

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

**DEVELOPMENT CONTROL PANEL**

3 July 2019

Item: 1

<b>Application No.:</b>	18/03747/FULL
<b>Location:</b>	Mile Stones Queens Hill Rise Ascot SL5 7DP
<b>Proposal:</b>	Construction of two blocks comprising 18 no. apartments with basement parking and improvements to existing access from Queens Hill following demolition of existing dwellinghouse and outbuildings.
<b>Applicant:</b>	Searchfield Homes Limited
<b>Agent:</b>	Mr Paul Dickinson
<b>Parish/Ward:</b>	Sunninghill And Ascot Parish/Ascot And Cheapside Ward
<b>If you have a question about this report, please contact:</b> Jo Richards on 01628 682955 or at <a href="mailto:jo.richards@rbwm.gov.uk">jo.richards@rbwm.gov.uk</a>	

**1. SUMMARY**

- 1.1 Permission is sought for the construction of two buildings comprising a total of 18 apartments following demolition of the existing single detached dwellinghouse. Access to the site would be through the existing secondary access off Queens Hill, immediately to the west of the application site. An entrance gate is proposed to be erected part way along the existing driveway into Mile Stones from Queens Hill.
- 1.2 This application follows a previous application for 22 apartments (ref: 18/01464/FULL) which was refused on nine grounds including impact on the character of the area, impact on neighbours, impact on trees, highways, ecology (impact on the SPA and bats), drainage/flood risk, lack of a development brief and lack of affordable housing.
- 1.3 The application has been revised significantly to overcome the harm to the character of the area, neighbouring occupants and trees. Access is now to be taken off Queens Hill thus avoiding a new access point onto London Road. Subject to the outstanding matters listed below which are nearing resolution, the Council is satisfied that the proposal has overcome all previous concerns. In the event that the outstanding issues cannot be resolved within 4 weeks of the panel date, it is recommended that the Head of Planning be given authority to refuse the application if she is not content that the outstanding matters are progressing satisfactorily.

<b>It is recommended the Panel authorises the Head of Planning:</b>	
1.	<b>To grant planning permission:</b> <ul style="list-style-type: none"><li>- on the satisfactory completion of a section 111 agreement being secured for <b>SAMM/SANG</b> payments; and</li><li>- subject to favourable comments from the DVS in relation to the applicant's <b>viability statement</b>; and</li><li>- with the conditions listed in Section 13 of this report.</li></ul>
2.	<b>To refuse planning permission:</b> <ul style="list-style-type: none"><li>- if an undertaking to secure the required section 111 agreement is not <b>satisfactorily progressed</b> as the proposed development would not provide mitigation for the likely impacts on the Thames Basin Heaths Special Protection Area; and/or</li><li>- <b>unfavourable comments</b> are received from the DVS in relation to the applicant's <b>viability statement</b> as the proposed development would not have <b>robustly justified</b> that there is no affordable housing requirement.</li></ul>

## 2. REASON FOR PANEL DETERMINATION

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

## 3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site comprises 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 mature 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. KEY CONSTRAINTS

- 4.1 Thames Basin Heaths SPA 5km buffer zone

Area TPO

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

- 5.1 Planning permission is sought for the erection of two blocks comprising a total of 18 apartments. Block 1 is to be positioned in the western part of the site containing 9 apartments (4 2-bed and 5 3-bed), Block 2 positioned in the north part of the site, containing 9 apartments (4 2-bed and 5 3-bed). Both apartment blocks are 3 storeys high with a main roof height of 11.2m.
- 5.2 Access is to be taken from Queens Hill to the west of the site and the existing driveway will be upgraded and extended leading to a central turning/parking area and a ramp leading down to basement parking under each block. Parking will primarily be provided within a basement area for each apartment block with 6 surface level visitor spaces adjacent to the central turning area.
- 5.3 This application follows a previous similar application (ref: 18/01464/FULL) for the redevelopment of this site for 3 blocks of apartments (22 in total) with access onto London Road. This application was refused for 9 reasons including; impact on character, trees, neighbours, highway safety, ecology, impact on the SPA, lack of affordable housing and drainage.

## 6. DEVELOPMENT PLAN

### Adopted Royal Borough Local Plan (2003)

- 6.1 The main Development Plan policies applying to the site are:

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

Acceptable impact on appearance of area	DG1, H10 H11
Acceptable impact when viewed from nearby occupiers	H10, H11
Maintains acceptable level of privacy for nearby residents	H10, H11
Maintains acceptable level of daylight and sunlight for nearby occupiers	H10, H11
Sufficient parking space available	P4
Acceptable impact on the highway	T5
Acceptable impact on trees important to the area	N6
Mitigation for Thames Basin Heath Special	T6, R3, IMP1
Acceptable impact on Public Rights of Way such as public footpaths or bridleways	R14

These policies can be found at

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

### **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
Housing	H1, H2
Highways	T1
Trees	EN2

These policies can be found at

[https://www3.rbwm.gov.uk/info/200209/planning\\_policy/477/neighbourhood\\_plans/2](https://www3.rbwm.gov.uk/info/200209/planning_policy/477/neighbourhood_plans/2)

### **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) (2019)**

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 8. Promoting healthy and safe communities
- 9. Promoting Sustainable Transport
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change

### **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

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.

7.2 This document can be found at:  
[https://www3.rbwm.gov.uk/info/201026/borough\\_local\\_plan/1351/submission/1](https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1)

### Supplementary Planning Documents

- RBWM Thames Basin Health's SPA

### Other Local Strategies or Publications

7.3 Other Strategies or publications material to the proposal are:

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

More information on these documents can be found at:  
[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)

## 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 15<sup>th</sup> January 2019 and the application was advertised in the Local Press on 17<sup>th</sup> January 2019.

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

Comment

Where in the report this is considered

1.	Occupiers of South Lodge were not notified	Further neighbour notification letters were sent out
2.	Impact on neighbouring occupants of Ballards as a result of the scale and positioning of Block 2 in close proximity to the common boundary. The block has also been increased in width. The rear elevation of this block has a significant number of windows which would result in overlooking. There is insufficient tree screening to overcome the harm and loss of outlook.	See section ii.
3.	The proposal would be harmful to the character of the area as a result of the increase in density and scale and mass of development. Overdevelopment and out of character with Villas in a Woodland Setting	See section i.
4.	The revised application has not overcome all previous concerns raised by the Council, including affordable housing, submission of a development brief and impact on Flood Risk.	See main report.
5.	The vehicular access should remain off Queens Hill Rise. The increased use of Queens Hill would have a detrimental impact on highway safety.	See section iii.
6.	The bin storage arrangements are not clear. Currently refuse vehicles have to reverse into Queens Hill off London Road	See section iii.
7.	Inadequacies with the transport statement	See section iii.
8.	Neither the transport statement nor the RBWM Highway comments acknowledge that the entrance to Queens Hill off London Road allows for single vehicular traffic. The intensification of this access point would result in cars waiting on London Road.	See section iii.
9.	The access off London Road onto Queens Hill is not within the control of the applicant	See section iii.
10.	Inadequate level of public consultation. No development brief submitted	See section vii.
11.	The design of the proposed apartment blocks is detrimental to the character of the area	See section i.
12.	The access arrangement will interfere with current visitor parking for South Lodge and will impede access for emergency and refuse vehicles	See section iii.
13.	Cars park illegally on London Road which compromises views of approaching vehicles	See section iii.
14.	Queens Hill is a private unadopted road and the applicant has no control over parking on the road and that the area for the new access will be kept free from parked cars	
15.	At peak times there is likely to be a queue of traffic on Queens Hill.	See section iii
16.	The Highways comments do not fully assess the impact on Queens Hill	Further Highways comments were requested and have been incorporated within section iii.

### Statutory consultees

Consultee	Comment	Where in the report this is considered
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Natural England	No objection provided the applicant is complying with the requirements of the Local Authority's Avoidance and Mitigation Strategy for the Thames Basin Heaths SPA through an agreement securing contributions to Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM)	Noted
LLFA	No objections subject to conditions	Noted

## Consultees

Consultee	Comment	Where in the report this is considered
Parish Council	Object. The committee noted that no development brief had been provided, neither had any public consultation been carried out, both of which were required by the Neighbourhood Plan for a proposed development of this size as the site at 1.2 Ha is more than 0.5 Ha, thus this was contrary to Neighbourhood Plan (NP) policy NP/H1. The committee were also concerned that there was no affordable housing on the site and that it did not comply with Borough policy. The majority of recent applications have been for flats, and it was felt that this application isn't providing the mix of houses for local families. The site is 'Villas in a Woodland Setting', and flats are contrary to NP/DG1.2. The application needs to establish that flats will retain the character of the area. The 3.3m access road is considered to be too narrow to allow passing traffic. Some of the parking bays (e.g. for plot 6 block 1 & plot 15 block 2) are very difficult to access.	See main report
Archaeology	No objections subject to condition	Noted
Thames Water	Comments for the developer regarding surface water drainage and waste water. Informatives to be attached to decision.	Noted
Environmental Protection	No objection subject to conditions and informatives	Noted
Ecology	No objection subject to conditions	Noted
Trees	No objections on basis of amended plans and updates to tree protection plan and subject to conditions	See section iv.

## Others

Group	Comment	Where in the report this is considered
SPAE	Objections: No development brief was included with the application nor has any public consultation taken place. The proposed development is out of keeping with the character of the area 17 trees are to be felled. The tree officer needs to confirm there will be no major loss of amenity.	See main report

## **9. EXPLANATION OF RECOMMENDATION**

9.1 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 Surface Water Flooding
- vii Development Brief
- viii Affordable Housing
- ix Other Material Considerations

### **i. Impact on the Character of the Area**

- 9.2 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.
- 9.3 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.
- 9.4 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.

- 9.5 The scheme has been revised to reduce the number of buildings within the site from three to two. The form of the development, with the apartments being divided into two sizable blocks, is considered acceptable and the reduced scale of development would allow for a considerable amount of the site to remain free from buildings with the green landscape appearing as the prominent feature within the site, an important characteristic of a 'Villas in a Woodland setting' character area. The amount of hard-surfacing has also been reduced so that it would not dominate the site. Given the amount of space remaining free from built development it is considered that the proposal would not result in an overdevelopment of the site and that the scale and layout of development would now be in keeping with the existing pattern of development in the area which includes both apartment buildings and detached dwellings. Whilst the proposed apartment buildings are uniform in appearance their positioning within the site differs to the layout of nearby developments such that some irregularity would arise from the proposed layout.
- 9.6 The design and external appearance of the apartment blocks remains very grand however given the reduced height and scale, and level of mature screening of all the mature boundaries of the site, it is considered that the proposal would not appear prominent in the street scene of London Road or the wider area in general.

#### **ii. Impact on Neighbouring Occupiers**

- 9.7 The previous application was refused on grounds of impact on the neighbouring occupants of Ballards, to the north of the site, namely for reasons of loss of privacy and overlooking (whether actual or perceived) as a result of the siting of block 3.
- 9.8 In the revised application, the closest block would be block 2, which would be positioned 22.5m away from Ballards at its closest point (and at an oblique angle) and 16m away from the common boundary at its closest point. The development would therefore be an additional 4m away from this neighbouring property than that previously proposed. The neighbours have raised concerns regarding overlooking and loss of outlook, particularly because the position of this block has been altered such that it would now face their entire rear boundary. Amended plans have been received during the course of the application reducing the number of rear facing windows within the rear elevation of block 2. It is considered that the intended gaps of separation would be sufficient to ensure that any overlooking would not be unduly harmful to living conditions and as such that it would be difficult to refuse the application on such grounds. Additionally whilst the current level of screening on this boundary is less mature than on others, enhanced landscaping as proposed will aid in softening the development from view in the long-term.
- 9.9 The gaps of separation between the apartment buildings and other neighbouring properties are such that the buildings would not appear overbearing to neighbouring occupiers or result in any harmful levels of overlooking.

#### **iii. Parking and Highways**

- 9.10 There were two main Highways objections to the previous application, firstly, that a new access onto London Road had not been sufficiently justified and secondly, that the proposed access was technically inadequate in terms of its visibility and alignment. The previous planning application was refused on these grounds. The revised application for 18 apartment now proposes to utilise the existing access point from London Road onto Queens Hill to serve the new development.
- 9.11 Initial comments were received from the Highways Authority dated 20<sup>th</sup> January 2019. Following several concerns raised by neighbouring residents, the Highways Authority were asked to review these comments and provide further information. These additional comments were received on 13<sup>th</sup> June 2019. A summary of each issue is provided below.

#### Proposed Access

- 9.12 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.
- 9.13 It is proposed to use the existing driveway onto Queens Hill (the existing secondary access) which connects with the public highway at London Road to serve the development. The existing primary access from Queens Hill Rise is to be stopped up as shown on the proposed Site Plan Drawing 18-J2341-20. The gated pedestrian access directly onto London Road will be retained.
- 9.14 The existing secondary access (Queens Hill) which is to be used as the main site access would be subject to improvements including widening the width of the access from 3.0-3.5m to approximately 4.8m wide as shown at Drawing 67048-TS-QH1. Strong objections have been raised from neighbouring occupants of Queens Hill regarding the acceptability of this access to serve the new development.
- 9.15 The width of the Queens Hill carriageway north of the access/columns/posts within the site and prior to the electronic sliding gates for South Lodge is approximately 5.4m wide. This width is sufficient for 1 vehicle waiting to enter the grounds of South Gate while others pass by to enter the proposed development site or travel further along Queens Hill. Further to 1 vehicle waiting at the gate of South Lodge a further vehicle is also able to wait south of the columns/posts on the vehicle crossover/access to London Road while allowing vehicles to exit the site to turn right or left onto London Road as described above. The latter will likely be used when there is simultaneous vehicles trying to use the access to depart/arrive. However there is sufficient visibility for those vehicles arriving at the access to see if there are vehicles waiting to depart or to see if there is a vehicle in the process of exiting South Lodge, and accordingly they would be able to wait in the right turning lane if required. Any vehicles using the crossover in front of the access should be doing so as a last resort or not realising that there was a vehicle approaching the access to depart.
- 9.16 It should also be noted that the existing access to Milestones is proposed to be widened. Although the vehicular egress and access points are in close proximity to each other, there is no standard for separation distance between opposing accesses unless they are through routes, not private drives/accesses. Additionally this has historically been a shared vehicle and pedestrian space for those using the main pedestrian gate to South Lodge from Queens Hill. The carriageway width of Queens Hill at the junction of Milestones is approximately 5m and the pedestrian and vehicle visibility to the right and left of the junction is adequate for vehicles to be sufficiently aware of pedestrian movements as per the extant situation. The increase in vehicular activity is considered not to raise any adverse highway safety issues that need to be addressed.

#### Parking provision/requirement

- 9.17 The site is located within an area of poor accessibility. The proposed development consists of 8 x two-bedroom and 10 x three-bedroom flats. Therefore, generating a demand for two vehicular parking spaces per flat in accordance with RBWM Parking standards.
- 9.18 The application proposes 36 underground parking spaces for occupants of the flats and six surface level spaces for visitors. The number of parking spaces proposed is deemed acceptable. The proposed arrangement, sizing of parking bays and basement ramp as shown on drawings 18-J2341-2, 18-J2341-26 and 18-J2341-32 is also deemed acceptable. However, the applicant must ensure the proposed car park sizing and clearance (including basement ramp) complies with requirement stipulated within *The Institution of Structural Engineers "Design recommendations for multi-storey and underground car parks"* ensuring sufficient clearance and manoeuvrability space for a large 4 x 4 and van.
- 9.19 Concerns have been raised by some residents with regards to visitor parking and servicing at South Lodge as provision for this type of parking is not provided on-site and therefore takes place

on Queens Hill. Residents have stated that this occurs opposite the proposed site access to Millstones. There is sufficient carriageway length to the north of South Lodge for vehicles visiting or servicing South Lodge to park on the western side of Queens Hill. The carriageway is 5.4m to 5.8m wide along the majority of its length from South Lodge, and there is at least 30m length of parking to accommodate approximately 6 standard sized vehicles or less with a few larger service vehicles. This should be sufficient to serve the visitor and servicing needs of the site. The residents of South Lodge should inform visitors and service vehicles of where to park. Vehicles blocking the entrance to Milestones in any existing or future scenarios are blocking an existing vehicle access which is prohibited on public highway or private accesses. The applicant will have the option of erecting signage with the appropriate warnings or information that the site access is an active vehicular access and should not be blocked. As such, no objection is raised in this regard.

### Traffic Generation

9.20 The TRICS data provided within the Transport Statement is not considered to present a suitable representation of the site location and characteristics. Using the TRICS database (the Highways Authority have taken a robust approach to the expected cumulative (existing and proposed) vehicle trip movements that will use the access onto London Road from Queens Hill in the AM peak (0800-0900) and PM peak (1800-1900). As a result of the analysis the access from Queens Hill to London Road would potentially account for 17 vehicles during the AM peak (two -way movements) and 17 vehicles during the PM peak (two- way movements). Table 1 below shows a breakdown of the number of estimated vehicle arrivals and departures over the AM peak, PM peak and daily total (24hr).

**Table1: Cumulative/Total Trip Generation (existing + proposed)**

Time Period	Arrivals	Departures	Two-Way
AM	4	13	17
PM	11	6	17
Daily (over 24hrs)	75	78	154

9.21 The 17 vehicles in the AM and PM peak hour would be spread over the peak hour. Table 1 indicates that the number of vehicles departing in the AM peak (13) are unlikely to encounter many arriving vehicles (4). The submitted Transport Assessment (TA) stipulates 2 arriving in the AM peak but a robust assumption would be the above 4 as shown at Table 1. Therefore there are four potential occurrences where a vehicle departing may need to give way to arriving vehicles. Those 4 vehicles arriving can sit within dedicated right turn lane and/ or with 1 vehicle waiting just south of the site access. However the potential 4 vehicles will not arrive simultaneously during the peak hour at one specific time (the dedicated right run lane can hold up 3-4 standard sized vehicles).

9.22 Table 1 also indicates that the number of vehicles arriving in the PM peak (11) are unlikely to encounter many departing vehicles (6). The submitted Transport Assessment (TA) stipulates 4 arriving in the PM peak but a robust assumption would be the above 11 as shown at Table 1. Therefore there are eleven potential occurrences where a vehicle departing may need to give way to arriving vehicles. Those 11 vehicles arriving can sit within dedicated right turn lane and/ or with 1 vehicle waiting just south of the site access. However the potential 11 vehicles will not all arrive simultaneously at one specific time. As mentioned previously the dedicated right turn lane can hold up to 3-4 standard sized vehicles.

9.23 The above information indicates that the PM peak will potentially result in more occurrences (11) of potential conflict at the junction of London Road/Queens Hill access with the majority of vehicles arriving at the site with a few departing (6). The right turn holding lane can accommodate up to 4 vehicles without obstructing any for any vehicles that are departing from Queens Hill and

no vehicles will need to wait on the crossover before entering Queens Hill. The right turn lane also will allow the free flow of eastbound and westbound traffic on London Road. However the crossover can be used to accommodate 1 vehicle if required without causing visibility issues for those vehicles turning left or right out of Queens Hill. As such, no objection have been raised by the Highways Authority regarding Traffic Generation.

#### Cycle and Refuse provision

- 9.24 The application includes the provision of cycle parking storage within the basement, with one storage area provided per flat. This is deemed acceptable.
- 9.25 The application proposes refuse collection within the site, with turning provided within the site extents, this is deemed acceptable. The application indicates bin storage within the garden areas. The location of the bin storage areas are within suitable distance (within 25m) for waste collection vehicles. The applicant has submitted a swept path analysis drawing demonstrating that a borough refuse lorry can enter and exit the site in a forward gear as presented in the TS.
- 9.26 The applicant has provided appropriate swept paths of a refuse vehicle entering and exiting the site onto London road in Forward gear from the site. Residents have commented indicating that refuse trucks reverse into the access which is what the Waste operatives have chosen to undertake at said given time. However the geometry of the site access and indeed the proposed site access on Milestones will allow for turning within the site, if required.

#### Conclusion

- 9.27 To conclude this section of the report, whilst there may be instances where cars would meet within Queens Hill when exiting or entering South Lodge or exiting or entering the proposed development site and potential parking of service vehicles and visitors on the road, it must be borne in mind that in accordance with paragraph 109 of the NPPF development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

#### **iv. Impact on Trees**

- 9.28 The Arboriculturist raised strong concerns regarding the impact on trees in relation to the previous application which included a new access onto London Road. The use of the existing access point onto Queens Hill is a preferred option from an arboricultural point of view, ensuring the retention of mature trees along the front boundary of the site, adjacent to London Road.
- 9.29 Concerns were raised during the course of the application concerning the proximity of block 1 to the RPA of trees T43 and T44 (two Wellingtonia which contribute highly to the character of the area). Amended plans have been received showing the front bay window on the left hand side of block 2 to be removed. To confirm there is no encroachment in the RPA of this tree as a result of the development itself. Concerns were initially raised that the intended working area would encroach into the RPA of this tree, however, given the removal of the bay and proposed updates to the Tree Protection Plan and Arboricultural Method Statement showing the protective fencing to be moved out and the ground protection area increased, no objections are raised from a tree point of view subject to conditions regarding tree protection, site storage, tree replacement, upgrading of the driveway and landscaping (conditions 11, 12, 13, 14 and 15).

#### **v. Ecology and Impact Thames Basin Heaths Special Protection Area (SPA)**

##### Thames Basin Heaths SPA

- 9.30 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 Allen'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.

- 9.31 Since the determination of the previous application, the Council has reviewed the number of planned developments within the SPA buffer zone and it has been concluded that the proposed development can rely on Allen's field as it was considered as a soft commitment at the time of the June 2018 cabinet report and therefore has already been allocated capacity at Allen's field. An appropriate assessment has been carried out and no objection have been received from the Council's policy section (who monitor the SANG capacity) or from Natural England.
- 9.32 The Council's legal section are currently drafting a section 111 agreement to ensure financial contributions towards SAMM/SANG are made. This legal agreement is nearing completion and it is recommended that planning permission be granted following completion of the section 111.

#### Ecology

- 9.33 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 were needed 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 now been carried out and the Council's Ecologist is satisfied with the findings. Impact on other protected species and habitats is considered acceptable subject to conditions (conditions 16, 17 and 18).

#### **vi. Surface Water Flooding**

- 9.34 The applicant has submitted an updated Flood Risk Assessment to support the application following initial comments from the Lead Local Flood Authority requesting further information. The updated document is supported subject to condition (condition 19).

#### **vii. Development Brief**

- 9.35 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 previous application failed to demonstrate compliance within these policy requirements however the planning statement accompanying the current application explains how the proposal has been adapted following the refusal of the previous application and that objections to this previous application by neighbours and the Parish Council have been taken into account. A public consultation exercise has also been carried out as described in the Statement of Public Consultation submitted with the application. It is considered that the information submitted in support of the application meets the general aims of policy NP/H1 (Development Briefs). In saying this the Council has taken into consideration the decisions of Planning Inspectors covering appeals for similar developments in the area.

#### **viii. Affordable Housing**

- 9.36 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. A viability report has been submitted to demonstrate that it would be unviable for any affordable housing contribution to be made either on-site or off-site. The viability report is currently under review with an external independent assessor. Provided the findings of the applicant's viability are supported by the independent assessor, then it can be concluded that in this instance, the development does not need to provide an affordable housing contribution. Planning permission is recommended subject to support by the Independent Assessor.

#### **ix. Other Material Considerations**

- 9.37 Berkshire Archaeology have been consulted on the application and have recommended a condition to ensure the implementation of a programme of archaeological works (condition 20).

#### Housing Land Supply

- 9.38 Paragraphs 10 and 11 of the NPPF 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:*

- 1 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*
- 2 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.*

Footnote 7 of the NPPF (2019) clarifies that:

*'Out-of-date policies include, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer).'*

- 9.39 The BLPSV is not yet adopted planning policy and the Council's adopted Local Plan is more than five years old. Therefore, for the purposes of decision making, the current starting point for calculating the 5 year housing land supply (5hr hls) is the 'standard method' as set out in the NPPF (2019).

- 9.40 At the time of writing, the Council is able to demonstrate 4.62 years of housing land supply. Therefore, for the purpose of this planning application the LPA currently cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer).

- 9.41 Notwithstanding the above, officers have concluded that the proposal complies with the relevant planning policies, which are considered in accordance with the NPPF, and therefore in accordance with paragraph 11(c) of the NPPF and the presumption in favour of sustainable development the development proposal should be approved without delay.

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

- 10.1 The development is CIL liable. The proposed floorspace of the dwellings (minus the allowance for the existing dwellinghouse) is 5,662.5m<sup>2</sup>.

#### **11. PLANNING BALANCE AND CONCLUSION**

- 11.1 Paragraph 11 of the Framework explains how the presumption in favour of sustainable development applies. As set out in paragraph 9.41 it is considered that in this instance the development is in compliance with the development plan and therefore in accordance with paragraph 11c must be approved without delay.
- 11.2 Should members consider that any part of the proposal does not comply with the relevant planning policies, then consideration must be had to the terms of paragraph 11d of the NPPF. In this case whilst the proposed development falls within 5km of the Thames Basin Heath SPA, as an appropriate assessment has been carried out there is no clear reason for refusing the proposed development on this basis. Accordingly if it were considered that there were any limited or moderate harm to the character of the area the so-called 'tilted balance' would be engaged. In this case, there are significant benefits arising from the net gain of 17 dwellings such that officers would advise that the impacts of granting planning permission for this development would be more than outweighed by the considerable housing benefit arising from the proposal.

## 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 No development shall take place until samples 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
- 3 No development above slab level shall take place until details of the materials to be used on the external surfaces of the development 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
- 4 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 and the free flow of traffic. Relevant Policies - Local Plan T5, DG1.
- 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 the approved drawing. 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 cycle 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 The existing access to the site of the development shall be stopped up and abandoned immediately upon the new access being first brought into use. The footways and verge shall be reinstated before the development is first occupied in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and of the amenities of the area. Relevant Policies - Local Plan T5, DG1.

- 10 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.

- 11 Prior to any equipment, machinery or materials being brought onto the site, details of the measures to protect, during construction, the trees shown to be retained on the approved plan, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full prior to any equipment, machinery or materials being brought onto the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. These measures shall include fencing in accordance with British Standard 5837. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made.

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

- 12 Prior to the commencement of development details of the areas to be used for onsite 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.

- 13 The development shall not be occupied until the hard and soft landscaping scheme has been implemented within the first planting season following the substantial completion of the development in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The development shall be retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity.

Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1.

- 14 No tree or hedgerow shown to be retained in the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be lopped or topped other than in accordance with the approved plans and particulars or until five years from the date of occupation of the 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.

- 15 No works or development shall take place until an updated Arboricultural Method Statement and Tree Protection Plan specific to this scheme, has been submitted and approved in writing by the Local Planning Authority. The Tree Protection Plan and Arboricultural Method Statement shall be written in accordance with, and address sections 5.5, 6.1, 6.2, 6.3 and 7 of British Standard 5837:2012 Trees in relation to design, demolition and construction - recommendations. Nothing shall be stored or placed in any area in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written approval of the Local Planning Authority. Thereafter the works shall be carried out in accordance with the approved details until completion of the development.  
Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.
- 16 All works shall be carried out in accordance with the recommendations included within Sections 5.2.13-5.2.28 of the Ecological Impact Assessment (Enzygo, December 2018), unless otherwise agreed in writing by the Local Planning Authority. Reason: To ensure that wildlife is safeguarded, and that opportunities for wildlife are provided in line with the NPPF.
- 17 Demolition shall not 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 council. 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/or the applicant conclude that a licence for development works affecting bats is not required, the applicant is to submit a report to the council detailing the reasons for this assessment and this report is to be approved in writing by the council prior to commencement of works. Reason: The site hosts bat roosts which will be affected by the proposals. This condition will ensure that bats, a material consideration, are not adversely impacted upon by the demolition works.
- 18 No dwelling hereby permitted shall be occupied 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 to and approved in writing by the council. The biodiversity enhancements shall be installed as approved. Reason: To incorporate biodiversity in and around the development in accordance with paragraph 175 of the NPPF.
- 19 Prior to commencement (excluding demolition) a surface water drainage scheme for the development, based on the submitted sustainable drainage strategy, shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:
- Full details of all components of the proposed surface water drainage system including dimensions, location, gradients, invert levels, cover levels and relevant construction details.
  - Supporting calculations based on infiltration rates determined by infiltration testing carried out in accordance with BRE365 confirming compliance with the Non-Statutory 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 the National Planning Policy Framework and the Non-Statutory Technical Standards for Sustainable Drainage Systems, and to ensure the proposed development is safe from flooding and does not increase flood risk elsewhere.
- 20 No development shall take place within the application area until the applicant or their agents or successors in title has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority  
Reason: Reason: The site is within an area of archaeological potential, specifically relating to prehistoric remains. A programme of works is required to mitigate the impact of development and to record any surviving remains so as to advance our understanding of their significance in accordance with the national and local plan policy.
- 21 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  
Location Plan

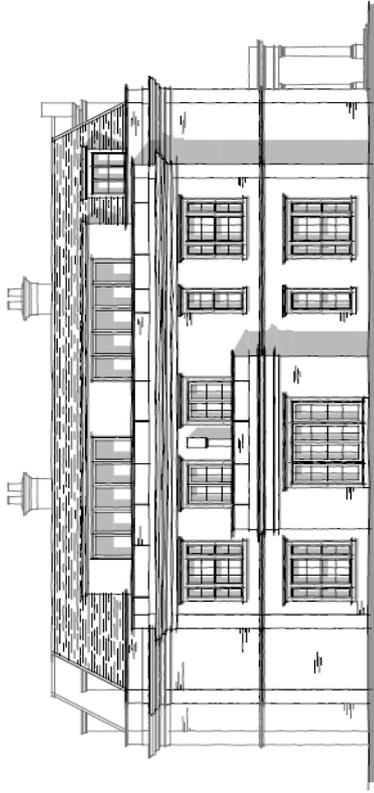


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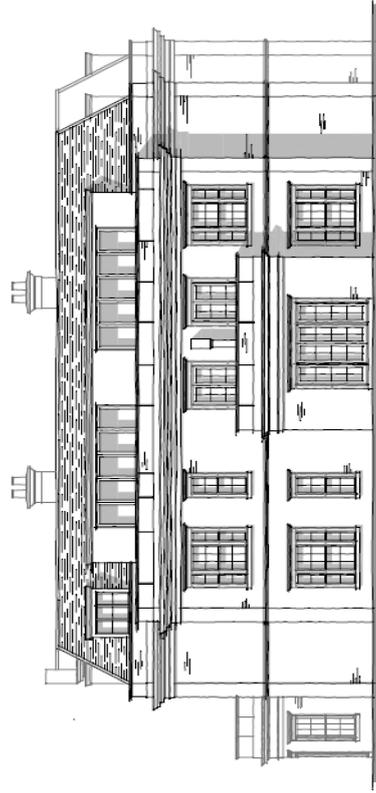


Appendix B

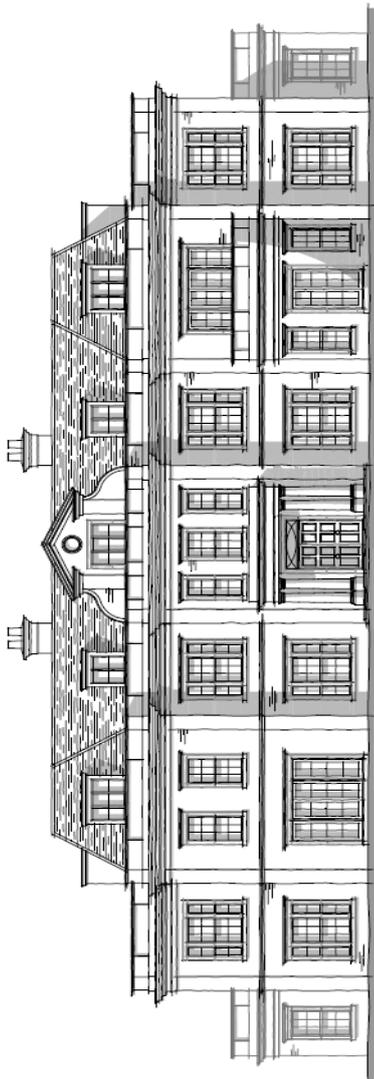
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Elevations



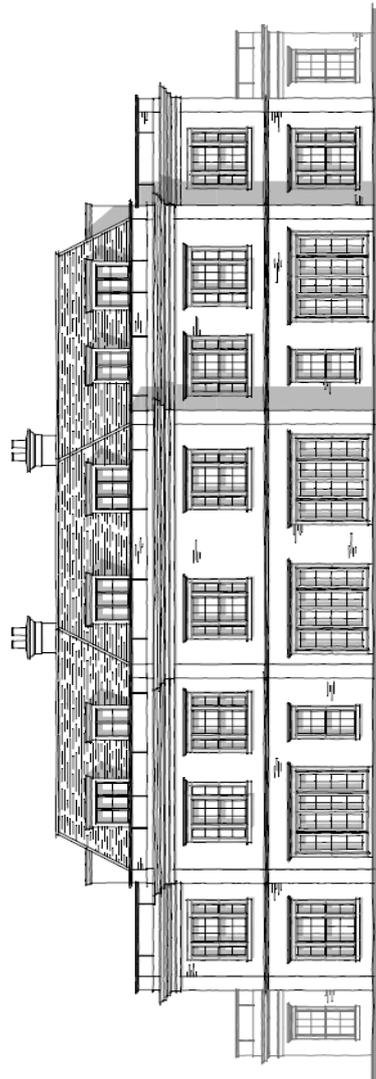
SIDE ELEVATION



SIDE ELEVATION



FRONT ELEVATION

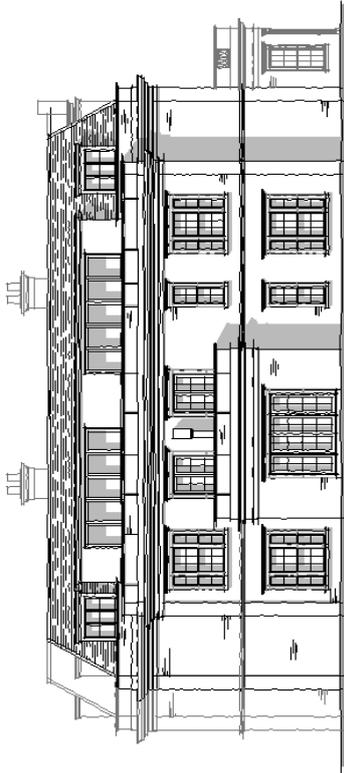


REAR ELEVATION

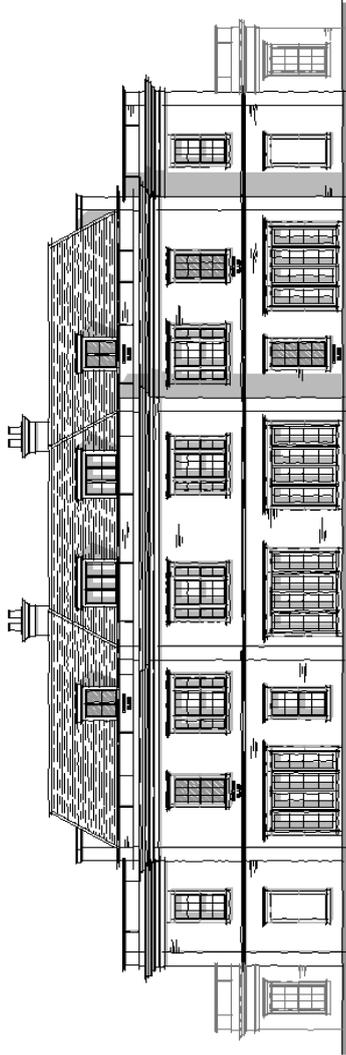
Block 2—Elevations



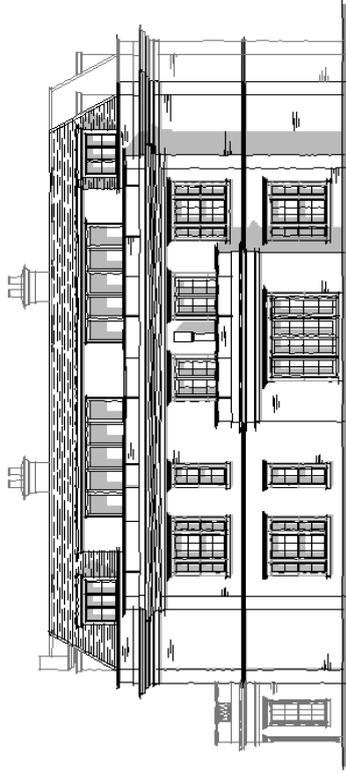
FRONT ELEVATION



SIDE ELEVATION

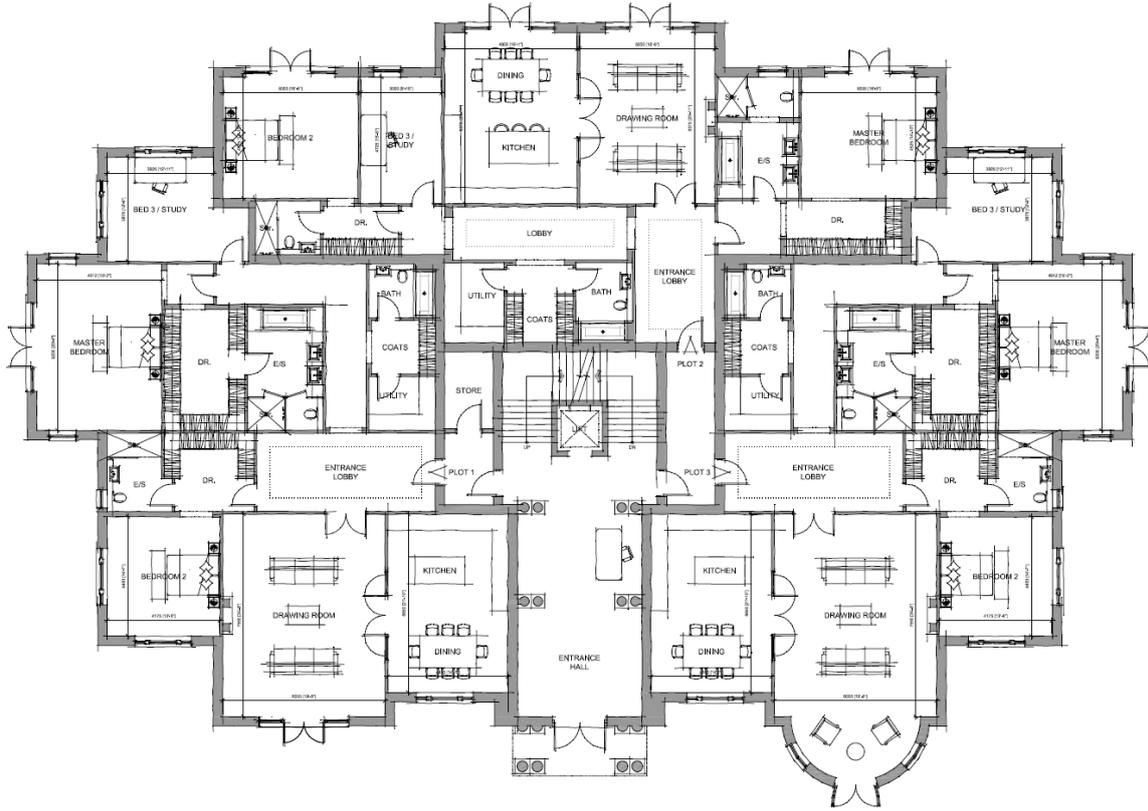


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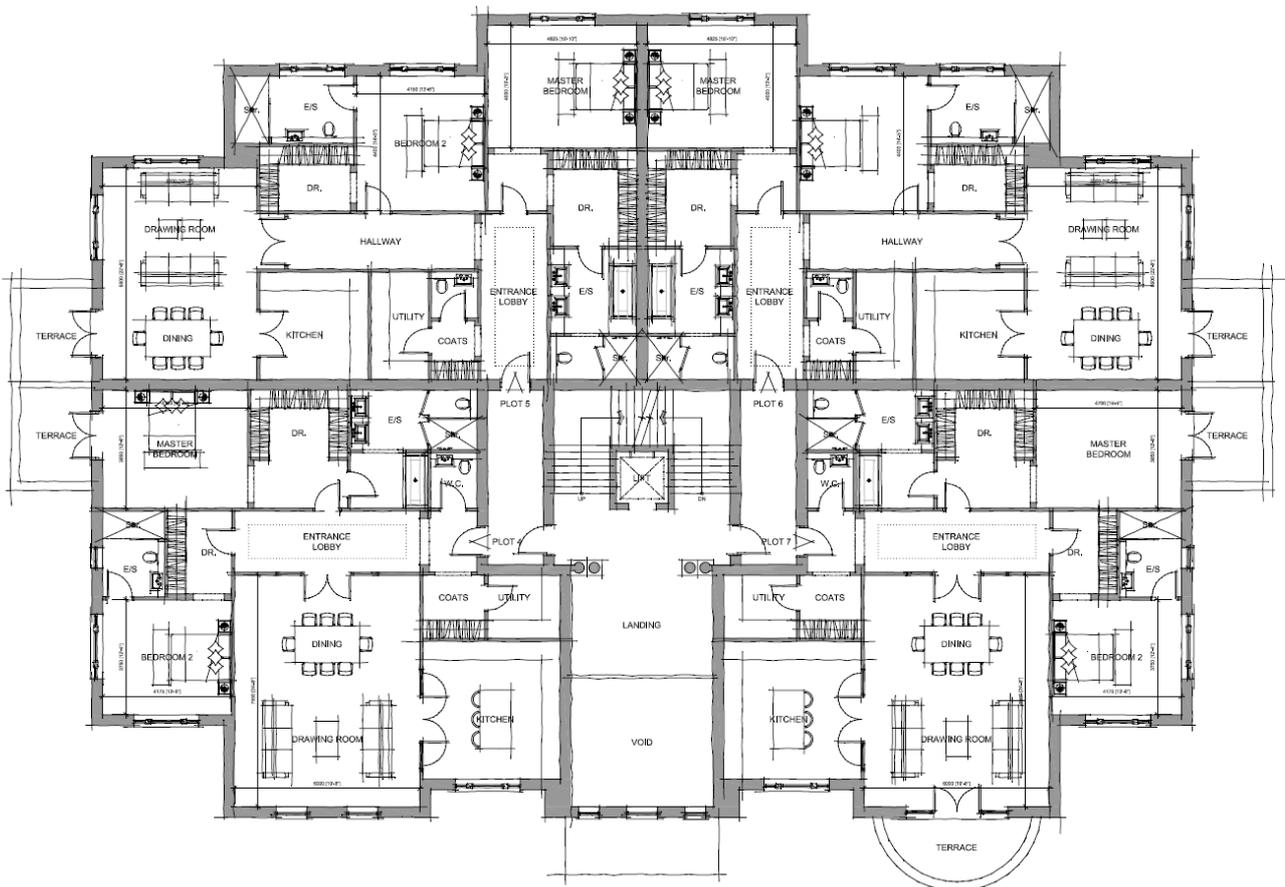


SIDE ELEVATION

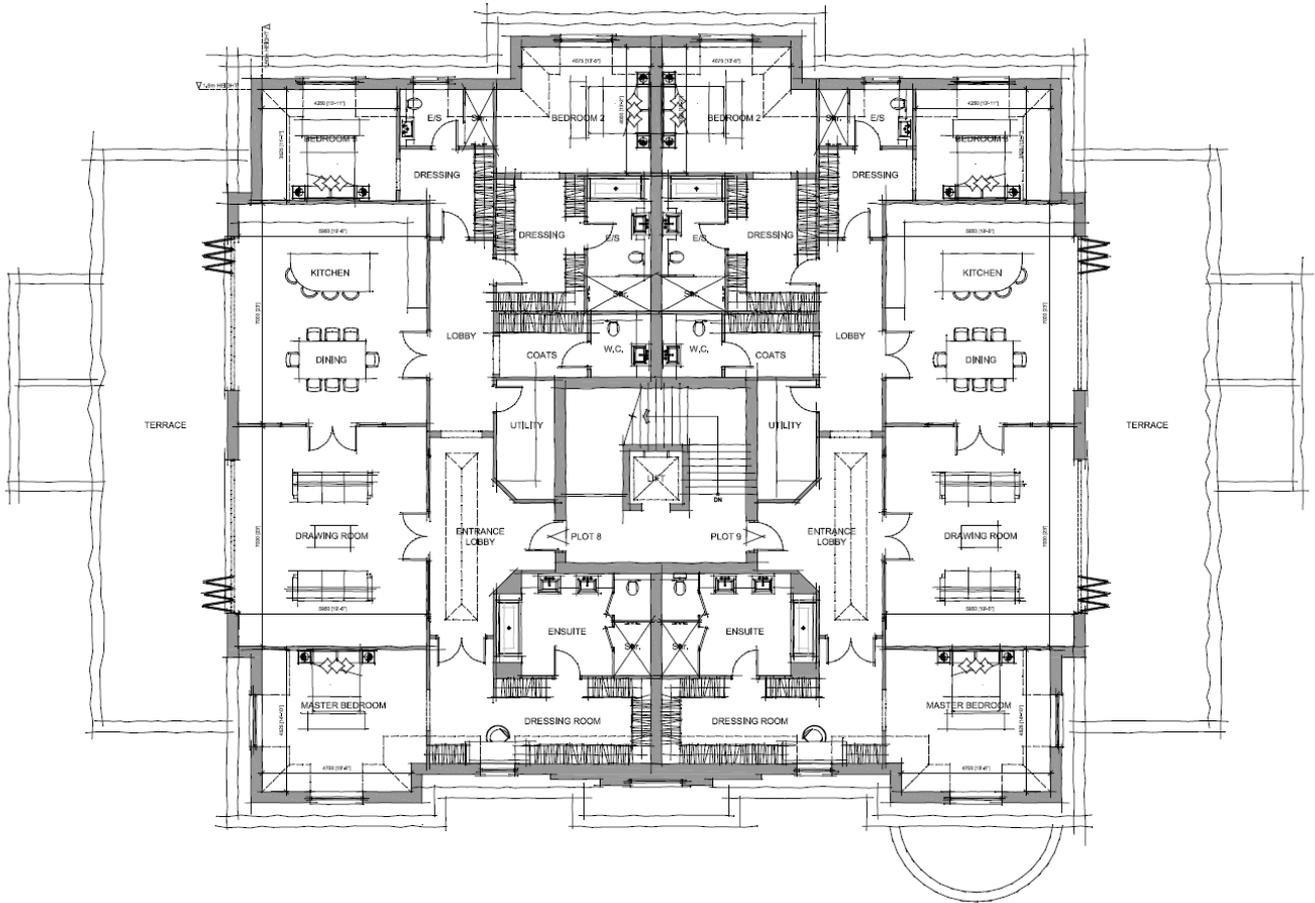
Block 1—Ground floor



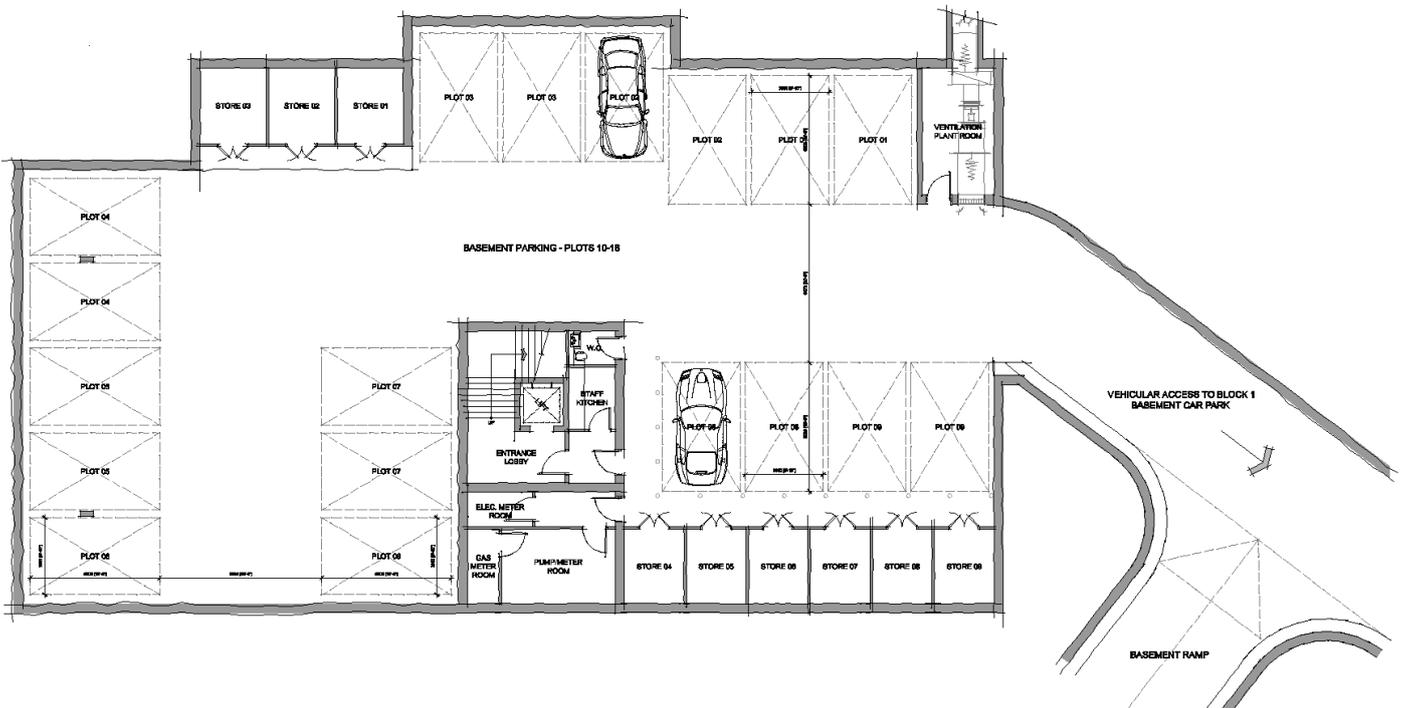
Block 1—First Floor



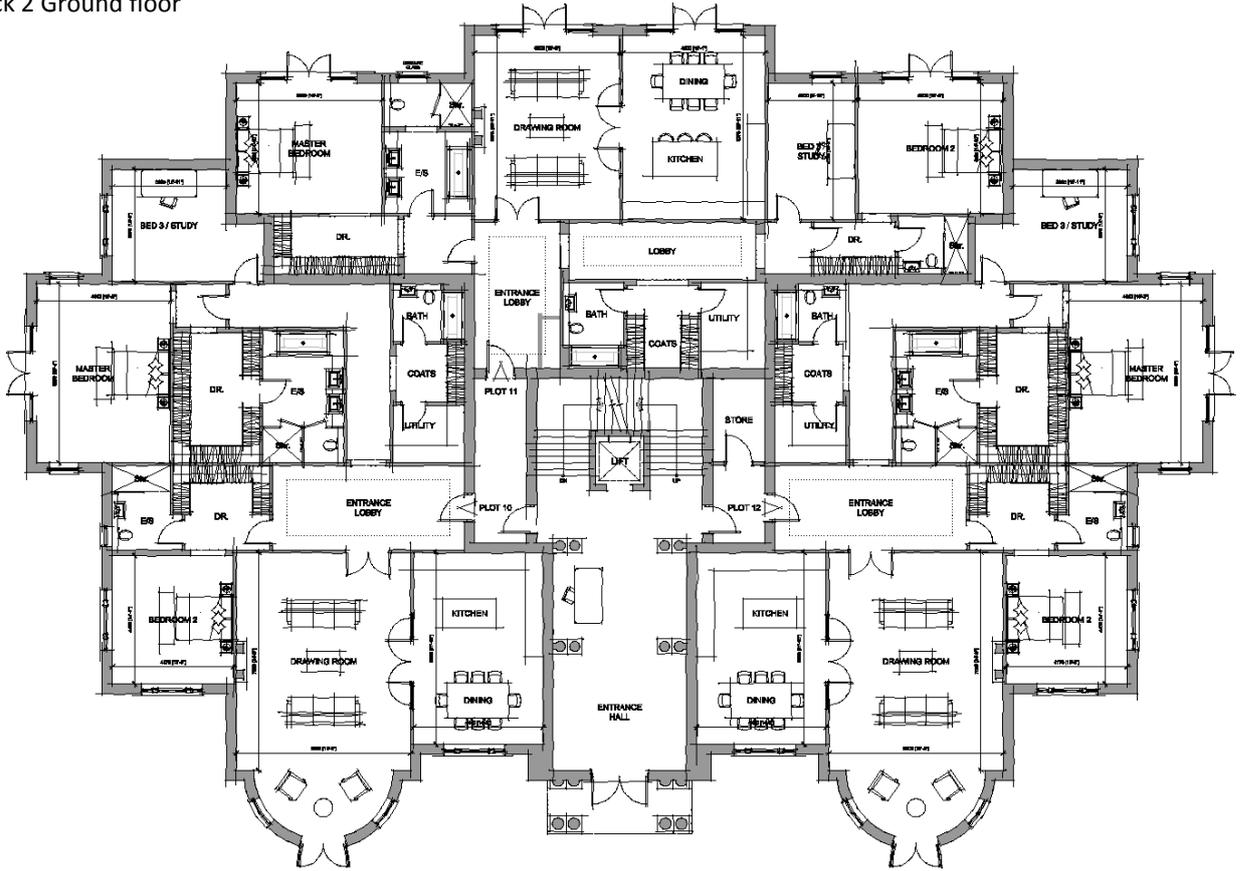
Block 1—Second floor



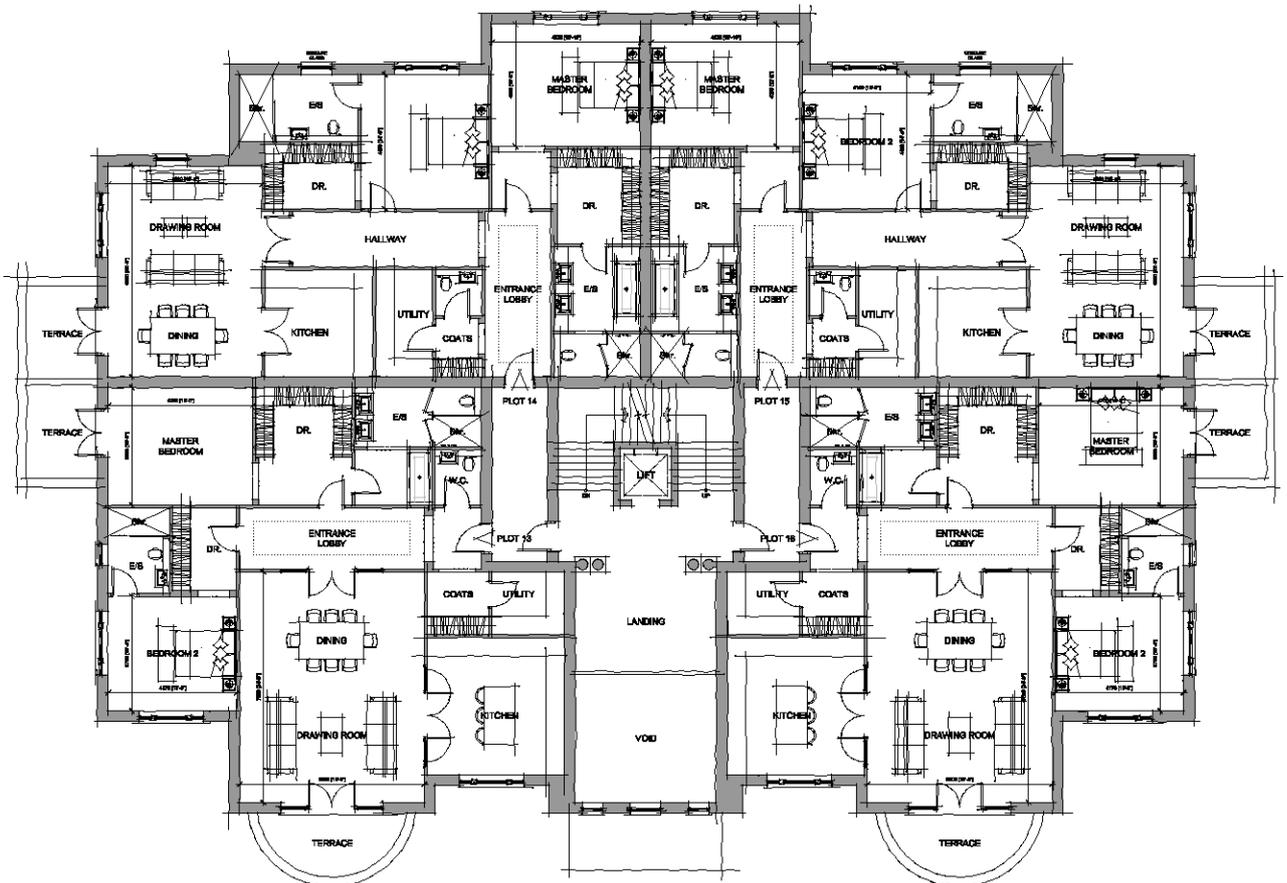
Block 1—Basement



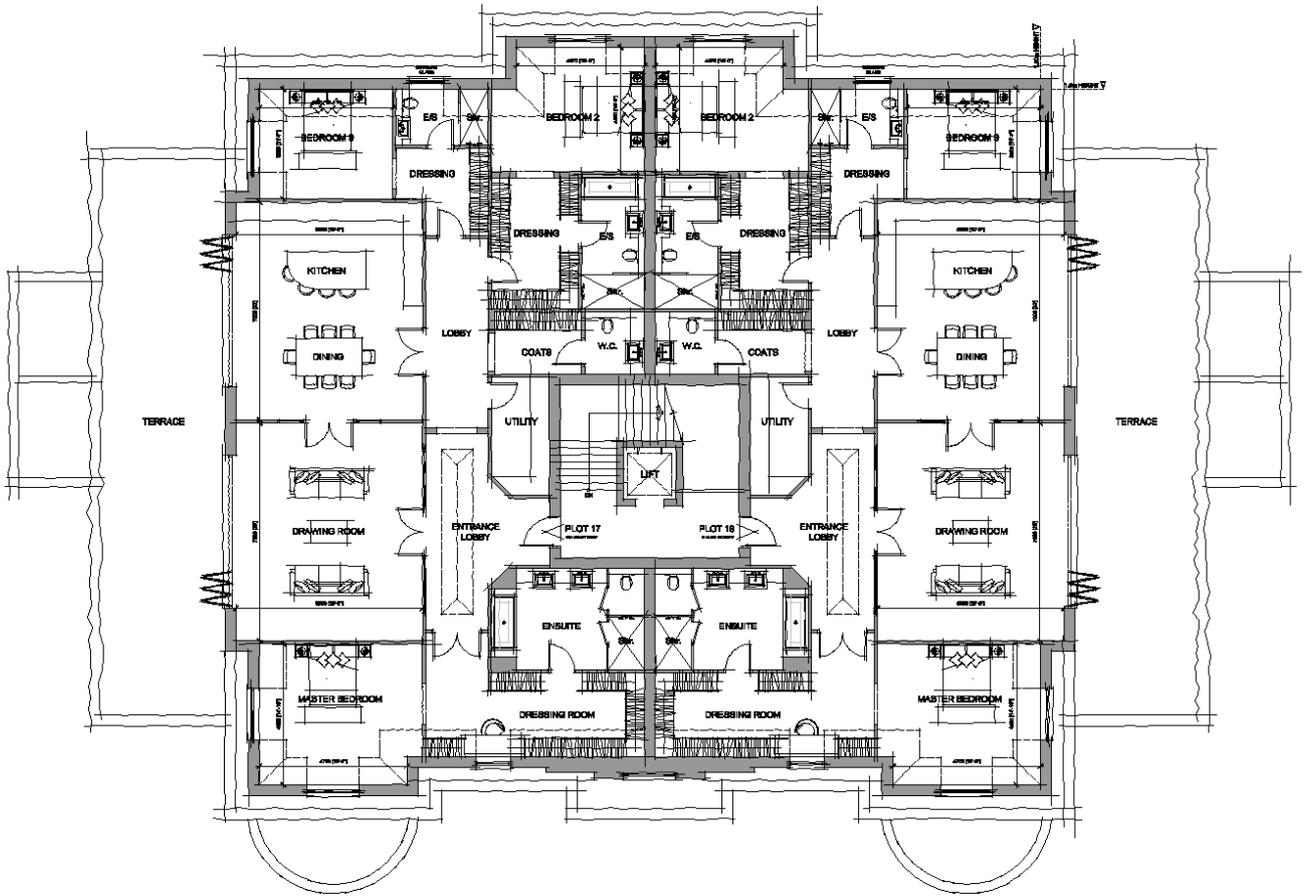
Block 2 Ground floor



Block 2 First floor



Block 2—Second Floor



Block 2—Basement

