

NOTICE
OF
MEETING

**WINDSOR RURAL DEVELOPMENT
MANAGEMENT PANEL**

will meet on

MONDAY, 29TH APRIL, 2019

At 7.00 pm

in the

COUNCIL CHAMBER - GUILDHALL WINDSOR,

TO: MEMBERS OF THE WINDSOR RURAL DEVELOPMENT MANAGEMENT PANEL

COUNCILLORS DR LILLY EVANS (CHAIRMAN), CHRISTINE BATESON (VICE-CHAIRMAN), MICHAEL AIREY, DAVID HILTON, JOHN LENTON, SAYONARA LUXTON, JULIAN SHARPE, MALCOLM BEER AND LYNNE JONES

SUBSTITUTE MEMBERS

COUNCILLORS JOHN BOWDEN, NICOLA PRYER, EILEEN QUICK, JACK RANKIN, SAMANTHA RAYNER, JOHN STORY, COLIN RAYNER AND WISDOM DA COSTA

Karen Shepherd - Democratic Services Manager - Issued: Wednesday, 17 April 2019

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

Accessibility - Members of the public wishing to attend this meeting are requested to notify the clerk in advance of any accessibility issues

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. Congregate in the Town Hall Car Park, Park Street, Maidenhead (immediately adjacent to the Town Hall) and do not re-enter the building until told to do so by a member of staff.

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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 minutes of the meeting held on March 6 th 2019.	5 - 8
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 .	9 - 76
5.	<u>ESSENTIAL MONITORING REPORTS (MONITORING)</u> To consider the Essential Monitoring Reports.	77 - 80

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

In accordance with the requirements of the Local Government (Access to Information) Act

1985, each item on this report includes a list of Background Papers that have been relied

on to a material extent in the formulation of the report and recommendation.

The list of Background Papers will normally include relevant previous planning decisions, replies to formal consultations and relevant letter of representation received from local societies, and members of the public. For ease of reference, the total number of letters received from members of the public will normally be listed as a single Background Paper,

although a distinction will be made where contrary views are expressed. Any replies to consultations that are not received by the time the report goes to print will be recorded as

“Comments Awaited”.

The list will not include published documents such as the Town and Country Planning Acts

and associated legislation, Department of the Environment Circulars, the Berkshire Structure Plan, Statutory Local Plans or other forms of Supplementary Planning Guidance,

as the instructions, advice and policies contained within these documents are common to

the determination of all planning applications. Any reference to any of these documents will be made as necessary under the heading “Remarks”.

STATEMENT OF THE HUMAN RIGHTS ACT 1998

The Human Rights Act 1998 was brought into force in this country on 2nd October 2000, and it will now, subject to certain exceptions, be directly unlawful for a public authority to act in a way which is incompatible with a Convention right. In particular, Article 8 (respect

for private and family life) and Article 1 of Protocol 1 (peaceful enjoyment of property) apply to planning decisions. When a planning decision is to be made however, there is further provision that a public authority must take into account the public interest. In the vast majority of cases existing planning law has for many years demanded a balancing exercise between private rights and public interest, and therefore much of this authority's decision making will continue to take into account this balance.

The Human Rights Act will not be referred to in the Officer's report for individual applications beyond this general statement, unless there are exceptional circumstances which demand more careful and sensitive consideration of Human Rights issues.

MEMBERS' GUIDANCE NOTE

DECLARING INTERESTS IN MEETINGS

DISCLOSABLE PECUNIARY INTERESTS (DPIs)

DPIs 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.

PREJUDICIAL INTERESTS

This is an interest which a reasonable fair minded and informed member of the public would reasonably believe is so significant that it harms or impairs your ability to judge the public interest. That is, your decision making is influenced by your interest that you are not able to impartially consider only relevant issues.

DECLARING INTERESTS

If you have not disclosed your interest in the register, you **must make** the declaration of interest at the beginning of the meeting, or as soon as you are aware that you have a DPI or Prejudicial Interest. If you have already disclosed the interest in your Register of Interests you 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' has been taken to mean a discussion by the members of the committee or other body determining the issue. You should notify Democratic Services before the meeting of your intention to speak. In order to avoid any accusations of taking part in the discussion or vote, you must move to the public area, having made your representations.

If you have any queries then you should obtain advice from the Legal or Democratic Services Officer before participating in the meeting.

If the interest declared has not been entered on to your Register of Interests, you must notify the Monitoring Officer in writing within the next 28 days following the meeting.

Agenda Item 3

WINDSOR RURAL DEVELOPMENT MANAGEMENT PANEL

WEDNESDAY, 6 MARCH 2019

PRESENT: Councillors Christine Bateson (Vice-Chair, in the Chair), Michael Airey, David Hilton, John Lenton, Sayonara Luxton, Julian Sharpe, Malcolm Beer, Lynne Jones and John Bowden

Officers: Ashley Smith, Karen Shepherd and Victoria Gibson

APOLOGIES FOR ABSENCE

An Apology for Absence was received from Councillor Dr L. Evans.

DECLARATIONS OF INTEREST

Cllr Beer – declared a personal interest in application 18/03507 as a family member owned property in the near vicinity. He came to the panel with an open mind. He also stated that he was a member of Old Windsor Parish Council but had not taken part in the decision making in relation to application 18/03507.

Cllr Hilton – stated that he was a member of Sunninghill and Ascot Parish Council. he had not attended the meeting at which application 18/00273 was discussed.

Councillor Jones - stated that she was a member of Old Windsor Parish council but had not taken part in the decision making in relation to application 18/03507.

MINUTES

RESOLVED UNANIMOUSLY: That the minutes of the meeting held on 9 January 2019 be approved.

PLANNING APPLICATIONS (DECISION)

The Panel considered the Head of Planning's report on planning applications.

N.B. *Items subject to a written Panel update are marked with an asterisk.

18/03507/FULL 1 The Avenue Old Windsor Windsor SL4 2RS	Mr Hunter: Two storey front extension, two storey rear extension, loft conversion with new front and side facing dormers, sub-division to create 5 X one bedroom flats with bin and cycle stores following demolition of the existing garage RESOLVED UNANIMOUSLY: To delegate approval to the Head of Planning subject to the conditions listed in Section 13 of the report. The Head of Planning to be given authority to negotiate amendments to fenestration if
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<p>18/00273/FULL</p> <p>Hatchet Lane Farm Hatchet Lane Ascot SL5 8QE</p>	<p>appropriate.</p> <p>Mr Walton Masters: Conversion of existing residential dwelling and outbuildings to 7 No. dwellings with associated works.</p> <p>The Panel received a verbal update:</p> <ul style="list-style-type: none"> • Comments from the LLFA had now been received and there were no objections subject to a condition already in the report (condition 19). • Paragraph 9.12: The plans had been amended and therefore the southern-most vehicular access would only now serve plot 3. • Section 13: Conditions 3 and 8 should refer to <i>northern</i> access. • The addition of a new condition 23: Further details of boundary treatments required <p>RESOLVED UNANIMOUSLY: To APPROVE the application on the satisfactory completion of an undertaking to secure an off-site affordable housing contribution and with the conditions listed in Section 13 of the report, subject to the amendment of conditions 3 and 8 to refer to <i>northern</i> access, and an additional condition requiring details of boundary treatments</p> <p>To refuse planning permission if an undertaking to secure an off-site affordable housing contribution has not been satisfactorily completed for the reason that the proposed development would not comply with the Council's affordable housing policy.</p>
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ESSENTIAL MONITORING REPORTS (MONITORING)

Members noted the monitoring reports.

The meeting, which began at 7.00 pm, finished at 7.48 pm

CHAIRMAN.....

DATE.....

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ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

Windsor Rural Panel

29th April 2019

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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.	18/03225/FULL	Recommendation	REF	Page No.	11
Location:	Bluebells Restaurant And Bar London Road Sunningdale Ascot SL5 0LE						
Proposal:	Construction of x10 2 bedroom flats with access to London Road and associated landscaping, following demolition of all the existing buildings.						
Applicant:	Laimond Property Investment Co Ltd And Consero London	Member Call-in:		Expiry Date:	4 February 2019		
<hr/>							
Item No.	2	Application No.	19/00222/FULL	Recommendation	REF	Page No.	34
Location:	Kimbers Brockenhurst Road Ascot SL5 9HB						
Proposal:	Replacement annexe.						
Applicant:	Mr Knott	Member Call-in:		Expiry Date:	26 March 2019		
<hr/>							
Item No.	3	Application No.	19/00315/VAR	Recommendation	PERM	Page No.	49
Location:	Land Adjacent To Crofton Lodge Devenish Road Sunningdale Ascot						
Proposal:	Variation of condition 17 (approved plans) (under Section 73) of planning approval 15/01965/FULL (construction of 2 no. dwellings and detached garage following demolition of outbuilding) to amend the layout and design of plot 1.						
Applicant:	Mr Dartnall	Member Call-in:	Cllr Bateson	Expiry Date:	1 April 2019		
<hr/>							
Item No.	4	Application No.	19/00326/FULL	Recommendation	REF	Page No.	66
Location:	The Laurels 158 Staines Road Wraysbury Staines TW19 5AH						

Proposal: Replacement of garage door.

Applicant: Mr Gill

Member Call-in: Cllr C Rayner

Expiry Date: 15 April 2019

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

WINDSOR RURAL DEVELOPMENT CONTROL PANEL

29 April 2019

Item: 1

Application No.:	18/03225/FULL
Location:	Bluebells Restaurant And Bar London Road Sunningdale Ascot SL5 0LE
Proposal:	Construction of x10 2 bedroom flats with access to London Road and associated landscaping, following demolition of all the existing buildings.
Applicant:	Laimond Property Investment Co Ltd And Consero London
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 two-storey building comprising 10 x 2-bed apartments, with associated parking and landscaping to replace a two-storey restaurant building which has recently been demolished.
- 1.2 The application follows a previous proposal, ref 17/02204/FULL, for 8 apartments which was approved by the Council on 10.07.2018. This approved development was considered to be appropriate development in the Green Belt as the scale and massing of the proposed building would not have resulted in greater harm to the openness of the Green Belt than the buildings it would replace (para 89 of the 2012 NPPF). Other matters including impact on the character and appearance of the area, neighbour amenity, highways, trees, ecology and impact on the SPA were also found acceptable. This permission has recently been implemented and the development has now progressed to above ground level.
- 1.3 The current proposal, is for a larger development comprising 10 apartments (an additional 2 units above that of the approved scheme or an additional 25% increase in floor area). These two apartments would be at single storey level and project rearwards from the approved building. This larger development is considered to have a greater impact on the openness of the Green Belt than the former restaurant building and associated outbuildings, and a greater impact on the openness of the Green Belt than that which was approved under planning application ref 17/02204/FUL which is currently being built out on site. In line with paragraph 145 of the NPPF 2019 (subsection g) the redevelopment of a previously developed site which would have a greater impact on the openness of the Green Belt than the existing development constitutes inappropriate development in the Green Belt. Only where the development would contribute to meeting an identified affordable housing need within the area of the local planning authority, can the impact on the openness of the Green Belt be greater than the existing – in cases such as these, provided the impact on the Green Belt is not substantial, the development would be appropriate. In this case however, it has been concluded that the offer made by the applicant does not contribute towards meeting an identified affordable housing need for the purposes of this part of the Framework. As such, the first test of para 145 (g) is applied (that the harm to openness should be no greater) and is subsequently failed by the proposed development given the proposed increased in scale of the building which would be spatially and visually harmful to the openness of the Green Belt. An assessment of the considerations put forward by the applicant in favour of the proposal do not individually or cumulatively amount to Very Special Circumstances to outweigh this identified harm to the Green Belt.

- 1.4 The application site is greater than 0.5ha and therefore should provide an affordable housing contribution in line with adopted policy H3, the Council's Affordable Housing guidance note and paragraphs 62, 63 and 64 of the NPPF. The offer to provide a commuted sum payment towards off-site affordable housing has not been robustly justified and would not meet the affordable housing needs of the Borough which is for on-site provision and at a specified tenure mix. Therefore the proposal does not comply with the relevant local and national affordable housing policy requirements.
- 1.5 The site lies within 5km from the Thames Basin Heaths SPA. Whilst a draft section 111 agreement has been submitted to provide contributions towards the Council's strategic SANG which would mitigate the harm to the SPA arising from this development, this section 111 has not been executed and therefore the development would be likely to have an adverse effect on the integrity of the SPA.
- 1.6 Whilst no other harm has been identified as a result of the proposal, the harm given to inappropriate development within the Green Belt and the actual harm to the openness of the Green Belt should be given substantial weight. Significant weight is also given to the failure to provide the appropriate type of affordable housing needed within the Borough and the harm to the SPA. There are no material considerations in this case which would outweigh this harm (the tilted balance is not applied in this case in line with footnote 6 of paragraph 11d of the Framework) and therefore there are no material considerations that would justify the approval of this application.

It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 13 of this report):

1.	The proposal represents inappropriate development in Green Belt, which is by definition harmful to the Green Belt and would be harmful to the actual openness of the Green Belt. Very Special Circumstances that clearly outweighs the harm to the Green Belt and any other harm has not been demonstrated.
2.	The application site is greater than 0.5ha and therefore should provide an affordable housing contribution in line with adopted policy H3, the Council's Affordable Housing guidance note and paragraphs 62, 63 and 64 of the NPPF. The offer to provide a commuted sum payment towards off-site affordable housing has not been robustly justified and would not meet the affordable housing needs of the Borough which is for on-site provision and at a specified tenure mix. As such the proposal does not comply with the relevant local and national affordable housing policy requirements.
3.	The proposal is likely to have a significant effect on the Thames Basin Heaths Special Protection Area [SPA] through increased visitor and recreational pressure on Chobham Common, as a constituent part of the SPA, causing disturbance to three species of protected, ground-nesting birds that are present at the site. In the absence of financial provision towards the Strategic Access Management and Monitoring (SAMM) project and the provision of Suitable Alternative Natural Greenspace (SANG), the likely adverse impact on the integrity of this European nature conservation site has not been overcome.

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 formerly comprised a large but unassuming two storey restaurant building with various single storey extensions and outbuildings. The site contained car parking to the rear of the building and a lawned area beyond. Near the rear boundary, behind a row of leylandii trees, is a large storage building (still in situ). The former restaurant building was set back from

the main A30, with a surfaced vehicular access to either side. Construction works have now started on site in relation to extant permission ref: 17/02204/FULL for the erection of 8 apartments.

- 3.2 There is a mix of residential development in the locality, of a variety of types, sizes and ages, including a modern apartment building to the immediate west. The site is situated within the Green Belt, and most of the site is covered by a group Tree Preservation Order. The site is situated within 5 km of the Thames Basin Heaths Special Protection Area.
- 3.3 A small part of the application site (a section of land adjacent to the access) is within Runnymede Borough Council.

4. KEY CONSTRAINTS

4.1 Green Belt

Thames Basin Heaths (SPA) 5km buffer zone

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The proposal is for a new part single storey/part two-storey building to accommodate 10 x 2-bed apartments. The proposal is very similar to that previous approved under application ref: 17/02204/FULL but includes the addition of two single storey apartments to the rear of the approved building which would be 3.5m in height and project back into the rear part of the site.
- 5.2 The front elevation of the proposed building would be of a traditional design and has features common in Victorian and Edwardian buildings. This elevation would be finished in render, with a red brick plinth. The roof would be in a plain clay tile. The two storey part of the building would have a height of circa 7.7 metres to the ridge.
- 5.3 The proposed building has a sprawled footprint. The sections to the rear would be lower in height than the front section with accommodation at ground floor only. Both sections are joined by a two storey flat roof element. The single storey side elements also incorporate a flat roof with parapet.
- 5.4 The proposed building would have a single storey depth of circa 28.5 metres and a single storey width of circa 42 metres. The width of the rear wing varies from 9.5 metres (two storey) to 20 metres (single storey).
- 5.5 Two of the existing accesses would be used to serve the development. Two parking spaces would be provided on the western part of the site, with the remainder of parking spaces provided on the eastern part of the site. New outbuildings to accommodate bike and bin storage would be provided within this parking area.
- 5.6 Tree planting is shown in the rear part of the site, in place of the existing building to be demolished.
- 5.7 Relevant planning history:

Reference	Description	Decision
16/03177/FULL	Erection of 9 flats, with associated car parking, cycle store, landscaping and access to London Road following demolition of existing buildings	Refused 01.02.2017
17/02204/FULL	Construction of a building to provide x 8 two bed flats, together with access to London Road and landscaping, following demolition of the existing buildings.	Permitted 10.07.2018

18/02488/CONDIT	Details required by condition 2 (external materials) 4 (sample/specification finishing materials) 7 (site storage) 9 (material storage) 12 (construction management plan) of planning permission 17/02204 for the construction of a building to provide x 8 two bed flats, together with access to London Road and landscaping, following demolition of the existing buildings.	Approved
18/02742/CONDIT	Details required by condition 10 (hard and soft landscaping) 11 (landscape management plan) 18 (SuDs) of planning permission 17/02204 for the construction of a building to provide x 8 two bed flats, together with access to London Road and landscaping, following demolition of the existing buildings.	Pending consideration
18/03259/CONDIT	Details required by condition 5 (EPSL for bats) of planning permission 17/02204 for the construction of a building to provide x 8 two bed flats, together with access to London Road and landscaping, following demolition of the existing buildings.	Approved

6. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

6.1 The main Development Plan policies applying to the site 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 on highway safety	T5	Yes	
Sufficient parking space available	P4	Yes	
Acceptable impact on Green Belt	GB1, GB2 (Part A)		No
Acceptable impact on trees important to the area	N6	Yes	

These policies can be found at

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

Adopted Ascot Sunninghill and Sunningdale Neighbourhood Plan (2011-2026)

Issue	Neighbourhood Plan Policy
Design in keeping with character and appearance of area	DG1, DG2 and DG3
Highways	T1
Trees	EN1

These policies can be found at

https://www3.rbwm.gov.uk/info/200209/planning_policy/477/neighbourhood_plans/2

Adopted The South East Plan – Regional Spatial Strategy

Issue	Plan Policy
Thames Basin Heaths Special Protection Area	NRM6

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2019)

Section 4- Decision-making

Section 9- Promoting Sustainable Transport

Section 12- Achieving well-designed places

Section 13- Protecting Green Belt land

Section 14- Meeting the challenge of climate change, flooding and coastal change

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Appropriate Development In Green Belt and acceptable Impact on Green Belt	SP1, SP5
Design in Keeping with Character and Appearance of Area	SP2, SP3
Housing Development	HO1, HO2, HO5, HA11
Affordable Housing	HO3
Trees, Woodlands and Hedgerows	NR2
Infrastructure Provision	IF1
Sustainable Transport	IF2

- 7.1 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 detail in the assessment below.

- 7.2 This document can be found at:
https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1

Supplementary Planning Documents

- RBWM Thames Basin Health's SPA

Other Local Strategies or Publications

7.3 Other Strategies or publications material to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy
- Affordable Housing Planning Guidance

More information on these documents can be found at:

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

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

15 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 9th November 2018 and the application was advertised in the Local Press on 15th November 2018.

1 letter was received commenting on the application, as follows:

Comment		Where in the report this is considered
1.	Pleased that the extra two flats are on the ground floor only and of single construction.	Noted
2.	Any increase at two storeys to the rear would cause loss of light and privacy.	Noted

Statutory consultees

Consultee	Comment	Where in the report this is considered
LLFA	No objection subject to a condition requiring surface water drainage scheme to be submitted	Noted
Environment Agency	No need to be consulted on an application of this nature.	Noted

Consultees

Consultee	Comment	Where in the report this is considered
Parish Council	Strong objection. This is the same number of units that was originally proposed under planning application reference 17/02204/FULL but was amended to 8 flats.	9.2 – 9.11
	The proposal would conflict with the NPPF Green Belt policy as it would result in an impact on openness of the Green Belt.	
	Whilst the proposed parking meets the RBWM parking standards it fails to meet the Neighbourhood Plan policy NP/T1 (Parking and Access)	9.22 – 9.24
	The application should provide an affordable housing contribution in line with policy H3. This issue is unclear because the financial viability analysis states that the	9.28 – 9.30

	scheme can be considered policy compliant without the provision of affordable homes or an off-site contribution, but then the applicant offers to negotiate a contribution towards off-site affordable housing.	
Highways	<p>The proposed change of use from A3 restaurant to C3 residential has a potential to lead to a reduction in vehicular activity onto the local highway network. The site provides parking compliant with the Borough's Parking Strategy (2004) and sufficient room to allow a service vehicle to enter and leave the site in a forward gear.</p> <p>With regard to cycle parking the applicant is required to submit a dimensioned plan. This can be covered by a planning condition.</p>	Noted
Trees	No objection subject to conditions	Noted
Ecology	No objection subject to condition	Noted

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Development within the Green Belt;
- ii Impact on the character and appearance of the area;
- iii Neighbouring Amenity
- iv Parking and highways
- v Trees
- vi Ecology
- vii Thames Basin Heaths Special Protection Area
- viii Affordable Housing
- ix Other Material Considerations
- x Case for Very Special Circumstances

Development within the Green Belt

Whether the proposal would be inappropriate development in the Green Belt

Policy background

9.2 The proposed development would be situated within the Green Belt where development is restricted to protect its open and undeveloped character. The proposal is for the redevelopment of the site to provide a building comprising 10 apartments following the demolition of the existing buildings and structures on the site. Within the adopted Local Plan, policy GB2 (Part A) explains that proposals should not have a greater impact on the openness of the Green Belt than the existing development.

- 9.3 Policy SP1 (Spatial Strategy) of the emerging Borough Local Plan states that the Green Belt will be protected from inappropriate development in line with Government policy. Policy SP5 (Development in the Green Belt) closely reflects the national Green Belt policy outlined in section 13 of the NPPF adding further detail where required in terms of the exceptions to inappropriate development.
- 9.4 Paragraph 144 of the NPPF advises that LPAs should ensure that substantial weight is given to any harm to the Green Belt. 'Very Special Circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations'. Paragraph 145 of the NPPF goes on to state that the construction of new buildings within the Green Belt is inappropriate however it goes on to list certain exceptions to this. One of which includes the:

'limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development; or

- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

- 9.5 It is considered that adopted local plan policy and emerging local plan policy are largely in conformity with the provisions of the Framework when it comes to protecting Green Belt land from inappropriate development. However there is one key difference which is material for the assessment of this particular case. The latest version of the NPPF (February 2019) has moved on from that of the 2012 version by introducing two different tests for establishing whether the redevelopment of previously developed sites would be inappropriate (as cited above) The first test is that the proposal must not have a greater impact on the openness of the Green Belt and the second test is that the proposal must not cause substantial harm to the openness of the Green Belt. This second test can only be applied if 'the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority'.

Previously developed land

- 9.6 As with the previous application, it is considered that the scheme represents the redevelopment of a previously developed site. Previously developed land is defined in the NPPF as '*land which is or was occupied by a permanent structure, including the curtilage of development land and any associated fixed surface infrastructure*'. The site was occupied by a permanent restaurant building, outbuildings and associated hard-surfacing and therefore the proposal would constitute the redevelopment of previously developed land.

Openness

- 9.7 The second part of paragraph 145 (g), relating to impact on openness, provides two different tests. Depending on whether it is concluded that the proposal contributes towards affordable housing, a lesser or greater test to assess the impact on openness can be applied. In turn the impact on openness should be assessed taking into account both its spatial and visual impact.
- 9.8 The planning agent in his letter dated 15th March 2009 sets out the case that the comparison should be between the proposed development and the approved development (as it is the approved development which exists, albeit partly, on site and the former restaurant building has been demolished). Whilst the existing restaurant building has been demolished, because the approved development has only just commenced, for completeness a comparison will be made to both the development on the application site prior to demolition and the approved development which is part way through construction.

Spatial impact on openness

- 9.9 To assess the spatial impact on openness a comparison test between the existing and proposed developments, in particular their floorspace, volume, height, scale, form and mass has to be carried out. These comparisons would provide the basis for the spatial impact on openness.

Floor space comparison				
	Floorspace (GEA)	% increase in floor area	Volume	% increase in volume
Former restaurant building and associated outbuildings (prior to demolition)	1076.5		4248.8	
Approved building (17/02204/FULL)	1093	1.5%	3748	-12%
Proposed building (18/03225/FULL)	1362.5	27%	4011	-6%

- 9.10 The current proposal seeks to add an additional 270 sq.m of floor space to the site on top of that which has been approved. This represents a 27% increase in floor area above that of the former restaurant building and outbuildings and a 25% increase above the floor area of the approved development. Whilst this development is at single storey level and only 3.5m in height, it would be introducing development where there would be none and due to its positioning and layout would result in a very sprawled development. It must be concluded therefore that the proposed development would result in a greater spatial impact on openness than the approved development. It is accepted however that whilst this harm to openness is greater, a 25% increase in floor area at single storey level cannot be concluded to be substantially more harmful.
- 9.11 Regarding volume comparisons, it is acknowledged that due to the large outbuilding at the rear of the site (which has a limited floor area but greater height and mass) there would not be an actual increase in volume when comparing the proposed development to the former development. As such, one could argue that spatially the proposed development has no greater impact on openness than the former development. However it is well established in light of recent case law on the matter (Turner v SSCLG and Samuel Smith) that the impact on openness is not simply a consideration of the spatial impacts, but the visual impacts too. In any case the table above shows that the proposed building would result in an increase in volume when compared to the approved development which is being built out on site.

Visual impact on openness

- 9.12 Under the previous planning application, it was considered that because there was only a 1.5% increase in floor area and an overall decrease in volume across the site (when taking into account the large outbuilding at the rear) the proposed development of 8 units would not amount to a greater impact on the openness of the Green Belt. Considering more carefully however the visual impact on openness which is a matter that has become more important in Green Belt assessments over the past year, it is considered that the floor area and volume of the existing outbuilding whilst contributing significantly to the spatial impact on openness, has very limited visual impact on the openness of Green Belt given that this building is positioned at the very rear of the site and almost completely obscured from view by a band of very mature trees. The loss of this outbuilding therefore would not be of great visual benefit to the site and would certainly not

allow for the addition of two apartments which would be sited in the central part of the site which is more apparently open to its surroundings. It is thus considered that the current proposal would have a greater visual impact on the Green Belt than the former development due to the greater spread of development in a more visually open part of the site. Furthermore, the proposed development can also be said to have a greater impact than the existing development as the two additional units are positioned within an open part of the site and the resultant building would more apparently fill a larger portion of the plot.

Conclusion on spatial and visual impact on openness

- 9.13 It is therefore concluded in light of the considerations above, that the proposed development would have a greater impact on openness than both the former restaurant building (and outbuilding) and a greater impact on openness than the approved apartment building by virtue of the addition of two sizable apartments which would result in approximately 25% increase in floor area - the resultant building becoming very sprawled thus resulting in a loss of openness within the central part of the site.

Does the proposal make a contribution towards affordable housing?

- 9.14 The Council's Strategic Housing Market Assessment (SHMA) (2016) evidences housing need (for all types of housing) and demonstrates an identified need for an additional 434 new affordable homes in the Borough every year. The proposal makes no provision for any on-site affordable housing. The financial viability assessment submitted by the applicant concludes that the development would result in a deficit if an affordable housing contribution were provided, however it goes on to state that a contribution could potentially be made and that this matter could be negotiated. The viability assessment has been reviewed independently by the DVS who have advised that the proposal could make a contribution of £205,710, which equates to approximately 11% affordable housing provision. (The Council's local plan policy H3 and supporting guidance note advises that for sites of 0.5 hectares or greater, 30% affordable housing should be provided and that this should be on-site). The letter from the agent dated 15th March 2019 offers a greater commuted sum payment of £650,000 which is equivalent to approximately 35% provision. This 35% provision would accord with the *amount* sort after by policy H3, but because it wouldn't provide for on-site affordable housing and at the tenure most needed by the Borough, it cannot be automatically be concluded that the scheme is policy compliant in terms of affordable housing provision – particularly as this off-site contribution has not been justified in this case. And even if it were, it doesn't automatically follow that the scheme *'contributes to meeting an identified affordable housing need'* for the purposes of allowing a more harmful development in the Green Belt. Notwithstanding this a contribution of £650,000 cannot be accepted as it would render the scheme unviable and to accept it therefore without planning justification would be ultra vires.
- 9.15 As stated above, in order for the second test to be applied, the development would need to *'contribute to meeting an identified affordable housing need within the area of the local planning authority'*. It is considered that the second test of paragraph 145(g) is not intended to be engaged where a scheme only delivers a policy compliant level of affordable housing. On the basis of a review of relevant appeal decisions it is clear that the intention of this section of the NPPF is to support schemes that deliver materially above the policy level in order to contribute towards meeting the need that is greater than 30% of the SHMA objectively assessed housing need of 434 dwellings per annum. Whilst this scheme offers an amount which is marginally above the threshold required by H3 (and the supporting guidance note) a financial contribution towards off-site affordable housing does not meet the need for affordable housing unless there is a site available and a scheme proposed for which the contribution can be utilised. The SHMA identifies a significant unmet need for affordable housing in the Borough, the largest level is social rent, then affordable rent and lastly low cost ownership products. The Affordable Housing SPG makes it clear that the focus is on-site delivery with a contribution being the last resort. If additional harm is caused in the Green Belt, the development providing that harm should be on that Green Belt site, as that would be the justification for allowing additional harm in such a location. Indeed the phrasing of the second test of paragraph 145(g) states that the redevelopment itself must be re-using the previously developed site, suggesting the additional harm caused as a result of providing that affordable housing must be to that very site in question. The LPA is therefore

confident that the offer made by the applicant does not *contribute to meeting an identified affordable housing need within the area of the local planning authority* and that the approach taken to assess the proposed development against the first test of paragraph 145(g) is wholly reasonable in light of recent appeal decisions on the matter.

Conclusion on impact on openness and therefore whether the proposal is inappropriate development

- 9.16 The proposed development has a greater impact on the openness of the Green Belt than the former restaurant building and outbuilding and a greater impact on openness than the approved development currently being building out, both spatially and visually due to the increase in floor area and the positioning of the development within an open part of the site and the resulting sprawling shape of the building thereby failing the first test of part g) of paragraph 145 of the Framework.
- 9.17 For the reasons set out above the proposal is considered to constitute inappropriate development in the Green Belt. Furthermore, the proposal would result in actual harm to openness. Paragraph 144 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (VSC). The harm by reason of inappropriateness is afforded substantial weight. A case for VSC is discussed below.

Impact on the character an appearance of the area

- 9.18 Paragraph 130 of the NPPF explains that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. SP2 of the emerging Borough Local Plan states that 'All new developments should contribute to the places in which they are located.' Furthermore, policy SP3 states that development proposals should achieve various design principles, including but not limited to, respecting and enhancing the local character and high quality townscapes and providing high quality soft and hard landscaping. Significant weight can be given to these emerging policies at this time.
- 9.19 The approved building was considered to harmonise well with the surrounding development and represent good quality design that does not appear prominent or overdominant from the street scene.
- 9.20 The two additional apartments are not considered to be harmful to the character of the street scene or the area in general as they would harmonise with the scale and design of the approved building.

Impact on neighbouring amenity

- 9.21 The addition of the two single storey apartment buildings would not result in any increased harm to neighbouring residential amenity given the limited height of the development and the distance away from the flank boundaries of the site.

Parking and highways

- 9.22 It is considered that the proposed development is likely to lead to a reduction in vehicle movements when compared with the existing use. The change from restaurant to residential use is also likely to result in a marked reduction in visits by larger delivery and service vehicles.
- 9.23 The current application proposes 10 x 2-bed apartments with a provision of 20 parking spaces. Whilst this levels of parking was accepted for the 8 unit scheme, this represented a slight overprovision (16 spaces are required by the standards for 8 x 2-bed residential units) but it was not objected to given that Neighbourhood Plan Policy NP/T1 (Parking and Access) places a great emphasis on visitor parking and the need to reduce reliance on on-street parking. It is also noted that car ownership levels are slightly higher in Ascot, Sunninghill and Sunningdale than the Borough average. This provision of 20 spaces for the larger development of 10 x 2-bed meets the

Borough car parking standards and therefore despite the objections raised by the Parish Council, there would be no justification for refusing the development on grounds of insufficient parking.

Trees

- 9.24 The site and neighbouring properties are covered by Tree Preservation Order 1 of 1957, an 'Area' designation protecting all species. The proposal would result in the loss of two Wild Cherry trees and one Ash tree which form a group on the southern eastern boundary. Other tree loss is acceptable as it mainly comprises the linear group of Leyland cypress and some other small ornamental trees of little significance. There will also be a need for additional tree planting within the site, in the front garden and intermittently along the western boundary. The Council's Tree Officer has recommended conditions should planning permission be granted and these relate to Tree protection, site storage and services/drainage, landscaping scheme and a landscape management plan. The proposal is considered to comply with policy N6 of the adopted local plan, policy EN2 of the Neighbourhood Plan and policy NR2 of the emerging Borough Local Plan.

Ecology

- 9.25 An updated ecological assessment survey was undertaken at the time of the previous application. This slightly smaller scheme was approved subject to 2 ecological conditions in relation to the provision of a bat licence and biodiversity enhancement plan. The applicant has submitted a copy of a valid bat licence and an ecology letter report. The ecology letter report states that surveys have been carried out in 2015, 2017 and more recently in August 2018. Whilst the report does not include detailed results of the August 2018 survey, it confirms that the site is of limited ecological value. No badger setts have been recorded on site and the habitats are of poor suitability for use by herpetofauna. In addition, the building was demolished (and bat roost destroyed) in October 2018 under licence '2018-37379-EPS-MIT'. As such, the site is not considered to be of any additional significant wildlife value. The recommendations included within the ecology letter report should be secured via a planning condition.

Thames Basin Heaths Special Protection Area

- 9.26 The proposed development site is within 800 m of the Thames Basin Heaths Special Protection Area (SPA), which was classified in 2005 under the EC Birds Directive. The councils Thames Basin Heath SPA Supplementary Planning Document (Part 1) states that within the zone of 400m to 5km from the Thames Basin Heath SPA, it is likely that additional residential dwellings (either alone or in combination with other new dwellings) are likely to have a significant effect on the SPA unless mitigation measures are put in place. The guidance within this document stipulates that the agreed approach to mitigation is for developers to provide Suitable Alternative Natural Greenspace (SANG) (or financial contribution towards a Council SANG) and financial contributions towards Strategic Access Management and Monitoring.
- 9.27 The Council has an adopted Suitable Alternative Natural Greenspace (SANG), Allen's Field. Financial contributions in line with the scale of charges set out in the Council's SPD would provide the mitigation required to ensure that the additional residents of additional dwellings would not impact adversely on the SPA, satisfying the requirements of the regulatory framework and SPD that are discussed above and allowing the Appropriate Assessment carried out to conclude that the development would have an acceptable impact on the SPA. At this stage a section 111 to secure the relevant mitigation has not yet been executed and therefore the proposal is unacceptable in this regard.

Affordable Housing

- 9.28 Adopted local plan policy H3 states that the Council will seek to achieve affordable housing on sites of over 0.5ha or more or for schemes proposing 15 or more net additional dwellings. The supported guidance note advises that the level of provision is set at 30%. The proposal offers a commuted sum payment in lieu of on-site provision of equivalent to approximately 35%. Whilst the amount offered exceeds 30%, the guidance note clearly advises that on-site provision is the preferred approach. This is backed up by recent evidence in the form of the 2016 SHMA which shows that there is a need for an additional 434 new affordable homes within the Borough every

year. Additionally paragraph 62 of the NPPF states that where a need for affordable housing is identified it should be expected to be met on-site.

- 9.29 As a material consideration, paragraph 64 of the NPPF states that where major development involves the provision of housing, at least 10% of the homes are expected to be available for affordable home ownership, as part of the overall affordable housing contribution from the site unless this would exceed the level of affordable housing required in the area or prejudice the ability to meet the identified affordable housing need within the Borough. This would suggest that this proposal would need to provide at least 1 unit (on-site) to be available for affordable home ownership.
- 9.30 The proposal is considered to fall foul of both the local and national policy requirements relating to affordable housing provision as it does not provide any on-site provision, where there is a clear evidence that this is what the Borough needs. Furthermore, it does not offer an alternative site for the provision to be made, and the off-site contribution made has not been robustly justified.

Flooding/drainage

- 9.31 The Lead Local Flood Authority (LLFA) has commented on the application and recommended a condition to ensure the proposed development is safe from flooding and does not increase flood risk elsewhere.

Other Material Considerations

Housing Land Supply

- 9.32 Paragraphs 10 and 11 of the NPPF set out that there will be a presumption in favour of Sustainable Development. The latter paragraph states that:

For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

- 9.33 Footnote 7 of the NPPF (2019) clarifies that:

‘out-of-date policies include, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer..).’

- 9.34 The BLPSV is not yet adopted planning policy and the Council’s adopted Local Plan is more than five years old. Therefore, for the purposes of decision making, currently the starting point for calculating the 5 year housing land supply (5hyr hls) is the ‘standard method’ as set out in the NPPF (2019).
- 9.35 At the time of writing, the Council is able to demonstrate 4.08 years of housing land supply. Therefore, for the purpose of this planning application the LPA currently cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer).
- 9.36 However footnote 6 of the NPPF (2019) then further clarifies that section d(i) of paragraph 11 of the NPPF (2019) is not applied where ‘*policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed*’. This includes: **habitats sites and/or land designated as Green Belt**. For the reasons set out in paragraphs 9.2-9.17 the proposed development is considered to constitute ‘inappropriate development in the Green Belt’ and furthermore in the absence of an executed section 111 there would be harm to the integrity of the SPA. Plainly where there are such restrictive policies in play,

and their requirements are not satisfied by the development proposal, it is clear that the “tilted balance” does not apply, and the planning balance is to be carried out in the ordinary way, having regard to the statutory test in section 38(6) of the 2004 Act. This is set out below in the conclusion.

Very Special Circumstances

- 9.37 Paragraph 11 of the NPPF sets out that there will be a presumption in favour of Sustainable Development. However, in this case paragraph 11 and the tilted balance is not engaged due to the Green Belt and SPA designation which precludes the tilted balance being applied (footnote 6).
- 9.38 It has been demonstrated that in accordance with the NPPF the proposal is inappropriate development in the Green Belt and should not be approved except in very special circumstances. Very special circumstance would not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations.
- 9.39 In accordance with 144 of the NPPF substantial weight is given to the harm to the Green Belt by reason of inappropriateness and the harm to openness. There is also other harm with regards to the impact on the integrity of the SPA and failure to provide affordable housing in line with the Council’s requirements.
- 9.40 The applicant hasn’t put forward a case of Very Special Circumstances as such, as they consider the proposals amount to appropriate development within the Green Belt, however other considerations are put forward in support of the proposal which are assessed below.

The fallback position – the extant permission

- 9.41 It is acknowledged that the approved development of 8 units is being built out on site and will continue to be built out even if the current application is refused. This fallback position is given substantial weight given its stage of construction. The current proposal provides for an additional two homes, which in the absence of a five year housing land supply is a consideration, but only one that is afforded limited weight given that the number of additional units is very low.

The provision of a commuted sum payment towards affordable housing

- 9.42 In light of the various discussions above relating to the need for on-site affordable housing provision in the Borough, the weight given to the benefits arising from the commuted sum payment of £205,710 is limited. No weight can be to the offered contribution of £650,000 as this would render the scheme unviable.

Re-use of brownfield land

- 9.44 Whilst the scheme re-uses brownfield land, the extant permission already being built out on site does the same and therefore the weight attributed to this is not as great as if there were no extant permission to fallback on.
- 9.45 When the benefits of the scheme are looked at cumulatively, particularly in relation to the extant permission, the only real benefits are the addition of two new homes, which has a limited benefit given it would make such a small contribution to the housing supply within the Borough, and the offer of an off-site contribution, which again is given limited weight due to the fact that the real need for affordable housing in the Borough is on-site provision. These other considerations are therefore only afforded limited weight.
- 9.46 It is therefore concluded that the substantial weight attributed to the harm to the Green Belt is not outweighed by the limited benefits arising from the scheme as a result of the additional two homes and the off-site affordable housing contribution.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 10.1 In accordance with the Council's adopted CIL charging schedule the development is CIL liable at a rate of £240 per square metre of chargeable floor space. The Levy is intended to cover the provision of infrastructure required to make development acceptable and that infrastructure required over the plan period is set out in the Council's Infrastructure Delivery Plan, last updated in January 2018.

11. PLANNING BALANCE AND CONCLUSION

- 11.1 In accordance with Section 38(6) of the Planning Act consideration should be given as to whether there are material considerations which would suggest a different decision: consideration against the Development Plan and material considerations is set out below.
- 11.2 Paragraph 11 of the Framework explains how the presumption in favour of sustainable development applies. As set out in paragraph 9.36 of this report it is considered that in this instance the tilted balance should not be applied.
- 11.3 It has been concluded above that in accordance with the NPPF the proposal is inappropriate development in the Green Belt. Furthermore, as outlined in paragraphs 9.37-9.46 there are no Very Special Circumstances that would outweigh this harm. The harm to the Green Belt as a result of inappropriateness and harm to openness is therefore attributed substantial weight in the overall planning balance. Also on this side of the balance is the significant weight attached to the harm to the SPA in light of the lack of mitigation secured by the applicant at this stage, and the significant weight given to the failure to provide an appropriate affordable housing contribution.
- 11.4 Turning to the benefits of the scheme, the net increase of 2 homes contributes to the supply of housing in the borough, however given the quantum of development, limited weight is attributed to this benefit.
- 11.5 In respect of economic benefits, it is acknowledged that future residents of the development would make use of local services and spend in local shops. However, as the scheme is only for two additional units the impact of this additional spend in the local economy would be limited. The scheme would also result in direct and indirect employment and create a demand for building supplies during the construction phase. Due to the short-term nature of these benefits, this can only be given limited weight.
- 11.6 In respect of social benefits, the offered commuted sum payment towards off-site affordable housing provision is noted, however would not bring about any real benefit because it would not fulfil a recognised need within the Borough for on-site affordable housing. However, it must be considered in light of the fact that the approved development, does not contribute any affordable housing provision (as the scheme was permitted prior to revised NPPF coming into force in August 2018) and therefore, regardless of the decision of the current application, there will be 8 open market units on site. The applicant suggests that the creation of two further units and a contribution of £650,000 should be viewed as a substantial benefit. It has already been established that the additional 2 units is attributed limited weight as the quantum is so low. The contribution of £650,000 whilst equating to 35% of the total housing provision (in monetary terms) is much less valuable than this because commuted sum payments are not what is needed in the Borough. As such, only moderate weight is attached to this benefit.
- 11.7 It is acknowledged that the proposal would not result in harm to the character of the area, neighbour amenity, trees or ecology, however given these are normal policy requirements, the lack of harm in these respects does not weigh in favour of the scheme, but is neutral.
- 11.8 The harm to the Green Belt, the failure to provide on-site affordable housing and the harm to the integrity of the SPA as identified throughout this report is attributed substantial weight which would not be outweighed by the limited and moderate benefits brought about by the scheme as highlighted in the preceding paragraphs. The proposal therefore should be assessed in accordance with the development plan and other material considerations and therefore should be refused in accordance with the reasons outlined in section 13 of this report.

12. APPENDICES TO THIS REPORT

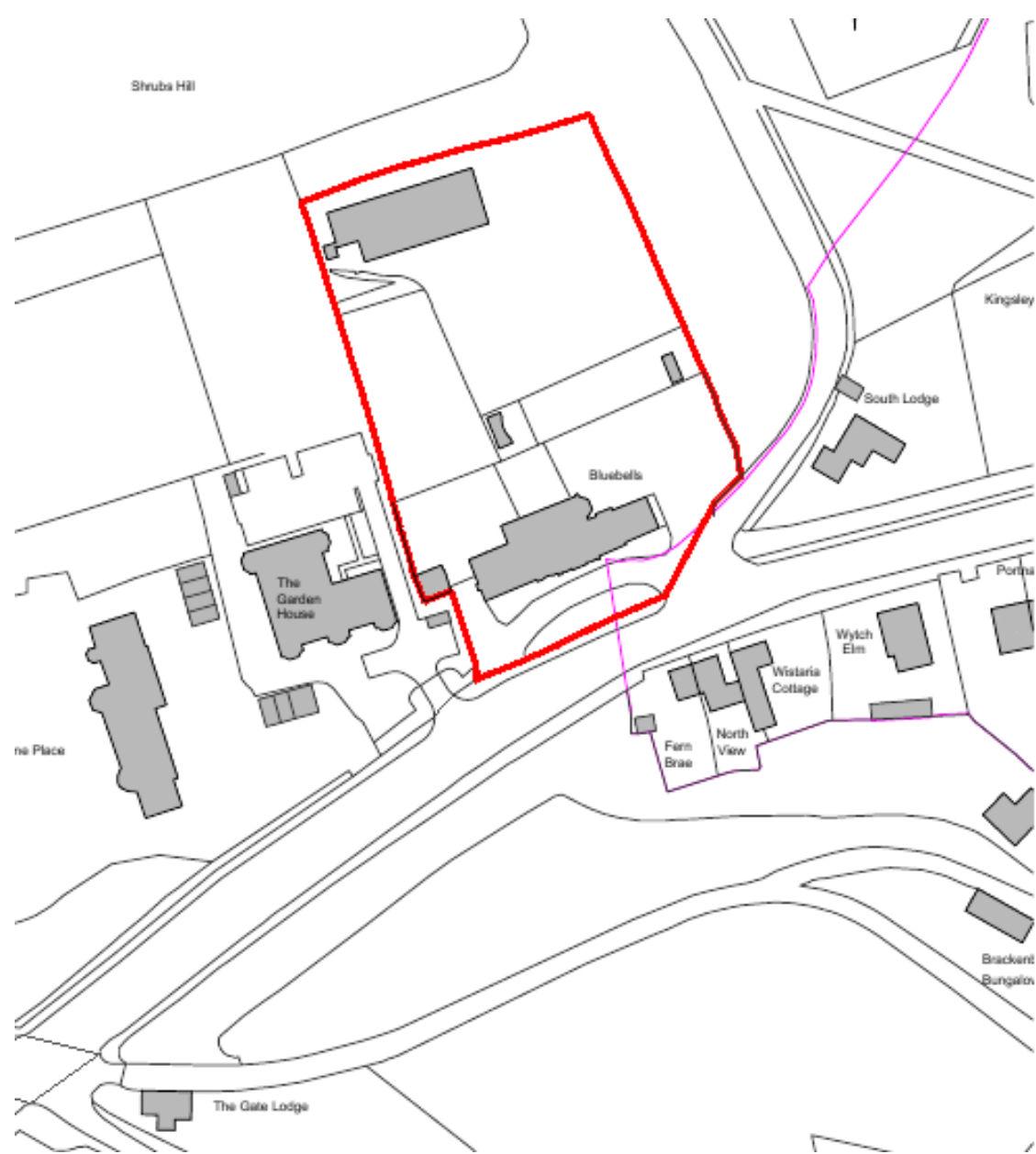
- Appendix A - Site location plan and site layout
- Appendix B – plan and elevation drawings
- Appendix C – Comparison was approved scheme 17/02204/FULL

13. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

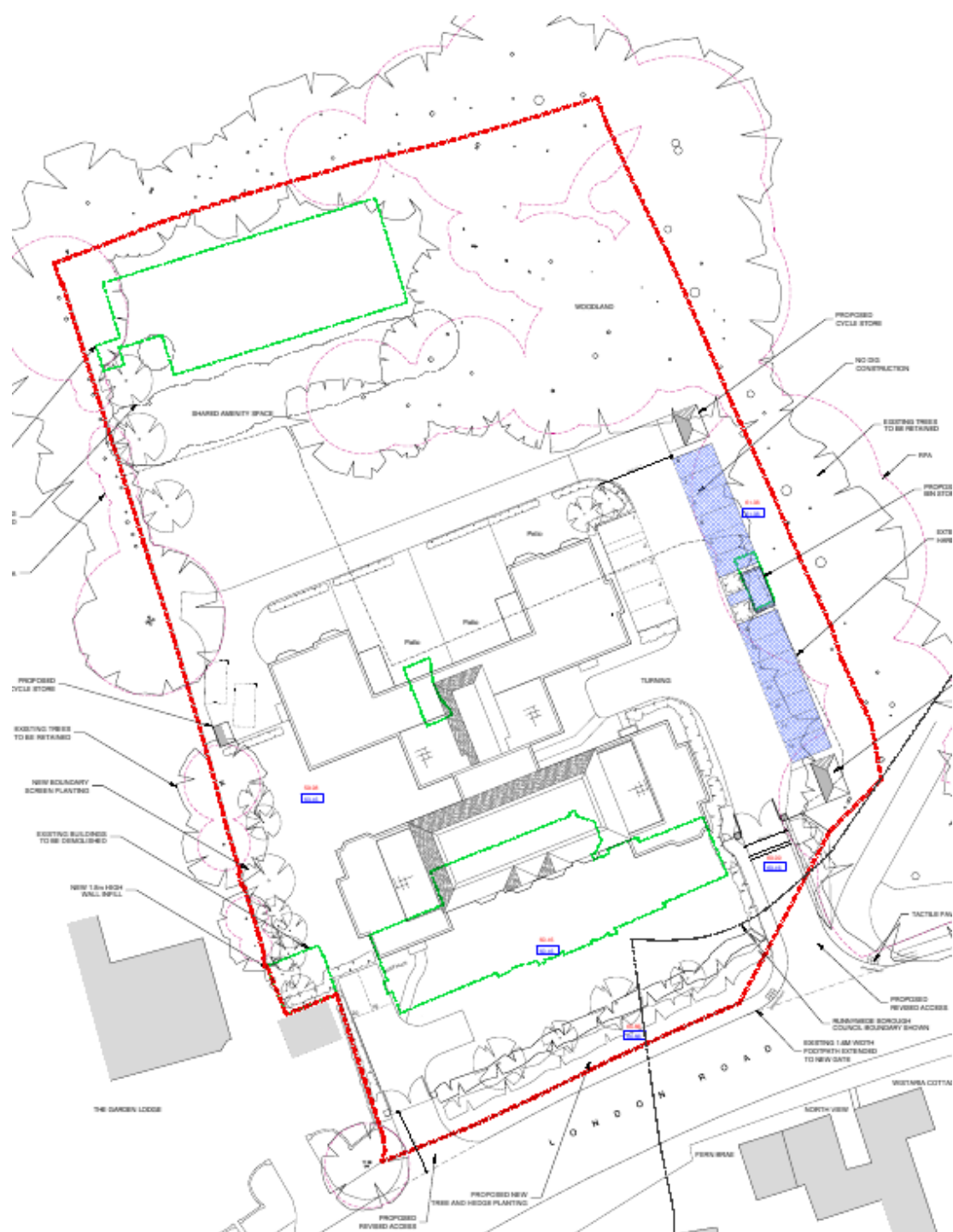
- 1 The proposal represents inappropriate development in the Green Belt, which is by definition harmful to the Green Belt and would be harmful to actual openness of the Green Belt. Very Special Circumstances that clearly outweighs the harm to the Green Belt and any other harm has not been demonstrated. The proposal is therefore contrary to the provisions of saved policies GB1 and GB2(a) of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted in June 2003), policies SP1 and SP5 of the Borough Local Plan Submission Version (2017) and paragraph 133, 134 ,143, 144 and 145 of the National Planning Policy Framework (2019),
- 2 The application site is greater than 0.5ha and therefore should provide an affordable housing contribution in line with adopted policy H3, the Council's Affordable Housing guidance note and paragraphs 62, 63 and 64 of the NPPF. The offer to provide a commuted sum payment towards off-site affordable housing has not been robustly justified and would not meet the affordable housing needs of the Borough which is for on-site provision and at a specified tenure mix. As such the proposal fails to comply with the provisions of saved policies H3 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted in June 2003) and paragraph 62, 63 and 64 of the National Planning Policy Framework (2019)
- 3 The proposal is likely to have a significant effect in combination with other plans and projects in the locality on the Thames Basin Heaths Special Protection Area [SPA] as designated under The Conservation (Natural Habitats, etc) Regulations, and which is also designated as a Site of Special Scientific Interest [SSSI]. This would arise through increased visitor and recreational pressure on Chobham Common, as a constituent part of the SPA, causing disturbance to three species of protected, ground-nesting birds that are present at the site. In the absence of an assessment to show no likely significant effect, including sufficient mitigation measures to overcome any such impact on the SPA, and in the absence of financial provision towards the Strategic Access Management and Monitoring (SAMM) project and the provision of Suitable Alternative Natural Greenspace (SANG) noted in the Council's Thames Basin Heaths Special Protection Area SPD or satisfactory alternative provision, the likely adverse impact on the integrity of this European nature conservation site has not been overcome. The proposal is thus in conflict with the guidance and advice in the National Planning Policy Framework and the RBWM Thames Basin Heaths Special Protection Area SPD and Policy NP/EN4 of the adopted Ascot, Sunninghill and Sunningdale Neighbourhood Plan. The proposal would also fail to comply with policy NR4 of the emerging Borough Local Plan (submission version) (2013-2033).

Appendix A

Location Plan



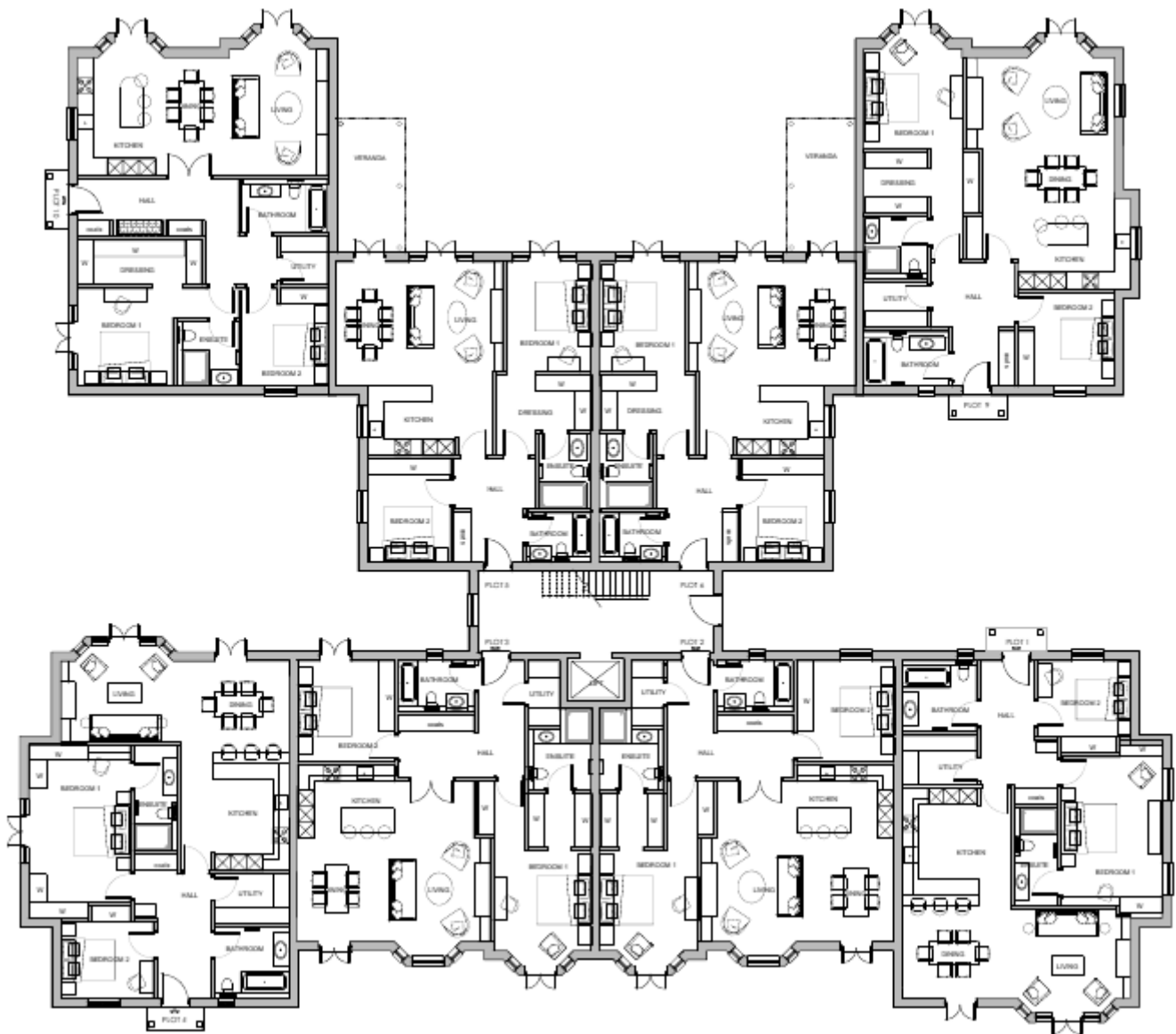
Site Plan



Appendix B

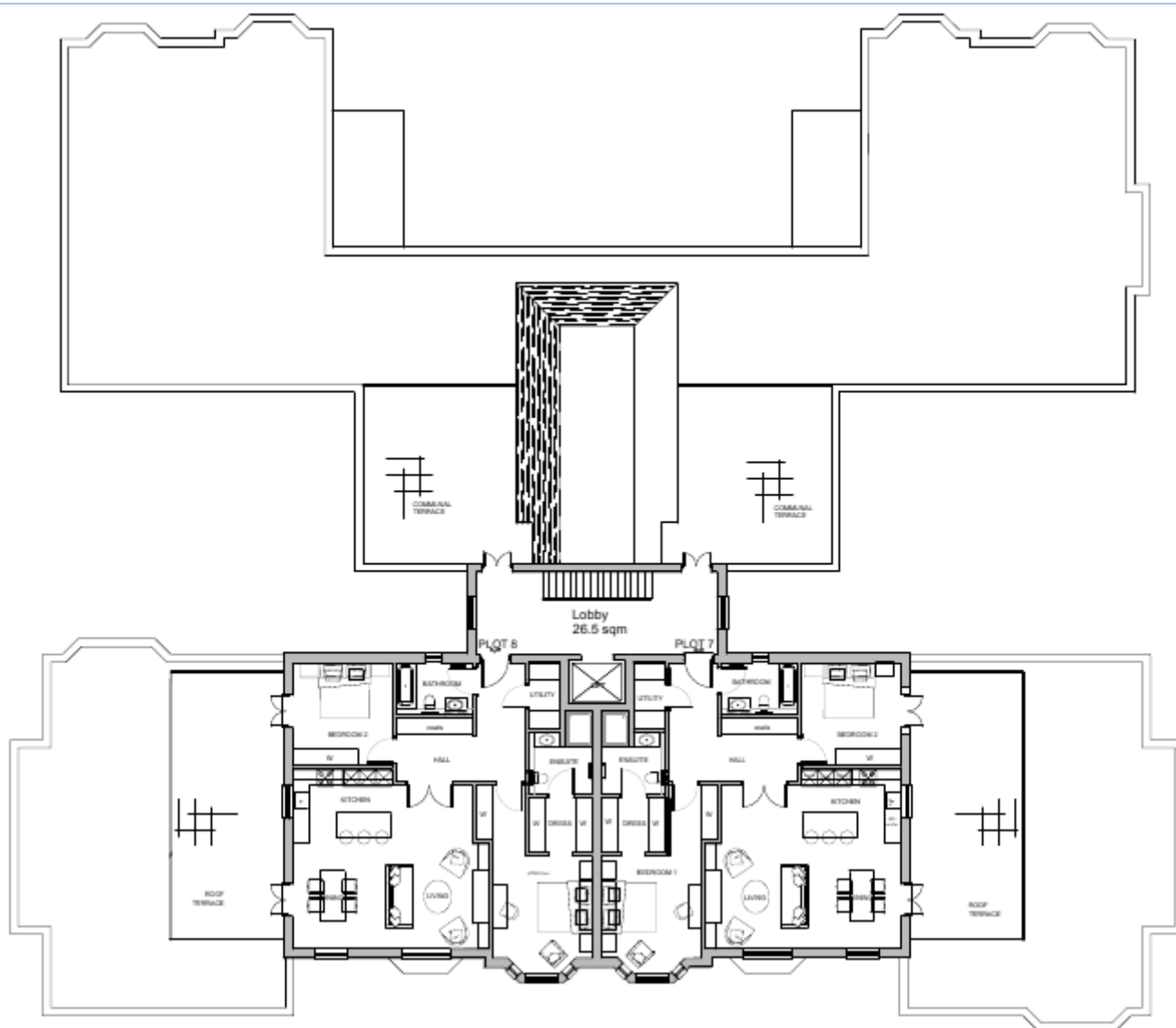
Floor Plans

Ground floor plan



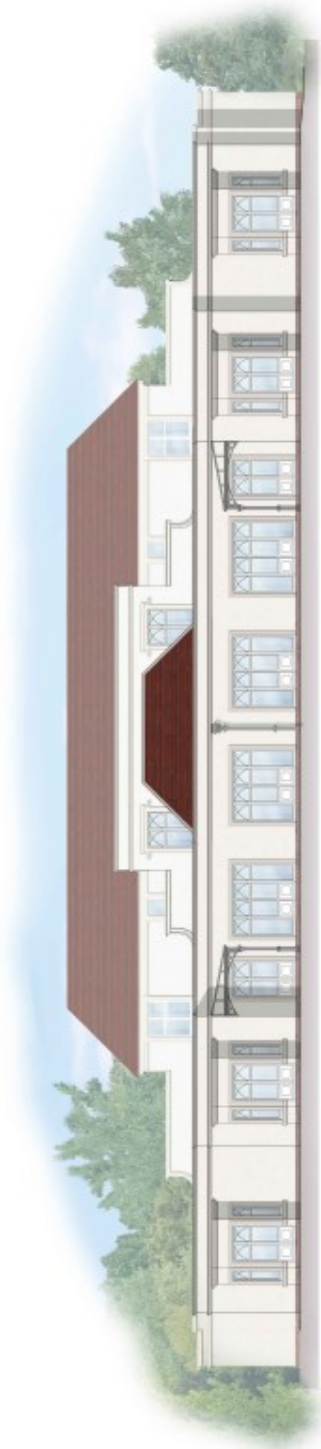
Floor plans

First floor plan





FRONT ELEVATION



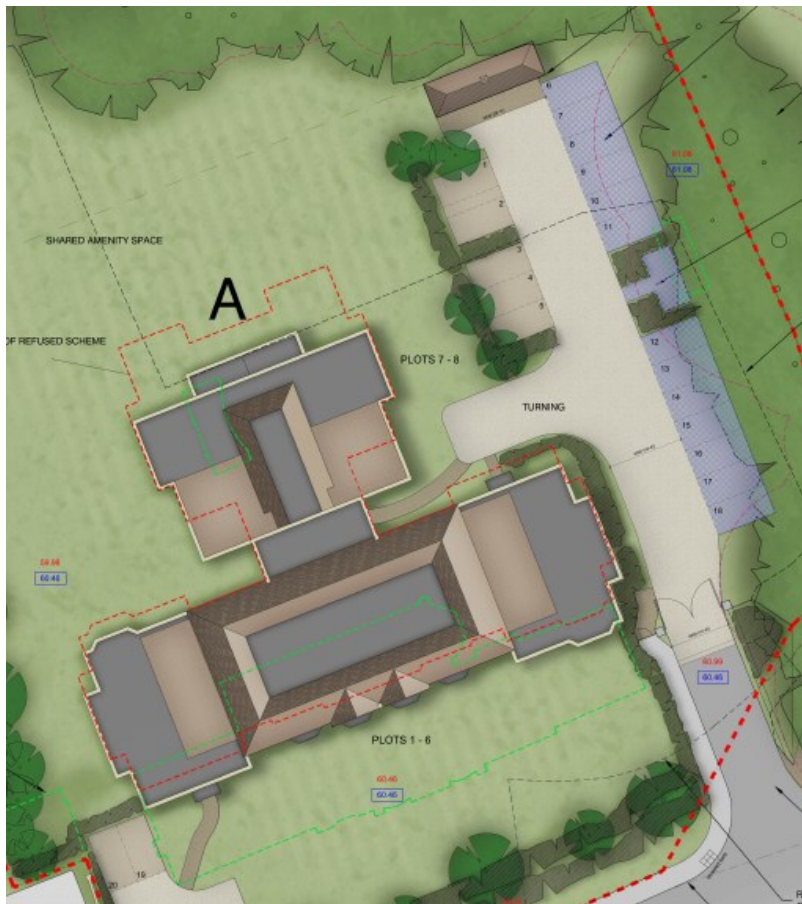
REAR ELEVATION

Elevations



Appendix C

Comparison with approved development
(17/02204/FULL)



17/02204/FULL



18/03225/FULL

WINDSOR RURAL DEVELOPMENT CONTROL PANEL

29 April 2019

Item: 2

Application No.:	19/00222/FULL
Location:	Kimbers Brockenhurst Road Ascot SL5 9HB
Proposal:	Replacement annexe.
Applicant:	Mr Knott
Agent:	Mr Adrian James
Parish/Ward:	Sunninghill And Ascot Parish/Sunninghill And South Ascot 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 Given the size of the building and the level of habitable accommodation proposed i.e. a self-contained 4 bedroom dwelling it is considered the proposal is tantamount to an independent dwelling. The application has been assessed on this basis.
- 1.2 The proposal is considered to be harmful to the character and appearance of the area and fails to comply with policies DG1 and H10 of the Local Plan, policies DG1 and DG3 of the Neighbourhood Plan, policies SP2 and SP3 of the submission version of the emerging Borough Local Plan and paragraphs 127 and 130 of the National Planning Policy Framework.
- 1.3 It has not been demonstrated that the future users of the dwelling would be provided with a high standard of outdoor garden amenity space. The proposal fails to comply with policy DG3 of the Neighbourhood Plan and paragraph 127 of the National Planning Policy Framework.
- 1.4 The site is suitable for use by roosting bats and a further survey is required to determine their presence / absence. It has not therefore been demonstrated that the development would not cause harm to a protected species. The proposal fails to comply with policy EN4 of the Neighbourhood Plan and paragraph 99 of the Government Circular 06/05 (Biodiversity and Geological Conservation – Statutory Obligations and Their Impact within the Planning System).
- 1.5 The application site is within the 5km zone of the Thames Basin Heaths Special Protection Area (SPA). It is necessary therefore for mitigation to be secured in the form of SANG (Suitable Alternative Natural Greenspace) and SAMM (Strategic Access Management and Monitoring) by way of a separate section 111 legal agreement. This mitigation has not been secured and as such the development would have an unacceptable impact on the SPA.

It is recommended the Panel refuses planning permission for the following reasons:						
<table border="1"><tr><td>1.</td><td>The design of the dwelling and the materials proposed are at odds with existing nearby properties and would result in harm being caused to the character and appearance of the area. The proposal is considered to be out of keeping contrary to policies DG1 and H10 of the Local Plan, policies DG1 and DG3 of the Neighbourhood Plan, policies SP2 and SP3 of the submission version of the emerging Borough Local Plan and paragraphs 127 and 130 of the National Planning Policy Framework.</td></tr><tr><td>2.</td><td>It has not been demonstrated that the future users of the dwelling would be provided with a high standard of outdoor garden amenity space. The proposal fails to comply with policy DG3 of the Neighbourhood Plan and paragraph 127 of the National Planning Policy Framework.</td></tr><tr><td>3.</td><td>It has not been demonstrated that the development would not cause harm to bats or result in the loss of their roosts. The proposal fails to comply with policy EN4 of the Neighbourhood Plan and paragraph 99 of the Government Circular 06/05 (Biodiversity and Geological Conservation – Statutory Obligations and Their Impact Within The Planning System).</td></tr></table>	1.	The design of the dwelling and the materials proposed are at odds with existing nearby properties and would result in harm being caused to the character and appearance of the area. The proposal is considered to be out of keeping contrary to policies DG1 and H10 of the Local Plan, policies DG1 and DG3 of the Neighbourhood Plan, policies SP2 and SP3 of the submission version of the emerging Borough Local Plan and paragraphs 127 and 130 of the National Planning Policy Framework.	2.	It has not been demonstrated that the future users of the dwelling would be provided with a high standard of outdoor garden amenity space. The proposal fails to comply with policy DG3 of the Neighbourhood Plan and paragraph 127 of the National Planning Policy Framework.	3.	It has not been demonstrated that the development would not cause harm to bats or result in the loss of their roosts. The proposal fails to comply with policy EN4 of the Neighbourhood Plan and paragraph 99 of the Government Circular 06/05 (Biodiversity and Geological Conservation – Statutory Obligations and Their Impact Within The Planning System).
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4.	The application site is within the 5km zone of the Thames Basin Heaths Special Protection Area (SPA). It is necessary therefore for mitigation to be secured in the form of SANG (Suitable Alternative Natural Greenspace) and SAMM (Strategic Access Management and Monitoring) by way of a separate section 111 legal agreement. This mitigation has not been secured and as such the development would have an unacceptable impact on the SPA.
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2. REASON FOR PANEL DETERMINATION

- The Council's Constitution does not give the Head of Planning delegated powers to determine the application as the applicant is related to a Councillor; such decisions can only be made by the Panel.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is located on the north east side of Brockenhurst Road in Ascot. To the rear of the site is Green Belt land, there are groups of protected trees in the south west and north west corners of the site and the site is within 5km of the Thames Basin Heaths Special Protection Area. The site currently comprises of a detached dwelling and an annexe with driveway and gardens. The annexe, which is the subject of this application was granted permission in 2018, having previously been used as a garage/outbuilding. The surrounding area is comprised of detached dwellings in large plots. Properties have pitched/crown roofs and are finished predominantly in red brick. The application site is located in an area classed as 'Villas in a Woodland Setting'.

4. KEY CONSTRAINTS

- 4.1 The key constraints are:

- Protected trees
- Biodiversity
- Thames Basin Heaths Special Protection Area

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The proposal is to demolish the existing annexe on site and replace it with a 4 bedroom property which also includes a large open plan kitchen/diner and living room area at ground floor. The proposal is 6.5m tall and has a floor space across 2 storeys of approximately 164sqm. The proposal has a flat roof and is finished in timber cladding. The applicant contends that the application is for an annexe, however given the size of the building and the level of accommodation it provides it is considered to constitute an independent dwelling.

Reference	Description	Decision
95/01480/FULL	Erection of a detached double garage with first floor area for storage and applicants self-employed dressmaking business	Permitted – 28.02.1995
96/75166/RLAX	Relaxation of condition 4 of consent 473253 to allow permanent use of upper floor of triple garage for the applicants dress making business	Permitted – 22.01.1997
05/00321/TEMP	Temporary application to change the use of part of the residential garage to B1 (C) light industrial	Permitted – 01.04.2005
12/00051/FULL	Construction of a replacement dwelling	Permitted – 26.03.2012
14/03281/FULL	Erection of 2x detached dwellings with integral garages following demolition of existing dwelling	Permitted – 22.05.2015
18/01842/FULL	Alterations to fenestration and use of	Permitted - 30.08.2018

	the outbuilding as an annexe ancillary to the main dwelling	
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6. DEVELOPMENT PLAN

6.1 The main Development Plan policies applying to the site are:

Adopted Royal Borough Local Plan (2003)

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1, H10, H11
Highways	P4
Trees	N6

These policies can be found at

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

Adopted Ascot Sunninghill and Sunningdale Neighbourhood Plan (2011-2026)

Issue	Neighbourhood Plan Policy
Design in keeping with character and appearance of area	DG1, DG2, DG3
Highways	T1
Trees	EN1
Biodiversity	EN4

These policies can be found at

https://www3.rbwm.gov.uk/info/200209/planning_policy/477/neighbourhood_plans/2

Adopted The South East Plan – Regional Spatial Strategy

Issue	Plan Policy
Thames Basin Heaths Special Protection Area	NRM6

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2019)

Section 4 - Decision-making

Section 5 – Delivering a sufficient supply of homes

Section 9 - Promoting sustainable transport

Section 12 - Achieving well-designed places

Section 15 - Conserving and enhancing the natural environment

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Trees	NR2
Nature conservation	NR3
Thames Basin Heaths Special Protection Area	NR4
Sustainable Transport	IF2

- 7.1 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 detail in the assessment below.

This document can be found at:

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

Supplementary Planning Documents

- RBWM Thames Basin Health's SPA

Other Local Strategies or Publications

- RBWM Townscape Assessment
- RBWM Parking Strategy

More information on these documents can be found at:

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

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

3 occupiers were notified directly of the application.

No letters were received as a result of this consultation.

Consultees

Consultee	Comment	Where in the report this is considered
Parish Council	Objects as the application is considered to be contrary to policies DG1, DG2 and DG3 of the Neighbourhood Plan. Questions what land forms part of the separate dwelling and whether there is adequate amenity space and parking.	Design has been considered in paragraphs 9.3 to 9.8. Amenity has been considered in paragraph 9.9 and parking has been considered in paragraph 9.10.
Highways	Offers no objection subject to conditions relating to gates, parking, cycle parking and refuse/recycling provision.	Noted. Parking and highway issues have been considered in paragraph 9.10
Ecology	Considers that the site is suitable for roosting bats and that further surveys are required to determine their presence/absence. Considers that the	Biodiversity and ecology issues have been considered in paragraphs

	application should not be determined until the surveys are carried out.	9.11 to 9.14.
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9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i The principle of development
- ii The character and appearance of the area
- iii Residential amenity
- iv Parking and highway safety
- v Biodiversity and ecology

The principle of development

9.2 The proposal is described by the applicant as being an annexe. Given the size of the building however, and the level of habitable accommodation it provides it is considered that the proposal is tantamount to an independent dwelling. In addition the scale of the property, which is comparable to the main dwelling, rather than subservient, and the design of the property, which does not relate to the main dwelling on site, would make it appear as a separate independent dwelling. The dwelling has 4 x bedrooms and as such is capable of being used as a family home. It is considered necessary therefore that the proposal should meet the standards expected of an independent dwelling with regards to residential amenity and parking, and the application has been assessed on this basis.

The character and appearance of the area

9.3 The design of a new development and its impact on the character and appearance of an area is a material planning consideration. Local plan policy DG1 sets out design guidelines for all new developments within the Borough and policies H10 and H11 set out the design guidelines for new residential development. With regards to the Ascot, Sunninghill and Sunningdale Neighbourhood Plan, policy NP/DG1 (respecting the townscape), NP/DG2 (density, footprint, separation, scale, bulk) and NP/DG3 (good quality design) are all relevant as are policies SP2 and SP3 of the submission version of the emerging Borough Local Plan. All of the above policies are consistent with the NPPF and in particular section 12 (achieving well-designed places).

9.4 The application site currently comprises of Kimbers House and the existing annexe. Both buildings are finished in red brick and grey/brown roof tiles; this is a material palette which features heavily within the surrounding area. Both properties have pitched roofs and this also is common within the surrounding area where dwellings have either a pitched or a crown roof design. Plots tend to be large, however there is no strong set pattern of development and density of development varies somewhat. It is noted that permission has been granted in the past under application 14/03281 for 2 dwellings on site, suggesting a higher density is acceptable. The scale of properties within the surrounding area also varies with Kimbers House being approximately 7.4m tall and Wellington House to the South East being approximately 9.8m tall. Trees form an important part of the character of the area giving the site and surrounding area a sylvan appearance. The application site and surrounding area are within the 'Villas in a Woodland Setting' character area as set out in the Townscape Assessment document. It is considered that the site and surrounding area is typical of this character area.

9.5 The proposed dwelling is 6.5m tall, finished in timber cladding and has a flat roof. Windows span across two stories and are not of similar proportions to neighbouring dwellings, the rear elevation also contains very high levels of glazing. This design is considered to be at odds with the design and appearance of surrounding properties and would cause harm to the character and appearance of the area. The proposal would fail to comply with policy DG1(3) of the Local Plan which states that the design of new buildings should be compatible with the street façade and

sets out that special attention should be given to the roof-scapes of buildings, and DG1(4) which sets out that materials should be used which are sympathetic to the traditional building materials of the area. The proposal would also fail to comply with policy H10 which sets out that new residential schemes will be required to display high standards of design. With regards to the Ascot, Sunninghill and Sunningdale Neighbourhood Plan the proposal fails to comply with DG1.1 which sets out that development should respond positively to the local townscape and DG3.1 which sets out that all new development should demonstrate good quality design and use good quality materials which respect the character and appearance of the area.

- 9.6 The scale, footprint and bulk of the proposed dwelling, which would be one of the smaller properties within this part of Brockenhurst Road, is considered acceptable as is the density of development which would be in keeping with that of surrounding plots. The new dwelling would not be provided with its own individual plot and as such details of how the plot is to be divided would be necessary.
- 9.7 The existing annexe is located close to a group of mature protected trees at the front of the site which make a positive contribution to the character and appearance of the area. The proposed dwelling is set further away from these trees and whilst there is still a relatively poor spatial relationship with the surrounding trees, there is an improvement on the current situation.
- 9.8 Overall the proposal fails to comply with policies DG1 and H10 of the Local Plan, policies DG1 and DG3 of the Neighbourhood Plan, policies SP2 and SP3 of the submission version of the emerging Borough Local Plan and paragraphs 127 and 130 of the National Planning Policy Framework.

Residential amenity

- 9.9 Policy DG3.2 of the Neighbourhood Plan sets out that all dwellings capable of being inhabited by families should provide sufficient garden amenity space to meet household recreational needs. This is consistent with paragraph 127 of the National Planning Policy Framework which requires planning decisions to ensure that existing and future users of places are provided with a high standard of amenity. As the applicant contends the development is for an annexe no private outdoor amenity space is to be provided. It has not been demonstrated therefore that the future users of the dwelling would be provided with a high standard of amenity and the proposal fails to comply with policy DG3 of the Neighbourhood Plan and paragraph 127 of the National Planning Policy Framework.

Parking and highway safety

- 9.10 Policy P4 of the Local Plan sets out that all development proposals will be required to provide car parking in accordance with the adopted standards. These standards are set out in the Borough's adopted 2004 parking strategy. Policy T1 of the Neighbourhood Plan also requires that adequate provision is made for parking and access for residents as well as deliveries, service vehicles and tradesmen. The adopted standards set out that 4 bedroom dwellings should provide 3 car parking spaces. It would appear that there is sufficient space on the existing driveway to accommodate these spaces as well as any cars associated with Kimbers house and service/delivery vehicles. It is proposed to use the existing access which is considered acceptable and it is not considered that the proposed dwelling would have an impact on traffic due to additional vehicle movements.

Biodiversity and ecology

- 9.11 The proposal involves the demolition of the existing annexe on site and is surrounded by habitats of good suitability for protected wildlife. It is important therefore that it is established whether any protected species are present on site prior to planning permission being granted in accordance with paragraph 99 of the Government Circular 06/05 (Biodiversity and Geological Conservation – Statutory Obligations and Their Impact Within The Planning System). Policy EN4 (Biodiversity) of the Neighbourhood Plan and policy NR3 (Nature Conservation) of the emerging Borough Local Plan are relevant to this application as is paragraph 175 of the NPPF which looks to incorporate biodiversity enhancements within new development.

- 9.12 The site sits close to Allen's Field which is a local wildlife site and which contains Ancient Woodland, giving a high probability of protected species being on site. A Bat survey has been undertaken to an appropriate standard and concludes that the annexe has two gaps between the soffits and roof that are potentially suitable for roosting bats. As such a dusk emergence or dawn re-entry survey will be necessary to determine whether bats are using the building. All species of bats receive special protection under UK law and if a bat roost will be affected by works, a license is required from Natural England. In order to obtain such a license a detailed mitigation plan must be provided or there must be other considerations which outweigh the harm. The licensing process is separate from planning, however, the Local Planning Authority do still have statutory obligations under the Habitat Regulations. This means the Local Planning Authority needs to be satisfied that a license is likely to be obtained before issuing planning permission. In this case since the extent to which bats will be affected by the proposal has not been established and there appear to be no exceptional circumstances that would allow these issues to be covered by planning conditions the application would not be in accordance with Paragraph 99 of the Government Circular 06/05. In addition the proposal would not accord with policy EN4.3 of the Neighbourhood Plan which sets out that where there is evidence of the existence of species protected by law then relevant surveys and assessments should be undertaken and should include measures that will be taken to minimise and compensate for any likely impact.
- 9.13 Since the works will primarily affect the building, hardstanding and well-maintained amenity grassland, it is considered unlikely that reptiles or amphibians will be adversely affected by the works. Biodiversity enhancements and the mitigation against the impact on adjoining habitats can be dealt with under a construction environmental management plan condition.
- 9.14 The site is suitable for use by roosting bats and a further survey is required to determine their presence / absence. It has not therefore been demonstrated that the development would not cause harm to a protected species. The proposal fails to comply with policy EN4 of the Neighbourhood Plan and paragraph 99 of the Government Circular 06/05 (Biodiversity and Geological Conservation – Statutory Obligations and Their Impact within the Planning System).

Other Material Considerations

Thames Basin Heaths Special Protection Area

- 9.15 The application site is within the 5km zone of the Thames Basin Heaths Special Protection Area (SPA) which is an area designated to protect a network of important bird conservation sites; an appropriate assessment has been carried out which concludes that the proposed development would likely have a harmful effect on the Chobham Common which is part of the SPA due to increased visitor and recreation pressure unless mitigation is to be secured in the form of SANG (Suitable Alternative Natural Greenspace) and SAMM (Strategic Access Management and Monitoring). It is necessary for this mitigation to be secured by way of a separate section 111 legal agreement. This mitigation has not been secured and as such the development would have an unacceptable impact on the SPA.

Housing Land Supply

- 9.16 Paragraphs 10 and 11 of the NPPF set out that there will be a presumption in favour of Sustainable Development. The latter paragraph states that:

For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

9.17 Footnote 7 of the NPPF (2019) clarifies that:

‘out-of-date policies include, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer..).’

9.18 The BLPSV is not yet adopted planning policy and the Council's adopted Local Plan is more than five years old. Therefore, for the purposes of decision making, currently the starting point for calculating the 5 year housing land supply (5hyr hls) is the 'standard method' as set out in the NPPF (2019).

9.19 At the time of writing, the Council is able to demonstrate 4.08 years of housing land supply. Therefore, for the purpose of this planning application the LPA currently cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer).

9.20 Footnote 6 of the NPPF (2019) then further clarifies that section d(i) of paragraph 11 of the NPPF (2019) is not applied where *'policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed'*. This includes: habitats sites. As set out in paragraph 9.15 the proposal would have a harmful effect upon the Thames Basin Heaths Special Protection Area and would conflict with policy NRM6 of the South East Plan, policy NR4 of the submission version of the emerging Borough Local Plan, the Thames Basin Heaths Special Protection Area Supplementary Planning Document (2014) and the Planning Obligations and Developer Contributions SPD. Where there are such restrictive policies in play, and their requirements are not satisfied by the development proposal, it is clear that the "tilted balance" does not apply, and the planning balance is to be carried out in the ordinary way, having regard to the statutory test in section 38(6) of the 2004 Act. This is set out below in the conclusion.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

10.1 The development is CIL liable. The proposed floor space of the dwellings is 164sqm. Plans showing the existing floor space and CIL forms have not been provided.

11. PLANNING BALANCE AND CONCLUSION

11.1 Paragraph 11 of the Framework explains how the presumption in favour of sustainable development applies. As set out in paragraph 9.20 it is considered that in this instance the tilted balance is not engaged. For the reasons as set out in the report the proposal is clearly contrary to the development plan and in the absence of any material considerations to indicate otherwise the proposal is therefore recommended for refusal.

12. APPENDICES TO THIS REPORT

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

13. REASONS RECOMMENDED FOR REFUSAL

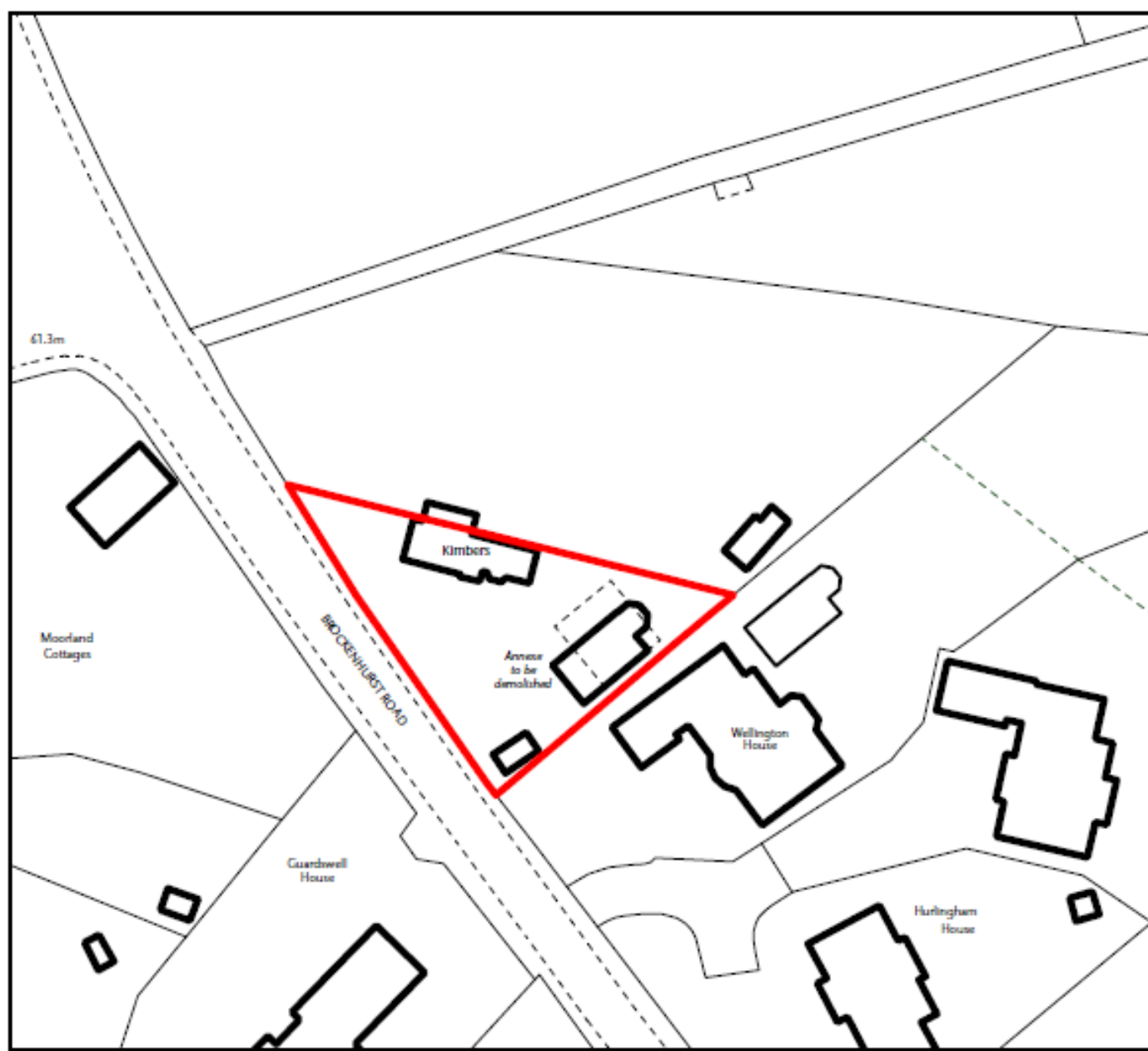
- 1 The design of the dwelling and the materials proposed are at odds with existing nearby properties and would result in harm being caused to the character and appearance of the area. The proposal is considered to be out of keeping contrary to policies DG1 and H10 of the Local Plan, policies DG1 and DG3 of the Neighbourhood Plan, policies SP2 and SP3 of the submission version of the emerging Borough Local Plan and paragraphs 127 and 130 of the National Planning Policy Framework.
- 2 It has not been demonstrated that the future users of the dwelling would be provided with a high standard of outdoor garden amenity space. The proposal fails to comply with policy DG3 of the Neighbourhood Plan and paragraph 127 of the National Planning Policy Framework.
- 3 It has not been demonstrated that the development would not cause harm to bats or result in the loss of their roosts. The proposal fails to comply with policy EN4 of the Neighbourhood Plan and

paragraph 99 of the Government Circular 06/05 (Biodiversity and Geological Conservation: Statutory Obligations and Their Impact Within The Planning System).

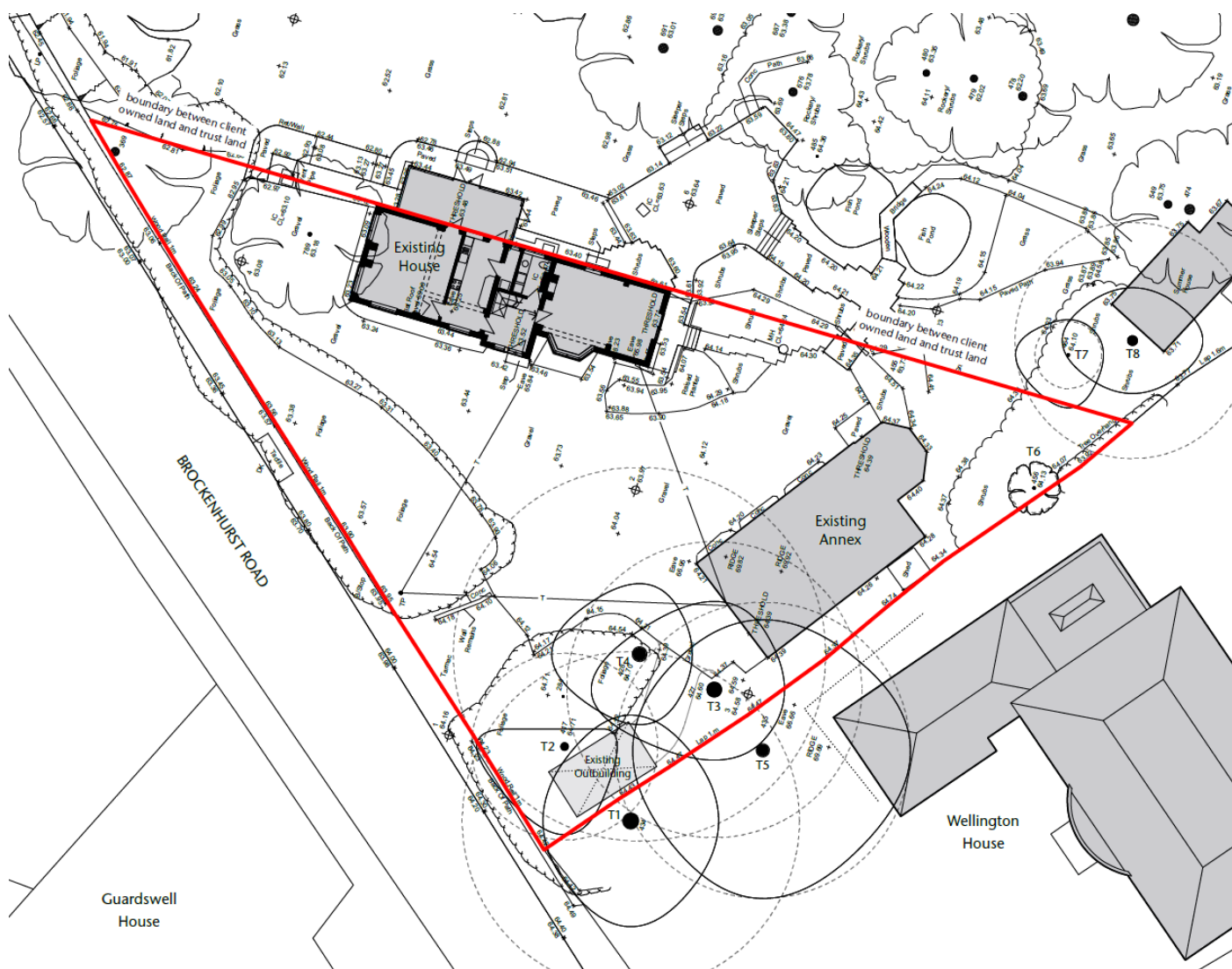
- 4 The occupants of the development would put extra pressure on the Thames Basin Heaths Special Protection Area and the proposal would not satisfactorily mitigate its impacts in this respect. In the absence of a legal obligation to secure suitable avoidance and mitigation measures and access management monitoring arrangements, in terms that are satisfactory to the Local Planning Authority, the proposal would be contrary to Policy NRM6 of the South East Plan, policy NR4 of the submission version of the emerging Borough Local Plan, the Thames Basin Heaths Special Protection Area Supplementary Planning Document (2014) and the Planning Obligations and Developer Contributions SPD.

Appendix A—Site location plan and site layout

Site location plan



Existing site layout

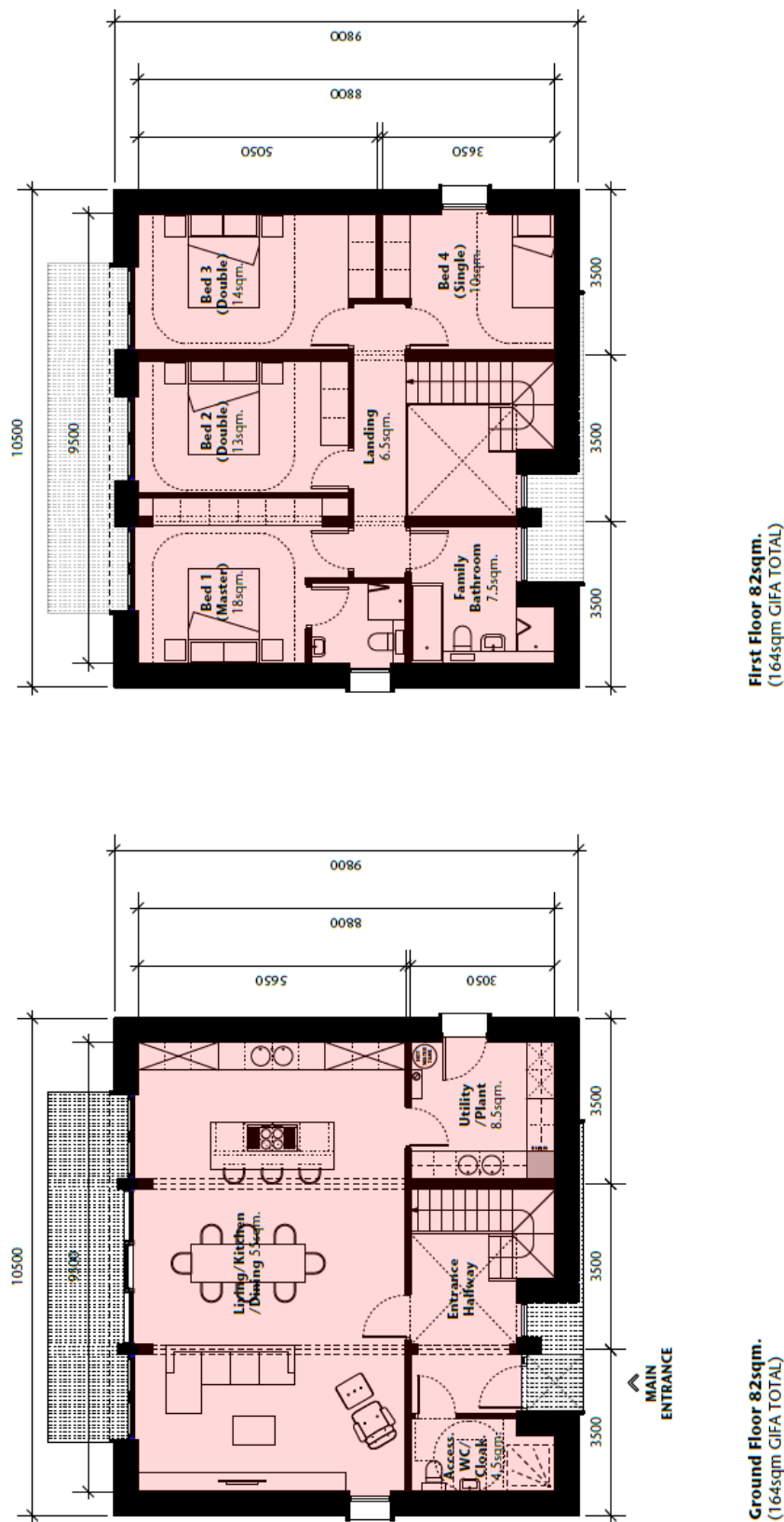


Proposed site layout

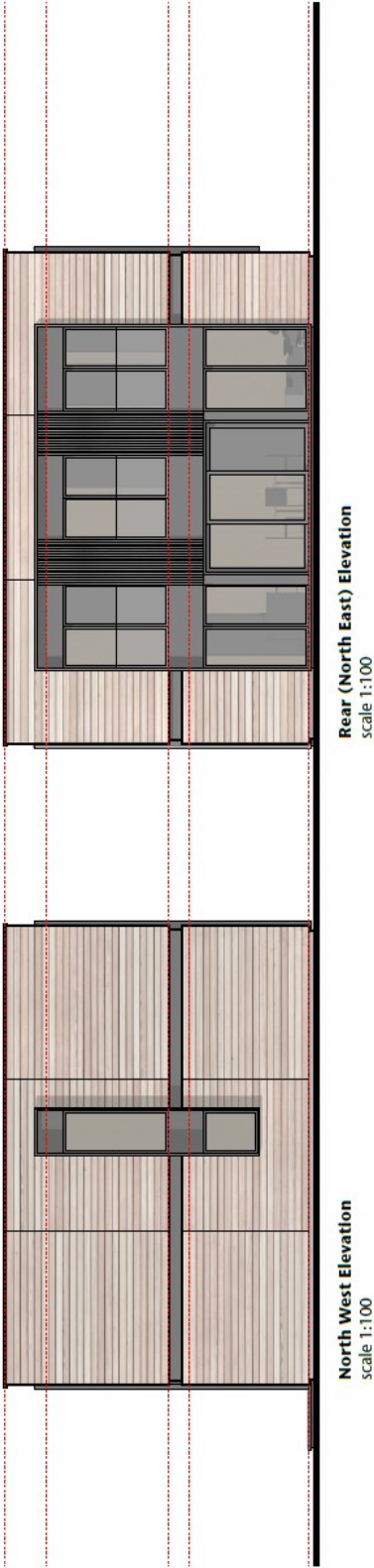
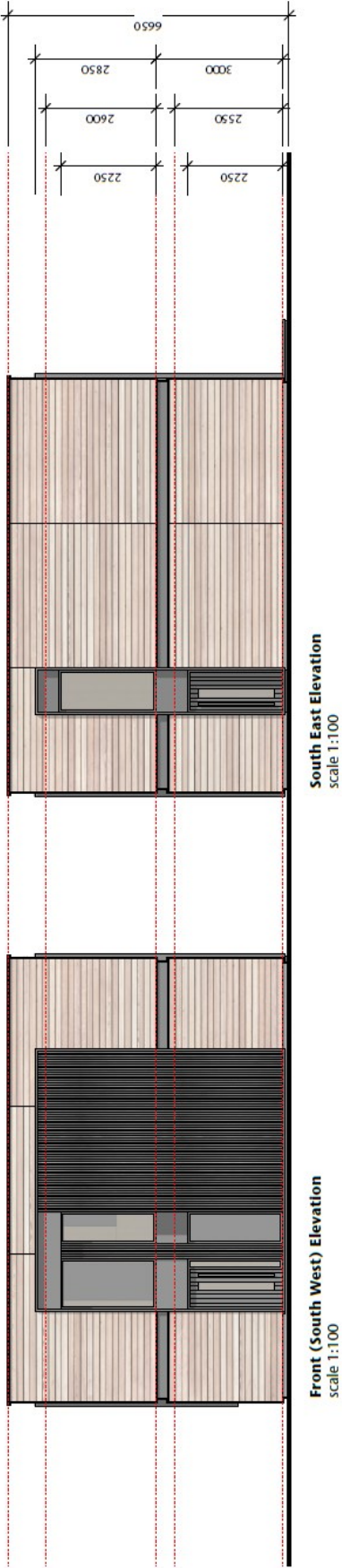


Appendix B—Plan and elevation drawings

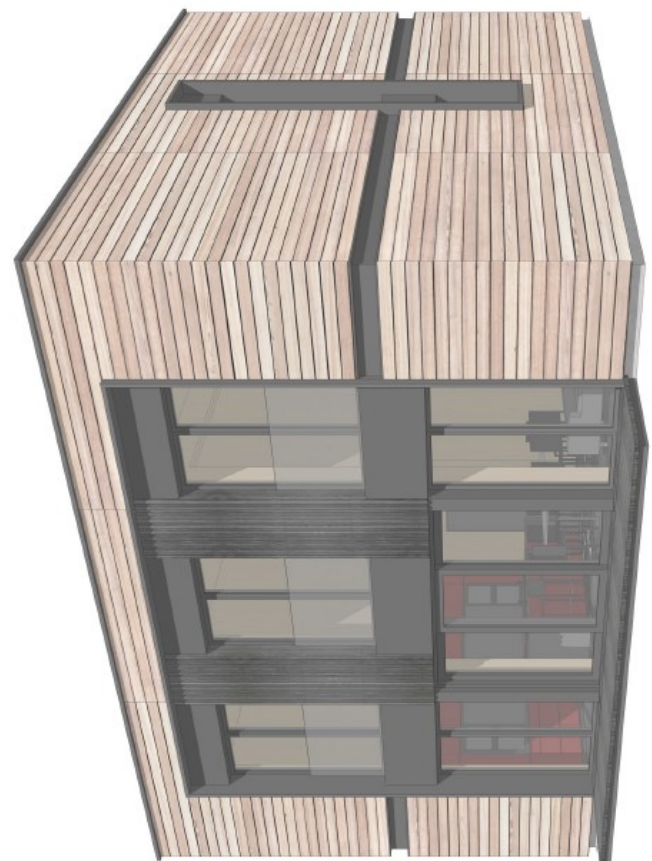
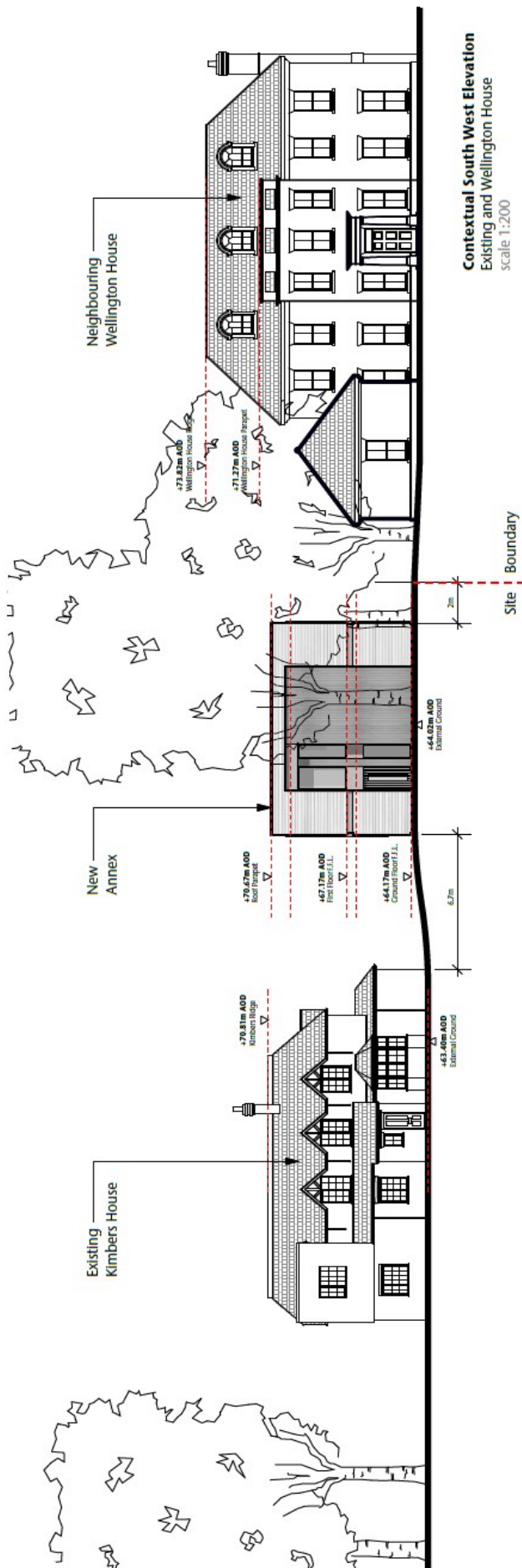
Proposed floor plans



Proposed elevations



Proposed street scene



3D Visual
View from North Corner
not to scale

Application No.: 19/00315/VAR**Location:** Land Adjacent To Crofton Lodge Devenish Road Sunningdale Ascot
Proposal: Variation of condition 17 (approved plans) (under Section 73) of planning approval 15/01965/FULL (construction of 2 no. dwellings and detached garage following demolition of outbuilding) to amend the layout and design of plot 1.**Applicant:** Mr Dartnall**Agent:** Mr Douglas Bond**Parish/Ward:** Sunningdale Parish/Sunningdale Ward**If you have a question about this report, please contact:** Josey Short on 01628 683960 or at josey.short@rbwm.gov.uk

1. SUMMARY

- 1.1 It is considered that the changes proposed for the dwelling on Plot 1 of the site would not cause detrimental harm to the character of the area or the neighbouring amenity, by virtue of the style, scale and siting of the proposed dwelling. As such, it would comply with policies DG1 and H10, of the Councils Local Plan and NP/DG1, NP/DG2 and NP/DG3 of the Ascot, Sunninghill and Sunningdale Neighbourhood Plan and Section 12 of the NPPF (February 2019).
- 1.2 Subject to conditions, the proposed works would be acceptable on both ecology and highways grounds. The application site is within the 5km zone of the Thames Basin Heaths Special Protection Area (SPA). Subject to the completed Deed of Variation of the existing S111 agreement to secure the mitigation in the form of SANG (Suitable Alternative Natural Greenspace) and SAMM (Strategic Access Management and Monitoring), the proposal would be acceptable within the SPA.

It is recommended the Panel authorises the Head of Planning:

- | | |
|----|--|
| 1. | To grant planning permission on the satisfactory completion a section 111 Deed of Variation agreement being secured for SAMM/SANG payments and with the conditions listed in Section 13 of this report, or; |
| 2. | 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. |

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Christine Bateson. The application has been called in the event that approval is recommended as the application is for a different footprint, a different style of fascia and an alteration to the existing approved second floor plan. As such, the proposed works cannot be considered a variation.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is located on the west side of Devenish Road, which is a classified A road, within the developed area of Sunningdale, Ascot. The site falls within the 5km buffer of the Thames Basin Heaths Special Protection Area (SPA). The site comprises an extended detached dwelling set within a site that slopes gently up from its Devenish Road frontage towards rear boundaries shared with Lynthorpe and The Grange, both of which are on Fireball Hill; the rearmost point on the rear boundary of Crofton Lodge is also the point where all three of these property boundaries meet. The south-eastern side boundary is shared with Suncroft, which is also on Fireball Hill, while the northern boundary is shared with Kinloch House. The site lies within a 'Villas in a Woodland Setting' Character zone which comprises very low density detached dwellings for single family occupation in a woodland setting.

4. KEY CONSTRAINTS

- Thames Basin Heath Special Protection Area
- Classified A road

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The application seeks to vary condition 17 of planning permission 15/01965/FUL under section 73 of the Town and Country Planning Act 1990. Planning permission 15/01965/FULL granted conditional consent for the construction of 2 x new dwellinghouses and a detached garage following the demolition of an outbuilding. Condition 17 of this planning permission stated;-

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.

- 5.2 The variation, subject of this report, seeks to amend the layout and design of plot 1, which falls to the south of the sites existing dwellinghouse. The amended plans would replace approved plans 14-P963-02 A and the alterations to those which were previously approved include;-
- A reduction in the overall width of the dwelling (dimensions can be seen in table in paragraph 9.4)
 - An increase in depth of the dwelling (dimensions can be seen in table in paragraph 9.4)
 - A reduction in the height of the dwelling
 - The addition of decorative features to the front and rear gables of the dwelling and ridge, maintaining the Edwardian style.
- 5.3 Much of the planning history of the site relates to Crofton Lodge. However the below relates only to the current application subject of this report;-

Reference	Description	Decision & Date
15/01965/FULL	Erection of 2 x dwellings and detached garage following demolition of outbuilding	Conditional Consent – 22.12.2015
18/01958/VAR	Variation of condition 17 (approved plans) (under section 73) to substitute approved drawing numbers 14-P963-01B, 14-P963-04A and 14-P963-07A with drawing numbers 17-J2147-01A, 17-J2147-03A and 17-2147-04 for the construction of 2 x dwellings and detached garage following the demolition of outbuilding approved under 15/01965/FULL (amended plot 2)	Conditional Consent – 17.12.2018
18/02491/CONDIT	Details required by condition 2 (mitigation, SANG, SAMM) of planning permission 15/01965/FULL for the construction of 2 x dwellings and detached garage following demolition of outbuilding	Approved – 07.11.2018
18/02658/CONDIT	Details required by condition 3 (construction method statement) 4 (tree protection) 5 (external materials) 6 (biodiversity mitigation strategy) 7 (hard and soft landscaping) 8 (finished floor and ridge levels) 9 (sustainability measures) 12 (refuse and recycling bin store) of planning permission 15/01965/FULL for the construction of 2 x dwellings and detached garage following demolition of outbuilding	Approved – 17.12.2018

6. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

6.1 The main Development Plan policies applying to the site are:

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1, H10,H11
Highways	P4 AND T5
Trees	NG

These policies can be found at

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

Adopted Ascot Sunninghill and Sunningdale Neighbourhood Plan (2011-2026)

Issue	Neighbourhood Plan Policy
Design in keeping with character and appearance of area	DG1, DG2 and DG3
Highways	T1
Trees	EN1

Adopted The South East Plan – Regional Spatial Strategy

Issue	Plan Policy
Thames Basin Heaths Special Protection Area	NRM6

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2019)

Section 4- Decision-making

Section 12- Achieving well-designed places

Borough Local Plan: Submission Version

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

7.1 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 detail in the assessment below.

7.2 This document can be found at:

Supplementary Planning Documents

RBWM Thames Basin Health's SPA

Other Local Strategies or Publications

7.3 Other Strategies or publications **material** to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy

More information on these documents can be found at:

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

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

23 occupiers were notified directly of the application.

No letters were received from neighbours supporting or objecting to the application.

Statutory consultees

Consultee	Comment	Where in the report this is considered
Trees	The proposed house in plot 1 has a slightly larger footprint than the approved scheme and is closer to trees in the rear garden. Whilst no additional trees are shown for removal, the proximity of the house and associated terrace to the Yew tree no. T61 (as numbered on the tree survey submitted with the full application) will result in pressure to remove this tree in future. Further pressure is likely to be applied for the removal of a Sweet gum T57 just behind T61, to provide some open garden space outside the influence of the trees. Whilst there is some detriment, it is not sufficient to raise an objection, as these trees are of limited value. However, a condition should be applied to control what trees may or may not be removed in the short term.	Please see paragraph 9.11
Highways	The Highway Authority offers no objection to the proposal.	Please see paragraph 9.9 & 9.10
Ecology	The installation of two bat boxes on the Plot 1 building were previously approved as part of a discharge of conditions application (18/02658/CONDIT). As long as these enhancement features are still incorporated into the scheme (either on the altered design of Plot 1 or in suitable trees surrounding), there are no objections to the proposed changes on ecological grounds.	Please see paragraph 9.12 & 9.13

Consultees

Consultee	Comment	Where in the report this is considered
Parish	The parish council strongly object to this application and will	Please see

Council	request this is called to panel should the planning officer be minded to permit. This is a material change to the application and therefore is not applicable to be classified as a variation to planning.	paragraph 9.14
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Others

Group	Comment	Where in the report this is considered
SPAE	One of the uses of a section 73 application is to seek a minor material amendment where there is a relevant condition to be varied. The current application would be a clear breach of this as the works proposed to plot one are not minor.	Please see paragraph 9.14

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Impact on the character of the area and locality in general
- ii Impact on neighbour amenity
- iii Highway implications
- iv Impact on trees and landscaping
- v Ecology
- vi Other material considerations

Background

9.2 The application seeks to vary condition 14 of planning permission 18/01958/VAR which stated;-

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.

9.3 The amended plans would replace approved plans 14-P963-02 A and the alterations to those which were previously approved include;-

- A reduction in the overall width of the dwelling (dimensions can be seen in table below)
- An increase in depth of the dwelling (dimensions can be seen in table below)
- A reduction in the height of the gable ridge
- The addition of decorative features to the front and rear gables of the dwelling and ridge, maintaining the Edwardian style.

9.4 The differences made to the scale of the dwellinghouse are as follows;-

	15/01965/FULL	19/00315/VAR
Height of gable ridge	10.8 m	10.65 m (0.15 m = detailing on ridge)
Height of main dwelling	9.5 m	9.5 m
Total width	13 m	12 m
Total depth (including single storey rear extension and bay windows)	17.25 m	18.2
Width of gable	6.7 m	6.7 m
Width of main dwellinghouse	5.8 m	4.8 m
Depth of main dwellinghouse	13.5 m	15.9 m
Depth of gable (including bays)	13 m	14.5 m
Single storey rear extension	W – 6.75 m	W – 4.4 m

	D – 4 m H – 3.75 m	D – 3.6 m H – 3.6 m
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Character

- 9.5 The appearance of a development is a material planning consideration and the National Planning Policy Framework, Section 12 (Requiring Good Design) and Local Plan Policy DG1, advises that all development should seek to achieve a high quality of design that improves the character and quality of an area. The site lies within a 'Villas in a Woodland Setting' Character zone which comprises very low density detached dwellings for single family occupation in a woodland setting and the street scene is characterised by detached dwellings on large and spacious plots.
- 9.6 The proposed amendments would only impact the dwelling proposed for plot 1, which is located to the south of the sites existing dwellinghouse. The proposal would not alter the number of units proposed within the site and therefore the approved density of development would remain as permitted. The layout is generally the same, with the dwellinghouse on plot 1 being reduced in width and increased in depth, resulting in an overall floor space increase of 11.5%. It is noted that the proposed amendments would not alter the positioning previously approved. By virtue of the positioning of the proposed dwelling on plot 1, close to the front boundary of the site, the resultant dwelling would be readily apparent when viewed from the public realm on Devenish Road. With this taken into account, it is considered that the reduction in the overall width of the dwelling would not have a greater impact when viewed from the street scene than that which has been previously approved as it would create a greater sense of openness surrounding the dwelling. The proposal would reduce the scale of the amenity space to the rear of the dwelling on plot 1 by virtue of the increase in overall depth. Whilst this reduction is noted, the plot size of the scheme for plot 1 does not conform to others in the area, and the reduction would not be readily apparent from the public realm. With this taken into account, it is considered that it would not have an adverse impact on the character of the street scene in this regard. The south flank boundary of this part of the application site is heavily treed such that the amendments to the proposal, including the increased overall depth of the dwelling and reduction of the gable height, would not be readily apparent from the neighbouring dwelling to the south, Suncroft. Indeed the development is unlikely to even be visible from the street scene of Devenish Road.
- 9.7 For these reasons it is considered that the proposed changes to plot 1 would not be harmful to the character of the surrounding area or conflict with the recommendations of the Townscape Character Assessment. It is also considered that the proposal would comply with policies DG1, of the Councils Local Plan and NP/DG1, NP/DG2 and NP/DG3 of the Ascot, Sunninghill and Sunningdale Neighbourhood Plan and Section 12 of the NPPF (February 2019).

Neighbour Amenity

- 9.8 The gap of separation between the dwellinghouse on plot 1 and the neighbouring property to the south; Suncroft, would be marginally decreased by 0.25 metres as a result of the proposal. It is noted that a minimum distance of 5 metres would remain between the dwelling on plot 1 and the south flank. The dwellinghouse at Suncroft is positioned approximately 14 metres from the shared boundary with the application site and is also juxtaposed as it is set back from the front boundary by approximately 48 metres. Mindful of this, it is considered that the gap of separation between the two properties would be sufficient to ensure minimal impact on the residential amenity of these neighbouring occupiers.

Highway Implications

- 9.9 The access to plot 1 would be using the sites existing vehicular access on Devenish Road. Planning permission 15/01965/FULL also granted approval for a detached double garage to the front of the site which would provide parking provision for 2 vehicles. The dwelling proposed for plot 1 would require parking provision for 3 vehicles. Whilst submitted drawings do not specifically detail the locality of the third space, given the level of hard landscaping proposed between the garage and dwelling, it is considered that there would be ample space to accommodate the third vehicle in line with the RBWM parking standards. Though it is noted that no cycle storage has been outlined within this application, given the scale of the plot, it is considered that there is

suitable space for cycle storage. It is considered that a 5 bedroom dwelling would create 10 additional vehicle movements per day which is unlikely to impact traffic within the local area. The proposed works make no change to the refuse storage point adjacent to the access, which has been previously approved.

- 9.10 In summary, it is considered that the proposed works comply with relevant policies T5, P4 and DG1 of the Councils Local Plan in this regard. Irrespective of this, conditions have been recommended by the Councils Highway department for the access and parking to be laid out in accordance with the approved plans prior to the commencement of any further works and the refuse and recycling provision to be carried out in accordance with the approved drawings. It is noted that these conditions are numbers 7, 9 and 13 within Section 13 of this report.

Trees and Landscaping

- 9.11 By virtue of the increased scale of the dwelling on plot 1, the resultant dwelling would be closer to the trees in the rear garden, in particular the Yew tree no. T61 (as numbered on the tree survey submitted with the full application) which will result in pressure to remove this tree in future. It is noted that further pressure is also likely to be applied for the removal of a Sweet gum T57 just behind T61, to provide some open garden space outside the influence of the trees. Irrespective of this, the Councils tree officer considers that although there is some detriment, it is not sufficient to raise objection given the limited value of the trees. It is considered that a condition should be applied, in the event of planning permission being granted in this instance, to control what trees may or may not be removed in the short term. It is noted that this condition is condition 14 within Section 13 of this report.

Ecology

- 9.12 The site lies within the Thames Basin Heaths SPA protection zone where mitigation is required for any new residential development in the form of a financial payment towards the strategic SANG (Suitable Alternative Green Space), Allens Field. The previous application (18/01958/VAR) dealt with this issue by means of a legal agreement which was submitted to the Council and secured under application ref: 18/02491/CONDIT. For the purpose of the amendments proposed, it would be necessary to seek a deed of variation of the existing legal agreement in order to secure the relevant SAMM and SANG payments which will be payable on or before the commencement of the development. It is noted that legal instruction has been sought in this regard, however it has not yet been completed. Irrespective of this, it is noted that in the event that a deed of variation for the existing section 111 agreement is not completed, the application would need to be refused as the Appropriate Assessment carried out would not be able to conclude that the development was acceptable.
- 9.13 Condition 6 (biodiversity mitigation strategy) of planning permission 15/01965/FULL was approved under planning application 18/02658/CONDIT. As such, the developer will be required to meet the terms of the approved biodiversity mitigation strategy upon implementation of this amended scheme.

Other Material Considerations

- 9.14 Reference is made to the concerns raised by the Parish Council and SPAE relating to the appropriate use of a Section 73 application (such as that subject of this report). An amendment that is considered to be more significant than a non-material amendment will require a new application. This may be an application for a 'minor material amendment' to the existing planning permission, or if the change is not considered to be a minor material amendment, then a new planning application will be required. There is no statutory definition of what 'minor material amendment' means, instead, local authorities are responsible for deciding, given the local context in each case. However, the government suggests that minor material amendments are likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved,

This might include changes where:

- The site boundary is not changed
- The siting, landscape, scale and height is not significantly changed
- The use is not changed.
- The appearance is not significantly affected.
- The interests of parties consulted about the original application are not disadvantaged.

With this taken into account, it is considered that in this instance a section 73 application is appropriate to vary condition 17 of planning permission 18/01958/VAR to amend the plans in the manner proposed. Whilst the amendments would constitute a material change by virtue of their scale and appearance it is considered that they would not be fundamental to the overall proposal and consequently can be assessed using this type of application.

Housing Land Supply

- 9.15 Paragraphs 10 and 11 of the NPPF set out that there will be a presumption in favour of Sustainable Development. The latter paragraph states that:

For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- ☐ *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ☐ *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

- 9.16 Footnote 7 of the NPPF (2019) clarifies that:

‘out-of-date policies include, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer..).’

- 9.17 The BLPSV is not yet adopted planning policy and the Council’s adopted Local Plan is more than five years old. Therefore, for the purposes of decision making, currently the starting point for calculating the 5 year housing land supply (5hyr HLS) is the ‘standard method’ as set out in the NPPF (2019).

- 9.18 At the time of writing, the Council is able to demonstrate 4.08 years of housing land supply. Therefore, for the purpose of this planning application the LPA currently cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer).

- 9.19 Footnote 6 of the NPPF (2019) clarifies that section d(i) of paragraph 11 of the NPPF (2019) is not applied where ‘*policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed*’. This includes habitats sites. For the reasons set out in paragraph 9.13, the relevant mitigation would be achieved through a section 111 agreement. As previously stated, in this instance a deed of variation is required for which legal instruction has been sought, however this is yet to be secured. As such, and whilst the proposed development falls within a ‘*protect area(s) or assets of particular importance*’ there is no clear reason for refusing the proposed development on this basis. Accordingly the so-called ‘tilted balance’ is engaged. The assessment of this and the wider balancing exercise is set out below in the conclusion.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 10.1 The development is CIL liable.

11. PLANNING BALANCE AND CONCLUSION

As set out in paragraphs 9.15 to 9.19 for the purpose of considering this planning application the Council cannot currently demonstrate a rolling five years housing land supply against the NPPF (2019) and in this instance the so-called tilted balance is engaged subject to a Deed of Variation being completed to secure the necessary SANG and SAMM payments. For decision making this means approving development proposals unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. However for the reasons set out above there are no adverse impacts that would arise from approving this application and therefore in accordance with the normal test under section 38(6) of the 2004 Act, the proposal is in conformity with the Development Plan overall and there are no material considerations of sufficient weight to justify refusal.

12. APPENDICES TO THIS REPORT

- Appendix A - Proposed site layout
- Appendix B – plot 1 plans, elevations and section
- Appendix C – proposed site sections

13. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development shall be implemented and carried out in accordance with the Construction Method Statement approved under planning application ref: 18/02658/CONDIT.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policy - Local Plan T5.
- 2 The development shall be carried out accordance with the details of the measures to protect, during demolition and construction, the trees shown to be retained on the approved plans, shown on drawings 18-J2550-007 A, 18-J2550-010-A and TTP (Variation of conditions) Rev B and within the approved Arboricultural Method Statement. The approved measures shall be fully implemented before any equipment, machinery or materials are brought onto 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. These measures shall include fencing in accordance with BS 5837:2012 *Trees in relation to design, demolition and construction - Recommendations*. 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 prior approval in writing 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 and N6 and Neighbourhood Plan NP/EN2.
- 3 The materials to be used in the external surfaces of the development hereby permitted shall accord with those details approved under application 18/02658/CONDIT and permanently maintained as such.
Reason: In order to ensure that materials are selected prior to ordering of materials that will be complimentary to the visual amenities of the area. Relevant Policy - Local Plan DG1 and Neighbourhood Plan NP/DG1 and NP/DG3.
- 4 Development shall take place in accordance with the biodiversity mitigation strategy approved under application 18/02658/CONDIT.
Reason: In order to comply with advice in the National Planning Policy Framework 2018 and Neighbourhood Plan NP/EN4.
- 5 The development shall be carried out in accordance with the approved landscaping plan, ref: 1504-L90-301 dated November 2018 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, to ensure that any fences are designed in a way that is sympathetic to the character of the area and takes into account impacts on trees and hedges, and that a sustainable landscape setting is provided for the development. Relevant policies - Local Plan DG1 and N6, and Neighbourhood Plan NP/EN2, NP/DG1 and NP/DG3.

- 6 The development shall be carried out in accordance with the approved details finished floor levels and ridge levels approved under application 18/02658/CONDIT in so as far as it relates to plot 2 and thereafter permanently maintained as such. Finished floor levels and ridge levels for plot 1 should be carried out in accordance with drawing no. 18-J2552-02 (Plot 1 Plans, Elevations and Section) submitted on 4th February 2019, and thereafter permanently maintained as such.

Reason: To ensure a scale of development that maintains the character and appearance of the area. Relevant Policies - Local Plan DG1 and Neighbourhood Plan NP/DG1 and NP/DG3.

- 7 No part of the development shall be occupied until the internal road layout and vehicle parking spaces shown on the approved plans have been provided, surfaced and marked out in accordance with the approved details. The approved car parking and manoeuvring space 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 and DG1 and Neighbourhood Plan NP/T1.

- 8 The refuse and recycling bins store shall be provided in accordance with details, approved under application 18/02658/CONDIT. 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 P4, T5 and DG1.

- 9 Any gates provided shall open away from the highway and be set back a distance of at least seven metres 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 Policy - Local Plan T5.

- 10 Irrespective of the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or subsequent modifications thereof), the garage accommodation on the site shall be kept available for the parking of vehicles associated with the development at all times.

Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety. Relevant Policies - Local Plan P4, DG1.

- 11 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, with particular regard to the protection of retained trees that contribute to the character area within which the development is set. Relevant Policies - Local Plan H11 and DG1 and Neighbourhood Plan NP/EN2 and NP/DG3.

- 12 No further flank wall(s) windows shall be inserted at first floor level or above without the prior written approval of the Local Planning Authority.

Reason: To prevent overlooking and loss of privacy to neighbouring occupiers, in accordance with design advice in the NPPF.

- 13 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

- 14 No tree or hedgerow shown to be retained in the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be lopped or topped other than in accordance with the approved plans and particulars and without the written approval of the Local Planning Authority, until five years from the date of occupation of the building for its permitted use. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 Tree work. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate vicinity and that tree shall be of the size and species, and shall be planted at such

time, as specified by the Local Planning Authority.

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

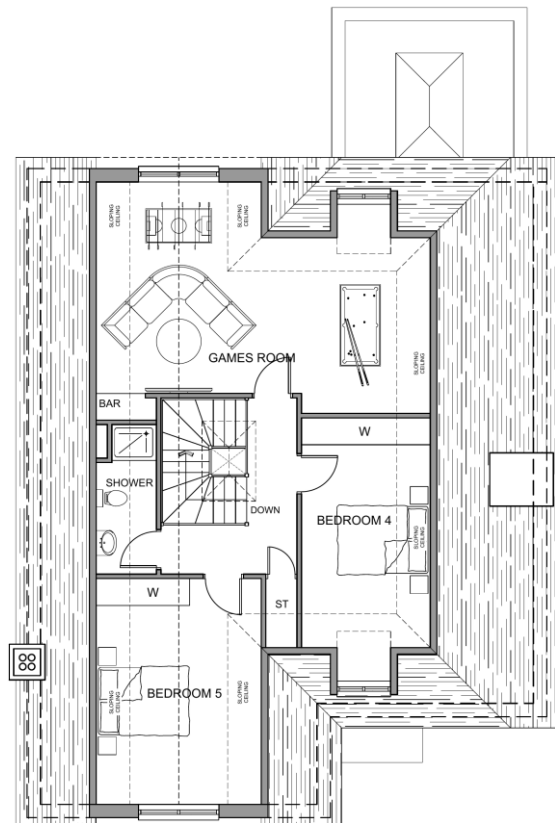
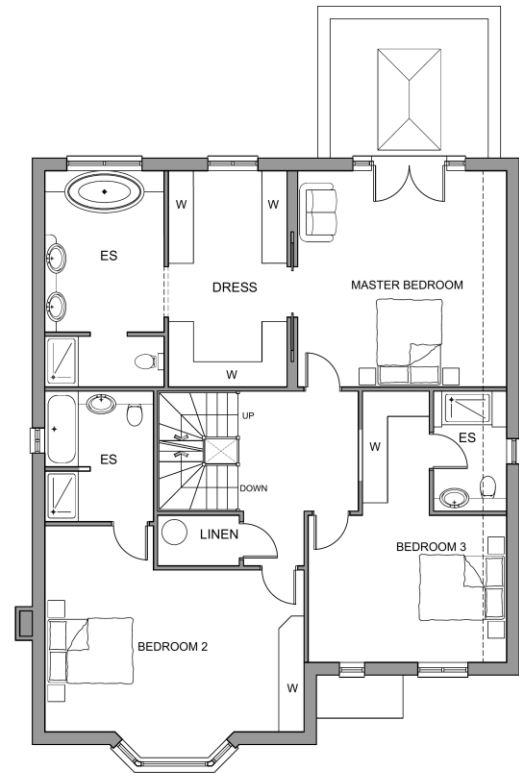
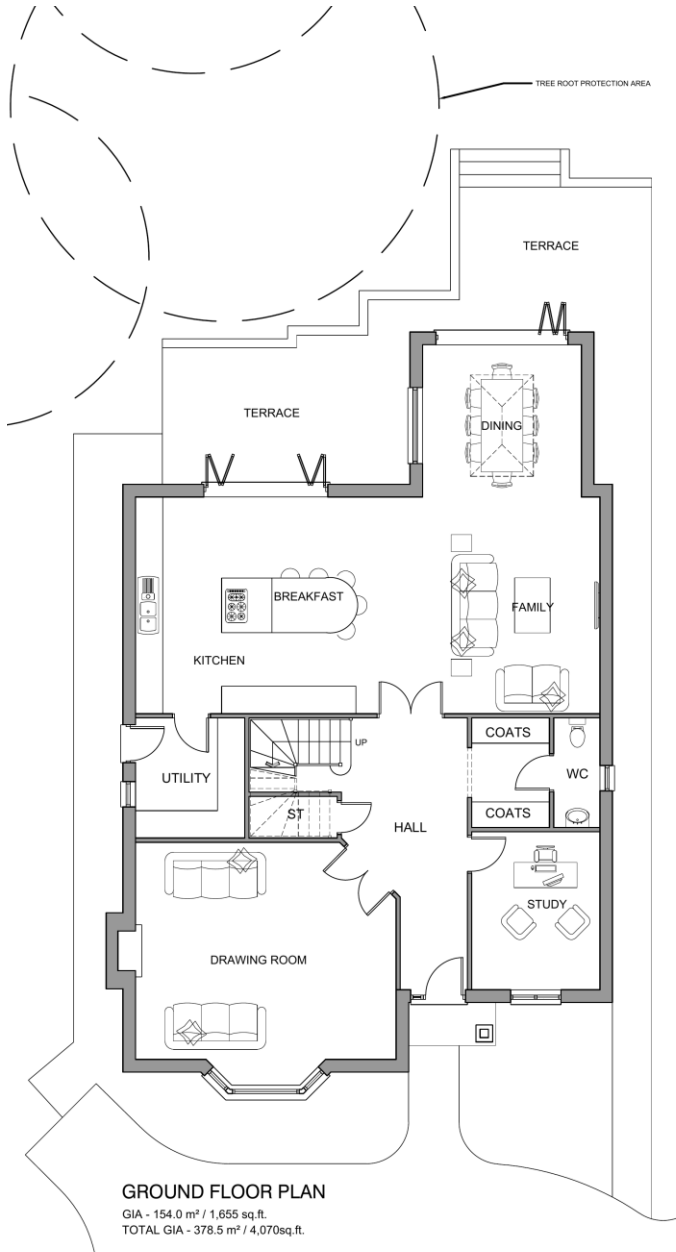
15 The development hereby permitted shall be carried out in accordance with the approved plans listed below.

Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

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Appendix B –

Plot 1 Plans, Elevations and Section



Front and Rear Elevations



REAR ELEVATION

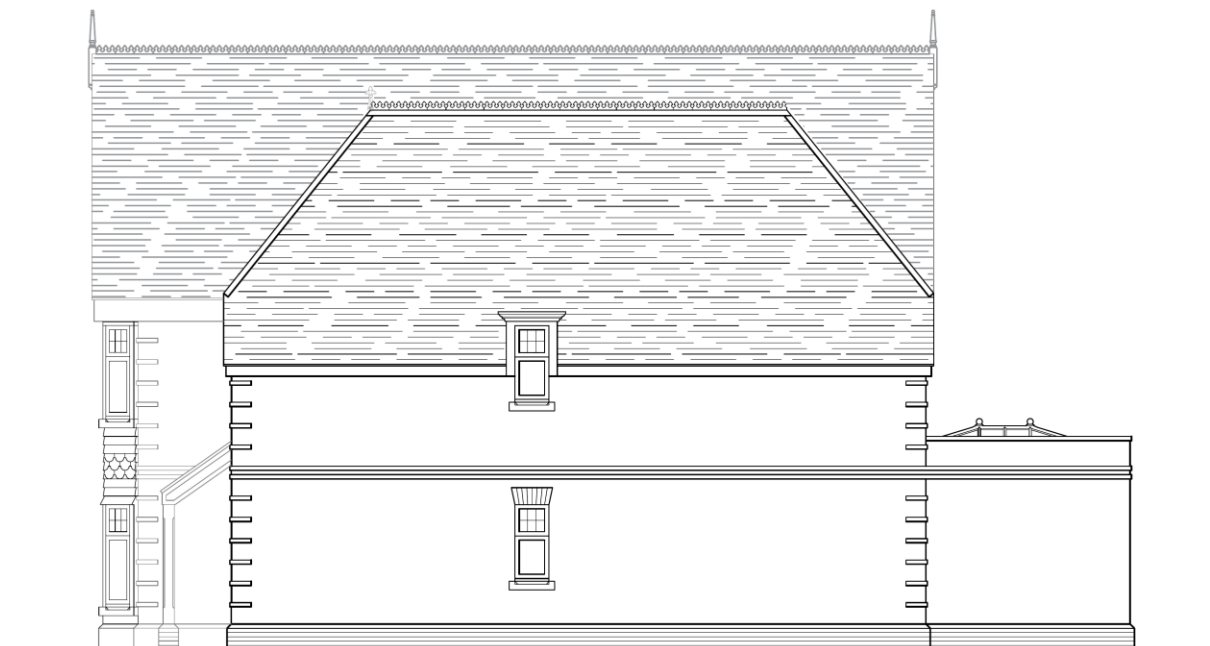


FRONT ELEVATION

Side Elevations

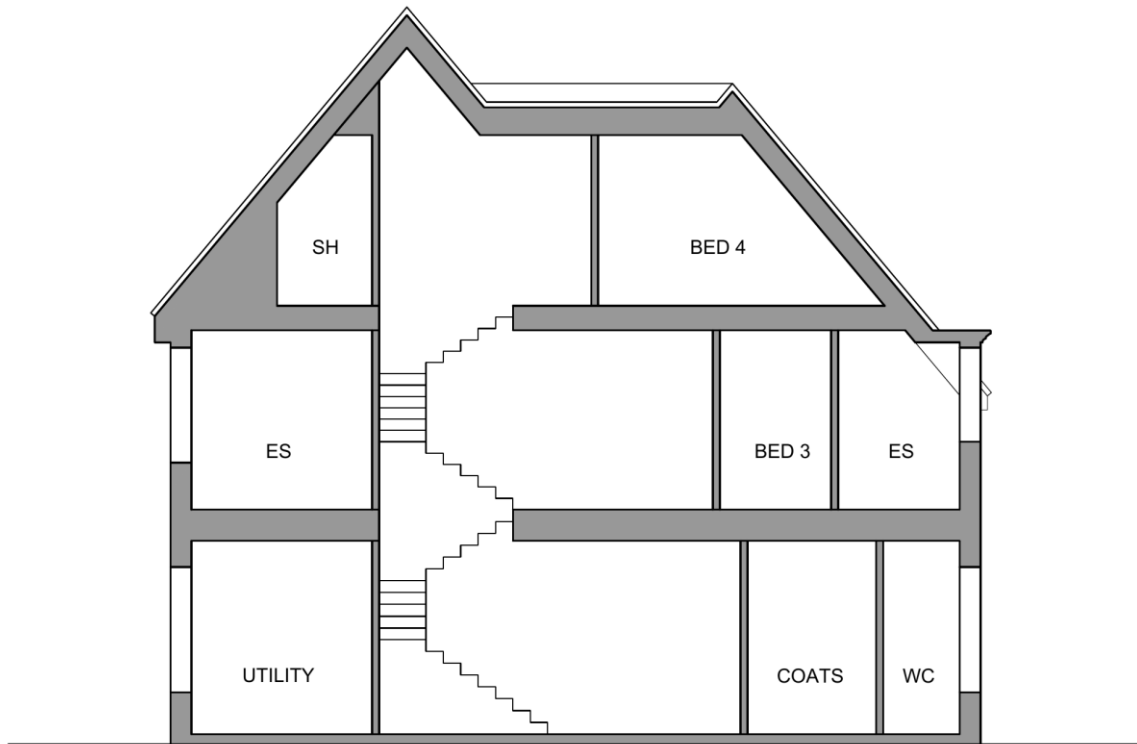


SIDE ELEVATION



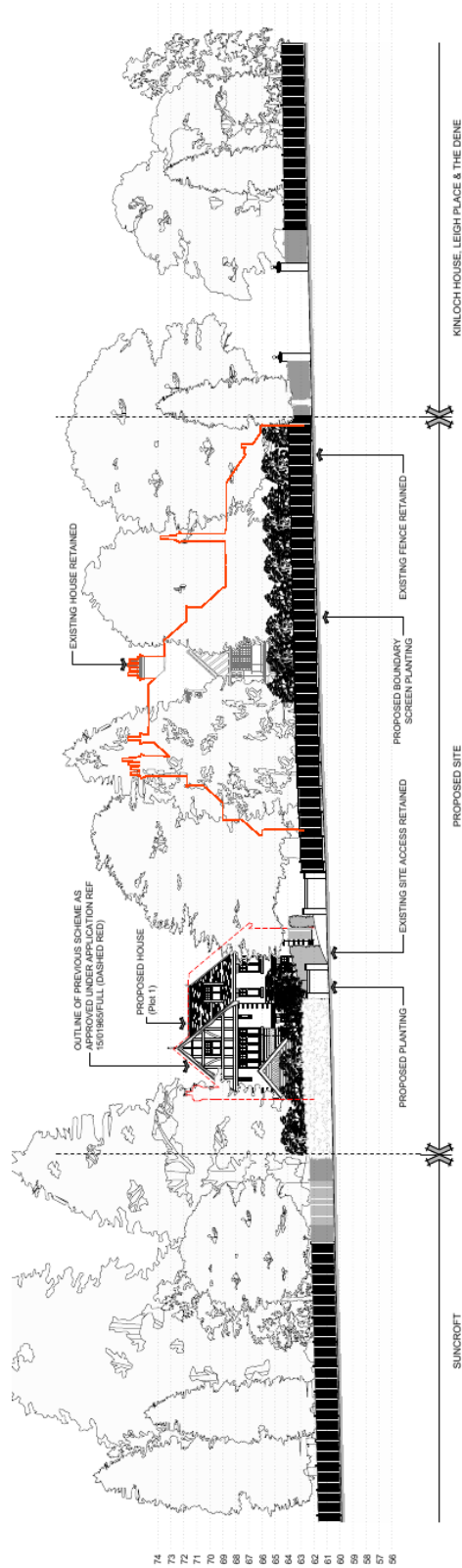
SIDE ELEVATION

Cross Section

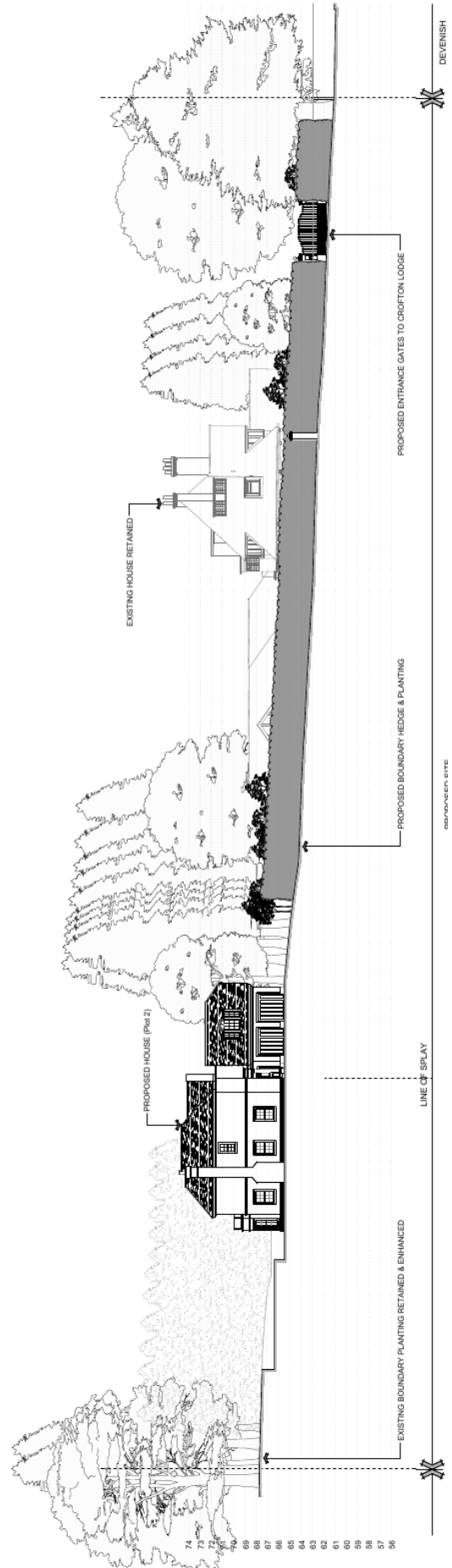


CROSS SECTION

Appendix C – Proposed Site Sections



STREET SCENE ALONG DEVENISH ROAD (Section A-A)
Scale: 1:200



WINDSOR RURAL DEVELOPMENT CONTROL PANEL

29 April 2019

Item: 4

Application No.: 19/00326/FULL

Location: The Laurels 158 Staines Road Wraysbury Staines TW19 5AH

Proposal: Replacement of garage door.

Applicant: Mr Gill

Agent: Mr Jazz Lall

Parish/Ward: Wraysbury Parish/Horton & Wraysbury 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 proposal results in the loss of flood openings within the property which are designed to allow for the free flow of flood water into and through underfloor voids which also help to improve the flood storage capacity of the site/flood zone. The loss of these openings and the conversion of the garage into habitable accommodation would render the underfloor voids useless and would therefore increase the ground covered area for the site, impacting on the flow of flood water and the ability of the flood plain to store water. No Flood Risk Assessment has been submitted to justify the loss of the flood openings or to suggest alternative flood mitigation/compensation. The proposal therefore conflicts with policy F1 of the Local Plan and paragraph 163 of the National Planning Policy Framework.

It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 9 of this report):

- | | |
|----|---|
| 1. | The proposal would reduce the ability of the flood plain to store water and would result in the impedance of flood water and therefore an increased risk of flooding to other people and properties. No flood risk assessment has been submitted to justify this nor has any alternative flood mitigation measures been proposed. |
|----|---|

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Rayner should the Head of Planning be recommending the application for refusal – no reason given.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is located on the corner of Feathers Lane and Staines Road. The dwelling was part of a larger development for 2 x 3 bedroom dwellings and a block of 4 x 2 bedroom flats permitted in 2007. Pedestrian access to the site is to the front via Staines Road, however, the parking area and garage are accessed via Feathers Lane to the rear. The application site is located within flood zone 3 which is an area considered to be at high risk from flooding.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The proposal is for the replacement of the garage door to the rear of the property with a glazed double door. Although not specified within the application it appears that the intention is to convert the garage into habitable space. The plans show the removal of the voids/openings which were required under the original permission to prevent an increased risk of flooding due to an impedance of flood flows and floodwater storage capacity.

Ref.	Description	Decision and Date
07/02238/FULL	Construction of 2 x detached 3 bed dwellings with attached garages and a block of 4 x 2 bed flats following demolition of existing with vehicular access.	Permitted – 08.10.2007
12/03054/FULL	1 dormer in the left roof slope and 1 dormer in the right roof slope to facilitate a loft conversion.	Permitted - 19.12.2012
14/03393/FULL	Proposed side dormer to extend first floor accommodation.	Permitted – 19.12.2014
17/03176/CPD	Certificate of lawfulness to determine whether a garage conversion into habitable accommodation is lawful.	Withdrawn – 07.12.2017
17/03941/FULL	Garage conversion into habitable space	Withdrawn – 14.02.2018
18/01064/VAR	Variation of condition 12 (under Section 73) to substitute plans (pertaining to underfloor voids) approved under 07/02238/FULL for the Construction of 2 x detached 3 bed dwellings with attached garages and a block of 4 x 2 bed flats following demolition of existing with vehicular access with amended plans.	Withdrawn – 02.07.2018
18/03160/VAR	Variation (under Section 73a) to planning permission 07/02238/FULL to remove Condition 5 (removal of Classes A, B, C, D and permitted development rights).	Withdrawn - 28.01.2019

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

Royal Borough Local Plan

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

	Within settlement area	Green Belt	High risk of flooding	Parking
Local Plan	DG1	GB1 GB2	F1	P4

These policies can be found at:

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

5.2 Borough Local Plan: Submission Version

Issue	Local Plan Policy
Appropriate Development in Green Belt and acceptable impact on Green Belt	SP1, SP5
Design in keeping with character and appearance of area	SP2, SP3
Manages flood risk and waterways	NR1
Promotes sustainable transport	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 detail in the assessment below.

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

- Interpretation of Policy F1 – Areas liable to flooding

More information on this document can be found at:

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

Other Local Strategies or Publications

5.3 Other Strategies or publications relevant to the proposal are:

- RBWM Parking Strategy – view using link at paragraph 5.2

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i The impact on the character and appearance of the area and Green Belt
- ii The impact on flooding
- iii The impact on parking

The impact on the character and appearance of the area

6.2 The proposal is for the replacement of the garage door with a glazed double door on the rear elevation of the attached single storey garage. Section 55 (2)(a) of the Town and Country Planning Act 1990 sets out that an alteration which does not materially affect the external appearance of the building will not be considered to constitute development. The existing property is a large detached dwelling with an attached single storey garage. The property is 2 ½ storeys tall, is raised above the flood zone and includes dormer windows within the roof and above the garage. The property is finished in red brick and white render with grey roof tiles. Other than the replacement of the garage door and the removal of some flood voids/openings (discussed in detail below) the building will be unchanged in all other ways. The proposal does not therefore materially alter the external appearance of the building.

6.3 Even if the replacement of the garage door was considered to constitute development the proposed new doors would be in keeping with the dwelling and would not cause harm to the character and appearance of the area. The proposal would comply with policy DG1 of the Local Plan and paragraphs 127 and 130 of the NPPF. Furthermore the proposal would not constitute an inappropriate form of development in the Green Belt nor would it materially harm the openness of the Green Belt.

The impact on flooding

- 6.4 The application site is located within flood zone 3, which is an area considered to be at high risk from flooding. There are no objections to the replacement of the garage door in flooding terms, however, it is clear given the nature of the proposal and the fact that the flood voids/openings are no longer shown on the plans that the garage is to be converted into habitable accommodation. 158 Staines Road forms part of a wider site that was granted planning permission in 2007 for the creation of a 2 x detached dwellings and a block of flats. As part of this permission it was conditioned (condition 12 of application 07/02238/FULL) that the buildings permitted should be constructed with under-floor voids as shown on the approved plans and as detailed within the Flood Risk Assessment. The openings to these underfloor voids, which are shown on all sides of the dwelling, including one within the front elevation and 2 in the side elevation of the garage are also required to be constructed in accordance with the approved plans and to be secured with non-opening grills to allow the free entry and exit of flood water. Thereafter the voids are required to remain empty and not to be used for any other purpose.
- 6.5 The plans submitted with this application no longer show the flood openings within the dwelling and it is also not clear how to openings in the garage could be retained given that the garage is to be converted into habitable accommodation. The removal of these openings would render the underfloor voids useless and would result in a significant increase in the ground covered area for the site (94sqm). This will impede the flow of flood water and result in a reduction in the ability of the flood plain to store water thereby increasing the risk of flooding elsewhere. Even if the flood openings were to be retained elsewhere and only removed from the garage this would impact on the free flow of flood water into the remaining underfloor voids under the main part of the house. In addition to being in conflict with the conditions of the original permission the development would also therefore be in conflict with policy F1 of the Local Plan which allows only a 30sqm increase within flood zone 3 and sets out that development will not be permitted where it would impede the flow of flood water or reduce the capacity of the flood plain to store water, or increase the number of people and properties at risk from flooding. No flood risk assessment has been submitted to justify the removal of the flood openings and no alternative flood compensation/mitigation has been suggested. The proposal would also therefore fail to comply with paragraph 163 of the National Planning Policy Framework, which requires developments to be supported by a site specific flood risk assessment and requires that planning ensures that flood risk is not increased elsewhere.

The impact on parking

- 6.6 The proposal would result in the loss of 1 parking space, however, there are no conditions requiring the garage to be retained for parking and if it were not for the loss of the flood openings the garage could be converted to habitable accommodation without the need for planning permission. The loss of the voids, which is objected to, do not on their own prevent the garage from being used as a parking space, it is only the change to the garage door which as discussed above is not considered to constitute development. It also appears that there is enough space elsewhere on the site to provide sufficient parking for the dwelling.

Other Material Considerations

- 6.7 Significant weight is to be accorded to the relevant Borough Local Plan Submission Version policies in this case apart from policy NR1 of the Borough Local Plan Submission Version due to the unresolved level of objection.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

5 occupiers were notified directly of the application.

No letters were received either in support of or objecting to the application as a result of this consultation.

Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Parish Council	Objection on the grounds of over development in flood zone 3. The garage not being raised is currently floodable, by making the space habitable the risk of flooding in the immediate area is increased.	Paragraphs 6.4 and 6.5

8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Existing and proposed plans

Documents associated with the application can be viewed at <http://www.rbwm.gov.uk/pam/search.jsp> by entering the application number shown at the top of this report without the suffix letters.

This recommendation is made following careful consideration of all the issues raised through the application. In this case the issues have been unsuccessfully resolved.

9. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

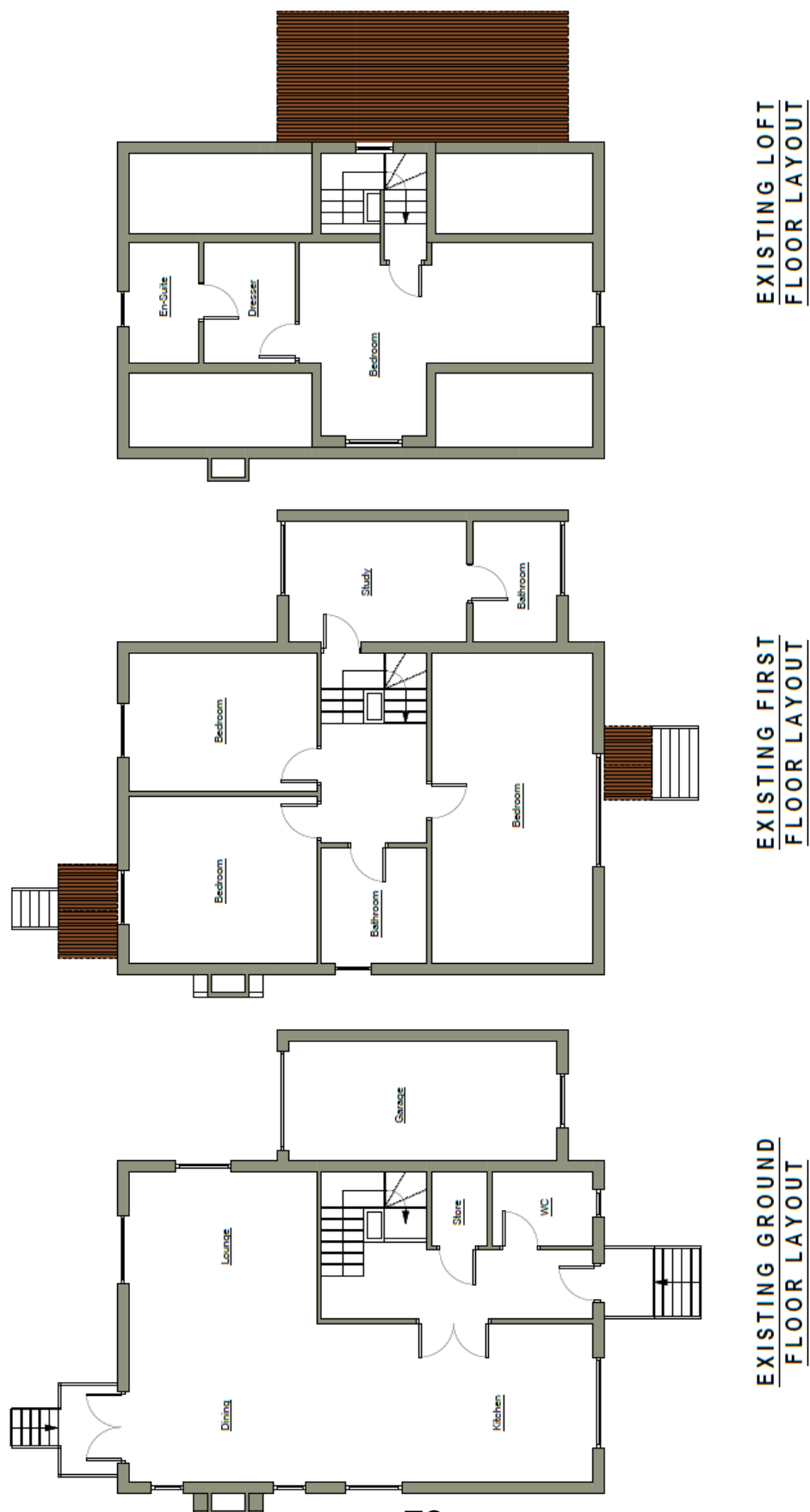
- 1 The proposed development would result in the loss of flood mitigation (under floor voids) agreed as part of the original application (07/02238/FULL) and required to be retained in accordance with condition 12 of that permission. The proposal would therefore reduce the ability of the flood plain to store water and would result in the impedance of flood water and therefore an increased risk of flooding to other people and properties. No flood risk assessment has been submitted to justify this nor has any alternative flood mitigation measures been proposed. The development fails to comply with policy F1 of the RBWM Local Plan, policy NR1 of the submission version of the emerging Borough Local Plan and paragraph 163 of the National Planning Policy Framework.

Appendix A - Site location plan

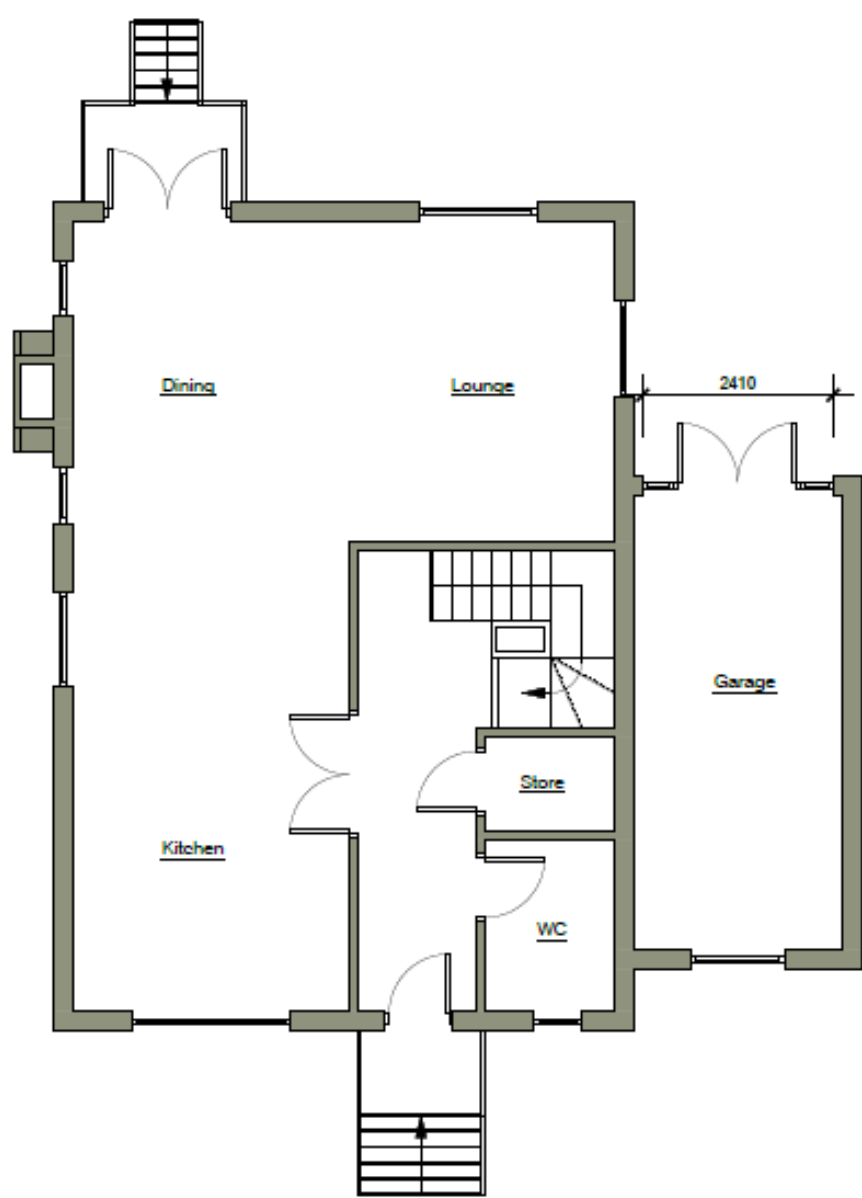


Appendix B - Existing and proposed plans

Existing floor plans

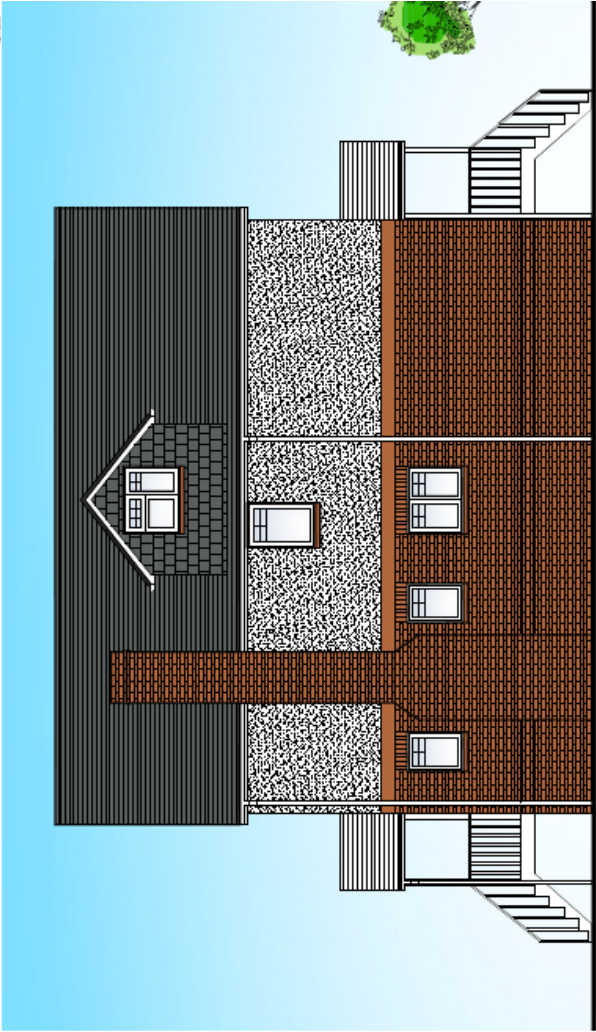


Proposed ground floor plan

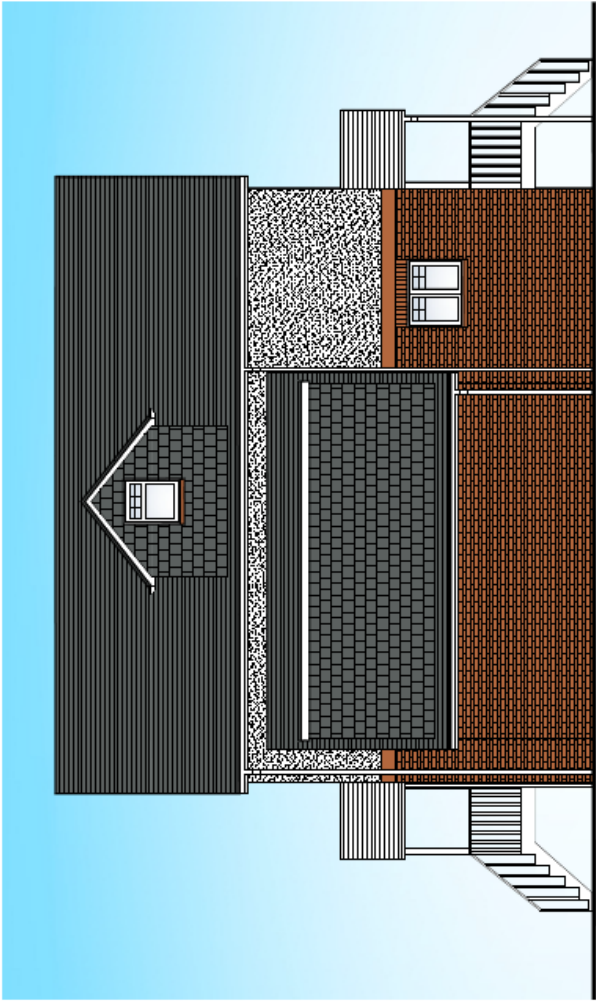


PROPOSED GROUND FLOOR LAYOUT

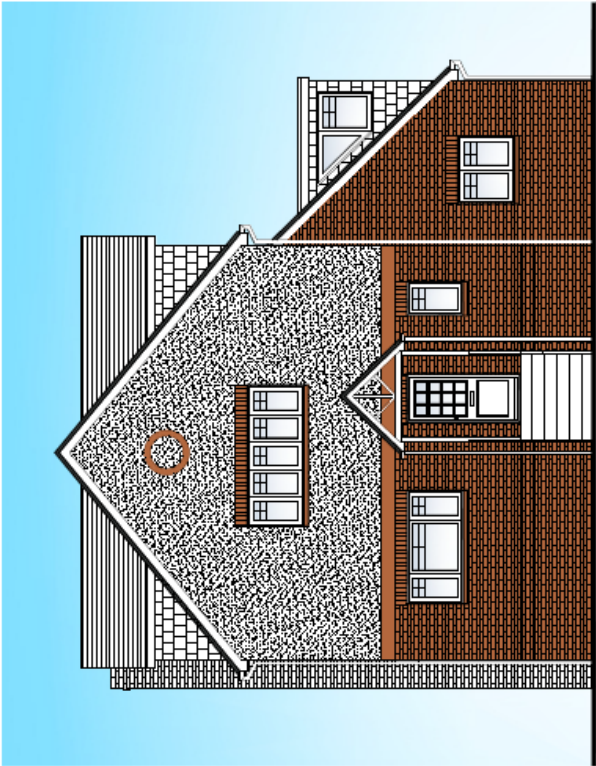
Existing elevations



EXISTING SIDE ELEVATION



EXISTING SIDE ELEVATION

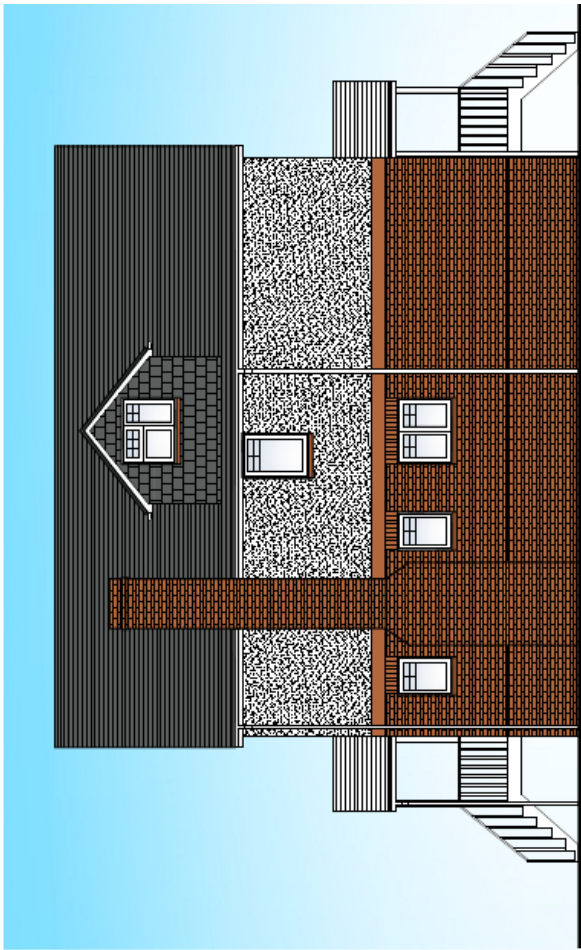


EXISTING FRONT ELEVATION

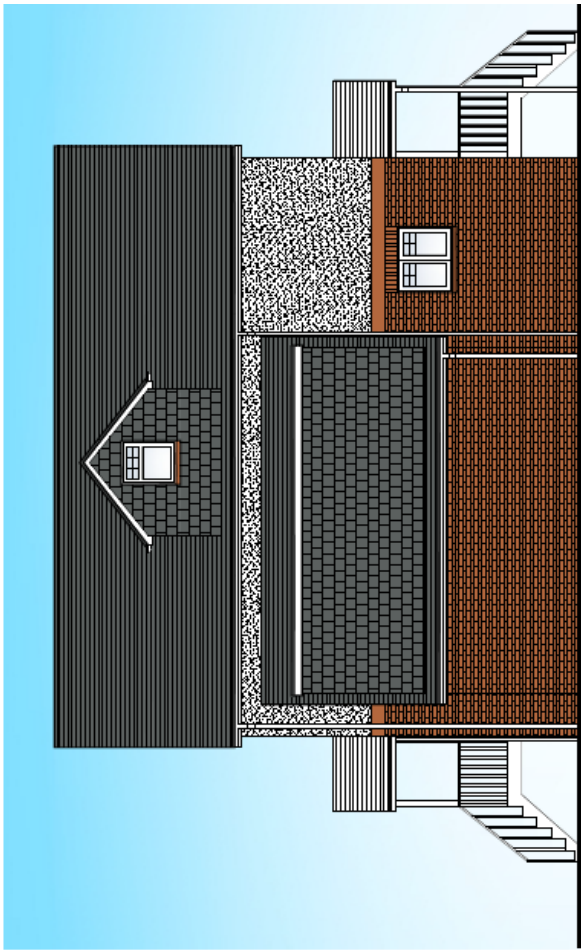


EXISTING REAR ELEVATION

Proposed elevations



PROPOSED SIDE ELEVATION



PROPOSED SIDE ELEVATION



PROPOSED FRONT ELEVATION



PROPOSED REAR ELEVATION

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Planning Appeals Received

26 February - 17 April 2019

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 Plns 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.: 19/60012/REF **Planning Ref.:** 18/02312/FULL **Plns Ref.:** APP/T0355/W/19/3221938
Date Received: 26 February 2019 **Comments Due:** 2 April 2019
Type: Refusal **Appeal Type:** Written Representation
Description: Replacement dwelling and garage.
Location: **1 Kingswood Creek Wraysbury Staines TW19 5EN**
Appellant: Mr Eugene Williams **c/o Agent:** Mrs Jennifer Smith Smith Jenkins Ltd 5 Warren Court Warren Park Milton Keynes MK12 5NW

Ward:
Parish: Old Windsor Parish
Appeal Ref.: 19/60018/NONDET **Planning Ref.:** 18/02895/FULL **Plns Ref.:** APP/T0355/W/19/3219593
Date Received: 28 February 2019 **Comments Due:** 4 April 2019
Type: Non-determination **Appeal Type:** Written Representation
Description: Erection of guest accommodation building
Location: **The Oxford Blue 10 Crimp Hill Old Windsor Windsor SL4 2QY**
Appellant: Jonathan Evans **c/o Agent:** Mr Eric Telford Telford Planning Associates 1 Whinbarrow Close Aspatria Wigton CA7 3HE

Ward:
Parish: Old Windsor Parish
Appeal Ref.: 19/60029/REF **Planning Ref.:** 18/02739/FULL **Plns Ref.:** APP/T0355/D/19/3222632
Date Received: 27 March 2019 **Comments Due:** 24 April 2019
Type: Refusal **Appeal Type:** Fast Track Appeal
Description: Detached single storey annex following the demolition of the existing garage/office.
Location: **5 Croft Corner Straight Road Old Windsor Windsor SL4 2RP**
Appellant: Mrs Beverley Phillips **c/o Agent:** Mr Sam Dodd Authorised Designs Ltd Bacchus House Ley Hill Chesham Buckinghamshire HP5 1UT

Ward:
Parish: Sunninghill And Ascot Parish
Appeal Ref.: 19/60032/REF **Planning Ref.:** 18/01832/CPD **Plns Ref.:** APP/T0355/X/18/3217458
Date Received: 28 March 2019 **Comments Due:** 9 May 2019
Type: Refusal **Appeal Type:** Written Representation
Description: Certificate of lawfulness to determine whether the proposed single storey extension (with an overall height not exceeding 2.5m above ground level) to the existing outbuilding is lawful.
Location: **Mare's Nest 91 Cheapside Road Ascot SL5 7QG**
Appellant: Ms Littleboy **c/o Agent:** Mr Marcus Sturney Ridsdale Planning 14 Manor Road Windsor SL4 5LP

Ward:
Parish: Sunninghill And Ascot Parish
Appeal Ref.: 19/60033/REF **Planning Ref.:** 18/03079/TPO **Plns Ref.:** APP/TPO/T0355/7297
Date Received: 9 April 2019 **Comments Due:** TBA
Type: Refusal **Appeal Type:** Fast Track Appeal
Description: (T1) - Turkey Oak - Remove selected lower branches to raise canopy up to 6 - 8 metres from ground level and reduce over extending branches in length throughout the remainder of the canopy by 2 - 3 metres. (T2,4,5) - Oak - Reduce in length by 2 - 3 metres the branches that are growing toward the house. (T3) - Sweet Chestnut - Reduce in length by 2 - 3 metres the branches that are growing toward the house. (TPO 16 of 1985).
Location: **6 Martingales Close Ascot SL5 9FQ**
Appellant: G McShane **c/o Agent:** Mr Paul Warrener Branch Management 110 Bagshot Green Bagshot Surrey GU19 5JT

Ward:
Parish: Wraysbury Parish
Appeal Ref.: 19/60034/REF **Planning Ref.:** 18/03042/FULL **Plns Ref.:** APP/T0355/W/19/3226030
Date Received: 15 April 2019 **Comments Due:** 20 May 2019
Type: Refusal **Appeal Type:** Written Representation
Description: One new dwelling
Location: **Land At 1 Nursery Way Wraysbury Staines**
Appellant: Mr P Higgins **c/o Agent:** Mr Rajan Patel DB Planners 2 The Oaks Juniper Road Cove Farnborough GU14 9XU

Appeal Decision Report

26 February - 17 April 2019

WINDSOR RURAL



Appeal Ref.: 18/60109/REF **Planning Ref.:** 18/01692/TPO **Plns Ref.:** APP/TPO/T0355/6957

Appellant: Mr Chris Wright **c/o Agent:** Mr Patrick Stileman Forbes-Laird Arboricultural Consultancy Limited Dendron House 74 Barford Road Blunham Bedford MK44 3ND

Decision Type: **Officer Recommendation:** Refuse

Description: T1 Sweet Chestnut: Crown reduction by 1.5 - 2.5m and height reduction by 2 - 3m

Location: **Burwood House Ravensdale Road Ascot SL5 9HL**

Appeal Decision: Dismissed **Decision Date:** 10 April 2019

Main Issue: The Inspector concluded on the basis that the scale of the proposed pruning was not an acceptable course of action, because of the harm it would cause to the Sweet chestnut which contributes to the character and appearance of the local area.

Appeal Ref.: 18/60146/REF **Planning Ref.:** 17/03992/FULL **Plns Ref.:** APP/T0355/W/18/3208302

Appellant: Pipeline Worldwide **c/o Agent:** Mr D Bond Woolf Bond Planning The Mitfords Basingstoke Road Three Mile Cross Reading RG7 1AT

Decision Type: Delegated **Officer Recommendation:** Refuse

Description: Erection of block of x10 apartments

Location: **Former Missanda Wells Lane Ascot SL5 7DY**

Appeal Decision: Dismissed **Decision Date:** 27 March 2019

Main Issue: Proposal found to be harmful to rural, low-density character of Wells Lane - No adverse impact on living conditions - Ecology info submitted at appeal stage acceptable - Section 111 secured at appeal - Impact on surface water drainage overcome at appeal - Housing land supply under 5 years therefore housing policies out of date - AH - para 64 only relevant if proposal caught by adopted local plan policy which its not - Tilted balance applied as Council can't demonstrate 5 year housing supply but moderate housing benefits found to be significantly and demonstrably outweighed by harm to character

Appeal Ref.: 18/60149/REF **Planning Ref.:** 17/03833/FULL **Plns Ref.:** APP/T0355/W/18/3205117

Appellant: Mr D Kirkby **c/o Agent:** Mr David Holmes Progress Planning Burkes Court Burkes Road Beaconsfield HP9 1NZ

Decision Type: Delegated **Officer Recommendation:** Refuse

Description: Redevelopment of the site to provide x8 dwellings with associated landscaping, hardstanding and parking

Location: **Hope Technical Developments Ltd High Street Ascot SL5 7HP**

Appeal Decision: Dismissed **Decision Date:** 12 April 2019

Main Issue: The inspector concludes that the development would cause harm to the character and appearance of the area contrary to policies DG1, H10 and H11 of the Local Plan and policies NP/DG1, NP/DG2, NP/DG3 and NP/SS1 of the Neighbourhood Plan. The inspector concludes that the development of the site not in accordance with a development brief would lead to a technical conflict with policy NP/SS1 of the Neighbourhood Plan, however as no actual harm has been identified, other than in relation to the character and appearance of the area, this policy conflict carries little weight. Similarly the inspector notes that there would be some conflict with policy NP/SS1 as no new vehicle access to the site that is not off the High Street has been provided, however no actual harm is identified to the safe and efficient use of the highway network and as such little weight is applied to this conflict. The inspector also concludes therefore that there is no conflict with policy T5 of the Local Plan. The inspector considers that there is an unacceptable risk of harm on the integrity of the SPA as it is not clear if the measures set out in the draft legal agreement would mitigate for the effects on the SPA. The inspector concludes that the proposal would conflict with policy NRM6 of the South East Plan and the Framework. With regards to the Council's lack of a 5 year housing land supply the inspector concludes that the presumption in favour of sustainable development does not apply as no appropriate assessment has concluded that the development will not adversely affect the integrity of the SPA. The appeal is therefore dismissed.

Appeal Ref.: 18/60150/REF **Planning Ref.:** 17/02721/FULL **Plns Ref.:** APP/T0355/W/18/3202017

Appellant: Firgrove Homes Ltd **c/o Agent:** Mr John Scally Armstrong Rigg Planning The Exchange Colworth Estate Sharnbrook Bedfordshire MK44 1LQ

Decision Type: Committee **Officer Recommendation:** Application Permitted

Description: Construction of x10 apartments including access, car parking and landscaping works following demolition of the existing dwelling

Location: **Tay Mount Lady Margaret Road Sunningdale Ascot SL5 9QH**

Appeal Decision: Dismissed **Decision Date:** 5 April 2019

Main Issue: Dismissed on grounds of impact on character and harm to SPA Character: - Lady Margaret Road has a sylvan appearance. The appeal site side of the road contains mainly single dwellings. There are flatted developments opposite. Each side of the road therefore has a distinct difference in character. - The proposed building would extend at full height across most of the width of the plot resulting in a bulkier building. Planting to the front would not overcome these concerns - As such, proposal contrary to adopted local plan policies, neighbourhood plan policies and the Framework SPA - The draft legal agreement would provide contributions towards mitigation, however an executed agreement has not been provided and therefore there is harm to the SPA Other matters - The Council do not have a 5 year housing land supply. The proposal would contribute 10 dwellings. Under the presumption in favour of sustainable development that would normally mean that the development plan policies that are most important for determining the application, such as those within the LP and NP would be out of date - However as no appropriate assessment has concluded that the development would not affect the integrity of the SPA the presumption in favour of sustainable development does not apply. Consequently the appeal needs to be development with the development plan Conclusion - The development would be contrary to the relevant policies of the development plan. The provision of housing, even considering the deficit, does not hold sufficient weight to warrant a different decision