

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

**DEVELOPMENT CONTROL PANEL**

5 September 2018

**Item: 1**

<b>Application No.:</b>	18/00226/FULL
<b>Location:</b>	Land South of Ascentia House And North of Station Works Lyndhurst Road Ascot
<b>Proposal:</b>	Construction of a two storey building comprising of a ground floor car showroom first floor offices, three single storey industrial units, new vehicular access and associated parking following the demolition of existing buildings.
<b>Applicant:</b>	Mr Perkins
<b>Agent:</b>	Mr Robert Reynolds
<b>Parish/Ward:</b>	Sunninghill And Ascot Parish/Sunninghill And South Ascot Ward
<b>If you have a question about this report, please contact:</b> Jo Richards on 01628 682955 or at jo.richards@rbwm.gov.uk	

**1. SUMMARY**

- 1.1 Planning permission is sought for 3 light industrial units and a unit comprising a car showroom on the ground floor and offices on the first floor, with ancillary parking. The site lies within Ascot Business Park which is defined as an industrial area within adopted policy E2 and emerging policy ED2. The proposed development is considered to meet the aims and objectives of the relevant employment policies, would be acceptable with regards to parking provision and highway safety, result in minimal harm to character and appearance of the area and minimal impact upon neighbouring amenity.

<b>It is recommended the refuses planning permission for the following summarised reason:</b>
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| 1. | The application does not demonstrate that a viable surface water drainage system will be delivered and insufficient information has been submitted to demonstrate that flood risk would not be exacerbated as a result of these proposals. |
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**2. REASON FOR PANEL DETERMINATION**

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

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

- 3.1 The application site is a 0.35 hectare wedge shaped plot located on the north eastern edge of Ascot Business Park. The site comprises a two storey, flat roofed, brick-built building at the eastern edge of the site and the remainder of the site is open. It is understood that the building is used as a sales office for a coal merchants and a marquee hire business. There is a flat on the first floor although this appears to be unauthorised. The former coal yard appears to be used for the storage of equipment associated with the marquee hire business and scrap. The site is bounded by land associated with the office building of Ascentia House to the north, Lyndhurst Road to the east, the entrance road to Ascot Business Park to the south, and block E to the west.
- 3.2 The site is relatively flat and has hedges growing on the northern boundary. The building to the north Ascentia House and its parking area is situated on higher ground level than the application site. There are a number of trees and hedges on the eastern end of the site. The site is generally in a poor state of repair and of low amenity value. Ascot Train Station is located to the north of the site and an area of housing is located to the east of the site on the opposite side of Lyndhurst Road.

3.3 The majority of Ascot Business Park comprises a modern courtyard style development of 3 storey office blocks and warehouse buildings some of which are divided into smaller units. The remainder of the business park includes a number of warehouse style industrial units and a car servicing and repair depot.

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

4.1 There is no relevant planning history for the site.

4.2 The application involves the demolition of the existing building and a redevelopment of the site with three adjoining light industrial buildings (use class B1(c)) (labelled on the plans as units A, B and C) and a two storey building comprising of a ground floor car showroom (Sui Generis) and first floor offices (B1) (labelled on the plans as unit D).

4.3 All four units would front onto the section of Lyndhurst Road which serves the Business Park with a parking area to the front of units A, B and C, a parking area in the centre of the site and two parking spaces to the very east of the site.

#### 5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework Sections:

- 2. Achieving Sustainable Development
- 6. Building a strong, competitive economy
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making efficient use of land
- 14. Meeting the challenge of climate change, flooding and coastal change

#### Royal Borough Local Plan

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

	Within settlement area	Employment Land	Trees & Hedgerows	Transport
Local Plan	DG1	E1, E2, E3, E5,	N6 & N7	T5, P4
Ascot, Sunninghill and Sunningdale Neighbourhood Plan	DG1, DG2 & DG3	E1 & E2	EN2	T1 & T2

These policies can be found at

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

#### Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Economic Development	E1
Employment Sites	E2
Other Sites & Loss of Employment Floorspace	E3
Trees, Woodlands & Hedgerows	NR2
Makes suitable provision for infrastructure	IF1

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

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

Significant weight is to be accorded to Borough Local Plan Submission Version policies SP2, SP3, E1, E2, E3, NR2 and IF1 in this case. The above application is considered to comply with the relevant policies listed within the Development Plan and those Borough Local Plan Submission Version policies to which significant weight is to be accorded.

This document can be found at:

[https://www3.rbwm.gov.uk/info/201026/borough\\_local\\_plan/1351/submission/1](https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1)

### **Supplementary planning documents**

5.3 Supplementary planning documents adopted by the Council relevant to the proposal are:

- The Interpretation of Policy F1 (Area Liable to Flooding) Supplementary Planning Guidance (SPG) 2004

More information on these documents can be found at:

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

### **Other Local Strategies or Publications**

5.4 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment – view at:
- RBWM Parking Strategy – view at:

More information on these documents can be found at:

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

## **6. EXPLANATION OF RECOMMENDATION**

6.1 The key issues for consideration are:

- i Principle of Development
- ii Impact on Character of the Area
- iii Amenity of Neighbouring Occupiers
- iv Highways & Car Parking
- v Trees & Landscaping
- vi Ecology

vii Drainage

viii Contamination

### **Issue I – Principle of Development**

- 6.2 The site is located within the Ascot Business Park/Lyndhurst Road Industrial Area which is a designated employment area as defined by policy E2 of the adopted borough local plan and ED2 of the Borough Local Plan submission version. In this location development proposals would only be acceptable where there would be no loss of employment land and ideally some form of betterment. Under saved Local Plan policy E5, the re-development of land in this location for any purpose other than for a business, industrial or warehousing use would not be considered acceptable. The Ascot, Sunninghill & Sunningdale Neighbourhood Plan seeks to retain current sites and uses that provide jobs provided there would be no adverse impact on the character of the area, the amenity of neighbours or the safety of road users. The Neighbourhood plan also encourages the provision of microbusiness units as well as quality serviced office space and light industrial units of between 50 and 150 sq metres.
- 6.3 The proposed use is for a 387 sq.m car showroom with 387 sq.m of B1 office space above and 836 sqm. of B1c Light industrial use. The proposed development would replace a building comprising 339 sq.m of B1 (a) office floor space and open land use for industrial purposes. The proposed B1a offices and B1c industrial units can clearly be defined as business, industrial or warehousing use in line with policy E5. Whilst a car showroom does not fall within one of the B use classes, it is noted that there was a recent appeal decision relating to a partial change of use to a mixed B1/D1 use class on another site within Ascot Business Park (16/00099/FULL). In this case the Inspector held that *'Policy E5 does not make it clear that it is solely restricting employment sites to B-uses. Thus the policy is not specifically about protecting the existing B1 use of these premises, but protecting its use for employment purposes. I have found that the proposal would provide an appropriate, commercial employment use. Accordingly, there is no conflict with Policy E5.'* Likewise it can be said for the current application that the use of the ground floor of unit D as a car showroom would fulfil the aims of policy E5 by providing an employment use of the site.
- 6.4 Furthermore, emerging policy ED2 states that within industrial areas proposals for new premises suitable for industrial, warehousing and similar types of uses (including premises, suitable for medium, smaller and start-up business) will be supported. Other uses will only be permitted if they are ancillary to industrial or warehousing uses, do not result in the loss of industrial or warehousing premises or demonstrate a sufficient benefit for the economy of the Borough.
- 6.5 Considering the proposal as a whole, which would provide for a total of 1,610 sq.m of floorspace to be used for a mix of office, light industrial and sui generis use, against the policy background (as set out above), and when viewed in comparison to the existing site, the proposal is considered to meet the aims and objective of both the adopted and emerging borough plan policies.

### **Issue ii – Impact on Character of the Area**

- 6.6 With regard to bulk and scale of development, proposals are required to demonstrate compliance with the design criteria set out in the Ascot, Sunninghill & Sunningdale Neighbourhood Plan as well as Saved Local Plan policy DG1. In summary any scheme for this site will need to be of high quality design and appropriate to its context. The proposal would need to address the fact that whilst it lies within the business park, the east part of the site would be visible from the wider vicinity and is opposite residential properties which are more domestic in height and scale.
- 6.7 The proposed buildings are sizable, with pitched roofs heights ranging from 7.6m (at the rear) to 9.4m (at the front). These building heights are reflective of other buildings immediately surrounding the application site within the Industrial Park. The proposed footprints of the

buildings would also be comparable to others within the Industrial Park. Units A-C would be set back from the front boundary of the site, common to Lyndhurst Road, such that the buildings would not appear over-bearing. Furthermore, these units would be viewed against the back drop of Ascentia House which is situated upon higher ground level than the application site. The most sensitively sited building, Unit D has been designed with a curved frontage addressing the street scenes of both parts of Lyndhurst Road (that which serves the business park and the main road to the east). Whilst the height of unit D would be materially higher than that of the nearby dwellinghouses, given its reduced mass at the eastern corner of the site and the fact that it would be set away from the road, means that its impact on the street scene and character of the area would be limited. Indeed when looking at the building from outside the business park, it would be viewed against the backdrop of other tall, large-scale buildings and thus would not appear out of context. Finished floor levels could be controlled by condition if the application were being recommended approval.

- 6.8 The design and appearance of the buildings would be similar to other modern buildings in the business park and therefore no objections are raised in this regard. The proposed materials have been stipulated on the drawings.

### **Issue iii – Impact on Neighbouring Amenities**

- 6.9 The nearest residential neighbouring occupiers are those within 1 and 6 Sunnybank which is a cul-de-sac on the opposite side of Lyndhurst Road to the business park. The distance between the front elevation of 6 Sunnybank and the closest part of Unit D would be approximately 28m with the main road separating the two sites. This distance is sufficient to ensure that the proposed building would not appear overbearing or intrusive when viewed from this neighbouring property. The private amenity area of this neighbouring property would be at an even greater distance away and therefore it is not considered that any harmful levels of overlooking would arise from the proposed first floor offices.
- 6.10 The applicant has not put forward any proposed hours of use, however given that the site lies on the edge of the business park with residential properties less than 30m away it is considered necessary to restrict hours of operation so that disturbance to residents is kept to a minimum. Neighbours have raised concerns relating to the hours of operation for the car showroom, offices and industrial units. It is noted from the planning records that the BMW site, to the south of the application site, has had applications refused for extensions to the operating hours for their workshop on a Saturday afternoon and to their normal operating hours on a Sunday on grounds of noise impact to neighbouring occupiers. It is therefore considered reasonable and necessary that the proposed use be restricted in terms of its hours of operation to be in line with those of the BMW garage also on the edge of Ascot Business Park. The car showroom and first floor offices (unit D) will therefore be restricted to weekdays and Saturdays and the Light Industrial units restricted to weekdays and Saturday mornings only.
- 6.11 The Environmental Protection Officer has not objected to the application with regard to noise or lighting but has recommended conditions in this regard.

### **Issue iv – Highways & Car Parking**

- 6.12 Favourable comments have been received from the Highways Authority with regard to the access arrangements, visibility, traffic generation and parking. The plans indicate that the existing vehicular access to the site will be retained to serve all 4 units with a new vehicular access joining Lyndhurst Road on the east of the site to serve to parking spaces.
- 6.13 The site is within an accessible location as it is 140m from Ascot train station which provides a frequent service to London Waterloo, Guilford and Reading. Therefore under the Local Authorities current Parking Strategy (May 04) the maximum parking standards in areas of good accessibility will be required. B1 (a) and B1(c) require 1 car parking space to be provided for every 100sqm. It should be noted there is not a parking standard for a car dealership. Therefore an individual assessment has been made by the Highways Authority which concludes that the proposed units would require a total of 25 spaces. The proposed site plan shows that 31 car parking spaces will be provided together with 2 disabled spaces which is acceptable. The plans

indicate that a large HGV will be able to enter and exit the site in a forward gear from each loading bay.

6.14 With regard to traffic generation the applicant has submitted a transport statement which concludes that the development will have the potential to generate 217 vehicle movements per day which is not objected to.

6.15 Details of cycle and refuse storage provision and a construction management plan would be requested via condition if the application were to be approved.

#### **Issue v – Trees & Landscape**

6.16 The Council's Townscape Assessment identifies this location as an area where development proposals should aim to enhance landscaping and boundaries. All trees should be retained and enhanced where practical and meaningful landscaping should be introduced to the site wherever possible.

6.17 A tree survey and tree removal/retention plan has been submitted in support of the application and found acceptable by the Council's Tree Officer subject to condition.

#### **Issue vi - Ecology**

6.18 Given the nature of the site and its proximity to tree belts and woodland, a phase 1 habitats survey to assess the potential for the site to be used by any protected species was requested of the applicant. This has been received and favourable comments have been provided by the Council's Ecologist.

#### **Issue vii - Drainage**

6.19 The Lead Local Flood Authority have commented on the application. They have raised objections as no surface water drainage design, ground investigations, infiltration testing or drainage calculations have been submitted. It is unclear how the applicant intends to drain the site and it has not been demonstrated that a connection to a surface water or combined sewer is viable or can be made at an acceptable rate. It has not therefore been demonstrated that there is a viable means of discharging surface water runoff from the site. In addition in the absence of a ground investigation report it is unclear whether there is a risk of contaminants being mobilised through the provision of an infiltration device.

#### **Issue vii – Contamination**

6.20 A phase 1 Environmental Risk Assessment has been submitted in support of the application. The Desktop study has identified potential sources of contamination associated with current and past uses and recommended ground investigation and chemical analysis. A Phase 2 intrusive investigation including soil sampling, groundwater and gas monitoring with proposed remediation measures is required and would be requested via condition if the application were to be approved.

### **7. CONSULTATIONS CARRIED OUT**

#### **Comments from interested parties**

14 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 6<sup>th</sup> March 2018

1 letter was received neither objection to or supporting the application, but raising the following concerns summarised as:

Comment		Where in the report this is considered
1.	Noise from the car transporters to the BMW garage and from HGV/LGV lorries is already substantial	See sections 6.8-6.10
2.	What are units A-C to be used for and will they be open at weekends?	Units A-C are proposed to be light industrial use and opening hours could be restricted.
3.	Is the car showroom to be open at weekends?	Yes, Saturdays.
4.	Will the car showroom be illuminated when it closed? Will there be outside lighting	Any external lighting could be controlled via condition but there would be no control over internal lighting.
5.	Will there be overlooking from the first floor office space?	Overlooking from the first floor offices would be minimal. The nearest residential property is 28m away.
6.	There is no side view of unit D	The south/east elevation of unit D is curved, hence there is no side view

1 letter was received objecting to the application, summarised as:

Comment		Where in the report this is considered
1.	Noise and light pollution affecting neighbouring properties. BMW have applications turned down for this reason. Any extension to trading hours on a Saturday and/or Sunday will have a major impact on quality of life	See sections 6.8-6.10
2.	Office development will look directly into neighbouring gardens	The proposed offices would be sited sufficiently far enough away from neighbouring gardens so as to result in minimal overlooking to neighbouring occupiers

3.	Parking is insufficient at present. Where are they going to put more cars? The junction on the proposed site is dangerous	31 spaces are provided plus 2 disabled spaces. The Highways Authority require 25 spaces and therefore do not object on grounds of parking provision.
4.	Insufficient neighbour notification	Neighbour notification has been carried out in accordance with statutory requirements, including letters and a site notice

### Statutory consultees

Consultee	Comment	Where in the report this is considered
LLFA	The application does not demonstrate that a viable surface water drainage system will be delivered and insufficient information has been submitted to demonstrate that flood risk would not be exacerbated as a result of these proposals.	Section 6.19

### Other consultees

Consultee	Comment	Where in the report this is considered
Highways	No objection subject to conditions	See section 6.12-6.15
Parish Council	No Objections subject to adequate on site parking	See section 6.12-6.15
Trees	No objections subject to conditions	See section 6.12-6.15
Ecologist	No objections subject to conditions	See section 6.18

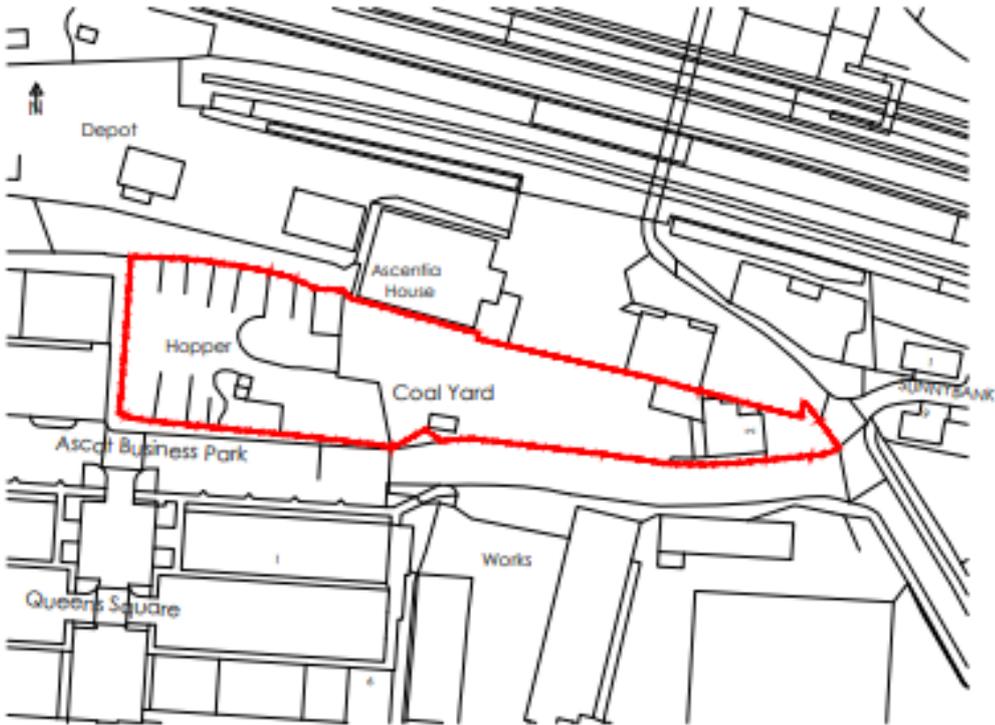
## 9. APPENDICES TO THIS REPORT

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

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

- 1 The application does not demonstrate that a viable surface water drainage system will be delivered and insufficient information has been submitted to demonstrate that flood risk would not be exacerbated as a result of these proposals. As such, the proposal is contrary to paragraph 165 of the National Planning Policy Framework.

Location plan



LOCATION PLAN  
SCALE 1:1250

# Proposed site plan



**NOTES:**

TOTAL SITE AREA: 0.3462 HA / 0.862 ACRES  
 BUILDING AREA: 1.61020 M<sup>2</sup> / 17.352 FT<sup>2</sup>  
 CAR PARKING: 33 NO. (1 PER 48.79 M<sup>2</sup>)  
 COVERAGE: 47.2%

A - C FRONT & SIDE LOADED INDUSTRIAL UNITS  
 - SINGLE STOREY  
 D TWO STOREY BUILDING WITH CAR SHOWROOM ON  
 GROUND FLOOR AND OFFICES ON FIRST FLOOR

**AREA SCHEDULE**

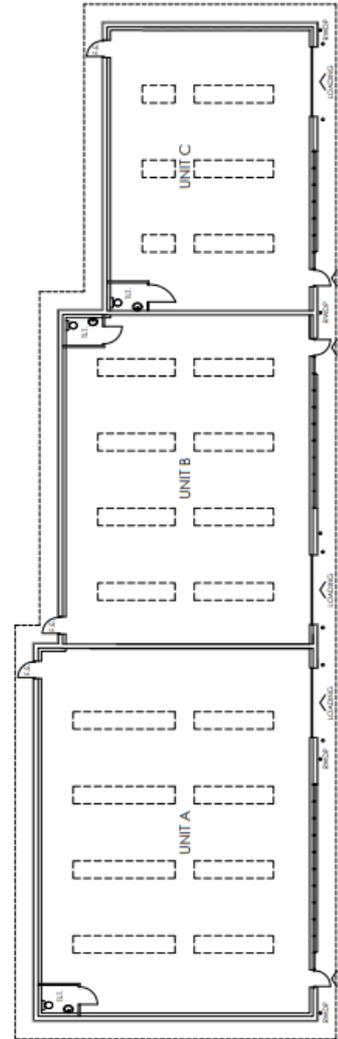
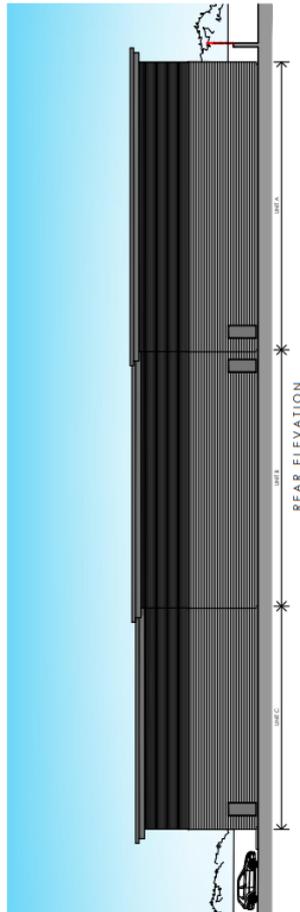
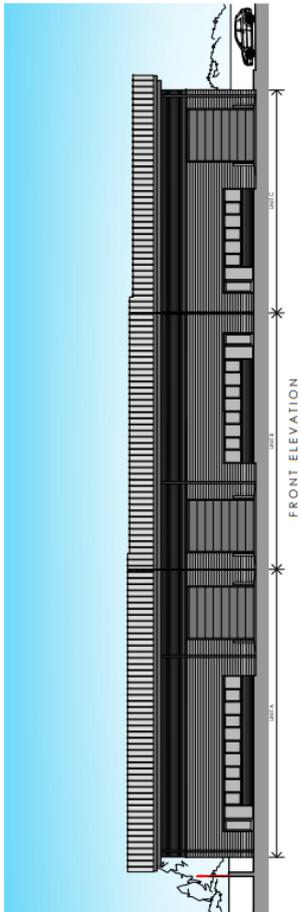
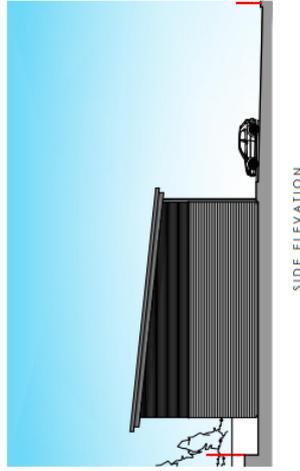
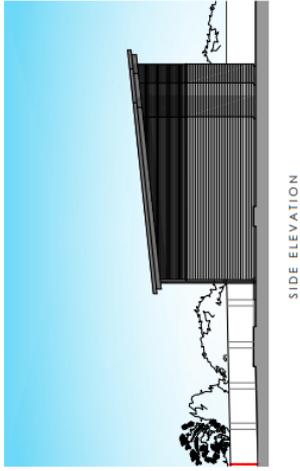
- A. 3,748 SQFT (346.24 M<sup>2</sup>)
- B. 3,052 SQFT (283.56 M<sup>2</sup>)
- C. 2,196 SQFT (204.00 M<sup>2</sup>)
- D. 8,338 SQFT (774.40 M<sup>2</sup>)

PLANNING

A. PLANNING/ARCHITECT  
 REV. ARCHITECT  
 MD. 2018 18 AG  
 DRAWN: LUE JURID  
 SHEET: STEP PROPERTY LIMITED

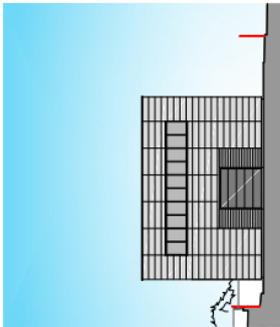
# Units A-C

## Floor plans and elevations

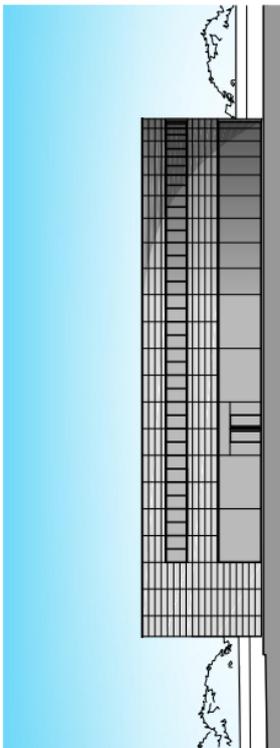
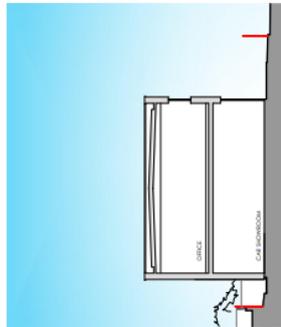


# Units D

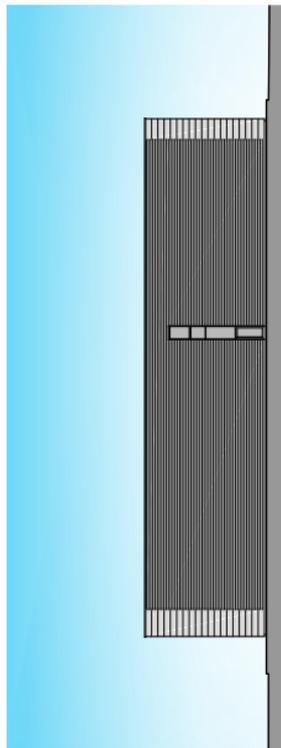
## Floor plans and elevations



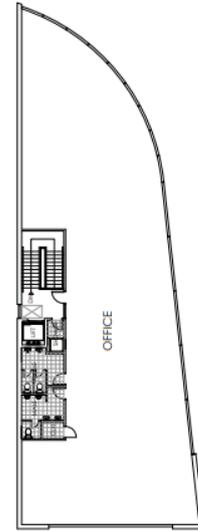
SIDE ELEVATION



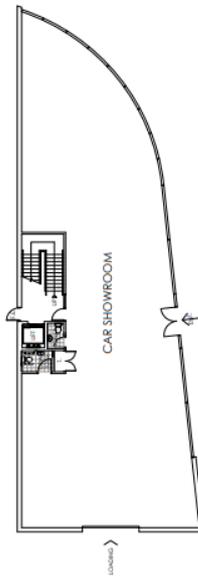
FRONT ELEVATION



REAR ELEVATION

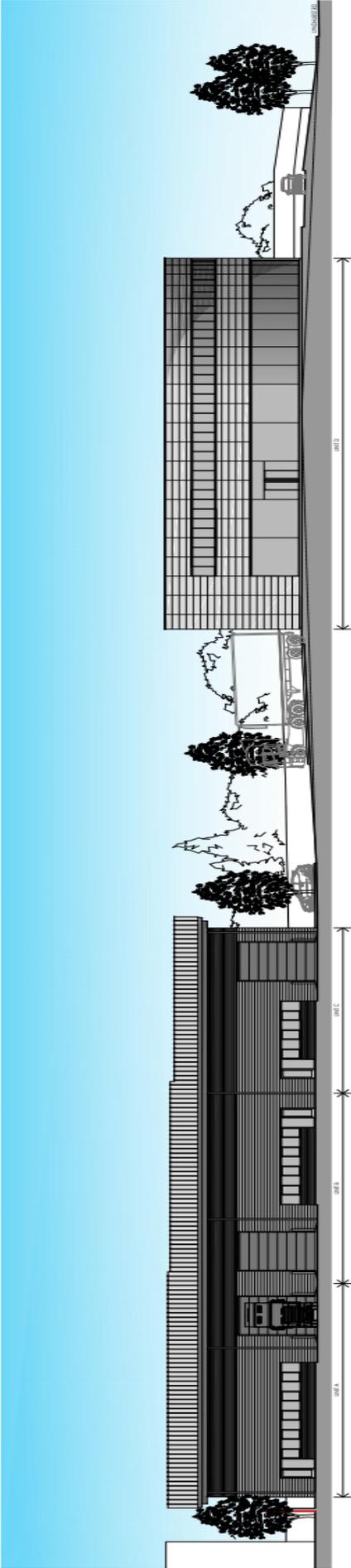


FIRST FLOOR PLAN



GROUND FLOOR PLAN

Street scene elevation



## DEVELOPMENT CONTROL PANEL

5 September 2018

Item: 2

<b>Application No.:</b>	18/00624/FULL
<b>Location:</b>	Hill House Cross Road Sunningdale Ascot SL5 9RX
<b>Proposal:</b>	Erection of a building comprising 10 apartments (4 x 3 bed and 6 x 2 bed apartments) following demolition of the existing dwelling
<b>Applicant:</b>	Mr Mills
<b>Agent:</b>	Mr Paul Dickinson
<b>Parish/Ward:</b>	Sunningdale Parish/Sunningdale Ward
<b>If you have a question about this report, please contact:</b> Adam Jackson on 01628 796660 or at adam.jackson@rbwm.gov.uk	

### 1. SUMMARY

- 1.1 The scale of the proposed apartment building would make it appear dominant within the street scene and harmful to the character and appearance of the area. The proposal is also considered to represent overdevelopment.
- 1.2 The separation distances and high levels of boundary planting would prevent the apartment building from causing a significant loss of amenity for neighbouring properties.
- 1.3 The proposal provides sufficient parking for the future residents and visitors within the basement parking and on the driveway. The existing highway network can also comfortably accommodate the increased vehicle movements that would be generated by this development.
- 1.4 The proposal would cause harm to onsite protected trees which make a significant positive contribution to the character and appearance of the area.
- 1.5 Impacts on bats and breeding birds could have been mitigated for through the use of suitable planning conditions had the application been recommended for approval.
- 1.6 The application site is within 5km of the Thames Basin Heath Special Protection Area (SPA). It is necessary therefore for mitigation to be secured in the form of SANG (Suitable Alternative Natural Green Space) and SAMM (Strategic Access Management and Monitoring). The application in conjunction with other extant permissions on site would result in a net increase of 14 dwellings on site taking into account the demolition of the existing dwelling. As the site is providing over 10 net dwellings and is outside of the 2km catchment area for Allen's Field bespoke SANG must be provided. No strategy to provide SANG and SAMM has been submitted with the application.
- 1.7 The site is 0.63 hectares. The site has been split into two for the purposes of recent planning applications, however, is considered to include both the upper and lower parts as set out on the submitted location plan. Sites over half a hectare are considered as suitable for affordable housing and as such 30% of the units should be affordable or an equivalent contribution should be made. No affordable housing has been proposed.

<b>It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 10 of this report):</b>	
1.	The scale of the proposed apartment building would make it appear dominant within the street scene and harmful to the character and appearance of the area. The proposal is also considered to represent overdevelopment and would cause harm to trees.
2.	Mitigation for the impact on the Thames Basin Heaths Special Protection Area has not been secured.
3.	No affordable housing has been proposed. 30% affordable housing is required for sites over half a hectare.

## 2. REASON FOR PANEL DETERMINATION

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

## 3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site is currently occupied by the Hill House property, which is located on the northern side of Cross Road. The site has been split into 2 for the purposes of recent planning applications, however, the site is considered to include both the upper and lower sites as shown on the location plan provided with the application. Planning permission has already been granted on the upper site for a 5 property apartment building. The site as a whole is 0.63 hectares and benefits from an existing access in the South East corner. The site is well planted and many of the trees are subject to Tree Protection Orders.
- 3.2 The property lies near the edge of the settlement area and is approximately 150m to the east of the A30 London Road, within walking distance of the shops and railway station in Sunningdale. Land to the West and North is predominantly residential in character with large dwellings and, particularly on the northern side of Cross Road, flatted developments. The Sunningdale Ladies Golf Club is to the South East of the site which is within the Green Belt. The site slopes up towards the South East.
- 3.3 Apart from the nearby area of the Green Belt, the site and its immediate surroundings are classified as being within the 'leafy residential suburb' townscape type within the Borough's Townscape Assessment. Some nearby properties to the South West are within the 'villas in a woodland setting' townscape type, although these do not form part of the immediate context for the application site.
- 3.4 The site is located within 5km of the Thames Basin Heaths Special Protection Area, however, outside of the 2km catchment area for Allen's Field.

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

- 4.1 The proposal is for the construction of a building to accommodate 4 x 3 bedroom apartments and 6 x 2 bedroom apartments. The apartment building ranges between approximately 9 and 10.5m tall, however, the ground levels are to be reduced in places so that the building does not appear as tall. The front half of the building is approximately 22m wide and the rear half is approximately 18m wide. The building is approximately 34m deep and is set around 23m from the road. The building has a crown roof and includes features such as dormer windows, balconies and chimney stacks. There is an existing dwelling on site which will be demolished.
- 4.2 Access to the site will be provided via the existing access in the South East corner which is to be widened to provide visitor parking spaces and a turning area. 20 Parking spaces for the residents are provided within the basement (2 spaces per apartment) space for cycle and refuse storage will also be provided within the basement.

Ref.	Description	Decision and Date
13/01206/FULL	Construction of a detached house.	Permitted, 15.08.2013.
13/02972/FULL	Demolition of existing dwelling house and erection of two linked buildings comprising 10 apartments.	Refused. 13.01.2014.
14/01029/FULL	Erection of 10 apartments with associated works. Amendment to planning application 13/02972.	Refused 06.06.2014.
14/00451/FULL	Construction of 5 no. apartments.	Refused, 09.06.2014.
14/03591/FULL	Construction of 4 no. apartments.	Refused, 10.02.2015 and dismissed on

		appeal.
15/01199/FULL	Construction of 1 apartment block comprising of 4 x 2 bed and 1 x 3 bed apartments.	Refused, 10.02.2015 and dismissed at appeal.
16/00266/FULL	Erection of 4 x apartments (3 x 2 and 1 x 3 bed).	Would have approved, 15.07.2016; dismissed on appeal, 07.09.2016.
16/01179/FULL	Erection of 5 x apartments with associated works	Would have approved, 15.07.2016; dismissed on appeal, 07.09.2016.
16/02220/FULL	Construction of 5 No. apartments with basement and new access.	Permitted, 16.12.2016.
17/00120/FULL	Erection of 4 x 2 bedroom and 1 x 3 bedroom apartments with basement car parking, cycle and bin store following demolition of existing dwelling.	Permitted, 17.10.2017.

## 5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework Sections 5, 8, 9, 12 and 15

### Royal Borough Local Plan

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

	Within settlement area	Highways and Parking	Trees	Biodiversity	Energy efficiency
RBWM Local Plan	DG1, H9, H10, H11	P4, T5	N6		
Neighbourhood Plan	NP/H2, NP/DG1, NP/DG2, NP/DG3 and NP/EN3	NP/T1	NP/EN2	NP/EN4	NP/DG5

These policies can be found at

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

### Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Makes suitable provision for infrastructure	IF1
Housing	H02, H03, H05
Important trees	NR2
Nature conservation	NR3
Thames Basin Heaths Special Protection Area	NR4

The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council prepared a report summarising the issues raised in the representations and setting out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents have now been submitted to the Secretary of State for examination. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough. However, by

publishing and submitting the Borough Local Plan for independent examination the Council has formally confirmed its intention to adopt the submission version. As the Council considers the emerging Borough Local Plan to be sound and legally compliant, officers and Councillors should accord relevant policies and allocations significant weight in the determination of applications taking account of the extent to which there are unresolved objections to relevant policies. Therefore, the weight afforded to each policy at this stage will differ depending on the level and type of representation to that policy. This is addressed in more details in the assessment below.

Significant weight is to be accorded to Borough Local Plan Submission Version policies in this case. The above application is considered to comply with the relevant policies listed within the Development Plan and those Borough Local Plan Submission Version policies to which significant weight is to be accorded.

This document can be found at:

[https://www3.rbwm.gov.uk/info/201026/borough\\_local\\_plan/1351/submission/1](https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1)

### **Other Local Strategies or Publications**

5.3 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment – view at:
- RBWM Parking Strategy – view at:

More information on these documents can be found at:

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

## **6. EXPLANATION OF RECOMMENDATION**

6.1 The key issues for consideration are:

- i The impact on the character and appearance of the area
- ii The impact on amenity
- iii Parking and highway safety
- iv The impact on important trees
- v The impact on ecology
- vi The Thames Basin Heaths Special Protection Area
- vii Affordable Housing

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

6.2 There are a number of Neighbourhood and Local Plan policies relevant to the consideration of this application. Local Plan policy H11 sets out that proposed developments should be compatible with the scale of the surrounding area, and not cause damage to the character amenity of the area in which it is set; this is consistent with design guidance set out in the NPPF. With regards to Neighbourhood Plan policies: NP/DG1 requires development to respond positively to local townscapes, policy NP/DG2 requires new development to be similar in density, footprint, separation and bulk of surrounding buildings and policy NP/DG3 requires new development to demonstrate good quality design. Neighbourhood Plan policy NP/EN3 also requires that proposals for new dwellings on private residential gardens should:

- a) Not result in an unacceptable reduction of the garden space created by the garden (either by) itself or in combination with the surrounding gardens; and

- b) Not result in an unacceptable impact on the landscape and environmental value of the site

6.3 The application site has been subject to a number of previous applications and appeals. The most recent appeal being dismissed in September 2014 (ref. APP/T0355/A/14/2213014). A number of more recent applications have been submitted, (including 17/00120 which was approved October 2017) however, these are for smaller apartment blocks. The appeal was dismissed as the inspector considered that the excessive scale and massing of the proposal would result in a development that would dominate and be out of keeping with neighbouring properties. It was considered due to its length and sustained height along its side elevations that it would appear particularly prominent within views from the South East where properties are generally smaller in scale compared to the flatted development further to the North West. The applicants have made a number of changes to try and address these concerns which include:

- A reduction in the height of the rear half of the building down to approximately 9 metres instead of 10m
- A reduction in the depth of the building so that the side elevation is approximately 34m instead of 38m
- Setting the front half of the building approximately 10.5m from the South East boundary instead of 8m
- A simplification of the design and re-design of the roof scape

The agent has also pointed out that the front half of the building has essentially been approved under application (17/00120).

6.4 The proposed building would, however, still be very large compared to the existing buildings within Cross Road. The inspector in the 2014 appeal establishes that the south east side of the appeal site forms part of an important public view on approach into Cross Road. The other properties which would be viewed from this approach are Queenswood and Fairways which are on the opposite side of the road. The proposed apartment building is similar in height to these two buildings, however, the footprint is significantly larger and the building would appear taller due to the elevated ground levels on site. The size of the building is accentuated by the crown roof design which makes the roof scape very bulky. It is a combination of the height footprint and design of the building which would cause it to dominate the street scene and cause harm to the character and appearance of the area.

6.5 Large apartment buildings exist further down Cross Road to the North West, however, this part of Cross Road is more densely developed compared to the looser grain of built form to the South East which is very much in keeping with the 'Leafy Residential Suburb' character area. It is considered therefore that the development represents overdevelopment of the site. The changes proposed within this application are not sufficient to address the issues raised under the previous appeal with regards to scale and character.

### **The impact on amenity**

6.6 The proposed building has a number of first floor side windows and roof lights at second floor along both flank walls. The windows on the North East elevation would overlook the rear garden of the dwelling approved under 16/02220 (should it be built out). None of the windows along this flank elevation serve non-habitable rooms and as such cannot be obscurely glazed, however, the boundary is heavily planted. Whilst this planting cannot be relied upon to provide full screening all year round it will prevent significant levels of overlooking from being achieved. The majority of trees on this boundary are covered by tree preservation orders and as such are unlikely to be removed. The separation distance to this boundary and the large scale of the neighbouring garden will also reduce any feeling of being overlooked. To the other side is the Sunningdale Golf Club, the privacy of which is not afforded the same level of protection as a residential dwelling. The use of the site will intensify, however, as it will remain in residential use there is unlikely to be any significant noise or disturbance caused. The separation to neighbouring properties is sufficient to prevent a significant loss of light.

- 6.7 The proposed apartment building would be provided with a shared outdoor amenity space to the rear of the site with an area of approximately 800sqm. It is considered that the future occupiers of the apartments would be provided with sufficient amenity space.

### **Parking and highway safety**

- 6.8 It is proposed to retain the existing access and widen this to 4.8 metres to accommodate the additional traffic that would be generated by the proposed development. Visibility splays of 2.4 x 43m are to be provided by cutting back the front boundary holly hedge either side of the existing access. A development of this scale and size is likely to generate 48 vehicle movements per day which can be safely accommodated by the existing highway network including the Cross Road and London Road junction. The proposed development will be provided with 20 car parking spaces in the basement which exceeds the Council standards of 1 space per apartment (within areas of good accessibility). 2 additional spaces are provided to the front of the site, primarily for use by visitors and tradesmen. Cycle and refuse storage is provided within the basement parking area and there is space at the front of the site for bins during collection day.

### **The impact on important trees**

- 6.9 A tree survey has been submitted with the application, however, the dimensions and constraints posed by the trees on this site have not been updated in the last 5 years and therefore may now be inaccurate due to the growth of the trees. The trees within the site make a significant contribution to the character and appearance of the area, providing depth to the tree cover and helping to give the area a strong sylvan identity. A number of trees including T29 and T31 to the rear of the site are proposed for removal, however, these are of poor form and as such their loss is not objected to. An Oak tree (T17) within the rear garden is an important A category tree. The crown of this tree is growing mostly towards the proposed development. As a result, the rear/side elevation of the building would be located in very close proximity to the canopy. The applicant has suggested that the tree would need to be cut back by 2m in order to provide clearance for the new building. This is only 1.5 less than the works that were previously considered excessive by the appeal inspector. T27 on the South East boundary is also in close proximity to the proposed building and could cause overshadowing and a loss of light to the windows on this elevation, leading to a pressure to prune. The harm caused to these trees would have a negative impact on the character and appearance of the area.

### **The impact on ecology**

- 6.10 Updated bat surveys were undertaken in May and June 2017. During the follow up survey in 2017 a single brown long eared bat was recorded returning to roost within the building and bat droppings were recorded within the loft space. All bats and their roosts are protected and therefore, without mitigation, the development would be in breach of the legislation protecting bats. The applicant has provided a summary of the mitigation measures to compensate for the loss of the roost within the building which includes the creation of replacement roosting opportunities, removal of bat roosting features under a watching brief and sensitive lighting all of which will be detailed within a method statement to accompany a European Protected Species licence. It is likely therefore that the development proposals will not have a detrimental effect to the maintenance of the populations of bats species provided the mitigation measures are followed. This could have been secured via condition were the application recommended for approval. The buildings, trees and vegetation are recorded as having the potential to support breeding birds. The applicant's ecologist has provided information with regards to timing of vegetation and building removal and protective measures with regards to breeding birds. It is necessary for any development to be carried out in accordance with these timings. This could be controlled by condition had the application be recommended for approval.

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

- 6.11 The application site is within 5km of the Thames Basin Heath Special Protection Area (SPA) which is an area designated to protect a network of important bird conservation sites; the proposed development would likely have a harmful effect on Chobham Common, which is part of the SPA due to increased visitor and recreation pressure. It is necessary therefore for mitigation

to be secured in the form of SANG (Suitable Alternative Natural Green Space) and SAMM (Strategic Access Management and Monitoring). The application site has been split into two for the purposes of previous planning applications and the location plan shows an upper and lower site with one edged in blue and the other red. The blue edged site has an extant permission for 5 apartments (approved under application 16/02220). The situation on the ground, however, is that it is all one site (for example there is no dedicated access into the blue edged area). The application in conjunction with the other extant permission on site therefore would result in a net increase of 14 dwellings taking into account the demolition of the existing dwelling. As the application provides over 10 net dwellings and is outside of the 2km catchment area for Allen's Field, Allen's Field cannot be relied upon and bespoke SANG must be provided. No strategy to provide SANG and SAMM has been submitted with the application.

### **Affordable Housing**

- 6.12 The application site has for the purposes of a number of recent applications been split in two. The location plan shows an upper and lower site with one edged in blue and the other red and the blue edged site has an extant permission for 5 apartments (approved under application 16/02220). The situation on the ground, however, is that it is all one site (for example there is no dedicated access into the blue edged area). Even if the development approved under 16/02220 had commenced/been completed it is considered that the site comprises of both areas and applying for planning permission separately with 2 different site areas should not circumvent affordable housing policy. Policy HO3 of the Borough Local Plan: Submission Version also specifically sets out that where sites identified for housing are sub-divided to create two or more separate development schemes, one or more of which falls below the affordable housing threshold, the council will seek an appropriate level of affordable housing to reflect the provision that would have been achieved on the site as a whole had it come forward as a single scheme. This is considered to be applicable in this case. The site area is considered therefore to be 0.63 hectares. Policy H3 of the Local Plan sets out that for sites over 0.5 hectares affordable housing should be provided on all residential schemes and that this should equate to 30% of the housing provided. No offer for affordable housing or an equivalent contribution has been made.

### **Other Material Considerations**

#### Housing Land Supply

- 6.13 Paragraph 11 of the National Planning Policy Framework (NPPF) sets out that there will be a presumption in favour of Sustainable Development and that housing applications should be considered in the context of the presumption in favour of sustainable development, and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites. Following the Regulation 19 consultation on the Submission Version of the Local Plan, the Council formally submitted in January 2018. The Borough Local Plan sets out a stepped housing trajectory over the plan period (2013-2033). As detailed in the supporting Housing Land Availability Assessment a five year supply of deliverable housing sites can be demonstrated against this proposed stepped trajectory.

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

- 7.1 In line with the Council's Charging Schedule the proposed development would be CIL liable. The applicant has submitted the required forms, however, there is a discrepancy between the existing floor space quoted and that shown on the existing plans. The existing plans have been taken to the correct and the relief from the existing floor space will be based on this figure. The required CIL payment for the proposed development is £240 per sqm.

## **8. CONSULTATIONS CARRIED OUT**

### **Comments from interested parties**

19 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 13<sup>th</sup> March 2018

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

Comment		Where in the report this is considered
1.	Concerns over the level of parking provided on site.	Paragraph 6.8
2.	Concerns that the development will overlook neighbouring properties.	Paragraph 6.6
3.	Concerns that the development will result in undue noise and disturbance	Paragraph 6.6
4.	Concerns that the proposal represents over-development of the site.	Paragraph's 6.4 and 6.5
5.	Concerns with the level of traffic that the proposal would generate	Paragraph 6.8
6.	Concerns with regards to the impact of the proposal on trees	Paragraph 6.9

### Statutory consultees

Consultee	Comment	Where in the report this is considered
Parish Council	<p>Recommends refusal for the following reasons:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Bulk and scale of the development</li> <li><input type="checkbox"/> Failure to provide required housing mix</li> <li><input type="checkbox"/> Unacceptable intensification of traffic movements and inadequate parking</li> <li><input type="checkbox"/> Impact on trees</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> The impact on character has been considered in paragraphs 6.2 – 6.5</li> <li><input type="checkbox"/> There is no requirement for a different type of housing to be provided – policy H2.2 simply encourages smaller and medium houses.</li> <li><input type="checkbox"/> Parking and highway safety has been considered in paragraph 6.8</li> <li><input type="checkbox"/> The impact on trees has been considered in paragraph 6.9</li> </ul>
Thames Water	With regard to sewerage infrastructure capacity.	Noted.
Affinity Water	No comments received.	N/A
Lead Local Flood Authority	No comments received.	N/A

### Other consultees

Consultee	Comment	Where in the report this is considered
Highways	No objections subject to conditions.	Paragraph 6.8
Ecology	No objections subject to conditions.	Paragraph 6.10
Trees	Objects as the scheme fails to adequately secure the protection of important trees.	Paragraph 6.9
SPA E	<p>Objects for the following reasons:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Concerns with the scale of the development.</li> <li><input type="checkbox"/> Concerns with the level of parking provided.</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> The impact on character has been considered in paragraphs 6.2 – 6.5</li> <li><input type="checkbox"/> Parking and highway safety has been</li> </ul>

	<input type="checkbox"/> Concerns regarding the impact on trees.	<p>considered in paragraph 6.8</p> <input type="checkbox"/> The impact on trees has been considered in paragraph 6.9.
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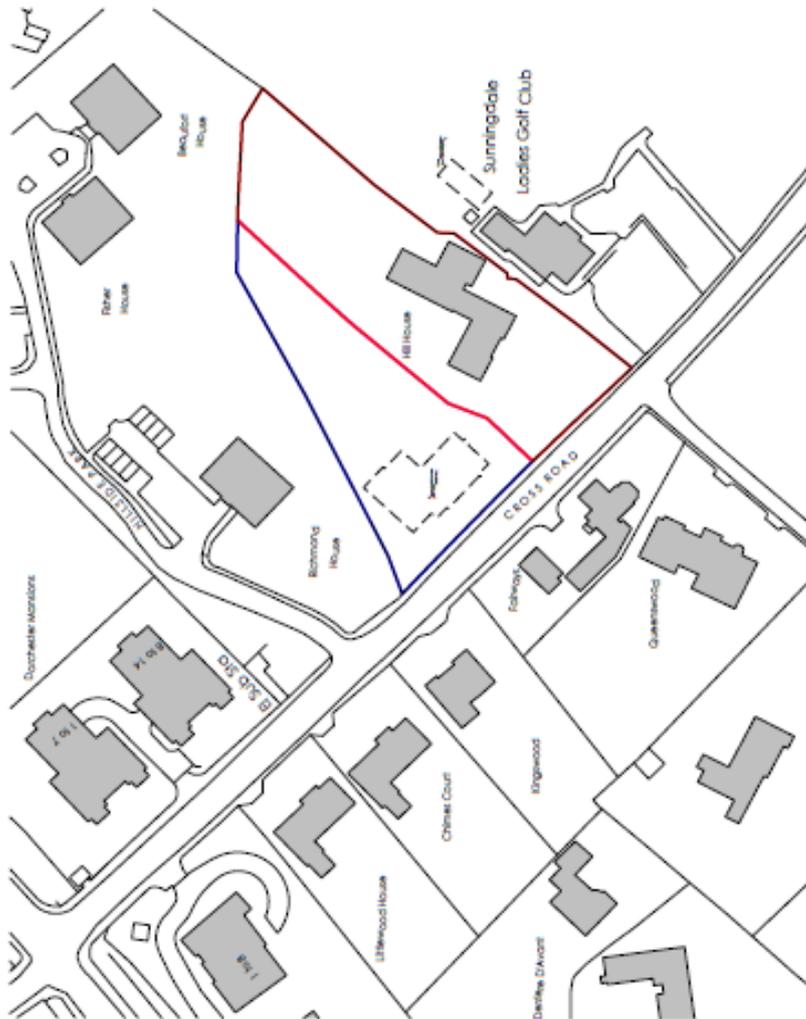
## 9. APPENDICES TO THIS REPORT

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

## 10. RECOMMENDED FOR REFUSAL

- 1 The overall scale and massing of the proposed building will make it dominant in the street scene and out of keeping with the surrounding developments. The proposal is also considered to represent, due to its scale, over development of the site. The proposal would be in close proximity to a number of important protected on site trees which make a significant positive contribution to the character and appearance of the area and in particular would likely cause harm to trees T17 and T27 through significant pruning. The proposal will therefore be out of keeping with the 'Leafy Residential Suburb' character area and will cause harm to the character and appearance of the area. The proposal therefore fails to comply with advice contained within the National Planning Policy Framework, within Policies H10, H11, DG1 and N6 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations adopted June 2003), Policies NP/EN2, NP/EN3, NP/DG1, NP/DG2 and NP/DG3 of the proposed Ascot, Sunninghill and Sunningdale Proposed Neighbourhood Plan and Policies SP3 and NR2 of the Emerging Borough Local Plan (2013 -2033) Submission version.
  
- 2 The proposal is likely to have a significant effect in combination with other plans and projects in the locality on the Thames Basin Heaths Special Protection Area [SPA] as designated under The Conservation (Natural Habitats, etc) Regulations, and which is also designated as a Site of Special Scientific Interest [SSSI]. This would arise through increased visitor and recreational pressure on Chobham Common, as a constituent part of the SPA, causing disturbance to three species of protected, ground-nesting birds that are present at the site. In the absence of an assessment to show no likely significant effect, including sufficient mitigation measures to overcome any such impact on the SPA, 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 SPD or satisfactory alternative provision, the likely adverse impact on the integrity of this European nature conservation site has not been overcome. The proposal is thus in conflict with the guidance and advice in the National Planning Policy Framework and the RBWM Thames Basin Heaths Special Protection Area SPD and Policy NR4 of the Emerging Borough Local Plan (2013 -2033) Submission version.
  
- 3 In the absence of a mechanism to secure 30% Affordable Housing the proposal fails to comply with Paragraphs 62 and 64 of the National Planning Policy Framework and policy H3 of the Royal Borough of Windsor and Maidenhead Adopted Local Plan and Policy HO3 of the Borough Local Plan 2013 -2033 (Submission Version).

**Appendix A—Site location plan and site layout**



**Status** PLANNING

**Scale:** 1 : 1250 **Date:** Jan 2018

**Revision:** **Sheet:** A3

**Org** FD 17-1522-50

**Planning**  
No revision is permitted for PLANNING PERMITS ONLY and to be used for construction.

**Client** KEBBEL  
**Project** Hill House Redevelopment,  
Cross Road, Sunningdale

**Title** Site Location Plan

Existing site plan



Proposed site plan



# Removals plan

Rev.	Description	Date



-  Buildings to be removed
-  Trees to be removed
-  Trees to be pruned



Status: **PLANNING**

Scale: 1 : 1000 Date: Jan 2018

Revision: Sheet: A3

Org: **FD 17-1522-52**

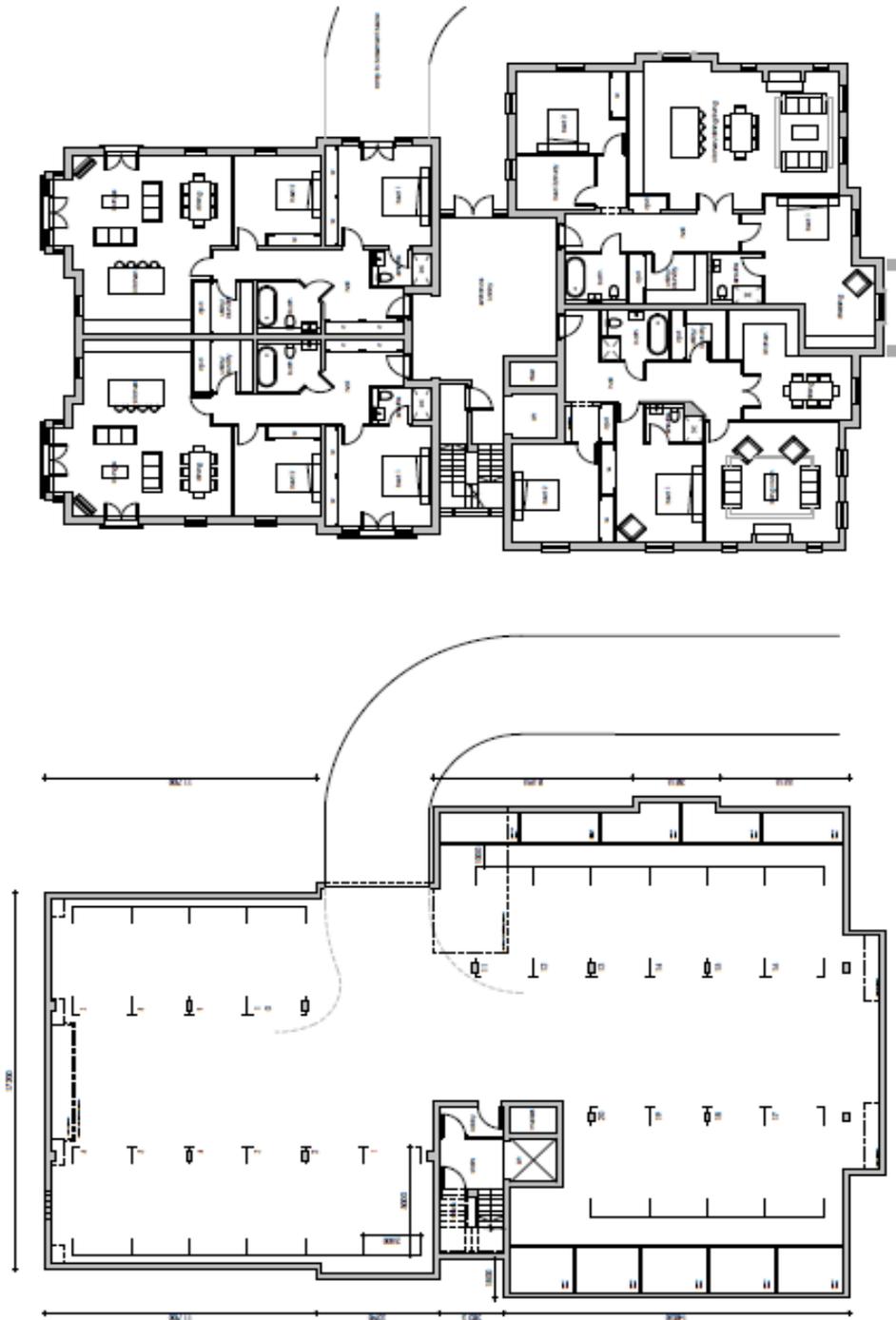
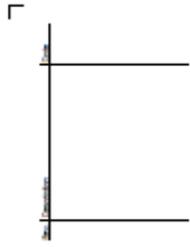
Planning  
This document is produced for PLANNING PURPOSES ONLY and is not to be used for construction.

**Client:** KEBBEL  
**Project:** Hill House Redevelopment,  
Cross Road, Sunningdale

**Title:** Removals Plan

# Appendix B—Plan and elevation drawings

## Proposed basement and ground floor plan



Ground Floor Plan

Basement Floor Plan

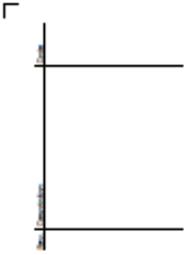
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Project	17-1522-100
Sheet	17-1522-100
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By	FD 17-1522-100

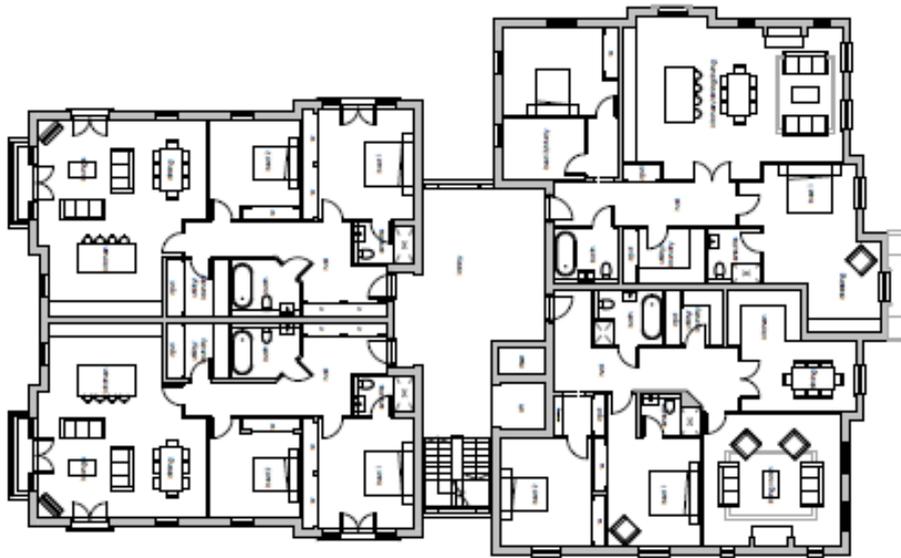
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 By: FD 17-1522-100

17-1522-100 Proposed Basement & Ground Floor Plan

Proposed first and second floor plan



Second Floor Plan



First Floor Plan

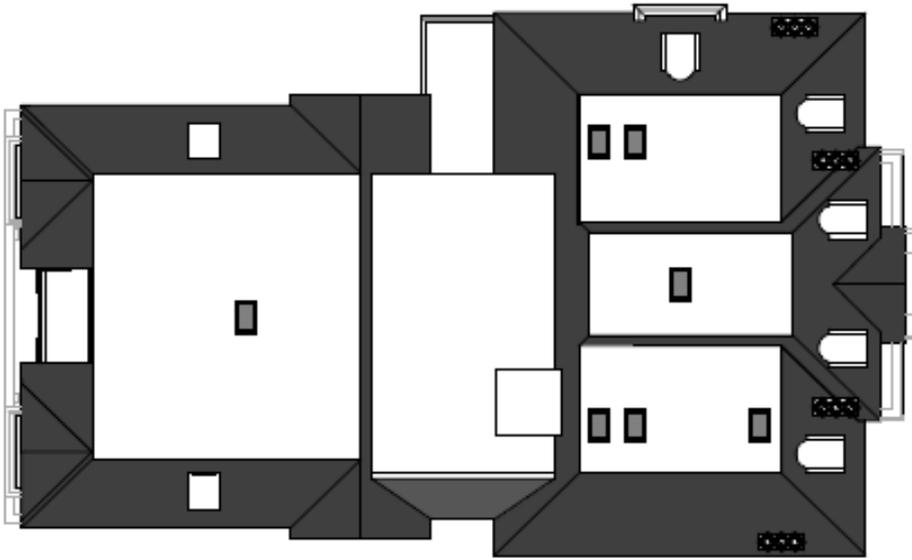
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 Time: 10:00 AM  
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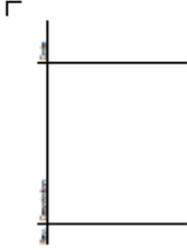
Proposed 1st & 2nd Floor Plan

# Proposed roof plan



Roof Plan

Proposed front and right flank elevation



Right Flank Elevation



Front Elevation

Client: 103861  
 Project: Hill House Redevelopment,  
 Close Road, Sunningdale

Title: Proposed Front & Right Flank Elevations

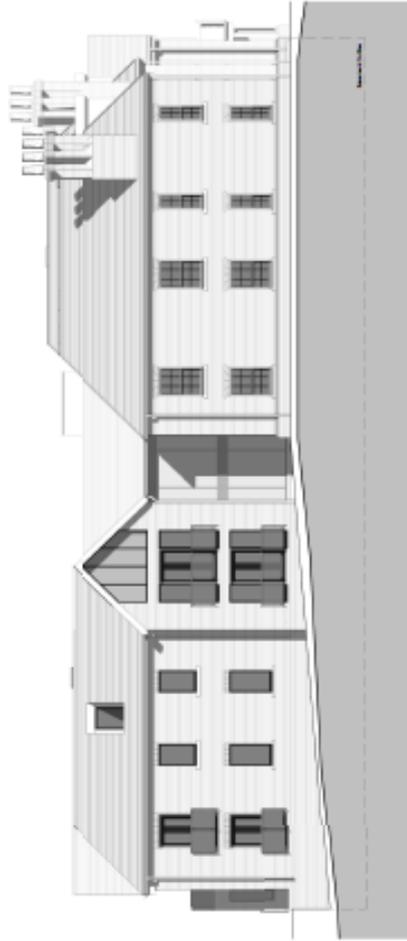
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 Date: 11/08/17  
 Drawn by: FD  
 Checked by: FD  
 Project No: FD-1522-105

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Proposed rear and left flank elevation

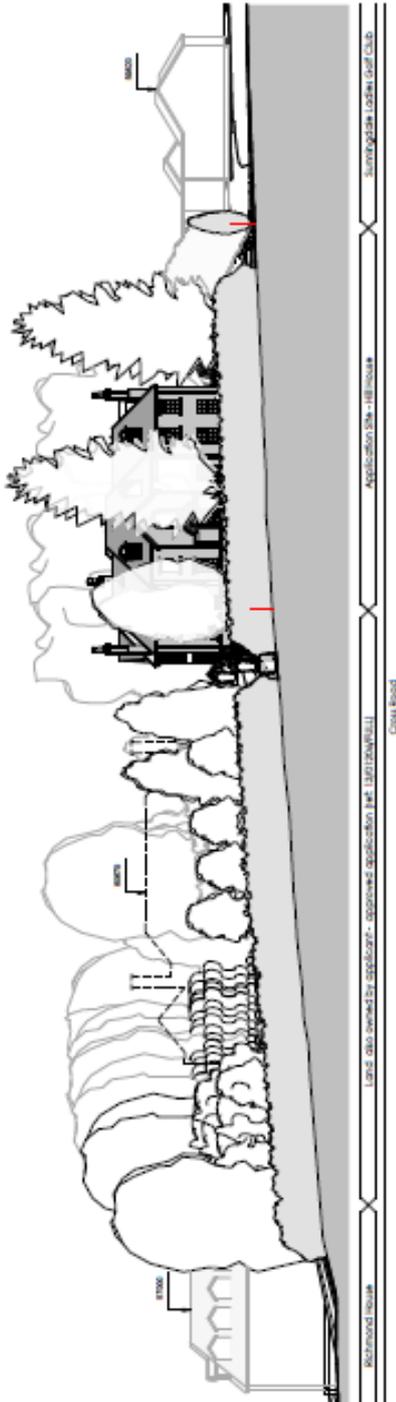
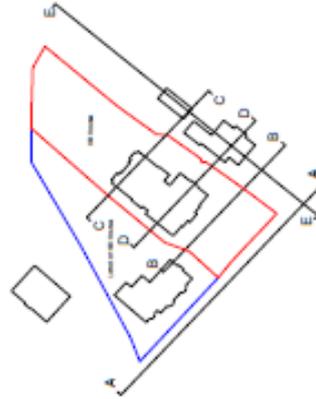


Rear Elevation

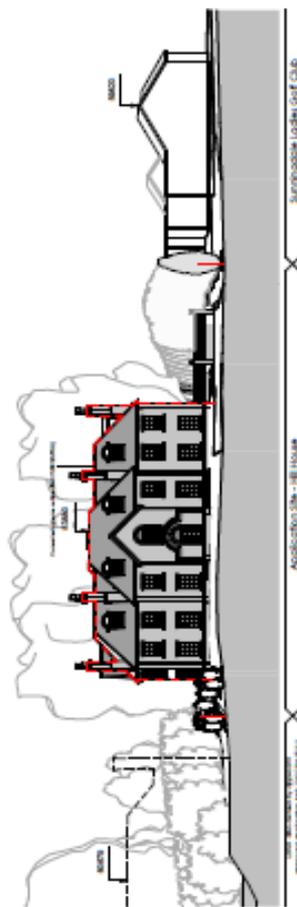


Left Flank Elevation

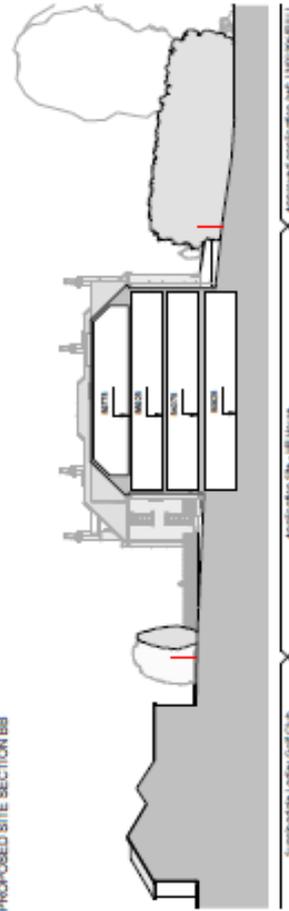
Proposed sections A, B and C



PROPOSED STREET SCENE AA



PROPOSED SITE SECTION BB



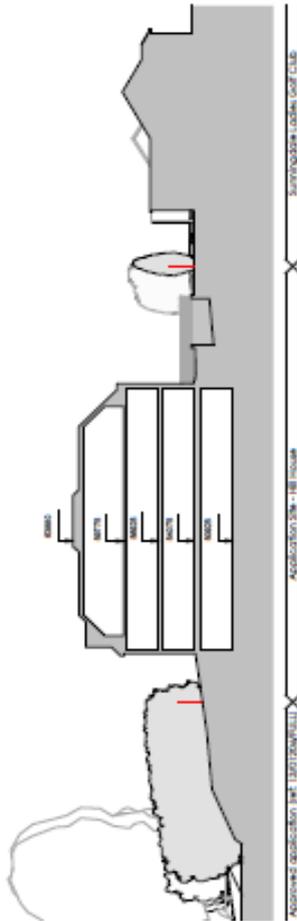
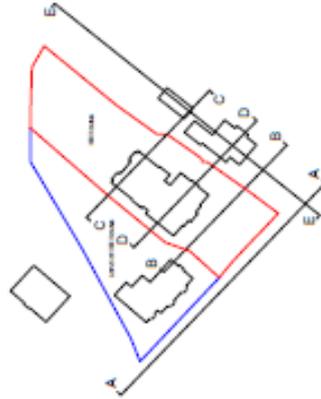
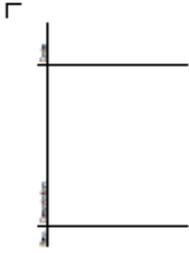
PROPOSED SITE SECTION CC

Client: GSRM  
 Project: Hill House Redevelopment  
 Location: Clear Road, Sunningdale  
 Title: Proposed Site Sections

Scale: 1:500  
 Date: 17/05/2017  
 Project: FD 17-1522-700  
 Drawing: 1000

Architect: J. J. J. Architects

Proposed sections D and E



PROPOSED SITE SECTION DD



PROPOSED SITE SECTION EE

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## **Appeal Decision**

Hearing held on 17 July 2014

Site visit made on 17 July 2014

**by I Radcliffe BSc(Hons) MCIEH DMS**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 9 September 2014**

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**Appeal Ref: APP/T0355/A/14/2213014**

**Hill House, Cross Road, Sunningdale, Berkshire SL5 9RX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Bramble International against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
  - The application Ref 13/02972, dated 11 October 2013, was refused by notice dated 13 January 2014.
  - The development proposed is demolition of existing dwelling house and erection of 2 no. linked buildings comprising 10 no. apartments.
- 

### **Decision**

1. The appeal is dismissed.

### **Procedural matters**

2. The development plan consists of The Royal Borough of Windsor and Maidenhead Local Plan (incorporating alterations) and the Ascot, Sunninghill and Sunningdale Neighbourhood Plan which was adopted this year<sup>1</sup>. The Royal Borough of Windsor and Maidenhead Local Plan was originally adopted in 1999. It was subsequently altered in 2003. It was agreed at the hearing that other than in relation to policies that govern housing land supply the policies of the development plan relevant to the appeal are not out of date. In accordance with paragraph 215 of the National Planning Policy Framework (the Framework) I have considered the policies of the Local Plan and I agree with that position. A replacement Borough Local Plan is in the early stages of preparation. However, none of its policies are relied upon in relation to this appeal.
3. At the hearing an alternative site plan (ref FSW 13-1080-55 Rev O) for the proposal was submitted. It shows a single surface car parking space rather than two. An alternative tree protection plan (ref BRL18840-03c) reflecting this arrangement accompanied it. A replacement ground and first floor plan for the proposal was also submitted (ref FSW 13-1080-100 Rev I). It deletes an internal wall separating the kitchen from the lounge in apartments 1, 6 and 8. These amendments do not amount to a material change in the type of development and the nature of the concerns of those who would normally have been consulted are clear from consultation on the set of plans that formed the application. As a consequence, I do not consider that their interests would be prejudiced if I was to take these amendments into account. I shall therefore

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<sup>1</sup> The South East Plan also remains part of the development plan by virtue of retention of one policy in relation to the Thames Basin Heath Special Protection Area. However, this policy is not relevant to the main issue in this appeal.

determine the appeal on the basis of the alternative plans and the replacement plan described. A unilateral obligation was also submitted.

4. On the north western side of the appeal site an extant planning permission exists for a detached house within the grounds of Hill House (ref 13/01206/FULL). It is common ground that the appeal site and site for the extant permission overlap. As a result, if this appeal was allowed and development proceeded the extant permission could not be implemented and a fresh application with an amended site plan would be required. Policy requirements have been recently identified in relation to the Thames Basin Heath Special Protection Area (TBHSPA) and Suitable Alternative Natural Greenspace (SANG). As a result, it is possible that an application to regularise the permission for the detached house on the neighbouring site may be refused. I have therefore assessed the proposal using two scenarios in relation to the site on its north western side; the site in its current use and the site with the detached house on it.

### **Main Issue**

5. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area, including its effect upon trees.

### **Reasons**

6. Cross Road is a residential road characterised by large residential plots. The Council's Townscape assessment identifies this area as a leafy residential suburb. Half way along the road the Green Belt reaches in towards the centre of Sunningdale in the form of a golf course and separates development along the road into two parts. Policy GB2 of the Local Plan cited by the Council in its reason for refusal. However, it is common ground that it is not relevant as the appeal site is outside the Green Belt. I agree with that assessment.
7. The appeal site is located on the north western edge of the golf course just within the settlement boundary for Sunningdale. As a result, on the approach from the south east, the side of the appeal site that faces in this direction forms an important part of the public views from Cross Road. When approaching from this direction the appeal site is seen in the context of the two residential properties Queenswood and Fairways on the opposite side of the road and the single storey Golf Clubhouse in front of the appeal site.
8. The buildings referred to have a significantly smaller footprint than the proposed building. Although the proposed development would be a similar height to Queenswood and Fairways the panoramic view submitted by the appellant to demonstrate its visual impact (drawing ref FSW3-1080- 15) shows that the ridgeline of the proposal, presumably due to differences in ground levels, would be markedly higher. As a result, from this viewpoint the neighbouring buildings to the proposal would appear to be far smaller in scale. Although only slightly wider and taller than the existing house on the site the two linked buildings would maintain their full two storey height, with a third storey in the roof space, for most of their combined 38m length. The central link between the buildings along with the increased setback of the rear building from the eastern side boundary would help articulate the development. However, these features would be insufficient to prevent the two buildings massing together. As a result, the overriding impression from this public viewpoint would be of development whose mass and scale would dominate and be out of keeping with neighbouring properties.

9. There is a tall conifer hedge along part of the eastern boundary. Even so, given the great length of the proposal and its sustained height, the scale and bulk of the linked buildings would still be readily apparent within the street scene. Furthermore, given that it was agreed that the hedge was of poor quality there can be little confidence that it would be retained in the long term. The scope for planting along the side boundary was discussed. It was agreed that there was sufficient space for medium sized trees to be planted. This would help soften the appearance of the development, but would not overcome the fundamental issue regarding the dominance of the development.
10. The golf course is privately owned and the adverse effects that I have described would also be visible to golfers using the course. In terms of the remaining buildings that enclose this section of the golf course, no others on the western side of the road are readily visible from the road. On the south eastern side of the golf course, substantial detached apartment buildings are visible. However, they are set further away from the road and other buildings along the edge of the golf course. As a result, in terms of scale they fit in better with their surroundings than the proposed development would.
11. Due to mature planting in depth along the front boundary of Hill House the proposed development would not be clearly visible in views directly outside of the appeal site when trees are in leaf. In the colder months of the year, the front elevation of the proposed building would be more apparent. If a house or building similar to that for which permission was granted immediately to the northwest of the appeal site was constructed the front of the proposed development in terms of width, height and appearance would complement it. If this site remained undeveloped, as only the front part of the building would be glimpsed through the thick trees and shrubs on the approach from the north west, the proposal would appear to complement development on Hillside Park. This development is characterised by spaciouly set apartment buildings set further back from Cross Road than the appeal proposal.
12. Further along Cross Road at its western end is Dorchester Mansions. These two buildings are similar in scale to the proposed development. However, at this point the road is characterised by more closely spaced development and the street scene is more built up and suburban. Furthermore, the long length and sustained height of Dorchester Mansions is not readily apparent within the street scene due to an extensive mature band of trees along London Road (A30) and a dense band of trees within Hillside Park. Both serve to screen the flanks of these buildings. As a result, unlike the proposed development their true scale is not readily apparent in public views.
13. The proposed development would have an attractive architectural style that would be in keeping with the locality. However, this consideration would be insufficient to overcome the adverse effects that I have described.

#### *Trees*

14. Trees on the land at Hill House are protected by a tree preservation order made in 1989. The trees on the site make a strong contribution to the verdant character of Cross Road. This is apparent in views directly opposite the site and in angled views, especially from the south east.
15. As a result of the layout of the proposed building the linked buildings would result in the removal of two Japanese Maples (T29 and T31). The former is categorised as a tree of low quality that does not enhance the landscape value of trees on the site. The latter is in poor condition and is likely to require

removal within 10 years. There is no objection from the Council regarding the removal of these two trees. I agree with that position.

16. Although set well back from the road the common oak (T17) is a tall mature tree that forms an important part of the sylvan character of the site. It is identified by the appellant as being of good quality and having high landscape value. This is an assessment with which I concur. It was agreed at the hearing that this tree along and the Deodar Cedar (T1) by the site entrance within the meaning of paragraph 118 of the Framework are aged trees. This is a matter with which I agree.

*Common oak (T17)*

17. T17 has a one sided crown with the bulk of the tree's canopy and foliage located on its south eastern side. As a result, the rear side elevation of the proposed building would be located approximately 1m from the canopy. It is proposed that the canopy would be pruned back on its south eastern side by 3.5m to facilitate the development. Having viewed the tree and taken into account the comments of both parties, I consider this would result in the loss of up to a third of the tree's foliage. Whilst the tree has been subject to pruning in the past the degree of pruning that would occur would be significant. Furthermore, the primary outlook at first floor level from the open plan living, eating and kitchen area within apartment No 8 would be towards this tree. In time, as the tree regrows towards the building its effect on the outlook from within this apartment would become overbearing. This would lead to pressure, which the Council would not be able to resist, for the oak to be cut back again.
18. As an aged tree the initial loss of a significant amount of its foliage to facilitate the development would place it under strain. This would be exacerbated by future pruning. Such work would also result in wounds to the tree which could introduce disease that an aged tree would find more difficult to resist. Taking these considerations into account, I find that if the development went ahead there would a significant risk of the proposed pruning resulting in the long term decline and loss of the tree. Given that the tree makes a positive contribution to the verdant character and appearance of the site this would have a significant adverse effect upon the street scene.

*Deodar Cedar (T1)*

19. The Deodar Cedar (T1) is an aged tree that is present next to the site access at the front of the site. It is the most prominent tree on the site and is of very significant landscape value. Policy NP/T1 of the recently adopted Neighbourhood Plan requires that adequate parking is provided for deliveries, service vehicles, tradesmen and visitors. Where ever possible such provision should be made on site and on road parking avoided. In contrast the Local Plan does not explicitly require on site visitor parking. As the policies of the Neighbourhood Plan are more recent and up to date they take precedence over the Local Plan in relation to this matter.
20. Plan ref BRL18840-03B submitted with the application proposes hard standing for two visitor car parking spaces and bin collection points within the root protection area (RPA) of the tree. An alternative plan ref (BRL18840-03c) significantly reduces the amount of hard standing proposed to that necessary to widen the drive slightly and provide access to one parking space located outside of the RPA. Protection of the tree by removal of both parking spaces to reduce the hard standing proposed within the root protection area was discussed at the hearing. However, this would be contrary to the

development plan and highway issues are matters of local concern. As a consequence, if the scheme was amended in this manner in my judgement this would prejudice the interests of third parties. I have therefore considered the proposal on the basis of the proposals contained within the plan originally submitted and the alternative plan.

21. The root protection area of the tree is currently impinged upon by the existing driveway and pavement. Thus the available rooting area to the tree is likely to be restricted. On the basis of the available evidence the extent of the new hard surfacing proposed in the original plan would amount to approximately 20% of the existing unsurfaced ground within the RPA. I cannot be certain therefore that this would not be contrary to BS5837:2012<sup>2</sup> which requires that new hard standing should not exceed the 20% figure. In contrast the alternative plan would amount to no more than 5% coverage and so would be acceptable. I therefore find that the proposed development would not result in a demonstrable risk to the health and longevity of this tree if the development was carried out in accordance with the alternative plan. Its continued contribution to the street scene, would therefore not be jeopardised.

*Other trees*

22. The driveway widening would impinge on a section of the Lawson Cypress hedge along the eastern side boundary by the access. Although in landscape terms the hedge helps soften the building behind it, the section that could be affected is short in length and the hedge as a whole is of poor quality. I therefore find that if the proposed development resulted in damage to, or the loss of, the initial section of this hedge the harm to verdant character of the appeal site would be limited. Such harm could be addressed by replacement planting which could be required by condition if permission was granted.
23. In relation to the other trees at the front of the site, the Deodar Cedar (T2) would be located sufficiently far away from the apartments in the front elevation of the building for it not to come under future pressure to be felled. The Sweet Gum (T6) would be significantly closer. However, given its canopy does not provide a particularly dense shade in summer, and the open plan nature of the kitchen dining room proposed in apartment No 1, living conditions within this apartment and apartment No 2 would also be acceptable. As a result, pressure to prune this tree could be confidently resisted.
24. The main amenity space would be to the rear of the proposed building and would be surrounded by trees. The appeal scheme would cast a larger shadow over this area than the existing house. An assessment of tree shading has been carried out. Shading would be at its greatest in the morning and lessen during the day. All areas of the amenity space outside of the tree canopy would receive some sunlight at some point during the day. The good condition of the lawn is indicative of this. I therefore find that if the development went ahead the Council would be able to resist the pressure from future residents to remove trees or prune them in order to increase sunlight levels to the rear of the building.
25. In relation to ground levels, no alterations are proposed other than shown in the submitted plans. With the control that can be exerted by condition on landscaping works no raising of ground levels within RPAs that could result in asphyxiation of the trees would occur.

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<sup>2</sup> Trees in relation to design, demolition and construction – Recommendations'

*Conclusion in relation to trees*

26. Notwithstanding my favourable findings in relation to the other trees, the proposed development would place significant risks on the health and longevity of the Common Oak (T17) which in time could result in its loss. As an aged tree paragraph 118 of the Framework advises that the harm that would be caused should be weighed against the benefits of development in that location. I attach significant weight to the harm that would be caused by the potential loss of this impressive tree that is of noteworthy value to the landscape.
27. On the other side of the balance, the planting of trees proposed close to the side boundaries of the appeal site, which in time would grow to medium height, would be of some landscape value. The scheme would also provide 10 additional dwellings which would help address housing need close to the centre of Sunningdale. However, similar words could be written about a smaller scale scheme that avoids the harm that would be caused to the oak in this scheme. Overall, I therefore conclude that the benefits of the proposed development do not clearly outweigh the harm that would be caused to the character and appearance of the area if this tree deteriorated and was lost.

*Overall conclusion on the main issue*

28. The Framework encourages the reuse of land such as the appeal site which has been previously developed. It also advises that a proposal should optimise the potential of a site to accommodate development. However, for the reasons that I have given the excessive scale and massing of the proposal demonstrates that it would exceed the development potential of the site. Its poor design in this regard would be visible in prominent public views from the south east and would place a valued tree at risk. This would result in unacceptable harm to the character and appearance of the area. The proposed development would therefore be contrary to the objectives of policies H10, H11, DG1 and N6 of the Local Plan and the objectives of policies NP/EN2, NP/EN3, NP/DG1, NP/DG2 and NP/DG3 of the Neighbourhood Plan. These policies require the protection of the character and appearance of a locality, including trees, through high quality design that respects local design features. It would also be contrary to the core planning principle of the Framework which seeks high standards of design in new development.

**Other matters**

*Wildlife*

29. The decision notice issued by the Council included a reason for refusal relating to the absence of a bat survey. The appellant has since commissioned work to clarify the nature and the extent of bat presence on the appeal site. The survey has concluded that the property is not an important roost, but is used by individual brown long eared bats. The report contains mitigation measures during and post construction to ensure that bats present on the site are protected. The Council has accepted the report and that subject to the implementation of the mitigation measures, a matter which would be controlled by condition, bats on the site in compliance with the development plan would not be harmed. I agree with that position.

*Housing land supply and sustainability*

30. Paragraph 49 of the Framework advises that relevant policies for the supply of housing should not be considered to be up to date in situations where a local authority cannot demonstrate a 5 year housing land supply. It also advises

that the presumption in favour of sustainable development should apply. In circumstances where relevant policies are out of date paragraph 14 of the Framework advises that planning permission should be granted unless the adverse impacts of doing so clearly outweigh the benefits when assessed against the policies in the Framework as a whole.

31. It is common ground that at present a 5 year housing land supply does not exist. However, the site is located within the Settlement Boundary of Sunningdale. As a result, whether such a supply exists does not alter the fact that the location of the appeal site, and the principle of its residential redevelopment, complies with the spatial strategy for the area.
32. Policies that govern the spatial strategy in relation to housing development are clearly housing land supply policies. Policy H11 requires that in residential areas new schemes should be of a scale or density that would be compatible with the character of an area. Policy DG1 of the Local Plan seeks to ensure that features which contribute to an areas character are not lost. Policy NP/DG1.2 of the Neighbourhood Plan advises that unless it can be demonstrated that other forms of development would retain the identified character of the area residential development should be low density detached houses.
33. In one appeal<sup>3</sup> an Inspector found that the Council was using policy H11 to resist in principle the development of apartments. As a consequence, he found it to be a housing land supply policy. That Inspector would have made this finding on the basis of the information before him. I must do the same on the basis of the information before me. The Council made it clear at the hearing that they had no in principle objection to more intensive development of the site. Their reliance on policies H11 and DG1 of the Local Plan and policy NP/DG1.2 of the Neighbourhood Plan was due to their view that the scale and massing of the proposal would harm the character and appearance of the area, not that apartment buildings were unacceptable in principle. This approach is supported by policy H8 of the Local Plan. It seeks development that improves the range of housing accommodation in the Borough and favours proposals which include dwellings for small households.
34. In a different appeal<sup>4</sup> another Inspector found that the cited policies of the Local Plan were qualitative policies governing the impact of development on the character and appearance of an area. As a result he determined that they were not housing land supply policies. Based on the evidence and representations made, I concur with the reasoning of this Inspector and find that policies DG1 and H11 are not housing land supply policies. Whilst policy NP/DG1.2 of the Neighbourhood Plan seeks low density residential development in certain parts of the area, other forms of development that retain the character of the area will be supported. In my assessment, this includes appropriately scaled apartment buildings with discrete parking. For these reasons, I therefore also find that this is a qualitative policy that seeks to protect the character and appearance of an area and is not a housing land supply policy.
35. In relation to sustainability, the appeal site is in a sustainable location close to local amenities and public transport. In terms of construction, the house would be built to meet Building Regulation standards and so would be energy

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<sup>3</sup> Appeal Ref APP/T0355/A/13/2198655 & 2198658, paragraph 17.

<sup>4</sup> Appeal Ref APP/T0355/A/13/2191212, paragraph 22.

efficient. New construction through employment supports economic growth during development. Post development the increase in population increases the spending power of the local economy. New dwellings in helping to address housing need in an area where there is inadequate housing land supply are also important socially. However, the proposal would unacceptably harm the character and appearance of the area. This harm would be likely to continue long after the economic and social benefits of constructing the development have faded. As a consequence, the scheme would not constitute sustainable development within the meaning of the Framework.

#### *Highway safety*

36. Concerns have been expressed regarding the intensification in use of the junction of Cross Road with London Road (A30) as a result of the development. However, it is common ground that with between 30 and 45 additional vehicle movements generated per day by the proposal the highway network could safely accommodate the additional traffic that would be created. Subject to the access being widened slightly and adequate visibility splays provided the Council therefore has no objection to the proposal on highway safety or capacity grounds. I saw no reason why such works could not be carried out and I have no reason to disagree with those conclusions.

#### **Overall Conclusions**

37. Taking all these matters into account, the site is in a sustainable location and the development would be sustainably constructed and would have social and economic benefits. There would also be no material harm to wildlife or highway safety. There is an insufficient supply of housing and there is no prospect that in the short term an updated development plan will address this shortfall. The proposal would make a contribution towards addressing this matter. However, I consider that any presumption in favour of development is significantly and demonstrably outweighed by the comprehensive harm the proposal would cause to the character and appearance of the area.
38. In order to address the effect of the proposed development on local infrastructure, services and a protected habitat the Council has requested contributions secured by a section 106 agreement. The appellant has submitted such an agreement. It has been properly completed and provides £1,028,431.10 to secure compliance with these matters. The tests in paragraph 204 of the Framework and regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) apply to planning obligations. However, in this case as the appeal is to be dismissed on its substantive merits, and the terms of the obligation are not in dispute, it is not necessary to assess the agreement against the requirements of regulation 122 or paragraph 204.
39. For the reasons given above, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

*Ian Radcliffe*

Inspector