ROYAL BOROUGH OF WINDSOR & MAIDENHEAD
PLANNING COMMITTEE

WINDSOR RURAL DEVELOPMENT CONTROL PANEL

6 March 2019 **Item:** 1

Application No.:	18/00273/FULL
Location:	Hatchet Lane Farm Hatchet Lane Ascot SL5 8QE
Proposal:	Conversion of existing residential dwelling and outbuildings to 7 No. dwellings with associated works.
Applicant:	Mr Walton Masters
Agent:	Mr Warren Joseph
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 Planning permission is sought for the conversion of the existing residential dwelling and outbuildings (including stables and an agricultural barn) to 7 dwellings with associated residential curtilages and landscaping. The proposal also includes the replacement of an existing garage building.

1.2 The proposal is considered to constitute appropriate development in the Green Belt, complying with paragraph 146 of the NPPF which allows for the re-use of buildings provided that the buildings are of permanent and substantial construction and provided that the development preserves the openness of the Green Belt and does not conflict with the purposes of including land in within it.

1.3 The replacement of the existing garage building would comply with bullet point (d) of paragraph 145 of the NPPF which allows for replacement buildings in the Green Belt provided they are in the same use and not materially larger than that which they replace.

1.4 The proposal would result in minimal harm to the character of the area and has been found acceptable in regards to highway safety, impact on trees, wildlife and flooding risk.

1.5 The Planning Authority have allowed additional information to be submitted throughout the course of the application to address concerns raised over impact on trees and flooding and to respond to changes in national planning policy over the matter of affordable housing.

It is recommended the Panel authorises the Head of Planning:
To grant planning permission on the satisfactory completion of an undertaking to secure an off-site affordable housing contribution and with the conditions listed in Section 13 of this report.
To refuse planning permission if an undertaking to secure an off-site affordable housing contribution has not been satisfactorily completed for the reason that the proposed development would not comply with the Council's affordable housing policy.

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 comprises a large detached dwelling and associated outbuildings, stable and agricultural barn, accessed off Winkfield Road in the Green Belt area of North Ascot. The site has two main vehicular accesses off Winkfield Road, the southern most access point serves the dwellinghouse and outbuildings, and the northern most access point serves the agricultural barn and land to the north and east of the application site. The majority of buildings are centred around an area of hard-surfacing. The residential land associated with the dwelling is vast but does not fill the entire application site. It is considered that some land within the application site falls outside residential use.

3.2 The site is rural in character, with many trees and hedges surrounding the site. There is a prominent oak tree overhanging the existing stable block. The land surrounding the application site but also within the ownership of the applicant comprises open fields and agricultural land. The nearest residential properties are Cranbourne Corner, on the other side of Winkfield Road, and Brookside House, some 80m to the south of the application site.

4. KEY CONSTRAINTS

4.1 Green Belt

Flood zone 1 and 2

TPO trees

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

5.1 The existing timber outbuildings opposite and to the north of the dwellinghouse would be converted into two semi-detached dwellinghouses with private garden areas to the north (plots 1 and 2). The existing dwellinghouse is to be converted into provide a pair of semi-detached dwellinghouses with private garden areas to the south (plots 3 and 4). The existing stable building would be converted into two semi-detached dwellinghouses (plots 5 and 6) and the large, modern agricultural barn would be converted to a single dwellinghouse (plot 7) with a garden area to the north and south. The northern most access would be retained to serve this dwellinghouse and the two parking spaces for plot 1.

5.2 A structural survey has been submitted in support of the application which confirms that the existing buildings are of permanent and substantial construction and capable of conversion.

6. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

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

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1, H10,H11
Appropriate development in the Green Belt	GB1 and GB8
Highways	P4 and T5
Trees	N6
Flooding	F1
Affordable Housing	H3

These policies can be found at
https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices

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

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

Adopted The South East Plan – Regional Spatial Strategy

Issue	Plan Policy
Thames Basin Heaths Special Protection Area	NRM6

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2018)

7.1 Section 4- Decision–making
Section 9- Promoting Sustainable Transport
Section 12- Achieving well-designed places
Section 13- Protecting Green Belt land
Section 14- Meeting the challenge of climate change, flooding and coastal change

Borough Local Plan: Submission Version

Issue	Local Plan Policy	Level of weight
Appropriate Development in Green Belt and acceptable impact on Green Belt	SP1, SP5	Significant
Design in keeping with character and appearance of area	SP2, SP3	Significant
Acceptable impact on River Thames corridor	SP4	Significant
Manages flood risk and waterways	NR1	Limited
Makes suitable provision for infrastructure	IF1	Significant

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

This document can be found at:
https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1

Supplementary planning documents

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

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

More information on these documents can be found at:
https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning

Other Local Strategies or Publications

7.4 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

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

3 neighbouring occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 22nd February and the application was advertised in the Maidenhead & Windsor Advertiser on 15th February 2018.

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

Comment		Where in the report this is considered
1.	Increase in vehicles joining Hatchet Lane/Winkfield Road at a dangerous junction	Section 6.18-6.21
2.	Concerns about increased traffic and congestion	Section 6.18-6.21
3.	The Highways Officer must visit the site	Section 6.18-6.21
4.	The barn was built on green belt land for agricultural use and should not be converted to a house	Section 6.2-6.8

Statutory consultees

Consultee	Comment	Where in the report this is considered
Environment Agency	No objection to Flood Risk Assessment. Site is in Flood Zone 2 and LPA must follow standing advice.	The majority of the site is within flood zone 1, only and small portion of the access is within flood zone 2. The applicants have demonstrated safe access and egress to and

		from the site.
LLFA	The applicant needs to demonstrate that a workable surface water drainage scheme can be delivered. Further information is therefore required before the application can be supported.	These details have been requested from the applicant and the recommendation is subject to receipt of favourable comments from the LLFA

Other consultees

Consultee	Comment	Where in the report this is considered
Parish Council	Objections. The lack of information regarding the details of the individual houses was noted and concerns were expressed about surface water and the need for a drainage scheme. The committee thought that the application needed to demonstrate very special circumstances for such a development within the Green Belt and also thought that the proposal would increase traffic and activity on the site.	See main report
Ecologist	No objection subject to condition	Noted
Tree Officer	No objection to amended plans, subject to condition	Noted
Highways	The recommended visibility splays from the southern access point are not achieved however; the application proposes to reduce vehicular usage of this access by increasing the usage of the northern access point with acceptable visibility splays. The proposed garages do not satisfy spatial requirements stipulated within RBWM's highway design guide; this should be reviewed and amended.	The proposal has been amended and includes the replacement of the garage building

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

i whether the proposal represents inappropriate development in the Green Belt and whether the proposal would preserve the openness of the Green Belt and not conflict with the purposes of including land within it;

ii whether the proposal would result in any impact on non-designated heritage asset

iii flood risk

iv impact on character

v impacts on neighbouring occupiers and amenity of future residents

vi impacts on protected wildlife and trees within the site

vii parking and the impact of highway safety in the area

viii Affordable Housing

ix Other material considerations

Green Belt

9.2 Local plan policies GB1, GB2, GB3 and GB5 set the local policy context for residential development within the Green Belt and GB8 for the re-use of existing buildings. Policy GB1 sets out that inappropriate development is by definition harmful to the Green Belt and can only be approved in Very Special Circumstances. This is reiterated in paragraph 143 of the NPPF, while paragraphs 145 and 146 set out forms of development that are appropriate in the Green Belt. Policy GB2 seeks to resist development that would have a greater impact on the openness of the Green Belt than the existing development at the site, and policy GB3 sets out a very limited range or appropriate forms of residential development within the Green Belt. This includes re-use of existing buildings subject to there being no detrimental impact on the openness of the Green Belt.

9.3 With regard to emerging policy, Borough Plan Policy SP5 states, with regard to the re-use of buildings, that the building must be of permanent and substantial construction and its form should be in keeping with its surroundings and should not require extensive reconstruction or a material change in size or scale. Furthermore, the proposed use must not have a materially greater impact than the present of last approved lawful use on the openness of the Green Belt and the purposes of including land within it.

9.4 Plots 3 and 4 currently comprise a single permanent dwelling, whereas plots 1, 2, 5 and 6 comprise small scale non-habitable timber buildings. For the proposal to be acceptable, the buildings would have to be of permanent and substantial construction and in sound condition and of a form, bulk and general design, which are in keeping with the surroundings. The proposal must also not result in extensive reconstruction of the building or a material increase in their size or scale. This is consistent with paragraph 146 of the NPPF. The application has been supported by a structural survey which confirms that existing buildings 1, 2, 5 and 6 are of permanent and substantial construction. Furthermore, these buildings are considered to be in keeping with their surroundings in terms of design and appearance.

9.5 The replacement of the existing garage with a marginally larger garage building would comply with bullet point (d) of paragraph 145 of the NPPF. This part of the proposal is necessary as the existing garages are substandard in terms of their size according to current highway regulations.

9.6 The conversion of the agricultural barn to a dwellinghouse would in itself comply with the terms of policy GB8 and paragraph 146 of the NPPF, however the issue of residential curtilage may result in a greater impact on openness and purposes of the Green Belt and at this point it is perhaps necessary to view the proposal as a whole compared to the existing situation on site to ascertain whether the openness of the Green Belt would be preserved and/or whether any of the purposes of the Green Belt would be conflicted with.

9.7 The planning history for the site is limited however historical maps provided with the Heritage Statement give a clear indication of the curtilage for the farm buildings. In 1912 the curtilage appears to be tightly drawn around the existing buildings, however by 1972, the curtilage had increased in size particularly to the south of the existing dwellinghouse and was consistent with what is on site today. It is clear therefore that the existing dwellinghouse has a large residential curtilage which can be used for domestic paraphernalia and would attract PD rights for outbuildings. Whilst only one dwellinghouse exists on site at present there are a number of outbuildings used for storage and a stable building (plots 5 and 6) which if used intensively would result in associated activity and equestrian paraphernalia. The agricultural barn remains outside the complex of residential buildings and stables thus causing minimal harm to the openness of the Green Belt aside from the physical presence of the building itself.

9.8 Each dwellinghouse is shown to have a small residential curtilage including the converted agricultural barn, the result being that there would be the creation of residential curtilage on land which is currently used for agricultural purposes. Amended plans received during the course of the application show that the proposed curtilages for each dwellinghouse have been reduced and would now take up a smaller area than that currently used for the existing dwellinghouse. Coupled with the decrease in hard-surfacing across the site and the removal of fencing to open up the north-east part of the site (which can be controlled by condition), it is considered that on

balance the proposal would preserve the openness of the Green Belt and not conflict with the purposes of including land within it when compared with the existing uses, if those uses were used to their full capacity. Indeed, regarding fencing, it is considered that through the proposal, the built form and associated activity can be consolidated to the submitted 'Proposed Curtilages Plan' allowing for increased openness surrounding the application site. It is therefore concluded that the proposal, when viewed as a whole would not result in an encroachment into the countryside, or be harmful to the rural character of the Green Belt.

Heritage Impacts

9.9 At the pre-application enquiry stage, concerns were raised as to whether the complex of rural buildings proposed as plots 1-6 may constitute an undesignated heritage asset. The application has been submitted with an accompanying Heritage Statement which has assessed the significance of the application site in built heritage terms, including the intrinsic significance of the constituent buildings and their interest as a group. It concludes that the site and its constituent buildings are of only limited interest in heritage terms.

Flood Risk

9.10 The NPPF advises that Local Planning Authorities should seek to reduce the overall level of flood risk, by seeking to relocate existing development to areas with a lower probability of flooding. New development is defined as more vulnerable use within the NPPF and the accompanying NPPG advises against locating such uses in areas of high flood risk and instead to steer new development to areas with the lowest possible risk of flooding. Consistent to this approach, Local Plan policy F1, advises that applications in flood-prone areas should be refused unless they avoid (i) putting additional people at risk of flooding, (ii) reducing the capacity of the flood plain to store water and/or (iii) impeding the flow of water.

9.11 A very small portion of the site frontage lies within Flood Zone 2 and Environment agency mapping identifies a stream crossing the site. The buildings to be converted fall within Flood Zone 1 and therefore the sequential and exceptions test do not need to be applied. The environment agency have not objected to the application on grounds of flood risk.

9.12 The southern-most vehicular access into the site is located in Flood Zone 2 which is to serve plots 1 and 3. Paragraph 5.6 of the updated Flood Risk Assessment sets out that access and egress for all plots is provided via the northern access, including plots 1 and 3, which is wholly within Flood Zone 1.

9.13 The Lead Local Flood Authority is satisfied with the revised Flood Risk information submitted with the application subject to condition (condition 19)

Impact on character

9.14 The key intentions of Local Plan policies DG1, H10 and H11 are to encourage a high standard of design in the layout, appearance and landscaping of new development, at similar densities to those prevalent in the area around application sites. Neighbourhood plan policies NP/DG2 and NP/DG3 are also relevant to the proposal in regard to impacts on the character of the area. Policy NP/DG2 requires new development to be similar in density footprint, separation, scale and bulk of the building to that of the surrounding area generally and of neighbouring properties in particular, unless it can be demonstrated that the proposed development would not harm local character. Policy NP/DG3 requires new development to demonstrate good quality design and to respect the character and appearance of the surrounding area. This policy goes on to say that development that fails to take the opportunities available for enhancing the local character and quality of the area and the way it functions should not be permitted.

9.15 The scale and appearance of the proposed dwellinghouses is limited somewhat to that of the existing buildings, given that the proposal is a conversion scheme. The scale and external appearance of units 1-6 is considered appropriate for this rural setting. The creation of plot 7 would result in a single dwellinghouse which has the appearance of a modern agricultural barn. Whilst its appearance would not be domestic in character, given that the resultant building would

be largely the same as that which exists on site at present, its physical impact on the character of the area would be no more harmful than existing. Indeed, the buildings, when viewed collectively would still appear as a collection of rural farm buildings appropriate to their setting. The addition of fencing and external lighting can be controlled by condition and therefore the urbanising effect of the development can be limited.

Impact on neighbours and the amenity of future residents

9.16 The proposal would not result in detrimental impacts on neighbouring occupiers either through proximity to either indoor or outdoor living spaces at neighbouring properties, and/or from views that would result in loss of privacy. The proposed dwellinghouses would face the central part of the site in a linear arrangement with amenity areas either to the north or south and therefore impact on future occupiers would also be minimal. Existing neighbouring occupiers are of a significant distance away so as not to be harmed through the proposed conversion and resulting activity.

Impact on Wildlife/Trees

9.17 The layout has been amended during the course of the application, including the relocation of the parking spaces for plot 1, to ensure minimal impact on trees. The Tree officer is now satisfied with the proposed plans and accompanying information subject to conditions regarding tree protection, site storage, tree retention/replacement and landscaping (see conditions 15,16, 17 and 18).

9.18 The Council's Ecologist is satisfied with the proposals, subject to conditions relating to**,** a wildlife-sensitive lighting scheme (condition 11), precautionary measures in regard to badgers and nesting birds (condition 12), biodiversity enhancement scheme (condition 13) and a bat licence (condition 14).

Parking/Highways

9.19 Despite objections from neighbouring occupiers regarding traffic, the Highways Authority have not raised any objection to the application regarding visibility, impact on the highway or intensification of the access points. Indeed, it is considered that there would be a benefit to highway safety as a result of the proposal given that only dwelling 1 utilising the southern-most access point (where visibility is poorer). The remainder of the dwellinghouses would use the northern most access point with vehicles serving plots 1, 2, 4, 5 and 6 cutting down the first driveway and vehicles serving plot 7 cutting down the second driveway.

9.20 The current unmade track from the northern access point is to be reconstructed, providing a shared driveway width of 4.8m. The Highways Authority have advised that the width of the proposed access should be widened to a minimum of 5.5m for a distance of 10m from the highway. In addition, the access should be constructed in a bound material for the first 5m. This is to be controlled by condition (3 and 8).

9.21 The application proposes off-street parking provision of two spaces per unit plus two visitor parking spaces for units one to six and three spaces for the five bedroom unit (plot 7) to the rear of the site. The number of parking spaces proposed complies with RBWM's current parking standards and is therefore deemed acceptable.

9.22 Concerns have been raised about the size of the garage to be converted not being up to modern day standards so this part of the proposal has been amended. A replacement garage is now proposed which is large enough to accommodate 4 vehicles.

Affordable Housing

9.23 With a site area of above 0.5 ha, the application it is caught by the Council's adopted policy H3 which advises that the Borough Council will seek to achieve that a proportion of the total capacity of suitable residential schemes be developed in the form of affordable housing. Suitable sites will include sites of 0.5 ha or over or schemes proposing 15 or more net additional dwellings and the

Council's SPD confirms that this policy applies to all types of residential development sites including change of use (conversion), mixed use sites that incorporate an element of residential development, older persons housing such as sheltered and extra care schemes and any other development where there is a net increase in the number of Class C3 residential units on the site. The revised NPPF (paragraph 63) advises that Affordable Housing will not be sought on schemes that are not major development, so as this application is classed as a major development Affordable Housing will be required in line with the Council's adopted policy.

9.24 The amount payable in this case, using the formula set out in the Council's Affordable Housing guidance note is £299,705 and this is to be secured through a section 106 agreement to be completed prior to the granting of planning permission. No vacant building credit can be applied in this case as the proposal does not constitute the redevelopment of brownfield land which is the intention behind the Government's vacant building credit provision.

Other Material Considerations

Housing Land Supply

9.25 Paragraphs 10 and 11 of the NPPF (2018) set out that there will be a presumption in favour of Sustainable Development. The latter paragraph states that:

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

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

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

9.26 Footnote 7 of the NPPF (2018) clarifies that policies which are most important for determining the application are out-of-date includes include, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer).

9.27 Following the Regulation 19 consultation on the Submission Version of the Local Plan, the Council formally submitted in January 2018. The Borough Local Plan Submissions Version 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. However as the BLPSV is not yet adopted planning policy, due regard also needs to be given regarding the NPPF (2018) standard method in national planning guidance to determine the minimum number of homes needed for the borough. At the time of writing, based on this methodology the Council is able to demonstrate a five year rolling housing land supply based on the current national guidance.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

10.1 The application is liable for CIL as it creates new dwellings.

11. CONCLUSION

11.1 The proposed conversion of the existing buildings is considered to constitute appropriate development in the Green Belt in line with paragraph 146 of the NPPF, Local Plan Policies GB1 and GB8 and emerging policy SP5 of the Borough Local Plan (submission version). The proposal would not be harmful to the character of the area or the amenity of neighbouring occupiers. Matters relating to impact on trees, highways, flooding and wildlife have been dealt with through the submission of technical reports. An affordable housing contribution in line with adopted policy H3 is to be secured via a section 106 agreement prior to the granting of planning permission.

12. APPENDICES TO THIS REPORT

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

13. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED 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 The materials to be used on the external surfaces of the development shall be in accordance with those specified in the application unless any different materials are first agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.

3 No part of the development shall be occupied until the access has been constructed in accordance with 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.

4 No part of the development shall be occupied until vehicle parking and turning space has been provided, surfaced and marked out in accordance with the approved drawing. The space approved shall be kept available for parking and turning in association with the development.
Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety, and to facilitate vehicles entering and leaving the highway in forward gear. Relevant Policies - Local Plan P4, DG1.

5 Irrespective of the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or subsequent modifications thereof), the garage accommodation on the site shall be kept available for the parking of vehicles associated with the development at all times.
Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety. Relevant Policies - Local Plan P4, DG1.

6 No part of the development shall be occupied until the refuse bin storage area and recycling facilities have been provided in accordance with the approved drawing. These facilities shall be kept available for use in association with the development at all times.
Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - Local Plan T5, DG1.

7 The gradient of private drives shall not exceed 1 in 12.
Reason:To ensure that adequate access to parking spaces and garages is provided. Relevant Policies - Local Plan T5, P4.

8 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.

9 Irrespective of the provisions of Classes A, B, C, E, F and G of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no enlargement of any dwellinghouse or erection of any ancillary building within the curtilage of or to any dwellinghouse the subject of this permission shall be carried out without planning permission having first been obtained from the

Local Planning Authority.
Reason: The site is in the Green Belt and whilst the development subject to this permission is acceptable in the context of Local Plan and National Planning Policy Framework policies controlling development in the Green Belt, further development may be unlikely to be so and would need to be controlled in the interests of protecting the openness of the Green Belt. Relevant Policies - Local Plan GB1, GB2.

10 Irrespective of the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no fence, gate, wall or other means of enclosure shall be erected on the site without planning permission having first been obtained from the Local Planning Authority.
Reason: To ensure the location, form, design and materials are appropriate for the character and appearance of the area. Relevant Policies - Local Plan GB2.

11 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.
Reason: To ensure that wildlife is not adversely affected by the proposed development in line with Policy NR3 of the submitted Local Plan.

12 The precautionary measures detailed in Section 6.13-6.37 of the Preliminary Ecological Appraisal (ACD Environmental, January 2018) shall be implemented in full, unless otherwise agreed in writing by the LPA.
Reason: To ensure that wildlife is not adversely affected by the proposed development in line with Policy NR3 of the submitted Local Plan.

13 No development hereby permitted shall commence until details of biodiversity enhancements, to include bird and bat boxes, tiles or bricks on and around the new buildings and native and wildlife friendly landscaping has been submitted and approved in writing by the LPA.
Reason: To incorporate biodiversity in and around developments in accordance with paragraph 175 of the NPPF.

14 No works hereby permitted shall commence until a licence for development works affecting bats has been obtained from the Statutory Nature Conservation Organisation (Natural England) and a copy has been submitted to the Local Planning Authority. Thereafter mitigations measures approved in the licence shall be maintained in accordance with the approved details. Should conditions at the site for bats change and the applicant conclude that a licence for development works affecting bats is not required, the applicant is to submit a report to the Local Planning Authority detailing the reasons for this assessment and this report is to be approved in writing by the council.
Reason: To ensure that the LPA fulfils its duties under The Conservation of Habitats and Species Regulations 2017, and that bats, a material consideration, are not adversely impacted upon by the proposed development.

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. Relevant Policies - Local Plan DG1, N6.

17 No tree or hedgerow shown to be retained in the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be lopped or topped other than in accordance with the approved plans and particulars or without the prior written approval of the Local Planning Authority, until five years from the date of occupation of the building for its permitted use. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 Tree work. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate vicinity and that tree shall be of the same size and species unless the Local Planning Authority give its prior written consent to any variation.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1, N6.

18 No development shall take place until full details of both hard and soft landscape works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season following the substantial completion of the development and retained in accordance with the approved details. 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.

19 No construction shall commence until a surface water drainage scheme for the development, based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority.
Details shall include:
- Full details of all components of the proposed surface water drainage system including dimensions, locations, gradients, invert levels, cover levels and relevant construction details.
- Supporting calculations confirming compliance with the Non-Statutory Technical Standards for Sustainable Drainage Systems .
- Details of the maintenance arrangements relating to the proposed surface water drainage system, confirming who will be responsible for its maintenance and the maintenance regime to be implemented.
The surface water drainage system shall be implemented and maintained in accordance with the approved details thereafter.
Reason: To ensure compliance with National Planning Practice Guidance and the Non-Statutory Technical Standards for Sustainable Drainage Systems, and to ensure the proposed development is safe from flooding and does not increase flood risk elsewhere.

20 Irrespective of the provisions of Classes A and B of Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no development in connection with agriculture permitted under these classes (or as amended) shall be carried out within the blue line on plan ref: 17-J2173-LP for a period of 10 years following the implementation of this planning permission, without planning permission having first been obtained from the Local Planning Authority.
Reason: The site is in the Green Belt and outside of a designated settlement. Whilst the development is acceptable under paragraph 79 of the NPPF as it is the re-use of redundant or disused buildings the replacement of the buildings with other development would be contrary to the aims and interests of protecting the openness of the Green Belt and may indicate that the buildings were not genuinely redundant. A period of ten years is consistent with the period set out in the GPDO for class Q for removal of permitted development rights in similar circumstances.

Relevant Policies - NPPF, Local Plan GB1, GB2.

21 No development shall take place until any extensions, buildings and/or enclosures constructed under Article 3 and Classes A and B of Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (as amended or any Order revoking and re-enacting that Order with or without modification) following the granting of this permission and prior to the commencement of works the subject of this permission, have been removed or demolished in their entirety. All materials resulting from such removal/demolition shall be removed from the site by the substantial completion or occupation of the development hereby permitted, whichever is the sooner.
Reason: The site is in the Green Belt and outside of a designated settlement. Whilst the development is acceptable under paragraph 79 of the NPPF as it is the re-use of redundant or disused buildings the replacement of the buildings with other development would be contrary to the aims and interests of protecting the openness of the Green Belt and may indicate that the buildings were not genuinely redundant. A period of ten years is consistent with the period set out in the GPDO for class Q for removal of permitted development rights in similar circumstances. Relevant Policies - NPPF, Local Plan GB1, GB2.

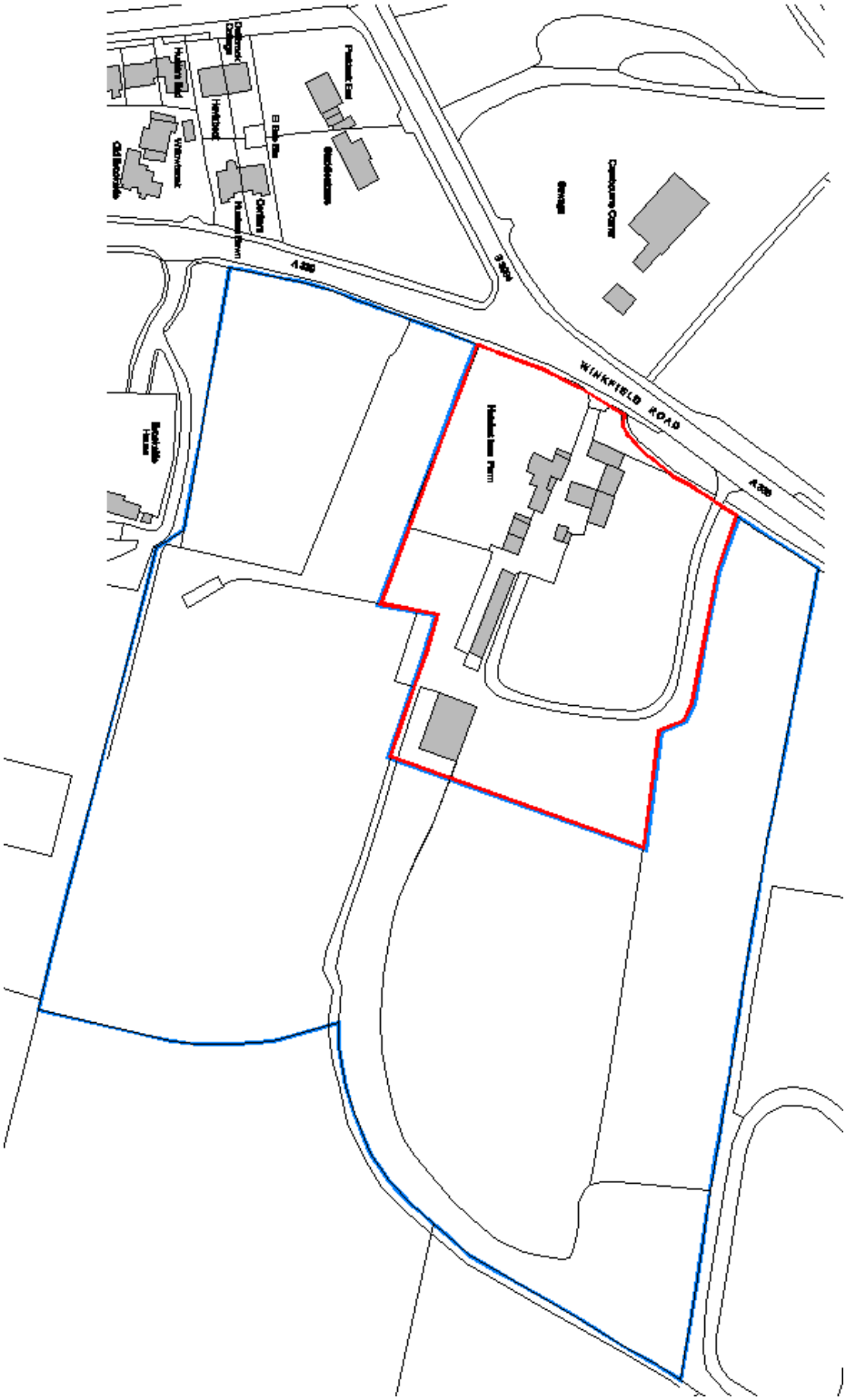
22 The development hereby permitted shall be carried out in accordance with the approved plans listed below.
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

Informatives

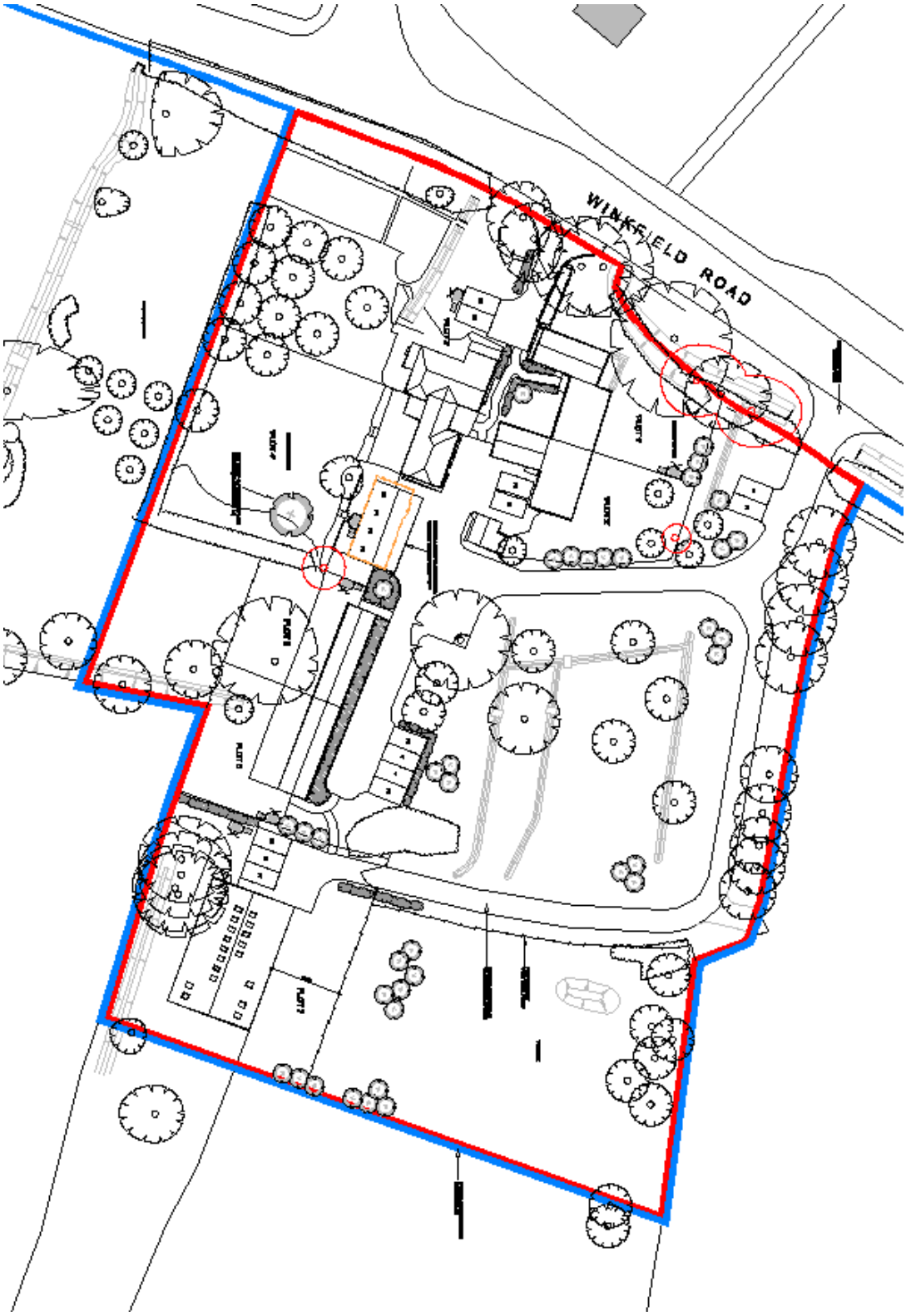
1 The applicant should note that a separate application will need to be submitted to the Lead Local Flood Authority for approval, under Section 23 of the Land Drainage Act 1991, for any works affecting the cross section of any ordinary watercourse (including all ditches) crossing or adjacent to the site.

Appendix A

Location Plan



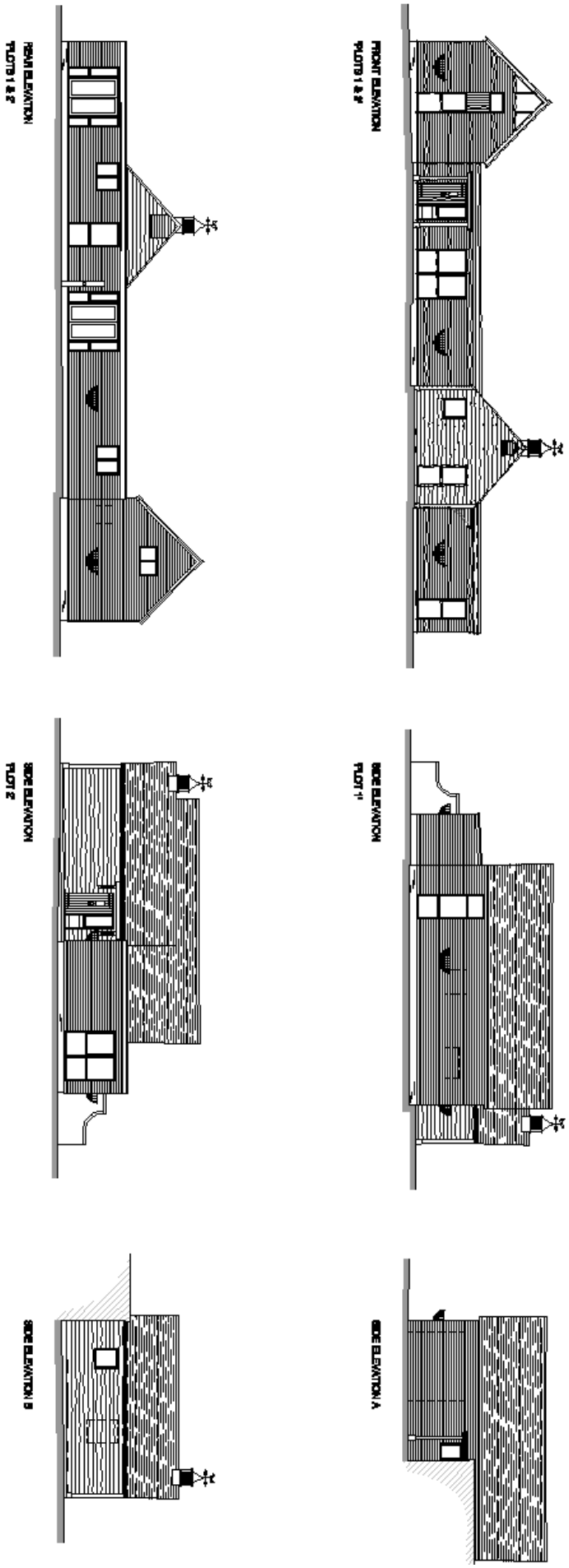
Proposed site plan



Proposed residential curtilages

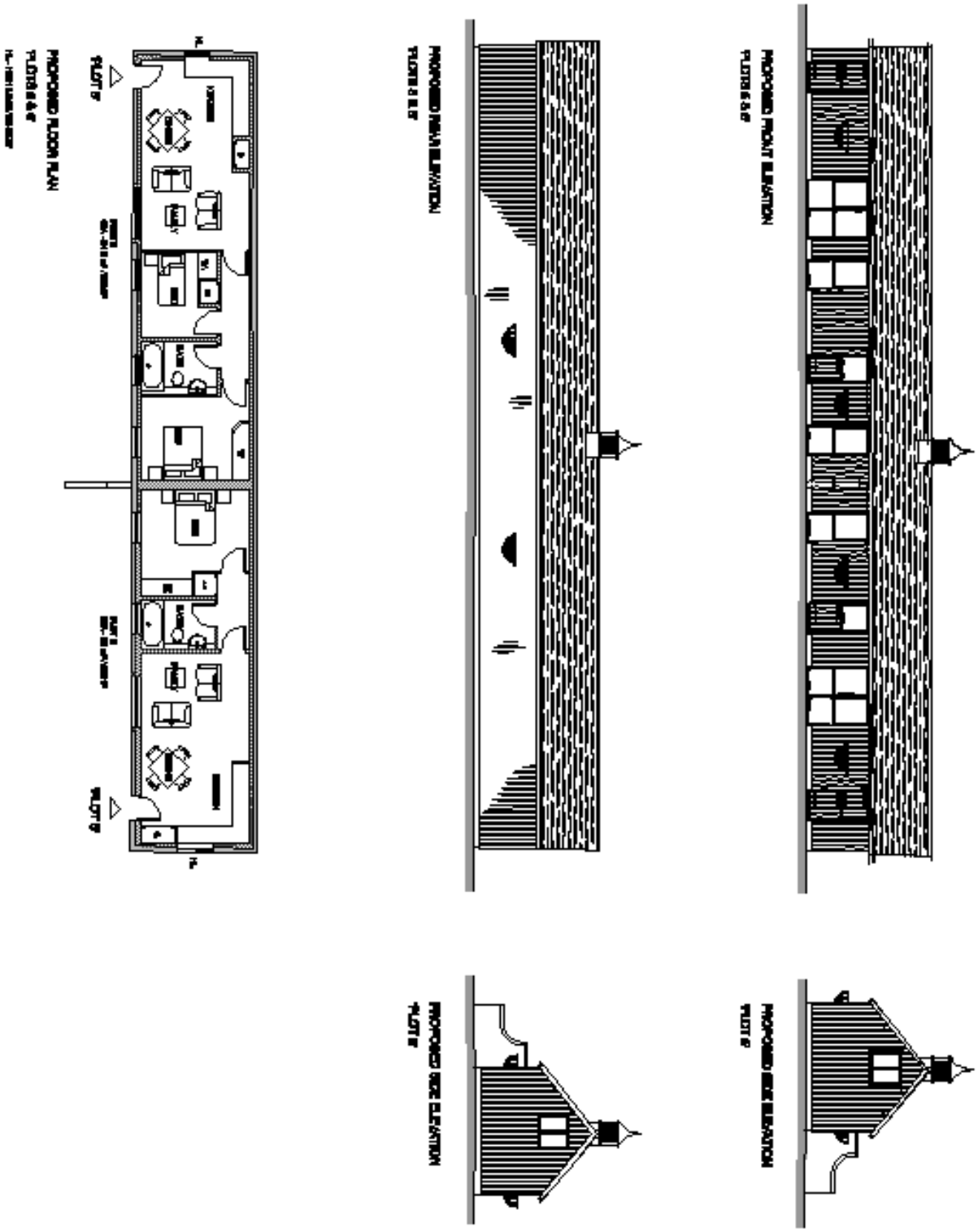
Appendix B

Floor plans and elevations—
plots 1 and 2



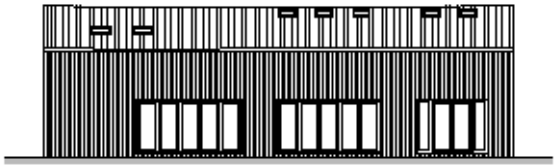
Floor plans and elevations—
plots 3 and 4

Floor plans and elevations—
plots 5 and 6



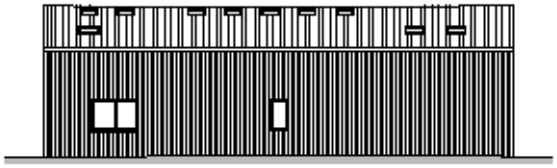
Floor plans and elevations—plot 7

PROPOSED FRONT ELEVATION
PLOT 7

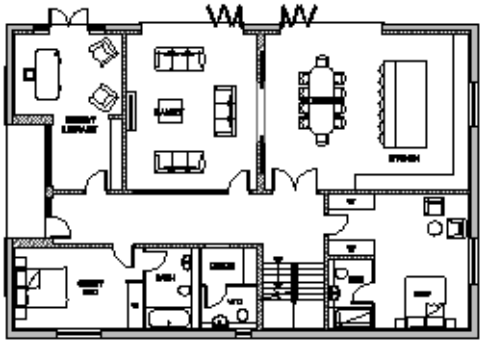


PROPOSED SIDE ELEVATION
PLOT 7

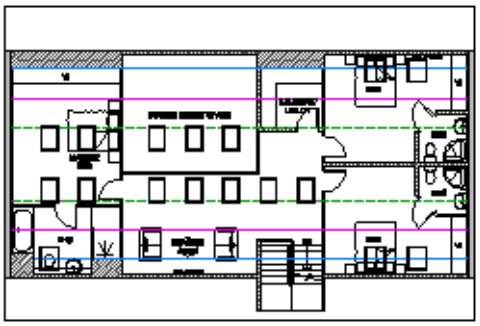
PROPOSED REAR ELEVATION
PLOT 7



PROPOSED SIDE ELEVATION
PLOT 7

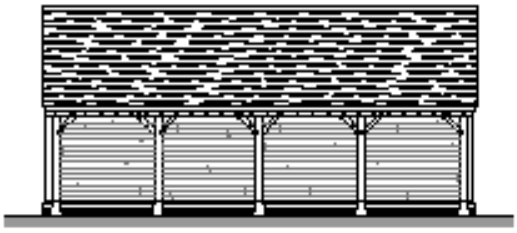


PROPOSED GROUND FLOOR PLAN
PLOT 7

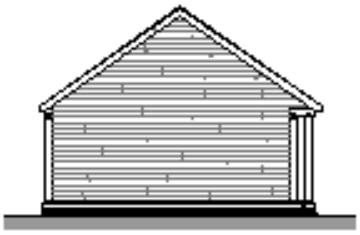


PROPOSED MEZZANINE FLOOR
PLOT 7

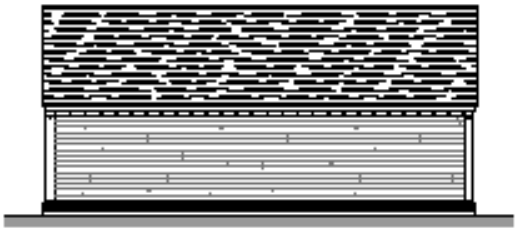
Replacement garage



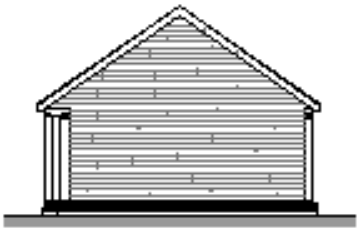
FRONT ELEVATION



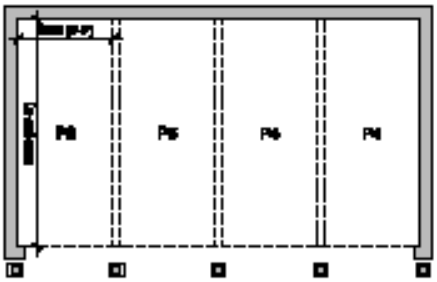
SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION



FLOOR PLAN

WINDSOR RURAL DEVELOPMENT CONTROL PANEL

6 March 2019 **Item:** 2

Application No.:	18/03507/FULL
Location:	1 The Avenue Old Windsor Windsor SL4 2RS
Proposal:	Two storey front extension, two storey rear extension, loft conversion with new front and side facing dormers, sub-division to create 5 X one bedroom flats with bin and cycle stores following demolition of the existing garage.
Applicant:	Mr Hunter
Agent:	Mr Paul Davey
Parish/Ward:	Old Windsor Parish/Old Windsor 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 It has been demonstrated that the proposed development would have an acceptable impact on flooding and adequately takes account of flood risk and passes both the sequential and exceptions tests.

1.2 The proposed extensions are of a suitable design and scale and are not considered to be harmful to the character and appearance of the area. The scale of the site is sufficient to accommodate the proposed development.

1.3 It is not considered that the proposed development would have a significant impact on the standard of amenity currently enjoyed by neighbouring properties. The proposed development would also provide its future occupiers with an acceptable standard of accommodation and a good standard of outdoor amenity space.

1.4 The proposed development would be provided with sufficient onsite parking spaces and would not result in highway safety concerns.

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

2. REASON FOR PANEL DETERMINATION

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

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

3.1 The application site is on the corner of The Avenue and Straight Road in Old Windsor with access being from the former. The Avenue is a private residential cul-de-sac serving 23 properties. The majority of properties are two storey and semi-detached, however, there are also a pair of bungalows and some larger detached dwellings within the road, including 1 The Avenue which sits at the entrance to the cul-de-sac with a similar detached dwelling on the opposite site.

3.2 The existing property is 9.1m tall with an eaves height of 5.5m and a footprint of approximately 72sqm and a total floor space of around 122sqm. The property has a gable ended roof and is painted in an off-white. The property is set within a spacious plot with a gravel driveway to the front and a garden to the rear.

3.3 The application site is partially within flood zone 2 and partially within flood zone 3 which is an area considered to be at high risk from flooding. The majority of the site is within flood zone 3, however, a small section which encompasses part of the rear of the house and the outbuilding to the rear are within flood zone 2.

4. KEY CONSTRAINTS

- Flooding

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

5.1 The proposed is for a two storey front extension, two storey rear extension and a loft conversion, including new front and side facing dormers in order to create 5 x one bedroom flats. The proposed front extension infills a gap created by the L shape of the existing building and does not therefore extend beyond the existing front elevation of the building. This section has a small crown roof. The proposed rear extension is approximately 4.5m deep and includes 2 gable ended sections to match the existing roof form of the property. It is not proposed to increase the ridge height or eaves height of the dwelling.

5.2

Reference	Description	Decision
18/00645/FULL	Construction of two x 2 bedroom flats and four x 1 bedroom flats following the demolition of existing dwelling.	Withdrawn – 16.04.2018
18/01704/FULL	Two storey rear extension with partial accommodation in roof space, two storey front extension and new side facing dormer, subdivision to create x2 two bedroom flats, x2 one bedroom flats and x2 studio flats with bin a cycle stores following demolition of the existing garage.	Withdrawn – 30.08.2018

6. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

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

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1, H10, H11
Highways	P4, T5
Trees	N6
Flooding	F1

These policies can be found at
https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices

7. MATERIAL PLANNING CONSIDERATIONS

National Planning Policy Framework Sections (NPPF) (2018)

Section 4- Decision–making
Section 9- Promoting Sustainable Transport
Section 12- Achieving well-designed places
Section 14- Meeting the challenge of climate change, flooding and coastal change

Borough Local Plan: Submission Version

Issue	Local Plan Policy	Level of Weight
Design in keeping with character and appearance of area	SP2, SP3	Significant
Sustainable Transport	IF2	Significant
Trees	NR2	Significant
Flooding	NR1	Limited

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

This document can be found at:
https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1

Supplementary Planning Documents

7.2 Supplementary Planning Documents relevant to the proposal are:

- RBWM Interpretation of Policy F1

Other Local Strategies or Publications

7.3 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy

More information on these documents can be found at:
https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

22 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 11.12.2018

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

Comment		Officer response
1.	Objections to the previous applications have not been addressed.	Concerns with previous application related to flooding and design – These issues have been considered in paragraphs 9.2 to 9.8 and 9.9 to 9.14 respectively.
2.	Insufficient time given to comment on the application	The statutory time period for comment has been provided.
3.	The flats will exacerbate existing parking and congestion problems within The Avenue. Cars parked on The Avenue or Straight Road will reduce highway safety.	Parking issues have been considered in paragraphs 9.19 to 9.21.
4.	The development will result in additional large refuse and service vehicles using the road, which is unsuitable to accommodate vehicles of this size.	The number of additional service vehicles using the road as a result of the development is unlikely to be so significant so as to cause highway safety issues.
5.	Trees on the verge have been removed.	These trees were not protected and as such can be removed.
6.	The drains will not be able to handle 5 extra flats.	This is not a material planning consideration.
7.	The Avenue is a private Road – No.1 does not pay into the road maintenance fund and the increase in traffic will lead to an increase in cost for residents.	This is a civil matter between the applicant and the other residents of The Avenue.
8.	Demolition and construction will cause major disruption to all residents of The Avenue.	A construction management plan condition has been suggested to keep the disruption to neighbours at a minimum.
9.	The development would overlook neighbouring properties.	The impact on neighbours has been considered in paragraphs 9.15 to 9.18
10.	The development will cause a loss of light for neighbouring properties.	The impact on neighbours has been considered in paragraphs 9.15 to 9.18
11.	Noise would be an issue due to the number of tenants using the property and gardens.	It is unlikely that noise from the property would be so significant so as to disturb neighbouring properties especially given this is already a built up residential area. Noise complaints should be directed to the Council's Environmental Protection Team.
12.	There will be issues with the maintenance of the shared boundary hedge.	This is not a material planning consideration.
13.	Movements in and out of The Avenue could be challenged by other residents if the appropriate deeds for right of way down The Avenue are not in place.	This is a civil matter between the applicant and the other residents of The Avenue.

14.	The size of the extension is too large and is not in keeping with the feel of the village or road.	Design issues have been considered in paragraphs 9.9 to 9.14.
15.	Extending this property would unbalance the two properties which mirror one another at the entrance to The Avenue.	Design issues have been considered in paragraphs 9.9 to 9.14.
16.	The existing shed does not appear to exist so 7.42sqm should not be included in ground covered area calculations.	Noted – Flooding issues have been considered in paragraphs 9.2 to 9.8.
17.	The application site is in a flood zone and the development will put additional pressure on the emergency services and will block access for rescue vehicles needing to get to the end of The Avenue.	Flooding issues have been considered in paragraphs 9.2 to 9.8.

Statutory consultees

Consultee	Comment	Officer response
Environment Agency	Objects to the application due to the lack of an acceptable flood risk assessment (FRA). Specifically the FRA fails to demonstrate that the loss of flood plain storage can be mitigated for.	See paragraphs 9.2 to 9.8.

Consultees

Consultee	Comment	Officer response
Environmental Protection	Recommends conditions restricting construction working hours and collection/delivery hours during construction and demolition to protect amenity of adjoining neighbours.	N/A – It is not considered necessary to add these conditions as working hours are a matter for Environmental Protection and not Planning and delivery arrangements can be deal with under the construction management plan.
Highways	Suggests conditions relating to: • Construction management • Parking and turning • Cycle parking; and • Refuse/recycling provision.	Noted – Parking and highway safety issues are considered in paragraphs 9.19 to 9.21.

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

i The impact on flooding

ii The impact on the character of the area

iii The impact on residential amenity

iv The impact on parking and highway safety

The impact on flooding

9.2 The application site is located partially within flood zone 2 and partially within flood zone 3, however, the majority of the site is flood zone 3, which is an area considered to be at high risk from flooding. The National Planning Policy Framework (NPPF) sets out that applications within zones 2 and 3 should be supported by a site specific flood risk assessment (FRA) and local

planning authorities when determining planning applications should ensure that flood risk is not increased elsewhere. Paragraph 163 also sets out that:

- Within a site the most vulnerable development should be located within the areas of lowest flood risk
- The development should be appropriately flood resistant and resilient
- The development should incorporate sustainable drainage systems, unless there is clear evidence this would be inappropriate
- Any residual flood risk should be able to be safely managed; and
- Safe access and escape routes should be included where appropriate.

Due to the scale and nature of the proposed development is it also necessary for the sequential and exceptions tests to be applied in this case. Paragraph 158 of the NPPF sets out that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding and that development should not be permitted if there are any reasonably available sites, appropriate for the proposed development in an area of lower flood risk. For the exceptions test to be passed paragraph 160 sets out that it should be demonstrated that the development would provide wider sustainability benefits that outweigh flood risk and that the development will be safe for its lifetime taking into account the vulnerability of its users. The application of the exceptions test should be informed by the FRA. Policy F1 of the Local Plan is fairly consistent with the NPPF as it is concerned with limiting and managing floodrisk. Local Plan Policy F1 sets out that development including residential extension in excess of 30sqm will not be permitted unless it can be demonstrated that the development would not impede the flow of flood water, reduce the capacity of the flood plain to store water or increase the number of people or properties at risk from flooding.

Sequential test

9.3 The applicant has undertaken the sequential test and has considered the application site against the identified potential housing sites contained within the Council's Housing and Economic Land Availability Assessment (HELAA). The applicant considers that sites between 0.05 and 0.25ha are most appropriate for a development of this size, which is agreed. The HELAA does not fully assess sites below 0.25ha as their contribution to the Borough's Housing Land Supply would be limited, however, it does still list them within the 'excluded sites' section and there are 26 sites within this section between 0.05 and 0.25ha. The applicant has also considered sites within the 'Deliverable Housing Sites', 'Developable Housing Sites' and 'Potentially Developable Housing Sites' section of the HELAA as well as 12 additional potential sites identified via a search of rightmove.co.uk at the time that the sequential test was undertaken. This gives a total of 63 sites that were considered. Of the sites considered all were dismissed as either not appropriate due to planning constraints (such as being within the Green Belt, the proximity of Conservation Areas and Listed Buildings or not being sequentially preferable in flooding terms) or unavailable due to land ownership issues or because another development has recently commenced or been completed. It is considered that the sequential test has been passed.

Flood Risk Assessment

9.4 One of the main aims of the flood risk assessment is to ensure that flood risk will not be increased elsewhere. As set out above policy F1 of the Local Plan restricts residential extensions to just 30sqm ground covered area (GCA) however this policy only applies to flood zone 3 and not flood zone 2. Part of the proposed rear extension is within flood zone 2 and is less likely to be affected by flooding and has not therefore been included in the GCA calculations. The total increase in ground covered area within flood zone 3 is 21.5sqm. The applicant is proposing to demolish a number of sheds and outbuildings in order to offset the increase in GCA, however, only 7.5m2 of one of the sheds is within flood zone 3 and there have been some questions from neighbours as to whether this even remains on site. In any case this shed would likely be considered a floodable structure and would not therefore contribute to the existing ground covered area of the site. Importantly however it is not required in any case to offset the 21.5 sqm increase in GCA from the proposed extensions as this is below the 30sqm allowed under policy F1. Whilst the EA have objected to this proposal this is on the grounds that the FRA did not show adequate compensation for the additional GCA given the weight to be given to Local Plan Policy

F1 which forms part of the Development Plan the proposal is considered acceptable in this regard.

9.5 It is not possible to locate the development in an area of lower flood risk as the application is for extensions to an existing dwelling and in any case the extensions are already partially within flood zone 2 which is the lowest flood risk area on the site. The predicted flood levels for the site when taking into account climate change are 18.19(AOD) furthermore it is proposed to use permeable materials as well as an underground attenuation tank which will allow water to drain into the tank where it will be discharge into the existing sewer at a suitable rate and given the scale of the development this is considered an acceptable approach. The application site is also located within an area which benefits from the Old Windsor Embankment flood defence. The applicant has also demonstrated that a low hazard escape route is available within design flood conditions, allowing people to safely leave the property.

9.6 The application to convert the existing dwelling into 5 flats would increase the number of people and properties at risk from flooding, however, it has been demonstrated that in the event of a flood it is possible to exit the site and reach an area outside of the flood zone via a low hazard escape route. The route takes you via Straight Road where you would travel approximately 250m before turning into the recreation ground following the footpath until Cornwell Road where you would continue onto Burfield Road and finally Crimp Hill. Ground levels and predicted flood levels have been used to predict the depth of flood water along the evacuation route with the depth of flooding never exceeding 240mm. It is predicted that flood water would be travelling at 0.1m/s, therefore giving the flood evacuation route a 'very low hazard' rating. Plan number 170989/FRA/03 within appendix C of the FRA shows this route as well as a vehicular route which allows emergency services to reach the site in the event of a flood. The proposal is considered to comply with paragraph 163 of the NPPF and policy F1 of the Local Plan.

<u>Exceptions Test</u>

9.7 The applicant has set out in the 'Site Sequential and Exceptions Test' document the wider sustainability benefits of the proposal which includes: The use of an underused site and the provision of additional housing in Old Windsor, the generation of jobs during the course of the construction works and helping to sustain existing community facilities. The applicant has also demonstrated through the FRA that the development would be safe for its life time, taking into account the vulnerability of its users (including climate change) and by providing suitable sustainable drainage systems for the site. In addition as set out above a low hazard escape route is available in design flood conditions and any residual risk should flood defences fail can be safely managed through a flood management and evacuation plan. The development is considered to pass the exceptions test.

9.8 Overall the development passes the sequential test as it has been demonstrated that there are no alternative sites in areas of lower flood risk which are reasonably available or suitable. It has also been demonstrated that development would not increase flood risk elsewhere and has been designed to take into account flood risk in accordance with paragraph 163 of the NPPF. The exceptions test is passed as the development would provide wider sustainability benefits which outweigh flood risk and the development would be safe for its lifetime taking into account the vulnerability of its users. The proposal would comply therefore with Paragraphs 158, 160 and 163 of the NPPF and Policy F1 of the Local Plan. The proposal would not be fully in compliance with Policy NR1 of the Borough Local Plan Submission version however given the level of unresolved objection to this policy it is only afforded limited weight.

The impact on the character of the area

9.9 Paragraph 127 of the National Planning Policy Framework sets out that development should be sympathetic to local character and should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Paragraph 130 sets out that permission should be refused for developments of poor design which fail to take the opportunities available for improving the character and quality of an area. Policy DG1 of the Local Plan sets out design standards for all new development within the Borough and policies H10 and H11 set out design standards specific to residential development. H10 sets out that new residential development

schemes will be required to display high standards of design and H11 sets out that permission will not be granted for schemes which introduce a scale of density of development which would be incompatible with or cause damage to the character of amenity of an area.

9.10 The proposal includes 2 extensions, the larger of which is to the rear of the property. This extension is 2 stories in height, however, is set down approximately 0.4m from the main ridge of the existing dwelling and includes 2 gable ends with a valley in between in order to reduce the bulk. The gable ends mimic the roof form of the existing house and ensure that the development does not appear as an incongruous addition. The depth of the extension is 4.5m, however, this would not appear disproportionate as the existing dwelling has a depth of 8.2m. A dormer window and other fenestration on the side elevation facing The Avenue help to break up what would otherwise be a blank wall and provide visual interest. Overall this extension is considered to be of a suitable design and scale and is in keeping with the host dwelling.

9.11 The other extension proposed is a 2 storey front extension. This extension is set down significantly from the main ridge of the existing dwelling and sits comfortably within the gap created by the L shape of the existing property. The extension does not extend beyond the front elevation of the existing dwelling and is considered to be of an appropriate scale. The extension includes a crown roof, which is not in keeping with the existing roof, however, is only a small section and is similar in design to a front extension at number 22 opposite.

9.12 It is proposed to add in two new dormer windows, one in the front elevation and the other in the side elevation facing onto The Avenue. Both dormers are moderately sized with pitched roofs to match the roof style of the host dwelling and would not cause harm to its appearance. In addition there are other dormer windows within the Avenue and along Straight Road.

9.13 The application site although part of the Avenue is actually aligned with the sites along Straight Road. No.1 and No.22 sit either side of the entrance into The Avenue and face onto Straight Road with the rest of the properties with the Avenue sitting behind at a 90 degree angle. The plots for these 2 properties are also much larger than the majority of the other plots within the Avenue and as such can accommodate a larger scale of development. It is considered that the application site is sufficient in size to accommodate a development of this scale as well as the additional parking and residential paraphernalia associated with a flatted development without appearing cramped.

9.14 It is considered that the proposed extensions are of a suitable design and scale and would not harm the character or appearance of the host dwelling or surrounding area. The site is of a sufficient size to accommodate a flatted development and would not appear cramped. The proposal therefore complies with paragraphs 127 and 130 of the National Planning Policy Framework, policies DG1, H10 and H11 of the Local Plan and SP3 of the Borough Local Plan Submission Version.

The impact on residential amenity

9.15 Paragraph 127 of the National Planning Policy Framework sets out that developments should provide a high standard of amenity for existing and future users.

9.16 The application site is in a built up residential area and shares a boundary with 3 properties immediately adjacent to the site in No. 53 Straight Road, No.2 The Avenue and No.5 Glebe Road. No. 2 The Avenue is at the end of the rear garden with a gap of approximately 23m from the rear of the proposed extension to the rear boundary; this is considered sufficient to prevent any significant overlooking or loss of privacy, light or outlook. No. 5 Glebe Road is also near the end of the garden and offset to the north, limiting any impact on this property. No.53 is the closest property with the proposed extensions being adjacent to the southern boundary of this property's garden. No.53's garden, however, is approximately 22m long and up to 10m wide and whilst the proposed extensions would likely lead to some small loss of light within this garden the overall impact would not be significant. There is 1 window proposed within the north elevation of the existing dwelling, however, this is to a bathroom and as such can be obscurely glazed in order to prevent any overlooking into No.53's garden. On the opposite side of the road is No.22 The Avenue, however, this is 17m away and as such any views from the side windows of number 1

The Avenue into this neighbours property would not be significant. Any views into their garden would also be at an angle and not direct.

9.17 The proposed flats would be provided with a shared garden space to the rear of approximately 350sqm which is sufficient to provide all the future occupiers with a good standard of outdoor amenity space. In addition the application site is next to the Old Windsor Recreation Ground which can be accessed from Queens Close opposite. Each flat has a minimum floor space of 50sqm and will be provided with good levels of light. An amended plan has been submitted which shows the finished floor levels and internal roof height for each floor, demonstrating that the flat within the loft will be provided with sufficient headspace in accordance with the technical housing standards.

9.18 In conclusion the proposed development would have an acceptable impact on the amenity of neighbouring residential occupiers and would provide its future occupiers with a sufficient standard of amenity. The proposal complies with paragraph 127 of the NPPF.

The impact on parking and highway safety

9.19 Paragraph 109 of the NPPF sets out that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policy P4 of the Local Plan sets out that development proposals will be required to provide car parking in accordance with the adopted standards which are now set out in the 2004 Parking Strategy and policy T5 sets out that development will be expected to comply with the Council's adopted highway design standards.

9.20 The Borough's parking standards set out that a 1 bed residential unit should be provided with 1 parking space, making the total requirement for the development to be 5 parking spaces. The proposed site plan shows that there would be space for at least 8 cars on the front driveway and as such the proposal over provides. The driveway is also realistically large enough that additional cars could park on the driveway should there be visitors or tradespersons on site. It is considered highly unlikely therefore that the development would lead to parking on the highway which would lead to highway safety issues. Space for cycle as well as refuse/recycling storage has been shown on the proposed site plan and specific details of these stores will need to be provided via condition.

9.21 In conclusion the proposed development would be provided with sufficient parking space and would not have an unacceptable impact on highway safety or a severe impact on the road network. The proposed development would comply with paragraph 109 of the NPPF and policies P4 and T5 of the Local Plan. Whilst the proposal does provide more parking than required and is therefore not totally in accordance with Policy IF2 of the Borough Local Plan Submission Version this is an area of existing hardstanding and given the relatively small scale nature of the proposal this slight over provision is not considered to render the scheme unacceptable. It is noted that Old Windsor has a high car ownership level and that it is not well served by public transport with the nearest train stations located in Staines or Windsor.

Other Material Considerations

<u>Housing Land Supply</u>

9.22 Paragraphs 10 and 11 of the NPPF (2018) set out that there will be a presumption in favour of Sustainable Development. The latter paragraph states that:

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

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

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

9.23 Footnote 7 of the NPPF (2018) clarifies that policies which are most important for determining the application are out-of-date includes include, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer).

9.24 Following the Regulation 19 consultation on the Submission Version of the Local Plan, the Council formally submitted in January 2018. The Borough Local Plan Submissions Version 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. However as the BLPSV is not yet adopted planning policy, due regard also needs to be given regarding the NPPF (2018) standard method in national planning guidance to determine the minimum number of homes needed for the borough. At the time of writing, based on this methodology the Council is able to demonstrate a five year rolling housing land supply based on the current national guidance.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

10.1 The development is CIL liable and proposed floor space is chargeable at a rate of £240 per sqm.

11. CONCLUSION

11.1 The development passes the sequential test as it has been demonstrated that there are no alternative sites in areas of lower flood risk which are reasonably available or suitable. It has also been demonstrated that development would not increase flood risk elsewhere in accordance with Local Plan Policy F1 and has been designed to take into account flood risk in accordance with paragraph 163 of the NPPF. The exceptions test is passed as the development would provide wider sustainability benefits which outweigh flood risk and the development would be safe for its lifetime taking into account the vulnerability of its users. The proposal complies with Paragraphs 158, 160 and 163 of the NPPF and Policy F1 of the Local Plan.

11.2 The proposed extensions are of a suitable design and scale and would not harm the character or appearance of the host dwelling or surrounding area. The site is of a sufficient size to accommodate a flatted development and would not appear cramped. The proposal complies with paragraphs 127 and 130 of the National Planning Policy Framework and policies DG1, H10 and H11 of the Local Plan and Policy SP3 of the BLPSV.

11.3 The proposed development would have an acceptable impact on the amenity of neighbouring residential occupiers and would provide its future occupiers with a sufficient standard of amenity. The proposal complies with paragraph 127 of the NPPF.

11.4 The proposed development would be provided with sufficient parking space and would not have an unacceptable impact on highway safety or a severe impact on the road network. The proposed development complies with paragraph 109 of the NPPF and policies P4 and T5 of the Local Plan.

12. APPENDICES TO THIS REPORT

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

13. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The construction of the external surfaces of the building(s) hereby permitted shall not be commenced until details of the materials to be used have first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policy DG1

3 The first floor window(s) in the north elevation of the dwelling shall be of a permanently fixed, non-opening design, with the exception of an opening toplight that is a minimum of 1.7m above the finished internal floor level, 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 H11.

4 No further window(s) shall be inserted at first floor level in the north elevation of the dwelling 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.

5 Prior to the commencement of any works or demolition a construction 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. Relevant Policies - Local Plan T5.

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 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

8 No part of the development shall be occupied until the refuse bin storage area and recycling facilities have been provided in accordance with the approved drawing. These facilities shall be kept available for use in association with the development at all times.
Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - Local Plan T5, DG1.

9 No development shall take place until full details of both hard and soft landscape works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season following the substantial completion of the development and retained thereafter 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 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.

10 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) by Lanmor Consulting ref: 170989/FRA/JR/RS/01/E and the following mitigation measures as detailed:
- finished floor levels to be set no lower than 18.49 metres AOD;
The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.
Reason: This condition is sought in accordance with paragraph 163 of the National Planning Policy Framework (NPPF), the associated National Planning Practice Guidance (NPPG) and saved policy F1 of the RBWM Local Plan (Adopted 2003) to ensure that flood risk is not increased onsite or elsewhere. Furthermore, it seeks to protect people and property from flooding.

11 Any new or replacement hard surfaces shall be made of porous materials and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.
Reason: To reduce the risk of flooding - Relevant policy: Local Plan F1

12 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 Where noise complaints from residents or businesses are likely then the permitted hours of operation for noise generating activities are restricted to standard hours. Monday to Friday: 08.00-18.00, Saturday: 08.00-13.00 and no working on Sundays or Bank Holidays.

2 The Royal Borough receives a large number of complaints relating to construction burning activities. The applicant should be aware that any burning that gives rise to a smoke nuisance is actionable under the Environmental Protection Act 1990. Further that any burning that gives rise to dark smoke is considered an offence under the Clean Air Act 1993. It is the Environmental Protection Team policy that there should be no fires on construction or demolition sites. All construction and demolition waste should be taken off site for disposal. The only exceptions relate to knotweed and in some cases infected timber where burning may be considered the best practicable environmental option. In these rare cases we would expect the contractor to inform the Environmental Protection Team before burning.

3 The applicant and their contractor should take all practicable steps to minimise dust deposition outside the site boundaries which is a major cause of nuisance to residents living near to construction and demolition sites. All loose materials should be covered up or damped down by a suitable water device, all cutting/breaking is appropriately damped down, the haul route is paved or tarmac before works commence and is regularly swept and damped down, and to ensure the site is appropriately screened to prevent dust nuisance to neighbouring properties. The applicant is advised to follow guidance: the London Code of Practice, Part 1: The Control of Dust from Construction; and the Building Research Establishment: Control of dust from construction and demolition activities.

4 The attention of the applicant is drawn to the Berkshire Act 1986, Part II, and Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway or grass verge arising during building operations.

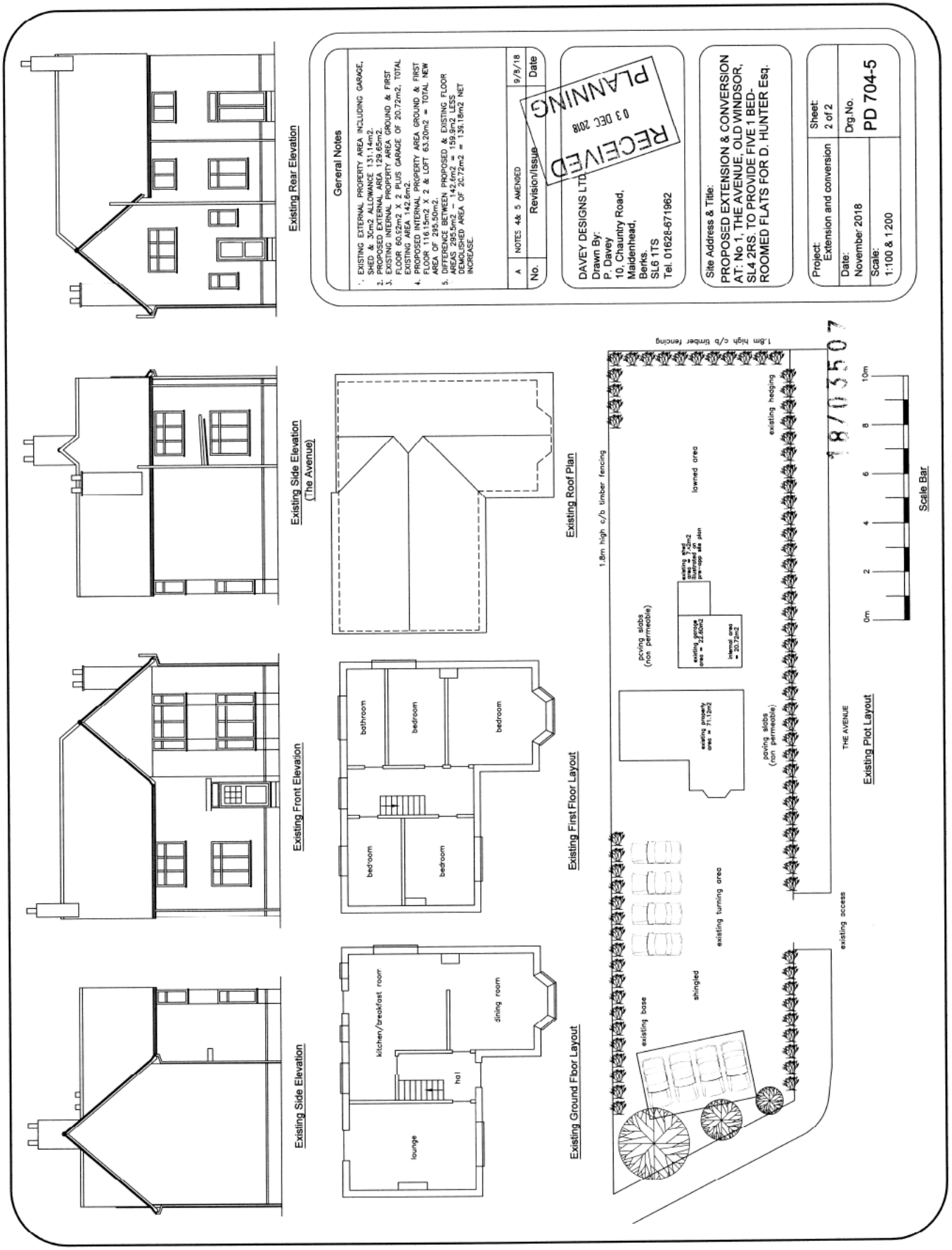
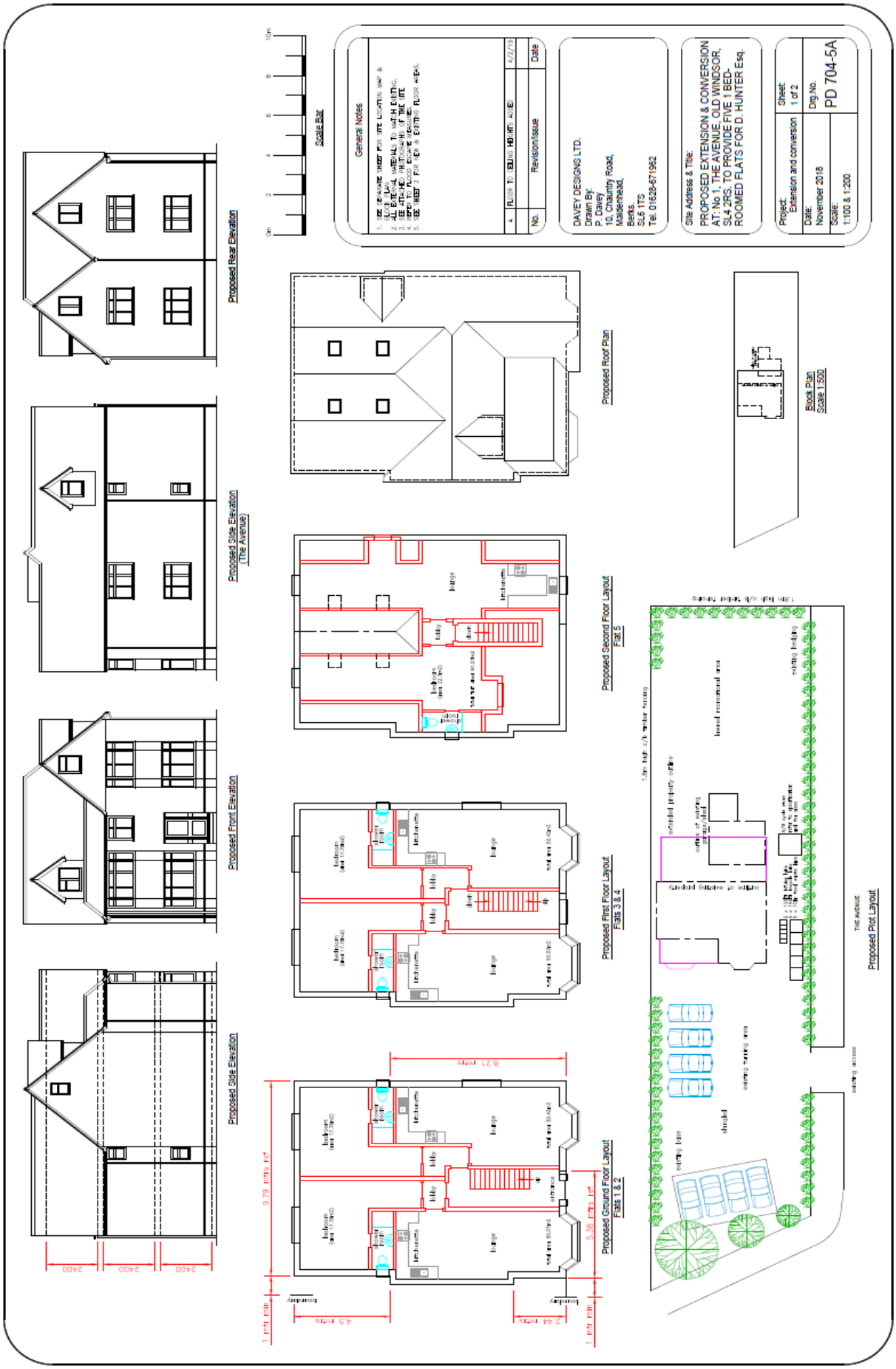
5 The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which enables the Highway Authority to recover expenses due to extraordinary traffic.

6 No builder's materials, plant or vehicles related to the implementation of the development should be parked/stored on the public highway so as to cause an obstruction at any time.

Appendix A—Site location plan

Appendix B—Plans and elevations

Existing plans



Proposed plans