

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

will meet on

WEDNESDAY, 6TH NOVEMBER, 2019

At 7.00 pm

in the

GREY 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, JULIAN SHARPE, SHAMSUL SHELIM AND AMY TISI

SUBSTITUTE MEMBERS

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

Karen Shepherd – Head of Governance - Issued: 29 October 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

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

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

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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>	9 - 10
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 accessing the Planning Applications Public Access Module at http://www.rbwm.gov.uk/pam/search.jsp</p> <p><u>Key:</u></p> <p><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>	11 - 14
4.	<p><u>18/03213/FULL - 6 FANKLYN CRESCENT, WINDSOR SL4 4YT</u></p> <p>Proposal: Side/rear boundary fence (Retrospective).</p> <p>Recommendation: REF</p> <p>Applicant: Mr Holliday</p> <p>Member Call-in: Cllr Bicknell</p> <p>Expiry Date: 29 March 2019</p>	15 - 22
5.	<p><u>18/03584/REM - 151-153 CLARENCE ROAD WINDSOR</u></p> <p>Proposal: Reserved matters application (appearance, landscaping, layout and scale) pursuant to outline planning permission 17/02566/OUT (allowed on appeal) for demolition of 151-153 Clarence Road and construction of 3</p>	23 - 40

storey building with accommodation in the roof and associated car parking and landscaping ([10/10/191 - Amended design and scale. Floor plans, elevations and site plan have been amended].

Recommendation: PERM

Applicant: Mr Collette

Member Call-in: N/A

Expiry Date: 8 November 2019

6. 19/00729/FULL - BEECHGROVE AND COTTAGE AT BEECHGROVE, CHURCH LANE, ASCOT 41 - 64

Proposal: Erection of a building comprising of 14 apartments plus basement parking, relocation of the existing Church Lane access, and new landscaping following demolition of the existing dwelling and all associated outbuildings

Recommendation: DD

Applicant: Mr Barter - Millgate

Member Call-in: N/A

Expiry Date: 17 June 2019

7. 19/01555/FULL - DATCHET COMMON, HORTON ROAD, DATCHET, SLOUGH 65 - 76

Proposal: Change of use of land to the stationing/parking of motor vehicles and siting of a porta-cabin (Retrospective).

Recommendation: REF

Applicant: Msrs Loveridge and Giles

Member Call-in: Cllr Muir

Expiry Date: 2 September 2019

8. 19/01761/FULL - ST PETERS CE MIDDLE SCHOOL, CRIMP HILL, OLD WINDSOR, WINDSOR SL4 2QP 77 - 94

Proposal: Proposed two storey classroom block, new cycle store and alterations to the boundary treatment including new pedestrian and vehicular entrance gates, following demolition of the existing single storey building.

Recommendation: PERM

Applicant: Danuta Longworth-Krafft

Member Call-in: N/A

Expiry Date: 6 September 2019

9.	<u>ESSENTIAL MONITORING REPORTS (MONITORING)</u>	95 - 100
	To note the Essential Monitoring reports.	
10.	<u>LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF THE PUBLIC</u>	
	To consider passing the following resolution:- “That under Section 100 (A)(4) of the Local Government Act 1972, the public be excluded from the remainder of the meeting whilst discussion takes place on item 11 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1, 2 and 6 of Part I of Schedule 12A of the Act”.	

PRIVATE MEETING - PART II

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
11.	<u>PLANNING APPLICATION (DECISION) 19/01452</u> To consider the above planning application.	-

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LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

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

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

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

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

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

“Comments Awaited”.

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

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

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

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

STATEMENT OF THE HUMAN RIGHTS ACT 1998

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

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

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

MEMBERS' GUIDE TO DECLARING INTERESTS IN MEETINGS

Disclosure at Meetings

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

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

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

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

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

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

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

Prejudicial Interests

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

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

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

Personal interests

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

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

Agenda Item 3

WINDSOR AREA DEVELOPMENT MANAGEMENT PANEL

WEDNESDAY, 2 OCTOBER 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 and Ashley Smith

APOLOGIES FOR ABSENCE

None.

DECLARATIONS OF INTEREST

Cllr Hilton – Declared a personal interest in item 19/01114/FULL as his wife was a parish councillor for Ascot & Sunninghill; therefore, Councillor Hilton knew the speaker. He attended Panel with an open mind.

Cllr Sharpe – Declared a personal interest in item 19/01114/FULL as his wife was the Chairman of Ascot & Sunninghill parish council so he was aware of PCllr Robin Wood who had registered to speak. He attended Panel with an open mind.

MINUTES

RESOLVED UNANIMOUSLY: That the minutes of the meeting held on 4 September 2019 be approved.

19/01114/FULL - LAND TO SOUTH OF ASCENTIA HOUSE, INCLUDING LYNDHURST BUILDINGS, WEST OF ASCOT BUSINESS PARK, LYNDHURST ROAD

<p>19/01114/FULL</p> <p>Land to the South of Ascentia House, Including Lyndhurst Buildings, West of Ascot Business Park, Lyndhurst Road</p>	<p>Construction of a two storey building comprising of a ground floor car showroom, first floor offices, three single storey industrial units, new vehicular access and associated parking following the demolition of existing buildings.</p> <p>A motion was put forward by Councillor Hilton to delegate the application to the Head of Planning to approve. This was seconded by Councillor W. Da Costa.</p> <p>The motion was amended to add a request that the Head of Planning attempt to negotiate additional trees in to the scheme (for environmental reasons), if this was not practical then this issue could be left out of the approval following consultation with the panel Chair.</p>
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	<p>The Panel voted unanimously to approve the application</p> <p>(The Panel were addressed by PCllr Robin Woods).</p>
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19/01373/FULL - WINDSOR WINE & GIFTS 1 THAMES STREET WINDSOR SL4 1PL

<p>19/01373/FULL</p> <p>Windsor Wine & Gifts 1 Thames Street Windsor SL4 1PL</p>	<p>Change of use of ground floor from A1 (shops) and B1 (a) (offices) to A3 (restaurants/cafes) to include replacement and repositioning of front entrance door, addition of an awning and new signage. 1 x one bedroom and 4 x 2 bedroom flats over the first, second and third floor with new ground floor side access and a roof level mansard extension.</p> <p>A motion was put forward by Councillor W. Da Costa to permit the application. This was seconded by Councillor Tisi.</p> <p>The Panel voted unanimously to delegate the application to the head of planning to approve.</p> <p>As part of the motion the panel voted to give authority to the Head of Planning to amend the description, proposal or conditions as considered appropriate.</p> <p>(The Panel were addressed by Dan Di-Lieto, the agent on behalf of the applicant).</p>
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19/01555/FULL - DATCHET COMMON HORTON ROAD DATCHET SLOUGH

<p>19/01555/FULL</p> <p>Datchet Common Horton Road Datchet, Slough</p>	<p>Change of use of land to the stationing/parking of motor vehicles and siting or a porta-cabin (retrospective).</p> <p>This item was WITHDRAWN from the agenda at the request of the applicant.</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 7.45 pm

CHAIRMAN.....

DATE.....

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Agenda Item 4

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

WINDSOR URBAN DEVELOPMENT CONTROL PANEL

6 November 2019

Item: 4

Application No.:	18/03213/FULL
Location:	6 Franklyn Crescent Windsor SL4 4YT
Proposal:	Side/rear boundary fence (Retrospective)
Applicant:	Mr Holliday
Agent:	Not Applicable
Parish/Ward:	Windsor Unparished/Park Ward
If you have a question about this report, please contact: Joshua Clayman on 01628 682978 or at joshua.clayman@rbwm.gov.uk	

1. SUMMARY

- 1.1 The application is for retrospective permission for the installation of a side and rear boundary fence. The design of the fence and its position enclosing previously open land are considered to be harmful to the character and appearance of the surrounding area. The fence is also installed in close proximity to two protected Oak trees and no information has been submitted to demonstrate that the works have not caused any harm to the health of these trees.

It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 9 of this report):	
1.	The development fully encloses previously open land laid to lawn, representing a reduction in public visual amenity. This adversely impacts the appearance of the street scene and surrounding area, which is characterised by open plan soft landscaped areas to the sides of properties occupying corner plots. Furthermore, the fence itself is of poor design and furthermore by virtue of its height and positioning is contrary to policy.
2.	No arboricultural information has been submitted with the application and the development therefore has an unknown, potentially adverse, impact on the roots of the two adjacent protected oak trees.

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Bicknell, if the recommendation of the Head of Planning is to refuse the application. The stated reason is 'Resident Disputes'.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site contains a detached dwelling with spacious garden areas to the front (east), side (south) and rear (west) of the property. It occupies a 'corner' plot on the inside curve of Franklyn Crescent, towards the end of this cul-de-sac located in south-western Windsor. The character of the area is a green generally open-plan residential estate, which the RBWM Townscape Assessment denotes as being Late 20th Century Suburbs (1960s onwards). There are a number of mature trees (mixed species) in the surrounding area protected under Tree Preservation Order Woodland 002/1960/TPO, including two mature oaks on the application site.
- 3.2 Prior to the development, the area to the south of the property was open land laid to lawn, with boundary treatment adjacent to the pavement consisting only of low shrubbery. The private rear

garden of the property was separated from this land by a brick wall. The fence considered under this application encloses the open area of land. It has already been constructed and is described in section 4.1.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The application seeks retrospective planning permission for the retention of the existing side/rear boundary fence. According to the application form, it has been completed since 2nd October 2017. This is a brown willow screen installed up to the edge of the adopted highway pavement of Franklyn Crescent. It continues into the site, attaching to the side brick wall, and it also partially runs along the rear boundary with 8 Franklyn Crescent. The original block plan submitted with the application only showed the part adjacent the highway but the new block plan received on 18th February 2019 shows the full extent of the constructed fence. The full fence constructed measures roughly 35 meters in total length. The height of the side fence has been measured as 1.80 metres above ground level by the Case Officer. Since the receipt of this planning application, a section of the rear fence (annotated on the block plan) has been reduced to roughly 1.5 metres high and immediately behind the fence a hedge has been planted.
- 4.2 The fence is considered to constitute development under Section 55 of the Town and Country Planning Act 1990 as it is a building operation. It does not constitute permitted development under Schedule 2, Part 2, Class A (gates, fences, walls etc.) of Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This is because it is adjacent to a highway used by vehicular traffic and has a height above ground level of 1.80m. It has not been in place for a period of more than 4 years. It follows that it is open to enforcement action and planning permission is required for its retention.
- 4.3 Whilst the application form references the fence having been erected ‘temporarily’, this retrospective planning application is for the permanent retention of the fence in situ. Please see paragraphs 6.15 – 6.16 of this report for a discussion of temporary planning permission conditions, which are not considered appropriate in the case of this development.
- 4.4 There is no relevant planning history for the site. The original planning permission for the estate is not available.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 Royal Borough of Windsor and Maidenhead Local Plan 1999 (Inc. Adopted Alterations 2003)

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

	Within settlement area	Highway Safety	Protected Trees
Local Plan	DG1	T5	N6

These policies can be found at:

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

5.2 Borough Local Plan: Submission Version 2018

Issue	Borough Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Acceptable impact on protected trees	NR2
Safe sustainable transport	IF2

The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was

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

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

5.3 Other Local Strategies or Publications

Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment - Chapter 10: Late 20th Century Suburbs (1960s onwards)

5.4 National Planning Policy Framework (NPPF) 2019

Section 2: Achieving sustainable development

Section 4: Decision-making

Section 9: Promoting sustainable transport

Section 12: Achieving well-designed places

Section 15: Conserving and enhancing the natural environment

Available at:

<https://www.gov.uk/government/collections/revised-national-planning-policy-framework>

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- Whether the proposal causes harm to the character and appearance of the street scene and surrounding area
- Whether the development has an acceptable impact on protected trees
- Whether the development adversely affects highway safety

Character and Appearance

6.2 The appearance of a development is a material planning consideration. Section 12 (Achieving well-designed places) of the NPPF 2019, Local Plan policy DG1, and Borough Local Plan policies SP2 and SP3 all advise that development should seek to achieve a high quality of design that improves the character and quality of an area.

6.3 The application site forms part of a residential estate consisting of medium to large detached properties. The majority have moderate sized plots but those on the corner generally sit in comparatively larger plots, frequently with gardens to the front, side and rear. The enclosure by the fence has resulted in a direct loss of the characteristic open soft landscaping space to the side of 6 Franklyn Crescent. This is an important visual amenity feature within the existing street scene and therefore the enclosure of this area with this fence is detrimental to the character and appearance of the area. This is exacerbated further by the fencing being positioned immediately adjacent to the pavement on a prominent corner plot location.

- 6.4 The RBWM Townscape Assessment for Late 20th Century Suburbs recommends development *'retains the open character of front gardens, which is an important part of townscape character, avoiding enclosing walls, fences'* and *'respects the existing building line, including the retention of grass verges'*. The development results in the enclosure of open garden and does not respect the building line, hence it is not in accordance with this character assessment.
- 6.5 It is noted that a hedge is being grown along this boundary immediately behind the fence, also to enclose the land. Nevertheless, it is of material relevance that using a hedge as boundary treatment is less visually stark, more open in nature and more in keeping with the green character of the area than the fence. As discussed in 6.13, the hedge is not subject to planning controls. The existing fence, by virtue of its height of 1.80 metres is also considered to have a more significant adverse visual impact than any fence in this location permissible under permitted development, which could only be up to 1 metre above ground level.
- 6.6 In an email from the applicant dated 26th January 2019, various photographic examples of boundary treatments in the surrounding area are identified. Where corner plots are shown, these photos generally show open plan lawn to the side of the property, with boundary treatment limited to low planting. These photos ultimately support the view that the prevailing character of the estate is open plan and green, especially in the case of corner plots.
- 6.7 The willow roll fence appears as an incongruous physical boundary treatment. Whilst it is made up of thin individual slats with narrow gaps between, from a distance of roughly 3 metres and greater, it appears completely opaque. Hence, it is visually stark in its appearance and unduly prominent. Furthermore, the material used in the construction of the fence is flimsy and therefore it bows out rather than standing straight, marginally encroaching over the adopted highway pavement. It follows that, in addition to the harm caused to the character and appearance of the area by the enclosure of this land, the fence itself is regarded as of poor design. Whilst objections have been raised regarding the poor construction of the fence this is not a material planning consideration.
- 6.8 In conclusion, the development fully encloses previously open land laid to lawn, representing a reduction in public visual amenity. This adversely impacts the appearance of the street scene and surrounding area, which is characterised by open plan soft landscaped areas to the sides of properties which occupy corner plots. Furthermore, the fence itself is of poor design which has a negative visual impact. By virtue of its height, positioning and design, the development is contrary to saved Local Plan policy DG1, Borough Local Plan Submission Version policies SP2 and SP3 and Section 12 (Achieving well-designed places) of the NPPF 2019.

Protected Trees

- 6.9 Saved Local Plan policy N6 requires *'applications for new development to submit a detailed Tree Survey as part of a planning application wherever existing trees are a feature of the site'*. Borough Local Plan Submission Version policy NR2(5) states *'Where trees, hedgerow or woodland are present on site... applications will need to be accompanied by an appropriate tree survey, constraints plan, tree protection plan, and ecological assessment... The tree survey, tree constraints and tree protection plans shall comply with BS5837'*.
- 6.10 No arboricultural information has been submitted with the application to ascertain whether the fence has caused damage to the tree roots of the two adjacent oak trees covered by Tree Preservation Order Area 2 of 1960. The fence has an unknown, potentially adverse, impact on the health of these protected trees, which make a significant contribution to the character and amenity of the locality. Therefore, the development is concluded as being contrary to Local Plan policy N6 and Borough Local Plan Submission Version policy NR2.

Highway Safety

- 6.11 The fence does not stand straight and as a result the top of it marginally overhangs the inside edge of the pavement. However, the Highways team have not raised a concern in this regard and it is concluded that this overhang is not significant enough to have any adverse safety impact on pedestrians using the pavement.
- 6.12 It is concluded that the development has an acceptable impact on highway safety, therefore complying with saved Local Plan policy T5 and Borough Local Plan Submission Version policy IF2.

Other considerations

- 6.13 It is noted that a hedge is being grown along this boundary immediately behind the fence, also to enclose the land. 2 letters received raise an objection to this hedge. However, hedges do not constitute ‘development’ and since the original planning permission for the estate is not available, no planning condition restricting the planting of this hedge has been found. Any covenants or other non-planning agreements/consent, even those relevant to the construction of boundary fences, are not a material consideration in the determination of this planning application.
- 6.14 3 letters received also make reference to the completed construction of an outbuilding within the previously open grassed area. This planning application only concerns the side/rear boundary fence and therefore the outbuilding is not a material consideration in this application.

Use of temporary planning conditions

- 6.15 The applicant has indicated in section 4 of the application form that the fence has been constructed temporarily so as to support the growth of hedges to provide security, although the RBWM Trees Consultation Response indicates the fences are *‘reducing the amount of sunlight reaching the laurel hedge planted behind and therefore will compromise the growth of the hedge at the lower levels’*.
- 6.16 This planning application is for permanent retention of the fence and would only be a temporary planning permission if a planning condition was added to this effect. Government guidance suggests *“A condition limiting use to a temporary period only where the proposed development complies with the development plan, or where material considerations indicate otherwise that planning permission should be granted, will rarely pass the test of necessity”*. Suggested exceptions to this include *‘where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period’*. Neither of these exceptions are applicable to the development. Furthermore, the retention of the fence for a temporary period would not overcome the identified ongoing planning policy conflicts discussed elsewhere in this report. Therefore, approval subject to a temporary retention condition is not deemed appropriate for this planning application.

7. CONSULTATIONS CARRIED OUT

7.1 Comments from interested parties

12 neighbouring properties were notified directly of the application by post.

The Planning Officer posted a site notice advertising the application at the site on 20th December 2018.

6 letters were received objecting to the application. These letters are summarised as:

Comment		Where in the report this is considered
1.	Enclosure of land by high fence negatively impacts open character of area.	6.2 – 6.8
2.	New outbuilding constructed in previously open area.	6.14

3.	Hedges planted on boundary.	6.13
4.	Fence supposedly temporary but it has been in place since 2017 and this planning application is for permanent planning permission.	6.15 - 6.16
5.	Site plan does not show full extent of fence.	4.1
6.	Contrary to property covenants	6.13
7.	Fence is of poor design and construction.	6.7

7.2 Other consultees

Consultee	Comment	Where in the report this is considered
RBWM Trees	<p>Extracts from initial consultation response:</p> <p><i>Tree Preservation Order 2 of 1960 covers the property and in particular protects the two oak trees growing on the frontage. The bamboo fence has been installed up to the edge of the highway, but because it is flimsy it is bowing out and encroaching over the adopted highway pavement, causing a partial obstruction. It is also reducing the amount of sunlight reaching the laurel hedge planted behind and therefore will compromise the growth of the hedge at the lower levels.</i></p> <p><i>The installation of the fence, due to the supports, may have potentially caused some very slight damage to the roots of the Oaks, where within the trees root protection areas closest to their stems. However, it appears the supports are not so robust, and this could lead to pressure in future to upgrade. Any upgrade could cause damage to tree roots.</i></p> <p><i>Given the above, I therefore object to the retrospective proposal under N6 and DG1.</i></p> <p>Follow up consultation response:</p> <p><i>This is more difficult because it is a retrospective, but we would have recommended the fence be moved further away from the two prominent Oak trees, to ensure the installation of fence posts would not conflict with roots. Alternatively, for details of fence post holes and method of installation (including precautions to be taken to ensure roots over 1cm diameter are not damaged) to be submitted for approval – this could potentially have been conditioned. To determine whether damage has already been caused would require the fence posts to be removed and an examination of the holes to be carried out.</i></p> <p><i>Given the likelihood of the fence/supports to be upgraded in future, there is potential for damage to occur, so the preferable option would be to position the fence further away from the trees.</i></p> <p><i>The lack of arboricultural information, a BS5837 tree survey and details to demonstrate how the Oak trees can be adequately protected, could be a reason to refuse the</i></p>	6.9 and 6.10

	<i>application under policy N6.</i>	
RBWM Highways	<p>Access Arrangement: <i>The existing vehicle and pedestrian access is to be retained. The introduction of the fence will not have an impact on the existing access arrangements or visibility splays. The forward visibility splays will also not be affected.</i></p> <p><i>From undertaking a recent site visit the side/rear temporary fence is positioned off the public highway in front of the existing high laurel hedge.</i></p> <p>Parking Provision / Requirement: <i>Not affected by the proposal.</i></p> <p>Summary: <i>The Highway Authority offers no objection to the proposal.</i></p>	6.11 – 6.12

8. APPENDICES TO THIS REPORT

- Appendix A – Amended block plan received on 18th February 2019.
- Appendix B – Photograph taken by Case Officer on 4th October 2019.

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

This recommendation is made following careful consideration of all the issues raised through the application. The Case Officer has sought solutions to these issues where possible to secure a development that improves the economic, social and environmental conditions of the area, in accordance with NPPF 2019.

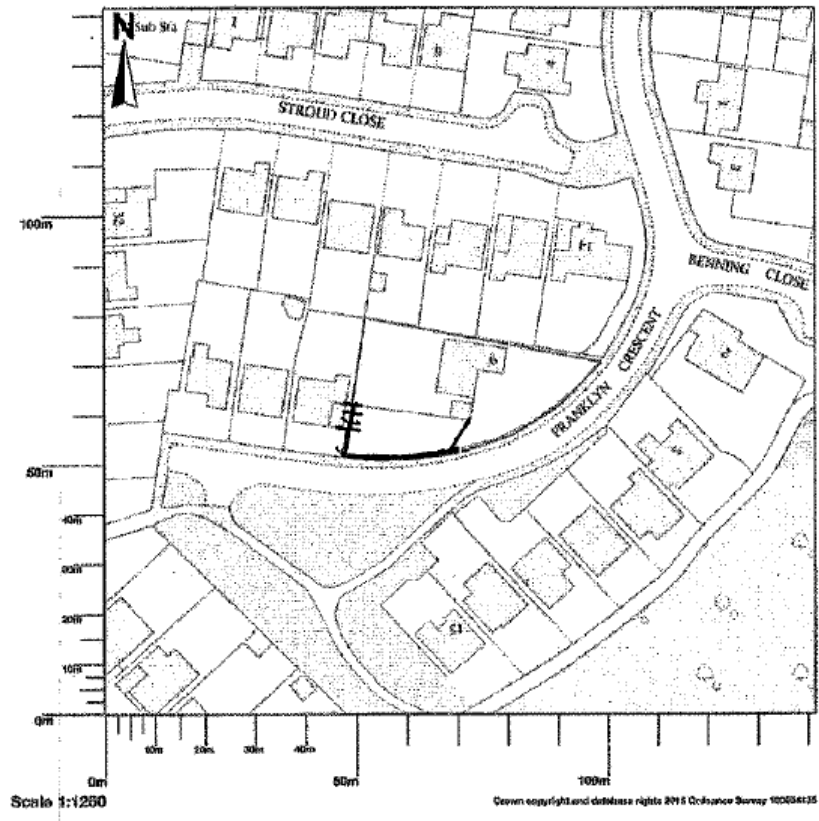
In this case the issues have been unsuccessfully resolved.

9. REASONS RECOMMENDED FOR REFUSAL

- 1 The development fully encloses previously open land laid to lawn, representing a reduction in public visual amenity. This adversely impacts the appearance of the street scene and surrounding area, which is characterised by open plan soft landscaped areas to the sides of properties occupying corner plots. Furthermore, the fence itself is of poor design and furthermore by virtue of its height and positioning is contrary to saved policy DG1 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Including Adopted Alterations 2003), Borough Local Plan Submission Version 2018 policies SP2 and SP3, and Section 12 (Achieving well-designed places) of the NPPF 2019.
- 2 No arboricultural information has been submitted with the application and an inspection of the fence installation has not been undertaken to ascertain whether the fence has caused damage to the tree roots of the two adjacent oak trees covered by Tree Preservation Order Area 2 of 1960. The fence has an unknown, potentially adverse, impact on the health of these protected trees, which make a significant contribution to the character and amenity of the locality. Therefore, the development does not comply with saved policy N6 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Including Adopted Alterations 2003) and Borough Local Plan Submission Version 2018 policy NR2.

Appendix 1 – Block Plan submitted on 18th February 2019

6 Franklyn Crescent, Windsor, SL4 4YT



Appendix 2 – Photograph taken by Case Officer on 4th October 2019



6 November 2019

Item: 5

Application No.:	18/03584/REM
Location:	151 - 153 Clarence Road Windsor
Proposal:	Reserved matters application (appearance, landscaping, layout and scale) pursuant to outline planning permission 17/02566/OUT (allowed on appeal) for demolition of 151-153 Clarence Road and construction of 3 storey building with accommodation in the roof and associated car parking and landscaping [10/10/19I - Amended design and scale. Floor plans, elevations and site plan have been amended]
Applicant:	Mr Collett
Agent:	Not Applicable
Parish/Ward:	Windsor Unparished/Clewer North Ward
If you have a question about this report, please contact: Charlotte Goff on 01628 685729 or at charlotte.goff@rbwm.gov.uk	

1. SUMMARY

- 1.1 This is a reserved matters application seeking approval for appearance, landscaping, layout and scale pursuant to outline planning permission 17/02566/OUT. The access to the site has already been approved as part of the outline planning permission.
- 1.2 This reserved matters application is for 14 x 2 bed units. The building proposed is a three storey building, with accommodation in the roof served by gables and dormers.
- 1.3 The development proposed is considered to respect the character, layout and form of the surrounding residential development and provide a successful transition to the adjacent buildings. Consequently, the effect of the development on the character and appearance of the area, and neighbouring residential properties is acceptable and there is no conflict with saved policies DG1, H10 and H11 of the Local Plan or NPPF (2019).

It is recommended the Panel grants planning permission with the conditions listed in Section 11 of this report.

2. REASON FOR PANEL DETERMINATION

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

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is located on the northern side of Clarence Road, in close proximity to the Goslar Way junction. At present, the site consists of a semi detached pair of houses, with its vehicular access and parking located to the rear and accessed via a single track between No. 153 and 155 Clarence Road.
- 3.2 The north of the site is located within Flood Zone 3, a very small portion in Flood Zone 2 and the rest of the site including the existing dwellings, in Flood Zone 1, which is the result of the site rising towards Clarence Road.
- 3.3 There are a number of large residential developments in the immediate vicinity of the site. Trevelyan Court, a 2-5 storey residential development is located to the south of the application site. Immediately adjacent to the application site is Castle View, Helston Lane, which has recently been completed. This is a 2-5 storey care apartment and 72 bed nursing home. Two further large apartment developments front Goslar Way roundabout to the east, which include Clarendon

Court (2-3 storey development of 41 apartments) and Pavilions, Clarence Road (3-5 storey development of 46 apartments).

- 3.4 The area to the west of the application site is considerably different in character, consisting of mainly 2-3 storey dwelling houses.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 This a reserved matters application seeking approval for appearance, landscaping, layout and scale pursuant to outline planning permission 17/02566/OUT.
- 4.2 This reserved matters application is for 14 x 2 bed units. The building proposed is a three storey building, with accommodation in the roof served by gables and dormers. The building proposed is approximately 8.3 metres to the eaves, 12.2 metres to the ridge. The building is approximately 23.8 metres in length, and 15.8 metres in width, and maintains a set back from the front boundary of the site of between 3-3.5 metres.
- 4.3 It should be noted that the matter of vehicular access and highway/pedestrian safety was considered and approved within the outline planning permission (17/02566/OUT). This application gave planning approval to the means of vehicular access to the whole site from Clarence Road, through the widening of the existing access road. This will be the principal access to the site.

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

5. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

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

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1, H10,H11
Highways	P4 and T5
Trees	N6

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 9- Promoting Sustainable Transport
 Section 11 – Making effective use of land

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, EP4
Makes suitable provision for infrastructure	IF1
Manages flood risk and waterways	NR1

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.

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

Other Local Strategies or Publications

6.3 Other Strategies or publications relevant 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

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

40 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 25th January 2019 and the application was advertised in the Local Press on 10th January 2019.

Three consultations were carried out on this application. The first on the 3rd January 2019 and second on the 25th April 2019 and a third on the 10th October 2019. 3 letters were received to the first consultation and 3 letters to the second consultation objecting to the application. At the time of writing this report, comments from the third consultation on the site were not available and will be reported within the panel update. The comments received from the 3rd January and 25th April consultations are summarised as:

Comment	Where in the report this is considered
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1.	Concern with size of the access road and highway and pedestrian safety	Paragraph 4.3 Access has been approved under application 17/02566/OUT and is not being considered as part of this application
2.	Applicant has no right of way over the access road	This is not a planning matter.
3.	Parking provision is insufficient for the development	8.24-8.25
4.	Overdevelopment of the site and out of scale. Proposal is a 4 storey building not 3 storey.	8.5, 8.12-8.14
5.	Proposal will have a negative impact on the character of Clarence Road and townscape.	8.16-8.18
6.	Mature trees will be lost and proposed planting is very low	8.10
7.	Loss of light to adjacent properties and overlooking to kitchen/garden areas	8.19-8.20
8.	Increase in the number of windows overlooking No, 155.	8.20

Statutory consultees

Consultee	Comment	Where in the report this is considered
Environment Agency	No comments	n/a

Consultees

Consultee	Comment	Where in the report this is considered
Trees	Planting details as amended are acceptable.	8.10
Highways	No objection to the details provided pursuant to condition 6 of outline consent	8.26
Ecology	No objections subject to the installation of bat and bird boxes shown on landscaping plan.	Noted
Lead Local Flood Authority	Clarification required on a few matters relating to the drainage report submitted. These have been addressed by the applicant and we are awaiting additional comments from the LLFA.	To be reported in panel update.
Environmental Protection	No objection	

8. EXPLANATION OF RECOMMENDATION

- 8.1 The principle of developing this land has been established through the approved outline planning permission. Therefore the key issues for consideration are:
- i. Layout and landscaping;
 - ii. Scale;
 - iii. Appearance; and
 - iv. Impact on neighbouring properties;
 - v. Parking;

vi. Other matters – condition discharge

- 8.2 The NPPF (2019) and Councils adopted policies DG1, H10 and H11 seeks to secure standards of design that promote high quality, varied and stimulating townscape and environment. The design guidelines set out within the Policies, advise that when assessing new development proposal, regard will be had to ensuring that harm is not caused to the character of the surrounding area through development which is cramped, or which results in the loss of important features that contribute to the character. Policy H10 further advises that “new residential development scheme will be required to display high standards of design” and Policy H11 adds that “in established residential areas, planning permission will not be granted for schemes that introduce a scale or density of new development which would be incompatible with or cause damage to the character and amenity of the area”

Layout and Landscaping

- 8.3 In relation to the proposed layout of the building, the outline permission (17/02566/OUT), provided an indicative layout for the proposed development. This detailed a detached building, set forward of the neighbouring semi-detached buildings on Clarence Road, with parking to the rear, accessed via the enlarged access road.
- 8.4 The proposed building is of a similar size and siting to the indicative layout provided. In relation to the siting of the building within the plot, it is proposed to be set forward of the adjacent semi-detached properties on Clarence Road. The Inspector noted in paragraph 14 of the appeal decision that “...*there is some variation to the existing building line at this section of Clarence Road. Therefore it is not necessary that the proposed building keeps the exact same building line as No. 155*”. Given the conclusions of the Inspector, the variation in building lines along this part of the road, corner location of the site, and that the proposed building retains a notable set back from Clarence Road, the proposed siting of the building in the context of the street scene is considered acceptable.
- 8.5 The proposed building is of a comparable length to the adjacent properties, with a small communal garden area to the rear and parking area. In respect of the proposed layout, in general terms, no objection is raised to this arrangement, given that this is a similar arrangement to the adjacent properties in Clarence Road. Whilst it is acknowledged that the proposed building is an enlargement beyond the existing, the provision of 14 units is considered an efficient use of the land. The quality of the accommodation proposed is considered acceptable, and the building proposed and its associated parking, is not considered to constitute an overdevelopment of the site.
- 8.6 At outline stage, concern was raised by officers in respect of the siting and size of the car parking to the rear and this eroding the green space that contributed to the wider character of the site and area. However, within paragraph 12 of the appeal decision, the Inspectors comments on the siting and size of the proposed car park area were: “*Being to the rear would be more discreet and less prominent than if it was at the front...based on the indicative plans, the proposed parking area would not result in a dominant feature or have a significant adverse visual effect on the surrounding area.*”
- 8.7 No objection is therefore raised to the provision of car parking to the rear of the site. 14 car parking spaces are proposed to serve the units as opposed to 19. This reduction in the number of car parking spaces has resulted in the parking area being reduced which has increased the opportunity for soft landscaping. The parking shortfall and will be considered within section 8.24-8.25 of this report.
- 8.8 The scheme was amended during the course of this application to add an additional entrance to the side of the site and provide pedestrian access routes to the car park/communal gardens. A pedestrian footpath runs adjacent to the access road to allow safe access/egress for pedestrians and this is considered of a sufficient size and siting to serve the site. This amended arrangement is considered to improve the layout of the proposal and ensure that the development is accessible and safe to all.

- 8.9 The communal garden to the rear is modest in size, however is of a comparable size to that considered by the Planning Inspector as part of application 17/02566/OUT. Within paragraph 13 of the appeal decision, he indicated that although the rear garden was small in comparison to others in the vicinity, it was of “...*sufficient size to visually contribute to the setting*“. In this regard, the proposed garden is considered acceptable in the context of the site.
- 8.10 A comprehensive hard and soft landscaping scheme, including biodiversity enhancements has been provided as part of the submission. This details soft landscaping along the access road and to the front and rear, which will go some way to mitigating the loss of existing trees/hedges and softening the landscape around the site. The proposed details are considered appropriate for the site and no objection raised to the landscaping and biodiversity scheme proposed.

Scale

- 8.11 In terms of the scale proposed, the outline consent approved a three storey building with accommodation in the roof. The scheme has been amended during the course of the application to reduce the scale, bulk and massing of the development proposed and ensure that the proposal is within the parameters of the outline consent.
- 8.12 The detailed scheme submitted as part of this application is for a detached building of three storeys in height, plus accommodation in the roof. There are both semi-detached and detached properties in this section of Clarence Road. Given this variance, the Inspector concluded within the appeal decision that “*the appearance of a detached building would be appropriate, even if it was replacing a semi-detached pair.*” The Inspector continued to acknowledge that it would result in a wider plot than most others in the area, however, “*given its location adjacent to other large new residential buildings, and this being an efficient use of land, it would not appear incongruous or visually disruptive*”. The principal of a detached building is therefore considered acceptable in the context of the site.
- 8.13 In consideration of the specific scale of the building proposed, the character of the immediate area is relevant. The surrounding residential development to the west has a suburban character and appearance, primarily comprised of detached houses of various heights and styles. The care home building to the north east and other developments opposite facing Goslar Way roundabout are significantly larger, rising to a maximum of five storeys in height.
- 8.14 The height of the development proposed would exceed that of the detached properties adjacent (the detached properties on Clarence Road are approximately 11 metres in height, the proposed development is approximately 12.2 metres), but would remain lower than elements of the larger care home building to the north east (approximately 16.5 metres at its maximum height). The height of the building would address the transition from Clarence Road to the Goslar Way roundabout in a similar way to the other buildings in the vicinity. The bulk of the development would enable the Clarence Road development to appear to rise, to provide a transition from the suburban development to the east to the more urban, higher density built form currently found on Goslar Way roundabout.
- 8.15 In terms of the overall scale and massing of the building proposed, this is considered acceptable in the context of the surrounding development.

Appearance

- 8.16 The Inspector acknowledged within the appeal decision that there are a mix of housing styles within the surrounding area. This section of Clarence Road is classed as part of a Victorian Village landscape in the townscape assessment, which some of the neighbouring properties fit the description of. However, the Inspector continues to state that there is also a mix “...*with modern apartments to the opposite side of the road from the appeal site, which also form part of the street scape. Within the row of houses on the same side of the road as the appeal site, there is also variety in design and style, although they would all be described as having traditional appearances*”.

- 8.17 The overall design approach is similar to that of Trevelyan Court to the south of the application site, with its part brick and rendered facades, and stone band course, and also integrates some of the architectural characteristics of the Clarence Road properties, with the addition of the gable features on the front.
- 8.18 Given the mix of dwelling types in the street, the Inspector within the appeal decision, considered that it was not necessary for any building on this site to mimic the older residential properties adjacent. The design approach presented within this scheme, which integrates elements of the surrounding developments, is considered to help give the development a distinctive character, which sits well with the varied built form of the wider setting. Consequently, there is not considered to be any harm to the character and appearance of this part of the street scene.

Impact on the neighbouring properties

- 8.19 No. 155 to the east of the application site abuts the existing access road. This property is set over three floors and in the side elevation, has one window at ground floor, two at first floor and one small window on the second floor. It is understood that these windows are secondary windows or serve non habitable spaces. There would be a distance of 8 metres between the flank walls and this distance, combined with the orientation of the windows and their secondary nature would ensure that the proposed development does not result in an unacceptable loss of light or overshadowing to these windows. Furthermore, given that the development only extends 3 metres beyond the rear elevation of this property, and the separation between them, the proposal is not considered to result in a loss of light to the rear windows in this dwelling.
- 8.20 Windows are proposed in the side elevation of the building which serve bedrooms, bathrooms to the proposed flats. Whilst there may be some loss of privacy to the windows in the side elevation of 155, given the secondary nature of these windows and that some of the windows proposed in the side elevation serve non habitable spaces (bathrooms) and do not directly look into the windows of No. 155, the loss of privacy is not considered to be of such a degree that would warrant an objection or refusal on such grounds.
- 8.21 Whilst it is noted that the building is larger in size than the existing, the depth and siting of the building is such that it is not considered that the development will have a detrimental impact on the outlook, nor is it considered to appear unduly overbearing or visually intrusive to the adjacent properties on Clarence Road.
- 8.22 To the north east of the application site is the residential care home 'Castle View'. The element of the Care Home adjacent to proposed development, contains the stairwell to this part of the building, seating and some bedrooms. The proposed development by reason of its orientation, scale and siting is not considered to result in an unacceptable loss of light, privacy or outlook to the Care Home, nor to appear unduly overbearing or visually intrusive.

Parking

- 8.23 Within application 17/02566/OUT, 18 car parking spaces were proposed as part of the application. Whilst this provision was below the Councils standards, no objection was raised to this provision. As part of this submission, the number of car parking spaces has been reduced to 14.
- 8.24 Application 18/00419/OUT refused outline consent on this site for up to 14 units. However, as part of this application, the number of parking spaces was reduced to 14, to which no objection was raised. The following text has been extracted from the officer report and provides justification for this:

"The site is located 0.9 m from a frequently serviced train station and proposes a total of 14 car parking spaces. This parking ratio of 1 space per unit presents a shortfall from the Councils standards. In light of the Ministerial Statement (March 2015) which states that: "Local planning authorities should only impose local parking standards for residential and non-residential development where there is clear and compelling justification that it is necessary to manage their local road network ", it is considered that in this instance a lower parking provision could be

accepted given that the site is located within reasonable walking distance of local amenities, bus routes and the town centre with only a modest trip generation of 8-12 during the AM and PM peak times. Furthermore, an appeal decision for 129-137 Clarence Road (APP/T0355/A/03/1133047) accepted an even lower parking ratio of 0.86 spaces per unit. The Inspector considered that as a frequent bus service passed the site, walking, cycling to the facilities/railway stations being a realistic option, presence of local facilities and there being no compelling evidence that the level of parking would have significant implications for the safety or convenience of road users, that it would be acceptable.

Although this decision was in 2004, the circumstances for consideration of whether the level of parking is adequate are all still relevant and have been reiterated by the NPPF (paragraph 39) and Ministerial Statement. In this instance, there is no compelling evidence to suggest that the parking ratio proposed would be unacceptable in this instance nor that the vehicular trips generated would give rise to a scheme that would have a detrimental impact on the general highway safety within the surrounding roads.”

- 8.25 Whilst the NPPF has been updated since the consideration of this application, the sections relating to parking standards have not altered and neither has any compelling evidence been provided as part of this application to alter the Councils position on the agreed parking ratio for this site. No objection is therefore raised to the proposed parking provision.

Other matters – Condition discharge

- 8.26 As part of this application, the applicant has submitted details pursuant to conditions 6 (Construction Management Plan) and 8 (Surface Water Drainage). Condition 6 has been reviewed by the Councils Highways Officer and the details considered acceptable. It is therefore recommended that this condition is discharged. Condition 8 has been reviewed by the Lead Local Flood Authority. In its current form, amendments have been sought to the details submitted which have been addressed by the applicant and are being reviewed by the LLFA. An update to this consultation will be provided in the panel update.

9. CONCLUSION

- 9.1 The development proposed is considered to respect the character, layout and form of the surrounding residential development and provide a successful transition to the adjacent buildings. Consequently, the effect of the development on the character and appearance of the area is acceptable and there is no conflict with saved policies DG1, H10 and H11 of the Local Plan or NPPF (2019).

10. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Proposed site plan
- Appendix C – Proposed ground and first floor plan
- Appendix D – Proposed second and third floor plan
- Appendix E – Proposed elevations
- Appendix F – Proposed sections
- Appendix G – Proposed street scene
- Appendix H – Planting plan

11. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development shall commence within two years from the date of this reserved matters permission.
Reason: In accordance with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).
- 2 The materials to be used on the external surfaces of the development shall be in accordance with those specified in the application unless any different materials are first agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved

details.

- 3 Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.
No part of the development shall be occupied until vehicle parking space has been provided in accordance with the approved drawing. The space approved shall be retained for parking in association with the development.
Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety. Relevant Policies - Local Plan P4, DG1.
- 4 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.
- 5 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.
Reason: To ensure that the development is provided with adequate parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1
- 6 Works for demolition and construction shall be implemented and maintained for the duration of the works in accordance with the details contained within the following management plan documents:
Transport Statement Reference JP/TS/02/18 by Jon Pearson received 7th February 2019
Construction Environmental Management Plan by Castlemere Developments received 7th February 2019.
Reason: In the interests of highway safety and the free flow of traffic and amenity of surrounding residential occupiers Relevant Policies - Local Plan T5.
- 7 The hard and soft landscaping shall be carried out in accordance with the following approved documents:
Landscape Layout VIR/AJ/Clarence Rev B 02 May 19
Plant Specification Rev 13.5.19
Planting plans VIR/AJ/Clarence PP Rev B 05.19
The hard landscaping works shall be carried out as approved prior to the occupation of the building. The soft landscaping works shall be carried out as approved within the first planting season following the substantial completion of the development and retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its prior written consent to any variation.
Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1
- 8 No part of the development shall be occupied until a privacy screen has been provided along the north west elevation of the balcony to Flat 13, in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. This screen shall thereafter be retained in accordance with the approved details.
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers Relevant Policies - Local Plan H11.
- 9 No part of the development shall be occupied until an external lighting scheme has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented and operated in accordance with the approved scheme and maintained as operational thereafter.

The scheme shall include the following:

- i. The proposed vertical illumination that will be caused by lighting when measured at windows of any properties in the vicinity
- ii. The proposals to minimise or eliminate glare from the use of the lighting installation.
- iii. The proposed hours of operation of the lighting, and any mechanism to control timing.

Reason: To ensure the development contributes to the visual amenities of the area and in the interests of the amenity of future, and adjoining, occupiers of land and buildings. Relevant Policies - Paragraph 127 of the National Planning Policy Framework (2019)

10 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.

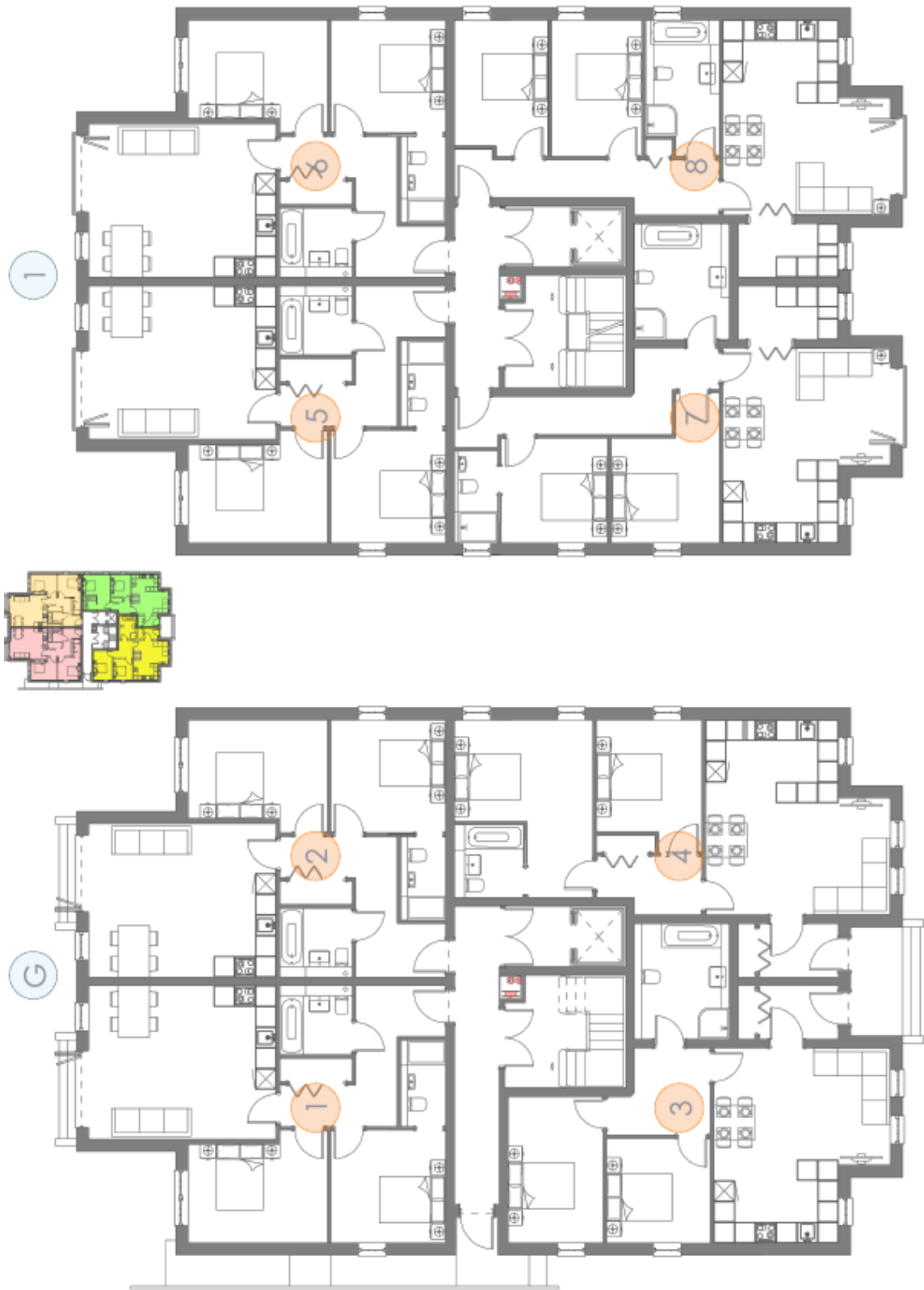
APPENDIX A – Site location plan



APPENDIX B – Proposed site plan



APPENDIX C – Proposed Ground and first floor plan



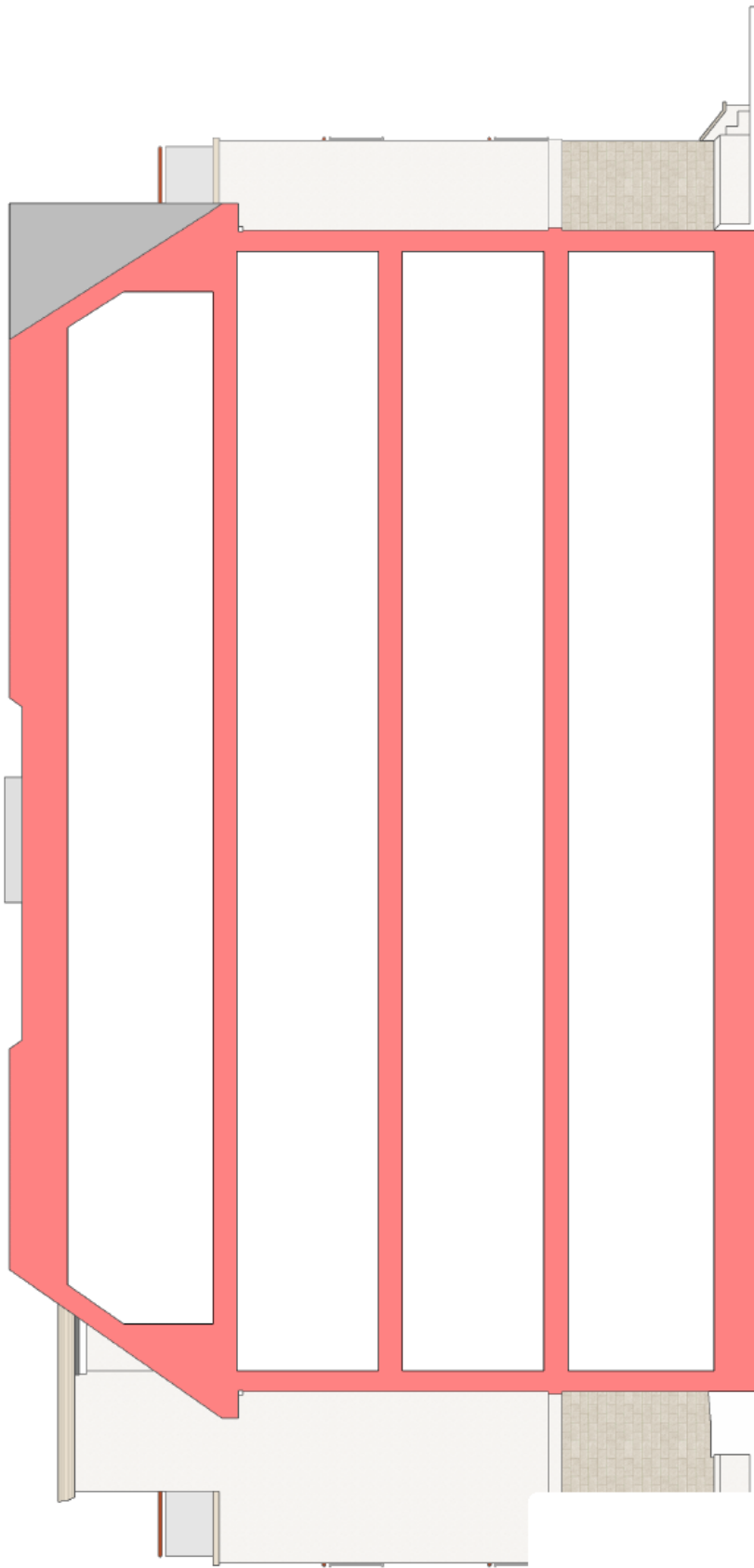
APPENDIX D – Proposed second and third floor plan



APPENDIX E – Proposed Elevations



APPENDIX F – Proposed Sections



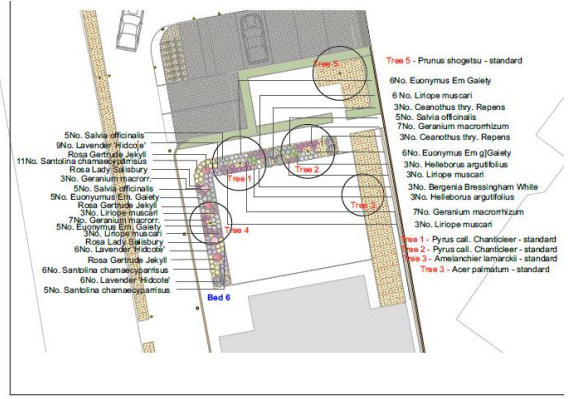
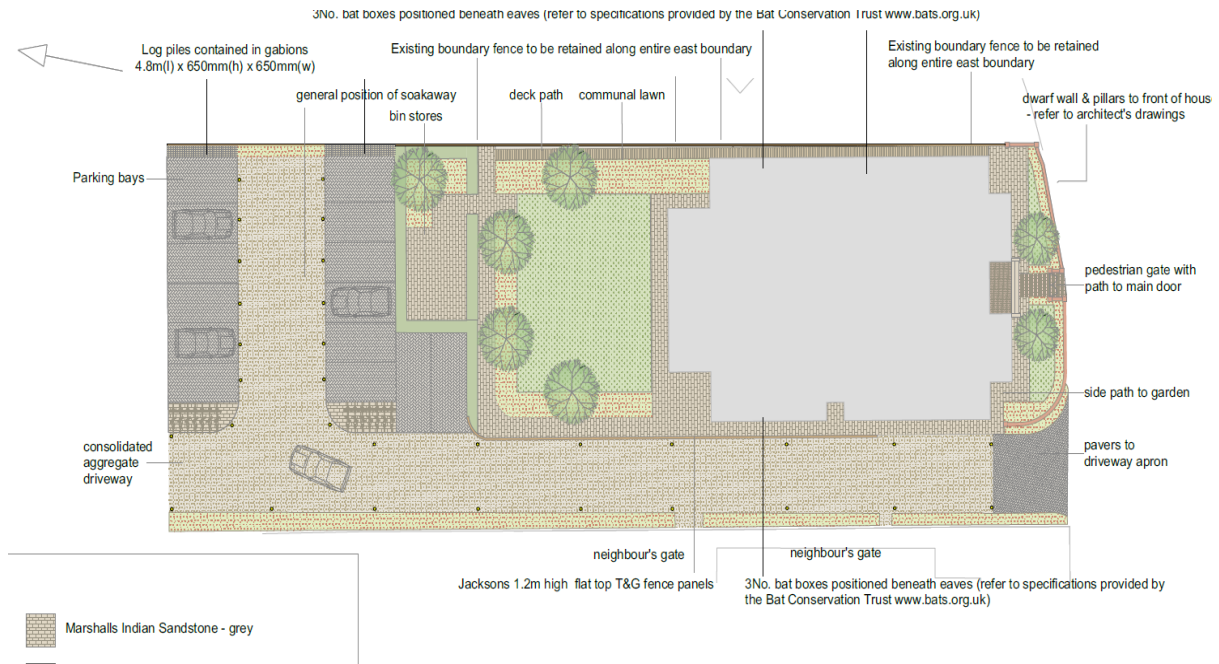
APPENDIX G – Proposed Street scene plans



Facing B3024 - Clarence Road

SOUTH ELEVATION

APPENDIX H – Planting Plan



Client	Castlemere Developments
Project	151-153 Clarence Rd Windsor
Title	Planting Plans Rev May 19
Scale	1:250
Date	13th May 2019
Dwf	VIRIA 151ClarencePP Rev 05 19



6 November 2019

Item: 6

Application No.:	19/00729/FULL
Location:	Beechgrove And Cottage At Beechgrove Church Lane Ascot
Proposal:	Erection of a building comprising of 14 apartments plus basement parking, relocation of the existing Church Lane access, and new landscaping following demolition of the existing dwelling and all associated outbuildings
Applicant:	Mr Barter - Millgate
Agent:	Not Applicable
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 The proposed development is defined as inappropriate by national and local Green Belt policy and is harmful by virtue of its inappropriateness and the loss of openness within the Green Belt. This harm collectively attracts **substantial weight**.
- 1.2 The site lies within 5km of the Thames Basin SPA. The applicant has chosen to mitigate the harm arising from residential intensification through a financial contribution towards an existing SANG outside the Borough. A legal agreement is being drafted in this regard. Provided this can be secured the required Appropriate Assessment will have been passed and as such the harm to the integrity of the SPA will have been mitigated.
- 1.3 No other harm has been identified as a result of the proposal, the development being acceptable in highways terms and having minimal impact on the character of the area and neighbouring amenity.
- 1.4 The applicant has put forward a case of Very Special Circumstances which demonstrates that the proposed development would have a similar impact on the Green Belt to the approved replacement dwellinghouse, which would be built out if planning permission is not forthcoming for the current proposal. Furthermore, the current proposal would result in a net increase of 13 dwellings which would be of benefit to the proposal. As such it is considered in this case that there are Very Special Circumstances which justify the approval of inappropriate development in the Green Belt.

It is recommended the Panel authorises the Head of Planning:	
1.	To grant planning permission subject to the following: <ul style="list-style-type: none"> i. Favourable comments from the LLFA relating to SuDs; ii. The completion of a satisfactory legal agreement securing mitigation for the harm to the SPA; and with the conditions listed in Section 14 of this report.
2.	To refuse planning permission if: <ul style="list-style-type: none"> iii. The LLFA maintains their objection to the application iv. A satisfactory legal agreement securing mitigation for harm to the SPA is not secured

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 Church Lane is a no-through road that provides access to St Michael and All Angels Church, a number of large residential properties and Ashurst Park office and business park. The site itself comprises a substantial detached dwelling set in generous grounds with a number of ancillary outbuildings some of which are located along the frontage and partially obscure views into the site.
- 3.2 The size of the plot is substantial, although much of it is covered by paddocks rather than forming part of the formal residential garden of the existing dwelling, however, the area covered by the formal residential garden is still significant. The existing dwelling was formerly a Listed Building. The Coach House, which resides at the site frontage is considered to be an ancillary unit of accommodation. The site is situated in the Green Belt.
- 3.3 The site also lies within 5km of the Thames Basin Heaths SPA. A number of mature trees lie within the site and along the site boundaries. The site is defined as 'Settled Woodland Sands' in the Council's Landscape Character Assessment, for which trees are a major contribution to this classification.

4. KEY CONSTRAINTS

- 4.1 Green Belt

Thames Basin Heaths SPA

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The site has a quite complex planning history. The recent planning history is summarised in the table below and a detailed explanation follows.

Application Ref	Description of Works	Decision and Date
18/02547/FULL	Erection of 15 dwellings comprising a building accommodating 12 apartments plus basement parking, and three detached houses with detached triple garages. Re-use of the existing access from Church Lane to serve the apartments, plus the creation of a new access to serve the detached houses following demolition of all existing buildings and outbuildings.	Withdrawn 18.12.2018 Concerns raised regarding impact on the Green Belt
16/02465/FULL	Demolition of part of the existing coach house and the construction of a replacement single storey side extension.	Permitted 16.09.2016 Implemented
13/03571/CPD	Certificate of lawfulness to determine whether proposed construction of a replacement dwellinghouse as approved under application 10/02873/FULL is lawful, following works to construct access to implement the permission	Certificate granted 14.01.2014
13/02170/FULL	Demolition of part of the existing coach house and the construction of a replacement single storey side extension	Permitted 09.09.2013
10/02973/FULL	Replacement dwelling	Permitted 22.02.2011 (Implemented)
10/01350/CPD	Certificate of Lawfulness to determine whether the existing building works for the development of planning permission 08/00496 are lawful	Permitted in July 2010
10/01349/CPD	Certificate of Lawfulness to determine whether the existing building works for the development of planning permission 07/01715 are lawful	Permitted in July 2010
09/00013/FULL	Construction of a replacement 14 bedroom detached dwelling, following demolition of	Withdrawn in March 2009

	existing. Demolition of 2 staff cottages and outbuildings and construct 2 x 3 bedroom staff lodge houses. Relocation of main vehicular access	
08/00496/FULL	Three storey side extension with basement	Permitted in April 2008
07/01715/FULL	Three storey side extension with basement (to reinstate previously demolished North Wing)	Permitted 9.08.2007

- 5.2 The existing dwelling was originally constructed in the early 18th Century and was extended in the 19th and 20th Centuries. The majority of the 19th Century extensions were demolished in the 1950's. Since the demolition in the 1950's there have been a number applications for extensions, although many of the permissions have not been implemented and the extensions and outbuildings which have been erected are reasonably small in size. The property was formerly a Grade II Listed Building, although the property was 'de-listed' by the Department for Culture Media and Sport on the 21st August 2006.
- 5.3 A planning application to re-instate the property to its former size, as it was in 1948 (this being the size of the original dwelling for the purposes of applying Green belt policies) before the 1950's demolition of the 19th Century extensions, was approved in 2007 under application ref. 07/01715. An application to extend the property to its size in 1948 and to add further extensions to the northern end of the property was also approved in 2008 (ref. 08/00496). This would have resulted in a total increase in the floor area of the property of about 40% over and above the floor area of the original property (as it existed in 1948).
- 5.4 Permission was granted for a sizable replacement dwelling under planning application reference 10/02973/FULL on the grounds that it would not be materially more harmful than the existing dwelling plus the consented extensions, which had been established as being lawfully implemented (refs 10/01349 & 10/01350). Whilst this permission for a replacement dwelling dates back to 2011, it was established that this permission had been lawfully implemented through the granting of a certificate ref: 13/03571/CPD. Permission also exists for extensions to the coach house along the site frontage, ref: 16/02465 which the applicant states has been lawfully implemented. It should be noted that whilst several of these earlier permissions have been implemented through the commencement of minor building operations, none have been progressed further and as such the development which exists on site is significantly smaller than the consented replacement dwelling and the coach house remains un-extended.
- 5.5 The current proposal is for the erection of a building comprising 14 apartments (6 x 2-bed and 8 x 3-bed) following demolition of the existing dwelling, the Coach House and the associated outbuildings. The proposal includes the relocation of the existing access to a central position along the site frontage. This access point will lead to small roundabout, with 6 car parking spaces at surface level and a driveway leading down towards a basement around the south side of the building where the remainder of the parking would be provided.
- 5.6 The proposed apartment building is similar in scale and siting to the approved replacement dwellinghouse which can lawfully be built out at any time. Specifically it has a ridge height of 9.5m (when measured from the ground level immediately to the front of the building), a main two-storey width of approximately 40m and a main two-storey depth of approximately 30m. The building contains a basement/lower ground floor level which would contain parking within the frontage parts and two lower ground floor apartments with a rear or west aspect. This lower ground floor would be partially visible when the building is viewed from the rear.

6. DEVELOPMENT PLAN

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

Adopted Royal Borough Local Plan (2003)

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1, H10,H11
Impact on the Green Belt	GB1 and GB2
Highways	P4 and T5
Trees	N6
Mitigation for Thames Basin Heath Special Protection Area	T6, R3, IMP1

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 and Environmental Considerations	EN1, EN2, EN3 and EN4

These policies can be found at https://www3.rbwm.gov.uk/info/200209/planning_policy/477/neighbourhood_plans/2

Adopted The South East Plan – Regional Spatial Strategy

Issue	Plan Policy
Thames Basin Heaths Special Protection Area	NRM6

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2019)

- Section 4- Decision-making
- Section 9- Promoting Sustainable Transport
- Section 12- Achieving well-designed places
- Section 13- Protecting Green Belt land
- Section 14- Meeting the challenge of climate change, flooding and coastal change

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Appropriate Development in Green Belt and acceptable impact on Green Belt	SP1, SP5
Design in keeping with character and appearance of area	SP2, SP3
Provision of High Quality Housing	H02, H03, H05
Manages flood risk and waterways	NR1
Trees, Woodland and Hedgerows	NR2
Nature Conservation	NR3
Makes suitable provision for infrastructure	IF1

- 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

57 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 21.03.2019 and the application was advertised in the Local Press on 28.03.2019.

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

Comment		Where in the report this is considered
1.	The proposal has not changed much since the previous application.	The amended proposal includes the omission of 3 detached dwellings
2.	The proposal is contrary to the Neighbourhood plan which envisages the peripheries of Ascot and Sunninghill to be characterised by individual large houses (mansions) in their own gardens	The proposed development is of a similar size and appearance to a large mansion house
3.	A block of 14 apartments right on the edge of Sunninghill, adjacent to relatively undisturbed wildlife areas is inappropriate development	Section section i
4.	The size and style of the proposed apartment block is out of keeping with nearby properties and represents overdevelopment of this site	See section ii
5.	Impact on the Green Belt	Section i
6.	The development is within the catchment of Chobham Common SPA	Section vi

7.	The new apartments will generate significant additional traffic on Church Lane putting more pressure on Sunninghill roundabout	Section iv
8.	Impact on local community and services	The proposal is subject to CIL
9	Impact on infrastructure including sewerage, water pressure, electricity and gas.	The proposal is subject to CIL
10.	The visual impact is only accepted if the 3D views retaining the look of Church Lane including additional planting are actioned	Additional landscaping will be sought via condition
11.	Impact from noise and dust during demolition and construction	Not a material planning consideration
12.	Support is only given if the access to Church Lane is clear and safe at all times particularly with regard to HGV access/queuing not impacting on the roundabout and church services. The church end of Church is not to be used for turning by HGVs for safety.	The application is supported by the Highways Authority

Statutory consultees

Consultee	Comment	Where in the report this is considered
LLFA	Further information required. Application currently unacceptable	Further information has been sought from the applicant. See section ix

Consultees

Consultee	Comment	Where in the report this is considered
Parish Council	<p>Objections:</p> <ul style="list-style-type: none"> apartments are an inappropriate development in the green belt, contrary to NPPF 143 and LP GB3 The VSC is very weak Intensification of use, contrary to LPB2 B2. Out of Character with the surrounding properties, attention being drawn to 12a and 12b of Landmark buildings and Views listed in the Neighbourhood Plan, contrary to LP DG1.3 and NP/DG2.1. Contrary to LP GB2A: By virtue to its massing and height when viewed from the west it reduces the openness of the green belt when compared with the consented replacement dwelling. Contrary to NP/H2 and LP H8 – Mix of Housing Types. In recent planning approvals apartments dominate and skew the housing mix. No affordable homes proposed, contrary to LP policies on affordable homes including emerging LP policy HO3. Contrary to condition 3 of the consent to the replacement dwelling (10/02973) The application doesn't take into account the existing buildings along the wall. It is argued that these don't have a significant impact upon the openness of the 	<p>Amended plans have been submitted to reduce visual impact of building when viewed from the west.</p> <p>Other matters discussed in main body of report</p>

	green belt. By proposing to demolish these buildings and increase the consented replacement by a similar floor area will, in the committee's judgement, increase the impact on the openness of the GB. This impact is increased by the form and height of the apartments when viewed from the west.	
Highways	No objections subject to condition	Noted
Trees	No objection subject to condition	Noted
Ecology	No objection subject to conditions	Noted
Bracknell Forest Council	The AA is acceptable subject to the completion of a legal agreement	Noted
Natural England	No objection. Further consultation sent following updated AA and consultation with BFC	The recommendation is subject to SPA mitigation being secured.

Others

Group	Comment	Where in the report this is considered
SPAE	<p>1. First we recognize the improvements that the applicant has made to the initial application (18/02547), in particular, by removing the three detached houses.</p> <p>2. We would like to be assured that the case officer is satisfied that the scale and bulk of the proposed flatted development is compliant with NP/DG2, given that the site is within the Green Belt.</p> <p>3. Finally, we would like to restate our concerns about traffic. The A329 is very narrow on this stretch and in fact is virtually single carriageway when large vehicles exit the roundabout heading towards Ascot, as they have to use both lanes. Also, it is intimidating for cyclists cycling up the hill as the road is so narrow and vehicles are held up behind for up to 300 metres. i.e. It is impossible to overtake a cyclist. There is a once in a lifetime opportunity for the Council and Highways' authorities to secure developer contributions to finance the widening of the A329 between the roundabout at the top of the hill at the junction with Church Lane and the bottom of the hill towards Ascot. Please can this opportunity be seized?</p>	<p>See section i and x for comprehensive Green Belt assessment and consideration of VSC</p> <p>The application is supported by the Highways Authority</p>

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Whether the development is inappropriate development in the Green Belt, whether there is any other harm to the Green Belt, and whether there are Very Special Circumstances to outweigh the harm by inappropriateness
- ii Impact on the Character of the Area
- iii Impact on Residential Amenity
- iv Parking/Highways considerations

- v Trees
- vi Ecology
- vii Development Brief
- viii Affordable Housing
- ix Flood Risk
- x Case for Very Special Circumstances (VSC)

- **Green Belt**

- 9.2 Paragraph 143 of the NPPF explains that inappropriate development in the Green Belt is harmful and that it should only be approved in Very Special Circumstances. Paragraph 144 continues by stating that when considering planning applications, substantial weight should be given to any harm to the Green Belt. "Very Special Circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 9.3 Adopted Local Plan policies GB1 and GB2, whilst dated, largely reflect the national Green Belt policy position by only allowing a few certain forms of development, other than in Very Special Circumstances. Policy SP5 of the Borough Local Plan submission version states that the Metropolitan Green Belt will continue to be protected, as designated on the Policies Map, against inappropriate development. Permission will not be given for inappropriate development (as defined by the NPPF), unless very special circumstances are demonstrated.
- 9.4 The proposal is for a new apartment building within the Green Belt. Paragraph 145 of the revised NPPF outlines that the construction of new buildings should be regarded as inappropriate development apart from a few limited exceptions. Part (d) of paragraph 145 of the NPPF allows for the replacement of a building in the Green Belt, provided the new building is in the same use and not materially larger than the one it replaces. The new building in this case is for a different use to the existing (flats as opposed to a single dwellinghouse and ancillary coach house) and therefore the proposal could not be deemed as appropriate development under this exception. Exception (g) is for the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary building), which would not have a greater impact on the openness of the Green Belt than the existing development. Essentially, the proposal could be deemed appropriate development under this exception if there would be no greater impact on openness, which will be explored below.
- 9.5 The proposed flatted development is of materially bigger proportions than the buildings to be demolished (the dwellinghouse and coach house). The comparison here is the proposed development against the existing development that is in situ now and not against the consented schemes for the replacement dwelling (10/02973/FULL) and enlarged coach house (16/02465/FULL). The proposal is considered to have a greater impact on the openness of the Green Belt than the existing development by reason of the significant increase in built form, comprising a building of materially bigger footprint and mass than the existing dwellinghouse. Furthermore, the form of development is more urban in its appearance with the creation of a central turning area, forecourt and basement ramp. Whilst the height of the development has been limited to that of the existing dwellinghouse, when viewed from the rear it would appear as a four storey building due to the lower ground floor area being exposed. Furthermore, the design of the building would result in it having a greater visual presence within the site and the surroundings than the existing building and coach house which are more traditional designed and subservient in their form. As such, it has to be deduced that the proposed development has both a greater spatial and visual impact on the openness of the Green Belt than the existing development and therefore the development constitutes inappropriate development in the Green Belt.

9.6 In addition to the harm by virtue of inappropriateness, as stated above the harm to openness from the increased footprint and bulk of development also needs to be weighed on this side of the balance. As stated above, there would be an impact on spatial openness by virtue of a greater amount of development within the site. Furthermore, the appearance of the building has a more dominating effect than the existing dwellinghouse and would generate increased activity through vehicular movements; paraphernalia and general intensification of the site such that there would be harm to visual openness.

9.7 In summary the proposals are contrary to paragraphs 145 and 146 of the NPPF, Local Plan policies GB1 and GB2(a) and Policy SP5 of the Borough Local Plan submission version because the proposal would result in harm by virtue of inappropriateness and harm to openness of the Green Belt. **This collective harm to the Green Belt is afforded substantial weight in accordance with paragraph 144 of the NPPF.** It is therefore necessary for the Local Planning Authority to consider whether Very Special Circumstances (VSC) exist that would clearly outweigh the harm to the Green Belt and any other harm resulting from the proposal. This case is considered in detail towards the end of the report.

- **Impact on the Character of the Area**

9.8 Policy DG1 of the Local Plan requires that new developments should promote high quality standards of design, be compatible with the established street scene and use appropriate materials. Furthermore, the site lies in Sunninghill, which is governed by the Ascot, Sunninghill and Sunningdale Neighbourhood Plan which is a more recent addition to the Development Plan (adopted April 2014). Neighbourhood Plan policy NP/DG3 (Good Quality Design) states that all new development should demonstrate good quality design and respect the character and appearance of the surrounding area. Development that fails to take the opportunities available for enhancing the local character and quality of the area and the way it functions shall not be permitted. A central part of achieving good design is responding to and integrating with local surroundings and landscape context as well as the built environment.

9.9 Church Lane, although rural in nature, comprises a limited amount of built development on both the west and east side of the road, including dwellings, office buildings and a church and church hall. Immediately to the south of the site boundary lies the settlement area of Sunninghill which comprises a denser grain of residential development including flats and dwellinghouses. As such there is no objection to the provision of a flatted development in this location in terms of the impact on the character of the street scene and the area in general.

9.10 With regard to the layout and scale of development, it is considered that due to the set-back of the building from the road and the large gaps that would be retained to the flank boundaries of the site, the proposed development would appear spaciouly set out within the substantial grounds of the plot.

9.11 With regard to external appearance the apartment building would have the potential to appear prominent due to the design detail and number of windows. However, it is acknowledged that the consented scheme for the replacement dwellinghouse also takes on a very grand appearance and thus no objections are raised with the regard to the external appearance of the development.

- **Impact on Residential Amenity**

9.12 The proposed development is sited centrally within the site and is a significant distance from neighbouring residential properties to the north and east. Also taking into account the intervening tree screening along the site boundaries, the proposals would not result in loss of light or privacy for the occupiers of neighbouring residential properties. Therefore, given the distance from neighbouring properties it is not considered that it would result in any undue harm to neighbouring occupiers.

- **Parking/Highways**

- 9.13 The site currently benefits from one vehicular access off Church Lane which is 22m north from the roundabout junction with the A329 London Road. A new vehicular access is proposed to be created off Church Lane and will be positioned further north, 50m from the roundabout junction. This new access is considered acceptable by the Highways Authority in terms of its location and the stopping up of the existing access can be conditioned (condition 7).
- 9.14 Within the Transport Statement the applicant has confirmed that the wall will be repositioned to enable the new access to achieve visibility splays of 2.4m x 43m to the left and right which are acceptable. The access is provided with a new set of gates which will be setback 5.0m from the back edge of the adopted highway, which complies with the authority's standards. As the plans show the position of the gates, a condition is not needed in this regard.
- 9.15 A large turning head is provided within the site to enable a delivery vehicle for example to enter and exit the site in a forward gear.
- 9.16 The only details submitted for the proposed ramp shows the gradient of the ramp to the basement car park will be 1:10. The Highway Authority will require that the ramped access complies with the recommendations as set out in The Institution of Structural Engineers "Design recommendations for multi-storey and underground car parks". Therefore, the applicant will need to submit a cross sectional and longitudinal plans of the ramp showing the level changes. This has been requested via condition (Condition 8).
- 9.17 The site is located within an inaccessible area and therefore to comply with the Local Authorities current Parking Strategy (May 2004) a 2 or 3-bedroom unit will be required to provide 2 car parking spaces. The application includes 6 x 2-bedroom flats and 8 x 3-bedroom flats therefore the site will need to provide 28 car parking spaces (2 per dwelling). The scheme provides 2 spaces for each unit with an additional 3 visitor spaces. Whilst this would constitute a slight overprovision in parking spaces, on-street parking is limited in the immediate vicinity and as such there is no objection to the additional 3 visitor spaces. The proposed parking and turning layouts comply with the Local Authorities current standards.
- 9.18 On the basis each 2/3-bedroom flat has the potential to generate 4 to 6 vehicle movements per day the new development will have the potential to generate 56 to 84 vehicle movements per day, which can be accommodated on the highway network.
- 9.19 Each flat is provided with a store to accommodate cycle storage and the proposed refuse store and collection arrangements is deemed acceptable.

- **Trees**

- 9.20 The proposal shows the loss of two low grade trees and a hedge, with the vast majority of trees are shown to be retained. The tree officer therefore has no objections, subject to conditions to include details of tree protective fencing to be installed prior to development works commencing and be retained in situ until completion. Furthermore a landscaping condition is recommended, as some replanting will be required along the frontage to help soften the increase in the built form. It is advised that trees should be native and relevant for the soil type, so as to blend in with the character of the area. Underground utilities will need to be directed outside root protection areas and the applicant will need to submit details via condition as it would not be acceptable for utilities to be taken out onto London Road through the main tree belt. (The relevant tree conditions relating to tree protection, landscaping and details of utilities are 10, 11 and 12 respectively.)

- **Ecology**

- 9.22 The site is surrounded by habitat of high suitability for use by protected wildlife – it is bordered by woodland to the south, east and west, with fields to the north and a pond within the application site boundary. The habitats on site consist of hardstanding, buildings, amenity and improved grassland, trees and woodland, hedgerow, scrub and a pond. These habitats are of good ecological value, some of which are used by roosting bats. To ensure that the surrounding

habitat, bats and other wildlife are safeguarded, conditions relating to biodiversity enhancement, the submission of a Construction Environmental Management Plan and bat licence are recommended (conditions 13, 14 and 15 respectively).

Impact on the Thames Basin Heaths SPA

9.23 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.

9.24 Correspondence has been entered into with the developers of a 3rd party SANG and with Bracknell Forest Council regarding the use of alternative SANG capacity to mitigate against the harm to the SPA. An appropriate assessment has been carried out and sent to Natural England in this regard. The Council's legal department has been consulted and a section 111 is being drafted to secure financial contributions to the provision of SANG within 5km of the application site which would ensure the integrity to the SPA is not harmed. Provided the legal agreement can be secured there are no objections to the proposal in this regard.

- **Development Brief**

9.25 Neighbourhood Plan policy NP/H1 requires proposals of 10 or more dwellings to submit a Development Brief and a Statement of Community Consultation. The statement of community consultation should demonstrate how the applicant has actively engaged with the Parish Council and the community as part of the design process.

9.26 Furthermore, paragraph 128 of the revised NPPF states '*...Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those cannot.*'

9.27 The Development brief submitted with the application is considered to be a comprehensive document which complies with the criteria outlined Appendix C of the Neighbourhood Plan. Furthermore, the submitted statement of community consultation is considered to comply with the criteria outline in Appendix D of the Neighbourhood Plan. As such it can be said that the policy requirement of NP/H1 have been complied with.

- **Affordable Housing**

9.28 The site area is above 0.5 ha and therefore there is a requirement in line with adopted policy H3 to provide 30% affordable housing. This policy is further explained in the Council's Affordable Housing Guidance Document. 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 has been reviewed by an external independent assessor who has confirmed that the proposal would not be viable with any affordable housing contribution.

- **Flood Risk**

9.30 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 still requires further work as advised by the LLFA and therefore the recommendation to grant planning permission is subject to favourable comments in this regard.

- **Case for Very Special Circumstances**

Harm to the Green Belt and any other harm

9.31 The harm to the Green Belt as a result of inappropriateness combined with the significant harm to spatial and visual openness must be afforded **substantial** weight in accordance with paragraph 144 of the NPPF. No other harm has been identified as a result of the proposed development and it is considered to comply with the development plan in all other respects.

9.32 On the other side of the balance, the applicant has highlighted several considerations within the Planning Statement that need to be assessed to determine whether Very Special Circumstances exist to outweigh the harm identified above.

Fallback position

9.33 A key consideration in this case, is that permission exists for a replacement dwellinghouse of substantial proportions. The relevant application was permitted in 2011 (ref: 10/02973/FULL) on the basis that it would not be more harmful than the existing dwellinghouse as enlarged by various extensions which were lawful but not constructed at the time planning permission was granted. A certificate exists to prove that this sizable replacement dwellinghouse has been lawfully implemented (ref: 13/03571/CPD). The applicant makes the case that all pre-commencement conditions have been discharged and the certificate of lawful granted in January 2014 confirms that the development remains live and can be completed. Permission was also granted for extensions to the coach-house, ref: 16/02465, which have been implemented through material building operations. It is established in case law that for a Local Planning Authority not to consider a lawful fallback position would be an error in law. It cannot be denied (taking into account the certificate of lawfulness and building operations that have occurred on site) that there is a lawful fallback position and the fact that a lawful fallback position exists is therefore a material consideration. However, the weight applied to fallback positions is not only dependant on their lawfulness, but their likelihood as well.

Is the lawful fallback position likely such that it can be afforded significant weight?

9.34 The case law establishes that whilst a fallback position is a material consideration, the weight applied to it is a matter for the decision maker - the more likely the fallback position is of being implemented, the greater the weight that can be attached to it. It has been advised in the planning statement that if planning permission is not forthcoming for a redevelopment of the site with flats then the extant permission for the replacement dwelling would be built out. Whilst the site has been left vacant for a considerable period of time and previous permissions have been kept alive through minimal building operations, this does not necessarily mean that if planning permission were to be refused, the extant permission would not be built out. Indeed a certificate of lawfulness exists to state that permission for the replacement dwellinghouse has been implemented. Whilst there is no certificate to state that the permission for the extensions to the coach house has been implemented, the applicant has submitted a statement setting out that this planning permission has too been implemented through material building operations (in this case partial demolition of the coachouse).

9.35 In an attempt to demonstrate that the extant permission would be built out if the current application were refused and is therefore likely, three examples of case law are then put forward to support the case which explore the following issues, i) whether the existence of a valid planning permission should be a material consideration in determining whether to grant a second application, ii) whether the impact of an established fallback position can be given sufficient weight for it to amount to very special circumstances and iii) if there is a lawful fallback position

which is likely to be implemented, that there has to be a comparison made between the application proposal and said fallback position.

- 9.36 In this case, the application has been supported by a letter from an estate agents, Knight Frank, which confirms that the fallback scheme is realistic, would fetch a significant price and would result in a unique offering which would be very appealing to a foreign buyer as a UK base. Furthermore, that the location of the site offers good links to the nearby settlement of Sunninghill and good transport links to Heathrow and London meaning that it would be attractive to UK purchases as well. The letter concludes by saying the existing mansion development is both viable and very realistic. There is no evidence to dispute this judgement and therefore significant weight is given to the likelihood of the fallback position being implemented if the current planning application were to be refused.

Would the lawful fallback position result in a similar impact on the Green Belt than the proposed development?

- 9.37 On the basis of the above and in accordance with case law, a comparison must be made with the proposed development and the fallback position. Indeed this is standard procedure for Planning Authorities and Inspectors when presented with a development in the Green Belt – the question must be asked whether the proposal would result in a better situation on site than the fallback scheme.
- 9.38 The maximum development that can be built on the site under the lawful fallback position comprises both the replacement dwellinghouse (ref: 10/02973/FULL) coupled with the coach house as extended (ref: 16/02465/FULL). Firstly with regard to volume, there is a very marginal reduction in volume from 8,493m³ to 8,450m³ or 0.5% as a result of the proposed development, meaning that the overall amount of built development on site would be no greater than the lawful fallback scheme, in fact it would be very marginally smaller. This means that there would be no greater harm to the Green Belt in terms of the spatial impact on openness from the amount of buildings alone. However the impact on the openness of the Green Belt has a visual element and in some cases a lesser amount of development could actually be more harmful to the Green Belt as a result of its siting, position within the site, height and how visible it is to the wider surroundings. Other factors also contribute to the visual impact of a development such as the design of development, the materials to be used, the amount of hard-surfacing and activity associated with a development.
- 9.39 With regard to the visual impact of the built form, the removal of the coach house (as extended) along the front boundary of the site and the consolidation of built form into one building, could be said to result in an improvement to the site in terms of visual impact. The existing coach house being hard up on the front boundary is more visible in the street scene, despite its limited height, whereas in comparison a single apartment block of a slightly deeper footprint but lesser height than the replacement dwelling, which is set away from all boundaries of the would appear less visually prominent in the surroundings. As such, it could be argued that the consolidation of built form would result in a betterment in terms of the visual impact on openness.
- 9.40 In terms of hard-surfacing, the proposal seeks to create a central vehicular access with 6 visitor spaces at surface level and a single access road leading to a basement carpark area. There is therefore an overall reduction in hard-surfacing when compared to the consented scheme. It is also noted that the site plan shows the removal of both the swimming pool area and tennis court, again increasing the openness of this part of the site.
- 9.41 An important consideration that has been raised is the visual appearance of the rear elevation of the building, which would appear as a four-storey development as opposed to a three-storey development due to the two units within the lower ground floor level which have a rear facing aspect. Amended plans have been received during the course of the application to show that the sunken garden area immediately to the rear of the building to be reduced to a depth of approximately 4m and that landscaping would be incorporated around the garden area. These changes to the scheme mean that only if one were to stand within this sunken garden area would the full four-storey height of the development be appreciated and that from all other aspects within and surrounding the site, the building would appear as a three storey development.

- 9.42 With regard to activity and intensification, the significant increase in number of units has the potential to generate additional vehicular movements and activity within the site compared to a single dwellinghouse (although substantial in size) and the ancillary staff accommodation within the coach house. Having said that, the vehicular movements associated with the development would be confined to the short driveway and small surface parking area and the majority of cars and vehicular movements would be concealed from view in the basement area. Therefore the amount of vehicles visibly associated with the proposed development could be similar or less to those associated with the consented sizable replacement dwellinghouse and staff accommodation, where cars would be able to park and manoeuvre within the larger hard-surfaced area within the site frontage.
- 9.43 With regard to associated residential development and domestic paraphernalia, a flatted development would not attract permitted rights, whereas it is noted that only permitted development rights under Class A of part 1 of Schedule 2 (extensions and alterations to dwellinghouses) were removed from the replacement dwellinghouse meaning that outbuildings and other domestic paraphernalia could be placed in the grounds of the replacement dwellinghouse without prior consent from the Council.
- 9.44 Finally, in terms of the form and design of development and the impact on the character of the Green Belt, whilst the apartment building could be said to have a very grand and prominent appearance with the presence of a formal central turning area and basement ramp, it would be similar in form and appearance to consented replacement dwellinghouse such that it would not be more visually harmful to the Green Belt.
- 9.45 To conclude, when weighing up the forgoing it can be said that the proposed development would be less harmful than the fallback scheme in some respects such as the marginally smaller above ground volume, lower height, greater consolidation of built form and less hard-surfacing, but more harmful in other respects such as the visual impact of the rear elevation when viewed from the sunken garden area and grand and prominent appearance of the building. Taking into account all these factors and making a comparison of the two developments as a whole, it is considered that the proposed development would have a very similar impact on the openness of the Green Belt to the fallback scheme. Therefore, the fact that this fallback scheme could be constructed in the event of a refusal of planning permission must be afforded **substantial** weight in this Green Belt balancing exercise.

Housing

- 9.46 At the time of writing, the Council is unable to demonstrate a 5 year housing land supply. The applicant has put forward that the scheme would deliver an additional 13 units above the existing development or consented scheme. A High Court case is also quoted that confirms that the provision of housing in an area of housing shortfall is capable of amounting to very special circumstances. In this case however, the housing benefit arising from an additional 13 units is limited and therefore the weight afforded to this additional housing resulting from the proposal is also **limited**.

Previously developed land

- 9.47 Whilst the site is within the Green Belt it is also previously development land and Local Authorities are expected to promote an effective use of land in meeting the need from homes and other uses in planning decision (para 117 of the NPPF). If the harm to the Green Belt arising from the proposed development is similar whether one large mansion unit and ancillary outbuilding is built or 14 apartments is constructed, it is accepted that the current proposal would make a more effective use of this land. Again given the limited number of homes being provided, this consideration is afforded only **limited weight**.
- 9.48 The other considerations put forward by the applicant are that the site is in a sustainable location and outside flood zones 2 and 3. These do not add any additional benefit to the proposal and are therefore looked upon neutrally and afforded no additional weight in the case for Very Special Circumstances.

Conclusion on Very Special Circumstance

9.49 As highlighted above the weight attributed to the fallback position is **substantial**. Also on this side of the balance is the **limited** benefit to housing need and the **limited** weight afforded to the re-use of previously developed land. As such, when considering these matters cumulatively, the weight to be applied to would more than outweigh the substantial harm to the Green Belt such that Very Special Circumstances exist in this case to justify the harm to the Green Belt as a result of the proposal.

- **Other Material Considerations**

10. Housing Land Supply

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

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

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

10.2 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..).'

10.3 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).

10.4 As stated above, the Council is able to demonstrate approximately 4.5 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).

10.5 Notwithstanding the above, officers have concluded that the proposal complies with the relevant planning policies, which are considered in accordance with the NPPF. For clarification and regarding Footnote 6 of the NPPF (2019) whilst the development is within 5km of a **habitats sites and within land designated as Green Belt**, for the reasons set out in paragraphs 9.49 the applicant has demonstrated VSC such that the harm to the Green Belt has been justified and as set out in paragraphs 9.23-9.24 the harm to the integrity of the SPA would be mitigated. As such, there is no clear reason for refusing the proposed development on this basis and therefore in accordance with the presumption in favour of sustainable development the development proposal should be approved without delay.

11. **COMMUNITY INFRASTRUCTURE LEVY (CIL)**

11.1 The development is CIL liable. The proposed floorspace of the net increase in floor area is 2675m².

12. PLANNING BALANCE AND CONCLUSION

- 12.1 Paragraph 11 of the Framework explains how the presumption in favour of sustainable development applies. As set out in paragraph 10.5 it is considered whilst the proposed development falls within the Green Belt and within 5km of the SPA there is no clear reason for refusing the proposed development on this basis. The proposal complies with the development plan in all other respects.
- 12.2 In addition it is considered that there are further economic and social benefits afforded to the proposal arising from the net increase of 13 dwellings within the Borough.
- 12.3 As such, and for the reasons set out above, the proposed development is considered acceptable and planning permission is recommended subject to favourable comments from the LLFA regarding drainage and subject to the completion of the section 111 agreement to secure SPA mitigation.

13. APPENDICES TO THIS REPORT

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

14. 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 The materials to be used on the external surfaces of the development shall be in accordance with those specified in the application unless any different materials are first agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.
- 3 No 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 as approved.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5, DG1.
- 4 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.
- 5 No part of the development shall be commenced until visibility splays of 2.4 metres by 43 metres have been provided. All dimensions are to be measured along the edge of the driveway and the back of footway from their point of intersection. The areas within these splays shall be kept free of all obstructions to visibility over a height of 0.6 metres above carriageway level. Reason: In the interests of highway safety. Relevant Policies - Local Plan T5.
- 6 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.
- 7 The existing access to the site shall be stopped up and abandoned immediately prior to first occupation of the development hereby permitted. 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.

8 No part of the development shall be commenced until the details of the ramped access have been provided. The information will need to comply with the recommendations as set out in The Institution of Structural Engineers "Design recommendations for multi-storey and underground car parks". The details submitted will need to include a cross sectional and longitudinal plans of the ramp showing the level changes.

Reason: To ensure that adequate access to parking is provided. Relevant Policies - Local Plan T5, P4.

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

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

10 The erection of fencing for the protection of any retained tree and any other protection specified shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the Local Planning Authority.

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

11 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.

12 Prior to the commencement of development details of the underground utilities/services 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, a matter that is fundamental to the development and must be satisfied prior to commencement. Relevant Policies - Local Plan DG1, N6.

13 No works hereby permitted shall 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 a bat roost which will be affected by the proposals. This condition will ensure that bats, a material consideration, are not adversely impacted upon by the proposed development.

14 No development shall take place (including ground works and vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

a) Risk assessment of potentially damaging construction activities.

b) Identification of "biodiversity protection zones".

c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction, including precautionary measures for nesting birds and an invasive-species method statement.

d) The location and timing of sensitive works to avoid harm to biodiversity features.

e) The times during construction when specialist ecologists need to be present on site to oversee works.

f) Responsible persons and lines of communication.

g) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that wildlife is not adversely affected by the development.

15 No dwelling hereby permitted shall be occupied until the locations and specifications of biodiversity enhancements - to include bird and bat boxes and native and wildlife-friendly landscaping - has been submitted to and approved in writing by the council.

Reason: To incorporate biodiversity in and around the development in accordance with paragraph 175 of the NPPF.

16 Within one month of the substantial completion of the development the building shown to be removed on the approved plans, shall be demolished in its entirety and all materials resulting from such demolition works shall be removed from the site.

Reason: To prevent the undesirable consolidation of development on the site having regard to its Green Belt location. Relevant Policies - Local Plan GB1, GB2,

17 No development shall commence, excluding demolition, until details of all finished slab levels in relation to ground level (against OD Newlyn) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.

Reason: In the interest of the visual amenities of the area. Relevant Policy Local Plan DG1.

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

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

Informatives

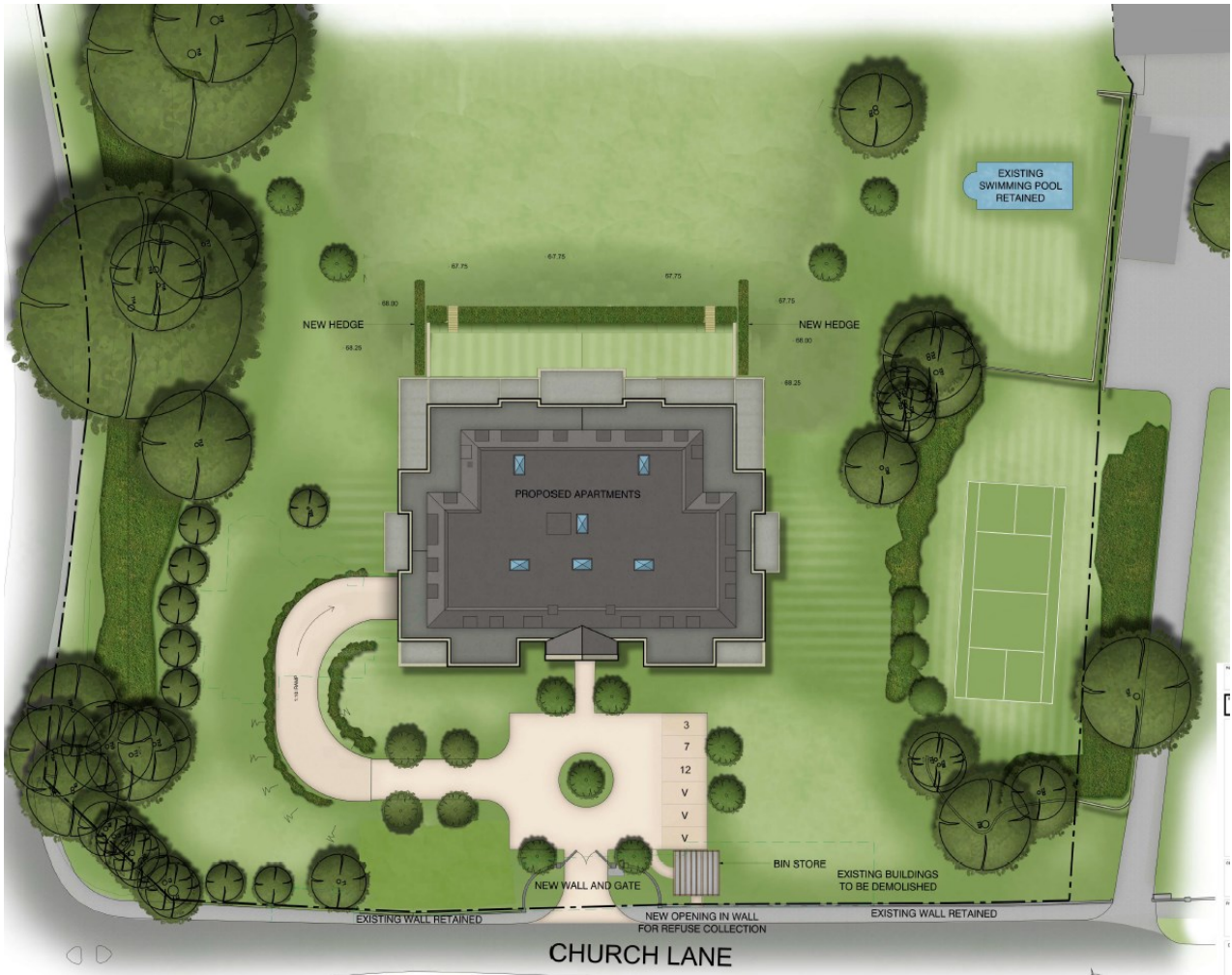
- 1 The Streetcare Services Manager at Tinkers Lane Depot Tinkers Lane Windsor SL4 4LR tel: 01628 796801 should be contacted for the approval of the access construction details and to grant a licence before any work is carried out within the highway. A formal application should be made allowing at least 4 weeks notice to obtain details of underground services on the applicant's behalf.
- 2 The attention of the applicant is drawn to the Berkshire Act 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway or grass verge arising during building operations.
- 3 The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which enables the Highway Authority to recover expenses due to extraordinary traffic.
- 4 Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from the The Streetcare Services Manager at Tinkers Lane Depot Tinkers Lane Windsor SL4 4LR tel: 01628 796801 at least 4 weeks before any development is due to commence.
- 5 No builders materials, plant or vehicles related to the implementation of the development should be parked/stored on the public highway so as to cause an obstruction at any time.

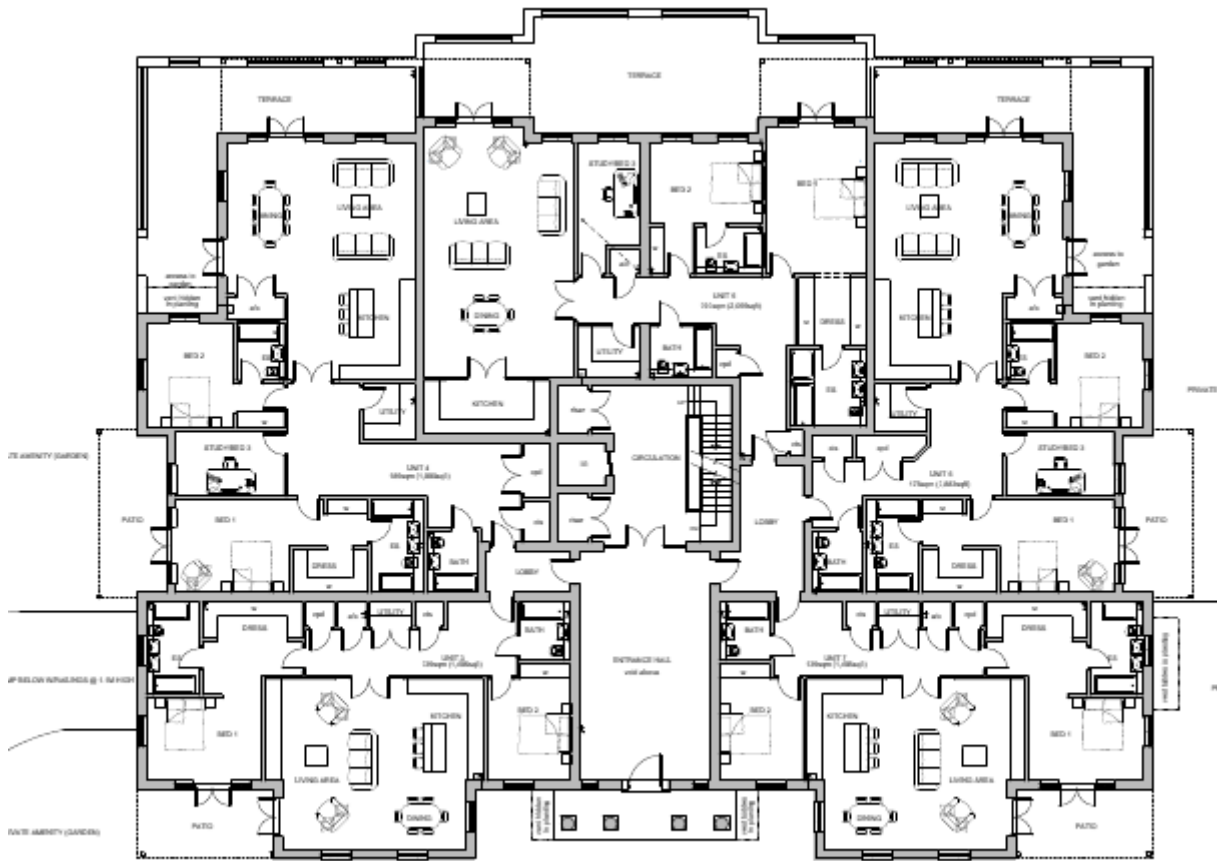
Appendix A

Location Plan

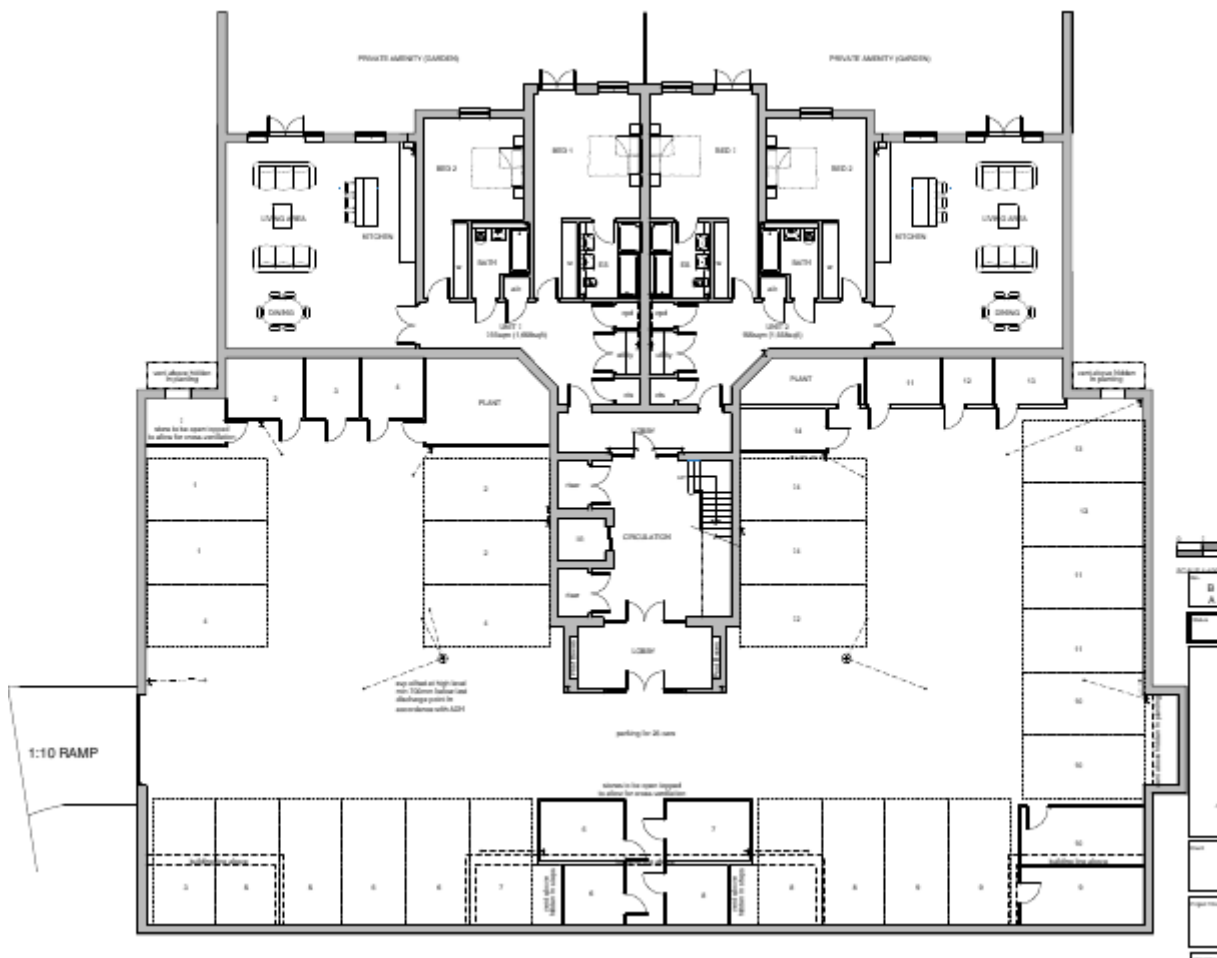


Proposed site plan

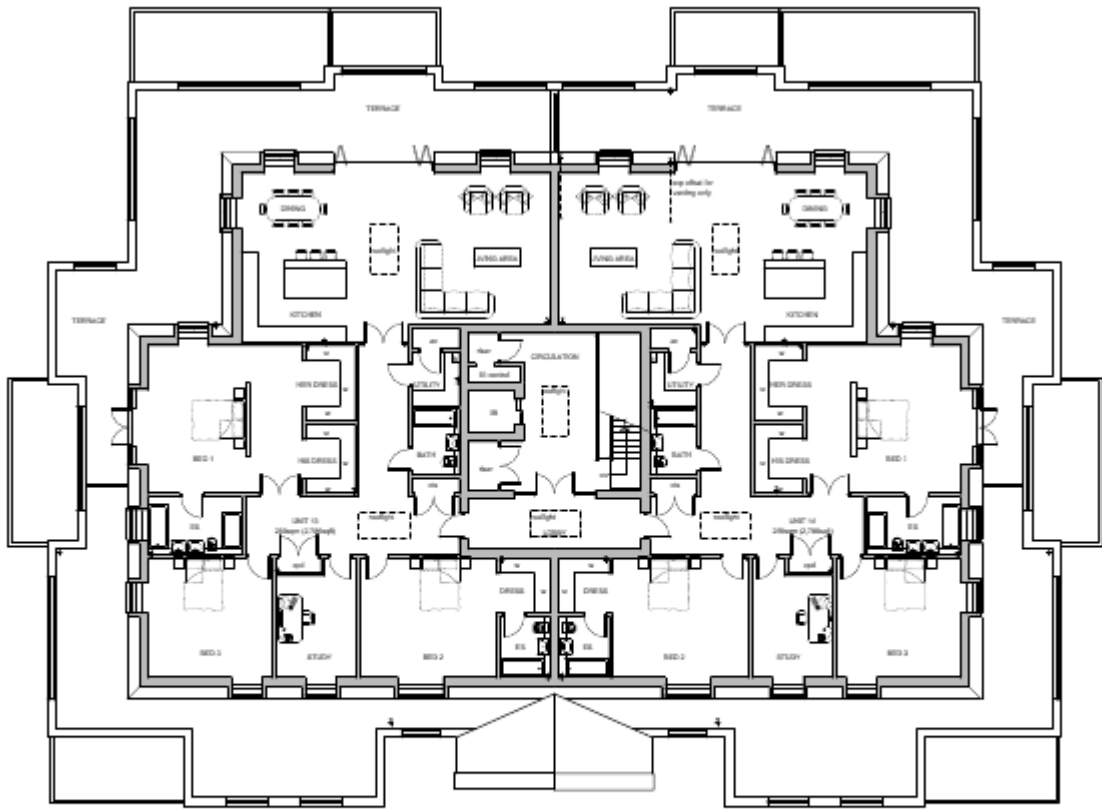




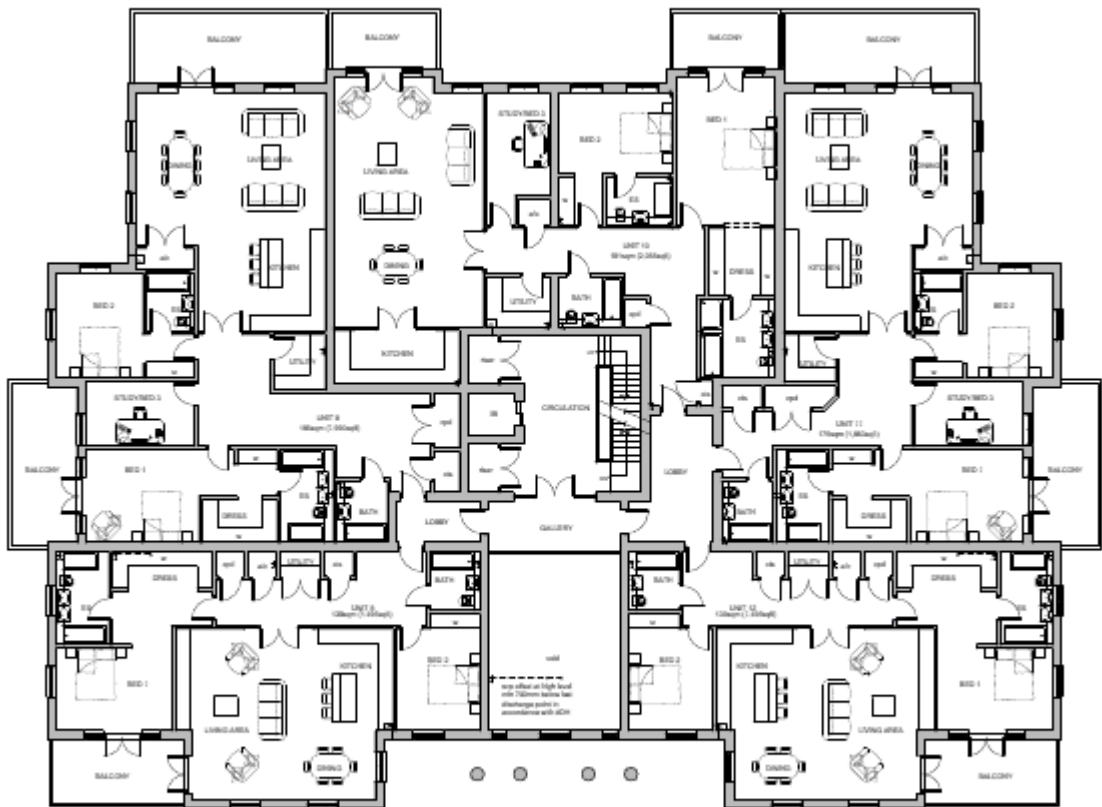
PROPOSED GROUND FLOOR PLAN



Proposed Lower Ground floor plan



PROPOSED SECOND FLOOR PLAN



PROPOSED FIRST FLOOR PLAN



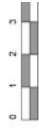
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION (parkland view)



SCALE: 1:100

Date: 13/08, 18/07,
Rev: B A

Sheet: PL

ASC
Time!

Ascot Design Ltd. Reg.
No. 0176344 23923

Client: MI

Project No: BEECHG
SUNI

DRAWING No: PROPOS



SIDE ELEVATION

6 November 2019

Item: 7

Application No.:	19/01555/FULL
Location:	Datchet Common Horton Road Datchet Slough
Proposal:	Change of use of land to the stationing/parking of motor vehicles and siting of a porta-cabin (retrospective).
Applicant:	Mssrs Loveridge And Giles
Agent:	Dr Angus Murdoch
Parish/Ward:	Datchet Parish/Datchet Horton And Wraysbury

If you have a question about this report, please contact: Victoria Goldberg on 01628 683551 or at victoria.goldberg@rbwm.gov.uk

1. SUMMARY

- 1.1 This item was withdrawn from the last Windsor Area Development Panel by the Head of Planning as the agent requested some additional time in order to submit a Flood Risk Assessment. The Local Planning Authority and agent agreed a revised timetable which required a Flood Risk Assessment to be submitted by 17th October 2019. No flood risk assessment has been provided.
- 1.2 The proposed scheme represents an inappropriate form of development in the Green Belt as set out in national and local policy and would be contrary to one of the purposes of including land within the Green Belt namely to protect the countryside from encroachment. Additionally the scheme would result in an actual loss of openness both visually and spatially across the site.
- 1.3 The proposal would also fail to comply with both national and local flood policy, would cause harm to the rural character of the area and would cause an unacceptable level of noise and disturbance to nearby residents.
- 1.4 No objections are raised with regard to highway safety.

It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 12 of this report):	
1.	The proposal represents inappropriate development in the Green Belt. Inappropriate development is by definition harmful to the Green Belt. The proposal will also result in a substantial negative impact on the openness of the Green Belt. No very special circumstances have been put forward that clearly outweigh the harm caused by reason of inappropriateness and the substantial impact on the openness of the Green Belt. Accordingly, the proposal is contrary to saved Policies GB1, GB2A of the Royal Borough of Windsor and Maidenhead Local Plan (June 2003), Policies SP1 and SP5 of the emerging Local Plan and Section 13 of the National Planning Policy Framework (February 2019).
2.	Part of the site is situated within flood zone 3b functional floodplain. The use has been classified as a less vulnerable use, and such a use is identified as inappropriate development within FZ3b. The applicant has also failed to submit a site-specific flood risk assessment as required by Section 14 of the National Planning Policy Framework.
3.	The concentration of up to 67 densely parked cars and the siting of a porta-cabin in a relatively small area results in the urbanisation of this once open and rural piece of land. As such the proposed use will negatively impact on the lawful open rural character of the site contrary to saved policy DG1 of the Royal Borough of Windsor and Maidenhead Local Plan (June 2003) and policy SP2 of the emerging Local Plan.

4.	The use of the land to station/park up to 67 vehicles will increase the level of activity on the site by virtue of the number of comings and goings. This will negatively affect the amenity of Mill House, Mill Cottage the properties on Mill Place that back onto the access road and the properties on Horton Road that back onto the site. The properties on Mill Place are positioned between three and four metres from the access road and as such vehicles accessing the site will be in close proximity to the doors and windows on the rear elevations of these properties and their rear gardens. As such the increase in vehicle movements to the site resulting in noise and disturbance will be detrimental to the amenity of these properties contrary to Section 12, Paragraph 127 f) of the NPPF and SP3(L) of the emerging Local Plan.
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2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Muir as *'This is a sensitive matter. There is a lot of community tension between applicants and residents. Called in to ensure any decision is seen as transparent'*.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is located to the rear of 236 to 248 Horton Road and is accessed by vehicles via an existing unnamed road which leads to Mill Place Caravan Park.
- 3.2 The site is positioned within previously undeveloped land that is commonly referred to as Datchet Common.
- 3.3 A pallet storage yard is located to the south of the site separated from the site by an emergency exit. To the east lies a car wash and the western boundary borders the remaining area of Datchet Common.
- 3.4 This application has been submitted as a retrospective application. The application proposes that an area within the site is used to station up to 67 cars. However, it should be noted that the related enforcement investigation has established that the entire planning unit is being used for airport parking with up to 400 cars being stationed on the land.

4. KEY CONSTRAINTS

- 4.1 The application site is located entirely within the Green Belt and Flood Zone 3. Parts of the site are located within Flood Zone 3b (Functional Flood Plain).

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The application proposes the change of use of part of the land to permit the stationing of motor vehicles. The car parking area covers 1925m² and the parking layout details 67 parking bays. The application also seeks to retain a porta-cabin used as an office in conjunction with the airport parking operation on site. The structure measures 7m x 2.5m and has a height of 2.85m.
- 5.2 The proposal does not reflect the current arrangement on site. It details a much smaller area than that currently used to store cars and there is no reference to the associated development i.e. hardstanding and toilets to facilitate the use.
- 5.3 The entire area of Datchet Common has been covered in aggregate to form hard standing to facilitate the current unauthorised airport parking. This unauthorised use and the associated development (including hardstanding) are the subject of an extant enforcement notice that has been appealed. This application does not seek approval for the hardstanding. The extant enforcement notice is a material consideration in the determination of this application.
- 5.4 There is no record of planning permission being granted for any use on site.

Reference	Description	Decision
13/02024/FULL	The use of land as a public gypsy and traveller site consisting of 10 pitches, 5 utility buildings, play area and associated works	Withdrawn on the 29 th April 2014.
14/01370/FULL	The use of land as a gypsy and traveller site consisting of 9 x pitches, 5 x utility buildings, play area, warden's office and associated works.	Dismissed by the Secretary of State on the 5 th July 2016.
16/03681/FULL	Use of the land as a Gypsy and Traveller site consisting of 5 no. residential pitches plus 1 no. warden pitch, play area and three amenity blocks.	Withdrawn on the 26 th July 2017
17/02404/FULL	Use of the land as a Gypsy and Traveller site consisting of 4 no. residential pitches, 2 no. Amenities blocks, 1 No. Wardens block and play area	Refused- this refusal is currently being appealed.
17/02236/FULL	Change of use of the land to the stationing/parking of vehicles	Withdrawn on the 6 th December 2017.

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
Green Belt	GB1 and GB2
Design in keeping with character and appearance of area	DG1
Flooding	F1

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 12- Achieving well-designed places

Section 13- Protecting Green Belt land

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

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Appropriate Development in Green Belt and acceptable impact on Green Belt	SP1, SP5
Design in keeping with character and appearance of area	SP2, SP3
Manages flood risk and waterways	NR1

- 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 Interpretation of Policy F1

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

43 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on the 17th July 2019

No letters were received supporting the application.

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

Comment

Where in the report this is considered

1.	Proposal represents inappropriate development and it results in a substantial impact on the openness of the Green Belt. There are no very special circumstances.	9.2 - 9.10
2.	Inappropriate development in Flood Zone 3b. A flood risk assessment has not been submitted.	9.13 - 9.16
3.	Urbanisation of once rural piece of land	9.12
4.	Negative impact on rural character of site	9.12
5.	The use will negatively affect amenity of nearby residential properties	9.19 - 9.20
6.	Increase in level of activity and number of comings and goings and associated noise and disturbance.	9.19
7.	Application gives an erroneous impression of the true situation. The number of cars currently parked far exceeds the maximum 67 stated. There are around 400 cars parked and it has been this way for several years.	3.4
8.	Waste storage and removal plans are indicated on the application but no details are provided.	Not relevant to application
9.	The hours of operation stretch beyond 9am-5pm to operate as airport parking.	9.20
10.	The land can be seen from Datchet Common Public land	Noted
11.	Airport parking is a total inappropriate use of land so close to residential properties.	9.19 - 9.20
12.	The use subject local residents to noise, light pollution, atmospheric pollution and general disturbance from car journeys. The access roads are narrow, close to houses and unsuitable for this volume of traffic.	9.19 - 9.20

Statutory consultees

Consultee	Comment	Where in the report this is considered
Environment Agency	<p>The EA have two objections namely:</p> <p>We object to the proposed development as it falls within a flood risk category that is inappropriate to the Flood Zone in which the application site is located. The application is therefore contrary to the NPPF and its associated guidance.</p> <p>A Flood Risk Assessment (FRA) has not been submitted. An FRA is vital to making informed planning decisions. In its absence, the flood risks posed by the development are unknown.</p>	9.13- 9.16

Highways	Comments Awaited	
Environmental Protection	It is suggested that a number of conditions and informatives be imposed if the application is approved. These suggested conditions cover the minimisation of artificial light on nearby properties, site working hours, and collections during construction and demolition.	N/A

Consultees

Consultee	Comment	Response
Parish Council	Members had no objection on the grounds that the applicant provides a Flood Risk Assessment (FRA).	An FRA has not been submitted.

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Appropriate development in Green Belt
- ii Acceptable impact on Green Belt
- iii Impact on character and appearance of the area
- iv Flood Risk
- v Highway Safety
- vi Impact on neighbouring amenity
- vii. Planning balance

Appropriate development in the Green Belt

9.2 The application site is located within the Green Belt. Paragraph 133 of the NPPF sets out that the 'fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'.

9.3 Local Plan policy GB1 sets out acceptable uses and development in the Green Belt and specifies that consent will only be granted for changes in the use of the land which maintain openness and do not conflict with the purposes of including land in the Green Belt. This part of the policy is in accordance with the NPPF which is considered a more up-to-date expression of Government intent in line with Paragraph 146 (e) of the NPPF which stipulates that material changes in the use of land are not inappropriate provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

9.4 The use of the land for the stationing/parking of vehicles and the siting of a portacabin fails to preserve the openness of the Green Belt and conflicts with one of the five Green Belt purposes – namely 134 c) - assisting the countryside from encroachment as discussed further below. Accordingly, the use is inappropriate development as defined by the NPPF and Local Plan Policy GB1.

- 9.5 As detailed in paragraph 143 of the NPPF, inappropriate development is by definition, harmful to the Green Belt and it should not be approved except in very special circumstances. As stipulated in paragraph 144 of the NPPF, substantial weight should be attributed to any harm to the Green Belt. Furthermore, 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. No very special circumstances have been put forward by the applicant and as such, the harm identified by inappropriateness is not outweighed in this case.

Acceptable impact on Green Belt

- 9.6 As detailed above, paragraph 133 of the NPPF sets out that the 'fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'. As such the effect of the proposal on the openness of the Green Belt is an important consideration in the determination of this application.
- 9.7 There is no definition of openness in the NPPF, but, in the Green Belt context, it is generally held to refer to freedom from, or the absence of, development. The stationing of vehicles on previously undeveloped land significantly impinges on openness and has a detrimental urbanising effect on the lawful use. Additionally, the unauthorised use negatively alters the character and appearance of the lawful site, contrary to the purpose of the Green Belt and resulting in the loss of open countryside.
- 9.8 Policy GB2(A) of the adopted local plan is broadly line with the NPPF. Policy GB2(A) advises that consent will not be granted for any development that has a greater impact on the openness of the Green Belt than an existing development.
- 9.9 The lawful undeveloped use of the site had an open quality despite its neglected appearance. Prior to the current unauthorised use, the area was open rough scrubland. The storage of 67 cars and siting a porta cabin on the land will greatly impact upon the openness of the site both visually and spatially and would result in the unrestricted sprawl of the built-up area and the loss of countryside.
- 9.10 The use of the land to station cars and a portacabin will negatively change the character and appearance of the once undeveloped site. As such the introduction of the vehicle parking has had an urbanising effect and will result in a significant loss of openness contrary to the NPPF and to Local Plan Policy GB2A of the adopted Local Plan. The proposal is also contrary to policies SP1 and SP5 of the emerging Borough Local Plan to which significant weight can be afforded.

Impact on character and appearance of the area

- 9.11 Policy DG1 of the adopted Local Plan stipulates that harm should not be caused to the character of the surrounding area through development which results in the loss of important features which contribute to that character which is also an important aim contained within the NPPF.
- 9.12 The site is a relatively enclosed area of land bordered by rear gardens of properties on Horton Road and Datchet Car wash. The concentration of 67 densely parked cars and a portacabin in a relatively small area results in the urbanisation of this once open and rural piece of land which is out of keeping in this semi-rural environment. Whilst it is acknowledged that the adjacent car wash is lawful this scheme is of a larger scale and a greater level of intensity than the adjacent use. As such the proposed use will negatively impact on the lawful open rural character of the site and would be out of keeping with the area contrary to policy DG1 of the Local Plan and Policy SP3 of the emerging Borough Local Plan.
- 9.13 The application is supported by a landscape design statement. This illustrates soft landscape 'islands' within rows of parking, a 1m wide land strip to the site periphery and soft landscape buffer zones to the northern end of the site. Whilst a plan within the landscape statement illustrates landscaping, these plans do not correlate with the plans submitted to accompany the application. They do not mirror the proposed parking arrangement and do not include the porta

cabin and so the landscaping proposed does not correlate with the development proposed. As such they are not relevant to the scheme being considered.

Flood Risk

- 9.14 Part of the application site lies within Flood Zone 3b (FZ3b) i.e. functional flood plain. FZ3b is defined in the NPPF and NPPG as having a high probability of flooding from rivers and the land where water has to flow or be stored in times of flooding. This is confirmed by the Council's Strategic Flood Risk Assessment.
- 9.15 The Environment Agency classify the proposed use as 'less vulnerable' development despite not being specifically mentioned within flood risk table 2 of the NPPG. Table 3 of the NPPG - Flood risk vulnerability and flood zone 'compatibility' clearly indicates that this type of development is not compatible with this flood zone and should not therefore be permitted.
- 9.16 In accordance with the requirements of National Planning Policy, the applicant is required to submit a site –specific flood risk assessment. The applicant has failed to submit a site-specific flood risk assessment which contravenes Section 14 of the National Planning Policy Framework.
- 9.17 As the applicant has failed to submit a site –specific flood risk assessment, no further assessment of the acceptability of the development in the flood zone is required. The proposal fails to comply with the NPPF, with Policy F1 of the Local Plan. With regard to Policy NR1 of the emerging Borough Local Plan only limited weight is afforded to this policy given the level of unresolved objection against it.

Highway Safety

- 9.18 The applicant has failed to identify the purpose of the car park despite the current airport parking on site. As such there is no accurate way of anticipating the number of vehicle trips resulting from the proposal. Although supporting information would be beneficial to fully appreciate the extent of the impact, the location of the site and access are not anticipated to impose any severe impacts to the local highway network or raise highway safety issues.
- 9.19 The sight lines at the junction with Horton Road comply with current guidance in both directions. The applicant proposes serving the site from the main access onto the private road. The entrance to the site is gated, but is of sufficient width to allow two way vehicular flow across the entrance. However, the plan also shows that the applicant intends to retain access to Mill Lane.

Impact on neighbouring amenity

- 9.20 The use of the site to station/park up to 67 vehicles will increase the level of activity on the site by virtue of the number of comings and goings. This will negatively affect the amenity of Mill House and Mill Cottage and the properties along Horton Road that back onto the site and the properties on Mill Place that back onto to the access road. The properties on Mill Place are positioned between three and four metres from the access road and as such vehicles accessing the site will be in close proximity to the doors and windows on the rear elevations of these properties and their rear gardens. As such the increase in vehicle movements to the site resulting in noise and disturbance will be detrimental to the amenity of these properties.
- 9.21 As a result of the current unauthorised use on site local residents have already reported an increased level of disturbance due to vehicles being moved at all hours of the day. Whilst it is accepted that a condition could be imposed to limit the times of these movements, this would not overcome the unacceptable impact to these properties arising from vehicles needing to access the site to park outside of those hours permitted. The proposal is therefore contrary to paragraph 127(f) of the NPPF and to policy SP3 (L) of the emerging Borough Local Plan both of which are attributed significant weight.

10. PLANNING BALANCE AND CONCLUSION

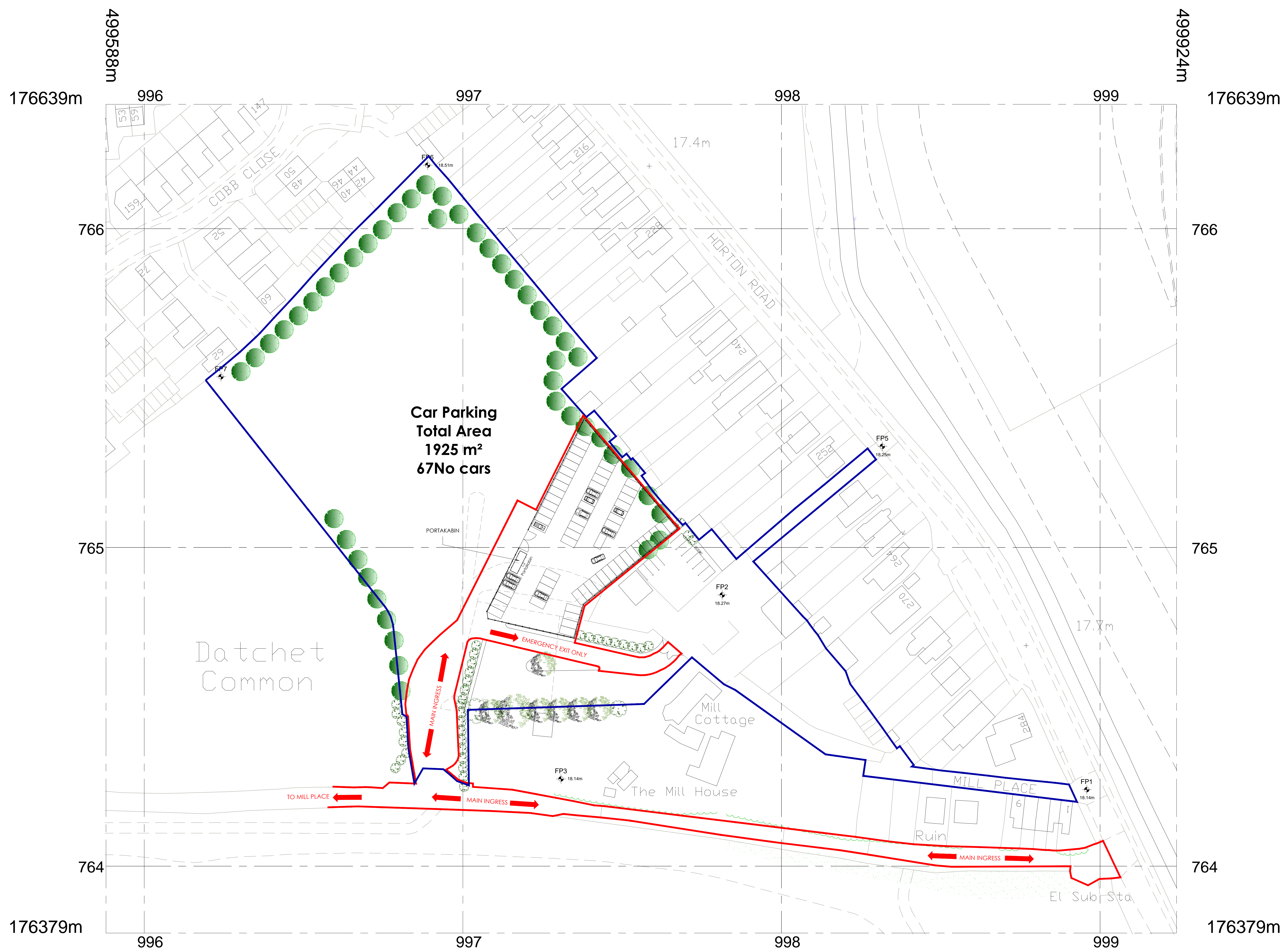
- 10.1 The proposal is inappropriate development in the Green Belt for which no very special circumstances have been advanced, this is afforded substantial weight against the development proposed. In addition there is a harmful impact on the openness of the Green Belt which weighs against the development.
- 10.2 Furthermore 'any other harm' is required to be considered. Set out above is the harm caused to the functional floodplain and non-compliance with Policy F1 of the adopted Local Plan and emerging policy NR1 of the Borough Local Plan. There is harm to the semi-rural character of the area and to residential amenity contrary to Policy DG1 of the adopted Local Plan, Paragraph 127(f) of the NPPF and emerging policy SP3 of the Borough Local Plan. This also weighs against the development in the planning balance.
- 10.3 In the absence of a case for very special circumstances, no benefits arising from the scheme have been identified. Consequently the development fails to accord with the adopted and emerging Development Plan; there are no material considerations which would indicate a contrary decision. In fact there are material considerations which add to the weight of the assessment, this includes the extant enforcement notice. Planning permission should not be granted.

11. APPENDICES TO THIS REPORT

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

12. REASONS RECOMMENDED FOR REFUSAL

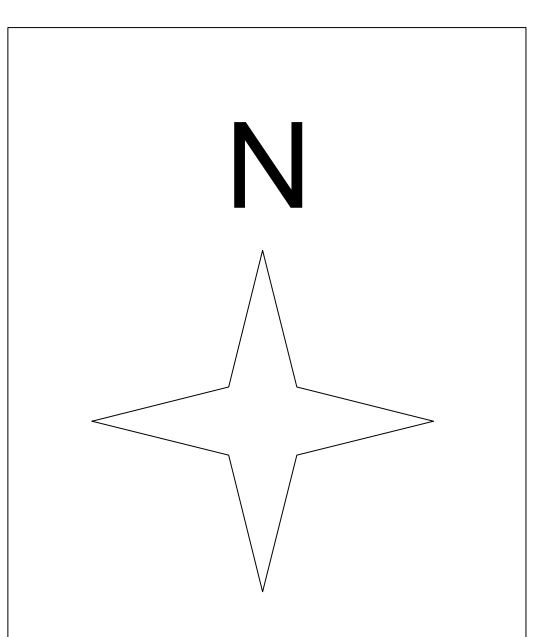
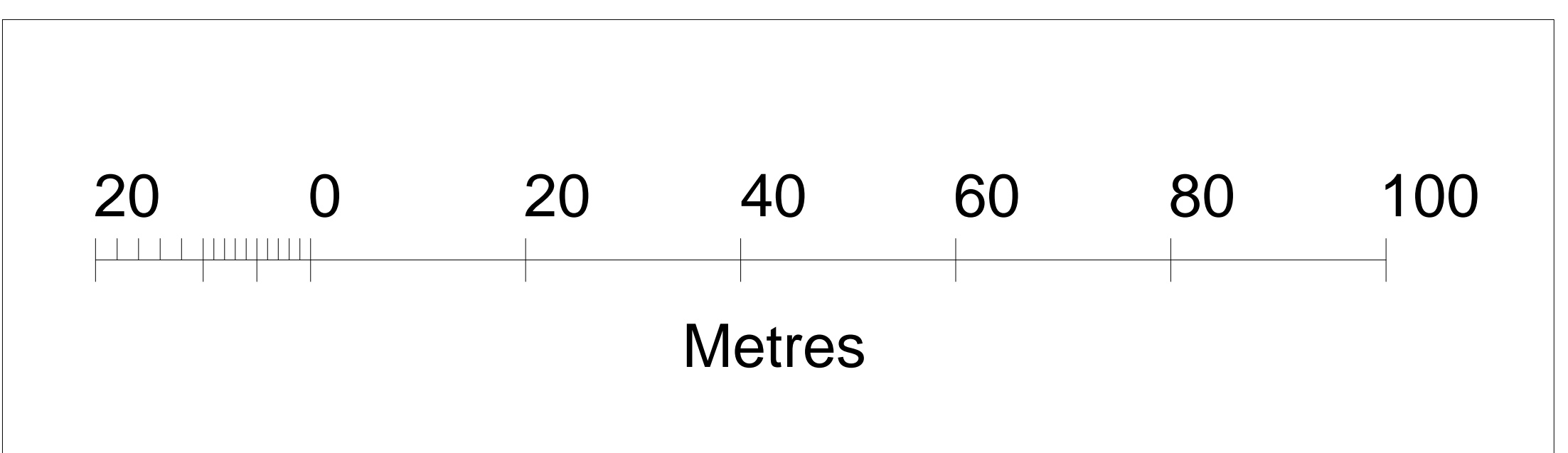
- 1 The proposal represents inappropriate development in the Green Belt. Inappropriate development is by definition harmful to the Green Belt. The proposal will also result in a substantial negative impact on the openness of the Green Belt. No very special circumstances have been put forward that clearly outweigh the harm caused by reason of inappropriateness and the substantial impact on the openness of the Green Belt. Accordingly, the proposal is contrary to saved Policies GB1, GB2A of the Royal Borough of Windsor and Maidenhead Local Plan (June 2003), Policies SP1 and SP5 of the emerging Local Plan and Section 13 of the National Planning Policy Framework (February 2019).
- 2 Part of the site is situated within flood zone 3b functional floodplain. The use has been classified as a less vulnerable use, and such a use is identified as inappropriate development within FZ3b. The applicant has also failed to submit a site-specific flood risk assessment as required by Section 14 of the National Planning Policy Framework.
- 3 The concentration of up to 67 densely parked cars and the siting of a porta-cabin in a relatively small area results in the urbanisation of this once open and rural piece of land. As such the proposed use will negatively impact on the lawful open rural character of the site contrary to saved policy DG1 of the Royal Borough of Windsor and Maidenhead Local Plan (June 2003) and policy SP2 of the emerging Local Plan.
- 4 The use of the land to station/park up to 67 vehicles will increase the level of activity on the site by virtue of the number of comings and goings. This will negatively affect the amenity of Mill House, Mill Cottage the properties on Mill Place that back onto the access road and the properties on Horton Road that back onto the site. The properties on Mill Place are positioned between three and four metres from the access road and as such vehicles accessing the site will be in close proximity to the doors and windows on the rear elevations of these properties and their rear gardens. As such the increase in vehicle movements to the site resulting in noise and disturbance will be detrimental to the amenity of these properties contrary to Section 12, Paragraph 127 f) of the NPPF and SP3(L) of the emerging Local Plan.



**Car Parking
Total Area
1925 m²
67No cars**

Map supplied by:
Latitude Mapping Limited
Tel: 01707 663090
www.latitudemaps.co.uk

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location plan 1:500 @ A0

client Mr D Loveridge		
Mill Place Caravan Park Datchet Slough. SL3 9JD		
drawing title proposed location plan car parking area		
date June 2017	scale 1:500	sheet size A0
job no. 0912-1	drawing no. A30-06-17	revision B

74

Car Parking
Total Area
1925 m²
67No cars

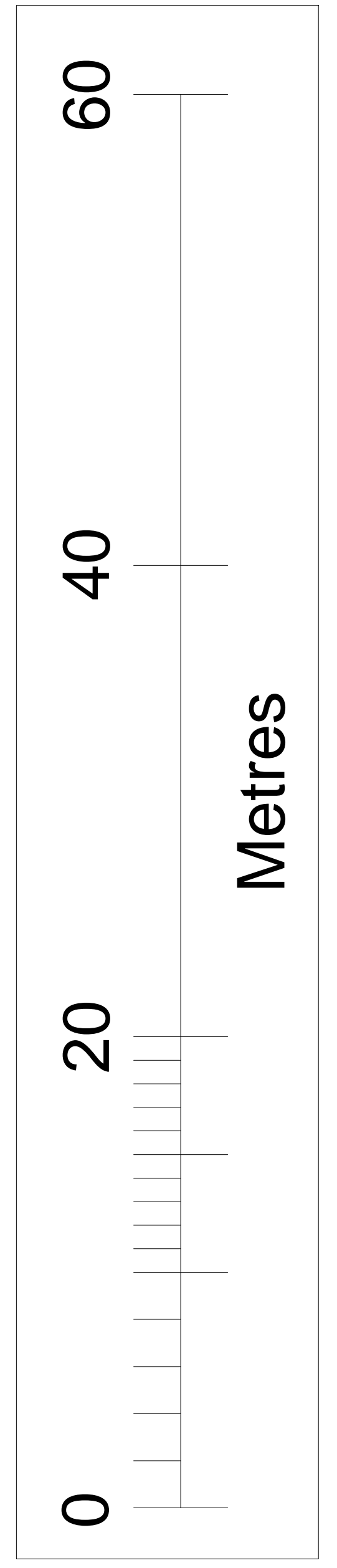


PORTAKABIN
 REFER TO DRAWING
 A30-07-19

75



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client
 Mr D Loveridge

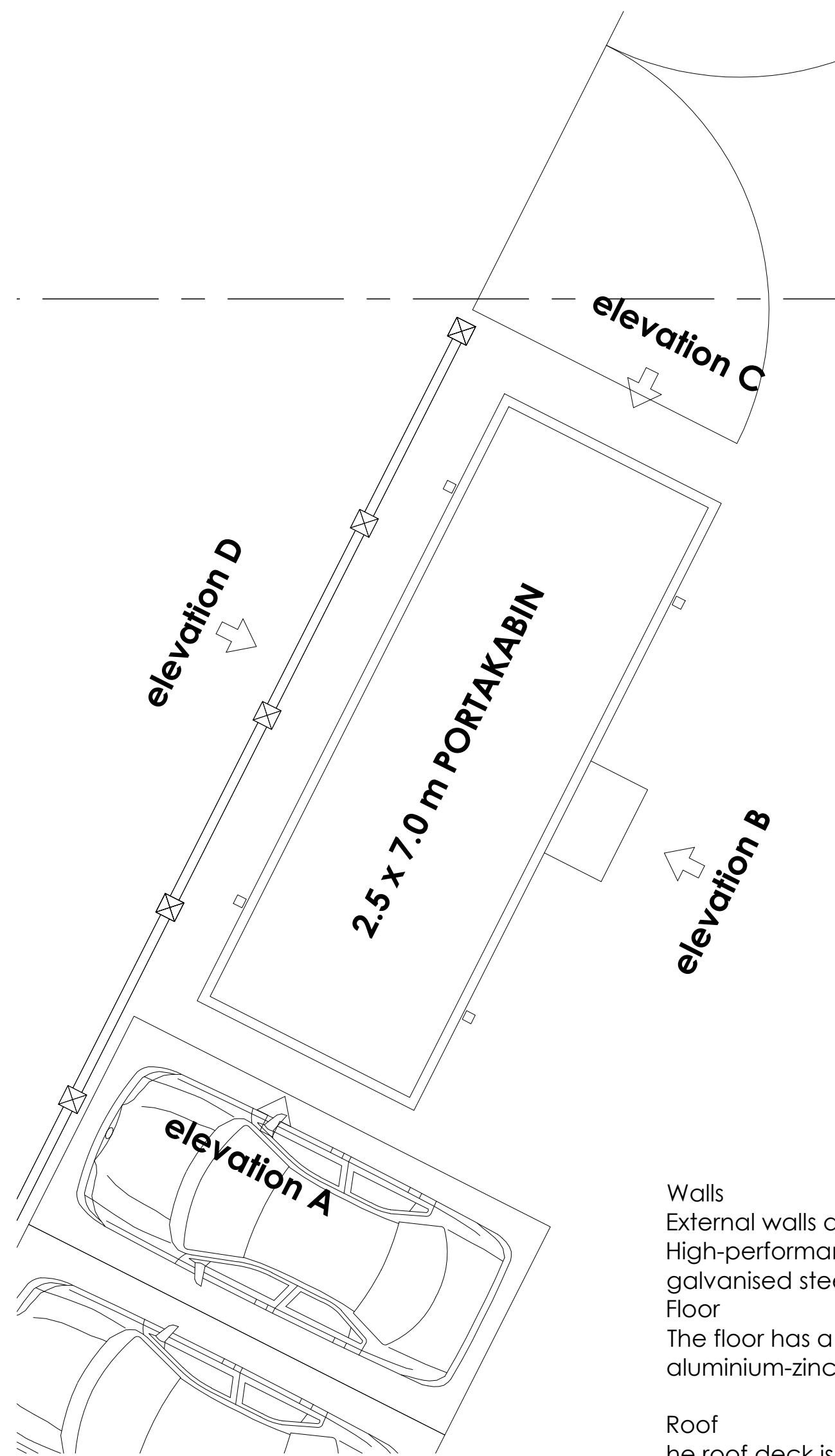
Mill Place Caravan Park
 Datchet
 Slough. SL3 9JD

drawing title
 proposed
 location plan
 car parking area - option 1

date
 June 2017

car parking plan scale 1:200 @ A1

job no. 0912-1	drawing no. A30-06-17 -2	revision C
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**positioning
(refer to location plans)**

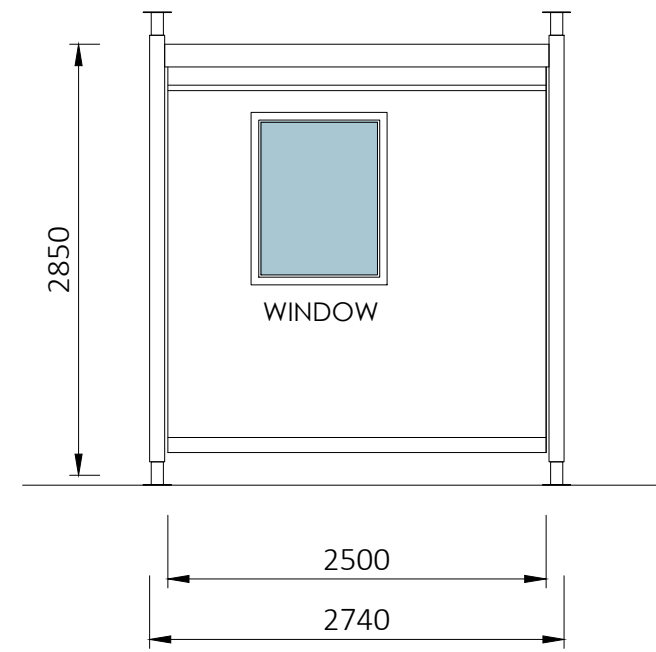
Walls
External walls are of a durable one-piece construction. High-performance, low-maintenance, plastisol-coated, galvanised steel cladding.

Floor
The floor has a rigid galvanised steel frame and an aluminium-zinc coated steel sheet.

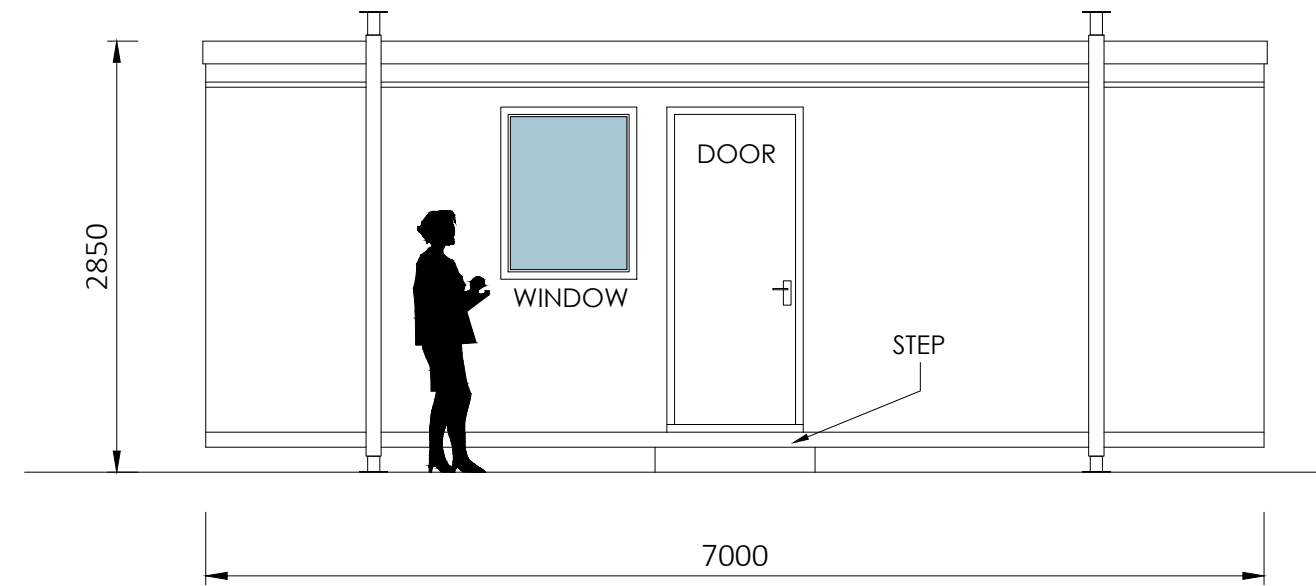
Roof
The roof deck is of one-piece construction and is impact resistant. It is covered profiled plastisol-coated, galvanised steel.

Doors
Steel-faced doors with a cylinder mortise lock.

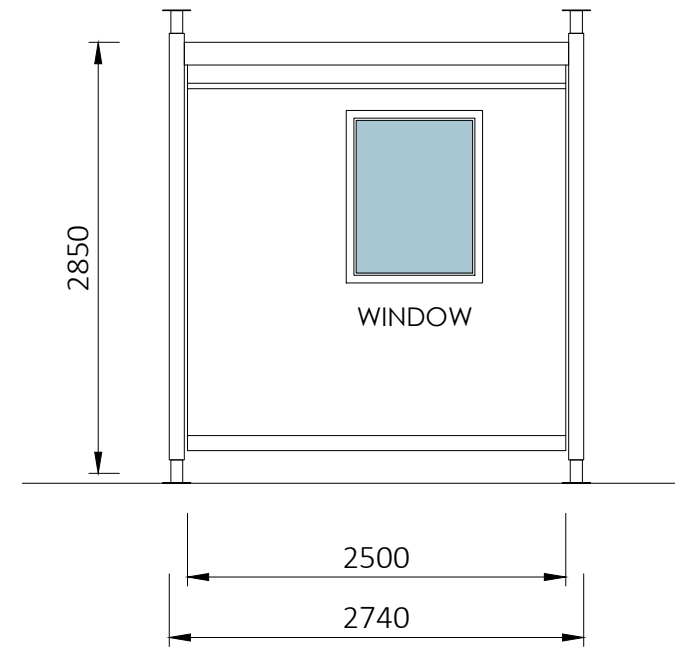
Windows
Both the fixed and opening have square cornered aluminium frames.



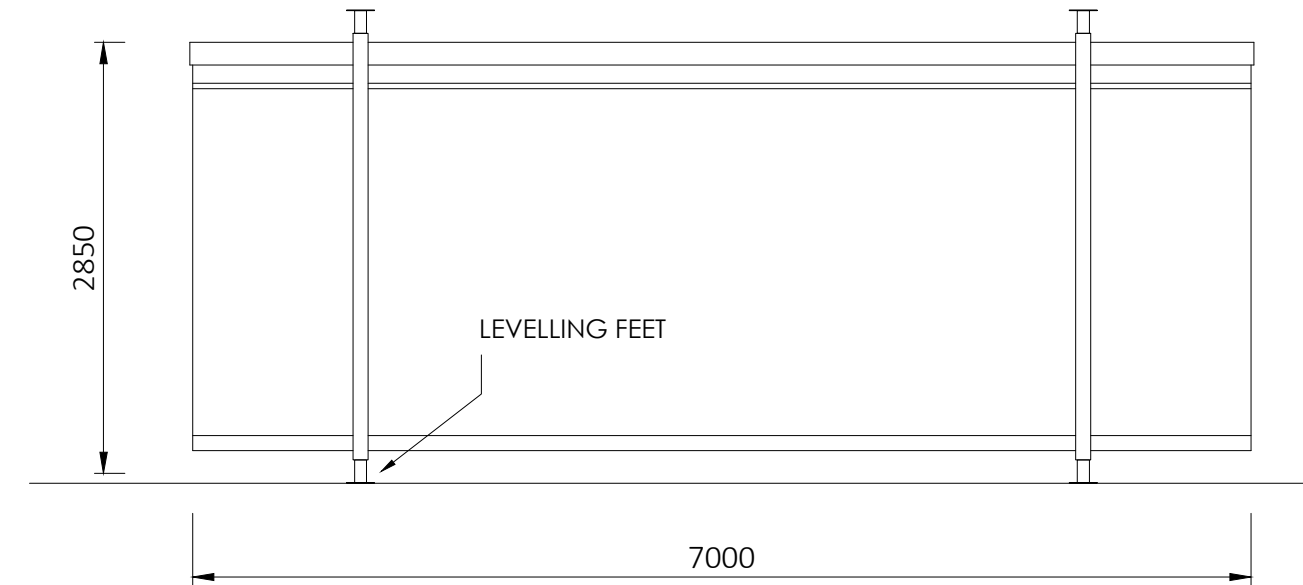
elevation A



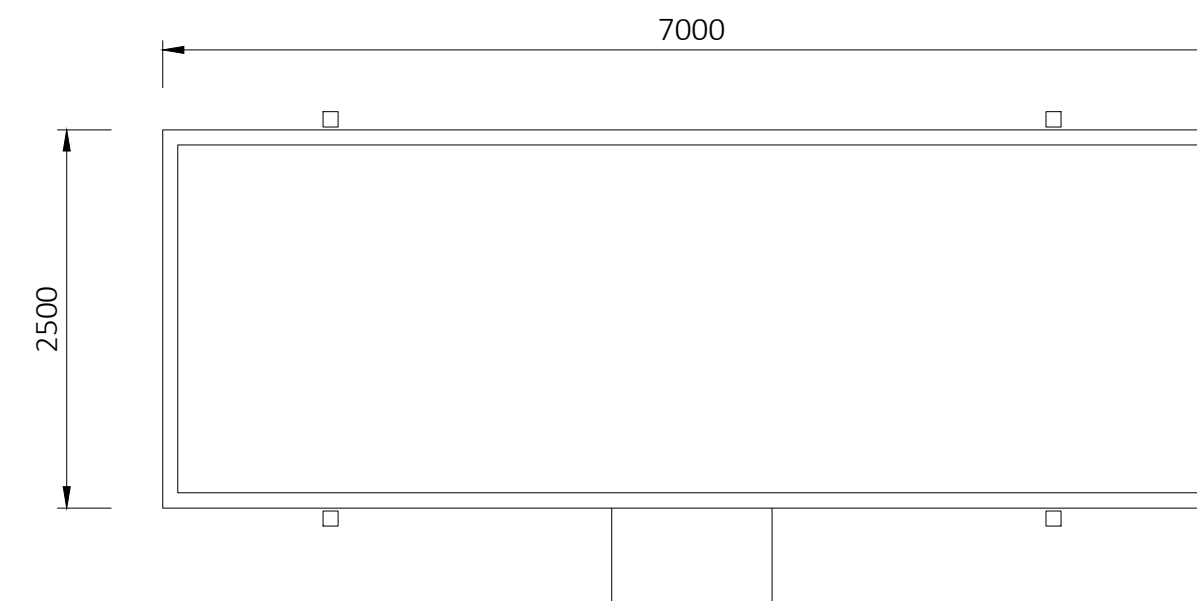
elevation B



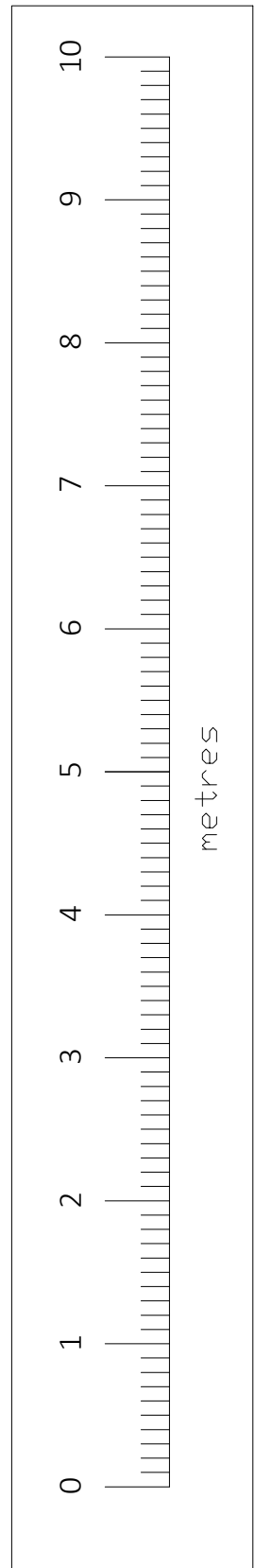
elevation C



elevation D



roof plan view



client
Mr D Loveridge

Mill Place Caravan Park
Datchet
Slough. SL3 9JD

drawing title
proposed
Portakabin
plan and elevations

date July 2019	scale 1:50	sheet size A2
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job no. 0912-1	drawing no. A30-07-19	revision :
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6 November 2019

Item: 8

Application No.:	19/01761/FULL
Location:	St Peters CE Middle School Crimp Hill Old Windsor Windsor SL4 2QY
Proposal:	Proposed two storey classroom block, new cycle store and alterations to the boundary treatment including new pedestrian and vehicular entrance gates, following demolition of the existing single storey building.
Applicant:	Danuta Longworth-Krafft
Agent:	Colette Harrsion
Parish/Ward:	Old Windsor Parish/Old Windsor
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 single storey modular classroom block with a detached two storey classroom building at St Peters CE Middle School.
- 1.2 The proposed building would be materially larger than the one which it replaces and thus would constitute inappropriate development, which is, by definition, harmful to the Green Belt and should not be approved, unless a case of very special circumstances (VSC) (paragraph 143, NPPF 2019) is put forward which clearly outweighs the harm to the Green Belt and any other harm. A case for VSC has been put forward as the proposed building would provide an additional 120 school places (30 per year group), which would increase the surplus of school places to 7.3%, from the current 2%. Paragraph 94 of the NPPF details that great weight should be awarded to proposals to expand schools and that it is important that there is a sufficient supply of school places. With this taken into account, it is considered that the weight accorded to this VSC would outweigh the harm to the Green Belt and as such would comply with the NPPF in this regard.
- 1.3 There are no issues raised relating to character, neighbour amenity, highways and trees.

It is recommended the Panel defer and delegates approval to the Head of Planning subject to the conditions listed in Section 10 of this report and a legal agreement to secure a travel plan.

2. REASON FOR PANEL DETERMINATION

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

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is located on the north side of Crimp Hill, within the Green Belt. There are a few residential properties in the vicinity, however the character is rural. The site comprises a school with a number of school buildings across the site.

3.2 KEY CONSTRAINTS

- i. Green Belt

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The application seeks planning permission for a two storey classroom block, new cycle store and alterations to the boundary treatment including new pedestrian and vehicular entrance gates, following the demolition of the existing single storey building.
- 4.2 There is extensive planning history for this site the most recent applications are summarised below;

Reference	Description	Decision
03/83818/FULL	Erection of new detached gymnasium and changing facilities to rear of school.	Permission granted 26/9/2003
10/00503	Single storey extension to form food technology teaching space.	Permission granted 28/4/2010

5. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

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

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area and Green Belt	DG1, GB1, GB2
Highways	P4 AND T5
Trees	NG
Community Facilities	CF2

These policies can be found at

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

Old Windsor Neighbourhood Plan (2018-2033)

Issue	Neighbourhood Plan Policy
Design in keeping with character and appearance of area and Green Belt	OW1, OW8
Highways	OW11, OW12

These policies can be found at

https://www3.rbwm.gov.uk/info/201025/emerging_plans_and_policies/477/neighbourhood_plans/2

6. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2019)

Section 4- Decision-making

Section 12- Achieving well-designed places

Section 13- Protecting Green Belt land

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area and Green Belt	SP2, SP3, SP5
Sustainable Transport	IF2

- 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

Other Local Strategies or Publications

- 6.3 Other Strategies or publications relevant 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

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

Fifteen occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 29th July 2019.

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

Comment		Where in the report this is considered
1.	It was requested that the following points be taken into consideration in the assessment of the proposed works :- i. The carpark of the Almshouses is strictly off limits to all vehicles connected to the works ii. Working hours are kept within recognised guidelines iii. All vehicles and building materials are kept within the site and no parking on Crimp Hill iv. That a considerate builder scheme is followed due to the age of the residents of the Almshouses.	Please see paragraph 8.14-8.18 relating to highways and parking and paragraph 8.24 For all other matters
2.	Objection on the grounds of safety to the neighbouring dwellings, and an invasion of privacy and light and noise disturbance.	Please see paragraphs 8.9-8.13

Statutory consultees

Consultee	Comment	Where in the report this is considered
Environmental Protection	No concerns raised. Should planning permission be granted, conditions relating to construction working hours during construction and demolition and informatives relating to smoke and dust control are recommended in this instance.	Please see paragraph 8.24
Trees	Given the substantial loss of trees at the front of the site and lack of suitable mitigation, the current scheme is contrary to policies N6 and DG1.	Please see paragraph 8.19-8.23
Highways	The development proposals comply with the Local Authority's current standards and the proposed measures to reduce / stagger vehicle trips are deemed acceptable. If the Planning Authority is minded to approve the planning application conditions and informatives are suggested. The conditions require a construction management plan, parking and turning as the approved drawing, cycle parking as drawing and refuse bin and recycling as approved drawing. The informatives relate to damage to footways and verges, damage to the highway and no equipment materials on the public highway.	Please see paragraphs 8.14-8.18

Consultees

Consultee	Comment	Where in the report this is considered
Parish Council	Members would like to see a condition that ensured construction vehicles must be contained on the site and not blocking this road, as it is very narrow, or parking in the Almshouses car park. We would also like to see only builders abiding by the Considerate Constructors Scheme employed due to the Almshouses being right next to the building construction and the elderly residents will not want noise, foul language, loud radios etc. playing at all hours for months on end likewise the children at the school.	Please see paragraphs 8.14-8.18 relating to highways and parking. Please see paragraph 8.24 For all other matters

8. EXPLANATION OF RECOMMENDATION

8.1 The key issues for consideration are:

- i Impact on the Green Belt
- ii Impact on the character of the area
- iii Impact on neighbour amenity
- iv Highway implications and parking provision
- v Impact on trees and landscaping
- vi Ecology
- vii Other Material Considerations

Green Belt

8.2 Paragraph 145 of the National Planning Policy Framework states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. It then goes on to list exceptions to this, and it is considered that the proposed scheme subject of this report would fall to be assessed against the following;

- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;

- 8.3 The below table sets out the parameters of both the existing building and that which is proposed as a point of comparison taken from the drawings submitted in support of this application;-

	Existing Building (single storey)	Proposed Building (two storey)
Total usable floorspace	270.5 sq. metres	692.284 sq. metres
Maximum ridge height	4 metres	8.3 metres
Maximum eaves height	3.085 metres	7 metres

- 8.4 With the above taken into account, the additional floor space would result in an increase of 155%. Furthermore the resultant building would be more than double the height of the highest point of that which is existing. This increase in height, mass and bulk would result in a materially larger building than that which it replaces and as such has to be considered inappropriate development in the Green Belt, which is by definition harmful to the Green Belt. Actual physical visual and spatial harm to the Green Belt would however be fairly limited given the proposed siting of the building within the existing built envelope of development on site. In conclusion the proposal is inappropriate development and can only be approved, if there are 'Very Special Circumstances' (VSC) that clearly outweighs the harm to the Green Belt and any other harm. The applicant has made a case for VSC and this is considered at the end of the report under the 'Planning Balance' after consideration of all the other issues.

Character

- 8.5 National Planning Policy Framework Section 12 (Achieving well-designed places) advises that all development should seek to achieve a high quality of design that improves the character and quality of an area. Similarly, policy OW8 of the Old Windsor Neighbourhood Plan details that development proposals should reflect the character of the surrounding area. The street scene of Crimp Hill is mixed with a combination of commercial, residential and school buildings. The application site is a school located on the north side of Crimp Hill and the locality of the proposed building is located to the rear of the site, behind the neighbouring Almshouses.
- 8.6 The proposed building would be set to the rear of the site, approximately 80 metres from the entrance to the site, to the rear of the existing Almshouses. By virtue of this locality the proposed building would not be visible when viewed from the public realm. With this taken into account, it is considered that it would not have an adverse impact on the character of the area or locality in general in this regard. The design and material pallet of the building would remain in keeping with that of the sites surrounding school buildings. Though it is noted that the works to the front of the site would be readily apparent from the public realm, it is considered that they would remain in keeping with the site and thus, sympathetic to the character of the area.

Neighbour Amenity

- 8.7 The locality of the proposal would fall within close proximity with the south flank which is shared with the Penny Royal Almshouses and bounded by chicken wire fencing and mature trees/hedgerow. The Almshouses, which are detailed within the Old Windsor Neighbourhood Plan as buildings of character, are single storey dwellings and it is noted that the rear elevations of No's. 26 -31, front the shared boundary. With this taken into account, it is necessary to assess the impact the proposed new building would have on these dwellings in terms of light, privacy and outlook in line with paragraph 127 of the NPPF (2019).
- 8.8 Given the curve in the boundary, the proposed building would be positioned 7 metres from this boundary at its closest point (measured from the south east corner) and 8.2 metres at its furthest point (measured from the south west corner), as measured from submitted drawing 692 02 A. As a result of this, the proposed building would be positioned a minimum distance of 23.4 metres from the rear elevations of No's. 26-31. Whilst it is noted that the proposed building would be larger than that which it replaces, both in terms of footprint and height, it is considered that the distance which would remain between this and the nearest neighbouring dwellings would be

acceptable and thus, the proposed development would not have an overbearing impact on these neighbours.

- 8.9 By virtue of the orientation of the application site and neighbouring Almshouses, the sun rises in the east and travels around the front of the Almshouses before setting in the west. With this taken into account, it is considered that the proposed building would not obstruct the sun path for the Almshouses. In view of this, it is considered that the proposed building would not have an adverse impact on the light the nearest neighbouring dwellings currently receive.
- 8.10 The south elevation of the proposed building would encompass windows which serve both the ground and first floor windows. It is noted that all of the windows within the south elevation would be high level windows positioned 1.9 metres above the internal floor level. The proposed building would maintain the existing boundary treatment on the south flank and it is noted that there would be a minimum distance of 23.4 metres between the proposal and the existing Almshouses. Mindful of the above, it is considered that the windows would not result in harmful levels of overlooking or a loss of privacy.
- 8.11 With this taken into account, it is considered that the proposed development would not have an adverse impact on the amenity of the neighbouring dwellings to the south and thus would comply with policy OW8 of the Old Windsor Neighbourhood Plan, and paragraph 127 of the NPPF alike.

Highways

- 8.12 Crimp Hill is an unclassified rural road which provides a link from St Luke's Road to Bishopsgate Road and is subject to a 20mph speed limit, with speed cushions provided within the vicinity of the site access. Crimp Hill has a carriageway width of 5.0m and a narrow 1.45m to 1.60m wide footway adjacent to the site with no footpath on the opposite side of the road. The site is within an area of poor accessibility with Datchet train station located 2.5 miles north of the site and both Windsor train stations circa 3 miles north of the site. The closest bus stops are approximately 1.1km walk away on Straight Road. The site has a vehicular access off Crimp Hill which leads to a parking area for the staff. The site access achieves visibility splays exceeding the Boroughs current standard and it is considered that the proposals do not affect the existing access arrangements, which is confirmed by drawing number VS01 (Rev E).
- 8.13 Currently all pick-up's and drop offs including the school bus are carried out along Crimp Hill either side of the school keep clear markings. The lower end of Crimp Hill has the heaviest congestion at school peak pick up times, with parents arriving as early as 2.35 PM to park as close to the school as they can. The on-street, car parking survey (carried out on Thursday 1st November 2018) results suggest that during the AM peak there was a maximum of 12 cars parked within 400m of the site and during the PM peak there was a maximum of 29 cars parked on Crimp Hill within 400m. New information provided states that parents also utilise the Unions Inn's car park which is located approximately 100 metres to the east of the site. However, given that this is not within the sites ownership, it is noted that this cannot be relied upon.
- 8.14 From the information provided the school proposes to provide a coach parking bay on-site to allow pupils to safely access and egress from the coach. The relocation of the coach drop-off and pick-up area from Crimp Hill into the site will remove the coach from the frontage of the Site which would improve traffic flow during drop off and pick up times and improve visibility along Crimp Hill. Swept path analysis (drawing number SP01 Rev E), demonstrates that the school coach is able to reverse into the site from Crimp Hill and leave in a forward gear. The applicant/agent has confirmed this will be supported by an on-site banksman that will oversee and manage the access and egress of the coach to the site, as well as ensuring the safety of pupils on-site. The applicant has now confirmed members of staff will undertake this role and will receive training and equipment. While a coach reversing into the site is not ideal the Highway Authority feels that the facility on site will provide a safer environment for pupils and avoid conflicts between vehicles and pupils waiting for the coach. Irrespective of this, it is recommended by the Highway Authority that at least 2 members of staff are at the access when the coach is navigating from the site.

- 8.15 The Highway Authority consider that the additional vehicle movements will not be severe enough to warrant a refusal subject to measures as mentioned, being included within the travel plan to ensure steps are taken to reduce these vehicle movements. Measures to stagger/reduce car trips during peak times have been proposed and include increasing the number of children using the coach service which is currently underused, providing additional coach services and introducing a breakfast club and more after school activities to stagger pick-ups and drop offs.
- 8.16 The Local Authority's standards state that 1 space is required to every 20 car park spaces within a minimum of 2 stands and 1 space is required per 5 students. Mindful of this the site would require 35 parking spaces and 76 cycle spaces for the proposed work. Drawing number 005 (Rev D) shows that 35 car parking spaces will be provided on site together with 1 minibus and 1 coach parking space. The car park design and level of parking complies with the Local Authority's current parking standards and is therefore deemed acceptable. The proposed site plan shows that a new pupil cycle shelter will be provided to accommodate 32 cycle spaces as well as 20 scooters spaces and a further 20 cycle spaces will be provided within the site to accommodate staff/visitors and pupils, resulting in a total of 72 spaces. Whilst it is noted that this would result in a deficit of 4 spaces, the Highway Authority is willing to accept the proposal, however the level of available cycle parking should be closely monitored as part of the travel plan.

Trees

- 8.17 The site is within the 'farmed parkland' classification in the Council's Landscape Character Assessment. The site has a number of trees to the front which are visible from the public realm. The south flank (closest to the proposed building) also has a row of mature trees and hedgerow, however it is noted that this is not visible from the public realm. It is noted that none of the trees on site are protected by TPOs.
- 8.18 The proposed site plan and 'tree retention and protection plan dwg. No. LLD1576-ARB-DWG-002' illustrates a pedestrian access and a pupil shelter. It is noted that all of the existing trees to the front of the site are proposed to be removed with replacement trees proposed. By virtue of the positioning of the proposed two storey classroom block, there is a very minor incursion into the root protection area of one of the trees, but this is not objected to, given there are a number of trees along this boundary and that the tree in question is of low quality. However, details of drainage/utilities would be required to ensure significant vegetation such as boundary trees/hedge are not harmed. It is noted that protective fencing may also be required to prevent damage during demolition/construction.
- 8.19 It is noted that the council's arboriculturist has raised objections for the proposed scheme due to the loss of amenity trees to the front of the site and lack of meaningful replacement. Further concern was raised for the areas of soft ground are likely to be trampled and compacted unless protected with knee high rails. A suggestion was made that if two parking spaces were deleted nearest to the front boundary and the pedestrian path reduced in width, this may assist in addressing this issues raised.
- 8.20 Whilst the comments of the council arboriculturist are taken into account, it is considered that the loss of the existing trees to the front of the site would not have an adverse impact on the character of the area or locality in general. Whilst it is noted that the trees contribute positively to the street scene, it is noted that the works would accommodate the increased need for parking provision and that the trees are proposed to be replaced in slightly different positioning in order to mitigate this harm. Additionally, it is considered that the proposed new trees on the west flank, shared with the Almshouses, would provide a greater visual barrier between the school and the residential dwellings than the existing trees as they would line the boundary. With this taken into account in combination with the detail provided in paragraph 8.18 and the highway authority's consultation response, it is considered that it would not be possible to remove any parking provision
- 8.21 With the above taken into account, it is considered that the proposed works would comply with policies N6 and DG1 of the Councils Local Plan.

Other Material Considerations

- 8.22 The conditions and informatives recommended by Environmental Protection are noted. However, it is considered that it would not be enforceable to condition construction working hours and collection during construction and demolition, and as such, these conditions would fail the six part test as set out within section 55 of the NPPF (2019). Mindful of this, these conditions will be included as informatives in the event of planning permission being granted in this instance.
- 8.23 Regard is had for the concerns raised by the neighbouring properties and Parish Council regarding the parking and a Construction Management Plan (CMP). It is considered that it would not be reasonable to condition these as it would not be enforceable and as such this would fail the six part test as set out within section 55 of the NPPF (2019). Irrespective of this, taking the concerns of the occupiers of the neighbouring dwellings and the Parish Council into account, it is considered that it would be reasonable to add an informative relating to the Considerate Constructors Scheme, in the event of planning permission being granted in this instance.

Planning Balance and the Case of Very Special Circumstance (VSC)

- 8.24 Paragraph 144 states: 'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. It has been concluded that the development constitutes inappropriate development which is harmful by definition and would also cause limited harm to actual openness and substantial weight needs to be given to this harm. There is no other harm.
- 8.25 Section 13 of the Design and Access Statement, submitted in support of the application, details very special circumstances (VSC) put forward for the proposed expansion at the site within the Educational Justification Statement. The application would provide classroom space for an additional 30 pupils per year group, totalling 120 additional students for the school, which would increase the total number of students at the school to 360.
- 8.26 RBWM, as the local authority, has a legal duty to ensure that there are sufficient school places to meet demand. The borough also has a policy of seeking around 5% surplus places, to ensure that there is capacity within the system for the operation of parental preference and for families moving into the area. RBWM has a phased secondary school expansion programme, providing new secondary, middle and upper school places to meet the rising demand of the borough.
- 8.27 It is accepted that this school is the only middle school within the catchment area, but it is not the only school which serves the area. The Educational Justification Statement gives consideration to other middle schools in the locality, including Dedworth Middle School which is currently being expanded, St Edwards Royal Free Ecumenical Middle School which was expanded in September 2013 and has little capacity for further expansion and Trevelyan Middle School who have gone recent administration and changes in leadership. In October 2017, Cabinet considered the need for additional school places to meet the need in Windsor middle schools in September 2019 and agreed to consult on a proposal to expand the application site by 30 places per year group.
- 8.28 The summary of the allocation position for September 2019 is that the borough has now allocated the places for Year 5 in the middle schools for September 2019. There were 506 first preferences for 540 places available, which is marginally higher than the 499 projected for 2019. On National Offer Day (1 March 2019) 499 places have been allocated. This number will change – one point of uncertainty presently is the number of additional children expected as a result of the Welsh Guards moving in to the area.
- 8.29 At present, without the additional places at the school, the surplus offered would be 11 spaces, which is 2%, which is below the borough's policy of 5% surplus places. Furthermore, the application site is the only middle school within Old Windsor. As a result of the proposed works, this would provide a current surplus of 41 places which would represent a 7.6% surplus. This is of particular importance given that the middle schools take out-borough residents, which is largely a result of children transferring from Eton Wick and Eton Porney First Schools, both of which are

close to the boundary with Slough and partly sustained by out-borough pupils. It is noted that Borough residents also exercise their right to parental preference. Though it has been previously considered whether additional capacity could be created in Windsor middle schools by reducing the number of out-borough children, it was concluded that the majority were transfers from first schools and/or siblings of existing children, making this an undesirable option. It is also noted that the 1989 'Greenwich Judgement' makes it illegal for an admissions authority to discriminate against a child on a basis of which borough they live in, which means all applications should be considered on their own merit.

8.30 The NPPF endorses this need for choice, with the first bullet point of paragraph 72 advising that Local Planning authorities should “*give great weight to the need to create, expand or alter schools.*” The alternative options explored by the school are considered to be sufficient and unviable. For these reasons, it is considered that the Education Justification Statement constitutes VSC in this instance and as such, significant weight can be afforded to the case of the VSC in tandem with the policy requirements of the NPPF as the considered long term benefits outweigh the substantial weight that has to be given to the harm through the inappropriateness of the development.

9. APPENDICES TO THIS REPORT

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

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

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

3 No further window(s) shall be inserted at first floor level in the south elevation of the proposed building

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

4 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.

5 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.

6 No part of the development shall be occupied until covered and secure cycle / scooter parking facilities have been provided in accordance with the approved drawing. These facilities shall thereafter be kept available for the parking of cycles / scooters in association with the development at all times.

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

Plan T7, DG1.

- 7 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.

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

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

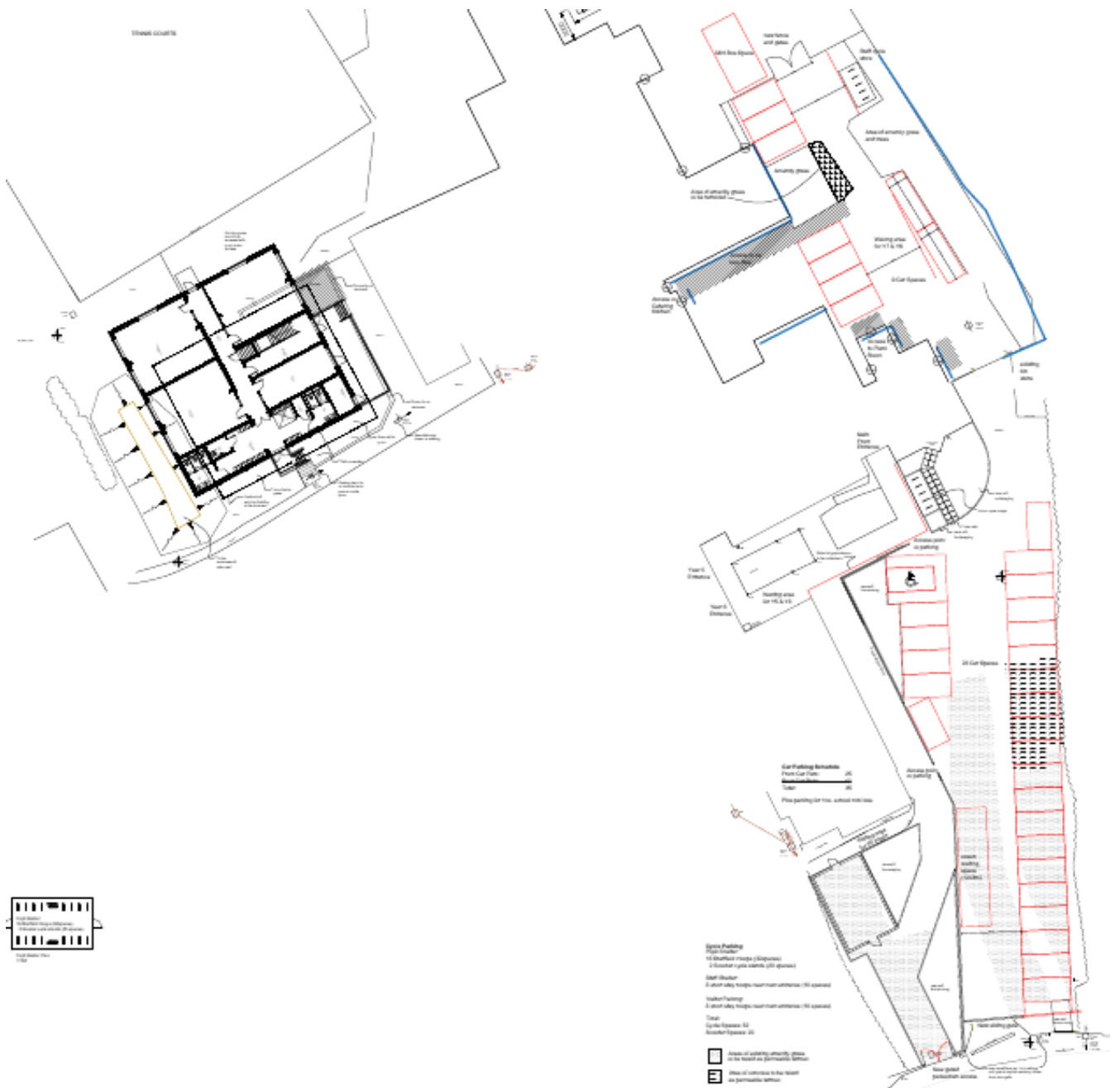
Informatives

- 1 Due to the close proximity of the site to existing residential properties, the applicant's attention is drawn to the Considerate Constructors Scheme initiative. This initiative encourages contractors and construction companies to adopt a considerate and respectful approach to construction works, so that neighbours are not unduly affected by noise, smells, operational hours, vehicle parking at the site or making deliveries, and general disruption caused by the works. By signing up to the scheme, contractors and construction companies commit to being considerate and good neighbours, as well as being clean, respectful, safe, environmentally conscious, responsible and accountable. The Council highly recommends the Considerate Constructors Scheme as a way of avoiding problems and complaints from local residents and further information on how to participate can be found at www.ccscheme.org.uk

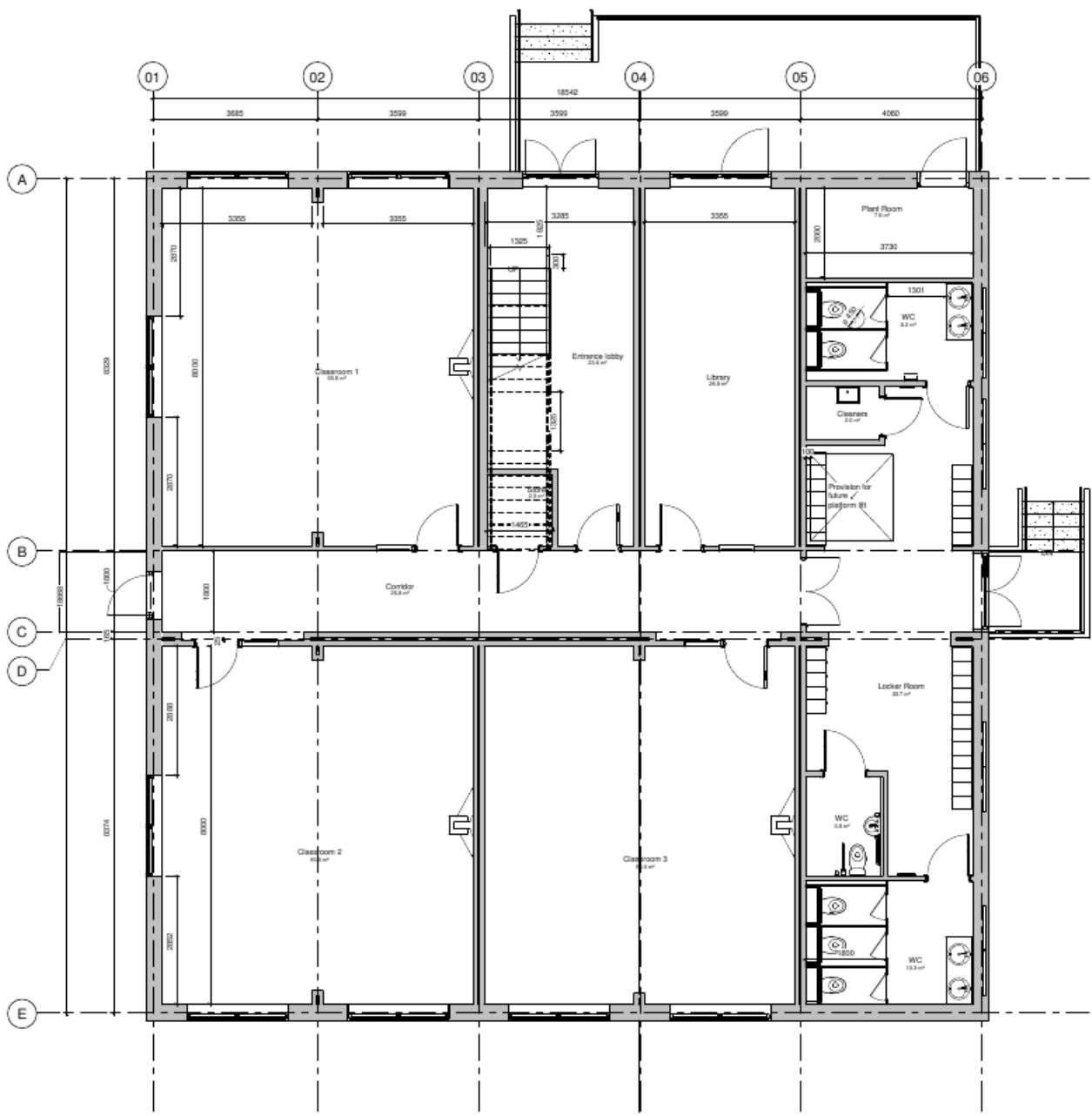
Appendix A - Site Location Plan



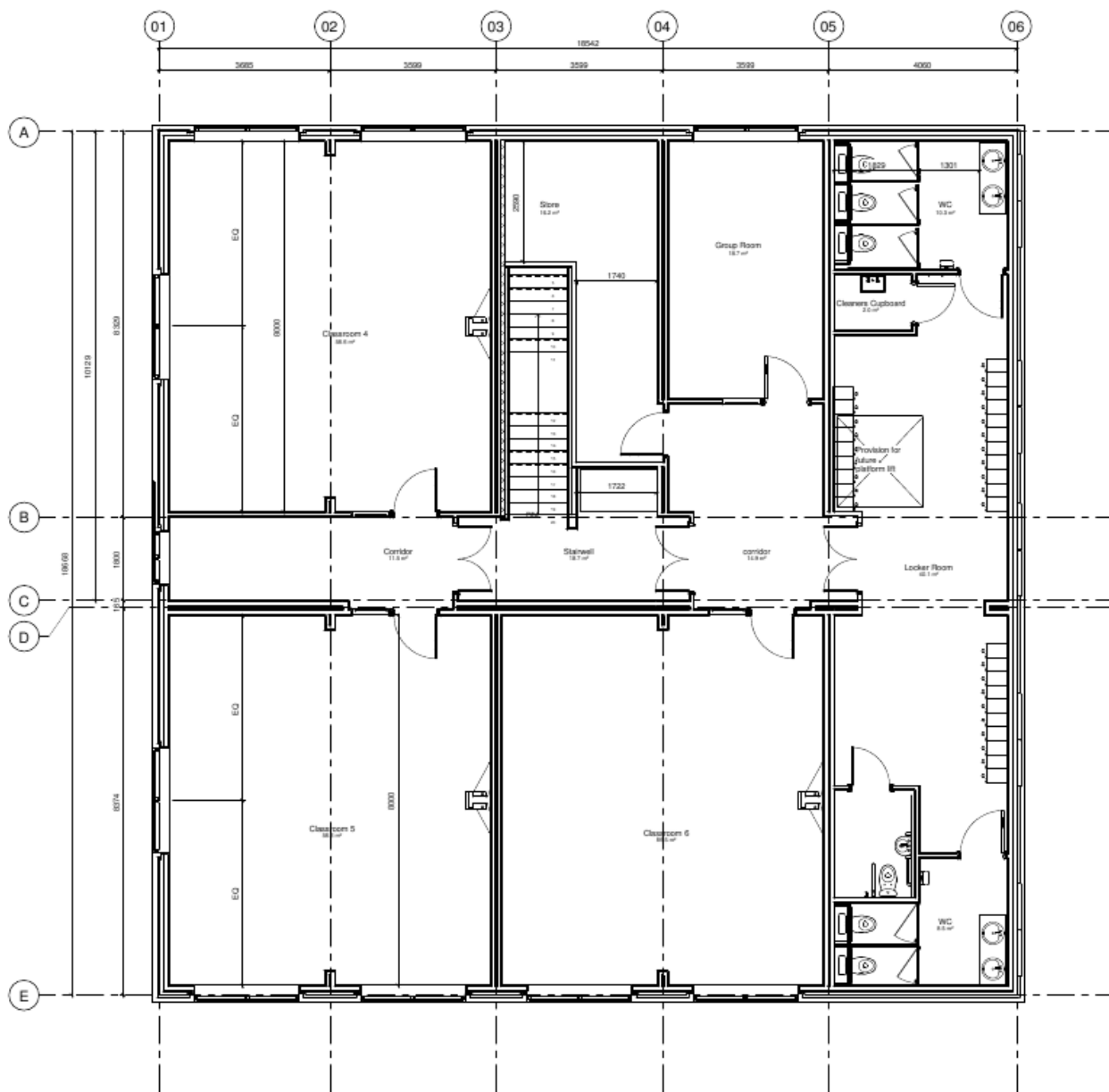
Site Layout



Appendix B - Floor Plans

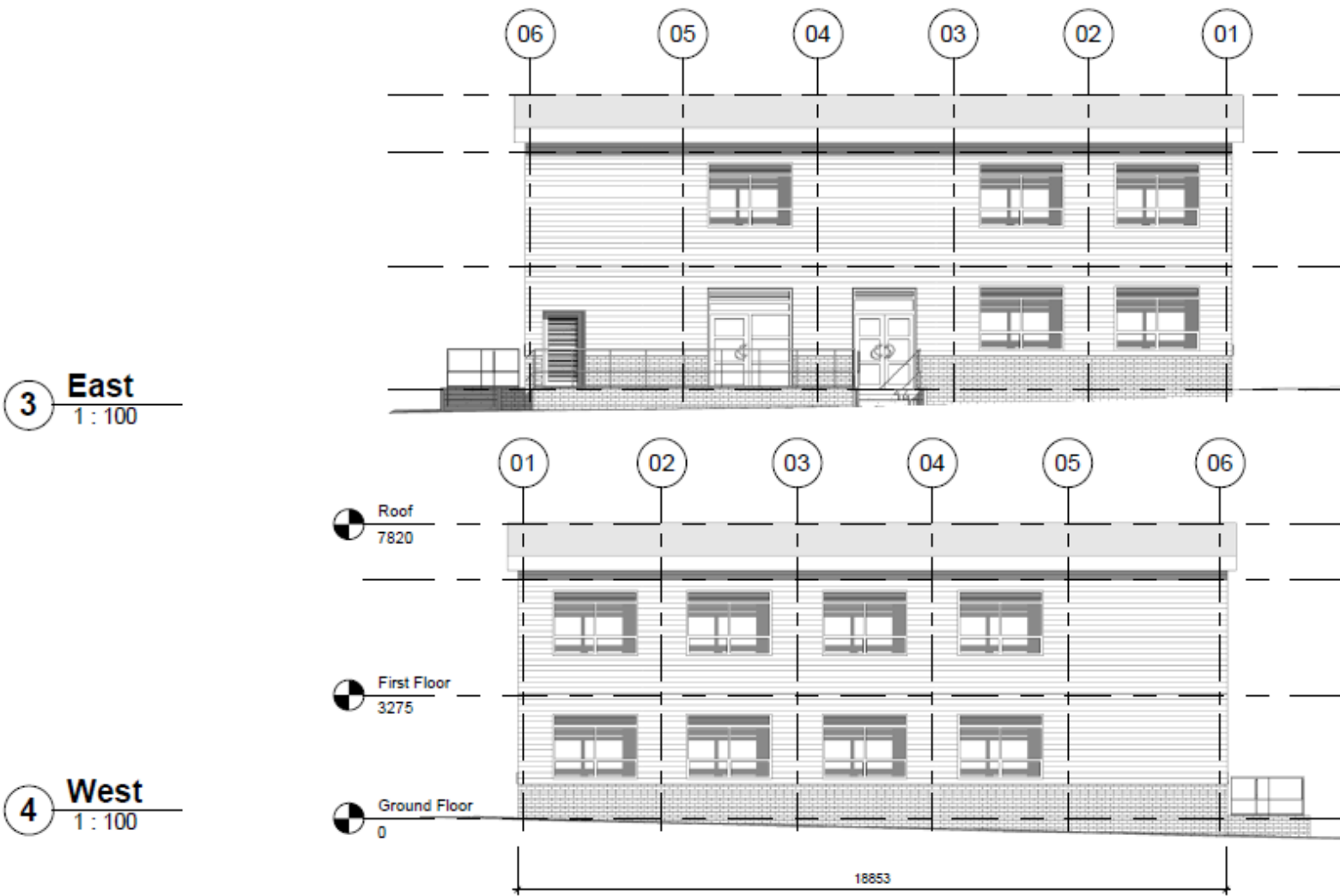


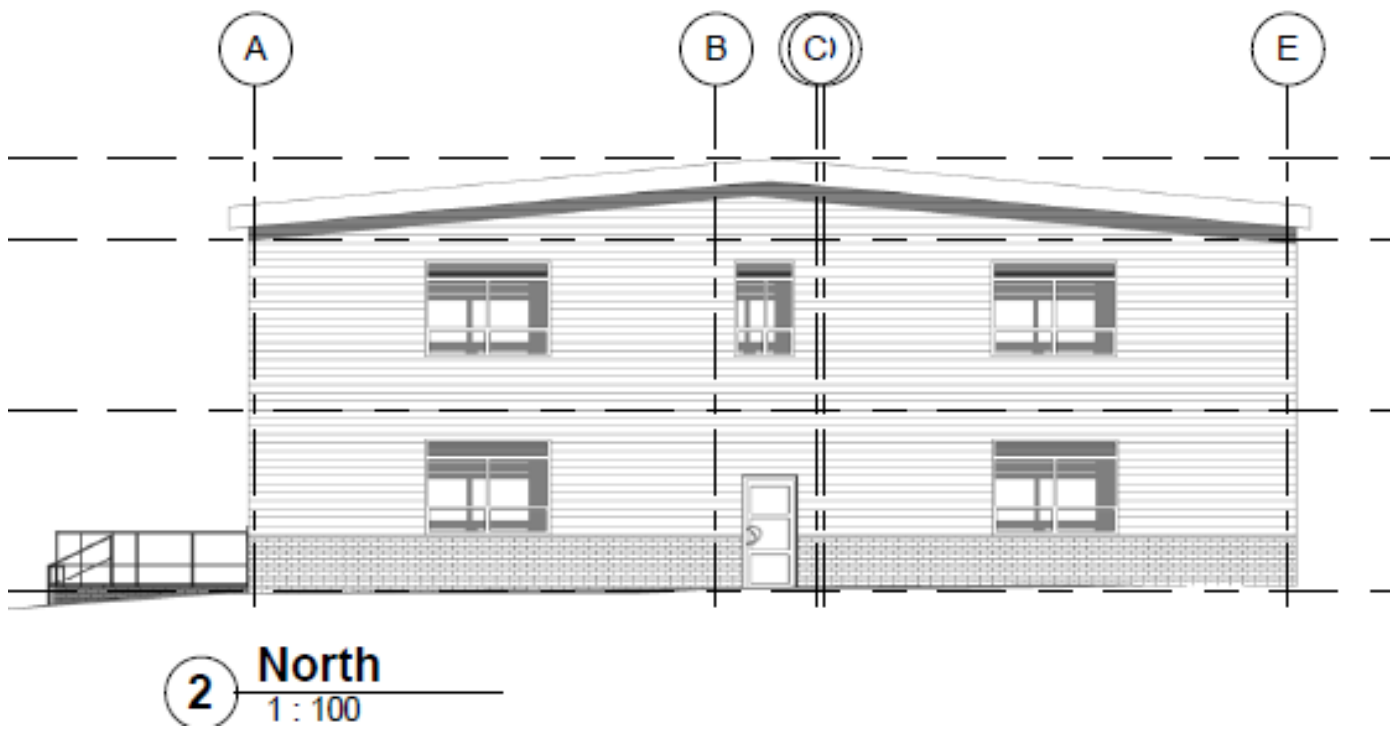
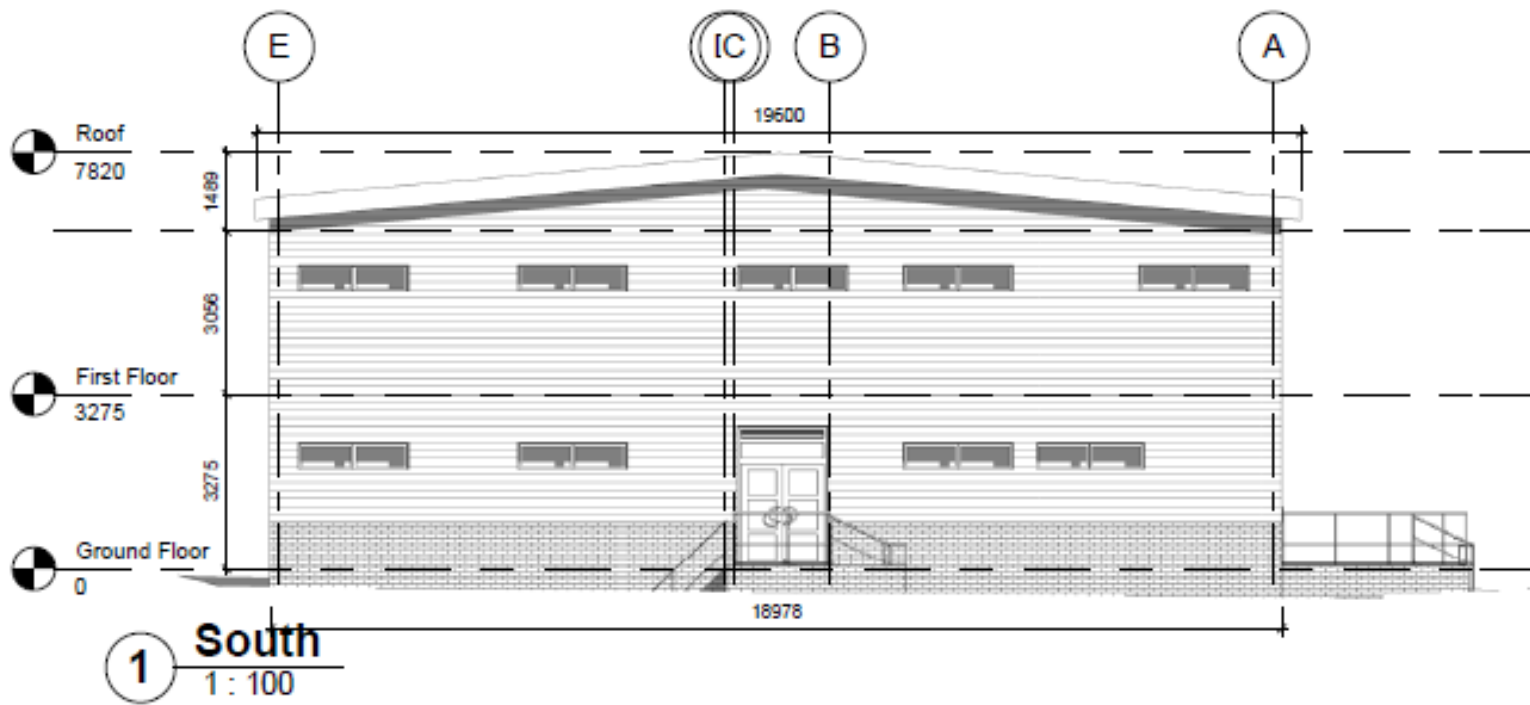
1 **Ground Floor**
1 : 50



2 First Floor
1 : 50

Elevations





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Appeal Decision Report

21 September 2019 - 28 October 2019

WINDSOR

Appeal Ref.: 19/60032/REF **Planning Ref.:** 18/01832/CPD **Plns Ref.:** APP/T0355/X/18/3217458

Appellant: Ms Littleboy **c/o Agent:** Mr Marcus Sturney Ridsdale Planning 14 Manor Road Windsor SL4 5LP

Decision Type: Delegated **Officer Recommendation:** Planning permission required

Description: Certificate of lawfulness to determine whether the proposed single storey extension (with an overall height not exceeding 2.5m above ground level) to the existing outbuilding is lawful.

Location: **Mare's Nest 91 Cheapside Road Ascot SL5 7QG**

Appeal Decision: Dismissed **Decision Date:** 7 October 2019

Main Issue: Permitted development rights only apply when the development fully accords with the limitations set out in the Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). If development is commenced but any limitation is exceeded, then the whole development is unlawful, and not just the element in excess of those rights. In addition, permitted development rights cannot be claimed retrospectively by the removal of an element so as to return the residual development to the permitted tolerance.

Appeal Ref.: 19/60060/REF **Planning Ref.:** 18/02344/FULL **Plns Ref.:** APP/T0355/W/19/3228145

Appellant: Haulfryn Group Ltd **c/o Agent:** Mr Jeremy Lambe Lambe Planning And Design Ltd Galeri Victoria Dock Caernarfon LL55 1SQ Gwynedd

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

Description: Upgrade and renewal of existing services to the moorings including replacement of existing electric hook-up and water points, replacement of existing mooring bollards with mooring rings, upgrading of black and grey water drainage system with installation of bespoke drainage system and replacement of existing storage sheds.

Location: **The Moorings Willows Riverside Park Windsor SL4 5TG**

Appeal Decision: Allowed **Decision Date:** 7 October 2019

Main Issue: Issues considered: 1) Whether inappropriate development. The mooring rings, bin stores and electric hook up service boxes would not be materially larger than existing buildings they replace and would not be inappropriate development as defined in the Framework. There is no need to consider the effect of the buildings on the openness or purposes including land within the Green Belt. The proposed trenches and associated works with the drainage system would be an engineering operation and the majority of works would be located below ground. There is no conflict with Green Belt purposes and would preserve its openness. 2) Character and appearance Fewer mooring rings than existing features to be replaced. Given their small size they would be less prominent in views within the site, from the river and path along the opposite bank. Service boxes and facilities would represent an improvement to character and appearance of area Bin stores would enable bins currently stored in open to be within the stores and would represent a visual improvement. Engineering works would primarily be below grounds and contained within existing buildings. Development would be sympathetic to local character and surrounding built environment in accordance with Framework 3) Other matters Inspector considered the other matters raised by third parties did not change outcome of decision. Appeal allowed subject to conditions. Costs Application: Award of costs refused on grounds that unreasonable behaviour resulting in unnecessary or wasted expense has not been demonstrated. Council Members were entitled to not accept the officer's recommendation and the decision was a subjective judgement. The Council made a case to support their decision and the applicant has not been put to wasted expense in pursuing the appeal.

Appeal Ref.: 19/60064/REF **Planning Ref.:** 18/03474/FULL **Plns Ref.:** APP/T0355/W/19/3225083

Appellant: Mr M Holliday **c/o Agent:** Mr T Rumble Woolf Bond Planning The Mitfords Basingstoke Road Three Mile Cross Reading RG7 1AT

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

Description: Erection of a single dwelling with associated landscaping and parking following demolition of existing residential outbuilding/stable

Location: **Land And Buildings West of The White Cottage Buckhurst Road At Mill Lane Ascot**

Appeal Decision: Allowed **Decision Date:** 1 October 2019

Main Issue: The Inspector concluded that the proposed dwelling would have no significant adverse effect on the character or appearance of the surrounding area. It would have a limited impact on the Green Belt and therefore complies with Policies GB1 and GB2(A) of the Local Plan, emerging Policy SP5 of the Borough Plan and the relevant sections of the Framework.

Appeal Ref.: 19/60084/REF **Planning Ref.:** 19/00994/FULL **Plns Ref.:** APP/T0355/D/19/3233422

Appellant: Mrs Joit Uppal **c/o Agent:** Mr Robin Bretherick Woodbank The Ridgeway Chalfont St. Peter Gerrards Cross Bucks SL9 8NP

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

Description: Single storey side/rear extension, new door and balcony to first floor rear elevation and alterations to fenestration.

Location: **Santana 54 Llanvair Drive Ascot SL5 9LN**

Appeal Decision: Allowed **Decision Date:** 25 October 2019

Main Issue: The main issue is the effect of the proposed development upon protection and future health of protected trees.

The Council is concerned about the way in which the appellant's tree report and survey set outs the Root Protection Areas (RPAs), with particular regard to a boundary fence. The appellant has explained the methodology that was applied, and the consistency with the British Standard (BS:5837:2012) referred to by the Council. Based upon the evidence before the Inspector he is satisfied that the RPAs shown in the appellant's tree survey adequately factor in relevant pre-existing site conditions (e.g. the location of structures such as the neighbouring dwelling to the west). The fence would allow roots to grow underneath it largely unhindered, and in itself appears unlikely to have any significant influence on the shape of the RPAs.

The Council states that the trees have been subject to previous development activity (reference is made to a previous side extension to the neighbouring property to the west) such that British Standard 5837:2012 requires the cumulative effects of incursions into the RPA should be avoided. Any damage should be taken into account when considering the acceptability of further activity within the RPA. The appellant's survey shows no development would take place within the RPA of any protected tree, with exclusion fencing proposed to remove the possibility of incursions during construction. The Inspector is satisfied that subject to adherence to the construction methodology set out in the tree report, the development would not result in harm to the health of the protected trees by virtue of damage to their roots.

There is concern that the proposed development could result in future pressure to adversely prune a semi-mature Oak tree (labelled T5 on the survey) due to it causing shading to the proposed extension. The octagonal roof light and seven window openings, would provide adequate light to the extension even if T5 reaches the growth potential suggested by the Council of approximately 22m in height and a crown spread of 20m. Based upon the position and form of the tree, and the proposed extension, the need for much more than minor works appears highly unlikely. Based upon the evidence the extension would not result in the need for pruning that would harm the future health of T5, or any other protected tree.

For the reasons set out above, the proposed development would be likely to adequately secure the protection and future health of protected trees. Therefore, do not conflict with Policy N6 of the Royal Borough of Windsor and Maidenhead Local Plan (2003) (the Local Plan), Policy NR2 of the Royal Borough of Windsor & Maidenhead Borough Local Plan (2013 - 2033) Submission Version (2017) (the Draft Plan) and Policy NP/EN2 of the Ascot, Sunninghill and Sunningdale Neighbourhood Plan (2014) (the Neighbourhood Plan). In combination, amongst other things, these policies require that new development allows for the retention of existing suitable, important and mature trees that form a feature of a site. Consequently, in this regard, there would be no conflict with Policy DG1 of the Local Plan or Policy SP3 of the Draft Plan, which amongst other things, require that development should not cause harm to the character of an area through the loss of important features.

Planning Appeals Received

21 September - 28 October 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 PIns reference number. If you do not have access to the Internet please write to the relevant address, shown below.

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

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

Ward:
Parish: Windsor Unparished
Appeal Ref.: 19/60099/REF **Planning Ref.:** 19/00916/FULL **PIns Ref.:** APP/T0355/W/19/3235908
Date Received: 24 September 2019 **Comments Due:** 29 October 2019
Type: Refusal **Appeal Type:** Written Representation
Description: 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
Location: **Windsor Physiotherapy Essex Lodge 69 Osborne Road Windsor SL4 3EQ**
Appellant: Sorbon Estates Ltd **c/o Agent:** Mrs Rosalind Gall Solve Planning Ltd Sentinel House Ancells Business Park Harvest Crescent Fleet GU51 2UZ

Ward:
Parish: Windsor Unparished
Appeal Ref.: 19/60100/REF **Planning Ref.:** 18/03027/FULL **PIns Ref.:** APP/T0355/W/19/3233296
Date Received: 24 September 2019 **Comments Due:** 29 October 2019
Type: Refusal **Appeal Type:** Written Representation
Description: 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.
Location: **Windsor Physiotherapy Essex Lodge 69 Osborne Road Windsor SL4 3EQ**
Appellant: Mr David Howells **c/o Agent:** Mrs Rosalind Gall Solve Planning Ltd Sentinel House Harvest Crescent Fleet GU51 2UZ

Ward:
Parish: Sunningdale Parish
Appeal Ref.: 19/60101/REF **Planning Ref.:** 19/01107/FULL **PIns Ref.:** APP/T0355/D/19/3235624
Date Received: 30 September 2019 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Householder Appeal
Description: Part two storey part single storey rear extension with 2no. rear dormers.
Location: **Meadow View Bedford Lane Sunningdale Ascot SL5 0NP**
Appellant: Mrs C Curtis **c/o Agent:** Mr Kieran Rafferty KR Planning 183 Seafield Road Bournemouth BH6 5LJ

Ward:
Parish: Windsor Unparished
Appeal Ref.: 19/60102/REF **Planning Ref.:** 19/00503/FULL **Plns Ref.:** APP/T0355/D/19/3228121

Date Received: 30 September 2019 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Householder Appeal
Description: x2 front rooflights, part single part two storey side/rear extension, x1 rear L-shaped dormer and alterations to fenestration.

Location: **1 Elm Road Windsor SL4 3NB**
Appellant: Mr Jeff Blight **c/o Agent:** Mr Philip Hurdwell PJH Design 41 Upcroft Windsor SL43NH

Ward:
Parish: Datchet Parish
Appeal Ref.: 19/60103/REF **Planning Ref.:** 19/01243/FULL **Plns Ref.:** APP/T0355/D/19/3234834

Date Received: 30 September 2019 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Householder Appeal
Description: Proposed hip to gable, rear dormer with roof terrace balcony, side window and 1 No. front rooflight to facilitate a loft conversion.

Location: **89 Slough Road Datchet Slough SL3 9AL**
Appellant: Mrs Charlotte Smith 89 Slough Road Datchet Slough SL3 9AL

Ward:
Parish: Eton Town Council
Appeal Ref.: 19/60104/REF **Planning Ref.:** 18/03569/FULL **Plns Ref.:** APP/T0355/W/19/3236049

Date Received: 8 October 2019 **Comments Due:** 12 November 2019
Type: Refusal **Appeal Type:** Written Representation
Description: Construction of precast concrete bays to allow processing of green waste into compost

Location: **Agars Plough Slough Road Eton Windsor SL4 6HR**
Appellant: Provost And Fellows of Eton College **c/o Agent:** Mr John Bowles Savills (UK) Ltd 33 Margaret Street London W1G 0JD

Ward:
Parish: Windsor Unparished
Appeal Ref.: 19/60105/REF **Planning Ref.:** 19/01654/FULL **Plns Ref.:** APP/T0355/D/19/3238244

Date Received: 9 October 2019 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Householder Appeal
Description: Single storey front and rear and two storey side extension with side facing window. Alterations to fenestration and new brickwork to front and rear elevations.

Location: **6 Ash Lane Windsor SL4 4PS**
Appellant: Mr Mark Bromley **c/o Agent:** Mr Sam Dodd Authorised Designs Ltd Bacchus House Ley Hill Chesham Buckinghamshire HP5 1UT

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