

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

PLANNING COMMITTEE

WINDSOR RURAL DEVELOPMENT CONTROL PANEL

17 October 2018

Item: 1

Application No.:	18/01251/FULL
Location:	The Big Cedar London Road Sunningdale Ascot SL5 0JL
Proposal:	Construction of a detached dwelling with new access, landscaping and associated works
Applicant:	
Agent:	Mr Douglas Bond
Parish/Ward:	Sunningdale Parish/Sunningdale Ward
If you have a question about this report, please contact: Jo Richards on 01628 682955 or at jo.richards@rbwm.gov.uk	

1. SUMMARY

- 1.1 This application has been deferred from the previous Windsor Rural Development Management Panel on the 19th September 2018 to allow for a members site visit which took place on 26th September 2018. The site visit was conducted from the application site itself and neighbouring properties, Studio Cottage and 15 Broomfield Court. The applicant has also submitted a drawing to show that a 25 degree light angle drawn from the centre of the side facing kitchen window of 15 Broomfield Court would not be breached by the development.
- 1.2 Permission is sought for a detached dwellinghouse to be sited to the south-west of The Big Cedar and fronting London Road. The proposal is considered acceptable with regards to the impact on the character of the area, having particular regard to the Council's Townscape Assessment and the Ascot, Sunninghill and Sunningdale Neighbourhood Plan. There would be no detrimental impact to neighbouring properties as a result of the proposal and the development is supported by the Council's Arboriculturist subject to conditions and a financial contribution towards replacement trees.
- 1.3 Following on The Town and Country Planning (Pre-commencement Conditions) Regulations 2018, some of the recommended conditions have been re-worded to ensure that they comply with these new regulations which came into force on 1st October 2018.

It is recommended the Panel authorises the Head of Planning:

To grant planning permission on the satisfactory completion a section 111 agreement being secured for SAMM/SANG payments and a financial contribution towards replacement trees and with the conditions listed in Section 10 of this report.

To refuse planning permission if an undertaking to secure the required section 111 agreement is not satisfactorily progressed as the proposed development would not provide mitigation for the likely impacts on the Thames Basin Heaths Special Protection Area and would cause unacceptable harm to trees important to the visual amenities of the area as set out in this report.

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Bateson as local residents are concerned about the bulk, height and that the development would overlook their properties.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site comprises part of the residential curtilage of The Big Cedar, London Road, Sunningdale. The site falls within Ascot, Sunninghill and Sunningdale Neighbourhood Plan (2011-2026) and is identified in the Townscape Assessment Zone as falling within a 'Leafy residential suburb'.
- 3.2 The Townscape Assessment states that 'Leafy Residential Suburbs are low density residential suburbs comprising large detached houses in spacious irregular well treed plots, typically dating from the early 20th Century to the present day. The type is defined by large properties set well back from the road, behind dense/high ornamental hedges with gravel drives and gates. These suburbs are neat, manicured and managed, with a private character including private roads and gated communities. Some distinctive building styles are evident including early 20th Century 'Arts and Crafts' architecture, although larger, more modern properties are also present'.
- 3.3 The existing property, The Big Cedar, is a large, detached bungalow set within a spacious plot. It is set back from the street scene, where it is obscured by mature trees and other vegetation which exist along its front boundary. The surrounding area comprises a mix of residential properties. On the opposite side of London Road, and to the north-east and to the rear, surrounding properties are predominantly detached. To the south-west lies Broomfield Park which comprises generally smaller properties including maisonettes. The majority of properties in the area are set back from the street scene allowing for the growth and provision of trees and shrubbery, which ultimately creates the areas leafy, wooded, character. The site also lies within 5km of the Thames Basin Heaths Special Protection Area and is just outside of the Green Belt.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 Planning permission is sought for a single detached dwellinghouse to be sited to the east of the existing dwellinghouse fronting London Road. Access to the property would be taken from London Road. This application follows a previous similar application ref: 17/01974/FUL which was withdrawn as the Council had concerns over the scale of the dwellinghouse. The current proposal is for a dwellinghouse that has been reduced in scale.

Ref.	Description	Decision
17/01974/FULL	Proposed erection of a detached dwelling with associated access, landscaping and associated works.	Withdrawn - 11.08.2017
02/82381/OUT	Erection of gatehouse and detached dwelling with ancillary parking facilities	Refused - 24.10.2002
99/78853/FULL	Relocation of vehicular access	Approved - 27.01.2000

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework Sections

5. Delivering a sufficient supply of homes
8. Promoting healthy and safe communities
11. Making efficient use of land
12. Achieving well-designed places

Royal Borough Local Plan

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

Issue	Local Plan Policy	Compliance
Design in keeping with character of area	DG1	Yes

Acceptable impact on appearance of area	DG1, H10 H11	Yes
Acceptable impact when viewed from nearby occupiers	H11	Yes
Maintains acceptable level of privacy for nearby residents	H11	Yes
Maintains acceptable level of daylight and sunlight for nearby occupiers	H11	Yes
Sufficient parking space available	P4	Yes
Complies with relevant policies of the Ascot, Sunninghill & Sunningdale Neighbourhood Plan.	NP/EN2 NP/EN3, NP/EN4, NP/DG1, NP/DG2, NP/DG3, NP/DG4, NP/DG5, NP/H2, NP/T1	Yes

These policies can be found at

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
Provision of high quality housing	HO2, HO5
Natural Environment	NR2, EP2, EP3, EP4
Makes suitable provision for infrastructure	IF1
Transport and parking	IF2

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

Significant weight is to be accorded to Borough Local Plan Submission Version policies SP2, SP3, HO2, HO5, EP2, EP3, EP4, IF1 and IF2 in this case. Lesser weight should be accorded to Borough Local Plan Submission Version policy NR2 due to the extent and nature of objections raised to it by representations on the Borough Local Plan Submission Version. 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

Supplementary planning documents

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

- Thames Basin Heaths SPA SPD

More information on these documents can be found at:

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

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Impact on the Character of the Area
- ii Impact on Neighbouring Occupiers
- iii Parking/Highways
- iv Trees
- v Thames Basin Heath Special Protection Area

Impact on the Character of the Area

6.2 Policy DG1 states that the Borough Council will have regard to the following guidelines inter alia when assessing new development proposals: 3) The design of new buildings should be compatible with the established street façade having regard to the scale, height and building lines of adjacent properties, special attention should be given to the ‘roof-scape’ of buildings, illustrations showing the relationship between new and old will be required at the application stage; 11) Harm should not be caused to the character of the surrounding area through development which is cramped, or which results in the loss of important features which contribute to that character. Policy H10 states that new residential development schemes will be required to display high standards of design and landscaping in order to create attractive, safe and diverse residential areas and, where possible, to enhance the existing environment. Policy H11 states that in established residential areas, planning permission will not be granted for schemes which introduce a scale or density of new development which would be incompatible with or cause damage to the character and amenity of the area.

6.3 The Royal Borough’s Townscape Assessment was approved in August 2010 and defines broad areas of townscape. It is used to define character of an area and is used in conjunction with the Local Plan Policies (particularly DG1, H11). The Townscape Assessment (including the designation ‘Leafy Residential Suburbs’) also underpins the policies in the adopted Ascot, Sunninghill and Sunningdale Neighbourhood Plan (NP/DG1, NP/DG2). The Neighbourhood Plan was formally adopted in April 2014. The development site falls within an area characterised as ‘Leafy residential suburbs’, in both Ascot, Sunninghill and Sunningdale Neighbourhood Plan

(2011-2026) and The Royal Borough of Windsor and Maidenhead Council's Townscape Assessment (approved in August 2010).

- 6.4 Neighbourhood Plan Policy NP/DG1 states: 'Development proposals should respond positively to the local townscape. Development proposals should use the RBWM Townscape Assessment report, and specifically its sections "Key Characteristics" and "Description", to inform the design approach in a planning application. The extent to which this is demonstrated in the development proposals should determine whether the proposal is in keeping with the character of an area.' In Townscape Assessment zones including leafy residential suburbs residential development should comprise low or very low density developments of detached houses, unless it can be satisfactorily demonstrated that other forms of development would retain the identified character of the area. In the context of this policy, these houses are defined as being dwellings for occupation typically by a single household, each house sitting on its own plot with a garden for its exclusive use. This policy shall apply even in areas within these zones where other types of dwellings may also exist.
- 6.5 Policies NPDG1 – NP/DG3 seek to ensure development proposals are compatible to surrounding development within the Townscape area and within the area general. Various aspects of the existing development should be respected including building line, plot widths and gaps of separation. Development should also demonstrate good quality design and should take the opportunity to enhance the local area.
- 6.6 The proposed plot for the new dwellinghouse would be materially smaller than that which remains to serve The Big Cedar. Notwithstanding however, the proposed plot size is compatible with other plot sizes in the vicinity, for example 2 Redwood Drive and Beaufort House to the rear. Indeed the plot size would be larger than that immediately to the south-west which serves 4 maisonettes in Broomfield Parl. As such, there is no objection to the proposed plot size.
- 6.7 The two-storey part of the dwellinghouse would be positioned centrally within the plot and would respect the building line on this side of London Road, formed by the existing dwellinghouse, The Big Cedar, and the maisonettes to the south-west. Sizable gaps would be retained in-between the two-storey flank walls of the proposed dwelling and the boundaries of the plot such that the proposal would not appear cramped and would maintain the spaciousness of development within the street scene.
- 6.8 With regard to the scale and bulk of the dwellinghouse, its two-storey footprint would be similar to the block of maisonettes to the south-west but significantly smaller than the footprint of The Big Cedar which is a large sprawling bungalow. The overall footprint of the building is considered compatible with the proposed plot size, with sufficient space remaining free from development to serve as an amenity area. It should be noted that the proposed dwellinghouse is significantly smaller than the previous scheme, ref: 17/01974/FULL.
- 6.9 The external appearance of the dwellinghouse, is grand in appearance and different to that of the traditional bungalow and the Art Deco flats adjacent. Having said that these two existing forms of development are different to one another in terms of their form and external appearance and thus it is accepted that the proposed development does not necessarily need to mimic either development. The Neighbourhood plan policies are clear however in that new development must respect that which it would sit alongside. As can be deduced from the above, it is considered that the footprint, height and scale of development is respectful, and the development conforms to the building line. As such, it is considered that the proposed development could differ in its external appearance to that of the immediate neighbouring properties, provided that it would not appear prominent or incongruous in the street scene. To that end, amended plans have been received which display a more subtle front elevation to the dwellinghouse and an overall reduction in the number of windows on the property as a whole. Coupled with the retention of mature trees and the financial contribution to secure replacement planting on the highway verge along London Road it is considered that the external appearance of the dwellinghouse would be appropriate in its setting. The materials to be used in the external elevations can be controlled by condition.

Impact on Neighbouring Occupiers

- 6.10 Immediately to the rear of the site lies neighbouring dwellinghouse, Studio Cottage, which the proposed dwellinghouse would back onto. Due to the irregular shape of the application site, part of the rear elevation of the proposed dwellinghouse would directly face the side boundary of the rear garden of Studio Cottage. The gap between the proposed dwellinghouse and Studio Cottage would be approximately 20.5m, with the two buildings sitting at oblique angles with one another. It is therefore considered that the proposed development would not result in any harmful levels of overlooking into the neighbouring property. The proposed dwellinghouse would only be a distance of approximately 9m from the garden of Studio Cottage and whilst this distance is considered sufficient enough to ensure that the proposed dwelling would not appear obtrusive when viewed from the neighbouring garden area, it is not considered sufficient enough to illuminate any harmful levels of overlooking from habitable windows which directly face this garden area. Amended plans have been received during the course of the application which reduce the number of windows on the rear elevation and show that the rear facing first floor windows would now serve only non-habitable rooms. Those two windows directly facing the garden of Studio Cottage will be conditioned to be obscurely glazed and permanently fixed shut (condition 10). As such, the proposal is not considered to be harmful to the residential amenities of the occupiers of Studio Cottage.
- 6.11 Several objection letters have been received from Broomfield Court to the south-west relating to overlooking and loss of light. The proposed dwellinghouse would be situated in line with these neighbouring maisonettes with first floor non habitable windows facing the common boundary and a gap of separation between the two-storey flank elevation of either building being a sizable distance of 10.5m. The immediate neighbouring building in Broomfield Court comprises four apartments, two on the ground floor and two on the first floor, each property containing front and rear south facing windows. These front and rear facing windows would not be impacted upon by the development because the development would be set largely in line with this building. There is one ground floor window in the immediate neighbouring property which directly faces the application site would be impacted upon by the development, however given the sizable gap of 10.5m away from the two storey part of the development and the fact that the application building would be sited to the north-east of the neighbouring building any loss of light to this window would not be unduly harmful. Noise arising from the single dwellinghouse to occupiers of Broomfield Court would not be of such a level so as to cause significant harm to residential amenity.
- 6.12 In terms of overlooking from the development into neighbouring garden of the immediate neighbours on Broomfield Court, overlooking from front windows would be at oblique angles and such an arrangement is typical of dwellinghouses in linear formation. As such, no objection is raised in this regard.

Parking/Highways

- 6.13 The access arrangements and visibility comply with the Highway Authority's standards. 4 parking spaces are shown to serve the 5 bedroomed dwellinghouse, which more than meets the Council's parking standards. As such, no objections are raised by the Highways Authority subject to conditions relating to the construction of the access (condition 4), the submission of a construction management plan (condition 5), parking and turning (condition 6), visibility splays (condition 7), gates set-back from the highway (condition 8) and bonded surface access (condition 9).

Impact on trees

- 6.14 As described above, the character of the area is that of a mature leafy suburb and the site contains and is surrounded by mature trees many of which are covered by a TPO. In particular a large Oak Tree lies in-between the existing and proposed dwellinghouse. The scheme has been designed to ensure minimum harm to this tree. The dwellinghouse has been sited sufficiently far enough away from this tree and its root protection area and the routing of services and utilities would also avoid harm to the roots of this tree. Car parking has been positioned on the opposite side of the site from this tree.

- 6.15 Regarding impact on highway trees, the Tree Officer has raised concern regarding harm to 3 newly planted trees, that were planted to replace 3 trees that were removed without permission. The applicant will need to provide a commuted sum prior to development to the local authority to ensure mitigation planting is carried out for the likely loss of the new plantings. The loss of the trees outside the property and the subsequent new plantings will cause a detriment to the character and feel of the area, the commuted sum value for 3 x new trees and 2 years maintenance is £1,713 and will need to be paid to the local authority to further the work of enhancing the character of the local urban landscape. Provided the trees are planted in close proximity to the application site, it is considered that the harm resulting from the development would be offset and as such, it is considered reasonable necessary and directly relevant to the proposal in this case to secure the financial contribution through a legal agreement. The applicant has agreed to this and the legal agreement is being drafted.

Ecology/Thames Basin Heaths

- 6.16 The Ecologist is satisfied with the proposal subject to conditions relating to a wildlife-sensitive lighting scheme (condition 13) and biodiversity enhancements (condition 14). An informative will also be added relating to the protection of breeding birds.
- 6.17 The Thames Basin Heaths Special Protection Area (the SPA) was designated in 2005 to protect and manage the ecological structure and function of the area to sustain the nationally important breeding populations of three threatened bird species. The Council's Thames Basin Heaths SPD sets out the preferred approach to ensuring that new residential development provides adequate mitigation, which for residential developments of between one and nine additional housing units on sites located over 400 metres and up to 5 kilometres from the SPA, is based on a combination of Strategic Access Management and Monitoring (SAMM) and the provision of Suitable Alternative Natural Greenspace (SANG). The application site is within this 0.4 - 5km buffer zone around the SPA.
- 6.18 The Council has an adopted Suitable Alternative Natural Greenspace (SANG), Allen's Field. Mitigation for the potential harm to the SPA must be secured through a Section 111 agreement to be agreed prior to the determination of the planning application. The Section 111 has in draft form and when secured permission can be granted.

Other Material Considerations

Housing Land Supply

- 6.19 Paragraphs 7 and 14 of the National Planning Policy Framework (NPPF) set out that there will be a presumption in favour of Sustainable Development. Paragraph 49 of the NPPF states 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 The application is CIL liable and the relevant CIL forms have been submitted with the application.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

6 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 4th June.

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

Comment		Where in the report this is considered
1.	The application is almost identical to the previous one, albeit marginally smaller	Sections 6.2 – 6.9
2.	The proposed dwelling is extremely large and is an overdevelopment of the plot	Sections 6.2 – 6.9
3.	The proposal would result in a loss of privacy to neighbouring occupiers, loss of light and outlook and be overbearing	Sections 6.11- 6.12
4.	The proposed development is out of proportion with neighbouring properties	Sections 6.2 – 6.9
5.	Contrary to Neighbourhood Plan policies	Sections 6.2 – 6.9
6.	Noise during construction and from the development itself from vehicles and occupants	Sections 6.11- 6.12
7.	The development would not respect the character and appearance of the surrounding area	Sections 6.2 – 6.9
8.	The development would harm the category A Oak tree on site and could result in post development pruning pressures	Sections 6.15- 6.16
9.	Trees have been felled illegally on site which has negatively impacted upon wildlife and increased noise and pollution from the A30	Sections 6.2 – 6.9
10.	The development has too many windows	Sections 6.2 – 6.9
11.	Increased traffic on the A30	Section 6.13
12.	What is the significance of the previous application for a new access driveway	Permission was approved for an access in 1999 which was not implemented. The current application is for a new dwellinghouse with access onto the London Road.
13.	Inaccuracies on the planning statement and drawings	The plans stipulate that the dwellinghouse would have 5 bedrooms
14.	The Design and Access statement advises that the dwelling would have 10 bedrooms which conflicts with the plans	The plans stipulate that the dwellinghouse would have 5 bedrooms
15.	The Highways comments are inaccurate	The Highways comments are based on the plans which show a 5 bedroom dwellinghouse

16.	The new dwelling would put pressure on the current drainage infrastructure	Not a material planning consideration
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Consultees

Consultee	Comment	Where in the report this is considered
Highways Authority	The access arrangements, parking and turning comply with the Local Authorities standards. Therefore the Project Centre offers no objection to the proposal subject to conditions and informatives	Section 6.13
Parish Council	Strong objections to the application as summarised: Impact on category A oak tree. As the tree matures there will be considerable pressure to prune the tree. Loss of light to neighbouring occupiers in Broomfield Court Overlooking to Studio Cottage The proposal is out of character with other properties in the area The proposal is contrary to the Neighbourhood Plan and Townscape Assessment.	See main body of report
Tree Officer	No objection subject to conditions and financial contribution for replacement planting	Noted
SPAE	Impact on neighbouring occupiers and overdevelopment of the site	Sections 6.2 – 6.12
Ecology	In summary, the proposed works are considered unlikely to adversely affect any protected wildlife. Subject to the recommended conditions, there are no objections to this application on ecological grounds.	Noted

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 REASONS

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 No development above slab level shall take place until details of the materials to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policy DG1;
- 3 No development shall take place until a detailed plans showing the existing and proposed ground levels of the site together with the slab and ridge levels of the proposed development relative to a fixed datum point on adjoining land outside the application site have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
Reason: In the interest of the visual amenities of the area. Details are required prior to

commencement of development as the details to be approved will inform the initial construction. Relevant Policy - Local Plan DG1.

- 4 The development shall not be occupied until the access has been constructed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The access shall thereafter be retained.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5, DG1.
- 5 Prior to the commencement of any works of demolition or construction a management plan showing how demolition and construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works period shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and maintained for the duration of the works or as may be agreed in writing by the Local Planning Authority.
Reason: In the interests of highway safety and the free flow of traffic and to ensure the protection of important trees, matters that are fundamental to the development and which therefore must be satisfied prior to commencement. Relevant Policies - Local Plan T5 and N6.
- 6 No part of the development shall be occupied until vehicle parking and turning space has been provided, surfaced and marked out in accordance with the approved drawing. The space approved shall be kept available for parking and turning in association with the development.
Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety, and to facilitate vehicles entering and leaving the highway in forward gear. Relevant Policies - Local Plan P4, DG1.
- 7 No part of the development shall be occupied until the visibility splays shown on the approved drawings have been provided. The areas within these splays shall be kept free of all obstructions to visibility above a height of 0.6 metres from the surface of the carriageway.
Reason: In the interests of highway safety. Relevant Policies - Local Plan T5.
- 8 Any gates provided shall open away from the highway and be set back a distance of at least 5 metres from the highway boundary or at least 7 meters from the nearside edge of the carriageway of the adjoining highway.
Reason: To ensure that vehicles can be driven off the highway before the gates are opened, in the interests of highway safety. Relevant Policies - Local Plan T5
- 9 No part of the development hereby permitted shall be occupied until the access has been surfaced with a bonded material across the entire width of the access for a distance of at least five metres measured back from the highway boundary.
Reason: To avoid spillage of loose material onto the carriageway which could adversely affect conditions of highway safety. Relevant Policies - Local Plan T5.
- 10 The first floor window(s) serving the bathroom and en-suite facing the boundary of Studio Cottage of the development hereby permitted shall be of a permanently fixed, non-opening design and fitted with obscure glass and the window shall not be altered without the prior written approval of the Local Planning Authority.
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H14.
- 11 No further window(s) shall be inserted at first floor level in the south-west or south-east elevation(s) of the dwellinghouse hereby permitted without the prior written approval of the Local Planning Authority.
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H11.
- 12 Irrespective of the provisions of Classes A, B and E of part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no enlargement, improvement or any other

alteration (including the erection of any ancillary building within the curtilage) of or to any dwelling house the subject of this permission shall be carried out without planning permission having first been obtained from the Local Planning Authority.

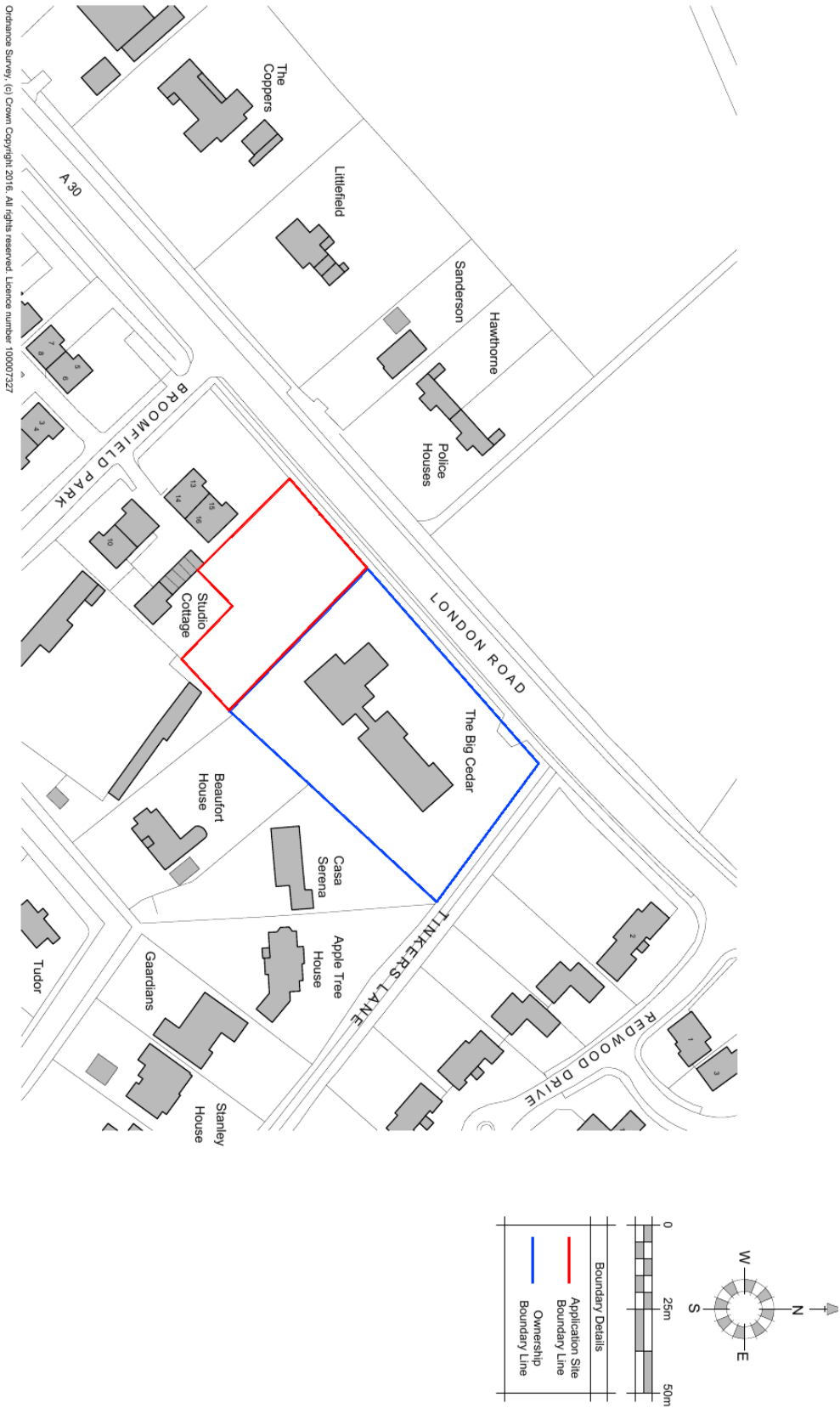
Reason: The prominence of the site requires strict control over the form of any additional development which may be proposed. Relevant Policies - Local Plan H11, DG1.

- 13 No exterior lighting is to be installed until details of the lighting scheme and how it will not adversely impact upon wildlife have been submitted to and approved in writing by the Local Planning Authority. This shall include the following figures and appendices:
-A layout plan with beam orientation
-A schedule of equipment
-Measures to avoid glare
-An isolux contour map showing light spillage to 1 lux both vertically and horizontally, and ecologically-sensitive areas
-The approved lighting plan shall thereafter be implemented as agreed.
: To ensure that wildlife is not adversely affected by the proposed development in line with Section 15 of the NPPF and emerging Policy NR3 of the Borough Local Plan.
- 14 Prior to the occupation of the site, details of biodiversity enhancements - to include bird and bat boxes or bricks, gaps at the base of fences to allow mammals to traverse through the site, and wildlife-friendly planting - are to be submitted and approved in writing by the Council. The enhancement features shall thereafter be installed in accordance with the approved plans.
Reason: To incorporate biodiversity in and around developments in accordance with paragraph 175 of the NPPF.
- 15 The erection of fencing for the protection of any retained tree and any other protection specified shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the Local Planning Authority.
Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.
- 16 Prior to the commencement of development details of the areas to be used for on site materials storage, construction workers' parking, and for ancillary temporary building(s) including any phasing of use such areas, shall be submitted to and approved in writing by the Local Planning Authority and the works shall be undertaken in accordance with the approved details.
Reason: To ensure that retained landscaping on the site is not damaged or destroyed during construction, a matter that is fundamental to the development and must be satisfied prior to commencement.. Relevant Policies - Local Plan DG1, N6.
- 17 The development shall not be occupied until the hard and soft landscaping scheme has been implemented within the first planting season following the substantial completion of the development in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The development shall be retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its prior written consent to any variation.
Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1.
- 18 The development hereby permitted shall be carried out in accordance with the approved plans listed below.
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

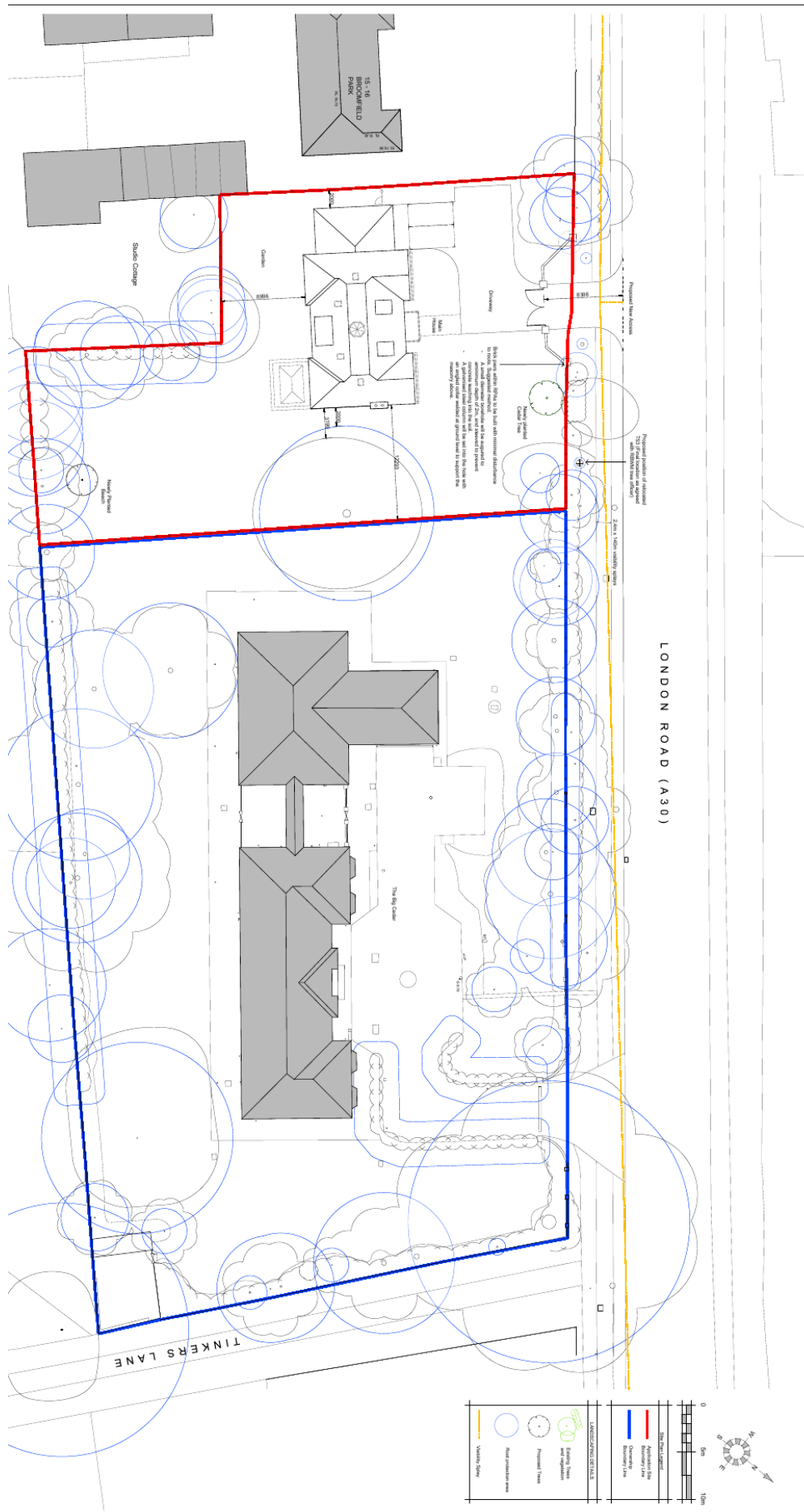
Informatives

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

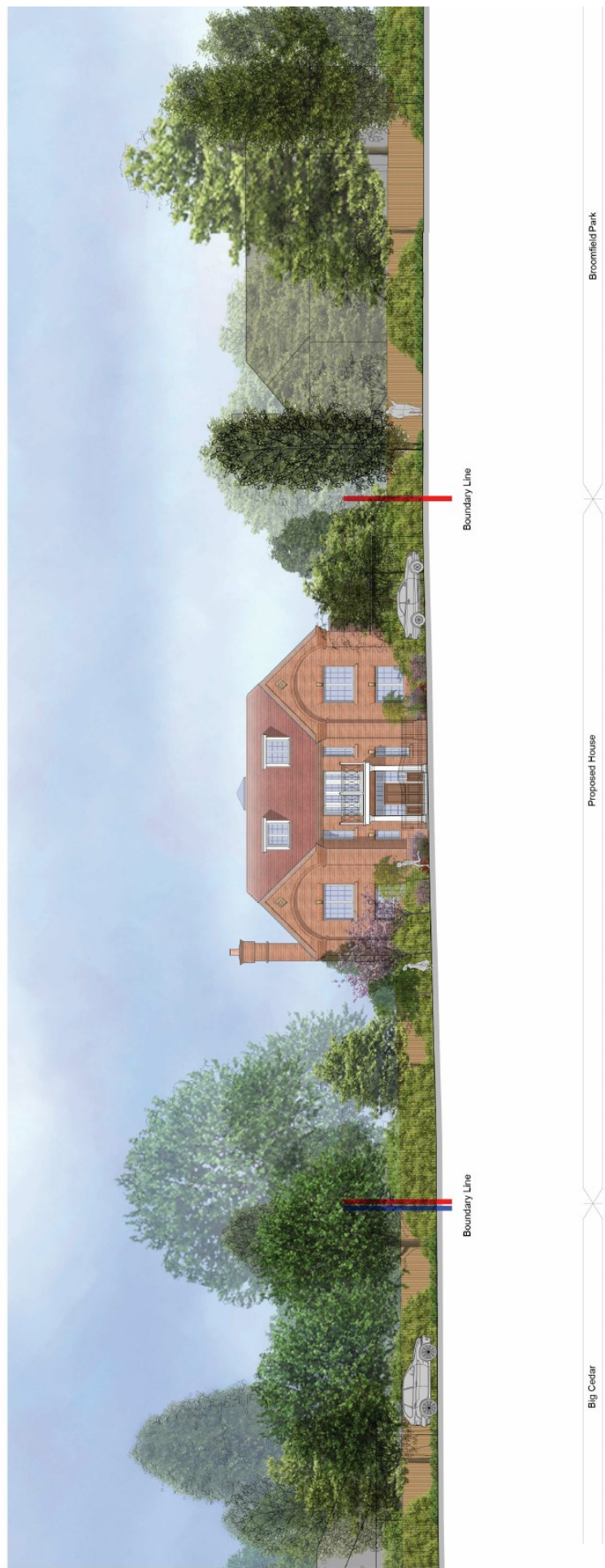
Location Plan



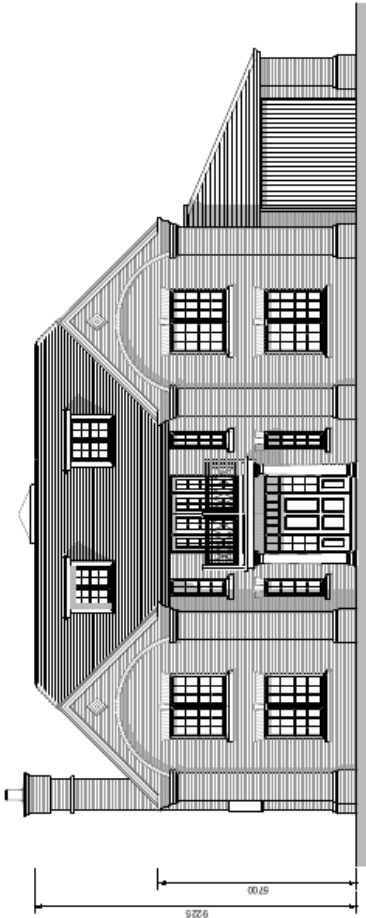
Proposed site plan



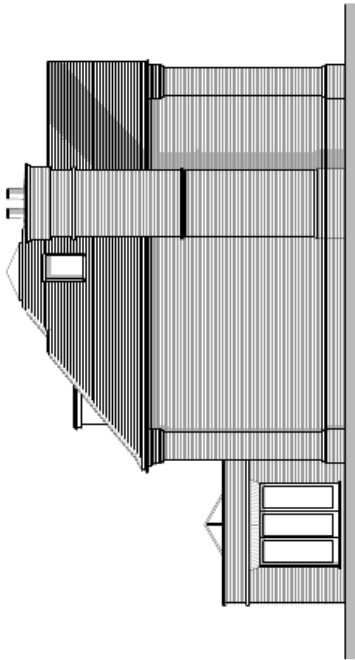
Proposed street scene



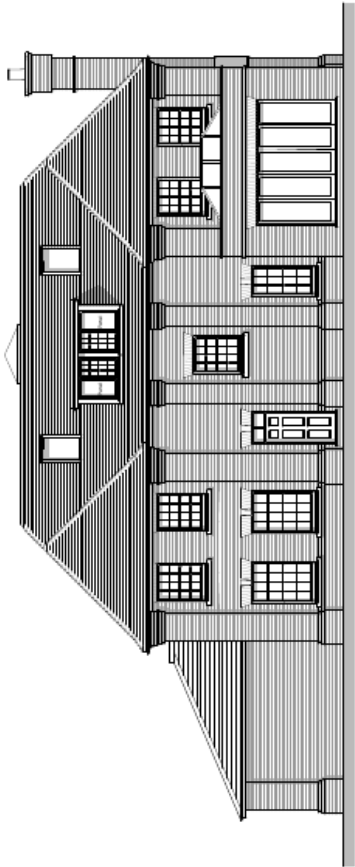
Proposed elevations



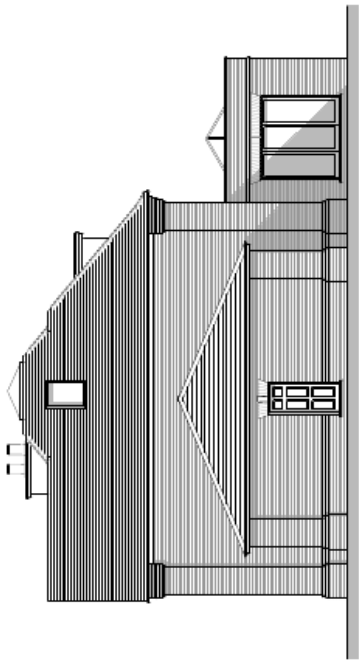
Front (North West) Elevation



Side (North East) Elevation

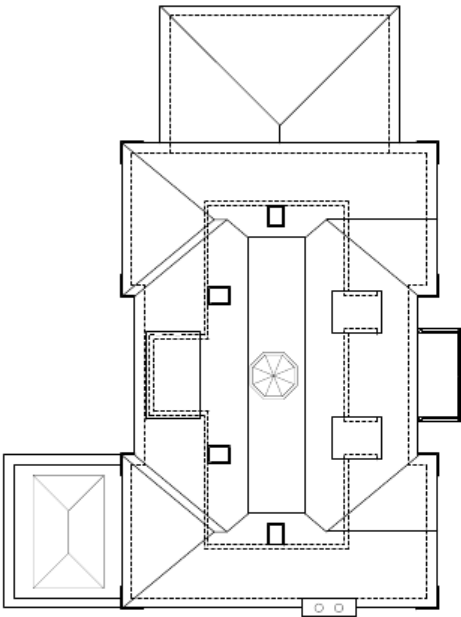


Rear (South East) Elevation

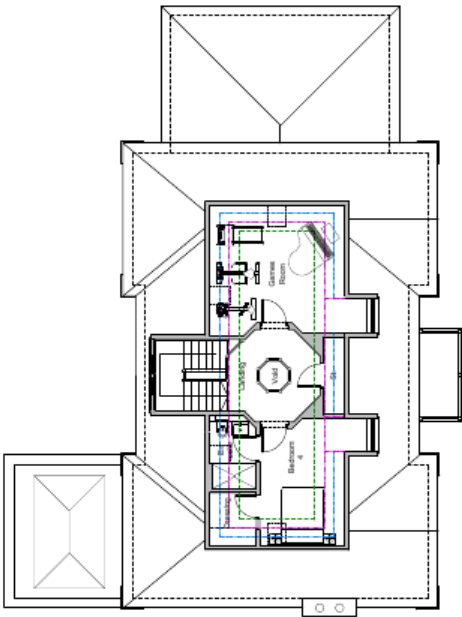


Side (South West) Elevation

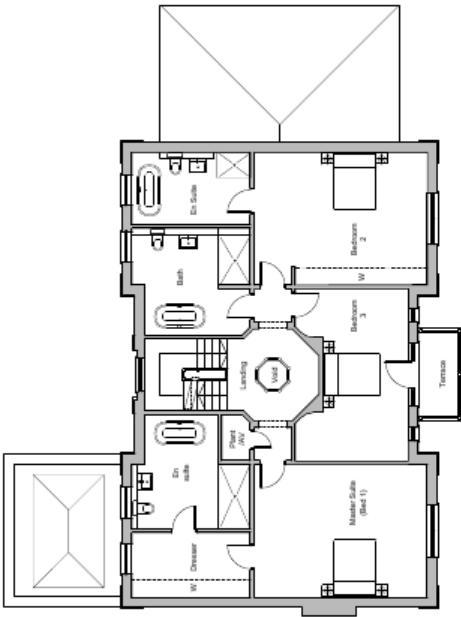
Proposed floor plans



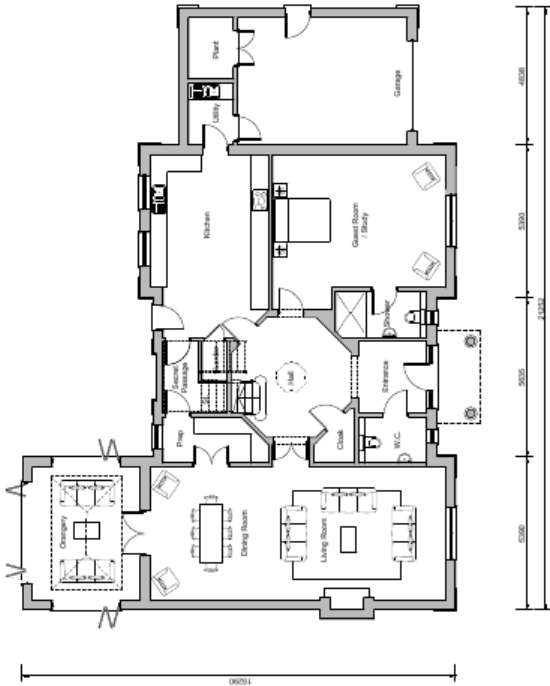
Roof Plan



Second Floor Plan



First Floor Plan



Ground Floor Plan

WINDSOR RURAL DEVELOPMENT CONTROL PANEL

17 October 2018

Item: 2

Application No.:	18/01464/FULL
Location:	Mile Stones Queens Hill Rise Ascot SL5 7DP
Proposal:	Construction of three blocks comprising 22 no. apartments with basement parking and new access from London Road following demolition of existing dwellinghouse and outbuildings.
Applicant:	Searchfield Homes Limited
Agent:	Mr Paul Dickinson
Parish/Ward:	Sunninghill And Ascot Parish/Ascot And Cheapside Ward
If you have a question about this report, please contact: Jo Richards on 01628 682955 or at jo.richards@rbwm.gov.uk	

1. SUMMARY

- 1.1 The general form, design, layout, scale, massing and height of the proposed apartment buildings and the extent of the new hard surfacing within the site would be out of character and result in an erosion in the spacious character of this 'Villas in a Woodland Setting' townscape and represents an overly dominant, intrusive and unsympathetic form of development.
- 1.2 Apartment block 3 would result in loss of privacy to the occupiers of the adjacent house to the north 'Ballards', by virtue of its height, scale, proximity and number of first and second floor windows and second floor terrace.
- 1.3 The proposed access road and apartment buildings would encroach into the RPAs of several protected trees within the site to their demise. The loss of these trees would be detrimental to the sylvan character of the area, a key characteristic of the 'Villas in a Woodland Setting' area.
- 1.4 The application proposes to construct a new access to the site from London Road which raises significant highway concerns due to the obstruction of traffic flow and visibility to and from the proposed access point. The proposed means of access to the site is inadequate by reasons of its location, alignment and visibility.
- 1.5 The proposal is for 22 units on a site of 1.20 hectares and therefore affordable housing should be provided in line with local policy H3 and the NPPF paragraphs 63 and 64. No such provision has been included within the proposals.
- 1.6 The applicants have failed to provide mitigation for harm to the SPA through the introduction of new residential development.
- 1.7 The proposal has not been developed in accordance with a development brief that has allowed the local community to engage in meaningful consultation as part of the design process prior to the planning application being submitted.
- 1.8 The applicants have failed to provide sufficient information relating to surface water drainage and flooding to satisfy the requirements of the Lead Local Flood Authority.
- 1.9 The applicants have failed to provide survey information relating to the presence of bats within the site.

It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 10 of this report):

1.	The proposed development by reason of its general form, design, layout, scale, massing and height of the proposed buildings and the extent of the new hard surfacing within the site would be out of character and result in an erosion in the spacious character of this 'Villas in a Woodland Setting' townscape and represents an overly dominant, intrusive, unsympathetic form of development.
2.	Apartment building 3 would have an unacceptable impact on the neighbouring property to the north, Ballards, in terms of overlooking.
3.	The proposal would result in an unacceptable impact on important trees within the site. The loss of these trees would be harmful to the character of the area.
4.	The proposed means of access to the site is inadequate by reasons of its location, alignment and visibility to serve the proposed development.
5.	No affordable housing has been proposed. 30% is required.
6.	Mitigation for the impact on the Thames Basin SPA has not been provided.
7.	The proposal has not been developed in accordance with a development brief that has allowed the local community to engage in meaningful consultation as part of the design process prior to the planning application being submitted.
8.	Insufficient information has been submitted with regards to surface water drainage.
9.	Further surveys are required to assess the presence of bats. In the absence of such survey information the proposal is insufficient to conclude that there would not be any harm to bats.

2. REASON FOR PANEL DETERMINATION

At the request Cllr Hilton the application has been called to Panel irrespective of the recommendation of the Head of Planning due to the objection by Sunninghill and Ascot Parish Council on grounds of lack of public consultation, access, impact on character and trees, and impact on residential amenity.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site comprises a single detached dwellinghouse in substantial grounds. The site lies within a settlement area and within a Townscape Character Area defined as 'Villas in a Woodland Setting' which is typified by very low density development comprising large houses set in generous tree lined plots.
- 3.2 The main access to the site is currently via Queens Hill Rise, a private road accessed via a priority junction onto Cheapside Road, which in turn has a priority junction onto London Road. There is a secondary access via Queens Hill onto London Road. There is also a gated pedestrian access directly onto London Road.
- 3.3 The site contains many matures trees along the site boundaries and within the central areas of the site. These trees are covered by an Area TPO.
- 3.4 Other sites within Queens Hill Rise contain single detached dwellings, however it is noted that apartment buildings exist on London Road.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 Planning permission is sought for the erection of three blocks comprising 22 no. apartments. Block 1 is to be positioned in the south-west corner of the site containing 5 apartments, Block 2 positioned in the north-west part of the site, the largest of the three blocks, containing 12 apartments and Block 3 positioned in the north-east corner of the site containing 5 apartments.
- 4.2 Access is to be taken from London Road to the south of the site and the driveway will lead to a central turning area with three secondary driveways to serve each apartment block. Parking will primarily be provided within a basement area for each apartment block with 8 surface level visitor spaces adjacent to the central turning area.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework Sections: - **a material planning condition**

1. Achieving sustainable development
2. Delivering a sufficient supply of homes
3. Promoting healthy and safe communities
4. Achieving well-designed places

The Development Plan - Royal Borough Local Plan (2003)

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

Issue	Local Plan Policy	Compliance
Design in keeping with character of area	DG1	No
Acceptable impact on appearance of area	DG1, H10 H11	No
Acceptable impact when viewed from nearby occupiers	H10, H11	Yes
Maintains acceptable level of privacy for nearby residents	H10, H11	No
Maintains acceptable level of daylight and sunlight for nearby occupiers	H10, H11	Yes
Sufficient parking space available	P4	Yes
Acceptable impact on the highway	T5	No
Acceptable impact on trees important to the area	N6	No
Mitigation for Thames Basin Heath Special	T6, R3, IMP1	No
Acceptable impact on Public Rights of Way such as public footpaths or bridleways	R14	Yes
Complies with relevant policies of the Ascot, Sunninghill and Sunningdale Proposed Neighbourhood Plan.	NP/EN1 NP/EN2, NP/EN3, NP/EN4, NP/H2, NP/DG1, NP/DG2, NP/DG3, NP/DG5 NP/T1	No

These policies can be found at

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

Borough Local Plan: Submission Version – a material consideration

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Provision of high quality housing	HO2, HO5
Natural Environment	NR2, EP2, EP3, EP4
Makes suitable provision for infrastructure	IF1
Transport and parking	IF2

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

Significant weight is to be accorded to Borough Local Plan Submission Version policies SP2, SP3, HO2, HO5, EP2, EP3, EP4, IF1 and IF2 in this case. Lesser weight should be accorded to Borough Local Plan Submission Version policy NR2 due to the extent and nature of objections raised to it by representations on the Borough Local Plan Submission Version. 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

Other Local Strategies or Publications – a material planning consideration

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

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Impact on the character of the area.
- ii Impact on neighbouring properties
- iii Highway and parking implications
- iv Tree considerations
- v Ecology and Thames Basin Heath Special Protection Area
- vi Other Material Considerations

Impact on the Character of the Area

6.2 The application site lies within a 'Villas in a Woodland Setting' area as defined by the Council's Townscape Character Assessment, the qualities of which include very low density development, large detached dwellings set in large spacious plots, and development which retains and enhances the sylvan, leafy nature of the area. Neighbourhood Plan policy NP/DG1 reinforces these

requirements. Residential intensification in such areas is not unacceptable in principle, however new development should adhere to the recommendations of the Townscape Character Assessment and neighbourhood plan policies to ensure there is an acceptable impact on the character of the area.

- 6.3 Neighbourhood Plan Policy NP/H2.2 (Mix of Housing Types) advises that development proposals for new dwellings will be expected to contribute to the aim of ensuring a balanced mix of housing in the Plan area. Dwellings should be in size and type, in keeping with the size and type of dwellings already prevalent in the surrounding area except where there is a demonstrable need for alternative type or size of home. One of the material considerations in this case is that the proposal is for a flatted development of 2-bed and 3-bed apartments whereas the existing site and those sites immediately surrounding the application site contain large single detached dwellings. Having said this, it is noted that the wider vicinity, including land within the 'Villas in a Woodland Setting' zone comprises some flatted development as well as large detached dwellings, in particular there are some sites fronting London Road approved in recent years that contain apartment buildings which form part of the character of the area. As such, it is considered that it would be difficult to resist the principle of flatted development within the application site. However the main characteristics of the character zone should be adhered to as will be discussed below.
- 6.4 Policy NP/DG1 (Respecting the Townscape) states that development proposals should respond positively to the Local Townscape and that the RBWM Townscape Assessment report should inform the design approach in a planning application. Whilst it is accepted that the application site could in principle hold a flatted development rather than single detached dwellings, other aspects of the development should display characteristics identified with the Villas in a Woodland setting such as spaciousness, irregularity (the appearance of a development that has been organically evolved) and the retention of mature woodland. Indeed it could be argued that a flatted development is acceptable in a Villas in a Woodland character zone, provided the spacious and leafy character of the area is maintained. In order to maintain this character, it is considered that the built development should not dominate the soft landscape character and woodland setting.
- 6.5 The proposal is laid out in three blocks of development, the two smaller blocks sitting either side of the larger block spread around the south-west to north-east corner of the site in a curved formation. The footprint of the blocks is significantly larger than the dwellinghouses surrounding the site and indeed larger than other flatted developments fronting London Road. Integral to the layout of the development is a new access off London Road which leads to a small roundabout with three spurs leading to each block of apartments and their basement parking area. The layout has been designed to fit around the mature trees contained within the site.
- 6.6 In this case, whilst the existing plot is one of the largest in the vicinity, the amount of land available for development is constrained heavily by mature protected trees. The proposal seeks to fill the majority of the land available for development with the sizable access road, roundabout and turning heads and the apartment blocks themselves. Not only is the footprint of the apartment blocks sizable, the bulk, height and massing of each block is significantly larger than the single dwellings surrounding the plot. The height of block 2 being 12.5m and blocks 1 and 3 being marginally lower at 11m. The bulk, mass and height of the proposed apartment blocks is very different to that of the dwellinghouses immediately surrounding the site, and whilst the site contains mature screening along most of the boundaries and the frontage, the development would still be visible to the surroundings through gaps in the screening and during the winter months. Furthermore, the development would result in the loss of some mature screening and potential harm to mature trees (discussed in more detail below) which would further detract from the leafy character of the area and accentuate the dominance of the built form.
- 6.7 Whilst the applicant maintains that the amount of hard-surfacing within the site would be limited due to the provision of basement parking, a combination of the access road, central turning area and spurs leading to the basement ramps is still considered to be excessive and uncharacteristic of other developments in the immediate vicinity.
- 6.8 The design and external appearance of the apartment blocks is very grand and is considered to appear prominent compared to the more subservient sized dwellings surrounding the application site, most of which are of a traditional design. Whilst there is no in principle objection to a design

of this appearance, coupled with the bulk and mass of development, it is considered that the style and appearance of the apartment blocks would be out of context compared to the surrounding development, to the detriment of the locality.

Impact on Neighbouring Occupiers

- 6.9 It is considered that blocks 1 and 2 are sited significantly far enough away from neighbouring properties and it is also noted that the boundary screening along the west and north-west parts of the site are strong such that the impact on residential amenity, including overdominance loss of light or loss of privacy, arising from this part of the development would not be harmful.
- 6.10 The most contentious relationship is that between block 3 and the neighbouring property to the north, Ballards. The distance between the rear elevation of block 3 and the side elevation of Ballards is 18.4m. With a distance of 14m between the rear elevation of block 3 and the common boundary. Whilst such distances are normally sufficient to ensure an acceptable level of amenity is retained for neighbouring occupiers, given the height of block 3 is 11m, the screening along this boundary is limited and that the northern elevation of block 3 contains several first and second floor habitable windows and a second floor roof terrace, the development is likely to give rise to actual and perceived overlooking resulting in a loss of privacy to the garden area of this neighbouring property.

Parking and Highways

- 6.11 The application proposes to stop up the existing vehicular access points to the site and construct a new access onto London Road. London Road is a classified road and forms part of the borough's distributor road network. As stipulated within the Royal Borough of Windsor and Maidenhead's (RBWM) current highway design guide, maintaining a free flow of traffic on the distributor network is essential in order to maintain network efficiency. Therefore, unless unavoidable, direct access onto a distributor road is not permitted. The development is likely to result in additional trips generated from the site, resulting in additional vehicles stopping on London Road thus, obstructing the free flow of traffic. In addition, the location of the proposed access point raises significant highway safety concerns, being located approximately 45m downstream of a crest in the highway. This results in eastbound vehicles on London Road being within a blind spot for vehicles exiting the site access. Finally, the proposed access point is likely to be shaded by overhanging trees therefore, making visibility of the site access unclear for approaching vehicles. The construction of a new access cannot be justified on traffic or road safety grounds and therefore the proposed access point is unacceptable from a highways perspective.
- 6.12 With regard to parking, the site is located within an area of poor accessibility. The proposed development consists of 6 x two-bedroom + 16 x three-bedroom flats, generating a demand for two vehicular parking spaces per flat. The application proposes 44 underground parking spaces for occupants of the flats and eight surface level spaces for visitors. The number of parking spaces proposed is deemed acceptable as well as the proposed arrangement and sizing of parking bays.
- 6.13 Cycle parking/storage parking is deemed acceptable and further details are required regarding bin storage.

Impact on Trees

- 6.14 The Arboriculturist has raised strong concerns regarding the impact on trees. It is accepted that T47 (Cedar) is diseased and must be removed, however several elements of the development including the driveway and apartment blocks 1 and 3 area are shown to encroach into the root protection areas of other mature protected trees which are important features within the site and the wider surroundings. Furthermore, T49 (Cedar), which has been shown to be retained, would be subjected to a significant crown reduction of 8m, which would inevitably lead to the loss of this tree – due to the age of this tree it is considered veteran, which means it would require a larger RPA and greater protection.
- 6.15 On the whole it is considered that there will be a significant impact on the character and feel of the site including the loss of significant trees. Furthermore, the amount of hardstanding in the RPA of

retained trees is likely to lead to the loss or deterioration of A and B class trees. As such, the scheme fails to adequately secure the protection of important protected trees which contribute positively to the character and appearance of the area. Furthermore, these concerns only exacerbate the objections raised above regarding the overdominance of the built form and its impact on the Villa in a Woodlands setting.

Ecology and Impact Thames Basin Heaths Special Protection Area (SPA)

- 6.16 The Thames Basin Heaths Special Protection Area (the SPA) was designated in 2005 to protect and manage the ecological structure and function of the area to sustain the nationally important breeding populations of three threatened bird species. The application site is located within two kilometres from the closest part of the Thames Basin Heaths Special Protection Area (SPA), which is protected by European and national legislation. This imposes requirements on the Local Planning Authority to protect this sensitive area of natural/semi-natural habitat. Although the Council has an adopted Suitable Alternative Natural Greenspace (SANG) known as Allens's Field, this only has a limited amount of remaining capacity. However this capacity has already been safeguarded for the delivery of submission allocated sites in the BLPSV. Unplanned development using up this capacity could result in sustainably located plan-led developments being put at risk of not being implemented in a timely manner or not at all. To avoid this arising, the Council (through a decision of Cabinet in June 2018) agreed that unplanned development of over 10 dwellings would not be able to rely on capacity at the Council's SANG at Allen's Field and would need to find alternative mitigation.
- 6.17 The Council is proactively progressing options to ensure that additional SANG comes forward through to 2033 to assist in mitigating the impact of new windfall residential developments and there are a number of opportunities currently available and the council is investigating them all in consultation with Natural England. However, in the absence of available RBWM-provided SANG capacity, developers must provide their own alternative mitigation in line with the requirements set out by the Supplementary Planning Document Thames Basin Heaths SPA.(Part 1).This application does not provide any form of acceptable mitigation in line with the Council's SPD Thames Basin Health's SPA and therefore it has not been demonstrated that the proposed development would not have a significant impact in combination with other plans and projects in the locality on the SPA. The proposal is therefore contrary to advice within the NPPF and the RBWM Thames Basin Heaths Special Protection Area SPD, Policy NP/EN4 of the adopted Ascot, Sunninghill and Sunningdale Neighbourhood Plan and policy NR4 of the emerging Borough Local Plan Submission Version
- 6.18 Buildings and trees within the site have been identified to have the potential to support bat roosts and one bat roost has been confirmed. Further surveys therefore need to be carried out prior to the determination of the application to confirm the presence/absence of bats and how bats would be affected by the proposals. These surveys have not be submitted and therefore the application is unacceptable in this respect.
- 6.19 Impact on other protected species and habitats is considered acceptable subject to conditions.

Surface Water Flooding

- 6.20 The applicant has submitted a Flood Risk Assessment to support the application. Whilst no in principle concerns have been raised by the Lead Local Flood Authority, further information is required relating to on-site infiltration testing, micro-drainage calculations and the basement pumping stations before the application can be supported.

Other considerations

Development Brief

- 6.21 Neighbourhood Plan policy NP/H1 (Development Briefs) requires that development proposals which include 10 or more dwellings on sites larger than 0.4 hectares shall be required to submit a

Development brief and to actively engage in consultation with the Parish Council and the community as part of the design process prior to any planning application being submitted. Furthermore, planning applications for developments which require a Development Brief must be accompanied by a Statement of Community Consultation. The proposal has not been developed in accordance with a development brief that has allowed the local community to engage in meaningful consultation as part of the design process prior to the planning application being submitted. The proposal is therefore contrary to Policy NP/H1.

Affordable Housing

- 6.22 The application is for a development of more than 15 dwellings and therefore there is an expectation in line with adopted policy H03 for affordable housing provision. This is in line with the revised NPPF which advises that affordable housing provision will not be required for developments that are not major developments. The application includes very limited information relating to affordable housing. Affordable housing is referred to in the covering letter submitted with the application and on further email correspondence with the agent which states: 'Given the nature of the development on a very self-contained site which will involve fairly substantial ongoing management and maintenance charges (basement car park, 24 hour concierge and maintenance of extensive grounds) we don't think it's realistic or viable to provide AH on site and consider it more appropriate to make a on off-site contribution'. The provision of on-site housing has not been explored fully in this case. Even if it were supported in principle that an off-site contribution were more appropriate, it has not been suggested that the application were able to meet the 30% requirement. The proposal has therefore inadequately addressed this policy requirement.

Housing Land Supply

- 6.23 Paragraph 11 of the National Planning Policy Framework (NPPF) set 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 The development is CIL liable, however as the application is being refused, no further discussion of this matter is required.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

51 occupiers were notified directly of the application. The planning officer posted a notice advertising the application at the site on 18th June 2018 and the application was advertised in the Maidenhead & Windsor Advertisers on 14th June 2018.

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

	Comment	Where in the report this is considered
1.	The application has not been accompanied by a Development Brief and Statement of Community Involvement	See section 6.21

2.	The address of the application is incorrect	The address of the application was changed early on in the course of the application and further neighbour notification was carried out
3.	The new access onto London Road would impact on traffic and highway safety	See section 6.11
4.	The new access would require further tree removal	See section 6.14 and 6.15
5.	The scale and bulk of the development is contrary to the Neighbourhood Plan and out of character with the surrounding area and neighbouring properties	See sections 6.2-6.8
6	Block 1 will appear overbearing from the street scene	See sections 6.2-6.8

Consultees

Consultee	Comment	Where in the report this is considered
Parish Council	<p>Objections (summarised):</p> <ul style="list-style-type: none"> - Name and address of the site was incorrect. - no development brief had been provided, neither had any public consultation been carried out - Concerns about access onto London Road - Out of character with the designated 'Villas in a Woodland' setting. - Loss of trees - Contrary to Neighbourhood Plan policies - Loss of Amenity, overlooking from balconies particularly to Ballards from Block 3 - Loss of Green Space 	See main report
LLFA	Objection – further information required	See section 6.20
Trees	Objection – direct loss and harm to category A and B trees which would harm the character of the area	See section 6.14-6.15
Ecology	Further survey information required regarding bats	
Highways	The proposed means of access to the site is inadequate by reasons of its location, alignment and visibility to serve the proposed development with safety and convenience. The development is contrary to The Royal Borough of Windsor and Maidenhead's Local Plan Policy T5, DG1.	See sections 6.11-6.13
Archaeology	No objection subject to condition	Noted
Environmental Protection	No objection subject to informatives	Noted
Thames Water	Information for the developer regarding waste water	Noted

9. APPENDICES TO THIS REPORT

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

10. RECOMMENDED REASONS FOR REFUSAL

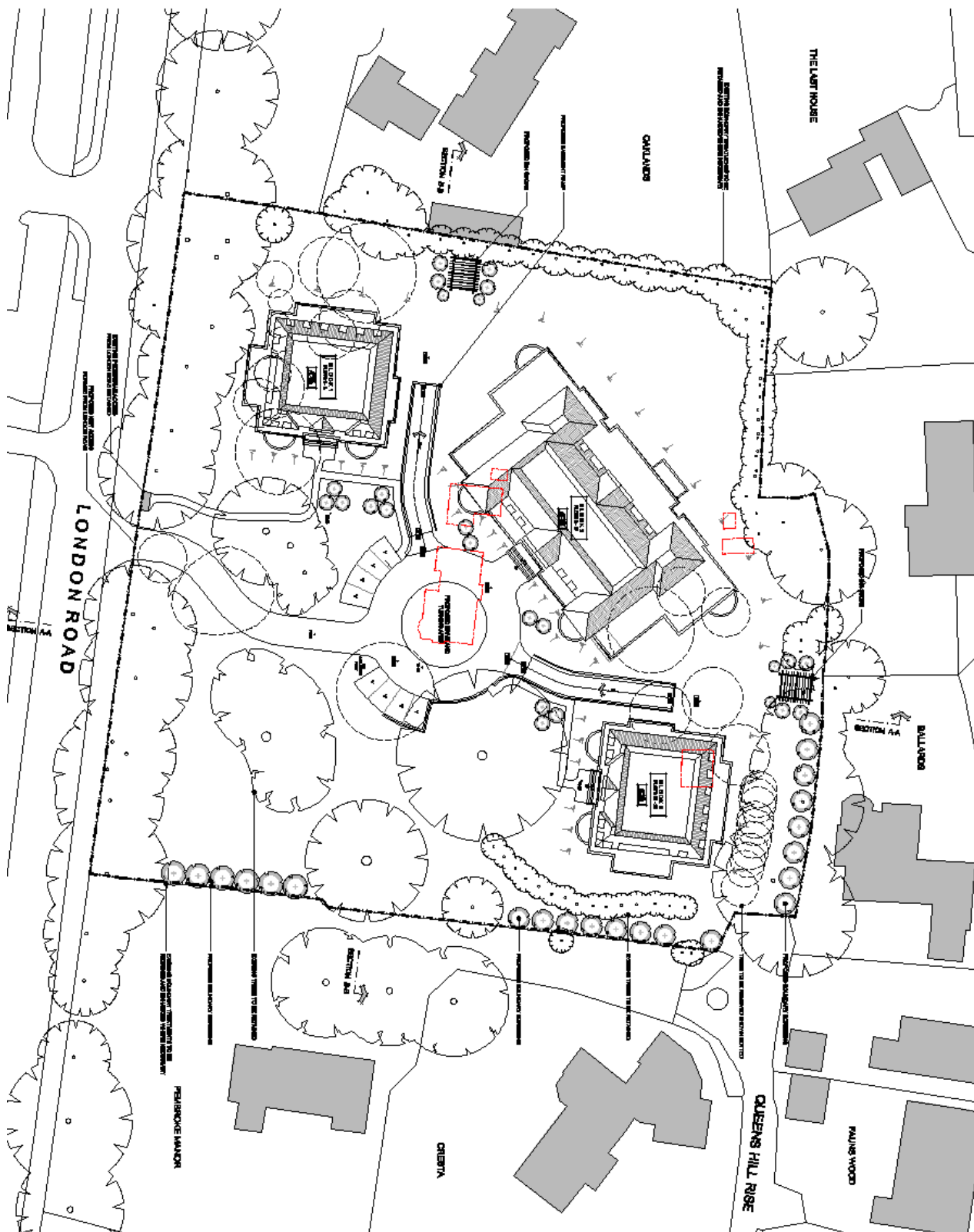
- 1 The proposed development by reason of its general form, design, layout, scale, massing and height of the proposed buildings and the extent of the new hard surfacing within the site would be out of character and result in an erosion in the spacious character of this 'Villas in a Woodland Setting' townscape and represents an overly dominant, intrusive and unsympathetic form of development. As such, the proposal would be contrary to saved Policies H10, H11, DG1 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 Incorporating Alterations adopted June 2003, contrary to policies NP/DG1, NP/DG2, NP/DG3, NP/EN2, NP/EN3 of the adopted Ascot, Sunninghill and Sunningdale Neighbourhood Plan 2011-2026, contrary to policies SP2 and SP3 of the emerging Borough Local Plan (submission version) (2013-2033) and Section 12 (Achieving well-designed places) of the revised NPPF.
- 2 Apartment block 3, by reason of its height, proximity to the north boundary of the site and number of first and second floor windows and terrace in the rear elevation would result in loss of privacy and overlooking (whether actual or perceived) to the neighbouring occupiers of Ballards. The proposal would be contrary to saved Policies H10 and H11 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations adopted June 2003) and contrary to policy SP3 of the emerging Borough Local Plan (submission version) (2013-2033).
- 3 The scheme fails to adequately secure the protection of important trees which contribute positively to the character and appearance of the area. The application is therefore contrary to policies N6, DG1 and H11.
- 4 The proposed means of access to the site is inadequate by reasons of its location, alignment and visibility to serve the proposed development safely and with convenience. The development is contrary to The Royal Borough of Windsor and Maidenhead's Local Plan Policy T5, DG1 and emerging policy IF2 set out in the Borough Local Plan Submission Version.
- 5 In the absence of a mechanism to secure 30% Affordable Housing the proposal fails to comply with Paragraph 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).
- 6 The proposal would have a significant effect in combination with other plans and projects in the locality on the Thames Basin Heaths Special Protection Area [SPA] in the absence of any suitable mitigation to overcome any such impact the proposal is contrary to the National Planning Policy Framework and the RBWM Thames Basin Heaths Special Protection Area SPD and Policy NP/EN4 of the adopted Ascot, Sunninghill and Sunningdale Neighbourhood Plan. The proposal would also fail to comply with policy NR4 of the emerging Borough Local Plan (submission version) (2013-2033).
- 7 The proposal has not been developed in accordance with a development brief that has allowed the local community to engage in meaningful consultation as part of the design process prior to the planning application being submitted, contrary to Policy NP/H1 of the Ascot, Sunninghill and Sunningdale Neighbourhood Plan.
- 8 It has not been demonstrated that the scheme would have an acceptable impact upon bats, which are a protected species. The application has not demonstrated that it meets paragraph 175 of the NPPF, or that it complies with Policy NR3 of the Submission Version Borough Local Plan.

Location Plan

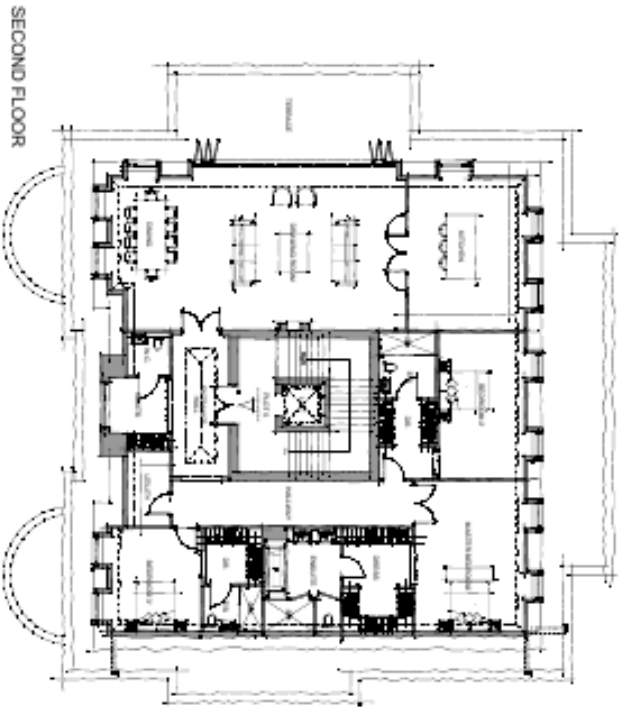
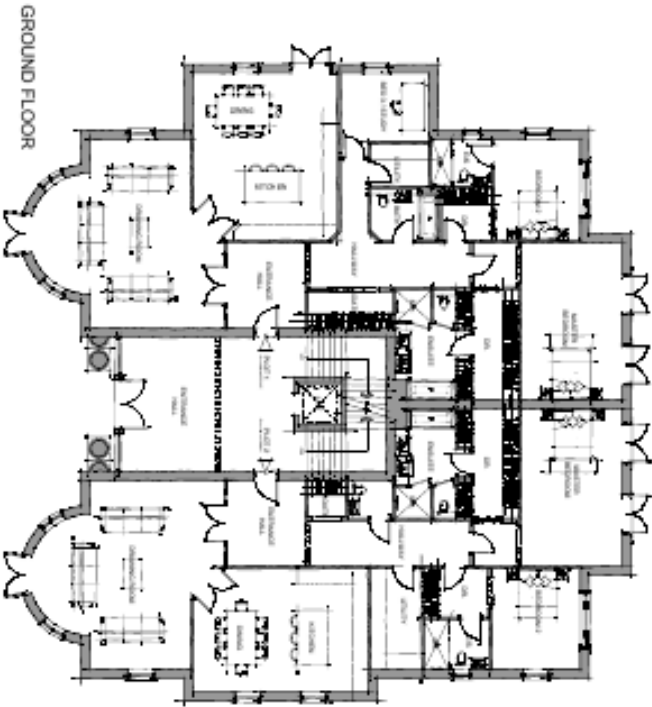
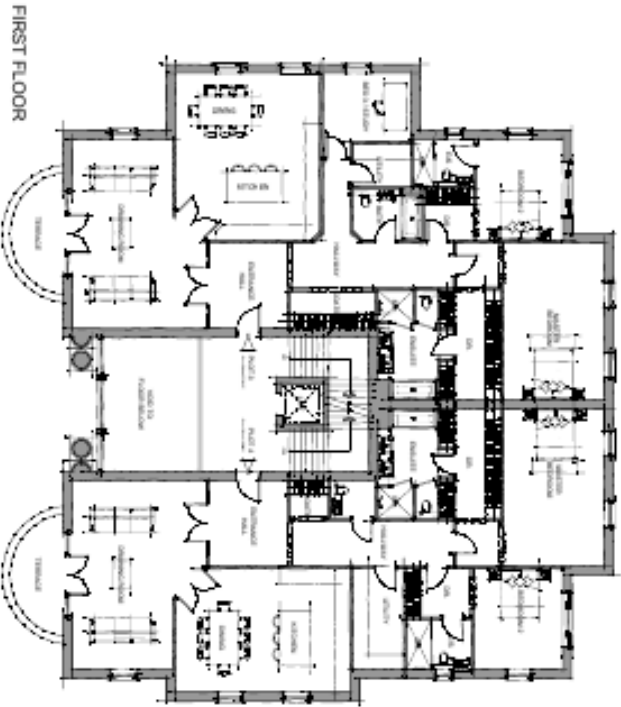


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Proposed site plan



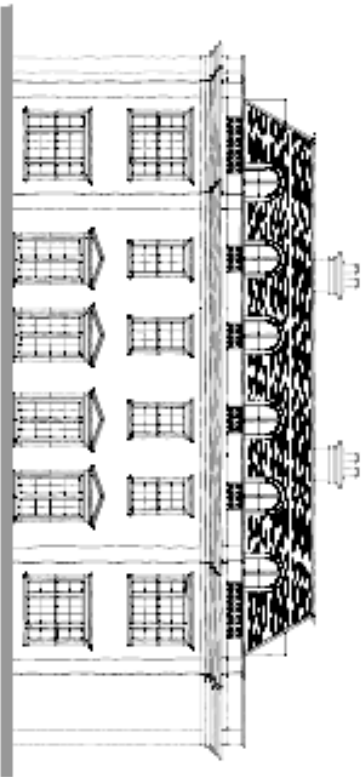
Block 1 Proposed floor plans



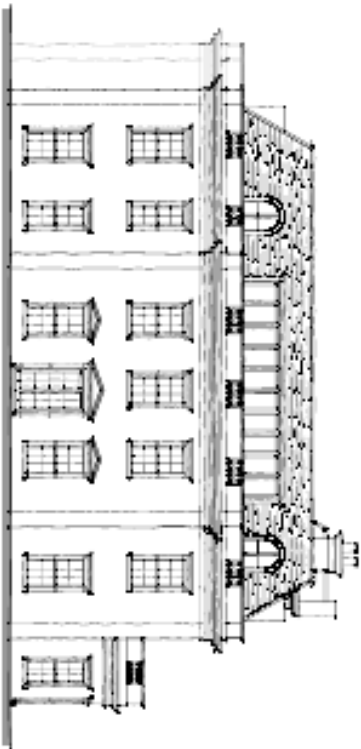
Block 1 Proposed elevations



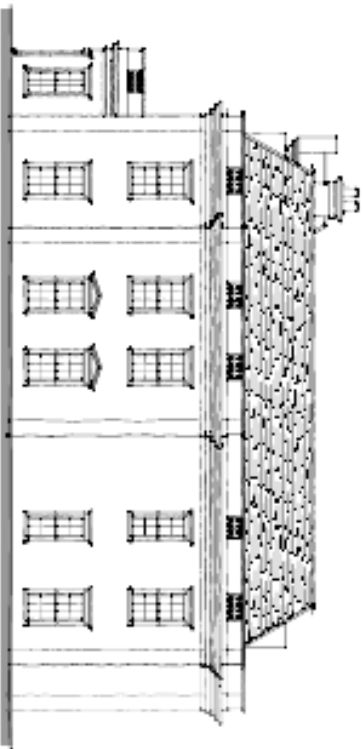
FRONT ELEVATION



REAR ELEVATION



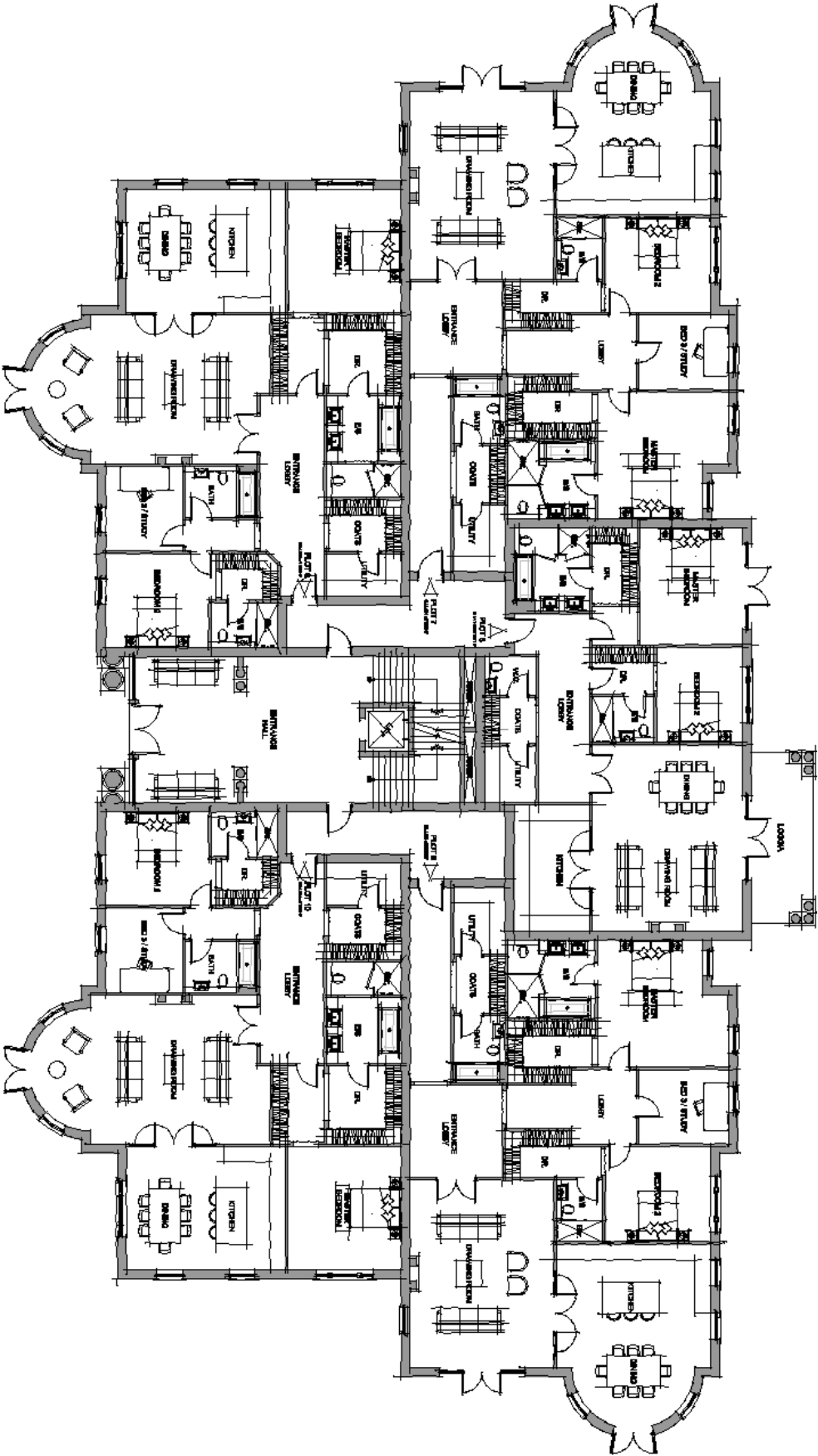
SIDE ELEVATION



SIDE ELEVATION

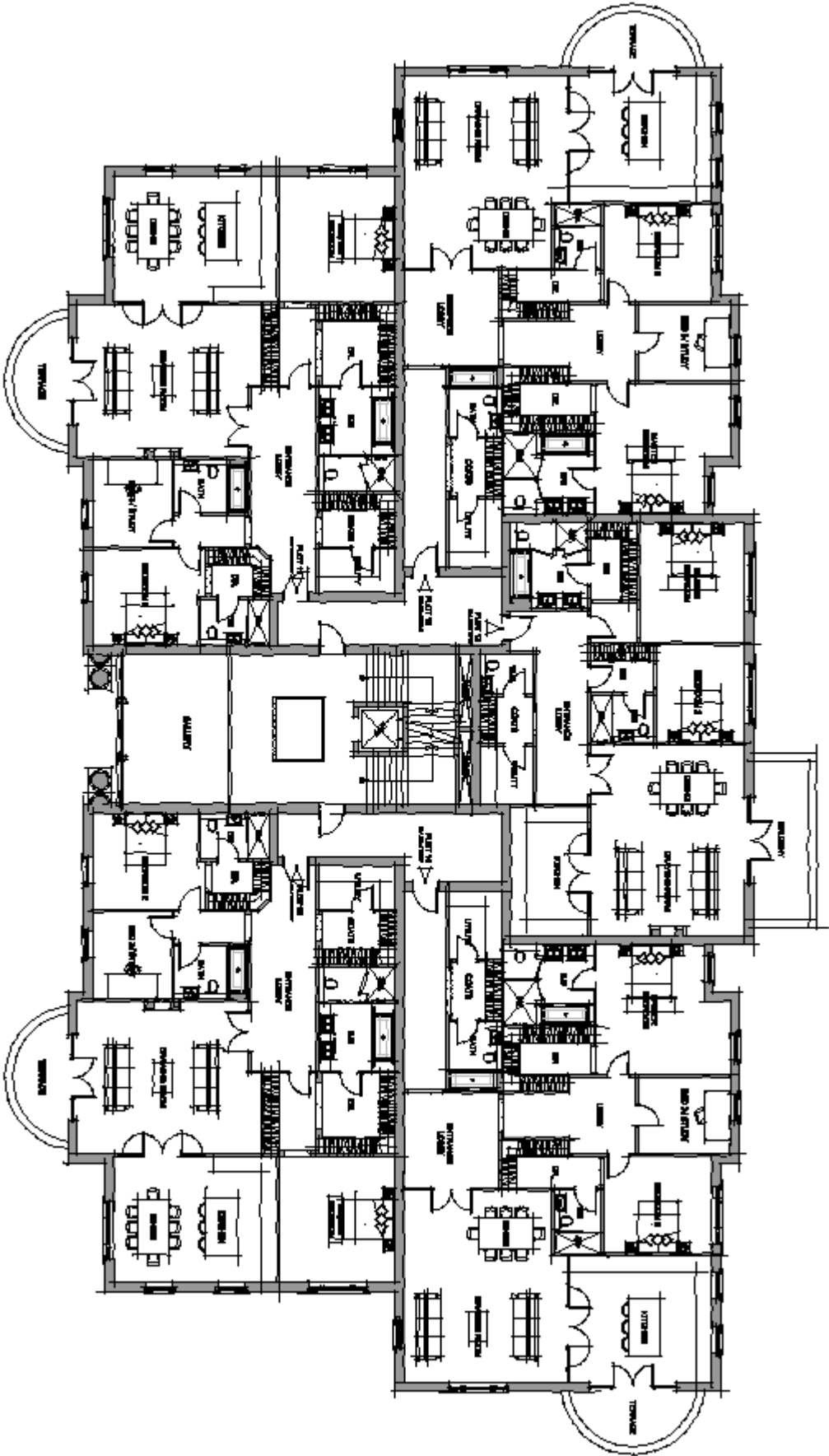
Block 2 Proposed ground floor plan

GROUND FLOOR



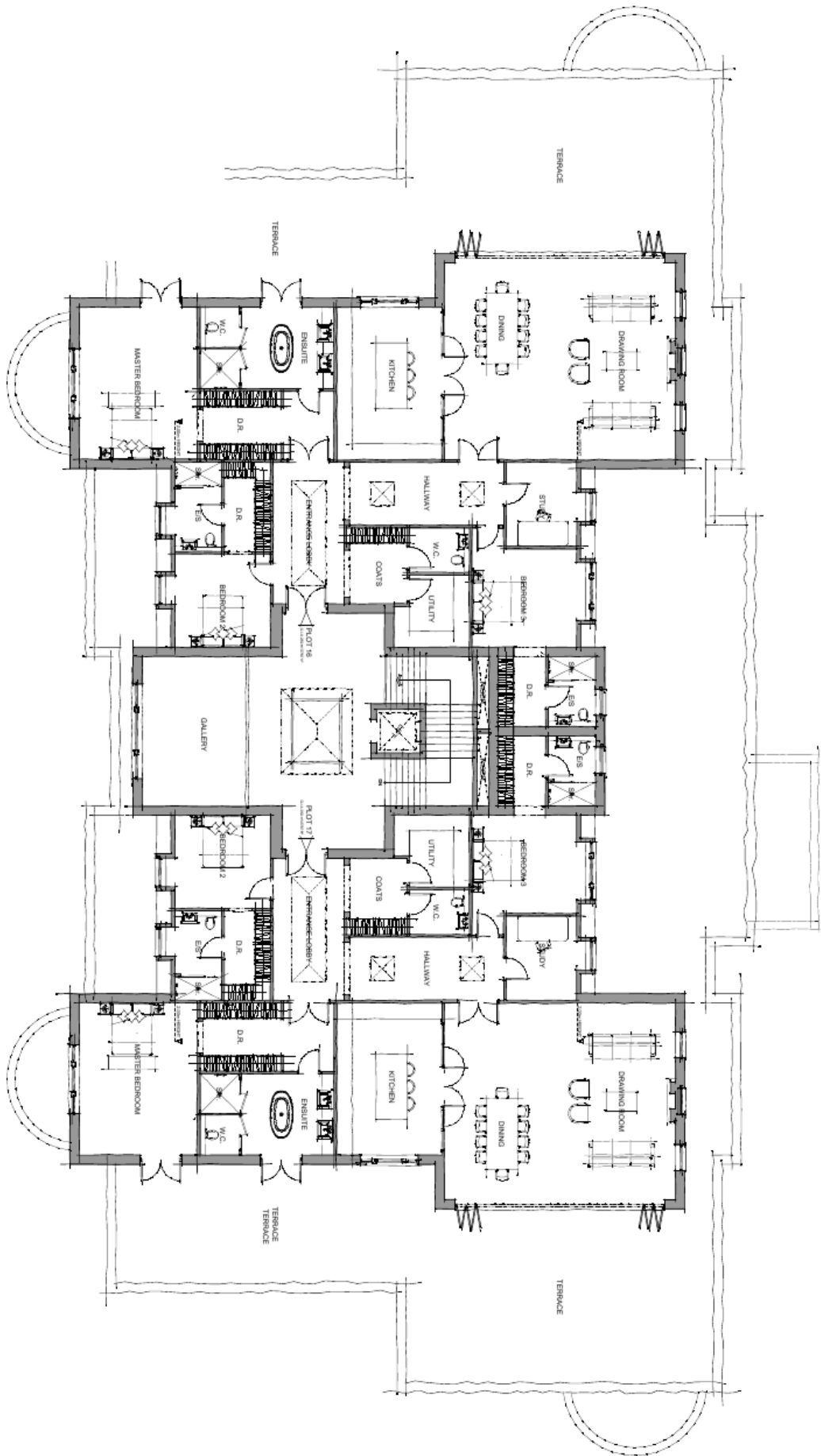
Block 2 Proposed first floor plan

FIRST FLOOR



Block 2 Proposed second floor plan

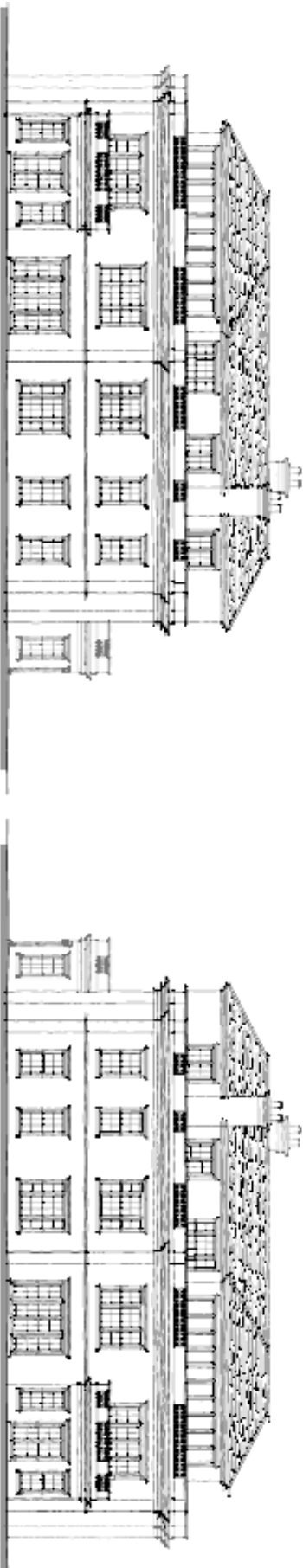
SECOND FLOOR



Block 2 Proposed elevations

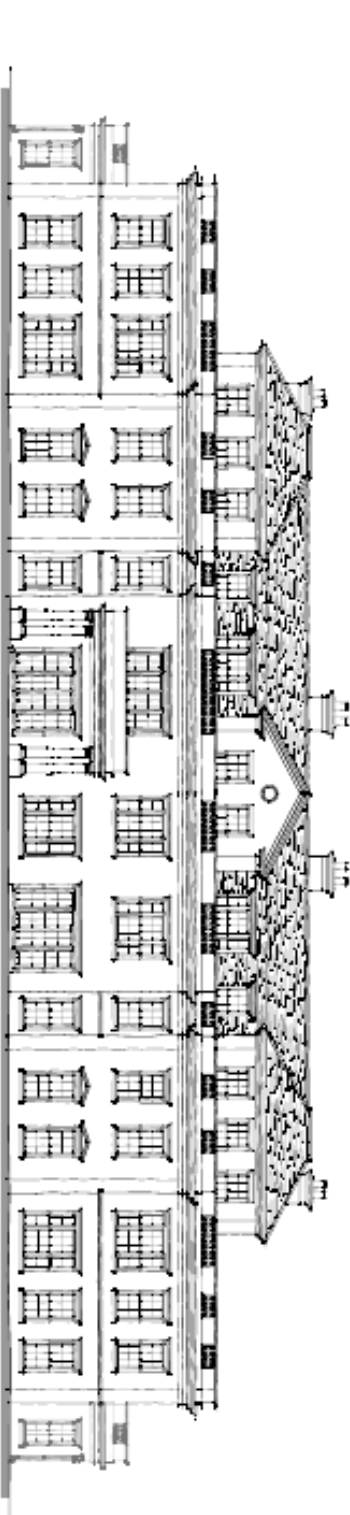


FRONT ELEVATION



SIDE ELEVATION

SIDE ELEVATION



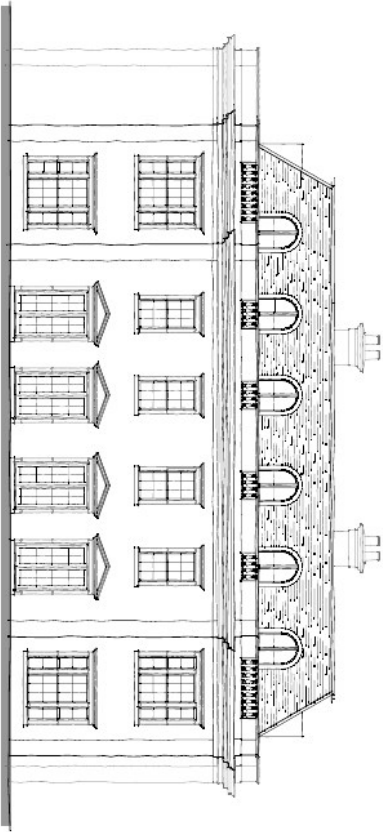
REAR ELEVATION

PLANNING	
SEARCHFIELD	ASCOT D
WILKINSON, LONDON	Timeless City
ASBURY, LONDON	18 - 2024 - 07
BLOCK 2	PROPOSED ELEVATION
18 - 2024 - 07	1

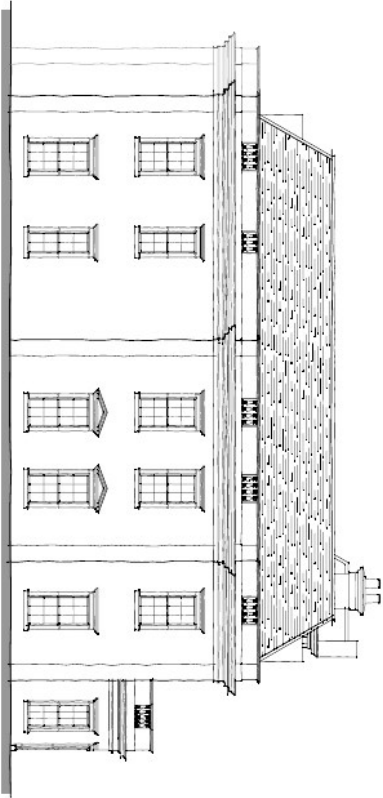
Block 3 Proposed elevations



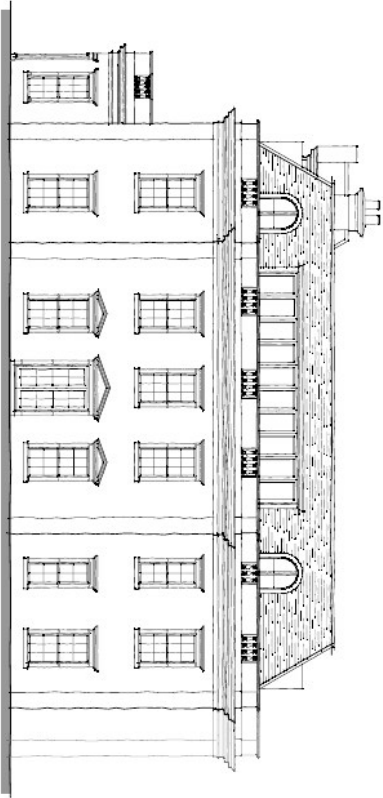
FRONT ELEVATION



REAR ELEVATION

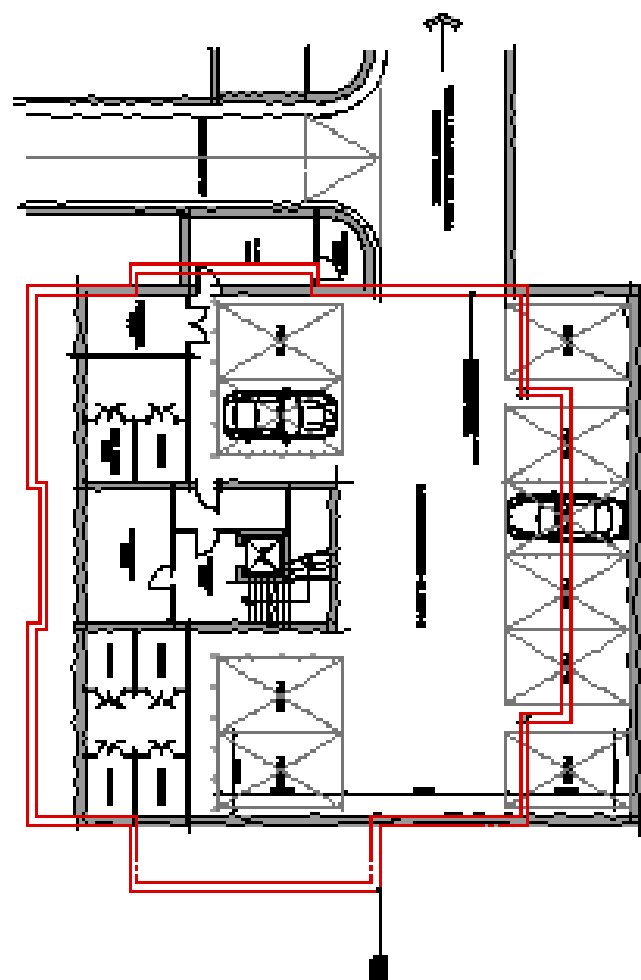
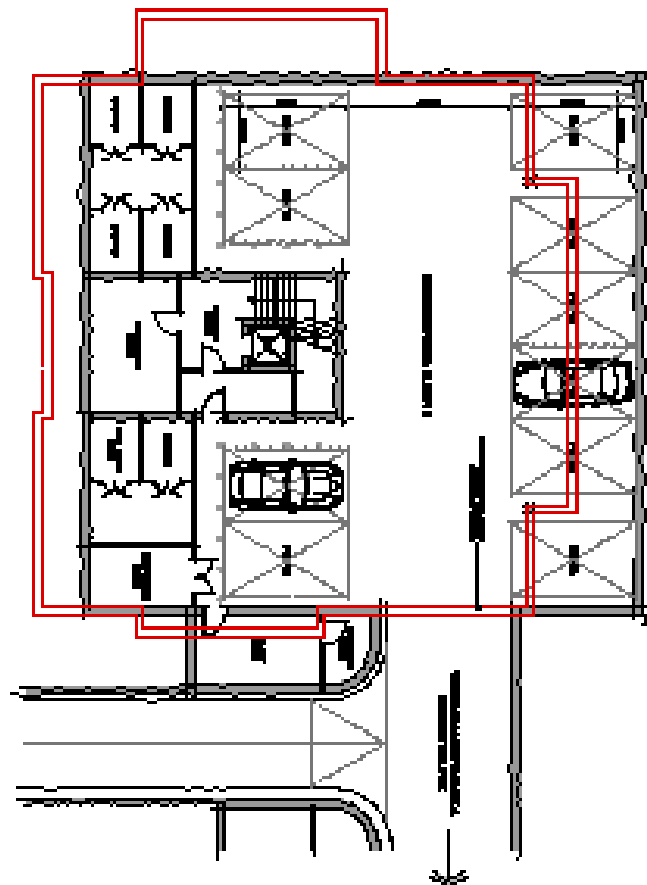
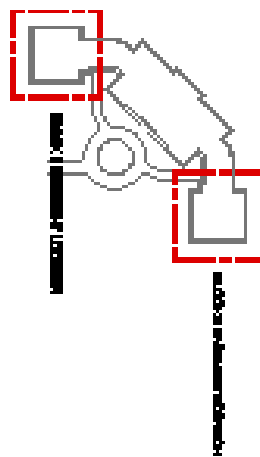




SIDE ELEVATION



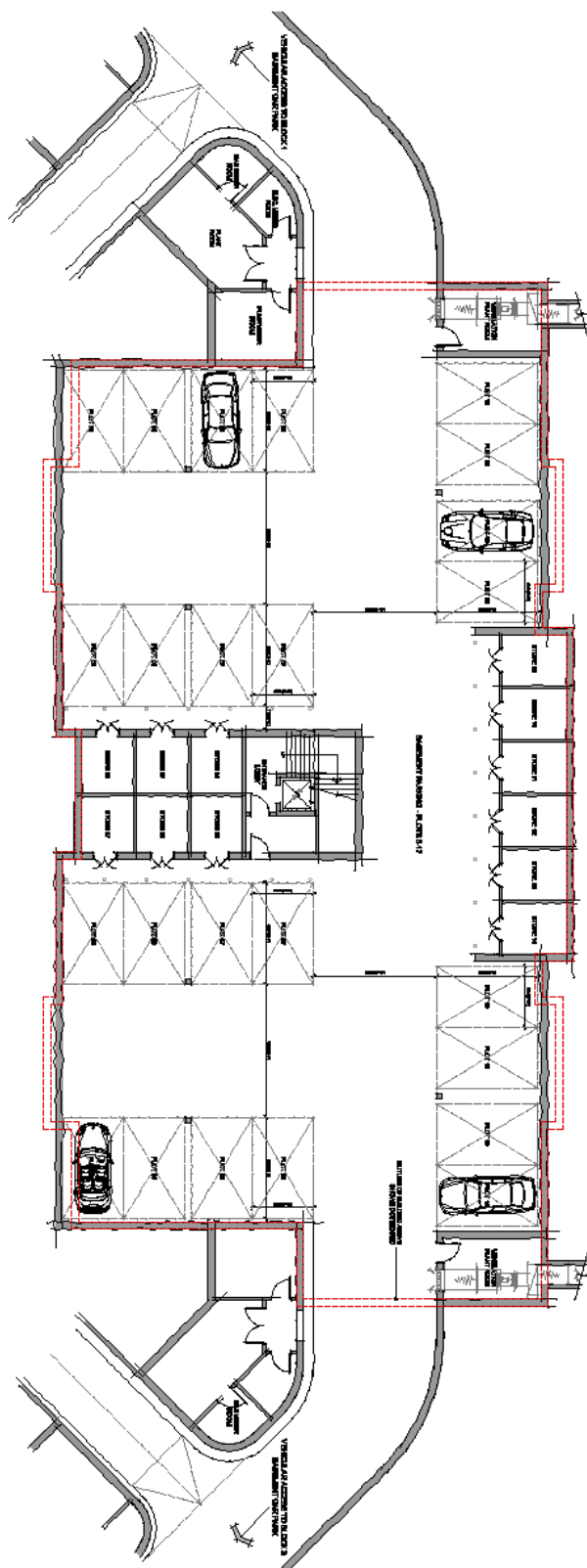
SIDE ELEVATION

Block 1 and 3 basement parking



PLAYERS NAME	
<div style="text-align: center;">  </div>	
APPROX DESIGN	
THESE TWO INDICATORS	
	

BLOCK 2 BASEMENT LOCATION

[illegible]

WINDSOR RURAL DEVELOPMENT CONTROL PANEL

17 October 2018

Item: 3

Application No.:	18/01673/OUT
Location:	Land To The Rear of 4 And 5 Claver Drive Ascot
Proposal:	Outline application for access, layout and scale to be considered at this stage with all other matters to be reserved for the construction of x14 apartments with associated access and landscaping works.
Applicant:	Mr Collett
Agent:	Not Applicable
Parish/Ward:	Sunninghill And Ascot Parish/Sunninghill And South Ascot Ward
If you have a question about this report, please contact: Jo Richards on 01628 682955 or at jo.richards@rbwm.gov.uk	

1. SUMMARY

- 1.1 The application is for a block of 14 apartments within a heavily treed backland site. The proposed development including the access road, parking area and apartment building, would fill a considerable amount of the plot, encroaching into the RPAs of protected trees. It has not been demonstrated that the development can be carried out without significant harm to these trees which could ultimately lead to their loss. These trees form an important part of the character of the area and would provide screening and softening of the proposed building. The loss of these trees would be harmful to the verdant character of the area.
- 1.2 Furthermore, the proximity of the south-east flank elevation of the building to the group of trees within the rear gardens of 4 and 5 Claver Drive, coupled with the differences in ground level, would result in significant shading of this part of the building, including loss of light and outlook to habitable windows which would be harmful to future occupiers of the building and, which in turn would result in significant post-pruning pressures.
- 1.3 The application site lies within the 400m-5km buffer zone from the SPA, wherein proposals for residential intensification are likely to have an effect on the Thames Basin Heaths Special Protection Area. The applicants have failed to provide mitigation for harm to the SPA through the introduction of new residential development.
- 1.4 Insufficient information has been submitted in relation to surface water drainage to satisfy the requirements of the Lead Local Flood Authority.
- 1.5 The proposal is for a major housing development and in line with the updated NPPF (paragraph 63) must provide affordable housing. No such provision has been set out within the proposals either on site or in the form of a commuted sum payment. The proposal is therefore contrary to paragraph 63 of the NPPF.
- 1.6 A Development Brief and Statement of Community Consultation have been submitted with the application. However, it is not considered that these submissions have met the requirements of Neighbourhood Plan policy NP/H1 which requires applicants to actively engage in consultation with the Parish Council and the community as part of the design process prior to any planning application being submitted.

It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 10 of this report):

- | | |
|----|---|
| 1. | The proposal fails to demonstrate that the construction of the proposed apartment building, access road, parking area and retaining wall would not have a detrimental impact on retained trees growing within and adjacent to the site. Furthermore, due to the siting and scale of the proposed building in close proximity to trees shown to be retained, the proposal is likely lead to pressure to significantly cut back and / or |
|----|---|

	remove these trees. The loss of these trees would have a detrimental impact on the visual amenity of the area.
2.	In addition, it has not been demonstrated to the satisfaction of the Local Planning Authority that, due to the siting and scale of the proposed building, the retained trees would not be detrimental to the living conditions of future occupiers of the development resulting in loss of light and outlook.
3.	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) Regulations, and which is also designated as a Site of Special Scientific Interest [SSSI].
4.	Insufficient information has been submitted with regards to surface water drainage.
5.	No affordable housing has been proposed. The application is classified as a major development in line with the revised NPPF and therefore an element of affordable housing is required.
6.	The submitted Development Brief and Statement of Community Consultation fail to meet the requirements of Neighbourhood Plan policy NP/H1.

2. REASON FOR PANEL DETERMINATION

- At the request of Cllr Sharpe on the following grounds; that no development brief or meaningful public consultation has been undertaken, concerns over access and parking, impact on trees, impact on residential amenity, loss of garden space and conflict with the Neighbourhood Plan.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is located on the south side of London Road in Sunninghill, close to the roundabout with Sunningdale Road. It sits behind, and would share the access with, the existing flatted development 'The Glen' and detached dwelling, 'Glen Cottage'. The majority of the site, in which the building would be positioned, comprises parts of the rear gardens of 4 and 5 Claver Drive and 'Hocketts' which is accessed via Oriental Road. The site is generally flat apart from the eastern edge where it joins the retained gardens of these properties and where the land rises steeply. The boundaries of the site are heavily treed.
- 3.2 The application site is within the built-up area of Sunninghill and is surrounded on three sides by other residential development, The Glen, Glen Cottage and West Winds to the north, Claver Drive to the east and Oriental Road to the south. Victory Field recreation ground lies to the west and is within the Green Belt. The central part of the site, (the rear gardens of 4 and 5 Claver Drive) are covered by an area Tree Preservation Order. A public footpath runs to the west of the site joining London Road to 33 Oriental Road.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The application seeks outline planning permission for the construction of an apartment building containing 14 units with associated access and parking. The access, layout and scale are matters to be considered at this stage with appearance and landscaping to be reserved matters.
- 4.2 The building would comprise two-and-a-half storeys, with 5 apartments in both the ground and first floors and 4 apartments in the roof space. The existing garage blocks would be demolished and parking for occupiers of The Glen relocated within the site.
- 4.3 This application follows a previous planning application for 11x2-bed apartments, ref: 17/03056/OUT, which was refused on five grounds; impact on the character of the area, impact on trees, lack of a Development Brief and Statement of Community Consultation, impact on the SPA and insufficient information relating to surface water drainage.
- 4.4 Compared to the previously refused application, the current application proposes a more uniformly shaped building positioned closer to northern boundary of the backland part of the site. The height of the development has been increased from 9.7m to 11.5m albeit the flat crown roof has been

omitted from the scheme. The building has been sited closer to the trees within the garden of 4 Claver Drive and further away from the public footpath and Victory Field. Overall, the proposed building would take up a smaller portion of land within the site.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework Sections:- a material planning consideration

- 2. Achieving sustainable development
- 5. Delivering a sufficient supply of homes
- 8. Promoting healthy and safe communities
- 12. Achieving well-designed places

The Development Plan - Royal Borough Local Plan (Adopted 2003)

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

Issue	Local Plan Policy	Compliance	
Design in keeping with character of area	DG1	Yes	
Acceptable impact on appearance of area	DG1, H10 H11		No
Acceptable impact when viewed from nearby occupiers	H11	Yes	
Maintains acceptable level of privacy for nearby residents	H11	Yes	
Maintains acceptable level of daylight and sunlight for nearby occupiers	H11		No
Sufficient parking space available	P4	Yes	
Acceptable impact on trees important to the area	N6		No
Complies with relevant policies of the Ascot, Sunninghill and Sunningdale Neighbourhood Plan	EN2, EN3, H1, H2, DG1, DG2, DG3		No

These policies can be found at

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

Borough Local Plan: Submission Version – a material planning consideration

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Provision of high quality housing	HO2, HO5
Natural Environment	NR2, NR3, NR4, EP2, EP3, EP4
Makes suitable provision for infrastructure	IF1
Transport and parking	IF2

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

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

Significant weight is to be accorded to Borough Local Plan Submission Version policies SP2, SP3, HO2, HO5, EP2, EP3, EP4, IF1 and IF2 in this case. Lesser weight should be accorded to Borough Local Plan Submission Version policy NR2 due to the extent and nature of objections raised to it by representations on the Borough Local Plan Submission Version. 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

Other Local Strategies or Publications – a material planning consideration

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

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- The principle of development;
- The impact on the character and appearance of the area, including trees;
- The impact on the living conditions of neighbours and future occupiers;
- Parking provision and highway implications;
- Ecological implications; and
- Other material considerations.

The principle of residential development

6.2 The site is located within the built-up area of Sunninghill, wherein the principle of residential intensification is acceptable. Indeed the site is bordered by residential development on 3 sides and it is considered that the development of this site within the settlement area would make an efficient use of land.

6.3 However, it is a material consideration that planning permission was refused for the previous application, ref: 17/03056/OUT for 11 x 2 bed apartments on grounds of impact on the character of the area and the quality of the environment due to the siting, form and scale of the development. It must be assessed whether the current application has overcome such concerns.

The impact on the character and appearance of the area

- 6.4 Neighbourhood plan policy NP/DG1.1 states that development proposals should respond positively to the local townscape. Development proposals should use the RBWM Townscape Assessment report, and specifically its sections “Key Characteristics” and “Description”, to inform the design approach in a planning application. The extent to which this is demonstrated in the development proposals should determine whether the proposal is in keeping with the character of an area.
- 6.5 Policy SP2 of the emerging Borough Local Plan states that ‘All new developments should contribute to the places in which they are located.’ Furthermore, policy SP3 states that development proposals should achieve various design principles, including but not limited to, respecting and enhancing the local character and high quality townscapes and providing high quality soft and hard landscaping. Significant weight can be given to these emerging policies at this time.

Principle of flatted development

- 6.6 The site lies within an area defined as a Victorian Village, however, the site is not really typical of this character area as it comprises a backland plot to The Glen (a 1960’s flatted development) and properties within Claver Drive and Oriental Road, none of which are Victorian. With the exception of The Glen, residential properties surrounding the site are predominantly detached or semi-detached houses. Beechcroft Close to the north-east of the site contains 4-storey town houses. Notwithstanding this, it is noted that guidance and opportunities for this character area include; to retain important trees, including those in gardens and on tree lined roads and planning for new trees to ensure continuity of tree cover and a diverse age structure. The principle of a flatted development on the site is considered acceptable given the mix of dwelling types in the vicinity including The Glen which is a flatted development of 16 units. It is therefore considered that the proposal would meet the aims of Neighbourhood Plan policy NP/H2 which seeks to ensure that there is a balanced mix of housing in the area. The density of the development at approximately 35 dph is not objected to in principle given the mix of development types in the surroundings and the need to make an effective use of land as set out within the revised NPPF.

Layout and Scale

- 6.7 The ground levels within the application site are such that the proposed building would be constructed on significantly lower ground level (approx. 8m) than the dwellinghouses to the east in Claver Drive, also considering the set-back from this road the development would not be visible from the street scene of Claver Drive. The building would also be situated on slightly lower ground level than The Glen which occupies an elevated position to the east of the upward sloping driveway off London Road. Furthermore, the set-back of the development from London Road is approximately 85m and therefore the building would not be visible to London Road. To the west of the application site is Victory Fields, an open playing field in the Green Belt. Due to gaps in the screening along this boundary, the apartment building would be partly visible from the adjacent public footpath and from Victory Fields.
- 6.8 The footprint of the development is sizable with a depth of approximately 23.5m and a width of approximately 28m. Whilst it contains fewer apartments than The Glen, given that they are all sizable two-bed apartments, the development would be larger than this existing flatted development, however as stated above it would occupy a less prominent position. The proposed apartment building is of a similar floor area to the previously refused scheme, but because it is a more uniformly shaped building, it has a more compact layout leaving a greater amount of land free from built form to the rear of the site. The height of the building is 11.5m, which, whilst taller than the previously refused application, would maintain a ridge line as opposed to a flat-top roof resulting in less bulk at roof level.
- 6.9 Taking into account the site area as a whole, including the land required to form the parking area and extend the access drive, the proposed development, including both the large apartment building and hard-surfacing for the driveway and parking area, would fill a considerable amount of the plot. Having said this the scheme has been reduced considerably in footprint from the previous scheme and would maintain sufficient gaps of separation to all neighbouring properties, being set

well-back from London Road and Claver Drive. Considering that the building would be situated in a backland plot with significant gaps of separation to neighbouring buildings, it is considered that the impact from the scale and layout of the building would be limited. The building would not be visible from London Road, Claver Drive or Oriental Road. The building however would be visible from the public footpath to the west and from Victory Field. The nearest part of the proposed building to the public footpath is the north-west corner at 7m away, the main bulk and highest part of the building would be set even further away from the public footpath. Given this is the only public vantage point and the gap to the boundary would be sizable, it is concluded that proposed scale of the building would not appear over-bearing when viewed from the surroundings.

- 6.10 External appearance is a matter to be considered at a reserved matters stage and is therefore not to be assessed under this current application.

Impact on Trees

- 6.11 In addition to the above assessment, it also needs to be considered how the proposal would affect the landscape character of the area. Policy N6 is designed to ensure a balanced approach to preserving existing trees and new planting on development sites. However, where the contribution of the trees to local amenity outweighs the justification for development, planning permission may be refused.
- 6.12 It is considered that the trees on the site add significantly to the verdant character of the area. In general the trees on this site have a higher value collectively than when considered as individuals. The Tree Officer has advised that the survey provided appears to have only considered the trees for their individual arboricultural value and not for their collective value and many of the trees should have fallen within a higher category when their collective visual contribution to the area is considered. Trees on the boundaries of the site provide a green backdrop and valuable screening to the site when viewed from the public right of way, the adjacent properties and the recreation ground to the south. As the majority of the trees are deciduous this screening will be significantly decreased over winter.
- 6.13 The application includes a retaining wall to be constructed close to the retained trees on the south eastern boundary of the site (within 4 Claver drive) and a new access driveway and parking bays are proposed within the minimum root protection area of the mature Oak tree T4. It has not been demonstrated that these works would not harm the well-being of these trees which are important features in the character of the area.
- 6.14 Furthermore, the retained trees on the boundaries of the site could create significant concerns to future occupiers. The shade assessment provided with the application would suggest that the frontage and eastern side of the building would be particularly impacted. The additional shade from the building as well as impact of the trees crown spreads and changes in level over the site should also be taken into account. Concerns such as shade, falling debris, a desire for views over the adjacent open space and fears that the trees may break or fall are likely to lead to pressure to significantly cut back and/or remove trees that are shown to be retained and restrict the scope of any new planting. The loss of these trees would have a detrimental impact on the visual amenity of the area.
- 6.15 As stated above, the trees on site provide an important part of the character of the area. Indeed it is considered that the site could hold a flatted development without appearing prominent or over-bearing if it had been demonstrated that there would be no undue harm to these trees which could soften and screen the proposed new development allowing it to blend in with the character of the area.
- 6.16 In this case, the information submitted with the application has not demonstrated that these important trees would not be harmed through the siting of the building, retaining wall and hard-surfacing in close proximity to their root protection areas. Furthermore, the siting of the building so close to the group of trees in the garden of 4 Claver Drive is likely to result in significant shading to these properties and post-development pruning pressures. As such, it is concluded that the proposal would be harmful to the character of the area due to the impact on mature trees which are important amenity features in the wider area.

The impact on living conditions of Neighbouring Occupiers

Existing occupiers

- 6.17 It should be noted that the previous application was not refused on grounds of impact on neighbouring occupiers, meaning that the Planning Authority were satisfied with the application in this respect. With regards to the current application, the building is considered to be situated sufficiently far enough away from neighbouring dwellinghouses 4 and 5 Claver Drive to the east and Glen Cottage to the north so as not to appear overbearing or result in any loss of light. Habitable windows have been designed so that they are orientated away from neighbouring boundaries to ensure there is no harmful loss of privacy. Whilst strong objections have been raised by the occupiers of Glen Cottage a separation distance of 26m with the building angled away from the common boundary would ensure an acceptable level of amenity for these neighbours. Whilst the access road would be extended around the curtilage of Glen Cottage, it would not abut the neighbouring property itself such that there would be a detrimental impact on living conditions through noise disturbance. Therefore, no objections are raised with regard to impact on existing neighbouring occupiers.

Future occupiers

- 6.18 As stated above, the eastern side of the building would be sited in close proximity to protected trees within the garden of 4 Claver Drive. A shade diagram has been submitted with the application which indicates that the front, side and rear facing windows of the flats on this side of the building would be heavily shaded. Particularly concerning is the outlook from the only window of the second bedroom in flats 4 and 9 which would directly face these trees. Also due to the differences in ground level the shading is likely to be even greater than that shown. The proposal would therefore not provide a sufficient level of amenity for the occupiers of the new apartments.

Parking and Highways

- 6.19 The application proposes to maintain the current vehicular access from London Road, with alignment alterations to improve visibility to the east which would accommodate the minimum required visibility splays. The application will increase the number of vehicle trips however this would not be significant enough to present a severe impact on the local highway network.
- 6.20 The application also includes the provision for a pedestrian link from the site to the northern footway on London Road which is acceptable.
- 6.21 The site is located within an area of poor accessibility therefore a minimum requirement of two parking spaces per 2-bed unit is required. 28 spaces have been provided to serve the development which is acceptable and a revised parking layout has been submitted which overcomes concerns relating to the parking arrangement initially raised by the Highways Authority. The application seeks to demolish a block of 20 garages for occupiers of The Glen and replace with 20 parking spaces which is considered acceptable by the Highways Authority. Whilst 20 spaces would fall short of current parking standards, it would be unreasonable for the Planning Authority to request additional parking to that which The Glen currently has.
- 6.22 The cycle parking is insufficient but further information could be requested via condition if the application were being approved.

Ecology/Thames Basin Heaths

- 6.23 The Ecologist is satisfied with the proposal with regard to impact on protected species and habitats subject to conditions were the application to be recommended for approval.
- 6.24 The Thames Basin Heaths Special Protection Area (the SPA) was designated in 2005 to protect and manage the ecological structure and function of the area to sustain the nationally important

breeding populations of three threatened bird species. The application site is located within two kilometres from the closest part of the Thames Basin Heaths Special Protection Area (SPA), which is protected by European and national legislation. This imposes requirements on the Local Planning Authority to protect this sensitive area of natural/semi-natural habitat.

- 6.25 Although the Council has an adopted Suitable Alternative Natural Greenspace (SANG) known as Allens's Field, this only has a limited amount of remaining capacity. However this capacity has already been safeguarded for the delivery of submission allocated sites in the BLPSV. Unplanned development using up this capacity could result in sustainably located plan-led developments being put at risk of not being implemented in a timely manner or not at all. To avoid this arising, the Council (through a decision of Cabinet in June 2018) agreed that unplanned development of over 10 dwellings would not be able to rely on capacity at the Council's SANG at Allen's Field and would need to find alternative mitigation.
- 6.26 The Council is proactively progressing options to ensure that additional SANG comes forward through to 2033 to assist in mitigating the impact of new windfall residential developments and there are a number of opportunities currently available and the council is investigating them all in consultation with Natural England. However, in the absence of available RBWM-provided SANG capacity, developers must provide their own alternative mitigation in line with the requirements set out by the Supplementary Planning Document Thames Basin Heaths SPA.(Part 1)
- 6.27 This application does not provide any form of acceptable mitigation in line with the Council's SPD Thames Basin Health's SPA and therefore it has not been demonstrated that the proposed development would not have a significant impact in combination with other plans and projects in the locality on the SPA. The proposal is therefore contrary to advice within the NPPF and the RBWM Thames Basin Heaths Special Protection Area SPD, Policy NP/EN4 of the adopted Ascot, Sunninghill and Sunningdale Neighbourhood Plan and policy NR4 of the emerging Borough Local Plan Submission Version.

Surface Water Flooding

- 6.28 The applicant has submitted a Flood Risk Assessment and Drainage Strategy to support the application. Concerns have been raised by the Lead Local Flood Authority and further information is required relating to drainage of the northern part of the site, surface water run-off and impact of the infiltration system on neighbouring structures before the application can be supported.

Other Material Considerations

Development Brief and public consultation

- 6.29 Neighbourhood Plan policy NP/H1 (Development Briefs) requires that development proposals which include 10 or more dwellings on sites larger than 0.4 hectares shall be required to submit a Development Brief and to actively engage in consultation with the Parish Council and the community as part of the design process prior to any planning application being submitted. Furthermore, planning applications for developments which require a Development Brief must be accompanied by a Statement of Community Consultation.
- 6.30 Whilst a development brief and statement of community consultation were not one of the documents submitted when the application was first validated, both documents were received part way through the application on 17th July 2018. Appendix C and D of the Neighbourhood Plan sets out all the relevant information that needs to be included. The submitted document includes details regarding the sites location, surrounding development, analysis of the character of the area including existing surrounding development, potential impact on trees and analysis of proposals against Neighbourhood Plan policies.
- 6.31 The Statement of community involvement outlines how the applicant has communicated with the local community in the lead up to the submission of the application including how the scheme has been altered following on from the previously refused scheme. A meeting was held with the Parish Council in Oct 2017 which informed the first application. Plans were also sent to the Neighbourhood Planning Group and SPAE. Following refusal of the first application the Parish Council were

contacted to arrange a second meeting. A meeting was declined but plans were sent in the post. The public meeting was advertised on local facebook groups and through the Parish Council. The document also sets out how the proposal has responded to comments from neighbours and the Parish Council.

- 6.32 Clearly the development brief and statement of community consultation have not resulted in a development which is considered acceptable in this case. Furthermore, objections raised to the current application by the Parish Council, neighbouring occupiers and other interested parties seem to contradict statements made in the applicant's statement of community consultation. Furthermore it is noted that no evidence has been provided of the outcome of consultation with these parties, only with occupiers of The Glen who are supportive if the application.
- 6.33 Based on the foregoing, it is considered that the proposal does not fulfil the aims of Neighbourhood Plan policy NP/H1 and the requirements of Appendix C and D of the Neighbourhood Plan.
- 6.34 It is noted that there is considerable support from the application from residents of The Glen, primarily due to the improvements to the access and parking. This in itself does not outweigh the concerns raised above. It is considered that the site can be re-developed in a way which would improve access and parking arrangements and result in an acceptable impact on the character of the area.

Affordable Housing

- 6.35 The application is for a development of more than 10 dwellings and therefore is classed as a major development (see glossary to the revised NPPF). Paragraph 64 of the revised NPPF advises that affordable housing provision should be expected for all major developments suggesting that an element of affordable housing will be required for all major developments. The application does not include any information relating to affordable housing and therefore inadequately addressed this policy requirement.

Housing Land Supply

- 6.36 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 The development is CIL liable, however as the application is being refused, no further discussion of this matter is required.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

38 occupiers were notified directly of the application. The planning officer posted a notice advertising the application at the site on 18th June 2018 and the application was advertised in the Maidenhead & Windsor Advertisers on 21st June 2018.

11 letters were received supporting the application, summarised as:

Comment		Where in the report this is considered
1.	The application will remove the unsightly garages	Noted
2.	The development will bring the existing access arrangements onto London Road up to standards	6.19-6.22
3.	The proposal will integrate The Glen into Sunninghill Village.	Noted
4.	A new pedestrian access will be provided onto the public footpath through the site. Residents currently have to walk via the main road.	6.20
5.	There is currently insufficient parking in The Glen. Additional parking spaces will be provided to improve the situation.	20 parking spaces are proposed to replace the 20 garages
6.	New road infrastructure will be provided	6.19-6.22
7.	The development will visually enhance the character of the area	6.2-6.16
8.	The development will result in additional planting	6.11-6.16
9.	The proposed development will fit in with the modern pavilion being built in the park and the extended house Greenhays adjacent to the entrance of the park.	6.2-6.10
10.	The Council's pollarding of trees along the boundary with the site has taken away some of its character.	6.11-6.16
11.	The development would be an efficient use of land	6.2
12.	The building would not overlook the Glen	6.17-6.18
13.	It is not clear whether residents of The Glen will have to cover cost to maintain the new parking and access	Not a material planning consideration

4 letters were received objecting to the application (including one from the Ascot, Sunninghill and Sunningdale Neighbourhood plan Delivery Group and one from SPAE), summarised as:

Comment		Where in the report this is considered
1.	The lease for The Glen flats requires residents who drive a van to park in the garage area. This has not been taken into account	The proposed parking spaces meet current highway standards
2.	The application has failed to overcome the previous reasons for refusal	See main report
3.	Impact on the openness of the Green Belt and to its visual amenity. The building will be very visible from the adjacent footpath.	6.2-6.16
4.	The siting scale and bulk of development is harmful to the character of the area	6.2 – 6.16
5.	Loss of trees and harm to retained trees, impact on living conditions of future occupiers and post-development pruning pressures	6.11-6.15, 6.18
6.	The application replies on the previous Development Brief and Statement of Community Involvement. The Neighbourhood Delivery Group were not invited to the consultation event. This is a new application with an increased number of flats and therefore there should be a new development brief.	6.29-6.34
7.	Impact on the SPA.	6.24-6.27
8.	It is not clear whether residents of The Glen will have to cover cost to maintain the new parking and access. This could affect responses to the application.	Not a material planning consideration
9.	Overlooking to West Main and Glen Cottage	6.18
10.	The proposal is an increase in density to the previous one	6.6
11.	Inaccuracies on the plans. Drawings include land from Glen Cottage	Noted

12	Insufficient parking and turning space. Highways comments not accepted – access to London Road dangerous.	The Highways Authority requested a revised parking layout which has been found acceptable
13	Overflow parking adjacent Glen Cottage represents a highway safety concern	The proposal has a suitable level of parking. Any ad hoc parking that causes disruption will be a civil matter between residents
14	Noise and disturbance to Glen Cottage from cars	6.17
15	Lighting will change the character of the area	Lighting could be controlled by condition if the application were being approved
16	The developer has not engaged with Glen Cottage	6.29-6.34
17	Impact on wildlife and biodiversity	6.23-6.25
18	Damage to Glen Cottage garage	Not a material planning consideration

Consultees

Consultee	Comment	Where in the report this is considered
LLFA	Objections. Further information required.	See section 6.28
Parish Council	<p>Recommendation: Objections on the following grounds: (summarised)</p> <ul style="list-style-type: none"> - Concerns regarding development brief and consultation statement - Not appropriate that 30 flats would have access directly onto Victory Field which is a public park within the Green Belt. - The swept path analysis for refuse collection suggested that the movements were only possible safely if the car park was not fully occupied. - No disabled, visitor or trade vehicle parking, - Impact on trees - Impact on residential amenity - Loss of garden space and greenness of the site - To build flats would be contrary to the character of the area. 	See main report

	<ul style="list-style-type: none"> - No environmental assessment was issued with the initial application. - Overdevelopment of the site in terms of density, footprint, bulk and scale, - The development would not contribute toward a mix of houses, particularly when combined with recently approved and currently processing applications for flats. 	
Highways	No objection subject to conditions	6.19-6.22
Trees	Objections – harm to protected trees, encroachment in RPAs, inadequate information relating to replacement planting	6.11-6.16
Ecology	No objections on ecological grounds subject to condition	6.23
Natural England	No objections	Noted

9. APPENDICES TO THIS REPORT

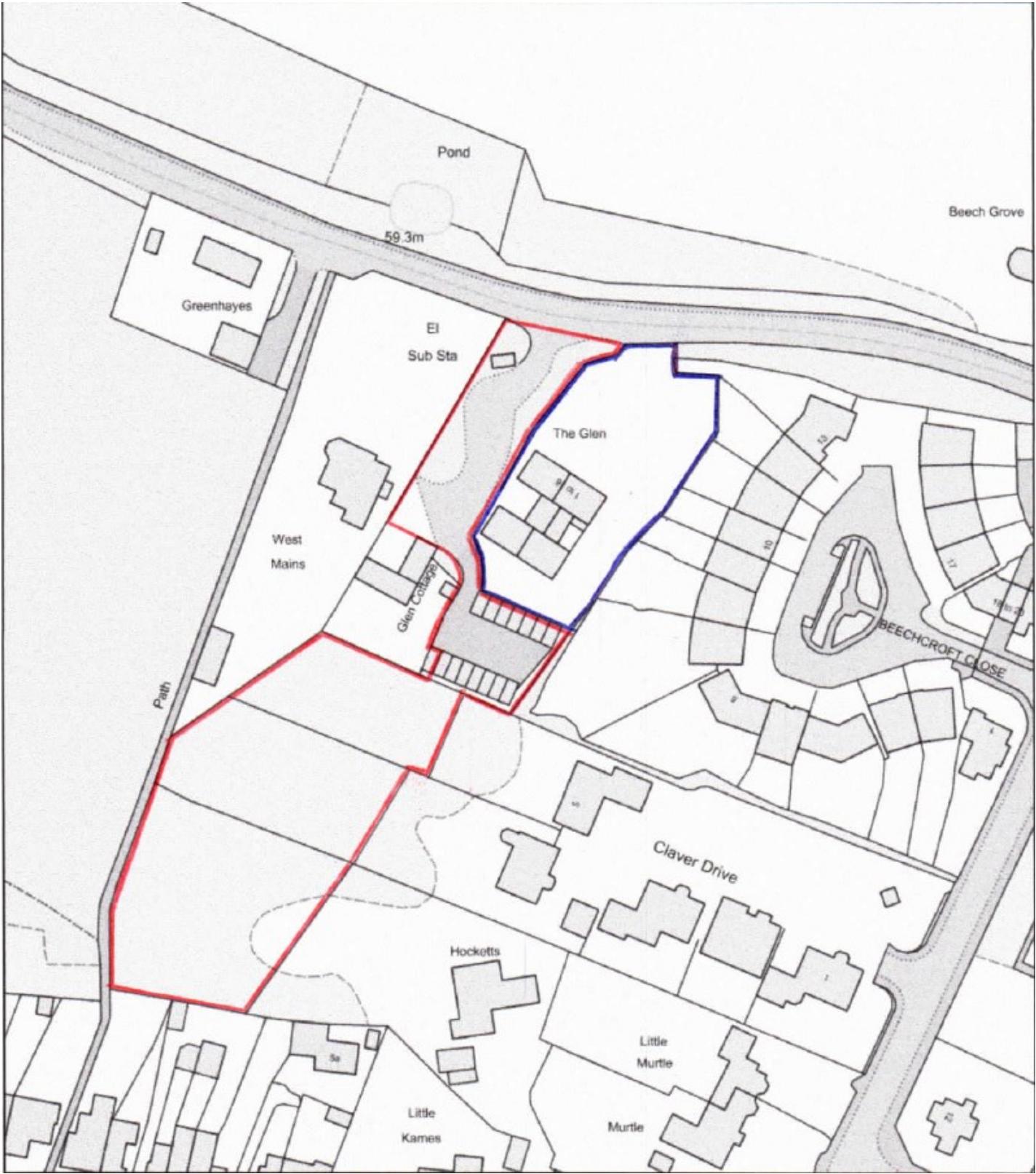
- Appendix A - Site location plan and site layout
- Appendix B – Plan and elevation drawings

10. REASONS RECOMMENDED FOR REFUSAL

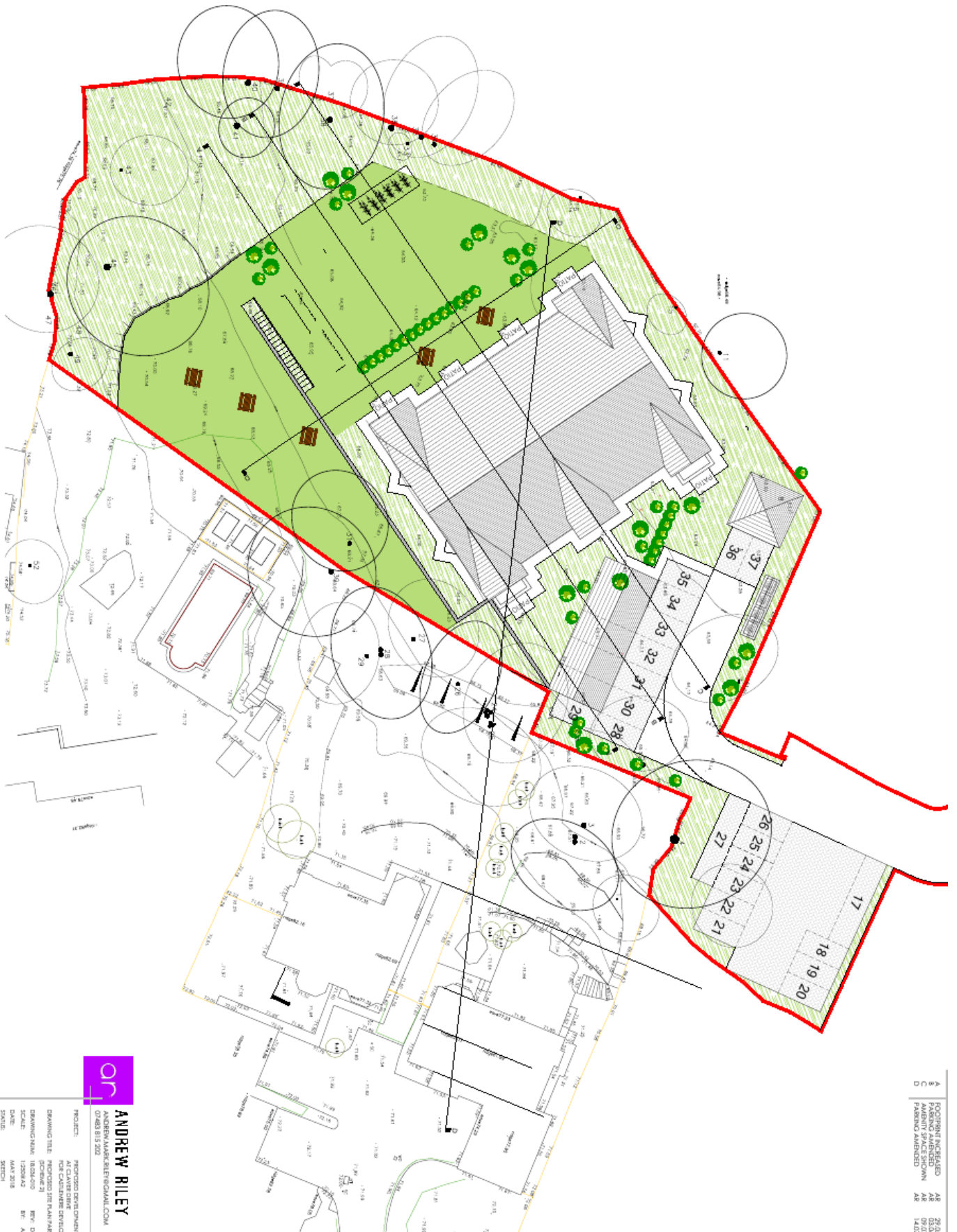
- 1 The proposal fails to demonstrate that the construction of the proposed apartment building, access road, parking area and retaining wall would not have a detrimental impact on retained trees growing within and adjacent to the site. Furthermore, due to the siting and scale of the proposed building in close proximity to trees shown to be retained, the proposal is likely lead to pressure to significantly cut back and / or remove these trees. The loss of these trees would have a detrimental impact on the visual amenity of the area. Accordingly, the scheme fails to demonstrate adequate protection of important trees which contribute to the character and appearance of the area, contrary to policies NP/EN2.1, NP/EN2.2 and NP/EN3 of the Neighbourhood Plan, policies DG1 and N6 of the Local Plan and policy NR2 of the emerging Borough Local Plan.
- 2 In addition, it has not been demonstrated to the satisfaction of the Local Planning Authority that, due to the siting and scale of the proposed building, the retained trees would not be detrimental to the living conditions of future occupiers of the development resulting in loss of light and outlook. The proposal would be contrary to saved Policies H10 and H11 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations adopted June 2003) and contrary to policy SP3 of the emerging Borough Local Plan (submission version) (2013-2033).
- 3 The proposal would have a significant effect in combination with other plans and projects in the locality on the Thames Basin Heaths Special Protection Area [SPA] in the absence of any suitable mitigation to overcome any such impact the proposal is contrary to the National Planning Policy Framework and the RBWM Thames Basin Heaths Special Protection Area SPD and Policy NP/EN4 of the adopted Ascot, Sunninghill and Sunningdale Neighbourhood Plan. The proposal would also fail to comply with policy NR4 of the emerging Borough Local Plan (submission version) (2013-2033).
- 4 In the absence of sufficient information, it has not been demonstrated to the satisfaction of the Local Planning Authority that the proposed development would not exacerbate flood risk over its lifetime accounting for the effects of climate change. Accordingly the proposal is contrary to paragraph 103 of the NPPF.
- 5 In the absence of a mechanism to secure 30% Affordable Housing the proposal fails to comply with Paragraphs 63 and 64 of the National Planning Policy Framework and policy H3 of the Royal

- 6 Policy NP/H1 of the adopted Neighbourhood Plan requires development proposals of 10 or more dwellings on sites larger than 0.4 hectares to submit a Development Brief and to actively engage in consultation with the Parish Council and the community as part of the design process prior to any planning application being submitted. In addition, policy NP/H1.2 requires planning applications for developments which require a Development Brief to be accompanied by a Statement of Community Consultation. The submitted Development Brief and Statement of Community Consultation do not fulfil the requirements of policies NP/H1 and NP/H1.2 of the Neighbourhood Plan.

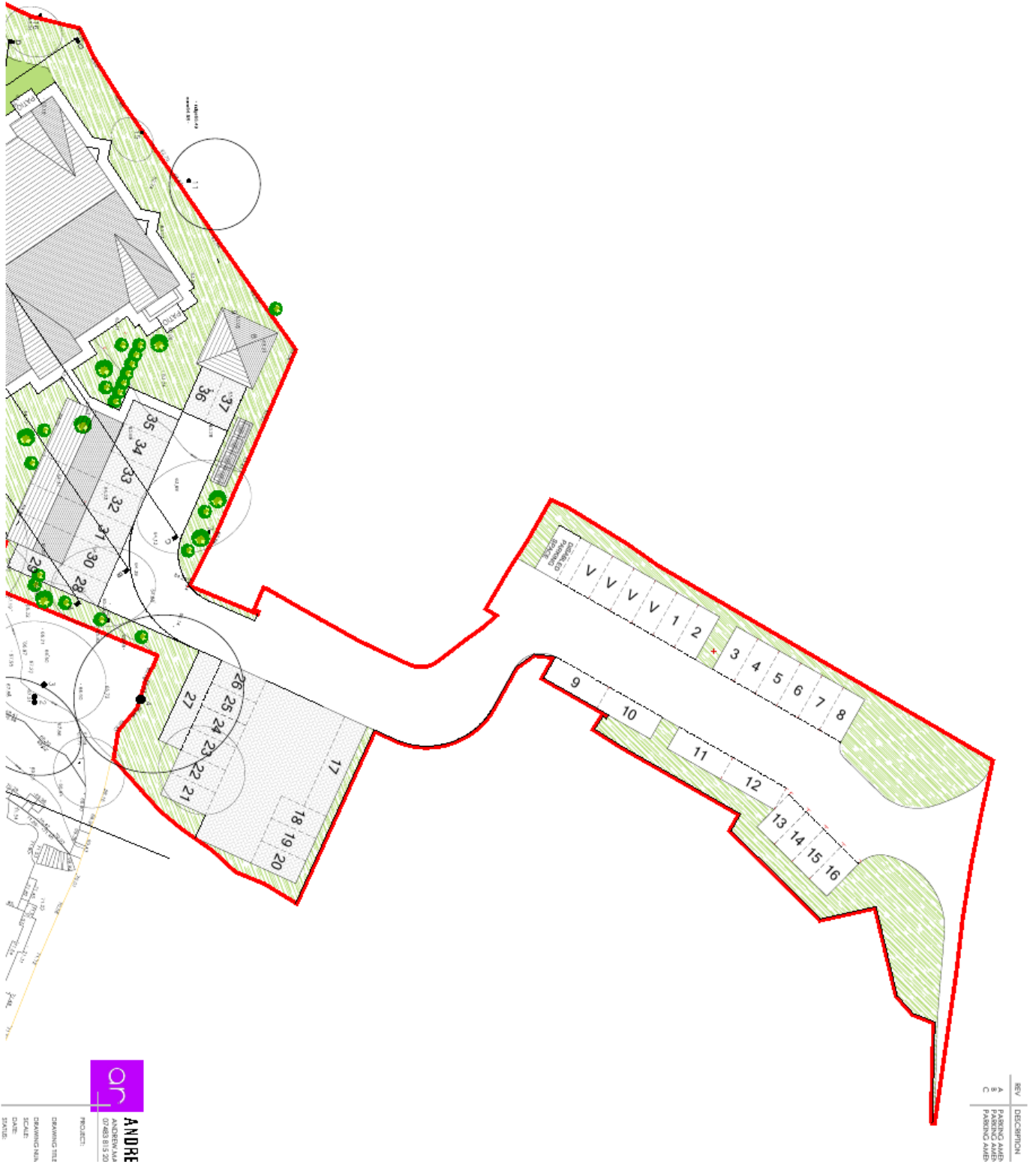
Location Plan



Proposed site plan (Part 1 of 2)

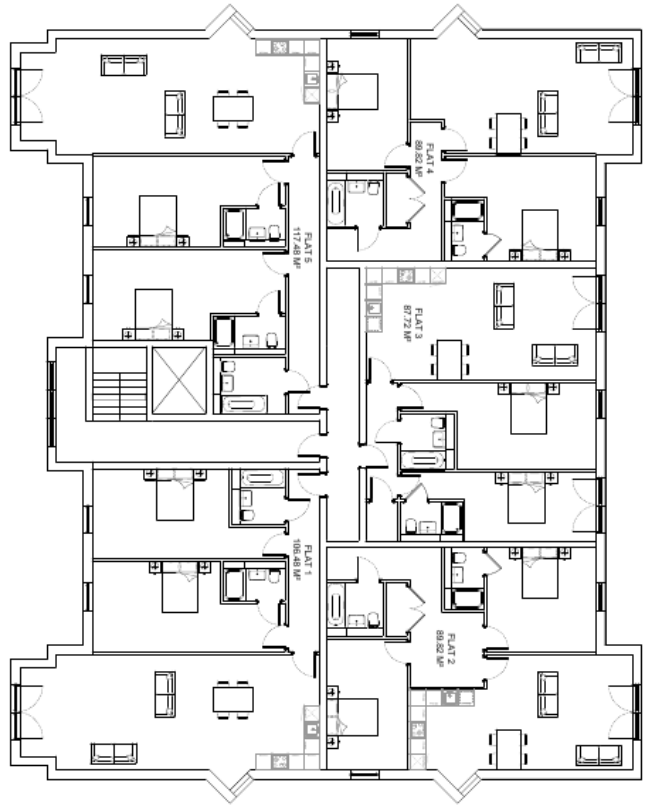


Proposed site plan (Part 2 of 2)

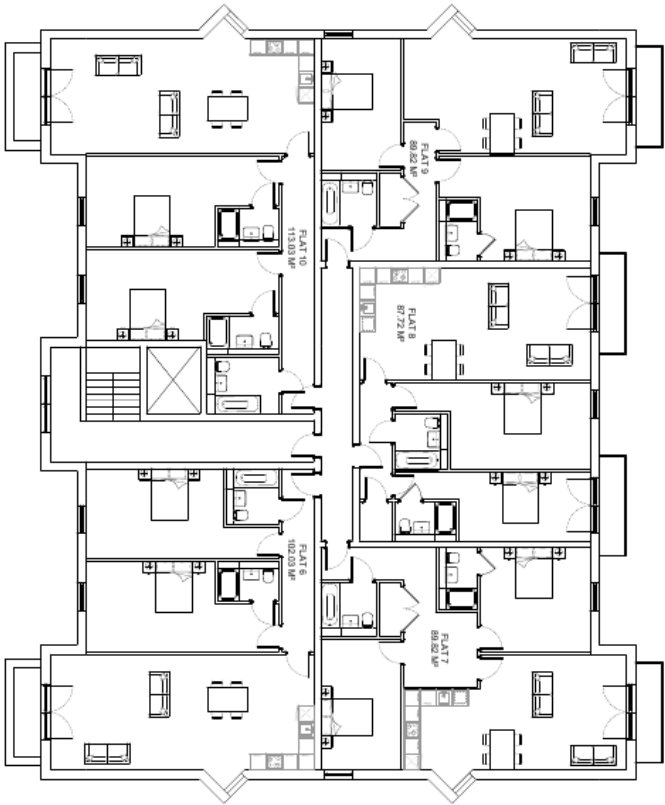
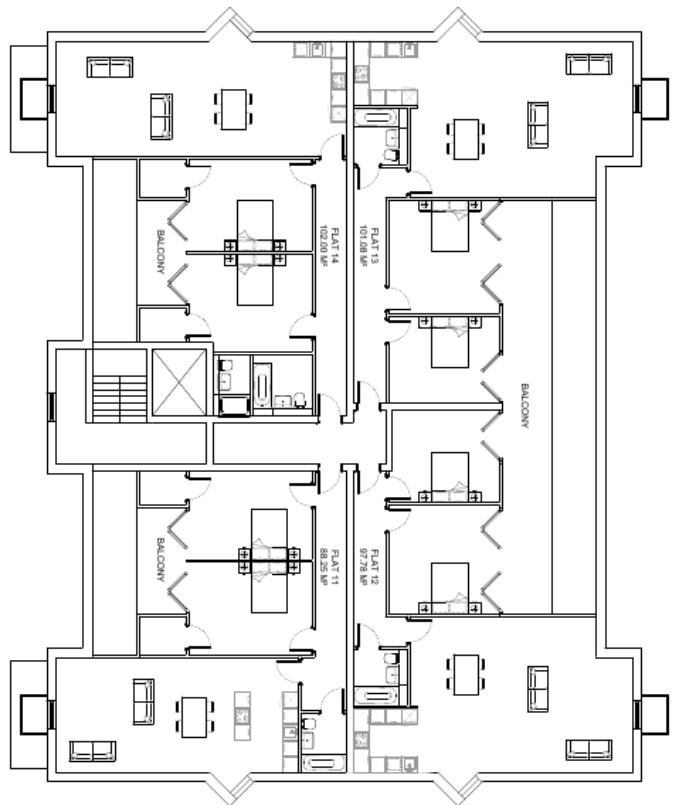


Proposed floor plans

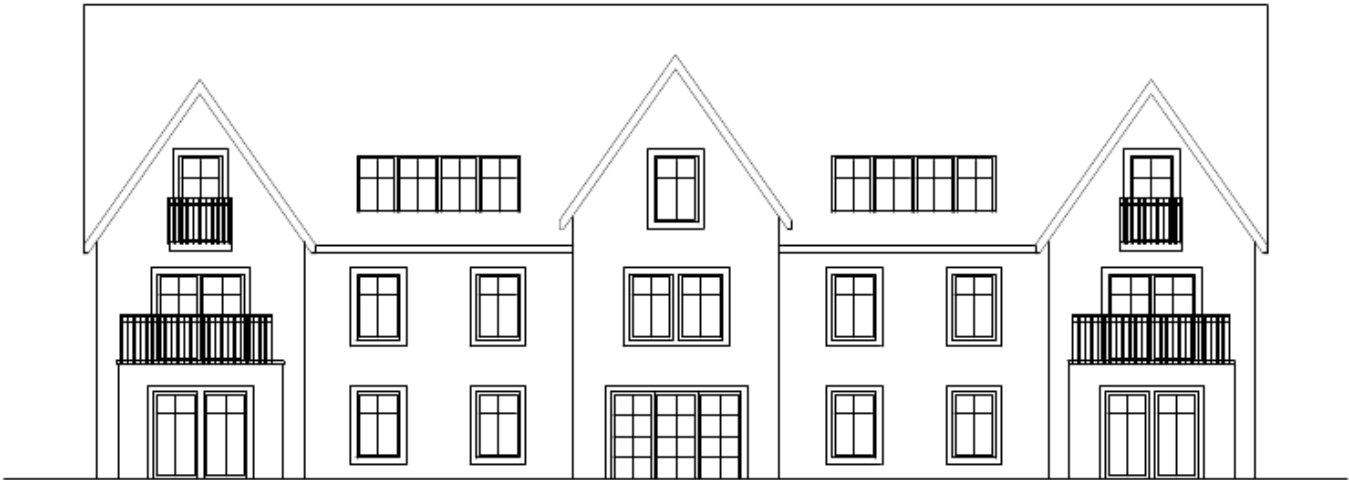
GROUND FLOOR



SECOND FLOOR



Proposed front and rear elevations

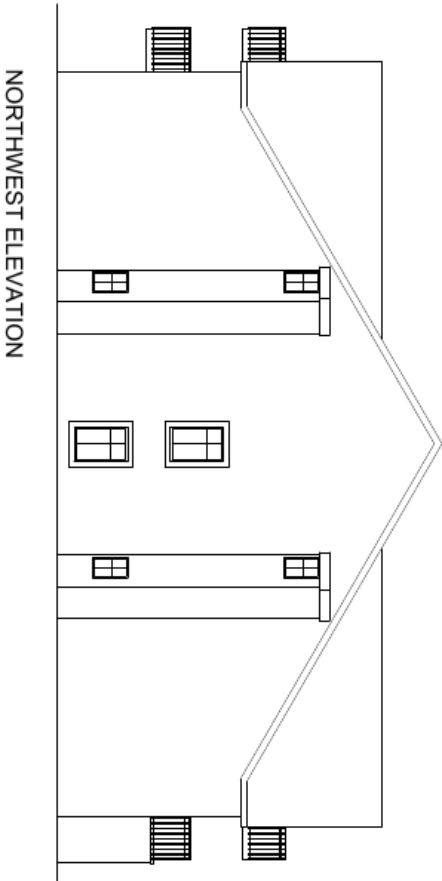
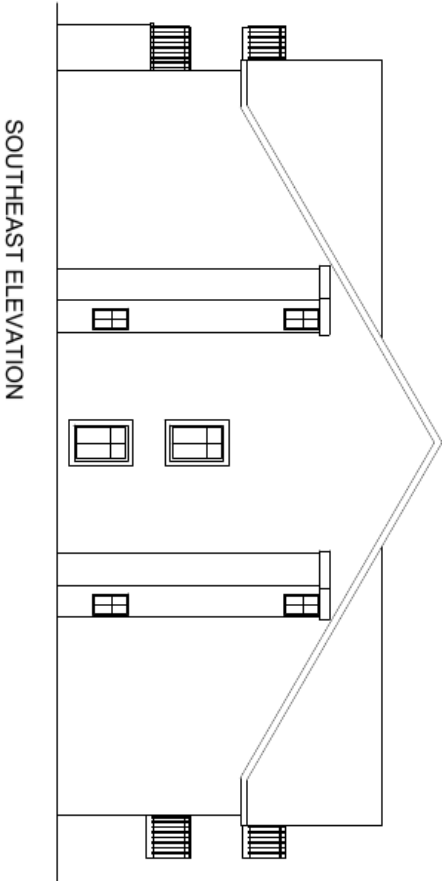


NORTHEAST ELEVATION



SOUTHWEST ELEVATION

Proposed side elevations



WINDSOR RURAL DEVELOPMENT CONTROL PANEL

17 October 2018

Item: 4

Application No.:	18/02000/VAR
Location:	Former The Little House Charters Road Sunningdale Ascot SL5 9QF
Proposal:	Variation of condition 14 (rooflights) 15 (approved plans) under (Section 73) of application 17/01066/VAR to amend rooflights and substitute approved drawing numbers FD16-1361-P135A and FD16-1361-P140A with drawing numbers FD16-1361-P135B and FD16-1361-P140B for the redevelopment of site to provide 6 x 3 bedroom apartments under application 15/03090 (allowed on appeal).
Applicant:	Kebbell Homes Ltd
Agent:	Christopher Pickering
Parish/Ward:	Sunningdale Parish/Sunningdale Ward
If you have a question about this report, please contact: Adam Jackson on 01628 796660 or at adam.jackson@rbwm.gov.uk	

1. SUMMARY

- 1.1 This application was deferred at the last Windsor Rural Development Management Panel meeting to allow members to carry out a site visit which took place on 26th September 2018. The site visit was conducted from the application site itself and from the neighbouring property Cliveden House. The applicant has also submitted amended plans showing the first floor bathroom window in the east elevation to be obscure glazed and further detailed information regarding the proposed replacement landscaping has also been submitted. The report as previously presented is as below.
- 1.2 The proposed changes would not have a detrimental impact on the design quality of the development and no harm would be caused to the character and appearance of the area.
- 1.3 The proposed changes and the removal of condition 14 would not result in a loss of amenity to neighbouring properties due to the height of the roof lights above the finished floor level within the roof and the angle of the roof lights.

It is recommended the Panel authorises the Head of Planning:	
1.	To grant planning permission on the satisfactory completion of a deed of variation to secure SAMM and SANG contributions to mitigate against the likely impact on the Thames Basin Heaths Special Protection Area as previously secured under applications 15/03090 and 17/01066 and with the conditions listed in section 10 of this report.
2.	To refuse planning permission if an undertaking to secure the required deed of variation is not satisfactorily progressed as the proposed development would not provide mitigation for the likely impacts on the Thames Basin Heaths Special Protection Area.

2. REASON FOR PANEL DETERMINATION

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

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site is located on the northeast side of Charters Road almost opposite the junction with Sunning Avenue. The site formerly accommodated a 1½ storey single family dwelling, with a detached garage and outbuilding. The site measures 0.262 hectares and is accessed by a driveway positioned opposite Sunning Avenue. Work has commenced on site and is at an advanced stage.

- 3.2 There are trees along the boundaries of the site including the front boundary. The site is subject to an Area Tree Preservation Order (No 9 of 1984).
- 3.3 The site lies within the excluded settlement of Sunningdale and its boundaries are surrounded by residential houses with a property on the opposite side of Charters Road being subdivided into flats. The site is within the townscape area described as 'Leafy Residential Suburb'.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The application has been submitted to vary conditions 14 (roof lights) and 15 (approved plans) to allow for the roof lights to have clear rather than obscure glazing. The roof lights have also been reduced in scale and set further from the edge of the roof.

4.2

Ref.	Description	Decision and Date
03/84272	Erection of ten 2-bed apartments with associated parking and landscaping following demolition of existing dwelling	Refused 06/01/04 Appeal dismissed
04/84958	Erection of 8 x 2 bedroom flats following demolition of existing dwelling (revision of 03/84272).	Withdrawn 04/08/04
12/00325	Construction of two detached houses and garages with access and landscaping following demolition of existing house and garage	Approved 03.04.2012
12/01490	Erection of 6 x 3 bedroom flats together with garages and a parking court following demolition of the existing building	Refused 20.07.2012 Appeal dismissed
Appeal A 12/01490	Erection of 6 x 3-bedroom flats with garages and a parking court following demolition of existing.	Refused 28.5.2015. Appeal dismissed.
Appeal B 12/02720	Erection of 6 x 3 bedroom flats together with basement parking following demolition of the existing building	Refused 03.10.2012 Appeal allowed
14/00118	Erection of 4 semi-detached dwellings with basements and associated amenity space following the demolition of the existing.	Approved 20.7.14
14/01846/FULL	Construction of 4 x semi-detached dwellings with garages and associated amenity space.	Refused 21.8.2014. Appeal allowed 27.4.2015
14/02971/FULL	Construction of 4 x semi-detached dwellings with garages and associated amenity space.	Refused 11.11.2014 Appeal withdrawn.
15/03090/FULL	Redevelopment of site to provide 6 x 3 bedroom apartments	Refused 25.01.2016. Appeal allowed 28.10.2016.
16/01680/FULL	Erection of 6 x 3 bed apartments with basement parking.	Approved 02.08.2016
17/00767/VAR	Variation to planning permission 12/02720/FULL without complying with Condition 7 [Tree protection details] and Condition 16 [Landscaping]	Approved 25.07.2017
17/01066/VAR	Redevelopment of site to provide 6 x 3 bedroom apartments under planning permission 15/03090 (allowed on appeal) without complying with condition 2 (approved plans) to substitute approved drawings	Approved 07.08.2017
18/00862/VAR	Variation of Condition 15 (under Section 73) under 17/01066/VAR [for the redevelopment of site to provide 6 x 3 bedroom apartments under planning permission 15/03090 (allowed on appeal) without complying with condition 2 (approved plans) to substitute approved drawings] to substitute plans approved with amended plans.	Withdrawn 18.05.2018

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 **National Planning Policy Framework** Sections 2 (Achieving sustainable development), 5 (Delivering a sufficient supply of homes), 8 (Promoting healthy and safe communities), 9 (Promoting sustainable transport), 12 (Achieving well-designed places) and 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:

	Design/character	Highways and Parking	Trees
Local Plan	DG1, H10, H11	P4, T5	N6
Ascot Sunninghill and Sunningdale Neighbourhood Plan	NP/EN4, NP/H2, NP/H3, NP/DG1, NP/DG2, NP/DG3, NP/DG5, NP/T1, NP/T2	NP/T1, NP/T2	NP/EN2, NP/EN3

These policies can be found at

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
Sustainable Transport	IF2
Trees	NR2

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

Supplementary planning documents

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

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Impact on the character and appearance of the area
- ii Impact on neighbours

Impact of the character of the area

6.2 Section 73 of the Town and Country Planning Act (as amended) (this variation application) specifically excludes the reconsideration of issues other than those covered by the conditions that are subject of this application.

6.3 The application proposes to vary conditions 14 (roof lights) and 15 (approved plans) of permission 17/01066/VAR (which in turn varied 15/03090/FULL) to alter the position and size of the roof lights within the side elevations of the building and allow for them to be clearly glazed and opening rather than obscurely glazed and fixed shut as currently required by condition 14. The roof lights would be reduced in size and are consequently set further from the edge of the roof. No additional roof lights are proposed. The changes to the roof lights would not have a significant impact on the overall appearance of the building and would not result in the design quality of the development being diminished as required by paragraph 130 of the National Planning Policy Framework. No harm would therefore be caused to the character and appearance of the area.

Impact on neighbours

6.4 There is substantial planning history on this site. An application in 2012 (12/02720/FULL) for a similar scheme was allowed at appeal. The Planning Inspector conditioned as part of this approval for the side facing bathroom windows to be obscurely glazed in order to protect the privacy of neighbours; there was no requirement for the windows to be fixed shut. Other side facing rooms within the first floor serving dining rooms, kitchens and bedrooms were however not required to be obscurely glazed. A similar permission was then granted in 2016 (16/01680/FULL) and a similar condition was imposed requiring first floor side facing bathroom windows to be obscurely glazed and this time fixed shut, however, as with the 2012 application the same requirement was not imposed on other side facing windows which served bedrooms and dining rooms.

6.5 Following the outcome of the 2016 application the appeal for 15/03090 (the application being varied under the current application) was decided. The Planning Inspector allowed the appeal and did not impose any conditions in relation to side facing windows, citing the separation, screening and the use of the rooms on the side elevation as sufficient to prevent overlooking. 17/01066 which was a variation to 15/03090 did not require ground or first floor side windows to be obscurely glazed, however, a condition was added at the request of the Windsor Rural Area Development Management Panel requiring all roof lights in the side elevations (which had increased in size) to be non-opening and fitted with obscure glass. It should be noted that another permission 17/00767 which is a variation of 12/02720 has also recently been approved and this allowed the developer to remove some of the trees which form part of the boundary screening, however, replacement planting was agreed and as it was a variation to the 2012 application the condition to obscurely glaze the side facing bathroom windows was re-imposed; It is understood that this permission is no longer being implemented.

- 6.6 This application returns the roof lights to a size similar to those approved under the original application (15/03090), however, also sets them further from the edge of the roof and therefore further above the internal floor levels of the rooms within the roof. Additional plans have been submitted which show the internal floor levels within the roof rooms and show that the bottom of the roof lights would be 1.859m (approx. 6 foot) above this floor level. Given this height and the fact that the roof lights are angled upwards it is considered that the roof lights would not easily allow views into the neighbouring properties and would not have a significant impact on the amenity of neighbours.

Other Material Considerations

Housing Land Supply

- 6.7 Paragraphs 7 and 14 of the National Planning Policy Framework (NPPF) set out that there will be a presumption in favour of Sustainable Development. Paragraph 49 of the NPPF states 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 There is no increase in floor space from 17/01066/VAR and 15/03090/FULL and as such the development is not CIL liable.

8. 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 23.07.2018

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

Comment		Where in the report this is considered
1.	RBWM has requested comments from interested parties by the 16 th August but the yellow planning application notice requests comments by the 15 th August.	N/A – A minimum of 28 days has been given to all consultees and interested parties in which to comment on the application.
2.	The Velux windows have already been inserted into the second floor.	The application is retrospective – any works undertaken that have not or are not granted planning permission may be subject to enforcement action.
3.	Concerns have been raised that the development will result in a loss of privacy to neighbouring properties.	See paragraphs 6.4 to 6.6

Other consultees

Consultee	Comment	Where in the report this is considered
Highways	The proposed variation raises no highway concerns.	N/A

9. APPENDICES TO THIS REPORT

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

10. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED REASONS

- 1 The development shall be constructed externally using the materials approved under conditions application 17/02592/CONDIT unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of the visual amenities of the area. Relevant Policy DG1, H10, H11. NP/DG3
- 2 The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the Arboricultural Method Statement Rev B dated 13-8-2015 submitted with 15/03090 and tree protection plan KEB 18037-03F and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the Local Planning Authority.
Reason: To protect trees that contribute to the visual amenities of the area. Relevant Policy - Local Plan N6 and Neighbourhood Plan NP/EN2
- 3 Hard and soft landscaping works on site shall be carried out in accordance with the details approved under conditions application 17/02592/CONDIT prior to the occupation of any part of the development or in accordance with a programme agreed with the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
Reason: In the interests of the visual amenities of the area. This detail is required prior to commencement because the landscaping should be considered in the overall design of the scheme. Relevant Policy - N6.
- 4 No part of the development shall be occupied until a refuse bin storage area and recycling facilities have been provided in accordance with details that have first been submitted to and approved in writing by the local planning authority. These facilities shall be kept available for use in association with the development at all times.
Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - Local Plan T5, DG1.
- 5 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with details that have first been submitted to and approved in writing by the local planning authority. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.
Reason: To ensure that the development is provided with adequate parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1
- 6 No entrance gates shall be installed unless they are set back a minimum distance of at least five metres from the highway boundary or seven metres from the nearside edge of the carriageway of the adjoining highway and hung so that the gates can only open inwards.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5, DG1.
- 7 No part of the development shall be occupied until vehicle parking spaces have been provided in accordance with the approved drawing. The spaces shall be retained for parking in association with

the development.

Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety. Relevant Policies - Local Plan P4, DG1 and Neighbourhood Plan NP/T1

- 8 No part of the development shall be occupied until the access has been constructed in accordance with the approved drawing. The access shall thereafter be retained.
Reason: In the interests of highway safety. Relevant Policy - T5.
- 9 The garages hereby permitted shall be kept available at all times for the parking of motor vehicles by the occupants of the apartments and for no other purpose.
Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety. Relevant Policies - Local Plan P4, DG1.
- 10 The development shall be carried out in accordance with the construction management statement approved under conditions application 17/02592/CONDIT. The approved Statement shall be adhered to throughout the construction period.
Reason In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.
- 11 The development shall be undertaken in accordance with the revised written scheme of investigation for a programme of archaeological work (prepared by Thames Valley Archaeological Services) dated 24th February 2016 - Ref 16e21ra , approved under condition application 16/00317/CONDIT. The agreed programme of archaeological work must be completed as evidenced by a report on the results, in order for the condition to be fully discharged.
Reason: The site lies within an area of archaeological potential, specifically relating to Roman remains. The Condition will ensure the satisfactory mitigation of the impact of development and to record any surviving remains so as to advance our understanding of their significance in accordance with national and local plan policy ARCH 2.
- 12 The hard surfaces shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.
Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with Requirement 5 of the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document.
- 13 The development hereby permitted shall be carried out in accordance with the approved plans listed below.
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

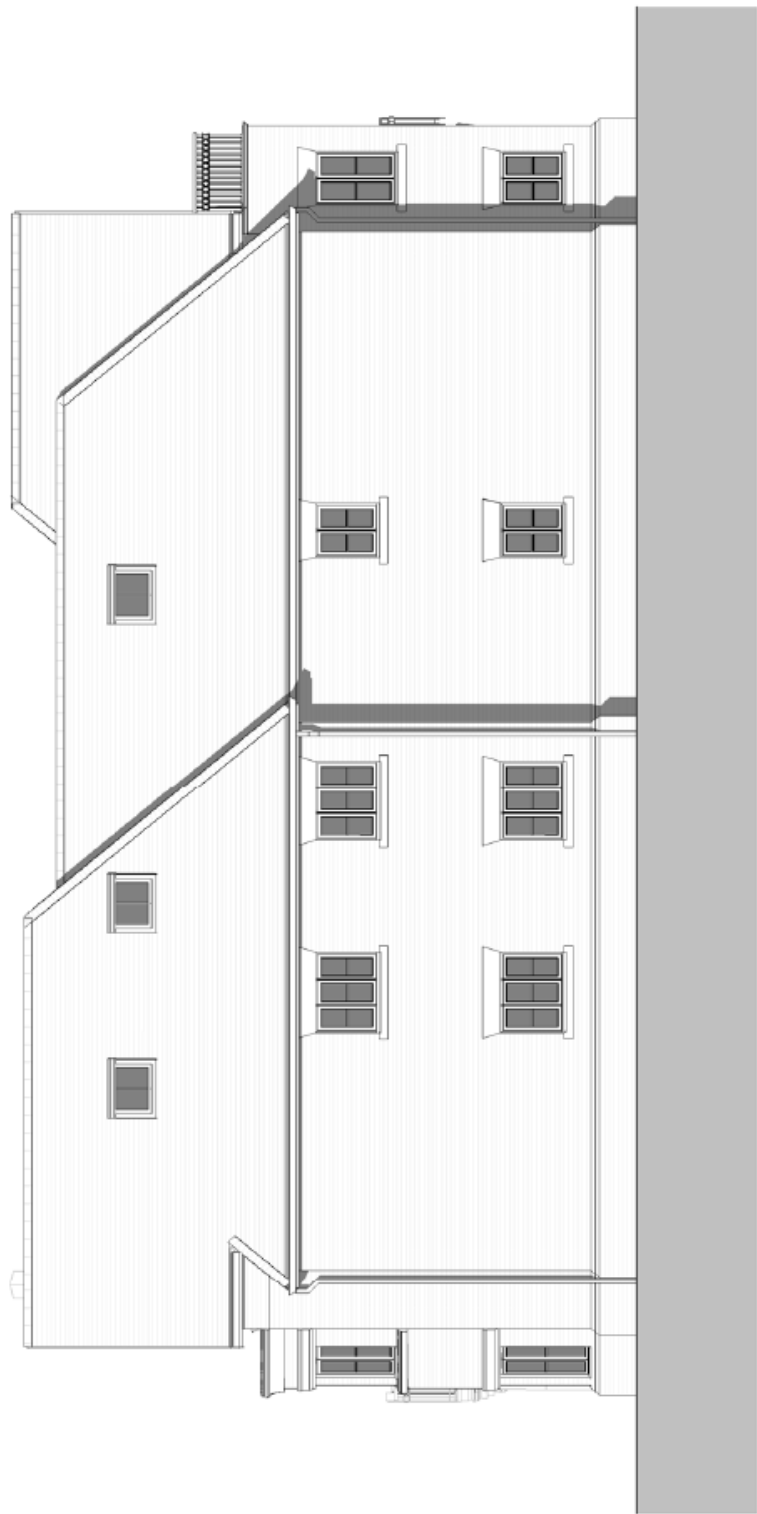
Appendix A—Site location plan and site layout

Site location plan



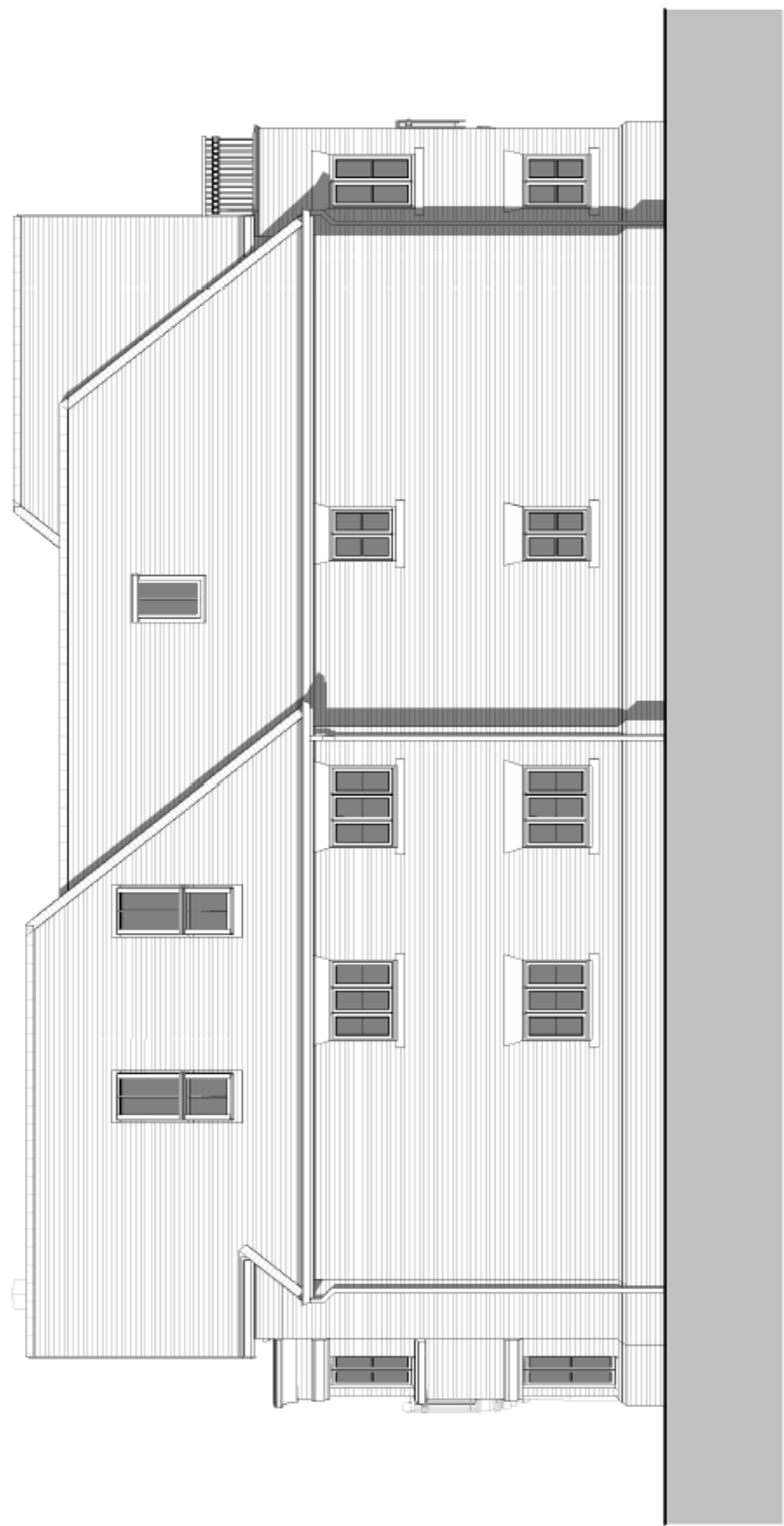
Appendix B—Approved and proposed plan and elevation drawings

Right hand flank elevation for 18/02000

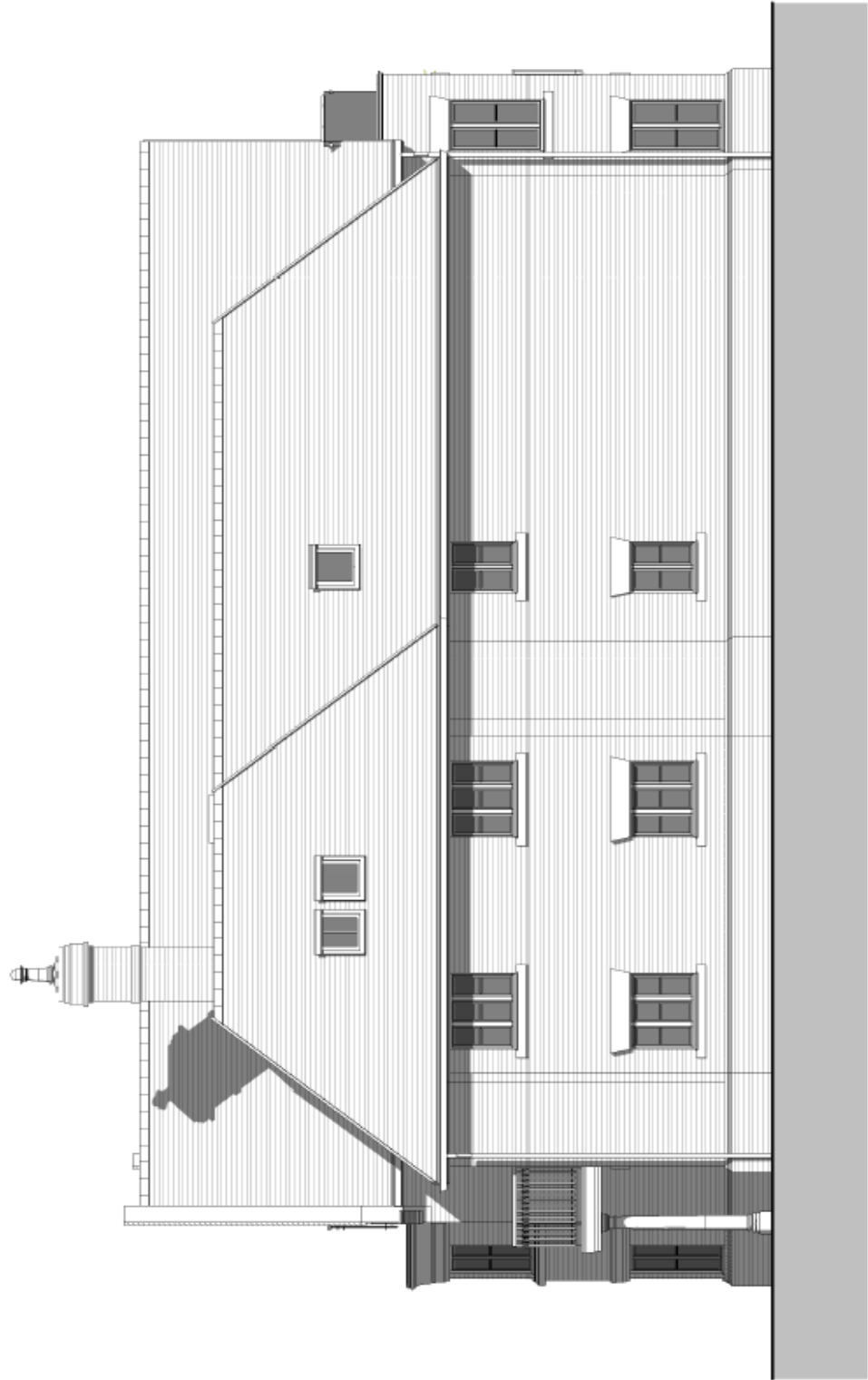


Right Flank Elevation

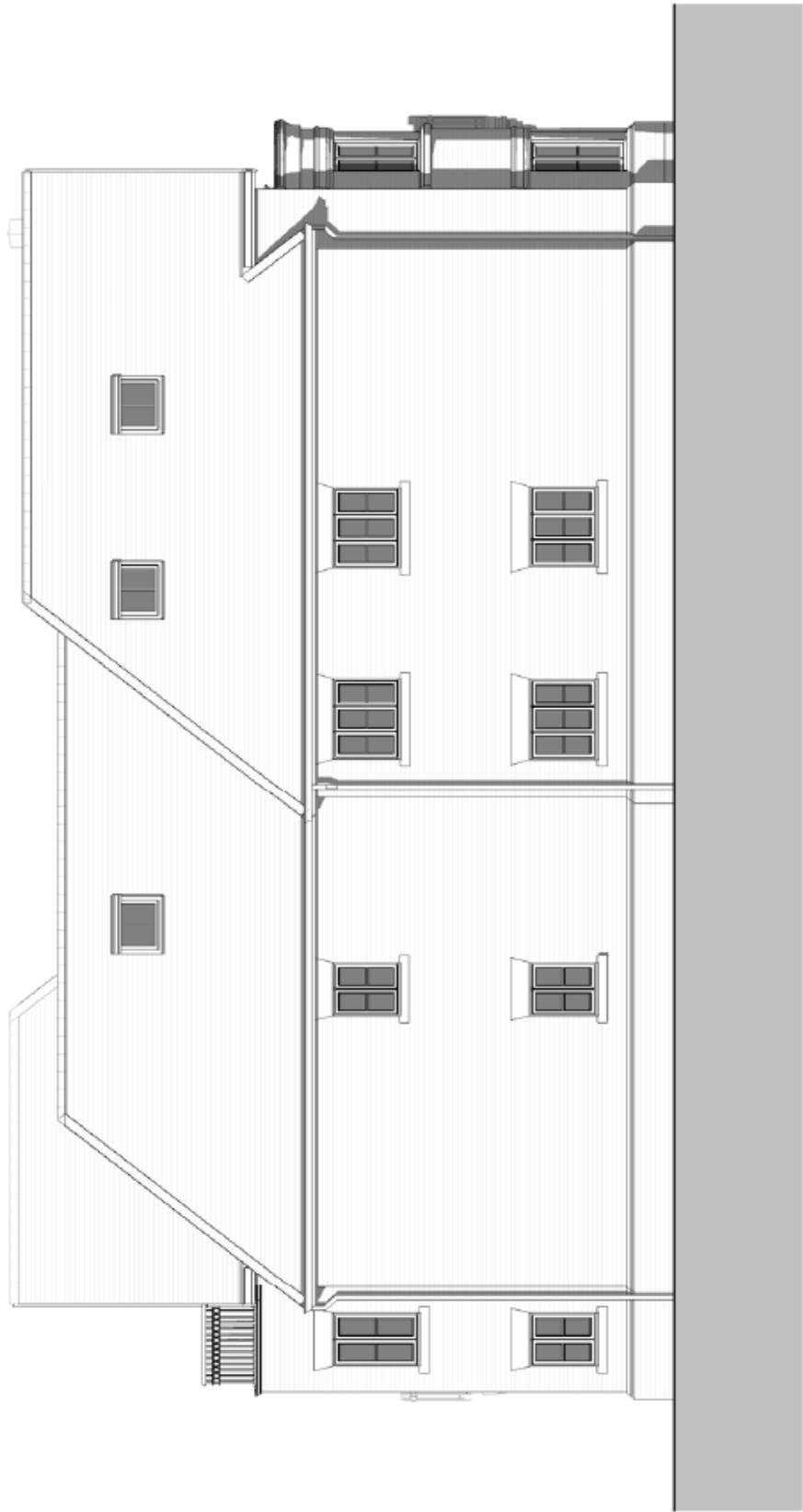
Right hand flank elevation for 17/01066



Right hand flank elevation for 15/03090

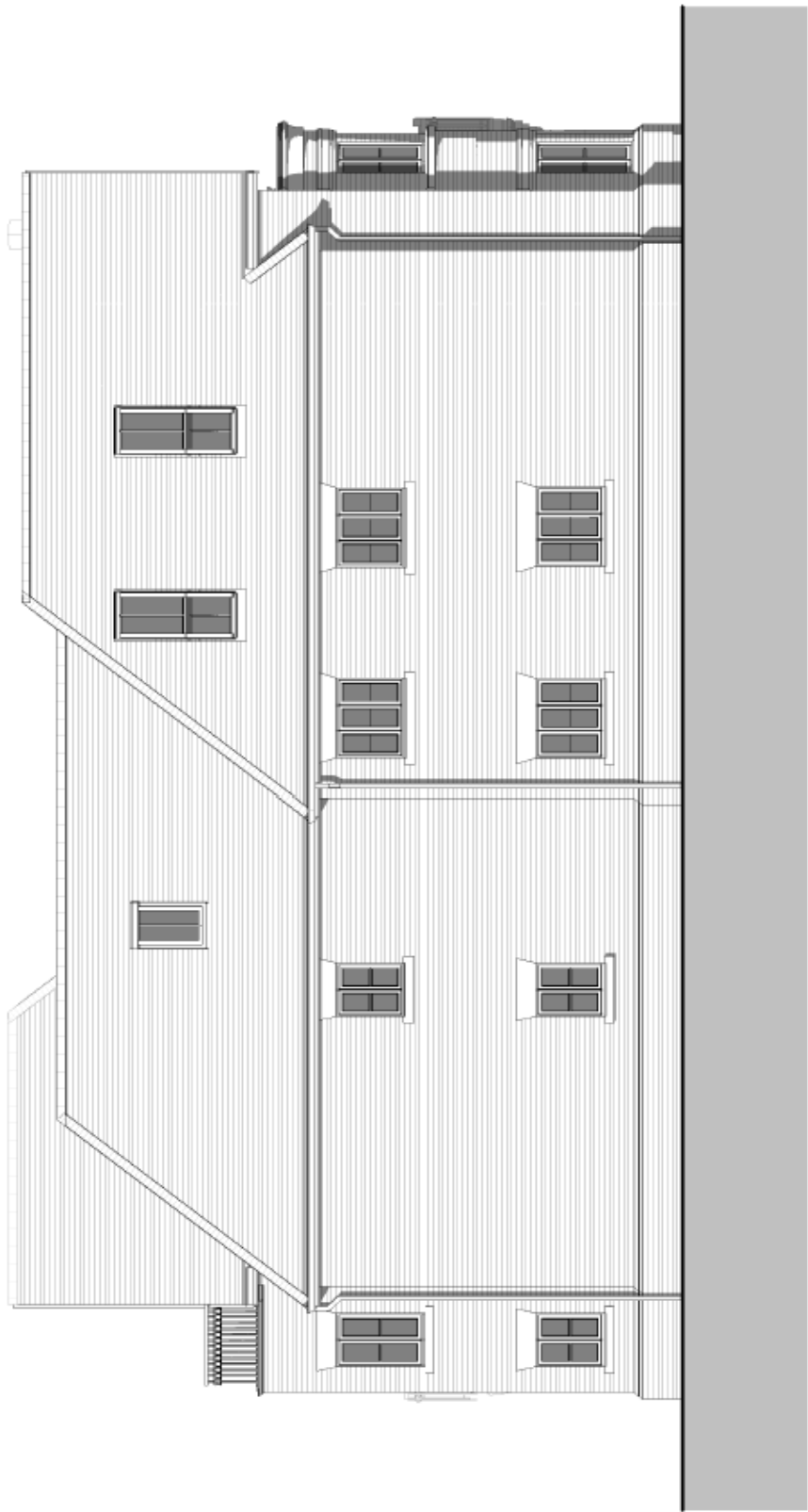


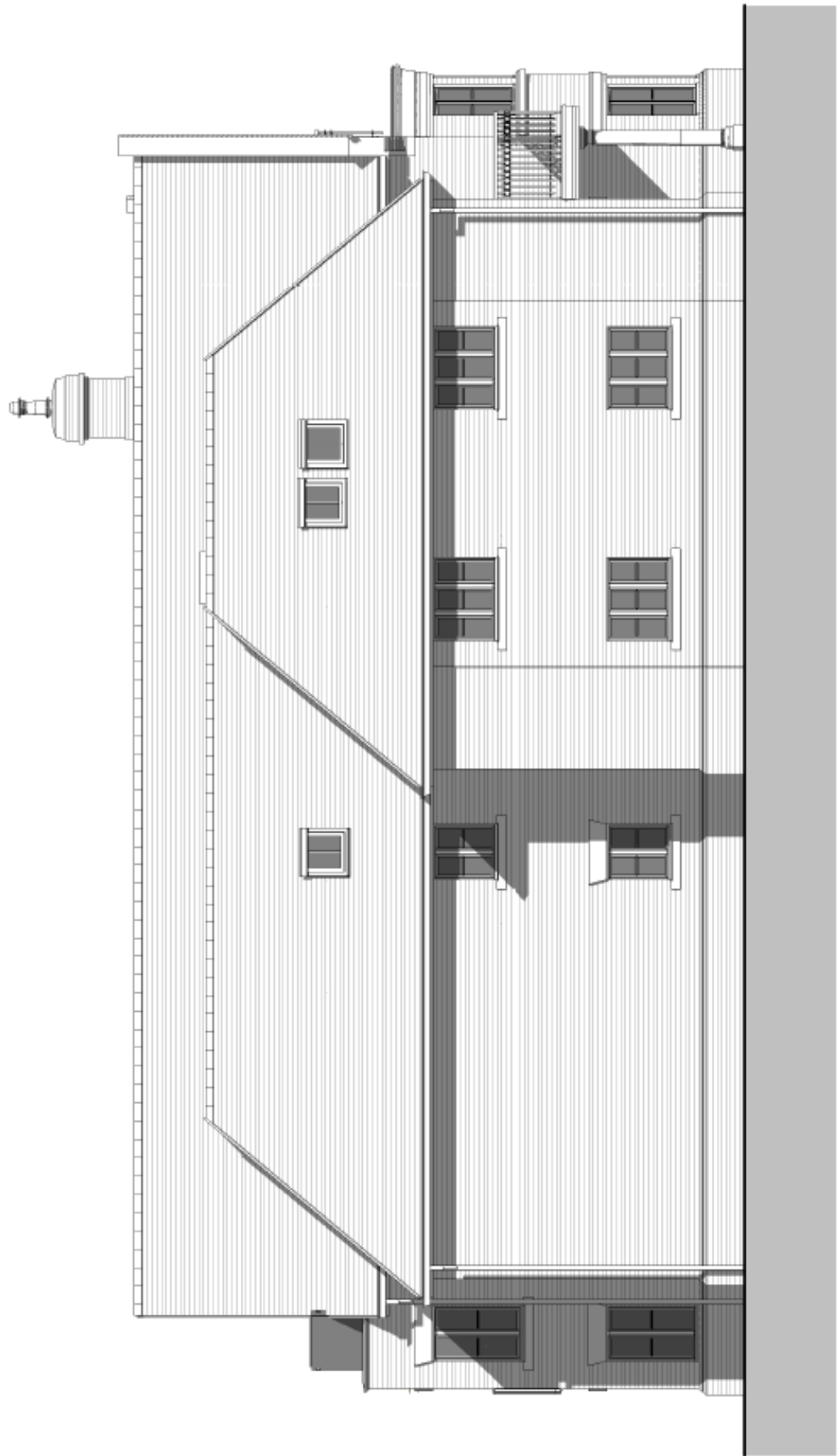
Right Flank Elevation



Left Flank Elevation

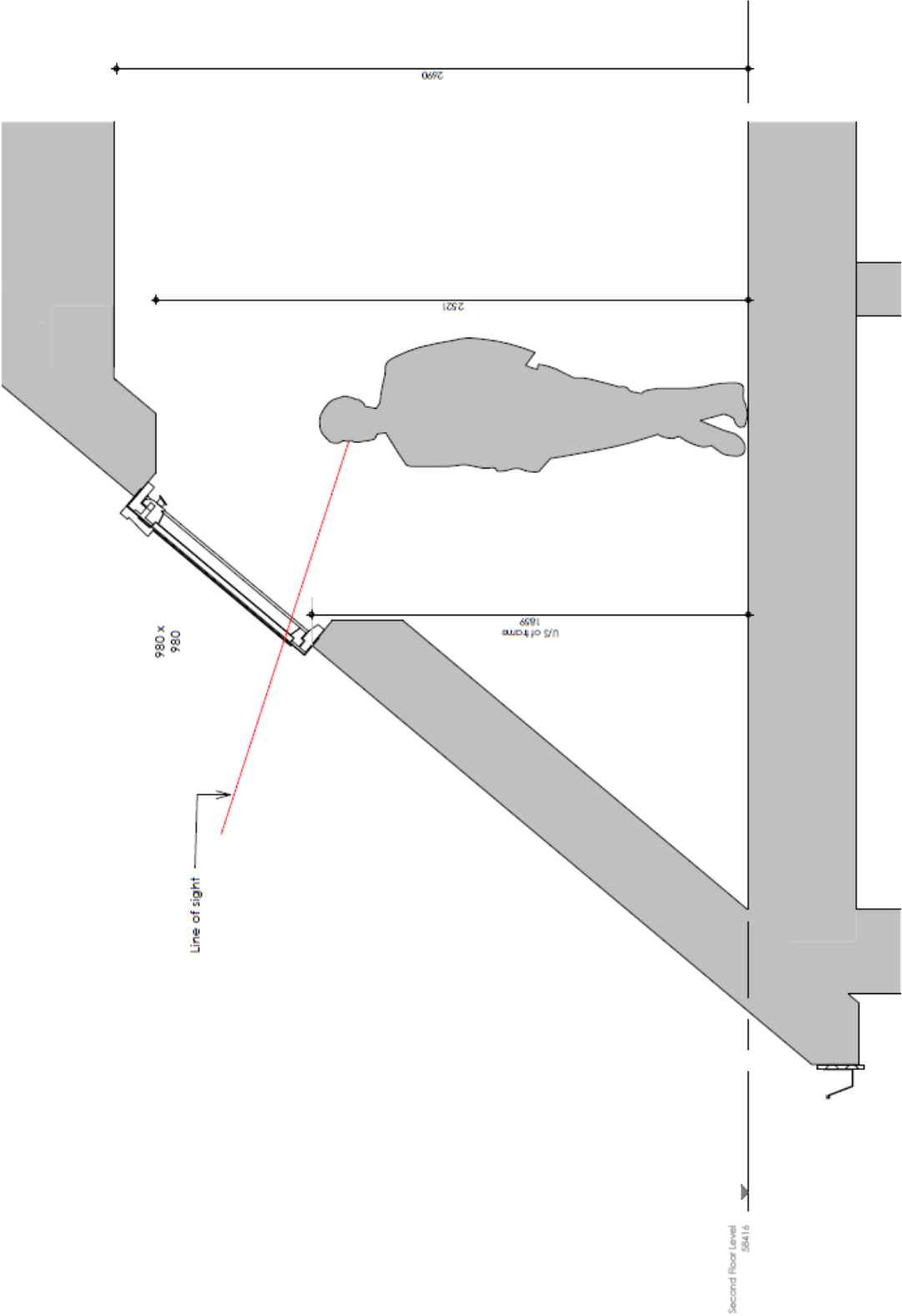
Left hand flank elevation for 17/01066





Left Flank Elevation

Second floor Velux plan



Second Floor Velux
Windows