

NOTICE
OF
MEETING

**WINDSOR AND ASCOT DEVELOPMENT
MANAGEMENT COMMITTEE**

will meet on

WEDNESDAY, 2ND NOVEMBER, 2022

At 7.00 pm

In the

GREY ROOM - YORK HOUSE, AND ON [RBWM YOUTUBE](#)

TO: MEMBERS OF THE WINDSOR AND ASCOT DEVELOPMENT MANAGEMENT COMMITTEE

COUNCILLORS DAVID CANNON (CHAIRMAN), SAYONARA LUXTON (VICE-CHAIRMAN), SHAMSUL SHELM, GARY MUIR, DAVID HILTON, AMY TISI, WISDOM DA COSTA, JON DAVEY AND EWAN LARCOMBE

SUBSTITUTE MEMBERS

COUNCILLORS KAREN DAVIES, JOHN BOWDEN, JULIAN SHARPE, HELEN PRICE, CAROLE DA COSTA, JOHN STORY, SAMANTHA RAYNER, DAVID COPPINGER AND NEIL KNOWLES

Karen Shepherd – Head of Governance - Issued: 25 October 2022

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 **Oran Norris-Browne** Oran.Norris-Browne@RBWM.gov.uk

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.	<p><u>APOLOGIES FOR ABSENCE</u></p> <p>To receive any apologies for absence.</p>	-
2.	<p><u>DECLARATIONS OF INTEREST</u></p> <p>To receive any declarations of interest.</p>	5 - 8
3.	<p><u>MINUTES OF PREVIOUS MEETING</u></p> <p>To approve the minutes of the meeting held on 5 October 2022 as a true and accurate record.</p>	9 - 10
4.	<p><u>21/03363/FULL - SITE OF FORMER SHEPHERDS HUT 17 ETON WICK ROAD ETON WICK WINDSOR</u></p> <p>PROPOSAL: Construction of x1 building to create E(b) use on the ground floor, x5 residential units (C3 use on the first and second floors) with associated car parking and cycle and bin storage areas, following demolition of the existing building.</p> <p>RECOMMENDATION: REFUSE</p> <p>APPLICANT: Mr Chatha</p> <p>MEMBER CALL-IN: Councillor Rayner</p> <p>EXPIRY DATE: 7 October 2022</p>	11 - 44
5.	<p><u>22/00934/OUT - LAND ADJACENT THE HATCH AND SOUTH OF MAIDENHEAD ROAD AND NORTH OF WINDSOR ROAD WATER OAKLEY WINDSOR</u></p> <p>PROPOSAL: Outline application for access only to be considered at this stage with all other matters to be reserved for the erection of up to 135 new dwellings, areas of public open space including play spaces and pocket allotments, together with associated landscaping, car parking, footpath/ cycle connections and vehicular access onto Maidenhead Road.</p> <p>RECOMMENDATION: PERMIT</p> <p>APPLICANT: Mr Van Laun</p> <p>EXPIRY DATE: 31 October 2022</p>	45 - 80

6.	<u>22/01431/FULL - RSG MOTOR GROUP HALFPENNYS GARAGE KINGS ROAD SUNNINGHILL ASCOT SL5 7BT</u>	81 - 118
	<p>PROPOSAL: Construction of a commercial unit (use class E), x14 dwellings including associated vehicular/pedestrian access, parking, bin storage and landscaping, following demolition of existing buildings.</p>	
	<p>RECOMMENDATION: REFUSE</p>	
	<p>APPLICANT: Mr Woodward</p>	
	<p>EXPIRY DATE: 4 November 2022</p>	
7.	<u>22/02164/FULL - SOUTH ASCOT VILLAGE SCHOOL ALL SOULS ROAD ASCOT SL5 9EA</u>	119 - 130
	<p>PROPOSAL: Main school building: Installation of new external canopy and timber fencing to provide covered external play area. Nursery school building: Six number new sun tubes to existing pitch tiled and flat roof. Footpath linkage between buildings.</p>	
	<p>RECOMMENDATION: PERMIT</p>	
	<p>APPLICANT: Haury</p>	
	<p>EXPIRY DATE: 10 November 2022</p>	
8.	<u>PLANNING APPEALS RECEIVED AND PLANNING DECISION REPORT</u>	131 - 134
	<p>To note the contents of the report.</p>	

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LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

In accordance with the requirements of the Local Government (Access to Information) Act 1985, each item on this report includes a list of Background Papers that have been relied on to a material extent in the formulation of the report and recommendation. The list of Background Papers will normally include relevant previous planning decisions, replies to formal consultations and relevant letter of representation received from local societies, and members of the public. For ease of reference, the total number of letters received from members of the public will normally be listed as a single Background Paper, although a distinction will be made where contrary views are expressed. Any replies to consultations that are not received by the time the report goes to print will be recorded as "Comments Awaited".

The list will not include published documents such as the Town and Country Planning Acts and associated legislation, Department of the Environment Circulars, the Berkshire Structure Plan, Statutory Local Plans or other forms of Supplementary Planning Guidance, as the instructions, advice and policies contained within these documents are common to the determination of all planning applications. Any reference to any of these documents will be made as necessary under the heading "Remarks".

STATEMENT OF THE HUMAN RIGHTS ACT 1998

The Human Rights Act 1998 was brought into force in this country on 2nd October 2000, and it will now, subject to certain exceptions, be directly unlawful for a public authority to act in a way which is incompatible with a Convention right. In particular, Article 8 (respect for private and family life) and Article 1 of Protocol 1 (peaceful enjoyment of property) apply to planning decisions. When a planning decision is to be made however, there is further provision that a public authority must take into account the public interest. In the vast majority of cases existing planning law has for many years demanded a balancing exercise between private rights and public interest, and therefore much of this authority's decision making will continue to take into account this balance.

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

MEMBERS' GUIDE TO DECLARING INTERESTS AT MEETINGS

Disclosure at Meetings

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

Any Member with concerns about the nature of their interest should consult the Monitoring Officer in advance of the meeting.

Non-participation in case of Disclosable Pecuniary Interest (DPI)

Where a matter arises at a meeting which directly relates to one of your DPIs (summary below, further details set out in Table 1 of the Members' Code of Conduct) you must disclose the interest, **not participate in any discussion or vote on the matter and must not remain in the room** unless you have been granted a dispensation. If it is a 'sensitive interest' (as agreed in advance by the Monitoring Officer), you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted by the Monitoring Officer in limited circumstances, to enable you to participate and vote on a matter in which you have a DPI.

Where you have a DPI on a matter to be considered or is being considered by you as a Cabinet Member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

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

- *Any employment, office, trade, profession or vocation carried on for profit or gain.*
- *Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her 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 council.*
- *Any licence to occupy land in the area of the council for a month or longer.*
- *Any tenancy where the landlord is the council, and the tenant is a body in which the relevant person has a beneficial interest in the securities of.*
- *Any beneficial interest in securities of a body where:*
 - a) that body has a place of business or land in the area of the council, and*
 - b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body **or** (ii) the total nominal value of the shares of any one class belonging to the relevant person exceeds one hundredth of the total issued share capital of that class.*

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

Disclosure of Other Registerable Interests

Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (summary below and as set out in Table 2 of the Members Code of Conduct), you must disclose the interest. **You may speak on the matter only if members of the public are also allowed to speak at the meeting** but otherwise **must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation**. If it is a 'sensitive

interest' (as agreed in advance by the Monitoring Officer), you do not have to disclose the nature of the interest.

Other Registerable Interests (relating to the Member or their partner):

You have an interest in any business of your authority where it relates to or is likely to affect:

- a) *any body of which you are in general control or management and to which you are nominated or appointed by your authority*
- b) *any body*
 - (i) exercising functions of a public nature*
 - (ii) directed to charitable purposes or*

one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

Disclosure of Non- Registerable Interests

Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a DPI) or a financial interest or well-being of a relative or close associate, you must disclose the interest. **You may speak on the matter only if members of the public are also allowed to speak at the meeting** but otherwise **must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation**. If it is a 'sensitive interest' (agreed in advance by the Monitoring Officer) you do not have to disclose the nature of the interest.

Where a matter arises at a meeting which **affects** –

- a. your own financial interest or well-being;
- b. a financial interest or well-being of a friend, relative, close associate; or
- c. a body included in those you need to disclose under DPIs as set out in Table 1 of the Members' code of Conduct

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied.

Where a matter **affects** your financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise **must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation**. If it is a 'sensitive interest' (agreed in advance by the Monitoring Officer), you do not have to disclose the nature of the interest.

Other declarations

Members may wish to declare at the beginning of the meeting any other information they feel should be in the public domain in relation to an item on the agenda; such Member statements will be included in the minutes for transparency.

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Agenda Item 3

WINDSOR AND ASCOT DEVELOPMENT MANAGEMENT COMMITTEE

WEDNESDAY, 5 OCTOBER 2022

PRESENT: Councillors David Cannon (Chairman), Julian Sharpe, Shamsul Shelim, Gary Muir, David Hilton and Amy Tisi

Also in attendance virtually: Councillor Gurch Singh and Councillor Jon Davey

Officers: Oran Norris-Browne, Ollie Cassells, Jo Richards, Claire Pugh and Edward Vaudin

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Larcombe, Councillor Luxton, Councillor W. Da Costa and Councillor Davey, although he was attending virtually as a non-committee member and instead as a registered speaker. Councillor Sharpe substituted for Councillor Luxton.

Oran Norris-Browne, Democratic Services Officer, then explained that following on from the Full Council meeting held on Tuesday 27 September, Councillor Larcombe had now replaced Councillor Knowles on the committee. The agenda for the meeting had already been published before the Full Council meeting had taken place.

DECLARATIONS OF INTEREST

No declarations of interest were made.

MINUTES OF PREVIOUS MEETING

AGREED UNANIMOUSLY: That the minutes from the meeting held on 7 September 2022 be a true and accurate record.

22/00721/OUT - OLD BOUNDARY HOUSE AND NEW BOUNDARY HOUSE LONDON ROAD SUNNINGDALE ASCOT

Councillor Hilton proposed to refuse planning permission for the reasons listed in section 15 of the report, which was in line with officer's recommendation. The motion was seconded by Councillor Sharpe.

A named vote was taken.

22/00721/OUT - OLD BOUNDARY HOUSE AND NEW BOUNDARY HOUSE LONDON ROAD SUNNINGDALE ASCOT (Motion)	
Councillor David Cannon	For
Councillor Julian Sharpe	For
Councillor Shamsul Shelim	For
Councillor Gary Muir	For
Councillor David Hilton	For
Councillor Amy Tisi	For
Carried	

AGREED UNANIMOUSLY: That planning permission be refused for the reasons listed in section 15 of the report.

The committee were addressed by 1 speaker, the applicant's agent, Nick Jenkins.

22/01945/FULL - 106 WOLF LANE WINDSOR SL4 4YZ

Councillor Tisi proposed to grant planning permission for the reasons listed in section 13 of the report, this was in line with officer's recommendation. This was seconded by Councillor Hilton.

A named vote was taken.

22/01945/FULL - 106 WOLF LANE WINDSOR SL4 4YZ (Motion)	
Councillor David Cannon	For
Councillor Julian Sharpe	For
Councillor Shamsul Shelim	For
Councillor Gary Muir	For
Councillor David Hilton	For
Councillor Amy Tisi	For
Carried	

AGREED UNANIMOUSLY: That planning permission be granted with the reasons listed in section 13 of the report.

The committee were addressed by 1 speaker, Councillor Davey.

PLANNING APPEALS RECEIVED AND PLANNING DECISION REPORT

The committee noted the report.

The meeting, which began at 7.03 pm, finished at 7.55 pm

CHAIRMAN.....

DATE.....

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD PLANNING COMMITTEE

DEVELOPMENT CONTROL PANEL

2 November 2022

Item: 1

Application No.:	21/03363/FULL
Location:	Site of Former Shepherds Hut 17 Eton Wick Road Eton Wick Windsor
Proposal:	Construction of x1 building to create E(b) use on the ground floor, x5 residential units (C3 use on the first and second floors) with associated car parking and cycle and bin storage areas, following demolition of the existing building.
Applicant:	Mr Chatha
Agent:	Miss Risha Patel
Parish/Ward:	Eton Town Council/Eton And Castle
If you have a question about this report, please contact: Jeffrey Ng on or at jeffrey.ng@rbwm.gov.uk	

1. SUMMARY

- 1.1. Currently, the site comprises a vacant public house building, which is known as The Shepherds Hut and its associated car park. The site is subject to several planning permissions, the principal application being ref: 19/01548/FULL which is for the erection of 6no. dwellings (on land to the south of the current application site) and the change of use of former Shepherds Hut to a café. The 6 dwellinghouses have been constructed and therefore this planning permission has been implemented and is extant.
- 1.2. This application is seeking to demolish the existing Shepherds Hut building and construct a three-storey building. The proposed development comprises 5 residential two-bedroom units. The ground floor would comprise a class E(b) use.
- 1.3. This application was originally put forward to the August Committee meeting with an officer recommendation for refusal. However, officers considered it prudent to allow the applicant to try and address the concerns raised. A sequential test report and a revised design scheme have now been provided by the applicant via email dated 05 October 2022 to support this application. This committee report is based on the revised design scheme and updated sequential test.
- 1.4. Despite the submission of additional supporting information, the proposed development is considered to be unacceptable for two reasons including: 1) failure to pass the sequential test and 2) failure to meet the requirements of SP2 and the Council's interim sustainability statement.
- 1.5. Weighing in favour of the scheme, the proposed development would provide 5 new residential units. The proposed development can also achieve net gains in biodiversity. However, the weight attributed to these benefits would not either individually or cumulatively, be sufficient to outweigh the other harms that are set out above. On the basis of the foregoing, it is therefore recommended that planning permission be refused.

It is recommended the Committee refuses planning permission for the following summarised reasons (the full reasons are identified in Section 15 of this report):

1.	The application site lies within Flood Zone 2 and the proposed development fails to pass the sequential test in this case. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Given that the application site is not an allocated site in the development plan, a sequential is required in this case. Therefore, the proposed development fails to comply with Section 14 of the National Planning Policy Framework and Policy NR1 of the Borough Local Plan 2013-2033.
2.	The applicant has failed to submit information to demonstrate how the proposed development would work towards minimising CO2 emissions or how it has been designed to incorporate measures to adapt to and mitigate climate change. As such, the proposal is considered to be contrary to Policy SP2 of the Borough Local Plan, Chapter 14 of the NPPF (2021) and the Council's Interim Sustainability Position Statement.

2. REASON FOR COMMITTEE DETERMINATION

- 2.1. The Council's Constitution does not give the Head of Planning delegated powers to determine the application in the way recommended; such decisions can only be made by the Committee as the application has been called in by Cllr Samantha Rayner as the application site is within a significant location in the village and the Neighbourhood Plan.

3. THE SITE AND ITS SURROUNDINGS

- 3.1. The application site is approximately 0.06 hectares and is a corner plot located on the southern side of Eton Wick Road at its junction with Princes Close in Eton Wick. Eton Wick shopping parade, community facilities and other services are also in walking distance of the application site. The application site currently comprises a vacant public house, which is known as The Shepherds Hut and its associated car park.
- 3.2. The application site is within an established residential area. Properties within the area vary in design and size but they are typically brick built and with slate roof tiles. According to the RBWM Townscape Assessment, the site is within 5A Eton Wick Character Area with the "Victorian Villages" Character.

4. KEY CONSTRAINTS

- Environment Agency Flood Zone 2
- Eton Wick Local Centre
- An area of archaeological significance

5. THE PROPOSAL

- 5.1. The application seeks planning permission for the demolition of the Shepherds Hut and the construction of a building to create E(b) use on the ground floor and 5 residential units (C3) use on the first and second floors with associated car parking and cycle and bin storage area.
- 5.2. An updated sequential test report and a revised plans have been provided by the applicant via email dated 05 October 2022 to support this application. The assessment of this report is based on the revised design scheme received. The revised design scheme includes the provision of private amenity spaces for all proposed units,

reconfiguration of the internal layout and also changes to the corner element of the proposed building.

6. RELEVANT PLANNING HISTORY

Ref.	Description of Development	Decision and Date
19/01548/FULL	Erection of 6no. dwellings including a raised walkway, change of use of former Shepherds Hut to cafe following demolition of 49 Victoria Road, and part demolition of Shepherds Hut.	Permitted – 10.02.2020
20/00625/VAR	Variation (under Section 73) of planning permission 19/01548/FULL to vary the wording of Condition 6 (Section 278) to read 'The development shall not be occupied until a Section 278 (of the Highways Act 1980) Agreement has been secured with the Highways Authority for new access that can achieve pedestrian and visibility splays compliant with the Borough's current requirements as shown on Drawing: Visibility Splays [A19067C-101 Rev P1]. The development shall not be occupied until the new access as approved through the S278 Agreement has been carried out in full'.	Permitted – 01 May 2020
20/00937/VAR	Variation (under Section 73) of condition 11 (approved plans) to substitute those plans approved under 19/01548/FULL for the erection of 6no. dwellings including a raised walkway, change of use of former Shepherds Hut to cafe following demolition of 49 Victoria Road, and part demolition of Shepherds Hut. And, to vary the wording of Condition 6 (Section 278) to read 'The development shall not be occupied until a Section 278 (of the Highways Act 1980) Agreement has been secured with the Highways Authority for new access that can achieve pedestrian and visibility splays compliant with the Borough's current requirements as shown on Drawing: Visibility Splays [A19067C-101 Rev P1]. The development shall not be occupied until the new access as approved through the S278 Agreement has been carried out in full'.	Permitted – 26 June 2020
20/02139/VAR	Variation (under Section 73) of Condition 11 (Approved Plans) to substitute those plans approved under 19/01548/FULL for the erection of 6no. dwellings including a	Permitted – 13 November 2020

	raised walkway, change of use of former Shepherds Hut to cafe following demolition of 49 Victoria Road, and part demolition of Shepherds Hut with amended plans.	
20/01487/CONDIT	Details required by condition 7 (archaeology) of the Variation of Conditions planning permission 20/02139 for the erection of 6no. dwellings including a raised walkway, change of use of former Shepherds Hut to cafe following demolition of 49 Victoria Road, and part demolition of Shepherds Hut.	Permitted – 13 November 2020
22/00806/CONDIT	Details required by conditions 3 (parking layout) and 4 (cycle layout) of application 20/02139/VAR for variation (under Section 73) of Condition 11 (Approved Plans) to substitute those plans approved under 19/01548/FULL for the erection of 6no. dwellings including a raised walkway, change of use of former Shepherds Hut to cafe following demolition of 49 Victoria Road, and part demolition of Shepherds Hut with amended plans	Permitted – 23 May 2022

7. DEVELOPMENT PLAN

7.1. The main relevant policies are:

Adopted Borough Local Plan 2013-2033

Issue	Policy
Spatial Strategy for the Borough	SP1
Climate Change	SP2
Sustainability and Placemaking	QP1
Character and Design of New Development	QP3
Housing Development Sites	HO1
Housing Mix and Type	HO2
Affordable Housing	HO3
Hierarchy of Centres	TR1
Local Centres	TR5

Managing Flood Risk and Waterways	NR1
Nature Conservation and Biodiversity	NR2
Infrastructure and Developer Contributions	IF1
Sustainable Transport	IF2

Adopted Eton & Eton Wick Neighbourhood Plan 2016-2036

Issue	Policy
Housing Type and Location	HD1
Housing Infill and Extension	HD2
Development within Eton Wick	HD4
Eton Wick Local Centre	BL3
Sustainable Transport Network	TI1
Car Parking	TI2
Bicycle Parking	TI3
Biodiversity	EN1
Flooding	EN3

8. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2021)

Section 2 – Achieving sustainable development
 Section 4- Decision-making
 Section 5 – Delivering a sufficient supply of homes
 Section 6 – Building a strong, competitive economy
 Section 7 – Ensuring the vitality of town centres
 Section 9- Promoting Sustainable Transport
 Section 11 – Making effective use of land
 Section 12- Achieving well-designed places
 Section 14- Meeting the challenge of climate change, flooding and coastal change
 Section 15 – Conserving and enhancing the natural environment
 Section 16- Conserving and enhancing the historic environment

Supplementary Planning Documents

- Borough Wide Design Guide

Other Local Strategies or Publications

Other Strategies or publications material for the proposal are:

- Berkshire Strategic Housing Market Assessment (SHMA) 2016
- RBWM Townscape Assessment
- RBWM Landscape Assessment
- RBWM Parking Strategy

- RBWM Affordable Housing Planning Guidance
- Interim Sustainability Position Statement
- Corporate Strategy
- Environment and Climate Strategy
- RBWM Waste Management Planning Advice Note
 - DLUHC Technical housing standards – nationally described space standard 2015

9. CONSULTATIONS CARRIED OUT

Comments from interested parties

23 occupiers were notified directly of the application and 38 letters were received in total.

3 letters were received supporting the application, summarised as:

Comment		Where in the report this is considered
1.	Support the proposed cafi in the vacant Shepherd's Hut building.	Noted.
2	Support the residential element of the proposed development.	Noted.

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

Comment		Where in the report this is considered
1	Concerns that there would be no planning control over the proposed E(b) use as a café.	Section v of this Report
2	The proposal is not in keeping with the character of the area.	Section v of this Report
3	No gardens or amenity spaces are proposed for the proposed residential units.	Section vi of this Report
4	Lack of visitor parking provision for residents.	Section vii of this Report
5	Lack of parking for visitors, staff and deliveries for the commercial building.	Section vii of this Report
6	No electric charging points are provided at the site.	Section vii of this Report
7	Concerns over the waste management of the proposed development.	Section viii of this Report
8	No heritage impact assessment has been provided to support this application.	Section x of this Report
9	There is concern over the impacts of the construction vehicles.	Section xii of this Report

Consultees

Consultees	Comments	Where in the report this is considered
RBWM Ecology	No objections have been raised subject to conditions related to biodiversity enhancement measures and an external lighting scheme	Section ix of this Report
RBWM Lead Local Flood Authority	Further information is required from the application regarding a plan indicating the proposed arrangement of the surface water drainage strategy and details showing the flow control system should achieve the Technical Standards for Sustainable Drainage Systems requirements.	Section iv of this Report
RBWM Environmental Protection	No objections have been raised subject to conditions related to aircraft noise, internal building insulation and site-specific construction environmental management plan.	Section xiii of this Report
Berkshire Archaeology	As an archaeological trial trench evaluation has been carried out and no archaeological features or finds were recorded, no further archaeological requirement is needed at this site.	Section x of this Report
Environment Agency	No comments to make.	Noted.

Others (e.g. Parish and Amenity Groups)

Groups	Comments	Where in the report this is considered
Eton Town Council	Support the application	Noted.

10. EXPLANATION OF RECOMMENDATION

10.1. The key issues for consideration are:

- i) Principle of Development
- ii) Climate Change and Sustainability
- iii) Housing Size and Mix
- iv) Affordable Housing
- v) Flood Risk
- vi) Design and Character
- vii) Impact on Neighbouring Amenity / Future Occupants
- viii) Highway and Parking
- ix) Waste Management
- x) Ecology and Biodiversity
- xi) Heritage and Archaeology
- xii) Other Material Considerations

i) Principle of Development

10.2. Paragraph 120 of the NPPF sets out that planning decisions should promote and support the development of under-utilised land and buildings. Policy TR5 of the Borough Local Plan 2013-2033 sets out that development proposals for retail use within the defined local centres will be supported. Development proposals for residential use on upper floors in local centres will also be supported. Policy BL3 of

the Eton & Eton Wick Neighbourhood Plan 2016-2036 also sets out that change of use between retail use classes to other commercials, leisure and community uses within the retail core of the Eton Wick Local Centre where retail is unviable will be supported. Proof of evidence should be supported by up-to-date evidence of open and active marketing of the site at market value over a 12-month period.

- 10.3. Policy IF6 of the Borough Local Plan 2013-2033 sets out that existing community facilities should be retained, improved and enhanced. Proposals for new or improved community facilities which meet the needs or aspirations of local residents and visitors will be supported. Where an assessment identifies specific needs in the local area, proposals to meet that local need will be supported when they are located in areas that are accessible by walking, cycling or public transport. Applications for change of use or redevelopment will therefore be resisted unless evidence can be provided to show that the facility is not needed, not economically viable and is no longer required to meet the needs of the local community.
- 10.4. The application site is within the identified Eton Wick Local Centre. The proposal is seeking to demolish the existing Shepherd's Hut building and construct a three-storey building including an E(b) use which refers to the sale of food and drink for consumption on the premises, on the ground floor and 5 residential units on the first and second floors. The proposal is considered to be supported by both Policy TR5 and Policy BL3.
- 10.5. The design and access statement sets out that the internal configuration of the existing Shepherd's Hut building is not attractive for investment opportunities. No up-to-date or further marketing evidence has been provided to support this application as required by Borough Local Plan 2013-2033 and the Eton & Eton Wick Neighbourhood Plan 2016-2036.
- 10.6. Notwithstanding the above, the principle of the loss of the former public house and proposed E(b) Class cafe use on the ground floor has been established through the approval and implementation of extant permission 19/01548/FULL. In support of application 19/01548/FULL, the applicant provided a statement of community involvement report dated May 2019, which is prepared by Peacock + Smith. The report sets out that there is overwhelming support for the alternative use of the former public house for cafe use. Given the evidence provided in this application is to support the proposed cafe use only and no further evidence is provided for other proposed use, it is considered that a planning condition could be recommended to restrict the ground floor to be used as a cafe only.
- 10.7. The approved scheme under the extant planning permission 19/01548/FULL also comprises a first-floor residential flat at the Shepherd's Hut building. The principle of having a residential development above the ground floor cafe has been accepted. Given that the current proposal is seeking to retain the ground floor retail use, the introduction of the residential element to the site is considered to be acceptable in this case, albeit matters of flood risk are assessed in section v) of this report.

ii) Climate Change and Sustainability

- 10.8. The Climate Change Act 2008 (CCA2008) imposes a duty to ensure that the net UK carbon account for the year 2050 is at least 100% lower than the 1990 baseline. Paragraph 152 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate by contributing to a radical reduction in greenhouse gas emissions, minimising vulnerability and improving resistance, and supporting renewable and low carbon energy and associated

infrastructure. The Royal Borough of Windsor and Maidenhead declared a climate emergency in June 2019, and the Council intends to implement a national policy to ensure net-zero carbon emissions can be achieved by no later than 2050.

- 10.9. In December 2020, the Environment and Climate Strategy was adopted to set out how the Borough will address the climate emergency. These are material considerations in determining this application. The strategy sets a trajectory which seeks a 50% reduction in emissions by 2025.
- 10.10. While a Sustainability Supplementary Planning Document will be produced, the changes to national and local climate policy are material considerations that should be considered in the handling of planning applications and the achievement of the trajectory in the Environment and Climate Strategy will require a swift response. The Council has adopted an Interim Sustainability Position Statement (ISPS) to clarify the Council's approach to these matters.
- 10.11. Policy SP2 of the Borough Local Plan 2013-2033 requires all developments to demonstrate how they have been designed to incorporate measures to adapt to and mitigate climate change. No information, including an energy statement, has been submitted in this regard and therefore it is not clear how the proposed development would reduce the environmental impact resulting from the proposed building or how the proposed development would work towards minimising CO2 emissions. The proposed development, therefore, fails to comply with Policy SP2 of the Borough Local Plan (2013-2033) and the Interim sustainability statement.

iii) Housing Size and Mix

- 10.12. Policy HO2 of the Borough Local Plan 2013-2033 sets out that the provision of new homes should contribute to meeting the needs of current and projected households by having regard to several principles, including providing an appropriate mix of dwelling types and sizes as set out in the Berkshire Strategic Housing Market Assessment (SHMA) 2016 unless there is evidence showing an alternative housing mix would be more appropriate. Supporting text 7.5.3 sets out that the SHMA 2016 identified a need for a focus on 2 and 3-bedroom properties in the market housing sector.
- 10.13. The proposed development is seeking to demolish the existing Shepherd's Hut building and seeking to introduce 5Nos. 2-bedroomed market units to the site. The proposed development is responding to the identified need for a focus on 2-bedroom properties in the market housing sector set out in the SHMA 2016. It is considered that the housing mix and type proposed is acceptable in this case.

iv) Affordable Housing

- 10.14. Policy HO3 of the Borough Local Plan 2013-2033 sets out that all developments for 10 dwellings gross, or more than 1,000 square metres of residential floorspace are required to provide on-site affordable housing by the following:
- On greenfield sites providing up to 500 dwellings gross – 40% of the total number of units
 - proposed on the site.
 - On all other sites, (including those over 500 dwellings) – 30% of the total number of units.

10.15. The proposed development is seeking to introduce 5Nos. C3 residential units to the site. Given that the wider site has already 6Nos. residential units, if considered together, the total number of residential units would be 11, which would trigger the affordable housing requirement within the development plan. However, the 6 dwellinghouses, the subject of extant planning permission 19/01548/FULL, have been built out. Furthermore, the current application was submitted prior to the adoption of the Borough Local Plan 2013-2033, when the affordable housing requirement within the revoked local plan was 15. Though the extant planning permission 19/01548/FULL comprises the partial demolition of the existing Shepherd's Hut building and a residential unit on the first floor, it is not considered that the approved scheme and the current scheme are reliant on each other. Therefore, it is not reasonable to insist on the provision of affordable housing in this case. The application is viewed as a stand-alone application for 5 dwellinghouses and is therefore not subject to the requirements of policy HO3.

v) Flood Risk

10.16. The site is within Environment Agency Flood Zone 2, which means that there is between a 1 in 100 and 1 in 1,000 annual probability of river flooding. National Planning Policy Framework (NPPF) sets out that the proposed residential development is classified as a "More Vulnerable" use and the sequential test is required as it is within Flood Zone 2. This application is accompanied by a flood risk assessment. It is noted that the FRA sets out that the proposed floor level of the residential units would be well above the flood level as they are all on the first floor. A safe escape route is provided in the flood risk assessment, which would provide a safe escape route to the area outside of the floodplain. Indeed, a safe escape route was established with the extant permission ref: 19/01548/FULL and could be relied upon for the current proposal. The assessment sets out that the sequential test is provided as a separate report in this application. This report has been updated following initial concerns raised by officers.

The Sequential Test

10.17. Paragraph 162 of the NPPF sets out that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. Policy NR1 of the Borough Local Plan 2013-2033 also sets out that the sequential test is required for all development in areas at risk of flooding, except for proposed developments on sites allocated in the Borough Local Plan or in a made Neighbourhood Plan.

10.18. A sequential test has been prepared by Ambiental Environmental Assessment, on behalf of the applicant to support this application. The test has shortlisted a number of sites and concluded that there is no other suitable alternative that is at a lower risk of flooding.

10.19. According to the submitted sequential test, the search is considered to be acceptable as the geographical search area of the test is Borough-wide. Sites were shortlisted for consideration from a number of sources of information including the Council's Housing and economic land availability assessment (HELAA), and a number of property search engines. However, there is only one windfall site identified in the test. Notwithstanding, 16 potential sites were identified, and 6 sites were shortlisted from the list for further assessment. However, it is considered that the assessment of the sequential test is flawed in this case for the following reasons:

- Site ref. 292 had been discounted due to an ongoing application/appeal as an application was recently refused. The appeal was dismissed (ref: 18/01786/FULL), however, planning permission has since been granted for a 4-unit scheme at this site (ref: 19/03205/FULL). It is considered the Council would only consider a site to be unavailable if the site has extant planning permission and relevant planning conditions have been discharged. At the present time, planning conditions have not been discharged, but an application for approval of conditions has been submitted (ref: 22/02178/CONDIT).
- Site ref. 330 had been unreasonably discounted. The previous schemes were refused due to character, heritage and massing reasons but the reasons did not include the principle of development as residential development. No attempt was also made to ascertain the site's availability. The application refused and dismissed at appeal was for a replacement 10-unit development (ref: 20/00935/FULL). It is considered that a 5-unit conversion scheme could be appropriate for the site and should be explored fully prior to discounting.
- Site ref. 465 had been unreasonably discounted as the development has not yet commenced. It is considered the Council would only consider a site to be unavailable if the site has extant planning permission and relevant planning conditions have been discharged. Whilst planning permission ref 18/00421/FULL has been granted for 7 flats (net increase of 5), this permission has not been implemented and conditions have not been discharged. It is considered that this site is still readily available.

10.20. It is considered a number of sites, each with a lower risk of flooding, have been unreasonably discounted in the sequential test and therefore it is not considered that the sequential test is passed in this case. The proposed development fails to comply with Section 14 of the National Planning Policy Framework and Policy NR1 of the Borough Local Plan 2013-2033.

10.21. The Sequential test or exceptions test is not required for the ground floor Class E use, and this is categorised as a less vulnerable development within flood zone 2. For all developments, however, there is a need to ensure that flood risk would not be increased elsewhere either through a loss of floodplain storage capacity or impeding the flow of flood water. In this case whilst the footprint of the proposed building would be larger than the existing public house, the existing site is entirely hard surfaced, as such it is not considered that the proposed development would result in a loss of floodplain storage capacity.

Surface Water Flooding

10.22. RBWM Lead Local Flood Authority has been consulted in this application. Further details regarding the surface water drainage strategy and sustainable urban drainage are required. However, it is considered that such details could be secured by planning conditions if permission were granted, and it is not therefore reasonable to refuse planning permission for this reason.

vi) Design and Character

10.23. The appearance of the development is a material planning consideration. Section 12 of the NPPF and Policy QP3 of the Borough Local Plan 2013-2033 sets out that all development should seek to achieve a high-quality design that improves the character and quality of an area.

Layout and Scale

- 10.24. Concerns have been raised during the public consultation that the proposed development is not in line with the character of the area. According to the RBWM Townscape Assessment, the site is within 5A Eton Wick Character Area “Victorian Villages”. The Assessment identifies that development in Eton Wick has been influenced by Eton College and surrounding Lammas/Common land, which provides an open rural setting to the village. Design should take account of the primary views along the main routes and active street frontages should be retained. The Assessment also sets out that new development within the Character Area should seek opportunities to enhance the character and appearance of the main village street.
- 10.25. The application site is within an established residential area, and it is also within Eton Wick local centre. Properties within the area vary in design and size but are typically 2 or 3 stories and conform to a regular building line. The application site is particularly sensitive as it is a corner plot, and it is within a very prominent location.
- 10.26. The proposed development is seeking to introduce a 3-storey building. The corner element has been redesigned to soften the extent of built form within the plot, provide a set-back from the road and allow for space for landscaping. The adjacent building, on the opposite side of Princes Close is also 3-storey, containing commercial properties on the ground floor and residential above. The dwellinghouses to the rear of the application site in Princes Close are 2.5 storeys. On the opposite side of Eton Wick Road there is a further example of a mixed used, 3-storey building which sits quite prominently within the local centre. The proposed development is therefore considered to be generally in line with the built form within the immediate vicinity in terms of scale and height. A residential entrance and bin storage areas for both commercial unit and residential units are proposed at the corner so as to have an active street frontage at the corner of the application site. Additionally, some outdoor seating and cycle stand for visitors are also provided to the north of the proposed building. It is considered that the proposed development would provide an active frontage to the north of the site and at the corner of the site.
- 10.27. Dormer windows are proposed within the roof slopes fronting Princes Close and Eton Wick Road and these have been designed to be small in scale and subservient compared to the roof slope within which they sit.
- 10.28. The proposed development also includes a hard-surfaced parking area, which will be functionally dominated by parked cars. Notwithstanding, it is noted that the existing site contains a significant amount of hard surfacing. Furthermore, the proposed development provides private amenity spaces for all residential units and some landscaping elements at the parking area and the corner of the site, such that this amount of hard surfacing is considered acceptable in this instance.

Appearance

- 10.29. Based on the submitted design and access statement, the proposed external materials are light colour brickworks with grey tiles. It is considered that they match the appearance of other properties within the area, which are typically brick built and with slate roof tiles.

Landscaping

- 10.30. Based on the submitted plans, some soft landscaping is proposed at the eastern part of the application site and also along the boundary of the parking area, Whilst the amount of landscaping is limited, it would be an improvement to the existing situation on site.
- 10.31. The RBWM Townscape Assessment does identify that greenspace in Eton Wick Victorian Village is limited and is generally restricted to private gardens with occasional village pockets of open space at a road junction. In this case, the proposed development is introducing some landscaping elements at the corner of the site, and it is generally in line with the character of having occasional village green elements at a road junction.

Summary

- 10.32. Both the NPPF and Policy QP3 of the Borough Local Plan 2013-2033 set out that all development should seek to achieve a high-quality design that improves the character and quality of an area. The site is within 5A Eton Wick Character Area with the "Victorian Villages" Character. The application site is particularly sensitive as it is a corner plot, and it is within a very prominent location. The proposed building has been amended to have a relatively less prominent corner element, which is considered to help soften the extent of built form within the plot. Furthermore, the proposal is also seeking to enhance the street frontage to the north of the site and also at the corner of the site. The proposed development is also seeking to provide private amenity spaces for all residential units, to introduce some landscaping elements along the boundary of the parking area and also at the corner of the site. The proposed development, on balance, is generally in line with the townscape character identified for a Victorian Village and is positively responding to the corner characteristic of the site and also providing an active frontage.

vii) Impact on Neighbouring Amenity / Future Occupants

- 10.33. Policy QP3 of the Borough Local Plan sets out that new development should have no unacceptable effect on the amenities enjoyed by the occupants of adjoining properties in terms of privacy, light, disturbance, vibration, pollution, dust, smell and access to sunlight and daylight.
- 10.34. Based on the submitted plans, it is not considered that the proposed development would have potential overlooking, overdominance or loss of light impacts on the neighbouring properties. Conditions could be imposed to ensure the use of obscure glazing in the event that planning permission is granted.

Impact on Future Occupants

- 10.35. All proposed units are considered to meet the minimum requirement of gross internal floor areas as set out in the nationally described space standard.

Outlook

- 10.36. The Council's Borough-Wide Design Guide sets out that all habitable rooms in new residential development should maintain at least one main window with an adequate outlook to external spaces. Rooms that are only served by obscurely glazed windows are considered as having poor outlook. Based on the submitted plans, bedroom 2 in flat 03 on the first floor is only served by an obscurely glazed window. However, it is considered that windows are provided for the majority of the other habitable rooms to allow an adequate outlook of external spaces. Therefore, it is considered that only

one habitable room is below standard but on balance, it does not warrant a reason for refusal in this particular case.

Amenity Space

- 10.37. Concerns have been raised during the public consultation over the inadequacy of amenity spaces for future occupants. The RBWM Townscape Assessment also identifies that the distribution of open space in the Victorian Village character area is limited and private gardens or amenity spaces would be an opportunity for the provision of open space/green area. The Council's Borough Wide Design Guide also sets out that the provision of high-quality outdoor amenity space within flatted developments is very important, especially in a tight urban environment. Flatted developments will be expected to provide high-quality private and communal outdoor amenity space. All flats above the ground floor should be provided with balconies unless there are conservation, privacy or heritage issues.
- 10.38. Despite no communal amenity space being provided, private amenity spaces are provided for all proposed units. All proposed private amenity spaces can meet the minimum size requirement sets out in the Borough-Wide Design Guide. It is considered that the proposed balconies on the first floor for flat 03 and flat 04 are in some conflict with the amenity space requirement for flatted developments in the Borough Wide Design Guide. However, on balance, it does not warrant a reason for refusal in this particular case.

Summary

- 10.39. While it is considered that there are constraints of the site and limitations of the design scheme, the proposed development, on balance, is still able to provide sufficient levels of high-quality private amenity spaces for future occupants and to allow an adequate outlook for the majority of habitable rooms. The proposed development, therefore, complies with Policy QP3 of the Borough Local Plan 2013-2033.

viii) Highways and Parking

- 10.40. Paragraph 111 of the NPPF sets out 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.

Access

- 10.41. A new access is proposed to allow the scheme to be accessed from Princes Close. This application is accompanied by a transport statement, which is conducted by Patrick Parsons, on behalf of the applicant. The statement sets out that the visibility splays will be 2.4m x 24m and a proposed access plan has been provided to support the application. The proposed access and the visibility splays should be provided prior to the occupation of the development but it is considered that such details can be secured by planning conditions.

Vehicle Movements

- 10.42. Policy IF2 of the Borough Local Plan sets out that new development shall be located to minimise the distance people travel and the number of vehicle trips generated. The submitted transport statement sets out that flats will generate 3 to 4 two-way trips per day. Given that the proposed development is for 5 units, the total number of trips will be 20 two-way trips per day. The level of traffic that is likely to be generated by the

proposed development is not considered to have a material impact on the existing highway networks.

Parking

- 10.43. Policy IF2 of the Borough Local Plan sets out that new developments should provide vehicle and cycle parking in accordance with the parking standards in the 2004 Parking Strategy (prior to the adoption of the Parking SPD). Consideration will be given to the accessibility of the site and any potential impacts associated with overspill parking in the local area.
- 10.44. According to the Parking Strategy, the site falls within an area of poor accessibility. The following table summarises the maximum parking standard for residential units and food and drink use set out in the 2004 Parking Strategy:

Use Class	Maximum Parking Standard (Areas of Poor Accessibility)
2-3 bedroom units	2 spaces per unit
Food and drink	1 space per 6sqm

- 10.45. Concerns have been raised during the public consultation regarding whether there are adequate parking spaces including visitor parking in this application. The parking standards set out in the 2004 Parking Strategy does not have a separate parking standard for visitor parking.
- 10.46. Concerns have been raised during the public consultation regarding insufficient parking in the area and there is no parking arrangement for future residents. The proposed development is seeking to introduce 10 parking spaces for residents to the site. 1 space will be designated as an accessible parking bay. It is considered that the provision of 10 parking spaces for residents meets the Council's maximum parking standard for residential units.
- 10.47. Concerns have been raised during the public consultation regarding lack of parking arrangement for visitors, staff and deliveries for the commercial element of the building. This application is accompanied by an updated parking stress survey report, which is prepared by Patrick Parsons on behalf of the applicant. The survey was first conducted in 2019 and this survey was conducted on 17 January 2022 at 1200 hours. The report shows that there were 27 available parking spaces within 100m of the development. Given the scale of the commercial element of the building and evidence showing the availability of nearby parking spaces has been provided to support this application, the impact of the highway would be limited in this case.
- 10.48. The Council's Interim Sustainability Position Statement sets out that at least 20% of parking spaces should be provided with active electric vehicle charging facilities and 80% of parking spaces should be provided with passive provision. Concerns have been raised during the public consultation regarding no electric vehicle charging facilities being provided in the proposed development. It is considered that no details of electric vehicle charging facilities have been provided to support this application. However, such details can be secured by a planning condition, if planning permission were to be forthcoming.
- 10.49. The 2004 Parking Strategy does not have a specific requirement for residential or retail parking standards for cycles. Paragraph 9.7.3 of the Strategy sets out that with certain forms of residential development, cycle parking provision may be required. In

a block of flats, a proportion of secure cycle parking will be required and will be calculated on a case-specific basis. The proposed development is providing 10 secure and covered cycle parking spaces for residents and spaces are provided in the form of a Sheffield stand.

- 10.50. The cycle parking provision for residents is considered to be acceptable. Given that the proposed ground floor commercial unit would be a cycle cafe and there is no other parking arrangement for visitors and staff, it is considered that adequate cycle parking provision should be provided for the commercial element of the development. Based on the site layout, it is considered the site should be able to accommodate more cycle parking spaces. Details of cycle parking provision should be provided but it is considered that such details can be secured by a planning condition.

Summary

- 10.51. The parking arrangement for residential development is considered to be acceptable. However, there is no parking arrangement for the proposed E(b) use including visitors, staff and deliveries. An updated parking stress survey report was provided and it summarises that there were adequate available parking spaces within 100m of the development. The proposed access arrangement is also considered to be acceptable. Though further details related to cycle parking, and electric charging vehicle facilities are required, it is considered that such details could be secured by planning conditions.
- 10.52. Paragraph 111 of the NPPF sets out that development should only be prevented or refused on highways grounds. Given the scale of the development, it is unlikely that the proposed development would have an adverse impact on highway safety or the severe residual cumulative impacts on the road network.

ix) Waste Management

- 10.53. The Council has published a Waste Management Planning Advice Note. It sets out that all new developments of one or more dwellings shall be designed to accommodate refuse and recycling bins and containers in a way that readily facilitates the collections without the storage facilities causing harm to visual amenity or the amenity of residents (both neighbouring residents and future occupiers of the development). The Advice Note also sets out a requirement for waste storage. The allocation of capacity per property for a communal flat is 95L per bedroom + 30L per dwelling and this would then be split into recycling (55%), refuse (40%) and food (5%).
- 10.54. Concerns have been raised during the public consultation regarding the waste management of the proposed development. The submitted Design and Access Statement sets out that the proposed residential bin storage area will be sized to accommodate 1 x 660L recycling bin, 1 x 660L refuse bins and 140L food waste bins. It is considered that the proposed development comprises a separate bin storage area for the proposed commercial use.

	RBWM Guidance	Proposed Waste Capacity (Flats)
Recycling (55%)	605L	660L
Refuse (40%)	440L	660L
Food (5%)	55L	140L
Total	1100L	1460L

10.55. The table above shows that the proposed waste arrangement is above the Council's requirements in this application.

x) Ecology and Biodiversity

10.56. This application is accompanied by a preliminary roost assessment report, which is prepared by Syntegra Consulting on behalf of the application. The report recommended that one further bat survey is required, and the works should not be undertaken during nesting bird season unless it is first checked by a suitable qualified ecological consultant.

10.57. This application is also accompanied by a bat survey, which is also prepared by Syntegra Consulting on behalf of the application. The survey set out that there is a likely absence of roosting bats, and no further surveys are recommended. Bat boxes are recommended in order to provide net gains in biodiversity. Lighting should also be installed to ensure that it would not adversely affect bats and other wildlife.

10.58. Ecology Officer has been consulted in this application. The proposed development would inevitably increase the light levels and it would have an impact on the commuting and foraging bats. Details of the external lighting scheme should be provided but it is considered that such details can be secured by a planning condition.

10.59. Both Paragraph 174 of the NPPF and Policy NR2 of the Borough Local Plan 2013-2033 set out that development proposals should demonstrate a net gain in biodiversity. Some biodiversity enhancement measures, such as the installation of bat boxes are recommended in the submitted bat survey. It is considered that details of biodiversity enhancement measures should be provided but such details can be secured by a planning condition.

xi)

xii)

xiii) Heritage and Archaeology

10.60. The wider site is within an area of archaeological potential. Berkshire Archaeology Officer has been consulted on this application. It is considered that an archaeological trial trench evaluation has been carried out on the site and it shows that groundwork associated with previous development on the site has had a widespread impact on the potential below-ground survival. However, no archaeological features or finds were recorded and there is no further archaeological requirement for this site. Therefore, it is not considered that the proposed development would have an adverse impact on archaeology.

xiv) Other Material Considerations

10.61. The Environmental Protection Officer has been consulted in this application. The Officer has raised no objection to the proposed development subject to conditions related to aircraft noise, internal building insulation and site-specific construction environmental management plan. Given the scale of the proposed development, the proposed condition relating to the construction environmental management plan would not be necessary as they are covered by other legislation.

11. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 11.1. The development is CIL liable. The proposed floorspace of the dwellings is £295.11 per sqm (indexation rate 2022).

12. PLANNING BALANCE AND CONCLUSION

- 12.1. The principle of development of having the change of use to a cafe on the ground floor and residential development above has been established as the extent permission 19/01548/FULL has been implemented on site. Therefore, the principle of development is accepted in this case.
- 12.2. The application site is within Flood Zone 2 and the proposed development is classified as “more-vulnerable” use, as defined by the NPPF. A sequential test is provided to support the application, but it is not passed in this case.
- 12.3. The application site is particularly sensitive as it is a corner plot, and it is within a very prominent location. The proposed building with a relatively less prominent corner element is considered to help soften the extent of built form within the plot. Furthermore, the proposal is also seeking to enhance the street frontage to the north of the site and also at the corner of the site. The proposed development is also seeking to provide private amenity spaces for all residential units, to introduce some landscaping elements along the boundary of the parking area and also at the corner of the site. The proposed development, on balance, is generally in line with the townscape character identified for a Victorian Village and is positively responding to the corner characteristic of the site and also providing an active frontage.
- 12.4. While it is considered that there are constraints of the site and limitations of the design scheme including amenity space and outlook, the proposed development, on balance, is still able to provide sufficient levels of high-quality private amenity spaces for future occupants and to allow an adequate outlook for the majority of habitable rooms.
- 12.5. The Royal Borough of Windsor and Maidenhead declared a climate emergency in June 2019, and the Council intends to implement a national policy to ensure net-zero carbon emissions can be achieved by no later than 2050. Policy SP2 of the Borough Local Plan 2013-2033 requires all development to demonstrate how they have been designed to incorporate measures to adapt to and mitigate climate change. No information including an energy statement, however, has been provided in this application.
- 12.6. To conclude, the proposed development would provide 5 new residential units and achieve net gains in biodiversity. However, the weight attributed to these benefits would not either individually or cumulatively, be sufficient to outweigh the other harms that are set out above. On this basis of the foregoing, it is therefore recommended that planning permission be refused.

13. APPENDICES TO THIS REPORT

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

14. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 1 The proposed development fails to pass the sequential test in this case. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Given that the application site is not an allocated site in the

development plan, a sequential is required in this case. Therefore, the proposed development fails to comply with Section 14 of the National Planning Policy Framework and Policy NR1 of the Borough Local Plan 2013-2033.

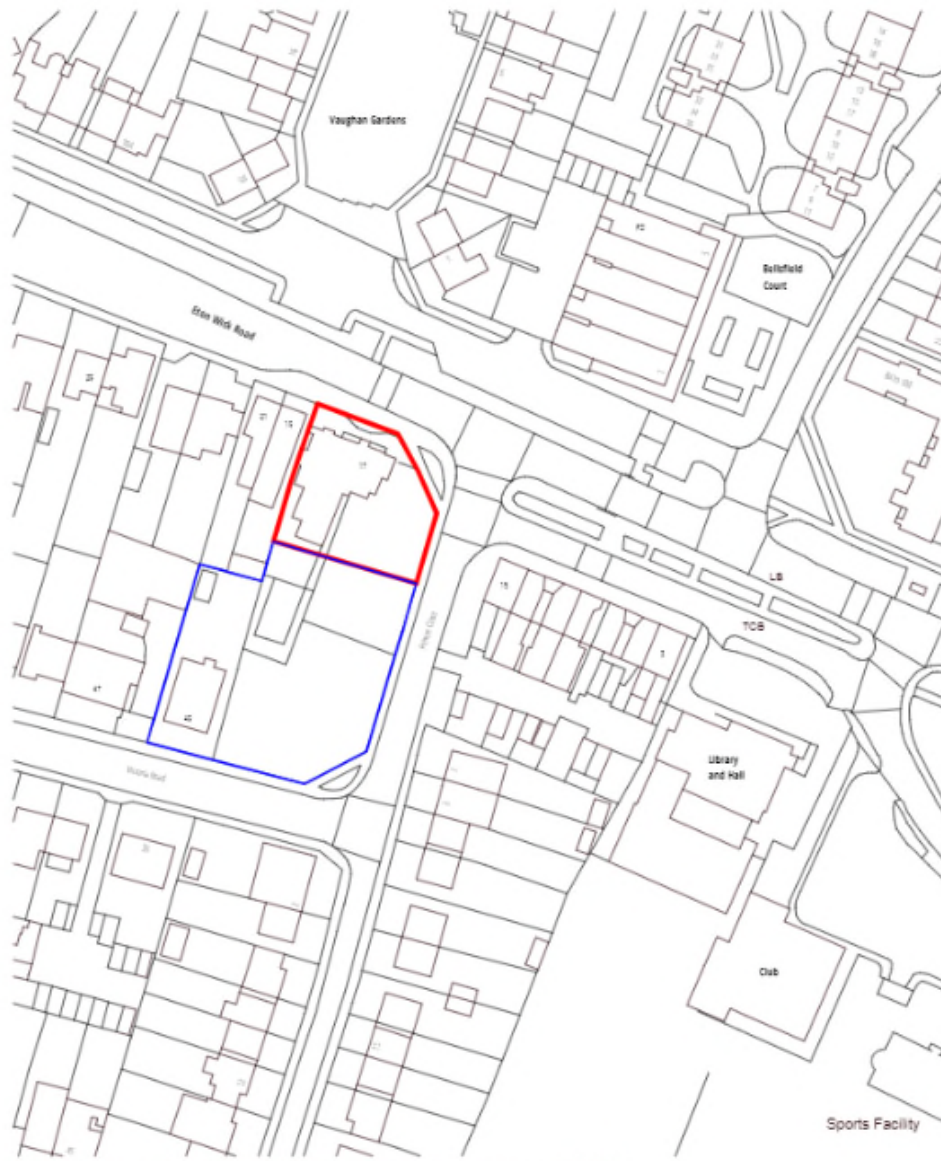
- 2 The applicant has failed to submit information to demonstrate how the proposed development would work towards minimising CO2 emissions or how it has been designed to incorporate measures to adapt to and mitigate climate change. As such, the proposal is considered to be contrary to Policy SP2 of the Borough Local Plan, Chapter 14 of the NPPF (2021) and the Council's Interim Sustainability Position Statement.

21/03363/FULL - Site of Former Shepherds Hut 17 Eton Wick Road Eton Wick Windsor

Appendices

Appendix A - Site Location Plan and Site Layout

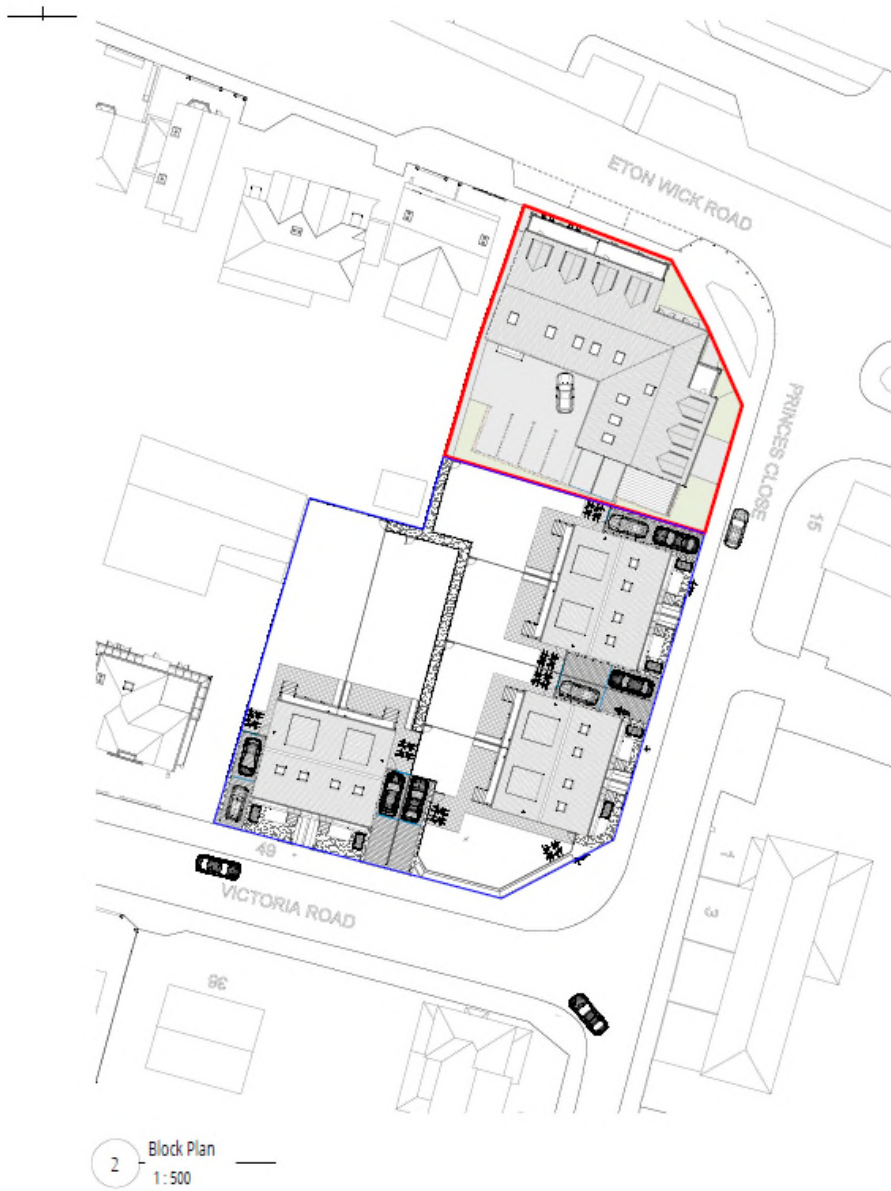
Site Location Plan



Ordnance Survey, (c) Crown Copyright 2017. All rights reserved. Licence number 100022432

1 Location Plan
1:1250

Block Plan



Appendix B – Plan and Elevation Drawings

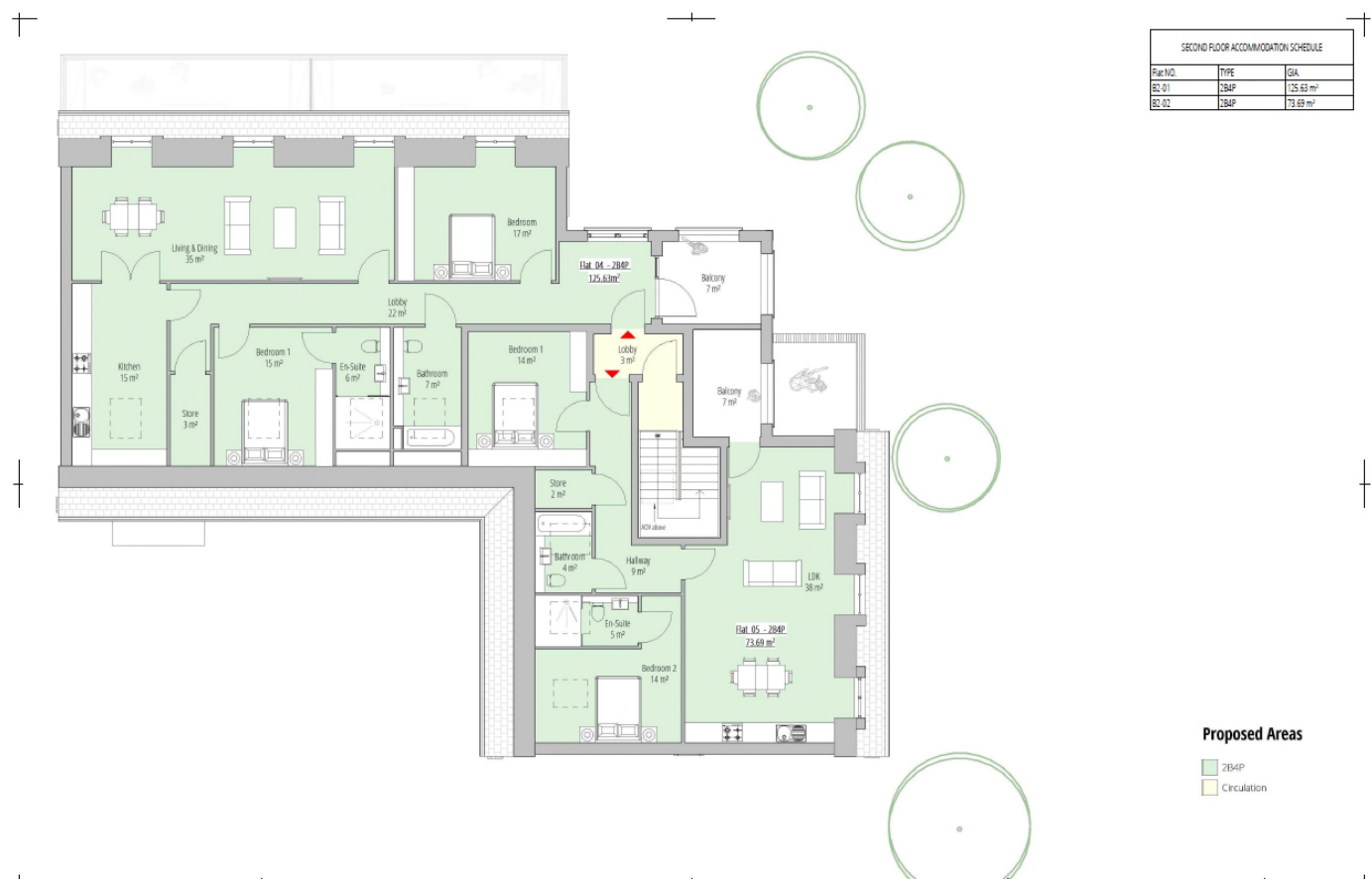
Proposed Ground Floor Plan



Proposed First Floor Plan

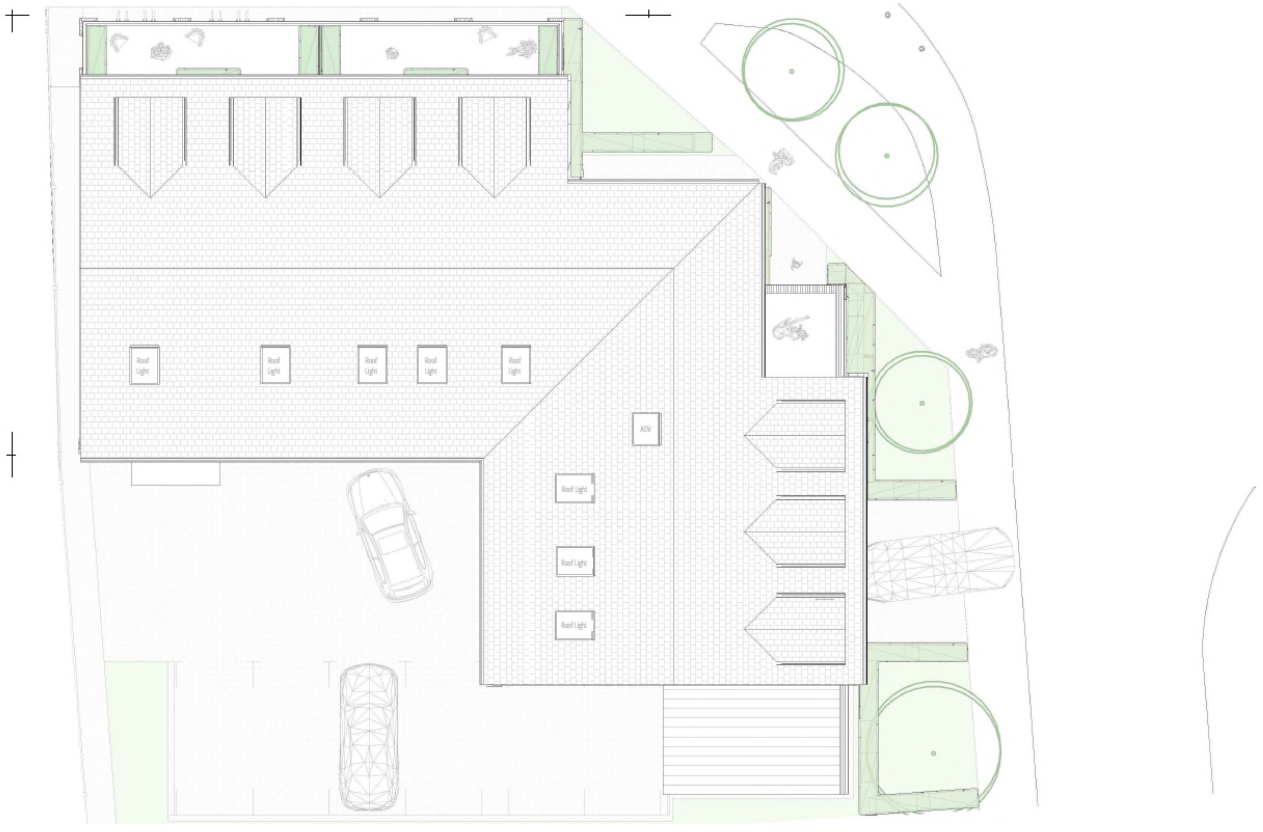


Proposed Second Floor Plan

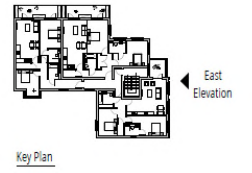


SECOND FLOOR ACCOMMODATION SCHEDULE		
Flat No.	Type	GIA
EC 01	2B4P	125.63 m ²
EC 02	2B4P	73.69 m ²

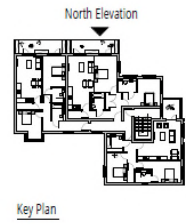
Proposed Roof Plan



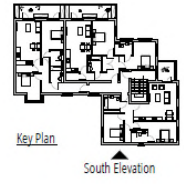
East Elevation



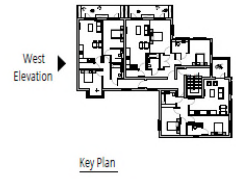
North Elevation



South Elevation



West Elevation



Eton Wick Road Street Elevation



Victoria Road Street Elevation



Princes Close Street Elevation



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DEVELOPMENT CONTROL PANEL

2 November 2022

Item: 2

Application No.:	22/00934/OUT
Location:	Land Adjacent The Hatch And South of Maidenhead Road And North of Windsor Road Water Oakley Windsor
Proposal:	Outline application for access only to be considered at this stage with all other matters to be reserved for the erection of up to 135 new dwellings, areas of public open space including play spaces and pocket allotments, together with associated landscaping, car parking, footpath/ cycle connections and vehicular access onto Maidenhead Road.
Applicant:	Mr Van Laun
Agent:	Mr Philip Allin
Parish/Ward:	Bray Parish/Clewer And Dedworth West
If you have a question about this report, please contact: Alison Long on 01628 796070 or at alison.long@rbwm.gov.uk	

1. SUMMARY

- 1.1 The application site comprises the northern portion of an allocated site for housing under the adopted Borough Local Plan (BLP). Since the adoption of the BLP, the Green Belt boundaries of the site have been redrawn and the site no longer falls within the Green Belt designation, as set out in the supporting proposals maps.
- 1.2 The BLP sets out that Site Allocation AL21, which includes the application site, has been allocated for approximately 450 units, with associated works, and sets out the expectation of proposals in delivering a scheme at the site. Application ref. 22/01354/OUT which forms the southern portion of the wider site allocation is not brought forward simultaneously to this committee given outstanding Environment Agency comments. The Council is obliged to make timely decisions on applications and not unnecessarily delay them. The two planning applications whilst forming a single site allocation in the BLP are separate and could be implemented and function so and this would not preclude the Council from making a decision on application ref. 22/00934/OUT. The principle of the proposal satisfies the context of the Site Allocation within the BLP and the principle of the development is acceptable.
- 1.3 The proposal is an outline planning application, for access only to be considered at this stage, with all other matters to be reserved including layout, for up to 135 new dwellings. The report sets out the relevant Development Plan and other policy considerations relevant to this planning application as well as the necessary consultation responses that have been submitted during the course of the application. The report also sets out the main material planning considerations and assessment in relation to this planning application.
- 1.4 Of the up to 135 new dwellings proposed, 40% would be affordable and 5% of market housing units would be fully serviced custom and self-build plots. The legal agreement would secure this provision, together with an appropriate tenure mix and securing a Registered Provider for the affordable housing in order to ensure that proposal delivers an appropriate mix of housing in line with the requirements of the BLP. Matters of design and layout within the site would be addressed as part of a future reserved matters application; however, appropriate height, form and design principles are secured through submitted parameter plans and a design code.

- 1.5 It has been demonstrated that the two proposed access points from Maidenhead Road are acceptable and the development as a whole would not result in material harm to pedestrian and highway safety in the surrounding area, subject to securing financial contributions for relevant highway work improvement in the required legal agreement/S278 Agreement. This includes the upgrading of the Oakley Green Road and A308 junction and the accesses points from Maidenhead Road through a S278 Agreement and pedestrian/cycle improvement works in the surrounding area as detailed within the report
- 1.6 It has also been demonstrated that the outline proposals would not result in material harm to heritage assets, including non-designated non-heritage assets, ecology, trees, landscaping or flood risk and has the potential to introduce sustainability measures to reduce the carbon footprint of the development, subject to the use of appropriate conditions and/or securing this through the legal agreement.

It is recommended the Committee authorises the Head of Planning:	
1.	<p>To grant planning permission on the satisfactory completion of an undertaking to secure the following:</p> <ul style="list-style-type: none"> - On-site policy compliant affordable housing; - On-site policy compliant self- build and custom build units; - Highway works contributions; - Carbon off-set contributions (if required); - Travel plan and associated monitoring fee; and, - Sport pitch contribution (if required). <p>and with the conditions listed in Section 15 of this report.</p>
2.	<p>To refuse planning permission if an undertaking to secure the above has not been satisfactorily completed for the reason that the proposed development would not be accompanied by affordable housing, required highway infrastructure, and other associated infrastructure/contribution provision.</p>

2. REASON FOR COMMITTEE DETERMINATION

- The Council's Constitution does not give the Head of Planning delegated powers to determine the application in the way recommended as it is a major development; such decisions can only be made by the Committee as the application is for major development.

3. THE SITE AND ITS SURROUNDINGS

- 3.1 The application site comprises an area of pasture land bound to the north by Maidenhead Road, the south by the A308 and existing residential areas to both the east and west (The Willows and The Hatch).
- 3.2 The site has a total area of 13.4 acres (5.4 ha) which is largely within Flood Zone 1, with areas to the north-west of the site located within Flood Zone 2. Immediately to the eastern edge of the site is the non-designated heritage asset of the garden wall to The Willows Estate, with buildings associated with the Willows Estate beyond.
- 3.3 The application site, along with land to the south of the A308 (assessed under application ref. 22/01354/OUT) forms part of the AL21, Land west of Windsor, north and south of the A308 Site Allocation within the BLP.

4. KEY CONSTRAINTS

4.1 The key site designations and constraints are listed below:

- BLP Site Allocation AL21 Land west of Windsor, north and south of the A308; and,
- Part of the north west of the site is located within Flood Zone 2.

4.2 The site previously fell within the Green Belt designation. However, since the adoption of the BLP in February 2022, the Green Belt boundaries have been redrawn to exclude this allocated site.

5. THE PROPOSAL

5.1 The application seeks outline planning permission for access only to be considered at this stage, with all other matters (appearance, landscaping, layout and scale) to be reserved, for the following development at the site:

- erection of up to 135 new dwellings (40% affordable and 5% custom and self-build plots);
- areas of public open space including play spaces and pocket allotments;
- associated landscaping, car parking, footpath/ cycle connections; and,
- vehicular access onto Maidenhead Road.

5.2 An illustrative plan has been provided with the application which shows how the site could be developed in line with the proposals above. However, this is indicative only and the application relates only to the principle of the development and to access, of which two points are proposed from Maidenhead Road to serve the development. The main entrance would be located to the west, with a secondary access to the east of this, which would serve a small number of units. There would be no vehicular access to the A308.

5.3 Subsequent reserved matters application would determine the exact appearance, landscaping, layout and scale within the site. However, a parameter plan/design code has been submitted which sets out that the development would take the form of largely two or 2.5 storeys across the site, with the central area incorporating some limited buildings at three storeys. With regard to the form of housing, the parameter plans demonstrate that lower density detached and semi-detached properties would be located towards the site boundaries, with higher density buildings located to the centre of the site in the form of a more varied typology including apartment buildings, terraced, semi-detached and detached buildings.

6. RELEVANT PLANNING HISTORY

6.1 There is no relevant planning history for this site. However, together with application ref. 22/01354/OUT (see below) which relates to the southern portion of the AL21 Site Allocation, a Stakeholder Masterplan Document (SMD) for the whole site was approved by Cabinet on the 28th October 2021.

- 6.2 The two applications have been co-ordinated in order to ensure that a comprehensive development of the wider site allocation can be delivered; however, the two applications are separate and could be implemented and function so. The Council is obliged to make timely decisions on applications and not unnecessarily delay them. Due to outstanding comments Environment Agency comments on application ref. 22/01354/OUT, the two applications have not been brought to committee simultaneously. As the two applications are separate, this would not preclude the Council from making a decision on application ref. 22/00934/OUT.

Reference	Description	Decision
22/01354/OUT	Outline application for access only to be considered at this stage with all other matters to be reserved for the construction of up to x320 new homes, land for a Special Educational Needs (SEN) school, a multi-functional community building alongside an area of strategic open space including play spaces and orchard planting together with associated landscaping, car parking, footpath/cycle connections and vehicular access on to Dedworth Road, following demolition of existing structures.	Awaiting determination. This application is awaiting outstanding comments from the Environment Agency.

7 DEVELOPMENT PLAN

- 7.1 The main relevant policies are:

Borough Local Plan (BLP)

Issue	Policy
Spatial Strategy for the Borough	SP1
Climate Change	SP2
Sustainability and Placemaking	QP1
Green and Blue Infrastructure	QP2
Character and Design of New Development	QP3
Building Height and Tall Buildings	QP3a
Housing Development Sites	HO1
Housing Mix and Type	HO2
Affordable Housing	HO3
Historic Environment	HE1
Managing Flood Risk and Waterways	NR1
Nature Conservation and Biodiversity	NR2

Trees, Woodlands and Hedgerows	NR3
Environmental Protection	EP1
Air Pollution	EP2
Artificial Light Pollution	EP3
Noise	EP4
Contaminated Land and Water	EP5
Infrastructure and Developer Contributions	IF1
Sustainable Transport	IF2
Open Space	IF4
Rights of Way and Access to the Countryside	IF5
Utilities	IF7

7.2 As noted above the site fall within the wider AL21 Site Allocation and as such additional reference is made to Policy HO1 and the associated AL21 Site Proforma in section 10.4.

8. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2021)

Section 2 – Achieving sustainable development

Section 4- Decision-making

Section 5 – Delivering a sufficient supply of homes

Section 8 – Promoting healthy and safe communities

Section 9- Promoting Sustainable Transport

Section 11 – Making effective use of land

Section 12- Achieving well-designed places

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

Section 15 – Conserving and enhancing the natural environment

Section 16- Conserving and enhancing the historic environment

Supplementary Planning Documents

- Borough Wide Design Guide
- Sustainable Design and Construction SPD

Other Local Strategies or Publications

Other Strategies or publications material to the proposal are:

- RBWM Parking Strategy
- RBWM Interim Sustainability Position Statement
- RBWM Environment and Climate Strategy
- RBWM Corporate Plan

9. CONSULTATIONS CARRIED OUT

Comments from interested parties

45 occupiers were notified directly.

The planning officer posted a notice at the site on 21st April 2022 and the application was advertised in the Local Press on 21st April 2022.

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

Comment		Where in the report this is considered
1.	Notification to article in the Maidenhead Advertiser.	Noted.
2.	Concerns with excessive increase in noise and air pollution with additional traffic.	Section 10.
3.	Value of the non-designated heritage assets should be recognised, and more value placed on preservation. The wall is in good condition. It is a significant, not a secondary, part of the Willows Estate. Reasonable to expect a green space to be available close to the wall for the full length and well within the applicant's ability to.	Section 10.
4.	Increased traffic flow on the Old Maidenhead Road and onto the A308 at the Ruddlesway roundabout.	Section 10.
5.	Traffic assessments were carried out during the Covid lockdown when there was limited traffic flow.	The application has been reviewed by RBWM Highways who have raised no objection to the principle of the development or the methodology/findings of the submitted reports.
6.	Creation of two rather than one vehicular access requires the unnecessary destruction/removal of hedgerow.	The hedgerow is not protected and could be removed without planning permission.
7.	Plans indicate services trenches run through the road verge and owners must be fully consulted and compensated for any proposed works.	Noted. This is a private matter and is not a material planning consideration for the determination of the application.
8.	Assurances required that trees to the northwest boundary are protected.	The application has been submitted alongside an acceptable Arboricultural Assessment and conditions 8 and 9 are recommended to secure the proposed mitigation measures.

9.	Overdevelopment of the site. The housing density would be significantly higher than the surrounding area.	The principle of the redevelopment of the site for a residential use of this scale has been established as part of the BLP.
10.	Concerns with privacy given the low-level wall to the eastern boundary. Tall trees are not an option as would cause a loss of light. The houses should be located a reasonable distance away.	The layout of the site would be secured through future reserved matters applications with consideration given as part of this to the impact on residential amenity. The current application relates only to access and principle.
11.	Removal of scrub land to south-eastern corner would compromise security, privacy and increase noise.	The layout of the site would be secured through future reserved matters applications with consideration given as part of this to the impact on residential amenity. The current application relates only to access and principle.
12.	Road safety concerns with new development and associated access points.	Section 10.
13.	Concerns with drainage locally.	Section 10. The drainage implications of the proposals have been reviewed by relevant consultees. No objection has been raised, subject to recommended conditions 19 and 20.
14.	Loss of habitat.	Section 10.
15.	Concerns with period of consultation.	The Council has carried out formal consultation on the planning application in line with statutory requirements.
16.	As owners of the wall, legally entitled to access both side of the walls, for maintenance purposes. A border is necessary to facilitate this.	This is a private matter and would not preclude the determination of the application. Notwithstanding this, the layout of the site would be secured through future reserved matters applications. The current application relates only to access and principle.

Statutory consultees

Consultee	Comment	Where in the report this is considered
Local Lead Flood Authority (LLFA)	No objection, subject to recommended condition.	Section 10.

Environment Agency	This is a development that the EA does not wish to be consulted on. Standing advice to be followed.	Section 10.
Natural England	No objection.	Section 10.

Consultees

Consultee	Comment	Where in the report this is considered
Highways	No objection, subject to recommended condition and securing works under a legal agreement/S278 agreement.	Section 10.
Ecology	No objection, subject to recommended condition.	Section 10.
Environmental Protection	No objection, subject to recommended condition.	Section 10.
Housing	No objection, subject to securing appropriate provision, delivery and tenure mix as part of a legal agreement.	Section 10.
Berkshire Archaeology	No objection, subject to recommended condition.	Section 10.
Conservation	No objection.	Section 10.

Others (e.g. Parish and Amenity Groups)

Group	Comment	Where in the report this is considered
Bray Parish Council	<p>Increase in traffic on the already congested 'A' road connecting Windsor and Maidenhead.</p> <p>The delay in the completion of the report on the A308, resulted in the serious problems associated with the road not being brought to the attention of the BLP Inspector. Furthermore, a number of suggestions have not been implemented.</p> <p>A developer can only control infrastructure associated with the site they own. They cannot take a strategic view on the effect of their development on the wider area where there are a number of developments approved or planned.</p> <p>Before further development on this section of road is approved, a lot more investigative work will be required, adequate solutions found and implemented.</p>	Section 10.

	<p>Query as to whether the additional dwellings are necessary. Concerns with the density which is out of keeping with the current housing stock.</p> <p>Consideration should be made with regard to the setting of the Thames.</p> <p>The applicant should return to the resident's forum to discuss and agree positioning of the public open spaces, allotments and associated landscaping.</p>	
Oakley Green and Fifield Residents Association	<p>Difficult to assess the proposals for AL21 (north) without seeing the plans for A21 (south) as the combined site was the basis on which the Stakeholder Masterplan was prepared. A request to extend the consultation period for this application to do so was rejected.</p> <p>The Willows Estate has been listed as a Non-Designated Heritage Asset (NDHA) by the Windsor and Eton Society. This NDHA is under threat as new housing is intended to be sited immediately to the west of the existing walled boundary to the former kitchen garden and will therefore be lost from public view. There is an opportunity to protect and enhance this by providing green space along this boundary wall. This warrants a change to the site layout.</p> <p>Concerns about surface water flooding. Changes to the site layout or other mitigation is required.</p> <p>Significant additional traffic as a result of the development and failure to produce/complete the A308 corridor study ahead of the determination of the planning application to confirm (or otherwise) the viability of the proposed site and if it proceed, to ensure that a realistic developer contribution is secured.</p> <p>Concerns with existing air quality and new development can only exacerbate these levels and expose new and existing residents/road users to increase levels of pollution.</p>	<p>Section 10.</p> <p>The Council has carried out formal consultation on the planning application in line with statutory requirements. The Council accepts and takes into consideration comments up to point at which the application is determined.</p>
West Windsor Residents Association	<p>The Willows Estate has been listed as a NDHA by the Windsor and Eton Society and is a distinctive and cherished local feature. In the current design, the wall will disappear from view and a high likelihood it would be damaged by the works.</p> <p>The heritage wall is also unsuitable for a party wall and there will be further issues with privacy, noise and light.</p>	<p>Section 10.</p>

	<p>Remains insufficient regard to the impact of this development on the A308 and a further review is long overdue. The new development cannot be viewed in isolation.</p> <p>Concerns with impact of flood risk in the area.</p>	
<p>Ascot Sunninghill and Sunningdale Neighbourhood Plan Delivery Group</p>	<p>Note that the application is outline but this is the first and best opportunity to comment on the impact on the NDHA. The extent of development planned across the Borough means that it is possible that unlisted NDHA's will come under threat and may be damaged or lost completely.</p> <p>Concerns that the original boundary wall to the Willows Estate is threatened by the proposed development, would be lost from public view and would result in the loss of the identity of the Willows as a historic entity. The application has failed to give sufficient consideration to the status and importance of the wall. The applicant has the opportunity to reconsider the site layout to ensure that the setting is enhanced and it becomes a feature.</p>	<p>Section 10.</p>

10. EXPLANATION OF RECOMMENDATION

10.1 The key issues for consideration are:

- i Principle of the redevelopment of the site;
- ii Climate change and sustainability;
- iii Affordable housing;
- v Flooding and Sustainable Drainage;
- vi Highway safety;
- vii Design and character;
- viii Impact on Heritage Assets;
- ix Impact on amenity of neighbouring buildings; and,
- x Other Material Considerations.

Principle of redevelopment

- 10.2 Policy HO1 of the BLP commits to providing at least 14,240 new dwellings in the plan period up to 2033 that will focus on existing urban areas and the allocations listed within the policy and as shown on the Proposals Map.
- 10.3 The application site comprises the northern portion of Site Allocation AL21 Land west of Windsor, north and south of the A308 which is allocated for *'approximately 450 residential units, strategic public open space, formal pitch provision for football and rugby, multi-functional community hub (including a café and internal space for community meetings/activities) and a Special Educational Needs School (approximately 150 pupil capacity).'* The Green Belt boundaries have been re-drawn under the BLP and the application site is no longer within the Green Belt.
- 10.4 The BLP identifies the site as appropriate for residential development, subject to site specific requirements. This list of requirements is set out within the BLP and their

adherence to this should be demonstrated by any proposed development at the site. The requirements are:

1. Retain the hidden nature of the site in the landscape through retention and reinforcement of existing tree belts and hedgerows along roads (especially the A308 Windsor Road) and by retaining low building heights that are reflective of local contextual heights
2. Be highly connected with surrounding streets, public rights of way and public transport corridors to ensure that the development integrates into the Windsor urban area
3. Provide a highly permeable layout within the site focused on the strategic public open space
4. Provide pedestrian and cycle links through the site and into surrounding streets and rights of way to improve connectivity
5. Enhance existing pedestrian and cycle links towards Maidenhead and Windsor
6. Ensure that the development is well served by public bus routes/demand responsive transport/other innovative public transport solutions, with appropriate provision for new bus stop infrastructure, such that the bus is an attractive alternative to the private car for local journeys, including to local railway stations
7. Develop and implement a robust residential Travel Plan to manage travel to and from the site and reduce instances of single-occupancy car trips, including a car club for residents
8. Provide a strong high quality green and blue infrastructure network across both elements of the site that uses existing trees, water courses and landscaping elements as its base framework. The Green infrastructure network will need to support enhanced biodiversity, recreation, food production and leisure functions
9. Ensure the strategic public open space is of very high design quality and is located in the southern parcel of the site with the community hub and educational facilities located near to or fronting the space
10. Retain valuable trees at site boundaries
11. Be of very high quality design that respects the framework of trees and hedgerows in and around the site
12. Provide a series of character areas across the site, each focused on an element of the green and blue infrastructure network
13. Provide 40% affordable housing
14. Provide family housing with gardens
15. Provide 5% of market housing units as custom and self build plots (fully serviced)
16. Conserve, or preferably enhance, the Grade II* Listed The Old Farmhouse and its setting
17. Consider and avoid or, where necessary, mitigate potential disturbance impacts on the users of the Cardinal Clinic
18. Ensure appropriate edge treatments and transition to the countryside
19. Provide allotments or community garden/orchards by accommodating these uses on areas of best and most versatile land where practical, subject to wider site layout and design considerations
20. Consider flood risk as part of a Flood Risk Assessment as the site is partially located within Flood Zone 2 and 3 and larger than one hectare. This will need to demonstrate that the exception test can be passed and that a safe evacuation route can be provided
21. Demonstrate the sustainable management of surface water runoff through the use of Sustainable Drainage Systems (SuDS) in line with policy and best practice; any proposed surface water discharge must be limited to greenfield runoff rates
22. Provide appropriate mitigation measures to address the impacts of noise and air pollution to protect residential amenity.

- 10.5 The application relates to the northern section of Site Allocation AL21 and comprises a residential development of up to 135 new family dwelling, of which 40% would be affordable. In addition, 5% of market housing units would be custom and self build plots (fully serviced) which equates to four units. The current application is at outline stage, with access only and all other matters reserved. As such, the final form, design and layout of the development would be determined at reserved matters stage. However, it has been demonstrated through illustrative layouts that the site can incorporate residential accommodation of this form, alongside areas of public open play spaces, allotments, landscaping, car parking, footpath/cycle connections and associated vehicular accesses.
- 10.6 As the site now falls outside the Green Belt and is an allocated site for residential housing (AL21), the principle of up to 135 family units in this location is acceptable, subject to the proposal satisfactorily achieving compliance with the site-specific requirements set out in the BLP, the parameters of the approved SMD and wider BLP policies, as addressed in detail within this section of the report.
- 10.7 Land for a multi-functional community hub (including a café and internal space for community meetings/activities) and a Special Educational Needs School (approximately 150 pupil capacity) does not fall under this application. Together with additional residential units, this forms part of application ref. 22/01354/OUT.

Climate change and sustainability

- 10.8 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 as set out in Policy SP2 of the BLP that requires all development to demonstrate how they have been designed to incorporate measures to adapt to and mitigate climate change.
- 10.9 A Sustainability and Energy Statement has been submitted as part of the planning application. This sets out the energy efficiency, low carbon and renewable energy measure which could be incorporated into the detailed design and uses assumed calculations for homes which are similar in scale, design and specification. The report highlights the use of passive design measures, air source heat pumps to all homes, together with photovoltaic panels and the use of energy efficient, low-carbon and renewable technologies and water efficiency measures. The Statement, based on these assumptions, predicts the potential for a 68.56% carbon reduction over current building regulations based on the fabric performance of the proposed buildings and the provision of air source heat pumps and photovoltaic panels.
- 10.10 The proposed development would also be designed to minimise pollution, be adaptable to climate change and also consider health and wellbeing. Whilst the application is outline and the proposed sustainable strategy is indicative and sets out what could be achieved, on this basis, the proposed development would sufficiently incorporate sustainable design techniques. Condition 21 is recommended which would secure the submission of an updated Energy and Sustainability Statement as part of a future reserved matters application. This would provide further details of sustainable design and construction measures to be incorporated into the development to achieve, as far as possible, a net-zero carbon outcome on site. Notwithstanding this, as the development is not proposed to be net-zero carbon at this stage, the legal agreement would secure an appropriate carbon off-set contribution at reserved matters stage

should the development not be net-zero carbon. This would ensure compliance with the requirements of policy SP2 of the BLP and the Council's Interim Sustainability Statement.

Affordable Housing

10.11 Policy HO3 of the BLP states that the Council will require all developments for 10 dwellings gross to provide on-site affordable housing in accordance with the following:

- a. On greenfield sites providing up to 500 dwellings gross - 40% of the total number of units proposed on the site;
- b. On all other sites, (including those over 500 dwellings) – 30% of the total number of units.

Policy HO3 goes on to set out that affordable housing size and tenure mix shall be provided in accordance with the Berkshire Strategic Housing Market Assessment 2016, or subsequent affordable housing needs evidence. This currently suggests a split of 45% social rent, 35% affordable rent and 20% intermediate tenure overall. The Site Allocation proforma is also relevant and requires the provision of 40% affordable housing provision.

10.12 The proposed development would provide 40% affordable housing on site, which would equate to 54 dwellings. Whilst the application is at outline stage only, relating only to access, the supporting documents set out that it is anticipated that the affordable units would be in the range of one bedroom apartments to three bedroom houses.

10.13 This level of provision complies with the proforma requirements and BLP policy HO3, with the provision of 40% affordable housing on site. However, the tenure mix and units sizes in this case should be 15% one bedroom apartments, 20% two bedroom apartments, 25% two bedroom houses, 30% three bedroom houses and 10% four bedroom homes in order to comply with the identified need. This would be secured as part of the required legal agreement. The legal agreement would also secure a Registered Provider and appropriate delivery mechanisms for constructing, completing and transferring the affordable units.

Flooding and Sustainable Urban Drainage

10.14 Policy NR1 of the BLP states that a sequential test for all development in areas at risk of flooding is required except for those allocated in the BLP or a Made Neighbourhood Plan. As the site forms part of the AL21 Site Allocation, there is no requirement for a Sequential Test to be undertaken. Notwithstanding this, the objectives of Policy NR1 are relevant and development proposals should increase the storage capacity of the flood plain where possible, incorporate SuDS systems, reduce flood risk, be constructed with adequate flood resilience and where appropriate to demonstrate safe access and egress. The exception test will need to be applied where applicable.

10.15 The application has been submitted alongside a Flood Risk Assessment (FRA) and Drainage Strategy. The site is predominantly located within Flood Zone 1, with a small area to the north of the site located within Flood Zone 2. The illustrative layout plan demonstrates that the residential development of up to 135 homes can be accommodated in an area which is at very low risk of flooding from all potential sources

i.e. outside of the areas which fall within Flood Zone 2. Accordingly, in this case the Exceptions Test does not need to be passed for the development to comply with policy NR1.

- 10.16 Notwithstanding the above, the FRA does set out a number of measures which would be implemented as part of the development, including the use of an appropriate surface water drainage strategy design to ensure that off-site flood risk is not increased as a result of the proposed development. This includes, setting dwellings at least 150 mm above external finished ground levels, designing external finished ground levels to safely route overland flows away from buildings, towards the northern boundary and southwest corner of the site and using less vulnerable parts of the proposed development such as gardens, driveways, parking areas and roads to convey and / or store overland flows during extreme storm events. This would be secured by recommended condition 19.
- 10.17 With regard to Surface Water and Sustainable Drainage and the associated strategy, the proposal seeks to discharge surface water runoff from the new development directly into the ground onsite using two infiltration basins, one in the northwest and one in the southwest corner of the site. Infiltration basins and tanked permeable paving are proposed in order to meet water quality improvements requirements, with a private foul water package pumping station required to serve three plots in the southwest corner of the site which would discharge into the onsite gravity sewer through a short length of rising main. The proposed drainage strategy and associated works to overcome constraints is acceptable for the purposes of the outline planning application. In response to questions raised during the course of the application, the applicant has provided further information in relation to rainwater harvesting and reuse, including the use of water butts, protection of proposed dwellings to an existing surface water flood risk to the north of the site in the form of ground levels and information on existing flow paths and permeable paving and its retention.
- 10.18 The submitted information demonstrates that subject to recommended condition 20, which would secure prior to commencement of development a more detailed surface water drainage scheme based on the submitted sustainable drainage strategy, the proposals have been designed to take into account and satisfactorily address surface water flood risk in the surrounding area.

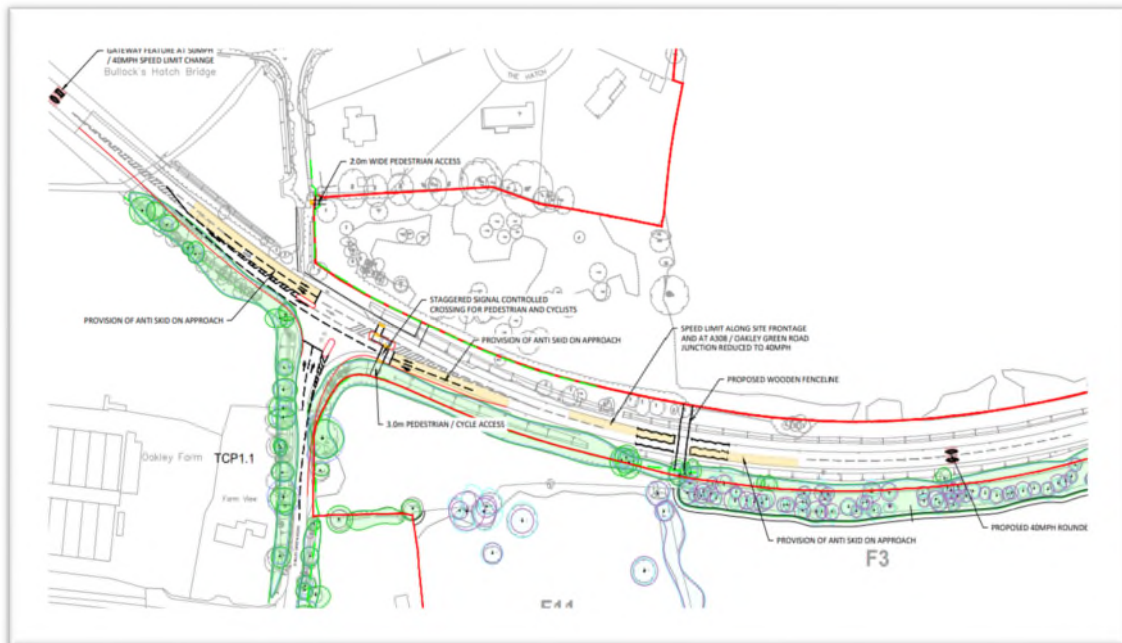
Highway safety

- 10.19 Policy IF2 of the BLP requires new development to be located close to offices and employment, shops and local services and facilities and provide safe, convenient and sustainable modes of transport as well as development proposals demonstrating how they have met a range of criteria including being designed to improve accessibility to public transport, to be located so as to reduce the need for vehicular movements and to provide cycle parking in accordance with the Parking Strategy. Policy IF2 is consistent with the overarching objectives of Section 9 of the NPPF which seeks similar goals in seeking to ensure development proposal maximise and promote opportunities for sustainable transport modes.
- 10.20 The application has been submitted alongside both a Transport Assessment (TA) and a Framework Travel Plan. Maidenhead Road is located to the north, and the A308 Windsor Road to the south. Maidenhead Road is a no-through public highway that

forms a priority junction with the A308. At present, the road serves Windsor Marina, Willows Riverside Park, a Mobile Home Park and several detached dwellings.

- 10.21 The site is located approximately 6.3 km south-east of Maidenhead and 3.6 km north-west of Windsor. Vehicles travelling west along the A308 from the Ruddlesway/A308 Windsor Road roundabout are subject to a 50mph speed limit. For eastbound vehicles, the A308 is subject to a 40mph speed limit. From the site heading west towards Maidenhead, there are no pedestrian or cycle facilities to the south of the A308 Windsor Road, with the exception of a narrow footway commencing from Fifield Road. Similarly, to the north the footway is either narrow, intermittent or absent.
- 10.22 Whilst the site is not deemed to be accessible given its location, the nature of use, the deficiencies in the existing pedestrian and cycle infrastructure and the infrequent public transport services, the site has been allocated for residential development and the principle is acceptable, subject to demonstrating that the proposals would not result in material harm to the safe operation of the surrounding highway network.
- 10.23 The primary vehicular access for the proposed development would be located on the western boundary from Maidenhead Road and would take the form of a bell-mouth junction, with a 5.5m access road bounded by a 2.0m wide footway to the west and a 2.0m verge, plus a 3.0m shared cycle/pedestrian facility to the east. The TA reports that the new access would achieve visibility splays of 2.4m x 51m to the left, by 56m to the right. This is acceptable. A secondary vehicular access on the eastern boundary is also proposed from Maidenhead Road which would serve a smaller number of residential dwellings and is similar in design terms to the first access, with the exception of the 3m shared cycle/pedestrian facility. The design is also acceptable. However, the applicant is advised that with any future reserved matters application, a pedestrian link across the site frontage should be provided in order to connect both accesses. The new vehicular accesses would be secured via a Section 278 Highways Agreement. Condition 7 is also recommended to secure further details of the accesses and construction of the accesses prior to commencement of any other part of the development.
- 10.24 The submission documents provide details of the expected trip generation as a result of the addition of up to 135 new residential dwellings on the site. The expected additional 69 (AM and PM) trip generations associated with the development would not result in material harm to the safe operation of the surrounding highway network. The submission also assesses junction capacity of the following:
- Junction 1 - Dedworth Road junction with Site Access (*Southern Site*);
 - Junction 2 - Maidenhead Road junction with Site Access (*Northern Site*);
 - Junction 3 - A308 Windsor Road junction with Maidenhead Road and Ruddlesway Roundabout;
 - Junction 4 - Dedworth Road junction with Mini Roundabout;
 - Junction 5 - Dedworth Road junction with Oakley Green Road; and,
 - Junction 6 - Oakley Green Road junction with A308 Windsor Road.
- 10.25 The submitted modelling demonstrates that junctions 1–5 would continue to operate within capacity between 2023 and 2033 with the additional trip generation associated with the development. However, the modelling concludes that junction 6 - Oakley Green Road junction with A308 Windsor Road, would operate over capacity in 2023. In order to address this, the proposal seeks to signalise junction 6 and construct two lanes on all approaches, as well as introducing a controlled crossing on the eastern arm. An illustrative plan of the proposed signalised junction is shown below, with the

final designs subject to further review at the reserved matters stage, secured through a Section 278 Highways Agreement:



10.26 In addition to the new junction, the required S278 agreement would secure the new accesses on Maidenhead Road (as set out above) and the provision of a Toucan crossing on the A308, as shown on the plan above. Other highway improvements works and funding towards enhancements to the pedestrian and cycle permeability as well as public transport provisions detailed below would satisfy the BLP Site Allocation proforma requirements and would be secured by financial contribution singly or jointly (pro-rata) for the wider AL21 Site Allocation as part of the required legal agreement in order to adequately mitigate the impact of the development on the surrounding road network:

- Cycling and pedestrian enhancements including a cycle crossover on Gallys Road, improved signage, localised footway widening and tactile paving/dropped kerb crossing on Maidenhead Road to facilitate a route to local schools;
- Improvement works to pedestrian route to Braywood CE Primary School;
- Local bus stop enhancement works;
- Maintaining/enhancing the number 16 bus service between Windsor and Maidenhead;
- Development of schemes to improve cycling and walking links in the area, as identified in the Local Cycling and Walking Infrastructure Plan; and,
- A Travel Plan based on the Framework Travel Plan submitted in respect of the planning application.

Design and Character

10.27 Policy QP3 of the BLP seeks to ensure that new development will be of a high quality and sustainable design that respects and enhances the local, natural or historic character of the area paying particular regard to urban grain, layouts, rhythm, density, height, skylines, scale, bulk, massing, proportions, trees, biodiversity, ware features enclosure and materials. Policy QP3 is consistent with the objectives of Section 12 of the NPPF (2021) which states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development

process should achieve. The NPPF further states at paragraph 126 that good design is a key aspect of sustainable development.

- 10.28 Further to the objectives of Policy QP3 and Section 12 of the NPPF, the AL21 Site Allocation proforma sets out a number of design related criteria against which application proposals are to be assessed, including the need to be of very high quality design that respects the framework of trees and hedgerows in and around the site, provides a series of character areas across the site, each focused on an element of the green and blue infrastructure network and in a form which retains the hidden nature of the site, with appropriate landscaping and edge treatments.
- 10.29 The application is for outline planning permission for access only to be considered at this stage, with all other matters (appearance, landscaping, layout and scale) to be reserved. As such, the detailed design, including appearance, landscaping, layout and scale of the development will be the subject of future reserved matters applications. However, the application has been submitted alongside an illustrative layout for the development, a design and access statement containing parameter plans (height and building typology) and a design code. These documents set out that building heights would generally be two or 2.5 storeys across the site, with the central area incorporating some limited buildings at three storeys. With regard to form, lower density detached and semi-detached properties would be located towards the site boundaries, with the higher density form located to the centre of the site in the form of a more varied typology including apartment buildings, terraced, semi-detached and detached buildings. The typology and range of dwellings proposed would be contextual and reflective of the form of development in the surrounding area and the modest introduction of three storeys in the central part of the site would not dominate views from the surrounding area. The level of development would ensure that the hidden nature of the site would be retained, with appropriate planting across the site.
- 10.30 The proposed design approach/code will inform future reserved matters applications. The design approach for the built form establishes differing character areas in line with the Site Allocation proforma requirements and would integrate with green ways, areas of open space (including allotments) and transport corridors which link to the southern site and the wider Windsor area. Overall, the proposals would result in approximately 30% of the site comprising green space. The approach is appropriate and would ensure a very high quality of design for the site that respects the framework of trees and hedgerows in and around the site. The parameters for the development and the associated design code would be secured by recommended conditions 4 and 5, with future reserved matters applications required to demonstrate compliance with this and the details set out within the approved SMD. Furthermore, condition 7 is recommended to secure details of appropriate materials.

Impact on Heritage Assets

- 10.31 Policy HE1 of the BLP sets out that the historic environment will be conserved and enhanced in a manner appropriate to its significance. Development proposals will therefore be required to demonstrate how they preserve or enhance the character, appearance and function of heritage assets (whether designated or non-designated) and their settings and respect the significance of the historic environment. Furthermore, it is noted that heritage assets are an irreplaceable resource and works which would cause harm to the significance of a heritage asset (whether designated or non-designated) or its setting, will not be permitted without a clear justification in accordance with legislation and national policy

- 10.32 The application has been submitted alongside a Heritage Statement. This identifies that the site itself does not include any designated or formally identified non-designated heritage assets (NDHA). However, the report acknowledges that immediately to the east of the site there is a group of non-designated heritage assets within the Willows Estate, Maidenhead Road, which are in residential use, and this includes the estate boundary wall which forms the eastern boundary of the application site.
- 10.33 The Heritage Statement identifies the heritage significance of this group of buildings and space from its local interest as a legible example of a high status, large residence, service complex and estate grounds dating from at least the 19th century. The report highlights the original main house within The Willows dating from the late 19th century as being of the greatest importance, together with clock tower given its height and style which serves as a local landmark, the Winter Garden House, the estate garden wall and other service buildings. Whilst the character of the application site would change as a result of the proposals, the distance of the site from these buildings and the screening provided by retained and enhanced frontage planting, would ensure that the impact on views from the properties and from the western approach would be minimised. The harm to the significance of the setting of the Willows group would be less than substantial and in terms of degree of impact, would be very low.
- 10.34 Concerns have been raised by residents regarding the impact of the proposed development on the NDHA, with particular reference to the estate garden wall, as the proposed illustrative layout plan indicates the location of ten residential dwellings along this part of the site, with associated private gardens. The Windsor Neighbourhood Plan provides the following description of the wall:
- Forming the boundary of the old Maidenhead Road this is the impressive, brick buttressed, high boundary wall of the former kitchen garden for the Willows Estate. It has been a feature of The Willows estate dating back to the early 1800s and the wall was retained when the site was converted into a garden centre in the 20th century. An important feature for understanding the heritage and development of this area bordering Windsor.*
- 10.35 Whilst attractive, well-constructed and historically linked with the estate, the walls are later works and of a simple functional design. They were constructed to enclose the additional estate cottages and were only ever visible by users of the adjoining field (the development site) and in distant views from the road. As a result, whilst the wall is an NDHA and should be maintained as part of the development, it is of a lesser architectural and historic significance than the earlier tall frontage wall.
- 10.36 There are no proposals for the removal of the wall as part of the application. Whilst the indicative layout would locate the garden estate wall within private residential gardens (as is the case to the Willows Estate) and not in public view, this is not dissimilar to the current arrangement where the wall is not widely visible in public views. Furthermore, the proposed dwellings are indicatively shown as being set away in excess of 13m from the wall and it would remain visible from within the estate, with the indicative layout showing a public garden area to its northern section close to a pedestrian access. Notwithstanding this, at this stage the layout is only indicative. Future reserved matters applications, which would provide detail on the layout of the site, could, if required, secure appropriate screening along this boundary and/or landscaping and boundary treatments. Furthermore, condition 24 is recommended to secure the plotting and recoding of the existing condition of the wall prior to commencement of development in order to retain the form following redevelopment of the site.

- 10.37 The proposed layout and design of the development which would come forward as part of a reserved matters application, would need to demonstrate at that stage that the works would preserve the character, appearance and function of the NDHA to ensure that there would be no harm caused to the significance of the NDHA of the Willows Estate as a whole.

Neighbouring Amenity

- 10.38 Policy QP3 of the BLP requires new development to have regard to a number of design principles. Policy QP3 (m) requires development proposals to demonstrate that there would be no unacceptable effect on the amenities enjoyed by the occupants of adjoining properties in terms of privacy, light, disturbance, vibration, pollution, dust, smell and access to sunlight and daylight” which echoes the objectives of paragraph 130(f) of the NPPF (2021) a consideration to be given significant weight, and states developments should “create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users”.
- 10.39 The application is for outline planning permission with an indicative layout plan provided which demonstrates how the site could be developed in order to accommodate up to 135 residential dwellings. The final layout and design of the proposed dwellings would be determined at reserved matters stage; however, the parameter plans and associated design coding show that the proposed scale of buildings takes into account existing buildings around the site, reducing the height to a maximum of two storeys to the boundaries with the surrounding residential dwellings, increasing to two and a half and three storeys to the centre of the site. These parameter plans and design coding would be secured by recommended conditions 4 and 5. The submission documents demonstrate that the site can be developed without resulting in material harm to living conditions of occupiers of neighbouring properties in terms of loss of light, privacy or increased sense of enclosure. The detailed design and layout of the site and its buildings, including location and level of openings, artificial light pollution, acoustic insulation and plant, would be submitted as part of a future reserved matters application and conditions would be attached, as required.
- 10.40 Policy EP2 of the BLP requires development proposals to demonstrate that they do not significantly affect residents within or adjacent to an Air Quality Management Area (AQMA) or to residents being introduced by the development itself. Development proposals which may result in significant increases in air pollution must contain appropriate mitigation measures in order to reduce the likelihood of health problems for residents.
- 10.41 As such, whilst outside of an AQMA, the application has been submitted alongside an Air Quality Assessment in order to address the impact of the proposed works on local air quality both during the construction and operation phase. The report includes a dispersion modelling study of the local air quality conditions and the potential impact from additional vehicle exhaust emissions resulting from the new residential units, concluding that the predicted annual mean nitrogen dioxide concentrations at the receptors points would be below relevant air quality objectives. Accordingly, the proposed development of the site both during construction and operation, would have an acceptable impact on air quality in the surrounding area, with the development incorporating measures to reduce potential emissions such as pedestrian and cycle links and reducing car dependency, once constructed in line with the BLP Site Allocation requirements. In addition, the report sets out recommended measures to reduce the risk of dust and exposure to pollutants during construction works and these measures would be secured by recommended condition 15.

- 10.42 Policy EP4 of the BLP is also relevant and requires development proposals to consider the noise and quality of life impact on existing nearby properties and also the intended new occupiers in order to ensure that they would not be subject to unacceptable levels of harm. Development proposals that generate unacceptable levels of noise and affect quality of life would not be permitted and effective mitigation measures will be required where development proposals may generate significant levels of noise (for example from plant and equipment) and may cause or have an adverse impact on neighbouring residents, the rural character of an area or biodiversity. The detailed design of the dwellings and any associated plant would be confirmed at the reserved matters stage; however, the site is located within close proximity to other residential properties in an edge of town location and the proposed introduction of residential units in this location could be accommodated without resulting in material harm to the quality of life of surrounding residents. Condition 16 is recommended to secure further detail of the measures to be taken to address noise mitigation measures for future occupants.
- 10.43 Policy EP5 of the BLP seeks to ensure that development proposals such as this do not result in contamination to local land and water. Given the nature of the proposals, condition 18 is recommended to secure the provision of a remediation measures prior to commencement of the development and to secure appropriate mitigation actions throughout the development.

Other material considerations

Trees

- 10.44 Policy NR3 of the BLP sets out that development proposals should carefully consider the individual and cumulative impact of proposed development on existing trees, woodlands and hedgerows, including those that make a particular contribution to the appearance of the streetscape and local character/distinctiveness.
- 10.45 The application has been submitted alongside an Arboricultural Implication Assessment. The illustrative layout plan demonstrates that the residential development of up to 135 dwellings on the site, would retain suitable trees where possible and furthermore, would keep tree removals to a minimum. The identification, retention and adequate protection of the veteran oak T115 within the site is acceptable. The illustrative layout would see this tree made into a key site feature which would increase the aesthetic and amenity value of the site and the tree. Tree protection measures for the site would be secured by recommended condition 8.
- 10.46 The visual impact of the proposed tree losses would be minimal due to the enclosed nature of the site and the low number of removals. Where removals have been recommended, they have been justified are almost exclusively low-quality trees with no Category A or mature trees being removed. Proposed mitigation of tree losses has been recommended in the form of 80 new native trees to be planted on site. This is suitable and subject to securing this by recommended condition, would enhance the quality of tree stock on the site. Suitable space would be given to ensure the continued development and viability of retained trees reducing the potential for post-development removals. Where pruning work to retained trees is to be carried out, this would be carried out in an acceptable manner and would avoid any negative impact to the overall condition of these trees. As stated within the submitted report, any tree work should

be carried out to the standards set in BS3998 and current industry guidelines and this would be secured by recommended condition 9.

Ecology and Biodiversity

- 10.47 Policy NR2 of the BLP requires applications to demonstrate how they maintain, protect and enhance the biodiversity of application sites, avoid impacts, both individually or cumulatively, on species and habitats of principal importance.
- 10.48 The application site is located within 5km of several internationally and nationally designated sites, the closest sites being Windsor Forest and Great Park Special Area of Conservation (SAC) Site of Special Scientific Interest (SSSI), Bray Pennyroyal Field SSSI and Sutherland Grange Local Nature Reserve (LNR). Given the scale of the proposals and the potential sensitive receptors such as the nearby designated sites, it is possible that the proposed development could have the potential for significant environmental effects on these sites. The application has therefore been submitted alongside an Ecological Assessment.
- 10.49 The existing trees on site have all been surveyed for roosting bats, with the submission demonstrating that no bats were seen to emerge. As such, no further survey or mitigation is required with regards to roosting bats. Bat activity surveys were also undertaken at the site during 2018, 2020 and 2021. A number of bat species were recorded commuting and foraging across the site. However, the majority of the hedge and tree lines which are used by commuting bats are to be retained and protected, and if lost, would be replaced on a like for like basis. Further hedge, tree and grassland planting is also to be provided, which would provide further habitat for bats. Condition 13 is recommended to secure this planting as part of a Landscape Environmental Management Plan (LEMP). Furthermore, as bats were recorded foraging and commuting across the site and given the type of development, the site is likely to have an increase in light levels which could affect commuting and foraging bats. Recommended condition 25 would also ensure that bats (and other wildlife) are not adversely affected by any external lighting installed by securing further detail of any external lighting.
- 10.50 Surveys for great crested newts (GCN) have been undertaken in 2018 and 2021 on three ponds within 250m of the site. In 2018, no GCN were recorded during the survey and in 2021, the eDNA results were negative for GCN indicating GCN are absent from the waterbodies. No further surveys or mitigation is therefore required. No badgers were recorded during surveys in 2018 or 2021 and therefore no further survey or mitigation is required with regards to badgers. There was habitat on site to support nesting birds and mitigation regarding breeding birds is recommended within the ecological assessment. This mitigation is secured by recommended condition 11 and 12.
- 10.51 With regard to reptiles, surveys during 2018 concluded that the site did not host reptile species. However, it is noted that the application site was recently cleared prior to this survey, with the ecology report setting out that there are areas of bare ground present that have since been recolonized by a mix of species. Coarse grass and scrub can provide suitable habitat for reptiles and given the time elapsed since the previous reptile surveys (three years), updated reptile surveys have been undertaken to ensure that these protected species are protected both during and after development. The reports have demonstrated that there is no presence of reptiles on the site.

- 10.52 Whilst updated dormice surveys have not been provided with the submission, based on the previous surveys in 2014 and 2018, and given that the dormouse habitat has not changed, the Council's ecologist is satisfied that there would be no harm to dormouse habitats in the area as a result of the development.
- 10.53 Paragraph 175 of the NPPF states that "opportunities to incorporate biodiversity improvements in and around developments should be encouraged". Policy NR2 of the BLP also requires proposals to identify areas where there is opportunity for biodiversity to be improved and, where appropriate, enable access to areas of wildlife importance. Where opportunities exist to enhance designated sites or improve the nature conservation value of habitats, for example within Biodiversity Opportunity Areas or a similar designated area, they should be designed into development proposals. Development proposals will demonstrate a net gain in biodiversity by quantifiable methods such as the use of a biodiversity metric.
- 10.54 A biodiversity net gain assessment has been undertaken, based on the current masterplan, and concludes the development would result in a 30.69% net gain in habitat units. Condition 10 is recommended to secure the submission of an updated biodiversity net gain calculation as part of a future reserved matters application. In addition, a number of enhancements have been recommended which include native species planting (which includes the planting of 80 native species), installation of bird and bat boxes onto the new buildings and retained trees, provision of hibernacula and the provision of gaps in any boundary fencing for wildlife to travel across the site. Details of such enhancements, including the locations, specifications and management prescriptions, would be secured by recommended conditions 11, 12 and 13 which requires the submission of a LEMP, a Construction Environmental Management Plan and details of the biodiversity enhancements.

Archaeology

- 10.55 Policy HE1 of the BLP requires all applications for works in archeologically sensitive areas to include a desk-top archaeological assessment.
- 10.56 The application site is located approximately 150m south of the River Thames and therefore lies over the floodplain and gravel terraces which have been a focus of settlement, agriculture and burial from the earlier prehistoric period to the present day. North of the river at this point, there is evidence of extensive Mesolithic, Neolithic and Bronze Age activity and, although there appears to be less known activity south of the river, there is still evidence of Prehistoric use nearby and there are various examples of important prehistoric finds locally. Given that the site falls within an area of archaeological significance and archaeological remains may be damaged by ground disturbance for the proposed development, condition 17 is recommended to secure a programme of archaeological work including a Written Scheme of Investigation, prior to commencement of the development, with implementation in accordance with the approved scheme and occupation only at such a time as a site investigation and post investigation assessment has been completed in accordance with a programme set out in the approved Written Scheme of Investigation

Open space provision

- 10.57 Policy IF4 of the BLP requires new open space and play facilities for children and young people on sites allocated for new housing and this requirement is replicated within the AL21 Site Allocation requirements. The illustrative layout and Green Infrastructure plan demonstrate that sufficient areas of open space can be provided throughout the site, including new accessible space around the single veteran tree towards the south-west of the site. This approach is acceptable.

Other matters

- 10.58 Future reserved matters applications would provide detail of the quality of the residential accommodation provided as part of the development. However, in order to ensure compliance with policy HO2 which seeks to ensure that new homes contribute to meeting the needs of current and projected households, condition 22 is recommended to secure 30% of the dwellings to be delivered as accessible and adaptable dwellings in accordance with Building Regulations M4(2), and 5% of the dwellings to meet the wheelchair accessible standard in Building Regulations M4(3).
- 10.59 Paragraphs 10 and 11 of the NPPF (2021) set out that there will be a presumption in favour of Sustainable Development which is consistent with the overarching objectives of the BLP. Policy HO1 of the BLP sets out a trajectory for the provision of new housing and the application site, and the wider AL21 Site Allocation, form an integral part of this housing trajectory. The provision of such housing will ensure the Borough is able to maintain its up-to-date five-year housing land supply.

11. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 11.1 The development is CIL liable. The liability will be calculated at reserved matters stage

12. PLANNING BALANCE

- 12.1 The application site forms part of the AL21 Land West of Windsor Site Allocation pursuant to policy H01 of the BLP. The proposed development is acceptable in principle and complies with relevant development plan policies. The site is allocated for residential development within the BLP, with the proposal demonstrating that it has the potential (secured through future reserved matters applications) to deliver the relevant site-specific requirements.
- 12.3 Given that the Council can now demonstrate that a five year housing supply is available, there is no requirement to apply the tilted balance approach in line with the context of the NPPF. Notwithstanding this, the site allocation and its position within the development plan is afforded significant weight in delivering housing.
- 12.4 For the reasons set out within this report, the proposed development is acceptable and the recommendation therefore is that planning permission is granted, subject to recommended conditions and the completion of the required legal agreement to secure appropriate provisions as set out in this report.

13 CONCLUSION

- 13.1 The application, would for the reasons set out above, represent an acceptable form of development on an Allocated Site in the BLP that would make for highly efficient use of the site, with acceptable accesses to be provided.

14. APPENDICES TO THIS REPORT

- Appendix A – Site location plan
- Appendix B – Access plan
- Appendix C – Illustrative layout plan
- Appendix D – Parameter plans

15. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 Details of the appearance, landscaping, layout and scale (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is commenced.
Reason: To accord with the provisions of the Town and Country Planning (General Development Procedure) Order 1995.
- 2 An application for the approval of 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).
- 3 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).
- 4 The reserved matters applications shall be submitted in accordance with the details set out within the Design Code, dated August 2022 Rev. 2635-A-4004-C, prepared by Omega Architects.
Reason: In the interests of the visual amenities of the area in accordance with policies HO1 and QP3 of the Borough Local Plan.
- 5 The reserved matters applications shall be submitted in general accordance with the details set out within the parameter plans contained in the Design and Access Statement Rev. 2635-A-4000-J, dated August 2022 prepared by Omega Architects.
Reason: In the interests of the visual amenities of the area in accordance with policies HO1 and QP3 of the Borough Local Plan.
- 6 No development above ground floor slab level shall take place until samples of the materials to be used on the external surfaces of the development hereby approved 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. The development shall only be carried out in accordance with the approved materials or such other details as agreed in writing by the Local Planning Authority.
Reason: In the interests of the visual amenities of the area in accordance with policies HO1 and QP3 of the Borough Local Plan.
- 7 No part of the development shall commence until the accesses have been constructed in accordance with the approved drawing. The accesses shall thereafter be retained as approved.
Reason: In the interests of highway safety and the free flow of traffic in in accordance with policies IF2 and QP3 of the Borough Local Plan.
- 8 The erection of fencing for the protection of any retained tree as shown on plan numbers SJA TPP 21464-042 (East) and SJA TPP 21464-042 (West) and any other protection measures specified set out in the Arboricultural Implications Report prepared by SJA Trees dated March 2022, 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 in accordance with policies DG1 and N6 of the Borough Local Plan.

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

Reason: To protect trees which contribute to the visual amenities of the site and surrounding area in accordance with policies DG1 and N6 of the Borough Local Plan.

- 10 An updated biodiversity net gain calculation shall be submitted with any Reserved Matters application to provide details of the biodiversity net gain which will be delivered as part of this development (including a clear demonstration through the use of an appropriate biodiversity calculator such as the Defra Metric 3.0 that a net gain would be achieved). The agreed net gain measures shall thereafter be implemented/installed in full as agreed.

Reason: To provide a net gain for biodiversity in accordance with Policy NR2 of the Borough Local Plan.

- 11 Prior to the commencement of the development above slab level, details of biodiversity enhancements, to include integral bird and bat boxes, tiles or bricks on the new buildings and around the site and native and wildlife friendly landscaping (including gaps at the bases of any fences to allow hedgehogs to traverse through the gardens), shall be submitted to and approved in writing by the Local Planning Authority. The approved biodiversity enhancements shall thereafter be installed as approved and a brief letter/report confirming that enhancements have been created/installed, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To incorporate biodiversity in and around the development in accordance with the NPPF and policy NR2 of the Borough Local Plan.

- 12 No development shall take place (including demolition, ground works, 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 (may be provided as a set of method statements and should include all mitigation measures outlined in the ecology report (Ecology Assessment, prepared by Ecology Solutions, dated July 2022), an updated ecology walkover survey (including an updated PRA of the building) prior to commencement of any works to ensure that conditions on the site have not significantly changed since the time of the surveys, reasonable avoidance measures during site clearance works for reptiles, nesting birds, and hedgehog (including measures which would be undertaken should any individuals of these species be found), removal of the identified PRF under the supervision of a suitably qualified ecologist, protection of the river and any vegetation to be retained, and construction lighting to be directed away from any suitable bat habitat;

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

e. Times during construction when specialist ecologists need to be present on site to oversee works;

f. Responsible persons and lines of communication;

g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and,

f. 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. An updated ecology report detailing the results of this updated ecology walkover study should be submitted with any Reserved Matters application, and if any new signs of presence of protected species on the site is found then further surveys may need to be undertaken and/or conditioned as part of the Reserved Matters application.

Reason: To minimise impacts on biodiversity in accordance with Policy NR2 of the Borough Local Plan and Paragraphs 170 and 175 of the NPPF.

13 Prior to occupation of the development, a Landscape Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the council. The LEMP shall include details of the following:

a. Schedules of plants and trees, to include native and wildlife friendly species, including pollen-rich and fruit bearing species and species likely to prove adaptable to climate change, noting species, planting sizes and proposed numbers / densities.

b. Clear long and short term aims and objectives for the site, to include measures to create and enhance woodland and other habitats.

c. Implementation timetables.

d. Prescriptions to achieve the aims and objectives of the plan to include details of which organisations/persons will be responsible for implementing the prescriptions.

e. Details of how the aims, objectives and prescriptions will be monitored, and what processes will be put in place to ensure that the plan is iterative.

The LEMP shall be implemented as approved unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that wildlife is safeguarded, and enhancements provided, in line with policy NR2 of the Borough Local Plan.

14 The development shall be carried out in complete accordance with the measures to support nesting bird and mitigation measures for breeding birds set out in the Ecology Assessment, prepared by Ecology Solutions, dated July 2022.

Reason: To ensure that wildlife is safeguarded, and enhancements provided, in line with policy NR2 of the Borough Local Plan.

15 The development shall be carried out in complete accordance with the mitigation measures set out in Section 6.2 of the Air Quality Assessment Issue 04, prepared by Ramboll, dated 24th March 2022.

Reason: To secure an acceptable standard of residential amenity in accordance with policies QP3 and EP2 of the Borough Local Plan.

16 No development above slab level shall commence until a noise study has been submitted to and approved in writing by the Local Planning Authority. This shall include:

a. Details of all the measures to be taken to acoustically insulate all habitable rooms against environmental and operational noise together with details of the methods of providing acoustic ventilation;

b. Details of how the proposed development is designed so that cumulative noise from surrounding uses does not impact on residential amenity. This shall include any appropriate mitigation measures.

The development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: In the interests of the mutual amenity of future, and adjoining, occupiers of land and buildings in accordance with policies HO5, QP3 and EP1 of the Borough Local Plan.

17 No development shall take place until a programme of archaeological work including

a Written Scheme of Investigation has been submitted to, and approved in writing by the local planning authority. The scheme shall include:

1. An assessment of significance and research questions;
2. The programme and methodology of site investigation and recording;
3. The programme for post investigation assessment;
4. Provision to be made for analysis of the site investigation and recording;
5. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
6. Provision to be made for archive deposition of the analysis and records of the site investigation

7. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

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

Reason: To protect potential archaeological remains within the site and surrounding area in accordance with policy HE1 of the Borough Local Plan.

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

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

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

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

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

use of the land after remediation;

3. Implementation of Approved Remediation Scheme. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme work. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority;

4. Reporting Unexpected Contamination In the event that contamination is found at anytime when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of point 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of point 2, which is the subject of the approval in writing of the Local Planning Authority. Following completion of measures in identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with point 3.

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

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced and submitted to in writing for approved by the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's Land Contamination Risk Management (LCRM). How to assess and manage the risks from land contamination.

Reason: To ensure that risks from land contamination to the future users of the land and the neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EP5 of the Borough Local Plan.

19 The development shall be carried out in accordance with the flood mitigation measures set out in the Flood Risk Assessment and Drainage Strategy, prepared by JNP Group Rev. P02, dated 25th March 2022.

Reason: To secure an acceptable standard of residential amenity and to ensure that the proposed development is safe from flooding in accordance with policies QP3 and NR1 of the Borough Local Plan.

20 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:

- a. Calculations to include development runoff rates, volumes (attenuation and long-term storage) and topographic details, and any consents required from Thames Water;
- b. Full details of all components of the proposed surface water drainage system

including dimensions, locations, gradients, invert levels, cover levels long sections and cross section and relevant construction details of all individual components;

c. Water quality discharged from the site should be of sufficient water quality. The applicant is to provide evidence that discharge from the site would be of sufficient water quality that it would not result in detriment to any receiving water course;

d. Details of the proposed maintenance arrangements relating to the surface water drainage system should also be provided, confirming the part that will be responsible. The surface water drainage system shall be implemented and maintained in accordance with the approved details and retained thereafter.

Reason: To ensure compliance with the National Planning Policy Framework (2021) and the Non-Statutory Technical Standards for Sustainable Drainage Systems and to Royal Borough of Windsor & Maidenhead: Delivering Highways & Transport in partnership with: ensure the proposed development is safe from flooding and does not increase flood risk elsewhere in line with Policy NR1 of the Borough Local Plan.

21 An updated Energy and Sustainability Statement shall be submitted with any Reserved Matters application to provide details of sustainable design and construction measures to be incorporated into the development to achieve, as far as possible, a net-zero carbon outcome on site. The approved details shall be implemented in full, entirely in accordance with the approved measures, and thereafter maintained.

Reason: To ensure that the development is designed to incorporate measures to adapt to and mitigate climate change in line with policy SP2 of the Borough Local Plan as informed by the guidance and requirements of the Position Statement on Sustainability and Energy Efficient Design - March 2021.

22 Prior to the commencement of above ground floor slab level building works, details regarding the provision of units designed to meet Categories M4(1), M4(2) and M4(3) of Approved Document Part M of Building Regulations 2010 (as amended) shall be submitted to, and approved, in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details and retained thereafter.

Reason: In order to maximise the practical provision of accessible housing, in accordance with policy HO2 of the Borough Local Plan.

23 No buildings hereby approved shall be occupied until a Travel Plan based on the Framework Travel Plan submitted as part of the planning has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall thereafter be implemented in accordance with the approved Travel Plan.

Reason: In the interests of highway safety and the free flow of traffic in accordance with policies IF2 and QP3 of the Borough Local Plan.

24 Prior to commencement of the development, the existing boundary wall on the eastern boundary of the site shall be plotted and the existing condition recorded. The wall shall thereafter be retained in accordance with the existing condition.

Reason: In the interests of the visual amenities of the area in accordance with policies HE1 and QP3 of the Borough Local Plan.

25 No development above slab level shall commence until a report detailing the external 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 (if external lighting is to be installed) shall include the following figures and appendices:

a. A layout plan with beam orientation;

b. A schedule of equipment;

c. Measures to avoid glare; and,

d. An isolux contour map showing light spillage to 1 lux both vertically and horizontally, areas identified as being of importance for commuting and foraging bats, and locations of the new bat and bird boxes.

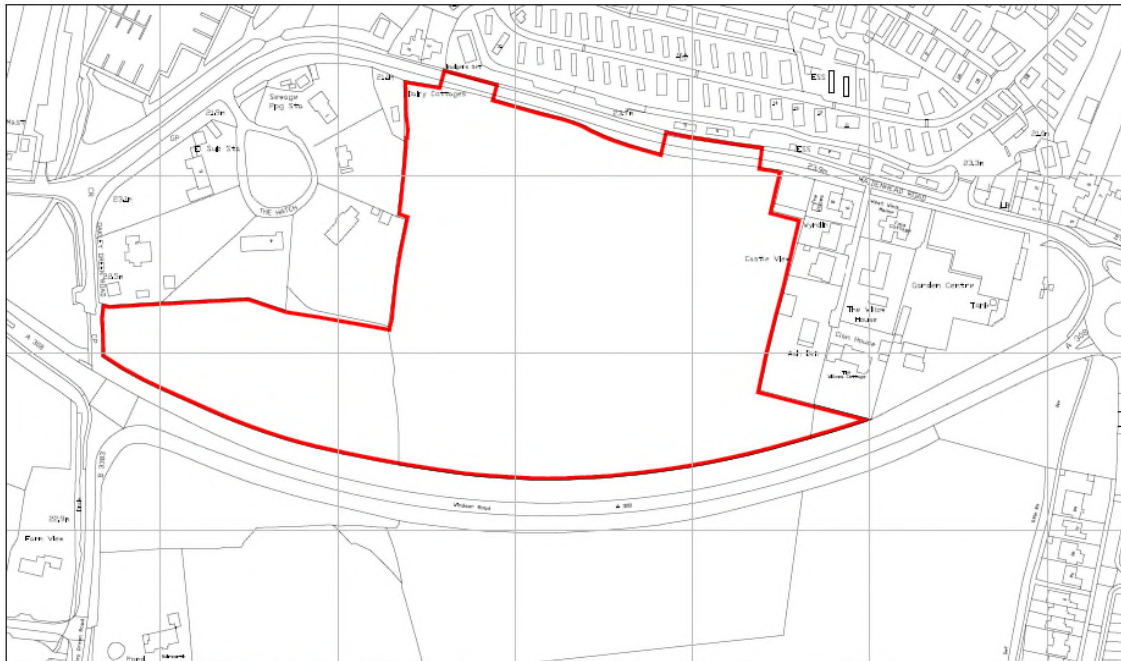
The approved lighting plan shall thereafter be implemented as approved, unless otherwise agreed in writing.

- Reason: To limit the impact of light pollution from artificial light on nature conservation, in line with policy NR2 of the Borough Local Plan.
- 26 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.

Appendices

22/00934/OUT - Land Adjacent The Hatch And South of Maidenhead Road And North of Windsor Road Water Oakley Windsor

Appendix A – Site location plan



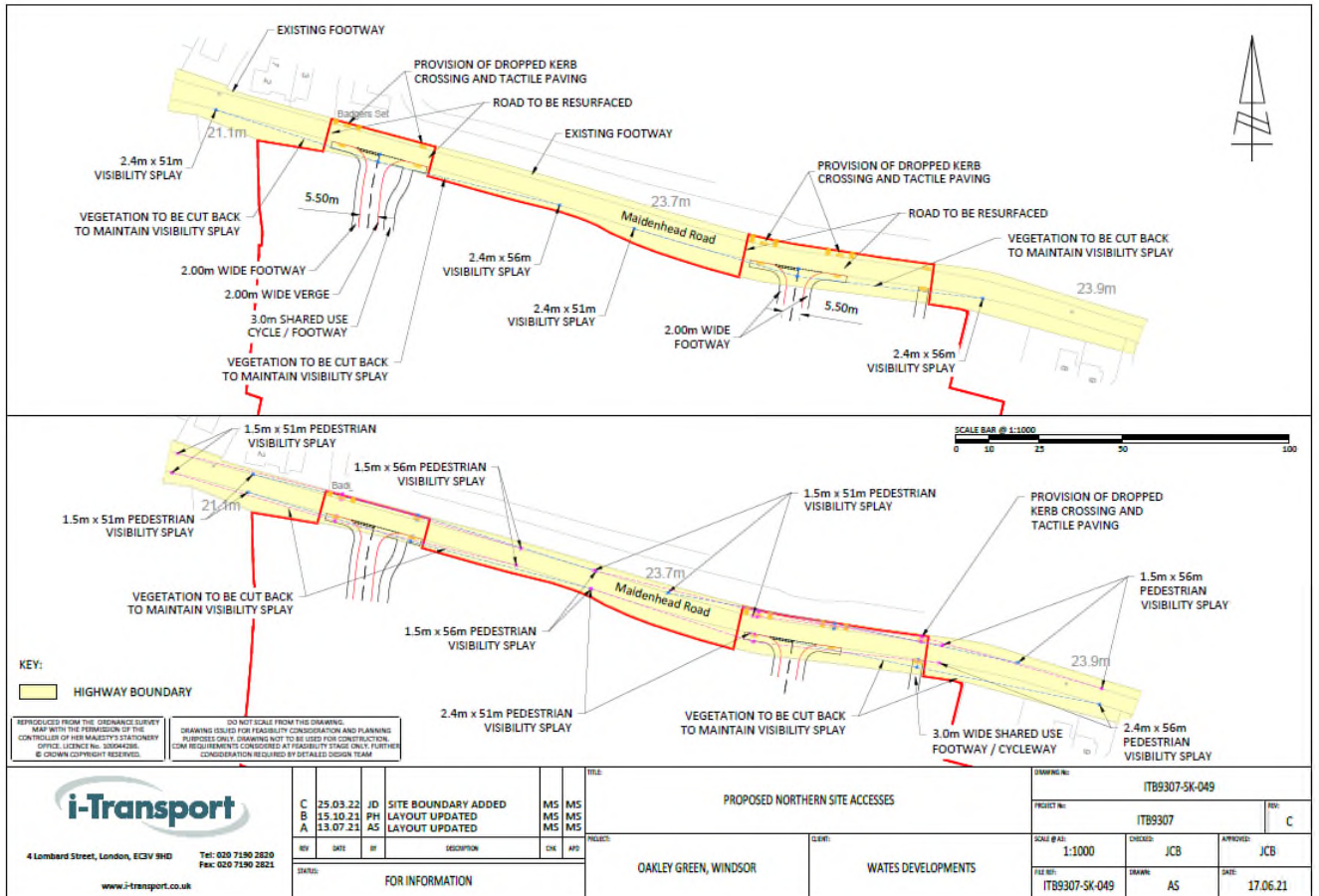
 Application Boundary

Land West of Windsor (AL21) North of the A308	
Location Plan	
Plan number : AL21-LP1	
Mar 2022	Scale 1:2500 @ A4

OS detail reproduced under licence 100031961



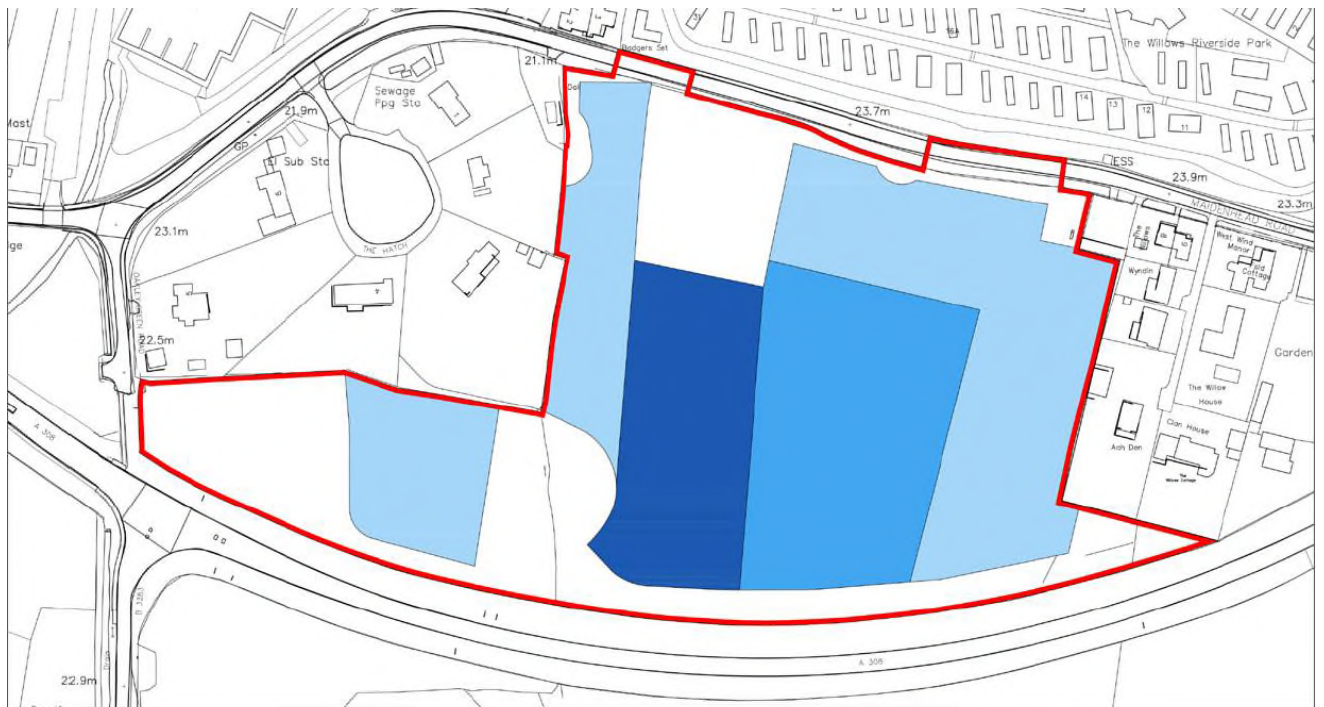
Appendix B – Site access plans



Appendix C – Illustrative layout plan



Appendix D – Parameter plans



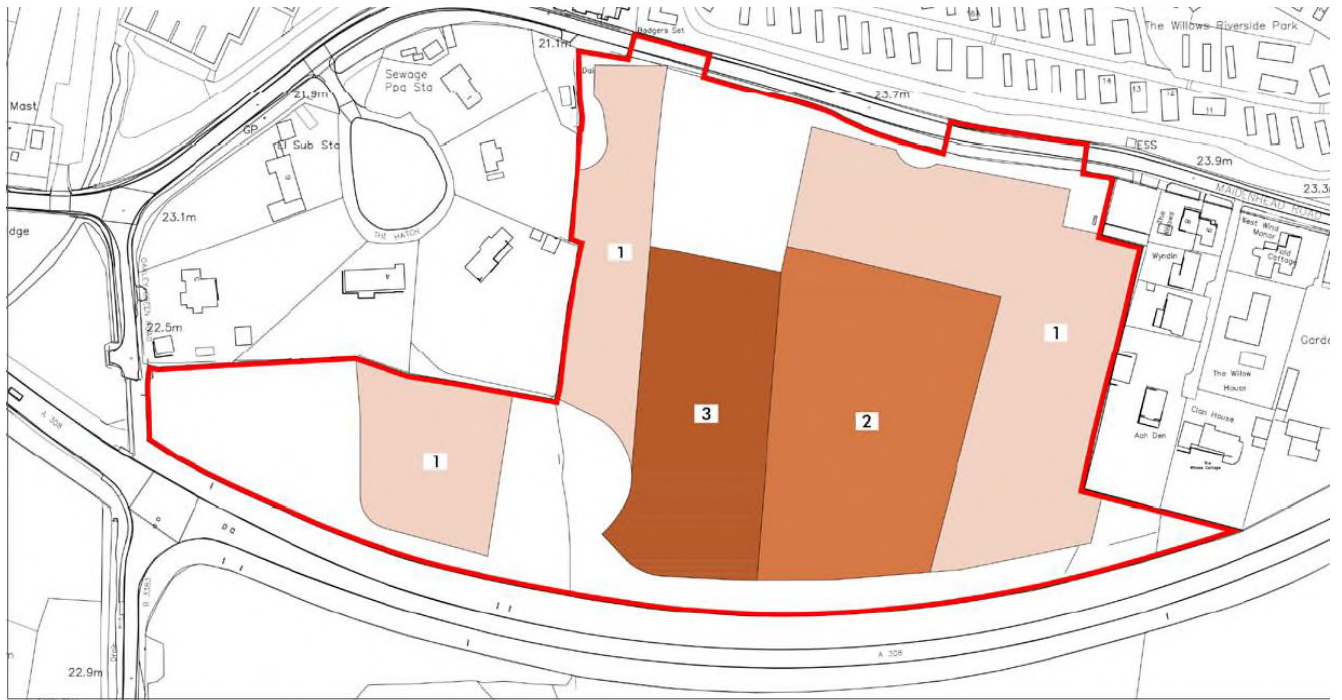
Heights Parameter Plan

KEY





- PLANNING APPLICATION BOUNDARY LINE
- RESIDENTIAL DEVELOPMENT COMPRISING A MIX OF 1 & 2 STOREY IN HEIGHT (INCLUDING ANCILLARY BUILDINGS)
- RESIDENTIAL DEVELOPMENT COMPRISING A MIX OF 1,2 & 2.5 STOREY IN HEIGHT (INCLUDING ANCILLARY BUILDINGS)
- RESIDENTIAL DEVELOPMENT RANGING BETWEEN 2 & 3 STOREY IN HEIGHT (AND ANCILLARY BUILDINGS)

NOTE:

DEVELOPMENT CELLS ALIGNMENT CAN DEVIATE BY UP TO 10m UPON DETAILED DESIGN



Density & Typology Parameter Plan

KEY	
	PLANNING APPLICATION BOUNDARY LINE
	LOWER DENSITY - DETACHED & SEMI-DETACHED HOUSING WITH PARKING IN BETWEEN 25-35 DPH
	MEDIUM DENSITY - MORE VARIED TYPOLOGIES PREDOMINANTLY COMPRISING TERRACED & SEMI-DETACHED HOUSING BUT WITH SOME DETACH HOUSING / SMALLER APARTMENT BUILDINGS 35-45 DPH
	HIGHER DENSITY - LARGER APARTMENT BUILDINGS & CORNER PLOT HOUSING TO PROVIDE ACTIVE FRONTAGES 45+ DPH

NOTE:
DEVELOPMENT CELLS ALIGNMENT CAN DEVIATE BY UP TO 10m UPON DETAILED DESIGN

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DEVELOPMENT CONTROL PANEL

2 November 2022

Item: 3

Application No.:	22/01431/FULL
Location:	RSG Motor Group Halfpennys Garage Kings Road Sunninghill Ascot SL5 7BT
Proposal:	Construction of a commercial unit (use class E), x14 dwellings including associated vehicular/pedestrian access, parking, bin storage and landscaping, following demolition of existing buildings.
Applicant:	Mr Woodward
Agent:	Mr Warren Joseph
Parish/Ward:	Sunninghill And Ascot Parish/Ascot & Sunninghill
If you have a question about this report, please contact: Jeffrey Ng on or at jeffrey.ng@rbwm.gov.uk	

1. SUMMARY

- 1.1 The application site measures approximately 0.22 hectares and is located at the junction of Kings Road and Sunninghill Road. The site is within an identified Sunninghill Local Centre under Policy TR5 of the Borough Local Plan 2013-2033. Currently, the site is being used as a car dealership, including a single storey building at the centre of the site and also an ancillary concrete area for parking and car displaying. Access to the site is from Sunninghill Road.
- 1.2 This application is seeking to demolish the existing car dealership building and introduce 14 residential units, including 1 one-bedroom unit, 10 two-bedroom units and 3 three-bedroom units, and a commercial unit (Class E) on the ground floor. The proposed building block would be 3-storey. The proposal is seeking to retain the existing access via Sunninghill Road but also to introduce new vehicular access via Kings Road. In terms of parking arrangements, the proposal is seeking to provide 34 vehicle parking spaces in total, where 11 spaces are for the commercial unit and the remaining 23 spaces are for the residential units. There are also 4 designated parking bays for the disabled. An onsite cycle parking facility will also be provided.
- 1.3 The Report sets out the relevant Development Plan, other relevant Policies and Guidance and other material planning considerations relevant to this planning application. No concerns are raised by technical consultees.
- 1.4 The proposed development is considered to be unacceptable for a number of reasons including 1) lack of onsite affordable housing provision or contribution towards affordable housing, 2) the scale, form and design of development would result in a prominent and incongruous building which would be harmful to the character of the area, 3) lack of necessary measures to mitigate the impacts of the increase in traffic movements generated by the proposed development, 4) lack of mitigation measures to overcome any such impact on the Thames Basin Special Protection Area including financial provision towards the Strategic Access Management and Monitoring (SAMM) project and the provision of Suitable Alternative Natural Greenspace (SANG), and 5) failure to meet the requirements of SP2 and the Council's interim sustainability statement.
- 1.5 Weighing in favour of the scheme, the proposed development would provide 14 new residential units and a retail unit to the site. However, the weight attributed to these benefits would not either individually or cumulatively, be sufficient to outweigh the other

harms that are set out above. On this basis of the foregoing, it is therefore recommended that planning permission be refused.

It is recommended the Committee refuses planning permission for the following summarised reasons (the full reasons are identified in Section 15 of this report):	
1.	The proposed development includes the provision of 14 new residential units, which would trigger the affordable housing requirement within the development plan. This application is accompanied by a viability study report which sets out that the development would be unviable to provide any affordable housing. In the absence of independent verification of the findings of this report, the Council cannot be satisfied that it would not be viable to provide an affordable housing contribution either on-site or in the way of a commuted sum. The proposed development is contrary to the requirements of Policy HO3 of the Borough Local Plan 2013-2033 and Section 5 of the National Planning Policy Framework 2021 which requires the delivery of affordable housing on major housing development sites.
2.	The proposed development, by virtue of its scale, mass, siting, form, and design would result in an uncharacteristically prominent and incongruous form of development which would be harmful to the street scene and character of the area in general. The proposed development would also have an adverse impact on the neighbouring local landmark building. Therefore, it is considered that the proposed development is contrary to Neighbourhood Plan Policies DG1, DG2, DG3, DG4, Policy QP3 of the Borough Local Plan 2013-2033 and the Borough Wide Design Guide SPD.
3.	The proposed development would lead to a significant increase in vehicle movements. In an absence of a legal agreement securing the necessary measures including a Travel Plan to mitigate the impacts of the increase in traffic movements, the proposed development would have the likely adverse impact on the local road network which would be contrary to Policy IF2 of the Borough Local Plan 2013-2033 and Neighbourhood Policy NP/SV1.1 of the Adopted Ascot, Sunninghill and Sunningdale Neighbourhood Plan 2011-2026.
4.	The proposal is likely to have a significant effect in combination with other plans and projects in the locality in the Thames Basin Heaths Special Protection Area. In the absence of an assessment to show no likely significant effect, including sufficient mitigation measures to overcome any such impact on the Special Protection Area and in the absence of financial provision towards the Strategic Access Management and Monitoring (SAMM) project and the provision of Suitable Alternative Natural Greenspace (SANG) noted in the Council's Thames Basin Heaths Special Protection Area Supplementary Planning Document or satisfactory alternative provision, the likely adverse impact on the integrity of this European nature conservation site has not been overcome. 10.70. The proposed development is therefore contrary to Policy NR4 of the Borough Local Plan 2013-2033 and Policy NRM6 of the South East Plan and Section 15 of the National Planning Policy Framework.
5.	The proposed development includes the provision of 14 new residential units. In the absence of a net-zero development or financial provision towards the Council's Offset Fund, the likely adverse impact of climate change has not been overcome. The application fails to meet the requirements of the Council's Interim

REASON FOR COMMITTEE DETERMINATION

The Council's Constitution does not give the Head of Planning delegated powers to determine the application in the way recommended as it is a major development; such decisions can only be made by the Committee.

- **THE SITE AND ITS SURROUNDINGS**

1. The application site measures approximately 0.22 hectares and is located at the junction of Kings Road and Sunninghill Road. The site is within an identified Sunninghill Local Centre under Policy TR5 of the Borough Local Plan 2013-2033. The site is also within 5 kilometres of the Thames Basin Heaths Special Protection Area (SPA). The site is located approximately 1.5 kilometres from Ascot Train Station, which provides regular train services to Reading and London.
2. Currently, the site is being used as a car dealership, including a single storey building at the centre of the site and also an ancillary area for parking and car displaying. Access to the site is through Sunninghill Road.

- **KEY CONSTRAINTS**

1. Sunninghill Local Centre
2. A 5km zone of influence from the Thames Basin Heaths Special Protection Area (SPA)

- **THE PROPOSAL**

1. This application is seeking to demolish the existing car dealership building and introduce 14 residential units, including 1 one-bedroom unit, 10 two-bedroom units and 3 three-bedroom units, and a commercial unit (Class E) on the ground floor. The proposed building would be 3-storey. The proposal is seeking to retain the existing access via Sunninghill Road but also to introduce new vehicular access via Kings Road.
2. In terms of parking arrangements, the proposal is seeking to provide 34 vehicle parking spaces in total, where 11 spaces are for the commercial unit and the remaining 23 spaces are for the residential units. There are also 4 designated parking bays for the disabled. An onsite cycle parking facility will also be provided.

- **RELEVANT PLANNING HISTORY**

1. There are a number of historical planning applications related to the existing car dealership use but there is no recent planning history at the application site relevant to the current proposal.

- **DEVELOPMENT PLAN**

1. The main relevant policies are:

Adopted Borough Local Plan 2013-2033

Issue	Policy
Spatial Strategy for the Borough	SP1
Climate Change	SP2
Sustainability and Placemaking	QP1
Character and Design of New Development	QP3
Building Height and Tall Buildings	QP3a
Housing Mix and Type	HO2
Affordable Housing	HO3
Other Sites and Loss of Employment Floorspace	ED3
Hierarchy of Centres	TR1
Local Centres	TR5
Historic Environment	HE1
Nature Conservation and Biodiversity	NR2
Trees, Woodlands and Hedgerows	NR3
Thames Basin Heaths Special Protection Area	NR4
Environmental Protection	EP1
Noise	EP4
Contaminated Land and Water	EP5
Infrastructure and Developer Contributions	IF1
Sustainable Transport	IF2

Adopted Ascot, Sunninghill and Sunningdale Neighbourhood Plan 2011-2026

Issue	Policy
Trees	NP/EN2
Biodiversity	NP/EN4
Development Briefs	NP/H1
Mix of Housing Types	NP/H2
Respecting the Townscape	NP/DG1
Density, Footprint, Separation, Scale, Bulk	NP/DG2
Good Quality Design	NP/DG3
Heritage Assets	NP/DG4
Energy Efficiency and Sustainability	NP/DG5
Retaining and Encouraging Employment	NP/E1

Retaining and Enhancing Retail	NP/E3
Parking and Access	NP/T1
Cycle Routes	NP/T2
Sunninghill Village Centre Policy	NP/SV1

South East Plan

Issue	Policy
Thames Basin Heaths Special Protection Area	NRM6

- **MATERIAL PLANNING CONSIDERATIONS**

National Planning Policy Framework Sections (NPPF) (2021)

Section 2 – Achieving sustainable development
 Section 4- Decision-making
 Section 5 – Delivering a sufficient supply of homes
 Section 6 – Building a strong, competitive economy
 Section 7 – Ensuring the vitality of town centres
 Section 9- Promoting Sustainable Transport
 Section 11 – Making effective use of land
 Section 12- Achieving well-designed places
 Section 15 – Conserving and enhancing the natural environment
 Section 16 – Conserving and enhancing the historic environment

Supplementary Planning Documents

- Borough Wide Design Guide
- Sustainable Design and Construction SPD
- Planning Obligation and Developer Contributions SPD
- Thames Basin Heaths SPA SPD

Other Local Strategies or Publications

- Berkshire Strategic Housing Market Assessment (SHMA) 2016
- RBWM Townscape Assessment
- RBWM Highway Design Guide & Parking Strategy 2004
- Interim Sustainability Position Statement
- Corporate Strategy
- Environment and Climate Strategy
- RBWM Waste Management Planning Advice Note
- DLUHC Technical housing standards – nationally described space standard 2015
- Position Statement on the Housing Delivery Test (HDT) and 5 Year Housing Land Supply

- **CONSULTATIONS CARRIED OUT**

Comments from interested parties

1. 23 occupiers were notified directly of the application.
2. The planning officer posted a notice advertising the application at the site on 15.06.2022 and the application was advertised in the Local Press on 02.06.2022.
3. 57 letters were received objecting to the application, summarised as:

Comment		Where in the report this is considered
1	Concerns over having a new food /convenience store in Sunninghill as there are already three similar stores within the area.	Section i of this Report
2	Concerns over no provision for affordable housing	Section iii of this Report
3	Concerns that the proposed development is out of scale and out of character with the wider area	Section v of this Report
4	Concerns that the proposed development would lead to an overdevelopment of the site	Section v of this Report
5	Concerns over the adverse impacts on Cordes Hill and St Michael's Church of England Primary School	Section v of this Report
6	Concerns that the proposed windows at the side entrance of the residential part / balconies will be overlooking the neighbouring properties	Section vi of this Report
7	Concerns over parking provision	Section vii of this Report
8	Concerns over the increased volume of traffic would lead to highway safety and congestion	Section vii of this Report
9	Concerns over the proposed development would lead to the loss of existing trees.	Section viii of this Report
10	Concerns over the noise and disturbance from the proposed development	Section x of this Report
11	Concerns over a lack of communication with the community regarding the proposed development.	Section xii of this Report

Statutory Consultees

Consultees	Comments	Where in the report this is considered
Natural England	No objection subject to securing appropriate mitigation for recreational pressure impacts on habitat sites (European sites).	Section ix of this Report
Environment Agency	No comments to make.	Noted
RBWM Lead Local Flood Authority	Further information is required to support the application.	Section xi of this Report

Consultees

Consultees	Comments	Where in the report this is considered
RBWM Highways	No objection subject to conditions related to the submission of a construction management plan, details of the cycle parking, details of the refuse bin and recycling provision, stopping up of the existing access and parking layout.	Section vii of this Report
RBWM Ecology	No objection subject to conditions related bat licensing, external lighting scheme and the implementation of biodiversity enhancement measures.	Section ix of this Report
RBWM Environmental Protection	No objection subject to conditions related to contaminated land, site specific construction environmental management plan, and industrial and commercial noise.	Section x of this Report
Thames Water	No objection subject to an informative related to a groundwater risk management permit.	Noted.

Others (e.g., Parish and Amenity Groups)

Groups	Comments	Where in the report this is considered
Sunninghill and Ascot Parish Council	<p>Objection with the following reasons:</p> <ul style="list-style-type: none"> • The application has not consulted with the community on the current scheme. • The proposal represents a significant overdevelopment of the site and does not respect the building lines in Kings Road or the High Street. • The proposal fails to respect the Victorian Character of the wider area. • The proposal fails to respect the grain, layout, rhythm, density, skylines, scale, bulk, massing, proportions and footprint of the local area. • The proposed food retail store does not meet the local needs • The proposal would have an adverse impact on the setting of the historic Cordes Hall. • The proposal fails to provide the required private and communal amenity spaces for future occupants. • The proposal is not providing any affordable housing as required in the local planning policies. • The proposal is not providing adequate onsite parking arrangements. 	Section 10 of this Report.

	<ul style="list-style-type: none"> There is a concern over the volume of traffic which will have a negative impact on air quality, noise and highway safety. 	
Society for the Protection of Ascot and Environment	<p>Objection with the following reasons:</p> <ul style="list-style-type: none"> The contemporary design with flat roofing would fail to respond positively to the local townscape. The proposed development would be dissimilar in scale and bulk to buildings in the surrounding area. The proposed development would cause harm to the heritage assets in Sunninghill including St Michael's Primary School and Cordes Hill. Concerns over the under-provision of parking spaces Concerns over the proposed development would increase the volume of traffic and lead to congestion. 	Section 10 of this Report.
Ascot Sunninghill & Sunningdale Neighbourhood Plan Delivery Group	<p>Objection with the following reasons:</p> <ol style="list-style-type: none"> The proposed development fails to respect the established character of the area. The proposed development fails to respect the heritage assets. The proposed development fails to provide any affordable housing. Concerns over the under-provision of parking spaces A Development Brief is not provided in the application. 	Section 10 of this Report.

• **EXPLANATION OF RECOMMENDATION**

1. The key issues for consideration are:

- Principle of Development
- Climate Change and Sustainability
- Affordable Housing
- Housing Provision and Quality
- Design and Character
- Impact on the amenity of neighbouring buildings and future occupants
- Highways and Parking
- Trees and Landscaping
- Ecology and Biodiversity
- Environmental Health
- Flood Risk and Sustainable Drainage
- Development Brief
- Other Material Considerations

i) **Principle of Development**

2. The application site is within the identified Sunninghill Local Centre under Policy TR5 of the Borough Local Plan 2013-2033. Policy TR5 sets out that development proposals for residential use on upper floors in local centres will be supported. The proposal is seeking to introduce a ground-floor retail unit and 14 residential units on the upper floor, including 2 units on the ground floor. It is not considered that the proposed 2 ground-floor residential units would adversely affect the function of the Sunninghill Local centre, given that the proposed development also comprises a large ground-floor retail unit.
3. Policy ED3 of the Borough Local Plan 2013-2033 sets out that where a change is proposed from an economic use to another use, development proposals must demonstrate that the proposals would not cause unacceptable harm to the local economy. The site currently comprises a car dealership business. According to the submitted information, the business currently has 6 existing full-time employees. Though no employment details or marketing evidence are provided in this application for the proposed retail unit, it is considered that the proposed unit will continue to support the local economy by creating new job opportunities.
4. Concerns have been raised in the representations received regarding the need for having a new food /convenience store in Sunninghill, given that there are already three similar stores within the area. While Policy TR5 supports a broad range of services for the local community, it is not considered that the proposed retail unit would adversely affect the wide variety of shops and services provided. The proposed retail unit would also be able to support and maintain customer choices within the local centre. Any planning condition restricting the use of the proposed unit is not considered to be able to meet the condition tests set out within the NPPF as it would not be reasonable or necessary.
5. Therefore, the principle of development as a mixed retail and residential use is acceptable in this case.

ii) Climate Change and Sustainability

6. The Climate Change Act 2008 (CCA2008) imposes a duty to ensure that the net UK carbon account for the year 2050 is at least 100% lower than the 1990 baseline. Paragraph 152 of the NPPF states that the planning system should support the transition to a low-carbon future in a changing climate by contributing to a radical reduction in greenhouse gas emissions, minimising vulnerability and improving resistance, and supporting renewable and low-carbon energy and associated infrastructure. The Royal Borough of Windsor and Maidenhead declared a climate emergency in June 2019, and the Council intends to implement a national policy to ensure net-zero carbon emissions can be achieved by no later than 2050.
7. In December 2020, the Environment and Climate Strategy was adopted to set out how the Borough will address the climate emergency. These are material considerations in determining this application. The strategy sets a trajectory which seeks a 50% reduction in emissions by 2025.
8. While a Sustainability Supplementary Planning Document will be produced, the changes to national and local climate policy are material considerations that should be considered in the handling of planning applications and achievement of the trajectory in the Environment and Climate Strategy will require a swift response. The Council has adopted an Interim Sustainability Position Statement (ISPS) to clarify the Council's approach to these matters.

9. This application is accompanied by a sustainability & energy statement, prepared by Bluesky Unlimited, on behalf of the applicant to support this application. As a whole, the development can achieve a 74% reduction in CO2 emissions based on the information provided. Whilst this would represent a considerable reduction in the potential CO2 emitted from the site, the proposal does not achieve net zero. As such, it is reasonable for the Local Planning Authority to achieve the remainder by Building Emissions and Lifestyle contributions.
10. Notwithstanding, no legal agreement has been agreed to secure the contributions as required. In an absence of the required legal agreement, it is not considered that the application does secure the necessary measures against the likely impacts on the remainder of CO2 emissions from the site. Therefore, the proposed development, therefore, fails to comply with Policy SP2 of the Borough Local Plan 2013-2033 and the Interim Sustainability Position Statement.

iii) Affordable Housing

11. Policy HO3 of the Borough Local Plan sets out that all developments for 10 dwellings gross, or more than 1,000 square metres of residential floorspace are required to provide on-site affordable housing as follows:
 1. On greenfield sites providing up to 500 dwellings gross – 40% of the total number of units proposed on the site.
 2. On all other sites, (including those over 500 dwellings) – 30% of the total number of units.
12. Policy HO3 was based on a viability study in 2017 to specifically test affordable housing policy and it demonstrates that development in the Borough is viable and the policies do not impose disproportionate burdens on developers. Concerns have been raised in the representations received over the proposed development that fails to provide any affordable housing.
13. This application is seeking to create 14 residential units which would trigger the affordable housing requirement within the development plan. Paragraph 7.7.9 of the Borough Local Plan 2013-2033 sets out that the Council will expect the submission of open book financial appraisal information alongside the planning application and an independent review of the information submitted is needed and the cost of the review should be paid by the applicants, in exceptional circumstances, where the provision of affordable housing in accordance with Policy HO3 is not economically viable.
14. This application is accompanied by a viability study report, which has been prepared by Turner Morum, on behalf of the applicant. The report sets out that the proposal cannot remain viable whilst providing any on-site affordable housing or by providing a contribution towards affordable housing. It summarises that there is no surplus funding available for any affordable housing contributions. Notwithstanding, the submitted viability study report has not been independently reviewed as the applicant has failed to pay the cost of the review. Given that the applicant has failed to facilitate the independent review of the viability study report, it is not considered that the proposed development falls within the exceptional circumstances set out in the Borough Local Plan 2013-2033 and that the proposed development would be unviable to provide any onsite or offsite affordable housing or a contribution equivalent to the cost of providing the same quantum of affordable housing which would otherwise be sought on site.

15. In the Royal Borough, the need for the provision of affordable housing is acute. In the absence of a planning obligation to secure a provision of any onsite or offsite affordable housing or a contribution equivalent to the cost of providing the same quantum of affordable housing which would otherwise be sought on-site, the proposed development is in conflict with the requirement of Policy HO3 of the Borough Local Plan 2013-2033.
16. The NPPF also requires the delivery of affordable housing on major housing development sites. The Royal Borough is able to demonstrate an up-to-date supply of land for housing and is therefore not reliant on sites that are not policy compliant to bring forward adequate housing in the Royal Borough. Furthermore, the proposed development is not considered to secure sufficient public benefits to outweigh these material concerns with the under-provision of affordable housing onsite and the lack of compliance with policy identified above. Therefore, it is considered that the proposed development fails to comply with Policy HO3 of the Borough Local Plan 2013-2033 and the National Planning Policy Framework.

iv) Housing Provision and Quality

17. Policy HO2 of the Borough Local Plan 2013-2033 sets out that the provision of new homes should contribute to meeting the needs of current and projected households by having regard to several principles, including the provision of an appropriate mix of dwelling types and sizes as set out in the Berkshire Strategic Housing Market Assessment (SHMA) 2016 unless there is evidence showing an alternative housing mix would be more appropriate.
18. This application is accompanied by a design and access statement, which has been prepared by Ascot Design, on behalf of the applicant. This application is seeking to provide one 1-bedroom unit (7.2%), ten 2-bedroom units (71.4%) and three 3-bedroom units (21.4%). Though the proposed housing mix is not in line with the recommended housing mix set out in the SHMA 2016, the proposed housing mix is generally in line with the SHMA 2016 finding that there is a need for 2- and 3-bedroom units in the market housing sector. Therefore, the proposed development is in line with Policy HO2 of the Borough Local Plan 2013-2033.

v) Design and Character

19. The appearance of the development is a material planning consideration. Section 12 of the NPPF and Policy QP3 of the Borough Local Plan set out that all development should seek to achieve a high-quality design that improves the character and quality of an area.
20. According to the RBWM Townscape Assessment, the site lies within the 5D Sunninghill Victorian Village Character Area, which identifies that the main village street has an active building frontage with dwellings set well back from the street. Views along streets are framed by a strong building line.
21. The application site forms part of the Sunninghill local centre and is at the junction of Sunninghill Road and Kings Road. Nearby buildings, Cordes Hill and St Michael's Church of England Primary School, are identified as local landmark buildings in the Neighbourhood Plan, which contribute positively to the character of the area. The site has a topography that rises steadily from north to south along Sunninghill Road but

drops steadily from west to east along Kings Road. The application site is particularly sensitive as it is a corner plot, and it is within a very prominent location.

Scale, massing and layout

22. Concerns have been raised in the representations received regarding the proposed development being out of character with the area and leading to an overdevelopment of the site. The proposed development is seeking to introduce a sizable building within the site including a 3 storey section at the corner of the site. This part of the site is currently used as an ancillary hardstanding area of the car dealership business and is therefore relatively open and free from built development. The proposed building would be at a very prominent location on the site due to its topography. The 3-storey building would appear prominent in relation to the existing neighbouring buildings which are generally 1 to 2 storeys only and subservient in their form and mass. It is not considered that the proposed development is in line with the character of the area in terms of its height, scale and proximity to the site boundaries.
23. This application is accompanied by a design and access statement, which was prepared by Ascot Design, on behalf of the applicant, to support this application. The statement sets out that the current design is seeking to use a contemporary approach to respond to the character of the area. It is considered that the Council does not have a particular preference on whether the proposed building should be of a traditional style or contemporary design, as long as it can respond positively to the character of the wider area. While a contemporary approach is one of the feasible ways of responding to the character (as set out in the Council's Borough-Wide Design Guide) the scale and massing of the proposed building are not considered to be acceptable and respect or enhance the Victorian Village setting within which it would be sited. It is considered that the footprint and mass of the proposed building are excessively large and have been designed in such a way to maximise the extent of built form within the plot, rather than to respond positively to the surrounding built development.
24. Whilst the existing site contains a significant amount of hardstanding, the existing single storey building is well set back from the site boundaries and is significantly smaller than the proposed building in terms of height and massing, ensuring a level of spaciousness is preserved. The proposed development is seeking to reintroduce a significant amount of hardstanding parking areas to the rear of the site for both retail and residential uses. Despite private amenity spaces being provided for all residential units and some landscaping is provided at the rear parking area, the combination of a larger building and excessive hard-surfacing area contributes to the overall harm as identified in the preceding paragraphs.

External Appearance

25. Paragraph 5.6 of the Council's Borough-Wide Design Guide sets out that there are three ways of responding to the character and a contemporary approach is one way of responding to the character. The Council does not have a particular preference on the design approach as long as it can respond positively to the character of the area and respect the form and function of local landmarks as set out in Victorian Villages character under the RBWM Townscape Assessment.
26. The Council does not raise objection to the contemporary approach of the proposed development in principle. Nevertheless, the form of the proposed contemporary building is very "urban" in nature, which is not considered to be consistent with other buildings in street scene and the Victorian Village character of the area, and when considered in combination with the overall scale, height and proximity of the proposed

development to the street scenes of Kings Road and Sunninghill Road, the external appearance of the development would contribute towards the overall incongruous form of the development which is out of context with the smaller scaled, more traditionally designed existing development surrounding the application site.

Landscaping

- 27. The RBWM Townscape Assessment does identify that greenspace in Sunninghill Victorian Village is limited and is generally restricted to private gardens with occasional village pockets of open space at a road junction.
- 28. In this case, private amenity spaces are provided for all residential units and some landscaping is provided at the rear parking area, despite no communal amenity space being provided. The proposed development, on balance, is generally in line with the townscape character as open space/greenspace for a Victorian Village in this case.

Impact on local landmark buildings

- 29. Neighbourhood Plan Policy NP/DG4 of the Ascot, Sunninghill and Sunningdale Neighbourhood Plan 2011-2026 sets out that new development should seek to avoid any adverse impacts on the landmark views and buildings as identified in the RBWM Townscape Assessment, whether by nature of their height, scale or bulk, position, or by poor design, or by interfering or interrupting the views from or such landmarks, buildings or historic gateways. The RBWM Townscape Assessment sets out that any new developments should not detract from the local landmark buildings including Cordes Hill and St Michael’s Church of England Primary School. Concerns have been raised in the representations received that the proposed development would have an adverse impact on Cordes Hill.
- 30. This application is accompanied by a heritage statement, which is prepared by Cogent Heritage, on behalf of the application, to support this application. The statement sets out that the proposed development would lead to some harm to the setting of Cordes Hill and St Michael’s Primary School, but such harm is considered to be outweighed by the public benefits of the proposed development.
- 31. The application site is immediately opposite St Michael’s Primary School and Cordes Hall and is in close proximity to the Terrace, which is all identified as local landmarks in the Ascot, Sunninghill and Sunningdale Neighbourhood Plan 2011-2026. The following table identifies the local landmark views and buildings that should be protected:

	Landmark Building	Landmark View
St Michael’s Church of England Primary School	✓	✓
Cordes Hall	✓	
The Terrace		✓

Cordes Hall

- 32. The single-storey hall building is sited on the other side of the junction between Kings Road and Sunninghill Road, which is a very prominent location when it is viewed from north to south along Sunninghill Road. This view would be severely obscured by the proposed development. Given that the landmark view of the hall building is not

identified in the Neighbourhood Plan, the harm to the significance of the landmark view of the building is limited in this case. Nevertheless, the proposed building would be sited at the corner of the application site, which would significantly have an impact on the setting of the hall building, when compared with the existing single-storey building, which sets back from the site boundary. However, it is not considered that such harm can be sufficiently outweighed in this case.

St Michael's Church of England Primary School

33. The St Michael's Primary School building is sited on the other side of the junction between Sunninghill Road and School Road. The school building sets back from Sunninghill Road. Though the proposed building would be sited at the corner of the application site, it is considered that the harm to both the view and building of the school building is very limited in this case, given the separation distance between the school building and the proposed building. Furthermore, some of the existing vegetation along Sunninghill Road would also provide some level of screening for the school building.

The Terrace

34. The Terrace is a well-established residential street and is on the other side of the St Michael's Church of England Primary School. The Neighbourhood Plan identifies that the landmark view of the Terrace should be protected. The proposed building would have some impact on the landmark view of the Terrace when compared with the existing single-storey building. However, it is considered that the harm would be very limited, given the separation distance between the Terrace and existing vegetation along Sunninghill Road would also provide some level of screening to the Terrace.

Summary

35. Both the NPPF and Policy QP3 of the Borough Local Plan 2013-2033 set out that all development should seek to achieve a high-quality design that improves the character and quality of an area. The site is within 5D Sunninghill Victorian Village Character Area, with the "Victorian Villages" Character. The application site is particularly sensitive as it is a corner plot, and it is within a very prominent location. It is also immediately opposite the local landmark building Cordes Hill and is in close proximity to other locally important buildings including the Terrace and St Michael's Church of England Primary School.
36. The 3-storey building would appear prominent in relation to existing neighbouring buildings which are predominantly 1 to 2 storeys only and which contribute positively to the character of the area. It is not considered that the proposed development is in line with the character of the area by virtue of its height, scale, external appearance and positioning within the site in close proximity to the road frontages. It is also considered that the proposed development would have a significant impact on the setting of local landmark building, Cordes Hill. The proposed development, by virtue of its scale, form, and design would result in a prominent and incongruous form of development which would be harmful to the character of the area in general. Therefore, it is considered that the proposed development is contrary to Neighbourhood Plan Policies DG1, DG2, DG3, DG4, and Policy QP3 of the Borough Local Plan 2013-2033.

vi) Impact on the amenity of neighbouring buildings and future occupants

37. Policy QP3 of the Borough Local Plan sets out that new development should have no unacceptable effect on the amenities enjoyed by the occupants of adjoining properties

in terms of privacy, light, disturbance, vibration, pollution, dust, smell and access to sunlight and daylight. The Council's Borough-Wide Design Guide sets out that new developments should provide future occupants with high-quality amenities and not undermine the amenities of occupiers of neighbouring properties, especially where these are residential properties.

38. This application was accompanied by a space standard schedule, which was prepared by Ascot Design, on behalf of the applicant. The schedule sets out that all proposed units are able to meet the minimum requirement of gross internal floor areas as set out in the nationally described space standard.

Overlooking

39. Concerns have been raised in representations received over the proposed windows at the residential block and the balconies will be overlooking the neighbouring properties. Based on the submitted layout plan, the separation distance between the proposed block and existing properties on the other side of Sunninghill Road and the adjacent No.2 Kings Road are approximately 13 metres and 15 metres respectively. Though the separation distance is slightly below 15 metres, it is not considered that the windows and balconies would result in an unacceptable loss of privacy to No.2 Kings Road and properties on the other side of Sunninghill Road. However, balconies should be designed to minimise the potential for overlooking. Such details can be secured by a planning condition if planning permission were to be forthcoming.

Amenity Spaces

40. Concerns have been raised during the public consultation over the inadequacy of amenity spaces for future occupants. The RBWM Townscape Assessment also identifies that the distribution of open space in the Victorian Village character area is limited and private gardens or amenity spaces would be an opportunity for the provision of open space/green area. The Council's Borough Wide Design Guide also sets out that the provision of high-quality outdoor amenity space within flatted developments is very important, especially in a tight urban environment. Flatted developments will be expected to provide high-quality private and communal outdoor amenity space. All flats above the ground floor should be provided with balconies unless there are conservation, privacy or heritage issues.
41. Despite no communal amenity space being provided, it is considered that private amenity spaces are provided for all proposed units. All proposed private amenity spaces can meet the minimum size requirement sets out in the Borough-Wide Design Guide.

Summary

42. While it is considered that there are constraints of the site and limitations of the design scheme, the proposed development, on balance, is still able to provide sufficient levels of high-quality private amenity spaces for future occupants and does not have an adverse impact on overlooking. The proposed development, therefore, complies with Policy QP3 of the Borough Local Plan 2013-2033.

vii) Highways and Parking

Vehicle Movements

43. Policy IF2 of the Borough Local Plan 2013-2033 sets out that new development shall be located to minimise the distance people travel and the number of vehicle trips generated. Neighbourhood Policy NP/SV1.1 of the Ascot, Sunninghill and Sunningdale Neighbourhood Plan 2011-2026 sets out that any development that will have a severe independent or cumulative impact on traffic congestion will not be permitted unless it is supported by an independent traffic impact assessment, that measures can be put in place to mitigate its impact.
44. Concerns have been raised in representations that the increased volume of traffic in this application would worsen the congestion issue. A transport statement is prepared by Highway Planning Ltd., on behalf of the applicant to support this application. The following table summarises the total net additional vehicle movements of the proposed development as follows:

	Existing Vehicle movements	Proposed Vehicle movements
AM Peak (0800-0900)	12 vehicles– 2 way	25 vehicles– 2 way
PM Peak (1700-1800)	12 vehicles– 2 way	54 vehicles– 2 way
Daily (0700-1900)	120 vehicles – 2 way	529 vehicles – 2 way

45. The submitted transport statement sets out that the predicted increase in traffic flow in the AM peak hour would be between 0.5% and 3.0% and between 1.3% and 5.7% in the PM peak hour. It then summarises that the additional traffic generated in the proposed development would not have a severe impact on the local road network.
46. The Council has no reason to challenge the traffic generation figures of the submitted transport statement. The traffic generation figure however shows that the proposed development would lead to a significant increase in vehicle movements when compared with the existing vehicle movements generated by the car dealership. Furthermore, the proposed retail store on the ground floor would lead to an additional 8 to 9 delivery vehicles movements per day including the combination of HGVs and LGVs. The submitted transport statement does not include any mitigation measures such as a Travel Plan to be put in place to mitigate the impacts of the increase in traffic movements. Whilst the Highways Officer does not object to the proposal in principle, this is on the basis that mitigation measures are put in place to reduce the impact of the development on the highway.
47. In the absence of a legal agreement securing the necessary measures to mitigate the impacts of the increase in traffic movements, the proposed development would have the likely adverse impact on the local road network which would be contrary to Policy IF2 of the Borough Local Plan 2013-2033 and Neighbourhood Policy NP/SV1.1 of the Adopted Ascot, Sunninghill and Sunningdale Neighbourhood Plan 2011-2026.

Services and Access

48. Concerns have been raised in representations that the increased volume of traffic in this application would impact highway safety. The proposed development is seeking to retain and improve the existing access via Sunninghill Road to provide formal access for the proposed retail use while having new access via Kings Road for the proposed residential development. Based on the submitted layout plan, the retail parking and residential parking areas will be kept separate for safety reasons.

49. RBWM Highways Authority has raised no objection related to highway safety for the retained Sunninghill Road access as the width of the access road will be 6 metres wide for two-way traffic and it is also adequate for service and refuse vehicles to enter the site and manoeuvre. It is considered that relevant SWEPT path drawings have been provided within the transport statement. Details of the access arrangement and SWEPT path drawings can be secured by planning conditions if planning permission were to be forthcoming.
50. Based on the submitted layout plan, a bin storage area for the proposed retail use is proposed along the access via Sunninghill Road while a separate bin storage area is proposed via Kings Road for residential use. However, the proposed residential access via Kings Road is measured at approximately 4.8 metres wide and it would not be adequate for service and refuse vehicles to enter the site and manoeuvre. Nevertheless, it is considered that some changes related to the position of the bin storage areas can be made within the site. Details of the bin storage areas can be secured by planning conditions if planning permission were to be forthcoming.
51. No information related to visibility splays is provided to support this application. However, such details can be secured by a planning condition if planning permission were to be forthcoming.

Parking

52. Policy IF2 of the Borough Local Plan 2013-2033 sets out that new developments should provide vehicle and cycle parking in accordance with the parking standards in the 2004 Parking Strategy (prior to the adoption of the Parking SPD). Consideration will be given to the accessibility of the site and any potential impacts associated with overspilled parking in the local area. Neighbourhood Plan Policies NP/T1 and NP/SV1 set out that development proposals shall only be permitted provided sufficient on-site parking is made available for future users. Development proposals that include a reliance on parking on existing streets shall not be permitted if the streets have identified parking issues or adversely impact highway safety or the character of the area.
53. According to the Parking Strategy, the site does not fall within an area of good accessibility as it falls outside the 800 metres threshold. The following table summarises the maximum parking standard for C3 (General Residents) set out in the 2004 Parking Strategy:

Use	Maximum Parking Standard (Areas of Poor Accessibility)
1 bedroom units	1 space per unit
2-3 bedroom units	2 spaces per unit
Individual shop units (up to 550 sqm)	4 spaces per 120 sqm

54. The proposed development is seeking to introduce 23 parking spaces for residential units, which represents 85% of the maximum parking standard (areas of poor accessibility). The proposed development is also seeking to provide 11 parking spaces for the proposed commercial unit. Given that the proposed commercial unit is approximately 328 sqm, the proposed parking provision is in line with the maximum parking standard as required (i.e., 11 parking spaces should be provided). Concerns however have been raised in representations over the parking provision of the proposed development.

55. Though the proposed parking provision for residential units is 4 spaces below the maximum parking standard, it is considered that the proposed provision is in line with the standard set out in the Parking Strategy. Furthermore, it is not considered that the proposed development would need to rely on street parking. Given that RBWM Highways Authority has raised no objection to the proposed parking arrangement, it is considered that the proposed parking arrangement is acceptable in this case.

Electric Vehicle Charging Facilities

56. The Council's Interim Sustainability Position Statement sets out that at least 20% of parking spaces should be provided with active electric vehicle charging facilities and 80% of parking spaces should be provided with passive provision. No details related to the provision of electric vehicle charging facilities are provided in this application. However, it is considered that such details could be secured by a planning condition if planning permission were to be forthcoming.

Cycle Parking

57. The 2004 Parking Strategy does not have a specific requirement for residential parking standards for cycles. Paragraph 9.7.3 of the Strategy sets out that with certain forms of residential development, cycle parking provision may be required. In a block of flats, a proportion of secure cycle parking will be required and will be calculated on a case-specific basis.
58. The proposed development is providing 14 cycle parking spaces for future residential occupants. However, it is not considered that cycle parking spaces are provided for the proposed commercial unit. More cycle parking spaces should be provided for the proposed commercial units so that it can encourage future customers to cycle as a sustainable mode of transport. RBWM Highways Authority has also commented that details of the cycle parking facilities shall be provided to support the application. Such details, however, can be secured by a planning condition if planning permission were to be forthcoming.

viii) Tree and Landscaping

59. Paragraph 131 of the NPPF sets out the importance of trees which contribute to the character and quality of urban environments and also help mitigate and adapt to climate change. Policy NR3 of the Borough Local Plan 2013-2033 also sets out that development proposals should protect and retain trees and hedgerows, provide mitigation measures if harm to trees or hedgerows is unavoidable and plant new trees and hedgerows and extend existing coverage where possible.
60. Concerns have been raised in representations over the loss of existing trees. This application is accompanied by an arboricultural method statement and a tree protection plan, which is prepared by David Archer Associates, on behalf of the applicant to support this application. The statement confirms that only one category-C tree will be removed, and it is not subject to a Tree Preservation Order (TPO).
61. The proposed works in this application would result in some disturbance to existing off-site trees and encroachment into their root protection areas (RPAs), including the proposed parking area and soft landscaping area. However, the statement sets out that the RPAs of those existing trees will not be significantly affected if the protection measures identified in the statement are implemented. Details of a construction

method statement shall be provided which can be secured by a planning condition if planning permission were to be forthcoming.

62. The submitted landscape and ecology masterplan shows that new planting will be introduced to the site. Details of the proposed landscaping should be provided to ensure that the species and location of any new planting are appropriate and that the existing trees and hedgerows will not be adversely affected. A detailed landscaping plan could be secured by a planning condition if planning permission were to be forthcoming.

ix) Ecology and Biodiversity

63. The application site comprises an existing car dealership building and its associated hardstanding area, which has very limited ecological value. The application was accompanied by an Ecological Walkover Survey, a Bat Emergence Survey Report and a revised Bat Emergence Survey Report, which are prepared by James Blake Associates Ltd., on behalf of the applicant to support this application.

64. The submitted walkover survey sets out that the existing buildings had the potential to support roosting bats and a further survey for bats was recommended. A further bat emergence survey was then conducted, followed by the recommendation of the walkover survey report. The revised bat emergence survey report sets out that the existing building would host a day roost for bats and therefore a bat licence from Natural England is required prior to the commencement of the development hereby permitted. The report also provides a number of mitigation and recommendations to ensure that bats are not harmed during the development.

65. Paragraph 174 of the NPPF and Policy NR2 of the Borough Local Plan 2013-2033 set out that development proposals should demonstrate a net gain in biodiversity. Despite a biodiversity net gain calculation having not been provided in the application, it is considered that the existing site comprises only hardstanding and building. Furthermore, a landscape and ecology masterplan is provided to support this application and it demonstrates that new native planting, some soft landscaping elements and biodiversity enhancement measures such as the installation of bird and bat boxes will be introduced to the site. Therefore, it is considered that the proposed development is likely to be able to demonstrate a net gain in biodiversity through the implementation of the enhancement measures.

66. RBWM Ecological Officer has been consulted in this application and has raised no objection on ecological ground subject to conditions related to the Natural England licensing, the submission of an external lighting scheme, and details of any biodiversity enhancement measures. It is considered that those measures can be secured by planning conditions if planning permission were to be forthcoming.

Thames Basin Heaths Special Protection Area (SPA)

67. Policy NR4 of the Borough Local Plan 2013-2033 sets out that new development which is likely to have significant effects on its purpose and integrity will be required to demonstrate that adequate mitigation measures are put in place to avoid any potential adverse effects. The Policy continues to set out that new residential development beyond 400 metres threshold but within 5 kilometres linear distance of the Special Protection Area boundary will be required to make an appropriate contribution towards the provision of Suitable Alternative Natural Greenspace (SANG) and the Strategic Access Management and Monitoring (SAMM).

68. The application site lies within 5 kilometres of the Thames Basin Heaths Special Protection Area. Natural England has been consulted and has raised no objection subject to securing appropriate mitigation for recreational pressure impacts on habitat sites. The submitted Design and Access Statement sets out that the applicant is willing to make a contribution towards the delivery of the necessary mitigation measures including SANG and SAMM and would like to consider the residual capacity available at Sunningdale Park SANG.
69. Notwithstanding, the Sunningdale Park SANG is not yet available to accept any residual capacity and the Royal Borough currently does not have any other Council-owned SANG capacity available by the time of writing this committee report. It would not be possible to enter into a legal agreement without confirming the relevant SANG capacity.
70. In an absence of a legal agreement securing the necessary Strategic Access Management and Monitoring (SAMM) and Suitable Alternative Natural Greenspace (SANG) contributions, the proposed development fails to secure the necessary mitigation against the likely harmful effects on the Thames Basin Heaths SPA.
71. The proposed development is therefore contrary to Policy NR4 of the Borough Local Plan 2013-2033 and Policy NRM6 of the South East Plan and Section 15 of the National Planning Policy Framework.

x) Environmental Health

72. Policy EP1 of the Borough Local Plan 2013-2033 sets out that new development will only be supported where it would not have an unacceptable effect on environmental quality both during the construction phase and when completed. Details of remedial or preventative measures and any supporting environmental assessments will be required and will be secured by planning conditions to ensure that the development will be acceptable.

Noise

73. Policy EP4 of the Borough Local Plan 2013-2033 sets out that new development should consider the noise and quality of life impact on occupants of existing nearby properties and the intended new occupiers. Development proposals will need to demonstrate that they will meet the internal noise standards for noise-sensitive developments as set out in the Policy.
74. Concerns have been raised in representations over the noise and disturbance from the proposed development. RBWM Environmental Protection Officer has been consulted in this application and has raised no objection to the proposed development in terms of noise subject to a condition related to industrial and commercial noise. Given the nature and scale of the proposed commercial unit on the ground floor and it is within Sunninghill Local Centre, it is however not considered that such a condition would be reasonable when considering the noise level generated by the existing car dealership.
75. Based on the submitted floor plans, the majority of the windows of all habitable rooms are facing Sunninghill Road, Kings Road and the rear parking area. It is important to ensure that all habitable rooms of the proposed development can achieve the internal noise level standards set out in Policy EP4. In an absence of a noise impact assessment, the proposed development is not able to demonstrate that future occupants of the proposed development would not be affected by unacceptable levels

of noise. A noise impact assessment should be provided and it could be secured by a pre-commencement condition if planning permission were to be forthcoming.

Contaminated Land

76. Policy EP5 of the Borough Local Plan sets out that development proposals will be supported where they can demonstrate that adequate and effective remedial measures to remove the potential harm to human health and the environment are successfully mitigated.
77. The application site comprises an existing car dealership building and its associated hardstanding area for car parking and displaying. The site may be considered contaminated land as there are onsite underground tanks for hydrocarbon storage.
78. This application is accompanied by a Phase I Preliminary Risk Assessment, prepared by Enzygo Geoenvironmental Ltd., on behalf of the applicant to support this application. The report summarises that a further ground investigation is recommended.
79. RBWM Environmental Protection Officer has been consulted in this application and has raised no objection to the proposed development in terms of contaminated land subject to a condition related to land contamination, including the submission of an investigation and risk assessment, the submission of a remediation scheme, reporting any unexpected contamination and having long-term monitoring and maintenance. It is considered that such details could be secured by a planning condition if permission were to be forthcoming.

xi) Flood Risk and Sustainable Drainage

80. The application site is within the Environment Agency Flood Zone 1, which means that there is a less than 1 in 1,000 annual probability of river and sea flooding. This application is accompanied by a flood risk assessment & drainage strategy, which is prepared by Clarkebond (UK) Limited, on behalf of the applicant to support this application and it summarises that there is only low to very low risk of surface water and groundwater flooding.
81. RBWM Lead Local Flood Authority has been consulted in this application and further clarification and information are needed to support the application. Given that there is a low to very low risk of surface water and groundwater flooding, it does not warrant an objection on this matter. However, a revised flood risk assessment & drainage strategy should be provided and it should be secured by a pre-commencement condition if planning permission were to be forthcoming.

xii) Development Brief

82. Neighbourhood Plan Policy NP/H1 of the Ascot, Sunninghill and Sunningdale Neighbourhood Plan 2011-2026 sets out that development proposals which include 10 or more dwellings on sites larger than 0.4 hectares shall be required to submit a Development Brief. The Brief must also be accompanied by a Statement of Community Consultation. Section 12 of the National Planning Policy Framework also sets out that applications that can demonstrate early, proactive and effective engagement with the community should be looked at more favourably than those that cannot.
83. Concerns have been raised in representations over a lack of communication with the community regarding the proposed development. The submitted design and access

statement sets out that the information required for the development brief and the statement of community consultation has been provided within the application. In terms of pre-application engagement, the statement also sets out that a website was set up for consultation and an online feedback form was available on the website. An online meeting was also held and attended by local stakeholders.

84. Based on the submitted design and access statement, it is considered that a table was made to show the proposed development is responding to the matters set out in Appendix C: Development Brief and Appendix D: Statement of Community Consultation of the Neighbourhood Plan. While the pre-application engagement was restricted due to Government social distancing restrictions during the Pandemic, it is considered that a website was set up and the applicant also held an online meeting with local stakeholders. Despite there being some further changes to the proposed development and also the ease of Government restrictions, it is considered that the whole community engagement exercise was held virtually entirely. Furthermore, policy NP/H1 sets out that the statement should demonstrate that the consultation should be held in a range of ways. Whilst the design and access statement sets out that the proposed development complies with the requirement, it is not considered that the information provided sufficiently meets the requirement including having a record of the views expressed by local people and the Parish Council, having a range of different means in consultation, having a consultation involving a broad cross-section of local people and also a clear explanation showing how the proposals being submitted have addressed the views or any concerns raised by local people and the Parish Council during the consultation. It is also not considered that a further community engagement exercise was held prior to the submission of this planning application.
85. Notwithstanding, Neighbourhood Plan Policy NP/H1 of the Ascot, Sunninghill and Sunningdale Neighbourhood Plan 2011-2026 requires a development brief and a statement of community consultation are required if development proposals include 10 or more dwellings on sites larger than 0.4 hectares. In this case, though the proposal is seeking to develop 14 dwellings which is above the 10 dwellings threshold on site, the site area is only approximately 0.228 hectares, which is below the 0.4 hectares threshold.
86. Section 5.3 of the Neighbourhood Plan sets out that a development brief is a useful tool to ensure developer/community engagement early in the design process. Despite the community engagement exercise of this application is not in line with the requirements set out in Policy NP/H1, it does not warrant a reason for refusal on this matter in this particular case.

xiii) Other Material Considerations

87. Environmental protection has suggested a planning condition in the event of planning permission being granted in this instance relating to the site-specific construction environmental management plan (CEMP). However, it is considered that such a condition would not be necessary as it is covered by other legislation.

- **COMMUNITY INFRASTRUCTURE LEVY (CIL)**

1. In accordance with the Council's adopted Community Infrastructure Levy (CIL) Charging Schedule, the development is CIL liable on the chargeable floor area at a rate of J295.11per square metre (Indexation rate 2022).

- **PLANNING BALANCE AND CONCLUSION**

1. The application site is within the Sunninghill local centre. The proposed retail unit is identified as a main town centre use. Despite the proposal comprising a loss of an existing car dealership business, the proposal is seeking to reintroduce a retail unit to the site. The overall function of the centre and opportunities for customer choice can still be maintained. Therefore, it is not considered that the proposed development will adversely affect the function of a local Centre in this case.
2. This application is supported by a viability report which states that it is not viable to provide any on-site affordable housing or a contribution towards affordable housing. This report has not been independently verified and as such the Council cannot be satisfied that the proposal cannot make an affordable housing contribution.
3. The proposed large-scale building would appear at odds with the existing neighbouring buildings which are 1 to 2 storeys only. It is not considered that the proposed development is in line with the character of the area. It is also considered that the proposed development would have a significant impact on the setting of the Cordes Hill building. It is not considered that sufficient public benefit is identified to outweigh such harm. The proposed development, by virtue of its scale, form, and design would result in a prominent and incongruous form of development which would be harmful to the character of the area in general. The proposed development would also have an adverse impact on the local landmark building.
4. The traffic generation figure provided shows that the proposed development would lead to a significant increase in vehicle movements when compared with the existing vehicle movements generated by the car dealership. The submitted transport statement however does not include any mitigation measures to be put in place to mitigate the impacts of the increase in traffic movements. In an absence of a legal agreement securing the necessary measures to mitigate the impacts of the increase in traffic movements, the proposed development would have a likely adverse impact on the local road network.
5. The application site lies within 5 kilometres of the Thames Basin Heaths Special Protection Area. Though the applicant is willing to make a contribution towards the delivery of the necessary mitigation measures including SANG and SAMM and would like to consider the residual capacity available at Sunningdale Park SANG, the Sunningdale Park SANG is not available to accept any residual capacity and the Royal Borough currently does not have any other Council-owned SANG capacity available by the time of writing this committee report. In an absence of a legal agreement securing the necessary Strategic Access Management and Monitoring (SAMM) and Suitable Alternative Natural Greenspace (SANG) contributions, the proposed development fails to secure the necessary mitigation against the likely harmful effects on the Thames Basin Heaths SPA.
6. Policy SP2 of the Borough Local Plan 2013-2033 requires all development to demonstrate how they have been designed to incorporate measures to adapt to and mitigate climate change. Though this application is supported by a sustainability & energy statement, the statement shows that it can only achieve a 74% reduction and it cannot achieve net-zero carbon. Notwithstanding, no legal agreement has been agreed to secure the contributions as required. In an absence of the required legal agreement, it is not considered that the application does secure the necessary measures against the likely impacts on the remainder of CO2 emissions from the site.
7. To conclude, the proposed development would provide 14 residential units and a retail unit on the ground floor. However, the weight attributed to the provision of housing and economic benefits would not either individually or cumulatively, be sufficient to

outweigh the other harms that are set out above. On this basis of the foregoing, it is therefore recommended that planning permission be refused.

- **APPENDICES TO THIS REPORT**

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

- **REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED**

- 1 The proposed development includes the provision of 14 new residential units, which would trigger the affordable housing requirement within the development plan. This application is accompanied by a viability study report which sets out that the development would be unviable to provide any affordable housing. In the absence of independent verification of the findings of this report, the Council cannot be satisfied that it would not be viable to provide an affordable housing contribution either on-site or in the way of a commuted sum. The proposed development is contrary to the requirements of Policy HO3 of the Borough Local Plan 2013-2033 and Section 5 of the National Planning Policy Framework 2021 which requires the delivery of affordable housing on major housing development sites.
- 2 The proposed development, by virtue of its scale, mass, siting, form, and design would result in a prominent and incongruous form of development which would be harmful to the street scene and character of the area in general. The proposed development would also have an adverse impact on the neighbouring local landmark building. Therefore, it is considered that the proposed development is contrary to Neighbourhood Plan Policies DG1, DG2, DG3, DG4, Policy QP3 of the Borough Local Plan 2013-2033 and the Borough Wide Design Guide SPD.
- 3 The proposed development would lead to a significant increase in vehicle movements. In an absence of a legal agreement securing the necessary measures including a Travel Plan to mitigate the impacts of the increase in traffic movements, the proposed development would have the likely adverse impact on the local road network which would be contrary to Policy IF2 of the Borough Local Plan 2013-2033 and Neighbourhood Policy NP/SV1.1 of the Adopted Ascot, Sunninghill and Sunningdale Neighbourhood Plan 2011-2026.
- 4 The proposal is likely to have a significant effect in combination with other plans and projects in the locality in the Thames Basin Heaths Special Protection Area. In the absence of an assessment to show no likely significant effect, including sufficient mitigation measures to overcome any such impact on the Special Protection Area and in the absence of financial provision towards the Strategic Access Management and Monitoring (SAMM) project and the provision of Suitable Alternative Natural Greenspace (SANG) noted in the Council's Thames Basin Heaths Special Protection Area Supplementary Planning Document or satisfactory alternative provision, the likely adverse impact on the integrity of this European nature conservation site has not been overcome. 10.70. The proposed development is therefore contrary to Policy NR4 of the Borough Local Plan 2013-2033 and Policy NRM6 of the South East Plan and Section 15 of the National Planning Policy Framework.
- 5 The proposed development includes the provision of 14 new residential units. In the absence of financial provision towards the Council's Offset Fund, the likely adverse impact of climate change has not been overcome. The application fails to meet the requirements of the Council's Interim Sustainability Position Statement about climate change by Policy SP2 of the Borough Local Plan 2013-2033.

22/01431/FULL - RSG Motor Group, Halfpennys Garage, Kings Road, Sunninghill, Ascot SL5 7BT

Appendices

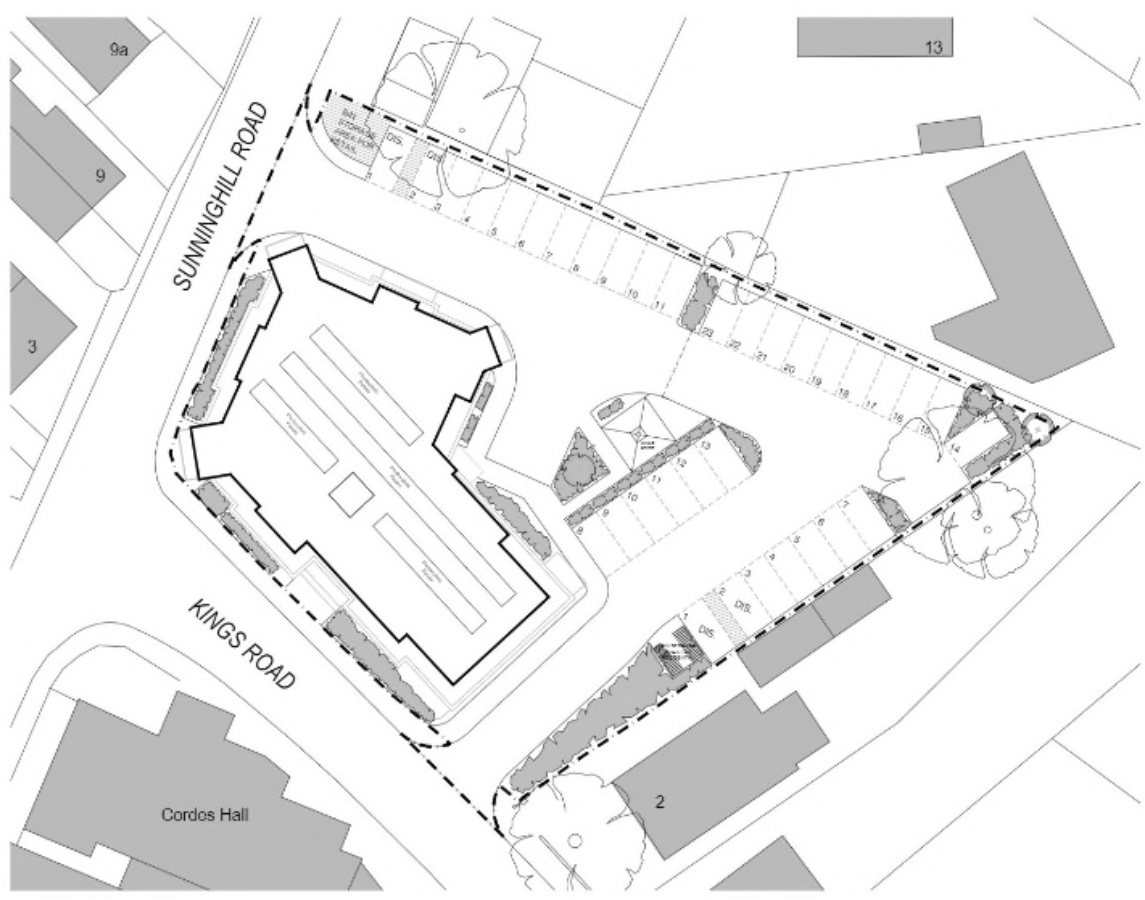
Appendix A - Site Location Plan and Proposed Site Layout

Site Location Plan



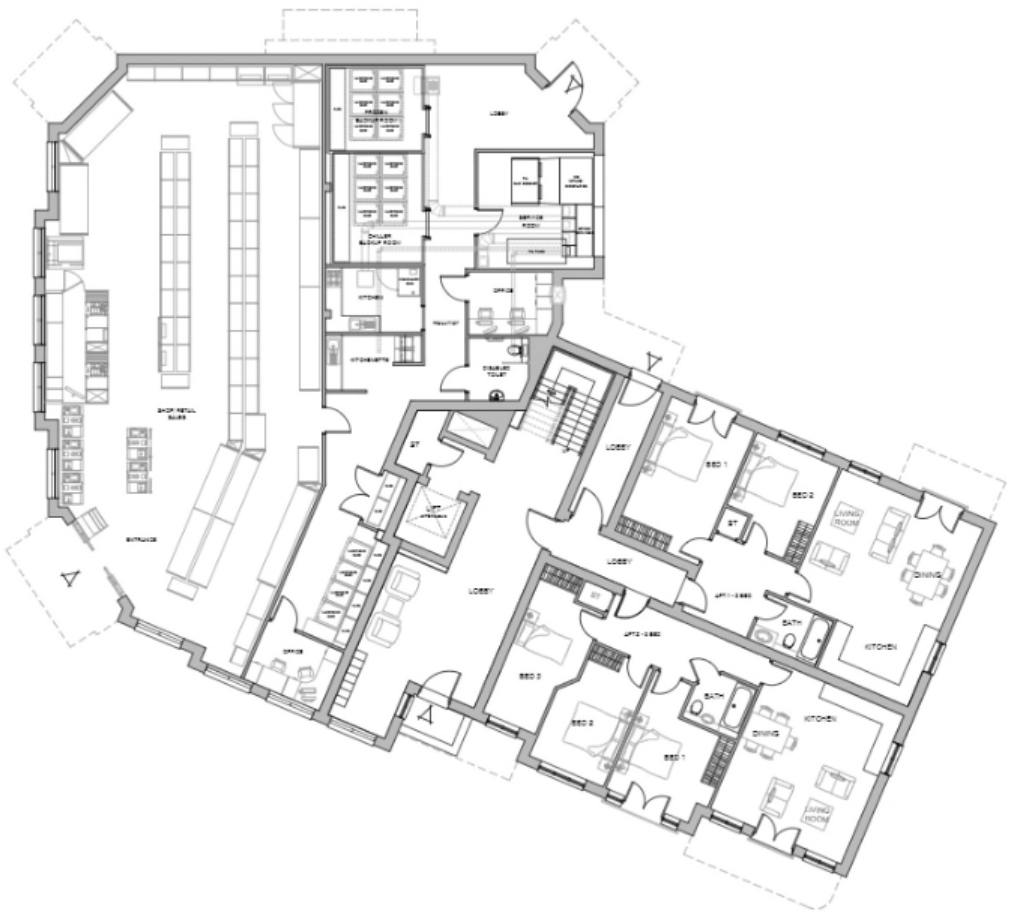
Ordnance Survey (c) Crown Copyright 2020. All rights reserved. Licence number 100022432

Proposed Site Layout



Appendix B – Plan and Elevation Drawings

Ground Floor Plan



GROUND FLOOR

First Floor Plan



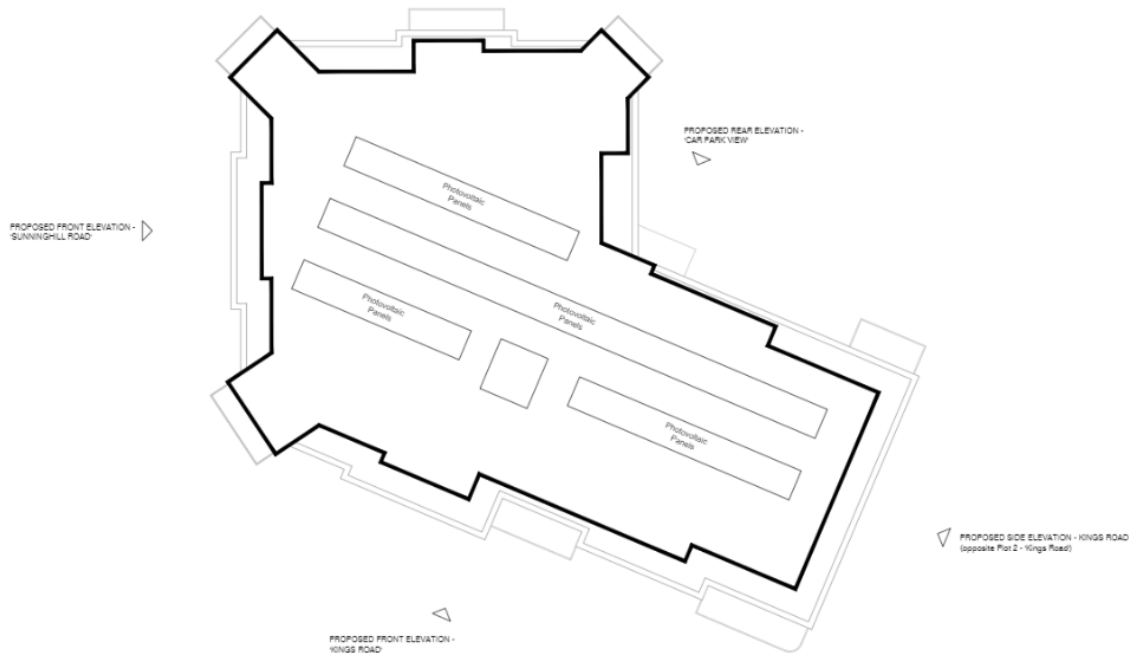
FIRST FLOOR

Second Floor Plan



SECOND FLOOR

Roof Plan



Proposed Front Elevation

Kings Road



PROPOSED FRONT ELEVATION - KINGS ROAD

Sunninghill Road



PROPOSED FRONT ELEVATION - SUNNINGHILL ROAD

Proposed Rear Elevation

Car Park View



PROPOSED REAR ELEVATION - CAR PARK VIEW

View from No.2 Sunninghill Road



PROPOSED REAR ELEVATION - VIEW FROM No 2 SUNNINGHILL ROAD

Proposed Site Elevation

Kings Road



PROPOSED SIDE ELEVATION - KINGS ROAD
(opposite Plot 2 - Kings Road)

Rendered Elevations



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DEVELOPMENT CONTROL PANEL

2 November 2022

Item: 4

Application No.:	22/02164/FULL
Location:	South Ascot Village School All Souls Road Ascot SL5 9EA
Proposal:	Main school building: Installation of new external canopy and timber fencing to provide covered external play area. Nursery school building: Six number new sun tubes to existing pitch tiled and flat roof. Footpath linkage between buildings.
Applicant:	Haury
Agent:	Mr George Haury
Parish/Ward:	Sunninghill And Ascot Parish/Ascot & Sunninghill

If you have a question about this report, please contact: Katherine Hale on or at katherine.hale@rbwm.gov.uk

1. SUMMARY

- 1.1 The proposal seeks permission for a number of works to the School and Nursery building which are detailed on Page 18 of the submitted Design and Access Statement. The internal works proposed are not considered to require planning permission, albeit have been included in the Design and Access Statement which explains the entirety of the planned changes to the school buildings and grounds. The description of the application has been amended to reflect those works requiring planning permission which are; a new outdoor area adjacent the classrooms and installation of a canopy over said outdoor area together with the installation of sun tubes on the nursery block and a new tarmac path across the site to connect the two buildings.
- 1.2 The proposed works are of relatively small scale and would enhance and modernise the existing buildings allowing for their continued use within the site. The proposal would not have any detrimental impact on any highway safety, neighbouring amenity or existing landscaping/trees on site.

It is recommended the Committee grants planning permission with the conditions listed in Section 15 of this report.

2. REASON FOR COMMITTEE DETERMINATION

- The Council's Constitution does not give the Head of Planning delegated powers to determine the application as it is for major development; such decisions can only be made by the Committee as the application is for major development

3. THE SITE AND ITS SURROUNDINGS

- 3.1 South Ascot Village Primary School is located within South Ascot. The school is located in a predominantly residential area. To the south of the site there are a number of trees and vegetation together with allotments beyond this. All Souls' Church (Grade II*) and The Old Vicarage (Grade II) listed buildings are located to the east of the site although it is noted that there is a residential close which separates the listed buildings from the site.

3.2 Within the school site, there are two buildings, a nursery building which is located towards the front of the site (western edge) and the main school building located to the rear of the site (northeastern corner).

3.3 There are two access points to the site; Fennel Close and Liddell Way.

4. KEY CONSTRAINTS

4.1 There are no constraints within the site. The Green Belt is located outside of the site to the south and as discussed above, there are two listed buildings located to the east (All Souls' Church (Grade II*) and The Old Vicarage (Grade II)).

5. THE PROPOSAL

5.1 The proposal seeks permission for a number of works which are detailed on Page 18 of the submitted Design and Access Statement. The internal works proposed are not considered to require planning permission.

5.2 The main proposed works are a new outdoor area adjacent the classrooms and installation of a canopy over said outdoor area together with the installation of sun tubes on the nursery block and a new tarmac path across the site to connect the two buildings.

6. RELEVANT PLANNING HISTORY

Reference	Description	Decision
13/00401/FULL	Construction of a extension to form an additional classroom. New door and window to existing classroom.	Approved 08/04/2013
11/01948/FULL	Erection of 2.4m partial perimeter fencing.	Approved 30/08/2011
07/01325/FULL	Single storey rear extension.	Approved 18/06/2007
06/01456/FULL	Single storey front extension to form classroom and single storey extension to form new entrance with associated canopy, retaining wall and railings.	Approved 17/08/2006
03/83237/REG3	Erection of a single storey rear extension and internal alterations (resubmission of 02/83043).	Approved 21/02/2003
02/83043/FULL	Erection of a single storey side extension.	Withdrawn 18/12/2002

7. DEVELOPMENT PLAN

7.1 The main relevant policies are:

Adopted Borough Local Plan

Issue	Policy
Spatial Strategy for the Borough	SP1
Climate Change	SP2
Character and Design of New Development	QP3
Nature Conservation and Biodiversity	NR2
Renewable Energy	NR5
Community Facilities	IF6

Adopted Ascot, Sunninghill and Sunningdale Neighbourhood Plan

Issue	Policy
Good quality design	NP/DG3
Energy efficiency and sustainability	NP/DG5

8. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2021)

Section 2 – Achieving sustainable development

Section 4- Decision-making

Section 8 – Promoting healthy and safe communities

Section 12- Achieving well-designed places

Supplementary Planning Documents

- Borough Wide Design Guide SPD

Other Local Strategies or Publications

Other Strategies or publications material to the proposal are:

- RBWM Townscape Assessment
- Interim Sustainability Position Statement
- Corporate Strategy
- Environment and Climate Strategy

9. CONSULTATIONS CARRIED OUT

Comments from interested parties

28 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 8th September 2022 and the application was advertised in the Local Press on 18th August 2022.

No comments were received from neighbouring occupiers.

Consultees

Consultee	Comment
Environmental Protection	No comments
Highways	The proposed works raises no highway concerns.

Others (e.g. Parish and Amenity Groups)

Group	Comment
Sunninghill and Ascot Parish Council	Supports the application which will increase the potential use of the buildings on site.

10. EXPLANATION OF RECOMMENDATION

10.1 The key issues for consideration are:

- i Design and Character
- ii Impact on amenity of neighbouring buildings
- iii Other Material Considerations

Design and Character

10.2 Section 12 of the NPPF clearly states that the creation of high quality, beautiful and sustainable buildings is *fundamental* to what the planning and development process should achieve. Local Plan Policy QP3 is consistent with these overarching objectives of Section 12 of the NPPF and requires new development to be of a high-quality design and have regard to a range of design based criteria.

10.3 The proposal seeks permission for a number of works which are detailed on Page 18 of the submitted Design and Access Statement. The internal works proposed are not considered to require planning permission. The main proposed works are a new outdoor area adjacent the classrooms and installation of a canopy over said outdoor area together with the installation of sun tubes on the nursery block and a new tarmac path across the site to connect the two buildings.

10.4 There would be six sun tubes installed on the existing nursery block. The proposal canopy to the primary school building would match the existing eaves height of the building and would be located on the south elevation. The new timber fencing would also be erected to the south of the main school building, enclosing the new canopy area and the school building itself.

- 10.5 The proposed path would be 1.2m wide with a permeable tarmac surface and timber edging detail, the path would cover a total area of 154 square metres across the site in order to connect the nursery block to the main school building.
- 10.6 The proposed works would enable the two existing buildings to be modernised and allowing for the continued use on site as well as allowing the buildings to open a SEN Unit in line with government guidelines on school buildings.
- 10.7 The proposed works would have minimal impact within the existing school site and given its location the proposal would have no detrimental impact on the wider surrounding area. The proposal is considered to be in-keeping with the existing and is acceptable in this regard.

Impact on amenity of neighbouring buildings

- 10.8 Given the nature of the proposal and the separation distances involved between the school buildings and exiting neighbours, the proposal would not have a detrimental impact on residential amenity. Whilst there may be some noise pollution during the works, this is likely to be minimal and would fall outside the planning remit.
- 10.9 In terms of the impact on neighbouring properties, it is considered that the proposed development would comply with paragraph 130(f) of the NPPF (2021).

Other Material Considerations

- 10.10 The proposal would have no impact on the existing two access points. There is one existing tree within the centre of the site (between the two buildings) however the proposals would not impact this tree. The proposed footpath is to be located outside of the trees root protection zone and therefore would not result in its loss or need for removal.
- 10.11 The minor nature of the works mean that they do not trigger the requirements of the Council's Interim Sustainability Position Statement. Notwithstanding, the provision of sun tubes to the nursery building would provide natural daylight, reducing energy consumption for lighting.

11. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 11.1 The development is not CIL liable.

12. CONCLUSION

- 12.1 The application, would for the reasons set out above, represent an acceptable form of development in accordance with local plan policies and the NPPF, as such planning permission should be granted.

13. APPENDICES TO THIS REPORT

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

14. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.

Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

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

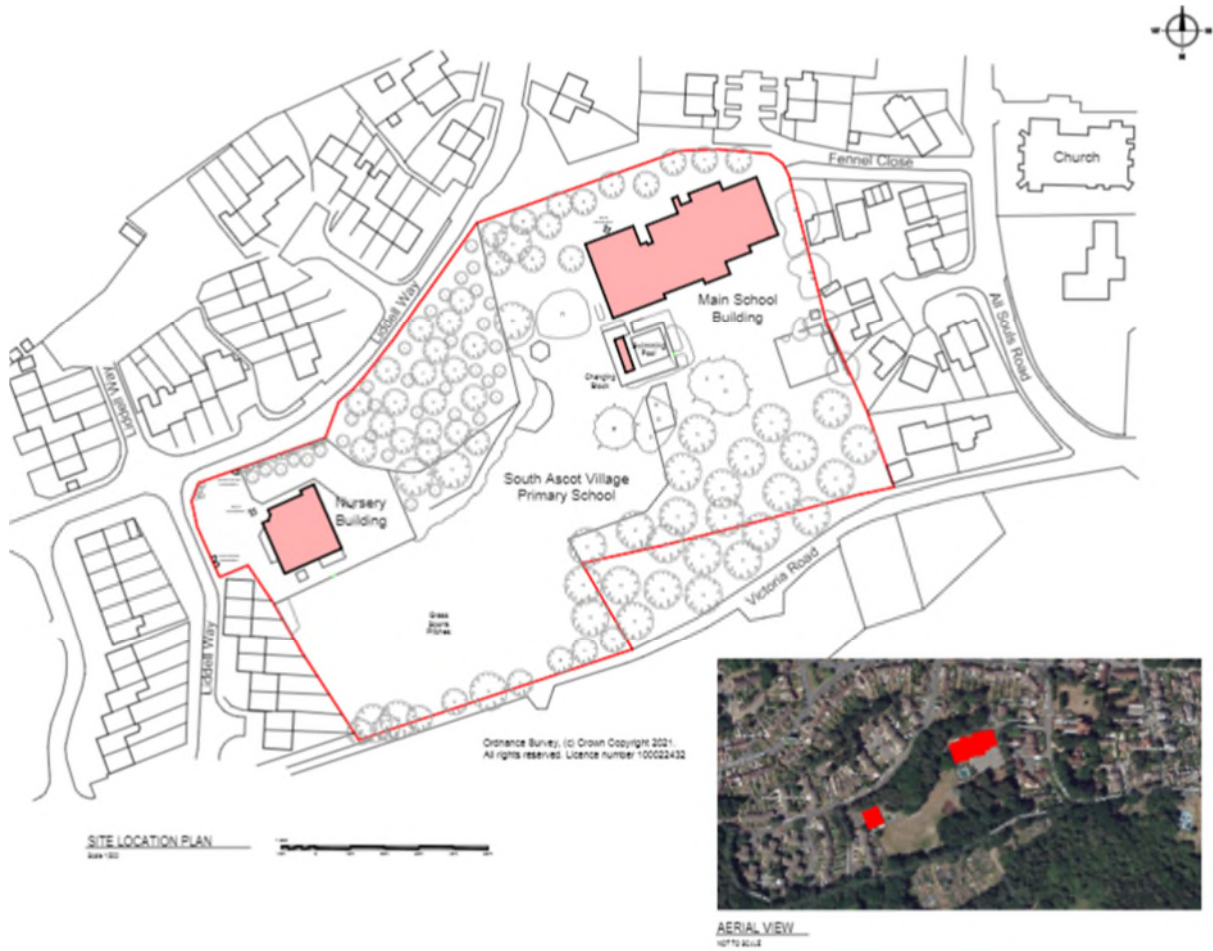
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan QP3

- 3 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.

22/02164/FULL - South Ascot Village School All Souls Road, Ascot, SL5 9EA

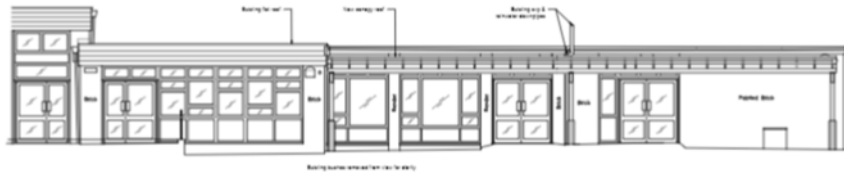
Appendix A - Site location plan and site layout





Appendix B – plan and elevation drawings

Proposed East and South Elevations (main building)

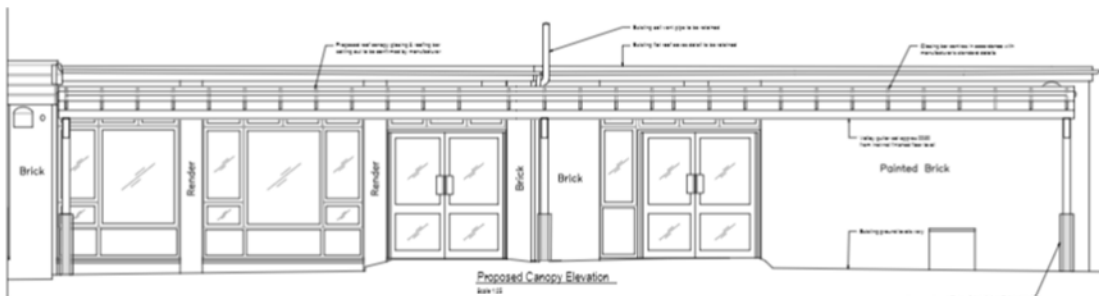


Proposed External Elevation - South
Scale 1:50

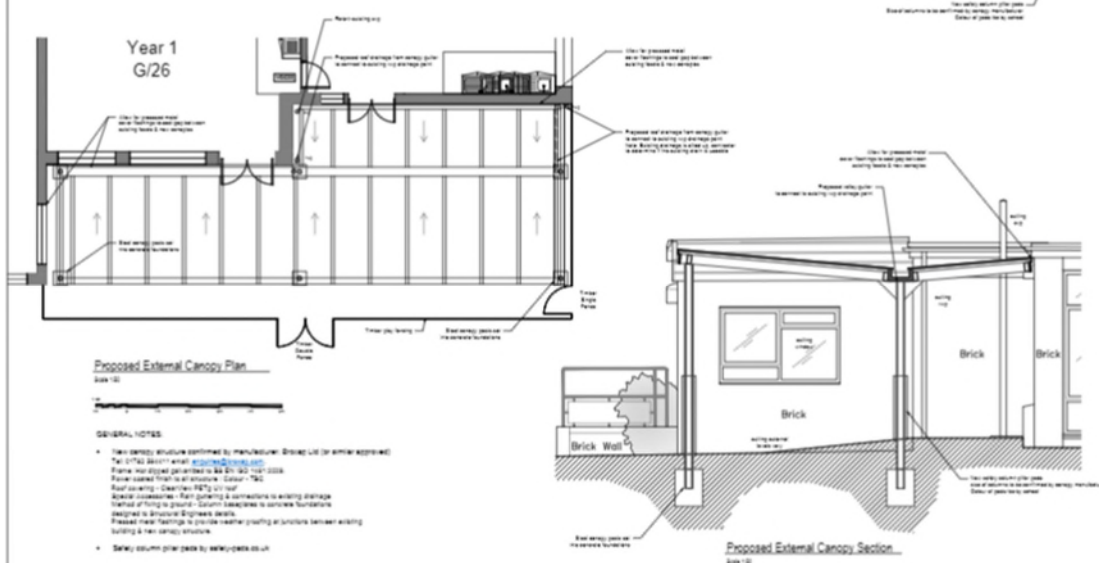


Proposed External Elevation - East
Scale 1:50

Proposed Canopy (main building)



Proposed Canopy Elevation
Scale 1:50

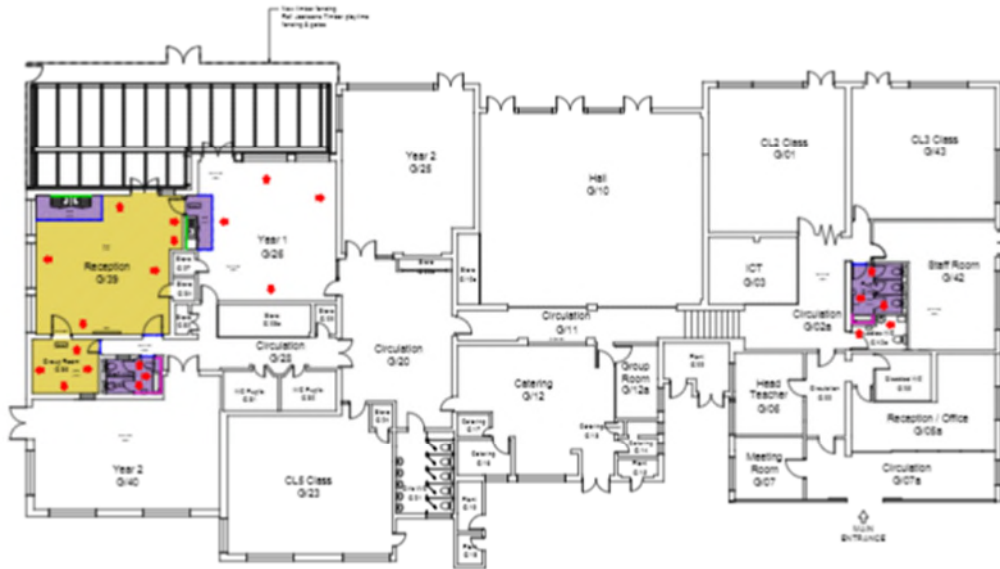


Proposed External Canopy Plan
Scale 1:50

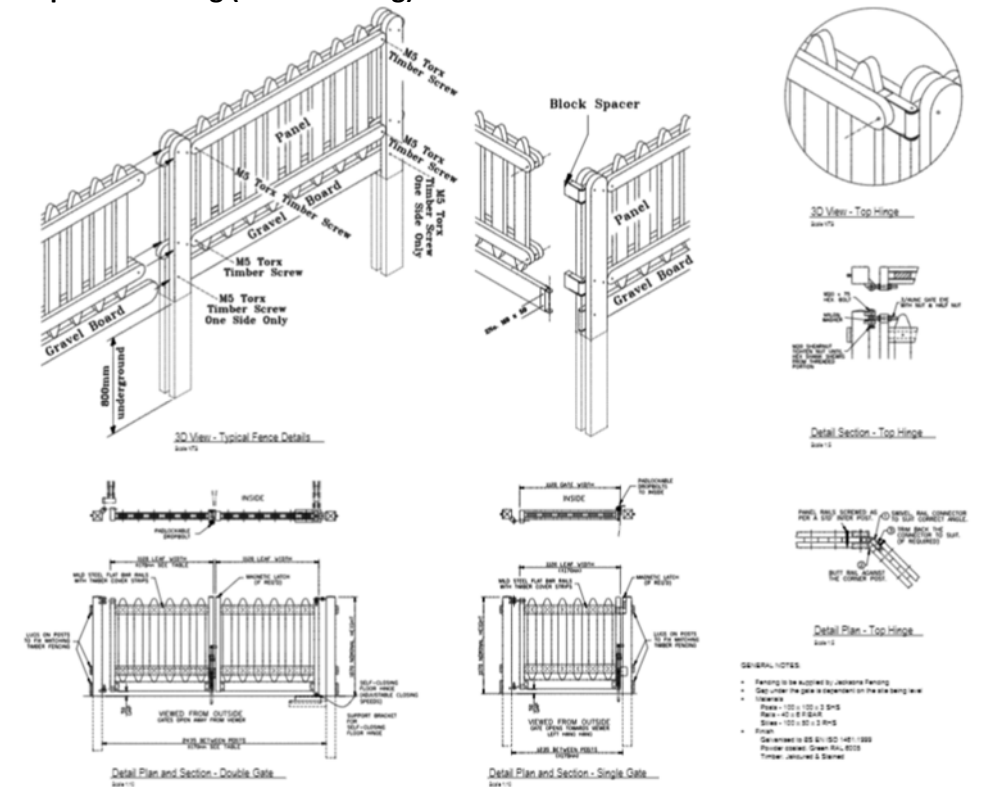
Proposed External Canopy Section
Scale 1:50

- GENERAL NOTES
- This canopy structure conforms to manufacturer's Brochure Ltd (or similar approved)
 - The canopy structure is made of galvanized steel (G26)
 - Frame has a life span of 20 years (G26)
 - Roof is made of polycarbonate sheets (G26)
 - Roof covering - Clearview 1875 (G26)
 - Roof structure - Rain guttering & downpipes to existing drainage
 - Roofing to be provided - Current standards to ensure the structure is designed to Structure Engineers details
 - Proposed metal fastenings to provide weather proofing at junctions between existing building & this canopy structure
 - Safety column price quote by safetycode.co.uk

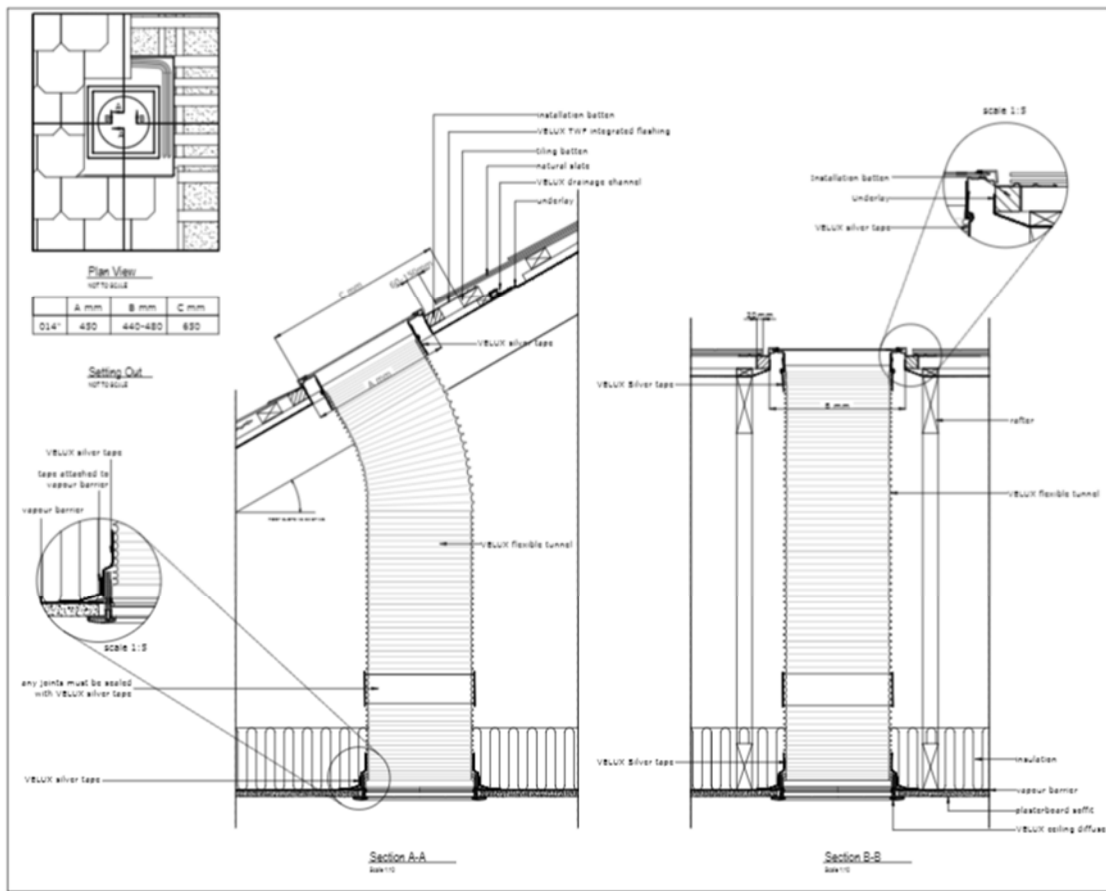
Proposed Floor Plan (main building)



Proposed Fencing (main building)



Proposed Sun Tubes (for nursery building)



Proposed Floor Plan (nursery building)



Appeal Decision Report

24 September 2022 - 21 October 2022

www.rbwm.gov.uk



Windsor and Ascot

Appeal Ref.: 22/60025/REF **Planning Ref.:** 21/00474/TPO **Plns Ref.:** APP/TPO/T0355/8714

Appellant: Mr S Kerr **c/o Agent:** Mr Ben Abbatt Sapling Arboriculture Limited 94 Mount Pleasant Road Alton Hampshire GU34 2RS

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

Description: Please refer to report - works to trees 2150, 2151, 2152, 2153, 2154, 2155, 2157, 2159, 2161, 2162, 2163, 2164, 2165, 2166, 2171, 2172 with the exception of T2168 Oak which is to be crown reduced by up to 2m and NOT removed. (TPO31 of 1998).

Location: **Tylney Lodge Devenish Road Sunningdale Ascot SL5 9QT**

Appeal Decision: Allowed **Decision Date:** 29 September 2022

Main Issue: The proposed loss of the single tree would result in moderate harm to the character and appearance of the area. However, in the Inspectors judgement, considering factors which include the number of trees at the property, the lean of the tree, proximity to house and access difficulties in safely reducing the crown tree, he finds that there is sufficient justification for the proposed works, although states the decision was finely balanced.

Appeal Ref.: 22/60035/NOND ET **Planning Ref.:** 21/02317/VAR **Plns Ref.:** APP/T0355/W/22/3295154

Appellant: Wayne Owen **c/o Agent:** Mr Matthew Green Planning Studio Ltd Unit D Lunesdale Shrewsbury Upton Magna SY4 4TT

Decision Type: **Officer Recommendation:**

Description: Variation (under Section 73) of planning permission 15/00522/FULL (allowed on appeal) without complying with Condition 1 and Condition 2 (Temporary Permission).

Location: **Brayfield Stables Windsor Road Water Oakley Windsor SL4 5UJ**

Appeal Decision: Allowed **Decision Date:** 7 October 2022

Main Issue:

Appeal Ref.: 22/60054/REF **Planning Ref.:** 22/00010/FULL **Plns Ref.:** APP/T0355/D/22/3303247

Appellant: Mr J Hayhurst **c/o Agent:** Mr Jonny Hayhurst 85 Upper Village Road ASCOT SL5 7AJ

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

Description: New front porch, part two storey, part single storey side/rear extension, 1no. front dormer, rear Juliet balcony and alterations to fenestration.

Location: **85 Upper Village Road Ascot SL5 7AJ**

Appeal Decision: Dismissed **Decision Date:** 29 September 2022

Main Issue:



Appeal Ref.: 22/60069/REF **Planning Ref.:** 21/03729/VAR **Plns Ref.:** APP/T0355/W/22/
3299157

Appellant: Mr And Mrs G And K La Loggia **c/o Agent:** Mr Paul Dickinson Highway House Lower Froyle
Hants GU34 4NB

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

Description: Variation (under Section 73a) of Condition 14 to substitute those plans approved under
19/01058/FULL for the Construction of 2no. dwellings including boundary treatment and new
vehicle entrance gate following demolition of existing dwelling.with amended plans.

Location: **Site of Former The Spinney Devenish Lane Sunningdale Ascot SL5 9QU**

Appeal Decision: Withdrawn **Decision Date:** 4 October 2022

Main Issue:

Planning Appeals Received

24 September 2022 - 21 October 2022

Windsor and Ascot

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 PIn 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: Sunningdale Parish
Appeal Ref.: 22/60069/REF **Planning Ref.:** 21/03729/VAR **PIns Ref.:** APP/T0355/W/22/3299157
Date Received: 26 September 2022 **Comments Due:** 31 October 2022
Type: Refusal **Appeal Type:** Written Representation
Description: Variation (under Section 73a) of Condition 14 to substitute those plans approved under 19/01058/FULL for the Construction of 2no. dwellings including boundary treatment and new vehicle entrance gate following demolition of existing dwelling with amended plans.
Location: **Site of Former The Spinney Devenish Lane Sunningdale Ascot SL5 9QU**
Appellant: Mr And Mrs G And K La Loggia **c/o Agent:** Mr Paul Dickinson Highway House Lower Froyle Hants GU34 4NB

Ward:
Parish: Windsor Unparished
Appeal Ref.: 22/60070/REF **Planning Ref.:** 21/03397/TLDDT **PIns Ref.:** APP/T0355/W/22/3300097
Date Received: 26 September 2022 **Comments Due:** 31 October 2022
Type: Refusal **Appeal Type:** Written Representation
Description: Application for determination as to whether prior approval is required for a proposed 15.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.
Location: **Junction of Alma Road And Frances Road Windsor**
Appellant: CK Hutchison Networks (UK) Ltd **c/o Agent:** Ms Samantha Holt 1A Station Court, Station Road Guiseley Leeds West Yorkshire LS20 8EY

Ward:
Parish: Windsor Unparished
Appeal Ref.: 22/60073/REF **Planning Ref.:** 22/01162/TLDDT **PIns Ref.:** APP/T0355/W/22/3303604
Date Received: 19 October 2022 **Comments Due:** 23 November 2022
Type: Refusal **Appeal Type:** Written Representation
Description: Proposed 5G telecoms installation: H3G Phase 8 15m high street pole c/w wrap-around cabinet and 3 further additional equipment cabinets.
Location: **Land Adjacent To Open Space Wood Close Windsor**
Appellant: CK Hutchison Networks (UK) Ltd **c/o Agent:** Ms Hannah Gibson Dot Surveying 14 Inverleith Place 2 Anderson Place Edinburgh EH3 5PZ

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