

DEVELOPMENT CONTROL PANEL

6 October 2021

Item: 2

Application No.:	21/00621/FULL
Location:	Stone Court And Stone Court Cottage London Road Sunningdale Ascot
Proposal:	Redevelopment to provide 40 No. Retirement Living apartments with associated communal facilities, parking, landscaping and pedestrian access
Applicant:	McCarthy And Stone
Agent:	Mr Ian Hann
Parish/Ward:	Sunningdale Parish/Sunningdale And Cheapside

If you have a question about this report, please contact: Harmeet Minhas on or at harmmeet.minhas@rbwm.gov.uk

1. SUMMARY

- 1.1 The application relates to a parcel of land located along the northern side of London Road, Sunningdale. The site is located within the residential area of Sunningdale and is not within or adjacent to the setting of a Heritage asset.
- 1.2 This is a full planning application for the erection of a building comprising 40 retirement living apartments with associated communal facilities, parking, landscaping and pedestrian access.
- 1.3 The report sets out the relevant Development Plan and other policy considerations. The report also sets out the main material planning considerations and assessment in relation to this planning application, which includes reference to supporting information and reports carried out by the applicant.
- 1.4 The proposed development looks to make use of previously developed land within an established residential setting. The proposal has sought to take its design derivative from the established character of the area, notably the row of sizable detached properties and plots within which it sits. This is reflected with its architectural styling, choice of materials and general scale and appearance.
- 1.5 The application follows a detailed pre-application submission in 2020. Prior to this in 2013 under application ref 13/01834/FULL permission was granted for a 61-bedroom care home. Subsequently, the buildings on site were demolished and the lawfulness of the commencement was established via a Lawful Development Certificate in 2019 (18/03242/CPD). The 2013 and 2019 applications form a material consideration in the assessment of this application, and are referenced during the course of the report below.
- 1.6 The proposed development is not considered to raise any issues in terms of highway capacity, SUDS nor raises any issues in terms of ecological or environmental matters.
- 1.7 On balance, it is considered that the benefits weigh in favour of this scheme and therefore the proposal is recommended for approval, subject to matters set out below.

It is recommended the Panel authorises the Head of Planning:	
1.	To grant planning permission subject to the following: <ul style="list-style-type: none">- The completion of a satisfactory legal agreement securing mitigation to the Thames Basin Heaths SPA- with the conditions listed in Section 13 of this report.
2.	To refuse planning permission if: <ul style="list-style-type: none">- A satisfactory legal agreement securing mitigation to the Thames Basin Heaths SPA is not secured.

2. REASON FOR PANEL DETERMINATION

- The application is a major application owing to the number of units being created and as such, falls to be considered before panel.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site lies to the north side of London Road in Sunningdale. To the north eastern side of the site comprises a building which contains flats, known as Fairfield House. To the west of the site is a large detached dwelling whilst immediately opposite the site is another flatted development known as 'Villiers'.
- 3.2 The site is sloping, with the grassed area to the rear of the site falling in level. Trees along the front boundary (on and off-site) contribute to the character of the area along this part of London Road, although the site is not covered by a Tree Preservation Order (TPO). A number of off-site trees are covered by TPOs.
- 3.3 The site measures approx. 0.6 hectares and is largely bound by mature vegetation with a brick wall and railings binding the principal boundary of the site.
- 3.4 The flood maps held by the EA show around half of the rear part of the site (which would be free from development) is situated in flood zone 2 (medium risk flooding).
- 3.5 The site is within 5km of the Thames Basin Heaths Special Protection Area.

4. KEY CONSTRAINTS

- 4.1 The application site falls within the residential area of Sunningdale. The site is partly located within Flood Zone 2 and within 5km of the Thames Basin Heaths Special Protection Area.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The proposal seeks planning permission for the erection of a four-storey building incorporating 40 retirement living apartments.
- 5.2 The proposal offers 36 parking spaces including disabled parking spaces, as well as communal landscaped gardens for the use of residents.
- 5.3

Application Ref	Description of Works	Decision and Date
10/02850/FULL	Construction of a three-storey care home with basement and associated works, following demolition of existing.	Permitted – 7th March 2011
13/01834/FULL	Demolition and redevelopment of site for a care home (class C2) including ancillary infrastructure.	Permitted – 1st October 2013
14/00546/CONDIT	Details required by conditions 2 (materials), 4 (slab levels), 5 (BREEAM rating), 7 (sustainability measures), 9 (site waste management), 10 (demolition and construction management), 14 (tree protection), 15 (tree planting), 16 (non dig car parking), 18 (hard and soft landscaping), 20 (bin store) and 22 (drainage) of planning permission 13/01834 for Demolition and redevelopment of site for a care home (class C2) including ancillary infrastructure.	Approved – 17th April 2014
16/02052/FULL	Erection of assisted living development with	Withdrawn - 26.03.2018

	associated works	
18/03242/CPD	Certificate of lawfulness to determine whether the continuation of works approved under 13/01834/FULL to redevelop the site for a care home (class C2) including ancillary infrastructure is lawful.	Approved- 11 th January 2019

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
Character and Appearance	DG1, H10, H11
Market & Affordable Housing Provision	H3, H6, H8, H9
Residential Amenity	H11
Highways	P4, T5, T7
Trees	N6

These policies can be found at <https://www.rbwm.gov.uk/home/planning/planning-policy/adopted-local-plan>

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

Issue	NP Policy
Respecting the Townscape	NP/DG1
Density, Footprint, Separation, Scale & Bulk	NP/DG2
Good Quality Design	NP/DG3
Trees	NP/EN2
Mix of Housing Types	NP/H2
Parking and Access	NP/T1
Biodiversity	NP/EN4

These policies can be found at <https://www.rbwm.gov.uk/home/planning/planning-policy>

Adopted South East Plan – Regional Spatial Strategy

Issue	Plan Policy
Thames Basin Heaths Special Protection Area	NRM6

7. MATERIAL PLANNING CONSIDERATIONS

7.1 National Planning Policy Framework Sections (NPPF) (2021)

Section 4- Decision-making

Section 9- Promoting Sustainable Transport

Section 12- Achieving well-designed places

Section 14- Meeting the challenge of climate change, flooding and coastal change

7.2 National Design Guide

This document was published in October 2019 and seeks to illustrate how well-designed places that are beautiful, enduring and successful can be achieved in practice. It forms part of the

Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools.

The National Design Guidance re-emphasises that creating high quality well designed buildings and places is fundamental to what planning and development process should achieve. The focus of the design guide is on layout, form, scale, appearance, landscape, materials and detailing. It further highlights ten characteristics which work together to create its physical character, these are context, identify, built forms, movement, nature, public spaces, uses, homes and buildings, resources and life span.

7.3 Borough Local Plan: Main Modifications Version (July 2021)

Issue	BLP MM Version Policy
Character and Design of New Development	QP3
Building Height and Tall Buildings	QP3(a)
Housing Mix and Type	HO2
Affordable Housing	HO3
Nature Conservation and Biodiversity	NR2
Trees, Woodland and Hedgerows	NR3
Thames Basin Heaths SPA	NR4

7.4 Paragraph 48 of the NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to:

*“a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”*

7.5 The Borough Local Plan Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. The plan and its supporting documents, including all representations received, was submitted to the Secretary of State for independent examination in January 2018. 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 were reviewed by the Council before the Proposed Changes were submitted to the Inspector. The Examination was resumed in late 2020 and the Inspector's post hearings advice letter was received in March 2021. The consultation for the Main Modifications recently closed.

7.6 The BLPSV together with the Proposed Changes are material considerations for decision-making. The weight to be given to each of the emerging policies and allocations will depend on an assessment against the criteria set out in paragraph 48 of the NPPF. This assessment is set out in detail, where relevant, in Section 9 of this report.

7.7 These documents can be found at:

<https://www.rbwm.gov.uk/home/planning/planning-policy/emerging-plans-and-policies>

7.8 Supplementary Planning Documents

- RBWM Interpretation of Policy F1
- RBWM Thames Basin Health's SPA
- Borough Wide Design Guide

7.9 Other Local Strategies or Publications

Other Strategies or publications material to the proposal are:

- RBWM Townscape Assessment
- RBWM Landscape Assessment
- RBWM Parking Strategy
- Affordable Housing Planning Guidance
- Interim Sustainability Position Statement

More information on these documents can be found at:

<https://www.rbwm.gov.uk/home/planning/planning-policy/planning-guidance>

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

8.1 34 occupiers were notified directly of the application.

8.2 4 letters were received objecting to the application, summarised as:

Comment	Where in the report this is considered
1. 40 apartments would result in residents and service vehicles entering and exiting on a busy road. Traffic coming east from Bagshot towards Sunningdale will only have a late view of the exit and emerging vehicles.	Section iii
2. Dangerous stretch of road, when adding 36 spaces to the existing developments would be undesirable.	Section iii
3. Concern about the visual aspect of the front elevation with the building occupying the length of the site. The existing boundary fencing is insufficient for a development of this scale and use. A number of trees are established and request that the trees and wildlife are protected.	Section i
4. Development will significantly impact neighbours during the construction phase.	Section ii
5. 36 additional cars would increase the traffic onto the A30 and traffic calming measures should be introduced.	Section iii

Statutory consultees

Natural England	We can confirm to you that as long the applicant is complying with the requirements of RBWM's Avoidance and Mitigation Strategy for the Thames Basin Heaths SPA (through a legal agreement securing contributions to Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM)), Natural England has no objection to this application. We are in agreement with the conclusions reached in the Appropriate Assessment	Section vi
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Consultees

Consultee	Comment	Where in the report this is considered
Berkshire	The proposed works are unlikely to have an	Section vi

Archaeology	impact on archaeological assets of any significance. Archaeological mitigation is not necessary in this instance.	
Highways	It is noted in the latest submission that the gates are now set further away from the edge of the carriageway, which allows refuse and large service vehicles to be driven off the highway prior to opening the gates. This is welcomed by the Highway Authority.	Section iii
Environmental Protection	I refer to the above-mentioned planning application and would recommend that, should planning permission be granted, the following conditions and informative be attached to the consent notice. Conditions proposed relate to noise levels/construction environmental management.	Noted
Bracknell Forest Council	The Royal Borough of Windsor and Maidenhead (RBWM) has confirmed that it does not have enough SANG capacity to support the development and has made a request to Bracknell Forest Council to provide SANG capacity for this development. The Council can provide SANG capacity for this development. A draft Appropriate Assessment has been carried out by RBWM following discussion with the Council, RBWM and the applicant for the application (their reference 21/00621/FULL) which concludes that a SANG solution can be secured via a s106 agreement.	Section vi
Lead Local Flood Authority	We recommend planning is granted subject to appropriate conditions	Noted
Ecology	The application site is within 2km of the Thames Basin Heaths Special Protection Area (SPA).. The site is also within 1.1km of Chobham Common Site of Special Scientific Interest (SSSI), and lies within Natural England's SSSI Impact Risk Zone. A number of surveys have been undertaken at the site and the reports concluded that none of the habitats constitute priority habitats, there were no reptiles on site, all the trees either had low or negligible potential to support roosting bats and therefore no further surveys are required. The site was found to have moderate suitability to support foraging and commuting bats given the good boundary habitats (trees, hedgerows and stream), and as there is no lighting at the site currently, a condition should be set to ensure that bats (and other wildlife) are not adversely affected by any external lighting installed, suggested wording is provided below.	Noted

	<p>There were several badger and fox hairs close to the entrance and therefore infrared camera trap surveys were subsequently undertaken over a three-week period, in order to establish the use of the hole. A condition should be set following these recommendations.</p>	
Parish Council	<p>This proposal represents extreme over development and urbanisation of the site. If successful, McCarthy & Stone would be offering 40 flats for sale that occupy the entire site width and as much as feasibly possible of the site depth under the banner of a C3 classification. The onsite communal facility of just one lounge for 40 apartments appears a token gesture to 'C3 community living'. The proposal has no resemblance to 'Villas in a woodland setting', site access is a very real problem, car parking is poorly specified and there is no affordable onsite housing.</p> <p>The Parish Council request this application be refused.</p>	Section iii

Other Groups and Interested Parties

Consultee	Comment	Where in the report this is considered
SPAЕ	<p>The Society for the Protection of Ascot & Environs wishes to register its objection to this application.</p> <p>A planning application (13/01834) was approved for the demolition and redevelopment of the site for a care home (class C2) including ancillary infrastructure. The scheme would have comprised a care home accommodating 61 bedrooms, with 22 parking spaces to be provided for the care home and the staff employed (36 FTE). The significant change with the new application for retirement living apartments (class C3) is that the number of units has been reduced to 40 (20 x 1-bed & 20 x 2-bed) with each unit comprising a living area, kitchen, bedroom and bathroom. The total proposed parking would be 36 cars including 2 accessible spaces and 2 spaces for visitors.</p> <p>The transport statement submitted indicated that the site is situated 700m from Sunningdale Train Station (Table 1: Distance to Local from Amenities, p.5). We request that this is verified by the Highways officer, as the proposal is stating that the site has "good accessibility" for purposes of the Council Parking Strategy. We maintain that the 36 spaces being proposed (including 2 accessible and 2 visitors) is inadequate for those likely to take up</p>	Section iii

	<p>residence.</p> <p>In addition, we find it hard to understand how only 1 FTE would be required on site (Application, 18. Employment), when there would be communal facilities including club lounge, reception, office and mobility store to maintain, as well as general security. Additional staffing would require more parking capacity.</p> <p>By increasing the parking capacity from the approved scheme, this introduces new problems. First, the additional parking spaces would result in more hardstanding and this will inevitably place greater pressure on the RPAs for the retained trees on the site.</p> <p>In the consented scheme, it is noteworthy that the tree officer commented “that some of the proposed parking bays come into the root protection areas of trees to the front of the site” and raised concerns “over the shading of the western corner of the building by the offsite Oak, leading to pressure to prune back in the future”. The scale of parking proposed can only make matters worse and makes compliance with LP/N6 and NP/EN2 even more unlikely. Second, the site is situated in an area designated in the Townscape Assessment as “Villas in a Woodland Setting”, a characterisation which is semi-rural in nature. Locating 36 vehicles at the front of the development will introduce a cluttered and urbanising effect which will damage the character of the area and conflict with NP/DG1.</p> <p>It should be noted that the grant of permission for the extant planning application predates the Neighbourhood Plan adopted in 2014, and this application needs to be assessed against these more rigorous policies in the local development plan.</p>	
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9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i Principle of Development
- ii Design considerations
- iii Highway Considerations and Parking Provision
- iv Impact on neighbouring amenity
- v Landscaping
- vi Ecology and Thames Basin Heaths Special Protection Area

- vii Viability
- viii Sustainability and Climate Change
- ix Archaeology
- x Other Material Considerations

Issue i- Principle of Development

- 9.2 The application site is located within the residential area of London Road, Sunningdale. The immediate vicinity is characterised by a mix of single-family units and flatted developments of which examples have been set out in an earlier part of this report.
- 9.3 There are no policies or heritage designations on or adjacent the site which restrict the re-development of the site as has been formally established previously under application 13/01834/FULL which involved the re-development of the site to a care home.
- 9.4 On balance, having regard for previous decisions made under the same development plan and the extant permission as established under application 18/03242/CPD it is considered that the principle of re-development of the site is acceptable.

Issue ii- Design Considerations

- 9.5 Principle 7.1 of the RBWM BWDG (2020) states that 'Housing development should be sustainable and seek to make effective use of land without compromising local character, the environment (including biodiversity) or the appearance of the area'.
- 9.6 Section 12, paragraph 130 of the NPPF (2021) advises that planning policies and decisions should ensure that developments:
 - a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 9.7 Policy DG1 states that the Borough Council will have regard to the following guidelines, inter alia, when assessing new development proposals: 3) The design of new buildings should be compatible with the established street façade having regard to the scale, height and building lines of adjacent properties, special attention should be given to the 'roof-scape' of buildings, illustrations showing the relationship between new and old will be required at the application stage; 11) Harm should not be caused to the character of the surrounding area through

development which is cramped, or which results in the loss of important features which contribute to that character.

- 9.8 Policy H10 states that new residential development schemes will be required to display high standards of design and landscaping in order to create attractive, safe and diverse residential areas and, where possible, to enhance the existing environment.
- 9.9 Policy H11 states that in established residential areas, planning permission will not be granted for schemes which introduce a scale or density of new development which would be incompatible with or cause damage to the character and amenity of the area.
- 9.10 Policy N6 of the Local Plan seeks to protect trees which contribute to the character and appearance of the area.
- 9.11 The afore-mentioned Local Plan policies are considered to be consistent with the aims and objectives of the NPPF in supporting development which would sympathetically integrate into existing environments.
- 9.12 The application seeks planning permission for a 40-unit retirement living apartment building including landscaping, parking, refuse and associated communal facilities.
- 9.13 The area surrounding the site is residential. Dwellings are of varying sizes but set on good sized plots. It is noted that there are also established blocks of flats adjacent and adjoining the application site which have been designed to reflect the appearance of large, detached properties. An analysis of the site suggests that properties have heights varying from 8m to 16m. The majority of dwellings and recent developments have parking forward of the principle elevation of their respective buildings with mature trees and vegetation spread across sites, forming part of the established character.
- 9.14 The proposal comprises 40 retirement apartments located within one large building. The building would have a height of 15m when measured from the lowest part of the lower ground and is proposed to be finished in red multi stock brick with an off-white render. The building has been designed to reflect the appearance of other recent forms of development within the vicinity, appearing to take its design derivative from the adjacent block of flats, Fairfield House. When viewed in isolation within the street scene the proposed building would be in keeping within other forms of established development within the immediate setting. This must also be considered in hand with the buildings siting, set deeper into the plot and the degree of screening which would shield the building from the public realm similar to the aforementioned developments.
- 9.15 As part of the application process, the applicants have sought to demonstrate that the proposed building would be of a similar size, scale and design than that which was approved in 2013 for the re-development of the site to provide a care home. This is indicated on the supporting plans through the use of a red hatched line.
- 9.16 Officers are of the opinion that the bulk and mass would be maintained between the two designs, with the general appearance using gables largely being akin to one another with its vertical emphasis and crown roof. As such, and on balance, it is reasonable to compare the two designs to one another and given the previous scheme was rendered acceptable it would be difficult to justify a refusal on these grounds under the current proposal.

Issue iii- Highway Considerations and Parking Provision

- 9.17 The proposal for 40 units is supported by 36 parking spaces which includes 3 disabled parking bays. Appendix 7 (parking standards) of the adopted local plan requires 0.75 parking spaces per unit for accommodation designed for and occupied by elderly persons. This would amount to a requirement for 30 spaces for the development. The 2004 parking standards stipulate 0.5 spaces

per unit (in sustainable locations) for older peoples housing (active elderly with warden control) amounting to a requirement of only 20 spaces for the development. Given the age restriction for the development is 55+ and the development is geared towards 'retirement living' rather than 'accommodation for the elderly', if the general C3 standards were to be relied upon (0.5 spaces per 1 bed unit and 1 space per 2 bed unit) there would be a requirement for 30 spaces. As such, whichever standards are applied, there is sufficient parking. Looking also at the Neighbourhood Plan requirements, policy NP/T1.1 states that proposals must make adequate provision for parking and access for deliveries, service vehicles, tradesmen working on-site and social visitors as well as for residents or workers. Given that 30 spaces are required to serve the development against the 2004 standards, a total of 6 spaces would remain for other visitors to the site. This is considered sufficient, particularly considering the sustainable location of the development and good access to shops, services and the train station, and the aims and objectives of the NPPF in seeking to reduce reliance on private transport.

- 9.18 As part of the initial comments provided by the highways department concern was raised over the siting of the proposed entrance gates, absence of cycle parking and safe pedestrian entrances to leave the site.
- 9.19 Amended plans were provided by the applicant which set back the gates from the highway to allow larger vehicles/refuse lorries to leave the highway and not obstruct other users, whilst the gates opened. Similarly, a more appropriate footpath for the use of pedestrians was provided within the site as part of the amended plans. The Council's highways team were satisfied by this and withdrew their initial concerns.
- 9.20 It is acknowledged that the proposed site plan does not include detailed information relating to the provision of bicycle stores. Highways have suggested this form part of an appropriately worded planning condition which requires this to be provided, prior to the occupation of the building. It is considered such a condition would pass the test of appropriateness as set out in the NPPF (2021).

Issue iv- Impact on neighbouring amenity

- 9.21 Paragraph 130 (f) of the NPPF (2020) states that development should seek to 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 9.22 Principle 7.1 of the recently adopted RBWM Borough Wide Design Guide (2020) states that 'Housing development should be sustainable and seek to make effective use of land without: Adversely impacting on the amenity of neighbours or creating unsatisfactory living conditions for future occupants of the new development'.
- 9.23 Principle 8.1 states 'Developments which provide a poor level of privacy for their occupants, or which have a significant adverse effect on the privacy of neighbouring properties will be resisted'.
- 9.24 Principle 8.3 states 'The occupants of new dwellings should be provided with good quality daylight and sun access levels to habitable internal rooms and external spaces and developments should not result in occupants of neighbouring dwellings or nearby public realm social spaces suffering from a material loss of daylight and sun access.
- 9.25 The proposed building would be located 11m from the flank wall of the flatted development to the east known as Fairfield House. It is considered that the separation distances between these buildings when considered in hand with their juxtapositions to one another would be unlikely to result in its appearance being overbearing or obtrusive.
- 9.26 The staggered element of the eastern most flank wall of the development proposes limited side facing windows and those that are proposed serve hallways and corridors at elevated positions. It would be reasonable to condition these windows to be obscurely glazed, to avoid any degree of direct overlooking towards the amenity space of the adjoining flats.

- 9.27 To the west of the site is a detached dwelling located approx. 20m from the flank wall of the proposed building. The separation distances are considered sufficient to not cause any form of overbearing or obtrusive impact from the building. It is noted that there are windows facing towards the rear garden of this property, from the western wing of the development. Having regard for the distances involved, the position of the habitable rooms within these flats as well as the vegetation proposed along that boundary, very limited views of the adjoining dwelling would be afforded to future occupants of these flats. Further to this, any views into the adjoining site would likely be directly onto the side wall of the neighbouring dwelling at lower levels and at higher floor levels further beyond the site, at roof level and above. Neither of the views would cause any degree of direct overlooking.
- 9.28 Having regard for the proposed design, its siting and relationship with adjoining properties no concerns are raised in this regard.

Issue v- Trees and Landscaping

- 9.29 The proposal would lead to the loss of a number of unprotected trees at the verge and within the site. At present the trees shown for removal are mature and offer some screening but do not contribute to the areas character, their loss is therefore not considered to be harmful to the areas appearance. Notwithstanding the above, replacement landscaping is proposed, and a condition is recommended requiring full landscaping details to ensure that the new landscaping is maximised on and within the site and appropriate greenery is added which contributes to the areas character and appearance.
- 9.30 Whilst it is noted that as part of the application submission the applicant has prepared a landscape design strategy and landscaping plan it is considered that this largely sets out the capacity of the site to home and introduce further green spaces as part of the development. It is not considered that the information is specific or robust enough to constitute a landscaping scheme which could form part of a planning condition should permission be forthcoming. Nonetheless, the plans do show that the proposed loss of mature trees could be off-set by introducing trees within the site area which in officers opinion is a significant benefit when compared to that which would be lost to accommodate the development.

Issue vi- Ecology and Thames Basin Heaths Special Protection Area

- 9.31 Owing to the site's location in close proximity to a SSSI, falling within a risk zone the applicant has provided a number of surveys which concluded none of the habitats were priority habitats. Notwithstanding this, the site was found to have low levels of badger and fox activity whilst the hedgerows and scrub offers potential to be used by birds. As such, appropriately worded conditions requiring further information to support the enhancement and protection of the site as an ecological hub have been proposed, and form part of the proposed conditions.
- 9.32 The application site is located within the Thames Basin Heaths Special Protection Area. 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 five 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. Residential development can negatively impact on the SPA due to increased visitors and other recreational pressures. The Council's Thames Basin Heaths SPD sets out the preferred approach to ensuring that new residential development provides adequate mitigation, which for residential developments of between one and 9 additional housing units on sites located over 400 metres and up to 5 kilometres from the SPA is normally based on a combination of Strategic Access Management and Monitoring (SAMM) and the provision of Suitable Alternative Natural Greenspace (SANG).
- 9.33 It has been recently assessed that Allen's Field has no further capacity to offset the provision of 40 units and the occupancy that would impact the SPA. As such, discussions were undertaken between the applicants and Bracknell Forest Council who have the capacity to consider SANG

for the development. As this would be secured by way of a S106 agreement, it is advised that if members are minded to support the application planning permission would only be issued following the s106 agreement being secured and agreed between the relevant parties. The section 106 is currently being negotiated between RBWM and the applicant.

Issue vii- Viability

- 9.34 The Local Plan 1999 Policy H3 sets out the circumstances in which new affordable housing will be delivered through the planning system. The policy states that for sites over 0.5 hectares and where 15 units are being created (gross), the policy will come into effect and affordable housing options will be required.
- 9.35 In support of the application the applicants have prepared a viability appraisal which sets out their position that if affordable housing is sought, at the policy set level, the development would not be viable in accordance with RICS guidance.
- 9.36 As is their responsibility, the Local Authority have had an independent valuation carried out of the content of the report which concludes that the development based on the values of land, construction and sale would fall below the benchmark land value. As such, it would not be possible for the developer to provide affordable housing at the policy complaint level. As part of the legal agreement, it is proposed that a viability review mechanism forms part of the S106 to allow the LPA to compare the actual or updated build costs/sold prices against the assumptions made within the viability appraisal.
- 9.37 Further to this, the valuation consultants have assumed the SANG and SAAM contributions based on their own calculations which appear to be marginally higher than that which has been stated by Bracknell Forest. However, it is considered the amounts would be unlikely to alter the position set out above.

Issue viii- Climate Change and Sustainability

- 9.38 The Climate Change Act 2008 (CCA2008) imposes a duty to ensure that the net UK carbon account for the year 2050 is at least 100% lower than the 1990 baseline. Paragraphs 148 and 150 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate by contributing to a radical reduction in greenhouse gas emissions, minimise vulnerability and improve resistance, and support renewable and low carbon energy and associated infrastructure. In June 2019 RBWM have declared an environment and climate emergency with aims to ensure the Borough will achieve net zero carbon emissions by 2050. In December 2020 the Council approved the Borough's Environment and Climate Strategy. These are material considerations in determining this application.
- 9.39 In December 2020 the Environment and Climate Strategy was adopted which sets out how the borough will address the climate emergency across four key themes (Circular Economy, Energy, Natural Environment and Transport). The strategy sets a trajectory which seeks to a 50% reduction in emissions by 2025.
- 9.40 A Sustainability Supplementary Planning Document will be produced in due course, however, the changes to national and local climate policy are material considerations which should be considered in the handling of planning applications and achievement of the trajectory in the Environment and Climate Strategy will require a swift response. It is therefore considered prudent and necessary to adopt an interim position statement which would clarify the Council's approach to these matters.
- 9.41 Section 1 of the guidance states that development should make the fullest contribution to minimising CO2 emissions with development of this type expected to achieve net-zero carbon emissions unless it can be demonstrated otherwise.
- 9.42 In support of the proposal the applicants have submitted an energy statement. The report sets out the manner in which the applicants will seek to achieve compliance with the RBWM position on SEED (2021). This includes meeting Building Regs Part L compliance, photovoltaics, electric car charging points whilst having regard for water consumption.

- 9.43 As a whole the development has the capacity to achieve a 22.96% reduction in CO2 emissions based on the information provided. This would exceed the criteria contained within policy requirement 1 of the RBWM SEED (2021) document.

Issue ix - Archaeology

- 9.44 In support of the application an archaeological desk-based assessment was submitted. The report was reviewed by Berkshire Archaeological, and no objections or concerns were raised based on the content of the report. Similarly, no planning conditions were recommended.

Other Material Considerations

Housing Land Supply

- 9.45 Paragraphs 7 and 14 of the National Planning Policy Framework (NPPF) set out that there will be a presumption in favour of Sustainable Development. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development, and that relevant policies for the supply of housing should not be considered up-to date if the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites.
- 9.46 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.*

- 9.47 Footnote 8 of the NPPF (2021) 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..).'

- 9.48 At the time of writing, the Council cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer). Accordingly, the so-called 'tilted balance' is 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 40 dwellings is 3487.65 sq.m

11. PLANNING BALANCE AND CONCLUSION

- 11.1 The proposed development is consistent with the NPPF (2021) in so far as it would make efficient use of previously developed land in a highly sustainable location, achieving well-designed, quality housing. The proposed development would also contribute to the Council's five year housing land supply at a time when the Council cannot demonstrate a 5 year housing land supply. Further to this the NPPF (2021) places importance on the need for mixed housing to cater for the demand of different groups, of which older people are one identified group. The retirement housing that would be associated with the proposal must also be considered in hand with the absence of a 5 year housing land supply.

- 11.2 It is considered that this proposal would not raise any significant issues in terms of design, appearance, neighbouring amenity, drainage, highways or ecological matters.
- 11.3 It is considered that this proposed development is an improvement on the previous extant application on this site. The proposals make efficient use of the previously developed land, in a sustainable location and the additional information submitted during the course of the application are considered to weigh in favour of this scheme. For the reasons set out above, Officers are of the view that if this application is determined in accordance with the normal test under section 38(6) of the 2004 Act, the proposal is in general conformity with the Development Plan overall and there are no material considerations of sufficient weight to justify refusal.
- 11.4 If 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, officers would advise that the limited impacts of granting planning permission for this development, if any, would be more than outweighed by the significant housing benefit and benefit to the economy 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 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
- 3 Prior to works taking place above ground level samples and/or a specification of all the finishing materials to be used in any hard surfacing on the application site shall have been submitted to and approved in writing by the Local Planning Authority and thereafter undertaken in accordance with the approved scheme.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.
- 4 Prior to the commencement of any works of demolition or construction a management plan showing how demolition and construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works period shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and maintained for the duration of the works or as may be agreed in writing by the Local Planning Authority.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.
- 5 No development shall commence until details of all finished slab levels in relation to ground level (against OD Newlyn) 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 interest of the visual amenities of the area and the setting of the Green Belt. Relevant Policy Local Plan DG1 and GB1.
- 6 Prior to the first occupation of the development a detailed landscaping scheme setting out the landscaping/planting features to be retained and proposed have been submitted to and approved in writing by the Local Planning Authority and thereafter undertaken in accordance with the approved scheme. The landscaping scheme, as approved, shall be retained for a period of at least 5 years. Any removal or replacement of trees would require consent from the Local Planning Authority prior to carrying out any works.

- 7 Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.
No further window(s) shall be inserted at first floor level or above in the eastern or south-western; elevation(s) of the building.
- 8 Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H11.
No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall always thereafter be kept available for the parking of cycles in association with the development.
- 9 Reason: To ensure that the development is provided with adequate parking facilities to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1
The flat roof areas of the building hereby approved shall not be used as a balcony, roof garden or similar amenity area.
- 10 Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H14.
The tree protection fencing details shown on drawing 418-KC-XX-YTREE-TPP01RevA shall be erected prior to the commencement of works, and remain in place until the development has been substantially completed.
- 11 Reason: To protect existing landscaping features which are important features of the character of the site and wider setting. Relevant Policies - Local Plan DG1 and N6.
The development hereby permitted shall be carried out in accordance with the approved plans listed below.
- 12 Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.
Condition: No development hereby permitted, including any vegetation clearance shall commence until an updated badger sett survey of the development site has been undertaken. This survey shall be undertaken within 28 days of the start of works on site and a brief letter report detailing the results of the surveys is to be submitted to and approved in writing by the council. If surveys show that a licence to destroy or disturb a badger sett is required, a copy of the licence is to be submitted to the planning authority prior to the commencement of works.
- 13 Reason: Badgers frequent the area and there are records of badgers nearby. This condition will ensure that protected species are not adversely affected by the development.
No development above slab level shall commence until a report detailing the external lighting scheme and how this will not adversely impact upon wildlife has been submitted to and approved in writing by the LPA. The report (if external lighting is proposed) shall include the following figures and appendices: o A layout plan with beam orientation o A schedule of equipment o Measures to avoid glare o An isolux contour map showing light spillage to 1 lux both vertically and horizontally, areas identified as being of importance for commuting and foraging bats, and positions of bird and bat boxes. The approved lighting plan shall thereafter be implemented as agreed.
- 14 Reason: To limit the impact of light pollution from artificial light on nature conservation in accordance with para 180 of the NPPF.
Prior to the commencement of the development above slab level, details of biodiversity enhancements, to include integral bird and bat boxes, tiles or bricks on the new buildings, insect boxes and native and wildlife friendly landscaping (including pollen-rich and fruit-bearing planting and a wildflower corridor), shall be submitted to and approved in writing by the council. The biodiversity enhancements shall thereafter be installed as approved and a brief letter report confirming that the boxes, bricks or tiles have been installed, including a simple plan showing their location and photographs of the boxes, bricks or tiles in situ, is to be submitted to and approved in writing by the Council.
- 15 Reason: To incorporate biodiversity in and around developments in accordance with paragraph 175 of the NPPF.
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: - Calculations to include development runoff rates limited to greenfield equivalents for the 1 in 30 and 1 in 100 year plus climate change events, volumes (attenuation and long-term storage) and topographic details, and any consents required from Thames Water. Royal Borough of Windsor & Maidenhead: Delivering Highways & Transport in partnership with:- Full details of all components of the proposed surface water drainage system including dimensions, locations, gradients, invert levels, cover levels long

sections and cross section and relevant construction details of all individual components. - Water quality discharged from the site should be of sufficient water quality. The applicant is to provide evidence that discharge from the site would be of sufficient water quality that it would not result in detriment to any receiving water course. - Details of the proposed maintenance arrangements relating to the surface water drainage system should also be provided, confirming the part that will be responsible. 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

Informatives

- 1 All birds, their nests and eggs, are protected by law. It is a criminal offence (with certain exemptions) to deliberately or recklessly take, damage or destroy the nest of any wild bird whilst it is in use or being built. The vegetation on the site are likely to be used by nesting birds and any vegetation clearance should take place outside the bird nesting season (March - August inclusive). If this is not practicable areas to be cleared should first be checked for bird nests by an appropriately qualified person. If bird nests are found works that could disturb it must stop until any young have fledged the nest.