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## NOTICE OF MEETING

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# BOROUGH WIDE DEVELOPMENT MANAGEMENT PANEL

will meet on

**WEDNESDAY, 13TH JUNE, 2018**

**At 7.00 pm**

in the

**DESBOROUGH SUITE - TOWN HALL, MAIDENHEAD**

TO: MEMBERS OF THE BOROUGH WIDE DEVELOPMENT MANAGEMENT PANEL

COUNCILLORS DAVID BURBAGE (CHAIRMAN), MALCOLM ALEXANDER (VICE-CHAIRMAN), MAUREEN HUNT, RICHARD KELLAWAY, DEREK WILSON, CHRISTINE BATESON, MALCOLM BEER, PHILLIP BICKNELL, DR LILLY EVANS, DAVID HILTON, COLIN RAYNER, LEO WALTERS, JESSE GREY, MJ SAUNDERS AND GEOFF HILL

### SUBSTITUTE MEMBERS

COUNCILLORS GERRY CLARK, EILEEN QUICK, MICHAEL AIREY, JACK RANKIN, MOHAMMED ILYAS, JULIAN SHARPE, JOHN BOWDEN, PAUL LION, JUDITH DIMENT, CLAIRE STRETTON, ASGHAR MAJEED, MARION MILLS, SHAMSUL SHELMIM, ADAM SMITH AND JOHN STORY

Karen Shepherd – Service Lead - Democratic Services - Issued: Tuesday 05/06/2018

Members of the Press and Public are welcome to attend Part I of this meeting. The agenda is available on the Council's web site at [www.rbwm.gov.uk](http://www.rbwm.gov.uk) or contact the Panel Administrator **shilpa manek on 01628 796310**

**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.

**Recording of Meetings** – The Council allows the filming, recording and photography of public Council meetings. This may be undertaken by the Council itself, or any person attending the meeting. By entering the meeting room you are acknowledging that you may be audio or video recorded and that this recording will be available for public viewing on the RBWM website. If you have any questions regarding the council's policy, please speak to the Democratic Services or Legal representative at the meeting.

## **AGENDA**

### **PART I**

<b><u>ITEM</u></b>	<b><u>SUBJECT</u></b>	<b><u>PAGE NO</u></b>
1.	<b><u>APOLOGIES</u></b>  To receive any apologies for absence.	
2.	<b><u>DECLARATIONS OF INTEREST</u></b>  To receive any Declarations of Interest.	5 - 6
3.	<b><u>MINUTES</u></b>  To confirm the minutes of the previous meeting.	7 - 10
4.	<b><u>PLANNING APPLICATIONS (DECISION)</u></b>  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 by selecting the following link.  <a href="http://www.rbwm.gov.uk/pam/search.jsp">http://www.rbwm.gov.uk/pam/search.jsp</a> or from Democratic Services on 01628 796251 or <a href="mailto:democratic.services@rbwm.gov.uk">democratic.services@rbwm.gov.uk</a>	11 - 110



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## **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' GUIDE TO DECLARING INTERESTS IN MEETINGS

### Disclosure at Meetings

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

A member with a DPI or Prejudicial Interest **may make representations at the start of the item but must not take part in the discussion or vote at a meeting.** The speaking time allocated for Members to make representations is at the discretion of the Chairman of the meeting. In order to avoid any accusations of taking part in the discussion or vote, after speaking, Members should move away from the panel table to a public area or, if they wish, leave the room. If the interest declared has not been entered on to a Members' Register of Interests, they must notify the Monitoring Officer in writing within the next 28 days following the meeting.

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

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

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

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

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

### Prejudicial Interests

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

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

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

### Personal interests

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

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

# Agenda Item 3

## IDEA BOROUGH WIDE DEVELOPMENT MANAGEMENT PANEL

THURSDAY, 10 MAY 2018

PRESENT: Councillors David Burbage (Chairman), Maureen Hunt, Richard Kellaway, Derek Wilson, Christine Bateson, Malcolm Beer, Phillip Bicknell, Dr Lilly Evans, David Hilton, Leo Walters and Jesse Grey

Also in attendance: Councillor Shamsul Shelim

Officers: Wendy Binmore, Ashley Smith, Jenifer Jackson, Gordon Oliver, Claire Pugh, Sian Saadeh and Matthew Tucker (Legal Advisor to the Panel).

### APOLOGIES

Apologies for absence were received from Councillors Alexander, C. Rayner and Saunders.

### DECLARATIONS OF INTEREST

**Cllr Bicknell** – Declared a personal interest as over the years he had been invited by Legoland to attend fireworks displays. He also stated that he was a Member of the LEP and his local residents association which held meetings at Legoland from time to time. He also confirmed his younger children had visited Legoland multiple times. Councillor Bicknell stated he had attended Panel with an open mind.

**Cllr L. Evans** – Declared a personal interest as she was a Member of the Windsor, Eton & Ascot Town Partnership Board. Councillor L. Evans confirmed she attended Panel with an open mind.

**Cllr Rankin** – Declared a personal interest as he had in the past attended fireworks displays at Legoland as their guest. He had interacted with the applicants in his capacity as Lead Member for Economic Development, Property, Communications and Deputy Finance and as a Member of the LEP. He confirmed he had attended Panel with an open mind.

**Cllr D. Wilson** – Declared a personal interest as he was a Parish Councillor for Bray and part of the Legoland site fell into the Bray Parish. He added when the application was discussed at a parish council meeting, he did not take part in any discussions or votes on the item. Cllr D. Wilson confirmed he attended Panel with an open mind.

### MINUTES

**RESOLVED UNANIMOUSLY: That the Part I minutes of the meeting held on 18 December 2017 be approved.**

### PLANNING APPLICATIONS (DECISION)

- 17/01878\* Legoland Windsor Park Ltd: Hybrid planning application seeking permission for the following Full (detailed) projects: Project 1 – the erection of 65 permanent semi-detached lodges (130 units) and 20 ‘barrels’ with associated amenity facilities block to provide visitor accommodation, a central facilities ‘hub’ building, SUDS ponds, landscaping works (including equipped play areas) and associated infrastructure works (‘Phase 1’ of the holiday village); Project 2 – Reconfiguration of car parking and internal accesses and associated

engineering/infrastructure works; Project 3 – Change of use of existing farm buildings from agricultural/’sui generis’ use to Use Class D2, ancillary ‘back of house’; accommodation and land for re-use by the theme park and the creation of one new access point from the existing car park and Project 4 – Extension and alterations to ‘The Beginning’ comprising new admissions building, extension to existing toilet facilities and new entrance portal. Permission for the following Outline projects: Project 5 – Construction of the ‘2019 attraction’ comprising three ‘attraction zones’ for up to three new rides (one to be an indoor attraction and the other two to be uncovered or covered) with associated queue line areas, landscaping works and associated infrastructure; Project 6 – Construction of a new indoor ride on the ‘Haunted House’ site with associated queue line area, landscaping works and associated infrastructure; Project 7 – Extension to the existing ‘Big Shop’ LEGO store in ‘The Beginning’ area; Project 8 – Erection of up to 300 units of visitor accommodation (‘Phase 2 and 3’ of the holiday village) with two associated central facilities ‘hub’ buildings, SUDS ponds, landscaping infrastructure works and car parking at Legoland Windsor Resort, Winkfield Road, Windsor SL4 4AY – **The Panel voted to APPROVE the application against the recommendations of the Head of Planning, with the conditions and Legal Agreement to be delegated to the Head of Planning, acting in consultation with the Chairman of the Panel (Cllr Burbage), the Proposer of the Motion (Cllr Quick), the seconder of the Proposal and Ward Councillor (Cllr Bicknell), with a time limit of two months. The application would return to Panel if the Legal Agreement and Conditions could not be produced and agreed in time and the application was also subject to referral to the National Planning Casework Unit and subject to the Secretary of State not calling the application in to him for decision.**

**The Legal Advisor to the Panel noted that reasons for approval that were considered by the Panel to amount to Very Special Circumstances to clearly outweigh the harm to the Green Belt and other harm were the economic benefits which were given substantial weight and that significant weight was given to changes to the parking and traffic arrangements as well as to the creation of accommodation.**

(The Panel was addressed by Mr Philip Ross in objection and Ms Ingrid Fernandes, on behalf of Legoland Resort Windsor in support of the application).

**(11 Councillors voted in favour of approving the application (Cllrs Bateson, Bicknell, Burbage, Clark, L. Evans, Grey, Hill, Hunt, Kellaway, Quick and Rankin), two Councillors voted against the Motion (Cllrs Walters and D. Wilson) and two Councillors abstained from the vote (Cllrs Beer and Hilton).**

**The Panel took a vote in favour of the Head of Planning’s recommendations, proposed by Councillor Derek Wilson and seconded by Councillor Leo Walters. However, the motion was unsuccessful with four Councillors voting in favour of the motion**



**(Cllrs Beer, L. Evans, Walters and Wilson), 10 Councillors voting against it (Cllrs Bateson, Bicknell, Burbage, Clark, Grey, Hill, Hunt, Kellaway, Quick and Rankin), and one Councillor abstaining from the vote (Cllr Hilton).**

The meeting, which began at 7.00 pm, finished at 9.15 pm

CHAIRMAN.....

DATE.....

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# Agenda Item 4

## ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

### Boroughwide Development Management Panel

13th June 2018

#### INDEX

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

<b>Item No.</b>	1	<b>Application No.</b>	17/02698/FULL	<b>Recommendation</b>	REF	<b>Page No.</b>	13
<b>Location:</b>	Sehlbach And Whiting Ltd Exclusive House Oldfield Road Maidenhead SL6 1TA						
<b>Proposal:</b>	Proposed residential redevelopment to provide 37 new apartments						
<b>Applicant:</b>	Mr and Mr Ripley	<b>Member Call-in:</b>		<b>Expiry Date:</b>	23 November 2017		
<hr/>							
<b>Item No.</b>	2	<b>Application No.</b>	17/03036/FULL	<b>Recommendation</b>	REF	<b>Page No.</b>	36
<b>Location:</b>	Former British Gas Site Bridge Road Ascot						
<b>Proposal:</b>	Demolition of two existing redundant cottages and redevelopment of the former Sunninghill Gasworks site to provide 53 residential houses, 24 residential apartments and 4 residential coach houses (Class C3) including the provision of new pedestrian and vehicular accesses and routes, car parking, landscaping, open space, remediation and associated works.						
<b>Applicant:</b>	Mr Simons	<b>Member Call-in:</b>		<b>Expiry Date:</b>	23 March 2018		
<hr/>							
<b>Item No.</b>	3	<b>Application No.</b>	18/00156/FULL	<b>Recommendation</b>	REF	<b>Page No.</b>	77
<b>Location:</b>	Land At Blacknest House Titness Park London Road Sunninghill Ascot						
<b>Proposal:</b>	Change of use of land and part of building to Forest School (D2) with new access off private drive off Blacknest Gate Road. Retention of part of building for residential annexe use in connection with Blacknest House						
<b>Applicant:</b>	Mrs Martin	<b>Member Call-in:</b>		<b>Expiry Date:</b>	2 May 2018		
<hr/>							
<b>Item No.</b>	4	<b>Application No.</b>	18/00419/OUT	<b>Recommendation</b>	REF	<b>Page No.</b>	94
<b>Location:</b>	151 - 153 Clarence Road Windsor						
<b>Proposal:</b>	Outline application for up to 14 units with access only to be considered at this stage with all other matters to be reserved for the construction of a 3 storey building with accommodation in the roof and associated car parking and landscaping following demolition of 151 -153 Clarence Road						
<b>Applicant:</b>	Mr Collett	<b>Member Call-in:</b>		<b>Expiry Date:</b>	18 May 2018		
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**ROYAL BOROUGH OF WINDSOR & MAIDENHEAD  
PLANNING COMMITTEE**

**BOROUGHWIDE DEVELOPMENT MANAGEMENT PANEL**

13 June 2018

Item: 1

<b>Application No.:</b>	17/02698/FULL
<b>Location:</b>	Sehlbach And Whiting Ltd Exclusive House Oldfield Road Maidenhead SL6 1TA
<b>Proposal:</b>	Proposed residential redevelopment to provide 37 new apartments
<b>Applicant:</b>	Mr and Mr Ripley
<b>Agent:</b>	Matt Taylor
<b>Parish/Ward:</b>	Maidenhead Unparished/Oldfield Ward
<b>If you have a question about this report, please contact:</b> Antonia Liu on 01628 796034 or at <a href="mailto:antonia.liu@rbwm.gov.uk">antonia.liu@rbwm.gov.uk</a>	

**1. SUMMARY**

- 1.1 In the absence of any marketing evidence for employment generating uses and it being established that there is no reasonable prospect of the site being used for employment purposes, the proposal fails to demonstrate that the loss of employment land is justified.
- 1.2 The site is located in Flood Zone 3. Due to the failure to demonstrate safe access and egress in the event of a 1 in 100 flood event plus climate change the proposal fails the Exception Test, and fails to address residual risk. Therefore it is not considered to be safe in respect of flooding. The proposal also fails to demonstrate wider sustainability benefits that would outweigh flood risk.
- 1.3 Due to its siting, design, form, height, scale, mass and bulk the proposed building is out of keeping with the suburban scaled development on the eastern side of Oldfield Road, would appear overly dominant when viewed in context with these adjoining buildings and would compound the feeling of an overdevelopment of the site. The proposed undercroft parking would create an inactive frontage which would diminish the vibrancy of the streetscape the dwellings would face on to, and the proposed communal amenity spaces would be immediately surrounded by car parking on two sides and a turning area on a third side, thereby diminishing their usability to future residents and appeal.
- 1.4 The development proposed is above the threshold for provision of affordable homes. The proposal fails to secure a policy compliant affordable housing contribution via a S106 legal agreement and neither is a less than policy compliant level of affordable housing so secured.
- 1.5 The proposal is contrary to national planning policy contained in the Framework and also contrary to adopted and emerging local plan policies. The following report covers these, and other relevant matters, in detail.

**It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 10 of this report):**

1.	In the absence of any site specific marketing evidence for employment generating uses, the proposal fails to demonstrate that there is no reasonable prospect of the site being used for such purposes that would consequently justify the loss of employment land. The proposal would therefore adversely impact the economic development needs of the Borough and the need for different land uses to support sustainable communities.
2.	The proposal fails to demonstrate that it would lead to any wider sustainability benefits to the community that would outweigh flood risk and that the development would be safe for its lifetime taking account of the vulnerability of its users without increasing flood risk elsewhere.
3.	By reason of its siting, design, form height, scale and bulk, the proposed building would appear out-of-scale and as an incongruous form of development, which would be harmful to the character and appearance of the streetscene and wider area.
4.	In the absence of a S106 legal agreement the proposal fails to secure a policy compliant level of affordable housing provision.

**2. REASON FOR PANEL DETERMINATION**

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

**3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

3.1 The site measures approximately 0.2 hectares and is located on the east side of Oldfield Road, close to the junction with Bridge Road. The site lies within a designated Employment Area as shown on the Local Plan Proposals Map and is occupied by a part two, part three storey commercial building known as Exclusive House. The existing building is situated to the east of the site with an area of hardstanding used for parking sited between the building and Oldfield Road. To the west on the opposite side of Oldfield Road is Burghley Court, a five-storey flatted development. To the north is Sadlers Mews and to the east is The Farthingales which comprise of two-storey residential dwellings. To the south is a three storey block of flats known as Springfield Court. The site is located in Flood Zones 2 and 3.

**4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY**

4.1 The proposal is for the demolition of the existing commercial building and construction of an 'H' shape building of 37 apartments (9 x 1-bed and 28 x 2-bed). The ground level would provide 52 parking spaces, communal facilities (e.g. bin and recycling storage, cycle storage) and amenity space. Above ground level would be three storeys accommodating the proposed flats. The main central access is proposed from Oldfield Road. No access is proposed from Sadlers Mews, The Farthingales or Springfield Court.

4.2 The planning history for the site relates to its historic use and is therefore not considered to be relevant to the scheme currently before the Local Planning Authority.

**5 MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION**

5.1 National Planning Policy Framework (NPPF) Sections 1, 4, 6, 7, 10, 11

**RBWM Adopted Local Plan**

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

Within settlement area	Highways and Parking	Trees	Flooding
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DG1, E2, E5, H3, H10, H11	P4, T5	N6	F1
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These policies can be found at

[https://www3.rbwm.gov.uk/downloads/download/154/local\\_plan\\_documents\\_and\\_appendices](https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices)

### **Borough Local Plan: Submission Version**

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Acceptable housing provision	HO1, HO2, HO3, HO5
Acceptable impact on trees and ecology	NR2, NR3
Manages air pollution and contaminated land	EP2, EP5
Manages flood risk and waterways	NR1
Makes suitable provision for infrastructure	IF1, IF8

5.3 The National Planning Policy Framework (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 Version 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 and informs the recommendation of the head of planning.

This document can be found at:

[https://www3.rbwm.gov.uk/info/201026/borough\\_local\\_plan/1351/submission/1](https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1)

### **Supplementary planning documents**

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

- The Interpretation of Policy F1 (Area Liable to Flooding) 2004

More information on these documents can be found at:

[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)

### **Other Local Strategies or Publications**

5.5 Other Strategies or publications relevant to the proposal are:

- RBWM Strategic Flood Risk Assessment
- RBWM Townscape Assessment
- RBWM Parking Strategy
- RBWM Affordable Housing Guidance Note

More information on these documents can be found at:

[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)

## **6. EXPLANATION OF RECOMMENDATION**

- 6.1 The key issues for consideration are:
- i The principle of development
  - ii Flood risk
  - iii Character and appearance of the area
  - iv Residential amenity
  - v Highway safety and parking
  - vi Other material considerations

### **The principle of development**

#### Loss of Employment Land

- 6.2 The site is located with an Employment Area under Local Plan policy E2, which is allocated primarily for industrial and small scale distribution and storage uses. Policy E5 states that the Borough Council will not permit development, redevelopment or change of use for other uses other than a business, industrial or warehousing use. The NPPF, which post-dates the Local Plan, states that planning policies should avoid the long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for such a purpose. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable communities. In accordance with this, Policy ED3 of the BLP SV states that where a change is proposed from an economic use to another use, development proposals must provide credible and robust evidence of an appropriate period of marketing for economic use and that the proposals would not cause unacceptable harm to the local economy. Marketing evidence should prove that both the land and the premises have been widely advertised and marketed for a wide range of economic uses at reasonable prices and terms for at least one continuous year immediately prior to submission of a relevant planning application. The Local Planning Authority has reviewed the objections to BLP SV Policy ED3 and does not consider that there is extensive unresolved objections, and on this basis consider that substantial weight should be attributed to this policy in the determination of this application.
- 6.3 The latest Economic Development Needs Assessments (EDNAs) (2016), the evidence base which identifies economic development need for RBWM, has identified a continued demand for office, industrial and warehousing floor space in general. The Supplementary Market Analysis Employment Land Review (2018), which updates market signals and trends of economic development, confirms that there is continued demand. To justify the loss of employment land, the applicant has submitted an Employment Assessment (February 2018) and an addendum (March 2018) which presents a case that the site, based on the local employment market, is ill-suited to business or industrial use due to its location within a residential area and outside of a key employment hub, and the quality of surrounding infrastructure. However, no evidence of a marketing exercise for the site at realistic prices for the existing use and/or other employment generating uses over an extended period of time has been provided to demonstrate that employment generating uses are not practicable due to lack of demand. Whilst the Employment Assessment and addendum provides context and informed conjecture, in line with the NPPF and BLP SV Policy ED3 it is not considered robust by itself to demonstrate that there is no reasonable prospect of the site being used for employment generating uses and that the proposal would not cause unacceptable harm to the local economy. The Employment Assessment and addendum also focuses on an audit of the existing building, which concludes that the existing building is in poor condition and at end-of-life. However, buildings inevitably become obsolete over time and the site could be redeveloped for employment purposes. It is acknowledged that the costs associated with demolition and redevelopment are likely to be significant and therefore would limit interest, as noted in the Employment Assessment and addendum, but no substantive evidence has been submitted to demonstrate that employment generating uses would be



unviable in this instance. As such, the proposal is contrary to Local Plan Policy E5, BLP SV Policy ED3 and the NPPF.

- 6.4 Officers acknowledge that there is emerging policy that is relevant to this proposal. The site has been allocated for housing in the BLP SV Policy HO1 with an estimated capacity of around 40 units. The plan overall is based on a spatial strategy to meet the development needs in RBWM across the plan period to 2033 and specifically taken into account balancing the need for housing and the need for employment in order to achieve sustainable growth. This is set out in detail in the Topic Paper. The development proposal has to be considered against the policies in the Development Plan unless material planning considerations indicate otherwise (Section 38(6) of the Planning Act). The Development Plan policy is the adopted Policy E5 of the Local Plan, with which the proposal does not comply. Consideration has been given to the weight which can be given to emerging policies in the BLP SV; given the extent of unresolved objections to Policy HO1 it is considered that limited weight should be afforded to this policy at this time.

## **Flood Risk**

### Sequential Test

- 6.5 The site lies within Flood Zone 3. Local Plan Policy F1 states that residential development in areas liable to flood will not be permitted where it increases the number of people or properties at risk from flooding. Paragraph 100 of the NPPF states that inappropriate development in areas at risk from flooding should be avoided by directing development away from areas at highest risk but, where development is necessary, making it safe without increasing flood risk elsewhere. Paragraph 101 goes on to state that the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding and development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.
- 6.6 The applicant originally concluded that a Sequential Test was passed due to the site's inclusion as a housing allocation site under policy HO1 in the BLP SV. But given that BLP SV does not yet form part of the Development Plan for the Borough and noting the extent to which there are unresolved objections in relation to Policy HO1, it cannot be afforded substantial weight or be considered to outweigh the Development Plan. A Sequential Assessment, dated February 2018 was then submitted by the applicant, but as this was based on the Council's Increased Scope of Strategic Flood Risk Assessment and Sequential Testing of Sites (2014) with out-dated identified sites, flood maps and climate change allowance, a subsequent Sequential Assessment dated April 2018 was submitted. This Sequential Assessment uses the Housing and Economic Land Availability Assessment (HELAA) (2016) to identify potential sites throughout the Borough, which is the most up-to-date source for identified sites, and assesses sites that are comparable in area and potential yield. It concludes that there are no reasonably alternative sites in Flood Zones 1 and 2 and therefore passes the Sequential Test.
- 6.7 It is noted that following the submission of the Sequential Assessment, the Environment Agency published the new Lower River Thames model which updated the Flood Zone 3 modelled extents of the flood map for planning. This has resulted in some areas that were in Flood Zone 2 now being in Flood Zone 3 and consequently the submitted Sequential Assessment being out-of-date. As the Environment Agency has released only the new extent of Flood Zone 3 and there is currently no date for Flood Zones 2 and 1 to be released it was not considered reasonable to require the applicant to conduct a new Sequential Assessment given the in principle policy objection and other refusal reasons. It is considered likely, although not known, that given the extent of flood zone 3 has increased in most parts of the borough, the site would still pass the Sequential Test. On this basis Officers have considered the Exceptions Test below. Members should note that the Council continues to work with the Environment Agency on flooding matters in relation to the BLP SV, more information is set out in response to the Local Plan Inspector's questions in Matter 5: Flood Risk & Water Quality.

### Exception Test

- 6.8 Paragraph 102 of the NPPF states that if, following application of the Sequential Test, it is not possible for the development to be located in zones with a lower probability of flooding, and the Exception Test can be applied if appropriate. For the Exception Test to be passed it must

demonstrate that the development provides wider sustainability benefits to the community that outweigh flood risk, and a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users without increasing flood risk elsewhere and, where possible reduce flood risk overall.

- 6.9 A site-specific Flood Risk Assessment (FRA) (August 2017) has been submitted to support the application, which concludes that the proposed development will reduce the built footprint on site and together with the undercroft parking area will result in an increase in flood storage for a 1 in 100 year flood event plus climate change. In terms of flood resistance and resilience, the FRA demonstrates that the 1 in 100 year flood event plus climate change equates to 24.7m AOD when applying +35% (central climate change allowance) and 25.28m AOD when applying +70% (higher central climate change allowance). Given the requirement for finished floor levels to be 300mm above the modelled 1 in 100 annual probability plus climate change flood level, the proposed residential floor levels would exceed this, being set at a minimum of 27.0m AOD. However, the FRA fails to demonstrate that safe access and egress can be achieved for the site. This accords with the Council's own evidence for the BLP SV in the Level 2 SFRA, Table 3-7 'High level Assessment of Exception Test for allocated sites' (PS/002), pp42, where it was indicated that for Exclusive House there did not appear to be safe access or egress.
- 6.10 In accordance with Environment Agency (EA) guidance for a route to an area wholly outside of the floodplain to be considered safe during a 'design flood' the route should have a 'very low' hazard rating in accordance with the Framework and Guidance for Assessing and Managing Flood Risk for New Development (FD2320/TR2). This is calculated using flood depth and velocity. Any other classification of route including 'danger for some', 'danger for most' and 'danger for all' would place future occupants of the development at risk from potential flood water depths and flows. However, the FRA indicates that the route from the building to an area outside of the floor plain would be classified as 'danger for most' in a 1 in 100 flood event plus climate change and therefore not considered to be safe. As such, a Flood Risk Management Plan is proposed.
- 6.11 The FRA states that the EA provides a flood warning information service giving advanced warning of flooding to the public and as a slow responding catchment there would be a significant advanced warning of several days of potential flooding. However there is no planning mechanism that could guarantee that people could / would heed warnings to vacate at the time of any warning, or guarantee that residents who remain in their homes would have sufficient supplies of food, drinking water and medical treatment for the duration of a flood event. They could be affected by the failure of infrastructure such as power, water and sewage provision. Consequently in this scenario it would be likely that emergency services would be called upon to move occupants, especially those less able. The NPPG states that the emergency services are unlikely to regard developments that increase the scale of any rescue that might be required as being safe. Therefore, it is considered that the failure to provide a safe route of access and egress from the development to an area wholly outside the floodplain and reliance on a Flood Risk Management Plan for this site is not considered to be safe. The proposal would therefore increase the number of people at risk from flooding, failing the Exception Test, contrary to paragraph 102 of the NPPF and Local Plan Policy F1.
- 6.12 In terms of sustainability benefits to the community the submitted Planning Statement states that the proposal would result in a more appropriate use within the wider residential area, would improve the appearance of the area, provide housing in a sustainable location, and bring economic benefits to the local economy through construction spend and increased trade to local shops and facilities. However, these wider benefits would not outweigh the flood risk posed by this development. The proposal is not considered to improve the appearance of the area for the reasons outlined in paragraphs 6.18 to 6.20, and the reduction in noise and disturbance to neighbouring residents and economic benefits are unquantified and considered to be moderate at most. The proposal therefore also fails the Exception Test in this respect.

#### Other

- 6.13 Paragraph 103 of the NPPF states that following the Sequential Test, and if required the Exception Test, development should demonstrate that within the site the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer

a different location; and development is appropriately flood resilient and resistant, including safe access and egress where required, and that any residential risk can be safely managed and it gives priority to the use of sustainable drainage systems.

- 6.14 The whole site is located in flood zone 3 and therefore it is not possible to locate the most vulnerable development in areas of lowest risk within the site. Sustainable drainage is assessed in paragraph 6.37 of this report and considered to be acceptable. However, it follows that as the proposal fails to demonstrate that flood risk can be safely managed during a 1 in 100 flood event plus climate change then the proposal would not be safe when considering any additional residual risk, which the SFRA defines as a measure of outstanding flood risks and uncertainties that have not been explicitly quantified and or accounted for. As such, in addition to paragraph 102 of the NPPF and Local Plan policy F1 for the reasons outlined above, the proposal is also considered contrary to paragraph 103.
- 6.15 Due to the extent to which there are unresolved objections relating to policy NR1 of the BLP SV it is considered that this policy should currently be allocated limited weight.

### **Character and Appearance**

- 6.16 Local Plan Policy DG1 states that harm should not be caused to the character of the surrounding area through development which is cramped or which results in the loss of important features which contribute to that character. Policy H10 states that new residential schemes will be required to display a high standard of design and landscaping, to create attractive, safe and diverse residential areas and where possible enhance the existing environment, while Policy H11 states planning permission will not be granted for schemes which introduce a scale or density of new development which would be incompatible with or cause damage to the character and amenity of the area. Policies SP1 and SP2 of the BLP SV require new development to positively contribute to the place in which they are located and larger developments (over 10 residential units) in particular will be expected to be of a high quality that fosters a sense of place and contributes to a positive place identity. These policies accord with the NPPF which states that good design is a key aspect of sustainable development and indivisible from good planning, and planning 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.

#### Demolition of the Existing Building

- 6.17 The decision makers should be aware that a Listing Assessment by Historic England is in progress to determine whether or not the existing building is a candidate for inclusion on the National Heritage List for England. The building was one of several 'perfect' roadhouses designed by DC Wadhwa and Eric Norman Bailey; in the inter-war Home Counties, the roadhouse, was a sizeable country club style location of entertainment and dancing situated close to arterial roads, in this case the A4. Built in 1933 in the moderne style (modernist with deco features) as a roadhouse and known as the Showboat Roadhouse. The local paper described the attraction as 'The Palm Beach of Maidenhead' and 'in the nature of the latest innovation the roadhouse'. Its features included a large ballroom, a tea room, bathing pool with diving stages, a sunroof, restaurant, billiard room, hairdressing salon and 16 service flats. By 1942 was being used as an officers' club by American servicemen and then later converted to a factory to make Spitfire wings where it has remained in light-industrial use until the present day. The later extensions do not appear to have affected the original structure of the roadhouse greatly with the principle spaces of the former roadhouse still in situ (octagonal lobby, cloakroom, ballroom, tea terrace and basement) and the swimming pool, which had been covered by the factory floor remains largely intact. The Council's Conservation Officers has advised that should Historic England not proceed with the Listing that the existing building is worthy of being designated as a local heritage asset. At the current time the building should be considered as a non-designated heritage asset as it has a degree of significance which should be afforded weight as a material consideration in the decision making process. The Panel will be updated on this matter through the Panel Update pending receipt of further information from Historic England and/or advice from Conservation Officers.

#### Character and Design

- 6.18 The proposed building is raised on piers with the ground floor comprising of under-croft parking and communal facilities, screened by powder coated louvres. The first and second floor, in the form of an 'H'-shape, comprises of residential flats of red-brick and render. There is a third storey also comprising of residential flats, which is stepped back from the two storeys below by approximately 9.3m from the north and southern elevation, 1.5 - 3.5m from the west elevation, and 30m from the east elevation. The third floor and flat roof is proposed to be clad in zinc. The proposed building measures approximately 9m up to the second floor, before stepping up to an overall height of approximately 12m.
- 6.19 The proposed building is fairly substantial, and the height, scale, mass and bulk is considered to be out of keeping with the suburban scaled development on the eastern side of Oldfield Road. The larger scale development on the western side of Oldfield Road is acknowledged but it is considered Oldfield Road segregates the distinct urban town centre to the west and suburban area to the east. Located on the eastern side of Oldfield Road it is considered that the development should relate most to the suburban residential element of the area. Although the building has been designed to break up mass and bulk with stepped heights and elevations it is considered that the proposal would appear out of scale in the locality. This incongruous appearance is reinforced by the proximity of the proposed building to the northern and southern boundary, particularly when viewed from Oldfield Road. When viewed from Oldfield Road, the height of the second floor of the proposed building would be comparable with the ridge height of the adjacent properties to the north at Sadlers Mews and to the south at Springfield Court. However, the flat roof form would be visually bulkier than the neighbouring pitched roof form and the proposed offset from the boundary is considered insufficient to mitigate the visual harm. As such, the proposal is considered to appear overly dominant when viewed in context with these adjoining neighbours, compounding the feeling of too great a building mass for the plot. There are mature trees to the east of the proposed building, on the verge adjacent to The Farthingales, which is owned by RBWM, and the submitted landscaping scheme and Planning Statement indicate this area would be re-landscaped with shrubs, hedges and trees to soften views from The Farthingales. However, there are concerns over the long-term retention of any trees given their proximity to the eastern elevation of the proposed building and the impact of mature trees on outlook, and daylight and sunlight to habitable rooms in the new development. As such, it is considered that tree retention cannot be guaranteed as part of the proposed development and cannot be taken as a mitigating factor in relation to visual amenity. Furthermore, the proposed undercroft parking would create an inactive frontage which would diminish the vibrancy of the streetscape it faces, while the proposed communal amenity spaces would be immediately surrounded by car parking on two sides and a turning area on a third side thereby diminishing their usability and appeal. In light of the foregoing, the proposal is considered to represent poor design, contrary to Local Plan policies DG1, H10 and H11, submission version BLP policies SP1 and SP2 and the NPPF.
- 6.20 It is accepted that the proposed development would be an efficient use of previously developed land, but for the reasons above would unduly compromise the visual quality of the streetscene and wider locality contrary to adopted planning policy.

### **Residential Amenity**

- 6.21 Local Plan Policy H11 states that planning permission will not be granted for schemes which would cause damage to the amenity of the area, Core Principle 4 of the NPPF seeks to secure a good level of amenity for all future occupants. BLP SV Policy HO5 also seeks to secure satisfactory residential amenity for both the proposed accommodation and nearby residential properties but due to the extent of unresolved objections should be allocated limited weight. On balance, the proposal is not considered to result in any undue harm to neighbouring residential amenity for the following reasons.
- 6.22 Oldfield Road separates the site from the properties to the west of Oldfield Road at Burghley Court with a separation distance of approximately 25 metres between the existing and proposed buildings, while The Farthingales separates the site from the properties to the east of The Farthingales with a separation distance of approximately 17 metres. Generally it is considered that a separation distance of around 20 metres back to back for two storey properties is acceptable, this Council has no guidance on this matter at the current time until the Borough

Design Guide SPD is advanced. On balance, given the height of the building and at these distances, the proposal is considered not to result in any undue visual intrusion, loss of light or privacy to these neighbouring properties.

- 6.23 There would be a side-to-side distance of approximately 5m between the proposed building and the existing house at no. 7 Oldfield Road, an offset of approximately 2.5m from the shared boundary, and the proposed building would extend approximately 1m rearwards of the rear elevation at no. 7 Oldfield Road and approximately 6m forwards of the front elevation at a flat-roof height of approximately 9m. Given the limited projection, while the proposal would introduce a visual presence when standing in the rear garden, it is not considered that it would appear visually overbearing. The visual impact of the proposed height, projection and proximity to the shared boundary to the front garden would be more significant, but as front gardens are less sensitive than a private rear garden it is not considered to unduly harm amenity in terms of appearing visual overbearing. Given the siting to the south of no. 7 Oldfield Road, together with the proposed height and mass of the proposal, there is also likely to be some loss of light to no. 7 Oldfield Road, but the resultant harm is not considered significant to warrant refusal in this respect.
- 6.24 There would be a side-to-side distance of approximately 6m between the existing building at Springfield Court and the proposed building (excluding the cycle store), an offset of approximately 2m from the shared boundary, and the proposed building would extend approximately 7m past the west elevation at Springfield Court at a height of approximately 9m. The visual impact of the proposed height projection and proximity to the shared boundary to the communal amenity space would be significant, but given the quality and usability of the existing space the proposal is not considered to unduly harm the level of amenity for the occupants of Springfield Court. Given the siting to north of Springfield Court it is not considered that there would be any significant loss of light to warrant refusal in this respect.
- 6.25 In terms of privacy, proposed windows and balconies to the west elevation would face Oldfield Road and there would be a separation distance of approximately 29m from the front elevation of Burghley Court. Proposed windows and balconies to the east elevation would face The Farthingales and there would be a separation distance of over 30m from the rear elevation of the houses sited opposite the site. As such, there are no privacy concerns to these neighbouring residents. Proposed windows on the western section of the north elevation would face no. 7 Oldfield Road, but would serve a corridor, which is not classified as a habitable room. Proposed windows and balconies on the central section of the north elevation would face the gardens of 1-7 Sadlers Mews but would be offset from the shared boundary by approximately 20m. Proposed windows on the eastern section of the north elevation would face a block of garages. As such, it is considered that there would be no undue loss of privacy from the proposed windows and balconies on the north elevation. Proposed windows on the western section of the south elevation serve a corridor, which is not classified as a habitable room. Proposed windows and balconies on the central and eastern section of the south elevation would face the communal amenity space for Springfield Court but given the quality and usability of the existing space the proposal is not considered to unduly harm the level of amenity for the occupants of Springfield Court.

### **Parking and Highway Safety**

- 6.26 Local Plan Policy T5 requires all new development proposals to comply with adopted highway design standards, Policy P4 states that development proposals are to provide car parking in accordance with adopted car parking standards, while policy T7 requires new development to make appropriate provision for cyclists. In relation to BLP SV Policy IF2, this is allocated limited weight due to the extent of unresolved objections.
- 6.27 At present, there are two existing vehicular accesses to the site onto Oldfield Road. These previously allowed servicing of the site by articulated HGVs and enabled them to enter and leave the site in a forward gear to avoid the need to reverse or turn within the site. It is proposed by the applicant that the two existing points of access will be stopped up and a new single point of access will be constructed central to the site off Oldfield Road. A lay-by is also proposed to the front of the site on Oldfield Road for refuse / delivery vehicles. A Stage 1 Road Safety Audit

concludes that no road safety related issues were identified relating to the close proximity of the existing pedestrian refuge island to the proposed access and lay-by, or any other road safety issues associated with the development. It is recommended that a Section 278 (of the Highways Act 1980) Agreement to cover the construction works for the new access and lay-by is secured by a condition. It should also be noted that a Stage 1/2 Road Safety Audit will subsequently be required, but if recommended for approval this can be submitted as part of S278 Agreement.

- 6.28 A vehicle tracking diagram, drawing ref: 19087-04, shows that two average sized cars (4.5m x 1.8m) can pass each other along the internal roads and proposed access which is considered acceptable.
- 6.29 Drawing number PL210A shows two large refuse stores will remain to serve the site. The refuse strategy states; *“As part of the refuse strategy for the development, it is to be written within the maintenance manual that refuse bins from the rear bin store will be moved to the front bin store, the night before bin collection day. As such there will be no requirement for operatives or residents to exceed recommended distances. Additional storage has been provided in the front bin store to accommodate these additional bins on collection day”*. Drawing ref: 19087-04 shows that a large refuse lorry measuring 9.8m long will be able to manoeuvre to and from the proposed lay-by. This is considered to be acceptable.
- 6.30 With regard to the Council's adopted parking standards and guidance on parking in paragraph 39 of the NPPF, a ratio of 1.5 spaces per unit would be required, equating to 51 car parking spaces for the development (28 x 1.5 x spaces per 2-bed unit plus 9 x 1 space per 1-bed unit). Drawing ref: PL210A shows the required 51 car parking spaces together with an additional 2 disabled bays. Furthermore, all bay dimensions meet Local Authority standards and will have 6m manoeuvrability to the front of each parking bay.
- 6.31 Drawing ref: PL210A shows 36 cycle parking spaces. A semi vertical Neath cycle rack has been proposed but for more easily accessible stands to ensure all age groups can use the cycle facilities it is recommended that Sheffield stands should be provided. Details and approval of cycle parking could be secured by condition, if the application were not recommended for refusal.
- 6.32 The proposal has the potential to generate 130 vehicles movements per day which is not considered to result in an undue impact on local highway infrastructure.

### **Affordable Housing**

- 6.33 Local Plan Policy H3 states that for sites of 0.5ha or over or schemes proposing 15 or more dwellings the Council will seek to secure the provision of 30% of the total units provided on site as Affordable Housing. The BLP SV Policy HO3 states that for sites capable of accommodating over 10 net additional dwellings 30% of the dwellings should be affordable housing, which for a scheme of this size is the same affordable housing requirement. Given the extent of unresolved objections limited weight should be afforded to the BLP SV on this matter. In accordance with the above development plan policy the number of affordable housing units sought would be 11 units
- 6.34 Introduced by Government in 2014 the Vacant Building Credit (VBC) provides a mechanism to 'credit' vacant floorspace against affordable housing requirements as an incentive for development on brownfield sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution. The existing building has been vacant since August 2016 and the applicant has put forward a case for VBC to be applied, thereby reducing the amount of affordable housing contribution to 0.48 units.
- 6.35 The VBC guidance does not expressly define what constitutes 'vacant' or how Local Planning Authorities should determine whether the building has been made vacant for the sole purpose of re-development in which case VBC would not apply. In light of the foregoing, it is not considered that VBC should apply in this case. In the absence of an agreed level of affordable housing provision and a S106 legal agreement to secure affordable housing contribution it is recommended that the proposal is refused on this basis.

**Other Material Considerations**

Ecology

6.36 An ecological appraisal of the site was undertaken in August 2016. The site was recorded as having negligible potential to support roosting bats, badgers, dormice, reptiles, great crested newts or notable invertebrates. No further survey for these species/ groups of species is required.

Sustainable Drainage

6.37 Following negotiation a proposed Surface Water Drainage Strategy and a SUDS Statement has been submitted in February 2018, which indicates from onsite infiltration testing carried out in accordance with BRE365 standards that high infiltration rates are available. The Surface Water Drainage Strategy and SUDS Statement also outlines an acceptable surface water strategy complying with the requirements of the Non-Statutory Technical Standards for Sustainable Drainage Systems. If recommended for approval, details of the surface water drainage scheme for the development including sustainable drainage principles; dimensions, locations, gradients, invert levels, cover levels and other relevant construction details of components; supporting calculations confirming compliance with the Non-Statutory Technical Standards; and maintenance arrangements should be secured by way of a pre-commencement condition.

Housing Land Supply

6.38 Paragraphs 7 and 14 of the National Planning Policy Framework (NPPF) set out that there will be a presumption in favour of Sustainable Development. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development, and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites. It is acknowledged that this scheme would make a contribution to the Borough’s housing stock however the Council’s position is that it has a 5 year housing land supply. This further reinforces the in principle objection in the development plan to the loss of employment land.

**COMMUNITY INFRASTRUCTURE LEVY**

7.1 In line with the Council’s Charging Schedule the proposed development would be CIL liable. The required CIL payment for the proposed development would be £100 per square metre on the chargeable floor area if the proposal is subsequently approved. No further action at this stage is necessary.

**8. CONSULTATIONS CARRIED OUT**

**Comments from interested parties**

109 occupiers were notified directly of the application, the planning officer posted a notice advertising the application at the site, and the application was advertised in the Maidenhead & Windsor Advertiser on 31 August 2017.

4 letters were received commenting on the application, summarised as:

Comment		Where in the report this is considered
1.	If existing trees and shrubs are removed these should be replaced, particularly to the rear of the building facing Farthingales. The trees should be of a density and maturity to screen the development, light and noise pollution.	Para . 6.19
2.	Requests confirmation that the parking area which runs parallel with The Farthingales is secure and accessed from the stairwell points on the north and south sides rather than from the rear of the	There is a stairwell (stair 2) serving the row of car parking spaces parallel with The Farthingales. There is no obvious harm in terms

	development.	of neighbouring amenity or visual amenity as a result of this and therefore no objection.
3.	It is unclear whether it is completely open or if there is a solid wall to the back (facing The Farthingales). If open it should be considered that this could be a safety hazard should anyone step out from the parking spaces onto The Farthingales road.	No access is proposed from The Farthingales.
4.	Farthingales estate should be protected from possible future requests for alternative access and rights to parking permits in zone TF, and therefore these should be prohibited as part of any approval	New access to/from The Farthingales does not form part of this application, and if proposed in the future would be subject to planning permission.
5.	Red-line plan differs from Land Registry Records.	Red-line Plan can include land not under the ownership of the applicant and differing planning units.
6.	The strip of land on the same side of Farthingale Road is neglected and welcomes the improvement of this section, however disappointed that there is no undertaking to improve the whole section of the entire strip. Questions who owns this land and who is responsible for maintenance.	Para. 6.19
7.	Clarification required on what is happening to the pedestrian route from The Farthingales via Sadlers Mews to Oldfield Road	This pedestrian route lies outside of the application site and no alterations are proposed as part of this application.

5 letters (excluding 1 anonymous letter, and including 1 from the Maidenhead Civic Society) were received objecting to the application, summarised as:

Comment		Where in the report this is considered
1	Additional traffic resulting in congestion and inadequate parking provision resulting in additional parking pressures. No parking permits should be a condition of any approval to mitigate impact on existing residents.	Para. 6.25 – 6.31
2	Overdevelopment of the site due to disproportionate building which is built right up the site boundary, resulting in an incongruous development.	Para. 6.18 – 6.20
3	Flats are out of keeping with housing on the eastern side of Oldfield Road, and family houses are needed more than flats.	The Council's HELAA identifies a need for flats and houses, which the proposal would contribute to.
4	A number of apartments fall below the minimum national standards in terms of size / room sizes.	National Standards are not linked to any Local Plan policy and therefore not applicable.
5	Overbearing to neighbouring properties due to scale and of the building and proximity to site boundaries.	Para. 6.21 – 6.25
6	Loss of privacy for houses on The Farthingales and Lantern Walk from proposed windows and balconies. Balconies on 4 corner (units 14, 17, 31, 34) would impact privacy to houses on Lantern Walk.	Para. 6.21 – 6.25
7	Loss of trees has not been justified.	Para. 6.19



8	Drainage and utilities are at capacity and cannot accommodate a further 37 flats.	Not a material planning consideration.
9	There should be no access on eastern side of the development as part of this proposal or in the future as The Farthingales should not be expected to absorb any increase in vehicles and pedestrians as a result of the development.	New access to/from The Farthingales does not form part of this application, and if proposed in the future would be subject to planning permission.

### Other consultees

Consultee	Comment	Where in the report this is considered
Environment Agency	Considers planning permission could be granted subject to a condition requiring the development to be carried out in accordance with the approved Flood Risk Assessment including the mitigation measures relating to flood storage and finished floor levels detailed in the Flood Risk Assessment, and provided that there is no raising of existing external ground levels on site. It is for the Local Planning Authority to assess whether the development passes the sequential test and that a satisfactory route of safe access and egress is achievable.	Para. 6.5 – 6.15
Environmental Protection	No objection subject to conditions relating to a construction environmental management plan and air quality assessment, and informatives relating to noise, dust and smoke control and contaminated land	Noted.
Ecology	The site was recorded as having negligible potential to support roosting bats, badgers, dormice, reptiles, great crested newts or notable invertebrates. If approved recommends condition relating to biodiversity enhancements and informative relating to breeding birds.	Para. 6.36
Highways	No objection subject to conditions relating to the stopping up of the existing access, details of the new access, a construction management plan, vehicle parking and turning, visibility splays, cycle parking, and refuse bin and recycling provision, and standard highway informatives.	Para. 6.25 – 6.31
Lead Local Flood Authority	No objection subject to conditions relating to full details of the proposed surface water drainage system.	Para. 6.37
Parish Council	There should be at least one apartment building built to 'Accessible and Adaptable' standards.	If approved the proposal would be subject to building regulations, Part M.

## 9. APPENDICES TO THIS REPORT

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

## 10. RECOMMENDED FOR REFUSAL

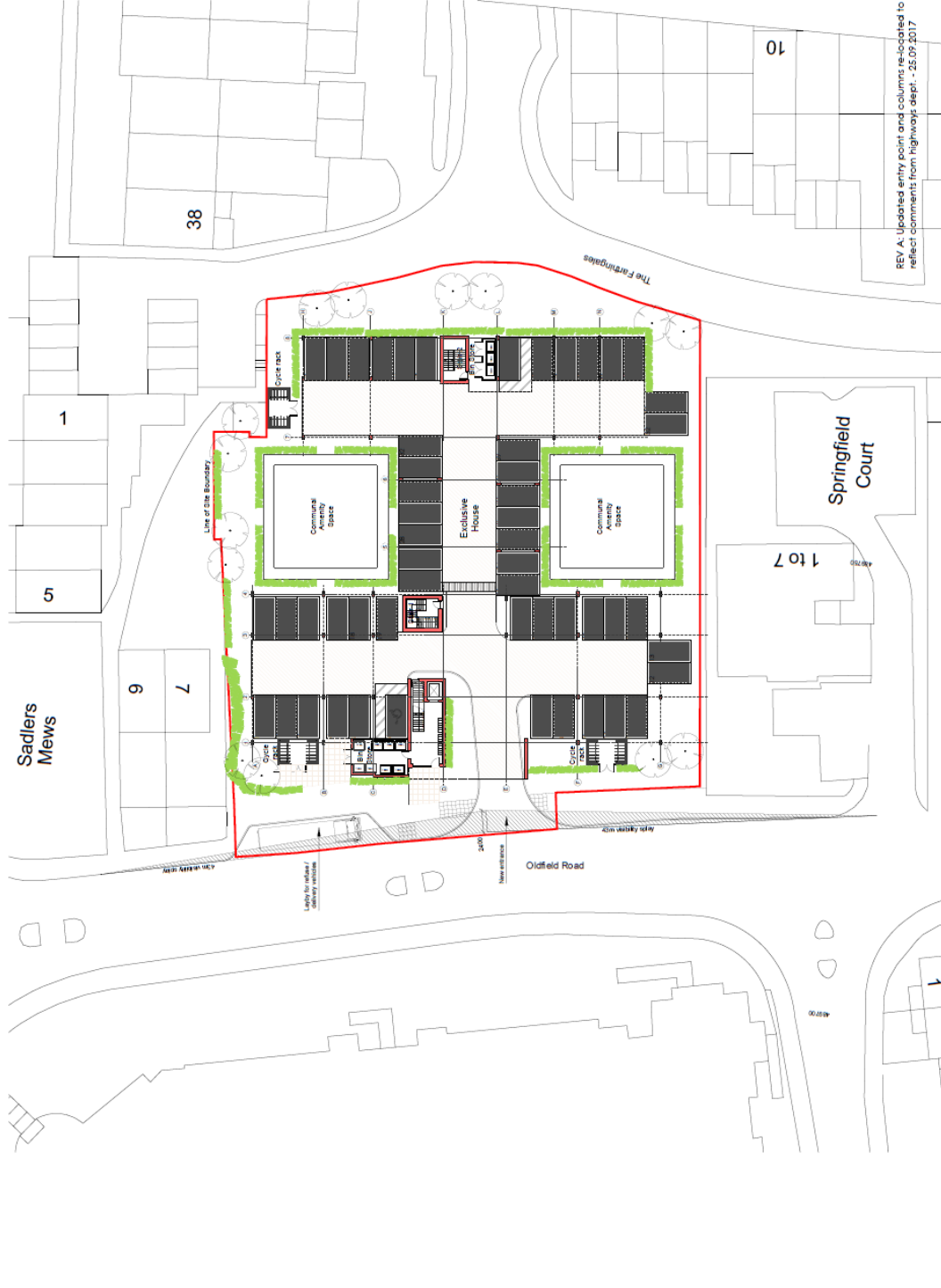
- 1 In the absence of any site specific marketing evidence for employment generating uses, the proposal fails to demonstrate that there is no reasonable prospect for the site to be used for such purpose that would justify the loss of this designated employment land. The proposal would therefore adversely impact the economic development needs of the Borough and the need for different land uses to support sustainable communities, contrary the National Planning Policy

Framework, policies E2, and E5 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations June 2003), and policy ED3 of the submission version Borough Local Plan (2018).

- 2 The proposal has failed to demonstrate that it would lead to wider sustainability benefits to the community that would outweigh the identified flood risk or that the development would be safe for its lifetime taking account of the vulnerability of its users without increasing flood risk elsewhere. The proposal is therefore contrary to the National Planning Policy Framework and policy F1 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations June 2003).
- 3 By reason of its siting, design, form height, scale and bulk, the proposed building would appear out-of-scale and as an incongruous form of development, which is contrary and harmful to the character and appearance of the streetscene and the wider area. The proposal is therefore contrary with the National Planning Policy Framework, policies DG1, H10, and H11 of the Adopted Royal Borough of Windsor and Maidenhead Local Plan (Incorporating alterations adopted June 2003), and policies SP1 and SP2 of the submission version Borough Local Plan (2018).
- 4 In the absence of a S106 legal agreement, the proposal fails to secure a satisfactory level of affordable housing provision, contrary to the National Planning Policy Framework and policy H3 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations June 2003).

Appendix A – Location Plan and Site Plan





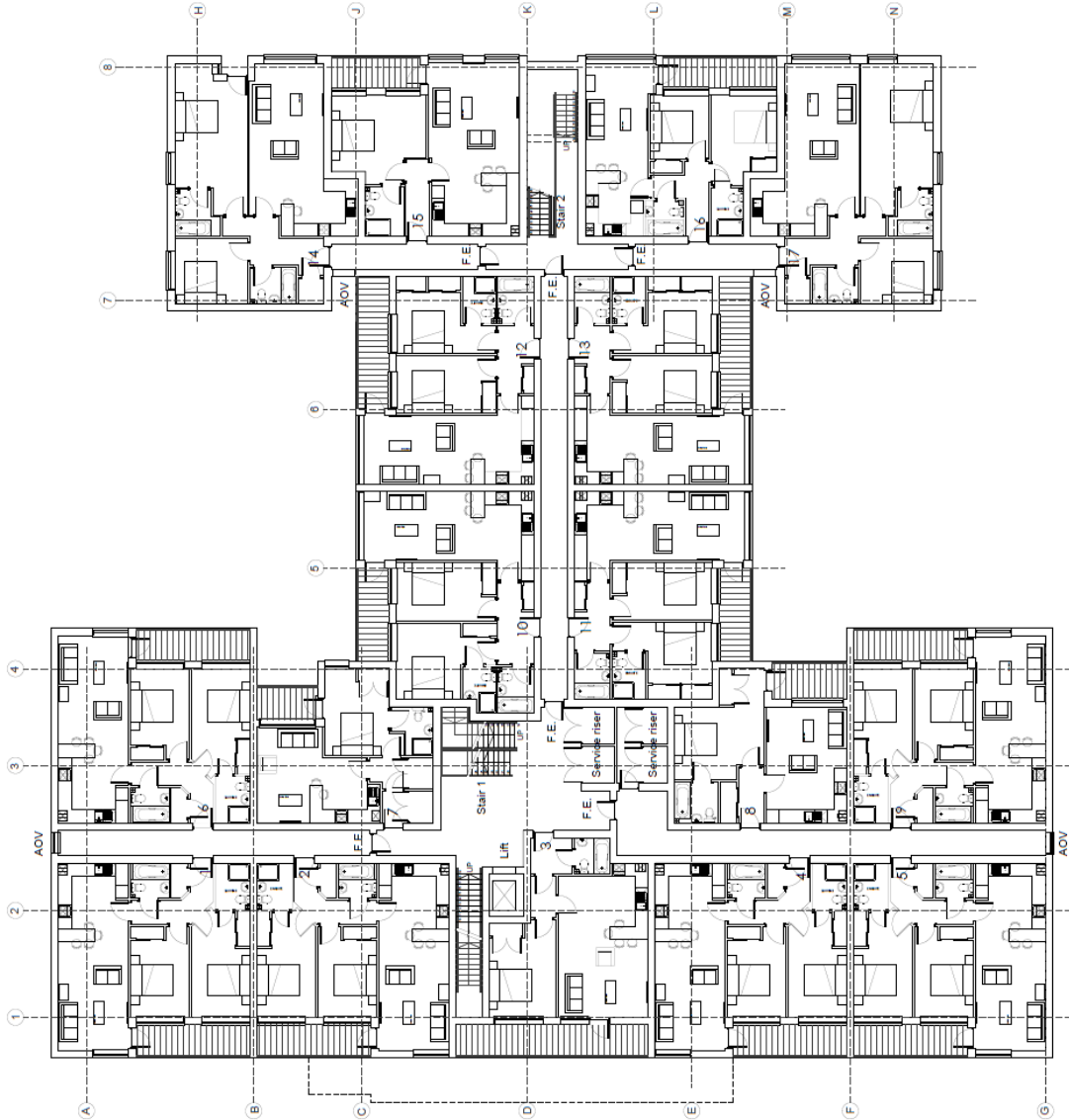
REV A: Updated entry point and columns re-located to reflect comments from highway dept. - 25.09.2017

- Pavement
- Road
- Cycleway
- Footway
- Boundary - PT
- Boundary - ST

1:200  
0 2.5 5 10 15m  
JSA ARCHITECTS  
100, The Quadrant, Oldfield Road, Maidenhead, SL2 4JF  
01628 535555  
www.jsaarchitects.co.uk  
25.09.2017  
MAY 2017

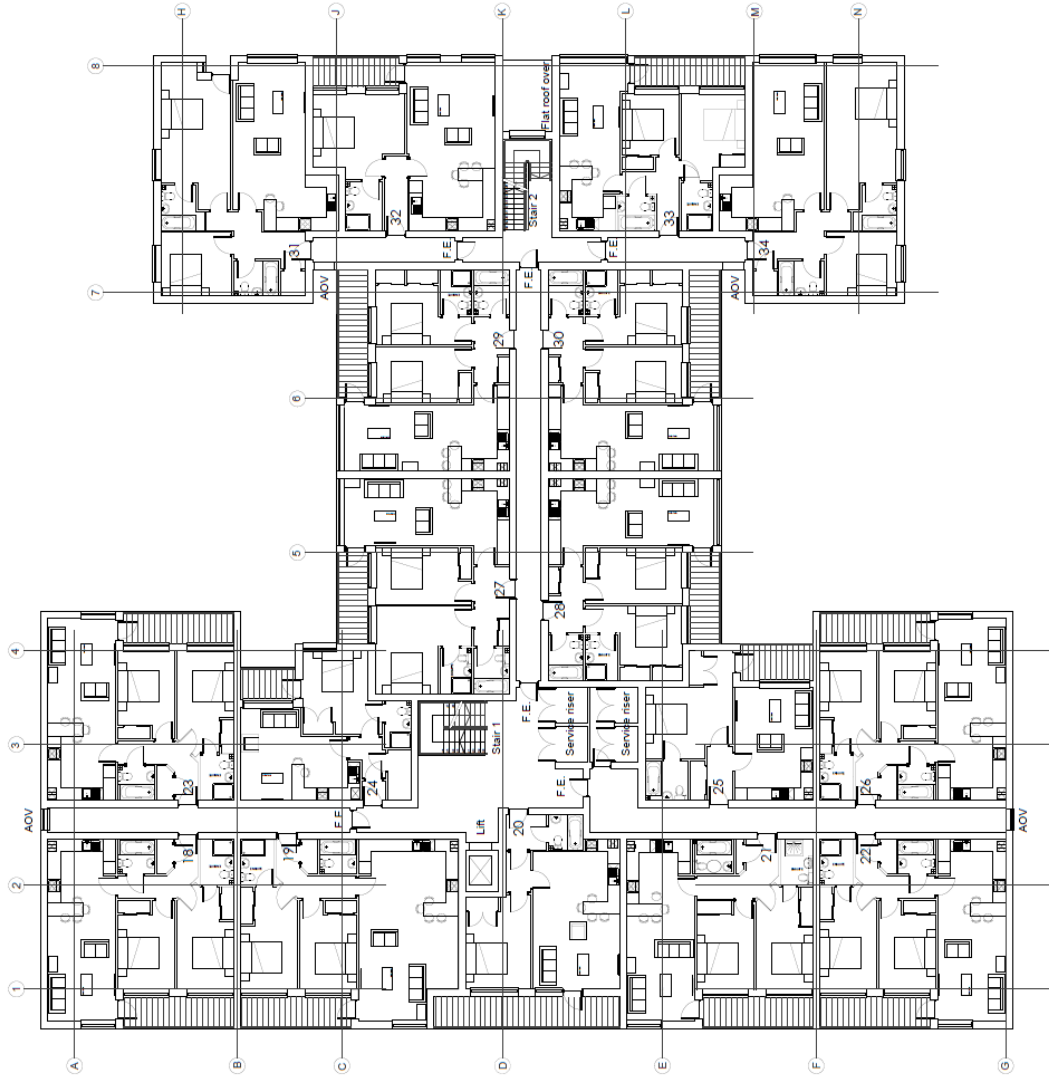
Appendix B – Proposed Plans and Elevations





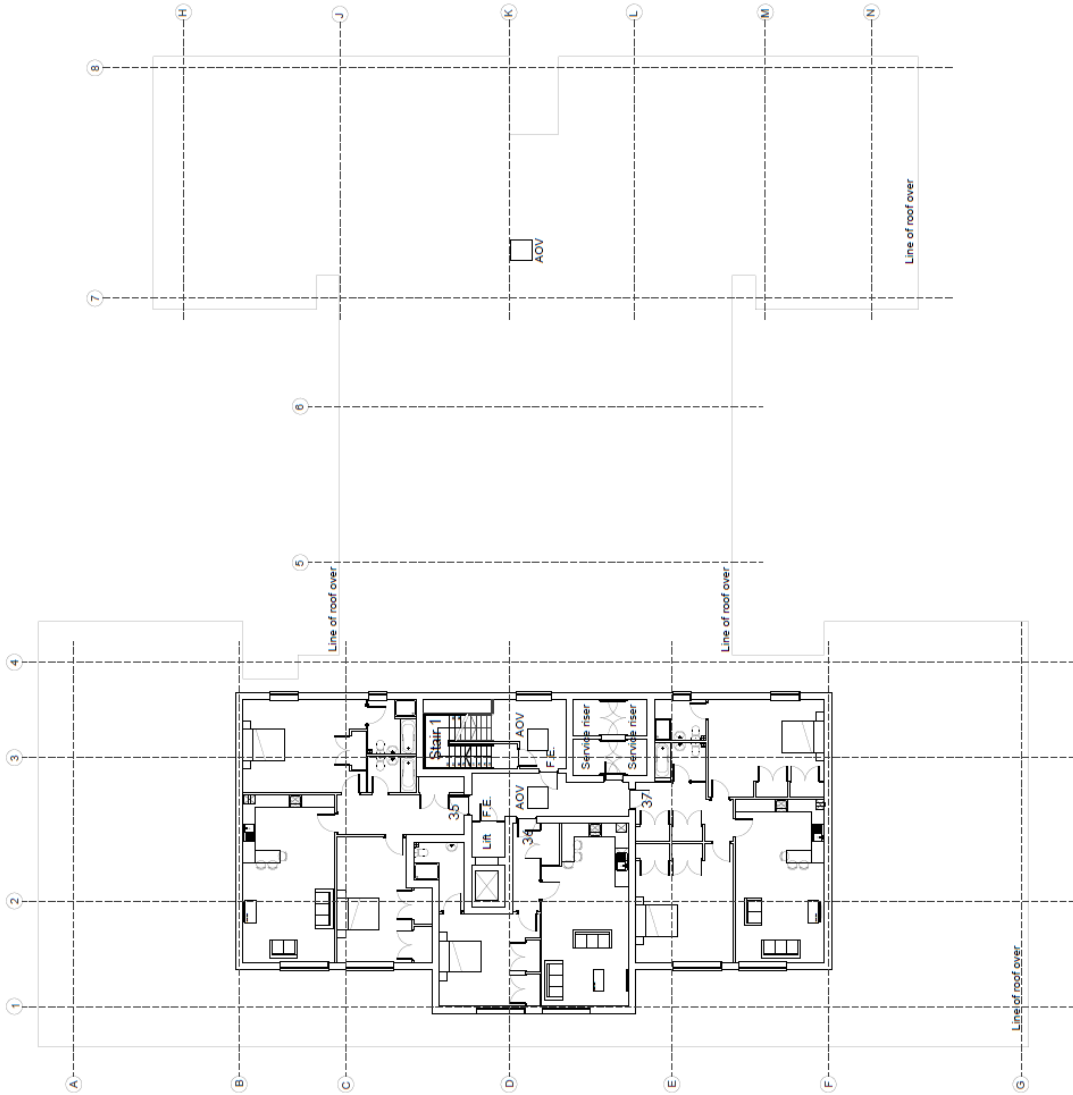
ACCOMMODATION SCHEDULE	
FLAT No.	Bedrooms
1	3
2	3
3	3
4	3
5	3
6	3
7	3
8	3
9	3
10	3
11	3
12	3
13	3
14	3
15	3
16	3
17	3

■ FB Maidenhead Ltd  
 ■ Exclusive House, Old Field Road, Maidenhead  
 ■ First floor Plan  
 PRE-HM  
 Project PL211  
 Draw No. 101  
 Date MAR 2017  
 Checked by JT



ACCOMMODATION SCHEDULE	
Residence	Area (m <sup>2</sup> )
18	70.35m <sup>2</sup>
19	70.35m <sup>2</sup>
20	70.35m <sup>2</sup>
21	70.35m <sup>2</sup>
22	70.35m <sup>2</sup>
23	70.35m <sup>2</sup>
24	70.35m <sup>2</sup>
25	70.35m <sup>2</sup>
26	47.95m <sup>2</sup>
27	70.35m <sup>2</sup>
28	70.35m <sup>2</sup>
29	88.27m <sup>2</sup>
30	88.27m <sup>2</sup>
31	88.27m <sup>2</sup>
32	81.30m <sup>2</sup>
33	80.00m <sup>2</sup>
34	52.45m <sup>2</sup>

■ 1st Floor  
 ■ 2nd Floor  
 ■ 3rd Floor  
 ■ 4th Floor  
 ■ 5th Floor  
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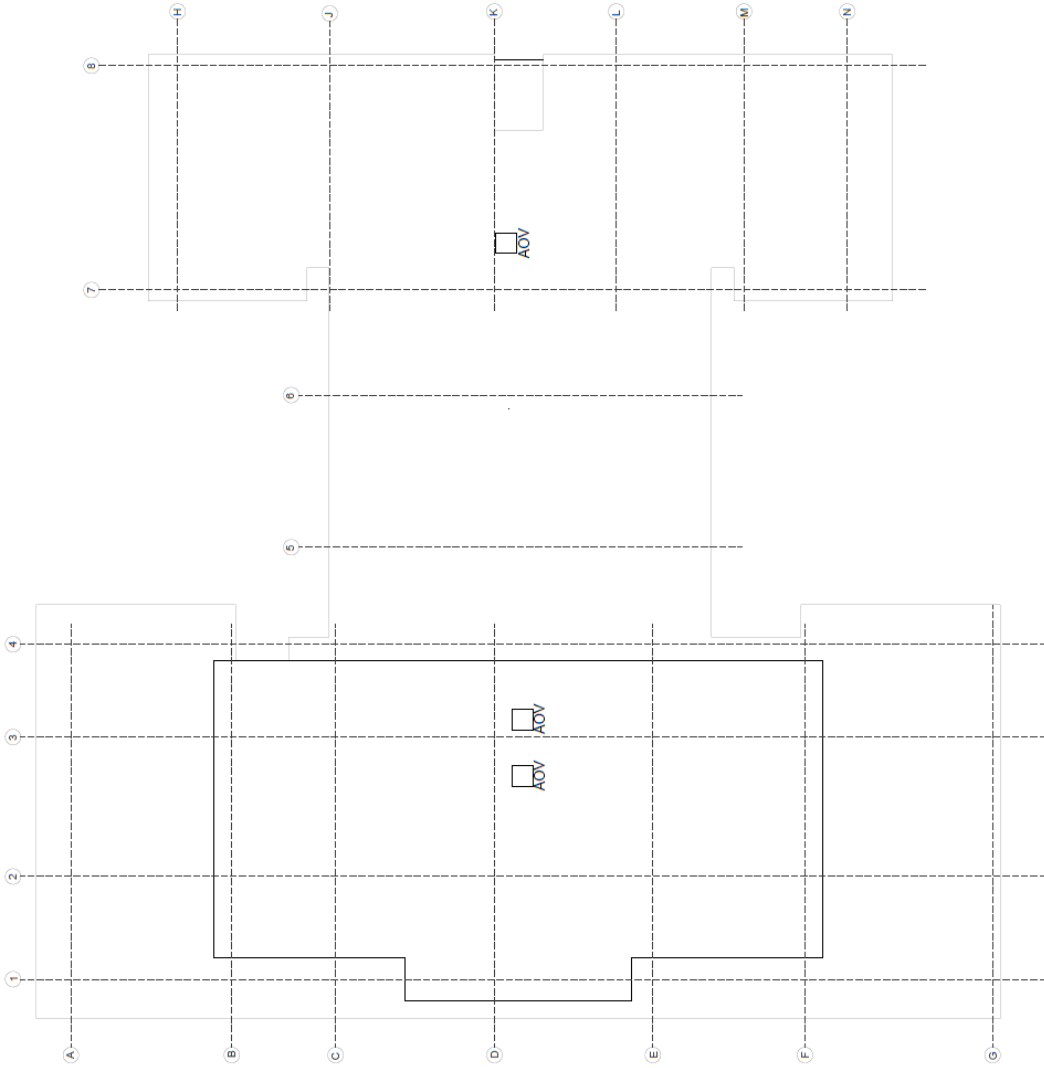


FLAT No.	bedrooms	G.L.A.
36	2	81.00m <sup>2</sup>
37	2	81.00m <sup>2</sup>



■ PB Maidenhead Ltd  
 ■ Enclave House, Old Field Road, Maidenhead  
 ■ 36/37/F48  
 ■ Project: PBEHM  
 ■ Date Issued: 11/02/14  
 ■ Date: MAR 2017  
 ■ Drawn by: JT



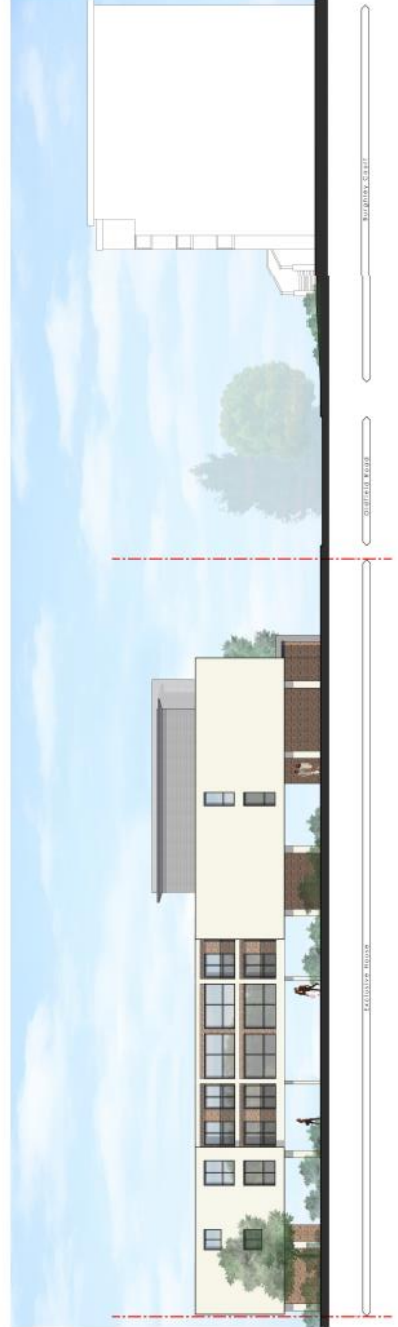


■ FB Maidenhead Ltd  
 ■ Exclusive House, Old Field Road, Maidenhead  
 ■ Ref: JSR  
 ■ Date: MAR 2017  
 ■ Drawn by: JT

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Proposed West Elevation



Site Section B-B

REV A: Updated elevations to reflect comments from highways dept - 06.10.2017



- Project: Maidenhead
- Client Name: PR 400A
- Site: Old Field Road, Maidenhead
- Phase: Proposed West Elevation
- Date: 10/10/2017
- Drawn by: JT



Proposed East Elevation



Site Section: D-D

REV A: Updated elevations to reflect comments from  
 Highways dept - 06.10.2017



- PB Maidenhead Ltd
- Exclusive Houses, Old Field Road, Maidenhead
- Shropshire Branch
- Shropshire City
- Cransley JT

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

**BOROUGHWIDE DEVELOPMENT MANAGEMENT PANEL**

13 June 2018

Item: 2

<b>Application No.:</b>	17/03036/FULL
<b>Location:</b>	Former British Gas Site Bridge Road Ascot
<b>Proposal:</b>	Demolition of two existing redundant cottages and redevelopment of the former Sunninghill Gasworks site to provide 53 residential houses, 24 residential apartments and 4 residential coach houses (Class C3) including the provision of new pedestrian and vehicular accesses and routes, car parking, landscaping, open space, remediation and associated works.
<b>Applicant:</b>	Mr Simons
<b>Agent:</b>	Not Applicable
<b>Parish/Ward:</b>	Sunninghill And Ascot Parish/Sunninghill And South Ascot Ward
<b>If you have a question about this report, please contact:</b> Adam Jackson on 01628 796660 or at adam.jackson@rbwm.gov.uk	

**5 SUMMARY**

- 1.1 The application site is identified for housing within the Ascot, Sunninghill and Sunningdale Neighbourhood Plan and the Borough Local Plan Submission Version which envisages 53 residential units on the site. The proposed development, at 81 units, is in excess of this number, however, there are currently unresolved objections in relation to the housing allocation policies in general and as such limited weight is given to policy HA35 of the BLP.
- 1.2 The application site is heavily contaminated. Whilst the type of contaminants on site are known and also that they are widespread, further detailed quantitative risk assessments are required to fully characterise the contaminants on site, in order to ensure that decontamination/remediation work is carried out to the necessary standard to make the site safe for residential use. A contaminated land specialist will also need to oversee the development and this will be secured via a s106 legal agreement. To date no such agreement is in place. Environmental Protection has confirmed that from the information submitted it is clear that to make the site suitable for residential use substantial decontamination must take place and that existing on site trees will not survive this process due to the need to remove/move and treat large quantities of soil. The loss of the trees is accepted as being necessary, however, currently the replacement landscaping scheme proposed is not strong enough to offset this harm. The proposal also fails to provide a green space which amounts to 15% of the site as required by the Neighbourhood Plan.
- 1.3 The proposed development is considered to be of poor design and does not fit in with the character of the surrounding area, furthermore the development offers poor connectivity through the site to Sunninghill High Street and the surrounding areas. The area to the north of the site is of particularly poor design with the entrance to the site being into a car park and the flatted buildings, which do not respect the Victorian character of Bridge Road, turning their back on and integrating poorly with the rest of the site.
- 1.4 It is considered that the future occupiers of the dwellings would be provided with a good standard of amenity and the layout of the development ensures that there will be no significant impact to the amenities of existing residents. There is a conflict between plots 6 and 7 within the south west corner of the site where number 7 would be directly adjacent to number 6's garden, thereby having an overbearing impact, and number 6 would be directly adjacent to and appear overbearing to number 7's balcony, which is their only outdoor amenity space and is the primary source of light into the main living area of this property.
- 1.5 The application is supported by an affordable housing statement which sets out that 24 of the 81 (30%) of the dwellings on site will be classed as affordable (shared ownership). Further

discussions are taking place as to the tenure type that would be acceptable. Notwithstanding this, in order to secure this affordable housing it is necessary for a legal agreement to be in place between the Council and the applicant. This agreement has not been secured.

- 1.6 The proposal to provide a second access into the site through Cavendish Meads thereby splitting the traffic is supported. The applicant has through the use of TRICS data, surveys and a PICADY assessment demonstrated that the junction formed by Cavendish Meads and Bagshot Road and the junction formed by Bridge Road and the High Street can accommodate the additional extra traffic. It is proposed to provide 200 spaces. This is more than required under the Borough's current parking standards (179) leaving an additional 12 spaces for use by the Bridge Road residents and 9 visitor spaces across the site. Suitable provision has also been made for cycle and refuse storage facilities, however, it has not been demonstrated that a 10.96m refuse vehicle can safely manoeuvre around the site.
- 1.7 The applicant has demonstrated using the biodiversity toolkit that the development would offer a net gain in biodiversity across the site as long as all the habitats proposed including woodland, scattered trees, scrub, grassland and brown roofs are included. All the proposed habitats take between 5 and 10 years to establish and in order for the habitats to meet their target habitat condition of good over this timescale, a detailed Landscape and Ecology Management Plan (LEMP) should be provided detailing the creation, maintenance and management of the habitats and other enhancements for a period of at least 10 years. Replacement planting is also proposed along the north boundary contributing to the secondary green corridor.
- 1.8 A drainage strategy has been submitted with the application, however, the Lead Local Flood Authority who are the statutory consultee on these matters have raised a number of concerns with the contents of this strategy. Insufficient information has been submitted to demonstrate that surface water and drainage can be satisfactorily managed on site.
- 1.9 The application site is within 5km of the Thames Basin Heaths Special Protection Area and as such it is necessary to mitigate against the likely negative impacts from increased visitor and recreational pressure. The applicant has stated that their intention is to make a financial contribution to the Council's SANG which is Allen's field. Allen's field is reaching near to capacity taking into account the allocated sites coming through the plan making process. Given that the proposed number of units far exceeds the 53 allocated in the emerging plan Allen's field cannot be relied upon to mitigate the number of units which exceed this figure. Alternative mitigation is therefore necessary for the remaining 28 units proposed. Notwithstanding the above in order to secure the necessary mitigation a S106 legal agreement will need to be put in place; at the time of writing there is no such agreement.

**It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 10 of this report):**

1.	The application site sits between the townscape areas of 'Victorian Villages', 'Post War Suburbs' and 'Executive Residential Estates'. The development due to the design of the dwellings and the density and layout of the development does not assimilate well with the characters of these surrounding areas. The proposed development also lacks connections through the site and does not integrate well with Sunninghill High Street and the surrounding area.
2.	The area to the north of the site and accessed from Bridge Road is of poor design. The flatted developments turn their backs on and are not fully integrated with the rest of the development. Furthermore the design of the flats fails to reflect the Victorian character of Bridge Road resulting in an incongruous form of development.
3.	The landscaping scheme proposed is insufficient to offset the substantial loss of onsite trees. The loss of the trees on site is harmful to the character and appearance of the area and a stronger more integrated landscaping scheme is necessary to mitigate for this. required by the Neighbourhood Plan.
4.	The dwelling proposed on plot 7 would have an unacceptable overbearing impact on the garden space of the plot 6 dwelling. Equally the dwelling on plot 6 would have an unacceptable overbearing impact on the balcony of plot number 7 and would result in a significant loss of light into the front of this property.

5.	The application site is heavily contaminated and as such it is necessary for significant decontamination to take place prior to the use of the site for residential purposes. It is necessary for a contaminated land specialist to oversee the decontamination and development of the site. Financial contributions from the applicant are necessary to cover the cost of this which will need to be secured via a S106 agreement. These financial contributions have not been secured.
6.	The developer has stated that they will be providing 30% on site affordable housing which is in compliance with local standards, however, a S106 agreement is required to secure this. No such agreement is in place and further discussion and taking to place as to whether 100% shared ownership is acceptable.
7.	The application is classified as a major and as such it is necessary for a fully detailed drainage strategy to be submitted. A drainage strategy has been submitted, however, the Lead Local Flood Authority who are the statutory consultee on these matters have raised a number of concerns with the contents of this strategy. Insufficient information has been submitted to demonstrate that surface water and drainage can be satisfactorily managed on site.
8.	The applicant has stated that their intention is to make a financial contribution to the Council's SANG which is Allen's field. The number of new dwellings which can rely on Allen's Field, however, is limited. For housing allocation sites therefore the Council can only allow Allen's field to be relied upon for the number of units proposed within the site allocation, which in this case is 53. Alternative mitigation is therefore necessary for the remaining 28 units proposed. Notwithstanding the above in order to secure the necessary mitigation a S106 legal agreement will need to be put in place; at the time of writing there is no such agreement.
9.	The proposal also fails to provide a green space which amounts to 15% of the site area as required by the Neighbourhood Plan.

## 2. REASON FOR PANEL DETERMINATION

- 2.1 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 is located at the end of Bridge Road which is accessed via Sunninghill High Street. The site has historically been used as a Gas Holder site, and was decommissioned 4 years ago. The site has already undergone some remediation work in recent years, however, additional remediation will be required to decontaminate the site to a level acceptable for residential development. The site is one of 8 strategic sites identified in the Ascot, Sunninghill and Sunningdale Neighbourhood Plan as being suitable for housing and is also identified as a housing allocation site in the Borough Local Plan Submission Version in which it is envisaged to provide approximately 53 residential units.
- 3.2 The site is 2.36 hectares and is surrounded by existing residential development to the east, south and west. To the east and North West are the Victorian properties of Bridge Road and beyond that the High Street. To the south is Cavendish Meads a modern development within the 'Post War Suburbs' townscape area and to the west a less densely populated section of Cavendish Meads within the 'Executive Residential Estates' townscape area. The application site itself sits within the 'Industrial and Commercial Estates' townscape area. To the North is the railway line and along the embankment and part of the northern edge of the site is a secondary green corridor designed to provide connectivity for wildlife between local wildlife sites and other significant habitat areas. To the south west of the site is a playing field currently used by St Michael's CofE Primary School.
- 3.3 On the site itself are a number of protected trees including the rows of trees along the north and east boundaries and a copse in the south west corner of the site. In the north east corner is an electrical substation building which does not form part of the application site and as such is to be retained. The rest of the site is largely clear.

3.4 The site is currently accessed from Bridge Road with a new access proposed from Cavendish Meads. The site is not provided with strong public transport links as Sunninghill is located between Ascot and Sunningdale Train Stations and bus services are infrequent.

#### 4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

4.1 The proposal is for 81 residential units split into; 53 residential dwellings, 24 residential apartments (across 2 blocks) and 4 residential coach houses. The proposal will involve the creation of a new vehicular access via Cavendish Meads as well as new parking and pedestrian and vehicular routes through the site, the creation of new public open space and landscaping and the decontamination of the site. 2 existing residential properties in the north west corner of the site are to be demolished.

4.2 The type of houses vary across the site with the larger detached and semi-detached properties set more spaciouly within the southern part of the site around the green and more compact terraced properties to the north. The majority of properties on the site are 3 storeys tall with the heights of buildings ranging from approximately 10.7 to 11.2m tall. Each property will be provided with either a garage or parking spaces (split between the front of properties and parking courts to the rear and side of properties) and small garden spaces to the rear of properties. The housing within the site is accessed via the proposed Cavendish Meads access and there is no vehicular link through to the apartment buildings on the north of the site.

4.3 The proposed apartment buildings are located to the north of the site. Block A has a maximum height of 13.8m is 3 storeys tall and has 12 flats (4 flats per floor) with 6 x 1 bedroom flats and 6 x 2 bedroom flats. Block B is 12.8m tall, is 3 storeys tall, has a crown roof and has 12 flats (4 flats per floor) with 8 x 1 bedroom flats and 4 x 2 bedroom flats. The flats are not provided with any private outdoor amenity space, however, the flats at first floor and above are provided with small balconies and the ground floor flats have doors that open out into communal green space. 35 parking spaces are provided for the flats in a shared car park. Space for refuse and recycling and cycle stores are also provided within this area. The flats are accessed via Bridge Road and there is no vehicular link through to the remainder of the site from this area.

#### Planning history

Ref.	Description	Decision and date
01/80362/TLDDT	Application for determination as to whether prior approval is required for the siting and appearance of a 15m high shareable lattice tower with 6 cellular antenna and associated ground based equipment cabin at entrance of gas depot.	No objection – 16.02.2001
13/03062/FULL	Remediation works, including removal and disposal of materials and the creation of boreholes.	Permitted – 17.01.2014
14/00475/CONDIT	Details required by condition 3 (Construction and Environmental Management Plan) of planning permission 13/03062 for remediation works, including removal and disposal of materials and the creation of boreholes.	Approved – 10.04.2014
14/00705/CONDIT	Details required by condition 2 part 3 (implementation of Approved Remediation Scheme) of planning permission 13/03062, Remediation works, including removal and disposal of materials and the creation of boreholes.	Approved – 26.03.2014
14/01087/CONDIT	Details required by condition 2 part 1 (site	Approved - 14.05.014

	investigation and risk assessment) and part 2 (remediation scheme) of planning permission 13/03062 for remediation works, including removal and disposal of materials and the creation of boreholes.	
14/01565/VAR	Remediation works, including removal and disposal of materials and the creation of boreholes as approved under planning permission 13/03062 without complying with condition 2 part 5 (Long Term Monitoring and Maintenance) so that this part of the condition is removed.	Withdrawn – 10.06.2014
14/04161/SHLAA	SHLAA: Gasholder site, Sunninghill	N/A
15/01063/CONDIT	Details required by condition 2 parts 3 (Implementation of Approved Remediation Scheme), 4 (Unexpected Contamination) and 5 (Long Term Monitoring and Maintenance) of planning permission 13/03062/FULL – Remediation works, including removal and disposal of materials and the creation of boreholes.	Approved - 03.07.2015
17/01482/FULL	Environmental improvement works (remediation) to the decommissioned below ground electrical cable route corridor.	Permitted – 04.10.2017

## 5. MAIN POLICIES RELEVANT TO THE DECISION

### National Planning Policy Framework

#### 5.1 National Planning Policy Framework sections;

- 6 – Delivering a wide choice of high quality homes
- 7 – Requiring good design
- 8 – Promoting healthy communities

### Royal Borough of Windsor and Maidenhead Adopted Local Plan

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

Issue	Local Plan Policy	Compliance	
Design in keeping with character of area	DG1, H10, H11		No
Affordable housing	H3		No
Car parking	P4	Yes	
Highway safety	T5	Yes	
Cycle parking	T7	Yes	
Archaeology	ARCH3	Yes	
Pollution	NAP3	Yes	
Drainage and surface water	NAP4		No
Trees important to the area	N6		No



The Council's planning policies in the Local Plan can be viewed at:  
[https://www3.rbwm.gov.uk/downloads/download/154/local\\_plan\\_documents\\_and\\_appendices](https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices)

### Ascot Sunninghill and Sunningdale Neighbourhood Plan

Issue	Local Plan Policy	Compliance	
Respecting the townscape	NP/DG1		No
Density, footprint, separation, scale, bulk	NP/DG2		No
Good quality design	NP/DG3		No
Parking and access	NP/T1	Yes	
Cycle routes	NP/T2		No
Trees	NP/EN2		No
Biodiversity	NP/EN4	Yes	
Green Corridors	NP/EN5	Yes	
Development briefs	NP/H1	Yes	
Mix of housing types	NP/H2	Yes	
Gasholder site	NP/SS7		No

### Borough Local Plan: Submission Version

Issue	Local Plan Policy	Weight Afforded
Design in keeping with character of area	SP2, SP3	Significant
Infrastructure and developer contributions	IF1	Significant
Sustainable transport	IF2	Significant
Green and blue infrastructure	IF3	Significant
Open space	IF4	Significant
Housing development sites	HO1	Limited
Housing mix and type	HO2	Limited
Provision of affordable housing	HO3	Limited
Housing density	HO5	Limited
Trees, woodlands and hedgerows	NR2	Limited
Nature conservation	NR3	Significant
Thames Basin Heaths Special Protection Area	NR4	Significant
Environmental protection	EP1	Significant
Air, light and noise pollution	EP2, EP3, EP4	Significant
Contaminated land and water	EP5	Significant
Gas holder site, housing allocation site	HA35	Limited

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 Borough Local Plan Submission Version 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 document can be found at:

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

#### **Other Local Strategies or Publications**

- RBWM Townscape Assessment – view at: [http://www.rbwm.gov.uk/web\\_pp\\_supplementary\\_planning.htm](http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm)

- RBWM Parking Strategy – view at:  
[http://www.rbwm.gov.uk/web\\_pp\\_supplementary\\_planning.htm](http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm)
- RBWM Thames Basin Heaths Special Protection Area, Supplementary Planning Document – view at:  
[https://www3.rbwm.gov.uk/downloads/file/3227/thames\\_basin\\_heaths\\_special\\_protection\\_area\\_spd](https://www3.rbwm.gov.uk/downloads/file/3227/thames_basin_heaths_special_protection_area_spd)

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

In this case the issues have not been successfully resolved.

## 6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i. The principle of development of the site for residential use
- ii. Decontamination of the site and the loss of trees
- iii. Scale, site layout, building design and landscaping
- iv. Impact on residential amenity and the amenities of future residents
- v. Provision of affordable housing
- vi. The adequacy of car parking and the impact on highway safety
- vii. Impact on biodiversity
- viii. Impact on drainage and surface water
- ix. Impact on the Thames Basin Heaths Special Protection Area
- x. Other material considerations

### **The principle of development of the site for residential use**

6.2 The application site is the Former British Gas site at the end of Bridge Road, Sunninghill. The site is one of the strategic sites set out in the Ascot, Sunninghill and Sunningdale Neighbourhood Plan (Neighbourhood Plan) and is identified as being suitable for housing and/or for a use by St. Michael's School by policy NP/SS7. The intent of this policy is:

- To actively support the redevelopment of the Gas Holder site.
- To minimise the impact on Sunninghill High Street from the likely increases in traffic movements.
- To ensure that site accesses are safe, viable and do not adversely impact on the amenity of residents and businesses along them.
- To ensure a mix of dwellings, appropriate for the area, with a strong preference for houses over flats.
- To avoid exacerbating the congestion and existing shortage of parking in Sunninghill.
- To deliver a publicly accessible open green space for the community.
- To improve cycle and pedestrian routes in the area.
- To support the possibility of moving St Michael's school to a new building on this site.

Policy NP/SS7.1 also sets out that any development proposals for the site must encompass the entire area, and that development proposals must be in accordance with a development brief which is in line with the requirements of policy NP/H1, and accompanied by a statement of community consultation which meets the criteria set out in appendix D of the Neighbourhood Plan. These requirements have been met. The compliance of the application with the rest of the policy requirements for the site and the intent of the policy as set out above is discussed within the relevant sections of this report below.

6.3 The site is also identified within the Borough Local Plan Submission Version (BLP) as a potential housing allocation site. Policy HA35 of the BLP sets out that the site is suitable for approximately 53 residential units and sets out the requirements for any development on the site which are as follows:

- Retain existing mature trees
- Provide appropriate mitigation measures to address the impact of noise and air quality from the railway
- Preserve and enhance the green corridor adjacent to the railway line
- Provide an appropriate solution for addressing possible contamination of the site
- Enhance vehicular access to Bridge Road and High Street
- Provide pedestrian and cycle access to Bridge Road and High Street
- Designed sensitively to conserve biodiversity of the area

6.4 The National Planning Policy Framework (NPPF) at paragraph 216 advises that weight may be given to the relevant policies in emerging plans according to:

- The stage of preparation (the more advanced, the greater the weight that may be given).
- The extent to which there are unresolved objection to relevant policies (the less significant the unresolved objection, the greater weight that may be given).
- The degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the emerging policies to the NPPF, the greater the weight they may be given).

In this case there are unresolved objections in relation to the BLP Submission Version housing allocation policies in general and as such limited weight is given to these policies

### **Decontamination of the site and the loss of trees**

6.5 The application site due to its previous use as a gasworks has a number of contaminants present on the site. The results of the intrusive site investigation undertaken by JNP Group on behalf of St. Williams Homes show the presence of spent oxide, black liquids – tars, heavy metals, polycyclic aromatic hydrocarbons (PAH's) and total petroleum hydrocarbons (TPH's) and confirms that the contamination is wide spread across the site. Left untreated the contaminants identified can cause a significant risk to human health and controlled waters. Whilst the type of contaminants on site are known, the site has not yet been fully characterised and as such it is not clear from the investigation report submitted the full extent of the contaminants present on site. A detailed quantitative risk assessment to further assess the contamination on site will be necessary. This information is crucial before developing a remediation strategy as this will have a significant impact on all other environmental aspects such as: dust, noise, odour and vehicle movements. It is also necessary for additional gas monitoring to be undertaken as it is likely that various gas protection measures will be required. The Environment Agency have commented on the application and are confident that it will be possible to suitably manage the risk posed to controlled waters, and request that a remediation strategy, by way of condition be agreed with the Local Planning Authority prior to any built development is undertaken. In addition to the required further information and remediation strategies it is considered necessary for a section 106 legal agreement to be put in place which secures funding from the developer of £75,000 to cover the costs to the Council for overseeing the decontamination and development of the site. This will ensure that:

- Contamination is correctly quantified
- The decontamination methods are suitable and correctly applied
- Services, especially drinking water pipes are protected from contamination
- Protective membranes are correctly installed
- Soil imported to the site is clean and not contaminated
- Soil in gardens and public areas is free from excessive contamination

6.6 Whilst the full extent of the contamination across the site is not yet known, it is clear from what is known that for the site to be suitable for residential use substantial decontamination must take place and that existing on site trees will not survive this process due to the need to remove/move and treat large quantities of soil. The trees along the northern and eastern boundaries as well as the copse within the south east corner of the site are all covered by a tree preservation order. The possibility of leaving the land supporting the group of protected trees in the south east corner has been explored, however, to leave this area un-remediated would pose serious risks to human health even if it were to be fenced off. Contamination reduces towards the edge of the site and it is believed therefore that the soil along the edge of the site can be replaced without significantly harming neighbouring trees.

6.7 It is accepted that policy SS7 of the Neighbourhood Plan strongly supports the retention of trees on site and policy N6 of the Royal Borough of Windsor and Maidenhead Adopted Local Plan (Adopted Local Plan) aims to retain all important trees, however, it is not possible to safely deliver housing on the site and retain the trees. Given that it is not possible to retain any of the trees on site it is even more important that a robust landscaping strategy is proposed to mitigate for the loss for trees on site and to ensure a development which makes a positive contribution to the character and appearance of the area. The majority of the proposed tree planting on site is focused along what the developer refers to as avenue's (the two streets running north to south through the site). The trees chosen to be planted along these streets are Field Maple, Norway Maple, Hornbeam and Crab Apple. The spaces afforded for these trees appears in most cases to be insufficient for them to prosper. The applicant has provided evidence that the street trees will have sufficient soft ground, however, the examples chosen have a greater area of soft ground around them compared with other proposed trees. Notwithstanding this the 21cbm provided to the trees in the example provided would be sufficient for a small tree, however, would not necessarily be sufficient for a medium or larger tree to reach maturity. The use of smaller trees would have the potential to conflict with pedestrians and vehicles using the road and driveways due to their naturally lower crowns and this could lead to extensive pruning or removal in the long run. The impact of the proposed trees on the aesthetics of the area would in a best case scenario therefore be limited.

6.8 Elsewhere trees are proposed within the parking areas, within the green to the south, around the existing substation building and along the north and south boundaries of the site. The planting of these trees is welcomed, but does not sufficiently mitigate for the wholesale loss of trees on site.

### **Scale, site layout, building design and landscaping**

6.9 The application site sits in close proximity to Sunninghill High Street and is bordered by two very different types of townscape. Bridge Road, Charters Lane and the High Street to the north and west of the site are classified within the RBWM Townscape Assessment document (TA) as 'Victorian Villages'. To the south is a part of Cavendish Meads which is classified as 'Late 20<sup>th</sup> Century Suburbs' and to the east another part of Cavendish Meads with a looser density and classified as 'Executive Residential Estates'. The application site will have physical links between the 'Victorian Villages' and the 'Late 20<sup>th</sup> Century Suburbs' areas and as such the character of the site will be viewed closely in connection with these characters. Policy SS7 of the Ascot, Sunninghill and Sunningdale Neighbourhood Plan is also keen for development across the site to reflect these surrounding character types, with the larger homes at the Cavendish Meads end and smaller homes at the Bridge Road end. The TA sets out the key characteristics of all the townscape areas. Some of the key characteristics for 'Victorian Villages' include:

- Urban form defined by a hierarchy of principal villages streets and secondary side streets, with narrow building plots

- Rows of terraces and semi-detached properties, typically 2-2.5 stories
- Detailed building frontages and variation in roof lines
- Strong building lines
- Consistent palettes of materials
- Few street trees, but ornamental planting within front gardens
- On street parking, owing to the fact that villages were not built with the car in mind

Some of the key characteristics of 'Late 20<sup>th</sup> Century Suburbs' include:

- Medium density residential suburbs
- Built form defined by semi-detached and detached two storey houses
- Consistency in plot form, density and building scale
- Car orientated development with generous street widths, and private off-street parking
- Ornamental tree species within public open spaces and private gardens
- Wide grass verges and shared amenity greenspaces
- Quiet suburban character due to dead-end street layout.

- 6.10 The buildings have drawn inspiration for their design from the Victorian properties to the north, however, the layout of the streets and density of the development closer reflect the 'Late 20<sup>th</sup> Century Suburbs' character area to the south of the site. Aspects of the layout matches the key characteristics of 'Victorian Villages' such as the strong building lines, and the consistent use of materials, however, the wide, tree lined cul-de-sacs with large amount of frontage parking closer matches the key characteristics of the 'Late 20<sup>th</sup> Century Suburbs' character area. Not only does this go against the desire of Neighbourhood Plan to have a mix of dwellings with smaller properties to the north but it creates a confused development which does not assimilate well with the character of any of the surrounding areas. The proposal is considered to constitute over development and this is considered to be reflected in the failure to integrate well with the surrounding areas. The overdevelopment of the site is also reflected in the failure to integrate parking well throughout the proposal and by the weak landscaping mitigation provided to mitigate the loss of existing trees and properly enhance the public realm.
- 6.11 The arrival space to the north via Bridge Road is, as proposed, a long linear car park. This does not provide a desirable access into the site and represents poor design. This area of the site houses the two apartment blocks, to which the Neighbourhood Plan is apposed; notwithstanding this, however, the design of these apartment blocks is considered to be poor and does not fit in well with the Victorian character of Bridge Road to which they are directly linked. The apartment buildings turn their back on the rest of the development meaning integration with the wider site is poor and they act as a visual barrier through to the rest of the site reducing the desirability of the pedestrian links through to Bridge Road and the High Street beyond. Opportunities for connecting the site to the wider area in general have been missed with potential vehicular and pedestrian links to Charters Lane and other parts of Cavendish Meads not provided. It is also questioned whether links through to the playing field to the south west of the site can be explored further. The development as a whole is very inward facing and there is a strong north to south emphasis for the routes through the site. A lack of connections and links through to the High Street and to the north/west means it does not integrate well with Sunninghill High Street and the surrounding areas. The proposal does not do enough to provide safe and accessible pedestrian and cycle routes through the site as required by the Neighbourhood Plan.
- 6.12 Policy SS7 of the Neighbourhood Plan which specifically covers this site requires a green space to be provided which amounts to 15% of the site. A green space for the benefit of the community which includes children's play equipment is proposed to the south of the site, however, this amounts only to around 10% of the site area. The significant overdevelopment of dwellings on the site has not been justified and in part contributes to the failure to deliver open space in accordance with the Development Plan. There are concerns that due to the proximity of the development to off-site trees that the trees would over-dominate the individual units which have small rear gardens. Extensive shading and leaf fall as well as apprehension from residents when trees sway in windy weather would likely lead to pressure to detrimentally prune or remove these trees. More thought needs to be given therefore to the layout and the level of development not

only for the protection of existing offsite trees but to allow for sufficient and meaningful planting to be provided within the site to mitigate for the loss of trees elsewhere on the site.

### **Impact on residential amenity and the amenities of future residents**

- 6.13 The application site is bounded on three sides (east, south and west) by residential development. To the west there is a separation distance of approximately 12-13 metres between the rear elevation of the proposed dwellings and the gardens of the Bridge Road and Charters Lane properties; the proposed dwellings along this boundary are approximately 10.8m tall. Along the eastern boundary this gap is increased to between 15m and 20m and level differences (Cavendish is set slightly higher than the application site) and significant boundary planting will also help reduce any impact; the proposed dwellings here are approximately 10.8m tall. To the south the proposed dwellings are not directly adjacent to any key amenity areas of the Cavendish Meads properties and are separated by a strip of mature trees. In all cases it is considered that the relationship between the proposed dwellings and the existing properties is acceptable and there would be no significant impact to the amenities of existing residents.
- 6.14 The proposed dwellings with exceptions of the coach houses and the flats are provided with rear gardens of at least 50sqm and some of the larger dwellings have gardens up to 125sqm. This is sufficient to provide the future occupiers of the dwellings with a good standard of outdoor amenity. The occupiers of the flats and coach houses will not have private garden spaces, however, will be provided with a small terrace or balcony and will have use of the green proposed at the south of the site. These properties have a maximum of 2 bedrooms and are therefore less likely to be occupied by large families, making this arrangement acceptable. There are back to back distances of 21 metres between the properties proposed in the middle of the site which is sufficient to ensure the future occupiers are provided with a good level of amenity. There is a conflict between plots 6 and 7 within the south west corner of the site where number 7 would be directly adjacent to number 6's garden, thereby having an overbearing impact, and number 6 would be directly adjacent to and appear overbearing to number 7's balcony, which is their only outdoor amenity space and is the primary source of light into the main living area of this property.

### **Provision of affordable housing**

- 6.15 The application is supported by an affordable housing statement which sets out that 24 of the 81 (30%) of the dwellings on site will be classed as affordable which is in line with policy H3 of the Adopted Local Plan which requires 30% affordable housing on sites of over 0.5 hectares, or for schemes proposing 15 or more net additional dwellings. This offer has been predicted by the applicant based on the current proposed quantum of development for the site and will be achieved by marketing the 1 and 2 bedroom apartments to the north of the site for shared ownership. The Strategic Housing Market Assessment suggests that the majority of housing need (70 – 75%) is for rented accommodation, however, the Council is keen to encourage opportunities for residents to enter home ownership and affordable shared ownership is therefore a suitable tenure for the affordable provision on this development. Further discussions are taking place with the LPA & Affordable Housing Officer over the tenure type. In order to secure this affordable housing it is necessary for a legal agreement to be put in place between the Council and the applicant. This agreement has not been secured and as such the failure to provide affordable housing will need to be included.

### **The adequacy of car parking and the impact on highway safety**

- 6.16 The site is currently served from Bridge Road which is classified as a private street that is accessed off Sunninghill High Street. The road is predominantly residential, but does serve a small number of commercial units. The width of Bridge Road varies between 4.5 and 5 metres and is bordered on the southern side by a footway, approximately 1m in width. The majority of dwellings along Bridge Road do not benefit from curtilage parking and as a consequence on-street parking effectively reduces Bridge Road to a single lane highway. Bridge Road is further constrained by substandard visibility splays at the junction with the High Street. A new access, in addition to the existing access is proposed from Cavendish Meads which is an adopted residential road accessed from Bagshot Road. The junction between these two roads provides, in both directions visibility splays greater than the current requirement set at 2.4m x 30m. The main

access for the development will be via Cavendish Meads which will serve the majority of the residential units (57 houses). The width of the entrance is 3.7m with priority to be given to vehicles entering the site. The internal road network has a minimum width of 4.8m which complies with the guidelines set out in the Department for Transport's Manual for Streets. The secondary access will serve the 24 apartments.

- 6.17 The application has been supported by a transport survey which has been assessed and found to be sound by a Council Highway Officer. In order to predict the trips generated by the 57 dwellings accessing the Cavendish Meads/Bagshot Road junction the applicant has undertaken a survey of the existing traffic flows of the existing 144 residential dwellings in Cavendish Meads. Based on these results the dwellings could potentially generate 42 and 37 two-way trips during the am and pm peak periods respectively. This equates to a 40% increase in vehicular activity along Cavendish Meads during peak periods. For completeness a PICADY (Priority Intersection Capacity and Delay) assessment of the Cavendish Meads and Bagshot Road junction revealed that the increased vehicular activity can be accommodated without significantly affecting the free flow of traffic across the junction and along Bagshot Road. To predict the trips generated by the 24 apartments along Bridge Road, the applicant has interrogated the TRICS (Trip Rate Information Computer System). The analysis revealed that the 24 apartments would lead to an additional 7 trips during the am and pm peak periods, whereas an assessment undertaken by RBWM (highways) suggested an increase of 8 and 10 trips during the am and pm peak periods respectively. This has been based on the number of trips that could be generated if the site was to be used for its current lawful use. Whilst it is acknowledged that there are constraints surrounding Bridge Road as an access, the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts of development are severe. It is considered that an increase of 8 to 10 trips during peak periods would not have a severe impact.
- 6.18 The development attracts a demand for 179 parking spaces under the current parking standards, set out in the Borough's 2004 Parking Strategy. These spaces are provided within a mix of garages, parking courts and on driveways and all spaces meet the minimum standards of 2.4m x 4.8m for a parking space and 3m x 6m for a garage. In addition to this an additional 21 spaces are provided, 11 of which are for the residents of Bridge Road and 9 visitor spaces across the site. Cycle parking facilities are also provided for the residents of the apartment building within a secure facility which is sufficient for 1 bike per apartment. Each dwelling with the exception of the coach houses has a rear access and space within the rear garden to accommodate a cycle storage facility, details of which would need to be secured were the application be recommended for approval.
- 6.19 Space is provided within the rear gardens of the dwellings for refuse storage. The flats and coach houses are provided with stores within the parking areas. Six drawings have been provided which show manoeuvres of a 9.86m refuse vehicle across the site. For all major residential development the swept path tracking should be performed by a 10.96m refuse vehicle. Details of construction management would need to have been secured via condition if the application was recommended for approval.

### **Impact on biodiversity**

- 6.20 The NPPF requires the planning system to contribute to the natural environment by minimising impact on biodiversity and providing net gains where possible. Information has been provided by the applicant using the biodiversity toolkit. The habitat losses during development and habitat gains as part of the proposed development plan have been calculated to give a habitat impact score. It has been demonstrated that the current proposal will provide a small net gain in biodiversity at the site as long as all the habitats proposed, including woodland, scattered trees, scrub, grassland and brown roofs are included. A Landscape and Ecology Management Plan is necessary to ensure that the creation, maintenance and management of the habitats and other enhancements are undertaken and maintained to the necessary standards to ensure a net gain in biodiversity.
- 6.21 To the north of the site is a secondary green corridor which as set out in the neighbourhood plan are designated to deliver contiguous and uninterrupted semi-natural habitats to provide



connectivity between designated local wildlife sites. Where a corridor does not follow a watercourse, its width shall be taken to be 10m. The current vegetation (to be removed) along the northern boundary supports large gaps which does not represent a contiguous habitat for commuting faunal species. A 4 metre wide band of woodland planting is proposed to be provided along the northern boundary and will include trees and scrub planting of a similar width to that on the site currently. The tree/scrub line will be contiguous and provide a more suitable commuting habitat for wildlife. With the replacement of a 4m wide tree/ scrub line along this corridor on site and the retained vegetation along either side of the railway line off-site, the combined width will be in excess of the 10m recommended in the neighbourhood plan.

- 6.22 The application site provides habitats suitable for a number of protected species and the presence of bats and slow worms were recorded. It is considered that these species and their habitats can be sufficiently protected through the use of planning conditions which secure habitat enhancement and mitigation measures as well as a landscaping management plan and lighting strategy. Conditions restricting development to outside of the breeding bird season would also be necessary had the application been recommended for approval.

#### **Impact on drainage and surface water**

- 6.23 The application is classified as a major application and as such it is necessary for a fully detailed drainage strategy to be submitted. A drainage strategy has been submitted, however, the Lead Local Flood Authority who are the statutory consultee on these matters have raised a number of concerns with the contents of this strategy. Specifically concerns have been raised with regards to the micro drainage results and how the permeable paved areas will be utilised to provide the 590m<sup>3</sup> storage area proposed. Concerns have also been raised with the information provided with regards to how off site flow will be managed in exceedance events and discharge flows into the Thames Water sewer system. Until these matters can be addressed/clarified it has not been demonstrated that surface water and drainage can be appropriately managed on site.

#### **Impact on the Thames Basin Heaths Special Protection Area**

- 6.24 The Thames Basin Heaths Special Protection Area (the SPA) was designated in 2005 to protect and manage the ecological structure and function of the area to sustain the nationally important breeding populations of three threatened bird species. The Council's Thames Basin Heaths SPD sets out the preferred approach to ensuring that new residential development provides adequate mitigation, which for residential developments of between one and 9 additional housing units on sites located over 400 metres and up to 5 kilometres from the SPA is based on a combination of Strategic Access Management and Monitoring (SAMM) and the provision of Suitable Alternative Natural Greenspace (SANG). The application site is within this 0.4 - 5km buffer zone around the SPA.
- 6.25 The applicant has stated that their intention is to make a financial contribution to the Council's SANG which is Allen's field. The number of new dwellings which can rely on Allen's Field, however, is limited. For housing allocation sites therefore the Council can only allow Allen's field to be relied upon for the number of units proposed within the site allocation, which in this case is 53. Alternative mitigation is therefore necessary for the remaining 28 units proposed. Notwithstanding the above in order to secure the necessary mitigation a S106 legal agreement will need to be put in place; at the time of writing there is no such agreement.

#### **Other material considerations**

##### Housing Land Supply

- 6.26 Paragraphs 7 and 14 of the National Planning Policy Framework (NPPF) sets out that there will be a presumption in favour of Sustainable Development. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development, and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites.

- 6.27 The Berkshire (including South Bucks) Strategic Housing Market Assessment (SHMA) (2016) identifies an objectively assessed housing need (OAN) of 712 dwellings per annum. Sites that deliver the OAN and a stepped housing trajectory over the plan period (2013-2033) are set out in the Borough Local Plan Submission Version that is currently undergoing examination. The LPA is confident that a five year supply of deliverable housing sites can be demonstrated.

#### Community Infrastructure Levy

- 6.28 The proposal is CIL liable at a rate of £240 per square metre with a floor space of 10,611sqm

## **7. CONSULTATIONS CARRIED OUT**

### **7.1 Comments from Interested Parties**

38 letters were received from local residents raising objections to the application. These can be summarised as follows (brackets indicate the number of objections):

#### Comments in objection

Comment	Officer Response
Concerns have been raised over the adequacy of the proposed site accesses and the impact this will have on highway safety.	See paragraphs 6.16 and 6.17
Concerns have been raised that the additional traffic generated by the development will exacerbate congestion within Sunninghill High Street.	See paragraphs 6.16 and 6.17
Concerns have been raised over the adequacy of existing infrastructure (i.e Schools and GP services) to serve the additional residents.	See paragraph 6.28
Concerns have been raised regarding the mix of dwellings and the use of flats.	See paragraphs 6.9 – 6.12
Concerns have been raised over the proposed housing use rather than for use for St Michael's CofE School.	See paragraphs 6.2 – 6.4
Concerns have been raised regarding the number of proposed units on site which exceeds the number envisaged in the Borough Local Plan and the Neighbourhood Plan	See paragraphs 6.2 – 6.4 and paragraphs 6.9 – 6.12
Concerns have been raised over the level of parking to be provided.	See paragraph 6.18
Concerns have been raised over the accuracy of the submitted traffic survey.	See paragraph 6.17
Concerns have been raised with how contamination will be dealt with on site.	See paragraphs 6.5 – 6.8
Concerns have been raised over the number of affordable housing units that will be provided.	See paragraph 6.15
Concerns have been raised that the proposed houses will be out of keeping with the character of the area.	See paragraphs 6.9 – 6.12
Concerns have been raised that inadequate pedestrian and cycle routes are to be provided.	See paragraph 6.11
Concerns have been raised over the amount of public open space to be provided.	See paragraph 6.12
Concerns have been raised over the impact of the development on trees.	See paragraph 6.5 – 6.8
Concerns have been raised over the size of the garden spaces provided to each dwelling.	See paragraph 6.14
Concerns have been raised regarding the impact on local wildlife.	See paragraph 6.20 – 6.22
Concerns have been raised over the accuracy of the air quality assessment	Environmental Protection raise no objection on the issue
Concerns have been raised that the proposed access via Cavendish Meads will devalue the Cavendish Meads	Not a material planning consideration

properties.	
Concerns have been raised over the impact of the development on drainage.	See paragraph 6.23
Concerns have been raised regarding how construction traffic will be managed	A condition could be attached to any approval requiring a construction management plan.
Concerns have been raised regarding the noise and pollution that will be generated by the increased traffic.	Environmental Protection raise no objection on the issue
Concerns have been raised regarding the impact of the development on the privacy of existing residents.	See paragraph 6.13 – 6.14

### Comments in support

A number of letters received also made comments in support of certain aspects of the application. These comments can be summarised as follows:

Comment	Officer Response
Support for the decision to have 2 access points.	Noted
Support for the use of Bridge Road as a secondary access for the site and the quicker pedestrian access to the High Street this will provide.	Noted
Supports the layout with larger properties to the Cavendish Meads end and smaller properties towards the Bridge Road end.	Noted
Supports the principle of developing the site.	Noted

## 7.2 Statutory Consultees

Comment	Officer Response
<b>Network Rail</b> – No comments received.	-
<b>Environment Agency</b> – Considers that planning permission can be granted subject to a condition securing necessary surveys and remediation strategies for the contamination on site and subject to a verification report being submitted (and approved) which demonstrates the completion and effectiveness of the approved remediation strategy. It is also suggested that a condition is included which ensures that there is no infiltration of surface water into the ground without the written consent of the Local Planning Authority to reduce the risk of mobilised contaminants.	Noted
<b>Lead Local Flood Authority</b> – Requests clarification on a number of issues including; flood storage on site, proposed site levels, and discharge flows into the Thames Water network pipe. Without this information it is recommended that the application is refused.	See paragraph 6.23
<b>Thames Water</b> – Advises that they have no objections to the application with regard to the impact on the sewerage infrastructure capacity	Noted
<b>Natural England</b> – No objection provided Allen’s Field sang has the required capacity for 81 residential units.	See Paragraph 6.24 and 6.25
<b>Parish Council;</b> <ul style="list-style-type: none"> <li>• Concerns over the lack of affordable housing.</li> <li>• Considers there to be inadequate cycle and pedestrian routes through the site.</li> <li>• Considers that inadequate public open space is to be</li> </ul>	Main Report

<p>provided.</p> <ul style="list-style-type: none"> <li>• Considers that the proposed apartments do not reflect the Victorian nature of Bridge Road.</li> <li>• Considers that the loss of trees will have a detrimental effect on the bio-diversity corridor.</li> <li>• Concerns over the lack of parking and visitor parking</li> <li>• Neighbourhood Plan policy NP/SV1 has not been addressed.</li> <li>• Concerns over the amount of garden space, particularly on the larger properties.</li> <li>• Concerns over the number of units proposed.</li> <li>• Concerns over the safety of the access at Bridge Road.</li> </ul>	
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### 7.3 Other Consultees and Organisations

Comment	Officer Response
<p><b>Highways Officer</b> – No objections subject to the inclusion of conditions securing; a construction management plan, access details, implementation of the parking and cycle parking as approved and the submission of details of refuse and recycling provision.</p>	<p>See paragraphs 6.16 – 6.19</p>
<p><b>Ecology Officer</b> – No objections subject to conditions securing the protection/enhancement of the green corridor along the northern boundary of the site, a suitable lighting strategy and biodiversity enhancements across the site more generally, including the provision of bat boxes and suitable habitats for reptiles. It is also suggested that a condition is included to ensure that tree and scrub removal is undertaken outside of the breeding bird season and a separate legal agreement is put in place to secure mitigation against the likely impact of the development on the Thames Basin Heaths Special Protection Area.</p>	<p>See Paragraphs 6.20</p>
<p><b>Environmental Protection Officer</b> – It is suggested that conditions are included to ensure that the appropriate surveys and remediation and monitoring strategies are put in place with regards to contamination on site and to secure a construction environmental management plan which adequately protects the amenities of neighbouring properties during construction. It is also recommended that a section 106 legal agreement is put in place to fund the overseeing of the decontamination and development of the site.</p>	<p>See Paragraphs 6.5 – 6.8</p>
<p><b>Tree Officer</b> – The proposal requires the removal of practically all the trees within the site boundary and the layout does not sufficiently mitigated for this. Insufficient space is provided for on street trees to thrive. The larger off-site trees, such as the Lombardy poplar to the west and the trees in elevated rear gardens at Cavendish Meads to the east, would over-dominate the individual units which each have small rear gardens. There would also be extensive shading and leaf-fall and some apprehension is likely to be generated when the trees sway in windy weather. This would lead to pressure to detrimentally prune or remove trees to overcome these concerns. The development should be consolidated.</p>	<p>See Paragraphs 6.5 – 6.8</p>
<p><b>Housing Enabling Officer</b> – Advises that the provision of 24 affordable homes out of the 81 proposed (30%) is policy compliant.</p>	<p>See Paragraph 6.15</p>
<p><b>Archaeology Officer</b> – No objections subject to a condition securing the implementation of an approved programme of archaeological works.</p>	<p>Noted</p>

<p><b>Ascot, Sunninghill &amp; Sunningdale Neighbourhood Plan Delivery Group;</b></p> <ul style="list-style-type: none"> <li>• Welcomes the redevelopment of the site</li> <li>• Pleased with the consultation process carried out by St William.</li> <li>• Welcomes the dual access into the site</li> <li>• Welcomes the inclusion of 30% affordable housing</li> <li>• Approves of the mix of housing</li> <li>• Welcomes the provision of parking for Bridge Road residents.</li> <li>• Regrets the need to remove all existing on site trees</li> <li>• Questions whether sufficient car parking is being provided</li> <li>• Considers the proposed tree planting to be too limited</li> <li>• Questions whether the pedestrian and cycle routes through the site are wide enough</li> <li>• Would like more focus on how the Green Corridor to the north of the site can be enhanced.</li> </ul>	Main Report
<p><b>Society for the Protection of Ascot and Environs;</b></p> <ul style="list-style-type: none"> <li>• Welcomes the use and remediation of the site</li> <li>• Questions whether 9 visitor spaces is sufficient</li> <li>• Concerned that the pedestrian and cycle routes are too narrow</li> <li>• Considers the allocated open space to be too small</li> <li>• Considers the tree planting proposed to be inadequate to compensate for tree removal on site</li> <li>• Concerned that affordable housing provision has not been made</li> <li>• Considers that the site will be overdeveloped.</li> </ul>	Main Report

**Design South East comments (Design review panel 21<sup>st</sup> Feb 2018)**

Comment	
Supports the redevelopment of the site for residential use.	Agreed
Generally supports the layout but refinement is needed in terms of how the site integrates with the wider area.	Agreed for the reasons detailed in the report
The proposal to increase density on the site is supported and the way density grades across the site, with smaller units to the north, is generally supported. There is scope for increasing the density further provide the associated car parking does not dominate the character of the site.	This application needs to be determined on its own merits. There are further policy constraints SANG, trees, car parking requirement etc. which may prevent a higher density.
The loss of trees whilst unfortunate is unavoidable given the ground conditions. The scheme would, however, benefit from a stronger, more integrated landscape strategy – narrower carriageways would allow for more street planting.	Agreed
The stated contextual precedent for this proposal is the earlier Victorian and Edwardian development, yet the grain shown for the new site is more akin to the Cavendish Meads development - Considers that the character areas require further work to differentiate them.	Agreed
The affordable housing is very separate from the rest of the development – the flatted development is placed so that this part of the scheme turns its	Agreed

back on the rest of the development.	
Assets such as the existing Victorian cottages are valuable to the character and identity of the new place being created – This would also help in creating an appropriate entrance to the site, one which links it to the wider context through its built form.	The loss of the cottages are regrettable but this would not justify refusal of the scheme. They are not non designated heritage asset and therefore there is no policy requiring their protection.
The flatted development proposed is in a form that does not sit well with the rest of the scheme – The scale of these buildings makes them deserving of extra design attention.	Agreed
There is scope to make more direct connections to the High Street via Charters Lane and scope for connectivity between the site and the playing fields to the south west and Cavendish Meads to the south east.	The developer has explored this but Charters Road is a private road. A link through to the playing fields should be considered.
The main desire lines for residents will be to the village centre, yet the layout emphasises north-south routes – Better linkages to the west are needed.	Agreed
Supports locating the play area to the south where it is accessible to the wider community.	Agreed
The context, history and location of this site makes it especially suitable for innovative approaches to sustainable living.	Agreed but no specific policy requirement to secure this.
Innovative on-site remediation strategies should be explored and linked to the wider sustainability strategy for the site.	Agreed

## 8. APPENDICES TO THIS REPORT

Appendix A - Site location plan and site layout

- 
- Appendix B – Plan and elevation drawings

## 9. RECOMMENDATION

### RECOMMEDED REASONS FOR REFUSAL

- 1 The proposal is considered to represent poor design and an overdevelopment of the site leading to a development which is not of high quality and would fail to assimilate with its surroundings. The development is confused, inward facing with poor integration of parking and landscaping features and fails to deliver the quantum of open space required by the Adopted Neighbourhood Plan. Furthermore a lack of connections and links through to the High Street means it does not integrate well with Sunninghill High Street and the surrounding areas. The proposal fails to comply with policies H10, H11 and DG1 of the Royal Borough of Windsor and Maidenhead Adopted Local Plan, NP/DG1.1, DG2.1, DG2.2, DG3.1 and NP/SS7.2 of the Ascot, Sunninghill and Sunningdale Neighbourhood Plan, paragraph 17 bullet point 4 and paragraph 64 of the National Planning Policy Framework and policy SP3 and HO5 of the Borough Local Plan 2013 - 2033 (Submission Version).
- 2 The area in the north of the site and accessed from Bridge Road is considered to be of poor design. The large flatted developments turn their back on and are not fully integrated with the rest of the development and are of a design which does not reflect the Victorian character of Bridge Road. Views of the site on approach from Bridge Road are of the car park and no attempt has

been made to create an attractive entrance into the site. This is considered to be poor design and has a negative impact on the character and appearance of the area. The proposal fails to comply with policies, H10 and DG1 of the Royal Borough of Windsor and Maidenhead Adopted Local Plan, NP/DG1.1 and DG3.1 of the Ascot, Sunninghill and Sunningdale Neighbourhood Plan, paragraph 17 bullet point 4 and paragraph 64 of the National Planning Policy Framework and policies SP3 and HO5 of the Borough Local Plan 2013 - 2033 (Submission Version)

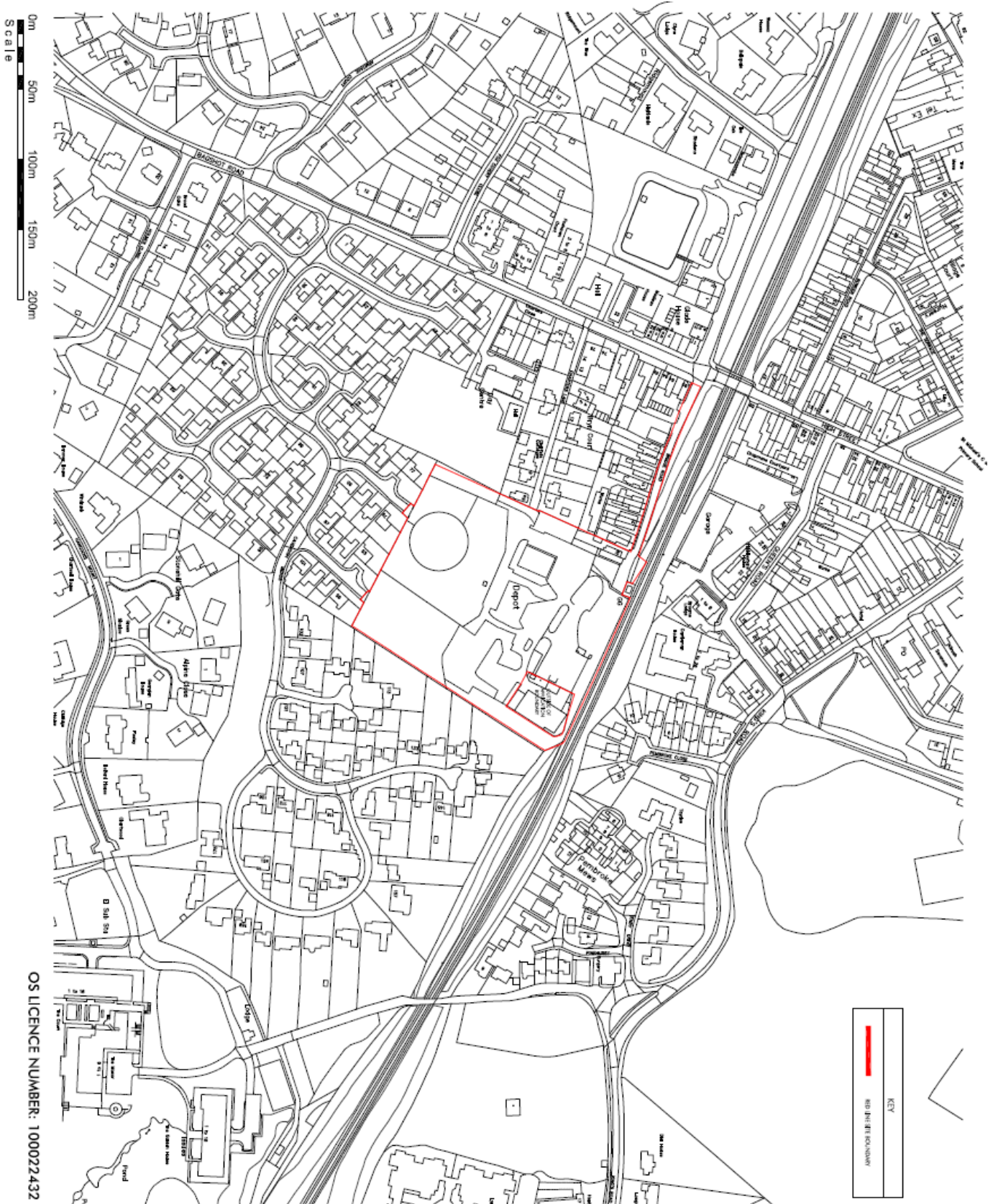
- 3 The landscaping proposed is insufficient to offset the loss of onsite trees. A stronger and more integrated landscape strategy is necessary to mitigate for the loss of existing trees and to provide a higher quality public realm. The majority of trees proposed are on street trees and it has not been demonstrated that there is sufficient space to allow these trees to thrive. The proposal is contrary to policy N6 of the Royal Borough of Windsor and Maidenhead Adopted Local Plan, policies SS7 and EN2 of the Ascot, Sunninghill and Sunningdale Neighbourhood Plan and Paragraph 17 bullet point 4 and paragraph 64 of the National Planning Policy Framework. and policy SP3 and NR2 of the Borough Local Plan 2013 - 2033 (Submission Version)
- 4 The dwelling proposed on plot 7 would have an unacceptable overbearing impact on the garden space of the plot 6 dwelling. Equally the dwelling on plot number 6 would have an unacceptable overbearing impact on the balcony of the plot number 7 dwelling (its only outdoor amenity space) and would result in a significant loss of light into the front of this property. The proposal would therefore fail to secure a good standard of amenity for all existing and future occupiers of land and buildings in accordance with core principle 4 of paragraph 17 of the National Planning Policy Framework and policy SP3 and HO5 of the Borough Local Plan 2013 - 2033 (Submission Version)
- 5 In the absence of sufficient information to indicate otherwise the proposed development has failed to demonstrate suitable surface water drainage as required by the National Planning Policy Framework (2012) and the Non-statutory technical standards for sustainable drainage systems (2015).
- 6 The application site is heavily contaminated and as such it is necessary for significant decontamination to take place prior to the use of the site for residential purposes. It is necessary for a contaminated land specialist to oversee the decontamination of the site and development to ensure that:
  - 1) Contamination is correctly quantified
  - 2) The decontamination methods are suitable and correctly applied
  - 3) Services, especially drinking water pipes are protected from contamination
  - 4) Protective membranes are correctly installed
  - 5) Soil imported to the site is clean and not contaminated.
  - 6) Soil in gardens and public areas is free from excessive contamination.A S106 legal agreement is required to secure the necessary financial contributions for the above work to be undertaken. This legal agreement has not been secured. Failure to undertake the above works to decontaminate the site results in the proposal failing to comply with paragraphs 120 and 121 of the National Planning Policy Framework and policy EP5 of the Borough Local Plan 2013 - 2033 (Submission Version)
- 7 In the absence of a mechanism to secure 30% Affordable Housing the proposal fails to comply with Paragraphs 7 and 69 of the National Planning Policy Framework and policy H3 of the Royal Borough of Windsor and Maidenhead Adopted Local Plan and Policy HO3 of the Borough Local Plan 2013 -2033 (Submission Version).
- 8 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, 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, Policy NRM6 of the South East Plan and the RBWM Thames Basin Heaths Special Protection Area SPD (Part 1) and policy NR4 of the Borough Local Plan 2013 - 2033 (Submission Version)

- 9 The proposal fails to provide a green space which amounts to 15% of the site area as required by policy NP/SS7 of the Ascot, Sunninghill and Sunningdale Neighbourhood Plan.



# Appendix A—Site Location Plan and Site Layout





**St William**  
Designed for life



**OMEGA**  
KENSINGTON

10000 Bridge Road, Kensington, MD 20885  
Tel: 301.251.1111 Fax: 301.251.1112  
www.stwilliamhospital.com

ST WILLIAM

BRIDGE ROAD, KENSINGTON  
RENDERING S.S. PLAN

SITE LAYOUT

DATE: C-1005 2/15

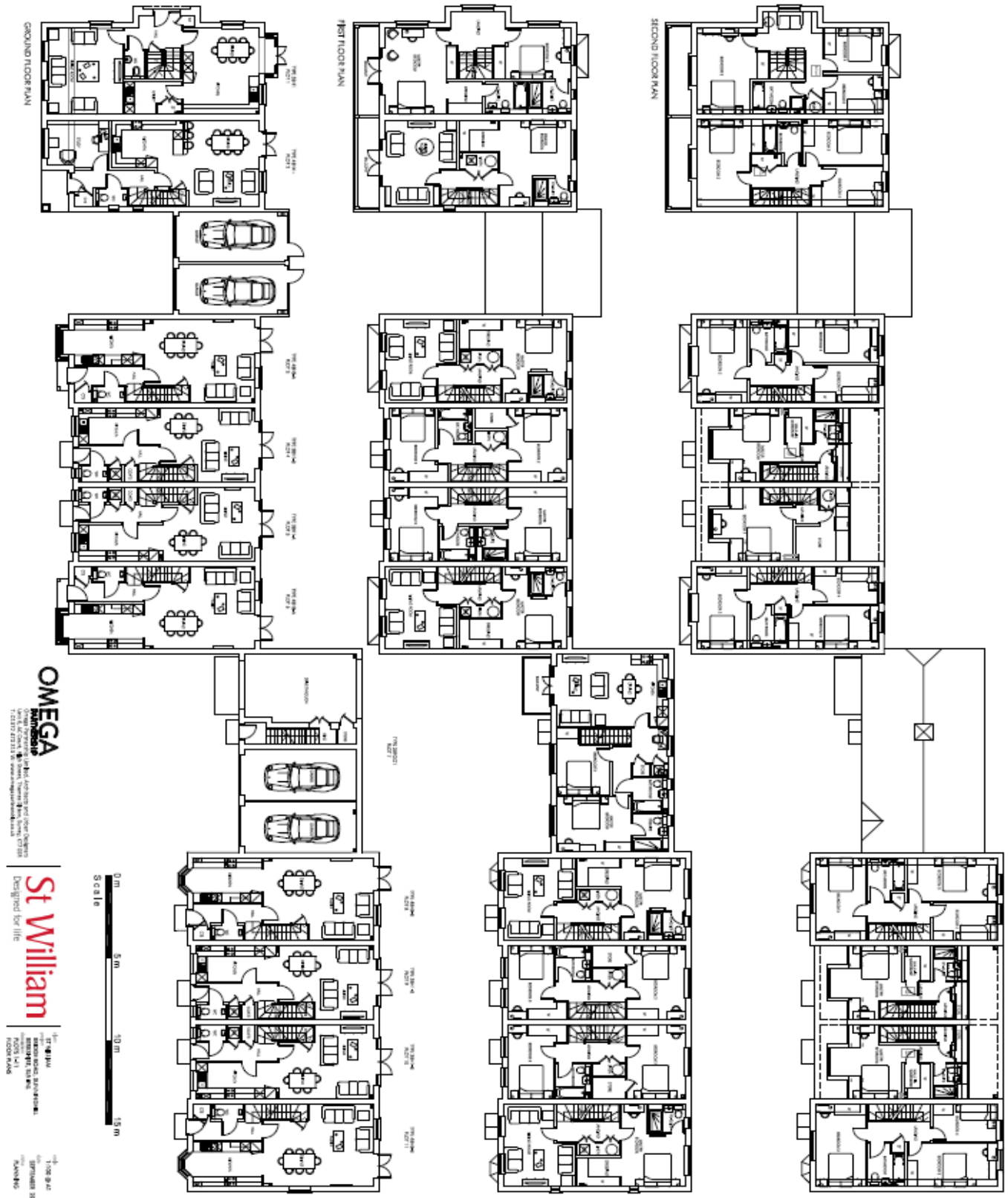
1,500 SQ. FT. DECEMBER 2017

PLANNING

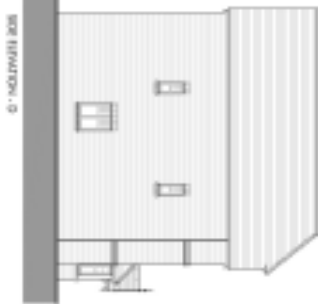
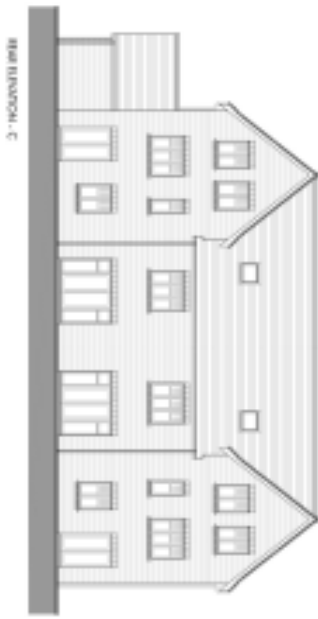
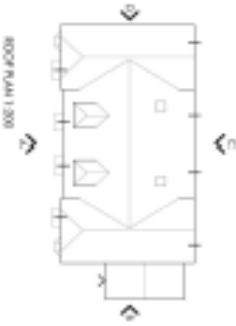
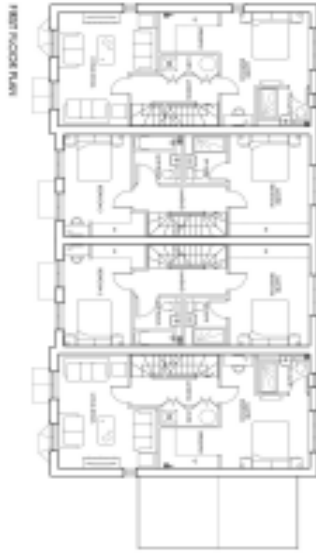
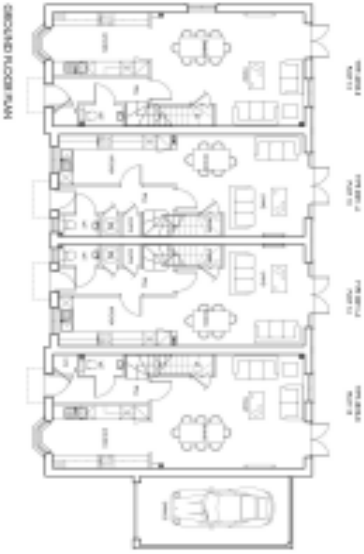
2455-C-1005-2/11

# Appendix B — Floor Plans and Elevations

## Floor Plans Plots 1—11



# Floor Plans and Elevations Plots 12—15



GENERAL NOTES	
1.	ALL WORK SHALL BE IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS AND THE NATIONAL FIRE SAFETY REGULATIONS.
2.	ALL WORK SHALL BE IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS AND THE NATIONAL FIRE SAFETY REGULATIONS.
3.	ALL WORK SHALL BE IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS AND THE NATIONAL FIRE SAFETY REGULATIONS.
4.	ALL WORK SHALL BE IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS AND THE NATIONAL FIRE SAFETY REGULATIONS.
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8.	ALL WORK SHALL BE IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS AND THE NATIONAL FIRE SAFETY REGULATIONS.
9.	ALL WORK SHALL BE IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS AND THE NATIONAL FIRE SAFETY REGULATIONS.
10.	ALL WORK SHALL BE IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS AND THE NATIONAL FIRE SAFETY REGULATIONS.

**St William**  
Designed for life

**OMEGA**  
ARCHITECTURAL & ENGINEERING

17000 17th St, Suite 100, Irvine, CA 92614  
Tel: 949.453.1100 Fax: 949.453.1101  
www.omegaarchitect.com

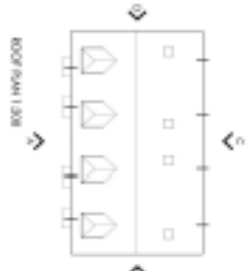
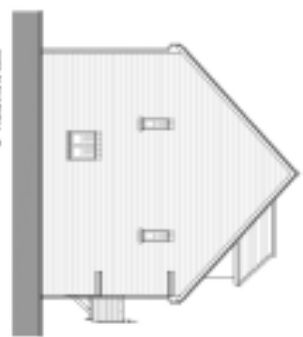
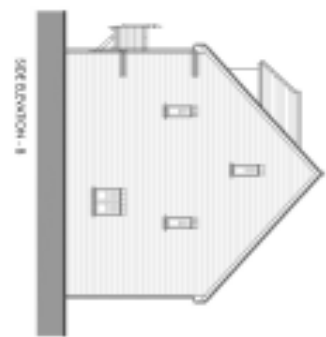
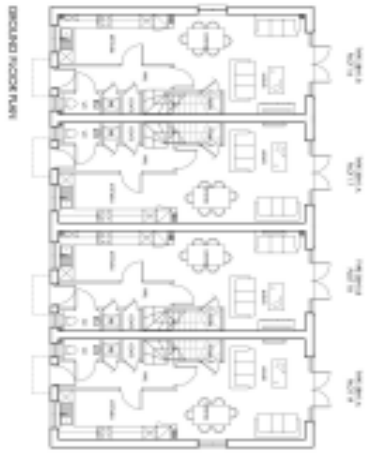
PROJECT: ST WILLIAM  
ARCHITECT: STANLEY W. BROWN  
ENGINEER: BROWN ENGINEERING

PROJECT NO: 17-13  
TRUCK SCALE & ELEVATIONS

DATE: 6-2005  
SCALE: 1/8"=1'-0"  
DRAWN BY: SP/STW/BJP

PLANNING  
2455-C-3005-G

# Floor Plans and Elevations Plots 16—19



**GENERAL NOTES:**

1. REFER TO ALL DRAWINGS FOR DIMENSIONS AND FINISHES.
2. ALL WORK SHALL BE IN ACCORDANCE WITH THE NATIONAL BUILDING REGULATIONS (NBR).
3. ALL WORK SHALL BE IN ACCORDANCE WITH THE NATIONAL ELECTRICAL REGULATIONS (NER).
4. ALL WORK SHALL BE IN ACCORDANCE WITH THE NATIONAL PLUMBING REGULATIONS (NPR).
5. ALL WORK SHALL BE IN ACCORDANCE WITH THE NATIONAL MECHANICAL REGULATIONS (NMR).
6. ALL WORK SHALL BE IN ACCORDANCE WITH THE NATIONAL ENVIRONMENTAL REGULATIONS (NER).
7. ALL WORK SHALL BE IN ACCORDANCE WITH THE NATIONAL SAFETY REGULATIONS (NSR).
8. ALL WORK SHALL BE IN ACCORDANCE WITH THE NATIONAL HEALTH REGULATIONS (NHR).
9. ALL WORK SHALL BE IN ACCORDANCE WITH THE NATIONAL SOCIAL REGULATIONS (NSR).
10. ALL WORK SHALL BE IN ACCORDANCE WITH THE NATIONAL CULTURAL REGULATIONS (NCR).

**St William**  
Designed for life

**OMEGA**  
RESIDENTIAL

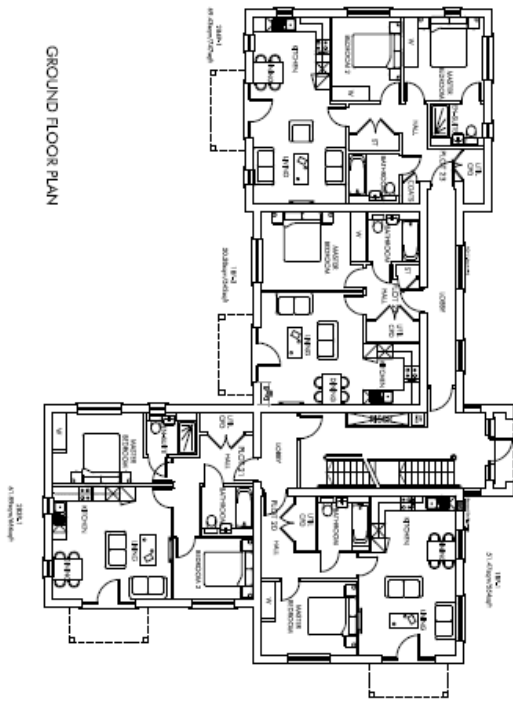
PROJECT: 2455-C-3010-G  
DATE: 12/15/2023  
DRAWN BY: J. SMITH  
CHECKED BY: M. JONES  
SCALE: AS SHOWN

**CLIENT:** ST WILLIAM  
**PROJECT:** OMEGA RESIDENTIAL  
**ADDRESS:** 2455-C-3010-G  
**DATE:** 12/15/2023

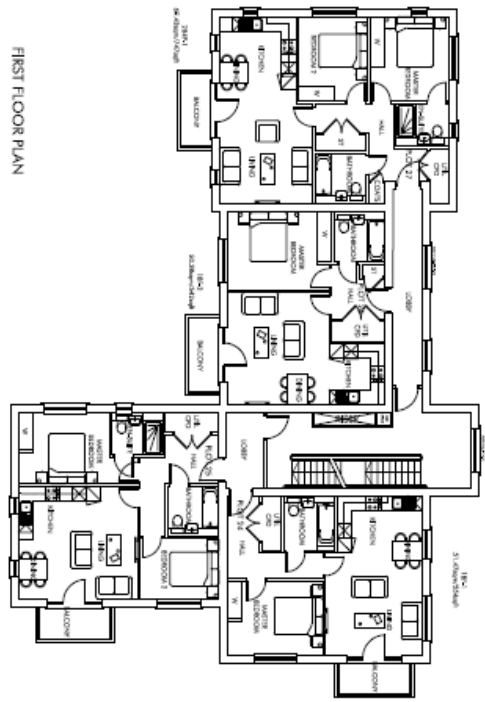
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**NO. OF UNITS:** 8  
**FLOOR PLAN:** 1, 2, 3, 4  
**AREA:** 1,100 S.M.  
**SPRINKLER:** NOT

**PLANNING:**  
2455-C-3010-G

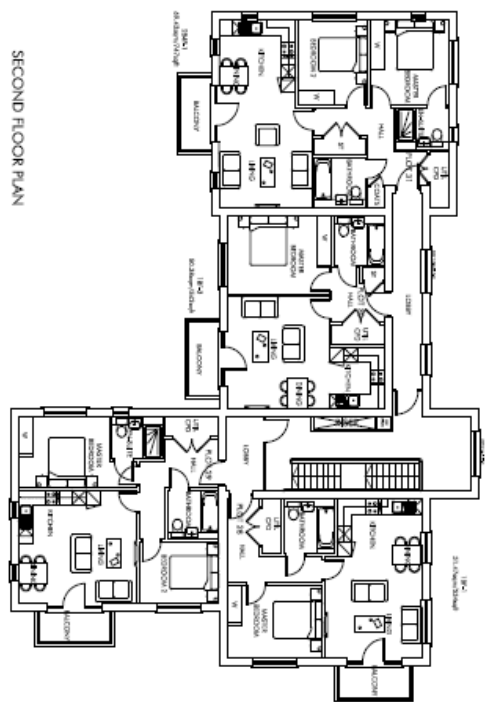
# Floor Plans Plots 20—31



GROUND FLOOR PLAN



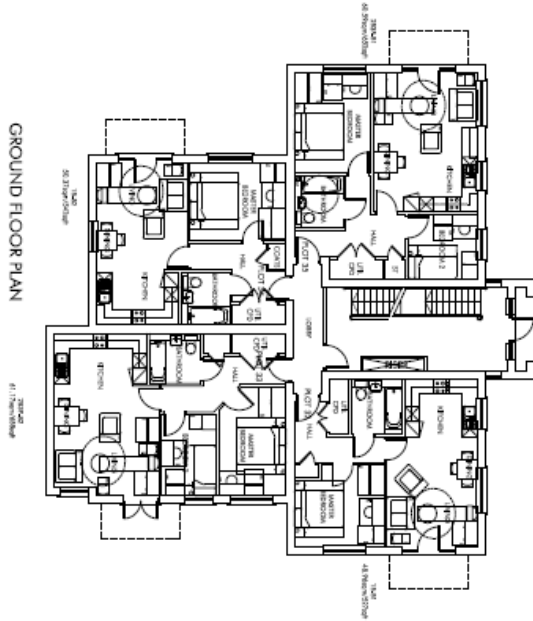
FIRST FLOOR PLAN



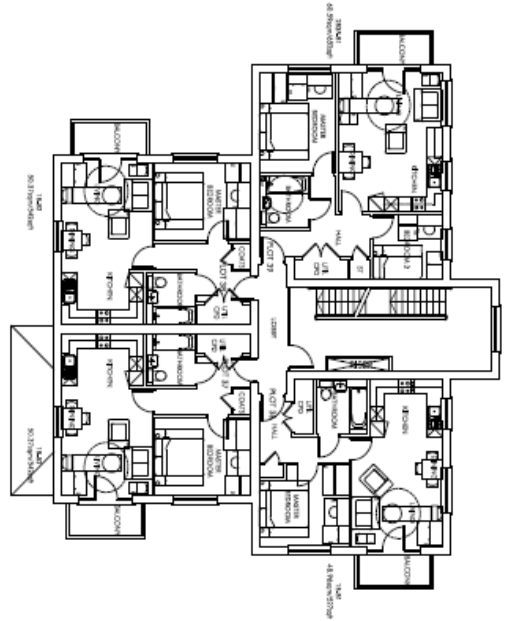
SECOND FLOOR PLAN



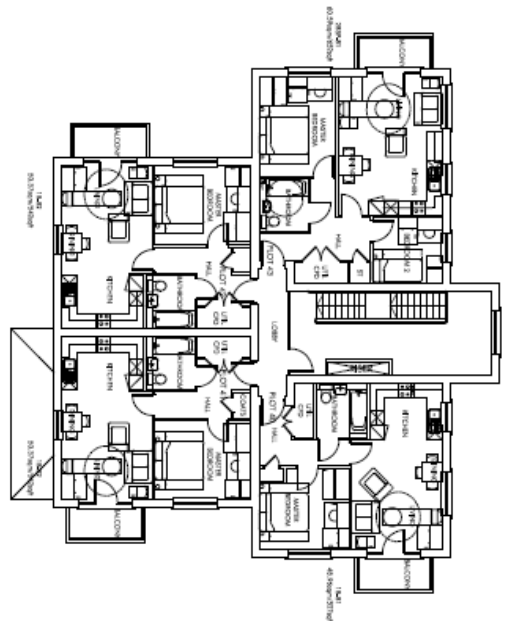
# Floor Plans Plots 32—43



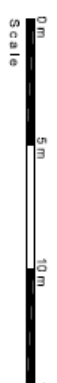
GROUND FLOOR PLAN



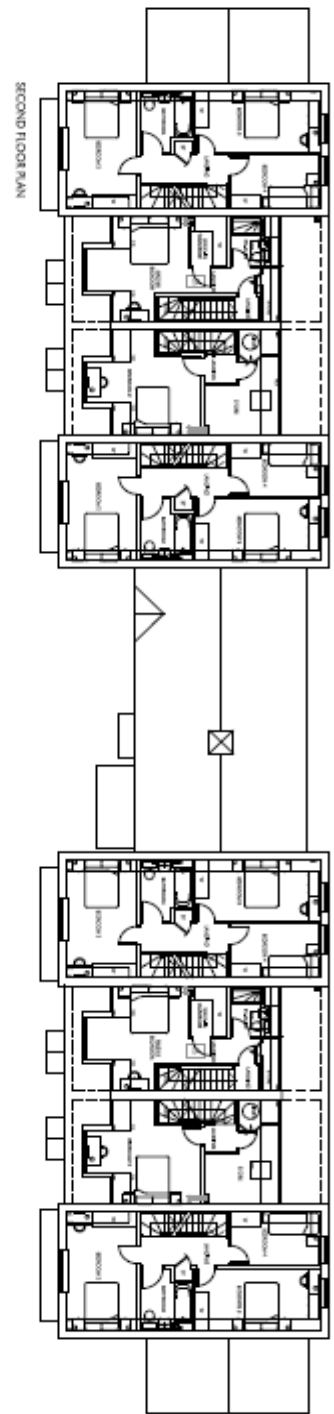
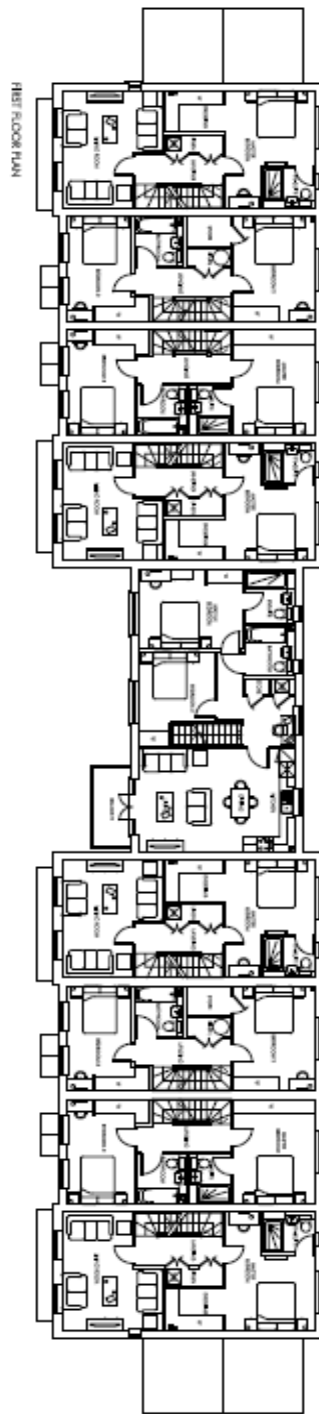
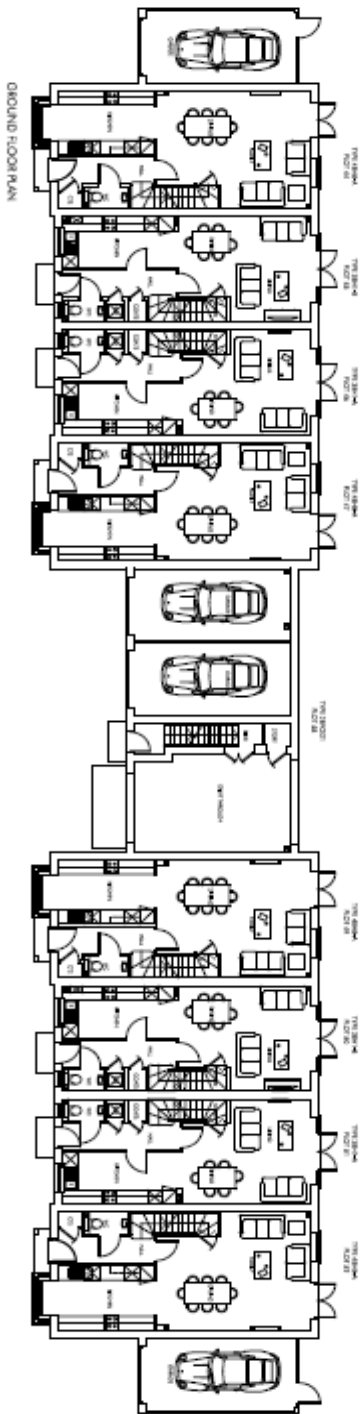
FIRST FLOOR PLAN



SECOND FLOOR PLAN



# Floor Plans Plots 44—52

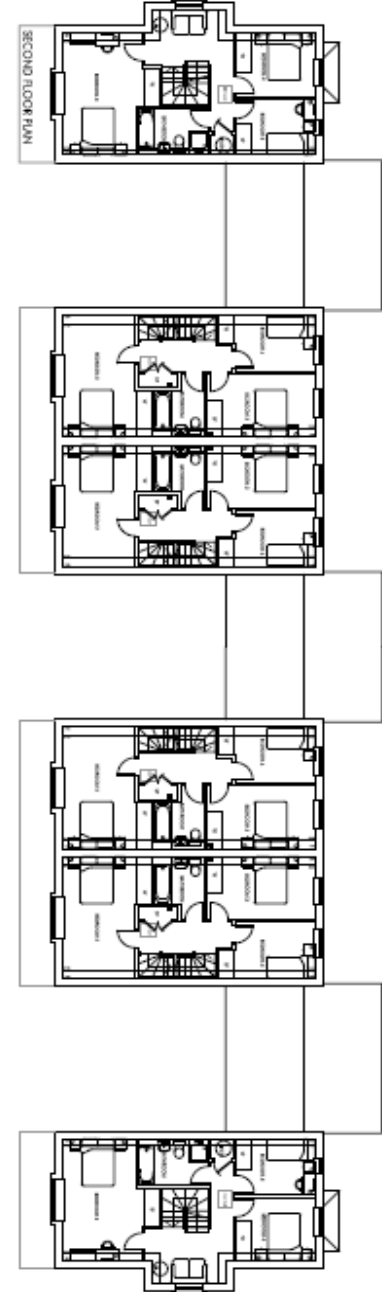
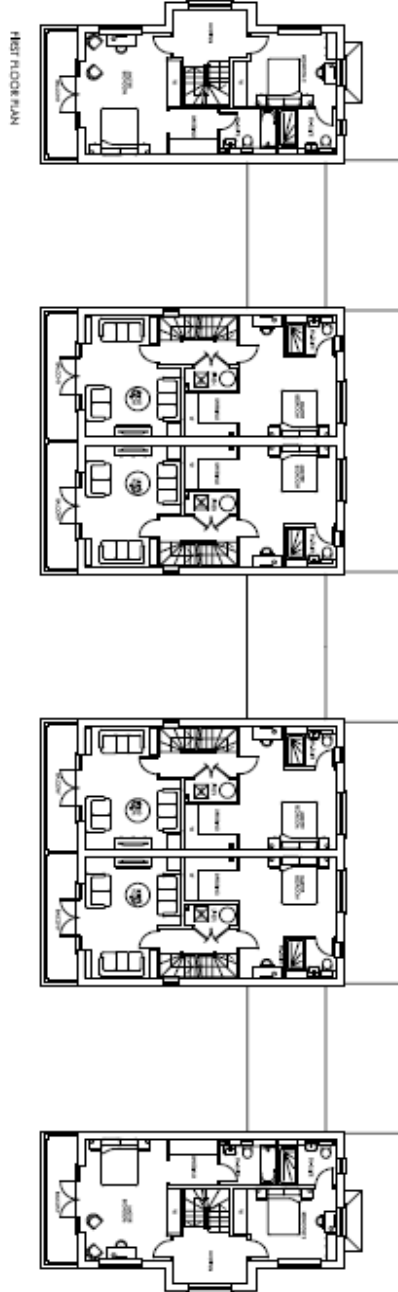
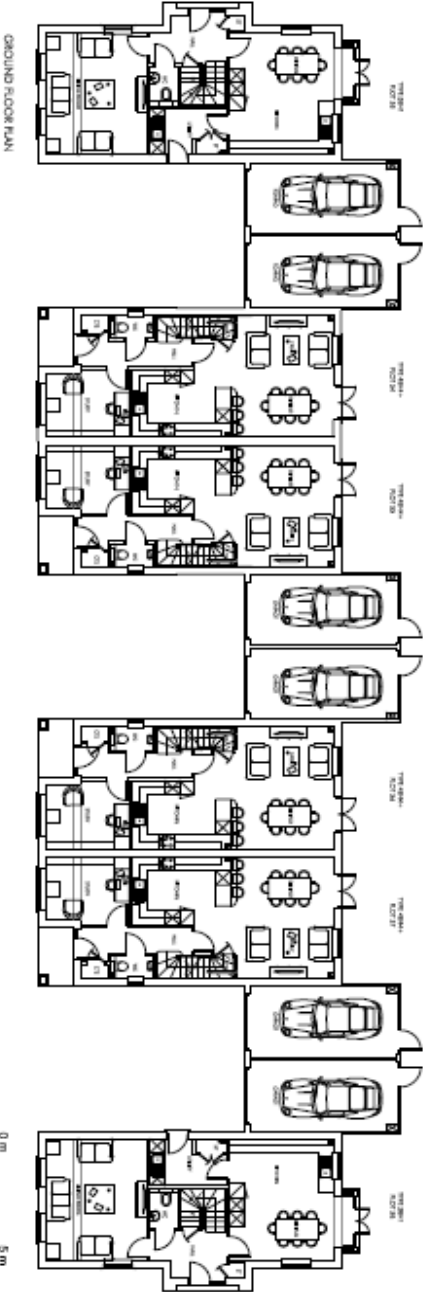


2455-A-3015-D

**OMEGA**  
 Omega International, London, Australia and New Zealand  
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# Floor Plans Plots 53—58



**OMEGA**  
 DEVELOPMENT

Plot: ST WILLIAM  
 project: BRIDGE ROAD, SUNNINGHILL  
 client: BREWERIES SIZ SWE  
 area: 10,420 sq. m  
 floor plans

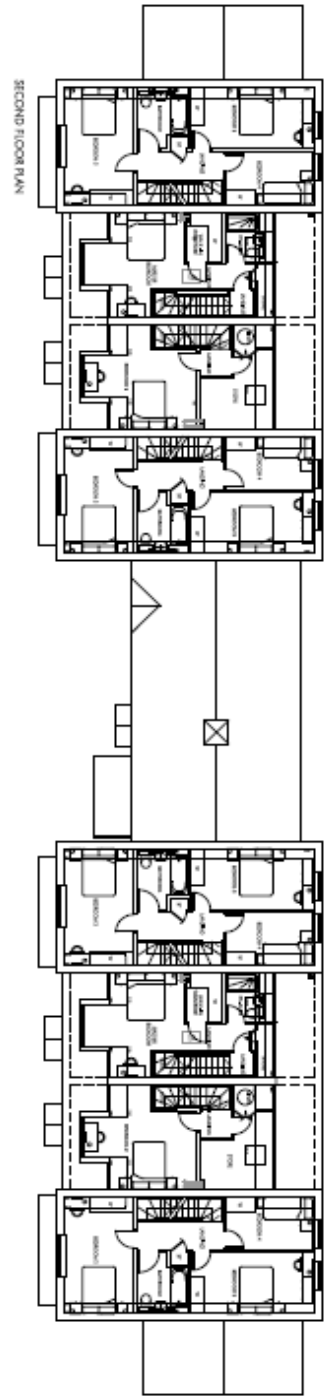
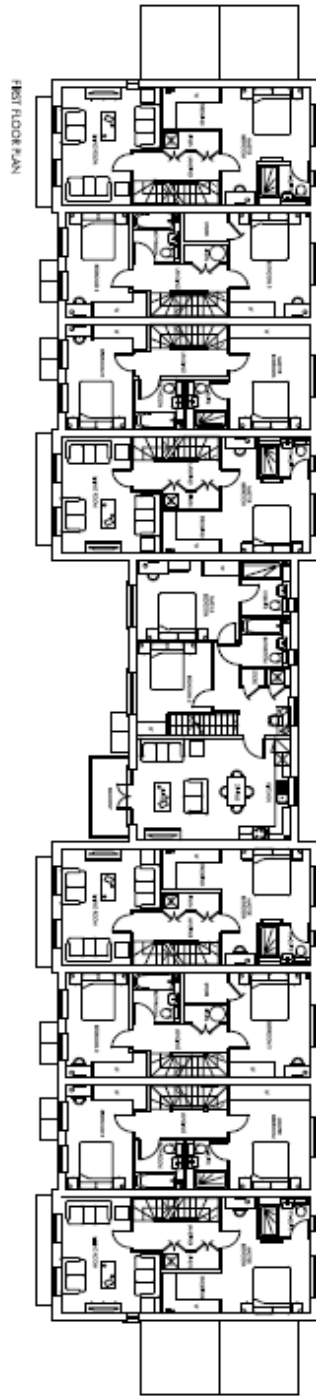
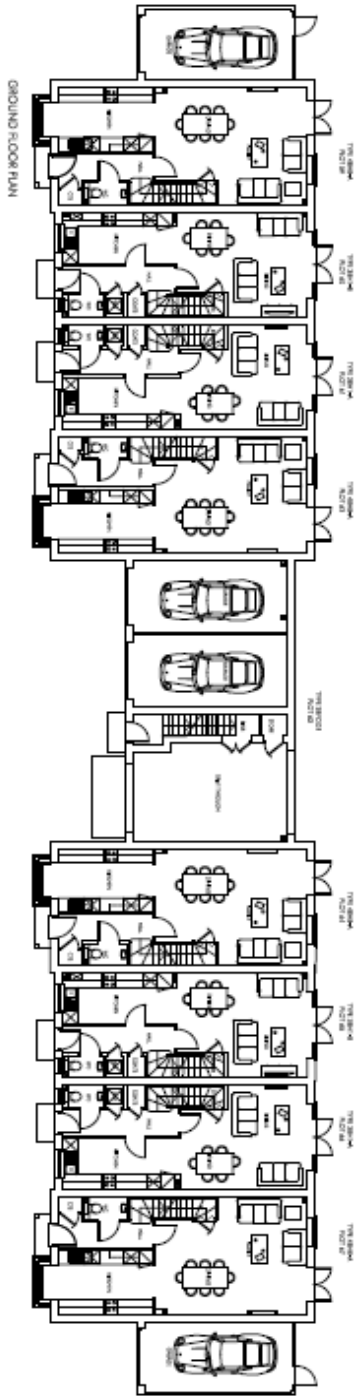
design architect: ST WILLIAM  
 2455  
 1,100 @ A1

design architect: BREWERIES SIZ SWE  
 A-2020  
 D

DATE: SEPTEMBER 2017

PLANNING  
 2455-A-3020-D

# Floor Plans Plots 59—67



2455-A-3017-D

PLANNING

1:100 @ A1 SEPTEMBER 2017

2455

4/2017

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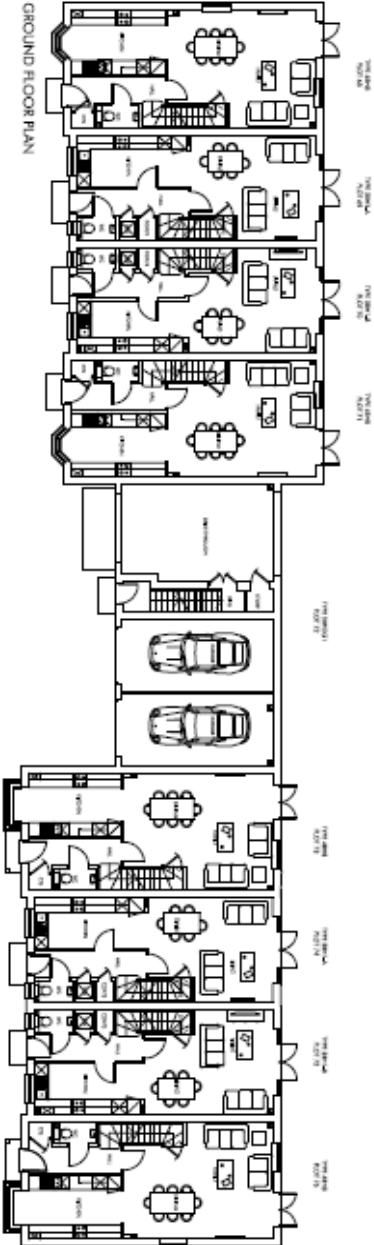
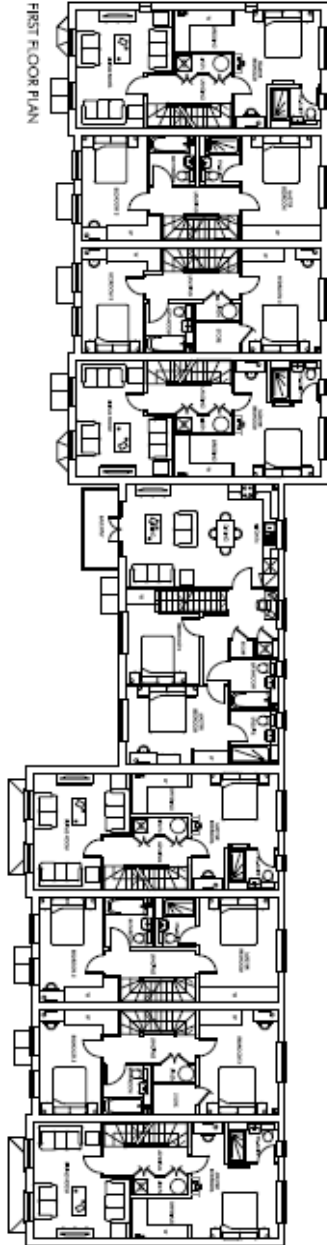
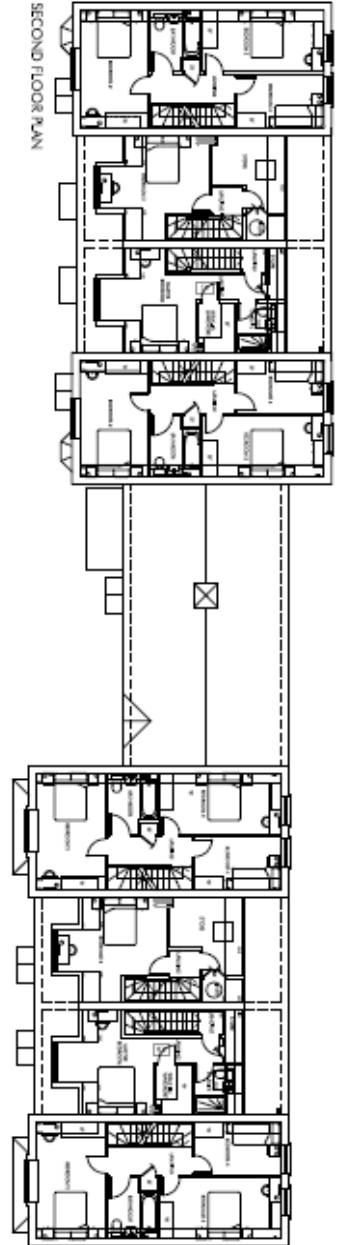
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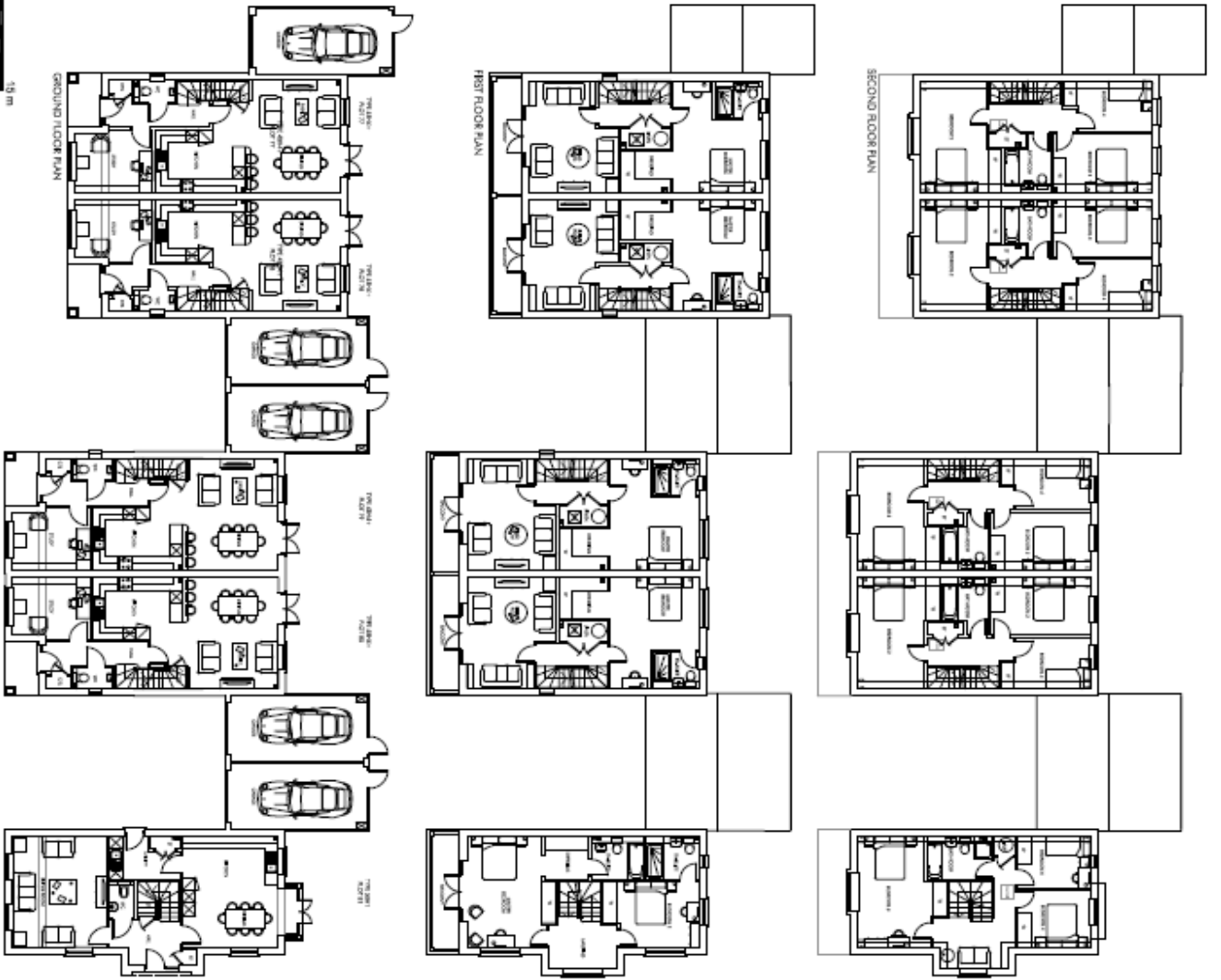
NO. 15-10-17

NO. 15-10-17

Floor Plans Plots 68—76



# Floor Plans Plots 77—81



**OMEGA**  
ARCHITECTS

2455-A-3045-A

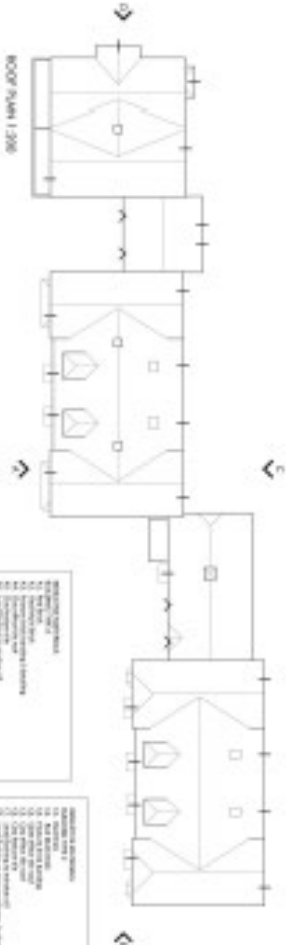
ST WILLIAM  
 REFUGE HOUSING DEVELOPMENT  
 2455-A-3045-A  
 1:100 @ A1

DATE: DECEMBER 2017

# Elevations Plots 1—11

**OMEGA**  
 CONSULTANTS  
 ARCHITECTS  
 10000 100th Street, Richmond, BC V6V 1K2  
 Tel: 604-273-1111 Fax: 604-273-1112  
 www.omegaconsultants.com

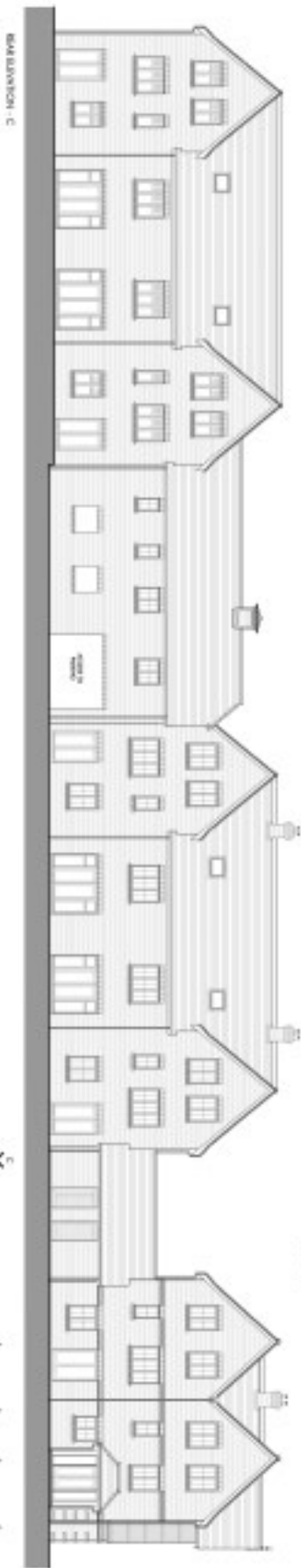
**St William**  
 Designed for SR



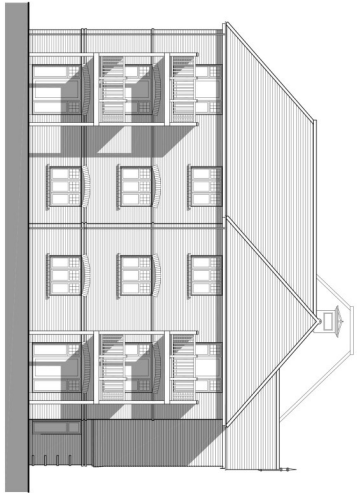
**REVISIONS**

NO.	DATE	DESCRIPTION
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4	2011.01.11	ISSUED FOR PERMIT
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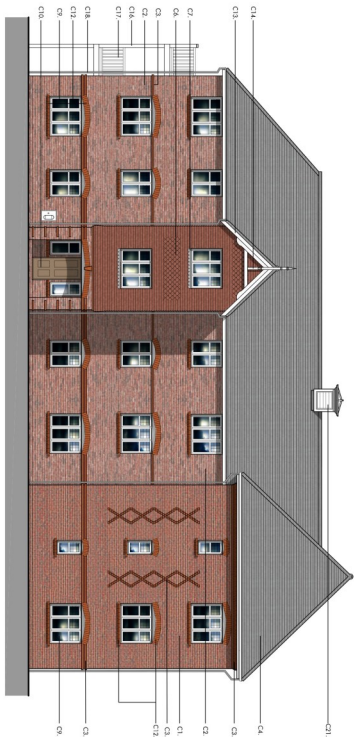
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 SHEET NO. 11 OF 11  
 DATE: 2011.01.11  
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 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 APPROVED BY: [Name]



# Elevations Plots 20—31



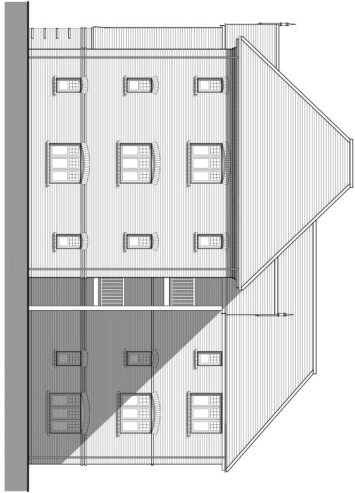
ELEVATION B



ELEVATION A

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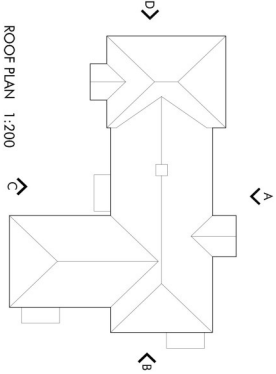
- C1 Red brickwork
- C2 Red brickwork
- C3 Red brickwork
- C4 Red brickwork
- C5 Red brickwork
- C6 Red brickwork
- C7 Red brickwork
- C8 Red brickwork
- C9 White stone or other finish
- C10 Red brickwork
- C11 Red brickwork
- C12 Red brickwork
- C13 Red brickwork
- C14 Red brickwork
- C15 Red brickwork
- C16 Red brickwork
- C17 Red brickwork
- C18 Red brickwork
- C19 Red brickwork



ELEVATION D



ELEVATION C



ROOF PLAN 1:200



**OMEGA PARTNERSHIP**  
 Omega Partnership Limited, Australia and United Kingdom  
 150, Bridge Road, Sunninghill, Brisbane QLD 4054  
 Tel: +61 7 5317 4211/110 www.omegapartnership.com.au

**ST WILLIAM**  
 Project:  
 BRIDGE ROAD, SUNNINGHILL  
 BRISBANE QLD 4054  
 FLAT BLOCK A (PLOTS 20 - 31)  
 ELEVATIONS

Client:  
 ST WILLIAM

Project number:  
 2455

Drawing number:  
 C-3101

Revision:  
 J

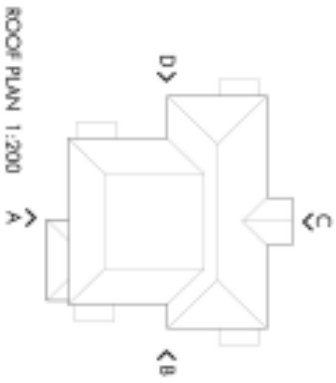
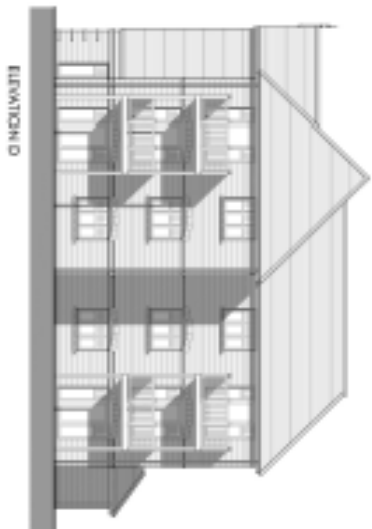
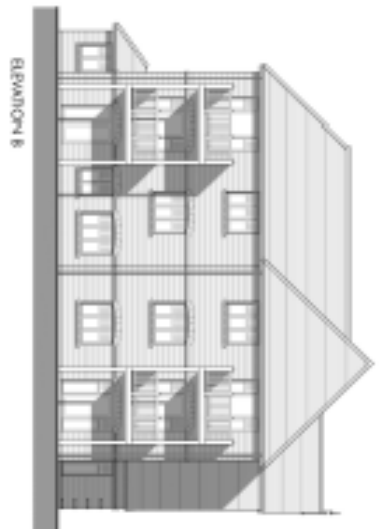
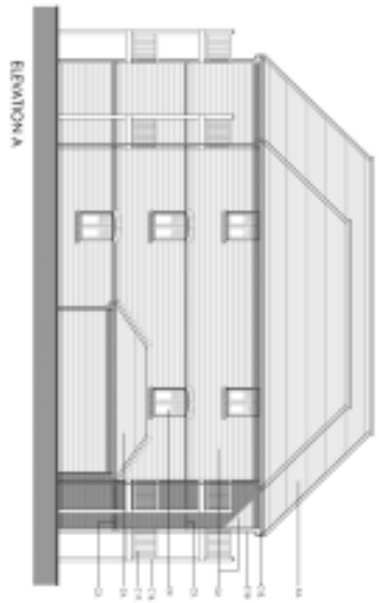
Scale:  
 1:100 @ A1  
 1:200 @ A3

Date:  
 SEPTEMBER 2017

System:  
 PLANNING

**2455-C-3101-J**

# Elevations Plots 32—43



**GENERAL NOTES**

1. REFER TO ALL DRAWINGS FOR DIMENSIONS AND FINISHES.
2. ALL WORK TO BE DONE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL BUILDING REGULATIONS AND THE NATIONAL BUILDING CODE.
3. ALL WORK TO BE DONE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL BUILDING REGULATIONS AND THE NATIONAL BUILDING CODE.
4. ALL WORK TO BE DONE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL BUILDING REGULATIONS AND THE NATIONAL BUILDING CODE.
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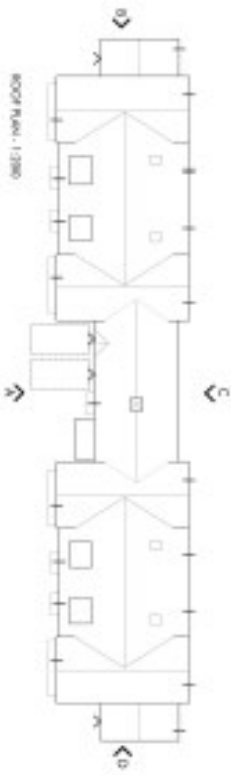
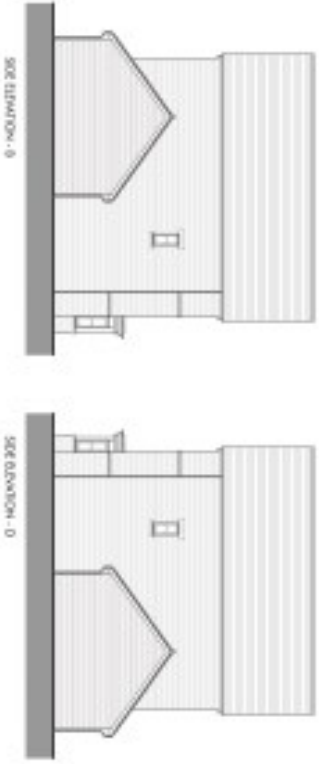
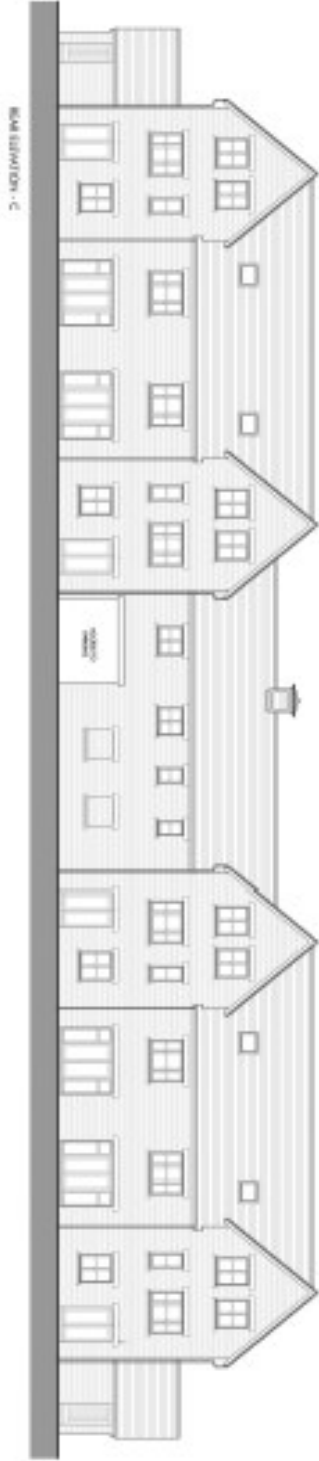
**St William**  
Designed for life

**OMEGA**  
RESIDENTIAL

2455-C-3106-E

2455-C-3106-E

Elevations Plots 44—52



**NOTES**

1. ALL WORK TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL BUILDING REGULATIONS.
2. ALL WORK TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL BUILDING REGULATIONS.
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10. ALL WORK TO BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE NATIONAL BUILDING REGULATIONS.

**St William**  
Designed for life

**OMEGA**  
ARCHITECTURE

1405 CARMICHAEL STREET  
VANCOUVER, BC V6L 2R1  
TEL: 604.681.1111

PROJECT NO: 2453-C-3016-F

DATE: 2016.04.11

SCALE: AS SHOWN

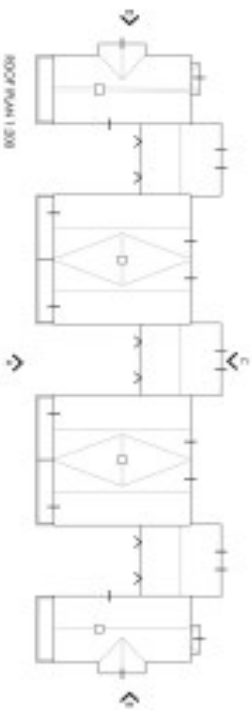
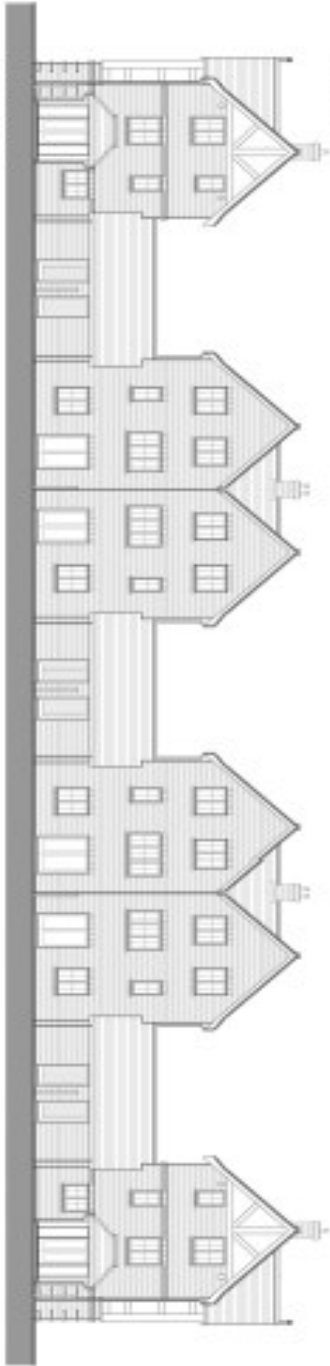
PLANNING



# Elevations Plots 53—58



- 1. Gable End Wall
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- 100. Gable End Wall



**OMEGA**  
 Omega Building Group, Limited  
 Omega House, 100, The Quadrant, London, W2 2BQ  
 Tel: 020 7734 1100 Fax: 020 7734 1101  
 Email: sales@omega.co.uk

SR 02/2004

BRICK WALL SPAN ROOF  
 BRICKWORK 225/125

NOTE: 1. TO ALL  
 DIMENSIONS

DATE: 11/01/04  
 DRAWN: J. J. J.  
 CHECKED: J. J. J.  
 1:100 B/A 1 SEPTEMBER 2017

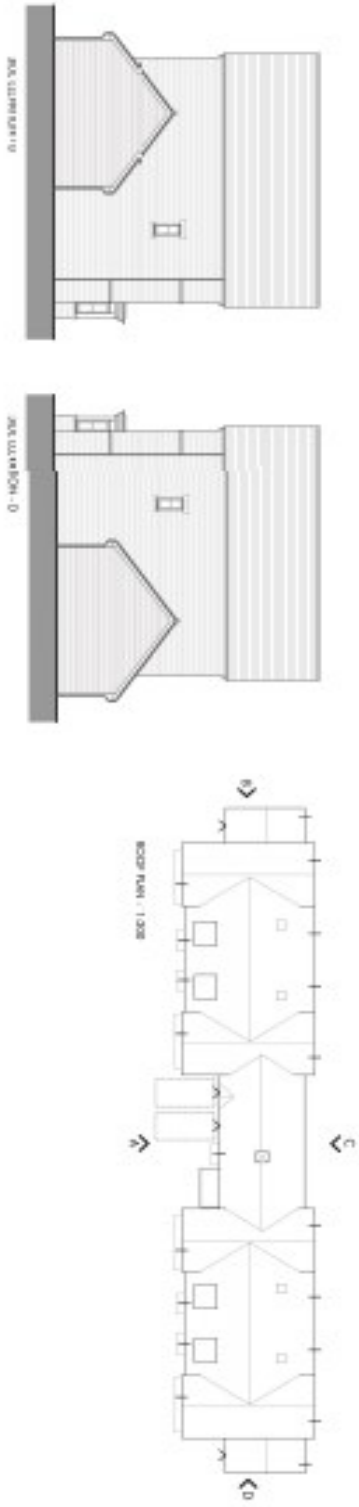
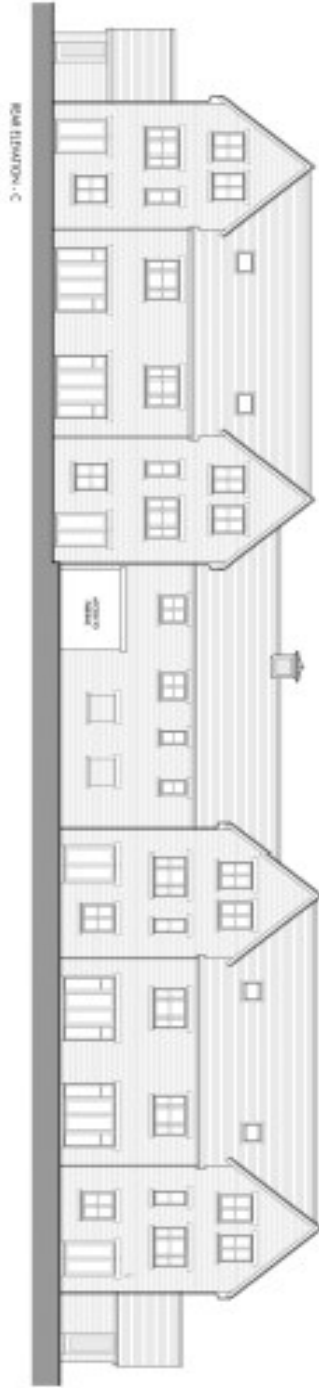
PLANNING  
 2455-C-3021-F

Elevations Plots 59—67



**GENERAL NOTES:**

1. REFER TO ALL DRAWINGS FOR MATERIALS AND FINISHES.
2. ALL MATERIALS AND FINISHES TO BE APPROVED BY ARCHITECT.
3. ALL WORK TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND ALL APPLICABLE LOCAL, STATE AND FEDERAL CODES.
4. ALL WORK TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE (IRC) AND ALL APPLICABLE LOCAL, STATE AND FEDERAL CODES.
5. ALL WORK TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL MECHANICAL AND ELECTRICAL CODE (IMC/MEC) AND ALL APPLICABLE LOCAL, STATE AND FEDERAL CODES.
6. ALL WORK TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL PLUMBING AND MECHANICAL CODE (IPM/C) AND ALL APPLICABLE LOCAL, STATE AND FEDERAL CODES.
7. ALL WORK TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL FIRE AND SAFETY CODE (IFSC) AND ALL APPLICABLE LOCAL, STATE AND FEDERAL CODES.
8. ALL WORK TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL ENERGY CONSERVATION CODE (IECC) AND ALL APPLICABLE LOCAL, STATE AND FEDERAL CODES.
9. ALL WORK TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL SMOKE AND ALARM CODE (ISAC) AND ALL APPLICABLE LOCAL, STATE AND FEDERAL CODES.
10. ALL WORK TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL ACCESSIBILITY STANDARDS AND ALL APPLICABLE LOCAL, STATE AND FEDERAL CODES.
11. ALL WORK TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL GREEN BUILDING CONSTRUCTION CODE (IGBC) AND ALL APPLICABLE LOCAL, STATE AND FEDERAL CODES.
12. ALL WORK TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL SUSTAINABLE DESIGN AND CONSTRUCTION CODE (ISDCC) AND ALL APPLICABLE LOCAL, STATE AND FEDERAL CODES.
13. ALL WORK TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL WELL-BEING AND PRODUCTIVITY CODE (IWPC) AND ALL APPLICABLE LOCAL, STATE AND FEDERAL CODES.
14. ALL WORK TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL QUALITY MANAGEMENT SYSTEM (IQMS) AND ALL APPLICABLE LOCAL, STATE AND FEDERAL CODES.
15. ALL WORK TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RISK MANAGEMENT SYSTEM (IRMS) AND ALL APPLICABLE LOCAL, STATE AND FEDERAL CODES.
16. ALL WORK TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL SAFETY AND HEALTH SYSTEM (ISHS) AND ALL APPLICABLE LOCAL, STATE AND FEDERAL CODES.
17. ALL WORK TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL ENVIRONMENTAL MANAGEMENT SYSTEM (EMS) AND ALL APPLICABLE LOCAL, STATE AND FEDERAL CODES.
18. ALL WORK TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL SOCIAL RESPONSIBILITY SYSTEM (ISRS) AND ALL APPLICABLE LOCAL, STATE AND FEDERAL CODES.
19. ALL WORK TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL GOVERNANCE SYSTEM (IGS) AND ALL APPLICABLE LOCAL, STATE AND FEDERAL CODES.
20. ALL WORK TO BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN (LEED) AND ALL APPLICABLE LOCAL, STATE AND FEDERAL CODES.



**OMEGA**  
 ARCHITECTURE  
 1000 10th Street, Suite 100  
 St. William, MO 64588  
 Phone: 417-234-2200  
 Fax: 417-234-2201  
 Website: www.omegaarch.com

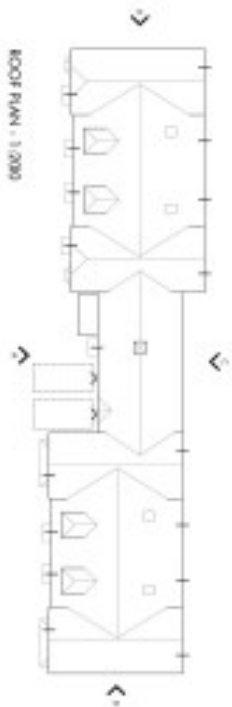
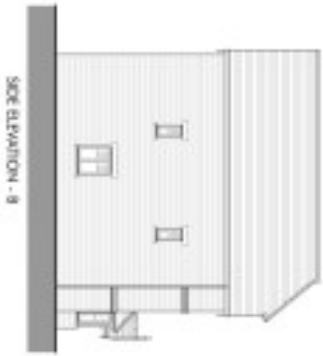
**PROJECT INFORMATION**

**PROJECT NAME:** ST. WILLIAM  
**CLIENT:** ST. WILLIAM  
**ARCHITECT:** OMEGA ARCHITECTURE  
**DATE:** 1/10/2014  
**PROJECT NO.:** 2455-C-3018-E

**PLANNING**

**2455-C-3018-E**

Elevations Plots 68—76



**GENERAL NOTES:**

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE CANADIAN NATIONAL BUILDING CODE (CNBC) AND THE BRITISH COLUMBIA BUILDING CODE (BCBC).
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.
3. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL AUTHORITY.
4. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
5. ALL UTILITIES SHALL BE LOCATED AND MARKED PRIOR TO CONSTRUCTION.
6. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES.
7. ALL FOUNDATION WORK SHALL BE DONE IN ACCORDANCE WITH THE CBC AND BCBC.
8. ALL ROOFING SHALL BE DONE IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS.
9. ALL EXTERIOR FINISHES SHALL BE DONE IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS.
10. ALL INTERIOR FINISHES SHALL BE DONE IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS.
11. ALL MECHANICAL, ELECTRICAL, AND PLUMBING (MEP) WORK SHALL BE DONE IN ACCORDANCE WITH THE CBC AND BCBC.
12. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
13. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE COVERAGE.
14. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.
15. THE CONTRACTOR SHALL MAINTAIN A NEAT AND SAFE WORK SITE AT ALL TIMES.
16. ALL MATERIALS SHALL BE STORED PROPERLY ON SITE.
17. ALL WASTE SHALL BE REMOVED FROM SITE DAILY.
18. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
19. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.
20. ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE LOCAL AUTHORITY.

**St William**  
Designed for life

**OMEGA**  
ARCHITECTURE

51 MILLIKEN  
SUITE 1000, GASTROPOLE  
VICTORIA, BC V8W 2E6  
TEL: 250-383-1111  
WWW.OMEGAARCHITECTURE.COM

PROJECT NO. 2111  
DATE: 2021-11-11

CLIENT: ST WILLIAM  
ADDRESS: 1111 BAY ST  
VICTORIA, BC V8W 2E6

DATE: 2021-11-11

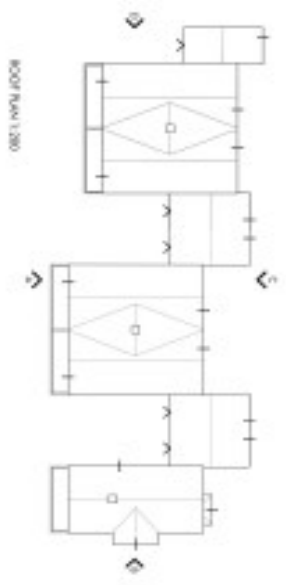
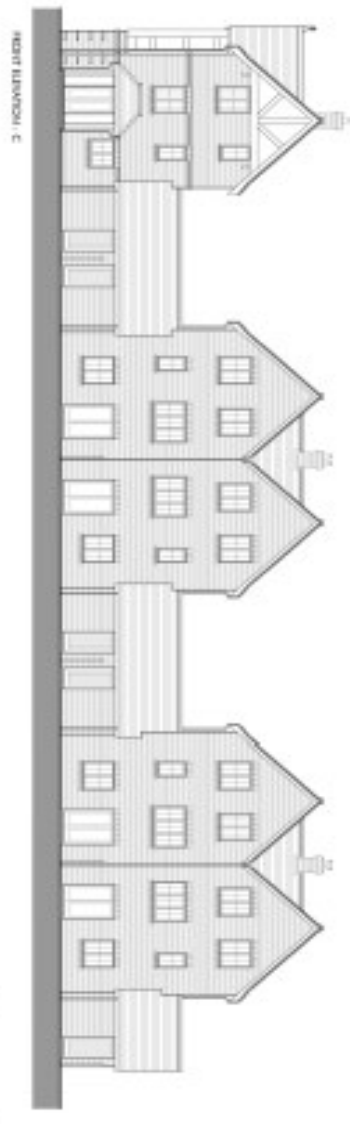
2455-C-3026-H

# Elevations Plots 77—81



- GENERAL NOTES:**
1. All work to be in accordance with the current edition of the Building Regulations.
  2. The design is based on the information provided by the client.
  3. The design is based on the current edition of the Building Regulations.
  4. The design is based on the current edition of the Building Regulations.
  5. The design is based on the current edition of the Building Regulations.
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  9. The design is based on the current edition of the Building Regulations.
  10. The design is based on the current edition of the Building Regulations.

**St William**  
Designed for life



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PROJECT NO: 2455-C-3046-A  
DATE: 01/10/2017

CLIENT: [REDACTED]

1:100 (R.A.) 001/2017/1917

2455-C-3046-A

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

**BOROUGHWIDE DEVELOPMENT MANAGEMENT PANEL**

13 June 2018

Item: 3

<b>Application No.:</b>	18/00156/FULL
<b>Location:</b>	Land At Blacknest House Titness Park London Road Sunninghill Ascot
<b>Proposal:</b>	Change of use of land and part of building to Forest School (D2) with new access off private drive off Blacknest Gate Road. Retention of part of building for residential annexe use in connection with Blacknest House
<b>Applicant:</b>	Mrs Martin
<b>Agent:</b>	Not Applicable
<b>Parish/Ward:</b>	Sunninghill And Ascot Parish/Ascot And Cheapside Ward
<b>If you have a question about this report, please contact:</b> Jo Richards on 01628 682955 or at jo.richards@rbwm.gov.uk	

**1. SUMMARY**

- 1.1 The proposal is for the change of use of the land and one of the existing buildings on site to provide a Forest School. The other building is to remain as an annexe in association with residential property Blacknest House. The proposal also includes the creation of a new access off the private access road that runs off Blacknest Gate Road and into Titness Park. The new access would join up to the existing access within the site to form an in-and-out arrangement for vehicles.
- 1.2 The ethos of Forest school is to provide opportunities for children (and parents) to learn in a natural, outdoor environment. The natural environment is key to Forest School experience. The Forest School is aimed at visiting pre-school and school groups, after school clubs, holiday clubs and training of Forest School Leaders. Groups will be restricted to 10-14 children. The proposed Forest School is therefore not a state school offering school places to meet the needs of the Borough.

<b>It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 10 of this report):</b>	
<b>1.</b>	The proposed change of use of the land and the change of use of the building and associated development in the form of an access drive and hard-surfacing for parking to form a Forest School would constitute inappropriate development in the Green Belt, which by definition is harmful to the Green Belt. Furthermore, the access and hard-surfacing would allow for increased activity and vehicle into the site which would reduce the openness of the Green Belt. The proposal as a whole would conflict with one of the purposes of the Green Belt which is to safeguard the countryside from encroachment. The applicants have not put forward a case of very special circumstances to clearly outweigh the harm through inappropriateness, harm to openness and purposes and any other harm. The any other harm in this case is the adverse impact on trees and ecology and surface water drainage considerations - as per the reasons 2, 3 and 4 below. The proposal conflicts with paragraphs 89 and 90 of the NPPF and saved policy GB1 of the Royal Borough of Windsor and Maidenhead Local Plan incorporating alterations adopted June 2003 (Local Plan). The proposal is also contrary to Borough Local Plan Submission Version policy SP5.
<b>2.</b>	The proposed development by reason of the siting of parking spaces would encroach on tree root protection areas. Furthermore, the construction of the access road in close proximity to trees would lead to pressure to prune or even remove trees in the future. The proposed development would result in the loss and decline of trees which contribute positively to the character and visual amenities of the area. The proposed development is contrary to saved Local Plan Policies DG1, N6 and Policy NP/EN2 of the adopted Ascot,

	Sunninghill and Sunningdale Neighbourhood Plan. The proposal is also contrary to Borough Local Plan Submission Version policy NR2.
3.	The proposal, in the absence of further survey work, fails to demonstrate that the proposed scheme would not have an unacceptable impact upon bats and bat roosts. As such, the proposal thereby fails to comply with paragraph 109 of the NPPF and policy NP/EN4 of the adopted Ascot, Sunninghill and Sunningdale Neighbourhood Plan. The proposal is also contrary to Borough Local Plan Submission Version policy NR3.
4.	The applicant has not submitted sufficient details of the management and disposal of surface water for the proposed development and satisfactory details of flood risks arising from the proposed development and mitigation measures where necessary. Without these details, the LPA cannot be satisfied that the proposal would not increase flood risk to the surrounding area. The proposal conflicts with the NPPF paragraph 103. The proposal is also contrary to Borough Local Plan Submission Version policy NR1.

## 2. REASON FOR PANEL DETERMINATION

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

## 3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site lies within the Green Belt. It is a wooded area associated with Blacknest House, which lies on the opposite side of the private lane. On the application site there are two inter-linking log cabins. The use of these buildings is for private use, ancillary to the dwelling house at Blacknest House, as an annexe. The use of the land is not for residential purposes and there is not considered to be a separate dwelling unit on this site.

## 4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 This application proposes a change of use of land and change of use an existing building to a Forest School (D2). Part of the existing building is to be retained as a residential annexe. The description of the application has been altered accordingly. The proposal is also for the construction of an access road into the site.
- 4.2 07/02991/CLU – Certificate of lawfulness for existing detached log cabin for private use. Granted Feb 2008. (This is the SIPs building which is to be converted).

16/0333/CLU - Certificate of lawfulness for the log cabin for ancillary private use. Granted October 2016. (This is the log cabin that is to be retained).

16/03674/FULL - Construction of a facilities building in connection with the use of the existing building for educational purposes. Refused 08.05.2017.

This latest application, also for use of the site for a Forest School but for the construction of a new building and managers accommodation in association with this use, was refused on grounds of inappropriate development in the Green Belt, impact on trees, impact on neighbouring occupiers from noise disturbance from increased activity and vehicular movements, insufficient details of the management and disposal of surface water to prove no risk of flooding and impact on the Thames Heath Basin SPA. No Very Special Circumstances were put forward to outweigh the harm identified.

- 4.3 The current proposal does not include any new buildings, but is for the conversion of an existing building, change of use of the land and construction of an access road and parking spaces.

## 5 MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework Sections 8 (Promoting healthy communities) and 9 (Protecting the Green Belt)

## RBWM Adopted Local Plan

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

Issue	Local Plan Policy	Compliance	
Acceptable impact on character and appearance of area	DG1	Yes	
Acceptable impact on Green Belt	GB1, GB2		No
Sufficient parking space available	P4	Yes	
Acceptable impact on highway safety	T5	Yes	
Trees and development	N6		No
Community Facilities	CF1-CF3	Yes	
Complies with relevant policies of the Ascot, Sunninghill and Sunningdale Proposed Neighbourhood Plan	NP/EN2 NP/EN4		No

The Council's planning policies in the Local Plan can be viewed at:

[https://www3.rbwm.gov.uk/downloads/download/154/local\\_plan\\_documents\\_and\\_appendices](https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices)

### 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
Managing Flood Risk and Waterways	NR1
Trees, Woodlands and Hedgerows	NR2
Nature Conservation	NR3

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.

Significant weight is to be accorded to Borough Local Plan Submission Version policies SP1, SP2, SP3, SP4, SP5, NR2 and NR3. Lesser weight is to be afforded to policy NR1 given the level and nature of objections. The above application is considered to be contrary to the relevant policies listed within the Development Plan and those Borough Local Plan Submission Version policies to which significant weight is to be accorded.

This document can be found at:

[https://www3.rbwm.gov.uk/info/201026/borough\\_local\\_plan/1351/submission/1](https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1)

### **Supplementary planning documents**

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

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

More information on these documents can be found at:

[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)

### **Other Local Strategies or Publications**

5.4 Other Strategies or publications relevant to the proposal are:

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

More information on these documents can be found at:

[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)

## **6. EXPLANATION OF RECOMMENDATION**

6.1 The key issues for consideration are:

i Whether the development is appropriate development in the Green Belt and whether there is any other harm to the Green Belt

ii Impact on the character of the area and neighbouring properties

iii Highways and parking

iv Trees

v Ecology

vi Drainage and flooding

vii Thames Basin Heath Special Protection Area (TBH SPA)

viii Planning Balance and Case of Very Special Circumstances

### **Green Belt**

6.2 The proposal involves the change of use of land associated with Blacknest House from private woodland to D2 (Assembly and Leisure Use) to provide a Forest School. The application also proposes the change of use of part of the existing log cabin (the SIPs building) to be used in association with the Forest School. To facilitate this change of use a new access is to be created off the main driveway off Blacknest Park Road into Titness Park and 8 car parking spaces are to be provided. (It should be noted that part of the existing building would remain in use as a residential annexe in connection with Blacknest House).

6.3 The land within the application site is associated with Blacknest House (although, arguably not part of residential curtilage). The residential curtilage associated with Blacknest House is



considered to be confined to land immediately surrounding the house, on the opposite side of the access road. The use of the land therefore has a nil or agricultural use. Whilst the existing building has a lawful use as an annexe – the certificates granted restrict this use to the buildings alone and not the land surrounding them. The site has been in private ownership by the applicant's family since 1960 and is currently managed and maintained through a woodland management programme.

- 6.4 The applicants have explained that the Forest School would provide learning in the outdoors, with the emphasis on learning through doing and experiencing in a forest or woodland setting. Forest School approach to outdoor play and learning enables students to utilise their open space for interactive play, health, recreation and personal development. The kind of activities undertaken at Forest School include lighting and managing fires, cooking on fires, building dens and shelters; engaging in imaginative and fantasy play including storytelling; climbing trees, rope swings, using full-size tools to cut, carve and create using natural materials, and playing environmental based games. The applicant adds that these activities need to be performed recreationally in the outdoors and are not traditional educational experiences. The activities do not take place solely during school hours. The facility would provide for birthday parties to be hosted at the site and for holiday adventure days at the site where children can explore the outdoors and well as for pre-schools during school hours and after school clubs. The applicant has given a rough outline of the days/hours of use within the supporting documentation. The combination of all the different groups means that the Forest School would be running most weekdays of the year.
- 6.5 The applicant considers that Forest School is a recreation and education use, by providing activities which are done for enjoyment as well as informing and training. The applicant has run some pilot projects over the course of 2017 which have received local support.
- 6.6 Paragraphs 89 and 90 of the NPPF are quite specific about the types of development that are appropriate in the Green Belt. It is noted that the change of use of 'land' in the Green Belt is not listed as 'appropriate development' and is therefore considered to be 'inappropriate development' in the Green Belt. Paragraph 90 of the NPPF allows for the re-use of buildings provided the buildings are of permanent and substantial construction and the conversion would preserve the openness of the Green Belt and not conflict with the purposes of including land within it. The NPPF does not mention that education activities (through the change of use of land or conversion of buildings) are permitted in the Green Belt, although it is supportive of outdoor recreational uses.
- 6.7 It is noted that paragraph 81 of the NPPF states that once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain an enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.
- 6.8 Local Plan policy GB8 is largely in line with paragraph 90 of the NPPF as it states that the re-use of buildings will be considered not to be inappropriate where it can be demonstrated that there will be no harm to openness or purposes of including land in the Green Belt.
- 6.9 Borough Local Plan Submission Version policy SP5, which now carries significant weight, states the proposed use of a building to be re-used should not have a materially greater impact than the present or last approved lawful use on the openness of the Green Belt and the purposes of including land within it.
- 6.10 It should be noted that the revised NPPF (which is currently in draft form and out for consultation) states at paragraph 145 that material changes in the use of land that would preserve the openness of the Green Belt and not conflict with the purposes of including land within it (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds, so long as the development would preserve openness). This carries very limited weight at the present time.
- 6.11 Based on the above policy position, it is concluded that the change of use of the land from a private woodland into a Forest school is inappropriate development. The change of use of the

land within the Green Belt is not allowed for in paragraphs 89 or 90 of the NPPF. Whilst the draft revised NPPF may allow for a material change of use of the land when adopted, this is on the proviso that the change of use would preserve the openness of the Green Belt and not conflict with the purposes of including land within it. Using the land as a Forest school would result in the need for additional hard-surfacing within the site to form an access road and parking spaces, which in turn would reduce the openness of the site through the parking of cars and increased activity. There would also be an intensification of the site through increased vehicular movements and associated activity of the Forest school, whereas currently there is very little activity within the site as it is owned privately and the building itself is used on occasion as an annexe. The proposed use is therefore more urbanising than the current use and thus would result in a change to the character of the lane. It is therefore concluded that the proposed change of use of the land is contrary to the current version of the NPPF and to the proposed changes to the NPPF.

- 6.12 Regarding the conversion of the building, whilst this alone may not be harmful to openness and it requires not external physical alteration, as stated above, the construction of an access road and parking spaces would be harmful to the openness of the Green Belt and the purposes of including land within it. This part of the proposal is also contrary to the NPPF and contrary to Local Policy GB8.
- 6.13 Whilst the Borough Local Plan Submission Version policy allows for the re-use of buildings provided the proposed use would not have a materially greater impact on openness and purposes and thus it has a slightly more lenient stance than the NPPF, it does not carry as much weight as the NPPF at this stage and notwithstanding, the re-use of the building, given the associated development required in connection with its re-use including paraphernalia, hard-surfacing and the presence of vehicles, would be materially more harmful to the openness of the Green Belt than the existing use.
- 6.14 The proposal is therefore considered to be contrary to national and local Green Belt policy and is inappropriate development in the Green Belt. The NPPF advises that inappropriate development is by definition harmful to the Green Belt and should not be allowed except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. A balancing exercise that weighs up all the issues in favour of the proposals and all those against therefore has to be undertaken (see below).

### **Impact on neighbouring properties**

- 6.15 The previous application was refused on grounds of disturbance to neighbouring occupiers through additional traffic and a significant increase in the numbers of people visiting this site. The revised proposal, by introducing a new access point closer to London Road, would allow cars to enter the site at this point and leave via the existing access. Whilst traffic would still need to travel past the neighbouring dwellinghouse Barons Keep after exiting the site the number of vehicular movements using this part of Titness Park would be significantly reduced. The noise from increased activity of the site would be confined to daytime hours and separated from neighbouring occupiers by mature boundary screening. As such, the revised proposal has overcome previous concerns relating to impact on neighbouring occupiers.

### **Highways and Parking**

- 6.16 One of the main differences between the previous and current application is the creation of a new access into the site from a point closer to London Road. Whilst the Highways Officer has not raised objection to this new access in principle, it is subject to a condition requiring increased visibility splays. Whilst increasing the visibility splays would result in a suitable access, it would result in further tree loss to that which is already proposed and the introduction of an engineered access point which would be harmful to the character of this wooded part of the Green Belt.
- 6.17 Furthermore, concerns have been raised regarding the amount of parking provision and that it is below the anticipated demand. In addition, no drop-off, pick-up and coach parking facilities have been provided. The Highways Officer has commented that it is unclear whether the existing

access drive is to remain, providing an in-out system. If the existing drive is not to remain, turning facilities within the site must be provided. The proposed driveway is narrow, with access for coaches and mini-buses likely to be restricted, swept path analysis should be provided indicating that access is possible. The applicant has confirmed that the existing access would remain providing an in-and-out system and as such the driveway within the site could be single access. The Highways Officer has confirmed that the minimum width of access permitted is 2.75m, which is larger than that shown on the site plan as originally submitted.

- 6.18 Whilst the Highways Officer would be happy to deal with these matters via condition and that the additional information requested may satisfy the proposal from a highways point of view, increased visibility splays and increase in width of the access could result in further harm to trees and additional hard-surfacing for parking, turning and drop off points would further harm the openness of the Green Belt and urbanise the site. It is considered that such information should be submitted up front with the application so the proposed access and parking arrangements are sufficiently clear so the impact on the Green Belt and the trees can be fully assessed.

### **Trees**

- 6.19 TVERC (Thames Valley Environmental Records Centre) have claimed that it is likely the woodland on the proposed development could be Ancient woodland. These trees are within the Green Belt. North Ascot and Ascot are surrounded by the gently undulating landscape of the Settled Wooded Sands. This landscape type is defined by a strong framework of mature mixed woodland, some of ancient origin. To the north-east of North Ascot is a small area of Wooded Parkland, which forms part of Windsor Forest, and is characterised by mixed coniferous and deciduous wooded with an ancient 'wild-wood' character. The dispersed settlement pattern and strong framework of mature mixed woodland results in a gradual transition between the Green Belt and villages. The trees within the site are therefore important trees that contribute to the character of the area.
- 6.20 The new access driveway into the woodland would require one tree to be removed (this tree is shown to be diseased and therefore there is no objection to its removal). The driveway itself however would encroach onto the root protection areas of several mature trees. The latest plan shows a driveway of increased width (approx. 0.5m wider than that originally shown to meet highways specification), while this increase seems minor it has a significant impact on the trees on site. The increase in driveway size will mean that the hard surfacing will be greater than the 20% prescribed in the British standard 5837: Trees in relation to design, demolition and construction 2012. The trees directly affected are the more significant trees on site and their loss would have a detrimental impact on the character of the area and are important in the screening of the site from the adjacent private roadway. As such, the scheme fails to adequately secure the protection of important trees within the site which contribute positively to the character and appearance of the area. The Arboriculturist's comments are set out in full in section 7 below.

### **Ecology**

- 6.21 The Council's Ecologist has advised that the trees shown for removal and affected by the proposed access road need to be surveyed. The surveys submitted have not been carried out by a suitably qualified Ecologist and as such, objections are raised in this regard as these trees have the potential to support bat roosts.

### **Drainage and flooding**

- 6.22 Based on the site area, the application is categorised as a major application and thus consultation is required with the Lead Local Flood Authority (LLFA). The LLFA have raised concerns that the risk of flooding from the access road on to the public highway has not been addressed in the amended drainage and flood risk assessment.

### **Thames Basin Heath Special Protection Area (TBH SPA)**

- 6.23 The objection raised in the previous application regarding the impact of the TBH SPA has now been overcome through the omission of the manager's accommodation.

## Planning balance and case for Very Special Circumstances (VSC)

6.24 In line with the NPPF substantial weight is given to the harm to the Green Belt by reason of inappropriateness. In terms of other potential harm to the Green Belt, as outlined above, there is harm to openness through the construction of an access road and area for parking and harm to the purposes and undeveloped character of the Green Belt through the significant increased activity from people and vehicular movements. Other harm exists in the form of harm to trees and ecology and lack of information to demonstrate that there would not be increased flood risk as a result of the development.

### Material considerations put forward in support of the application:

- NPPF 81 and 156 – Access to Green Belt Land and provision of social/environmental benefits

6.25 The applicant maintains that by encouraging access to this Green Belt site, the proposal would fulfil the requirements of paragraph 81 of the NPPF which states that Local Planning Authorities should plan positively to enhance the beneficial use of the Green Belt such as looking for opportunities to provide access.

6.26 Paragraph 156 states that LPAs should set out strategic policies to deliver the provision of health, security, community and cultural infrastructure and other local facilities; and climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape. The applicant maintains that the proposal would fulfil these requirements by teaching young people, through forest school, to value the natural world and ensure its sustainability, including upkeep of the woodland and mitigating climate change.

6.27 Whilst it is considered that Forest School has many benefits it is considered that the impetus of paragraph 81 of the NPPF is to encourage LPAs to look for opportunities to provide access to the Green Belt for appropriate uses or development and for the public benefit. The proposed use has been found to constitute inappropriate development and therefore just because the proposal would provide access to the Green Belt does not mean that other considerations are overridden. Whilst it would be beneficial to those children enjoying the Forest School to have access to this Green Belt land, it should not be at the expense of the harm identified in the preceding paragraphs. It is considered that the aim of paragraph 81 is to encourage appropriate uses of the Green Belt, and for these uses to be accessed by the public. This consideration therefore carries limited weight.

- NPPF 72, 73 and 171 – Education and Health

6.28 Paragraph 72 is concerned with offering school places and widening choice in education, paragraph 73 is concerned with access to high quality open spaces and opportunities for sport and recreation and paragraph 171 is concerned with the health needs of the population.

6.29 The proposed Forest School is not a state school offering school places to meet the needs of the Borough, which the applicant admits. The Forest School would offer a place for pre-school aged children and some visiting school groups to be educated outdoors and for after school clubs and holiday clubs. It could not therefore be argued that the facility would be providing school places. The benefits of education through Forest school are recognised but these benefits are not a statutory need to be met by the Local Authority and as such, it is considered that the educational benefits of the proposal only carry very limited weight in the planning balance.

6.30 The applicant maintains that childhood health and obesity can be tackled through the use of the site as a Forest School. Whilst the health of children using the facility would be a benefit to the proposal, the number of children using the facility would be limited and there is no clear evidence to state that such health benefits couldn't be gained elsewhere. As such, this consideration carries limited weight.

### NPPF 90 – Green Belt

- 6.31 The applicant maintains that the re-use of the existing SIPs building for Forest School purposes is not inappropriate development because it accords with the terms of paragraph 90 of the NPPF. For the reasons outlined above in sections 6.6 – 6.14 the LPA does not consider that the proposal accords with the terms of paragraph 90 of the NPPF. As thus no weight is given to this consideration.

#### NPPF 118 - Biodiversity

- 6.32 Paragraph 118 of the NPPF states (at bullet point 3) that development proposals where the primary objective is to conserve or enhance biodiversity should be permitted. The primary objective of the proposal is to teach children in a natural outdoor environment. Whilst the proposal also aims to conserve and enhance biodiversity, it is not considered that this is the primary objective of the proposal. Also, in relation to this point, given that there is an objection from the Ecologist on grounds of inadequate survey information relating to bats, the proposal as it stands cannot be said to conserve or enhance biodiversity. Finally in relation to this point, even if this objection were to be overcome, the soundness of the proposal in biodiversity terms should not outweigh Green Belt considerations. This matter is therefore given no weight.

#### Policy SP5 – Emerging Green Belt policy

- 6.33 The applicant urges that weight should be given to Policy SP5 of the Borough Local Plan Submission Version and that the proposal accords with this policy. This has been discussed above at section 6.13. The proposal would not accord with this policy as the associated development required in connection with its re-use, would be materially more harmful to the openness of the Green Belt than the existing use.

#### Conforms with Local Plan GB1 and GB8

- 6.34 This is discussed above at sections 6.2 -6.14 above, whilst the conversion of the building alone could be appropriate development, given the associated works required to facilitate the conversion and change of use of the site are harmful to openness and purposes, the proposal as a whole is inappropriate development in the Green Belt.

#### The appropriateness and availability of land for forest school use in the RBWM area

- 6.35 The applicant maintains that the pilot scheme has established that there is local support for the Forest School in this location and that there is limited scope for other such facilities in the Borough given the Green Belt and other important designations that provide a constraint to development. Mention is made of other Forest Schools at Cheapside Primary and Holy Trinity Sunningdale (used privately by the schools) and Forest Schools at local prep schools. As such, there is no public access to Forest Schools in the immediate vicinity, although two exist a small distance away in (7.7 miles and 12.7 miles). Whilst the use of Forest school for public access is supported in principle, no information has been submitted to demonstrate that there is a need for this facility. Local support or demand for a Forest School cannot be said to be the same as an established need in planning terms. Even if there were an established need, no information has been submitted to show that there are no other suitable sites available for a Forest School in the immediate vicinity which would not compromise the openness of the Green Belt. Furthermore there is no need for the Forest school to be sited in the Borough. As such, this matter is afforded limited weight

#### Use of the woodland as a Forest School will ensure better management of the woodland

- 6.36 The applicant advises that Blacknest has an experienced ecologist who would lead some of the Forest school sessions thus educating the children in woodland management and actively carrying out the duties of the management plan. The use of the land would ensure the woodland is properly managed and maintained, however, the applicant has not stated that without planning permission for the proposed change of use the woodland would be left unmanaged. Therefore limited weight is afforded this matter.

## Conclusion of evaluation

- 6.37 The LPA are supportive of the Forest School ethos and recognise that there are many benefits of the use of the land as a Forest School as detailed above, including benefits to education, health, access to open space, local support for Forest School and management of the woodland. Cumulatively these benefits are given limited to moderate weight in the planning balance. The harm to the Green Belt by inappropriateness and any other harm however is afforded substantial weight in the planning balance which must be clearly outweighed for Very Special Circumstances to exist. The other harm identified is that of harm to trees, harm to ecology and lack of drainage information to support the scheme in flooding terms. As such, the harmful side of the balance is heavily weighted. The moderate weight afforded to benefits of the proposal would not outweigh the substantial harm to the Green Belt and the other harm and thus Very Special Circumstances do not exist in this case.
- 6.38 For a proposal for a Forest School to be supported at this site, the harm to the openness and purposes of the Green Belt needs to be minimised, and the technical concerns outlined in this report overcome. The proposal in its current form however, for the reasons outlined in the preceding paragraphs, is too harmful such that the benefits put forward by the applicant surrounding Forest School learning cannot outweigh this harm.

## 7. CONSULTATIONS CARRIED OUT

### Comments from Interested Parties

13 letters were sent to neighbouring occupiers and a site notice was posted on 7<sup>th</sup> February 2018.

12 letters were received supporting the application summarised as:

Comment	Officer Response
The activities offered would be of benefit to children, families and local schools	See section 6.36
A good opportunity for children and outdoors to learn about the environment and nature	See section 6.29-6.30
The small numbers would ensure the traffic and parking is not an issue	See section 6.17-6.19
It is an appropriate use of Green Belt land and complies with the aims of the NPPF	See section 6.2 – 6.14
The proposal will ensure maintenance of the local environment and management of the woodland	6.36
The proposal will help fight climate change	6.25-6.27
Forest school provides a real benefit pupil through outdoor learning	6.28-6.30
The proposal would help achieve sustainable development	6.26-6.28
The activities would result in minimal disturbance to neighbours	6.15

3 were received objecting to the application summarised as:

Comment	Officer Response
Noise disturbance from activities and vehicular movement (4)	See section 6.16
Loss of trees	See section 6.20-6.21 and Tree Officer comments below
Road safety, limited visibility, substandard access (2)	See section 6.17-6.19
There are other more suitable locations for a Forest School	6.36
It is unclear how many days there would be Forest School Activity	6.4

4 were received neither objection to or supporting the application to the summarised as:

Comment	Officer Response
The principle of a Forest school is supported but the location at Titness Park may not be suitable	6.36
The proposal must adhere to Green Belt regulations	See sections
Concerns over increased activity	6.16
The proposal is supported provided times/days of operation and number of children are restricted	6.16
The access and parking must be established to ensure minimal disturbance	See section 6.17-6.19

### Statutory Consultees

Comment	Officer Response
<p>Parish Council: The committee supported the intent of the application but had the following comments:</p> <ul style="list-style-type: none"> <li>• Have very special circumstances been given for the proposed change of use within the Green Belt?</li> <li>• Concerns were expressed about the new access road construction across the root protection area of the adjacent trees and the potential loss of 1 tree.</li> <li>• The comments of the Access Advisory Forum relating to a lack of information on accessibility for sensory &amp; disabled visitors</li> </ul> <p>The committee also drew the Borough Planner's attention to the description in the application title as the C3 classification (residential) caused confusion and needed to be clarified. The limitations of use set out in the Planning Statement were noted.</p>	See main report
Natural England – No objection regarding impact on statutory conservation site. Refer to standing advice for protected species.	Noted
<p>LLFA:</p> <ul style="list-style-type: none"> <li>• We are still concerned that the risk of flooding from the access road on to the public highway has not been addressed in the amended drainage and flood risk assessment.</li> <li>• We would expect the applicant to demonstrate that a workable surface water drainage scheme complying with the Non-Statutory Technical Standards for Sustainable Drainage Systems (published in March 2015) can be delivered. Drawings detailing the proposed surface water drainage scheme and supporting calculations should be provided. Where infiltration based systems are proposed we would normally expect infiltration testing to be undertaken in accordance with BRE365. Details of arrangements for the maintenance of the proposed surface water drainage scheme should also be provided (setting out details of the maintenance regime and who will be responsible for ensuring the regime is implemented).</li> </ul>	See section 6.22

### Other Consultees and Organisations

Comment	Officer Response
Ecologist – Further survey work needs to be undertaken prior to the determination of the application on the trees proposed to be felled.	See sections 6.20
RBWM Access Forum – No objection following submission of further information which demonstrates that the proposal would meet the needs of children with disabilities	Noted
<p>Aboriculturist:</p> <p>Overall I have significant concerns that the driveway will cause significant harm to the woodland and subsequently to individual mature trees, the Arbtech arboricultural method statement written by Matthew Middle (15<sup>th</sup> May 2017) has provided more details concerning the driveway construction following previous issues about the installation of the no dig driveway.</p> <ul style="list-style-type: none"> <li>• Looking at both plans from the previous submission ref: Arbtech AO 2 and the current Ref: Driveway Option 1a the driveway appears to have increased in width by 0.5m, while this increase seems minor it has a significant impact on the trees on site. It brings several of the trees to within 1m of the stem, it is likely that over time the road way will suffer from deformation because of surface root growth, this will increase pressure to remove the trees due to the damage caused to the driveway.</li> <li>• The increase in driveway size will mean that the hard surfacing will be greater than the 20% prescribed in the British standard 5837: Trees in relation to design, demolition and construction 2012.If structures (including hard surfacing) are proposed within the root protection area of retained trees it will require an overriding justification (5.3.1 of BS5837). The project arboriculturist will also need to demonstrate that the tree can remain viable, the area lost to encroachment can be compensated for elsewhere contiguous with the RPA and mitigation measures to improve the soil environment of the tree can be implemented.</li> <li>• The ability of a tree to tolerate some disturbance and alteration of its growing conditions is dependent on specific circumstances and site conditions and in general the older the tree the less successfully it will adapt to the new conditions. In this instance due to the age of the trees I would not anticipate that it would be possible to provide suitable compensation or mitigation for encroachment into the root protection area of these trees. Trees within G1 (i) will suffer the greatest impact of nearly 25% of net loss of rooting environment, and the other trees T3 TE and D will have incursions greater than 20%, other trees within the group will also be directly affected.</li> <li>• The default position of the current British Standards 5837:2012 Trees in relation to design, demolition and construction– Recommendations states in section 5.3.1 ‘The default position should be that structures (see 3.10) are located outside the RPAs of trees to be retained. However, where there is an overriding justification for construction within the RPA, technical solutions might be available that prevent damage to the tree(s), the applicants have provided a technical solution but in this instance there is no overriding justification and the net loss of rooting environment cannot</li> </ul>	6.19-6.20



<p>be compensated for elsewhere as the tree currently resides within a woodland and benefitting from unimpeded access to soft ground.</p> <ul style="list-style-type: none"><li>• The trees directly affected are the more significant trees on site and their loss would have a detrimental impact on the character of the area and are important in the screening of the site from the adjacent private roadway. In this instance the project arboriculturist has not demonstrated that the trees can remain viable, the area lost to encroachment cannot be compensated for elsewhere contiguous with the (Root protection area) RPA and no mitigation measures proposed to improve the soil environment of the trees.</li><li>• Highways have concerns over the width of the road to allow for suitable access, any further increase in the overall footprint will have to include the loss of substantial trees to make way for an increase in road width.</li><li>• It is foreseeable that due to the nature of the trees being mature in age that there will be an impact on the trees, Any disturbance within the rooting environment of trees that have not been subject to development pressure before is likely to cause harm to the fine root structure of these trees. It is recognised that within a short distance of the stem, the roots of trees are highly branched, so as to form a network of small diameter woody roots, which can extend radially for a distance much greater than the height of the tree, except where impeded by unfavourable conditions. All parts of this system bear a mass of fine, non-woody absorptive roots, typically concentrated within the uppermost 600mm of the soil. The root system tends to develop sufficient volume and area to provide physical stability. The uptake of water and mineral nutrient by the root system takes place via the fine non-woody roots and associated beneficial fungi. Their survival and functioning, which are essential for the health of the tree as a whole, depend on the maintenance of favourable soil conditions. All parts of the root system, but especially the fine roots, are vulnerable to damage.</li><li>• Beech are well known to not tolerate disturbance to their rooting environment, as they are shallow rooted and the installation of the roadway will undoubtedly lead to dieback within the canopy of the trees and over time lead to concern over the overall condition which could result in pressure to adversely prune or remove the trees significantly harming the character of the area.</li><li>• Given the above, the scheme fails to adequately secure the protection of important trees within the site which contribute positively to the character and appearance of the area. I therefore recommend refusal of the application under policies N6, DG1 and H11.</li></ul>	
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## 8. APPENDICES TO THIS REPORT

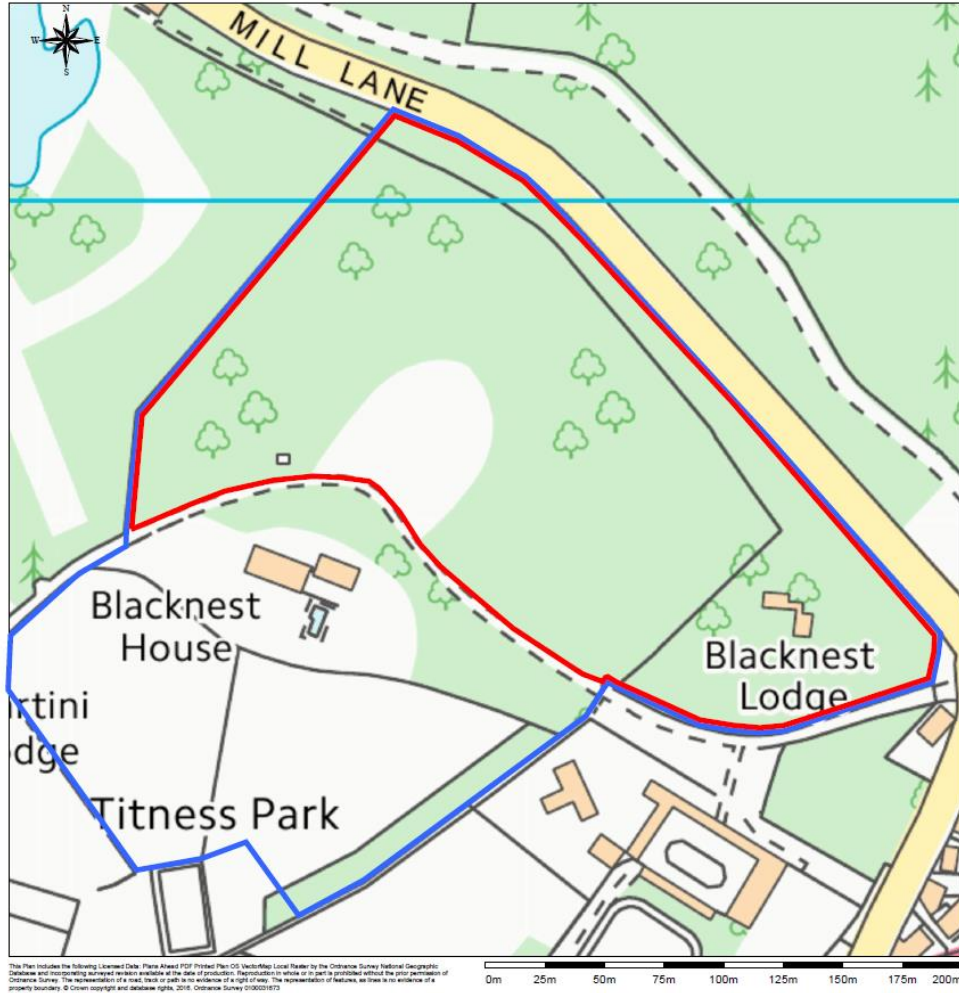
- Appendix A - Location plan
- Appendix B – Colour coded site plan
- Appendix C - Driveway Layout showing trees

## 9. RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED (delete as appropriate)

- 1 The proposed change of use of the land and the change of use of the building and associated development in the form of an access drive and hard-surfacing for parking to form a Forest School would constitute inappropriate development in the Green Belt, which by definition is harmful to the Green Belt. Furthermore, the access and hard-surfacing would allow for increased activity and vehicle into the site which would reduce the openness of the Green Belt. The proposal as a whole would conflict with one of the purposes of the Green Belt which is to safeguard the countryside from encroachment. The applicants have not put forward a case of very special circumstances to clearly outweigh the harm through inappropriateness, harm to openness and purposes and any other harm. The any other harm in this case is the adverse impact on trees and ecology and surface water drainage considerations - as per the reasons 2, 3 and 4 below. The proposal conflicts with paragraphs 89 and 90 of the NPPF and saved policy GB1 of the Royal Borough of Windsor and Maidenhead Local Plan incorporating alterations adopted June 2003 (Local Plan). The proposal is also contrary to Borough Local Plan Submission Version policy SP5.
- 2 The proposed development by reason of the siting of parking spaces would encroach on tree root protection areas. Furthermore, the construction of the access road in close proximity to trees would lead to pressure to prune or even remove trees in the future. The proposed development would result in the loss and decline of trees which contribute positively to the character and visual amenities of the area. The proposed development is contrary to saved Local Plan Policies DG1, N6 and Policy NP/EN2 of the adopted Ascot, Sunninghill and Sunningdale Neighbourhood Plan. The proposal is also contrary to Borough Local Plan Submission Version policy NR2.
- 3 The proposal, in the absence of further survey work, fails to demonstrate that the proposed scheme would not have an unacceptable impact upon bats and bat roosts. As such, the proposal thereby fails to comply with paragraph 109 of the NPPF and policy NP/EN4 of the adopted Ascot, Sunninghill and Sunningdale Neighbourhood Plan. The proposal is also contrary to Borough Local Plan Submission Version policy NR3.
- 4 The applicant has not submitted sufficient details of the management and disposal of surface water for the proposed development and satisfactory details of flood risks arising from the proposed development and mitigation measures where necessary. Without these details, the LPA cannot be satisfied that the proposal would not increase flood risk to the surrounding area. The proposal conflicts with the NPPF paragraph 103. The proposal is also contrary to Borough Local Plan Submission Version policy NR1.

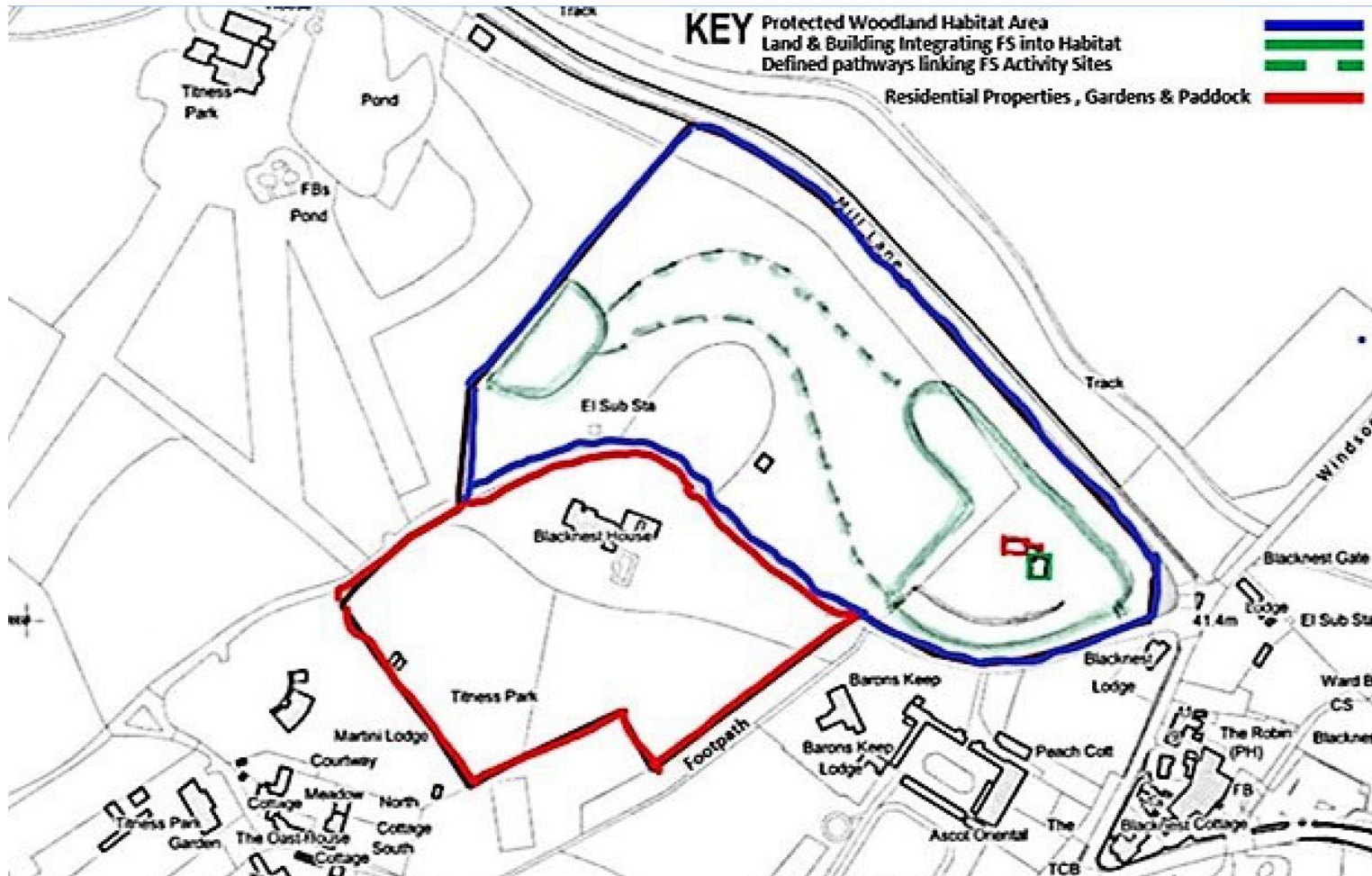
Appendix A – Location plan

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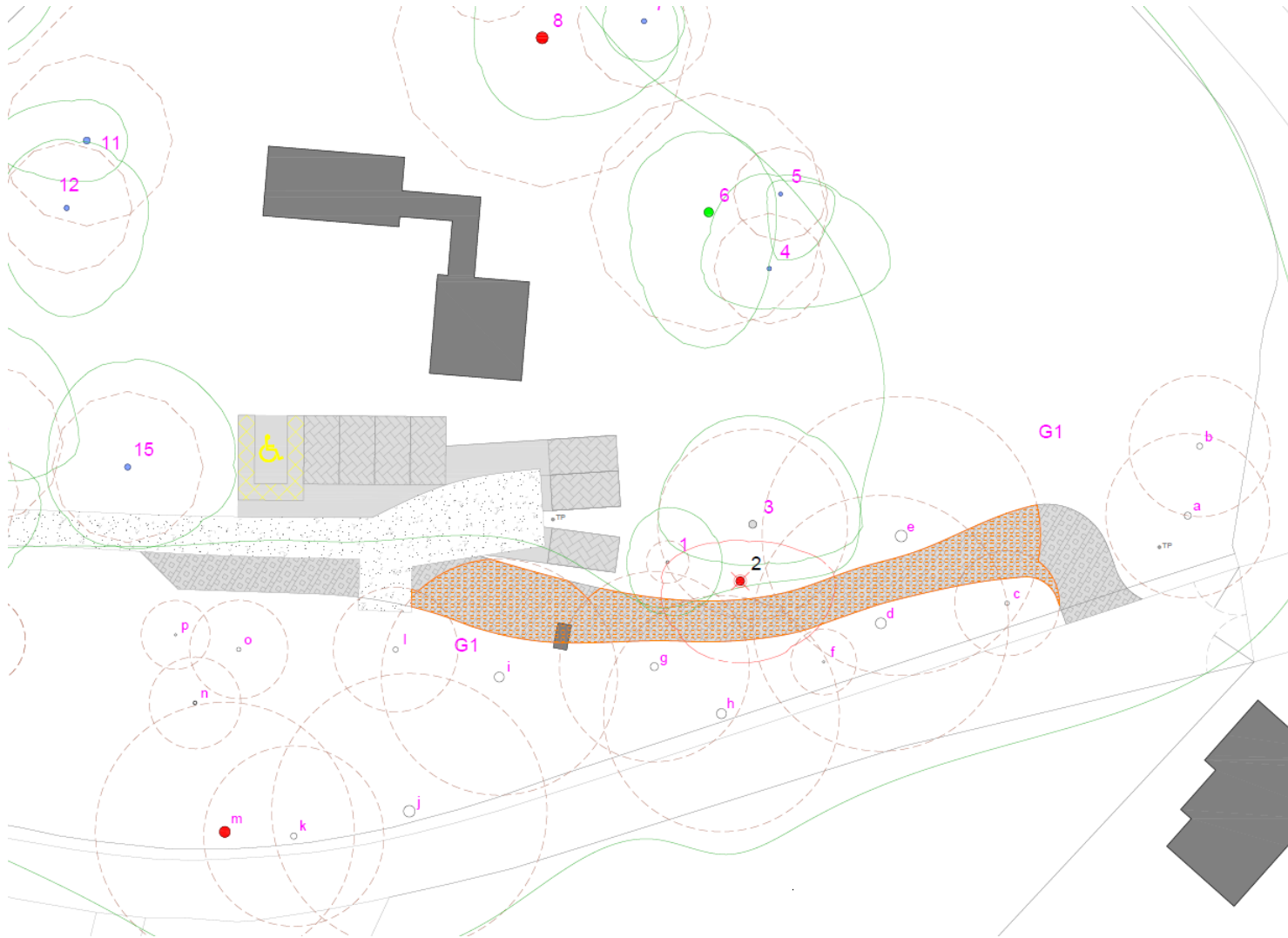
Scale: 1:1500 Appendix A2

Appendix B – Coloured coded site plan



Appendix C – Driveway Layout showing trees

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

**BOROUGHWIDE DEVELOPMENT MANAGEMENT PANEL**

13 June 2018

Item: 4

<b>Application No.:</b>	18/00419/OUT
<b>Location:</b>	151 - 153 Clarence Road Windsor
<b>Proposal:</b>	Outline application for up to 14 units with access only to be considered at this stage with all other matters to be reserved for the construction of a 3 storey building with accommodation in the roof and associated car parking and landscaping following demolition of 151 -153 Clarence Road
<b>Applicant:</b>	Mr Collett
<b>Agent:</b>	Not Applicable
<b>Parish/Ward:</b>	Windsor Unparished/Clewer North Ward

**If you have a question about this report, please contact:** Sian Saadeh on 01682 796164 or at [sian.saadeh@rbwm.gov.uk](mailto:sian.saadeh@rbwm.gov.uk)

**1. SUMMARY**

- 1.1 The application is for outline planning permission for the re-development of the site to provide 14 residential units. The proposal fails to demonstrate that the site can satisfactorily accommodate 14 units. All matters except for access are reserved, however indicative elevations have been provided. The proposed access and parking area, along with necessary pedestrian access, cycle storage and refuse storage for the building, would dominate the rear area of the site. The building shown on the indicative elevations would be of poor design and out of scale with the surrounding area. Overall the proposal would be out of keeping with the character of the area.

**It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 10 of this report):**

- |           |   |
|-----------|---|
| <b>1.</b> | The proposed development has failed to demonstrate that the site can accommodate the quantum of development proposed. The proposals, in particular the extent of access, parking and other associated development, would erode the garden space and green setting to the building which contributes to the wider character of the surrounding area. The proposals, including the access and parking areas, would fail to respect the character of the surrounding area and would be visually dominant within the local townscape. The scheme thereby conflicts with Paragraphs 17 (Core Planning Principle 4), 56, 58, 61 and 64 of the National Planning Policy Framework (NPPF), policies DG1 and H10 of the RBWM Local Plan 1999 (Incorporating Alterations Adopted 2003) and emerging policies SP2, SP3 of the Borough Local Plan submission version. |
|-----------|---|

**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 is located on the northern side of Clarence Road, in close proximity to the Goslar Way junction. At present the site consists of a semi-detached pair of houses, with its existing vehicular access and parking located to the rear and accessed via a single track between No. 153 and 155 Clarence Road.

- 3.2 The north of the site is within flood zone 3, a very small portion in flood zone 2 and the rest of the site including the existing dwellings in flood zone 1, which is a result of the site rising towards Clarence Road.
- 3.3 There are a number of large residential developments in the immediate vicinity of the site. Trevelyan Court, a 2-5 storey residential development, is located to the south of the application site. Immediately adjacent to the application site is Castle View, Helston Lane, which is currently under construction. This will be a 2-5 storey care apartment and 72 bed nursing home on completion. Two further large apartment developments, front the Goslar Way roundabout to the east, which include Clarendon Court (2-3 storey development of 41 apartments) and Pavilions, Clarence Road (3-5 storey development of 46 apartments).
- 3.4 The area to the west of the application site is considerably different in character, consisting of mainly 2-3 storey dwelling houses.

#### 4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The application is for outline planning permission with all matters reserved except for access. The proposal is for the demolition of the current buildings and the construction of a 3 storey building containing 14 flats with accommodation in the roof and associated car parking and landscaping.
- 4.2 The vehicular access to the site would utilise the existing lane between 153 and 155 Clarence Road. The car parking for the site would be arranged to the rear of the site and perpendicular to the access road. 14 car parking spaces would be provided. Cycle and refuse storage would also be provided in covered shelters provided within the rear garden of the site. Pedestrian access to the site would be from a path leading to the front door.
- 4.3 Although only indicative the elevations show a part 3, part 4 storey building. The description sets out that permission is being sought for a 3 storey building. The indicative drawings suggest a large single block which would be deeper than the existing building and would have gable roof features to reflect other properties along Clarence Road. It would also have two flat roof side projections.
- 4.4 The table below sets out the relevant planning history for the application:

Ref.	Description	Decision and Date
94/01587/OUT	Erection of a detached dwelling and garage	Refusal 20.3.1995
95//01786/OUT	Erection of a detached house and garage	Refusal 17.6.1996
17/02566/OUT	Outline application for up to 14 units with access only to be considered at this stage with all other matters to be reserved for the construction of a 3 storey building with accommodation in the roof and associated car parking and landscaping following demolition of 151 -153 Clarence Road	Refusal 15.12.2017

- 4.5 The most recent application was refused for the following reason:

*The proposed building, parking and access road, by reason of the proposed width of the access road, size and siting of the parking area, and proposed indicative layout, siting, scale, form, proportions and design of the building, will constitute an unacceptable overdevelopment of the site that would appear as a visually incongruous addition in this part of the street scene. The scheme as a result of such, fails to respond to the established local character of the townscape and thereby conflicts with Paragraphs 17 (Core Planning Principle 4), 56, 58, 61 and 64 of the*

An appeal has been submitted against this refusal. This current application has sought to address that reason for refusal with changes to the access lane, parking area and design of the building.

## 5 MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

### 5.1 National Planning Policy Framework Sections 4, 6, 7 and 10

#### Royal Borough Adopted Local Plan

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

Within settlement area	Highways and Parking	Trees	Flooding
DG1, H10, H11	P4, T5	N6	F1

These policies can be found at [https://www3.rbwm.gov.uk/downloads/download/154/local\\_plan\\_documents\\_and\\_appendices](https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices)

#### Borough Local Plan: Submission Version

Issue	Local Plan Policy
Natural environment	NR2, EP2, EP4
Design in keeping with character and appearance of area	SP2, SP3
Provision of high quality housing	HO2, HO5
Manages flood risk and waterways	NR1
Makes suitable provision for infrastructure	IF1
Transport and parking	IF2

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

This document can be found at:

[https://www3.rbwm.gov.uk/info/201026/borough\\_local\\_plan/1351/submission/1](https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1)

#### Supplementary planning documents

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

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



More information on these documents can be found at:  
[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)

### **Other Local Strategies or Publications**

5.4 Other Strategies or publications relevant to the proposal are:

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

More information on these documents can be found at:

[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)

## **6. EXPLANATION OF RECOMMENDATION**

6.1 The key issues for consideration are:

- i Principle of development
- ii Flooding
- iii Impact on highways; Access and parking
- iv Impact on surrounding areas
- v Impact on neighbours
- vi Trees and ecology
- vii Quality of residential accommodation

### **Principle of development**

6.2 As the application is for outline planning permission, the only detailed matter that can be considered is access. However it is still necessary to assess whether the type and quantum of development is acceptable in principle.

6.3 The site is already in residential use and sits in a predominantly residential area. There are a number of larger residential developments (both built and with permission) surrounding the roundabout. The site is close to bus routes to the town centre and rail stations. It is also close to local amenities. The site is appropriate for a more intensive form of residential development.

6.4 The application is seeking outline planning permission for up to 14 flats in a three storey building, with accommodation in the roof as well. Granting planning permission would be accepting that both are achievable on this site. Whilst the illustrative elevations show 4 storey elements, these would not be approved under this application as they are illustrative only. Whilst it is accepted that there are large buildings in very close proximity to the site (most notably the newly constructed care home on the adjoining site), given the smaller scale of this plot and that it should serve as a transition to the lower heights along the rest of Clarence Road, 4 storeys would not be appropriate here. A well designed 3 storey building, with accommodation contained within the roof, would be an acceptable approach. Any subsequent applications should be made on that basis.

6.5 However, it is not considered that 14 flats can be accommodated on this site without causing harm to the overall character and appearance of the wider area. The vehicular access to the site would be widened in order to ensure necessary safe access and visibility splays. This would, along with the proposed boundary treatment and indicated gates, give the entrance a greater prominence within the streetscene. This would be detrimental to the overall character of the

area as the entrance currently reads as a secondary and incidental element in the street. The proposal would make this a more formal entrance way, at odds with the quieter suburban character of the street. The access road would be widened to the rear in order to accommodate the proposed parking spaces. The increased area of hardstanding for the widened road and the parking spaces would erode the large green space to the rear of the site. The increased hardstanding would be at odds with the character of the area where large gardens extend from the rear of the properties to provide a green setting to the buildings and area. There is an existing parking area to the rear of properties on Clarence Road but this reads as distinct from the garden spaces as opposed to protruding into them.

- 6.6 Alongside the access and parking are necessary storage for cycles and refuse. There is shown to be a path from the parking spaces to the main access which would indicate pedestrians can only access the building from the front door. This is considered to be an impractical arrangement, forcing pedestrians to share the narrow access with vehicles and not responding to likely desire lines for people parking to the rear of the site. It would seem likely that in future paths would be created through the rear garden area, further eroding the green space and character of the area. The level of parking, storage and access points required to support 14 residential units would result in a development that failed to respond to the character of the wider area, by eroding the green space surrounding the building and resulting in a cramped setting to the building
- 6.7 The proposal is therefore considered contrary to the NPPF, policies DG1 and H10 of the Local Plan and emerging policies SP2, SP3 of the submission version Borough Local Plan.

### **Flooding and drainage**

- 6.8 The rear of the site lies in Flood Zone 2, whilst Flood Zone 3 covers a large portion of the site. The front of the site lies in Flood Zone 1. A flood risk assessment and sequential test have been provided in support of the application.
- 6.9 Whilst matters in respect of scale and layout have been reserved, it is possible that a small part of the apartment building will be located within Flood Zone 3a. Planning Practice Guidance (PPG) classifies residential development as a 'more vulnerable' use and advises that in flood zones 1, 2 and 3a that development is permissible but in the case of sites within Zone 3a, an exception test would also be required.
- 6.10 The NPPF advises that Local Planning Authorities should seek to reduce the overall flood risk, by seeking to relocate existing development to areas with a lower probability of flooding and to restore the functional flood plain and flood zone pathways. In line with the NPPF, Local Plan Policy F1 advises that applications in flood prone areas should be refused unless they avoid (i) putting additional people at risk of flooding, (ii) reducing the capacity of the flood plain to store water and/or (iii) impeding the flow of floodwater. This approach is supported by emerging Local Borough Plan submission version policy NR1.
- 6.11 Given the flood zones associated with the site and intensification of residential use proposed, the sequential test has been applied to the site in accordance with paragraph 101 of the NPPF. The applicant has used the sequential test which was considered acceptable in the recently refused application. The sequential test has referred to the Councils Housing and Economic Land Availability Assessment (HELAA) and looked in detail at sites across the Borough that are identified as either deliverable or that benefit from planning permission, to see whether there are any sequentially preferable sites that could be used to accommodate the additional housing proposed.
- 6.12 The Council are satisfied from the information provided that there are not any reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Sequential Test is therefore passed. The NPPF and Planning Practice Guidance indicates that where it is not possible for development to be located in areas at a lower probability of flooding, the Exception Test needs to be applied. For this to be passed:

- It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk; and
- A site specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible, will reduce flood risk overall.

- 6.13 In relation to the first bullet point, the scheme is considered to enable a number of wider sustainability benefits. The site is on previously developed land and therefore accords with the NPPF's core planning principles to encourage the effective use of previously developed land. The scheme would also generate a net increase of 12 units, which would contribute towards the Borough's housing. In terms of environmental and specific flood risk improvements, the existing building results in a 6.1 cubic metre loss of flood storage in the 1:100 +35% climate change event. The proposed redevelopment of the site will allow for measures such as raised floor levels/voids to gain this volume, and levelling other parts of the site to increase flood storage volume to 8.6 cubic metres, which is a benefit for the area.
- 6.14 Therefore in relation to the first bullet point, it is considered that there are wider sustainability benefits of the scheme.
- 6.15 A Flood Risk Assessment (FRA) has been submitted to accompany this application. Having reviewed the contents of this, the document has assessed the existing and future climate change allowances, and used these figures to establish minimum finished floor levels and ensure that there is safe access and egress in a 1:100 +35% climate change event. Although the final design and layout of the development has yet to be decided, the FRA sets out flood resilience measures and suggests the use of 220mm voids to improve the flood storage within the site.
- 6.16 Overall, in relation to the exception test, the scheme is considered to pass.
- 6.17 In terms of the safe access and egress from the site, as required by paragraph 103 of the NPPF, schemes should be appropriately flood resilient and include safe access and escape routes where required. The redevelopment of the site has ensured that a sequential approach was taken to positioning the proposed building to ensure there is a safe (dry) access and egress into the 1:100 +35% CC event. The main access routes from all units is proposed via the front door facing onto Clarence Road. From the edge of the public highway, ground levels rise to the east along Clarence Road and south along Imperial Road which ensures a safe access route is provided to the site at all times. Parts of the car park may be at risk of flooding and a site flood management procedure has been designed and this would be secured as part of any planning permission.
- 6.18 Although the final design of the scheme has yet to be presented, it is considered that a scheme could be designed for this location that would not put its users at unnecessary risk, nor increase flood risk elsewhere. Numerous measures to ensure that any scheme is flood resilient and resistant have been presented and provided they are carefully considered within the final design, scale and massing of any development on the site (specifically the use of voids), should ensure that the scheme is safe for its users. The proposed siting of the development, in the area of the site at lower risk of flooding, will also ensure that safe access and escape routes are provided.
- 6.19 The proposal would result in an increase in hardstanding within the site which would increase the risk of surface water flooding. A technical note to the Flood Risk Assessment has been provided to set out the approach to surface water drainage. An attenuation tank is proposed under part of the parking area and access road in order to manage runoff from the site. The new parking areas would be constructed from lined permeable paving, which would run off to the attenuation tank. The surface water would discharge at a controlled rate to the existing surface water sewer in Clarence Road. The approach is considered acceptable and would mitigate risk from surface water flooding. Full details would be required should planning permission be approved.
- 6.20 Overall, the proposals are considered to be acceptable in relation to their impact on flood risk and management. The proposals comply with the NPPF, policy F1 of the Local Plan and emerging policy NR1 of the Borough Local Plan submission version.

## **Impact on highway**

- 6.21 The site is located on the northern side of the B3024 Clarence Road and approx. 50m east of the signalised roundabout junction with the main A332 road a dual carriageway network. Clarence Road is a classified road and the section of the highway fronting the application site is subject to a 30mph speed restriction.
- 6.22 The scheme proposes to utilise the existing access driveway from Clarence Road, which at present serves the dwellings along Clarence Road and provides access to their main parking areas/garages. It is noted that previous applications for a new dwelling to the rear of the site were refused on the grounds that an intensified use of this access would be unacceptable on highway safety grounds. The main difference between the current and recently refused schemes is that the access way is being retained at the same width. There would be a widened entrance to the site to allow vehicles to pass but it is considered that there is sufficient visibility along the access and adequate distance to allow vehicles to wait if necessary for another vehicles to pass. The proposed gates are set back from the highway, and subject to further details, would not themselves create a highway obstruction. The transport statement sets out that the proposed access would not raise any safety concerns and adequate visibility would be achieved. The increase in levels of traffic using the site is not considered to be significant and would not create any additional highway obstructions or additional risk to other road users. Despite concerns regarding the impact of the access on the character of the area, the proposal would have an acceptable impact on the highway network.
- 6.23 Concerns have been raised by residents in respect of the proximity of the access to Clarence Road/Imperial Road junction. The RBWM Design Guidelines sets a requirement of 15m separation distance between two junctions on opposing sides of a highway, or 30 metres for adjacent junctions. The driveway is approximately 30 metres to the junction and therefore meets this requirement. Further interrogation of the accident data has revealed that there has been no accident associated with the use of the access during the last 6 years. Therefore, given that the proposed access is to be enlarged, realigned and improvements made to the visibility, this element is considered acceptable on highway safety grounds.
- 6.24 The site is located 0.9 m from a frequently serviced train station and proposes a total of 14 car parking spaces. This parking ratio of 1 space per unit presents a shortfall from the Councils standards. In light of the Ministerial Statement (March 2015) which states that: *“Local planning authorities should only impose local parking standards for residential and non-residential development where there is clear and compelling justification that it is necessary to manage their local road network “*, it is considered that in this instance a lower parking provision could be accepted given that the site is located within reasonable walking distance of local amenities, bus routes and the town centre with only a modest trip generation of 8-12 during the AM and PM peak times. Furthermore, an appeal decision for 129-137 Clarence Road (APP/T0355/A/03/1133047) accepted an even lower parking ratio of 0.86 spaces per unit. The Inspector considered that as a frequent bus service passed the site, walking, cycling to the facilities/railway stations being a realistic option, presence of local facilities and there being no compelling evidence that the level of parking would have significant implications for the safety or convenience of road users, that it would be acceptable.
- 6.25 Although this decision was in 2004, the circumstances for consideration of whether the level of parking is adequate are all still relevant and have been reiterated by the NPPF (paragraph 39) and Ministerial Statement. In this instance, there is no compelling evidence to suggest that the parking ratio proposed would be unacceptable in this instance nor that the vehicular trips generated would give rise to a scheme that would have a detrimental impact on the general highway safety within the surrounding roads.
- 6.26 The provision of cycle parking on site is considered acceptable and to encourage the use of alternative sustainable transport modes, therefore reducing the reliance on travel by car. Further details on layout and conditions would require that the proposal adequately demonstrates that it can accommodate refuse collections and emergency vehicles.
- 6.27 Overall, the access, parking and general highway arrangements of the proposed scheme, when considered on their own merits are considered acceptable. There would not be a harmful impact

on the highway network arising from the proposed development. The proposal complies with Local Plan policies P4, T5 and emerging policy IF2 of the Borough Local Plan submission version.

### **Impact on surrounding area**

- 6.28 Although matters relating to appearance, landscaping, layout and scale are reserved, indicative drawings have been provided of the proposed building and its layout within the plot. These drawings show the location and scale of the building within the plot and indicative height, scale and design of the development proposed.
- 6.29 Whilst it is acknowledged that matters of visual appearance and architecture of the proposed building would be addressed in a reserved matters application, a detailed assessment of the site and its surroundings show that the proposal would change the grain of development in this area and does not demonstrate that a development would be sympathetic to the established character and appearance of this area. Policy H10 of the Local Plan states that, amongst other concerns, new residential development schemes should where possible, enhance the existing environment. Policy DG1 requires that harm should not be caused to the character of the surrounding area through development which is cramped or that results in the loss of important features, which contribute to that character. Policy DG1 (3) requires a consideration of the established street façade, scale, height and building lines as well as, where applicable, building design. These policies are consistent with the design guidance in the NPPF.
- 6.30 The site is located in a predominantly residential area and consists of a variety of densities and tenures of housing, ranging from 2-5 storey flatted developments and more modest 2-3 storey dwelling houses. The application site is classified within the Victorian Villages townscape type in the Councils Townscape Assessment. This townscape is noted for its 2-3 storey terraced and semi-detached dwelling types, with uniform appearance, narrow plots and consistent material pallet. By contrast the townscape to the north and east of the site (which includes the care home development) are classified as Inter War suburbs and the flatted developments opposite and adjacent to the roundabout, as Post War Residential Flats.
- 6.31 These are the last houses within the Victorian Villages townscape, and the eastern boundary of the site marks the transition to the 'Inter war suburbs' townscape. The existing development at Nos 151 and 153 Clarence Road is slightly different in design and form to those to the west, and any redevelopment proposed as part of this application, provides an opportunity to propose something that would enhance this site, with a design that reflects the surrounding street scene and provides a comprehensive redevelopment that ensures an appropriate transition between the two townscapes.
- 6.32 At present, there is a very consistent character and form of dwellings along this part of Clarence Road. Coupled with that is the established layout and building lines along this part of Clarence Road. The existing residential development and townscape that the site forms part of consists of quite narrow plots with long rear gardens and modest single storey garages and small parking areas at the very rear.
- 6.33 The proposed scheme is to remove the semi-detached pair and proposes a large detached building, which is shown in the indicative drawings to be set forward of the building line of the dwellings to the west, thereby disrupting the established pattern and layout of development in this part of Clarence Road. In terms of plot and building size, whilst the overall width of the proposed building is not too dissimilar to the existing semi-detached pair, the scheme ultimately results in the amalgamation of two plots and introduces a detached building of an enlarged scale that fails to replicate the design of buildings in the surrounding area. The overall plot size is out of keeping with the established narrow plot width and building forms that form part of the characteristics of this part of the Victorian Villages townscape.
- 6.34 Furthermore, as noted earlier, the surrounding area is characterised by their long gardens, with modest garages and small parking areas at the far rear. In order to accommodate the quantum of development proposed, a large parking area is proposed to the rear. Although parking exists at the rear of the site, this is very modest in its scale. The proposed scheme would result in a

parking area/hard surfacing that dominates the rear, and the size of the garden area proposed, would be out of keeping with the long gardens that characterise the adjacent plots. Whilst the proposal is an improvement in this regard on the recently refused scheme, the site would still be dominated by parking and other associated areas.

- 6.35 The single track access road is notably inconspicuous within the street scene as a result of the vegetation that extends around the front garden and access track. In order to facilitate and improve the access to the site, it is proposed to widen the access point to the site. Whilst gaps do exist within the street scene, these are modest single track accesses/driveways. The proposed enlargement of the access road, would thereby introduce a feature that is out of character with the established street scene, in particular the introduction of the gates and boundary treatment.
- 6.36 As also noted earlier, the indicative elevations are considered to be of poor design. Whilst the inclusion of gable roofs is reflective of the area, the proposed height of the building, effectively 4 storeys, would be harmful to the appearance of the wider area. The flat roofed side projections are also poorly designed and do not form a coherent appearance with the rest of the building. The fenestration and balcony details are also at odds with other elements within the elevation. Any future reserved matters application would need to carefully consider the scale and detail of any new building on this site.
- 6.37 For the reasons set out above the proposal conflicts with the National Planning Policy Framework (NPPF), policies DG1 and H10 of the Local Plan and emerging policies SP2 and SP3 of the Borough Local Plan.

### **Impact on neighbours**

- 6.38 As the scale and design of the proposal are reserved matters, a detailed assessment of the impact on the neighbouring properties cannot be undertaken at this time. However, given the separation distances between the site and nearby properties it is not considered that a 3 storey building at this location would cause a loss of light, outlook or create a sense of enclosure to adjoining properties.
- 6.39 The increase in residential units at the site would not cause any harm to the living conditions of neighbours. Whilst there would be additional activity at the site, given the distances to neighbouring properties and the location close to a busy road, these would not cause additional noise or disturbance to neighbours. The proposals comply with the NPPF.

### **Trees and ecology**

- 6.40 There are no trees of any quality on the site. There is a hedge of mixed species running along the eastern side of the main driveway. The loss of the trees and hedge is considered acceptable and does not conflict with Local Plan policy N6. . In relation to the proposed scheme, a large part of the rear garden is lost to parking and other development. As already noted, it is also likely that more paths and hardstanding for access would be created in the future. This restricts the space available for future landscaping of the site. Given the concerns already expressed regarding the impact of the proposal on the wider character of the area, it is important that a high level of landscaping is provided. A condition would be recommended on any grant of permission to ensure full details of both hard and soft landscaping in order to ensure the proposal complies with Local Plan policy H10 and emerging Borough Local Plan submission version Policy SP3.
- 6.41 Initial surveys in relation to bats are considered acceptable and the majority of the site has low potential for roosting. One tree proposed to be removed has a limited potential for bat roosting and a condition should be attached to any permission to ensure further survey work is undertaken. There are active bird nests on site and it is proposed to remove and put in protective measures in relation to these. Again a condition to ensure these works are carried out should be applied to any planning permission. The applicant's ecologist has recommended a number of ecological enhancements at the site including installation of bird and bat boxes on to the new building and sensitive lighting. In addition, native species planting or planting with a known value

to wildlife should be incorporated into the landscaping scheme. A condition to ensure these works are carried out should be applied to any planning permission

### **Other Material Considerations**

#### Housing Land Supply

- 6.42 Paragraphs 7 and 14 of the National Planning Policy Framework (NPPF) set out that there will be a presumption in favour of Sustainable Development. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development, and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites. Following the Regulation 19 consultation on the Borough Local Plan, the Council formally submitted it for Examination in January 2018. The Borough Local Plan submission version sets out a stepped housing trajectory over the plan period (2013-2033). As detailed in the supporting Housing Land Availability Assessment a five year supply of deliverable housing sites can be demonstrated against this proposed stepped trajectory. Whilst the proposal would provide additional residential units within the Borough, this benefit is not considered to outweigh the harms identified above.
- 6.43 The application is for a net gain of 12 units and is on a site of 0.1ha. The proposal does not therefore meet the thresholds set out in Local Plan policy H3 for an affordable housing contribution.

## 7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 The proposed development would be liable to pay CIL. Confirmation of the floorspace and CIL figure would be addressed under any subsequent reserved matters applications.

## 8. CONSULTATIONS CARRIED OUT

### Comments from interested parties

39 occupiers were notified directly of the application.

A notice advertising the application at the site was posted on 21<sup>st</sup> February and the application was advertised in the Maidenhead & Windsor Advertiser on 1<sup>st</sup> March.

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

	Comment	Where in the report this is considered
1.	Significant increase in traffic and vehicles entering/exiting site close to difficult junction; increased risk to pedestrians, including large numbers of school children and elderly from new care home; substandard visibility splays; unclear how vehicles pass on access road	6.21-6.28
2.	Vehicle waiting to turn into site can cause congestion back onto roundabout; gates across access create a hazard and are unsafe; highway survey inadequate as done during school holidays	6.21-6.28
3.	Additional traffic will increase already existing air pollution issues	Air quality report has been considered by Environmental Protection and it is agreed the affects would be negligible
4.	Development does not have ownership of access lane; others have right of way; no discussions or consultation undertaken; how are access and gates proposed to be maintained in the future	Appropriate certificates were completed on application form notifying other owners. It is not a relevant consideration for determination of planning application.
5.	14 units too dense for site	6.2-6.7
6.	Need is for affordable housing not apartments; proposal demolishes family homes	6.2-6.7 Existing buildings are not protected and their demolition is acceptable
7.	Insufficient amenity space and garden area; loss of wildlife and hedge	6.2-6.7, 6.40-6.41



8.	Contrary to principles and objectives of draft Windsor Neighbourhood Plan; Incorrect reference to draft Neighbourhood Plan identifying site as suitable for intensification	Neighbourhood Plan is in draft and is not a material consideration for the current application. The error is noted.
9.	Potential surface water flowing into adjoining sites; loss of porous surface	6.19-6.20
10.	Loss of light and privacy to neighbouring properties	6.38-6.39
11.	Landscaping on access road would impact access to neighbouring properties	This is not material to the determination of the application.
12.	Height of building out of keeping with character of area; Inconsistency within application as to whether building is 3 or 4 storey; proposals overdevelopment; loss of character of area and attractive properties; creation of cramped form of development	6.2-6.7, 6.28-6.37
13.	Lack of parking spaces for number of units; Lack of visitor parking and cycle parking; no scope for on-street parking anywhere on surrounding roads	6.21-6.28
14.	Previous applications for fewer units were refused on highways grounds	Noted however application has been assessed against current policies and is considered acceptable.
15.	Reason for refusal of previous scheme still applies to current application	Noted
16.	Lack of space for refuse collection and emergency access	6.21-6.28
17.	Loss of green space and landscaping	6.2-6.7

### Statutory consultees

Consultee	Comment	Where in the report this is considered
Highway Authority	Proposal raises no highways concerns; proposed gates must be set back a minimum of 5m from back edge of footway.	6.21-6.28
Environment Agency	Final comments are awaited	Panel update report
Lead Local Flood Authority	Broadly in agreement with proposed drainage strategy; full details would be required by condition.	6.19-6.20

## Other consultees

Consultee	Comment	Where in the report this is considered
Tree Officer	No objection to loss of trees or hedge; there is insufficient space for adequate level of sustainable structural planting; fails to satisfactorily address policy H10.	6.40
Environmental Protection Officer	Air quality impact is considered to not be significant.	
Ecologist	One tree proposed to be removed has a limited potential for bat roosting and a condition should be attached to any permission to ensure further survey work is undertaken; it is proposed to remove birds' nests and put in protective measures in relation to these; a condition to ensure these works are carried out should be applied to any planning permission; recommended a number of ecological enhancements at the site including installation of bird and bat boxes on to the new building and sensitive lighting. In addition, native species planting or planting with a known value to wildlife should be incorporated into the landscaping scheme; condition to ensure these works are carried out should be applied to any planning permission	6.41

## 9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Proposed site layout

## 10. REASONS RECOMMENDED FOR REFUSAL

- 1 The proposed development has failed to demonstrate that the site can accommodate the quantum of development proposed as the proposals, in particular the extent of access, parking and other associated development, would erode the garden space and green setting to the building which contributes to the wider character of the surrounding area. The proposals, including the access and parking areas, would fail to respect the character of the surrounding area and would be visually dominant within the local townscape. The scheme thereby conflicts with Paragraphs 17 (Core Planning Principle 4), 56, 58, 61 and 64 of the National Planning Policy Framework (NPPF), policies DG1 and H10 of the RBWM Local Plan 1999 (Incorporating Alterations Adopted 2003) and emerging policies SP2, SP3 of the Borough Local Plan submission version.

Appendix A

Site Location Plan

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Appendix B

Site Layout Plan and Indicative Elevations





FRONT ELEVATION

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