

DEVELOPMENT CONTROL PANEL

6 October 2021

Item: 3

Application No.:	21/01543/OUT
Location:	Old Boundary House And New Boundary House London Road Sunningdale Ascot
Proposal:	Outline application for access, layout and scale only to be considered at this stage with all other matters to be reserved for the construction of 28 apartments following demolition of the existing buildings.
Applicant:	Mr Inchbald
Agent:	Helen Lowe
Parish/Ward:	Sunningdale Parish/Sunningdale And Cheapside
If you have a question about this report, please contact: Michael Lee on or at michael.lee@rbwm.gov.uk	

1. SUMMARY

The application is for outline consent for the demolition of the two existing office buildings and for the erection of 28 apartments with associated access and parking. Matters to be considered are access, layout and scale. Appearance and landscaping would be considered at the Reserved Matters stage.

- 1.1 The proposal is considered to be unacceptable for a number of reasons including the principle of losing the existing office space without any marketing, a development that would be of a cramped appearance with all the built form pushed to the edges of the site with negligible space available for landscaping; due to the cramped form of development there would be minimal outdoor communal outdoor space for future occupants and minimal space for additional soft landscaping.
- 1.2 In addition to the above, the proposal fails to provide a policy compliant affordable housing tenure and as such the weight to be afforded to such housing is therefore to be tempered nor has the applicant provided any meaningful evidence that there is the likelihood of the necessary SANG Provision being secured with Bracknell Forest Borough Council to mitigate the harm arising to the Thames Basin Heaths SPA.
- 1.3 The proposal is considered to have an acceptable impact on neighbouring amenity in terms of loss of light, visual intrusion and overlooking. Furthermore, the proposal would not result in harm to air quality during the construction or operational phase.
- 1.4 To the rear of the proposed building the on-site car and cycle parking would be provided. The development would retain the existing vehicular access that is located off a shared access for the car park to the south west of the site. The Highways Authority, whilst not raising any material concerns over highways safety have nevertheless raised a number of queries regarding the need for a footpath to the existing A30 footpath, visibility splays, access arrangements for emergency, refuse and the height of the entrance arch.
- 1.5 Whilst numerous technical matters could be secured by way of appropriate conditions and there is weight to be given to the provision of both market and affordable houses, the loss of the existing office space would be contrary to the Government's holistic objectives for sustainable development and the extent and siting of the built form would result in a poorly designed and cramped form of development. It is therefore recommended that planning permission be refused for the reasons set out below.

It is recommended that Committee REFUSES planning permission for the reasons listed below and in Section 13 of this report.

2.0 The application involves the loss of two office buildings that are currently used by local businesses. The buildings are evidently attractive to local businesses and their loss, without any marketing information or any other justification is unacceptable and would have a significant adverse impact on the local, and potentially wider economy. The proposal is therefore contrary to the objectives of Policy E6 of the Local Plan, Policies

<p>NP/E1 and NP/E2 of the Ascot, Sunninghill & Sunningdale Neighbourhood Plan, paragraph 81 of the NPPF and Policy ED3 of the emerging Borough Local Plan.</p>
<p>3.0 The proposed development, by virtue of its U-shaped layout that results in the built form being sited extremely close to or largely on the boundaries of the site, coupled with the loss of mature boundary trees and limited space to implement a meaningful replacement landscaping scheme, would result in a poorly designed and cramped form of development that would have an adverse impact on the character and appearance of the site and surrounding area. The proposed scheme is therefore contrary to Policies H10, H11, DG1 and N6 of the Local Plan, Policies NP/DG2, NP/DG3 and NP/EN2 of the Ascot, Sunninghill & Sunningdale Neighbourhood Plan, paragraphs 126, 130 and 132 of the NPPF, Policy QP3 and NR3 of the emerging Borough Local Plan and the Borough Wide Design Guide.</p>
<p>4.0 The development, by virtue of the number of windows and balconies and their height from the side boundary of Plot 1 of permission 15/01752/FULL, would result in an adverse loss of privacy to the occupants of the property. The development is therefore contrary to paragraph 130(f) of the NPPF, Policy QP3 of the emerging Borough Local Plan and Principal 8.1 of the Borough Wide Design Guide.</p>
<p>5.0 The proposed development, by virtue of its cramped poorly designed layout would fail to provide sufficient private and communal outdoor amenity space that would impact upon the amenities of future occupants contrary to the objectives of Policy NP/DG3 of the Ascot, Sunninghill & Sunningdale Neighbourhood Plan, paragraph 130(f) of the NPPF and Principals 8.5 and 8.6 of the Borough Wide Design Guide.</p>
<p>6.0 In the absence of sufficient information regarding highway safety and visibility, the ability of emergency and refuse vehicle to service the proposed development through the proposed archway, pedestrian connectivity, the ability of delivery vehicles to access and park and the cycle parking provision and access the scheme has the potential to impact upon highways safety and convenience. The proposal is therefore contrary to Policy T5 of the Local Plan, Policies NP/T1 and NP/T2 of the Ascot, Sunninghill & Sunningdale Neighbourhood Plan, paragraph 111 of the NPPF and Policy IF3 of the emerging Borough Local Plan.</p>
<p>7.0 In the absence of sufficient information regarding surface water drainage and associated exceedance flows the proposal is contrary to the objectives of Policy F1 of the Local Plan and paragraph 169 of the NPPF 2021.</p>
<p>8.0 In the absence of sufficient information relating to additional bat surveys, biodiversity net gain, wildlife lighting and invasive species eradication the Local Planning Authority are unable to assess the potential impacts on biodiversity and protected species. The proposal is therefore contrary to the objectives of Policy N9 of the Local Plan, paragraph 180 of the NPPF and Policy NR2 of the Emerging Borough Local Plan Main Modifications</p>
<p>9.0 In the absence of any details regarding the tenure of the proposed Affordable Housing or Section 106 Legal Agreement to secure the provision of the same, the proposal is contrary to the objectives of Policy H3 of the Local Plan, paragraph 62 of the NPPF, Policy HO3 of the emerging Borough Local Plan and the Planning Obligations and Development Contributions SPD.</p>
<p>10.0 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</p>

2. REASON FOR PANEL DETERMINATION

- 2.1 The Council's Constitution does not give the Head of Planning delegated powers to determine the application in the way recommended as it is for major development; such decisions can only be made by the Committee.
- 2.2 Notwithstanding the above, Councillor C. Bateson had requested that the application be heard by Committee for the following reason(s):
 - a. Policy H11 states that permission will not be granted for schemes which introduce a scale or density of development which would be incompatible or cause damage to the character and amenity of the local area.
 - b. Policy DG1 makes clear that development which is cramped or results in the loss of important features which contribute to character will be resisted.
 - c. Policy H10 states that new residential development schemes are required to display high standards of design and landscaping in order to create attractive, safe, and diverse residential areas that enhance the existing environment.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site measures approximately 0.31ha and is located with the settlement of Sunningdale and within the designated Small Settlement Commercial Area.
- 3.2 The site comprises 2 two storey red brick detached buildings known as Old and New Boundary House. The frontage building known as New Boundary House is an attractive red brick building with a dual aspect frontage with pitched roof and gable features with timber detailing and pebble dash. The building is set back off the London Road frontage with a range of trees and landscaping to the front.
- 3.3 The building to the rear is known as Old Boundary House which, contrary to the name, is the more recent building and is a two storey building with the rear elevation comprising a 1.5 storey design with lower eaves.
- 3.4 The two buildings are set back from the site boundaries with the associated car parking to the north, east and south with an area of open space to the south.
- 3.5 The site's surrounding context comprises both residential and commercial development with a public car park to the west. The London Road car park lies to the west with the associated car park access wrapping round the site to the north and east and adjoining the A30 London Road that shares the access off London Road. Beyond to the north lies open agricultural land associated with Broomhall Farm.
- 3.6 Beyond to the east lies a mix of residential development that fronts London Road and comprises generally large detached dwellings and apartments blocks set well back from London Road itself thereby providing for a landscaped frontage that, in part, contributes to the established character of the area.
- 3.7 To the south and south west across from the site lies The Ambassador care home that comprises a three storey red brick and render building designed to reflect several of the surrounding buildings that are of an 'arts and craft' design. Commercial development beyond includes an estate agents and furniture shop which are within attractive buildings. Beyond lies the London Road/Chobham Road junction around which are located a range of everyday shops and services including restaurants, fast food establishments, home DIY shop and clothes shops. Beyond to the south west approximately 500 metres to the south west lies Sunningdale train station and additional shops and other services.

4. KEY CONSTRAINTS

- 4.1 The site lies within the built-up settlement of Sunningdale within the Small Settlement Commercial Area.
- 4.2 The site is located within Flood Zone 1 and an area at low risk of surface water flooding. The site is not subject to any TPO's nor are there any designated or non-designated listed buildings or any other heritage asset in the surrounding area.

5. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 5.1 The proposal is for erection of 28 residential units following the demolition of both Old and New Boundary House. The application is made in Outline form with the principle, means of access, layout and scale to be considered. Appearance and landscaping are to be reserved.
- 5.2 The scheme proposes a roughly U shaped building that will comprise 2, 2.5 and 3 storey elements together with single storey bicycle and refuse store elements with ridge heights varying between 8 and 10.5 metres in height.
- 5.3 The apartment building will be sited close-up to the London Road boundary to the south, as well as the east and west boundaries of the site, common to the access road to the car park. The car and bicycle parking sited behind the buildings, within a central location within the site. The parking area will provide a total of 34 parking spaces and will be accessed off London Road and will re-use the existing shared access with the public car park.
- 5.4 Whilst the proposal would be one building, it has been designed with a small single storey element to give the appearance of two blocks referred to as Block A and Block B. The scheme will deliver the following mix of units:

1 Bedroom	11 Units
2 Bedroom	5 units
3 Bedroom	12 Units

- 5.5 Of the 28 units proposed, the applicant states in their Planning Statement that "A proportion of the dwellings will be affordable homes. The affordable housing may be provided on site, or alternatively, a financial contribution will be offered to provide off-site affordable housing secured through a Section 106 Leal Agreement in due course." Furthermore, the applicant claims they are in the process of arranging the necessary SANG provision with Bracknell Forest Borough Council at their Englemere Pond SANG. To date no additional information has been provided about the likelihood of such SANG provision being secured. Additional reference is made to affordable housing and SANG below

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
Loss of existing employment (office) use	E1, E2
Character and Appearance	DG1, H10, H11
Market & Affordable Housing Provision	H3, H6, H8, H9
Residential Amenity	H11
Highways	P4, T5, T7
Trees	N6

- 6.2 **Adopted Ascot, Sunninghill & Sunningdale Neighbourhood Plan (2011 – 2026)**

Issue	NP Policy
Retention of Employment Floorspace	NP/E1
Encouraging Micro and Small Business	NP/E2
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

7. MATERIAL PLANNING CONSIDERATIONS

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

Section 2 – Achieving Sustainable Development

Section 4 – Decision-Making

Section 5 – Delivering a Sufficient Supply of Homes

Section 6 – Building a strong, competitive economy

Section 11 – Making Effective Use of Land

Section 12 – Achieving Well-Designed Places

Section 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change

Section 15 – Conserving and Enhancing the Natural Environment

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, identity, 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
Loss of Employment Floorspace	ED3
Nature Conservation and Biodiversity	NR2
Trees, Woodland and Hedgerows	NR3
Thames Basin Heaths SPA	NR4

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).*

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 on the Main Modifications has recently closed.

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.

7.4 Supplementary Planning Documents

- Planning Obligations and Development Contributions
- Borough Wide Design Guide
- Thames Basin Heaths SPA SPD

7.5 Other Local Strategies, Publications & Guidance

- RBWM Townscape Assessment
- RBWM Parking Strategy
- Interim Sustainability Position Statement
- National Design Guide

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

37 occupiers were notified directly of the application, a site notice was displayed and the application was advertised in the Local Press.

1 letter has been received objecting to the development.

Comment	Where in the report this is considered
The neighbour has no in principle objection to the scheme. However, concern is raised over the design owing to the scale and importance of good design. Concerns relate to the building being so close to the boundaries with no room for adequate landscaping. The resident also raises concern at the lack of prior public engagement with the Parish and local residents prior to the application being submitted	Section 9(iii)

Consultees

Consultee	Comment	Where in the report this is considered
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Arboriculture Officer	<p>Arboricultural comments summarised as follows:</p> <ol style="list-style-type: none"> 1 The majority of the trees on site have been miscategorised within the applicant's arboricultural reports. The applicant's arboricultural reports downplay the category and the remaining lifespan of the trees on site 2 The plans submitted show all of the boundary tree planting and vegetation will be removed resulting in a significant impact on the character and appearance of the area. Furthermore, whilst no details have been provided on replacement species these would survive into the long term due to their proximity to the flank walls of the proposal. 3 The Arboriculture Officer concludes by stating that the proposal would harm the character of the area contrary to Local Plan Policy N6, DG1 and H11 and Neighbourhood Plan Policies NP/DG1, NP/DG2 and NP/DG3 Borough Local Plan Submission Version Policies NR2 (NR3) and SP3 (QP3). 	<p>Sections 9 (iii) & (iv)</p> <p>Underlined Policies are those from the Main Modifications Version.</p>
Housing	<p>Housing Enabling Officer comments summarised as follows:</p> <p>13 of the units shown in Block A would be affordable representing 46% of the 28 proposed in total. Each would exceed the relevant nationally prescribed Space Standard while the mix proposed would provide for smaller accommodation for single households, couples and small families.</p> <p>A market unit is proposed on the second floor. This is questionable approach in a block largely entirely allocated for affordable housing. The whole block should be affordable.</p> <p>The tenure of the 13 flats proposed should 80% social/affordable rent and 20% shared ownership.</p>	Section 9 (vi)
Highways Officer	<p><i>Access Arrangement</i></p> <p>Existing access arrangements will appear to not be affected by the proposal. The applicant will need to confirm the access width to allow two-way flow at site entrance.</p>	Section 9 (vii)

A footway to the A30 footpath will also be required.

Parking Provision/requirement

The site is in an accessible location within 800m of Sunningdale train station.

When assessed against the Parking Strategy (2004) the scheme generates a demand for 28 spaces. 34 are provided and as such the Highways Authority raise no objection.

Clarification is required however for the entrance height to facilitate access by emergency and refuse vehicles and internet/delivery vans. Scheme also needs to demonstrate that there is space for such delivery vehicles.

The development will generate deliveries from food supermarkets and internet purchases. To ensure the development complies with policies NP/T1 / NP/T1.1 & NP/T1.2 of the Ascot, Sunninghill and Sunningdale Neighbourhood Plan the applicant should demonstrate that the site will accommodate access and parking for these delivery vehicles.

Vehicle Movements

The Highway Authority do not consider the re-development will have a severe effect on the A30 London Road with regard to vehicular movements.

Cycle Provision

28 cycle spaces within a secure and covered store should be provided with sufficient access. Highways confirm the current storage proposals are poorly laid out/sited and cannot be accepted.

Refuse Provision

As noted above, confirmation a refuse vehicle can serve the site is required with collection from the front which is acceptable.

A swept path analysis plan is required that demonstrates the manoeuvrability of the refuse vehicle would be required prior to determination.

Additional Highway Comments

A Construction Management Plan could be secured by way of an appropriate condition.

Summary

	<p>The Highway require the following information be provided prior to the determination of the application:</p> <ul style="list-style-type: none"> • Footpath to link site entrance to A30 adopted footpath. • Confirm access width – Should provide two-way flow. • Vehicle visibility splays at the sites entrance. • Confirm height of entrance archway. • Parking and access for delivery vehicles. • Cycle provision and access. • Refuse provision with swept path analysis plan. 	
Lead Local Flood Authority	<p>Summary of LLFA comments:</p> <ol style="list-style-type: none"> 1. The LLFA require confirmation that there is an existing Thames Water foul network connection. Without this there is a risk that there is offsite discharge that could increase the risk of flooding offsite which is unacceptable. 2. If this connection is present the LLFA would broadly approve in principle subject of 2l/s. 3. Confirmation of exceedance surface water flow routes are required. <p>Such matters are required prior to determination of the application.</p>	Section 9 (viii)
Sunningdale Parish Council	<p>Objection – The Parish Council comments are set out below in full.</p>	<p>Officers, in recommending refusal of the application have not sought to respond directly to the Parish Council comments as many of the concerns are shared between the Local Planning Authority and the Parish Council.</p>
Sunninghill & Ascot Parish Council	<p>Sunninghill & Ascot Parish Council object, issues summarised as follows:</p> <p>Disagree with the applicant's assertion that the Neighbourhood Plan is 'out of date' as the emerging Borough Local Plan is not yet adopted</p> <p>The government provisions for Neighbourhood Plans state that a Neighbourhood Plan doesn't become obsolete until the end of its plan period unless an updated Development Plan makes it so. As such they say the Neighbourhood Plan is not obsolete.</p> <p>Reference is made to paragraph 12 of the NPPF that clearly states where there is conflict with, inter alia, a neighbourhood plan then permissions should be refused.</p> <p>Annex 1, paragraph 213 (<u>Now paragraph 219 of the 2021 NPPF</u>) that a plan is not out of date simply because it precedes the NPPF. The</p>	<p>The Planning Balance & Conclusions Section assesses both the Development Plan and additional reference is made to the weight to be afforded certain policies where relevant.</p>

	<p>degree of consistency with the NPPF determines the weight to be afforded to such policies.</p> <p><u>(Officers consider the Neighbourhood Plan to be fully consistent with the objectives of the NPPF and thus can be afforded full weight in the determination of this application.)</u></p> <p>The Parish conclude by stating that they consider full weight should be given to the Neighbourhood Plan irrespective of paragraph 14 of the NPPF.</p> <p><u>The relevance of paragraph 14 o the NPPF is set out below in more detail.</u></p>	
<p>SPAE</p>	<p>SPAE object to the application. The reasons for doing so are summarised below:</p> <p>SPAE reject the applicant conclusion that the Neighbourhood Plan is out of date.</p> <p>They say full weight can and should be given to the Policies within the Neighbourhood Plan.</p> <p>SPAE consider the scheme to be cramped and contrived “to squeeze so many units into such a small site.” They consider this would give sustained pressure on the trees.</p> <p>They disagree with the DAS and the comments relating to Broomhall. More consideration should be given to the Townscape Assessment.</p> <p>The scale of the development, 90dph would be out of keeping of the character of the centre of Sunningdale nor would it be similar to the family homes to the north of the site.</p> <p>The loss of the employment/office use without any marketing and as such they say the scheme is contrary to Policy NP/E1.</p> <p>Further concern is raised regarding the impact on the mixed use allocation in the Neighbourhood Plan (NP/SS5.4).</p> <p>SPAE would raise concerns of the discrepancies in the Planning Statement regarding the provision of affordable housing that they say should be provided on site.</p> <p>They conclude as follows:</p> <p>The adverse impacts of this application would significantly and demonstrably outweigh the benefits, when assessed against the NPPF policies taken as a whole. Consequently, this application for planning permission should be refused.</p>	<p>Reference is made to the issues raised including design and character throughout this report.</p>

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9. EXPLANATION OF RECOMMENDATION

9.1 The key issues for consideration are:

- i. Principle of Development
- ii. Loss of Employment Floorspace
- iii. Impact on Character and Appearance
- iv. Trees
- v. Residential Amenity
- vi. Provision of Market & Affordable Housing
- vii. Highway Safety and Parking
- viii. Sustainable Drainage
- ix. Sustainability
- x. Housing Land Supply

i Principle of Development

9.2 The application site is located outside of the Green Belt within the built-up settlement area of Sunningdale where Policy H6 of the Local Plan states that the Borough Council will grant permission for the provision of additional residential accommodation within town and other settlement centres outside of the Green Belt.

9.3 In this context, there is in principle support for the provision of housing on the site subject to compliance with other relevant development plan policies, including the loss of employment floorspace, and other material considerations.

ii Loss of Employment Floorspace

9.4 The application site currently comprises two detached buildings that are both currently in use as offices. The two buildings provide for approximately 716 sq.m of office space which is currently being used by a range of businesses including IT companies, insurance brokers, a solicitors practice and accountants.

9.5 In such cases a range of local development plan policies seek to protect the Borough's economy. Policy E6 of the Local Plan states that the development and redevelopment for business, industrial or warehousing uses outside of the Green Belt will be acceptable on sites already in such uses subject to normal development control criteria.

9.6 Furthermore, Policy NP/E1 of the Ascot, Sunninghill & Sunningdale Neighbourhood Plan states as follows:

Proposals for the redevelopment or change of use of an existing site where the current use provides jobs to a use where jobs will not be provided will only be permitted if the applicant demonstrates that all possible appropriate alternative job providing options have been considered and actively marketed on a realistic basis for a period of at least 12 months without any economically viable options resulting.

For the avoidance of doubt, the applicant shall be required to demonstrate that conversion for occupation by micro or small businesses is not an economically viable option.

- 9.7 In addition to both Policies referred to above, Policy ED3(3) of the Borough Local Plan Main Modifications Version requires that where a change of use from an economic use to another use is proposed, development proposals must provide credible and robust evidence of an appropriate period of marketing for economic use and that proposals would not cause unacceptable harm to the local economy.
- 9.8 Moreover, paragraph 8 of the NPPF states, inter alia, that in seeking to achieve sustainable development the planning system has three roles, the first of which is an economic role which aims to help build a strong, responsive and competitive economy by ensuring that sufficient land of the right type is available in the right place and at the right time to support growth, innovation and improved productivity.
- 9.9 Paragraph 81 within Section 6 of the NPPF commands that significant weight should be placed on the need to support economic growth and productivity taking into account both local business needs and wider opportunities for development. While not specifically referring to the loss of such employment and business development it is nevertheless reasonable to conclude that significant weight must be given to the loss of such floorspace, particularly that which is currently in use and providing office space for a range of local businesses.
- 9.10 The application site is, as confirmed by the applicant, currently in use as an office and as such it is evident that the buildings are currently suitable for such a use where the above extant and emerging development seek to protect such uses unless there is sufficient evidence to demonstrate that the current employment use is no longer viable. Such evidence comprises marketing information for at least 12 months and provided that such marketing has been undertaken at reasonable market rates.
- 9.11 The applicant has failed to provide any marketing information at all to demonstrate that the current use is no longer viable. The potential impact of the loss of this existing office space is further exacerbated by the Eastern Berkshire FEMA Economic Development Needs Assessment (2016) (2016 EDNA).
- 9.12 The 2016 EDNA refers to the Homes and Communities Agency Employment Density Guide that states every 12.5 sq.m of office space will support 1 full time job. On this basis the 716 sq.m of office space that would be lost would have the potential to support approximately 52 full time jobs.
- 9.13 Furthermore, the two office buildings are currently in use by at least five separate commercial businesses. The on-going use demonstrates that the two buildings are indeed suitable for and attractive to local businesses further highlighting the importance in seeking to retain such space to contribute towards the Borough's overall economy.
- 9.14 The 2016 EDNA conforms that the Brough has a requirement for approximately 50,500 sq.m of additional office space. Such a need, in conjunction with the fact that several local businesses are indeed operating from the site further highlights the importance of such space to the local economy and the need to retain such space.
- 9.15 The loss of active office space without any marketing or other such information at all is wholly unacceptable and would have a detrimental impact on the local and wider economy and as such is contrary to Local Plan Policies E1 and E2, Neighbourhood Plan Policy NP/E1, Section 6 of the NPPF and Policy ED3 of the emerging Borough Local Plan.

iii Impacts on Character and Appearance

- 9.16 Section 12 of the NPPF clearly states that the creation of high quality, beautiful and sustainable buildings is *fundamental* to what the planning and development process should achieve. Local Plan Policy DG1 is consistent with these overarching objectives of Section 12 of the NPPF and requires new development to be of a high quality design and have regard to a range of design based criteria.

- 9.17 Policy DG1(3) ensures development is compatible with the established street façade having regard to scale, building lines and the roofscape of a building. Policy DG1(6) ensures development includes landscaping schemes that should utilise existing landscaping whilst DG1(11) states that 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 that contribute to the character of an area.
- 9.18 Neighbourhood Plan Policies NP/DG1 and sub-Policy NP/DG1.4 ensure new development responds positively to the local townscape. The RBWM Townscape Assessment Report should be used as a base to inform development proposals with 1.4 stating “Development proposals in Townscape Assessment zones Victorian Villages must respect the form and character of the street and of the surrounding area.”
- 9.19 The site is located within an area classed as Victorian Villages with the Townscape Assessment listing the Key Characteristics, inter alia, as rows of terraces and semi-detached properties that are typically 2 and 2.5 stories in height, a unit brought about by a consistent materials pallet, detailed building frontages, variation in rooflines that creates a stimulating streetscape.
- 9.20 Moreover, Policy NP/DG2 ensures new development is similar in density, footprint, separation, scale and bulk to neighbouring properties with NP.DG2.2 stating that development must respect building lines, front gardens, walls, railing and hedges.
- 9.21 Furthermore, Policy NP/DG3.1 requires all new development to demonstrate good quality design with regard to the use of green hedging and/or trees in keeping with the existing streetscape.
- 9.22 The application site comprises two detached buildings with a low brick wall and railings that defines the main London Road frontage together with well-established mature landscaping with the closest building, known as New Boundary House, being set back from London Road by approximately 12 metres. Such a set back has allowed the hedgerow, trees and other landscaping to flourish which dominates the site frontage that contributes to the overall character of London Road that, save for the more central areas that surrounds the London Road/Chobham Road junction, is made up of well established mature trees and other landscaping with buildings being set well back from London Road.
- 9.23 While submitted in outline form with appearance being reserved the application has sought permission for layout and scale and as such there are numerous urban design aspects that can be considered at this stage.
- 9.24 The scheme would comprise a roughly U shaped building that would comprise 2, 2.5 and 3 storey elements with single storey elements. The London Road frontage would entail a 2.5 storey buildings with a 3 storey ‘turret’ located to the north east corner of the site. The London Road frontage would be sited close up to the road frontage with a minimal set back of between approximately 2 metres and would also entail the removal of all the front boundary landscaping. This frontage section of the building has been referred to as Block A with the remainder referred to as Block B. The Site Plan (Drawing No. 21-01-A-100-P3) however demonstrates that there will be one building with what would appear to be a small single storey element located adjacent to the entrance archway. Appearance however is to be considered at the Reserved matters stage.
- 9.25 In addition to the London Road frontage the remaining sections of the building are also sited close up to the boundaries of the site with, at some points no set back from the site boundaries, to a minimal set back of only 2-3m.
- 9.26 The U Shaped design of the building with the frontages being set so close to the site boundaries will result in the built form dominating the site frontages with negligible space left to implement a landscaping strategy to off-set the complete removal of the existing landscaping that forms an integral part of the sites character.
- 9.27 Opposite the site is the Ambassador House care home that comprises a three storey building and as such there is no objection to the principle of such a 2.5/3 storey building at the application site.

However, the proposal would result in a building with all of the built form located very close to the site boundaries without any room to implement a sufficient landscaping to replace the existing trees and hedgerow that would be removed.

- 9.28 The applicant has referred to the Ambassador House development where they claim the built form covers 43.1% of the site compared to 38.5% of that proposed. Ambassador House however is sited in a more central part of the site that has allowed a landscaping scheme to be implemented that now forms an integral part of that sites character that respects the wider character of London Road.
- 9.29 Whilst this may be the case, good design is much more than a mathematical assessment and requires an assessment against urban design considerations such as the presence of landscaping, building lines, building heights and the overall scale and appearance of a building.
- 9.30 The existing buildings are set back from the site boundaries and have more of a relationship with the residential properties north east. To the south west are several commercial buildings that are sited directly onto the public realm and are characteristic of more town centre locations which are 2 storey in scale thereby representing considerably less bulk that that proposed. The application site therefore represents a transition from the centre of Sunningdale to the lower density residential development along London Road.
- 9.31 It is this transitional nature of the application site that would allow for some reduction in the set back of any new buildings. However, as required by Policies DG1 and N6 of the Local Plan and Neighbourhood Plan Policy NP/DG3 any new development needs to retain and incorporate the existing trees and landscaping. The inability of the scheme to retain any soft landscaping or implement a sufficient landscaping scheme serves to demonstrate that the scheme represents a cramped and contrived form of development and as such represents a poor quality form of development.
- 9.32 As outlined above the scheme proposes a 2.5 storey building along the London Road frontage with a 3 storey 'turret' similar to Ambassador House. There is no objection to a building of this scale. However, the complete removal of the existing trees and landscaping and the siting of the built form so close to the site boundaries would result in a very cramped appearance that would be harmful to the character and appearance of the area.
- 9.33 Sunningdale Parish Council have raised concern over the allocated site off the London Road car park. The application site would, save for the access, have no impact on the deliverability of the allocated site for its intended mixed use.

iv Trees and Landscaping

- 9.34 The Character and Appearance section above has referred to the contribution the existing trees and hedgerow make to the character and context of the surrounding area.
- 9.35 The Council's Arboricultural Officer comments, whilst summarised above are further summarised below owing to the importance that the trees and landscaping make to the site and surrounds. The issues they raise including the mis-categorisation of the existing trees. The Officer clearly states that the majority of the trees should be designated as a higher category with a considerably greater life expectancy. The limited room for landscaping and planting would ensure trees would be in close proximity to flank walls and as such would not survive on site in the long term. Such issues they say would result in a significant impact on the character and appearance of the site and surrounds contrary to Policies N6, DG1 and H11 of the Local Plan and Policies NP/DG1, NP/DG2 and NP/DG3 of the neighbourhood Plan and Policies NR2 and SP3 (now QP3 in the Main Modification Version) of the Borough local Plan.
- 9.36 The Borough Townscape Assessment highlights the importance of and desire to conserve distinctive trees and hedgerows. Such aims echo the objectives of Policies DG1 and N6 of the Local Plan, Neighbourhood Plan Policies NP/DG1, NP/DG2 and NP/DG3 and Policies QP3 and NR3 of the emerging Borough Local Plan.

- 9.37 In addition to the policies referred to above the importance of trees is further highlighted by paragraph 131 of the NPPF which states “**Trees make an important contribution to the character and quality of urban environments and that opportunities are taken to incorporate trees into developments.** The importance of trees to the built environment is from both a character aspect as well as an ecological aspect. Moreover, paragraphs 131 and 132 highlight the importance of early discussions between applicants and officers, particular highway and trees officers. The applicant has failed to enter into any early pre-application discussions as encouraged by Section 4 of the NPPF.
- 9.38 Without any justification as to why such mature trees cannot be successful retained and without the ability to implement a landscaping scheme to off set such wholesale removal of existing trees the scheme is, in arboriculture terms, unacceptable. The scheme is therefore contrary to Policies DG1 and N6 of the Local Plan, Neighbourhood Plan Policies NP/DG1, NP/DG2 and NP/DG3 and Policies QP3 and NR3 of the emerging Borough Local Plan.

v Residential Amenity

- 9.39 Paragraph 130(f) of the NPPF ensures planning creates places that are safe, inclusive and accessible which promote health and well-being with a *high standard of amenity for existing and future residents*. The need to ensure a high standard of amenity for both existing and future residents is set out in the Borough Wide Design Guide.
- 9.40 Paragraph 8.1 of the Borough Wide Design Guide SPD states that residential amenity in the form of light, privacy, outlook and provision of outdoor amenity space is a detailed but important design matter that has a very strong influence on the quality of people’s living environments. Paragraph 8.2 states that new developments should provide future occupiers with high quality amenities and not undermine the amenities of occupiers of neighbouring properties, especially where these are residential properties.
- 9.41 Table 8.1 of the Borough Wide Design Guide SPD sets out the minimum separation distances for, inter alia, front to front, rear to rear and front/back to flank relationships for both 2 storey and above. Table 8.1 and the separation distances are referred to below where necessary.

Existing Residents

- 9.42 To the west of the application site is the London Road public car park with commercial development including an estate agents to the south west and south of the site around the London Road/Chobham Road junction. Such commercial uses would not be impacted upon by the proposed development in terms of daylight and sunlight, overlooking or other amenity impacts including noise and disturbance.
- 9.43 To the south east of the site opposite the site is the Ambassador House care home that would have a front to front relationship with the northern part of the proposed development. Both the application scheme and Ambassador House is over two stories in height. In such cases Table 8.1 of the the Borough Wide Design Guide SPD states such separation distance should be a minimum of 15 metres.
- 9.44 Notwithstanding the oblique angle of view between Ambassador House and the flats proposed the separation distance between the two sets of units fronting London Road would be in excess of 20 metres. As such there would be no material impact on the occupants of Ambassador House as a result of the proposed development.
- 9.45 To the north east of the site are new residential properties on the former Lime Tree Villa site. The north east elevation of the application scheme would have a front to flank relationship with the former Lime Tree Villa houses. The submitted Storey Heights Plan confirms that this section of the development would be 3 stories in height and as such Table 8.1 would require a minimum separation distance of 15 metres.
- 9.46 The proposed north east elevation would be between approximately 9 and 12.5 metres from the side of the back garden of the Plot 1 of the former Lime Tree Villa dwelling. Furthermore, the north

east elevation of the application proposal would result in some 8 habitable room windows that would face the back garden area at both first and second floor level. Such an increase in the number and height of windows together with balconies and the complete removal of the boundary trees has the potential to result in an adverse loss of privacy to the occupants of this dwelling. On the basis of the foregoing the scheme is contrary to the objectives of Policy NP/DG2 of the Neighbourhood Plan paragraph 130 of the NPPF and Policy QP3 of the emerging Borough Local Plan

- 9.47 In terms of access to daylight and sunlight, the separation distance of at least 9 metres from the dwelling would ensure there are no further amenity impacts on these occupants whilst to the north of the site lies open field associated with Broomhall Farm and as such there would be no amenity impacts to adjoining land owners to the north.

Future Occupants

- 9.48 In addition to the above it is important to ensure new developments would provide future occupants with a high standards of amenity, both internally and externally.
- 9.49 Before considering the outdoor space proposed it is necessary to consider whether the proposed flats would meet the Nationally Described Space Standards. Officers can confirm that each of the residential units proposed will meet or exceed the space standards set by MHCLG. On this basis future residents would have a good quality amenity with regard to internal space.
- 9.50 In addition to internal space the Borough Wide Design Guide sets a requirement for flatted developments to have both private and communal space.
- 9.51 With regard to the need for ground floor flats to have a private terrace, these should be, in terms of size, at least 3 metres in depth and as wide as the unit they serve. Not all the ground floor units would have private terraces, only those in Block B would and none of those terraces would be at least 3 metres in depth and as wide as the dwelling they would serve whilst two of the would directly abut parking spaces further limiting the overall quality and usability of such spaces. None of the ground floor units on Block A would have a private terrace space.
- 9.52 With regard to the first floor units, Units 6 – 9 of Block B and Units 7 – 12 of Block B would have access to a small balcony whilst only Units 13 and 14 on the second floor would have a small balcony. Units 12 to 14 on the second floor of Block A would not have any communal space. The Borough Wide Design Guide is clear that all flats should have some private space and as such the scheme fails to accord with paragraph 130(f) of the NPPF and Policy QP3 of the emerging Borough Local Plan.
- 9.53 In addition to each flat being required to have private outdoor space Principal 8.6 of the Borough Wide Design Guide states that a minimum of 10 sq.m of communal outdoor space per flat must be provided.
- 9.54 In addition to the need for such a space, Principal 8.6 sets out that amenity space should be connected to the building, screened from public view, free of vehicles, actively overlooked and dominated by planting and allows for sustainable tree planting.
- 9.55 The scheme proposes 28 residential flats and as such there should be a minimum of 280 sq.m of outdoor communal space. The application proposes the U-shaped building with car parking to the rear within a courtyard area. The only green space comprises negligible areas located between the outside edges of the buildings. Despite raising such concerns with the applicant no meaningful answer was received regarding this point. The applicant provided an image to highlight the extent of green space.
- 9.56 It is evident from the image that the scheme would fail to provide any meaningful outdoor communal space and that the green space provided would be dominated by the London Road, London Road car park access and not screened from public view and irregularly shaped. As such the scheme is contrary to the aims of paragraph 130 of the NPPF and Principal's 8.5 and 8.6 of the Borough Wide Design Guide.

vi Provision of Market and Affordable Housing

- 9.57 The application site is located within the built up settlement area of Sunningdale and would provide a total of 28 market and affordable flats on a brownfield site. As set out above in Section 9(i) of this report the principle of such a proposal, in terms of housing provision, is entirely acceptable. Additional reference is made to the Borough's Housing Land Supply below.
- 9.58 Local Plan Policy H8, Neighbourhood Plan Policy NP/H2 and Policy HO2 of the emerging Borough Local Plan seek to ensure that development provides for a mix of dwelling types. The application proposal would provide for the following mix of houses:

House Size	No. of Units
1 Bedroom	11
2 Bedroom	5
3 Bedroom	12

- 9.59 The scheme would therefore provide for a mix of residential units that would provide suitable accommodation for both younger individuals and couples along with families and as such would accord with those relevant policies that seek to achieve a mix of residential units.
- 9.60 With regard to the provision of affordable housing, Policy H3 of the Local Plan ensures that all new residential development on sites of 0.5ha or more, or where a net increase of 15 or more dwellings is proposed there should be a provision of affordable housing and that such provision is made as part of the development itself.
- 9.61 Table 1 of the Revised Planning Obligations and Developer Contributions and Infrastructure and Amenity Requirements SPD states that the minimum provision sought is 30%. Of the 30% the tenure should comprise 80% social/affordable rent and 20% shared ownership.
- 9.62 Whilst the floor plans submitted with the application indicate that 13 of the units provided in Block A would be affordable the application makes no reference to affordable housing whilst the Planning Statement states **"A proportion of the dwellings will be affordable homes. The affordable housing may be provided on site or, alternatively, a financial contribution will be offered to provide off-site affordable housing secured through a Section 106 Legal Agreement in due course"**.
- 9.63 Despite seeking to clarify the applicant's proposed affordable housing tenure they have failed to provide clarification on this matter and as such the information submitted with the application is contradictory with regard to the level of and tenure of affordable housing to be provided. In the absence of such information the proposal is contrary to Policy H3 of the Local Plan, Policy HO2 of the Borough Local Plan Main Modifications Version and the Planning Obligations and Developer Contributions SPD.
- 9.64 Additional reference is made to the provision of market and affordable housing below within the Planning Balance and Conclusion section of this report.

vii Highway Safety & Parking

- 9.65 The Highways Authority have reviewed the application and have made the following comments.

Access Arrangements

- 9.66 The proposal seeks to re-use the existing access off London Road which comprises a simple priority junction with a partial ghost island effuse to assist with right turns into the site with the access into the application site being some 15 metres back off London Road. The Highways Authority has stated that confirmation on the access width to enable two-way flow at the sites entrance would be required and a demonstration of the visibility splay at the site.

- 9.67 The Highways Authority have however stated that a footpath will need to be provided to link the site's entrance to the A30 London Road. Such details could however be secured by way of an appropriate condition and/or S.278 Agreement.

Parking Provision

- 9.68 With regard to the site's sustainability, the Highways Authority consider the site to be a sustainable location within 800m of Sunningdale train station. The level of parking would exceed that required by the 2004 Borough Parking Standards (which requires 0.5 spaces per 1-bed unit and 1 space per 2 or 3 bed unit), totalling 23 spaces. The extent of parking proposed further highlights the cramped nature of the proposal with regard to excessive built form and hardstanding compared to the negligible areas proposed for soft landscaping.
- 9.69 With regard to Neighbourhood Plan Policy NP/T.1, while this does not set a specific level of parking through local standards it does however ensure there is sufficient parking for deliveries, service vehicles, tradesman working on site and visitors. The scheme proposes an extra 11 parking spaces over that required by the 2004 Borough Standards. The Highways Authority would require some of the parking, pursuant to Neighbourhood Plan Policies to be allocated for delivery and service vehicles. Accordingly, the Highways Authority require confirmation, prior to determination, that the archway to be provided is a sufficient height to allow access into the site by emergency vehicle and internet/food delivery vans can park and enter and leave the site in a forward gear.

Vehicular Movements

- 9.70 The Highway Authority have reviewed the submitted Transport Statement which refers to the national TRICS database and confirms that the proposal would generate between 6-12 additional movements in the morning and evening peak hours and as such they have confirmed that the proposed level of vehicular movements is acceptable and would not have a severe impact on the safe operation of the A30 London Road.

Cycle Provision

- 9.71 With regard to secure bicycle parking provision the submitted plans show sufficient room for, at most, approximately 20/22 bicycles. The Highways Authority have stated that 28 bicycle parking space would be required and that the current design is of a poor design and cannot be accepted.

Refuse Provision

- 9.72 The proposed refuse store to the front is, in principle acceptable to the Highways Authority. A swept path however demonstrating that the refuse vehicle can safely service the site is however required.

Summary/Additional Highway Comments

- 9.73 The Highways Authority have requested a detailed Construction Management Plan would be required. Such a Management Plan could be secured by way of an appropriate condition should planning permission be granted.
- 9.74 The points listed below are all still required to be addressed and in the absence of this information it cannot be concluded that the proposed access and layout for vehicles is acceptable:
- Footpath to link site entrance to A30 adopted footpath.
 - Confirm access width – Should provide two-way flow.
 - Vehicle visibility splays at the sites entrance.
 - Confirm height of entrance archway.
 - Parking and access for delivery vehicles.
 - Cycle provision and access.
 - Refuse provision with swept path analysis plan.

viii Flood Risk and Drainage

- 9.75 The Lead local Flood Authority (LLFA) have reviewed the Flood Risk Assessment submitted with the application and the comments from Thames Water and have raised the following issues.

- 9.76 Clarification is sought on whether there is an existing connection that discharges surface water to Thames Water foul network. There is a risk that without such a connection the risk of surface water flooding may be increased as surface water may be discharge off site.
- 9.77 Should such a connection existing the LLFA would have no objection to this provided any discharge was at a rate of at least 2L/s.
- 9.78 The final issue raised relates to exceedance surface water flows. The LLFA have requested the applicant to indicate the route any exceedance surface water would follow in the event of a rainfall event in excess of the designed rainfall return period, or blockage/failure. In the absence of such information being sought the application is contrary to the objectives of Local Plan Policy F1 and the NPPF para 169.

ix Biodiversity & Thames Basin Heaths SPA

- 9.79 The Council's Ecologist has reviewed the submitted Preliminary Ecological Appraisal. The Ecology officer states that the submitted PEA confirms that some of the vegetation has the potential to support nesting birds.
- 9.80 Furthermore, the Ecology Officer refers to the findings that the two buildings themselves has the potential to support roosting bats. One tree had high potential to support roosting bats as well. As a result the PEA concludes that additional surveys would be required. As a competent Authority the Borough Council needs to be as certain as possible that such development would not harm any protected species. As such these additional surveys should be provided prior to the determination of the application.
- 9.81 The Ecology officer refers to paragraph 99 of the Government Circular 06/05 that makes it clear that such surveys should not be left to coverage under planning conditions except in exceptional circumstances. As no such exceptional circumstances have been set out the scheme is contrary to the overarching objectives of the local Plan and the NPPF.
- 9.82 Policy N9 of the Local Plan that ensures new development has particular regard to the need to protect natural features and the availability of mitigation measures to wildlife site and other wildlife heritage sites. In addition, paragraph 174(d) ensures planning decisions minimise impacts on and provide net-gains for biodiversity. Without these additional surveys the proposal is contrary to the objectives of Policy Np of the Local Plan
- 9.83 As noted above, the site falls within the 400m – 5km Zone of Influence of the Thames basin Heaths SPA. In such areas the Council's Thames Basin Heaths Special Protection Area SPD (Part 1) sets a two-fold approach to mitigating the potential impacts of development that, alone or in combination, could have a significant impact on the integrity of the SPA.
- 9.84 The two-fold approach comprises the provision of Suitable Natural Alternative Greenspace (SANG) and financial contributions towards strategic access management and monitoring (SAMM).
- 9.85 There is no capacity at the Allen's Field SANG, one of the Council's Strategic SNAG for a development of this size. The applicant was been advised to liaise with Bracknell Forest Council in order to secure the necessary SANG provision to mitigate against the potential impacts to the SPA. As the applicant failed to enter into pre-application discussions with the Council Officers were only able to advise them of this during the course of the application.
- 9.86 As no such SANG provision has been secured, and with the impacts associated with the proposal set out above, the proposal is contrary to the aims of Policy NRM6 of the South East Plan, Policy N9 of the Local Plan and Section 15 of the NPPF.

x Sustainability

- 9.87 Policy HO2 of the Main Modifications Borough Local Plan ensures developments of more than 20 dwellings 30% should be delivered in accordance with Building Regulations M4(2), 5% should meet wheelchair accessibility standards.

- 9.88 Furthermore, Policy QP3 ensures new developments are resilient to climate change and incorporate design and construction measures that minimise energy demand and water use, maximise energy efficiency and minimise waste.
- 9.89 While very limited information has been provided on such aspects of the scheme these could, should Officer's have considered the scheme largely acceptable in planning terms, have been agreed during the course of the application and secured by way of an appropriate condition(s).

xi Housing Land Supply

- 9.90 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.*

- 9.91 Footnote 7 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).'

- 9.92 For the purpose of this planning application the LPA currently cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer). In cases where Local Planning Authorities cannot demonstrate an up-to-date housing land supply position the presumption in favour of sustainable development ('the tilted balance'), pursuant to paragraph 11(d), would be engaged.

- 9.93 However, footnote 7 of the NPPF lists a number of instances where the tilted balance would be dis-engaged. Of particular relevance to this application are designated habitats sites. The site lies within the 400m – 5km Zone of Influence of the Thames Basin Heaths SPA and as such an Appropriate Assessment and mitigation for the harm to the SPA through residential intensification would be required. The application has failed to address these matters and therefore the tilted balance would not be engaged. Additional reference is made to the housing land supply position below in the Planning Balance and Conclusions section below.

10. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 10.1 In accordance with the Council's adopted Community Infrastructure Levy (CIL) Charging Schedule, the development is CIL liable at a rate of £295.20.

- 10.2 The proposal has a net increase of 1,529.20 sq.m that would incur a CIL charge of £451,419.84. However, with the contradictory information regarding affordable housing, which would be exempt from CIL, the Local Planning Authority are unable to calculate the CIL charge that the proposed development would incur.

- 10.3 Due to the issues associated with the development that are set out above clarification on this issue has not been sought.

11. PLANNING BALANCE & CONCLUSION

- 11.1 This application seeks outline permission for the erection of 28 residential units with the principle, means of access, layout and scale to be considered. Appearance and landscaping are to be considered at the reserved matters stage.

- 11.2 Section 38(6) of the Planning and Compulsory Act (2004) states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise” and as such the starting point for the determination of this application is The Royal Borough of Windsor and Maidenhead Local Plan (Saved Policies) (Incorporating Alterations adopted June 2003) and the Ascot, Sunninghill & Sunningdale Neighbourhood Plan 2011 – 2026 (Made February 2014).
- 11.3 Also of relevance is the emerging Borough Local Plan 2013 – 2033 (Submission Version incorporating Proposed Main Modifications) (July 2021). Paragraph 48 of the NPPF states that Local Planning Authorities 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)²⁴.
- 11.4 Furthermore, the 2021 NPPF is a material consideration. As set out above in Section 9 (xi) of this report the Council cannot demonstrate a five year housing land supply and therefore, pursuant to paragraph 11(d) of the NPPF the presumption in favour of sustainable development would be engaged, referred to as the tilted balance. However, owing to footnote 7 and due to the location of the site within an area subject to Habitat Regulations, and considering the objections relating to drainage and ecology, the tilted balance would be dis-engaged. On the basis of the foregoing the application should therefore be assessed by way of an ordinary ‘un-tilted’ balancing exercise.

Loss of employment

- 11.5 The application proposes the demolition of the two buildings that are currently in use as offices by a number of local within the built up settlement of Sunningdale. As stated above, without any marketing information, or other such justification as to why the existing office space is no longer viable the scheme is contrary to the aims of Policy E6 of the Local Plan and Neighbourhood Plan Policies NP/E1 and NP/E2 and Draft Policy ED3 of the Borough Local Plan. Pursuant to paragraph 81 of the NPPF **significant weight** should be given to the loss of the employment use without any marketing or justification for such a loss.

Impact on character, including loss of trees

- 11.6 The scheme would entail the complete removal of all boundary trees and the erection of a 2, 2.5 and 3 storey U shaped building. While reference has been made to two blocks (Block A and Block B) that are divided by the access arch way the Site Plan appears to show that they would nevertheless be a single structure. The U shaped layout of the built form will be sited very close up to the site boundaries. The remaining, very limited space would need to be shared between landscaping and providing for private and communal space.
- 11.7 Such issues combine to demonstrate the scheme would represent a cramped and contrived design. Officers have however no objection to the principle of a 2.5 or 3 storey building however the siting of such a building so close to the boundaries would result in a cramped poorly designed form of development without any meaningful space to implement a landscaping scheme. The scheme is therefore contrary to Policies DG1 and H11 of the Local Plan and Policies NP/DG2, NP/DG3 and NP/EN2 of the Neighbourhood Plan. The importance of design is set out through the Local Plan, the Neighbourhood Plan, emerging Borough Local Plan and the NPPF and National Design Guide. As such, and pursuant to paragraph 126 of the NPPF, **significant** weight is given to the harm to the character of the area.

Neighbour amenity

- 11.8 Policy H14 of the Local Plan ensures developments do not adversely impact the amenities of neighbouring properties with Principle 8.1 of the Design Guide SPD stating that developments which would have significant impact on the amenities of neighbouring properties will be resisted. The proposal would result in some 8 windows on the first and second floors, together with balconies which would be between 9 and 12 metres from the back garden of properties on the former Lime Tree Villa property having a substantial increase in the amount of overlooking and loss of privacy when in their back gardens. Such an impact attracts **moderate** weight in the overall balance.

Amenity

- 11.9 Neighbourhood Plan Policy NP.DG3.2 ensures dwellings are provided with sufficient garden or amenity space with Principles 8.5 and 8.6 of the Borough Wide Design Guide SPD ensure all flatted developments have both private and communal outdoor amenity space. While the scheme would provide some of the units with a terrace or balcony these appear small compared to the Design Guide criteria. Moreover, no private communal space is provided. The applicant claims the outdoor green space is for such amenity space. However, this is extremely limited, poorly laid out and irregularly shaped and would be dominated by the car park and the London Road car park access nor would it be screened from public view. The proposal fails to accord with Policy DG3.2 and the Design Guide and paragraph 130(f) of the NPPF, as such, such an impact attracts **moderate** weight in the overall balancing exercise.

Affordable Housing

- 11.10 Policy H3 of the Local Plan and the Planning Obligations and Developer Contributions SPD ensures that 30% of residential development on more than 0.5 ha or a net increase in 15 or more dwellings should be affordable. The 30% should comprise 80% affordable/social rent and 20% shared ownership. The applicant has given conflicting information regarding affordable housing with regard to overall provision and the tenure to be provided. Without clarification on what affordable housing is to be provided the scheme is contrary to Policy H3 of the Local Plan and the SPD.

Ecology and Thames Basin Heaths SPA

- 11.11 Policy NRM6 of the South East Plan ensures harm is not caused to the Thames Basin Heath SPA through the provision of adequate measures which are set out in the Borough's Thames Basin Heaths SPA SPD. The applicant has confirmed they are in discussion with Bracknell Forest regarding securing the necessary SANG provision. However very little information has been provided. Without the necessary SANG provision in place the scheme is contrary to Policy NRM6 and the Thames Basin Heaths SPD. Furthermore, in the absence of relevant surveys, the proposals is unacceptable with regard to ecological impacts. The harm to Ecology and the Thames Basin Heaths SPA is afforded **significant/substantial** weight.

Highways

- 11.12 The Highways Authority have requested additional information regarding the ability of emergency and refuse vehicles to access the application site. Without such clarification there is the potential that the development could impact upon the safety of the residents themselves or other users of the A30 London Road. The scheme is therefore contrary to Policy T5 of the Local Plan and paragraph 111 of the NPPF. Such highways impacts attract **limited** weight in the overall planning balance.

Drainage

- 11.13 The LLFA have sought clarification on the existing surface water connection and exceedance surface water flows. Whilst not fatal to the scheme, and of limited weight, in themselves without confirmation the scheme is contrary to the aims of Policy F1 of the Local Plan and paragraph 169 Of the NPPF.

Matters weighing in favour of Proposal and balance

11.14 The applicant contends that the weight to be afforded to the Neighbourhood Plan should be greatly reduced as paragraph 14 of the NPPF is engaged. Paragraph 14 states that where adverse impacts arise in allowing a development that conflicts with a Neighbourhood Plan this would significantly and demonstrably outweigh the benefits provided all the following criteria apply. The criteria are set out below:

- a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;**
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;**
- c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 74); and**
- d) the local planning authority's housing delivery was at least 45% of that required¹⁰ over the previous three years.**

11.15 The Council's Land Supply Position, based on recent appeal decisions, is not less than 3 years and as such, on this basis alone paragraph can be disregarded and full weight attributed to the Neighbourhood Plan and the policies therein.

11.16 Paragraph 8 of the NPPF defines what sustainable development is by setting out the three roles of the planning system which are listed below:

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

11.17 These are interdependent and mutually supportive roles. In order to achieve sustainable development therefore there needs to be a contribution to each of these individual roles. Therefore, there needs to be an assessment of the benefits and impacts and the weight to be afforded to each.

11.18 Both the benefits and impacts and the weight to be afforded to each are listed in the table below:

Issue	Benefit or Harm	Weight
Provision of Housing	Benefit	Significant
Provision of Affordable Housing	Benefit	Limited (In this case)
Loss of Office/Employment Floorspace	Harm	Significant
Character and Appearance	Harm	Significant
Trees and Landscaping	Harm	Significant
Existing Resident's Amenity	Harm	Moderate
Future Resident's Amenity	Harm	Moderate
Ecology and Biodiversity	Harm	Significant
Highways and Parking	Harm	Moderate

Surface Water Drainage	Harm	Moderate
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- 11.19 Furthermore there would be some benefit to the local economy as a result of the development, both during the construction phase and long-term as a result of the provision of housing, however this is moderate at most and needs to be considered alongside the loss of employment generating floorspace that the proposal would bring.
- 11.20 To conclude the balancing exercise, while there are benefits associated with the proposal, these are relatively limited in both quantity and weight, and therefore would not outweigh the identified harms such that planning permission should be forthcoming for this proposal.
- 11.21 In the alternative, and in the event that the applicant secures the necessary SANG capacity with Bracknell Forest to mitigate against the impacts of the development on the SPA, and furthermore matters of drainage and ecology were addressed, the tilted balance would be re-engaged as the Council cannot demonstrate a five year housing land supply. The starting point is therefore that the Council should apply the presumption in favour of sustainable development and therefore approve the development unless the impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the requirements of the NPPF as a whole. However, even in the event that the tilted balance is re-engaged, the impacts arising from the proposal would significantly and demonstrably outweigh the limited benefits identified above. On the basis of the foregoing, the application should be refused for the reasons set out below in Section 13.

12. APPENDICES TO THIS REPORT

- Appendix A – Site Location Plan
- Appendix B – Proposed Site Plan, Storey Plan and Floor Plans

13. REASONS FOR REFUSAL:

- 1 The application involves the loss of two office buildings that are currently used by local businesses. The buildings are evidently attractive to local businesses and their loss, without any marketing information or any other justification is unacceptable and would have a significant adverse impact on the local, and potentially wider economy. The proposal is therefore contrary to the objectives of Policy E6 of the Local Plan, Policies NP/E1 and NP/E2 of the Ascot, Sunninghill & Sunningdale Neighbourhood Plan, paragraph 81 of the NPPF and Policy ED3 of the emerging Borough Local Plan.
- 2 The proposed development, by virtue of its U-shaped layout that results in the built form being sited extremely close to or largely on the boundaries of the site, coupled with the loss of mature boundary trees and limited space to implement a meaningful replacement landscaping scheme, would result in a poorly designed and cramped form of development that would have an adverse impact on the character and appearance of the site and surrounding area. The proposed scheme is therefore contrary to Policies H10, H11, DG1 and N6 of the Local Plan, Policies NP/DG2, NP/DG3 and NP/EN2 of the Ascot, Sunninghill & Sunningdale Neighbourhood Plan, paragraphs 126, 130 and 132 of the NPPF, Policy QP3 and NR3 of the emerging Borough Local Plan and the Borough Wide Design Guide.
- 3 The development, by virtue of the number of windows and balconies and their height from the side boundary of Plot 1 of permission 15/01752/FULL, would result in an adverse loss of privacy to the occupants of the property. The development is therefore contrary to paragraph 130(f) of the NPPF, Policy QP3 of the emerging Borough Local Plan and Principal 8.1 of the Borough Wide Design Guide.
- 4 The proposed development, by virtue of its cramped poorly designed layout would fail to provide sufficient private and communal outdoor amenity space that would impact upon the amenities of future occupants contrary to the objectives of Policy NP/DG3 of the Ascot, Sunninghill & Sunningdale Neighbourhood Plan, paragraph 130(f) of the NPPF and Principals 8.5 and 8.6 of the Borough Wide Design Guide.
- 5 In the absence of sufficient information regarding highway safety and visibility, the ability of emergency and refuse vehicle to service the proposed development through the proposed archway, pedestrian connectivity, the ability of delivery vehicles to access and park and the cycle parking provision and access the scheme has the potential to impact upon highways safety and convenience. The proposal is therefore contrary to Policy T5 of the Local Plan, Policies NP/T1 and

NP/T2 of the Ascot, Sunninghill & Sunningdale Neighbourhood Plan, paragraph 111 of the NPPF and Policy IF3 of the emerging Borough Local Plan.

6 In the absence of sufficient information regarding surface water drainage and associated exceedance flows the proposal is contrary to the objectives of Policy F1 of the Local Plan and paragraph 169 of the NPPF 2021.

7 In the absence of sufficient information relating to additional bat surveys, biodiversity net gain, wildlife lighting and invasive species eradication the Local Planning Authority are unable to assess the potential impacts on biodiversity and protected species. The proposal is therefore contrary to the objectives of Policy N9 of the Local Plan, paragraph 180 of the NPPF and Policy NR2 of the Emerging Borough Local Plan Main Modifications

8 In the absence of any details regarding the tenure of the proposed Affordable Housing or Section 106 Legal Agreement to secure the provision of the same, the proposal is contrary to the objectives of Policy H3 of the Local Plan, paragraph 62 of the NPPF, Policy HO3 of the emerging Borough Local Plan and the Planning Obligations and Development Contributions SPD.

9 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 fails to comply with policy NR4 of the Borough Local Plan Submission Version.