce a new Joint Minerals and Waste Plan (JMWP) for the period up to 2036.

This plan is currently in draft form and is not yet published for consultation. It is due for public consultation at the end of the summer 2018.

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:

- The Interpretation of Policy F1 (Area Liable to Flooding) Supplementary Planning Guidance (SPG) 2004

More information on these documents can be found at:

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

Other Local Strategies or Publications

5.4 Other Strategies or publications relevant to the proposal are:

- RBWM Landscape 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 EIA Regulations and matters for consideration
- ii. Principle of continued use of land for extraction
- ii. Impact on Character of the Area
- iii Impact on amenity
- iii Traffic/highways considerations
- iv Air Quality
- v Other material considerations

EIA Regulations

6.2 The original development (allowed at appeal RBWM ref: 07/00590/FULL) constituted EIA development under Schedule 1 of the EIA Regulations due to it comprising a mineral extraction

activity of 25 hectares or larger. Thus an Environmental Statement (ES) was submitted with the application. The ES satisfactorily demonstrated that the cumulative impacts of the operations at the site would be acceptable, subject to conditions.

- 6.3 The current application proposes an amendment to a Schedule 1 EIA development and therefore must be accompanied by an ES. All relevant consultees has been consulted on the ES and an EIA site notice was displayed at the site in line with the EIA regulations.

Principle of continued use of land for extraction of sand and gravel

- 6.4 In relation to facilitating the use of natural materials, paragraph 205 of the NPPF states that local planning authorities should, inter-alia, give great weight to the benefits of mineral extraction, including to the economy; ensure that there are no unacceptable impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts form individual sites and/or from a number of sites in a locality; and provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through application of appropriate conditions, where necessary.
- 6.5 The continued use of the land for gravel extraction would comply with the principles of section 17 of the NPPF and the relevant policies of the Waste Local Plan and the Replacement Minerals Local Plan (which remain the same as at the time the appeal was determined). Indeed if permission were to be refused and this additional gravel and sand which has been found were not to be extracted, this would go against the aims and objectives of national and local policy regarding minerals and waste. Having said this there must be an acceptable balance between the need for minerals and all other relevant planning consideration (as will be discussed below).
- 6.6 Paragraph 146 of the NPPF allows for mineral extraction within the Green Belt provided the development would preserve the openness of the Green Belt and not conflict with the purposes of including land in the Green Belt. It is noted that in determining the appeal following the 2007 planning application, the Inspector accepted the Council's view that the proposal did not conflict with PPG2 or the development plan policies for the protection of the Green Belt at the time of assessment and thus it was concluded that the proposal would be appropriate development in the Green Belt.
- 6.7 The continued use of the land for extraction for a further 2 years would have some limited impact on the openness of the Green Belt. However the land would be fully restored to agricultural use after this time and when considered in relation to the overall benefits of the proposal to extract a further 0.5 million tonnes of sand and gravel, this harm carries very limited weight and the proposal is still considered to constitute an appropriate form of development in the Green Belt.
- 6.8 As such, it can be concluded that the proposed variation to condition 40 to allow for a further 2 years to the overall time limit for extraction and infilling would comply with the aims and objectives of local and national minerals policy and result in limited harm to the Green Belt. As such, the proposal is considered acceptable in principle, but the benefits must be considered in relation to other planning matters including impact on amenity, highways and other environmental factors as will be set out below.
- 6.9 The visual impact on the landscape would be for a temporary period only and is therefore not objected to.

Impact on local amenity

- 6.10 The Inspector concluded that the proposal would not have a harmful effect on the living conditions of neighbouring occupiers in relation to noise and disturbance.
- 6.11 Whilst letters of objection have been received from 4 neighbouring occupiers regarding impact from noise, dust and vehicular movements etc. it should be noted that no objection has been received from the Council's Environmental Protection department. Furthermore, given that the impact was considered to be minimal at the time of the original application and the proposal merely wishes to extend the time limit for extraction for a further 2 years and restrictions imposed

on the original application regarding noise, dust and traffic movements will continue to be applied with full force and effect, it is considered it would be difficult to warrant a reason for refusal relating to the impact on living conditions of neighbouring occupiers.

Traffic/highways consideration

- 6.12 In determining the appeal application, the Inspector concluded that the proposal would not have a harmful effect on highway safety on London Road and Horton Road. The original permission was subject to a section 106 agreement which bound the applicant to carry out various highways improvements prior to the commencement of development. There are also several conditions restricting the number and timing of HGV vehicular movements and the restrictions are different depending on the weight of the vehicle (conditions 20, 21, 23, 24 and 27). These conditions continue to be relevant for the current application and will therefore be applied.
- 6.13 Highways England and the Local Highway Authority have been consulted on the application. Highways England have confirmed that the impact on the M4 and junctions 4 and 5 were considered at the time of the original application and provided the same conditions remain then there is no objection. The Highways Authority has also advised that there is no objection provided the original conditions relating to the ongoing works remain.

Air Quality

- 6.14 The Inspector concluded that the proposed use of the land for extraction and infilling would have a slight and adverse effect on air quality in the A4 Air Quality Monitoring Area at Brands Hill, which falls within Slough Borough Council (SBC). SBC have been consulted on the application but have not commented. It should be noted that the Council's own Environmental Protection department raise no objections to the proposal.

Other Material Considerations

- 6.15 Other environmental implications including ecology, archaeology and flooding were considered in detail at the time the original application was determined and it is noted that various reports were submitted by the applicant prior to the commencement of works. The Ecologist has requested further clarification with regard to the ecological surveys that were carried out prior to commencement and the recommendation is therefore subject to receipt of no substantiated objection in this regard.
- 6.16 It should be noted that a planning application for sand and gravel extraction and restoration by infilling with inert waste of Poyle Quarry extension (preferred Area 12) at Land West of Colne Brook is currently pending consideration, ref 17/03426/FULL. The impact of this development upon the amenity of the locality will be assessed as part of this application.
- 6.17 The impact on the Colne Valley Park was assessed in detail at the time of the original application. The marginal increased impact as a result of the proposed additional 2 years of extraction would be temporary and therefore carries limited weight when considered in relation to the benefits of the proposal.
- 6.18 It is understood from the applicant that the fly tipping occurs along the boundary of the site with Horton Road and that the site suffers from trespassing. A neighbour has also referred to an incident of vandalism. Such activities are duly noted, however, fall outside the remit of this application as they do not constitute material planning considerations.
- 6.19 It has also be raised that there are requirements of the s106 agreement that are yet to be complied with, namely the provision of a footpath. Having carried out a site visit officers are not aware of any outstanding issues relating to the s106. Notwithstanding, the Council's Legal Department have been consulted on a possible Deed of Variation to the original legal agreement and therefore the application is subject the completion of such a Deed if one is required.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

491 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 2.01.18 and the application was advertised in the Maidenhead & Windsor Advertiser on 28.12.2017. A further EIA site notice was posted on 12th July 2018 and the application was advertised as EIA development in the Maidenhead & Windsor Advertiser on 19th July 2018.

No letters were received supporting the application,

5 letters were received objecting to the application (4 from neighbours and 1 from the Colne Valley Park CIC), summarised as:

Comment	Where in the report this is considered
1. Impact on the highway	6.12 and 6.13
2. Impact on Air Quality Management Area	6.14
3. This proposal needs to be considered in relation to other proposals for extraction in the vicinity	6.16
4. Impact on neighbour amenity	6.10 and 6.11
5. Impact on the Colne Valley Park	6.17
6. The Poyle Quarry application has an outstanding and unenforced section 106 agreements	6.19
7. The extent of gravel/sand should have been properly realised prior to the original application	This is not a reason to refuse permission.
8. Fly tipping, vandalism	6.18
9. Visual impact/impact on landscape	6.9

Statutory consultees

Consultee	Comment	Where in the report this is considered
Environment Agency	Do not wish to comment	Noted
Natural England	No comment	Noted
LLFA	No objection	Noted

Other consultees

Consultee	Comment	Where in the report this is considered
Environmental Protection	No objection	Noted
Highways Agency	No objection	Noted
Historic England	No comment	Noted
Highways Authority	No objection	Noted
Ecologist	Further information relating to surveys required prior to determination of the application	The recommendation

		is subject to favourable comments from the Council's Ecologist
--	--	--

8. APPENDICES TO THIS REPORT

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

9. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 Protection of the footpath along the western and northern boundaries of the site shall be carried out in accordance with the scheme submitted to and approved by the Local Planning Authority by letter dated 4th August 2009.
- 2 Protection of Bridleway 4 Horton during and following extraction shall be carried out in accordance with the scheme submitted to and approved by the Local Planning Authority by letter dated 4th August 2009.
- 3 Development shall be carried out in accordance with the approved ecology method statement submitted to and approved by the Local Planning Authority on 4th August 2009.
- 4 The scheme of archeological work shall be carried out with those details as approved under condition 5 of planning permission 17/00590/FULL.
- 5 Development shall be carried out in accordance with the scheme for the stripping, storage, handling and placement of soils submitted and approved by the Local Planning Authority on 4th August 2009.
- 6 Details of the colour of the mineral processing plant and shall be maintained and retained in accordance with the details submitted to and approved by the Local Planning Authority on 4th August 2009.
- 7 Development shall be carried out in accordance with the noise monitoring scheme submitted and approved by the Local Planning Authority on 4th August 2009.
- 8 Development shall be carried out in accordance with the scheme for the monitoring and mitigation of dust submitted and approved by the Local Planning Authority on 4th August 2009.
- 9 Development shall be carried out in accordance with the surface water and ground water management measures submitted and approved in writing by the Local Planning Authority on 4th August 2009.
- 10 Development shall be carried out in accordance with the scheme for the maintenance of culverts submitted and approved by the Local Planning Authority on 4th August 2009.
- 11 Development shall be carried out in accordance with the details of measures to avoid the deposit of loose gravel and mud submitted and approved by the Local Planning Authority on 4th August 2009.
- 12 Development shall be carried out in accordance with the approved scheme of restoration and landscaping submitted to and approved in writing by the Local Planning Authority on 4th August 2009.
- 13 The dust suppression equipment and measures shall be retained on site for the duration of the operations hereby permitted, in accordance with the scheme pursuant to condition 9 of planning permission 07/00590/FULL.

- 14 The access constructed under condition 16 of planning permission 07/00590/FULL shall be retained and used for the duration of the operations hereby permitted.
- 15 Development shall be carried out in accordance with the aftercare scheme approved by the Local Planning Authority on 4th August 2009, the subject of condition 17 of application 07/00590/FULL.
- 16 Any tree, shrub or hedgerow removal shall not be undertaken between 1 March and 31 July unless warranted by exceptional circumstances to which have been agreed beforehand in writing by the local planning authority.
- 17 At least three working days notice shall be given to the Local Planning Authority of the planned commencement of soil movement operations including soil stripping, regarding or spreading of topsoils and subsoils (or subsoil substitute material).
- 18 The operations hereby permitted, including HGV movements into and out of the site, shall not take place outside 07.00 hours to 18.00 hours Mondays to Fridays and 07.00 hours to 13.00 hours on Saturdays. No such operation shall take place on Sundays or Bank or Public Holidays without the prior written approval of the local planning authority. This condition shall not prevent the operation of, or emergency repairs to, water pumps necessary for the control and disposal of water in accordance with the scheme approved pursuant to condition 10 of planning permission 17/00590/FULL.
- 19 Movements of HGV vehicles exceeding 7.5t gross vehicle weight into or from the site shall not exceed 200 (100 in and 100 out) in any one day from Monday to Friday. Movements of HGV vehicles exceeding 7.5t gross vehicle weight to or from the site shall not exceed 120 (60 in and 60 out) in any one Saturday.
- 20 Extraction of sand and gravel from the site in any calendar year shall not exceed 200,00t.
- 21 A record of daily HGV movements shall be maintained at all times and shall be made available for inspection by the local planning authority within two weeks of a written request.
- 22 HGVs importing inert fill to the site shall remain sheeted at all times, except during the inspection and discharge of loads. No load shall leave the site unless sheeted.
- 23 Signs shall be erected and retained for the duration of the development at the site exit and in the site office, advising drivers of the permitted vehicle routes from the site to the A4. The signs shall thereafter be removed.
- 24 The importation of inert fill into the site shall not take place outside 10.00 hours to 17.00 hours Mondays to Fridays and 10.00 to 13.00 hours on Saturdays. The export of minerals out of the site shall not take place outside 07.00 hours to 16.00 hours Mondays to Fridays and 07.00 hours to 13.00 hours on Saturdays. The export of minerals out of the site shall be permitted between 16.00 hours and 17.00 hours Mondays to Fridays if undertaken within vehicles depositing material at the site.
- 25 No HGVs exceeding 32t weight or having more than four axles shall be used for the export of minerals or the importation of inert fill.
- 26 No excavations, other than for the formation of the perimeter drainage ditch in accordance with the scheme approved pursuant to condition 10 of planning permission 07/00590/FULL and the formation of the access in accordance with condition 16 of planning permission 07/00590/FULL, shall take place within :
 - 15m of the Horton Brook;
 - 100m of the toe of the Queen Mother Reservoir embankment;
 - 25m of the Three Valleys Water Tunner; and 10m of any high voltage electricity pylon,unless otherwise approved in writing by the local planning authority.
- 27 All plant and machinery employed on the site shall be silenced and baffled. All types and classes of plant, machinery and vehicles employed on the site and under control of the operating

company shall be equipped with efficient silencers; audible reverse alarms shall be appropriately silenced using white noise technology or similar and these shall be maintained to the manufacturer's specification. HGVs used for the importation of inert fill and the export of minerals shall have their audible reverse alarms appropriately silenced using white noise technology or similar.

- 28 Except for temporary operations, the site attributable noise at any noise sensitive premises shall not exceed 55 dB laeq (1hr free field. Temporary operations shall comprise site preparation (including soil stripping), bund formation or removal, final placement of soils and overburden and any other temporary activities as may be agreed in writing by the local planning authority.
- 29 Temporary operations resulting in a site attributable noise level in excess of 55 db LAeq(1hr free field) at any noise sensitive property shall not take place outside 08.00 hours to 17.00 hours Mondays to Fridays and 08:00 hours to 13:00 hours Saturdays. No such operations shall take place on Sundays or Bank or public holidays.
- 30 Noise levels at noise sensitive premises, due to temporary operations, shall not exceed 70dB laEQ (1hr free field). The duration of noise levels due to temporary operations exceeding 55dB laEQ (1hr free field) at any noise sensitive premises shall not exceed a total of 8 weeks in any 12 month period.
- 31 The height of the processing plant hereby permitted shall not exceed 7m above existing ground levels.
- 32 Only materials won from the Horton Quarry site shall be processed through the plant hereby permitted, unless otherwise approved in writing by the local planning authority.
- 33 Prior to the installation of any external lighting, details shall be submitted to, and approved in writing by, the local planning authority , and the site shall not otherwise be illuminated.
- 34 No inert fill, other than naturally occurring excavated materials and builders' waste of a non-putrescible nature shall be imported to a deposited at the site
- 35 Any oil, fuel, lubricant and any other potential pollutants shall be handled on the site in such a manner as to prevent pollution of any watercourse or soil. For any liquid other than water, this shall include storage in suitable tanks and containers which shall be housed in an area surrounded by bund walls of sufficient height and construction so as to contain 110% of the total contents of all containers and associated pipework. The floors and walls of the bunded areas shall be impervious to both water and oil. Pipes shall vent downwards into the bund.
- 36 No Stockpiles of material shall exceed 7m in height from the natural ground level.
- 37 Between 1 and 31 January in each calendar year during the operations hereby permitted, a plan of not less than 1:2500 scale shall be submitted to the local planning authority showing the progress of soil stripping, soil storage, evacuation, infilling and restoration at a date within 14 days prior to submission
- 38 All extraction and infilling operations hereby permitted shall cease no later than 15 years from the date of commencement.
- 39 Within 12 months of the cessation of mineral extraction and infilling of the site, all raised bunds shall be removed back to the original ground levels.
- 40 Within 18 months of the cessation of the extraction and infilling operations, all plant, machinery, buildings and structures (including hard surfacing constructed for any purpose) shall be removed and the site restored in accordance with the scheme approved pursuant to condition 13 of planning permission 07/00590/FULL.
- 41 All planting undertaken in connection with the approved restoration and landscaping scheme, which, within a period of 5 years from the completion of the scheme, are removed, fail or become

seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise approved in writing by the local planning authority.

- 42 Results from a post development topographical survey shall be provided to the Local Planning Authority within four weeks of the final placement of soils.

Location plan



Site plan



WINDSOR RURAL DEVELOPMENT CONTROL PANEL

19 September 2018

Item: 2

Application No.:	18/01251/FULL
Location:	The Big Cedar London Road Sunningdale Ascot SL5 0JL
Proposal:	Construction of a detached dwelling with new access, landscaping and associated works
Applicant:	
Agent:	Mr Douglas Bond
Parish/Ward:	Sunningdale Parish/Sunningdale Ward

If you have a question about this report, please contact: Jo Richards on 01628 682955 or at jo.richards@rbwm.gov.uk
--

1. SUMMARY

- 1.1 Permission is sought for a detached dwellinghouse to be sited to the south-west of The Big Cedar and fronting London Road. The proposal is considered acceptable with regards to the impact on the character of the area, having particular regard to the Council's Townscape Assessment and the Ascot, Sunninghill and Sunningdale Neighbourhood Plan. There would be no detrimental impact to neighbouring properties as a result of the proposal and the development is supported by the Council's Arboriculturist subject to conditions and a financial contribution towards replacement trees.

It is recommended the Panel authorises the Head of Planning:

To grant planning permission on the satisfactory completion a section 111 agreement being secured for SAMM/SANG payments and a financial contribution towards replacement trees and with the conditions listed in Section 10 of this report.

To refuse planning permission if an undertaking to secure the required section 111 agreement is not satisfactorily progressed as the proposed development would not provide mitigation for the likely impacts on the Thames Basin Heaths Special Protection Area and would cause unacceptable harm to trees important to the visual amenities of the area as set out in this report.

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Bateson as local residents are concerned about the bulk, height and that the development would overlook their properties.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site comprises part of the residential curtilage of The Big Cedar, London Road, Sunningdale. The site falls within Ascot, Sunninghill and Sunningdale Neighbourhood Plan (2011-2026) and is identified in the Townscape Assessment Zone as falling within a 'Leafy residential suburb'.
- 3.2 The Townscape Assessment states that 'Leafy Residential Suburbs are low density residential suburbs comprising large detached houses in spacious irregular well treed plots, typically dating from the early 20th Century to the present day. The type is defined by large properties set well back from the road, behind dense/high ornamental hedges with gravel drives and gates. These suburbs are neat, manicured and managed, with a private character including private roads and gated communities. Some distinctive building styles are evident including early 20th Century 'Arts and Crafts' architecture, although larger, more modern properties are also present'.
- 3.3 The existing property, The Big Cedar, is a large, detached bungalow set within a spacious plot. It is set back from the street scene, where it is obscured by mature trees and other vegetation which exist along its front boundary. The surrounding area comprises a mix of residential

properties. On the opposite side of London Road, and to the north-east and to the rear, surrounding properties are predominantly detached. To the south-west lies Broomfield Park which comprises generally smaller properties including maisonettes. The majority of properties in the area are set back from the street scene allowing for the growth and provision of trees and shrubbery, which ultimately creates the areas leafy, wooded, character. The site also lies within 5km of the Thames Basin Heaths Special Protection Area and is just outside of the Green Belt.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

4.1 Planning permission is sought for a single detached dwellinghouse to be sited to the east of the existing dwellinghouse fronting London Road. Access to the property would be taken from London Road. This application follows a previous similar application ref: 17/01974/FUL which was withdrawn as the Council had concerns over the scale of the dwellinghouse. The current proposal is for a dwellinghouse that has been reduced in scale.

Ref.	Description	Decision
17/01974/FULL	Proposed erection of a detached dwelling with associated access, landscaping and associated works.	Withdrawn - 11.08.2017
02/82381/OUT	Erection of gatehouse and detached dwelling with ancillary parking facilities	Refused - 24.10.2002
99/78853/FULL	Relocation of vehicular access	Approved - 27.01.2000

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework Sections

- 5. Delivering a sufficient supply of homes
- 8. Promoting healthy and safe communities
- 11. Making efficient use of land
- 12. Achieving well-designed places

Royal Borough Local Plan

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

Issue	Local Plan Policy	Compliance
Design in keeping with character of area	DG1	Yes
Acceptable impact on appearance of area	DG1, H10 H11	Yes
Acceptable impact when viewed from nearby occupiers	H11	Yes
Maintains acceptable level of privacy for nearby residents	H11	Yes
Maintains acceptable level of daylight and sunlight for nearby occupiers	H11	Yes
Sufficient parking space available	P4	Yes
Complies with relevant polices of the Ascot, Sunninghill & Sunningdale Neighbourhood Plan.	NP/EN2 NP/EN3, NP/EN4, NP/DG1, NP/DG2, NP/DG3, NP/DG4, NP/DG5, NP/H2, NP/T1	Yes

These policies can be found at

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

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Provision of high quality housing	HO2, HO5
Natural Environment	NR2, EP2, EP3, EP4
Makes suitable provision for infrastructure	IF1
Transport and parking	IF2

The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents have now been submitted to the Secretary of State for examination. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough. However, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the submission version. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy. This is addressed in more details in the assessment below.

Significant weight is to be accorded to Borough Local Plan Submission Version policies SP2, SP3, HO2, HO5, EP2, EP3, EP4, IF1 and IF2 in this case. Lesser weight should be accorded to Borough Local Plan Submission Version policy NR2 due to the extent and nature of objections raised to it by representations on the Borough Local Plan Submission Version. The above application is considered to comply with the relevant policies listed within the Development Plan and those Borough Local Plan Submission Version policies to which significant weight is to be accorded.

This document can be found at:

https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1

Supplementary planning documents

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

- Thames Basin Heaths SPA SPD

More information on these documents can be found at:

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

Other Local Strategies or Publications

5.4 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment – view at:
- RBWM Parking Strategy – view at:

More information on these documents can be found at:

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Impact on the Character of the Area
- ii Impact on Neighbouring Occupiers
- iii Parking/Highways
- iv Trees
- v Thames Basin Heath Special Protection Area

Impact on the Character of the Area

- 6.2 Policy DG1 states that the Borough Council will have regard to the following guidelines inter alia when assessing new development proposals: 3) The design of new buildings should be compatible with the established street façade having regard to the scale, height and building lines of adjacent properties, special attention should be given to the ‘roof-scape’ of buildings, illustrations showing the relationship between new and old will be required at the application stage; 11) Harm should not be caused to the character of the surrounding area through development which is cramped, or which results in the loss of important features which contribute to that character. Policy H10 states that new residential development schemes will be required to display high standards of design and landscaping in order to create attractive, safe and diverse residential areas and, where possible, to enhance the existing environment. Policy H11 states that in established residential areas, planning permission will not be granted for schemes which introduce a scale or density of new development which would be incompatible with or cause damage to the character and amenity of the area.
- 6.3 The Royal Borough’s Townscape Assessment was approved in August 2010 and defines broad areas of townscape. It is used to define character of an area and is used in conjunction with the Local Plan Policies (particularly DG1, H11). The Townscape Assessment (including the designation ‘Leafy Residential Suburbs’) also underpins the policies in the adopted Ascot, Sunninghill and Sunningdale Neighbourhood Plan (NP/DG1, NP/DG2). The Neighbourhood Plan was formally adopted in April 2014. The development site falls within an area characterised as ‘Leafy residential suburbs’, in both Ascot, Sunninghill and Sunningdale Neighbourhood Plan (2011-2026) and The Royal Borough of Windsor and Maidenhead Council’s Townscape Assessment (approved in August 2010).
- 6.4 Neighbourhood Plan Policy NP/DG1 states: ‘Development proposals should respond positively to the local townscape. Development proposals should use the RBWM Townscape Assessment report, and specifically its sections “Key Characteristics” and “Description”, to inform the design approach in a planning application. The extent to which this is demonstrated in the development proposals should determine whether the proposal is in keeping with the character of an area.’ In Townscape Assessment zones including leafy residential suburbs residential development should comprise low or very low density developments of detached houses, unless it can be satisfactorily demonstrated that other forms of development would retain the identified character of the area. In the context of this policy, these houses are defined as being dwellings for occupation typically by a single household, each house sitting on its own plot with a garden for its exclusive use. This policy shall apply even in areas within these zones where other types of dwellings may also exist.
- 6.5 Policies NPDG1 – NP/DG3 seek to ensure development proposals are compatible to surrounding development within the Townscape area and within the area general. Various aspects of the existing development should be respected including building line, plot widths and gaps of

separation. Development should also demonstrate good quality design and should take the opportunity to enhance the local area.

- 6.6 The proposed plot for the new dwellinghouse would be materially smaller than that which remains to serve The Big Cedar. Notwithstanding however, the proposed plot size is compatible with other plot sizes in the vicinity, for example 2 Redwood Drive and Beaufort House to the rear. Indeed the plot size would be larger than that immediately to the south-west which serves 4 maisonettes in Broomfield Parl. As such, there is no objection to the proposed plot size.
- 6.7 The two-storey part of the dwellinghouse would be positioned centrally within the plot and would respect the building line on this side of London Road, formed by the existing dwellinghouse, The Big Cedar, and the maisonettes to the south-west. Sizable gaps would be retained in-between the two-storey flank walls of the proposed dwelling and the boundaries of the plot such that the proposal would not appear cramped and would maintain the spaciousness of development within the street scene.
- 6.8 With regard to the scale and bulk of the dwellinghouse, its two-storey footprint would be similar to the block of maisonettes to the south-west but significantly smaller than the footprint of The Big Cedar which is a large sprawling bungalow. The overall footprint of the building is considered compatible with the proposed plot size, with sufficient space remaining free from development to serve as an amenity area. It should be noted that the proposed dwellinghouse is significantly smaller than the previous scheme, ref: 17/01974/FULL.
- 6.9 The external appearance of the dwellinghouse, is grand in appearance and different to that of the traditional bungalow and the Art Deco flats adjacent. Having said that these two existing forms of development are different to one another in terms of their form and external appearance and thus it is accepted that the proposed development does not necessarily need to mimic either development. The Neighbourhood plan policies are clear however in that new development must respect that which it would sit alongside. As can be deduced from the above, it is considered that the footprint, height and scale of development is respectful, and the development conforms to the building line. As such, it is considered that the proposed development could differ in its external appearance to that of the immediate neighbouring properties, provided that it would not appear prominent or incongruous in the street scene. To that end, amended plans have been received which display a more subtle front elevation to the dwellinghouse and an overall reduction in the number of windows on the property as a whole. Coupled with the retention of mature trees and the financial contribution to secure replacement planting on the highway verge along London Road it is considered that the external appearance of the dwellinghouse would be appropriate in its setting. The materials to be used in the external elevations can be controlled by condition.

Impact on Neighbouring Occupiers

- 6.10 Immediately to the rear of the site lies neighbouring dwellinghouse, Studio Cottage, which the proposed dwellinghouse would back onto. Due to the irregular shape of the application site, part of the rear elevation of the proposed dwellinghouse would directly face the side boundary of the rear garden of Studio Cottage. The gap between the proposed dwellinghouse and Studio Cottage would be approximately 20.5m, with the two buildings sitting at oblique angles with one another. It is therefore considered that the proposed development would not result in any harmful levels of overlooking into the neighbouring property. The proposed dwellinghouse would only be a distance of approximately 9m from the garden of Studio Cottage and whilst this distance is considered sufficient enough to ensure that the proposed dwelling would not appear obtrusive when viewed from the neighbouring garden area, it is not considered sufficient enough to illuminate any harmful levels of overlooking from habitable windows which directly face this garden area. Amended plans have been received during the course of the application which reduce the number of windows on the rear elevation and show that the rear facing first floor windows would now serve only non-habitable rooms. Those two windows directly facing the garden of Studio Cottage will be conditioned to be obscurely glazed and permanently fixed shut (condition 10). As such, the proposal is not considered to be harmful to the residential amenities of the occupiers of Studio Cottage.

- 6.11 Several objection letters have been received from Broomfield Court to the south-west relating to overlooking and loss of light. The proposed dwellinghouse would be situated in line with these neighbouring maisonettes with first floor non habitable windows facing the common boundary and a gap of separation between the two-storey flank elevation of either building being a sizable distance of 10.5m. The immediate neighbouring building in Broomfield Court comprises four apartments, two on the ground floor and two on the first floor, each property containing front and rear south facing windows. These front and rear facing windows would not be impacted upon by the development because the development would be set largely in line with this building. There is one ground floor window in the immediate neighbouring property which directly faces the application site would be impacted upon by the development, however given the sizable gap of 10.5m away from the two storey part of the development and the fact that the application building would be sited to the north-east of the neighbouring building any loss of light to this window would not be unduly harmful. Noise arising from the single dwellinghouse to occupiers of Broomfield Court would not be of such a level so as to cause significant harm to residential amenity.
- 6.12 In terms of overlooking from the development into neighbouring garden of the immediate neighbours on Broomfield Court, overlooking from front windows would be at oblique angles and such an arrangement is typical of dwellinghouses in linear formation. As such, no objection is raised in this regard.

Parking/Highways

- 6.13 The access arrangements and visibility comply with the Highway Authority's standards. 4 parking spaces are shown to serve the 5 bedroomed dwellinghouse, which more than meets the Council's parking standards. As such, no objections are raised by the Highways Authority subject to conditions relating to the construction of the access (condition 4), the submission of a construction management plan (condition 5), parking and turning (condition 6), visibility splays (condition 7), gates set-back from the highway (condition 8) and bonded surface access (condition 9).

Impact on trees

- 6.14 As described above, the character of the area is that of a mature leafy suburb and the site contains and is surrounded by mature trees many of which are covered by a TPO. In particular a large Oak Tree lies in-between the existing and proposed dwellinghouse. The scheme has been designed to ensure minimum harm to this tree. The dwellinghouse has been sited sufficiently far enough away from this tree and its root protection area and the routing of services and utilities would also avoid harm to the roots of this tree. Car parking has been positioned on the opposite side of the site from this tree.
- 6.15 Regarding impact on highway trees, the Tree Officer has raised concern regarding harm to 3 newly planted trees, that were planted to replace 3 trees that were removed without permission. The applicant will need to provide a commuted sum prior to development to the local authority to ensure mitigation planting is carried out for the likely loss of the new plantings. The loss of the trees outside the property and the subsequent new plantings will cause a detriment to the character and feel of the area, the commuted sum value for 3 x new trees and 2 years maintenance is £1,713 and will need to be paid to the local authority to further the work of enhancing the character of the local urban landscape. Provided the trees are planted in close proximity to the application site, it is considered that the harm resulting from the development would be offset and as such, it is considered reasonable necessary and directly relevant to the proposal in this case to secure the financial contribution through a legal agreement. The applicant has agreed to this and the legal agreement is being drafted.

Ecology/Thames Basin Heaths

- 6.16 The Ecologist is satisfied with the proposal subject to conditions relating to a wildlife-sensitive lighting scheme (condition 13) and biodiversity enhancements (condition 14). An informative will also be added relating to the protection of breeding birds.
- 6.17 The Thames Basin Heaths Special Protection Area (the SPA) was designated in 2005 to protect and manage the ecological structure and function of the area to sustain the nationally important breeding populations of three threatened bird species. The Council's Thames Basin Heaths SPD sets out the preferred approach to ensuring that new residential development provides adequate mitigation, which for residential developments of between one and nine additional housing units on sites located over 400 metres and up to 5 kilometres from the SPA, is based on a combination of Strategic Access Management and Monitoring (SAMM) and the provision of Suitable Alternative Natural Greenspace(SANG). The application site is within this 0.4 - 5km buffer zone around the SPA.
- 6.18 The Council has an adopted Suitable Alternative Natural Greenspace (SANG), Allen's Field. Mitigation for the potential harm to the SPA must be secured through a Section 111 agreement to be agreed prior to the determination of the planning application. The Section 111 has in draft form and when secured permission can be granted.

Other Material Considerations

Housing Land Supply

- 6.19 Paragraph 11 of the National Planning Policy Framework (NPPF) sets out that there will be a presumption in favour of Sustainable Development and 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. Following the Regulation 19 consultation on the Submission Version of the Local Plan, the Council formally submitted in January 2018. The Borough Local Plan sets out a stepped housing trajectory over the plan period (2013-2033). As detailed in the supporting Housing Land Availability Assessment a five year supply of deliverable housing sites can be demonstrated against this proposed stepped trajectory.

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 The application is CIL liable and the relevant CIL forms have been submitted with the application.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

6 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 4th June.

10 letters were received objecting to the application, summarised as:

Comment		Where in the report this is considered
1.	The application is almost identical to the previous one, albeit marginally smaller	Sections 6.2 – 6.9
2.	The proposed dwelling is extremely large and is an overdevelopment of the plot	Sections 6.2 – 6.9
3.	The proposal would result in a loss of privacy to neighbouring occupiers, loss of light and outlook and be overbearing	Sections 6.11- 6.12

4.	The proposed development is out of proportion with neighbouring properties	Sections 6.2 – 6.9
5.	Contrary to Neighbourhood Plan policies	Sections 6.2 – 6.9
6.	Noise during construction and from the development itself from vehicles and occupants	Sections 6.11- 6.12
7.	The development would not respect the character and appearance of the surrounding area	Sections 6.2 – 6.9
8.	The development would harm the category A Oak tree on site and could result in post development pruning pressures	Sections 6.15- 6.16
9.	Trees have been felled illegally on site which has negatively impacted upon wildlife and increased noise and pollution from the A30	Sections 6.2 – 6.9
10.	The development has too many windows	Sections 6.2 – 6.9
11.	Increased traffic on the A30	Section 6.13
12.	What is the significance of the previous application for a new access driveway	Permission was approved for an access in 1999 which was not implemented. The current application is for a new dwellinghouse with access onto the London Road.
13.	Inaccuracies on the planning statement and drawings	The plans stipulate that the dwellinghouse would have 5 bedrooms
14.	The Design and Access statement advises that the dwelling would have 10 bedrooms which conflicts with the plans	The plans stipulate that the dwellinghouse would have 5 bedrooms
15.	The Highways comments are inaccurate	The Highways comments are based on the plans which show a 5 bedroom dwellinghouse
16.	The new dwelling would put pressure on the current drainage infrastructure	Not a material planning consideration

Consultees

Consultee	Comment	Where in the report this is considered
Highways Authority	The access arrangements, parking and turning comply with the Local Authorities standards. Therefore the Project Centre offers no objection to the proposal subject to conditions and informatives	Section 6.13
Parish	Strong objections to the application as summarised:	See main body

Council	Impact on category A oak tree. As the tree matures there will be considerable pressure to prune the tree. Loss of light to neighbouring occupiers in Broomfield Court Overlooking to Studio Cottage The proposal is out of character with other properties in the area The proposal is contrary to the Neighbourhood Plan and Townscape Assessment.	of report
Tree Officer	No objection subject to conditions and financial contribution for replacement planting	Noted
SPAЕ	Impact on neighbouring occupiers and overdevelopment of the site	Sections 6.2 – 6.12
Ecology	In summary, the proposed works are considered unlikely to adversely affect any protected wildlife. Subject to the recommended conditions, there are no objections to this application on ecological grounds.	Noted

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 REASONS

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
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 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.
- 3 No development shall commence until details of all finished slab levels in relation to ground level (against OD Newlyn) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
Reason: In the interest of the visual amenities of the area. Relevant Policy Local Plan DG1.
- 4 No other part of the development shall commence 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 and the free flow of traffic. Relevant Policies - Local Plan T5, DG1
- 5 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.
- 6 No part of the development shall be occupied until vehicle parking and turning space has been

provided, surfaced and marked out in accordance with the approved drawing. The space approved shall be kept available for parking and turning 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, and to facilitate vehicles entering and leaving the highway in forward gear. Relevant Policies - Local Plan P4, DG1.

- 7 No part of the development shall be occupied until the visibility splays shown on the approved drawings have been provided. The areas within these splays shall be kept free of all obstructions to visibility above a height of 0.6 metres from the surface of the carriageway.

Reason: In the interests of highway safety. Relevant Policies - Local Plan T5.

- 8 Any gates provided shall open away from the highway and be set back a distance of at least 5 metres from the highway boundary or at least 7 meters from the nearside edge of the carriageway of the adjoining highway.

Reason: To ensure that vehicles can be driven off the highway before the gates are opened, in the interests of highway safety. Relevant Policies - Local Plan T5

- 9 No part of the development hereby permitted shall be occupied until the access has been surfaced with a bonded material across the entire width of the access for a distance of at least five metres measured back from the highway boundary.

Reason: To avoid spillage of loose material onto the carriageway which could adversely affect conditions of highway safety. Relevant Policies - Local Plan T5.

- 10 The first floor window(s) serving the bathroom and en-suite facing the boundary of Studio Cottage of the development hereby permitted shall be of a permanently fixed, non-opening design and fitted with obscure glass and the window shall not be altered without the prior written approval of the Local Planning Authority.

Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H14.

- 11 No further window(s) shall be inserted at first floor level in the south-west or south-east elevation(s) of the dwellinghouse hereby permitted without the prior written approval of the Local Planning Authority.

Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H11.

- 12 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) 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 prominence of the site requires strict control over the form of any additional development which may be proposed. Relevant Policies - Local Plan H11, DG1.

- 13 No exterior lighting is to be installed until details of the lighting scheme and how it will not adversely impact upon wildlife have been submitted to and approved in writing by the Local Planning Authority. This shall include the following figures and appendices: o A layout plan with beam orientation o A schedule of equipment o Measures to avoid glare o An isolux contour map showing light spillage to 1 lux both vertically and horizontally, and ecologically-sensitive areas The approved lighting plan shall thereafter be implemented as agreed.

: To ensure that wildlife is not adversely affected by the proposed development in line with Policy NR3 of the submitted Local Plan.

- 14 No development hereby permitted shall commence until details of biodiversity enhancements, to include bird and bat boxes, tiles or bricks on and around the new buildings and native and wildlife friendly landscaping has been submitted and approved in writing by the LPA.

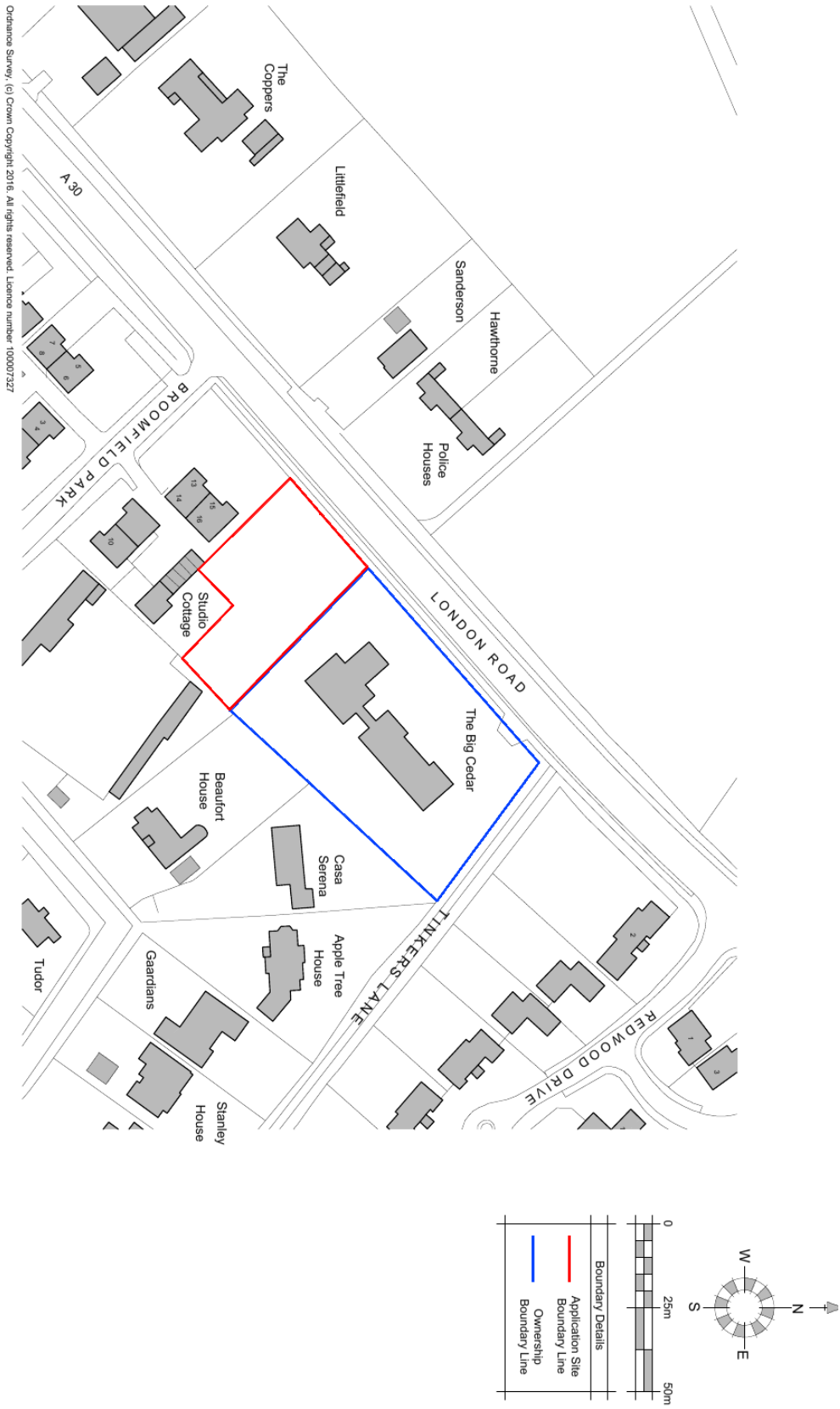
Reason: To incorporate biodiversity in and around developments in accordance with paragraph

- 15 The erection of fencing for the protection of any retained tree and any other protection specified shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently 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 which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.
- 16 Prior to the commencement of development details of the areas to be used for on site materials storage, construction workers' parking, and for ancillary temporary building(s) including any phasing of use such areas, shall be submitted to and approved in writing by the Local Planning Authority and the works shall be undertaken in accordance with the approved details.
Reason: To ensure that retained landscaping on the site is not damaged or destroyed during construction. Relevant Policies - Local Plan DG1, N6.
- 17 No development shall take place until full details of both hard and soft landscape works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season following the substantial completion of the development and retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its prior written consent to any variation.
Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1.
- 18 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

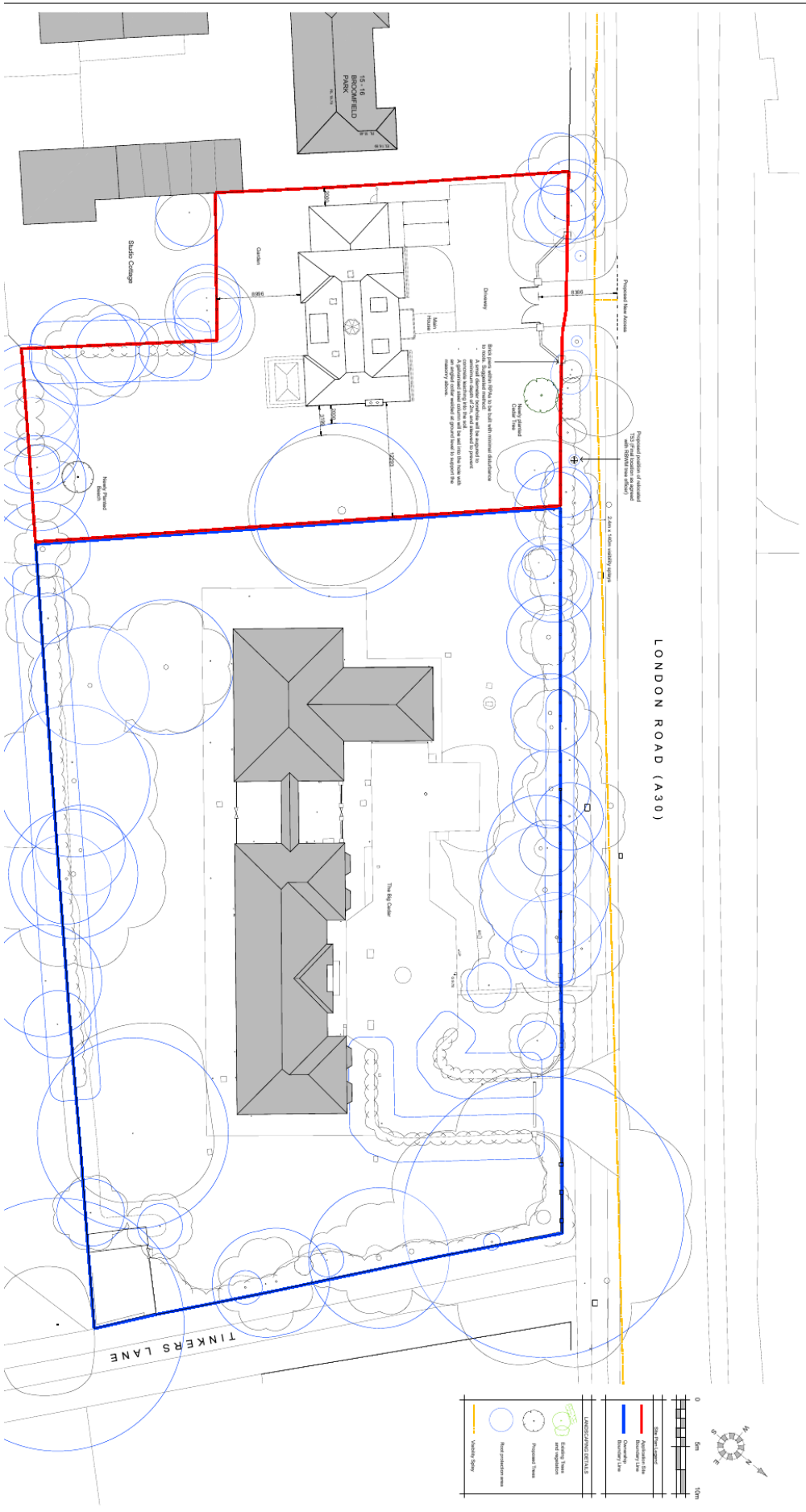
- 1 The Streetcare Services Manager at Tinkers Lane Depot Tinkers Lane Windsor SL4 4LR tel: 01628 796801 should be contacted for the approval of the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made allowing at least 4 weeks notice to obtain details of underground services on the applicant's behalf.
- 2 The attention of the applicant is drawn to the Berkshire Act 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway or grass verge arising during building operations.
- 3 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.
- 4 Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from the The Streetcare Services Manager at Tinkers Lane Depot Tinkers Lane Windsor SL4 4LR tel: 01628 796801 at least 4 weeks before any development is due to commence.
- 5 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.

Location Plan



Ordnance Survey, (c) Crown Copyright 2016. All rights reserved. Licence number 100001327

Proposed site plan



Proposed street scene



Boundary Line

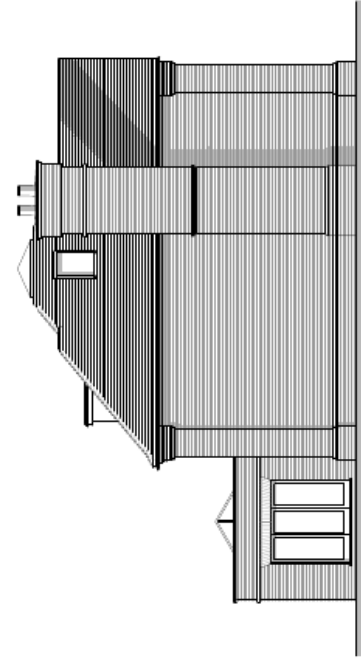
Boundary Line

Broomfield Park

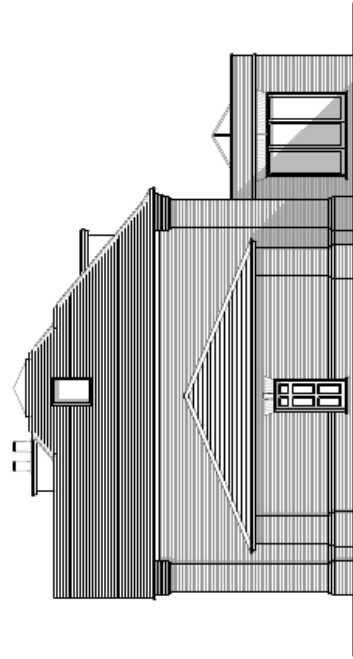
Proposed House

Big Cedar

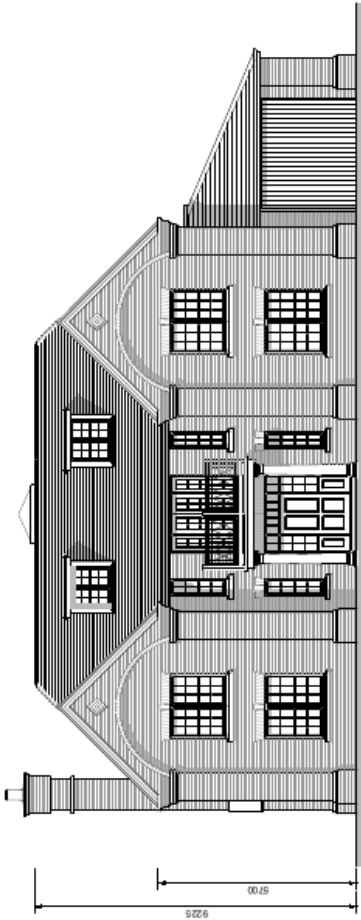
Proposed elevations



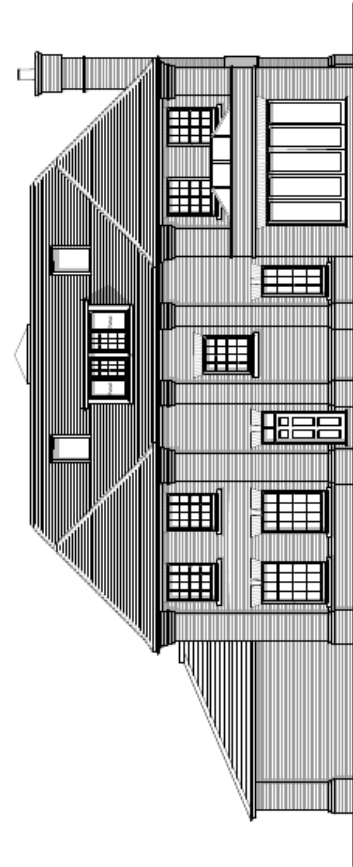
Side (North East) Elevation



Side (South West) Elevation

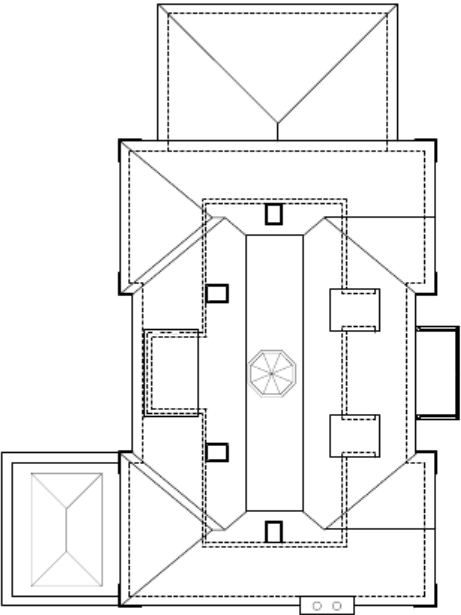


Front (North West) Elevation

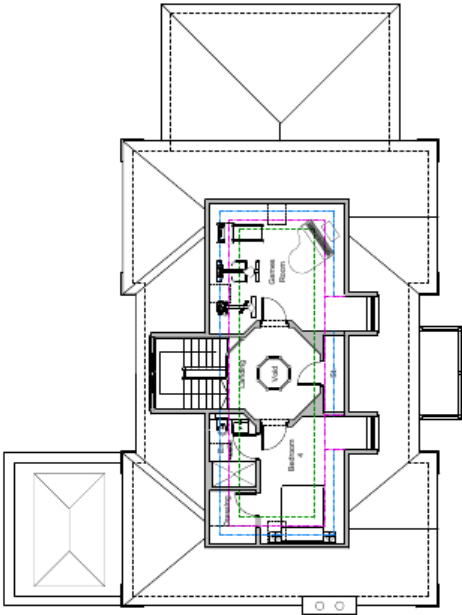


Rear (South East) Elevation

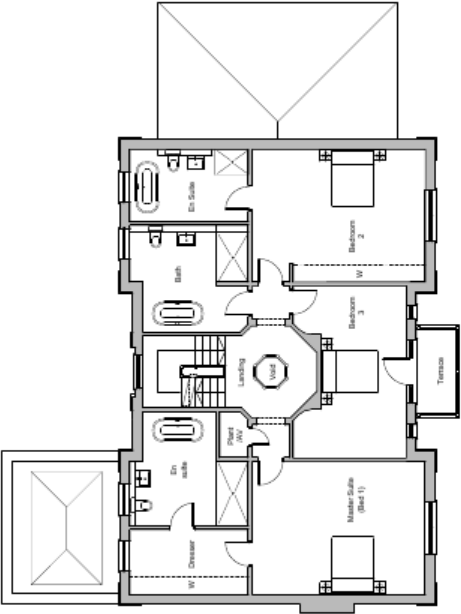
Proposed floor plans



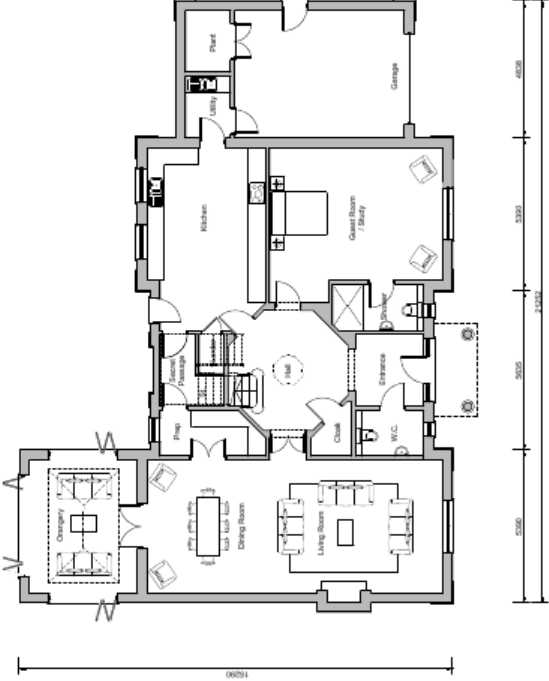
Roof Plan



Second Floor Plan



First Floor Plan



Ground Floor Plan

WINDSOR RURAL DEVELOPMENT CONTROL PANEL

19 September 2018

Item: 3

Application No.:	18/02000/VAR
Location:	Former The Little House Charters Road Sunningdale Ascot SL5 9QF
Proposal:	Variation of condition 14 (rooflights) 15 (approved plans) under (Section 73) of application 17/01066/VAR to amend rooflights and substitute approved drawing numbers FD16-1361-P135A and FD16-1361-P140A with drawing numbers FD16-1361-P135B and FD16-1361-P140B for the redevelopment of site to provide 6 x 3 bedroom apartments under application 15/03090 (allowed on appeal).
Applicant:	Kebbell Homes Ltd
Agent:	Christopher Pickering
Parish/Ward:	Sunningdale Parish/Sunningdale Ward
If you have a question about this report, please contact: Adam Jackson on 01628 796660 or at adam.jackson@rbwm.gov.uk	

1. SUMMARY

- 1.1 The proposed changes would not have a detrimental impact on the design quality of the development and no harm would be caused to the character and appearance of the area.
- 1.2 The proposed changes and the removal of condition 14 would not result in a loss of amenity to neighbouring properties due to the height of the roof lights above the finished floor level within the roof and the angle of the roof lights.

It is recommended the Panel authorises the Head of Planning:	
1.	To grant planning permission on the satisfactory completion of a deed of variation to secure SAMP and SANG contributions to mitigate against the likely impact on the Thames Basin Heaths Special Protection Area as previously secured under applications 15/03090 and 17/01066 and with the conditions listed in section 10 of this report.
2.	To refuse planning permission if an undertaking to secure the required deed of variation is not satisfactorily progressed as the proposed development would not provide mitigation for the likely impacts on the Thames Basin Heaths Special Protection Area.

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 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. Work has commenced on site and is at an advanced stage.
- 3.2 There are trees along the boundaries of the site including the front boundary. 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 The application has been submitted to vary conditions 14 (roof lights) and 15 (approved plans) to allow for the roof lights to have clear rather than obscure glazing. The roof lights have also been reduced in scale and set further from the edge of the roof.

4.2

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.
15/03090/FULL	Redevelopment of site to provide 6 x 3 bedroom apartments	Refused 25.01.2016. Appeal allowed 28.10.2016.
16/01680/FULL	Erection of 6 x 3 bed apartments with basement parking.	Approved 02.08.2016
17/00767/VAR	Variation to planning permission 12/02720/FULL without complying with Condition 7 [Tree protection details] and Condition 16 [Landscaping]	Approved 25.07.2017
17/01066/VAR	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	Approved 07.08.2017
18/00862/VAR	Variation of Condition 15 (under Section 73) under 17/01066/VAR [for the 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] to substitute plans approved with amended plans.	Withdrawn 18.05.2018

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 **National Planning Policy Framework** Sections 2 (Achieving sustainable development), 5 (Delivering a sufficient supply of homes), 8 (Promoting healthy and safe communities), 9 (Promoting sustainable transport), 12 (Achieving well-designed places) and 14 (Meeting the challenge of climate change, flooding and coastal change).

Royal Borough Local Plan

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

	Design/character	Highways and Parking	Trees
Local Plan	DG1, H10, H11	P4, T5	N6
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/T1, NP/T2	NP/EN2, NP/EN3

These policies can be found at

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

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Sustainable Transport	IF2
Trees	NR2

The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents have now been submitted to the Secretary of State for examination. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough. However, by publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the submission version. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy. This is addressed in more details in the assessment below.

Significant weight is to be accorded to Borough Local Plan Submission Version policies in this case. The above application is considered to comply with the relevant policies listed within the Development Plan and those Borough Local Plan Submission Version policies to which significant weight is to be accorded.

This document can be found at:

https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1

Supplementary planning documents

Other Local Strategies or Publications

- 5.4 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment – view at:
- RBWM Parking Strategy – view at:

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:

- Impact on the character and appearance of the area
- Impact on neighbours

Impact of the character of the area

6.2 Section 73 of the Town and Country Planning Act (as amended) (this variation application) specifically excludes the reconsideration of issues other than those covered by the conditions that are subject of this application.

6.3 The application proposes to vary conditions 14 (roof lights) and 15 (approved plans) of permission 17/01066/VAR (which in turn varied 15/03090/FULL) to alter the position and size of the roof lights within the side elevations of the building and allow for them to be clearly glazed and opening rather than obscurely glazed and fixed shut as currently required by condition 14. The roof lights would be reduced in size and are consequently set further from the edge of the roof. No additional roof lights are proposed. The changes to the roof lights would not have a significant impact on the overall appearance of the building and would not result in the design quality of the development being diminished as required by paragraph 130 of the National Planning Policy Framework. No harm would therefore be caused to the character and appearance of the area.

Impact on neighbours

6.4 There is substantial planning history on this site. An application in 2012 (12/02720/FULL) for a similar scheme was allowed at appeal. The Planning Inspector conditioned as part of this approval for the side facing bathroom windows to be obscurely glazed in order to protect the privacy of neighbours; there was no requirement for the windows to be fixed shut. Other side facing rooms within the first floor serving dining rooms, kitchens and bedrooms were however not required to be obscurely glazed. A similar permission was then granted in 2016 (16/01680/FULL) and a similar condition was imposed requiring first floor side facing bathroom windows to be obscurely glazed and this time fixed shut, however, as with the 2012 application the same requirement was not imposed on other side facing windows which served bedrooms and dining rooms.

6.5 Following the outcome of the 2016 application the appeal for 15/03090 (the application being varied under the current application) was decided. The Planning Inspector allowed the appeal and did not impose any conditions in relation to side facing windows, citing the separation, screening and the use of the rooms on the side elevation as sufficient to prevent overlooking. 17/01066 which was a variation to 15/03090 did not require ground or first floor side windows to be obscurely glazed, however, a condition was added at the request of the Windsor Rural Area Development Management Panel requiring all roof lights in the side elevations (which had increased in size) to be non-opening and fitted with obscure glass. It should be noted that another permission 17/00767 which is a variation of 12/02720 has also recently been approved and this allowed the developer to remove some of the trees which form part of the boundary screening, however, replacement planting was agreed and as it was a variation to the 2012 application the condition to obscurely glaze the side facing bathroom windows was re-imposed; It is understood that this permission is no longer being implemented.

- 6.6 This application returns the roof lights to a size similar to those approved under the original application (15/03090), however, also sets them further from the edge of the roof and therefore further above the internal floor levels of the rooms within the roof. Additional plans have been submitted which show the internal floor levels within the roof rooms and show that the bottom of the roof lights would be 1.859m (approx. 6 foot) above this floor level. Given this height and the fact that the roof lights are angled upwards it is considered that the roof lights would not easily allow views into the neighbouring properties and would not have a significant impact on the amenity of neighbours.

Other Material Considerations

Housing Land Supply

- 6.7 Paragraph 11 of the National Planning Policy Framework (NPPF) sets out that there will be a presumption in favour of Sustainable Development and 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. Following the Regulation 19 consultation on the Submission Version of the Local Plan, the Council formally submitted in January 2018. The Borough Local Plan sets out a stepped housing trajectory over the plan period (2013-2033). As detailed in the supporting Housing Land Availability Assessment a five year supply of deliverable housing sites can be demonstrated against this proposed stepped trajectory.

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 There is no increase in floor space from 17/01066/VAR and 15/03090/FULL and as such the development is not CIL liable.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

14 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 23.07.2018

2 letters were received objecting to the application, summarised as:

Comment		Where in the report this is considered
1.	RBWM has requested comments from interested parties by the 16 th August but the yellow planning application notice requests comments by the 15 th August.	N/A – A minimum of 28 days has been given to all consultees and interested parties in which to comment on the application.
2.	The Velux windows have already been inserted into the second floor.	The application is retrospective – any works undertaken that have not or are not granted planning permission may be subject to enforcement action.
3.	Concerns have been raised that the development will result in a loss of privacy to neighbouring properties.	See paragraphs 6.4 to 6.6

Other consultees

Consultee	Comment	Where in the report this is considered
Highways	The proposed variation raises no highway concerns.	N/A

9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout
- Appendix B – Approved and proposed plans

10. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED REASONS

- 1 The development shall be constructed externally using the materials approved under conditions application 17/02592/CONDIT unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of the visual amenities of the area. Relevant Policy DG1, H10, H11, NP/DG3
- 2 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 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 and Neighbourhood Plan NP/EN2
- 3 Hard and soft landscaping works on site shall be carried out in accordance with the details approved under conditions application 17/02592/CONDIT 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.
- 4 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.
- 5 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
- 6 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.
- 7 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 and Neighbourhood Plan NP/T1

- 8 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.
- 9 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.
- 10 The development shall be carried out in accordance with the construction management statement approved under conditions application 17/02592/CONDIT. The approved Statement shall be adhered to throughout the construction period.
Reason In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.
- 11 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.
- 12 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.
- 13 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.

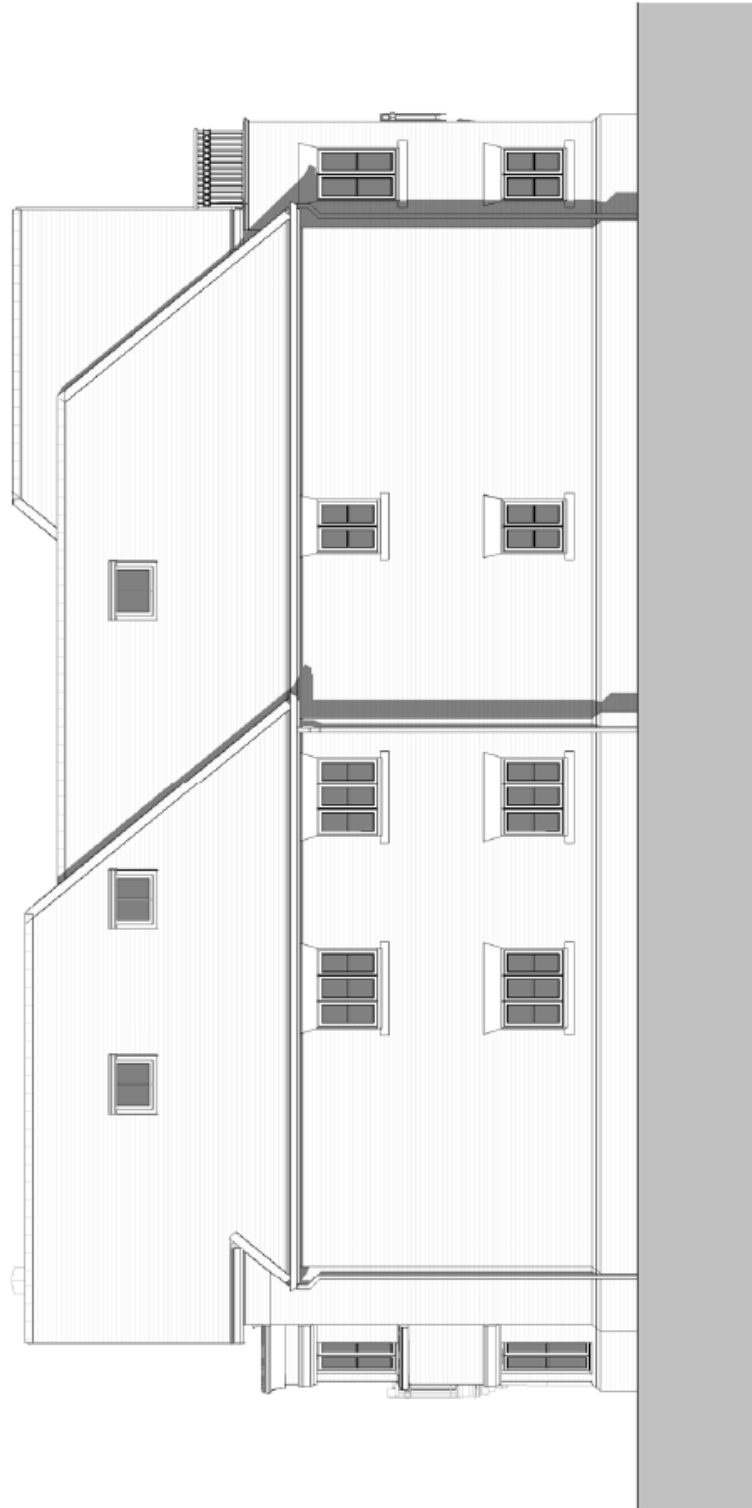
Appendix A—Site location plan and site layout

Site location plan



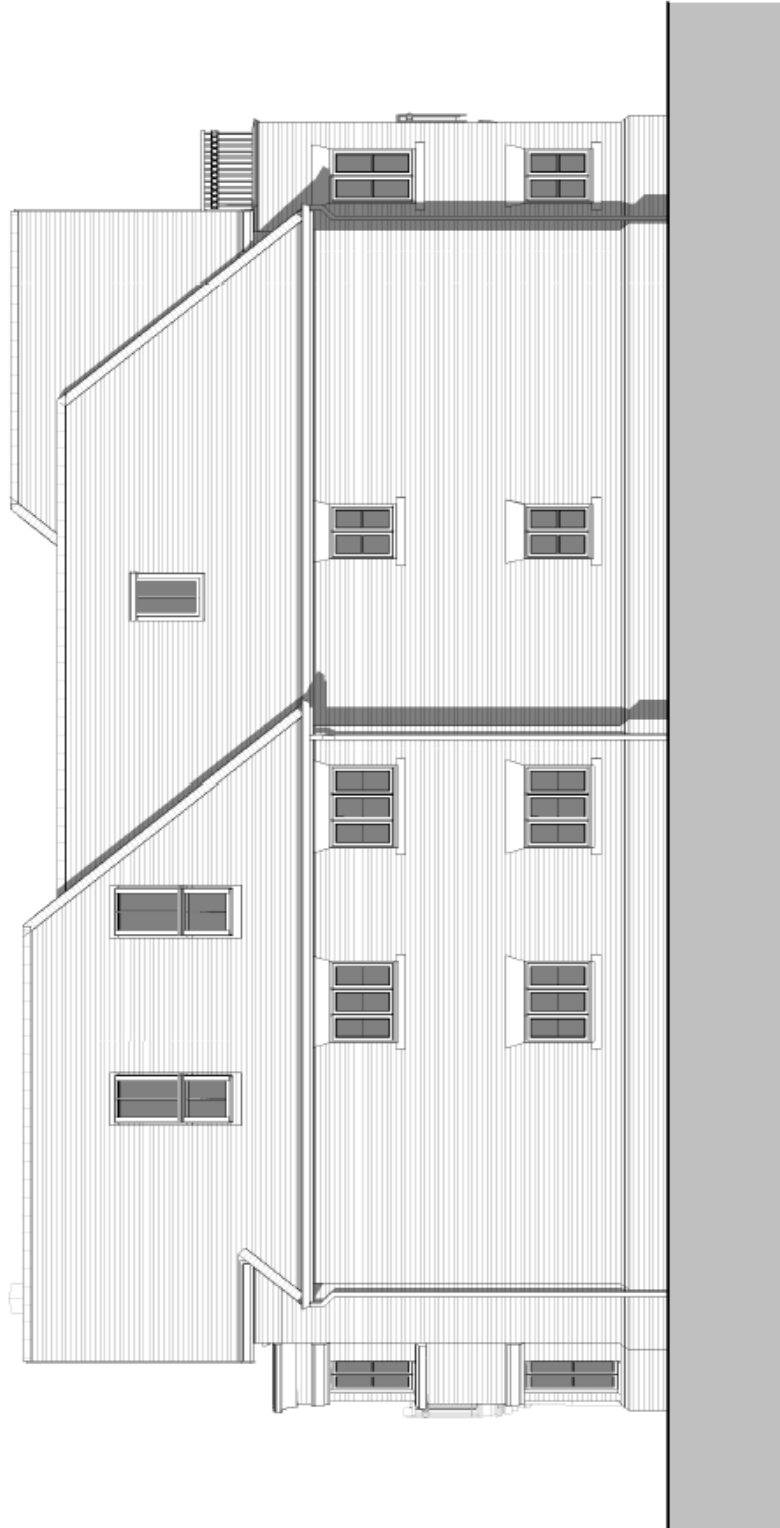
Appendix B—Approved and proposed plan and elevation drawings

Right hand flank elevation for 18/02000

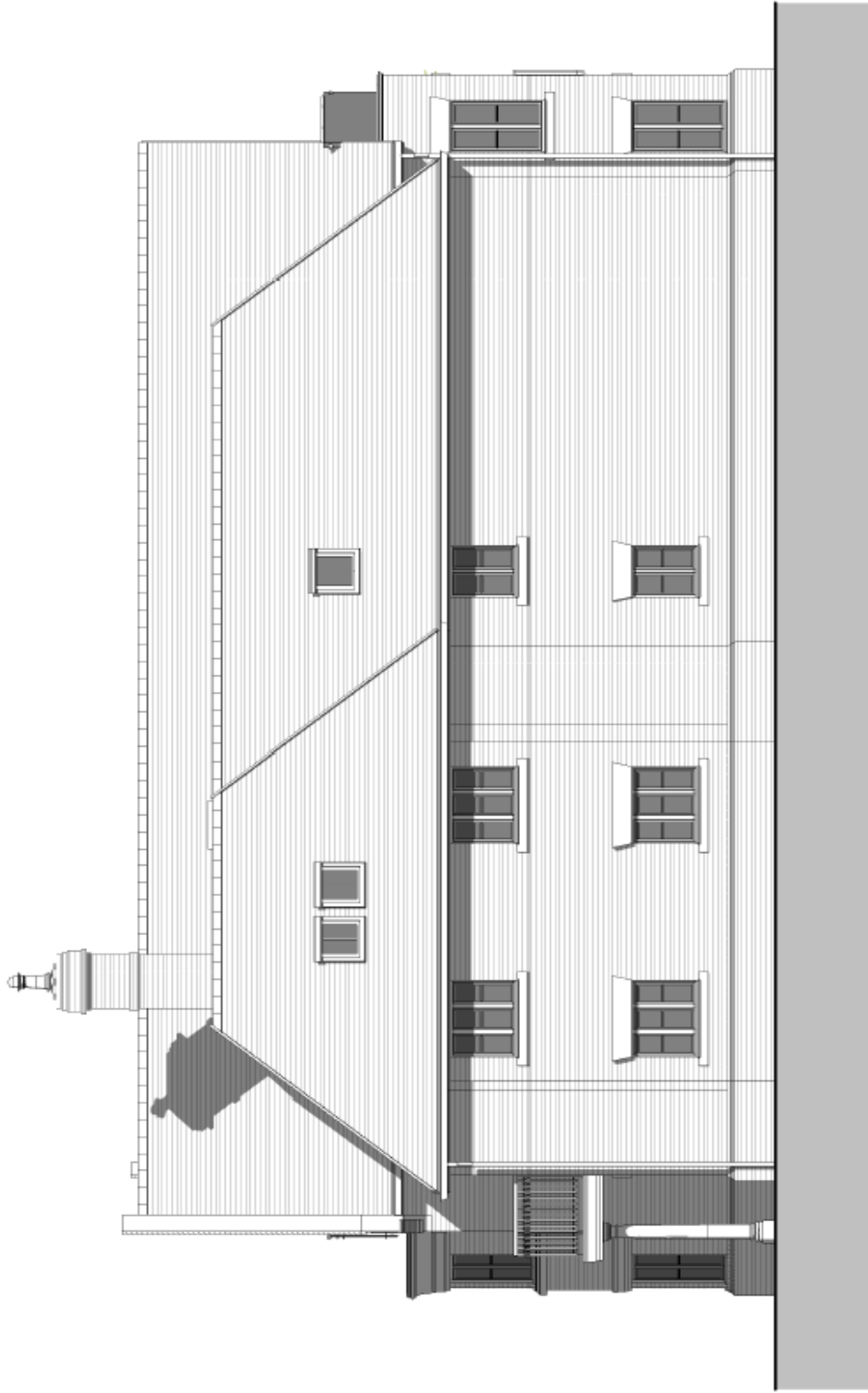


Right Flank Elevation

Right hand flank elevation for 17/01066

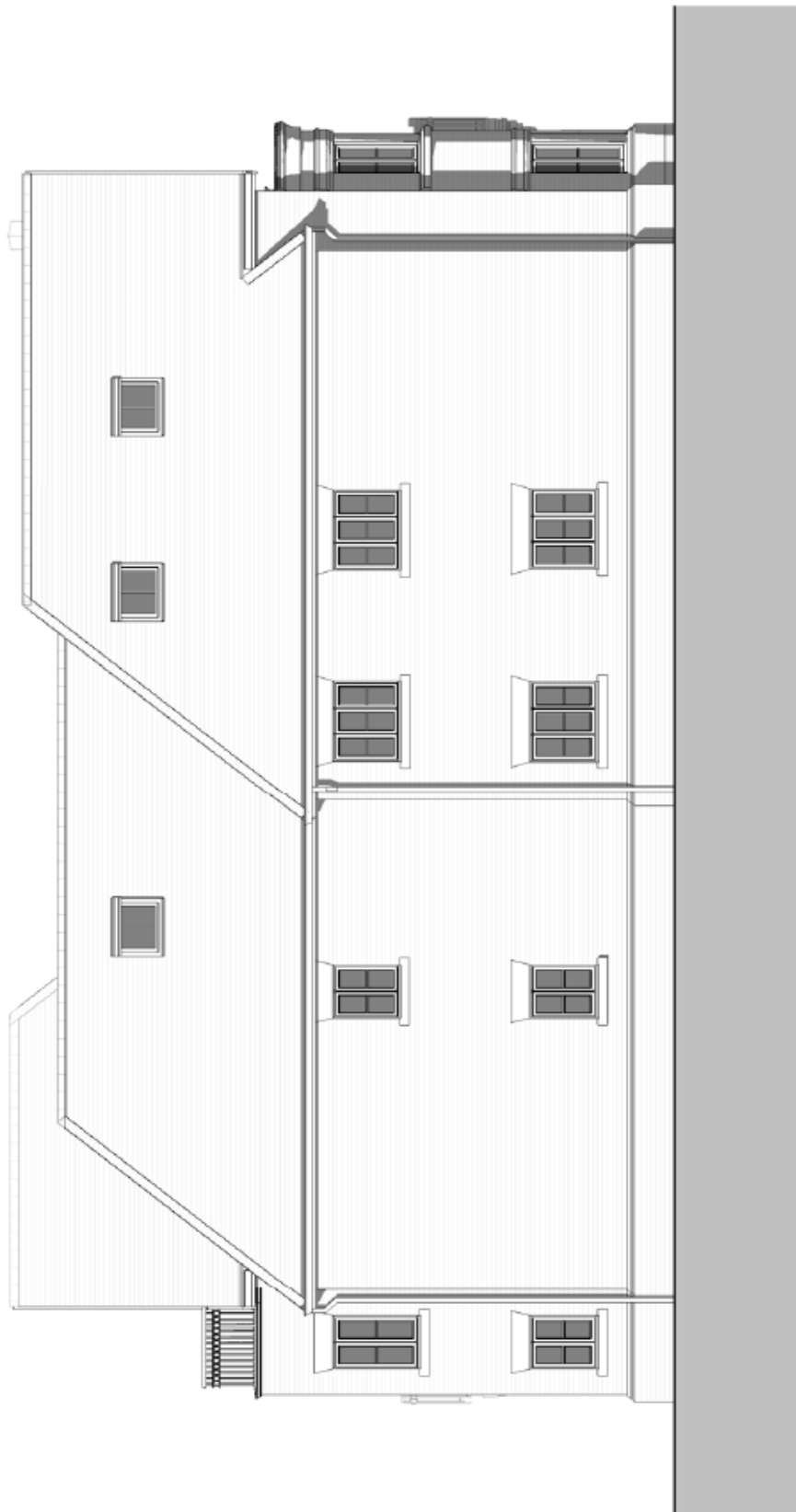


Right hand flank elevation for 15/03090



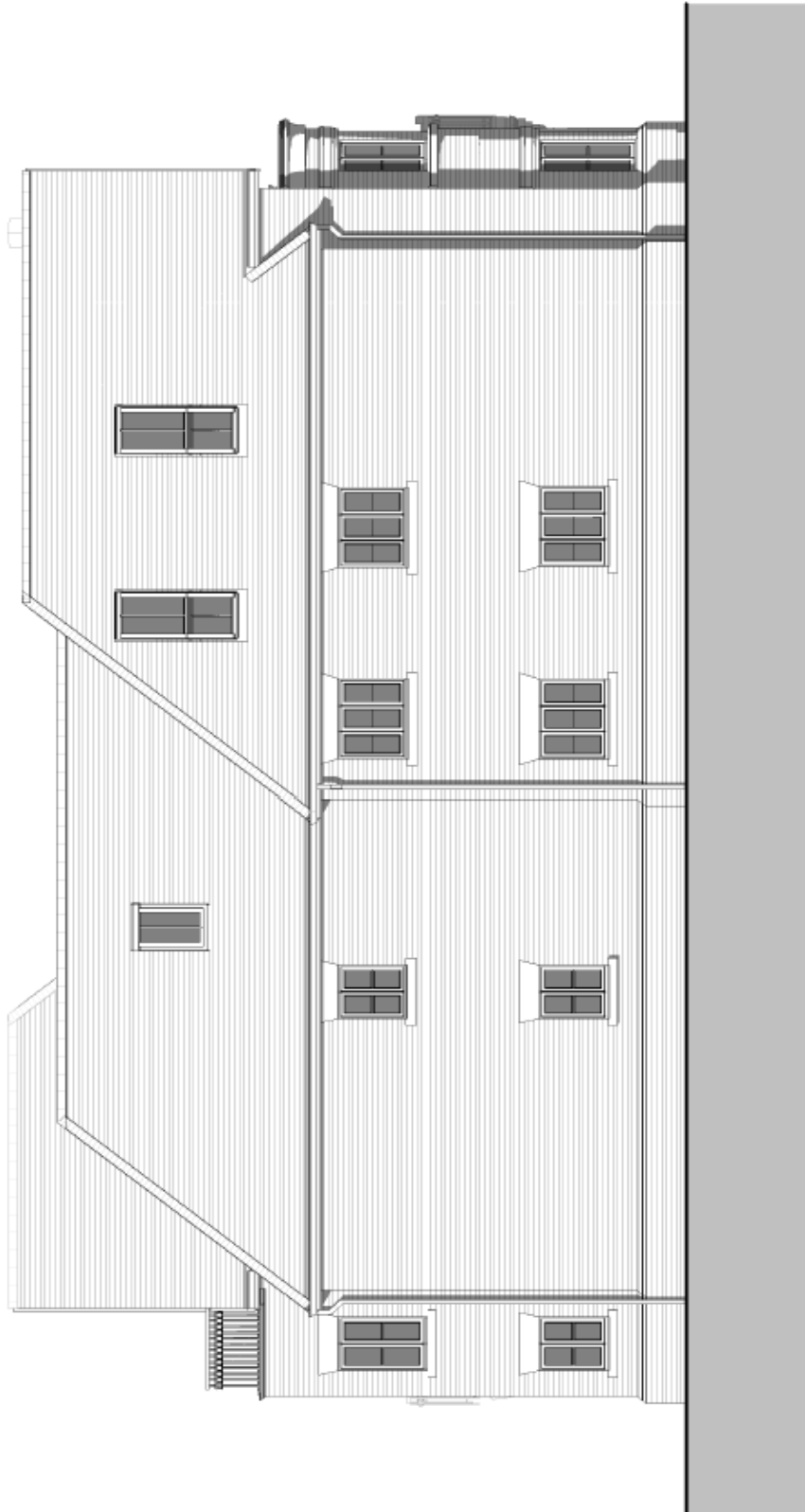
Right Flank Elevation

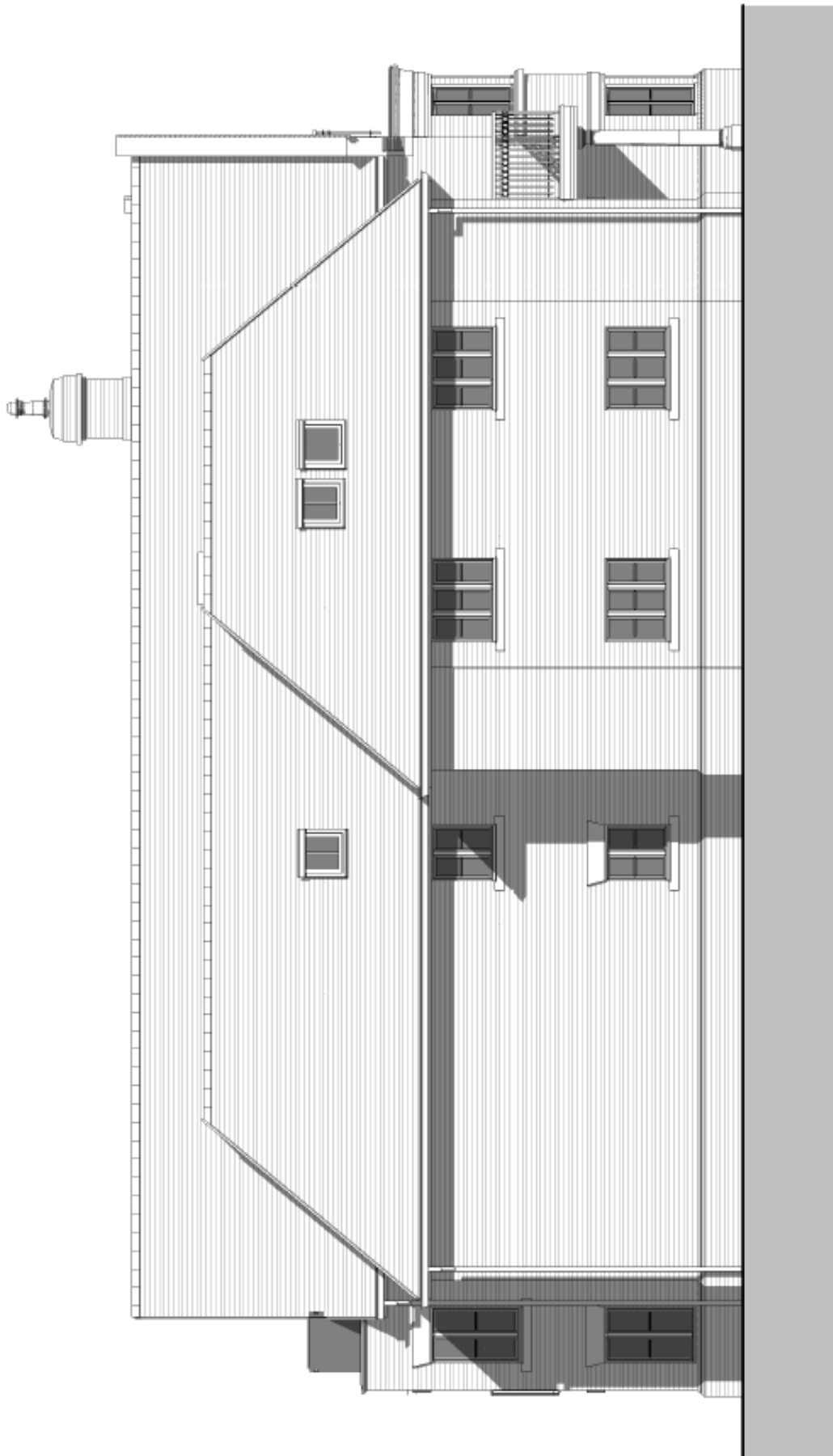
Left hand flank elevation for 18/02000



Left Flank Elevation

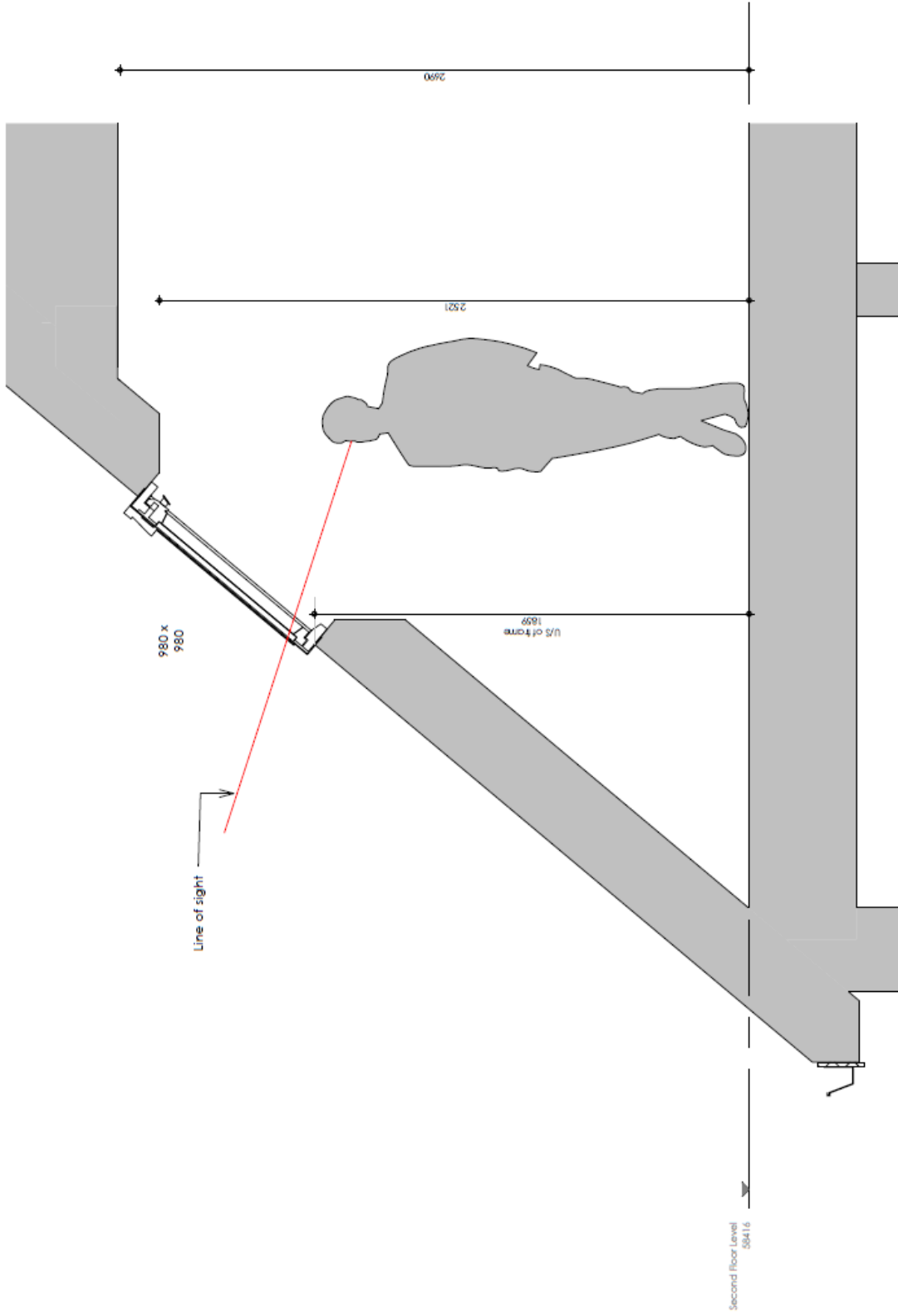
Left hand flank elevation for 17/01066





Left Flank Elevation

Second floor Velux plan



Second Floor Velux
Windows

This page is intentionally left blank

Planning Appeals Received

11 August 2018 - 6 September 2018

WINDSOR RURAL

The appeals listed below have been received by the Council and will be considered by the Planning Inspectorate. Should you wish to make additional/new comments in connection with an appeal you can do so on the Planning Inspectorate website at <https://acp.planninginspectorate.gov.uk/> please use the PIns reference number. If you do not have access to the Internet please write to the relevant address, shown below.

Enforcement appeals: The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN

Other appeals: The Planning Inspectorate Temple Quay House, 2 The Square Bristol BS1 6PN

Ward:
Parish: Wraysbury Parish
Appeal Ref.: 18/60106/REF **Planning Ref.:** 17/03485/FULL **PIns Ref.:** APP/T0355/W/18/3201119
Date Received: 31 August 2018 **Comments Due:** 5 October 2018
Type: Refusal **Appeal Type:** Written Representation
Description: Change of use of the land from equestrian to residential curtilage, use of existing outbuildings for ancillary storage and workshop and formation of existing track for access and parking (part-retrospective) following demolition of menage
Location: **18 Garson Lane Wraysbury Staines TW19 5JF**
Appellant: Miss A M Hanke **c/o Agent:** Mrs Emily Temple ET Planning LTD Beechey House 87 Church Street Crowthorne RG45 7AW Berkshire

Ward:
Parish: Sunningdale Parish
Appeal Ref.: 18/60107/REF **Planning Ref.:** 18/00754/FULL **PIns Ref.:** APP/T0355/D/18/3208118
Date Received: 3 September 2018 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Householder
Description: First floor side extension and extension of the existing driveway to create x1 additional parking space
Location: **29 Dale Lodge Road Sunningdale Ascot SL5 0LY**
Appellant: Mr David Brittain 29 Dale Lodge Road Sunningdale Ascot SL5 0LY

This page is intentionally left blank