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## NOTICE OF MEETING

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# WINDSOR AREA DEVELOPMENT MANAGEMENT PANEL

will meet on

**WEDNESDAY, 5TH FEBRUARY, 2020**

**At 7.00 pm**

in the

**CONFERENCE ROOM - YORK HOUSE, WINDSOR**

TO: MEMBERS OF THE WINDSOR AREA DEVELOPMENT MANAGEMENT PANEL

COUNCILLORS CHRISTINE BATESON, JOHN BOWDEN (VICE-CHAIRMAN),  
DAVID CANNON (CHAIRMAN), WISDOM DA COSTA, JON DAVEY, KAREN DAVIES,  
DAVID HILTON, NEIL KNOWLES, 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: 28 JANUARY 2020

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

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

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## AGENDA

### PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
1.	<p><u>APOLOGIES FOR ABSENCE</u></p> <p>To receive any apologies for absence.</p>	
2.	<p><u>DECLARATIONS OF INTEREST</u></p> <p>To receive any Declarations of Interest.</p>	5 - 6
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 interim Head of Planning's report on planning applications received.</p> <p>Full details on all planning applications (including application forms, site plans, objections received, correspondence etc.) can be found by access the Planning Applications Public Access Module at <a href="http://www.rbwm.gov.uk/pam/search.jsp">http://www.rbwm.gov.uk/pam/search.jsp</a></p> <p>KEY:  <b>APP = Approval</b>  <b>CLU = Certificate of Lawful Use</b>  <b>DD = Defer and Delegate</b>  <b>DLA = Defer Legal Agreement</b>  <b>PERM = Permit</b>  <b>PNR = Prior Approval Not Required</b>  <b>REF = Refusal</b>  <b>WA = Would Have Approved</b>  <b>WR = Would Have Refused</b></p>	7 - 12
4.	<p><u>19/01548/FULL - 49 VICTORIA ROAD AND SHEPHERDS HUT 17 AND INCLUDING LAND TO REAR OF 17 ETON WICK ROAD, ETON WICK, WINDSOR</u></p> <p><i>Proposal: Erection of 6no. dwellings including a raised walkway, change of use of former Shepherds Hut to cafe following demolition of 49 Victoria Road, and part demolition of Shepherds Hut.</i></p> <p><i>Recommendation: <b>PERM</b></i></p> <p><i>Applicant: <b>Mr Chatha</b></i></p> <p><i>Member Call-In: <b>N/A</b></i></p> <p><i>Expiry Date: <b>6 September 2019</b></i></p>	13 - 38

5.	<p><u>19/02535/FULL - OAKLEA, 20A CROMWELL ROAD, ASCOT, SL5 9DG</u></p> <p><i>Proposal: Construction of 4 flats with off street parking and provision for refuse, recycling and cycle storage, following demolition of the existing dwelling.</i></p> <p><i>Recommendation: <b>PERM</b></i></p> <p><i>Applicant: <b>Mr Gillespie</b></i></p> <p><i>Member Call-In: <b>N/A</b></i></p> <p><i>Expiry Date: <b>11 November 2019</b></i></p>	39 - 58
6.	<p><u>19/02590/FULL - LAND TO EAST OF ETON COLLEGE SPORTS CENTRE, SLOUGH ROAD, ETON, WINDSOR</u></p> <p><b>Proposal:</b> Flood Compensation Scheme.</p> <p><b>Recommendation:</b> DD</p> <p><b>Applicant:</b> N/A</p> <p><b>Member Call-in:</b> N/A</p> <p><b>Expiry Date:</b> 11 February 2020</p>	59 - 70
7.	<p><u>19/02973/FULL - HOPE TECHNICAL DEVELOPMENTS LYD, HIGH STREET, ASCOT, SL5 7HP</u></p> <p><i>Proposal: 1no. four bedroom detached dwelling, 2no. three bedroom semi detached dwellings, 4no. three bedroom terrace dwellings with associated parking, refuse storage, landscaping, hardstanding and replacement and repositioning of access gates following the demolition of two existing semi-detached dwellings and Class B1 and B2 buildings.</i></p> <p><b>Recommendation:</b> PERM</p> <p><b>Applicant:</b> Mr Hope</p> <p><b>Member Call-in:</b> N/A</p> <p><b>Expiry Date:</b> 24 December 2019</p>	71 - 86
8.	<p><u>ESSENTIAL MONITORING REPORTS (MONITORING)</u></p> <p>To note the Essential Monitoring reports.</p>	87 - 90



## **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, 8 JANUARY 2020

**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, Rachel Lucas, James Carpenter and Victoria Gibson

### APOLOGIES FOR ABSENCE

None.

### DECLARATIONS OF INTEREST

None.

### MINUTES

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

19/00063/FULL - STEVENS YARD, KIMBERS LANE FARM, OAKLEY GREEN ROAD, WINDSOR SL4 4QF

<b>19/00063/FULL</b>  <b>Stevens Yard Kimbers Lane Farm Oakley Green Road Windsor SL4 4QF</b>	<b>Extension to existing maintenance building and showman's store</b>  <b>This item was WITHDRAWN from the agenda.</b>
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19/01555/FULL - DATCHET COMMON, HORTON ROAD, DATCHET, SLOUGH

<b>19/01555/FULL</b>  <b>Datchet Common Horton Road Datchet Slough</b>	<b>Change of use of land to the stationing/parking of motor vehicles and siting of a porta-cabin (retrospective)..</b>  A motion was put forward by Councillor Hilton to refuse the application. This was seconded by Councillor Bowden.  <b>The Panel voted unanimously to REFUSE the application</b>  (The Panel were addressed by Sam Rhodes and Cllr E. Larcombe in objection and Mr Loveridge, the applicant).
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<b>19/01555/FULL - Datchet Common, Horton Road, Datchet, Slough - To refuse the application (Motion)</b>	
Councillor Christine Bateson	For
Wendy Binmore	No vote recorded
Councillor John Bowden	For
Councillor David Cannon	For
Councillor Wisdom Da Costa	For
Councillor Jon Davey	For
Councillor Karen Davies	For
Councillor David Hilton	For
Councillor Neil Knowles	For
Councillor Julian Sharpe	For
Councillor Shamsul Shelim	For
Councillor Amy Tisi	For
<b>Carried</b>	

19/02007/FULL - LEGOLAND WINDSOR RESORT, WINKFIELD ROAD, WINDSOR SL4 4AY

<p><b>19/02007/FULL</b></p> <p><b>Legoland Windsor Resort Winkfield Road Windsor SL4 4AY</b></p>	<p><b>Redevelopment of Adventure Land including the erection of new buildings, ride and play equipment, hard and soft landscaping with associated infrastructure, following demolition of various existing buildings.</b></p> <p>A motion was put forward by Councillor Bowden to approve with an additional informative to limit the impact of construction and heavy vehicles on surrounding neighboring properties. This was seconded by Councillor Davies.</p> <p><b>The Panel voted unanimously to APPROVE the application</b></p> <p>(The Panel were addressed by Chris Ireland on behalf of the applicant).</p>
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<b>19/02007/FULL - Legoland Windsor Resort, Winkfield Road, Windsor SL4 4AY - To approve the application (Motion)</b>	
Councillor Christine Bateson	For
Wendy Binmore	No vote recorded
Councillor John Bowden	For
Councillor David Cannon	For
Councillor Wisdom Da Costa	For
Councillor Jon Davey	For
Councillor Karen Davies	For
Councillor David Hilton	For
Councillor Neil Knowles	For
Councillor Julian Sharpe	For
Councillor Shamsul Shelim	For



Councillor Amy Tisi	For
<b>Carried</b>	

19/02017/FULL - LAND AT DATCHET COMMON, HORTON ROAD, DATCHET, SLOUGH

<b>19/02017/FULL</b>  <b>Land at Datchet Common</b> <b>Horton Road</b> <b>Datchet</b> <b>Slough</b>	<b>Use of the land as a Gypsy and Traveller site consisting of 9no. residential pitches 5no. amenities blocks, 1no. Warden blocks, play area, entrance gates and associated parking.</b>  <b>This item was WITHDRAWN from the agenda.</b>
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19/02073/FULL - THAMES VALLEY ATHLETICS CENTRE, POCOCKS LANE, ETON, WINDSOR SL4 6HN

<b>19/02073/FULL</b>  <b>Thames Valley Athletics Centre</b> <b>Pococks Lane</b> <b>Eton</b> <b>Windsor</b> <b>SL4 6HN</b>	<b>Side extension to the existing building to provide an additional squash court.</b>  A motion was put forward by Councillor Knowles to refuse the application. This was seconded by Councillor Tisi.  <b>The Panel voted unanimously to REFUSE the application</b>  (The Panel were addressed by Cllr E. Larcombe in support).
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<b>19/02073/FULL - Thames Valley Athletics Centre, Pococks Lane, Eton, Windsor, SL4 6HN - To refuse the application (Motion)</b>	
Councillor Christine Bateson	For
Wendy Binmore	No vote recorded
Councillor John Bowden	For
Councillor David Cannon	For
Councillor Wisdom Da Costa	For
Councillor Jon Davey	For
Councillor Karen Davies	For
Councillor David Hilton	For
Councillor Neil Knowles	For
Councillor Julian Sharpe	For
Councillor Shamsul Shelim	For
Councillor Amy Tisi	For
<b>Carried</b>	

19/02733/FULL - 63 THE AVENUE, WRAYSBURY, STAINES TW19 5EY

<b>19/02733/FULL</b>  <b>63 The Avenue</b>	<b>Application for demolition of existing dwelling and outbuilding and replacement with new four bedroom</b>
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<b>Wraysbury Staines TW19 5EY</b>	<p><b>dwelling and car port using existing access.</b></p> <p>A motion was put forward by Councillor Hilton to refuse the application. This was seconded by Councillor W. Da Costa.</p> <p><b>The Panel voted to REFUSE the application.</b></p> <p><b>Eight Councillors voted in favour of the motion to refuse planning permission (Cllrs Bowden, W. Da Costa, Davey, Davies, Hilton, Knowles, Sharpe and Tisi), and three Councillors voted against the motion (Cllrs Bateson, Cannon and Shelim).</b></p> <p>A second motion was put forward by Councillor Bateson to approve the application. This was seconded by Councillor Bowden but this was unsuccessful and fell away.</p> <p>(The Panel were addressed by Michael Pagliaroli, the agent and Jeff Sargent in support of the application).</p>
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<b>19/02733/FULL - 63 The Avenue, Wraysbury, Staines TW19 5EY - For refusal of the applicaiton (Motion)</b>	
Councillor Christine Bateson	Against
Wendy Binmore	No vote recorded
Councillor John Bowden	For
Councillor David Cannon	Against
Councillor Wisdom Da Costa	For
Councillor Jon Davey	For
Councillor Karen Davies	For
Councillor David Hilton	For
Councillor Neil Knowles	For
Councillor Julian Sharpe	For
Councillor Shamsul Shelim	Against
Councillor Amy Tisi	For
<b>Carried</b>	

### ESSENTIAL MONITORING REPORTS (MONITORING)

All details of the Essential Monitoring Reports were noted.

The meeting, which began at 7.00 pm, finished at 9.20 pm

CHAIRMAN.....

DATE.....



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Agenda Item 4

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

**DEVELOPMENT CONTROL PANEL**

5 February 2020

Item: 1

<b>Application No.:</b>	19/01548/FULL
<b>Location:</b>	49 Victoria Road And Shepherds Hut 17 And Including Land To Rear of 17 Eton Wick Road Eton Wick Windsor
<b>Proposal:</b>	Erection of 6no. dwellings including a raised walkway, change of use of former Shepherds Hut to cafe following demolition of 49 Victoria Road, and part demolition of Shepherds Hut.
<b>Applicant:</b>	Mr Chatha
<b>Agent:</b>	Mr Ching Liu
<b>Parish/Ward:</b>	Eton Town Council/Eton And Castle

**If you have a question about this report, please contact:** Harrison Moore on 01628 796070 or at harrison.moore@rbwm.gov.uk

**1. SUMMARY**

- 1.1 Based on the additional marketing on the premises that has been undertaken, it is considered that it has been demonstrated that the loss of the public house as a community facility is justified.
- 1.2 It has been demonstrated that the proposed development would have an acceptable impact on flooding and adequately takes account of flood risk.
- 1.3 Based on the additional highway and parking information submitted, the proposed development would be provided with sufficient parking space and would not have an unacceptable impact on highway safety or a severe impact on the road network.
- 1.4 The proposed dwellings are of a suitable design and scale and are not considered to be harmful to the character and appearance of the area. The scale of the site is sufficient to accommodate the proposed development. The proposal would not have a detrimental impact on the amenity of nearby occupiers.

**It is recommended the Panel grants planning permission with the conditions listed in Section 13 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 site is in a prominent position in Eton Wick and comprises land on Victoria Road, Princes Close and Eton Wick Road. The site also includes the Shepard's Huts car park and garden.
- 3.2 The area surrounding the land is predominantly residential comprising 2 storey, brick built housing of varied design. Most properties have off road parking within their front gardens. Eton Wick shopping parade, community facilities and other services are also in walking distance of the site.

#### 4. KEY CONSTRAINTS

- 4.1 The application site is located in Flood Zone 2 (Medium Risk). The site is surrounded by Flood Zone 3 (High Risk), the closest being to the east of the site where Flood Zone 3 lies on the other side of Princes Close. There is a large significant tree to the south of the site. Also, the site falls within an area of archaeological significance.

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

- 5.1 The application seeks planning permission for the erection of 6no. dwellings, change of use of former Shepherds Hut to café following demolition of 49 Victoria Road, and part demolition of Shepherds Hut. The application site has an area of approximately 0.222 hectares. The site is bounded by Eton Wick Road to the north, with the former Shepherds Hut fronting this end. The former beer garden and parking lies west of Princess Close and wraps around to Victoria Road with No.49 to the south western end of site located on the north side of Victoria Road. The proposed x4 dwellings to the east of the site (Plots 1-2 & 3-4) would have 4 beds each and the x2 dwellings to the south of the site (Plots 5-6) would have 3 beds each.
- 5.2 Part of the Shepherds Hut would be demolished and the overall height would not be impacted. Each dwelling on plots 1-4 would have a footprint of 130 sqm and each dwelling on plots 5-6 would have a footprint of 105 sqm.

Reference	Description	Decision
EU/29/52	Additions – New bar, WCs & beer store	Permitted: 04.12.1952
EU/19/64	Extension of existing C/P	Permitted: 18.06.194
93/00374/FULL	Erection of a single storey rear extension to enlarge existing cellar and provide bottle store	Permitted: 24.09.1993
00/79454/FULL	Erection of four 3-bed semi-detached houses with vehicular access from Princes Close	Refused: 17.07.2000
00/79894/FULL	Erection of four 3-bed semi-detached houses with integral garages	Refused: 02.11.2000 Appeal dismissed
00/80171/FULL	Change of use of ground floor from Class C3 (residential) to showroom, office and storage for adjacent joinery together with two storey rear extension and replacement front dormer window	Withdrawn: 05.04.2001
07/00137/FULL	Erection of one permanent parasol to existing seating area	Permitted: 07.03.2007
10/00301/FULL	Two storey side extension	Permitted: 31.03.2010
13/03696/FULL	Construction of 1 x 3 bedroom supported housing bungalow with parking turning and access following the demolition of existing workshop	Withdrawn: 23.04.2014
14/02867/FULL	Construction of 1 x 3 bedroom supported housing bungalow with parking turning and access following the demolition of existing workshop	Withdrawn: 07.11.2014

#### 6. DEVELOPMENT PLAN

##### Adopted Royal Borough Local Plan (2003)

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

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1, H10,H11
Highways	P4 AND T5
Trees	N6
Flooding	F1
Archaeology	ARCH 2/3/4

These policies can be found at

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

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

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

### **Adopted Eton and Eton Wick Neighbourhood Plan (2016-2036)**

Issue	Neighbourhood Plan Policy
Housing Type and Location	HD1
Housing Infill and Extension	HD2
Development within Eton Wick	HD4
Eton Wick Local Centre	BL3
Sustainable Transport Network	TI1
Car Parking	TI2
Bicycle Parking	TI3
Flooding	EN3

These policies can be found at

[https://www3.rbwm.gov.uk/info/200209/planning\\_policy/477/neighbourhood\\_plans/2](https://www3.rbwm.gov.uk/info/200209/planning_policy/477/neighbourhood_plans/2)

## **7. MATERIAL PLANNING CONSIDERATIONS**

### **National Planning Policy Framework Sections (NPPF) (2019)**

Section 2 – Achieving Sustainable Development

Section 4- Decision-Making

Section 5 – Delivering a Sufficient Supply of Homes

Section 9 - Promoting Sustainable Transport

Section 11 – Making Effective Use of Land

Section 12- Achieving Well-Designed Places

Section 14- Meeting the Challenge of Climate Change, Flooding and Coastal Change

Section 16- Conserving and Enhancing the Historic Environment

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

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Sustainable Transport	IF2
Housing Development	HO1, HO2, HO5
Trees, Woodlands and Hedgerows	NR2
Community Facilities	IF7
Flood Risk	NR1
Pollution	EP1, EP2, EP3, EP4

## Borough Local Plan: Submission Version Proposed Changes (2019)

Issue	Local Plan Policy
Design in keeping with character and appearance of area	QP1, QP3
Sustainable Transport	IF2
Housing Development	HO1, HO2
Trees, Woodlands and Hedgerows	NR3
Community Facilities	IF6
Flood Risk	NR1
Pollution	EP1, EP2, EP3, EP4

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

### Supplementary Planning Documents

- RBWM Interpretation of Policy F1

### Other Local Strategies or Publications

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

## 8. CONSULTATIONS CARRIED OUT

### Comments from interested parties

23 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 21<sup>st</sup> June 2019.

1 letter was received supporting the application, summarised as:



Comment		Where in the report this is considered
1.	We have no objection to the erection of new dwellings as long as new, robust and high fencing is also erected by the side and at the back of our house, 19 Eton Wick Road, (as we are right next door) in order for my family to feel secure.	The proposal includes 1.8m high fencing on boundaries.
2.	We also welcome the change of use of the old pub into a nice café.	Noted.

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

Comment		Where in the report this is considered
1.	The current proposal does not take into account the suitability for access onto Princess Close and Victoria Road. Currently parking in the street causes the bend on the junction of Princess Close and Victoria Road to be narrowed to one lane. This causes this to become a blind bend. The current access points and narrow allocation of parking spaces can only add to the issue. Have the highways department assessed the traffic movements and sight lines for vehicles navigating the bend surrounding properties.	Section iii
2.	There also seems to be a lack of provision for parking spaces for both the 4 bed houses and the proposed flat and café.	Section iii
3.	The height of the properties also seems to be out of proportion with the surrounding properties.	Section iv
4.	Parking for the café and the proposed 3 bedrooms flat. From the plans there are only 3 spaces 1 of which is disabled, where are cars going to park if using the café? We feel that 3 spaces is not enough. Also, at present there is often a number of vehicles parked on the wide path front of the Shepherds Hut and this severely reduces visibility when turn right onto the Eton Wick Road from Princes Close and hampers pedestrians crossing the road here.	Section iii
5.	Another strong concern that we hope you may consider is that a development of over eight meters high will have an adverse effect on the lighting at the front of our house partially our lounge. A development of over eight metres will block the afternoon/evening sunlight. Also, our property is only six metres high and we have a loft conversion, we therefore feel that further 2 metres is too high.	Section iv

6.	With regards to the parking and access to the houses it states the driveways will be for single line parking, as the average family car is 2.6M wide with one door open, this would indicate that there would be difficulty in exiting the cars parked on the driveway, and difficulty removing a child car seat. We also feel that single line parking is not sensible because this means that the second car parked will always have to be moved from the drive to allow the first car to exit. The part of the road in question where the proposed driveways will be is often under considerable strain due to resident's parking, parking for the near by shops and the large lorries delivering to the shops. When Princes Close and the Victoria Road were developed, there was not the volume of traffic there is now to the houses and shops. Only having 2 single line spaces for a four-bedroom house can only lead to further pressure on the current parking situation. Often this part of the road is reduced to single line traffic because of parking on both sides of the road. It is stated in the supporting documents that most properties in Prince Close have off road parking, in fact there are 33 dwellings the majority are 3-bedroom houses and parking for only 20 cars. There is already a strain on Princes Close and Victoria road due to parking on the road and pathway. Today's guidelines state 2 parking spaces for a 3-bedroom house. Also, Princes close is a cul-de-sac which adds more strain to road where the proposed development will be.	Section iii
7.	We would also have concerns that the 6 houses will be built and the development of the public house will not be completed.	The acceptability of the houses is not dependent upon the loss of the pub.
8.	The proposed housing development would lead to the loss of a valuable open space which in my opinion should be retained for the use and enjoyment of the people of the village as a garden in accordance with the wishes of the original owners.	The area is currently disused and is not considered to be valuable public open space.
9.	The proposed demolition of the detached bungalow would lead to the loss of an attractive and relatively spacious residential property which was subject of considerable work and expenditure by the previous owners and is well suited to the character of the road in which it sits.	Section iv
10.	The part of Princess Close adjacent to the site is regularly used by large lorries servicing the shops which already experience difficulties in access and manoeuvring. These problems would significantly increase.	Section iii
11.	The corner at the junction of Victoria Road and Princes Close is already subject to regular flooding when there is heavy rain fall and the loss of the garden and associated trees would inevitably increase this problem.	Section ii
12.	The applicant states that there are no trees on land adjacent due to be lost of which would affect the amenity of the area. This is not true as there are two trees on the above corner sited on the pavement one of which is magnificent when in full blossom as it was recently in May/June. If these were to be lost the visual amenity of the area would be greatly diminished, A tree on the other side of the Princes Close was removed by the Council several years ago, presumably because of disease, and was not replaced.	Section vi

13.	Only this week I have written to the borough and Eton Town Council raising the issue of parking for residents of Vaughan Gardens (I have included a copy of this letter as an appendix to this letter). Vaughan Gardens is directly opposite the proposed development and the inadequate parking that exists for Vaughan Gardens is one of the obvious places for displaced parking for the proposed development. This will put additional demand for parking in an area that is already not meeting demand.	Section iii
14.	I also find it confusing that the report implies that the development is short of 32 spaces based on the boroughs parking strategy (4 for the dwellings and 28 for the A3 unit), but the conclusion is that they have no objection.	Section iii

2 letters were received neither objecting nor supporting to the application, summarised as:

Comment		Where in the report this is considered
1.	Parking issues – The plans for the flats & café only allowed for 3 parking spaces, one of which is a disabled space. This could lead to a detrimental effect on the current retail units in the village when more cars try to park up. If part of the green space in the plans within this area was converted to additional parking it may well help the issue.	Section iii
2.	Height of houses – The new adopted Neighbourhood Plan for Eton and Eton Wick point HD4 ii – state developments must 'match the scale, massing and footprint of surrounding buildings'. This proposed site plan clearly does not follow these guidelines as the houses are just over eight metres tall, all the houses in Princess Close and the adjacent houses in Victoria Road are six metres or under.	Section iv
3.	Nothing has been posted on the application yet as to what section 106 taxes will be levied and for what purpose. This should be posted well in advance of the comments expiry date.	CIL forms have been submitted,

### Statutory consultees

Consultee	Comment	Where in the report this is considered
<b>Eton Town Council</b>	Members liked the scheme but would suggest extending car parking into one of the adjoining green areas for café visitors.	Section iii

### Consultees

Consultee	Comment	Where in the report this is considered
<b>Berkshire Archaeology</b>	There are potential archaeological implications associated with this proposed scheme. Therefore the application site falls within an area of archaeological significance and archaeological remains may be damaged by ground disturbance for the proposed development. It is therefore recommended that a condition is applied should permission be granted in order to mitigate the impacts of development. This is in accordance with Paragraph 141 of the NPPF which states that local planning authorities should ' <i>require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner</i>	Section viii

	<i>proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible'.</i>	
<b>Environment Protection</b>	<p>Should planning permission be granted, the following conditions and informative be attached to the consent notice.</p> <p><b>Conditions:</b>  EP1 - Aircraft Noise  EP2 - Construction Site Working Hours  EP3 - Collection during Construction and Demolition</p> <p><b>Informative:</b>  Smoke Control Informative  Dust Control Informative</p>	Noted
<b>Highways</b>	<p><u>First consultation (10<sup>th</sup> July 2019)</u></p> <p>As the proposal stands the applicant is required to provide the following details:  Details of the access arrangement, which include vehicular and pedestrian visibility splays, as well as the proposed cycle access provisions.  Justification for the level of parking for both uses as well as a dimensioned parking plan for the residential units.</p> <p><u>Second Consultation (30<sup>th</sup> July 2019)</u></p> <p><i>Drawing: Visibility Splays [A19067C-101 Rev P1]</i>  The accompanying plan shows that the new access can achieve pedestrian and visibility splays compliant with the Borough's current requirements. The applicant is again advised that the introduction of new vehicular accesses and the stopping-up and reinstatement of the footways will need to be secured by a Section 278 Agreement.</p> <p><b>Parking provision</b>  <i>Drawing:</i></p> <ul style="list-style-type: none"> <li>• <i>Site Plan Plots [01-03 Rev P06]</i></li> <li>• <i>Parking Stress Survey [A19067C – 200 Rev P1]</i></li> <li>• <i>Parking Stress Survey [A19067C – 201 Rev P1]</i></li> </ul> <p>The introduction of the 6 residential dwellings and the change of use of the existing public house to a café raises no highway objection. If the Planning Authority is minded to approve the application, it is recommended that the consent includes the following conditions and Informatives:  1. Parking layout to be submitted  2. Cycle parking to be provided  3. Stopping up  4. Off-site highways work</p>	Section iii
<b>Lead Local Flood Authority</b>	<p>The submitted Flood Risk Assessment indicates that the existing and proposed impermeable areas are similar. The preferred surface water drainage strategy included in the Flood Risk Assessment is not however acceptable as it indicates that surface water runoff will be discharged from the site to a watercourse or sewer and there are no watercourses or surface water sewers in the vicinity of the site. The discharge of surface water to the Thames Water</p>	Section ii

	foul sewer system would not be acceptable.  It is therefore really a matter for the Local Planning Authority as to whether it is prepared to condition the provision of additional information in such circumstances.	
<b>Environment Agency</b>	This planning application is for development we do not wish to be consulted on. Please refer to Flood Risk Standing Advice.	Section ii
<b>Trees</b>	No objection subject to the following conditions: Tree Protection – Details to be submitted Landscaping Scheme – Details to be submitted	Section vi

## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i The loss of the Public House as a Community Facility
- ii Flood Risk
- iii The impact upon highway safety and parking provision
- iv The impact on the character and appearance of the area
- v The impact upon the amenities of nearby occupiers
- vi Trees and Landscaping
- vii Environmental considerations
- vii Archaeology

### Issue i- The loss of the Public House as a Community Facility

- 9.2 The application seeks planning permission for the erection of 6no. dwellings, change of use of former Shepherds Hut to café following demolition of 49 Victoria Road and part demolition of Shepherds Hut. Local Plan Policy CF1 states that the Council will not permit the loss of existing community facilities and buildings unless it is satisfied that there is no longer a need for them; or an acceptable alternative provision is to be made elsewhere. The policy guidance goes on to state that the Council will therefore not grant planning permission for any development that would result in the loss of community facilities unless it can be shown that there is no longer a need for the site or building in any form of community use or that there is an acceptable alternative means of meeting the need, either within the new development or in another suitable location.
- 9.3 Paragraph 92 of the NPPF (2019) and Borough Submission Plan (2017) Policy IF7, now Policy IF6 in the Borough Local Plan: Submission Version Proposed changes (2019) provide similar support for the provision and retention of community facilities.
- 9.4 The Borough Local Plan Submission Version Appendix Marketing and Viability Evidence sets out what marketing and viability evidence needs to be submitted, including specific consideration for pubs. Whilst this is part of the emerging Local Plan, it contains useful guidance and it is considered that this be used as a starting point for assessing the current application in terms of the quality of the submitted marketing and viability evidence.

### Marketing

- 9.5 The application is supported by a Viability report from Fleurets (Chartered Surveyors) which includes Marketing of the Public House and a Statement of Community Involvement from Peacock & Smith.

- 9.6 In 2014 Fullers sought advice from Fleurets with regard to a potential sale price. At this time no instructions were forthcoming with regard to a freehold disposal. In the latter part of 2016 Fullers again sought advice from Fleurets regarding a sale with instructions received to market the property for sale in early 2017. Fleurets were instructed to market the freehold interest for sale with effect from 10<sup>th</sup> January 2017. A typical marketing plan was adopted with sales particulars being prepared and the property advertised via the Fleurets website [www.fleurets.com](http://www.fleurets.com). Fleurets operate a system of email marketing which is sent to parties that are registered on our database with an interest in the type of property for sale and with regular updates sent so that potential interested parties do not miss the opportunity. In respect to the email marketing, the following number of emails were sent; Fleurets backsheet x 863, Buyers Alert x 10,921, Property Update x 48,924 and For information x 3,423. The Fleurets marketing campaign resulted in 22 viewings which took place on two specified viewing days, namely 17<sup>th</sup> January and 27<sup>th</sup> January.

### Viability

- 9.7 The viability report suggests that the existing facility has become financially unviable investment due to renovation and running costs as well as other expenditure. The viability assessment results in a profit of £17,670 which is before any allowance for owners remuneration to reflect the time and risk associated with operating the business. The report refers to the case of *Brooker v Unique Pub Properties Ltd (2001)* (Chancery Division Bristol District Registry Case No. BS002253) which gave consideration to the level of remuneration that the operator of a public house would reasonably expect to receive. In the case it stated that, at that time, the minimum remuneration an operator would expect was £20,000 per annum. If this figure is adjusted to reflect the subsequent increase in average earnings it would now equate to a figure in the region of £32,000. The report goes on to detail that when an allowance is made for owner's remuneration the business becomes loss making. Given the margins involved, it is not believed that a prospective operator of the Shepherd's Hut Public House would consider the pub to be a long term economically viable opportunity.
- 9.8 Furthermore, the pub has been out of use for over two years and many of its customers are likely to have moved to nearby pubs such as the Greyhound Public House and the Eton Wick Football & Social club which are a 6 minute and 2 minute walk from the site.

### Conclusion

- 9.9 Given that the public house has been adequately marketed, it has been out of use for over two years and the viability report demonstrates that the pub would struggle and would no longer be a long term economically viable opportunity. The loss of the existing use is therefore not objected to and the proposal complies with Policy CF1.

### **Issue ii- Flood Risk**

- 9.10 The application site is within flood zone 2, however is surrounded by areas of flood zone 3 which is an area considered to be at high risk from flooding. The Environment Agency have advised that their standard comments known as 'standing advice' should be followed in assessing this application, compliance with this has been considered below. Consideration has also been given to policy F1 of the Local Plan and paragraph 163 of the National Planning Policy Framework (2019). The NPPF (2019) and National Planning Practice Guidance indicate that the proposed residential development is classed as a 'More Vulnerable' use and as the site is in Flood Zone 2, the Sequential Test is required. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. The NPPF (2019) and NPPG both indicate that more vulnerable (residential) developments are permitted in Flood Zone 2 subject to compliance with the sequential test being passed and flood risk not being increased.

### The Sequential Test

- 9.11 The applicant has undertaken the sequential test and has considered the application site against the identified potential housing sites contained within the Council's Housing and Economic Land Availability Assessment (HELAA). The applicant considers that sites between 0.2 and 0.45ha are most appropriate for a development of this size, which is agreed. The applicant has detailed that

some of the sites in the HELAA have been promoted and assessed for more than one land use (e.g. housing and employment) and removing the duplicate sites provides 283 individual sites which are potentially suitable for housing. Of these 47 were 'excluded' in the HELAA as being currently in employment, retail, mixed or other types of use and 48 sites considered 'not-developable' such as by being in the functional flood plain or with a protected environmental designation. Of the remaining 188 sites 50 are 'deliverable', 8 'developable' and 130 as 'potentially developable'. Of the 188 potential sites there are 145 sites greater than 0.45ha leaving 43 sites to take forward. Of these 43 sites 19 sites are 0.2ha or less and these are discounted for being too small to provide the same number of dwellings as proposed, this leaves 24 potential sites. Of the sites considered all were dismissed as either not appropriate due to planning constraints (such as Green Belt, siting within Conservation Area or potential impact on TPO trees) or unavailable due to land ownership issues or because another development has recently been commenced or completed. It is considered that the sequential test has been passed.

#### Surface water management

- 9.12 The existing 2218sqm (0.222ha) site includes 1201sqm of impermeable buildings and hard surfaces with a 1017sqm of gardens and green areas. Ground levels fall from 21.09m OD on the north to 20.75m OD to the south adjacent to Victoria Road, most of the site lies between 20.70 and 20.90m OD. The proposed new buildings and impermeable ground cover of 1170sqm compares to 1201sqm on the existing site, with 1048sqm of permeable garden areas over the same site of 2218sqm. The Lead Local Flood Authority were consulted on the application and detailed that the existing and proposed impermeable areas are similar, raising no in principle objection and it is considered that adequate surface water drainage provisions can be secured via condition.

#### Floor levels

- 9.13 The proposed new dwellings must have a minimum floor level of 300mm above the 1:100yr+ CC (Climate Change) flood level which at this location is 21.15m OD with 25% increase in flow or 21.31 OD with a 35% increase hence the floor level should be a minimum of 21.61m OD. The scheme proposes that the development will have a raised ground floor level at 21.76m OD. This is considered to be sufficiently raised above the 1:100yr + CC flood level.

#### Access and evacuation

- 9.14 It should be possible for occupants to leave the building in the event of a flood and it should be possible to reach an area entirely outside of the flood zone via either a safe or very low hazard escape route. This is not a sensitive location and the central CC allowance in zone 2 at 25% is accepted resulting in a flood level of 21.15m OD. The proposal includes a raised walkway at the rear of the properties for occupants to use in the event of a flood. This evacuation route at the rear of the properties will be above the 1:100 +25% CC level exiting onto Eton Wick Road. The evacuation route to the rear of the properties will exit at the west end of the Public House. Table 2.9 (Submitted 18<sup>th</sup> December 2019 via email) shows that from here the maximum flood depth 1:100 +25% CC level would be 270mm. Here it is possible to leave Eton Wick across along Eton Wick Road, Dorney Common and along Common Road until you are out of the flood zone entirely. Table 2.9 sets out that the maximum predicted flood depths along this route are 270mm however this is around the Cattle Grid and Tilson Bridge where there is a footpath and pedestrian gate raised up higher than the main carriageway. Flood depths on the pedestrian footpath would likely be no more than 100mm and anyone leaving via foot is unlikely to try and cross the cattle grid, instead using the pedestrian footpath. This means the maximum flood depth along the route would be 180mm, and assuming the velocities of the flood water would be below 0.5m/s then the route can be classed as very low hazard. In this case, it is accepted that flood water velocities would likely be below 0.5m/s due to the upstream area being a flat area of grassland at the edge of the flood plan. In addition a debris factor of 0 can be used instead of 0.5 as the predicted flood depths are below 250mm and it can be safely assumed that the flood water velocities would not be sufficient to entrain and transport debris, further reducing the hazard rating of the escape route. It is considered in this case that the applicant has sufficiently demonstrated that future

occupiers of the dwelling would be able to leave the site in a flood event and reach an area outside of the flood zone using a safe/very low hazard route.

### **Issue iii – The impact on Highway safety and parking provision**

- 9.15 Paragraph 109 of the NPPF sets out that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policy P4 of the Local Plan sets out that development proposals will be required to provide car parking in accordance with the adopted standards which are now set out in the 2004 Parking Strategy and policy T5 sets out that development will be expected to comply with the Council's adopted highway design standards.
- 9.16 The submitted plan: Visibility Splays [A19067C-101 Rev P1] shows that the new access can achieve pedestrian and visibility splays compliant with the Borough's current requirements.
- 9.17 The residential element of the development comprises 2 x 3 bed units and 4 x 4 bed units and based on the Borough's Parking Strategy (2004), attracts a demand for 16 parking spaces; 2 spaces and 3 spaces for the 3 and 4-bedroom dwellings respectively. The applicant proposes 2 parking spaces for each dwelling resulting a residential provision of 12 spaces. For the A3 unit, 3 car parking spaces are proposed against the Borough's current requirement of 28 car parking spaces.
- 9.18 To justify the level of parking proposed for both the residential and A3 units Patrick Parsons were commissioned to undertake a parking survey to assess the parking activity in the neighbouring area. Two parking surveys were undertaken on Wednesday, 17<sup>th</sup> July 2019 at 1100, and at 2300 hours. The results indicate that at 1100 hours there were 141 available parking spaces within 200m of the development, and 112 parking spaces during the 2300 period.
- 9.19 Based on these results any displaced parking that may arise from the development is unlikely to have a significant impact upon parking in the surrounding area. The applicant is again reminded that the widths of several of the car parking bays will need to be increased; the width of a parking bay immediately adjacent to a solid wall or boundary should be a minimum of 2.70m. If enclosed on both sides the minimum width should be 3.00m and this will be secured by condition.
- 9.20 The A3 unit is provided with 7 Sheffield-type parking stands near the entrance. For the residential units the provision of 4 cycle parking spaces for each unit exceeds the Borough's current requirement of 1 space per dwelling. However, the applicant is advised that the cycles should be parked in a secure and covered storage facility. It is advised that details of a cycle storage facility must be submitted for approval. This can be secured via planning condition.
- 9.21 In conclusion the proposed development would be provided with sufficient parking space and would not have an unacceptable impact on highway safety or a severe impact on the road network. The proposed development would comply with paragraph 109 of the NPPF and policies P4 and T5 of the Local Plan. Subject to conditions.

### **Issue iv- The impact on the character and appearance of the area**

- 9.22 National Planning Policy Framework, Section 12 (Achieving well-designed places) and Local Plan Policy DG1 and H10, advises that all development should seek to achieve a high quality of design that improves the character and quality of an area. Policy H11 sets out that housing schemes should not result in a cramped form of development. Policy SP3/QP3 of the emerging plan similarly suggests that new development should sympathetically integrate into existing environments.
- 9.23 The surrounding area is predominantly residential with the exception of the Eton Wick Road shopping parade. Properties within the area vary in design, size and material finish but are predominantly, semi-detached or terraced, two storey and set back from the street scene with front elevation parking. Low rise flats and some detached houses also exist. It should also be noted that each property has private amenity space to the rear. The neighbouring properties;



No.2 Princes Close has a main ridge height of 7.9m and No.47 Victoria Road has a main ridge height of 8.1m.

- 9.24 This proposal has taken advice from Pre-Application advice and the main ridge height of the proposed dwelling have been reduced by 0.5m. The proposed dwellings would have traditional pitched roofs with main ridge heights on 8.8m. The submitted street scene elevation plan drawing number 21-03 illustrates that the proposed height of the dwellings would not appear incongruous within the street scene. The proposed semi-detached dwellings at plots 1-4, each pair would have a combined width of 12.3m, 6.15m width each respectively. The pair of semi on plots 5-6 will have a combined width of 10.1m, 5.05m width each respectively. The proposed size of the dwelling would be in keeping and proportionate with other dwellings in the street scene. To comply with the required floor levels within the flood zone, the plans have been amended to show low level steps to the front and rear of the property. These do not compromise the overall height of the dwellings and are considered as acceptable additions within the street scene.
- 9.25 The dwellings on plots 1 to 4 would share the same building line as those properties to the south on Victoria Road, in line with No.2 Victoria Road. The dwellings on plots 5-6 would share the same building line as the neighbouring property at No.47 Victoria Road. Each proposed dwelling is considered to provide adequate amenity space and spacious rear gardens. The dwellings to the south of the site would be sited 7.3m from the neighbouring property at No.47 Victoria Road. Each property has spacious separation distances and the scheme does not appear cramped. The traditional and symmetrical nature of the dwellings appearance would have an acceptable impact on the street scene. The proposed brick (similar to existing brickwork used on Princes Close) grey roof tiles and dark grey finish to the windows is considered in keeping with the character and appearance of the area. The proposed 1.8m fencing is an acceptable boundary treatment in keeping with other boundary treatments within the locality.

#### **Issue v- The impact upon the amenities of nearby occupiers**

- 9.26 Paragraph 127 of the National Planning Policy Framework sets out that developments should provide a high standard of amenity for existing and future users.
- 9.27 The closest neighbouring property No.47 is situated 7.3m from the proposed dwellings on plots 5 and 6. Given the distance, the fact that the proposed dwellings to the south of the site are replacing an existing dwelling. Also, No.47 Victoria Road has no first floor side (east facing windows) and the rear space of No.47 contains a workshop and is not used as a garden for the occupiers, it is considered that the newly built dwellings would not have a detrimental impact to the amenity of No.47 Victoria Road. Plot 1 would be the closest dwelling to No.19 Eton Wick Road at 27.5m away, given this distance it is not considered that the works would have a detrimental impact to the occupiers of this neighbouring dwelling. Overall, the proposal would not result in loss of sunlight or outlook for nearby occupiers.
- 9.28 The proposed dwellings at plots 5-6 would be facing No.36 Victoria Road and the dwelling at plot 4 would be facing towards No.1 Princes Close. Given that the new dwellings would be facing onto the front elevations of neighbouring dwellings which are highly visible from the public realm. The neighbouring rear gardens already experience a level of mutual overlooking and it is not considered that the new dwellings would result in a detrimental impact to the mutual overlooking and privacy of these gardens. It is not considered that any of the fenestration included as part of the works would result in loss of privacy to nearby occupiers.
- 9.29 The proposal includes raising the floor level of the dwellings to comply with flooding policy. There would a shallow raised terrace to the rear of the properties and steps down to the garden. The amended plans include raised fencing along the terrace acting as a privacy screen. Given this and the size of this terrace, it is unlikely that the terrace would be in consistent use.
- 9.30 The proposed walkway would be on the other side of No.19 east boundary treatment; a 2.1m high fence. The proposed dwellings boundary treatment would be 1.8m high fencing. Given the height of the boundary treatment in comparison to the height of the walkway and the fact that the walkway would not be in constant use. It is not considered that the walkway would result in overlooking that would lead to loss of privacy.

## **Issue vi- Trees and Landscaping**

- 9.31 Local Plan Policy N6 suggests that new developments should protect and conserve trees important to the amenity of the area; ample space should also be provided for the future growth of these trees. Any loss or harm to such trees can in some circumstances be mitigated by replanting but should always be justified by the applicant. The policy also states that where the contribution of the trees to local amenity outweighs the justification for development, planning permission may be refused. Policy SP3 of the emerging Borough Plan places similar emphasis on the protection of important trees.
- 9.32 The trees growing at the site are not subject to a tree preservation order or growing within a Conservation Area. The Tree Officer has been consulted and raises no objection to the works. The proposed development will require the removal of a small group of poor quality multi stemmed ash and sycamore. Due to the condition and past management of these trees there would be no objection to their removal subject to suitable mitigation planting. The proposal is acceptable in terms of trees and landscaping subject to a Tree Protection (Details to be submitted) and Landscaping Scheme (Details to be submitted).

## **Issue vii- Archaeology**

- 9.33 Local Plan policy ARCH 3 states that planning permission will not be granted for proposals which appear likely to adversely affect archaeological sites of unknown importance unless adequate evaluation enabling the full implications of the development on archaeological interests is carried out prior to the determination of the application. This is supported by paragraph 189 of the NPPF which states that where a development site has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 9.34 The site lies within the Thames Valley, less than 500m from the river which have been a focus of settlement, agriculture and burial from the earlier prehistoric period to the present day and important prehistoric finds have been recorded close to the application site. Therefore, the application site falls within an area of potential archaeological significance. If minded to approve, a programme of archaeological field evaluation in accordance with a written scheme of investigation, and any subsequent mitigation strategy, can be secured by condition. This has been secured in writing with the planning agent.

## **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:*

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

- 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 At the time of writing, the Council is able to demonstrate 4.08 years of housing land supply. Therefore, for the purpose of this planning application the LPA currently cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer).
- 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, and therefore in accordance with paragraph 11(c) of the NPPF and the presumption in favour of sustainable development the development proposal should be approved without delay.

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

- 11.1 The development is CIL liable. The proposed floorspace of the dwellings (minus the allowance for the existing dwellinghouse is 531.23sqm.

## **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 9.41 it is considered that in this instance the development is in compliance with the development plan and therefore in accordance with paragraph 11c must be approved without delay.
- 12.2 Should members consider that any part of the proposal does not comply with the relevant planning policies, then consideration must be had to the terms of paragraph 11d of the NPPF. If it were considered that there were any limited or moderate harm to the character of the area the so-called 'tilted balance' would be engaged. In this case, there are significant benefits arising from the net gain of 17 dwellings such that officers would advise that the impacts of granting planning permission for this development would be more than outweighed by the considerable housing benefit arising from the proposal.

## **13. APPENDICES TO THIS REPORT**

- Appendix A – Site location plan and site layout
- Appendix B – Plots 1 to 4 Ground Floor and First Floor Plans
- Appendix C – Plots 1 to 4 Loft Floor and Roof Plan
- Appendix D – Plots 5-6 Ground Floor and First Floor Plans
- Appendix E – Plots 5-6 Loft Floor and Roof Plan
- Appendix F – Plots 1 to 4 Elevations
- Appendix G – Plots 5 to 6 Elevations
- Appendix H – Street scene Elevations
- Appendix I – Shepherds Hut to A3 use class Proposed Ground Floor and First Floor Plans

## **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 vehicle parking spaces have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The spaces 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 would 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 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 always thereafter be kept available for the parking of cycles in association with the development.  
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
- 5 The existing access to the site of the development shall be stopped up and abandoned immediately upon the new access being first brought into use. The footways and verge shall be reinstated before the development is first occupied in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.  
Reason: In the interests of highway safety and of the amenities of the area. Relevant Policies - Local Plan T5, DG1.
- 6 No development shall commence until a Section 278 (of the Highways Act 1980) Agreement has been secured with the Highways Authority for new access that can achieve pedestrian and visibility splays compliant with the Borough's current requirements as shown on Drawing: Visibility Splays [A19067C-101 Rev P1]. The development shall not be occupied until the new access as approved through the S278 Agreement has been carried out in full.  
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5..
- 7 No development shall take place/commence (other than demolition to ground floor slab level) until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:1. The programme and methodology of site investigation and recording2. The programme for post investigation assessment3. Provision to be made for analysis of the site investigation and recording4. Provision to be made for publication and dissemination of the analysis and records of the site investigation5. Provision to be made for archive deposition of the analysis and records of the site investigation6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation. The Development shall take place in accordance with the approved Written Scheme of Investigation. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.  
Reason: The site lies in an area of archaeological potential, particularly for, but not limited to, Prehistoric remains. The potential impacts of the development can be mitigated through a programme of archaeological work. Local Plan Policy - ARCH 3/4
- 8 Prior to any equipment, machinery or materials being brought onto the site, details of the measures to protect, during construction, the trees shown to be retained on the approved plan, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full prior to any equipment, machinery or materials being brought onto the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. These measures shall include fencing in accordance with British Standard 5837. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent 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.

- 9 The development shall be carried out in accordance with the Flood Risk Assessment titled 'Flood Risk Assessment 49 Victoria Road and Shepherds Hut PH. Eton Wick Road, Eton Wick, Berkshire, SL4 6LU' dated March 2019. And, in accordance with the amendments document titled 'Addendum Flood Risk Information - 49 Victoria Road and The Shepherds Hut Public House, Eton Wick Road under planning reference 19/01548/FULL' dated 06.12.2019 and email subject '19/01548/FULL - Eton Wick' dated 18.12.2019. The development shall be carried out and maintained in accordance with the approved scheme.  
Reason: To prevent an increased risk of flooding elsewhere due to impedance of flood flows and reduction of floodwater storage capacity. Relevant Policy - Local Plan F1.
- 10 The raised walkway as shown on 'Site Plan 500' drawing number '01-02' Rev 'P06' received 07.01.2020 is to be kept free from obstruction and made available to residents at all times. The development shall be carried out and maintained in accordance with the approved details.  
Reason: To prevent an increased risk of flooding in the event of a flood event. Relevant Policy - Local Plan F1.

### **Informatives**

- 1 Before any development commences the applicant shall enter into a legal agreement with the Council under Section 278 of the Highways Act 1980 to cover the construction of the new vehicular accesses and the reinstatement of the footway on Eton Wick Road.

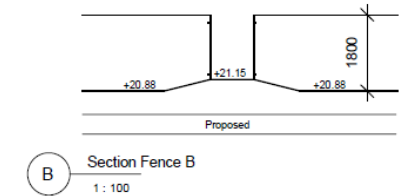
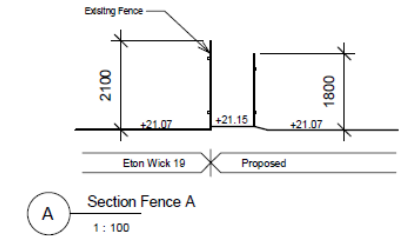
Appendix A – Site location plan and site layout

30



AREA SCHEDULE			
RESIDENTIAL PLOTS			
PLOT NO.	BED/PERSON	AREA IN Sq.m	BUILT IN STORAGE Sq.m
01	4B/7P	130.00	3.00
02	4B/7P	130.00	3.00
03	4B/7P	130.00	3.00
04	4B/7P	130.00	3.00
05	3B/6P	105.00	3.00
06	3B/6P	105.00	3.00
SHEPHERD'S HUT			
Ground floor	Alternative use	168.86	
First floor	C3 - 2B4P	91.46	2.41

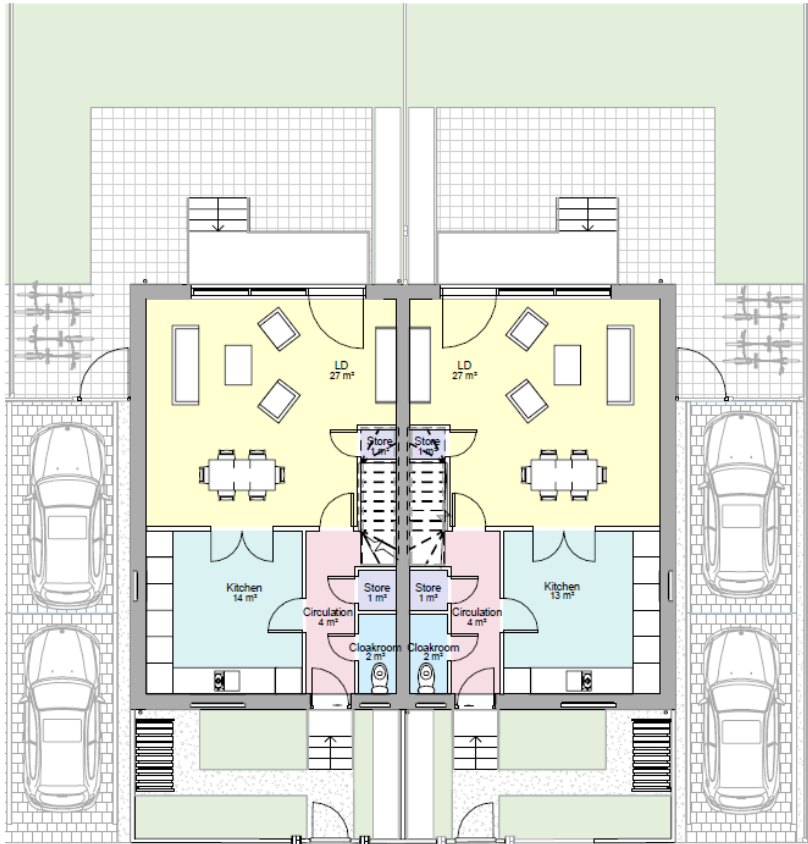
Level of the Evacuation Route  
1:100 +25% = +21.15 m



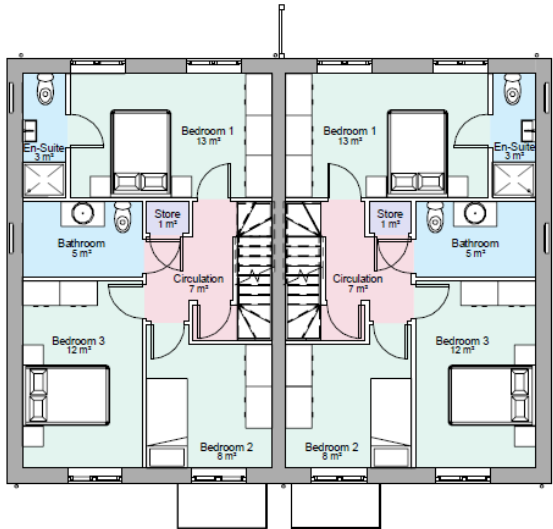
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 23 Barbour Road Ilford IG  
 DRAWING NO.  
 SITE PLAN 500  
 DATE  
 18/02/19  
 DRAWN BY  
 AC  
 CHECKED BY  
 CL  
 PROJECT NO.  
 As Indicated=AS  
 CLIENT  
 Planning  
 PROJECT NO.  
 19035  
 DATE OF ISSUE  
 105-21  
 DRAWING NO.  
 01-02  
 SHEET NO.  
 P0  
 OF  
 P06

Appendix B – Plots 1 to 4 Ground Floor and First Floor Plans

31



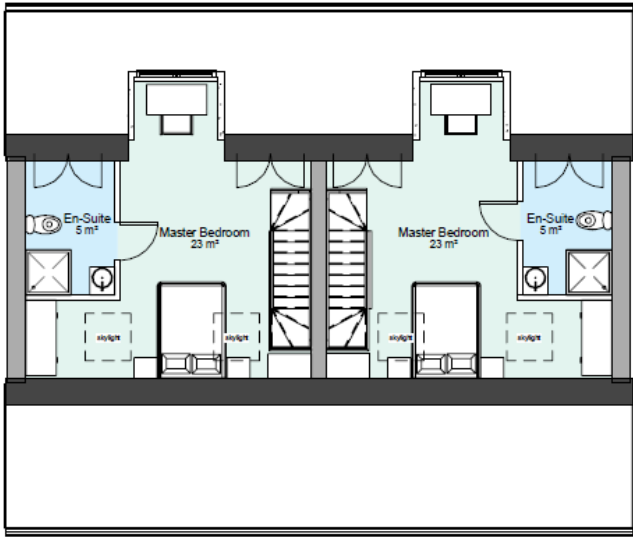
1 4B Ground Floor Typical Layout  
1 : 100



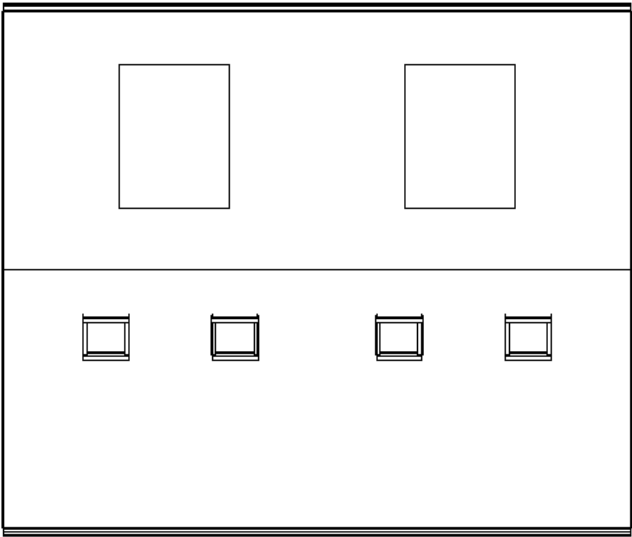
3 4B First Floor Typical Layout  
1 : 100

Appendix C – Plots 1 to 4 Loft Floor and Roof Plan

32



3 4B Loft Floor Typical Layout  
1 : 100

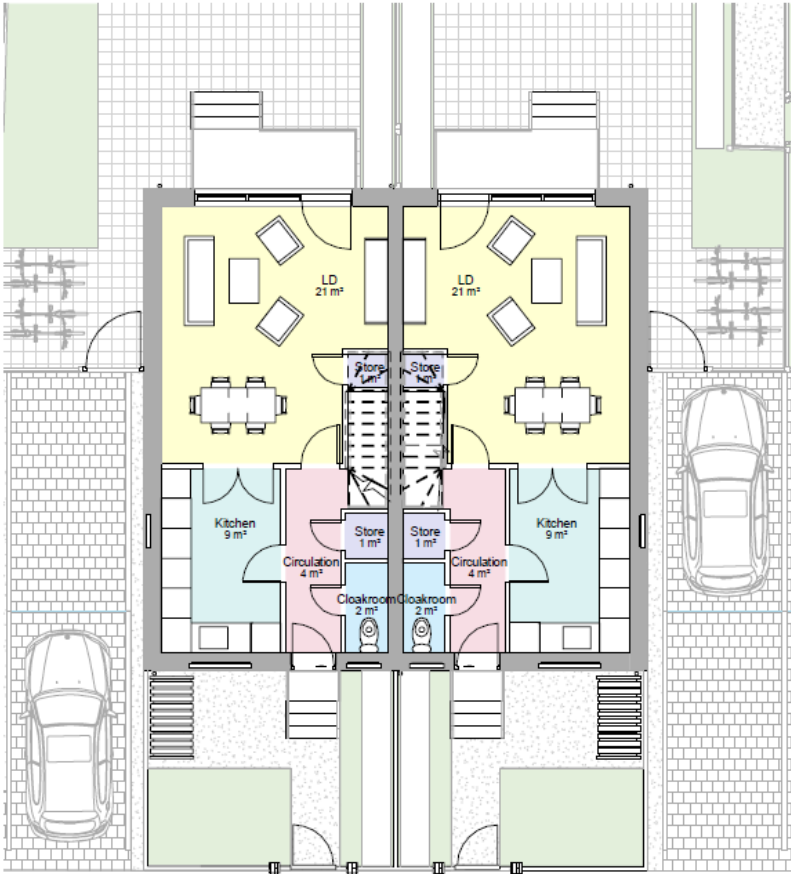


2 4B Roof Plan Typical Layout  
1 : 100

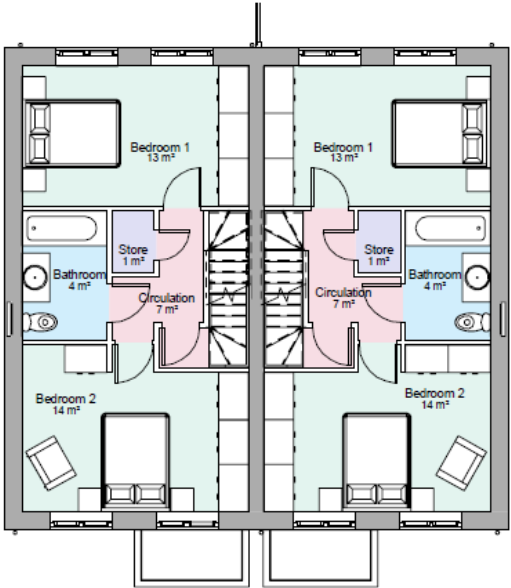


Appendix D – Plots 5-6 Ground Floor and First Floor Plans

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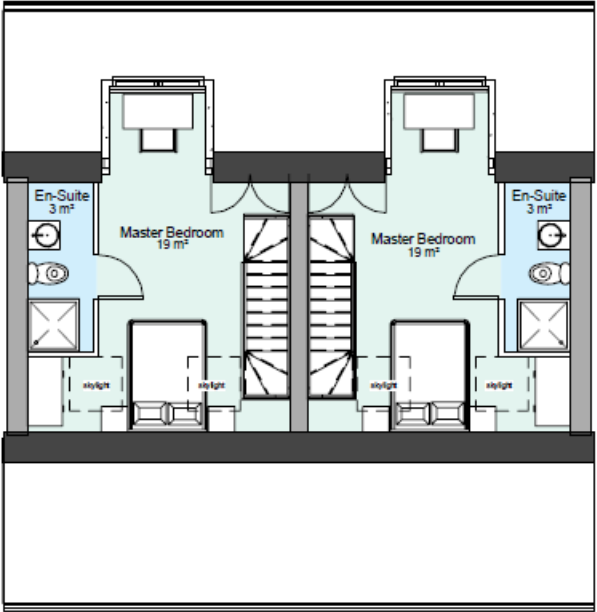


1 3B Semi Detached Ground Floor Layout  
1 : 100

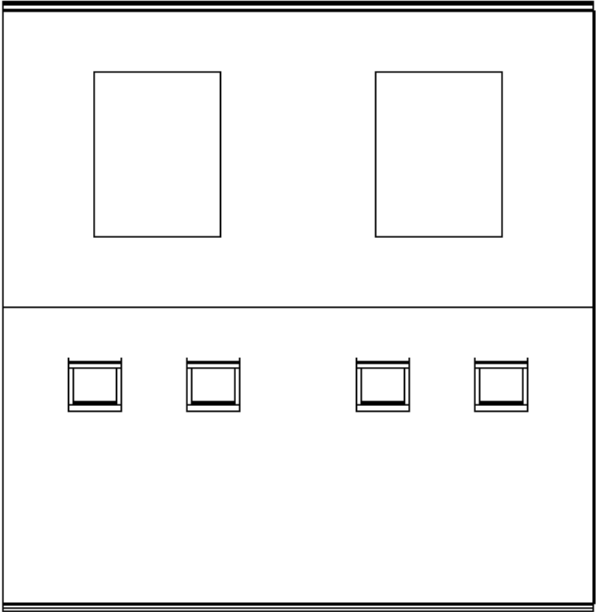


3 3B Semi Detached First Floor Layout  
1 : 100

Appendix E – Plots 5-6 Loft Floor and Roof Plan



3 3B Semi Detached Loft Floor Layout  
1 : 100



2 3B Semi Detached Roof Plan Layout  
1 : 100

Appendix F – Plots 1 to 4 Elevations



1 4 BED Elevation Front  
1 : 100



3 4 BED Elevation Rear  
1 : 100



2 4 BED North Elevation  
1 : 100



4 4 BED South Elevation  
1 : 100

Appendix G – Plots 5 to 6 Elevations



1 3 BED Elevation Front  
1 : 100



2 3 BED Elevation Rear  
1 : 100



3 3 BED East Elevation  
1 : 100



4 3 BED West Elevation  
1 : 100



Appendix H – Street scene Elevations



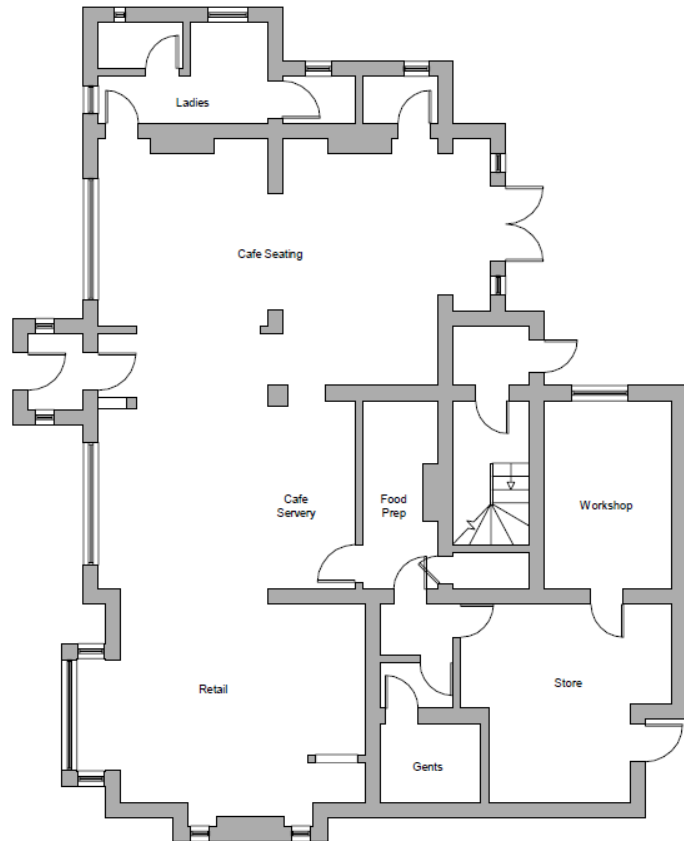
1 Street Elevation Princes Close  
1 : 250



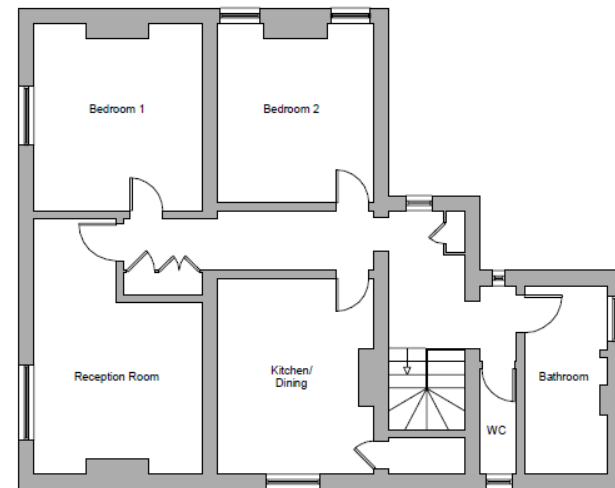
2 Street Elevation Victoria Road  
1 : 250

## Appendix I – Shepherds Hut to A3 use class Proposed Ground Floor and First Floor Plans

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1 PH Proposed Ground Floor Layout  
1 : 100



2 PH Proposed First Floor Layout  
1 : 100

# ROYAL BOROUGH OF WINDSOR & MAIDENHEAD PLANNING COMMITTEE

## Agenda Item 5

### DEVELOPMENT CONTROL PANEL

5 February 2020

Item: 2

<b>Application No.:</b>	19/02535/FULL
<b>Location:</b>	Oaklea 20A Cromwell Road Ascot SL5 9DG
<b>Proposal:</b>	Construction of 4 flats with off street parking and provision for refuse, recycling and cycle storage, following demolition of the existing dwelling.
<b>Applicant:</b>	Mr Gillespie
<b>Agent:</b>	Mr William Fitzgibbon
<b>Parish/Ward:</b>	Sunninghill And Ascot Parish/Ascot & Sunninghill
<b>If you have a question about this report, please contact:</b> Adam Jackson on 01628 796660 or at adam.jackson@rbwm.gov.uk	

## 1. SUMMARY

- 1.1 The proposed development is of an acceptable design and will have an acceptable impact on the character and appearance of the area.
- 1.2 The proposed development will be provided with sufficient on-site parking and will not have a severe impact on the road network or have an unacceptable impact on highway safety.
- 1.3 The proposed development will not adversely affect the amenity of neighbouring occupiers. The ground floor flats will not provide the future occupiers with a standard of amenity normally expected of a residential property due to the main bedrooms of the ground floor flats being adjacent to the parking spaces and the light and noise pollution this will likely cause from cars pulling on and off the driveway. However the harm caused by this would not clearly and demonstrably outweigh the benefit of 3 x new dwellings (net) towards the boroughs housing stock

It is recommended the Panel authorises the Head of Planning:	
1.	<b>To grant planning permission on the satisfactory completion of an undertaking to secure the necessary SPA mitigation as set out in Section 8 of this report and with the conditions listed in Section 12 of this report.</b>
2.	<b>To refuse planning permission if an undertaking to secure the necessary mitigation as set out in Section 8 of this report has not been satisfactorily completed for the reason that the proposed development would cause harm to the Thames Basin Heaths (SPA).</b>

## 2. REASON FOR PANEL DETERMINATION

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

## 3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site contains a detached dwelling located within the urban area of South Ascot. The dwelling forms part of a row of residential dwellings along Cromwell Road consisting of a mixture of semi-detached and detached dwellings. Elsewhere on the opposite side of the road there are also terraced properties. The properties within Cromwell Road vary in terms of age, design and size. The existing dwelling is set on a spacious plot with a garden area to the rear and driveway to the front. The application site is located in an area of good accessibility within easy reach of Ascot

Railway Station and therefore provides good transport links. Cromwell Road is narrow and currently experiences a high level of on street parking. The area has a predominantly residential character and is within 400m to 5km zone of the Thames Basin Heaths SPA.

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

- 4.1 The proposal is for the erection of a two storey building comprising of 4 x 2 bedroom flats, following demolition of the existing 4 bedroom house on site. The proposed building would have a footprint that occupies approximately 170sqm of the 493sqm total site area and is approximately 15m deep. The proposed building would have a ridge height of approximately 8.25m and an eaves height of approximately 5.6m. The building will have a flat/crown roof and will reduce in height to the rear. The building would be finished in a mixture of facing brickwork and render with a tile roof. A parking area to the front of the site is proposed and is sufficient for 4 cars. Each of the ground floor flats is to be provided with a private garden, with the first floor flats sharing a communal space.

##### Relevant planning history

Reference	Description	Decision
19/00166/FULL	Construction of new building comprising of 4 x 2 bed flats with associated parking and new vehicular and pedestrian access following demolition of existing dwelling.	Withdrawn on 24 <sup>th</sup> June 2019

- 4.2 A previous scheme on site was withdrawn following advice from Officers. Concerns were raised with the previous scheme with regards to the roof design and bulk of the property, the size of the gardens and the lack of outdoor amenity provided for the first floor flats. Possible issues with the onsite parking spaces not being large enough were also raised.

#### 5. DEVELOPMENT PLAN

##### **Adopted Royal Borough Local Plan (2003)**

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

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1, H10, H11
Parking and highways	P4, T5
Acceptable impact on nearby occupiers	H11

These policies can be found at

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

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

Issue	Neighbourhood Plan Policy
Design in keeping with character and appearance of area	NP/DG1, NP/DG2 and NP/DG3
Highways	NP/T1
Mix of housing types	NP/H2

These policies can be found at

[https://www3.rbwm.gov.uk/info/200209/planning\\_policy/477/neighbourhood\\_plans/2](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

### 6. MATERIAL PLANNING CONSIDERATIONS

#### National Planning Policy Framework Sections (NPPF) (2019)

Section 4- Decision-making

Section 9- Promoting Sustainable Transport

Section 12- Achieving well-designed places

#### Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Sustainable Transport	IF2
Housing mix and type	HO2
Housing Density	HO5
Acceptable impact on the Thames Basin Heaths Special Protection Area	NR4

#### Borough Local Plan: Submission Version Proposed Changes (2019)

Issue	Local Plan Policy
Design in keeping with character and appearance of area	QP1, QP3
Sustainable Transport	IF2
Housing mix and type	HO2
Acceptable impact on the Thames Basin Heaths Special Protection Area	NR4

- 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 was submitted to the Secretary of State for independent examination in January 2018. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough.
- 6.2 In December 2018, the examination process was paused to enable the Council to undertake additional work to address soundness issues raised by the Inspector. Following completion of that work, in October 2019 the Council approved a series of Proposed Changes to the BLPSV which are now out to public consultation until Sunday, 15 December 2019. All representations received will be reviewed by the Council to establish whether further changes are necessary before the Proposed Changes are submitted to the Inspector. In due course the Inspector will resume the Examination of the BLPSV. The BLPSV and the BLPSV together with the Proposed Changes are therefore material considerations for decision-making. However, given the above both should be given limited weight. These documents can be found at: <https://www3.rbwm.gov.uk/blp>

#### Supplementary Planning Documents

- RBWM Thames Basin Health's SPA

#### Other Local Strategies or Publications

Other Strategies or publications material to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy

More information on these documents can be found at:

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

## 7. CONSULTATIONS CARRIED OUT

### Comments from interested parties

19 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 20.09.2019

The 19 letters were received objecting to the application, summarised as:

Comment		Where in the report this is considered
1.	The development will lead to a loss of roadside parking spaces.	Paragraph 8.9
2.	The flats will not be provided with sufficient onsite parking.	Paragraph 8.8
3.	Houses would be more in keeping with the road than flats/flats will be out of character.	Paragraphs 8.5 – 8.7
4.	The development will lead to increased roadside parking which will cause highway safety and access issues.	Paragraph 8.9
5.	The construction works would cause noise and other disturbances for neighbouring properties and could result in damage to vehicles, fences, etc.	This is not a material planning consideration.
6.	The proposal will result in over-development and overcrowding.	Paragraphs 8.5 – 8.7
7.	The proposed scale and bulk of the property is out of keeping with the rest of the dwelling in the street.	Paragraph 8.5 – 8.7
8.	The development will be out of keeping with the Victorian character of the street.	Paragraphs 8.5 – 8.7
9.	The development will result in the loss of hedges to the front of the site which will impact local landscape character.	This hedge is not protected and could be removed at any time. It is also not considered its loss would materially impact on the character of the area.
10.	The proposed building will block out light to the neighbouring property opposite.	Paragraph 8.15
11.	The increase in windows will result in a loss of privacy for the property opposite.	Paragraph 8.15
12.	The development will result in additional noise and disturbance as well as light pollution from increased residents and traffic.	Paragraph 8.15
13.	The road is not wide enough for cars to pull out onto the road safely.	Paragraph 8.10
14.	The proposal does not allow for visitor parking.	Paragraph 8.9
15.	Not enough space for construction vehicles to access the site during demolition/construction.	This is not a material planning consideration.

16.	There is already a serious problem with the drains unable to cope with heavy rainfall, causing flooding, which would be exacerbated by more properties.	Drainage issues are only a material consideration for major applications. Issues with the drains should be reported to Thames Water or the relevant operator.
17.	I am confused as to why we have had to object twice to essentially the same application in the same year?	The 1 <sup>st</sup> application was withdrawn for amendments to be made.
18.	Why has the planning notice been hidden from residents?	The site notice was posted at the front of the site on the 20 <sup>th</sup> September and adjacent neighbours were written to directly.

### Statutory consultees

Consultee	Comment	Where in the report this is considered
<b>Environment Agency</b>	This planning application is for development we do not wish to be consulted on.	N/A

### Consultees

Consultee	Comment	Where in the report this is considered
<b>Parish Council</b>	<p>Objects for the following reasons:</p> <ul style="list-style-type: none"> <li>• Contrary to borough parking standards and policy NP/T1.2 of the neighbourhood plan</li> <li>• The area isn't truly accessible so the maximum parking standards should apply, requiring 8 spaces and only 2 net provided (4 on site less 2 on road lost for access)</li> <li>• Cromwell Road has as much on-street parking as it can accommodate and the development will result in local harm to parking and create congestion.</li> <li>• No disabled parking provided.</li> <li>• Contrary to NP/DG2.1 – Bulk and scale and overdevelopment of the site within a Victorian Street.</li> <li>• Contrary to NP/DG1.4 – respecting the character of this Victorian village.</li> <li>• Contrary to NP/H2 – housing mix – yet more flats with minimum space for 1<sup>st</sup> floor flats (no storage space shown). Many recent approvals have been for 1 &amp; 2 bed flats with minimum space standards, whereas there is a need for terraced and semi-detached houses for families.</li> <li>• Overlooking of amenity to ground floor flats.</li> </ul>	Parking issues are considered in paragraphs 8.8 – 8.12. Design and character issues have been considered in paragraphs 8.2 – 8.7. Amenity issues have been considered in paragraphs 8.13 to 8.17.
<b>Environmental Protection</b>	Recommends that should planning permission be granted that conditions relating to construction site	These are not issues that can be

	working hours and collection and delivery hours are imposed.	controlled by planning. Any statutory nuisances as a result of the development should be reported to Environmental Protection.
<b>Highways</b>	Recommends conditions relating to, construction management, access, parking, cycle stores and refuse stores.	A construction management plan is not necessary for a development of this scale. Contractors will be subject to the normal restrictions if vehicles need to be parked off site. The access has been conditioned in accordance with the details submitted which demonstrate the require visibility is possible. All other conditions have been added.

#### Others

Group	Comment	Where in the report this is considered
<b>SPAE</b>	<p>Objects for the following reasons:</p> <ul style="list-style-type: none"> <li>Potentially 14 residents accommodated in the new building and potentially parking required for 8 cars. Only 4 parking spaces are going to be provided. Cromwell Road is already congested with vehicles, with the addition of 4 more vehicles, not to mention visitor and service vehicles, this can only lead to more grief, angst and danger for all who reside or visit there.</li> <li>NP/DG1 – Townscape Victorian Villages – regular terraces of 2 storey brick built cottages; NP/DG2 – bulk and scale; UK housing standards require minimum of 79sqm for 2 bed, 4 person and 70sqm for 2 bed 3 person; proposal is for 72.1sqm and 62.9sqm respectively, so is non-compliant.</li> </ul>	Parking issues have been considered in paragraphs 8.8 – 8.12. Design and character issues have been considered in paragraphs 8.2 – 8.7. Amenity standards for the flats have been considered in paragraph 8.16.

## 8. EXPLANATION OF RECOMMENDATION

8.1 The key issues for consideration are:

- i Impact on character and appearance of the area
- ii Impact on parking and highway safety
- iii Impact on residential amenity

## **Impact on the character and appearance of the area**

- 8.2 Policy DG1 of the Royal Borough of Windsor and Maidenhead Local Plan (Local Plan) sets out design standards for all new development within the borough and policies H10 and H11 set out design standards specific to residential development. H10 sets out that new residential development schemes will be required to display high standards of design, and H11 sets out that permission will not be granted for schemes which introduce a scale or density of a development which would be incompatible with or cause damage to the character of the area.
- 8.3 The adopted Ascot, Sunninghill and Sunningdale Neighbourhood Plan (Neighbourhood Plan) also forms part of the development plan. Policy NP/DG1 sets out that development proposals should respond positively to the local townscape (as set out in the RBWM Townscape Assessment), policy NP/DG2 sets out that new development should be similar in density, footprint, separation, scale and bulk to development in the surrounding area, and in particular neighbouring properties, and policy NP/DG3 sets out that all new development should demonstrate good quality design and respect the character and appearance of the surrounding area.
- 8.4 Both the Local Plan and the Neighbourhood Plan are consistent with the National Planning Policy Framework (NPPF) with regards to design and character, with Paragraph 127 of the National Planning Policy Framework setting out that development should be sympathetic to local character and should be visually attractive. Paragraph 130 also sets out that permission should be refused for developments of poor design which fail to take the opportunities available for improving the character and quality of an area.
- 8.5 The proposed building is two storeys at 8.25m high, which is the same height as the 3 new houses to the south (22, 22a and 24) and approximately half a metre taller than the neighbouring number 20 to the north. It is also the same height as the existing dwelling on site, although the height is maintained across a greater proportion of the roof. The proposed building is also approximately 11.6m wide which is the same as the neighbouring pair of semi-detached properties to the south, and the proposed building would have a very similar depth and footprint to the pair of semi-detached properties. The depth of the proposed dwelling would also not be readily apparent from the street, with much of it being hidden behind neighbouring properties. The proposed building will be set back from the road approximately 5.8m, which is slightly forward of the new properties to the south, however over a metre further back compared to number 20 to the north and further back than the existing dwelling on site, creating/maintaining a staggered building line. Furthermore the proposed building will be similar in appearance to the pair of semi-detached properties with projecting gable frontages and a crown roof, and a similar material palette proposed.
- 8.6 It is noted that neighbours, SPAE and the Parish Council have all raised objections to the scale and design of the property and the impact this will have on the character of the area, which is described as a Victorian Village in the Townscape Assessment. Whilst it is acknowledged that Cromwell Road is typically characterised by Victorian semi-detached dwellings, there are other types of houses on Cromwell Road, with more modern properties present in particular on the southern part of the road where the proposed building would sit. The proposed building as mentioned above would also be similar in scale and design to 22, 22a and 24 Cromwell Road. It is not considered therefore that the proposed building would cause harm to the character of the area or take away from the Victorian properties within Cromwell Road.
- 8.7 In conclusion it is considered that the proposed building is of a suitable design that would not take away from the Victorian character of the dwellings found elsewhere on the street and would have an acceptable impact on the character of the area overall. The scale of the proposed building would be similar to those approved to the south and would be compatible with the character of the area and the neighbouring properties.

## **Impact on parking and highway safety**

- 8.8 The application site is within 800m of Ascot Train Station which puts it in the category of an area of good accessibility. Within such areas the parking standards (as set out in the Borough Parking Strategy 2004) are lower. In this case it means that a 2 bedroom unit is required to provide 1 space per unit. These spaces are proposed to be provided to the front of the site, and each space measures 2.7 x 4.8m which complies with the minimum standards set out in the Parking Strategy. An amended plan has been received which reduces the depth of the building, thereby providing an addition 30cm or so at the front of the site. This ensures that there is enough room at the front of the site to park cars as well as to manoeuvre bins, bikes and wheelchairs to the front of and round to the side of the site.
- 8.9 It is noted that objections have been raised due to the loss of on street parking as a result of the access being extended across the entire site frontage. The existing frontage, minus the existing access, is approximately 9.5m long and realistically would allow for 2 cars to park at the front of the site. However, it should be noted that there is no official right for residents to park on the road and there are no planning policies or regulations that prevents the loss of roadside parking. The loss of parking to the front of the site cannot therefore be objected to. It is noted that residents raise issues with highway safety and have concerns that this will be worsened as a result of the loss of roadside parking by moving parking to other more dangerous parts of the road and surrounding streets. However, the NPPF sets out in paragraph 109 that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network would be severe. It is acknowledged that Cromwell Road currently experiences heavy on street parking, however it is not considered that the loss of 2 potential spaces would have a severe impact on this existing situation. New development along Cromwell Road has been provided with sufficient onsite parking in line with the borough's standards and as such will not contribute to the on-street parking in the area. It is also noted that the lack of visitor parking has been raised and that policy NP/T1.1 requires adequate provision to be made for this, however for a development of this scale visitor parking would not normally be expected. A borough Highway Officer has assessed this application and has raised no issues with regards to parking or highway safety.
- 8.10 The application proposes 2 points of access with 2 parking spaces accessed via each. In the middle of each vehicular access is the pedestrian access which leads up to the front door. The applicant has demonstrated that the boundary treatment to the front of the site will be no higher than 0.6m from the carriageway to ensure that the best possible visibility splays are provided.
- 8.11 Areas for refuse and cycle stores are shown on the proposed site plan and it is recommended that further details of these facilities are secured via condition.
- 8.12 In conclusion it is considered that the development would be provided with sufficient onsite parking and that the effects of the development in terms of the loss of roadside parking and increased traffic from residents, visitors, service people etc. would not result in severe impact to the road network or have an unacceptable impact on highway safety.

## **Impact on residential amenity**

- 8.13 Paragraph 127 of the National Planning Policy Framework sets out that planning decisions should create places with a high standard of amenity for existing and future users.
- 8.14 It is acknowledged that the proposed building will be taller across parts of the roof and is overall larger than the existing property, it is also acknowledged that the proposed building would decrease the gap to neighbours by about a metre to the south and half a metre to the north. However, it is not considered that the increased size of the building and the separation decrease would be significant enough to materially alter the relationship to neighbouring properties. The existing building is already an 8.25m tall dwelling set in close proximity to the neighbouring properties either side, and as such the proposed building will not materially impact light or outlook for neighbouring properties. First floor windows in the rear of the flats would allow views into the gardens of neighbouring properties, however this is already the case with the existing dwelling on site. First floor windows in the side elevation of the flats are to bathrooms. To the north the first

floor window will be offset from the first floor window of number 20. To the south the first floor windows in number 22 are also to bathroom windows as such there would be no significant overlooking.

- 8.15 It is noted that the neighbours opposite have objected, however the separation distance between this property and the application site means there will be no material impact. It is acknowledged that there will be an intensification in the use of the site and as such a likely increase in noise and light pollution, however, it is considered that this would remain within the limits one could reasonably expect in a residential area and any increase in noise and light pollution is unlikely to materially impact on the amenities of neighbouring properties.
- 8.16 In terms of the amenity afforded to the future occupiers of the flats, all flats are a minimum of 61.3sqm which is above the minimum standard set out in the national technical housing standards of 61sqm. Each of the ground floor flats are also 67.8sqm. Whilst these standards are not set out in any development plan policies they do provide a useful guide when assessing whether a dwelling would provide its future occupants with an adequate indoor space. Each flat would also be provided with outdoor amenity space, with each ground floor flat having a private garden area of approximately 50sqm and the first floor flats sharing a communal space of approximately 140sqm. Public open space is also in close proximity to the site on Victoria Road.
- 8.17 Both ground floor flats have their main bedroom windows at the front of the site where noise and light disturbance would be most significant, with cars pulling on and off of the site. Having bedrooms located at the front of a site at ground floor is not ideal in creating a suitable residential environment for the future occupiers, however the harm caused by this would be outweighed by the benefit of 3 new dwellings towards the boroughs housing stock (see planning balance below).

### **Other material consideration**

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

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

#### Housing land supply

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

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

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

8.20 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..).'*

8.21 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 (5yr hls) is the 'standard method' as set out in the NPPF (2019).

8.22 At the time of writing, the Council is unable to a 5 year housing land supply.

8.23 Whilst the application site is within 5km of the Thames Basin Heaths Special Protection Area it is considered following the application of the appropriate assessment and consultation with Natural England that subject to the securing of mitigation as set out in paragraph 8.18 above that the development proposal would not have an adverse effect on this protected area as identified in footnote 6 of paragraph 11 d(i) of the NPPF. As such there is no clear reason for refusing the application as per paragraph 11 d(i), and paragraph d (ii) commonly known as the 'Tilted Balance' is engaged. The assessment of this and the wider balancing exercise is set out below in the conclusion.

## **9. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

9.1 The development is CIL liable. The proposed floorspace of the dwellings is 255sqm.

## **10. PLANNING BALANCE AND CONCLUSION**

### Planning balance

10.1 Paragraph 11 of the NPPF explains how the presumption in favour of sustainable development applies. As set out in paragraph 8.23 the application of policies in the NPPF that protect areas or assets of particular importance does not provide a clear reason for refusing the application and as such paragraph 11 d(i) does not apply. Paragraph 11 d(ii) therefore applies, and this paragraph sets out that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This assessment commonly known as the 'tilted balance' is set out below.

10.2 Paragraph 8.17 identifies the harm that would result from this development in terms of the amenity provided to future occupiers. Set against this harm would be benefits in the form of contributions towards the Borough's housing stock. As set out in paragraph 8.22 the Borough is currently unable to demonstrate a 5 year housing land supply, and the proposed development would provide 3 x new (net) dwellings towards the current shortfall in the Borough's 5 year housing land supply figures. The proposal would also make use of brownfield land which is supported by paragraph 117 of the NPPF which states that planning decisions should promote effective use of land in meeting the need for homes, and paragraph 118 (c) which says that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs. Furthermore the development will provide additional economic benefits by opening up employment opportunities during construction of the development.

10.3 Paragraph 10.2 identifies the benefits of this proposed development, along with the harm. Overall and having due regard for the tilted balance, it is, in this instance, not considered that the identified harm would significantly and demonstrably outweigh the benefits as per the tests set out in paragraph 11 d (ii) of the NPPF.

## **11. APPENDICES TO THIS REPORT**

- Appendix A - Site location plan and site layout



- Appendix B – plan and elevation drawings

## 12. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

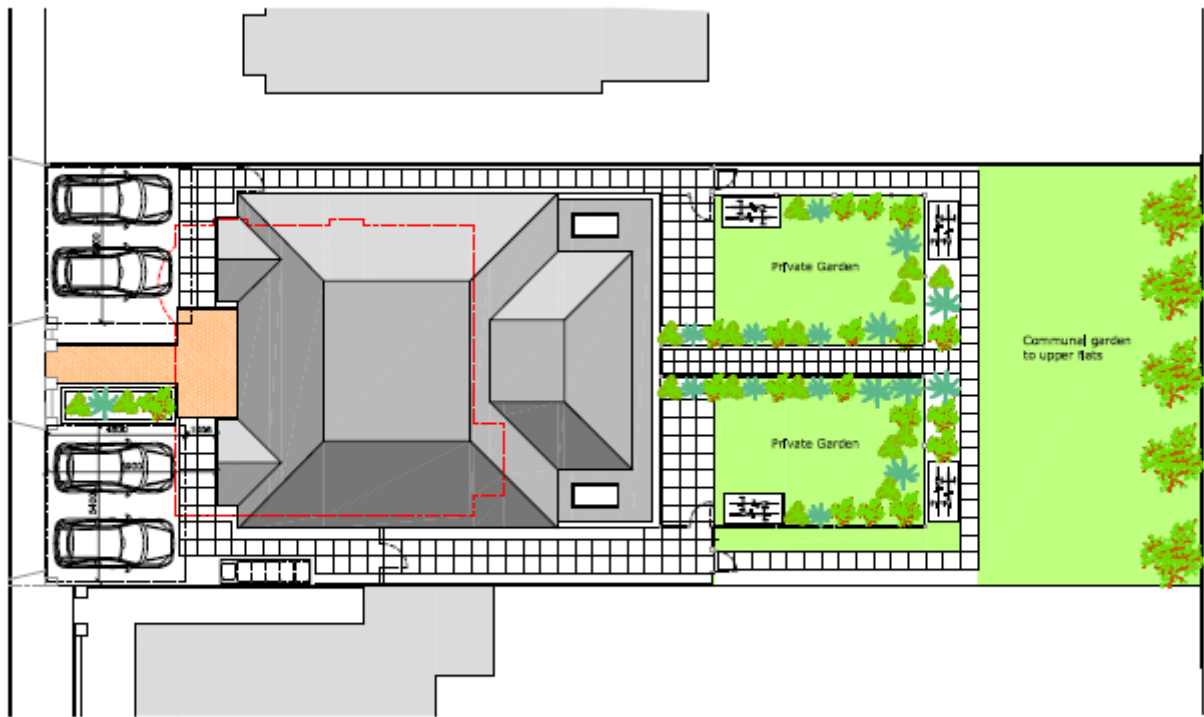
- 1 The development hereby permitted shall be commenced within three years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 No development above slab level shall take place until details of the materials to be used on the external surfaces of the development have first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.  
Reason: In the interests of the visual amenities of the area. Relevant Policies: Local Plan - DG1, H10 & Neighbourhood Plan NP/DG1, NP/DG3
- 3 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 covered and secure cycle parking facilities have been provided in accordance with the approved drawing. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.  
Reason: To ensure that the development is provided with adequate cycle parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1.
- 5 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.
- 6 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.
- 7 No part of the development hereby permitted shall be occupied until pedestrian visibility splays of 2.0m by 2.0m have been provided at the junction of the driveway and the adjacent footway. All dimensions are to be measured along the outer 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 pedestrian and highway safety. Relevant Policies - Local Plan T5
- 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 The applicant is advised to provide access protection lines at both points of access.

## Appendix A—Site location plan and site layout



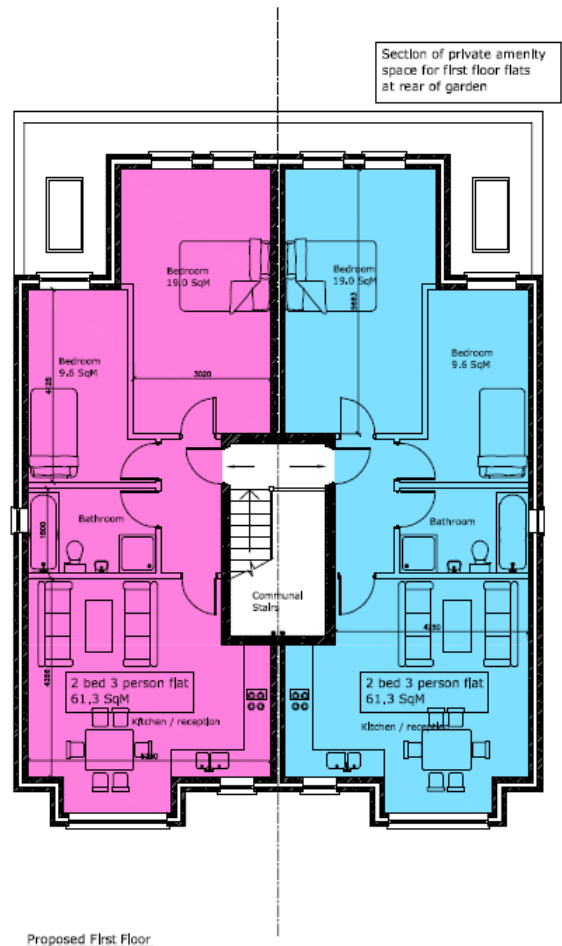
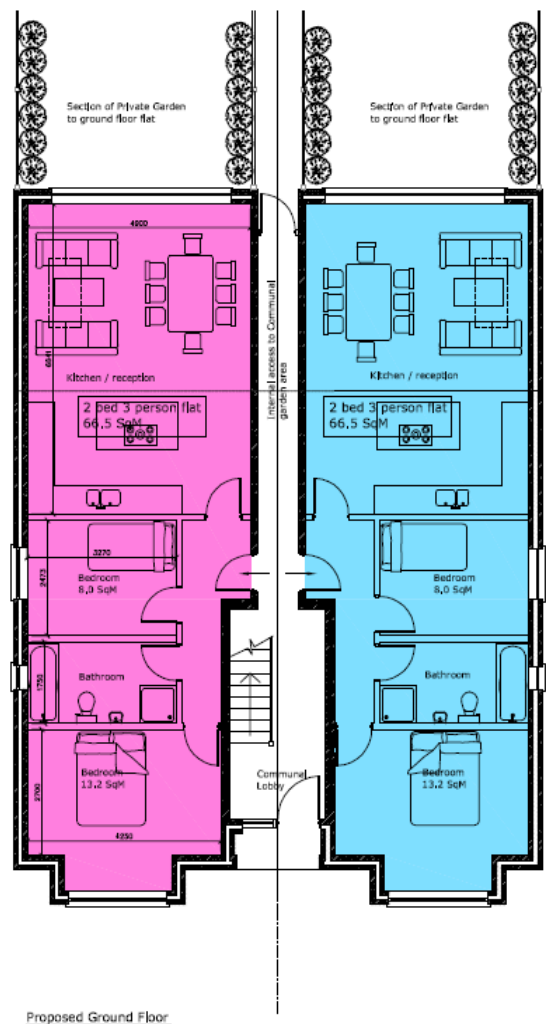


Proposed Full Site Plan



Appendix B— Plan and elevation drawings

Proposed floor plans



## Proposed front elevation



Proposed side (north) elevation



Proposed side (south) elevation





Proposed rear elevation



## Existing and proposed street scene



Existing Front Elevation Street Scene (Cromwell Road)



Agenda Item 6

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

**DEVELOPMENT CONTROL PANEL**

5 February 2020

Item: 3

<b>Application No.:</b>	19/02590/FULL
<b>Location:</b>	Land To East of Eton College Sports Centre Slough Road Eton Windsor
<b>Proposal:</b>	Flood compensation scheme.
<b>Applicant:</b>	
<b>Agent:</b>	Mr John Bowles
<b>Parish/Ward:</b>	Eton Town Council/Eton And Castle
<b>If you have a question about this report, please contact:</b> Vivienne McDowell on 01628 796578 or at <a href="mailto:vivienne.mcdowell@rbwm.gov.uk">vivienne.mcdowell@rbwm.gov.uk</a>	

**1. SUMMARY**

- 1.1 This application is for flood compensation scheme required as mitigation for the planning proposal for the new Eton College Indoor Sports Facilities (ECISF) approved under planning application 18/02033/FULL (granted in June 2019).
- 1.2 The proposed off-site mitigation (flood compensation scheme) consists of minor ground lowering across the Field to gain flood storage capacity. The amount of lowering varies across the site, although all of the proposed lowering is of minimal extent at less than 0.1m. This lowering of ground levels in combination with the flood storage losses and gains across all three elements of the ECISF development produces an overall net gain of 2232 cubic metres of flood storage and flood storage gains in every level band as required by the planning condition (No.22) on 18/02033/FULL.
- 1.3 The proposed development would be appropriate development in the Green Belt which would preserve openness and not conflict with the purposes of including land within the Green Belt. The proposed works which involve the removal of 800 cubic metres of soil (approximately 80 wagons) would be acceptable in terms of impact on the highway and the impact on the amenities of neighbouring properties.
- 1.4 The proposed Flood Compensation Scheme is considered to be acceptable in terms of flooding considerations; impact on Green Belt, character of the area, highways and neighbouring properties. The Council's Tree Officer has been consulted, however at the time of writing the report, tree comments were awaited. Tree comments received before the panel date will be reported in the panel update.

**It is recommended the Panel authorises the Head of Planning:**

**To grant planning permission subject to no objections being received from the Council's Tree Officer that the Head of Planning considers justifies refusal of the planning application and with the conditions listed in Section 13 of this report and any further conditions recommended by the Tree Officer.**

**To refuse planning permission if there is an objection from the Council's Tree Officer that the Head of Planning considers justifies refusal of the planning application on the grounds of harm to trees and subsequent impact on the visual amenities of the area.**

**2. REASON FOR PANEL DETERMINATION**

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

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

- 3.1 The proposed site for the flood compensation scheme lies adjacent to the Eton Conservation Area and also the Eton College Registered Park and Garden (Grade II). A number of listed and non-designated heritage assets also lie along the boundary of the site. The site is used by Eton College as a playing field.

### 4. KEY CONSTRAINTS

- 4.1 The site lies within Flood Zone 3 and is in the Green Belt

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

- 5.1 The proposal is for a Flood Compensation Scheme. The application site area is 2.76 sq metres. The proposal consists of minor ground lowering across the Field to gain flood storage capacity. The amount of lowering varies across the site, although all of the proposed lowering is of a minimal extent at less than 0.1m.

#### Relevant Planning History

- 5.2 **18/02033/FULL** - Construction of a new school sports centre comprising a 9-court sports hall capable of offering multipurpose indoor sports, x8 squash courts, general fitness spaces, an athlete development programme space including a sprint track, dojo space, physio spaces, classrooms and offices for PE staff and students, a triple height climbing wall space, rifle range and associated plant, storage, WC and changing facilities. Construction of a new Eton Sports and Aquatics Centre comprising a 25m pool with movable floor suitable for swimming, water polo and teaching use, a 4-court sports hall capable of offering multi-purpose indoor sports and exam use, changing facilities, a spectator area at first floor level which also provides a meet-up space and refreshment point for post-match use, associated plant and storage provision, associated car and coach parking and new access track off Slough Road. Refurbishment and extension of the rackets courts building to provide a new clubroom, viewing gallery and extended changing facilities. Refurbishment of the jacks building to provide a fives clubroom and changing facilities. Refurbishment of fives courts, a new printmaking pavilion to house historic printing presses adjacent to Caxton Schools, following demolition of the existing buildings comprising the gymnasium, indoor swimming pool and the outdoor swimming pool complex (Amended Plans).

Permission granted on 14<sup>th</sup> June 2019

### 6. DEVELOPMENT PLAN

#### Adopted Royal Borough Local Plan (2003)

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

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1, H10,H11
Green Belt	GB1, GB2 A)
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](https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices)

#### Adopted Eton and Eton Wick Neighbourhood Plan (2016-2036)

Issue	Neighbourhood Plan Policy
Local views to historic buildings and landscapes	HD5
Flooding	EN3

These policies can be found at

[https://www3.rbwm.gov.uk/info/200209/planning\\_policy/477/neighbourhood\\_plans/2](https://www3.rbwm.gov.uk/info/200209/planning_policy/477/neighbourhood_plans/2)

## 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

Section 16- Conserving and enhancing the historic environment

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

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Green Belt	SP5
Flood risk	NR1
Pollution (Noise, Air and Light)	EP1, EP2, EP3, EP4

### **Borough Local Plan: Submission Version Proposed Changes (2019)**

Issue	Local Plan Policy
Design in keeping with character and appearance of area	QP1,QP3
Rural development	QP5
Flood risk	NR1
Pollution (Noise, Air and Light)	EP1, EP2, EP3, EP4

- 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 was submitted to the Secretary of State for independent examination in January 2018. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough.
- 7.2 In December 2018, the examination process was paused to enable the Council to undertake additional work to address soundness issues raised by the Inspector. Following completion of that work, in October 2019 the Council approved a series of Proposed Changes to the BLPSV. Public consultation ran from 1 November to 15 December 2019. All representations received will be reviewed by the Council to establish whether further changes are necessary before the Proposed Changes are submitted to the Inspector. In due course the Inspector will resume the Examination of the BLPSV. The BLPSV and the BLPSV together with the Proposed Changes are therefore material considerations for decision-making. However, given the above both should be given limited weight.
- 7.3 These documents can be found at:  
<https://www3.rbwm.gov.uk/blp>

### **Supplementary Planning Documents**

- RBWM Interpretation of Policy F1

## Other Local Strategies or Publications

7.4 Other Strategies or publications material to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy

More information on these documents can be found at:

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

## 8. CONSULTATIONS CARRIED OUT

### Comments from interested parties

2 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 25<sup>th</sup> September 2019 and the application was advertised in the Maidenhead Advertiser on 26<sup>th</sup> September 2019.

No letters have been received to date.

### Statutory consultees

Consultee	Comment	Where in the report this is considered
Environment Agency	No objection.	Paragraphs 9.2-9.13
Lead Local Flood Authority	No comments.	Noted
Highways	No objection.	Paragraphs 9.14 – 9.18
Conservation Officer	No objection.	Paragraphs 9.19 – 9.21
Archaeology Consultant	No objection.	Paragraphs 9.22 - 9.23
Tree Officer	Comments awaited – comments to be reported in the panel update.	Paragraph 9.24

## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Impact on the flood plain
- ii Impact on the Green Belt
- iii Highway implications
- iv Impact on character and appearance of the area and neighbouring properties
- v Impact on trees
- vi Ecology

## Impact on the flood plain

- 9.2 The site is within Flood Zone 3 (high risk 1:100 year probability). As this proposal is to provide flood mitigation for an approved development 18/02033, it cannot be reasonably located elsewhere within an area at lower risk of flooding; therefore, it is considered to pass the sequential test. Furthermore, as this is flood control infrastructure it would be considered to be a water compatible use for which the exception test is not required.
- 9.3 The Environment Agency has been consulted on this application, raising no objection provided that the development proceeds in accordance with the submitted plans. The EA has suggested an informative regarding the need for an Environmental Permit from the Environment Agency for works within specified distances of rivers. This Informative is to be included on the planning decision. See Section 12 of this report.
- 9.4 The Eton College Indoor Sports Facility (CISFO) has been granted planning permission under Reference 18/02033/FULL (in June 2019) and consists of 3 main elements, comprising:
- Eton Sports and Aquatic Centre (ESAC) on the site of the old Eton College external swimming pool on the north side of Colenorton Brook;
  - reconstruction of the School Sports Centre SSC on the site of the existing sports facilities on Common Lane and;
  - a new access track from Slough Road to ESAC site north of the Colenorton Brook.
- 9.5 Condition 22 on permission 18/02033/FULL states:

'The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA) by Peter Brett Associates, dated 18th July 2018 (ref 25069/4001) and summary document dated 14th September 2018 and the following mitigation measures detailed within the FRA and Peter Brett Associates letter dated 14th September 2018, or such other drawing which has been submitted to and agreed in writing by the Local Planning Authority prior to the commencement of these works:

1. Finished floor levels are set no lower than:
  - a) For the Eton Sports and Aquatic Centre (ESAC) site -20.60m AOD
  - b) For the School Sports Centre (SSC) site 20.35m AOD as per 6.1.1 of the FRA.
2. The building alignment of the redevelopment at the SSC site remains the same as the existing alignment so as not to have an adverse effect on flood flows.
3. The removal of only part of the bund at the ESAC Site, to enable flood storage into the car park as detailed in paragraph 6.2.3 of the FRA, and overall flood compensation summarized on drawing 25069/4001/007 for the ESAC site, the SSC Site, the access track including the junction with Slough Road and the "off-site" compensation proposed for the area of land known as The Field.
4. The overall flood compensation storage across all elements of the scheme, including the "off-site" area shall comply with the following requirements:
  - a) Total flood storage to provide cumulative net gain of no less than 1000 cubic metres up to the design flood level
  - b) No loss of storage in individual flood bands (defined in 100mm increments below the design flood level)
5. There shall be no raising of existing ground level on the site to enable the construction of the access track, approaches to bridges and main highway (Slough Road), unless offset by proposed flood compensation measures. Construction of access tracks to not adversely affect flood flows in accordance with the Proposed Track Level Build-Ups plan submitted with this application (ref 25069/2001/007 date 5 July 2018) or such other drawing which has been submitted and agreed in writing by the Local Planning Authority prior to the commencement of these works

6. There shall be no storage of any materials including soil within the 1% annual probability (1 in 100) flood extent with an appropriate allowance for climate change (except during construction).

Reason: To ensure that the proposed development would not result in any increased flood risk at the site or any surrounding areas in accordance with paragraphs 160 and 163 of the NPPF and Local Plan policy F1.'

- 9.6 The current application is accompanied by a Flood Risk Assessment (FRA) to support the current proposal for an 'off-site' flood compensation scheme which has been submitted to address the requirements in Point 3 and 4 (and also update the details included in PBA drawings 25609/4001/007 referenced in Point 3 and 25069/2001/007A in Points 5 of the above-mentioned condition).
- 9.7 The Flood Risk Assessment (FRA) submitted with 18/02033 advised that the overall impact of approved proposed works across the three elements would create a net deficit in the flood storage volumes at the design event of the 1:100 year (1% per annum) event with appropriate allowance for the impact of climate change.
- 9.8 Therefore, to mitigate for this overall deficit and produce a net gain and no losses in all level bands it is proposed to create additional flood storage within land owned by Eton College adjacent to the works in an area of playing field known as 'The Field'.
- 9.9 As mentioned above, the planning permission 18/02033 included a planning condition (No.22) requiring the flood mitigation measures to be provided in line with the FRA produced for that application and achieve a minimum net gain in storage and no losses in any level band for the design event. (It is noted that a detailed topographical survey was not available for The Field at the time of the application). 'The Field' is outside of the planning application red line boundary on 18/02033/FULL and as such these engineering operations have given rise to the submission of a separate planning application for the off-site compensation scheme.
- 9.10 The proposed off-site mitigation (flood compensation scheme) consists of minor ground lowering across the Field to gain flood storage capacity. The amount of lowering varies across the site, although all of the proposed lowering is of minimal extent at less than 0.1m. This lowering of ground levels in combination with the flood storage losses and gains across all three elements of the ECISF development produces an overall net gain of 2232 cubic metres of flood storage and flood storage gains in every level band as required by the planning condition (No.22) on 18/02033/FULL.
- 9.11 A breakdown of the flood storage capacity implications is as follows:

School Sports Centre (SSC) – the proposed SSC development causes a loss of floodplain storage of approximately 394 cubic metres, up to the reference 1 in 100 annual probability plus 35% climate change allowance flood level of 20.4m AOD with losses in the middle and upper bands.

Eton School Aquatics Centre (ESAC) – the proposed ESAC development causes an improvement in floodplain storage of 2,088 cubic metres up to the reference 1 in 100 annual probability plus 35% climate change allowance flood level of 20.45m AOD, with gains in most bands and some small (less than 10 cubic metre) losses in two of the lower bands.

Access Track– total losses of approximately 256 cubic metres up to the reference flood level that varies along the length.

The Field – the overall flood compensation scheme creates 794 cubic metres of cumulative storage in all the lower bands up to the reference flood level of 20.40 cubic metres AOD.



- 9.12 The combined impact of the above elements is a net cumulative gain of 2232 cubic metres of storage and gains in all bands. This satisfies the requirements of planning condition 22 on 18/02033/FULL.

### **Impact on the Green Belt**

- 9.13 The proposed ground lowering to achieve a Flood Compensation Scheme is considered to represent appropriate development in the Green Belt. This is an engineering operation that would preserve the openness of the Green Belt and does not conflict with the purpose of including land within it. The proposal complies with paragraph 146 of the NPPF and policy GB1 and GB2 of the adopted local plan.

### **Highway implications**

- 9.14 The applicants have confirmed that the existing more central access onto the Sough Road (with dropped kerb) will be used for construction works associated with the Flood Compensation Scheme engineering works. The applicant has submitted an amended plan ref 46590/001/001 Rev D identifying the position of this access. The Highway Authority agrees that this existing access offers better visibility than the more southerly access to the application site and it is better as it is further away from Eton High Street. The Highway Authority requests that several fence panels either side of the existing access are temporarily set back / removed to maximise the visibility splays.
- 9.15 The highway officer advises that any new temporary entrance gates provided for the project should be setback a minimum distance of at least 9m from the adopted highway to enable a large tipper to safely pull off the highway before these gates are opened / closed.
- 9.16 The Royal Borough of Windsor and Maidenhead's Network Coordinator has advised that Eton College applied for the Footpath closure to facilitate these works and looking at the proposed times of works there should be no conflict with planned events.
- 9.17 The applicants have advised that 800 cubic metres of sub-soil will be removed, with the topsoil being stripped, stockpiled and replaced. This equates to approximately 80 wagons.
- 9.18 The Highway Authority offers no objection to the proposal, recommending conditions regarding a 9 metre set back of temporary gates from the highway boundary and the submission of a Construction Management Plan (prior to commencement). They are also recommending standard informative regarding damage to footway, highway, verges; no excavation within 15 metres of the highway without prior written approval from the Highway Authority; incidental works licence and no equipment or materials for the stored on the highway. See conditions in section 12 below.

### **Impact on the character and appearance of the area and impact on neighbouring properties**

- 9.19 The proposed site for the flood compensation scheme lies adjacent to the Eton Conservation Area and also the Eton College Registered Park and Garden (Grade II). A number of listed and non-designated heritage assets also lie along the boundary of the site.
- 9.20 The Council's Conservation Officer has been consulted and raises no objections in principle to the proposals in conservation terms and it is considered that the significance of local heritage assets will not be harmed by the works. However, the Conservation Officer has advised that the area once lowered should be carefully contoured and returned to grassland. It is noted that the application site is intended to be retained as a playing field. See condition 5 in Section 12 below.
- 9.21 It is considered that there would be no significant adverse impact on any neighbouring properties, as a result of the works associated with the lowering of levels within the application site.

## Archaeology

- 9.22 The Council's Archaeology Consultant has commended that there are potential archaeological implications associated with this proposed scheme. The site lies within the Thames valley, within 200m of the river. It therefore lies over the floodplain and gravel terraces which have been a focus of settlement, agriculture and burial from the earlier prehistoric period to the present day, as evidenced by data held on Berkshire Archaeology's Historic Environment Record. Significant prehistoric archaeology is within 700m North East, and the medieval Town centre of Eton lies within 300m south of the proposals. Furthermore the site is directly adjacent to the historic core of Eton College.
- 9.23 Therefore the application site falls within an area of archaeological significance and archaeological remains may be damaged by ground disturbance. It is therefore recommended that a condition is applied should permission be granted in order to mitigate the impacts of development. This is in accordance with Paragraph 141 of the NPPF which states that local planning authorities should '*require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible*'. See condition 3 in Section 12 of this report.

## Impact on Trees

- 9.24 There are a number of trees near the boundary of the site adjacent to Slough Road, and these trees provide attractive screening of the application site. The Council's Tree Officer has been consulted on this application, and tree comments awaited. As the trees are not immediately adjacent to the areas of proposed ground levelling, it is not anticipated that there will be objection from the Tree Officer. Any comments received from the Tree Officer will be reported in the panel update.

## Ecology

- 9.25 As the proposed flood compensation area is currently used a play field, it is considered to be of limited ecological value. Therefore, it is considered that the proposed development would not cause demonstrable harm to biodiversity or any protected species. It is noted that the site is not within a Special Area of Conservation (SAC), nor within a Site of Special Scientific Interest.

## 10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 10.1 The development is not CIL liable.

## 11. APPENDICES TO THIS REPORT

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

## 12. 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 Prior to the commencement of any works, a construction management plan showing how construction traffic, (including deliveries), materials storage, facilities for operatives, 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.

- 3 A) No development shall take place/commence (other than demolition to ground floor slab level) until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
1. The programme and methodology of site investigation and recording
  2. The programme for post investigation assessment
  3. Provision to be made for analysis of the site investigation and recording
  4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  5. Provision to be made for archive deposition of the analysis and records of the site investigation
  6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) The Development shall take place in accordance with the Written Scheme of Investigation approved under condition (A). The development shall not be utilised/occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under part (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: The site lies in an area of archaeological potential, particularly for, but not limited to, Prehistoric remains. The potential impacts of the development can be mitigated through a programme of archaeological work. This is in accordance with national and local plan policy. The proposal documents indicate finished levels averaging 70mm below existing ground. It is not clear from these documents if the finished levels equate to the total proposed impact required to facilitate this development. Therefore, if it's required to excavate below the finished level, and build back up, to facilitate these proposals, then field evaluation through trial trenching would represent an appropriate initial phase of work in order to determine the archaeological potential and levels of previous truncation and the need for any further phases of work. However, if a direct reduction from existing to finished levels represent the total impact then an archaeological monitoring and recording exercise in the form of an archaeological watching brief, undertaken at periodic intervals during development works, will be sufficient to mitigate the impact of these proposals

- 4 Any new gates provided shall open away from the highway and be set back a distance of at least 9 metres from the highway boundary.

Reason: To ensure that construction/delivery vehicles can be driven off the highway before the gates are opened. This is in the interests of highway and pedestrian safety. Once the scheme has been completed the existing entrance gates can be reinstated back to their original location. Relevant Policies - Local Plan T5.

- 5 On completion of the approved releveling works associated with the permitted flood compensation scheme, the ground shall be grassed and there shall be no raising of ground levels.

Reason To ensure that the site continues to provide adequate flood mitigation.

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

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

## **Informatives**

- 1 This development may require an Environmental Permit from the Environment Agency. The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:
- on or within 8 metres of a main river (16 metres if tidal)
  - on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
  - on or within 16 metres of a sea defence
  - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
  - in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16

metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk). The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

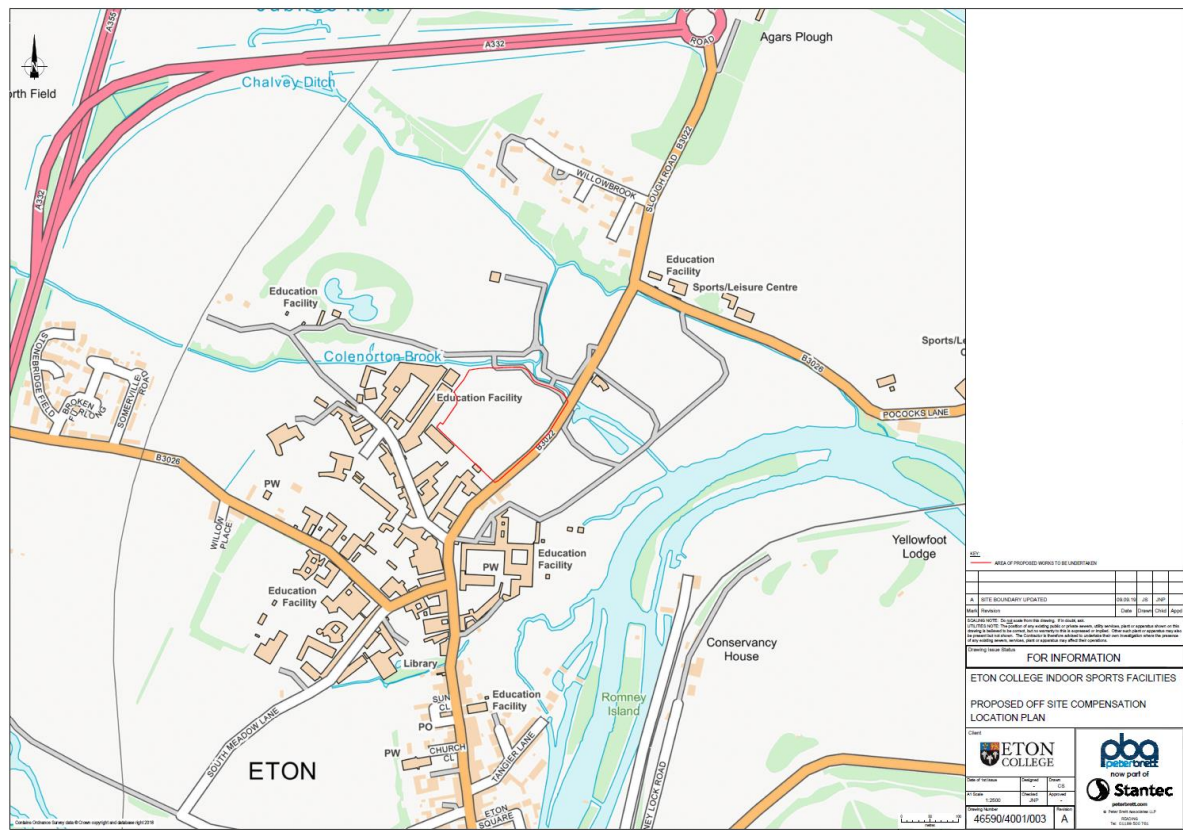
- 2 The attention of the applicant is drawn to the Berkshire Act 1986, Part II, and Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway or grass verge arising during building operations.
- 3 The applicant is advised that a few fence panels on either side of the existing access should be temporarily set back / removed to maximise the visibility splays to the works access.
- 4 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.
- 5 In order to protect the stability of the highway it is advised that no excavation is carried out within 15 metres of a public highway without the written approval of the Highway Authority. The Highway Manager should be contacted at the Town Hall, St Ives Road, Maidenhead, SL6 1RF.
- 6 Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from the Streetcare Services Manager at Tinkers Lane Depot Tinkers Lane Windsor SL4 4LR and, at least 4 weeks before any development is due to commence.
- 7 No builder's 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

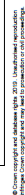
19/02590:

Land to East of Eton College Sports Centre, Slough Road, Eton

Flood Compensation Scheme



## Flood Compensation Scheme



# Agenda Item 7

## ROYAL BOROUGH OF WINDSOR & MAIDENHEAD PLANNING COMMITTEE

### DEVELOPMENT CONTROL PANEL

5 February 2020

Item: 4

<b>Application No.:</b>	19/02973/FULL
<b>Location:</b>	Hope Technical Developments Ltd High Street Ascot SL5 7HP
<b>Proposal:</b>	1no. four bedroom detached dwelling, 2no. three bedroom semi detached dwellings, 4no. three bedroom terrace dwellings with associated parking, refuse storage, landscaping, hardstanding and replacement and repositioning of access gates following the demolition of two existing semi-detached dwellings and Class B1 and B2 buildings.
<b>Applicant:</b>	Mr Hope
<b>Agent:</b>	Mr Matthew Utting
<b>Parish/Ward:</b>	Sunninghill And Ascot Parish/Ascot & Sunninghill
<b>If you have a question about this report, please contact:</b> Adam Jackson on 01628 796660 or at adam.jackson@rbwm.gov.uk	

## 1. SUMMARY

- 1.1 The proposed development would result in some harm to the character and appearance of the area due to the dwellings being out of scale with the surrounding residential development. This harm is somewhat limited by the discrete nature of the site which is largely hidden from the High Street, however the proposal would nonetheless fail to comply with policies DG1, H10 and H11 of the Local Plan and policies NP/DG1, NP/DG2, NP/DG3 and NP/SS1 of the Neighbourhood Plan.
- 1.2 The proposed development would conflict with policy NP/SS1 of the Neighbourhood Plan as a new access which is not off of the High Street is not being provided. However, it is not considered that the use of the existing access would result in any harm in terms of the safe and efficient use of the highway network and this was the view of the Inspector in his determination of application 17/03833/FULL who considered that failure to comply with policy NP/SS1 did not render the scheme unacceptable.
- 1.3 The proposed development contributes 5 new (net) dwellings towards the Borough's housing stock and would therefore contribute towards the Borough meeting its 5 year housing land supply. Overall and having due regard for the tilted balance, it is, in this instance, not considered that the identified harm would significantly and demonstrably outweigh the benefits.

It is recommended the Panel authorises the Head of Planning:	
1.	To grant planning permission on the satisfactory completion of an undertaking to secure the necessary SPA mitigation as set out in Section 9 of this report and with the conditions listed in Section 13 of this report.
2.	To refuse planning permission if an undertaking to secure the necessary mitigation as set out in Section 9 of this report has not been satisfactorily completed for the reason that the proposed development would cause harm to the Thames Basin Heaths (SPA). If there is harm to the SPA then the tilted balance is disengaged and harm to the character of the area should also be included as a reason for refusal.

## 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 accessed via Ascot High Street and currently houses several warehouse type buildings and 2 residential properties, which are vacant. The application site is in the south west corner of the “Ascot Village” site, which forms part of the Ascot Centre /High Street rejuvenation site as shown in section 8 (Strategic Sites Policies) within the Neighbourhood Plan. The site is within 5km of the Thames Basin Heaths Special Protection Area.

### 4. KEY CONSTRAINTS

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

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

- 5.1 The proposal is for 1 x 4 bedroom detached dwelling, 2 x three bedroom semi-detached dwellings, and 4 x 3 bedroom terraced dwellings. The detached dwelling is approximately 10m tall, whereas the others are approximately 10.2m tall. Each property is 3 stories tall, with a basement, and has a gable ended roof with an eaves height of 7.2m in the case of the semi-detached and terraced properties, and 5.7m on the detached dwelling. Each property will be provided with an integral garage at ground floor and a parking space to the front. The site will continue to be accessed via the High Street. To the rear each property is provided with a private garden area.

#### Relevant Planning History

Reference	Description	Decision
99/78797/FULL	Demolition of existing and erection of a three storey building comprising eight 3-bed town houses with integral garages	Permitted – 19.01.2000
04/85545/FULL	Demolition of existing and erection of a 3 storey building comprising eight 3 bed town houses with integral garages, renewal of planning permission 99/78797	Permitted – 03.12.2004
10/02930/CLU	Certificate of lawfulness to determine whether an existing use ‘Cloudsley’ as residential is lawful	Permitted – 14.02.2011
17/01681/FULL	Erection of 8 no. residential dwellings with associated garages, parking, access and landscaping, following the demolition of the existing buildings.	Refused – 21.08.2017
17/03833/FULL	Redevelopment of the site to provide x8 dwellings with associated landscaping, hardstanding and parking.	Refused – 21.02.2018 Appeal Dismissed.

### 6. DEVELOPMENT PLAN

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

#### Adopted Royal Borough Local Plan (2003)



Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area and acceptable impact when viewed from nearby occupiers	DG1, H10, H11
Sufficient parking space available	P4
Acceptable impact on highway safety	T5

These policies can be found at

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

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

Issue	Neighbourhood Plan Policy
Design in keeping with character and appearance of area	NP/DG1, NP/DG2 and NP/DG3
Sufficient parking space available	NP/T1
Development briefs and statement of community consultation	NP/H1
Mix of housing types	NP/H2
Ascot Village rejuvenation	NP/SS1

These policies can be found at

[https://www3.rbwm.gov.uk/info/200209/planning\\_policy/477/neighbourhood\\_plans/2](https://www3.rbwm.gov.uk/info/200209/planning_policy/477/neighbourhood_plans/2)

#### **Adopted the South East Plan – Regional Spatial Strategy**

Issue	Plan Policy
Thames Basin Heaths Special Protection Area	NRM6

## **7. MATERIAL PLANNING CONSIDERATIONS**

### **National Planning Policy Framework Sections (NPPF) (2019)**

Section 4- Decision-making

Section 9- Promoting Sustainable Transport

Section 12- Achieving well-designed places

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

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Sustainable Transport	IF2
Housing mix and type	HO2
Housing Density	HO5

### **Borough Local Plan: Submission Version Proposed Changes (2019)**

Issue	Local Plan Policy
Design in keeping with character and appearance of area	QP1, QP3
Sustainable Transport	IF2
Housing mix and type	HO2

- 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 was submitted to the Secretary of State for independent examination in January 2018. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough.

- 7.2 In December 2018, the examination process was paused to enable the Council to undertake additional work to address soundness issues raised by the Inspector. Following completion of that work, in October 2019 the Council approved a series of Proposed Changes to the BLPSV. Public consultation ran from 1 November to 15 December 2019. All representations received will be reviewed by the Council to establish whether further changes are necessary before the Proposed Changes are submitted to the Inspector. In due course the Inspector will resume the Examination of the BLPSV. The BLPSV and the BLPSV together with the Proposed Changes are therefore material considerations for decision-making. However, given the above both should be given limited weight. These documents can be found at: <https://www3.rbwm.gov.uk/blp>

### Supplementary Planning Documents

- RBWM Thames Basin Health's SPA

### Other Local Strategies or Publications

Other Strategies or publications material to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy

More information on these documents can be found at:

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

## 8. CONSULTATIONS CARRIED OUT

### Comments from interested parties

13 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 04.11.2019

No letters were received in response to this consultation.

### Consultees

Consultee	Comment	Where in the report this is considered
<b>Highways</b>	Offers no objection to the proposal subject to conditions relating to access details, construction management details, parking and turning spaces, cycle parking, use of the garages, and refuse and recycling provision.	See paragraphs 9.8 and 9.9 – The access condition has been changed to be in accordance with the submitted plans as the inspector found the existing access acceptable. A construction management plan is also not considered necessary as there is plenty of space on site to park vehicles and store materials, and there are restrictions on the High Street to stop contractors parking there.
<b>Environmental Protection</b>	No objections subject to conditions relating to contaminated land, construction working hours, and collection hours during construction and demolition.	Noted – Conditions relating to contaminated land has been added, however the other conditions do not relate to

		planning issues.
<b>Parish Council</b>	Concerns with the parking for the 4 bed house which is one space short of requirement. It should also be noted that this site was shown on the "Ascot Village" proposals as being the access route to the business car parking plot for 100 cars.	See paragraph 9.9. This application has been assessed on its own merits.

## 9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i The principle of development
- ii The impact on the character and appearance of the area
- iii The impact on residential amenity
- iv Parking and access
- v Thames Basin Heaths Special Protection Area

### **The principle of development**

9.2 The application site is located within the wider "Ascot Village" development site which is located to the North of the High Street. This is in turn part of the Ascot Centre/High Street rejuvenation strategic site, set out in section 8 of the Ascot, Sunninghill and Sunningdale Neighbourhood Plan. The intent of the rejuvenation is to provide a mixed and sustainable residential and retail centre. Residential development on this site is therefore considered to be acceptable in principle. The intent for this rejuvenation goes on to state that to the North of the High Street the "Ascot Village" concept is intended as a modest style residential development, similar in character and scale to the two storey terraced houses on Course Road. In order to support this vision Policies SS1 and SS2 have been adopted within the Neighbourhood Plan.

9.3 Policy SS1.1 sets out that a development brief as set out in Appendix C, encompassing all of Ascot High Street and Centre (including "Ascot Village") will be required in advance of any application for development. Any relevant development proposals must be in line with this development brief and must be accompanied by a statement of community consultation as set out in Appendix D of the Neighbourhood Plan. A development brief/statement of community consultation has not been submitted with this application. A development brief has been prepared in connection with development elsewhere within the Ascot Centre/High Street rejuvenation area, however this has not been endorsed by the Borough Council, and also did not include the application site.

9.4 Application 17/03833/FULL was previously refused due to the lack of a development brief and community consultation being carried out prior to the submission of the application, and because the development brief submitted did not encompass all of Ascot High Street and Centre. However, at appeal in 2019 the Inspector stated that

*"development of the appeal site other than in accordance with a Development Brief would lead to a technical conflict with Policy NP/SS1 of the NP. Nevertheless, taking all of the above into account and that no actual harm from this conflict has been identified, other than in relation to the character and appearance of the area, this policy conflict carried little weight in the planning process"*

### **The impact on the character and appearance of the area**

9.5 Policy SS1.3 of the Neighbourhood Plan sets out that housing development on the site referred to as "Ascot Village" (which this site is part of) shall be similar in character and scale to the existing two storey terraced housing around Course Road. In addition policy NP/DG1 also

requires development to respect the townscape area, which in this case is "Victorian Villages" where development must respect the form and character of the street and surrounding area; policy NP/DG2 requires development to be of a density, footprint, separation, scale, and bulk similar to neighbouring properties; and policy NP/DG3 requires new development proposals to demonstrate good quality design which respects the character and appearance of the area. With regards to the Local Plan, policy DG1 sets out general design principles for new development within the Borough and requires that the design of new buildings are compatible with the established street façade, having regard to the scale and height of building lines of adjacent properties with special regard given to the roof scape of buildings; Policy H10 sets out design principles for residential development and that development where possible should enhance the existing environment, and policy H11 sets out that permission will not be granted for schemes which introduce a scale or density of development which would be incompatible with the character of the area. The properties within Course Road are in general modest 2 storey Victorian terraced properties with pitched roofs and an overall height of between 7.5 and 8m.

- 9.6 The previous application on this site was for 8 x dwellings which were approximately 9.25m, with a crown roof and an eaves height of approximately 6.4m. The dwellings were split into two blocks of 4 and each block had a depth of approximately 15.8m. The previous application was refused as the development was not in keeping with the character and scale of development along the neighbouring Course Road as required by policy SS1.3 of the Neighbourhood Plan. The development was also considered to be an over development for the site with the scale, bulk and density of the dwellings in addition to the high levels of hard standing contributing to a cramped appearance. The appeal inspector agreed in their decision letter that the scale and bulk of residential development would appear out of keeping with the surrounding area, citing their depth, steep roofs with flat roof above, and dormer windows in contributing to their bulk. The inspector also noted that the area to the front would be dominated by hardstanding, although this was only considered to result in limited harm.
- 9.7 Steps have been taken to improve upon the design of the development and reduce its overall density, scale and level of hardstanding. Firstly the number of properties has been reduced to 7 which decreases the total built footprint on site from approximately 670sqm proposed under the previous scheme, to approximately 420sqm. Each property is also significantly reduced in depth with the terraced and semi-detached properties being approximately 9.7m deep and the detached property 14.5m deep, compared to the entirety of the previous development being 15.8m deep. The roofs of the properties have also been changed to a simple pitched design which is more in keeping with the surrounding residential properties and also creates space between each property, thereby breaking up the mass of the development. However, the height of the proposed dwellings are actually slightly taller to the ridge (9.9m instead of 9.25m) meaning the scale of residential development would not be in keeping with the surrounding residential properties, including those within Course Road and would fail to comply with policies H10, H11 and DG1 of the Local Plan, as well as policies NP/DG1, NP/DG2, NP/DG3 and NP/SS1 of the Neighbourhood Plan. However, it should be noted that the development is of similar height to the Stag Pub at the front of the site and is actually slightly shorter than a number of the other commercial buildings, such as number 65 High Street and 'The Courtyard'. The fact that the buildings to the front of the site are either the same height or taller than the proposed dwellings also means that the application site is discrete and well hidden from the High Street (this was noted in the appeal Inspectors 2019 decision). In addition the existing buildings on site, although not as tall as the proposed development, are large bulky commercial buildings which are not in keeping with the residential properties within Course Road either. Given the above, whilst there is a conflict with policies set out in the local and neighbourhood plan due to the development being out of scale with other residential properties in the area, it is considered that the actual harm from the development on the character and appearance of the area would be limited. This harm has been weighed up against the benefit of providing new houses in the conclusion below.

### **Impact on residential amenity**

- 9.8 Paragraph 127 of the National Planning Policy Framework sets out that planning decisions should ensure all existing and future occupiers are provided with a high standard of amenity. To the rear (east) of plots 1 and 2 is the garden of No.40 Course Road, however the separation distance of 10m between the proposed dwellings and this neighbours garden will ensure it does

not appear overbearing or intrusive. The existing buildings on site are set right up to the shared boundary, so there is in fact a betterment in this regard. A small balcony is proposed to the rear of plot number 1, however this would cause only slightly more overlooking than would be possible from first and second floor windows, and given the separation distance this is considered acceptable. In the other direction (west) the separation distances to the rear gardens of Course Road are at least 11m.

### **Parking and access**

- 9.9 It is proposed to access the development via the existing vehicle cross-over on the northern footway of the High Street. Policy NP/SS1 of the Neighbourhood Plan requires that proposals within the "Ascot Village" site include a new vehicular access that is not off the High Street, and the previous application was refused due to conflict with this policy. However, at appeal the inspector considered that the proposed development would not generate additional traffic when compared to the existing use of the site, and that use of the existing access would not therefore affect the safe and efficient use of the highway network. The inspector therefore concluded that the development would not conflict with policy T5 of the Local Plan which seeks to avoid congestion on the highway network, and whilst there would be some conflict with policy NP/SS1 of the Neighbourhood Plan, this carried little weight due to no actual harm to the safe and efficient use of the highway network having been identified. It should also be noted that a Council Highways Officer has commented on this application and they have not raised an objection to the use of the existing access, however they have asked that the access is improved by introducing a bell-mouth. Given the comments from the appeal Inspector above and that no harm to highway safety has been identified, it is not considered necessary or reasonable to require these improvements to be carried out.
- 9.10 The proposed development is within 800m of Ascot Train Station, which means the parking standards for an area of good accessibility can be used. For 6 x 3 bedroom properties and a 1 x 4 bedroom property this means that the 4 bedroom property should be provided with 2 parking spaces, and the 3 bedroom properties should be provided with 1 parking space each. Each property is actually being provided with 2 parking spaces in the form of a single garage and a surface parking space. In addition two further visitor parking spaces are being provided, and turning space is available to allow cars to enter and exit the site in a forward gear.

### **Thames Basin Heaths Special Protection Area**

- 9.11 The application site is within 5km of the Thames Basin Heaths Special Protection Area (SPA) which is an area designated to protect a network of important bird conservation sites. The proposed development would likely have a harmful effect on Chobham Common, which is part of the SPA due to increased visitor and recreation pressure. It is necessary therefore for mitigation to be secured in the form of SANG (Suitable Alternative Natural Greenspace) and SAMM (Strategic Access Management and Monitoring). It is necessary for this mitigation to be secured by way of a separate section 111 legal agreement. The planning agent has confirmed their client is willing to enter into such an agreement, however at the time of writing this report it has not been secured.

### **Other Material Considerations**

#### Housing Land Supply

- 9.12 Paragraphs 10 and 11 of the NPPF set out that there will be a presumption in favour of Sustainable Development. Paragraph 11(d) states that:

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

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

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

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

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

9.14 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). At the time of writing, the Council is unable to demonstrate a 5 year housing land supply.

9.15 Footnote 6 of the NPPF (2019) clarifies that section d(i) of paragraph 11 of the NPPF (2019) is not applied where *'policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed'*. This includes habitats sites such as the Thames Basin Heaths SPA. However, for the reasons set out in paragraph 9.10 above the proposed development, subject to the completion of the S111 legal agreement, would have an acceptable impact on this protected asset. As such, there is no clear reason for refusing the proposed development on this basis, and as section d(ii) commonly known as the 'tilted balance' is engaged. The assessment of this and the wider balancing exercise is set out below in the conclusion. If a legal agreement is not secured which secures the necessary mitigation for the impact upon the SPA then this would provide a clear reason for refusing the development and the tilted balance would be disengaged.

## **10. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

10.1 The development is CIL liable. The proposed floorspace of the dwellings is 1,494sqm with 207sqm of existing floorspace to be demolished.

## **11. PLANNING BALANCE AND CONCLUSION**

11.1 Paragraph 11 of the Framework explains how the presumption in favour of sustainable development applies. As set out in paragraph 9.15 the application of policies in the NPPF that protect areas or assets of particular importance does not provide a clear reason for refusing the application and as such paragraph 11 d(i) does not apply. Paragraph 11 d(ii) therefore applies, and this paragraph sets out that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This assessment commonly known as the 'tilted balance' is set out below.

11.2 As set out in paragraphs 9.5 to 9.6 above the proposed development is considered to be out of scale with existing residential developments in the area and would cause harm to the character of the area, in conflict with policies DG1, H10 and H11 of the Local Plan, and policies NP/DG1, NP/DG2, NP/DG3 and NP/SS1 of the Neighbourhood Plan. Whilst there would be harm, the harm caused would be limited due to the fact that the development is of a similar height/scale to the mostly commercial buildings at the front of the site, and the fact that these buildings make the site a discrete one, largely hidden from view from within the High Street. In addition the proposal involves the demolition of several existing large commercial buildings which are also out of keeping with the surrounding residential properties within Course Road.

11.3 As set out in paragraph 9.8 there is a conflict with policy SS1 of the Neighbourhood Plan as a new access that is not off of the High Street is not being provided. However, as set out above this does not result in any actual harm in terms of the impact on the safe and efficient use of the highway network.

- 11.4 Set against the harm identified would be benefits in the form of contributions towards the Borough's Housing stock. As set out in paragraph 9.13 the Borough is currently unable to demonstrate a 5 year housing land supply, and the proposed development would provide 5 x new (net) dwellings towards the current shortfall in the Borough's 5 year housing land supply figures. The proposal would also result in the removal of the existing industrial/warehouse buildings on site and re-develop it for residential use in line with the intent of policy SS1 which aims to create a mixed and sustainable residential and retail centre in the heart of Ascot. This is supported by paragraph 117 of the NPPF which states that planning decisions should promote effective use of land in meeting the need for homes, and paragraph 118 (c) which says that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs. New residential development within the centre of Ascot is supported by this policy as new residents will benefit and help to sustain the local economy of shops and food outlets. Furthermore the development will provide additional economic benefits by opening up employment opportunities during construction of the development.
- 11.5 Paragraph 11.4 identifies the benefits of this proposed development, along with the harm. Overall and having due regard for the tilted balance, it is, in this instance, not considered that the identified harm *would significantly and demonstrably outweigh the benefits*

## **12. APPENDICES TO THIS REPORT**

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

## **13. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED**

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 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 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 Irrespective of the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or subsequent modifications thereof), the garage accommodation on the site shall be kept available for the parking of vehicles associated with the development at all times.  
Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety. Relevant Policies - Local Plan P4, DG1.
- 7 No part of the development shall be occupied until a refuse bin storage area and recycling facilities have been provided in accordance with details that have first been submitted to and

approved in writing by the Local Planning Authority. These facilities shall be kept available for use in association with the development at all times.

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

- 8 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 1 to 4 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 4 has been complied with in relation to that contamination.

1. **Site Characterisation** An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- a survey of the extent, scale and nature of contamination;
- as assessment of the potential risks to:
  - human health
  - property (existing or proposed) including buildings, crops, livestock, adjoining land, groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments:
- an appraisal of remedial options, and proposal of preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11'.

2. **Submission of Remediation Scheme.** A detailed remediation scheme to bring the site to a condition suitable for intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. **Implementation of Approved Remediation Scheme.** The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. **Reporting Unexpected Contamination** In the event that contamination is found at anytime when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is the subject of the approval in writing of the Local Planning Authority.



Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

5. Long Term Monitoring and Maintenance A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of (x) years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to the Local Planning Authority.

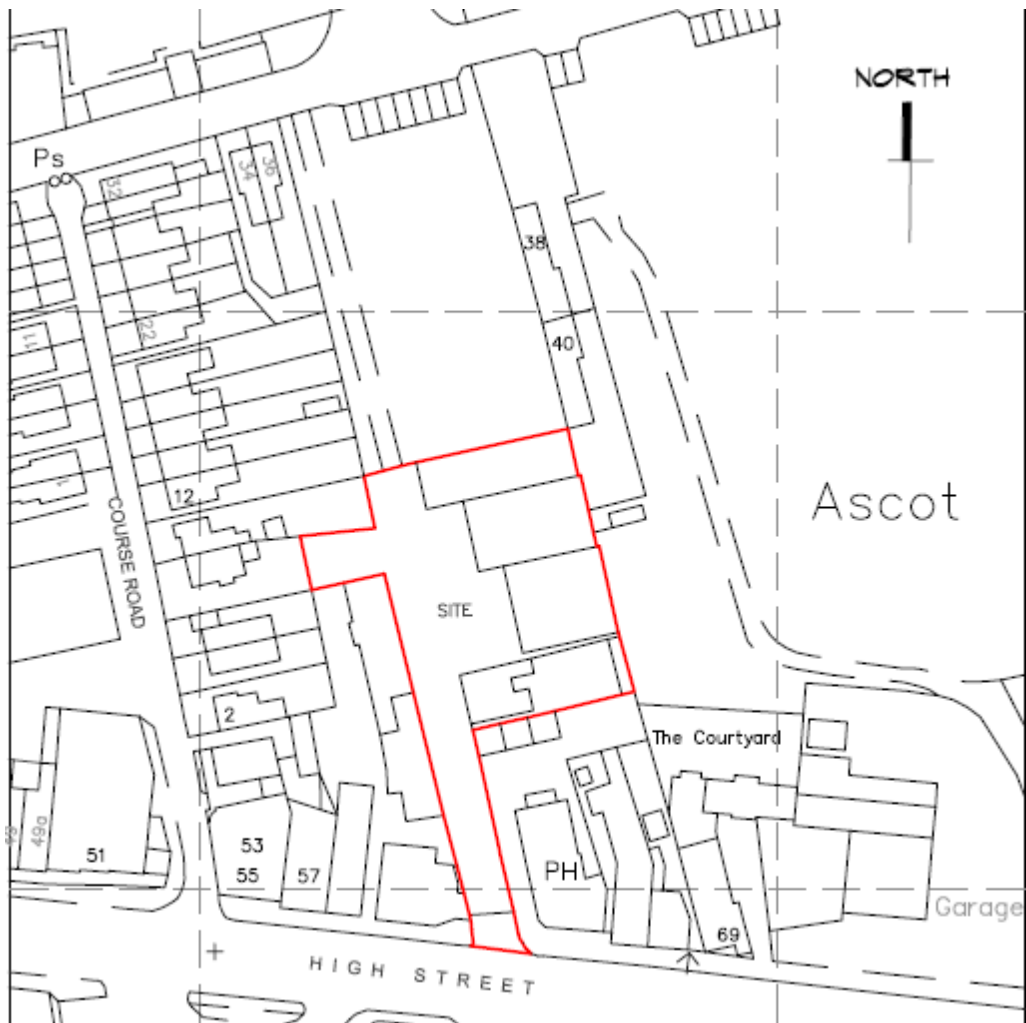
This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and the neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. Relevant Policy Local Plan NAP4.

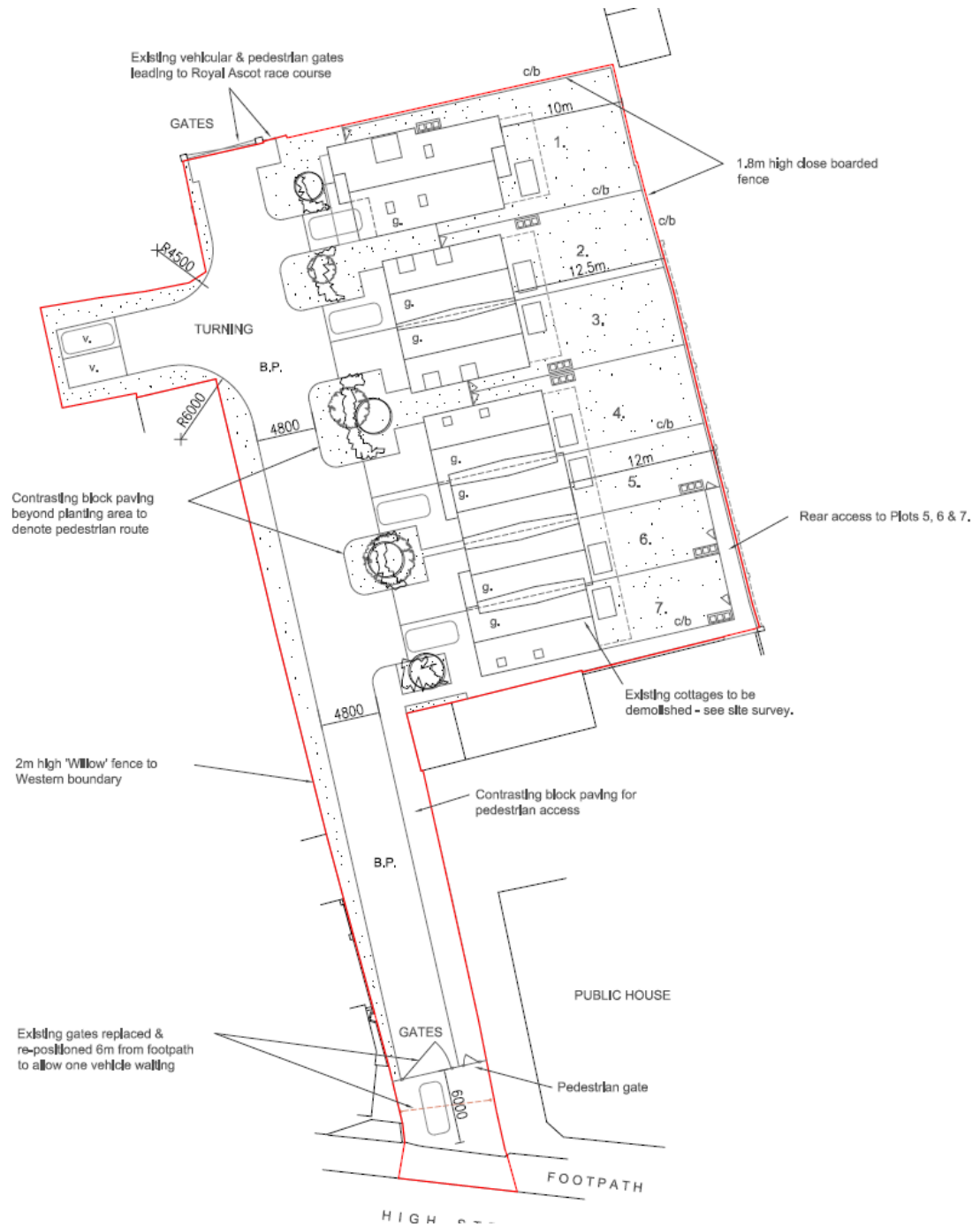
- 9 The development hereby permitted shall be carried out in accordance with the approved plans listed below.

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

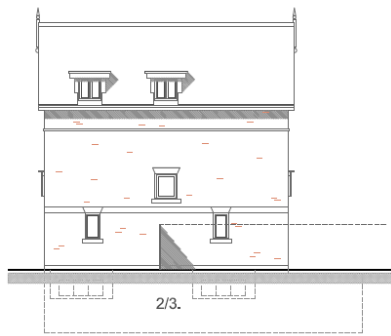
Appendix A- site location plan



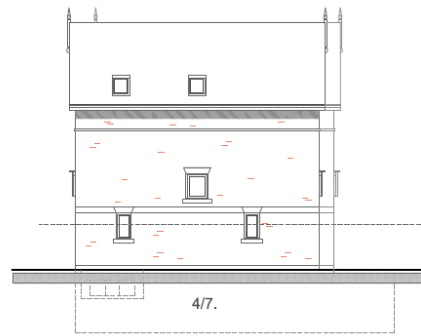
## Appendix B- Plan and elevation drawings





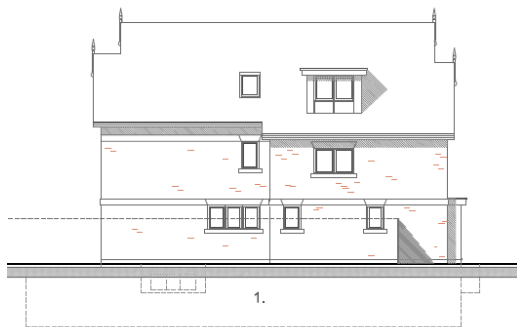


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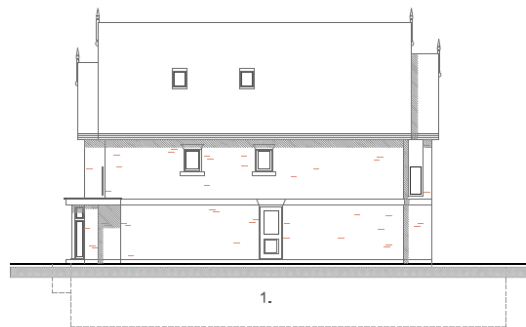


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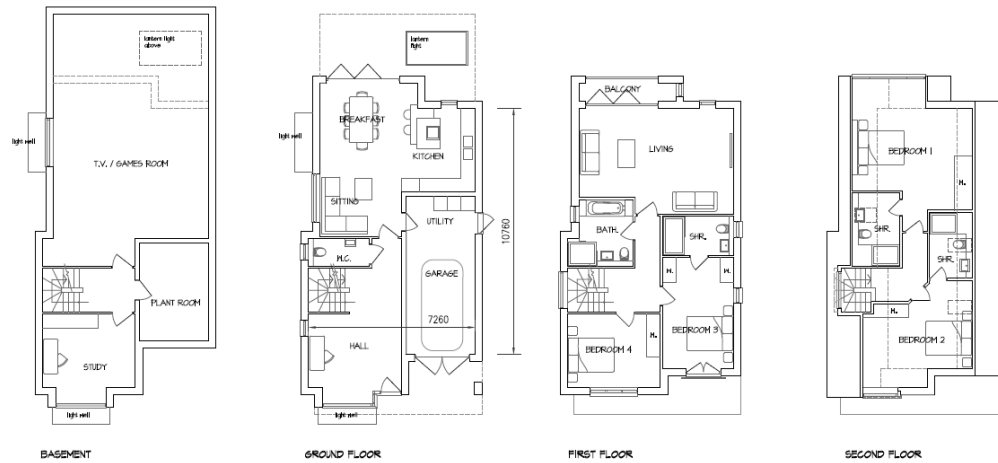
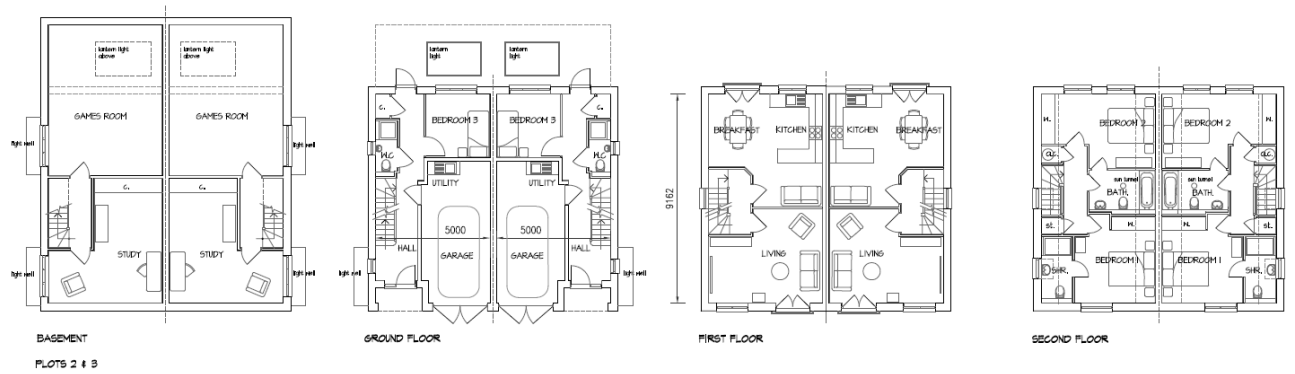
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SIDE ELEVATION - North



SIDE ELEVATION - South



A Minor window adjustments near elevation, plots 2&3, GCL14

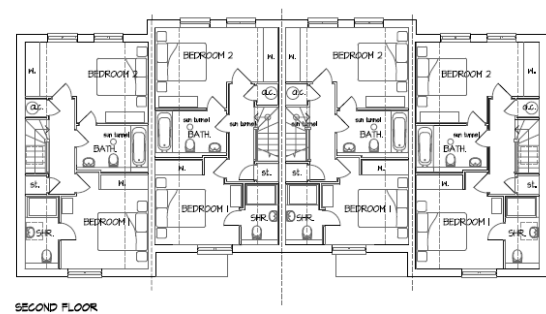
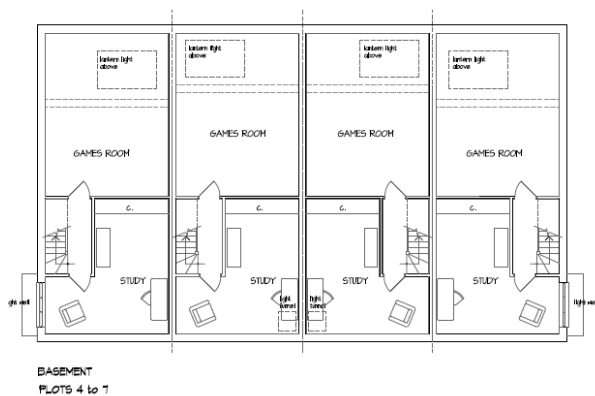
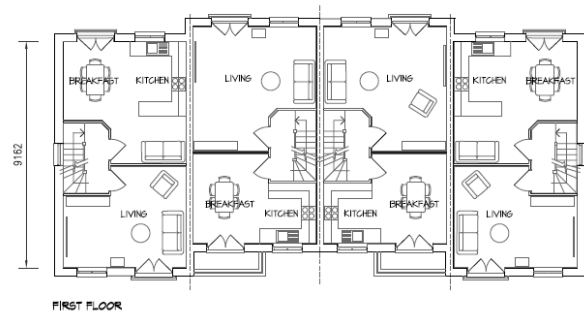
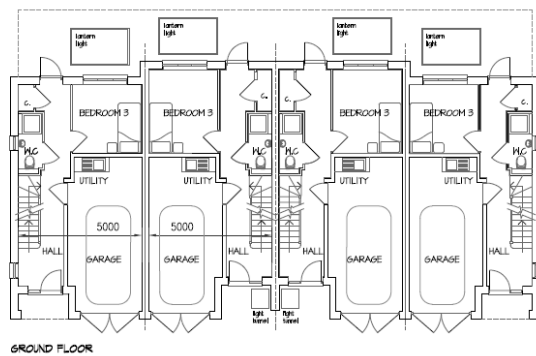
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Sheet 1 of 2



## Appeal Decision Report

21 December 2019 - 23 January 2020

### WINDSOR

**Appeal Ref.:** 19/60099/REF      **Planning Ref.:** 19/00916/FULL      **Plns Ref.:** APP/T0355/W/19/3235908

**Appellant:** Sorbon Estates Ltd **c/o Agent:** Mrs Rosalind Gall Solve Planning Ltd Sentinel House Ancells Business Park Harvest Crescent Fleet GU51 2UZ

**Decision Type:** Committee      **Officer Recommendation:** Refuse

**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**

**Appeal Decision:** Dismissed      **Decision Date:** 20 December 2019

**Main Issue:** The appeal schemes would have a harmful affect on the character and appearance of the site and the locality and a harmful impact on the setting of the Conservation Area. Proposals provide very limited space, which limits opportunity to provide significant soft landscaping. Proposals are out of keeping with the spacious 'leafy residential' character of the area. Proposal will affect the health of the tree resulting in its decline or loss. The public benefit in each case has not been demonstrated to outweigh the less than substantial harm identified to the setting of the CA. In the case of appeal B, the proposal would result in significant harm to the living conditions of occupiers of Heron Lodge. The appeal proposals are contrary to Local Plan policies DG1, H10, N6 and CA2.

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**Appeal Ref.:** 19/60100/REF      **Planning Ref.:** 18/03027/FULL      **Plns Ref.:** APP/T0355/W/19/3233296

**Appellant:** Mr David Howells **c/o Agent:** Mrs Rosalind Gall Solve Planning Ltd Sentinel House Harvest Crescent Fleet GU51 2UZ

**Decision Type:** Committee      **Officer Recommendation:** Refuse

**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**

**Appeal Decision:** Dismissed      **Decision Date:** 20 December 2019

**Main Issue:** The appeal scheme would have a harmful affect on the character and appearance of the site and the locality and a harmful impact on the setting of the Conservation Area. Proposals provide very limited space, which limits opportunity to provide significant soft landscaping. Proposals are out of keeping with the spacious 'leafy residential' character of the area. Proposal will affect the health of the tree resulting in its decline or loss. The public benefit in each case has not been demonstrated to outweigh the less than substantial harm identified to the setting of the CA. In the case of appeal B, the proposal would result in significant harm to the living conditions of occupiers of Heron Lodge. The appeal proposals are contrary to Local Plan policies DG1, H10, N6 and CA2.

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## Planning Appeals Received

21 December 2019 - 23 January 2020

### WINDSOR

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

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

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

**Ward:**  
**Parish:** Windsor Unparished  
**Appeal Ref.:** 19/60128/REF **Planning Ref.:** 19/01025/FULL **Plns Ref.:** APP/T0355/W/19/3241519  
**Date Received:** 20 December 2019 **Comments Due:** 24 January 2020  
**Type:** Refusal **Appeal Type:** Written Representation  
**Description:** Proposed barrel roof with 3no. dormers to provide additional 1no. flat following demolition of plant room  
**Location:** 114 - 116 St Leonards Road Windsor  
**Appellant:** Golddust Limited **c/o Agent:** Ms Nicola Broderick NMB Planning Ltd 10 Church Road Alderton Tewkesbury GL20 8NR

**Ward:**  
**Parish:** Sunninghill And Ascot Parish  
**Appeal Ref.:** 20/60001/REF **Planning Ref.:** 19/00661/VAR **Plns Ref.:** APP/T0355/W/19/3241132  
**Date Received:** 2 January 2020 **Comments Due:** 6 February 2020  
**Type:** Refusal **Appeal Type:** Written Representation  
**Description:** Variation (under Section 73) of planning permission (00/80333) without complying with Condition (9) (Removal of PD rights, class A, B and E).  
**Location:** White Bungalow Titness Park London Road Sunninghill Ascot  
**Appellant:** Mr & Mrs P Vogel **c/o Agent:** Mr Neil Davis Davis Planning Ltd 19 Woodlands Avenue Winnersh Wokingham Berkshire RG41 3HL

**Ward:**  
**Parish:** Windsor Unparished  
**Appeal Ref.:** 20/60002/ENF **Enforcement Ref.:** 17/50052/ENF **Plns Ref.:** APP/T0355/C/19/3240945  
**Date Received:** 7 January 2020 **Comments Due:** 18 February 2020  
**Type:** Enforcement Appeal **Appeal Type:** Written Representation  
**Description:** Appeal against the Enforcement notice: Without planning permission, the use of the annexe as a separate unit of accommodation.  
**Location:** 16 Wilton Crescent Windsor SL4 4YJ  
**Appellant:** Mr P A Court 16 Wilton Crescent Windsor SL4 4YJ



**Ward:**  
**Parish:** Wraysbury Parish  
**Appeal Ref.:** 20/60003/REF      **Planning Ref.:** 19/01933/FULL      **Plns Ref.:** APP/T0355/D/19/3240841  
**Date Received:** 9 January 2020      **Comments Due:** Not Applicable  
**Type:** Refusal      **Appeal Type:** Householder Appeal  
**Description:** Single storey side/rear extension, following demolition of the existing conservatory.  
**Location:** **15 Fairfield Approach Wraysbury Staines TW19 5DP**  
**Appellant:** Mr Sanjeet And Raminder Gill **c/o Agent:** Mr Harjinder Singh Juttland Surveyors Ltd 375 Hanworth Road Hounslow TW4 5LF

**Ward:**  
**Parish:** Sunninghill And Ascot Parish  
**Appeal Ref.:** 20/60006/REF      **Planning Ref.:** 19/01496/FULL      **Plns Ref.:** APP/T0355/D/19/3239368  
**Date Received:** 21 January 2020      **Comments Due:** Not Applicable  
**Type:** Refusal      **Appeal Type:** Householder Appeal  
**Description:** New detached double garage with first floor accommodation.  
**Location:** **Briar House Carbery Lane Ascot SL5 7EJ**  
**Appellant:** Mr And Mrs Bolland Briar House Carbery Lane Ascot SL5 7EJ

**Ward:**  
**Parish:** Sunningdale Parish  
**Appeal Ref.:** 20/60007/REF      **Planning Ref.:** 19/01579/FULL      **Plns Ref.:** APP/T0355/D/19/3239932  
**Date Received:** 23 January 2020      **Comments Due:** Not Applicable  
**Type:** Refusal      **Appeal Type:** Householder Appeal  
**Description:** Single storey side/rear extension.  
**Location:** **Wellington House Rise Road Ascot SL5 0AT**  
**Appellant:** Mr Kohler **c/o Agent:** Mr Nick Griffin Inception Planning Limited Quatro House Lyon Way Camberley GU16 7ER

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