

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

DEVELOPMENT CONTROL PANEL

15 July 2020

Item: 2

Application No.:	20/00780/FULL
Location:	Hill House Cross Road Sunningdale Ascot SL5 9RX
Proposal:	Erection of 10 no. apartments with basement parking following demolition of existing building
Applicant:	Mr Mills
Agent:	Mr Paul Dickinson
Parish/Ward:	Sunningdale Parish/Sunningdale And Cheapside
If you have a question about this report, please contact: Adam Jackson on 01628 796660 or at adam.jackson@rbwm.gov.uk	

1. SUMMARY

- 1.1 The proposed development is of scale and massing that is incongruous with the surrounding properties. The proposed contemporary design on the rear portion of the building also creates a development which appears as two separate buildings which are incongruous with each other, thereby reducing the overall design quality of the development. In addition, this contemporary design is at odds with the existing buildings within the street. The proposed development is of poor design and would be harmful to the character and appearance of the area.
- 1.2 The ecology report letter submitted with this application (AA Environmental Ltd, dated June 2017), which has been submitted as part of previous applications, is now almost three years old. Some of the conclusions and results obtained from this report could therefore now be inaccurate, as conditions on the site could have changed during this three year period, the status of the bat roost may have changed and the site could have become more suitable for use by bats and other protected species. As such the extent to which protected species would be affected by the proposals has not been established.
- 1.3 The development proposes pruning to tree T17, which is covered by the Tree Preservation Order on site. The Council's Tree Officer has assessed this tree and does not agree crown reductions are required as the tree is in a healthy condition. The loss of foliage on this tree would inhibit its ability to photosynthesis and would therefore have a detrimental impact on the future health and appearance of the tree. In addition, the relationship between the development and trees T17, T41, T42 and T43 is considered to be poor and would likely lead to a pressure to prune in the future due to overshadowing, loss of light or general apprehension from the future occupiers. The loss of or harm to these trees would harm the character and appearance of the area.

It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 13 of this report):

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| 1. | The overall scale and massing of the proposed building would make it dominant in the street scene and out of keeping with the surrounding developments. The proposal also represents, due to its scale, over development of the site. The contemporary design of the rear part of the building is at odds with the front part of the development and the existing buildings within the street scene. Overall the proposed development is of poor design, represents over development of the site and would be harmful to the character and appearance of the area. |
| 2. | The ecology report letter submitted with this application (AA Environmental Ltd, dated June 2017) is almost three years old. As such it is not possible to establish the extent to which protected species would be affected by the proposals. The development fails to comply with paragraph 170 of the NPPF, policy NP/EN4 of the Ascot, Sunninghill and Sunningdale |

	Neighbourhood Plan and Paragraph 99 of the government Circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within the Planning System.
3.	The development proposes pruning to tree T17, which is covered by a Tree Preservation Order (TPO). The Council's Tree Officer has assessed this tree and does not agree crown reductions are required as the tree is in a healthy condition. The loss of foliage on this tree would inhibit its ability to photosynthesis and would therefore have a detrimental impact on the future health and appearance of the tree. In addition, the relationship between the development and trees T17, T41, T42 and T43 (also covered by a TPO) is considered to be poor and would likely lead to a pressure to prune these trees in the future. The loss of or harm to these trees would harm the character and appearance of the area.
4.	The proposal is likely to have a significant effect in combination with other plans and projects in the locality on the Thames Basin Heaths Special Protection Area [SPA] as designated under The Conservation (Natural Habitats, etc) Regulations, and which is also designated as a Site of Special Scientific Interest [SSSI]. This would arise through increased visitor and recreational pressure on Chobham Common, as a constituent part of the SPA, causing disturbance to three species of protected, ground-nesting birds that are present at the site. In the absence of an assessment to show no likely significant effect, including sufficient mitigation measures to overcome any such impact on the SPA, and in the absence of financial provision towards the Strategic Access Management and Monitoring (SAMM) project and the provision of Suitable Alternative Natural Greenspace (SANG) noted in the Council's Thames Basin Heaths Special Protection Area SPD or satisfactory alternative provision, the likely adverse impact on the integrity of this European nature conservation site has not been overcome.

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 as the application constitutes major development; such decisions can only be made by the Panel.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site is currently occupied by the Hill House property, which is located on the northern side of Cross Road. The site has previously been split into 2 with a scheme for 5 apartments having been approved on the lower part of the site now known as 'Land at Hill House'. Planning permission has also already been granted for a 5-apartment scheme on the upper part of the site, which is the land subject of this application. This site is 0.37 hectares and benefits from an existing access in the South East corner. The site is well planted and many of the trees are subject to Tree Protection Orders.
- 3.2 The property lies near the edge of the settlement area and is approximately 150m to the east of the A30 London Road, within walking distance of the shops and railway station in Sunningdale. Land to the West and North is predominantly residential in character with large dwellings and, particularly on the northern side of Cross Road, flatted developments. The Sunningdale Ladies Golf Club is to the South East of the site which is within the Green Belt. The site slopes up towards the South East.
- 3.3 Apart from the nearby area of the Green Belt, the site and its immediate surroundings are classified as being within the 'leafy residential suburb' townscape type within the Borough's Townscape Assessment. Some nearby properties to the South West are within the 'villas in a woodland setting' townscape type, although these do not form part of the immediate context for the application site.
- 3.4 The site is located within 5km of the Thames Basin Heaths Special Protection Area, however, outside of the 2km catchment area for Allen's Field.

4. KEY CONSTRAINTS

- Protected trees
- 'Leafy Residential Suburb' Townscape Area
- Ecological impacts
- Thames Basin Heaths Special Protection Area

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The proposal is for the construction of a building to accommodate 7 x 2-bedroom and 3 x 3-bedroom apartments. The apartment building is split into two sections, with separate distinct styles. To the rear the apartment building has a contemporary flat roof design, with high levels of glazing, and ranges between 8.5 and 8.8m tall due to the changes in ground levels. The front part of the building is more traditional in design, including a crown roof, and ranges between 9.5 and 9.9m in height, with the central portion of the building (when viewed from the front) being taller. The front part of the building is approximately 22m wide and the rear ranges between 17m and 14m depending on the floor. The building would be set back approximately 23m from the road. There is an existing dwelling on site which would be demolished.
- 5.2 Access to the site would be provided via the existing access in the South East corner which is to be widened to provide visitor parking spaces and a turning area. 20 parking spaces (2 per apartment) for the residents of the apartment building would be provided in a basement parking area. Space for cycle parking and refuse storage would also be provided in the basement.

Reference	Description	Decision
13/01206/FULL	Construction of detached house.	Permitted - 15.08.2013
13/02972/FULL	Demolition of existing dwelling house and erection of two linked buildings comprising 10 apartments.	Refused – 13.01.2014
14/01029/FULL	Erection of 10 apartments with associated works. Amendment to planning application 13/02972.	Refused – 06.06.2014
14/00451/FULL	Construction of 5 no. apartments.	Refused – 09.06.2014
14/03591/FULL	Construction of 4 no. apartments.	Refused – 10.02.2015
15/01199/FULL	Construction of 1 apartment block comprising of 4 x 2 bed and 1 x 3 bed apartments.	Refused – 10.02.2015 & dismissed at appeal
16/00266/FULL	Erection of 4 x apartments (3 x 2 and 1 x 3 bed).	Would have approved – 15.07.2016 & dismissed at appeal 07.09.2016
16/01179/FULL	Erection of 5 no. apartments with basement and new access.	Would have approved – 15.07.2016 & dismissed at appeal 07.09.2016
16/02220/FULL	Construction of 5 no. apartments with basement and new access.	Permitted – 16.12.2016
17/00120/FULL	Erection of 4 x 2 bedroom and 1 x 3 bedroom apartments with basement car parking, cycle and bin store following demolition of existing dwelling.	Permitted – 17.10.2017
18/00624/FULL	Erection of a building comprising 10 apartments (4 x 3 bed and 6 x 2 bed apartments) following demolition of the existing dwelling.	Refused – 10.09.2018 & dismissed at appeal

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
Within settlement area	DG1, H9, H10, H11
Highways and parking	P4, T5
Trees	N6

These policies can be found at

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

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

Issue	Neighbourhood Plan Policy
Within settlement area	NP/H2, NP/DG1, NP/DG2, NP/DG3, NPEeN3
Highways and parking	NP/T1
Trees	NP/EN2
Biodiversity	NP/EN4
Energy efficiency	NP/DG5

These policies can be found at

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)

- Section 4 - Decision-making
- Section 9 - Promoting Sustainable Transport
- 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
Makes suitable provision for infrastructure	IF1
Housing	HO2, HO3, HO5
Important trees	NR2
Nature conservation	NR3
Thames Basin Heaths Special Protection Area	NR4

Borough Local Plan: Submission Version Proposed Changes (2019)

Issue	Local Plan Policy
Design in keeping with character and appearance of area	QP1,QP3
Sustainable Transport	IF2
Housing mix and type	HO2
Affordable housing	HO3
Flood risk	NR1
Pollution (Noise, Air and Light)	EP1, EP2, EP3, EP4

- 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 was submitted to the Secretary of State for independent examination in January 2018. The Submission Version of the Borough Local Plan does not form part of the statutory development plan for the Borough.
- 7.2 In December 2018, the examination process was paused to enable the Council to undertake additional work to address soundness issues raised by the Inspector. Following completion of that work, in October 2019 the Council approved a series of Proposed Changes to the BLPSV. Public consultation ran from 1 November to 15 December 2019. All representations received will be reviewed by the Council to establish whether further changes are necessary before the Proposed Changes are submitted to the Inspector. In due course the Inspector will resume the Examination of the BLPSV. The BLPSV and the BLPSV together with the Proposed Changes are therefore material considerations for decision-making. However, given the above both should be given limited weight.
- 7.3 These documents can be found at:
<https://www3.rbwm.gov.uk/blp>

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

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

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

Comment		Where in the report this is considered
1.	The proposed development would be dominant within the street scene.	Paragraphs 9.2 to 9.5

2.	The proposed development represents overdevelopment of the site.	Paragraphs 9.2 to 9.5
3.	Is there a need for 10 more apartments in the road – more apartments would change the character of the area.	Paragraphs 9.16 to 9.19 and paragraphs 9.2 to 9.5
4.	The issues from previous applications have not been addressed.	Noted.
5.	The development would increase traffic to the detriment of highway safety.	Paragraph 9.8
6.	The applicant's community consultation event was only attended by 5 people and the site notice was only displayed for 2 days.	The Council undertook statutory consultation including writing to adjoining properties.
7.	The landscaping proposal does not include the depth of type of plants to be used.	Landscaping details would normally be secured by condition.
8.	It is not clear how the postal delivery would be managed.	This is not a material planning consideration.
9.	It is not clear whether all internal and external doors meet the minimum physical security requirements.	This is not a material planning consideration.
10.	Details of the cycle storage has not been provided.	Details of cycle storage would normally be secured by condition.
11.	Utility meters should be located in an area which allows meter readings without the need to access the dwelling.	This is not a material planning consideration.
12.	Details of external lighting has not been submitted.	It is not considered necessary to control external lighting for this development.
13.	The lopping or removal of trees would be detrimental to the character and appearance of the area.	Paragraphs 9.9 and 9.10
14.	The development would overlook neighbouring residents.	Paragraphs 9.6 and 9.7
15.	The development would badly affect birdlife and biodiversity.	Paragraphs 9.11 to 9.14
16.	The development would have a negative impact on the Thames Basin Heaths Special Protection Area.	Paragraph 9.15
17.	The modern rear half of the building is out of character with the remainder of the building and other local buildings on the road.	Paragraphs 9.2 to 9.5

18.	The development would increase pollution from the additional traffic.	It is not considered that the development would result in significant fumes as a result of traffic.
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Consultees

Consultee	Comment	Where in the report this is considered
Parish Council	<p>Objects:</p> <ul style="list-style-type: none"> The site layout is extremely similar to refused scheme 13/02972 The change to a contemporary design on the rear half of the development creates a mismatch in styles which is contrary to the requirements of NP/DG3.1 (Good Quality Design). The development would be at odds with the wider street scene which has a lower density character. The building footprint is almost identical to 18/00624 which was dismissed at appeal. The proposal would still be near to and lead to pressure to prune trees T17 and T27 (T43 in this application). The arboricultural report states that pruning to T17 is necessary. The proposal does not contribute to the mix of housing styles The proposal would result in unacceptable intensification of traffic movements. The provision of two spaces for visitors in wholly inadequate. 	Design and character issues have been considered in paragraphs 9.2 to 9.5. The impacts on trees has been considered in paragraphs 9.9 and 9.10. The impacts on parking and highway safety has been considered in paragraph 9.8.
Lead Local Flood Authority	Requests further details of the proposed surface water drainage systems.	N/A – It is not considered necessary for this information to be submitted given the scale of the development. This has not been requested for previous similar applications on site.
Highways	The Highway Authority offers no objection to the proposal subject to conditions relating to access, gates, parking, cycle parking and construction management.	Paragraph 9.8
Ecology	The proposals may affect protected species and an updated ecology report would need to be submitted prior to the determination of the application in order for the council to determine the likely impact of the proposals upon protected species and ensure appropriate mitigation can be provided.	Paragraphs 9.11 to 9.14
Trees	The scheme fails to adequately secure the protection of important protected trees that contribute positively to the character and	Paragraphs 9.9 and 9.10

	appearance of the area.	
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Others

Group	Comment	Where in the report this is considered
SPAE	The reductions to the depth at second floor has an extremely limited effect on reducing the bulk of the building. The contemporary design is incongruous with the front block, visually unattractive and unsympathetic to local character. The proposal would still require the pruning of trees.	Design and character issues have been considered in paragraphs 9.2 to 9.5. The impacts on trees has been considered in paragraphs 9.9 and 9.10.

9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

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

The impact on the character and appearance of the area

- 9.2 There are a number of Neighbourhood and Local Plan policies relevant to the consideration of this application. Local Plan policy H11 sets out that proposed developments should be compatible with the scale of the surrounding area and not cause damage to the character amenity of the area in which it is set; this is consistent with design guidance set out in the NPPF. With regards to Neighbourhood Plan policies: NP/DG1 requires development to respond positively to local townscapes, policy NP/DG2 requires new development to be similar in density, footprint, separation and bulk of surrounding buildings and policy NP/DG3 requires new development to demonstrate good quality design.
- 9.3 The application site has been subject to several previous applications and appeals with the most recent application (18/00624/FULL) having been refused and subsequently dismissed at appeal. The appeal was dismissed as the Inspector considered that the proposed scheme would harm the character and appearance of the area due to the scale and massing of the building, noting that whilst the development would have a similar height to neighbouring properties Queenswood and Fairways, the width and depth would be far greater, creating a significantly larger footprint. It was considered that this scale and massing would be exacerbated by the location of the development on elevated ground, and that this along with the design of the scheme, with a deep bulky roof, would create an incongruous dominating development at odds with the wider street scene.
- 9.4 Changes have been made to try and address these concerns, however, whilst the rear part of the building has been reduced in height (8.5 – 8.9m rather than 8.9 – 9.3m), and the massing of the rear block has been reduced by shortening the length at second floor, the changes are minor. The footprint of the rear part of the building at ground floor is very similar, as that considered under 18/00624/FULL, and the overall length and width of the building would also be unchanged. The front part of the building, which is the most visible within the street scene, is the same as the previous scheme in terms of footprint, height and scale. The bulky crown roof design remains,

and the building would still be elevated compared to surrounding properties, exacerbating its bulk and scale. Whilst the front portion of the building is similar to that previously approved under 17/00120, the overall building remains of a scale, massing and footprint far in excess of Queenwood and Fairways opposite and the reduction in height and bulk of the rear portion of the building does not go far enough to address this. The building would remain dominant in views from the south east on the approach from the top end of Course Road where the entirety of the side elevation would be visible. The building would remain of scale and massing that is incongruous with the surrounding properties and would appear over developed compared to the lower density development elsewhere within the street scene. The proposed development would result in harm to the character and appearance of the area.

- 9.5 The proposed contemporary design on the rear portion of the building also creates a development which appears as two separate buildings which are incongruous with each other, thereby reducing the overall design quality of the development. In addition, this contemporary design is at odds with the existing buildings within the street, harming the character and appearance of the area.

The impact on amenity

- 9.6 The proposed building has a high number of side windows at first and second floor along both flank walls. The windows on the North East elevation would overlook the rear garden of the neighbouring plot. None of the windows along this flank elevation serve non habitable rooms and as such cannot be obscurely glazed, however the boundary is heavily planted. Whilst this planting cannot be relied upon to provide full screening all year round it would prevent significant levels of overlooking from being achieved. Most trees on this boundary are also covered by a tree preservation order and as such are unlikely to be removed. The separation distance to this boundary and the large scale of the neighbouring plot would also reduce any feeling of being overlooked. To the other side is Sunningdale Golf Club, the privacy of which is not afforded the same level of protection as a residential plot. The use of the site would intensify, however as it would remain in residential use there is unlikely to be any significant noise or disturbance caused to neighbours. The separation to neighbouring properties is sufficient to prevent a significant loss of light.
- 9.7 The proposed apartment building would be provided with a shared outdoor amenity space to the rear of the site with an area of approximately 800sqm. Each flat is also comfortably above the minimum internal space standards. It is considered that the future occupiers would be provided with sufficient indoor and outdoor amenity space.

Parking and highway safety

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

The impact on important trees

- 9.9 Many trees on the application site are protected by a tree preservation order and the majority of trees make a strong positive contribution to character and appearance of the area. A Council Tree Officer has commented on the application and has raised concerns that the trees to the

front of the site would be impacted by the hardstanding and bin store, however the hardstanding is similar to the previous applications where this issue has not been raised and details of the bin store can be secured via condition.

- 9.10 Previously under applications 13/002972, 17/00120 and subsequent appeals, concern has been raised regarding the impact on tree T17 (A common Oak covered by a TPO) to the rear of the site, due to extensive pruning works being proposed to its canopy, as well as future pressure to prune due to the impact it would have on light into the property. Similarly, concerns have previously been raised regarding future pressure to prune T27 (T43 on the latest tree protection plan). It is noted that the building has been moved away from the canopy of these trees by setting the second floor in, however in the case of T17 pruning is still proposed. The Council's Tree Officer has assessed this tree and does not agree crown reductions are required as the tree is in a healthy condition. The loss of foliage on this tree would inhibit its ability to photosynthesis and would therefore have a detrimental impact on the future health and appearance of the tree. In addition, the relationship between the development and trees T17, T41, T42 and T43 is still considered to be poor and would likely lead to a pressure to prune in the future due to overshadowing, loss of light or general apprehension from the future occupiers. This is especially true of T17 which growing toward the proposed development.

The impact on ecology

- 9.11 Paragraph 99 of the government Circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within the Planning System sets out that the presence or otherwise of protected species, and the extent that they may be affected by a proposed development, should be established before planning permission is granted. The need to ensure ecological surveys are carried out should only be left to coverage under planning conditions in exceptional circumstances. Paragraph 170 of the NPPF also sets out that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Policy NP/EN4 of the Ascot, Sunninghill and Sunningdale Neighbourhood Plan also sets out that development proposals which are likely to have direct or indirect adverse impacts on local biodiversity should be supported by an independent survey report which is supported by the Borough's Ecological advisor.
- 9.12 The ecology report letter submitted with this application (AA Environmental Ltd, dated June 2017), which has been submitted as part of previous applications, is now almost three years old. Some of the conclusions and results obtained from this report could therefore now be inaccurate, as conditions on the site could have changed during this three year period, the status of the bat roost may have changed and the site could have become more suitable for use by bats and other protected species.
- 9.13 As such, there is a risk that the current proposals could affect protected species, and in order for the Local Planning Authority to determine the potential impacts of these plans on protected species, an updated ecological assessment report (comprising an extended Phase 1 Habitat and Species Scoping Survey, updated bat surveys, and any other phase 2 surveys identified in the phase 1 surveys as being required) would need to be submitted prior to the determination of this planning application.
- 9.14 In this case, since the extent to which protected species would be affected by the proposals has not been established, and there appears to be no "exceptional circumstances", the application would not be in accordance with the above planning policy, paragraph 170 of the NPPF and paragraph 99 of the government Circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within the Planning System.

The Thames Basin Heaths Special Protection Area

- 9.15 The application site is within 5km of the Thames Basin Heaths Special Protection Area (SPA) which is an area designated to protect a network of important bird conservation sites; the

proposed development would likely have a harmful effect on Chobham Common, which is part of the SPA due to increased visitor and recreational pressure. It is necessary therefore for mitigation to be secured in the form of SANG (Suitable Alternative Natural Green Space) and SAMM (Strategic Access Management and Monitoring). A draft S111 has been prepared and it is anticipated that the applicant will agree to the necessary mitigation, however at the time of writing the agreement has not yet been completed and mitigation has not therefore been secured.

Other Material Considerations

Housing Land Supply

- 9.16 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:

- 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.*

- 9.17 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..).’

- 9.18 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 (5hyr hls) is the ‘standard method’ as set out in the NPPF (2019). At the time of writing, the Council is unable to demonstrate a 5 year housing land supply.

- 9.19 Footnote 6 of the NPPF (2019) clarifies that section d(i) of paragraph 11 of the NPPF (2019) is not applied where ‘policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed’. This includes habitats sites and/or land designated as Green Belt. As set out in paragraph 9.15 the development is within 5km of the Thames Basin Heaths Special Protection Area (SPA) and has the potential to cause harm to this protected site. Although mitigation is likely to be secured, at the time of writing it has not been. As such the harm upon the SPA provides a clear reason for refusing the development and it is not necessary for section d(i) to be engaged. Should the necessary mitigation be provided and this reason for refusal falls away then the so called ‘tilted balance’ would be engaged. The assessment of this and the wider balancing exercise is set out below in the conclusion.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 10.1 The development is CIL liable. The proposed floorspace of the dwellings is 2,360sqm which is a net increase of 1,511sqm when taking into account the existing dwelling on site.

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 9.19, provided the necessary mitigation against the harmful impact on the SPA can be provided, the tilted balance would apply. For decision making this means approving development proposals unless any adverse impacts of doing so would

significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 11.2 Whilst acknowledging that this proposal for 9 (net) units would make a small contribution towards the LPA meeting their 5yr hls the proposed development is considered to cause harm to the character and appearance of the area, would cause harm to on site trees and has the potential to impact upon protected species. The proposal is contrary to paragraphs 127, 130 and 170 of the NPPF, as well as policies DG1, H10 and H11 of the Local Plan and policies NP/DG1, NP/DG2, NP/DG3 and NP/EN3 of the Ascot, Sunninghill and Sunningdale Neighbourhood Plan.
- 11.4 For the reasons set out above, it is therefore considered that the adverse impacts of allowing this planning application would significantly and demonstrably outweigh the benefits, when assessed against the policies in NPPF (2019), when taken as a whole.
- 11.5 It is also worth highlighting that paragraphs 1 and 12 of the NPPF (2019) are clear in stating that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The proposed development remains contrary to the Development Plan and it is not considered that the NPPF (2019), as a material consideration, demonstrates that in this instance planning permission should be granted.

12. APPENDICES TO THIS REPORT

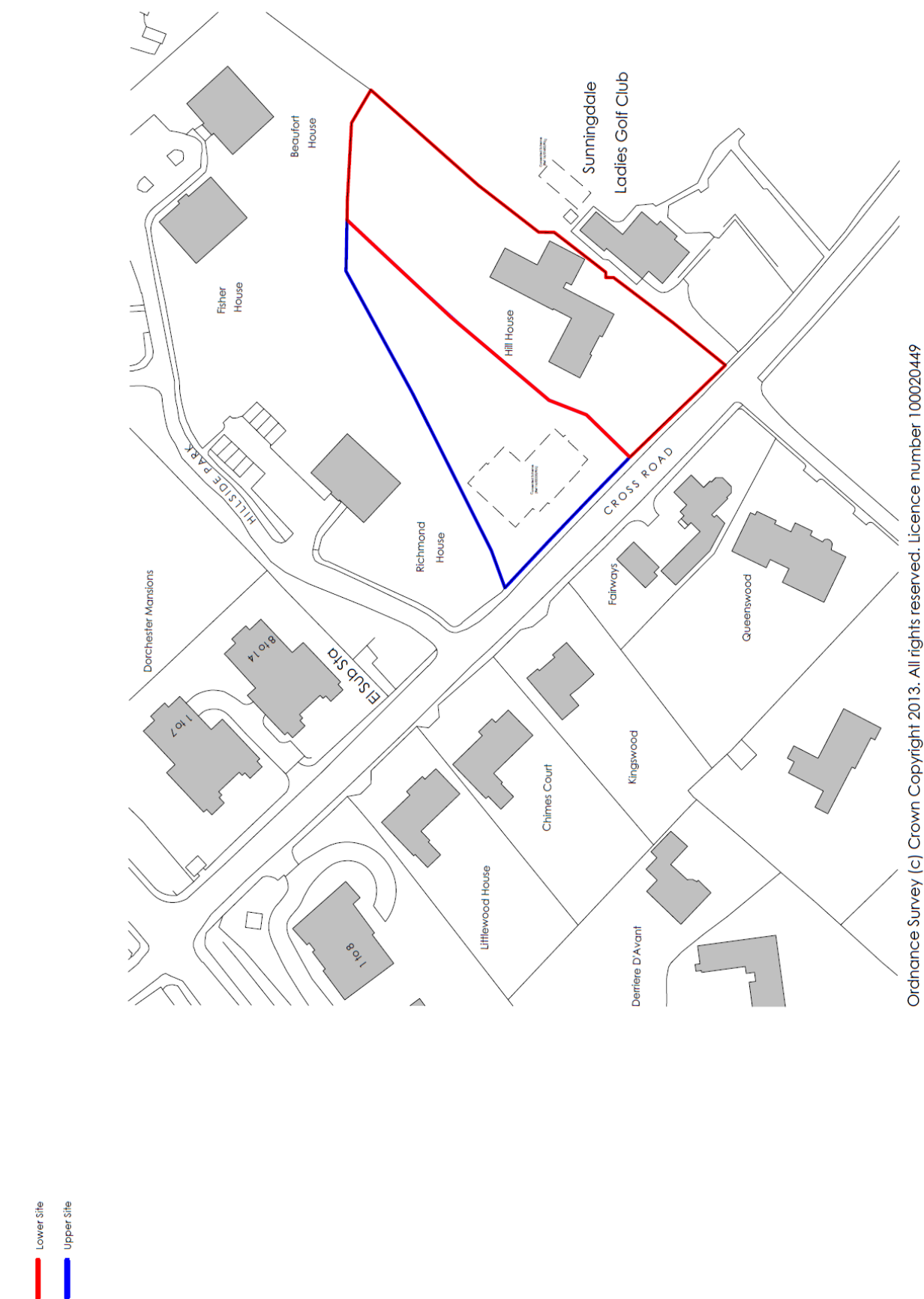
- Appendix A - Site location plan and site layout
- Appendix B – Plan and elevation drawings

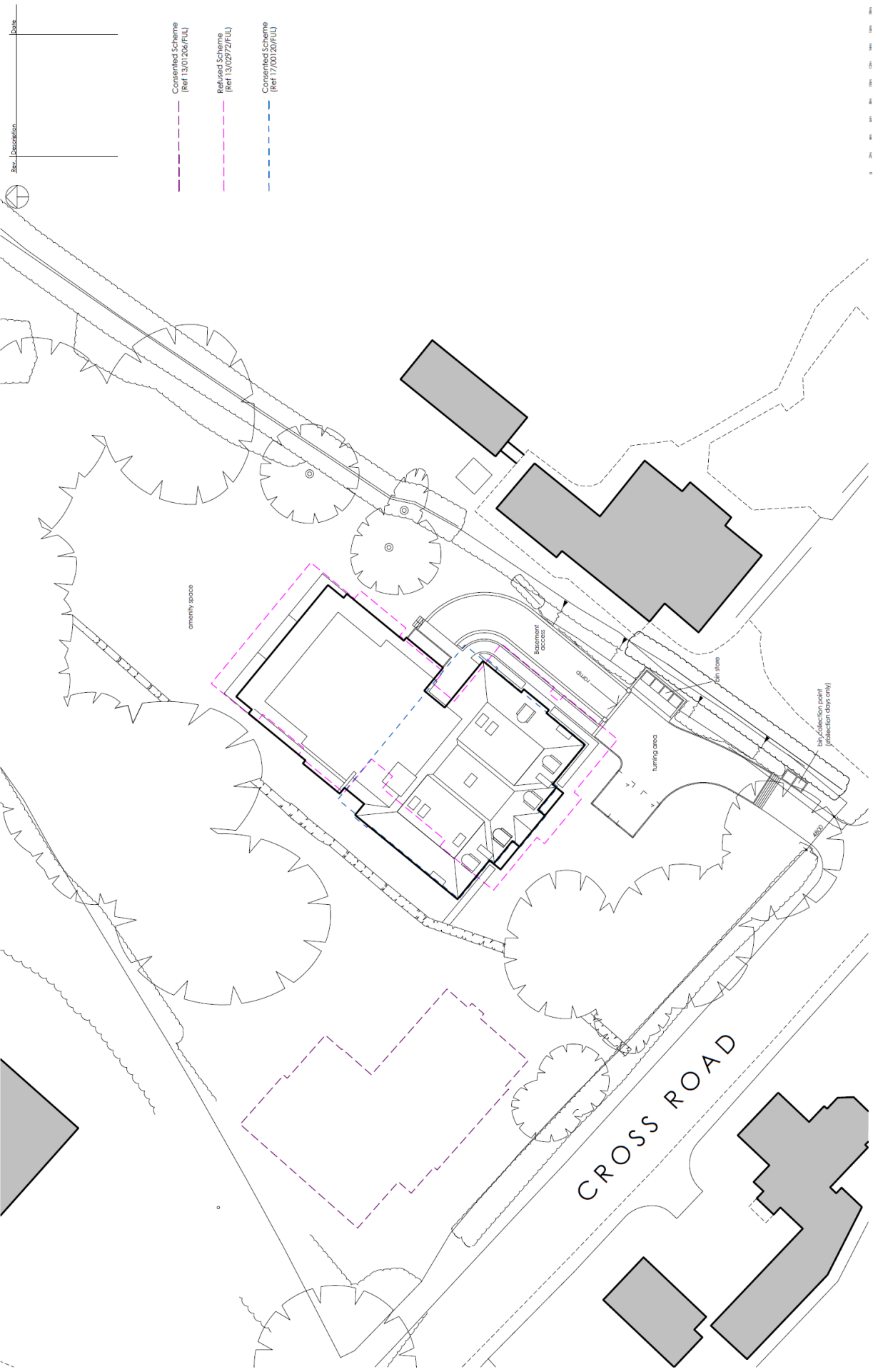
13. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 1 The overall scale and massing of the proposed building will make it dominant in the street scene and out of keeping with the surrounding developments. The proposal would also appear over developed compared to the lower density development elsewhere within Course Road. The contemporary design of the rear part of the building is at odds with the front part of the development and the existing buildings within the street scene. Overall the proposed development is of poor design, would be dominant within the street scene and would appear cramped. The proposal would be harmful to the character and appearance of the area and therefore fails to comply with advice contained within the National Planning Policy Framework, within policies H10, H11, DG1 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations adopted June 2003) and policies NP/DG1, NP/DG2 and NP/DG3 of the proposed Ascot, Sunninghill and Sunningdale Proposed Neighbourhood Plan.
- 2 The ecology report letter submitted with this application (AA Environmental Ltd, dated June 2017) is almost three years old. As such it is not possible to establish the extent to which protected species will be affected by the proposals. The development fails to comply with paragraph 170 of the NPPF, policy NP/EN4 of the Ascot, Sunninghill and Sunningdale Neighbourhood Plan and Paragraph 99 of the government Circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within the Planning System.
- 3 The development proposes pruning to tree T17, which is covered by a Tree Preservation Order (TPO). The Council's Tree Officer has assessed this tree and does not agree crown reductions are required as the tree is in a healthy condition. The loss of foliage on this tree would inhibit its ability to photosynthesis and would therefore have a detrimental impact on the future health and appearance of the tree. In addition, the relationship between the development and trees T17, T41, T42 and T43 (also covered by a TPO) is considered to be poor and will likely lead to a pressure to prune these trees in the future. The loss of or harm to these trees would harm the character and appearance of the area and as such the proposal fails to comply with advice contained within the National Planning Policy Framework, policy N6 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations adopted June 2003) and policies NP/EN2 and NP/EN3 of the Ascot, Sunninghill and Sunningdale Neighbourhood Plan.
- 4 The proposal is likely to have a significant effect in combination with other plans and projects in the locality on the Thames Basin Heaths Special Protection Area [SPA] as designated under The Conservation (Natural Habitats, etc) Regulations, and which is also designated as a Site of Special Scientific Interest [SSSI]. This would arise through increased visitor and recreational

pressure on Chobham Common, as a constituent part of the SPA, causing disturbance to three species of protected, ground-nesting birds that are present at the site. In the absence of an assessment to show no likely significant effect, including sufficient mitigation measures to overcome any such impact on the SPA, and in the absence of financial provision towards the Strategic Access Management and Monitoring (SAMM) project and the provision of Suitable Alternative Natural Greenspace (SANG) noted in the Council's Thames Basin Heaths Special Protection Area SPD or satisfactory alternative provision, the likely adverse impact on the integrity of this European nature conservation site has not been overcome. The proposal is thus in conflict with the guidance and advice in the National Planning Policy Framework and the RBWM Thames Basin Heaths Special Protection Area SPD and Policy NR4 of the Emerging Borough Local Plan (2013 -2033) Submission version.

Appendix A—Site location plan and site layout



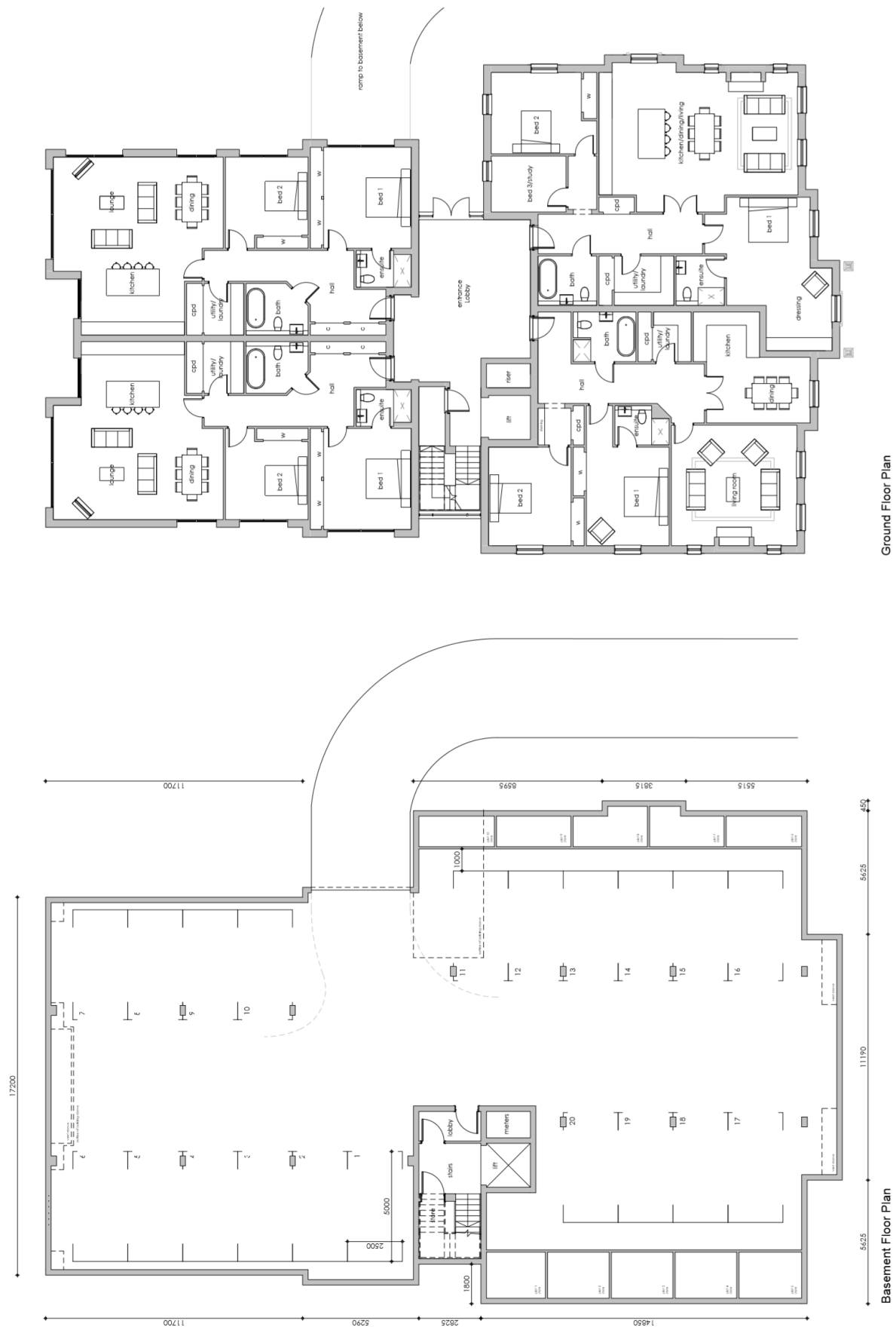


Revised	Description	Date

- Consented Scheme
(Ref 13/0126/FUL)
- Refused Scheme
(Ref 13/0292/FUL)
- Consented Scheme
(Ref 17/00120/FUL)

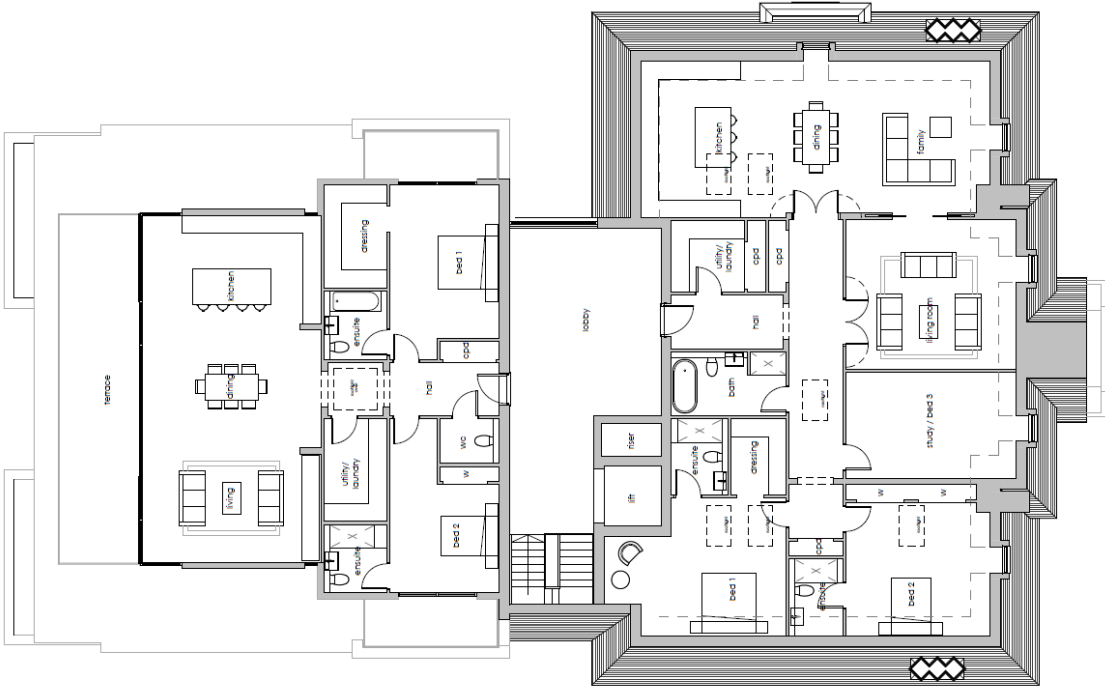


Appendix B—Plan and elevation drawings

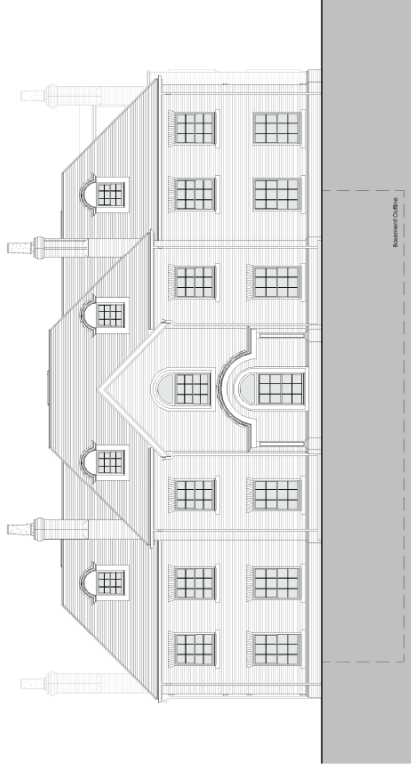




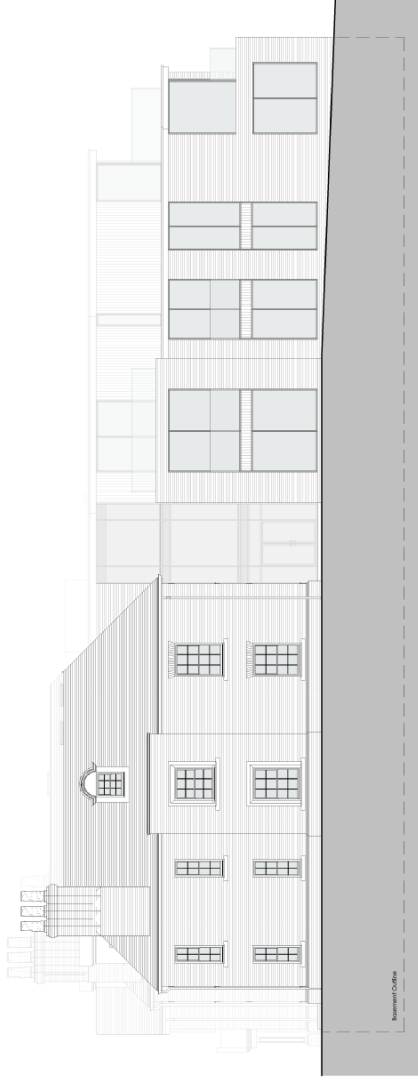
First Floor Plan



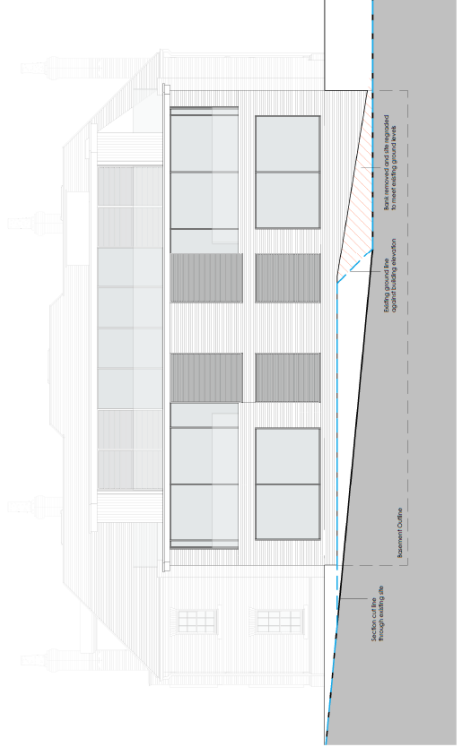
Second Floor Plan



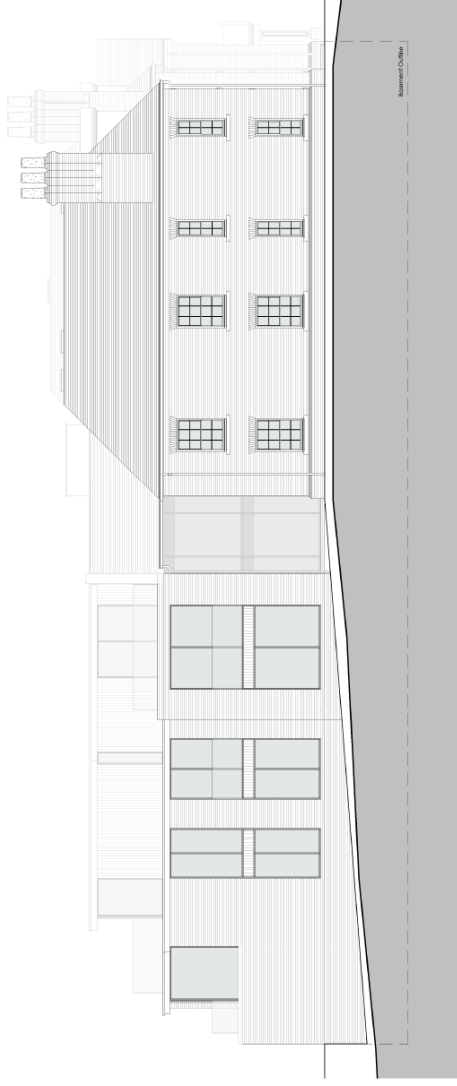
Front Elevation



Right Flank Elevation



Rear Elevation



Left Flank Elevation