

NOTICE  
OF  
MEETING

**WINDSOR RURAL DEVELOPMENT  
MANAGEMENT PANEL**

will meet on

**WEDNESDAY, 8TH FEBRUARY, 2017**

**At 7.00 pm**

in the

**COUNCIL CHAMBER - WINDSOR GUILDHALL,**

TO: MEMBERS OF THE WINDSOR RURAL DEVELOPMENT MANAGEMENT PANEL

COUNCILLORS DR LILLY EVANS (CHAIRMAN), COLIN RAYNER (VICE-CHAIRMAN),  
CHRISTINE BATESON, MALCOLM BEER, DAVID HILTON AND JOHN LENTON

SUBSTITUTE MEMBERS

COUNCILLORS MICHAEL AIREY, LYNNE JONES, SAYONARA LUXTON,  
JOHN STORY, SIMON WERNER, LYNDA YONG AND JULIAN SHARPE

Karen Shepherd - Democratic Services Manager - Issued: Tuesday, 31 January 2017

Members of the Press and Public are welcome to attend Part I of this meeting. The agenda is available on the Council's web site at [www.rbwm.gov.uk](http://www.rbwm.gov.uk) or contact the Panel Administrator **Andy Carswell** 01628 796319

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## **AGENDA**

### **PART I**

<b><u>ITEM</u></b>	<b><u>SUBJECT</u></b>	<b><u>PAGE NO</u></b>
1.	<b><u>APOLOGIES FOR ABSENCE</u></b>  To receive any apologies for absence.	
2.	<b><u>DECLARATIONS OF INTEREST</u></b>  To receive any Declarations of Interest.	5 - 6
3.	<b><u>MINUTES</u></b>  To confirm the minutes of the meeting held on January 11 <sup>th</sup> 2017.	7 - 8
4.	<b><u>PLANNING APPLICATIONS (DECISION)</u></b>  To consider the Director of Development & Regeneration / Development Control Manager's report on planning applications received.  Full details on all planning applications (including application forms, site plans, objections received, correspondence etc.) can be found by accessing the Planning Applications Public Access Module by selecting the following link. <a href="http://www.rbwm.gov.uk/pam/search.jsp">http://www.rbwm.gov.uk/pam/search.jsp</a> or from Democratic Services on 01628 796251 or <a href="mailto:democratic.services@rbwm.gov.uk">democratic.services@rbwm.gov.uk</a>	9 - 30
5.	<b><u>ESSENTIAL MONITORING REPORTS (MONITORING)</u></b>  To consider the Essential Monitoring Reports.	31 - 34



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## **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

In accordance with the requirements of the Local Government (Access to Information) Act

1985, each item on this report includes a list of Background Papers that have been relied

on to a material extent in the formulation of the report and recommendation.

The list of Background Papers will normally include relevant previous planning decisions, replies to formal consultations and relevant letter of representation received from local societies, and members of the public. For ease of reference, the total number of letters received from members of the public will normally be listed as a single Background Paper,

although a distinction will be made where contrary views are expressed. Any replies to consultations that are not received by the time the report goes to print will be recorded as

“Comments Awaited”.

The list will not include published documents such as the Town and Country Planning Acts

and associated legislation, Department of the Environment Circulars, the Berkshire Structure Plan, Statutory Local Plans or other forms of Supplementary Planning Guidance,

as the instructions, advice and policies contained within these documents are common to

the determination of all planning applications. Any reference to any of these documents will be made as necessary under the heading “Remarks”.

## **STATEMENT OF THE HUMAN RIGHTS ACT 1998**

The Human Rights Act 1998 was brought into force in this country on 2nd October 2000, and it will now, subject to certain exceptions, be directly unlawful for a public authority to act in a way which is incompatible with a Convention right. In particular, Article 8 (respect

for private and family life) and Article 1 of Protocol 1 (peaceful enjoyment of property) apply to planning decisions. When a planning decision is to be made however, there is further provision that a public authority must take into account the public interest. In the vast majority of cases existing planning law has for many years demanded a balancing exercise between private rights and public interest, and therefore much of this authority's decision making will continue to take into account this balance.

The Human Rights Act will not be referred to in the Officer's report for individual applications beyond this general statement, unless there are exceptional circumstances which demand more careful and sensitive consideration of Human Rights issues.

## MEMBERS' GUIDANCE NOTE

### DECLARING INTERESTS IN MEETINGS

#### **DISCLOSABLE PECUNIARY INTERESTS (DPIs)**

DPIs include:

- Any employment, office, trade, profession or vocation carried on for profit or gain.
- Any payment or provision of any other financial benefit made in respect of any expenses occurred in carrying out member duties or election expenses.
- Any contract under which goods and services are to be provided/works to be executed which has not been fully discharged.
- Any beneficial interest in land within the area of the relevant authority.
- Any license to occupy land in the area of the relevant authority for a month or longer.
- Any tenancy where the landlord is the relevant authority, and the tenant is a body in which the relevant person has a beneficial interest.
- Any beneficial interest in securities of a body where
  - a) that body has a piece of business or land in the area of the relevant authority, and
  - b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body **or** (ii) the total nominal value of the shares of any one class belonging to the relevant person exceeds one hundredth of the total issued share capital of that class.

#### **PREJUDICIAL INTERESTS**

This is an interest which a reasonable fair minded and informed member of the public would reasonably believe is so significant that it harms or impairs your ability to judge the public interest. That is, your decision making is influenced by your interest that you are not able to impartially consider only relevant issues.

#### **DECLARING INTERESTS**

If you have not disclosed your interest in the register, you **must make** the declaration of interest at the beginning of the meeting, or as soon as you are aware that you have a DPI or Prejudicial Interest. If you have already disclosed the interest in your Register of Interests you are still required to disclose this in the meeting if it relates to the matter being discussed. A member with a DPI or Prejudicial Interest **may make representations at the start of the item but must not take part in discussion or vote at a meeting.** The term 'discussion' has been taken to mean a discussion by the members of the committee or other body determining the issue. You should notify Democratic Services before the meeting of your intention to speak. In order to avoid any accusations of taking part in the discussion or vote, you must move to the public area, having made your representations.

If you have any queries then you should obtain advice from the Legal or Democratic Services Officer before participating in the meeting.

If the interest declared has not been entered on to your Register of Interests, you must notify the Monitoring Officer in writing within the next 28 days following the meeting.

# Agenda Item 3

## WINDSOR RURAL DEVELOPMENT MANAGEMENT PANEL

WEDNESDAY, 11 JANUARY 2017

PRESENT: Councillors Dr Lilly Evans (Chairman), Christine Bateson, Malcolm Beer, David Hilton and John Lenton

Also in attendance: Councillors Jesse Grey and Derek Wilson

Officers: Andy Carswell, Adam Jackson, Jenifer Jackson and Sean O'Connor

### APOLOGIES FOR ABSENCE

Apologies were received from Cllr Rayner.

### DECLARATIONS OF INTEREST

**Cllr Beer** – Declared a personal interest in items 16/03142 and 16/01765 as he had attended the meetings of Old Windsor Parish Council when the items were discussed. He stated that he did not take part in the discussions or the votes and had come to the Panel with an open mind.

**Cllr Hilton** – Declared a personal interest in item 16/03219 as he had attended the meeting of Sunninghill and Ascot Parish Council when the item was discussed. He stated that he had come to the Panel with an open mind.

**Cllr Dr Evans** – Declared a personal interest in item 16/02810 as she had attended the meeting of Sunningdale Parish Council when the item was discussed. She stated that she did not take part in the discussions and had come to the Panel with an open mind.

### MINUTES

The minutes of the meeting held on December 14<sup>th</sup> 2016 were approved as an accurate record.

### PLANNING APPLICATIONS (DECISION)

16/0765      The Crown Estate: Replacement agricultural building at Norfolk Farm, Windsor Great Park, Ascot SL5 7RZ – **THE PANEL UNANIMOUSLY VOTED to give delegated authority to the Head of Planning to APPROVE the application in accordance with the Officer's recommendation, in order to confirm if there was a condition relating to a landscaping scheme being submitted.**

(The Panel was addressed by Vic Wheeler, the agent)

16/02810      Mr Scott: Erection of a detached five bedroom dwelling with attached garage at Land at Priory Lodge, Priory Road, Sunningdale, Ascot – **THE PANEL VOTED to REFUSE the application, against the Officer's recommendations, for the following reasons:**

- Dwellings are large in bulk, height and mass, close to boundaries and would cause harm to the established Villas in a Woodland Setting townscape/character of the area. The proposed dwelling would overlook neighbouring properties and cause loss of privacy and amenities to those properties. The harm caused is significant and demonstrable, contrary to

Policy DG1 and H11 of the Local Plan and Policies DG1.1, 1.2 and 2.2 of the Neighbourhood Plan.

**It was proposed by Cllr Bateson and seconded by Cllr Hilton to refuse the application. Three Councillors voted in favour of the motion (Cllrs Bateson, Dr Evans and Hilton) and two voted against the motion (Cllrs Beer and Lenton).**

(The Panel was addressed by Gill Chater, Patrick Griffin (SPAЕ) and Parish Councillor Yvonne Jacklin in objection to the application.)

16/03142 Jordan Construction Limited: Erection of a pair of 3 bedroom semi-detached houses with associated parking and landscaping, following demolition of all existing buildings at Rosedale, 54 Albany Road, Old Windsor, Windsor SL4 2QA – **THE PANEL VOTED to REFUSE the application, in accordance with the Officer’s recommendation.**

**Four Councillors voted in favour of the motion to refuse (Cllrs Bateson, Beer, Dr Evans and Hilton) and one voted against the motion (Cllr Lenton).**

(The Panel was addressed by Maurice Redmond, Hugh Johnstone and Parish Councillor Jane Dawson in objection to the application and by Ellen Timmins, the agent.)

16/03219 Ms Payne: Erection of a dwelling and garage following demolition of existing dwelling and garage (retrospective) at 17 Llanvair Drive, Ascot SL5 9HS – **THE PANEL VOTED UNANIMOUSLY to APPROVE the application, in accordance with the Officer’s recommendation.**

(The Panel was addressed by Peter Standley (SPAЕ) in objection to the application and by Brian White, the agent.)

ESSENTIAL MONITORING REPORTS (MONITORING)

The details of the Appeal Decision Report and the Planning Appeals Received were noted by Members.

The meeting, which began at 7.00 pm, finished at 8.57 pm

CHAIRMAN.....

DATE.....



## ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

### Windsor Rural Panel

8th February 2017

#### INDEX

APP = Approval  
CLU = Certificate of Lawful Use  
DD = Defer and Delegate  
DLA = Defer Legal Agreement  
PERM = Permit  
PNR = Prior Approval Not Required  
REF = Refusal  
WA = Would Have Approved  
WR = Would Have Refused

<b>Item No.</b>	1	<b>Application No.</b>	16/03203/FULL	<b>Recommendation</b>	DD	<b>Page No.</b>	
<b>Location:</b>	Four Seasons Bagshot Road Ascot SL5 9JL						
<b>Proposal:</b>	5 apartments with a triple garage, pergola and bin stores with associated parking and amenity following demolition of the existing dwelling.						
<b>Applicant:</b>	Mr Mills	<b>Member Call-in:</b>		<b>Expiry Date:</b>	2 January 2017		

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

**WINDSOR RURAL DEVELOPMENT CONTROL PANEL**

8 February 2017

Item: 1

<b>Application No.:</b>	16/03203/FULL
<b>Location:</b>	Four Seasons Bagshot Road Ascot SL5 9JL
<b>Proposal:</b>	5 apartments with a triple garage, pergola and bin stores with associated parking and amenity following demolition of the existing dwelling.
<b>Applicant:</b>	Mr Mills
<b>Agent:</b>	Mr Christopher Pickering
<b>Parish/Ward:</b>	Sunninghill And Ascot Parish/Sunninghill And South Ascot 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 application follows the recent refusal of 16/02310 in September 2016 and 15/01517 in October 2015. The latter being refused for the following reasons:

- a) due to its siting and size which would be harmful to the distinctive character and appearance of the site and its surroundings and;
- b) as the impact the development would have on the Thames Basin Heath Special Protection Area had not been mitigated for.

The application was subsequently appealed and although the appeal was dismissed in April 2016 reason for refusal "a" was overturned as the Inspector concluded that there was no substantive conflict with the appearance and character of the area. 16/02310 was later submitted in order to add a detached garage to the front of the site; however, this application was refused as the addition of a second garage to the front of the site would result in an unacceptable incursion into the front garden of the property, and would result in an erosion of the spacious setting of the building in the 'villas in a woodland setting' townscape assessment area.

1.2 The current proposal removes this garage and instead proposes a pergola/car port in its place. The pergola would be open on all sides, located in a landscaped setting and would be seen in this context, screened to a degree by proposed hedging. It is considered therefore that this previous reason for refusal has been addressed. The current application is the same as the previous 2 applications in all other respects.

1.3 The application site is within a 5km zone of the Thames Basin Heath Special Protection Area (SPA) which is an area designated to protect a network of important bird conservation sites; the proposed development would likely have a harmful effect on Chobham Common, which is part of the SPA due to increased visitor and recreation pressure. It is necessary therefore for mitigation to be secured in the form of SANG (Suitable Alternative Natural Green Space) SAMM (Strategic Access Management and Monitoring). It is considered necessary for this mitigation to be secured by way of a separate legal agreement.

<b>It is recommended the Panel authorises the Head of Planning:</b>	
1.	<b>To grant planning permission following the satisfactory completion of a legal agreement which secures the necessary mitigation for the significant effect that the proposal would have on Chobham Common, which is part of the SPA, with the conditions listed in Section 10 of this report.</b>

2.	<b>To refuse planning permission if a legal agreement to mitigate for the significant impact on Chobham Common, which is part of the SPA has not been satisfactorily completed by 8<sup>th</sup> March for the reason that the proposed development would have a significant harmful effect on the SPA from increased visitor and recreational pressure.</b>
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## 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 as the proposal is for more than 2 residential units: such decisions can only be made by the Panel.

## 3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site is situated at the south eastern edge of South Ascot. It covers an area of 0.22ha and until recently consisted of a large detached chalet bungalow known as 'Four Seasons': this house has now been demolished. There are a number of mature trees at the frontage of the site, including three protected oak trees, and clipped evergreen hedges along the full length of the north-eastern side boundary with 'Nagina' and along most of the side boundary with 'The Garden House' to the south-west.
- 3.2 To the north, south and west of the site there are a number of residential properties which are mainly detached houses set in spacious settings. To the east are the wooded grounds of the former King's Beeches, which is sited within the Green Belt.
- 3.3 The oak trees along the frontage of the site are covered by TPO 35 of 2001. Trees in the neighbouring property 'Nagina' are also covered by a TPO, as are the trees at the rear of the site in the grounds of the former Kings Beeches, Devenish Road.
- 3.4 The site is located within the 5km 'zone of influence' of the Thames Basin Heaths Special Protection Area (SPA).

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

- 4.1 The proposal is to construct a building with five apartments (4 x 2 bedroom and 1 x 3 bedroom), along with a 3 car garage and 8 additional exterior car parking spaces (2 of which are within a pergola/car port structure).
- 4.2 The application follows 5 other applications for 5 apartment schemes as listed below which include an extant permission that was allowed on appeal. There is also an appeal currently ongoing for 16/02310.

Ref.	Description	Decision and Date
12/02010/FULL	Construction of two detached dwellings, both with detached double garages, following demolition of existing.	Refused. 13.09.2012 and subsequently dismissed at appeal (PINS reference APP/T0355/A/12/2186888)
12/02637/FULL	Construction of replacement dwelling.	Approved 19.12.2012
12/03471/FULL	Construction of a five unit apartment building, with associated garage, external parking and landscaping, following demolition of existing.	Refused 26.06.2014 and subsequently dismissed at appeal (PINS reference APP/T0355/A/13/2193590)
14/00522/FULL	Construction of a five unit apartment building, with associated garage, external parking and landscaping, following demolition of existing.	Refused 26.06.2014 but subsequently allowed at appeal (PINS reference APP/T0355/A/14/2226719)

15/01517/FULL	New building to provide 4 x 2 No. bedroom and 1 x 3 No. bedroom apartments, detached triple garage, detached bin store, associated parking and landscaping following demolition of existing property.	Refused 26.10.2015 and subsequently dismissed at appeal (PINS reference APP/T0355/A/3139436)
16/00243/FULL	New building to provide 4 x 2 No. bedroom and 1 x 3 No. bedroom apartments, detached double and triple garage, detached bin store, associated parking and landscaping following demolition of existing property.	Refused 21.03.2016. Appeal ongoing. (PINS reference APP/T0355/A/3161768)
16/02310/FULL	New building consisting of 5 No. apartments with associated parking and amenity following demolition of existing dwelling.	Refused 22.09.2016

## 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	Trees and Biodiversity
Local Plan	DG1, H10, H11	P4, T5	N6
Neighbourhood Plan	NP/DG1, NP/DG2, NP/DG3, NP/DG5	NP/T1	NP/EN2, NP/EN3 NP/EN4

Saved Policy NRM6 of the South East Plan

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:

- Thames Basin Heaths Special Protection Area (Part 1)

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
- RBWM Parking Strategy

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 The impact on the character and appearance of the area
- ii The impact on the amenity of neighbouring properties
- iii The amenities of future occupiers within the development
- iv The impact on parking and highway safety
- v The impact on important trees
- vi The impact on the Thames Basin Heath Special Protection Area

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

6.2 There are a number of Neighbourhood and Local Plan policies relevant to the consideration of this application. Local Plan policy H11 sets out that proposed developments should be compatible with the scale of the surrounding area, and not cause damage to the character amenity of the area in which it is set; this is consistent with design guidance set out in the NPPF. With regards to Neighbourhood Plan policies: NP/DG1 requires development to respond positively to local townscapes, policy NP/DG2 requires new development to be similar in density, footprint, separation and bulk of surrounding buildings and policy NP/DG3 requires new development to demonstrate good quality design. Neighbourhood Plan policy NP/EN3 also requires that proposals for new dwellings on private residential gardens should:

- a) not result in an unacceptable reduction of the garden space created by the garden (either by itself or in combination with surrounding gardens; and
- b) not result in an unacceptable impact on the landscape and environmental value of the site.

6.3 The proposal is to build a 5 unit apartment building, a detached 3 car garage and to construct a parking and turning area including the addition of a pergola to the front of the site. The main apartment building and detached garage is the same as in previous applications 15/01517 which was dismissed at appeal and 16/02310 which was also refused; 15/01517 although dismissed at appeal was not refused on character grounds. The Inspector who dealt with this appeal considered that ample space would be retained around the proposed building and to neighbouring properties, and that the proposal appeared sufficiently like a large villa to be compatible with the appearance and character of the area. The proposal would not affect any of the mature trees or vegetation and the woodland setting would also not therefore be eroded. The principle that a large building with a single entrance door may appear as a single villa was established during a previous appeal on this site (APP/T0355/A/14/2226719).

6.4 The site access is off set and the inspector considered in 2015 that this would result in only oblique views of the building from the street; consequently the large majority of the crown roof would also be shielded and the building would not therefore appear unduly bulky within the street scene. The addition of 4 chimneys and 4 dormer windows was also considered to be acceptable as the area is characterised by large houses and therefore the presence of multiple dormer windows and chimney would not be unexpected.

- 6.5 Application ref. 16/02310 differed from the 2015 application only in that it proposed to re-introduce a second detached garage to the front of the site. This application was refused as the addition of a second garage would result in an unacceptable incursion into the front garden of the property, and would result in an erosion of the spacious setting of the building in this 'Villas in a woodland setting' townscape assessment area. The current proposal aims to address this by replacing the second garage with a pergola that would be constructed around the 2 parking spaces to the south west of the site; the pergola is open on all sides and as such maintains the spaciousness of the front garden and the development's setting. The pergola's impact would be softened when viewed from the road by a proposed hedge and as such it is unlikely that it would appear visually intrusive in the street scene. It is considered therefore that this previous reason for refusal has been overcome.

### **The impact on the amenity of neighbouring properties**

- 6.6 The proposed building has a number of first floor side windows and roof lights at second floor on both flank walls. Both side boundaries have dense clipped hedges which would assist in screening neighbours from direct views; however, these should not be relied upon as the sole means of protecting amenity, and while additional planting could be provided by way of a landscaping condition the same would apply, as both hedges and any new trees planted to the sides of the property could fail in the future. 3 out of 4 first floor windows on each flank wall will serve a bathroom and have been proposed to be obscurely glazed: the exception is a kitchen window on each side. Impacts on the privacy of neighbours will also be mitigated by the distances between the proposed building and the houses on either side. These distances are approximately 11m to Nagina (North East) and 20m to the Garden House (South West). It is noted that for Nagina, this would be a view to flank walls; for the garden house, it would be to rear facing windows due to orientation of that property at right angles to Bagshot Road. These separation distances would be sufficient to prevent the most unacceptable impacts of overlooking; however, conditions to secure the retention and replacement of adjacent planting and to ensure that the bathroom windows are obscurely glazed are also considered necessary (see conditions 6 and 16 in section 10 respectively). These separation distances are the same as in the previous application: 15/01517, in which the planning inspector raised no issue with loss of amenity to neighbours.

### **The amenities of future occupiers within the development**

- 6.7 The decision on the appeal for 15/01517 noted evidence from the appellant to the effect that the rooms at the back of the flats, including the ground and first floor living rooms, would not be shaded by the existing trees in spring, summer or autumn, and concluded that future occupiers would enjoy reasonable levels of sunlight in their homes. The size of the rear garden and approximate positions of rear windows is similar to those in the allowed appeal scheme; no objection on these grounds is therefore raised. Depths of the rear garden vary between 13.5m and 18.5m, which are considered to provide an acceptable rear amenity space for the residents.

### **The impact on parking and highway safety**

- 6.8 Following discussion with the Highways Officer the existing access is considered sufficient for the proposed use and the expected vehicle movements per day in excess of 22 can be comfortably accommodated by the existing highway network without causing any highway safety problems. Car parking in accordance with both Local and Neighbourhood Plan policies was considered in the 2014 appeal decision, and it was considered by the Inspector that the proposals provided sufficient parking for the likely demand in this location. A turning space which measures 12.75 x 9.6 is also to be provided. ). No issues with parking and highway safety were raised during the appeal for 15/01517.
- 6.9 The garages are insufficient in size to provide cycle storage in addition to parked cars and as such details of cycle storage will need to be secured via condition (see condition 10 in section 10 below). Additional information regarding refuse storage is also necessary and this can be secured via condition (see condition 11 in section 10 below).

## **The impact on important trees and ecology**

- 6.10 Impacts on trees both at the front and rear of the property were considered at length in the 2014 appeal, where the Inspector considered that there would be no adverse impacts that cannot be satisfactorily managed by conditions. It is not therefore considered that any objection can be maintained on these grounds. The Council's Tree Officer has been consulted on this application and has found the submitted arboricultural impact assessment to be acceptable. No objections have been raised subject to tree protection and landscaping conditions (see conditions 3 and 6 respectively).
- 6.11 An ecological walk over survey was carried out in 2014 and has been relied upon for the most recent applications and appeals for this site; the survey states there is no evidence of the presence of any protected species. The inspector for appeal ref. APP/T0355/A/14/2226719 recommended conditions and mitigation measures in relation to this walk over survey; the 2015 appeal (APP/T0355/A/3139436) inspector supported this approach and noted that they would have added the same conditions had they been minded to allow the appeal. The survey is considered recent enough and detailed enough to be relied upon and as such subject to the condition recommended by the appeal inspectors the impact on ecology is considered acceptable (See condition 12 in section 10 below).

## **The impact on the Thames Basin Heath Special Protection Area**

- 6.12 The application site is within a 5km zone of the Thames Basin Heath Special Protection Area (SPA) which is an area designated to protect a network of important bird conservation sites; the proposed development would likely have a harmful effect on Chobham Common, which is part of the SPA due to increased visitor and recreation pressure. It is necessary therefore for mitigation to be secured in the form of SANG (Suitable Alternative Natural Green Space) SAMM (Strategic Access Management and Monitoring). As per the appeal decision for 15/01517 it is considered necessary for this mitigation to be secured by way of a separate section 111 legal agreement. At the time of writing this report the Section 111 legal agreement has not yet been secured.

## **Other Material Considerations**

### Housing Land Supply

- 6.13 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 the socio-economic benefits of the additional dwelling(s) would also weigh in favour of the development.

## **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. The proposal would generate a tariff based upon the chargeable residential floor area at £240per sqm.

## **8. 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 16.11.2016.

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



Comment		Where in the report this is considered
1.	This is the 8 <sup>th</sup> time there has been an application to develop this site. All the apartment buildings were refused by the Council as being unsuitable for the plot/location. This new application is almost exactly the same as all the other ones in so much as it is for a large three storey apartment building.	Paragraphs 6.3 - 6.5
2.	The parking area has not changed not has the possible numbers of vehicles that could be parked to the front of the property at any one time. This could create a 'car park' like appearance.	Paragraphs 6.8 & 6.9
3.	The width and angle of the access road could prevent large vehicles entering the site easily, making them park in the road and causing a hazard on an already bust road.	Paragraphs 6.78 & 6.9
4.	The Four Season's plot is just over half an acre in size and was never designed for a dwelling of this size.	Paragraphs 6.3-6.5
5.	The site is surrounded on all sides by high trees and as such the access to natural light in some rooms could be a problem.	Paragraph 6.7

### Statutory consultees

Consultee	Comment	Where in the report this is considered
Natural England	No objection subject to SANG and SAMM requirements being met and Biodiversity enhancements being incorporated.	Paragraph 6.12

### Other consultees

Consultee	Comment	Where in the report this is considered
Environmental Protection	No objections subject to conditions	N/A
Highways Authority	No objections subject to conditions	Paragraphs 6.8 & 6.9
Tree Team	No objections subject to conditions	Paragraph 6.10

## 9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout
- Appendix B – plan and elevation drawings

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

- 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 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.

- 3 The erection of fencing for the protection of any retained tree and any other protection specified shall be undertaken in accordance with the approved plans and the submitted arboricultural impact assessment dated 23.01.2014 before any equipment, machinery or materials are brought on to 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. 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 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.
- 4 No construction shall take place in association with the development until details including samples if necessary of the materials to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.  
Reason: In order to ensure that materials are selected prior to ordering of materials that will be complimentary to the visual amenities of the area and will ensure compliance with the following relevant policies: Local Plan DG1 and Neighbourhood Plan NP/DG1 and NP/DG3.
- 5 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with a timetable approved in writing by the Local Planning Authority . The development shall then be carried out in accordance with the approved details and shall be retained as approved thereafter.  
Reason: In order to ensure that any fences are designed in a way that is sympathetic to the character of the area and takes into account impacts on trees and hedges, and will ensure compliance with the following relevant policies: Local Plan DG1 and N6, and Neighbourhood Plan NP/EN2, NP/DG1 and NP/DG3.
- 6 No development shall take place until full details of both hard and soft landscape works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season following the substantial completion of the development and retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its prior written consent to any variation.  
Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1.
- 7 No development shall take place until details of the finished floor levels and finished ridge levels in relation to ground levels above Ordnance Survey Datum have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.  
Reason: To ensure a scale of development that maintains the character and appearance of the area. Relevant Policies - Local Plan DG1 and Neighbourhood Plan NP/DG1 and NP/DG3.
- 8 No construction 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 and Maidenhead Sustainable Design & Construction Supplementary Planning Document. The development shall be carried out and subsequently retained and maintained in accordance with the approved details.  
Reason: To ensure that measures to make the development sustainable and efficient in the use

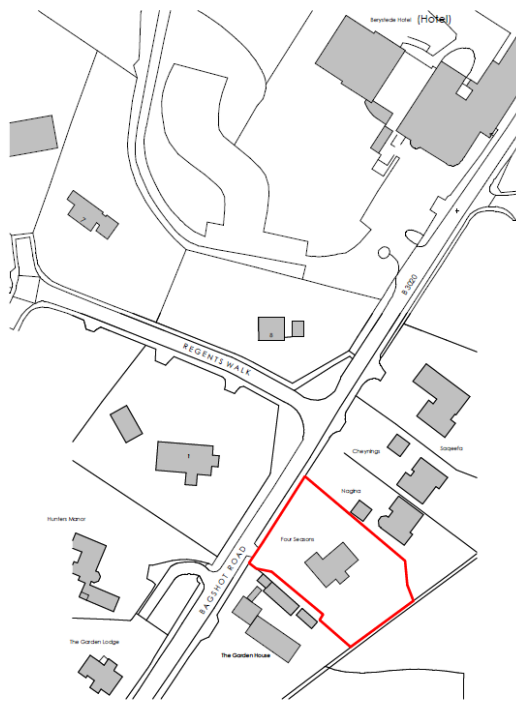
of energy, water and materials are included in the development and to comply with all of the relevant requirements in the Royal Borough of Windsor and Maidenhead Sustainable Design & Construction Supplementary Planning Document.

- 9 No part of the development shall be occupied until vehicle parking and turning space has been provided, surfaced and marked out in accordance with the approved drawing. The space approved shall be kept available for parking and turning in association with the development.  
Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety, and to facilitate vehicles entering and leaving the highway in forward gear. Relevant Policies - Local Plan P4, DG1.
- 10 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.  
Reason: To ensure that the development is provided with adequate parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1
- 11 No part of the development shall be occupied until the refuse bin storage area and recycling facilities have been provided in accordance with the approved drawing. These facilities shall be kept available for use in association with the development at all times.  
Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - Local Plan T5, DG1.
- 12 No development shall take place until a wildlife mitigation and habitat improvement strategy in accordance with AAe Environmental Consultants report ref 143268/JDT dated 28 November 2014 has been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the wildlife mitigation and habitat improvements have been carried out in accordance with the approved strategy, and the works required by the approved strategy shall be retained as approved thereafter.  
Reason: In order to comply with advice in the National Planning Policy Framework 2012 and Neighbourhood Plan NP/EN4.
- 13 Irrespective of the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or subsequent modifications thereof), the garage accommodation on the site shall be kept available for the parking of vehicles associated with the development at all times.  
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.
- 14 No development shall take place until details of measures to meet the needs of an ageing population have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and shall be retained as approved thereafter.  
Reason: To ensure that the development is suitable for future occupiers, and to comply with the Requirements of the Planning for an Ageing Population SPD.
- 15 The site is in close proximity to an historic contaminative land use i.e. Quarrying of sand & clay and Unknown Filled Ground, in the event that unexpected soil contamination is found after development has begun, development must be halted. The contamination must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is the subject of the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.  
Reason: To ensure that risks from land contamination to the future users of the land and the 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 Policy Local Plan NAP4.

- 16 The first floor flank elevation windows shall be of a permanently fixed, non-opening design, with the exception of opening toplights that shall be set a minimum of 1.7m above the finished internal floor level (FFL), and shall be fitted with obscure glass to a minimum 1.7m above FFL in the case of rooms other than bathrooms / WCs, and fully obscure glazed in the case of bathrooms / WCs. The second floor rooflights shall also be obscure glazed and, unless set with its lower edge a minimum of 1.7m above the finished internal second floor level, shall be non-opening unless otherwise first approved in writing by the Local Planning Authority. The windows and rooflights 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, in accordance with design advice in the NPPF.
- 17 No further flank wall(s) windows shall be inserted at first floor level or above and no additional rooflight(s) shall be inserted at second floor level without the prior written approval of the Local Planning Authority.  
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers, in accordance with design advice in the NPPF.
- 18 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 plan



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Rev.	Description	Date

fluid  
 Client: **KEBBELL**  
 Project: **Land at Four Seasons  
 Bagshot Road  
 Ascot**  
 Title: **Site Location Plan**  
 Status: **Planning**  
 Scale: **1:1250**      Date: **Sept 2016**  
 Revision:              Sheet: **A3**  
 Drg No: **FD 15 - 1270 - P4 50**

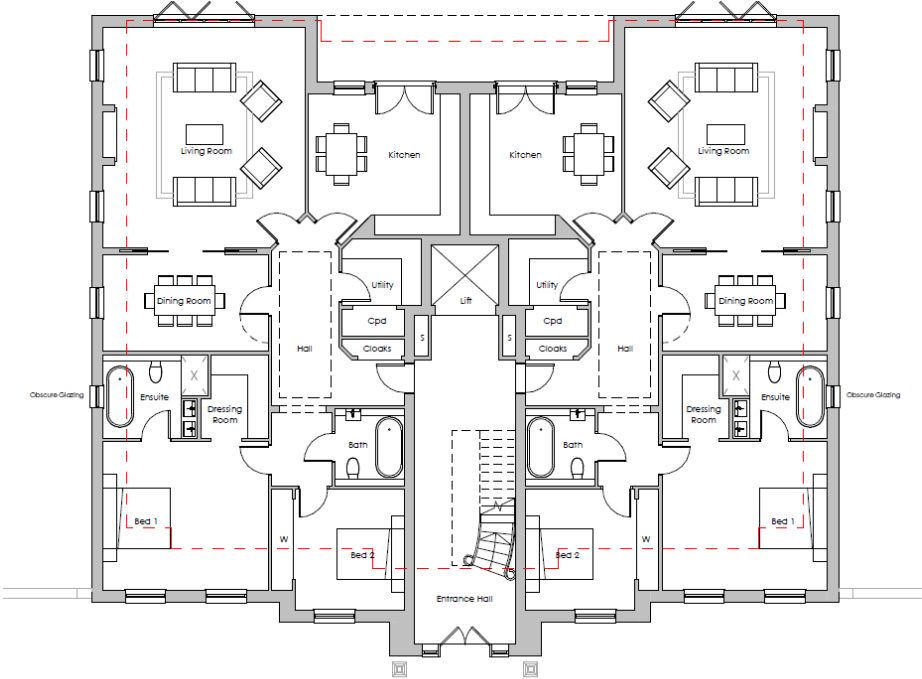


# Appendix B—Proposed plans

## Proposed site plan



# Proposed ground floor plan



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**Client:** KEBBELL

**Project:** Land at Four Seasons  
 Bagshot Road  
 Ascot

**Title:** Proposed Ground Floor  
 Plan

**Status:** Planning

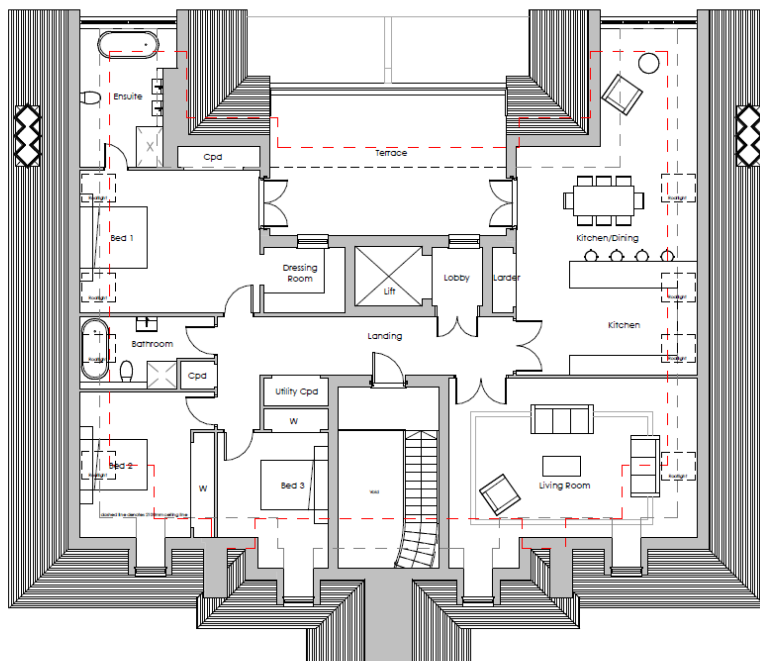
**Scale:** 1 : 100      **Date:** Sept 2016  
**Revision:**              **Sheet:** A3  
**Drwg No:** FD 15 - 1270 - P4 100







# Proposed second floor plan



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 E: fluid@fluid-design.co.uk  
 www.fluid-design.co.uk

**Client:** KEBBELL

**Project:** Land at Four Seasons  
 Bagshot Road  
 Ascot

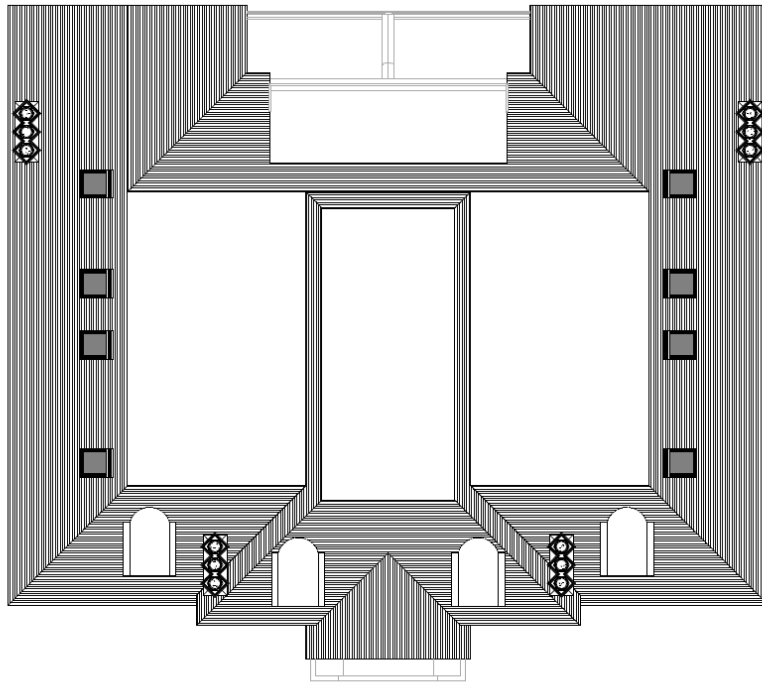
**Title:** Proposed Second Floor  
 Plan

**Status:** Planning

**Scale:** 1 : 100      **Date:** Sept 2016  
**Revision:**              **Sheet:** A3  
**Dwg No:** FD 15 - 1270 - P4 102



# Proposed roof plan



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**Project:** Land at Four Seasons  
 Bagshot Road  
 Ascot

**Title:** Proposed Roof Plan

**Status:** Planning

**Scale:** 1:100      **Date:** Sept 2014  
**Revision:**              **Sheet:** A3

**Drg No:** FD 15 - 1270 - P4 103



# Proposed front elevation



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**Client:** KEBBELL

**Project:** Land at Four Seasons  
 Bagshot Road  
 Ascot

**Title:** Proposed Front Elevation

**Status:** Planning

**Scale:** 1 : 100      **Date:** Sept 2016

**Revision:**              **Sheet:** A3

**Drwg No:** FD 15 - 1270 - P4 110



# Proposed right flank



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**Client:** KEBBELL

**Project:** Land at Four Seasons  
 Bagshot Road  
 Ascot

**Title:** Proposed Right Flank  
 Elevation

**Status:** Planning

**Scale:** 1 : 100      **Date:** Sept 2016

**Revision:**      **Sheet:** A3

**Org No:** FD 15 - 1270 - P4 113



# Proposed rear elevation



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**fluid**

**Client:** KEBBELL

**Project:** Land at Four Seasons  
 Bagshot Road  
 Ascot

**Title:** Proposed Rear Elevation

**Status:** Planning

**Scale:** 1 : 100      **Date:** Sept 2014

**Revision:**      **Sheet:** A3

**Drg No:** FD 15 - 1270 - P4 112



## Appeal Decision Report

23 December 2016 - 27 January 2017

WINDSOR RURAL

www.rbwm.gov.uk



**Appeal Ref.:** 16/60058/REF      **Planning Ref.:** 15/01500/VAR      **Plns Ref.:** APP/T0355/W/16/3147515

**Appellant:** Mr Richard Barter **c/o Agent:** Mr D Bond Woolf Bond Planning The Mitfords Basingstoke Road Three Mile Cross Reading RG7 1AT

**Decision Type:** Delegated      **Officer Recommendation:** Refuse

**Description:** Erection of 8 apartments with basement parking, alterations to access, entrance gates and landscaping following demolition of existing dwellings as approved under planning permission 13/00731/FULL without complying with condition 15 so that the condition is removed.

**Location:** **Woodlands Lodge And Boxwood House Heathfield Avenue Ascot**

**Appeal Decision:** Allowed      **Decision Date:** 4 January 2017

**Main Issue:** The Inspector acknowledged that there would be an increase in vehicle movements on the Avenue, and had significant regard to the likely frequency of the potential conflict. The Inspector did not have evidence that the appeal proposal would directly increase the number of large vehicles or the instance when such conflict between cars and large vehicles would arise to an unacceptable level that would lead to a severe impact. On this basis, the Inspector considered that the disputed conditions would not be reasonable or necessary, having regard to highway safety. The Inspector considered that the removal of the condition (for the road widening) would not be in conflict with saved local plan policy T5 which amongst other things seeks new development that does not compromise highway safety, and the National Planning Policy Framework which is clear that development should only be prevented on transport grounds where the residual cumulative impacts would be severe.

---

**Appeal Ref.:** 16/60059/REF      **Planning Ref.:** 15/01501/VAR      **Plns Ref.:** APP/T0355/W/16/3147514

**Appellant:** Mr Richard Barter- Millgate **c/o Agent:** Mr Douglas Bond Woolf Bond Planning The Mitfords Basingstoke Road Three Mile Cross Reading RG7 1AT

**Decision Type:** Delegated      **Officer Recommendation:** Refuse

**Description:** Erection of 10 apartments plus basement parking, access and landscaping following demolition of existing dwellings as approved under planning permission 12/02854/FULL without complying with condition 16 so that the condition is removed.

**Location:** **Woodlands Lodge And Boxwood House Heathfield Avenue Ascot**

**Appeal Decision:** Allowed      **Decision Date:** 4 January 2017

**Main Issue:** The Inspector acknowledged that there would be an increase in vehicle movements on the Avenue, and had significant regard to the likely frequency of the potential conflict. The Inspector did not have evidence that the appeal proposal would directly increase the number of large vehicles or the instance when such conflict between cars and large vehicles would arise to an unacceptable level that would lead to a severe impact. On this basis, the Inspector considered that the disputed conditions would not be reasonable or necessary, having regard to highway safety. The Inspector considered that the removal of the condition (for the road widening) would not be in conflict with saved local plan policy T5 which amongst other things seeks new development that does not compromise highway safety, and the National Planning Policy Framework which is clear that development should only be prevented on transport grounds where the residual cumulative impacts would be severe.

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## Planning Appeals Received

23 December 2016 - 27 January 2017

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### WINDSOR RURAL

The appeals listed below have been received by the Council and will be considered by the Planning Inspectorate. Further information on planning appeals can be found at <https://acp.planninginspectorate.gov.uk/>. Should you wish to make comments in connection with an appeal, please use the PIns reference number and write to the relevant address, shown below.

**Enforcement appeals:** The Planning Inspectorate, Room 3/23 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or email [teame1@pins.gsi.gov.uk](mailto:teame1@pins.gsi.gov.uk)

**Other appeals:** The Planning Inspectorate Room 3/10A Kite Wing Temple Quay House 2 The Square Bristol BS1 6PN or email [teamp13@pins.gsi.gov.uk](mailto:teamp13@pins.gsi.gov.uk)

**Ward:**  
**Parish:** Sunninghill And Ascot Parish  
**Appeal Ref.:** 17/60003/REF      **Planning Ref.:** 16/03116/FULL      **PIns Ref.:** APP/T0355/D/16/3164992  
**Date Received:** 4 January 2017      **Comments Due:** Not Applicable  
**Type:** Refusal      **Appeal Type:** Householder  
**Description:** Single storey rear, first floor side and front infill extension  
**Location:** **13 Cavendish Meads Ascot SL5 9TB**  
**Appellant:** Mr Roland Kear **c/o Agent:** Mr Andrew Metcalfe ACM Development Ltd Cricket Hill Lane Yateley Hampshire GU46 6BA

**Ward:**  
**Parish:** Wraysbury Parish  
**Appeal Ref.:** 17/60004/REF      **Planning Ref.:** 16/02695/FULL      **PIns Ref.:** APP/T0355/D/16/3164115  
**Date Received:** 4 January 2017      **Comments Due:** Not Applicable  
**Type:** Refusal      **Appeal Type:** Householder  
**Description:** First floor front extension, alterations and extensions to the roof to provide additional habitable accommodation with 3x front and 3x rear dormers.  
**Location:** **Watersmeet House 18 Kingswood Creek Wraysbury Staines TW19 5EN**  
**Appellant:** Mr Hothi - Hothi Design Build **c/o Agent:** Mr Dalraj Bancil Bancil Partnership Ltd 27-29The Broadway Southall UB1 1JY

**Ward:**  
**Parish:** Old Windsor Parish  
**Appeal Ref.:** 17/60006/REF      **Planning Ref.:** 16/02870/FULL      **PIns Ref.:** APP/T0355/D/16/3164981  
**Date Received:** 4 January 2017      **Comments Due:** Not Applicable  
**Type:** Refusal      **Appeal Type:** Householder  
**Description:** Part garage conversion and first floor side extension.  
**Location:** **44 Newton Court Old Windsor Windsor SL4 2SN**  
**Appellant:** Ms Sam Laing **c/o Agent:** Mr Michael Williams Michael Williams Planning 17 Chestnut Drive Windsor Berkshire SL4 4UT



**Ward:**  
**Parish:** Sunninghill And Ascot Parish  
**Appeal Ref.:** 17/60007/REF      **Planning Ref.:** 16/02310/FULL      **Plns Ref.:** APP/T0355/W/16/3161768  
**Date Received:** 4 January 2017      **Comments Due:** 8 February 2017  
**Type:** Refusal      **Appeal Type:** Written Representation  
**Description:** New building consisting of 5 No. apartments with associated parking and amenity following demolition of existing dwelling  
**Location:** **Four Seasons Bagshot Road Ascot SL5 9JL**  
**Appellant:** Mr Dudley Mills **c/o Agent:** Mr Murray Chrystal Woolf Bond Planning The Mitfords Basingstoke Road Three Mile Cross Reading RG7 1AT

**Ward:**  
**Parish:** Wraysbury Parish  
**Appeal Ref.:** 17/60010/ENF      **Enforcement Ref.:** 16/50274/ENF      **Plns Ref.:** APP/T0355/C/16/3159536  
**Date Received:** 19 January 2017      **Comments Due:** 2 March 2017  
**Type:** Enforcement Appeal      **Appeal Type:** Inquiry  
**Description:** Appeal against the Enforcement Notice: Change of use of the land to a mixed waste transfer station and skip hire business.  
**Location:** **Charles Morris Fertilizer Hythe End Farm Hythe End Road Wraysbury Staines TW19 5AW**  
**Appellant:** Mr Timothy Fowles **c/o Agent:** Mr Michael Krantz Gunnercooke LLP 1 Cornhill London EC3V 3ND

**Ward:**  
**Parish:** Sunningdale Parish  
**Appeal Ref.:** 17/60012/REF      **Planning Ref.:** 16/02358/FULL      **Plns Ref.:** APP/T0355/W/16/3162450  
**Date Received:** 19 January 2017      **Comments Due:** 23 February 2017  
**Type:** Refusal      **Appeal Type:** Written Representation  
**Description:** 4 No. dwellings formed of 2 pairs of semi detached houses with basement, associated parking and amenity space following demolition of existing dwelling.  
**Location:** **Lime Tree Lodge London Road Sunningdale Ascot SL5 0JN**  
**Appellant:** Mr And Mrs Dudley Mills Lime Tree Lodge London Road Sunningdale Ascot SL5 0JN

**Ward:**  
**Parish:** Sunningdale Parish  
**Appeal Ref.:** 17/60013/REF      **Planning Ref.:** 16/02272/FULL      **Plns Ref.:** APP/T0355/W/16/3163910  
**Date Received:** 19 January 2017      **Comments Due:** 23 February 2017  
**Type:** Refusal      **Appeal Type:** Written Representation  
**Description:** 4 No. houses with associated amenity and parking following demolition of existing dwelling.  
**Location:** **Littlefield London Road Sunningdale Ascot SL5 0JN**  
**Appellant:** Messers Tilley And Acott **c/o Agent:** Mr Paul Dickinson Paul Dickinson And Associates Highway House Lower Froyle Hants GU34 4NB

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