

NOTICE
OF
MEETING

**WINDSOR AREA DEVELOPMENT
MANAGEMENT PANEL**

will meet on

WEDNESDAY, 3RD JULY, 2019

At 7.00 pm

in the

CONFERENCE ROOM - YORK HOUSE, WINDSOR

TO: MEMBERS OF THE WINDSOR AREA DEVELOPMENT MANAGEMENT PANEL

COUNCILLORS CHRISTINE BATESON, JOHN BOWDEN (VICE-CHAIRMAN),
DAVID CANNON (CHAIRMAN), WISDOM DA COSTA, JON DAVEY, KAREN DAVIES,
DAVID HILTON, NEIL KNOWLES (OLD WINDSOR RESIDENTS ASSOCIATION),
JULIAN SHARPE, SHAMSUL SHELIM AND AMY TISI

SUBSTITUTE MEMBERS

COUNCILLORS CLIVE BASKERVILLE, MANDY BRAR, GERRY CLARK,
CAROLE DA COSTA, JOHNSON, LYNNE JONES, SAYONARA LUXTON, GARY MUIR,
PRICE, SAMANTHA RAYNER AND JOHN STORY

Karen Shepherd – Service Lead, Governance - Issued: 25 June 2019

Members of the Press and Public are welcome to attend Part I of this meeting. The agenda is available on the Council's web site at www.rbwm.gov.uk or contact the Panel Administrator **Wendy Binmore** 01628796251

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

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AGENDA

PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
1.	<p><u>APOLOGIES FOR ABSENCE</u></p> <p>To receive any apologies for absence.</p>	
2.	<p><u>DECLARATIONS OF INTEREST</u></p> <p>To receive any Declarations of Interest.</p>	7 - 8
3.	<p><u>MINUTES</u></p> <p>To confirm the minutes of the previous meeting.</p> <p><u>PLANNING APPLICATIONS (DECISION)</u></p> <p>To consider the Head of Planning's report on planning applications received.</p> <p>Full details on all planning applications (including application forms, site plans, objections received, correspondence etc.) can be found by access the Planning Applications Public Access Module at http://www.rbwm.gov.uk/pam/search.jsp</p> <p>Key:</p> <p style="margin-left: 40px;"> <i>APP = Approval</i> <i>CLU = Certificate of Lawful Use</i> <i>DD = Defer and Delegate</i> <i>DLA = Defer Legal Agreement</i> <i>PERM = Permit</i> <i>PNR = Prior Approval Not Required</i> <i>REF = Refusal</i> <i>WA = Would Have Approved</i> <i>WR = Would Have Refused</i> </p>	9 - 12
4.	<p><u>18/03747/FULL - MILE STONES, QUEENS HILL RISE, ASCOT SL5 7DP</u></p> <p>Recommendation – DD</p> <p>Proposal: Construction of two blocks comprising 18 no. apartments with basement parking and improvements to existing access from Queens Hill, following demolition of existing dwelling house and outbuildings.</p> <p>Applicant: Searchfield Homes Limited</p> <p>Member Call-in: N/A</p> <p>Expiry Date: 5 July 2019</p>	13 - 36

5.	<p><u>19/00897/FULL - ONE STOP SHOP, 1 - 3 HIGH STREET, SUNNINGHILL, ASCOT SL5 9NQ</u></p> <p>Recommendation: PERM</p> <p>Proposal: Change of use of part first floor from (D1) (Chiropractor) and (B1a) (Office) to (C3) (2 bedroom apartment) with associated bin/cycle store and additional parking.</p> <p>Applicant: Mr Holdcroft</p> <p>Member Call-in: Cllr Hilton</p> <p>Expiry Date: 5 July 2019</p>	37 - 48
6.	<p><u>19/00916/FULL - WINDSOR PHYSIOTHERAPY, ESSEX LODGE, 69 OSBORNE ROAD, WINDSOR SL4 3EQ</u></p> <p>Recommendation: REF</p> <p>Proposal: Demolition of existing building and construction of new building comprising 10 x two bedroom and 2 x one bedroom flats with associated parking, alteration to existing access and new bin enclosure.</p> <p>Applicant: Sorbon Estates Ltd</p> <p>Member Call-in N/A</p> <p>Expiry Date: 1 July 2019</p>	49 - 76
7.	<p><u>19/01015/VAR - LIME TREE VILLAS, LONDON ROAD, SUNNINGDALE, ASCOT, SL5 0JN</u></p> <p>Recommendation: PERM</p> <p>Proposal: Variation (under Section 73a) of Condition 2 (Approved Plans) to substitute those plans approved under 15/01752/FULL for 4 no. dwellings forming 2 pairs of semi-detached houses with associated parking, garages and amenity space following demolition of existing dwelling with amended plans (Allowed on Appeal).</p> <p>Applicant: Mr and Mrs Mills</p> <p>Member Call-in: N/A</p> <p>Expiry Date: 2 July 2019.</p>	77 - 92
8.	<p><u>19/01214/FULL - ORCHARD COTTAGE, 61 HORTON ROAD, DATCHET, SLOUGH, SL3 9HD</u></p> <p>Recommendation: REF</p> <p>Proposal: Replacement dwelling</p> <p>Applicant: Mr and Mrs Lawrence</p>	93 - 108

Member Call-in: Cllr Bateson

Expiry Date: 2 July 2019

9.

ESSENTIAL MONITORING REPORTS (MONITORING)

109 - 112

To note the Essential Monitoring reports.

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

WINDSOR AREA DEVELOPMENT MANAGEMENT PANEL

WEDNESDAY, 5 JUNE 2019

PRESENT: Councillors Christine Bateson, John Bowden (Vice-Chairman), David Cannon (Chairman), Wisdom Da Costa, Jon Davey, Karen Davies, David Hilton, Neil Knowles, Julian Sharpe, Shamsul Shelim and Amy Tisi

Officers: Wendy Binmore, Victoria Gibson, Ashley Smith and Lyndsay Jennings

APOLOGIES FOR ABSENCE

None.

DECLARATIONS OF INTEREST

Councillor Shelim declared a personal interest in item 2, as he knew the applicant and the architect for the development had carried out some work for him in the past. Councillor Shelim confirmed he attended Panel with an open mind.

MINUTES

RESOLVED UNANIMOUSLY: That the minutes of the meeting held on 24 April 2019 be noted.

PLANNING APPLICATIONS (DECISION)

The Panel considered the Head of Planning's report on planning applications and received updates in relation to a number of applications, following the publication of the agenda.

NB: * Updates were received in relation to planning applications marked with an asterisk.

Item 1 19/00233/FULL Datchet Common, Horton Road, Datchet, Slough	Change of use of land to the stationing/parking of motor vehicles (retrospective) This application was withdrawn from the agenda.
*Item 2 19/00682/FULL Avanti 98 Peascod Street, Windsor, SL4 1DH	Part demolition of shop front façade to include glass, repaint shop front and fascia lettering (retrospective). A motion was put forward by Councillor Da Costa to refuse the application as per Officers recommendation. This was seconded by Councillor Hilton.

	<p>A named vote was taken and ten Councillors voted for the motion (Bateson, Bowden, Cannon, W. Da Costa, Davey, Hilton, Knowles, Sharpe and Tisi); one Councillor abstained from the vote (Shelim)</p> <p>It was agreed to REFUSE the application.</p> <p>(The Panel were addressed by Mr Kaleem Janjua, Agent)</p>
<p>*Item 2</p> <p>19/00683/LBC</p> <p>Avanti 98 Peascod Street, Windsor, SL4 1DH</p>	<p>Consent to retain alterations to shop front, further works to re-paint shop front and new signage.</p> <p>A motion was put forward by Councillor Da Costa to refuse the application as per Officers recommendation. This was seconded by Councillor Hilton.</p> <p>A named vote was taken and ten Councillors voted for the motion (Bateson, Bowden, Cannon, W. Da Costa, Davey, Hilton, Knowles, Sharpe and Tisi); one Councillor abstained from the vote (Shelim)</p> <p>It was agreed to REFUSE the application.</p> <p>(The Panel were addressed by Mr Kaleem Janjua, Agent)</p>
<p>*Item 3</p> <p>19/00720/FULL</p> <p>Castle Farm Caravan Site, Leigh Square, Windsor</p>	<p>Construction of 6 x two bedroom flats, 4 x two bedroom dwellings, 12 x three bedroom dwellings and 3 x four bedroom dwellings with garages and storage sheds, new vehicular and pedestrian access and associated works to include parking and landscaping.</p> <p>A motion was put forward by Councillor Da Costa to permit the application as per Officers recommendation with delegation to officers to amend the layout/appearance/form of the maisonette units if they considered it</p>

	<p>to be appropriate.</p> <p>It was unanimously agreed to delegate the application to the Head of Planning with authority to APPROVE.</p> <p>(The Panel were addressed by Mr Mark Carter, Agent)</p>
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ESSENTIAL MONITORING REPORTS (MONITORING)

All details of the essential monitoring reports were noted.

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

CHAIRMAN.....

DATE.....

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ROYAL BOROUGH OF WINDSOR & MAIDENHEAD PLANNING COMMITTEE

DEVELOPMENT CONTROL PANEL

3 July 2019

Item: 1

Application No.:	18/03747/FULL
Location:	Mile Stones Queens Hill Rise Ascot SL5 7DP
Proposal:	Construction of two blocks comprising 18 no. apartments with basement parking and improvements to existing access from Queens Hill following demolition of existing dwellinghouse and outbuildings.
Applicant:	Searchfield Homes Limited
Agent:	Mr Paul Dickinson
Parish/Ward:	Sunninghill And Ascot Parish/Ascot And Cheapside Ward
If you have a question about this report, please contact: Jo Richards on 01628 682955 or at jo.richards@rbwm.gov.uk	

1. SUMMARY

- 1.1 Permission is sought for the construction of two buildings comprising a total of 18 apartments following demolition of the existing single detached dwellinghouse. Access to the site would be through the existing secondary access off Queens Hill, immediately to the west of the application site. An entrance gate is proposed to be erected part way along the existing driveway into Mile Stones from Queens Hill.
- 1.2 This application follows a previous application for 22 apartments (ref: 18/01464/FULL) which was refused on nine grounds including impact on the character of the area, impact on neighbours, impact on trees, highways, ecology (impact on the SPA and bats), drainage/flood risk, lack of a development brief and lack of affordable housing.
- 1.3 The application has been revised significantly to overcome the harm to the character of the area, neighbouring occupants and trees. Access is now to be taken off Queens Hill thus avoiding a new access point onto London Road. Subject to the outstanding matters listed below which are nearing resolution, the Council is satisfied that the proposal has overcome all previous concerns. In the event that the outstanding issues cannot be resolved within 4 weeks of the panel date, it is recommended that the Head of Planning be given authority to refuse the application if she is not content that the outstanding matters are progressing satisfactorily.

It is recommended the Panel authorises the Head of Planning:	
1.	To grant planning permission: <ul style="list-style-type: none"> - on the satisfactory completion of a section 111 agreement being secured for SAMM/SANG payments; and - subject to favourable comments from the DVS in relation to the applicant's viability statement; and - with the conditions listed in Section 13 of this report.
2.	To refuse planning permission: <ul style="list-style-type: none"> - if an undertaking to secure the required section 111 agreement is not satisfactorily progressed as the proposed development would not provide mitigation for the likely impacts on the Thames Basin Heaths Special Protection Area; and/or - unfavourable comments are received from the DVS in relation to the applicant's viability statement as the proposed development would not have robustly justified that there is no affordable housing requirement.

2. REASON FOR PANEL DETERMINATION

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

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site comprises a single detached dwellinghouse in substantial grounds. The site lies within a settlement area and within a Townscape Character Area defined as 'Villas in a Woodland Setting' which is typified by very low density development comprising large houses set in generous tree lined plots.
- 3.2 The main access to the site is currently via Queens Hill Rise, a private road accessed via a priority junction onto Cheapside Road, which in turn has a priority junction onto London Road. There is a secondary access via Queens Hill onto London Road. There is also a gated pedestrian access directly onto London Road.
- 3.3 The site contains many mature trees along the site boundaries and within the central areas of the site. These trees are covered by an Area TPO.
- 3.4 Other sites within Queens Hill Rise contain single detached dwellings, however it is noted that apartment buildings exist on London Road.

4. KEY CONSTRAINTS

- 4.1 Thames Basin Heaths SPA 5km buffer zone

Area TPO

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 Planning permission is sought for the erection of two blocks comprising a total of 18 apartments. Block 1 is to be positioned in the western part of the site containing 9 apartments (4 2-bed and 5 3-bed), Block 2 positioned in the north part of the site, containing 9 apartments (4 2-bed and 5 3-bed). Both apartment blocks are 3 storeys high with a main roof height of 11.2m.
- 5.2 Access is to be taken from Queens Hill to the west of the site and the existing driveway will be upgraded and extended leading to a central turning/parking area and a ramp leading down to basement parking under each block. Parking will primarily be provided within a basement area for each apartment block with 6 surface level visitor spaces adjacent to the central turning area.
- 5.3 This application follows a previous similar application (ref: 18/01464/FULL) for the redevelopment of this site for 3 blocks of apartments (22 in total) with access onto London Road. This application was refused for 9 reasons including; impact on character, trees, neighbours, highway safety, ecology, impact on the SPA, lack of affordable housing and drainage.

6. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

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

Issue	Local Plan Policy
Design in keeping with character of area	DG1

Acceptable impact on appearance of area	DG1, H10 H11
Acceptable impact when viewed from nearby occupiers	H10, H11
Maintains acceptable level of privacy for nearby residents	H10, H11
Maintains acceptable level of daylight and sunlight for nearby occupiers	H10, H11
Sufficient parking space available	P4
Acceptable impact on the highway	T5
Acceptable impact on trees important to the area	N6
Mitigation for Thames Basin Heath Special	T6, R3, IMP1
Acceptable impact on Public Rights of Way such as public footpaths or bridleways	R14

These policies can be found at

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

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

Issue	Neighbourhood Plan Policy
Design in keeping with character and appearance of area	DG1, DG2 and DG3
Housing	H1, H2
Highways	T1
Trees	EN2

These policies can be found at

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

Adopted the South East Plan – Regional Spatial Strategy

Issue	Plan Policy
Thames Basin Heaths Special Protection Area	NRM6

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2019)

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 8. Promoting healthy and safe communities
- 9. Promoting Sustainable Transport
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change

Borough Local Plan: Submission Version

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

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

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

Supplementary Planning Documents

- RBWM Thames Basin Health's SPA

Other Local Strategies or Publications

7.3 Other Strategies or publications material to the proposal are:

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

More information on these documents can be found at:
https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

51 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 15th January 2019 and the application was advertised in the Local Press on 17th January 2019.

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

Comment	Where in the report this is considered
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1.	Occupiers of South Lodge were not notified	Further neighbour notification letters were sent out
2.	Impact on neighbouring occupants of Ballards as a result of the scale and positioning of Block 2 in close proximity to the common boundary. The block has also been increased in width. The rear elevation of this block has a significant number of windows which would result in overlooking. There is insufficient tree screening to overcome the harm and loss of outlook.	See section ii.
3.	The proposal would be harmful to the character of the area as a result of the increase in density and scale and mass of development. Overdevelopment and out of character with Villas in a Woodland Setting	See section i.
4.	The revised application has not overcome all previous concerns raised by the Council, including affordable housing, submission of a development brief and impact on Flood Risk.	See main report.
5.	The vehicular access should remain off Queens Hill Rise. The increased use of Queens Hill would have a detrimental impact on highway safety.	See section iii.
6.	The bin storage arrangements are not clear. Currently refuse vehicles have to reverse into Queens Hill off London Road	See section iii.
7.	Inadequacies with the transport statement	See section iii.
8.	Neither the transport statement nor the RBWM Highway comments acknowledge that the entrance to Queens Hill off London Road allows for single vehicular traffic. The intensification of this access point would result in cars waiting on London Road.	See section iii.
9.	The access off London Road onto Queens Hill is not within the control of the applicant	See section iii.
10.	Inadequate level of public consultation. No development brief submitted	See section vii.
11.	The design of the proposed apartment blocks is detrimental to the character of the area	See section i.
12.	The access arrangement will interfere with current visitor parking for South Lodge and will impede access for emergency and refuse vehicles	See section iii.
13.	Cars park illegally on London Road which compromises views of approaching vehicles	See section iii.
14.	Queens Hill is a private unadopted road and the applicant has no control over parking on the road and that the area for the new access will be kept free from parked cars	
15.	At peak times there is likely to be a queue of traffic on Queens Hill.	See section iii
16.	The Highways comments do not fully assess the impact on Queens Hill	Further Highways comments were requested and have been incorporated within section iii.

Statutory consultees

Consultee	Comment	Where in the report this is considered
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Natural England	No objection provided the applicant is complying with the requirements of the Local Authority's Avoidance and Mitigation Strategy for the Thames Basin Heaths SPA through an agreement securing contributions to Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM)	Noted
LLFA	No objections subject to conditions	Noted

Consultees

Consultee	Comment	Where in the report this is considered
Parish Council	Object. The committee noted that no development brief had been provided, neither had any public consultation been carried out, both of which were required by the Neighbourhood Plan for a proposed development of this size as the site at 1.2 Ha is more than 0.5 Ha, thus this was contrary to Neighbourhood Plan (NP) policy NP/H1. The committee were also concerned that there was no affordable housing on the site and that it did not comply with Borough policy. The majority of recent applications have been for flats, and it was felt that this application isn't providing the mix of houses for local families. The site is 'Villas in a Woodland Setting', and flats are contrary to NP/DG1.2. The application needs to establish that flats will retain the character of the area. The 3.3m access road is considered to be too narrow to allow passing traffic. Some of the parking bays (e.g. for plot 6 block 1 & plot 15 block 2) are very difficult to access.	See main report
Archaeology	No objections subject to condition	Noted
Thames Water	Comments for the developer regarding surface water drainage and waste water. Informatives to be attached to decision.	Noted
Environmental Protection	No objection subject to conditions and informatives	Noted
Ecology	No objection subject to conditions	Noted
Trees	No objections on basis of amended plans and updates to tree protection plan and subject to conditions	See section iv.

Others

Group	Comment	Where in the report this is considered
SPAE	Objections: No development brief was included with the application nor has any public consultation taken place. The proposed development is out of keeping with the character of the area 17 trees are to be felled. The tree officer needs to confirm there will be no major loss of amenity.	See main report

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Impact on the character of the area.
- ii Impact on neighbouring properties
- iii Highway and parking implications
- iv Tree considerations
- v Ecology and Thames Basin Heath Special Protection Area
- vi Surface Water Flooding
- vii Development Brief
- viii Affordable Housing
- ix Other Material Considerations

i. Impact on the Character of the Area

9.2 The application site lies within a 'Villas in a Woodland Setting' area as defined by the Council's Townscape Character Assessment, the qualities of which include very low density development, large detached dwellings set in large spacious plots, and development which retains and enhances the sylvan, leafy nature of the area. Neighbourhood Plan policy NP/DG1 reinforces these requirements. Residential intensification in such areas is not unacceptable in principle, however new development should adhere to the recommendations of the Townscape Character Assessment and Neighbourhood Plan policies to ensure there is an acceptable impact on the character of the area.

9.3 Neighbourhood Plan Policy NP/H2.2 (Mix of Housing Types) advises that development proposals for new dwellings will be expected to contribute to the aim of ensuring a balanced mix of housing in the Plan area. Dwellings should be in size and type, in keeping with the size and type of dwellings already prevalent in the surrounding area except where there is a demonstrable need for alternative type or size of home. One of the material considerations in this case is that the proposal is for a flatted development of 2-bed and 3-bed apartments whereas the existing site and those sites immediately surrounding the application site contain large single detached dwellings. Having said this, it is noted that the wider vicinity, including land within the 'Villas in a Woodland Setting' zone comprises some flatted development as well as large detached dwellings, in particular there are some sites fronting London Road approved in recent years that contain apartment buildings which form part of the character of the area. As such, it is considered that it would be difficult to resist the principle of flatted development within the application site. However the main characteristics of the character zone should be adhered to as will be discussed below.

9.4 Policy NP/DG1 (Respecting the Townscape) states that development proposals should respond positively to the Local Townscape and that the RBWM Townscape Assessment report should inform the design approach in a planning application. Whilst it is accepted that the application site could in principle hold a flatted development rather than single detached dwellings, other aspects of the development should display characteristics identified with the Villas in a Woodland setting such as spaciousness, irregularity (the appearance of a development that has been organically evolved) and the retention of mature woodland. Indeed it could be argued that a flatted development is acceptable in a Villas in a Woodland character zone, provided the spacious and

leafy character of the area is maintained. In order to maintain this character, it is considered that the built development should not dominate the soft landscape character and woodland setting.

- 9.5 The scheme has been revised to reduce the number of buildings within the site from three to two. The form of the development, with the apartments being divided into two sizable blocks, is considered acceptable and the reduced scale of development would allow for a considerable amount of the site to remain free from buildings with the green landscape appearing as the prominent feature within the site, an important characteristic of a 'Villas in a Woodland setting' character area. The amount of hard-surfacing has also been reduced so that it would not dominate the site. Given the amount of space remaining free from built development it is considered that the proposal would not result in an overdevelopment of the site and that the scale and layout of development would now be in keeping with the existing pattern of development in the area which includes both apartment buildings and detached dwellings. Whilst the proposed apartment buildings are uniform in appearance their positioning within the site differs to the layout of nearby developments such that some irregularity would arise from the proposed layout.
- 9.6 The design and external appearance of the apartment blocks remains very grand however given the reduced height and scale, and level of mature screening of all the mature boundaries of the site, it is considered that the proposal would not appear prominent in the street scene of London Road or the wider area in general.

ii. Impact on Neighbouring Occupiers

- 9.7 The previous application was refused on grounds of impact on the neighbouring occupants of Ballards, to the north of the site, namely for reasons of loss of privacy and overlooking (whether actual or perceived) as a result of the siting of block 3.
- 9.8 In the revised application, the closest block would be block 2, which would be positioned 22.5m away from Ballards at its closest point (and at an oblique angle) and 16m away from the common boundary at its closest point. The development would therefore be an additional 4m away from this neighbouring property than that previously proposed. The neighbours have raised concerns regarding overlooking and loss of outlook, particularly because the position of this block has been altered such that it would now face their entire rear boundary. Amended plans have been received during the course of the application reducing the number of rear facing windows within the rear elevation of block 2. It is considered that the intended gaps of separation would be sufficient to ensure that any overlooking would not be unduly harmful to living conditions and as such that it would be difficult to refuse the application on such grounds. Additionally whilst the current level of screening on this boundary is less mature than on others, enhanced landscaping as proposed will aid in softening the development from view in the long-term.
- 9.9 The gaps of separation between the apartment buildings and other neighbouring properties are such that the buildings would not appear overbearing to neighbouring occupiers or result in any harmful levels of overlooking.

iii. Parking and Highways

- 9.10 There were two main Highways objections to the previous application, firstly, that a new access onto London Road had not been sufficiently justified and secondly, that the proposed access was technically inadequate in terms of its visibility and alignment. The previous planning application was refused on these grounds. The revised application for 18 apartment now proposes to utilise the existing access point from London Road onto Queens Hill to serve the new development.
- 9.11 Initial comments were received from the Highways Authority dated 20th January 2019. Following several concerns raised by neighbouring residents, the Highways Authority were asked to review these comments and provide further information. These additional comments were received on 13th June 2019. A summary of each issue is provided below.

- 9.12 The main access to the site is currently via Queens Hill Rise, a private road accessed via a priority junction onto Cheapside Road, which in turn has a priority junction onto London Road. There is a secondary access via Queens Hill onto London Road. There is also a gated pedestrian access directly onto London Road.
- 9.13 It is proposed to use the existing driveway onto Queens Hill (the existing secondary access) which connects with the public highway at London Road to serve the development. The existing primary access from Queens Hill Rise is to be stopped up as shown on the proposed Site Plan Drawing 18-J2341-20. The gated pedestrian access directly onto London Road will be retained.
- 9.14 The existing secondary access (Queens Hill) which is to be used as the main site access would be subject to improvements including widening the width of the access from 3.0-3.5m to approximately 4.8m wide as shown at Drawing 67048-TS-QH1. Strong objections have been raised from neighbouring occupants of Queens Hill regarding the acceptability of this access to serve the new development.
- 9.15 The width of the Queens Hill carriageway north of the access/columns/posts within the site and prior to the electronic sliding gates for South Lodge is approximately 5.4m wide. This width is sufficient for 1 vehicle waiting to enter the grounds of South Gate while others pass by to enter the proposed development site or travel further along Queens Hill. Further to 1 vehicle waiting at the gate of South Lodge a further vehicle is also able to wait south of the columns/posts on the vehicle crossover/access to London Road while allowing vehicles to exit the site to turn right or left onto London Road as described above. The latter will likely be used when there is simultaneous vehicles trying to use the access to depart/arrive. However there is sufficient visibility for those vehicles arriving at the access to see if there are vehicles waiting to depart or to see if there is a vehicle in the process of exiting South Lodge, and accordingly they would be able to wait in the right turning lane if required. Any vehicles using the crossover in front of the access should be doing so as a last resort or not realising that there was a vehicle approaching the access to depart.
- 9.16 It should also be noted that the existing access to Milestones is proposed to be widened. Although the vehicular egress and access points are in close proximity to each other, there is no standard for separation distance between opposing accesses unless they are through routes, not private drives/accesses. Additionally this has historically been a shared vehicle and pedestrian space for those using the main pedestrian gate to South Lodge from Queens Hill. The carriageway width of Queens Hill at the junction of Milestones is approximately 5m and the pedestrian and vehicle visibility to the right and left of the junction is adequate for vehicles to be sufficiently aware of pedestrian movements as per the extant situation. The increase in vehicular activity is considered not to raise any adverse highway safety issues that need to be addressed.

Parking provision/requirement

- 9.17 The site is located within an area of poor accessibility. The proposed development consists of 8 x two-bedroom and 10 x three-bedroom flats. Therefore, generating a demand for two vehicular parking spaces per flat in accordance with RBWM Parking standards.
- 9.18 The application proposes 36 underground parking spaces for occupants of the flats and six surface level spaces for visitors. The number of parking spaces proposed is deemed acceptable. The proposed arrangement, sizing of parking bays and basement ramp as shown on drawings 18-J2341-2, 18-J2341-26 and 18-J2341-32 is also deemed acceptable. However, the applicant must ensure the proposed car park sizing and clearance (including basement ramp) complies with requirement stipulated within *The Institution of Structural Engineers "Design recommendations for multi-storey and underground car parks"* ensuring sufficient clearance and manoeuvrability space for a large 4 x 4 and van.
- 9.19 Concerns have been raised by some residents with regards to visitor parking and servicing at South Lodge as provision for this type of parking is not provided on-site and therefore takes place

on Queens Hill. Residents have stated that this occurs opposite the proposed site access to Millstones. There is sufficient carriageway length to the north of South Lodge for vehicles visiting or servicing South Lodge to park on the western side of Queens Hill. The carriageway is 5.4m to 5.8m wide along the majority of its length from South Lodge, and there is at least 30m length of parking to accommodate approximately 6 standard sized vehicles or less with a few larger service vehicles. This should be sufficient to serve the visitor and servicing needs of the site. The residents of South Lodge should inform visitors and service vehicles of where to park. Vehicles blocking the entrance to Milestones in any existing or future scenarios are blocking an existing vehicle access which is prohibited on public highway or private accesses. The applicant will have the option of erecting signage with the appropriate warnings or information that the site access is an active vehicular access and should not be blocked. As such, no objection is raised in this regard.

Traffic Generation

- 9.20 The TRICS data provided within the Transport Statement is not considered to present a suitable representation of the site location and characteristics. Using the TRICS database (the Highways Authority have taken a robust approach to the expected cumulative (existing and proposed) vehicle trip movements that will use the access onto London Road from Queens Hill in the AM peak (0800-0900) and PM peak (1800-1900). As a result of the analysis the access from Queens Hill to London Road would potentially account for 17 vehicles during the AM peak (two -way movements) and 17 vehicles during the PM peak (two- way movements). Table 1 below shows a breakdown of the number of estimated vehicle arrivals and departures over the AM peak, PM peak and daily total (24hr).

Table1: Cumulative/Total Trip Generation (existing + proposed)

Time Period	Arrivals	Departures	Two-Way
AM	4	13	17
PM	11	6	17
Daily (over 24hrs)	75	78	154

- 9.21 The 17 vehicles in the AM and PM peak hour would be spread over the peak hour. Table 1 indicates that the number of vehicles departing in the AM peak (13) are unlikely to encounter many arriving vehicles (4). The submitted Transport Assessment (TA) stipulates 2 arriving in the AM peak but a robust assumption would be the above 4 as shown at Table 1. Therefore there are four potential occurrences where a vehicle departing may need to give way to arriving vehicles. Those 4 vehicles arriving can sit within dedicated right turn lane and/ or with 1 vehicle waiting just south of the site access. However the potential 4 vehicles will not arrive simultaneously during the peak hour at one specific time (the dedicated right run lane can hold up 3-4 standard sized vehicles).
- 9.22 Table 1 also indicates that the number of vehicles arriving in the PM peak (11) are unlikely to encounter many departing vehicles (6). The submitted Transport Assessment (TA) stipulates 4 arriving in the PM peak but a robust assumption would be the above 11 as shown at Table 1. Therefore there are eleven potential occurrences where a vehicle departing may need to give way to arriving vehicles. Those 11 vehicles arriving can sit within dedicated right turn lane and/ or with 1 vehicle waiting just south of the site access. However the potential 11 vehicles will not all arrive simultaneously at one specific time. As mentioned previously the dedicated right turn lane can hold up to 3-4 standard sized vehicles.
- 9.23 The above information indicates that the PM peak will potentially result in more occurrences (11) of potential conflict at the junction of London Road/Queens Hill access with the majority of vehicles arriving at the site with a few departing (6). The right turn holding lane can accommodate up to 4 vehicles without obstructing any for any vehicles that are departing from Queens Hill and

no vehicles will need to wait on the crossover before entering Queens Hill. The right turn lane also will allow the free flow of eastbound and westbound traffic on London Road. However the crossover can be used to accommodate 1 vehicle if required without causing visibility issues for those vehicles turning left or right out of Queens Hill. As such, no objection have been raised by the Highways Authority regarding Traffic Generation.

Cycle and Refuse provision

- 9.24 The application includes the provision of cycle parking storage within the basement, with one storage area provided per flat. This is deemed acceptable.
- 9.25 The application proposes refuse collection within the site, with turning provided within the site extents, this is deemed acceptable. The application indicates bin storage within the garden areas. The location of the bin storage areas are within suitable distance (within 25m) for waste collection vehicles. The applicant has submitted a swept path analysis drawing demonstrating that a borough refuse lorry can enter and exit the site in a forward gear as presented in the TS.
- 9.26 The applicant has provided appropriate swept paths of a refuse vehicle entering and exiting the site onto London road in Forward gear from the site. Residents have commented indicating that refuse trucks reverse into the access which is what the Waste operatives have chosen to undertake at said given time. However the geometry of the site access and indeed the proposed site access on Milestones will allow for turning within the site, if required.

Conclusion

- 9.27 To conclude this section of the report, whilst there may be instances where cars would meet within Queens Hill when exiting or entering South Lodge or exiting or entering the proposed development site and potential parking of service vehicles and visitors on the road, it must be borne in mind that in accordance with paragraph 109 of the NPPF development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

iv. Impact on Trees

- 9.28 The Arboriculturist raised strong concerns regarding the impact on trees in relation to the previous application which included a new access onto London Road. The use of the existing access point onto Queens Hill is a preferred option from an arboricultural point of view, ensuring the retention of mature trees along the front boundary of the site, adjacent to London Road.
- 9.29 Concerns were raised during the course of the application concerning the proximity of block 1 to the RPA of trees T43 and T44 (two Wellingtonia which contribute highly to the character of the area). Amended plans have been received showing the front bay window on the left hand side of block 2 to be removed. To confirm there is no encroachment in the RPA of this tree as a result of the development itself. Concerns were initially raised that the intended working area would encroach into the RPA of this tree, however, given the removal of the bay and proposed updates to the Tree Protection Plan and Arboricultural Method Statement showing the protective fencing to be moved out and the ground protection area increased, no objections are raised from a tree point of view subject to conditions regarding tree protection, site storage, tree replacement, upgrading of the driveway and landscaping (conditions 11, 12, 13, 14 and 15).

v. Ecology and Impact Thames Basin Heaths Special Protection Area (SPA)

Thames Basin Heaths SPA

- 9.30 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 application site is located within two kilometres from the closest part of the Thames Basin Heaths Special Protection Area (SPA),

which is protected by European and national legislation. This imposes requirements on the Local Planning Authority to protect this sensitive area of natural/semi-natural habitat. Although the Council has an adopted Suitable Alternative Natural Greenspace (SANG) known as Allen's Field, this only has a limited amount of remaining capacity. However this capacity has already been safeguarded for the delivery of submission allocated sites in the BLPSV. Unplanned development using up this capacity could result in sustainably located plan-led developments being put at risk of not being implemented in a timely manner or not at all. To avoid this arising, the Council (through a decision of Cabinet in June 2018) agreed that unplanned development of over 10 dwellings would not be able to rely on capacity at the Council's SANG at Allen's Field and would need to find alternative mitigation.

- 9.31 Since the determination of the previous application, the Council has reviewed the number of planned developments within the SPA buffer zone and it has been concluded that the proposed development can rely on Allen's field as it was considered as a soft commitment at the time of the June 2018 cabinet report and therefore has already been allocated capacity at Allen's field. An appropriate assessment has been carried out and no objection have been received from the Council's policy section (who monitor the SANG capacity) or from Natural England.
- 9.32 The Council's legal section are currently drafting a section 111 agreement to ensure financial contributions towards SAMM/SANG are made. This legal agreement is nearing completion and it is recommended that planning permission be granted following completion of the section 111.

Ecology

- 9.33 Buildings and trees within the site have been identified to have the potential to support bat roosts and one bat roost has been confirmed. Further surveys therefore were needed to be carried out prior to the determination of the application to confirm the presence/absence of bats and how bats would be affected by the proposals. These surveys have now been carried out and the Council's Ecologist is satisfied with the findings. Impact on other protected species and habitats is considered acceptable subject to conditions (conditions 16, 17 and 18).

vi. Surface Water Flooding

- 9.34 The applicant has submitted an updated Flood Risk Assessment to support the application following initial comments from the Lead Local Flood Authority requesting further information. The updated document is supported subject to condition (condition 19).

vii. Development Brief

- 9.35 Neighbourhood Plan policy NP/H1 (Development Briefs) requires that development proposals which include 10 or more dwellings on sites larger than 0.4 hectares shall be required to submit a Development brief and to actively engage in consultation with the Parish Council and the community as part of the design process prior to any planning application being submitted. Furthermore, planning applications for developments which require a Development Brief must be accompanied by a Statement of Community Consultation. The previous application failed to demonstrate compliance within these policy requirements however the planning statement accompanying the current application explains how the proposal has been adapted following the refusal of the previous application and that objections to this previous application by neighbours and the Parish Council have been taken into account. A public consultation exercise has also been carried out as described in the Statement of Public Consultation submitted with the application. It is considered that the information submitted in support of the application meets the general aims of policy NP/H1 (Development Briefs). In saying this the Council has taken into consideration the decisions of Planning Inspectors covering appeals for similar developments in the area.

viii. Affordable Housing

- 9.36 The application is for a development of more than 15 dwellings and therefore there is an expectation in line with adopted policy H03 for affordable housing provision. This is in line with the revised NPPF which advises that affordable housing provision will not be required for developments that are not major developments. A viability report has been submitted to demonstrate that it would be unviable for any affordable housing contribution to be made either on-site or off-site. The viability report is currently under review with an external independent assessor. Provided the findings of the applicant's viability are supported by the independent assessor, then it can be concluded that in this instance, the development does not need to provide an affordable housing contribution. Planning permission is recommended subject to support by the Independent Assessor.

ix. Other Material Considerations

- 9.37 Berkshire Archaeology have been consulted on the application and have recommended a condition to ensure the implementation of a programme of archaeological works (condition 20).

Housing Land Supply

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

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

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

Footnote 7 of the NPPF (2019) clarifies that:

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

- 9.39 The BLPSV is not yet adopted planning policy and the Council's adopted Local Plan is more than five years old. Therefore, for the purposes of decision making, the current starting point for calculating the 5 year housing land supply (5hyr hls) is the 'standard method' as set out in the NPPF (2019).
- 9.40 At the time of writing, the Council is able to demonstrate 4.62 years of housing land supply. Therefore, for the purpose of this planning application the LPA currently cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer).
- 9.41 Notwithstanding the above, officers have concluded that the proposal complies with the relevant planning policies, which are considered in accordance with the NPPF, and therefore in accordance with paragraph 11(c) of the NPPF and the presumption in favour of sustainable development the development proposal should be approved without delay.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 10.1 The development is CIL liable. The proposed floorspace of the dwellings (minus the allowance for the existing dwellinghouse) is 5,662.5m².

11. PLANNING BALANCE AND CONCLUSION

- 11.1 Paragraph 11 of the Framework explains how the presumption in favour of sustainable development applies. As set out in paragraph 9.41 it is considered that in this instance the development is in compliance with the development plan and therefore in accordance with paragraph 11c must be approved without delay.
- 11.2 Should members consider that any part of the proposal does not comply with the relevant planning policies, then consideration must be had to the terms of paragraph 11d of the NPPF. In this case whilst the proposed development falls within 5km of the Thames Basin Heath SPA, as an appropriate assessment has been carried out there is no clear reason for refusing the proposed development on this basis. Accordingly if it were considered that there were any limited or moderate harm to the character of the area the so-called 'tilted balance' would be engaged. In this case, there are significant benefits arising from the net gain of 17 dwellings such that officers would advise that the impacts of granting planning permission for this development would be more than outweighed by the considerable housing benefit arising from the proposal.

12. APPENDICES TO THIS REPORT

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

13. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 No development shall take place until samples of the materials to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policy
- 3 No development above slab level shall take place until details of the materials to be used on the external surfaces of the development have first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policy
- 4 No part of the development shall be occupied until the access has been constructed in accordance with the approved drawing. The access shall thereafter be retained.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5, DG1.
- 5 Prior to the commencement of any works or demolition a construction management plan showing how demolition and construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works period shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and maintained for the duration of the works or as may be agreed in writing by the Local Planning Authority.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.
- 6 No part of the development shall be occupied until vehicle parking and turning space has been provided, surfaced and marked out in accordance with the approved drawing. The space approved shall be kept available for parking and turning in association with the development.
Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety, and to facilitate vehicles entering and leaving the highway in forward gear. Relevant Policies - Local Plan P4, DG1.
- 7 No part of the development shall be occupied until covered and secure cycle parking facilities

have been provided in accordance with the approved drawing. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.

Reason: To ensure that the development is provided with adequate cycle parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1.

- 8 No part of the development shall be occupied until the refuse bin storage area and recycling facilities have been provided in accordance with the approved drawing. These facilities shall be kept available for use in association with the development at all times.

Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - Local Plan T5, DG1.

- 9 The existing access to the site of the development shall be stopped up and abandoned immediately upon the new access being first brought into use. The footways and verge shall be reinstated before the development is first occupied in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and of the amenities of the area. Relevant Policies - Local Plan T5, DG1.

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

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

- 11 Prior to any equipment, machinery or materials being brought onto the site, details of the measures to protect, during construction, the trees shown to be retained on the approved plan, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full prior to any equipment, machinery or materials being brought onto the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. These measures shall include fencing in accordance with British Standard 5837. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made.

Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.

- 12 Prior to the commencement of development details of the areas to be used for onsite materials storage, construction workers' parking, and for ancillary temporary building(s) including any phasing of use such areas, shall be submitted to and approved in writing by the Local Planning Authority and the works shall be undertaken in accordance with the approved details.

Reason: To ensure that retained landscaping on the site is not damaged or destroyed during construction. Relevant Policies - Local Plan DG1, N6.

- 13 The development shall not be occupied until the hard and soft landscaping scheme has been implemented within the first planting season following the substantial completion of the development in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The development shall be retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity.

Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1.

- 14 No tree or hedgerow shown to be retained in the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be lopped or topped other than in accordance with the approved plans and particulars or until five years from the date of occupation of the building for its permitted use. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 Tree work. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate vicinity and that tree shall be of the same size and species unless the Local Planning Authority give its prior written consent to any variation.

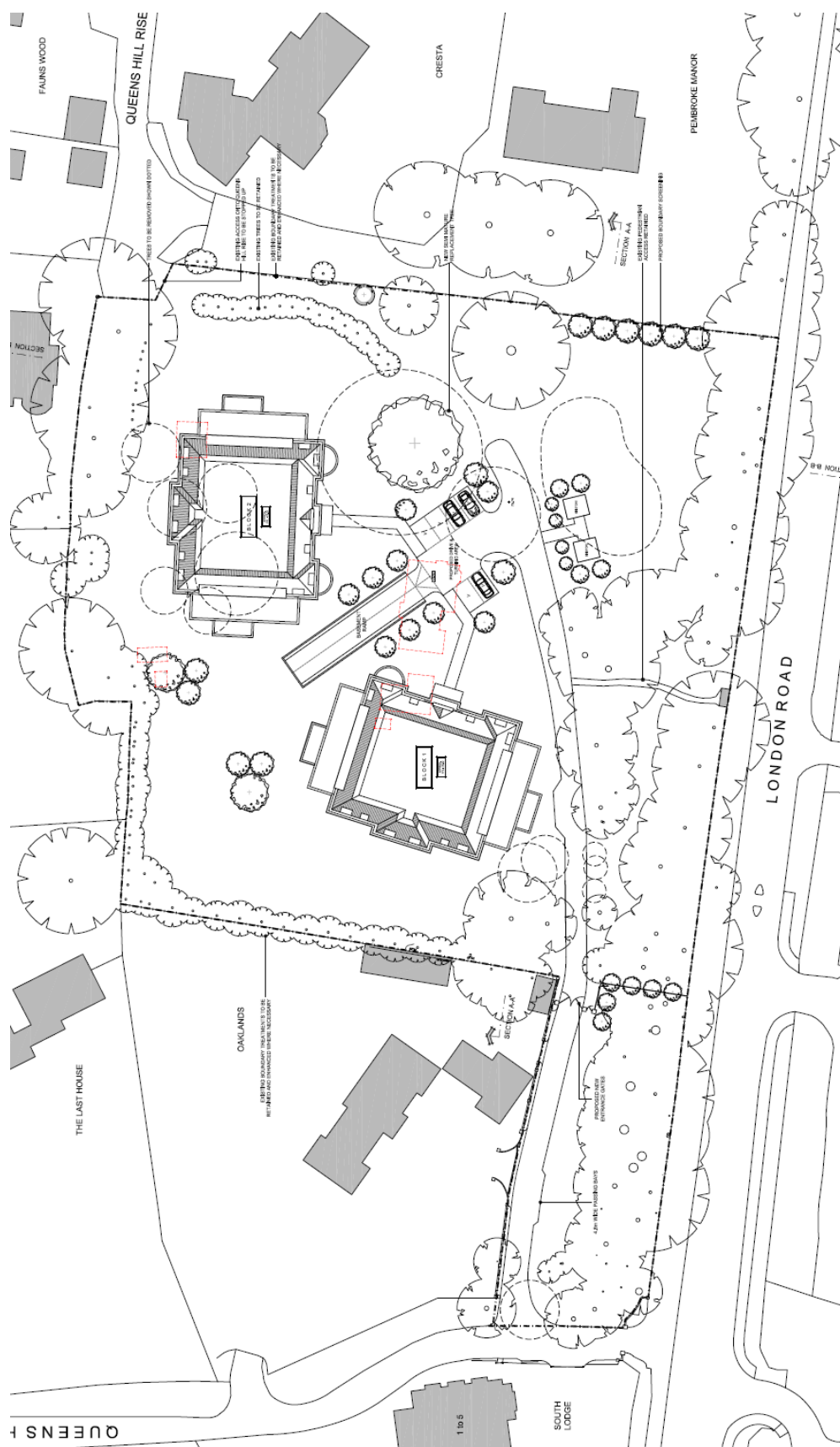
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1,

N6.

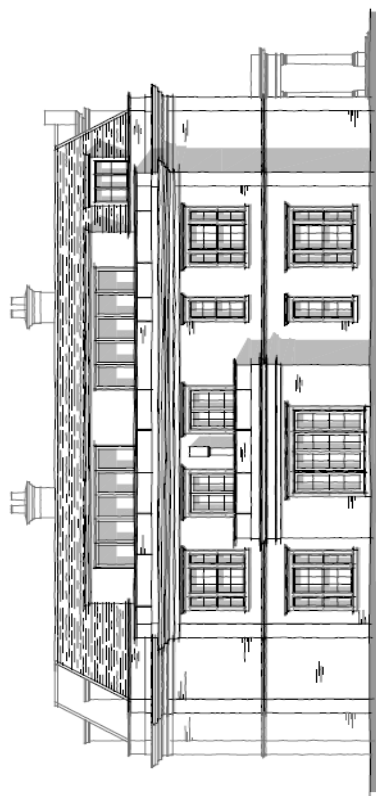
- 15 No works or development shall take place until an updated Arboricultural Method Statement and Tree Protection Plan specific to this scheme, has been submitted and approved in writing by the Local Planning Authority. The Tree Protection Plan and Arboricultural Method Statement shall be written in accordance with, and address sections 5.5, 6.1, 6.2, 6.3 and 7 of British Standard 5837:2012 Trees in relation to design, demolition and construction - recommendations. Nothing shall be stored or placed in any area in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written approval of the Local Planning Authority. Thereafter the works shall be carried out in accordance with the approved details until completion of the development.
Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.
- 16 All works shall be carried out in accordance with the recommendations included within Sections 5.2.13-5.2.28 of the Ecological Impact Assessment (Enzygo, December 2018), unless otherwise agreed in writing by the Local Planning Authority. Reason: To ensure that wildlife is safeguarded, and that opportunities for wildlife are provided in line with the NPPF.
- 17 Demolition shall not commence until a licence for development works affecting bats has been obtained from the Statutory Nature Conservation Organisation (Natural England) and a copy has been submitted to the council. Thereafter mitigations measures approved in the licence shall be maintained in accordance with the approved details. Should conditions at the site for bats change and/or the applicant conclude that a licence for development works affecting bats is not required, the applicant is to submit a report to the council detailing the reasons for this assessment and this report is to be approved in writing by the council prior to commencement of works. Reason: The site hosts bat roosts which will be affected by the proposals. This condition will ensure that bats, a material consideration, are not adversely impacted upon by the demolition works.
- 18 No dwelling hereby permitted shall be occupied until details of biodiversity enhancements, to include bird and bat boxes, tiles or bricks on and around the new buildings and native and wildlife-friendly landscaping has been submitted to and approved in writing by the council. The biodiversity enhancements shall be installed as approved. Reason: To incorporate biodiversity in and around the development in accordance with paragraph 175 of the NPPF.
- 19 Prior to commencement (excluding demolition) a surface water drainage scheme for the development, based on the submitted sustainable drainage strategy, shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:
- Full details of all components of the proposed surface water drainage system including dimensions, location, gradients, invert levels, cover levels and relevant construction details.
 - Supporting calculations based on infiltration rates determined by infiltration testing carried out in accordance with BRE365 confirming compliance with the Non-Statutory Standards for Sustainable Drainage Systems.
 - Details of the maintenance arrangements relating to the proposed surface water drainage system, confirming who will be responsible for its maintenance and the maintenance regime to be implemented.
- The surface water drainage system shall be implemented and maintained in accordance with the approved details thereafter.
- Reason - To ensure compliance with the National Planning Policy Framework and the Non-Statutory Technical Standards for Sustainable Drainage Systems, and to ensure the proposed development is safe from flooding and does not increase flood risk elsewhere.
- 20 No development shall take place within the application area until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority
Reason: Reason: The site is within an area of archaeological potential, specifically relating to prehistoric remains. A programme of works is required to mitigate the impact of development and to record any surviving remains so as to advance our understanding of their significance in accordance with the national and local plan policy.
- 21 The development hereby permitted shall be carried out in accordance with the approved plans listed below.
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.



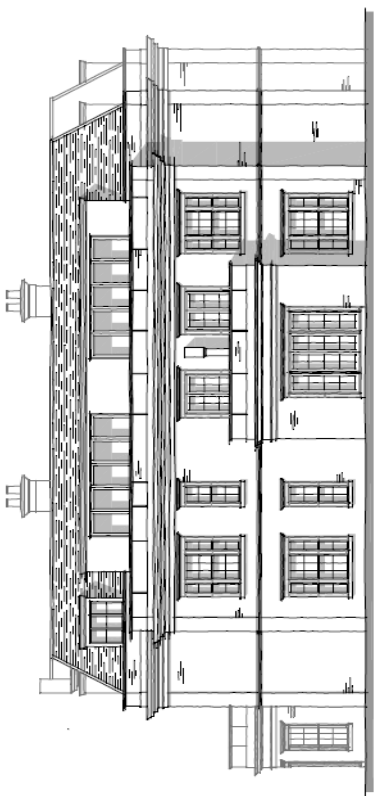
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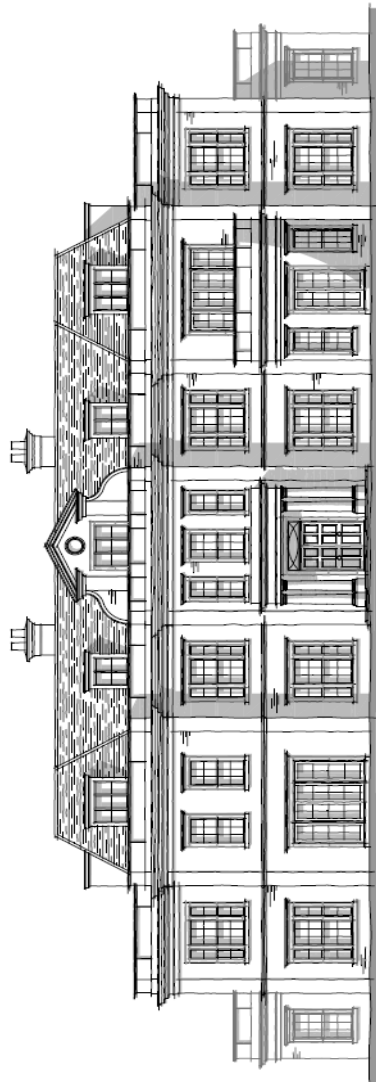
Appendix B
Block 1—
Elevations



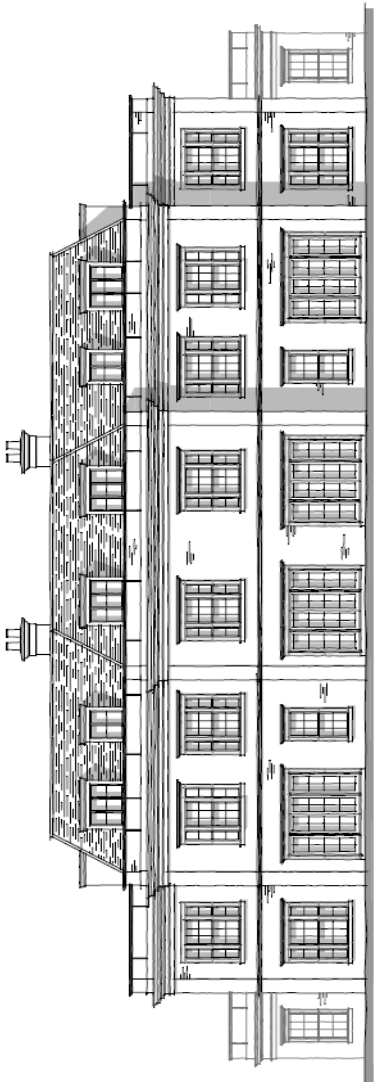
SIDE ELEVATION



SIDE ELEVATION



31
FRONT ELEVATION

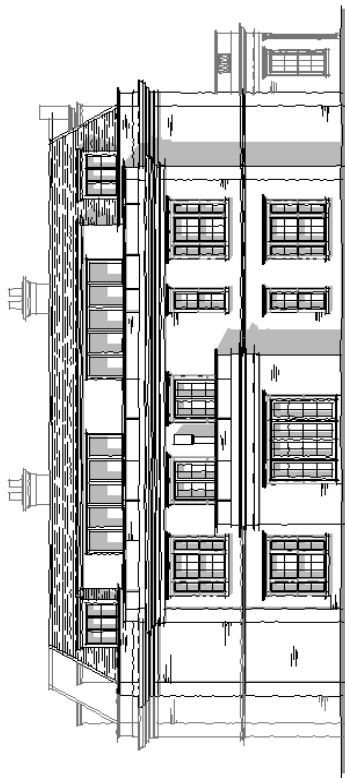


REAR ELEVATION

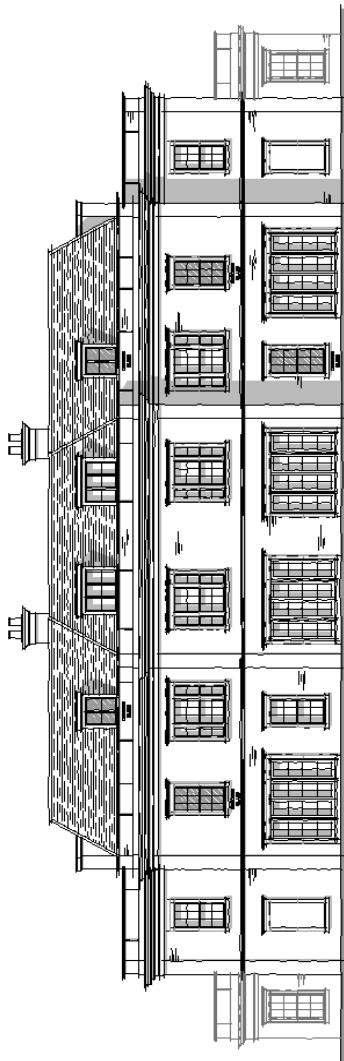
Block 2—Elevations



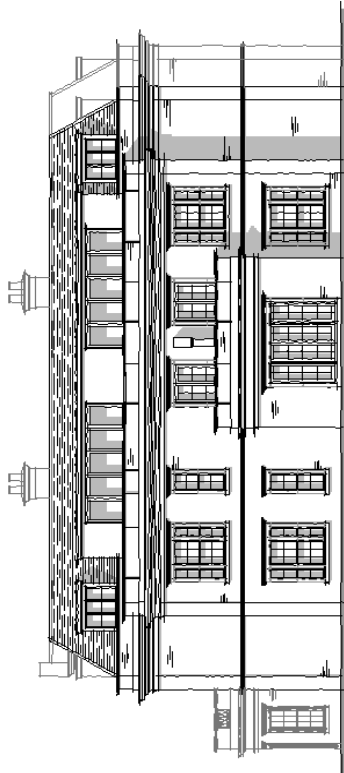
FRONT ELEVATION
2



SIDE ELEVATION

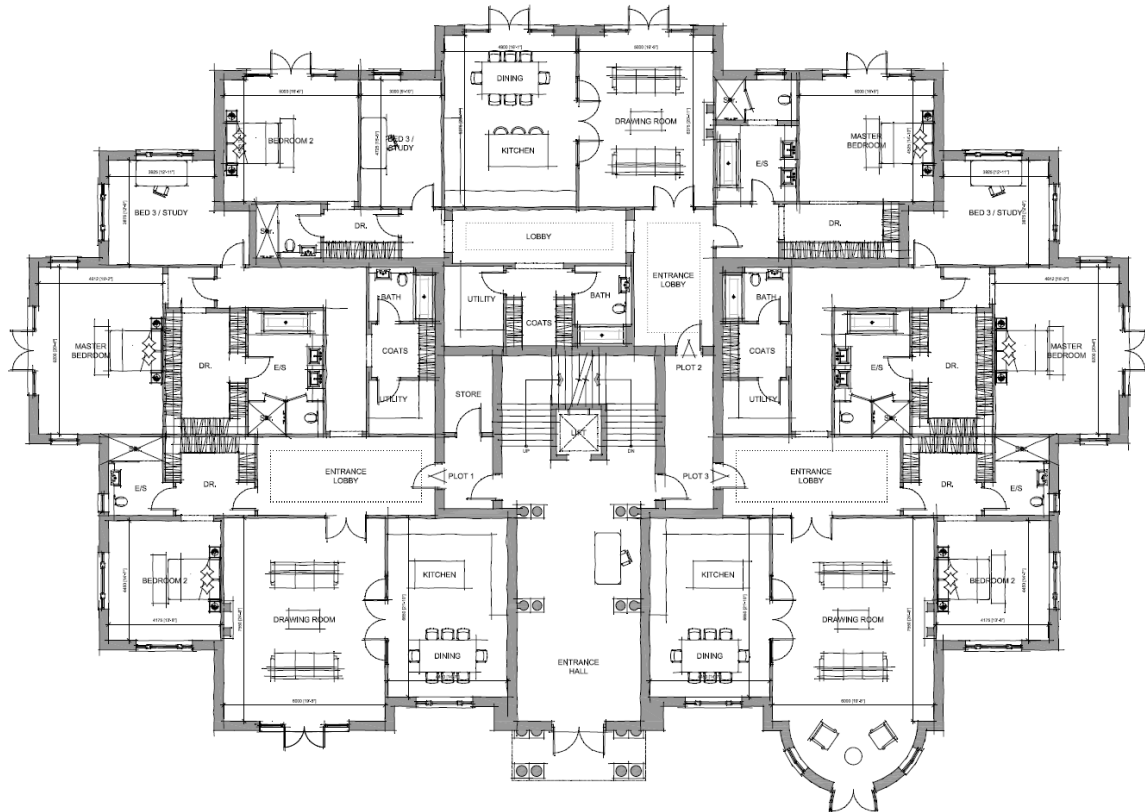


REAR ELEVATION

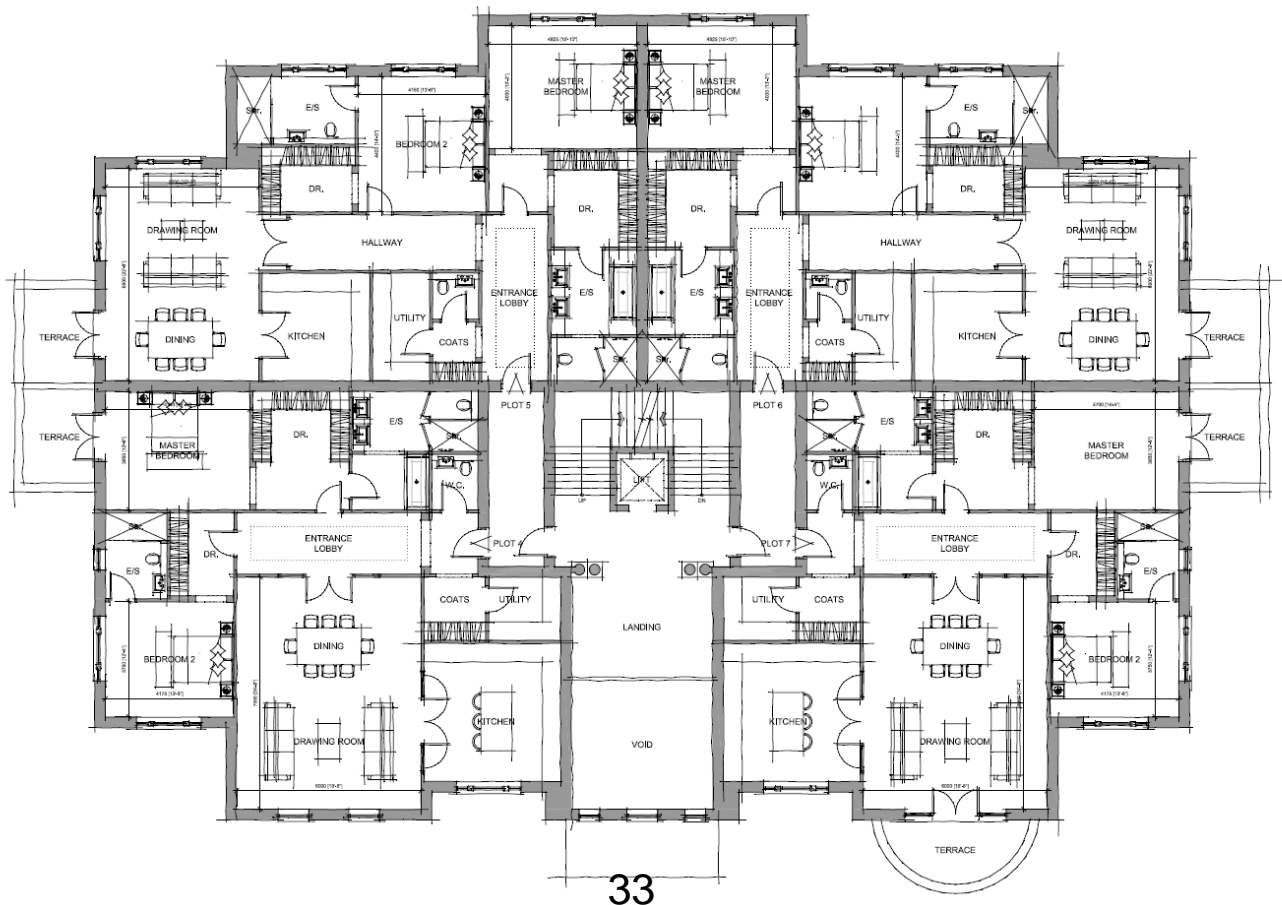


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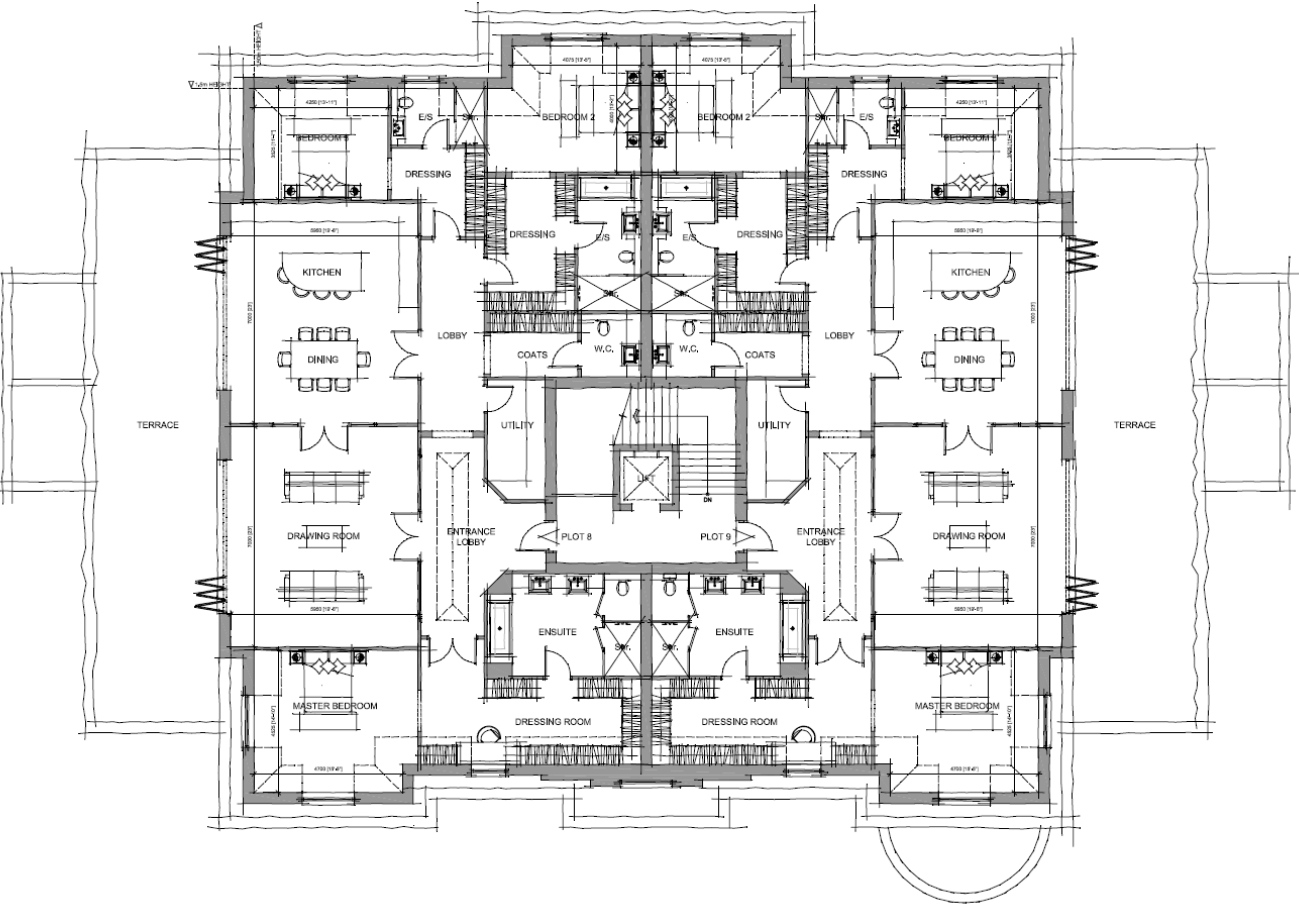
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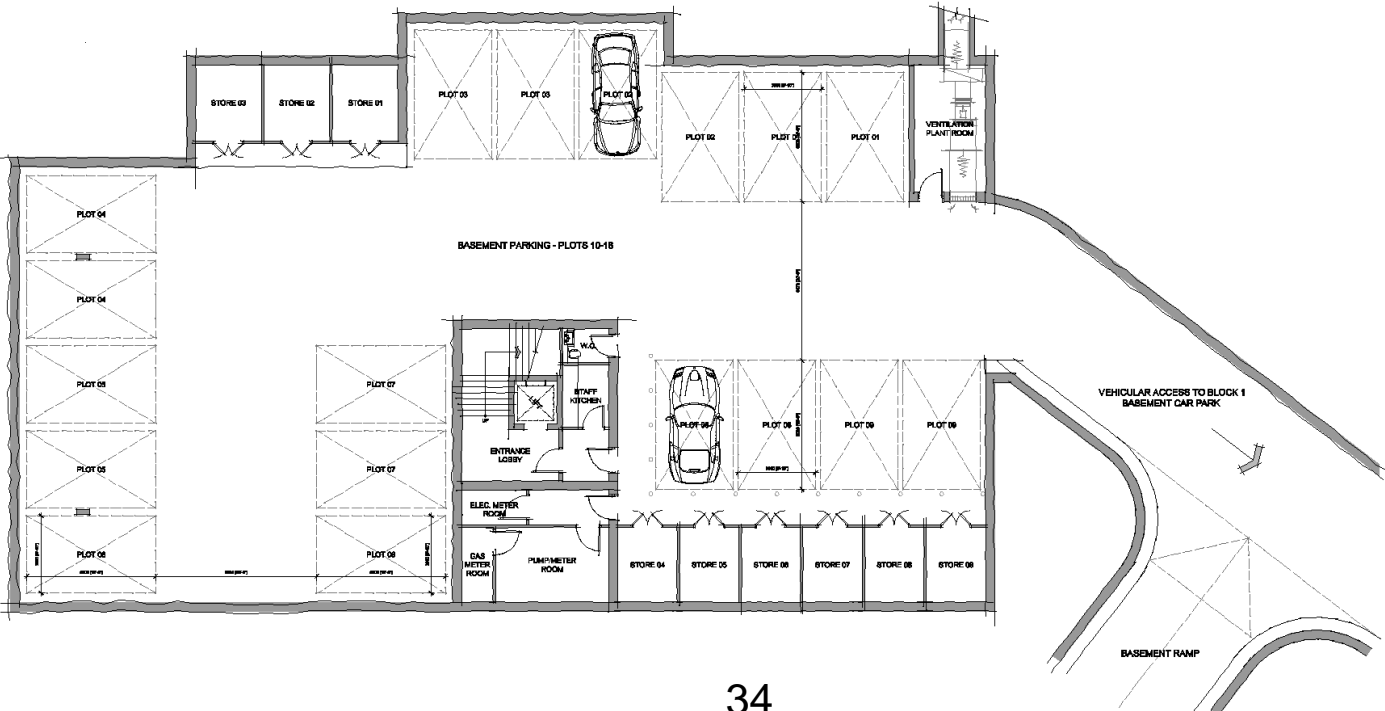
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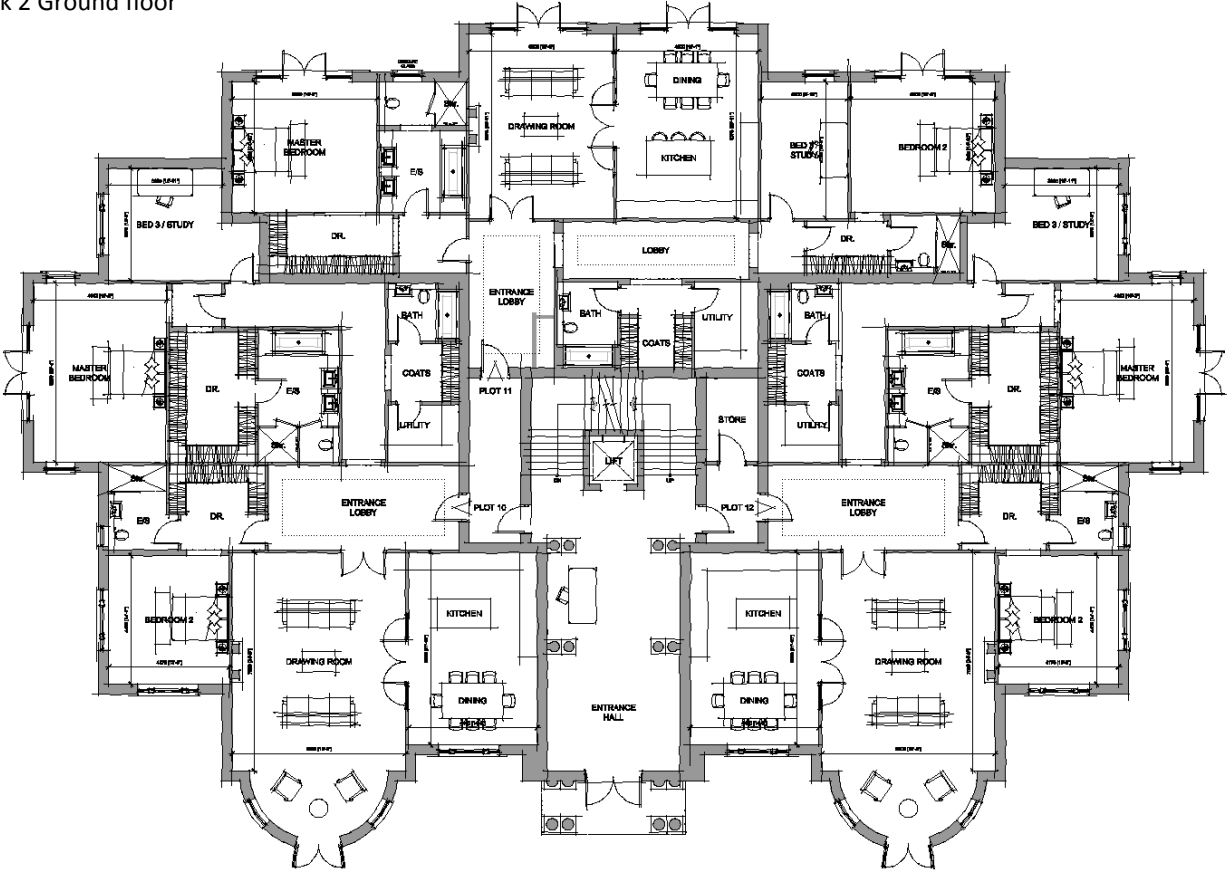
Block 1—Second floor



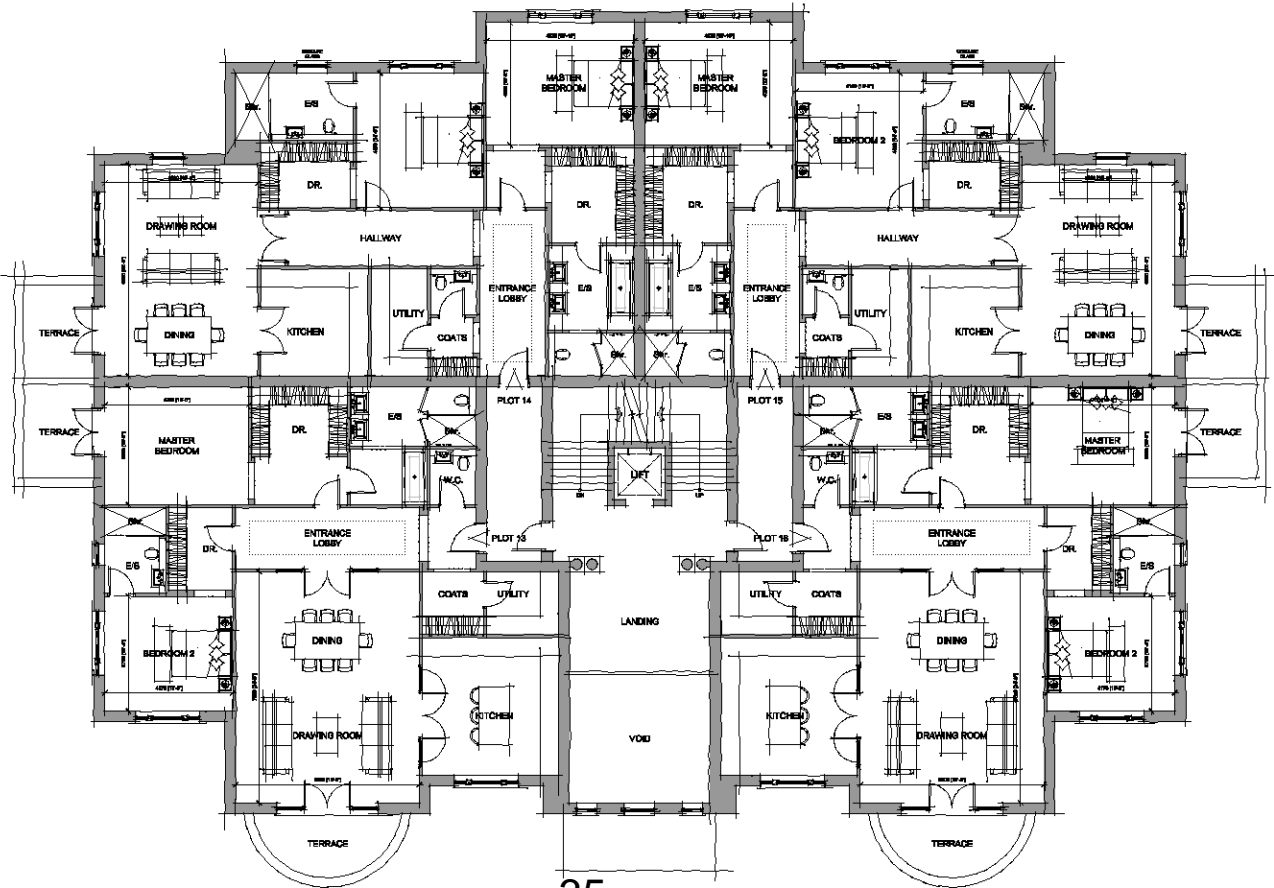
Block 1—Basement



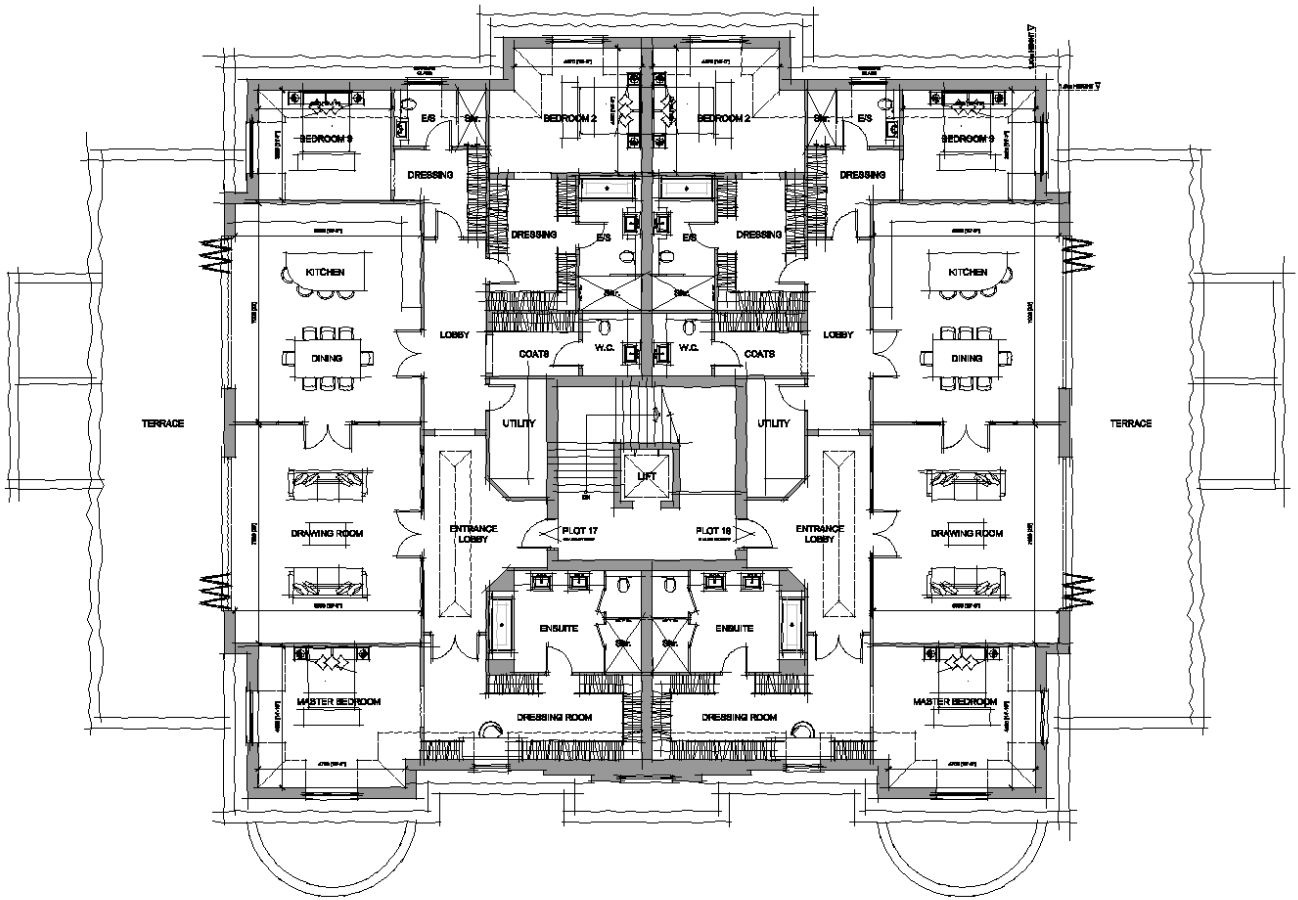
Block 2 Ground floor



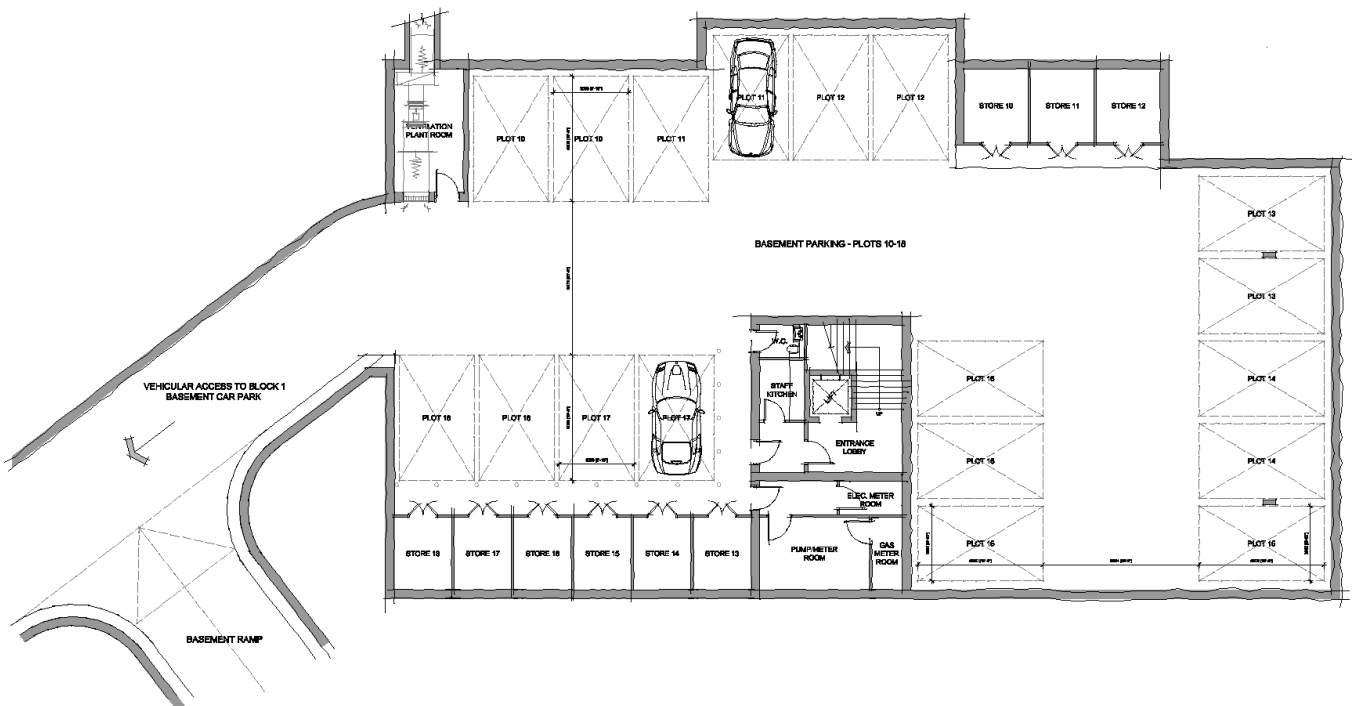
Block 2 First floor



Block 2—Second Floor



Block 2—Basement



DEVELOPMENT CONTROL PANEL

3 July 2019

Item: 2

Application No.:	19/00897/FULL
Location:	One Stop Shop 1 - 3 High Street Sunninghill Ascot SL5 9NQ
Proposal:	Change of use of part first floor from (D1) (Chiropractor) and (B1a) (Office) to (C3) (2 bedroom apartment) with associated bin/cycle store and additional parking
Applicant:	Mr Holdcroft
Agent:	Not Applicable
Parish/Ward:	Sunninghill And Ascot Parish/Sunninghill And South Ascot Ward
If you have a question about this report, please contact: Adam Jackson on 01628 796660 or at adam.jackson@rbwm.gov.uk	

1. SUMMARY

- 1.1 The proposed development would result in the loss of a use which currently provides jobs in conflict with policy NP/E1.1 of the Neighbourhood Plan and the loss of a community facility (D1 use) in conflict with policy CF1 of the RBWM Local Plan, however, the harm this would cause in this instance is given only limited weight and is considered to be outweighed by the benefit of providing an additional residential unit.
- 1.2 It is considered that the proposed development would provide its future occupiers with an acceptable standard of amenity and the development would not result in harm to the amenity of existing residents.
- 1.3 The proposal would be provided with sufficient parking in accordance with the standards set out in the Borough's adopted parking standards. The scheme would also be provided with dedicated refuse and cycle stores.

It is recommended the Panel authorises the Head of Planning:	
1.	To grant planning permission on the satisfactory completion of an undertaking to secure the necessary SPA mitigation in regards to the impact on the Thames Basin Heaths as referenced in Section 9 of this report and with the conditions listed in Section 13 of this report.
2.	To refuse planning permission if an undertaking to secure the necessary mitigation as referenced in Section 9 of this report has not been satisfactorily completed for the reason that the proposed development would have an unacceptable impact on the SPA.

2. REASON FOR PANEL DETERMINATION

- The application has been called in by Councillor Hilton at the request of Sunninghill Parish Council due to concerns with the amenity standard of the flats and the lack of outdoor amenity space, the impact on bin/storage area for the shop, a conflict between access to the flats and the retail unit, the lack of parking, and the loss of an employment use. The application was called to panel only if the Head of Planning was minded to grant the application.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is the first floor above the One Stop Shop in Sunninghill High Street. The existing use of the first floor is a mix of C3 (residential), B1 (office) and D1 (chiropractor). The ground floor is A1 (retail). The application site is served by a small car parking area to the rear

with access to this being gained to the side of the property directly off of the High Street. The application site is within 5km of the Thames Basin Heaths Special Protection Area.

4. KEY CONSTRAINTS

4.1 The key constraints of the application site are:

- Thames Basin Heath Special Protection Area

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

5.1 The existing use of the first floor is a mix of C3 (residential), B1 (office) and D1 (chiropractor). The existing flat will be refurbished only and most of the office has been approved for residential use already under 19/00867/CLASSO. The remainder of the office and the chiropractors is proposed to be converted to residential under this application. The application is for a 2 bedroom flat with a floor space of 80sqm. To the rear a parking area with 6 spaces is to be provided, 2 of which will be allocated to this flat. The development will also be provided with a bike and bin store in this area.

Reference	Description	Decision
07/01586/FULL	Reconfiguration of ground floor retail floor space with rear and side extensions plus reconfiguration of first floor office and flat with rear extension.	Refused – 24.07.2007
08/01012/FULL	Reconfiguration of ground floor retail floor space with rear and side extensions plus reconfiguration of first floor office and flat with rear extension and creation of dedicated servicing/car parking area.	Refused – 12.06.2008
08/02350/FULL	Reconfiguration of ground floor retail floor space with rear and side extensions plus reconfiguration of first floor office and flat with rear extensions, creation of dedicated servicing/car parking area.	Refused – 31.10.2008
19/00867/CLASSO	Class O: Change of use from B1 (a) (Office) (part first floor) to C3 (dwelling).	Prior approval granted – 17.05.2019

6 DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

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

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1, H10, H11
Highways	P4, T5
Protection of community facilities	CF1

These policies can be found at

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

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

Issue	Neighbourhood Plan Policy
Design in keeping with character and appearance of area	DG3
Highways	T1
Retaining and encouraging employment	E1
Sunninghill village centre policy	SV1

These policies can be found at

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

Adopted the South East Plan – Regional Spatial Strategy

Issue	Plan Policy
Thames Basin Heaths Special Protection Area	NRM6

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2019)

Section 4- Decision-making

Section 8 – Promoting healthy and safe communities

Section 9- Promoting Sustainable Transport

Section 12- Achieving well-designed places

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Sustainable Transport	IF2
Community facilities	IF7
Thames Bain Heaths Special Protection Area	NR4

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

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

Supplementary Planning Documents

- RBWM Thames Basin Health's SPA

Other Local Strategies or Publications

7.3 Other Strategies or publications material to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy

More information on these documents can be found at:

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

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

9 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 16.04.2019.

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

Comment		Officer response
1.	A concealed area/bin store is required for the One Stop Shop	See paragraph 9.4
2.	Parking outside of the One Stop Shop causes many issues and cars often park on double yellow lines and in front of driveways.	See paragraph 9.7
3.	No delivery lorries should be allowed to use School Road as this causes highway safety issues and the noise causes nuisance between 5am and 9pm – delivery hours should be restricted.	The application is for a residential unit only and not the shop – it is not necessary or reasonable therefore to restrict delivery hours. Noise complaints relating to delivery vehicles for the existing shop should be directed to Environmental Protection.
4.	The vents on the side of the One Stop building are a noise hazard and are visible. Planning permission was never sought to install.	Any development undertaken without planning permission is a matter for Planning Enforcement.

Statutory consultees

Consultee	Comment	Officer response
Natural England	Natural England have been consulted on the Appropriate Assessment for the application in accordance with Paragraph 63 (3) of the Conservation of Habitats and Species Regulations 2017. Natural England have no comments to make on this application, as long as the relevant avoidance and mitigation measures specified in the Appropriate Assessment are secured.	See paragraph 9.8

Consultees

Consultee	Comment	Officer response
Parish Council	<p>Objects on the following grounds:</p> <ul style="list-style-type: none"> Doesn't promote high quality interior space and light (Flats 2 &3). No storage area for the cages and bins to the retail area. Access to flat 1 is not safe due to conflicts with the back of house access to the retail unit There is no external amenity space There is no green landscaping and staff parking is not surfaced and looks a mess Contrary to neighbourhood plan policy NP E1.1 – retaining employment Noise issues from the AC units Contrary to borough parking standards 	<p>The principle of the change of use and design issues are considered in paragraphs 9.2 to 9.4. Residential amenity issues are considered in paragraphs 9.5 and 9.6. Parking and highway safety issues are considered in paragraph 9.7.</p>
Highways	No objections subject to the inclusion of conditions relating to parking, cycle parking and bin storage.	See paragraph 9.7
Environmental Protection	No objections subject to the inclusion of conditions relating to internal noise levels, sound insulation, construction working hours and collection and delivery hours.	<p>The condition relating to noise insulation is considered necessary, however, it is not considered necessary to restrict construction working hours and collection and delivery hours during construction as these are not a material planning considerations and any noise or nuisance complaints should be forwarded to Environmental Protection. A condition limiting internal noise levels is also not considered necessary as this can be covered by the noise insulation details.</p>

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i The principle of the change of use
- ii Residential amenity
- iii Parking and highway safety

The principle of the change of use

- 9.2 The proposed area for the flat currently spans across 2 existing uses, with the majority of the existing floor space being used as a Chiropractors, which falls within the D1 use class (Non-residential institutions) and the remainder in use as an office (B1 use class). A prior approval application has recently been approved under reference number 19/00867/CLASSO which proposes to convert the majority of the office space into residential (2 x bedroom flat) with the remainder proposed for conversion under this application. Policy NP/E1.1 of the Ascot Sunninghill and Sunningdale Neighbourhood Plan sets out that applications will not be permitted where it is proposed to change the use from one that provides jobs to one that does not. Whilst there is conflict with this policy the majority of the office space has already been granted prior approval for conversion into residential and the remainder of the space, which amounts to just 18sqm would not be viable for use as an office once this permission is implemented. It is also possible to convert the whole of the office space under the prior approval process if desired.
- 9.3 Local Plan policy CF1 also sets out that the Council will not permit the loss of existing community facilities unless it is satisfied that there is no longer a need for them; or an acceptable alternative provision is to be made elsewhere. A D1 use typically can be considered to be a community facility or have the potential to provide one due to uses such as health centres, schools, nurseries, libraries and places of worship all falling within this use class. Paragraph 92 of the National Planning Policy Framework (NPPF) also guards against the loss of valued facilities and services, particularly where this would reduce the ability of the community to meet its day to day needs. Whilst the current use as a Chiropractor could be classed as a community facility it is not considered a service required in meeting the communities day to day needs. Due to the size of the D1 use, which is just 50sqm, its proximity to existing and approved residential units and the highway issues experienced in the area, it would also not lend itself towards other more traditional community facility uses. Whilst there is some conflict with policy D1 this is considered to be outweighed by other considerations, as set out in the planning balance section below.
- 9.4 The proposal does not involve any external alterations to the building and as such there will be no direct impact on the street scene. To the rear of the property there is an area of hardstanding which will be marked out for parking and where cycle and refuse facilities for the flats will be provided within dedicated stores. This will improve the appearance of this area, which appeared run down during the site visit. During the site visit it was also noted that there is a separate area of hardstanding to the rear, which is accessed via School Road and is used to store cages and refuse facilities for the One Stop Shop. The proposal does not impact on this area and as such it can be continued to be used as existing. It is noted that one of the neighbours has raised concerns about the upkeep of this area, however this is an existing situation and would not be impacted by the proposed development which relates to the first floor only and not the One Stop Shop itself. The proposal is considered to comply with the design principles set out in policy DG1, H10 and H11 of the Local Plan and NP/DG3 of the Neighbourhood Plan as well as policies SP2 and SP3 of the submission version of the emerging Borough Local Plan.

Residential amenity

- 9.5 Paragraph 127 (f) of the NPPF requires planning to create places that are safe, inclusive and accessible, which promote health and wellbeing, with a high standard of amenity for existing and future occupiers. The proposed flat has a floor space of approximately 69sqm or 80sqm including the storage area within the loft, making it in line with the standards set out in the technical housing standards. The flat would also receive high levels of light with the main bedroom and the kitchen/living area both being multi-aspect with good sized windows serving all rooms. The One Stop Shop has air conditioning units which are outside of the kitchen/living area windows, however the Environmental Protection Officer is satisfied that any noise from this can be mitigated through the use of suitable sound insulation measures and has suggested conditions to secure this. No outdoor space is provided for the flat, however given its village centre location and the higher density of development within such areas, future occupiers would not necessarily expect a garden area. The flat would also be in a highly sustainable location in close proximity to shops and other services and is only 800m from Victory Fields which is a public park. It is noted that the Parish Council have objected as the access to the flat is unsafe due to conflicts with the back of house access to the shop, however, there is a large area to the rear which is considered

sufficient to serve the needs of both the residential and retail uses and the flat will be accessed directly from the car park for the residential units. Overall it is considered that the future occupiers would be provided with a satisfactory standard of living and amenity standards and the proposal would accord with the NPPF.

- 9.6 The proposed development would not impact on the amenity of existing occupiers due to no external alterations being proposed. Any noise generated from the property is also unlikely to cause disturbances to neighbours due to the area being built up and containing a large number of noise generating properties already.

Parking and highway safety

- 9.7 Policy P4 and the Borough's adopted parking standards set out that 2 bedroom properties should be provided with 2 car parking spaces. Policy NP/T1 of the Neighbourhood Plan also sets out that development proposals must make adequate provision for parking and access for deliveries, service vehicles, tradesmen and residents and their visitors. To the rear of the site is an area of hardstanding which will be marked out to provide 6 car parking spaces, 2 for each flat (existing flat, flat approved under prior approval application and the proposed flat). There is not much room on site for delivery vehicles etc. however, the existing use as an office and chiropractor would generate more traffic movements than the flat and as such this is considered acceptable. A neighbour has raised an issue with parking along School Road, however this is an existing situation and given that the development would be provided with sufficient on site car parking and would result in a reduction in vehicle movements compared to a B1 and D1 use the development will not worsen parking and highway safety issues. The flat will make use of the existing access off of the High Street which has good visibility in both directions. The proposal complies with policies P4 of the local plan, NP/T1 of the Neighbourhood plan as well as IF2 of the submission version of the emerging Borough Local Plan.

Other Material Considerations

Thames Basin Heaths Special Protection Area

- 9.8 Part of this Borough lies within the development management remit of a Special Protection Area (The Thames Basin Heaths Special Protection Area) (TBH SPA). Natural England has demonstrated that the new population arising from residential development at a distance of up to 5km from the TBH SPA can have a "significant effect" by causing disturbance to the breeding of rare bird populations due to the impact of residents' recreational activities, particularly walking and walking with dogs. As such mitigation against the likely significant impacts upon the TBH SPA is required and it is normal for this to be secured via financial contributions towards the Council's SANG (Suitable Alternative Natural Greenspace) (Allen's Field) and SAMM (Strategic Access Management and Monitoring) to encourage people to use the recreation ground Allen's Field rather than the TBH SPA. The Council's Legal Officers have been instructed to draft an agreement which secures the required mitigation, however at the time of writing this has not been secured. It is recommended that the panel defer the application back to the Head of Planning to determine the application following the completion of this agreement.

Housing Land Supply

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

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

- 1 *The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

- 2 *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

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

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

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

9.12 At the time of writing, the Council is able to demonstrate 4.62 years of housing land supply. Therefore, for the purpose of this planning application the LPA currently cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer).

9.13 Whilst the application site is within 5km of the Thames Basin Heaths Special Protection Area it is considered following the application of the appropriate assessment and consultation with Natural England that subject to the securing of mitigation as set out in paragraph 9.8 above that the development proposal would not have an adverse effect on this protected area as identified in footnote 6 of paragraph 11 d(i) of the NPPF. As such there is no clear reason for refusing the application as per paragraph 11 d(i) and paragraph d(ii) commonly known as the ‘Tilted Balance’ is engaged. The assessment of this and the wider balancing exercise is set out below in the conclusion.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

10.1 The development is CIL liable. The proposed floor space of the dwellings is 80sqm

11. PLANNING BALANCE AND CONCLUSION

11.1 Paragraph 11 of the Framework explains how the presumption in favour of sustainable development applies. As set out in paragraphs 9.9 to 9.13 for the purpose of considering this planning application the Council cannot currently demonstrate a rolling five years housing land supply against the NPPF (2019) and in this instance the so-called tilted balance is engaged. For decision making this means approving development proposals unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

11.2 The proposal would result in some harm and a conflict with policy NP/E1.1 of the Neighbourhood Plan and policy CF1 of the Local Plan due to the loss of an employment use and a community facility. More detail on this harm is set out in paragraphs 9.2 and 9.3 above, however, in conclusion this harm is given limited weight. This is due to the viability of the office should the prior approval to convert the rest of the office be implemented as well as the low value the chiropractor has in terms of meeting the day to day needs of the community and its appropriateness for use by other community facilities. The entire office space could also be converted to a residential use under a prior approval application without the need to consider the loss of employment. Furthermore paragraph 14 of the NPPF sets out that in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided that the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made and the neighbourhood plan contains policies and allocations to meet its identified housing

requirement. The Ascot Sunninghill and Sunningdale Neighbourhood Plan fails on both accounts and as such policy NP/E1.1 which aims to retain employment uses within Sunninghill is afforded limited weight in this instance.

- 11.3 In favour of the scheme the proposal will provide an additional unit towards the Borough's Housing stock in a sustainable location which is afforded moderate weight. There would also be some limited economic benefits, however, as the scheme is only for one unit the impact of this additional spend in the local economy would be limited. The economic benefits of the proposal are only given limited weight.
- 11.4 Paragraphs 11.2 and 11.3 identify the benefits of this proposed development, along with the harm. Overall and having due regard for the tilted balance, it is, in this instance, not considered that the identified harm would significantly and demonstrably outweigh the benefits and the application is therefore recommended for approval.

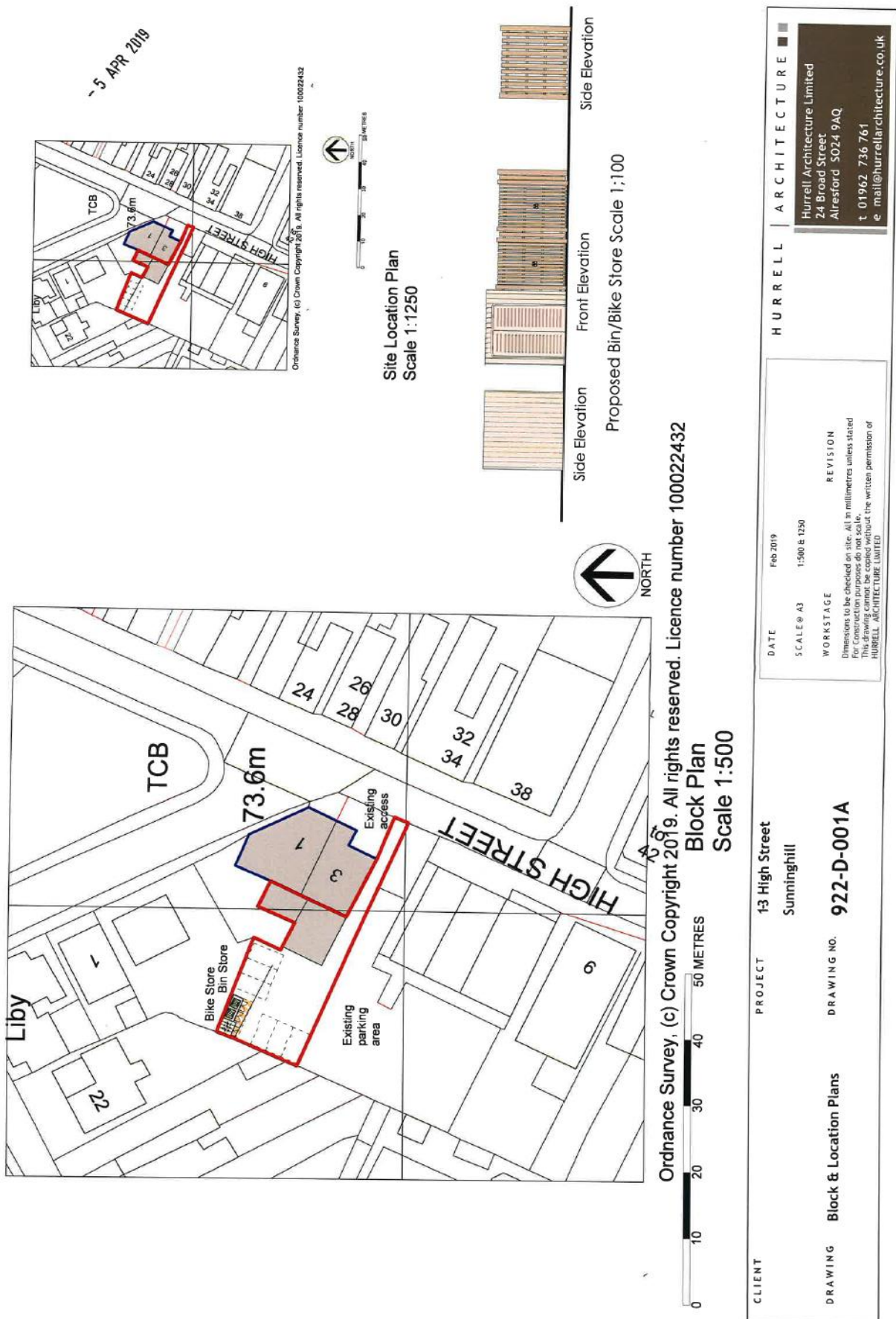
12. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and layout
- Appendix B – Proposed floor plan

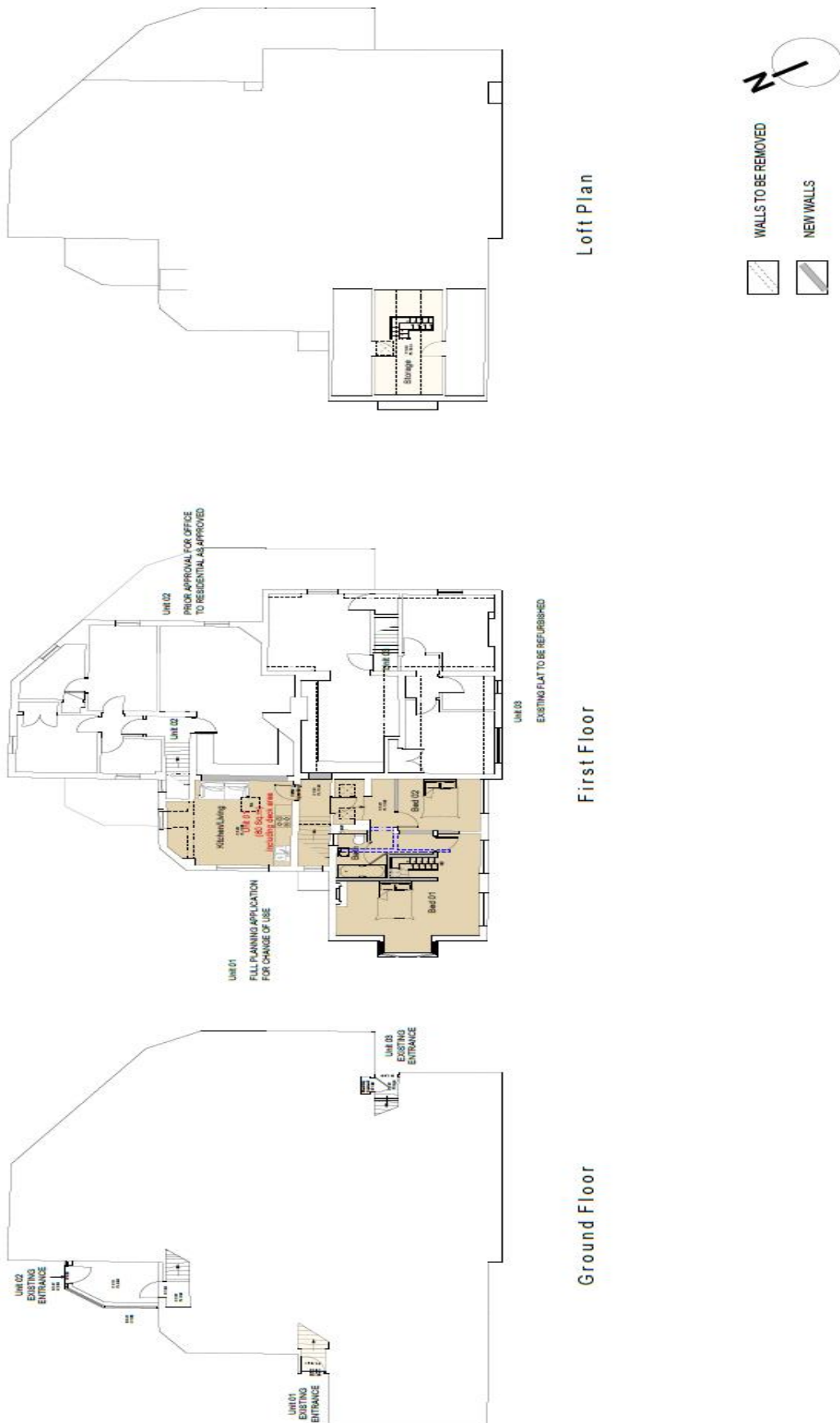
13. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 No part of the new development shall be occupied until vehicle parking and turning space has been provided, surfaced and marked out in accordance with the approved drawing. The space approved shall be kept available for parking and turning in association with the development.
Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety, and to facilitate vehicles entering and leaving the highway in forward gear. Relevant Policies - Local Plan P4, DG1.
- 3 No part of the new development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with the approved drawing. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.
Reason: To ensure that the development is provided with adequate cycle parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1.
- 4 No part of the new development shall be occupied until the refuse bin storage area and recycling facilities have been provided in accordance with the approved drawing. These facilities shall be kept available for use in association with the development at all times.
Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - Local Plan T5, DG1.
- 5 Details of all the measures to be taken to acoustically insulate all habitable rooms of the residential development hereby permitted against commercial noise from the A1 unit on the ground floor and its plant equipment, together with details of the methods of providing acoustic ventilation to habitable rooms shall be submitted to the Local Planning Authority and approved in writing before development commences.
Reason: To protect the residential amenities of the development and to accord with the Local Plan Policy NAP3.
- 6 The development hereby permitted shall be carried out in accordance with the approved plans listed below.
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

Appendix A – Site location plan and layout



Appendix B – Proposed floor plan



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DEVELOPMENT CONTROL PANEL

3 July 2019

Item: 3

Application No.:	19/00916/FULL
Location:	Windsor Physiotherapy Essex Lodge 69 Osborne Road Windsor SL4 3EQ
Proposal:	Demolition of existing building and construction of new building comprising 10 x two bedroom and 2 x one bedroom flats with associated parking, alteration to existing access and new bin enclosure
Applicant:	Sorbon Estates Ltd
Agent:	Mrs Kay Collins
Parish/Ward:	Windsor Unparished/Park Ward
If you have a question about this report, please contact: Briony Franklin on 01628 796007 or at briony.franklin@rbwm.gov.uk	

1. SUMMARY

- 1.1 The proposal seeks planning permission to demolish an existing 2 storey Victorian building close to Windsor town centre and replace it with a 3 storey building comprising 12 apartments (10 x 2 bed and 2 x 1 bed) with associated car parking. The current scheme follows 2 previous appeals to build 14 flats on the site which were both dismissed and a more recent application refused under reference number 18/03027/FULL. The number of units has been reduced from 14 to 12 and the overall height and bulk has also been reduced. However it is not considered that the current scheme has sufficiently addressed the previous concerns and the application is recommended for refusal for the reasons set out below.

It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 14 of this report):

1.	The proposed development would appear cramped and unduly prominent in the street scene to the detriment of the spacious character and appearance of the site itself and the locality in general and the setting of the adjacent Conservation Area.
2.	The proposal would result in future pressure to remove or reduce the adjacent Lime tree and insufficient space has been provided to secure any meaningful planting/landscaping.

2. REASON FOR PANEL DETERMINATION

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

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is a triangular shaped, prominent corner plot, located at the junction of Osborne Road and Bolton Avenue, close to Windsor town centre. The site currently comprises a detached, two storey Victorian building which is in use as a physiotherapist, Pilates studio and medical offices. There is also one residential unit on the site. The site is enclosed by a close boarded fence and is completely hard surfaced with no trees within the site. There are trees on the adjacent highway land.
- 3.2 The site occupies one of five corners of the gyratory/ roundabout. Two of the corners are occupied by large modern apartment blocks, Dene House and Knights Place. Kings House lies at the junction of Osborne Road and Frances Road, to the north of the application site, and is

similar in architectural style and date to the application site. These smaller scale buildings are considered to have some gateway qualities, being located on a main junction into the town centre.

- 3.3 The application site lies adjacent to Heron Lodge, a three storey flatted development to the south east of the site and opposite detached dwellings in Bolton Avenue.

4. KEY CONSTRAINTS

- 4.1 The site forms part of the setting of the Inner Windsor Conservation Area which runs along the opposite side of Osborne Road to the north of the site. The site lies within the 'leafy residential suburbs' character area as designated in the Townscape Assessment.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 Planning permission is sought to demolish the existing building and erect a 3 storey building comprising a total of 12 apartments (10 x 2 bed and 2 x 1 bed) with associated parking for 17 vehicles, including undercroft parking. Cycle and bin storage are proposed to be provided. The existing vehicular access onto Osborne Road is to be closed and the existing vehicular access onto Bolton Avenue is to be altered.
- 5.2 The building has been designed to try and replicate the existing Victorian building it replaces and incorporates timber detailing and rendering above brickwork at ground and first floor level. The building incorporates a number of balconies and dormer windows. The height of the building measures 11.5m adjacent to Heron Lodge rising to 11.85m closer to the road junction at Bolton Avenue and Osborne Road. Railings and hedge planting are proposed around the perimeter of the site with some tree planting within the site.
- 5.3 The table below sets out the relevant planning history for the site:

Reference	Description	Decision
02/82395/COU	Change of use from residential to medical consultancy (Class D1) with ancillary residential use.	Permitted 25.10.02
11/01187/FULL	Redevelopment and change of use of existing site and building to a four storey apartment building comprising 14 residential apartments.	Withdrawn
11/02309/FULL	Redevelopment and change of use of existing site and building to a four storey apartment building comprising 14 residential apartments.	Refused on 2 nd December 2011 and dismissed on appeal 7.08.12
13/01689/FULL	Redevelopment of existing site to provide 14 apartments with associated basement parking and access.	Refused on 13 th September 2013 and dismissed on appeal 21.3.14
18/03027/FULL	Construction of new building comprising 11 x two bedroom and 3 x one bedroom flats with associated parking, alteration to existing access and new bin enclosure.	Refused on 16.1.19

The previous application (reference number 18/03027/FULL) was refused for the following reasons:

- The proposal development, because of its siting, layout, height, size, bulk and design would appear cramped and unduly prominent and obtrusive in the street scene and would be harmful to the spacious character and appearance of the site itself and the locality in general including the setting of the adjacent Conservation Area. The proposal fails to comply with Local Plan policies DG1, H10, H11 and CA2 of the Royal Borough of Windsor and Maidenhead Local Plan Incorporating Alterations adopted June 2003 and emerging policies SP3, HO5 and HE1 of the Borough Local Plan 2013-2033 Submission Version and guidance set out in paragraph 127 of the NPPF.
- The proposed development, by virtue of its siting, size, scale and design would appear overbearing and unduly prominent when viewed from Heron Lodge and would result in an unneighbourly form of development to the detriment of their living conditions in terms of light, outlook and privacy, contrary to emerging policy SP3 of the Borough Local Plan 2013-2033 Submission Version and guidance set out in paragraph 127 of the NPPF.
- The proposed development, because of its siting, size, layout and design would result in future pressure to reduce or remove the adjacent Lime tree in Bolton Avenue and insufficient space has been provided within the site to provide any meaningful planting/landscaping to the detriment of the character and visual amenity of the locality and contrary to local plan policies N6 and DG1 of the Royal Borough of Windsor and Maidenhead Local Plan Incorporating Alterations adopted June 2003 and emerging policies SP3 and NR2 of the Borough Local Plan 2013-2033 Submission Version.
- In the absence of a mechanism to secure Affordable Housing the proposal fails to comply with Paragraphs 63 and 64 of the National Planning Policy Framework and policy H3 of the Royal Borough of Windsor and Maidenhead Adopted Local Plan and emerging Policy HO3 of the Borough Local Plan 2013 -2033 (Submission Version).
- The drainage information supplied with the application has failed to adequately demonstrate an acceptable Sustainable Drainage System. As such the proposal has failed to comply with emerging policy NR1 of the Borough Local Plan 2013-2033 Submission Version and guidance set out in paragraph 165 of the NPPF.

5.4 The scheme has been substantially changed since the previous appeal schemes in 2012 and 2014 and the scheme has also been amended in an attempt to address the previous reasons for refusal set out above under 18/03027/FULL. The number of units has been reduced from 14 to 12, the 4th storey omitted and the overall height reduced by between 1.3m and 1.67m. Other amendments include improvements to the relationship between the proposed building and Heron Lodge including proposed ground works to enable the height of the building to be reduced further to bring it more in line with Heron Lodge. The finished floor level would be reduced and the height of the building adjacent to Heron Lodge would be the same as the existing building and the roof is pitched to help reduce the massing.

5.5 The footprint of the building remains relatively unchanged. The building still comes close to the site boundaries at certain points and whilst the depth of the building immediately adjacent to Heron Lodge has been reduced at the rear, it now projects further in front of Heron Lodge and comes closer to Osborne Road at this point.

6 DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1, H10,H11
Highways	P4 AND T5
Impact on Conservation Area	CA2
Affordable Housing	H3
Trees	N6
Community Facilities	CF1

These policies can be found at

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

7. **MATERIAL PLANNING CONSIDERATIONS**

National Planning Policy Framework Sections (NPPF) (2019)

Section 2 – Achieving sustainable development

Section 4- Decision-making

Section 5 – Delivering a sufficient supply of homes

Section 9- Promoting Sustainable Transport

Section 12- Achieving well-designed places

Section 16- Conserving and enhancing the historic environment

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Sustainable Transport	IF2
Affordable Housing and Housing Density	HO3, HO5
Historic Environment	HE1
Tress, Woodlands and Hedgerows	NR2
Infrastructure and Developer Contribution	IF1
Community Facilities	IF7

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

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

Local Strategies or Publications

- 7.3 Other Strategies or publications relevant to the proposal are:
- RBWM Townscape Assessment
 - RBWM Parking Strategy
 - Affordable Housing Planning Guidance
 - Inner Windsor Conservation Area Appraisal (2015)

More information on these documents can be found at:

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

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

57 occupiers were notified directly of the application.

The planning officer posted 2 site notices advertising the application on the two road frontages on the 10th April 2019 and the application was advertised in the Local Press on the 11th April 2019.

22 letters were received objecting to the application, summarised below (including 4 letters from groups/organisations)

Comment		Where in the report this is considered
1.	Object to landmark heritage building being demolished	Paragraph 9.12
2.	Area is saturated with flats.	9.10
3.	Size, layout and height will appear overbearing and out of character with rest of the area.	9.12-9.18
4.	Loss of local businesses.	9.42
5.	Loss of lime tree and other trees near site.	9.32-9.38
6.	Impact on already dangerous road.	9.27-9.31
7.	Proposal is little different from the previously refused scheme.	9.13
8.	Inclusion of superficial detailing copied from the existing building will do nothing to ameliorate the impact on the street scene.	9.14
9.	All existing protected trees on the site have been removed.	9.33
10.	Building needs to be given protection.	9.12
11.	Essex Lodge is an attractive heritage building matched with King's House across the road.	9.11
12.	Building is still huge and covers almost the whole site.	9.13
13.	Building comes close to Bolton Avenue and Osborne Road frontages which is out of character with area.	9.12
14.	Proposed landscaping is inadequate.	9.37
15.	Concerned about probable damage to roots of Lime tree.	9.36
16.	Lime tree will restrict views of drivers exiting property.	9.31
17.	Inadequate provision of parking spaces and no visitor parking. No turning circle could result in vehicles reversing out onto Bolton Ave and will add to parking problems.	9.27-9.31
18.	Headlights will shine into front of number 2A Bolton Ave.	9.24
19.	Invasion of privacy to number 2A Bolton Ave.	9.24
20.	Development will spoil gateway effect with King's House opposite and will spoil the look of the Boltons.	9.11
21.	The building should be protected and preserved.	9.12
22.	Plans not fundamentally different from last scheme.	9.14
23.	Proposals do little to mitigate concerns from Heron Lodge residents - Overbuilding, reduction in natural light and view, overshadowing, minimal space between buildings, increase transfer fire risk, increased noise and demand on parking and impact on trees.	9.20-9.22
24.	Essex Lodge is listed as a Non-designated Heritage Asset in the Windsor Neighbourhood Plan.	9.12
25.	The past mistakes of Dene House and Knights Place should not be used as reason for allowing this development.	9.10
26.	No consideration has been given to amenity space for future occupants.	9.27
27.	Increase in road traffic close to a busy road junction.	9.27-9.31

28.	Building will project in front of building lines in Osborne Road and Bolton Ave.	9.13
29.	Building is too large for the site and leaves no space for significant tree screening.	9.37
30.	Create more noise and disturbance for residents of Heron Lodge and neighbouring houses.	9.24
31.	Building will result in severe loss of sunlight to Heron Lodge and result in privacy issue.	9.21-9.24
32.	Impact on road and pedestrian safety.	9.27-9.31
33.	Essex Lodge was built for individuals connected with the Royal Household and its date plaque commemorates the Diamond Jubilee of Queen Victoria.	9.11
34.	Proposal will have negative affect on the amenities enjoyed by number 3 Bolton Avenue.	9.23
35.	Create more demand for on street parking.	9.29

Statutory consultees

Consultee	Comment	Where in the report this is considered
Lead Local Flood Authority	No objection subject to a suitably worded condition.	9.41
Conservation Officer	<p>The proposal would result in the demolition of an attractive Victorian building which could be considered as a non-designated heritage asset. The NPPF advises that in such cases a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. In this case the scale of loss is total and the replacement building is considered to be deficient on a number of counts including its size, siting and design.</p> <p>The proposal will also cause less than substantial harm to the setting of the heritage asset (Conservation Area). Unless there are obvious public benefits from the scheme that might outweigh this, then the application should not be supported.</p> <p>Given however the interest and quality of the building's architecture, it is considered that it could be considered to be a non-designated heritage asset as defined in the NPPF. Paragraph 197 of the NPPF states:</p> <p><i>'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balance judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'</i></p> <p>The proposal does not accord with Local plan policies DG1 and CA2 and emerging policy HE1.</p>	9.11-9.18
Environmental	Conditions and informatives suggested which include	Noted.

Protection	details of measures to acoustically insulate the habitable rooms against aircraft noise.	
Tree officer	<p>The built form will come close to the Lime tree growing on highway land outside the property and will result in the need to significantly prune the canopy which would impact on the condition of the tree. There will also be pressure to prune the trees from future residents due to light, over dominance and sticky residue from the tree. Building should be scaled back to create a reasonable relationship between the canopy and prevent any conflict with future occupiers.</p> <p>The scheme fails to adequately secure the protection of this tree which contributes positively to the character and appearance of the area and refusal is recommended under policy N6, DG1 and H11.</p>	9.32-9.38
Highways	No highway or parking objections subject to the imposition of conditions and informatives	9.27-9.31

Other Groups and Organisations

Group	Comment	Where in the report this is considered
The Victorian Society	Object. Essex Lodge and King's House appear as a pair and should be retained as such. Proposal would have a detrimental effect on King's House and the Inner Windsor Conservation Area. The existing building could be converted into flats to provide housing. Essex Lodge should be included into the Inner Windsor Conservation Area.	9.11-9.18 & 9.43
Save Britain's Heritage	Object to demolition of Essex Lodge. Building should be considered a non-designated heritage asset. Significant harm will be caused to the Conservation Area. Site should be included in the Conservation Area. The building is identified in an emerging Local List. Pastiche design. Recommend refusal.	9.11-9.18
The Windsor Neighbourhood Plan Committee	<p>Some weight needs to be given to The Windsor Neighbourhood Plan submitted to RBWM for its Regulation 15 stage. The proposal contravenes some WNP policies. The proposed building is of a much larger height, scale and mass and would destroy the symmetry between King's House and Essex Lodge and would cause substantial harm to the Conservation Area and contravene policy CA2.</p> <p>The WNP has identified Essex Lodge as an important Non-designated Heritage Asset on the NDHA list. The demolition of Essex Lodge would result in further erosion of local character and heritage and would contravene WNP policy HER.02.</p> <p>Trees have been stripped out by the current owner and the site would be improved by their reinstatement. More trees and planting should be added to re-instate the green appearance from Bolton Avenue. Concerned about deficiencies in provision of outdoor private amenity space at ground floor.</p> <p>We would urge you to refuse the application and support</p>	9.11-9.18

	the extension of the Conservation Area to include Essex Lodge.	
The Windsor and Eton Society	<p>Proposals would be detrimental to the character of this prominent Windsor gateway and the application should be refused.</p> <p>Evidence to show that Essex lodge is a 'Heritage Asset'. Previous appeal decision predates the identification of Essex Lodge as a heritage Asset, the preparation of the emerging Local Plan, the WNP and the emerging Borough Wide Design Guide.</p> <p>The conversion of Essex Lodge would enable a number of new residential units to be provided without the loss of heritage or harm to local character.</p> <p>The applicant should weigh the potential harm to the heritage asset against the public benefit of the development.</p> <p>Design would still be overbearing in the street scene and to Heron Lodge and does not allow for any meaningful landscaping in the 'leafy residential suburbs'. The one bed flats are not served by any outside space/ balcony and the ground floor flats do not appear to have any private enclosed amenity space. The roof design is unsatisfactory and contrary to the emerging Design Guide.</p> <p>The previous inspector's conclusion that the development would constitute 'a direct and harmful incursion into the spaciousness of the character of the area' still applies.</p>	9.11-9.18

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Impact on the character and appearance of the site itself, the locality in general and the adjacent Conservation Area.
- ii Impact on the living conditions of the neighbouring properties/future occupants;
- iii Impact on highway safety and parking;
- iv Impact on trees/landscaping;
- v Affordable Housing;
- vi Drainage;
- vii Other Material Considerations.

i Impact on the character and appearance of the site itself, the locality in general and the adjacent Conservation Area.

- 9.2 The application has been accompanied by a Design, Access and Planning Statement and a Heritage Statement. The applicant has also provided a letter dated 4th June 2019 which responds to comments received in connection with the application including from the Conservation Officer and the Victorian Society.
- 9.3 Section 12 (achieving well-designed places) of the National Planning Policy Framework (NPPF) emphasises the importance of the design of the built environment. Paragraph 127 states that

planning policies and decisions should ensure that developments, amongst other things, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting. In respect to heritage assets, paragraph 193 states that *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'*

- 9.4 Policy H10 of the Local Plan relates to housing layout and design. High standards of design and landscaping will be required where possible, to enhance the existing environment. Policy H11 states that planning permission will not be granted for schemes that introduce a scale or density that would be incompatible with or cause damage to the character and amenity of an area.
- 9.5 Policy DG1 states that the design of new buildings should be compatible with the established street facade having regard to the scale, height and building lines of adjacent properties. Development proposals, where appropriate, will be expected to include landscaping schemes. 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.
- 9.6 Policy CA2 requires that any development will enhance or preserve the character or appearance of a Conservation Area. New buildings should be of a high design standard which is sympathetic in terms of siting, proportion, scale, form, height, materials and detailing to adjacent buildings and the character of the area in general.
- 9.7 Emerging policy SP3 entitled 'Character and design of new development' requires new development to contribute towards achieving sustainable high quality design in the Borough. A development proposal will be considered high quality design and acceptable where it achieves a number of design principles include respecting and enhancing the local natural or historic character of the environment, paying particular regard to urban grain, layouts, rhythm, density, scale, bulk, massing, proportions, trees, water features, enclosure and materials. Emerging policy HO5 requires all new housing to be developed at a density that is consistent with achieving good design, including making efficient use of the land available and having regard to the character and location of the area. Proposals for higher density residential schemes in sustainable locations in the around town centres will be permitted. The density of development will be informed by the layout of the proposal compared to the prevailing character of the surrounding area and the need to ensure satisfactory residential amenity for both the proposed accommodation and nearby residential properties.
- 9.8 The Townscape Character Assessment describes this area as 'leafy residential suburbs' which are low density residential suburbs comprising large detached houses in spacious, irregular, well treed plots, typically dating from the early 20th Century to the present day. The character is defined by large properties set well back from the road and some distinctive building styles are evident including early 20th Century 'Arts and Crafts' architecture. The site lies adjacent to the Inner Windsor Conservation Area, which is described on the Council's Inner Windsor Conservation Area Appraisal (2015) as having large villas set within spacious plots with large front and rear gardens. Large trees are found along the major routes, designed to achieve a grandness to travelling along such roads and includes Osborne Road.
- 9.9 There have already been two previous appeals on this site relating to the redevelopment of the site for 14 apartments both of which were dismissed on appeal. The first scheme was dismissed at appeal on the 19th June 2012 (LPA reference 11/02309/FULL) and was for a 5 storey, contemporary style apartment building situated in the middle of the plot, away from the road frontages. In determining the appeal the inspector concluded that *'this is a site which can accept a larger building than that which is in place now'* and raised no objection to the loss of the existing building, the loss of the use and considered *'the effect on the conservation area would be limited and acceptable.'* Whilst the relationship with Osborne Road was considered to be acceptable the proposal was considered to respond poorly to the established residential character and

appearance of Bolton Avenue and harm the privacy of the closest residents in Bolton Avenue and was dismissed on this basis.

- 9.10 The second appeal dismissed on 21st January 2014 (LPA reference 13/01689/FULL) also sought 14 units but was more traditional in design. It adopted a different footprint coming very close to the site frontages. In determining the appeal the Inspector acknowledged that *'the current building makes a limited albeit positive contribution to the character and appearance of the site and area through its historic appearance, and the retained trees and soft landscaping.'* The Inspector noted (paragraph 6) *'that the roundabout location displays a variety in building types around its edge. The two northern corners of the roundabout, which are in the conservation area, contain buildings of a generally restrained scale. The remaining two corners accommodate flatted buildings of significant scale and mass.'* Despite reference to the large scale flatted developments he raised significant concern to the layout and massing of the development and noted the lack of space for landscaping, which he felt would create a development form that would be detrimental to the appearance of the site and the locality. He also raised objection to the proposed built form projecting in front of the existing building line established by Heron Lodge and concluded it would have a harmful impact on the character of the adjacent Conservation Area. Whilst he raised no objection to the proposed scale of development he concluded that the proposed development would not provide a satisfactory design, in terms of both its layout and massing and resultant impact on landscaping.
- 9.11 It is acknowledged that the current proposal is significantly different from the two previous appeal schemes and the current scheme has attempted to address the previous reasons for refusal under application number 18/03027/FULL. As before the current proposal involves the demolition of the existing Victorian building which retains many authentic Victorian features and makes a positive contribution to the character and appearance of the area. It is situated in a prominent location adjacent to the Inner Windsor Conservation Area and acts as an important entry point into the Conservation Area and Osborne Road. It has a very distinctive appearance in terms of its architecture and forms one of a group of 3 buildings including Kings House, and numbers 1 & 3 Bolton Avenue that are of similar appearance. Essex Lodge includes some modern single storey additions, but is otherwise largely unaltered externally.
- 9.12 Many of the representations received in connection with the application object to the loss of this building. In determining the first appeal in 2012 the Inspector noted there is currently *'no control over the intended removal of the present building on the site, it is not considered of listable quality and is not in the Conservation Area.'* It is also noted that the building has been identified as a Heritage Asset in the emerging Windsor Neighbourhood Plan. However no weight can yet be given to the WNP as it is not at a sufficiently advanced stage. Likewise no weight can currently be given to the emerging Design Guide. The amenity groups have also referred to the inclusion of the site within the Conservation Area. The Conservation Area was appraised in 2015 and no alterations to the boundaries were proposed at that time.
- 9.13 The existing building is to be replaced by a much larger 3 storey building which would have an overall height of 11.85 m reducing to 11.5m adjacent to Heron Lodge. The proposal has adopted a design to try to reflect the existing building and the building on the opposite side of Osborne Road, known as King's House. It is acknowledged that some improvements have been made to the previous scheme including the omission of the 4th floor, a reduction in the number of units from 14 to 12, the lowering of the element adjacent to Heron Lodge to follow the existing ridge height, and the overall reduction in the height and massing. In addition there is a reduced demand for car parking which has increased the level of garden space on the Osborne Road frontage. However the overall footprint remains relatively unchanged and there is still concern that the building would come too close to Osborne Road and Bolton Avenue. The building almost touches the north and west boundaries of the site coming within 1m at its closest point and would fill most of the site which would give rise to a somewhat cramped appearance. A large proportion of the site would be given over to the building and hard surfacing (parking and the access road) which would leave very little useable amenity space and little opportunity to provide soft landscaping and tree planting which is characteristic of the 'Leafy Residential Suburbs' designation. In addition the building would be sited forward of the established building line along

Osborne Road. The existing 2 storey building is sited 10m from the Osborne Road frontage and is sited in line with Heron Lodge, with the exception of the single storey element which is set behind the close boarded fence. The proposed building would project in front of the established building line of Heron Lodge by between 4 and 6m and would be sited much closer to the Osborne Road frontage which would make it overly prominent and detrimental to the streetscape of Osborne Road.

- 9.14 The proposal has picked up on the Victorian architecture, but the design of the building appears rather contrived, with an over complicated roof form and a roof that is not visually strong/bold enough given the scale of the building. The undercroft car parking area also contributes to poor design and these parking areas should be enclosed within the building rather than left open, with the fenestration carried through.
- 9.15 Whilst overall the height of the development is considered to be acceptable the footprint of the building is still considered too large for the site and improvements to the design are still required. The proposal would result in the total demolition of an attractive Victorian building, which could be considered as a non-designated heritage asset and the NPPF advises that in such cases a balanced judgement will be required having regard to the scale of any harm or loss, and the significance of the heritage asset. In this case the scale of loss is total and the replacement building is considered to be deficient on several counts and it is not considered that the introduction of more planting, hedgerow boundaries and trees would be sufficient to mitigate the visual impact of the development or enhance the setting of the adjacent Conservation Area. With regards to the setting of the Inner Windsor Conservation Area, it is considered that the proposal, for the reasons set out above will cause less than substantial harm to the setting of the heritage asset (Conservation Area).
- 9.16 Paragraph 196 of the NPPF states that *'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefit of the proposal including, where appropriate, securing its optimum viable use.'*
- 9.17 The benefits of the scheme are considered in full under section 11. It is not considered that these outweigh the harm to the setting of the Conservation Area and the revised scheme has not satisfactorily addressed the previous reason for refusal.
- 9.18 It is considered that the proposed development, by virtue of its siting, size, layout and design would appear cramped and over prominent which would be detrimental to the streetscape and harmful to the spacious character and appearance of the site itself, the locality in general and the setting of the adjacent Conservation Area. The proposal would result in less than substantial harm to the Heritage Asset (the Conservation Area). The proposal fails to comply with Local Plan policies DG1, H10, H11 and CA2 and emerging policies SP3, HO5 and HE1 and guidance set out in the NPPF, in particular sections 12 and 16.

ii Impact on the living conditions of the neighbouring properties/future occupants

- 9.19 It is necessary to carefully consider the impact of the proposal on the living conditions of any neighbouring properties particularly in terms of light, outlook and privacy. Paragraph 127 (f) of the NPPF (2018) states developments should *"create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users"*.
- 9.20 Emerging Policy SP3 states that development will be expected to have no unacceptable effect on the amenities enjoyed by the occupants of adjoining properties in terms of privacy, light, disturbance, vibration, pollution, dust, smell and access to sunlight and daylight.
- 9.21 The scheme has been revised to attempt to address previous reason for refusal number 2. The adjacent Heron Lodge comprises a 3 storey block of flats which is set down below the height of

the application site by approximately 1m. The building is shallow in depth and has front, rear and windows facing the application site at ground, first and second floor levels.

- 9.22 The ground levels adjacent to Heron Lodge are proposed to be reduced to enable the proposed building to be sited lower within the site and to improve the height relationship between the two properties. The proposed building would follow the same ridge height as the existing building adjacent to Heron Lodge and a pitch roof has been incorporated to help reduce the massing. The existing building already projects approximately 6m beyond the rear elevation of Heron Lodge and the proposed building would project 7m (a reduction of 2.5m on the previous scheme) beyond the rear elevation of Heron Lodge. The building would project 4m in front of Heron Lodge and would be sited 4m from the side elevation of Heron Lodge. Whilst it is acknowledged that the outlook from the rear of Heron Lodge would be altered, on balance it is not considered that it would have an overbearing impact or result in an unacceptable loss of outlook to the adjoining flats in Heron Lodge. Four windows (2 at first floor level and 2 at second floor level) are proposed in the flank elevation facing Heron Lodge. These windows are secondary windows serving the living/dining/kitchen areas which would also be served by larger windows in the front and rear elevations. It would therefore be appropriate if these windows were fixed and obscure glazed below a finished floor height of 1.7m in order to prevent any overlooking and loss of privacy and this could be conditioned. With the lowering of the land levels and proposed boundary treatment it is not considered that the position of the undercroft car parking would now produce an unneighbourly form of development. It is understood that the windows in the flank elevation of Heron Lodge are secondary bedroom windows with all the primary windows facing onto Osborne Road and Bolton Avenue. It is not considered that the revised proposal would have an unacceptable impact on the level of light currently enjoyed by Heron Lodge.
- 9.23 The Coach House, number 1 Bolton Avenue and number 3 Bolton Avenue lie to the south of the site. A minimum distance of 25m would be maintained between the proposed building and these properties. A first and second floor balcony are proposed on the front elevation (facing Bolton Avenue) and these would be set well back into the site and would be sited at least 30m from the boundary with the Coach House. The Coach House has a courtyard garden which is enclosed by a high wall and hedge. Whilst it is acknowledged that the aspect from these neighbouring properties would be altered it is not considered that the proposal would result in an unacceptable impact on the living conditions of these properties in terms of light, outlook and privacy given the distance which would be maintained and the resulting relationship.
- 9.24 The properties on the opposite side of Bolton Avenue, numbers 2a and 2b are visually separated from the application site by the road and a distance of at least 25 metres is maintained between the proposed building and these properties at its closest point. It is not considered that the proposal would result in an unacceptable impact on the living conditions of these properties in terms of light, outlook and privacy. Concern has been raised in the representations to car lights shining into the front windows of these properties from vehicles exiting the site however it is not considered that this would cause substantial harm to the amenities of these properties sufficient to justify an objection. Likewise it is not considered that any objection in terms of noise and pollution generated by the proposal could be sustained.
- 9.25 The proposed development would be separated from the other flatted developments at Dene House and Kings House by roads and it is considered that sufficient distance would be maintained between the proposed development and these properties and would not result in any significant loss of amenity to these properties.
- 9.26 In conclusion it is considered that the revised proposal has satisfactorily addressed the previous concerns raised in relation to the amenities of Heron Lodge. Each proposed flat would have its own amenity space, albeit quite small, in the form of balconies and garden space with the exception of the 2 x 1 bed flats. However it is not considered that this level of amenity space would be unacceptable in this location and it is considered that the amenities of the future occupants of the apartments would be acceptable. As such the proposal would accord with paragraph 127 of the NPPF and emerging policy SP3.

iii Impact on highway safety and parking

- 9.27 The site currently benefits from two vehicular accesses, one from Osborne Road and the other from Bolton Avenue. It is proposed to stop up the access on Osborne Road and reconfigure the existing access on Bolton Avenue to serve the proposed development. The stopping up of the existing access onto a primary distributor road is considered to be positive in terms of highway safety.
- 9.28 On street parking on the A308 Osborne Road is prohibited and enforced by double yellow lines. Bolton Avenue is within a controlled parking zone, containing a mix of double yellow lines, residential permit holder parking and time limited parking restrictions.
- 9.29 The development provides a total of 17 car parking spaces (9 in the undercroft and a further 8 surface spaces at the front of the proposed building). The proposal would require a total of 22 car parking spaces to be provided to accord with the Council's maximum adopted parking standard. However the proposed parking ratio of 1.5 parking spaces for each 2 bed unit and 1 space per 1 bed unit is considered acceptable in this sustainable location and also given the parking restrictions in the surrounding area.
- 9.30 The site provides 6 Sheffield cycle stands in the parking undercroft which will provide 12 cycle spaces to comply with the Local Authorities standards. A bin store is shown to be located in the parking area and the carry distance is deemed to be acceptable.
- 9.31 The proposal is likely to result in a reduction in vehicular movements onto the highway network and the introduction of 12 residential units raises no highway or parking concerns subject to the imposition of suitable conditions. The proposal therefore accords with adopted local plan policies T5 and P4.

iv Impact on trees/landscaping

- 9.32 The application has been accompanied by a tree impact assessment, tree protection plan and arboricultural method statement. Additional information (dated 22nd May 2019) has also been received in response to the tree officer's comments.
- 9.33 Some trees towards the northern corner of the site have been removed in recent years and there are now no trees or vegetation of any note within the site itself and the majority of the site is hard surfaced. It is considered that it would be beneficial to restore some tree cover to help improve the appearance of the site on this prominent road junction as well as improving the quality of the site for future occupiers.
- 9.34 There are two important highway trees, a Lime to the north of the access on Bolton Avenue and a Sycamore next to the junction of Bolton Avenue and Osborne Road. Both these trees are mature but have not reached their ultimate size. The trees have radial root protection areas of 5.4m and 4m respectively.
- 9.35 The previous scheme was refused on the grounds that the proposed development would result in future pressure to reduce or remove the adjacent Lime tree in Bolton Avenue and that insufficient space was provided within the site for any meaningful planting /landscaping. This current scheme has slightly altered the footprint of the building and the nearest elevation to this Lime tree has been set back a further 0.5m from the Lime tree. The proposed development will however still bring the built form close to this Lime tree and windows serving units 1, 3 and 8 will come close to this tree. The ground floor window serves a bedroom, and the windows on the first and second floors are the main lounge/dining room windows. Given the proximity and height of the tree there is considered to be future pressure from residents to prune the tree for reasons of light and perceived over dominance as well as seasonable debris.

- 9.36 The applicant has confirmed that only minor pruning is needed to achieve the required 1.5m clearance during construction within a small section of the tree's crown. It is acknowledged that the tree is off-site and would be under the management of the Council's highway department. However no consideration has been given to the future growth of this tree in terms of height and spread. It is likely that conflict will arise from the proximity of the tree to the habitable windows and that there would be significant pressure to prune the lime tree to its detriment. The building should be scaled back to create a better relationship with the canopy of the tree to avoid any future conflict.
- 9.37 An indicative landscape scheme has been provided which shows the planting of 8 trees within the site including fastigate cherry trees and fastigate hornbeams, and the planting of a hedge and railings to replace the perimeter close boarded fence. Whilst this would be an improvement on the current level of planting/ landscaping on the site it is still considered that there would be only limited space to enable any meaningful level of landscaping and tree planting to help maintain the leafy character of the locality in general.
- 9.38 The proposed development, by virtue of its size, siting, layout and design would result in future pressure to reduce the adjacent Lime tree in Bolton Avenue and insufficient space has been provided within the site to provide any meaningful planting/landscaping to the detriment of the character and appearance of the locality and contrary to local plan policies N6 and DG1 and emerging policies SP3 and NR2. It is not considered that previous reason for refusal number 3 has been adequately addressed.

v Affordable Housing

- 9.39 Affordable housing Local Plan policy H3 requires 30% affordable housing to be provided on sites of 0.5ha or more or for proposals of 15 or more units. There is therefore no requirement to provide affordable housing in this case as the proposal does not cross this threshold. However paragraph 64 of NPPF states that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area. The proposal constitutes major development as defined in the Framework and the previous application was refused on the grounds that the proposal failed to comply with Paragraphs 63 and 64 of the National Planning Policy Framework and policy H3 of the Royal Borough of Windsor and Maidenhead Adopted Local Plan and emerging Policy HO3 of the Borough Local Plan 2013 -2033 (Submission Version).
- 9.40 Since the previous decision was made further clarification in the form of Inspectors' decisions have been obtained. The Inspector found that Framework paragraph 63 does not state that affordable housing be sought for major development schemes. When read in conjunction with footnote 29, and the Glossary at Annex 2, Framework paragraph 64 does not constitute an absolute requirement for affordable housing provision. That requirement emanates from the Local Plan, which in this case, does not require a development of 12 homes to provide affordable housing. As such there is no requirement to provide affordable housing in this case and the previous reason for refusal number 4 is no longer required.

vi Drainage

- 9.41 The drainage information supplied with the previous application failed to adequately demonstrate an acceptable Sustainable Drainage System. This current application has been accompanied by a technical note which sets out the surface water drainage design for the proposal which has been designed using a 1 in 100 year storm event plus a 30% allowance for climate change which can be accommodated on the site. The Lead Local Flood Authority has raised no objection to the proposal subject to the imposition of a suitable condition. As such the proposal now accords with emerging policy NR1 of the Borough Local Plan Submission Version and guidance set out in paragraph 165 of the NPPF.

vi Other Material Considerations

- 9.42 Local Plan Policy CF1 and emerging policy IF7 seek to protect existing community facilities. The existing use was not deemed to be a community facility in the consideration of the previous planning applications and no objection is raised to the loss of the use.
- 9.43 Many of the contributors have suggested that the existing building could be converted. However the principle of re-development of this site is accepted and the LPA can only determine the proposal put before it.

Housing Land Supply

- 9.44 Paragraphs 10 and 11 of the NPPF set out that there will be a presumption in favour of Sustainable Development and how this relates to decision-taking. The latter paragraph states that:

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

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

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

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

- 9.46 The BLPSV is not yet adopted planning policy and the Council’s adopted Local Plan is more than five years old. Therefore, for the purposes of decision making, currently the starting point for calculating the 5 year housing land supply (5hyr hls) is the ‘standard method’ as set out in the NPPF (2019).
- 9.47 At the time of writing, the Council is able to demonstrate 4.62 years of housing land supply. Therefore, for the purpose of this planning application the LPA currently cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer).
- 9.48 However, in this case it is considered that paragraph 11d (i) is relevant. Footnote 6 clarifies that ‘*areas or assets of particular importance*’ include designated heritage assets. As set out in the report above, it is considered that the proposal would result in less than substantial harm to the setting of the Inner Windsor CA (a designated heritage asset) and that the public benefits of the scheme do not outweigh this harm. Paragraph 196 of the NPPF therefore provides ‘*a clear reason for refusing the development proposed.*’ Paragraph 11d ii (‘*the tilted balance*’) is therefore not engaged and the planning balance for the proposal should be carried out in the usual manner.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 10.1 The development is CIL liable. The existing gross internal floor area has been calculated at 446.04 sq/m. The proposed gross internal floor area has been calculated at 1,519.6 sq.m. The net additional floor area has therefore been calculated at 1,073.56 sq.m.

11. PLANNING BALANCE AND CONCLUSION

- 11.1 Paragraph 11 of the Framework explains how the presumption in favour of sustainable development applies. As set out in paragraph 9.49 it is considered that in this instance the tilted balance should not be applied
- 11.2 It is acknowledged that the proposal on this site would deliver 12 dwellings in a sustainable location within Windsor. In addition the stopping up of the existing access onto Osborne Road is considered to be a positive in terms of highway safety. There are also currently no trees on the site and limited planting is proposed as part of this application. In respect of economic benefits, future residents of the development would make use of local services and spend in local shops. However, as the scheme is for 12 units the impact of this additional spend in the local economy would be limited. The scheme would also result in direct and indirect employment and create a demand for building supplies during the construction phase. Due to the short-term nature of these benefits, this can only be given limited weight.
- 11.3 Whilst acknowledging that this proposal for 12 units would make a small contribution towards the LPA meeting their 5yr hls the proposed development is considered to be harmful to the spacious character and appearance of the site itself and the locality in general including the setting of the adjacent Conservation Area and fails to comply with Local Plan policies DG1, H10, H11 and CA2 and emerging policies SP3, H05 and HE1. In addition it would result in future pressure to reduce the adjacent Lime tree and fails to provide any meaningful planting/landscaping, to the detriment of the character and appearance of the locality and contrary to local plan policies N6 and DG1 and emerging policies SP3 and NR2.
- 11.4 Paragraphs 1 and 12 of the NPPF (2019) are clear in stating that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The proposed development remains contrary to the Development Plan and it is not considered that the NPPF (2019), as a material consideration, nor the benefits arising from the scheme, demonstrates that in this instance planning permission should be granted.

12. CONCLUSION

- 12.1 Whilst some of the reasons for refusal under application number 18/03027/FULL have been addressed by this application it is still considered that the proposed development, by virtue of its siting, size, layout and design would still appear cramped and overly prominent and detrimental to the streetscape and harmful to the spacious character and appearance of the site itself, the locality in general and the setting of the adjacent Conservation Area. The proposal fails to comply with Local Plan policies DG1, H10, H11 and CA2 and emerging policies SP3, H05 and HE1 and guidance set out in the NPPF. In addition the proposal would still result in future pressure to remove or reduce the adjacent Lime tree to the detriment of the visual amenity of the locality and there would also be a lack of opportunity to provide for any significant soft landscaping contrary to Local Plan policy DG1 and N6 and emerging policies SP3 and NR2.

13. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout plan
- Appendix B – plan and elevation drawings
- Appendix C – Comparison Elevations
- Appendix D – Streetscene elevations
- Appendix E - Indicative Landscape Layout
- Appendix F – Bin store

14. REASONS RECOMMENDED FOR REFUSAL

- 1 The proposed development, by virtue of its siting, size, layout and design would appear cramped and over prominent which would be detrimental to the streetscape and harmful to the spacious character and appearance of the site itself and the locality in general and the setting of the

Conservation Area. The proposal would result in less than substantial harm to a Heritage Asset, the adjacent Conservation Area and the public benefits of the scheme are not considered to outweigh this harm. The proposal fails to comply with Local Plan policies DG1, H10, H11 and CA2 of the Royal Borough of Windsor and Maidenhead Local Plan Incorporating Alterations adopted June 2003 and emerging policies SP3, HO5 and HE1 of the Borough Local Plan 2013-2033 Submission Version and guidance set out in sections 12 and 16.

- 2 The proposed development, because of its siting, size, layout and design would result in future pressure to reduce or remove the adjacent Lime tree in Bolton Avenue and insufficient space has been provided within the site to provide any meaningful planting/landscaping to the detriment of the character and visual amenity of the locality and contrary to local plan policies N6 and DG1 of the Royal Borough of Windsor and Maidenhead Local Plan Incorporating Alterations adopted June 2003 and emerging policies SP3 and NR2 of the Borough Local Plan 2013-2033 Submission Version.

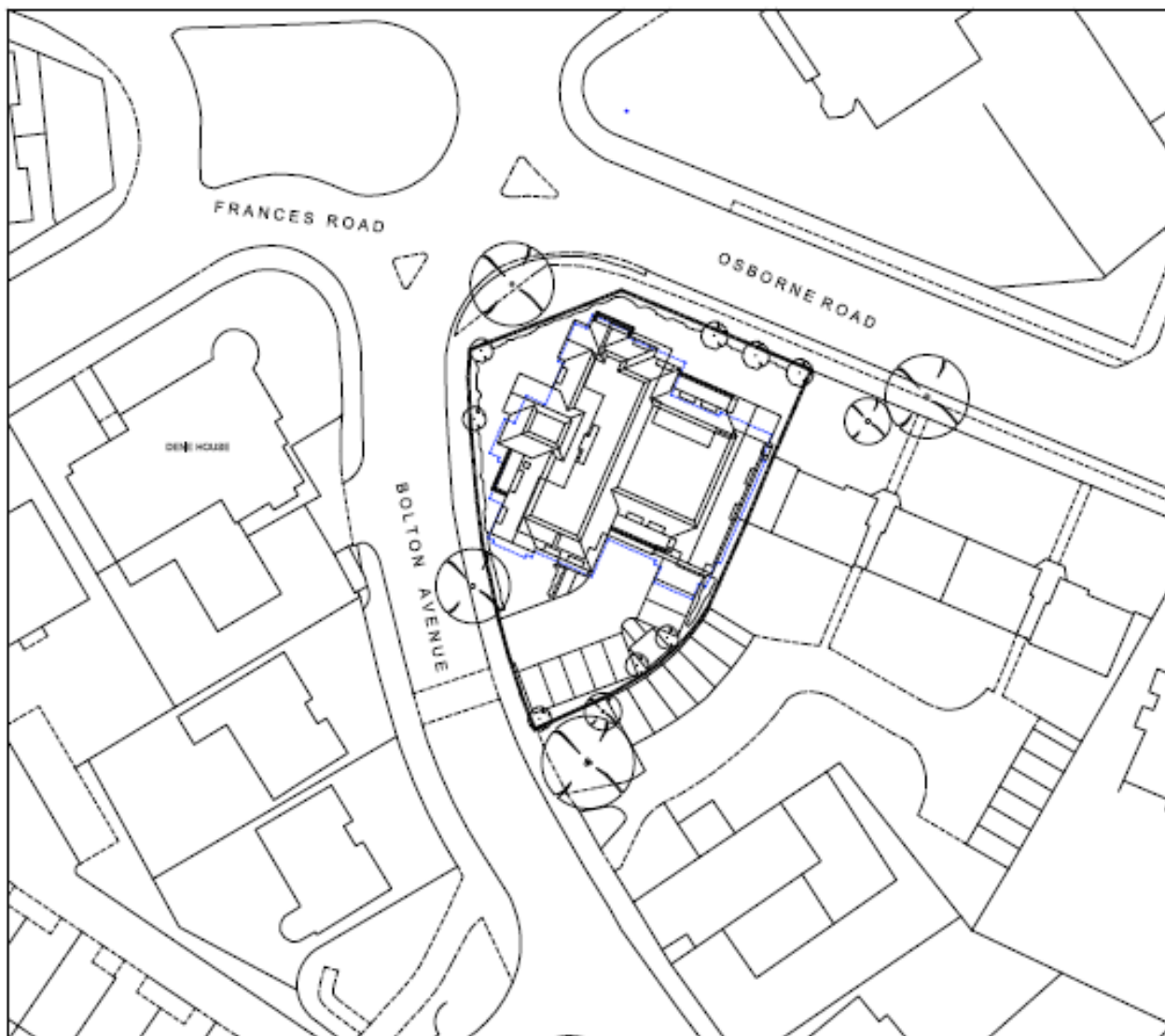
APPENDIX A – SITE LOCATION PLAN



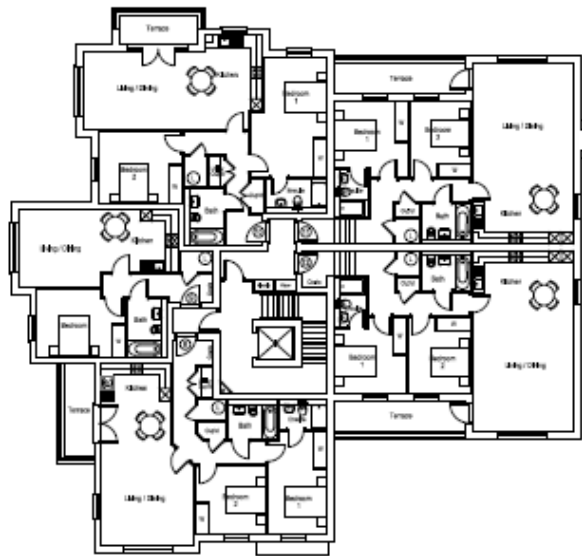
SITE LAYOUT



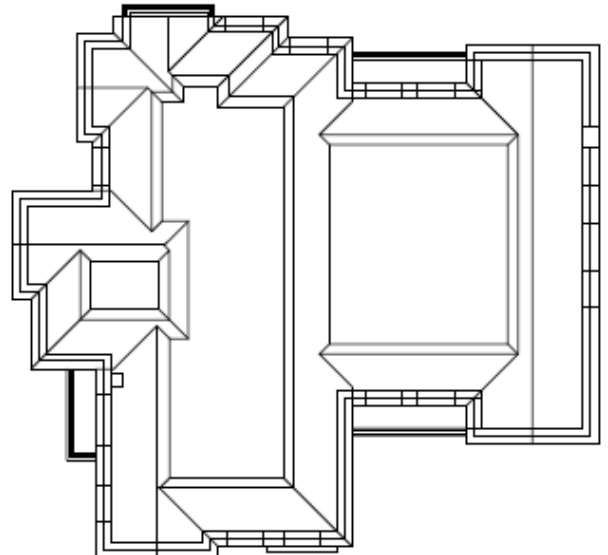
SITE LAYOUT COMPARISON PLAN WITH PREVIOUSLY REFUSED SCHEME



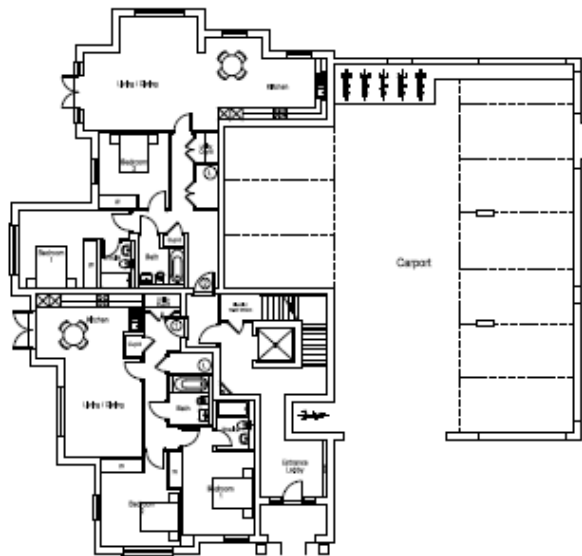
APPENDIX B – PLANS AND ELEVATION DRAWINGS



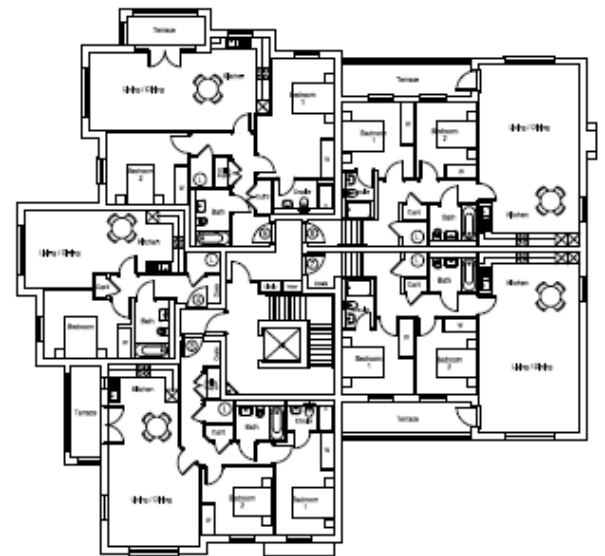
Second Floor Plan



Roof Plan



Ground Floor Plan



First Floor Plan



Side Elevation

Elevation facing roundabout

Osborne Road Frontage

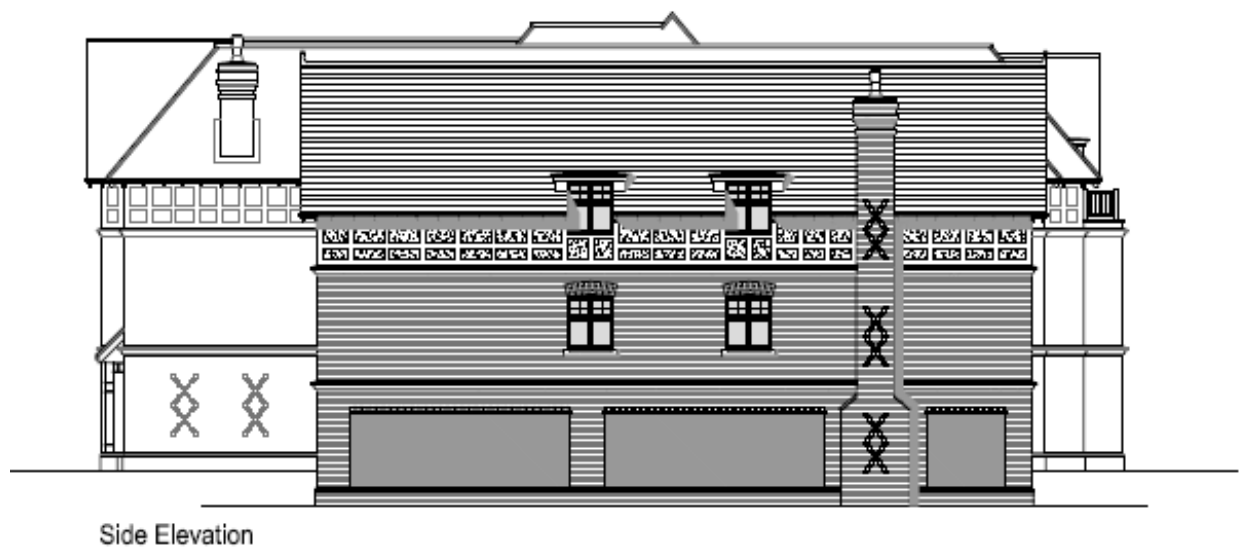


Rear Elevation

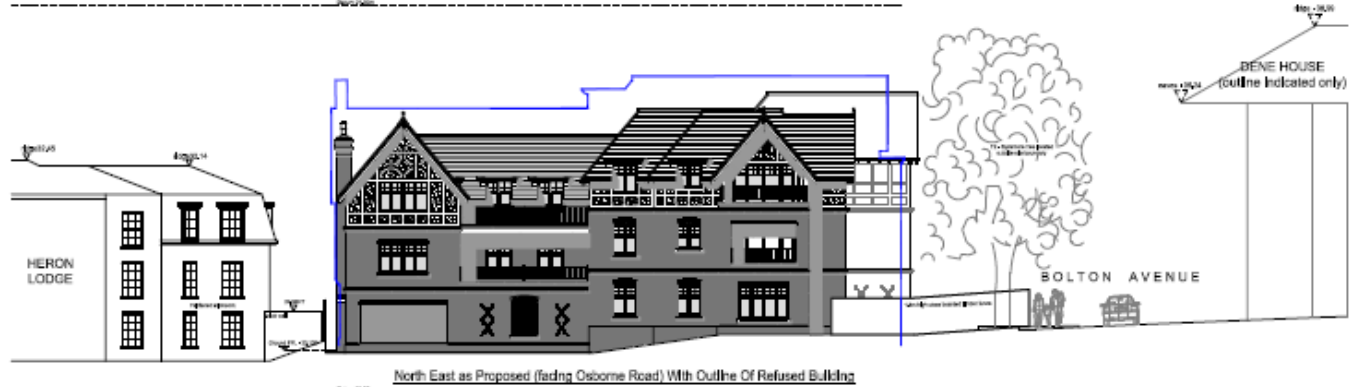
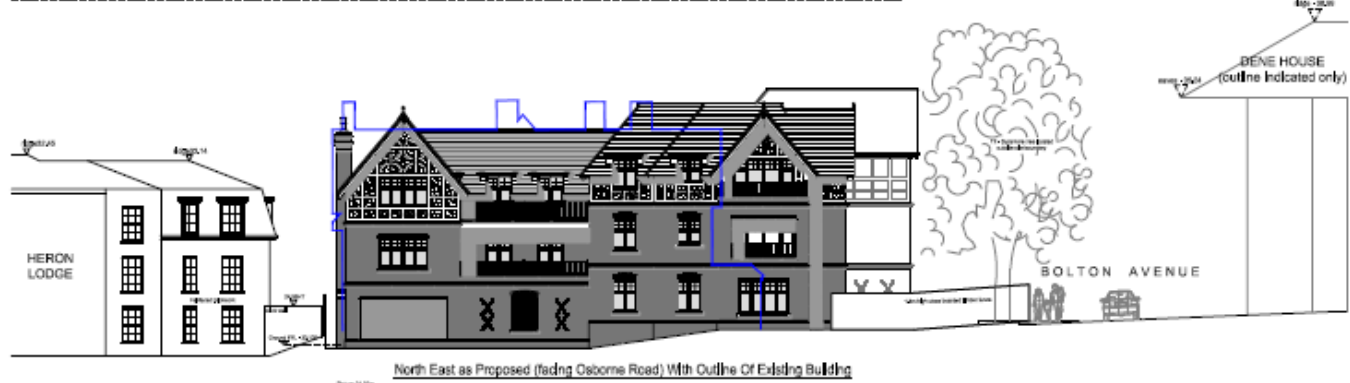


Bolton Avenue frontage

Elevation facing Heron Lodge



APPENDIX C - COMPARISON ELEVATIONS





APPENDIX D - STREETSCENE ELEVATIONS

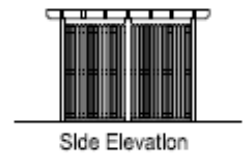
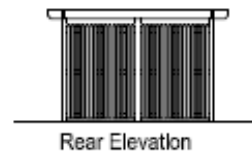
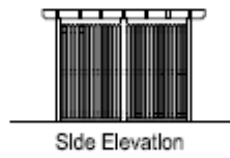
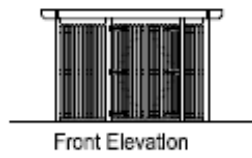




APPENDIX E – INDICATIVE LANDSCAPE LAYOUT



APPENDIX F – BIN STORE



DEVELOPMENT CONTROL PANEL

3 July 2019

Item: 4

Application No.:	19/01015/VAR
Location:	Lime Tree Villas London Road Sunningdale Ascot SL5 0JN
Proposal:	Variation (under Section 73a) of Condition 2 (Approved Plans) to substitute those plans approved under 15/01752/FULL for 4 No. dwellings forming 2 pairs of semi-detached houses with associated parking, garages and amenity space following demolition of existing dwelling with amended plans (Allowed on Appeal).
Applicant:	Mr And Mrs Mills
Agent:	Not Applicable
Parish/Ward:	Sunningdale Parish/Sunningdale Ward
If you have a question about this report, please contact: Adam Jackson on 01628 796660 or at adam.jackson@rbwm.gov.uk	

1. SUMMARY

1.1 The application is to vary condition 2 (approved plans) of permission 15/01752 under S73 of the Town and Country Planning Act (as amended). In doing so the approved set of plans will be replaced with a new set which make the following changes:

- Changes to the stone detailing around the windows and window heads
- The replacement of casement windows with traditional sash windows
- Additional high level windows at ground floor level in the flank elevations
- An additional window in the side elevation of plot one at first floor
- Replacement of the ground floor windows on the rear elevation with a single larger opening
- Changes to the scale and the design of the rear dormer windows
- Minor changes to the internal layout of the dwellings

The proposed changes when taken as a whole are considered to constitute a minor material amendment to the original planning permission and as such it is appropriate for these changes to be made under the S73 procedure.

1.2 The changes are cosmetic only and there are no changes to the overall scale or positioning of the development, as such there is no impact on trees or highway related issues. The changes proposed would not reduce the overall design quality of the proposal. The changes to the windows would not impact upon the privacy of neighbouring properties and additional windows do not face directly into or toward neighbouring properties.

It is recommended the Panel authorises the Head of Planning:	
1.	To grant planning permission on the satisfactory completion of an undertaking to secure the necessary Deed of Variation as detailed in Section 9 of this report and with the conditions listed in Section 13 of this report.
2.	To refuse planning permission if an undertaking to secure the necessary Deed of Variation as detailed in Section 9 of this report has not been satisfactorily completed for the reason that the proposed development would cause harm to the Thames Basin Heaths SPA.

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Bateson as it is considered that this is a misuse of the variation planning option as the changes represent a material change to the approved scheme. The application was called to panel only if the recommendation of the Head of Planning was to approve the application.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is located on London Road in Sunningdale and has had planning permission granted in 2016 at appeal for 4 new dwellings. Development has commenced on site. The application site is bounded on the right hand side by Woodstock House and on the left hand side by the access road to the public car park. To the rear of the site is Green Belt land. The application site is within 5km of the Thames Basin Heaths Special Protection Area.

4. KEY CONSTRAINTS

- 4.1 The key constraints are:
- Thames Basin Heaths Special Protection Area

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The application is made under S73 of the Town and Country Planning Act (as amended) and proposes to vary condition 2 (approved plans) of application 15/01752/FULL. In doing so it is proposed to replace the approved plans with a new set which make the following changes:
- Changes to the stone detailing around the windows and window heads
 - The replacement of casement windows with traditional sash windows
 - Additional high level windows at ground floor level in the flank elevations
 - An additional window in the side elevation of plot one at first floor
 - Replacement of the ground floor windows on the rear elevation with a single larger opening
 - Changes to the scale and the design of the rear dormer windows
 - Minor changes to the internal layout of the dwellings

Reference	Description	Decision
15/01752/FULL	4 No. dwellings forming 2 pairs of semi-detached houses with associated parking and amenity space following demolition of existing dwelling.	Refused – 16.10.2015 Allowed at appeal – 15.04.2016
16/022358/FULL	4 No. dwellings formed of 2 pairs of semi-detached houses with basement, associated parking and amenity space following demolition of existing dwelling.	Refused – 21.10.2016
18/02008/VAR	Variation of Condition (2) (under S73) to substitute approved plans with amended plans for 4. No dwellings forming 2 pairs of semi-detached houses with associated parking, garages and amenity space following demolition of existing dwelling under (15/01752) (allowed	Withdrawn – 17.10.2018

	on appeal).	
19/00278/VAR	Variation of Condition 2 (Approved plans) (under Section 73A) to substitute the approved plans for the amended plans for 4 No. dwellings forming 2 pairs of semi-detached houses with associated parking, garages and amenity space following demolition of existing dwelling approved under 15/01752/FULL (Allowed on Appeal)	Withdrawn – 25.03.2019

6 DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

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

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1, H10, H11
Acceptable impact on nearby occupiers	H10, H11
Acceptable impact on parking and highway safety	P4, T5
Acceptable impact on trees important to the area	N6

These policies can be found at

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

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

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

These policies can be found at

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

Adopted the South East Plan – Regional Spatial Strategy

Issue	Plan Policy
Thames Basin Heaths Special Protection Area	NRM6

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2019)

Section 4- Decision-making

Section 9- Promoting Sustainable Transport

Section 12- Achieving well-designed places

Borough Local Plan: Submission Version

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

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

This document can be found at:

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

Supplementary Planning Documents

- RBWM Thames Basin Health's SPA

Other Local Strategies or Publications

Other Strategies or publications material to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy

More information on these documents can be found at:

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

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

37 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 16.04.2019.

No letters were received as a result of this consultation.

Consultees

Consultee	Comment	Where in the report this is considered
Parish	Have raised concerns that the previous unapproved variation	Paragraph's 9.1

Council	applications appear to be being built out rather than the approved scheme and have also raised concerns with the built form. The changes are considered to amount to a new planning application not a variation.	and 9.2 – Enforcement are aware that the scheme being built is not approved. This application if approved would regularise this.
Highways	Offers no objection to the proposal.	N/A
Trees	The applicants have not submitted any arboricultural information to support their application. Without this information, it is therefore not possible to accurately determine the impact of the proposed development upon the root systems to the trees on and off site.	Paragraph 9.4

9. EXPLANATION OF RECOMMENDATION

- 9.1 Section 73 of the Town and Country Planning Act (as amended) (this variation application) specifically excludes the reconsideration of issues other than those covered by the conditions that are subject of this application.
- 9.2 This application proposes to vary condition 2 of permission 15/01752/FULL. In varying this condition it is proposed to substitute the plans approved under the original permission with a new set as previously described. Only cosmetic changes are proposed with the scale, height and footprint of the buildings remaining the same.
- 9.3 The proposed changes are not considered to impact on the overall design quality of the buildings and the development would continue to have an acceptable impact on the character and appearance of the area. The changes to the windows would not impact upon the privacy of neighbouring properties and additional windows do not face directly into or towards neighbouring properties.
- 9.4 The scale and position of the dwellings is unchanged and as such the proposal would have no further impact on trees, the character and appearance of the area or neighbour impact with regarding to loss of light or overbearing impact.
- 9.5 There are no changes proposed to the parking or access arrangements from the consented scheme.
- 9.6 Part of this Borough lies within the development management remit of a Special Protection Area (The Thames Basin Heaths Special Protection Area) (TBH SPA). Natural England has demonstrated that the new population arising from residential development at a distance of up to 5km from the TBH SPA can have a “significant effect” by causing disturbance to the breeding of rare bird populations due to the impact of residents’ recreational activities, particularly walking and walking with dogs. As such mitigation against the likely significant impacts upon the TBH SPA is required and it is normal for this to be secured via financial contributions towards the Council’s SANG (Suitable Alternative Natural Greenspace) (Allen’s Field) and SAMM (Strategic Access Management and Monitoring). This is to encourage people to use the recreation ground Allen’s Field rather than the TBH SPA. Financial contributions have already been paid as required under the original application. The Council’s Legal Officers have been instructed to draft a deed of variation which links these funds to this variation, however at the time of writing this has not yet been completed. It is recommended that the panel defer the application back to the head of planning to determine the application following the completion of this document.

Other Material Considerations

Housing Land Supply

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

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

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

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

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

- 9.9 The BLPSV is not yet adopted planning policy and the Council's adopted Local Plan is more than five years old. Therefore, for the purposes of decision making, currently the starting point for calculating the 5 year housing land supply (5hyr hls) is the 'standard method' as set out in the NPPF (2019).
- 9.10 At the time of writing, the Council is able to demonstrate 4.62 years of housing land supply. Therefore, for the purpose of this planning application the LPA currently cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer).
- 9.11 Whilst the application site is within 5km of the Thames Basin Heaths Special Protection Area it is considered subject to the securing of mitigation as set out in paragraph 9.6 above that the development proposal would not have an adverse effect on a protected area as identified in footnote 6 of paragraph 11 d(i) of the NPPF. As such there is no clear reason for refusing the application as per paragraph 11 d(i) and paragraph d(ii) commonly known as the 'Tilted Balance' is engaged. The assessment of this and the wider balancing exercise is set out below in the conclusion.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 10.1 The development is not CIL liable as it is applied for under S73 of the Town and Country Planning Act and the original application did not pay CIL.

11. PLANNING BALANCE AND CONCLUSION

- 11.1 Paragraph 11 of the Framework explains how the presumption in favour of sustainable development applies. As set out in paragraph 9.11 it is considered that in this instance the tilted balance should be applied, however such an assessment is considered to be academic. This is because for the reasons set out above, Officers are of the view that if this application is determined in accordance with the normal test under section 38(6) of the 2004 Act, the proposal is in general conformity with the Development Plan overall and there are no material considerations of sufficient weight to justify refusal.

12. APPENDICES TO THIS REPORT

Appendix A - Site location plan and site layout

Appendix B – Approved plans and elevations
Appendix C – Proposed plans and elevations

13. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

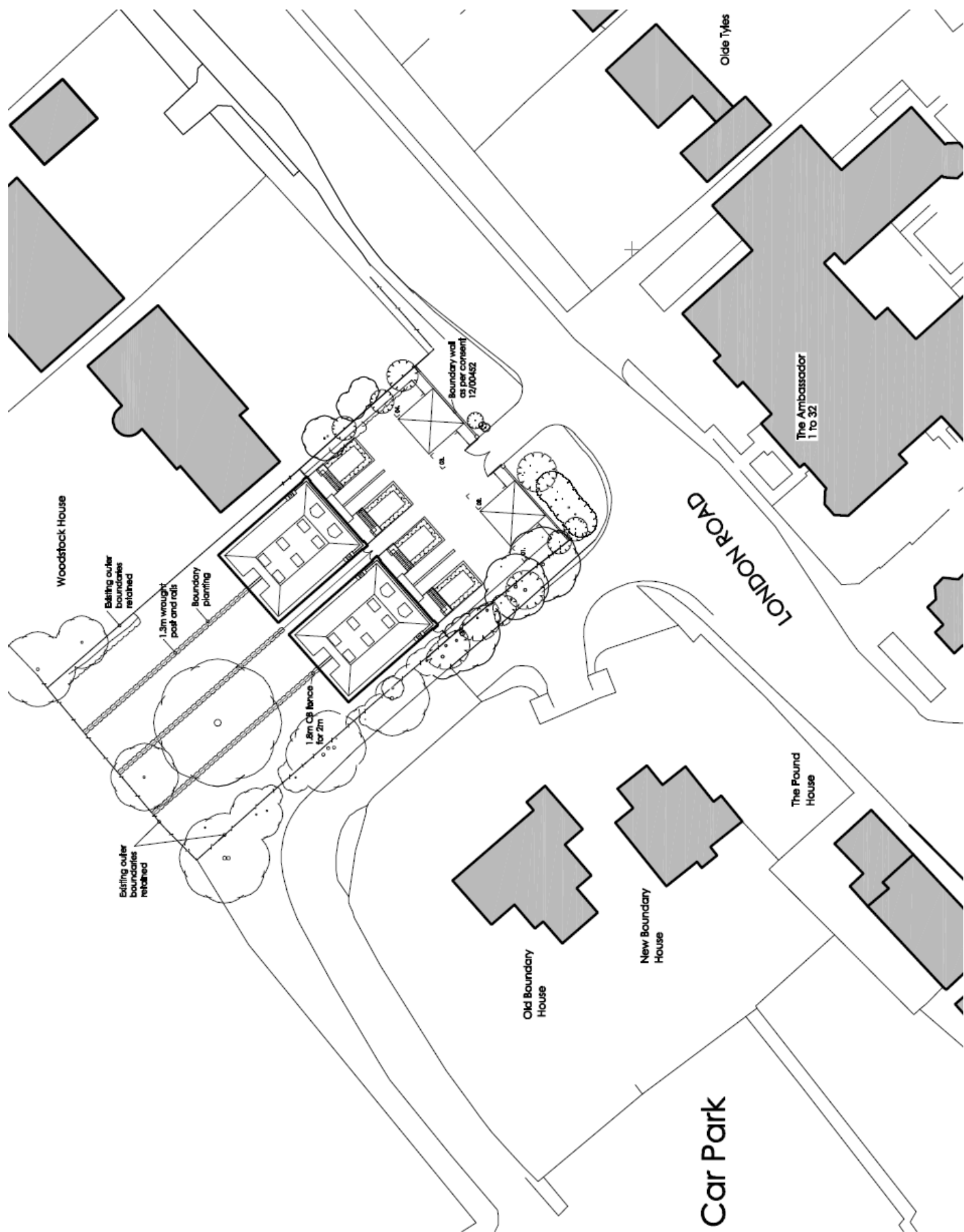
- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: FD 15-1285-50 (Site location plan), FD 15-1285-55B (Proposed site layout), FD 17-1496-555 revision E (Proposed plans and elevations), and FD 15-1285-108 (Garage plans and elevations).
- 2 The development shall be constructed externally using the materials as shown on the sample board document received on the 11th July 2017 and approved under application 17/02203/CONDIT unless otherwise agreed in writing by the Local Planning Authority.
- 3 The development shall be carried out in accordance with the slab level details shown on drawing FD 15-1285-56 and the e-mail received on the 16th October 2018 approved under application 18/00337/CONDIT unless otherwise agreed in writing by the Local Planning Authority.
- 4 Tree protection measures shall be maintained on site until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site in accordance with the details contained within the Arboricultural Impact Assessment & Method Statement and Tree Protection Plan (KEB17836-03B) approved under application 17/02203/CONDIT. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written approval of the Local Planning Authority.
- 5 Soft landscaping and planting shall be carried out in accordance with the details shown on drawing KEB17836-11A, approved under application 18/00337/CONDIT. These works shall be carried out in accordance with the approved timetable. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others similar size and species, unless the Local Planning Authority gives written approval to any variation.
- 6 The development shall be carried out and subsequently retained and maintained in accordance with the sustainability measures as detailed in the Sustainability and Energy Statement approved under application 17/02203/CONDIT.
- 7 The development shall be carried out in and subsequently retained and maintained in accordance with the measures set out in the Lifetime Home Standards Statement as approved under application 17/02203/CONDIT.
- 8 The development shall be carried out in accordance with the construction management details as set out on the Site Set-up Plan 01a approved under application 17/02203/CONDIT. The approved details shall be adhered to throughout the construction period.
- 9 No part of the development shall be occupied until a means of vehicular access has been constructed in accordance with the approved plans.
- 10 No part of the development shall be occupied until vehicle parking spaces have been provided in accordance with the approved drawing. The spaces approved shall be retained for parking in association with the development.
- 11 The existing access to the site shall be stopped up and abandoned immediately upon the new access being first brought into use.

Appendix A—Site location plan and site layout

Site location plan

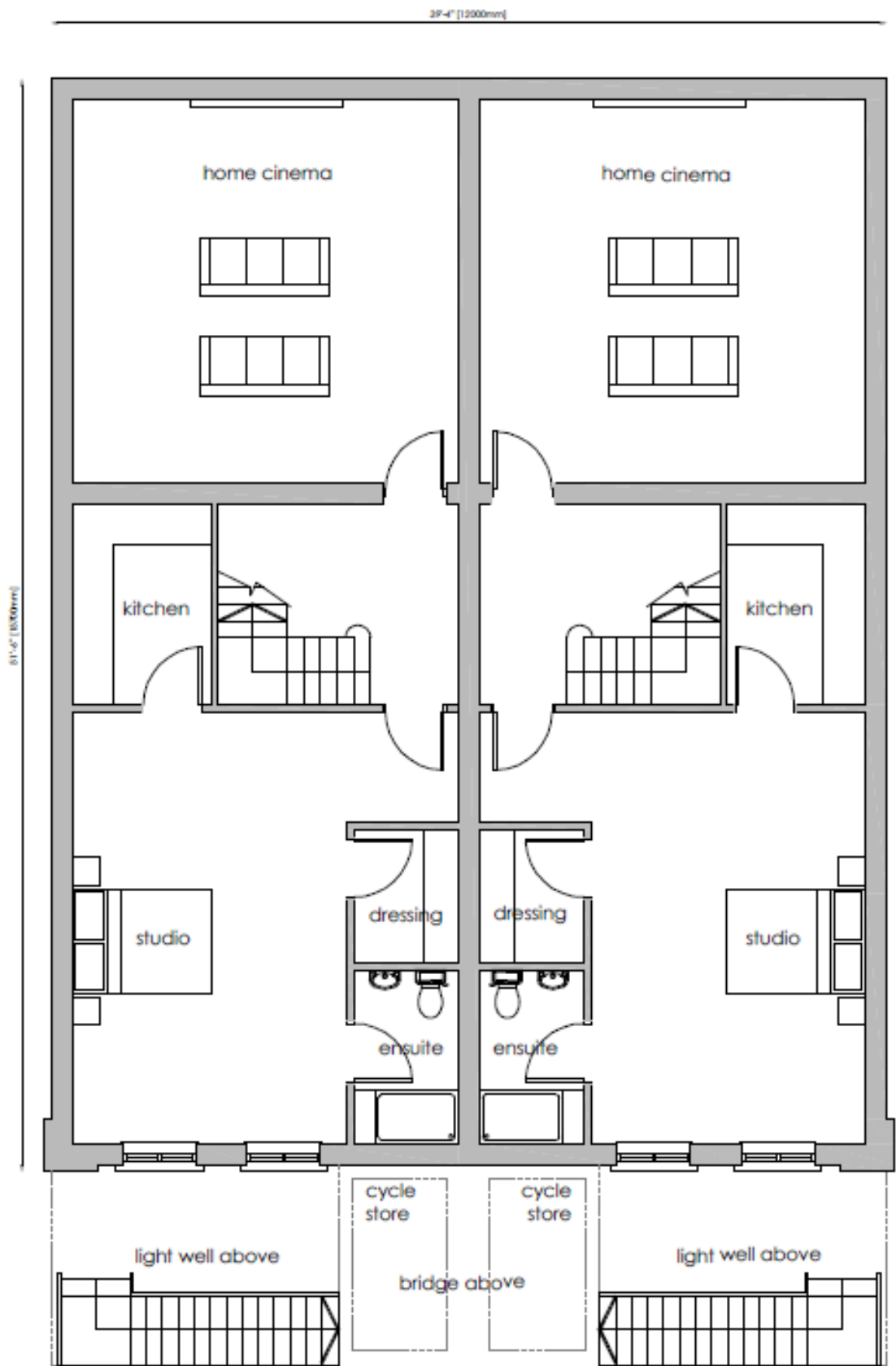


Site layout (approved under 15/01752)



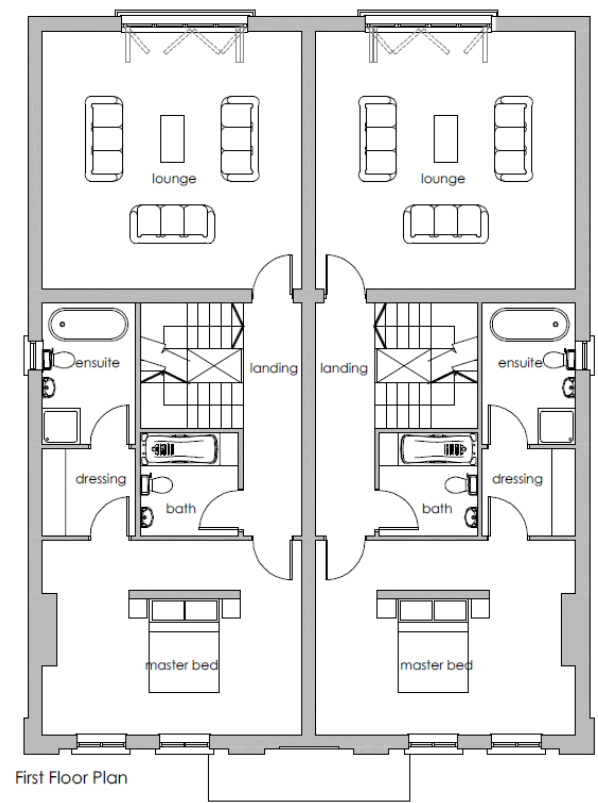
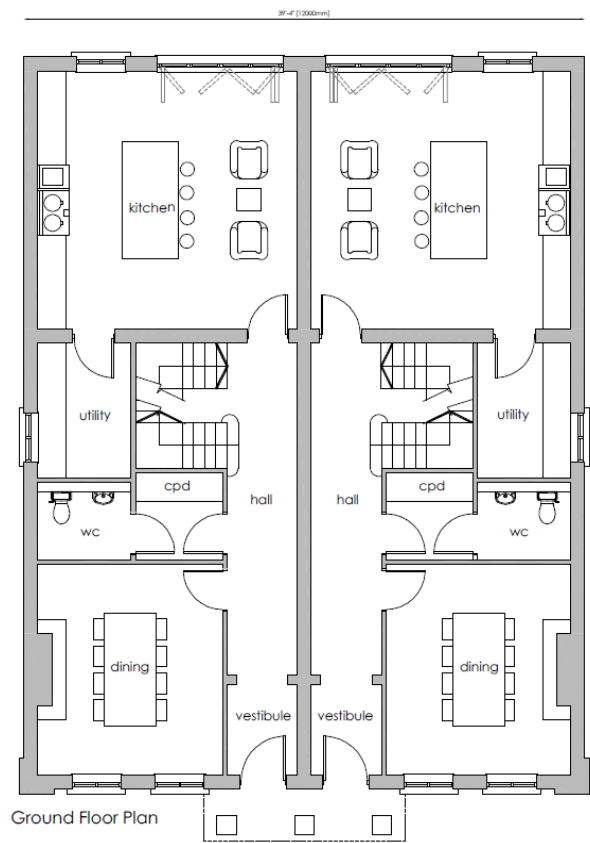
Appendix B—Approved plans and elevations

Basement plan

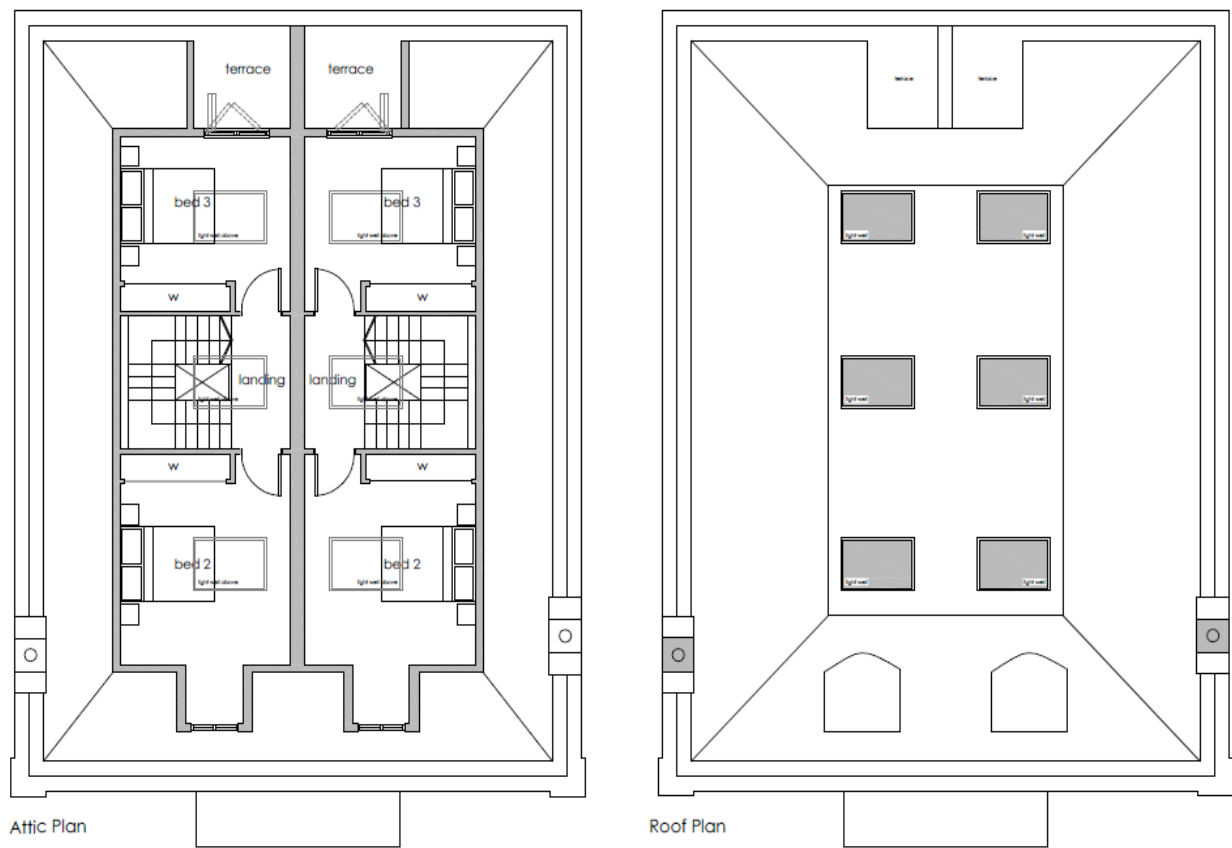


Basement Floor Plan

Ground and first floor plan



Attic and roof plan

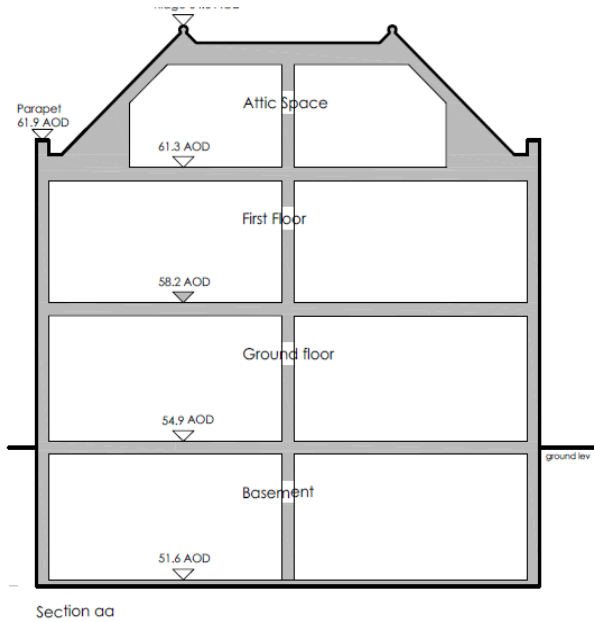
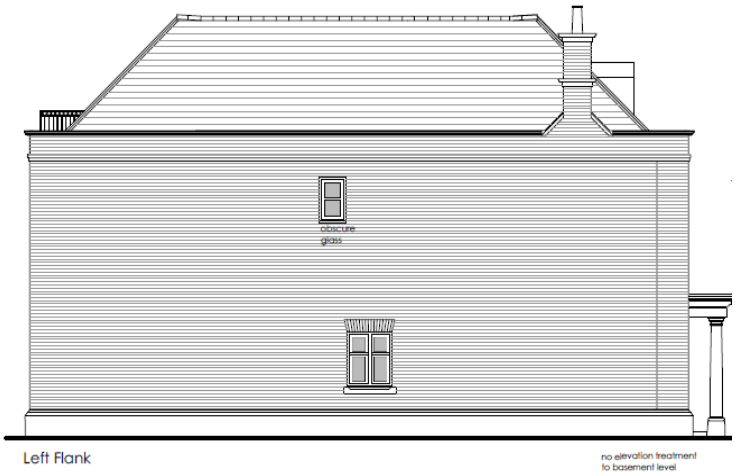


Front elevation

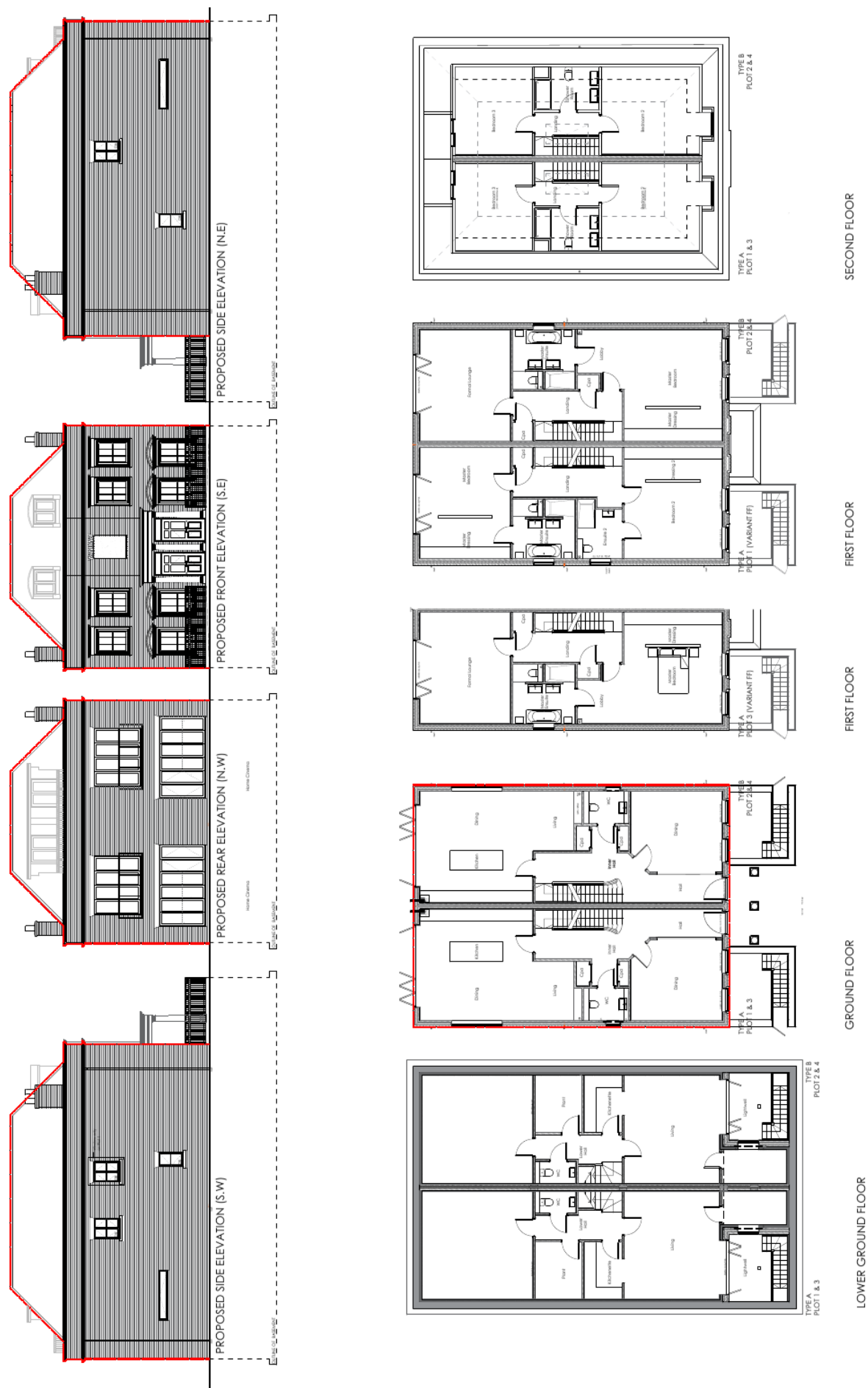


Front Elevation

Rear and side elevations



Appendix C— Proposed plans and elevations



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DEVELOPMENT CONTROL PANEL

3 July 2019

Item: 5

Application No.: 19/01214/FULL

Location: Orchard Cottage 61 Horton Road Datchet Slough SL3 9HD

Proposal: Replacement dwelling.

Applicant: Mr And Mrs Lawrence

Agent: Miss Elaine Kimber

Parish/Ward: Datchet Parish/Datchet Horton And Wraysbury

If you have a question about this report, please contact: Josey Short on 01628 683960 or at josey.short@rbwm.gov.uk

1. SUMMARY

- 1.1 The proposed scheme involves the replacement of the existing detached bungalow with a detached two storey dwelling which would front Horton Road.
- 1.2 The proposal would have a negative impact on the setting of nearby Grade II Listed Building, known as The Lawn, and its associated heritage assets, whilst also having an adverse impact on the character of the area, by virtue of the scale and siting of the development. Additionally, the proposal would fail to protect important TPO trees.
- 1.3 It is noted that the proposed scheme would not encompass any highway implications. The current scheme has overcome the reasons for refusal under application 18/03610/FULL relating to flooding and neighbouring impact. Whilst archaeological concerns have been raised it is considered that these could be overcome by planning condition.

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

1.	The size, siting, height and design of the proposed dwelling would adversely affect the setting of the listed building and associated heritage assets. This harm is not outweighed by any public benefit.
2.	The scale and siting of the proposed dwelling would result in overdevelopment of the plot which would appear as a visually incongruous addition within this part of the street scene. Additionally, the proposed dwelling would appear unduly prominent given the close proximity to the front boundary of the site in combination with the overall mass and bulk of the dwelling.
3.	The proposed development fails to adequately secure the protection of an important TPO tree close to the west flank of the site which contributes positively to the character and appearance of the area and would also impact the views of the tree from Horton Road.

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Muir if the recommendation is to refuse the application

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is located on the north side of Horton Road, which is a classified road within the developed area of Datchet. The site falls within flood zone 3 (high risk) and has one tree within its boundary that is protected by a Tree Preservation Order (004/1973/TPO). The site also falls within 20 metres of a Grade II Listed building, known as The Lawn. It is also noted that the

piers at the entrance to the private road are also considered a heritage asset by virtue of their historic significance.

- 3.2 The site comprises a detached bungalow with off street parking and a detached garage which is accessed via a private lane off of Horton Road. By virtue of the positioning of the existing dwelling, the dwelling is within close proximity to the east flank, with a grassed garden surrounding. The TPO is located close to the west flank within the sites rear amenity space.

3.3 KEY CONSTRAINTS

- Floodzones 2 (medium risk) and 3 (high risk)
- 20 metre buffer of Grade II Listed Building; The Lawn
- TPO
- Classified Road

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The application seeks planning permission for the construction of a replacement dwelling. The proposed dwelling would be repositioned on the site to front Horton Road, however the access would remain from the private road to the east of the site. The proposed dwelling would be two storey with a crown roof of a substantial scale which could, in theory be used as additional habitable accommodation without the need for planning permission.

- 4.2 It is noted that the design and access statement submitted in support of the application details that the scheme would incorporate a car port, however this does not appear to be included within the drawings submitted. As such, this report will assess the scheme in its absence.

4.3

Reference	Description	Decision
99/77917/FULL	Erection of conservatory at rear	Conditional Consent – 27.04.1999
18/03610/FULL	New five bedroom detached dwelling with associated parking following demolition of the existing dwelling.	Refused – 18.02.2019

5 DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

- 5.1 The main Development Plan policies applying to the site are:

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1, H10,H11
Highways	P4 AND T5
Trees	NG
Flooding	F1

These policies can be found at

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

6. **MATERIAL PLANNING CONSIDERATIONS**

National Planning Policy Framework Sections (NPPF) (2019)

Section 4- Decision-making

Section 12- Achieving well-designed places

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

Section 16- Conserving and enhancing the historic environment

Borough Local Plan: Submission Version

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

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

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

Supplementary Planning Documents

- RBWM Interpretation of Policy F1

Other Local Strategies or Publications

6.3 Other Strategies or publications material to the proposal are:

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

More information on these documents can be found at:

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

7. **CONSULTATIONS CARRIED OUT**

Comments from interested parties

Six occupiers were notified directly of the application and the planning officer posted a notice advertising the application on 13th May 2019 on Horton Road.

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

Comment		Where in the report this is considered
1.	The site at No. 61 is at a lower level than that of the surrounding dwellings on the drive and as such there is concern for the displacement of water due to the proposed building	Please see paragraphs 8.2 - 8.5
2.	The proposed dwelling is too tall and large for this location given the surrounding dwellings and the replacement of a bungalow with a 3 storey house will significantly impact the character of a small area	Please see paragraphs 8.11 -8.13
3.	Concern raised for the further loss of trees on the site	Please see paragraphs 8.17 – 8.20
4.	Whilst the design and access statement refers to a car port, it is unclear from the plans where this would be	Please see paragraphs 4.2
5.	Though the plans show a two storey house, the height of the roof would imply a second floor use	Please see paragraphs 8.11 -8.13
6.	Concerns for the impact large vehicles entering the site from the lane would have on the lane as it is too narrow, and as such it is requested that a separate entrance is created during construction directly from Horton Road	Please see paragraphs 8.21
7.	The Lawn did not receive direct notification of the proposed works	Please see paragraph 8.24
8.	Concern raised for the protection and retention of the brick piers to the front of the site with reference made to the conservation officers comments on application 18/03610/FULL	Please see paragraphs 8.6 – 8.10
9.	The proposal would make alterations to the existing orientation onto the access lane and as such would not remain in keeping with the rest of the lane.	Please see paragraphs 8.6 – 8.13
10.	The proposal would be overly large and would present an inappropriate impact on its surroundings	Please see paragraphs 8.11 – 8.10
11.	Concern raised for the impact on nearby listed building, The Lawn, as it would create a backland impression for access to the listed building	Please see paragraphs 8.6 – 8.13
12.	Concern is raised for the impact the proposed dwelling would have on the light the existing side windows of No. 59 currently receive	Please see paragraph 8.14
13.	Concern raised for the loss of privacy which would be caused by the rear windows of the proposed dwelling to the west neighbouring dwelling, No. 59, with particular concern raised for the Juliette balcony.	Please see paragraphs 8.15 and 8.16
14.	Concern raised for the loss of privacy which would be caused by the proposed removal of trees.	Please see paragraphs 8.15

Statutory consultees

Consultee	Comment	Where in the report this is considered
Highways	No objections subject to pre commencement conditions requiring parking and turning details and a Construction Management Plan. Informatives relating to damage to the highway, damage to footways and verges, and no equipment/materials on the public highway also recommended.	Please see paragraph 9.21
Environment	The EA objected to the proposed development as the FRA	Please see

Agency	submitted does not comply with the site specific FRA requirements as set out in paragraphs 30 -32 of the NPPG and therefore it does not adequately assess the risks posed by the development. Particular concern is raised as the FRA fails to take into account the impacts of climate change as it does not provide mitigation measures to address flood risk for the life time of the development as it poses inadequate finished floor levels as they have not been raised 300 mm above the 1 in 100 year flood level (plus appropriate allowance for climate change).	paragraph 9.2 – 9.5
Conservation	The proposed alterations would cause less than substantial harm to the Heritage Assets (Listed Building and Conservation Area). This is not outweighed by public benefit and conservation would not support the application.	Please see paragraph 9.6 - 9.10
Trees	The proposal would fail to comply with policies N6 and DG1 of the Councils Local Plan.	Please see paragraph 9.17 -9.20
Environmental Protection	No objections raised. Conditions relating to aircraft noise, construction working hours and collection during construction and demolition recommended in the event of planning permission being granted in this instance. Informatives relating smoke and dust control also recommended.	Noted.

8. EXPLANATION OF RECOMMENDATION

8.1 The key issues for consideration are:

- i Impact on floodplain location
- ii Impact on the setting of the nearby Listed Building / sites historic significance
- iii Impact on the character of the area and locality in general
- iv Impact on neighbouring amenity
- v Tree and landscaping implications
- vi Parking and highway implications
- vii Archaeology
- viii Other material considerations

Flooding

8.2 From the latest information received from the Environment Agency, the site is situated within flood zone 3b (high risk flooding), which is the functional flood plain. As there is an existing dwelling on site, the principle of replacing it is considered to be acceptable. Paragraph 164, footnote 50 of the National Planning Policy Framework (NPPF) (July 2018) requires development within flood zone 3 defined as having a 'high probability' of flooding from rivers to submit a site specific flood risk assessment (FRA) to ensure that flood risk is not being increased on site or elsewhere. This position is supported by Policy F1 of the Local Plan. Policy F1 states that development will not be permitted for new residential development that exceeds 30 sq. metres. Paragraph 2.4.7 of this policy states;- '*The 30 sq. metres will be taken to include all additions completed since 26 September 1978 (the date the council first adopted the flood policy) which required express planning permission. Detached ancillary buildings within the curtilage of a property such as garages, sheds, greenhouses, boathouses, summerhouses or enclosed swimming pools will all count as additions where they result from the grant of planning permission.*'

8.3 The Design and Access Statement submitted in support of the application states that the design has been carefully designed so the GCA does not exceed 30 sq. metres (paragraph 5.7). Though

it is noted that detailed drawings of the existing dwelling have not been submitted in support of the application, the design and access statement states that the 1978 footprint was 112sq. metres and the current GCA is 156.9 sq. metres (main dwellinghouse – 137.4 sq. metres and pre 1978 garage - 19.4 sq. metres). However a planning history search of the site indicates that the dwelling was extended by a rear conservatory, as approved under application 99/77917/FULL, which increased the GCA by 32.7 sq. metres. . It is noted from the observations made at the time of the site visit on 13th May 2019 that the conservatory is still in situ. With this taken into account, it is noted that the existing dwelling has already exceeded the 30 sq. metre allowance and as such the existing GCA is the maximum which would be accepted in line with policy F1.

- 8.4 It is calculated from drawing FLU.830.04 L that the proposed replacement dwelling would have a GCA of 142.33 sq. metres and the 'shed for storage of bikes' would add a further 6.9 sq. metres, resulting in a total GCA of 149.23 sq. metres. It is noted that it is unclear from the details submitted in support of this application if this proposed shed would be floodable in line with the criteria set out within the Appendix 6 of the RBWM Interpretation of Policy F1 SPD, and as such it has been calculated toward the GCA in the absence of this information. Irrespective of this, the GCA of the proposed dwelling would be less than that which is existing on site and would be in line with Policy F1 of the Councils Local Plan in this regard.
- 8.5 The Environment Agency (EA) have been consulted and commented on FRA submitted in support of the application. The EA objected to the proposed development as the FRA submitted does not comply with the site specific FRA requirements as set out in paragraphs 30 -32 of the NPPG and therefore it does not adequately assess the risks posed by the development. Particular concern is raised as the FRA fails to take into account the impacts of climate change as it does not provide mitigation measures to address flood risk for the life time of the development as it proposes inadequate finished floor levels as they have not been raised 300 mm above the 1 in 100 year flood level (plus appropriate allowance for climate change). With regard to the comments made by the EA, whilst it is noted that the proposed finished floor levels would fall below the 1 in 100 year flood level, it is considered that it would not be appropriate to raise them in this location as it would make the design more out of keeping than it currently is (please see paragraphs 9.11 – 9.13 relating to character). The proposed development would result in a GCA less than that which is existing and as such there is a clear gain in flood storage capacity, furthermore the proposed house could incorporate flood resilient measures improving upon the current situation. In these specific circumstances it is considered that the objection as raised by the Environment Agency does not justify the refusal of the application.

Impact on Listed Building

- 8.6 The application site falls within the 20 metre buffer zone of a Grade II listed building, The Lawn. The Lawn is located to the north of the application site. The host dwelling, No. 65 and Orchard Court all share an access lane from Horton Road with The Lawn. As such, the Council has, in considering this planning application, had special regard to the desirability of preserving the listed building and its setting and any features of special architectural or historic interest which it possesses, as required under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 alongside Local Plan policy LB2. Regard is also had for Section 16 of the National Planning Policy Framework (NPPF) (July 2018) which is titled Conserving and Enhancing the Historic Environment. The application site is positioned to the front of the lane, close to the access from Horton Road, which has brick and stone piers at the entrance. The two main considerations in the assessment of this application are the impact on the setting of the Listed Building and the effect on the significance on non-designated heritage assets i.e. the brick and stone piers at the entrance.
- 8.7 In terms of the impact on the setting of the listed building, the proposals are considered to negatively alter the setting of the Listed Building. Though it is noted that the extent and character of the setting has changed over the years, it is considered that what remains contributes hugely to the historic understanding of the grade II listed building. The proposed building is two storeys in height and is therefore much larger than the lodge which it would replace, and would not suit the character or historic special interest of this historic driveway and entrance to the grade II

Listed Building. Furthermore, the design of the building would incur a crown roof, which is not considered to be good design and would be out of keeping with the design of lodge, and other surrounding buildings which have traditional dual pitched roofs.

8.8 In terms of the impact on the significance of non-designated heritage assets, as stated in previous Conservation Officer's comments for application 18/03610/FULL, The Lodge "and the gate piers with their ornate stone urn capping's must, at the very least, be considered as undesignated heritage assets". It is necessary to consider these as Non-Designated Heritage Assets for the following reasons:

- Architectural quality: Both The Lodge and the piers are of considerable age and therefore show interesting features, such as the pineapple urn capping's, and the small carriage stops at the base of the piers. All these things contribute to not only the aesthetic quality of these heritage assets but assist in understanding more of the history of the site and the Listed Building.
- Relationship with designated heritage assets: Although not curtilage listed, the piers and the lodge have a clear relationship with The Lawn, a designated Grade II heritage asset. The historic access to The Lawn has remained the same since at least the 1920's and therefore the current road layout, and positioning of the heritage assets confirms this notion.
- The historic access point, piers, and lodge reflect the traditional functional use of the area and contributed positively to the character and appearance of the area.

8.9 Paragraph 197 of the NPPF states "In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset." It is considered that the orientation of the proposed dwelling does not acknowledge the Lodge on the opposite side which is orientated towards the lane. As stated in previous Conservation Officer comments, there were concerns that the proposed building would "appear to be shoe horned in at right angles to the drive thus having no relationship with it, or the lodge, and also appearing cramped" and it is considered that few changes have been made to the building in this respect and *therefore the proposals have not overcome the harm identified. Similarly, although the scale and design have been altered since the previous application, it is considered that they remain too grand and overly dominant for its location at the entrance to the drive, where traditionally ornate gates, piers and modest lodges would be positioned as a decorative group. The design is not "lodge-like" in appearance and is too large in scale to be considered part of the existing decorative group. It is considered that any new structure should be single storey, or at least one and a half storeys and given that the proposed design is currently two storeys with a large roof this would not be considered acceptable from a conservation perspective.* In light of the above assessment it is considered that the proposed works would have a negative effect on the significance of the non-designated heritage assets due to the scale, orientation, and design of the proposed dwelling.

8.10 *With the above taken into account, it is considered that the proposed replacement dwelling would cause less than substantial harm to the Heritage Assets (Listed Building and Conservation Area) and this is not outweighed by public benefit. As such, it is considered that the proposal would fail to comply with policy LB2 of the Councils Local Plan and Section 16 (Conserving and enhancing the historic environment) of the NPPF (February 2019).*

Character

8.11 National Planning Policy Framework Section 12 (Achieving well-designed places) and Local Plan Policy DG1 advises that all development should seek to achieve a high quality of design that improves the character and quality of an area. Additionally, policy H11 states '*in established residential areas, planning permission will not be granted for schemes which introduce a scale or density of new development which would be incompatible with or cause damage to the character and amenity of the area*'. By virtue of the locality of the proposed works, the replacement dwelling would be visible from the public realm and as such it is essential to assess the impact it would

have on the character of the area and locality in general, which would include the impact it would have on its more immediate setting within the lane it is accessed. In terms of built form, the street scene of Horton Road is characterised by detached properties multi brick dwellings with pitched roofs of a modest height. It is noted that the street scene is prominently characterised by 2 storey dwellings and there is a prominent use of brick providing boundary treatments to the front of sites which best fits the characteristic of a Leafy Residential Suburb as per the guidance of the RBWM Townscape Assessment. The application site is positioned on the western side of a single track lane and the existing dwelling currently fronts onto this lane. The application site sits directly adjacent, No. 65 are both single storey in nature, whereas the dwellings to the rear of the lane (The Lawn and Orchard Cottage) are greater in scale mass and bulk and set a significant distance from Horton Road and as such are not readily apparent when viewed from the public realm.

8.12 The proposed dwelling would be repositioned on the site to front Horton Road with access onto the site from the private lane to the east of the site. The proposed dwelling would be positioned 6 metres from the front boundary of the site at its nearest point and 8.5 metres at the furthest point. The dwelling would have a width of 14.6 metres and would be set closer to the eastern flank which adjoins the private access lane, with a distance of 2 metres and a distance of 10 metres to the west flank which is shared with neighbouring dwelling, No. 59 Horton Road. The 2 storey dwelling would encompass a crown roof with an eaves height of 6 metres and a maximum height of 9 metres (as measured on drawing No. FLU.830.07.J). Given, the proposed repositioning, removal of trees to the front of the site and increase in height, the proposed development would be readily apparent when viewed from the public realm. It is considered that the positioning of the dwelling on the site and the proposed footprint would remain in keeping with street scene. However, the proposed dwelling would have a height greater than that of the neighbouring dwellings to both the east and west of the site and as such would appear out of keeping in this regard. Additionally, it is considered that the overall height in combination with the crown roof design may create the perception of a 3 storey dwelling, particularly as this space could, in principle, be converted to habitable accommodation without requiring planning permission. With the above taken into account, it is considered that the proposed dwelling would appear inconsistent in this locality and consequently would have an incongruous impact on the character of the area and street scene in general which would be exemplified by visibility of the dwelling from Horton Road. Furthermore, though the proposed dwelling would be repositioned on the site so it would not front onto the lane, the significant increase in scale, mass and bulk of the dwelling would be readily apparent from it. The mass and bulk of the proposed dwelling and crown roof would have an overbearing impact when entering the lane and would no longer harmonise with No. 65, which is also single storey and positioned opposite the application site. With this taken into account, it is considered that the proposal would also have an adverse impact on the character of the lane.

8.13 With the above taken into account, it is considered that the proposed dwelling would result in overdevelopment of the plot which would appear inconsistent in the street scene and as such would have an adverse impact on its character on both the street scene and locality in general. In addition to this, the proposed scale, mass and bulk of the dwelling would appear unduly prominent given the close proximity to the front boundary of the site in combination with the overall height of the dwelling. Thus the proposal would be contrary to Section 12 of the NPPF policies DG1 and H10 of the Local Plan.

Neighbour Amenity

8.14 The proposed dwelling would not breach the 60 (ground floor) or 45 (first floor and above) degree angles when drawn from the centre points of the nearest habitable windows within the rear elevations of these neighbouring dwellings and as such it is considered that the proposal would not have an adverse impact to the light these rear elevations currently receive. Regard is also had for the side elevations of the east and west neighbouring dwellings, No. 59 and 65 Horton Road. The proposed dwelling would be located 10 metres from the west flank boundary which is shared with No. 59 Horton Road. This neighbouring dwelling is positioned a minimum distance of 8.6 metres from the shared boundary resulting in a minimum distance of 18.6 metres between

No. 59 and the proposed dwelling; though it is noted that the detached garage at this site falls within closer proximity. By virtue of the orientation of the site in combination with the positioning of the dwelling and the scale and mass proposed, the proposed dwelling would have some impact on the south east light the east side elevation No. 59 currently receives. However, it is noted that the south east light this dwelling currently receives is already impacted by the detached garage to the front. Whilst it is noted that particular concern has been raised for the ground floor window to the side elevation of No. 59, a planning history search of this neighbouring dwelling indicates that the existing ground floor side windows of No. 59 serve a utility room and kitchen, which are not habitable rooms. It is also noted that the window serving the kitchen is not the primary window for this room, as this is located in the dwellings rear elevation. Additional regard is had for the juxtaposition of the 2 dwellings as the proposed house would be set further forward and the distance which would remain between the proposed dwelling and No. 59 is approximately 18.5 metres (at the closest point). As such, given that the proposed dwelling would be set further forward than the existing dwelling at No. 59 in combination with the orientation of the site and the use of this neighbours existing side windows, it is considered that the proposed dwelling would not have a detrimental impact on the light this dwelling currently receives. By virtue of the distance which would remain between the proposed dwelling and east neighbouring dwelling, No. 65 in combination with the orientation of the site, it is considered that the proposal would not have an adverse impact on the sunlight and daylight this property currently receives as the sun travels around the front of the property.

- 8.15 The side elevations of the proposed dwelling would not encompass any first floor windows. It is considered that the proposed ground floor fenestration would not result in overlooking or a loss of privacy as the existing 1.6 metre wall which provides boundary treatment between the two would prevent this. The dwelling would encompass a number of first floor windows within both the front and rear elevations which would serve both habitable and non-habitable rooms. By virtue of the positioning of the proposed dwelling, the windows within the rear elevation would face the rear boundary. Whilst it is noted that the views these windows would provide differ from those available from the existing dwelling by virtue of its single storey nature, it is considered that these would not result in overlooking or a loss of privacy to the nearest neighbouring dwellings. Additional regard is had for recent refusal 18/03610/FULL on the site for a larger replacement dwelling which raised concern regarding the impact the rear facing windows would have on the privacy of neighbouring dwelling, No. 59. The current scheme, subject of this application, is positioned 10 metres away from this shared boundary, with the overall width of the dwelling reduced and would maintain the mature tree on the boundary which provides screening between the two sites. With the amendments taken into account, it is considered that the proposed dwelling would not result in overlooking or a loss of privacy to this neighbouring dwelling and that the relationship which would be created between the two sites as a result of the proposed works would not be abnormal in a suburban area such as this. Furthermore, additional regard is had for the concerns raised for the loss of privacy resulting from the proposed removal of trees. As per the submitted drawing FLU.830.01.K, trees on the south flank would be removed as a result of the proposed works. It is noted that these trees do not provide a level of screening between the application site and neighbouring properties by virtue of their positioning and as such, the removal of these would not result in a loss of privacy. Irrespective of this, the assessment of the removal of these trees has been considered on its individual merit within paragraphs 8.17 – 8.20 of this report.
- 8.16 With the above taken into account, it is considered that the proposed dwelling would not have an adverse impact on the sunlight daylight or privacy the nearest neighbouring properties currently receive.

Trees and Landscaping

- 8.17 It is noted that the trees marked out and labelled on the existing and proposed site layout plans (drawing no. FLU.830.1.K) are inconsistent with the information provided within the tree protection plan submitted. The assessment of the application subject of this report, in respect to the impact on trees, has been carried out against the information provided in the tree protection plan (please see appendix E) Tree Preservation Order 4 of 1973 protects the veteran Oak tree,

listed as T4 on the applicant's tree survey. The RPA has not been drawn accurately onto the tree constraints plan as there is unlikely to be any rooting underneath the existing house and the neighbour's house and therefore a commensurate area needs to be applied around the remaining radius. This would indicate a greater incursion into the RPA of the Oak, T4, by the proposed house than shown on the plan. The future viability of the tree cannot be assured and therefore it should be assumed the tree will be lost should the proposal be implemented. This is unacceptable.

- 8.18 The two existing parking bays in the north western corner of the site are to be retained and there may be future pressure to introduce a hard surfaced path to provide a direct link between them and the proposed house. Point 7.4 of BS5837 recommends that no construction, including the installation of new hard surfacing, is introduced within a veteran tree's RPA. A path could hence cause a conflict. Government standing advice in terms of mitigation measures for development includes the provision of a buffer: *a buffer zone around an ancient or veteran tree should be at least 15 times larger than the diameter of the tree. The buffer zone should be 5m from the edge of the tree's canopy if that area is larger than 15 times the tree's diameter.* This standing advice was published in October 2014 after BS5837:2012, and provides a greater protection area for such important trees. The veteran Oak has a stem diameter of 1330mm and this multiplied by 15 equals 19.950m. This standing advice has not been adhered to in this instance.
- 8.19 Additionally, the proposal removes most of the vegetation in the southern area of the site, close to the boundary with Horton Road, converting soft ground to driveway. There is insufficient space for new planting between the front boundary and the driveway and hence the house could not be effectively screened or soften when viewed from Horton Road.
- 8.20 With the above taken into account, it is considered that the proposed replacement dwelling would fail to comply with policies N6 and DG1 of the Councils Local Plan.

Parking and Highways

- 8.21 The design and access statement submitted in support of the application details that the required off street parking provision for 3 vehicles would be provided by the proposed new car port and new driveway. However it is noted that the proposed plans and elevations do not include either of these. Irrespective of this, it is considered that the application site could provide this amount of parking, given its size. In addition to this, it is noted that the highways authority have recommended that a pre occupation condition is included in the event of planning permission being granted in this instance, which would require details for the [vehicle parking and turning space to be provided, surfaced and marked out in accordance with a layout that has first been submitted to and approved in writing by the Local Planning Authority.](#)

Archaeology

- 8.22 Berkshire Archaeology have deemed that there are some archaeological implications with the proposed new dwelling given that the site lies within the floodplain and gravel terraces of the River Thames, which have been a focus of settlement, agriculture and burial from the earlier prehistoric period to the present day as evidenced by data held by Berkshire Archaeology's Historic Environment Record. Additionally, early OS maps show that this site was part of the formal garden of the "lawn estate", the main building of which still exists as a listed structure just 20 metres north west of this site and 75 metres north of the site, near to the 18th C icehouse or cold store, an archaeological evaluation found a number of pits and shreds of Iron Age pottery.
- 8.23 Therefore the application site falls within an area of archaeological significance and archaeological remains may be damaged by ground disturbance for the proposed development. It is therefore recommended that a pre commencement condition securing a programme of works in the event of planning permission being granted in this instance in order to mitigate the impacts of development in accordance with Paragraph 141 of the NPPF which states that local planning authorities should '*require developers to record and advance understanding of the significance of*

any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publically accessible’.

Other Material Considerations

- 8.24 It is noted that nearby listed building, The Lawn, was not directly notified of the proposed works. Whilst in close proximity, the application site does not adjoin that of The Lawn. The Town and Country Planning (Development Management Procedure) (England) Order 2015, Section 15(5) (b) states that notice must be served on adjoining occupiers and owners. Irrespective of this, it is noted that a site notice was posted on 13th May 2019.
- 8.25 Significant weight is to be accorded to the relevant Borough Local Plan Submission Version policies in this case. The above application is considered to comply with the relevant policies listed within the Development Plan and the Borough Local Plan Submission Version.

9. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 9.1 The development is CIL liable. The proposed floorspace of the dwellings is 237 m2.

10. APPENDICES TO THIS REPORT

- Appendix A – Existing and proposed site layout
- Appendix B – Proposed rear and side elevations
- Appendix C – Proposed front and side elevations
- Appendix D – Proposed ground and first floor plans
- Appendix E – Tree Protection Plan

11. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 1 The size, siting, height and design of the proposed dwelling would adversely affect the setting of the listed building. The proposal would have a negative impact on the setting of a listed building, and associated heritage assets. The harm identified has not been outweighed by any public benefit as required by Paragraph 196 of the National Planning Policy Framework. The proposal is therefore considered contrary to Policy LB2 of the Councils Local Plan, section 16 of the National Planning Policy Framework.
- 2 The proposed dwelling, by reason of its scale and siting would result in overdevelopment of the plot which would appear as a visually incongruous addition within this part of the street scene. Additionally, the proposed dwelling would appear unduly prominent given the close proximity to the front boundary of the site in combination with the overall mass and bulk of the dwelling. The scheme therefore conflicts with Section 12 of the National Planning Policy Framework (NPPF) (July 2018), policies DG1 and H10 of the RBWM Local Plan and policy SP3 of the Borough Local Plan Submission Version.
- 3 The proposed development fails to adequately secure the protection of important TPO tree close to the west flank of the site which contributes positively to the character and appearance of the area. The works would also impact views of the tree from Horton Road by virtue of the scale of the development. The proposed dwelling would fail to comply with policies N6 and DG1 of the Councils Local Plan and NR2 of the BLPSV.

Appendix A *Existing and Proposed Site Layouts*



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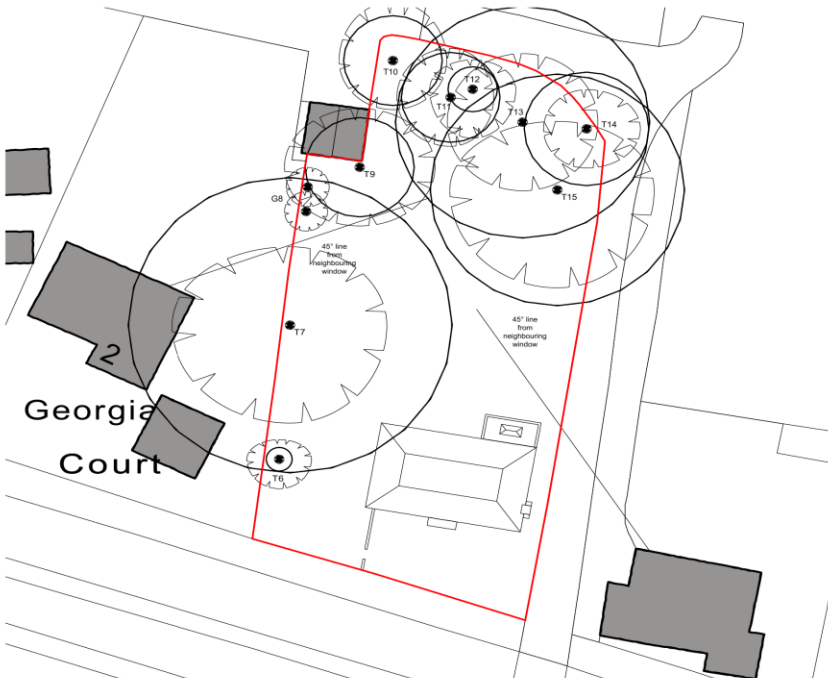
Location Plan

Scale 1:1250



Existing Site Layout

Scale 1:500



Proposed Site Layout

Scale 1:500

Appendix B
Proposed Elevations



Proposed Rear Elevation



Proposed Side Elevation

Appendix C
Proposed Elevations



Proposed Front Elevation



Proposed Side Elevation

Appendix D
Proposed Floor Plans



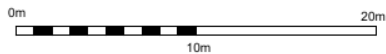
Proposed Ground Floor Plan



Proposed First Floor Plan

Appendix E

Tree Protection Plan



LPA - Royal Borough of Windsor
& Maidenhead

108

Very small incursion
within RPA of Oak T4
($3.5/706 \times 100 = 0.5\%$)

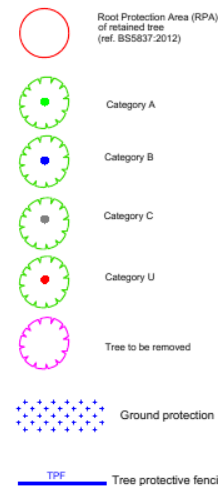
Exg dwelling & garage

Proposed dwelling

Proposed driveway



INDICATIVE



Plan to be printed in colour and to scale
DRAWING TITLE

Tree Protection Plan

61 Horton Road
Datchet
Slough SL3 9HD

SCALE	DATE	DRAWN BY
1:250 (A3)	05.04.19	AP
DRAWING NUMBER	REV	
TPP/APA/AP/2019/001	B	

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Planning Appeals Received

24 May 2019 - 21 June 2019

WINDSOR

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

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

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

Ward:				
Parish:	Sunninghill And Ascot Parish			
Appeal Ref.:	19/60045/REF	Planning Ref.:	18/03084/FULL	Plns Ref.: APP/T0355/D/19/3226517
Date Received:	28 May 2019	Comments Due:	Not Applicable	
Type:	Refusal	Appeal Type:	Householder	
Description:	Detached garage with first floor accommodation			
Location:	Briar House Carbery Lane Ascot SL5 7EJ			
Appellant:	Mr And Mrs Bolland Briar House Carbery Lane Ascot SL5 7EJ			
Ward:				
Parish:	Sunninghill And Ascot Parish			
Appeal Ref.:	19/60047/REF	Planning Ref.:	18/00311/FULL	Plns Ref.: APP/T0355/W/19/3220196
Date Received:	4 June 2019	Comments Due:	9 July 2019	
Type:	Refusal	Appeal Type:	Written Representation	
Description:	Erection of 2 No. detached dwellings with associated garaging, parking and landscaping.			
Location:	Land At Maryland Horse Gate Ride Ascot			
Appellant:	Mr G Scott c/o Agent: Mr Graham Sturdy Planning And Design Surrey Fine And Country M S L House 5 - 7 High Street Sunninghill Ascot SL5 9NQ			
Ward:				
Parish:	Wraysbury Parish			
Appeal Ref.:	19/60049/REF	Planning Ref.:	18/03063/FULL	Plns Ref.: APP/T0355/D/19/3226244
Date Received:	10 June 2019	Comments Due:	Not Applicable	
Type:	Refusal	Appeal Type:	Householder	
Description:	Raising of roof to form two storey dwelling with accommodation in roof space. Part two, part single storey front/side extension, changes to the external finish and raising roof of existing garage to create first floor habitable accommodation.			
Location:	100 Ouseley Road Wraysbury Staines TW19 5JH			
Appellant:	Mr Pele Bhamber c/o Agent: Mr Chris Keen The Keen Partnership Ltd The Courtyard Edinburgh Road Reading RG30 2UA			

Ward:
Parish: Sunningdale Parish
Appeal Ref.: 19/60050/REF **Planning Ref.:** 18/00624/FULL **Plns Ref.:** APP/T0355/W/19/3221751
Date Received: 10 June 2019 **Comments Due:** 15 July 2019
Type: Refusal **Appeal Type:** Written Representation
Description: Erection of a building comprising 10 apartments (4 x 3 bed and 6 x 2 bed apartments) following demolition of the existing dwelling
Location: **Hill House Cross Road Sunningdale Ascot SL5 9RX**
Appellant: Mr Dudley Mills **c/o Agent:** Mr Paul Dickinson Paul Dickinson And Associates Highway House Lower Froyle Hants GU34 4NB

Ward:
Parish: Sunninghill And Ascot Parish
Appeal Ref.: 19/60051/PRPA **Planning Ref.:** 19/00984/TPO **Plns Ref.:** APP/TPO/T0355/7457
Date Received: 11 June 2019 **Comments Due:** Not Applicable
Type: Part Refusal/Part Approval **Appeal Type:** Fast Track Appeal
Description: T1 Silver Birch: Fell and replant with Maple. T2 Tulip: Reduce canopy by 2m.
Location: **17 Woodlands Close Ascot SL5 9HU**
Appellant: Mrs Sheila Turner **c/o Agent:** Mrs Celia Goddard Out There Trees Ltd Penny Farthing Cottage Foxhills Road Ottershaw Chertsey Surrey KT16 0ES

Appeal Decision Report

24 May 2019 - 21 June 2019

WINDSOR



Appeal Ref.: 19/60012/REF **Planning Ref.:** 18/02312/FULL **Plns Ref.:** APP/T0355/W/19/3221938
Appellant: Mr Eugene Williams **c/o Agent:** Mrs Jennifer Smith Smith Jenkins Ltd 5 Warren Court Warren Park Milton Keynes MK12 5NW
Decision Type: Delegated **Officer Recommendation:** Refuse
Description: Replacement dwelling and garage.
Location: **1 Kingswood Creek Wraysbury Staines TW19 5EN**
Appeal Decision: Dismissed **Decision Date:** 31 May 2019

Main Issue: The Inspector concluded that the replacement building would be materially larger than the buildings it would replace and the increase in height and overall bulk of the replacement building would have a greater physical impact, compared with those currently on the site. The dwelling would also be more visually prominent than the extant buildings which would result in a greater loss of openness. It was also considered that the proposed development would cause unacceptable harm to the character and appearance of the Kingswood Creek street scene. The harm identified would not be clearly outweighed by other consideration in support of the application, whether taken individually or cumulatively. Consequently no very special circumstances exist to justify inappropriate development in the Green Belt.

Appeal Ref.: 19/60018/NOND ET **Planning Ref.:** 18/02895/FULL **Plns Ref.:** APP/T0355/W/19/3219593
Appellant: Jonathan Evans **c/o Agent:** Mr Eric Telford Telford Planning Associates 1 Whinbarrow Close Aspatria Wigton CA7 3HE
Decision Type: Delegated **Officer Recommendation:** Would Have Refused
Description: Erection of guest accommodation building
Location: **The Oxford Blue 10 Crimp Hill Old Windsor Windsor SL4 2QY**
Appeal Decision: Dismissed **Decision Date:** 6 June 2019

Main Issue: The Inspector found that the proposed development would be inappropriate development in the Green Belt and would therefore cause harm to the Green Belt. In addition significant harm would be caused by the development to the occupiers of No 9 Crimp Hill in terms of loss of outlook.

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