

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

**MAIDENHEAD DEVELOPMENT CONTROL PANEL**

16 March 2016

Item: 8

<b>Application No.:</b>	16/00395/FULL
<b>Location:</b>	Land And Buildings To Rear of Oakley Green Lodge Oakley Green Road Oakley Green Windsor SL4 4PZ
<b>Proposal:</b>	Erection of 3 x dwellings, with garages and curtilages, with access alterations, parking, landscaping and ancillary works following demolition of existing buildings and hardstanding
<b>Applicant:</b>	Mr And Mrs Bennett
<b>Agent:</b>	Mr M Carter - Carter Planning Ltd
<b>Parish/Ward:</b>	Bray Parish

**If you have a question about this report, please contact:** Susan Sharman on 01628 685320 or at [susan.sharman@rbwm.gov.uk](mailto:susan.sharman@rbwm.gov.uk)

**1. SUMMARY**

- 1.1 The application seeks planning permission to redevelop an existing commercial site in the Green Belt to provide three detached houses and garages. The proposal would not have a greater impact on the openness of the Green Belt nor be contrary to any of the purposes of the Green Belt. The principle of the proposed development is therefore acceptable.
- 1.2 In addition, the individually designed three houses on spacious plots would be in keeping with the character and appearance of the residential development in the area. Having regard to the separation distances involved, it is not considered that the proposal would harm the living conditions of any neighbours.
- 1.3 There are no objections from the Highways Authority, but advice from the Council's Ecologist is awaited and will be reported at the Panel meeting.

<b>It is recommended the Panel authorises the Borough Planning Manager:</b>	
1.	<b>To grant planning permission subject to there being no objections from the Council's Ecologist and with the conditions listed in Section 10 of this report.</b>
2	<b>To refuse planning permission if it has not been sufficiently demonstrated that protected species and/or their habitats would not be harmed by the proposal.</b>

**2. REASON FOR PANEL DETERMINATION**

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

**3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

- 3.1 The application site is located on the south side of Oakley Green Road, to the rear of Oakley Green Lodge. It is approximately 0.5 hectares, roughly rectangular in shape and currently occupied by a company that supplies articulated lorries, (mainly to overseas customers). There are a number of commercial buildings of varying sizes that cover about 1527 sq.m of the site with several articulated lorries parked on the remainder of the land. A mature hedge encloses the site along the majority of the eastern boundary, an earth bund of about 3m high encloses the site to the south, there is residential fencing/boundary screening to the west, and a boundary fence

between Oakley Green Lodge and the site. There is separate vehicular access to the site from Oakley Green Road.

3.2 Open fields lie to the east and south, while residential properties are sited to the north and west. The site is located in the Green Belt.

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

Ref.	Description	Decision and Date
00/35313	Change of use of part of the barn for the fabrication of timber displays for exhibitions and part for repairs and servicing of motor vehicles	Approved 31.10.00
00/35347	Certificate of Lawfulness for the storage, servicing repair and resale of commercial vehicles and the siting of an associated office building on the site and 2 steel container used for storage.	Approved 06.03.03.
12/01948	Extension to existing access road and revised entrance with new gate. New brick walls and piers.	Approved 04.09.12.
14/03994	Erection of 6 x dwellings with garages and curtilages, with access alterations, parking, landscaping and ancillary works.	Refused 22.04.15

4.1 The proposal involves redeveloping the site to provide three traditional style detached houses and garages.

4.2 The house proposed for plot 1 would be approximately 16.4m wide, 10m deep and have a maximum ridge height of 8m. The house proposed for plot 2 would be approximately 14m wide, 11m deep with a maximum ridge height of 7.8m. The house proposed for plot 3 would be approximately 24.5m wide, 13m deep and 7.7m high. The houses proposed on plots 1 and 2 would each be served with a detached double garage, while the larger house on plot 3 would have a detached triple garage.

4.3 It should be noted from the planning history above, that a previous application for 6 houses on the site (reference 14/03994) was refused on four grounds. Two of these related to harm to the Green Belt caused by the sprawl of the development and its greater impact on the openness of the Green Belt, one ground related to the design and layout of the scheme (considered to be too suburban for this location) and another related to potential harm to protected bats. Following this refusal, the applicant sought pre-application advice from officers to overcome these objections. The submitted proposal is broadly as agreed with officers at the pre-application stage.

#### 5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework, Section 9

##### Royal Borough Local Plan

5.2 The main strategic planning considerations applying to the site and the associated policies are:

	Green Belt
Local Plan	GB1, GB2

5.3 Supplementary planning documents adopted by the Council relevant to the proposal are:

- Sustainable Design and Construction
- Planning for an Ageing Population

More information on these documents can be found at:

## **Other Local Strategies or Publications**

5.4 Other Strategies or publications relevant to the proposal are:

- RBWM Landscape Character Assessment - view at:  
[http://www.rbwm.gov.uk/web\\_pp\\_supplementary\\_planning.htm](http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm)
- RBWM Parking Strategy - view at:  
[http://www.rbwm.gov.uk/web\\_pp\\_supplementary\\_planning.htm](http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm)

## **6. EXPLANATION OF RECOMMENDATION**

6.1 The key issues for consideration are:

- i The principle of development and Green Belt issues;
- ii The impact of the proposal on the character and appearance of the area;
- iii The impact on the living conditions of neighbours;
- iv Highway and parking issues; and
- v Ecology.

### **The principle of development and Green Belt issues**

6.2 The application site is currently used for commercial purposes. However, as it does not have a specific designation in the Local Plan, there is no objection to the loss of this use to residential.

6.3 The application site is also located in the Green Belt. Paragraph 89 of the NPPF sets out the types of new buildings that are not considered inappropriate in the Green Belt and these include buildings involved in the complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and does not conflict with the purposes of including land within it than the existing development.

6.4 The application site is brownfield land and, as such, the principle of the proposal is acceptable subject to an assessment of its impact on the openness and purposes of the Green Belt. In this case, the floor area of the existing buildings on site total 1358m<sup>2</sup>, while the total existing volume is 4128m<sup>3</sup>. By comparison, the floor area of the proposed buildings totals 1267m<sup>2</sup> while the total proposed volume of development would be 4078m<sup>3</sup>. The proposal therefore involves a reduction in built footprint and volume on the site. In addition, none of the three dwellings would exceed 8m in height, (the maximum height of existing buildings being 8.02m) and there would be generous gaps between each of the three houses. A large number of lorries currently parked on the land would also be removed from the site as a result of the proposal. Taken together, it is considered that these elements would ensure that the proposal would not have a greater impact on the openness of the Green Belt than the existing development.

6.5 In terms of whether the proposal would conflict with the purposes of the Green Belt, the application site is well contained by established boundaries and none of the proposed dwellings would project further into the Green Belt than existing. As such, it is not considered that the proposal would lead to encroachment in the countryside. Furthermore, it would not conflict with the other purposes of the Green Belt such that it would not result in the unrestricted sprawl of large built-up areas, the merging of neighbouring towns, harm to the setting and special character of historic towns, or prevent urban regeneration.

6.6 Overall, it is not considered that the proposal would harm the Green Belt.

### **The impact of the proposal on the character and appearance of the area**

- 6.7 The area is characterised by large dwellings in generous sized plots backing on or lying adjacent to open fields. The previously refused scheme (14/03994) involved six new houses and was considered to be very suburban in its layout, design and form. The houses would have been sited on much smaller plots than the surrounding pattern of development and would have detracted from the character of the area.
- 6.8 The current proposal involves three individually designed houses set within more spacious plots that are more compatible to the prevailing character of the area. As such, it is not considered that the proposed development would harm the character and appearance of the area.

### **The impact on the living conditions of neighbours**

- 6.9 Open fields lie to the east, south and west of the site. The nearest neighbouring property to the proposed development would be 'Tanglewood' sited to the north-west approximately 25m from its closest point with the house on Plot 1. The first floor rear of Plot 1 would face the rear garden of 'Tanglewood', but would not look directly into any windows on this property nor the private amenity space immediately to its rear. Given the separation distance between the properties it is not considered the property on Plot 1 would cause direct loss of privacy to 'Tanglewood'. The new houses proposed on Plots 2 and 3 would not lead to any loss of privacy issues as they would be at least 50m from the nearest neighbours.
- 6.10 The scale and siting of the proposed houses, together with the distances separating them from the neighbours means that the development would not appear overbearing. In addition, given the orientation of the sun and the positions of the proposed houses the development would not cause any loss of sunlight to the neighbours.
- 6.11 The proposal would result in the removal of a fairly unneighbourly use from the land; the current use involves frequent movements into, around and out of the site by articulated lorries, which are quite noisy and create fumes. The redevelopment of the site as proposed would result in a form of development that would be far more sympathetic to the living conditions of neighbours.

### **Highway and parking issues**

- 6.12 The site has the benefit of an existing access point via a crossover about 10m wide which tapers down to 5.0m to the gated access road. Visibility is unrestricted in each direction at the junction with Oakley Green Road and is considered to be sufficient to serve the level of residential development which is currently proposed.
- 6.13 Plots 1 & 2 (5 beds) and Plot 3 (6 beds) are all to be provided with double or triple garaging and surface parking space on driveways to more than comply with the requirements of the Council's parking standards. Additionally, the site layout plan Drawing. No 13-P895-10 makes provision for on-site turning space for use by service/delivery vehicles.
- 6.14 The proposed residential development is likely to generate between 32 and 48 vehicle movements per day. This represents a reduction in the number of daily vehicle movements that has in the past been generated from the commercial use of this site (the Transport Statement submitted in respect of the previous proposal for 6 dwellings on this site quoted 84 daily vehicle movements, 34 of which were heavy goods vehicle movements).
- 6.15 The Highway Authority raises no objections to the application subject to conditions in respect of a construction management plan and parking and turning to be provided prior to occupation. (conditions 8 and 9 respectively).

### **Ecology**

- 6.16 As the proposal involves the removal of buildings from the site, a bat survey has been submitted with the application. At the time of writing, the Council's Ecologist's has yet to provide advice on this, but it is expected that this will be available to report on the day of the Panel.

## 7. ASSOCIATED INFRASTRUCTURE IMPROVEMENTS

- 7.1 The impact of the proposal on local infrastructure and services would be limited due to its location and scale. As such, it is not appropriate to seek S106 contributions under this application.

## 8. CONSULTATIONS CARRIED OUT

### Comments from interested parties

10 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 25<sup>th</sup> February 2016.

1 letter of support has been received, summarised as:

Comment	Where in the report this is considered
1. From the neighbours at Willow Court Farm – Fully support the application. For three houses only, that are attractive and well designed. This residential proposal will benefit this Green Belt location and we would be happy to see the application approved.	Noted.

### Statutory consultees

Consultee	Comment	Where in the report this is considered
Bray Parish Council	Comments awaited.	To be reported at Panel.
Highway Authority	No objections subject to conditions.	6.12 – 6.16

### Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Environmental Protection	Recommends informatives in respect of hours of construction, dust and smoke controls to be attached to any approval.	Noted.

## 9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Site layout
- Appendix C – Plot 1 Floor plans and elevations
- Appendix D – Plot 2 Floor plans and elevations
- Appendix E – Plot 3 Floor plans and elevations
- Appendix F – Site section and proposed garages

This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. The Case Officer has sought

solutions to these issues where possible to secure a development that improves the economic, social and environmental conditions of the area, in accordance with NPFF.

In this case the issues have been successfully resolved.

## **10. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED**

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 No development shall take place until details of the materials to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.  
Reason: In the interests of the visual amenities of the area. Relevant Policy DG1.
- 3 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. Relevant Policy Local Plan DG1, GB2.
- 4 Irrespective of the provisions of Classes A, B and E of part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no enlargement, improvement or any other alteration (including the erection of any ancillary building within the curtilage) of or to any dwellinghouse the subject of this permission shall be carried out without planning permission having first been obtained from the Local Planning Authority.  
Reason: The site is in the Green Belt and whilst the development subject to this permission complies with the Green Belt policy further development would be unlikely to do so, Relevant Policies - Local Plan GB1, GB2, DG1.
- 5 No development shall commence until details of the siting and design of all walls, fencing or any other means of enclosure (including any retaining walls) have been submitted to and approved in writing by the Local Planning Authority. Such walls, fencing or other means of enclosure as may be approved shall be erected before first occupation of the development unless the prior written approval of the Local Planning Authority to any variation has been obtained.  
Reason: To ensure the satisfactory resultant appearance and standard of amenity of the site and the surrounding area. Relevant Policy - Local Plan DG1, GB2.
- 6 Within one month of the substantial completion of the development the buildings shown to be removed on the approved plans, shall be demolished in their entirety and all materials resulting from such demolition works shall be removed from the site. In addition, the use of the land for parking shall cease and all vehicles removed from the site, other than those associated with the approved residential development.  
Reason: To prevent the undesirable consolidation of development on the site having regard to its Green Belt location. Relevant Policies - Local Plan GB1, GB2, DG1.
- 7 The measures set out in section 3 of the Design, Access and Sustainability Statement accompanying the application shall be implemented in accordance with the statement prior to the first occupation of any unit, unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of the development.  
Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development and to comply with the Council's SPD on 'Sustainable Design and Construction.'
- 8 No part of the development shall be occupied until vehicle parking and turning space has been

provided, surfaced and marked out in accordance with the approved drawing. The space approved shall be kept available for parking and turning in association with the development.

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

- 9 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.

- 10 No tree or hedgerow shown to be retained in the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be lopped or topped other than in accordance with the approved plans and particulars or without the prior written approval of the Local Planning Authority, until five years from the date of occupation of the building for its permitted use. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 Tree work. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate vicinity and that tree shall be of the same size and species unless the Local Planning Authority give its prior written consent to any variation.

Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1, N6.

- 11 Prior to any equipment, machinery or materials being brought onto the site, details of the measures to protect, during construction, the trees shown to be retained on the approved plan, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full prior to any equipment, machinery or materials being brought onto the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. These measures shall include fencing in accordance with British Standard 5837. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written approval of the Local Planning Authority.

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

- 12 No development shall take place until full details of both hard and soft landscape works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season following the substantial completion of the development and retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its prior written consent to any variation.

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

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

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