

# Public Document Pack

## NOTICE OF MEETING



# WINDSOR RURAL DEVELOPMENT CONTROL PANEL

will meet on

**WEDNESDAY, 21ST SEPTEMBER, 2016**

**At 7.00 pm**

in the

**WRAYSBURY PRIMARY SCHOOL, WELLEY ROAD, WRAYSBURY, STAINES, TW19 5DJ,**

TO: MEMBERS OF THE WINDSOR RURAL DEVELOPMENT CONTROL PANEL

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

SUBSTITUTE MEMBERS

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

Karen Shepherd - Democratic Services Manager - Issued: Tuesday, 13 September 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

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## 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 Minutes of the meeting of July 27 <sup>th</sup> 2016.	7 - 10
4.	<u>PLANNING APPLICATIONS (DECISION)</u>  To consider the Director of Development & Regeneration / Development Control Manager's report on planning applications received.  <b>ITEM 4 - STONE COURT - 16/02052 HAS BEEN WITHDRAWN FROM THE AGENDA</b>  Full details on all planning applications (including application forms, site plans, objections received, correspondence etc.) can be found by accessing the Planning Applications Public Access Module by selecting the following link. <a href="http://www.rbwm.gov.uk/pam/search.jsp">http://www.rbwm.gov.uk/pam/search.jsp</a> or from Democratic Services on 01628 796251 or <a href="mailto:democratic.services@rbwm.gov.uk">democratic.services@rbwm.gov.uk</a>	11 - 86
5.	<u>ESSENTIAL MONITORING REPORTS (MONITORING) AND ENFORCEMENT REPORTS</u>  To consider the Essential Monitoring Reports.	87 - 92
6.	<u>PLANNING ENFORCEMENT REPORTS</u>  To note the details of the above report.	93 - 102



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## 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.

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# Agenda Item 3

## WINDSOR RURAL DEVELOPMENT CONTROL PANEL

WEDNESDAY, 27 JULY 2016

PRESENT: Christine Bateson, Colin Rayner (Vice-Chair, in the Chair), Malcolm Beer, David Hilton and John Lenton

Also in attendance: Councillors Wilson and Sharpe

Officers: Andy Carswell, Victoria Gibson, Shilpa Manek, Sean O'Connor and Susan Sharman

### APOLOGIES FOR ABSENCE

Apologies were received from Cllr Dr Evans.

### DECLARATIONS OF INTEREST

**Cllr Hilton** – declared a personal interest in item 4 as a member of Sunninghill and Ascot Parish Council, but stated that he did not believe he was present at the Parish Council meeting when the item was discussed.

**Cllr Lenton** – declared a personal interest in items 2, 3 and 6 as he was present at the meeting of Wraysbury Parish Council when the items were discussed. However he stated that he did not take part in the discussions.

**Cllr Beer** – declared a personal interest in item 1 as he was present at the meeting of Old Windsor Parish Council when the item was discussed. He stated he had come to Panel with an open mind.

**Cllr Rayner** – declared a personal interest as Member for Horton and Wraysbury, stating that he said he knew some of the applicants and objectors.

**Cllr Sharpe** – declared a personal interest as his wife is chairman of Sunninghill and Ascot Parish Council, but stated that he had no knowledge of any of the applications being discussed.

### MINUTES

RESOLVED: That the Part I minutes of the meeting of the Windsor Rural Development Control Panel held on 29 June 2016 be approved.

### PLANNING APPLICATIONS (DECISION)

Application	Applicant and Proposed Development
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15/03843	Mr Douglas – GSMD Ltd: Redevelopment to provide 11 x dwellings with ancillary parking and new access road, following demolition of existing buildings at 95 Straight Road, Old Windsor – <b>THE PANEL VOTED UNANIMOUSLY to APPROVE the application and defer and delegate to the Borough Planning Manager, with the additional conditions:</b>
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- That the stable wall along the eastern boundary is retained and the proposed wooden fence replaced with a continued brick wall, in order to maintain the character of the area

- That the pedestrian walkways are permanently monitored to ensure they are in good condition, in order to reduce the risk of flooding

An informative about a management company or a requirement to be involved in a residents' association was also agreed.

(The Panel was addressed by Mike Roberts, who raised no objections, and by PCllr Jane Dawson in favour of the application)

16/01108 Mr Vali: Construction of double garage (retrospective) as approved under planning permission 15/01962 without complying with condition 5 (balcony screening) to vary the wording, at Friary House, 6 Friary Island, Friary Road, Wraysbury, Staines, TW19 5JR – **THE PANEL VOTED UNANIMOUSLY to APPROVE the application, with the additional conditions:**

- That the railings around the Juliette balcony be a minimum of 1.2 metres in height
- That there is no access to the balcony, save for maintenance purposes

16/01120 Mr Hothi: Single storey rear extension, replacement roof with habitable accommodation, 1 x front and 1 x rear dormers with amendments to fenestration. (Retrospective) at Watersmeet House, 18 Kingswood Creek, Wraysbury, Staines, TW19 5EN – **THE PANEL VOTED to APPROVE the application, with the additional condition:**

- That inclusion of steps, raised decking or a patio be removed from the permitted development rights

An informative about being considerate to neighbours and agreeing a construction management plan was also agreed.

**Four councillors voted in favour of the motion (Cllrs Bateson, Beer, Hilton and Lenton) and one voted against the motion (Cllr Rayner).**

(The Panel was addressed by Robert Obbard, objecting)

16/01165 Mr Forster: Two storey rear, single storey rear, single storey front infill, first floor side extensions, conversion of loft to form additional habitable accommodation, 3 rear and 2 front roof lights and amendments to fenestration at Mandalay, Burleigh Road, Ascot SL5 8ES – **THE PANEL VOTED UNANIMOUSLY to APPROVE the application, with the additional condition:**

- That the conservatory be demolished prior to the occupancy of the extension.

(The Panel was addressed by Gillian Harwood, objecting, and Andrew Forster, the applicant)

16/01482 Sunningdale Ladies Golf Club: erection of an indoor golf coaching facility at Sunningdale Ladies Golf Club, Cross Road, Sunningdale, SL5 9RX – **THE PANEL VOTED UNANIMOUSLY to APPROVE the application and defer and delegate to the Borough Planning Manager, subject to approval of the Tree Plan.**

(The Panel was addressed by Mark Leedale, for the applicant)

16/01656 Mr Singh: Variation to planning permission 16/00300 without complying with condition 4 (tree protection plan), 7 (sustainability), 8 (management plan) and

to amend the wording of the conditions, at 68 Ouseley Road, Wraysbury, TW19 5JH – **THE PANEL VOTED to APPROVE the application and defer and delegate to the Borough Planning Manager, subject to a satisfactory tree protection plan and arboricultural method statement and landscaping plan being submitted by August 17<sup>th</sup> or with conditions to secure these if not received by August 17<sup>th</sup>. Condition to ensure build is per approved plans.**

**Four councillors voted in favour of the motion (Cllrs Bateson, Beer, Hilton and Lenton) and one voted against the motion (Cllr Rayner).**

Cllr Lenton proposed a motion to defer the application until the next Panel meeting, but there was no seconder and the motion fell.

(The Panel was addressed by Mrs Elliot, objecting, and Mrs Bedi, for the agent)

16/01680      Kebbell Homes Ltd: Erection of 6 x 3 bed apartments with basement parking at The Little House, Charters Road, Sunningdale, SL5 9QF – **THE PANEL VOTED UNANIMOUSLY to APPROVE the application, subject to the following change of conditions:**

- That condition 3 be amended, so that the railings at the back of the site are the same as those shown on the plan on the front.

An informative about the contractor proving they had not damaged the road during the construction work, and money to be paid in the event of any damage being caused, was agreed.

The Planning Officer declared a personal interest in the item as she had a connection to someone involved with the application. She left the room while the item was discussed by the Panel.

ESSENTIAL MONITORING REPORTS (MONITORING)

Details of the Planning Appeals Received were noted by Members.

The meeting, which began at 7:00pm, finished at 9:34pm

CHAIRMAN.....

DATE.....

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# Agenda Item 4

## ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

### Windsor Rural Panel

21st September 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

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<b>Item No.</b>	1	<b>Application No.</b>	16/00531/FULL	<b>Recommendation</b>	PERM	<b>Page No.</b>	13
<b>Location:</b>	Lynwood Chase Devenish Lane Sunningdale Ascot SL5 9QU						
<b>Proposal:</b>	Two detached houses with rooms in roof and integrated garages following demolition of existing dwelling.						
<b>Applicant:</b>	Mr Guard - Wentworth Homes	<b>Member Call-in:</b>	Cllr Bateson	<b>Expiry Date:</b>	25 April 2016		

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<b>Item No.</b>	2	<b>Application No.</b>	16/01459/VAR	<b>Recommendation</b>	PERM	<b>Page No.</b>	31
<b>Location:</b>	Poppies Day Nursery St Lukes Road Old Windsor Windsor SL4 2QJ						
<b>Proposal:</b>	Erection of a two storey day nursery with associated works following demolition of church as approved under planning permission 11/02336 without complying with condition 15 (number of children) to increase the number of children.						
<b>Applicant:</b>	Poppies Day Nursery Ltd	<b>Member Call-in:</b>	Not Applicable	<b>Expiry Date:</b>	28 June 2016		

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<b>Item No.</b>	3	<b>Application No.</b>	16/01892/FULL	<b>Recommendation</b>	PERM	<b>Page No.</b>	39
<b>Location:</b>	12A High Street Sunninghill Ascot SL5 9NE						
<b>Proposal:</b>	Detached single storey leisure building						
<b>Applicant:</b>	Mr Cooke	<b>Member Call-in:</b>	Cllr D Hilton	<b>Expiry Date:</b>	12 August 2016		

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<b>Item No.</b>	4	<b>Application No.</b>	16/02052/FULL	<b>Recommendation</b>	DD	<b>Page No.</b>	45
<b>Location:</b>	Stone Court London Road Sunningdale Ascot SL5 9RY						
<b>Proposal:</b>	Erection of assisted living development with associated works						

**Applicant:** Mr Tobutt                      **Member Call-in:** Not Applicable                      **Expiry Date:** 28 September 2016

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**Item No.** 5                      **Application No.** 16/02220/FULL                      **Recommendation** PERM                      **Page No.** 63

**Location:** Land At Hill House Cross Road Sunningdale Ascot

**Proposal:** Construction of 5 No. apartments with basement and new access.

**Applicant:** Mr Mills                      **Member Call-in:** Not Applicable                      **Expiry Date:** 12 September 2016

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<b>Planning Appeals Received</b>	<b>Page no.</b> 87
<b>Appeal Decision Report</b>	<b>Page no.</b> 89
<b>Planning Enforcement Report</b>	<b>Page No.</b> 93



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

**WINDSOR RURAL DEVELOPMENT CONTROL PANEL**

21 September 2016

Item: 1

<b>Application No.:</b>	16/00531/FULL
<b>Location:</b>	Lynwood Chase Devenish Lane Sunningdale Ascot SL5 9QU
<b>Proposal:</b>	Two detached houses with rooms in roof and integrated garages following demolition of existing dwelling.
<b>Applicant:</b>	Mr Guard - Wentworth Homes
<b>Agent:</b>	Not Applicable
<b>Parish/Ward:</b>	Sunningdale Parish/Sunningdale Ward
<b>If you have a question about this report, please contact:</b> Adam Jackson on 01628 796660 or at adam.jackson@rbwm.gov.uk	

**1. SUMMARY**

- 1.1 The proposed dwellings are considered to be of an appropriate scale and design for the area and the character and appearance of the street scene would not be harmed.
- 1.2 Sufficient separation distances would remain between the proposed dwellings, their boundaries and neighbouring properties. It is considered therefore that the level of development on the site is appropriate and there would be no material impact on the amenity of neighbouring properties.
- 1.3 There are 2 protected trees on site, however, the proposed dwellings would be set outside of the root protection areas of these trees and there are sufficient distances between the proposed dwellings and the canopies of these trees to prevent there being a pressure to prune these trees in the future.
- 1.4 Both dwellings will have integral garages and separate accesses and driveways to allow for sufficient vehicle parking spaces to be provided.

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

**2. REASON FOR PANEL DETERMINATION**

- Called in by Councillor Bateson only if the recommendation of the Borough Planning Manager is to grant the application. The application has been called at the request of the Sunningdale Parish Council and SPAE. The proposal was considered to conflict with policies NP/H2, NP/DG1, NP/DG2, NP/DG3 and NP/EN3 of the neighbourhood plan.

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

- 3.1 The application site is located in Devenish Lane Sunningdale. The application site is approximately 0.21 hectares and currently houses a 2 storey dwelling with a footprint of 165sqm. There are 2 protected trees on site, a copper beech along the south east boundary and a common oak in the west corner. There have been a number of redevelopments and new dwellings recently built within the street and there is a relatively high level of variation between these dwellings in terms of their size and design. The site is within the Villas in a Woodland setting townscape assessment area.

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

Ref.	Description	Decision and Date
93/01226/FULL	Erection of a conservatory on rear elevation.	Permitted 21.07.1993.

- 4.1 The proposal is to demolish the existing dwelling on site and replace it with 2 detached 2 and half storey 5 bedroom houses. Both houses are approximately 9.5 metres tall, have crown roofs and have attached 1 and half storey garages, however, have also been designed to so as to be distinctive from each other and add visual interest to the street scene. The house on plot one has an eaves height of approximately 5 metres and a 6.5 metre tall garage, this property is also designed with gable ends fronting onto the street, bay windows and pitched dormer windows. The house on plot 2 has taller eaves (6.5 metres) and a taller garage (7.5 metres), however, the front projections are hipped and the dormers have flat roofs. The house on plot 2 is also set further forward in the street with a separation of 9.5 metres to the front boundary instead of 13.5m for the plot 1 house.

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

### 5.1 National Planning Policy Framework Sections

#### Royal Borough Local Plan

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

	Within settlement area	Highways and Parking	Trees
Local Plan	DG1, H10, H11	P4, T5	N6
Neighbourhood Plan	NP/DH1, NP/DG2, NP/DG3, NP/H2, NP/EN3	NP/T1	NP/EN2

#### Supplementary planning documents

### 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:

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

#### Other Local Strategies or Publications

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

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

More information on these documents can be found at:

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

## 6. EXPLANATION OF RECOMMENDATION

### 6.1 The key issues for consideration are:

- The impact on character
- The impact on neighbour amenity
- The impact on important trees
- The impact on highway safety

### **The impact on character**

- 6.2 Policy NP/DG1.1 of the Neighbourhood Plan states that development proposals should respond positively to the local townscape, and that proposals should use the RBWM Townscape Assessment report to inform the design approach in planning applications. NP/DG1.2 also states that in the Townscape Assessment zone Villas in a Woodland Setting, residential development should comprise low density developments of detached houses, unless it can be satisfactorily demonstrated that the development would retain the identified character of the area. In the context of this policy, these houses are defined as being dwellings for occupation typically by a single household, each house sitting in its own plot with a garden for its exclusive use. This policy shall apply even in areas within these zones where other types of dwellings may also exist. Policy DG2.1 of the Neighbourhood Plan explains that new development should be similar in density, footprint, separation, scale and bulk of buildings in the surrounding area. Local Plan policy H11 also resists schemes which would be incompatible with of cause damage to the character of established residential areas.
- 6.3 The design and scale of the proposed dwellings is similar to that of a number of other approved dwellings in the street such as at Amberly House but most notably Grove House and Little Orchard where 2 dwellings were allowed in place of the one existing dwelling on site. The approved houses at both of these sites are of a similar height to those proposed at Lynwood Chase and have also have comparable separation distances. It is accepted that a number of the other schemes approved for replacement dwellings were permitted prior to the adoption of the neighbourhood plan which gives greater weight to the scale, bulk and density of new dwellings, however, a number of these dwellings have been built and therefore do contribute to the character of the street. A further application for two dwellings was refused at The Spinney and later dismissed at appeal; however, it is considered that this application is different enough to warrant approval of the Lynwood Chase scheme. The proposed dwellings at Lynwood Chase are both approximately 18 metres wide. Plot 1 will have a width of 26 metres and plot 2 a width of 22 metres, resulting in substantial gaps between the building and their side boundaries. Additionally approximately 6 metres of the width of each dwelling is one and half storey and the dwellings are set 13.5 (plot 1) and 9.5 (plot 2) metres back from the front boundary with no buildings forward of the main dwellings, allowing for a greater sense of spaciousness around the proposed dwellings. Furthermore the stepped front elevations will break up the visual bulk and mass of the dwellings, making them less imposing in the street scene.
- 6.4 The design of the two dwellings is considered to be acceptable in the context of the street scene. Amended plans have been submitted which amends the design of dwellings which were previously identical. This prevents the dwellings from being uniform which would be out of keeping with the character of the street scene and also adds visual interest to the development.

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

- 6.5 A core principle of the National Planning Policy Framework is that planning should aim to ensure that all existing and future occupants of land and buildings are provided with high levels of amenity. Plot 1 would still have a 16.5 metre deep rear garden and plot 2 a 21.5 metre deep rear garden. This is considered sufficient to ensure that both properties are provided with sufficient outdoor amenity space. The depth of these gardens also means there is a minimum separation of 21 metres between the rear elevations of the proposed dwellings and St Malo House to the rear to prevent a significant loss of privacy. It is also considered that there are sufficient distances between the proposed dwellings and the neighbouring properties and gardens (approximately 7.5 metres between Plot 2 House and Po Shan House to the North East) to prevent there being an overbearing impact.

### **The impact on important trees**

- 6.6 There are 2 protected trees on site, a copper beech along the south east boundary and a common oak in the west corner. The proposed dwelling would, however, be set outside of the root protection areas for these trees. The dwelling on plot 1 would be within 3 metres of the canopy of the copper beech tree, however, the rooms that would be affected by this are 2 of 5 bedrooms within the house. There is unlikely therefore to be significant impact on the amenity of the property which would lead to significant pressure to prune the tree. Details of tree protection measures have been suggested within the Arboricultural Impact Assessment and it is suggested

that the development is undertaken in accordance with these details. See condition 3 in section 10 of this report.

- 6.7 The Aboricultural Officer has confirmed that due to the high level of planting already on site he does not consider it necessary for additional landscaping to be secured.

**The impact on highway safety**

- 6.8 The property currently benefits from 2 vehicular accesses which will be retained to serve the 2 units. A 5 bedroom dwelling attracts a demand for 3 parking spaces. Plan number DP1288.P.010B shows that both dwellings can accommodate these spaces in accordance with the Borough’s Parking Strategy as well as there being additional spaces for visitor parking. Subject to the proposed parking being provided before the occupation of the dwellings (see condition 5 section 9 of this report) and a construction management plan being submitted prior to commencement (see condition in 4 section 9 of this report) there are no concerns with regards to parking or highway safety.

**Other Material Considerations**

Housing Land Supply

- 6.9 It is acknowledged that this scheme would make a contribution to the Borough’s housing stock and it is the view of the Local Planning Authority that that the socio-economic benefits of the additional dwelling(s) would also weigh in favour of the development.

**7. ASSOCIATED INFRASTRUCTURE IMPROVEMENTS**

- 7.1 The application proposes a new residential development and therefore would be liable for a Community Infrastructure Levy contribution.

**8. CONSULTATIONS CARRIED OUT**

**Comments from interested parties**

8 occupiers were notified directly of the application.  
The planning officer posted a statutory notice advertising the application at the site on 03.03.2016

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

	Comment	Where in the report this is considered/Officer response
1.	Concerns have been raised over the impact that this development would have on a culvert to the rear of Lynwood chase and possible impact this could have on flooding and surface water drainage in the area.	The proposed properties are situated far enough from this culvert and will not therefore impact on this. The site is not within an area at risk of flooding and as such it is not necessary for additional drainage to be provided.
2.	Concerns have been raised over the design of the dwellings and the impact that this would have on the character of the street.	Sections 6.2 to 6.4.
3.	Concerns have been raised over the scale and bulk of the dwellings.	Sections 6.2 to 6.4.

4.	Concerns have been raised over the ability of the existing infrastructure to handle additional development.	Sewer and telecommunication issues are not material considerations for this application and highway impacts have been assessed in section 6.8.
5.	Concerns have been raised over the nuisance that will be caused by construction traffic.	Section 6.8.
6.	Tree T4 has been shown on the site plan but is recommended for refusal in the tree survey.	The tree survey is the recommendation of the applicant's Aboricultural Consultant; the plans are what are being assessed. Notwithstanding this T4 is not protected and can be removed without the need for planning permission.
7.	Willow house was not consulted and no site notice was posted.	Willow house were sent a letter informing them of the application on the 3 <sup>rd</sup> March and then again on the 1 <sup>st</sup> April and the 6 <sup>th</sup> June informing them of amended plans. A site notice was posted at the entrance of Devenish Lane on the 3 <sup>rd</sup> March.

#### Other Consultees

Consultee	Comment	Where in the report this is considered
Highways officer	Recommends approval subject to vehicle parking and construction management plans conditions (see conditions 4 and 5 in section 9 of this report).	Section 6.8.
Aboricultural Officer	I see that the outer canopy of the Copper Beech at the front of the property has a clearance of approx. 3m to the building line of the house. While the position of the tree and the building still gives me concern in relation to light which could lead to future pruning pressure along with subsequent tree work applications to prune back the tree I do not consider this to be an overriding reason for refusal. In respect to the driveway and its construction I am happy with the provided amended changes in design which significantly reduces the incursion into the RPA of the tree and feel that this is no longer a reason for refusal on its own.	Section 6.6 and 6.7.
Parish Council	The planning committee strongly objects to this application on the grounds that it is contrary to a number of established policies (Neighbourhood plan policies NP/H2, NP/DG1, NP/DG2, NP/DG3 and local plan policies DG1,	<ul style="list-style-type: none"> <li>• The site plan is considered sufficient to show the location of the site.</li> <li>• The Design and</li> </ul>

	<p>H10 and H11).</p> <p>Furthermore, we have already informed you of the short comings of this application.</p> <ul style="list-style-type: none"> <li>• The site plan does not show all the surrounding houses.</li> <li>• The elevations are different in the design and access statement to the plans.</li> <li>• There is no reference to the neighbourhood plan policies in the design and access statement.</li> </ul> <p>The majority of the other development allowed in the street was prior to the adoption of the neighbourhood plan.</p>	<p>Access Statement is simply to support the application the plan is what would be approved.</p> <ul style="list-style-type: none"> <li>• There is no requirement for the applicant to make reference to planning policies in their design and access statement.</li> </ul> <p>Issues with design and character have been addressed in sections 6.2 to 6.4.</p>
NPDG	<ul style="list-style-type: none"> <li>• The proposal would be out of keeping with the character of the Villas in a Woodland Setting townscape assessment area.</li> <li>• The proposal would result in the loss of the sense of seclusion and spaciousness that characterises the area.</li> <li>• The properties are too close together making it impossible to include boundary treatment.</li> <li>• The uniformity of the two dwellings is out of keeping with the character of the area.</li> <li>• The majority of the other permitted development in this road was approved prior to the adoption of the neighbourhood plan.</li> <li>• The height and scale of the dwelling will have an adverse impact on the street scene.</li> <li>• The dwelling will overlook St Malo to the rear.</li> </ul>	<p>Design and character issues have been addressed in sections 6.2 to 6.4. Issues to do with amenity have been assessed in section 6.5.</p>
SPAE	<ul style="list-style-type: none"> <li>• The proposal would be out of keeping with the character of the Villas in a Woodland Setting townscape assessment area.</li> <li>• Other applications for 2 or more houses were approved prior to the adoption of the neighbourhood plan. Further development of this type will damage the character of the area.</li> <li>• The proposal represents an overdevelopment of the site. Other nearby sites have lower footprint to plot ratios.</li> <li>• The identical design of the two dwellings will introduce a uniformity that is out of keeping with the character of the street.</li> <li>• The dwelling St Malo to the rear will be overlooked by rear facing first and second floor windows.</li> </ul>	<p>Design and character issues have been addressed in sections 6.2 to 6.4. Issues to do with amenity have been assessed in section 6.5.</p>

## 9. APPENDICES TO THIS REPORT

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

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

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

In this case the issues have been successfully resolved.

## 10. RECOMMENDED CONDITIONS IF PERMISSION IS GRANTED

1. The development hereby permitted shall be commenced within three years from the date of this permission. Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
2. 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/DG3
3. The erection of fencing for the protection of any retained tree and any other protection specified shall be undertaken in accordance with the approved plans and 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 approval of the Local Planning Authority. Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.
4. 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.
5. 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.
6. 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



Site location

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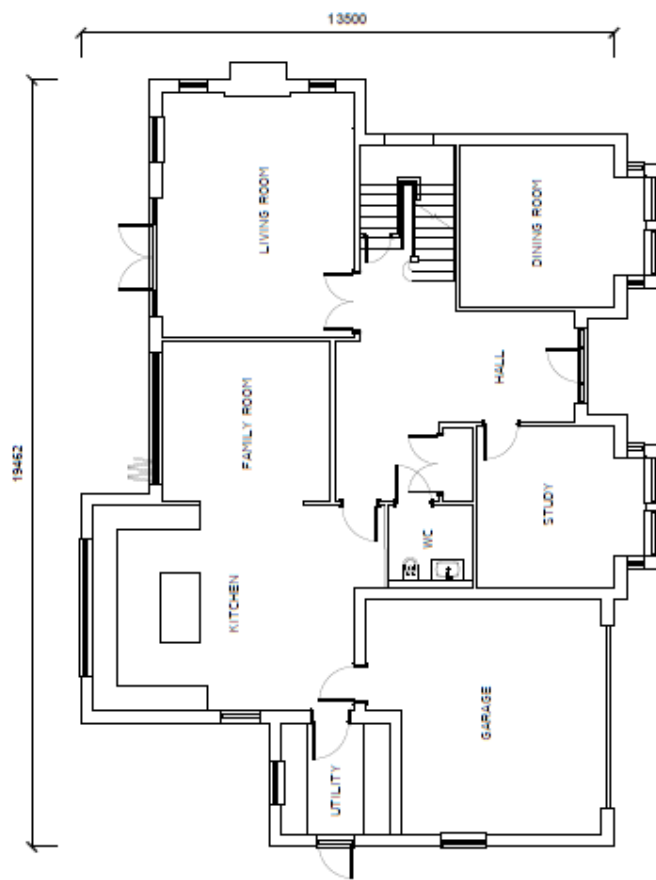
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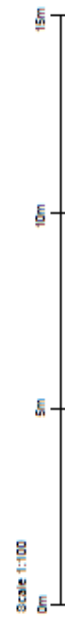


## Appendix B – Plans and elevations

Proposed ground floor plan – Plot 1



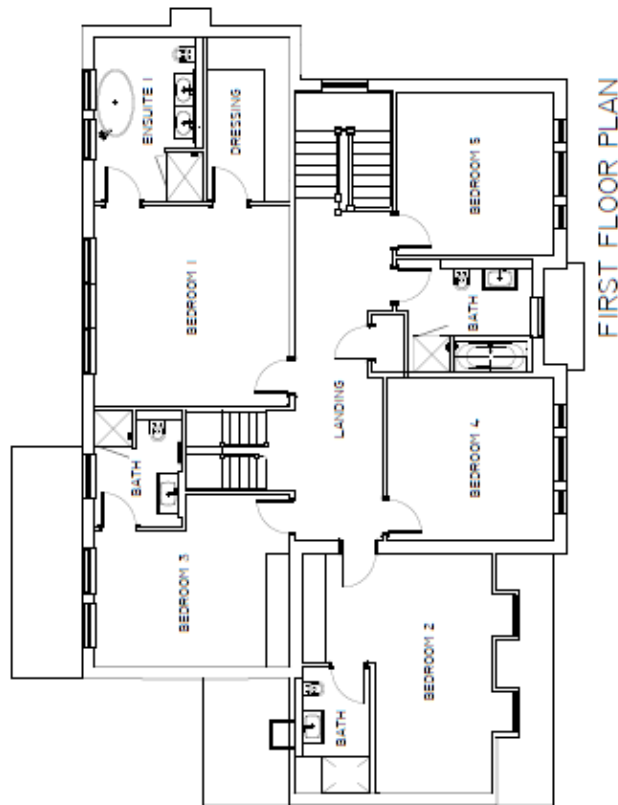
GROUND FLOOR PLAN



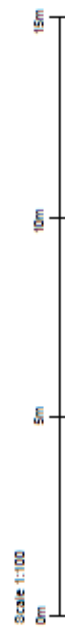
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Ground Floor Plan Plot 1	January 2016	1:100	
Project Title	Drawing No.		
Willow House, Devenish Lane, Sunningdale	DPT288.P.101		D

**WENTWORTH**  
**HOMES**

Proposed first floor plan – Plot 2



FIRST FLOOR PLAN

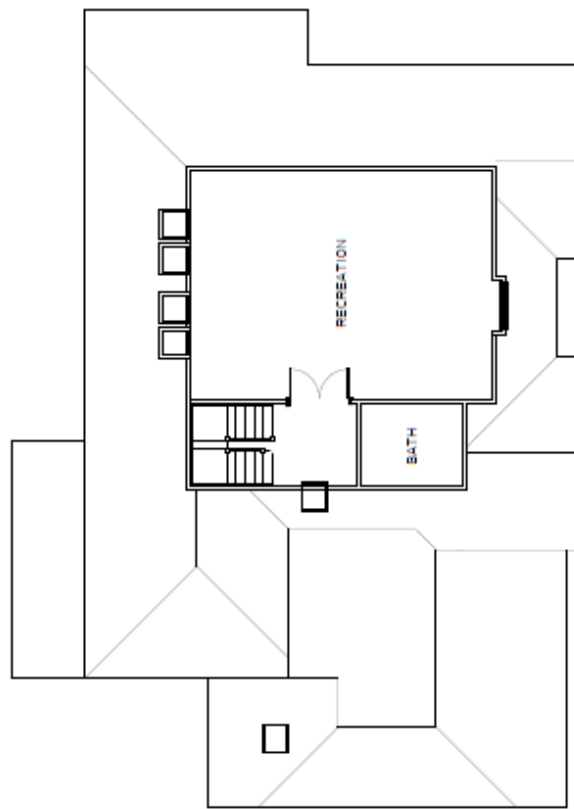


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 Date: January 2016  
 Scale: 1:100  
 Project Title: Lynwood Chase, Devenish Lane, Sunningdale  
 Drawing No: DP1286.P.102  
 Rev: E

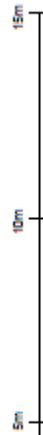
**WENTWORTH**  
HOMES

Proposed second floor plan – Plot 1



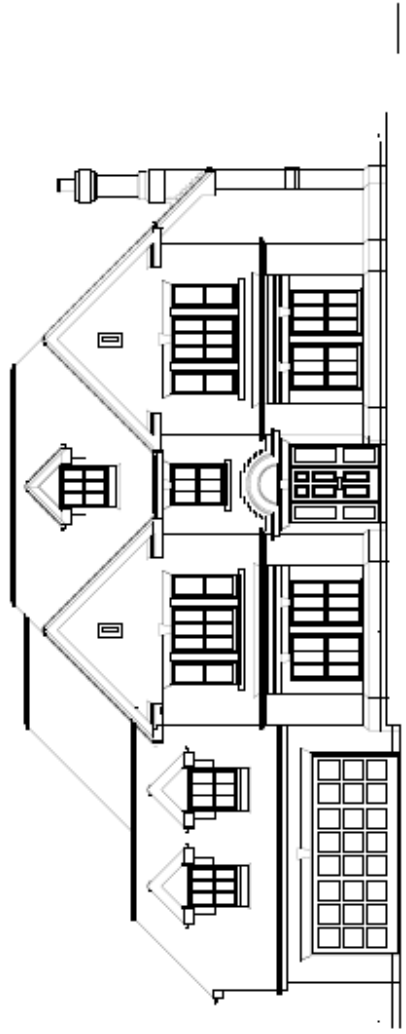
SECOND FLOOR PLAN

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Drawing Title: Second Floor Plan Plot 1  
Project Title: Lynwood Chase, Devenish Lane, Sunningdale  
Date: January 2016  
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Scale: 1:100  
Rev: D

**WENTWORTH**  
**HOMES**



FRONT ELEVATION



Scale 1:100  
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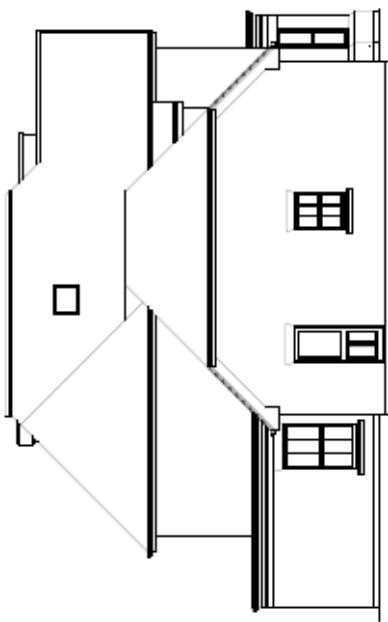


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Date: January 2016  
Project Title: Lynwood Chase, Devenish Lane, Sunningdale

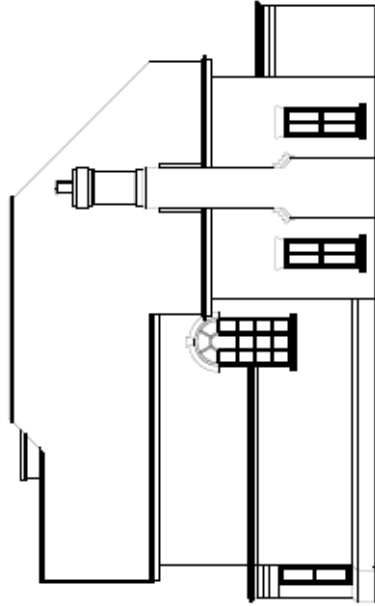
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Rev: D

**WENTWORTH**  
**HOMES**

Proposed side elevations – Plot 1



SIDE ELEVATION



Scale 1:100  
0m

5m

10m

15m

Drawing Title:  
Side Elevations Plot 1

Date:  
January 2016

Scale:  
1:100

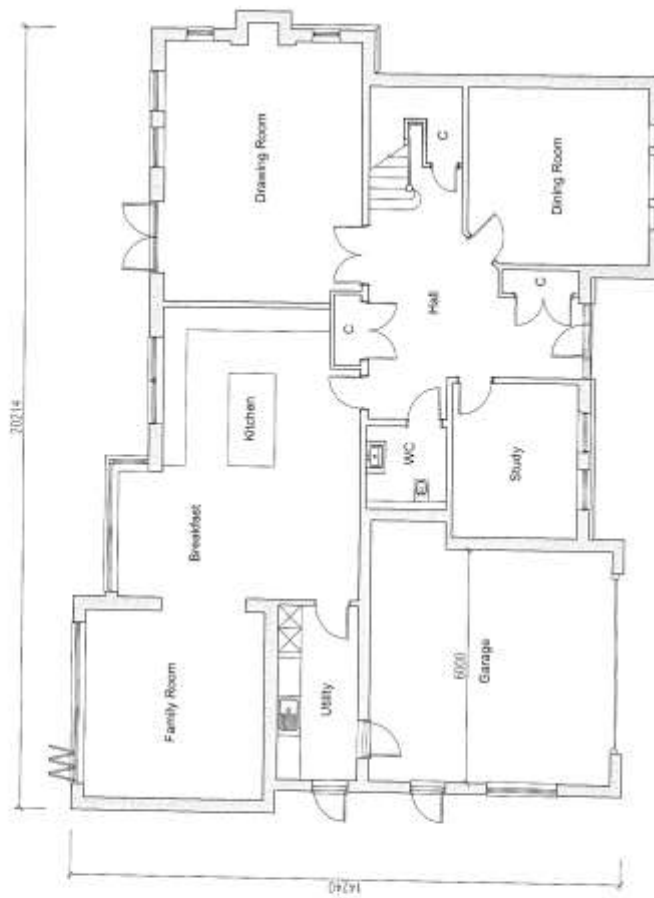
Project Title:  
Lynwood Chase, Devenish  
Lane, Sunningdale

Drawing No:  
DP1288.P.105

Rev:  
C

**WENTWORTH**  
**HOMES**

Proposed ground floor plan – Plot 2

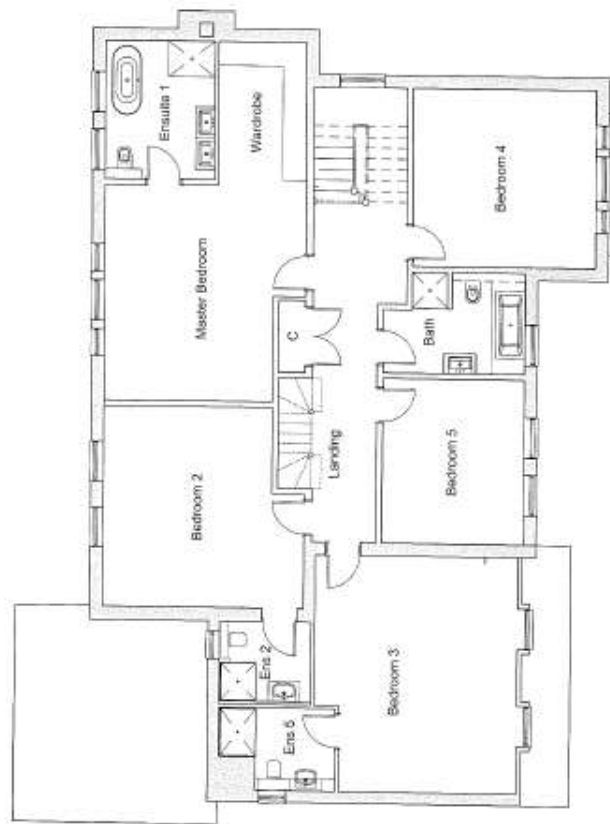


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Drawing Title	Ground Floor Plan Plot 2	Date	January 2016	Scale	1:100
Project Title	Willow House, Daventry Lane, Summingdale	Drawing No.	DP1288.P.201	Rev	B

**WENTWORTH**  
HOMES

Proposed first floor plan – Plot 2

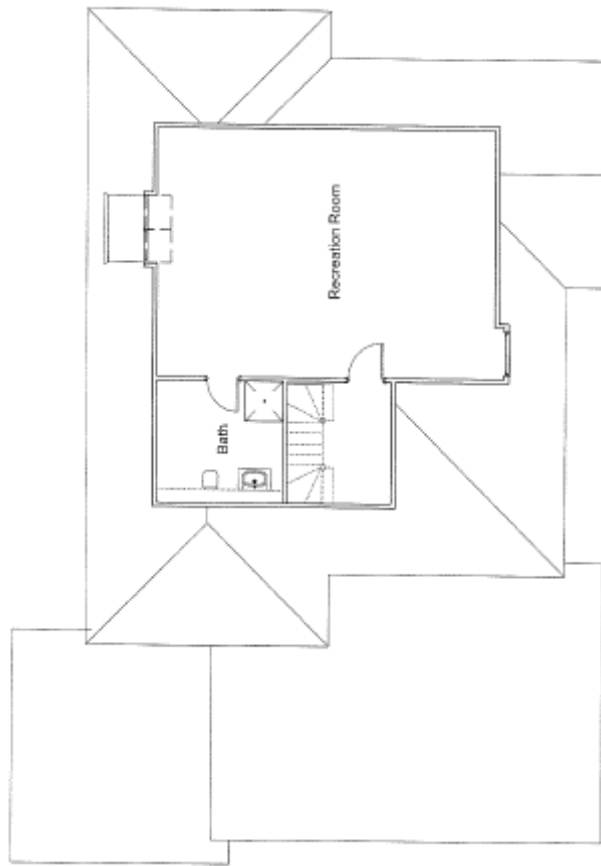


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Scale: 1:100  
Project Title: Inwood Chase, Dravenish Lane, Suringdale  
Drawing No: DP1286.P.202  
Rev: B  
**WENTWORTH HOMES**

Proposed second floor plan – Plot 2



Scale 1:100  
0m

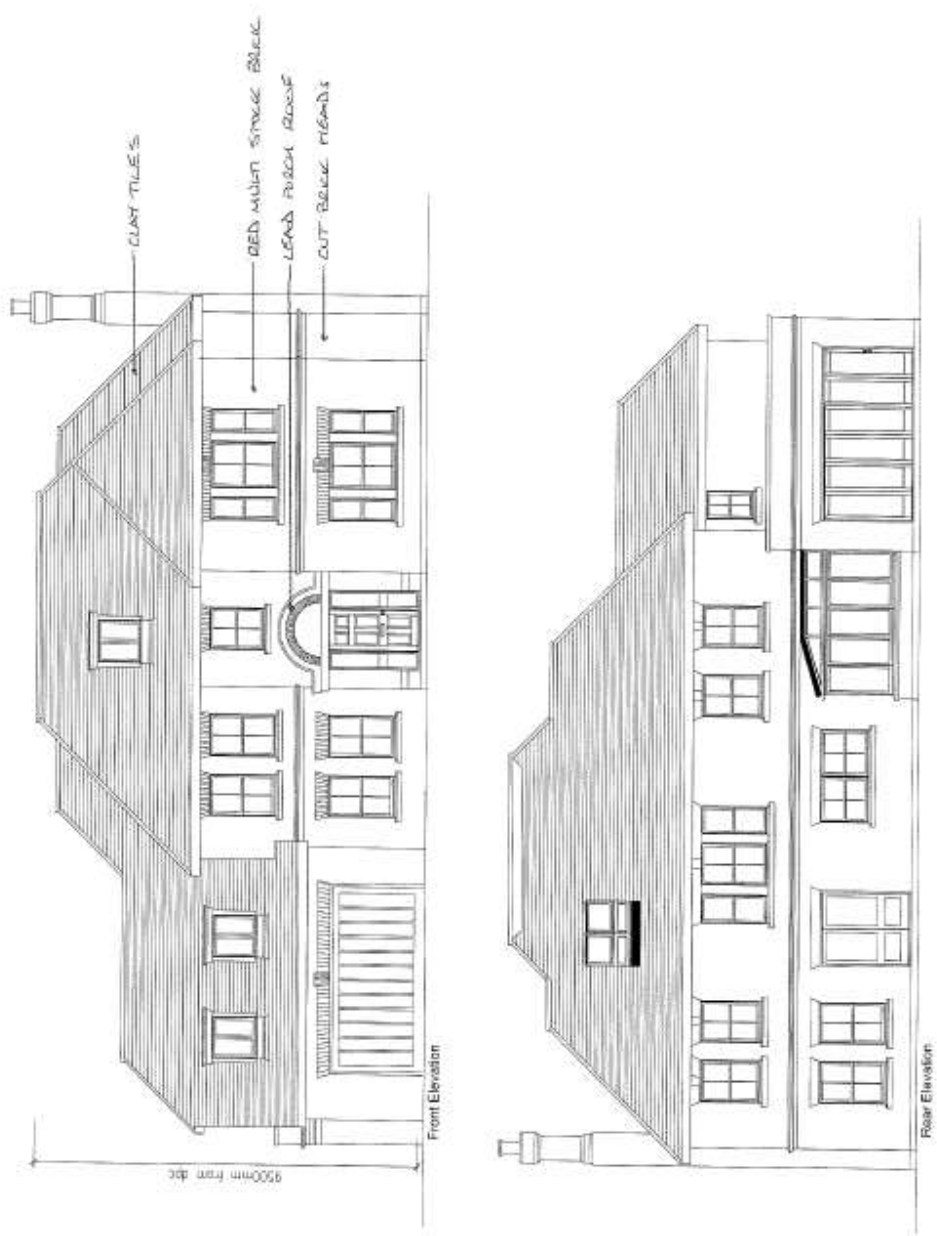


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Date: January 2016  
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Project Title: Lynwood Chase, Devenish Lane, Sunningdale  
Drawing No: DP1256.P.203  
Rev: B

**WENTWORTH**  
HOMES



Proposed front and rear elevations – Plot 2

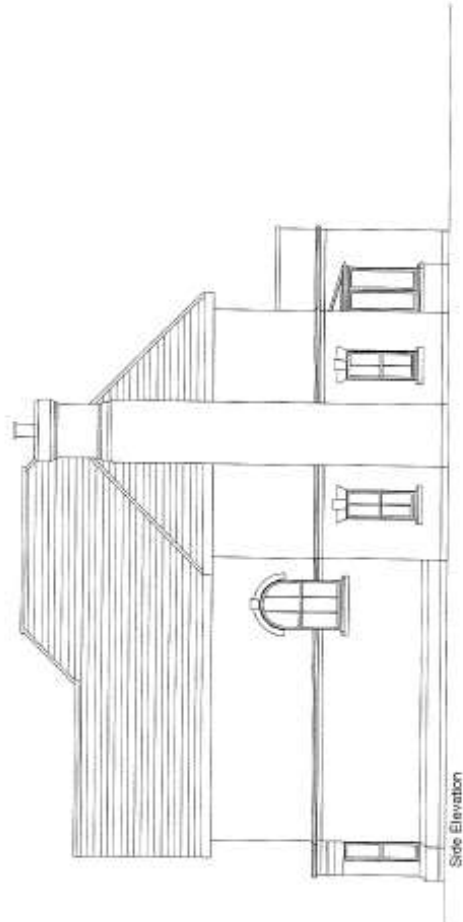
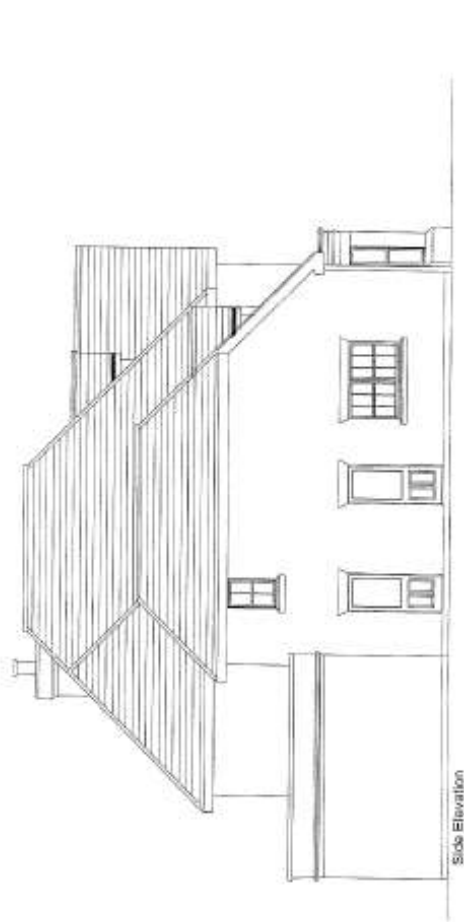


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Drawing Title: Front & Rear Elevation Plot 2  
 Date: January 2016  
 Scale: 1:100  
 Project Title: Lynwood Chase, Deventham Lane, Sunningdale  
 Drawing No: DP-288.P.204  
 Rev: C

**WENTWORTH**  
**HOMES**

Proposed side elevations – Plot 2



Scale 1:100  
0m



Drawing Title:	Site Elevations Plot 2	Date:	January 2016	Scale:	1:100
Project Title:	Lynwood Chase, Devenish Lane, Sunningdale	Drawing No.:	DP1286.P.205	Rev.:	C

# WENTWORTH HOMES

## WINDSOR RURAL DEVELOPMENT CONTROL PANEL

21 September 2016

Item: 2

<b>Application No.:</b>	16/01459/VAR
<b>Location:</b>	Poppies Day Nursery St Lukes Road Old Windsor Windsor SL4 2QJ
<b>Proposal:</b>	Erection of a two storey day nursery with associated works following demolition of church as approved under planning permission 11/02336 without complying with condition 15 (number of children) to increase the number of children.
<b>Applicant:</b>	Poppies Day Nursery Ltd
<b>Agent:</b>	Mr Peter M Salmon
<b>Parish/Ward:</b>	Old Windsor Parish/Old Windsor Ward
<b>If you have a question about this report, please contact:</b> Alistair De Joux on 01628 685729 or at <a href="mailto:alistair.dejoux@rbwm.gov.uk">alistair.dejoux@rbwm.gov.uk</a>	

### 1. SUMMARY

- 1.1 The application property is a day nursery which, following planning permission first being granted in 2011, replaced the former Our Lady of Lourdes Catholic Church on the same site.
- 1.2 The application seeks to vary a condition that limits the number of children who could be catered for at any one time at the nursery. The condition was imposed due to concerns during the initial application about the impact of additional traffic on road conditions in the surrounding area, especially during the morning and afternoon / evening peak periods. A maximum limit of 60 children was therefore imposed as part of the package of measures to mitigate the traffic arising from the development. This application seeks an increase to provide for a maximum of 70 children.
- 1.3 The Highway Authority has confirmed that, since the nursery has opened, no complaints have been received about the impact of the nursery on the local highway. The Authority has concluded that the traffic generated by the nursery is not significant, and therefore offers no objection to this proposal to increase the number of children that can be catered for at the day nursery.

<b>It is recommended the Panel grants planning permission with the conditions listed in Section 10 of this report.</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 consists of a purpose built day nursery with vehicle parking and access to the front.
- 3.2 To the north is the Working Men's Club, with a car park to the rear. On the southern side of the Church and to the rear, the site boundaries are shared with those of the rear gardens of the adjacent dwellings on William Ellis Close. These comprise a pair of small semi-detached dwellings at numbers 2 and 4 and terraced houses at numbers 6, 8 and 12-18.

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

- 4.1 Condition 15 of 11/02336/FULL requires that:  
*The use as a day nursery shall be restricted to no more than sixty children at any one time unless otherwise approved in writing by the Local Planning Authority.*
- 4.2 This application seeks to increase the number of children to be provided for to a maximum of 70.

4.3 The original permission has effectively been superseded by 13/1366/VAR, which is noted in the planning history below. Apart from a change in the order of numbering for some of the conditions, the requirement first set in the 2011 permission has been carried over to that more recent permission.

4.4 The site has the following relevant planning history:

Principal permissions:

Ref.	Description	Decision and Date
11/02336/FULL	Erection of a two storey day nursery with associated works following demolition of church.	Permitted, 15.12.2011.
12/02648/RLAX	Erection of a two storey day nursery with associated works following demolition of church without complying with conditions 7a and 7b (BREEAM) and 8 (BREEAM Certificate) of planning permission 11/02336.	Permitted, 03.12.2012.
13/01366/VAR	Erection of a two storey day nursery with associated works following demolition of church as amended by 12/02648/RLAX without complying with condition 4 of that permission (on street parking) so that the condition is removed.	Permitted, 25.09.2013.

Conditions submissions:

Ref.	Description	Decision and Date
13/00004/CONDIT	Details required by condition 2 (materials) 4 (parking restrictions) 5 (drainage details) 8 (rainwater harvesting) of planning permission 12/02648/RLAX for the erection of a two storey day nursery with associated works following demolition of church without complying with conditions 7a and 7b (BREEAM) and 8 (BREEAM Certificate) of planning permission 11/02336.	Part refused, part approved 27.02.2013.
13/00728/CONDIT	Details required by part of condition 5 (ii) (finished ground levels) of planning permission 12/02648 for the erection of a two storey day nursery with associated works following demolition of church without complying with conditions 7a and 7b (BREEAM) and 8 (BREEAM Certificate) of planning permission 11/02336.	Approved, 20.03.2013.
13/00954/CONDIT	Details required by condition 3 (flood escape plan) and 9 (travel plan) of planning permission 12/02648 for the Erection of a two storey day nursery with associated works following demolition of church without complying with conditions 7a and 7b (BREEAM) and 8 (BREEAM Certificate) of planning permission 11/02336.	Approved, 25.09.2013.
14/02105/CONDIT	Details required by condition 6 (thermal performance) of planning permission	Not determined (no fee

	13/01366 for the Erection of a two storey day nursery with associated works following demolition of church as amended by 12/02648/RLAX without complying with condition 4 of that permission (on street parking) so that the condition is removed.	paid).
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## 5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework Sections 4 and 8

### Royal Borough Local Plan

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

Highways and Parking
P4, T5

### Other Local Strategies or Publications

5.3 Other Strategies or publications relevant to the proposal are:

- 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:

- Whether the increase in numbers of children to be provided for at the nursery would result in an increase in traffic that would be detrimental to traffic flow and / or highway safety on St Lukes Road.
- Other matters required by conditions of the most recent planning permission.

### Whether the provided increase in numbers of children would result in a detrimental increase in traffic

6.2 Condition 15 in the original planning permission imposed an upper limit on the number of children who could be catered was originally imposed for the development due to concerns that were raised about the impact of additional traffic on road conditions in the surrounding area. Congestion on St Lukes Road was morning and afternoon / evening peak periods. The number of children is limited to 60 at any one time. In the most recent permission, the same requirement is included as Condition 14.

6.3 The Highway Authority has confirmed that no complaints have been received about the impact of the nursery on the local highway since the nursery has opened. The Authority has concluded that the traffic generated by the nursery is not significant, and therefore offers no objection to this proposal to increase the number of children that can be catered for at the day nursery, to provide for a maximum of 70 at any one time.

### Other matters required by conditions of the most recent planning permission

6.4 A Travel Plan was completed in association with the previous permissions with updates required by conditions of all of the principal permissions for the development. While an updated Travel Plan was approved under 13/00954/CONDIT, a further amendment was also required by condition 9 of the most recent permission, ref. 13/01366/VAR, to require a final Travel Plan to be completed and submitted within three months of the first date of occupation. As this item remains outstanding, condition 2 as recommended below reiterates the requirements in the 2013

permission and would require an updated Travel Plan be submitted for approval by the Local Planning Authority within three months of a new permission being issued.

- 6.5 The Travel Plan for the nursery provides for staggered arrival and collection times for parents and carers to bring children to the nursery and pick them up at the end of the day, which also assists in the free flow of traffic in the vicinity.
- 6.6 Condition 8 of the 2013 permission, which required the submission and approval of further information on thermal performance prior to occupation of the building, was also not complied with. This condition was first imposed in the 2012 permission, when it was agreed that the development could be carried out without complying with the BREAM requirement in the original application. This was imposed as a less onerous alternative that still assisted in improving the sustainability of the building, albeit not to BREAM standards. However, since the 2013 permission was issued, the government has simplified building sustainability requirements in planning and as the building has been completed and occupied for some time, it is not considered expedient to pursue this requirement. This condition is not therefore included in the recommended conditions below.
- 6.7 The site is in a floodable area. A flood escape plan was approved in accordance with condition 3 of planning permission 12/02648/RLAX (conditions approval 13/00954/CONDIT as listed in 4.4 above), and its requirements are carried over to condition 3 in the recommendations below.
- 6.8 Other matters provided for in the extant permission by condition are set out in the conditions recommended below, which are carried over with appropriate modifications from the extant permission.

## 7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 The proposal is not CIL liable.

## 8. CONSULTATIONS CARRIED OUT

### Comments from interested parties

19 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 24 May 2016.

No letters have been received from neighbours or other interested parties either in support of or opposition to the application.

### Statutory Consultees

Consultee	Comment	Where in the report this is considered
Parish Council:	No objection to this application subject to the nursery continuing to run the staggered hours for arrivals and collections.	6.5.

### Other Consultees

Consultee	Comment	Where in the report this is considered
Highways Officer:	The B3021 St Luke's Road is subject to a 30mph speed limit where on street parking is either prohibited or controlled by single yellow lines.  The site is located to the west of St Luke's Road and benefits from a single vehicular access located at the mid-	6.2 - 6.3.

	point of the property boundary. There are also 13 car parking spaces at the front of the property.	
	The Highway Authority offers no objection to the proposal.	

## 9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B - Planning layout

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.

## 10. CONDITIONS IF PERMISSION IS GRANTED

1. The use as a day nursery shall be restricted to no more than seventy children at any one time unless otherwise first approved in writing by the Local Planning Authority. Reason: To ensure that the potential impact of any future expansion of the business beyond those that have been considered for this application are properly assessed. Relevant Policies - Local Plan CF2, E10, F1, P4, T5 and T6.
2. Within three months of the date of this permission an updated Travel Plan (TP) shall be submitted and, subject to any further amendments required before it can be accepted, the TP shall then be approved in writing by the Local Planning Authority. The approved TP shall include periodic reviews as provided for within the approved TP. Prior to its approval, the nursery shall be operated in accordance with the Travel Plan previously approved under RBWM ref. 13/00954/CONDIT. Reason: To limit local traffic generation by ensuring that staff and parents uses the most sustainable travel modes that are practical to their individual circumstances. Relevant Policies - Local Plan CF2 and T5.
3. The flood escape measures set out in the Flood Escape Plan previously approved under RBWM ref. 13/00954/CONDIT shall continue be implemented as required both before and during severe flood events, subject also to requirements to update the Plan if the safe refuge identified within it becomes unavailable at any time. Reason: To ensure the safety of children, staff and visitors to the nursery during flood events. Relevant Policy - Local Plan F1.
4. The development shall be retained in accordance with the Drainage Strategy, rainwater harvesting system and finished levels previously approved for the development under RBWM references 13/00004/CONDIT and 13/00728/CONDIT. Reason: To ensure that finished floor levels are clear of highest predicted likely flood levels, including provision for climate change, and to prevent an increased risk of flooding elsewhere due to the reduction of floodwater storage capacity that would otherwise occur. Relevant Policy - Local Plan F1.
5. The exterior materials previously approved for the development under RBWM reference 13/00004/CONDIT shall be retained in accordance with the approved details. Reason: In the interests of the visual amenities of the area. Relevant Policy - Local Plan DG1.
6. The development shall be retained in accordance with the landscaping details approved under RBWM reference 13/00004/CONDIT. 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 and protects the amenities of neighbouring residents. Relevant Policies - Local Plan DG1 and E10.

7. The vehicle and manoeuvring and cycle parking facilities approved under planning permission 13/01366/VAR shall be retained for permanent use 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, T5, T7 and DG1.
8. The areas within the previously approved visibility splays (2.4 metres by 43 metres as measured along the edge of the driveway and the back of footway from their point of intersection) 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 Policy - Local Plan T5.
9. The refuse bin storage area and recycling facilities shall be retained as approved under planning permission 13/01366/VAR for permanent use in association with the development. 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 and DG1.
10. The first floor window(s) in the southern (side) elevation of the building 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 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 residents.



16/01459

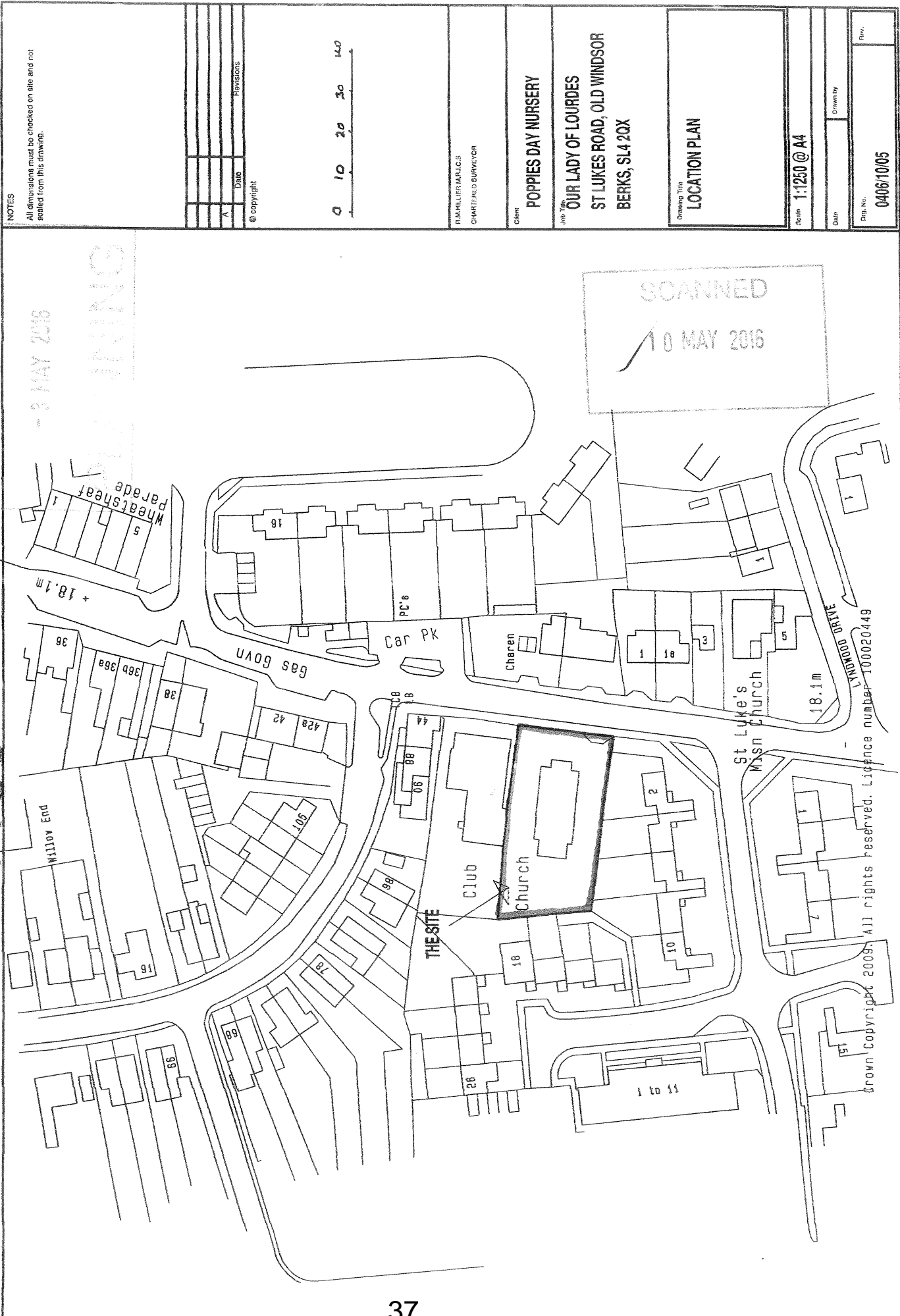
RECEIVED

3 MAY 2016

PLANNING

SCANNED

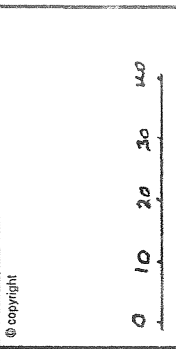
10 MAY 2016



NOTES  
All dimensions must be checked on site and not scaled from this drawing.

No.	Date	Revisions

© copyright



R.M. PHILLIPS MAR.L.S.  
CHARTERED SURVEYOR

Client  
**POPPIES DAY NURSERY**

Job Title  
**OUR LADY OF LOURDES**

**ST LUKES ROAD, OLD WINDSOR  
BERKS, SL4 2QX**

Drawing Title  
**LOCATION PLAN**

Scale  
**1:1250 @ A4**

Date  
**04/06/10/05**

Drawn Copyright 2009. All rights reserved. Licence number 100020449

Health & Safety - Risk Analysis	
<b>CONSTRUCTION RISKS</b>	<b>ADMINISTRATIVE / CLEANING RISKS</b>
- Inadequate or no safety for site workers	- Poorly maintained equipment
- Inadequate or no safety for site visitors	- Poorly maintained work area
- Inadequate or no safety for site workers	- Poorly maintained work area
- Inadequate or no safety for site visitors	- Poorly maintained work area
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- Inadequate or no safety for site workers	- Poorly maintained work area
- Inadequate or no safety for site visitors	- Poorly maintained work area

### NOTES

**Landscape Schedule:**  
Following a meeting with a tree specialist the trees and shrubs proposed to be planted are as follows:

- Back Garden:**
- T1 - Betula Pendula Youngii (Planting height of 3.5m, growing up to 10m)
  - T2 - Betula Pubescens (Planting height of 3.5m, growing up to 10m)
  - T3 - Glehnia Ruby Lace (Planting height of 3.5m, growing up to 10m)
  - T4 - Prunus x subhirtella Autumnalis (Planting height of 1.5m, growing to 4m)
  - T5 - Prunus x subhirtella Autumnalis (Planting height of 1.5m, growing to 4m)
- Front Garden:**
- The following shrubs evenly distributed in an array adjacent to the parking area, at three shrubs per m<sup>2</sup>:
- Phloxia Red Robin (3 Litre pot)
  - Eucalyptus (3 Litre pot)
  - Cistus (3 Litre pot)
  - Camelia (3 Litre pot)
  - Chrysox (3 Litre pot)

The following shrubs evenly distributed in an array adjacent to the parking area, at three shrubs per m<sup>2</sup>:

- Phloxia Red Robin (3 Litre pot)
- Eucalyptus (3 Litre pot)
- Cistus (3 Litre pot)
- Camelia (3 Litre pot)
- Chrysox (3 Litre pot)

REV	DATE	NOTES	BY
C	22.02.19	Quantity and arrangement of plants altered	LP
B	21/02/19	Amendments made to site landscaping	LP
A	18.09.12	Confirmation on tree and shrub specifications	LP

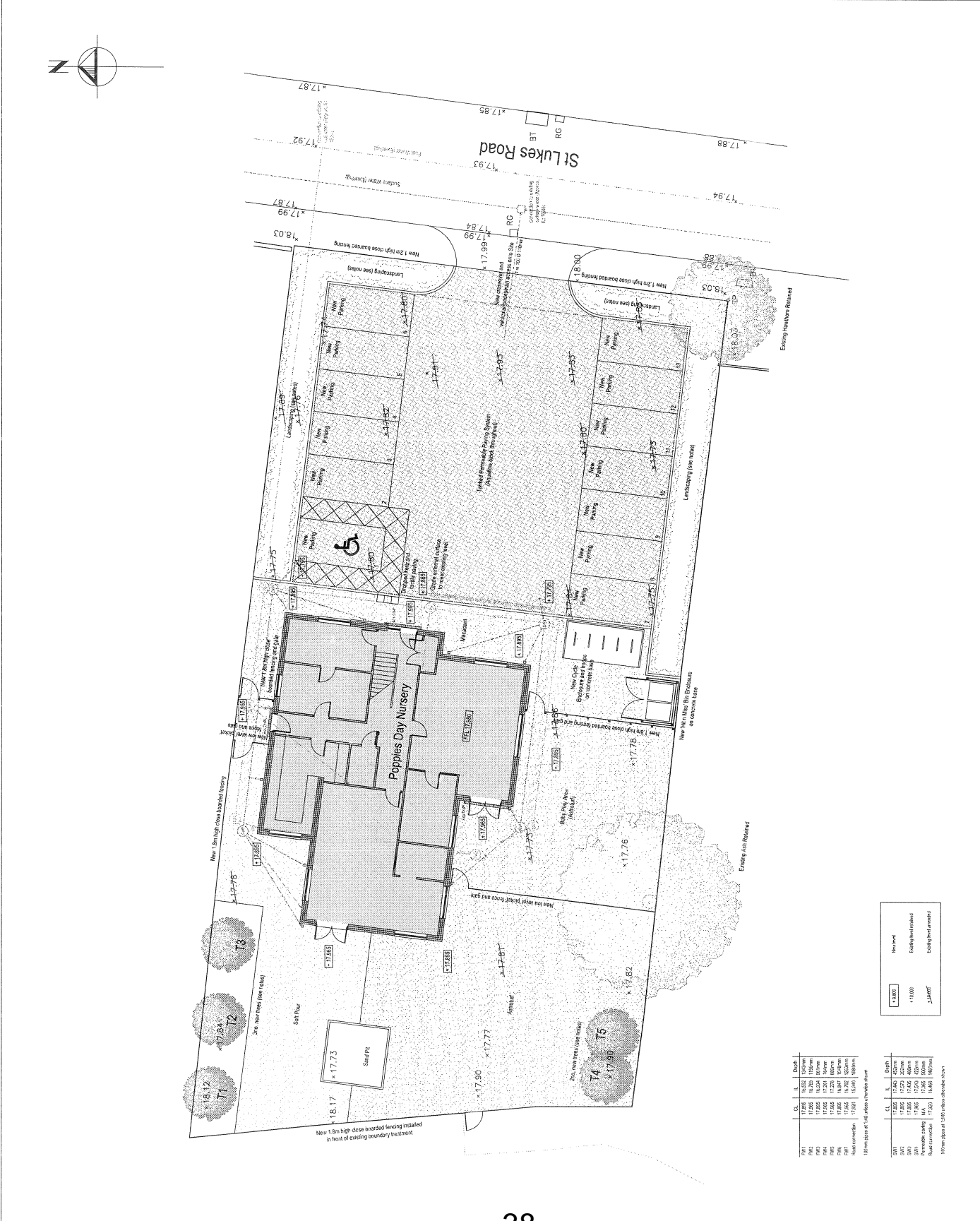
## PLANNING

Do not scale from this drawing. All dimensions to be checked on site.

**aed**  
ARCHITECTS

100-102, Victoria Road  
London Road, Reading, RG1 5BAQ  
t: 01352 777 6262 f: 01352 777 6263  
o: 01352 777 6264  
a: aed@aed.co.uk  
www.aed.co.uk

**Poplars Day Nursery Ltd.**  
**Our Lady of Lourdes, Old Windsor**  
**Proposed Replacement Nursery**  
**Proposed Site Plan**  
Scale: 1:100 @ A1 Date: June 2012  
Dwg No: PN1232/SP103 Rev: C



REV	DATE	NOTES	BY
PN01	12.05	1:250	12/05/19
PN02	12.05	1:250	12/05/19
PN03	12.05	1:250	12/05/19
PN04	12.05	1:250	12/05/19
PN05	12.05	1:250	12/05/19
PN06	12.05	1:250	12/05/19
PN07	12.05	1:250	12/05/19
PN08	12.05	1:250	12/05/19
PN09	12.05	1:250	12/05/19
PN10	12.05	1:250	12/05/19
PN11	12.05	1:250	12/05/19
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PN15	12.05	1:250	12/05/19
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PN43	12.05	1:250	12/05/19
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PN45	12.05	1:250	12/05/19
PN46	12.05	1:250	12/05/19
PN47	12.05	1:250	12/05/19
PN48	12.05	1:250	12/05/19
PN49	12.05	1:250	12/05/19
PN50	12.05	1:250	12/05/19

## WINDSOR RURAL DEVELOPMENT CONTROL PANEL

21 September 2016

Item: 3

**Application No.:** 16/01892/FULL

**Location:**

12A High Street Sunninghill Ascot SL5 9NE

**Proposal:** Detached single storey leisure building

**Applicant:** Mr Cooke

**Agent:** Mr Graham Lake

**Parish/Ward:** Sunninghill And Ascot Parish/Sunninghill And South Ascot Ward

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

### 1. SUMMARY

- 1.1 The proposed outbuilding is considered to be of an acceptable design and scale and would not detract from the character of the area. The proposal is also not considered to represent overdevelopment of the site.
- 1.2 The outbuilding would not significantly impact on the amenity of neighbouring properties.

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

### 2. REASON FOR PANEL DETERMINATION

- At the request of Councillor David Hilton only if the recommendation of the Borough Planning Manager is to grant the application. The application has been called in on behalf of Sunninghill and Ascot Parish Council who consider the application to be contrary to Neighbourhood Plan policy NP/EN3.

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

- 3.1 The application site is 12A High Street in Sunninghill. 12A is a first floor flat above the shop 'Scene Living' on the northern end of the High Street. The application is for development within the garden of this flat. The garden has an area of 110sqm. Either side of the site there are retail units which have flats above. There are also other outbuildings within the gardens of properties along High Street. To the rear of the site are more residential gardens for the properties along Kings Road.

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

- 4.1 The application is for a single storey leisure building/outbuilding in the rear garden of 12A High Street. The proposed building would be incidental to the main dwelling. The proposed building measures 7x4 metres and has a ridge of 3.2 metres and an eaves height of 2.3 metres.
- 4.2 There is no relevant planning history on the site.

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

- 5.1 National Planning Policy Framework Sections

#### **Royal Borough Local Plan**

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

	Within settlement area
Local Plan	DG1
Neighbourhood Plan	NP/DG2 and NP/DG3

### **Supplementary planning documents**

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:

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

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

5.4 Other Strategies or publications relevant to the proposal are:

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

More information on these documents can be found at:

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

## **6. EXPLANATION OF RECOMMENDATION**

6.1 The key issues for consideration are:

- i The impact on the character of the area
- ii The impact on amenity

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

6.2 Policies of the Local Plan and the Neighbourhood Plan aim to protect the character of local areas by ensuring that new developments are of a high design standard and respect the pattern of development in the area.

6.3 The proposed outbuilding has a footprint of 28sqm and the garden has an area of 110sqm. This leaves sufficient garden space around the outbuilding which prevents the garden from becoming overdeveloped or appearing cramped. The outbuilding would also respect the pattern of development on the site and the established plot width as it would not extend beyond the side elevations of the existing building. This also means the outbuilding would not be highly visible from the street and there would be no significant impact on the character of the street scene. There are other outbuildings in the rear gardens along High Street and as such it is not considered that the proposed building would look out of place.

6.4 The design of the outbuilding itself is considered to be acceptable. The outbuilding is to be finished in timber cladding and will have a slate roof. The roof has a shallow pitch and the height of the ridge and eaves has also been kept to a minimum.

### **The impact on amenity**

6.5 A core principle of the National Planning Policy Framework is for planning to ensure a high level of amenity is secured for all current and future occupiers of land and buildings. This is supported by both local and neighbourhood plan policies.

- 6.6 The proposed outbuilding would itself provide amenity space for the occupiers of 12A high street; however, approximately 45sqm of outdoor amenity space would remain to the front of the outbuilding. Additionally a patio area is being provided to the rear of the outbuilding.
- 6.7 There would be 0.8 and 1.2 metres left to either side of the outbuilding. Whilst this is quite close to the neighbouring boundaries the low height of the outbuilding means that it will not appear unacceptably overbearing.
- 6.8 Concerns have been raised by the neighbour to the rear that the outbuilding would cause overlooking to their garden. The garden of this neighbour is set down from the application site by approximately 1 metre. Notwithstanding this the proposed outbuilding would be set approximately 3 metres from the rear boundary and would not be directly opposite the main amenity areas of this neighbours garden. Additionally a 2 metre fence could be erected without planning permission which would provide further privacy. It is worth noting that the patio area proposed to the rear does not require planning permission and people could currently use this area of the garden anyway. This element of the application would not therefore increase overlooking.

## 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 29.06.2016.

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

Comment	Where in the report this is considered
1. The building would overdevelop the site.	Section 6.2 to 6.4.
2. The outbuilding would overlook our garden (1 King Road).	Section 6.5 to 6.8.

### Other Consultees

Consultee	Comment	Where in the report this is considered
Parish Council	The Planning committee considered the application to be an overdevelopment of the site contrary to NP policy EN3, which appeared to cover over 50% of the outside garden space and leading to a potential loss of neighbour amenity. The committee was also unclear as to the purpose of the proposed building. This additional building should be ancillary to the residential use of flat 12a and to be used for no other purpose.	The impact on character is considered in sections 6.2 to 6.4 and neighbour amenity is sections 6.5 to 6.8. Policy EN3 relates to applications for new dwellings and as such isn't relevant for this application.

## 8. APPENDICES TO THIS REPORT

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

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

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

In this case the issues have been successfully resolved.

## 9. CONDITIONS IF PERMISSION IS GRANTED

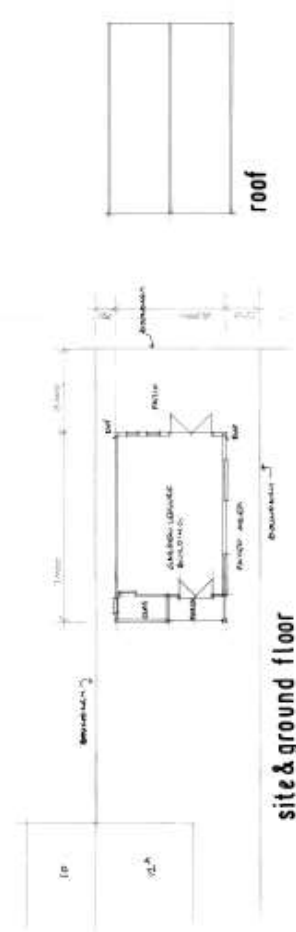
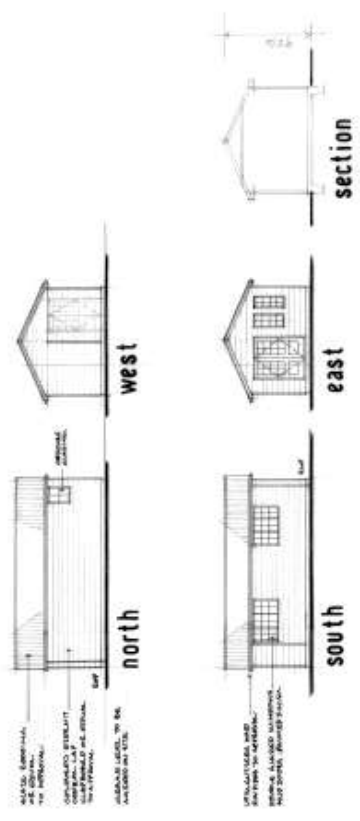
1. The development hereby permitted shall be commenced within three years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
2. The materials to be used on the external surfaces of the development shall be in 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. 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 – Proposed plans



THEY OR ANY OF THEIR AGENTS, SUBAGENTS OR EMPLOYEES SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

**Shaune Cooke**

JOB TITLE  
121 HIGH STREET  
SUNNINGHILL  
KILGAT  
BREMENHURST  
SUSSEX

DRAWING TITLE  
PROPOSED GARAGE/  
LIVING BUILDING  
PLANS  
ELEVATIONS / SECTION

PLANNING DRAWING

SCALE 1:1000 A4, A3, A2, A1, A0

DATE 11/01/2024

**BFM** BUILDING DESIGN GROUP  
100 WOODLAND DRIVE  
1300 WESTWOOD PARKWAY  
DUBLIN, CO. D18 2E2  
TEL: 01 454 4544

**2330 GLB/2**





# WINDSOR RURAL DEVELOPMENT CONTROL PANEL

21 September 2016

Item: 4

**Application No.:** 16/02052/FULL

**Location:** Stone Court London Road Sunningdale Ascot SL5 9RY

**Proposal:** Erection of assisted living development with associated works

**Applicant:** Mr Tobutt

**Agent:** Mr Andy Frost

**Parish/Ward:** Sunningdale Parish/Sunningdale Ward

**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 The application seeks planning permission for an assisted living development (C2 use), with 28 apartments. The building would be large, but is considered to be acceptable within the context of this area. The proposal is considered to have an acceptable impact on off-site protected trees and trees within the site, and the scheme is considered to provide a sufficient level of parking, and would have an acceptable impact on highway safety.
- 1.2 Part of the building would be sited in flood zone 2, and an updated Sequential Test, taking into account sites within the latest Strategic Housing Land Availability Assessment has been requested. The site is also situated within 5km of the Special Protection Area (SPA), and the development could have an impact on this; comments are awaited from Natural England about whether, and what, mitigation is required against this impact.

**It is recommended the Panel defers and delegates the application to the Borough Planning Manager for approval with the conditions listed in Section 10 of this report, provided that the concerns raised by Natural England raised over the impact on the Thames Basin Heaths Special Protection Area are overcome, and on the submission of a satisfactory Sequential Test in respect of Flood Risk.**

## 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 on the north side of London road in Sunningdale. To the north east of the site is Fairfield house which contains flats. To the south west of the site is a large detached dwelling (Chadlington House). Opposite to the site is a flatted development know as Villiers. To the rear of the site are residential properties; however these are sited a considerable distance away.
- 3.2 The site measures 0.6 hectares. The front of the site has a walled and rail frontage, with a vehicular access (which is currently secured).
- 3.3 The site is sloping, with the grassed area to the rear of the site falling in level. Trees along the front boundary (on and off-site) of the site contribute to the character of the area along this part of London road, although the site is not covered by a Tree Protection Order (TPO).
- 3.4 The flood maps held by the EA show that around half of the rear part of the site is situated in flood zone 2 (medium risk flooding).
- 3.5 The site is within 5km of the Thames Basin Heaths Special Protection Area.

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

Ref.	Description	Decision and Date
10/02850	Construction of a three storey care home with basement and associated works, following demolition of existing.	Permitted on 7 <sup>th</sup> March 2011.
13/01834/FULL	Demolition and redevelopment of site for a care home (class C2) including ancillary infrastructure.	Permitted on the 1 <sup>st</sup> October 2013.
14/00546/CON DIT	Details required by conditions 2 (materials), 4 (slab levels), 5 (BREEAM rating), 7 (sustainability measures), 9 (site waste management), 10 (demolition and construction management), 14 (tree protection), 15 (tree planting), 16 (non dig car parking), 18 (hard and soft landscaping), 20 (bin store) and 22 (drainage) of planning permission 13/01834 for Demolition and redevelopment of site for a care home (class C2) including ancillary infrastructure.	Approved 17 <sup>th</sup> April 2014.

- 4.1 The application seeks planning permission for a new building to provide assisted living. The 'Extra Care' scheme provides 28 assisted living apartments and ancillary accommodation. The new building would be 3 stories in height, measuring circa 11.3 metres to the ridge (at the front elevation); the site is sloping and so the height of the building does vary further into the site. The building would have a crown roof.
- 4.2 The existing access to the site would be utilised, with a parking area proposed in front of the proposed building in the south eastern part of the site. To the rear of the building, a formal landscaped garden area would be provided.
- 4.3 The building would have projecting front gables and balconies, and would be finished in a mix of multi coloured brick, render, and tile hanging.

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

##### 5.1 National Planning Policy Framework Sections

Section 32 - Transport

Section 50 - Plan for a mix of housing based on current and future demographic trends

##### Royal Borough Local Plan

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

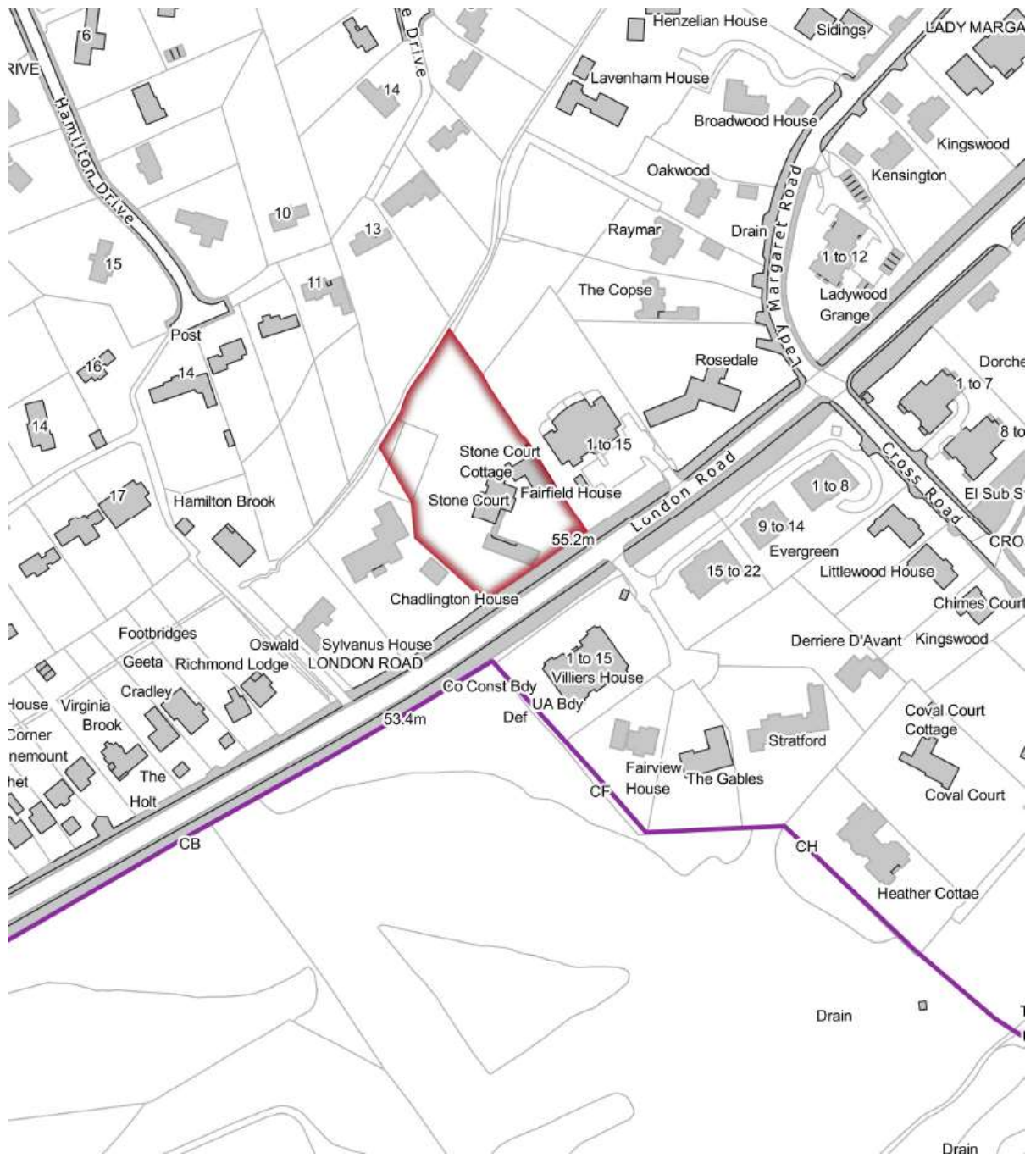
Within settlement area	Highways and Parking	Trees
DG1, H10, H11	P4, T5	N6

#### 6. EXPLANATION OF RECOMMENDATION

- 6.1 The key issues for consideration are:

- i Impact on the character and appearance of the area;
- ii Highways and parking;
- iii Impact on trees;
- iv Ecology;

Appendix A- site location



# Appendix B- Proposed site layout





## Appendix C- Elevations



South-East Elevation 1 - 1



North-East Sectional Elevation 2 - 2



North-East Elevation 3 - 3



North-West Elevation 4 - 4



North-West Sectional Elevation 3 - 3



South-West Sectional Elevation 4 - 4



South-West Elevation 7 - 7



Elevation Location Key Plan 1:50

Appendix D- Floor plans





REVIZIJE  
1. NACRT  
2. DETAJI  
3. IZVEDBA  
4. PROMENA  
5. ZAVRŠNA

1:100  
1:200  
1:500

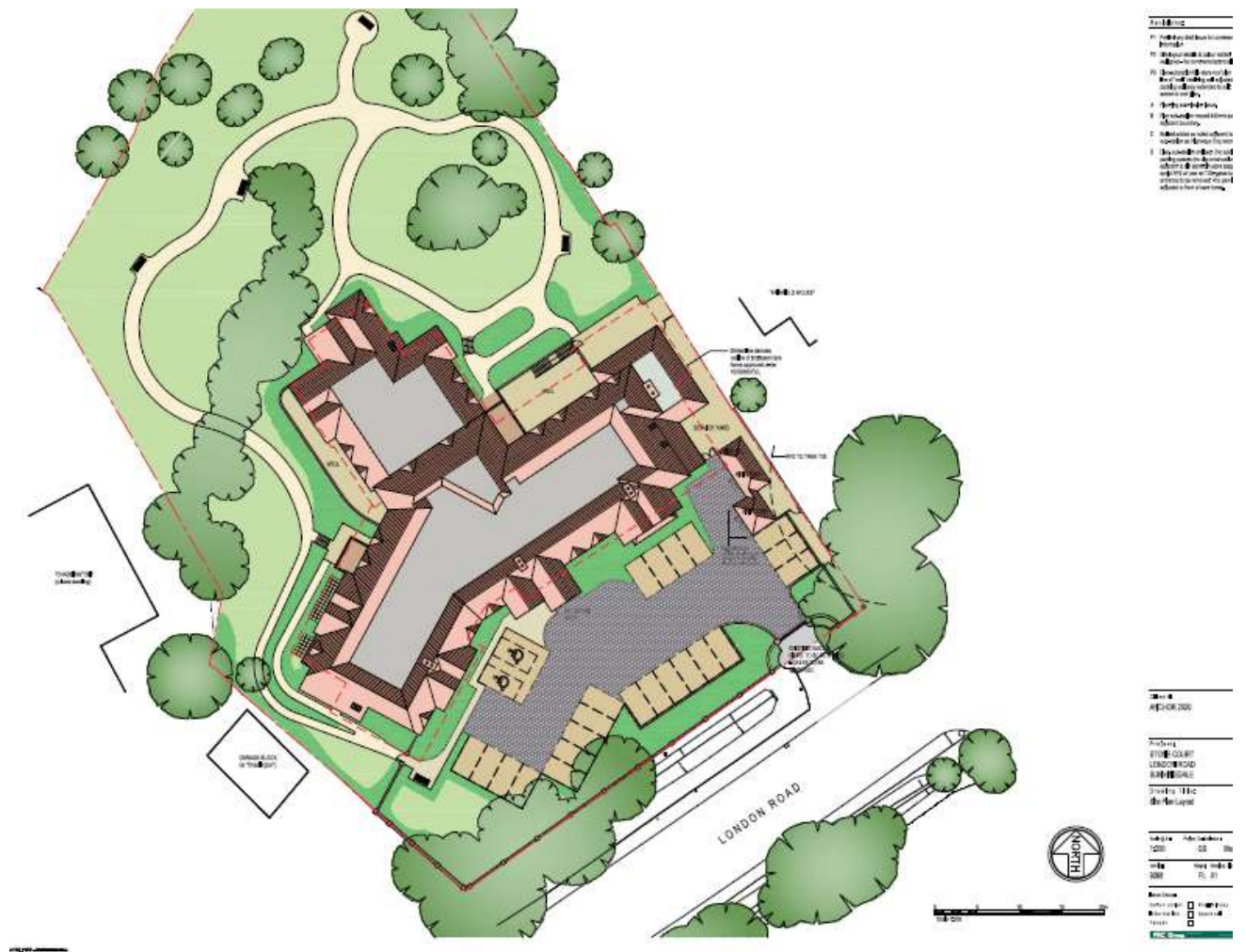
PROJEKT: **Stara Kavarna**  
BEOGRAD  
1987/1988  
1987/1988  
1:100  
1:200  
1:500  
1:1000  
1:2000  
1:5000  
1:10000







Appendix E- Previously approved plan



- v Flood zone; and
- vi Impact on neighbouring residential amenity

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

- 6.2 The set back of the proposed building means that it would not appear overly prominent within the street scene, and it reflects the pattern of development of this area. The scale of the proposed building is large, however, this is considered to be acceptable, as the local area is characterised by large buildings set in substantial plots.
- 6.3 The proposed design of the building is considered to be in keeping with the character of the area, and the use of projecting gables and balconies is considered to add architectural interest to the building. It is considered that the layout and form of the building will break up the scale and massing of the building. The materials to be used on the building are considered to respect the palette of materials in the local area.
- 6.4 The retention of trees along the front boundary will help screen the building and car parking area.

### **Highways and parking**

- 6.5 The previously approved scheme for a care home would generate at least 118 trips per day, which equates to 12 to 14 trips during the *am* and *pm* peak periods. This proposal is for fewer units and so has the potential to lead to a reduction in vehicular activity into the surrounding area when compared to the previous approved scheme. The impact on the highway network and safety is considered to be acceptable. The plans demonstrate that the access can achieve the commensurate visibility standard set at 2.4 x 120m in both directions. Although the double yellow lines do not extend past Fairfield House, vehicles parked in this area will partially obstruct site lines to the left (east). However, the impact is not considered to be so severe to introduce harm to road safety.
- 6.6 With reference to the Borough's Parking Strategy and number of apartments proposed, the 26 car spaces provided together with an electric buggy store with provisions for 5 parking satisfies the current parking standard.

### **Impact on trees**

- 6.7 The site is not covered by a Tree Preservation Order; however, there are off-site trees which are covered by Tree Preservation Order.
- 6.8 In considering the impact and relationship on trees, regard should be had to the scheme that benefits from the extant permission which is a significant material consideration.
- 6.9 The off-site tree T004 is a Wellingtonia situated close to the application site. The proposed parking bays do make a slight incursion into the Root Protection Area of this tree and, these bays are shown to be laid down using no-dig. This current scheme does not increase the impact on this tree beyond the previously consented scheme.
- 6.10 The proposed parking bays will make small incursions into the Root Protection Areas of T002 (Oak) and T0034 (Douglas Fir). These bays are shown to be laid down using a no-dig construction. It is not considered the parking bays would cause harm to these trees, but in any case the proposed scheme does not have a greater impact than the previous scheme approved.
- 6.11 The proposed building has been sited closer to London Road than in the consented scheme, however, it would not make incursions into the RPA of trees on this road. The trees will cast some shading to rooms within the care building, but residents buying into this would see the relationship, and trees are a feature of this townscape. The relationship of the proposed building with these trees is not considered to be unacceptable, to result in a pressure to remove these trees.
- 6.12 In respect of Wellingtonia T009 (which is not covered by Tree Preservation Order), the new building would make a slight incursion into the Root Protection Area of this tree, however, it would

less of an incursion than the scheme previously approved. The impact on this tree is considered to be acceptable.

### **Ecology**

- 6.13 The buildings that were on site have been demolished. A licence was granted from Natural England in 2014 for the works. The developer has and will be required to adhere to the mitigation and compensation as detailed within the EPSL during development.
- 6.14 A reptile survey was undertaken in 2013, which concluded that reptiles were likely absent from the site. During the walkover surveys in 2016, the site condition had not changed significantly and there were still small areas of grassland that could support small number of reptiles. As none were recorded during the previous survey and the condition of the grassland has not changed, it is recommended that a precautionary methodology to site clearance as set out in the 2013 reptile report and 2016 Ecological Impact Assessment are followed.

### **Flood zone**

- 6.15 The rear part of the application site is situated within flood zone 2 (medium risk flooding). Part of the building would be sited in flood zone 2. A Flood Risk Assessment has been submitted with the application. In respect of the Sequential Test, the statement refers to the sequential test that was undertaken on the previous application, which relied on the 2011 Strategic Housing Land Availability Assessment (SHLAA). The agent has been asked to update the Sequential Test to refer to the SHLAA published in 2014. The FRA concludes that the development would not increase the risk of flooding within the site or elsewhere.

### **Impact on neighbouring residential amenity**

- 6.16 The residential property known as 'Chadlington' is situated to the west of the application site. The proposed building is sited far enough away from this property for it not to be overbearing (the proposed building is in excess of 20 metres away from the main dwelling at Chadlington, and 5 metres away from the garage at Chadlington). There are some balconies proposed on the elevation facing Chadlington, however, these are located in excess of 14 metres from the neighbouring boundary and would not directly face any private amenity outdoor space to this dwelling to result in unacceptable levels of overlooking.
- 6.17 Fairfield House is situated east of the application site, however, the new building is considered to be sited far enough away from this boundary for it not to be unduly overbearing (the two storey element of the proposed building is sited over 5 metres off the boundary with Fairfield House). A balcony is shown on the rear elevation, however, this balcony would be circa 14 metres away from the outdoor amenity space to the apartments at Fairfield House, and so it is not considered that there would be an unacceptable level of overlooking to this outdoor space.

### **Thames Basin Heaths Special Protection Area**

- 6.18 The site is situated within 5km of the SPA, and as such the development could have an impact. Further detail on the demographics, the number apartments, and details of staff has been provided to Natural England. Natural England has not commented on whether mitigation against the impact on the SPA is required, and if so what level of mitigation would be required. It is recommended that this matter is deferred back to the Borough Planning Manager to resolve.

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

- 7.1 The application for a C2 use would be liable for a Community Infrastructure Levy contribution (CIL). Based on the submitted information, the tariff payable for this development would be in region of £966,720.00, however, the owner/developer could make an application for exemption/relief to CIL.

## 8. CONSULTATIONS CARRIED OUT

### Comments from interested parties

39 occupiers were notified directly of the application.

The planning officer posted a statutory notice advertising the application at the site on the 1<sup>st</sup> July 2016.

The application was publicised in the Windsor and Maidenhead Advertiser on the 7<sup>th</sup> July 2016.

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

Comment		Where in the report this is considered
1.	Concerns over the level of traffic generation.	6.5-6.6.
2.	Concerns over construction traffic.	6.5-6.6.

### Statutory Consultees

Consultee	Comment	Where in the report this is considered
Highway Authority	The proposal has the potential to lead to a reduction in vehicular activity into the surrounding area when compared to the previous approved scheme. With regard to the servicing arrangement for refuse vehicles the applicant is required to increase the distance between the two piers and adjust the position of two parking bays to allow the refuse vehicle to manoeuvre without obstruction to and from the site.	An amended site plan has since been received. (This plan is included in the Appendix B).
Environment Agency	Offers no objection to the application subject to a condition for the development being undertaken in accordance with the Flood Risk Assessment.	See recommended condition.
Lead Local Flood Authority	Offers no objection, subject to conditions.	See recommended conditions.
Natural England	This development does not make an appropriate developer contribution to the necessary avoidance and mitigation measures as required by the Avoidance and Mitigation Strategy. Consequently, it is Natural England's view that the planning authority will not be able to ascertain that this proposed development would not adversely affect the integrity of the SPA with the above information. In combination with other plans and projects, the development would be likely to contribute to a deterioration of the quality of the habitat on which the birds depend and increased disturbance to the bird species for which the SPA is classified, by reason of increased access to the heath including access for general recreation and dog-walking. If the applicant wishes Natural England to consider a review of the above stance we would advise them to submit the following information: <i>-A breakdown of the demographic of the potential residents, include whether any of the residents would be able to recreate on the TBHSPA independently</i> <i>-There is a lack of justification and information provided</i>	See 6.18.

	<p><i>regarding the level of avoidance and mitigation measures in relation to the potential numbers of occupants who could theoretically be able to recreate on the TBHSPA.</i></p> <p><i>-The application does not justify what Suitable Alternative Natural Greenspace (SANGs) or Strategic Access Management and Monitoring (SAMM) contributions will be required.</i></p> <p>Natural England is also of the opinion that the proposal is not in accordance with the development plan, namely policy NRM6 and The Royal Borough of Windsor and Maidenhead Council's Interim Avoidance Strategy for the Thames Basin Heaths SPA. <b>Natural England therefore objects to the proposed development.</b></p>	
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### Other Consultees

Consultee	Comment	Where in the report this is considered
SPAE	Given parking is currently permitted on this part of London Road, and given the volume of traffic using the road, they request that the application is referred to Highways to consider the implications for visibility from parked cars.	See 6.5-6.6.
Council's ecologist	Offers no objection if the licence from Natural England on bats is adhered to. Recommends a condition on a precautionary approach to site clearance (to safeguard reptiles). Recommends a condition for developer to follow measures ecology report is followed.	See 6.13-6.14.

## 9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B - Proposed layout
- Appendix C - Elevations
- Appendix D - Floor plans
- Appendix E - Previously approved layout

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

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

In this case the issues have been successfully resolved.

## 10. CONDITIONS IF PERMISSION IS GRANTED

1. The development hereby permitted shall be commenced within three years from the date of this permission. Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. Prior to the construction of the building hereby approved, samples of the materials to be used on the building 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, Neighbourhood Plan Policy NP/DG3
3. No development shall take place until detailed plans showing the existing and proposed ground levels of the site together with the slab and ridge levels of the proposed development, relative to a fixed datum point on adjoining land outside the application site, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels. Reason: In the interest of the visual amenities of the area. Relevant Policy Local Plan DG1.
4.
  - a) No development shall take place until evidence that the development is registered with the Building Research Establishment (BRE) under BREEAM (either a standard BREEAM or a bespoke BREEAM) has been submitted to and approved in writing by the Local Planning Authority on,
  - b) No superstructure works shall commence until a Design Stage Assessment Report showing that the development will achieve a BREEAM rating of Very Good, has been submitted to and approved in writing by the Local Planning Authority, and
  - c) No superstructure works shall commence until a BRE issued Design Stage Certificate demonstrating that the development has achieved a BREEAM rating of Very Good has been submitted to and approved in writing by the Local Planning Authority.

Reason: The Code Assessor can only submit the Design Stage Assessment Report when the design is complete. The Assessor then needs to write a report and submit it to the BRE. The BRE can only then verify the submission and issue Design Stage Certificate. This could realistically take 2 months to achieve.

5. Within 3 months of completion of the final commercial unit a Building Research Establishment (BRE) issued Post Construction Review Certificate confirming that the non-residential development built has achieved a BREEAM rating of Very Good shall be submitted to the Local Planning Authority.

Reason: The Code Assessor can only confirm that the site wide works are satisfactory when the whole of the development is complete. The Assessor then needs to write a report and submit it to the BRE. The BRE can only then verify the submission and issue Final Code Certificate. This could realistically take 3 months to achieve.

6. Prior to the construction of the building hereby approved, a management plan showing how construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works period shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and maintained for the duration of the works or as may be agreed in writing by the Local Planning Authority. Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.

7. 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. No development shall take place until details of the location of utilities and drainage runs are submitted to and approved 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.

8. Prior to the construction of the building hereby approved, full details of both hard and soft landscape works, shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season following the substantial completion of the development and retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its prior written consent to any variation. Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1.
9. 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, formation levels, invert levels and cover levels.  
Full calculations demonstrating that the 1 in 100 year plus climate change design standard can be achieved by the proposed surface water drainage system whilst limiting discharge to the adjacent watercourse to 5.0 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.
10. The approved surface water drainage system shall be implemented in accordance with the approved detailed design prior to the use of the building commencing, and maintained thereafter. Reason: To ensure that the principles of sustainable drainage are incorporated into the proposed development.
11. The hard surface of the access and parking bays 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.
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 part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with the approved drawing. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times. Reason: To ensure that the development is provided with adequate cycle parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1.
14. No part of the development shall be occupied until the refuse bin storage area and recycling facilities have been provided in accordance with the approved drawing. These facilities shall be kept available for use in association with the development at all times. Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - Local Plan T5, DG1.



15. Prior to any equipment, machinery or materials being brought onto the site details showing the areas of car parking to be constructed using "non dig" methods shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details. Reason: To protect trees which contribute to the visual amenities of the area. Relevant Policies - Local Plan DG1, N6.
16. The details of any gates to be provided at the site entrance shall first be submitted to and approved in writing by the Local Planning Authority prior to their instalment. Such gates shall be automatically operated, and shall open on the approach and exit of vehicles of the site. Reason: In the interests of highway safety. Local Plan Policy T5.
17. The mitigation measures set out in the Ecological Impact Assessment, Stone Court, Sunningdale (Atkins, May 2016) shall be fully adhered to. 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.
18. 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, N6.
19. The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA) (C12069 FRA 1st Issue, dated 12 May 2016 and the following mitigation measures detailed within the FRA:
1. Finished flood levels are set no lower than 53.57metres above Ordnance Datum
  2. There shall be no raising of existing ground levels on the site.
  3. Any walls or fencing constructed within or around the site shall be designed to be permeable to flood water.
  4. There shall be no storage of any materials including soil within the 1% annual probability (1 in 100) flood extent with an appropriate allowance for climate change. The mitigation measure(s) shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.
- Reason:
1. To reduce the risk of flooding to the proposed development and future occupants.
  2. To prevent flooding elsewhere by ensuring that the flow of flood water is not impeded and the proposed development does not cause a loss of flood plain storage
20. The development shall be used as assisted living units providing care services and facilities for people in need of personal care in accordance with and for no other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification. For the avoidance of doubt, none of the individual units of residential accommodation shall be used other than as a private residence for a person or persons of who at least one must be a 'qualified person' at the date of his or her first occupation of the unit in question. For the purposes of this condition a 'qualified person' means a person who is or has attained the age of 65 years or over and is in need of personal care by reason of old age or by reason of disablement (whether or not such a person suffers from a registered disability under the terms of the Chronically Sick and Disabled Persons Act 1970). Each 'qualified person' shall receive a minimum care package of: a) personal care of not less than two hours each week which shall be managed by a Care Quality Commission Registered Provider; b) the availability of 24 hour emergency response; c) general security; and d) periodic review of personal care needs". Any occupier of the individual units of residential accommodation who is not the 'qualified person' but who shares the accommodation with a 'qualified person' must be

the spouse or partner, civil partner, common law partner or dependant.

Reason: In the interests of nature conservation; SPD on the Thames Basin Heath Special Protection Area, and in accordance with the NPPF.

21. 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.

# WINDSOR RURAL DEVELOPMENT CONTROL PANEL

21 September 2016

Item: 5

**Application No.:** 16/02220/FULL

**Location:** Land At Hill House Cross Road Sunningdale Ascot

**Proposal:** Construction of 5 No. apartments with basement and new access.

**Applicant:** Mr Mills

**Agent:** Mr Paul Dickinson

**Parish/Ward:** Sunningdale Parish/Sunningdale Ward

**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 This application is identical to the most recent application made for five apartments at this site, which was appealed on grounds of non-determination. That appeal has now been determined and while the Council's decision on the appealed application was that it would have been approved, the appeal was dismissed. The sole reason for dismissal was that there were no satisfactory measures in place to mitigate the impact on the Thames Basin Heaths Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI).
- 1.2 Other issues considered in the appeal were the effect on the appearance and life expectancy of a large protected oak tree to the rear of the proposed apartment building, and the relationship of the proposed building and any resulting impacts neighbours at Richmond House and Hill House. The Inspector concluded that all of these relationships would be satisfactory.
- 1.3 This application follows several previous applications and other appeals for apartments and, prior to that, for a single house on this part of the land at Hill House. The proposal is of similar size to the previously approved dwelling, and identical to the building in the most recent of the appeals. The site comprises a tennis court and adjoining garden land within the grounds of Hill House, and includes an area of woodland garden towards the rear part of the site. Trees here are protected by TPO, and include the English oak referred to above together with a mix of native and non-native pine species. Other trees within the garden of Hill House, to the east of the application site, are also covered by TPO.
- 1.4 The site is within a 'leafy residential suburbs' townscape character area as defined by the Council's Townscape Assessment.

<b>It is recommended the Panel authorises the Borough Planning Manager:</b>	
1.	<b>To grant planning permission subject to the satisfactory provision of mitigation for impacts on the Thames Basin Heaths SPA / SSSI and with the conditions listed in Section 10 of this report.</b>
2.	<b>To refuse planning permission if satisfactory provision of mitigation for impacts on the Thames Basin Heaths SPA / SSSI has not been made by 30<sup>th</sup> September 2016, for the reasons that the proposed development would compromise and harm the nature conservation values of the SPA / SSSI.</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 is part of the larger Hill House property, which is located on the northern side of Cross Road. It consists of a tennis court and ground around it and to the rear including woodland

garden land, all of which currently forms part of the extensive garden at Hill House. Hill House itself is a two-storey house of an attractive design that appears to be of late Georgian or early Victorian origin, with more recent single storey rear extensions to the rear. The attractive grounds include many large and significant trees, many of which are subject to Tree Protection Orders, and some of which are within the rear part of the application site. Apart from one Scots pine tree identified for removal in the extant permission; this application would not require the felling of any of these significant and important trees.

3.2 The property lies near the edge of the settlement area approximately 150m to the east of the A30 London Road, within walking distance of the shops and railway station in Sunningdale. Land to the west and north is predominately residential in character, with large dwellings and, particularly on the northern side of Cross Road, flatted developments at Hillside Park - these include Richmond House, Fisher House and Beaufort House - and Dorchester Mansions. On the opposite side of Cross Road there are a number of large detached dwellings, which include Fairways and its annex - this is located close to the Cross Road frontage - and Queenswood, with other relatively closely spaced detached house towards the A30 London Road.

3.3 The Sunningdale Ladies Golf Club course lies to the south-east balance beyond Hill House itself, and is within the Green Belt.

3.4 Apart from this nearby area of the Green Belt, the site and its immediate surroundings are classified within the “leafy residential suburb” townscape type in the Council’s Townscape Assessment. Some nearby properties to the south-west are within the “villas in a woodland setting” townscape type, although these do not form part of the immediate context for the application site.

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

4.1 The proposal is for the construction of a building accommodating five apartments and basement car parking in a building of similar design to that of the 2013 permission for a single dwelling. The key differences to the approved dwelling are as follows:

- The basement would be considerably larger in order to accommodate the required number of car parking spaces.
- The roof of the main element of the building would be more steeply pitched to form a mansard roof with rear facing dormer windows, as compared to the approximately 45-degree pitch of the crown roof in the 2013 permission.
- One external parking space would be provided for delivery vehicles, tradespeople and visitors.
- Proposed accommodation would comprise two flats on each of the lower ground and ground floors as identified on the submitted drawings, and a fifth apartment within the roofspace. Part of the roof would be cut away at the rear to provide a terrace for this flat.
- There would also be some other minor changes to fenestration on the flank walls, with more windows to be provided on the flank walls on both elevations and more particularly on the north-west elevation facing towards Richmond House.

4.2 As commented on in previous applications, the “lower ground” and “ground” floors as shown on the submitted drawings should more appropriately be identified as ground and first floors. It appears that these appellations have been used because rising natural ground levels to the east mean that the “ground level” as shown on the drawings would in fact be approximately at that level along the line of the east facing flank wall, although this would be cut away to allow space around this side of the building to “lower ground” level.

4.3 Relevant recent planning history for this land is as follows:

Ref.	Description	Decision and Date
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13/01206/FULL	Construction of a detached house.	Permitted, 15.08.2013.
14/00451/FULL	Construction of five apartments.	Refused, 06.06.2014.
14/03591/FULL	Construction of 4 no. apartments.	Refused 10.02.2015 and dismissed on appeal.
15/01199/FULL	Construction of 1 apartment block comprising of 4 x 2 bed and 1 x 3 bed apartments.	Refused 10.02.2015 and dismissed on appeal.
16/00266/FULL	Erection of 4 x apartments (3 x 2 bed and 1x 3 bed).	Would have approved, 15.07.2016; dismissed on appeal, 07.09.2016.
16/01179/FULL	Erection of 5 x apartments with associated works	Would have approved, 15.07.2016; dismissed on appeal, 07.09.2016.

4.4 The two most recent applications are the subject of a single appeal decision, which is copied at Appendix C.

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

5.1 National Planning Policy Framework Sections 6, 7, 8, 9, 10, 11 and *Decision-taking*

### Royal Borough Local Plan

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

	Within settlement area	Highways and Parking	Protected Trees	Biodiversity	Energy efficiency
RBWM Local Plan	DG1, H10, H11	P4, T5	N6		
Neighbourhood Plan	NP/H2, NP/DG1, NP/DG2, NP/DG3 and NP/EN3	NP/T1	NP/EN2	NP/EN4	NP/DG5

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

- Sustainable Design and Construction
- Planning for an Ageing Population
- Thames Basin Heaths SPD

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 application is a resubmission of the recently considered five apartment scheme, application ref. 16/01179FULL, which was subject to an appeal on grounds of non-determination and has now been dismissed. Taking into account the reasons for this dismissal, the key issues for consideration are therefore:
- i The proposal's relationship to the most recent applications and appeal decisions; and
  - ii Mitigation of impacts on the Thames Basin Heaths Special Protection Area and Site of Special Scientific Interest.

### **The proposal's relationship to the most recent applications and appeal decisions**

- 6.2 Two most recent applications made earlier this year, and noted at 4.3, were intended to overcome the reasons for dismissal in the corresponding 2015 appeal decisions. The Inspector had concluded in the December 2015 decision that the intensification of the use of this site, as compared to the permission for a single detached house, would not be harmful to the character and appearance of the area as compared to the then-extant permission for a single house. However the potential impacts on the large protected oak tree to the rear of the building site were considered to count against the proposals and the appeal was dismissed partly for that reason.
- 6.3 In considering the two applications already made in 2016, which have now been dismissed at appeal, members considered the changes made to the proposals and whether they had satisfactorily overcome the issues in regards to the protected oak tree and in addition, although not considered an issue in the 2015 appeals, whether the proposals would result in unsatisfactory relationships with the neighbouring properties. While members' views could only be expressed in terms of whether or not they would have approved the applications (because the appeals on grounds of non-determination had been made before the Council had determined either application), they concluded that both applications were satisfactory. In the most recent appeal decision, the planning Inspector concurred with those views.
- 6.4 For these reasons, the current application can again be supported as being compatible with the character of the area, (as concluded in the 2015 appeal), and capable of being implemented without not harming the protected oak tree and without adversely affecting the neighbouring occupiers at Richmond House and / or Hill House through any detrimental impacts to privacy, light and / or visual impact (as concluded in the recent appeal decision).

### **Mitigation of impacts on the Thames Basin Heaths SPA / SSSI**

- 6.5 The Inspectors for all of the 2015 and 2016 appeals noted that National Planning Practice Guidance (NPPG) discourages the use of negatively worded conditions. This featured as one of the reasons for dismissal in the 2015 appeals, and is the sole reason for dismissal in the most recent appeal decision. This issue can therefore only be overcome either by completing a legal agreement under section 111 of the Local Government Act to provide the mitigation required, or alternatively to make the payments for the relevant mitigation, ahead of the application being determined. For this reason, the recommendation for approval as noted above is contingent on the mitigation being provided before a decision is made. The mitigation to be provided would contribute to the delivery of the Council's Suitable Alternative Natural Greenspace (SANG) and for provision towards Strategic Access Management and Monitoring (SAMM).

### **Other Material Considerations**

#### Housing Land Supply

- 6.6 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.

- 6.7 It is acknowledged that this scheme would make a contribution to the Borough's housing stock and it is the view of the Local Planning Authority that that the socio-economic benefits of the additional dwelling(s) would also weigh in favour of the development.

Wildlife mitigation within the site

- 6.8 A wildlife survey has been undertaken at the site and a report was submitted with the application. No evidence of badgers, bats, reptiles or amphibians was recorded on the site of the proposed building during the survey although evidence of a fox earth was identified. The Council's ecologist recommends a number of measures to protect wildlife and improve biodiversity and these requirements are incorporated into condition 2 as recommended below.

Highways issues and car parking

- 6.9 Highways issues and car parking were considered in the course of previous applications, when the provision made was assessed as satisfactory. There has been no change in this assessment, and there is therefore no objection on highways grounds. The Highways Authority has requested a number of conditions in the event that planning permission is granted, including provision of visibility splays commensurate with the 40mph speed limit on Cross Road and details of the gradient for the access ramp to the basement car parking.

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

- 7.1 The application proposes a new residential development and therefore would be liable for a Community Infrastructure Levy contribution. Based on the submitted information, the tariff payable for this development would be £319,920.00.

**8. CONSULTATIONS CARRIED OUT**

**Comments from interested parties**

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

No letters have been received from neighbours or other interested parties either in support of or opposition to the application.

**Statutory Consultees**

Consultee	Comment	Where in the report this is considered
Parish Council:	No comments had been received at the time of writing.	Update report, if received.

**Other Consultees**

Consultee	Comment	Where in the report this is considered
Tree Officer:	Objection (in summary):  I understand that this application is identical to application 16/01179. My comments remain the same as for the previous application but should be read in context with the decision taken at the Windsor Rural Development Control Panel on Wednesday, 29th June that the Council would	6.3.

	<p>have approved the application. I have considered the documents submitted with the application as well as the extant planning permission under application 13/01206 for a single detached residence on this site and the decisions of the appeal inspector for the refused applications for 4 apartments (14/03591/FULL) and 5 apartments (15/01199).</p> <p>The additional accommodation in the roof space together with the subdivision of the property into flats would worsen the spatial relationship between the building and the adjacent protected oak tree. This would result in more principal accommodation being occupied in close proximity to this significant and important tree and will lead to future pressure to prune it in a way that would be detrimental to its character and long term viability.</p> <p>I therefore recommended this application be refused under policies N6 and DG1.</p>	
Ecologist:	No objection, subject to conditions.	6.8.
Highways Officer:	No objection, subject to conditions.	6.9.

## 9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout
- Appendix B - Plan and elevation drawings
- Appendix C - Appeal decision for the two most recent applications at the site

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

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

In this case the issues are capable of being successfully resolved, in line with the recommendation at Section 1 in this report.

## 10. CONDITIONS IF PERMISSION IS GRANTED

1. The development hereby permitted shall be commenced within three years from the date of this permission. Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
2. No site clearance or excavation shall commence in association with the development until a biodiversity mitigation strategy, including details of a further walk over survey to be undertaken prior to site preparation and provision of nesting boxes and other habitat provision / improvements to be incorporated into the landscaping proposals for the site, has been submitted to and approved in writing by the Local Planning Authority. The approved mitigation measures shall then be implemented in their entirety within the timescales approved within the strategy. Reason: In order to comply with Neighbourhood Plan Policy NP/E4 and with advice in the National Planning Policy Framework 2012.



3. Prior to any equipment, machinery or materials being brought onto the site and prior to any demolition works in connection with the development, details of the measures to protect, during construction and demolition, the trees to be retained within the development shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full prior to any demolition works or before any equipment, machinery or materials are brought onto the site, and shall then be 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 5837:2012. 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 and N6.
4. 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.
5. 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 DG1
6. No development shall take place until full details of both hard and soft landscape works, including boundary treatment, 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. Details to be included in the submission shall include plant numbers, grades and densities, and materials to be used in hard surfaced areas and any fences or walls. 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 Policy - Local Plan DG1.
7. Prior to the commencement of development, a plan showing the position of all underground services in relation to the root protection areas of retained trees and hedges and proposed soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. All underground services shall then be provided only in accordance with the approved details and maintained as such, unless otherwise first approved 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 and N6.
8. No development shall commence until details of all finished slab and roof levels in relation to ground level (against OD Newlyn and including roof levels for Richmond House and other buildings close to the application site) 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 interest of the visual amenities of the area. Relevant Policy Local Plan DG1.
9. No part of the development shall be commenced until visibility splays of 2.4m metres by 43m metres have been provided at the site entrance. 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

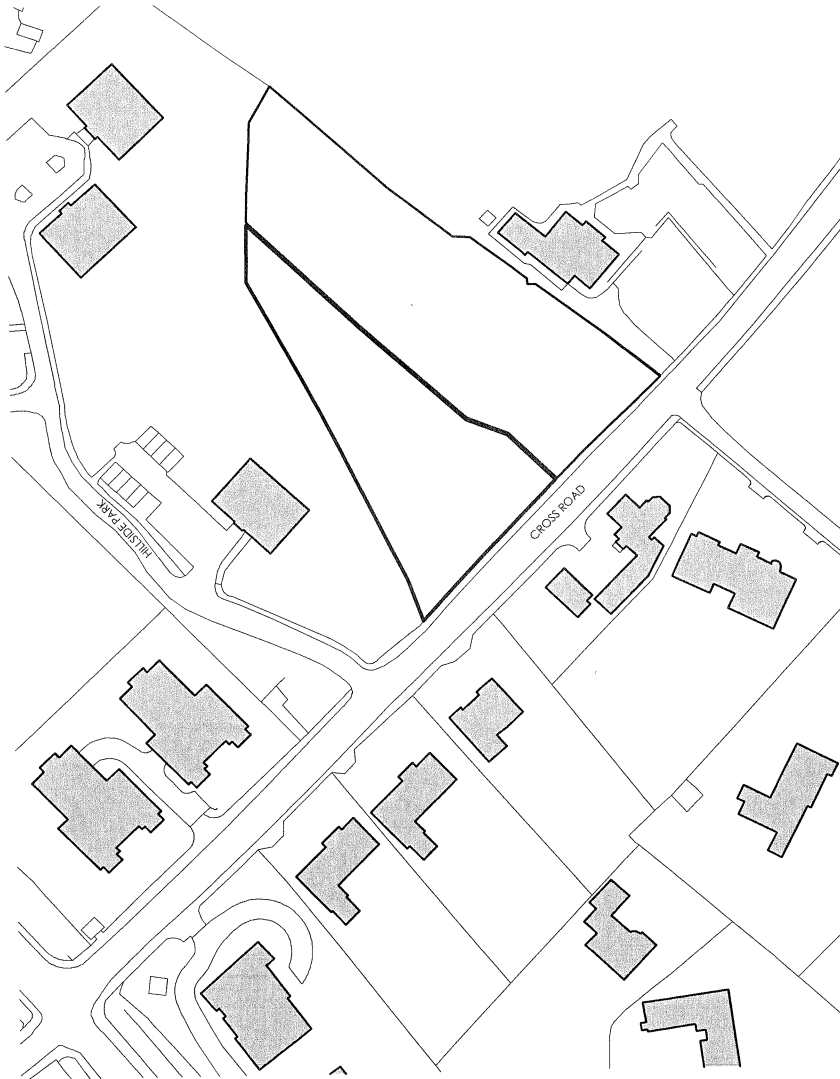
these splays shall be kept free of all obstructions to visibility over a height of 0.6 metres above carriageway level. Reason: In the interests of highway safety. Relevant Policies - Local Plan T5.

10. No development shall take place until detailed drawings of the access have been submitted to and approved in writing by the Local Planning Authority, including details that demonstrate that the ramp to the basement parking does not exceed 1:12 (with adequate transitions) to ensure that safe and satisfactory access can be provided and assist with refuse / cycle access. The access shall then be constructed in accordance with the approved details and retained as such. Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5 and DG1.
11. No other part of the development shall commence 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
12. 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.
13. 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.
14. No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with the approved drawing. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times. Reason: To ensure that the development is provided with adequate cycle parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1.
15. 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.
16. No outdoor lighting may be provided at the site unless details have first been submitted to and agreed in writing by the Local Planning Authority. The development shall then be implemented and maintained in accordance with the approved details. Reason: To provide a development that is complementary to this edge of settlement location. Relevant Policy - Local Plan DG1.
17. The following windows shall be of a permanently fixed and fitted with obscure glass and may only open as a fanlight at 1.7m or greater above the relevant finished internal floor level:
  - (i) the two dressing room windows in the north-west elevation (facing Hillside Park) in Plot 1;
  - (ii) the dressing room and en-suite bathroom windows in the north-west elevation (facing Hillside Park) in Plot 3 and
  - (iii) the en-suite bathroom window in the south-east elevation (facing Hill House) in Plot 3.In addition, the flank wall window serving Bedroom 2 in the south-east elevation (facing Hill House) in Plot 1 which is immediately adjacent to the Plot 2 patio shall be of a permanently fixed non-opening design and shall also be fitted with obscure glass.  
None of the windows listed in this condition shall be altered without the prior written approval of

the Local Planning Authority. Reason: To prevent overlooking and loss of privacy to neighbouring occupiers and to prevent mutual loss of privacy between Bedroom 2 in Plot 1 and the rear patio at Plot 2. Relevant Policies - National Planning Policy Framework.

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.

Rev	Description	Date



Status: PLANNING

Scale: 1 : 1250 Date: April 2016

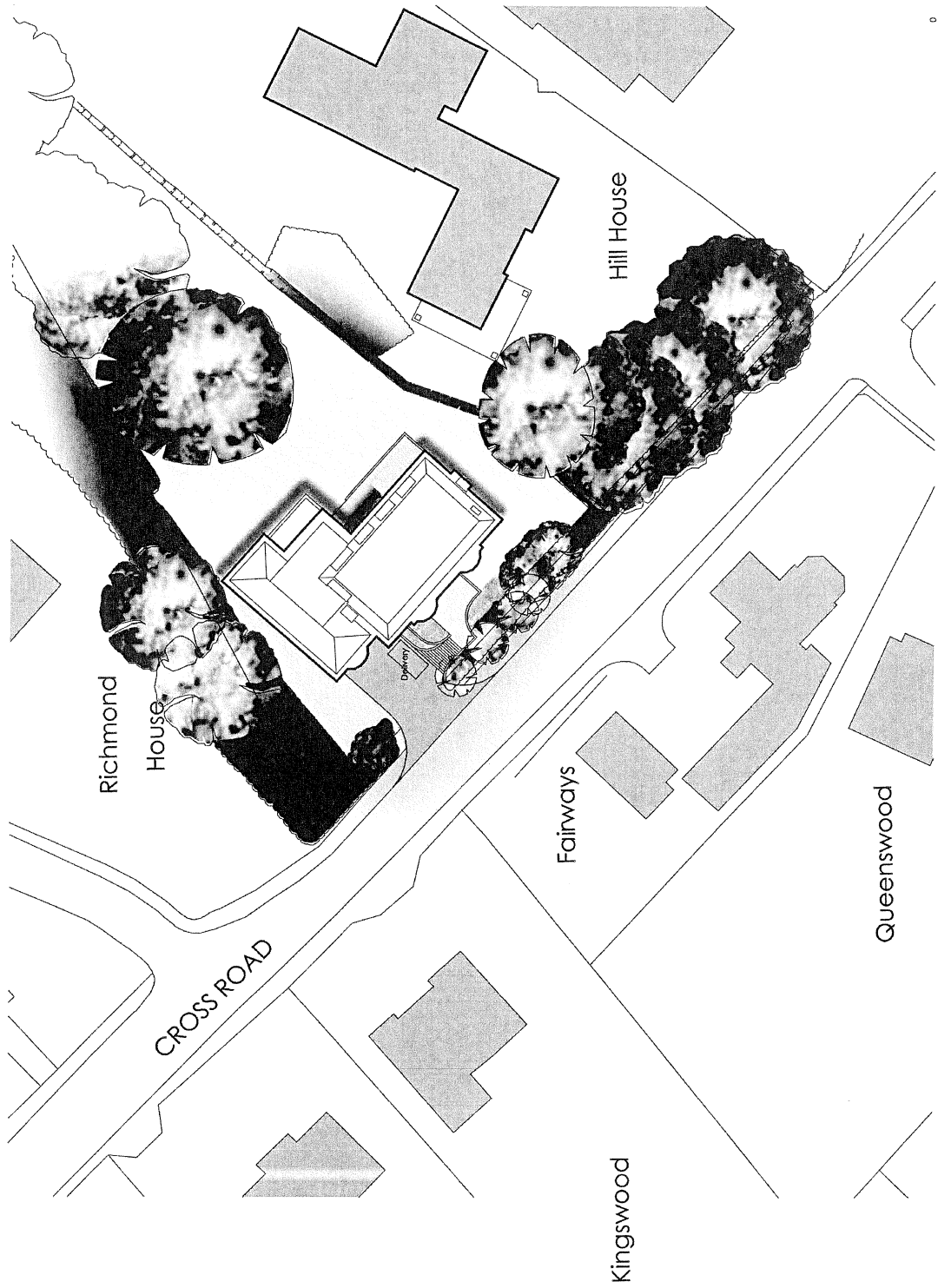
Revision: A3 Sheet: A3

Drng No: FD 14 - 1220 P3 - 50

Planning  
This drawing is produced for PLANNING PURPOSES ONLY and is not to be used for construction.

**Client:** KEBBELL DEVELOPMENT LTD.  
**Project:** Land at Hill House, Cross Road, Sunningdale  
**Title:** Site Location Plan

Rev	Description	Date
A	Balcony removed	18.05.16



Status: PLANNING

Scale: 1 : 500 Date: April 2016

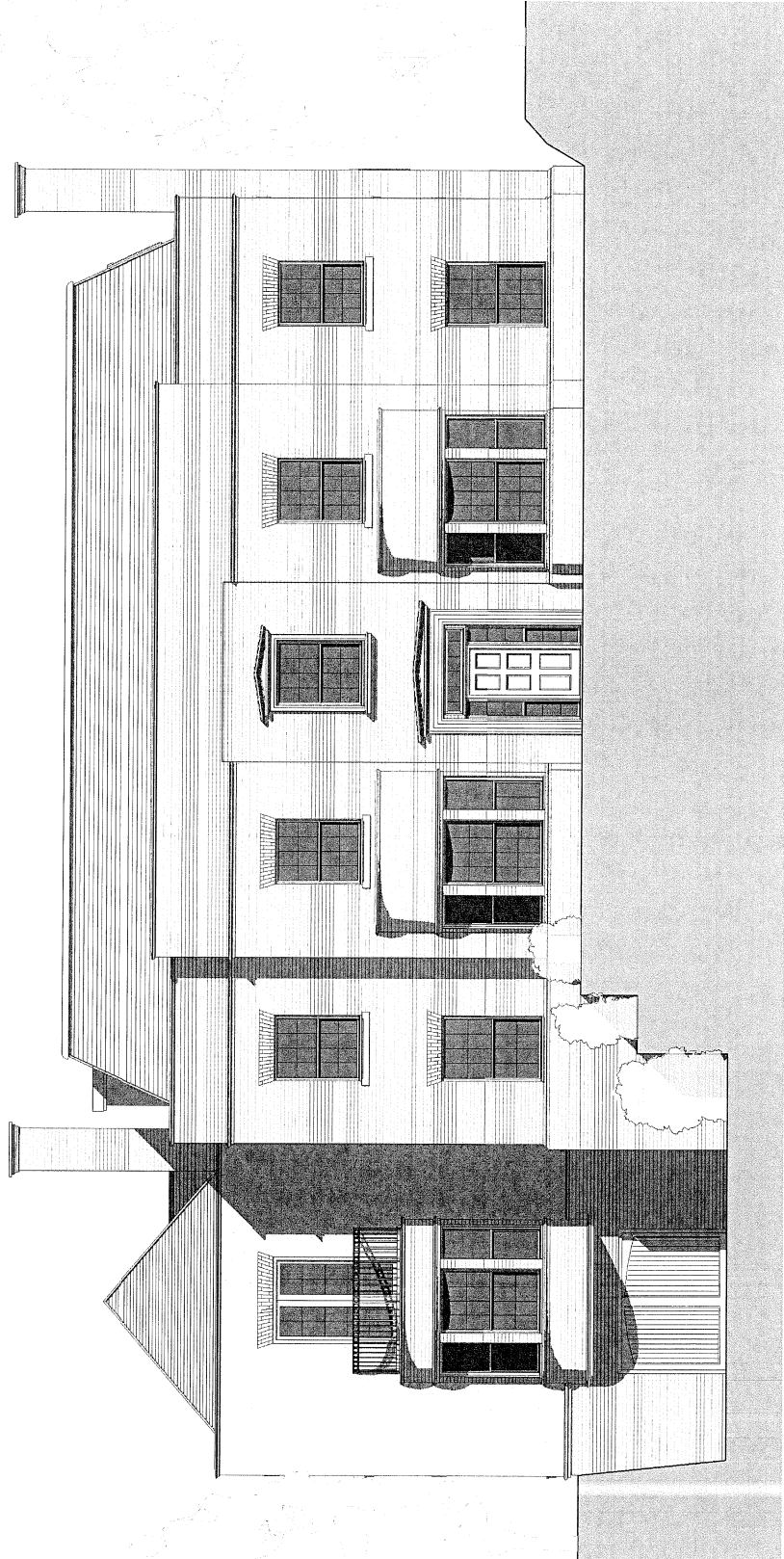
Revision: A Sheet: A3

Drng No: FD 14 - 1220 P3 - 55

Planning  
This drawing is produced for PLANNING PURPOSE ONLY and is not to be used for CONSTRUCTION.

Client: KEBBELL DEVELOPMENT LTD.  
Project: Land at Hill House, Cross Road, Sunningdale  
Title: Proposed Site Layout

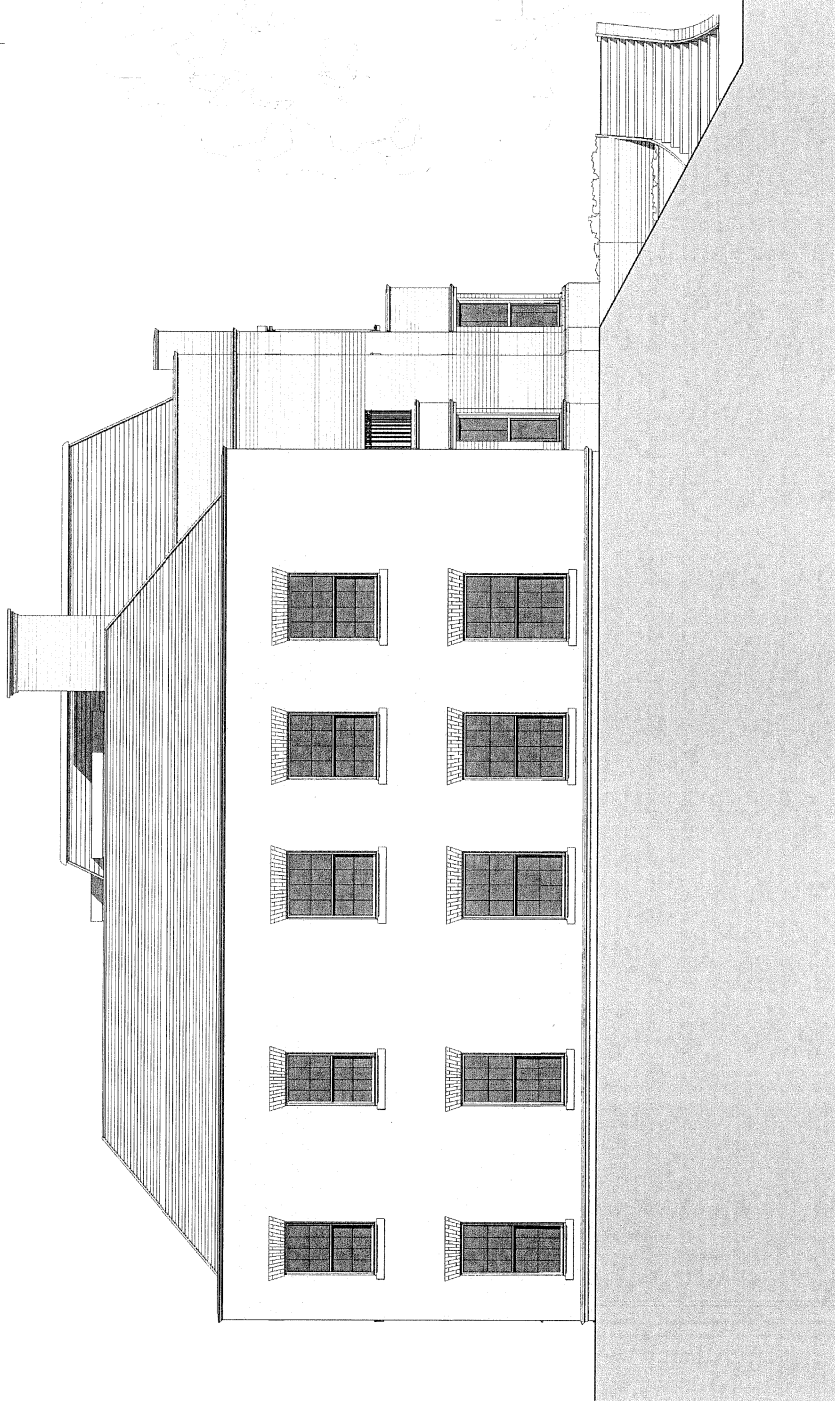
Rev.	Description	Date



FRONT ELEVATION

Client: KEBBELL DEVELOPMENT LTD.  
 Project: Land at Hill House, Cross Road, Sunningdale  
 Title: Front Elevation

Status: PLANNING  
 Scale: 1 : 100  
 Revision: A3  
 Date: April 2016  
 Sheet: A3  
 Drg No: FD 14-1220 P3 - 110  
 Planning  
 This drawing is produced for PLANNING PURPOSE ONLY and is not to be used for construction.



LEFT FLANK ELEVATION



Client: KEBBELL DEVELOPMENT LTD.  
 Project: Land at Hill House, Cross Road, Summingdale  
 Title: Left Flank Elevation

Status: PLANNING

Scale: 1 : 100

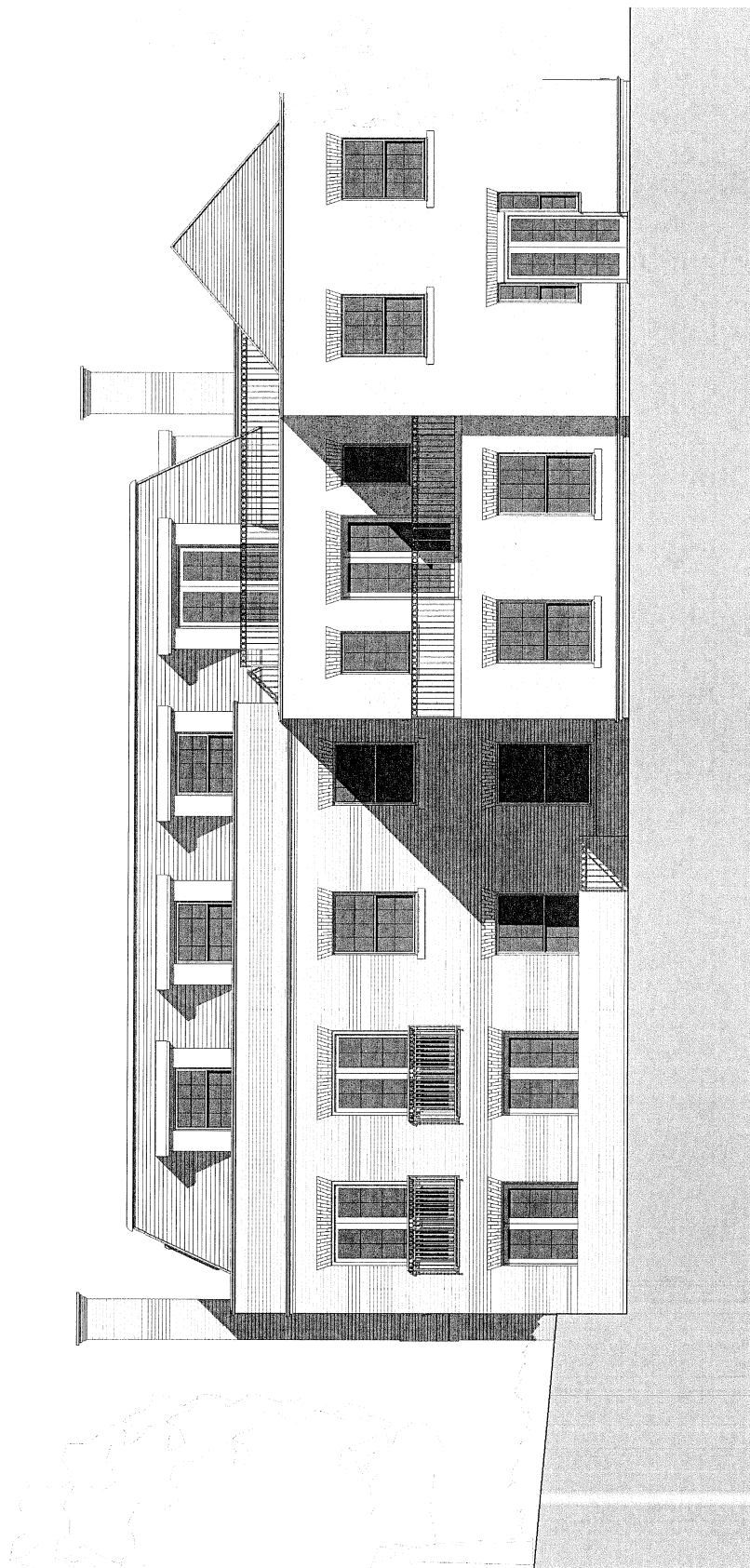
Date: April 2016

Revision: A3

Sheet: A3

Drng No: FD 14 - 1220 P3 - 111

This drawing is produced for PLANNING PURPOSES ONLY and is not to be used for CONSTRUCTION.



REAR ELEVATION



Client: KEBBELL DEVELOPMENT LTD.  
 Project: Land at Hill House, Cross Road, Sunningdale  
 Title: Rear Elevation

Status: PLANNING

Scale: 1 : 100

Date: April 2016

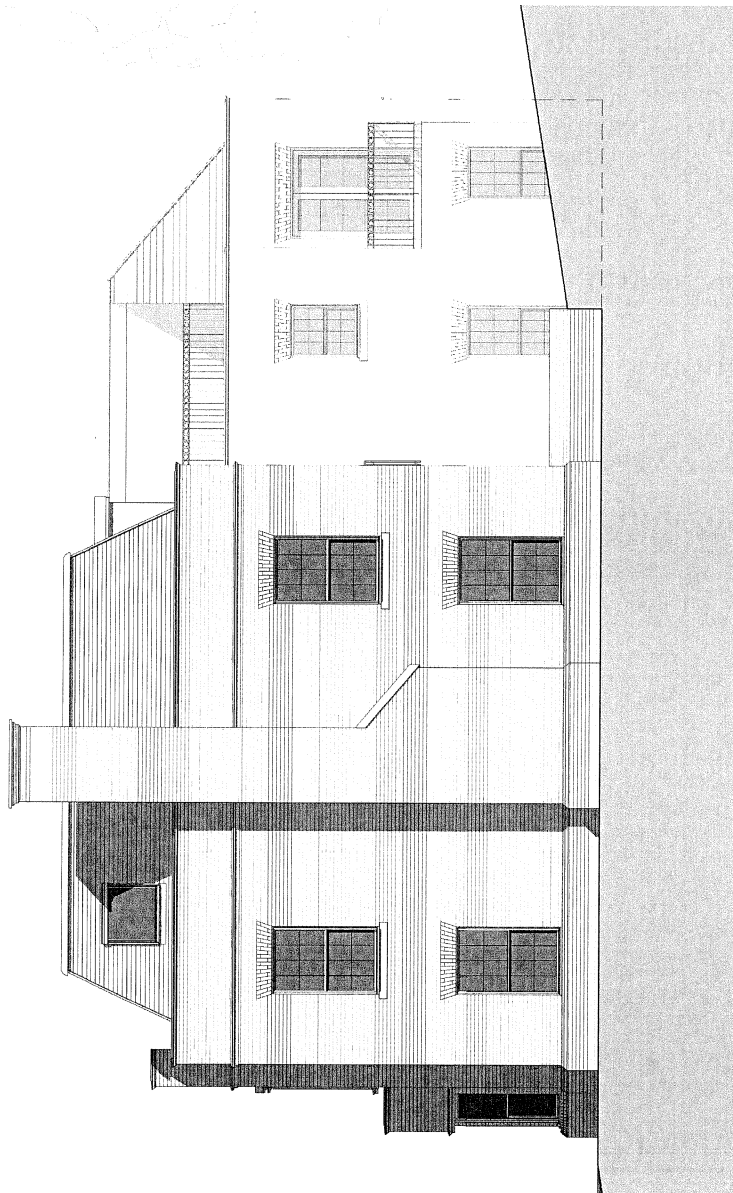
Revision: A3

Sheet: A3

Drng No: FD 14 - 1220 P3 - 112

Planning  
 drawings produced for PLANNING PURPOSES ONLY and to be used for  
 consultation.





RIGHT FLANK ELEVATION



Client: KEBBELL DEVELOPMENT LTD.  
 Project: Land at Hill House, Cross Road, Sunningdale  
 Title: Right Flank Elevation

Status: PLANNING

Scale: 1 : 100

Date: April 2016

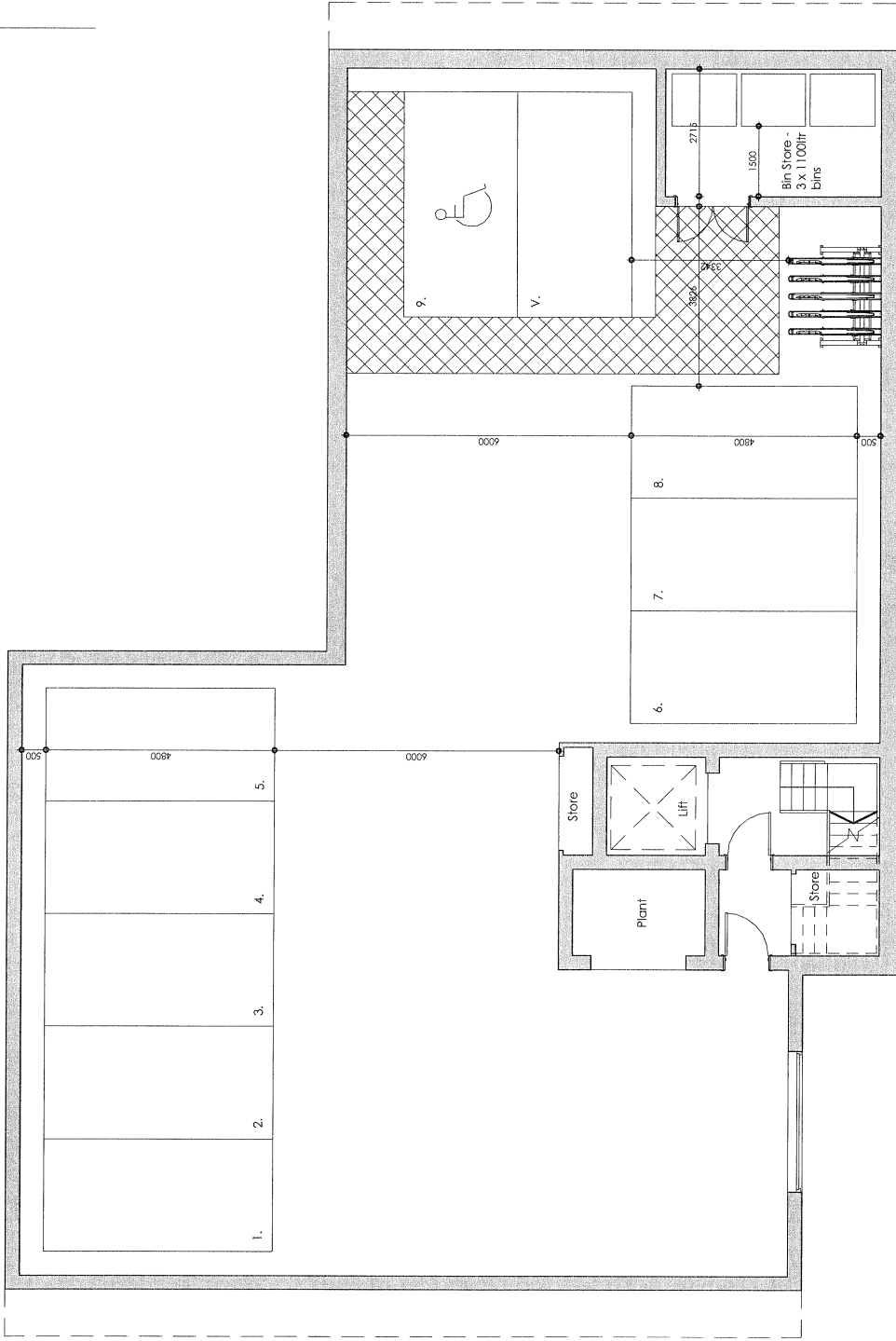
Revision: A3

Sheet: A3

Dwg No: FD 14-1220 P3-113

Planning  
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Rev	Description	Date



Falco stacking bike rack  
10 x lockable bike spaces

**BASEMENT PLAN**

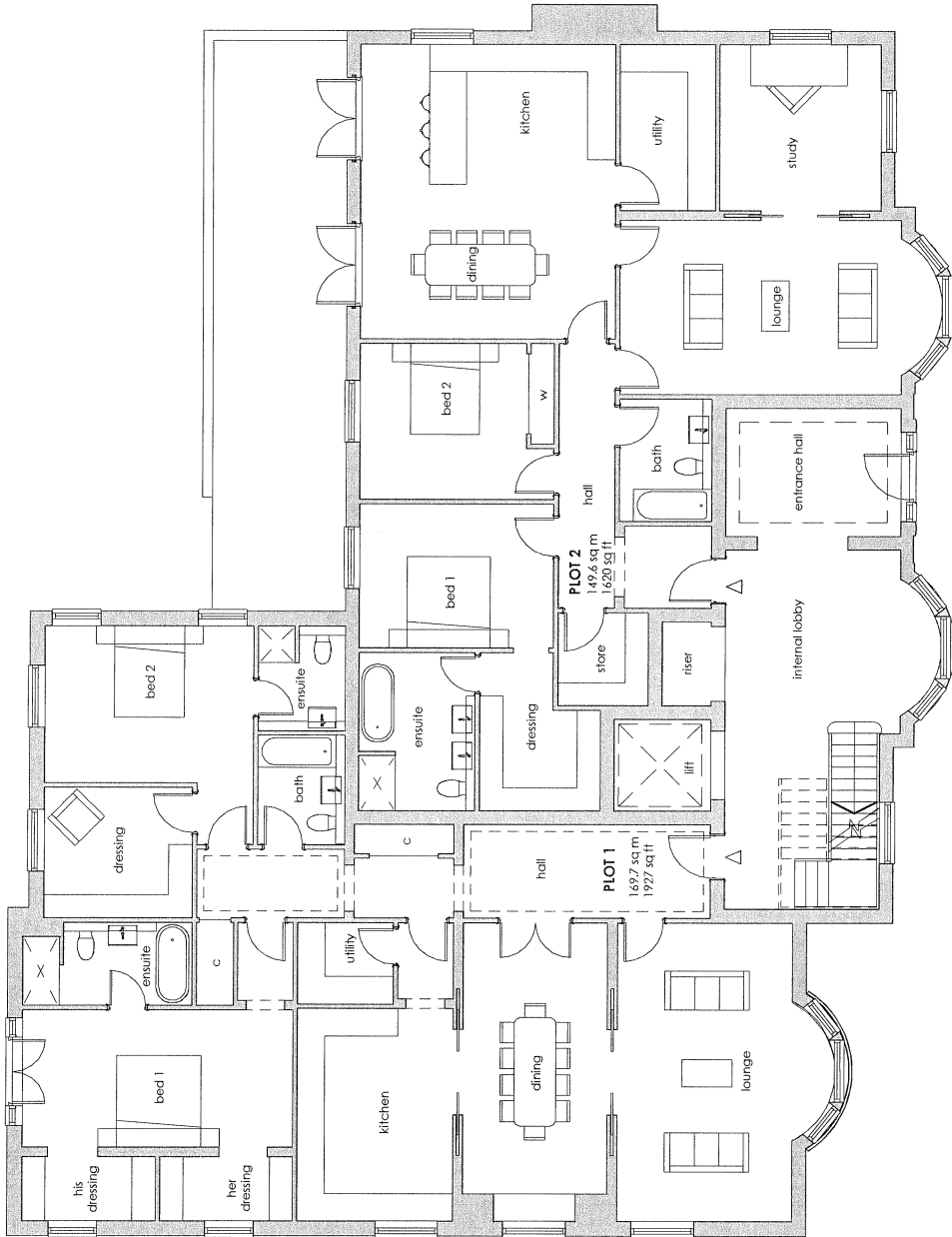
**Client:** KEBBELL DEVELOPMENT LTD.  
**Project:** Land at Hill House, Cross Road, Sunningdale  
**Title:** Basement Plan

**Status:** PLANNING  
**Scale:** 1 : 100

**Date:** April 2016  
**Sheet:** A3

**Drng No:** FD 14 - 1220 P3 - 100  
Planning  
This drawing is produced for PLANNING PURPOSES ONLY and is not to be used for construction.

Rev	Description	Date
A	Remaining work shown	19.05.16



LOWER GROUND FLOOR PLAN

Status: PLANNING

Scale: 1 : 100 Date: April 2016

Revision: A Sheet: A3

Drng No: FD 14 - 1220 P3 - 101

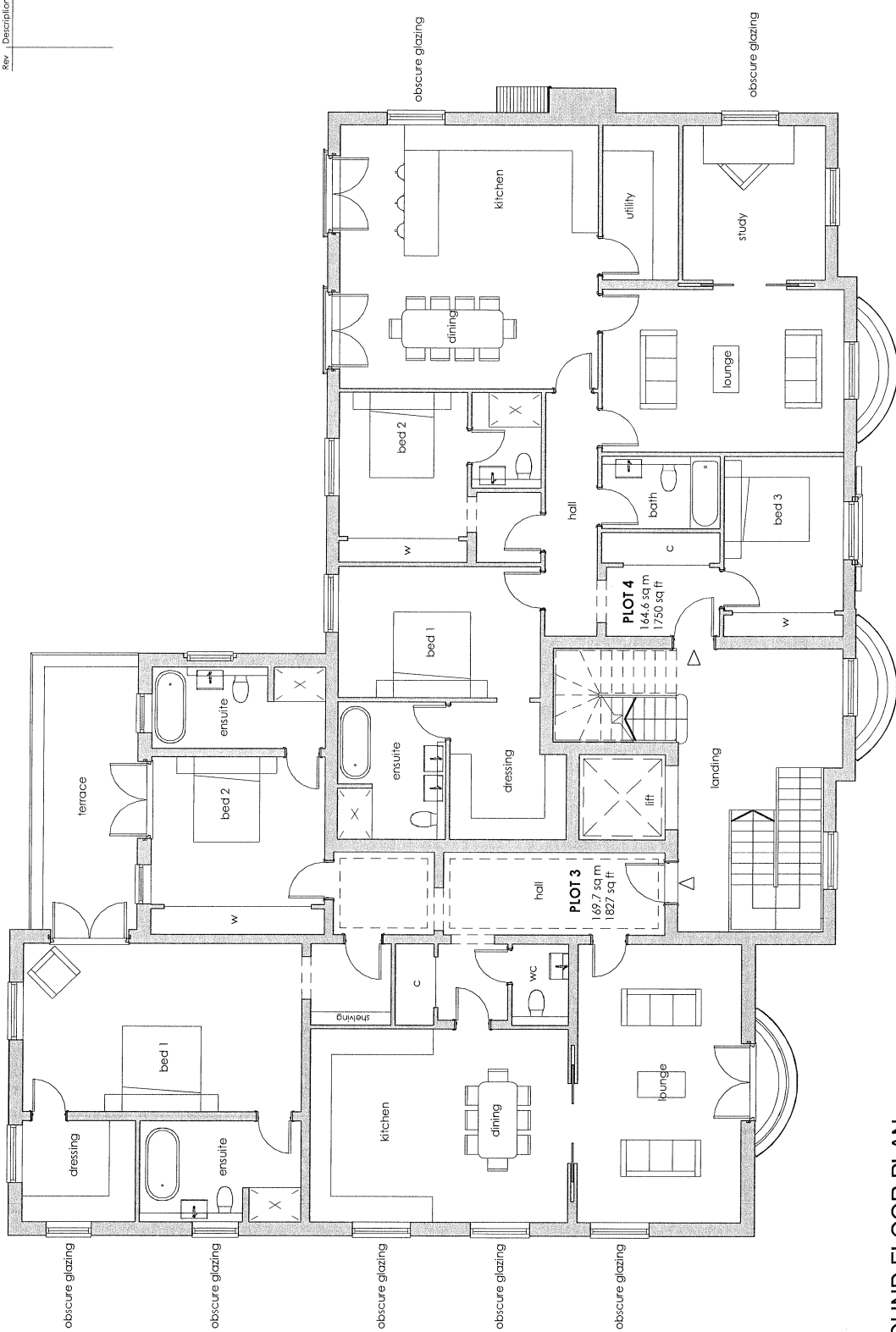
Planning permission is granted for PLANNING PURPOSES ONLY and is not to be used for construction.

Client: KEBBELL DEVELOPMENT LTD.

Project: Land at Hill House, Cross Road, Sunningdale

Title: Lower Ground Floor Plan

Rev	Description	Date

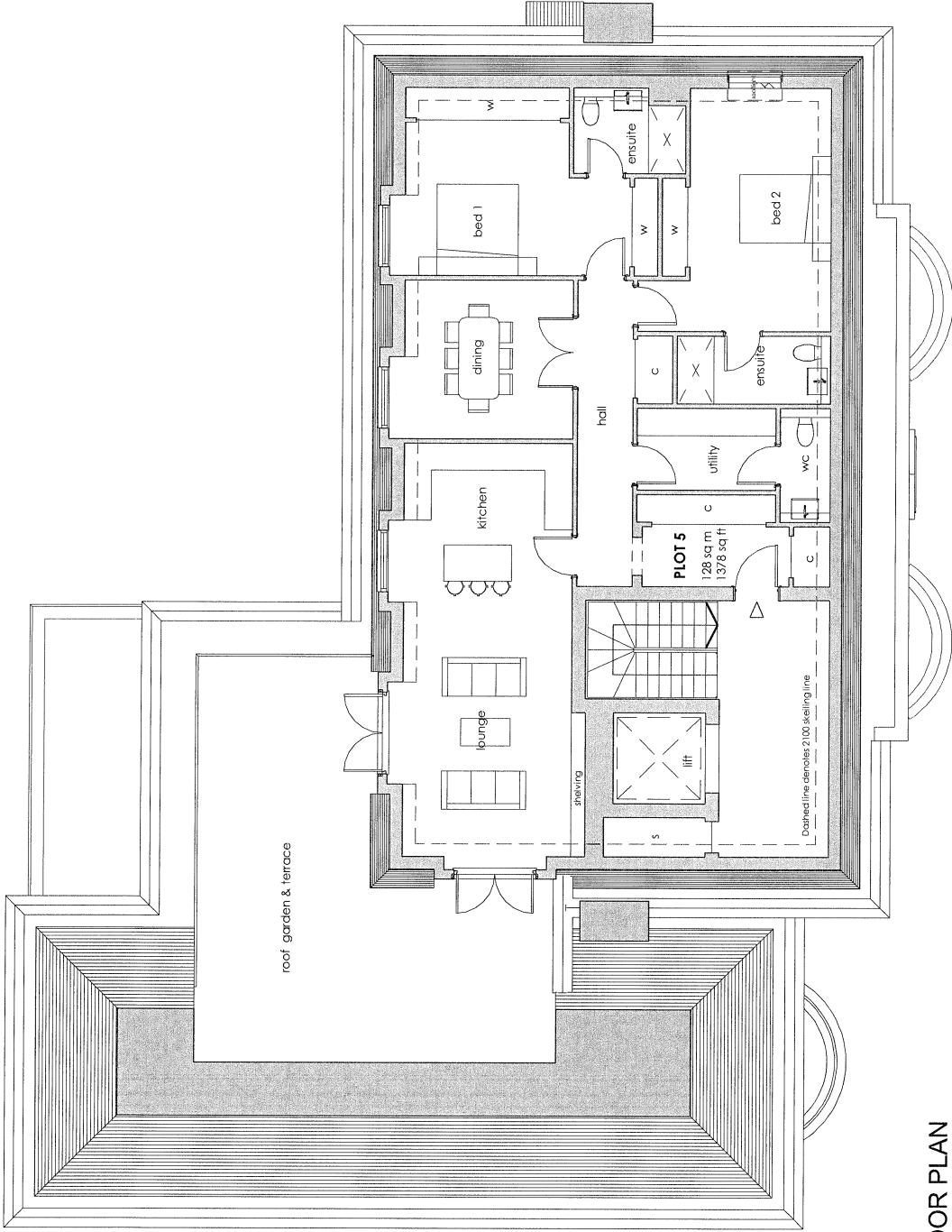


**GROUND FLOOR PLAN**

**Status:** PLANNING  
**Scale:** 1:100  
**Revision:** A3  
**Revision:** A3  
**Drng No:** FD 14-1220 P3-102  
 Planning  
This drawing is produced for PLANNING PURPOSES ONLY and is not to be used for construction.

**Client:** KEBBELL DEVELOPMENT LTD.  
**Project:** Land at Hill House, Cross Road, Sunningdale  
**Title:** Ground Floor Plan

Rev	Description	Date



FIRST FLOOR PLAN

Status: PLANNING

Scale: 1 : 100 Date: April 2016

Revision: Sheet: A3

Drng No: FD 14 - 1220 P3 - 103

Revised for PLANNING PURPOSES ONLY and is not to be used for construction.

Client: KEBBELL DEVELOPMENT LTD.  
 Project: Land at Hill House, Cross Road, Sunningdale  
 Title: First Floor Plan

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## Appeal Decisions

Site visit made on 16 August 2016

by **David Smith BA(Hons) DMS MRTPI**

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

Decision date: 7 September 2016

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### Appeal A - Ref: APP/T0355/W/16/3147424

#### Land at Hill House, Cross Road, Sunningdale, Berkshire, SL5 9RX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Kebbell Development Ltd against the Council of the Royal Borough of Windsor and Maidenhead.
  - The application Ref 16/00266/FULL, is dated 21 January 2016.
  - The development proposed is erection of 4 no. apartments (3 x 2 bed and 1 X 3 bed).
- 

### Appeal B - Ref: APP/T0355/W/16/3152607

#### Land at Hill House, Cross Road, Sunningdale, Berkshire, SL5 9RX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Kebbell Development Ltd against the Council of the Royal Borough of Windsor and Maidenhead.
  - The application Ref 16/01179/FULL, is dated 7 April 2016.
  - The development proposed is construction of 5 no. apartments.
- 

### Decisions

1. The appeals are dismissed.

### Preliminary Matter

2. In respect of Appeal B revised drawings were submitted at the appeal stage showing the re-location of a first floor window for bedroom 1 of Flat 5. Having regard to the minor nature of the proposed change I am satisfied that no interests would be prejudiced in considering this amendment. I shall therefore deal with Appeal B on that basis.

### Background and Main Issues

3. Planning permission for a single dwelling at the site was given in 2013. Appeals against the refusal of planning permission for schemes of 4 apartments and 5 apartments were dismissed last year<sup>1</sup>. The current proposals are very similar but have been amended in response to those decisions.
4. The previous Inspector concluded that the apartment use would not be harmful to the character and appearance of the area and that there would be no conflict with relevant policies in the Ascot, Sunninghill and Sunningdale Neighbourhood Plan. There is no reason for me to dissent from that finding. However, she

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<sup>1</sup> Refs: APP/T0355/W/15/3132068 & 3132228

found that the proposals were likely to lead to increased pressure to carry out works to a protected oak tree which might have had a detrimental effect on its future appearance and life expectancy. Furthermore, that there was no suitable mechanism to mitigate the impacts of the developments on the Thames Basin Heaths Special Protection Area (SPA) and a Site of Special Scientific Interest (SSSI).

5. The Council indicates that had it been able to issue decisions then both applications would have been approved. Nevertheless, based on the outcome of the last appeals, the main issues are the effect on the appearance and life expectancy of the oak tree having regard to its relationship with the proposed buildings and the effect on the SPA and SSSI.

## **Reasons**

### *Oak tree*

6. The earlier decisions describe the protected oak tree, summarise the relevant development plan policies that seek to protect significant trees and confirm that it is an ancient tree (paragraphs 26-28). There is no evidence that any of this has changed in the intervening period. Indeed, the oak is a large and fine specimen worthy of retention because of the contribution that it makes to the environmental qualities of the locality. In line with the previous decisions there is nothing to suggest that it would be damaged during construction provided that suitable measures were taken to protect it during this period.
7. Compared to the previous proposals Appeals A and B have a reduced built form at the rear so that ground floor windows in Flat 3 would be further from the canopy and base of the tree than before. Indeed, both proposals have reverted to the permitted building envelope of the single dwelling. Other changes have been made to the fenestration compared to the earlier schemes for 4 and 5 flats and further private amenity space has been introduced including a roof terrace for Flat 5 in Appeal B. However, it is not the nature of the changes made since the previous appeals were dismissed that are critical but rather whether a harmonious relationship between the tree and the proposed structures would be achieved that can be sustained in the long term.
8. Because of the distance between the nearest fenestration and the oak; the aspects for Flats 3 and 5 in more than one direction; the provision of private amenity space for both of these units and the adequacy of internal daylight and sunlight, I am satisfied that the proposals could co-exist with the protected tree without leading to the need for works to it. The previous Inspector had concerns about the dominating effect on outlook, nuisance caused by proximity and the general shading of the garden amongst other things. Nevertheless, these proposals can be distinguished sufficiently from those schemes such that a different conclusion is justified.
9. Therefore the proposals would be unlikely to harm the appearance or life expectancy of the oak tree or, in turn, the character or appearance of the wider area. As such, there would be no conflict with the tree retention objectives of Policy N6 of the Royal Borough of Windsor and Maidenhead Local Plan or Policies NP/EN2 and NP/EN3 of the Neighbourhood Plan.

*Thames Basin Heaths SPA and SSSI*

10. The background and relevant policies relating to the SPA are set out in paragraphs 37 and 38 of the previous decisions and there is no need to repeat them here. Because of the location of the appeal site in relation to it and the nature of the schemes, additional recreational use is likely to occur and these demands on the SPA need to be mitigated.
11. Whilst drafts have been provided agreements under Section 111 of the Local Government Act have not been completed. The previous Inspector rejected the use of a condition put forward by the parties to provide suitable mitigation having regard to the Planning Practice Guidance (PPG). In particular, this indicates that a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence is only appropriate in exceptional circumstances<sup>2</sup>.
12. The appellant observes that the suggested wording does not specifically require a legal agreement to be entered into. However, there is no evidence that there is any way of securing a scheme of mitigation or enforcing its implementation other than by means of some form of legal agreement. It is also suggested that the use of a condition would allow for the direct provision of a Suitable Alternative Natural Greenspace (SANG). However, there is no indication of where this might be or how and when it might be delivered so that I am not confident that the necessary mitigation would actually take place in this way. This is especially as the parties generally refer to the improvement of the existing SANG at Allen's Field.
13. Consequently I endorse the views of the previous Inspector. In particular, taking account of the PPG, the use of the condition as suggested would provide neither certainty nor transparency and would be contrary to national guidance. Given this and the absence of any agreement there is no formal process in place to secure the payments towards the SANG and strategic access management and monitoring. Without the necessary mitigation the proposals as they stand would therefore be likely to adversely affect the integrity of the SPA contrary to Policy NRM6 of The South East Plan.

**Other Matters**

14. Various other matters are raised in representations. Notwithstanding the difference in levels the relationship with nearby buildings at Richmond House and Hill House would be satisfactory having regard to privacy, light and visual impact. This is due to the separation between the two and the measures included to ensure no adverse impacts. Issues of density, overdevelopment, driveway gradient, wildlife, highway safety and the amenities of Flat 5 could in to some extent be dealt with by condition but, in any event, there is insufficient evidence to warrant withholding permission for any of those reasons.
15. The Council is unable to demonstrate a five year supply of deliverable housing sites. However, paragraph 119 of the National Planning Policy Framework and footnote 9 indicate that sites protected under the Birds and Habitats Directives are those where development should be restricted. Because the proposals would affect such a site the imperative to grant permission in paragraph 14 of the Framework does not apply. Whilst in accordance with some development

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<sup>2</sup> ID 21a-010-20140306



plan policies the potential harm to the SPA and SSSI is such that the proposals would conflict with the development plan as a whole. This is not outweighed by the contribution that an additional 4 or 5 units within the settlement boundary of Sunningdale would make to the supply of housing in the Borough.

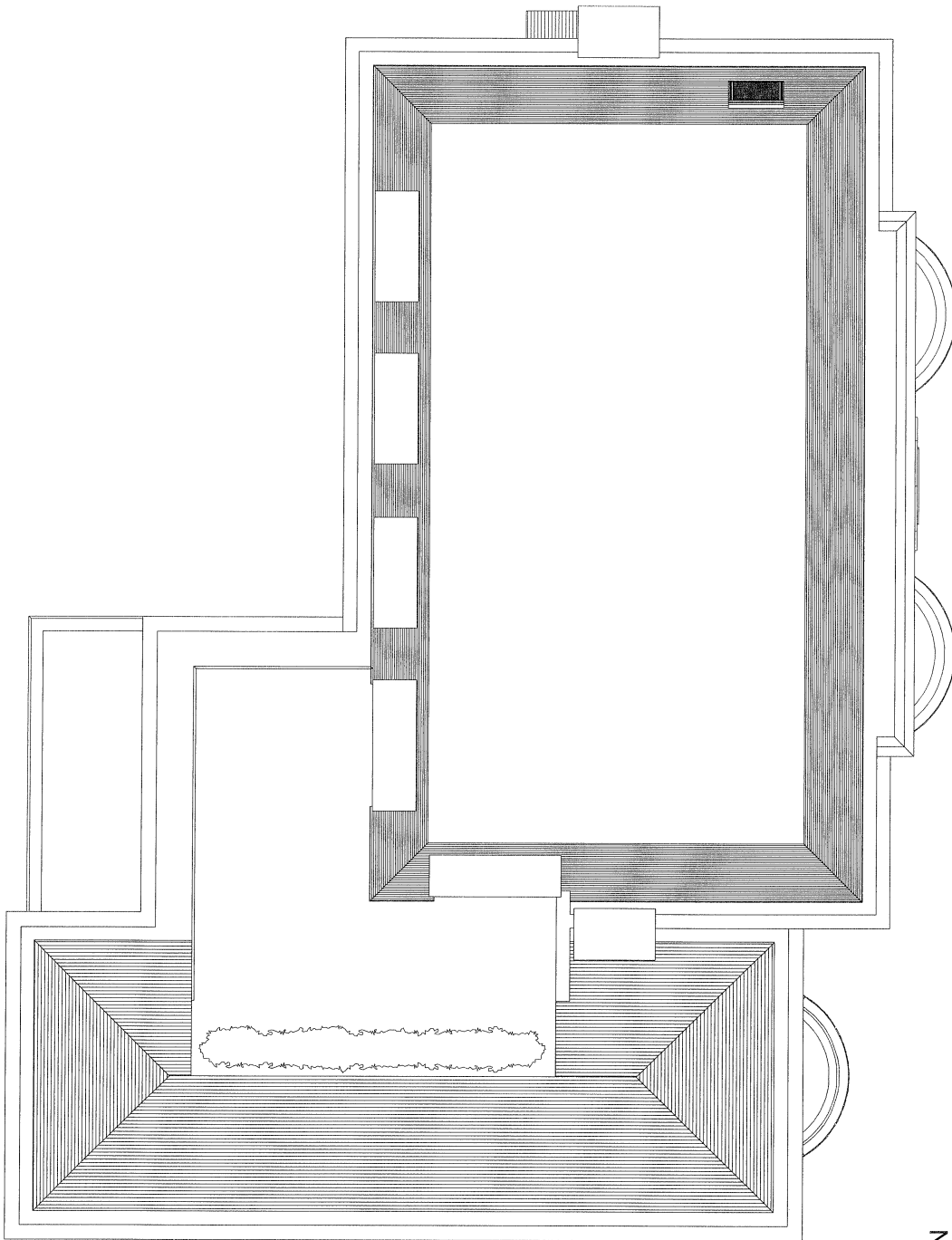
**Conclusion**

16. Whilst there is no objection to the relationship between the proposals and the protected oak tree there are no measures in place to mitigate the impact on the SPA and SSSI. Therefore, for the reasons given, the appeals should be dismissed.

*David Smith*

INSPECTOR

Rev	Description	Date



ROOF PLAN

**Status:** PLANNING  
**Scale:** 1 : 100  
**Revision:**  
**Revision:** A3  
**Drng No:** FD 14-1220 P3 - 104  
Planning  
 This drawing is produced for PLANNING PURPOSES ONLY and is not to be used for construction.

**Client:** KEBBELL DEVELOPMENT LTD.  
**Project:** Land at Hill House, Cross Road, Sunningdale  
**Title:** Roof Plan



## Planning Appeals Received

16 July - 8 September 2016

### 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 Plns reference number and write to the relevant address, shown below.

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

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

**Ward:**  
**Parish:** Sunninghill And Ascot Parish  
**Appeal Ref.:** 16/60074/REF      **Planning Ref.:** 16/00438/FULL      **Plns Ref.:** APP/T0355/W/16/3152097  
**Date Received:** 18 July 2016      **Comments Due:** 22 August 2016  
**Type:** Refusal      **Appeal Type:** Written Representation  
**Description:** Replacement dwelling with lower ground and basement and detached garage with accommodation above following demolition of existing dwelling.  
**Location:** **Sunnycroft Larch Avenue Ascot SL5 0AP**  
**Appellant:** Crownvale Properties Ltd **c/o Agent:** Ms Louise Morton Quadrant Town Planning Ltd The Office 14 Harcourt Close Henley-On-Thames Oxfordshire RG9 1UZ

**Ward:**  
**Parish:** Old Windsor Parish  
**Appeal Ref.:** 16/60076/NONDET      **Planning Ref.:** 16/01175/FULL      **Plns Ref.:** APP/T0355/W/16/3154088  
**Date Received:** 18 July 2016      **Comments Due:** 22 August 2016  
**Type:** Non-determination      **Appeal Type:** Written Representation  
**Description:** Erection of 4 x dwellings with associated works, following demolition of existing garage block  
**Location:** **Garages To The South West of Lynwood Cottages Robin Willis Way Old Windsor Windsor**  
**Appellant:** Mr Christopher Andrews **c/o Agent:** Mr David Stewart David J Stewart Associates Bloxham Business Centre Barford Road Bloxham Banbury OX15 4FF

**Ward:**  
**Parish:** Sunningdale Parish  
**Appeal Ref.:** 16/60080/REF      **Planning Ref.:** 16/00159/FULL      **Plns Ref.:** APP/T0355/W/16/3149232  
**Date Received:** 3 August 2016      **Comments Due:** 7 September 2016  
**Type:** Refusal      **Appeal Type:** Written Representation  
**Description:** Construction of detached replacement dwelling, with associated off road parking, access and landscaping following demolition of existing buildings  
**Location:** **Oak Cottage 1 High Street Sunningdale Ascot SL5 0LX**  
**Appellant:** Mr T Malhas **c/o Agent:** Mr Jason O'Donnell Arktec Ltd Lodge Farm Barn Elvetham Park Estate Fleet Road Hartley Wintney Hampshire RG27 8AS

**Ward:**  
**Parish:** Sunninghill And Ascot Parish  
**Appeal Ref.:** 16/60081/REF      **Planning Ref.:** 16/00117/FULL      **Plns Ref.:** APP/T0355/W/16/

**Date Received:** 9 August 2016  
**Type:** Refusal  
**Description:** Erection of 3x detached two storey dwellings with access driveways following the demolition of 9 Llanvair Close  
**Location:** **9 Llanvair And Rear of 11 Llanvair Close Ascot**  
**Appellant:** Mr Martin Brebner - Wentworth Homes **c/o Agent:** Mr Ian Phillips Cunnane Town Planning Churchward House 4 Foundry Court Gogmore Lane Chertsey Surrey KT16 9AP



**Appeal Ref.:** 16/60055/REF      **Planning Ref.:** 15/02474/FULL      **Plns Ref.:** APP/T0355/W/16/3147112

**Appellant:** Mr G Assaiante **c/o Agent:** Mr Mark Carter Carter Planning Limited 85 Alma Road Windsor Berkshire SL4 3EX

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

**Description:** Two storey extension to south elevation and part two storey, part first floor extension to East elevation and new garage replacing conservatory. Construction of four dwelling terrace with associated bin store and alterations to driveway following demolition of existing stable block and garage

**Location:** **Moram House Datchet Road Old Windsor Windsor SL4 2RQ**

**Appeal Decision:** Allowed      **Decision Date:** 17 August 2016

**Main Issue:** The Inspector considered that the mature landscaping of the site and surroundings and the substantial set back from the road would ensure that the building held a recessive position in the street scene. The Inspector considered that the building would be part of a complex within a well landscaped area, which would sit comfortably with the character of its immediate surroundings and the pockets of development in landscaped surroundings. The Inspector recognised that the proposed terraced plots would subdivide the rear amenity space into individual gardens and these would produce plots that would be narrower than surrounding plots, and whilst this potentially could have an effect on the character of an area, the Inspector was satisfied that given the set back of the site, the location of the proposed terrace building, the relationship with adjoining properties and the location of public vantage points this would not be readily visible in the area. They concluded that there would not be a significant effect on the appearance of the area and the wider character would not be substantially harmed. The Inspector was of the view that the additional housing provision in the absence of a five year housing land supply was of significant local and district benefit. They also thought that the increased flood storage capacity and improved water run-off were site specific and the economic benefits resultant from occupation would be into the local economy which were wider sustainability benefits, which met the requirements of the Exceptions Test. In respect of the use of voids, the Inspector addressed the concerns from the Council over potential blockage either from storage or debris, however, the Inspector concluded that not using voids was not part of policy F1, and therefore had less weight. It was also from a policy document from 1999. The Inspector considered the use of voids was acceptable.

**Appeal Ref.:** 16/60061/PRPA      **Planning Ref.:** 16/00182/TPO      **Plns Ref.:** APP/TPO/T0355/5239

**Appellant:** Judith Macfarlane **c/o Agent:** Mr Ben Abbatt Sapling Arboriculture Ltd 94 Mount Pleasant Road Alton Hants GU34 2RS

**Decision Type:**      **Officer Recommendation:** Partial Refusal/Partial Approval

**Description:** (T1) Oak, crown reduction to final height of 14m and radial branch spread of 6m.

**Location:** **3 Stonehill Gate Hancocks Mount Ascot SL5 9WA**

**Appeal Decision:** Allowed      **Decision Date:** 30 August 2016

**Main Issue:** The appeal oak tree makes a contribution to the local landscape and the proposed pruning is likely to have a moderate adverse effect on the shape and form of the appeal tree and on amenity. On the basis of the evidence the Inspector finds the reasons for pruning marginally outweigh the amenity value of the tree and warrant the proposed works. The Inspector concluded that the proposed pruning of the appeal oak tree is warranted on the evidence and therefore allows the appeal, subject to conditions.

**Appeal Ref.:** 16/00026/REF      **Planning Ref.:** 15/02473/FULL      **Plns Ref.:** APP/T0355/W/16/3144941  
**Appellant:** Mr Richard Barter - Millgate **c/o Agent:** Mr Paul Dickinson Paul Dickinson And Associates  
Highway House Lower Froyle Hants GU34 4NB  
**Decision Type:** Committee      **Officer Recommendation:** Defer Legal Agreement  
**Description:** Conversion of The White House and The Wee Flat from offices into residential dwellings  
**Location:** **The White House And Wee Flat Englemere Estate Kings Ride Ascot**  
**Appeal Decision:** Allowed      **Decision Date:** 7 September 2016

**Main Issue:**

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**Appeal Ref.:** 16/00027/REF      **Planning Ref.:** 15/02450/VAR      **Plns Ref.:** APP/T0355/W/16/3144940  
**Appellant:** Mr Richard Barter - Millgate **c/o Agent:** Mr Paul Dickinson Paul Dickinson And Associates  
Highway House Lower Froyle Hants GU34 4NB  
**Decision Type:** Committee      **Officer Recommendation:** Application Permitted  
**Description:** Redevelopment to provide 17 apartments with basement car park and associated works following demolition of existing buildings and removal of hardstanding areas as approved under planning permission 13/03515 without complying with condition 18 (demolition of outbuildings) to include the retention of The White House and The Wee Flat  
**Location:** **Former Englemere House Englemere Estate Kings Ride Ascot**  
**Appeal Decision:** Allowed      **Decision Date:** 7 September 2016

**Main Issue:**

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**Appeal Ref.:** 16/60066/NOND ET      **Planning Ref.:** 16/01179/FULL      **Plns Ref.:** APP/T0355/W/16/3152607  
**Appellant:** Mr Dudley Mills - Kebell Developments Ltd **c/o Agent:** Mr Paul Dickinson Paul Dickinson And Associates  
Highway House Lower Froyle Hants GU34 4NB  
**Decision Type:** Committee      **Officer Recommendation:** Would Have Approved  
**Description:** Erection of 5 x apartments with associated works  
**Location:** **Land At Hill House Cross Road Sunningdale Ascot**  
**Appeal Decision:** Dismissed      **Decision Date:** 7 September 2016

**Main Issue:** The main issues considered were the effect on the appearance and life expectancy of a large protected oak tree to the rear of the proposed apartment building, and the effect on the Thames Basin Heaths Special Protection Area and SSSI. The Inspector concluded that relationship between the proposed building and the protected oak tree would be satisfactory, but dismissed the appeals because there were no satisfactory measures in place to mitigate the impact on the SPA / SSSI.

Impacts on the privacy of neighbours were also considered. The Inspector considered that the relationship of the proposed building with the neighbouring Richmond House and Hill House would be satisfactory in terms of privacy, light and visual impacts.

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**Appeal Ref.:** 16/60067/NOND    **Planning Ref.:** 16/00266/FULL    **Plns Ref.:** APP/T0355/W/16/  
ET    3147424

**Appellant:** Kebbell Developments Ltd **c/o Agent:** Mr Paul Dickinson Paul Dickinson And Associates  
Highway House Lower Froyle Hampshire GU34 4NB

**Decision Type:** Committee    **Officer Recommendation:** Would Have  
Approved

**Description:** Erection of 4 x apartments (3 x 2 bed and 1x 3 bed).

**Location:** **Land At Hill House Cross Road Sunningdale Ascot**

**Appeal Decision:** Dismissed    **Decision Date:** 7 September 2016

**Main Issue:** The main issues considered were the effect on the appearance and life expectancy of a large protected oak tree to the rear of the proposed apartment building, and the effect on the Thames Basin Heaths Special Protection Area and SSSI. The Inspector concluded that relationship between the proposed building and the protected oak tree would be satisfactory, but dismissed the appeals because there were no satisfactory measures in place to mitigate the impact on the SPA / SSSI.

Impacts on the privacy of neighbours were also considered. The Inspector considered that the relationship of the proposed building with the neighbouring Richmond House and Hill House would be satisfactory in terms of privacy, light and visual impacts.

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## INFORMATION ONLY

### **ENFORCEMENT REPORT**

#### **Reference and Site:**

16/50274 – Land at Hythe End Farm, Hythe End Road, Wraysbury, Tw19 5AW

#### **Contravention:**

Without planning permission the material change of use of the land from (Sui Generis) **storage before and after processing and processing of excavated/dredged/builders materials, timber with associated plant and machinery** to a mixed use comprising **the storage before and after processing and processing of excavated/dredged/builders materials, timber with associated plant and machinery** and **skip hire, skip storage and skip distribution (SG/B8)**

#### **Person(s) responsible:**

- Timothy Fowles
- Fowles Skip Hire
- Fowles Property Limited

#### **Relevant Planning History:**

See appended history

#### **Site and Surroundings:**

The site is an operational waste transfer site, that stores and processes waste building materials, timber and associated plant and machinery. The site is almost totally enclosed by a bund and is screened by views along Hythe End Road by the bund and hedgerow trees. The site is located to the east of Hythe End Road, and is located within the Green Belt and an area liable to flood. The surrounding area comprises a mix of fields and residential properties. The site is accessed via track that runs through land to the west of Hythe End Road, starting on Feathers Lane.

#### **History:**

1. Following a complaint to the Council about the use of the land to store and distribute skips an Enforcement Officer visited the site and noted a large number of empty skips being stored.
2. On 3 August 2016 the Council served a Planning Contravention Notice on Mr Timothy Fowles as an individual that may have an interest in the land and/or carry on operations on the land in connection with the skip use.
3. On 30 August 2016 the Enforcement Team noted that the PCN has not been returned. The matter was subject to debate with Mr Timothy Fowles' Solicitor as to the validity of the Notice. No Judicial Review has been issued to contest this, and no letter before action has been received. Section 171D of the Act says that it is an offence to fail to respond to the Notice and this will be addressed separately.

4. The Enforcement Team note that Fowles Skip Hire operate out of Hythe End Farm and Timothy Fowles is registered with the Environment Agency as the waste carrier under licence number CBDU86036. The Licence was granted on 2 February 2016 and expires 4 March 2019.

**Comments:**

The reasons for taking formal enforcement action and points addressing each potential ground of appeal are set out below.

**Ground (a) – that planning permission should be granted.**

Main issues and policies relevant to the planning merits.

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

<i>Issue</i>	<i>Local Plan Policy</i>	<i>Compliance</i>	
Acceptable impact on highway safety	T5		No
Noise and nuisance	NAP3		No
Acceptable impact on Green Belt	GB1, GB2		No
Flood	F1		No

**Impact on surrounding area and Highway Safety**

The increased traffic adds to the number of heavy goods vehicle movements into and out of the junction of Feathers Lane with Staines Road adding to the potential risk of accidents, due to a significant increase in opposed right turning movements. With unchecked or substantial increases in the volume of heavy goods vehicles travelling to and from the site there is the increased risk of goods vehicles exiting and entering Feathers Lane simultaneously. Due to the size of the vehicles there is the risk that a vehicle turning left into Feathers Lane may need to yield and stop within Staines Road until the other vehicle had completed its manoeuvre. It is difficult to quantify the potential frequency of such incidents, but clearly a major increase in vehicle movements would increase the probability and therefore the risk of potential of ‘hit in rear’ collisions on the public highway, where a left turning goods vehicle may need to unexpectedly stop on the main road. With substantially increased lorry movements since the unauthorised use commenced there appears to be a major increase in heavy goods vehicle movements into and out of the site. There have already been problems with large vehicles negotiating the junction of Staines Road with Feathers Lane, which has resulted in damage to street furniture and the need to install verge protection to avoid significant deterioration of the grass verges.

**Noise and nuisance**

The associated noise and nuisance from HGV movements is excessive and not something that the Council would tolerate in a residential area.

**Green Belt**

The use of the land to store skips stacked has a detrimental impact on the openness of the Green Belt.

**Flood**

The use of land to store skips reduces the capacity of the flood plain to store water.

**Ground (b) – that the breach of control alleged has not occurred.**

An Enforcement Officer has visited the site and noted the unauthorised storage occurring. Evidence of skips being delivered has been received by Officers. Fowles Skip Hire website is operational.

**Ground (c) – that there has not been a breach of planning control.**

The change of use requires planning permission as the change is not permitted by Use Classes Order. The unauthorised use is a mixed SG/B8. The authorised use is an SG use.

**Ground (d) – that at the time the Enforcement Notice was issued it was too late to take enforcement action against the matters stated in the Notice.**

Unauthorised use only occurred since Fowles acquired site in 2015.

**Ground (f) “that the steps required by the notice are excessive and that lesser steps could remedy any injury to amenity that has been caused”.**

The requirements of the Notice are the minimum the Council can stipulate to ensure the breach of planning control and resulting injury to amenity is remedied. Any lesser steps would continue to cause harm.

**Ground (g) – that the time given to comply with the Notice is too short.**

28 days is deemed by the Local Planning Authority to be a reasonable period of time for the requirements of the Enforcement Notice to be complied with. The issue of the Temporary Stop Notice will stop vehicle movements immediately. 28 days is sufficient to remove the skips from the land.

**Recommendation:**

**ENFORCEMENT ACTION:**

**Temporary Stop Notice and Enforcement Notice**

Temporary Stop Notice:

- i. Stop using the land outlined in red for the hire, importation and distribution of empty skips.

Enforcement Notice:

- i. Cease the use of the land for the hire, importation, storage, and distribution of empty skips.
- ii. Remove all skips from the land.

The period of compliance shall be 28 days from the date of this Notice.

**The reasons for serving this Notice are as follows:**

- i. The use of the land for the hire, storage and distribution of skips amounts to an inappropriate use of the land that by definition is harmful to the function and purposes of the green belt and for which there are no very special circumstances that have either been advanced or are apparent that would be sufficient to clearly outweigh the harm that is being caused to the openness of the green belt. As such the use is contrary to Policies GB1 and GB2 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted in June 2003) and the NPPF Chapter 9.
- ii. The use of the land for the hire, storage and distribution of skips causes an undue burden on the surrounding road network due to the volume of large frequent HGV movements and therefore the use of the land is contrary to saved Policy T5 of the Royal Borough of Windsor and Maidenhead (Incorporating Alterations adopted June 2003).
- iii. The unauthorised use increases the HGV vehicular movements and is significantly above what would be expected in a residential area. This has a detrimental impact on the amenities of the occupiers of neighbouring properties through the increase in noise and disturbance. The unauthorised use is therefore contrary to Policy NAP3 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations Adopted in June 2003)
- iv. This site lies within an area liable to flood. The operator has not demonstrated by means of a flood risk assessment that the use would not impede the flow of flood water, reduce the capacity of the flood plain to store flood water or increase the number of people or properties at risk from flooding. As such the proposal is contrary to Policy F1 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations adopted June 2003).

**Delegated authority**

It is considered by the Borough Planning Manager that action is required immediately to stop and remedy the breach of planning control. The matter will be referred to the Planning Panel at the next available date for their information.

**AUTHORISED BY:**

Jenifer Jackson

Borough Planning Manager \_\_\_\_\_ *Jeni Jackson.* \_\_\_\_\_

Date:

## ENFORCEMENT REPORT

14//50593     2a STRAIGHT ROAD  
                  OLD WINDSOR  
                  SL4 2RL

### **Contravention:**

Use of the outbuilding as a separate residential unit without planning permission.

### **Person(s) responsible:**

Miss Denise Buttigieg

### **Relevant Planning History:**

- 11/00661     Two storey and first floor front extensions and front bay windows, side chimney, front and rear dormers to provide loft accommodation, attached garage and carport with accommodation over accessed via external stairs - Permitted
- 13/01701     Two storey and first floor front extension and front bay window, side chimneys, front dormer to provide loft accommodation, attached garage and carport with accommodation over accessed via external staircase (Retrospective) - Permitted
- 15/02156     Change of use of first floor over garage into independent dwelling. (Retrospective) - Refused

### **Site and surroundings:**

The property site lies to the north side of Straight Road next to the junction onto the roundabout which links Old Windsor, Windsor and Datchet and vehicular access to the site is via Straight Road. The site comprises of a 4 bedroom dwelling with a garage/carport and a parking area to the south-east of the main dwellinghouse. Additional habitable accommodation is provided above this garage and this is accessed via a separate external staircase to the front of the property.

## **History:**

1. The Enforcement section received a complaint on the 11<sup>th</sup> December 2015 alleging that the extension was being used as a separate residential unit.
2. An enforcement officer visited the site on the 16<sup>th</sup> December and found no one present and was also unable to access the building. Another visit, made on the 8<sup>th</sup> January 2015, found a gentleman present who gave his name as Hamza Katib. He advised that he had been resident there since May 2013. The flat consisted of a living area, a bedroom, a bathroom containing a toilet, shower and basin, and a galley kitchen.

There is no thoroughfare from the main dwelling to the extension.

3. After months of meetings, telephone calls, e-mails, liaising with the owner's representative, an application was received and registered in July 2015. The application was for a "Change of use of first floor over garage into independent dwelling. (Retrospective)" [15/02156]. This application was refused on the 18<sup>th</sup> January 2016.
4. In February 2016 a letter was sent to the landowner, referring to the recent refusal of planning permission and requesting what action was proposed for the cessation of this unauthorised use. No further contact has been received from her.
5. A visit carried out at the property on the 6<sup>th</sup> September 2016 showed that the tenant continues to occupy the unauthorised flat. The building remains independent with the same facilities as before.

Consequently it is now proposed that the Council take enforcement action to ensure the cessation of the unauthorised use of this extension. The matter will now be put to the Development Management panel for authorisation of the proposed enforcement action.

## **Comments:**

The Local Planning Authority considers it expedient to issue an Enforcement Notice in this instance for the reasons set out below.

## **Recommendation to panel:**

That enforcement action be taken and an Enforcement Notice be issued requiring the following:

- a) Cease the use of the building edged blue on the attached plan as a separate residential dwelling;

**The reason for serving this Notice is as follows:**

The reasons for taking formal enforcement action and addressing each potential ground of appeal are set out below.

**Ground (a)** – that planning permission should be granted

1. The building is positioned within an area that has a high risk of flooding (flood zone 3) and therefore constitutes vulnerable development as defined in the NPPF Technical Guidance 2012. As a result the use of the building as a separate residential unit increases the number of people at risk from flooding and therefore fails to comply with Policy F1 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted in June 2003).
2. The use of the building as an independent dwelling amounts to unacceptable development which is harmful to the character of the area. The unauthorised use results in additional noise and disturbance arising from movements associated with the use and as such negatively affects the amenity of the occupants of the main house and neighboring properties. The use is therefore contrary to Policy H11 and DG1 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted in June 2003).
3. The dwelling does not have the levels of amenity expected for independent dwelling in that there is no private outdoor amenity space. The main bedroom is served only by one small rooflight and no outdoor amenity space has been provided. The proposal would therefore fail to comply with the core principles of the National Planning Policy Framework (NPPF) which require a high standard of amenity for all current and future occupiers of land and buildings to be provided.

**Ground (b)** - That the breach of control alleged has not occurred

An Enforcement Officer has visited the site as recently as the 6<sup>th</sup> September 2016 and noted that the unauthorised use continues. The tenant was present during that visit and she confirmed that he resides there and continues to pay rent to the landlady for the use of the extension as a residential unit.

**Ground (c)** - That there has not been a breach of planning control

The use of the extension does not accord with Section 55 2 (d) of the Town and Country Planning Act 1990 (as amended). Namely 'the use of any buildings or other land within the curtilage of a dwelling house for any purpose incidental to the enjoyment of the dwelling house as such;'



**Ground (d)** - That at the time the enforcement notice was issued it was too late to take enforcement action against the matters stated in the notice

The planning enforcement section became aware of this unauthorised use in December 2014. In addition to this Council Tax records show that council tax payments began in February 2013 and the tenant advised that he moved in in May 2013.

**Ground (f)** - That the steps required by the notice are excessive and that lesser steps could remedy any injury to amenity that has been caused

The Notice requires the cessation of the use and the removal of amenities within the structure which facilitate its separate residential use. Any lesser steps would continue to cause harm.

**Ground (g)** - That the time given to comply with the notice is too short

Three calendar months is an established and upheld time period for works such as this.

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