

NOTICE
OF
MEETING

**ROYAL BOROUGH DEVELOPMENT
MANAGEMENT PANEL**

will meet on

WEDNESDAY, 16TH DECEMBER, 2020

At 6.15 pm

VIRTUAL MEETING - ONLINE ACCESS

TO: MEMBERS OF THE ROYAL BOROUGH DEVELOPMENT MANAGEMENT PANEL

COUNCILLORS PHIL HASELER (CHAIRMAN), JOHN BOWDEN, DAVID CANNON (VICE-CHAIRMAN), GEOFF HILL, DAVID HILTON, NEIL KNOWLES, JOSHUA REYNOLDS, AMY TISI AND LEO WALTERS

SUBSTITUTE MEMBERS

COUNCILLORS GURPREET BHANGRA, MANDY BRAR, KAREN DAVIES, ANDREW JOHNSON, GREG JONES, JULIAN SHARPE, SHAMSUL SHELMIM, HELEN TAYLOR AND JON DAVEY

Karen Shepherd – Service Lead - Governance - Issued: December 8th 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 or contact the Panel Administrator **Andy Carswell** 01628 796319

Recording of Meetings – In line with the council's commitment to transparency the Part I (public) section of the virtual meeting will be streamed live and recorded via Zoom. By participating in the meeting by audio and/or video, you are giving consent to being recorded and acknowledge that the recording will be in the public domain. If you have any questions regarding the council's policy, please speak to Democratic Services or Legal representative at the meeting.

AGENDA

PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
1.	<u>APOLOGIES FOR ABSENCE</u> To receive any apologies for absence.	-
2.	<u>DECLARATIONS OF INTEREST</u> To receive any declarations of interest.	5 - 6
3.	<u>MINUTES</u> To approve the minutes of the meeting held on November 18 th 2020 as an accurate record.	7 - 10
4.	<u>18/00945/OUT SHORTS WASTE TRANSFER AND RECYCLING FACILITY - ST GEORGES LANE - ASCOT - SL5 7ET</u> PROPOSAL: Outline application for access only to be considered at this stage with all other matters to be reserved for the redevelopment of the existing waste transfer station and recycling facility to provide up to 131 dwellings with associated access, parking, open space, landscaping and other associated works, following the demolition of all existing buildings and structures, removal of existing stockpiles and regrading and reprofiling of land. RECOMMENDATION: Defer and delegate APPLICANT: Shorts Group Limited MEMBER CALL-IN: N/A EXPIRY DATE: March 1st 2021	11 - 64
5.	<u>20/00809/FULL HURLEY HOUSE HOTEL - HENLEY ROAD - HURLEY - MAIDENHEAD - SL6 5LH</u> PROPOSAL: Construction of a marquee to the rear of the main building for associated event space (Retrospective). RECOMMENDATION: Refuse APPLICANT: Hurley House Hotel MEMBER CALL-IN: N/A EXPIRY DATE: 23rd October 2020	65 - 84
6.	<u>20/00979/FULL APPLE HILL - HENLEY ROAD - HURLEY - MAIDENHEAD - SL6 5LH</u>	85 - 108

PROPOSAL: Extension to the lower ground floor to facilitate 20 additional new patient and ancillary rooms, alterations to fenestration, raised patio, external plant, log cabin, 3no. additional car parking spaces and associated landscaping works.

RECOMMENDATION: Permit

APPLICANT: Henley Healthcare Limited

MEMBER CALL-IN: N/A

EXPIRY DATE: 18th December 2020

7.

20/02570/FULL BROADLANDS - BAGSHOT ROAD - ASCOT - SL5
9JN

109 - 126

PROPOSAL: Landscape works: Two ponds, ground re-profiling, two timber jetties, two bridges and planting.

RECOMMENDATION: Permit

APPLICANT: Mrs Zhmotova

MEMBER CALL-IN: N/A

EXPIRY DATE: 30th December 2020

8.

ESSENTIAL MONITORING REPORTS

127 - 138

To note the contents of the reports.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

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

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

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

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

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

“Comments Awaited”.

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

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

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

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

STATEMENT OF THE HUMAN RIGHTS ACT 1998

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

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

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

MEMBERS' GUIDANCE NOTE

DECLARING INTERESTS IN MEETINGS

DISCLOSABLE PECUNIARY INTERESTS (DPIs)

DPIs include:

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

PREJUDICIAL INTERESTS

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

DECLARING INTERESTS

If you have not disclosed your interest in the register, you **must make** the declaration of interest at the beginning of the meeting, or as soon as you are aware that you have a DPI or Prejudicial Interest. If you have already disclosed the interest in your Register of Interests you are still required to disclose this in the meeting if it relates to the matter being discussed. A member with a DPI or Prejudicial Interest **may make representations at the start of the item but must not take part in discussion or vote at a meeting.** The term 'discussion' has been taken to mean a discussion by the members of the committee or other body determining the issue. You should notify Democratic Services before the meeting of your intention to speak. In order to avoid any accusations of taking part in the discussion or vote, you must move to the public area, having made your representations.

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

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

Agenda Item 3

ROYAL BOROUGH DEVELOPMENT MANAGEMENT PANEL

WEDNESDAY, 18 NOVEMBER 2020

PRESENT: Councillors Phil Haseler (Chairman), David Cannon (Vice-Chairman), John Bowden, Geoff Hill, David Hilton, Neil Knowles, Joshua Reynolds, Amy Tisi and Leo Walters

Also in attendance:

Officers: Neil Allen, Victoria Gibson, Shilpa Manek, Claire Pugh, Jo Richards, Sian Saadeh and Adrien Waite

APOLOGIES FOR ABSENCE

No apologies for absence were received.

DECLARATIONS OF INTEREST

Councillor Haseler declared a prejudicial interest for item 4, Grove Park as he had sent a letter of objection to the application, before he became a councillor in 2018. Councillor Haseler would leave the meeting for Item 4 and the Vice Chairman, Councillor Cannon would sit as Chairman and then hand back to Councillor Haseler at the end of item 4. Councillor Haseler would take no part in any discussion or vote for item 4.

Councillors Bowden, Cannon, Hilton, Knowles and Tisi had sat on previous planning panels when the application for item 6, Essex Lodge, was discussed at Windsor Area Development Management Panel. All members were attending the meeting with an open mind.

MINUTES FROM 21 OCTOBER 2020

RESOLVED UNANIMOUSLY: that the minutes of the meeting held on 21 October 2020 were a true and accurate record after a small amendment in the DOI item, to change 'he' to 'she' for Councillor Tisi's declaration.

18/03348/OUT - GROVE PARK INDUSTRIAL ESTATE - WALTHAM ROAD - WHITE WALTHAM - MAIDENHEAD - SL6 3LW

A motion was put forward by Councillor Hill to permit the application as per Officers recommendation. This was seconded by Councillor Bowden.

A named vote was taken.

RESOLVED UNANIMOUSLY: that the application be PERMITTED as per Officer's recommendation.

20/00839/FULL - STUDIO HOUSE - SCHOOL LANE - COOKHAM - MAIDENHEAD - SL6 9QJ

A motion was put forward by Councillor Reynolds to permit the application as per Officers recommendation. This was seconded by Councillor Hilton.

A named vote was taken.

RESOLVED UNANIMOUSLY: that the application be PERMITTED as per Officer's recommendation.

20/00935/FULL - ESSEX LODGE - 69 OSBORNE ROAD AND ANNEXE - ESSEX LODGE - 69 OSBORNE ROAD - WINDSOR

A motion was put forward by Councillor Walters to refuse the application, contrary to Officers recommendation. This was seconded by Councillor Knowles. The reasons for refusal were that the proposed development by virtue of its layout, scale and mass and given that the building would intrude further forward along Osbourne Road the development would be harmful to the character and appearance of the area and the setting of the Conservation Area and the public benefits are not considered to outweigh this harm. The proposal fails to comply with Local Plan policies DG1, H10 and CA2 of the Royal Borough of Windsor and Maidenhead Local Plan Incorporating Alterations adopted June 2003.

A named vote was taken.

RESOLVED: that the application be REFUSED, contrary to Officer's recommendation, for the reasons above.

20/01129/FULL - MOORBRIDGE COURT AND LIBERTY HOUSE AT 29 TO 53 MOORBRIDGE ROAD - MAIDENHEAD

A motion was put forward by Councillor Hilton to refuse the application, contrary to Officers recommendation. The reasons for refusal were the design was such that there was too little amenity space for the numbers of apartments that would be in the building, there was lack of community space in the building which would have adverse effect to health and wellbeing of people within that community. The harm was significant and would outweigh the benefits of having additional housing. The site was over-developed and would give rise to unacceptable traffic impact which would cause a significant detrimental effect. The policies that cover this included DG1, H10, H11, H14, Highways Policy T5 and NPPF policy's 127, 127A, policy F within 127 and 130.

A motion was put forward by Councillor Cannon to defer and delegate the application to Head of Planning as per Officers recommendation in the panel update.

Councillor Hill seconded the first proposal for refusal, made by Councillor Hilton. Councillor Hill added that the proposed development was high density and the effect of people's mental health, especially in the current times.

Councillor Reynolds seconded the second proposal to defer and delegate the application to Head of Planning as per Officers recommendation in the panel update, made by Councillor Cannon.

A named vote was taken on the first proposal that had been proposed and seconded. A named vote was taken on the motion put forward by Councillor Hilton and seconded by Councillor Hill to refuse the application.

This motion fell.

A second named vote was taken on the second proposal for approval as per Officers recommendation, proposed by Councillor Cannon and seconded by Councillor Reynolds.

RESOLVED: that the application be DEFERRED AND DELEGATED to Head of Planning, as per Officer’s recommendation in the Panel Update.

A named vote was taken to see if Panel Members wanted to continue with the meeting.

RESOLVED: that the meeting carried on to complete the items on the agenda.

20/01463/FULL - ST CLOUD GATE - ST CLOUD WAY - MAIDENHEAD - SL6 8XD

A motion was put forward by Councillor Reynolds to refuse the application, contrary to Officers recommendation.

A motion was put forward by Councillor Hill to approve the application as per Officers recommendation. This was seconded by Councillor Hilton.

Councillor Reynolds motion was not seconded.

A named vote was taken on the second proposal which was for approval as per Officers recommendation, proposed by Councillor Hill and seconded by Councillor Hilton.

RESOLVED: that the application be PERMITTED as per Officer’s recommendation.

ESSENTIAL MONITORING REPORTS (MONITORING)

Councillor Walters highlighted that out of 15 appeals, only two refusals were allowed. This was a good record.

Councillor Walters informed the Panel and the Chairman that he was not happy that he was unable to participate in item 1.

PANEL UPDATES

The meeting, which began at 6.15 pm, finished at 11.00 pm

CHAIRMAN.....

DATE.....

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ROYAL BOROUGH OF WINDSOR & MAIDENHEAD PLANNING COMMITTEE

DEVELOPMENT CONTROL PANEL

16 December 2020

Item: 1

Application No.:	18/00945/OUT
Location:	Shorts Waste Transfer And Recycling Facility St Georges Lane Ascot SL5 7ET
Proposal:	Outline application for access only to be considered at this stage with all other matters to be reserved for the redevelopment of the existing waste transfer station and recycling facility to provide up to 131 dwellings with associated access, parking, open space, landscaping and other associated works, following the demolition of all existing buildings and structures, removal of existing stockpiles and regrading and reprofiling of land.
Applicant:	Shorts Group Limited
Agent:	Mrs Ellen Timmins
Parish/Ward:	Sunninghill And Ascot Parish/Ascot And Cheapside Ward
If you have a question about this report, please contact: Victoria Gibson on 01628 685693 or at victoria.gibson@rbwm.gov.uk	

1. SUMMARY

- 1.1 The adopted Neighbourhood Plan which has full weight includes a policy to achieve the redevelopment of this site (NP/SS3) subject to environmental and highways improvements being achieved in the context of retaining the site in the Green Belt. This also ties in with the Ascot, Sunninghill and Sunningdale Neighbourhood Plan's wider aim to improve Ascot High Street. Officers therefore do not object to the principle of the redevelopment of this site for housing and the loss of the Waste Transfer Site subject to compliance with Green Belt policy.
- 1.2 The development would constitute an inappropriate form of development in the Green Belt and would result in limited harm to the openness of the Green Belt and substantial weight needs to be afforded to this Green Belt harm. However as demonstrated in this report there is a case of very special circumstances that would clearly outweigh this harm, primarily being the significant weight given to the provision of 131 units in the context of the Borough not having a 5 years housing land supply including 29 affordable homes of which 80% are affordable rent on a primarily brownfield site in a sustainable location close to public transport and local shops as promoted in the Neighbourhood Plan. Along with the limited weight afforded to the visual improvements, the decontamination of the site and the removal of the HGV movements along Ascot High Street.
- 1.3 The developer is in the process of securing SANG at Frost Folly in Warfield. This is a super SANG and the Shorts sites lies within its 5km catchment area. Subject to a legal agreement being completed to secure the necessary SANG and SAMM payments prior to occupation no objection is raised.
- 1.4 Whilst the application site is identified for housing in the emerging Borough Local Plan there are currently unresolved objections in relation to the housing allocation policies

in general and as such limited weight is given to policy HO1 and site allocation AL17 of the BLPSV (Including proposed changes) as a material consideration.

- 1.5 The proposed access is considered acceptable and subject to the improvements being secured to St Georges Lane and the junction improvements to the Winkfield Road roundabout the proposal would not have a severe impact on highway safety or the free flow of traffic. Should permission be approved then a Travel Plan would be secured by legal agreement to help the site demonstrate priority to sustainable travel modes. The indicative layout shows that there would be good connections and accessibility through the site making the site accessible and linking it through to the High Street and the future allocated site to the north as well as providing a better pedestrian and cycle environment for users of St Georges Lane and these can all be secured at the reserved matters stage and via legal agreement.
- 1.6 No objections are raised regarding trees, ecology, land contamination and surface water drainage. The site would also achieve an acceptable level of Public Open Space as well as a children's play area.
- 1.7 The original viability assessment submitted with the application stated that the site could not provide any affordable homes. After further negotiations with the applicant and discussions with the District Valuer (DVO) and the Council's Enabling officer it has been concluded that the proposal is viable with 22% of the units being affordable with a tenure mix of 80% affordable rent and 20% shared ownership. No policy objection is raised to this.
- 1.8 A sustainability statement and outline energy statement have been submitted with this application and this can be developed further through the reserved matters applications and secured by planning conditions.

It is recommended the Panel authorises the Head of Planning:

To grant planning permission, with the conditions listed in Section 14 of this report, and the completion of the necessary s106 agreement to cover the heads of term as set out in section 9 of this report subject to no call in being received from the Secretary of State, to whom the application will be referred under Town and Country Planning (Consultation) (England) Direction 2009.
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To refuse planning permission if an undertaking to secure the necessary heads of terms as set out in Section 14 of this report has not been satisfactorily completed by 28th February 2021 unless agreed by the LPA for the reasons that the proposal would <u>not</u> secure affordable housing, necessary highway improvements, promote sustainable forms of transport, minimise loss of the waste transfer site, provide adequate public open space and have a detrimental impact on adjacent LWS and SPA.

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 as the application constitutes major development; such decisions can only be made by the Panel.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site comprises of Shorts Yard and a detached residential property known as Foxfields. The site is situated to the west of St George's School, south of the office

building known as Index House and to the east of Ascot Wood and Ascot Tennis Club. The total application site measures 5.94 hectares.

- 3.2 Given the existing waste use and operations the site is considered brownfield land and is not in keeping with the character and appearance of the area, the site is however well screened by existing bunds and vegetation along the boundaries. A number of the existing trees are protected by Tree Preservation order 026/2016.
- 3.3 Existing vehicular access to the site is provided via St George's Lane which is a private road leading off of the A329 to the east of the High Street. St George's Lane also serves a number of residential properties and Index House. A short distance to the south beyond the site entrance St Georges Lane meets Wells Lane which serves St George's School and more residential properties before turning north east to meet the A329 London Road.
- 3.4 The site is sustainably located within close walking distance of Ascot High Street as well as Ascot railway station to the south-west. The site also lies within 5km of the Thames Basin Heaths Special Protection Area (SPA).

4. KEY CONSTRAINTS

- Green Belt
- Contaminated Land
- Thames Basin Heaths Special Protection Area – within the 5km zone
- Public footpath SUNH/24/1

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

5.1 The application is submitted in outline and comprises the redevelopment of the existing waste transfer station and recycling facility at Shorts with a new residential development. As part of the outline application, reserved matters approval is also being sought for access. All other matters are reserved for future consideration. The proposed development will include the following:

- 131 new homes on a newly constructed development platform with re-profiling of perimeter slopes and construction where appropriate of retaining walls
- Creation of a new formal and informal open space including children's play facilities
- Upgraded vehicular access and realignment of St Georges Lane
- Upgraded pedestrian access from St George's Lane and creation of a new pedestrian and cycle links through the site from St George's Lane towards Ascot High Street.

5.2 The application has been submitted with an illustrative Master Plan which demonstrates how the proposal could be suitably accommodated on the site. The indicative housing mix shown on the illustrative masterplan is summarised in table 1 below.

	House Type	Quantity	Sub-Total	Percentage
1 bedroom	Mews Apartment	11	11	8.4%
2 bedroom	Mews Apartment	14	18	13.7%

2 bedroom	Semi Detached Cottage	4		
3 bedroom	Semi Detached Cottage	49	87	66.4%
3 bedroom	Detached House	7		
3 bedroom	Town House	31		
4 bedroom	Semi Detached House	11	15	11.5%
4 bedroom	Detached House	4		
Total		131	131	100%

Table 1: Indicative Housing Mix

5.3 The following car parking is proposed in the illustrative master plan.

	House Type	Quantity	Allocated Parking	Sub-Total	Total
1 bed	Mews apartment	11	1 per apartment	11	252
2 bed	Mews apartment	14	1 per apartment	14	
2 bed	Semi-detached cottage	4	2 per cottage	8	
3 bed	Semi-detached house	49	2 per house	98	
3 bed	Detached house	7	2 per house	14	
3 bed	Town House	31	2 per house	62	
4 bed	Semi detached house	11		33	
4 bed	Detached House	4		12	
	Visitor Unallocated			24	24
				276	276

Table 2: Indicative Car Parking Provision

5.4 Open space will be provided as a combination of formal open space integrated with the new housing development ('The Crescent' and 'The Green') and informal open space along the southern and eastern boundaries within the existing landscape buffer.

5.5 The existing vehicular access is to be stopped up and relocated approximately 15 metres north. The proposed access has been designed to restrict vehicle movements to turn left out only, in order to minimise vehicle movements to and from Wells Lane.

5.6 The carriageway of St Georges Lane will be widened at Wells Lane to facilitate two-way vehicle movements as cars turn the corner to and from St George's School. Existing on-street parking along St George's Lane will be removed to allow two-way traffic movement so cars will not have to wait for each other to pass at the existing pinch point and double yellow lines will be provided along the western kerb edge to prevent on street parking mirroring the existing double yellow lines along the eastern kerb edge.

5.7 Further to this application, and in the event planning permission is granted, the applicant will be required to submit application(s) for the following reserved matters:

'Appearance': the aspects of a building or place within the development which determine the visual impression the building or place makes, including

- the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
- 'Landscaping': the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;
- 'Layout': the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
- 'Scale': the height, width and length of each building proposed within the development in relation to its surroundings.

Background to the Waste Transfer Site

- 5.8 The site has an established waste use and has been previously used for inert landfill. The Shorts Group has owned and operated the site since 1975, although waste operations on the site are understood to predate this to the early 1970's.
- 5.9 The site has a complex planning history related to the waste use. The site has been the subject of planning permissions for infilling (1979 ref 407469 and temporary waste transfer station (1992 ref 470727 and 1996 ref 473993) and there are also two Certificates of Lawful Use.
- 5.10 The waste transfer and recycling facility currently operates under Consolidated Permit Number EPR/DP3599LK. Currently the waste transfer station and recycling facility accepts and processes waste that arises from Shorts Group's skip and refuse collection services and generally includes construction and demolition waste. Within the northern part of the site there is an area of concrete hard standing where incoming waste is received and processed. There are also several parking areas for vehicles and empty containers and a site office and portacabins provide for staff facilities.
- 5.11 Within the southern part of the site there are several stockpiles of reclaimed materials of significant and varying heights. The height and location of these heaps continuously changes over time owing to the operations being undertaken and the market for the sale of the materials. The southern part of the site is also used for concrete crushing and soil screening activities along with wood chipping activities in the western part.

Reference	Description	Decision
04/85103/CLU	Certificate of Lawfulness to determine whether the existing use of the site for screening of soil and crushing of hardcore/concrete is lawful	Application Permitted
07/02734/CLU	Certificate of Lawfulness to determine whether the existing use of the part of the site being used for wood chipping activities in accordance with the attached schedule is lawful.	Application Permitted
10/00989/FULL	Continued use of waste transfer station and recycling facility with parking and storage for skip containers and vehicles.	Application Permitted

10/02981/VAR	Continued use of waste transfer station and recycling facility with parking and storage for skip containers and vehicles, without complying with Condition 1 of permission 10/00989 for the use to cease within 3 years	Refused Appeal Allowed
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6. DEVELOPMENT PLAN

Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, to the extent that the development plan policies are material to an application for planning permission, the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise. The development plan for RBWM relevant to this application comprises:

Adopted Royal Borough Local Plan (1999) (Saved Policies)

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

Issue	Adopted Local Plan Policy
Green Belt	GB1, GB2 GB3
Design in keeping with character and appearance of area	DG1,
Housing	H3 H8 H9 H10 H11
Highways, Cycling and Pedestrian Environment	P4 T5 T7 T8
Trees	NG
Public Open Space	R3 R4 R5 R14
Associated infrastructure, facilities and amenities.	IMP1

These policies can be found at these policies can be found at <https://www.rbwm.gov.uk/home/planning/planning-policy/adopted-local-plan>

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

Issue	Neighbourhood Plan Policy
Design in keeping with character and appearance of area	DG1, DG2 and DG3
Highways	T1
Trees and Biodiversity	NP/EN2 NP/EN4
Development Briefs	NP/H1
Mix of housing	NP/H2
Housing	NP/DG1 NP/DG2 NP/DG3 NP/DG5
Parking and access	NP/T1
Cycle Routes	NP/T2
Shorts Recycling Transfer Station Site	NP/SS3

These policies can be found at <https://www.rbwm.gov.uk/home/planning/planning-policy>

Adopted The South East Plan – Regional Spatial Strategy

Issue	Plan Policy
Thames Basin Heaths Special Protection Area	NRM6

The Waste Local Plan for Berkshire – Adopted December 1998

Issue	Plan Policy
Safeguarding sites for Waste Management	Policy WPL21

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

Emerging Policy

Borough Local Plan: Submission Version

Issue	Borough Local Plan Submission Version	Borough Local Plan Submission Version Including Proposed Changes 2019
Spatial Strategy	SP1, SP2, SP3, SP5	SP1, Sp2, QP3, QP5
Housing Policies	HO1 (includes Site HA10) HO2, HO3, HO5	HO1(includes A17) HO2, HO3
	ED3	ED3
	NR1-NF5	NR1-NF5
	EP1-EP5	EP1-EP5
Infrastructure	IF1-IF8	IF1-IF7

- 7.1 The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents 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 have been reviewed by the Council and the Proposed Changes have been submitted to the Inspector. The Inspector has resumed the Examination of the BLPSV with hearings ongoing. 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.

Allocated Site AL17 in the BLPSV (Including Proposed Changes)

7.3 AL17 allocates the site in the Emerging Borough local Plan for 131 dwellings which is in line with this application. However, as this site currently lies within the Green Belt and there have been representations specifically regarding the soundness of releasing this site from the Green Belt, it is considered that the weight to be accorded to the allocation for housing should be adjusted to reflect both the level of unresolved objections and also the conflict between the emerging BLP and the policies of the 'made' ASNP, which seek to retain the site within the Green Belt. As such policies HO1, HO2, HO3 and HO5 are afforded very limited weight.

The draft Joint Minerals and Waste Plan (Regulation 19 consultations, 2020)

Issue	Plan Policy
Safeguarding Waste Management Facilities	Policy W2 seeks to retain waste management facilities, unless certain circumstances apply. Evidence Base Documents Waste Background Study: Site listed in table with current transfer capacity on page 89 Safeguarding Study June 2018: Section 6 'Waste safeguarding' pages 18-20

7.4 This plan has now reached Regulation 19 stage and the Proposed Submission Version was published for its final 6 week consultation which ended 15th October 2020. As this plan is yet to be examined it is afforded limited weight.

Supplementary Planning Documents

- ☐ RBWM Thames Basin Health's SPA
- ☐ Borough Design Guide

Other Local Strategies or Publications

7.5 Other Strategies or publications relevant to the proposal are:

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

More information on these documents can be found at:

<https://www.rbwm.gov.uk/home/planning/planning-policy/planning-guidance>

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

16 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 23.04.2018 and the application was advertised in a local paper distributed in the borough on 12.04.2018.

1 letter was received supporting the application, summarised as:

Comment		Where in the report this is considered
1.	<p>The Directors of Index House Ltd who heartedly support the proposed redevelopment of the Shorts site which appears to be much more in keeping with the neighbourhood than the current use.</p> <p>It is noted that a pedestrian walkway is proposed from the northwest corner of the development site northwards to Ascot High Street. We are mindful of the desirability of reducing car usage. There is an opportunity to encourage users of Index House to cease driving to the High Street over lunch and walk on this proposed new walkway. In so doing this it will reduce vehicle movements on St Georges Lane and the High Street. All that is required to achieve this is a pedestrian gate from the grounds of Index House to the development site located somewhere near the current mobile phone mast. This pedestrian access to Index House will also reduce the walking time to the station and will encourage workers at Index House to use public transport.</p>	Noted

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

Comment		Where in the report this is considered
1.	Loss of parking in St Georges Lane and in adequate parking proposed within the site.	9.48 – 9.52
2.	<p>Currently the HGV's and other vehicles which use St George's Lane to access the Short site predominately do so outside of rush hour and thus have little to no negative impact to the users of St Georges Lane.</p> <p>Although we appreciate that improvements to St Georges Lane would be incorporated these will not be noteworthy enough to handle this gross increase in traffic during the rush hours/school pick up. St George's Lane and surrounding routes on the A329 already suffer from high levels of congestion on a daily basis and the proposed additional usage will only exacerbate the issue. Consequently this in turn could lead to additional traffic down Wells Lane. Wells Lane is not equipped to handle any additional use as it is single land and any further increase could affect safety and the Green Belt.</p>	9.40 – 9.46

3.	The residential properties located along St Georges Lane and Wells Lane are predominately detached dwellings with large gardens consistent with the description villas in a woodland setting. I feel that the proposed development which lies in the Green Belt would be out of character and a reduced density would be more appropriate.	9.19-9.20
4.	St Georges Lane is an un-adopted lane and there is no clarity on who would be responsible for the maintenance. The London Road access is dangerous. This needs to be addressed over and above the current proposals perhaps by making the Lane an actual junction onto the existing roundabout but that would require using part of the adjoining land. Either way the proposed development of 131 dwellings would incur a conservative minimum of an additional 200 cars using the lane/junction mostly at peak time and one would have to factor in visitors, deliveries etc. This along with existing school and residents' traffic would create a huge burden especially at peak times at the junction and along London Road. The proposal will also result in increased traffic along Well's Lane which is curved single lane partial dirt track with numerous blind spots to oncoming traffic and pedestrians with no pavement.	9.27-9.52
5.	There is concern that Wells Lane would be used by construction traffic and as a rat run.	This does not justify refusal of the application.
6.	It is not clear from the plan if a drop kerb will be retained to my property. It is also proposed to move the entrance to the site 15 metres which would place it nearer to my property.	The dropped kerb to this property will be retained.

Consultees

Consultee	Comment	Where in the report this is considered
Highways	<p><u>Subsequent Comments following Technical Note submitted by Peter Brett's</u></p> <p>The development provides improved pedestrian facilities along St George's Lane and the reconfiguration of St Georges Lane/High Street and the High Street junction with Winkfield Road to mitigate the impact of the development. It has been demonstrated that the proposed development given the existing vehicular movements from the site would not have a severe impact on the highway.</p> <p>However it is noted that Ascot does experience some peak hour congestion at key junctions and these are extended and exasperated by additional traffic during race days.</p> <p>Objections are still raised regarding the proposed number of parking spaces which are considered too high.</p>	Paragraphs 9.27 – 9.52

	<u>Comments regarding Revised Travel Plan</u> No objection	
Housing Enabling Officer	No objection is raised to the provision of 22% affordable units with a tenure split 80% affordable rent and 20% shared ownership given that this has been supported by viability evidence.	Noted
RBWM Access Advisory Forum	We have reviewed the above application for its impact on people with disabilities and have the following objections / questions / comments : Objection: None of the 131 dwellings will be built to Part M4(2) standard - rendering them habitable by some people with disabilities. None of the visitor parking spaces are disabled spaces.	This will be dealt with by condition and addressed in the reserved matters.
Local Lead Flood Authority	Following further information provided by the application it is apparent that there are sufficient available options for the route of the proposed sewer that will provide the ultimate surface water fall out for the proposed development and the siting of the headwall. The LLFA therefore accept that the final location of the headwall and the agreement between the applicant and the third party landowner can be provided at the condition stage along with the remaining points of clarification. Subject therefore to an appropriately worded condition no objection is raised.	Noted
Environmental Protection	No objection subject to conditions regarding land contamination and noise and dust controls during construction.	Noted
Trees	No objections subject to conditions.	Noted
Ecology	The council's ecologist has asked for the survey work to be updated.	An updated badger survey and ecological appraisal have been carried out and officers have recommended conditions to secure the necessary additional surveys prior to the commencement of development.

Others

Group	Comment	Where in the report this is considered
<p>Ascot and Sunninghill Parish Council</p>	<p>Objection:</p> <ul style="list-style-type: none"> • St Georges Lane is contrary to Borough Highway Design Guide: <p>There is insufficient information re the carriageway widths in St Georges Lane to confirm they comply with the RBWM requirements (5.5m wide + 2m footpath for access to 100 houses or 6m + 2m footpath for access to development of up to 300 houses). The proposed access geometry drg 39125/550/026 shows that the carriageway width on the west side is between 2.25 and 2.38 m, implying a full width of between 4.5m and 4.76 m.</p> <ul style="list-style-type: none"> • It is unsatisfactory for the access to be along an un-adopted road whose ownership is unknown. • The Edge of Settlement part 2 – constraints and opportunities delivery assessment, states that delivery should not come forward until after the development of Ascot Green and Ascot Village, when there is an opportunity to resolve the junction issues for all the sites in a coordinated way. • Loss of parking in St Georges Lane – this parking is for the visitors to the properties opposite the parking and for deliveries etc. • Double yellow lines are proposed along St Georges <ul style="list-style-type: none"> • These are unduly restrictive. • Their legality and enforceability is also questioned in an un-adopted road. • Contrary to the statements in the transport assessment the changes to the junction with the London Road does not help traffic flows at the junction, and in some cases make the situation worse • The Transport Study uses equivalent PCU's to compare the traffic movements into and out of the site now and when the housing development is complete. This means that each HGV is equivalent to 2.4 cars. By using this approach the study claims that the impact from the housing is less than for the transfer station. We consider this to be flawed. <p>This increase will inevitably impact negatively on the flows at the junction, as shown in tables 8.1 and 8.2 above.</p>	<p>Main Report</p>

	<ul style="list-style-type: none"> • HGV movements exceed permitted limit: The HGV figures presented show that there are 273 HGV movements per day, which equates to 1365 movements in a 5 day week, well above the permitted movements of 990 per week. • Insufficient Parking Provision vs standards: There appears to be a small deficit in the parking provision of 14 spaces and at 24 spaces the visitor parking is totally inadequate for 131 dwellings. • Some of the on-site roads appear very narrow (the lanes), preventing visitor parking and making it difficult for refuse vehicles to navigate. • The site roads are not able to accommodate refuse vehicles and other HGVs safely. <ul style="list-style-type: none"> • The swept path analyses drawings show that in places the turning vehicle will be extremely close to two dwellings. Swept path analyses are theoretical and in practice it is considered that there is a real risk to the buildings. The swept paths are tight in a number of other places. • If any visitors or other vehicles are parked in the road maneuvering by larger vehicles will be impaired. • At places the sight lines are inadequate as they pass across front gardens. <p>Re the development itself:</p> <ul style="list-style-type: none"> • The housing numbers are too high. <ul style="list-style-type: none"> • On a pro-rata basis (based on site area to the HA10 proforma area) the site's share of the 300 dwellings in HA10 of the emerging BLP is around 90 units. • The site is bounded on the east side by an area classified as 'Villas in a Woodland Setting', with a low density of housing. The borough EoS part 2 states that site development should be classified as 'Villas in a Woodland Setting' and not the 'Victorian Village' classification claimed by the developer. • No affordable homes are offered. • The development impacts negatively on the openness of the Green Belt • The site is in the Green Belt. Although the emerging BLP proposes its removal the document isn't as yet a material consideration. 	
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	<ul style="list-style-type: none"> • The EoS Part 2 states that the site makes an important contribution to the Green Belt. • The development doesn't take proper account of the environmental constraints, as set out in EoS Part 2 and the developer's environmental statement. The Edge of Settlement report states that: • A buffer zone of 15 m to be retained between the development and St Georges Lane Fields. • Priority habitats were identified within and around the parcel. • There is a high probability of foraging / commuting bats and common / widespread breeding birds. • A Berkshire Protected species Buffer for pipistrelle bats is located in the NW of the parcel. • There is a dense area of woodland located in the southern part of the parcel. <p>The environmental report (which seems to have paragraphs redacted) identifies that the site may be used by protected species, including red kite, hobby, stag beetles, common toad, and hedgehogs.</p> <p>The proposals use the tree belt to the S and E of the site may therefore cause environmental damage. The question of a SANG relating to this application has not been addressed.</p>	
<p>Ascot Sunninghill and Sunningdale Neighbourhood Plan Delivery Group</p>	<p>We recognise that there is probably general support among the local community for the redevelopment of this site so that the HGV's are removed from the area. However this application gives rise to several serious concerns and the following objections are raised.</p> <ul style="list-style-type: none"> - Serious concerns regarding trees and landscaping, environmental and design issues and lack of SANG. As well as the lack of affordable housing. - The number of dwellings is too high in relation to access challenges of the site, the Green Belt status of the land and in relation to PRO Forma H10 in the emerging BLP. - With regard to St Georges Lane the access proposed it is insufficient to make this development viable and sustainable: <ul style="list-style-type: none"> - The use of an adopted road as the main access for a development of this size is unacceptable, who will maintain it. - The proposed improvements appear in sufficient - We challenge the transport assessment assumptions on vehicle movement pre and post development especially considering that 	<p>Main report</p>

	<p>peak times for the post development scenario would coincide with the school drop off peaks to St Georges currently avoided by the HGVs.</p> <ul style="list-style-type: none"> - It is unclear whether any of the proposed changes will improve the access to the Winkfield Road roundabout as required by NP/SS3.2(b). - The removal of the parking spaces from St Georges Lane will result in insufficient parking being available for visitors and deliveries for the houses along St Georges Lane who currently make use of this parking. - We are further concerned that several of the local roads on the estate seems to be too narrow to accommodate refuse vehicles or fire engines. - There is insufficient parking allowed for visitors for the application to be complaint with NP/SS3.2 and NP/T1. This is made worse by the narrow local roads which would not allow for resident or visitor parking on street. - Although the lack of garages would not perhaps normally be a matter of access we are concerned that such a lack could become an access issue: if residents and visitors are forced to park on street on roads which are too narrow to accommodate this access- including that for refuse vehicles and emergency services could be impeded. - Pedestrian and cycle access to Ascot High Street is questionable as it relies on access over land not in the applicants control. Pedestrian and cycle access to South Ascot and the station requires considerable upgrading of St George's Lane. 	
SPAE	<p>ACCESS</p> <p>St. George's Lane- critical to the satisfactory flow of additional traffic arising from the proposed development is improvement to the junction of St. George's Lane and the A329 and the Winkfield Road roundabout. The Development Brief refers, in para 7.1, to a package for improvement measures", but nowhere in the application are these provided. Widening of the bend near St. George's School and the provision of a full-length pavement on the west side of the lane are welcomed. However, the double yellow lining of St. George's Lane and the removal of the existing parking bay may create difficulties for some local residents with limited on-site parking who currently rely on these spaces for deliveries and visitor parking.</p> <p>St. George's Lane will become a major access road which, according to RBWM's Highway Design Guide (para 3.2) requires a 6m width carriageway and 2m footpath. It is not clear from the application that this standard will be met.</p>	Main report

	<p>St. George's Lane is un-adopted. Over recent years Shorts have done some road maintenance on a <i>pro bono</i> basis recognizing the wear from their lorries. Post-Shorts this option will not exist. It is poor planning for the sole access to a major development to be limited to an un-adopted lane.</p> <p>At present Short's traffic is strictly confined to "off-peak" hours to avoid conflict with school traffic and rush-hour traffic on the A329. After the development no such restriction will apply. Forecast flows, particularly in the evening are shown in the application to be higher than at present. Access improvements are therefore essential if tailbacks are to be avoided.</p> <p>Pedestrian and cycle access to the NW (Ascot High Street) and to the SW (South Ascot) are held out as merits in the application. However, the first is conjectural and not certain of delivery by this plan and the second is no more than an existing by-way. At present, because of surface conditions, it cannot be regarded as viable for pedestrians seeking to reach Ascot Station.</p> <p>The application would benefit from coordination with developments proposed to the North. This might permit delivery of the currently notional pedestrian/cycle access to the North West and a solution of the A329 access issue. It is interesting to note that RBWM in Part2 of its Edge of Settlement Analysis, referring to the delivery of this site for development, states "The parcel (i.e. Short's site) should only come forward after the delivery of the parcel North (A7) due to existing highways issues". As it stands the application does not meet the requirements of NP/SS3.2 (b) or highway standards.</p> <p>COMPLIANCE WITH OTHER PARTS OF NP/SS3 NP/SS3.1 The site is classified as Previously Developed Land in the Green Belt. The RBWM Edge of Settlement Analysis rightly states, as a constraint for development of this site, that "The parcel makes an important contribution to the purposes of the Green Belt. As such, para 89 of the NPPF requires a proposed development not to have a greater impact on the openness of the Green Belt than the existing development. This is a highly exposed site in the Green Belt when viewed from the South. We note that a significant amount of reprofiling and regrading is to take place, though the application does not appear to show before and after profiles. Without these and the provision of building heights, we are already concerned that structures on the Southern part of the plot (datum c.70m?) will appear dominant when viewed from the surrounding area (mostly at least some 10m. lower). Only when more detail is provided will it be possible to determine the effect of the proposal on Green Belt openness and compliance with NP/DG2 and NPPF paras 79 & 81. We consider that</p>	
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	<p>an important objective of reprofiling should be to minimize the visibility of any new structures from the area to the South, for example by retaining a bank along the Southern edge of the sites. Locating The Green at the Southern extremity of the site with all housing to its North would also assist. The proposed play area on the Southern slopes will be highly visible unless screened by trees. Very Special Circumstances are adduced in the applicant's Planning Statement. Some of these including improved pedestrian access, reduced traffic and road improvement are not borne out within the application.</p> <p>NP/SS3.2 (a) requires new development to bring with it environmental improvements to the Green Belt. The removal of the waste site and its associated traffic are welcome, but we seek remediation of the site particularly for the many old trees on its Eastern edge which appear to have been harmed by tip overspill. The scale and density of new development proposed conflict with Green Belt policy that currently applies to the site.</p> <p>NP/SS3.2 (c) The provision of on-site parking for residents meets the RBWM standard, but visitor parking (at 24 spaces for 131 dwellings) is too frugal. Of more concern is the almost total lack of garages. None is provided for the detached or semi-detached dwellings. For these, parking is described as "on-site". It can be expected that there will be an uncoordinated demand for garages to be built as "Permitted Development". This could quickly destroy the street scene, with RBWM planners powerless to avoid it. Suitably designed garaging should be provided at the outset. Failing that, stringent covenants should be imposed.</p> <p>AFFORDABLE HOUSING Failure to provide affordable housing in accordance with Local Plan Policy H3 is questioned. The (smaller) Gasholder development in Sunninghill, with its own remediation problems, has been able to include affordable housing.</p>	
St Georges School	<p>The school welcomes the change of use of the site to residential. 131 homes are proposed and we believe it is usual for such households, primarily family homes in the area to have at least 2 cars. This will significantly increase traffic especially commuter and school run traffic in the area.</p> <p>The school has previously expressed concern about the use of the un-adopted St George's Lane as the main access to the site which is also the main access to the school. In particular the volume of peak time residential traffic would clash with the school drop of and pick up times (08.15 and 18.15) The school has around 270 pupils</p>	Paragraphs 9.27 – 9.52

	<p>and 140 staff including regular access by delivery vehicles and coaches. Recently pick up from school was from the Quad which is due to its small size resulting in tail backs into the London Road. The school will be investing a significant sum in improving Wells Lane to facilitate pick up from the main car park. We are concerned that the increase in evening traffic could hamper traffic flow and increase congestion.</p> <p>School traffic is restricted to single file near the top of St George's Lane due to the unrestricted parking to the west of the lane. We believe that the access is inadequate and should be improved in some way possibly making a roundabout. Turning right from the junction on exit is already hazardous.</p> <p>We are disappointed that there is little improvement to the pavements in St Georges Lane and consider this should be extended to the school site for pupil safety. Moreover, currently the lane is unlit and we could not find improvements to the street lighting in the area. To address maintenance concerns St Georges Lane should be adopted.</p>	
Wildlife In Ascot	<p>Wildlife in Ascot have grave concerns about the application and the omission in ecological surveys. Firstly we note that parts of the reports have been redacted and so there is no possibility of these aspects being considered or commented upon. The reptile surveys were, in our view not comprehensive enough to be of any real value. This spring has been very cold and things have been slow to get going.</p> <p>Shorts have the opportunity to really do something special in this location by looking at how development and wildlife can be properly considered together.</p> <p>I would respectfully point all parties in the direction of the Kingsbrook development in Aylesbury which was developed as a partnership between the RSPB and Barratt and David Wilson Homes.</p>	Paragraphs 9.68 – 9.90

9. EXPLANATION OF RECOMMENDATION

The key issues for consideration are:

- i) Principle of Development
 - a) Green Belt
 - b) Loss of Waste Management Facility

- ii) Development Quantum, Layout and Visual Impact and Assessment on the Character of the Area
- iii) Highway Considerations and Parking Provision
- iv) Provision of a Suitable Residential Environment
- v) Impact on Neighbouring Amenity
- vi) Impact on Trees
- vii) Affordable Housing Considerations.
- viii) Ecology.
- ix) Impact on the Thames Basin Heath Special Protection Area (SPA)
- x) Impact on Drainage and Surface Water
- xi) Ground conditions, Contamination and Stability
- xii) Public Open Space
- xiii) Sustainable Development and Energy
- xiv) Housing Land Supply
- xv) Very Special Circumstance and Planning Balance

i) Principle of Development

Green Belt

- 9.1 The Development Plan policies for Green Belt are considered out of date in light of their inconsistency with the later Framework policies. As such this proposal has been assessed regarding Green Belt against paragraphs 133 to 145 of the NPPF
- 9.2 Whilst the NPPF broadly supports the policy stance taken in out dated development plan policy GB1 and states that Local Planning Authorities should view the construction of new buildings as inappropriate in the Green Belt, there is now an additional exception to this regarding the re development of previously developed sites. This exception is contained in paragraph 145 which states that, "limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt" can be considered appropriate development in the Green Belt.
- 9.3 The current lawful use of the site as a waste transfer station with no provision for restoration and with the presence of permanent structures namely the large building to the right as you enter, the security hut and the conveyors which means that this part of the application site can be considered previously developed land. Previously developed land can include the curtilage of the structures and not just the area where the structures have been erected.

- 9.4 The definition of previously developed land as stated in the NPPF excludes the garden area of residential properties in a built up area, whilst Foxfields is in the Green Belt it is considered to be sited on the edge of a built up area and cannot be included. Whilst most of the site is therefore previously developed land given that not all the site is the proposal is considered inappropriate development in the Green Belt.

The proposal's impact on the openness of the Green Belt

- 9.5 Following a site visit and from viewing the aerial photographs of the site submitted with the application it is clear to see that the existing site is occupied by a large number of structures, a large amount of machinery, areas of hardstanding, parking for approximately 45 cars and very large stock piles of waste. The stockpiles vary in height and can be in excess of 7.5m high and are the tallest features on the site, they are sited in the southern half of the site. The existing portacabins and various structures/machinery/skips used for waste processing are sited primarily in the northern part of the site and vary in height. Land in the northern part of the site is also used for car parking. As such there is a spread of development and urban sprawl across nearly all of the site. (See Appendix B – aerial photo).
- 9.6 The dwellings proposed within the middle of the site are to be 3 storeys with the remaining units consisting of 2, 2.5 and 1.5 storey buildings. Building heights have been lowered during the course of the application setting out maximum ridge heights for the 3-storey building of 11.5m, 2.5 storey buildings 9.5m and 2 storey building being no more than 8.5 metres high and these heights have been secured by condition as well as the total amount of floor space proposed. The amount of built footprint proposed with these varying heights would be greater than the existing structures, the stockpiles of waste and the associated paraphernalia and whilst there would be a reduction in openness across the site due primarily to the increase in height across the site, given the combination of structures and stock piles it is considered that there would be a limited harm to the openness of the Green Belt both spatially and visually over and above what currently exists.
- 9.7 In conclusion therefore the proposal constitutes inappropriate development and therefore there is harm by definition as well as a limited harm identified to openness. Substantial weight needs to be afforded to this harm by definition and the actual limited physical reduction in openness to the Green Belt.
- 9.8 Whilst the applicant considers the development is appropriate in Green Belt terms they have put forward a case of very special circumstances. (VSC) The applicants VSC is considered at the end of the officers report, once it has been established if there is any other harm identified.

Loss of a Waste Management Facility.

- 9.9 As an active waste management site, the current use is safeguarded in the Waste Local Plan (WLP) for Berkshire, which was adopted in 1998. Policy WLP21 safeguards, inter alia, existing permanent authorised waste management uses, sites where permanent permission is granted for waste treatment, recycling and transfer facilities “which are considered to be central to the achievement of the objectives of the Waste Management Plan” and for inert waste landfill, the sites listed in Appendix 8A. The site is listed in Appendix 8A as “St Georges Lane, Ascot”. The Waste Management Plan referred to in the policy was prepared alongside the adopted WLP and approved in 1995. However, as one of the largest waste transfer facilities in the Borough, it is considered that the current use at the site is safeguarded by this policy.

The policy does not outline any circumstances when this safeguarding would be outweighed by other considerations. However, it should be noted that the facility is now out of date and in need of substantial investment.

- 9.10 The Waste Local Plan is over twenty years old and was produced before the National Planning Policy for Waste (NPPW) and also the NPPF. As such, it will have reduced weight.
- 9.11 The Ascot, Sunninghill & Sunningdale Neighbourhood Plan was formally adopted by the Borough Council in 2014. It states that the Shorts Recycling Transfer Station site is a strategic site in the plan, and hence suitable for development, with the proposed use being “employment or alternative uses”. Policy NP/SS3 ‘Shorts Recycling Transfer Station site’ encourages redevelopment of the Shorts site for alternative uses, with environmental improvements and highways improvements to St George’s Lane and to the Winkfield Road roundabout. The supporting text identifies that the site is previously developed land in the Green Belt. It adds that HGVs that use the site have an “awkward” access from narrow St George’s Lane onto the London Road and many of the lorries then route through Ascot High Street, which is “far from ideal”. The Neighbourhood Plan forms part of the Development Plan and therefore has full weight whilst prepared and made prior to the publication of the NPPF (2019), it appears consistent with the NPPF and is attached full weight as part of the Development Plan.
- 9.12 Whilst allocated in the emerging Local Plan this policy is afforded only very limited weight.
- 9.13 In light of the policies in the development plan, emerging local plan policies and national policy, the important question is whether the site should continue to be safeguarded for waste management purposes. It should be noted that there is very limited waste management capacity within the Central and Eastern Berkshire area.
- 9.14 WLP21 of the adopted Waste Local Plan safeguards all important permanent waste management uses but does not set out any circumstances where this safeguarding might be removed. It is considered that this policy lacks flexibility and is not fully consistent with national policy in the NPPF, which does not refer specifically to safeguarding but instead seeks to ensure that non waste development does not prejudice the efficient operation of existing waste facilities. The equivalent policy (W2) in the emerging Joint Minerals and Waste Plan (JMWP) is more flexible, setting out a range of circumstances where the loss of waste management facilities on a site might be acceptable, one of which is that an alternative site can be found within the plan area and/or the planning benefits of the non-waste development clearly outweigh the need for the waste management facility at the location.
- 9.15 The applicant has submitted a ‘Waste Management Relocation Strategy’ with the planning application. This sets out the applicant’s strategy to ensure that the operations on the site are relocated to another site within the current catchment area. It should be noted that this catchment area includes some areas that are beyond the JM&W plan area, including Slough. It is acknowledged that this search could take some time and so contingency arrangements are being established to ensure business continuity. In brief, the Strategy proposed is that most (about 75%) of the capacity of the application site (St Georges Lane) could be transferred to the company’s sites at Hollybush Lane in Aldershot and Planners Farm in Bracknell, although the latter site could only manage green waste and clean wood waste. The remainder (25%) would need to be managed in other facilities not owned by the Shorts Group.

- 9.16 Whilst not fully compliant with the aims of Policy W2 in the emerging JMW plan, the applicant has demonstrated a clear desire not to lose existing capacity at the site and has agreed to a clause in the legal agreement to finalise and secure the relocation of the existing capacity should a new site not be found prior to the commencement of development. It would not be in the company's interest to affect their established customer base or damage their thriving waste business which continues to grow. Also as previously noted the existing waste transfer facility is out of date and in need of modernisation with the waste uses processed in the open, which does not comply with the current regulations. It is understood that the company wishes to use receipts from the sale of the site to improve and modernise the facilities at their new permanent site which is in the process of being finalised. Whilst mitigation can be secured to minimise the impact of the loss of the waste site should a new site not be forthcoming in terms of policy compliance it cannot presently be confirmed that the loss of this waste transfer site can be re-provided though it is highly likely.
- 9.17 As such it needs to be considered whether the benefits provided by the redevelopment of this site outweigh the harm of its loss. Balanced against the continued safeguarding of the site is the desire of the local Ascot community to redevelop the site for alternative uses. The adopted Ascot, Sunninghill & Sunningdale Neighbourhood Plan, which has full weight as part of the Development Plan, includes a policy to achieve this aim (NP/SS3), with environmental and highways improvements to be achieved in the context of retaining the site in the Green Belt which also ties in with the wider aim to regenerate the area around Ascot High Street. The principle of the redevelopment of this site for housing (including affordable homes), as supported by the adopted Ascot, Sunninghill & Sunningdale Neighbourhood Plan (full weight) for alternative uses and as allocated in the Emerging Borough Local Plan (limited weight) is considered acceptable and the benefits of this would be considered to outweigh the loss of the waste transfer site.

ii) Development Quantum, Mix, Layout and Visual Impact and Assessment on the Character of the Area.

- 9.18 Policies DG1 and H10 of the adopted Local Plan seek to ensure that residential development will be of a high standard of design and landscaping, compatible with the area and street scene. Section 12 of the NPPF (2018) deals with achieving well designed places and the delivery of developments that will function and contribute to the overall quality of the area in the long term. To achieve this, development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; they should be sympathetic to local character and history, including the surrounding built environment and landscape setting. The NPPF (2019) is clear to emphasise that this should not prevent or discourage change (such as increased densities).
- 9.19 The illustrative masterplan layout has merit particularly as a significant number of houses overlook green space, including the central Green and boundary landscaping. The connections at the northwest corner into Ascot and at the south east corner are welcome in principle. Whilst the Design and Access Statement makes reference to the Victorian Villages and Late 20th Century Suburbs townscape types found in Ascot, the borough Edge of Settlement report Part 2 (2016) states, in reference to the Townscape Assessment undertaken, that the parcel (A8 - Land west of St. George's Lane, including Shorts Recycling, Ascot) is bordered to the north east by an area classified as 'Villas in a Woodland Setting'. 'This is characterised by an extremely low density residential suburb comprising large villas set in large, irregular plots, with an urban form based on an informal network of wide, widening roads and subsidiary cul-de-sacs'.

- 9.20 It is considered that in the context of the site allocation and the site becoming in effect a part of the developed Ascot Town Centre, it is not unreasonable that the development should relate to the town centre in character. This would allow a greater mix of dwellings and smaller units to be provided and more affordable homes which weighs in favour of the scheme as there is a need as evidenced though the Council's Housing Need Assessment and the Neighbourhood Plan for this type of accommodation in the area, an issue often raised by the Parish Council and local residents. Furthermore the retained strong landscape boundary belt will screen the site and help integrate new development with the surroundings as evidenced by the Visual Impact Assessment submitted in support of the application.
- 9.21 Removing the area to the south of the site which will be available as public open space the site area is approximately 4.8 hectares, which equates to a density of 27 dwellings per hectares which is not considered high. Furthermore in light of paragraph 117 of the NPPF which is up to date Government guidance, and advises that *"planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions."* This application would achieve this aim whilst not compromising the character of the area for the reasons laid out in the preceding paragraphs.
- 9.22 Furthermore the proposal is considered to comply with Policy H8 of the adopted Local Plan which states that redevelopments should contribute towards improving the range of housing accommodation in the borough and will particularly favour proposals which include dwellings for small households and those with special needs. This is further supported by Neighbourhood Plan policy NP/H2 which confirms that development proposals for new dwellings will be expected to contribute to the aim of ensuring a balanced mix of housing in the Plan area. It goes on to say that *"dwellings should be in size and type in keeping with the size and type of dwellings already prevalent in the surrounding area except where there is a demonstrable need for an alternative type or size of home and these can be delivered in keeping with the surrounding area. Subject to being in keeping with the surrounding area, development proposals that will deliver small and medium houses will be encouraged."* Given the benefit of providing a range of smaller houses and the lack of harm that the proposal would have on the character and appearance of the area the proposal is in compliance with the aims and objectives of this policy.
- 9.23 The NPPF also seeks a wide choice of high quality housing to be provided through the planning system, and requires Local Planning Authorities to identify the housing mix that is required and plan to meet the identified need. The NPPF (2019) further states that design quality should be considered throughout the evolution and assessment of individual proposals and encourages early discussion between applicants, the local planning authority and local community about the design and style and that designs should evolve to take account of the views of the community. National policy guidance is clear that applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot. A statement of community involvement has been submitted with application and a development brief produced in accordance with NP/H1.
- 9.24 Policy HO2 of the BLPSV states that the provision of new homes should contribute to meeting the needs of current and projected households by providing an appropriate mix of dwelling types and sizes, reflecting the most up to date evidence. As set out in the Berkshire SHMA 2016. The mix in the most up to date evidence indicates that there

is need for predominately two and three bedroom units (which this site would provide 13.7% and 66.4% respectively). This is a material consideration.

- 9.25 The layout also identifies the opportunity for a pedestrian and cycle connection via the northwest corner of the site, to Ascot, but it is considered that this connection is tucked away and should be more clearly legible from the route network serving the development. Additionally, the pedestrian access from St George's Lane at the south east corner gives onto a circuitous path climbing up to the housing. Notwithstanding the level change a more direct and useful connection should be provided as in the future this could serve as an important connection through the site to the western end of Ascot High Street. These improvements would be sought to be secured through the reserved matters application in relation to layout, should permission be given.
- 9.26 The proposed indicative layout demonstrates that a high-quality residential scheme for 131 dwellings has the potential to be achieved in compliance with Local Plan policies DG1, H10 and H11 and policies NP/DG2 and NP/DG3 and the Borough Design Guide SPD. Whilst the proposal is not technically in compliance with NP/DG1 – Respecting the Townscape because the proposal will have to be more built up in nature than the adjacent Villa's in A Woodland setting this is outweighed by the considerations outlined in NP/H2 regarding providing a mix of smaller properties where this can be achieved without causing harm. The proposal due to tree screening would also not have a detrimental impact when viewed from the public footpath. A conditions is recommended to ensure that the mix of dwellings houses is achieved at the reserved matters stage.

iii) Highway Considerations and Parking Provision.

- 9.27 Policy TF6 of the adopted Local Plan states that all development proposals will be expected to comply with the Council's adopted highway design standards. The NPPF (2019) states that developments should promote opportunities for sustainable transport modes can be (suitable to the type of development and its location), provide safe and suitable access to the site can be achieved for all users; and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 9.28 The NPPF (2019) is clear that proposals should be designed to give priority to pedestrian and cycle movements having due regard for the wider areas and design access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use. A further priority is to address the needs of people with disabilities and reduced mobility and create places that are safe and secure. Developments should also take into consideration onsite access for deliveries, and servicing and be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 9.29 A Transport Assessment (TA) and Framework Travel Plan has been prepared by Peter Bret Associates followed up by 2 technical notes that have been submitted in support of this planning application. The assessment below considers the submitted information against the Development Plan and gives regard to material planning considerations.

Sustainable transport modes

- 9.30 In terms of giving priority to sustainable transport modes, the application site is located in an accessible area. A draft travel plan has been submitted as part of this planning application which proposes a number of actions to support the applicant's initiatives to promote sustainable modes of transport to reduce the number of single occupancy car trips. The implementation of a travel plan could be secured through the legal agreement if permission were granted. The travel plan also states that all dwellings will be provided with the infrastructure for charging electric vehicles. Conditions could secure this through the reserved matters applications, along with charging points.

Highway safety and access

- 9.31 The NPPF (2019) states at paragraph 109 that:

'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

- 9.32 Neighbourhood Plan Policy NP/SS3 states proposals for the appropriate re-use of the site should demonstrate improvements to St Georges Lane and to the access to the Winkfield Road /High Street roundabout.
- 9.33 The existing vehicular access is to be stopped up and relocated approximately 15 metres north. The proposed access has been designed to restrict vehicle movements to turn left out only, in order to minimise vehicle movements to and from Wells Lane and would provide adequate visibility splays. No objection is raised to the new access.
- 9.34 The carriageway of St Georges Lane would be widened at Wells Lane to facilitate two-way vehicle movements as cars turn the corner to and from St George's School. Existing on-street parking along St George's Lane would be removed to allow two-way traffic movement so cars would not have to wait for each other to pass at the existing pinch point and double yellow lines would be provided along the western kerb edge to prevent on street parking mirroring the existing double yellow lines along the eastern kerb edge. A dropped kerb will still be provided for the property known as Taycot.
- 9.35 Pedestrian and cycle connectivity both across the site and on St Georges Lane will be improved. The existing narrow footpath on the western side of St Georges Lane will be improved creating a continuous footway with a minimum width of 2m. The footpath running parallel to the Shorts' Yard boundary is 3m in width. Within the site pedestrian and cycle access routes spur off from the site access and the north-west boundary towards and between the proposed areas of public open space at the Green, the Crescent and the southern amenity space. These permeable routes will open up the site to provide enhanced access towards Ascot High Street and the station improving pedestrian and cycle accessibility in the local area.
- 9.36 The above measures and the increased visibility at the new site access junction will ensure that the proposed development does not pose any increased road safety risk and can be considered an improvement over and above the existing situation.
- 9.37 The Highways Authority has requested information regarding the vertical and horizontal alignment however this application seeks permission for the access only, the internal road layout will be assessed under the reserved matters application regarding layout and therefore the application couldn't be refused in the absence of this information. A condition is recommended so that the applicant is aware that the illustrative plans which show the internal road layout are not approved under this application and will form part of the reserved matter considerations under layout.

- 9.38 As detailed within the Transport assessment the vehicle impacts of the proposed development have been considered in Passenger Car Units (PCUs) this is a transport engineering industry standard methodology which assigns a conversion factor to different vehicle types to an equivalent PCU value. For instance a car has a PCU value of 1.0 where as Ordinary Goods Vehicles (such as those serving the Shorts Site) have a PCU value of between 1.9 and 2.9 depending on their size.
- 9.39 A comparison of the existing and proposed vehicle PCU profile at Shorts Yard has shown that the proposed development would result in a predicted daily decrease in PCU vehicle movement of approximately 90 two-way car movements per day.
- 9.40 The existing operation at the Short's site is permitted to operate between the hours of 07.30 and 17.30 on Mondays to Fridays and between 08.00 and 12.00 on Saturdays under planning permission 10/00989. As demonstrated in the TA however there are relatively few HGV movements at the existing site after 16.00 and none observed after 17.00. This is because the Short's Group actively seeks to minimise HGV movements after 16.00 to avoid conflict with pick up times from St Georges School. As a result there are relatively few existing HGV movements recorded during the typical evening peak hours however this would not necessarily be the case should another waste operator occupy the site in the future.
- 9.41 The PCU comparisons forecasts that the proposed development will have no greater impact during the morning peak hours than the existing use but there would be a marginal increase during the evening peak hours. This impact is not considered "severe" in the context of the NPPF nor does it justify any additional mitigation and junction improvements other than those put forward under this current proposal.
- 9.42 The Parish Council has raised the issue that the Transport Statement appears to indicate that the number of HGV trips to and from the site exceed the 990 movements per week allowed under application 10/00989. Highways have been consulted on this point and have confirmed that despite the breach there have been no reported injury accidents at the junction during the last 10 years – (normally highways would only the review accident data across a 3 year period). Therefore, the HGV trips currently generated from the site raises no concern.
- 9.43 Junction capacity assessments have also been undertaken at
- The proposed site access junction with St George's Lane
 - The St George's Lane junction with London Road; and
 - The London Road junction with the High Street and Winkfield Road
- 9.44 The proposed improvements at the St George's Lane junction with London Road will provide improvements in both scenarios i.e. the existing use continues along with forecast growth and committed development in the local area and the proposed development takes place along with the forecast growth and committed development.
- 9.45 The junction capacity assessments carried out on the London Road junction with the High Street and Winkfield Road recorded high Ratio of Flow over Capacity (RFC's) and vehicle delays would occur in the forecast year with or without development at Shorts' Yard.
- 9.46 Taking into account the proposed junction improvements to the Winkfield Road roundabout the capacity assessments conclude that the junction would operate within capacity in both the future scenarios.

- 9.47 Finally the Highway Officer has confirmed that the proposed access would provide suitable visibility when accessing and egressing the site.

Parking Provision

- 9.48 The Council's Parking Strategy (2004) sets out the Council's recommended parking provision for new developments. Based on the proposed indicative mix the proposed level of parking would be as follows:

	House Type	Quantity	Allocated Parking	Number of spaces required by the Council's guidance	Sub-Total	Total
1 bed	Mews apartment	11	1 per apartment	11	11	252
2 bed	Mews apartment	14	1 per apartment	14	14	
2 bed	Semi-detached cottage	4	2 per cottage	8	8	
3 bed	Semi-detached house	49	2 per house	98	98	
3 bed	Detached house	7	2 per house	14	14	
3 bed	Town House	31	2 per house	62	62	
4 bed	Semi-detached house	11	3 per house	33	33	
4 bed	Detached House	4	3 per house	12	12	
	Visitor Unallocated	24		None	24	24
				252	276	276

Table 2: Indicative Car Parking Provision

- 9.49 Parking provision would not normally be considered at the outline stage, this is a consideration of the reserved matters regarding layout. The Planning Statement confirms that whilst parking is not for determination at this stage the Illustrative Layout has been designed to demonstrate that adequate parking can be provided and therefore contribute to the case that the principle of 131 dwellings on this site can be achieved.
- 9.50 Neighbourhood Plan policy NP/T1 states that "*Development proposals must, wherever possible provide adequate parking on-site and not rely on on-street parking*" As demonstrated above the proposal exceeds the parking requirements as set out in the Borough's adopted standards and therefore there is no conflict with this policy. This advice is reiterated in NP/SS3 which supports the redevelopment of this site subject to

provisions. One of those provisions is that there is the *“provision of on-site parking to ensure there is no additional demand on parking elsewhere in Ascot Centre.”*

- 9.51 It would be usual for the parking provision proposed to take account of the local site context i.e. car ownership levels and importantly the NPPF aims to ensure that all new development supports and encourage the use of sustainable transport mode. It is unclear from the Technical Note submitted how the development intends to achieve these aims by proposing a high parking threshold. It is noted that evidence in support of the Neighbourhood Plan shows that Ascot has a higher level of car ownership per household (1.66) than the average in the Borough (1.50) which already has a higher level of car ownership by national standards. For this reason complying with the Council’s maximum standards seems reasonable, furthermore some additional parking needs to be provided for the parking to be lost along St Georges Lane. Even taking this into account there is still a small over provision of car parking which could be controlled during the assessment of any reserved matters application with regard to layout.
- 9.52 Accordingly, and whilst parking would be a reserved matter it is considered that the principle of an acceptable level of car parking in support of a development of this scale within the built parameters is proposed as part of this application. A wider assessment of the parking provision, having due regard to relevant material considerations, including the NPPF (2019) which requires parking provision to have due regard to car ownership levels and the Neighbourhood Plan NP/T1 and NP1/SS3 requirements would be considered at the reserved matters stage.

iv) Provision of a Suitable Residential Environment

- 9.53 Whilst the proposed layout is indicative a small part of the indicative layout shows some of the mews apartments which are located over parking courts in a backland setting being sited too closely together and to some of the proposed dwellings. This aspect has the potential to result in poor outlook, overbearing impact and overlooking. For these reasons should this indicative layout be submitted under a reserved matters application for layout it would not be supported. Officers consider however that there is scope to redesign this part of the scheme within the proposed area to be developed and provide a suitable residential environment, the remaining part of the scheme is considered acceptable.
- 9.54 There are no neighbouring uses that would have a detrimental impact on the future occupiers’ of this site amenities. The office and residential development to the north, tennis courts and open space to the west and south would not have an unacceptable impact on future occupiers of the site.

v) Impact on Neighbouring Amenity

- 9.55 The nearest neighbouring residential property is Taycot which fronts St Georges Lane and lies to the north of the site. This property is sited 10 metres from the edge of the site and is separated from the site by the access road to Index House. A tree belt runs along this boundary. The approval of the layout under a reserved matters application can ensure that the proposal would not have a significant impact on any occupiers of neighbouring properties’ amenities by way of overbearing impact, loss of light or loss of privacy. Furthermore, no objection is raised to the relocation of the access and impact upon this property as a distance of approximately 25 metres would be retained between the access and this neighbouring property.

- 9.56 The remaining properties lie on the other side of St Georges Lane and are sufficient distance away that the proposal would not have a detrimental impact on their amenities. Whilst there would be more traffic using St George's Lane especially in the PM peak, this by way of noise and disturbance would not result in an unacceptable impact on residential amenity. Furthermore, there would be a substantial reduction in the number of HGV's using the lane which is seen as a benefit of the scheme.
- 9.57 Index House lies to the north of the site it is in office use. This building is sited 14 metres away from the northern boundary of the site and therefore it is very achievable to secure a layout that would not impact the amenities of users of this building.

vi) Impact on Trees.

- 9.58 The site has a significant number of existing trees along the boundaries along with a small number within the site itself. The site has been subject to a comprehensive tree survey covering some 164 individual trees and 35 tree groups and the outline application is accompanied by a detailed Arboricultural Impact Assessment (AIA) based on the illustrative Master Plan.
- 9.59 24 tree features have been identified for removal to facilitate the development of which zero are Category A, 4 are Category B and 20 are Category C, a further 11 trees were found to be in such poor condition that their removal is also recommended for landscape improvement purposes, irrespective of the proposed development. Where trees are proposed for removal they will be replaced elsewhere on the site as part of a comprehensive landscape strategy as part of a reserved matters application.
- 9.60 The remaining 164 tree features are proposed to be retained and integrated into the development based on the illustrative Masterplan, including the boundary trees in the northern part of the site which will screen the development from Index House. It has been demonstrated that sufficient space and adequate protection measures have been set out to ensure retained trees are not damaged during the pre-construction and construction phase. Five trees (T36, T49, T53, T67, T78), at this stage will be subject to surfacing works within their root protection areas. Special measures are recommended and could be secured through condition to ensure these trees are not damaged. Eight trees would require remedial works to facilitate the development but none of the proposed works are considered detrimental.
- 9.61 It has been demonstrated that a development of 131 dwellings could be accommodated on the site without causing harm to trees as such the proposal complies with Local Plan Policy N6, and Neighbourhood Plan Policy NP/EN2.

vii) Affordable Housing Considerations.

- 9.62 Policy H3 Affordable Housing of the adopted Local Plan requires that this development provides 30% affordable housing on site, this would equate to 39 affordable housing units being provided. Policy HO3 of the BLPSV requires effectively the same. However, given the number of unresolved objections limited weight is afforded to the policy as a material consideration.
- 9.63 A viability assessment has been submitted in connection with this application (published on the Council's web site) which put forward the case that the proposed development could not viably provide any affordable housing contributions.

- 9.64 This viability assessment has been independently reviewed by the District Valuers Office (DVO), who raised several objections primarily to do with the business disruption costs, the sale values and existing values. Taking on board the comments from the DVO a revised viability assessment was submitted which confirmed that the scheme was viable with a 30% provision comprising of 11 x 1 bed units, 18 x 2 bed units and 10 x 3 bed units all shared ownership.
- 9.65 To be compliant with the emerging Policy H03 and the viability Update 2019 the tenure split should be 45% social rent (17), 35% affordable rent (14) and 20% shared ownership (8). However as previously explained in this report limited weight is given to policies in the emerging BLP.
- 9.66 If the above mix of affordable housing was secured the development would be unviable. A 30% provision with mix of 80% affordable rent and 20% shared ownership was then assessed but showed a deficit of £2m. A 22% scheme 80% (23 units) intermediate rent and 20% (6 units) was also tested and showed that the scheme would be viable and could secure a better mix of affordable to meet an identified need in the borough than the proposed 30% all shared ownership. This proposal would secure affordable rent - 11 x 1 bed flats and 12 x 2 bed flats and - 2 x 2 bed flats and 4 x 2 bed cottages shared ownership.
- 9.67 Whilst the NPPF expectation that at least 10% of homes on major sites should be available for affordable home ownership this is only required if it would not prejudice the ability to meet the identified affordable housing needs. This borough has a much higher need for affordable rent which outweighs this requirement of the NPPF.

viii) Ecology.

- 9.68 There are no policies in the adopted Local Plan which deals with ecology or biodiversity. Neighbourhood Plan Policy NP/EN4 requires that all development proposals should seek to enhance biodiversity wherever possible. This plan forms part of the development plan and therefore the proposal needs to comply unless there are material considerations to indicate otherwise.
- 9.69 Paragraph 170 of the NPPF (2019) states that planning decisions should contribute to and enhance the natural and local environment and to minimise impacts on and providing net gains for biodiversity. Paragraph 175 of the NPPF (2019) states that:
- “When determining planning applications, local planning authorities should apply the following principles:*
- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused...*
- 9.70 Policy NR3 of the BLPSV requires proposals to protect and enhance biodiversity and to prevent deterioration of the ecological status of rivers in accordance with the Water Framework Directive.
- 9.71 Circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and their Impact Within The Planning System (this document has not been revoked by National Planning Policy Framework) states that:

“It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted.

Habitats

- 9.72 The site comprises predominately of a large area of bare earth, with office buildings, spoil heaps, grassland, shrub and car parking. The redline boundary includes a strip of woodland bordering to the east, south and west, that connects to larger areas of woodland further beyond. This woodland is likely to constitute Lowland Mixed Deciduous Woodland Priority Habitat. The majority of this bordering woodland would be retained with some individual trees around the site scheduled for removal. Moreover, as per the Landscape Masterplan, it indicates that a vegetation buffer would be provided along the east and southern borders (currently comprising bare earth and introduced shrub). As such, it is considered that there would be no direct loss of Priority woodland.
- 9.73 The site also borders grassland fields to the north and south, with land listed as Ancient Woodland 15m west and a railway corridor 160m south. A Local Wildlife Site (LWS), ‘St George’s Lane – Fields’, lies 10m from the southeast corner of the application site.
- 9.74 There is a risk that the LWS, Ancient Woodland and Priority Habitat may be adversely affected by the construction works through an increase in pollution (such as dust or surface water run-off). As such, and as per the recommendations made in the ecology report by the applicant, a Construction and Environment Management Plan (CEMP) should be implemented to ensure that measures are taken to safeguard these habitats during the construction period.
- 9.75 In addition, it would be appropriate to consider how an increase in recreational pressure resulting from the development could adversely affect the offsite LWS. LWS are protected by local plan policy N9, which states *“In considering development proposals affecting Local Nature Reserves and Wildlife Heritage Sites (known also as Local Wildlife Sites), the council will have particular regard to the need to protect natural features and the availability of mitigation measures. Measures will be required to safeguard and enhance Wildlife Heritage Sites included within any development proposals”*. Since the site connects to residential areas to the northeast, north and northwest, it is likely that future residents of the development will opt to use the LWS to the south for recreational purposes. The Ecological Assessment Report refers to the potential impact of recreational pressure upon the LWS, but no mitigation/compensation for this has been proposed. Further negotiations have taken place with the applicant who have confirmed their agreement to secure a contribution of £4,940 to mitigate this impact.
- 9.76 The site falls within 5km of the Thames Basin Heaths Special Protection Area (SPA) and, as per Policy NR4 of the Local Plan (2017), it must be demonstrated that adequate mitigation measures are put in place to avoid any adverse impacts of the development upon the SPA. This is addressed further in paragraphs 87 and 88 of this report.

Bats – roosting

- 9.77 Section 3.5.12 of the initial bat report states that none of the trees identified for removal were identified as potentially suitable to support roosting bats". Of the 9 buildings onsite, building B3 was found to host a bat roost and B5 is believed to have hosted a long-eared bat roost historically (Bat Survey Report, Peter Brett Associates). Whilst the initial bat survey is now more than 2 years old the applicant in response to this did carry out an updated Extended Phase 1 Habitat Survey, Ecological Desk Study and a Phase 1 bat survey. These reports confirmed that the ecological character of the site had not changed significantly since the original work was undertaken 2017/2018 and can therefore still form a sound basis for the determination of this outline permission. Conditions are recommended to ensure that further survey work is undertaken prior to commencement to ensure that the recommended avoidance and mitigation measures put forward remain sound at the times of works.
- 9.78 As it is very likely therefore that the proposed works would disturb or harm roosting bats a license for development works affecting bats will need to be obtained from Natural England - for derogation from the provisions of the Habitat Regulations - before any works which could impact upon the roost can commence.
- 9.79 Planning Authorities have statutory duties under The Habitat Regulations. It needs to be satisfied that a license for development works affecting bats is likely to be granted by Natural England. In this case it is considered that as long as a mitigation plan such as that given in the bat survey report is provided or as updated where necessary, the proposed works would pass the three tests of The Habitat Regulations (set out in subparagraphs 53(2)(e), (9)(a) and (9)(b)) and as such receive from Natural England a license, because:
1. The development is for an imperative reason of overriding public interest of an economic nature as the development will contribute to a social and economic need of the local community for better housing (this is assuming that it is in compliance with other planning policy) - therefore Regulation 53(2)(e) can be met
 2. There is no satisfactory alternative to the development as without carrying out the works the aforementioned need would not be met - therefore Regulation 53(9)(a) can be met
 3. Appropriate mitigation can be provided which will ensure that there will not be a detrimental impact to the favourable conservation status of the bat species concerned - therefore Regulation 53(9)(b) can be met.
- 9.80 As such, should the Local Planning Authority be minded to grant planning permission, it is recommended that a suitably worded planning condition is imposed to ensure that the necessary mitigation is secured and carried out.
- 9.81 The bat survey report notes that the site contains some habitats that are likely to be used by foraging and commuting bats - in particular, the boundary woodland. As such a condition is recommended to secure a wildlife-sensitive lighting scheme.

Badgers

- 9.82 Badgers are protected under the Protection of Badgers Act 1992, which makes it illegal to intentionally kill, injure or take a badger or attempt to do so, or to recklessly damage, destroy or obstruct access to any part of a badger sett. If damage to a sett cannot be avoided, a licence to interfere with a sett should be obtained from Natural England.
- 9.83 Three potential outlier badger setts were recorded during the updated survey in 2019, two of which were recorded as being in "current use". One sett in current use and one which is currently disused will be lost as part of the development proposals and therefore a licence from Natural England will be required in order for the development

to proceed lawfully. The ecological appraisal has provided advice as to the methods of sett closure, the timings of works and given the transient nature of badgers, the need for a further surveys prior to the development works commencing.

- 9.84 As such, a condition is recommended to ensure that a) an update badger survey is undertaken of the entire site and a 30m buffer prior to development, b) a licence to close sett B (or any other active sett recorded during further surveys) is obtained (and a copy provided to the council), and c) in the event that conditions change and a licence is not required, a short letter report detailing this reasons for this assessment is provided to the council.

Reptiles

- 9.85 The reptile surveys (Reptile Survey Report, Peter Brett Associates) have been undertaken to an appropriate standard, and no reptiles were found onsite. Considering the potential reptile value of the surrounding habitats (grassland and woodland), the report recommends that precautionary working measures should be implemented to ensure that reptiles do not move into the site before or during development. Given the updated ecological work that has been carried out it is still considered that the measures as detailed in Sections 5.3.1 and 5.3.2 of the reptile survey report should be conditioned if the Local Planning Authority is minded to grant planning permission.

Great Crested Newts

- 9.86 Two ponds within 500m of the application site were assessed as having “average” and “good” suitability for use by breeding great crested newts (GCN) [The ponds are sited southwest of the site and are surrounded by habitat of good suitability for use by terrestrial GCN (woodland that is adjacent to a grassland field). The majority of the application site, being an active demolition materials yard, is unsuitable for use by GCN.
- 9.87 As such, Sections 4.2.7-4.2.12 of the ecology report state that a ‘Non-Licensed Precautionary Working Methods Statement’ will be prepared to ensure that the risk to GCN remains minimal. This can be included within the CEMP document (which, as stated above, should be conditioned if the Local Planning Authority is minded to grant planning permission).

Other species

- 9.88 The CEMP would also include detailed measures to be taken to avoid disturbing or harming nesting birds. Vegetation clearance should be undertaken outside of the bird nesting season or, if that is not practical, vegetation should be checked immediately prior to removal by a suitably qualified ecologist.
- 9.89 In addition, in line with Paragraph 118 of the NPPF which states “opportunities to incorporate biodiversity in and around developments should be encouraged”, biodiversity enhancements – such as bird and bat boxes, reptile refugia and wildlife-friendly planting – should be included within the scheme. Should the Local Planning Authority be minded to grant planning permission, it is recommended that a suitably worded planning condition is set to ensure that a biodiversity enhancement plan (including locations, specifications and management details) is submitted and implemented.
- 9.90 Overall, the majority of the site (bare earth and spoil heaps) is of little ecological value. However, the surrounding woodland habitat is likely to be of some importance to

protected and notable wildlife such as bats, badgers and GCN, and an increase in recreational pressure could have an adverse effect on the LWS. It is considered that these species and their habitats can be sufficiently protected through the use of planning conditions which secure the habitat enhancement and mitigation measures set out in the ecology assessment via a landscaping and ecology management plan plus a financial contribution towards the LWS. Subject to these measures it is considered that the development will have an acceptable impact on ecological grounds and therefore complies with Neighbourhood Plan Policy NP/EN4, paragraph 175 of the National Planning Policy Framework and policy NR3 of the submission version of the emerging Borough Local Plan.

ix) Impact on the Thames Basin Special Protection Area (SPA)

9. 91 The Thames Basin Heaths Special Protection Area (the SPA) was designated in 2005 to protect and manage the ecological structure and function of the area to sustain the nationally important breeding populations of three threatened bird species. The application site is located within five kilometres from the closest part of the Thames Basin Heaths Special Protection Area (SPA), which is protected by European and national legislation. This imposes requirements on the Local Planning Authority to protect this sensitive area of natural/semi-natural habitat. Although the Council has an adopted Suitable Alternative Natural Greenspace (SANG) known as Allen's Field, this only has a limited amount of remaining capacity.
- 9.92 An appropriate assessment has been carried out and the applicant has agreed in principle to purchase SANG at Frost Folly in Bracknell Forest. This SANG is a super sang and would adequately mitigate this development a SAMM payment would also be required as well as a monitoring fee paid to Bracknell to cover their administration, processing and monitoring costs. A legal agreement can be completed to secure this and ensure the necessary monies are paid prior to the occupation of the development. Subject to this legal agreement the proposed development would not have a detrimental impact on the SPA. Given the sites distance from the SPA and the existing vehicular movements generated from the site the proposal does not raise air quality issue in relation to the SPA either.

x) Impact on Drainage and Surface Water

- 9.93 The application is supported by a Flood Risk Assessment which includes a surface water drainage strategy. The Lead Local Flood Authority has commented on the application and are satisfied that it has been demonstrated that a satisfactory sustainable drainage system is achievable and that further details can be provided at the condition stage along with the remaining points of clarification. Subject therefore to an appropriately worded condition no objection is raised. As such the proposal complies with paragraph 163 of the National Planning Policy Framework and BLPSV Policy NR1.

xi) Ground conditions, Contamination and Stability

- 9.94 Local Plan Policy NAP4 requires all development to demonstrate that there would not be any unacceptable risk to ground water. BLPSV Policy EP1 seeks to avoid development proposals locating sensitive uses including residential uses in areas with existing or likely pollution or contamination. BLPSV Policy EP5 supports development proposals on land which is or suspected to be contaminated where the applicant can demonstrate that there will be no harm arising from the contamination to the health of future occupiers of the site.

- 9.95 The applicant has submitted a ground condition report which has been reviewed by the Council's Environmental Protection Officer and the Environment Agency who raise no objection to the application subject to conditions.

xii) Public Open Space and Infrastructure

- 9.96 Local Plan Policies R4 and R5 require this site to provide a minimum of 15% of the gross site area to be public open space. A local area of play (LAP) and local equipped area of play (LEAP) are required. 1683m² of open space would be provided in 'The Green' sited within the middle of the site and 7577m² would be provided to the south of the site albeit at a lower level. This cumulative level of open space equates to 16% complies with this policy requirement. A 400m² LEAP which would include a trim trail, bench seating and picnic tables would be provided in the open space area to the south and this is considered acceptable. It is regrettable that the land to the south is at a lower level but views of the southern area of open space will also be gained from the public footpath adjacent which offers some surveillance and also opens up this part of the site to people approaching from the south.

xiii) Sustainable Development and Energy

- 9.97 New development is expected to demonstrate how it has incorporated sustainable principles into the development including; construction techniques, renewable energy, green infrastructure and carbon reduction technologies.
- 9.98 The NPPF (2018) paragraph 153 states that in determining planning applications developments should comply with any development plan policies or local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable
- 9.99 Paragraph 131 of the NPPF (2018) also states that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 9.100 A sustainability statement and outline energy statement have been submitted with this application and this can be developed further though the reserved matters applications.

OTHER MATERIAL CONSIDERATIONS

xiv) Housing land supply

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

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

- 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.

9.102 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).’

9.103 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 (5hr hls) is the ‘standard method’ as set out in the NPPF (2019).

9.104 For the purpose of this planning application the LPA currently cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer). In the absence of a five year housing land supply, it would have to be demonstrated that any adverse impacts of the proposed development (subject to there being a case of VSC and appropriate mitigation secured to mitigate the impact on the SPA) would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. Having regard to all the material considerations the proposal would not result in any harm that would significantly and demonstrably outweigh its benefits.

xv) Case of Very Special Circumstances and Planning Balance

9.105 It has been demonstrated that in accordance with national policies this form of development in the Green Belt is inappropriate development which would cause limited harm to the physical openness of the Green Belt. This harm needs to be afforded substantial weight in accordance with the NPPF. This development therefore can only be approved if there is a clear case of very special circumstances which would overcome this identified harm. Whilst the loss of the waste transfer site is unlikely given the applicant desire to find a new site and work is being undertaken on this in the absence of a confirmed strategy weight also needs to be attributed to the loss of the waste transfer site.

9.106 The NPPF advises that “Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.” Officers have reviewed the case of Very Special Circumstance put forward by the applicant and considers that the following weight can be attributed to the relevant material considerations.

<u>VSC as put forward by the applicant</u>	<u>Officers Level of Weight Attributed</u>
The provision of 131 units in the context of the Borough not having a 5 years housing land supply including 29 affordable homes of which 80% are affordable rent on a primarily brownfield site in a sustainable location close to public transport and local shops as promoted in the Neighbourhood Plan	Significant Weight
The existing 990 HGV vehicle movements which are permitted per week at the	Limited Weight

existing operation at Short's Yard will be removed from Ascot High Street and the local highway network	
Improvements to the local landscape and visual improvements across the site	Limited Weight
Remediation of any contaminated land found on the site and stabilising of existing slopes	Limited Weight

9.107 The provision of 131 units in the context of the Borough not having a 5 years housing land supply including 29 affordable homes of which 80% are affordable rent on a primarily brownfield site in a sustainable location close to public transport and local shops as promoted in the Neighbourhood Plan which comprise substantial benefits is afforded significant weight and along with the limited weight afforded to the removal of the HGV's movements along the highway street, the visual improvements and the decontamination of the site are collectively considered to clearly outweigh the harm to the Green Belt and loss of the waste transfer site and therefore a case of Very Special Circumstances has been made.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

10.1 The development is CIL liable. This will be calculated at the reserved matters stage regarding layout. However, based on the indicative floor space proposed in the applicant's viability assessment this would likely be in the region of £2.9 million (plus indexation).

11. CONCLUSION

11.1 The proposed development constitutes an inappropriate form of development in the Green Belt and would result in limited harm to the openness of the Green Belt, substantial weight needs to be afforded to this Green Belt harm. The case of VSC put forward in paragraph 9.105 would clearly outweigh this harm along with the harm from the loss of the waste transfer site. As such the proposal complies with paragraph 145 of the NPPF.

11.2 Balanced against the continued safeguarding of the site as a Waste Transfer site is the desire of the local Ascot community to redevelop the site for alternative uses. The adopted Ascot, Sunninghill & Sunningdale Neighbourhood Plan, which has full weight, includes a policy to achieve this aim (NP/SS3), with environmental and highways improvements to be achieved in the context of retaining the site in the Green Belt which also ties in with the wider aim to regenerate the area around Ascot High Street. Officers therefore do not object to the principle of the redevelopment of this site for housing, as this is supported by the adopted Ascot, Sunninghill & Sunningdale Neighbourhood Plan for alternative uses which should be given full weight and consider that the benefits of the scheme outweigh the loss of the waste transfer site.

11.3 The proposed indicative layout demonstrates that a high quality residential scheme has the potential to be achieved in compliance with Local Plan policies DG1, H10 and H11 and policies NP/DG2 and NP/DG3. Whilst the proposal is not technically in compliance with NP/DG1 – Respecting the Townscape because the proposal will have a more built up nature than the adjacent Villa's in A Woodland setting this is outweighed by the considerations outlined in NP/H2 regarding providing a mix of smaller properties where this can be achieved without causing harm.

- 11.4 The proposed access is considered acceptable. There is concern however that the level of parking proposed, primarily the number of visitor parking spaces has not been justified and as such is not in accordance with the NPPF which promotes sustainable modes of transport. The NP/T1 states that development proposals must make adequate provision for parking and access for deliveries, service vehicles, and tradesmen working on site and social visitors as well as for residents or workers. However this policy does not quantify how this is to be calculated. Notwithstanding this parking will be a matter that is resolved during the Reserved Matters Application regarding layout.
- 11.5 It is considered that 131 dwellings of the mix indicated can be provided on the site without causing harm to the amenities of the occupiers of the neighbouring properties whilst creating a good standard of amenity for future occupiers. The proposal complies with paragraph 127 of the NPPF.
- 11.6 It has been demonstrated that a development of 131 dwellings can be accommodated on the site without causing harm to trees as such the proposal complies with Local Plan Policy N6, Neighbourhood Plan Policy NP/EN2 and BLPSV Policy NR2. Furthermore 16% of the sites areas will be public open space in compliance with Local Plan policy R3.
- 11.7 The majority of the site (bare earth and spoil heaps) is of little ecological value. However, the surrounding woodland habitat is likely to be of some importance to protected and notable wildlife such as bats, badgers and GCN, and an increase in recreational pressure could have an adverse effect on the LWS. It is considered that these species and their habitats can be sufficiently protected through the use of planning conditions which secure the habitat enhancement and mitigation measures set out in the ecology assessment via a landscaping and ecology management plan plus a financial contribution towards the LWS. Subject to these measures it is considered that the development will have an acceptable impact on ecological grounds and therefore complies with Neighbourhood Plan Policy NP/EN4, paragraph 175 of the National Planning Policy Framework and policy NR3 of the submission version of the emerging Borough Local Plan.
- 11.8 The development is viable providing 22% of the units as affordable whilst securing a mix of both affordable rent and shared ownership.
- 11.9 Subject to an appropriately worded condition the applicant has demonstrated that an acceptable Sustainable Drainage system can be achieved. As such the proposal complies with paragraph 163 of the National Planning Policy Framework and BLPSV Policy NR1.
- 11.10 It has been demonstrated that this number of units can be supported by an appropriate level of infrastructure primarily secured by a CIL payment available and that bringing forward this site first and for this number of units does not prejudice the aims and objectives for Ascot High Street as set out in the Neighbourhood Plan and given full weight and the BLPSV Policy HA10 which is afforded very limited weight.
- 11.11 In conclusion therefore the proposal would be inappropriate development in the Green Belt and would have a moderate effect on openness along with some harm regarding the possible loss of the waste transfer site. The sum of other considerations that weigh in favour of the development, including the provision of 131 units in the context of the Borough not having a 5 years housing land supply including 29 affordable homes of which 80% are affordable rent on a primarily brownfield site in a sustainable location close to public transport and local shops as promoted in the Neighbourhood Plan is afforded significant weight and along with the limited weight afforded to the removal of

the HGV's movements along the highway street, the visual improvements and the decontamination of the site are collectively considered to clearly outweigh the harm to the Green Belt and therefore a case of Very Special Circumstances has been made.

12. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Ariel Photograph of Site
- Appendix C – Proposed Site Access Arrangement
- Appendix D – Illustrative Master Plan

13 RECOMMENDED HEADS OF TERMS OF S106

13.1 Heads of Terms to be secured in the Legal Agreement if the permission was to be granted

Securing permissive pedestrian and cycle routes on and across the site in perpetuity including a route to the boundary with the land to the north to allow future pedestrian/cycle connection to Ascot High Street.

Secure the public use and maintenance of a village green and public areas throughout the development.

Secure the deliverability of the affordable housing under a suitable timeframe.

To secure through a Section 278 Agreement with the Local Highway Authority off site highway improvements to St Georges lane as detailed within the submitted transport assessment.

To secure through a Section 278 Agreement with the Local Highway Authority off-site highway improvement works to the London Road junction with the High Street and Winkfield Road as detailed within the Transport Assessment.

To make a financial contribution of £4,940 towards the management of the adjacent Wildlife Area to mitigate the new development impact upon it.

To secure visitor parking on site to displace the existing parking spaces from St George's Lane.

To secure the preparation and implementation of a Travel Plan.

- The first survey shall take place within 6 months of first occupation or when 50% of units are occupied, whichever comes about first.
- Thereafter, surveys should be undertaken annually for a period of 5 years or until travel plan -targets are achieved, whichever is longer.
- Full surveys will be required annually rather than in years 3 and 5 as currently indicated in the travel plan. Copies of the annual monitoring reports must be issued to RBWM for approval

To secure a relocation strategy for the existing waste capacity to minimise impact.

14. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 Details of the appearance, landscaping, layout and scale of the approved development; (hereinafter called the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development is commenced. Application for the approval of all the reserved matters shall be made to the Local Planning Authority within three years of the date of this permission
Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended)
- 2 The Development shall commence within two years from the date of approval of the last of the reserved matters.
Reason: In accordance with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).
- 3 The reserved matters application(s) pursuant to the development approved in outline shall not exceed 15,379 sq m Gross Internal Area (GIA) of residential floorspace (including garages, car ports and undercroft car parking).
Reason: To ensure compliance with the applicants Very Special Circumstances for the development hereby permitted in the Green Belt as required by policy GB1 of the Local Plan (2003) and the NPPF (2019)
- 4 The reserved matters application(s) pursuant to the development hereby approved shall ensure that of the 131 dwellings hereby approved 6-10% will be one bedroom , 12-16% will be two bedroom, 64-68% will be 3 bedroom properties, 10-14% will be 4 bedroom unless otherwise agreed in writing with the Local Planning Authority.
Reason: To ensure compliance with the Neighbourhood Plan policy NP/H2 to secure a mix of different housing types and the NPPF (2019)
- 5 The following maximum ridge heights (excluding chimney, vents, ariels etc) and storey heights above ground level shall apply to the dwelling types across the site
Mews House / Flat above Garage - 1 storey above garage - no more than 7.3m
Semi-detached / Terrace Cottage - 2 storeys - no more than 8.5m
Detached / Semi-detached House - 2.5 storeys - no more than 9.5m
Town House - 3 storeys- no more than 11.5 m
There shall be no dwellings across the site higher than 3 storey.
Reason: To ensure compliance with the applicants Very Special Circumstances for the development hereby permitted in the Green Belt as required by policy GB1 of the Local Plan (2003) and the NPPF (2019)
- 6 The reserved matters application(s) pursuant to the development approved in outline shall provide a minimum of 1.3 ha of public open space including a LAP and LEAP.
Reason: To ensure compliance with policy R3 of the Local Plan (2003) and the NPPF (2019)
- 7 No more than 50 per cent of the Dwellings shall be Occupied until 50 per cent of the Public Open Space forming part of the development has been fully laid out in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority. All of the Public Open Space should be laid out and available prior to the Practical Completion of the final Dwelling.
Reason: To accord with the terms of the application. Relevant Policies Local Plan R3, H10, DG1.
- 8 No development above slab level shall commence until details of the materials to be used on the external surfaces of the dwellings have first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.

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

- 9 No development above slab level shall commence until a specification of all the finishing materials to be used in any hard surfacing on the application site have been submitted to and approved in writing by the Local Planning Authority and thereafter undertaken in accordance with the approved scheme.

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

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

Reason: In the interest of the visual amenities of the area. Relevant Policy Local Plan DG1, H10.

- 11 Notwithstanding the provisions of Classes A, B, D, E and F of part 1 and Class A of part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification) no enlargement or any other alteration (including the erection of any ancillary building within the curtilage or the provision of a hard surfaced area or means of enclosure to any part of the application site shall be carried out without planning permission having first been obtained from the Local Planning Authority.

Reason: To ensure compliance with the applicants Very Special Circumstances for the development hereby permitted in the Green Belt as required by policy GB1 of the Local Plan (2003) and the NPPF (2019)

- 12 Prior to each phase of development approved by this planning permission no development shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified: all previous uses potential contaminants associated with those uses (i) a conceptual model of the site indicating sources, pathways and receptors (ii) potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those offsite.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: 1 To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework, adopted policy NAP4 of the Royal Borough of Windsor and Maidenhead Local Plan 2003 and emerging policy EP5 of the Borough Local Plan 2013-2033.

- 13 Prior to any part of the permitted development being occupied, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.
Reason: To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework, adopted policy NAP4 of the Royal Borough of Windsor and Maidenhead Local Plan 2003 and emerging policy EP5 of the Borough Local Plan 2013-2033.
- 14 The development hereby permitted shall not commence until a monitoring and maintenance plan in respect of contamination, including a timetable of monitoring and submission of reports to the local planning authority, has been submitted to, and approved in writing by, the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by, the Local Planning Authority.
Reason: To ensure that the site does not pose any further risk to the water environment by managing any on-going contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 170 of the National Planning Policy Framework, adopted policy NAP4 of the Royal Borough of Windsor and Maidenhead Local Plan 2003 and emerging policy EP5 of the Borough Local Plan 2013-2033. The Phase 2 Ground Condition Assessment shows that shallow groundwater is present both within the landfill material and within the Bagshot Formation, and that they are in hydraulic continuity. Long-term monitoring is required to prove that the mobilisation of on-site contamination during construction does not adversely affect groundwater quality within the underlying Secondary A aquifer.
- 15 No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.
Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework, adopted policy NAP4 of the Royal Borough of Windsor and Maidenhead Local Plan 2003 and emerging policy EP5 of the Borough Local Plan 2013- 2033. SuDS methods using infiltration of surface water to ground may mobilise contaminants within the landfill material to adversely affect the underlying Secondary A aquifer.
- 16 Piling shall not be carried out other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: To ensure that the proposed development, does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework, adopted policy NAP4 of the Royal Borough of Windsor and Maidenhead Local Plan 2003 and emerging policy EP5 of the Borough Local Plan 2013-2033. The Phase 2 Ground Condition Assessment considers the use of piled foundations. Piling using penetrative methods can result in risks to potable supplies from, for example, pollution/turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Piling in this location may create a pathway for

contamination sourced within the landfill material to pollute the underlying Secondary A aquifer.

- 17 No part of the development shall be occupied until the site access with St George's Lane has been completed in accordance with the approved drawing ref. 39125/5501/012D. The access shall be retained thereafter only as approved.
Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to comply with Policy T5 of the adopted Local Plan and guidance in the NPPF
- 18 No part of the development shall be occupied until the improvements to St George's Lane have been completed in accordance with the drawing ref 31925/5501/012D. The highway improvements shall be retained thereafter only as approved.
Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to comply with Policy T5 of the adopted Local Plan and guidance in the NPPF.
- 19 No part of the development shall be occupied until the St George's Lane / London Road junction (Winkfield Roundabout) have been completed in accordance with the drawing ref. 31925/5501/025A. The highway improvements shall be retained thereafter only as approved.
Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to comply with Policy T5 of the adopted Local Plan and guidance in the NPPF.
- 20 The details of the vertical and horizontal alignment of all the internal estate roads shall be submitted to and approved in writing by the Local Planning Authority under the reserved matter application for "layout". The internal road layout as submitted has not been agreed under this application.
Reason: In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and to comply with Policy T5 of the adopted Local Plan and guidance in the NPPF.
- 21 No development shall commence until construction details of the internal estate roads to achieve an adopted standard have been submitted to and been approved in writing by the Local Planning Authority. The residential units hereby approved shall not be occupied until the roads are constructed in accordance with the approved plans.
Reason: To ensure the internal access roads are to a satisfactory standard for use by the public and prospective occupants and are completed before occupation in accordance with the adopted local plan policies - T5 and DG1.
- 22 As part of the reserved matters application(s), relating to layout, a plan to show the network of pedestrian and cycle routes within the site shall be submitted to and approved in writing by the Local Planning Authority. These routes shall thereafter be implemented and retained in accordance with the approved details.
Reason: To promote sustainable modes of transport in accordance with saved policies T5 and T8 of the adopted Local Plan.
- 23 As part of all reserved matters application(s), relating to appearance details of covered and secure cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be kept permanently available for the parking of cycles in association with the development.
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 - T7 of the Local Plan.

- 24 The applicant shall demonstrate through the reserved matter(s) application relating to layout that 10% of the proposed unallocated parking spaces for flatted development will have electric charging points and a further 10% of the unallocated parking spaces for the flatted development should have passive charging points. The reserved matters shall also demonstrate how all dwellings will be provided with the infrastructure for charging electric vehicles, all of which infrastructure shall thereafter be retained and maintained.
Reason: In the interests of sustainable modes of transport in accordance with the NPPF (2019).
- 25 The gradient of private drives shall not exceed 1 in 12.
Reason: To ensure adequate access to parking space and garages is provided. Relevant policies Local Plan T5, P4
- 26 No gates shall be provided across the vehicular entrance to the development. There shall also be no lockable gate to pedestrian access points.
Reason: To protect the visual amenities of the area and to promote inclusive communities in accordance with the NPPF.
- 27 At the same time as the submission of an application for the approval of reserved matters relating to layout a detailed servicing strategy including for refuse and recycling collection for the residential properties shall be submitted to, and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plans and strategy.
Reason: In the interest of highway safety and free flow of traffic and in the interests of the living conditions of occupiers in existing buildings and future occupiers of the development. Relevant saved policy T5 of the adopted Local Plan.
- 28 The development shall be undertaken in accordance with the following unless otherwise agreed with Natural England or the Local Planning Authority:i. Ecological Assessment Report 39125/001Rev AA (March 2018)ii. Bat Survey Report 39125/002 Rev AA (March 2018)iii. Reptile Survey Report 39125/001Rev AA (March 2018)iv. Ecological Appraisal Hankinson Duckett Associate (July 2020)The implemented measures shall be maintained thereafter in accordance with the approved details.
Reason: To mitigate the impact of the development on the ecology of the site and to provide biodiversity enhancements in accordance with the NPPF.
- 29 Notwithstanding the above condition no development shall commence until updated protected species surveys for any survey over 2 years old relating to roosting bats, reptiles and great crested newts have been carried out by a suitably qualified ecologist and a report confirming the results and implications of the assessment, including any revised mitigation measures, has been submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with these updated strategies.
Reason: Reason: To ensure protected species are safeguarded in line with emerging Policy NR3 and wildlife legislation.
- 30 No development hereby permitted shall commence until a badger sett survey of the development site and immediately adjacent areas has been undertaken. This survey shall be undertaken within 28 days of the start of works on site and a brief letter report detailing the results of the surveys is to be submitted to the Local Planning Authority. If surveys show that a licence to disturb a badger sett is required, a copy of a valid licence is to be submitted to the planning authority prior to the commencement of works.

Reason: To ensure that badgers and their setts are safeguarded in line with emerging Policy NR3 and wildlife legislation.

- 31 No development shall take place (including demolition, ground works and vegetation clearance) related to the proposed development until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following.a) Risk assessment of potentially damaging construction activities) Identification of "biodiversity protection zones".c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction, including precautionary measures in relation to the priority habitat, ancient woodland and adjacent wildlife site.d) Invasive species removal method statement [if applicable]e) The location and timing of sensitive works to avoid harm to biodiversity features.f) The times during construction when specialist ecologists need to be present on site to oversee works.g) Responsible persons and lines of communication.h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.i) Use of protective fences, exclusion barriers and warning signs.The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that impacts on protected species and other biodiversity are minimised in accordance with Paragraphs 170 and 175 of the NPPF, and NR3 of the submitted Local Plan.

- 32 Prior to the occupation of any dwelling details of biodiversity enhancements for the relevant phase - to include bird and bat boxes, tiles or bricks on and around the new buildings, and gaps at the base of fences to allow mammals to traverse through the site - shall be submitted to and approved in writing by the Local Planning Authority. The enhancements shall thereafter be implemented and maintained as approved.

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

- 33 No external lighting (including floodlighting) shall be installed until a report detailing the lighting scheme and how this will not adversely impact upon wildlife has been submitted to and approved in writing by the Local Planning Authority. The report shall include the following figures and appendices:a) A layout plan with beam orientation b) A schedule of equipment c) Measures to avoid glare d) An isolux contour map showing light spillage to 1 lux both vertically and horizontally and areas identified as being of ecological importance.e) Hours of operation of any external lighting.The approved lighting plan shall thereafter be implemented as agreed.

Reason: To ensure that wildlife is not adversely affected by the proposed development in line with the NPPF.

- 34 No removal of scrub or trees, or demolition of buildings or structures, shall take place between 1st March and 31 August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the vegetation and buildings for active bird nests immediately before site clearance and provided written confirmation that no nesting birds will be harmed/disturbed and/or that there are appropriate measures in place to protect any nesting birds until the nesting activity has ceased. Details of these measures shall be submitted to the Local Planning Authority prior to works commencing. Confirmation that no nesting birds will be harmed/disturbed shall be provided to the Local Planning Authority, within 24 hours of work commencing.

Reason: To mitigate the impact of the development on the ecology of the site and to provide biodiversity enhancements in accordance with the NPPF.

- 35 Prior to commencement of the development, a plan showing the boundary treatments and how these have been designed to allow hedgehogs and other animals to traverse the site (for example, through the use of hedgehog friendly gravel boards such as those specified here: <https://www.jarrettfencing.co.uk/product/hedgehog-gravel-board/>) is to be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall thereafter be installed and maintained in accordance with the approved details.
Reason: This condition will ensure that any walls and / or fences do not cause a detriment to wildlife including hedgehogs (which are a Priority Species), and that the ecological value of the site is enhanced in line with paragraph 175 of the NPPF.
- 36 The development shall not be occupied until all walls, fencing or any other means of enclosure (including any retaining walls), have been constructed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the satisfactory resultant appearance and standard of amenity of the site and the surrounding area. Relevant Policy - Local Plan DG1.
- 37 As part of the reserved matters application(s) relating to appearance it should be demonstrated how an overall total of at least 5% of the dwellings across the application site are delivered as accessible and adaptable dwellings in accordance with Part M 4(2) standards.
Reason: To ensure suitable provision is made for those with limited mobility and disabilities to reflect the needs of the Borough as set out in policy HO2 of the emerging Borough Local Plan and the NPPF (2019)
- 38 Prior to the commencement of the development a Dust Management Plan detailing measures sufficient to ensure that all dust arising from site remediation, construction, and demolition work shall be contained within the site boundaries shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented in full and in accordance with the approved dust management plan.
Reason: To protect the amenities of the area and prevent dust nuisance Local Plan Policy NAP3.
- 39 No development (excluding demolition) shall commence until a surface water drainage scheme for the development, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority. Details shall include:a) Full details of all components of the proposed surface water drainage system including dimensions, locations, gradients, invert levels, cover levels and relevant construction details.b) Supporting calculations confirming compliance with the Non-statutory Technical Standards for Sustainable Drainage Systems, proposed discharge rates and attenuation volumes to be provided.c) Details of the maintenance arrangements relating to the proposed surface water drainage system, confirming who will be responsible for its maintenance and the maintenance regime to be implemented.d) Details of the proposed discharge point from the site to the existing watercourse, and the copy of the agreement between the applicant and the owner of any third party land within which the proposed headwall will be constructed.e) The surface water drainage system shall be implemented and maintained in accordance with the approved details thereafter.
Reason: To prevent excess run-off from the site and pollution of groundwater. Relevant Policy:Local Plan - NAP4. and to reduce the rate of surface water run-off in order to minimise the risk from flooding.
- 40 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 shall be submitted to and approved in writing by the Local Planning Authority. The approved

measures shall be implemented in full prior to any equipment, machinery or materials being brought onto the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. These measures shall include fencing in accordance with British Standard 5837. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made.

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

- 41 Prior to the occupation of any dwellings commencement of development a landscape management plan including long-term design objectives, management responsibilities and maintenance schedules for a minimum period of 5 years shall be submitted to and approved in writing by the Local Planning Authority. The plan shall cover any areas of existing landscaping, including woodlands, and all areas of proposed landscaping other than private domestic gardens.

Reason: To ensure the long term management of the landscaped setting of the development and to ensure it contributes positively to the visual amenities of the area. Relevant Polices - Local Plan DG1.

- 42 No development shall commence until details of the siting, size, landscaping equipping and maintenance of the children's play area, have been submitted to and approved in writing by the Local Planning Authority. The play areas shall be provided in accordance with the approved details before any part of the development is first occupied and retained.

Reason: In the interests of amenities of future occupiers of the area. Relevant Policies - Local Plan R4, R5.

- 43 As part of the reserved matters application(s) relating to appearance, a report to show how the proposed development will be constructed and maintained in accordance with the aims and objectives of the Outline Energy Statement and Sustainability Statement both prepared by Peter Brett dated March 2018 or as updated by the Development Plan or adopted Guidance shall be submitted to and approved in writing by the Local Planning Authority. The agreed measures shall thereafter be implemented and retained in accordance with the approved details.

Reason: To promote sustainability in accordance with the aims and objectives of the NPPF.

- 44 The development hereby permitted shall be carried out in accordance with the approved plans listed below. SK08 - Site location plan, 39125/5501/012 Rev D Proposed Site access Arrangement 39125/5501/025 Rev A London Road/St Georges lane Mitigation Arrangement

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

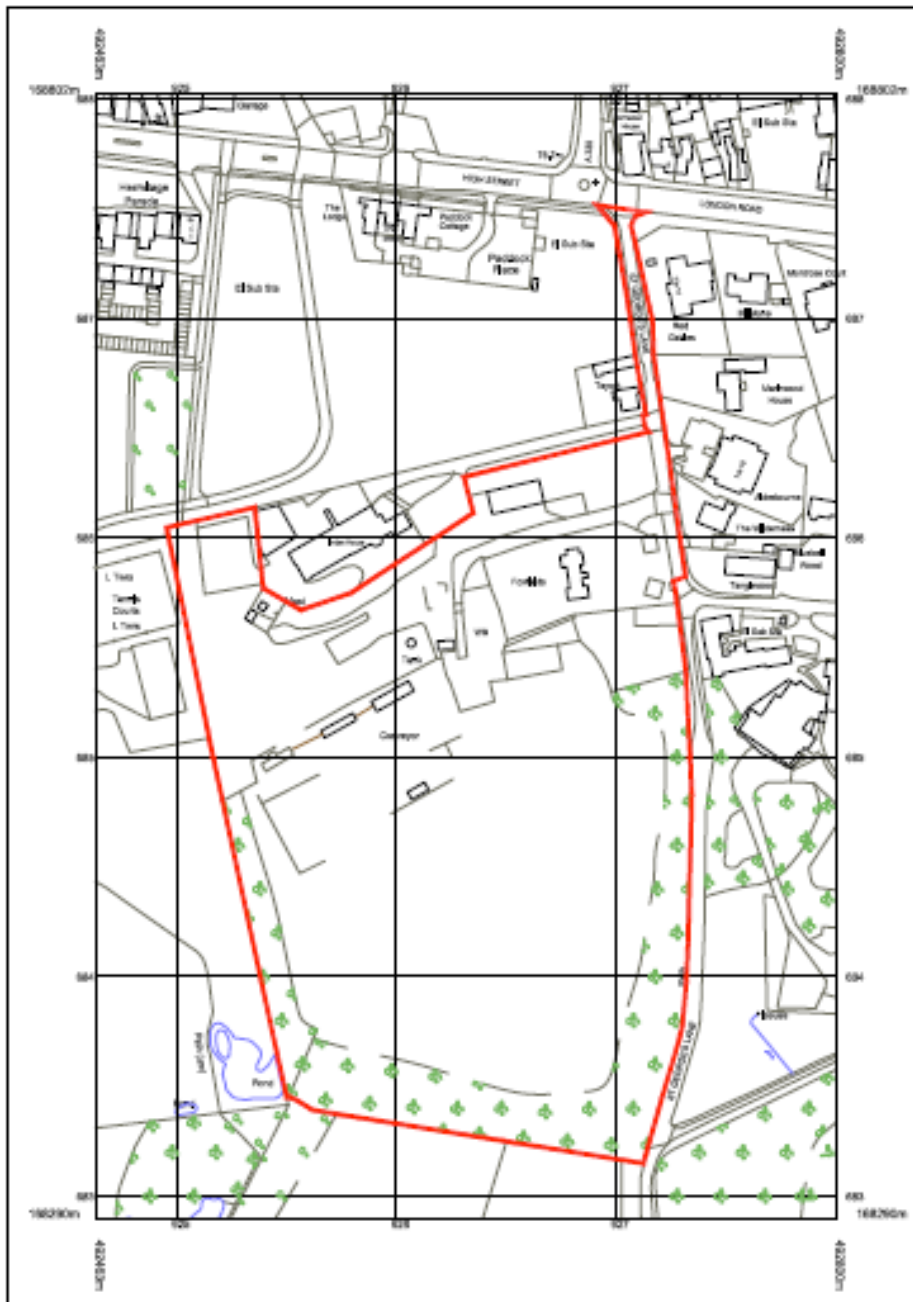
Informatives

- 1 The applicant is advised that the reserved matter applications can only be considered once the full details of the development plat from and its associated works have been agreed.
- 2 Advice with regard to condition 12 - A remediation strategy to deal with the risks associated with contamination of the Zone B, 'Foxfields', as labelled in the submitted Phase 2 Ground Condition Assessment has not been submitted with this application.

We require that Zone B undergoes adequate characterisation to show that it does not present an unacceptable risk to groundwater. The Phase 2 Ground Condition Assessment states that, "elevated ammonia concentrations in the water samples recovered within the boreholes drilled onsite (up to 17mg/l in BH02)". We are concerned that the mobilisation of on-site contamination during construction may adversely affect groundwater quality within the underlying Secondary A aquifer. We require that the current remediation strategy is amended to adequately manage this risk. We also have several queries about Appendix A and B of the Phase 2 Ground Condition Assessment that we would like to see addressed. These are: 1. In Appendix A - PBA Exploratory Hole Logs, the logs for BH01 to BH08 are not included. We would like to review these logs as soon as possible. 2. In Appendix B - there is a notation O or N next to the borehole number in the Client Sample Ref. column on the Chemtest report sheets for water, e.g. BH03 (N), BH03 (O). We would like clarification on what this notation refers to.

- 3 Advice to Applicant Dewatering is the removal/abstraction of water (predominantly, but not confined to, groundwater) in order to locally lower water levels near the excavation. This can allow operations to take place, such as mining, quarrying, building, engineering works or other End 5 operations, whether underground or on the surface. The dewatering activities on-site could have an impact upon local wells, water supplies and/or nearby watercourses and environmental interests. This activity was previously exempt from requiring an abstraction licence. Since 1 January 2018, most cases of new planned dewatering operations above 20 cubic metres a day will require a water abstraction licence from us prior to the commencement of dewatering activities at the site.

Appendix A Site Location Plan



North arrow pointing up.

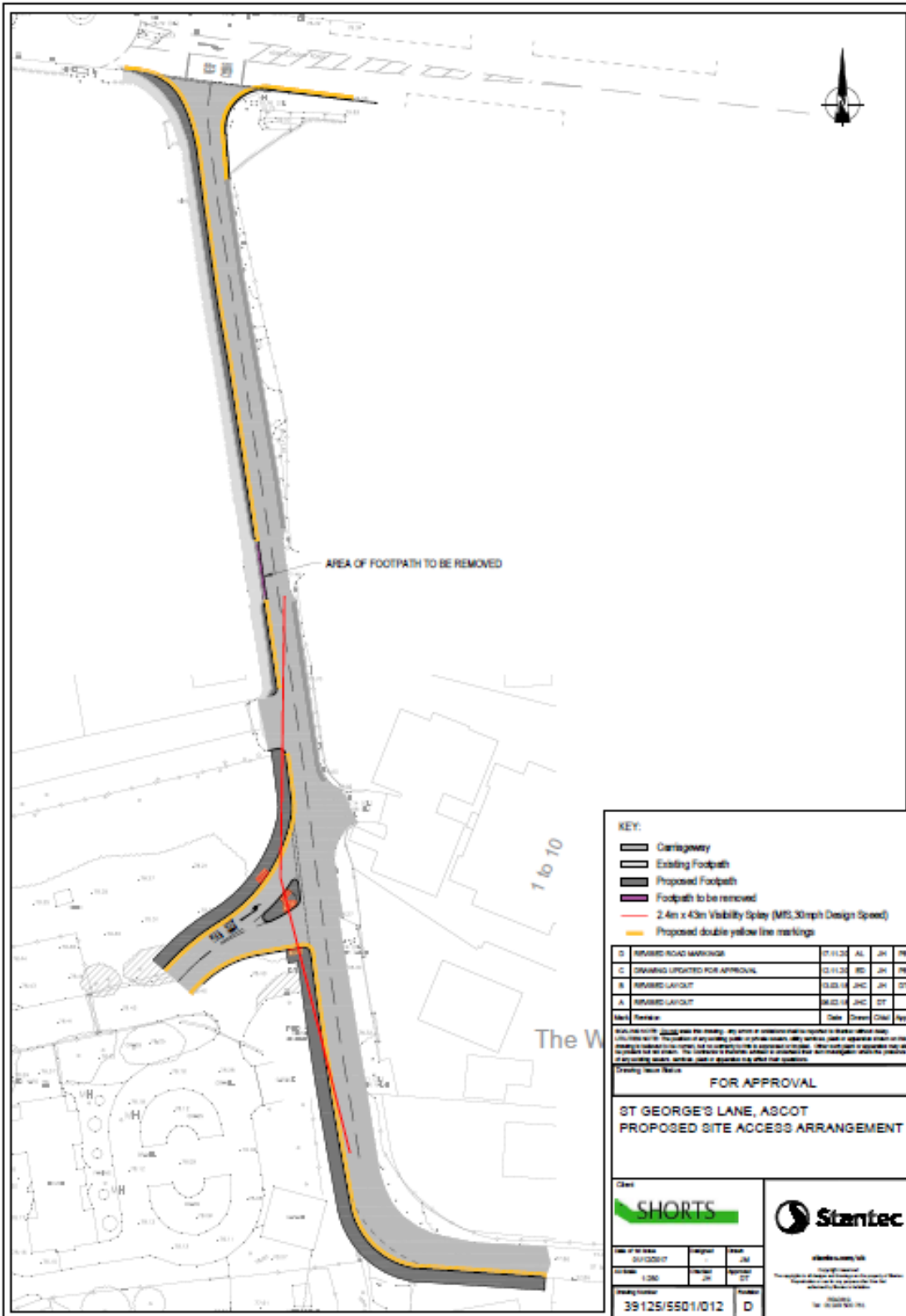
Scale bar: 0, 20, 40, 60, 80, 100 Meters.

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Appendix B Ariel Photo of Site



Appendix C – Proposed Site access Arrangement



Appendix D – Illustrative Masterplan



14/03/18

ILLUSTRATIVE MASTERPLAN
SHORTS' YARD, ASCOT

Drawing No: SK204A
Scale: 1:500@A1

ILLUSTRATIVE MASTERPLAN FOR SHORTS' YARD, ASCOT. ALL RIGHTS RESERVED. © 2018. ALL RIGHTS RESERVED. FOR OFFICIAL USE ONLY.

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DEVELOPMENT CONTROL PANEL

16 December 2020

Item: 2

Application No.:	20/00809/FULL
Location:	Hurley House Hotel Henley Road Hurley Maidenhead SL6 5LH
Proposal:	Construction of a marquee to the rear of the main building for associated event space (Retrospective).
Applicant:	Hurley House Hotel
Agent:	Mr Kevin Scott
Parish/Ward:	Bisham Parish/Bisham And Cookham
If you have a question about this report, please contact: Haydon Richardson on 01628 796697 or at haydon.richardson@rbwm.gov.uk	

1. SUMMARY

- 1.1 Whilst the very special circumstances put forward in support of the application are noted, they are not sufficient to outweigh the harm caused by inappropriate development, harm to openness of the Green Belt, harm to the amenities of Apple Tree (nearest neighbour) and harm to the character of the area. The development is therefore considered to be contrary to Local Plan Policies GB1, GB2(A), DG1, NAP3, E10 and paragraphs 83, 84, 127, 133, 134 ,143, 144, 145, 146 of the NPPF (2019); warranting refusal of this application.

It is recommended the Panel refuse planning permission for the following summarised reasons (the full reasons are identified in Section 12 of this report):	
1.	The proposed Marquee does not fall into any of the exceptions to inappropriate development as outlined in paragraphs 145 and 146 of the NPPF (2019). It is therefore considered to be inappropriate development in the Green Belt. Due to its location on otherwise open land, its scale, in particular footprint and height, it is also considered to cause spatial and visual harm to the openness of the Green Belt. No very special circumstances have been demonstrated which outweigh its substantial harm to the Green Belt and other harm identified (to the character of the area and amenities of residents at Apple Tree). The proposal is therefore considered to be contrary to policies GB1 and GB2(A) of the Local Plan, as well as paragraphs 133, 134 ,143, 144, 145, 146 of the NPPF (2019).
2.	The proposed development would result in noise disturbance, which would subsequently have a significant adverse impact on the amenities of occupiers at Apple Tree (nearest neighbour). No conditions or mitigation measures could be implemented which would overcome this adverse noise impact. The proposal is therefore considered to be contrary to policy NAP3 of the Local Plan, as well as paragraph 127(f) of the NPPF (2019).
3.	The marquee is out of character with the surrounding area because of its size, scale and external finish. The building does not visually integrate with surrounding buildings due to its temporary appearance. Furthermore, due to its size and location it would take up the site's remaining area of open/undeveloped land, fully urbanising this plot located in this rural Green Belt location; this is out of keeping with neighbouring plots and represents poor design. The structure is also in close proximity to the Hurley House Hotel and because of its size and juxtaposition with the hotel, it results in a cramped form of development. For these reasons the proposal is considered to be contrary to Policies DG1 and E10 of the Local Plan, as well as Paragraph 83, 84 and 127 of the NPPF (2019).

2. REASON FOR PANEL DETERMINATION

The application has been called to Panel at the request of Cllr Clark if recommended for refusal, on the grounds that the pub provides benefits to the local community and tourists and that the proposal is required to maintain the viability of this site. It will also help in sustaining business that will protect local jobs.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site lies on the south-west side of the A4130, Henley Road. At present it comprises Hurley House Hotel and the marquee subject of this planning application, which has been erected within the grounds of the hotel.
- 3.2 Hurley House Hotel is part of a group of buildings which sit either side of Henley Road located within the Green Belt and surrounded by countryside. Buildings within the area vary in size, design and use. However, it is worth noting that sites are all well landscaped and incorporate green outdoor amenity space; features which ensure they integrate with the area's verdant and rural character.

4. KEY CONSTRAINTS

- 4.1 The development site is located within the Green Belt.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The application seeks retrospective planning permission for the construction of a marquee to the rear of the main building for associated event space.
- 5.2 The marquee is 6m high to its ridge, single storey and has a footprint of approximately 450m². It is to operate between 10am -11pm Sunday to Thursday and 10am – 12pm Fridays and Saturdays. To date the marquee has hosted a total of 50 events, hosting between 5 - 240 people.

5.3.

Application No.	Description	Decision
14/03669/Full	Part two storey, part single storey extensions to form 5 new letting rooms and addition to kitchen following demolition of existing buildings. Works to enlarge the existing cellar and provide WC's, landscaping and additional parking for disabled persons	Approved: 26.01.2015
04/01718/FULL	Installation of low-level lighting bollards to car park	Approved: 09.02.05
04/41970/FULL	Construction of a timber enclosure with flat for freezer and chiller units	Approved: 07/07/04
99/34814/ADV	Installation of two externally illuminated fascia signs to Henley Road elevation and one illuminated post sign	Approved: 08.12.1999
99/34813/ADV	Erection of two externally illuminated single sided distance signs	Approved: 08.12.1999
99/34087/ADV	Two non-illuminated fascia signs to Henley Road elevation first floor level, one illuminated single sided distance	Refused: 22.09.1999

	signs	
99/33583/FULL	Single Storey rear extension, porch and bay window car parking and sewage treatment	Approved: 30.04.1999
89/00583/FULL	Side and Rear single storey and first floor extensions	Approved: 05.05.1989

5.4 The works approved under the most recent planning application have been completed (14/03669).

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, E10
Highways	P4 AND T5
Appropriate Development in Green Belt and acceptable impact on Green Belt	GB1, GB2

7. MATERIAL PLANNING CONSIDERATIONS

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

Section 4- Decision-making
 Section 6 – building a strong and competitive economy
 Section 12- Achieving well-designed places
 Section 13- Protecting Green Belt land

7.2 Borough Local Plan: Submission Version

Issue	Local Plan Policy	Proposed changes
Design in keeping with character and appearance of area	SP3	QP3
Development in the Green Belt	SP5	QP5
Visitor attractions	VT1	VT1

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.

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 were reviewed by the Council before the Proposed Changes were submitted to the Inspector. The Inspector has resumed the Examination of the BLPSV with hearings currently ongoing. 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 Other Local Strategies or Publications

Other Strategies or publications material to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy
- RBWM Highways Design Guide
- RBWM Borough Wide Design Guide

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

- 8.1 In response to consultation on this application **14** comments were received **in objection** to the application. The vast majority of the letters were received from the site's nearest neighbours. Those letters have been summarised below:

Comment	Officer Response
We are the nearest neighbour to the development site and are regularly disturbed by excessive noise pollution caused by music and people associated with the marquee.	See paragraphs 9.19 – 9.37
The sewage system has not been updated in years and marquee adds to the sites foul smell and drainage issues	
Light from the marquee, lit walk ways, cars coming and going in the night pollutes the countryside and its occupants	
Flue pipes for the marquees kitchen are attached to trees, this being the case, odours come directly into our garden	
We have had to spend new year's away from home on different occasions because the noise is so bad,	
We live 350m away from the hotel and are still recipients of noise pollution	
The proposal had an adverse impact on local Fauna species due to associated noise and light pollution.	
Our livestock are impacted by noise and lights, this is adversely impacting our business and therefore livelihood.	
There is no amenity space left for the pub	See paragraphs 9.15 – 9.18
The marquee is out of keeping with the area's character	
The marquee along with other extensions is an overdevelopment of the site	See paragraphs 9.6 - 9.14 and 10.1 - 10.6
The proposal is inappropriate development in the Green Belt	
There are other events venues in the area	

Expecting to secure 100-200 events a year (day and night) to save the business is optimistic and highly unlikely and therefore the business is likely to fail. The business model itself is flawed.	See paragraphs 10.1 - 10.6
The development has led to increased vehicle movements and road congestion on occasions	See paragraphs 9.38 – 9.43
Rubbish is sometimes disposed of in our field	Noted.
Fire to the marquee would damage our property and boundary due to its location, there is no evacuation or management plan in place for such an event	

8.2 In response to consultation on this application **42** comments have been received in **support** of the proposal and are summarised below.

Comment	Officer Response
The council should be supporting local businesses at this time to avoid business closures.	See paragraphs 9.2 – 9.5 and 10.1 - 10.6
Hurley House Hotel provides a high quality food and accommodation service which is enjoyed by local residents and those visiting the area. It therefore contributes to the local economy and the areas value.	
The facility provides jobs for local residents	
Hurley House gives back to the community by hosting non-profit events for locals. It is an important community facility.	
The marquee would allow for the site to offer more services to the local community and visitors, such as classes and wedding spaces.	
Significant investment has been made to revitalise the facility over the years. Its closure would be a loss to the owner and locals.	
Many of those customers go on to spend their time and money on the many and varied activities and amenities of the local area.	
With the impact of Covid 19 the Marquee would provide an important space for local charities to continue to fundraise and for individuals to arrange events that would enable them to follow the government's current guidelines on social distancing.	
Great business meeting space to entertain clientele due to its high standards.	
It is within a wonderful setting that adds great character to an already pleasant venue. The marquee is not visible from the road, nor is it visible from behind the venue from the BCA grounds so is in no way an eyesore.	
Adequate parking space exists at the site	See paragraphs 9.38 – 9.43
Agriculture in the adjoining fields will be unaffected, and providing there are no fireworks to frighten livestock, this will not be a problem. I am by the way a farmer and racehorse breeder so I do understand any fears people may have with noise, but it is only sudden loud noise such as fireworks that cause a problem.	See paragraphs 9.19 – 9.37
There has been no complaints of note since the marquee went up in 2017	Noted.

8.3 Below are the summarised comments received from consultees and the Parish during the process of the application.

Consultee	Comment	Where in the report this is considered
Bisham Parish Council	Object to the proposed development on the following grounds. It is overdevelopment of the site, is inappropriate development in the Green Belt, inadequate parking exists at the site, the sewer systems are out of date and foul odours are emitted from the marquee, smell and noise pollution harm neighbouring amenities. The marquee is not in compliance with building regs, The marquee has been up for two years and still hasn't met required levels to make the business profitable, therefore making it permanent would still result in a failing business.	See sections 9 and 10 of this report for responses regarding green belt, character, design, and financial viability.
Environmental Protection:	While in theory the reports are sound and show that there will not be an adverse effect from noise on the local residents, from years of experience have concerns that there will be noise issues. A model shows what is likely to happen but there will always be anomalies especially when it comes to structures such as marquees.	See paragraphs 9.19 – 9.37 and 10.1 to 10.6.
Highways officer:	The existing access will remain unchanged. There is ample on-site car parking provision (a total of 64 spaces including 3 reserved for vehicles used by people with disabilities) to serve the existing public house, restaurant, letting rooms and marquee.No objection to the proposed development.	See paragraphs 9.38 – 9.43

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Principle of the development
- ii Impact on the Green Belt
- iii The impact of the proposal on the character and appearance of the area
- iv Impact on amenity
- v Highways impacts
- vi Whether very special circumstances exist to outweigh the developments harm

Principle of the development

9.2 Paragraph 83 of the NPPF states that: 'planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses;
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

- 9.3 Paragraph 84 of the NPPF (2019) states that: Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.
- 9.4 Local Plan Policy E10 provides guidance for industrial and business development; the policy requires that the design and scale of buildings, as well as their materials should be appropriate and fitting of the surrounding area. Policy VT1 of the Borough Local Plan Submission Version supports business and the rural economy, however this policy has limited weight in this assessment.
- 9.5 The marquee is 6m high to its ridge, single storey and has a footprint of approximately 450m². It is to operate between 10am -11pm Sunday to Thursday and 10am – 12pm Fridays and Saturdays. To date the marquee has hosted a total of 50 events, hosting between 5 - 240 people. The building, by virtue of its temporary nature and consequent design and materials, has noise insulation/attenuation issues which are mentioned in this report below. It is not sensitive to its surroundings in terms of its design and appearance, hence its lack of visual integration with other buildings and its adverse impact on neighbouring amenities (explained later in the report). It does not have regard to the character of the locality or incorporate architectural features or external material finishes similar to surrounding buildings. The development is within the Green Belt, where new buildings are inappropriate. It does not fall within any of the exceptions relating to appropriate development (discussed later in this report). The buildings primary function is for events associated with Hurley House Hotel (bar/restaurant with accommodation), it is not a community facility. Overall, the marquee is harmful to the Green Belt, to the areas character and neighbouring amenities (as described below). The development is therefore contrary to the above guidance and is considered to be unacceptable in principle.

Green Belt

- 9.6 The site lies within the Green Belt and the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.
- 9.7 Local Plan Policy GB1 sets out appropriate development in the Green Belt, it also advises that new development in conflict with the list of appropriate development(s) should not be approved except in very special circumstances.
- 9.8 Local Plan Policy GB2(a) advises that new development should not have a greater impact on the openness of the Green when compared with existing development on the site.
- 9.9 The policies are not entirely consistent with NPPF objectives in terms of its list of appropriate forms of development, however like the NPPF (2019), the policies seeks to protect the openness of the Green Belt and require that very special circumstances

be demonstrated to outweigh the substantial weight given to any harm to the Green Belt and any other identified harm. On this basis the policies are afforded moderate weight in this assessment. More weight is given to the NPPF (2019), as a material consideration.

- 9.10 Paragraphs 145 and 146 of the NPPF set out forms of development which could be considered as exceptions to inappropriate development in the Green Belt. The marquee is a semi-permanent structure which has been at the site since October 2017. The building is 6m high to its ridge, single storey and has a footprint of approximately 450m². The marquee does not fall within any of the exceptions outlined in paragraphs 145 or 146 of the NPPF (2019). It is therefore considered to be inappropriate development in the Green Belt, which is by definition harmful to the Green Belt.
- 9.13 In addition to its definitional harm, the structure has replaced an otherwise open outdoor amenity space associated with Hurley House. Due to its siting, height, and substantial footprint, the structure is also considered to cause visual and spatial harm to the openness of the Green Belt.
- 9.14 For the reasons mentioned above the proposal is considered to constitute inappropriate development which is harmful to the openness of the Green Belt. This harm must be afforded substantial weight. The proposal could therefore only be acceptable in Green Belt terms if it were demonstrated that Very Special Circumstances exist which would outweigh this harm to the Green Belt and any other harm arising from the proposal. The case for very special circumstances is considered later in this report.

Impact on the character and appearance of the area

- 9.15 Section 12 of the National Planning Policy Framework aims to achieve well designed places. Paragraph 127 specifically advises that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate landscaping and they should also be sympathetic to local character, history and the surrounding built environment. Local Plan Policy DG1 places similar emphasis on achieving good design and creating new development which sympathetically integrates into existing environments without causing harm to the character or appearance of the area. It advises that the materials of buildings should be similar to those in the locality, that development should not result in a cramped appearance and that the scale, height and building lines of areas should also be respected by new development. Policy DG1 is considered to be generally consistent with the aims and objectives of the NPPF.
- 9.16 The application site lies on the south-west side of the A4130, Henley Road. At present it comprises Hurley House Hotel and the Marquee subject of this planning application. Hurley House Hotel is part of a group of buildings which sit either side of Henley Road and are surrounded by greenery and countryside. Buildings within the area vary in size, design and use. However it is worth noting that sites are all well landscaped and incorporate green outdoor amenity space; features which ensure they integrate with the areas surrounding verdant and rural character.
- 9.17 Due to its set back from the road, its siting behind Hurley House, and the screening provided by the sites existing planting, the marquee does not have a significant detrimental impact on the appearance of the area.
- 9.18 Notwithstanding the above, the structure is out of character with the area. No structures of a similar size or external finish exist within the locality. The building does

not integrate with surrounding buildings due to its scale and temporary appearance. Furthermore, due to its size and location it would take up the site's remaining area of open/undeveloped land, fully urbanising this plot located in this rural Green Belt area; this is out of keeping with neighbouring plots and represents poor design. The structure is also in close proximity to the Hurley House Hotel and because of its size and juxtaposition with the hotel, it appears as a cramped development of the site. For these reasons the proposal is considered to be contrary to Policies DG1 and E10 of the Local Plan, as well as Paragraph 83, 84 and 127 of the NPPF (2019).

Impact on amenities.

- 9.19 Local Plan Policy NAP3 advises that development should not have an adverse impact on noise, air, and smell pollution. Paragraph 127 of the NPPF (2019) advises that new development should 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users'. Policy SP3 of the emerging Borough Local Plan also promotes good amenity for surrounding properties and future occupants.
- 9.20 During the process of the application major concerns have been raised by the occupants of the sites nearest neighbours (Apple Tree, Apple House Farm, The Barn) regarding the adverse impact of the development on their amenities, especially the disturbing levels of noise generated from the marquee.
- 9.21 A noise assessment and technical note (which includes noise mitigation and management measures) has been submitted in support of the application (Technical Note, Hurley House Hotel, Project No 2019424, dated 28/10/2020 created by Sharps Redmore and Hurley House Hotel Venue Proposal Noise Assessment, Project No 2019424, dated 30/04/2020 created by Sharps Redmore). The reports conclude that if the mitigation measures set out within them are carried out, the development would have an acceptable noise impact on nearby residents, including Apple Tree.
- 9.22 The suggested mitigation measures are made up of three broad areas:
- Reduce Noise at Source
 - Prevent Noise Escaping
 - Noise Management
- 9.23 The Borough's Environmental Protection Officer has concluded that even if all the mitigation measures were implemented, there would still be noise issues at the site if the marquee were granted planning permission.
- 9.24 Taking into account all of the above it is concluded that the development would have an unacceptable noise impact on Apple Tree for the following reasons.
- 9.25 Paragraph 6.7 of the financial viability statement states that 100 events are needed annually to address the losses currently being incurred. 100 events consisting of 50 small events and 50 large events (example given within the statement is weddings with amplified music).
- 9.26 The proposed Marquee is located 14m away from Apple Tree and 5m away from Apple Tree's outhouse. 50 large events a year means that almost once a week the residents of Apple Tree would be subject to an event, catering for between 60 – 240 people and its associated impacts.

- 9.27 Noise caused by vehicles entering and exiting the site late at night and tooting horns for taxi pickups, slamming car doors is difficult to control, but inevitable and would have an adverse noise impact on Apple Tree.
- 9.28 Celebratory events and parties often involve people who are intoxicated, louder than usual and sometimes disorderly. Keeping those people quiet during pick-ups and drop offs is extremely difficult and is likely to generate noise to the detriment of the residents of Apple Tree (during unsocial hours).
- 9.29 Windows and doors are likely to be opened for continued periods to allow for air circulation, especially when a significant amount of guests are using the facility, this would allow for noise to escape. A condition to stop windows and doors being opened during events is unreasonable as it could also impact on the safe functioning of the marquee.
- 9.30 A condition has been recommended - which would see any outdoor area to the front and rear of the site restricted to use by smokers only after 10pm. This in itself would be difficult to police by staff and/or enforce as after 4hrs in a marquee with loud music, people may want fresh air. Any condition would be unenforceable. Furthermore there is nothing to say that those smoking outdoors wouldn't be loud.
- 9.31 For the reasons mentioned above some of the noise impacts to neighbours are unavoidable and are likely to be unenforceable, thus a condition is unlikely to fulfil its purpose. Furthermore many of the mitigation measures set out above are unenforceable due to the imprecise nature of the wording.
- 9.32 If simultaneous events were to be held at the site for example an event within the marquee and an event at the site's main building (which includes a large outdoor dining terrace), more external noise would be generated impacting adversely on the amenities of apple tree.
- 9.33 External noise generated from use of the marquee would discourage use of Apple Tree's outhouse and garden, whilst also disturbing those within the house.
- 9.34 Taking into consideration the above, it is considered that the marquee would have a significant adverse noise impact on Apple Tree, which could not be controlled by conditions and would harm that neighbours' living conditions.
- 9.35 Additionally there are flues and vent pipes associated with the marquee. Neighbours have suggested that the pipe works cause distasteful smells at times. Taking into consideration that the pipes and flues are a considerable distance from the main house, that wind can carry odours in different directions, and the fact that no significant evidence has been submitted to substantiate the claim. This element of the scheme is not considered to be harmful enough to warrant refusal of the application.
- 9.36 Light emitted from the marquee, along with light from cars constantly moving in an out of the site is also noted as having an adverse impact on the occupants of the neighbouring property, as well as neighbours further away. However light emissions associated with the marquee are unlikely to be significantly harmful to neighbouring amenities taking into consideration that the existing main building is well lit in and out, cars already enter and exit the site for the hotel, and the marquee is internally illuminated as opposed to externally.

- 9.37 In conclusion, the proposal is considered to be contrary to Local Plan Policy NAP3 and section 127(f) due to its significant adverse noise impact on Apple Tree and the resultant harm to the residential amenities of the occupants of the property.

Highways Impact

- 9.38 Local Plan policy T5 requires all development proposals to comply with adopted highway design standards (HDS). The policy notes advise that the purpose of the HDS is to ensure that new development does not place an undue burden or create problems of congestion on the highway network. Policy P4 requires all development proposals to accord with adopted car parking standards, while policy T7 seeks to ensure that new development makes appropriate provision for cyclists including cycle parking. Policy DG1 of the Local Plan states that developments should provide convenient access, parking, and facilities for people with disabilities' and that 'traffic generated by the proposed development should not have an unacceptable effect on the local road network and the environment of the locality'.
- 9.39 The NPPF(2019) is a material planning consideration and paragraph 109 states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.40 The existing site access is located off road to allow for vehicles to enter the site without stopping and causing obstruction on Henley Road. The access would be retained.
- 9.41 This section of Henley Road has solid white centre line markings denoting no overtaking on the approaches. Vehicles therefore cannot park along this section of Henley Road.
- 9.42 The Local Authority's Parking Strategy does not specify a parking requirement for a marquee, however the marquees use is similar to that of a D2 facility (Hall) and has therefore been assessed as such. 1 parking space is therefore required per 30sqm. The marquee is circa 450sqm in size and therefore requires a demand for 15 spaces. The Hotel (C1 class use) has 10 rooms and therefore requires 1 space per bedroom, total of 10 spaces. The pub/restaurant area (inside) measures circa 144sqm. A3 use (food and drink) requires 1 space per 6sqm. This generates a demand for 24 spaces. The outdoor seating area (which could be used for drinking / eating during the summer) measures circa 76sqm. This requires 13 spaces (1 space per 6qm). Taking into consideration the Local Authority's current Parking Strategy (2004) the entire site will generate a demand for 62 spaces. 64 spaces including 3 disabled spaces are provided on site, which exceeds the Local Authority's maximum standard. It is therefore considered that adequate parking space exists for the proposed development.
- 9.43 Taking into consideration the above the proposal is considered to be acceptable In terms of its highways impact.

10. Very special circumstances test, Planning Balance and Conclusion

10.1 Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

10.2 The submitted design and access statement and financial viability statement (Expert witness report, Stuart Parsons, March 2020) suggests that very special circumstances exist as follows:

- Hurley House Hotel is operating at a loss as the quality of service provided is high, therefore expensive and there has been a drop in visitors to RBWM. In order to make the business viable and profitable the marquee is needed. 50 large events (weddings) supplemented by 50 smaller events held within the marquee would address the losses currently experienced by the business. 267 event enquiries were received between 2018 and 2019. Some bookings were not agreed due to the uncertainty surrounding Planning and the Marquee, however there is future demand.

This point is afforded limited weight in favour of the proposed development as the evidence does not demonstrate that the proposal is necessary for a viable business to operate at the site but is based on the requirements of the specific business model of the current operator.

- 'Covid 19 - Lockdown' has led to significant losses for the business and will continue to effect the business going forward. The marquee would help to support the business.

This point is afforded limited weight in favour of the development. Whilst the council seeks to support business that has to be balanced against the impact on neighbouring amenities and the Green Belt. Furthermore the marquee was not erected in response to lockdown but is part of a longer term business plan by the owner.

- Hurley House Hotel is a high quality visitor's attraction, which supports the rural economy by providing 56 jobs and a level of service that cannot be found in many other places. It also attracts people to the area; who in turn spend money in the local area.

This point is afforded moderate weight in favour of the development, as the marquee would help to secure jobs and would also provide a visitor attraction for the area.

- The marquee hosts events for local charities and the community (often at a loss)

This point is afforded limited weight in favour of the development as it would be unreasonable for the LPA to condition or legally secure the hosting events at the marquee. The marquee is for commercial purposes and is part of the Hurley House business.

10.3 Paragraph 144 of the NPPF states 'when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the

Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations’.

- 10.4 The harm caused by the inappropriateness of the development is accordingly afforded substantial weight. As is the harm caused to the openness of the Green Belt due to the size and siting of the structure.

Further significant weight is given to:

- the development’s harm to the amenities of Apple Tree (nearest neighbour)
- the development’s harm to the areas character

Conclusion

- 10.5 Weight has been afforded to the benefits of the development, as described above. This includes any benefits to the local economy and to the local community. However, these benefits are not considered to carry sufficient weight to outweigh the substantial harm to the Green Belt and the other identified harm. Therefore no very special circumstances exist which are sufficient to outweigh the identified harms and the proposal is considered to be contrary to Local Plan policies GB1 and GB2(a) DG1, NAP3, E10 as well as paragraphs 83, 84, 127, 133, 134 ,143, 144, 145, 146 of the NPPF (2019).

11. APPENDICES TO THIS REPORT

- Appendix A - Site Location Plan and existing site layout plan
- Appendix B - Proposed Layout Plan
- Appendix C – Proposed roof and floor plans
- Appendix D – Proposed elevations

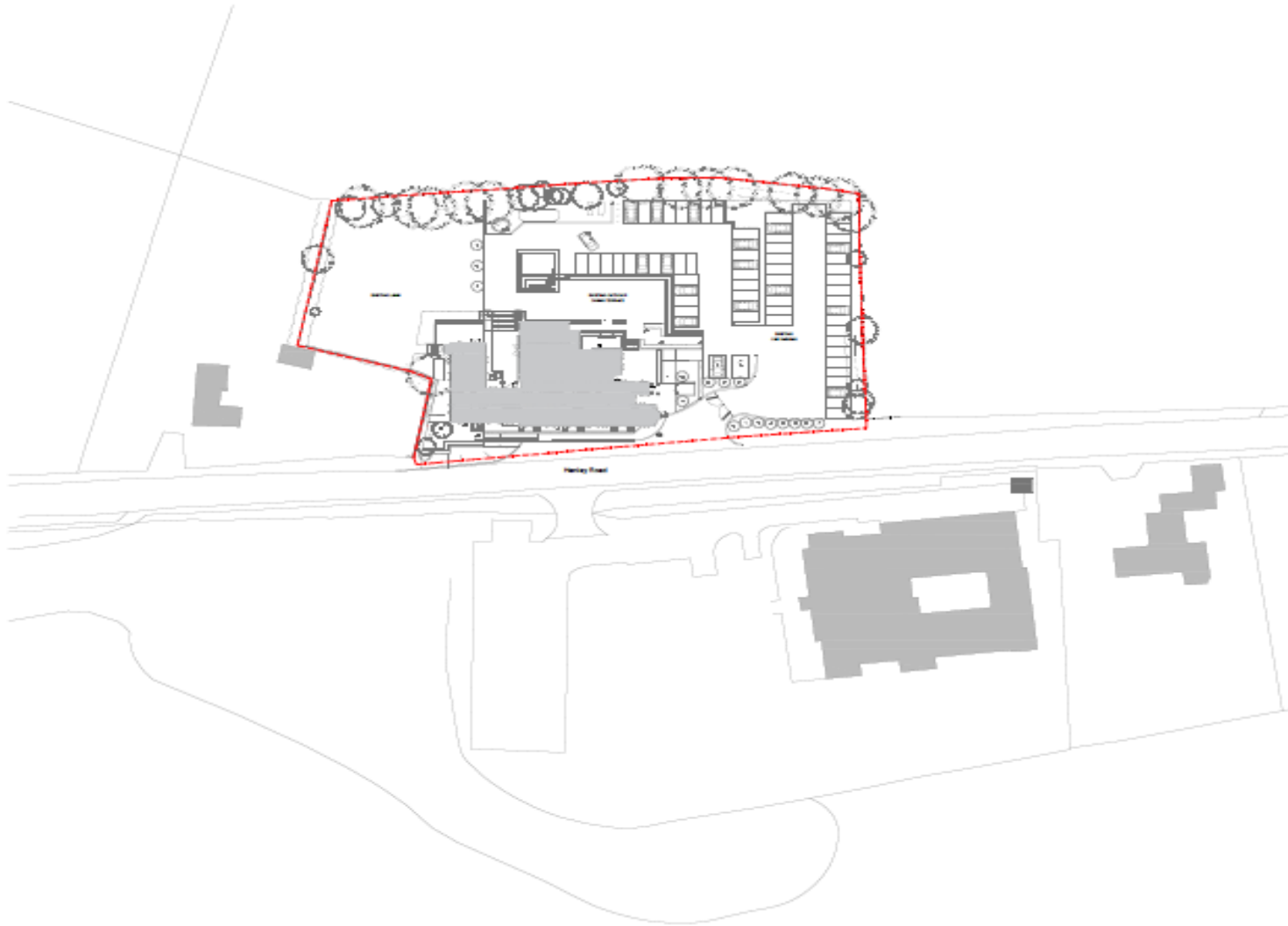
12. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

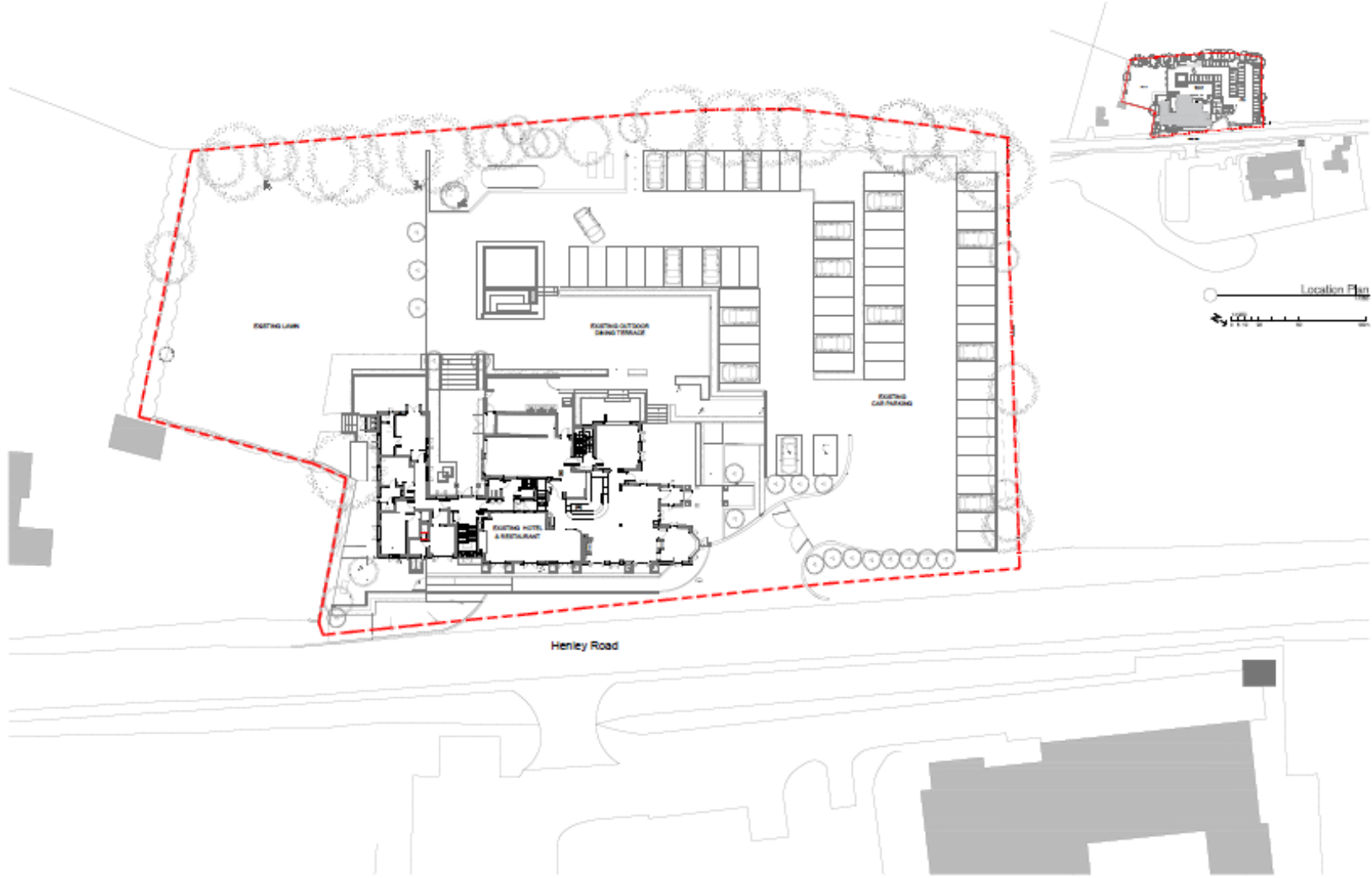
- 1 The proposed Marquee does not fall into any of the exceptions to inappropriate development as outlined in paragraphs 145 and 146 of the NPPF (2019). It is therefore considered to be inappropriate development in the Green Belt. Due to its location on otherwise open land, its scale, in particular footprint and height, it is also considered to cause spatial and visual harm to the openness of the Green Belt. No very special circumstances have been demonstrated which outweigh its substantial harm to the Green Belt and other harm identified (to the character of the area and amenities of residents at Apple Tree). The proposal is therefore considered to be contrary to policies GB1 and GB2(A) of the Local Plan, as well as paragraphs 133, 134 ,143, 144, 145, 146 of the NPPF (2019).
- 2 The proposed development would result in noise disturbance to neighbouring properties, which would subsequently have a significant adverse impact on the amenities of occupiers at Apple Tree (nearest neighbour). No conditions or mitigation measures could be implemented which would overcome this adverse noise impact. The proposal is therefore considered to be contrary to policy NAP3 of the Local Plan, as well as paragraph 127(f) of the NPPF (2019).
- 3 The marquee is out of character with the surrounding area because of its size, scale and external finish. The building does not visually integrate with surrounding buildings due to its temporary appearance. Furthermore, due to its size and location it would take up the site's remaining area of open/undeveloped land, fully urbanising this plot located in this rural Green Belt location; this is out of keeping with neighbouring plots

and represents poor design. The structure is also in close proximity to the Hurley House Hotel and because of its size and juxtaposition with the hotel, it results in a cramped form of development. For these reasons the proposal is considered to be contrary to Policies DG1 and E10 of the Local Plan, as well as Paragraph 83, 84 and 127 of the NPPF (2019).

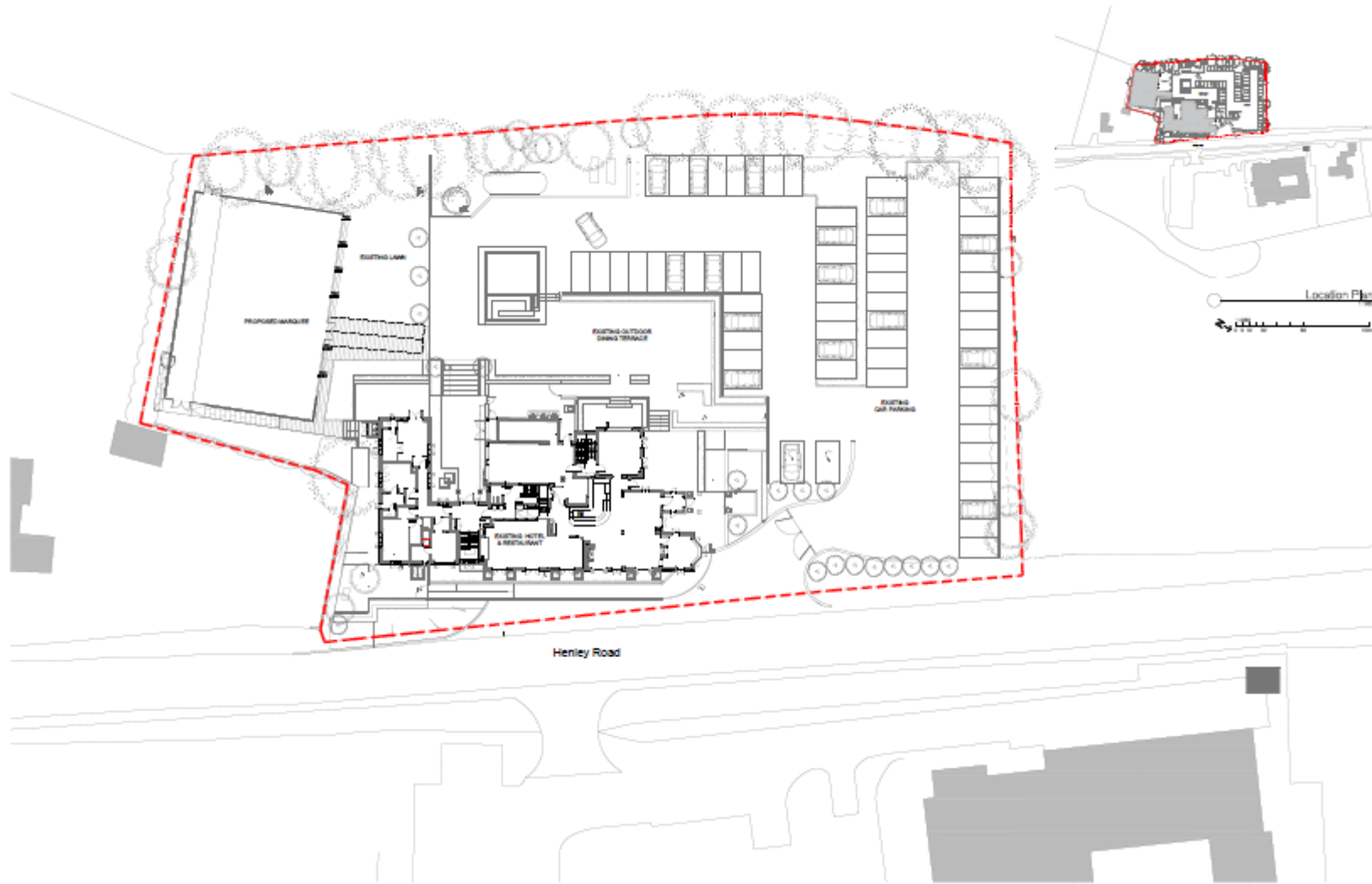
Appendix A – Location Plan and existing Site Layout Plan

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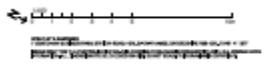
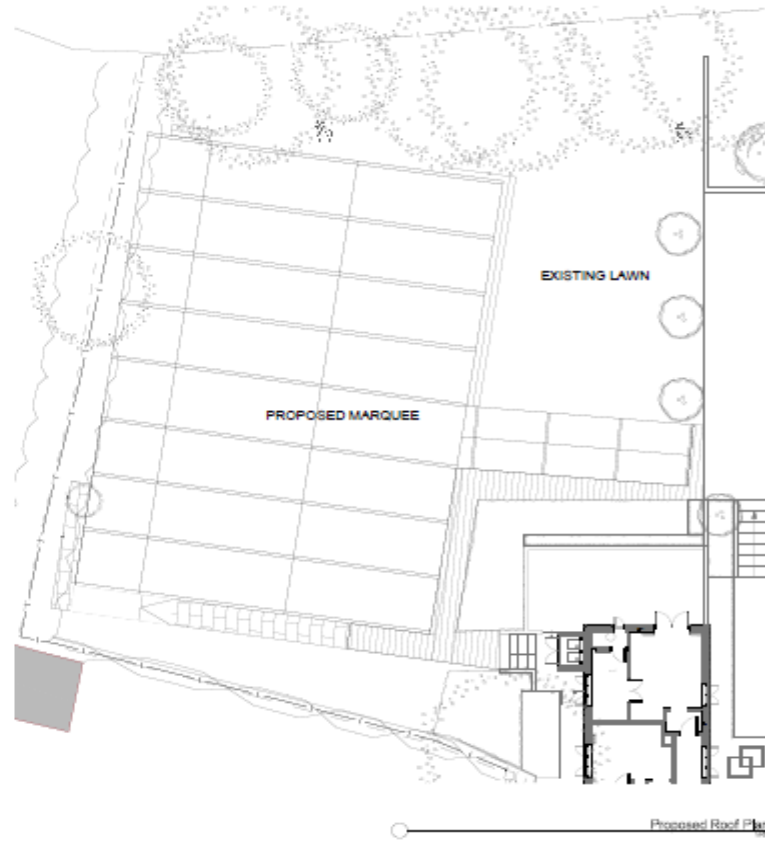
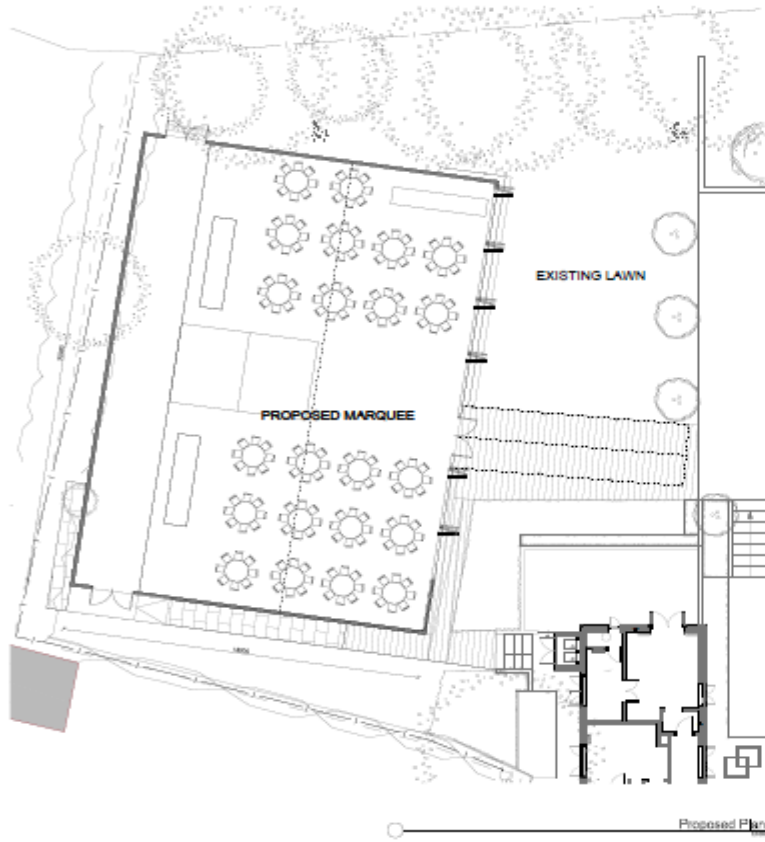




Appendix B – Proposed Site Layout Plan

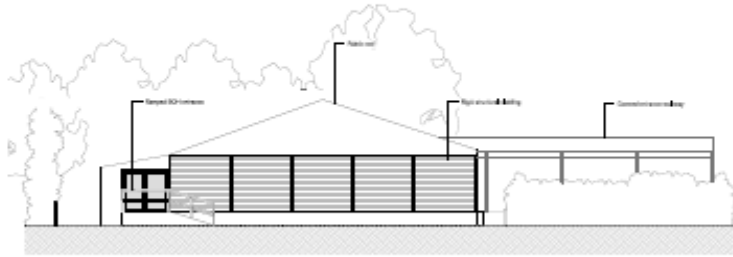


Appendix C – Proposed roof and floor plan

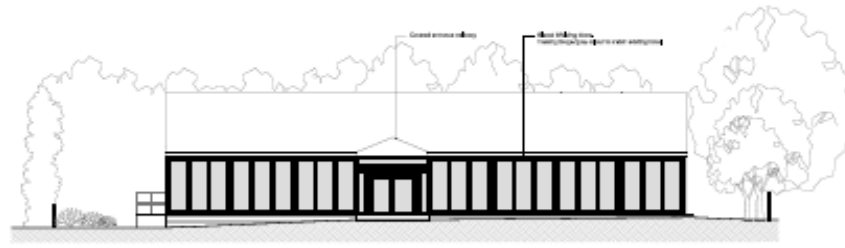


NO.	DESCRIPTION	DATE	BY	CHKD.	APP'D.	SCALE	PROJECT
1	PRELIMINARY	10/20/11	J. SMITH	M. JONES		1/8" = 1'-0"	12345
2	REVISED	11/15/11	J. SMITH	M. JONES		1/8" = 1'-0"	12345
3	REVISED	12/01/11	J. SMITH	M. JONES		1/8" = 1'-0"	12345

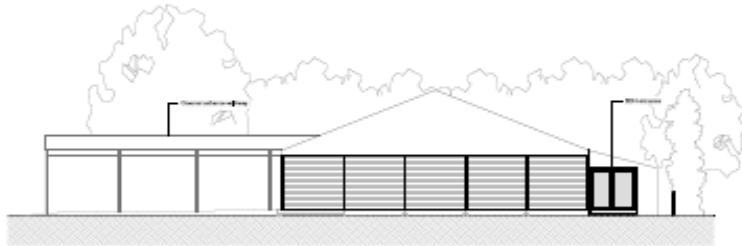
Appendix D – Marquee elevation plans (existing)



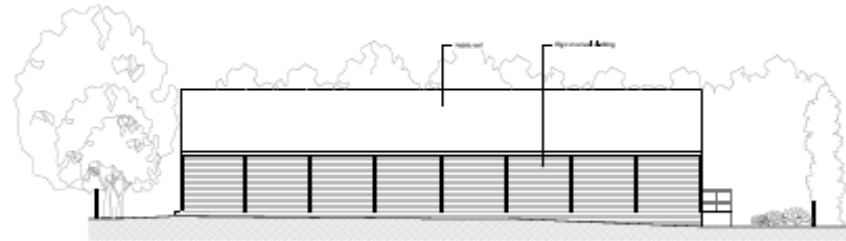
Existing East Elevation



Existing North Elevation



Existing West Elevation

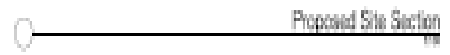


Existing South Elevation



EXISTING HOTEL & RESTAURANT

PROPOSED MARQUEE



Proposed Site Section

DEVELOPMENT CONTROL PANEL

16 December 2020

Item: 3

Application No.:	20/00979/FULL
Location:	Apple Hill Henley Road Hurley Maidenhead SL6 5LH
Proposal:	Extension to the lower ground floor to facilitate 20 additional new patient and ancillary rooms, alterations to fenestration, raised patio, external plant, log cabin, 3no. additional car parking spaces and associated landscaping works.
Applicant:	Henley Healthcare Limited
Agent:	Mr Douglas Bond
Parish/Ward:	Bisham Parish/Bisham And Cookham
If you have a question about this report, please contact: Haydon Richardson on 01628 796697 or at haydon.richardson@rbwm.gov.uk	

1. SUMMARY

- 1.1 The application seeks planning permission for a lower ground floor extension to facilitate 20 additional patient rooms (with ancillary spaces). The works also include alterations to the buildings fenestration, a new raised patio, associated external plant and log cabin and 3 additional car parking spaces with associated landscaping works.
- 1.2 The application site is located within the Green Belt and the primary consideration in the assessment of the merits of this proposed development is whether or not it amounts to appropriate development in the Green Belt. If it does not comprise appropriate development then it has to be considered whether or not any very special circumstances exist which outweigh any harm to the Green Belt (which is afforded substantial weight) and any other identified harm.
- 1.2 Due to the siting of the proposed extension at lower ground floor level, the set-back of the building from the road and screening by boundary treatments the proposal would not result in any material harm to the character or appearance of the site or surrounding area. The new patio and landscaping works would complement the existing grounds. The new log cabin and plant room are of a similar size to the buildings they would replace and a condition regarding their external finish is recommended to ensure their visual integration with the existing buildings on site.
- 1.3 The existing access would be retained, adequate parking spaces would be provided and appropriate turning areas already exist on site. The development would result in infrequent pick-ups and drop-offs as opposed to constant vehicle movements and consequently would not have an impact on the highway network.
- 1.4 Due to its location, the proposed extension would not have an overbearing impact on Apple Porch (the nearest neighbouring property), nor would it lead to any loss of light, privacy or outlook to or from that property. Nevertheless, a condition is recommended requiring that soft landscaping be added to the boundary treatment between Apple Hill and Apple Porch, in order to provide a noise barrier between the sites. The landscaping would also reduce views into the hospital from Apple Porch. In addition to the above, new residents of Apple Hill would be provided with adequate sized, well lit rooms as well as outdoor amenity space.
- 1.5 The report describes the very special circumstances considered to exist that would outweigh the in principle harm to the Green Belt.

- 1.6 For the reasons mentioned above the proposal is considered to comply with Local Plan Policies DG1, GB1, GB2, NAP3, T5 and P4, as well as all relevant planning guidance contained within the NPPF (2019).

It is recommended the Panel GRANTS planning permission with the conditions listed in Section 13 of this report.

2. REASON FOR PANEL DETERMINATION

- This item has been called to Panel by Cllr Brar if recommended for approval on the grounds that it would amount to an overdevelopment of the site and would provide inadequate recreation space for new residents of the facility.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site lies on the north-east side of the A4130, Henley Road.
- 3.2 At present the site is comprised of a two storey building finished in a mixture of brick and render, a parking area and associated grounds. The building is currently used as an independent community mental health hospital. It is one of several buildings located within a small cluster on Henley Road. Apple Porch is located immediately to the north of the application site and Temple Golf Club is to the rear. Hurley House Hotel (formerly known as the Red Lyon pub) is located on the opposite side of the road, along with a dwellinghouse known as Apple Trees.

4. KEY CONSTRAINTS

- 4.1 The site is located entirely within the Green Belt.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 This application seeks planning permission for lower ground floor extensions to facilitate 20 additional new patient and ancillary rooms, alterations to fenestration, raised patio, external plant, log cabin, 3 additional car parking spaces and associated landscaping works.

Reference	Description	Decision
19/03434/FULL	Single storey front extension and a two storey rear bay window extension.	Approved: 29.01.2020
17/01090/FULL	Part increase in roofspace, together with a minor increase in roof height to provide 12 additional bedrooms, 8 storage rooms, 2 assisted bathrooms, 2 assisted general rooms, a nursing station, a drug store, extension of stairs/lift, provision of a new escape staircase and extended car park.	Refused: 25.01.2018
16/01813/FULL	Construction of lower ground floor to facilitate 9 new patient and ancillary rooms, external staircase and bicycle shed with extension to car park,	Approved: 30.08.2016

	amendments to fenestration and associated landscaping works	
15/03870/CPD	Certificate of lawfulness to determine whether the conversion of the loft space into habitable accommodation is lawful	Permitted 29.02.2016
15/03834/FULL	Insertion of 6 roof lights	Permitted 29.02.2016
15/03297/CPD	Certificate of lawfulness to determine whether the conversion of the loft space into habitable accommodation and installation of 6 rooflights is lawful	Withdrawn 20.11.2015
13/01439/FULL	Use as a community mental health hospital	Appeal Allowed
08/02326/VAR	Variation of Condition 18 (Occupancy restricted to the Elderly) of permission 05/00894 to allow no age restriction	Appeal Dismissed
07/02538/VAR	Variation of condition 18 of permission 05/00894/Full to allow property to be used as residential care home not solely used for the elderly	Refused 19.11.2007
07/00905/FULL	Alterations to hipped roof end and ridge height to north elevation of existing building	Permitted 29.05.2007
05/00894/FULL	Construction of a part single/part two storey extension to existing nursing home to provide a total of 40 residential bedrooms and provision of additional parking	Permitted 11.07.2005
91/00451/FULL	Extension measuring 617m ² in floor space	Permitted 05.03.1992
87/00326/FULL	Change of use to residential nursing home	Permitted 30.11.1987

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
Appropriate development in the Green Belt	GB1
Acceptable impact on the openness of the Green Belt	GB2
Acceptable impact on amenities	NAP3
Parking provision	P4
impact on highway safety	T5

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2019)

- Section 2 – Achieving Sustainable Development

- Section 11 – Making effective use of land
- Section 12- Achieving well-designed places
- Section 13 – Green Belt

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Appropriate development in the Green Belt	SP5
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
Appropriate development in the Green Belt	QP5
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 were reviewed by the Council before the Proposed Changes were submitted to the Inspector. The Inspector has resumed the Examination of the BLPSV with hearings currently ongoing. 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.

Other Local Strategies or Publications

7.3 Other Strategies or publications material to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy
- RBWM Borough Wide Design Guide

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

8.1 3 letters of objection were received in response to consultation on the proposed development. The objections have been summarised below.

Comment	Officer Response
The proposed development would be inappropriate in the Green Belt due to the intensification of the site's use, as well as the extension, replacement buildings and additional parking spaces.	See paragraphs 9.2 – 9.15
The development would lead to additional noise and disturbance to my dwelling. We already experience spontaneous and loud outburst from the patients, and out of office hours callers from the temporary shift workers, who frequently and mistakenly ring our intercom.	See paragraphs 9.20-9.27 for responses regarding amenity.
The removal of all screening has resulted in our property, once again being overlooked, and the constant exposure to occupants using the facilities located at the bordering side of their building. Existing trees and fencing are in a poor state, so do not provide a good level of screening at present.	
The proposal would leave inadequate amenity space for existing residents.	
The new plant could add additional noise disturbance.	
A tank pump used by the site flooded my garden and the sites maintenance team did not respond adequately.	Noted, however this is not a material planning consideration.
The current property grounds are an eyesore, especially as there has been 30ft tall piles of excavated chalk and soil just left on the grounds for what may have been a number of years; this could happen again.	See paragraphs 9.15 – 9.19 for responses.
The development could have an adverse impact on highway safety due to increased vehicle movement associated with the proposal.	See paragraphs 6.28 – 6.33

8.2 The following responses were received from consultees:

Consultee	Comment	Where in the report this is considered
Highways Officer:	No objection subject to conditions and informatives.	Relevant conditions and informative(s) have been recommended for inclusion in the decision.
Environmental Protection:	No objection subject to conditions and informatives.	
Adult social care and health services	The application it is to cater for people with Mental Health neurological conditions and can support people who are detained under the mental health act then this is really specialist provision and it is outside the scope of what we would commission as a local authority. Having said that, there is a shortage of this type of provision so wouldn't object to it in terms of need as would if it were a generic care home.	Noted.

Others

Group	Comment	Where in the report this is considered
Hurley Parish Council	No objection	Noted.
Bisham Parish Council	The application represents an over-intensification of development on the site, there is a lack of recreational space for residents. The application should only be granted if the applicant can demonstrate that the design and proposed use of the space meets the appropriate guidelines concerning the well-being and safety of the residents.	See section 9 of the report.

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i the appropriateness of the development and its impact on the Green Belt.
- ii The impact upon the character and appearance of the area
- iii The impact upon the amenities of nearby occupiers and future occupants
- iv The impact upon highway safety and parking

Issue i – Green Belt

- 9.2 Local Plan Policy GB1 sets out appropriate development in the Green Belt, it also advises that new development in conflict with the list of appropriate development(s) will only be allowed in very special circumstances.
- 9.3 Local Plan Policy GB2 advises that new development should not have a greater impact on the openness of the Green Belt when compared with existing development on the site.
- 9.4 The policies are not entirely consistent with objectives of the NPPF in terms of its list of appropriate forms of development, however like the NPPF (2019), the policies seeks to protect the openness of the Green Belt and require that very special circumstances be demonstrated to outweigh the substantial weight given to any harm to the Green Belt. On this basis the policies are afforded moderate weight in this assessment. More weight is given to the NPPF (2019), as a material consideration.
- 9.5 Paragraph 145 of the NPPF (2019) states that the construction of new buildings is inappropriate, except in a number of limited circumstances. One of those circumstances is (c) 'the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building'.

- 9.6 The proposed log cabin would be of similar size and height to the maintenance shed it would replace. Similarly, the proposed plant room would be almost identical in size to the oil tank enclosure it would replace. Both of the proposed buildings, like the ones they replace, would be ancillary to the use of the community hospital. Taking into consideration these points, the new outbuildings are considered to be appropriate development in the Green Belt. Additionally, the new parking spaces and patio alterations are considered to be appropriate engineering works, as referenced under paragraph 146 (b) of the NPPF.
- 9.7 Notwithstanding the above, the main hospital building has been extended substantially in the past. It has been difficult to establish the precise floor area of the original building. However historic imagery along with the scaling of drawings submitted as part of application No.91/00451/FULL indicates that the original building had a gross floor area of approximately 755m² split over 2 floors and an outbuilding which was also used for accommodation. Under application No.91/00451/FULL a two storey side extension was granted and the outbuilding demolished (84m²), the development resulted in a 524m² increase in floor space, which is a 69% increase when compared with the original building. Application no.05/00894/FULL proposed a part single, part two storey extension along with demolition works, the extension was constructed and resulted in the property being extended by a further 633m², representing a cumulative increase of 153% over and above the original building. In terms of Green Belt policy, this was considered to be inappropriate development, however significant weight was given to the Very Special Circumstances (VSC) submitted in support of the application, which was approved. The works were subsequently carried out. In 2016, application no.16/01813/FULL was granted for a lower ground floor extension measuring approximately 385m². Site visit and building control records suggest these works began in 2019. Completion of the works would result in a floor space increase of 204% when compared with the original building.
- 9.8 The proposed development the subject of this application would add approximately 877m² to the buildings useable floor space. This alone equates to a 116% increase in the floor space over and above the original building and is therefore considered to form a disproportionate addition to the building. When taken into consideration with the other extensions to the building (granted under 91/00451/FULL, 05/00894/FULL and 16/01813/FULL) the proposal would result in a 320% increase on the buildings original floor space, this is undeniably disproportionate. The lower ground floor extension would also add significant volume to the existing building (whether visible or not). Overall, it is considered that the proposed extension, along with former extensions would result in a building which is 3 times the size of the original building; the proposal is therefore disproportionate to the original building.
- 9.9 It is noted that much of the proposed extension would be sited at lower ground floor level, it would therefore have limited visual or spatial impact on the openness of the Green Belt. Nevertheless the 877m² extension sought under this application, along with former extensions (mentioned above) would result in the building being disproportionately extended and that is the test set out in paragraph 145 (c) of the NPPF (2019).
- 9.10 It should also be noted that the necessary excavation works alone would comprise substantial development in the Green Belt. No plan has been put forward for the removal or management of excavated soil and material. If left on the site, this could have an adverse visual impact on the openness of the Green Belt. A condition is therefore recommended to ensure that all excavated soil is appropriately removed (condition 3).

- 9.11 Taking into consideration the above, the proposed development would constitute inappropriate development in the Green Belt. The inappropriate nature of the development is attributed substantial harm.
- 9.12 Paragraph 143 of the NPPF (2019) states that 'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'.
- 9.13 Paragraph 144 states that 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations'.
- 9.14 This report sets out below the very special circumstances set out by the applicants and considered to weigh in favour of the development:

- Apple Hill's model of care is to provide a nursing home and hospital which caters solely for those with dementia or neurological related mental health issues. The facility accepts and treats those detained under the Mental Health Act and/or restricted by the Mental Capacity Act. It has the capacity to cater for short term admissions, as well as those expected to stay indefinitely. The service provided by Apple Hill is therefore considered to be unique (a point reiterated by the RBWM adult social care team). The applicant has provided evidence which suggests that existing hospital facilities within the RBWM have a high number of mental health admissions, which take up valuable bed space for long periods of time. Additionally there has been annual rises in people with mental health issues in RBWM and the south east of England. As such there is a need for further bed space alongside specialist mental health care. Taking into consideration the foregoing, the extension of this facility to provide 20 additional beds and associated care is considered to alleviate some of the pressure on the NHS to provide bed space, whilst also meeting the growing needs for facilities that cater for people with mental health issues.

This benefit weighs moderately in favour of the development as the council does not have an identified need for this type of facility set out in the adopted Local Plan or Borough Local Plan (under examination)

- Delivering 20 additional bedrooms as part of an existing operational hospital that has the established infrastructure to cater and meet the needs of its residents, removes the need to create a new facility. It also ensures that the proposed development makes effective use of existing land which is supported by section 11 of the NPPF (2019).

This weighs moderately in favour of the proposed development.

- Planning application No.16/01813/FULL concluded that a similar lower ground floor extension was appropriate development due to its subterranean nature and lack of impact on the Green Belt. This extension is of a similar design (albeit larger) and there is a duty to be consistent in decision making (as set out in paragraphs 7.14 to 7.18 of the applicants planning statement).

Due to the similarities in the proposals, this point is considered to weigh substantially in favour of the proposed development given the difference in size of the proposed development.

- The proposed extension is at lower ground level and due to its location and design it would have no visual impact on the openness of the Green Belt, or upon the character and appearance of the site. The replacement buildings would be of similar size to those existing and the proposed grounds works to create patios and parking space would complement the building and its surrounds. The works are unlikely to harm neighbouring amenities or to reduce highway safety. The fact that the development can be delivered with no significant adverse impacts is considered to provide limited weight in favour of the scheme.

Only limited weight is afforded to this consideration as avoiding harm is a policy requirement outside of this VSC assessment.

- Bed space is currently needed for Covid 19 patients in hospitals and provision of additional bed spaces at this facility would help to free up NHS bed space.

This point is given limited weight in favour of the proposed development as the current situation may have changed by implementation of the proposal.

- 9.15 Taking into consideration all of the above, it is considered that very special circumstances exist which outweigh the substantial harm resulting from the (in principle) inappropriateness of the proposed development. Furthermore, and as described above, it is considered that the proposed development, by virtue of its design, being formed as a lower ground floor sited beneath the existing building, would have very little impact on the visual or spatial openness of the Green Belt.

Issue ii - Impact upon the character and appearance of the area

- 9.16 Section 12 of the National Planning Policy Framework aims to achieve well designed places. Paragraph 127 specifically advises that planning decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate landscaping, they should also be sympathetic to local character, history and the surrounding built environment. Local Plan Policy DG1 places similar emphasis on achieving good design and creating new development which sympathetically integrates into existing environments, without causing harm to the character or appearance of the area. Policy DG1 is considered to be consistent with the aims and objectives of the NPPF.
- 9.17 The proposed log cabin and plant room would be of similar size to the buildings they would replace. A condition has been added to ensure that they are of an external finish which complements the site and surrounding area. Use of red brick, stone, render and French casement windows would ensure that the extension and proposed fenestration works integrate well with the existing building. Due to their size and location (next to the sites existing car park) the new parking spaces would not harm the visual amenities of the area. The light well surrounding the majority of the building would obscure views of the lower ground floor extensions and consequently the building will look almost identical from within the site. Due to their design and the site's set back from the street, none of the proposed works would have any impact on the character and appearance of the area. External amenity space would remain to the front of the site and an internal courtyard area would also provide walking space.
- 9.18 For the reasons mentioned above, the proposal would not be harmful to or out of keeping with the character and appearance of the area or site.

Issue iii- Impact on neighbouring amenity and amenity of future occupants

- 9.19 Paragraph 127 of the NPPF states that development should 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'.
- 9.20 At present the building hosts 51 bed spaces for patients. Those patients have access to the outdoor amenity space at the front of the site, as well as other space within the grounds. The proposal would provide capacity for 20 additional patients. Taking into consideration that patients are very rarely allowed to roam free around the site (due to the risk involved with their medical conditions), additional amenity space is not considered necessary. Patients using the outdoor space would mostly do so under supervision.
- 9.21 Further to the above, the proposals would not visually increase the levels of activity at the site and neither would they result in a material increase in vehicle movements, rather there would be an increase in infrequent pickups and drop offs. Adequate parking space and turning areas would exist for the proposed development. Taking into consideration these points the increased use associated with the 20 new patient rooms is not considered to cause a detrimental increase in activity at the site.
- 9.22 Apple Porch is the nearest property to the site and thus is most likely to be impacted by the proposal. A condition is recommended to ensure that the proposed plant does not emit noise louder than existing background noise in the area (condition 4). The extension directly opposite Apple porch has already been approved and is under construction (16/01813/FULL), thus its impacts are out with this application. The extension proposed under this application is further away from the neighbouring property, is similarly located at lower ground floor level and is within the footprint of the existing building. Consequently, it would not cause any loss of light to Apple Porch, nor would it be overbearing or cause a loss of privacy. The site's main outdoor amenity area is at the front of the building (approximately 70m from Apple Porch), and any increase in use of this area would not cause noise disturbance to the residents of Apple Porch.
- 9.23 A condition is recommended requiring additional landscaping between the application site and Apple Porch that would improve privacy and also provide an additional noise barrier (condition 5).
- 9.24 Room sizes proposed are similar to those previously approved and in existence at the site. Light wells and internal courtyards have been created to allow light to reach habitable rooms. Outdoor amenity space exists at the front of the site, providing an area for supervised recreation and walking. For these reasons it is considered that new patients of the extended facility would be provided with adequate accommodation and living conditions.
- 9.25 The sites operations manager has provided the following commentary to supplement the above:

In summary, the extension will accommodate 20 additional bedrooms, but the nature of health care requirements and complexities presented by residents mean that they will not undertake usual activities associated with normal day-to-day life, such as leaving the site frequently, using the grounds to exercise with any intensity, or receiving high numbers of visitors. Accordingly, the existing grounds can

accommodate the existing and additional residents having regard to the wellbeing and safety of the residents. The very nature of the use means that the activity levels arising would be relatively low key, and as a consequence, the proposal will not result in a notable level of intensification of use above that already consented at the hospital'

Issue iv – parking provision and impact on highway safety

- 9.26 Local Plan policy T5 requires all development proposals to comply with adopted highway design standards, policy P4 requires all development proposals to accord with adopted car parking standards, and policy T7 seeks to ensure that new development makes appropriate provision for cyclists including cycle parking. The policies aim to ensure that new development does not have an adverse impact on highway safety and is provided with adequate vehicle and cycle parking.
- 9.27 The site's existing access and turning area would be retained and utilised.
- 9.28 The site has a bike storage facility already and it is unlikely that new occupants would be using bikes or that staff would choose to cycle to the site due to its secluded location. The provision of additional cycle storage space is therefore not considered necessary.
- 9.29 The Borough's Parking Strategy (2004) suggest that the proposal would attract a demand for 37 car parking spaces in total, based on the parking ratio of 1 space per 4 bedrooms and with there being a total of only 19 members of staff at the site at any one time. The applicants propose 40 spaces that are illustrated in drawing number 92 (Rev C) [Proposed Site Plan]. It is therefore considered that adequate parking would be provided for the proposed development.
- 9.30 The Transport statement also remarks that the Travel Plan for a former planning application is now in place and that the applicants currently operate a mini-bus service which picks up a number of the staff for work and takes them home at the end of their shift. The highways authority have requested that the Travel Plan be updated. However taking into consideration that there is expected to be no increase in staff numbers and that adequate parking exists at the site for the proposed development, the condition is not considered necessary.
- 9.33 The highways officer has made no objections to the proposed development subject to conditions and for the reasons mentioned above the proposal would have an acceptable impact on the Highways network.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 10.1 The development is not CIL liable.

11. Conclusion

- 11.1 The proposed replacement buildings comprising of a log cabin and a maintenance shed are considered to constitute appropriate development in the Green Belt under paragraph 145(d) of the NPPF. Likewise the extended patio and provision of additional parking spaces are considered to comprise appropriate development under paragraph 146(b) of the NPPF. It has been established above that in floorspace and volumetric terms the proposed extensions to the main hospital building, when considered cumulatively with previous extensions undertaken to the building, would amount to inappropriate development. Paragraph 143 of the NPPF makes it clear that

inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. This harm to the Green Belt must be afforded substantial weight in accordance with paragraph 144 of the NPPF and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. It has been established above that the proposals do not cause any other harm.

- 11.2 As described above, this proposed development would fulfil a recognised need without the requirement to provide a new facility. It follows on from the approval of the same form of development at the site which is currently being built out. It would make best use of an existing facility by taking advantage of under-utilised land in the form of a lower ground floor that would not extend beyond the envelope of the existing building. This is considered to amount to very special circumstances. Outside of this VSC assessment, the proposals would make more effective use of this site, but would result in little to no greater impact on the visual or spatial openness of the Green Belt.

12. APPENDICES TO THIS REPORT

- Appendix A - Location Plan
- Appendix B – Existing site plan
- Appendix C – Proposed Site Plan
- Appendix D – Proposed Floor plans
- Appendix E – Proposed and existing elevation plans

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 Prior to the construction of the proposed log cabin and plant room building, details of the materials to be used on the external surfaces of the those buildings shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out and maintained in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policy DG1 and paragraph 127 of the NPPF (2019).
- 3 Prior to the carrying out of any demolition or excavation works associated with the proposed development, details of how excavated soil and materials will be managed and safely removed from the site shall be submitted to and approved by the Local Planning Authority in writing. Thereafter the excavated soil and materials shall be removed in accordance with those details.
Reason: To maintain the openness of the Green Belt and the visual amenities of the site. Relevant Policies DG1, GB2 and Chapters 12 and 13 of the NPPF (2019).
- 4 The rating level of the noise emitted from the plant shall be lower than the existing background level (to be measured over the period of operation of the proposed plant and equipment and over a minimum reference time interval of 1 hour in the daytime and 5 minutes at night) by at least 10dB(A). The noise levels shall be determined 1m from the nearest noise-sensitive premises The measurement and assessment shall be made in accordance with BS 4142: 1997 'Method for rating industrial noise affecting mixed residential and industrial area'.
Reason: To protect the residential amenities of the area. Relevant Policy Local Plan

NAP3.

- 5 Prior to the occupation and use of the proposed extension, full details of both hard and soft landscape works, shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season following the substantial completion of the development and retained in accordance with the approved details. The submitted works should include details of the landscape works to screen the development site from Apple Porch. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity.
Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1.
- 6 No part of the development shall be occupied until vehicle parking and turning space has been provided, surfaced and marked out in accordance with the approved drawing. The space approved shall be kept available for parking and turning in association with the development.
Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety, and to facilitate vehicles entering and leaving the highway in forward gear. Relevant Policies - Local Plan P4, DG1.
- 7 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).

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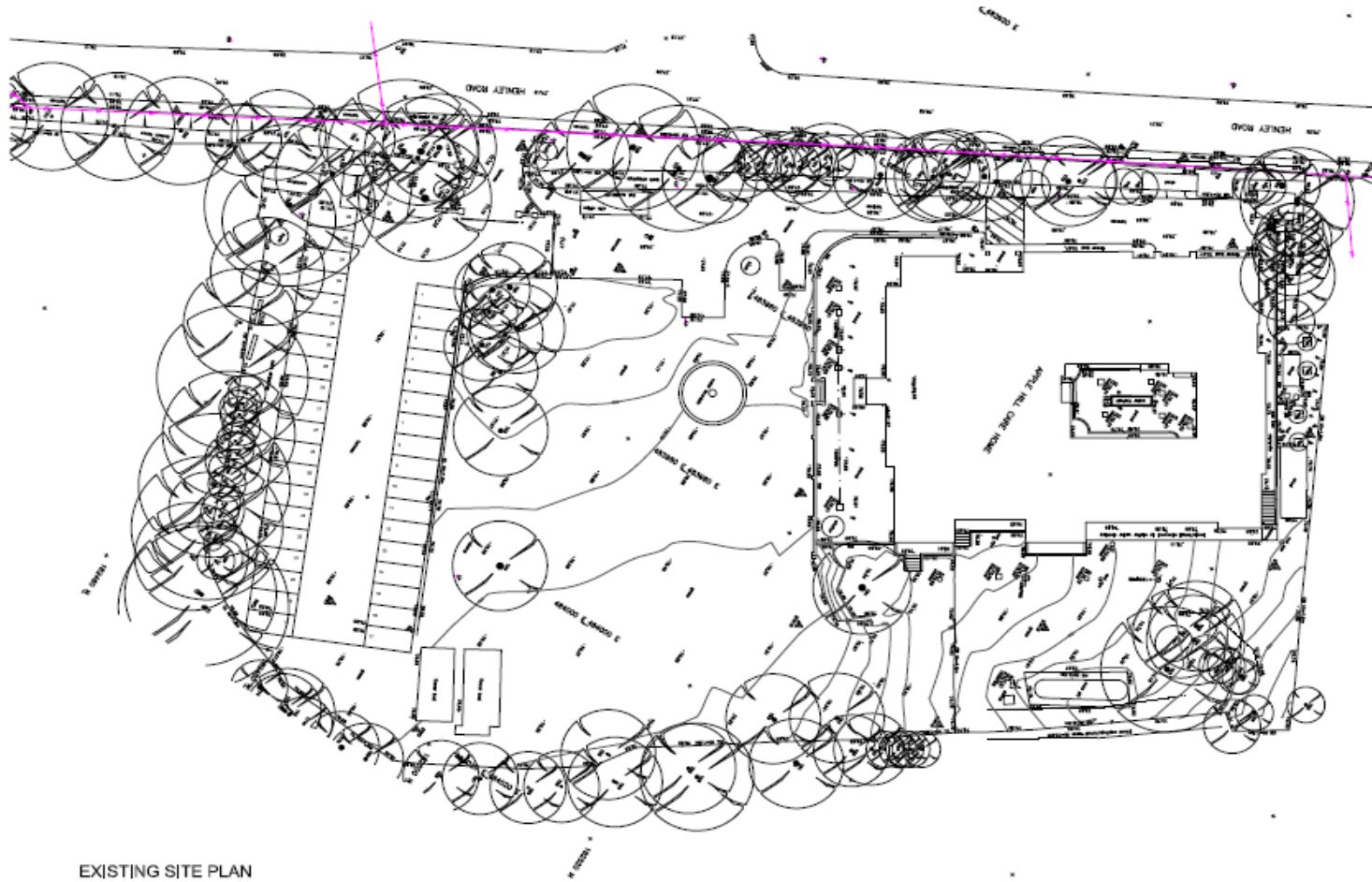
Appendix A – Site Location Plan



LOCATION PLAN

Appendix B – Existing Site Plan

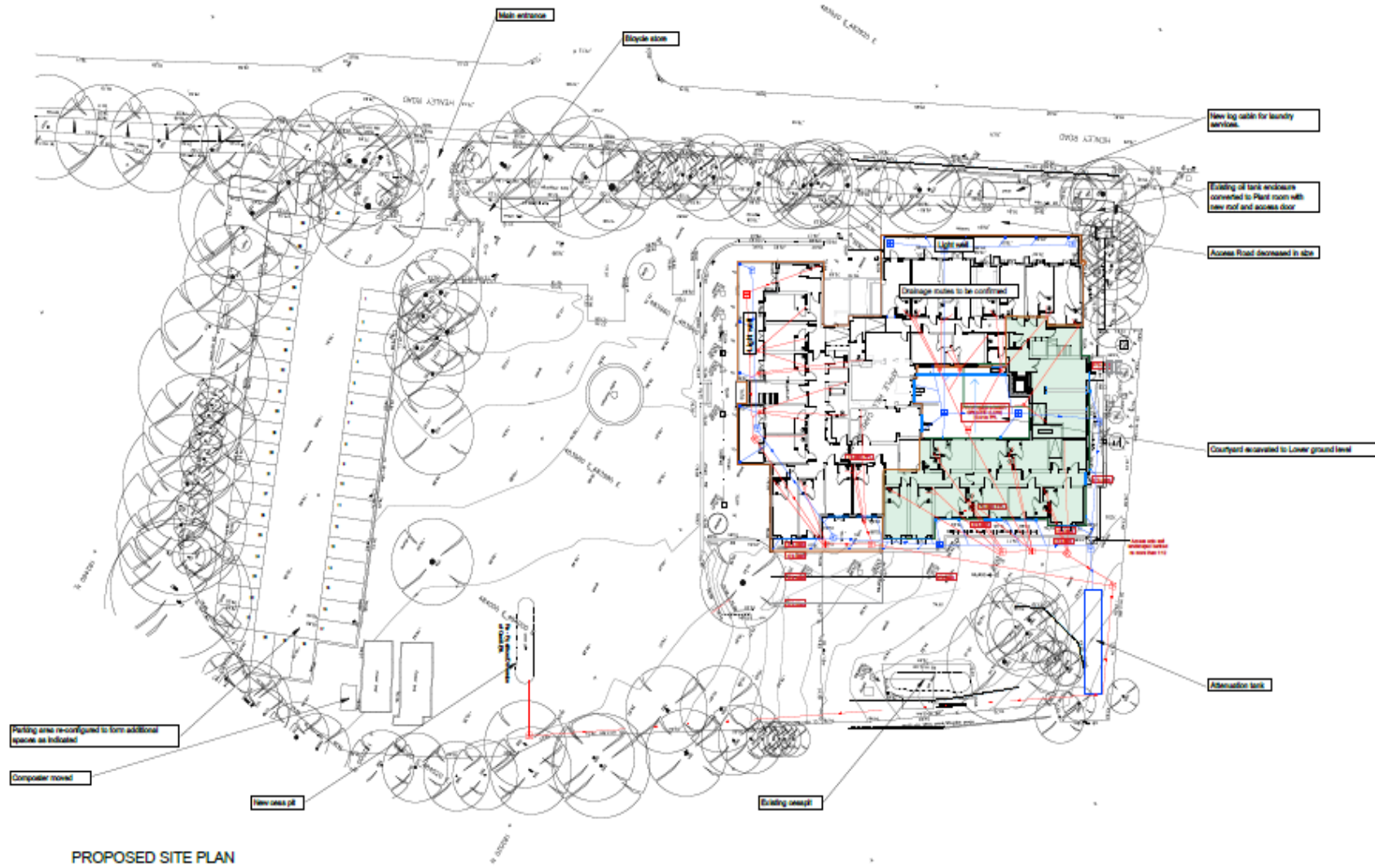
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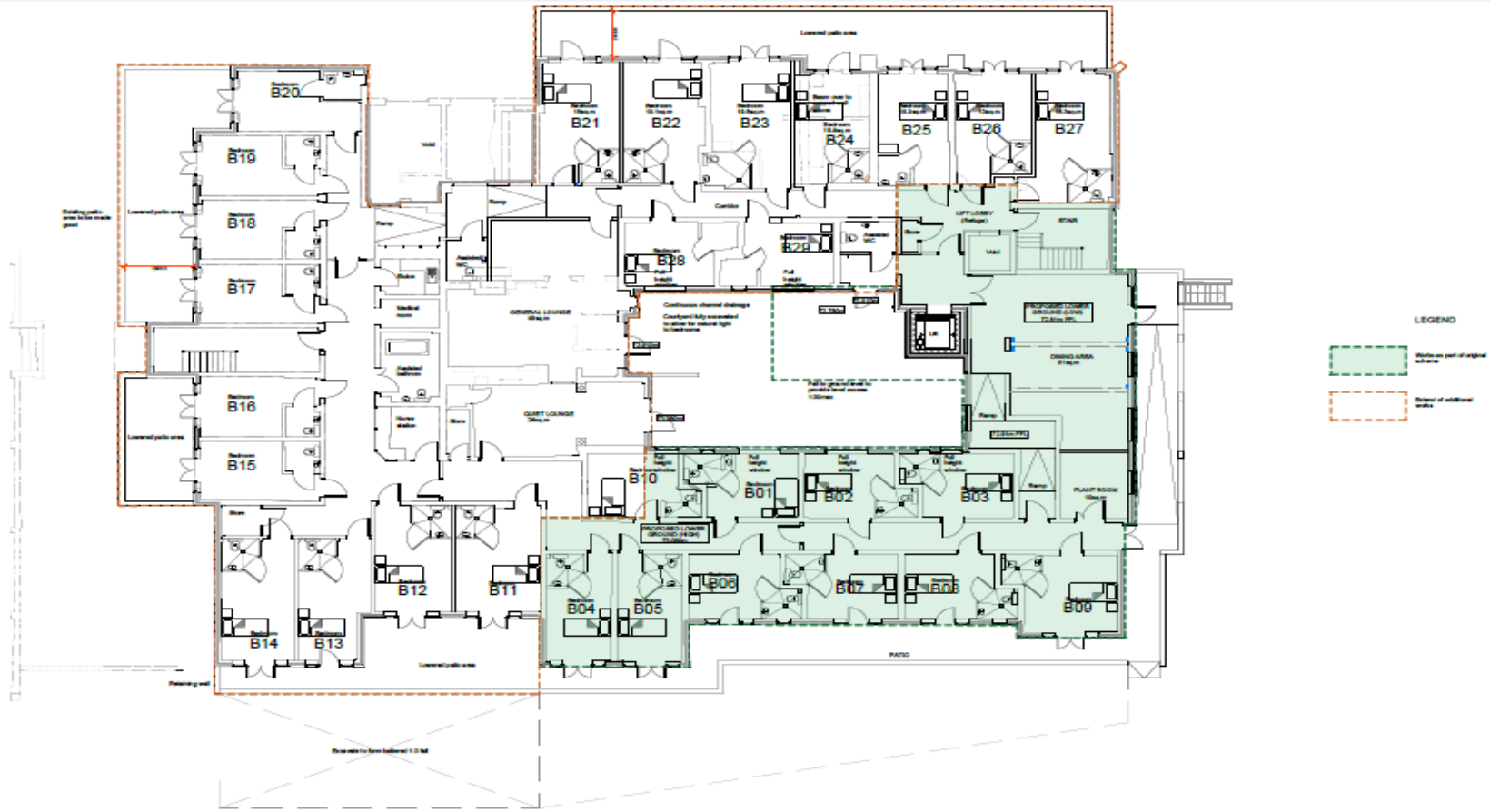
EXISTING SITE PLAN

Appendix C – Proposed site plan

101



Appendix D – Proposed Floor Plans

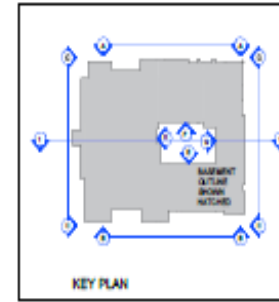


PROPOSED LOWER GROUND FLOOR PLAN

Appendix E – Existing and proposed elevation plans



Existing Elevation A-A (South-West)



NO.	DESCRIPTION	DATE	BY
1	Issue for approval		
2	Issue for approval		
3	Issue for approval		

NOTES

1. ALL WORK SHALL BE TO THE STANDARD SPECIFICATIONS FOR THE WORKMANSHIP OF THE CONTRACTOR.

2. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE REQUIREMENTS OF THE LOCAL AUTHORITY AND ALL NECESSARY PERMITS SHALL BE OBTAINED.

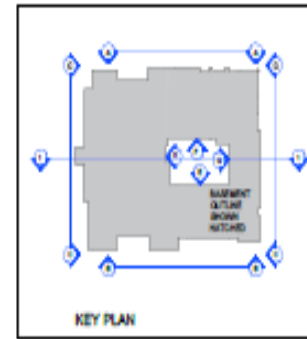
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR THE COST THEREOF.

4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL SERVICES AND UTILITIES.





Existing Elevation B-B (North-East)



KEY PLAN



Revision History			
No.	Description	Date	By
1	Issued for planning	15/01/13	AW
2	Issued for planning	15/01/13	AW
3	Issued for planning	15/01/13	AW

NOTES

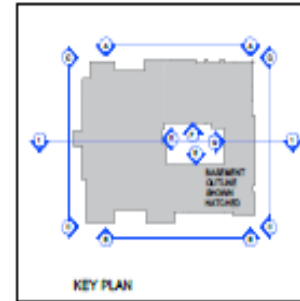
1. All work to be done in accordance with the approved plans.
2. All work to be done in accordance with the approved plans and specifications.
3. All work to be done in accordance with the approved plans and specifications.
4. All work to be done in accordance with the approved plans and specifications.



Proposed Elevation B-B (North-East)



Existing Elevation C-C (South-East)



Proposed Elevation C-C (South-East)



REVISIONS			
No.	Description	Date	By
1	Initial drawing issued for pre-construction	15/08/2017	DA
2	Revised drawing issued for construction	15/08/2017	DA

NOTES

- 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CURRENT BUILDING REGULATIONS AND ALL APPLICABLE STANDARDS.
- 2. THE DRAWING IS TO BE USED IN CONJUNCTION WITH THE SPECIFICATION AND CONTRACT DOCUMENTS.
- 3. THE DRAWING IS THE PROPERTY OF DWA ARCHITECTS AND SHALL NOT BE REPRODUCED OR COPIED WITHOUT THE WRITTEN PERMISSION OF DWA ARCHITECTS.

DWA ARCHITECTS

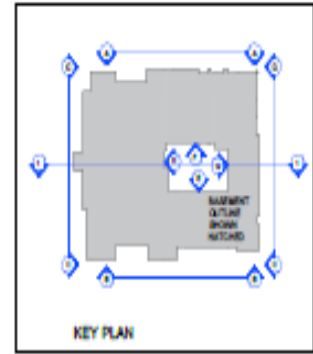
REGISTERED ARCHITECTS
 100, NEWCASTLE STREET, NEWCASTLE, TYNE AND WEAR, NE1 4BE, ENGLAND
 TEL: 0191 275 1234
 FAX: 0191 275 1235
 WWW.DWA-ARCHITECTS.CO.UK



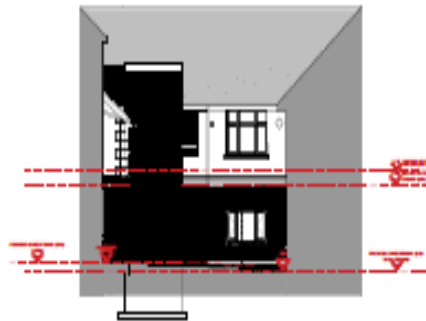
Existing Elevation G-G (Courtyard facing South-East)



Existing Elevation H-H (Courtyard facing North-West)



Proposed Elevation G-G (Courtyard facing South-East)



Proposed Elevation H-H (Courtyard facing North-West)

NO.	DESCRIPTION	DATE	BY
1	Issue for comment	20/08/20	...

NOTES

1. THE DRAWING IS FOR INFORMATION ONLY.

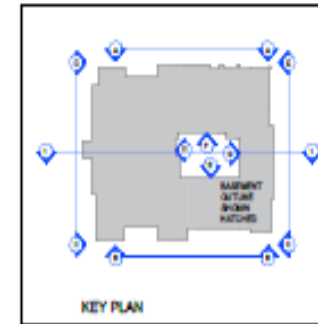
2. THE DRAWING IS NOT TO BE USED FOR CONSTRUCTION OR FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.

3. THE DRAWING IS NOT VALID FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.

4. THE DRAWING IS NOT VALID FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.



Existing Elevation D-D (North-West)



Proposed Elevation D-D (North-West)



REVISIONS			
NO.	DESCRIPTION	DATE	BY
1	Issued for planning application	15/08/15	AW
2	Issued for construction	15/08/15	AW

NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE BUILDING REGULATIONS 2010.

2. ALL WORK SHALL BE IN ACCORDANCE WITH THE PLANNING CONDITIONS.

3. ALL WORK SHALL BE IN ACCORDANCE WITH THE LOCAL AUTHORITY REQUIREMENTS.

4. ALL WORK SHALL BE IN ACCORDANCE WITH THE LOCAL AUTHORITY REQUIREMENTS.

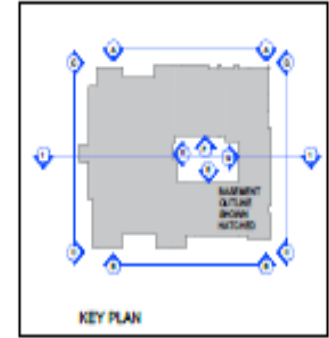




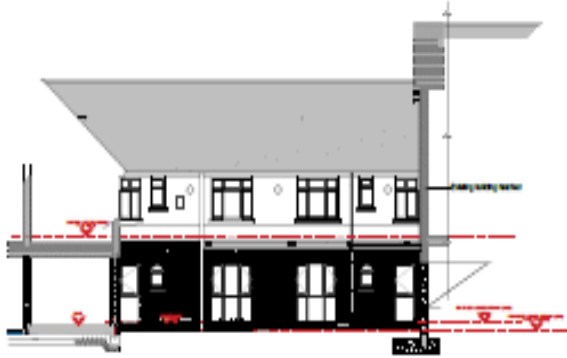
Existing Elevation E-E (Courtyard facing South-West)



Existing Elevation F-F (Courtyard facing North-East)



KEY PLAN



Proposed Elevation E-E (Courtyard facing South-West)



Proposed Elevation F-F (Courtyard facing North-East)

REVISIONS			
NO.	DESCRIPTION	DATE	BY

NOTES

- 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE relevant standards and codes of practice.
- 2. THE CLIENT SHALL BE RESPONSIBLE FOR THE OBTAINING OF ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.
- 3. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE OBTAINING OF ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.

DWA
ARCHITECTS

DEVELOPMENT CONTROL PANEL

16 December 2020

Item: 4

Application No.:	20/02570/FULL
Location:	Broadlands Bagshot Road Ascot SL5 9JN
Proposal:	Landscape works: Two ponds, ground re-profiling, two timber jetties, two bridges and planting.
Applicant:	Mrs Zhmotova
Agent:	Mr Romain Bardin
Parish/Ward:	Sunningdale Parish/Sunningdale And Cheapside
If you have a question about this report, please contact: Jo Richards on 01628 682955 or at jo.richards@rbwm.gov.uk	

1. SUMMARY

- 1.1 Permission is sought for various groundworks and minor engineering operations on land associated with the residential dwellinghouse Broadlands. The land which forms the application site excludes the main house and formal residential curtilage but includes extensive land under the same ownership. The works to the land includes the creation of two ponds (an upper and lower pond), ground re-profiling, two timber jetties, two bridges and planting.
- 1.2 The proposed works constitute exceptions to inappropriate development within the Green Belt which would preserve the openness of the Green Belt and not conflict with the purposes of the Green Belt and therefore are deemed as appropriate development under paragraph 146 of the NPPF.
- 1.3 Given the limited nature of the works the proposed development would not be visible to the street scene or wider area. No objections are raised from a highways point of view or with regard to impact on neighbouring properties.
- 1.4 The proposal has been found acceptable with regard to impact on important trees, including veteran trees, impact on flooding and drainage and ecological considerations. The application is supported by all statutory and non-statutory consultees subject to conditions.

It is recommended the Panel grants planning permission with the conditions listed in Section 12 of this report.

2. REASON FOR PANEL DETERMINATION

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

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site comprises grounds associated with the residential property Broadlands. It is considered that the land to which this proposal relates is land within the applicant's ownership but not necessarily part of their residential curtilage which is normally the area of land confined to that surrounding the dwellinghouse. The site comprises open undeveloped land, trees, woodland and two ponds (an upper and a

lower pond). The site lies entirely within the Green Belt. The site also lies within an Environment Agency flood zone 1. The site is not within a Conservation Area.

- 3.2 It was clear from the site visit that the land suffers from surface water drainage problems with much of land ground boggy and the two ponds dry.

4. KEY CONSTRAINTS

- 4.1 Green Belt
Area TPO
Close proximity to Local Wildlife site
Protected species

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 Permission is sought for various groundworks and minor engineering operations on land associated with the residential dwellinghouse Broadlands. The land which forms the application site excludes the main house and formal residential curtilage but includes extensive land under the same ownership.
- 5.2 The works to the land include the upgrading and enlargement of two ponds and ground re-profiling to manage the flow of water so that the site does not become waterlogged and so that the lower-lying neighbours' gardens do not become inundated. Two timber jetties, two bridges and planting is also proposed
- 5.3 The application follows a previous similar application which was refused on grounds that the proposed works would result in an unacceptable impact on important trees, including veteran trees within the site and the loss of these trees would be harmful to the character of the area.
- 5.4 The current application differs to the previous application in that the extent of engineering works has been reduced and the two ponds are not proposed to be connected by a cascade. The Arboricultural and flooding information supporting the proposal has been updated accordingly.

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
Impact on the Green Belt	GB1 and GB2
Highways	P4 and T5
Trees	N6

These policies can be found at <https://www.rbwm.gov.uk/home/planning/planning-policy/adopted-local-plan>

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

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

These policies can be found at <https://www.rbwm.gov.uk/home/planning/planning-policy>

7. **MATERIAL PLANNING CONSIDERATIONS**

National Planning Policy Framework Sections (NPPF) (2019)

Section 4- Decision-making

Section 9- Promoting Sustainable Transport

Section 12- Achieving well-designed places

Section 13- Protecting Green Belt land

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

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Appropriate Development in Green Belt and acceptable impact on Green Belt	SP1, SP5
Design in keeping with character and appearance of area	SP2, SP3
Manages flood risk and waterways	NR1
Trees, Woodlands and Hedgerows	NR2
Nature Conservation	NR3

Borough Local Plan: Submission Version Proposed Changes (2019)

Issue	Local Plan Policy
Appropriate Development in Green Belt and acceptable impact on Green Belt	SP1 and QP5
Design in keeping with character and appearance of area	QP1, QP3
Natural Resources	NR1, NR2 and NR3

- 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 have been reviewed by the Council and the Proposed Changes have been submitted to the Inspector. The Inspector has resumed the Examination of the BLPSV with hearings ongoing. 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.

Other Local Strategies or Publications

7.3 Other Strategies or publications material to the proposal are:

- RBWM Townscape Assessment

More information on these documents can be found at:

<https://www.rbwm.gov.uk/home/planning/planning-policy/planning-guidance>

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

10 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 13th October 2020 and the application was advertised in the Local Press on 8th October 2020.

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

Comment		Where in the report this is considered
1.	The proposed ponds would be fed using bore holes and the spring which would have an adverse impact on access to groundwater within the surrounding area.	See section vii which discusses flooding and groundwater
2.	Adverse impact on mature, protected trees as the ponds will take from groundwater needed to feed the trees. Damage to trees from lack of water could cause trees which line Bagshot Road to fall on the road causing a traffic hazard	See section v
3.	New landscaping will also take from groundwater. If deep rooted they will aggravate the water table	The Tree Officer is satisfied that new landscaping would be appropriate within the site.
4.	There may be chemicals in the water used to fill the ponds which could be detrimental to aquatic life	The ponds are to be filled from groundwater and rainwater
5.	The use of tap water to fill the ponds could have an impact on the local water network	The ponds are to be filled from ground and rain water

6.	Older ponds in the area could drop in level or dry up if the proposed ponds take excessively from groundwater	The applicant will need a groundwater abstraction licence from the EA
7.	The Council must ensure that the application is assessed thoroughly by environmental experts	Environmental experts have been consulted and provided comments on the application

Statutory consultees

Consultee	Comment	Where in the report this is considered
Environment Agency	No objections, subject to an informative advising the applicant that they will likely need a groundwater abstraction licence.	See section vii
LLFA	No objection subject to condition	See section vii

Consultees

Consultee	Comment	Where in the report this is considered
Parish Council	None received	Noted
Trees	No objection subject to conditions relating to tree protection and landscaping.	See section v
Ecology	No objections subject to conditions relating to a Construction Environmental Management Plan (CEMP), a Japanese Knotweed eradication strategy and Biodiversity Enhancements	See section vi
Berkshire Archaeology	No objection subject to a condition requiring the submitted programme of archaeological work to be carried out.	See section viii
Highways	No objection	See section iv

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Green Belt
- ii Impact on the Character of the Area
- iii. Impact on Residential Amenity
- iv. Highways and Public Rights of Way
- v. Trees
- vi. Ecology
- vii. Flooding/drainage
- viii Archaeology

Issue i - Green Belt

- 9.2 The entirety of the application site lies within the Green Belt and no part of the site can be described as previously developed land. Starting with the development plan, policy GB1 of the adopted Local plan states that within the Green Belt, approval will only be given, save for in very special circumstances, for a few limited forms of development. This includes engineering operations which maintain openness and do not conflict with the purposes of including land in the Green Belt. Furthermore, policy GB2 states that permission will not be granted for new development or for the redevelopment, change of use, or replacement of existing buildings within the Green Belt if it would, a) have a greater impact on the openness of the Green Belt or the purposes of including land in it than the existing development on the site and b) harm the character of the countryside.
- 9.3 Turning to the NPPF, paragraph 146 states that engineering operations are not inappropriate development in the Green Belt provided that they would preserve the openness of the Green Belt and not conflict with the purposes of including land within it. The applicant also considers paragraph 145 (b) relevant, which states that the construction of new buildings for the provision of appropriate facilities for outdoor recreation is not inappropriate as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. It is considered that both paragraphs 145 (b) and 146 are relevant in this case.
- 9.4 A further consideration, albeit of limited weight, is policy QP5 of the Borough Local Plan submission version which states that the Metropolitan Green Belt will continue to be protected, as designated on the Policies Map, against inappropriate development. Permission will not be given for inappropriate development (as defined by the NPPF), unless very special circumstances are demonstrated.
- 9.5 As such, the aforementioned national and local Green Belt policy deems engineering operations to be appropriate development provided they preserves the openness and purposes of the Green Belt. This is discussed in further detail below.
- 9.6 The proposed works would cover a large area of land but the plans indicate that the works would be minimal and appear natural, particularly the upgrading of the ponds and the ground re-profiling.
- 9.7 The proposal includes alterations to ground and water levels within the site. These level changes range from approx. 0.5m to 2.5m, which spread out over a large surface area, would ensure that the site remains naturally landscaped in its appearance and therefore these works would not harm the openness of the Green Belt in spatial or visual terms
- 9.8 These ground works are considered to constitute engineering operations which preserve the openness of the Green Belt and do not conflict with the purposes of including land within it and are therefore appropriate development.
- 9.9 The proposed hard-landscaped structures including the timber jetties and bridges are more engineered in appearance however would be very limited in terms of their projection out of the ground - the plans indicating that a large proportion of the structures would either be below ground level or water level thereby having no impact on openness. The works are described as follows; The jetties would be 350mm off ground level (450mm off water level). The flat bridge would have a flat deck with a simple lightweight handrail. The deck would be above the water level but below ground level so only the posts and handrail would be visible from further away within the site. The Monet bridge would be curved with a thin deck and simple non-solid, largely open

side. It is considered that these works are small in scale and low in height, such that they would appear as very subservient structures within the landscape. These works could be said to preserve the openness of the Green Belt both spatially and visually. Since the determination of previous application ref: 19/02204/FULL there has been further consideration of appeal decisions on this subject matter and the Local Planning Authority consider that it is more appropriate to define these hard-landscaped structures as buildings within the Green Belt rather than engineering operations. Given the use of these structures it is considered that there could be deemed as appropriate facilities for outdoor recreation thus complying with paragraph 146 (b) of the NPPF as appropriate development within the Green Belt. Whilst the application site is not part of the residential curtilage of the dwellinghouse known as Broadlands, the occupiers of Broadlands already use this land for outdoor recreation. The erection of these very limited structures would not enable any increase in intensity or domestication of the application site and therefore it is considered appropriate to assess the development in this way,

- 9.10 Regarding impact on purposes of the Green Belt, the proposal would not involve a change of use of the land and the grounds would remain in private ownership in association with the dwellinghouse, Broadlands, but not curtilage land. As such, the proposed works would not result in an encroachment on the countryside.

Issue ii - Impact on the character of the area

- 9.11 Given the nature of the works and the mature screening within the site and on the site boundaries, the proposed works would not be visible from outside the site. The impact on the trees and the landscape character of the area is discussed at section v below.

Issue – iii Impact on Neighbouring Amenity

- 9.12 It is considered that there would be minimal impact on neighbouring occupiers due to the nature of the works. Indeed, the proposed structures would not be visible from outside the application site.

Issue iv - Highway consideration and parking provision.

- 9.13 The proposal would not have any highways implications or result in the need for additional parking provision at the dwellinghouse. The proposed development is to be used solely by the owners of the existing dwellinghouse.

Issue v - Trees

- 9.14 The site is covered by an Area Tree Preservation Order. Previous application ref: 19/02204/FULL was refused on grounds that the proposed works, including the changes to ground levels and the hydrology of the site arising from the works, would be harmful to these important trees and potentially lead to their demise. The on-site trees are protected because they are important features within the local landscape and their loss was considered to be harmful to the landscape character of the area. Additionally the harm to veteran trees would have resulted in the loss or deterioration of irreplaceable habitat as set out in the NPPF.
- 9.15 The current application has been amended in terms of the scale and nature of the proposed works and the supporting Arboricultural information has been updated accordingly. The application demonstrates that the works would be carried out outside the root protection areas (RPA) of retained trees. Furthermore, there would be no alterations to soil levels within the RPA of retained trees.

- 9.16 Regarding impact on hydrology, a revised flood risk assessment and water impact assessment has been submitted which sets out that soil moisture as a result of the proposed development would remain at pre-development level and there is no increase in ground water flooding. The harm to trees as a result of changes to hydrology is therefore minimal.
- 9.17 The plans and supporting documents have been scrutinised by the Council's Tree Officer and no objections are raised to the amended application subject to tree protection measures being implemented and a full landscaping scheme to be submitted. (These matters are to be dealt with via condition 2 and 3 respectively).

Issue vi - Ecology

- 9.18 The amended plans submitted with the current application are unlikely to have any additional impact on ecology than the previous proposal, application 19/02204/FULL, to which the Ecologist did not raise objection subject to condition.
- 9.19 The proposals are overall likely to result in enhancements for biodiversity and there is a low risk that badgers, reptiles and nesting birds could be present on site during works. Non-native invasive plant species are present on site and there is a risk that the proposed works could facilitate the spread of these species. Works should therefore be undertaken in accordance with an approved Construction Environmental Management Plan for Biodiversity to be secured by condition 4. In addition, a condition ensuring eradication of Japanese Knotweed from the site has been recommended (Condition 5). Finally a condition is attached to ensure biodiversity enhancements are carried out in line with the ecology report (condition 6).

Issue vii - Flooding/Drainage

- 9.20 The site suffers from extensive surface water flooding and this is the driver behind the proposal. The Environment Agency has no hydrological concerns over the development but have advised that the applicant must be made aware that they will likely need a groundwater abstraction licence. Such a licence is required if the applicant abstracts more than 20 cubic metres of water per day from a surface water source or from underground strata (via borehole or well). The licence is dependent on available water resources. The impact on groundwater resource has been raised by residents and the applicant will be advised on the need for a licence via informative.
- 9.21 The Lead Local Flood Authority has commented on proposal and is satisfied that the proposal is acceptable from a surface water drainage point of view. They have requested a surface water drainage scheme is submitted via condition to ensure the proposed development is safe from flooding and does not increase flood risk elsewhere.

Issue viii – Archaeology

- 9.22 The site lies within an area of archaeological potential, particularly for, but not limited to, Roman remains. The potential impacts of the development can be mitigated through a programme of archaeological work which has been defined within the submitted Written Scheme of Investigation. A condition is attached to ensure works are carried out in accordance with this Written Scheme of Investigation.

10. PLANNING BALANCE AND CONCLUSION

- 10.1 The proposed works are considered to have minimal impact upon the openness of the Green Belt and the character of the area.
- 10.2 Despite two objections from neighbours, the plans and supporting documents have been scrutinised by Environmental experts including the Council's Tree Officer and Ecologist, the Lead Local Flood Authority, the Environment Agency and Berkshire Archaeology. The proposal has been found acceptable with regard to impact on flooding, drainage, groundwater, trees, ecology and archaeology subject to conditions.
- 10.3 In line with paragraph 11 of the NPPF the development should therefore be approved without delay.

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 The erection of fencing for the protection of any retained tree and any other protection specified shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the Local Planning Authority.
Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.
- 3 The development shall not be occupied until the hard and soft landscaping scheme has been implemented within the first planting season following the substantial completion of the development in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The development shall be retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity.
Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1.
- 4 No development shall take place (including ground works and vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.(a) Risk assessment of potentially damaging construction activities.(b) Identification of "biodiversity protection zones".(c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce

impacts during construction, including precautionary measures for nesting birds and an invasive-species method statement.(d) The location and timing of sensitive works to avoid harm to biodiversity features.(e) The times during construction when specialist ecologists need to be present on site to oversee works.(f) Responsible persons and lines of communication.(g) Use of protective fences, exclusion barriers and warning signs. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To minimise impacts on biodiversity in accordance with paragraphs 170 and 175 of the NPPF.

- 5 No development hereby permitted shall commence until a Japanese Knotweed eradication strategy has been submitted to, and approved in writing by the Council. The strategy shall include details of and timescales for knotweed eradication, and, if the knotweed has not been eradicated at the time of commencement of works, details of the measures to be put in place to ensure that works do not cause its spread. The eradication strategy shall be carried out in accordance with the approved details unless the local planning authority gives written approval for any variations.

: Japanese knotweed, is an invasive weed that can have a significant adverse effect on biodiversity - this condition will ensure that it is controlled and not spread.

- 6 Prior to the occupation of the development, details of biodiversity enhancements, to include bird and bat boxes, tiles or bricks appropriately situation on trees or buildings around the site, and native and wildlife friendly landscaping (including planting of lake and pond margins with native aquatic marginal vegetation as recommended in the ecology report (The Environmental Dimension Partnership Ltd, July 2019, ref: edp5106_r001a), shall be submitted to and approved in writing by the Council. The biodiversity enhancements shall thereafter be installed as approved.

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

- 7 Prior to commencement (excluding demolition) a surface water drainage scheme for the development, based on the submitted sustainable drainage strategy, shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:

- Full details of all components of the proposed surface water drainage system including dimensions, location, gradients, invert level, cover levels and relevant construction details.

- A layout showing how exceedance flow will be managed on site and the routes

- Details of the maintenance arrangement relating to the proposed surface water drainage system, confirming who will be responsible for its maintenance and the maintenance regime to be implemented

The surface water drainage system shall be implemented and maintained in accordance with the approved details thereafter.

Reason: To ensure compliance with the National Planning Policy Framework and the Non-Statutory Technical Standards for Sustainable Drainage Systems, and to ensure the proposed development is safe from flooding and does not increase flood risk elsewhere.

- 8 The development shall take place in line with the programmed or archaeological work as defined within the approved Written Scheme of Investigation submitted alongside the development application.

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programmed set out in the Written Scheme of Investigation approved under condition and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

: The site lies within an area of archaeological potential, particularly for, but not limited

to, Roman 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.

- 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.

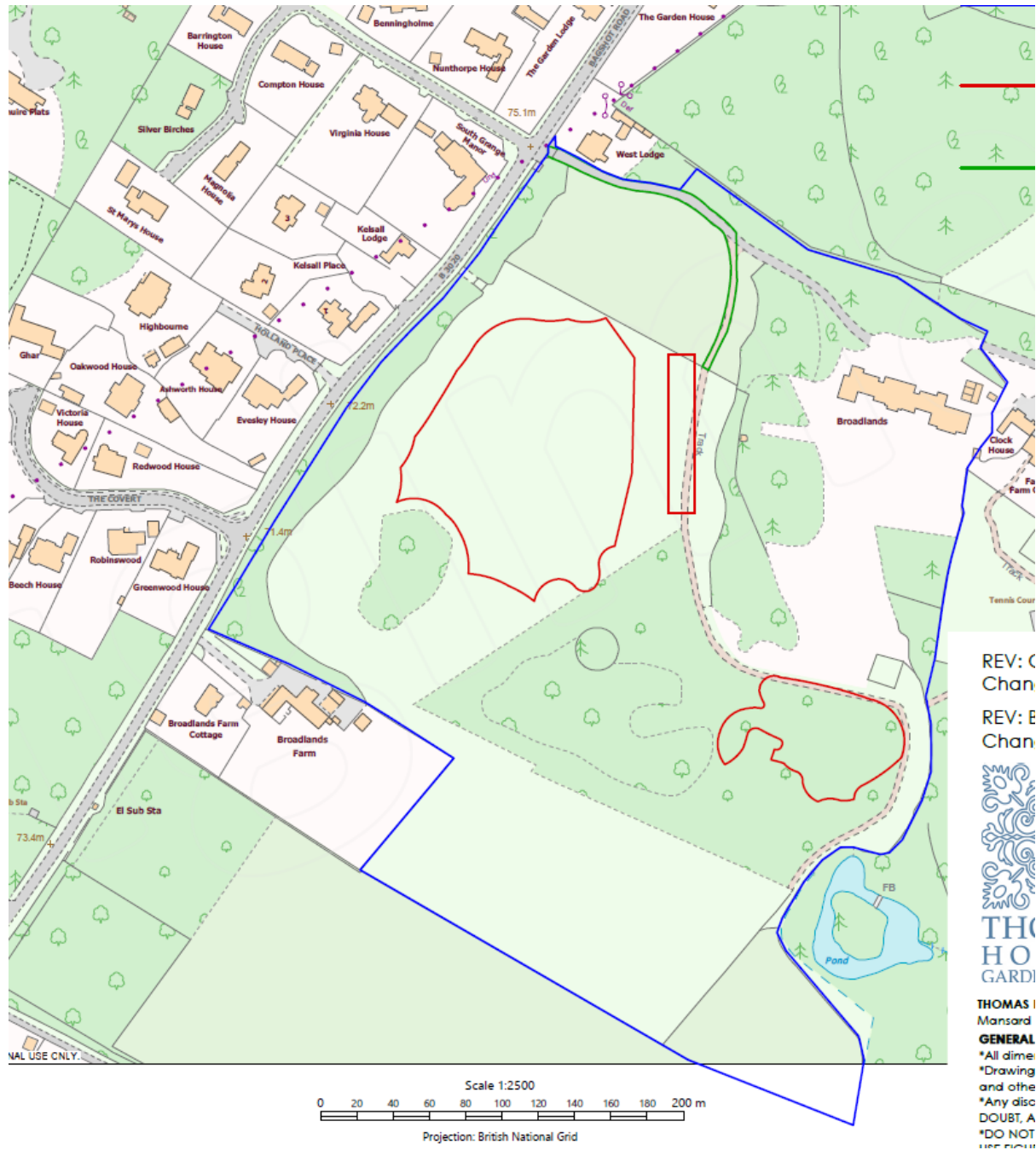
Informatives

- 1 If you intend to abstract more than 20 cubic metres of water per day from a surface water source or from underground strata (via borehole or well) for any particular purpose, including to fill up the ponds, then you will need an abstraction licence from the Environment Agency. There is no guarantee that a licence will be granted as this is dependent on available water resources and existing protected rights. The documentation shows there are two existing deep boreholes within the site boundary. We have no record of these boreholes and they also don't appear on the BGS Borehole Records database. When carrying out a hydrogeological assessment for a potential abstraction licence, as a minimum, we would need to know the following information:- Borehole Depth- Construction Details (casing type; depth)- Target AquiferIt's the landowner's responsibility to apply for a licence if and when one is needed. It's an offence to abstract or impound water without a licence.
- 1 The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended, it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

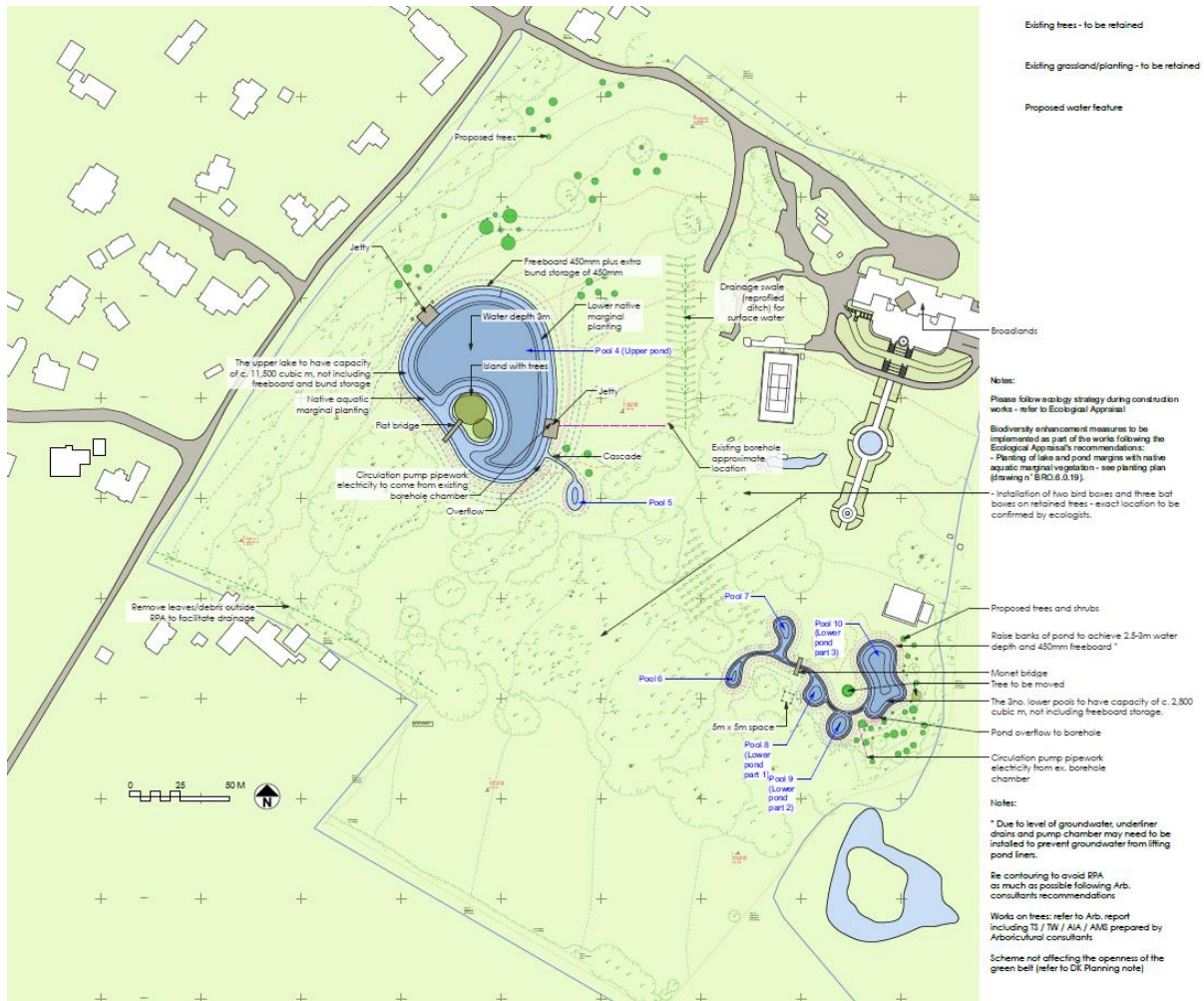
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Appendix A (Site location plan and site layout)

Site Location Plan

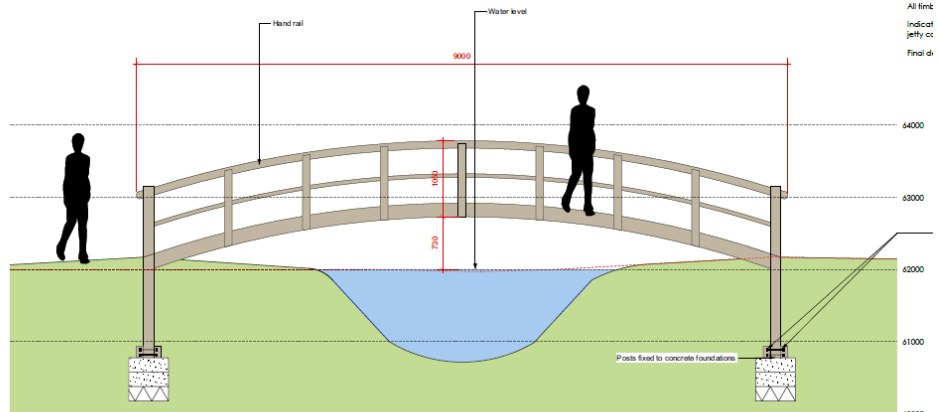
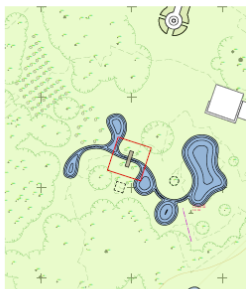
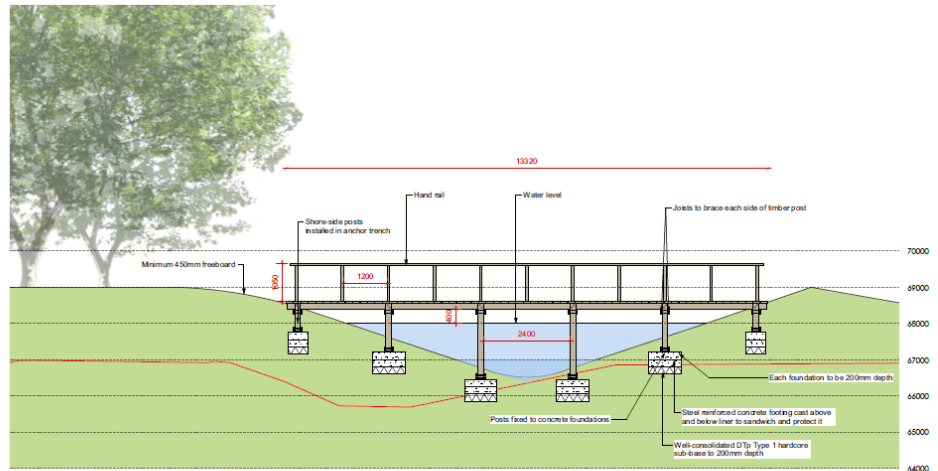
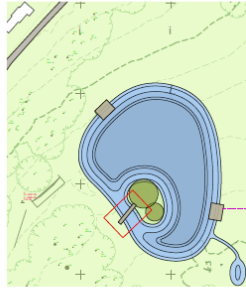


Site Layout



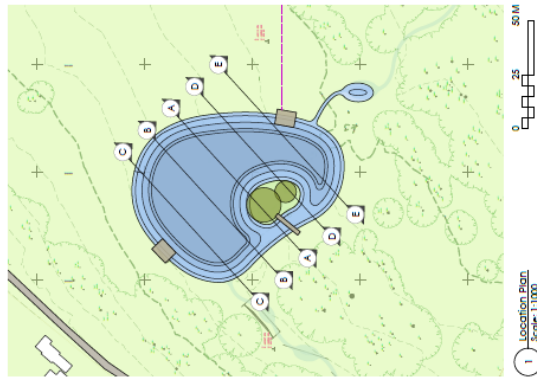
Appendix B (Plans and Elevations)

Location and sections of bridges



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Section of upper pond showing changes to levels



KEY

Existing profile

Proposed cut

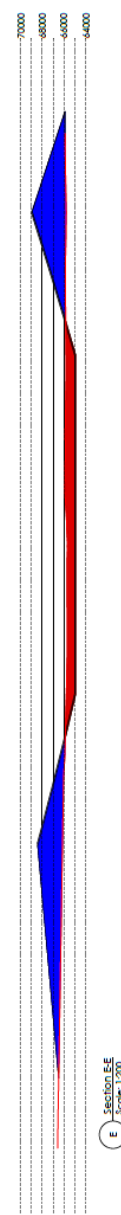
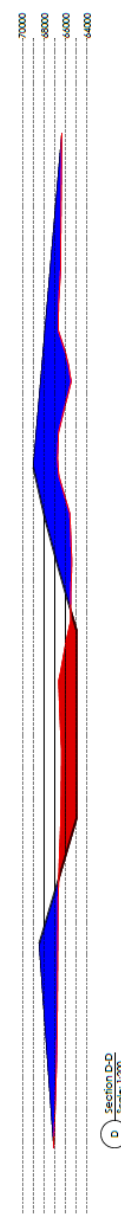
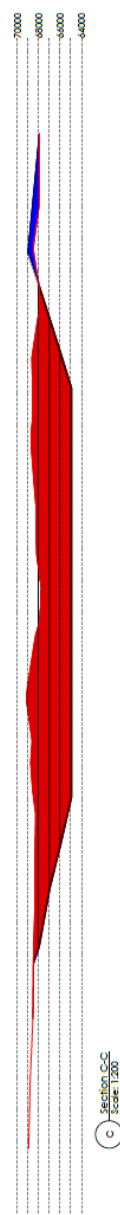
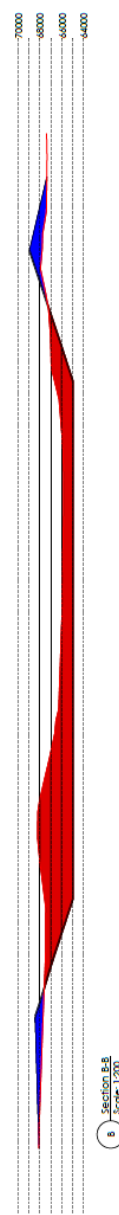
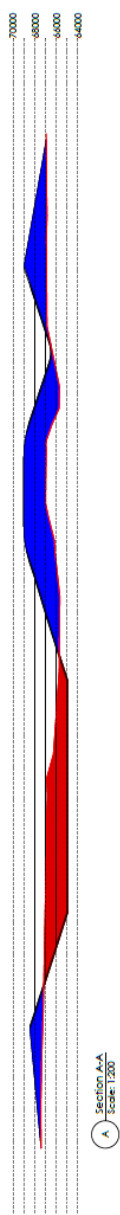
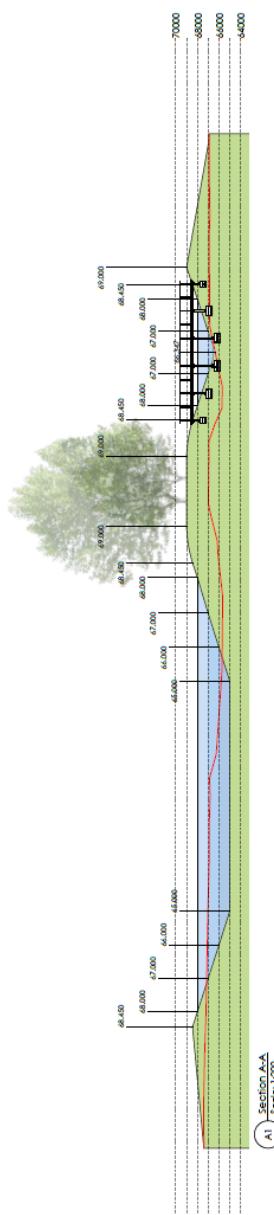
Proposed fill

REV: C | Drawn by: RB | Date: 25-Sep-20
 Change: following new pre-app advice
 Prepared by: RB
 Checked by: RB

The Lake Section
 Drawing No. 1803.0.12
 Issue: Version 9 A1
 Date: 25-Sep-20
 Drawn by: RB
 Checked by: RB

THOMAS HOBLYN GARDENERS
 1000 North Valley Circle, Design Unit
 4000 North Valley Circle, Design Unit

This drawing is to be used in conjunction with the other drawings in this set. It is not to be used in isolation. It is the responsibility of the user to ensure that all relevant drawings are read and understood. The user is advised to consult the design team for any queries. © 2020 Thomas Hoblyn Gardeners. All rights reserved.



Appeal Decision Report

9 November 2020 - 4 December 2020

Appeal Ref.: 20/60010/REF **Planning Ref.:** 19/02195/FULL **Plns Ref.:** APP/T0355/W/19/3
243583

Appellant: Mr Charles c/o **Agent:** Mr R Charles Stable Clock House Trulls Hatch Argos Hill Rotherfield
Crowborough TN6 3QL

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

Description: Construction of 2no. three bedroom dwellings, 2no. pergolas, bin storage, new boundary
treatment with associated parking and landscaping following the demolition of existing
garages.

Location: **Garages At 1 To 12 Milton Close Horton Slough**

Appeal Decision: Dismissed **Decision Date:** 10 November 2020

Main Issue: The proposed dwellings would be considerably taller and bulkier than the existing garages. Due to their scale and siting, they would be seen from Milton Close, particularly between Nos 16 and 18, and from neighbouring properties. As a result, the views across the site would be interrupted by built form and its open appearance would be diminished. Consequently, the proposal would reduce the openness of the site, both spatially and visually, compared to the existing situation. The Council has cited in its refusal emerging Policy SP5 of the Borough Local Plan (BLP), which seeks to prevent inappropriate development in the Green Belt, which it aligns with the exceptions listed in national policy. While the BLP is currently being Examined, and as such has reached an advanced stage, no details have been provided of any objections to this Policy. It is afforded only limited weight. In any event, it is found that the proposal would not meet any of the exceptions in the Framework, it follows that it would not comply with Policy SP5. **Flood Risk:** There is therefore no compelling evidence to demonstrate that all reasonably available sites appropriate for the proposed development, in areas with a lower risk of flooding, have been robustly considered. Accordingly, the proposal does not pass the sequential test. It is not therefore necessary to apply the exception test. Accordingly, the proposal would not be acceptable in respect of flood risk, having regard to the Framework and the PPG. **Living conditions:** Accordingly, the proposal would result in significant harm to the living conditions of neighbouring occupiers in respect of outlook, and likely further harm in respect of daylight. LP policies on living conditions has not been made available, however the proposal would conflict with the Framework requirement to achieve good design, including a high standard of amenity for existing and future users. **Green belt balancing:** The proposal therefore represents inappropriate development and would harm the openness of the Green Belt, to which the Inspector attaches substantial weight having regard to Framework paragraph 144. It is afforded substantial weight to the adverse impacts of the proposal in terms of flood risk, and significant weight to the harm to the living conditions of neighbours, given the importance the Framework attaches to these two matters. Against this harm, the benefits of providing 2 dwellings, which would not be secured as affordable housing, would be limited. Consequently, it is found that the other considerations in this case do not clearly outweigh the totality of the harm identified. The very special circumstances necessary to justify the development therefore do not exist. As such, the proposal would conflict with LP Policy GB1. **Conclusion:** It is found that the proposal would conflict with LP Policies GB1 and GB2. In the absence of a 5-year housing land supply, Framework paragraph 11d) provides that the policies which are most important for determining the application are out-of-date. Policies GB1 and GB2 are not wholly consistent with the Framework in terms of the exceptions and openness tests contained within them, and as such afford the conflict with these policies significant, but not full weight. However, the proposal also conflicts with Framework policies that protect the Green Belt and areas at risk of flooding, and these provide a clear reason for refusing the development proposed. Therefore, the 'tilted balance' in Framework paragraph 11 d) ii. is not engaged. There is also further conflict with the Framework in respect of the living conditions of neighbours. Overall, therefore, taking account of the above considerations, including the benefits of the development, that material considerations do not indicate that planning permission should be granted for the proposal, which conflicts with the development plan and the Framework.

Appeal Ref.: 20/60025/REF **Planning Ref.:** 19/02828/FULL **Plns Ref.:** APP/T0355/D/20/3248125

Appellant: Mr Ravi Grewal **c/o Agent:** Miss Michaela Mercer Mercer Planning Consultants Ltd Castle Hill House 12 Castle Hill Windsor Berkshire SL4 1PD

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

Description: Loft conversion through the formation of a rear L shaped roof dormer, and 2no. front roof lights (Retrospective).

Location: **31 Arthur Road Windsor SL4 1RS**

Appeal Decision: Allowed **Decision Date:** 16 November 2020

Main Issue: The main issue is the effect of the development on the character and appearance of the host property and the surrounding area. It is evident that the scale and height of the works undertaken constitute a substantial change to the host property and have certainly increased its bulk. Nevertheless, the materials chosen are complementary to the host property and in my view its overall height is not out-of-scale with it. Thus, the appearance of the host property has been respected. Importantly, the extended property is viewed amidst a number of other very similar flat-roofed and 'L'-shaped dormers, including those at Nos 27, 29, 35 and 37 Arthur Road. These developments have diluted the traditional appearance of this part of the terrace. Due to its height, the development does appear more prominent than some of the neighbouring properties, but not to a great degree. It is observed that the two-tone arrangement of the bricks conforms well to that seen at the adjoining properties. As such, whilst it does have the appearance of a second-floor extension, its similarity to the extensions at Nos 27, 29, 35 and 37 Arthur Road is such that the development appears entirely congruent with its immediate neighbours in terms of its size, scale, height, bulk, and materials. In its context it appears as a natural continuation of those other similar developments nearby and accordingly does not appear incongruent with the character of the area. Although the planning applications for Nos 27, 29 and 35 Arthur Road were recommended for refusal but overturned at planning committee, the resulting developments now form the context. Regarding the refusals of planning permission on Arthur Road referred to by the Council¹, but in this case the immediately adjacent properties are the most relevant to my assessment, and those examples, being further away, are less so. Accordingly, they do not change the view as to the impact of the development on the street scene. It is concluded that the development has an acceptable effect on the character and appearance of the host property and the surrounding area. The development complies with Policies DG1 and H14 of the Royal Borough of Windsor and Maidenhead Local Plan (adopted 1999 (including alterations adopted 2003)), and Policies SP2 and SP3 of the emerging Borough Local Plan Submission Version (2017), and Policies QP1 and QP3 of the emerging Borough Local Plan Submission Version Proposed Changes (2019), which collectively provide that all new developments should positively contribute to the places in which they are located. It also complies with paragraph 127 of the National Planning Policy Framework ('the Framework') which provides that planning decisions should ensure that developments are sympathetic to local character.

Appeal Ref.: 20/60038/REF **Planning Ref.:** 19/03209/FULL **Plns Ref.:** APP/T0355/D/20/3249295

Appellant: Mr Perry Musty **c/o Agent:** Other ET Planning Office ET Planning 200 Dukes Ride Crowthorne RG45 6DS

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

Description: Garage conversion, relocation of the front entrance door including new entrance canopy, two storey side extension, 4no. front rooflights and alterations to fenestration following the demolition of the existing single storey front and rear element and the detached outbuilding.

Location: **Ridgeway Lodge Cannon Lane Maidenhead SL6 4QQ**

Appeal Decision: Dismissed **Decision Date:** 11 November 2020

Main Issue: The Planning Inspector concluded that the proposal would amount to inappropriate development in the Green Belt and further harm would be caused to the Green Belt as a result of the loss of openness. As such, the proposal is deemed to be contrary to Local Plan Policies GB1 and GB4, which seek to preserve the openness of the Green Belt and protect it from inappropriate development.

Appeal Ref.: 20/60040/REF **Planning Ref.:** 19/03064/FULL **Plns Ref.:** APP/T0355/W/20/3250119

Appellant: Mrs H Humphreys **c/o Agent:** Mr Elton Disha Creative Design And Structure Ltd Unit 1 Henson House Newtown Road Henley-on-Thames RG9 1HG

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

Description: x1 new dwelling, following demolition of existing garage and side extension.

Location: **Land Rear of 2 Clarefield Drive Maidenhead SL6 5DP**

Appeal Decision: Dismissed **Decision Date:** 12 November 2020

Main Issue: The Inspector found that the proposal would have an unacceptable and harmful effect on the character and appearance of the surrounding area. It would conflict with Policies DG1, H10 and H11 of the Local Plan, and Paragraphs 127 and 130 of the NPPF. The Inspector also found that the proposal would not have a harmful effect on the living conditions of the occupants of neighbouring properties.

Appeal Ref.: 20/60043/REF **Planning Ref.:** 19/03183/CONDI T **Plns Ref.:** APP/T0355/W/20/3252103

Appellant: Mr And Mrs Chohan And Bains **c/o Agent:** Mr Nicholas Cobbold Bell Cornwell LLP Unit 2 Meridian Office Park Osborn Way Hook Hampshire RG27 9HY

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

Description: Details required by condition 7 (garage foundation design) of planning permission 19/01050 for a replacement dwelling

Location: **19 Llanvair Drive Ascot SL5 9HS**

Appeal Decision: Allowed **Decision Date:** 19 November 2020

Main Issue: The Inspector concluded that the proposal would have an acceptable effect on the character and appearance of the surrounding area, including its effect on trees. The proposal would comply with Policies DG1 and N6 of the Royal Borough of Windsor and Maidenhead Local Plan (adopted 1999 including alterations adopted 2003) which collectively provide that harm should not be caused to the character of the surrounding area through development which results in the loss of important features which contribute to that character. An application for a full award of costs was made by Mr and Mrs Chohan, the Inspector considered all the evidence submitted and the Planning Officers report and on that basis the application for a full award of costs is justified.

Appeal Ref.: 20/60053/REF **Planning Ref.:** 19/03592/FULL **Plns Ref.:** APP/T0355/D/20/3254785

Appellant: Mr Saleem Ahmed **c/o Agent:** Mr Reg Johnson 59 Lancaster Road Maidenhead SL6 5EY

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

Description: Hip to gable, 1no. rear dormer and 2no. front rooflights

Location: **17 Sperling Road Maidenhead SL6 7LB**

Appeal Decision: Dismissed **Decision Date:** 18 November 2020

Main Issue: The main issue identified is the effect of the proposal on the character and appearance of the host property and surrounding area. The Inspector considers the proposed hip to gable extension would introduce an alien design feature into the street scene, which would be out of keeping with the roofscape of the street. The rear dormer is deemed to be of excessive and dominant scale, compromising the character of the roof and property. As an application for planning permission was refused, the Inspector does not assess the proposal with respect to permitted development legislation. Alterations to other dwellings in the surrounding area are noted but this is not found to provide justification for causing further harm to the street scene. It is concluded that the proposal detracts from the character and appearance of the existing property and surrounding area, conflicting with Local Plan policies DG1 and H14, provisions of the NPPF, and design guidance in Appendix 12 of the Local Plan.

Appeal Ref.: 20/60054/REF **Planning Ref.:** 19/03596/FULL **Plns Ref.:** APP/T0355/D/20/3255167
Appellant: Saleem Ahmed **c/o Agent:** Mr Reg Johnson 59 Lancaster Road Maidenhead SL6 5EY
Decision Type: Delegated **Officer Recommendation:** Refuse
Description: Alterations to the roof, including x2 front rooflights and x1 rear dormer.
Location: **19 Sperling Road Maidenhead SL6 7LB**
Appeal Decision: Dismissed **Decision Date:** 18 November 2020

Main Issue: The main issue identified is the effect of the proposal on the character and appearance of the host property and surrounding area. The Inspector considers the proposed hip to gable extension would be out of keeping with the roofscape of the street. The rear dormer is deemed to be of excessive and dominant scale, compromising the character of the roof and property. As an application for planning permission was refused, the Inspector does not assess the proposal with respect to permitted development legislation. Alterations to other dwellings in the surrounding area are noted but this is not found to provide justification for causing further harm to the street scene. It is concluded that the proposal detracts from the character and appearance of the existing property and surrounding area, conflicting with Local Plan policies DG1 and H14, the NPPF, and design guidance in Appendix 12 of the Local Plan.

Appeal Ref.: 20/60057/REF **Planning Ref.:** 19/03403/FULL **Plns Ref.:** APP/T0355/W/20/3252452
Appellant: Mr M Taylor **c/o Agent:** Mr Paul Dickinson Paul Dickinson And Associates Highway House Lower Froyle Hants GU34 4NB
Decision Type: Delegated **Officer Recommendation:** Refuse
Description: Replacement dwelling and garage.
Location: **Cardinals Ride Monks Walk Ascot SL5 9AZ**
Appeal Decision: Dismissed **Decision Date:** 20 November 2020

Main Issue: The Inspector concluded that the proposal would harm the character and appearance of the area. Policies DG1 and H11 of the Royal Borough of Windsor and Maidenhead Local Plan require designs to be compatible with the street environs and residential development must respect scale. The Ascot, Sunninghill and Sunningdale Neighbourhood Plan Policies NP/DG1, NP/DG2 and NP/DG3 require development to respect existing townscape, sensitive scale and bulk and for parking/garaging to be set back. The proposal would conflict with these policies and the Councils Townscape Assessment.

Appeal Ref.: 20/60062/REF **Planning Ref.:** 19/02814/FULL **Plns Ref.:** APP/T0355/W/20/3255176
Appellant: Mr Kevin McCabe **c/o Agent:** Mr Jake Collinge JCPC Ltd 5 Buttermarket Thame Oxfordshire OX9 3EW
Decision Type: Delegated **Officer Recommendation:** Refuse
Description: Construction of x1 dwelling with new vehicular access.
Location: **Land Rear of The Garth Altwood Close Maidenhead**
Appeal Decision: Dismissed **Decision Date:** 9 November 2020

Main Issue: The Inspector found that the house, being forward of the established building line, and being cramped on the plot, would be an incongruous addition to the street scene. The lack of any landscaping on the frontage would not be in keeping with the character of the area. The works to and around the TPO'd tree would be likely to stress it and affect its long term health. There would be future pressure to fell or prune this tree. Its loss would have a significant impact on the character and appearance of the area. The proposal would significantly harm the character and appearance of the area, and would conflict with Policies N6, DG1, H10 and H11 of the Local Plan. The Inspector found that there would be no harm to the living conditions of the occupiers of Maple Dean to the rear.

Appeal Ref.: 20/60065/REF **Planning Ref.:** 20/00356/FULL **Plns Ref.:** APP/T0355/D/20/3252902
Appellant: Mr Elmar Schuetz **c/o Agent:** Mr Philip Hurdwell PJH Design 41 Upcroft Windsor SL4 3NH
Decision Type: Delegated **Officer Recommendation:** Refuse
Description: Single storey rear extension and alterations to fenestration.
Location: **Belvedere House Rise Road Ascot SL5 0AT**
Appeal Decision: Dismissed **Decision Date:** 10 November 2020

Main Issue: The Inspector concluded that he had insufficient information before him to demonstrate that the proposal would not have an adverse effect upon the protected oak tree, or the character and appearance of the area. The proposal conflicts with Policies DG1 and N6 of The Royal Borough of Windsor and Maidenhead Local Plan (2003) which collectively provide that harm should not be caused to the character of the surrounding area through development which results in the loss of important features which contribute to that character. There is also conflict with Policy EN2 of the Ascot, Sunninghill and Sunningdale Neighbourhood Plan 2011 – 2026 which provides that residential development proposals where trees are present should be accompanied by a tree survey.

Appeal Ref.: 20/60066/REF **Planning Ref.:** 19/03413/FULL **Plns Ref.:** APP/T0355/D/20/3253412
Appellant: Mr And Mrs Fan 17 Ray Mill Road East Maidenhead SL6 8SW
Decision Type: Delegated **Officer Recommendation:** Refuse
Description: Single storey rear extension and alterations to fenestration
Location: **17 Ray Mill Road East Maidenhead SL6 8SW**
Appeal Decision: Dismissed **Decision Date:** 9 November 2020

Main Issue: The Inspector found that there would be a high probability of the proposed extension would, in the absence of evidence to indicate otherwise, increase flood risk in the locality in conflict with LP Policy F1. Paragraph 163 of the NPPF requires that local planning authorities should ensure that flood risk is not increased elsewhere.

Appeal Ref.: 20/60070/REF **Planning Ref.:** 19/03469/FULL **Plns Ref.:** APP/T0355/D/20/3250518
Appellant: Mr & Mrs M Boore **c/o Agent:** Mr Shaun Simmons Morph Design Creatives Ltd 15 Tyttenhanger Green Tyttenhanger St Albans Hertfordshire AL4 0RN
Decision Type: Delegated **Officer Recommendation:** Refuse
Description: Garage conversion, part single, part two storey rear extension and alterations to fenestration.
Location: **Maywood House Old Mill Lane Bray Maidenhead SL6 2BG**
Appeal Decision: Dismissed **Decision Date:** 11 November 2020

Main Issue: Disproportionate addition over and above the size of the original dwelling (62%). Proposal constitutes inappropriate development in the Green Belt. Openness of Green Belt would be reduced both visually and spatially. Site lies within Flood Zone 3a. Proposal conflicts with Local Plan policy F1 in terms of size (existing dwelling extended by 46 sq.m since 1978) and proposal would impede flow of water and increase risk of flooding elsewhere. No very special circumstances exist to justify proposal. Contrary to Local Plan policy GB4, emerging policy SP5 and NPPF.

Appeal Ref.: 20/60071/REF **Planning Ref.:** 19/03626/FULL **Plns Ref.:** APP/T0355/W/20/3255793

Appellant: Mr Danny Garrard **c/o Agent:** Mr Ken Marshall Marshall Associates Monyash Curls Lane Maidenhead Berkshire SL6 2QF

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

Description: Change of use of the land from open amenity space to residential garden with erection of fencing.

Location: **2 Merton Close Maidenhead SL6 3HH**

Appeal Decision: Dismissed **Decision Date:** 11 November 2020

Main Issue: The Inspector concluded that the proposed change of use of open space and fence would detract from the character and appearance of the surrounding area, in conflict with Policy DG1 of The Royal Borough of Windsor and Maidenhead Local Plan (2003), which seeks to ensure that new buildings should be compatible with the established street façade having regard to the scale, height and building lines of adjacent properties, with sympathetic use of materials. There would also be conflict with the National Planning Policy Framework, which at paragraph 127, requires developments, among other matters to be sympathetic to local character.

Appeal Ref.: 20/60073/REF **Planning Ref.:** 20/01172/FULL **Plns Ref.:** APP/T0355/D/20/3258359

Appellant: Mr Michael Best **c/o Agent:** Mr Kevin J Turner Kevin J Turner FRICS 4 Little Oaks Close Shepperton TW17 0GA

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

Description: Single storey side/rear extension following the demolition of the existing garage.

Location: **6 Coppermill Road Wraysbury Staines TW19 5NT**

Appeal Decision: Withdrawn **Decision Date:** 13 November 2020

Appeal Ref.: 20/60083/REF **Planning Ref.:** 20/01171/FULL **Plns Ref.:** APP/T0355/D/20/3258306

Appellant: Mr Sam Oxlade **c/o Agent:** Mr Kevin Turner Kevin J Turner FRICS 64 Wood Road Shepperton TW17 0DX

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

Description: Construction of a single storey front extension, first floor front extension, raising of the main ridge height with hipped roof, ground floor side infill extension and replacement of the existing flat roof of the rear dormer with 3no. gable sections, rear balcony and alterations to fenestration following the demolition of the existing garage.

Location: **4 Hythe End Road Wraysbury Staines TW19 5AR**

Appeal Decision: Dismissed **Decision Date:** 20 November 2020

Main Issue: The proposal would be inappropriate development in the Green Belt and the Framework establishes that substantial weight should be given to any harm to the Green Belt. It would also lead to a small loss of openness to the Green Belt. The other considerations in this case do not clearly outweigh the harm that the Inspector has identified. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal would be contrary to Saved Policies GB1, GB2 and GB4 of the LP and Policy SP5 of the emerging plan and the Framework.

Appeal Ref.: 20/60088/REF **Planning Ref.:** 20/02201/FULL **Plns Ref.:** APP/T0355/D/20/3261687

Appellant: Mr Sam Oxlade **c/o Agent:** Mr Kevin John Turner Kevin J Turner FRICS Chartered Surveyor 64 Wood Road Shepperton TW17 0DX

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

Description: Single storey front extension, part two storey part first floor infill and front extension with x1 front dormer and undercroft, raising of the main roof ridge height with hipped roof and x1 front rooflight, replacement roof to the existing rear dormer, rear balcony and alterations to fenestration, following demolition of the existing garage.

Location: **4 Hythe End Road Wraysbury Staines TW19 5AR**

Appeal Decision: Dismissed **Decision Date:** 20 November 2020

Main Issue: The proposal would be inappropriate development in the Green Belt and the Framework establishes that substantial weight should be given to any harm to the Green Belt. It would also lead to a small loss of openness to the Green Belt. The other considerations in this case do not clearly outweigh the harm that the Inspector has identified. Consequently, the very special circumstances necessary to justify the development do not exist. The proposal would be contrary to Saved Policies GB1, GB2 and GB4 of the LP and Policy SP5 of the emerging plan and the Framework.

Planning Appeals Received

9 November 2020 - 4 December 2020

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

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

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

Ward:
Parish: Wraysbury Parish
Appeal Ref.: 20/60090/REF **Planning Ref.:** 20/01219/FULL **Plns Ref.:** APP/T0355/D/20/3258731
Date Received: 9 November 2020 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Householder Appeal
Description: Siting of a mobile home to be used as ancillary residential accommodation (retrospective).
Location: **8 Wraysbury Road Staines TW19 6HE**
Appellant: Ms F Caviezel **c/o Agent:** Miss Nikki O'Hagan Planning Direct The Furnace The Maltings Princes Street Ipswich IP1 1SB

Ward:
Parish: Windsor Unparished
Appeal Ref.: 20/60091/REF **Planning Ref.:** 19/03351/FULL **Plns Ref.:** APP/T0355/W/20/3260273
Date Received: 19 November 2020 **Comments Due:** 24 December 2020
Type: Refusal **Appeal Type:** Written Representation
Description: Redevelopment of the former Thames Hospice to provide a retirement housing development of x45 dwellings comprising x3 two-storey terraced houses, x4 two-storey semi-detached houses, x2 2.5-storey apartment blocks and x1 three-storey apartment block with associated parking, car port, landscaping, refuse stores and cycle stores, following demolition of the existing building.
Location: **Thames Hospicecare Pine Lodge Hatch Lane Windsor SL4 3RW**
Appellant: Beechcroft Developments Ltd **c/o Agent:** Mr Christopher Colloff Savills (UK) Ltd Unit 5 Napier Court Napier Road Reading RG1 8BW

Ward:
Parish: Bray Parish
Appeal Ref.: 20/60092/REF **Planning Ref.:** 20/01440/FULL **Plns Ref.:** APP/T0355/D/20/3259966
Date Received: 26 November 2020 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Householder Appeal
Description: First floor side/rear extension with mono pitch roof to the existing ground floor front element, part two storey part first floor side/rear extension and alterations to fenestration.
Location: **12 Bray Court Maidenhead SL6 2DR**
Appellant: Mr A Chaudhri **c/o Agent:** Mr Sam Dodd Authorised Designs Ltd Bacchus House Ley Hill Chesham Buckinghamshire HP5 1UT

Ward:
Parish: Maidenhead Unparished
Appeal Ref.: 20/60093/REF **Planning Ref.:** 20/01756/FULL **Plns Ref.:** APP/T0355/D/20/3261260
Date Received: 2 December 2020 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Householder Appeal
Description: Front porch extension, canopy and rendering.
Location: **67 Lower Cookham Road Maidenhead SL6 8JY**
Appellant: Mr And Mrs Walker-Beagle **c/o Agent:** Mr Stephen Varney Stephen Varney Associates
Siena Court The Broadway Maidenhead SL6 1NJ

Ward:
Parish: Maidenhead Unparished
Appeal Ref.: 20/60094/REF **Planning Ref.:** 20/01648/FULL **Plns Ref.:** APP/T0355/D/20/3261273
Date Received: 2 December 2020 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Householder Appeal
Description: Single storey side/rear wraparound extension, following demolition of the existing lean-to extension.
Location: **44 Belmont Crescent Maidenhead SL6 6LW**
Appellant: Mr Liam Derothschild **c/o Agent:** Other ET Planning Office ET Planning 200 Dukes Ride
CROWTHORNE RG45 6DS

Ward:
Parish: Sunninghill And Ascot Parish
Appeal Ref.: 20/60095/REF **Planning Ref.:** 20/00686/FULL **Plns Ref.:** APP/T0355/D/20/3260378
Date Received: 2 December 2020 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Householder Appeal
Description: Detached outbuilding.
Location: **Santana 54 Llanvair Drive Ascot SL5 9LN**
Appellant: Mrs Joit Uppal **c/o Agent:** Mr Robin Bretherick Robin Bretherick Associates Woodbank The
Ridgeway Chalfont St. Peter Gerrards Cross Bucks SL9 8NP

Ward:
Parish: Cookham Parish
Appeal Ref.: 20/60096/REF **Planning Ref.:** 20/01918/FULL **Plns Ref.:** APP/T0355/W/20/3263006
Date Received: 3 December 2020 **Comments Due:** 7 January 2021
Type: Refusal **Appeal Type:** Written Representation
Description: Two storey rear extension with first floor balcony to the existing dwelling and x1 new dwelling with new vehicular access.
Location: **The Gables 49 Whyteladyes Lane And Land Adjacent To The Gables 49 Whyteladyes Lane Cookham Maidenhead**
Appellant: Mr / Mr Simon / Kier Tong / Dungo **c/o Agent:** Mrs Sophie Matthews Walsingham Planning
Bourne House Cores End Road Bourne End Buckinghamshire SL8 5AR

Ward:
Parish: Old Windsor Parish
Appeal Ref.: 20/60097/REF **Planning Ref.:** 20/01686/FULL **Plns Ref.:** APP/T0355/D/20/3262298
Date Received: 3 December 2020 **Comments Due:** Not Applicable
Type: Refusal **Appeal Type:** Householder Appeal
Description: Infill roof extension over the existing flat roof terrace.
Location: **Burfield Grange 34 Burfield Road Old Windsor Windsor SL4 2LG**
Appellant: Mr Hussein **c/o Agent:** Mr Mark Schull Arrow Planning Limited 28 Wingate Avenue High Wycombe
HP13 7QP

Ward:
Parish: Bisham Parish
Appeal Ref.: 20/60098/COND **Planning Ref.:** 20/00501/FULL **Plns Ref.:** APP/T0355/W/20/3258417
Date Received: 3 December 2020 **Comments Due:** 7 January 2021
Type: Appeal against conditions imposed **Appeal Type:** Written Representation
Description: Single storey rear extension with canopy and chimney, raised patio area, retaining wall and a canopy to the side elevation.

Location: Brackenwood Grubwood Lane Cookham Maidenhead SL6 9UD
Appellant: Mr & Mrs Fawell **c/o Agent:** Mr Mark Berry JSA Architects Tavistock House Waltham Road
Maidenhead SL6 3NH

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