

NOTICE  
OF  
MEETING



# WINDSOR RURAL DEVELOPMENT CONTROL PANEL

will meet on

**TUESDAY, 3RD MAY, 2016**

**At 7.00 pm**

in the

**HOLY TRINITY CE SCHOOL, CHURCH ROAD, SUNNINGDALE, SL5 0NJ,**

TO: MEMBERS OF THE WINDSOR RURAL DEVELOPMENT CONTROL PANEL

COUNCILLORS CHRISTINE BATESON (CHAIRMAN), COLIN RAYNER (VICE-CHAIRMAN), GEORGE BATHURST, MALCOLM BEER, DAVID HILTON AND JOHN LENTON

SUBSTITUTE MEMBERS

COUNCILLORS SAYONARA LUXTON, JOHN STORY, LYNDA YONG, MICHAEL AIREY, DR LILLY EVANS AND LYNNE JONES

Karen Shepherd - Democratic Services Manager - Issued: Friday, 22 April 2016

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 **Wendy Binmore** 01628 796 251

**Fire Alarm** - In the event of the fire alarm sounding or other emergency, please leave the building quickly and calmly by the nearest exit. Do not stop to collect personal belongings and do not use the lifts. Do not re-enter the building until told to do so by a member of staff.

**Recording of Meetings** – The Council allows the filming, recording and photography of public Council meetings. This may be undertaken by the Council itself, or any person attending the meeting. By entering the meeting room you are acknowledging that you may be audio or video recorded and that this recording will be available for public viewing on the RBWM website. If you have any questions regarding the council's policy, please speak to the Democratic Services or Legal representative at the meeting.

## AGENDA

### PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
1.	<u>APOLOGIES FOR ABSENCE</u>  To receive any apologies for absence.	
2.	<u>DECLARATIONS OF INTEREST</u>  To receive any Declarations of Interest.	5 - 6
3.	<u>MINUTES</u>  To confirm the Part I Minutes of the meeting of the previous meeting	7 - 14
4.	<u>PLANNING APPLICATIONS (DECISION)</u>  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/web/dc_public_apps.htm">http://www.rbwm.gov.uk/web/dc_public_apps.htm</a> or from Democratic Services on 01628 796251 or <a href="mailto:democratic.services@rbwm.gov.uk">democratic.services@rbwm.gov.uk</a>	15 - 186
5.	<u>ESSENTIAL MONITORING REPORTS (MONITORING)</u>  To consider the Essential Monitoring Reports.	187 - 190



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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 CONTROL PANEL

WEDNESDAY, 6 APRIL 2016

PRESENT: Councillors Christine Bateson (Chairman), Colin Rayner (Vice-Chairman), George Bathurst, Malcolm Beer, David Hilton and John Lenton

Also in attendance: Cllr D Wilson

Officers: Melvin Andrews, Wendy Binmore, Melvin Andrews, Paul Cross, Jenifer Jackson, Sean O'Connor, Claire Pugh and Sarah L Smith

### APOLOGIES FOR ABSENCE

None received.

### DECLARATIONS OF INTEREST

**Cllr Bathurst** – Declared a personal interest in items 13/01275 and 13/01276 as the Windsor Link Railway proposed route goes through the site of the Kingsmead Quarry. Cllr Bathurst left the room during the discussion of the items and did not take part in the vote.

**Cllr Hilton** – Declared a personal interest in items 15/03186, 16/00117, 16/00350, 16/00371, 16/00443, 16/00446 and 15/03915 as he is a member of Sunninghill & Ascot Parish Council. Cllr Hilton stated that with the exception of 16/00117 he did not attend the meeting when the applications were discussed and in the case of 16/00117 he listened to what Parish Councillors said but did not join the debate. Cllr Hilton also stated his wife, Parish Councillor Barbara Hilton, was the Chair of the Parish Council Planning committee and was speaking on items 16/00117, 16/00443, 16/00446 and 15/03915. He stated he had come to Panel with an open mind.

**Cllr Lenton – Cllr Lenton** – Cllr Lenton – Declared a personal interest in items 15/04221 and 16/00300 as he is a Parish Councillor for Wraysbury. He is present at Parish Council meetings when applications are discussed but takes no part in the discussions on Planning applications. He confirmed he had come to Panel with an open mind and would take part in the discussion and the vote on the items.

**Cllr Rayner** – Declared a personal and prejudicial interest in items 13/01275 and 15/01276 as he is a trustee of a trust which has a legal agreement with the applicants and he also rents land from them. Cllr Rayner left the room during the discussion and took no part in the vote for these items.

### MINUTES

**RESOLVED: That the Part I minutes of the meeting of the Windsor Rural Development Control Panel held on 9 March 2016 be approved.**

### PLANNING APPLICATIONS (DECISION)

<u>Application</u>	<u>Applicant and Proposed Development</u>
16/00117*	Mr Brebner – Wentworth Homes: Erection of 3 x detached two storey dwellings with access driveways following the demolition of 9 Llanvair Close at 9 Llanvair and rear of 11 Llanvair Close, Ascot – <b>THE</b>

**PANEL UNANIMOUSLY VOTED to DEFER the application to carry out a site visit.**

(The Panel was addressed by Colin Waters, Nick Mayhew, Diana Tombs (NPDG), Peter Standley (SPAE) and PCllr Barbara Hilton in objection and Ian Phillips the Agent in support of the application).

- 15/03186\* Mr McCloskey: Erection of sports hall, accommodating four badminton courts, dance studio, fitness suite, changing facilities and associated classrooms at The Marist Senior School, Kings Road, Sunninghill, Ascot SL5 7PS – **THE PANEL UNANIMOUSLY VOTED to APPROVE the application and authorise the Borough Planning Manager subject to the Secretary of state not calling the application in for determination, to grant planning permission on the satisfactory submission of sustainable drainage details and with the conditions listed in Section 10 of the Main Report; with the added condition to secure details of lighting as per condition 10 of the previous decision.**

(The Panel was addressed by Diana Tombs (NPDG), in support of the application subject to drainage plans being received).

- 16/00185\* Halebourne Group: Redevelopment of The Ridge and The Ridge Cottage to provide for 10 No. apartments with basement car parking, together with amended access arrangements as approved under application 12/02620/FULL without complying with condition 2 (approved plans) to replace approved plans under planning permission 13/03276/VAR at The Ridge and The Ridge Cottage, Ridgemount Road, Sunningdale, Ascot – **THE PANEL UNANIMOUSLY VOTED to APPROVE the application and authorise the Borough Planning Manager to grant planning permission subject to the conditions listed in Section 10 of the Main Report.**

(The Panel was addressed by PCllr Michael Burn in objection and Jade Evans the Agent in support of the application).

- 16/00300\* Mr Singh: Erection of detached dwelling following demolition of existing dwelling and garage at 68 Ouseley Road, Wraysbury, Staines TW19 5JH – **THE PANEL VOTED to APPROVE the application and authorise the Borough Planning Manager to grant planning permission provided that the Environment Agency removes their objection to the development with the conditions in Section 9 of the Main Report and with the additional conditions listed in Section 3 of the Panel Update Report as listed below:**

- **The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures:**
  - **The voids as shown within plan reference: BEDI/PLAN/009, BEDI/PLAN/002 and BEDI/PLAN/001 all dated 17 March 2016**



- Finished floor levels are set no lower than 17.64m above Ordnance Datum (AOD).
- The mitigation measures shall be fully implemented prior to occupation. Reason: To reduce the risk of flooding to the proposed development and future occupants, in compliance with paragraph 103 of the National Planning Policy Framework and Policy F1 of the Local Plan.
- The voids shown on plans BEDI/PLAN009, BEDI/PLAN/002 and BEDI/PLAN/001 all dated 17 March 2016 shall be free and open for the lifetime of the development and not used for storage purposes. The steps and terracing shall be constructed as shown on the approved plans and the openings shall be kept free of obstructions at all times and for the lifetime of the development. Reason: To prevent an increased risk of flooding elsewhere due to impedance of flood flows and reduction of floodwater storage capacity. Relevant Policy – Local Plan F1.
- 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.
- 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.

(The Panel was addressed by Mr Sawden the agent in favour of the application).

**Five Councillors voted in favour of the motion to approve (Cllrs Bateson, Bathurst, Beer, Hilton and Rayner), and one Councillor voted against the motion (Cllr Lenton).**

16/00371 Mr Lightfoot: Single storey extension to form new main-reception at St Michaels CE Primary School, School Road, Ascot SL5 7AD – **THE PANEL UNANIMOUSLY VOTED to APPROVE the application and authorise the Borough Planning Manager to grant planning permission subject to the conditions listed in Section 9 of the Main Report.**

(The Panel was addressed by Diana Tombs (NPDG), in support of the application).

16/00443\* Mr Price – spitfire Properties LLP: Erection of two detached dwellings with associated double garages following the demolition of existing as approved under planning permission 14/00880 without complying with condition 14 (approved plans) under planning permission 15/02969/VAR to vary the approved drawings at Stowting House, London Road, Ascot SL5 7EG – **THE PANEL UNANIMOUSLY VOTED to DEFER the application for one cycle for more information on:**

- **Can the railings be behind the hedge.**
- **Investigate alternative hedge species – to fit in with the road.**
- **Details of tree heights/planting size.**

(The Panel was addressed by Diana Tombs (NPDG) and PCllr Barbara Hilton in objection and Kier Price, the agent in support of the application).

16/00446\* Mr Price – spitfire Properties LLP: Construction of 2 detached dwellings each with a detached double garage, following demolition of existing dwelling. New entrance gates and new access as approved under planning permission 13/02368/FULL and subsequently amended by 15/01941/NMA to add approved plans condition, amended by 15/02485/VAR to amend the approved drawing (Boundary Treatment) at Dunnideer, London Road, Ascot SL5 7EG – **THE PANEL UNANIMOUSLY VOTED to DEFER the application for one cycle for more information on:**

- **Can the railings be behind the hedge.**
- **Investigate alternative hedge species – to fit in with the road.**
- **Details of tree heights/planting size.**

(The Panel was addressed by Diana Tombs (NPDG) and PCllr Barbara Hilton in objection and Kier Price, the agent in support of the application).

15/03915\* Hamberley Development (Ascot) Limited: Erection of 80 x bedroom care home (use class C2), landscaping, tree planting, creation of associated access, car parking and site infrastructure, following demolition of the existing 75 x bedroom care home – **THE PANEL UNANIMOUSLY VOTED to DEFER the application for a site visit to assess whether the building is in character with the area. If possible Cllr Hilton wanted to see perspectives of the building – more than was in the powerpoint presentation. The agent indicated they had done verified views – these need to be in the powerpoint and available at the site visit as well as the plans. Concern was that whether the building fitted in with the area.**

(The Panel was addressed by Diana Tombs (NPDG) and Peter Standley (SPAЕ) in support of the application; PCllr Barbara Hilton in

objection and Libby Barrett, Operations Director at Gracewell Healthcare in support of the application).

13/01275\* Cemex UK Materials Ltd: Variation of conditions 15 (Disposal of mineral waste [silt] from the processing plant only within the area shown on the approved plan P1/208/13/1), conditions 24 and 26 (delineating the margins of the extraction area and the phases of development) in accordance with a revised plan ref. P1/208/28, removal of conditions 34 and 35 (on the dewatering of the site) and the variation of conditions 42 and 44 (dates for commencement of filling and for the submission of a scheme for the progress, filling and restoration of the site) all of approval 471893 and approved under 06/00685/VAR. without complying with condition 6 (backfilling and restoration) to amend the commencement date at Kingsmead Quarry, DAtchet Road, Horton, Slough SL3 9PS – **THE PANEL VOTED to APPROVE the application and authorise the Borough Planning Manager to grant planning permission subject to the conditions listed in the Main Report and also conditions listed in Section 3 of the Panel Update Report as listed below:**

- **Varied Condition 6 should read:** the site shall be backfilled and restored in accordance with the details (infilling and restoration) discharged under Condition 7 of planning permission 06/00685, the levels and details shown on Restoration Plan P1/208/29/B dated June 2012 and received on 14 May 2013 and the aftercare and management details discharged under Condition 49 of planning permission 471893 (93/00454) relating to IDO permission no 470505 or any revision to the Plan or above mentioned details which may be approved in writing by the Local planning authority. The filling operations shall commence not later than 31 December 2016. **Reason:** To ensure that the works on site progress in a coordinated way in the interests of protecting the residential amenities of nearby residential properties, the groundwater flows and quality, and the ecological and visual amenities of the area.
- In accordance with the following details provided on 23 April 2013 – written details set out in the Planning statement dated April 2013, Bird Management Plan dated March 2013, Appendix I – Annual Aftercare Management Report of the Outline Aftercare Scheme and Appendix 2 – Annual Aftercare Schedule dated January 2013, together with the details provided on 28<sup>th</sup> July 2014 – Appendix G1 Ecological Assessment, H1 – Technical Noise Note and Appendix J1 – Amended Phasing Plans (dated Feb 2014 – Drawing No P1/208/36A Phase 10 + 11, 12,13, 14, 15, Lagoon Area, Plant Site, Fill to Phase 7, Fill to Phase 8, Fill to Phase 9, Final Restoration) together with details submitted received on 8 October 2015 – Outline Five Year Aftercare Scheme (dated September 2015) and the Flood Risk Assessment and Surface Water Management Plan (6496T R3 Rev 1), Groundwater Flood Risk Assessment (6496TR2), Surface Water Management Strategy and

**Attenuation Pond Design (6496T TN3 Rev 1), Fluvial Flood Risk (V2-0), Proposals for Refuge Habitat Provision for Gadwall (September 2014), Restoration Masterplan P1/208/29D (issued September 2015) and Plan P1/208/39A Biodiversity and Community Benefits submitted as part of further additional information dated September 2015.**

- **For the avoidance of doubt the conditions that have previously been imposed by virtue of permission 471893, 93/00454 and 06/00685 shall continue to be in effect save for that varied above.**

**Three Councillors voted in favour of the motion to approve (Cllrs Bateson, Hilton and Lenton), and one Councillor abstained (Cllr Beer), Cllrs Bathurst and Rayner did not take part in the discussion or the vote on this item.**

13/01276\*

**Cemex UK Materials Ltd: Variation of Condition 18 and 19 of approval 471894 to allow the progress, infilling and restoration of the site in accordance with a revised scheme and to replace the approved drawings P1/208/14/1 as approved under 06/00684/VAR without complying with condition 1 (restoration scheme) of that permission so that the restoration scheme is amended at Kingsmead Quarry, Datchet Road, Horton, Slough SL3 9PS – **THE PANEL VOTED to APPROVE the application and authorise the Borough Planning Manager to grant planning permission subject to the conditions listed in the Main Report and also conditions listed in Section 3 of the Panel Update Report as listed below:****

- **Varied Condition 1 should read:** The site shall be backfilled and restored in accordance with the details (infilling and restoration) discharged under Condition 2 of planning permission 06/00684, the levels and details shown on Restoration Plan P1/208/29/B dated June 2012 and received 14 May 2013 and the aftercare and management details discharged under Condition 28 of planning permission 471894 (93/00455) relating to IDO permission no 470506 or any revision to the Plan or above mentioned details which may be approved in writing by the Local Planning Authority. The filling operations shall commence not later than 31 December 2016. **Reason: to ensure that the works on site progress in a coordinated way.**
- **In accordance with the following details provided on 23 April 2013 – written details set out in the Planning statement dated April 2013, Bird Management Plan dated March 2013, Appendix I – Annual Aftercare Management Report of the Outline Aftercare Scheme and Appendix 2 – Annual Aftercare Schedule dated January 2013, together with the details provided on 28<sup>th</sup> July 2014 – Appendix G1 Ecological Assessment, H1 – Technical Noise Note and Appendix J1 – Amended Phasing Plans (dated Feb 2014 – Drawing No P1/208/36A Phase 10 + 11, 12,13, 14, 15, Lagoon Area, Plant Site, Fill to Phase 7, Fill to Phase 8, Fill to Phase 9, Final Restoration) together with details**

submitted received on 8 October 2015 – Outline Five Year Aftercare Scheme (dated September 2015) and the Flood Risk Assessment and Surface Water Management Plan (6496T R3 Rev 1), Groundwater Flood Risk Assessment (6496TR2), Surface Water Management Strategy and Attenuation Pond Design (6496T TN3 Rev 1), Fluvial Flood Risk (V2-0), Proposals for Refuge Habitat Provision for Gadwall (September 2014), Restoration Masterplan P1/208/29D (issued September 2015) and Plan P1/208/39A Biodiversity and Community Benefits submitted as part of further additional information dated September 2015.

- For the avoidance of doubt the conditions that have previously been imposed by virtue of permission 471893, 93/00454 and 06/00685 shall continue to be in effect save for that varied above.

Three Councillors voted in favour of the motion to approve (Cllrs Bateson, Hilton and Lenton), and one Councillor abstained (Cllr Beer), Cllrs Bathurst and Rayner did not take part in the discussion or the vote on this item.

15/04221 Construction of 1 x detached dwelling following demolition of existing dwelling at 8 Lammas Drive, Staines TW19 4TS – **THE PANEL VOTED to REFUSE the application and refuse planning permission for the following summarised reasons (the full reasons are identified in Section 9 of the Main Report)**

1. The development would represent inappropriate development in the Green Belt, and would have a greater impact on the openness of the Green Belt than the existing development.
2. The site is situated in flood zone 3 (high risk flooding), and the application fails to demonstrate that the development would not impede flood flows or displace flood water elsewhere, and the proposal would exceed 30 square metres in ground covered area, which is in conflict with Local Plan Policy F1.
3. The development by virtue of its scale and design would have an unacceptable impact on the character and appearance of the area. The development would also result in a cramped form of development on the plot which is not in keeping with the form of development in the area.
4. The development would not conserve the setting of the Thames.

Five Councillors voted in favour of the motion to refuse the application (Cllrs Bateson, Bathurst, Beer, Hilton and Lenton), and one Councillor abstained (Cllr Rayner).

16/00350 Ascot Corner 14 Ltd: Construction of 12 flats, with basement parking and cycle store, detached refuse store, new entrance gates, landscaping and additional parking, following demolition of existing dwelling as approved under planning permission 12/01732 without complying with condition 4 (arboricultural method statement) to vary

the wording at Ascot Corner, Wells Lane, Ascot – **THE PANEL UNANIMOUSLY VOTED to APPROVE the application and authorise the Borough Planning Manager to grant planning permission subject to the conditions listed in Section 10 of the Main Report.**

ESSENTIAL MONITORING REPORTS (MONITORING)

Details of Planning Appeals Received and the Appeal Decision Report were noted.

The meeting, which began at Time Not Specified, finished at Time Not Specified

CHAIRMAN.....

DATE.....

## ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

### Windsor Rural Panel

3rd May 2016

#### 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>	15/03915/FULL	<b>Recommendation</b>	PERM	<b>Page No.</b>	17
<b>Location:</b>	Ascot Nursing Home Burleigh Road Ascot SL5 7LD						
<b>Proposal:</b>	Erection of 80 x bedroom care home (use class C2), landscaping, tree planting, creation of associated access, car parking and site infrastructure, following demolition of the existing 75 x bedroom care home						
<b>Applicant:</b>	Hamberley Development (Ascot) Limited	<b>Member Call-in:</b>	Not applicable		<b>Expiry Date:</b>	4 May 2016	

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<b>Item No.</b>	2	<b>Application No.</b>	16/00117/FULL	<b>Recommendation</b>	DD	<b>Page No.</b>	39
<b>Location:</b>	9 Llanvair And Rear of 11 Llanvair Close Ascot						
<b>Proposal:</b>	Erection of 3x detached two storey dwellings with access driveways following the demolition of 9 Llanvair Close						
<b>Applicant:</b>	Mr Brebner-Wentworth Homes	<b>Member Call-in:</b>	Not applicable		<b>Expiry Date:</b>	13 May 2016	

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<b>Item No.</b>	3	<b>Application No.</b>	16/00443/VAR	<b>Recommendation</b>	PERM	<b>Page No.</b>	79
<b>Location:</b>	Stowting House London Road Ascot SL5 7EG						
<b>Proposal:</b>	Erection of two detached dwellings with associated double garages following the demolition of existing as approved under planning permission 14/00880 without complying with condition 14 (approved plans) under planning permission 15/02969/VAR to vary the approved drawings						
<b>Applicant:</b>	Mr Price - Spitfire Properties LLP	<b>Member Call-in:</b>	Not applicable		<b>Expiry Date:</b>	4 April 2016	

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<b>Item No.</b>	4	<b>Application No.</b>	16/00446/VAR	<b>Recommendation</b>	PERM	<b>Page No.</b>	89
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**Location:** Dunnideer London Road Ascot SL5 7EG

**Proposal:** Construction of 2 detached dwellings each with a detached double garage, following demolition of existing dwelling. New entrance gates and new access as approved under planning permission 13/02368/FULL and subsequently amended by 15/01941/NMA to add approved plans condition, amended by 15/02485/VAR to amend the elevation details of plots 1 and 2, add Juliet balconies to plots 1 and 2 and add a balcony to plot 2. To amend the approved drawing (Boundary Treatment)

**Applicant:** Mr Price - Spitfire Properties LLP      **Member Call-in:** Not applicable      **Expiry Date:** 10 May 2016

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**Item No.** 5      **Application No.** 16/00518/FULL      **Recommendation** PERM      **Page No.** 99

**Location:** St Marys School St Marys Road Ascot SL5 9JF

**Proposal:** Upper Sixth Form Accommodation, Pastoral Centre, Staff Accommodation and Laundry (Minor Material Amendment to 15/02272)

**Applicant:**      **Member Call-in:** Not applicable      **Expiry Date:** 23 May 2016

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**Item No.** 6      **Application No.** 16/00699/VAR      **Recommendation** PERM      **Page No.** 145

**Location:** Heath End Place Windsor Road Ascot SL5 7LQ

**Proposal:** Replacement dwelling and detached double garage with habitable accommodation above following the demolition of existing dwelling as approved under planning permission 14/01248 without complying with condition 15 (first floor windows) under planning permission 15/01107/VAR to remove this condition, and to vary condition 14 (second floor dormer windows) so that the north east second floor dormer window is fitted with obscure glazing and fixed shut.

**Applicant:** C/o Agent      **Member Call-in:** Not applicable      **Expiry Date:** 21 April 2016

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**Item No.** 7      **Application No.** 16/00797/FULL      **Recommendation** PERM      **Page No.** 163

**Location:** Piers Cottage Monks Close Ascot SL5 9BA

**Proposal:** Replacement detached dwelling with associated garage and entrance gates

**Applicant:** Croft Homes Development Ltd      **Member Call-in:** Cllr D Hilton      **Expiry Date:** 10 May 2016

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Appeals Decision Report      Page No. 188



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

**WINDSOR RURAL DEVELOPMENT CONTROL PANEL**

3 May 2016

Item: 1

<b>Application No.:</b>	15/03915/FULL
<b>Location:</b>	Ascot Nursing Home Burleigh Road Ascot SL5 7LD
<b>Proposal:</b>	Erection of 80 x bedroom care home (use class C2), landscaping, tree planting, creation of associated access, car parking and site infrastructure, following demolition of the existing 75 x bedroom care home
<b>Applicant:</b>	Hamberley Development (Ascot) Limited
<b>Agent:</b>	Mr Silas Willoughby - Dominic Lawson Bespoke Planning Ltd
<b>Parish/Ward:</b>	Sunninghill And Ascot Parish

**If you have a question about this report, please contact:** Diane Charlton on 01628 685699 or at [diane.charlton@rbwm.gov.uk](mailto:diane.charlton@rbwm.gov.uk)

**1. SUMMARY**

- 1.1 This application was deferred at the Panel on the 6<sup>th</sup> April in order for Members to undertake a site visit, this took place on the 18<sup>th</sup> April. The previous report is below with conditions updated from Panel update.
- 1.2 The proposal is to redevelop the site with an 80 bedroom elderly persons nursing home (Use Class C2). The proposed redevelopment on the site to provide a modern improved care home facility is acceptable. The scale, bulk and footprint of the proposed building are considered to be acceptable, bearing in mind the context that there is an existing nursing home on this site. Views of the proposal from outside the site will be screened by the existing trees and this will be enhanced by further tree planting and landscaping.
- 1.3 The proposed development would not be considered to cause significant harm to the amenity of the adjoining residential properties.
- 1.4 The scheme is considered to have an acceptable level of car parking and have an acceptable impact on highway safety, subject to conditions.
- 1.5 Amended plans have been received which clarify the issues raised by the Council's Tree Officer. These plans demonstrate that the proposal would not have a harmful impact on the trees on site. Subject to landscaping, tree protection and replacement planting conditions (see conditions 13, 20 and 21 in section 9 of this report.) no objection is raised on this ground.

**It is recommended the Panel grants planning permission subject to the conditions listed in Section 9 of this report.**

**2. REASON FOR PANEL DETERMINATION**

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

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

- 3.1 The site currently comprises a 75 bedroom elderly persons care home which is currently closed. The buildings on site comprise a Victorian 3 storey house and more recent and substantial single storey and two storey extensions around a central courtyard.

3.2 The site itself is located within the built up area of North Ascot on the corner of Burleigh Road and Windsor Road. To the east of the site is Ascot racecourse which is within the Green Belt. The site is well screened with mature trees that are subject to a TPO. The site is 4km from the SPA.

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

Reference	Description	Decision and Date
91/00004/FULL	2 storey extension to create 36 additional bedrooms	Approved 25.9.91
01/81139/FULL	Two Conservatories	Approved 28.11.2001
95/00004/FULL	Pitched roof	Approved 14.3.1995
09/01881/FULL	First floor rear extension	Approved 19.10.2009

4.1 The proposal is to redevelop the site with an 80 bedroom elderly persons nursing home (Use Class C2). The definition of “Class C2 is Residential accommodation and care to people in need of care, residential schools, colleges or training centres, hospitals, nursing homes”. The Use Class Order defines “care” to mean:- “personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder.

4.2 The proposed new care home will provide for 80 bedrooms, 5 more than at present, and much improved facilities. The majority of the building will be two storey with accommodation within the roof, with a three storey element with rooms in the mansard roof situated towards the north of the site. Parking for 35 cars is provided to the north of the building, with overspill parking for 12 cars to the west of the site near to the access. Landscaped gardens providing amenity areas for the residents are also proposed.

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

5.1 National Planning Policy Framework- Section 7, good design  
Section 11, conserving and enhancing the natural environment.

#### Royal Borough Local Plan

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

	Within settlement area	Protected Trees	Highways /Parking issues
Local Plan	DG1	N6	T5, P4
Ascot, Sunninghill and Sunningdale Neighbourhood Plan	NP/EN4, NP/H2, NP/H3, NP/DG1, NP/DG2, NP/DG3, NP/DG5, NP/T1, NP/T2	NP/EN2, NP/EN3	NP/T1, NP/T2

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

- Sustainable Design and Construction
- Planning for an Ageing Population

More information on these documents can be found at:

[http://www.rbwm.gov.uk/web/pp\\_supplementary\\_planning.htm](http://www.rbwm.gov.uk/web/pp_supplementary_planning.htm)

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

5.4 Other Strategies or publications relevant to the proposal are:

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

### **6. EXPLANATION OF RECOMMENDATION**

6.1 The key issues for consideration are:

- i the acceptability of the principle of the proposed replacement nursing home;
- ii the impact of the development on the character and appearance of the area;
- iii whether the proposal has an acceptable impact upon the impact of neighbouring properties;
- iv the acceptability of the proposal upon on Highway Safety;
- v whether the proposal has an acceptable impact on Trees and;
- vi whether the development has an acceptable impact upon the Thames Basins Heaths SPA and Ecology.

#### **Principle of development**

6.2 There is no objection to the principle of replacing the existing building, the site is in the settlement of Ascot and there are no in principle objections to redeveloping the site, subject to compliance with the relevant policies of the Development Framework. The redevelopment of the site for a larger modern care home is acceptable, the Council has an adopted Supplementary Planning Document 'Planning for an Ageing Population' (March, 2010) which recognises that there is a rising number of older people in the Borough who require different types of housing accommodation to meet their varying needs. Evidence gathered by the Council's Adult Social Care Team recognises the SPD remains valid still in 2016, with there being demand for good quality care homes in the Borough.

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

6.3 Policy DG1 of the Local Plan states that the design of new buildings should be compatible with the established street façade having regard to the scale, height and building lines of adjacent properties and specifically states that special attention should be given to the 'roofscape' of buildings. This policy also seeks to protect important views.

- 6.4 Policy NP/DG2.1 Of The Ascot, Sunninghill and Sunningdale Neighbourhood Plan states: New development should be similar in density, footprint, separation, scale and bulk of the buildings to the density footprint, separation, scale and bulk of buildings in the surrounding area generally and of neighbouring properties in particular, unless it can be demonstrated that the proposed development would not harm local character.
- 6.5 The scale, bulk and footprint of the proposed building are considered to be acceptable, bearing in mind the context that there is an existing nursing home on this site. The footprint of the proposed building occupies 21% of the site compared to the existing building which covers 33%. The ridge height of the central 3 storey with mansard roof will be no taller than the ridge of the existing building, with a height of 14 metres as opposed to the existing which is 15 metres. The orientation of the proposed building is such that it minimises the visual impact when viewed from outside of the site. Due to existing trees the site is largely visually contained.
- 6.6 The building has been specifically designed to minimise bulk but maximise facilities. The use of the roofspace has meant that the height of the proposed building has been kept within the existing parameters of the existing built form so as not to adversely affect the character of the area whilst providing for an interesting design using a mix of gables and dormers. This breaks up the bulk and mass of the development. The gables are used to add contrast to the proposal as well as the use of a mix of materials. The design is considered to be acceptable to the location and would comply with the relevant policies of the Local and Neighbourhood Plans.

### **Impact on neighbours**

- 6.7 The design of the building is such that the highest element will be situated at a distance of approximately 25 metres from the boundary with the adjacent dwellings, Five Trees Cottage, Burleigh Road, and 1-7 Hermitage Drive. This is further from the boundary than the existing building. There will be windows facing these properties. The intervening distance is considered to be acceptable especially when given the existing building does have windows closer than those proposed and also bearing in mind the nature of the use of the site. There is a proposed roof terrace over the 2 storey element on this north part of the development but screening around it is proposed in order to minimise overlooking.
- 6.8 Concerns have been raised relating to the parking being provided adjacent to the bottom of the gardens of the above dwellings. The plans show that a close boarded fence will be provided along the boundary with tree buffer planting in front of it. This, together with the lengths of the rear gardens in Hermitage Drive, would result in ensuring the development does not cause undue noise and disturbance to the occupiers of these properties to a level that would cause harm to their amenities.
- 6.9 There is an existing Care Home on the site and this proposal has only 5 additional bedrooms. It is therefore considered that any impact on the amenities of the surrounding residential properties in terms of comings and goings would be minimal.

### **Highway safety**

- 6.10 The proposed development is unlikely to give rise to any significant increase in traffic generation over and above that which could be generated by the existing 75 bed Nursing Home. This is verified in section 5 of the Transport Statement which estimates an additional 10 two-way vehicle movements to be generated on weekdays and 8 additional two-way vehicle movements at weekends.
- 6.11 It is now proposed to increase the on-site parking provision from 35 to 47 spaces (including 12 overspill spaces and 3 spaces for vehicles used by people with disabilities). This would result in a shortfall of 3 spaces when applying the Council's maximum parking standards in full (for areas of poor accessibility). If the operators of the nursing home put positive procedures & practices in place for the management of overspill parking, there may also be scope to provide up to an additional 6 (overspill) spaces within the site itself. This is considered to be acceptable.

- 6.12 Following further minor amendments proposed to the southern radius of the modified vehicular access arrangement to Burleigh Road, it is now demonstrated that the intended refuse collection vehicle would be able to enter and leave the site in a forward direction without adversely affecting the safety of traffic. It is also accepted that matters relating to larger service and delivery vehicles entering/leaving the site from/in a southerly direction is for Gracewell Healthcare (the end-user) to address with service providers through its management contractual arrangements. In practice, drivers of such vehicles are more likely to take this route as it provides a direct and efficient access connection to the wider highway network. To reduce any potential conflicting movements occurring at the main Nursing Home entrance between vehicles and pedestrians/residents in wheelchairs, it is now proposed to construct a separate access for pedestrians. This would be in the form of a gated access and ramped footpath link to the main building from Burleigh Road for use by pedestrians including those with mobility restrictions and located at a point some 70m south of the main access point. This is acceptable in highways terms. Previous issues that were raised during the application process in respect of highway matters regarding access widening, the provision of a dedicated pedestrian route and servicing arrangements have all been satisfactorily addressed by the additional submissions.
- 6.13 The outline Construction Management Plan dated 03 February 2016 as currently submitted would need to be further developed before any demolition and/or construction works are carried out. The final Demolition/Construction Management Plan can be secured by the imposition of a condition on any planning permission that may be granted for the proposed redevelopment. A Travel Plan has also been submitted and would need to be subject to a condition. Conditions 5 and 11 in section 10 address this.

### **Impact on Trees**

- 6.14 The trees at the site are subject to the Tree Preservation Order 14/2014. It is an area TPO that covers all the trees at the site with the exception of the Lawson's cypress, Leyland cypress and Western red cedar. Established trees are situated on the southern, eastern, western boundaries and just outside the northern margins of the site and act as a screen between the neighbouring properties and the residential home and the nearby roads. The trees on site contribute on a collective basis to the sylvan character of the existing Ascot Residential Home and its surroundings. The arboricultural report submitted with the application confirms that the proposed development sits roughly on the footprint of the existing care home and thus enables the retention of the vast majority of the most important A and B Category Lawson's cypress trees 2 and 22, the holly tree 5, the lime trees 3 and 6, the deodar cedar tree 7 and western red cedar 8, the oak trees 10, 12, 17, 23, 24 and 25, the sycamores 13, 14 and 15, the yew trees 28 and 34, the oak trees 29, 30, 32 and 33; and the majority of the various trees and woody shrubs in groups 6 and 9 inside and outside the site boundary.
- 6.15 The report then goes on to confirm, "Group 6 consists of a dense mix of woody shrubs and trees including oak, sycamore and laurel that come together to form a useful screen against the nearby Ascot Road. It is classified as a Moderate (B). Caution should be exercised; when cutting into the group 6 to facilitate the new extension to the existing care home footprint. Careful consideration should be given to the type of species that is to be retained in that group to help retain the screen while not being overbearing to the new structure. Ideally, the laurel, holly and rhododendron should be retained and enhanced by infill planting of similar species such as dogwood. There are a number of trees including Scots pine 9, beech 16, sycamores 19, 20, 21, silver birch 26, 27, oak 31, Leyland cypress group 7 proposed as Unsuitable for Retention (U) in the context of the current and future land use. They have a poor structure with a life expectancy of less than 10 years. New planting and general landscaping is proposed to mitigate their loss. However, the applicant wishes to retain and monitor them in an effort to maintain the sylvan character of the site."
- 6.16 During the course of the application further information and clarification in relation to the impact on the trees on the site was submitted. This confirmed the following:
1. Hatching has been added to indicate the no dig construction for the overspill parking below the tree canopies as requested – as well as confirmation of the existing trees levels and driveway levels.

2. The engineered permeable block paving upon no dig foundations to the area highlighted will be included.
3. Freely permeable gravel surface within cellular confinement system upon no dig foundations included to the area highlighted – it is also confirmed that our sketch T7 demonstrates the proposed site levels do not affect the existing site levels below or adjacent to the tree canopies/RPA's, all changes in level to this area sit within the footprint of the existing building – the new surface will generally undulate with (and will not adversely affect) the existing levels which are shown on the latest site plan issued.
4. The Bin Store sub base can be specified as a permeable hard standing if required, the structure is lightweight timber posts and the walls are light weight hit and miss timber boarding.
5. It is confirmed that the current proposal is for a 1.1m high retaining wall (which sits outside of the RPA's and generally within the footprint of the existing building), this then tapers with the existing site levels to meet the raised planter noted under point 8)
6. The raised planter which will tie in to the existing banked site levels to the rear of the planter (banking from the boundary toward the building), will generally omit the need for additional retaining structure to the line of 'edging' shown and/or reduces the height and pulls this retaining line within the footprint of the existing building and away from the RPA's
7. At present this section of wall is proposed as a 750mm high retaining wall (which falls outside of the tree canopies and RPA's), the area within the RPA's will not be altered and the levels would be graded to meet the existing trees levels/levels within the RPA's (our graded levels are sat in the footprint of the existing building, shown on section drawing T23 so do not don't affect the RPA's)

6.17 Clarification of these matters demonstrates that the proposed development would not have a detrimental impact on the trees and therefore subject to conditions regarding Tree Protection, Landscaping and Tree Retention/Replacement no objection is raised on this ground, conditions are recommended at 20, 21 and 22 in Section 10..

### **SPA and Ecology**

- 6.18 The application site is approximately 4 km from the Thames Basin Heaths Special Protection Area (SPA) and Broadmoor to Bagshot Woods and Heaths Site of Special Scientific Interest (SSSI) and is within 1km of three non-statutory designated sites, the closest being Ascot Heath Gold Course LWS, situated 275m from the proposed development site. The applicant's ecologist concluded that due to the distance between the proposed development and the designated sites, and the nature and scale of the development, there would be no anticipated impacts to these sites. Natural England has confirmed that based upon the information provided, the proposal is unlikely to affect any statutorily protected sites. Condition 6 addresses this matter.
- 6.19 Three survey tests were undertaken for bats. On the third test, a bat dropping and a common pipistrelle bat were recorded within the main building during the initial inspection surveys and a further two common pipistrelle bats were recorded emerging from the same building during the further surveys. Therefore, without mitigation, the development would be in breach of the legislation protecting bats. However, the applicant's ecologist has undertaken adequate survey effort to inform appropriate mitigation to compensate for the loss of the roost within the building and includes ecological supervision during development, the creation of replacement roosting opportunities within new buildings, the installation of bat boxes on mature retained trees and sensitive lighting, all of which will be detailed within a method statement to accompany a European Protected Species Licence (EPSL). Therefore, it is likely that the development proposals will not have a detrimental effect to the maintenance of the populations of bats species at a favourable conservation status in their natural range, as long as the mitigation and compensation measures are followed. A condition is imposed accordingly, see Condition 16.
- 6.20 The site was recorded as offering limited foraging habitat for badgers, although no setts or evidence of badgers was recorded on site. Badgers are protected under the Protection of Badgers Act 1992. Under the Protection of Badgers Act 1992, it is illegal to wilfully kill, injure or take a badger or attempt to do so, or to recklessly damage, destroy or obstruct access to any part of a badger sett. As the site has suitable habitat for badgers and other mammals, there is

the chance of them being present within the site during construction works. A condition is imposed accordingly, see Condition 17.

- 6.21 The scrub, trees, hedgerows and building on site were recorded as having the potential to support breeding birds. Breeding birds, their eggs and active nests are protected under the Wildlife and Countryside Act 1981, as amended. Vegetation removal should be undertaken outside the breeding bird season (which spans from March to August inclusive) or else vegetation clearance should be undertaken immediately subsequent to checks by an experienced ecologist. A condition is imposed accordingly, see condition 19.
- 6.22 Paragraph 109 of the NPPF states that: “*The planning system should contribute to and enhance the natural and local environment by [...] minimizing impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures*”. In addition, Section 40 of the Natural Environment and Rural Communities Act 2006 states that “*Every public authority must, in exercising its function, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*”.
- 6.23 In order to provide a net gain in biodiversity at the site, the applicant should provide information on biodiversity enhancements which will be incorporated into the proposed development. These should include areas of native species planting, installation of bird and bat boxes and creation of log piles for stag beetles and hedgehogs. A condition can be imposed accordingly, see condition 15.

## Other Material Considerations

### Housing Land Supply

- 6.24 Paragraphs 7 and 14 of the National Planning Policy Framework (NPPF) set out that there will be a presumption in favour of Sustainable Development. Paragraph 49 of the NPPF states that applications for new homes should be considered in the context of the presumption in favour of sustainable development, and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The Borough Council cannot demonstrate a 5 year housing land supply. It is acknowledged that this scheme would make a contribution to the Borough’s housing stock.

## 7. CONSULTATIONS CARRIED OUT

### Comments from interested parties including comments on additional information provided.

41 occupiers were notified directly of the application.

The application was advertised in the Maidenhead & Windsor Advertiser 10<sup>th</sup> December 2015.

The planning officer posted a statutory notice advertising the application at the site on 10<sup>th</sup> December 2015.

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

Comment	Where in the report this is considered
1. Exceeding ugly and out of place with area.NP/DG1.2 and NP/DG3.	6.3-6.6
2. Insufficient parking and dangerous access.NP/T1	6.10-6.13
3. TPO species will be threatened. Policy NP/N5.	6.14-617
4. NP/DG2 – Density, footprint, bulk and scale will be harmful to street	6.3-6.6

	scene.	
5.	Contrary to paras 53 to 64 of the NPPF – Good Quality Design.	6.3-6.6
6.	Loss of privacy from overlooking windows.	6.7-6.9

### Statutory consultees

Consultee	Comment	Where in the report this is considered
Natural England	No objection.	Main body of report.
Parish Council	<p>-the proposed development is contrary to policy NP/DG2.1 in relation to density, scale and bulk of the proposed building, creating unacceptable visual impact as a result of the four-storey element of the building.</p> <p>-the height of the proposed building is not consistent with the properties in the area and will overpower Five Trees Cottage next door to the site.</p> <p>-the proposed building overlooks neighbouring properties, with particular concern about the third-floor roof terrace.</p> <p>-Concern at the car parking along the northern boundary owing to the noise impact on neighbouring properties. The peak time for traffic movements is at weekends around the middle of the day.</p> <p>-The parking provision does not meet the Borough parking standards. The access for delivery and service vehicles is not considered adequate.</p> <p>-Overdevelopment of site and fails to enhance the local character and quality of the area. Contrary to NP/DG3.</p>	
Highway Officer	No Objection.	6.10-6.13
Tree Officer	No objection subject to conditions.	6.14- 6.17
Ecologist	No objection subject to conditions.	6.16-6.22

### Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Ascot Sunninghill and Sunningdale Neighbourhood Plan Delivery Group	<p>1. We consider that the scale, bulk and footprint of the proposed building are policy compliant, bearing in mind the context that there is an existing nursing home on this site.</p> <p>2. The revised proposals for parking, which include overspill parking for an additional 12 cars, satisfies our concerns that there should be zero reliance on on-street parking. The siting of the overspill parking however raises some concerns regarding pressure on trees, which we defer to the RBWM Tree Officer to comment on.</p>	Noted.



	<p>3. We welcome the fact that the applicant has now provided a detailed landscaping and planting plan, which we believe will contribute to the green and sylvan environment that characterises the area and will screen views into the site. However, once again, we do have some concerns over pressure on trees. This relates especially to the fact that the building lies lower than the ground level of many of the trees, so that any digging or incursion into their RPAs may have a greater impact. As one example, tree T22's RPA seems to lie in part under the building. We ask that the RBWM Tree Officer consider this scheme in detail.</p> <p>4. We wish to query what height the ornamental railing along the length of Burleigh Road is. When we met with the applicant, we suggested that it should be 6 ft high with tall hedging to provide a green screen.</p> <p>5. We defer to Highways to confirm whether the minor adjustment to the access is sufficient to meet the required standards.</p> <p>6. We defer to the Flood Risk Engineer to determine whether the drainage proposed meets the required standards.</p> <p>7. We also welcome the applicant's assurances through the Construction Management Plan that there will be no off site parking during demolition and construction.</p>	
Society for the protection of Ascot and Environs (SPAЕ)	No objection in principle but proposed increase in bulk and scale may adversely impact on character of the area. Will be more visible than existing building. Insufficient parking provision.	6.18
Flood Risk Engineer	No objection.	Noted.

## 8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Site Layout
- Appendix C – Elevations and floor plans

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

In this case the issues have not been successfully resolved.

## 9. 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 The materials to be used on the external surfaces of the development shall be in accordance with those specified in the application unless any different materials are first agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved

details.

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

- 3 Prior to the commencement of the development details of the slab level(s) in relation to ground level (against OD Newlyn) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of protecting the amenities of neighbouring residents.

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

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

- 5 Prior to the first occupation of the building for the approved use, a travel plan shall have been submitted to and approved in writing by the Local Planning Authority. The travel plan shall then be implemented in accordance with the approved details, including a timetable for its periodic review and updating.

Reason: To limit local traffic generation by ensuring that staff and visitors use the most sustainable travel modes that are practical to their individual circumstances. Relevant Policies - Local Plan T5 and Neighbourhood Plan NP/E1 and NP/E2.

6. Other than the staff and visitor accommodation the Care Home accommodation to be provided within the development shall not be occupied other than by: a) persons who are on admission over the age of 65 and/or are mentally and/or physically frail, have mobility problems, are people who suffer from partial or full paralyses or are in need of assistance with the normal activities of daily life; or b) persons suffering from Alzheimer's or other clinical dementia, and being admitted to the care home with the approval of the Care Quality Commission Inspection or any successor to the statutory functions of that body.

Reason: In order to ensure that the development will have no impact on the Thames Basin Heaths Special Protection Area.

- 7 Following demolition of the existing building, with the exception of the main vehicular access no other part of the development shall commence until the main vehicular access has been constructed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The access shall thereafter be retained.

Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5, DG1.

- 8 The measures set out in Sustainability Report accompanying the application shall be implemented in accordance with the statement prior to the first occupation of any unit, unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of the development.

Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development.

- 9 The mitigation measures set out in the submitted Ecological report shall be undertaken in their entirety and within the timescales set out.

Reason: In order to comply with the requirements of the Wildlife and Countryside Act 1981 and the National Planning Policy Framework 2012.

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

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

- 11 Prior to the commencement of the demolition of the existing building, 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. This should specifically address how vehicular access to the site will be managed during the demolition phase, prior to the construction of the new access required by condition 7. 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.
- 12 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.
- 13 No development shall take place until full details of replacement tree planting has been submitted to and approved in writing by the Local Planning Authority. 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 on the approved landscaping plan, that tree or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree 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.
- 14 No part of the development shall be occupied until the vehicular and pedestrian points of access have been constructed in accordance with the approved drawing. The access shall thereafter be retained.  
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5, DG1.
- 15 No demolition shall not commence until a scheme for the provision and management of biodiversity enhancements including details of native species planting, lighting, bird and bat boxes and log piles has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be completed in accordance with the approved details, before the development is first occupied.  
Reason: In order to comply with advice in the National Planning Policy Framework 2012 and Neighbourhood Plan NP/EN4.
- 16 The development hereby permitted shall not commence until the local planning authority has been provided with either: A licence issued by Natural England pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations 2010 authorising the specified activity/development to go ahead; or a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.  
Reason: In order to comply with advice in the National Planning Policy Framework 2012 and Neighbourhood Plan NP/EN4.
- 17 No works which will include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers and other mammals from being trapped in open

excavations and/ or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures shall include: Creation of sloping escape ramps for badgers and other mammals, which may be achieved by edge profiling of trenches/ excavations or by using planks placed into them at the end of each working day; and Open pipework greater than 150mm outside diameter being blanked off at the end of each working day.

Reason: In order to comply with advice in the National Planning Policy Framework 2012 and Neighbourhood Plan NP/EN4.

- 18 No part of the development hereby permitted shall be occupied until pedestrian visibility splays of 2.0m by 2.0m have been provided at the junction of the driveway and the adjacent footway. All dimensions are to be measured along the outer edge of the driveway and the back of footway from their point of intersection. The areas within these splays shall be kept free of all obstructions to visibility over a height of 0.6 metres above carriageway level.

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

- 19 In order to compensate for the loss of breeding bird habitat, bird nesting habitat details of tree and shrub planting and installation of bird boxes on new building or retained mature trees, should be submitted to and approved in writing by the LPA prior to the first occupation of the development.

Reason: In order to comply with advice in the National Planning Policy Framework 2012 and Neighbourhood Plan NP/EN4.

- 20 No works or development shall take place until an Arboricultural Method Statement and Tree Protection Plan specific to this scheme, has been submitted and approved in writing by the Local Planning Authority. The Tree Protection Plan and Arboricultural Method Statement shall be written in accordance with, and address sections 5.5, 6.1, 6.2, 6.3 and 7 of British Standard 5837:2012 Trees in relation to design, demolition and construction - recommendations. Nothing shall be stored or placed in any area 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 Thereafter the works shall be carried out in accordance with the approved details until completion of the development.

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

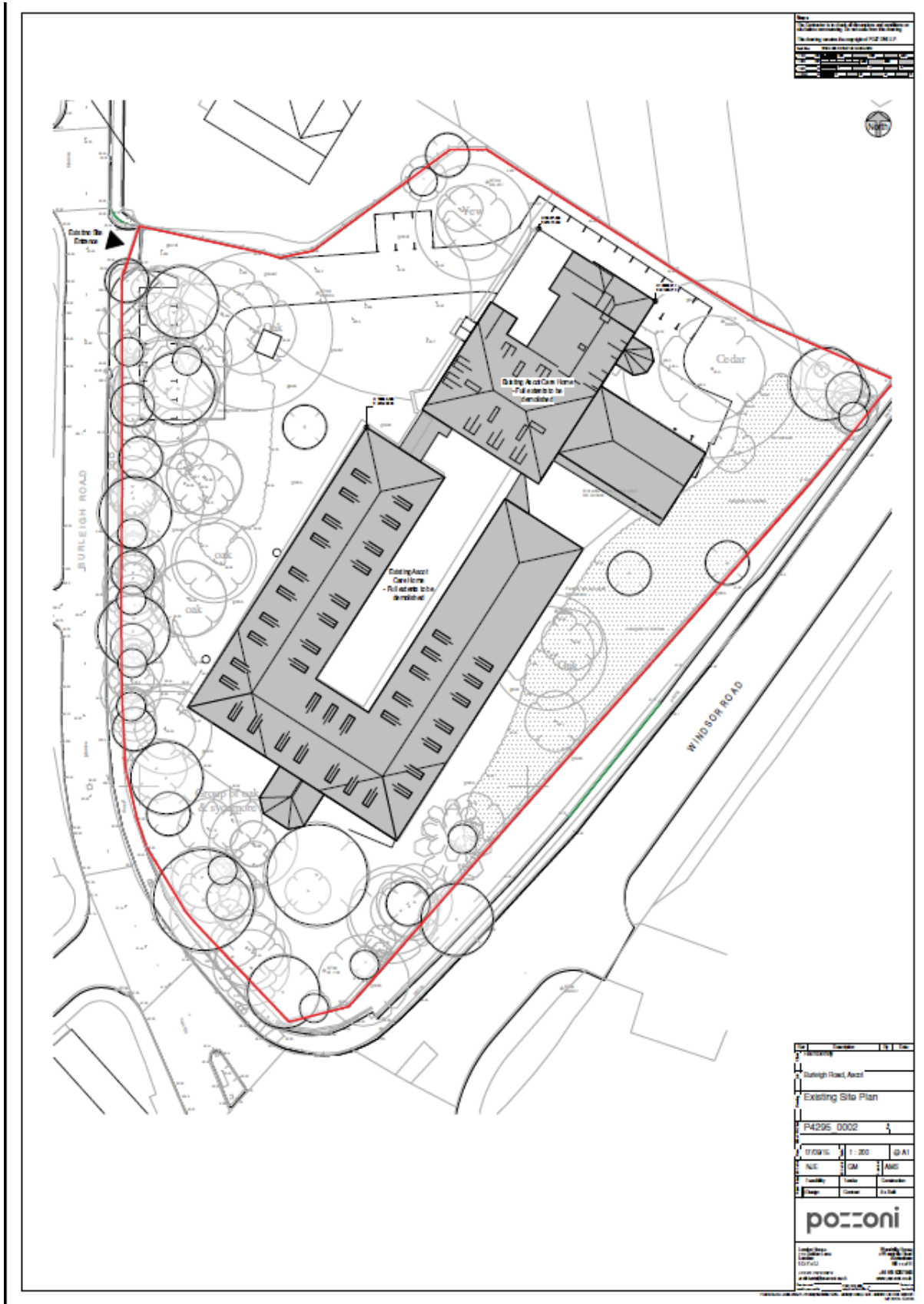
- 21 No development shall take place until full details of both hard and soft landscape works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season following the substantial completion of the development and retained thereafter 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 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

- 22 No tree or hedgerow shown to be retained in the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars and without the written approval of the Local Planning Authority, until five years from the date of occupation of the building for its permitted use. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 Tree work. Until five years from the date of occupation of the building for its permitted use, if any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate vicinity and that tree shall be of the size and species, and shall be planted at such time, as specified by the Local Planning Authority.

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

Appendix A



Appendix B



Amended Plan



ALL DRAWINGS CONTAINING ON THIS SHEET FROM THE DRAWING  
 THE ARCHITECT'S OFFICE OR OTHERWISE.

NO.	DATE	DESCRIPTION
1	10/15/2024	ISSUED FOR PERMIT
2	10/15/2024	ISSUED FOR PERMIT
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4	10/15/2024	ISSUED FOR PERMIT
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8	10/15/2024	ISSUED FOR PERMIT
9	10/15/2024	ISSUED FOR PERMIT
10	10/15/2024	ISSUED FOR PERMIT



North-West Elevation



South-West Elevation



South-East Elevation



North-East Elevation

NO.	DATE	DESCRIPTION
1	10/15/2024	ISSUED FOR PERMIT
2	10/15/2024	ISSUED FOR PERMIT
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4	10/15/2024	ISSUED FOR PERMIT
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8	10/15/2024	ISSUED FOR PERMIT
9	10/15/2024	ISSUED FOR PERMIT
10	10/15/2024	ISSUED FOR PERMIT

**pozzoni**

1000 Lakeshore Drive  
 2nd Floor  
 Naperville, IL 60563  
 (630) 330-1000  
 www.pozzoni.com

Project: 2011115  
 Drawing: ELEVATIONS  
 Date: 10/15/2024  
 Scale: 1/8" = 1'-0"

Architect: J&M  
 Designer: J&M  
 Checker: J&M  
 Plot Date: 10/15/2024



Notes	
1. All elevations are to be in accordance with the International Building Code (IBC) and the applicable local codes.	
2. The owner is responsible for providing all necessary permits.	
3. The architect is not responsible for the construction of the building.	
4. The architect is not responsible for the construction of the building.	
5. The architect is not responsible for the construction of the building.	
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10. The architect is not responsible for the construction of the building.	



1	PROJECT NO.	11111111
2	DATE	11/11/11
3	PROJECT NAME	11111111
4	PROJECT ADDRESS	11111111
5	PROJECT CITY	11111111
6	PROJECT STATE	11111111
7	PROJECT ZIP	11111111
8	PROJECT PHONE	11111111
9	PROJECT FAX	11111111
10	PROJECT EMAIL	11111111
11	PROJECT WEBSITE	11111111
12	PROJECT DESCRIPTION	11111111
13	PROJECT STATUS	11111111
14	PROJECT PHASE	11111111
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16	PROJECT SCHEDULE	11111111
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29	PROJECT HISTORY	11111111
30	PROJECT FUTURE	11111111

**pozzoni**

11111111 Street  
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 11111111 State  
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**Notes**

1. This drawing is a rendering of a proposed building and is not a final construction drawing. It is for informational purposes only and is not to be used for construction.

2. The drawing is the property of POZZONI LLC.

DATE	DESCRIPTION
07/11/15	ISSUE FOR PERMITTING
07/11/15	ISSUE FOR CONSTRUCTION
07/11/15	ISSUE FOR RECORDING
07/11/15	ISSUE FOR ARCHIVE



DATE	DESCRIPTION	BY	CHK
07/11/15	ISSUE FOR PERMITTING		
07/11/15	ISSUE FOR CONSTRUCTION		
07/11/15	ISSUE FOR RECORDING		
07/11/15	ISSUE FOR ARCHIVE		

1. Humboldt

2. Blunghin Road, Acrost

3. Inner SW Rendered Elevation

4. P4295 0026 1 A

5. 07/11/15 1:00 0A1

6. NAME JAC AM

7. SCALE 1/8" = 1'-0"

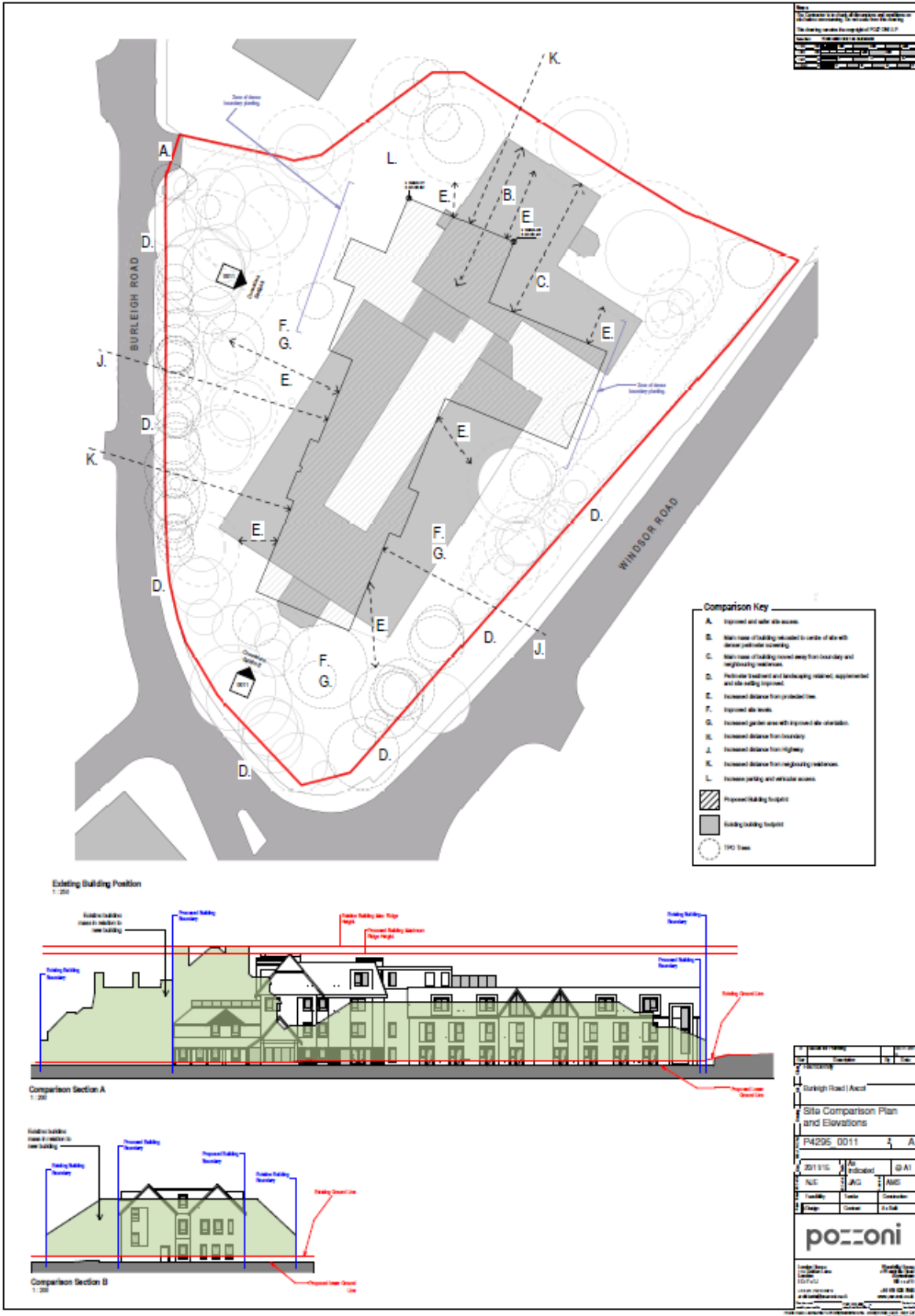
8. DRAWN BY JAC

9. CHECKED BY JAC

10. DATE 07/11/15


**pozzoni**

11. POZZONI LLC  
12. 11100 1st Ave  
13. Seattle, WA 98101  
14. (206) 467-1000  
15. www.pozzoni.com





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Proposed First Floor  
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## WINDSOR RURAL DEVELOPMENT CONTROL PANEL

3 May 2016

Item: 2

<b>Application No.:</b>	16/00117/FULL
<b>Location:</b>	9 Llanvair And Rear of 11 Llanvair Close Ascot
<b>Proposal:</b>	Erection of 3x detached two storey dwellings with access driveways following the demolition of 9 Llanvair Close
<b>Applicant:</b>	Mr Brebner- Wentworth Homes
<b>Agent:</b>	Not Applicable
<b>Parish/Ward:</b>	Sunninghill And Ascot Parish

**If you have a question about this report, please contact:** Vivienne McDowell on 01628 796578 or at [vivienne.mcdowell@rbwm.gov.uk](mailto:vivienne.mcdowell@rbwm.gov.uk)

### 1. SUMMARY

- 1.1 This application was reported to panel on 6 April 2016. At the meeting the Members resolved to defer the determination of this application in order for Members to undertake a site visit. The site visit took place on the 18 April 2016. The original panel report has been modified to incorporate the comments made in the panel update report.
- 1.2 This application has been submitted following the refusal of a similar scheme proposed under application 14/03801 which was refused on appeal. In dismissing the appeal the Inspector's concerns focussed on two main issues. One was the tapering of the curtilage of plot one towards Llanvair Close together with the narrow access drive and the second issue concerned the limited separation of the house on Plot 3 and the shared boundary with No 47 Hurstwood and the resultant dominating impact on the existing house at No. 47 and neighbouring properties.
- 1.3 The current proposal seeks to overcome these two main concerns by providing a landscaped area to the front of Plot 1 together with an access drive with footpaths and verges on both sides. The applicants have also increased the separation distance of the house on Plot 3 to the boundary with No 47 Hurstwood and angled the house away from the boundary.
- 1.4 It is considered that, on balance, the current scheme overcomes the appeal Inspector's concerns.
- 1.5 Paragraphs 7 and 14 of the National Planning Policy Framework (NPPF) set out that there will be a presumption in favour of Sustainable Development. Paragraph 49 of the NPPF states that applications for new homes should be considered in the context of the presumption in favour of sustainable development, and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The Borough Council cannot demonstrate a 5 year housing land supply. It is acknowledged that this scheme would make a contribution to the Borough's housing stock.

#### **It is recommended the Panel authorises the Borough Planning Manager:**

- |    |   |
|----|---|
| 1. | <b>To grant planning permission on the satisfactory completion of an undertaking to secure a management agreement for the maintenance of the access drive, verges, footpaths and landscaping within the application site and with the conditions listed in Section 10 of this report.</b>   |
| 2  | <b>To refuse planning permission if an undertaking to secure a management agreement for the maintenance of the access drive, verges, footpaths and landscaping within the application site, has not been satisfactorily completed by the 31<sup>st</sup> May 2016, for the reason that the proposed development would not be able to ensure a satisfactory standard of landscaping and satisfactory road and footpath surfaces.</b> |

## 2. REASON FOR PANEL DETERMINATION

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

## 3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site lies to the north of Llanvair Close and to the south of Hurstwood. The application site comprises the garden areas of 9 and 11 Llanvair Close. This is a residential area comprising typically large detached houses set in generous plots. The townscape character is defined as a 'Leafy Residential Suburb'. The site is not within the Green Belt and not within the floodplain.

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

Ref.	Description	Decision and Date
14/03801/FULL	Erection of three detached, two-storey dwelling houses and new access driveways following the demolition of 9 Llanvair Close.	Refused 3 February 2015. Dismissed on appeal 2 November 2015. (reasons for refusal are set out in section 6)

- 4.1 This application proposes three new dwellings with access driveways following demolition of 9 Llanvair Close. Although described as 2-storey dwellings on the application form, the dwellings provide residential accommodation on 3 floors; however the third floor accommodation is provided within the roof space.

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

- 5.1 National Planning Policy Framework, Paragraph 17 – Core Principles; Chapter 6 – Delivering a wide choice of housing; Chapter 7 – Requiring good design; Chapter 11 – Conserving and enhancing the natural environment.

### Royal Borough Local Plan

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

	Within settlement area	Protected Trees	Highways /Parking issues
Local Plan	DG1, H10, H11, H14	N6	T5, P4
Ascot, Sunninghill and Sunningdale Neighbourhood Plan	NP/EN4, NP/H2, NP/H3, NP/DG1, NP/DG2, NP/DG3, NP/DG5, NP/T1, NP/T2	NP/EN2, NP/EN3	NP/T1, NP/T2

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

- Sustainable Design and Construction
- Planning for an Ageing Population



More information on these documents can be found at:  
[http://www.rbwm.gov.uk/web/pp\\_supplementary\\_planning.htm](http://www.rbwm.gov.uk/web/pp_supplementary_planning.htm)

## **Other Local Strategies or Publications**

5.4 Other Strategies or publications relevant to the proposal are:

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

## **6. EXPLANATION OF RECOMMENDATION**

6.1 The key issues for consideration are:

- i Impact on the character of the area and neighbouring properties.
- ii Highway considerations
- iii Tree issues
- iv Other considerations

### **Impact on the character of the area and neighbouring properties**

6.2 A very similar scheme for 3 houses was dismissed on appeal under application 14/03801. The Local Planning Authority refused the application for a number of reasons. The first and second reason for refusal related to the impact on the character of the area and impact on properties in Hurstwood.

6.3 Reason No 1 stated:

*'The proposed development by reason of its general form, grain and layout, the scale and massing of the proposed dwellings, the extent of the new hard surfacing at the front of each dwelling together with the provision of the new driveway to the new dwellings, would result in an erosion in the spacious character of this 'Leafy Residential Suburbs' townscape and represents an intrusive, cramped and contrived form of development on undeveloped garden land. The provision of two additional dwellings in the Borough's housing stock would not outweigh this harm, and as such, the proposal would be contrary to saved Policies H10, H11, DG1 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 Incorporating Alterations adopted June 2003, contrary to policies NP/DG1, NP/DG2, NP/DG3, NP/EN3 of the adopted Ascot, Sunninghill and Sunningdale Neighbourhood Plan 2011-2026 and contrary to paragraphs 17 (bullet point number 4), 56 and 64 in the National Planning Policy Framework.'*

6.4 Reason 2 stated:

*The proposed houses by reason of their height, scale and bulk and the reduced separation distances between the houses on Plots 1 and 3 and properties in Hurstwood, would represent a very intrusive form of development to neighbouring properties and would result in an overly dominant impact, loss of outlook from and loss of privacy (whether perceived or actual) to 45,47, 49, 51 Hurstwood. The proposed development does not secure a good standard of amenity for these neighbouring properties and would be detrimental to their amenities. The proposed development would be contrary to bullet point 4 of paragraph 17 of the NPPF which states that planning should always seek to secure a good standard of amenity for all existing*

occupants of land and buildings. Furthermore, the proposal would be contrary to Policy NP/DG2 of the adopted Ascot, Sunninghill and Sunningdale Neighbourhood Plan 2011-2026.

- 6.5 In considering the application the Inspector's concerns focussed on 2 main issues. These were as follows:
- Firstly the tapering of Plot 1 towards the front boundary and the narrowness of the driveway;
  - Secondly, the separation distance between the house on Plot 3 to its side boundary (4 metres) giving rise to an unduly dominant impact it would have on when viewed from the rear of No 47 Hurstwood.
- 6.6 In paragraph 9 on the appeal decision notice, the Inspector comments: *'More importantly, however Plot 1 would taper towards the front, where nearly half the width of the curtilage of No9 would be taken up by the access drive. As a result, both the forward part of Plot 1 and the driveway itself, being devoid of footways, would be uncharacteristically narrow and would appear cramped in the context of this defined Leafy Residential Suburb.'*
- 6.7 Considering the spatial relationship of the proposed dwellings with the rear of Nos 45-51 Hurstwood, the Inspector considered that the 23 metre long rear garden to Plot 1 would maintain reasonable separation with respect to No 49 Hurstwood. However, the Inspector was particularly concerned about the separation of the house on Plot 3 and 47 Hurstwood. In paragraph 9 the Inspector states: *'However, the side wall of the house at Plot 3 would stand only 4 metres from its shared boundary with No 47 Hurstwood. Even though that side of the building would not be as high as the main construction, the dwelling would appear unduly dominant, especially when viewed from the rear of No 47 and immediate neighbours.'*
- 6.8 In paragraph 12 of the decision notice the Inspector states: *'Nevertheless, the form and layout of the proposed development would have two insurmountable shortcomings, the first regarding the cramped arrangement of the forward part of Plot 1, and the access drive from Llanvair Close and, the second, concerning the visual impact on Hurstwood. Both these considerations demonstrate that the proposed development would be significantly out of character with the surrounding area. This amounts to a strong planning objection, placing the appeal proposal into unacceptable conflict with the provisions of Policies DG1, H10-11 and NP/DG1-2 to protect the character, landscape and amenity of the surrounding area within the Leafy Residential Suburb.'*
- 6.9 Summing up in paragraph 31 the Inspector states: *'However, on overall balance of judgement, the socio-economic benefit of two additional dwellings would be significantly and demonstrably outweighed by the environmental harm to the character of the local area and to neighbouring amenity, contrary to the foregoing adopted policies, all of which are essentially consistent with the NPPF, and to the development plan as a whole.'*
- 6.10 In dismissing the appeal the Inspector has not rejected the proposal because it was 'backland' development nor because the houses are too large in relation to their plots. Furthermore, the Inspector has not rejected the scheme because of encroachment and loss of garden space. Considering the design of the houses, the Inspector in paragraph 7 has commented: *'There is no question that the three houses have been carefully designed to reflect local architectural styles and the development seeks to retain the best protected trees'*.
- 6.11 The current scheme seeks to overcome the Inspector's specific concern about the tapering of Plot 1 together with the narrow driveway, by providing an access drive with footpaths and verges on both sides as well as the provision of a landscaped area to the front of Plot 1. The current plans also indicate new hedgerow planting on the opposite side of the access drive, adjacent to No 11. Therefore, the proposed new access drive would be well defined and structured and would appear as a formally laid out close leading off an existing close, rather than a narrow drive next to a tapering front garden area to Plot 1 (as previously proposed).

- 6.12 The landscaped area/s and driveway, footways and verges within the application site would need to be managed/maintained by a management company (to be secured by a Section 106 Unilateral Undertaking). On the appeal scheme the narrow strip of land to the front of Plot, appeared to be part of the curtilage of Plot 1 and the access drive did not include footpaths or verges, which gave it a cramped appearance. It is considered that this new driveway arrangement provides an open entrance to the site which would not appear cramped. It is considered that this arrangement overcomes the Inspector's objection to the access drive and entrance to the site.
- 6.13 The current scheme also seeks to overcome the Inspector's concerns about limited separation from the house at Plot 3 and its shared boundary with No 47. The appeal scheme provided a 4 metre separation distance between the house and boundary (with house parallel to the boundary). This current application provides a minimum gap of 9 metres (at the front corner of the house) which increases to approximately 12 metres at the rear corner of the house, from the shared boundary. The current proposal shows the house on Plot 3 angled away from the boundary, which helps to provide additional separation. Additionally, with the proposed separation distances it is considered that natural light to No 47 and other neighbouring properties in Hurstwood would be maintained. The plans show a large feature window in the side of No 3, which is to be glazed in obscure glass. The obscure glazing would be secured by condition and as such would need to be permanently retained and maintained as such. See Condition 5 in Section 9 below.
- 6.14 The currently proposed house on Plot 3 is smaller (in terms of overall breadth) than that proposed under the appeal application 14/03801. As with the previous application, the current application proposes a house with accommodation on three floors (with the third floor in the roof space). There are dormer windows proposed in the front elevation. The height of the main part of the roof house on Plot 3 would be 9.0 metres, with a small feature ridge at 9.5 metres. The roof is hipped on the sides, with eaves height at 6 metres. The previous scheme included a lower smaller two storey wing nearest to the boundary with No 47.
- 6.15 It is considered that with a minimum separation distance of 9 metres to the shared boundary with No 47, it would be difficult to maintain an argument that the spatial relationship with No 47 and other properties in Hurstwood is unacceptable. Additionally, with this separation distance, there would be scope for additional tree planting and landscaping along the boundary. The plans show a large feature stairwell window in the side elevation, which the applicant has agreed to be glazed in obscure glass to prevent overlooking and loss of privacy. This can be secured by condition – see conditions 5, 6 in section 10. It is noted that the houses on Plots 3 and 2 have been rotated slightly, compared with the previous application. However, any views across to No 49 Hurstwood would be at an angle. The Inspector raised no specific concerns about the separation distance between Plots 1-3 and No 49.
- 6.16 The current scheme proposes a smaller house on Plot 2 than was previously proposed on the appeal application. The proposed house on Plot 2 would be 9.2 metres in overall height and would provide accommodation on three floors – third floor accommodation being in the roof space with rooflights.
- 6.17 The house on Plot 1 is very similar to the design of that proposed in the appeal scheme. The only difference is a slight reduction in the overall breadth. This house would measure 9.2 metres in overall height. As on the previous application, this house would provide accommodation on 3 floors with a dormer windows. A two storey wing with first floor accommodation in the roof space and dormer above a double garage is proposed at the side. The Inspector dealing with 14/03801, was satisfied that a 23 metre back garden to Plot 1 and a belt of retained protected trees, such that reasonable separation would be maintained with respect to No 49 Hurstwood.
- 6.18 The sizes and layouts of the plots 1-3 are very similar to that proposed under the appeal application 14/03801. The Inspector did not raise specific concerns about the size or design of the houses or the plot sizes or the amount of amenity space. Commenting on the size of the plots the Inspector in paragraph 7 of the appeal decision notice states: 'The sizes of Plots 2 and 3 and remaining garden of No 11 would be shorter than most in the immediate vicinity within

Llanvair Close but their level of enclosure and the private space available would not be so uncharacteristic as, alone, to warrant objection.'

- 6.19 Comments have been received regarding the setting of an unacceptable precedent for this form of development (a close within a close), elsewhere in the vicinity. However, each application needs to be considered on its own merits and precedent cannot form the basis of a reason for refusal.

### **Highway Considerations**

- 6.20 Number 9 Llanvair Close is located on the inside of a highway bend. The required visibility splays of 2.4 x 43m in both directions can be met. Each 5 / 6 bedroom dwelling needs to provide 3 curtilage parking and turning spaces. Dimensions of 6.0 x 6.0m (minimum clear internal dimensions) are required for double garages. The applicants have provided amended drawings - 101 Rev C, 201 Rev C and 301 Rev C (received 18 March 2016) to show the required internal dimensions of the garages. Each dwelling is of adequate size to provide curtilage cycle parking if required.
- 6.21 The applicant has indicated there is to be a refuse collection point approximately 20.0m from the adjoining adopted highway. This area will need to be large enough to accommodate at least 6 wheelie bins – up to 9 if each dwelling takes up the Garden Waste option plus 3 food caddies. The applicant has submitted an amended plan (DP 1258.P.010 Rev C received 18 March 2016) to show the bin store area increased. The Highway Officer has raised no objection to the revised plans, subject to the internal garage door for Plot 3 opening into the hall away from the garage parking area. A condition is suggested to ensure that the garage door opens into the hallway. See condition 20 in Section 9, below.
- 6.22 It is worth noting the service vehicle turning head is shown on Drawing Number – DP1258.P.010 Revision B (and Rev C) is inadequate to turn an 11.38 x 2.49m refuse vehicle currently in use by the Local Authority. Although supermarket delivery sized vehicles will be able to turn. It is understood that large refuse vehicles will need to reverse out into Llanvair Close, and no highway objections are raised to this.
- 6.23 The proposals will see an increase of 2 x 4+ bedroom dwelling. Therefore in this location we would expect to see additional daily vehicle movements between 20 and 40 per day.
- 6.24 The applicant is proposing a 4.1m wide shared access road together with footway / verges on both sides. As the proposal is for less than 5 dwelling this is acceptable. A service vehicle turning head is shown which will cater for supermarket sized delivery vehicles.
- 6.25 The applicant advises that internal site maintenance for the access drive, footways, verges and landscaping, will be undertaken by a management company. This would need to be secured by way of a Section 106 unilateral undertaking.
- 6.26 A resident has commented that pedestrians would need to walk across verges in order to cross the access drive. Pedestrian crossing points can be secured by condition – see Condition 13 in Section 10.
- 6.27 In summary there are no highway objections to the principle of the proposals. Conditions and informatives have been included in section 10 ( See highway conditions 12,13,14,15,16, 20).

### **Tree considerations**

- 6.28 The Council's Tree Officer has raised no objection, suggesting conditions. (See Conditions 9,10 and 11 in Section 10).

## **Ecology considerations**

- 6.29 Natural England have commented on the application, requesting mitigation for the Thames Basin Heath Special Protection Area. They also encourage the Local Planning Authority to seek opportunities to improve biodiversity on the site. The Local Planning Authority is seeking mitigation for the SANG and SAMM – see Condition 2 Section 9 of this report. Condition 21 relates to the provision of bird and bat boxes at the site.
- 6.30 The appeal Inspector for 14/03801 stated in paragraph 21 of the decision notice addresses ecology issues. In paragraph 21 the Inspector states: 'The ecology report submitted by the Appellants does not rule out the presence of protected bats in the building at No 9 Llanvair Close, proposed for demolition as part of the development. At the same time, it gives an unchallenged expert view that the bat roosting potential for the building is negligible and that their presence is unlikely. Accordingly, no further survey work is proposed but as a precaution in case if the presence of bats, it is recommended that a small area of weather boarding be sensitively removed during winter months.' Therefore, a condition to deal with precautionary bat measures is to be imposed. See Condition 4 in Section 9 .

## **Sustainable design and construction and planning for an ageing population.**

- 6.31 The applicant's design and access statement incorporates details of the sustainability measures and provides information about how the proposal will comply with the Council's SPD on Sustainable Design and Construction and the SPD on Planning for an Ageing Population.
- 6.32 As the Government has withdrawn the Code for Sustainable Homes, the Local Planning Authority can no longer impose conditions for developments to achieve certain levels of the code, despite the requirements of the Neighbourhood Plan.
- 6.33 Conditions are suggested to secure sustainability measures and details relating to an ageing population, as set out in the applicant's Design and Access Statement. See Conditions 17,18 and 19 in Section 10.

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

- 6.34 Mitigation measures for the Thames Heath Basin Special Protection Area will need to be secured by way of a condition. See Condition 2 in Section 10.

## **Other considerations**

- 6.35 One of the neighbour objections is on the grounds of light and noise pollution. The applicant's design and access statement advises that noise pollution will be kept to a minimum during the construction process by restricting working hours and using low noise methods where practicable. Light pollution will be reduced by provision of external lighting only where necessary and directing lights downward.
- 6.36 Neighbours have expressed disappointment and surprise at the officers' recommendation. The appeal decision is a material consideration of significant weight that the officers has taken into account when making their recommendation. It is for members of the Windsor Rural Panel to make the decision on the application in the light of the appeal decision, officer report, objections received and any other material considerations.
- 6.37 Neighbours have commented that not all of the resident's concerns were dealt with by the Inspector and they consider that it is entirely appropriate to revisit those matters with this current application. Whilst this is noted the Inspector would have considered all of the information provided to the Planning Inspectorate and the decision letter sets out the concerns that the Inspector had on the scheme.

- 6.38 Objectors have referred to recent appeal decisions at 1 Woodlands Ride and 4 Woodlands (within the Leafy Residential Suburb), where the proposals have been dismissed on the grounds of adverse impact on the character of the area and adverse impact on the amenities of local residents. This appeal decision is noted, and this current application for 9-11 Llanvair Close has been assessed in the light of the previous appeal decision for this site.
- 6.39 Neighbours have expressed their views that the officer report was written before all the comments were received and that letters of objection have been ignored. For clarification the initial consultation period had expired when the original report was written. All letters received when their report was prepared were recorded and summarised in the officers' report. A few immediate neighbours were re-notified on amended plans which showed the revised red line at the access and two roof lights on the rear elevation of Plot 2. Any further comments received prior to the Panel on 6 April were noted and summarised in the Panel Update report. All the comments received at the time of preparing this current report have been recorded and summarised in the tables below.
- 6.40 The Council's Flood Risk Manager has commented on the application, raising no objection to the proposal. The Council has no records of significant flooding at this location, although there have been reports of flooding nearby. In the circumstances the applicant would be advised to consider measures to improve drainage on this site.
- 6.41 Paragraphs 7 and 14 of the National Planning Policy Framework (NPPF) set out that there will be a presumption in favour of Sustainable Development. Paragraph 49 of the NPPF states that applications for new homes should be considered in the context of the presumption in favour of sustainable development, and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The Borough Council cannot demonstrate a 5 year housing land supply. It is acknowledged that this scheme would make a contribution to the Borough's housing stock.

## 7. CONSULTATIONS CARRIED OUT

### Comments from interested parties

30 occupiers were notified directly of the application.

1 letter of no objection has been received. The comments are summarised below

Comment	Where in the report this is considered
1. Improvement to the neighbourhood. Housing layout in this area was all originally deep plots. Six new houses have already replaced original houses built in 1954, at the end of the close and four of these have attic rooms.	Noted.

Letters from 54 households were received objecting to the application, summarised as:

Comment	Where in the report this is considered
1. Out of character with the area defined as Leafy Residential Suburb. Loss of older buildings replacement with smaller plot sizes – 'garden grabbing'. New houses will be shoe-horned onto the site. Exceeds height, bulk and scale of surrounding buildings. Three storey houses are out of keeping. Similar proposal to previous application. Doesn't overcome appeal objections - shortcomings as before. Backland	See paragraphs 6.2-6.19

	development and overdevelopment of the site. Loss of green space/ green corridor.	
2.	Creeping urbanisation of South Ascot – ‘close within a close’. New cul-de-sac does not respect character of area. Would encourage extension and development in the future of 5 and 7 Llanvair Close – sets a precedent.	See paragraphs 6.2-6.9
3.	Loss of trees - destruction of woodland setting. There were 15 trees which were removed prior to TPO being made.	Noted. See paragraph 6.28
4.	Proposal is unacceptable and doesn't comply with local plan and neighbourhood plan policies. Neighbourhood Plan needs to be given full weight.	See main report 1.1-6.34
5.	Loss of privacy, loss of outlook, intrusive, overbearing and over-dominating impact on No 47, No 49 and other neighbours in Hurstwood. Properties in Hurstwood include bungalows and 2-storey houses. Occupants of these houses currently look out onto undeveloped garden area. There are clear views of the application site from Hurstwood. Noise and disturbance (including traffic and headlights).	See paragraphs 6.13-6.17
6.	The current proposal shows Plots 2 and 3 rotated to face towards No 49. There would be a minimum of 24 windows facing No 49. The new house on Plot 3 would be in close proximity (8 metres) to No 49's rear boundary. Existing vegetation provides very little effective screening at lower levels. Scots Pines have high canopies. Loss of privacy, outlook amenity and over dominating impact on neighbours.	See paragraph 6.15
7.	Loss of natural light to No 47. Large feature window in obscure glass is poor design. A future change of obscure glazing to clear glass would result in loss of privacy to No 47.	See paragraph 6.13
8.	The closest part of No 47 would be 14.8 metres from the flank of the house on Plot 3 and not 27 metres as suggested by the applicants. The sheltered gazebo in the rear garden of No 47 is in regular use.	The LPA notes that the dimension of 27 metres is to the main part of the rear elevation of No 47 where there are habitable rooms.
6.	Ecology report was done after the trees were removed on this site.	Noted
9.	There was flooding on the site in 2013/2014.	The site is not in the flood plain. Paragraph 3.1, paragraph 6.40 and Council's Flood Risk Manager's comments in the table below.
10	Insufficient sewage system – frequent blockages.	This is not a planning matter.
11	Noise and light pollution	See paragraph 6.35.
12	Disruption to local roads. Infrastructure is already over-stretched.	Paragraphs 6.20-6.27

13.	Pedestrians will need to go across the verge in order to cross the road. This will cause problems for disabled persons.	Paragraph 6.26
14	Inadequate car parking.	See paragraph 6.20- 6.27
15	Surprise and disappointment with the officer's recommendation. It negates the whole point of the neighbourhood plan. Erosion of the Leafy Residential Suburb. The development sets an unacceptable precedent.	See paragraph 6.36
16	Not all of the residents' concerns were dealt with by the Inspector. It is entirely appropriate to revisit those matters with this current application. The 'two insurmountable shortcomings' were not the only short comings and the overall conclusion of the Inspector is that the proposal is unacceptable.	See paragraph 6.37
17	The amendments to the current proposal do not overcome the objections to the scheme. Previous objections still stand. Adverse impact on character of area; cramped development; development overwhelms the site; loss of green space; unacceptable backland development; 'close within a close'; design at odds with the surrounding area; bulky buildings; no other 3-storey buildings with dormers in the vicinity.	See paragraphs 1- 6.39
18	Other appeals for redevelopment in Leafy Residential Suburb areas at 1 Woodland Ride and 4 Woodlands have been dismissed on appeal. The Inspectors who determined these appeals have had regard to the character of the Leafy Residential Suburb and the amenities of local residents.	See paragraph 6.38
19	Concern about the appearance of the bin store area. Refuse vehicles cannot get to each house. Concerns about highway safety and parking.	See paragraphs 6.20-6.27
20	The officers' report was written before all of the comments were received. Letters of objection have been ignored.	See paragraphs 6.39

### Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Parish Council	<p><u>Objection:</u></p> <p>The application is very similar to the dismissed appeal and does not address the underlying reason for refusal given by the Inspector.</p> <p><i>Quote:</i></p> <p><i>"However, on an overall balance of judgement, the socio-economic benefit of two additional dwellings would be significantly and demonstrably outweighed by the environmental harm to the character of the local area and to neighbouring amenity, contrary to the foregoing adopted policies, all of which are essentially consistent with the NPPF, and to the development plan as a whole.</i></p> <p><i>33. I have taken into account every consideration raised both for and against the proposed development but none are sufficient to affect my conclusion that, for the reasons stated above, this appeal should not succeed."</i></p> <p>There have been some small adjustments to size, scale &amp;</p>	See paragraphs 1-6.39



	<p>layout but the Parish Council still considers the application to be a cramped, back garden development, contrary to Policies NP/DG1, NP/ DG 2, NP/H2.1, and NP/EN4. Particularly in respect of the rear garden size of plot Plots 1 &amp; 2 and other previous planning issues which have not been fully addressed.</p> <p>-The urban close form will destroy the rhythm of the street scene. This application for a cul-de sac off a cul-de sac was considered inappropriate, contrary to NP/DG 2.1 &amp; 2.2.</p> <p>Further comments from the Parish Council</p> <p>The amendments made by the developer, in response to the Inspector's Dismissal decision in no way justifies the recommendation for approval.</p> <p>His comments in paragraphs 12 ,31 and 33 are unequivocal with statements such as ; <i>'there are unsurmountable shortcomings with form &amp; layout'; 'unacceptable conflict with policies NP/DG1, H 10,11 and NP/DG 1.2 and; the 'benefit of 2 additional dwellings would significantly and demonstrably outweighed by the environmental harm to the character of the local area and to neighbour amenity';' none are sufficient to affect my conclusion'</i> in relation to the proposed development.</p> <p>These are over-riding statements of fact and as such we fail to understand how this application can be permitted.</p>	
<p>Ascot, Sunninghill and Sunningdale Neighbourhood Delivery Group</p>	<p>Cramped development. Doesn't overcome Inspector's concerns. Rear garden of No 11 is halved. Most of curtilage of No 9 will be access drive and dwelling on Plot 1.</p> <p>Reconfiguration of access drive to address tapering Plot 1 does nothing to improved the cramped feeling that results. House on Plot 1 is too large for its plot. Plot 1 reduced in width – but still very minor reduction and still cramped. Unacceptable 'close within a close'.</p> <p>House on Plot 3 moved further from boundary. However, it is 2.5 storeys and will dominate the bungalow at No 47 and immediate neighbours. This area has 2-storey houses, not 2.5 –storey houses.</p> <p>Totally contrary to NP/EN3 (Green spaces). Backland development – loss of green space.</p> <p>Appeal at 4 Woodlands Ride – determined in 2015 is a Leafy Residential Suburb. In para. 7 of the appeal decision notice the Inspector states: 'Principal attributes of residential amenity of people living in this locality, and their reasonable expectations for those to be protected, is that outlook should be extensive and/or sylvan and privacy should be safeguarded. A sense of spaciousness, limited visual intrusion of built development</p>	<p>See paragraphs 1.1-6.39</p>

and predominance of landscape generally prevail locally especially from rear garden areas. Whilst some exceptions are to be found in the vicinity, as a norm protection of these marks of such a good quality residential area, are worthy of intervention by planning decision makers.'

This proposal is visually intrusive on the amenity of local neighbours and enjoyment of their rear gardens.

The applicant's offer for tree planting and landscaping is too important for condition and needs to be considered as part of the application determination.

Further comments summarised

Do not accept that the only reasons for dismissing the appeal related to the footprint of Plots 3 & 2 in relation to properties in Hurstwood, and the site access.

Amended plans fail to address the key issues of concern.

Plots 3 & 2 would be angled so as to face No 49. Unacceptable impact on No 49. Overlooking of No 49 from large number of first and second floor windows in Plots 1-3. Overlooking cannot be overcome with landscaping. Obscure glazing to feature window is poor design.

The applicant has introduced a footway to address the point made by the Inspector. The Inspector was concerned that 'nearly half the width of the curtilage of No 9 would be taken up by the access drive' and that the driveway 'would appear cramped in the context of this defined Leafy Residential Suburb'. The addition of a footway in this new scheme and removal of the access drive from the curtilage of Plot 1, do not address the problem that substantially half of the frontage of No 9 will be taken up by the drive, creating a close within a close.

Although the house on Plot 3 is sited further from the boundary with No 47 – given its height, scale and mass it would still appear unduly dominant.

The proposal is for 2 and a half storey houses. The surrounding area comprises only 2-storey houses. Together with greater density, the proposed development would be out of keeping with the area.

The Inspector's overall The II conclusions were that the scheme was unacceptable. Whilst the proposal is a slight improvement on the previous scheme, it still fails to comply with Local Plan and Neighbourhood Plan Policies.

<p>Society for the protection of Ascot and Environs (SPAЕ)</p>	<p>Fails to appreciate the depth of the appeal inspector's concern of the environmental harm to the character of the local area and to neighbouring amenity. Inappropriate backland development.</p> <p>Insufficient separation with Hurstwood.</p> <p><u>Additional comments</u></p> <p>The Inspector decision letter makes it clear there are two reasons for the appeal dismissal. 1) The environmental harm to the character of the local area and 2) harm to the neighbour's amenity.</p> <p>The applicant has chosen to respond only to the neighbour amenity issue (by adjusting plots 2 &amp;3). The proposals do not address the issue of incompatibility of the development in terms of density, scale, height and appearance of the three new dwellings with the character of the area.</p> <p>The proposed development fails to respond to the character of the area in the following respects:</p> <ul style="list-style-type: none"> <li>-there is no other backland development in the area;</li> <li>-neighbouring dwellings are two storey, dormerless houses with a 2:1 ratio of eaves height to ridge height. Plots 1-3 are at odds with this.</li> </ul> <p>I</p>	<p>See paragraphs 1.1-6.39</p>
<p>Highway Officer</p>	<p>No objection. Conditions suggested.</p>	<p>See Paragraphs 6.20-6.27</p>
<p>Council's Flood Risk Manager</p>	<p>The Borough has no records of significant flooding at this location (although 3 reports of flooding of the highway and flooding of gardens on the junction of Llanvair Drive and Llanvair Close have been received since 2002, and a request for sandbags was received from a property to the west, in Coronation Road, in 2001, suggesting that there may be localised issues in the area).</p> <p>The risk of flooding from the surface water mapping set also indicates an area of land in the vicinity of the proposed development to be at a high risk of surface water flooding. This area of land would however appear to be to the north west of the proposed development site and this mapping set should not be used as sole evidence (i.e. it needs to be backed up by historic records).</p>	<p>See paragraph 6.40.</p>
<p>Natural England</p>	<p>Have requested mitigation for the Thames Basin Heath Special Protection Area. They encourage the LPA to seek opportunities to improve biodiversity on the site.</p>	<p>See paragraphs 6.29 and 6.30</p>

## 8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – indicative layout drawings
- Appendix C – appeal decision letter

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

In this case the issues have been successfully resolved.

## 9. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED.

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 No development shall take place until a scheme for the mitigation of the effects of the development on the Thames Basin Heaths Special Protection Area has been submitted to and approved in writing by the Local Planning Authority. The scheme shall make provision for the delivery of Suitable Alternative Natural Greenspace (SANG) and for provision towards Strategic Access Management and Monitoring (SAMM). In the event that the proposal is for the physical provision of SANG, the SANG shall be provided in accordance with the approved scheme before any dwelling is occupied.  
Reason: To ensure that the development, either on its own or in combination with other plans or projects, does not have a significant adverse effect on a European site within the Conservation of Habitats and Species Regulations 2010.
- 3 No development shall take place on the external surfaces of the buildings or finished surfaces of the development until samples/details of the materials to be used on the external surfaces of the building and hardsurfacing have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.  
Reason: In the interests of the visual amenities of the area. Relevant Policy - Local Plan DG1.
- 4 In accordance with the advice of the Ecologist report submitted with application 14/03801, the small areas of weatherboarding on the existing dwelling should be sensitively removed by hand only during the bat winter hibernation period and when temperatures are above 5 degrees Centigrade. In the unlikely event that a bat should be found during this procedure, sheltering material should be placed over the bat and the advice of an ecologist should be sought immediately.  
Reason: In the interests of safeguarding protected species and in the interests of maintaining biodiversity. Relevant policies Neighbourhood Plan EN4 and NPPF paragraph 109.
- 5 The window to the stairwell in the side (north facing elevation) of Plot 3 shall be of a permanently fixed, non-opening design, with the exception of an opening toplight that is a minimum of 1.7m above the finished internal floor level, and fitted with obscure glass and the window shall not be altered without the prior written approval of the Local Planning Authority.  
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H14.
- 6 No further window(s) shall be inserted at first floor level or above in the side elevations of the dwellings without the prior written approval of the Local Planning Authority.  
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies

- Local Plan H11.

- 7 The hard surfaces of the access and driveways shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.  
Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with Requirement 5 of the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document.
- 8 No buildings shall be occupied until details of the siting and design of all new wall, fencing or any other means of enclosure (including any retaining walls) have been submitted to and approved in writing by the Local Planning Authority. Such walls, fencing or other means of enclosure as may be approved shall be erected before first occupation of the development unless the prior written approval of the Local Planning Authority to any variation has been obtained.  
Reason: To ensure the satisfactory resultant appearance and standard of amenity of the site and the surrounding area. Relevant Policy - Local Plan DG1.
- 9 No buildings shall be occupied 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.
- 10 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 particulars 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 consent 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.
- 11 No tree or hedgerow shown to be retained in the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be lopped or topped other than in accordance with the approved plans and particulars and without the written approval of the Local Planning Authority, until five years from the date of occupation of the building for its permitted use. Any pruning approved shall be carried out in accordance with British Standard 3998 Tree Work Recommendations. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate vicinity and that tree shall be of the size and species, and shall be planted at such time, as specified by the Local Planning Authority.  
: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1, N6.
- 12 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. These details are required prior to commencement to ensure highway safety is satisfactory during all stages of the development.
- 13 No other part of the development shall commence until the access and driveway (including

footways and verges) have been constructed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The details shall include details of pedestrian crossings across the verges. The access and driveway shall thereafter be retained.

: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5, DG1.

- 14 No part of the development shall be occupied until vehicle parking and turning space has been provided and surfaced in accordance with a layout that has first been submitted to and approved in writing by the Local Planning Authority. 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 and turning 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.
- 15 No part of the development shall be occupied until a refuse bin storage area and recycling 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 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.
- 16 The existing access to the site of the development shall be stopped up and abandoned immediately upon the new access being first brought into use. The footways and verge shall be reinstated before the development is first occupied in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.  
Reason: In the interests of highway safety and of the amenities of the area. Relevant Policies - Local Plan T5, DG1
- 17 The measures set out in Design and Access Statement accompanying the application shall be implemented in accordance with the statement prior to the first occupation of any unit, unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of the development.  
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with Requirement 1 of the Royal Borough of Windsor and Maidenhead Sustainable Design and Construction Supplementary Planning Document.
- 18 The measures detailed in the applicant's Design and Access Statement, showing how the buildings would be adaptable to the needs of an ageing population, shall be provided in accordance with the submitted details and subsequently retained.  
Reason: To ensure that the building is adaptable to the needs of an ageing population and to comply with the Council's SPD Planning for an Ageing Population.
- 19 Prior to the substantial completion of the development a water butt of at least 120L internal capacity shall be installed for each house to intercept rainwater draining from the roof. The water butts shall subsequently be retained.  
Reason: To reduce the risk of flooding and demand for water, increase the level of sustainability of the development and to comply with Requirement 4 of the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document.
- 20 The internal garage door in Plot 3 shall open into the hallway and away from the parking area.  
Reason: To ensure that there is adequate parking space within the garage. Relevant Policies - Local Plan DG1, P4.
- 21 Prior to the initial occupation of the dwellings hereby approved full details of the location and design of bird/bat boxes to be installed at the application site, shall be submitted to and approved by the Local Planning Authority. The bird/bat boxes shall be installed and retained in accordance with the approved details.

Reason: In the interests of enhancing biodiversity. Relevant Policies - Neighbourhood Plan NP/EN4.

22 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.

### **Informatives**

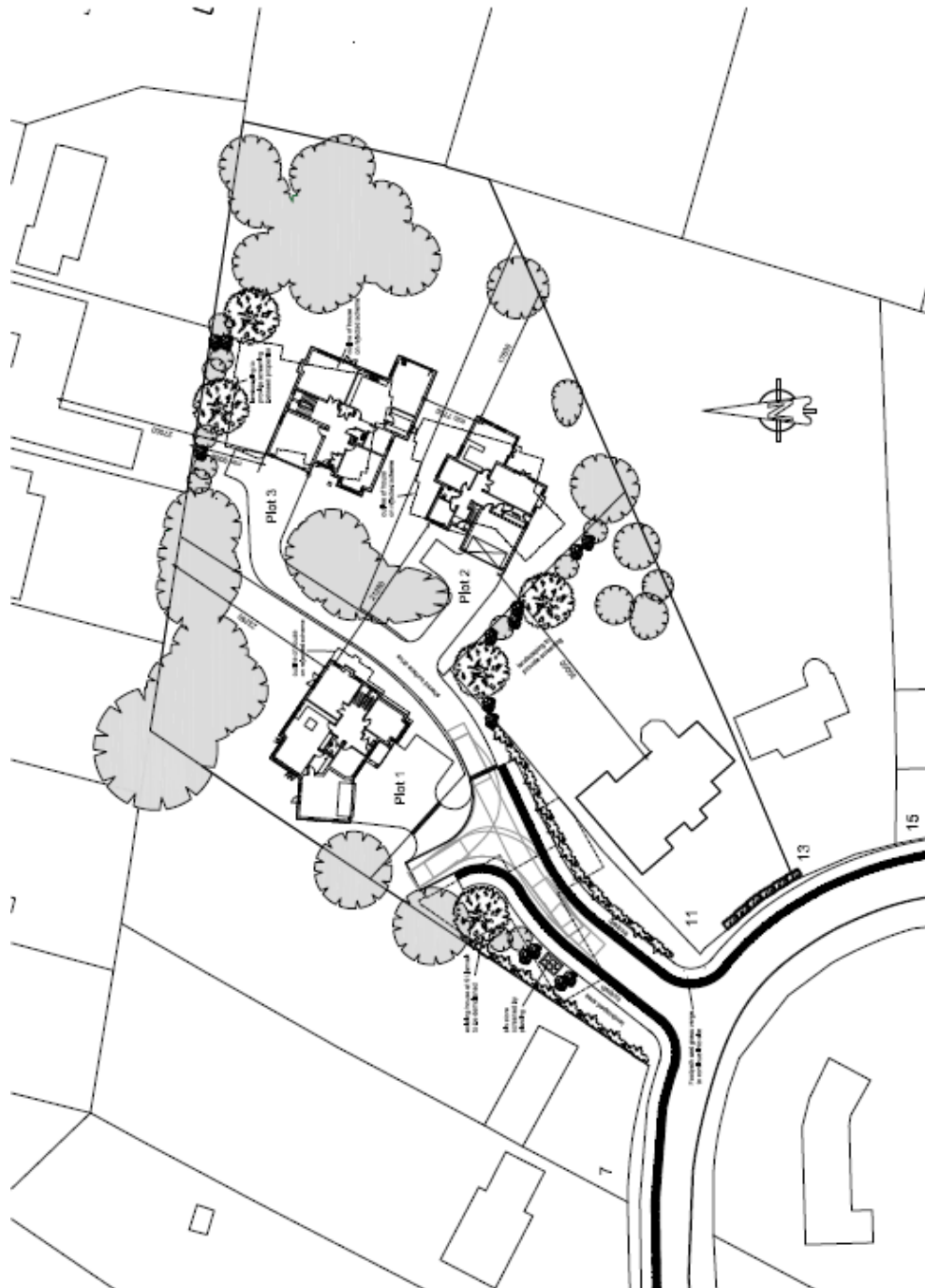
- 1 The attention of the applicant is drawn to the Berkshire Act 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway or grass verge arising during building operations.
- 2 Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from the The Streetcare Services Manager at Tinkers Lane Depot Tinkers Lane Windsor SL4 4LR tel: 01628 796801 at least 4 weeks before any development is due to commence.
- 3 The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which enables the Highway Authority to recover expenses due to extraordinary traffic.



Drawing Title: **Site Layout**  
Project Title: **9/11 Llennvair Close, South Acre, Berkshire**  
Date: **Nov 2014**  
Scale: **1:500@A3**  
Drawing No: **DP1258.P.010 - B**  
Rev: **B**

**WENTWORTH**  
**HOMES**

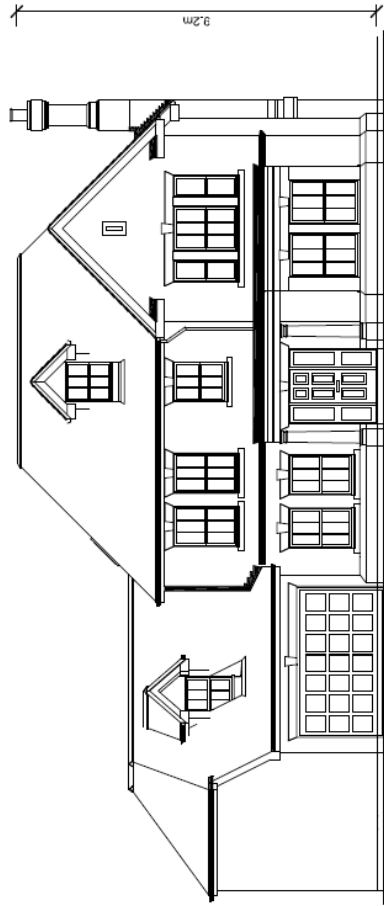




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Date: Nov 2014  
Scale: 1:500@A3  
Product Title: 9/11 Janvier Close, South  
Assoc. Benchrite  
Drawing No: DP1258.P\_010 - C  
Rev: C

Scale: 1:500  
0m 10m 20m 30m 40m

PLOT 1



Front Elevation (South West)



Rear Elevation (North East)

Scale: 1:100  
0m

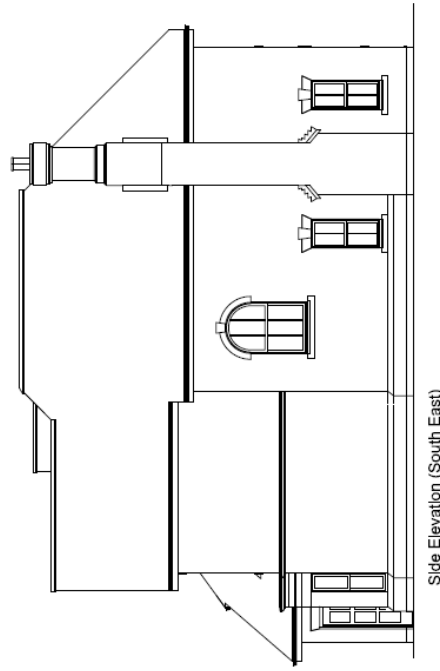
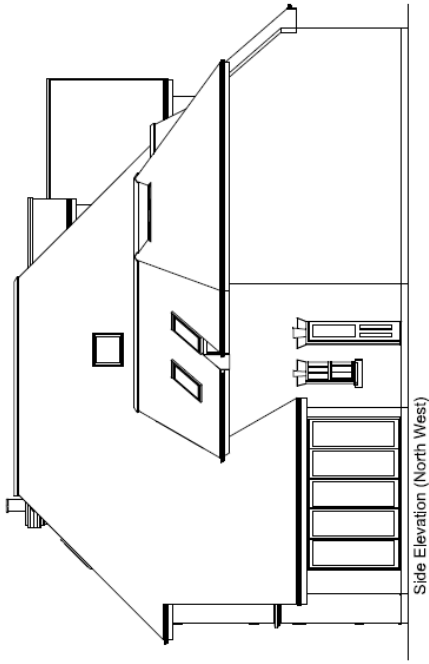


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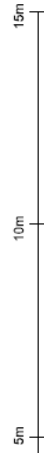
**WENTWORTH**  
**HOMES**

PLOT 1

PLOT 1



Scale 1:100  
0m



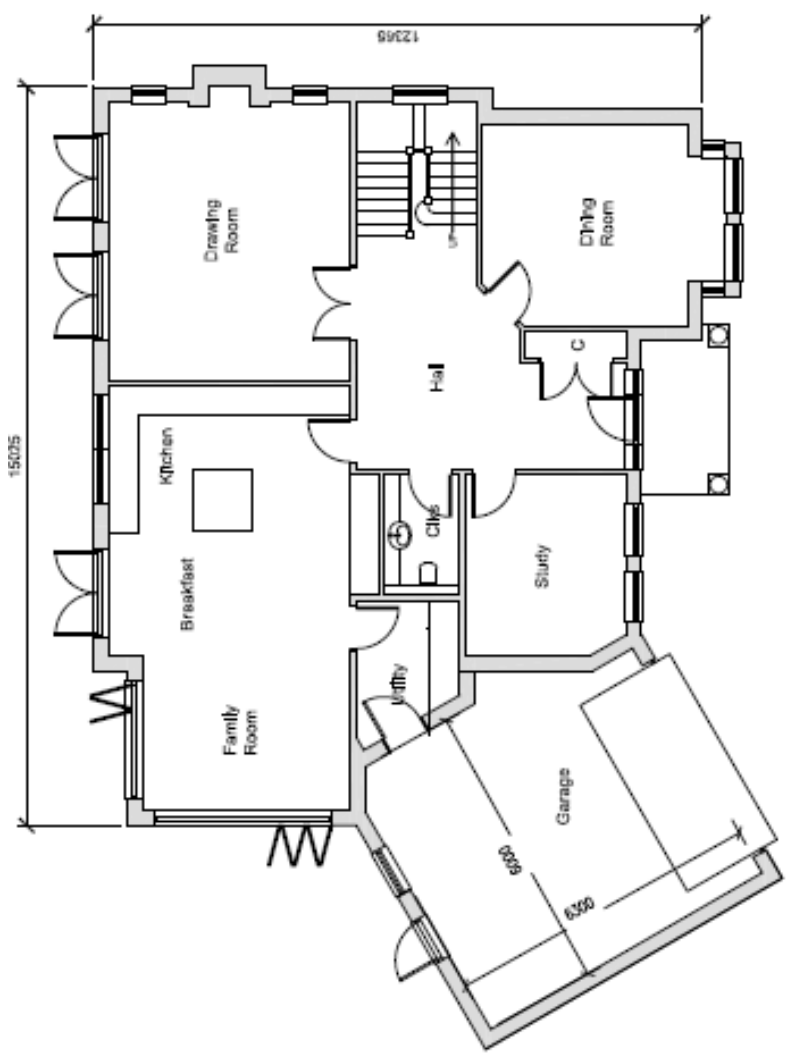
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Date: Nov 2014  
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Project Title:  
9/11 Llanvair Close, South  
Ascot, Berkshire  
Drawing No:  
DP1258.P.105 - B

**WENTWORTH**  
**HOMES**

PLOT 1

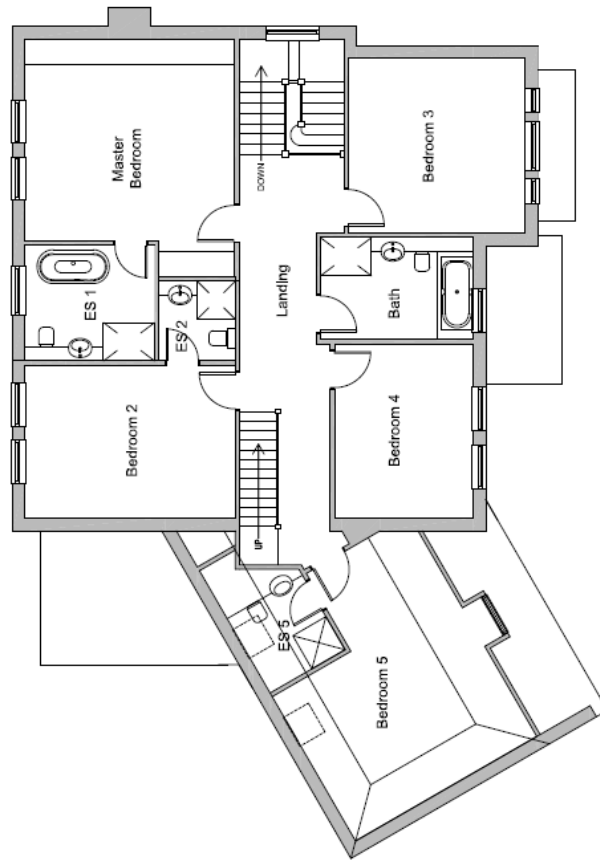


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Date: Nov 2014  
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Project file: B111 Ujanvalr Close, South Ascol, Berkshire  
Drawing file: Ground Floor Plan Plot 1  
Drawing file: WENTWORTH HOMES

PLOT 1



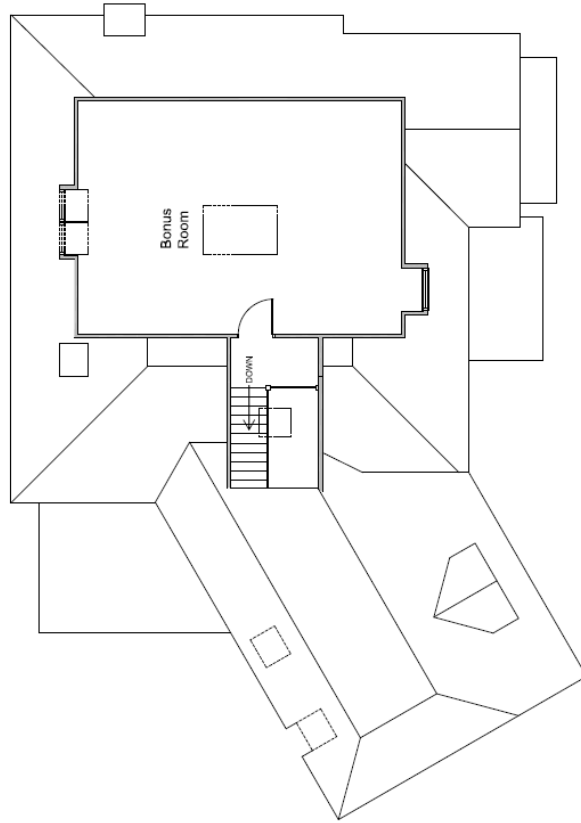
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5m 10m 15m

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Date: Nov 2014  
Scale: 1:100@A3  
Drawing No: DP1258.P.102 - B  
Project Title: 9/11 Llanvalr Close, South Ascot, Berkshire

**WENTWORTH**  
HOMES

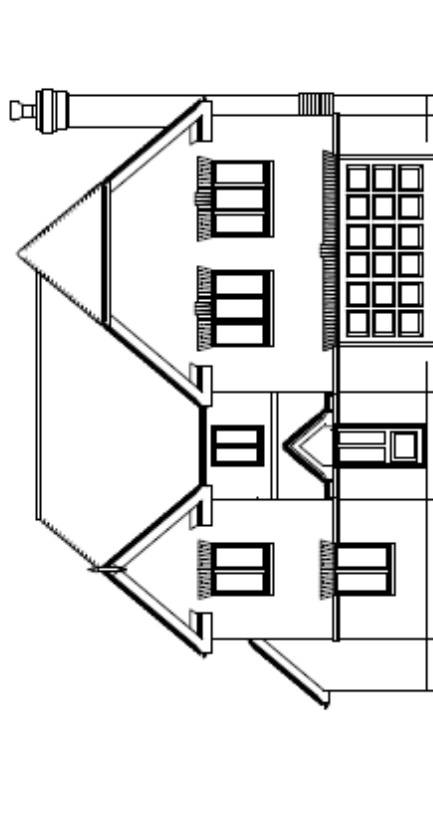
PLOT 1



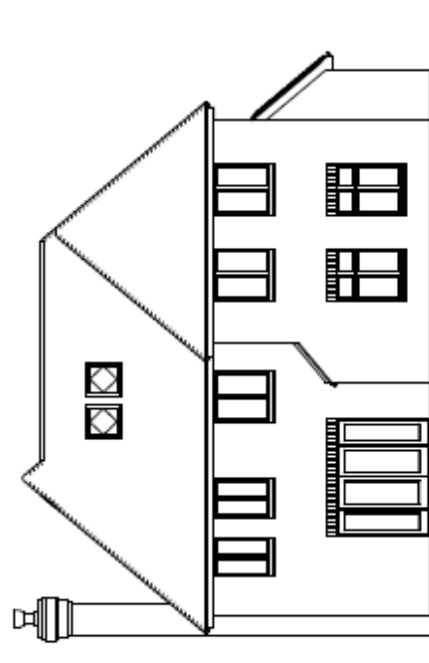
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Project Title: **9/11 Llanvair Close, South Ascot, Berkshire**  
Drawing No: **DP1258.P.103 - C**

**WENTWORTH**  
**HOMES**





Front Elevation (West)



Rear Elevation (East)

Scale 1:100  
0m

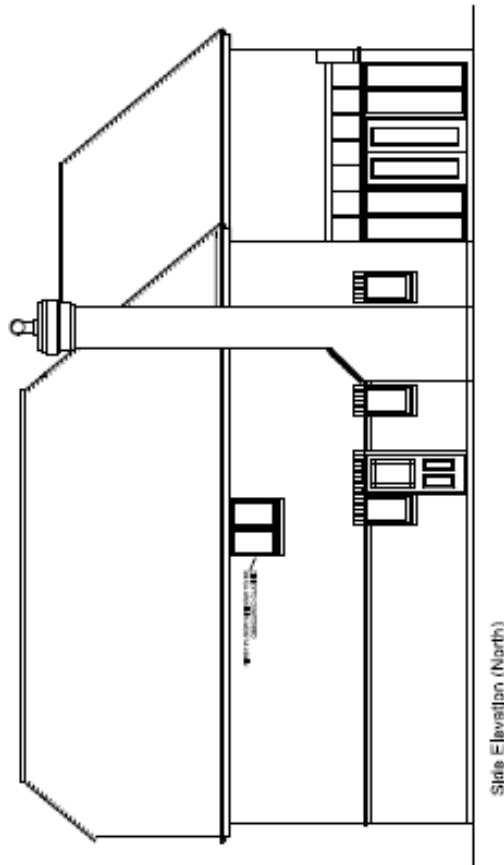
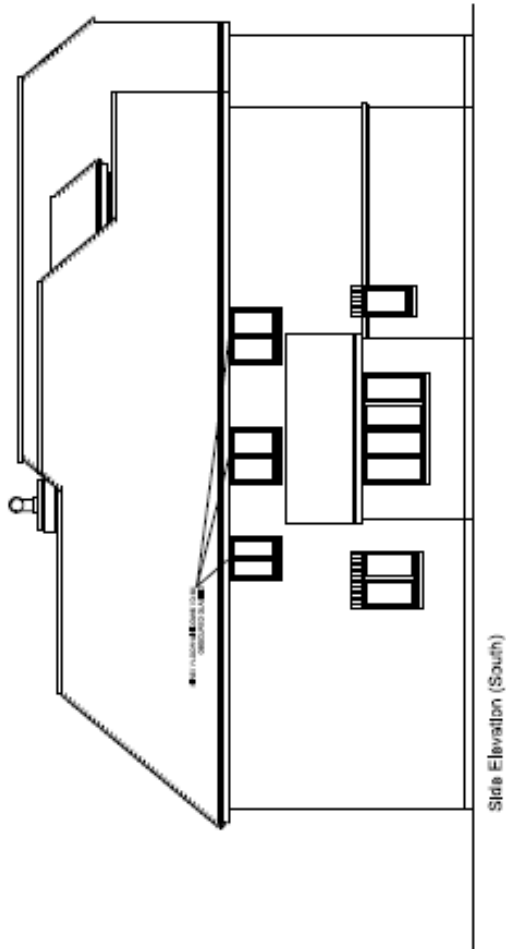


Drawing title: Front & Rear Elevation Plot 2  
Date: Nov 2014  
Scale: 1:100@A3

Project title: 9/11 Ljanvair Close, South Asot, Berkshire  
Drawing file: DP1258.P.204 - D  
Rev: D

**WENTWORTH**  
**HOMES**

PLOT 2



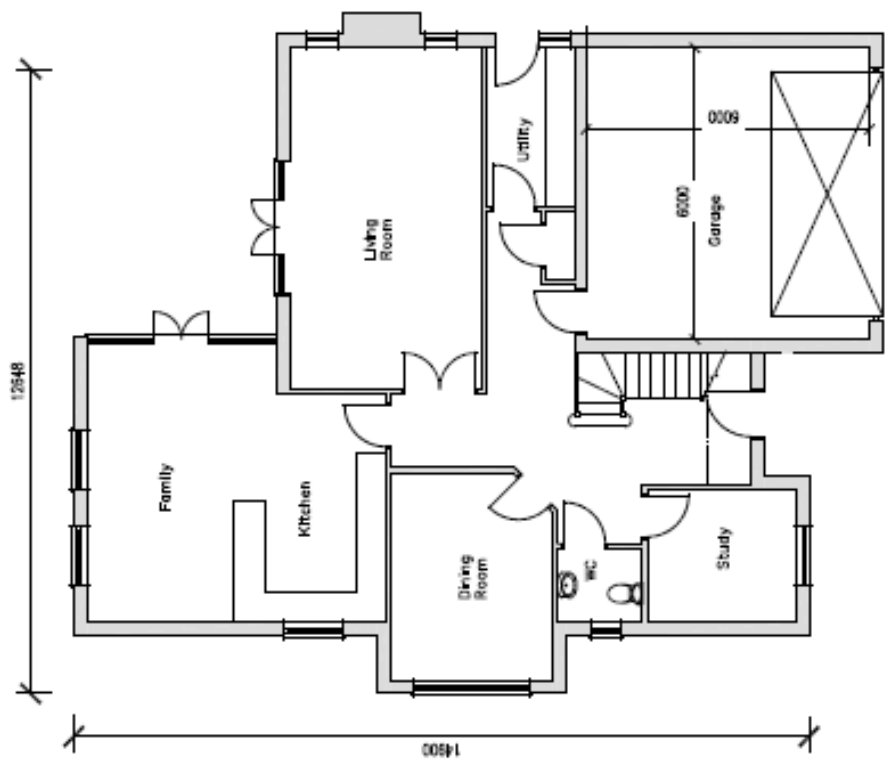
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Drawing title: Side Elevations Plot 2  
Date: Nov 2014  
Scale: 1:100@A3  
Project title: 9/11 Llanvair Chase, South  
Drawing file: DP1258.P-205 - D  
Rev: D  
**WENTWORTH**  
**HOMES**



PLOT 2



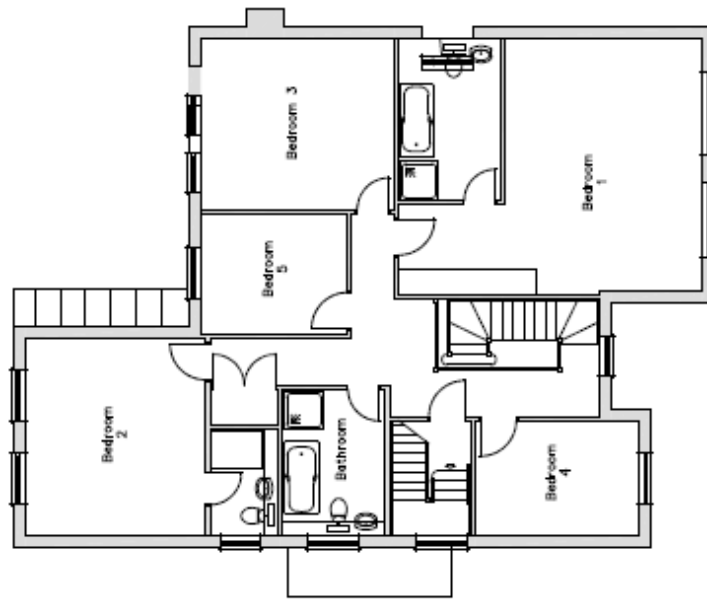
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Drawing Title	Date	Scale
Ground Floor Plan Plot 2	Nov 2014	1:100@A3

Project Title: 9/11 Llanwrful Close, South Ascot, Berkshire  
Drawing No: DP1289\_P\_201 - C

# WENTWORTH HOMES

PLOT 2



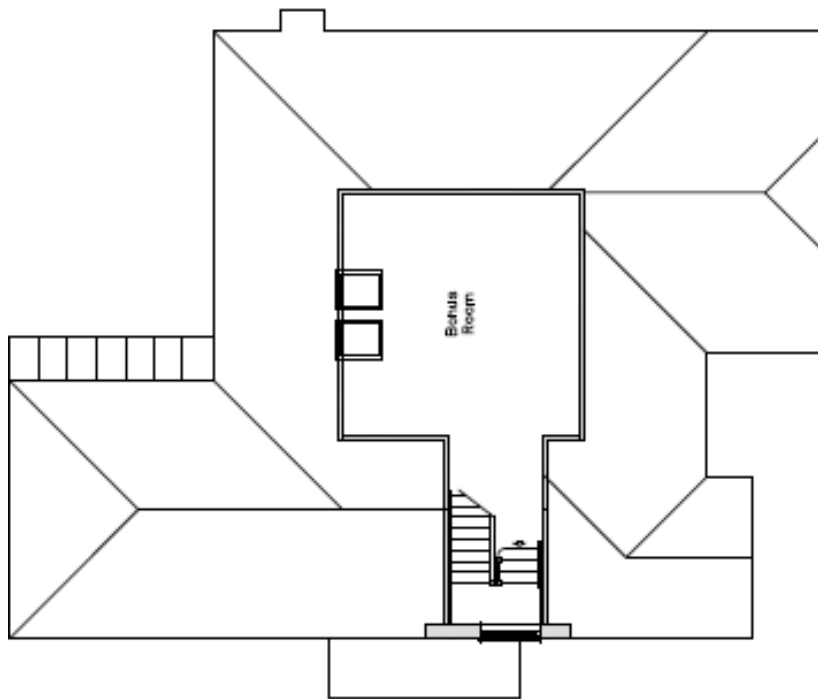
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Drawing Title: First Floor Plan Plot 2  
Date: Nov 2014  
Scale: 1:100@A3  
Project Title: 9/11 Llanva'r Cluse, South  
Ascot, Berkshire  
Drawing No: DP1258.P.202 - C

**WENTWORTH**  
**HOMES**

PLOT 2



Scale 1:100



Drawing Title: Second Floor Plan Plot 2  
Date: Nov 2014  
Scale: 1:100@A3

Project Title: 8/11 Llanvafwr Close, South  
Acoot, Berkshire  
Drawing No: DP1258-P-203 - D  
Rev:

**WENTWORTH**  
**HOMES**

APPENDIX B – 16/00117 – PLOT 3



Front Elevation (West)



Rear Elevation (East)

16/00117



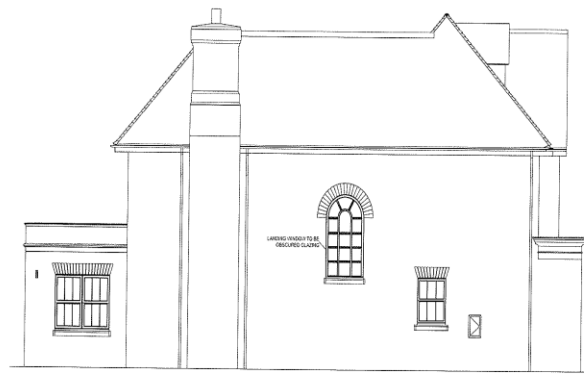
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Front & Rear Elevation Plot 3	Nov 2014	1:100@A3
Project Site:	Drawing No:	Rev:
9/11 Llanvair Close, South Ascot, Berkshire	DP1258.P.304 -	B

**WENTWORTH**  
HOMES

APPENDIX B 16/00117 - PLOT 3



Side Elevation (South)



Side Elevation (North)



Drawing Title:	Date:	Scale:
Side Elevations Plot 3	Nov 2014	1:100@A3
Project Title:	Drawing No:	Rev:
9/11 Llanvair Close, South Ascot, Berkshire	DP1258.P.305 -	D

**WENTWORTH**  
HOMES

PLOT 3



Scale 1:100  
0m

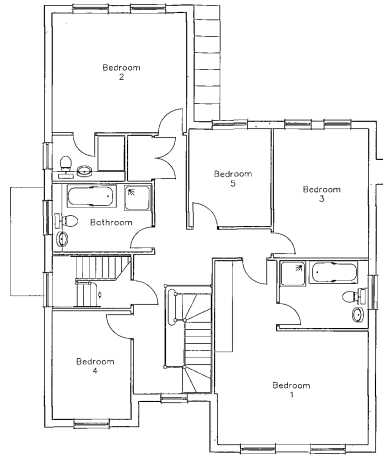


Drawing Title: Ground Floor Plan Plot 3  
Date: Nov 2014  
Scale: 1:100@A3

Product Title: 9/11 Llanvaf Close, South  
Ascot, Berkshire  
Drawing No: DP1259\_P.301 - C  
Rev: C

**WENTWORTH**  
**HOMES**

PLOT 3

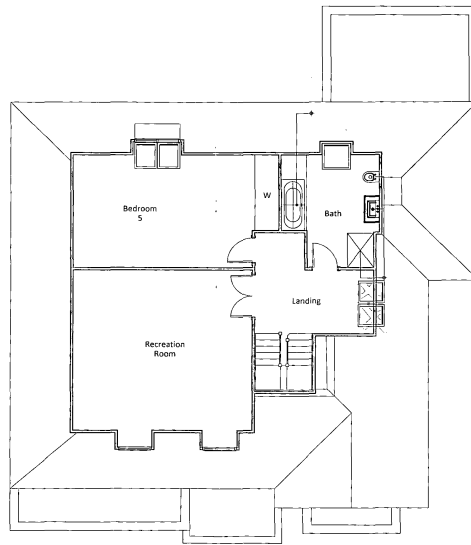


Drawing Title:	Date:	Scale:
First Floor Plan Plot 2	Nov 2014	1:100@A3
Project Title:	Drawing No.:	Rev.:
9/11 Llanvair Close, South Ascot, Berkshire	DP1258.P.202 -	B

RECEIVED  
20 JAN 2015  
PLANNING

16/00117  
WENTWORTH  
HOMES

PLOT 3



16/00117

20 JAN 2015



Drawing Title:	Date:	Scale:
Second Floor Plan Plot 3	Nov 2014	1:100@A3
Project Title:	Drawing No:	Rev:
9/11 Llanvair Close, South Ascot, Berkshire	DP1258.P.303 -	B

**WENTWORTH**  
HOMES



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## Appeal Decision

Site visit made on 13 October 2015

by **B J Sims BSc(Hons) CEng MICE MRTPI**

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

Decision date: 4 November 2015

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**Appeal Ref: APP/T0355/W/15/3074181**  
**9 Llanvair Close, Ascot SL5 9HX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Martin Brebner - Wentworth Homes against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
  - The application Ref 14/03801, dated 1 December 2014, was refused by notice dated 3 February 2015.
  - The development proposed is the erection of three detached, two-storey dwelling houses and new access driveways following the demolition of 9 Llanvair Close.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. This decision takes into account all the written representations and documentation received in connection with the appeal. These include revised layout plans Refs DP1258.P.101.B, DP1258.P.201.B and DP1258.P010.A, a revised Arboricultural Impact Assessment and Method Statement, dated 26 November 2014, incorporating plan Ref WENT19437-03.A and responses to them by the Council and the Appellants up to the extended deadline for final comments of 22 October 2015. The revised Arboricultural Impact Assessment and Method Statement was circulated to consultees by the Council on 22 September 2015.
3. The Council no longer seeks to justify its seventh reason for refusal regarding certain developer contributions for infrastructure which can now only properly be secured via the Community Infrastructure Levy (CIL) and no further reference to this matter need be made in this decision.

### Main Issues

4. The main issues remaining for considerations are the effects the proposed development would have with respect to the following:
  - 4.1 the form and layout of the development proposed in relation to both the character and landscape of the surrounding area and the living conditions of residents in Hurstwood, adjacent to the appeal site, with regard to outlook and privacy;
  - 4.2 protected trees within the appeal site;

- 4.3 vehicle access, parking and turning space;
- 4.4 the local ecology and especially bats;
- 4.5 whether there is any shortfall in the Borough five year housing land supply (5YHLS) such as would militate in favour of the proposed development in terms of the National Planning Policy Framework (NPPF); and
- 4.6 the Thames Basin Heath (TBH) Special Protection Area (SPA) and the availability of Suitable Alternative Natural Green Space (SANGS).

## **Reasons**

### *Form – Density – Character – Landscape – Living Conditions*

- 5. The area surrounding the appeal site is defined in the approved Borough Townscape Assessment as a Leafy Residential Suburb. This is characterised by low to medium density residential areas with varied, evenly spaced, detached, two-storey houses on medium to large plots fronting wide streets. Gardens are generally well established, with tall hedges and mature trees providing a strong sense of enclosure.
- 6. The Townscape Assessment is properly used to inform the implementation of development plan policies for the design and layout of housing development in the Borough. These include saved Policies DG1, H10 and H11 of the adopted Borough Local Plan of 1999 and Policies NP/DG1-2 of the adopted Ascot, Sunninghill and Sunningdale Neighbourhood Plan (ASSNP) of 2014. Together, these policies require new residential development in established residential areas to display high standards of design and landscaping and to be of scale and density compatible with the character and amenity of the area. Development proposals should retain and enhance the sylvan nature of Leafy Residential Suburbs.
- 7. There is no question that the three houses have been carefully designed to reflect local architectural styles and the development seeks to retain the best protected trees. No11 Llanvair Close currently enjoys an unusually large curtilage but its rear garden would be more than halved in area. The rear part of the present garden would be divided into Plots 2 and 3 in the submitted scheme. Most of the present curtilage of No9 Llanvair Close would be occupied by the access drive and the dwelling on Plot 1.
- 8. The separation distance between the proposed houses on Plots 2 and 3 would be comparable with those between existing dwellings facing Llanvair Close and all four dwellings, including No11, would have rear gardens between 23 and 36 metres in depth. The sizes of Plots 2 and 3 and the remaining garden of No11 would be shorter than most in the immediate vicinity within Llanvair Close but their level of enclosure and the private space available would not be so uncharacteristic as, alone, to warrant objection.
- 9. More importantly, however, Plot 1 would taper towards the front, where nearly half the width of the curtilage of No9 would be taken up by the access drive. As a result, both the forward part of Plot 1 and the driveway itself, being devoid of footways, would be uncharacteristically narrow and would appear cramped in the context of this defined Leafy Residential Suburb.

10. A further important consideration is the spatial relationship of the proposed dwellings with the rear of Nos 45-51 Hurstwood, north of the rear boundary of the appeal site. The back gardens of these dwellings are relatively short and the houses on proposed Plots 1 and 3 would be clearly seen from within the Hurstwood dwellings. Plot 1 would include a 23 metre back garden and include a belt of retained protected trees, such that reasonable separation would be maintained with respect to No49 Hurstwood. However, the side wall of the house at Plot 3 would stand only 4 metres from its shared boundary with No47 Hurstwood. Even though that side of the proposed building would not be as high as the main construction, the dwelling would appear unduly dominant, especially when viewed from the rear of No47 and its immediate neighbours.
11. That is not to say that those dwellings would suffer unacceptable loss of light, nor undue reduction in privacy, given the potential for planning conditions to avoid clear-glazed facing windows.
12. Nevertheless, the form and layout of the proposed development have two insurmountable shortcomings, the first regarding the cramped arrangement of the forward part of Plot 1 and the access drive from LLanvair Close and, the second, concerning the visual impact on Hurstwood. Both these considerations demonstrate that the proposed development would be significantly out of character with the surrounding area. This amounts to a strong planning objection, placing the appeal proposal into unacceptable conflict with the provisions of Policies DG1, H10-11 and NP/DG1-2, to protect the character, landscape and amenity of the surrounding area within this Leafy Residential Suburb.

#### *Protected Trees*

13. There has been some dispute between the Appellants and the Council concerning the submission of allegedly late arboricultural information and the initial absence of a tree schedule. However, as noted under Procedural Matters above, sufficient evidence is now available in connection with this appeal for the effect of the proposed development on protected trees within the site to be assessed.
14. The initial main concern of the Council was the potential harm to the central protected Group G12 of Tree Preservation Order 011,2014 due to the construction of the access drive overlapping parts of their root protection areas. However, the revised Arboricultural Impact Assessment and Method Statement together with revised layout plan Ref DP1258.P.010.A demonstrate that, by a relatively slight realignment of the driveway, the degree of overlap can be reduced to a proportion compliant with the relevant British Standard BS5837:2012.
15. Otherwise, a number of trees of lesser quality would be removed by the development but their loss would not substantially harm the verdant character of the area.
16. The Council has also expressed concern regarding the degree of shading due to the retained trees potentially giving rise to applications to remove or prune them. This was in the absence of indicative shading arcs in accordance with BS5837. However, the Appellants submitted a detailed Sunlight and Daylight Impact Analysis in accordance with BRE Report 209. This concludes that more than the requisite fifty percent of the proposed gardens would receive two

hours daylight at 21 March and that the degree of shading to windows would be acceptable in terms of established standards. There is no detailed challenge to these conclusions. Taking that technical evidence into account, the spaces between the proposed houses and the protected trees appear sufficient to avoid undue pressure from future occupiers to prune or remove the trees, given those trees appear already mature and are typical of the valued verdant character of the area as a whole.

17. With respect to measures required in relation to protected trees, the appeal proposal is compliant with the requirements of saved Local Plan Policy N6 and ASSNP Policy NP/EN2.

#### *Vehicle Access, Parking and Turning Space*

18. Following the submission of revised plans Refs DP1258.P.101.B and DP1258.P.201.B indicating garages of a size in line with current parking requirements, the Council is satisfied that sufficient garage and forecourt parking and turning space would be provided within all three plots and that the design of the access road would be acceptable in highway terms. There is no substantive evidence of objection on such grounds.
19. The Council remains concerned that the turning space would not accommodate its preferred refuse collection vehicle, which is larger than that for which turning dimensions are shown. Whilst this factor counts against the proposed scheme, it does not alone warrant dismissal of the appeal, given the relatively close proximity of the carriageway of Llanvair Close.
20. In connection with the provision of satisfactory vehicle access, parking and turning space, the proposed development is properly to be regarded as compliant with the requirements of saved Local Plan Policies DG1 and P4, as well as with ASSNP Policy, NP/T1.

#### *Ecology - Bats*

21. The ecological report submitted by the Appellants does not rule out the presence of protected bats in the building at No9 Llanvair Close, proposed for demolition as part of the development. At the same time, it gives an unchallenged expert view that the bat roosting potential of the building is negligible and that their presence is unlikely. Accordingly, no further survey work is proposed but, as a precaution in case of the presence of bats, it is recommended that a small area of weatherboarding be sensitively removed, during the winter months.
22. The likelihood of direct or indirect adverse impact on local biodiversity, and bats in particular, does not appear to be significant. Notably, there is no objection from Natural England to the proposed demolition or construction and the provisions of NP Policy NP/EN4.3 for further survey work are not engaged. As a result, there is no substantive objection to the proposed development on grounds of harm to local ecology, subject only to a planning condition to secure the recommended precautionary initial removal of weatherboarding at an appropriate time.

#### *Five Year Housing Land Supply*

23. The NPPF (paragraphs 49 and 14) makes clear that, if the Council cannot demonstrate a 5YHLS, relevant policies for the supply of housing should not be

considered up to date and permission for housing development should be granted unless the impacts of doing so would significantly and demonstrably outweigh the benefits. It is therefore necessary to assess, on the evidence available in this appeal, whether the Council is currently able to demonstrate a 5YHLS.

24. The Council has not published a calculation of the Borough five year housing land supply since 2012 and that was based upon the annualised requirement of the, now revoked, South East Plan of 346 dwellings per annum (dpa). That statement identified a supply of 5.22 years at that time, falling short by 10 units of the five year requirement when the 5% buffer required by the NPPF is included. A subsequent study suggested an objectively assessed need (OAN) of around 700 dpa taking account of 2011-based Government household projections. A Berkshire Strategic Housing Market Assessment to define the Borough OAN is not yet published.
25. The latest available assessment of OAN, in the order of 700 dpa, has not been moderated against relevant planning constraints, nor tested by way of public examination. However, it is reasonable to conclude that it demonstrates that the housing requirement is potentially almost twice that of the revoked South East Plan. Moreover, despite a number of permissions being granted during the last three years, for the purposes of this appeal decision there is no qualitative evidence of the current five year supply figure. However, it appears very likely to be well below the 5.22 years calculated by the Council in 2012, and thus to fall short of NPPF requirements.
26. Accordingly, relevant policies for the supply of housing should not be considered up to date in connection with the present appeal. However, there is no dispute in this case that the application of their other provisions for the location development, or for its broad management, is not precluded, an approach consistent with many prior appeals cited by the Council.

*Thames Basin Heath SPA and SANGS*

27. There is no dispute that a net two additional houses would give rise to a requirement for a financial contribution toward the provision and strategic access management of SANGS at Allen's Field. However, it is agreed between the Appellants and the Council that such a contribution cannot be secured by way of a Section 106 planning obligation because it would exceed the maximum five pooled contributions permitted by Regulation 123 of the CIL Regulations for the funding of infrastructure capable of being financed by CIL. Furthermore, the Council has chosen not adopted a CIL Schedule.
28. The Appellants and the Council are agreed that the only remaining option to secure the requisite contribution is by way of a negatively worded planning condition to ensure that no development takes place until appropriate measures to mitigate harm have been agreed and implemented. Such measures might include the payment of the required monetary contribution or the physical provision of SANGS in advance of development commencing.
29. Notwithstanding the expressed willingness of the Appellants to make such a contribution, it is unclear whether such an arrangement would be in accordance with national Planning Practice Guidance (PPG) on the use of negative conditions to secure a planning obligation or 'other agreement'. In view of my

conclusions on the other main issues above, it is not necessary to consider this matter further.

*Overall Conclusions*

30. This decision is made in the light of the presumption of the NPPF (paragraphs 14 and 7) in favour of sustainable development in its triple socio-economic and environmental roles. There is no doubt that the net two substantial dwellings proposed would make a small but important contribution to Borough housing stock on urban land in the face of a shortfall in the five year supply.
31. However, on an overall balance of judgement, the socio-economic benefit of two additional dwellings would be significantly and demonstrably outweighed by the environmental harm to the character of the local area and to neighbouring amenity, contrary to the foregoing adopted policies, all of which are essentially consistent with the NPPF, and to the development plan as a whole.
32. Despite avoiding harm to protected trees and bats or in connection with access and parking, and even if the requirement for mitigation of impact on the TBH SPA could properly be met by the provision of SANGS, the proposed development would thus be unacceptable.
33. I have taken into account every consideration raised both for and against the proposed development but none are sufficient to affect my conclusion that, for the reasons stated above, this appeal should not succeed.

*B J Sims*

Inspector

## WINDSOR RURAL DEVELOPMENT CONTROL PANEL

3 May 2016

Item: 3

<b>Application No.:</b>	16/00443/VAR
<b>Location:</b>	Stowting House London Road Ascot SL5 7EG
<b>Proposal:</b>	Erection of two detached dwellings with associated double garages following the demolition of existing as approved under planning permission 14/00880 without complying with condition 14 (approved plans) under planning permission 15/02969/VAR to vary the approved drawings
<b>Applicant:</b>	Mr Price - Spitfire Properties LLP
<b>Agent:</b>	Not Applicable
<b>Parish/Ward:</b>	Sunninghill And Ascot Parish

**If you have a question about this report, please contact:** Claire Pugh on 01628 685739 or at [claire.pugh@rbwm.gov.uk](mailto:claire.pugh@rbwm.gov.uk)

### 1. SUMMARY

- 1.1 This application was previously considered by Panel on the 6th April and was deferred for one cycle. This was to allow the applicant to address the concerns raised over the proposed boundary treatment and landscaping. Amended plans have been submitted; L01A which sets out the proposed landscaping scheme, SK101 which shows the proposed entrance gates and SK100 which shows the proposed street scene. The proposed landscaping scheme proposes to retain the existing hedge along most of the boundary, and plant a 3 – 3.5m conifer hedge. The 1.8m railings would be sited behind the hedging instead of in front as previously proposed. The amended landscaping is a more informal boundary treatment which is more in keeping with the characteristics of an area defined as 'Villas in Woodland Setting'. It is considered that the impact on character and appearance of the street scene and wider area is acceptable.
- 1.2 Although this variation application cannot consider the principle of development, it should be noted that Paragraphs 7 and 14 of the National Planning Policy Framework (NPPF) set out that there will be a presumption in favour of Sustainable Development. Paragraph 49 of the NPPF states that applications for new homes should be considered in the context of the presumption in favour of sustainable development, and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The Borough Council cannot demonstrate a 5 year housing land supply. This scheme would make a contribution to the Borough's housing stock, and it is considered that the scheme complies with Local and Neighbourhood Plan policies.
- 1.3 The application seeks to vary condition 14 (approved) plans of planning permission 15/02969 which was a variation of the original planning permission (14/00880) to construct 2 dwellings. The site is situated within the townscape of 'Villas in a Woodland Setting' where soft boundary treatments are common in this type of townscape, and indeed on this road the front boundaries tend to be characterised by hedges. The submitted plans originally submitted with this application show a change to the front boundary treatment, which include railings of circa 1.8 metres in height, with a laurel hedge planted behind it, amended plans have been received which show a conifer hedge. On the previous application, the approved plans showed the existing hedge to be retained on the front boundary. The use of the railings along the front boundary may not be characteristic of this road, or a form of boundary treatment typically found within this type of townscape, however, it is considered that the planting of the conifer hedge behind the railings will soften this boundary treatment and would appear acceptable within this street scene.

**It is recommended the Panel grants planning permission subject to the conditions listed in Section 9 of this report.**

## 2. REASON FOR PANEL DETERMINATION

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

## 3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is a roughly rectangular plot located on a private driveway (cul-de-sac) accessed off London Road, Ascot. The plot now contains two substantially complete dwellings. The private driveway contains a number of properties of a residential nature to both the east and west side of the road. The road has a sylvan and relatively private feel with most properties benefitting from 'natural' but substantial front boundary treatments.

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

Ref.	Description	Decision and Date
14/00880/FULL	Erection of two detached dwellings with associated double garages following the demolition of existing	Approved 21 <sup>st</sup> May 2014
14/03965/CON DIT	Details required by conditions 2 (Materials), 3 (Landscaping), 5 (Tree Protection), 6 (Finished Slab Levels), 11 (Planning for an Ageing Population), 12 (Construction Management Plan), 14 (Design Stage Report) of planning permission	Part Approval, part refusal on the 15 <sup>th</sup> April 2015.
15/01350/FULL	Construction of two detached dwellings each with a linked garage providing further habitable accommodation in roof space	Permitted on the 11 <sup>th</sup> June 2015.
15/02377/NMA	Non material amendment to planning permission 14/00880 to add a new condition to allow for the listing of the approved plans in the planning permission.	Permitted 20 <sup>th</sup> August 2015.
15/01350/FULL	Construction of two detached dwellings each with a linked garage providing further habitable accommodation in roof space	Withdrawn on the 11 <sup>th</sup> June 2015.
15/02969/VAR	Erection of two detached dwellings with associated double garages following the demolition of existing as approved under planning permission 14/00880 without complying with condition 17 (approved plans) to substitute approved plans 14-P962-02 and 14-P962-03 with amended plans 14-P962-02 Rev A and 14-P962-03 Rev A.	Permitted 6 <sup>th</sup> November 2015.
15/02760/VAR	Erection of two detached dwellings with associated double garages following the demolition of existing as approved under planning permission 14/00880 to allow for the removal of conditions 14 and 15 to remove the requirement to comply with the Building Research Establishment (BRE) code for sustainable homes.	Permitted on the 14 <sup>th</sup> December 2015.

- 4.1 The principle of the development has already been established, and the dwellings are substantially complete. As such the principle of the development and design of the dwellings cannot be considered under this variation application. The application proposes the variation of condition 14 of planning permission 15/02969/VAR which related to the approved plans. The amended plans now show a change to the front boundary treatment, which include railings of circa 1.8 metres in height, with a conifer hedge 3-3.5m planted behind it. On the previous application, the approved plans showed the existing hedge to be retained on the front boundary.



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

5.1 National Planning Policy Framework, Section 64- character and quality of an area

### Royal Borough Local Plan

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

	Within settlement area
Local Plan	DG1, H11
Ascot, Sunninghill and Sunningdale Neighbourhood Plan	NP/DG1, NP/DG3

More information on these documents can be found at:

[http://www.rbwm.gov.uk/web/pp\\_supplementary\\_planning.htm](http://www.rbwm.gov.uk/web/pp_supplementary_planning.htm)

### Other Local Strategies or Publications

5.3 Other Strategies or publications relevant to the proposal are:

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

## 6. EXPLANATION OF RECOMMENDATION

6.1 The principle of the development has already been established, and the dwellings are substantially complete. As such the principle of the development and design of the dwellings cannot be considered under this variation application. The key issues for consideration are:

- i Whether the proposed boundary treatment is of an acceptable appearance;

### Whether the proposed boundary treatment is of an acceptable appearance

6.2 The principle of the development has already been established, and the dwellings are substantially complete. As such the principle of the development and design of the dwellings cannot be considered under this variation application.

6.3 Policy NP/DG.3 of the Neighbourhood Plan explains that development proposals in Townscape Assessment zones of Villas in a Woodland Setting should retain and enhance the sylvan, leafy nature of the area, which, where possible and appropriate, should include the planting of trees and/or shrubs along the street and neighbouring sites boundaries.

6.4 The boundaries along this road tend to be characterised by hedging, which are quite high, however there are gates to the entrances of dwellings on this road. The proposed railings and conifer hedge would result in a more formalised appearance, whilst hard boundary treatment is not a characteristic along this road, or indeed in the townscape of 'Villas in a Woodland Setting', the planting of the conifer hedge behind the railings will soften the appearance. It is considered that the boundary treatment will be of a high quality appearance, and would have an acceptable appearance within the streetscene.

## 7. CONSULTATIONS CARRIED OUT

### Comments from interested parties

7 occupiers were notified directly of the application.  
The planning officer posted a statutory notice advertising the application at the site on 19<sup>th</sup> February 2016.

### Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Parish Council	No objections.	Noted.

## 8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Layout and streetscene elevation

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

In this case the issues have been successfully resolved.

## 9. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development shall be constructed in accordance with the materials approved under permission 14/03965/CONDIT.  
Reason: In the interests of the visual amenities of the area. Relevant Policy DG1 of the Local Plan and Policy NP/DG3 of the Neighbourhood Plan.
- 2 The hard and soft landscape works shall be carried out in accordance with the details shown on drawing 14-P962-LO1 Revision A and in accordance with the hard surfacing details approved under 14/03911/CONDIT.. 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.
- 3 No tree or hedgerow shown to be retained in the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be lopped or topped other than in accordance with the approved plans and particulars or without the prior written approval of the Local Planning Authority, until five years from the date of occupation of the building for its permitted use. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 Tree work. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate vicinity and that tree shall be of the same size and species unless the Local Planning Authority give its prior written consent to any variation.  
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan

DG1, N6.

- 4 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 particulars approved under reference 14/03965/CONDIT 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.
- 5 The slab levels shall be constructed in accordance with that approved under reference 14/03965/CONDIT.  
Reason: In the interest of the visual amenities of the area. Relevant Policy Local Plan DG1.
- 6 The development shall be carried out and subsequently retained and maintained in accordance with the sustainability details submitted which are in conformity with the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document.  
Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development and to comply with the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document.
- 7 Hard surfacing shown on the approved plans shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.  
Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with Requirement 5 of the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document.
- 8 The first floor windows in the side elevations of plot 1 and plot 2, shall be of a permanently fixed, non-opening design, with the exception of an opening toplight that is a minimum of 1.7m above the finished internal floor level, and fitted with obscure glass to level 3 or above. . No further windows shall be inserted into these elevations at first floor level or above without the prior written approval of the Local Planning Authority.  
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers.
- 9 The development shall be undertaken in accordance with the measures approved under reference 14/03965 relating to Planning for an Ageing Population.  
Reason: To ensure that measures to improve the accessibility of the building for people with limited mobility, and to comply with the Royal Borough of Windsor and Maidenhead Planning for an Ageing Population Supplementary Planning Document.
- 10 The construction of the development shall be carried out and maintained for the duration of the works in accordance with the details approved under 14/03965/CONDIT in relation to the Construction Management Plan.  
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.
- 11 No part of the development shall be occupied until vehicle parking spaces has been provided in accordance with the approved drawing. The spaces approved shall be retained for parking in association with the development.  
Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety. Relevant Policies - Local Plan P4, DG1. Ascot, Sunninghill and Sunningdale Neighbourhood Plan Policy NP/T1.
- 12 The mitigation measures in relation to bats as set out in the ecological survey shall be

implemented in accordance with the timescales set out in this survey.

Reason: To ensure that any protected species present on site are adequately protected during the construction period, in accordance with the requirements of the National Planning Policy Framework and the Ascot, Sunninghill and Sunningdale Neighbourhood Plan.

- 13 Prior to the occupation of the dwelling (on plot 2) hereby approved, a glazed privacy screen to level 3 of above , to a height of not less than 1.8 metres to the side (southern side) of the balcony with shall be erected. The approved privacy screen shall be retained thereafter.

Reason: To prevent overlooking and loss of privacy to neighbouring occupiers in order to comply with core planning principle 4 in the National Planning Policy Framework (NPPF).

- 14 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



# Appendix B – Landscaping plan



REF.	NAME	SIZE	NO.
<b>PLANT SCHEDULE</b>			
<b>TREES</b>			
CS	Castanea sativa	H5, L3, L4	-
CC	Concomelinia 'Comstar'	STD B-D	-
LA	Larix Arbuscula	-	-
PS	Pinus Sylvestris	-	-
BP	Betula Pendula	-	-
WY	Weym. Verticillata	-	-
SP	Scots Pine	-	-
<b>SHRUBS</b>			
CHS	Chamaecyparis Chamaeceras	H6, 600-800	-
CPH	Carolinia 'Pigi Star'	-	-
ES	Euonymus 'Tiger'	-	-
HA	Hydrangea 'Annabelle'	H6, 600-800	-
LH	Larix 'Hudson'	2, 200-300	-
RB	Rosa 'Blendax'	2, 2m	-
<b>HEDGING</b>			
B9	Buxus sempervirens	H5-200mm High	-
PL	Privet laurocarpa	1.5m High	-
TO	Thuja Occidentalis 'Elegant'	2.0m - 3.5m High	-

- EXISTING TREES TO BE RETAINED**
- PROPOSED PLANTING (SEE SCHEDULE)**
- 1.8m HIGH DECORATIVE RAILING
  - 2.2m HIGH DECORATIVE FENCING
  - 1.8m CLOSE BOARDED FENCE



**PLANNING SUBMISSION**

DATE: 13.04.16  
 DRAWING SCHEDULE / LAYOUT AMENDED

**ASCOT DESIGN Architecture**  
 14-16, Spire Street, Ipswich, Suffolk, IP1 3LQ  
 Tel: 01473 222222 Fax: 01473 222222 Email: info@ascotdesign.com

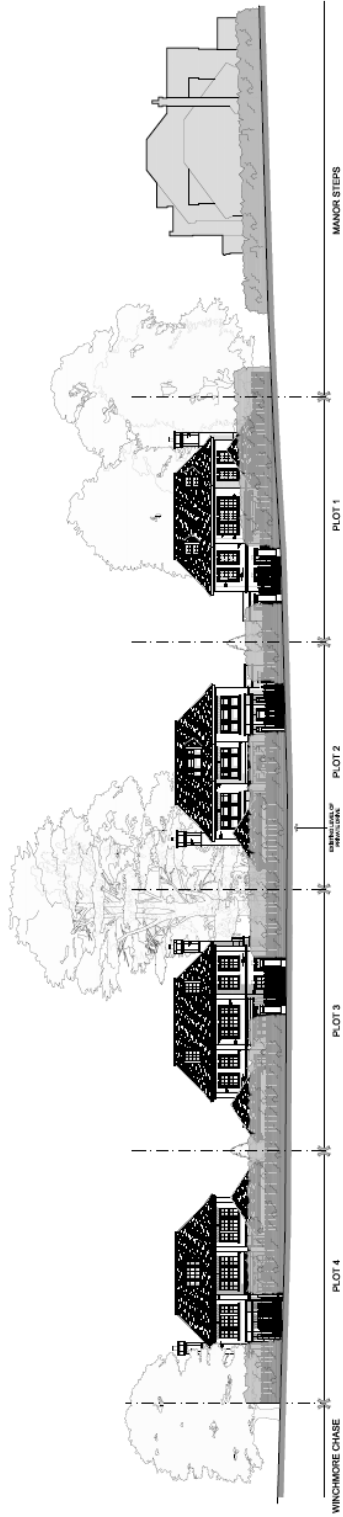
**SPITFIRE PROPERTIES**

STOWING HOUSE AND DUNNIDEE, LONDON ROAD, ASCOT

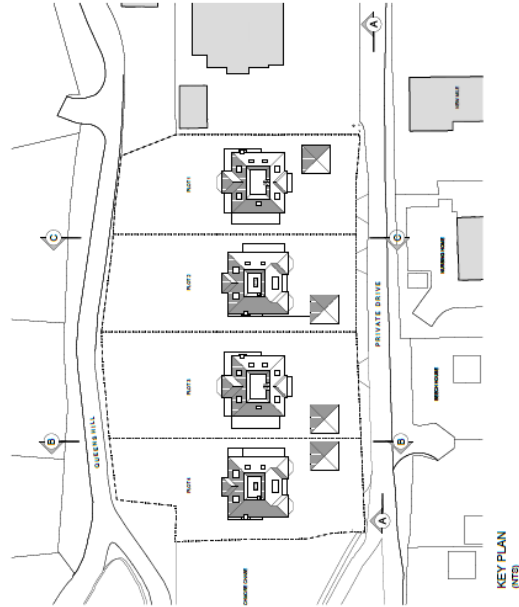
**LANDSCAPE PROPOSALS**

Scale: 1:200 @ A1 Date: 29th July 16  
 Title: 14 - P062 - L01 Rev: A

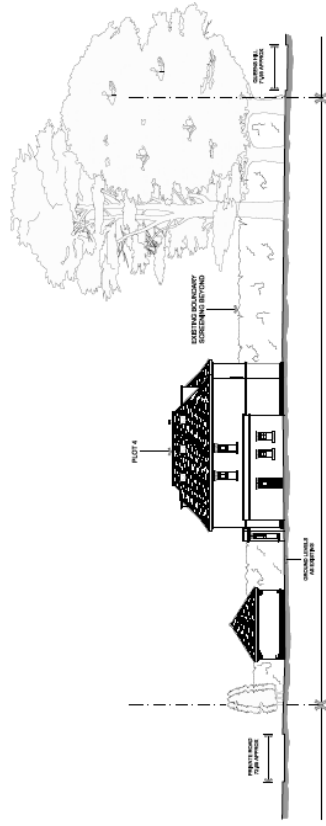
# Street Scene Plan



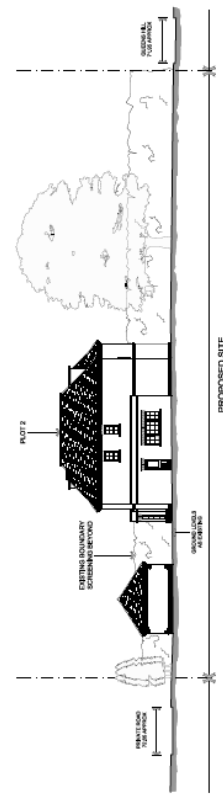
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(SCALE 1:200)



KEY PLAN  
(NTS)



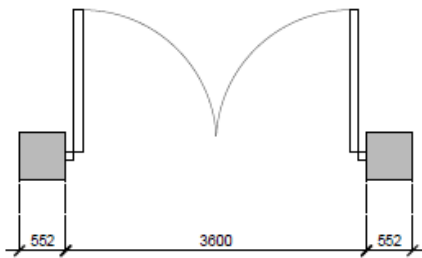
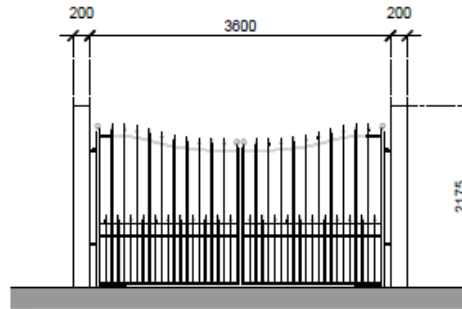
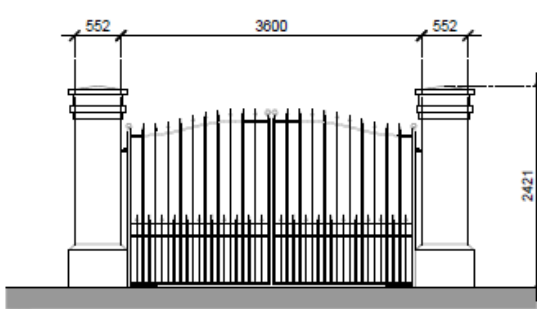
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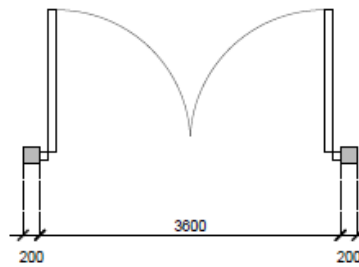
SECTION C-C  
(SCALE 1:200)

DATE	NO.	REVISION
		PLANNING SUBMISSION
 <b>ASCOT DESIGN</b> Architecture The Ascot Design Centre, 100 The Square, Ascot, Berkshire, SL9 7DQ Tel: 01344 871111 Fax: 01344 871112 www.ascotdesign.com		
<b>SPITFIRE PROPERTIES</b>		
STOWING HOUSE AND DUNDEER, LONDON RD, ASCOT		
<b>STREET SCENE AND SITE SECTIONS</b>		
SCALE	DATE	BY
1:200 @ A1	APR 16	
PROJECT NO.	14 - P962 - SK100	
THE INFORMATION CONTAINED HEREIN IS UNCLASSIFIED AND IS NOT TO BE RELEASED TO THE PUBLIC WITHOUT THE WRITTEN AUTHORIZATION OF SPITFIRE PROPERTIES		

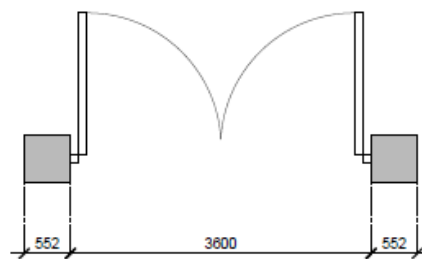
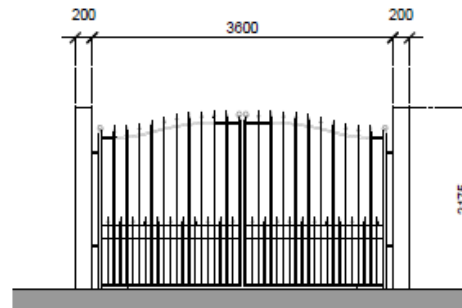
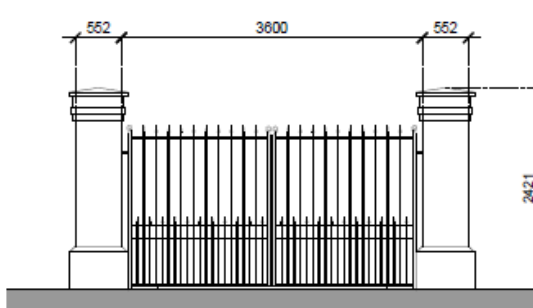
Entrance Gates



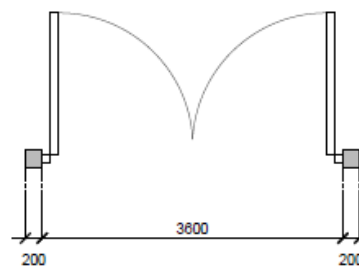
PLOT 1 - ENTRANCE GATES




PLOT 2 - ENTRANCE GATES



PLOT 3 - ENTRANCE GATES



PLOT 4 - ENTRANCE GATES

 <p>Ascot Design Ltd              100015              100015              100015              100015              100015              100015</p>	PLANNING SUBMISSION		DATE	DATE	DATE	
	SPITFIRE PROPERTIES		ENTRANCE GATES			
	STOWING HOUSE AND DUNNIDEER, LONDON RD, ASCOT		SCALE 1:50 @ A3	DATE APR 18	FILE	FILE
	www.ascotdesign.co.uk		14-P362 - SK101			FILE



## WINDSOR RURAL DEVELOPMENT CONTROL PANEL

3 May 2016

Item: 4

<b>Application No.:</b>	16/00446/VAR
<b>Location:</b>	Dunnideer London Road Ascot SL5 7EG
<b>Proposal:</b>	Construction of 2 detached dwellings each with a detached double garage, following demolition of existing dwelling. New entrance gates and new access as approved under planning permission 13/02368/FULL and subsequently amended by 15/01941/NMA to add approved plans condition, amended by 15/02485/VAR to amend the elevation details of plots 1 and 2, add Juliet balconies to plots 1 and 2 and add a balcony to plot 2. To amend the approved drawing (Boundary Treatment)
<b>Applicant:</b>	Mr Price - Spitfire Properties LLP
<b>Agent:</b>	Not Applicable
<b>Parish/Ward:</b>	Sunninghill And Ascot Parish

**If you have a question about this report, please contact:** Adam Jackson on 01628 796660 or at [adam.jackson@rbwm.gov.uk](mailto:adam.jackson@rbwm.gov.uk)

### 1. SUMMARY

- 1.1 This application was previously considered by Panel on the 6th April and was deferred for one cycle. This was to allow the applicant to address the concerns raised over the proposed boundary treatment and landscaping. Amended plans have been submitted; L01A which sets out the proposed landscaping scheme, SK101 which shows the proposed entrance gates and SK100 which shows the proposed street scene. The proposed landscaping scheme proposes a 3 – 3.5m conifer hedge with 1.8m railings behind instead of the Laurel hedge with railings in front previously proposed. The amended landscaping is a more informal boundary treatment which is more in keeping with the characteristics of an area defined as 'Villas in Woodland Setting'. It is considered that the impact on character and appearance of the street scene and wider area is acceptable.
- 1.2 Although this variation application cannot consider the principle of development, it should be noted that Paragraphs 7 and 14 of the National Planning Policy Framework (NPPF) set out that there will be a presumption in favour of Sustainable Development. Paragraph 49 of the NPPF states that applications for new homes should be considered in the context of the presumption in favour of sustainable development, and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The Borough Council cannot demonstrate a 5 year housing land supply. This scheme would make a contribution to the Borough's housing stock, and it is considered that the scheme complies with Local and Neighbourhood Plan policies.

#### Original summary

- 1.3 The application seeks to vary the approved plans of planning permission 15/02485/VAR which was a variation of the original permission 13/02368/FULL to construct 2 dwellings. The original application was also amended by 15/01941/NMA to add an approved plans condition. The site is situated within the townscape assessment area of 'Villas in a Woodland setting' where soft boundary treatments are common, and indeed on this road the front boundaries tend to be characterised by hedges.

**It is recommended the Panel grants planning permission subject to the conditions listed in Section 9 of this report.**

### 2. REASON FOR PANEL DETERMINATION

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

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

- 3.1 The application site located on a private road, accessed of London Road, Ascot. The plot now contains two substantially complete dwellings. The private road contains a number of residential properties on both sides of the road. The road has a sylvan and private feel with most properties benefitting from natural but substantial front boundary treatments.

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

Ref.	Description	Decision and Date
13/02368/FULL	Construction of 2 detached dwellings each with a detached double garage, following demolition of existing dwelling. New entrance gates and access	Permitted 24.10.2013
14/03911/CONDIT	Details required by conditions 2 (external materials) 3 (materials for hard surfacing) 4 (hard and soft landscaping) 6 (aboricultural method statement and tree protection plan) 7 (slab levels) 13 (construction management plan) 17 (bat mitigation) of planning permission 13/02368/FULL for construction of 2 detached dwellings each with a detached double garage, following demolition of existing dwelling. New entrance gates and new access.	Approved 05.02.2015
15/01941/NMA	Non material amendment to planning permission 13/02368 for imposition of a new condition to allow for the approved planning drawings to be listed on the planning permission.	Permitted 30.07.2015
15/02485/VAR	Construction of 2 detached dwellings each with a detached double garage, following demolition of existing dwelling. New entrance gates and new access as approved under permission 13/02368/FULL and subsequently amended by 15/01941/NMA to add approved plans condition. Amend the elevation details of plots 1 and 2, add Juliet balconies to plots 1 and 2 and add a balcony to plot 2.	Permitted 16.10.2015

- 4.1 The application proposes to amend the approved drawing 13-P881-13 as approved under 15/02485 and replace it with 13-P881-13 B. The original plans submitted as part of this application show a change to the front boundary treatment, which include railings of 1.8 metres in height with a laurel hedge planted behind, this is now proposed to by a conifer hedge 3-3.5m high. The previously approved plan showed the existing hedge to be retained along the front boundary.

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

- 5.1 National Planning Policy Framework: Core Planning Principles and Section 64 – character and quality of an area

#### Royal Borough Local Plan

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

	Within settlement area
Local Plan	DG1, H11
Ascot, Sunninghill and Sunningdale Neighbourhood Plan	NP/DG1, NP/DG3

### Other Local Strategies or Publications

5.3 Other Strategies or publications relevant to the proposal are:

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

## 6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Whether the proposed boundary treatment is of an acceptable appearance

### Whether the proposed boundary treatment is of an acceptable appearance

- 6.2 The principle of development has already been established, and the dwellings are substantially complete. As such the principle of development and design of the dwellings cannot be considered under this variation application.
- 6.3 Policy NP/DG1.3 of the Neighbourhood Plan explains that development proposals in Townscape Assessment zones of Villas in a Woodland setting should retain and enhance the sylvan, leafy nature of the area and where possible and appropriate, should include the planting of trees and/or shrubs along the street and neighbouring sites boundaries.
- 6.4 The boundaries along this road tend to be characterised by hedging, which are quite high, however, there are gates to the entrances of dwellings on this road. The proposed Conifer hedge with railings is considered to be in keeping with the characteristics of an area defined as 'Villas in a Woodland Setting' and the street scene would not be harmed.

## 7. CONSULTATIONS CARRIED OUT

### Comments from interested parties

17 occupiers were notified directly of the application.

The planning officer posted a statutory notice advertising the application at the site on 23.02.2016

### Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Parish Council	Objections to the removal of these conditions. The reason for the conditions remained. The proposed change would	The application does not

	urbanise the street scene in an area classified as being one of 'Villas in a Woodland Setting'	propose to remove any conditions; it is to vary one of the plans amending the front site boundary treatment. An assessment of the impact to the street scene has been made in paragraphs 6.2 to 6.4.
Highways Officer	Offers no objection to the planning application.	Noted

## 8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Street scene elevation

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

In this case the issues have been successfully resolved.

## 9. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The materials to be used on the external surfaces of the development shall be in accordance with those approved under application 14/03911/CONDIT. The development shall be carried out and maintained in accordance with these approved details.  
Reason: In the interests of the visual amenities of the area. Relevant Policy DG1.
- 2 Hard surfacing for the application site shall be constructed and maintained in accordance with the details shown on drawing C140709 001 Rev P3 and the specification schedule dated 1st October 2014 that were approved under application 14/03911/CONDIT.  
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.
- 3 Soft landscaping shall be carried out in accordance with details as shown on drawing on 14-P962 - L01 A received on the 14th April 2016. The 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.
- 4 No tree or hedgerow shown to be retained in the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be lopped or topped other than in accordance with the approved plans and particulars or without the prior written approval of the Local Planning

Authority, until five years from the date of occupation of the building for its permitted use. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 Tree work. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate vicinity and that tree shall be of the same size and species unless the Local Planning Authority give its prior written consent to any variation.

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

- 5 The development shall be undertaken in accordance with the details as shown on drawing C140709 001 Rev P3 and contained within the arboricultural method statement dated December 2014 which were submitted and approved under application 14/03911/CONDIT. The development shall incorporate and be undertaken in accordance with the approved statement and plans.

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

- 6 The development shall be carried out and maintained in accordance with the levels details shown on drawing 14095-100 and approved under application 14/03911/CONDIT.

Reason: In the interest of the visual amenities of the area. Relevant Policy Local Plan DG1.

- 7 Prior to the substantial completion of the development a water butt of at least 120L internal capacity shall be installed to intercept rainwater draining from the roof each dwellinghouse. They shall subsequently be retained.

Reason: To reduce the risk of flooding and demand for water, increase the level of sustainability of the development and to comply with Requirement 4 of the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document.

- 8 The development shall be carried out and subsequently retained and maintained in accordance with the sustainability details submitted which are in conformity with the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document.

Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development and to comply with the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document.

- 9 Hard surfacing shown on the approved plans shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

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

- 10 The first floor windows in the side elevations of plot 1 and plot 2, shall be of a permanently fixed, non-opening design, with the exception of an opening toplight that is a minimum of 1.7m above the finished internal floor level, and fitted with obscure glass. The windows shall not be altered without the prior written approval of the Local Planning Authority. No further windows shall be inserted into these elevations at first floor level or above without the prior written approval of the Local Planning Authority.

Reason: To prevent overlooking and loss of privacy to neighbouring occupiers.

- 11 The development shall be carried out and subsequently retained and maintained in accordance with the approved details of how the development accords with the Royal Borough of Windsor & Maidenhead Planning for an Ageing Population Supplementary Planning Document, as contained within the design and access statement, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that measures to address the needs of the ageing population are included in the development and to comply with the Royal Borough of Windsor & Maidenhead Planning for an Ageing Population Supplementary Planning Document.

- 12 The development shall be undertaken in accordance with the amended Construction Method

Statement received 29th January 2015 and subsequent email dated 3 February 2015 confirming wheel washing will be undertaken within the site as approved under application 14/03911/CONDIT.

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

- 13 No part of the development shall be occupied until the access has been constructed in accordance with the approved drawing. The access shall thereafter be retained.

Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5, DG1

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

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

- 15 The existing access to the site of the development shall be stopped up and abandoned immediately upon the new accesses being first brought into use, 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, DG1

- 16 The development shall be undertaken and maintained in accordance with details shown in the bat mitigation strategy dated December 2014 and approved under application 14/03911/CONDIT.

Reason: In the interests of protected species on the site.

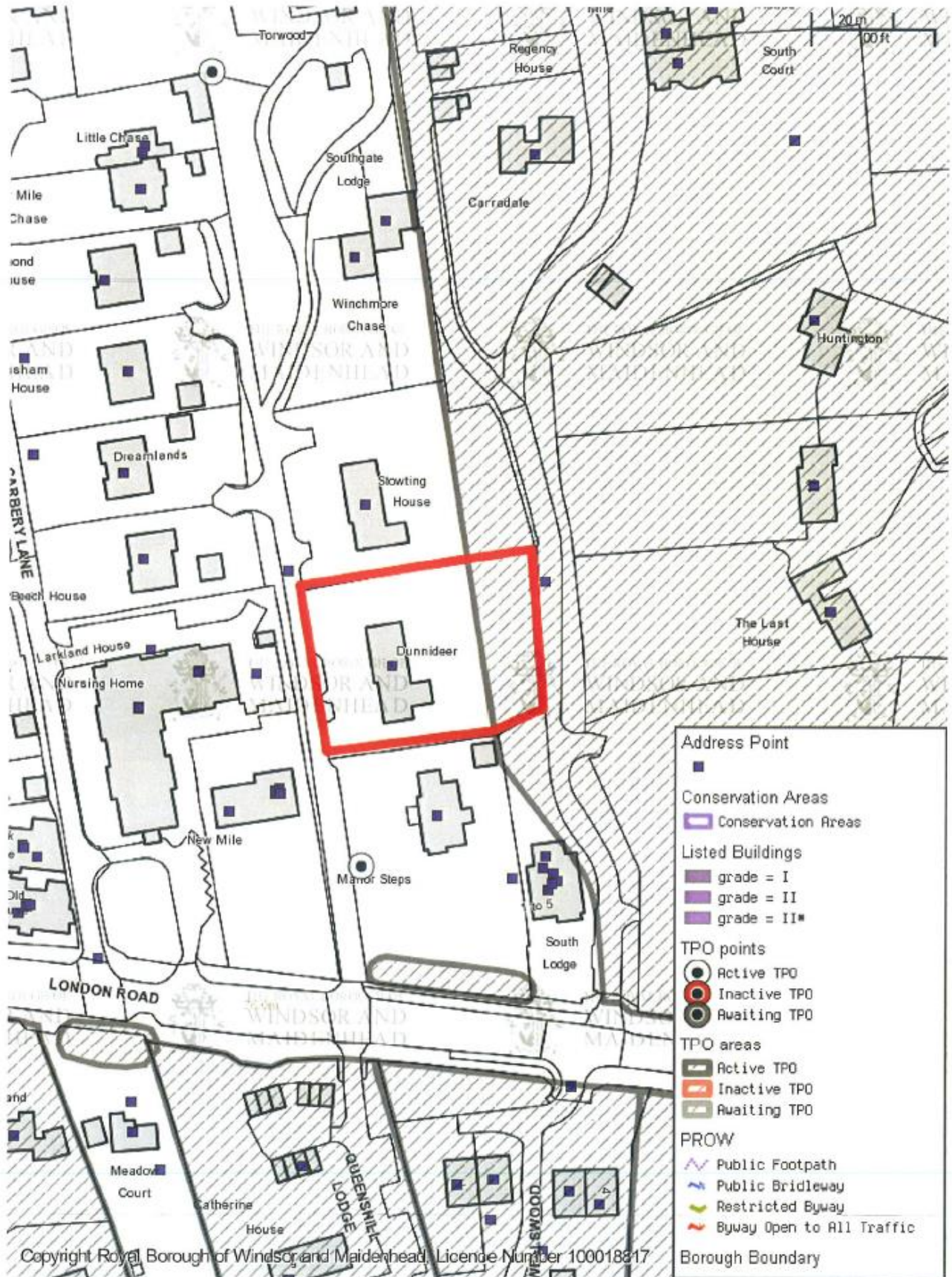
- 17 No tree, shrub or hedgerow felling, or any vegetation management and/ or cutting operations should take place during the period 1st March to 31st August inclusive, without the prior written approval of the Local Planning Authority.

Reason: To protect birds during their breeding season.

- 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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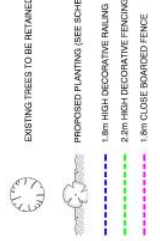
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# Appendix B – Landscaping plan

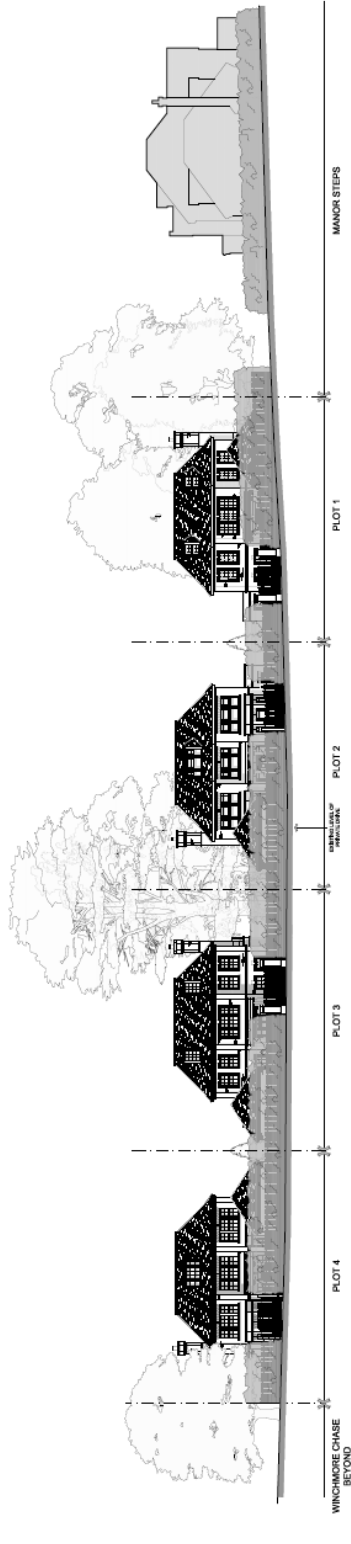
REF.	NAME	SIZE	NO.
<b>PLANT SCHEDULE</b>			
<b>TREES</b>			
CS	Castanea sativa	H5, L3, L4	-
CC	Castanea 'Comata'	STD B-D	-
LA	Larix Araliensis	-	-
PS	Pinus Sylvestris	-	-
BP	Betula Pendula	-	-
WY	Weym. Sternbrith	-	-
SP	Scots Pine	-	-
<b>SHRUBS</b>			
CHS	Campanula Campanulensis	H6, 600-800	-
CPH	Carotinus 'Pigi Star'	-	-
ES	Erythrina 'Tricolor'	-	-
HA	Hydrangea 'Annabelle'	H6, 600-800	-
LH	Larix 'Hudson'	2, 300-300	-
RB	Rosa 'Blendax'	2, 2m	-
<b>HEDGING</b>			
BH	Buxus sempervirens	H5-200mm High	-
PL	Pinus laevis	1.5 x 1.5m High	-
TO	Thuja Occidentalis 'Danubius'	2.0m - 3.5m High	-



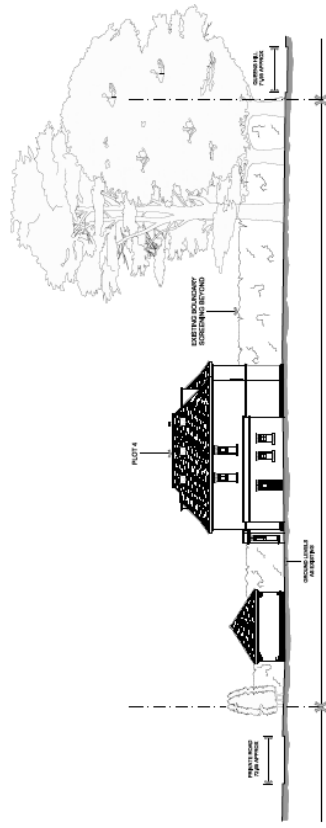
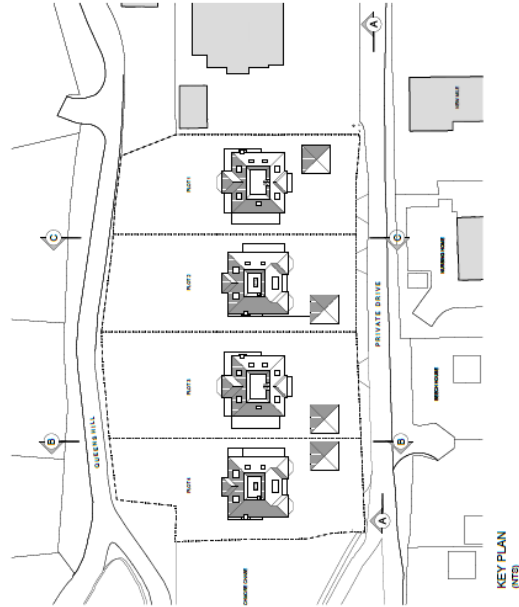
DATE	13.04.16	BY	AS	PLANNING SCHEDULE / LAYOUT AMENDED
<b>ASCOT DESIGN Architecture</b>				
14 - P062 - L01				
<b>SPITFIRE PROPERTIES</b>				
<b>STOWING HOUSE AND DUNNIDEE, LONDON ROAD, ASCOT</b>				
<b>LANDSCAPE PROPOSALS</b>				
DATE	12.06.16	BY	AS	LANDSCAPE PROPOSALS
14 - P062 - L01				



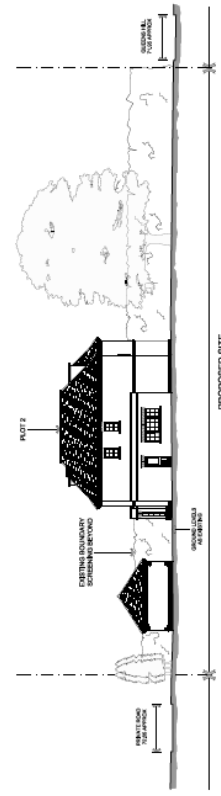
# Street Scene Plan



SECTION A-A  
(SCALE 1:200)



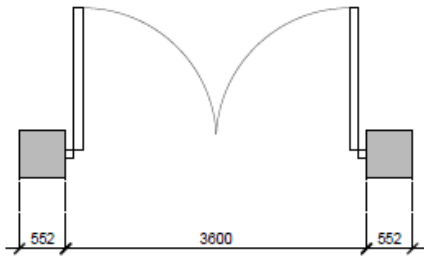
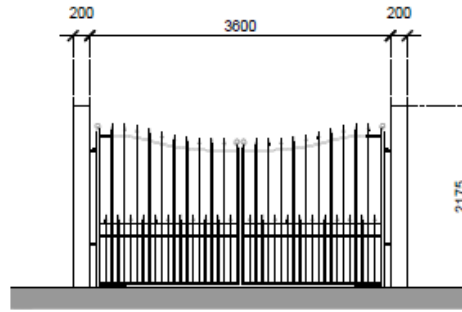
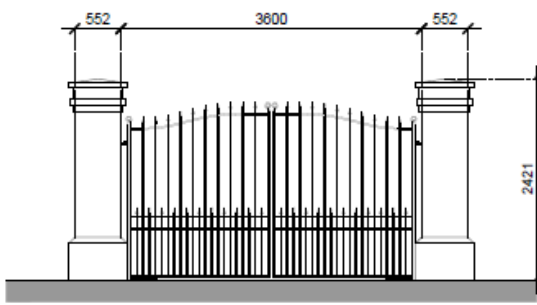
SECTION B-B  
(SCALE 1:200)



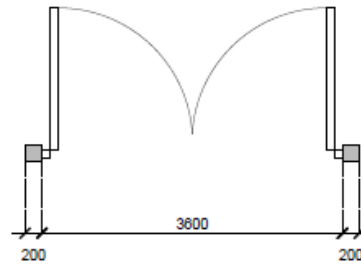
SECTION C-C  
(SCALE 1:200)

DATE	NO.	REVISION
		PLANNING SUBMISSION
 <b>ASCOT DESIGN</b> Architecture The Ascot Design Group, 100 The Drive, Ascot, Berkshire, RG22 7JY Tel: 01344 871111 Fax: 01344 871112 www.ascotdesign.com		
CLIENT	SPITFIRE PROPERTIES	
PROJECT	STOWING HOUSE AND DUNDEER, LONDON RD, ASCOT	
SECTION	STREET SCENE AND SITE SECTIONS	
SCALE	1:200 @ A1	1:16 @ A1
DATE	14 - P962 - SK100	
The Ascot Design Group, 100 The Drive, Ascot, Berkshire, RG22 7JY Tel: 01344 871111 Fax: 01344 871112 www.ascotdesign.com		

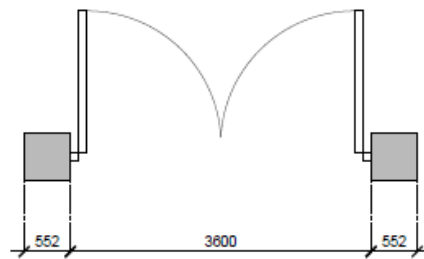
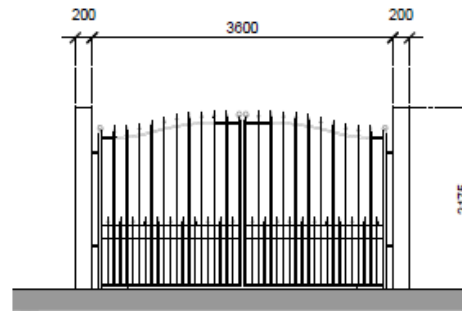
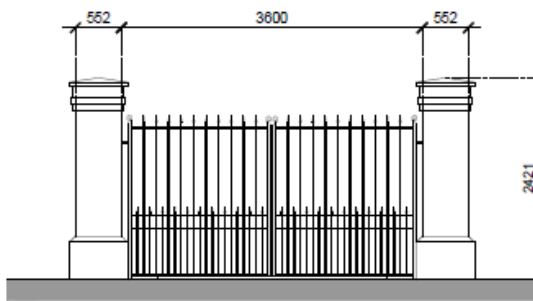
# Entrance Gates



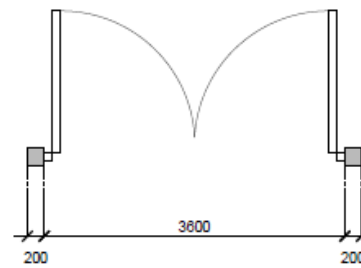
PLOT 1 - ENTRANCE GATES




PLOT 2 - ENTRANCE GATES



PLOT 3 - ENTRANCE GATES



PLOT 4 - ENTRANCE GATES

 <p>Ascot Design Ltd Stowting House London Road, Ascot Berkshire RG22 1AB Tel: 01344 395100 Fax: 01344 395101 www.ascotdesign.com</p>	PLANNING SUBMISSION		DATE	NO.	REV.
	SPITFIRE PROPERTIES		PROJECT NO.		
	STOWTING HOUSE AND DUNNIDEER, LONDON RD, ASCOT		ENTRANCE GATES		
			SCALE: 1:50 @ A3	DATE: APR 18	
		PROJECT NO: 14-P362 - SK101			

## WINDSOR RURAL DEVELOPMENT CONTROL PANEL

3 May 2016

Item: 5

<b>Application No.:</b>	16/00518/FULL
<b>Location:</b>	St Marys School St Marys Road Ascot SL5 9JF
<b>Proposal:</b>	Upper Sixth Form Accommodation, Pastoral Centre, Staff Accommodation and Laundry (Minor Material Amendment to 15/02272)
<b>Applicant:</b>	
<b>Agent:</b>	Mr Martin Leay - Martin Leay Associates
<b>Parish/Ward:</b>	Sunninghill And Ascot Parish

**If you have a question about this report, please contact:** Alistair De Joux on 01628 685729 or at alistair.dejoux@rbwm.gov.uk

### 1. SUMMARY

- 1.1 This proposal is essentially a material amendment to an existing permission for upper sixth form and staff accommodation at the school, which was considered by members at the Windsor Rural Development Control Panel in November 2015. Permission was issued following confirmation that the Secretary of State did not wish to call the application in. Like the extant permission, this proposal is for a small complex of buildings located adjacent to and south of the main complex of school buildings, to be known as Mary Ward 2 (MW2). The buildings are intended primarily as improved boarding accommodation and a pastoral centre for the school's upper sixth form pupils, along with staff accommodation to consist of one 4-bedroom and two 2-bedroom houses.
- 1.2 The proposed arrangement of buildings is similar to that in the extant permission, with a layout of generally triangular form on the same site as it the previous application. The key differences are:
- Pupil accommodation would be split between five, not six pupil houses.
  - The bedrooms within pupil houses would be distributed over three floors instead of three, utilising the space within the roofs (this would comprise storage space only within the extant permission). There would be no appreciable increase in the building envelope, although the roof level accommodation would have dormers facing into the courtyard area between the buildings.
  - The four bedroom staff house would be reduced in area by 107 sq.m. by omitting the accommodation in the roof space.
  - The two bedroom staff houses (two in number) would be reduced in area by 33 sq.m.
  - Taken together, the proposal would result in an overall reduction of 231 sq.m. as compared to the extant permission resulting in a total floor area of 3174 sq.m. as against 3405 sq.m. for the approved scheme.
- 1.3 As in the extant permission, the buildings would be well screened from views into the site from neighbouring properties or public land. However, while reduced in scale, the proposals still do not properly satisfy the criteria for what the NPPF defines as appropriate within the Green Belt. The very special circumstances (VSC) case made for the previous application, which overcome the proposal's inappropriateness in Green Belt terms, is applicable here as well. The case advanced was that the need to provide better facilities for its upper sixth form pupils made the application acceptable. The proposals are also acceptable in terms of design and bulk of the buildings, and impacts on trees, wildlife and site drainage.

**It is recommended the Panel authorises the Borough Planning Manager to grant planning permission with the conditions listed in Section 10 of this report, subject to there being no call-in by the Secretary of State in accordance with the Town and Country Planning (Consultation) (England) Direction 2009.**

## 2. REASON FOR PANEL DETERMINATION

- The Council's Constitution does not give the Borough Planning Manager delegated powers to determine the application in the way recommended; such decisions can only be made by the Panel.
- The Town and Country Planning (Consultation) (England) Direction 2009 sets out criteria for applications that must be referred to the Secretary of State, where the Local Planning Authority does not wish to refuse the application. The criteria include, at clause 4, inappropriate Green Belt development that consists of buildings where the floor space to be created by the development is 1,000 square metres or more.

## 3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 St. Mary's School is a private girls boarding school on a site of approximately 18 hectares that is located to the south of Ascot between Coronation Road, Horsegate Ride and St Mary's Road. The whole of the school lies within the Green Belt, with most of the buildings located in a cluster between the two main access points, which are on Horsegate Ride to the west of the buildings and St Mary's Road to the east. Within the school grounds, the site area that is relevant to this application, including access from St Mary's Road, is 0.56 ha.
- 3.2 The school's main building complex is surrounded by amenity space, playing fields and woodland, with neighbouring residential properties largely screened from views to and from the buildings although there is some intervisibility between dwellings on St Mary's Road.

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

- 4.1 The site has a long planning history that has resulted in a considerable amount of development of the school over recent decades. This application relates specifically to the following recent planning permission:

Ref.	Description	Decision and Date
15/02272/FULL	Upper Sixth Form Accommodation, Pastoral Centre, Staff Accommodation and Laundry	Permitted, 19 January 2016

- 4.2 The complex would replace existing tennis courts together with adjacent open land on the south side of the main complex. As with the extant permission, the application would provide a complex of four buildings intended primarily as improved boarding accommodation and a pastoral centre for the school's upper sixth form pupils along with staff accommodation to consist of one 4-bedroom and two 2-bedroom houses. The scale of the buildings is predominantly two storeys, with accommodation in the roof space for the in the student 'houses'. Total floor space provided would be 3174 sq.m. as compared to 3405 sq.m. in the extant permission.
- 4.3 As with the approved scheme, the buildings would be grouped in a roughly triangular arrangement, directly to the south of existing staff houses and on the eastern side of another pupil accommodation complex known as Mary Ward Courtyard. Further to the east, there is an area of woodland that provides an approximately 150m wide band of screening vegetation between the site and the closest houses which are at The Covert.
- 4.4 As in the extant permission, the buildings proposed are as follows:
- the smallest of the three pupil accommodation buildings would be located on the northern side of the triangle, and this would also include one of the 2-bedroom houses at its the western end and a laundry on its eastern side;
  - the next smallest of the three pupil accommodation buildings would be located on the western side of the triangle, with the second 2-bedroom house at its southern end;
  - the largest building in the grouping would form the western side of the triangle, with the pastoral centre at the southern end;
  - the detached 4-bedroom dwelling would close the north-eastern corner of the group.

- 4.5 The courtyard between the buildings would be appropriately landscaped, including a mix of hard-paved circulation areas and lawn, with indicative plantings of seven trees shown on the proposed layout drawings. Additional plantings would also be provided on the northern and western side of the group and around the southern side of the pastoral building, providing a link to the larger area of woodland to the west of the buildings.

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

- 5.1 National Planning Policy Framework Sections 8, 9 and *Decision-taking*

### The Development Plans

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

	Building design	Green Belt	Protected Trees	Biodiversity	Highways and parking issues
RBWM Local Plan	DG1	GB1, GB2	N6		T5, P4
Ascot, Sunninghill and Sunningdale Neighbourhood Plan	NP/EN4, NP/DG3, NP/DG5		NP/EN2	NP/EN4	NP/T1, NP/T2

### Supplementary Planning Documents

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

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

More information on these documents can be found at:

[http://www.rbwm.gov.uk/web/pp\\_supplementary\\_planning.htm](http://www.rbwm.gov.uk/web/pp_supplementary_planning.htm)

### Other Local Strategies or Publications

- 5.4 Other Strategies or publications relevant to the proposal are:

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

## 6. EXPLANATION OF RECOMMENDATION

- 6.1 The key issue for consideration is:

- Relationship of the proposal to the extant permission and whether the changes proposed in the amended drawings are acceptable in design terms;
- whether the changes either as proposed or any changes in planning policy raise any new issues such that the current application would be unacceptable; and
- the Very Special Circumstances case for the proposal.

### Relationship to the extant permission

6.2 As with the approved scheme, this minor material amendment proposal still seeks to build 64 en-suite bedrooms and three staff houses. However, the following key amendments are proposed:

- Pupil accommodation would be split between five, not six pupil houses.
- The bedrooms within pupil houses would be distributed over three floors instead of three, utilising the space within the roofs (this would comprise storage space only within the extant permission). There would be no appreciable increase in the building envelope, although the roof level accommodation would have dormers facing into the courtyard area between the buildings.
- The four bedroom staff house would be reduced in area by 107 sq.m. by omitting the accommodation in the roof space.
- The two bedroom staff houses (two in number) would be reduced in area by 33 sq.m.
- Taken together, the proposal would result in an overall reduction of 231 sq.m. as compared to the extant permission resulting in a total floor area of 3174 sq.m. as against 3405 sq.m. for the approved scheme.

6.3 These amendments can be viewed on the elevation drawings included in the Appendix B (for this proposal) and Appendix D (the extant permission).

6.4 It is considered that the differences listed above are all minor and acceptable amendments to the plans as previously approved. The quality of the design remains acceptable, and there would be no adverse impacts on trees, wildlife, site drainage or any other of the other issues noted in the report for the previous application; that report is also appended (as Appendix C).

#### **Whether changes either as proposed or any changes in planning policy raise new issues**

6.5 It is considered that the differences listed above are all minor and acceptable amendments to the proposals as previously approved, and that no new policy issues are raised. While the proposal continues to be inappropriate development in the Green Belt, the same very special circumstances as in the extant permission would also clearly outweigh the limited harm caused to the Green Belt, as noted below:

#### **Planning Balance and the Very Special Circumstance case.**

6.6 The application remains inappropriate in Green Belt terms, and can therefore only be approved if there is a very special circumstances case that would overcome the proposal's inappropriateness in Green Belt terms. As in the 2015 application, the argument is advanced that there is a need to provide better facilities for the school's upper sixth form pupils, and it is the school's intention to ensure that existing pupils stay on for their sixth form years as they move up the school rather than move to another school at this level. This is the basis of the proposals, rather than any desire to attract significant numbers of sixth form pupils from elsewhere. The standard of both staff and pupils accommodation needs improvement, and the proposals would allow other existing accommodation to be refurbished with an improved space ratio, both for pupils elsewhere in the school including the lower sixth form and for some of the staff. Documentation within the application sets out where some of these refurbishments would be made alongside the provision of the new accommodation, as part of a long term programme of improvements to the school. The proposed accommodation has been designed for 17/18 year old girls studying for their A Levels, which by September 2018 all A Levels will all rest entirely on examination at the end of the Upper Sixth year. This requires individual private and quiet space to sleep and study that is comparable to what pupils at a day school may reasonably expect to enjoy at home. In addition, the school seeks to prepare the pupils for university life and the proposals are designed to achieve that by emulating the environment of a typical Hall of Residence in terms of its size, structure and shared facilities. The areas of the study / bedrooms is therefore intended also to be comparable to that of a live-in university facility, albeit towards the more modest end of the spectrum as compared to typical Hall of Residence accommodation. Areas of the proposed staff houses are similarly modest.

- 6.7 The extant permission includes a condition that would cap pupil numbers at 400, which is intended to provide a control over the intensification of activities at the school, (the application stated that this would be the maximum number of pupils at any one time). The current application on states that, while a maximum of 400 pupils is still envisaged, some variation around this number may sometimes occur and for that reason the school has requested that this condition be amended to allow a maximum pupil numbers of up to 410. It is not considered that this difference of up to 10 pupils would result in any significant intensification of occupation, and this change is therefore included in the recommendation below.
- 6.8 Apart from this change, the conditions are the same as those in the extant permission.
- 6.9 On balance, the provision of better facilities for the upper sixth form pupils at the School, along with the scope for accompanying improved accommodation for other pupils and staff within existing buildings that would be achieved by way of internal alterations within existing buildings to better utilise space in currently unsatisfactory accommodation, is considered to constitute a robust very special circumstances case, such that the application can be approved.

## 7. CONSULTATIONS CARRIED OUT

### Comments from interested parties

26 occupiers were notified directly of the application. The planning officer posted a statutory notice advertising the application at the site on 10 March 2016.

No letters have been received from neighbours or other interested parties.

### Statutory consultees

Consultee	Comment	Where in the report this is considered
Parish Council	No objections.	Noted.
Natural England	Comments awaited.	6.7

### Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Flood Risk Manager	The proposed surface water drainage scheme outlined in the Drainage Statement, Issue 5, dated 5th November 2015 is acceptable, in principle, and I am satisfied that an acceptable surface water scheme can be developed that will not increase flood risk. A condition is recommended.	Section 9, condition 11

## 8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B - layout and elevation drawings
- Appendix C - officer's reports, including update report, for the 2015 application
- Appendix D - approved drawings for the 2015 application
- Appendix E - proposed layout overlaid on the footprint of the extant permission

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

In this case the issues have been successfully resolved.

## 9. 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 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 and including a pre-commencement road condition survey of St Marys Road, 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 and apportionment of any road repairs that may be required following the implementation of the development. Relevant Policies - Local Plan T5 and Neighbourhood Plan NP/T1.
- 3 Prior to commencing any works associated with this application, an Arboricultural Method Statement specific to this scheme and the construction method statement must be submitted and approved in writing by the Local Planning Authority. The Tree Protection Plan and Arboricultural Method Statement must be written in accordance with and address sections 5.5, 6.1, 6.2, 6.3 and 7 of British Standard 5837:2012 *Trees in relation to design, demolition and construction - recommendations*. Thereafter the works shall be carried out in accordance with the approved details until completion of the development.  
Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1 and N6 and Neighbourhood Plan NP/EN2.
- 4 No construction shall take place in association with the development until a biodiversity mitigation and enhancement strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of habitat improvements including provision within the landscaping materials of plants that are of value as wildlife food sources, bat and bird boxes and roosting spaces, and log piles and / or other features that have value for invertebrates and / or reptiles and details of habitat provision / improvements. The approved mitigation measures, including any additional measures recommended in the survey report(s), shall then be implemented in their entirety within the timescales approved within the strategy.  
Reason: In order to comply with advice in the National Planning Policy Framework 2012 and Neighbourhood Plan NP/EN4.
- 5 No development shall take place until a statement has been submitted and approved in writing from the Local Planning Authority that sets out the procedures to be followed during excavation of the development, in the event that any possible archaeological remains are discovered. The approved details shall then be implemented in accordance with the approved details.  
Reason: To ensure the continued preservation in situ or by record of any finds made in this area of archaeological interest. Relevant Policies - Local Plan ARCH2 and ARCH4.
- 6 While Code for Sustainable Homes and or BREEAM certification is not required in association with this planning permission, the proposed development shall be built to the same (or better) standards as set out in detail within the submitted Blue Sky Unlimited report dated 2nd February 2015 (Appendix 7 within the Design and Access Statement appendices, Volume 3), and retained as such.



Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development and to comply with the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document, and to contribute in the transition to a low carbon economy as advice in the NPPF.

- 7 No works of construction other than site preparation and excavation shall take place until full details of both hard and soft landscape works together with details of the routing of all underground services, 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 and Neighbourhood Plan NP/EN2, NP/DG2 and NP/DG3.

- 8 No development shall take place until samples of the materials to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.

Reason: In the interests of the visual amenities of the area. Relevant Policy Local Plan DG1 and Neighbourhood Plan NP/DG1 and NP/DG2.

- 9 No external lighting shall be installed in association with the approved extensions until details of the appearance and levels of illumination of the structures and fittings to be used have been submitted to and approved in writing by the Local Planning Authority. The external lighting (if any) shall be installed and maintained only in accordance with the approved details.

Reason: In the interests of the visual amenities of the area and to minimise impacts on bats that are likely to be present in the adjacent woodland. Relevant Policies - Local Plan DG1 and GB2 and Neighbourhood Plan NP/DG2, NP/DG2 and NP/DG3.

- 10 Enrolled pupil numbers at the school shall not exceed 410 at any one time.

Reason: To ensure a satisfactory control over any further intensification of activities and occupation within this Green Belt site. Relevant Policies - Local Plan GB1 and GB2, and advice within the NPPF.

- 11 No development shall take place until full details of the proposed surface water drainage system have been submitted to and approved in writing by the Local Planning Authority. These shall include:

- Drawings indicating full details of all components of the proposed drainage system including dimensions, locations, gradients, invert and cover levels.
- Full calculations demonstrating that the 1 in 100 year plus climate change design standard can be achieved by the proposed permeable paving and soakaway system whilst limiting discharge from the system overflow to 1.9 l/s
- Full details of the proposed maintenance arrangements for the development covering every aspect of the proposed drainage system.

The approved drainage plan shall then be implemented as approved prior to the first occupation of the development.

Reason: To ensure that the principles of sustainable drainage are incorporated into the proposed development and that the risk of flooding is not increased.

- 12 No tree or hedgerow shown to be retained in the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be lopped or topped other than in accordance with the approved plans and particulars or without the prior written approval of the Local Planning Authority, until five years from the date of occupation of the building for its permitted use. Any topping or lopping approved shall be carried out in accordance with British

Standard 3998 Tree work. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate vicinity and that tree shall be of the same size and species unless the Local Planning Authority gives its prior written consent to any time.

Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1 and N6; Neighbourhood Plan NP/EN2.

- 13 The dwelling houses approved as part of this development may only be used as accommodation for school staff, the staff member's spouse/partner and their resident dependants, unless otherwise first approved in writing by the Local Planning Authority.

Reason: Occupation of the accommodation other than in accordance with this condition would be contrary to the development plan and to the very special circumstances that allowed this development to be approved. Relevant Policies - Local Plan GB1 and GB2.

# APPENDIX A.



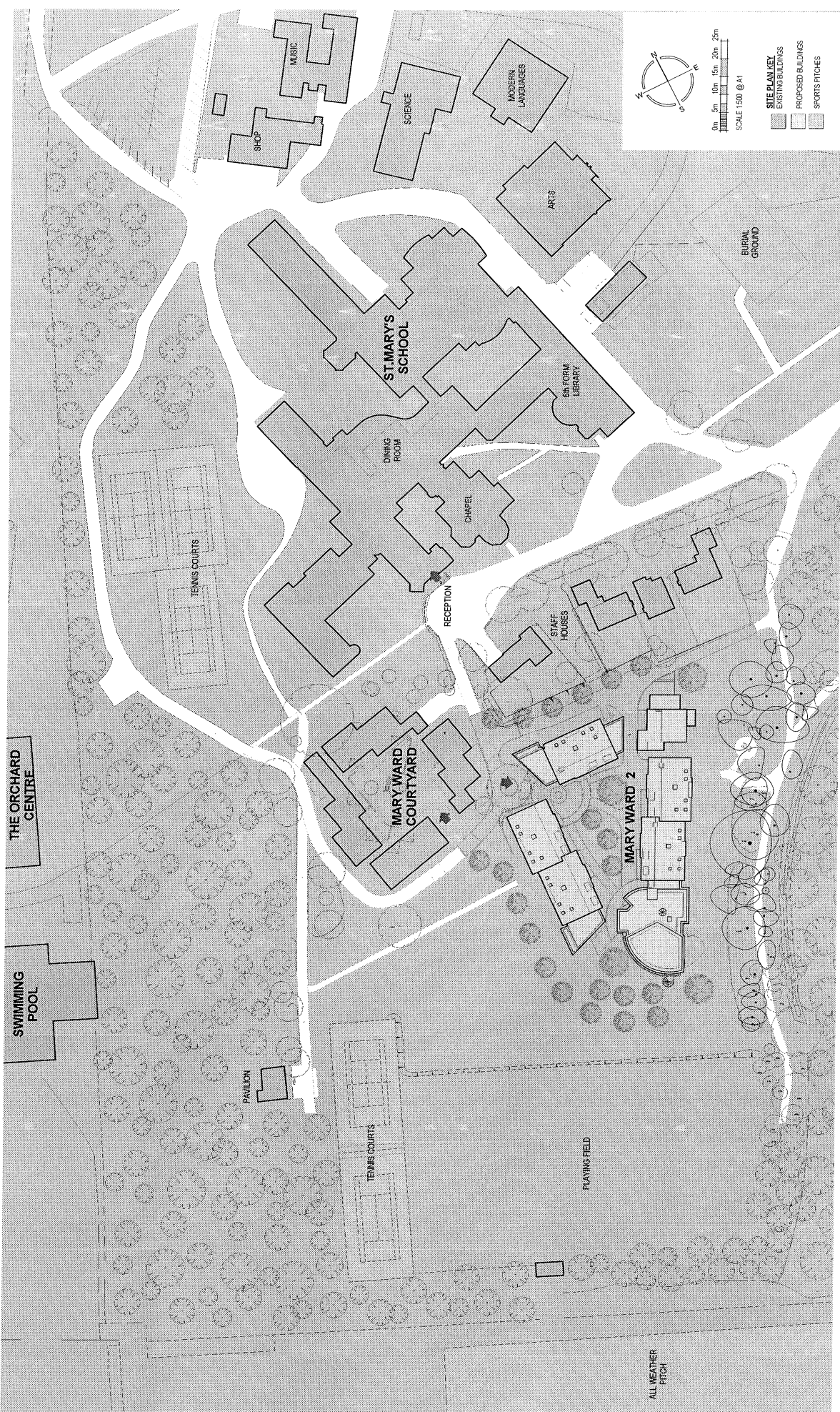
- Distance From Main Reception Entrance
- Main Vehicular Routes
- Campus Boundary
- Potential Site Boundary
- Application Site



1:2500 @ A3

Overall Site Analysis - Proposed

Mary Ward 2 - Proposed Sixth Form Accommodation - St Mary's School Ascot



**NOTES**  
 1. THIS DRAWING IS TO BE USED ONLY FOR THE PURPOSES OF THE PROJECT AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.

REVISIONS	DATE	BY	DESCRIPTION



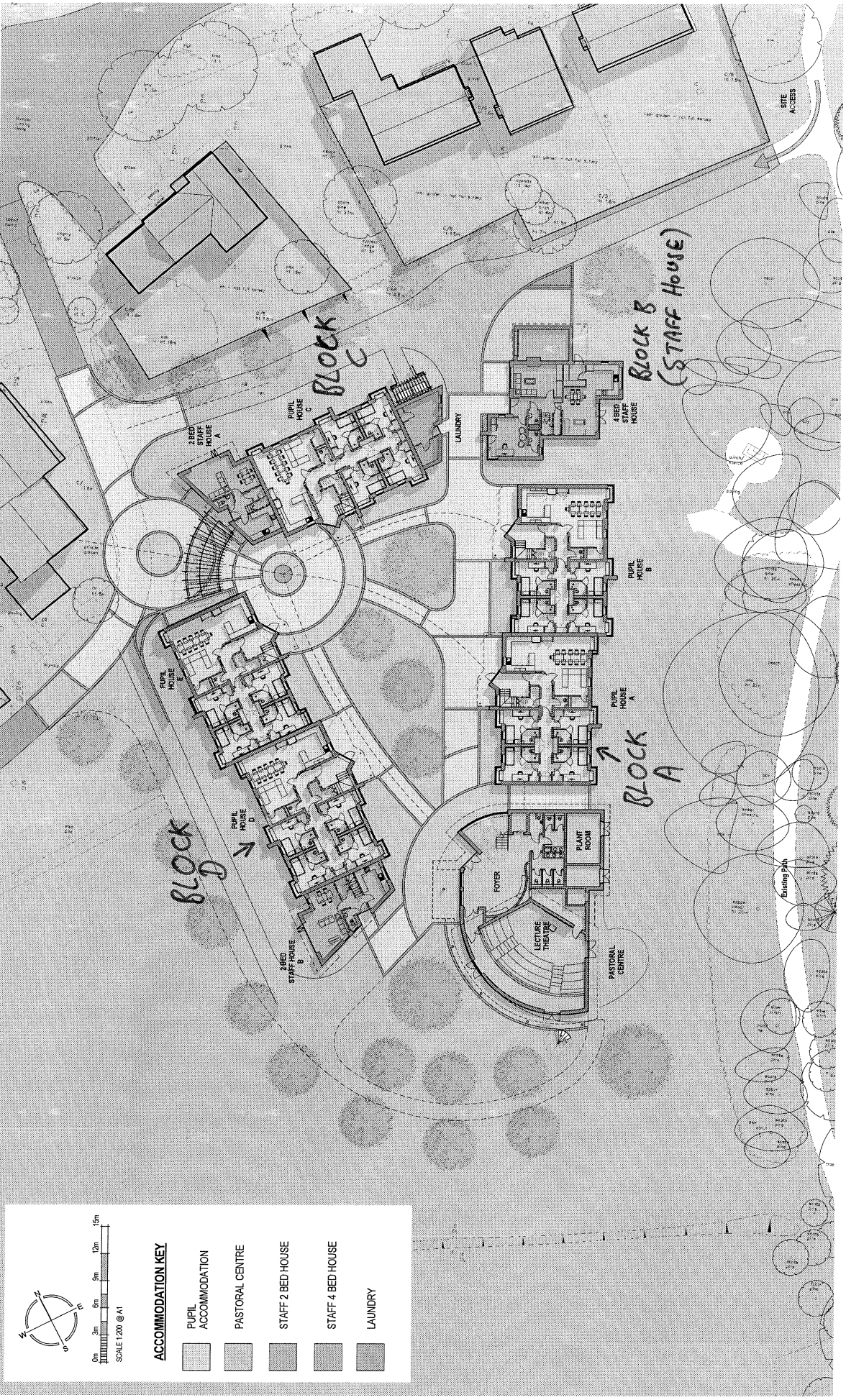
**EDGINGTON**  
**SPINK + HYNÉ**  
**CHARTERED**  
**ARCHITECTS**

MARKET HOUSE, 100 WOODCOCK GREEN, LONDON, SE18 6PL  
 TEL: 01753 878782 FAX: 01753 872796  
 email: info@spinkhynes.com

St. Mary's School/Ascot  
 Mary Ward 2

Proposed Site in Context Plan

Project status: Planning Application  
 Scale: 1:500  
 Date: January 2016  
 Drawn: OH  
 Checked: S22  
 Date: 11/08



St. Mary's School Assoc  
 Mary Ward 2

**EDGINGTON  
 SPINK + HYNE  
 CHARTERED  
 ARCHITECTS**

NEWMARSH, 23 LUSSELL STREET,  
 WANDOR, BIRMINGHAM, B14 4HQ  
 TEL: 0121 422 2200  
 WWW.SPINKANDHYNE.CO.UK

Project Status: Planning Application  
 Scale: 1:250  
 Date: January 2016  
 Drawn: GH  
 Rev: 5221 DWG. 1110 REV. C

Proposed Site Plan

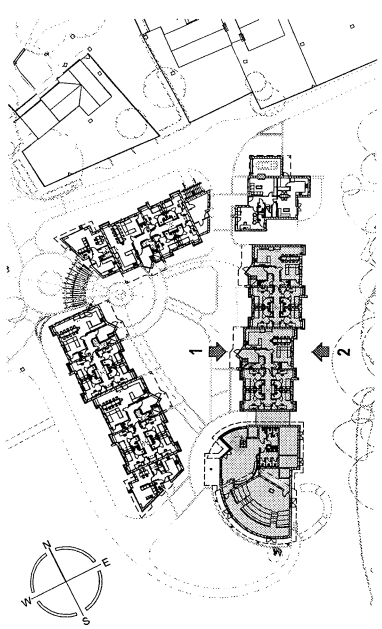
NOTES

1. ALL DIMENSIONS ARE TO BE CHECKED ON SITE. LAST SCALES FROM DRAWING. THE DRAWING IS COPYRIGHT. DRAWINGS TO CONTRACT DOCUMENTS. ERRORS AND OMISSIONS TO BE REPORTED TO THE ARCHITECT.

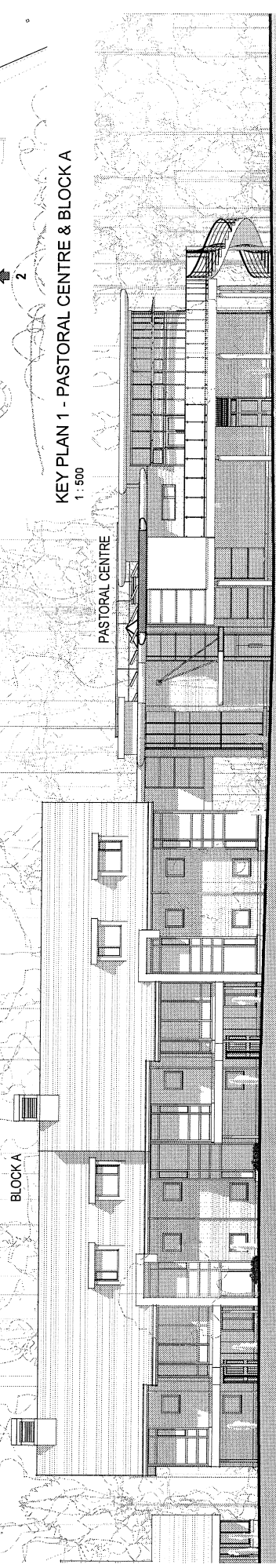
REVISIONS

NO.	DESCRIPTION	DATE

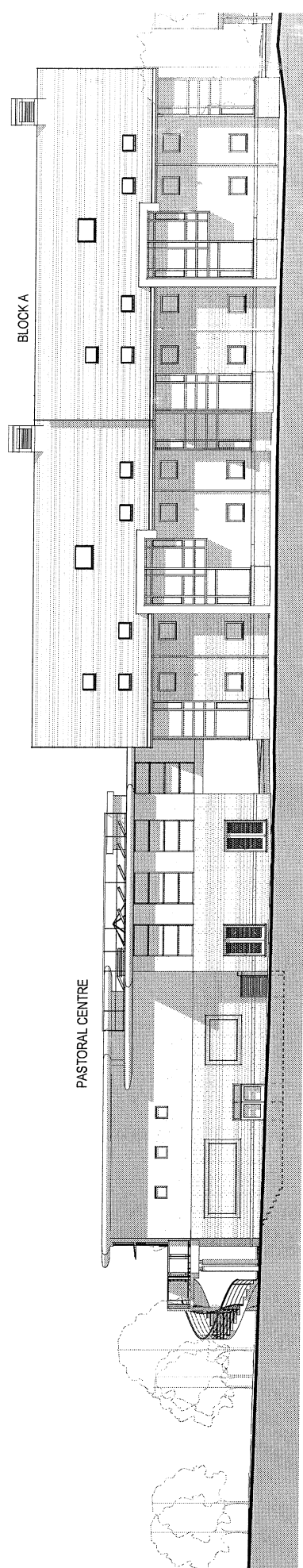




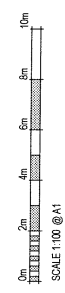
KEY PLAN 1 - PASTORAL CENTRE & BLOCK A  
1:500



1 - Block A - North West Elevation  
1:100



2 - Block A - South East Elevation  
1:100



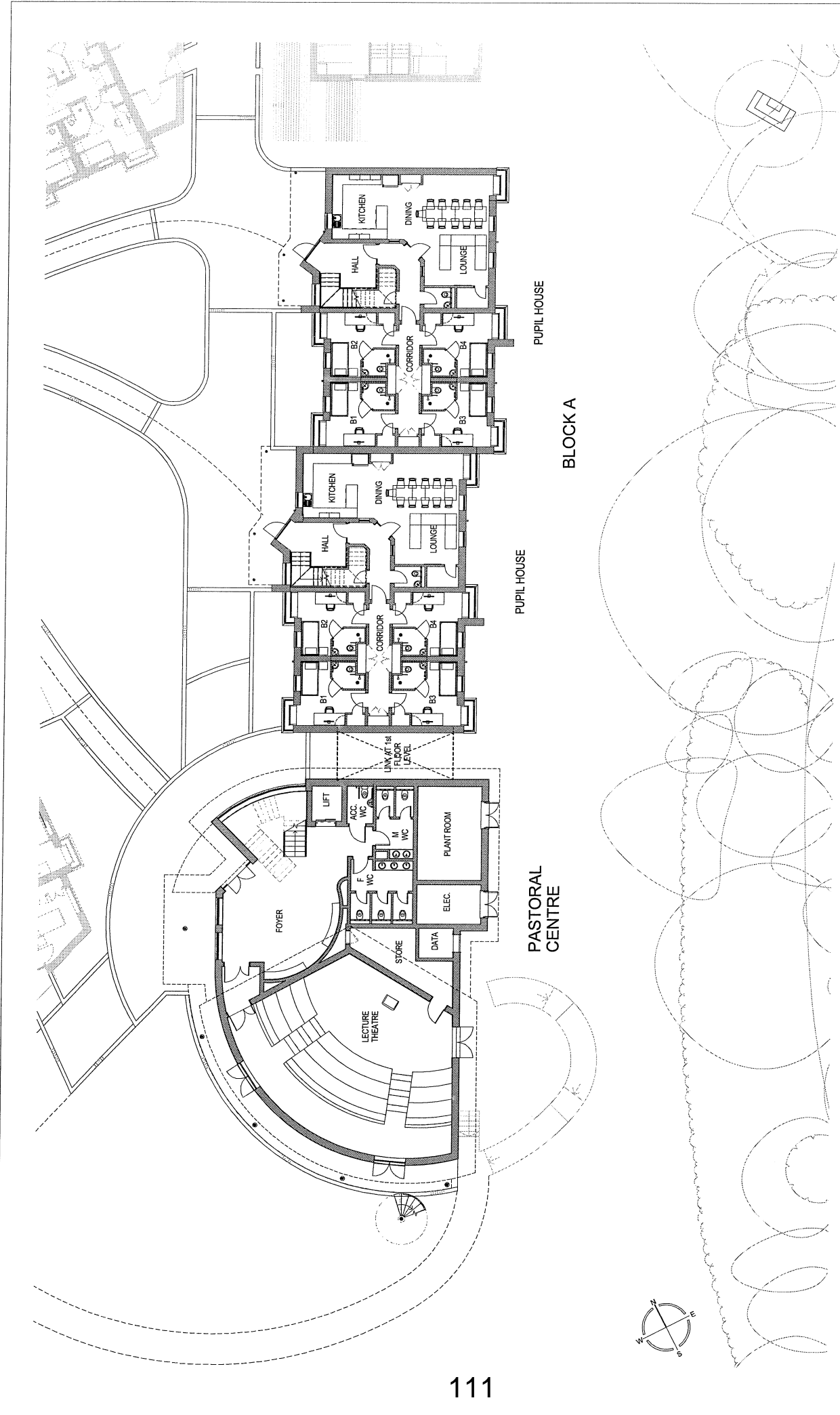
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 BY: [Signature]  
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 APPROVED: [Signature]  
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*BLOCK A*

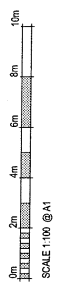


**EDGINGTON SPINK & HYNE**  
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 MEDINA HOUSE 3 RUSSELL STREET  
 WINDSOR, BERKSHIRE, SL4 1HG  
 TEL: 01753 606000 FAX: 01753 606001  
 WWW.EDGINGTONSPINK.COM

St. Mary's School Assoc  
 Mary Ward 2  
 Pastoral Centre & Block A - NVISE Elevations  
 PROJECT STATUS: Planning Application  
 SCALE: 1:100  
 DATE: January 2015  
 DRAWN: GH  
 CHECKED: [Signature]  
 APPR: [Signature]  
 JOB NO.: 5221  
 WORK NO.: 1300  
 REV. A



REVISIONS  
 DATE  
 BY  
 CHECKED BY  
 APPROVED BY



# Block A - Ground Floor

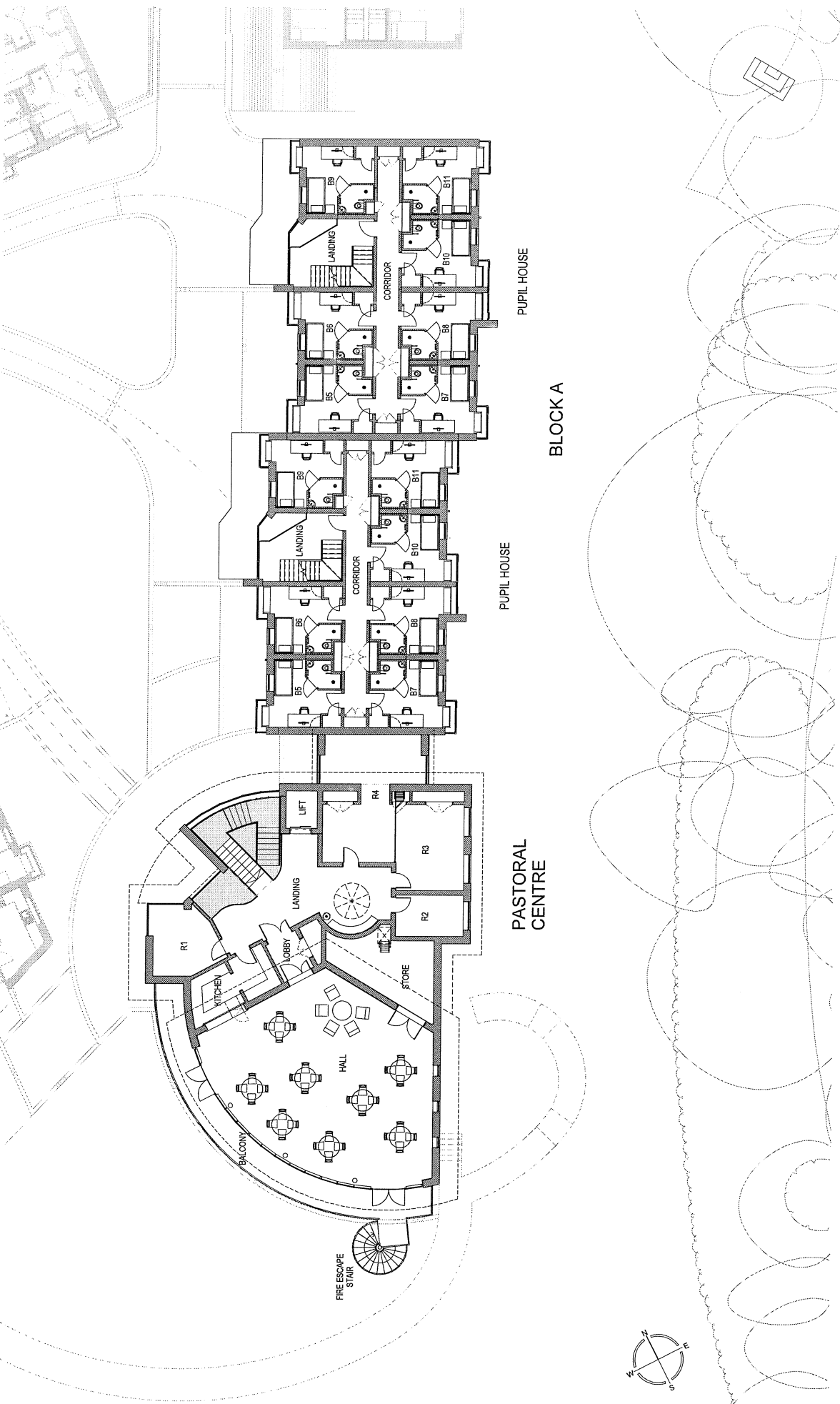
**EDGINGTON SPINK + HYNÉ**  
 CHARTERED ARCHITECTS

100, THE GARDENS, ST. MARY'S CHURCH, WINDYBANK, BERRINSBURGH, CO. DUBLIN 15, IRELAND.  
 TEL: 01753 87702 FAX: 01753 85706  
 www.edgingtonspink.com info@edgingtonspink.com

St. Mary's School Asect  
 Mary Ward 2

Pastoral Centre & Block A - Ground Floor Plan

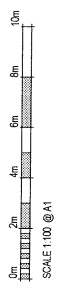
PROJECT STATUS: Planning Application  
 SCALE: 1:100  
 DATE: January 2016 DRAWN: OH  
 REF: 5221 sheets: 1160 rev: A



REVISIONS

NO.	DATE	DESCRIPTION

NOTES  
 ERRORS AND OMISSIONS TO BE REPORTED TO THE ARCHITECT.  
 THE CONTRACT IS GOVERNED BY THE CONDITIONS OF CONTRACT.



**EDGINGTON**  
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 CHARTERED  
 ARCHITECTS

MEYNA HOUSE, ZANUSSELL STREET,  
 LEICESTER, LE1 5JF  
 TEL: 01533 527832 FAX: 01533 527895  
 www.edgington.co.uk / info@edgington.co.uk

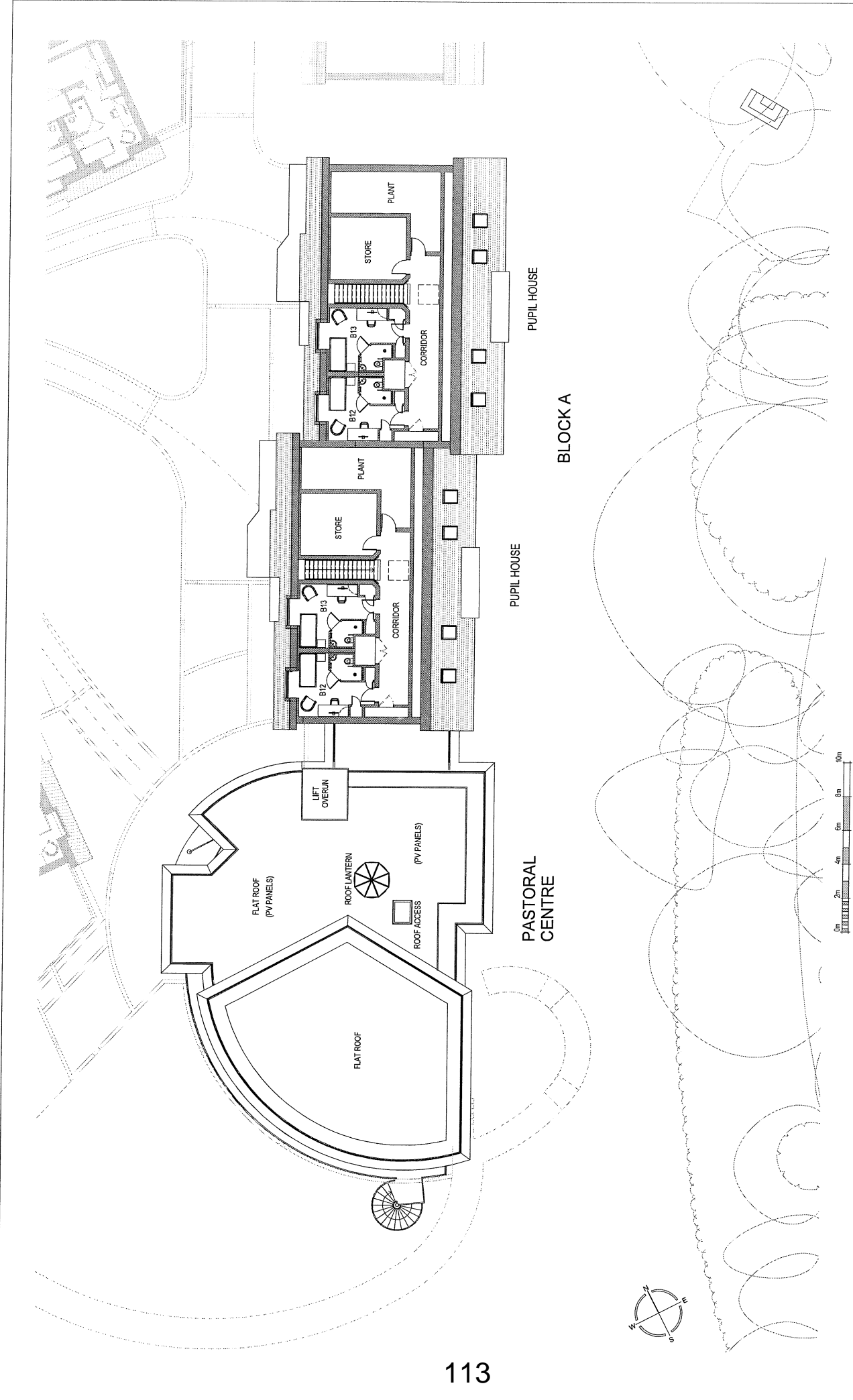
St. Mary's School Ascot  
 Mary Ward 2

Pastoral Centre & Block A - First Floor Plan

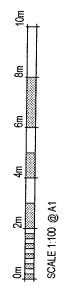
PROJECT STATUS: Planning Application  
 SCALE: A0 1:100  
 DATE: January 2015 DRAWN: GH  
 JOB NO.: 5221 SHEET: 1161 REV: A

*BLOCK A - FIRST FLOOR*





REVISIONS  
 NO. 1  
 DATE: 11/07/18  
 BY: [Signature]  
 CHECKED BY: [Signature]  
 APPROVED BY: [Signature]



*BLOCK A - SECOND FLOOR*

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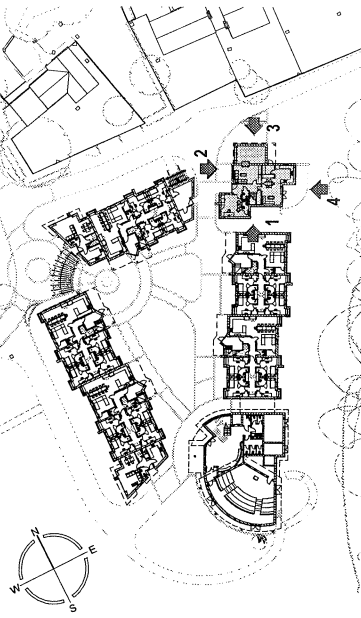
100, RUSSELL STREET  
 LONDON, WC1B 5JF  
 TEL: 020 7536 8700 FAX: 020 7536 8705  
 www.edgington.co.uk mail@edgington.co.uk

St. Mary's School Asset  
 Mary Ward 2

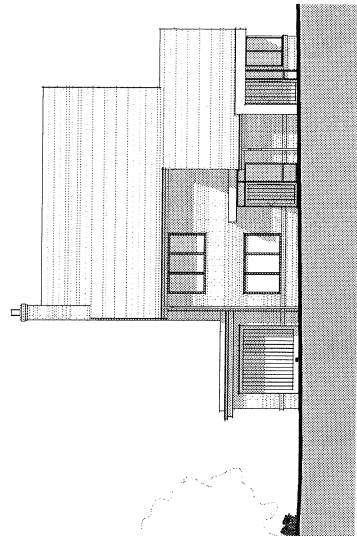
Pastoral Centre & Block A - A1c Floor Plan

PROJECT STATUS: 1 - 100  
 SCALE: A1  
 DATE: January 2018 DRAWN: CH  
 CHECKED: [Signature]  
 APPROVED: [Signature]

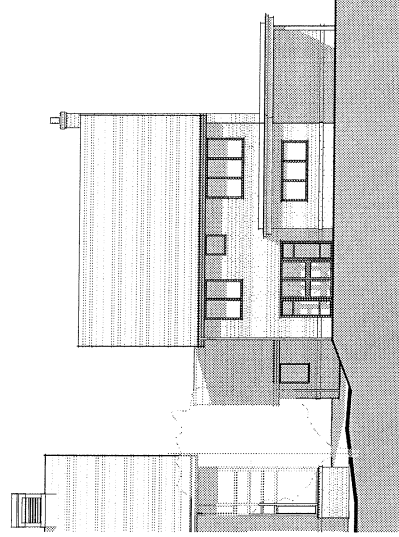
5221 28/06/18 Rev. A



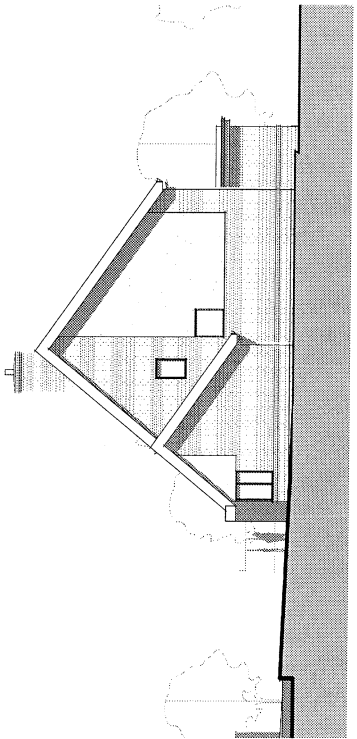
KEY PLAN - 4 BED STAFF HOUSE - BLOCK B  
1 : 500



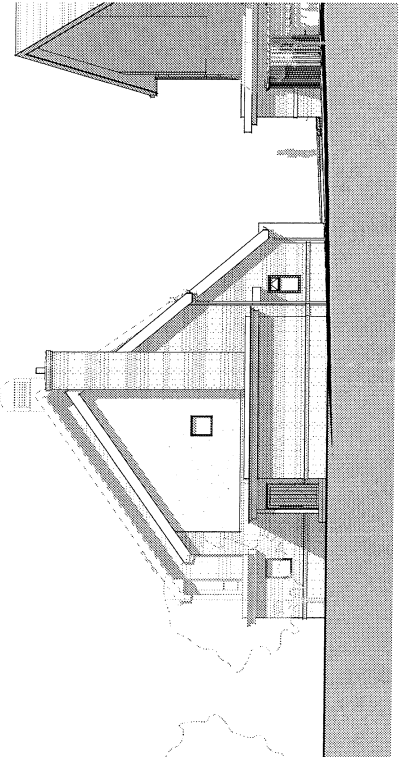
2 - Block B - North West Elevation  
1 : 100



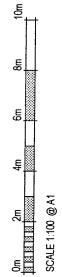
4 - Block B - South East Elevation  
1 : 100



1 - Block B - South West Elevation  
1 : 100



3 - Block B - North East Elevation  
1 : 100



REVISIONS  
NOTES  
ALL WORK SHOULD BE REPORTED TO THE ARCHITECT.  
THE DRAWING CONTRACTOR



*BLOCK B (STAFF HOUSE)*

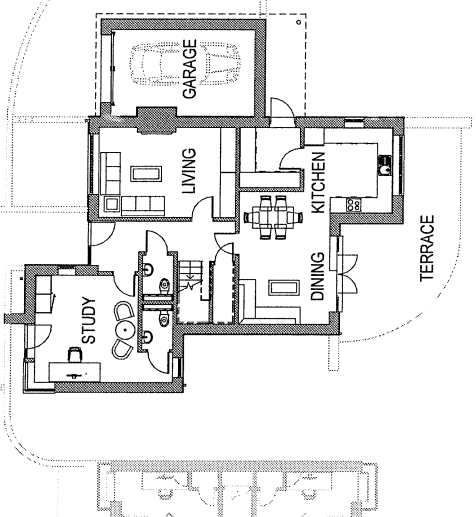
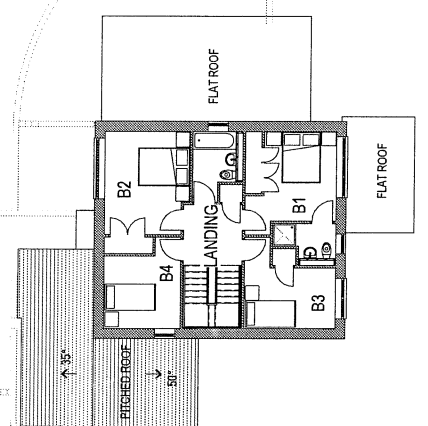
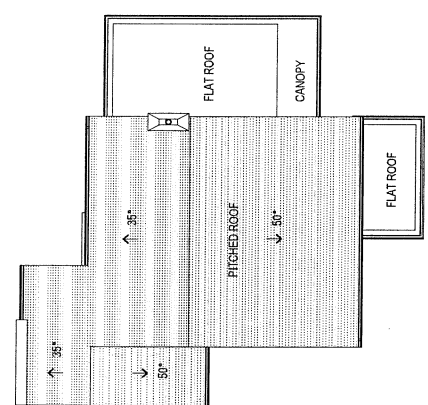
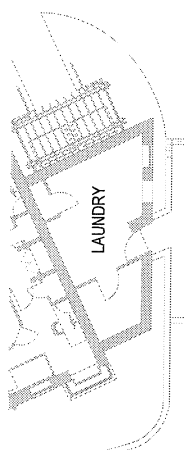
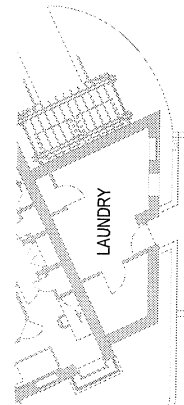
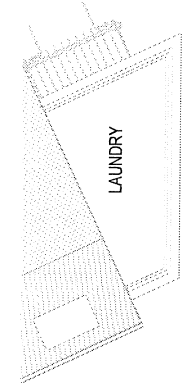
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**CHARTERED**  
**ARCHITECTS**

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LEWISHAM, SUTTON, LEAMINGDON, LEICESTERSHIRE  
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www.edgington.co.uk / mail@edgington.co.uk

St. Mary's School Ascot  
Mary Ward 2

PROJECT STATUS: Planning Application  
SCALE: AS SHOWN  
DATE: Always check  
JOB No.: 5221  
SHEET: 1/300  
REV: A

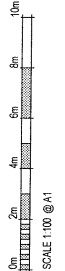
BLOCK B - 4 BED STAFF HOUSE - Elevations



BLOCK B - 4 BED STAFF HOUSE  
ROOF PLAN

BLOCK B - 4 BED STAFF HOUSE  
FIRST FLOOR PLAN

BLOCK B - 4 BED STAFF HOUSE  
GROUND FLOOR PLAN



SCALE 1:100 @ A1

REVISIONS

NO.	DATE	DESCRIPTION
1	11/01/2014	ISSUED FOR PERMIT

NOTES  
 1. ALL DIMENSIONS TO BE REPORTED TO THE ARCHITECT.  
 2. THE ARCHITECT'S OFFICE IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

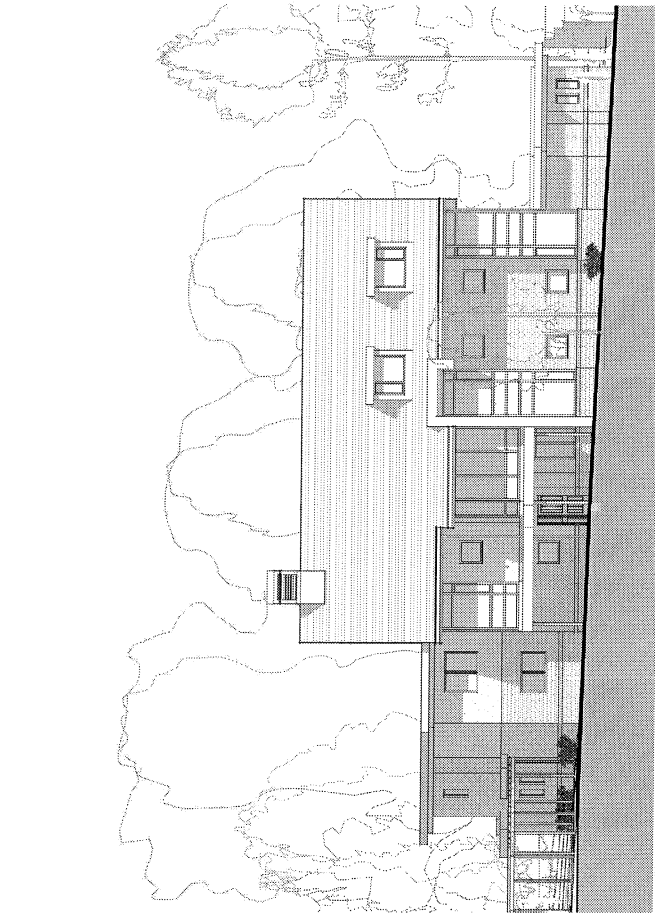


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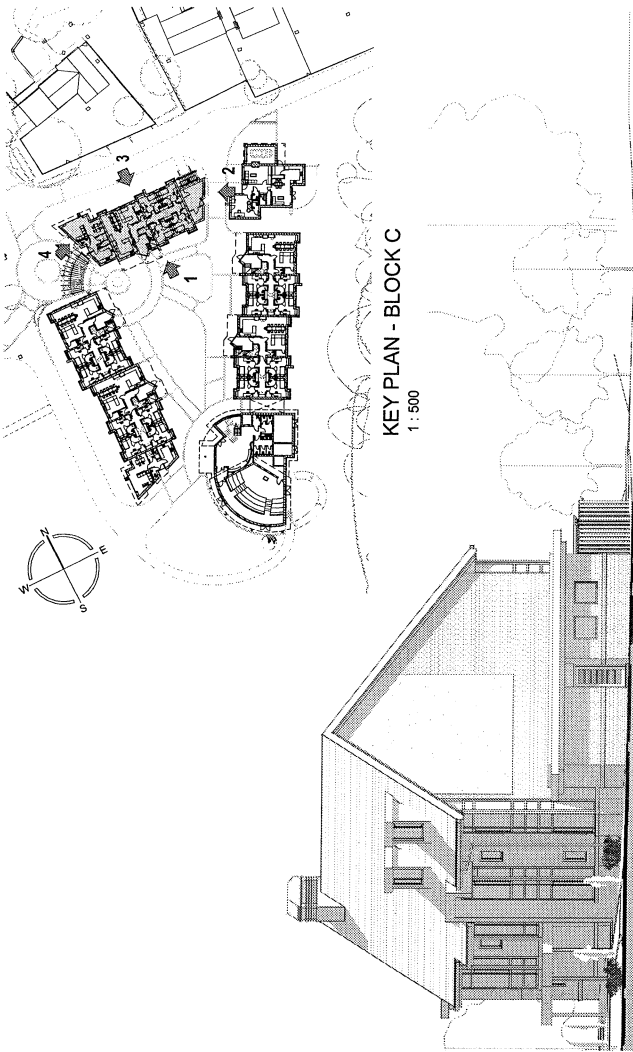
ARCHITECTS  
 100 RUSSELL STREET  
 LONDON W1B 3AE  
 TEL: 01753 678782 FAX: 01753 678786  
 www.edgington.co.uk info@edgington.co.uk

St. Mary's School Ascent  
 Mary Ward 2  
 Block B - 4 Bed Staff House - Plans  
 PROJECT STATUS: Planning Application  
 SCALE A1: 1:100  
 DATE: January 2014 DRAWN: GH  
 CHECKED: JH  
 5221 08/14 1164 001 A

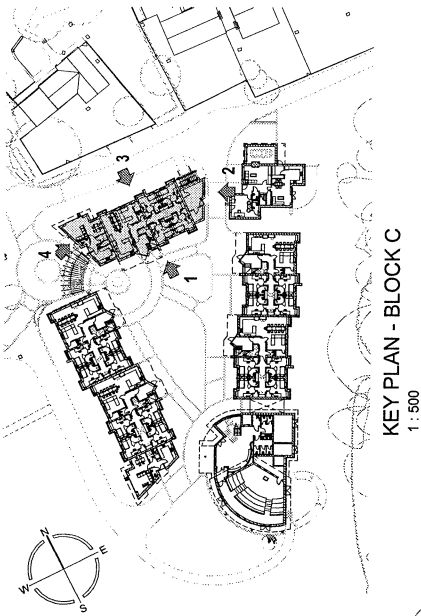
*Block B (Staff House)*



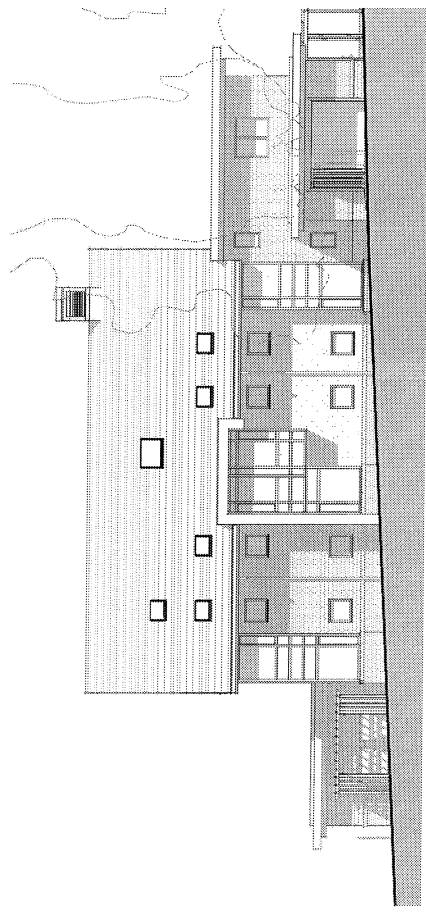
1 - Block C - South Elevation  
1 : 100



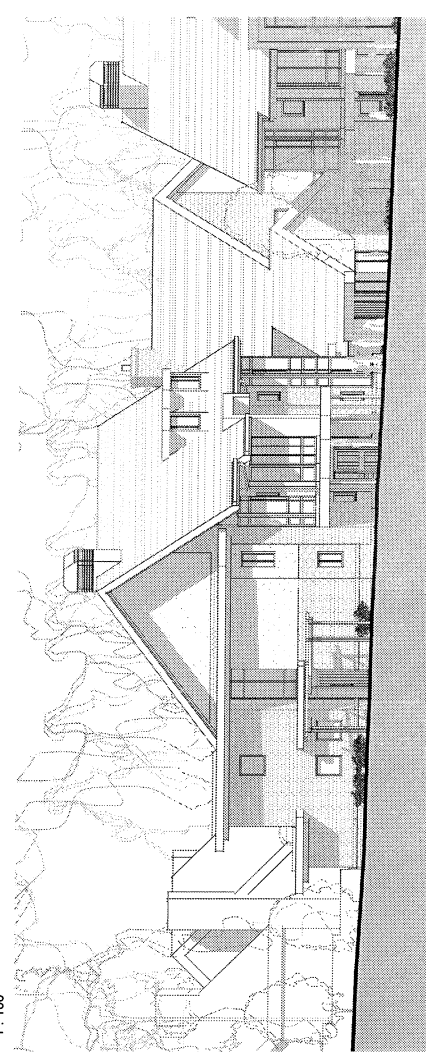
2 - Block C - East Elevation  
1 : 100



KEY PLAN - BLOCK C  
1 : 500



3 - Block C - North Elevation  
1 : 100



4 - Block C - West Elevation  
1 : 100

0m 2m 4m 6m 8m 10m  
SCALE 1:100 @ A1

REVISIONS  
C - [REVISIONS TO BE REPORTED TO THE ARCHITECT.]  
DATE



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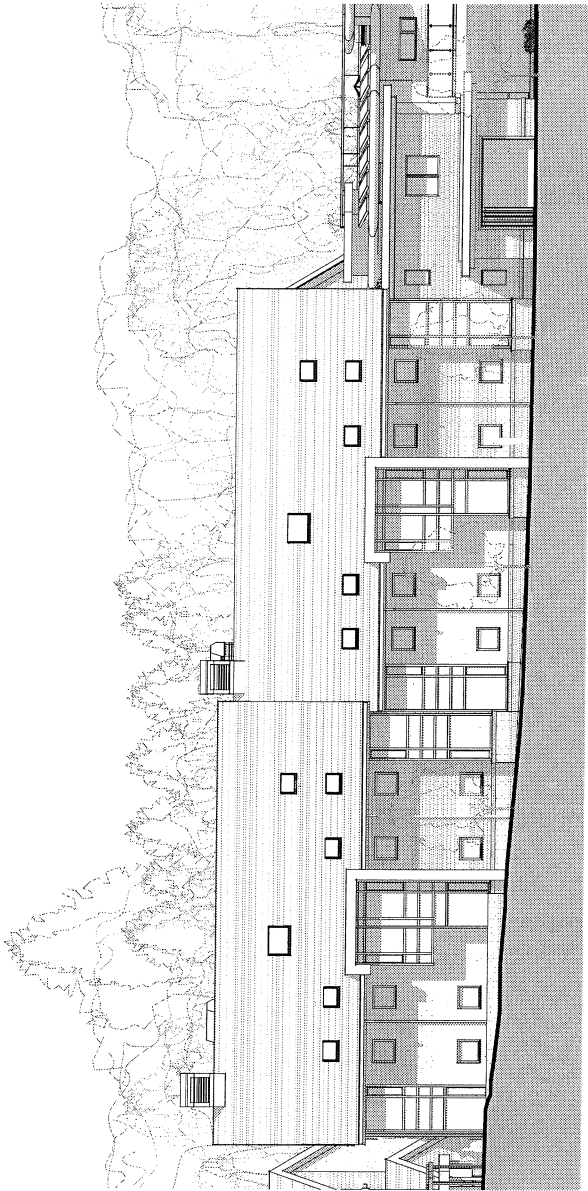
MEDIAN HOUSE, 2 RUSSELL STREET,  
TEL: 0121 8717192 FAX: 0121 8717196  
www.edgington.co.uk / mail@edgington.co.uk

St. Mary's School/Ascot  
Mary Ward 2

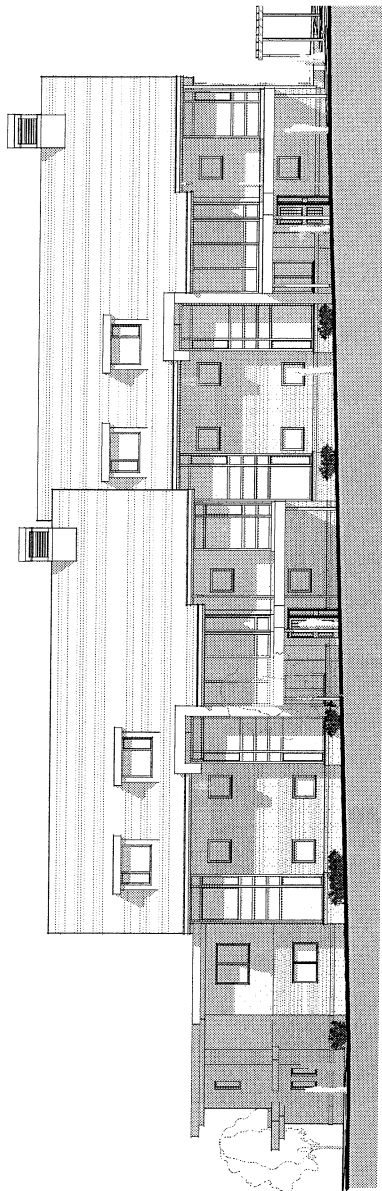
BLOCK C - Elevations

PROJECT STATUS Planning Application  
SCALE (A1) As indicated  
DATE August 2015 DRAWN CH  
JOB No 5221 DATE 1303 REV: A

Block C



1 - Block D - West Elevation  
1 : 100



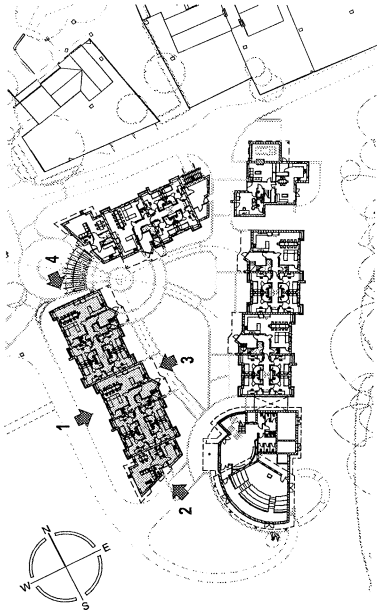
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1 : 100

0m 2m 4m 6m 8m 10m  
SCALE 1:100 @ A1

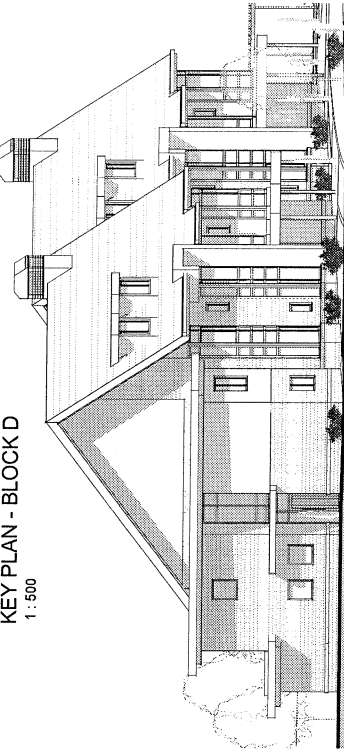
REVISIONS  
DATE: 11/11/2016  
BY: [Signature]  
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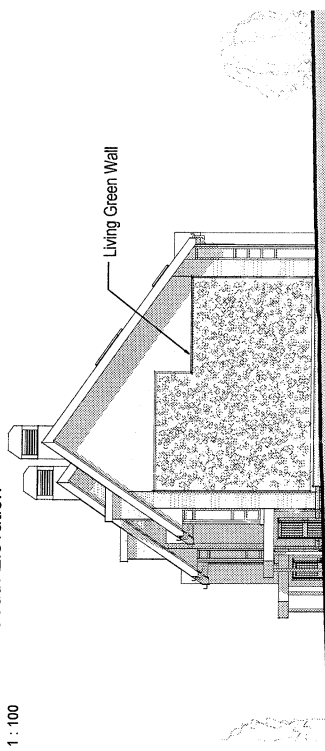
*Block D*



KEY PLAN - BLOCK D  
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2 - Block D - South Elevation  
1 : 100



4 - Block D - North Elevation  
1 : 100

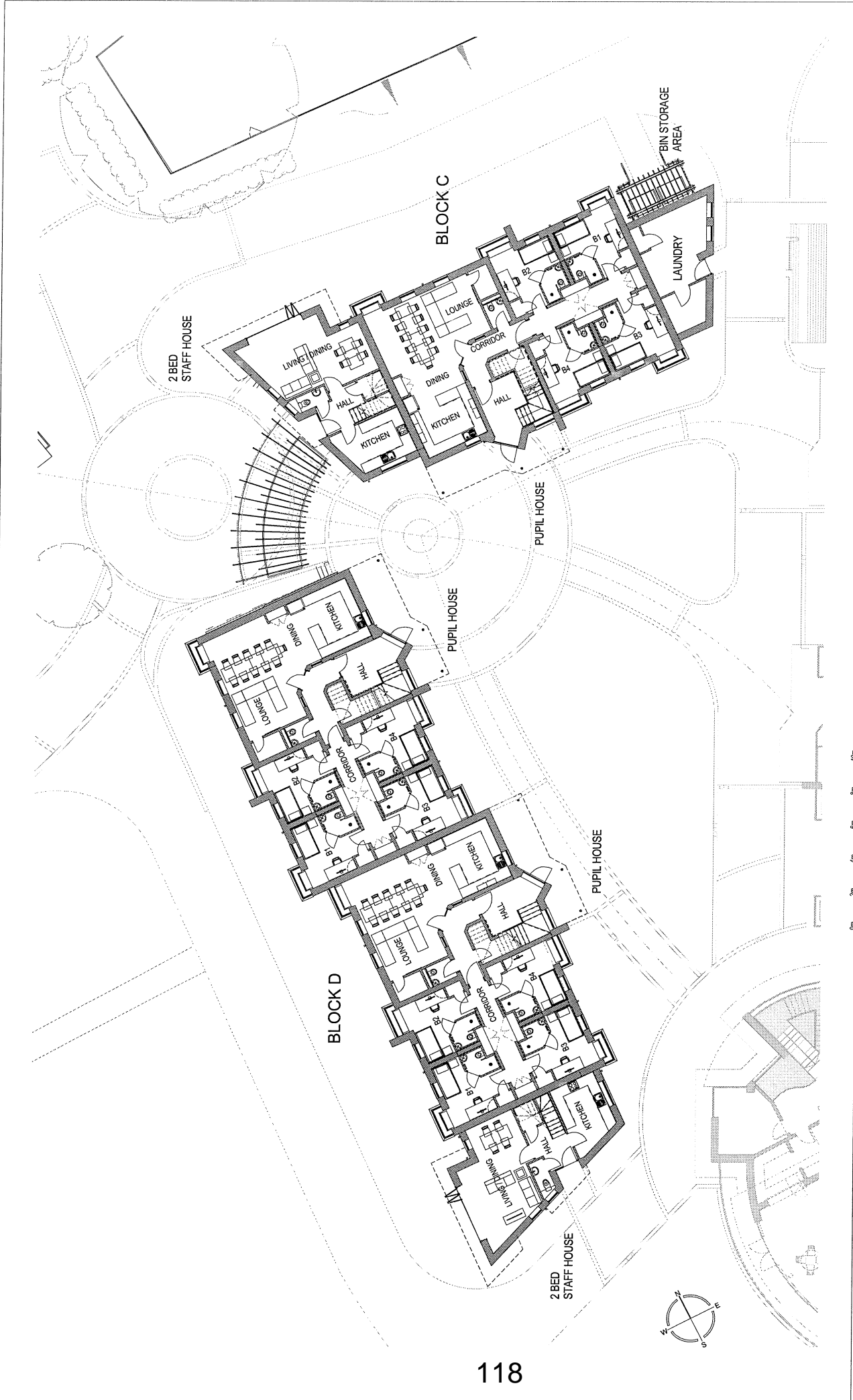
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SPINK + HYNÉ  
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ARCHITECTS

MAIN OFFICE: 1000 W. WINDYBROOK LANE, SUITE 100  
WINDYBROOK, OHIO 43085  
TEL: 614.763.8700 FAX: 614.763.8705  
www.edgington.com / info@edgington.com

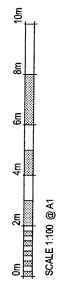
St. Marys School Acct  
Mary Ward 2

BLOCK D - Elevations

PROJECT STATUS: Planning Application  
SCALE: AS SHOWN  
DATE: January 2016  
DRAWN: OH  
DATE: 5/21/16  
REV: 1304



# Grand Floor



REVISIONS

NO.	DATE	DESCRIPTION
1		ISSUED FOR PERMIT
2		ISSUED FOR PERMIT
3		ISSUED FOR PERMIT
4		ISSUED FOR PERMIT

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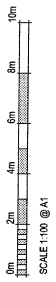
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**SPINK • HYNE**  
**CHARTERED**  
**ARCHITECTS**

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WINDSOR, WILTSHIRE, W16 7JG  
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www.edgington.co.uk info@edgington.co.uk

St. Mary's School Ascot  
Mary Ward 2

Blocks C & D - Ground Floor Plan

PROJECT STAGE: Planning Application  
SCALE: 1:100  
DATE: January 2019 DRAWN: GH  
JOB No.: 5221 CHECKED: 11/15 REV: B



REVISIONS  
 1. INITIAL DESIGN  
 2. REVISED DESIGN  
 3. REVISED DESIGN

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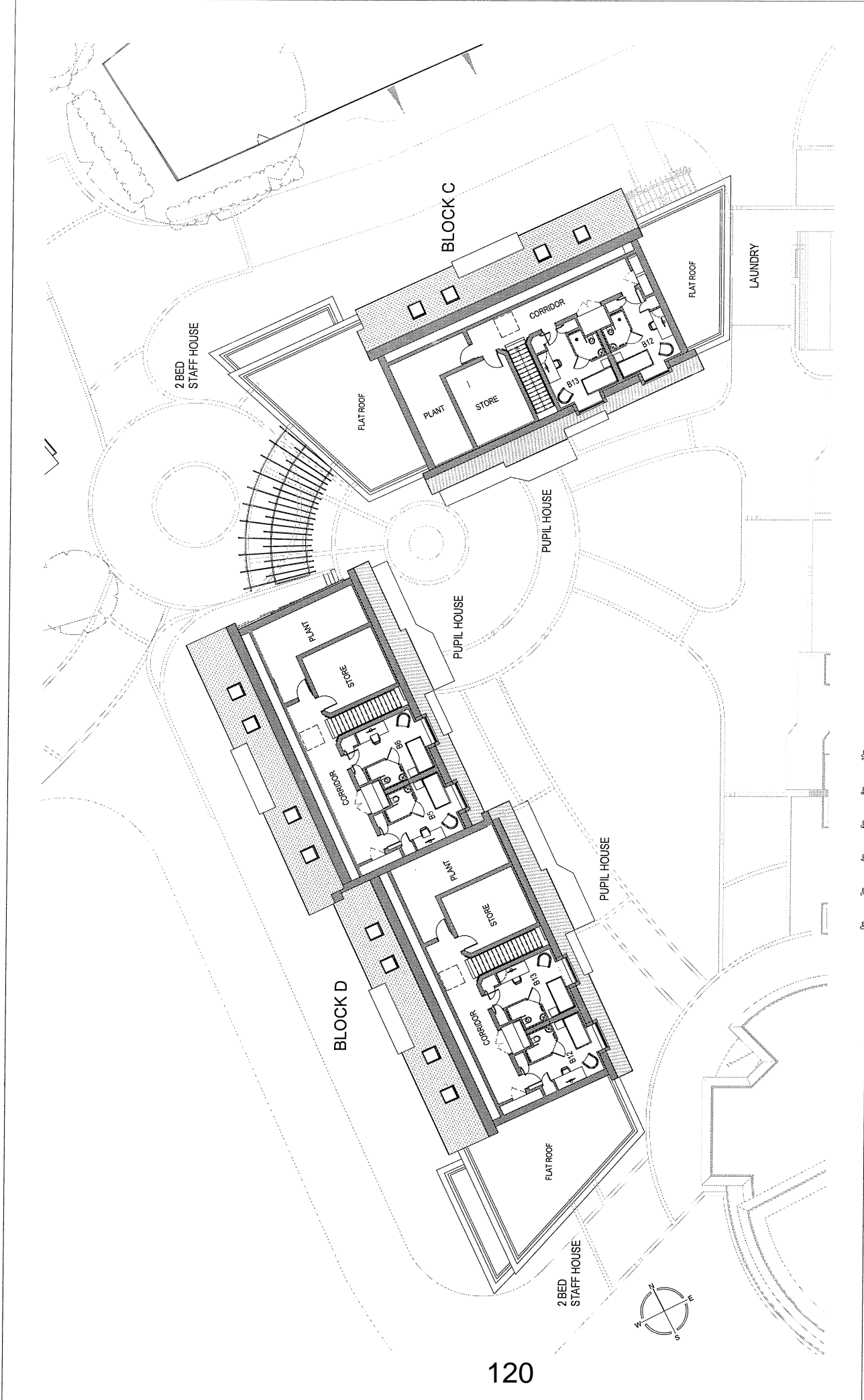
MEMORIAL HOUSE, 2 RUSSELL STREET,  
 EDGINGTON, GLASGOW G7 7JF  
 TEL: 01753 853032 FAX: 01753 857096  
 www.edgington.co.uk / info@edgington.co.uk

St. Mary's School Ascot  
 Mary Ward 2

Blocks C & D - First Floor Plan

PROJECT STATUS: Planning Application  
 SCALE: 1:100  
 DATE: January 2016  
 SHEET: 04  
 JOB NO: 5221  
 DATE: 1/16  
 REV: B

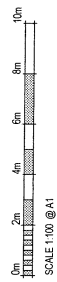
*FIRST FLOOR*



REVISIONS

--	--

NOTES: 1. DIMENSIONS TO BE REPORTED TO THE AUTHOR. 2. THIS DRAWING IS UNCONTROLLED.



St. Mary's School Asept  
Mary Ward 2

PROJECT NO: 1100  
SCALE: 1:100  
DATE: January 2016  
DRAWN: GH  
CHECKED: 5221  
DWG NO: 1187

**EDGINGTON**  
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100, WINDSOR SQUARE, LONDON, W1G 0AN  
TEL: 020 365 0700 FAX: 020 365 0709  
www.edgington.co.uk / info@edgington.co.uk

SECOND FLOOR



**DEVELOPMENT CONTROL PANEL**

18 November 2015

Item: 1

<b>Application No:</b>	15/02272/FULL
<b>Location:</b>	St Marys School St Marys Road Ascot SL5 9JF
<b>Proposal:</b>	Upper Sixth Form Accommodation, Pastoral Centre, Staff Accommodation and Laundry
<b>Applicant:</b>	St Mary's School
<b>Agent:</b>	Mr Martin Leay - Martin Leay Associates
<b>Parish/Ward:</b>	Sunninghill And Ascot Parish
<b>If you have a question about this report, please contact:</b> Alistair De Joux on 01628 685729 or at alistair.dejoux@rbwm.gov.uk	

**1. SUMMARY**

- 1.1 This proposal is to provide a small complex of buildings intended primarily as improved boarding accommodation and a pastoral centre for the school's upper sixth form pupils, along with staff accommodation to consist of one 4-bedroom and two 2-bedroom houses. The scale of the buildings is mostly two storeys, rising to three storeys for the 4-bedroom house. The total floor space provided would be 3405 sq.m., which amounts to a 28% increase over the existing built floorspace of all types at the school.
  
- 1.2 The proposed buildings would be well screened from views into the site from neighbouring properties or public land. Nevertheless, the proposals do not properly satisfy the criteria for what the NPPF defines as appropriate within the Green Belt, and the proposals can therefore only be approved if there is a very special circumstances (VSC) case that would overcome the proposal's inappropriateness in Green Belt terms. The application advances a case that the need to provide better facilities for its upper sixth form pupils provides such a case. This is set out in detail within this report, with the conclusion that there is a good VSC case that can allow the application to be approved, subject to other matters being resolved.
  
- 1.3 The proposals are acceptable in terms of design of the buildings, and impacts on trees and wildlife.
  
- 1.4 A Sustainable Drainage Strategy has been provided, and reviewed by the Council's Flood Risk Manager who has raised significant uncertainty regarding the satisfactory operation of the proposed drainage system. This matter would need to be resolved before planning permission can be granted.

<b>It is recommended the Panel authorises the Director of Development and Regeneration:</b>	
1.	<b>Subject to there being no call-in by the Secretary of State in accordance with the Town and Country Planning (Consultation) (England) Direction 2009, to grant planning permission on satisfying the statutory requirements in regard to sustainable drainage of the site and flood risk, and with the conditions listed in Section 10 of this report.</b>
2,	<b>To refuse planning permission if the statutory requirements in relation to sustainable drainage have not been satisfactorily completed by 14<sup>th</sup> January 2016, for the reason that the proposed development would not provide appropriate sustainable drainage and would be likely therefore to exacerbate surface water flooding.</b>

**2. REASON FOR PANEL DETERMINATION**

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

- The Town and Country Planning (Consultation) (England) Direction 2009 sets out criteria for applications that must be referred to the Secretary of State, where the Local Planning Authority does not wish to refuse the application. The criteria include, at clause 4, inappropriate Green Belt development that consists of buildings where the floor space to be created by the development is 1,000 square metres or more.

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

- 3.1 St. Mary's School is a private girls boarding school on a site of approximately 18 hectares that is located to the south of Ascot between Coronation Road, Horsegate Ride and St Mary's Road. The whole of the school lies within the Green Belt, with most of the buildings located in a cluster between the two main access points, which are on Horsegate Ride to the west of the buildings and St Mary's Road to the east. Within the school grounds, the site area that is relevant to this application, including access from St Mary's Road, is 0.56 ha.
- 3.2 The school's main building complex is surrounded by amenity space, playing fields and woodland, with neighbouring residential properties largely screened from views to and from the buildings although there is some intervisibility between dwellings on St Mary's Road.

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

- 4.1 The school's extensive amenity areas include tennis courts and other open land on the south side of the main complex. It is within this area that the current proposal for a complex of buildings to provide additional boarding accommodation would be provided. This proposal is to provide a complex of four buildings intended primarily as improved boarding accommodation and a pastoral centre for the school's upper sixth form pupils along with staff accommodation to consist of one 4-bedroom and two 2-bedroom houses. The scale of the buildings is mostly two storeys, rising to three storeys for the 4-bedroom house. The total floor space provided would be 3405 sq.m., which amounts to a 28% increase in the built accommodation of all types at the school.
- 4.2 The proposed buildings would be grouped in a roughly triangular arrangement, directly to the south of existing staff houses to the north and on the eastern side of another pupil accommodation complex known as Mary Ward Courtyard. Further to the east, there is an area of woodland that provides an approximately 150 m wide band of screening vegetation between the site and the closest houses which are at The Covert.
- 4.3 The buildings proposed are as follows:
- the smallest of the three pupil accommodation buildings would be located on the northern side of the triangle, and would also include one of the 2-bedroom houses at its the western end and a laundry on its eastern side;
  - the next smallest of the three pupil accommodation buildings would be located on the western side of the triangle, with the second 2-bedroom house at its southern end;
  - the largest building in the grouping would form the western side of the triangle, with the pastoral centre forming at the southern end;
  - the detached 4-bedroom dwelling would close the north-eastern corner of the group.
- 4.4 The courtyard between the buildings would be appropriately landscaped, including a mix of hard-paved circulation areas and lawn, with indicative plantings of seven trees shown on the proposed layout drawings. Additional plantings would also be provided on the northern and western side of the group and around the southern side of the pastoral building, providing a link to the larger area of woodland to the west of the buildings.
- 4.5 The site has a long planning history that has resulted in a considerable amount of development of the school over recent decades. The application gives the following figures for increased floor space at the site since 1947:

	<u>sq. metres</u>
1947 total	5267
added since 1947	6729

- 4.6 The application also submits that pupil numbers have increased from 147 to 378 at present, which corresponds proportionately to the increase in floor space over this two-thirds of a century. Pupil numbers increased more rapidly during the period from about 1977 to 1997 than either before or since, with the increase since then being from 345 pupils in 1997 to 365 in 2007, along with the modest increase in the eight years since then to 378 as noted above. While there has been a considerable amount of development since the late 1990s, much of this has been associated with improvements to facilities, such as sports facilities and a theatre, as noted in the following more recent planning history:

Ref.	Description	Decision and Date
99/78056/OUT	Provision of an all weather playing surface and changing room area.	Permitted, 17 August 1999.
00/79369/REM	Provision of an all-weather playing surface (reserved matters on outline permission 99/78056).	Permitted, 11 July 2000.
01/81172/OUT	Erection of sports hall and relocation of existing tennis courts (proposal amended 3 August 2001)	Permitted, 4 January 2002.
02/82506/FULL	Erection of a sports complex comprising hall, fitness suite, dance studio, two squash courts and 'social area'.	Permitted, 24 July 2003.
02/82533/FULL	Relocation of hard tennis court.	Permitted, 18 February 2003.
12/00514/FULL	New 400m all-weather athletics track and hockey pitch with artificial lighting, fencing, and ancillary store and a control hut; artificial lighting for existing hockey pitch; and photovoltaic panels on the roof of the existing sports centre.	Permitted, 3 July 2012
12/00515/FULL	Refurbishment and ground and first floor extensions to provide new kitchen and dining facilities. Refurbishment and two storey, part single storey extension to former concert hall to form a two storey library and new terrace. Temporary kitchen/dining and classroom facilities whilst works are completed.	Permitted, 23 April 2012
13/00065/FULL	Refurbishment and ground and first floor extensions to provide new kitchen and dining facilities, and provision of temporary dining facilities whilst works are completed	Permitted, 4 March 2013
14/03304/FULL	Single storey extension to Mary ward courtyard.	Permitted, 18 December 2014

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

### The Development Plans

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

	Building design	Green Belt	Protected Trees	Biodiversity	Highways and parking issues
RBWM Local Plan	DG1	GB1, GB2	N6		T5, P4
Ascot, Sunninghill and Sunningdale Neighbourhood Plan	NP/EN4, NP/DG3, NP/DG5		NP/EN2	NP/EN4	NP/T1, NP/T2

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

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

More information on these documents can be found at:  
[http://www.rbwm.gov.uk/web/pp\\_supplementary\\_planning.htm](http://www.rbwm.gov.uk/web/pp_supplementary_planning.htm)

**Other Local Strategies or Publications**

5.3 Other Strategies or publications relevant to the proposal are:

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

National Planning Policy Framework	
Core Planning Principles	
Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision taking. These twelve principles are that planning should:	
•	be genuinely plan-led, empowering local people to shape their surroundings with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;
•	not simply be about scrutiny but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
•	proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;
•	always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
•	take account of the different roles and character of different areas promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
•	support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change and encourage the reuse of existing resources including conversion of existing buildings and encourage the use of renewable resources (for example, by the development of renewable energy);

•	contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land or development should prefer land of lesser environmental value, where consistent with other policies in this Framework;
•	encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
•	promote mixed use developments and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage or food production);
•	conserve heritage assets in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of this and future generations;
•	actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable; and
•	take account of and support local strategies to improve health, social and cultural wellbeing for all and deliver sufficient community and cultural facilities and services to meet local needs.

## 6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i whether the proposal amounts to appropriate development in the Green Belt, and if not whether there are any very special circumstances that clearly outweigh the harm caused to the Green belt by reason of its inappropriateness and any other harm caused by the proposal;
- ii the appearance of the development;
- iii impacts on trees and woodland that form an important part of the character of this edge-of-settlement Green Belt site, and the provision of new plantings;
- iv whether the proposal would result in impacts on protected wildlife that would require mitigation;
- v whether the proposal would result in an unacceptable loss of sports facilities;
- vi car parking provision and highways matters; and.
- vii Sustainable drainage and building sustainability.

**Whether the proposal amounts to appropriate development in the Green Belt, and if not whether there are any very special circumstances that clearly outweigh the harm caused to the Green Belt by reason of its inappropriateness and any other harm caused by the proposal**

6.2 NPPF paragraph 89 sets out that Local Planning Authorities should regard the construction of new buildings as inappropriate in the Green Belt, with exceptions to this position including limited infilling or the partial or complete redevelopment of previously developed sites that would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. Considered quantitatively, the proposed buildings represent an increase of 14% of the overall existing school buildings footprint of 11,994m<sup>2</sup>. The applicant has noted that the overall school grounds area of 22.25 hectares the built percentage of the school grounds at present comprises 5.4% of the total land area; the new scheme proposals would comprise an additional 0.7% of the school area, resulting the built development at the school amounting to 6.1% of the school grounds overall. The proposed buildings would be close to the

existing main cluster of school buildings, close to existing staff housing and student accommodation known as the Mary Ward Courtyard. However, the proposals would represent a southward extension of the complex of school accommodation, and the additional built form would therefore not consist of in-filling.

6.3 The application is therefore inappropriate in Green Belt terms, and can therefore only be approved if there is a very special circumstances case that would overcome the proposal's inappropriateness in Green Belt terms. The application advances a case that the need to provide better facilities for its upper sixth form pupils is important to ensure that this age group of pupils is properly provided for within the school. The intention here is to retain existing pupils as they move up the school, rather than to attract significant numbers of sixth form pupils from elsewhere. The proposals result from a wish to improve the standard of both staff and pupils accommodation, and approval of this scheme would allow other accommodation to be refurbished with an improve space ratio both for pupils elsewhere in the school and for some staff. A considerable level of detail has been provided by way of drawings at Appendix 9, in Volume 3 of the Design and Access Statement, showing where some of these refurbishments elsewhere in the school would follow on from the provision of the new accommodation, as part of a long term programme of improvements to the school.

6.4 Additional information was sought during the assessment of the application, and has been provided by the applicant, as to whether the standard of accommodation proposed is comparable to that provided elsewhere. The additional information provided sets out that standards of boarding accommodation is dictated by The National Minimum Standards for Boarding Schools. This does not dictate specific minimum standards but is focused on ensuring that boarding accommodation is not overcrowded, using a number of criteria to assess this. The submission goes on to state that proposed accommodation has been designed for 17/18 year old girls studying for their A Levels, which by September 2018 all A Levels will all rest entirely on examination at the end of the Upper Sixth year. This requires individual private and quiet space to sleep and study that is comparable to what pupils at a day school may reasonably expect to enjoy at home. In addition, the school seeks to prepare the pupils for university life and the proposals are designed to achieve that by emulating the environment of a typical Hall of Residence in terms of its size, structure and shared facilities. The areas of the study / bedrooms is therefore intended also to be comparable to that of a live-in university facility, and the following figures have been provided that shows that the space provision would be towards the more modest end of the spectrum as compared to typical Hall of Residence accommodation at a number of universities, with the proposed development referred to here as "MW2" ("Mary Ward 2"):

University	Range	"Average"
Solent University	11m <sup>2</sup> - 13m <sup>2</sup>	12m <sup>2</sup>
Oxford Brookes University	12.2m <sup>2</sup>	12.2m <sup>2</sup>
<b>St Mary's School Ascot – MW2</b>	<b>12.1 – 12.7m<sup>2</sup></b>	<b>12.4 m<sup>2</sup></b>
Edinburgh Napier University	12.5m <sup>2</sup>	12.5m <sup>2</sup>
Goodenough College London	12.7m <sup>2</sup>	12.7m <sup>2</sup>
Northumbria	13m <sup>2</sup>	13m <sup>2</sup>
University of Arts London	13.7m <sup>2</sup>	13.7m <sup>2</sup>
Cardiff University	10.4m <sup>2</sup> - 17.6m <sup>2</sup>	14m <sup>2</sup>
Nottingham University	12.5m <sup>2</sup> - 16.25m <sup>2</sup>	14.4m <sup>2</sup>
LSE	11.6m <sup>2</sup> - 17.1m <sup>2</sup>	14.6m <sup>2</sup>
Southampton University	15m <sup>2</sup>	15m <sup>2</sup>
City University	16m <sup>2</sup> - 18m <sup>2</sup>	17m <sup>2</sup>

6.5 Areas of the two 2-bedroom staff houses proposed are similarly modest, at 89 sq. m., and while the detached dwelling is larger at approximately 237 sq.m., the application has made a case that standards of accommodation for teaching staff is also currently cramped; a house of this size would be reasonable accommodation for a senior staff member.

6.6 Considered in qualitative terms, it is noted that the fall in ground levels to the south of the main school complex would result in the buildings proposed here being set at a lower level than those for the main school complex. Views across the school grounds from the south they would be viewed against the existing built form, and such views are in any case very restricted from any

points that are not within the school grounds. There will be a marginal impact on the openness of the school grounds but this of a lesser degree than would be the case on non-institutional land within the Green Belt. Part of the site is currently in use as tennis courts, so while these may need to be re-provided elsewhere on the school grounds, the impacts on Green Belt openness of development in this part of the site are less than they would be on, for example, agricultural land. Alternatives were considered in the formulation of the proposals, including whether the required accommodation could be provided within the existing buildings and extensions to them. Both these options were however rejected at an early stage of the design process as no sensible extension option was identified that was considered workable from an aesthetic, practical and operational perspective.

- 6.7 The design process then moved to a consideration of five possible sites within the school grounds, and a detailed consideration of this process is set out in the Design and Access Statement. The process found that the proposed site provides the best physical and functional relationship of the five sites considered with the rest of the school complex, and would have the least impact of the alternatives on the amenities of neighbouring properties. These findings are concurred with by officers. It is noted also that one of the sites considered also currently has an existing building which has an important staff accommodation function for the school, and while that site had some merit, its use would have necessitated the demolition of the existing staff accommodation and a likely need for replacement elsewhere within the school. The site selected is considered to be the most satisfactory of the five in functional in locational terms.
- 6.8 Provided that the proposals do not result in any significant net gain in pupil or staff numbers, the proposals would not result in an intensification of activities at the school or associated additional traffic movements on local roads. As the application states that pupil numbers would be capped at 400, this requirement would be satisfied, and can be controlled by condition as recommended below. Overall, it is considered that the accommodation to be provided is commensurate with the needs of the school and its pupils, and that the case made provides a satisfactory very special circumstances case that allows the application to be approved, subject to other criteria being satisfied as discussed below.

#### **The appearance of the development**

- 6.9 The proposal exhibits considerable architectural interest, with the buildings being well proportioned to each other and other nearby buildings within the school complex. Variations in roof include off-sets in the two longer two pupil accommodation buildings, which are set a moderate pitch on to the outside of the complex and at a steeper pitch towards the interior courtyard. The Pastoral Centre is a contrasting, predominantly rounded form with a flat green roof over, and this type of roof would also be used for the smaller single storey laundry element. Provided that the proposed buildings would be constructed using high quality materials for their exteriors, it is considered that the appearance of the development would be acceptable.

#### **Impacts on trees and woodland, and the provision of new plantings**

- 6.10 The site is close to attractive woodland that includes high quality trees along its edge, adjacent to the larger building within the development. A BS5837:2012 compliant tree survey and constraints plan has been provided. The building would be located away from the root protection areas of the woodland trees to the west, although four specimen trees would be lost on the western side of the site, adjacent to the Mary Ward Courtyard. These comprise two cedars, a Lawson cypress and a red oak. None of the trees are natives or aged trees, and new landscape plantings are indicated on the layout drawings that would provide a considerably greater number of trees than those proposed for removal.
- 6.11 A fifth tree, which is on the access road to the site, is also identified as potentially affected by the proposals. This is also a red oak, one that is much larger than the one identified for removal. Impacts on this tree could arise from the likely adjacent routing of construction traffic. It would be important to ensure that this tree is protected during construction, and further details for this and also the protection of the larger number of woodland trees directly to the west of this site should be required before any works commence in connection with the development.

- 6.12 While the ultimate size of the species and varieties chosen for most of the new plantings will be somewhat constrained by their proximity to the buildings, the massing of trees particularly around the outside perimeter of the complex provides scope for providing an attractive planted setting. This would also provide an opportunity for the selection of species that would improve the already good wildlife habitat in this area.

#### **Impacts on protected wildlife**

- 6.13 An assessment of the wildlife and habitat impacts of development on all five sites considered for this development was submitted with the application. Three of the five sites have some wildlife-related constraints to development, to varying degrees. The survey works on the site brought forward in this application has no constraints other than impacts on the adjacent woodland should be avoided. While the Council's ecologist may wish to comment in more detail on the proposals, key provisions are likely to include controls on external lighting to ensure that there is no overt conflict with bats, while choice of appropriate tree and other landscape species as noted above would also be beneficial in ensuring that additional wild food sources, such as berries and nectar, are provided in the landscape plantings.
- 6.14 The application states that there will be no additional staff and no net addition of dwellings at the school. However while the application states that pupil numbers would be capped at 400, it is not stated whether there would be a similar cap on staff numbers. While the application is for Class C2 (residential institutions) rather than C3 use (residential dwellings), any increase would be likely to require mitigation on the impacts of additional residents on the Thames Basin Heaths Special Protection Area (the SPA). Mitigation could be provided either by provision of land within the school's control as a designated Suitable Alternative Natural Greenspace (SANG), or through a condition that required the school to enter into an agreement under the Local Government act to make a financial contribution towards a SANG that has been provided by the Council and the associated visitor monitoring project, (Strategic Access Management and Monitoring (SAMM)). Clarification will be provided in an update.

#### **Whether the proposal would result in an unacceptable loss of sports facilities**

- 6.15 The proposal would result in the loss of two tennis courts. The School is well provided with sports facilities with considerable investment in indoor and outdoor sports facilities over the last decade and a half. It is not considered that the loss of two tennis courts as proposed would be so detrimental as to require the application to be refused.

#### **Car parking, highway issues and servicing**

- 6.16 As the proposal is not expected to generate any additional staff or pupils, there would be no additional car parking provided in association with the development. This would be satisfactory only if the proposal would not result in any additional staff or pupils at the school.

#### **Sustainable Drainage and building sustainability**

- 6.17 While the application site is not in a flood prone area, all planning proposals on sites of this size are now required to provide a Sustainable Drainage Strategy. A Drainage Strategy was provided and Council's Flood Risk Manager requested additional information, which was submitted but still not considered to provide significant clarity to allow the application to be approved. Any further information provided before the Panel meeting will be reported in an update, and the recommendation for approval is subject to this issue being fully resolved.
- 6.18 The application includes a very detailed Sustainability Report that addresses the issues in the Council's 'Sustainable Design and Construction' SPD, which is a material consideration in the assessment of the proposals. While the Sustainability Report shows that high levels of sustainability performance can be secured in the buildings proposed. However, as a wide range of technologies and measures have been considered in the Report to provide for this; clarification of the measures selected would be provided for by the condition as recommended below.

#### **Other Material Considerations**



- 6.19 Berkshire Archaeology has commented that it is unlikely that any archaeology would be present at the site. The applicant has referred to the details submitted for another application at the school in 2012; however, on a precautionary basis, a condition is recommended below with would set out a process to be followed if any unexpected archaeology is revealed during site preparations.
- 6.20 The school has consulted with local residents before submitting the application, including a publicity event that was held prior to the application being made.

## 7. CONSULTATIONS CARRIED OUT

### Comments from interested parties

26 occupiers were notified directly of the application. The planning officer posted a statutory notice advertising the application at the site on 24 August 2015.

One letter was received in support of the application, summarised as:

Comment		Where in the report this is considered
1.	The school has kept residents informed and consulted prior to making the application.	6.21
2.	It is important for good quality facilities to be provided at the school.	6.3
3.	The proposal is well thought through.	6.5
4.	Green Belt impacts are minimal.	6.2 - 6.9
5.	The proposals would not lead to an increase in student numbers, and this should be controlled by condition.	6.9

### Statutory consultees

Consultee	Comment	Where in the report this is considered
Parish Council:	The proposals would be an overdevelopment of the site representing a disproportionate increase within the Green Belt, for which no acceptable special circumstances had been submitted. The 11m high accommodation was also considered to be intrusive in design and therefore contrary to policy NP/DG3. The committee further considered that bio-diversity issues and conditions should be considered by the Borough.	6.2 - 6.9

### Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Flood Risk Manager:	The Addendum provided in the Drainage Statement, Issue 4, dated 25 <sup>th</sup> September 2015 indicates that it is proposed to undertake a detailed site investigation including groundwater monitoring and infiltration tests as the proposed scheme progresses to detailed design. No infiltration tests have been undertaken to date and while a factor of safety has been added to the infiltration rates used in the Micro Drainage	6.18

	<p>calculations, submitted as part of the proposed drainage scheme design, significant uncertainty remains regarding the satisfactory operation of the proposed drainage system.</p> <p>Ground conditions and infiltration rates are known to be variable in the Ascot area and accurate infiltration rates should be determined in accordance with BRE Digest 365. If infiltration tests are not to be undertaken prior to determination of the planning application the applicant should demonstrate that alternative surface water drainage provisions not reliant on infiltration are practical.</p> <p>The drain-down times indicated in the Micro Drainage calculations are also excessive and the infiltration scheme design should be reviewed to achieve 50% drain down times within 24hours.</p> <p>If the planning application is to be determined as submitted without the applicant being given the opportunity to submit additional information it is recommended that the application be refused.</p>	
Tree officer:	Comments awaited.	6.11 - 6.13
Ecologist:	<p>The majority of the site comprises amenity grassland and hard standing, which were deemed to be of low ecological value. The eastern boundary of the site comprises woodland with a variety of tree species, some of which are likely to have the potential to support bat roosts. In addition, the woodland edge provides excellent commuting and foraging habitat for bats. It is understood that this area of woodland to the east of the site is to be retained and protected during and after development. It is recommended that in addition to the protection, a 10m buffer is retained between the proposed development and the woodland edge in order to reduce the impact of disturbance to species within the woodland.</p> <p>Other species are also considered in the ecologist's response, and controls recommended by condition.</p>	6.14 - 6.15
Highways Officer:	No objections on highways safety grounds. The response notes that there will be a construction Management Plan. To ensure this is submitted and is acceptable the CMP will be covered by condition. Routing of construction is to be along a woodland track off the schools internal road network. It is stated vehicles will access the site from St Mary Road. Due to St Marys Road being classified as a Private Street which are generally maintained by frontagers the highway authority feels it is essential that the CMP is accompanied by a highway condition survey so as not to put an undue burden on local residents.	6.17
Berkshire Archaeology:	This proposal is an above average scale of development for Sunninghill within a largely undeveloped part of the School grounds. However a series of archaeological investigations and observations were undertaken within the School grounds in 2012, all largely with a negative outcome. On balance, therefore, the likelihood of impacts on buried archaeological remains is low and therefore, should the proposal be permitted, no further action is required as regards the buried archaeological heritage.	6.19

## 8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B - layout and elevation drawings
- Appendix C - plan showing the alternative sites considered

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

In this case the issues have been successfully resolved.

## 9. 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 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 and including a pre-commencement road condition survey of St Marys Road, 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 and apportionment of any road repairs that may be required following the implementation of the development. Relevant Policies - Local Plan T5 and Neighbourhood Plan NP/T1.
- 3 Prior to commencing any works associated with this application, an Arboricultural Method Statement specific to this scheme and the construction method statement must be submitted and approved in writing by the Local Planning Authority. The Tree Protection Plan and Arboricultural Method Statement must be written in accordance with and address sections 5.5, 6.1, 6.2, 6.3 and 7 of British Standard 5837:2012 *Trees in relation to design, demolition and construction - recommendations*. Thereafter the works shall be carried out in accordance with the approved details until completion of the development.  
Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1 and N6 and Neighbourhood Plan NP/EN2.
- 4 No construction shall take place in association with the development until a biodiversity mitigation and enhancement strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of habitat improvements including provision within the landscaping materials of plants that are of value as wildlife food sources, bat and bird boxes and roosting spaces, and log piles and / or other features that have value for invertebrates and / or reptiles and details of habitat provision / improvements. The approved mitigation measures, including any additional measures recommended in the survey report(s), shall then be implemented in their entirety within the timescales approved within the strategy.  
Reason: In order to comply with advice in the National Planning Policy Framework 2012 and Neighbourhood Plan NP/EN4.
- 5 No development shall take place until a statement has been submitted and approved in writing from the Local Planning Authority that sets out the procedures to be followed during excavation

of the development, in the event that any possible archaeological remains are discovered. The approved details shall then be implemented in accordance with the approved details.

Reason: To ensure the continued preservation in situ or by record of any finds made in this area of archaeological interest. Relevant Policies - Local Plan ARCH2 and ARCH4.

- 6 While Code for Sustainable Homes and or BREEAM certification is not required in association with this planning permission, the proposed development shall be built to the same (or better) standards as set out in detail within the submitted Blue Sky Unlimited report dated 2nd February 2015 (Appendix 7 within the Design and Access Statement appendices, Volume 3), and retained as such.

Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development and to comply with the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document, and to contribute in the transition to a low carbon economy as advice in the NPPF.

- 7 No works of construction other than site preparation and excavation shall take place until full details of both hard and soft landscape works together with details of the routing of all underground services, 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 and Neighbourhood Plan NP/EN2, NP/DG2 and NP/DG3.

- 8 No development shall take place until samples of the materials to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.

Reason: In the interests of the visual amenities of the area. Relevant Policy Local Plan DG1 and Neighbourhood Plan NP/DG1 and NP/DG2.

- 9 No external lighting shall be installed in association with the approved extensions until details of the appearance and levels of illumination of the structures and fittings to be used have been submitted to and approved in writing by the Local Planning Authority. The external lighting (if any) shall be installed and maintained only in accordance with the approved details.

Reason: In the interests of the visual amenities of the area and to minimise impacts on bats that are likely to be present in the adjacent woodland. Relevant Policies - Local Plan DG1 and GB2 and Neighbourhood Plan NP/DG2, NP/DG2 and NP/DG3.

- 10 Enrolled pupil numbers at the school shall not exceed 400 at any one time.

Reason: To ensure a satisfactory control over any further intensification of activities and occupation within this Green Belt site. Relevant Policies - Local Plan GB1 and GB2, and advice within the NPPF.

- 11 No development shall take place until full details of the proposed surface water drainage system have been submitted to and approved in writing by the Local Planning Authority. These shall include:

- Drawings indicating full details of all components of the proposed drainage system including dimensions, locations, gradients, invert and cover levels.
- Full calculations demonstrating that the 1 in 100 year plus climate change design standard can be achieved by the proposed permeable paving and soakaway system whilst limiting discharge from the system overflow to 1.9 l/s
- Full details of the proposed maintenance arrangements for the development covering every aspect of the proposed drainage system.

The approved drainage plan shall then be implemented as approved prior to the first occupation of the development.

Reason: To ensure that the principles of sustainable drainage are incorporated into the proposed development and that the risk of flooding is not increased.

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

Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1 and N6; Neighbourhood Plan NP/EN2.

- 13 The dwelling houses approved as part of this development may only be used as accommodation for school staff, the staff member's spouse/partner and their resident dependants, unless otherwise first approved in writing by the Local Planning Authority.

Reason: Occupation of the accommodation other than in accordance with this condition would be contrary to the development plan and to the very special circumstances that allowed this development to be approved. Relevant Policies - Local Plan GB1 and GB2.

The case file can be viewed at the Council's Customer Service Centres or on the Council's website at <http://www.rbwm.gov.uk>



ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD  
PANEL UPDATE

Windsor Rural Panel

Application No.:	<b>15/02272/FULL</b>
Location:	<b>St Marys School St Marys Road Ascot SL5 9JF</b>
Proposal:	<b>Upper Sixth Form Accommodation, Pastoral Centre, Staff Accommodation and Laundry</b>
Applicant:	<b>St Mary's School</b>
Agent:	<b>Mr Martin Leay - Martin Leay Associates</b>
Parish/Ward:	<b>Sunninghill And Ascot Parish</b>

If you have a question about this report, please contact: **Alistair de Joux on 01628 685729 or at [alistair.dejoux@rbwm.gov.uk](mailto:alistair.dejoux@rbwm.gov.uk)**

**1. SUMMARY**

- 1.1** The sustainable drainage issue discussed in the main report has now been resolved, and consultation comments have been received from the Council's Tree Officer.
- 1.2** Further clarification has been provided by the appellant on the issues of staff accommodation, and clarification on the building sustainability is also provided below.

The recommendation in the main report is changed to:

Subject to there being no call-in by the Secretary of State in accordance with the Town and Country Planning (Consultation) (England) Direction 2009, to grant planning permission with the conditions listed in Section 10 of the main report and additional reason in Section 3 of this update.

**2. ADDITIONAL INFORMATION**

- 2.1** The Council's Flood Risk Manager has reviewed the latest information submitted on Sustainable Drainage, and is now satisfied that the proposal can comply with the recent legislation on this topic. This has allowed the recommendation to be amended, as above.
- 2.2** The question was raised as to whether any increase in staff numbers would result from this proposal, at para. 6.3 in the main report. The agent has confirmed that the school has no intention of increasing staff numbers although, as with pupil numbers, there is inevitably an annual fluctuation. This is measured in single figures and it was reiterated that pupil numbers are capped at 400, as provided for in condition 10.
- 2.3** The main report discussed building sustainability at para. 6.13, and this has been further reviewed since the main report was written. While in accordance with changes in National Planning Practice Guidance, Code for Sustainable Homes and / or BREEAM certification are no longer required, it is recommended that the development should be carried out in accordance with the submitted Sustainability Statement (Blue Sky Unlimited report dated 2<sup>nd</sup> February 2015, which was submitted as Appendix 7 within the Design and Access Statement Volume 3).

## Comments from Consultees

Comment	Officer response	Change to recommendation?
<p>Flood Risk Manager:</p> <p>The Drainage Statement, Issue 5, dated 5th November 2015 is acceptable, in principle, and subject to one condition an acceptable surface water scheme can be developed that will not increase flood risk.</p>	<p>A new condition (11) is added below.</p>	<p>Yes; the potential objection in regard to the drainage issue has been overcome.</p>
<p>Tree Officer:</p> <p>There are no objections to the proposed development subject to conditions. It is also recommended that a red (American) oak on the access road that would be used by construction vehicles can be felled and replaced.</p>	<p>Conditions 3 and 7 in the main report substantially cover some but not all of the tree Officer's recommendations. Condition 3 is amended below, and a new condition 12 has been added.</p>	<p>No.</p>

### 3. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

3.1 Conditions 1-10 are largely as in the main report, but conditions 3 and 6 amended in line with the discussion above. Condition 11 and 12 have been added in this update:

- 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 and including a pre-commencement road condition survey of St Marys Road, 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 and apportionment of any road repairs that may be required following the implementation of the development. Relevant Policies - Local Plan T5 and Neighbourhood Plan NP/T1.
- 3 Prior to commencing any works associated with this application, an Arboricultural Method Statement specific to this scheme and the construction method statement must be submitted and approved in writing by the Local Planning Authority. The Tree Protection Plan and Arboricultural Method Statement must be written in accordance with and address sections 5.5, 6.1, 6.2, 6.3 and 7 of British Standard 5837:2012 Trees in relation to design, demolition and construction – recommendations. Thereafter the works shall be carried out in accordance with the approved details until completion of the development.  
Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1 and N6 and Neighbourhood Plan NP/EN2.
- 4 No construction shall take place in association with the development until a biodiversity mitigation and enhancement strategy has been submitted to and approved in writing by the Local Planning

**Development Control Panel Windsor Rural**



- Authority. The strategy shall include details of habitat improvements including provision within the landscaping materials of plants that are of value as wildlife food sources, bat and bird boxes and roosting spaces, and log piles and / or other features that have value for invertebrates and / or reptiles and details of habitat provision / improvements. The approved mitigation measures, including any additional measures recommended in the survey report(s), shall then be implemented in their entirety within the timescales approved within the strategy.  
Reason: In order to comply with advice in the National Planning Policy Framework 2012 and Neighbourhood Plan NP/EN4.
- 5 No development shall take place until a statement has been submitted and approved in writing from the Local Planning Authority that sets out the procedures to be followed during excavation of the development, in the event that any possible archaeological remains are discovered. The approved details shall then be implemented in accordance with the approved details.  
Reason: To ensure the continued preservation in situ or by record of any finds made in this area of archaeological interest. Relevant Policies - Local Plan ARCH2 and ARCH4.
- 6 While Code for Sustainable Homes and or BREEAM certification is not required in association with this planning permission, the proposed development shall be built to the same (or better) standards as set out in detail within the submitted Blue Sky Unlimited report dated 2<sup>nd</sup> February 2015 (Appendix 7 within the Design and Access Statement appendices, Volume 3), and retained as such.  
Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development and to comply with the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document.
- 7 No works of construction other than site preparation and excavation shall take place until full details of both hard and soft landscape works together with details of the routing of all underground services, 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 and Neighbourhood Plan NP/EN2, NP/DG2 and NP/DG3.
- 8 The materials to be used on the external surfaces of the building shall be in accordance with those specified in the application unless any different materials are first agreed in writing by the Local Planning Authority, and the development shall then be maintained in accordance with these details.  
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1 and GB2.
- 9 No external lighting shall be installed in association with the approved extensions until details of the appearance and levels of illumination of the structures and fittings to be used have been submitted to and approved in writing by the Local Planning Authority. The external lighting (if any) shall be installed and maintained only in accordance with the approved details.  
Reason: In the interests of the visual amenities of the area and to minimise impacts on bats that are likely to be present in the adjacent woodland. Relevant Policies - Local Plan DG1 and GB2 and Neighbourhood Plan NP/DG2, NP/DG2 and NP/DG3.
- 10 Enrolled pupil numbers at the school shall not exceed 400 at any one time.  
Reason: To ensure a satisfactory control over any further intensification of activities and

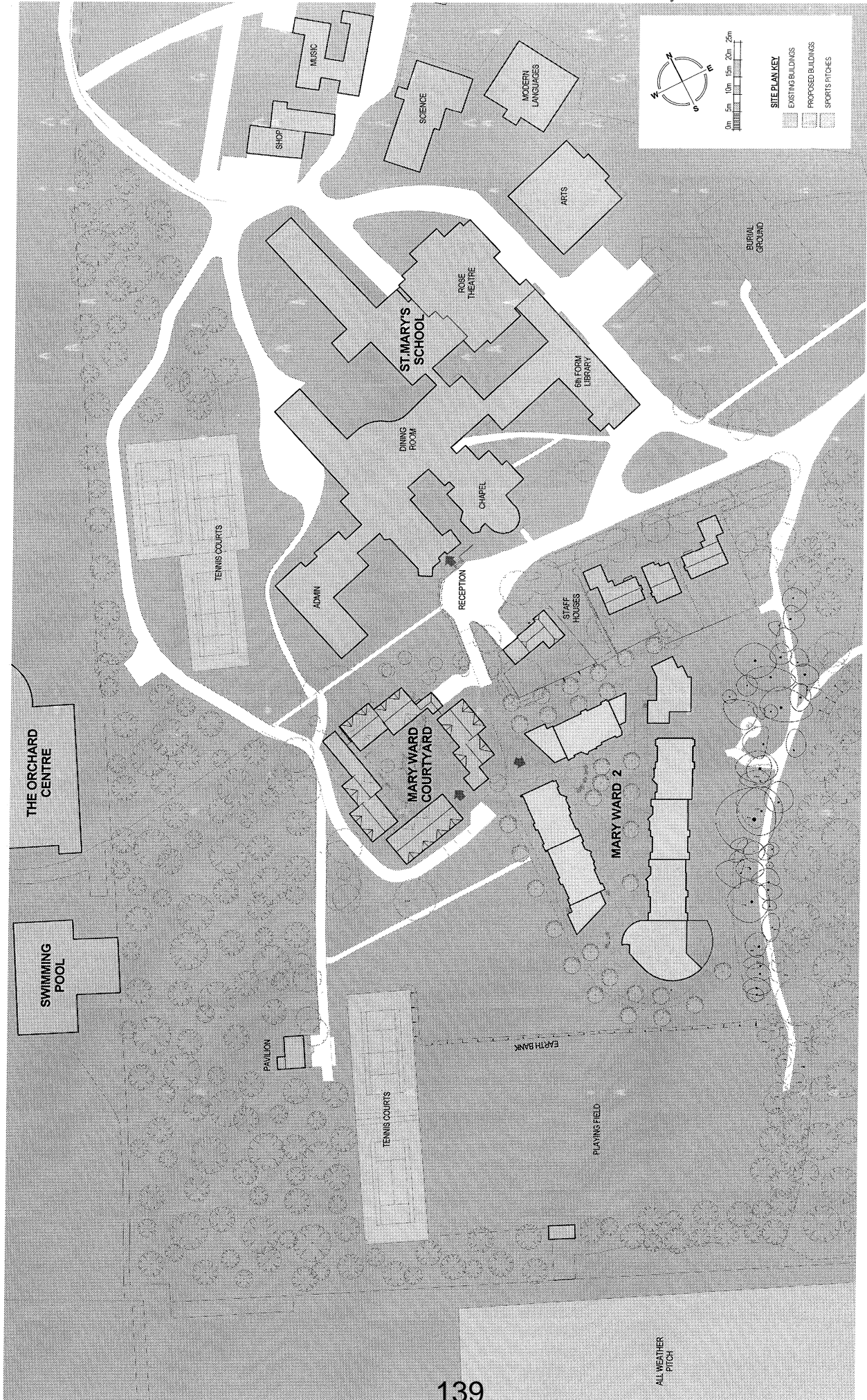
occupation within this Green Belt site. Relevant Policies - Local Plan GB1 and GB2, and advice within the NPPF.

- 11 No development shall take place until full details of the proposed surface water drainage system have been submitted to and approved in writing by the Local Planning Authority. These shall include:
- Drawings indicating full details of all components of the proposed drainage system including dimensions, locations, gradients, invert and cover levels.
  - Full calculations demonstrating that the 1 in 100 year plus climate change design standard can be achieved by the proposed permeable paving and soakaway system whilst limiting discharge from the system overflow to 1.9 l/s
  - Full details of the proposed maintenance arrangements for the development covering every aspect of the proposed drainage system.

Reason: To ensure that the principles of sustainable drainage are incorporated into the proposed development and that the risk of flooding is not increased.

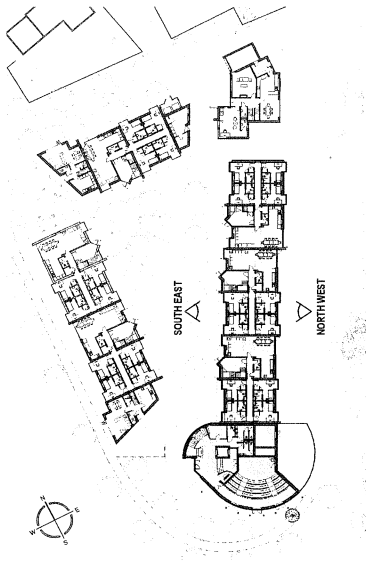
- 12 No tree or hedgerow shown to be retained in the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be lopped or topped other than in accordance with the approved plans and particulars or without the prior written approval of the Local Planning Authority, until five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

Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1 and N6; Neighbourhood Plan NP/EN2.

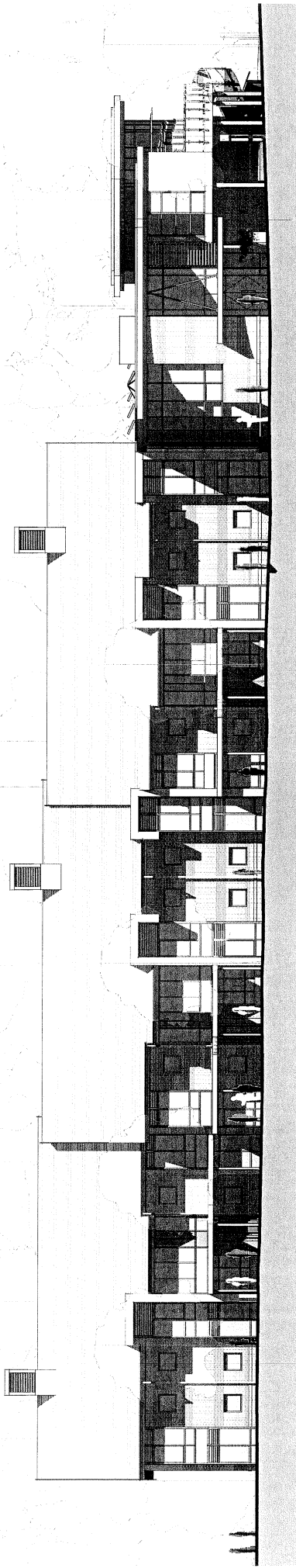


*Plans approved for 15/02272/FULL*

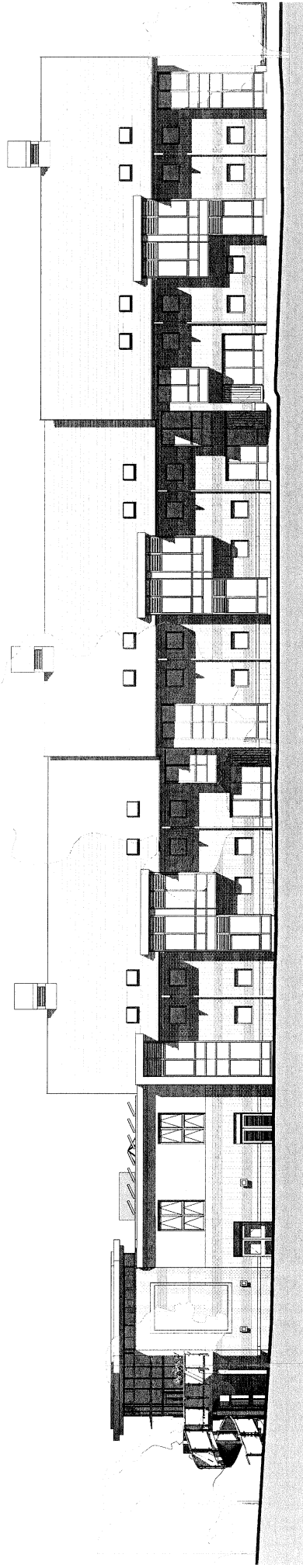
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Key Plan - Block A  
1: 500



Block A - Elevation Looking South East  
1: 100



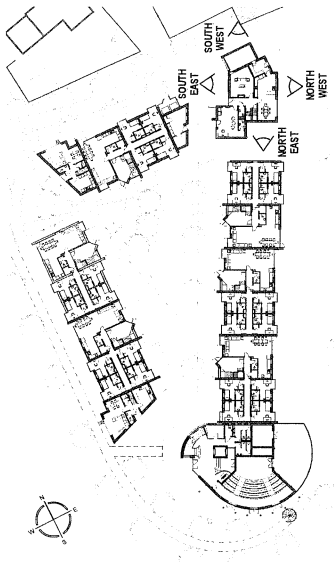
Block A - Elevation Looking North West  
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Proposed Elevations - Block A - South East / North West  
Mary Ward 2

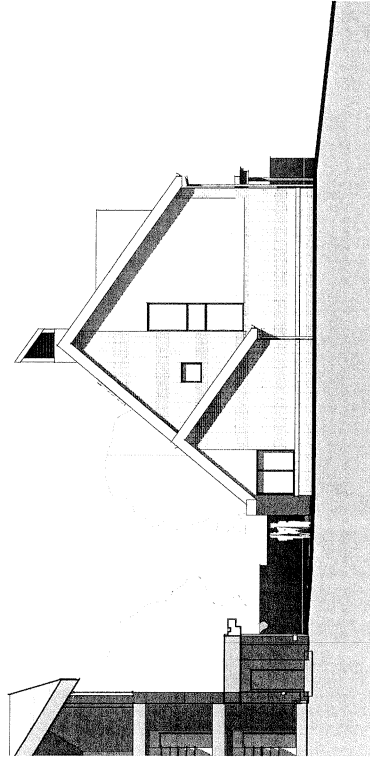
EDGINGTON  
SPINK + HYNE  
CHARITABLE  
ARCHITECTS

November 2014 5221-150

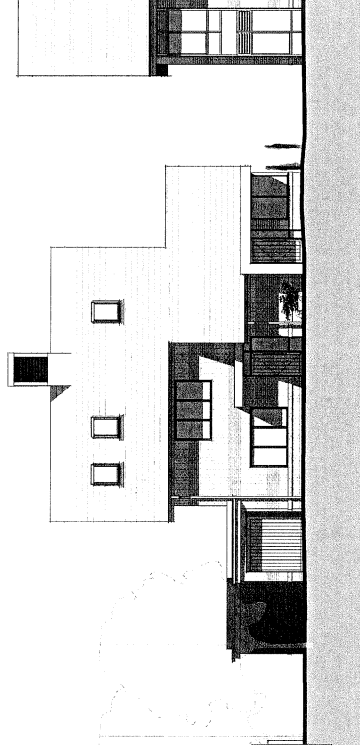
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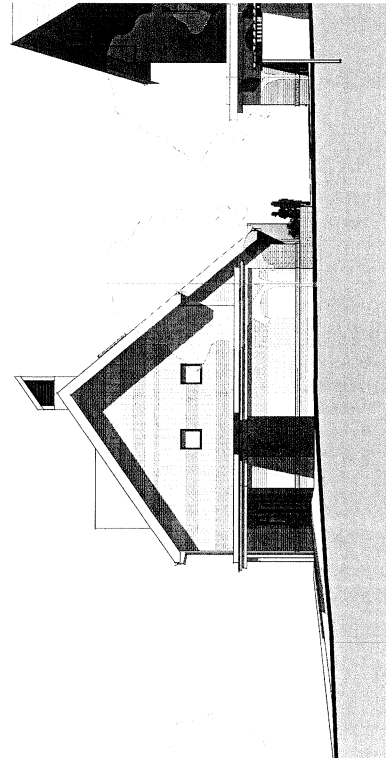
Key Plan - Block B - 4 Bedroom Staff House  
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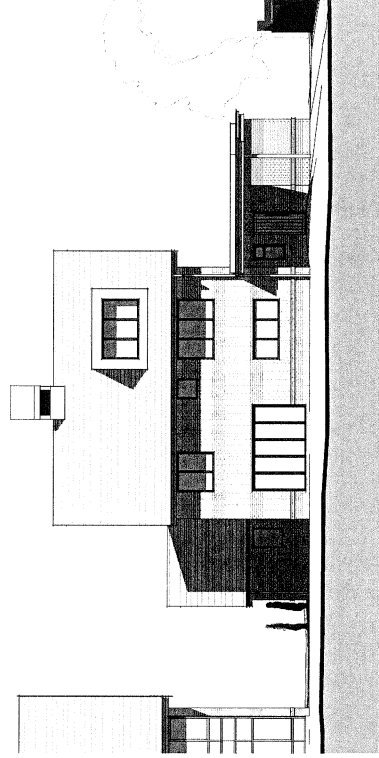
Block B - Elevation Looking North East  
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Block B - Elevation Looking South East  
1 : 100



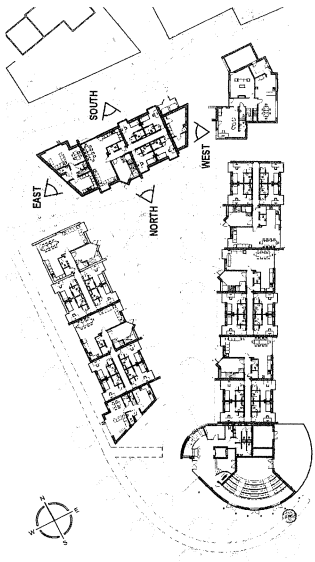
Elevation B - Looking South West  
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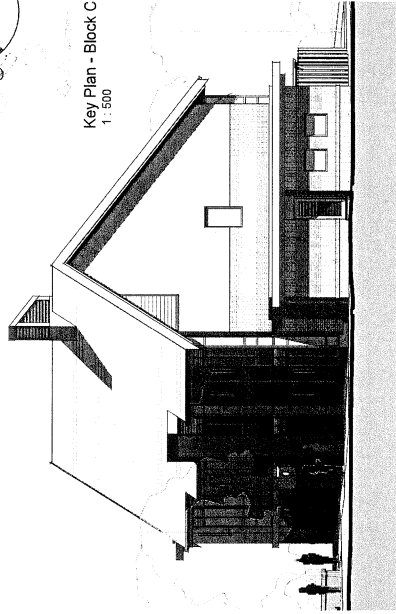
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Proposed Elevations - Block B - 4 Bedroom Staff House  
Mary Ward 2

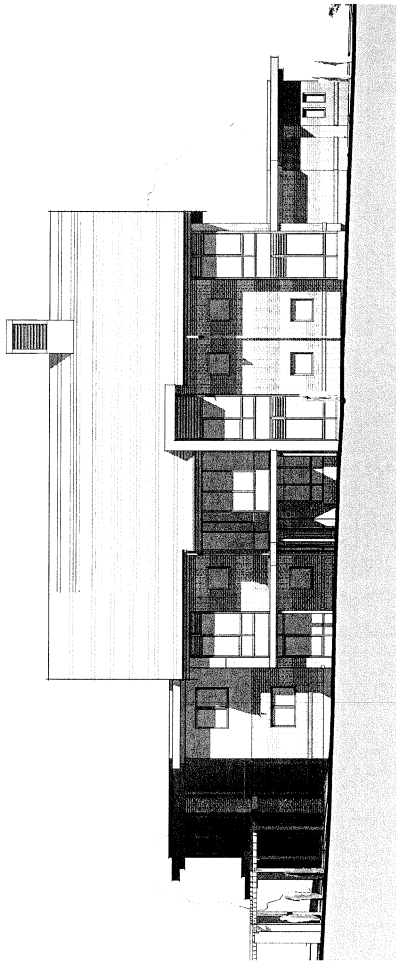
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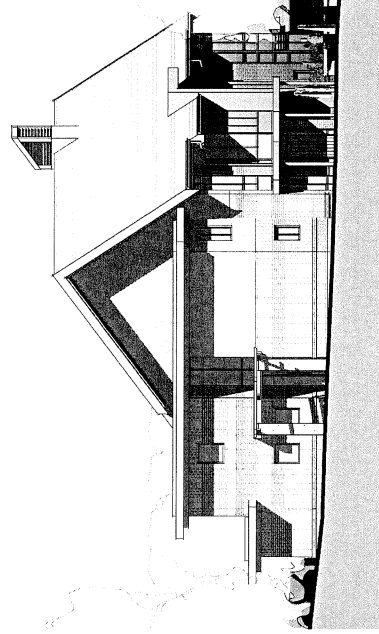
Key Plan - Block C  
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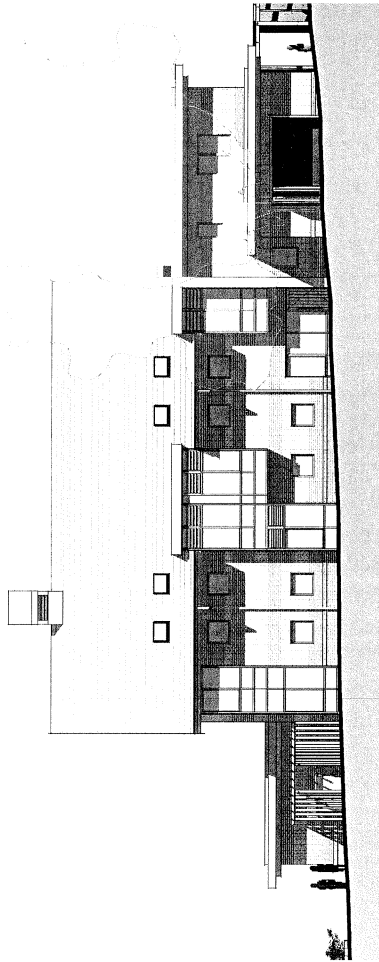
Block C - Elevation Looking West  
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Block C - Elevation Looking North  
1 : 100



Block C - Elevation Looking East  
1 : 100

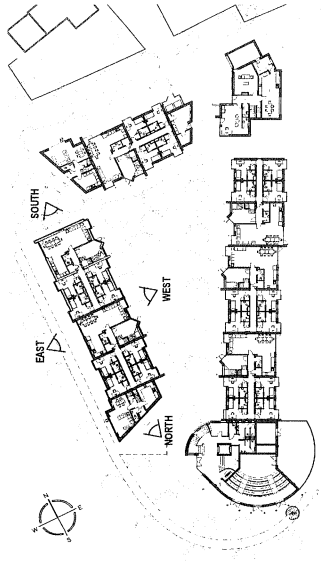


Block C - Elevation Looking South  
1 : 100

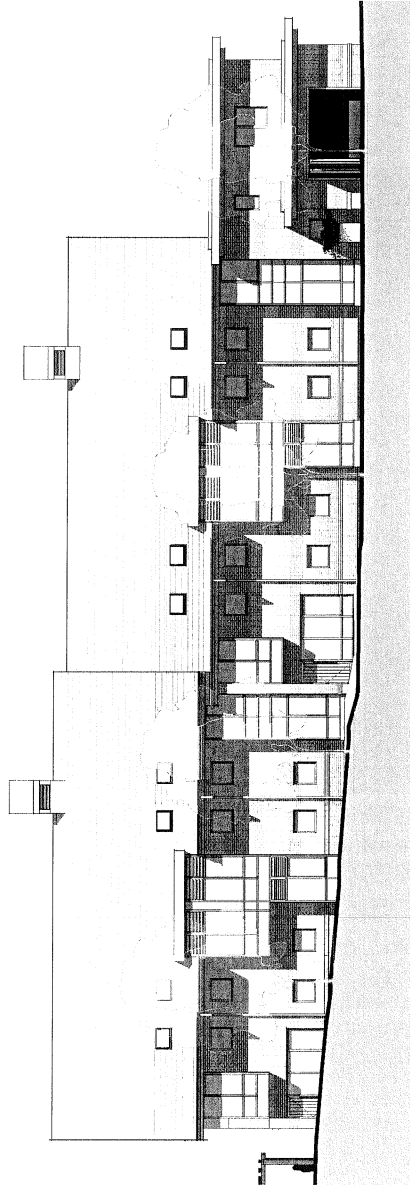
Proposed Elevations - Block C  
Mary Ward 2

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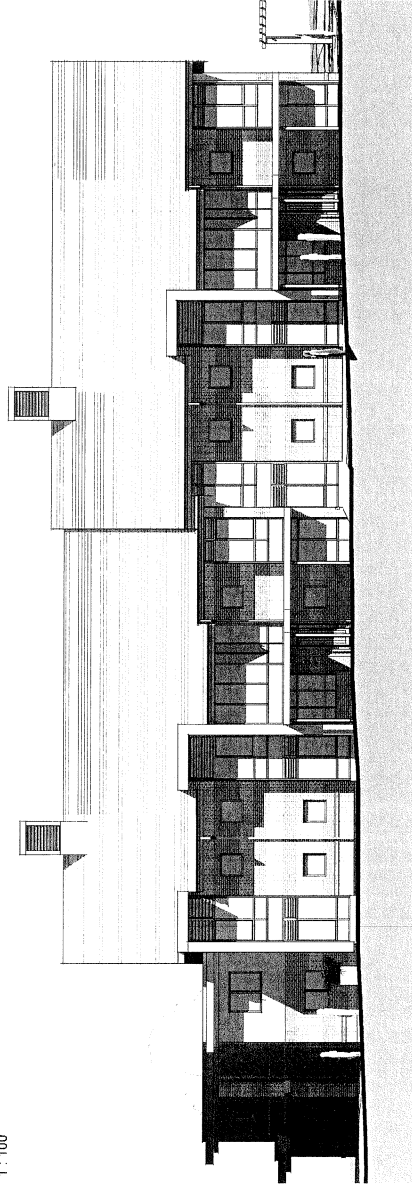
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SCALE 1:100 @ A1



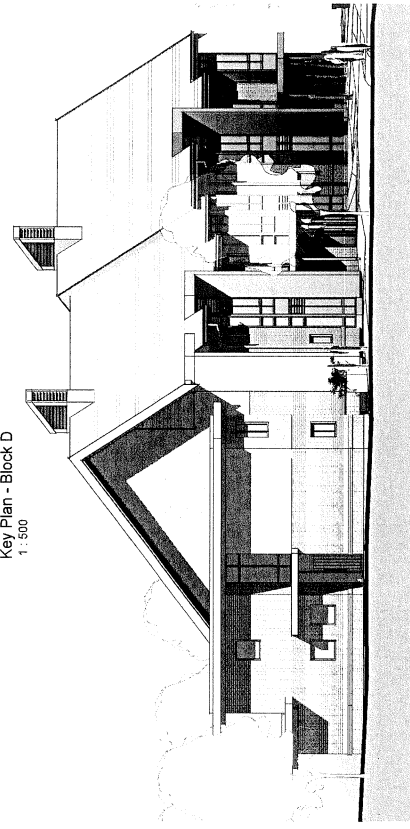
Key Plan - Block D  
1:500



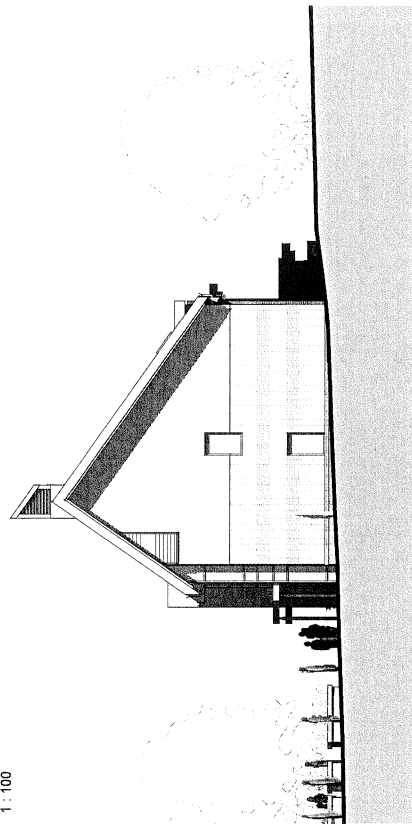
Block D - Elevation Looking East  
1:100



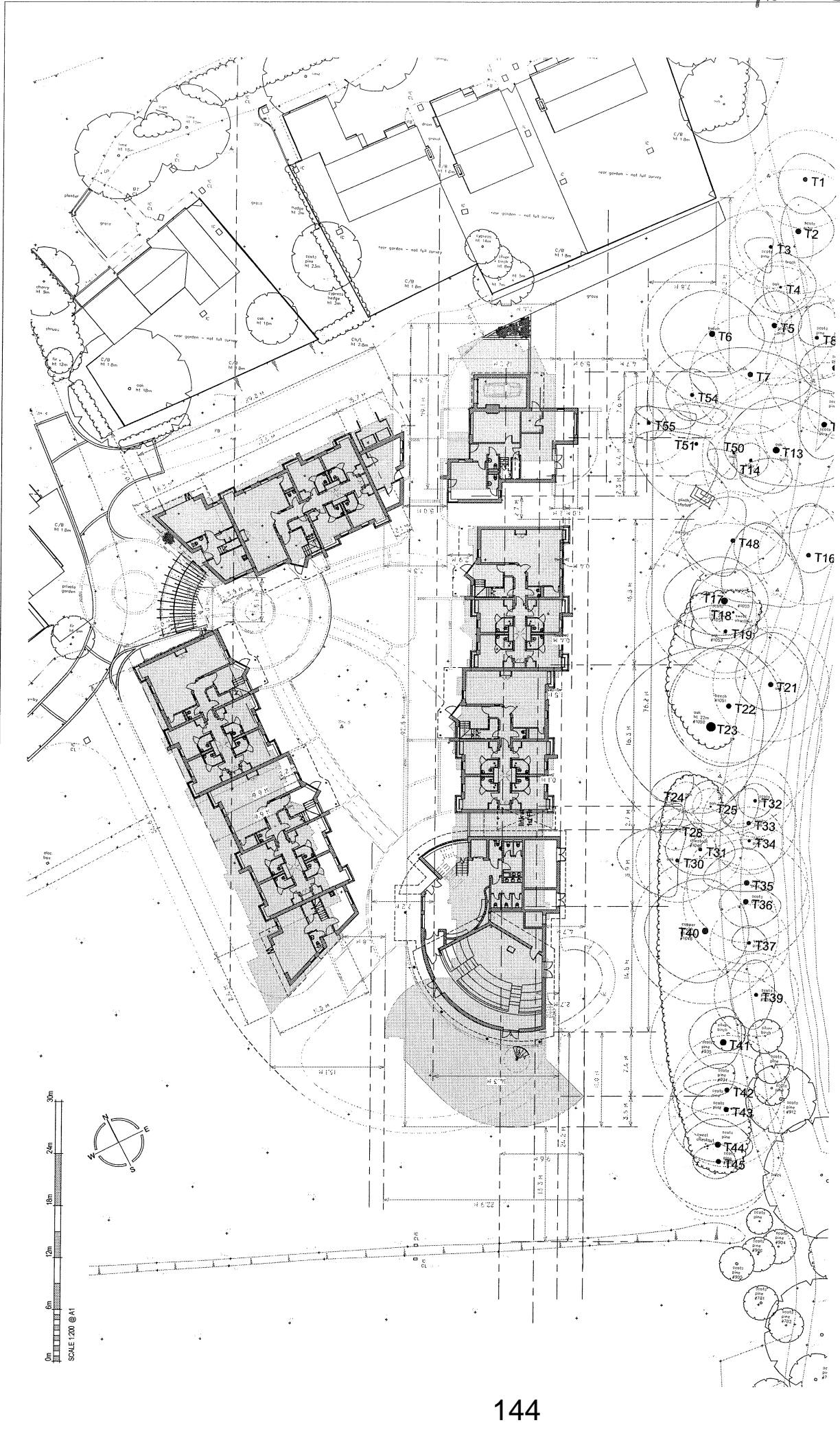
Block D - Elevation Looking West  
1:100



Block D - Elevation Looking North  
1:100



Block D - Elevation Looking South  
1:100



St. Mary's School Ascat  
Mary Ward 2

Proposed Site Plan - Reduced Scale Proposal  
(blue)  
Planning the Consented Scheme Overlay (in grey)

Project Status: Planning Application  
Scale: 1:200  
Date: January 2016  
Drawn: CH  
No. 5221  
Date: 11/50  
Rev: H

**EDGINGTON**  
**SPINK & HYNE**  
**CHARITERS**  
**ARCHITECTS**

16 BRIDLEWAY, HANSEL STREET  
WINDSOR, BERKSHIRE, SL4 4HS  
TEL: 01753 507606  
WWW.SPINKANDHYNE.CO.UK

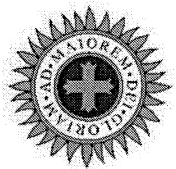
JANUARY 2016 CONSENTED SCHEME & DIMENSIONS SHOWN IN BLUE  
AMENDED SCHEME DIMENSIONS SHOWN IN RED

- TOTAL EXISTING BUILDINGS = 12135m<sup>2</sup>
- TOTAL CONSENTED SCHEME = 1686m<sup>2</sup> = 13.89% of Existing Total
- TOTAL CURRENT SCHEME (5 Pupil House reduced areas) = 1453m<sup>2</sup>
- INDIVIDUAL STUDY BEDROOMS REDUCED BY 12.09% FROM 12.4m<sup>2</sup> TO 10.9m<sup>2</sup>

NOTES:  
1. THIS PLAN IS THE PROPERTY OF SPINK & HYNE ARCHITECTS AND IS TO BE USED ONLY FOR THE PURPOSES FOR WHICH IT IS ISSUED.  
2. ANY REVISIONS TO THIS PLAN MUST BE APPROVED BY SPINK & HYNE ARCHITECTS.  
3. THIS PLAN IS TO BE USED IN CONJUNCTION WITH THE PROVISION AND CONDITIONS OF THE CONSENTED SCHEME OVERLAY REPORTED TO THE AUTHORITIES.

REVISIONS

NO.	DATE	DESCRIPTION
1	11/01/16	ISSUED FOR PERMITTING
2	11/01/16	ISSUED FOR PERMITTING
3	11/01/16	ISSUED FOR PERMITTING
4	11/01/16	ISSUED FOR PERMITTING
5	11/01/16	ISSUED FOR PERMITTING
6	11/01/16	ISSUED FOR PERMITTING
7	11/01/16	ISSUED FOR PERMITTING
8	11/01/16	ISSUED FOR PERMITTING
9	11/01/16	ISSUED FOR PERMITTING
10	11/01/16	ISSUED FOR PERMITTING



*Proposed layout overlaid on footprint of approved layout (in grey) for 15/02272/FULL*



## WINDSOR RURAL DEVELOPMENT CONTROL PANEL

3 May 2016

Item: 6

<b>Application No.:</b>	16/00699/VAR
<b>Location:</b>	Heath End Place Windsor Road Ascot SL5 7LQ
<b>Proposal:</b>	Replacement dwelling and detached double garage with habitable accommodation above following the demolition of existing dwelling as approved under planning permission 14/01248 without complying with condition 15 (first floor windows) under planning permission 15/01107/VAR to remove this condition, and to vary condition 14 (second floor dormer windows) so that the north east second floor dormer window is fitted with obscure glazing and fixed shut.
<b>Applicant:</b>	C/o Agent
<b>Agent:</b>	Mr Justyn Turnbull
<b>Parish/Ward:</b>	Sunninghill And Ascot Parish

**If you have a question about this report, please contact:** Claire Pugh on 01628 685739 or at [claire.pugh@rbwm.gov.uk](mailto:claire.pugh@rbwm.gov.uk)

### 1. SUMMARY

- 1.1 This application seeks to remove the condition requiring the first floor side windows in the first floor of the dwelling to be fitted with obscure glass and with a top-opening (condition 15 of permission 15/01107/VAR), and to re-word condition 14 so that only the second floor dormer window in the north east elevation is fitted with obscure glazing and fixed shut. These conditions were imposed in order to prevent overlooking and loss of privacy to neighbouring properties.
- 1.2 It is not considered that the variation of these conditions would result in unacceptable overlooking or loss of privacy to neighbouring sites.

**It is recommended the Panel grants planning permission subject to the conditions listed in Section 9 of this report.**

### 2. REASON FOR PANEL DETERMINATION

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

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

- 3.1 A two and half storey dwelling which was granted planning permission in September 2014 is substantially complete at the site known as Heath End Place. The application site is broadly T-shaped. The site is accessed (along with several other properties) via a private unnamed road off Windsor Road. To the north of the site is number 37 Huntsman Meadow (a residential property situated on a residential estate). To the east of the site is the property known as Heathend House, and further east again is Heathend Cottage. To the south of the site is Falcon House, Kennel Avenue.

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

Ref.	Description	Decision and Date
15/01107/VAR	Replacement dwelling and detached double garage with habitable accommodation above following the demolition of existing dwelling as approved under planning permission 14/01248 without complying with condition 3 (Code for Sustainable Homes) 4 (Code for Sustainable	Permitted 27 <sup>th</sup> May 2015.

	Homes) to remove these conditions.	
15/00596/CON DIT	Details required by condition 14 (Trees) of planning permission 14/01248 for replacement dwelling and detached double garage with habitable accommodation above following the demolition of existing dwelling	Approved 4 <sup>th</sup> March 2015
14/03248/CON DIT	Details required by condition 6 (finished slab levels) 9 (siting and design) 10 (driveway and parking) 11 (landscape) 14 (tree protection) 16 (tree and hedgerow retention) 14/01248 Replacement dwelling and detached double garage with habitable accommodation above following the demolition of existing dwelling	Part approval/refusal 9 <sup>th</sup> February 2015
14/03595/CON DIT	Details required by condition 2 ( External materials) 7 (Sustain measures) 8 (Ageing pop) 12 (Construction management plan) of planning permission 14/01248 for replacement dwelling and detached double garage with habitable accommodation above following the demolition of existing dwelling	Permitted 18 <sup>th</sup> December 2014
14/01248/FUL L	Replacement dwelling and detached double garage with habitable accommodation above following the demolition of existing dwelling	Permitted on 19 <sup>th</sup> September 2014

- 4.1 The principle of the development has already been established, and the dwelling is substantially complete. As such the principle of the development and design of the dwelling cannot be considered under this variation application.
- 4.2 This application seeks to vary the wording of condition 14 (second floor dormer windows in the side elevations to be fitted with obscure glazing and of permanently fixed non opening design), and to remove condition 15 (first floor side windows to be fitted with obscure glazing, and with a top opening design) of permission 15/01107/VAR. The application seeks to vary the wording of condition 14 so that only the second floor side dormer window in the north- east elevation is fitted with obscure glazing and is designed to be fixed shut. A copy of the decision notice for permission 15/01107/VAR can be found in Appendix C.

Condition 14 of permission 15/01107/VAR reads as:

*'The second floor dormer window(s) in the north east and south west (side) elevation(s) of the dwelling shall be of a permanently fixed, non-opening design and fitted with obscure glass to level 3 or above and the window shall not be altered without the prior written approval of the Local Planning Authority. Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H11.'*

Condition 15 of permission 15/01107/VAR reads as:

*'The first floor window(s) in the north east and south west (side) elevation(s) of the dwelling shall be of a permanently fixed, non-opening design, with the exception of an opening toplight that is a minimum of 1.7m above the finished internal floor level, and fitted with obscure glass to level 3 or above and the window shall not be altered without the prior written approval of the Local Planning Authority. Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H11.'*

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

### 5.1 National Planning Policy Framework

Section 17- always seek to secure high quality design and a good standard of amenity

for all existing and future occupants of land and buildings

Section 64- character and quality of an area

### Royal Borough Local Plan

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

	<b>Within settlement area</b>	<b>Highways /Parking issues</b>
Local Plan	DG1, H11, N6	T5, P4
Ascot, Sunninghill and Sunningdale Neighbourhood Plan	NP/DG1, NP/DG2, NP/DG3,	NP/T1,

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

- Sustainable Design and Construction

More information on these documents can be found at:

[http://www.rbwm.gov.uk/web/pp\\_supplementary\\_planning.htm](http://www.rbwm.gov.uk/web/pp_supplementary_planning.htm)

### Other Local Strategies or Publications

5.4 Other Strategies or publications relevant to the proposal are:

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

## 6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- ii Whether the variation of conditions 14 and 15 would protect neighbouring residential amenity

### **Whether the variation of conditions 14 and 15 would protect neighbouring residential amenity**

6.2 The reasons conditions 14 and 15 for the first and second floor side facing windows to be fitted with obscure glazing were imposed was to prevent overlooking and loss of privacy to neighbouring occupiers.

6.3 This application must assess whether the removal of condition 15 (first floor windows to be fitted with obscure glass and be of a top opening design) and the variation of the wording of condition 14 so that only the second floor dormer window in the north east elevation of the dwelling is fitted with obscure glazing and fixed shut, but not the dormer window at second floor level in the south west elevation would have an acceptable impact on neighbouring residential amenity.

- 6.4 The windows in the north east (side) elevation at first floor level would face the garden area of Heathend House. The dwelling at Heathend Place is located next to the end part of the garden area to Heathend House; there is a distance of circa 7 metres between the new dwelling and side boundary to the rear garden of Heathend House (see approved site layout plan in Appendix B). It does not face the more immediate garden area of this neighbouring property which would be more heavily utilised and afforded more protection in terms of privacy. The first floor windows in the side elevation of Heathend Place could provide some views into the rear part of the garden area to Heathend House, however, at the current time it does not provide such views as the existing hedge obscures views into this garden. Notwithstanding this, even if the hedge was removed in the future, the impact on residential amenity would be considered acceptable. Garden areas are afforded less protection in terms of privacy compared to habitable room windows, however, the windows in Heathend Place do not face the more immediate amenity space of this garden. Turning to the first floor side windows in the south west elevation of the dwelling, it is not considered that these windows would provide unacceptable views into the garden of Falcon House or would result in direct overlooking to habitable room windows in Falcon House; there is a gap of circa 10 metres between the dwelling at Heathend Place and the dwelling at Falcoln House, also Falcoln House is angled away from the application site. The officer has looked from the windows in the side elevation of Heathend Place and looked towards Heathend House and Falcon House, and is satisfied that the removal of condition 15 (first floor side windows to be obscure glazed) would not result in unacceptable overlooking to neighbouring sites.
- 6.5 Turning to condition 14 (second floor dormer windows), the applicant has agreed that the north-east (side) second floor dormer window is fitted with obscure glass and is designed to be fixed shut. As such, this window does not need to be assessed. Turning to the second floor dormer window in the south west elevation, the officer has looked out from this window, and did not consider that there were unacceptable views into neighbouring site (namely Falcon House). In addition, this side dormer window has limited glazing as the chimney runs through the centre of this window. It is recommended that condition 14 is varied so that only the second floor side dormer window in the north-east elevation of the dwelling is fitted with obscure glazing and designed to be fixed shut.

### **Other material considerations**

- 6.6 In the original application the officer considered the second floor side dormer windows should be fitted with obscure glazing, and the architect sought to add to additional front dormers to improve the internal space. It would not be reasonable or necessary to require the applicant to remove the front dormer windows. This application has to be judged on its merits, and whether the variation of the conditions is acceptable in its own right.
- 6.7 Consideration to the planning application currently submitted at Heathend House should not be given weight as planning permission has not been granted for a scheme at this site.
- 6.8 Concern is raised in respect of overlooking from the windows in the north east elevation of the dwelling to the windows in Heathend Cottage, however, given that there is a gap in excess of 40 metres between these two elevations, it is not considered that there is unacceptable overlooking to this dwelling.

## **7. CONSULTATIONS CARRIED OUT**

### **Comments from interested parties**

11 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 10<sup>th</sup> March 2016.

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

Comment		Where in the report this is considered
1.	The conditions for obscure glazing were accepted by the architect in the original application.	Noted.
2.	If the officer is minded to accept the removal of these conditions, it should be on the basis that the two dormer windows on the front elevation are removed. The officer accepted the two additional dormer windows on the front on the basis the side dormer windows would be obscurely glazed.	6.6
3.	The applicant has continuously cherry picked which conditions they adhere to. They did not adhere to the condition relation to the Construction Management Plan.	Noted, but this is not relevant to the planning assessment of this application.
4.	The applicant is wrong to draw comparisons with the dwelling that used to exist in terms of outlook from windows, as the new dwelling is in a different location and is significantly larger.	Noted.
5.	The applicant has now purchased Heathend House, and so whilst now no objection is received from this property, at the time the occupier did raised concerns about overlooking. The screening between these properties is now less than used to exist as trees have been removed. The removal of the conditions would result in unacceptable overlooking to these dwellings.	6.2-6.5
6	Regard should be had to the planning application currently under consideration at Heathend House. If granted approval, this dwelling would be in closer proximity to the house at Heathend Place.	6.7
7	The windows in the north-east first floor and second floor windows directly face the main frontage and bedroom windows of Heathend Cottage causing an invasion of privacy.	6.8
8	Now the dwelling is built, it is more evident that conditions 14 and 15 are required.	6.1-6.5

### Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Parish Council	Objections as the rationale for the condition remain and should therefore be enforced.	6.1-6.5
SPAE	Conditions 14 and 15 remain valid and should remain enforced.	6.1-6.5
Highways	No objection to the application.	Noted.

### 8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Approved site layout, elevations and floor plans- reference 14/01248
- Appendix C- Decision notice for reference 15/01107/VAR

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

In this case the issues have been successfully resolved.

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

- 1 The development hereby approved shall be in accordance with the materials approved under 14/003595/CONDIT for the external surfaces of the development . The development shall be maintained in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.  
Reason: In the interests of the visual amenities of the area. Relevant Policy DG1
- 2 No window(s) shall be inserted at first floor level or above in the side (north west) elevation(s) of the garage building hereby approved without the prior written approval of the Local Planning Authority.  
Reason:To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H11.
- 3 The slab levels shall be in accordance with the details approved under reference 14/03248/CONDIT.  
Reason: In the interest of the visual amenities of the area. Relevant Policy Local Plan DG1.
- 4 The development shall be carried out and maintained in accordance with the sustainability measures approved under application 14/03595/CONDIT.  
Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development and to comply with the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document.
- 5 The development shall be carried out and maintained in accordance with the planning for an ageing population statement approved under application 14/03595/CONDIT.  
Reason:To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development and to comply with the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document.
- 6 The means of enclosure approved under 14/03248/CONDIT shall be implemented in accordance with the details approved . The means of enclosure shall be erected before first occupation of the development, unless the prior written approval of the Local Planning Authority to any variation has been obtained.  
Reason:To ensure the satisfactory resultant appearance and standard of amenity of the site and the surrounding area. Relevant Policy - Local Plan DG1.
- 7 The hard surface of the access driveway and parking area shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.  
Reason:To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with Requirement 5 of the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document.
- 8 The development shall be maintained in accordance with the approved details of planting as contained within application 14/03248/CONDIT unless otherwise agreed in writing by the Local Planning Authority. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping details, 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 approval to any variation.

Reason: To ensure the approved details are appropriate to maintain the rural character of the site and the surrounding area. Relevant Policy - Local Plan DG1, GB2 and N6.

- 9 The construction of the development shall be carried out and maintained for the duration of the works in accordance with the details outlined in the Method of Construction Statement approved under 14/03595/CONDIT  
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.
- 10 No part of the development shall be occupied until vehicle parking space has been provided in accordance with the approved drawing. The space approved shall be retained for parking in association with the development.  
Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety. Relevant Policies - Local Plan P4, DG1.
- 11 The tree protection measures approved under reference 15/00596/CONDIT shall be fully adhered to. The fencing shall be retained and maintained until the substantial completion of the development and nothing shall be stored or placed in the area fenced in accordance with this condition, unless otherwise agreed in writing with the Local Planning Authority and the ground levels within those areas shall not be altered, nor shall any excavation be made within the area, without the prior written approval of the Local Planning Authority  
Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.
- 12 No tree or hedgerow shown to be retained in the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be lopped or topped other than in accordance with the approved plans and particulars or without the prior written approval of the Local Planning Authority, until five years from the date of occupation of the building for its permitted use. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 Tree work. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate vicinity and that tree shall be of the same size and species unless the Local Planning Authority give its prior written consent to any variation.  
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1,N6.
- 13 Irrespective of the provisions of Classes A, B and E of part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no enlargement, improvement or any other alteration (including the erection of any ancillary building within the curtilage) of or to any dwelling house the subject of this permission shall be carried out without planning permission having first been obtained from the Local Planning Authority.  
Reason: The prominence of the site requires strict control over the form of any additional development which may be proposed. Relevant Policies - Local Plan H11, DG1, and to protect retained trees, in accordance with Local Plan Policy N6 and Neighbourhood Plan Policy NP/EN2
- 14 The second floor dormer window(s) in the north east elevation(s) of the dwelling shall be of a permanently fixed, non-opening design and fitted with obscure glass to level 3 or above.  
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies -Local Plan H11.
- 15 No further window(s) shall be inserted at first floor level in the north east and south west (side) elevation(s) of the dwelling without the prior written approval of the Local Planning Authority.  
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H11.
- 16 The utilities and drainage runs shall be laid down in accordance with plan 1485/C/03, unless

otherwise agreed in writing by the Local Planning Authority.

Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6 and Policy NP/EN2 of the Neighbourhood Plan



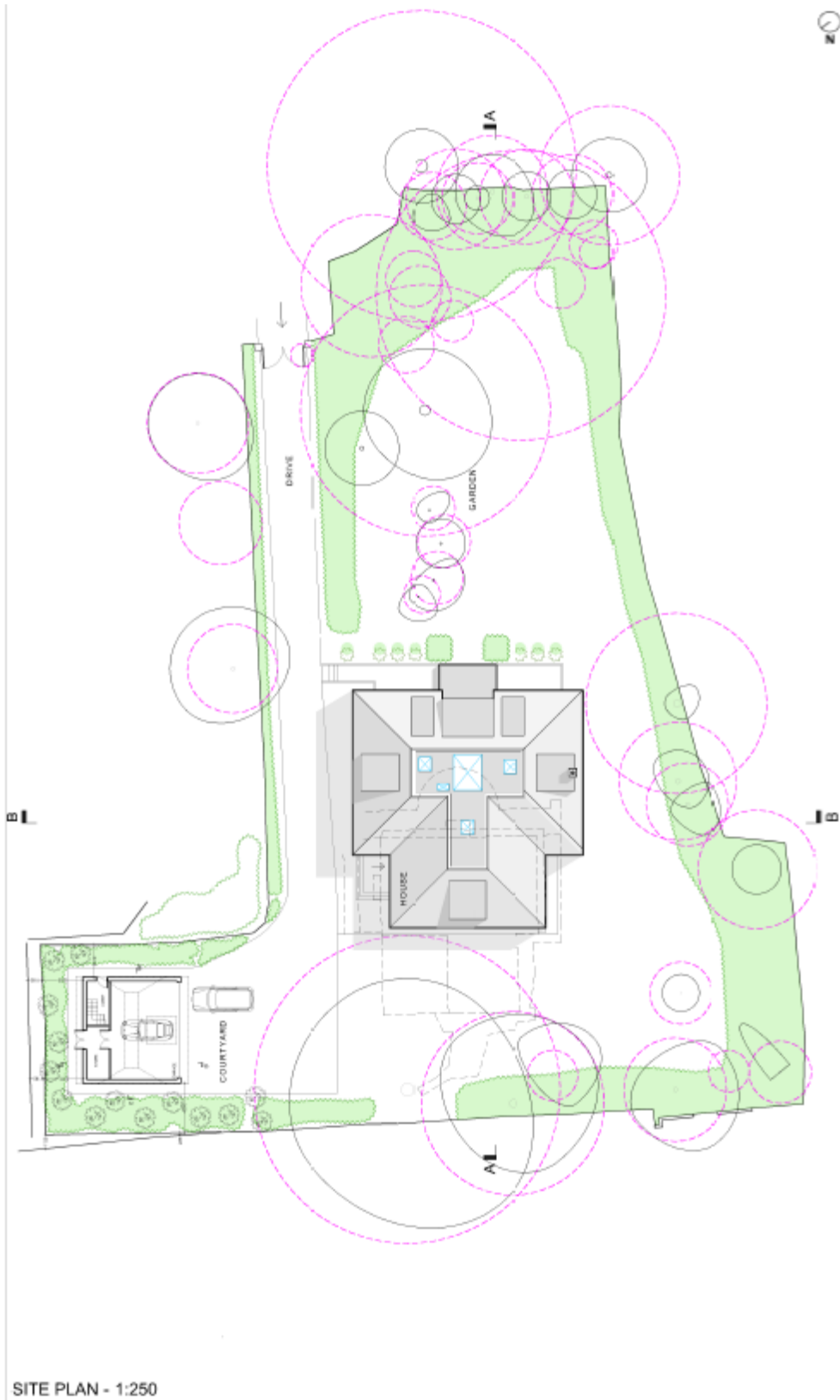
Appendix A- site location



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Scale @ A4 1:1,250

Appendix B- Approved layout, elevations and floor plans



Elevations

Front



Rear

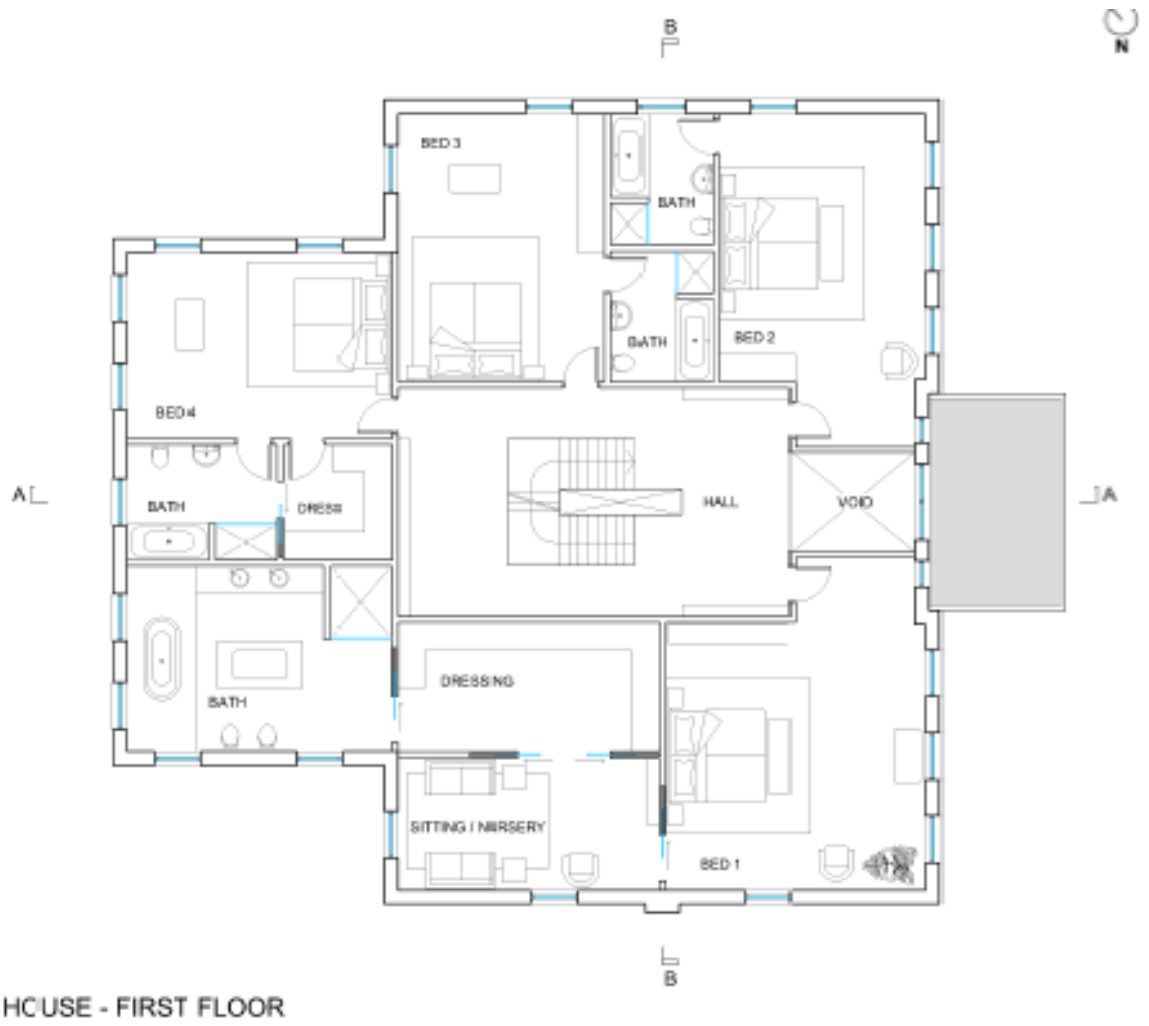
Side- south west

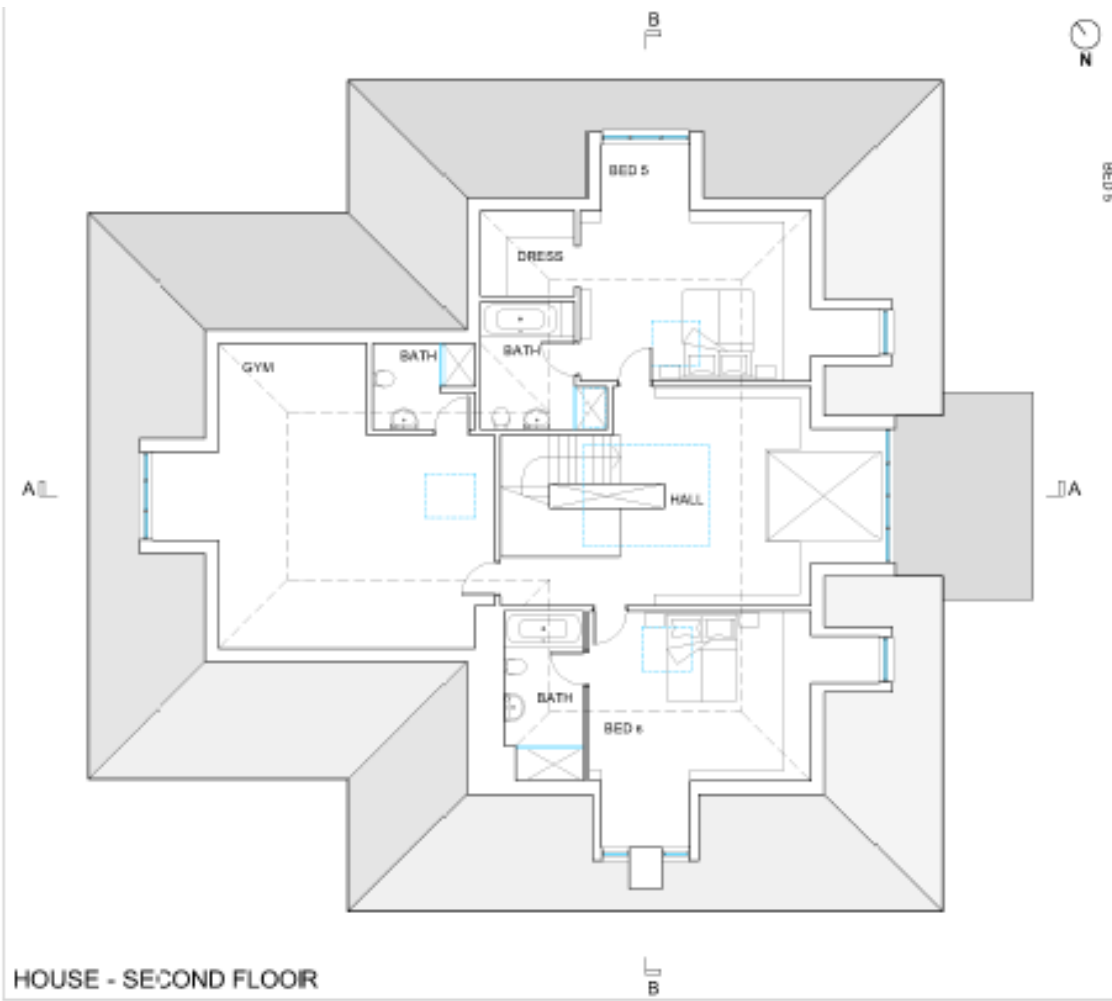


Side- north east



Floor plans





HOUSE - SECOND FLOOR



**Development & Regeneration**

Town Hall  
St Ives Road  
Maidenhead  
Berkshire  
SL6 1RF

Ms Ruth Niven - CSK Architects  
Atherton Court  
93A High Street  
Eton  
Windsor  
SL4 6AF

**Town and Country Planning Act 1990 (as amended)**

**Notice of Decision**

**Appn. Date:** 2nd April 2015 **Appn. No.:** 15/01107  
**Type:** Variation Under Reg 73  
**Proposal:** Replacement dwelling and detached double garage with habitable accommodation above following the demolition of existing dwelling as approved under planning permission 14/01248 without complying with condition 3 (Code for Sustainable Homes) 4 (Code for Sustainable Homes) to remove these conditions.  
**Location:** Heath End Place Windsor Road Ascot SL5 7LQ  
**Parish/Ward:** Sunninghill And Ascot Parish

The Council of the Royal Borough of Windsor and Maidenhead AGREES TO VARY the above condition to be carried out in accordance with the application submitted by you on the above date, subject to the following conditions:

- 1 The development hereby approved shall be in accordance with the materials approved under 14/003595/CONDIT for the external surfaces of the development . The development shall be maintained in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.  
Reason: In the interests of the visual amenities of the area. Relevant Policy DG1
- 2 No window(s) shall be inserted at first floor level or above in the side (north west) elevation(s) of the garage building hereby approved without the prior written approval of the Local Planning Authority.  
Reason:To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H11.
- 3 The slab levels shall be in accordance with the details approved under reference 14/03248/CONDIT.  
Reason: In the interest of the visual amenities of the area. Relevant Policy Local Plan DG1.
- 4 The development shall be carried out and maintained in accordance with the sustainability measures approved under application 14/03595/CONDIT.  
Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development and to comply with the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document.

PNVARZ

- 5 The development shall be carried out and maintained in accordance with the planning for an ageing population statement approved under application 14/03595/CONDIT.  
Reason:To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development and to comply with the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document.
- 6 The means of enclosure approved under 14/03248/CONDIT shall be implemented in accordance with the details approved. The means of enclosure shall be erected before first occupation of the development, unless the prior written approval of the Local Planning Authority to any variation has been obtained.  
Reason:To ensure the satisfactory resultant appearance and standard of amenity of the site and the surrounding area. Relevant Policy - Local Plan DG1.
- 7 The hard surface of the access driveway and parking area shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.  
Reason:To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with Requirement 5 of the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document.
- 8 The development shall be maintained in accordance with the approved details of planting as contained within application 14/03248/CONDIT unless otherwise agreed in writing by the Local Planning Authority. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping details, 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 approval to any variation.  
Reason: To ensure the approved details are appropriate to maintain the rural character of the site and the surrounding area. Relevant Policy - Local Plan DG1, GB2 and N6.
- 9 The construction of the development shall be carried out and maintained for the duration of the works in accordance with the details outlined in the Method of Construction Statement approved under 14/03595/CONDIT  
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.
- 10 No part of the development shall be occupied until vehicle parking space has been provided in accordance with the approved drawing. The space approved shall be retained for parking in association with the development.  
Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety. Relevant Policies - Local Plan P4, DG1.
- 11 The tree protection measures approved under reference 15/00596/CONDIT shall be fully adhered to. The fencing shall be retained and maintained until the substantial completion of the development and nothing shall be stored or placed in the area fenced in accordance with this condition, unless otherwise agreed in writing with the Local Planning Authority and the ground levels within those areas shall not be altered, nor shall any excavation be made within the area, without the prior written approval of the Local Planning Authority  
Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.
- 12 No tree or hedgerow shown to be retained in the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be lopped or topped other than in accordance with the approved plans and particulars or without the prior written approval of the Local Planning Authority,

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until five years from the date of occupation of the building for its permitted use. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 Tree work. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate vicinity and that tree shall be of the same size and species unless the Local Planning Authority give its prior written consent to any variation.

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

- 13 Irrespective of the provisions of Classes A, B and E of part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no enlargement, improvement or any other alteration (including the erection of any ancillary building within the curtilage) of or to any dwelling house the subject of this permission shall be carried out without planning permission having first been obtained from the Local Planning Authority.

Reason: The prominence of the site requires strict control over the form of any additional development which may be proposed. Relevant Policies - Local Plan H11, DG1, and to protect retained trees, in accordance with Local Plan Policy N6 and Neighbourhood Plan Policy NP/EN2

- 14 The second floor dormer window(s) in the north east and south west (side) elevation(s) of the dwelling shall be of a permanently fixed, non-opening design and fitted with obscure glass to level 3 or above and the window shall not be altered without the prior written approval of the Local Planning Authority.

Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H11.

- 15 The first floor window(s) in the north east and south west (side) elevation(s) of the dwelling shall be of a permanently fixed, non-opening design, with the exception of an opening toplight that is a minimum of 1.7m above the finished internal floor level, and fitted with obscure glass to level 3 or above and the window shall not be altered without the prior written approval of the Local Planning Authority.

Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H11.

- 16 No further window(s) shall be inserted at first floor level in the north east and south west (side) elevation(s) of the dwelling without the prior written approval of the Local Planning Authority.

Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H11.

- 17 The utilities and drainage runs shall be laid down in accordance with plan 1485/C/03, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6 and Policy NP/EN2 of the Neighbourhood Plan

#### Approved Plan Reference Number(s):

1485/P01, version no.: E, received on 15 September 2014

1485/P14, version no.: E, received on 15 September 2014

1485/P15, version no.: D, received on 15 September 2014

1485/P10, version no.: D, received on 8 August 2014

1485/P16, version no.: D, received on 8 August 2014

1485/P17, version no.: n/a, received on 24 April 2014

#### Informatives

1. This decision has been made in accordance with the requirements of the National Planning Policy Framework. The Local Planning Authority has sought all reasonable measures to resolve issues and found solutions when coming to its decision. For further details please see the Officer's report and the Council's decision by following this link [R.B.W.M. | Planning - Public Access Module](#) and

entering the application number, or contact the Council's Customer Service Centre on 01628 683800 and quoting the application number.

#### Justifications

- 1 The reason planning permission has been granted is that the development complies with the relevant provisions of the development plan. The relevant policies/proposals of the development plan are Local Plan DG1, H10, H11, P4, and T5 and Policies NP/EN2, NP/EN3, NP/DG1, NP/DG2, NP/DG3, and NP/T1 of the Ascot, Sunninghill and Sunningdale Neighbourhood Plan.

This permission does not relieve the applicant from responsibility for obtaining any necessary approval which may be required under building control legislation or Section 32 Berkshire Act 1986 (access for fire appliances). For advice on building control regulations, please contact the Authority's Building Control Service on 01628 796870.

The applicant is advised that all works to which this permission relates must be carried out strictly in accordance with the plans, drawing and other relevant supporting material submitted as part of this application and hereby approved as such and in full compliance with all conditions set out above. The Development Control Group must be immediately advised of any proposed variation from the approved documents and the prior approval of the Council obtained before any such works are carried out on site. Failure to comply with this advice may render the person carrying out and/or authorising the works liable to enforcement proceedings, which may involve alterations and/or demolition of any unauthorised building or structures and may also lead to the possibility of prosecution.

The applicant's attention is also drawn to the requirements of the Party Wall Act 1996, which may affect your submitted proposals. The applicant must notify all affected neighbours if work, which you are intending to carry out, falls within the Act. This may include work on an existing wall shared with another property, building on the boundary or excavating near a neighbouring property. However, the applicant is advised that this is not a matter dealt with by this Authority and it is recommended that you seek suitable professional advice.

Signed                      Dated: 27th May 2015

*Chris Hilton*

Chris Hilton  
Director of Development & Regeneration

## WINDSOR RURAL DEVELOPMENT CONTROL PANEL

3 May 2016

Item: 7

<b>Application No.:</b>	16/00797/FULL
<b>Location:</b>	Piers Cottage Monks Close Ascot SL5 9BA
<b>Proposal:</b>	Replacement detached dwelling with associated garage and entrance gates
<b>Applicant:</b>	Croft Homes Development Ltd
<b>Agent:</b>	Mr Warren Joseph
<b>Parish/Ward:</b>	Sunninghill And Ascot Parish

**If you have a question about this report, please contact:** Claire Pugh on 01628 685739 or at [claire.pugh@rbwm.gov.uk](mailto:claire.pugh@rbwm.gov.uk)

### 1. SUMMARY

- 1.1 Planning permission is sought for a replacement dwelling. The proposal is considered to be in keeping with the character of the area and townscape of 'Villas in a Woodland Setting'. Amended plans have been received showing a reduction in the footprint of the dwelling, and this is now considered to have an acceptable relationship with the trees to be retained, which are covered by a Tree Preservation Order. The trees that are shown for removal are lower quality trees, and it is considered additional tree planting in other locations across the site can be provided to mitigate against this loss.

**It is recommended the Panel grants planning permission subject to the conditions listed in Section 9 of this report.**

### 2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Hilton if the recommendation is to approve for the reason that the Parish Council Planning Committee objects on the grounds of bulk and scale. The proposal is considered to be out of proportion with the neighbouring properties, which could set a precedent, particularly due to the increased ridge height. The committee requested that the Borough's Tree Officer checked to ensure that there was no adverse impact on the adjacent trees.

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

- 3.1 Piers Cottage comprises a one and a half storey dwelling, set within an ample plot. The dwellings along Monks Close tend to comprise modest size dwellings, although they vary in scale and design. The dwelling diagonally opposite the site, which sits on a corner plot (Mulberry House), is much larger in scale than the other dwellings on the close standing at circa 10.5 metres to the ridge.
- 3.2 The site is within the townscape of 'Villas in a Woodland Setting'. There is a Tree Preservation Order, no. 013/2016, covering trees at the site. It covers all trees of whatever species.

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

Ref.	Description	Decision and Date
15/04154/FULL	Erection of detached dwelling with associated garage following demolition of existing dwelling.	Permitted 4 <sup>th</sup> February 2016.

- 4.1 The application seeks planning permission for a replacement dwelling. The dwelling would have a height of circa 9.7 metres to the ridge, with an eaves height of around 6.6 metres. The main dwelling would have a crown roof, with dormer windows in the rear. It would have an attached garage. The materials proposed for the dwelling include brick for the walls and slate for the roof.

The existing access would be stopped up, and a new access created to the north east of the existing access. New gates, set circa 6 metres back from the highway are proposed.

- 4.2 The previous dwelling approved on the site had a height of 9 metres with an eaves height of circa 6.4 metres. The design of the dwelling previously approved is similar to that proposed, with the exception of the garage roof which is of a different design. The approved dwelling has a crown roof. The footprint of the approved dwelling is slightly smaller than in the proposed scheme. An overlay of the proposed footprint against that approved, can be seen in appendix B.

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

### 5.1 National Planning Policy Framework

Section 64- Character and Quality of the area

#### Royal Borough Local Plan

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

	Within settlement area	Protected Trees	Highways /Parking issues
Local Plan	DG1, H11	N6	T5, P4
Ascot, Sunninghill and Sunningdale Neighbourhood Plan	NP/EN4, NP/DG1, NP/DG2, NP/DG3, NP/EN3	NP/EN2,	NP/T1, NP/T2

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

- Sustainable Design and Construction

More information on these documents can be found at:  
[http://www.rbwm.gov.uk/web/pp\\_supplementary\\_planning.htm](http://www.rbwm.gov.uk/web/pp_supplementary_planning.htm)

#### Other Local Strategies or Publications

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

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

## 6. EXPLANATION OF RECOMMENDATION

### 6.1 The key issues for consideration are:

- i Impact on the character of the area;
- ii Impact on trees;
- iii Impact on residential amenity

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

- 6.2 Policy NP/DG1 of the Neighbourhood Plan requires development to respond positively to local townscapes, making particular reference to the Council's Townscape Assessment (TA). The site is classified within the 'Villas in a Woodland Setting' townscape type in the TA. Within the TA, this townscape is noted for its 'extremely low density' and 'spacious' plots and wooded setting, and that it has a less 'managed' character, and a sense of organic rather than planned evolution.
- 6.3 Policy NP/DG2 of the Neighbourhood Plan requires new development to be similar in density, footprint, separation, scale and bulk of the buildings to that of the surrounding area generally and of neighbouring properties in particular, unless it can be demonstrated that the proposed development would not harm local character. Policy NP/DG3 of the Neighbourhood Plan requires new development to demonstrate good quality design.
- 6.4 The new dwelling would be significantly larger than the existing dwelling on site, however, there would be ample space retained between the new dwelling and the boundaries to retain a spacious setting. The footprint of the proposed dwelling in relation to the plot size is considered to be in keeping with the character of the area and townscape of 'Villas in a Woodland Setting'.
- 6.5 Turning to the height of the dwelling, at 9.8 metres high, this dwelling would stand higher than many properties in the Close. However, it is considered that the plot is large enough to accommodate this scale of building. The dwelling would be lower than Mulberry House (10.5 metres in height) which is diagonally opposite the site. The architectural detailing of the dwelling is similar to the dwelling previously approved, and is considered to be appropriate within this area.

### **Impact on trees**

- 6.6 The proposal seeks to remove lower quality trees on site, but most of the trees shown for removal are not because of proposed development. The removal of some of the trees will improve conditions for the other trees on site to be retained, or because they are in a poor condition. 13 trees are shown for removal, all of which are categorised as low quality trees, including a Scots Pine and Silver Birches. 37 trees are to be retained. It is considered necessary to secure additional tree planting to mitigate for the loss of trees. This detail can be secure through planning condition (see condition 4).
- 6.7 An amended plan has been received which shows a reduction in the footprint of the dwelling, so that there is an acceptable relationship with on-site trees. As such the proposal is considered to comply with Policy N6 of the Local Plan, and policy NP/EN2 of the Neighbourhood Plan.

### **Impact on residential amenity**

- 6.8 Given the orientation of the dwelling, and its distances from neighbouring dwellings, it is not considered that the scheme would result in unacceptable overlooking or would be overbearing to neighbouring properties.

### **Parking and highways**

- 6.9 Monks Close is classified as a private road which is located off Monks Walk. The property currently benefits from having an existing 3.2m wide vehicular access which is gated. The plans provided show this vehicle access will be stopped up and re-landscaped to provide a new 3.5m wide vehicular access which will be sited a few metres north east. The plans also show a new set of gates will be provided and will be set back from the carriageway edge.
- 6.10 There is adequate space on site to accommodate at least 3 vehicles, which would meet the Council's parking standards for a dwelling with this number of bedrooms.

**Other Material Considerations**

6.11 Planning permission 15/04154 for a replacement dwelling (which is an extant permission) is a material consideration which should be afforded significant weight in the determination of this planning application.

**7. CONSULTATIONS CARRIED OUT**

**Comments from interested parties**

9 occupiers were notified directly of the application.  
The planning officer posted a notice advertising the application at the site on the 22<sup>nd</sup> March 2016.

**Other consultees and organisations**

Consultee	Comment	Where in the report this is considered
Parish Council	Objections on the grounds of bulk and scale.NP/DG 2 The proposal was considered to be out of proportion with the neighbouring properties, which could set a precedent, particularly due to the increased ridge height. The committee requested that the Borough’s Tree Officer checked to ensure that there was no adverse impact on the adjacent trees.	6.2-6.11
Council’s tree officer	<p>Comments in relation to originally submitted plans: The Clive Fowler Associates ‘Tree Survey and Assessment’ report dated December 2015 indicates some trees for removal. These tend to be poor quality trees though it does include a pair of Silver birch, nos. 9 and 10, the latter being better quality and should be retained as it provides screening between properties. A number of other trees have been indicated in the report for removal or pruning for which there are no objections.</p> <p>Considering the size of the rear garden, the existing trees will cast shade across the rear elevation of the house and rear garden from mid-morning to late afternoon. This is likely to lead to post development pressure to detrimentally prune or remove trees further to what has been agreed in the arboricultural report, the reason being to; increase amenity space, allow more sunlight into the house and rear garden, reduce any perceived over-dominance and fear of tree/branch failure, and to abate minor seasonal nuisances such as falling debris (twigs, leaves, bird droppings etc.).</p> <p>It would therefore be preferable to reduce the size of the building back from the group of trees in the southern sector of the garden. The deletion of the rear orangery would provide an acceptable solution, along with a shrinking in size of the garage to give more space to the tree line.</p> <p>Due to the proximity of the rear building line, elevation and position of trees to the rear of the property it’s probable that there will be further pressure on the trees should the future owner/occupier wish to install a patio or carry out other construction. Because of this it is necessary to remove permitted development rights both for the construction of additional hard standing to the rear of the building and for</p>	6.6-6.7

	<p>any increase in building footprint.</p> <p>There is limited space between the building lines on the Eastern and Southern aspect and the RPA's of the trees within the property, There is inadequate space for construction activity (equipment, scaffolding, working space etc.) that will breach the RPA's of protected trees, which could result in the moving of protected fencing and encroachment into RPA's which will have an adverse effect on the condition of the trees.</p>	
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## 8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Proposed layout
- Appendix C- Elevations and Floorplans
- Appendix D - Previously approved elevations

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

In this case the issues have been successfully resolved.

## 9. 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 Prior to the construction of the dwelling(s) hereby approved, a written schedule of the materials to be used on the external surfaces of the dwelling shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.  
Reason: In the interests of the visual amenities of the area. Relevant Policy DG1 and Neighbourhood Plan policies NP/DG3.
- 3 Prior to 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 written consent 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 Prior to the construction of the dwelling hereby approved, full details of both hard and soft landscape works, shall be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved within the first planting season following the substantial completion of the development and retained thereafter 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 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, N6.

- 5 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.

- 6 No part of the development shall be occupied until the access has been constructed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The access shall thereafter be retained.

Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5, DG1.

- 7 No part of the development shall be commenced until visibility splays of 17 metres by 17 metres have been provided at 2.4 metres. All dimensions are to be measured along the edge of the driveway and the back of footway from their point of intersection. The areas within these splays shall be kept free of all obstructions to visibility over a height of 0.6 metres above carriageway level.

Reason: In the interests of highway safety. Relevant Policies - Local Plan T5.

- 8 Prior to the construction of the dwelling hereby approved, details of all finished slab levels in relation to ground level (against OD Newlyn) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.

Reason: In the interest of the visual amenities of the area. Relevant Policy Local Plan DG1.

- 9 The existing access to the site of the development shall be stopped up and abandoned immediately upon the new access being first brought into use. The footways and verge shall be reinstated before the development is first occupied in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and of the amenities of the area. Relevant Policies - Local Plan T5, DG1.

- 10 Irrespective of the provisions of Classes A and E of part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no enlargement, improvement or any other alteration (including the erection of any ancillary building within the curtilage) of or to any dwelling house the subject of this permission shall be carried out without planning permission having first been obtained from the Local Planning Authority.

Reason: The prominence of the site requires strict control over the form of any additional development which may be proposed. Relevant Policies - Local Plan H11, DG1, and Neighbourhood Plan Policies NP/DG1, NP/DG2 and NP/DG3, and any further development would need to be carefully controlled given the number of protected trees on site. Local Plan policy N6 and Neighbourhood Plan policy NP/EN2 of the Ascot, Sunninghill, Sunningdale Neighbourhood Plan.

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and reenacting that Order with or without modification), no hard surface as permitted by Class F of Part 1 of the Second schedule of the 2015 Order shall be provided for any purpose incidental to the enjoyment of the dwelling



house.

Reason: In the interests of the health of nearby trees. Local Plan Policies N6 and Neighbourhood Plan policy NP/EN2 of the Ascot, Sunninghill, Sunningdale Neighbourhood Plan.

- 12 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
- 13 No demolition, ground clearance or vegetation clearance works shall take place within the bird nesting season (between 1 March and 31 August inclusive in any year). If such works cannot be undertaken outside of the nesting season, a nesting bird check shall be required, which should be undertaken by a suitably qualified ecologist immediately prior to the works taking place. Subsequently if any active nest sites are identified, these nests should remain undisturbed until all the young have fledged naturally.  
Reason: Breeding birds, their eggs and active nests are protected by the Wildlife and Countryside Act 1981, as amended, and in accordance with paragraph 109 of the NPPF
- 14 No development shall take place until details of sustainability measures have been submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate how the development would be efficient in the use of energy, water and materials in accordance with the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document. The development shall be carried out and subsequently retained and maintained in accordance with the approved details.  
Reason:To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development and to comply with the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document. This information is required prior to commencement of development, as some of the measures will need to be decided before commencing development.

Appendix A- Site location



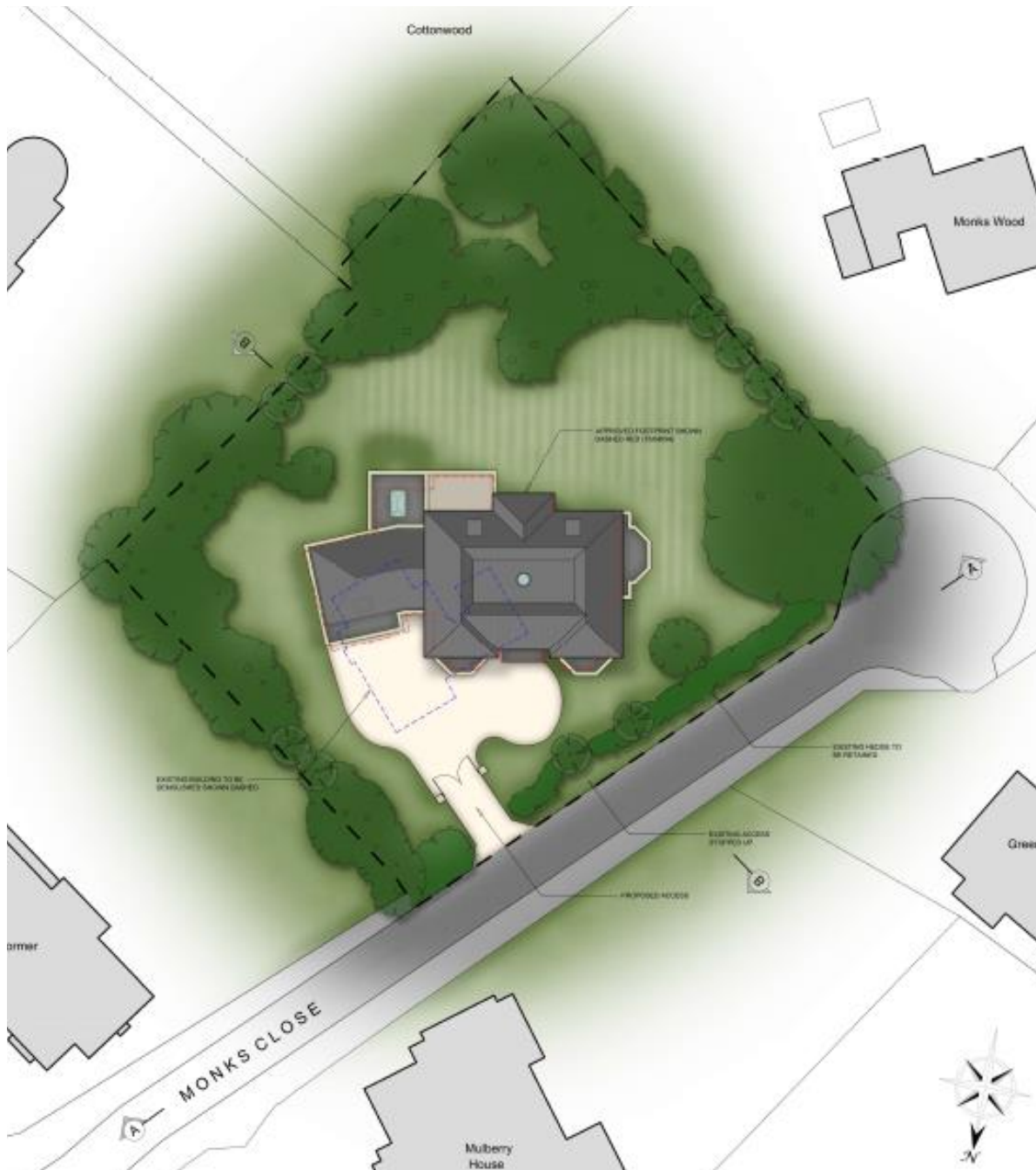
Site location

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Scale @ A4 1:1,250



Appendix B- Proposed layout



Appendix C- Proposed Elevations and Floorplans



FRONT ELEVATION



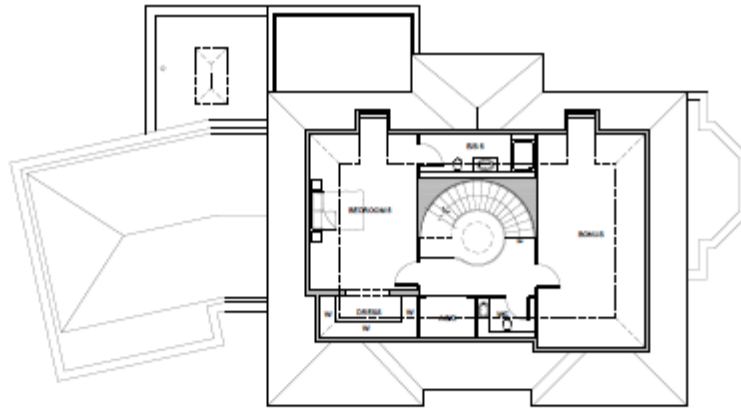
SIDE ELEVATION



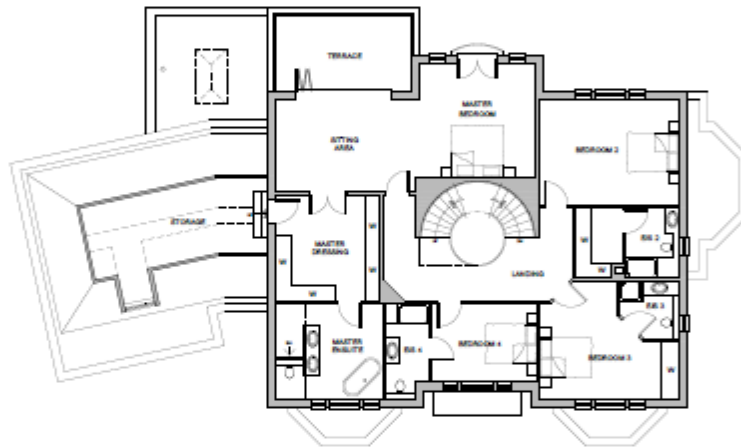
REAR ELEVATION



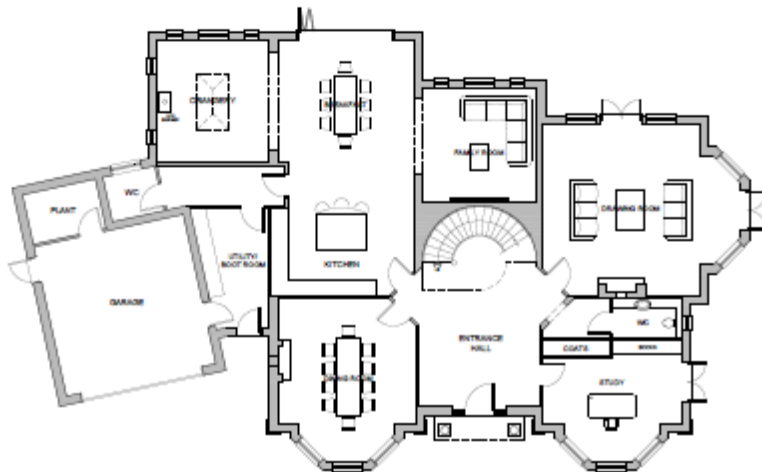
SIDE ELEVATION



SECOND FLOOR PLAN



FIRST FLOOR PLAN

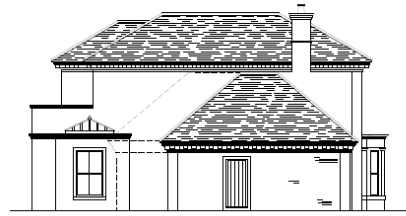


GROUND FLOOR PLAN

Appendix D- Previously approved elevations



FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

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# Tree Preservation Order 024/2015

## Land to The South of Wells Lane And Land To The North of Coombe Lane Ascot

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### 1. Background:

Current operations at the Oakfield Farm, Well Lane, have resulted in the gradual erosion of surrounding woodland.

This Tree Preservation Order (TPO) has been served to protect the woodland located to the south of Wells Lane and north of Coombe Lane owing to pressure for proposed housing development at Oakfield Farm, Wells Lane, relating to the current planning application 15/02727. There is also pressure for other land use changes which could also adversely affect the woodland.

This woodland is located within the Wells Local Wildlife Site (LWS). This LWS comprises of wet woodland predominantly populated by silver birch trees, interspaced with semi mature oak, sweet chestnut, and willow scrub. Natural England has recorded this woodland as priority deciduous woodland habitat and therefore it is regionally and nationally important. Thames Valley Environmental Records Centre (TVERC) indicates this woodland maybe ancient semi natural woodland.

The woodland to the west, south, and south west of Oakfield Farm provides an important haven for flora and fauna, and wildlife corridor into surrounding woodland. It's inclusion within the Order will preserve this important woodland priority habitat for future generations, and maintain the sylvan character and appearance of the area.

Due to growing development pressure in Wells Lane, several individual mature trees have been protected by individual, group and area designations within the Order.

TPO 024/2014 relates to trees as per the specification below:

TREE PRESERVATION ORDER SCHEDULE		
NO ON MAP	DESCRIPTION	SITUATION
W1	Woodland - Protecting all trees of all species	Queen's Hill Lodge St George's School and land on the south side of Wells Lane Sunninghill, Nutfield wells lane ascot SL5 7DY, Oakfield Farm Wells Lane Ascot SL5 7DY, Land on the north-west side of Coombe Lane, Sunninghill, Land on the north east side of Coombe Lane, Sunninghill Berks SL5 7QD, Oak Lea, Coombe Lane, Ascot, Berkshire SL5 7AT.
A1	Area 1 - Protecting all trees of all	Land on the South East side of Wells

	species	Lane, The Paddock Oakfield Farm Wells Lane Ascot SL5 7DY
G1	6 x Oak	Nutfield wells lane ascot SL5 7DY Wells Cottage ,Wells lane , Ascot SL5 7DY
T1	1 x Cedar	Nutfield wells lane ascot sl5 7dy
T2	1 x Oak	St George's School and land on the south side of Wells Lane Sunninghill
T3	1 x Oak	St George's School and land on the south side of Wells Lane Sunninghill
T4	1 x Oak	St George's School and land on the south side of Wells Lane Sunninghill

**TPO plan: refer to appendix A**

**2. Objections:**

1 letter of objection were received from Paul Butt agent for the landowner at Oakfield Farm . His objections are summarised below:

1. A site visit had not been carried out prior to the serving of the Order.
2. The area of W1 shown within the order is inappropriate as it contains sections that are clearly not part of the existing woodland, including an area known as The Mound, with no potential to form or be considered as woodland
3. Trees and the impact of development on trees are a material consideration in any planning application. It is clear that the required works to achieve the decontamination of the site will involve an impact on boundary trees and therefore would be considered within the planning application.

**3. Response to the objection and justification for the order:**

The duty of the Council to protect trees within the planning process is contained within:

- Part VIII [Special Controls] of the Town and Country Planning Act 1990 (TCPA), and in the [Town and Country Planning \(Tree Preservation\) \(England\) Regulations 2012](#) (which came into force on 6 April 2012).
- Section 118 of the National Planning Policy Framework (NPPF) for ancient tree(s)/woodland and veteran trees.

Under the TCPA Regulations 2012, Local Authorities may make a TPO if it appears to them to be expedient in the interests of amenity to make provision for the preservation of trees or woodland in their area. The Act does not define amenity, nor does it prescribe the circumstances in which it is in the interests of amenity to make a TPO. In the Secretary of State's view, a TPO should be used to protect selected trees and woodlands if their removal would have a significant impact upon the local environment and its enjoyment by the public. Local Planning Authorities should be able to show that a reasonable degree of public benefit would accrue before the TPO is made or confirmed.



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The trees, or at least part of them, should therefore normally be visible from a public place, such as a road or footpath. Trees may be worthy of preservation, amongst other reasons, for their intrinsic beauty or for their contribution to the landscape or because they serve to screen an eyesore or future development; the value of the trees may be enhanced by their scarcity; and the value of a group of trees or woodland may be collective only. Other factors such as importance as a wildlife habitat may be taken into account which alone would not be sufficient to warrant a TPO

The trees subject to this preservation order are landscape features within the local and wider landscape and can be viewed from the following vantage points:

- Wells Lane
- London Road
- St Georges Lane
- Coombe Lane
- Lower Village Road
- Oliver Road
- Ascot railway line

The woodland and trees do not currently benefit from any legal protection, and the Local authority deems it expedient to serve a preservation order to ensure only the principal trees, within these sites, are retained.

**Response to the above objections:**

1. A site visit was conducted on the 16 November 2015 to assess the ecological and arboricultural impact of planning application 15/02431/SHLAA. Dated photograph shown below.



2. The extent of the woodland designation of the Order was formed from site photos taken on the 16 November 2015, historic mapping records and aerial photos. Following receipt of the RPS tree survey data on the 23 February 2016, the extent of the Woodland designation was modified accordingly to include trees present within the site and woodland beyond. The proposed modified Woodland designation was sent to the objector on the 1 March 2016.

The trees located within the southern section of the site (up to and including the gully on the west boundary) and woodland beyond are located within the Wells Local Wildlife Site (LWS). This LWS comprises of wet woodland predominantly populated by silver birch trees, interspaced with semi mature oak, sweet chestnut trees and willow scrub. Natural England has recorded this woodland as priority deciduous woodland habitat and therefore it is regionally and nationally important. Thames Valley Environmental Records Centre (TVERC) indicates this woodland maybe ancient semi natural woodland.

The Forestry Commission defines woodland in United Kingdom forestry statistics as '*land under stands of trees with a canopy cover of at least 20% (or having the potential to achieve this), including integral open space, and including felled areas that are awaiting restocking*'. Therefore the Woodland designation within and adjacent to the site is entirely appropriate. The removal of compacted waste materials from the site will allow for natural succession and repopulation of trees.

3. The arboricultural impact of the proposed development upon on and offsite trees (including tree loss and scheme of mitigation planting etc.) will be assessed and addressed through the planning application process. Continuing the protection afforded by the Order will assist the Council in controlling what trees may be removed.

#### **4. Modified Order**

Following a site visit with the landowner of Nutfield and receipt of the RPS tree survey data, the Order is to be amended accordingly:

#### **Modified schedule:**

<b>TREE PRESERVATION ORDER SCHEDULE</b>		
<b>NO ON MAP</b>	<b>DESCRIPTION</b>	<b>SITUATION</b>
W1	Woodland - Protecting all trees of all species	Queen's Hill Lodge St George's School and land on the south side of Wells Lane Sunninghill, Nutfield wells lane ascot SL5 7DY, Oakfield Farm Wells Lane Ascot SL5 7DY, Land on the north-west side of Coombe Lane, Sunninghill, Land on the north east side of Coombe Lane, Sunninghill Berks SL5 7QD, Oak Lea, Coombe Lane, Ascot, Berkshire SL5 7AT.
A1	Area - Protecting all trees of all species	Land on the South East side of Wells Lane, The Paddock Oakfield Farm Wells Lane Ascot SL5 7DY
G1	5 x Oak	Nutfield wells lane ascot SL5 7DY Wells Cottage ,Wells lane , Ascot SL5 7DY
T1	1 x Cedar	Nutfield wells lane ascot sl5 7DY
T2	1 x Oak	St George's School and land on the south side of Wells Lane Sunninghill
T3	1 x Oak	St George's School and land on the south side of Wells Lane Sunninghill
T4	1 x Oak	St George's School and land on the south side of Wells Lane Sunninghill

#### **Modified plan: refer to appendix B**

The condition of trees can change over time and it is recommended they are inspected by a competent person, such as an arboriculturist, on a regular basis. The Arboricultural Association <http://www.trees.org.uk/> and Institute of Chartered Foresters <http://www.charteredforesters.org/> have an on-line directory of arboricultural consultants.

A TPO should not hinder the appropriate management of the trees, nor is it intended to prevent development. The Order is to ensure any that future development activity is sympathetic to the character and appearance of the area and in accordance with the provisions of the National Planning Policy Framework and Ascot Neighbourhood Plan. The Council's Tree Team can provide arboricultural advice and discuss any works with interested parties. Any application to undertake work would be judged against good arboricultural practice and the Council would not withhold consent for appropriate works. Not all work

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requires the consent of the Council, the removal of dead/dangerous branches can be carried out under an exemption in the legislation and there are other exemptions that may apply in particular circumstances.

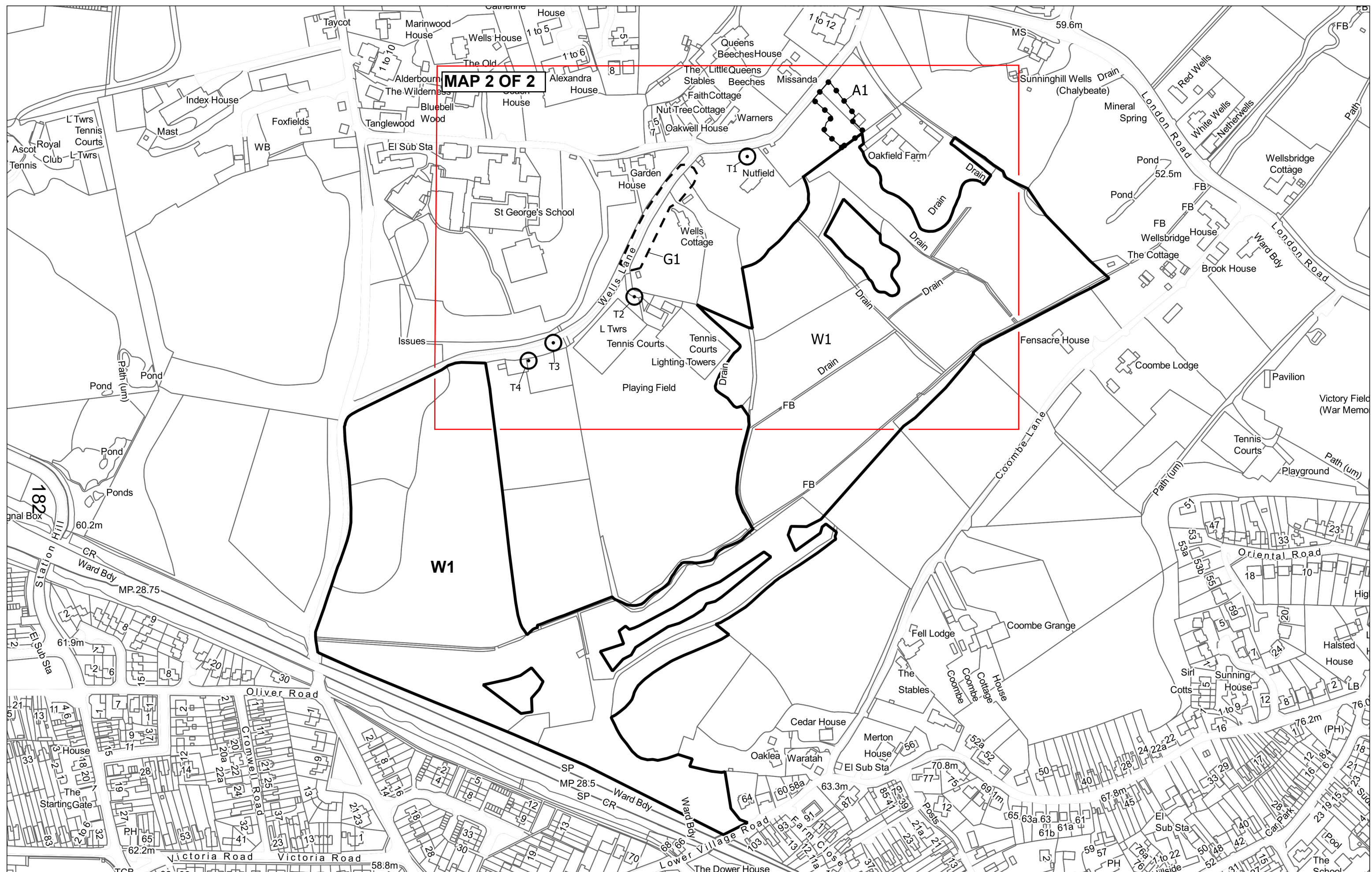
**4. Sustainable Development Implications:**

In terms of the sustainable development policy the recommendation contained in the report will have the following significant beneficial sustainable development implications: A positive impact on the natural environment by retaining the tree stock.

**RECOMMENDATION that Tree Preservation Order 024/2015 is confirmed with modification(s)**

# **APPENDIX A**

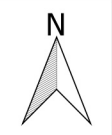
**TPO 024/2015**



TPO 024 OF 2015

Date: 18/12/2015  
 Scale: 1:3,000

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 Ordnance Survey 100018817



**Land to the south of Wells Lane and land to the north of Coombe Lane**

**MAP 1 OF 2**

0 50 100 150 200 250 m





TPO 024 OF 2015

Date: 18/12/2015  
 Scale: 1:1,500

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 Ordnance Survey 100018817

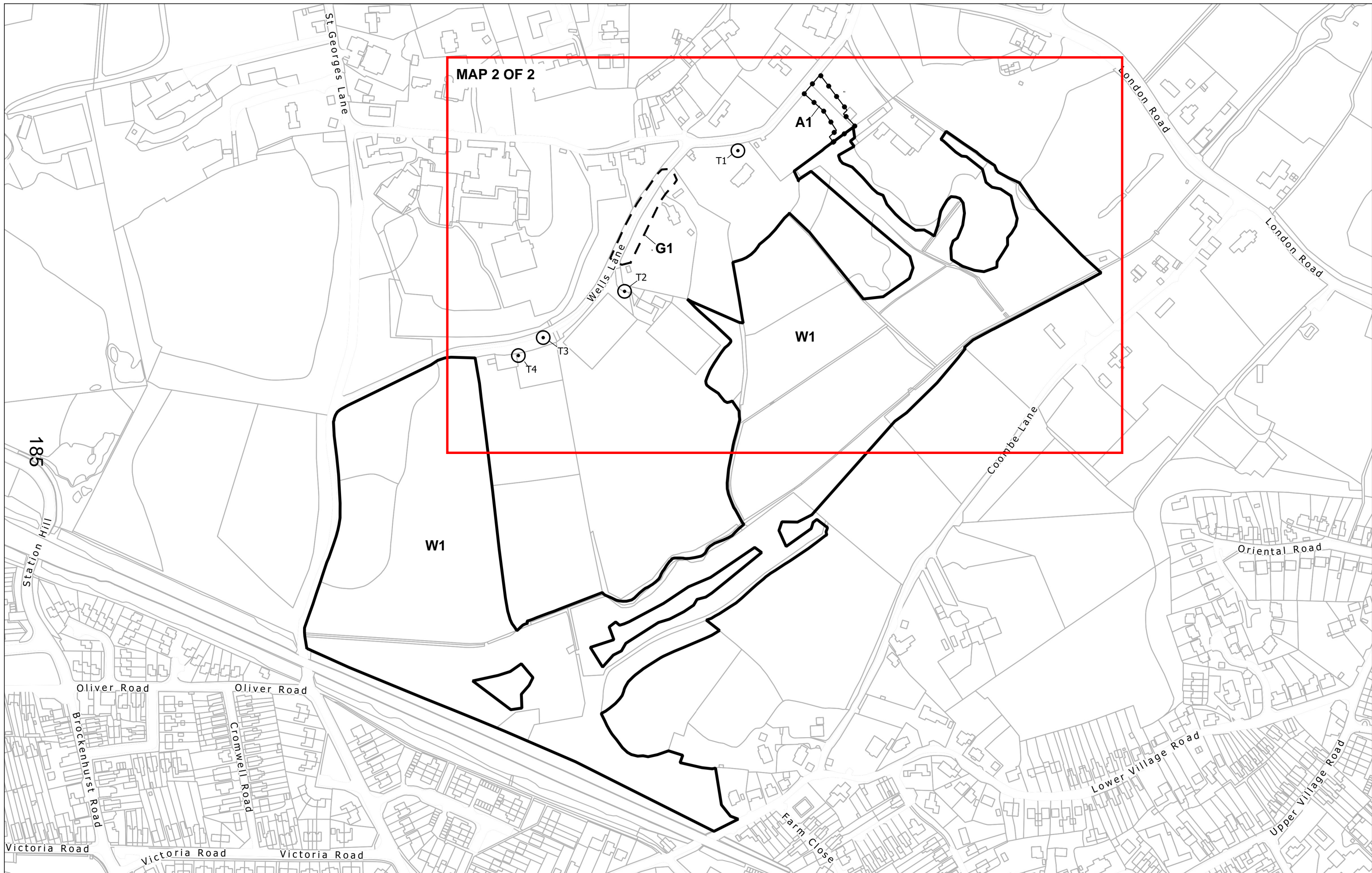
**Land to the south of Wells Lane and land to the north of Coombe Lane**

**MAP 2 OF 2**



**APPENDIX B**  
**MODIFIED TPO**  
**024/2015**





MAP 2 OF 2

A1

G1

W1

W1

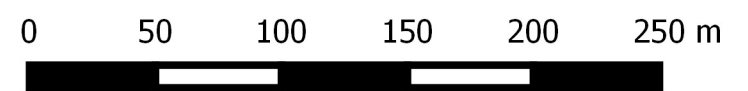
MAP 1 OF 2

Land to the south of Wells Lane and land to the north of Coombe Lane

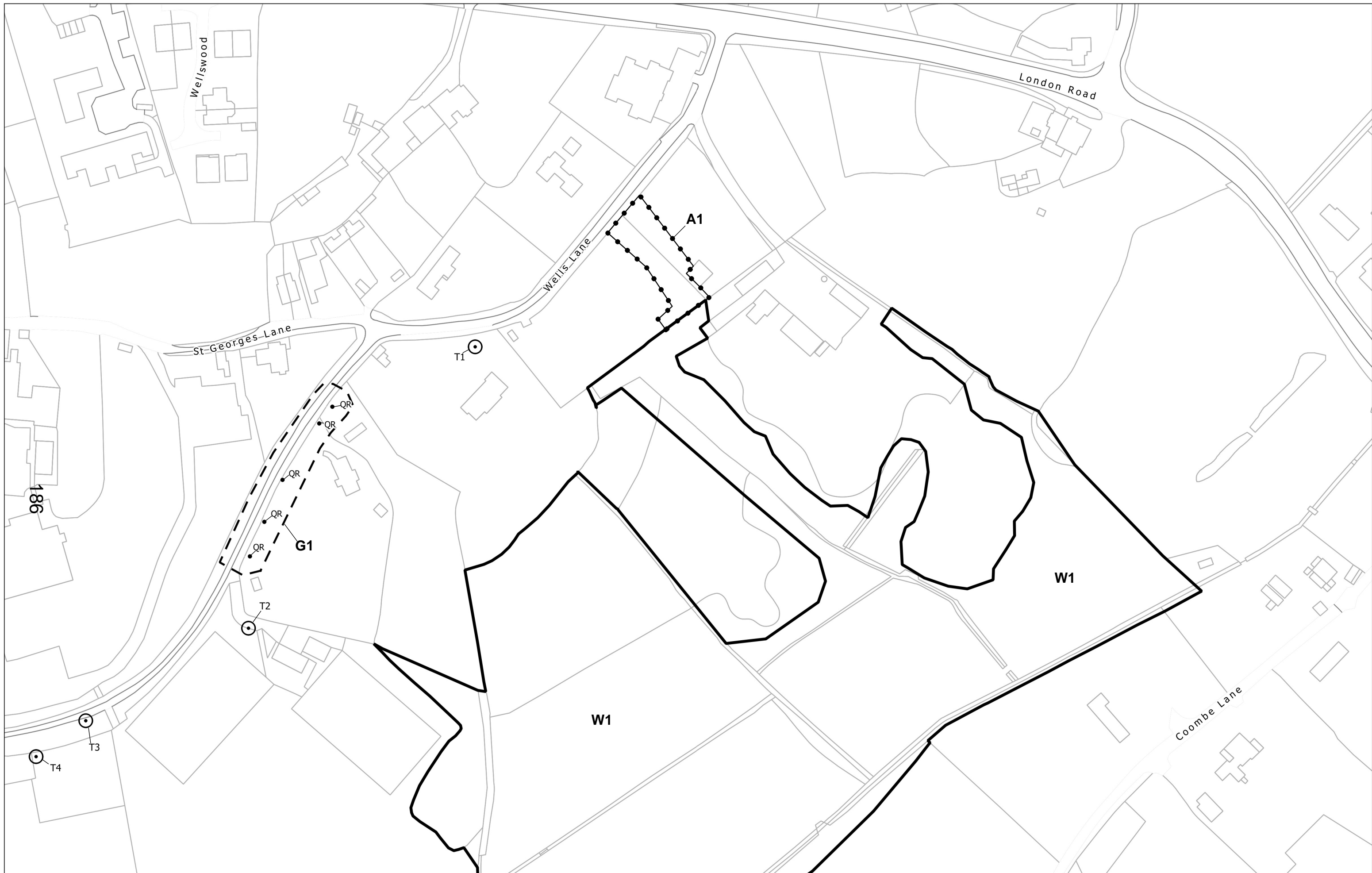
TPO 024 OF 2015

Date:  
 Scale: 1:3,000

MAP 1 OF 2



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TPO 024 OF 2015

Date: \_\_\_\_\_  
Scale: 1:1,500



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**Land to the south of Wells Lane and land to the north of Coombe Lane**

**MAP 2 OF 2**





## Planning Appeals Received

24 March 2016 - 21 April 2016

### 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)

<b>Parish/Ward:</b>	Old Windsor Parish	<b>Planning Ref.:</b>	15/03518/TPO	<b>PIns Ref.:</b>	APP/TPO/T 0355/5123
<b>Appeal Ref.:</b>	16/00038/PRPA				
<b>Date Received:</b>	4 April 2016	<b>Comments Due:</b>	Not Applicable		
<b>Type:</b>	Part Refusal/Part Approval	<b>Appeal Type:</b>	Fast-track		
<b>Description:</b>	(T1) Sycamore - crown reduction by 1.5m on the northern, western and southern sides and by up to 2.5m on the eastern side, Crown lift to 6m. (T2) Sycamore - crown reduction by 1.5m on the northern, western and southern sides and by up to 2.5m on the eastern side, Crown lift to 5m from ground level removing secondary and tertiary branches only.				
<b>Location:</b>	<b>16 Orchard Road Old Windsor Windsor SL4 2RZ</b>				
<b>Appellant:</b>	Mr Ben Flegg <b>c/o Agent:</b> Mr Trevor Heaps THAC Ltd 168 Whitby Road Ruislip London HA4 9DR				

## Appeal Decision Report

24 March 2016 - 21 April 2016

### WINDSOR RURAL

**Appeal Ref.:** 15/00071/REF      **Planning Ref.:** 15/01752/FULL      **Plns Ref.:** APP/T0355/W/1  
5/3133805

**Appellant:** Mr And Mrs Dudley Mills **c/o Agent:** Mr Paul Dickinson Paul Dickinson And Associates  
Highway House Lower Froyle Hants GU34 4NB

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

**Description:** 4 No. dwellings forming 2 pairs of semi-detached houses with associated parking, garages  
and amenity space following demolition of existing dwelling

**Location:** **Lime Tree Lodge London Road Sunningdale Ascot SL5 0JN**

**Appeal Decision:** Allowed      **Decision Date:** 15 April 2016

**Main Issue:** The Inspector considered that the effect on the sylvan nature of the area as a result of the four dwelling scheme as compared to the two dwelling scheme. They considered that if suitable planting and landscaping was provided along the London Road frontage, they considered that the single point of access to be provided under the four dwelling scheme could well strengthen the leafy quality of this part of London Road compared to the separate accesses proposed under the two dwelling scheme. The Inspector acknowledged that the proposal would differ with the prevailing character as regards plot size, but nevertheless it would still be compatible with the leafy residential suburb townscape type when considered as a whole. Notwithstanding the increased density of the proposal, the Inspector considered that it would not have an unacceptably adverse effect on the character and appearance of the surrounding area. Since the proposal is in accordance with the development plan, the terms of the presumption in favour of sustainable development meant that approval should be granted without delay. Full costs were awarded to the appellant on the grounds that the argument as to housing land supply was raised in the grounds of appeal. The information provided by the Council in response was vague. Although the Council asserted that this was a benefit which it took into account, such a balancing exercise does not appear in either the officer report or the Council's appeal statement. In the absence of evidence that the Council had paid due regard to the potential benefits of this housing proposal, the Inspector considered that the Council failed to properly substantiate its reason for refusal. The Inspector found this unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance.

**Appeal Ref.:** 15/00073/REF      **Planning Ref.:** 15/01219/FULL      **Plns Ref.:** APP/T0355/W/15/3133806

**Appellant:** Messrs Tilley And Acott **c/o Agent:** Mr Paul Dickinson Paul Dickinson And Associates  
Highway House Lower Froyle Hampshire GU34 4NB

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

**Description:** 5 No. 4 bedroom houses with associated parking following demolition of existing dwelling

**Location:** **Littlefield London Road Sunningdale Ascot SL5 0JN**

**Appeal Decision:** Dismissed      **Decision Date:** 15 April 2016

**Main Issue:** The Inspector considered that the scheme as proposed would have a significant adverse effect on the character and appearance of the surrounding area. This is due to an adverse visual impact of built form from London Road and from the public footpath to the rear, the subdivision of rear garden space and effect on trees along the boundary with The Coppers and Sanderson. The combination of built form and number of gardens would act to diminish the spacious character of the immediate area contrary to Local Plan and Neighbourhood Plan Policies. The proposal would diminish the contribution the site makes to the sylvan character of the locality owing to a reduction in the size of the group of trees alongside the boundary with Sanderson (G6) and the likely pressure on the group of trees alongside the boundary with The Coppers (G1). The Inspector also concluded that whilst the delivery of extra houses in this locality carries substantial weight, it is not sufficient to outweigh the conflict with the development plan.

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**Appeal Ref.:** 16/00003/REF      **Planning Ref.:** 15/03608/FULL      **Plns Ref.:** APP/T0355/D/16/3142512

**Appellant:** Mr Roland Clapton **c/o Agent:** Mr David Chivers PDP Ltd 32 Park Road Chiswick London W4 3HH

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

**Description:** Creation of two pairs of sash windows in south elevation of dwelling

**Location:** **Avenir Burleigh Road Ascot SL5 7PA**

**Appeal Decision:** Allowed      **Decision Date:** 8 April 2016

**Main Issue:** The Inspector concluded that the proposal would not have a significant impact on the living conditions at April Cottage due to overlooking, or a significantly increased perception of being overlooked. The scheme would not therefore conflict with Royal Borough of Windsor and Maidenhead Local Plan 2003 policy H14 which requires that proposals should not have a significant effect on the amenities and privacy of adjoining properties. Summing up, the Inspector found that the Council's reason for refusal is sufficiently precise and that it is adequately substantiated in the report. Whilst the Inspector concluded that any significant harm to the neighbouring occupiers' living conditions can be addressed by conditions, this is a matter of judgement. Consequently, unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Guidance, has not been clearly demonstrated, and the application for an award of costs is refused.

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