

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

**WINDSOR RURAL DEVELOPMENT CONTROL PANEL**

18 October 2017

Item: 1

<b>Application No.:</b>	17/02294/FULL
<b>Location:</b>	Former Four Seasons Bagshot Road Ascot SL5 9JL
<b>Proposal:</b>	6 Apartments with triple garage, pergola and bin store with associated parking and amenity (amendment to application 16/03203).
<b>Applicant:</b>	Mr Mills
<b>Agent:</b>	Mrs Kerri Gallup-Judd
<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 <a href="mailto:adam.jackson@rbwm.gov.uk">adam.jackson@rbwm.gov.uk</a>	

## 1. SUMMARY

- 1.1 The application is an amendment to 16/03203 which was granted planning permission on 11 April 2017 following the completion of a legal agreement to secure mitigation against the effects of the development on the Chobham Common (part of the Thames Basin Heaths Special Protection Area). Members agreed the principle of the development at the Panel meeting on the 8<sup>th</sup> February 2017. The current proposal seeks to amend the scheme to provide 6 apartments instead of the approved 5 and makes changes to the parking layout at the front of the site to accommodate this. There are no changes to the scale or positioning of the building as the additional apartment would be created by dividing the large apartment on the second floor into two units.
- 1.2 The new apartment generates a requirement for 2 additional parking spaces and it is proposed to provide these to the south west of the site with one being underneath the pergola and the other located just in front of it. The pergola will be increased in width to allow for the additional parking spaces beneath it and as a result will sit further forward in the site. However, the pergola would remain sited behind the proposed hedgerow that runs along side it thereby minimising the impact of the pergola on the street scene.
- 1.3 The application site is within a 5km zone of Chobham Common part 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 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) via 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 15th November for the reason that the proposed development would have a significant harmful effect on the SPA from increased visitor and recreational pressure.</b>

## 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 two 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 was formerly accommodated 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 six apartments (6 x 2 bedroom), along with a 3 car garage and 11 additional exterior car parking spaces (3 of which are within a pergola/car port structure).
- 4.2 The application follows other applications for 5 apartment schemes as listed below which includes 2 extant permissions 14/00522 (allowed on appeal) and 16/03203.

Ref.	Description	Decision and Date
12/02010/FULL	Construction of two detached dwellings, both with detached 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	Refused 21.03.2016

	property.	
16/02310/FULL	New building consisting of 5 No. apartments with associated parking and amenity following demolition of existing dwelling.	Refused 22.09.2016
16/03203/FULL	5 apartments with triple garage, pergola and bin stores with associated parking and amenity following demolition of existing dwelling.	Permitted 11.04.2017
17/01537/FULL	Alterations to current consent 16/03203 to provide 6 no. apartments and 15 no. parking spaces.	Withdrawn 14.07.2017

## 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

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)

#### Borough Local Plan: Submission Version

The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Proposed Submission Document was published in June 2017. Public consultation runs from 30 June to September 2017 with the intention to submit the Plan to the Planning Inspectorate in October 2017. In this context, the Borough Local Plan: Submission Version is a material consideration, but limited weight is afforded to this document at this time.

This document can be found at:

<http://rbwm.moderngov.co.uk/documents/s14392/Appendix%20A%20-%20Borough%20Local%20Plan%20Submission%20Version.pdf>

#### 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 – 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 Character
- ii Residential amenity
- iii Parking and highway safety
- iv Trees and ecology
- v Thames Basin Heath Special Protection Area

### **Character**

6.2 The proposal is to build a 6 unit apartment building, a detached 3 car garage and to construct a parking and turning area including a pergola to the front of the site. The main apartment building and detached garage replicate the details found in the extant permission 16/03203, (5 flats) with only internal alterations proposed to accommodate the additional residential unit. The scale and design of the building has also been accepted in recent appeal decisions where the inspector concluded that sufficient space would remain around the building and that the proposal appeared sufficiently like a large villa to be compatible with the appearance and character of the area. The position of the building and the principle of the garage and pergola at the front of the site have also been established within previous applications and appeals.

6.3 In order to facilitate the additional residential unit 2 new parking spaces have been proposed to the front of the site. One of these will be beneath the pergola with the other just in front of this structure. The pergola will be increased in width to allow for the addition parking spaces beneath it and as a result will site further forward in the site. Crucially, however, the pergola will remain behind the proposed hedgerow that runs adjacent and this hedgerow has not moved from its position shown on the previous consent for this site. The impact of the pergola on the street scene would therefore remain minimal as it will be largely shielded from view by the hedge. The additional hardstanding required is minimal and would not harm the character and appearance of the area.

### **Residential amenity**

6.4 The position and scale of the building is unchanged from the extant permission 16/03203 and as such there would be no significant impact on the amenity of neighbouring properties from a loss of light or outlook. There are some minor changes to the position of windows and the rooms which they serve at first floor level on the side elevations, however, this will not result in additional overlooking and can be satisfactorily addressed through the use of obscure glass, secured by condition.

6.5 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.

### **Parking and highway safety**

- 6.6 The Highways Officer has previously confirmed that the existing access is sufficient for the proposed use and expected vehicle movement per day can be comfortably accommodated. No objections have been raised in this respect for the increased number of units. 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. Sufficient turning space has also been provided. 2 additional spaces are required for the new unit and these have been to the south west of the site, one beneath the pergola and the other just in front of the structure. 14 parking spaces are provided in total, 12 for the proposed apartment building and 2 visitor spaces.
- 6.7 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).

### **Trees and ecology**

- 6.8 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. The Council's Tree Officer has raised concerns this time around with additional parking spaces being provided within the root protection area (RPA) of the Oak tree at the front of the site. In response to this the applicant has submitted an amended site plan showing the parking spaces to be provided to the South West side of the site instead with one of these spaces being beneath the proposed pergola.
- 6.9 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 Inspector, the impact on ecology is considered acceptable (See condition 12 in section 10 below).

### **Thames Basin Heath Special Protection Area**

- 6.10 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

- 6.11 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 J240per 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 24.07.2017

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

Comment		Where in the report this is considered
1.	Concerns were raised regarding the positioning of parking spaces within the root protection area of protected trees.	Paragraph 6.8
2.	Concerns were raised regarding the number of parking space which is considered insufficient.	Paragraph 6.6
3.	Concerns were raised over the adequacy of the existing access for multiple and larger vehicles.	Paragraph 6.6
4.	Concerns were raised regarding the scale of the development and the impact this will have on the appearance of the plot and immediate area.	Paragraph 6.2

### 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 6.10

### 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	Paragraph's 6.6 and 6.7
Tree Team	Objects to application as it would introduce additional hardstanding into the root protection area of the protected mature Oak along the front of the site. An additional parking space beneath the canopy of this tree will also increase pressure to prune it due to falling debris.	Paragraph 6.8
Parish Council	Objections as the committee still thought that there was not enough parking and the extra spaces would adversely affect the root protection area of an adjacent ancient oak tree. The Parish Council thought that yet another application on the site was vexatious.	Paragraphs 6.6 & 6.8
SPAE	<ol style="list-style-type: none"><li>Concerns were raised over the scale and bulk of the development.</li><li>The development is not considered good quality design.</li></ol>	Design issues are considered in paragraph's 6.2 and 6.3.

	<p>3. The private amenity space is considered insufficient for the occupants of 6 apartments.</p> <p>4. Parking is considered to be insufficient and the tandem parking arrangement inadequate.</p> <p>5. The additional car parking risks impact on the root protection areas of important trees.</p>	<p>parking issues in paragraph's 6.6 and 6.7 and the impact on trees in paragraph's 6.8 and 6.9</p>
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## 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

- 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 Development shall be carried out in accordance with the construction management plan approved under application 17/01405/CONDIT. The plan shall be implemented as approved and maintained for the duration of the works unless otherwise 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 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.
- 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 The development shall be carried out and maintained in accordance with the levels detailed on drawing number 039-04 approved under application 17/01405/CONDIT unless otherwise agreed in writing by the Local Planning Authority.  
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 The development shall be carried out and maintained in accordance with the details set out in the 'Sustainability Design Checklist' approved under application 17/01405/CONDIT unless otherwise agreed in writing by the Local Planning Authority.  
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 are 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 dwelling shall be occupied until the wildlife mitigation and habitat improvement measures detailed within the 'Ecological Mitigation and Enhancement Strategy' approved under application 17/01405/CONDIT have been implemented in full. The approved measures shall be subsequently be retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.  
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 The development shall be carried out and maintained in accordance with the details contained within the 'Planning For an Ageing Population' document approved under application 17/01405/CONDIT unless otherwise agreed in writing by the Local Planning Authority.  
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.