

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

**WINDSOR RURAL DEVELOPMENT CONTROL PANEL**

19 October 2016

**Item: 1**

<b>Application No.:</b>	16/02133/OUT
<b>Location:</b>	Breakers Yard And Land Adjacent To Breakers Yard Gloucester Drive Wraysbury Staines
<b>Proposal:</b>	Outline application with all matters reserved: Erection of 6 x detached dwellings with associated works
<b>Applicant:</b>	Mr Griffin
<b>Agent:</b>	Mr Kevin Davies - Robert Davies John West Ltd
<b>Parish/Ward:</b>	Wraysbury Parish/Horton & Wraysbury Ward
<b>If you have a question about this report, please contact:</b> Claire Pugh on 01628 685739 or at <a href="mailto:claire.pugh@rbwm.gov.uk">claire.pugh@rbwm.gov.uk</a>	

**1. SUMMARY**

- 1.1 This application seeks outline planning permission for 6 detached dwellings (and associated works), with all matters reserved. The scheme proposes the removal of a car breakers yard (which is a lawful use established with the passage of time), with the new dwellings shown on land which is undeveloped.
- 1.2 This assessment can only consider whether the principle of residential development is acceptable. As such the main considerations are whether the proposed development is acceptable within the functional flood plain, and whether it is acceptable within the Green Belt.
- 1.3 The development is not acceptable within the functional flood plain, as set out in National Planning Policy, and the application has not demonstrated that the scheme would not reduce the capacity of floodplain storage, or that a safe means of escape can be provided for future occupiers of the dwellings.
- 1.4 The development is considered to be inappropriate development within the Green Belt, and whilst it is considered that a case of Very Special Circumstances can be made, it is not considered that these VSC outweighs the other harm identified in relation to flood risk. The application is therefore inappropriate development in the Green Belt and is recommended for refusal.

**It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 10 of this report):**

<b>1.</b>	The scheme for residential development is a form of inappropriate development within the functional flood plain. In addition, it has not been satisfactorily demonstrated that the development would not reduce the capacity of the floodplain storage. The scheme also fails to provide a safe means of escape for future occupiers of the dwellings in the event of a flood.
<b>2.</b>	The information submitted within this application does not provide a suitable basis for assessing that the risk of pollution to controlled waters is acceptable in the Source

	Protection Zone.
<b>3</b>	The Very Special Circumstances (VSC) does not outweigh all other harm arising from the development and so the proposal is inappropriate development in the Green Belt.

## **2. REASON FOR PANEL DETERMINATION**

At the request of Councillors Rayner and Lenton if the recommendation of the Head of Planning is for refusal, for the reasons that it has received local support and would provide much needed housing.

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

- 3.1 The application site relates to land on Gloucester Road in Wraysbury. Part of the application site is used (and is a lawful use) as a breakers yard. The use of this land extends to the north-eastern part of the application site. The remainder of the application site comprises overgrown scrubland.
- 3.2 Residential properties are situated to the south and west of the application site.
- 3.3 The site is within the functional floodplain (floodzone 3B) and the Green Belt.

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

<b>Ref.</b>	<b>Description</b>	<b>Decision and Date</b>
471383	Certificate of Lawful Use for the breaking up of motor vehicles and machinery storage and parking of cars and the temporary parking of cars for the purpose of business.	Granted on 15 <sup>th</sup> November 1993

- 4.1 The application seeks outline permission for the erection of 6 detached dwellings with all matters reserved. An indicative layout plan shows the positioning of the 6 dwellings on the existing scrub land, following the building line of the dwellings facing Gloucester Drive. This plan also shows the removal of the breakers yard, and this land is shown as private garden area. The indicative layout shows biodiversity improvements.
- 4.2 It should however be noted that despite what is shown on the indicative layout plan, as this is an outline application with all matters reserved, details of siting, access, appearance and landscaping cannot be considered under this application. This consideration of these matters would have to be considered under a reserved matters or full planning application.

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

### 5.1 National Planning Policy Framework Sections:

Section 32- Transport

Sections 87, 88 and 89- Development in Green Belt

Section 101-103- Flood Risk

### Royal Borough Local Plan

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

Within settlement area	Highways and Parking	Flood Risk	Green Belt	Pollution to water
DG1, H10, H11	P4, T5	F1	GB1, GB2	NAP4

### Other Local Strategies or Publications

### 5.3 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment - view at:
- RBWM Parking Strategy - view at:

More information on these documents can be found at:

[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)

## 6. EXPLANATION OF RECOMMENDATION

### 6.1 The key issues for consideration are:

- i Development within the Green Belt;
- ii Development within the Flood zone;

### Development within the Green Belt

#### Whether the proposal would constitute an appropriate form of development in the Green Belt

6.2 The applicant has made the case that the development would be appropriate development in the Green Belt, in accordance with paragraph 89 of the NPPF which allows for the limited infilling or the partial or complete redevelopment of previously developed sites whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

6.3 It is not considered that the development would comprise appropriate development in the Green Belt, under the provisions of paragraph 89, as the application site extends around land (the scrubland) which is not considered to be previously developed land. It is clear from looking at the site plan which depicts the lawful use of the car breakers yard and temporary parking that this only relates to the land in the north eastern part of the application site. The scrub land, which is shown to be developed for housing on the indicative layout plan, is not used in connection with the Breakers

yard; there is no operational links between the use of the Breakers Yard and this scrubland, and the only apparent common factor they have is that all of the land is in the ownership of the applicant. Only the land which has the lawful use of the Breakers Yard (as shown on the certificate) could be considered as previously development land. The application site boundary extends to a large area of land which would not be considered previously developed land. As such, it is not considered that redevelopment of the application site to provide 6 dwellings would constitute an appropriate form of development in the Green Belt, in line with National Planning Policy.

- 6.4 Inappropriate development in the Green Belt is by definition, harmful to the Green Belt. Having established the 'in principle' harm from the development being inappropriate, it is necessary to identify if the development physically harms the Green Belt. The existing use of the car breakers yard impacts upon the openness of the Green Belt. There are no planning restrictions which limit the number of vehicles to be stored, or limit the height to which cars are stacked. In respect of any other restrictions, the operator of the yard is required to comply with the requirements of the site licence issued by the Environment Agency. Under this licence the operator can store up to a maximum of 1000 vehicles. At the current time, the applicant advises that vehicles being 'broken' are stacked one or two cars high. There are approximately 100 cars being broken for spares. There are a further 80 or so cars 'stripped and crushed' ready for collection/ recycling and stacked to approximately 5m in height. These are stored and collected periodically. Looking at what could be stored on the site (through the EA licence), it is evident significantly more vehicles could be stored on site, and this would have a significant impact on the openness of the Green Belt, although it is not known if the site has operated close to this capacity.
- 6.5 In respect of the proposed development, scale parameters have not been set, however, the applicant indicates that these dwellings would be similar in scale to neighbouring dwellings on Gloucester Drive. It is considered that the development (although the scale or appearance is not a matter for consideration here) could have a modest improvement to the openness of the Green Belt, compared with the existing use if it was operating a full capacity.
- 6.6 The proposal is contrary to the NPPF and Local Plan Policies. The application could only be approved, if 'Very Special Circumstances' (VSC) clearly outweigh the harm to the Green Belt caused by inappropriateness and any other harm. The applicant has made a case for VSC and this is considered at the end of the report under the 'Planning Balance' after consideration of all the other issues.

#### **Development within the Flood zone**

- 6.7 The application site is situated within the functional flood plain (flood zone 3B). Residential development (is a more vulnerable use in respect of flood risk) is inappropriate development within this floodzone, in accordance with National Planning Policy. The principle of residential development in this flood zone is not acceptable. As the residential development is inappropriate within the functional floodplain, there is no requirement under National Planning Policy to apply the Sequential or Exceptions Tests.
- 6.8 In terms of impact on the floodplain storage, insufficient detail is contained in the Flood Risk Assessment to assess the impact of the existing authorised use of the site, and how the proposed development would impact on the capacity of the floodplain storage. However, if the scheme for dwellings incorporated voids (which were set above the 1 in 100 year climate change flood level), this could see a betterment to the capacity of the floodplain. However, given the lack of information

contained in the Flood Risk Assessment and the lack of detail provided for the proposed dwellings (as this is an outline application with all matters reserved), it is not possible to determine whether the proposed development would reduce the capacity of the floodplain to store water.

- 6.9 In accordance with the National Planning Policy Framework and Local Plan Policy F1, a safe means of escape for future occupiers of the proposed dwellings is required to be provided. The submitted Flood Risk Assessment (FRA) does not demonstrate that a safe means of escape for future occupiers can be provided. The Flood Risk Assessment sets out that a safe refuge within the property is available should flooding affect the surrounding area, and that a flood evacuation plan could be adopted for the site to allow future occupiers to leave the dwellings to an area outside of the flood zone in good time. It is not considered that these two points (area of refuge and flood evacuation plan) would overcome the concern that future occupiers would not have a safe means of escape in the event of a flood. If future occupiers stay in their houses in the event of a flood, this is likely to put pressure on emergency services to rescue them, and occupiers of the dwellings are unlikely to leave their houses and possessions if flood warnings are issued, despite being signed up to a flood evacuation plan.

### **Pollution to groundwater**

- 6.10 The application site is located within a Source Protection Zone (SPZ) 3 for a potable supply abstracting from the gravel aquifer. The site is also within the flood plain of the River Thames and a stream (County Ditch) denotes the north-eastern boundary of the site. Groundwater in are likely to be at shallow depth under this site. Therefore, the site is a fairly sensitive location regarding groundwater protection.
- 6.11 It is not considered that the information submitted provides a suitable basis for assessing that the risk of pollution to controlled waters is acceptable. The application fails to provide assurance that the risks of pollution are understood and can be addressed through appropriate mitigation measures, as a preliminary risk assessment (including a desk study, conceptual model and initial assessment of risk) has not been submitted. The application therefore fails to meet the requirements of paragraph 109 of the NPPF, and Policy NAP4 of the Local Plan.

### **Ecology**

- 6.12 Subject to the mitigation set out in the ecological report it is considered the scheme would have an acceptable impact on protected species. The ecology report and Design and Access Statement provide details of a number of ecological enhancements which are to be incorporated within the proposed development which include native species planting, creation of reedbeds and the installation of bird and bat boxes on suitable retained trees.

### **VSC and the Planning Balance**

6.13 The applicant has provided a case of Very Special Circumstances, as they were made aware that officers were not in agreement that the development would accord with the provisions of the NPPF for development of previously developed land in the Green Belt. The VCS put forward by the applicant are:

- *The development would result in the removal of the existing use from the site, which is harmful to the openness of the Green Belt (This is not considered to be VSC)*
- *The scheme for residential development would improve the openness of the Green Belt (This is considered to be VSC)*
- *Although it could be argued that the application exchanges one form of encroachment for another, the degree of encroachment resulting from this new housing development would be geographically, visually and environmentally better related to the existing settlement and more environmentally appropriate than the existing use of land. (This is not considered to be VSC)*
- *At paragraph 81 of the NPPF, it states that local planning authorities should plan 'positively' to enhance the beneficial use of the green belt by, amongst other things, looking for opportunities to retain and enhance landscapes, visually amenity and biodiversity, or to improve damaged and derelict land. This scheme represents an obvious opportunity to positively enhance the beneficial use of the green belt by removing from this area an inappropriate use that has caused serious damage to the land on which is located, and to make beneficial use of unused wasteland immediately adjacent to the existing settlement. (This is not considered to be VSC).*
- *The scheme will allow biodiversity improvements to the area (This is not considered to be VSC).*
- *The application site lies within the recognised settlement of the Green Belt. Although it is not the purpose of the application site in the development plan, it is questionable whether the green belt notation should wash over the settlement of Hythe End. The development around the application site has a very urban form and appearance, and none of the characteristics of a more rural settlement. (This is not considered to be VSC).*
- *Policy GB3 of the Local Plan allows for infilling in recognised settlements in the Green Belt. This would suggest that when the proposals map was first approved in 1999, the LPA had in mind, the opportunity that at sometime in the future, this site might come forward for development. Had this not been the case, the policy-maker would have drawn the settlement boundary line either along the back edge of the highway on Gloucester Drive or along a consistent line with the rear (north boundaries of Nos 43 and 65 Gloucester Drive). (This is not considered to be VSC).*
- *The scheme comprises limited infilling in the recognised settlement, in accordance with Local Plan Policy GB3. (This is not considered to be VSC).*
- *When the Local Plan was adopted, the car breakers yard was in use (with benefit of Lawful Development Certificate). It is considered that the LPA recognised this when they drew the recognised settlement boundary to include all of the application site. (This is not considered to be VSC).*
- *The location of the Colne Valley Park (the application site is situated to the south of this) is a VSC in this case. The Colne Valley Park covers over 40 square miles. The Valley hosts a mosaic of farmland, woodland and water with 200 miles of river and*

canal and over 60 lakes. It is also a living, working environment, providing employment and homes for many people as well as being a haven for wildlife. The objectives of the Colne Valley Park are:

- o *To maintain and enhance the landscape*
- o *To safeguard the countryside*
- o *To conserve and enhance biodiversity*
- o *To provide opportunities for countryside recreation*

*All of these objectives would be served by the application.* (It is not understood how this scheme would meet these objectives- this is not considered to be VSC).

- *The application shows the retention of reed nettle beds and wet woodland feature which are complimentary to this objective of the CVP and plainly the removal of contaminated ground and a potential pollutant would support this objective.* (This is not considered to be VSC).
  - *The application would indirectly support opportunities for countryside recreation; the application site adjoins the Church Lammas Lakes area in the Borough of Spelthorne. This is an area of common land with the public access that is used for recreational purposes and forms part of the extensive chain of footpaths and cycleways that link up throughout the area and northwards towards Staines Moor and beyond. The removal of the unsightly existing car breakers yard use will contribute to the recreational experience of members of the public walking along the lake edge north of the site.* (This is not considered to be VSC).
  - *The scheme would help support the planning objectives for the Borough of Spelthorne (neighbouring authority). Church Lammas Lakes adjoins the application site, and is identified as common land; the Council policy states that opportunities will be sought to secure landscape enhancement and improvements to biodiversity in association with new development and it will oppose developments that would have significant adverse impact on the landscape or features of nature conservation.* (This is not considered to be VSC).
  - *Spelthorne Core Strategy makes reference to the objectives of the Colne Valley Park and projects that contribute to the objectives of the Park will be supported by the Council.* (This is not considered to be VSC).
- 6.15 In terms of the VSC put forward, it is considered that the development would remove a use which is harmful to the openness of the Green Belt. In terms of the impact on openness, if 1000 vehicles were stored on site this is likely to have a significant impact on the openness of the Green Belt.
- 6.16 The applicant refers to paragraph 81 of the NPPF; it is not considered that this strand of the NPPF is applicable to this proposal. This part of the NPPF is referring to plan making, so that local planning authorities devise local plan policies to plan positively to enhance beneficial use of the Green Belt.
- 6.17 Given that biodiversity enhancements could be made to the existing scrubland, without this residential scheme, this is not considered to be a compelling part of the VSC. Also, reference is made to the removal of contaminated land, however, a report identifying what land is contaminated and what remediation can be put in place has

not been submitted with this application, and on this basis this is not considered to form strong VSC.

- 6.18 It is not considered that as the application site falls within the recognised settlement of the Green Belt that it means the LPA had in mind the development would come forward for development. The Council has no evidence (and the applicant has not provided any) that this was the intention of the Council when the boundary was drawn, and so this point is given limited weight. Also, it is not considered that this development would constitute infilling in the recognised settlement as set out in Policy GB3. This policy is clear that this relates to closing a small gap in an otherwise built up frontage. It is not considered that this scheme is a small gap in an otherwise built up frontage.
- 6.19 As part of the VSC, much emphasis is placed on the benefits this scheme would have for Spelthorne Borough Council as a neighbouring authority. Spelthorne Borough Council has commented that they raise no objection to the proposal. Whilst the Council is not raising an objection, they are not offering comments of support. The removal of the car breakers yard may offer some benefit, but there is no a convincing argument put forward as to how this would significantly improve the Lammas Lakes in terms of landscape and biodiversity improvements. This benefit is given limited weight in terms of comprising Very Special Circumstances.
- 6.20 The VSC case in respect of the removal of an unneighbourly use in a predominantly residential area, the removal of underground tanks (as part of the remediation of the site), and the improvement to openness of the Green Belt are considered to be the points which constitute VSC; the other points made by the applicant in respect of VSC are not considered to very compelling.
- 6.21 However, the case of VSC does not just have to outweigh the harm to the Green Belt (by reason of its inappropriateness), it also has to outweigh any other harm (see paragraph 88 of the NPPF).
- 6.22 In this case, residential development is inappropriate in the functional floodplain. The application has not demonstrated that the scheme would not reduce the capacity of the floodplain. In addition, it has not been demonstrated that a safe means of escape can be provided for future occupiers in the event of a flood event. The harm in respect of the development and flood risk is considered to be significant, and it is not considered that the VSC put forward outweighs this harm.
- 6.23 Paragraphs 7 and 14 of the National Planning Policy Framework (NPPF) set out that there will be a presumption in favour of Sustainable Development. Paragraph 49 of the NPPF states that applications for new homes should be considered in the context of the presumption in favour of sustainable development, and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. It is acknowledged that the Council cannot demonstrate a five-year supply of deliverable housing sites.
- 6.24 It is acknowledged that this scheme would make a contribution to the Borough's housing stock. However, it is the view of the Local Planning Authority that that the socio-economic benefits of the additional dwellings would be significantly and demonstrably outweighed by the adverse impacts arising from the scheme proposed, contrary to the adopted local policies, all of which are essentially consistent with the NPPF, and to the development plan as a whole.



## Affordable Housing

- 6.25 The applicant has stated that the floorspace of the proposed dwellings will not exceed 1000 square metres in floorspace. If the amount of floorspace did exceed 1000 square metres, then the in accordance with the requirements of the National Planning Practice Guidance, affordable housing would need to be provided.

## Other Material Considerations

- 6.26 Concern is raised over the loss of the business use, however, this is not an allocated employment site, and so there is no planning policy objection to the loss of this business, or required for it to be re-provided elsewhere.
- 6.27 The indicative layout plan showed potential changes to garden boundaries of dwellings on Gloucester Drive; an amended layout plan was received which removed reference to this.

## 7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 The proposal is CIL liable; the amounts required by CIL would be calculated at a reserved matters stage.

## 8. CONSULTATIONS CARRIED OUT

### Comments from interested parties

18 occupiers were notified directly of the application.

The planning officer posted a site notice advertising the application at the site on the 18<sup>th</sup> July 2016.

3 letters were received supporting to the application, summarised as:

	Comment	Where in the report this is considered
1.	Supportive of the planning application, and comments many other residents of Gloucester Drive are.	Noted.
2.	Removing the Breakers Yard and building on the adjacent waste land would make Gloucester Drive a fully residential and greatly improve the environment of this area of Wraysbury.	Noted.
3	Our property backs onto the Breakers Yard and during this time we have had cause to register complaints with the Council on a number of occasions regarding the use of the Yard. We are writing to state that we fully support the planning application that has been submitted to build 6 detached houses, remove the Breakers Yard and extend the rear gardens.  We firmly believe the development will improve Gloucester Drive by... -Removing the large heavy commercial vehicle traffic that services the Breakers Yard -Remove an inappropriate commercial activity from a predominately residential area	6.20

	<p>-Removing the risk of pollution from oil and vehicle fluids seeping into the County Ditch that flows directly into the River Thames</p> <p>-Making Gloucester Drive a fully residential area which was the original Borough Plan when we purchased the property.</p> <p>This is a great opportunity to enhance the area and provide quality housing in an often forgotten part of Wraysbury.</p>	
--	---	--

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

	Comment	Where in the report this is considered
1.	As the site is within flood zone 3, the development will take up land that currently absorbs flood water, and the houses will displace flood waters. As such they would like to see additional flood defences put in place.	6.7-6.9
2.	Would ask for traffic speed control measures to be put in place.	4.2
3.	It would be a shame if this local business was lost; there has been a lot of closures of breaker's yard in the M25 area.	6.24
4.	Have some concerns over heavy vehicles using the Drive. Would like to see double yellow lines introduced- could be during construction, or on a permeant basis.	4.2
5	Concern if Breakers Yard is removed that vehicles will be dumped- the Council should find another site for this use.	6.26
6	Concerns over the potential extension to rear gardens and their boundaries.	6.27

One letter of objection was received, but was anonymous and so cannot be reported.

### Statutory Consultees

Consultee	Comment	Where in the report this is considered
Environment Agency	<p>In accordance with paragraphs 101 to 103 of the NPPF, the associated NPPG) and saved policy F1 of the RBWM Local Plan (adopted 2003) we object to this application because the proposed 'more vulnerable' residential development falls into a flood risk vulnerability category that is inappropriate to the flood zone in which the application site is located.</p> <p>The National Planning Policy Framework (NPPF) and the associated National Planning Practice Guidance (NPPG) classifies development types according to their vulnerability to flood risk and gives guidance on which developments are appropriate in each flood zone. Based on the indicative layout, the site falls with flood</p>	6.7-6.12

	<p>zone 3b (5% AEP flood extent). This is defined in the NPPF and NPPG as having a 'high probability' of flooding from rivers and the land where water <i>has</i> to flow or be stored in times of flooding.</p> <p>The development type in the proposed application is classified as 'more vulnerable' development. The NPPF and NPPF make clear that this type of development is <b>not compatible</b> with this Flood Zone and should <b>not</b> therefore be permitted. Furthermore, the proposed development will place additional people and properties at increased flood risk. This is contrary to saved policy F1 of the RBWM local plan (adopted 2003).</p> <p>Even if the applicant could demonstrate the site is located outside of flood zone 3b, we currently would also object to the proposed development for the following reasons:</p> <ul style="list-style-type: none"> <li>- The submitted FRA does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular, we are unable to determine the impact of the proposals on the floodplain storage up to the 1 in 100 year with an appropriate allowance for climate change. We are therefore unable to determine if the proposed dwellings will displace flood water and therefore, increase flood risk elsewhere. This would be contrary to saved policy F1 of the RBWM local plan and paragraph 103 of the NPPF. The submitted FRA also fails to take the impacts of climate change into account using the current allowances which were published on 19 February 2016.</li> <li>-The information submitted within this application does not provide a suitable basis for assessing that the risk of pollution to controlled waters is acceptable. The application fails to provide assurance that the risks of pollution are understood and can be addressed through appropriate mitigation measures, as a preliminary risk assessment (including a desk study, conceptual model and initial assessment of risk) has not been submitted.</li> </ul>	
--	--	--

### Other Consultees

Consultee	Comment	Where in the report this is considered
Parish Council	It is felt that a small development of 6 properties would improve the area. A proportion (20%) of smaller properties would be preferred. There needs to be clarification of the boundary lines and the flood plain.	See main report.

Environmental Protection	Recommends conditions for contaminated land and for details of acoustic measures against aircraft noise.	Noted.
Highway Authority	<p>The existing breakers yard is likely to generate varied vehicle movements per day and even at weekends. A traffic survey was included within the Traffic Impact Assessment document and showed that within one day during the times of 07:00 – 10:00 &amp; 16:00 – 19:00 the site generated a total of 3 two way trips in both AM and PM peak hours.</p> <p>It is believed with changing the use of the site to C3 residential will significantly increase the vehicular activity with the information provided from the Traffic Impact Assessment. Our current standards state a 4 bedroom dwelling has the potential to generate 8 to 16 vehicle movements per day meaning the site as a whole has the potential to generate 48 to 96 vehicle movements per day.</p> <p>The types of vehicles which tend to visit a breakers yard tend to be large HGV'S, vans and flatbed trucks. Therefore with changing the use of the site into residential which generates cars and small vans can be seen as a highway gain improving highway and pedestrian safety along Gloucester Drive which is all residential.</p> <p>In principle the Highways Authority offers no objection to the proposal subject to providing more detailed information for the Full Application.</p>	Noted.
Natural England	<p>The application site is in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitat and Species Regulations 2010, as amended (the 'Habitats Regulations'.) The application site is in close proximity to the South West London Waterbodies Special Protection Area (SPA) which is a European Site. This site is also in close proximity to the Staines Moor Site of Special Scientific Interest (SSSI) and Wraysbury and Hythe End Gravel Pits SSSI. However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be a significant effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted. We therefore advise your authority that the above mentioned designated sites do not represent a constraint in determining this application.</p>	Noted.
Council's Ecologist	<p>The areas of wetland habitat, nettles and scrub have some potential to support reptiles. All native species of reptile are protected from killing and injury under the Wildlife and Countryside Act (1981) as amended. In addition, all common native species of reptile are Species of Principal Importance under Section 41 of the NERC Act 2006 and receive further protection through national planning policy. Under half of the</p>	6.13

existing reptile habitat is to be lost to facilitate development and the area which is currently in use as a breakers yard is to be enhanced for wildlife including reptiles.

The retained habitat and newly created habitat will act as an onsite receptor site for reptiles. A reptile mitigation strategy has been provided within the ecology report in order to safeguard reptiles during and post development. Should the Local Planning Authority be minded to grant planning permission, it is recommended that a suitably worded condition is incorporated to ensure the implementation of the reptile mitigation strategy.

The buildings on site were all deemed unsuitable to support roosting bats. One tree (a willow) situated along the eastern boundary, was recorded as having potential to support roosting bats. Under the current development proposals, this tree is to be retained and protected and therefore no further survey is necessary.

Paragraph 125 of the NPPF states “By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation”. As one tree has been recorded as having the potential to support roosting bats and the area could provide suitable foraging habitat for bats, it is recommended that a sensitive lighting strategy is prepared and implemented across the development so that lighting is directed away from ecologically sensitive areas of the site including the willow tree and boundary vegetation, in particular the vegetation along the ditch.

#### Water vole

A small section of the ditch to the north of the site was recorded as having the potential to support water vole, although following inspection, no evidence of water voles was recorded. A precautionary approach, in line with the ecologist’s recommendations, should be undertaken during development to protect the banks and ditch itself from damage and in order to prevent the killing, injury or disturbance of water voles.

#### Breeding birds

The vegetation on site including trees and scrub was recorded as having the potential to support breeding birds. Breeding birds, their eggs and active nests are protected by the Wildlife and Countryside Act 1981, as amended. Although some of the breeding bird habitat is to be lost as part of the development, the proposals include the retention of much of the habitat and enhancing the site for breeding birds. The ecology report makes reference to the protection of breeding birds during development including removal of vegetation outside the breeding bird season (which spans from March to August inclusive) or else vegetation clearance

	<p>should be undertaken immediately subsequent to checks by an experienced ecologist.</p> <p><b>Biodiversity Enhancements</b>  Paragraph 109 of the NPPF states that: “The planning system should contribute to and enhance the natural and local environment by [...] minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures”. In addition, Section 40 of the Natural Environment and Rural Communities Act 2006 states that “Every public authority must, in exercising its function, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”.</p> <p>The ecology report and Design and Access Statement provide details of a number of ecological enhancements which are to be incorporated within the proposed development and include native species planting, creation of reedbeds and the installation of bird and bat boxes on suitable retained trees.</p>	
Council’s tree officer	<p>I would agree that the trees on the frontage of the site are all C category willow and sycamore. The loss of these trees would not have a significant detrimental impact on the visual amenity of the area and could be mitigated through new planning and landscaping as suggested in the report and the indicative site layout (L2288/10). If the application is approved a more detailed landscaping will be needed.</p> <p>The remaining trees on the site are mostly growing on the rear boundaries of the site and are shown to be retained and protected. The tree protection detailed in the arboricultural report and tree protection plan is suitable and will need to be conditioned.</p>	Noted.
Spelthorne Borough Council	Raises no objection.	Noted.

**9. APPENDICES TO THIS REPORT**

- Appendix A - Site location plan
- Appendix B – Indicative layout
- Appendix C- Certificate of Lawfulness
- Appendix D- Copy of site licence from the Environment Agency

Documents associated with the application can be viewed at <http://www.rbwm.gov.uk/pam/search.jsp> by entering the application number shown at the top of this report without the suffix letters.

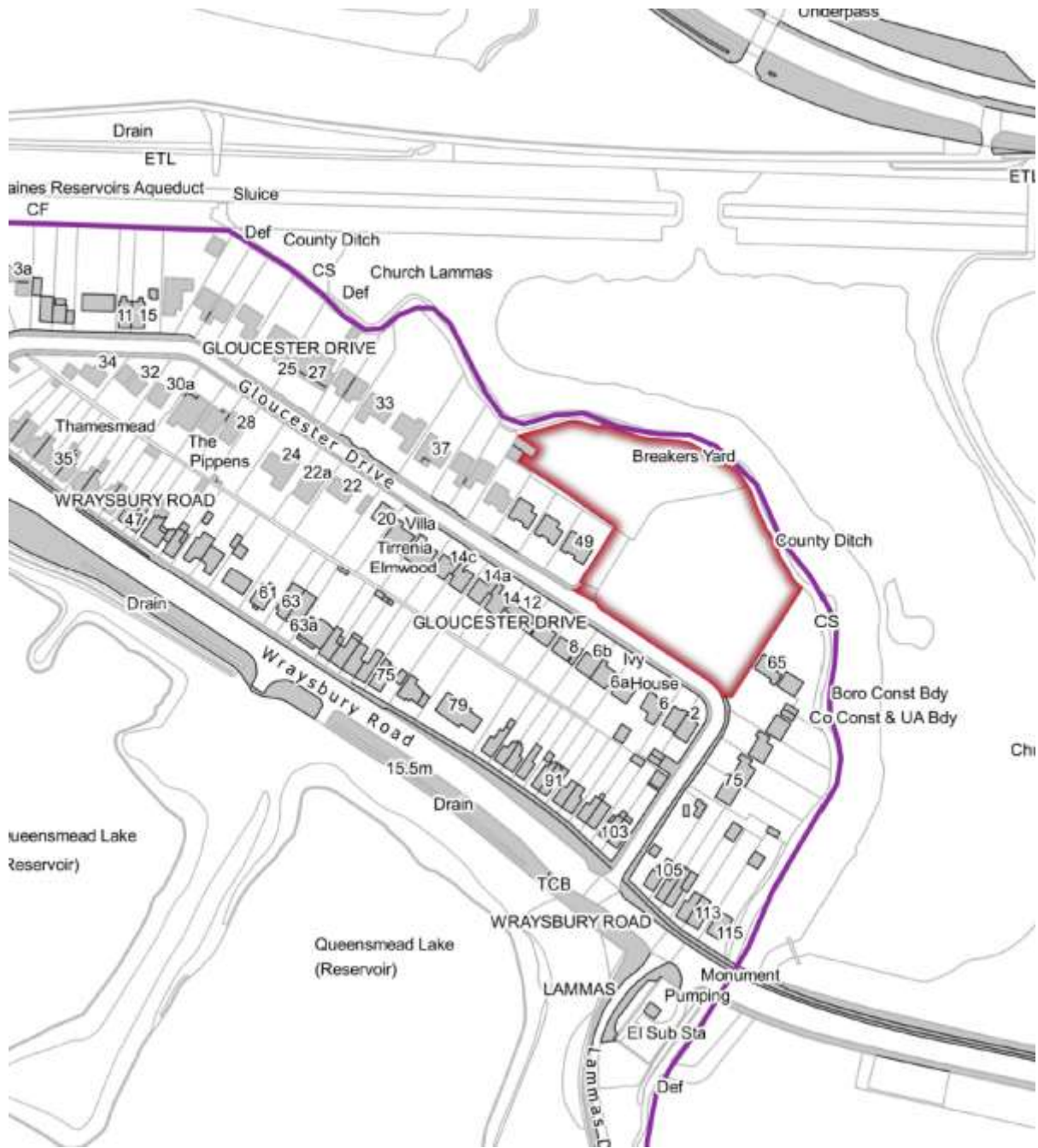
This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. The Case Officer has sought solutions to these issues where possible to secure a development that improves the economic, social and environmental conditions of the area, in accordance with NPPF.

In this case the issues have not been successfully resolved.

## **10. RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED**

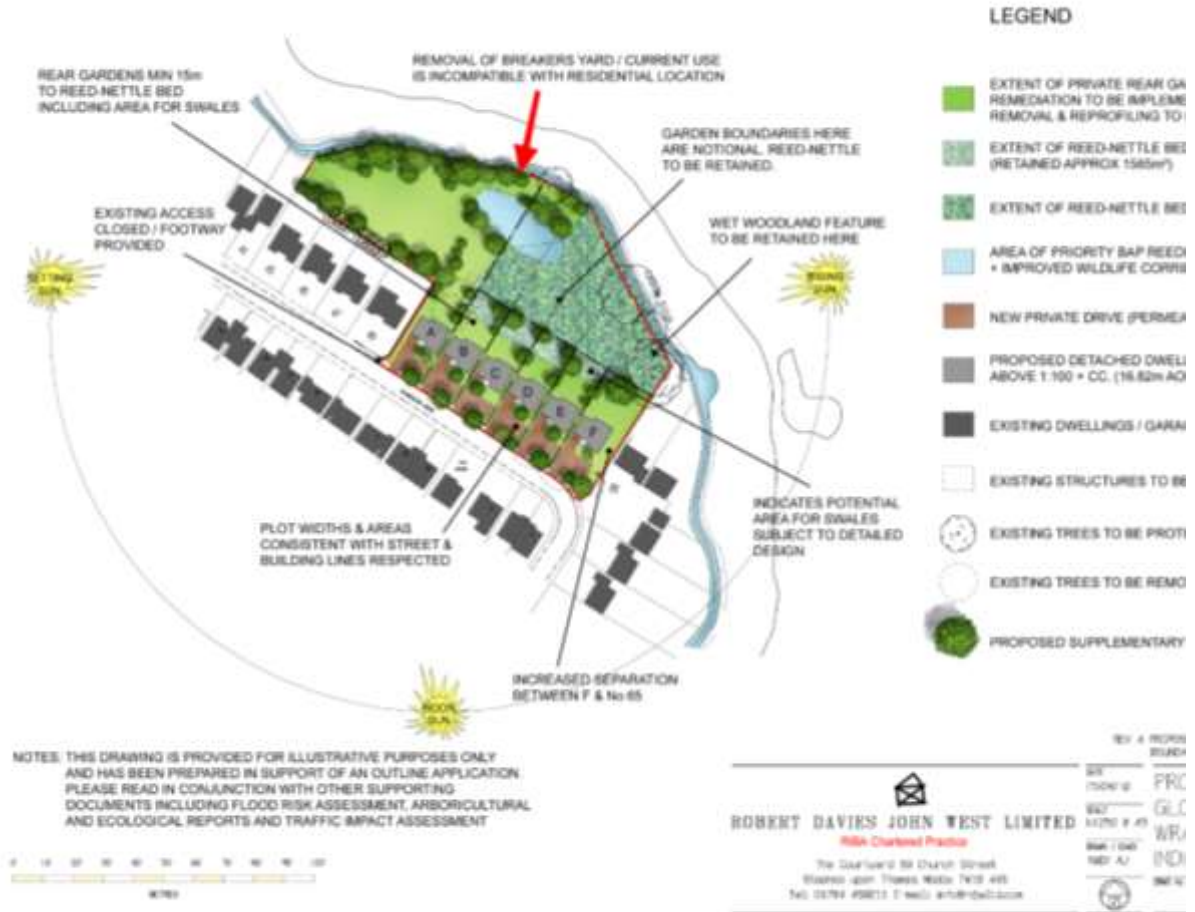
- 1 The scheme for residential development is a form of inappropriate development within the functional flood plain. In addition, it has not been satisfactorily demonstrated that the development would not reduce the capacity of the floodplain storage. The scheme also fails to provide a safe means of escape for future occupiers of the dwellings in the event of a flood. The scheme therefore fails to comply with paragraphs 101-103 of the National Planning Policy Framework and Local Plan Policy F1 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations adopted June 2003)
- 2 The application site is located within a Source Protection Zone (SPZ) 3 for a potable supply abstracting from the gravel aquifer. The site is also within the flood plain of the River Thames and a stream (County Ditch) denotes the north-eastern boundary of the site. Groundwater in are likely to be at shallow depth under this site. The application fails to provide assurance that the risks of pollution are understood and can be addressed through appropriate mitigation measures, as a preliminary risk assessment (including a desk study, conceptual model and initial assessment of risk) has not been submitted. The application therefore fails to meet the requirements of paragraph 109 of the NPPF, and Policy NAP4 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations adopted June 2003)
- 3 The Very Special Circumstances (VSC) put forward does not outweigh all other harm arising from the development and so by virtue is inappropriate development in the Green Belt, and so the development fails to accord with paragraph 88 of the National Planning Policy Framework.

Appendix A- Site location





Appendix B- Indicative Site layout



TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191 AND 192  
(as amended by section 10 of the Planning and Compensation  
Act 1991)

TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1988:  
ARTICLE 26A

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT  
APPLICATION NUMBER 471383

Berkshire County Council hereby certify that on 7 December 1992 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in Red on the plan CU 471383, attached to this certificate, was lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

1. Berkshire County Council is satisfied that the use began more than 10 years before the date stated above.

Signed *D. K. Ains* (Council's authorised officer)  
On behalf of Berkshire County Council

Date: 15 November 1993

First Schedule

On the unhatched area of the plan

The breaking up of motor vehicles and machinery  
storage and parking of cars.

On the hatched area of the plan

Temporary parking of cars for the purpose of the business  
carried on in the unhatched area of the plan.

Schedule Schedule

The Breakers Yard, Gloucester Drive, off Wryisbury Road,  
Wryisbury, Berkshire.

Notes

- 1 This certificate is issued solely for the purpose of section 191 of the Town and Country Planning Act 1990 (as amended)
- 2 It certifies that the use specified in the First Schedule taking place on the land described in the Second Schedule was lawful, on the specified date and, thus, was not liable to enforcement action under section 172 of the 1990 Act on that date.
- 3 This certificate applies only to the extent of the use described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use which is materially different from that described which relates to other land may render the owner or occupier liable to enforcement action.



Plan to accompany application 471383  
Staines Res



© Ordnance Survey 1991

CLU 471383

1:12





ENVIRONMENT  
AGENCY

## ENVIRONMENTAL PROTECTION ACT 1990. SITE LICENCE.

LICENCE REF No: EAWML/80665 FACILITY TYPE: A19 Vehicle  
Depollution &  
Dismantling  
(Authorised  
Treatment) Facility

The Environment Agency, in pursuance of Part II of the Environmental Protection Act 1990 and Regulation 45 of The End-of-Life Vehicles Regulations 2003, hereby grant a site licence authorising the keeping and treating of controlled waste on the land specified in schedule 1 to this licence to Bansals Hydraulic Limited (Company Number: 03347431, Company Registered Office: Gloucester Drive, Wraysbury Road, Staines, Middlesex, TW18 4TY) that person being in occupation of the said land, the said licence being subject to the conditions specified in schedule 2 to this licence.

### SCHEDULE 1.- SPECIFIED LAND.

The licence relates to the land at Gloucester Drive, Off Wraysbury Road, Staines, Middlesex, TW18 4TY (hereinafter called "the site") shown edged red on Drawing Reference Number BHL/1, and attached to this licence.

Signed Jean M. Matthews Name Jean M Matthews  
Authorised to sign on behalf of the Environment Agency

Dated 25 February 2008

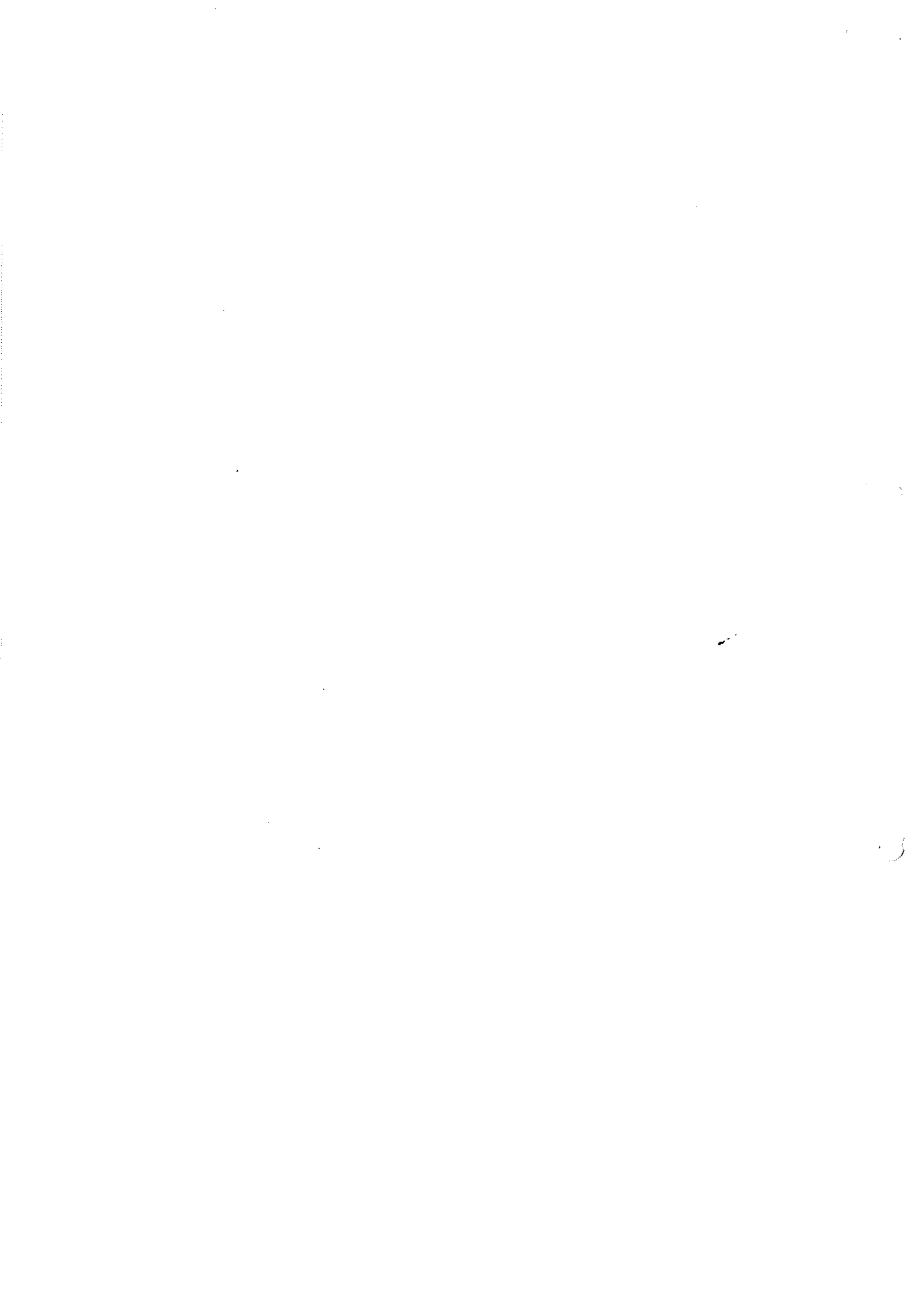
FOR ENVIRONMENT AGENCY OFFICIAL USE ONLY.

YOUR ATTENTION IS DRAWN TO THE RIGHTS OF APPEAL DETAILED IN THE NOTES AT THE  
END OF THIS LICENCE.

Environment Agency

Apollo Court, 2 Bishop Square Business Park, St Albans Road West, Hatfield, Hertfordshire, AL10 9EX  
Tel: 08708 506 506 Fax: 01707 632499





## SCHEDULE 2

### 1 General considerations

#### 1.1 **Application of conditions to all waste motor vehicles**

1.1.1 The conditions of this licence apply to the recovery (including storage) of all waste motor vehicles as defined by regulation 50 of the End-of-life Vehicles Regulations 2003.

#### 1.2 **Technical Requirements for the Treatment and Storage of waste motor vehicles**

1.2.1 The storage (including temporary storage) and treatment of waste motor vehicles shall only be carried out at the site if it meets the standards set out in Schedule 5 of the End-of-life Vehicles Regulations 2003.

1.2.2 Storage and treatment operations of waste motor vehicles shall meet the requirements of Schedule 5 of the ELV Regulations. Infrastructure and equipment provided to meet these obligations shall be maintained in working order and shall be used to give effect to their purpose.

1.2.3 The removal of coolants from air-conditioning units shall be in accordance with the "Guidance on the Recovery and Disposal of Controlled Substances Contained in Refrigerators and Freezers" published by the Environment Agency.

### 2 Specific considerations

#### 2.1 **Specified waste motor vehicle storage and treatment operations**

2.1.1 The Operator is authorised to carry out the activities specified in Table 2.1

#### 2.2 **Specified Waste Management Operations & Exempt Waste Management Operations**

2.2.1 Where wastes are being brought onto the site for waste management operations which are exempt from licensing under the 1994 Regulations, then the wastes which are subject to the specified waste management operations shall be kept clearly segregated and identified from those wastes which are being kept on the site for the exempt waste management operations.

**Table 2.1 Specified end-of-life vehicle storage and treatment operations**

Specified Operation	Permitted Waste Types (and European Waste Catalogue number) which may be subject to the Specified Operation	Limits on Specified Operations
<b>STORAGE</b>		
<b>R13:</b> Storage of wastes pending any of the operations numbered R1 to R12 (excluding temporary storage, pending collection, on the site where it is produced).	(i) 16 01 04 End of life vehicles **	<ul style="list-style-type: none"> <li>Maximum storage capacity <b>100</b> vehicles stored on an Impermeable Pavement with a sealed drainage system</li> </ul>
<b>D15:</b> Storage of wastes pending any of the operations numbered D1 to D14 (excluding temporary storage, pending collection, on the site where it is produced)	(ii) 16 01 06 End of life vehicles (containing neither liquids nor other hazardous components)	<ul style="list-style-type: none"> <li>Maximum storage capacity <b>1000</b> vehicles</li> </ul>
	(iii) Residual wastes produced as a result of depollution or further treatment	<ul style="list-style-type: none"> <li>Maximum storage capacity <b>50</b> tonnes, not exceeding <b>10</b> tonnes of hazardous waste.</li> <li>Maximum storage time of <b>1</b> year prior to disposal or <b>3</b> years prior to recovery</li> </ul> <p>The overall maximum storage capacity shall not exceed <b>1000</b> vehicles and <b>50</b> tonnes of residual waste, not exceeding <b>10</b> tonnes of hazardous waste removed from depolluted vehicles</p>
<b>TREATMENT</b>		
<b>R3:</b> Recycling / reclamation of metals and metal compounds:	(i) 16 01 04 End of life vehicles **	<ul style="list-style-type: none"> <li><b>40</b> vehicles per week</li> </ul>
<b>R4:</b> Recycling / reclamation of other inorganic materials	(ii) 16 01 06 End of life vehicles containing neither liquids nor other hazardous components)	<ul style="list-style-type: none"> <li><b>40</b> vehicles per week</li> </ul> <p>The overall annual throughput of the site shall not exceed <b>2500</b> vehicles.</p>

EWC entries marked with a \*\* may be hazardous depending on threshold concentrations. Please refer to Agency Technical Guidance WM2 or subsequent guidance for further advice

## 2.3 **Fit and proper person**

2.3.1 Any changes in the technically competent management of the site, the name of any incoming person and evidence that such a person has the required technical competence, shall be submitted to the Agency in writing within 5 working days of the change in management.

2.3.2 In the event of the Licence Holder being convicted of any relevant offence and which is in addition to any already notified to the Agency, then full details shall be provided to the Agency within 14 days following sentencing, whether or not the conviction or sentence is subsequently appealed. Such details shall include the nature of the offence, the place and date of conviction, and any fine or other penalty imposed.

2.3.3 In the event that the Licence Holder lodges an appeal against any such conviction, the Licence holder shall notify the Agency of this within 14 days of the lodging. The Licence Holder shall notify the Agency of the results of that appeal within 14 days of the appeal being decided.

#### 2.4 **Notification of change of operator's or holder's details**

2.4.1 The following information shall be notified in writing within 5 working days to the Agency:

- a any change in the Licence Holder's name(s) or address(es);
- b the operator at the time of issue of the licence and of any change in the operator or in the operator's trading name, address, registered name or registered office address (if different from the Licence Holder);

#### 2.5 **Notifications and submissions to the Agency**

2.5.1 Except where otherwise specified, all notifications and submissions to the Agency under the requirements of these licence conditions:

- a shall be made in writing to the address specified by the Agency in writing at the time of issue of this licence, or as subsequently specified by written notification to the Licence Holder
- b shall quote the licence reference number and the name of the Licence Holder.

### 3 **Site engineering for pollution prevention & control**

#### 3.1 **Engineering site containment & drainage systems**

##### *Provision & maintenance of site containment & drainage systems*

3.1.1 No waste shall be deposited, stored, treated or otherwise handled in any area of the site until the engineered site containment and drainage system for that area has been constructed and completed in accordance with condition 3.1.2.

3.1.2 The engineered site containment and drainage systems shall be designed, constructed, inspected, validated and maintained, and shall be fully documented and recorded, to be fit for purpose and meet the standards specified in Table 3.1 below:



**Table 3.1 Site containment & drainage standards**

Type of Site Surface & Drainage	Minimum Specified Standards of Design, Construction & Maintenance
a) Hardstanding	<p>Areas of hardstanding shall be constructed of granular material (e.g. crushed stone, aggregate, road planings or other similar material) and maintained such that the working surface:</p> <ul style="list-style-type: none"> <li>i) shall remain even</li> <li>ii) shall not be subject to settlement or differential settlement</li> <li>iii) shall not be subject to rutting by vehicles even when wet</li> <li>iv) shall have sufficient durability to allow cleaning for example by scraping</li> <li>v) shall remain free of standing water.</li> </ul>
b) Impermeable pavement, bunding and sills	<p>Areas of impermeable pavement, bunding and sills shall be constructed and maintained so as to prevent fluids running off the pavement and the transmission of fluids through the pavement or joints.</p> <p>Where there is a risk of chemical corrosion, areas of impermeable pavement, kerbs, bunds and sills shall be provided with suitable resistance to minimise such corrosion.</p>
c) Sealed drainage systems	<p>Drainage to areas of impermeable pavement shall be provided by a sealed drainage system, that is comprised of a drainage system with impermeable components which does not leak and which will ensure that:-</p> <ul style="list-style-type: none"> <li>• no liquid will run off the pavement other than via the system; and</li> <li>• except where they may be lawfully discharged, all liquids entering the system are collected in a sealed sump.</li> </ul> <ul style="list-style-type: none"> <li>i) Sealed sumps shall be inspected no less frequently than daily and after rain, emptied when the collected liquids reach 80% of the capacity of the sump as measured using a dipstick or equivalent gauge, and constructed and maintained so as to collect and contain all liquids which run off the pavement;</li> <li>ii) Inspections and emptying of sealed sumps shall be recorded in the site diary.</li> <li>iii) Uncontaminated drainage from clean yard areas shall be kept separate and discharged to either surface water or sewer or watercourse or soakaway.</li> </ul>
d) Covered buildings or roofed areas	<p>Where wastes are stored in a building:</p> <ul style="list-style-type: none"> <li>i) the building shall be designed, constructed and maintained to prevent ingress of rain and surface water.</li> <li>ii) roof water shall be kept separate from contaminated water and other liquids and shall be discharged to either surface water or a sewer or a water course or a soakaway.</li> </ul>
e) Fixed bays	<p>Fixed bays and other fixed containers used for the storage and treatment of wastes must be constructed and maintained to a standard which is fit for purpose.</p>
f) Storage areas for tanks, skips, drums and other containers	<p>All tanks, skips, drums and other containers which are used for the storage or treatment of wastes shall be constructed and maintained so that they do not leak any liquids contained in them.</p> <p>All tanks (and their associated inlet and outlet pipes and valves) which are used for the storage or treatment of wastes shall be stored within a bunded or silled area with impermeable pavement, which shall be isolated from the drainage system and shall meet the following specifications:</p> <ul style="list-style-type: none"> <li>• The bunded or silled area shall be designed and constructed to contain 110%</li> </ul>

**Table 3.1 Site containment & drainage standards**

**Type of Site Surface & Drainage**      **Minimum Specified Standards of Design, Construction & Maintenance**

---

		of the volume of the largest container or tank.
		<ul style="list-style-type: none"><li>• The bunded or silled area shall be inspected no less frequently than weekly and after rain and shall be emptied so as to maintain a capacity of 110% of the volume of the largest container or tank.</li><li>• Rainwater shall be removed by bailing or pumping and shall be treated as contaminated water and disposed of to either an approved discharge or a suitably licensed or permitted facility.</li></ul>
<hr/>		
g) Inspection and maintenance of engineered containment	All areas of hardstanding, impermeable pavement, sealed drainage systems, covered buildings, roofed areas, fixed bays and storage areas for tanks, skips, drums and other containers:	
	i)	shall be inspected no less frequently than monthly, to ensure the continuing integrity and fitness for purpose of their construction, and the inspection and any necessary maintenance shall be recorded in the site diary; and
	ii)	in the event of any damage occurring which breaches the integrity of the engineered containment so that it no longer meets the specified standards, the Licence Holder shall cease importing waste into or treating waste in the affected area, shall notify the Agency immediately, and shall not recommence importing waste into or treating waste in the affected area until it has been repaired to a standard at least as good as the original specification.

---

*Construction quality assurance of new site containment & drainage systems*

- 3.1.3 No wastes shall be deposited, stored, treated or otherwise handled in any area or any fixed tank for which an engineered site containment and drainage system is to be newly constructed to meet the requirements of this condition until:
- a** details of the identities, relevant experience and relevant qualifications of the personnel who will be providing Quality Assurance of the engineered site containment and drainage systems have been submitted in writing to the Agency and acknowledged in writing by the Agency;
  - b** the engineered site containment and drainage system has been constructed in accordance with the other requirements of condition 3.1;
  - c** the Validation Report on the construction of the engineered site containment and drainage system has been submitted in writing to the Agency, and the Agency has confirmed in writing that it has no objection to the placement of wastes on that containment area.

*Construction quality assurance of existing site containment & drainage systems*

- 3.1.4 No wastes shall be deposited, stored, treated or otherwise handled in any area or any fixed tank for which a previously constructed and existing engineered site containment and drainage system is being used to meet the requirements of this condition unless:

- a details of the identities, relevant experience and relevant qualifications of the suitably qualified Engineer who will be providing inspection and validation of the existing engineered site containment and drainage systems have been submitted in writing to the Agency and acknowledged in writing by the Agency;
- b the engineered site containment and drainage system for that area has been inspected by the designated Engineer and has been maintained or improved, in accordance with their recorded advice, to be fit for purpose in that:
  - i areas of impermeable pavement are laid to take weight of relevant vehicles, plant and equipment without cracking or breaking; and
  - ii areas of impermeable pavement are free from cracks which could increase permeability; and
  - iii areas of impermeable pavement are resistant to mechanical, physical and chemical stresses to which they may be subjected; and
  - iv areas of impermeable pavement fall towards the drainage system to prevent ponding; and
  - v no liquid will run off areas of impermeable pavement other than via the drainage system; and
  - vi the drainage system is sealed so that it does not leak and is capable of collecting and containing liquids draining from the impermeable pavement ; and
  - vii liquid from the drainage system is disposed of to an approved discharge.

3.1.5 The existing engineered site containment and drainage system shall be maintained in accordance with the recommendations of the designated engineer and the requirements of Table 3.1.

## 4 Site infrastructure

### 4.1 Site security

4.1.1 The site shall be secure.

### 4.2 Provision of site identification board

4.2.1 No end-of-life vehicles shall be received at the site unless an identification board is provided at or near the site entrance.

4.2.2 The board shall be easily readable from outside the site entrance in daylight hours, and shall display the following information:

- a Site name and address;
- b Licence Holder name (company name, not individual name unless justified as necessary);
- c Operator name (company name, not individual name unless justified as necessary);
- d Licence number;

- e Emergency contact name and telephone number (for security reasons, personal names and home phone numbers should not be used except where no alternative is practicable);
- f Statement that the site is an Authorised Treatment Facility, licensed by the Environment Agency;
- g Agency national numbers: 08708 506 506 and 0800 807060 (or any other number subsequently notified in writing by the Agency);
- h Days and hours the site is open to receive waste.

## 5 Site operations

### 5.1 Leaks & spillages

#### *Potentially polluting leaks & spillages from vehicles, plant & equipment*

- 5.1.1 All vehicles used on the site by the operator, and all plant and all equipment used on the site in connection with specified waste management operations, shall be operated and maintained with the objective of preventing potentially polluting leaks and spillages of wastes or other potentially polluting materials which are to be used in combination with those wastes in the specified waste management operations.

#### *Potentially polluting leaks & spillages from tanks, skips, drums & other containers*

- 5.1.2 Each tank, skip, drum or other container used to hold wastes which consist of or contain end of life vehicle fluids or hazardous residual wastes, or other potentially polluting materials which are to be used in combination with those wastes in the specified waste management operations shall be:
- a loaded and unloaded in accordance with the handling procedures specified in Table 5.1;
  - b filled and emptied in accordance with the filling and emptying procedures specified in Table 5.1;
  - c clearly and unambiguously labelled regarding its contents, unless the contents are clearly identifiable by visual inspection;
  - d inspected and maintained according to the maintenance schedules and procedures specified in Table 5.1, which shall be fully documented and recorded;
  - e in the event of damage or deterioration to a container that is, or is likely to cause, a leak, that container shall be repaired or replaced immediately.

#### *Control & remediation of leaks & spillages*

- 5.1.3 All areas of impermeable pavement shall be provided with suitable cleanser-degreaser equipment.

- 5.1.4 In the event of any potentially polluting leak or spillage occurring on site, documented control and remediation procedures shall be implemented immediately and recorded, and shall meet the standards specified in Table 5.1 below:

**Table 5.1 Standards for prevention & control of leaks and spillages**

Action	Specified standards
a) Loading and unloading skips, drums and other containers	i) Loading and unloading of skips, drums and other containers shall be supervised at all times by a member of staff. ii) Lids/ caps/ bungs or other closures shall be in place during loading/ unloading. iii) Loading/ unloading shall be carried out in an area provided with engineered containment of the type required for that waste and of the standard of containment specified under condition 3.1
b) Filling and emptying, tanks, drums and other containers	i) Filling and emptying of tanks, drums and other containers shall be supervised at all times by a member of staff. ii) Lids/ caps/ bungs or other closures shall be in place at the end of filling iii) Containers, tanks and drums shall not be filled beyond their operational capacity. iv) Filling and emptying shall be carried out in a bunded area maintained in accordance with condition 3.1 v) Measurement of level/ void space shall be by physical dipping prior to loading.
c) Inspection, maintenance and repair of skips, tanks, drums and other containers	i) Skips, tanks, drums and other containers shall be inspected daily for leaks. ii) Any fixed tanks found to be leaking shall have their contents immediately transferred to an alternative appropriate tank or container. iii) Any skips, drums and/or other containers found to be leaking either shall be immediately transferred to a larger appropriate over-container or shall have their contents immediately transferred to an alternative appropriate tank or container.
d) Control and remediation of leaks and spillages	iv) Minor spillages of oil, fuel or other end of life vehicle fluid shall be cleaned up immediately, using sand or proprietary absorbent to clean up liquids and placed in alternative containers. v) Major spillages of oil, fuel or other end of life vehicle fluid which are causing or are likely to cause polluting emissions to the environment: <ul style="list-style-type: none"> <li>• Immediate action shall taken to contain the spillage and prevent liquid from entering surface water drains, water courses and unsurfaced ground;</li> <li>• the spillage shall be cleared immediately and placed in alternative appropriate containers;</li> <li>• the Agency shall be informed immediately.</li> </ul>

## 5.2 Fires on the site

### *Prohibition of fires on site*

- 5.2.1 No wastes shall be burned on the site.

*Actions to be taken in the event of a fire*

- 5.2.2 In the event of a fire on the site, immediately following taking action to suppress and extinguish the fire, the following actions shall be implemented immediately and recorded in the site diary:
- a** the Agency shall be informed of the fire; and
  - b** so far as practicable, contaminated site drainage shall be prevented from entering any surface water drain or water course or unsurfaced ground.

5.3 **Waste acceptance & control procedures**

*Waste acceptance procedures*

- 5.3.1 All wastes shall be received, inspected, accepted or rejected, and recorded in accordance with the standards specified in Table 5.3 below.

*Waste control procedures*

- 5.3.2 All wastes accepted at the site shall be handled, kept and recorded in accordance with the standards specified in Table 5.3 below.

*Waste despatch procedures*

- 5.3.3 All outgoing wastes shall be inspected, despatched and recorded in accordance with the standards specified in Table 5.3 below:

**Table 5.3 Standards for waste acceptance and control procedures**

Stage of Waste Handling	Specified standards
a) Waste inspection	All vehicles received at the site: i) Shall be inspected on receipt to confirm their description and depollution status against the relevant waste transfer note and any other accompanying documentation. ii) Shall be kept segregated from depolluted vehicles until they either been confirmed and recorded as previously having been depolluted or alternatively have been depolluted on site in accordance with the standards set out in Schedule 5 of the End-of-life Vehicles Regulations 2003.
b) Waste control procedures: quarantine storage and rejection of wastes	i) Any items of non-permitted waste which are detected after acceptance at the site, shall be placed immediately in a designated quarantine container, and, where these are or appear to be special wastes, the Agency shall be informed immediately; ii) In the quarantine area, wastes shall be kept segregated from other wastes which are or are likely to be incompatible; iii) Quarantined wastes shall be removed from site within 7 days; iv) The maximum quantity of wastes kept in the quarantine storage area shall be 4.6m <sup>3</sup> at any one time. v) A record shall be kept in the site diary of all rejected wastes and all wastes kept in quarantine storage.
c) Identification of wastes	Storage areas, tanks and other containers shall be clearly defined and labelled to identify the wastes stored within them
d) Waste despatch procedures	All wastes despatched from the site shall be inspected prior to despatch to confirm their description and composition.
e) Incompatible wastes	Incompatible wastes that are likely, in combination with each other or with other material at the facility, to give rise to pollution of the environment or harm to human health outside the site, shall be clearly identified and kept physically separate in designated areas.

#### 5.4 Handling and storage of residual wastes

5.4.1 Residual wastes shall only be handled and stored on the site in accordance with the standards specified in Table 5.4 below:

**Table 5.4 Standards for handling and/or storage of residual wastes**

Storage requirement	Specified standards
a) End of life vehicle fluids	<ul style="list-style-type: none"><li>i) Unless otherwise agreed in writing with the Environment Agency, all fluids drained from vehicles shall be segregated by type and stored in separate, appropriate tanks which are fit for purpose. The tanks shall be clearly and unambiguously labelled regarding their contents.</li><li>ii) Fluids shall only be stored in areas provided with an impermeable pavement and a sealed drainage system provided in accordance with condition 3.1</li></ul>
b) Batteries, oil filters, oil contaminated parts, PCB/PCT containing condensers, components identified as containing mercury and brake pads containing asbestos.	<ul style="list-style-type: none"><li>i) Once removed from vehicles, these components shall be segregated by type and stored within dedicated appropriate containers which are fit for purpose. The containers shall be clearly and unambiguously labelled regarding their contents.</li><li>ii) These components shall only be stored in areas provided with an impermeable pavement and a sealed drainage system.</li><li>iii) Lead acid batteries shall be stored in containers with an impermeable, acid resistant base and a lid to prevent ingress of surface water.</li></ul>
c) Tyres, air bags and liquefied gas tanks.	<ul style="list-style-type: none"><li>i) Once removed from vehicles, these waste types shall be stored in separately designated areas provided with an impermeable pavement and sealed drainage in accordance with condition 3.1</li><li>ii) Tyres shall be stored in stable stacks with individual capacities of no greater than 50 cubic metres and to a height of no greater than 3 metres</li><li>iii) Individual tyre stacks shall not be stored within 6 metres of each other</li><li>iv) Tyre stacks shall not be located within 10 metres of any area used for flame cutting operations.</li></ul>
d) Untaminated plastic, glass and ferrous and non-ferrous metal wastes arising from the treatment of end of life vehicles	<ul style="list-style-type: none"><li>i) These materials shall be stored in areas with hardstanding or impermeable pavement.</li></ul>

## 6 Site records

### 6.1 Records of waste movements

6.1.1 A summary of the waste types and quantities accepted and the waste types and quantities removed from the site shall be made for each financial year and shall be submitted to the Agency within 1 month following the end of that year. The summary record shall be in the format specified in Appendix A, and shall include the specified information.



## 6.2 **Site diary**

6.2.1 A site diary shall be kept secure and shall be available for inspection at the site when required by an authorised officer of the Agency. This shall include a record of the following events, in accordance with the other conditions of this licence:

- a** construction work
- b** maintenance
- c** breakdowns
- d** emergencies
- e** problems with waste received and action taken
- f** technically competent management attendance on site: the date and the time onto site and the time left site
- g** complaints about site operations and actions taken
- h** environmental problems and remedial actions

6.2.2 Each record shall be completed within 24 hours of the relevant event.

## 7 **Interpretation**

In this permit the following expressions shall have the following meanings:

"Impermeable surface" means a surface or pavement constructed and maintained to a standard sufficient to prevent the transmission of liquids beyond the pavement surface, and should be read in conjunction with the term "sealed drainage system" (below).

"Sealed drainage system" in relation to an impermeable pavement, means a drainage system with impermeable components which does not leak and which will ensure that:

- (a) no liquid will run off the pavement otherwise than via the system;
- (b) except where they may lawfully be discharged, all liquids entering the system are collected in a sealed sump

"Secure": A place is secure in relation to end-of-life vehicles or waste kept in it if all reasonable precautions are taken to ensure that the end-of-life vehicles, their contents or waste cannot escape from it.

"Technically competent management", "technical competence" and "relevant person" shall be as defined under Section 74, Environmental Protection Act 1990.

"ELV Regulations" means the End of Life Vehicles Regulations 2003 SI 2635.

"End-of-life Vehicles Directive" means Directive 2000/53/EC on end-of life vehicles.

"waste motor vehicle" means a motor vehicle of any type that is waste and includes an end-of-life vehicle.

"Residual wastes produced as a result of depollution or further treatment" means those waste that are removed from vehicles during depollution or further treatment which consist of any wastes specified in the following table:

<b>Residual wastes as a result of depollution or subsequent treatment</b>	
<b>Waste type</b>	<b>Waste Categories and European Waste Catalogue No.</b>
Vehicle batteries	16 06 01 lead batteries *
	16 06 05 other batteries and accumulators *
Oil filters	16 01 07 oil filters *
PCB/PCT containing condensers	16 01 09 components containing PCBs **
	16 01 21 hazardous components (other than those mentioned in 16 01 07 to 16 01 11 and 16 01 13 and 16 01 14) **
Components identified as containing mercury	16 01 08 components containing mercury **
Brake pads	16 01 11 brake pads containing asbestos **
	16 01 12 brake pads other than those mentioned in 16 01 11
Tyres	16 01 03 end-of-life tyres
Air bags	16 01 10 explosive components (for example air bags) *
Liquefied gas tanks	16 01 16 tanks for liquefied gas
<b>End of life vehicle fluids:</b>	
Hydraulic Oils	13 01 09 Mineral based chlorinated hydraulic oils *
	13 01 10 Mineral based non-chlorinated hydraulic oils *
	13 01 11 Synthetic hydraulic oils *
	13 01 12 Readily biodegradable hydraulic oils *
	13 01 13 Other hydraulic oils *
Engine, gear and lubricating oils	13 02 04 Mineral based chlorinated engine, gear and lubricating oils *
	13 02 05 Mineral based non-chlorinated hydraulic oils *
	13 02 06 synthetic engine, gear and lubricating oils *
	13 02 07 readily biodegradable engine, gear and lubricating oils *
Fuel	13 02 08 other engine, gear and lubricating oils *
	13 07 01 Fuel oil and diesel *
	13 07 02 Petrol *
Air conditioning fluids	13 07 03 Other fuels (including mixtures) *
	14 06 01 Chlorofluorocarbons, HCFC, HFC *
	14 06 02 Other halogenated solvents and solvent mixtures *
	14 06 03 Other solvents and solvent mixtures *
Brake fluids	16 01 13 Brake fluids *
Antifreeze fluids	16 01 14 Antifreeze fluids containing dangerous substances **
	16 01 15 Antifreeze fluids other than those mentioned in 16 01 14
Any other fluid contained in the end of life vehicle	16 01 22 Components not otherwise specified
Plastic, glass and ferrous and non-ferrous metal wastes arising from the treatment of end of life vehicles	16 01 17 Ferrous Metal
	16 01 18 Non-ferrous metal
	16 01 19 Plastic
	16 01 20 Glass

EWC entries marked with a \* are hazardous wastes  
 EWC entries marked with a \*\* may be hazardous depending on threshold concentrations. Please refer to Agency Technical Guidance WM2 or subsequent guidance for further advice

8

## Appendices to conditions

### **Appendix A: Format for summary records of wastes accepted and removed (Condition 6.1)**

*See pages 16 and 17 for current Environment Agency format*

For Environment Agency use only

Date received

Date processed

Local site licence number

WML No

Original reference



ENVIRONMENT AGENCY

# Waste Return

Environmental Protection Act 1990

Waste Returns Unit  
 ENVIRONMENT AGENCY  
 APOLLO COURT  
 2 BISHOP SQUARE  
 ST ALBANS ROAD WEST  
 HATFIELD  
 HERTS.,  
 AL10 9EX

- Use this form to tell us the type and quantity of controlled waste you have processed at each licensed facility within your site
- Please read through the whole form and guidance notes before you start filling anything in.
- Please send the completed form back to us at the address on the left by the return date specified on page 2 of the notes.

## 1 The period the return covers

1.1 The return period is *tick one only*

Month

Quarter

From  to

Year

2.6 Was the site fully surveyed before 31 March in the current year?

No  Now go to question 2.7

Yes  Please tell us how the void space was calculated

Now go to question 2.8

2.7 How have you estimated the remaining void space?

For example visually or other method

2.8 Remaining life of site

Years

Now go to sections 3 and 4 on page 2

## 5 Declaration

Please make sure you have filled in all the sections that apply to you before signing this declaration.

I certify that the information in this return is correct to the best of my knowledge and belief.

I enclose  continuation sheets

Signature

Name

Position

Phone

Date

## 6 Disclosure and data protection

The information you provide will be used by the Environment Agency to enable it to fulfil its regulatory and waste management planning responsibilities.

For full information on how the data in this form will be used please see the waste return guidance notes that come with the form.

## 2 Operator and site details

2.1 Site Operator

Bansals Hvdraulic Limited t/a Wrasbury Car Spares

Site name

Wrasbury Car Spares

WML Number 80665

Site address

Gloucester Drive,  
 Off Wrasbury Road,  
 Staines,  
 Middlesex  
 TW18 4TY

Phone: 01753 491414

E-mail: n/a

2.2 Type of facility see your waste management licence

A19 Vehicle Depollution & Dismantling (Authorised Treatment Facility)

2.3 Was a weighbridge used?

No

Yes

Please tell us the proportion weighed  
 Percentage

2.4 Are you operating a landfill site?

No  go to section '3' Waste received on site' on page 2

Yes  go to section 'Landfill sites only', question 2.5

**Landfill Sites only** (as at 31 March in the current year)

2.5 Give the remaining void space covered by the licence

cubic metres

### 3 Waste material received on site

Please read the guidance notes 'How to fill in the form', and use the continuation sheet **WMS3** provided, or a copy of it, if you need to.

In the last column D = final disposal U = used on site S = special waste (a consignment note is needed for special waste).  
F = from another facility, for example a transfer station M = municipal biodegradable waste O = other biodegradable waste

Description of waste	Waste classification code	Origin*	State solid, powder, sludge, liquid ,gas	Weight in tonnes	Additional information						
					D	U	S	F	M	O	
<b>Total weight of material received on site:</b>					<i>tonnes</i>						

### 4 Waste material removed from site

Please read the guidance notes 'How to fill in the form', and use the continuation sheet **WMS3** provided, or a copy of it, if you need to. In the last column, facility types could include 'incinerator, transfer station, landfill, treatment, reprocessing, recycling'.

Description of waste	Waste classification code	Destination*	State solid, powder, sludge, liquid ,gas	Weight in tonnes	Special Waste	Destination facility type
<b>Total weight of material removed from site:</b>					<i>Tonnes</i>	

\*You may not need to give us this information. The requirements are set out in your waste management licence.

Now go to section '5 Declaration' on page 1

EXPLANATORY NOTES - including rights of appeal.

**RIGHTS OF APPEAL**

Section 43(1) of the Environmental Protection Act 1990 provides that:

Where, except in pursuance of a direction given by the Secretary of State, a licence is granted subject to conditions, the applicant may appeal from the decision to the Secretary of State.

Therefore, if you feel aggrieved by the decision detailed on the attached notice, you may obtain the appropriate form on which to give written notice of an appeal from:

The Planning Inspectorate  
4/09 Kite Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol  
BS1 6PN

Tel: 0117 372 8812  
Fax: 0117 372 6093

This notice of appeal should be accompanied by the following information:

a statement of the grounds of appeal;

a copy of the licence;

a copy of any correspondence relevant to the appeal;

a copy of any other document relevant to the appeal including, in particular, any relevant consent, determination, notice, planning permission, established use certificate or certificate of lawful use or development and

a statement indicating whether you wish the appeal to be in the form of a hearing or on the basis of written representations.

You are also required to serve a copy of your notice of appeal, together with copies of any the above documents that have accompanied your notice of appeal, on the Environment Agency (at the address at the front of this licence). You should appeal within 6 months of the date that this notice takes effect but the Secretary of State may allow notice of appeal to be given after the expiry of this time period.



## WINDSOR RURAL DEVELOPMENT CONTROL PANEL

19 October 2016

Item: 2

<b>Application No.:</b>	16/02214/FULL
<b>Location:</b>	3 Welley Avenue Wraysbury Staines TW19 5HE
<b>Proposal:</b>	New dwelling following demolition of existing dwelling (part retrospective).
<b>Applicant:</b>	Mr Hall
<b>Agent:</b>	Mr F Wishart
<b>Parish/Ward:</b>	Wraysbury Parish/Horton & Wraysbury Ward
<b>If you have a question about this report, please contact:</b> Brian Benzie on 01628 796323 or at <a href="mailto:brian.benzie@rbwm.gov.uk">brian.benzie@rbwm.gov.uk</a>	

### 1. SUMMARY

- 1.1 The replacement dwelling will result in a dwelling of the same ground covered area and form as that approved under ref. 16/00032 with the exception that the integral garage as previously approved has been replaced by a habitable room.

**It is recommended the Panel grants planning permission with the conditions listed in Section 10 of this report.**

### 2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Lenton if the recommendation is to grant permission, the reason being that although this is now a new building, flood voids do not appear to have been provided.

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

- 3.1 The site is within the excluded settlement of Wraysbury and stands within an area liable to flood (Flood Zone 3).
- 3.2 Welley Avenue is a short road which links Welley Road with Acacia Avenue, leading to Sunnymeads Station and the residential enclave of Sunnymeads. It comprises a line of modest bungalows along both sides of the road, which retain much of their original character. The properties are of similar scale with relatively short front gardens, which are largely open to view from the road. The exception to this is the adjacent property no.5 Welley Avenue which is a two storey dwelling of a considerable size granted permission under ref.06/02995.
- 3.3 The original dwelling was sited to one side of the plot, close to the boundary with no. 1 Welley Avenue, with the attached single garage sited between the boundary and the neighbouring bungalow no. 5 Welley Avenue.

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

Ref.	Description	Decision and Date
------	-------------	-------------------



472883	Erection of single storey extensions to front and rear of existing garage.	Permitted 14.10.1994
16/00032	Two storey front and side, part single part two storey rear extension, front canopy, new first floor with loft conversion to create new two storey dwelling with amendments to fenestration following demolition of existing kitchen games room and garage.	Permitted 02.03.2016

4.1 The proposal seeks permission for the part retrospective replacement of the original dwelling which was demolished when it was established during the implementation of planning permission 16/02214/FULL that the original dwelling was not as structurally robust as anticipated and that it required rebuilding. This application will bring about a dwelling of the same ground covered area and form as that approved under ref. 16/00032 with the exception that the integral garage as previously approved has been replaced by a habitable room.

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

5.1 National Planning Policy Framework Sections

### Royal Borough Local Plan

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

Within settlement area	Highways and Parking	Flood	Aircraft noise
DG1, H10, H11	P4, T5	F1	NAP2

These policies can be found at:

[https://www3.rbwm.gov.uk/downloads/download/154/local\\_plan\\_documents\\_and\\_appendices](https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices)

### Supplementary planning documents

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

- Interpretation of Policy F1 – Area Liable to Flood
- Sustainable Design and Construction

More information on these documents can be found at:

[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)

### Other Local Strategies or Publications

5.4 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment - view at:

- RBWM Parking Strategy - view at:

More information on these documents can be found at:

[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)

## 6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Impact on the character and appearance of the area;
- ii Development within the flood zone;
- iii Impact on the amenity of neighbouring occupiers;
- iv Parking;

### **Impact on the character and appearance of the area.**

- 6.2 Local Plan Policy DG1 (3) explains that the design of new buildings should be compatible with the established street façade having regard to the scale, height and building lines of adjacent properties. Paragraph 64 of the National Planning Policy Framework states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 6.3 The replacement dwelling would have the same ground covered area as the one it would replace but would be larger as an additional storey would be added. The ridge height would be 8.1m which is the same as the height of the dwelling should it have been extended under permission ref.16/00032 and is similar to the ridge height of the adjacent property 5 Welley Avenue. The dwelling would be more centrally located within the site as the original single storey extension adjacent to the boundary with no.1 would have been demolished under 16/00032.
- 6.4 The proposed replacement dwelling would be of the same scale and design as the resulting dwelling under permission 16/00032 and is smaller in footprint, bulk and mass compared to that of the adjacent dwelling no.5 Welley Avenue and is similar to the size of other dwellings nearby on Welley Road.
- 6.5 Taking the above into account it is considered that the proposal would not be unduly dominant in the street scene and would not cause unacceptable harm to the character and appearance of the area.

### **Development within the flood zone.**

- 6.6 The proposal seeks permission for the part retrospective replacement of most of the original dwelling which was demolished when it was established during the implementation of planning permission ref.16/00032/FULL that the original dwelling was not as structurally robust as anticipated and that it required rebuilding. This application will bring about a dwelling of the same ground covered area and form as that approved under ref. 16/00032.

- 6.7 The Environment Agency has advised that the FRA submitted with this application does not comply with the requirements set out in paragraph 30 part 7 of the Planning Practice Guidance to the National Planning Policy Framework (NPPF). The submitted FRA does not therefore provide a suitable basis for an assessment to be made of the flood risk arising from the proposed development. In particular, the submitted FRA fails to demonstrate that the proposed development has finished floor levels 300mm above the 1% annual probability (1 in 100) flood level with an appropriate allowance for climate change.
- 6.8 The site lies wholly within Flood Zone 3 (High Risk) which comprises land assessed as having a 1 in 100 or greater annual probability of river flooding (>1%). In Flood Zone 3 extensions to the original footprint of the building (or as it stood in 1978) of up to 30m<sup>2</sup> will be permitted, in accordance with Local Plan Policy F1. The whole of the site stands within Flood Zone 3 and there is not a less vulnerable area within the site where the replacement dwelling could be relocated. In this case the proposed dwelling would have the same ground covered area and be in the same position within the site as the resulting dwelling as extended under permission ref.16/00032. Taking these circumstances into consideration it is considered that the proposal passes the sequential test.
- 6.9 The exceptions test requires that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. In this case the proposed dwelling would have the same ground covered area and be in the same position within the site as the resulting dwelling as extended under permission ref.16/00032. Taking the special circumstances of the case into consideration, it is considered that the replacement dwelling would be no worse in flooding terms than the resulting dwelling as permitted under 16/00032. This being the case given the circumstances the proposal is considered to comply with the exceptions test.
- 6.10 The Environment Agency has advised that the FRA submitted with this application does not comply with the requirements set out in paragraph 30 part 7 of the Planning Practice Guidance to the National Planning Policy Framework (NPPF). The submitted FRA does not therefore provide a suitable basis for an assessment to be made of the flood risk arising from the proposed development. In particular, the submitted FRA fails to demonstrate that the proposed development has finished floor levels 300mm above the 1% annual probability (1 in 100) flood level with an appropriate allowance for climate change.
- 6.11 With regard to the Environment Agency's comments whilst it is apparent that the submitted plans or FRA do not show or give details of flood voids there are mitigating circumstances in this case. The plans and photographs of the dwelling taken prior to its demolition; do not show any significant flood voids; the proposed dwelling would have a ground covered area equivalent to the resulting dwelling as permitted under 16/00032; and it would have a ground covered area equivalent to the dwelling that was demolished. This being the case the proposal would not result in any loss of storage within the floodplain and the vulnerability of the replacement dwelling would be no worse than that of the resulting dwelling following the implementation of 16/00032.
- 6.12 In conclusion therefore, it is considered that notwithstanding that the site is located in Flood Zone 3, the development proposed is a replacement dwelling of the same ground covered area as the original dwelling and that as previously approved under application ref. 16/00032. This being the case there would be no

additional vulnerability to flood risk nor any worsening of flood risk elsewhere as a result of this proposal: it complies with Policy F1 of the Local Plan..

**Impact on the amenity of neighbouring occupiers.**

- 6.13 The property will not extend significantly beyond the rear elevations of the neighbouring properties and will not breach the 45 degree angle of any significant or habitable rooms. There will be first floor en-suite windows within the side elevations however, these would be obscure glazed and no other windows are proposed. It is considered that there would be no significant harm caused to the immediate neighbouring properties in terms of loss of privacy, outlook, daylight, sunlight or otherwise.

**Parking**

- 6.14 The proposals will increase the dwelling from 3 to 5 bedrooms. There is sufficient space to the front of the dwelling to provide the necessary 3 on site spaces. It is therefore considered that sufficient space would remain on the site to accommodate the car parking for the resulting dwelling in compliance with the adopted parking standards in Appendix 7 of the Local Plan as amended by the Royal Borough of Windsor and Maidenhead Parking Strategy, May 2004.

**7. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 7.1 The proposal could be CIL liable but, the Council would take into account the circumstances of the case where the resulting dwelling would be identical to that which would have been achieved under ref. 16/00032.

**8. CONSULTATIONS CARRIED OUT**

**Comments from interested parties**

6 occupiers were notified directly of the application and a notice advertising the application at the site was posted on the 22 July 2216.

To date no consultation response has been received from the Borough's environmental protection officer.

Comment		Where in the report this is considered
1.	Wrasbury Parish Council objected to the lack of flood voids.	6.9, 6.10

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

Comment		Where in the report this is considered
1.	The size of the building is not appropriate in an area of residential bungalows.	6.2, 6.3, 6.4
2.	The size of the building will preclude light from my property into my	6.11

	garden.	
3.	The developer is proposing to build outside the original foot print.	6.3, 6.11
4.	There is no provision for flooding.	6.9, 6.10
5.	The ridge height of the new construction appears to be half a storey higher than no.5.	6.3
6.	This is a clear manipulation of the planning process to obfuscate the essential issues.	Section 6 above.
7.	The original dwelling had flood voids however, the proposed dwelling is bigger and has no flood voids.	6.9, 6.10
8.	No.5 has flood voids.	6.9, 6.10
9.	The same drawings have been used as were for the extension how was this not picked up by planning before now.	See section 6 above.

### Statutory Consultees

Consultee	Comment	Where in the report this is considered
Environment Agency	Objected to lack of detail within the flood risk assessment.	6.9, 6.10

### Other Consultees

Consultee	Comment	Where in the report this is considered
Borough's highway officer	No objection to the proposal subject to a condition with respect to the parking at the site.	6.12

## 9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B - Proposed site plan
- Appendix C - Proposed front and rear elevation drawings
- Appendix D – Proposed side elevations
- Appendix E - Proposed layout plan
- Appendix F – Existing elevation drawings
- Appendix G – Existing layout plan.

Documents associated with the application can be viewed at <http://www.rbwm.gov.uk/pam/search.jsp> by entering the application number shown at the top of this report without the suffix letters.

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 IF PERMISSION IS GRANTED / RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED**

- 1 The materials to be used on the external surfaces of the development shall be in accordance with those specified in the application unless any different materials are first agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.
- 2 The first floor windows in the southeast and northwest elevations of the dwelling shall be of a permanently fixed, non-opening design, with the exception of an opening toplight that is a minimum of 1.7m above the finished internal floor level, and fitted with obscure glass and the window shall not be altered without the prior written approval of the Local Planning Authority.  
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H11.
- 3 No window(s) shall be inserted at first floor level in the southeast or northwest elevations of the extension without the prior written approval of the Local Planning Authority.  
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H10.
- 4 The measures to be taken to acoustically insulate all habitable rooms of the development against aircraft noise, together with the measures to provide ventilation to habitable rooms shall be carried out fully in accordance with the details submitted by email dated 28 July 2016 by the applicant.  
Reason: To ensure an acceptable living environment for future occupiers. Relevant Policies Local Plan NAP2, H10.
- 5 There shall be no raising of existing ground levels on the site.  
Reason: To prevent the increased risk of flooding elsewhere due to impedance of flood flows and reduction of floodwater storage capacity. Relevant Policies - Local Plan F1.
- 6 Within one month of the substantial completion of the development all spoil or materials related to the development shall be removed from the site.  
Reason: To minimise the increased risk of flooding elsewhere due to impedance of flood flows and reduction of floodwater storage capacity. Relevant Policies - Local Plan F1.
- 7 No part of the development shall be occupied until vehicle parking space has been provided in accordance with the approved drawing 109/4.1. The space approved

shall be retained for parking 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. Relevant Policies - Local Plan P4, DG1.

- 8 The hard surface to the front of the dwelling shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

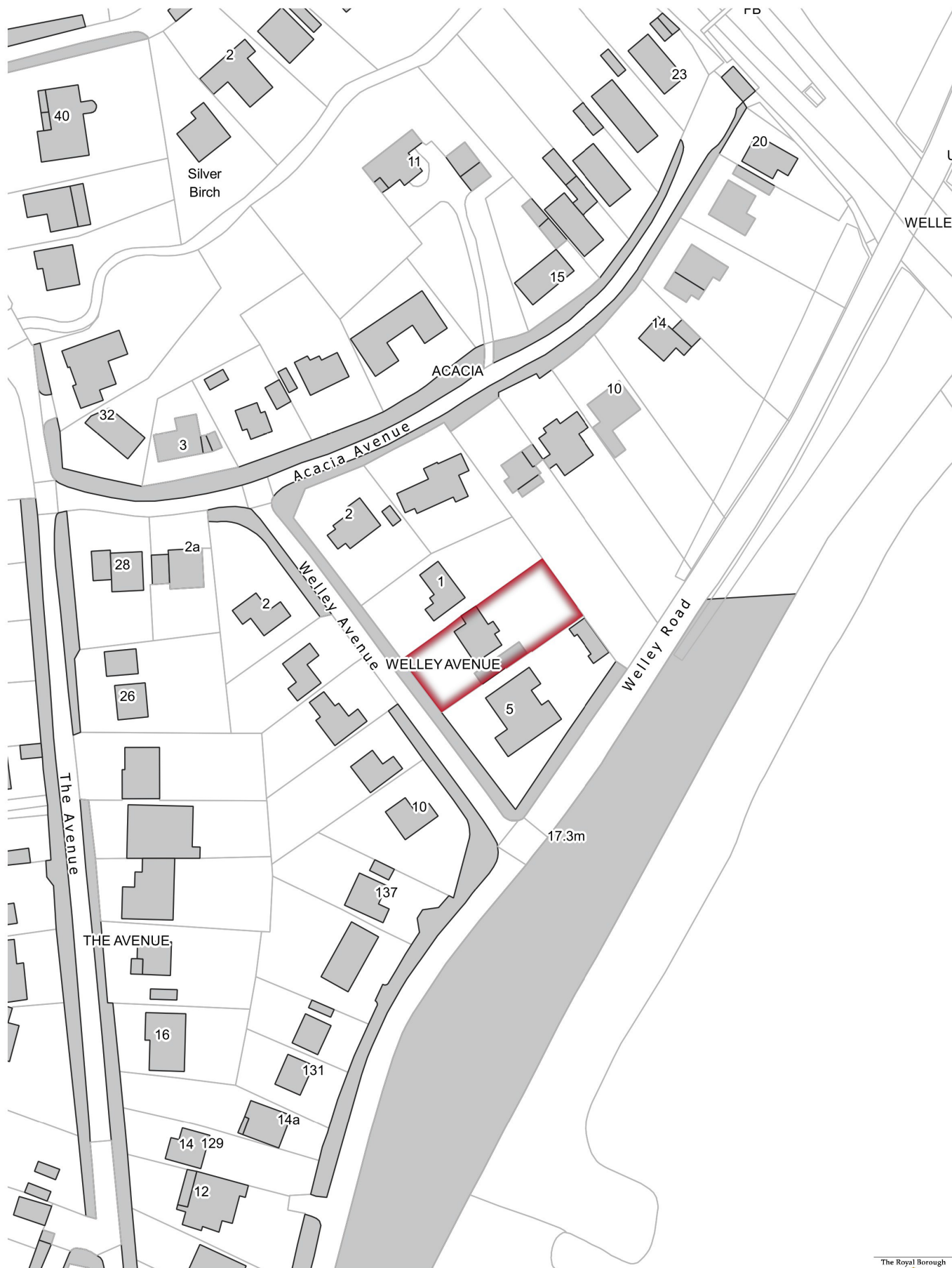
Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with Requirement 5 of the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document.

- 10 Any walls or fencing constructed within or around the site shall be designed to be permeable to flood water in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Such walls or fencing shall be erected and permanently maintained in accordance with the approved details.

Reason: To prevent an increased risk of flooding elsewhere due to impedance of flood flows and reduction of floodwater storage capacity. Relevant Policies - Local Plan F1

- 11 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.



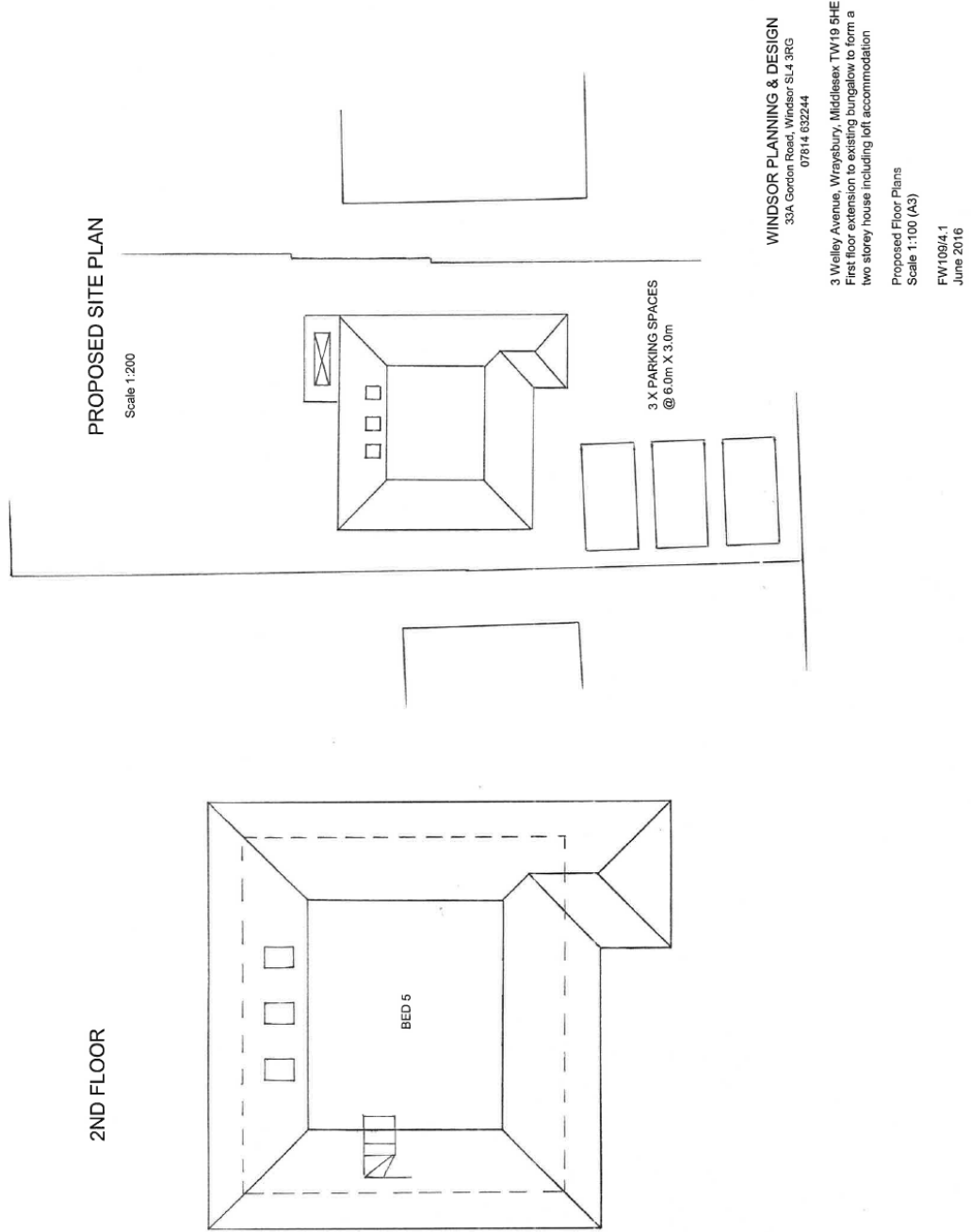
Site location

Appendix A

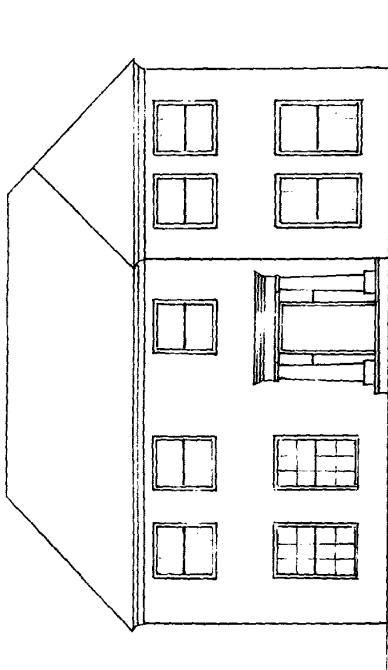




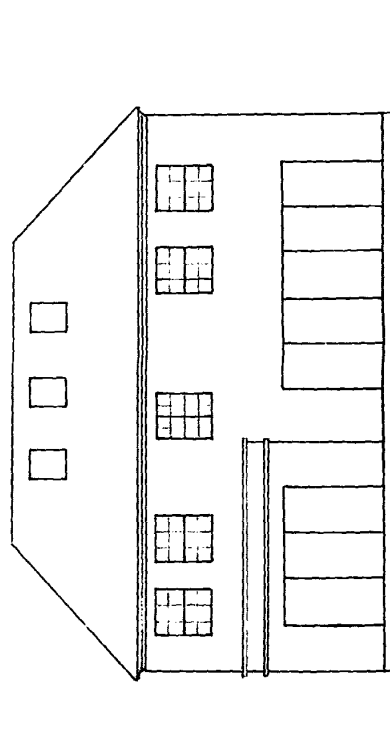
# Appendix B - Proposed Site Plan



16/02214



FRONT ELEVATION



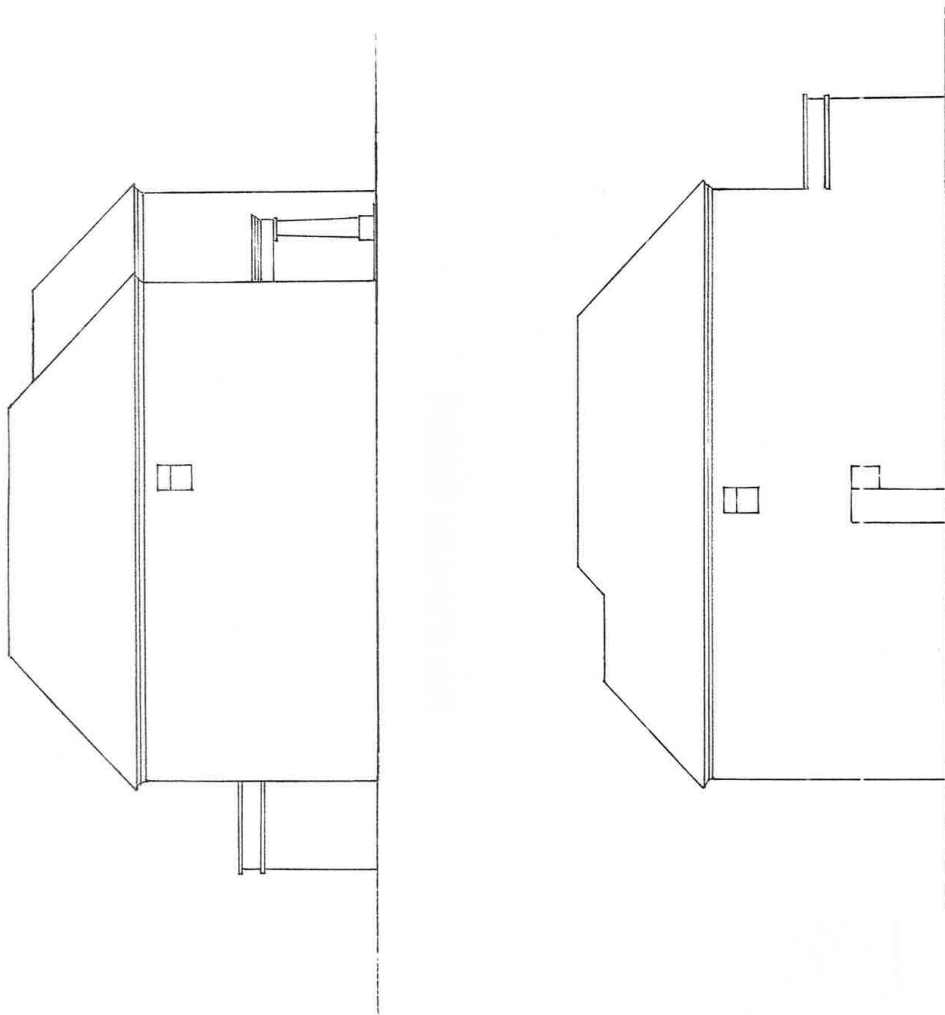
REAR ELEVATION

WINDSOR PLANNING & DESIGN  
33A Gordon Road, Windsor SL4 3RG  
07814 632244

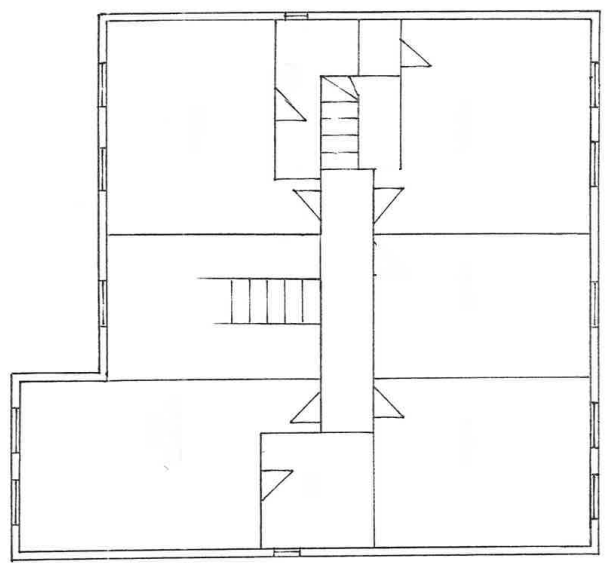
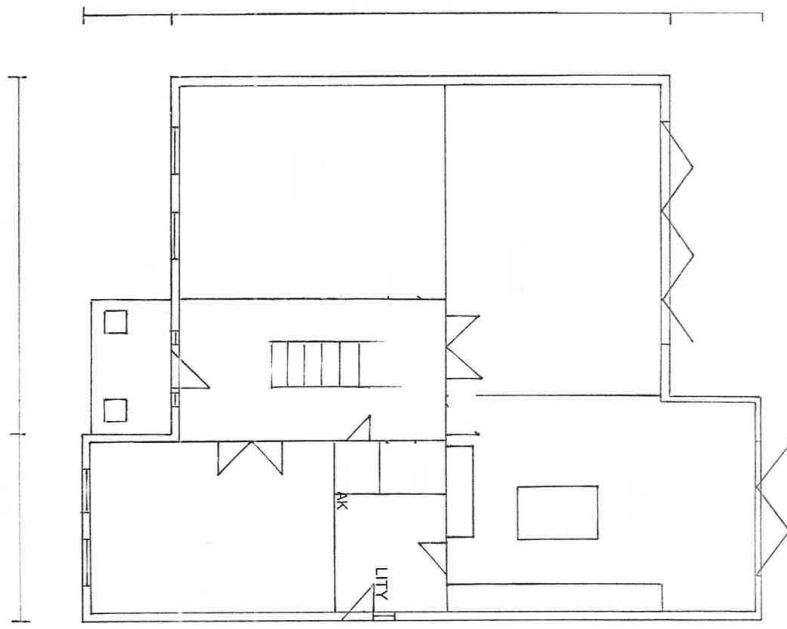
3 Welley Avenue, Wraysbury, Middlesex TW19 5HE  
Part retrospective new 5 bedroom dwelling after  
demolition of existing

Proposed Elevations  
Scale 1:100 (A3)

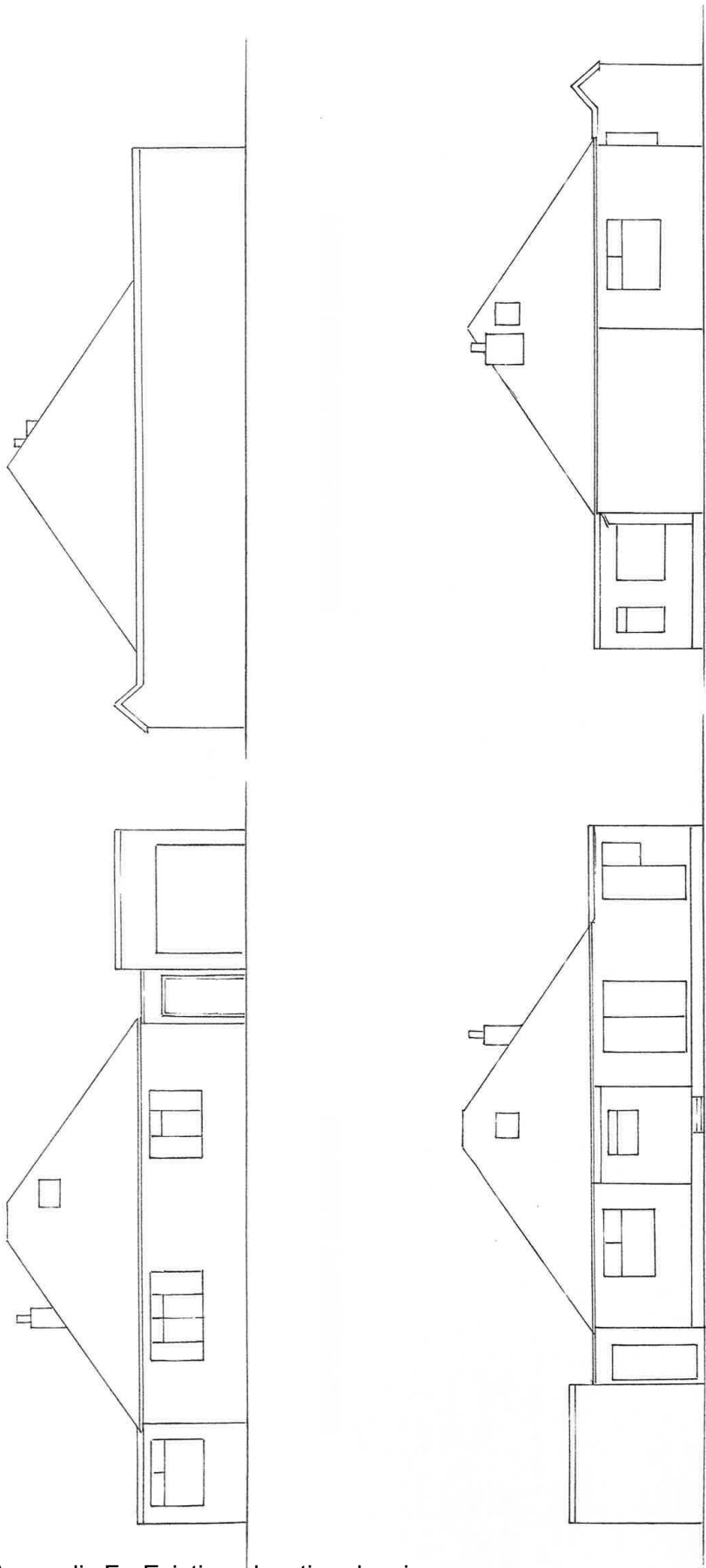
FW109/1.1



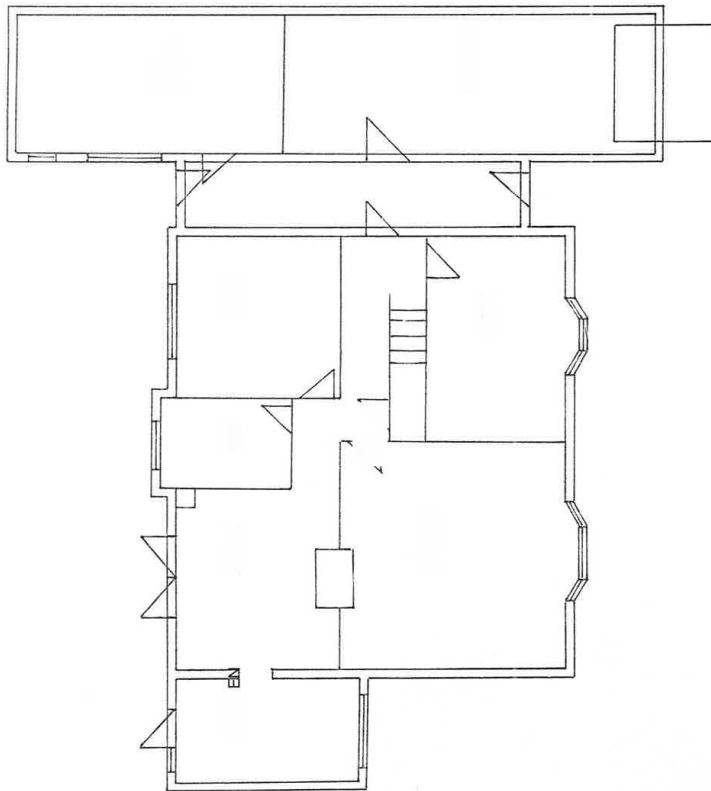
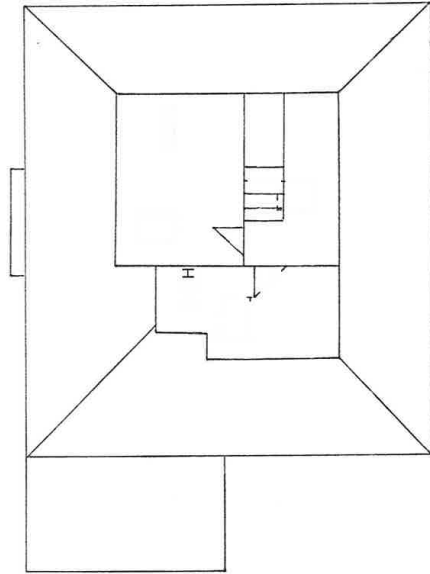
Appendix D - Proposed side elevation drawings.



Appendix E - Proposed layout plan.



Appendix F - Existing elevation drawings



Appendix G - Existing layout plan.

## WINDSOR RURAL DEVELOPMENT CONTROL PANEL

19 October 2016

Item: 3

<b>Application No.:</b>	16/02358/FULL
<b>Location:</b>	Lime Tree Lodge London Road Sunningdale Ascot SL5 0JN
<b>Proposal:</b>	4 No. dwellings formed of 2 pairs of semi detached houses with basement, associated parking and amenity space following demolition of existing dwelling.
<b>Applicant:</b>	Mr And Mrs Mills
<b>Agent:</b>	Mr Christopher Pickering
<b>Parish/Ward:</b>	Sunningdale Parish/Sunningdale Ward
<b>If you have a question about this report, please contact:</b> Claire Pugh on 01628 685739 or at <a href="mailto:claire.pugh@rbwm.gov.uk">claire.pugh@rbwm.gov.uk</a>	

### 1. SUMMARY

- 1.1 The application seeks permission for 4 dwellings in the form of 2 pairs of semi-detached dwellings. There are 2 appeal decisions on this site for 4 dwellings (one dismissed and one allowed), both of which are significant material considerations in the determination of this application. Issues of parking, layout, highway safety and the impact on a protected tree were not matters of concern in the previous appeal decisions. The main consideration that both appeals dealt with were issues of design and the impact on the character and appearance of the area.
- 1.2 It is considered that the proposed design and appearance of the dwellings in this scheme are acceptable in this location. This scheme does have some features that were present in the scheme that was dismissed, however, looking at the overall design and appearance of the proposed dwellings it is considered that they would have an acceptable appearance on the character and appearance of the area.

**It is recommended the Panel grants planning permission with the conditions listed in Section 10 of this report.**

### 2. REASON FOR PANEL DETERMINATION

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

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

- 3.1 The site is situated on the north-east side of London Road, the A30, in Sunningdale and comprises a detached bungalow. To the rear of the site there are open fields (within the Green Belt) and to the east of the site is a large 2.5 storey detached dwelling, Woodstock House, and to the west is an access which leads from a free public car park. The site is 29m wide and the front boundary is very well screened with mature trees behind a 1.8m high fence. A large and mature tree exists within the centre of the rear garden.
- 3.2 Opposite the site is a block of flats, known as 'The Ambassador' and beyond that is the building within which Chancellors, the estate agents, are located. The site is on

the edge of the commercial centre of Sunningdale and in close proximity to the railway station.

- 3.3 The site lies within the 5km zone of the Thames Basin Heath Special Protection Area.

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

Ref.	Description	Decision and Date
15/01752/FULL	4 No. dwellings forming 2 pairs of semi-detached houses with associated parking, garages and amenity space following demolition of existing dwelling	Refused on the 23 <sup>rd</sup> July 2015 and allowed on appeal on the 15 <sup>th</sup> April 2016.
14/00207/FULL	Construction of 4.no dwellings with associated parking, garages and amenity space following demolition of the existing property.	Refused on the 6 <sup>th</sup> May 2014 and dismissed on appeal on 6 <sup>th</sup> May 2015.
12/03061/FULL	Construction of 2 detached dwellings with basements, with detached double garages, new access and entrance gates, following demolition of existing house. Amendments to consent 12/00452	Approved 2 <sup>nd</sup> January 2013
12/02605/NMA	Non-material amendment to planning permission 12/00452/FULL to allow an infill of the indentation in the building design, and the first floor layout and add Juliet style balconies to the rear elevation	Refused 29 <sup>th</sup> October 2012
12/00452/FULL	Construction of 2 detached dwellings with basements, with detached double garages, new access and entrance gates, following demolition of existing house.	Approved 30 <sup>th</sup> April 2012

- 4.1 The application is for the construction of 4 dwellings, in the form of two pairs of semi-detached dwellings, with associated parking, garages and amenity space following the demolition of the existing dwelling. The dwellings would have crown roofs, and would largely follow the layout of 2 dwellings allowed on appeal (reference 15/01752). The front elevations of the dwellings would have two entrance doors side by side, with a portico over. Dormer windows would be on the front and rear elevations of the dwellings. Two double garages would be sited to the front of the site. A new access would be created at the central point of the site. Parking and landscaped areas would be provided in front of the dwellings. Close boarded fencing and trees and hedging are proposed for boundary treatments.

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

- 5.1 National Planning Policy Framework Sections :

Paragraph 14- Presumption in favour of sustainable development  
Paragraphs 61, 64- Design

##### Royal Borough Local Plan

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



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

These policies can be found at:

[https://www3.rbwm.gov.uk/downloads/download/154/local\\_plan\\_documents\\_and\\_appendices](https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices)

### **Other Local Strategies or Publications**

5.3 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment - view at:
- RBWM Parking Strategy - view at:

More information on these documents can be found at:

[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)

## **6. EXPLANATION OF RECOMMENDATION**

6.1 The key issues for consideration are:

- i Impact on the character and appearance of the area;
- ii Impact on neighbouring residential property
- iii Highway, access and parking considerations
- iv Impact on trees
- v Impact on the Thames Basin Heaths Special Protection Area

### **Impact on the character and appearance of the area**

- 6.2 Regard should be had to a scheme for two pairs of semi-detached dwellings that was dismissed on appeal in 2015 (reference 14/00207/FULL), and to a scheme for two pairs of semi-detached dwellings that was allowed on appeal in 2016 (reference 15/01752/FULL), both of which are significant material considerations in the determination of this application.
- 6.3 The scheme dismissed on appeal in 2015 was considered to be harmful to the character and appearance of the area. The scheme that was allowed on appeal in 2016 was deemed to have an acceptable impact on the character of the area.
- 6.4 The scheme under this application has a crown roof; crown roofs were in the scheme allowed on appeal. The roofs to the dwellings would be wider would not have chimneys like the scheme that was allowed on appeal. The proposed dwellings would have similar fenestration on the front elevation to the appeal scheme that was allowed. The fenestration on the rear elevation of the proposed dwellings is different to the appeal scheme that was allowed, but the appearance of the fenestration is considered to be acceptable. The roofs of the proposed dwelling when looking onto the side elevation, is different from the permitted scheme, but the roofs are considered to be acceptable. The scale and bulk of the proposed dwellings in this

scheme are considered to be acceptable, given the character and appearance of other buildings in the area.

- 6.5 The scheme proposed under this application does reintroduce partially visibly basements with steps up to the front doors, but in this scheme, the basement would be concealed by a low wall. Whilst this was an element that the Inspector raised as a concern in the appeal scheme that was dismissed, this current scheme does not have the same bulk and mass and level of fenestration (which were concerns for the Inspector) as in the appeal scheme that was dismissed.
- 6.6 Looking at the design and appearance of the dwellings as a whole, it is not considered that they would cause harm to the character and appearance of this area. The site is on the edge of the leafy residential suburb townscape type and close to the town centre; it is accepted that the proposed dwellings that may appear more urbanised than the dwellings in the previously allowed scheme, however, the design and appearance of the dwellings are considered to be acceptable within this part of London Road. It is considered that the proposed dwellings look materially different from the dwellings in the scheme that was dismissed on appeal, and they do not have such an urbanising appearance as the dismissed scheme.

#### **Impact on neighbouring residential property**

- 6.7 It is not considered that the proposed development would have an adverse impact on neighbouring residential amenity. In respect of the windows which face Woodstock House, it is not considered that these would result in any unacceptable levels of overlooking to this dwelling. Any further windows inserted at first floor level in this side elevation may result in overlooking to the rear garden of this dwelling, and on this basis it is recommended that a condition to restrict any further windows being inserted is imposed (see condition 11).

#### **Highway, access and parking considerations**

- 6.8 The principle of the development of 4 dwellings has already been accepted on appeal. The proposed levels of parking and impact on highway safety are considered to be acceptable.
- 6.9 The plans show the dwellings would have 3 bedrooms. In a sustainable location such as this, the scheme needs to provide 1 space per unit. The previous scheme that was allowed on appeal showed the dwellings to have 4 bedrooms each. The site layout approved showed 4 parking spaces on site (like in this scheme). The Inspector was satisfied with this level of parking under the appeal for 4 dwellings. The scheme is considered to provide a sufficient number of parking spaces.

#### **Impact on trees**

- 6.10 There is a large Lime tree to the rear of the site which is protected by TPO 1 of 2010 and a number of mature trees bordering the site along the edge with the access road to the car park and also to the front of the site (these are not covered by a TPO).
- 6.11 This scheme largely follows the layout of the previous scheme allowed on appeal. In the previous appeal decision that was allowed, the Inspector considered the impact on the tree to acceptable and considered conditions could be used to secure tree protection measures. It is considered acceptable to obtain details of tree protection measures by way of conditions in this application. (see condition 4).

#### **Impact on the Thames Basin Heaths Special Protection Area**

- 6.12 The Thames Basin Heaths Special Protection Area (the SPA) was designated in 2005 to protect and manage the ecological structure and function of the area to sustain the nationally important breeding populations of three threatened bird species. The Council's Thames Basin Heaths SPD sets out the preferred approach to ensuring that new residential development provides adequate mitigation, which for residential developments of between one and nine additional housing units on sites located over 400 metres and up to 5 kilometres from the SPA, is based on a combination of Strategic Access Management and Monitoring (SAMM) and the provision of Suitable Alternative Natural Greenspace (SANG). The application site is within this 0.4 - 5km buffer zone around the SPA.
- 6.13 The Council has an adopted Suitable Alternative Natural Greenspace (SANG), Allen's Field.  
As of the 6<sup>th</sup> April 2015 the Council can no longer secure pooled developer contributions. SAMM and SANG contributions will be covered by condition to make provision for the delivery of Suitable Alternative Natural Greenspace (SANG) and for provision towards Strategic Access Management and Monitoring (SAMM). This is to ensure that the proposed development would not have a significant adverse effect on a European site within the Conservation of Habitats and Species Regulations 2010. It is considered that suitable measures to mitigate for the pressure of the proposed additional residential unit on the SPA, could be secured by condition on a planning application.

#### **Other Material Considerations**

- 6.14 It is acknowledged that this scheme would make a contribution to the Borough's housing stock and it is the view of the Local Planning Authority that that the socio-economic benefits of the additional dwelling(s) would also weigh in favour of the development.
- 6.15 It is requested by an objector (if planning permission is granted) to condition the basements not to be used as separate flats. As the use of the basements as separate flats would require planning permission, it is not considered reasonable or necessary to impose a condition for this.

### **7. COMMUNITY INFRASTRUCTURE LEVY (CIL)**

- 7.1 The application proposes a new residential development and therefore would be liable for a Community Infrastructure Levy contribution. Details on existing and proposed floorspace have not been provided, and so the likely amount for CIL cannot be specified in this report.

### **8. CONSULTATIONS CARRIED OUT**

#### **Comments from interested parties**

37 occupiers were notified directly of the application.  
The planning officer posted a site notice advertising the application on the 18<sup>th</sup> August 2016.

1 letter was received objecting to the application, summarised as:

Comment		Where in the report this is considered
1.	The scheme now looks more like the scheme that was dismissed on appeal in 2015.	6.2-6.6
2.	The increased scale of the building, the frontage with the steps and visible basements recreate factors that the Inspector dismissed in 2015.	6.2-6.6
3.	This is a blatant attempt by the developer to creep back to the scheme dismissed on appeal.	6.2-6.6
4.	Understand Council has little enthusiasm for another appeal, but LPA's should not allow developers to wear them down to go back to scheme that was rejected.	6.2-6.6
5	If planning permission is granted, a condition should be imposed to prevent the basements becoming separate flats.	6.15
6	Adverse impact on character of the area.	6.2-6.6

#### Other Consultees

Consultee	Comment	Where in the report this is considered
Ascot, Sunninghill and Sunningdale Neighbourhood Plan Delivery Group	<p>This site has a long and complex planning history. In summary however, this application is substantially similar to application 14/00207, which was dismissed on appeal; and which is a material consideration with respect to the current application. The current application's links to the consented scheme 15/01752, which was allowed on appeal, are far more tenuous.</p> <p>The site lies in TA area 'Leafy Residential Suburbs' and its location is on the boundary of where the townscape character changes from urban to semi-rural, a point recognised by the appeals inspectors.</p> <p>The key issue with this current application is that it does NOT reflect the plans approved on appeal (application 15/01752). In fact, as stated in point 1 above, this proposed scheme has a lot in common with the refused 14/00207 scheme.</p> <p>The two buildings are higher, wider and deeper than the permitted plans, with the main objective seeming to be to create more space in the attic floor.</p> <p>The chimneys which reflected the rooflines of neighbouring buildings have been removed and the style and pitch of the roof has changed, resulting in the buildings' bulk and mass being more over-dominant over their surroundings, contrary to NP/DG2.</p> <p>The frontage has reverted largely to that of the dismissed 14/00207 scheme, with pairs of steps up the front door and a</p>	See main report

	<p>visible basement, a style more associated with city townhouses than our semi-rural area – one of our key objections to the 14/00207 scheme and referred to by the Inspector in the reasons for dismissing it – see point 3 above.</p> <p>The impact of the proposed four storey buildings will be obvious from the street frontage and will be totally out of keeping with the character and appearance of the area and have an adverse impact on it, contrary to NP/DG1 and NP/DG3.</p> <p>The proposal provides parking for just two spaces per dwelling with no provision for parking for social visitors, tradesmen or deliveries. In view of the site’s location on the highly trafficked London Road this is entirely unacceptable and contrary to NP/T1.</p> <p>There is no information provided by way of tree survey or arboricultural report, or any landscaping proposal on what is being proposed with respect to TPO trees, proposed tree protecting schemes and new planting. This is a totally new application and it cannot be assumed that what was submitted as part of the previous scheme(s) will (or will not) apply.</p> <p>On the basis of all the above, we urge you to REFUSE this application. Finally, should any consideration be given to allowing this scheme, we request that as a minimum, a Condition is included relating to the future use of the basement accommodation.</p>	
SPAE	<p>Bulk and mass of the proposed dwellings is unacceptable and would have a harmful impact on the character of the area.</p> <p>The buildings contain 4 floors of accommodation, and it will be obvious from the street, the appearance of the roof, the loss of the chimneys, the steps leading to the front doors and the metal railings to the light wells gives the dwellings the appearance of townhouses- this is not in keeping with area.</p> <p>Size of garden areas is inappropriate for the dwellings.</p> <p>Development will compromise the TPO tree- no arboricultural information has been submitted.</p> <p>Parking provision is not acceptable in accordance with the parking requirements in the Neighbourhood Plan.</p>	See main report
Highway Authority	<p>Offer no objection subject to conditions for:</p> <ul style="list-style-type: none"> <li>▪ Access constructed in accordance with plan</li> <li>▪ Construction Management Plan</li> </ul>	See main report

	<ul style="list-style-type: none"> <li>▪ Vehicle parking spaces retained</li> <li>▪ Restrict garages to be retained for parking</li> <li>▪ Refuse area retained in accordance with approved details</li> <li>▪ Existing access stopped up</li> <li>▪ Any gates to be put in shall be set back at least 7 metres and open away from highway</li> </ul>	
--	---	--

## 9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Proposed site layout
- Appendix C – Proposed elevations
- Appendix D –Proposed floor plans
- Appendix E- Elevations that were previously dismissed and previously allowed on appeal and appeal decisions.

Documents associated with the application can be viewed at <http://www.rbwm.gov.uk/pam/search.jsp> by entering the application number shown at the top of this report without the suffix letters.

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 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 Prior to the construction of the dwellings and garages hereby approved, a written specification of the materials to be used on the external surfaces shall be 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, and Neighbourhood Plan Policies NP/DG3 .
- 3 Prior to the construction of the dwellings hereby approved, 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. Development shall be carried

out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area. Relevant Policy DG1, and Neighbourhood Plan Policies NP/DG3 .

- 4 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. and policy NP/EN2 of the Neighbourhood Plan.

- 5 Prior to the construction of the dwellings hereby approved, full details of both hard and soft landscape works, shall be submitted to and approved in writing by the Local Planning Authority 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.

- 6 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.

- 7 No part of the development shall be occupied until a means of vehicular access has been constructed in accordance with the approved plans.

Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.

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

Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.

9

Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5. The existing access to the site shall be stopped up and abandoned immediately upon the new access being first brought into use.

10 No development shall take place until a scheme for the mitigation of the effects of the development on the Thames Basin Heaths Special Protection Area has been submitted to and approved in writing by the Local Planning Authority. The scheme shall make provision for the delivery of Suitable Alternative Natural Greenspace (SANG) and for provision towards Strategic Access Management and Monitoring (SAMM). In the event that the proposal is for the physical provision of SANG, the SANG shall be provided in accordance with the approved scheme before any dwelling is occupied. Reason: To ensure that the development, either on its own or in combination with other plans or projects, does not have a significant adverse effect on a European site within the Conservation of Habitats and Species Regulations 2010.

11 No further window(s) shall be inserted at first floor level or above in the north east (side) of the dwellings on plots 3 and 4.

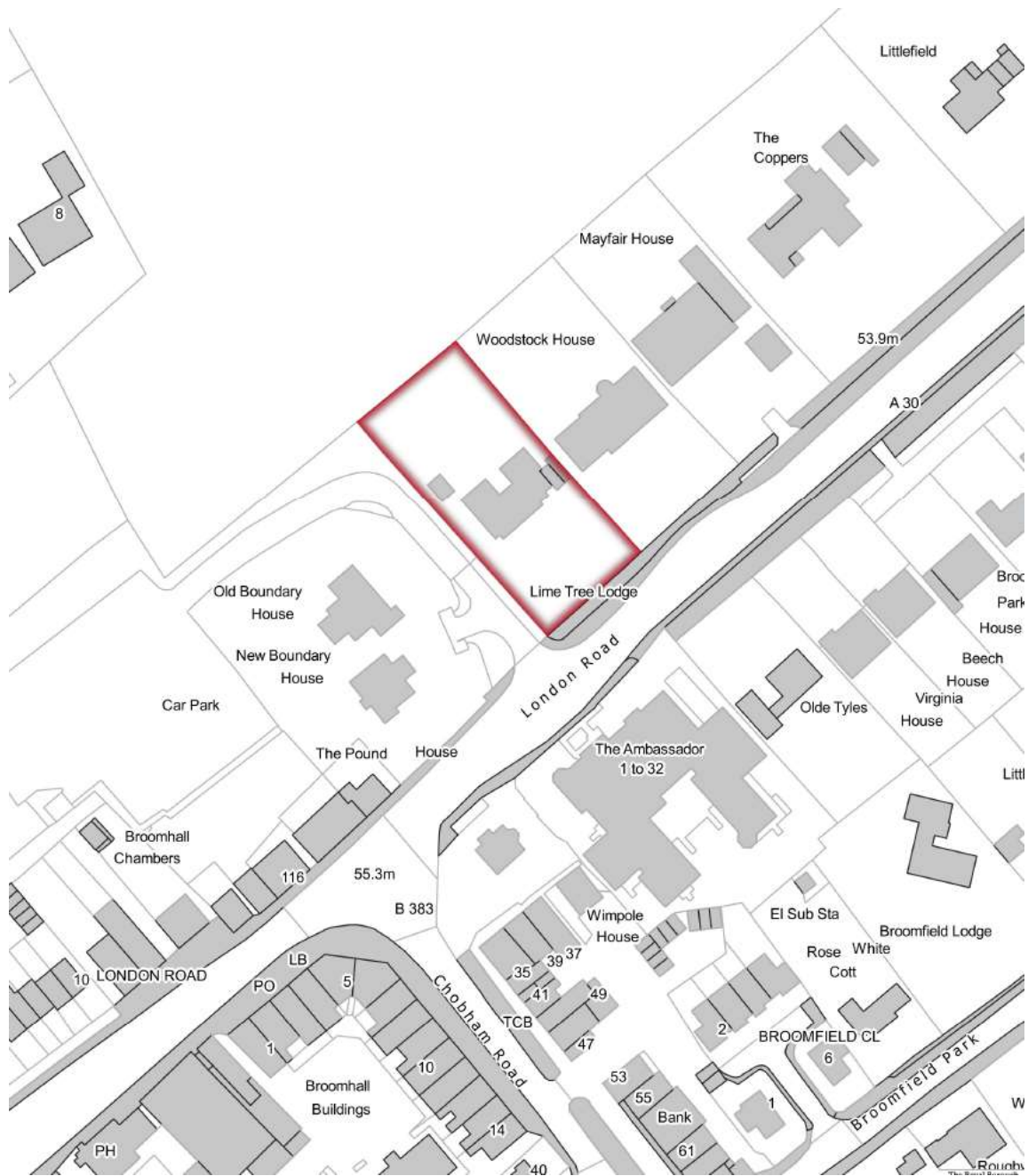
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers, in accordance with the NPPF.

12 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.



Appendix A- Site location



Appendix B- Proposed site layout



Appendix C- Elevations



Front Elevation

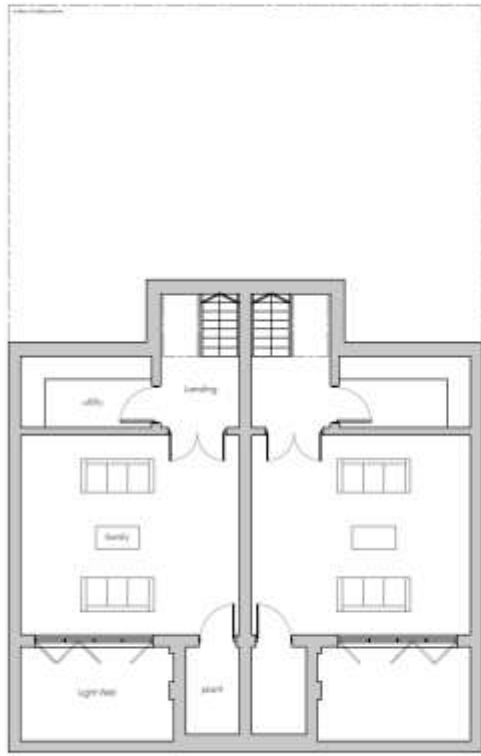


Left Flank Elevation

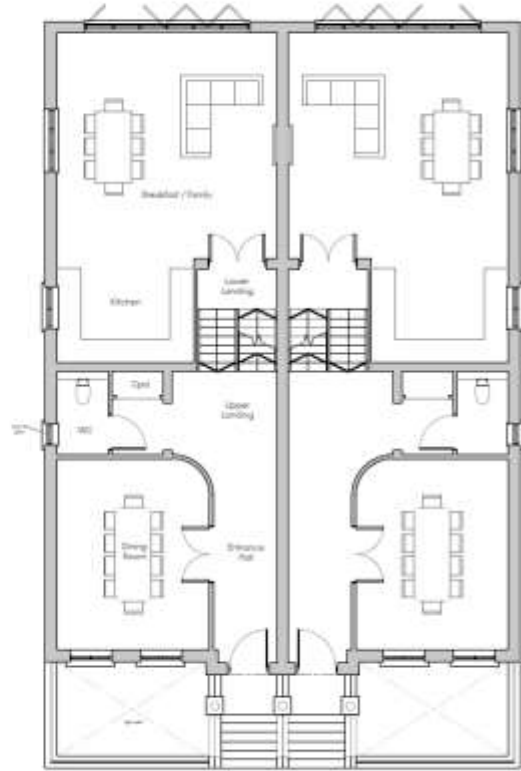


Right Flank Elevation

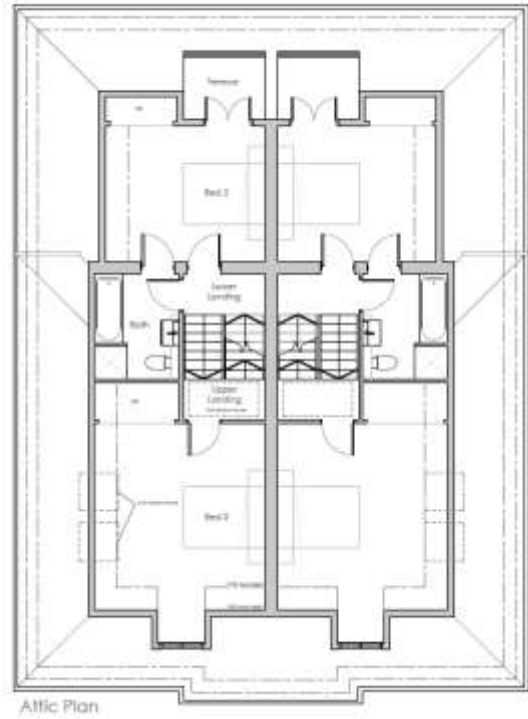
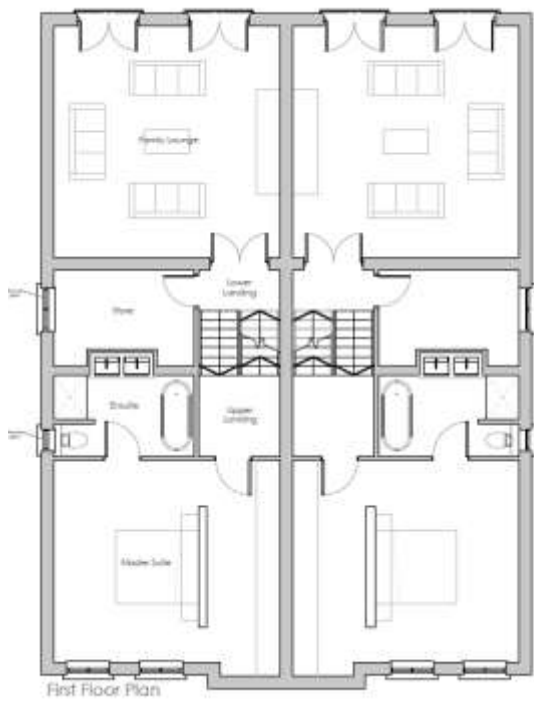
Appendix D- Floor plans



Basement Plan



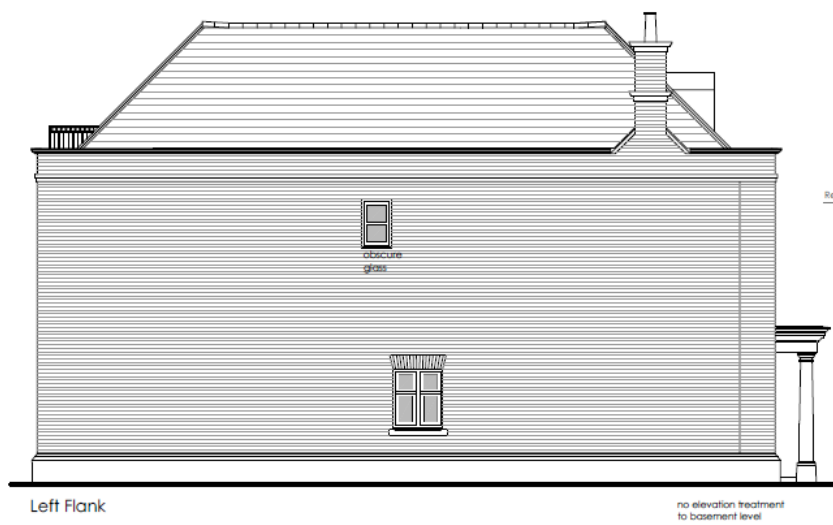
Ground Floor Plan



Appendix D- Elevations

## Appendix E- Previous Appeal schemes

Scheme allowed on appeal



Scheme dismissed on appeal





---

# Appeal Decision

Site visit made on 24 February 2016

**by K A Ellison BA, MPhil, MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 15 April 2016**

---

**Appeal Ref: APP/T0355/W/15/3133805**

**Lime Tree Lodge, London Road, Sunningdale, Ascot SL5 0JN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs D Mills against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
  - The application Ref 15/01752 dated 28 May 2015 was refused by notice dated 23 July 2015.
  - The development proposed is the demolition of the existing property and replacement with 4No. dwellings formed of two pairs of semi-detached buildings with associated parking, garages and amenity space.
- 

## Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing property and replacement with 4No. dwellings formed of two pairs of semi-detached buildings with associated parking, garages and amenity space at Lime Tree Lodge, London Road, Sunningdale in accordance with the terms of the application Ref 15/01752 dated 28 May 2015 subject to the conditions in Annex 1.

## Application for costs

2. An application for costs was made by Mr & Mrs Mills against the Royal Borough of Windsor and Maidenhead. This is the subject of a separate Decision.

## Background

3. The appeal proposal is very similar in layout and appearance to a scheme for two detached dwellings which was granted planning permission in January 2013 and is still extant. The present scheme has been brought forward in the light of a recently dismissed appeal for two pairs of semi-detached dwellings.<sup>1</sup> The scheme was amended while it was being considered by the Council and I have made my decision on the basis of the amended plans.

## Planning policy context

4. Local Plan policies DG1, H10 and H11<sup>2</sup> are concerned with matters of design. Under policy DG1, among other things, new buildings should be compatible

---

<sup>1</sup> APP/T0355/W/15/2220054 dated 11 February 2015

<sup>2</sup> Royal Borough of Windsor and Maidenhead Local Plan 1999 Incorporating Alterations adopted June 2003

with the established street façade and harm should not be caused to the character of the surrounding area through development which is cramped or results in the loss of important features which contribute to character. Added support for this approach is provided through policies H10 and H11, which expect high standards of design and do not permit schemes which introduce a density which would be incompatible with the character of an area. These saved policies are broadly consistent with the design approach in NPPF.

5. In the Neighbourhood Plan<sup>3</sup>, policy NP/DG1 expects proposals to respond positively to the local townscape, having regard to the Townscape Assessment Report. At NP/DG1.3, the policy goes on to state that proposals in the leafy residential suburb Townscape Assessment zone should retain and enhance the sylvan, leafy nature of the area. Under policy NP/DG2, development should be similar to neighbouring properties and the surrounding area in relation to a range of factors, including density.

### **Main Issue**

6. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

### **Reasons**

7. Lime Tree Lodge consists of a detached bungalow set in generous grounds. The boundary with London Road, to the front, is well-screened by mature trees and a high fence, although there is a more open outlook across fields to the rear. According to the Townscape Assessment Report, the site lies within an area categorised as a leafy residential suburb. However, as I noted during my site visit, it also lies within view of the centre of Sunningdale.
8. This proposal is a careful adaptation of the approved, two-dwelling scheme. It would involve only a few, relatively modest changes to the layout and built form of that proposed development, such as the presence of a second front door and the use of a false window at first floor level. Such differences would not be greatly noticeable in public views from London Road. In terms of visual impact therefore, I consider that the proposal as it now stands would not have any materially greater effect on the appearance of the surrounding area than the two-dwelling scheme.
9. My conclusion on this point takes into account the observations of the previous Inspector concerning the subdivision of the rear of the site into separate gardens. In my opinion, the presence of four comparatively narrow gardens to the rear of two pairs of substantial, semi-detached houses would indicate that this site was more intensively developed than the other properties on this part of London Road. I recognise that the contrast with the existing arrangement of a bungalow and a single, large garden would be particularly marked. However, although of a higher density the gardens would be of reasonable size so that the development would not appear cramped. Moreover, the incremental effect as compared with the two dwelling scheme would be slight. In views from the public footpath to the north east, the proposed gardens would be seen from some distance, and in the context of the more intensively developed area of the centre of Sunningdale as well as the more spacious properties leading out

---

<sup>3</sup> Ascot, Sunninghill and Sunningdale Neighbourhood Plan 2011-2026, made 2014

- along London Road. As a result, I consider that the layout would not detract unacceptably from the open appearance of this part of Sunningdale.
10. With regard to character, the site lies at the edge of the leafy residential suburb area, as defined in the Townscape Assessment Report. In the previous appeal, the Inspector noted that this was a point where an abrupt shift in character occurs. It was his view that although the site presently shares more characteristics with the properties to the north east, the proposed development would lead to the spread of the urban area beyond its current edge, notwithstanding the benefit of a single central crossover access.
  11. To my mind, the judgement in the present appeal is more finely balanced. On the one hand, there would still be a relatively significant increase in density, with a resultant, more modest, plot size, especially when compared to the plot in its existing state. On the other, there would be no greater effect on the sylvan nature of the area as a result of the four dwelling scheme as compared to the two dwelling scheme. Indeed, provided suitable planting and landscaping was undertaken along the London Road frontage, it seems to me that the single point of access to be provided under the four dwelling scheme could well strengthen the leafy quality of this part of London Road compared to the separate accesses proposed under the two dwelling scheme.
  12. Given the location of the site at the edge of the leafy residential suburb townscape type and close to the town centre, I consider that in this instance, the single point of access is sufficient to tip the balance in favour of the four dwelling scheme. Consequently, whilst I acknowledge that the proposal would differ with the prevailing character as regards plot size, I consider that it would nevertheless still be compatible with the leafy residential suburb townscape type when considered as a whole.
  13. On that basis, I conclude that the proposal would be acceptable in terms of its effect on both character and appearance. As a result, it would be broadly in accordance with Local Plan policies DG1, H10 and H11 and policies NP/DG1 and NP/DG2 of the Neighbourhood Plan.

### **Conditions**

14. I have considered the conditions suggested by the Council in the light of the advice in Planning Practice Guidance (PPG).
15. In addition to the standard commencement condition, I have imposed a condition specifying the plans, so as to provide certainty. Details of the materials and finished levels, as well as tree protection measures and landscape planting are necessary in the interests of visual amenity and to protect the character and appearance of the area. Conditions requiring details of how the development would reflect the requirements of the Council's Supplementary Planning Documents on Sustainable Design and Construction and on Planning for an Ageing Population are reasonable in the interests of achieving a sustainable form of development.
16. A management plan covering the demolition and construction arrangements is necessary in the interests of local amenity and highway safety. Conditions dealing with the provision of access and parking for the development are necessary in the interests of highway safety and the free flow of traffic. Details of the treatment of the existing access are necessary both for reasons of

highway safety and to protect the character and appearance of the area. Due to the proximity to the Thames Basin Heaths Special Protection Area, a condition requiring a scheme for the mitigation of the effects of the development is necessary in the interests of nature conservation.

17. Given the relationship of the site to London Road, I see no reason for a condition relating to the drainage of the area of hard surfacing. The design takes into account the need to maintain privacy for neighbouring occupiers so that a condition covering the design of first floor windows is unnecessary. The PPG advises that conditions restricting permitted development rights should only be used in exceptional circumstances. As I have found the development to be acceptable as it stands, I am not convinced that the suggested restrictions are reasonable or necessary in this instance.

### **Conclusions**

18. Notwithstanding the increased density of this proposal, I have found that it would not have an unacceptably adverse effect on the character and appearance of the surrounding area. Since the proposal is in accordance with the development plan, the terms of the presumption in favour of sustainable development mean that approval should be granted without delay.
19. I have had regard to the other points raised, including concerns as to the outlook from the neighbouring property, Woodstock House, and the implications for highway safety. Although the rear gardens to the proposed development would be visible from Woodstock House, this would not affect the open or sylvan character of the existing view so that it would not have an unacceptable effect on the outlook from that property. As to highway safety, there would be a relatively modest number of additional vehicle movements associated with the four dwelling scheme. I am not convinced that this would be such as to materially affect current levels of highway safety, even taking into account the proposed access arrangements.
20. For the reasons given above, I conclude that the appeal should succeed.

*K.A. Ellison*

Inspector

## **Annex 1 – Conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
  - FD 15-1285-50 Site location plan
  - FD 15-1285-55B Proposed site layout
  - FD 15-1285-99A Basement plan
  - FD 15-1285-100C ground and first floor plans
  - FD 15-1285-101 Attic and roof plans
  - FD 15-1285-105C Front elevation
  - FD 15-1285-106 Rear and flank elevations and section
  - FD 15-1285-108 garage plans and elevations
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place 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. Development shall be carried out in accordance with the approved details.
- 5) 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.
- 6) No development shall take place until full details of soft landscape works to enhance the planting at the front of the site have been submitted to and approved in writing by the Local Planning Authority, together with a timetable for their implementation. These works shall be carried out as approved. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
- 7) No development shall take place until details of sustainability measures have been submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate how the development would

- be efficient in the use of energy, water and materials in accordance with the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document. The development shall be carried out and subsequently retained and maintained in accordance with the approved details.
- 8) No development shall take place until details of the measures to be used in the construction of the building to address the Borough's ageing population have been submitted to and approved in writing by the local planning authority. The submitted details shall demonstrate how the development would comply with Policies PAP1 and PAP 5 of the Royal Borough of Windsor and Maidenhead Planning for an Ageing Population SPD and include the relevant checklist. The development shall be carried out and subsequently retained and maintained in accordance with the approved details.
  - 9) No development shall take place, including any works of demolition, until a management plan has been submitted to, and approved in writing by, the local planning authority. The management plan shall show how demolition and construction traffic (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works period. The approved plan shall be adhered to throughout the construction period.
  - 10) No part of the development shall be occupied until a means of vehicular access has been constructed in accordance with the approved plans.
  - 11) No part of the development shall be occupied until vehicle parking spaces have been provided in accordance with the approved drawing. The spaces approved shall be retained for parking in association with the development.
  - 12) The existing access to the site shall be stopped up and abandoned immediately upon the new access being first brought into use.
  - 13) No development shall take place until a scheme for the mitigation of the effects of the development on the Thames Basin Heaths Special Protection Area has been submitted to and approved in writing by the Local Planning Authority. The scheme shall make provision for the delivery of Suitable Alternative Natural Greenspace (SANG) and for provision towards Strategic Access Management and Monitoring (SAMM). In the event that the proposal is for the physical provision of SANG, the SANG shall be provided in accordance with the approved scheme before any dwelling is occupied

END

---

## Appeal Decision

Site visit made on 11 February 2015

**by G J Rollings BA(Hons) MA(UD) MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 6 May 2015**

---

**Appeal Ref: APP/T0355/A/14/2220054**

**Lime Tree Lodge, London Road, Sunningdale, Ascot, SL5 0JN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Dudley Mills against the decision of Council of the Royal Borough of Windsor and Maidenhead.
  - The application Ref 14/00207, dated 13 January 2014, was refused by notice dated 6 May 2014.
  - The development proposed is the demolition of the existing property and replacement with 4no. dwellings with associated parking, garages and amenity space.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

### Reasons

3. The appeal site accommodates a single dwellinghouse which would be demolished to provide two new identical two-storey buildings, with additional semi-sunken basement and roof area living space. Each new building would contain a pair of semi-detached houses, arranged over the four floors, with private rear gardens and parking within the area between the houses and the road, accessed via a new crossover. There is a Tree Preservation Order on a large tree within the rear garden area, but the tree is unlikely to be significantly affected by the proposal.
4. The site is close to several areas of different characters. The town centre of Sunningdale is within view of the site along London Road to the south-west, with a generally urban appearance. In the other direction, development along London Road is more spread out, which lends a semi-rural appearance to the residential area. Green Belt land abuts the appeal site's rear boundary, with long views over open fields both from within and towards the site.
5. There is an extant approval for development of the site. That approval, for two dwellings in two separate buildings, has a site layout similar to the proposal before me. Due to the similarities between the schemes, the previous approval has significant weight in my determination. Nonetheless, there are some differences in the design of the development which have affected the outcome in this case.

6. The buildings previously approved have the appearance of two houses. Although large, they share characteristics with the larger, detached houses to the north-east. However, despite the similar heights proposed between the approved and appeal schemes, the buildings proposed within the appeal scheme would appear bulkier. A contributing factor is the altered massing of roof areas, which would remove the pitched edges of the approved scheme. A further factor is the raised ground floor, which would enable four floors of accommodation to be visible, which would contribute to a denser appearance. Despite the partially obscured nature of the basement accommodation, the bulky nature of the dwellings would be reminiscent of those with a more urban form.
7. The shift in character between the aforementioned urban and semi-rural areas is abrupt. The appeal site is near the edge of the urban area, but shares more similarities with the character to the north-east than that of the denser development of the town centre. This is despite the nearby presence of 'The Ambassador' building, which is urban in form and scale. However, the wide London Road acts as a barrier between the two sites, which are clearly separable in views from both directions along the road. Although vegetation restricts the view of the site from the road edge, the development would be clearly visible in places.
8. The proposed dwelling, with its urban form, would alter the character of the site and contribute to a spread of the urban area beyond its current edge. This would conflict with the Council's *Local Plan (2003) Policy H11*, which states that development that requires permission to be withheld for development with a scale or density that would damage the character of the area. Furthermore, there would be conflict with Policy NP/DG1.2 of the adopted *Ascot, Sunninghill & Sunningdale Neighbourhood Plan 2011-2026 (2014)*, which forms part of the development plan for the area. This policy requires denser forms of residential development to demonstrate that the identified character of the area would be retained.
9. The area in front of the house would have some landscaping space set aside, although the majority of the space would be paved and set out as a parking and vehicle manoeuvring area. The proposed layout would contribute to the urban appearance of the site but would not be too different from the layout within the approved scheme. The presence of one central crossover in the appeal scheme, as opposed to the two formerly proposed, could represent a less urban and dense form of development, but this benefit on its own does not negate my other concerns over the character and appearance of the appeal scheme.
10. I have considered the views towards the rear of the site. From a distance, and the areas from which public viewing is possible, the differences in profile between the approved and appeal schemes would be minimal. In closer, non-public views, the effect of the bulkier roof would be noticeable. The layout of the area behind the house, comprising four rear gardens instead of the two within the approved scheme, could cause this area to appear more developed. Boundary treatment could be controlled by condition, but overall the effect on views from this area, whilst potentially having a detrimental impact on openness, would be unlikely to have a significantly harmful effect on the rural character of the Green Belt Land.
11. Taking into account all of the above, I therefore conclude that the proposed development would have harmful effect on the character and appearance of the area. It would conflict with Local Plan Policy H11 and Neighbourhood Plan Policy NP/DG1.2 for the reasons set out above. It would also conflict with Local Plan



Policies H10, and DG1, and Neighbourhood Plan Policies NP/DG3, which together require a high standard of design appropriate to the local context. I do not consider that the proposal would conflict with Neighbourhood Plan Policy NP/T1.1, which requires an adequate parking and access layout appropriate to the character of the area. These policies are generally consistent with the *National Planning Policy Framework* (the Framework). The parties have referred to the Council's Townscape Assessment, but it has not been necessary for me to further consider its detail beyond the referrals within the aforementioned policies.

#### *Other issues*

12. I have read the appeal statements and referrals to examples of other development supplied by the appellant in support of the scheme. Although there are similarities between these cases and the appeal scheme, these do not outweigh my concerns on the harm caused by the proposal's impact on local character and appearance.
13. It was suggested to me that a five-year supply of deliverable housing land cannot be identified in the area. However, I consider that the contribution this development would make towards addressing housing supply issues would not outweigh the harm that the scheme would cause to the character and appearance of the area. As such, it is not a form of sustainable development for which there is a presumption in favour. In reaching this conclusion I have borne in mind paragraphs 47-49 of the Framework and its guidance that planning should always seek to secure high quality design (paragraph 17).
14. A planning obligation has been submitted by the appellant, to mitigate the development's impacts on local infrastructure. The transitional period under Community Infrastructure Levy (CIL) Regulation 123(3) (as amended)<sup>1</sup>, after which s106 planning obligations designed to collect pooled contributions ('tariffs') may not lawfully be used to fund infrastructure which could be funded from CIL, ended nationally on 6 April 2015. However, given that I am dismissing the appeal for other reasons, it has not been necessary for me to consult the main parties on this matter, or consider it in detail. I have considered whether the obligation could provide any additional benefits that could weigh in favour of the development, but despite the fact that there that the appropriate Local Plan policy requirements are satisfied, the measures mitigate the impacts of the proposed scheme, and provide limited additional benefit. As such, I do not consider that there are any benefits that would outweigh the harm that I have identified.
15. I have also taken into account other factors weighing in favour of the development, such as the sustainability of the location. However such absences of harm are neutral factors in my determination and as such they do not outweigh my concerns as set out above.

#### **Conclusion**

16. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*G J Rollings*

INSPECTOR

---

<sup>1</sup> The Community Infrastructure Levy Regulations 2010.

## WINDSOR RURAL DEVELOPMENT CONTROL PANEL

19 October 2016

Item: 4

<b>Application No.:</b>	16/02577/FULL
<b>Location:</b>	138 Staines Road Wraysbury Staines TW19 5AH
<b>Proposal:</b>	Single storey side/rear extension
<b>Applicant:</b>	Ms Ledger
<b>Agent:</b>	Mr Tom Millin
<b>Parish/Ward:</b>	Wraysbury Parish/Horton & Wraysbury Ward
<b>If you have a question about this report, please contact:</b> Adam Jackson on 01628 796660 or at adam.jackson@rbwm.gov.uk	

### 1. SUMMARY

- 1.1 The proposed extension would have an acceptable impact on the character and appearance of the host dwelling and the street scene.
- 1.2 The proposed extension would not result in a disproportionate addition in the Green Belt.
- 1.3 The proposed extension would increase the ground covered area on site by 55sqm which is in excess of the 30sqm ground covered area (GCA) permitted by policy F1 for extensions in flood zone 3.
- 1.4 The part of the proposed rear extension closest to 140 Staines Road can be built using the properties permitted development rights as confirmed under application 16/02006/PDXL. The extension proposed under this current application would not have a greater impact on the amenity of this neighbour than the permitted development extension. There will be a gap of over 3m between the proposed extension and the side wall of number 136 Staines Road. This gap is sufficient to prevent there from being any significant loss of light to the side windows of this neighbour.

**It is recommended the Panel refuses planning permission for the reason listed in Section 9 of this report.**

### 2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Lenton irrespective of the recommendation of the Head of Planning. The reason given is: This application is incomprehensible but it appears to be an extension to an extension.

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

- 3.1 This section of Staines Road is characterised by two storey detached and semi-detached properties, however, there is some variety in the style of houses and the external materials. The site is located within Flood Zone 3 which is an area considered to be at high risk of flooding and within the Green Belt.

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

16/02006/PDXL	Single storey rear extension no greater than 5.5m depth, 3.38m high and eaves height of 3.0m.	Prior approval not required – 20.07.2016
---------------	---	--

4.1 The application is for a part front, side and rear extension. The proposed extension runs along the side elevation of the existing dwelling and extends 5.5 metres beyond its rear elevation. The extension is 3 metres tall with a flat roof apart from at the front where a dummy pitch is proposed up to a height of 3.37 metres. No side windows are proposed, however, 2 roof lanterns are proposed above the rear extension. The materials are proposed to match the existing dwelling.

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

### Royal Borough Local Plan

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

	Within settlement area	Green Belt	High risk of flooding
Local Plan	DG1, H14	GB1, GB2, GB4	F1

These policies can be found at:

[https://www3.rbwm.gov.uk/downloads/download/154/local\\_plan\\_documents\\_and\\_appendices](https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices)

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

- Interpretation of Policy F1 – Areas liable to flooding

More information on this document can be found at:

[https://www3.rbwm.gov.uk/info/200414/local\\_development\\_framework/494/supplementary\\_planning](https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning)

### Other Local Strategies or Publications

5.3 Other Strategies or publications relevant to the proposal are:

- RBWM Landscape Character Assessment – view using link at paragraph 5.2

## 6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- The impact that the proposed extension would have on the character and appearance of the host dwelling and street scene
- Whether the proposed extension is appropriate development within the Green Belt

- iii The impact of the proposed extension on the flood zone
- iv The impact on neighbour amenity

### **The impact that the proposal would have on the character and appearance of the host dwelling and street scene**

- 6.2 The National Planning Policy Framework (NPPF) gives weight to the design of development and policies DG1 and H14 of the Local Plan which are consistent with the NPPF requires that development is in keeping with the character of an area. The majority of the properties along this stretch of Staines Road are two storey detached or semi detached properties a number of which appear to have been extended. The proposed extension is small scale and would not significantly alter the character of the host dwelling. The proposed side/front extension would replace an existing car port and as such it is not considered that the proposed extensions would significantly increase the level of development on site or alter the character of the street scene.

### **Whether the proposed extension is appropriate development in the Green Belt**

- 6.3 Local Plan policies GB1 and GB4 establish that residential extensions are acceptable in the Green Belt provided that the extension would not result in a disproportionate addition to the host dwelling either on its own or in conjunction with previous extensions. The proposed extension would have a floor space of 64sqm. There is an existing conservatory to the rear which will be demolished to make way for the proposed extension; however, it is not original. The original footprint of the dwelling is 76sqm. The increase in floor space over the original dwelling is therefore 82%. This is a higher percentage increase than would normally be acceptable; however, the proposed extension is only single storey and would replace an existing car port and conservatory which are both to be demolished as part of this application. The actual increase in bulk of the proposed extension therefore would not be significant and on balance it is not considered that the proposed extension would appear as a disproportionate addition. It is also not considered that the openness of the Green Belt would be harmed and such the proposal complies with Local Plan policy GB2.

### **The impact of the proposed extension on the flood zone**

- 6.4 Local Plan policy F1 allows for an increase in ground covered area (GCA) of up to 30sqm. For anything above this it should be demonstrated to the satisfaction of the Local Planning Authority that the extension would not negatively impact on the flood zone. The proposed extension has a GCA of 64sqm; however, as the existing conservatory is being removed the net increase in GCA is 55sqm. No Flood Risk Assessment has been submitted and as such it is considered that the proposed extension would have an unacceptable impact on the capacity of the flood plain to store flood water and would increase the number of people and properties at risk from flooding by displacing flood water. The proposal is therefore contrary to policy F1 of the Local Plan.

### **The impact on neighbour amenity**

- 6.5 The proposed extension would be built within close proximity of the side boundary shared with number 140 Staines Road and would extend 5.5 metres beyond the rear

elevation of this property. The proposed extension would also have a height of 3 metres along this boundary. However, as shown on plan number FLU.278.04 and confirmed within application 16/02006/PDXL the part of the extension along this boundary could be built using the properties permitted development rights. The extension proposed under the current application would not have a greater impact on the amenity of this neighbour when compared to what can be built under permitted development. To the other side there is a gap of 3 metres between the proposed side wall of the extension and the side wall of number 136 Staines Road. This distance is sufficient to prevent there from being any significant loss of amenity to the side facing windows of number 136. The single storey extension at just 3 metres tall would also not appear significantly overbearing to this neighbours garden.

## 7. CONSULTATIONS CARRIED OUT

### Comments from interested parties

5 occupiers were notified directly of the application. The planning officer posted a notice advertising the application at the site on 19<sup>th</sup> August 2016. No letters were received from neighbouring occupiers.

### Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Parish Council	Objection on the grounds that the total proposed development (including the PDXL application) equates to 52m2 in the flood plain.	See section 6.4

## 8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Existing and proposed plans

Documents associated with the application can be viewed at <http://www.rbwm.gov.uk/pam/search.jsp> by entering the application number shown at the top of this report without the suffix letters.

This recommendation is made following careful consideration of all the issues raised through the application. 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 unsuccessfully resolved.

## 9. RECOMMENDED REASONS FOR REFUSAL

- 1 The proposed extension would result in a 55sqm increase in ground covered area on the site and within Flood Zone 3. No Flood Risk Assessment has been submitted and as such it is considered that the proposed extension would have an

unacceptable impact on flooding in the area. Specifically the capacity of the flood plain to store flood water would be reduced and the number of people and properties at risk from flooding would be increased as a result of the displacement of flood water. The proposal therefore fails to comply with policy F1 of the Local Plan and the principles of the National Planning Policy Framework.

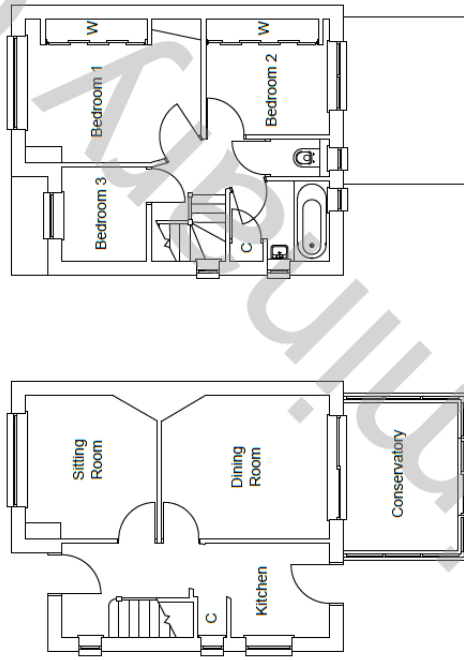
# Appendix A – Site location plan



Site location



# Appendix B – Existing and proposed plans



Existing Ground Floor Plan

Existing First Floor Plan

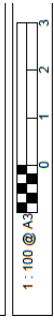
Rev	Date	Description

**Fluent**  
ARCHITECTURAL DESIGN SERVICES

**FLUENT**  
ARCHITECTURAL DESIGN SERVICES  
231 CLARE ROAD, STAINES,  
TEL: 01784 391673 MOB: 07841 848473  
E-MAIL: INFO@FLUENTDESIGN.CO.UK  
WWW.FLUENTDESIGN.CO.UK

138 Staines Road, Wrassbury

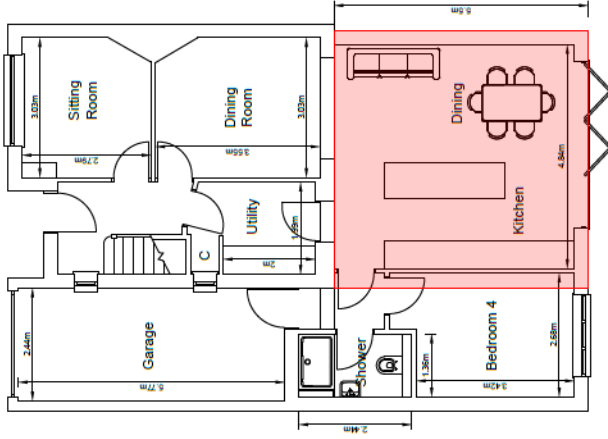
Existing Floor Plan



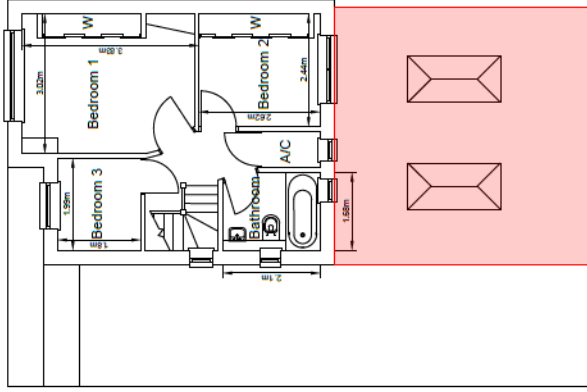
Scale	1:100 @ A3	Dwg No.	FLU.278.02
Date	11.04.16	Rev	
Drawn	T. Millin		



Indicates recently approved application  
 Ref : 16/02006/PDXL



Proposed Ground Floor Plan

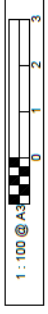


Proposed First Floor Plan

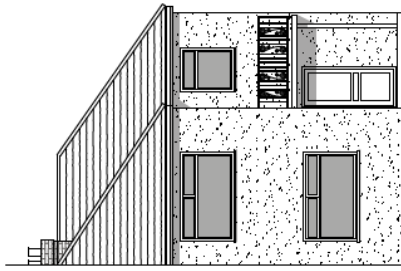
Rev	Date	Description

**Fluent**  
 ARCHITECTURAL DESIGN SERVICES  
 FLUENT  
 ARCHITECTURAL DESIGN SERVICES  
 881 Duane Road, Wraysbury,  
 Middlesex, UK  
 TEL: 01753 531974, MOB: 07754 1848473  
 E-MAIL: [info@fluent-arch.co.uk](mailto:info@fluent-arch.co.uk)  
 WWW: [www.fluent-arch.co.uk](http://www.fluent-arch.co.uk)

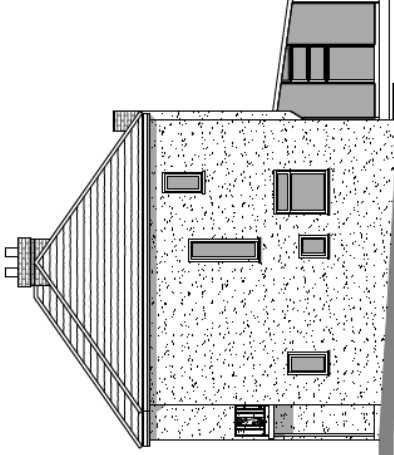
138 Staines Road, Wraysbury  
 Proposed Floor Plan



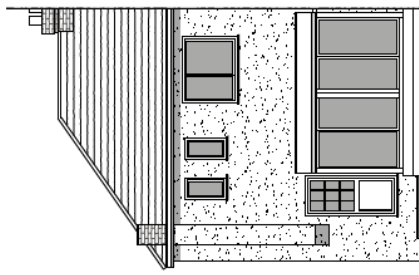
Scale	Dwg No.
1:100 @ A3	FLU.278.04
Date	Rev
11.04.16	B
Drawn	
T.Millin	



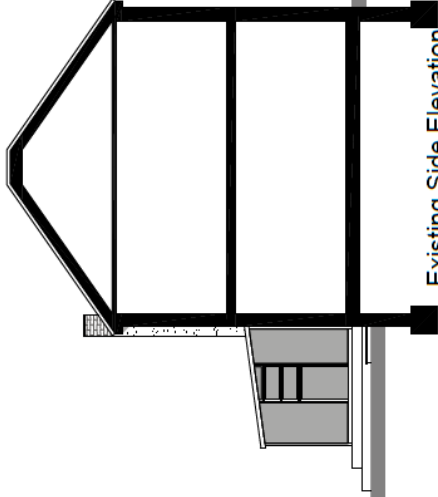
Existing Front Elevation



Existing Side Elevation



Existing Rear Elevation



Existing Side Elevation

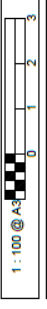
Rev	Date	Description

**Fluent**  
ARCHITECTURAL DESIGN SERVICES

**FLUENT**  
ARCHITECTURAL DESIGN SERVICES  
881 Dulme Road, Wrasbury,  
TAL 01726-5301, WY. Tel: 01776 518473  
E-MAIL: TOM.MILLIN@FLUENT-ADS.CO.UK  
WEB: FLUENT-ADS.CO.UK

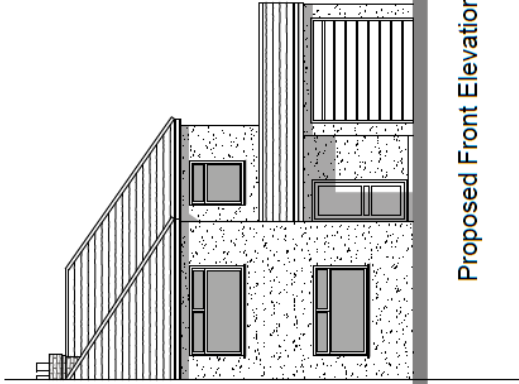
138 Staines Road, Wrasbury

Existing Elevations

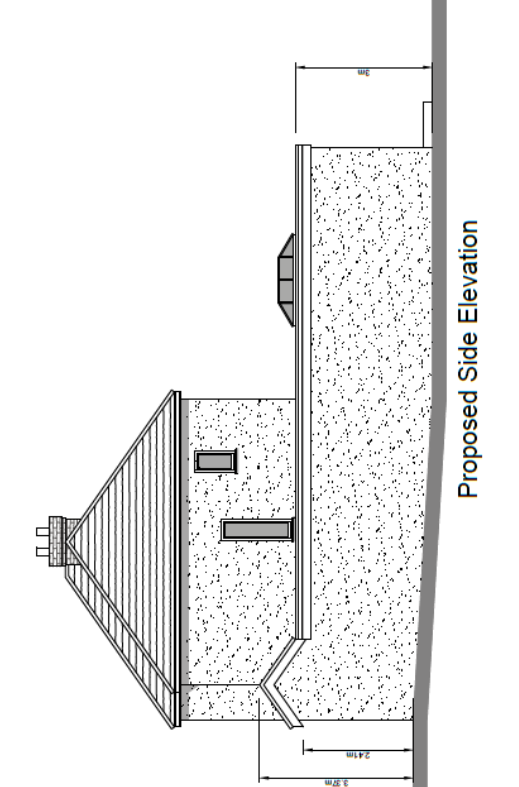


Scale	Dwg No.
1:100 @ A3	FLU.278.03
Date	Rev
11.04.16	
Drawn	
T. Millin	

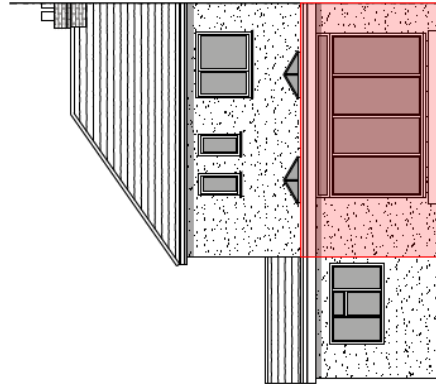
Indicates recently approved application  
 Ref : 16/02006/PDXL



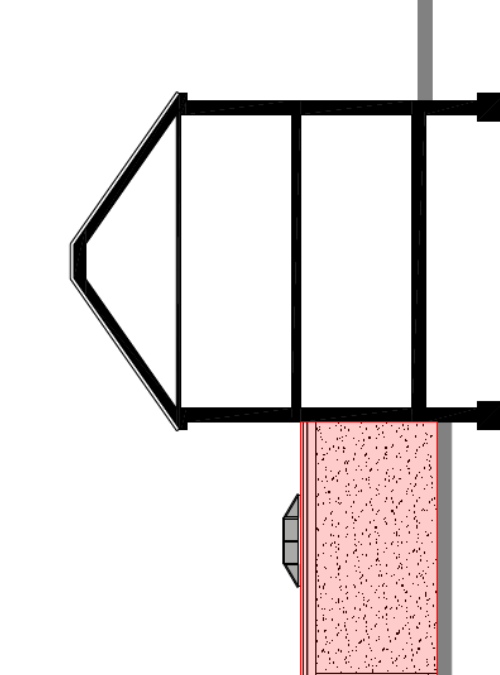
Proposed Front Elevation



Proposed Side Elevation



Proposed Rear Elevation



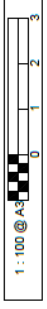
Proposed Side Elevation

Rev	Date	Description

**Fluent**  
 ARCHITECTURAL DESIGN SERVICES  
 881 Quare Road, Wrasbury,  
 Herefordshire, HR9 2PF  
 Tel: 01799 148900  
 Fax: 01799 148972  
 E-mail: [enquiries@fluent-ads.co.uk](mailto:enquiries@fluent-ads.co.uk)  
 Web: [www.fluent-ads.co.uk](http://www.fluent-ads.co.uk)

138 Staines Road, Wrasbury

Proposed Elevations



Scale	1:100 @ A3	Dwg No.	FLU.278.05
Date	11.04.16	Rev	A
Drawn	T.Millin		