

ITEM NO:

Application No.

19/00176/FUL

Site Address:

Ward:

Ascot

Date Registered:

22 February 2019

Target Decision Date:

19 April 2019

**Land Between 95 and 101 Prince Andrew Way Ascot
Berkshire SL5 8NH**

Proposal:

Section 73 application for the variation of condition 2 (approved plans) of planning permission 16/00187/FUL for the erection of 2 no. 3 bedroomed semi-detached dwellings with associated parking and gardens.

Applicant:

Mr Adnan Janjua

Agent:

Mr Kaleem Janjua

Case Officer:

Katie Walker, 01344 352000

development.control@bracknell-forest.gov.uk**Site Location Plan** (for identification purposes only, not to scale)

1.1 The proposal is for minor material amendments to planning permission 16/00187/FUL, which is for the erection of a pair of three-bedroom semi-detached houses on Prince Andrew Way and was approved in January 2019.

1.2 The proposed changes comprise:

- Replacement of the rear ground floor doors and windows with bio-fold doors;
- creation of raised platform to the top of the rear stairs with privacy screen and repositioning of stairs to rear;
- erection of front projection;
- remove the front ground floor WC window
- addition of first floor obscure windows to bedroom en-suites.

1.3 The amendments would not lead to further undue impacts in terms of residential amenity, character of the area, highways, flood risk or SPA over and above the approved scheme and as such are considered to be acceptable.

RECOMMENDATION

Planning permission be granted subject to the conditions set out in Section 11 of this report.
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1. REASON FOR REPORTING APPLICATION TO COMMITTEE

1.1 The application has been reported to the Planning Committee at the request of Councillor Dudley.

2. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS

In settlement boundary

Within 5km of SPA

2.1 The site is located between 95 and 101 Prince Andrew Way on land, previously used as a private road. The site is bounded: to the north by a pedestrian footpath which is also privately owned, beyond which is 95 Prince Andrew Way; to the south by properties on Prince Andrew Way; and to the west by Prince Andrew Way itself. To the east, the site is bounded by bollards, and a culvert of the Blackmoor Stream, beyond which is Sutherland Chase, which is within the Royal Borough of Windsor and Maidenhead.

2.2 The site has planning permission for a pair of semi-detached houses under planning permission 16/00187/FUL, which has been implemented following the discharge of relevant conditions, and the houses are therefore currently under construction.

2.3 The site is within 5km of the SPA.

3. RELEVANT SITE HISTORY

3.1 The relevant planning history is set out below:

8805/63: Proposed 31 dwellings and garages on land at rear of 96/98, Fernbank Road, Winkfield – Approved 1963. This approved two houses on the site.

9445: Application for resiting of Welwyn/Malvern type - 10 pairs of semi-detached on plots 60/79 (Affects 73-111 odd Prince Andrew Way) - approved 1964. This also approved two houses on the site.

11835: Residential development 12 units per acre on 28.5 acres (site within Windsor RDC) and access road (within Easthampstead RDC) off Prince Andrew Way, Ascot – refused 1966.

16338: Formation of two access road to serve residential development – approved 1971. This shows the site as an access road.

16/00187/FUL: Erection of 2 no. 3 bedroomed semi-detached dwellings with associated parking and gardens. – approved January 2019.

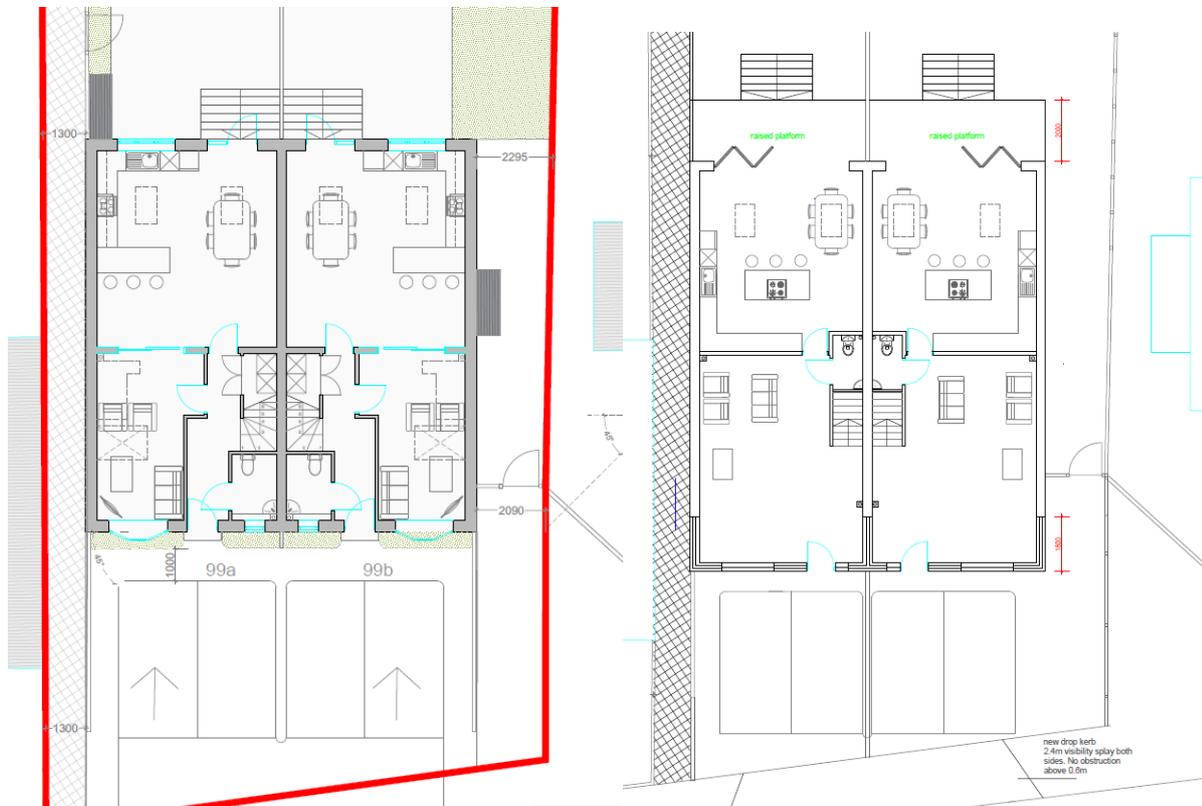
5. THE PROPOSAL

5.1 The proposal comprises some amendments to the approved plans for 16/00187/FUL. These amendments are:

- front extensions to each dwelling;
- bifold doors to the rear of the property in place of the approved French doors;
- raised platform to the rear of the bifold doors with privacy screens to the side and repositioning of the rear stairs to the garden to beyond the platform;
- the insertion of an obscure glazed bathroom window at first floor;

It should be noted that the bifold doors and the insertion of the first floor bathroom window are also subject to a non-material amendment.

The plans below demonstrate the approved ground floor plan and the proposed ground floor plan:



6. REPRESENTATIONS RECEIVED

6.1 Winkfield Parish Council recommend that the application is refused, setting out that this is an overdevelopment. The raising of the decking is intrusive and will result in a loss of amenity to the neighbours. Furthermore, the proposals impact negatively on parking arrangements and access to the footpath at the front of the property.

6.2 Three additional objections were received. The issues raised are summarised as follows:

- The dwelling is higher than the buildings either side making it stand out, whereas it should be the same height;
- Proposed front elevations are out of character in the street;
- Increased obstruction of natural light to the rear of 95 Prince Andrew Way;
- Raised platform would result in overlooking to neighbouring gardens and habitable rooms;
- Build line should be in line with 101-103 Prince Andrew Way;
- Loss of light to 101 Prince Andrew Way;
- Insufficient space for front extension, parking spaces and footpath.

7. SUMMARY OF CONSULTATION RESPONSES

Highways Authority:

7.1 No objection subject to condition.

Environment Agency:

7.2 No objection subject to conditions.

Royal Borough of Windsor and Maidenhead:

7.3 No objection.

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

8.1 The primary strategic planning considerations applying to the site and the associated policies are:

	Development Plan	NPPF
General policies	CP1 of SALP, CS1 and CS2 of CSDPD	Consistent
Residential amenity	Saved policy EN20 of BFBLP	Consistent
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP;	Consistent
Parking	Saved policy M9 of BFBLP	Consistent
Transport	CS23 of CSDPD	Consistent
Sustainability	CS1, CS10, CS12 of CSDPD	
Supplementary Planning Documents (SPD)		
Parking Standards SPD		
Design SPD		
Other publications		
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)		
BRE Site Layout planning for Daylight and Sunlight: A Guide to Good Practice 2011.		
CIL Charging Schedule		

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i Principle of development
- ii Impact on character and appearance of the area
- iii Impact on residential amenity
- iv Transport implications
- v Flood Risk
- vii Impacts on SPA
- viii Community Infrastructure Levy

i. Principle of development

9.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise, which is supported by the NPPF (paras. 2 and 12). Policy CP1 of the Site Allocations Local Plan sets out that a positive approach should be taken to considering development proposals and that planning applications that accord with the development plan for Bracknell Forest should be approved without delay, unless material considerations indicate otherwise.

9.3 Core Strategy Policies CS1 (Sustainable Development) and CS2 (Locational Principles) are relevant and consistent with the objectives of the NPPF, and can be afforded full weight. In particular, Policy CS2 permits development within defined settlements. The application site is located within a defined settlement as designated by the Bracknell Forest Borough Policies Map. In addition, the principle of development has been established through parent application 16/00187/FUL. Therefore, the principle of development on this site is acceptable.

ii. Impact on character and appearance of the area

9.4 The Design SPD sets out that new development should relate to the existing grain of development and that infill development should relate to the existing building line and that elevations should respond to their local context.

9.5 The main change in terms of the character of the area is the proposed front projection. This would project forward of the approved houses by 1.8 metres and would be single storey. There are examples of front extensions and projections in the street scene, including the adjacent dwelling at 95 Prince Andrew Way, and also the houses opposite the site. Although the front projection would be taller than the front projection next door, the roof over the front projection would be directly underneath the first floor windows. A similar relationship can be seen opposite the site, where numbers 50 and 52 have a front projection with the roof under the first floor windows but number 56 (next door but one) has a lower first floor projection. Overall, the front projection would be in keeping with the character of the streetscene.

9.6 The insertion of an obscure glazed side window at first floor constitutes a minor amendment to the permitted dwellings and is not considered to have a significant impact on the character of the approved houses or the streetscene in general, provided it is fixed shut below 1.7 metres. A condition is recommended to secure this.

9.7 The proposed rear platform itself would not be visible from the street. However, the proposed privacy screens would be visible. They would project approximately 0.95 metres above the boundary wall. To the north, this would be adjacent to the publicly accessible footpath, and to the south it would be adjacent to the side access to the rear garden of the proposed 99 Prince Andrew Way. By their nature, the privacy screens would be lightweight and therefore unobtrusive. A condition is recommended requiring details of the screens and their retention.

9.8 It is considered that the proposed changes would not result in an adverse impact on the character and appearance of the area or the host property, in accordance with CSDPD Policy CS7, BFBLP 'Saved' Policy EN20, and the NPPF, subject to the proposed condition on privacy screens and a further condition requiring matching materials.

iii. Impact on Residential Amenity

9.9 The Design SPD sets out that new development should be sited and designed to minimise any potential impacts on neighbouring properties. The proposed front projection would be sited forward of the adjacent property to the south, at 101 Prince Andrew Way. The front elevation of 101 Prince Andrew Way contains a front door closest to the proposed 99 Prince Andrew Way, with a window next to it. A loss of light assessment was carried out in accordance with BRE guidelines, and this found that the proposed front projection would not cause an unacceptable loss of light to that window.

9.10 To the north, the front projection would be sited back from the build line of 95 Prince Andrew Way. The front projection therefore improves the light to the proposed dwelling in comparison with the approved plans. There is only one window in the side elevation of 95 Prince Andrew Way, facing the proposals, and Council records indicate that this serves a garage. As such, the proposals would not have an undue impact on 95 Prince Andrew Way.

9.11 The applicant has suggested that the proposed rear platform would allow the potential future occupiers of the proposed dwellings to open their bifold doors and access the rear steps to the gardens safely. However, the platform would be 2 metres wide and therefore the future occupants could stand on the platform, potentially overlooking the gardens of neighbouring properties to the north and south. As such, privacy screens are proposed to the sides of the platform to mitigate overlooking impacts. In addition, the proposed bathroom windows in the side elevations of the dwellings would be obscure glazed and fixed shut below 1.7 metres, ensuring no overlooking from these windows.

9.12 It is therefore considered that the development would not result in an adverse impact on the amenity of neighbouring properties, in accordance with BFBLP 'Saved' Policy EN20 and the NPPF, subject to the recommended condition.

iv. Transport implications

9.13 The proposals include a front projection of 1.8m. However, a minimum driveway depth of 5.5m can be achieved (measured off the Proposed Ground Floor Plans (AZ/PLAN/003)), which exceeds the current requirements for a new dropped kerb. Also, a 700mm wide pedestrian access to the front door of properties would be provided, which is adequate. Drawing AZ/PLAN/003 indicates that a new dropped kerb with associated visibility splays would be provided.

9.14 It is noted that the original consent (16/00187/FUL) included a planning condition for car parking (condition 6), and as the current proposals alter the approved parking layout, a similar planning condition for car parking is recommended for this s73 application.

9.15 Subject to the proposed condition, the proposal is considered to be acceptable in terms of BFBLP Policy M9, CSDPD Policy CS23 and the parking SPD.

v. Flood Risk

9.16 The site falls within Flood Zone 3 and as such the Environment Agency is the statutory consultee for this application. For the parent application, the Environment Agency originally objected to the proposal on the grounds of flood risk, however following extensive discussions between the applicant and the Environment Agency, including revised hydraulic modelling from the applicant, a revised Flood Risk Assessment was submitted, with a subsequent addendum. This addressed the Environment Agency's concerns and the objection was withdrawn subject to conditions.

9.17 The Environment Agency has been consulted on the current application and, following the submission of a Flood Risk Assessment, has no objection to the proposed amendments subject to conditions. As such, the proposed development is considered to be acceptable in terms of flood risk in line with the NPPF and Core Strategy Policy CS1.

vii. SPA

9.18 The proposal is between 400 metres and 5 km of the Thames Basin Heath SPA. As such, a S106 agreement was entered into for the parent application, 16/00187/FUL. As this application does not propose a change in the number of bedrooms from the previous application, no additional mitigation measures are required.

viii. CIL

9.19 The Council, in consultation with Natural England, has formed the view that any net Bracknell Forest Council introduced charging for its Community Infrastructure Levy (CIL) on 6th April 2015. CIL is applied as a charge on each square metre of new development. The amount payable varies depending on the location of the development within the borough and the type of development.

9.20 CIL applies to any new build (except outline applications and some reserved matters applications that leave some reserved matters still to be submitted) the creation of additional dwellings.

9.21 In this case, the proposal would be CIL liable as it comprises the creation of new dwellings. The dwelling falls within the Northern Parishes charging area, where CIL is charged at £350 per square metre of floorspace.

10. CONCLUSIONS

10.1 It is not considered that the development would result in an adverse impact on the character and appearance of the host building or local area or on the amenities of the residents of the neighbouring properties. It is therefore considered that the proposed development complies with Development Plan Policies SALP Policy CP1, CSDPD Policies CS1, CS2 and CS7, BFBLP 'Saved' Policy EN20 and the NPPF.

10.2 The application is therefore recommended for conditional approval.

11 RECOMMENDATION

APPROVE the application subject to the following conditions:

01. The development hereby permitted shall be begun before the expiration of three years from the date of permission 16/00187/FUL, being 4 January 2019.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out only in accordance with the following approved plans and documents received by the Local Planning Authority on 3 March 2016:

C12037.16.001 Location Plan – received on 3 March 2016

AZ/PLAN/003: Proposed ground floor plans - received on 17 May 2019

AZ/PLAN/005: Proposed ground floor plans showing location of void openings - received 1 June 2019

JANJUA/PLAN/004: Proposed first floor plan - received on 7 June 2019

AZ/PLAN/001/Rev-1: Proposed Front and Rear Elevations - received on 12 June 2019

AZ/PLAN/002/Rev-1: Proposed side elevations - received on 12 June 2019

REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

03. The development shall be carried out in accordance with the Statement for Approval of Details Reserved by Conditions, received by the Council on 15 April 2019 and approved on 17 April 2019 under 19/00021/COND.

REASON: In the interests of the visual amenities of the area.

[Relevant Policies: BFBLP EN20, Core Strategy DPD CS7]

04. The development shall be carried out in accordance with Block/Plan/001 received 17 April 2019, approved on 17 April 2019 under 19/00021/COND. The approved scheme shall be implemented in full before the occupation of any of the dwellings approved in this permission.

REASON: - In the interests of the visual amenities of the area.

[Relevant Plans and Policies: BFBLP EN20, Core Strategy DPD CS7]

05. No dwelling shall be occupied until a means of vehicular access has been constructed in accordance with Block/Plan/001 received 17 April 2019, approved on 17 April 2019 under 19/00021/COND.

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

06. No dwelling shall be occupied until the associated vehicle parking has been provided in accordance with the approved drawing. The spaces shall thereafter be kept available for parking at all times.

REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users.

[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]

07. The dwellings shall not be occupied until visibility splays of 2.0 metres by 2.0 metres have been provided at the junction of the driveway and the adjacent footway. The dimensions shall be measured along the edge of the drive and the back of the footway from their point of intersection. The visibility splays shall at all times thereafter be kept free of all obstructions to visibility over a height of 0.6 metres measured from the surface of the carriageway

REASON: In the interests of highway safety.

[Relevant Policies: Core Strategy DPD CS23]

08. No dwelling shall be occupied until secure and covered parking for bicycles has been provided in accordance with the approved drawings.

REASON: In order to ensure bicycle facilities are provided. The cycle parking shall be retained as such thereafter.

[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]

09. During the demolition and construction phases, no deliveries shall be taken at or dispatched from the site outside the hours of 8:00 am and 6:00 pm Monday to Friday; 8:00 am and 1:00 pm Saturday and not at all on Sundays and Public Holidays.

REASON: In the interests of the amenities of the occupiers of nearby residential premises.

[Relevant Policies: BFBLP EN25]

10. The development shall be carried out in accordance with the approved Demolition and Construction Management Plan Conditions/Pla/010 received 19 February 2019, approved on 17 April 2019 under 19/00021/COND.

REASON: In the interests of the amenities of the area and highway safety.

11. The development hereby permitted shall be carried out in accordance with the submitted flood risk assessment (FRA), reference 160519 version 1, prepared by Unda Consulting Limited and dated May 2019 and the following mitigation measures detailed within the FRA:

1. Finished flood levels are set no lower than 74.768 metres above Ordnance Datum.

2. A floodable void as shown in drawing no. AZ/PLAN/005, 01/06/19, M C S Design Architectural Services.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASONS: To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that the flow of flood water is not impeded and the proposed development does not cause a loss of flood plain storage.

13. The development shall be implemented in accordance with the Sustainable Design and Construction Statement, received 17 April and approved under 19/00021/COND, and retained as such thereafter.

REASON: In the interests of sustainability and the efficient use of resources.

[Relevant Policy: Core Strategy DPD CS10]

14. The development shall be carried out in accordance with the approved Energy Statement assessment, received 20 February 2019 and approved 17 April 2019 under 19/00021/COND and retained in accordance therewith.

REASON: In the interests of the sustainability and the efficient use of resources.

[Relevant Policy: CSDPD Policy CS12]

15. Prior to the dwellings being occupied, a scheme of lighting for the retained footpath should be implemented in accordance with the Statement for Approval of Details Reserved by Conditions, received by the Council on 15 April 2019 and approved on 17 April 2019 under 19/00021/COND.

The scheme shall be retained as such.

REASON: In the interests of public safety.

16. The development shall incorporate surface water drainage that is SuDS compliant and in accordance with DEFRA "Sustainable Drainage Systems - Non-statutory technical standards for sustainable drainage systems" (March 2015). It shall be operated and maintained as such thereafter.

REASON: To prevent increased risk of flooding, to improve and protect water quality and ensure future maintenance of the surface water drainage scheme.

[Relevant Policies: CSDPD CS1, BFBLP EN25]

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that order with or without modification) no enlargement, addition, improvement or other alteration

permitted by Classes A, E and F of Part 1 of the Second Schedule of the 2015 Order shall be carried out.

REASON: In the interests of flood mitigation.

18. No demolition or construction work shall take place outside the hours of 08:00 and 18:00 Monday to Friday; 08:00 and 13:00 Saturday and not at all on Sundays and Public Holidays.

REASON: In the interests of the amenities of the area.

19. When carrying out the approved development if any contamination is found it must be reported immediately in writing to the Local Planning Authority and development work must cease. Site work can only commence once Local Planning Authority authorisation is given. This will be subject to satisfying all requirements as stipulated by the Local Planning Authority being completed and signed off in writing. These requirements will be specific to the nature of the contamination in question.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

[Relevant Policies: BFBLP EN25]

20. Prior to the occupation of the dwellings hereby permitted, details of the privacy screen, including elevations and details of materials, shall be submitted to and approved in writing by the Local Planning Authority. The approved screens shall be erected in accordance with the approved details before first occupation of the dwellings and retained thereafter.

REASON: In the interests of the visual amenities of the area and the privacy of neighbouring properties.

[Relevant Policies: BFBLP EN20, Core Strategy DPD CS7]

21. The bathroom windows in the side elevations of the dwellings hereby permitted shall not be glazed at any time other than with a minimum of Pilkington Level 3 obscure glass or equivalent. They shall at all times be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

REASON: To prevent the overlooking of neighbouring properties.

[Relevant Policies: BFBLP EN20]

Informatives

INFORMATIVES

01. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission subject to conditions, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
02. The following condition requires details to be submitted:
Condition 20- Details of privacy screen
03. An Environmental Permit may be required if carrying out any flood risk activities in, under, over or near a main river (including where the river is in a culvert) or in the flood plain of a

main river. Guidance can be found at <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.

04. The contractor should contact National Grid before any works are carried out to ensure National Grid apparatus is not affected by any of the proposed works.