

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

MAIDENHEAD DEVELOPMENT CONTROL PANEL

17 July 2019

Item: 6

Application No.:	19/01343/FULL
Location:	The Crooked Billet Westborough Road Maidenhead SL6 4AS
Proposal:	Construction of x6 dwellings with associated landscaping, amenity space and parking, following demolition of the existing building.
Applicant:	Clearview Residential Limited
Agent:	Mr Ben Stonebridge
Parish/Ward:	Maidenhead Unparished/Boyn Hill
If you have a question about this report, please contact: Claire Pugh on 01628 685739 or at claire.pugh@rbwm.gov.uk	

1. SUMMARY

- 1.1 An application (18/02588) for 7x 4 bedroom dwellings was refused planning permission on the 19th December 2018, on grounds of the loss of a community facility, a cramped overdeveloped form of development, and on transport grounds. This scheme is currently at appeal.
- 1.2 This current application is for 6 x 3 bedroom dwellings. Based on the additional marketing on the premises that has been undertaken, it is considered that it has been demonstrated that the loss of the public house as a community facility is justified. This scheme has sufficient car parking, and accords with the Council's Parking standards, and there is no objection to this scheme on transport grounds.
- 1.3 With regard to the appearance of this scheme, the amount of development is considered to be acceptable within the context of this area. The height of the proposed dwellings is considered to be acceptable, and the appearance of the front elevations of the dwellings picks up on the features of other dwellings in the area.
- 1.4 The rear elevations of the proposed dwellings would appear quite cluttered, with the use of two storey flat roofed rear projections and flat roof dormer windows, and is not considered to constitute good design. The rear elevations will be visible from Rutland Gate, Rutland Place, and partly from the Public Right of Way, and so there will be some harm caused to the character of the area.
- 1.5 As the Council cannot demonstrate a five year housing land supply at this time, paragraph 11d of the National Planning Policy Framework (NPPF) is engaged, where it states that planning permission should be granted unless 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. This scheme makes use of a previously developed windfall site and this is supported in the NPPF. The harm that arises from the appearance of the rear elevations of the dwellings is not considered to significantly and demonstrably outweigh the benefits of the scheme, and as such, it is recommended that planning permission is granted.

It is recommended the Panel GRANTS planning permission with the conditions listed in Section 12 of this report.
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2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Stuart Carroll for the reason that the application involves significant over-development and is hardly an improvement on the previously rejected application. A huge number of Boyn Hill residents in the immediate areas are vociferously opposed as this will have a deleterious impact on their quality of life and local community.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site comprises a public house (established lawful use) and its associated car parking area. The site is relatively flat and measures circa 0.15 hectares. The site currently has hoarding erected on its boundaries. A row of leylandi are located on the rear boundary of the site.
- 3.2 Adjacent to the site are residential properties. To the south east of the application site is a footpath (footpath 87) which connects Westborough Road to Rutland Place.
- 3.3 The site is situated on the eastern side of Westborough Road in Maidenhead. It is situated in a predominantly residential area. All Saints Junior School, and two public houses (The North Star and the Pond House) and a convenience store all lie within relative proximity of the site.
- 3.4 The buildings in the locality are predominantly two stories and domestic in scale. Buildings tend to have gable or hipped roofs. Some dwellings have car parking to the front on driveways, and others have no off-road parking.
- 3.5 The Royal Borough's Townscape Assessment was approved in August 2010 and defines broad areas of townscape. It is used to define the character of an area and is used in conjunction with the relevant Local Plan Policies (particularly DG1, H11). According to the Council's Townscape Assessment, the site is situated within Late 20th Century Suburbs, but it is located next to the townscape of Victorian and Edwardian Suburbs.

The Council's Townscape Assessment identifies key features of **late 20th Century** Suburbs as:

Built form defined by suburban style semi-detached and detached two storey houses, set in regular plots with short front, and long back, gardens.

Consistency in plot form, density and building scale results in a harmonised streetscape character.

The key features of Victorian and Edwardian Suburbs are identified as:

-Medium-high density residential suburbs built in the Victorian/Edwardian style, typically between c.1837 and 1910, displaying considerable architectural and stylistic uniformity.

-Block pattern is regular, consisting of short and long 2 storey terraces with some larger semi-detached 2 or 3 storey dwellings on principal streets.

-Roofs are pitched and typically tiled in natural slate - chimneys contribute to a visually stimulating roof-scape.

-A relatively high density urban environment, with few street trees. On street parking is a notable characteristic of this high density townscape type.

4. KEY CONSTRAINTS

- 4.1 Loss of the Public House

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The scheme proposes 6, 3 bedroom dwellings which would be provided in three pairs of semi-detached houses. The proposed dwellings would have a ridge height of circa 9 metres, and an eaves height of around 5.4 metres. The dwellings would have gable roofs, with bay windows provided to the front elevations. To the rear, there would two storey flat roofed rear projections, and flat roof dormer windows.

- 5.2 The dwellings would have slate style roof tiles with conservation rooflights, and the elevations would be finished in a dark brown/red multi stock brickwork with plain arches and dentil details.
- 5.3 12 car parking spaces would be provided along the frontage of the site. Some soft landscaping is also indicated along this frontage. The dwellings would be set back around 10 metres from the pavement, and would be roughly in line with number 37 Westborough Road, but set back further than number 21 Westborough Road.
- 5.4 The tree protection plan shows the row of leylandi cypress at the rear of the site to be removed. Sheds are indicated to the rear of the site.

Reference	Description	Decision
18/02588/FULL	Construction of x7 four-bedroom dwellings including associated landscaping, amenity space and parking following demolition of the existing building.	Refused on the 19 th December 2018 on grounds of: -Loss of the community facility -Harm to the character of the area - Highway Safety grounds. The application is currently at appeal.
18/02897/FULL	Erection of a temporary hoarding around the site for a period of 18 months (Retrospective).	Permitted 30 th November 2018.
17/03997/DEM	Demolition of existing Bouchra Indian Restaurant	Application withdrawn on the 18 th January 2018.

6. DEVELOPMENT PLAN

Adopted Royal Borough Local Plan (2003)

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

Issue	Adopted Local Plan Policy
Design in keeping with character and appearance of area	DG1, H10,H11
Highways	P4 and T5
Community Facility	CF1

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) (2019)

Section 2- Achieving Sustainable Development
 Section 4- Decision-making
 Section 5- Delivering a sufficient supply of homes
 Section 8- Promoting Healthy and Safe communities
 Section 9- Promoting Sustainable Transport
 Section 11- Making effective use of land
 Section 12- Achieving well-designed places

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Sustainable Transport	IF2
Community Facility	IF7

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

Other Local Strategies or Publications

7.3 Other Strategies or publications material 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

34 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 5th June 2019 and the application was advertised in the Local Press on the 6th June 2019.

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

Comment	Where in the report this is considered
1. Scheme is overdevelopment of the site.	9.14-9.21
2. The height of the building is still a big concern; it would be out of keeping with other properties	9.14-9.21
3. Concerned about overlooking to number 44 Westborough Road (opposite to the rear of the site).	9.27-9.34

4.	The application makes contradictory statements about whether the premises is a public house or restaurant.	Noted.
5.	There has not been a 12 month period of marketing and therefore this application should be rejected until such time that this has been completed.	9.2-9.13
6	The third floor terrace will look onto Rutland Gate which is a private road.	9.27-9.34
7.	The row of trees to the rear of the site will be removed, and will affect the privacy of properties on Rutland Gate.	9.27-9.34
8.	Parking is big concern, and there are already parking pressures in the area.	9.22-9.26
9	Two schools in close proximity use the Public Right of Way next to the site- there will be danger to pedestrian safety when cars reverse onto the road.	9.22-9.26
10	Why can't the building be used for a community/commercial use?	This LPA has to consider the application before them which is for residential development.
11	Concerns that the car parking for the site is inadequate.	9.22-9.26
12	If this scheme is approved, residents cannot park in front of the Crooked Billet which happens at present.	9.22-9.26. This on-street parking is not allocated for residents.
13	Rubbish will increase, as will car and noise pollution.	The scheme is for residential development within a predominantly residential area; the scheme is not considered to cause harm to the environment.
14	Development should only be two storeys at this location.	9.14-9.21
15	The tree report is confusing- please clarify.	Not understood what clarification is sought.
6	Has the council looked into using the existing building as a nursery, as part of the two local schools, so Boyn Hill infants could gain more space for their school? The nursery could also be utilised as a before/after school club for all the primary school children	This is not a relevant planning consideration.
17	Has the building been placed on the market only for housing development?	The marketing exercise is summarised in this report.
18	Has the council considered other uses of the building?	This is not a relevant planning consideration.
19	Have the Council ensured that all potential buyers/developers are aware that Rutland Gate is a privately owned and maintained road?	This is not a relevant planning consideration.

20	The temporary hoarding has been attached to Rutland Gate property without submitting any request to the householders.	This is a private matter, and not relevant to the planning consideration.
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Consultees

Consultee	Comment	Where in the report this is considered
Highways	Has no objection, subject to conditions.	9.22-9.26
Environmental Protection	No objections for a Construction Environmental Management Plan, and a condition on Deliveries/Collection times	These conditions are not considered necessary.
Council's Ecologist	No objection, subject to conditions.	9.35-9.36
Public Rights of Way Officer	No objection.	noted

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Loss of the Public House as a Community Facility
- ii Design and impact on the character of the area, including impact on trees
- iii Transport
- iv Impact on residential amenity
- v Planning balance and conclusion

Loss of the Public House as a Community Facility

9.2 Planning application 18/02588/FULL was refused for the reason that it was not demonstrated that there is no longer a need for the Public House which is regarded as a community facility.

9.3 Policy CF1 of the Adopted Local Plan states that the Council will not permit the loss of existing community facilities and buildings, unless it is satisfied that:
 - there is no longer a need for them; or
 -an acceptable alternative provision is to be made elsewhere.

9.4 This policy is considered to be in compliance with the NPPF, which sets out that planning policies and decisions should plan positively for the provision and use of shared spaces, community facilities (such as public houses) to enhance the sustainability of communities and residential environments.

9.5 Policy IF7 of the Borough Local Plan provides guidance on the loss of community facilities, and is a material consideration.

Marketing that had been done when application 18/02588 was determined

9.6 The Planning Viability report set out that the freehold interest in the property was placed on the market by Fleurets on 12th October 2017. The guide price was £625,000 + VAT. The property was listed on the Fleurets website as well as circulated to parties registered with Fleurets and with matching property requirements.

9.7 An open house viewing was arranged for Thursday 19th October 2017, however, it was stated that the tenant refused access to the parties in attendance and the viewing had to take place on an external only basis. 20 parties attended the viewing. Of those that viewed the property, it is stated that all but one party were parties considering alternative use for redevelopment. Due to strong levels of interest in the property, a "Best and Final Bids" deadline was issued for Thursday 26th October 2017. 29 offers were received and ranged significantly. All offers received were from parties seeking alternative use for redevelopment. There were no offers for future public house use. The Planning Viability report sets out that the premises remained listed on Fleurets website until August 2018. The period of marketing was for less than 12 months. It was not considered that the marketing of the premises as a Public House was sufficiently extensive or undertaken for a long enough period to demonstrate it was no longer needed. This marketing evidence was not considered to be sufficiently robust to justify the loss of this Public House, application 18/02588 was therefore refused.

Further marketing

9.8 Following refusal of the previous application, the marketing of the premises with Fleurets recommenced on the 25th January 2019. It is advertised with the price outlined as 'Offers Invited'. It is advised that this is purposely open ended to attract all potential purchasers to maximise the audience that may have interest in the site. Fleurets advise that each party that contacts them is talked through the site; how it traded previously as a food led unit, the large trading space on the ground floor with substantial accommodation above and the strong draw of Crossrail in the area.

9.9 Fleurets advise that some parties that have been interested in continued use, have further investigated the area and decided it is facing strong competition from the multiple pubs and restaurants surrounding. Parties that have past knowledge of the property when it was open have stated it would not be suitable to operate without full refurbishment, especially to compete with other units and trade successfully and profitably. In the letter produced by Fleurets dated 22nd February 2019, it is stated that they had not received strong expressions of interest to view, and that enquiring parties had mainly been interested in the redevelopment of the site for residential conversion and/or for demolition.

9.10 In an attempt to generate more interest in the property, a for sale board was erected on the site on 4th March 2019 and an advert was placed in the Caterer for publication on 8th March 2019. Fleurets also included it in their e-mail shot campaign on the 26th March 2019.

9.11 Following the additional marketing, Fleurets advise that they had two parties who made expressions of interest to view. Both were for residential use; one for conversion and another for demolition and rebuild.

9.12 On the 1st July 2019, an update report from Fleurets was provided. In this update report it is set out that a viewing session was held at the property on Wednesday 3rd April 2019 where four parties attended, and that all parts of the property were available to view both externally and internally.

Party 1 - No bid was submitted but the party would only be interested in a conditional offer for development for residential use.

Party 2 - Unconditional offer at £825,000 was made with no funding proven. This party would not commit to their future use of the site. They mentioned the need for their interior designer and project manager to visit to determine the 'estimate of the conversion costs'. This suggested alternative use.

Party 3 - Conditional offer for development for residential use was made at £825,000. However after viewing the site they withdrew their offer.

Party 4 - An unconditional bid for the company that owns the property, of £800,000, for residential development purposes.

9.13 Fleurets advise that based on additional marketing that has been undertaken since January 2019, most enquiries have been for residential development of the site. They also advise that there would need to be a huge investment to bring the building up to a trading standard to be

economically viable as a public house. Based on the length of time, and range of methods that Fluerets have been through to market the premises, it is considered that the marketing meets the policy requirements. The loss of the Public House is considered to comply with Policy CF1.

Design and impact on the character of the area, including impact on trees

- 9.14 Planning application 18/02588 was refused on the basis that the scheme, by virtue of the scale of the buildings and extent of car parking, represented a cramped, overdevelopment of the site. Furthermore, it was considered that the height of the buildings would appear incongruous within the street scene.
- 9.15 This current scheme is different from the previously refused scheme. The main differences are summarised below:
- A reduction of 1 residential unit.
 - The dwellings are provided in 3 blocks of semi-detached buildings, as opposed to two blocks of terraces.
 - All dwellings have 3 bedrooms instead of 4 bedrooms.
 - A reduction in the number of car parking spaces from 14 to 12.
 - A reduction in the ridge height of the dwelling from 10.2 metres to 9 metres.
 - The dwellings have been sited further forward on the site, and the rear gardens are deeper by 1-2 metres.
- 9.16 With regard to the height of the proposed dwellings, it is acknowledged that they will be taller than neighbouring dwellings, as indicated in the street scene elevation. The ridge height will be around 1.2-1.6 metres taller than numbers 37 and 21 Westborough Road (north-west and south-east of the application site respectively). The ridge height of the proposed dwellings would be lower than the existing building on site. Given the gaps at two storey level between the proposed dwellings and these neighbouring dwellings, it is not considered the variation in height between the proposed buildings and these neighbouring buildings would look incongruous when viewed in the context of the street-scene.
- 9.17 However, height cannot be considered in isolation. The scale of the proposed buildings needs to be considered. The proposed dwellings would be around 13 metres deep at two storey level, which is considered to be deep when compared against other dwellings in the locality. However, the two storey flat roof projections are inset, and when the buildings are viewed in side profile, they would not appear as bulky as shown on the plans of the side elevations.
- 9.18 The front elevations of the proposed dwellings picks up on features in the locality, the use of gable roofs and bay windows is considered to be in keeping with other dwellings on this road.
- 9.19 The use of the flat roof two storey rear projections and flat roof dormer windows make the rear elevations of the dwellings appear quite cluttered. The appearance of the rear elevations are not positive elements of the scheme. These elevations will be visible from Rutland Gate and Rutland Place and the adjacent public right of way. In addition, the leylandi along the rear of the site are proposed to be removed and so the rear elevations will be visible in public views. It is considered that this would cause some harm to the character of the area.
- 9.20 In terms of the amount and layout of parking spaces, this is considered to have an acceptable appearance on the character of the area. The removal of tandem car parking along the frontage in this scheme is an improvement over the previously refused scheme and considered to be acceptable.
- 9.21 With regard to the Leyland cypress and willow hedge (G7) to the rear of the site, these trees are not subject to a Tree Preservation Order. In the previously refused application, the tree officer commented that the 10-15m high Leyland cypress and willow hedge (G7) that is shown to be retained on the eastern boundary will only be 8m from the rear boundaries of the proposed new dwellings, and that this hedge would significantly overshadow the rear gardens of the proposed new properties and is likely to be removed by future residents. It was recommended that more sustainable planting on this boundary be considered as part of a detailed landscaping plan for the

site. It is clear from these comments that the Council's tree officer did not object to this hedge being removed. As such, on the basis a satisfactory soft landscaping scheme is secured, there is no objection to the loss of this hedge. Condition 3 would secure details of the landscaping scheme.

Transport

- 9.22 Planning permission 18/02588 was refused on the basis that the application failed to demonstrate that the car parking provision was adequate, and owing to insufficient detail on refuse and recycling being provided.
- 9.23 Existing vehicular access to the site is provided off Westborough Road to the sites surface car park to the south of the main building. The application proposes that each dwelling would have individual direct access to parking via vehicle crossovers from Westborough Road. The proposed access arrangement allows for two vehicles to be parked per dwelling.
- 9.24 The level of parking (12 car parking spaces) is in accordance with RBWM's parking standards for 3 bedroom dwellings.
- 9.25 A short TRICS review has been undertaken by the applicant. The proposals indicate that there will be 4 vehicle trips in the AM peak and 3 in the PM peak. If a worst-case scenario (based on car parking spaces) was taken forward there could be 12 trips in the AM peak and 12 trips in the PM peak. The net impact of trips is unlikely to have an adverse impact on the local highway network, and therefore it is considered that the likely trips expected to be generated is acceptable.
- 9.26 Cycle storage and refuse storage is shown within the rear gardens of the properties. Pathways are shown on the proposed layout plans, which means future occupiers could take the bins to the front of the site in the areas of hardstanding shown on the layout plan on refuse collection day. This arrangement is considered to be acceptable.

Impact on residential amenity

- 9.27 There are no relevant Adopted Local Plan policies which provide guidance on residential amenity. The NPPF, sets out that development should provide a high standard of amenity for existing and future users.
- 9.28 With regard to the property to the north-west (number 21) the proposed development would not breach the 45 or 60 light angle to any habitable room windows in the rear elevation of this property. Owing to the siting, and set-off from this boundary at two storey level, it is not considered the building would be unduly overbearing to this property or its garden.
- 9.29 With regard to impact on privacy, no windows are proposed in the side elevation facing number 21. The proposed roof terrace at second floor level would be 6 metres off the boundary with number 21. This distance is close, particularly for a roof terrace at second floor level, and it is considered this would result in unacceptable overlooking to number 21. A privacy screen of a sufficient height and level of obscurity would need to be erected along this part of the terrace in order to avoid unacceptable overlooking (see condition 6).
- 9.30 With regard to the dwelling to the south-east of the site (beyond the footpath), number 37, there is a first floor window in the side elevation, but this window is obscurely glazed and does not appear to be a primary window serving a habitable room. There are no concerns over the impact from the development on this window. Owing to the siting of the proposed dwelling, it is not considered that this would be unduly overbearing to the rear garden area of number 37. No windows are proposed in the side elevation of the building facing this property. A roof terrace at second floor level would be around 6 metres from the boundary to the rear garden of this neighbouring property, and so a privacy screen would also need to be erected on the terrace facing this property (see condition 6).

- 9.31 Turning to the properties on the opposite side of Westborough Road, there is considered to be ample distance to avoid any unacceptable overbearing impact, loss of light or overlooking. Concern is raised over the windows within the roof, however, these are roof-lights placed in the slope of the roof, and there would not be any direct views out from these windows.
- 9.32 Turning to the properties to the east (Rutland Gate and Rutland Place), the most affected property would be 44 Rutland Place. There would be a distance of around 20 metres between the rear elevation of the proposed dwellings and the boundary to this property across a road, and this is considered to be an adequate distance to ensure that there would be no unacceptable levels of overlooking, or overbearing impact on this property.
- 9.33 With regard to the standard of amenity of future occupiers of the proposed dwellings, the scheme is considered to provide an adequate standard of amenity.
- 9.34 The roof terraces at second floor level are not ideal, however, provided privacy screens are erected, it is considered this would prevent unacceptable levels of overlooking to numbers 21 and 37 Westborough Road.

Ecology

- 9.35 A single dusk emergence survey was undertaken in August 2018, during the appropriate surveying season. No bats were observed emerging from the building, and the surveyors recorded limited bat activity overall. The Council's Ecologist advises that since a year would have passed since the last survey that an updated roost assessment is undertaken prior to demolition of the building to ensure no bats have started to utilise the building. However, the bat survey is not out of date, and so it would not be reasonable to require further surveys to be submitted before determination of the application. The Council's Ecologist advises that as a precautionary approach the roof should be 'soft stripped' (dismantled by hand) to ensure there are no bat roosts present before the building is demolished. It is not considered that this can be secured by planning condition as it would not pass the relevant tests. The surveys undertaken last year did not reveal evidence of bats within the building. If bats are discovered, the developer will need to cease work and contact Natural England to apply for a licence.
- 9.36 The ecology report sets out that any external lighting scheme is designed so as not to illuminate gardens and boundary features to enable bats to continue to use these as navigational features to pass through and round the site (see condition 7). With regard to biodiversity enhancement, the ecology report sets out that 2 bat boxes will be erected in the trees, or integrated with the buildings, this is in accordance with the requirements of paragraph 170 of the NPPF, and recommended condition (5) would secure this detail to be approved and erected on site.

Planning balance and Conclusion

- 9.37 Paragraphs 10 and 11 of the NPPF 2019 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.*

- 9.38 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, currently the starting point for calculating the 5 year housing land supply is the 'standard method' as set out in the NPPF (2019), this gives a Local Housing Need of 71 units per year.
- 9.40 At the time of writing, the Council is able to demonstrate 4.74 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 5% buffer).
- 9.41 As such, paragraph 11 d (ii) of the NPPF (2019), including footnote 7, the 'tilted balance' is engaged. As such, this sets out that planning permission should be granted unless 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.
- 9.42 At paragraph 68 of the NPPF, it is stated that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should support the development of windfall sites through their policies and decisions, giving **great weight** to the benefits of using suitable sites within existing settlements for homes.
- 9.43 Paragraph 118 of the NPPF sets out that planning decisions should give **substantial weight** to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.
- 9.44 This scheme is a windfall site, and is brownfield land, and the NPPF promotes development of such sites for housing. It is considered that the scheme when viewed from Westborough Road would have an acceptable impact on the streetscene. The scheme has adequate on-site parking and would have an acceptable impact on highway safety. It is considered that sufficient marketing has now taken place to show that there is no longer a need for the public house as a community facility.
- 9.45 Whilst the appearance of the front elevations are considered to be acceptable, the appearance of the rear elevations is not considered to constitute good design for the reasons explained in this report, and there will be some harm caused to the character of the area when viewed from the Public Right of Way and from Rutland Gate and Rutland Place. However, this harm identified is given limited weight and would not be considered to significantly and demonstrably outweigh the benefits of the scheme. As such, when assessed against 11(d) of the NPPF, it is recommended that planning permission is granted.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 10.1 The development is CIL liable.

11. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Proposed layout
- Appendix C – Elevations
- Appendix D – Previously refused scheme

12. 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 written 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 Prior to the substantial completion of the dwellings hereby approved, full details of both hard and soft landscape works, shall be submitted to and approved in writing by the Local Planning Authority. 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.

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.

- 4 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.

- 5 Prior to the construction of the buildings hereby approved, details of the location and types of bat boxes to be installed shall be submitted to and approved in writing by the LPA. The bat boxes approved shall be installed before first occupation of the dwellings hereby approved, and shall be retained in perpetuity.

Reason: In the interests of biodiversity, as per the requirements of the NPPF.

- 6 Prior to the substantial completion of the dwellings hereby approved, details of the privacy screens, with a minimum height of 1.8 metres, to be erected on the north-west boundary of the second floor terrace of block 1, and the south-eastern boundary along the second floor terrace of block 3 shall be submitted to and approved in writing by the Local Planning Authority. The privacy screens shall be erected in accordance with the approved details prior to the first occupation of the dwellings, and thereafter maintained and retained in perpetuity.

Reason: To protect the privacy of neighbouring occupiers.

- 7 Prior to the installation of any external lighting, details of the lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The external lighting shall be implemented in accordance with the approved details.

Reason: In the interests of biodiversity, as per the requirements of the NPPF.

- 8 No part of the development shall be occupied until the visibility splays shown on the approved drawing SK01 REVA have been provided. The areas within these splays shall be kept free of all obstructions to visibility above a height of 0.6 metres from the surface of the carriageway.

Reason: In the interests of highway safety. Relevant Policies - Local Plan T5.

- 9 No part of the development shall be occupied until vehicle parking spaces has been provided in accordance with the approved drawing. The spaces approved shall be retained for parking in association with the development.

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

- 10 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.

- 11 No window(s) shall be inserted at first floor level or above in the north west (flank) elevation of block 1 or the south east (flank) elevation of block 3.

Reason: To prevent overlooking and loss of privacy to neighbouring occupiers.

- 12 Irrespective of the provisions of Class A of part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no enlargement, improvement or any other alteration of or

to any dwelling house the subject of this permission shall be carried out without planning permission having first been obtained from the Local Planning Authority.

Reason: The site requires strict control over the form of any additional development which may be proposed. Relevant Policies - Local Plan H11, DG1, and any extension that would increase the bedroom numbers would need to be considered carefully in this location. Local Plan Policy P4.

13 The development hereby permitted shall be carried out in accordance with the approved plans listed below.

Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

Informatives

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

2. Due to the close proximity of the site to existing residential properties, the applicant's attention is drawn to the Considerate Constructors Scheme initiative. This initiative encourages contractors and construction companies to adopt a considerate and respectful approach to construction works, so that neighbours are not unduly affected by noise, smells, operational hours, vehicle parking at the site or making deliveries, and general disruption caused by the works. By signing up to the scheme, contractors and construction companies commit to being considerate and good neighbours, as well as being clean, respectful, safe, environmentally conscious, responsible and accountable. The Council highly recommends the Considerate Constructors Scheme as a way of avoiding problems and complaints from local residents and further information on how to participate can be found at www.ccscheme.org.uk

Appendix A- site location



Appendix B- Proposed layout



Appendix C- Elevations and floorplans

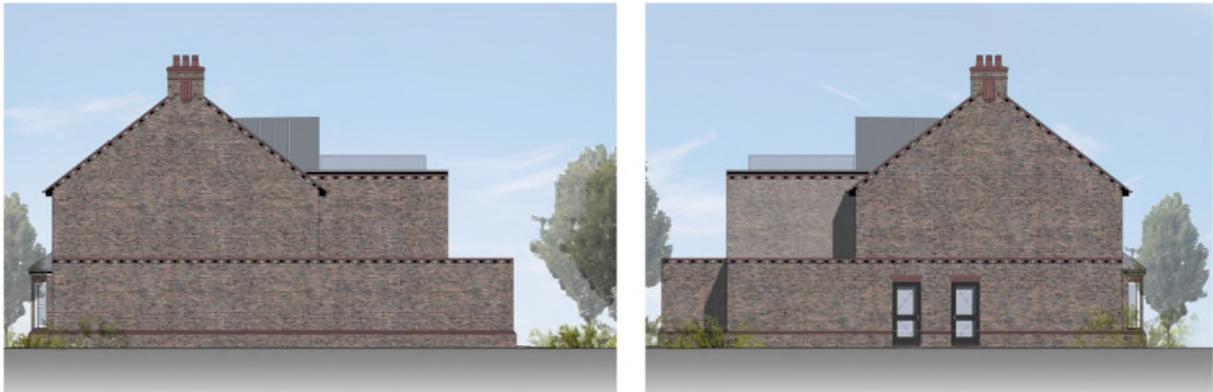
Proposed front elevation



Proposed rear elevation



Side elevations to block 1



Appendix D- Previously refused scheme





South west facing)