

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

WINDSOR RURAL DEVELOPMENT CONTROL PANEL

6 April 2016

Item: 1

Application No.:	13/01275/VAR
Location:	Kingsmead Quarry Datchet Road Horton Slough SL3 9PS
Proposal:	Variation of conditions 15 (Disposal of mineral waste [silt] from the processing plant only within the area shown on the approved plan P1/208/13/1), conditions 24 and 26 (delineating the margins of the extraction area and the phases of development) in accordance with a revised plan ref. P1/208/28, removal of conditions 34 and 35 (on the dewatering of the site) and the variation of condition 42 and 44 (dates for commencement of filling and for the submission of a scheme for the progress, filling and restoration of the site) all of approval 471893 and approved under 06/00685/VAR. Without complying with condition 6 (backfilling and restoration) to amend the commencement date
Applicant:	Cemex Uk Materials Ltd
Agent:	Mrs Helen Hudson
Parish/Ward:	Horton Parish
If you have a question about this report, please contact: Diane Charlton on 01628 685699 or at diane.charlton@rbwm.gov.uk	

6 April 2016

Item: 1

Application No.:	13/01276/VAR
Location:	Kingsmead Quarry Datchet Road Horton Slough SL3 9PS
Proposal:	Variation of Condition 18 and 19 of approval 471894 to allow the progress, infilling and restoration of the site in accordance with a revised scheme and to replace the approved drawings P1/208/14/1 as approved under 06/00684/VAR without complying with condition 1 (restoration scheme) of that permission so that the restoration scheme is amended
Applicant:	Cemex Uk Materials Ltd
Agent:	Mrs Helen Hudson
Parish/Ward:	Horton Parish
If you have a question about this report, please contact: Diane Charlton on 01628 685699 or at diane.charlton@rbwm.gov.uk	

1. SUMMARY

- 1.1 These applications (13/01275 & 01276) seek to vary the approved restoration scheme for Kingsmead Quarry. The restoration of the site has been delayed and some of the earlier areas of working have been left as unrestored water bodies. Under the consented scheme these areas are due to be restored predominantly to agriculture; the areas have become established wildlife habitats and the application proposes to vary the relevant extant conditions of the permissions to provide a revised restoration scheme which seek to deliver greater nature conservation and recreational interests. The applications have been subject to on going amendments to comply with the requirements of the Environment Agency (EA) and Natural England (NE).
- 1.2 In addition the extant planning permission covering the quarry has a number of conditions attached which require that details of how the filling for restoration scheme will take place and

how the restored sites is to be in aftercare and managed. Applications to discharge these relevant conditions have been concurrently.

- 1.3 The proposed amendments to the restoration scheme are considered to be acceptable and will provide for increased public recreational amenities. The mixed use of the site when restored as agricultural, recreational and nature habitat is appropriate uses that would not harm the openness of the Green Belt.

It is recommended the Panel authorises the Borough Planning Manager:	
1.	To grant planning permission to vary the approved restoration scheme subject to conditions.

2. REASON FOR PANEL DETERMINATION

- The Borough Planning Manager and Lead Member for Planning consider it appropriate that the Panel determines the application.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application sites are located off Stanwell Road within the village of Horton. The quarry is located between the villages of Horton and Wraysbury and lies between the Wraysbury (to the east) and Queen Mother Reservoirs (to the north west). The northern boundary to the site is formed by the Stanwell Road and the main access to the quarry is off this road. The London to Windsor railway line runs along the southern boundary of the site; the river Colne runs along the eastern boundary and the western boundary is delineated by Welley Road. The land to be restored covers about 162 hectares and is divided into two planning application areas – a western area and a central/eastern area.
- 3.2 The central/eastern area covers 136 hectares and the western area 26 hectares. The eastern area is currently being worked and consists of unrestored water bodies, plant and processing area and agricultural land yet to be worked. Sand and gravel extraction is almost complete and will finish in 2016.
- 3.3. The smaller western part of the quarry has been worked and consists of a mix of former silt beds, restored agricultural land and unrestored water bodies used as angling and sailing lakes. The margins of the unrestored lakes in this area have been regenerated and colonised with trees and vegetation.
- 3.4 The site is within the Green Belt and the Flood Plain and is situated close to 3 areas of SSSIs, the Arthur Jacob Local Nature Reserve and Colne Brook. All three SSSIs are part of the South West London Waterbodies Special Protection Area and protected under the RAMSAR Convention. The site is also identified by Natural England as lying within a Landscape Character Area 115- Thames Valley and within the Natural Area- London Basin. Furthermore the site lies within the Colne Valley Regional Park.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 Mineral extraction at Kingsmead Quarry was approved through a series of planning permissions granted between the mid-1940s and the late 1960s. The restoration plan for the site was then granted in 1994 under planning permissions 471893 (central/eastern part of site) and 471894 (western part of site). The approved plan involves the filling and restoration of the mineral working areas back to predominantly agricultural use. The restoration has been delayed and some of the earlier areas of working have been left unrestored and have become established water bodies. Cemex now recognises the contribution that these water bodies make to the

surrounding ecological areas – The South West London Water Bodies Ramsar and SPA and the SSSIs. They have also been used for sailing and angling. They are therefore requesting the variation of condition 6 of 06/00685/VAR (central/eastern part of the site) under application 13/01275/VAR and Condition 1 of 06/01276/VAR under application 13/01276/VAR for the western part of the site to change the restoration scheme for the site. CEMEX is seeking to change the restoration scheme such that the quarry is restored to a mix of agricultural land, woodland, conservation grassland, angling and sailing lakes and wetland in accordance with plan P1/208/29D.

- 4.2 The restoration and infilling will be undertaken with inert materials. Not all of the quarry will now be filled under the proposed restoration scheme and as such will require less fill material. The Environment Agency has issued an Environmental Permit for the infilling operations. The restoration operations will take place within the existing operating hours for the quarry and use the existing permitted access off Stanwell Road. It is anticipated that restoration will take some 12-13 years to complete. Detailed phasing and filling plans have been submitted as part of the applications.
- 4.3 Applications 13/01275 and 13/01276 have been submitted to vary the approved permission in order to retain the established water bodies for nature conservation and water based recreation and to fill only the more eastern quarry extraction areas, restoring this land to agricultural use. Four applications have also been submitted with amended details to discharge conditions relating to the filling operations and aftercare and management of the restoration scheme. These will be subject to delegated decisions to approve.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

National Planning Policy Framework

- 5.1 National Planning Policy Framework - Section 9 – Green Belt, Section 10- Flooding, Section 11 – Natural Environment, Section 13 – Minerals.

Royal Borough Local Plan

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

	Green Belt	High risk of flooding	Recreation	Trees
Local Plan	GB1, GB2,	F1, NAP4	R8, R14	N6, N7

- 5.3 Minerals Local Plan for Berkshire 1995 (alterations 1997 & 2001) - Policy 1, 20 and 29.

6. EXPLANATION OF RECOMMENDATION

- 6.1 Kingsmead Quarry is located in the Green Belt. The NPPF sets out that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The proposed restoration scheme at Kingsmead for agriculture, nature conservation and outdoor recreational land uses is consistent with these Green Belt aims and objectives. RBWM Local Plan Policy GB1 sets out what are acceptable uses within the Green Belt. The Policy states that development for Agriculture and Forestry are appropriate as are essential facilities for outdoor sport and outdoor recreation, for cemeteries and for other uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.

6.2 The long term vision for Kingsmead Quarry is that the proposed restoration scheme should contribute to, enhance and extend the important nature conservation, biodiversity and recreational value of the area, whilst ensuring that the scheme respects the previous agricultural use of the land and the proximity of the site to Heathrow Airport (3km) and the risk of bird strike. As such the restoration scheme has been designed with the following objectives:

1. Establishing land uses that are appropriate to the locality;
2. Minimising potential risk of bird strike at Heathrow Airport;
3. Creating new features of nature conservation and biodiversity value; and
4. Retaining the existing recreational and amenity value of the site (sailing, angling and walking) and enhancing this with additional green infrastructure through an increase in public footpath provision.

6.3 The applications propose that these objectives will be achieved by establishing 3 broad land uses within the restored site namely:

- 1) Reinstatement of agricultural land in the east of the site, to be managed for arable production with potential for enhanced headland areas, with new footpaths to be created. The land is proposed to be restored to high quality agricultural land as previously existed on the site before it was worked for minerals. Some of the land formerly restored to agriculture in the north west of the site (western part) will be made available for community agricultural land such as allotments;
- 2) Creating new nature conservation habitats and features within the site – including new woodland blocks and new hedgerow across the site to recreate a former field boundary and provide a link to established peripheral hedgerows and tree belts. It is also proposed to establish and retain a diverse wetland habitat and wet woodland around the margins of the restored lakes and former silt ponds. Where necessary natural colonisation will be supplemented with appropriate planting.
- 3) Providing formal and informal recreational land uses to local residents including retention of the gravel lakes now used for sailing and angling.

Special Protection Area/SSSI/RAMSAR sites

6.4 The quarry complex is close to three Sites of Special Scientific Interest that are notified for wintering gadwall *Anas strepera* and shoveler *A. Clypeata* populations. In Winter 2010/11 counts were undertaken over three months to see in what numbers these two species utilise the existing unrestored waterbodies at the site. The results showed that, at times, the lakes hold a large part of the Special Protection Area (SPA) population for gadwall. Shoveler numbers were insignificant against the SPA totals. For this reason Natural England was of the view that the restoration scheme should incorporate this open water habitat role into the revised scheme; to infill them as previously consented would not be acceptable.

6.5 The restoration scheme now proposed would create over three times as much UK Biodiversity Habitat compared to the permitted scheme. 73 hectares is proposed against 20 hectares under the existing permission. It will also contribute to and enhance the existing Colne Walley Regional Park. In this respect the revised restoration scheme is in compliance with the NPPF.

Birdstrike

- 6.6 The Quarry complex lies within 3km of London Heathrow Airport, situated to the east. The quarry is located beneath the prevailing flightpaths into the airport. Bird strikes are viewed by the aviation industry as a significant risk to air safety; this is a material planning consideration.
- 6.7 It is considered that the restoration scheme has been planned cognisant of the fact that large expanses of water can potentially attract large numbers of flocking and nesting birds if unmanaged. Agricultural uses need to be managed also for the same reason. A Bird Management Plan has been prepared and submitted as part of the application. Bird management is one of the reasons that recent extraction areas still need to be filled in. The Plan contains sufficient information to satisfy the Local Planning Authority that bird strike hazard has been mitigated such that it is unlikely to be a hazard. The Bird Management Plan should be complied with throughout the life of the development.

Recreation

- 6.8 The revised restoration scheme seeks to widen and increase the range of recreational benefits that restoration of the quarry would deliver. A Community Benefits and Recreation Plan has been submitted and will be secured by condition. It sets out the difference between the nature conservation and recreational benefits of the approved scheme and the proposed restoration plan. The existing approved scheme provides a small fishing lake in the north east of the site, with an access path leading to it and a smaller fishing lake in the south west corner of the site. The revised scheme seeks to widen and increase the range of recreational benefits. In particular 4km of footpath will be created in the east of the site. This will create a series of circular routes for walkers accessible from Stanwell Road and will enable access to a 1.5km length of the River Colne. It will link to the existing public right of way through the centre of the site. The retention of the mature lake complex at the centre of the site will provide permanent recreational use for the site for sailing and angling. The recreational benefits are significantly increased and would be in compliance with the NPPF.

Flooding

- 6.9 The NPPF requires a full flood risk assessment as part of the application process. The NPPF states that in determining planning application planning authorities should ensure flood risk is not increased elsewhere. A Flood Risk Assessment (FRA) and Surface Water Management Plan was submitted as part of the application. The FRA is comprehensive and there will be no adverse impact on flooding or on surface water drainage. Conditions will be imposed to secure compliance with the Surface Water Management Plan.

Restoration Design

- 6.10 The restoration landform for the remaining operational areas has been designed to balance the need to provide adequate drainage for successful agricultural after use with the importation of the minimum amount of suitable fill material. The soil resource on site will be conserved and supplemented with imported soil forming material to create a 1m deep soil profile across the restored landform. This will require 3.142M cubic metres of inert fill and 0.293M cubic metres of soils.

Traffic

- 6.11 Currently the sand and gravel at the quarry is being worked at a rate of around 350,000 tonnes per year which results in approximately 128 vehicle movements per day. It is proposed that whilst this extraction takes place the void is filled at a rate of 200,000 tonnes per year resulting in approximately 72 traffic movements per day. Once extraction is complete (late 2016) then the rate of fill will be increased to hasten restoration but to stay within similar overall traffic

movements; the proposal will therefore not have a greater traffic impact and is considered to be acceptable. The vehicles will use the existing access off Stanwell Road. On this basis it is expected that the restoration of the quarry to final levels will take some 10 years. Following this the site will be placed in 5 year aftercare, details of this are set out in the separate applications to discharge condition 28 of 471894 (west) and condition 49 of 471893 (east).

Conclusion

- 6.12 In the NPPF the Government requires Planning Authorities to ensure that mineral land is reclaimed at the earliest opportunity, taking into account aviation safety and that high quality restoration and aftercare of mineral sites takes place, including for agriculture (safeguarding the long term potential of the best and most versatile agricultural land and conserving soil resources, geodiversity, biodiversity, native woodland, the historic environment and recreation). The proposed restoration of Kingsmead enables an improved scheme to be put forward which delivers a high quality sustainable scheme which makes provision for greater nature conservation and biodiversity benefits and increased recreation facilities.
- 6.13 The NPPF contains Technical Guidance on Mineral Working. In relation to reclamation conditions and schemes it states “Reclamation schemes should indicate how the restoration and aftercare of the site is to be integrated with the working scheme and should demonstrate the suitability of the proposals of the proposed after-use.” It goes on to say that consideration should also be given to the potential impacts of the reclamation proposals on adjacent land.
- 6.14 It is considered that this revised restoration scheme together with the details of how the site is to be restored demonstrate that the final end uses are appropriate to this specific location. The revised restoration scheme will compliment the surrounding SPA/RAMSAR water bodies, by providing important habitat for wintering waterfowl through retention of the existing lakes rather than filling them. A refuge for waterfowl will also be provided in the former silt lagoons at the western end of the former quarry site. The scheme is consistent with planning and environmental designations of the area. The final scheme maintains openness of the Green Belt and is in line with government advice within the NPPF. The end uses of agriculture, nature conservation and outdoor recreation are considered to be acceptable.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

174 occupiers were notified directly of the application.

The planning officer posted a statutory notice advertising the application at the site on 7th March 2013.

One letter on behalf of Residents of Coppermill Road, Stanwell Road and Village Green was received welcoming the scheme and do not endorse objections made by others.

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

Comment		Where in the report this is considered
1.	Do we not already have enough large water bodies to sustain the wildlife?	6.4 & 6.5
2.	Lakes will attract wildfowl which will lead to concerns over aircraft safety.	6.6 & 6.7

3.	Will it lead to subsidence due to fluid nature of mineral upon which properties in area are built on?	This was considered with the original application; it was demonstrated not to be an issue.
4.	Would it be possible to part backfill to minimise water depth?	EA happy with proposed depth.
5.	Insufficient information available on flooding to allow an understanding.	6.9. Flood Risk Assessment
6.	Will adversely impact on flooding in the area.	6.9

Statutory consultees

Consultee	Comment	Where in the report this is considered
Horton Parish Council	No objection on flooding grounds. One issue on surface water drainage still under discussion.	Noted.
Wraysbury Parish Council	We strongly support the retention of the mature lakes as open water, and would strongly oppose any changes in the plan which would lead to the infilling of more lakes than is currently proposed	Noted
Natural England	Consider that the final details provided by Cemex are the most optimum way forward for the site and should be secured by the LPA. Welcome that it is proposed 4 silt lagoons are to be left as open water.	Noted.
Environment Agency	No objections.	Noted.
Heathrow Airport Ltd	No safeguarding issues from this site.	Noted.
Environment Agency	No objection subject to clarification on one issue.	Noted.

Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Jacobs Babbie	No objection.	Noted.
Environmental Protection Officer	No objection.	Noted.

Thames Water	No objection.	Noted.
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8. APPENDICES TO THIS REPORT

•	Appendix A - Site location plan
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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.

Conditions

The conditions to be varied and removed will follow and will be included in the Update.



KEY

-  Application Boundary
-  Other Company's Controlled Land

Revisions

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Drawn By: T Palmer	Company: CEMEX UK Operations Limited
Date: Feb 2013	Site: Kingmead Quarry - East
Scale: 1:5000 @ A2	Project: -
Client: -	Title: Site Plan
OS Ref: -	Draw No: P3 /208/ 2

WINDSOR RURAL DEVELOPMENT CONTROL PANEL

6 April 2016

Item: 2

Application No.:	15/03186/FULL
Location:	The Marist Senior School Kings Road Sunninghill Ascot SL5 7PS
Proposal:	Erection of sports hall, accommodating four badminton courts, dance studio, fitness suite, changing facilities and associated classrooms.
Applicant:	Mr McCloskey
Agent:	Mr Richard Baron - CLAGUE LLP
Parish/Ward:	Sunninghill And Ascot Parish
If you have a question about this report, please contact: Alistair De Joux on 01628 685729 or at alistair.dejoux@rbwm.gov.uk	

1. SUMMARY

- 1.1 The application seeks a minor change in the roof form of a sports hall. The sports hall was previously approved by Panel under 14/03724 and varied under 15/02164. It is considered that the change would erode the design quality of the building, making the main sports hall element of the proposal a more shed-like or warehouse-like structure than in the approved design. However, due to the proximity of surrounding buildings and trees the change would only be visible from a very limited number of angles, and for that reason, it is not considered that the impacts would be so detrimental that the application should be refused planning permission.
- 1.2 Some issues provided for by conditions in the original permission remain to be resolved. The substantive issue relates to sustainable drainage of the site, in line with recent legislation administered by the Council as Lead Local Flood Authority. The sustainable drainage provisions are also intended to provide for rainwater harvesting / disposal in a manner that ensures that the viability of the adjacent woodland is not adversely impacted on. Details of landscaping, which include a requirement to demonstrate avoidance of impacts on the adjacent woodland at the site by appropriate routing services and replacement tree planting and details of other sustainability matters including provision of on-site renewable energy generation also remain to be submitted and approved.

It is recommended the Panel authorises the Borough Planning Manager:	
1.	Subject to the Secretary of State not calling the application in for determination to grant planning permission on the satisfactory submission of sustainable drainage details and with the conditions listed in Section 10 of this report.
2	To refuse planning permission if satisfactory submission of sustainable drainage details have not been satisfactorily agreed by 30th April 2016 for the reason that the proposed development would not comply with the current Lead Local Flood Authority requirements in respect to sustainable drainage.

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 Marist Schools are located just outside the edge of the settlement of Sunninghill, within the Green Belt. London Road forms the northern boundary to the site and the Kings Road the southern boundary, and there are residential areas within the Excluded Settlement area to the south and west of the site. An area of woodland is located along the eastern side of the school, extending into the land beyond the eastern boundary.
- 3.2 The school facilities includes ex-Convent buildings dating from the late Victorian period along with a range of more recent buildings, most which of include are located in complex towards the centre of the school site. These include, in addition to the older convent buildings, a three-storey main school block and an indoor swimming pool on the south-eastern side of the complex.
- 3.3 The site provides views filtered views from the settlement area of Sunninghill, through trees within the school grounds and across playing fields towards the site of the proposed building, which would bel located adjacent to the indoor swimming pool building.
- 3.4 The site of the building itself consists mainly of an area of lawn, although there are a number of large and attractive trees along the edge of the woodland that are close to the site of the building, along with some trees that would need to be removed in order to allow the building to be located within the position proposed.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The Marist Schools have a long planning history. The following applications and submissions are relevant to this sports hall proposal.

Ref.	Description	Decision and Date
14/03724/FULL	Erection of sports hall, accommodating four badminton courts, dance studio, fitness suite, changing facilities and associated classrooms.	Permitted, 05.03.2015
15/02164/VAR	Erection of sports hall, accommodating four badminton courts, dance studio, fitness suite, changing facilities and associated classrooms as approved under planning permission 14/03724 without complying with conditions 8 and 9 (so that the details are not approved prior to commencement of the development but are at a later stage).	Permitted, 25.01.2016
15/02188/CONDIT	Details required by condition 2 (tree protection), condition 3 (biodiversity), condition 4 (construction management plan), condition 5 (material samples), condition 6 (landscaping), condition 7 (landscape management plan) and condition 11 (times of non-school use) of planning permission 14/03724/FULL Erection of sports hall, accommodating four badminton courts, dance studio, fitness suite, changing facilities and associated classrooms.	Part refusal, part approval 24.12.2015. Details for conditions 5 and 6 were not acceptable.
15/02623/NMA	Non material amendment to planning permission 14/03724 for alterations to roof design and relocation of a window and door.	Refused 10.09.2015
15/03293/NMA	Non material amendment to planning permission 14/03724 to the relocation of doors and windows on the south east and south west elevations	Permitted, 16.11.2015

- 4.2 The original proposal was considered by Panel and approved subject to conditions. The 2015 Section 73 application to carry out the development without complying with conditions 8 and 9 was approved under delegated powers (RBWM ref. 15/02164/VAR). These conditions provided for building sustainability details and sustainable drainage / rainwater harvesting, and while the application contained no reasoned justification for the changes sought and no stated strategy for providing the building sustainability measures required by the conditions, it was considered expedient to grant permission as construction had been commenced and the conditions could not be completed with in respect to their pre-commencement requirement. These are dealt with further in the report below.
- 4.3 The non-material planning applications include one that sought the same change in roof form as that being considered here. While changes to the positions of doors and windows were acceptable as non-material amendments, the roof form was not, leading to the submission of this application.
- 4.4 Other conditions details have been considered under reference 15/02188/CONDIT, when most of the details submitted were acceptable but materials and landscaping was not. While a fully acceptable landscaping scheme remains to be approved, materials were subsequently approved under the Section 73 application ref. 15/02164/VAR.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

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

The Development Plan

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

	Design and layout	Green Belt	Protected Trees	Highways and Parking issues
RBWM Local Plan	DG1	GB1, GB2,	N6	T5, P4
Ascot, Sunninghill and Sunningdale Neighbourhood Plan	NP/EN4, NP/DG2, NP/DG3	NP/EN1, NP/EN2	NP/EN2, NP/EN3	NP/T1, NP/T2

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

- Sustainable Design and Construction

More information on these documents can be found at:

http://www.rbwm.gov.uk/web/pp_supplementary_planning.htm

Other Local Strategies or Publications

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

- RBWM Landscape Character Assessment - view at: http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm
- RBWM Parking Strategy - view at: http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm
- RBWM Strategic Flood Risk Assessment - view at: http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i whether the changes proposed in the roof form as approved by the extant permissions would be acceptable in terms of design quality; and
- ii whether there has been any material change since the extant permission was granted.

Whether the changes proposed in the roof form as approved by the extant permissions would be acceptable in terms of design quality.

6.2 The application is for a minor change in the roof form of the development. This change is to the roof section that would connect a projecting gable over the main entrance to the building into the roof of the main element. The intended change would eliminate the usual means of providing this change which in the existing roof form would result in a generally 'L' shape to the roof ridgeline. The proposed change is to separate the two roof elements, so that from some very limited vantage points the main sports hall building and the entrance will appear as somewhat visually separated elements, each with its separate roof. The eaves line of the main sports hall would effectively carry on behind the entrance hall element. It appears that this change will result in a cheaper build cost, although the application also cites less likelihood of future structural failure as a reason for the change.

6.3 In most situations where the roofline is readily visible, either from public or private viewpoints, this change would be unlikely to be acceptable in design terms. However, in this case, the proximity of surrounding buildings and trees is such that, it will only be visible from a very limited number of angles within the site. For that reason, it is not considered that the impacts would be so detrimental that the application should be refused planning permission.

Whether there has been any material change since the extant permission was granted

6.4 In addition to building design issues, the report for the extant permission also considered the proposal's acceptability in respect to the following key issues:

- Whether the proposal would constitute appropriate Green Belt development, and if not whether there are any very special circumstances that would clearly outweigh the harm caused to the Green Belt by reason of its inappropriateness and any other harm caused by the proposed development,
- impacts on trees and the adjacent woodland
- car parking and highway safety.
- Other ecological issues, and
- Building sustainability.

6.5 In regard to the sites location in the Green Belt, the building is an inappropriate development in Green Belt terms; however, the application successfully demonstrated that very special circumstances exist that justify the proposal, in that the Marist Schools are required to deliver a curriculum which meets national standards in education and the facilities are needed to enable the schools to achieve this.

6.6 Impacts on trees and woodland were a particular consideration. A number of non-native ornamental trees were identified for removal, as were two trees at the edge of the adjacent woodland with potential impacts on the long term viability of at least two other high quality and significant trees due to potential encroachments into the root protection areas and canopies. The issues were largely resolved, although the pre-commencement landscaping condition which required replacement planting and information on the routes of underground services in the

vicinity of the retained woodland trees were not properly addressed by the applicant. Condition 6 as recommended below would ensure that the aims of the equivalent condition on the original permission are achieved.

- 6.7 Car parking and highways issues, including the potential for any conflict in car parking demand between school and non-school users, and other ecological issues were resolved in the original application and in the subsequent submissions of details required by the relevant conditions.
- 6.8 Building sustainability issues remain to be fully addressed, following the grant of planning permission to delay the consideration of the relevant details as required by conditions in the original planning permission. The report for the 2014 application noted that Neighbourhood Plan policy NP/DG5 requires that development proposals assist in improving the sustainability of the built environment within the Plan area, and that the Council's 'Sustainable Design and Construction' SPD also sets out a requirement that major developments should meet a minimum BREEAM standard of 'very good' and that they should provide at least 10% of their energy requirements from on-site renewable sources. As noted above, construction commenced without these matters having been addressed, and while permission has been granted to allow the details to be resolved prior to the occupation of the building (RBWM ref. 15/02164/VAR), it would be necessary to include the same conditions included in that permission to ensure that these matters are provided for in the completed development. As discussed in the report for that application, no reasoned justification was presented for the changes sought for conditions 8 and 9. However as construction had commenced it was considered expedient to alter the timing for the submission and approval of the relevant details. This does pose some risk that the sustainability features chosen may not be as optimal as may have been the case if they had been agreed prior to the commencement of the development. As in the original permission, condition 8 required provision of on-site renewable energy equivalent to at least 10% of the building's consumption. Condition 9 includes a requirement for rainwater harvesting and / or SUDS, and specifically seeks to ensure that excess rainwater and / or surface water is not directed into the adjacent woodland and that the woodland is not inadvertently deprived of ground water during dry periods.
- 6.10 The Lead Local Flood Authority (LLFA) has objected to the application. This differs from the position in the previous application, ref. 15/02164/VAR, when the LLFA position differed in that it was recommended that no development shall take place until appropriate details have been submitted to and approved in writing by the Local Planning Authority. (As noted above, development had in fact commenced before a decision was issued on that application.) Condition 9 in the previous permission took a pragmatic approach by providing for submission, approval and installation of sustainable drainage information prior to the occupation of the building. The building is somewhat away from being ready to occupy. In order to comply with current legislation on sustainable drainage, it is considered that the application can only be approved if a satisfactory Drainage Strategy has been received as noted in the recommendation above.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

Twelve occupiers were notified directly of the application.

The planning officer posted a statutory notice advertising the application at the site on 18 November and the application was advertised in the Maidenhead and Windsor Advertiser on 26 November 2015.

No neighbour or interested party letters were received either supporting or opposing the application.

Statutory consultees

Consultee	Comment	Where in the report this is considered
Parish Council:	No objections.	Noted.
Lead Local Flood Authority:	<p>The applicant intends to drain the development via SuDS, soakaway and also the sewerage network, however the plans submitted only show a discharge into the sewerage network. The automatic right to discharge into a surface water sewer has been removed and therefore this method of surface water management is not deemed acceptable.</p> <p>No drainage strategy has been submitted, the drainage strategy should be a report that explains the design process for managing the risk from the variety of sources. It should also show the priority of the different sustainable drainage (SUDS) techniques and where they could be applied into the site.</p> <p>The Non-statutory Technical Standards for Sustainable Drainage, published in March 2015, require for greenfield developments, the peak runoff rate from the development to any highway drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event should never exceed the peak greenfield runoff rate for the same event. I would therefore expect to see the proposals apply SuDS techniques to manage surface water runoff from the proposed impermeable area to the Greenfield runoff rate. This limiting of surface water discharge will mean that storage provisions will need to be created on site.</p> <p>Until further information is received, I recommend that the application is not approved on surface water drainage grounds.</p>	1.2, 6.10

Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Tree Officer:	I have no objections to the proposal. However, information relating to tree retention/protection and diversion of the sewer will need to be submitted as per the previous application 14/03724. The same conditions can then be applied.	1.2, 6.7, 6.9
Highway Officer:	No objections.	6.8

8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan

- Appendix B - layout, plan and elevation drawings
- Appendix C - elevation drawings from the extant permissions, annotated to show the roof form as approved which would be deleted in this proposal
- Appendix D - Report for application ref. 14/03724/FULL (Panel decision)
- Appendix E - Report for application ref. 15/02164/VAR (delegated decision)

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 are capable of being successfully resolved, subject the submission of satisfactory information on the sustainable drainage proposed.

9. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 Other than use by the Marist Schools, the approved building and facilities shall only be used for wider community use outside of school hours in accordance with details approved under planning reference 15/02188/CONDIT in respect of condition 11 of planning permission 14/03724/FULL.
Reason: To protect the amenities of local residents and ensure that the facilities create no demand for on-street car parking in the vicinity. Relevant Policies - Local Plan T5 and Neighbourhood Plan NP/T1.
- 2 Tree Protection at the site shall be maintained in accordance with the details approved under planning reference 15/02188/CONDIT in respect of condition 2 of planning permission 14/03724/FULL. The approved measures shall be implemented in full and 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 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, and Neighbourhood Plan Policy NP/EN2.
- 3 The biodiversity strategy approved under planning reference 15/02188/CONDIT in respect of condition 3 of planning permission 14/03724/FULL shall be implemented in accordance with the details approved under that planning reference.
Reason: In order to comply with advice in the National Planning Policy Framework 2012 and Neighbourhood Plan Policy NP/EN4.
- 4 The Construction Management Plan approved under planning reference 15/02188/CONDIT in respect of condition 4 of planning permission 14/03724/FULL shall continue to be implemented in accordance with the details approved under that planning reference and shall be 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 The development shall only be carried out in accordance with the submitted Material Schedule D and other information (brochure extracts) showing details of the selected materials, unless other acceptable materials have first 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 Policies - Local Plan DG1 and Neighbourhood Plan NP/DG3.

- 6 Prior to the first occupation of the building, full details of both hard and soft landscape works including heavy grade replacement tree planting, hard surfaces and routes of all underground services shall have been submitted to and approved in writing by the Local Planning Authority. The approved works shall then be carried out as approved within the first planting season following the substantial completion of the development and retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its prior written consent to any variation.

Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1 and Neighbourhood Plan NP/DG1 and NP/EN2.
- 7 Long-term landscape management of the site and its surroundings shall be undertaken in accordance with the landscape management plan approved under planning reference 15/02188/CONDIT in respect of condition 7 of planning permission 14/03724/FULL.

Reason: To ensure the long term management of the landscaped setting of the development and to ensure it contributes positively to the visual amenities of the area. Relevant Policies - Local Plan DG1 and Neighbourhood Plan NP/DG1 and NP/EN2.
- 8 Prior to the first occupation of the building, renewable on-site energy generation sources which are able to provide the facilities with a minimum of 10% of their on-site energy demand shall have been installed at the site, in accordance with details that shall have first been submitted to and agreed in writing by the Local Planning Authority. The approved renewable energy generation installed shall then be operated, retained and maintained in accordance with the approved details.

Reason: To ensure that the development is sustainable and in compliance with the requirements of the Royal Borough of Windsor and Maidenhead Sustainable Design and Construction SPD and to assist in the transition to a low-carbon economy, as advised in the NPPF.
- 9 Prior to the first occupation of the building, sustainability measures shall be provided that ensure that the development is efficient in the use of energy, water and materials, in accordance with details that shall have first been submitted to and agreed in writing by the Local Planning Authority. These details shall also include provision for rainwater harvesting and / or SUDS, and shall specifically include provision to ensure that excess rainwater and / or surface water is not directed into the adjacent woodland, and conversely that it ensures that adjacent woodland trees are not inadvertently deprived of ground water during dry periods. The development shall then be retained and maintained in accordance with the approved details.

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

DEVELOPMENT CONTROL PANEL

4 March 2015

Item: 2

Application No:	14/03724/FULL
Location:	The Marist Senior School Kings Road Sunninghill Ascot SL5 7PS
Proposal:	Erection of sports hall, accommodating four badminton courts, dance studio, fitness suite, changing facilities and associated classrooms.
Applicant:	Ms Frier- The Marist Schools
Agent:	Ms Louise Morton- Quadrant Town Planning Ltd
Parish/Ward:	Sunninghill And Ascot Parish

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

1. SUMMARY

- 1.1 This application was considered by the panel meeting of 4th February 2015, when it was deferred for one cycle to provide for consultation responses to be received and for officer's to negotiate acceptable amendments to the proposals.
- 1.2 The proposal is for a sports hall and ancillary facilities, which constitutes inappropriate development in the Green Belt. A robust Very Special Circumstances argument is made in the application that allows the principle of the development to be supported. However, there are unresolved issues in regard to impact on trees and the woodland adjacent to the site, and the recommendation below is subject to these being adequately resolved through the submission of amended plans and additional information. The recommendation is also subject to no substantive issues being raised by the highways officer (although none are anticipated), or by members of the public due to an extended consultation period.

It is recommended the Panel authorises the Director of Regeneration and Development:	
1.	To grant planning permission with the conditions listed in Section 9 of this report, subject to (i) satisfactory amendments to the design of the proposal being received that take into account impacts on trees, (ii) other issues with regard to the status of the adjacent woodland being resolved and (iii) no other substantive issues being raised by members of the public.
2	To refuse planning permission if the design of the proposal is not satisfactorily amended to take into account impacts on trees, the status of the adjacent woodland have not been resolved and / or any substantive issues raised by a member of the public or other interested party have not been satisfactorily resolved by 4th March 2015, for the reason that the proposed development would result in any of these impacts making the proposals unacceptable.

2. REASON FOR PANEL DETERMINATION

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

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The Marist Schools are located just outside the edge of the settlement of Sunninghill, within the Green Belt. London Road forms the northern boundary to the site and the Kings Road the southern boundary, and there are residential areas within the Excluded Settlement area to the south and west of the site. An area of woodland is located along the eastern side of the school, extending into the land beyond the eastern boundary.
- 3.2 The school facilities includes ex-Convent buildings dating from the late Victorian period along with a range of more recent buildings, most of which are located in a complex towards the centre

of the school site. These include, in addition to the older convent buildings, a three-storey main school block and an indoor swimming pool on the south-eastern side of the complex.

- 3.3 The site provides filtered views from the settlement area of Sunninghill, through trees within the school grounds and across playing fields towards the site of the proposed building, which would be located adjacent to the indoor swimming pool building.
- 3.4 The site of the building itself consists mainly of an area of lawn, although there are a number of large and attractive trees along the edge of the woodland that are close to the site of the building, along with some trees that would need to be removed in order to allow the building to be located within the position proposed.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The proposal is for the construction of a new school sports hall, to include shower and changing rooms on the ground floor and a kitchen and fitness suite at first floor level. The proposal is sited adjacent to an existing single storey classroom block and to the schools indoor swimming pool building, and to the woodland on the eastern side of the site. Removal of a number of trees is envisaged, most of which are amenity trees but also including an oak, together with impacts on some other significant woodland trees.
- 4.2 The school has a long planning history, with the most recent application, for a sports hall, shown in the table below. This would however have been located partially within the area of woodland to the east of the existing swimming pool building, and its unacceptability largely resulted from this conflict. The current application has been made to try and resolve the unacceptable impacts of that application.

Ref.	Description	Decision and Date
97/76065/FULL	Erection of building over existing swimming pool following demolition of existing enclosure	Permitted, 29.10.1997
02/82631/FULL	Formation of car park adjacent to London Road access	Withdrawn, 16.12.2003
02/82869/FULL	Two storey extension to Chanel House to provide replacement teaching rooms	Permitted, 06.02.2003
03/83439/FULL	Erection of first floor extension to existing junior school classroom block	Permitted, 24.10.2003
09/01807/FULL	Formation of new footpaths, parking bay and road crossing plus extension of existing parking area and alterations to setting down area	Permitted, 12.10.2009
09/02413/FULL	Formation of new car parking area with footpath and associated landscaping	Permitted, 29.12.2009
11/00196/FULL	Improvements to the setting down and picking up area, including footpaths and new crossing point	Permitted, 23.03.2011
11/02589/FULL	Improvements to the setting down and picking up area, including footpaths and new crossing point	Permitted, 29.11.2011
12/03534/FULL	Construction of a sports hall with ancillary accommodation	Refused, 25.03.2013

- 4.3 The 2012 application was refused for the following reasons:
 - 1 The proposal represents inappropriate development in the Green Belt, and while a strong needs case was advanced that demonstrated that Very Special Circumstances exist for the principle of the development, the loss of woodland and of significant trees within it, together with the bulk of the building and its external appearance would have resulted in an unacceptable detrimental impact on Green Belt openness and harm to the character of the countryside.

- 2 The loss of trees and woodland would be detrimental to the appearance of the area, and in the absence of a robust assessment as to whether the site comprises ancient woodland the proposal is also likely to result in significant ecological harm.
- 3 It was not satisfactory established that the proposal provides sufficient car parking for all users and that it would not result in traffic conflicts within the highways network adjacent to the site.

5 MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

The Development Plans

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

	Design	Green Belt	Trees and biodiversity	Highways and parking issues
Local Plan	DG1	GB1, GB2,	N6	T5, P4
Ascot, Sunninghill and Sunningdale Neighbourhood Plan	NP/DG2, NP/DG3, NP/DG5		NP/EN2, NP/EN4	NP/T1

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

- Sustainable Design and Construction

More information on these documents can be found at:

http://www.rbwm.gov.uk/web/pp_supplementary_planning.htm

Other Local Strategies or Publications

5.3 Other Strategies or publications relevant to the proposal are:

- RBWM Landscape Character Assessment - view at: http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm
- RBWM Woodland Strategy - view at: http://www.rbwm.gov.uk/web/trees_woodland_strategy.htm
- RBWM Parking Strategy - view at: http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm
- National Planning Policy Framework

Core Planning Principles

Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision taking. These twelve principles are that planning should:

•	be genuinely plan-led, empowering local people to shape their surroundings with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;
•	not simply be about scrutiny but instead be a creative exercise in finding ways to

	enhance and improve the places in which people live their lives;
•	proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;
•	always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
•	take account of the different roles and character of different areas promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
•	support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change and encourage the reuse of existing resources including conversion of existing buildings and encourage the use of renewable resources (for example, by the development of renewable energy);
•	contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land or development should prefer land of lesser environmental value, where consistent with other policies in this Framework;
•	encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
•	promote mixed use developments and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage or food production);
•	conserve heritage assets in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of this and future generations;
•	actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable; and
•	take account of and support local strategies to improve health, social and cultural wellbeing for all and deliver sufficient community and cultural facilities and services to meet local needs.

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i whether the proposal would be appropriate development in the Green Belt, and if not whether there are any very special circumstances that would clearly outweigh the harm caused to the Green Belt by reason of its inappropriateness and any other harm caused by the proposed development (forming part of the first reason for refusal of the previous application);
- ii building design (also forming part of the first reason for refusal);
- iii impact on trees and woodland (the second reason for refusal);
- iv car parking and the impact on highway safety in the area (the third reason for refusal);
- v other ecological considerations; and

Green Belt

- 6.2 Local Plan Policy GB1 sets out the types of development that are appropriate in the Green Belt, and requires that inappropriate development proposals will only be permitted if “very special circumstances” can be demonstrated. Policy GB2 requires that Green Belt development proposals must not have a greater impact on the openness of the Green Belt than the existing development or harm the character of the countryside. This stance is reinforced by the National Planning Policy Framework, where paragraphs 89-90 identify appropriate forms of development that are largely the same as in Local Plan policy GB1. These criteria include appropriate facilities for outdoor sport and recreation, but not indoor sports facilities. Inappropriate development can only be permitted if a robust a “very special circumstances” (VSC) case can be demonstrated.
- 6.3 The refused 2013 proposal was not considered to constitute appropriate development as defined by the NPPF and by Policy GB1, due to the unacceptable size and location of the building, which would have resulted in the loss of a significant area of woodland.
- 6.4 The application advances a VSC case on the basis that there is an overriding need for a new sports hall that makes the level of provisions that is proposed. The key points are highlighted below:
- Both the Preparatory School and Senior School are required to deliver a curriculum which meets national standards in education. Physical education is a key part of the curriculum and to deliver it properly across all year groups the school needs a dedicated indoor sports facility. The school does not have this and cannot therefore currently meet government guidelines for sport and physical activity.
 - Existing indoor sports provision at the school is extremely limited, as referred to above in Section 2, with both the Preparatory School and Senior School having to rely on their halls for indoor sport. In both cases the main hall is required to meet a host of requirements, not least for school dinners, assembly, choir and drama practice and any events that the school is running. The halls have inadequate headroom, no storage provision and no changing or shower facilities.
 - The school’s existing multi-purpose halls are wholly inadequate in terms of availability and functional suitability for indoor sport. Due to these limitations, not only can the school meet its curriculum requirements, but it cannot host tournaments with other schools, nor is it able to meaningfully engage with the local community. As a consequence, attainment levels in physical education at the school are not as high as expected. Specifically, the number of pupils achieving a Level 5 or above in National Curriculum Teacher Assessments has plateaued since 2008; and the number achieving Level 6 or above is smaller than for other non-core subjects.
 - The number of students taking PE and sports related courses has increased and in order to fulfil the requirements of the course, not only are appropriate indoor sports facilities required, but also additional classrooms in order to deliver the academic element of these courses. The Marist is at the stage of being beyond reasonable capacity to deliver the courses expected as a school.
 - The Senior School needs to accommodate 81 PE lessons every week, and the Preparatory School 36 lessons per week. This simply cannot be catered for from the existing limited facilities. As many PE lessons as possible take place outside, but this is often severely hampered by the weather, resulting in lessons taking place in inadequate spaces inside the school buildings, or lunchtime and after school clubs being cancelled.
 - The indoor sports limitations mean the school cannot progress to achieve Artsmark Gold status.
 - The Marist has secured the Healthy Schools Award Status. Provision of a sports hall would endorse the school’s commitment to promoting active, healthy and more fulfilling lives for its pupils.

- Engaging girls in sport is particularly important. Evidence from Ofsted (Girls Participation in Physical Activity in Schools, 2007) indicates that girls prefer a greater variety of sports, including more creative and fitness activities, than traditional team sports. At The Marist team sports are restricted to those which can be undertaken outside which further deters participation, particularly of extra curricular sports activities.
- In particular, there is a need to challenge girls in Key Stages 3 – 5 (ages 11 – 18 years), where traditionally participation rates for females drop off. Evidence from the Women's Sport & Fitness Foundation ('It's Time', 2007) led to the launching of the first national strategy to 'Create a Nation of Active Women' with the Secretary of State in 2008, in order to significantly increase active participation in sport for girls and women. The Marist fully endorses this aim and a new sports hall is key to achieving this.

6.5 It is considered that this offers a generally robust VSC case that would allow a facility of the size and design proposed to be located in this Green Belt location, and that provided that other potential adverse effects are fully overcome, that the case made would successfully address this issue as highlighted in first reason for refusal in the 2012 planning decision.

Building design

6.6 Local Plan policy DG1 and Neighbourhood Plan policy NP/DG3 requires that applications provide buildings and settings that are of good design quality. While sports halls are necessarily bulky buildings, as proposed, it would use a variety of exterior materials to break up its form with the result that it would be of considerable design interest. Provided that the materials selected are of high quality and that any exterior lighting provided is subdued, it is considered that the design would be acceptable. It is further noted that this is a relatively well screened location as compared to other possible sites within the school grounds, and that provided the issues in relation to trees and woodland are satisfactorily addressed, and this would also assist in the building being well integrated into its surroundings.

6.7 There are however some remaining issues to be addressed in regard to woodland and tree impacts, and this is likely to result in some changes to the design. Following the Panel meeting on 4th February, the agent has met with officers and it is anticipated that amended drawings will be submitted prior to the next meeting. Any amendments submitted will be reported in an update.

Trees and woodland

6.8 Neighbourhood Plan policy NP/EN2 requires that applications protect the area's existing tree cover and ancient woodlands. The refused 2012 application would have resulted in the building encroaching into the adjacent woodland, which the Council's Arboricultural Officer described as "possibly ancient", and the direct loss of 31 significant trees including good quality oaks, Scots pines and birches and including some that could be categorised as veterans. While this application would result in fewer tree impacts and a tree survey has been submitted, the current tree survey does not include all trees of the trees that would be affected by the proposals, and additional survey information has therefore been requested.

6.9 The proposal would result in the loss of several trees. These include some non-native trees for which the loss can be justified, but also include the loss of two woodland trees and further harm to the long term viability of at least two other high quality and significant trees due to encroachments into the root protection areas and canopies. The trees that would be lost include a Japanese maple and a group of Lawson cypress, all of which is acceptable, but also of woodland trees that should be retained. These are, at the edge of the adjacent woodland, an oak that has been surveyed at 12m high and an 11m high birch. Encroachments into the root protection areas and canopies of at least two other trees would also be significant. These include an 18m A-graded oak tree and a 22m Scots pine.

6.10 There appears to be scope for modifying the proposals to avoid most or all of these impacts. However, the wildlife survey submitted did not assess whether the woodland should be classified as ancient or not, and this would need to be established to overcome the second reason for refusal in the previous application. If this is successfully done, then relocating the

classroom block and entrance area further from the trees by offsetting this part of the building from the main sports hall would overcome some of the above concerns, although it appears that to fully overcome them it would also be necessary to move the main sports hall further away from the woodland as well. It is noted that relocated sewer pipeline would also encroach into the root protection area of the large Scots pine, but this could be avoided by re-routing this pipeline on the other side of the building.

- 6.11 The recommendation for approval is subject to these issues being satisfactorily resolved. The submission of any amended plans, and provision of any further information provided, will be included in an update for the Panel meeting. It would be necessary for these issues to be satisfactorily resolved in order to both the first and second reason for refusal to be fully overcome.

Car parking and highway safety

- 6.12 Local Plan policy T5 requires that planning applications ensure continued highway safety, and Neighbourhood Plan policy NP/T1 requires that development proposals within the Plan area ensure that sufficient car parking is required to cater for the needs of the development. In the refused application, the Highway Authority recommended that details of the traffic that would be generated by the proposal and the existing facilities at the school should be provided. A Transport Statement has been provided with the application that sets out these details, and while the Highway Officers has not yet commented on the acceptability of the information provided, clarification has however been given on one of the key points that were of concerns. The proposal would be available for after-school hours groups and users, and in order to overcome the third reason for refusal, it would be essential to ensure that the hours of use would not result in any traffic and car parking conflict between school and non-school users. The applicant has clarified that there would be a clear time separation between use by the school and by non-school users, and this could be controlled by the condition provided for below.

- 6.13 The Highway Officer's has commented that the previous reason for refusal has been overcome by the additional information provided, and no objection is made on highways grounds.

Ecological considerations

- 6.14 Neighbourhood Plan policy NP/EN4 requires that applications protect the area's biodiversity and make provision for biodiversity improvements. A Phase 1 bat survey was submitted as part of the application, and it appears that the oak tree identified for removal has moderate potential to be providing bat roosts, such that unless it is retained it would be necessary to carry out further survey work before any planning permission could be granted. This could however be avoided, if the scheme is successfully amended to provide for the retention of this tree.

- 6.15 As noted above, the survey did not seek to establish whether the woodland should be classified as ancient. A consultation response from Natural England is awaited on this issue, and will be reported in an update.

- 6.16 The survey report notes that a possible benefit of this scheme could be provision for a woodland management plan to remove invasive rhododendron, which is present as a dense cover along the woodland edge.

Other material considerations

- 6.17 Neighbourhood Plan policy NP/DG5 requires that development proposals assist in improving the sustainability of the built environment within the Plan area. The Council 'Sustainable Design and Construction' Supplementary Planning Document is intended to assist in improving the sustainability performance of buildings and spaces through their construction and subsequent use. It covers a range of areas including energy efficiency, renewable energy, water and waste management, materials, biodiversity and pollution and indicates the requirements expected of development and provides guidance on how this could be achieved. The SPD also sets out a requirement that major developments should meet a minimum BREEAM standard of 'very good' and that they provide at least 10% of their energy requirements from on-site renewable sources.

While information on on-site energy options and in addition Part L Building Regulation (energy performance) assessment have been included, the proposal does not provide for the BREEAM provisions in the SPD. It is recognised that this can require the applicant to go to extra expense, and while the provision of on-site renewable energy is welcomed, further information of alternative building features to BREEAM has also been provided. It is considered that the information submitted is satisfactory, and the sustainability features offered can be secured by the condition recommended below.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

The planning officer posted a statutory notice advertising the application at the site on 22 December 2014, and the application was advertised in the Maidenhead and Windsor Advertiser on 29 January 2015.

Twelve neighbouring occupiers were also consulted, on 4th February and this consultation does not finish until 4th March. Any substantive objections received will need to be taken into account in making a decision on this application, as noted in the recommendation at Section 1 of this report.

One letter was received in support of the application from the Neighbourhood Plan Delivery Group, which raises the following issues:

Comment		Where in the report this is considered
1.	We recognise that the site is in Green Belt and that Very Special Circumstances therefore need to be made for an application to be approved.	6.4 - 6.5
2.	Following the previous refused application, the School has made considerable efforts to evaluate alternative locations for the sports hall and we accept that the proposed location is probably the best choice in terms of causing the least harm to the openness of the Green Belt. It is effectively in the valley bottom of the school's campus and buildings around it would be on higher ground, screening most of it from view.	6.6
3.	We accept the case made for VSC and welcome the fact that the new facility will also be made available to the local community.	6.4 - 6.5
4.	The development will result in the felling of 6 trees. Only one of these however is Grade A – a Maple, which stands where the entrance of the sports hall is proposed. Provided mitigation planting, as required by NP/EN2, is agreed that is satisfactory to the Tree Officer, we accept the necessity for the tree loss.	6.8 - 6.11
5.	We also request that the applicant gives maximum importance to full compliance with NP/EN4 – Biodiversity. A site such as The Marist is sited on has the potential to enhance local biodiversity and this opportunity should be made the most of.	6.14 - 6.16

Statutory consultees

Consultee	Comment	Where in the report this is considered
Parish Council:	No objections; commented on appropriateness of materials.	6.6

Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Tree Officer:	<p>Thames Valley Environmental Records Centre undertook a desk top survey to assess what may be ancient woodland within the Borough. They confirmed the woodland within the site is probably ancient. It should be noted Natural England's inventory on ancient woodland is provisional and does not include all woodland which is ancient. There is a need for a survey to be carried in accordance with Natural England's criteria, to determine whether the woodland is ancient or not. This would then determine whether a minimum exclusion buffer of 15m would need to be applied. Unless it can be proved otherwise, we would have to assume it is ancient woodland. On this basis the proposal would not be acceptable as it falls within the woodland edge and a significant portion of the buffer.</p> <p>The National Planning Policy Framework states: <i>'planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss;'</i></p> <p>If it is found the woodland is not ancient, then a modification would still be required to ensure the proposed building is outside the root protection area (RPA) of important trees such as the Oak, T2. Whilst less critical it would also be helpful if the building were located outside the RPA of the smaller Oak, T3, so this tree can be retained. The southern section of the building, providing ancillary rooms for the sports hall, could be moved to the west so it nestles in between the two existing buildings. This would improve the general relationship to the woodland as well.</p> <p>The tree survey should be extended further to the north and east, as the plan appears to fall short of including trees that may be within 15m of the proposed building. This would ensure all the possible impacts on trees can be evaluated.</p> <p>There may be regulatory restrictions on how close a sewer can be from a building. Provided the sewer can be installed in the position shown without deviating closer to the woodland than the line shown, this would be satisfactory except for the section which passes through the RPA of T2. The sewer should also try to avoid the RPA of the Oak, T3. Installing the sewer via a trenchless technique should be considered to reduce the impact. Clarification is required.</p>	6.8 - 6.11, 6.15
Highway Officer:	Comments awaited.	6.13

8. APPENDICES TO THIS REPORT

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

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 it is considered that the issues can be successfully resolved, in line with the recommendations at Section 1 of this report.

9. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 Prior to any equipment, machinery or materials being brought onto the site, details of the measures to protect, during construction, the trees shown to be retained on the approved plan, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full prior to any equipment, machinery or materials being brought onto the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. These measures shall include fencing in accordance with British Standard 5837. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written approval of the Local Planning Authority.
Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.
- 3 Prior to any equipment, machinery or materials being brought onto the site in association with the development a biodiversity mitigation strategy, including provision for an emergent / re-entry bat survey, retention of T3 as a standing stump, retention of felled trees and branches within the woodland margin as logpiles, rhododendron clearance on the adjacent woodland margin (defined as an area of up to 10m and no less than 5m wide at any one point in that part of the woodland from the line of the northern end of the proposed building to a line corresponding to the southern end of the swimming pool building), and additional planting of wildlife friendly species, shall have 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 advice in the National Planning Policy Framework 2012 and Neighbourhood Plan Policy NP/EN4.
- 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 heavy grade replacement tree planting, hard surfaces and routes of all underground services, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season following the substantial completion of the development and retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its prior written consent to any variation.
Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1.
- 7 Prior to the commencement of development a landscape management plan including long-term objectives to enhance the adjacent woodland, management responsibilities and maintenance schedules for a minimum period of 5 years shall be submitted to and approved in writing by the Local Planning Authority. The plan shall cover any areas of existing landscaping that forms the immediate setting of the building and all areas of proposed landscaping in addition to the adjacent woodland.
Reason: To ensure the long term management of the landscaped setting of the development and to ensure it contributes positively to the visual amenities of the area. Relevant Policies - Local Plan DG1.
- 8 Prior to the commencement of the development, details shall have been submitted to and agreed in writing by the Local Planning Authority to provide the facilities with a minimum of 10% of its on-site energy demand from renewable on-site sources. The development shall then be retained and maintained in accordance with the approved details.
Reason: To ensure that the development is sustainable and in compliance with the requirements of the Royal Borough of Windsor and Maidenhead Sustainable Design and Construction SPD and to assist in the transition to a low-carbon economy, as advised in the NPPF.
- 9 No development shall take place until details of additional sustainability measures have been submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate how the development would be efficient in the use of energy, water and materials in accordance with the Royal Borough of Windsor & Maidenhead Sustainable Design and Construction Supplementary Planning Document. These details to be submitted and approved shall also include provision for rainwater harvesting and / or SUDS, and shall specifically include provision to ensure that excess rainwater and / or surface water is not directed into the adjacent woodland, and conversely that it ensures that adjacent woodland trees are not inadvertently deprived of ground water during dry periods. The development shall then be carried out and subsequently retained and maintained in accordance with the approved details.
Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development and to comply with the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document.
- 10 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 sensitive to the edge of woodland location and to co-ordinate lighting with a biodiversity strategy as required by the above condition 3. Relevant Policies - Local Plan DG1, Neighbourhood Plan Policy NP/EN4 and advice in the NPPF.

- 11 Prior to the approved facilities being brought into use, all times during which the facilities shall be used other than in association with the activities of the Marist Schools shall be submitted to and agreed in writing by the Local Planning Authority. The agreed times for non-school use shall take into account all school needs, including beginning and end of term and other non-routine school activities, in order to ensure that no traffic and vehicle parking conflict occurs between the Marist Schools own use and non-school users.
Reason: To protect the amenities of local residents and ensure that the facilities create no demand for on-street car parking in the vicinity. Relevant Policies - Local Plan T5; Neighbourhood Plan NP/T1.

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

OFFICER DELEGATED REPORT

Reference No.: 15/02164 **Variation Under Reg 73**
Proposal: Erection of sports hall, accommodating four badminton courts, dance studio, fitness suite, changing facilities and associated classrooms as approved under planning permission 14/03724 without complying with conditions 8 and 9 (so that the details are not approved prior to commencement of the development but are at a later stage).
Location: The Marist Senior School Kings Road Sunninghill Ascot SL5 7PS
Applicant: Mrs Frier - The Marist Senior School
Agent: Mr Richard Baron - Clague LLP
Date Received: 16 July 2015
Case Officer: Alistair De Joux
Recommendation: Application Permitted
Parish/Ward: Sunninghill And Ascot Parish

SUMMARY REPORT ON APPLICATION

1 INTRODUCTION

- 1.1 The Council receives around 3000 applications under the Planning Acts each year and it is not therefore practical for all to be determined by Councillors in a public meeting. In addition many applications are fairly straightforward and do not involve complex issues of wider public interest where the time and resources needed to enable a formal public discussion is necessary. The Council's Constitution therefore delegates authority to determine many applications to the Council's Director of Development and Regeneration. This enables Councillors to spend more time considering the cases of wider public importance and helps the Council to maximise the availability of resources for issues of greatest importance to the community.
- 1.2 This application is of a nature where the Council's Constitution delegates the authority to make the decision to the Director of Development and Regeneration rather than it being determined by a Panel of Councillors.
- 1.3 Before preparing this summary report the planning officer has visited the application site, considered any relevant previous planning applications in relation to the development and considered any comments made by those interested in the application such as consultees with specialist knowledge, nearby residents and a Parish or Town Council where there is one. These comments are all available on the application file at:
- The public access module of the Council's website at http://www.rbwm.gov.uk/web/dc_public_apps.htm; and
 - In the Council's Customer Service Centres in the Town Hall, St Ives Road, Maidenhead and York House, Sheet Street, Windsor
- 1.4 By indicating that the development proposal complies with relevant Local Plan Policies, the planning officer is taking into account the information submitted with the application, any previous relevant applications, observations during the site visit, any comments received in connection with the application and any other case specific considerations which are material to the decision.

2 SUMMARY OF MAIN ISSUES

Issue	Local Plan	Ascot,	Compliance
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	Policies	Sunninghill and Sunningdale Neighbourhood Plan Policies	
Building design	DG1	NP/DG2, NP/DG3	Yes
Green Belt	GB1, GB2	-	Yes
Trees and biodiversity	N6	NP/EN2, NP/EN4	Yes
Highways and parking issues	T5, T6,P4	NP/T1	Yes
Energy efficiency and building sustainability	-	NP/DG5	With conditions

The Council's planning policies in the Local Plan can be viewed at:
http://www.rbwm.gov.uk/web/pp_adopted_local_plan.htm.

3 COMMENTS FROM INTERESTED PARTIES

No letters were received from the 12 neighbouring properties directly notified or as a result of a site notice that was posted on 27 July 2015.

Statutory consultees

Comment	Officer response
Parish Council: Objection; no reason was seen for the dispensation on both conditions.	
Lead Local Flood Authority: If this Condition is to be varied the development shall be required to comply with the nonstatutory technical standards for sustainable drainage (dated March 2015). In any case, no development shall take place until appropriate details have been submitted and approved in writing by the Local Planning Authority.	See conditions

Other consultees and organisations

Comment	Officer response
Highways Officer: No objection.	

4 OTHER MATERIAL CONSIDERATIONS

- 4.1 The report for planning application reference 14/03724/FULL set out the building sustainability issues for the development as follows:

Neighbourhood Plan policy NP/DG5 requires that development proposals assist in improving the sustainability of the built environment within the Plan area. The Council 'Sustainable Design and Construction' Supplementary Planning Document is intended to assist in improving the sustainability performance of buildings and spaces through their construction and subsequent use. It covers a range of areas including energy efficiency, renewable energy, water and waste management, materials, biodiversity and pollution and indicates the requirements expected of development and provides guidance on how this could be achieved. The SPD also sets out a requirement that major developments should meet a minimum BREEAM standard of 'very good' and that they provide at least 10% of their energy requirements from on-site renewable sources. While information on on-site energy options and in addition Part L Building Regulation (energy performance) assessment have been included, the proposal does not provide for the BREEAM provisions in the SPD. It is recognised that this can require the applicant to go to extra expense, and while the provision of on-site renewable energy is welcomed, further information of alternative building features to BREEAM has also been provided. It is considered that the information submitted is satisfactory, and the sustainability features offered can be secured by the condition recommended below.

- 4.2 The application contains no reasoned justification for the changes sought for conditions 8 and 9, and in the absence of a stated strategy for providing the building sustainability measures required by the conditions to be varied, a concern was expressed in correspondence with the agent for the application to the effect that leaving the submission of these details until after work has commenced could mean that the measures sought might not be properly integrated into the design of the building.
- 4.3 However, construction has now commenced without conditions 8 and 9 having been submitted and approved.
- 4.4 Turning to the intentions set out in the 2014 application regarding renewable energy options, a report submitted with the application (Johns, Slater and Haward ref. AC/PB/5191/RENEW dated November 2014) made the following recommendations (at Section 8 of the report):
- *The heating of the Sports Halls can remain as gas fired radiant units.*
 - *It is recommended that Air Source Heat Pumps and 40m² of Photovoltaic Panels are incorporated.*
 - *Where appropriate the client should pursue Feed-in Tariff and / or Renewable Heat Incentive registration to optimise the saving achieved from renewable energy technologies.*
- 4.5 The report set out that these measures should provide approximately 12.5% of total on-site energy demand from renewable on-site sources, which is significantly more than the requirement in condition 8 (which is for 10%).
- 4.6 The changes sought to both conditions 8 and 9 do pose some risk that the sustainability features chosen may not be as optimal as may have been the case if they had been agreed prior to the commencement of the development. It is also noted that the recommended approach in the Johns, Slater and Haward report may need to be changed for reasons of building economics, due to the recent change in free-in tariffs offered by the government for small scale renewable electricity generation and it appears highly likely that this in itself could have resulted in changes being sought for the renewable energy options sought by condition 8, even if they had been agreed prior to commencement of the development. It is further noted that the Johns, Slater and Haward report set out a number of other options for the generation of renewable energy for the building, so allowing this condition to be amended does provide an opportunity for the re-evaluation of renewable energy options.
- 4.7 With regard to condition 9, the requirements of the condition include rainwater harvesting and / or SUDS, and specifically seek to ensure that excess rainwater and / or surface water is not directed

into the adjacent woodland and that this also ensures that adjacent woodland trees are not inadvertently deprived of ground water during dry periods. The Council's Lead Local Flood Authority officer has commented on the sustainable drainage requirements for the proposal, and this is incorporated into the amended condition noted below. As with condition 8, the post-commencement nature of the condition is not ideal, but expedient given that construction is well advanced.

- 4.8 For these reasons, it is considered expedient to approve this application and make further provision for submission of details in the amended conditions recommended below.
- 4.9 Ward councillors were consulted as to whether this application should go to Panel in consultation with the vice-chair of the Windsor Development Control Panel, as recorded by e-mail exchanges on the public file. It was agreed that determination of this application could proceed on a delegated basis.

5 RECOMMENDATION

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 are capable of being resolved through the amended conditions noted below.

Grant planning permission with the following conditions:

Conditions

- 1 Other than use by the Marist Schools, the approved building and facilities shall only be used for wider community use outside of school hours in accordance with details approved under planning reference 15/02188/CONDIT in respect of condition 11 of planning permission 14/03724/FULL.
Reason: To protect the amenities of local residents and ensure that the facilities create no demand for on-street car parking in the vicinity. Relevant Policies - Local Plan T5 and Neighbourhood Plan NP/T1.
- 2 Tree Protection at the site shall be maintained in accordance with the details approved under planning reference 15/02188/CONDIT in respect of condition 2 of planning permission 14/03724/FULL. The approved measures shall be implemented in full and 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 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, and Neighbourhood Plan Policy NP/EN2.
- 3 The biodiversity strategy approved under planning reference 15/02188/CONDIT in respect of condition 3 of planning permission 14/03724/FULL shall be implemented in accordance with the details approved under that planning reference.
Reason: In order to comply with advice in the National Planning Policy Framework 2012 and Neighbourhood Plan Policy NP/EN4.

- 4 The Construction Management Plan approved under planning reference 15/02188/CONDIT in respect of condition 4 of planning permission 14/03724/FULL shall continue to be implemented in accordance with the details approved under that planning reference and shall be 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 The development shall only be carried out in accordance with the submitted Material Schedule D and other information (brochure extracts) showing details of the selected materials, unless other acceptable materials have first 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 Policies - Local Plan DG1 and Neighbourhood Plan NP/DG3.
- 6 Prior to the first occupation of the building, full details of both hard and soft landscape works including heavy grade replacement tree planting, hard surfaces and routes of all underground services shall have been submitted to and approved in writing by the Local Planning Authority. The approved works shall then be carried out as approved within the first planting season following the substantial completion of the development and retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its prior written consent to any variation.
Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1 and Neighbourhood Plan NP/DG1 and NP/EN2.
- 7 Long-term landscape management of the site and its surroundings shall be undertaken in accordance with the landscape management plan approved under planning reference 15/02188/CONDIT in respect of condition 7 of planning permission 14/03724/FULL.
Reason: To ensure the long term management of the landscaped setting of the development and to ensure it contributes positively to the visual amenities of the area. Relevant Policies - Local Plan DG1 and Neighbourhood Plan NP/DG1 and NP/EN2.
- 8 Prior to the first occupation of the building, renewable on-site energy generation sources which are able to provide the facilities with a minimum of 10% of their on-site energy demand shall have been installed at the site, in accordance with details that shall have first been submitted to and agreed in writing by the Local Planning Authority. The approved renewable energy generation installed shall then be operated, retained and maintained in accordance with the approved details.
Reason: To ensure that the development is sustainable and in compliance with the requirements of the Royal Borough of Windsor and Maidenhead Sustainable Design and Construction SPD and to assist in the transition to a low-carbon economy, as advised in the NPPF.
- 9 Prior to the first occupation of the building, sustainability measures shall be provided that ensure that the development is efficient in the use of energy, water and materials, in accordance with details that shall have first been submitted to and agreed in writing by the Local Planning Authority. These details shall also include provision for rainwater harvesting and / or SUDS, and shall specifically include provision to ensure that excess rainwater and / or surface water is not directed into the adjacent woodland, and conversely that it ensures that adjacent woodland trees are not inadvertently deprived of ground water during dry periods. The development shall then be retained and maintained in accordance with the approved details.

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

- 10 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 sensitive to the edge of woodland location and to coordinate lighting with a biodiversity strategy as required by the above condition 3. Relevant Policies - Local Plan DG1, Neighbourhood Plan Policy NP/EN4 and advice in the NPPF.

- 11 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

6 April 2016

Item: 3

Application No.:	15/04221/FULL
Location:	8 Lammas Drive Staines TW18 4TS
Proposal:	Construction of 1 x detached dwelling following demolition of existing dwelling.
Applicant:	
Agent:	Mr James Goddard - Grantham And Ives Ltd
Parish/Ward:	Wraysbury Parish
If you have a question about this report, please contact: Claire Pugh on 01628 685739 or at claire.pugh@rbwm.gov.uk	

1. SUMMARY

- 1.1 The proposed development is not considered to have an acceptable impact on the character and appearance of the area, and is not considered to conserve the setting of the Thames. The development would not constitute an appropriate form of the development in the Green Belt, for the reason that the new dwelling would be materially larger than the existing dwelling on site, and it would have a greater impact on the openness of the Green Belt than the existing development.
- 1.2 The site is situated within an area of high risk flooding, and a satisfactory Flood Risk Assessment has not been submitted which demonstrates that the development would not impede flood flows or displace flood water elsewhere. In addition, the proposal conflicts with Policy F1 in that the increase in ground covered area would exceed 30 square metres.

It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 9 of this report):

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

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Lenton irrespective of the officer recommendation for the reason that the Parish Council has requested it.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The existing building is single storey in height and is currently in a poor condition. The garden area is provided to the front of the building, next to the river. There are residential properties situated either side of the site of which are of different styles; one is a single storey dwelling, and

the other is a one and half storey dwelling, with large clerestorey windows (high level) and dormer windows. A footpath runs through the site which provides access to number 10 Lammas Drive.

- 3.2 The property is located immediately adjacent to the River Thames and is situated within flood zone 3 (high risk flooding). The site is situated within the Green Belt, and is within the designation of the setting of the Thames. A group Tree Preservation Order covers the southern half of the application site. There are trees to the rear of the application site, on Lammas Park, the canopy of these trees overhangs the application site. Lammas Park is within Spelthorne Borough Council.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Ref.	Description	Decision and Date
00/79114/FULL	Erection of a three bedroom two storey house following demolition of existing dwelling.	Refused 23.05.2000
00/80310/FULL	Demolition of existing and erection of a 3 bed two storey house (resubmission of 00/79114)	Permitted on 21.02.2001
04/85070/FULL	Construction of a detached garage	Refused 25.05.2004
05/00659/CPD	Certificate of lawfulness for the proposed construction of a detached garage.	Refused 06.05.2005
07/03306/FULL	Replacement roof (raising roof height) replace timber walls with brick	Permitted 08.02.2008

- 4.1 The application seeks planning permission for detached dwelling, following the demolition of the existing. The new building would comprise a mix of two storey and single storey elements and would have a utilitarian appearance. The scale of the building varies, with the highest part of the building measuring 8 metres in height, and the lowest part of the single storey element measuring 4.5 metres in height. A storage area is proposed within the dwelling which would be concealed by a man made green hill, which goes up to a height of over 3 metres at its highest point.
- 4.2 The pedestrian access which serves number 10 Lammas Drive would be realigned to run to the north of the proposed dwelling. The elevations of the building would be finished in wooden boards, and the roof would be covered in cement tiles. Window frames would be in steel, and most doors would be wood.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework:

Paragraph 64- Design
 Sections 87-89- Green Belt
 Section 103- Development and Flood Risk

Royal Borough Local Plan

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

	Within settlement area	Green Belt	High risk of flooding	Protected Trees	Highways /Parking issues	Setting of the Thames
Local Plan	DG1, H11	GB1, GB2, GB3	F1	N6	T5, P4	N2

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

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

More information on these documents can be found at:

http://www.rbwm.gov.uk/web/pp_supplementary_planning.htm

Other Local Strategies or Publications

5.4 Other Strategies or publications relevant to the proposal are:

- RBWM Landscape Character Assessment - view at:
http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm
- RBWM Townscape Assessment - view at:
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
- RBWM Strategic Flood Risk Assessment - view at:
http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Green Belt;
- ii Impact on and appearance of the area;
- iii Flood Zone;
- iv Setting of the Thames;
- v Impact on Trees;

Green Belt

6.2 Paragraph 89 of the NPPF explains that new buildings within the Green Belt should be regarded as inappropriate development, unless where it is the replacement of a building that is in the same use and not materially larger than the one it replaces. Policy GB3 of the Local Plan allows for the replacement of a dwelling which is not materially larger, or would result in a material alteration to the scale of development on the site. Policy GB2 of the Local Plan does not permit development in the Green Belt that would have a greater impact on the openness of the Green Belt than the existing development.

6.3 The percentage increase in floor space over the existing building is helpful in determining whether the new building would be materially larger. In this case existing building has a floor space of 167 square metres. The proposed dwelling would have a floor space of (excluding the terrace areas which would be open) circa 251 square metres, and as such the percentage increase in floor space would be 50%. This percentage increase in floor space of this amount could be considered to be excessive for a replacement house in the Green Belt.

6.4 The percentage increase in floor space is only one guiding factor, and it is whether the size and mass of the proposed building would appear materially larger compared to the existing dwelling within the Green Belt. In this case the proposed building would occupy a larger footprint than the building that exists on site. The proposed building would also be of a noticeably higher height in most parts than the existing building, which is circa 4.5 metres to the ridge.

- 6.5 It is therefore considered that the proposed building would be materially larger than the existing dwelling, and so would not be an appropriate form of development, and that it would have a greater impact on the openness of the Green Belt than the existing building. The proposal therefore conflicts with the requirements of the NPPF, and policies GB2 and GB3 of the Local Plan.

Impact on and appearance of the area

- 6.6 The National Planning Practice Guidance (NPPG) explains that the scale of buildings is an important consideration in achieving good design. Paragraph 026 of the NPPG explains that the size of individual buildings and their elements should be carefully considered, as their design will affect local character, skylines, vistas and views. Policy DG1 (3) of the Local Plan explains that the new buildings should have regard to the scale and height and building lines of adjacent properties.
- 6.7 Ensuring the building is of the appropriate scale (size and mass) is key to ensuring good design. As stated previously, the properties are of mixed styles in the local area. The proposed dwelling is broken up in scale and massing, however, the different elements to the building are not considered to be in proportion with each other and are not considered to be well connected, as such the proposed building appears disjointed, resulting in a building that is of poor design. In addition, when viewed in the context of the neighbouring buildings (numbers 6 and 10 Lammas Drive), the scale of the building would appear vast, and would not relate well to the neighbouring dwellings which are smaller in scale. The development would therefore not comply with policy DG1(3) of the Local Plan.
- 6.8 The neighbouring sites have an element of spaciousness, taking into account their building scale relative to the plot size. The proposed scale and massing of the building relative to the size of this plot would result in the development appearing cramped. This conflicts with Policy H11 of the Local Plan which explains that planning permission will be refused for development that introduce a scale of density of development that would be incompatible or cause damage to the character and amenity of the area.

Flood Zone

- 6.9 The site is situated within flood zone 3 (high risk flooding). As there is an existing dwelling on site, the principle of replacing it is considered to be acceptable.
- 6.10 Paragraph 103 of the National Planning Policy Framework (NPPF) requires development within flood zone 3 defined as having a 'high probability' of flooding from rivers to submit a site specific flood risk assessment (FRA) to ensure that flood risk is not being increased on site or elsewhere. This position is supported by Policy F1 of the Local Plan. Although the submitted FRA states voids could be incorporated into a scheme, this has not been demonstrated within the FRA. In addition, the submitted plans do not show voids to be incorporated and such information would be required in order for an assessment on flood risk to be made. As such the application has failed to demonstrate that the development is acceptable within the flood zone. It should be noted that the Council does not accept voids as a form of flood compensation, and whilst the incorporation of voids is required in order to provide betterment in the flood zone, the proposal still needs to comply with Local Plan policy F1 in respect of the increase in ground covered area in flood zone 3. A scheme for a dwelling that did incorporate voids would still be counted as ground covered area for the purposes of Local Plan Policy F1.

- 6.11 Policy F1 of the Local Plan does not permit a replacement dwelling which has a ground covered area over 30 square metres larger than the existing ground covered area. The existing ground covered area is circa 167 square metres, and as this dwelling has not been extended with the benefit of planning permission, an additional 30 square metres can be added to the existing GCA, which would give a figure of 197 square metres. Taking into account the proposed green hill, the ground covered area would be 334 square metres. The proposal would result in an increase in ground covered area in excess of the 30 square metres specified in Policy F1.

Setting of the Thames

- 6.12 Policy N2 of the Local Plan sets out that development should conserve and enhance the setting of the Thames, and that the Council will not permit development which would adversely affect the character and setting of the river.
- 6.13 For the reasons set out in paragraphs 6.5-6.7 of this report, this development is not considered to of a suitable scale, and it would adversely impact on the character of the area. As such, it is not considered that this proposal would conserve the setting of the Thames.

Impact on Trees

- 6.14 There would be no trees covered by the group Tree Preservation Order that would be impacted by this development. There is an off-site tree, close to the boundary, within Lammas Park that could be impacted by the proposed development (in respect of pruning back this tree), however, this tree is within Spelthorne Borough Council who has not raised an objection to the application.

Residential Amenity

- 6.15 The proposed dwelling would be very visible from neighbouring dwellings, however, it is not considered the development would reduce light to neighbouring dwellings to an unacceptable level, or would be unduly overbearing to habitable room windows or garden areas.

Ecology

- 6.16 8 Lammas Drive was assessed as having moderate potential to host crevices dwelling bat species. Surveys undertaken in August 2015 concluded that 8 Lammas Drive does not host a bats roost and there should be no bat related constraints to the proposals. The habitats on the site are widespread and of limited value and the site is unlikely to host protected species. The proposal is therefore considered to have an acceptable impact on biodiversity.

Other considerations

- 6.17 The proposed realignment of the right of way to number 10 Lammas Drive is not a planning consideration, and is a private matter.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

3 occupiers were notified directly of the application.

The planning officer posted a statutory notice advertising the application at the site on the 2nd February 2016.

Spelthorne Borough Council and Runnymede Council were notified of the planning application.

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

Comment	Where in the report this is
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		considered
1.	Concern over the ridge height and the impact on number 6 Lammas Drive.	6.14
2.	Would expect materials for the dwelling to be of high quality.	Noted.
3.	Some slight concerns over the right of way to number 10 Lammas Drive which runs through the application site.	6.16
4.	Can see the Council are looking at issues such as Green Belt and Flood Zone, and they are happy to let the Council consider issues such as the size, scale and style of the building.	Noted.

Statutory consultees

Consultee	Comment	Where in the report this is considered
Environment Agency	<p>In the absence of an acceptable Flood Risk Assessment (FRA) we OBJECT to this application and recommend refusal of planning permission for the proposed development as submitted.</p> <p>Reason Paragraph 103 of the National Planning Policy Framework (NPPF) requires development within flood zone 3 defined as having a 'high probability' of flooding from rivers to submit a site specific flood risk assessment (FRA) to ensure that flood risk is not being increased on site or elsewhere. This position is supported by Policy F1 of the Royal Borough of Windsor and Maidenhead (RBWM) Local Plan (adopted 2003). The information submitted within this planning application does not clearly demonstrate that the proposed development will not impede flood flows or displace flood water elsewhere.</p> <p>Further Explanation Loss of floodplain storage The proposed development is a replacement dwelling located within Flood Zone 3. The submitted FRA prepared by Three Counties Flood Risk Assessment and dated 24 March 2015 states that the proposed building will be 28 metres squared (m²) larger than the existing building. Any increase in built footprint within flood zone 3 will need to be fully compensated for. This is required to prevent a loss of floodplain storage at the site and displacing of flood waters, thereby increasing flood risk elsewhere.</p> <p>We acknowledge the submitted FRA does note that void openings will be incorporated into the design of the building. However, the drawings submitted with this application do not include the voids within the design of the building. Without this information we are unable to determine that the proposed development will not result in</p>	6.8-6.10

	a loss of floodplain storage in the area. The new building could lead to a displacement of floodwaters elsewhere resulting in an increase in flood risk to the surrounding area.	
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Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Spelthorne Borough Council	No objections to the proposal.	Noted.
Highways	No objection provided that conditions for parking to be retained, and for a Construction Management Plan to be submitted are imposed.	Noted.
Tree Officer	Verbally advises that there are no objections to the proposal.	6.13
Council's Ecologist	<p>Designated Sites and Habitats</p> <p>The site is within 1km of Staines Moor Site of Special Scientific Interest (SSSI). The applicant's ecologist has concluded that the proposed development is unlikely to have an effect on the features of the SSSI due to the scale of the development and the fact there is no ecological link between the sites.</p> <p>The proposed development is situated adjacent to the River Thames. There is the potential for the river to be affected by the development due to pollution and disturbance. It is recommended that a Construction Environmental Management Plan is prepared and approved by the Local Planning Authority and includes details of the protection of the river, the prevention of pollution events including dust pollution and decreasing the noise and light pollution. Should the Local Planning Authority be minded to grant planning permission, it is recommended that this advice be incorporated into a suitably worded planning condition.</p> <p>Bats</p> <p>The buildings and trees on site were assessed for their potential to support roosting bats. The main house and two trees (one on-site and one off-site) were recorded as having potential to support roosting bats and further survey was recommended. The remaining buildings and trees were recorded as having negligible potential to support bats and therefore no further survey was required.</p> <p>All bats and their roosts are protected under the Conservation of Habitats and Species Regulations 2010, as amended, the Countryside of Rights and Way Act 2000 and the Wildlife and Countryside Act 1981, as amended. Seven bat species are also considered Species of Principal Importance (SPI's) under Section 41 of the NERC Act 2006. In addition, Paragraph 99 of the ODPM Circular 06/2005 states "<i>It is essential that the presence or otherwise of protected species and the extent that they may be affected</i></p>	6.15

	<p><i>by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.</i></p> <p>A dusk emergence and dawn return to roost survey, in line with best practice guidelines, were undertaken in August 2015 (the optimal survey period for bats). No bats were recorded emerging or returning to roost within the building or trees identified as having the potential to support bats and the applicant's ecologist concluded that the site does not currently host a bat roost. No further surveys are required.</p> <p>The site offers optimal commuting and foraging habitat for bats and it is recommended that the hedgerows and trees are retained or replaced on a like for like basis should they be removed. Should the Local Planning Authority be minded to grant planning permission, it is recommended that this advice be incorporated into a suitably worded condition.</p> <p>Breeding Birds</p> <p>The buildings, trees and hedgerows were recorded as having the potential to support breeding birds. Breeding birds, their eggs and active nests are protected by the Wildlife and Countryside Act 1981, as amended. The applicant's ecologist has provided information with regards to timing of vegetation removal and protective measures with regards to breeding birds. Should the Local Planning Authority be minded to grant planning permission, it is recommended that this advice be incorporated into a suitably worded condition or Informative Note.</p> <p>Biodiversity Enhancements</p> <p>This application presents opportunities to incorporate features into the design which are beneficial to wildlife including the planting of native species and the inclusion of bat and bird boxes on buildings and retained mature trees. Should the Local Planning Authority be minded to grant planning permission, it is recommended that a suitably worded planning condition is included requiring</p>	
Environmental Protection	No objection, subject to a condition for details of acoustic insulation.	Noted.

8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Proposed layout
- Appendix C- Proposed Elevations
- Appendix D- Concept Images

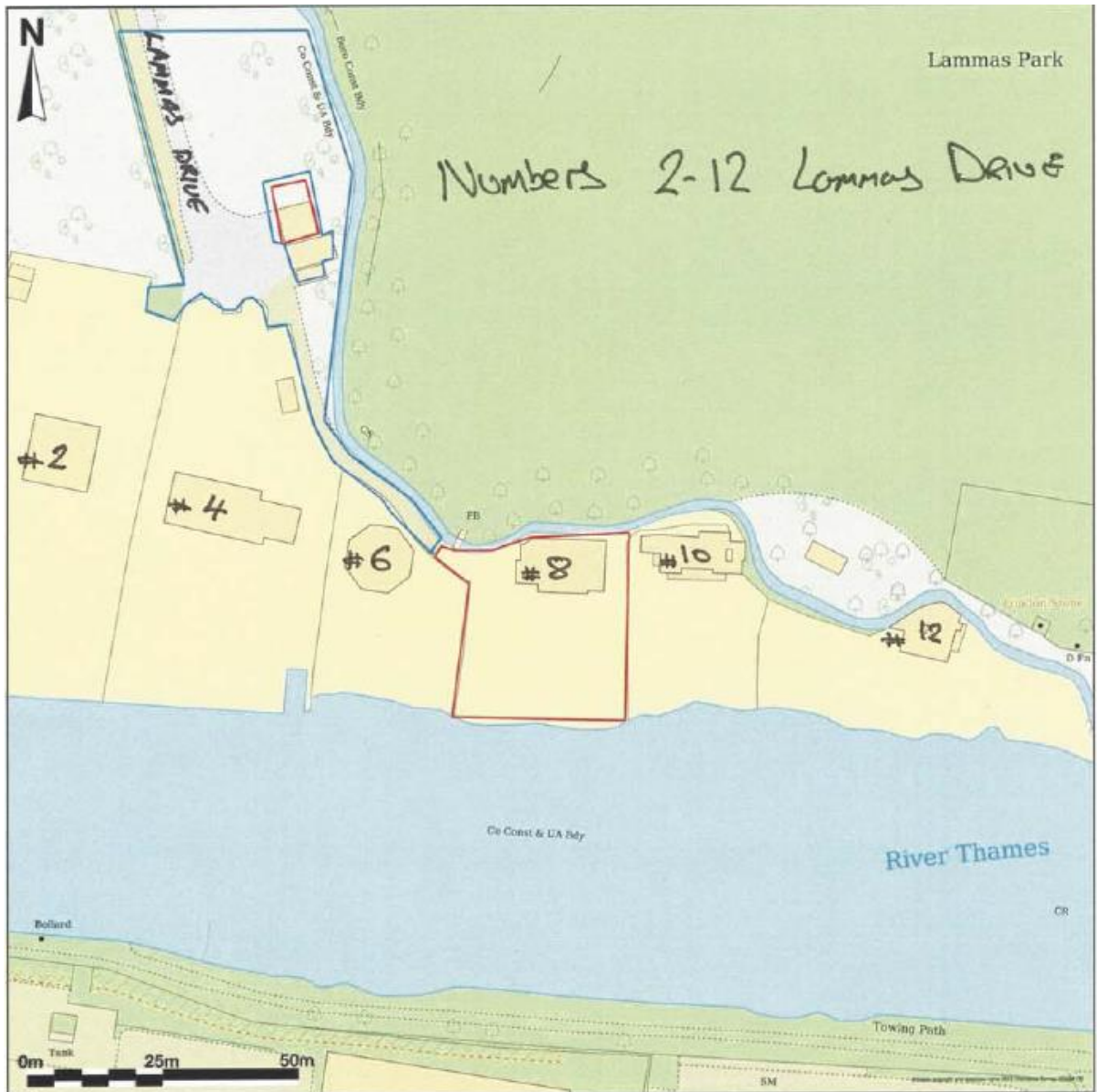
This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. The Case Officer has sought solutions to these issues where possible to secure a development that improves the economic, social and environmental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

In this case the issues have not been successfully resolved.

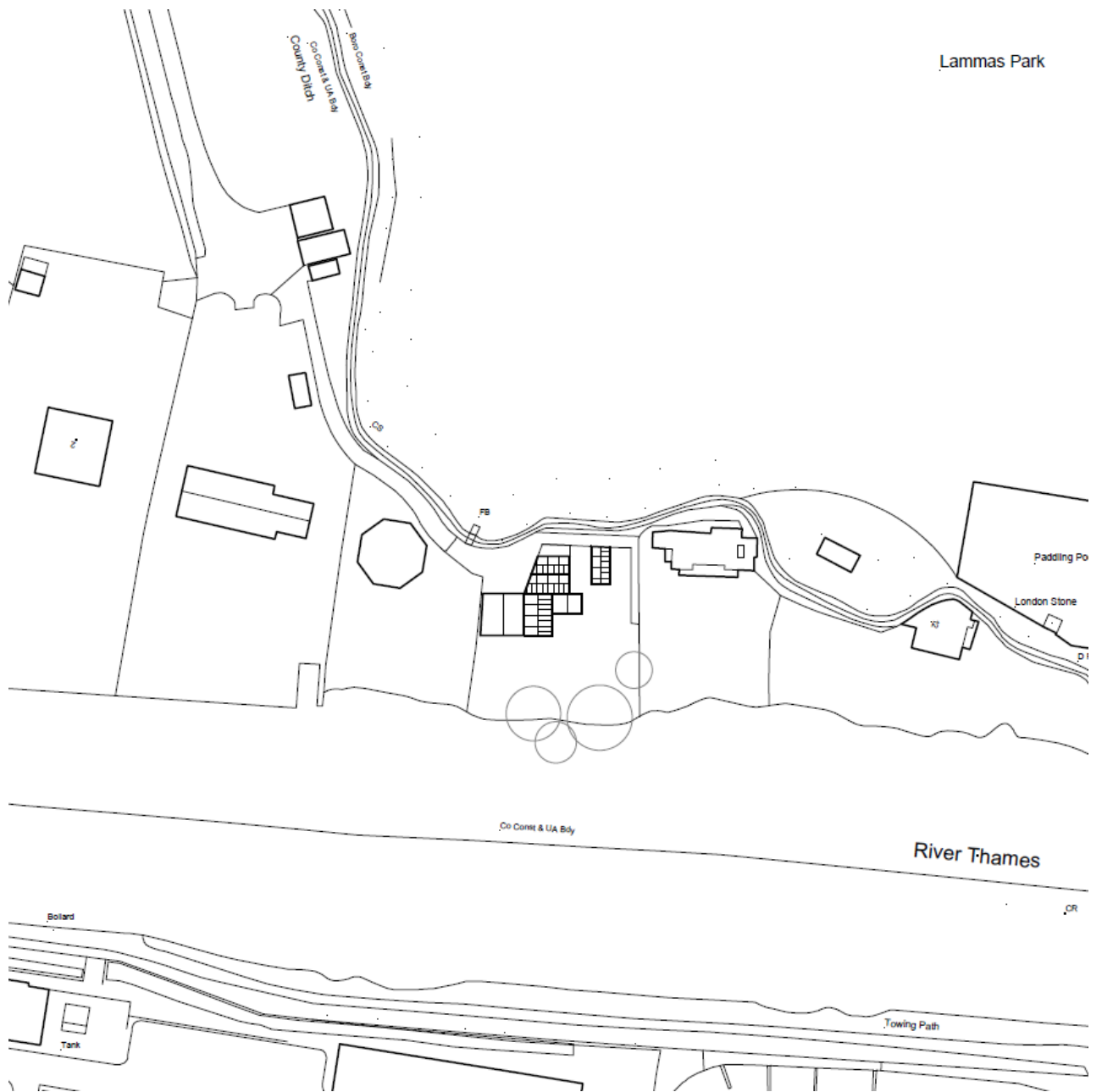
9. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 1 The proposal by reason of its design, bulk and scale would result in a materially larger dwelling on site than the existing dwelling. The proposal is inappropriate development in the Green Belt, which by definition is harmful to openness and should not be approved except in very special circumstances. No very special circumstances exist in this case that would clearly outweigh the harm that would be caused and the proposal is therefore contrary to saved Policies GB1, GB2 and GB3 of the Royal Borough of Windsor and Maidenhead Local Plan, adopted 1999 (Incorporating Alterations Adopted June 2003) and the National Planning Policy Framework, March 2012.
- 2 The footprint of the replacement house would be more than 30 square metres larger than that of the existing house and as such it is considered that the proposed house would impede the flow of flood water and reduce the capacity of the flood plain to store flood water. Furthermore, the applicants have not provided an adequate Flood Risk Assessment to demonstrate that the proposed development would not of itself, or cumulatively in conjunction with other development impede the flow of flood water and reduce the capacity of the flood plain to store flood water. In this regard the proposed house would be contrary to Policy F1 of the Royal Borough of Windsor and Maidenhead Local Plan 1991 (Incorporating Alterations Adopted in June 2003).
- 3 The development by virtue of its scale and design would have an unacceptable impact on the character and appearance of the area. The development would also result in a cramped form of development on the plot which is not in keeping with the form of the development in the area. This conflicts with Paragraph 64 of the National Planning Policy Framework, and paragraph 026 of the National Planning Practice Guidance. The development would also conflict with Policies DG1 and H11 of the Royal Borough of Windsor and Maidenhead Local Plan Incorporating Alterations adopted June 2003
- 4 The proposed development by virtue of its scale and design would not conserve the setting of Thames, which conflicts with Policy N2 of the Royal Borough of Windsor and Maidenhead Local Plan, adopted 1999 (Incorporating Alterations Adopted June 2003).

Appendix A- Site Location Plan



Appendix B- Proposed Layout



Lammas Park

Co Const & UA Bdy

River Thames

CR

Bolard

Tank

Towing Path

Paddling Po

London Stone

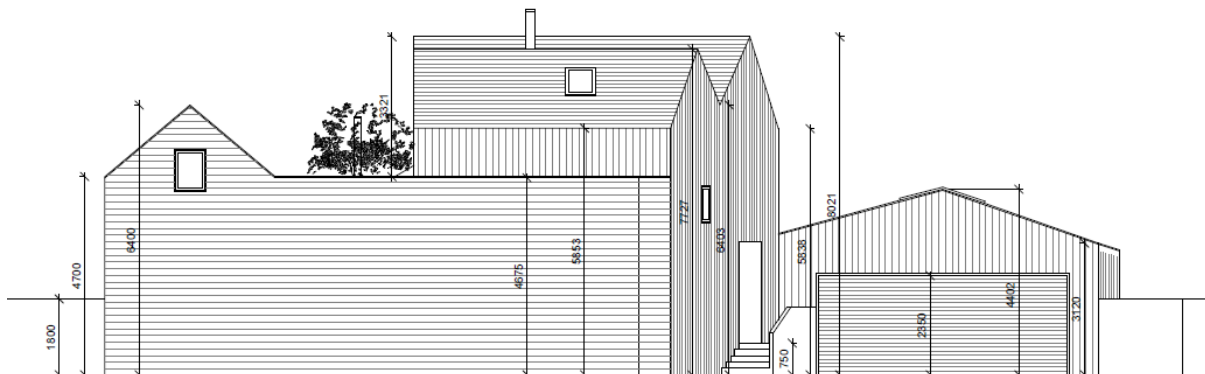
p1

Appendix C- Elevations

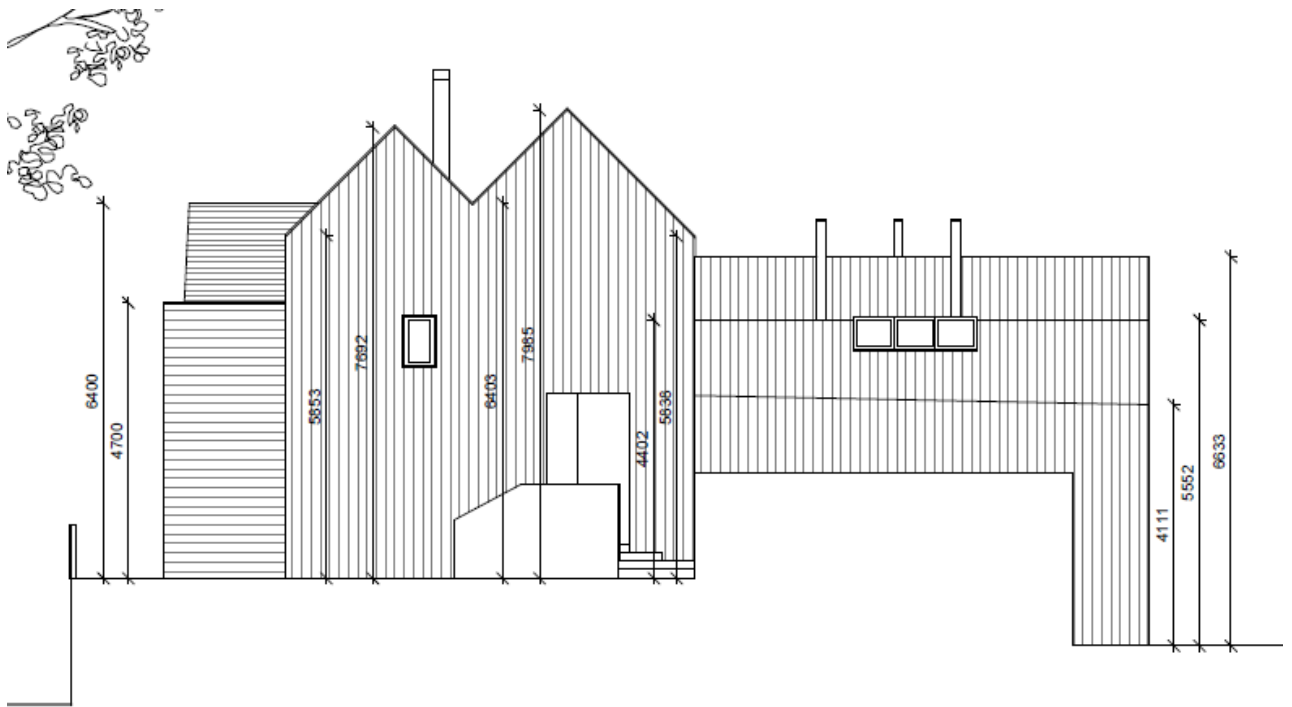
Rear Elevation



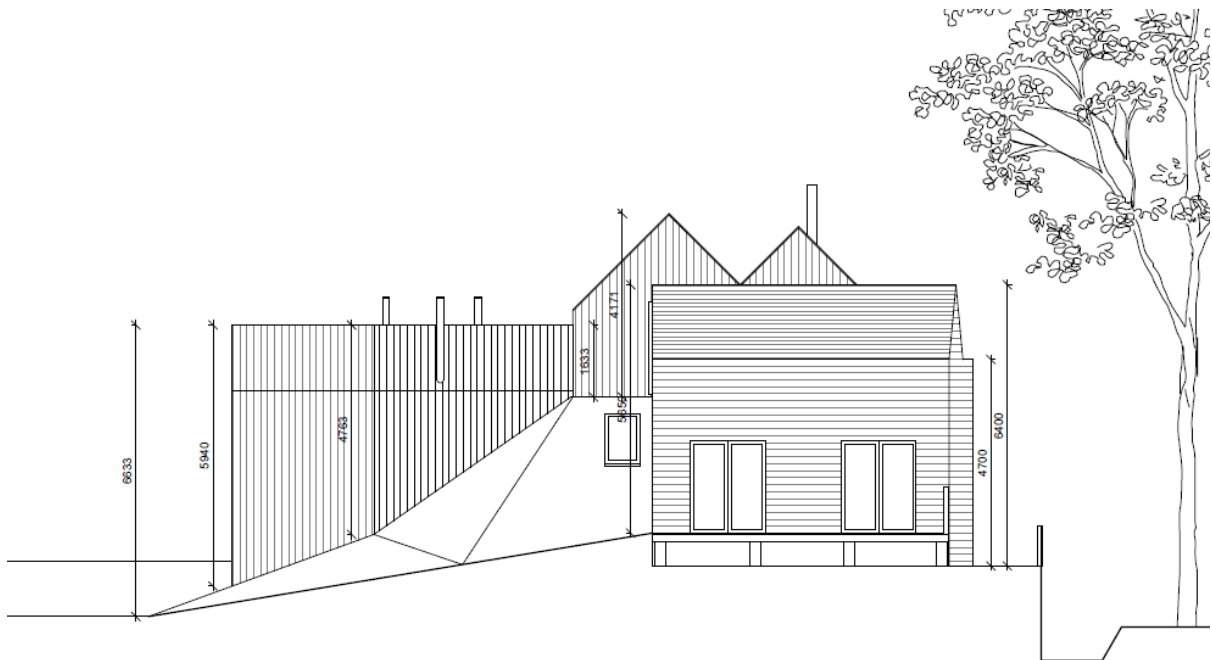
Front elevation



Proposed side elevation

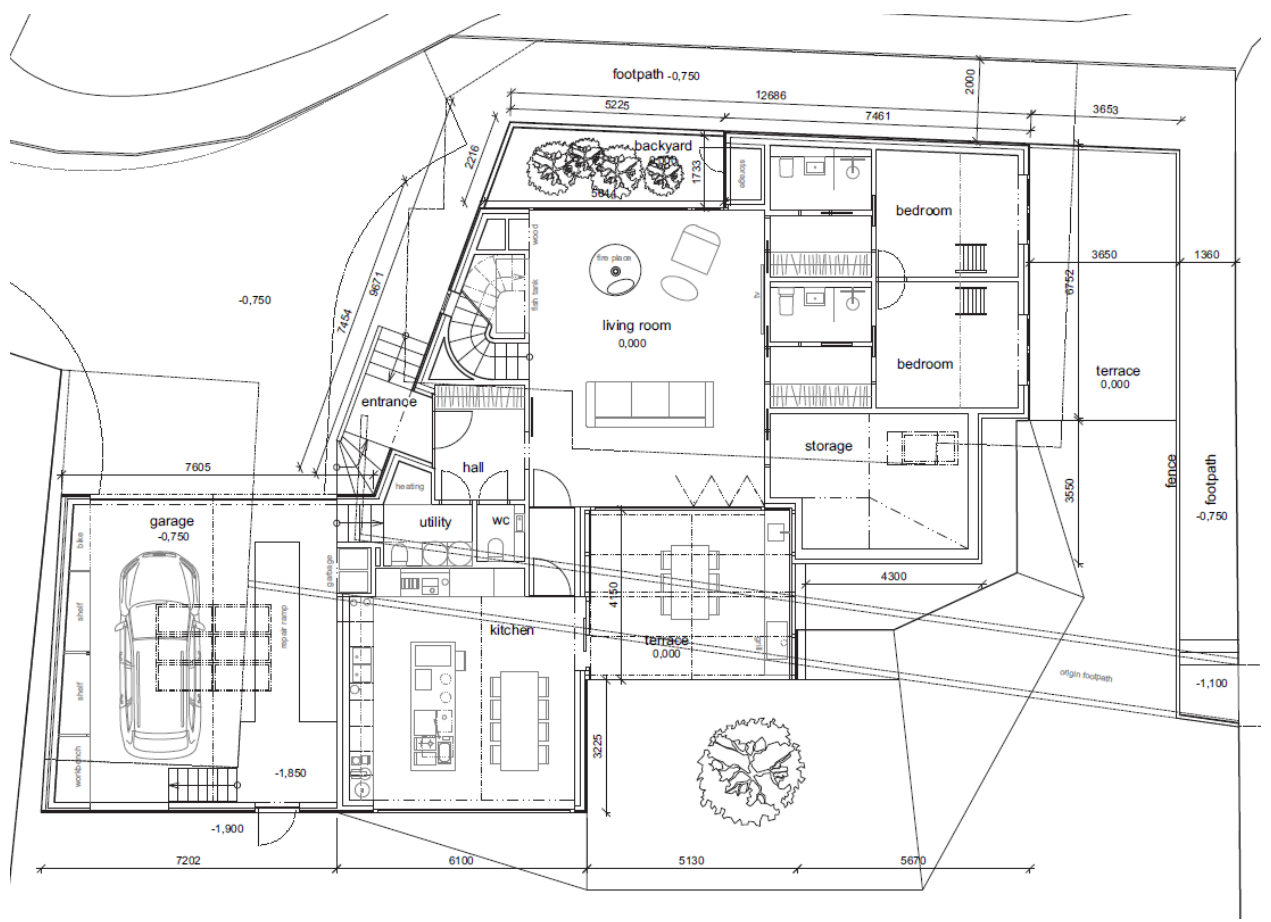


Proposed side elevation- east

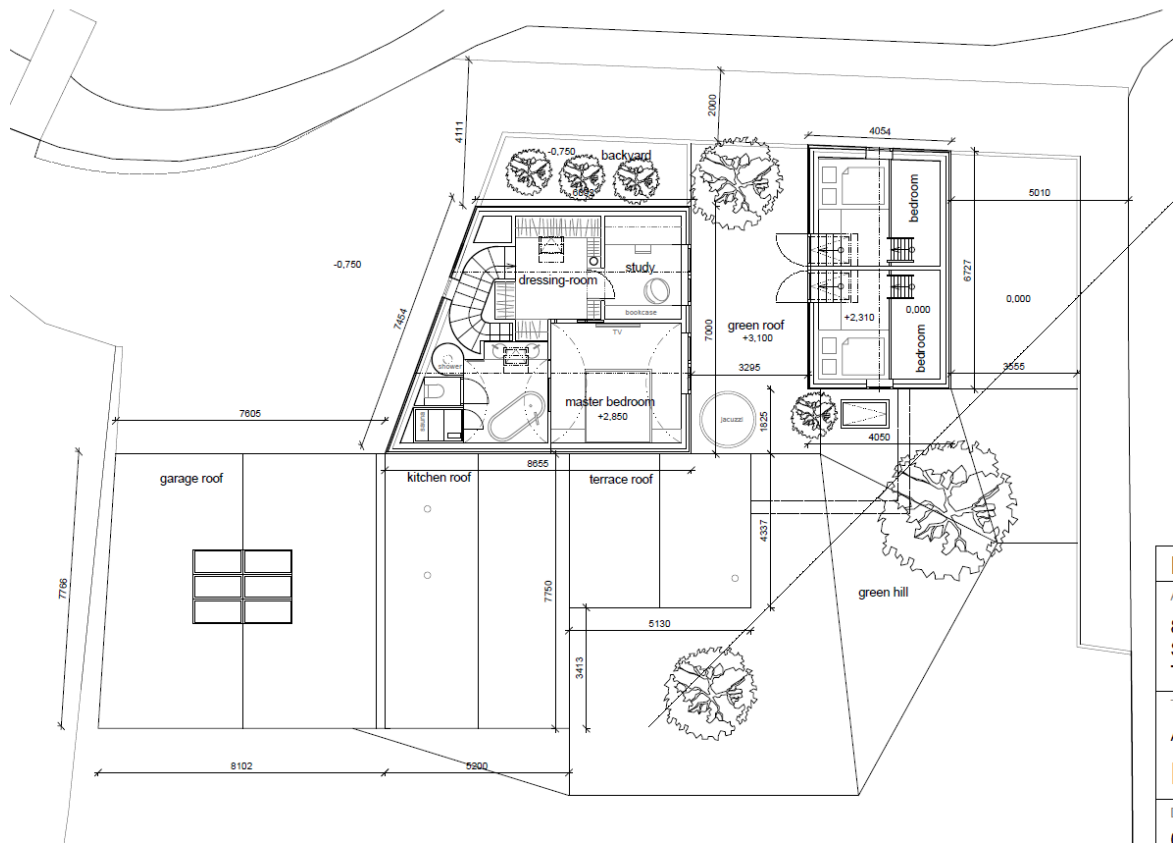


Proposed floor plans

Ground floor



First floor



Appendix D- Concept Images





WINDSOR RURAL DEVELOPMENT CONTROL PANEL

6 April 2016

Item: 4

Application No.:	16/00117/FULL
Location:	9 Llanvair And Rear of 11 Llanvair Close Ascot
Proposal:	Erection of 3x detached two storey dwellings with access driveways following the demolition of 9 Llanvair Close
Applicant:	Mr Brebner- Wentworth Homes
Agent:	Not Applicable
Parish/Ward:	Sunninghill And Ascot Parish
If you have a question about this report, please contact: Vivienne McDowell on 01628 796578 or at vivienne.mcdowell@rbwm.gov.uk	

SUMMARY

- 1.1 This application has been submitted following the refusal of a similar scheme proposed under application 14/03801 which was refused on appeal.
- 1.2 In dismissing the appeal the Inspector's concerns focussed on two main issues. One was the tapering of the curtilage of plot one towards Llanvair Close together with the narrow access drive and the second issue concerned the limited separation of the house on Plot 3 and the shared boundary with No 47 Hurstwood and the resultant dominating impact on the existing house at No. 47 and neighbouring properties.
- 1.3 The current proposal seeks to overcome these two main concerns by providing a landscaped area to the front of Plot 1 together with an access drive with footpaths and verges on both sides. The applicants have also increased the separation distance of the house on Plot 3 to the boundary with No 47 Hurstwood and angled the house away from the boundary.
- 1.4 It is considered that, on balance, the current scheme overcomes the appeal Inspector's concerns.

It is recommended the Panel authorises the Borough Planning Manager:	
1.	To grant planning permission on the satisfactory completion of an undertaking to secure a management agreement for the maintenance of the access drive, verges, footpaths and landscaping within the application site and with the conditions listed in Section 10 of this report.
2	To refuse planning permission if an undertaking to secure a management agreement for the maintenance of the access drive, verges, footpaths and landscaping within the application site, has not been satisfactorily completed by the 6th May 2016, for the reason that the proposed development would not be able to ensure a satisfactory standard of landscaping and satisfactory road and footpath surfaces.

2. REASON FOR PANEL DETERMINATION

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

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

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

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

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

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

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

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

Royal Borough Local Plan

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

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

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

- Sustainable Design and Construction
- Planning for an Ageing Population

More information on these documents can be found at:

http://www.rbwm.gov.uk/web/pp_supplementary_planning.htm

Other Local Strategies or Publications

5.4 Other Strategies or publications relevant to the proposal are:

- RBWM Landscape Character Assessment - view at:
http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm
- RBWM Townscape Assessment - view at:
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
- RBWM Strategic Flood Risk Assessment - view at:
http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

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

Impact on the character of the area and neighbouring properties

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

6.3 Reason No 1 stated:

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

6.4 Reason 2 stated:

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

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

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

would appear as a formally laid out close leading off an existing close, rather than a narrow drive next to a tapering front garden area to Plot 1 (as previously proposed).

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

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

Highway Considerations

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

Tree considerations

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

Ecology considerations

- 6.29 The appeal Inspector for 14/03801 stated in paragraph 21 of the decision notice addresses ecology issues. In paragraph 21 the Inspector states: 'The ecology report submitted by the Appellants does not rule out the presence of protected bats in the building at No 9 Llanvair Close, proposed for demolition as part of the development. At the same time, it gives an unchallenged expert view that the bat roosting potential for the building is negligible and that their presence is unlikely. Accordingly, no further survey work is proposed but as a precaution in case if the presence of bats, it is recommended that a small area of weather boarding be sensitively removed during winter months.'
- 6.30 Therefore, a condition to deal with precautionary bat measures is to be imposed. See Condition 4 in Section 10.

Sustainable design and construction and planning for an ageing population.

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

Thames Heath Basin Special Protection Area

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

Other considerations

- 6.35 One of the neighbour objections is on the grounds of light and noise pollution. The applicant's design and access statement advises that noise pollution will be kept to a minimum during the construction process by restricting working hours and using low noise methods where practicable. Light pollution will be reduced by provision of external lighting only where necessary and directing lights downward.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

30 occupiers were notified directly of the application.

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

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

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

Comment		Where in the report this is considered
1.	Out of character with the area defined as Leafy Residential Suburb. Loss of older buildings replacement with smaller plot sizes – ‘garden grabbing’. New houses will be shoe-horned onto the site. Exceeds height, bulk and scale of surrounding buildings. Three storey houses are out of keeping. Similar proposal to previous application. Doesn’t overcome appeal objections - shortcomings as before. Backland development and overdevelopment of the site. Loss of green space/ green corridor.	See paragraphs 6.2-6.19
2.	Creeping urbanisation of South Ascot – ‘close within a close’. New cul-de-sac does not respect character of area. Would encourage extension and development in the future of 5 and 7 Llanvair Close – sets a precedent.	See paragraphs 6.2-6.9
3.	Loss of trees - destruction of woodland setting. There were 15 trees which were removed prior to TPO being made.	Noted. See paragraph 6.28
4.	Proposal doesn’t comply with local plan and neighbourhood plan policies.	See main report 1.1-6.34
5.	Loss of privacy, loss of outlook and over-dominating impact on No 47, No 49 and other neighbours in Hurstwood. Properties in Hurstwood include bungalows and 2-storey houses. Occupants of these houses currently look out onto undeveloped garden area. There are clear views of the application site from Hurstwood.	See paragraphs 6.13-6.17
6.	Ecology report was done after the trees were removed on this site.	Noted
7.	There was flooding on the site in 2013/2014.	The site is not in the flood plain. Paragraph 3.1.
8.	Insufficient sewage system – frequent blockages.	This is not a planning matter.
9.	Noise and light pollution	See paragraph 6.35.
10.	Disruption to local roads. Infrastructure is already over-stretched.	Paragraphs 6.20-6.27
11.	Pedestrians will need to go across the verge in order to cross the road. This will cause problems for disabled persons.	Paragraph 6.26
12.	Inadequate car parking.	See paragraph 6.2-6.19

Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Ascot, Sunninghill and Sunningdale Neighbourhood	Cramped development. Doesn’t overcome Inspector’s concerns. Rear garden of No 11 is halved. Most of curtilage of No 9 will be access drive and dwelling on Plot 1.	See paragraphs 1.1-6.34

<p>Delivery Group</p>	<p>Reconfiguration of access drive to address tapering Plot 1 does nothing to improved the cramped feeling that results. House on Plot 1 is too large for its plot. Plot 1 reduced in width – but still very minor reduction and still cramped. Unacceptable ‘close within a close’.</p> <p>House on Plot 3 moved further from boundary. However, it is 2.5 storeys and will dominate the bungalow at No 47 and immediate neighbours. This area has 2-storey houses, not 2.5 –storey houses.</p> <p>Totally contrary to NP/EN3 (Green spaces). Backland development – loss of green space.</p> <p>Appeal at 4 Woodlands Ride – determined in 2015 is a Leafy Residential Suburb. In para. 7 of the appeal decision notice the Inspector states: ‘Principal attributes of residential amenity of people living in this locality, and their reasonable expectations for those to be protected, is that outlook should be extensive and/or sylvan and privacy should be safeguarded. A sense of spaciousness, limited visual intrusion of built development and predominance of landscape generally prevail locally especially from rear garden areas. Whilst some exceptions are to be found in the vicinity, as a norm protection of these marks of such a good quality residential area, are worthy of intervention by planning decision makers.’</p> <p>This proposal is visually intrusive on the amenity of local neighbours and enjoyment of their rear gardens.</p> <p>The applicant’s offer for tree planting and landscaping is too important for condition and needs to be considered as part of the application determination.</p>	
<p>Society for the protection of Ascot and Environs (SPAЕ)</p>	<p>Fails to appreciate the depth of the appeal inspector’s concern of the environmental harm to the character of the local area and to neighbouring amenity. Inappropriate backland development.</p> <p>Insufficient separation with Hurstwood.</p> <p>I</p>	<p>See paragraphs 1.1-6.34</p>

8. APPENDICES TO THIS REPORT

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

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

In this case the issues have been successfully resolved.

9. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED.

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 No development shall take place until a scheme for the mitigation of the effects of the development on the Thames Basin Heaths Special Protection Area has been submitted to and approved in writing by the Local Planning Authority. The scheme shall make provision for the delivery of Suitable Alternative Natural Greenspace (SANG) and for provision towards Strategic Access Management and Monitoring (SAMM). In the event that the proposal is for the physical provision of SANG, the SANG shall be provided in accordance with the approved scheme before any dwelling is occupied.
Reason To ensure that the development, either on its own or in combination with other plans or projects, does not have a significant adverse effect on a European site within the Conservation of Habitats and Species Regulations 2010.
- 3 No development shall take place on the external surfaces of the buildings or finished surfaces of the development until samples/details of the materials to be used on the external surfaces of the building and hardsurfacing have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policy - Local Plan DG1.
- 4 In accordance with the advice of the Ecologist report submitted with application 14/03801, the small areas of weatherboarding on the existing dwelling should be sensitively removed by hand only during the bat winter hibernation period and when temperatures are above 5 degrees Centigrade. In the unlikely event that a bat should be found during this procedure, sheltering material should be placed over the bat and the advice of an ecologist should be sought immediately.
Reason In the interests of safeguarding protected species and in the interests of maintaining biodiversity. Relevant policies Neighbourhood Plan EN4 and NPPF paragraph109.
- 5 The window to the stairwell in the side (north facing elevation) of Plot 3 shall be of a permanently fixed, non-opening design, with the exception of an opening toplight that is a minimum of 1.7m above the finished internal floor level, and fitted with obscure glass and the window shall not be altered without the prior written approval of the Local Planning Authority.
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H14.
- 6 No further window(s) shall be inserted at first floor level or above in the side elevations of the dwellings without the prior written approval of the Local Planning Authority.
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H11.
- 7 The hard surfaces of the access and driveways shall be made of porous materials and retained

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

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

- 8 No buildings shall be occupied until details of the siting and design of all new wall, fencing or any other means of enclosure (including any retaining walls) have been submitted to and approved in writing by the Local Planning Authority. Such walls, fencing or other means of enclosure as may be approved shall be erected before first occupation of the development unless the prior written approval of the Local Planning Authority to any variation has been obtained.

Reason: To ensure the satisfactory resultant appearance and standard of amenity of the site and the surrounding area. Relevant Policy - Local Plan DG1.

- 9 No buildings shall be occupied until full details of both hard and soft landscape works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season following the substantial completion of the development and retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its prior written consent to any variation.

Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1.

- 10 The erection of fencing for the protection of any retained tree and any other protection specified shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

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

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

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

- 12 Prior to the commencement of any works of demolition or construction a management plan showing how demolition and construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works period shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and maintained for the duration of the works or as may be agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5. These details are required prior to commencement to ensure highway safety is satisfactory during all stages of the development.

- 13 No other part of the development shall commence until the access and driveway (including footways and verges) have been constructed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The details shall include details of pedestrian crossings across the verges. The access and driveway shall thereafter be retained.
: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5, DG1.
- 14 No part of the development shall be occupied until vehicle parking and turning space has been provided and surfaced in accordance with a layout that has first been submitted to and approved in writing by the Local Planning Authority. The space approved shall be kept available for parking and turning in association with the development.
Reason: To ensure that the development is provided with adequate parking and turning facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety, and to facilitate vehicles entering and leaving the highway in forward gear. Relevant Policies - Local Plan P4, DG1.
- 15 No part of the development shall be occupied until a refuse bin storage area and recycling facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall be kept available for use in association with the development at all times.
Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - Local Plan T5, DG1.
- 16 The existing access to the site of the development shall be stopped up and abandoned immediately upon the new access being first brought into use. The footways and verge shall be reinstated before the development is first occupied in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.
: In the interests of highway safety and of the amenities of the area. Relevant Policies - Local Plan T5, DG1
- 17 The measures set out in Design and Access Statement accompanying the application shall be implemented in accordance with the statement prior to the first occupation of any unit, unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of the development.
Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with Requirement 1 of the Royal Borough of Windsor and Maidenhead Sustainable Design and Construction Supplementary Planning Document.
- 18 The measures detailed in the applicant's Design and Access Statement, showing how the buildings would be adaptable to the needs of an ageing population, shall be provided in accordance with the submitted details and subsequently retained.
Reason: To ensure that the building is adaptable to the needs of an ageing population and to comply with the Council's SPD Planning for an Ageing Population.
- 19 Prior to the substantial completion of the development a water butt of at least 120L internal capacity shall be installed for each house to intercept rainwater draining from the roof. The water butts shall subsequently be retained.
Reason: To reduce the risk of flooding and demand for water, increase the level of sustainability of the development and to comply with Requirement 4 of the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document.
- 20 The development hereby permitted shall be carried out in accordance with the approved plans listed below.
Reason: To ensure that the development is carried out in accordance with the approved

particulars and plans.

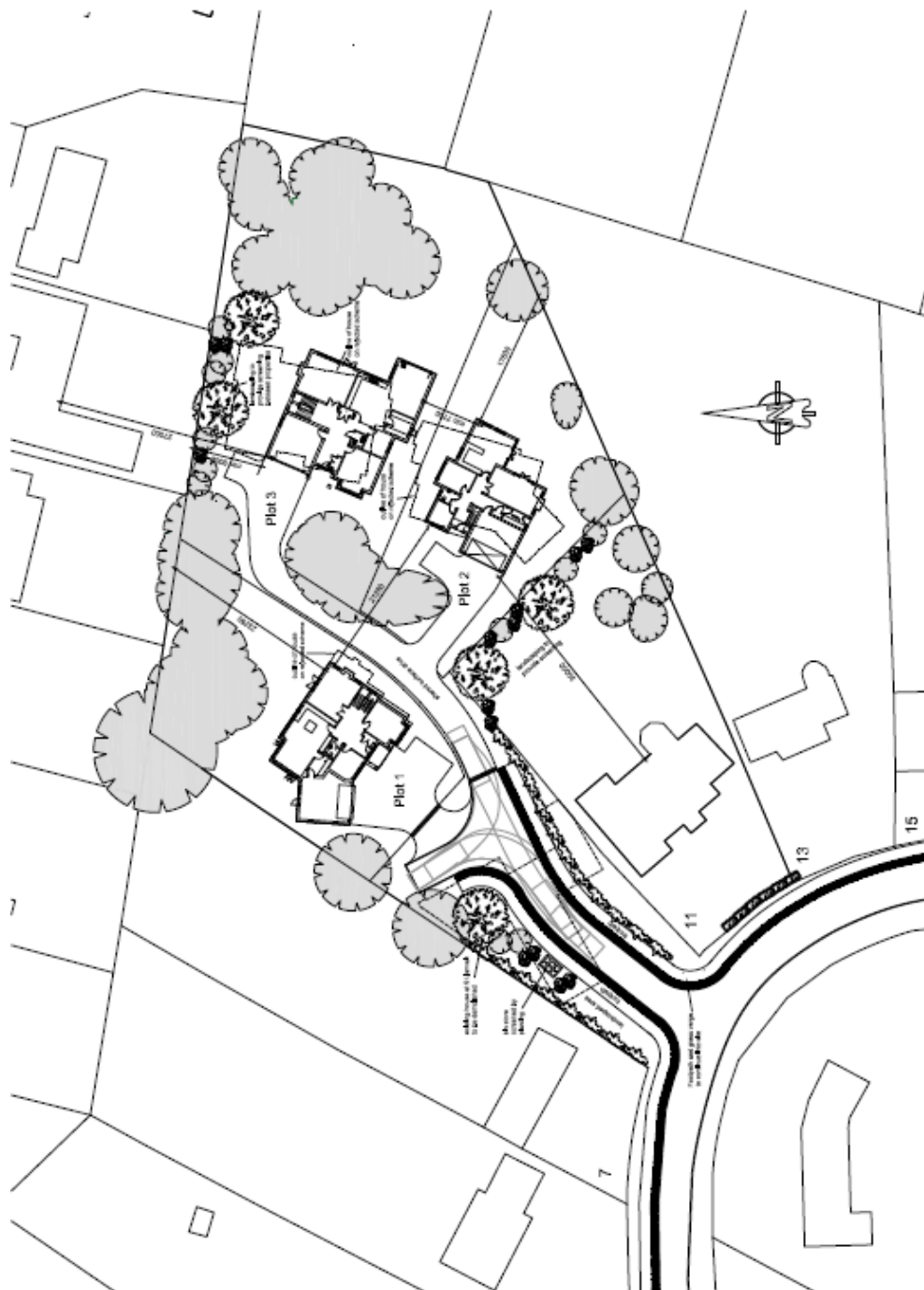
Informatives

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



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

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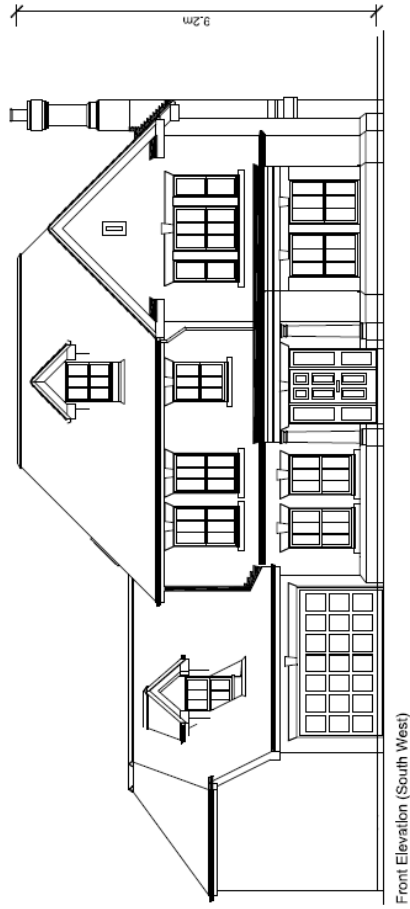


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Date: Nov 2014
Scale: 1:500@A3
Product Title: 9/11 Janvier Close, South
Assoc. Benchrite
Drawing No: DP1258.P_010 - C
Rev: C

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

PLOT 1



Front Elevation (South West)



Rear Elevation (North East)

Scale: 1:100

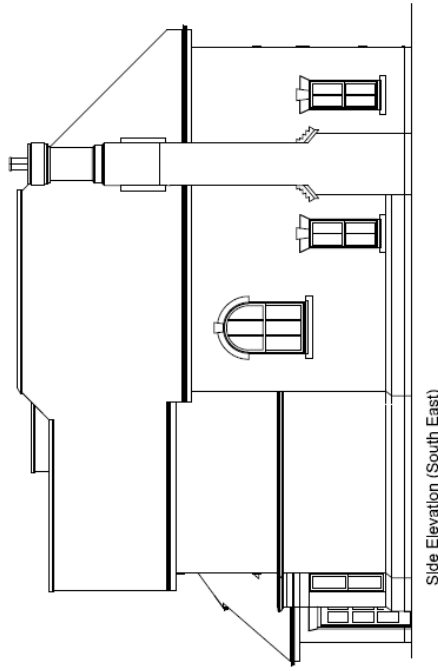
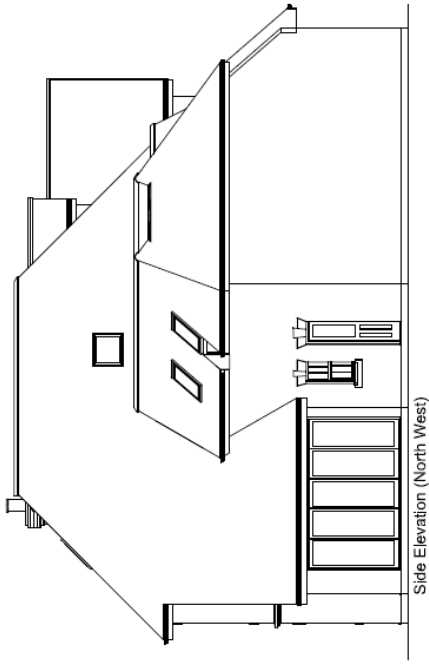


Drawing Title: Front & Rear Elevation Plot 1
Project Title: 9/11 Llanvair Close, South Ascot, Berkshire
Drawing No: DP1258.P.104 - B -
Date: Nov 2014
Scale: 1:100@A3

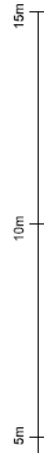
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PLOT 1

PLOT 1



Scale 1:100
0m



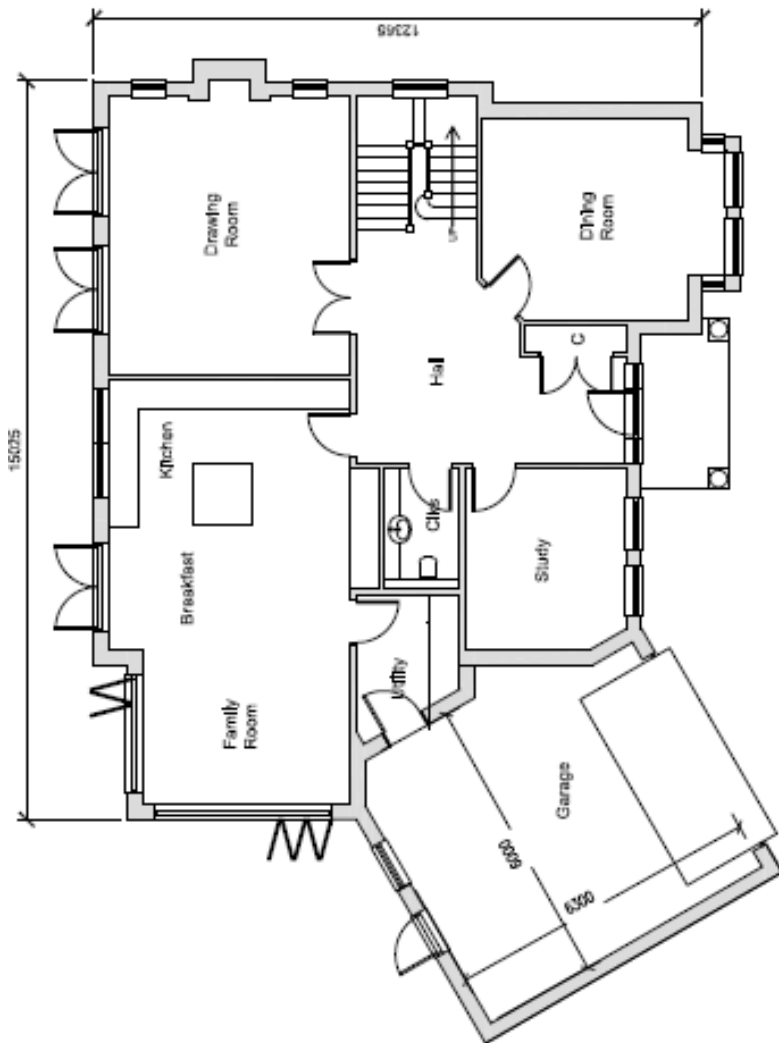
Drawing Title:
Side Elevations Plot 1

Date: Nov 2014
Scale: 1:100@A3

WENTWORTH
HOMES

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

PLOT 1



Scale 1:100
0m



Drawing Title:

Ground Floor Plan Plot 1

Scale:

1:100@A3

Date:

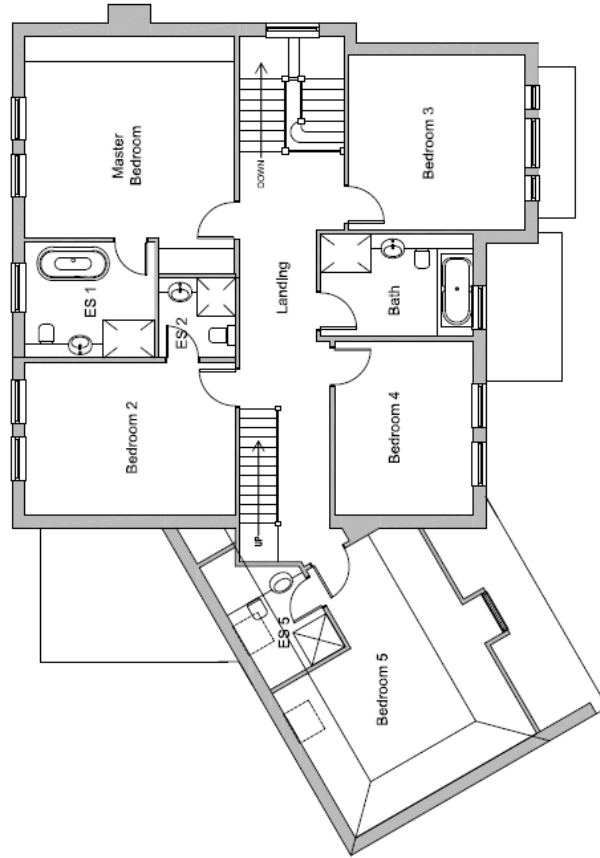
Nov 2014

Drawing No:

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DP1256.P.101 - C

WENTWORTH
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PLOT 1



Scale 1:100

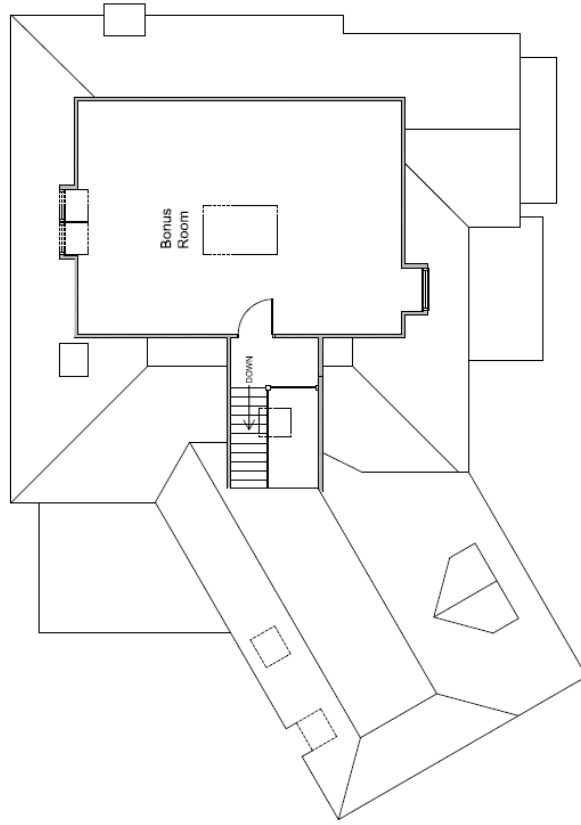


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Project Title: 9/11 Llanvalr Close, South Ascot, Berkshire
Drawing No: DP1258.P.102 - B

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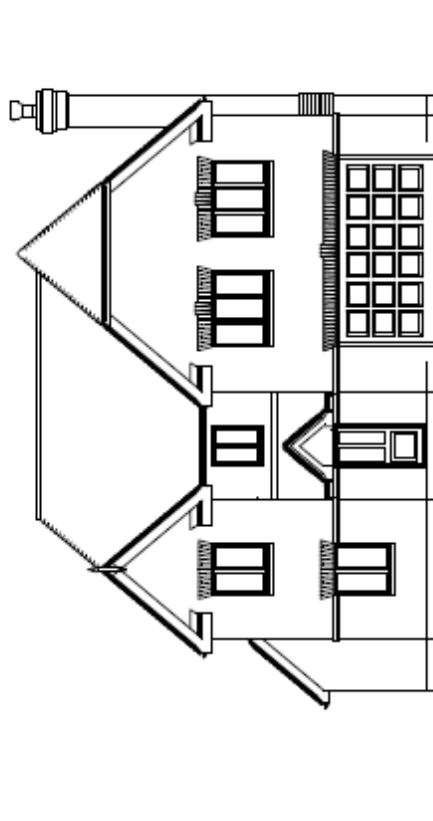
PLOT 1



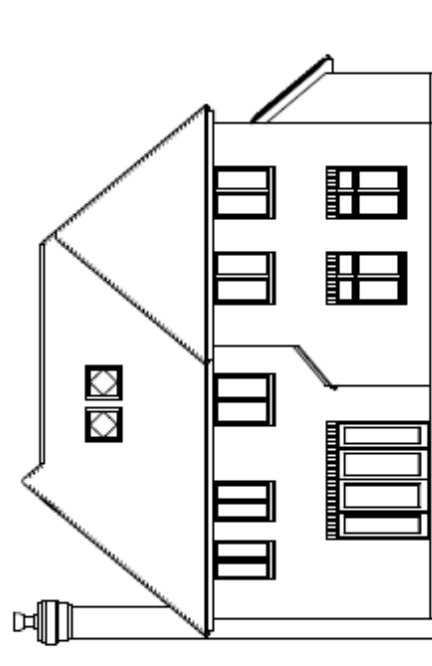
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Scale: **1:100@A3**
Project Title: **9/11 Llanvair Close, South Ascot, Berkshire**
Drawing No: **DP1258.P.103 - C**

WENTWORTH
HOMES





Front Elevation (West)



Rear Elevation (East)

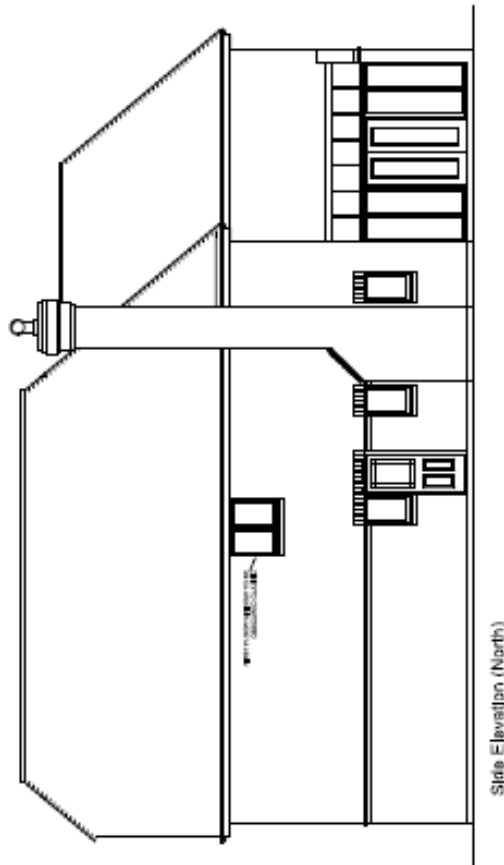
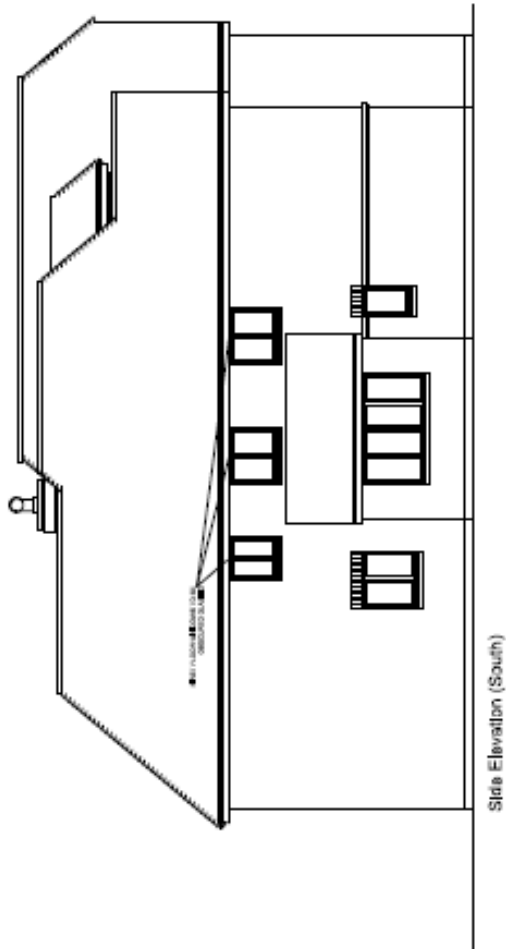
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Date: Nov 2014
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Project Title: 9/11 Ljanvair Close, South Ascot, Berkshire
Drawing No: DP1258.P.204 - D
Rev: D

WENTWORTH
HOMES

PLOT 2



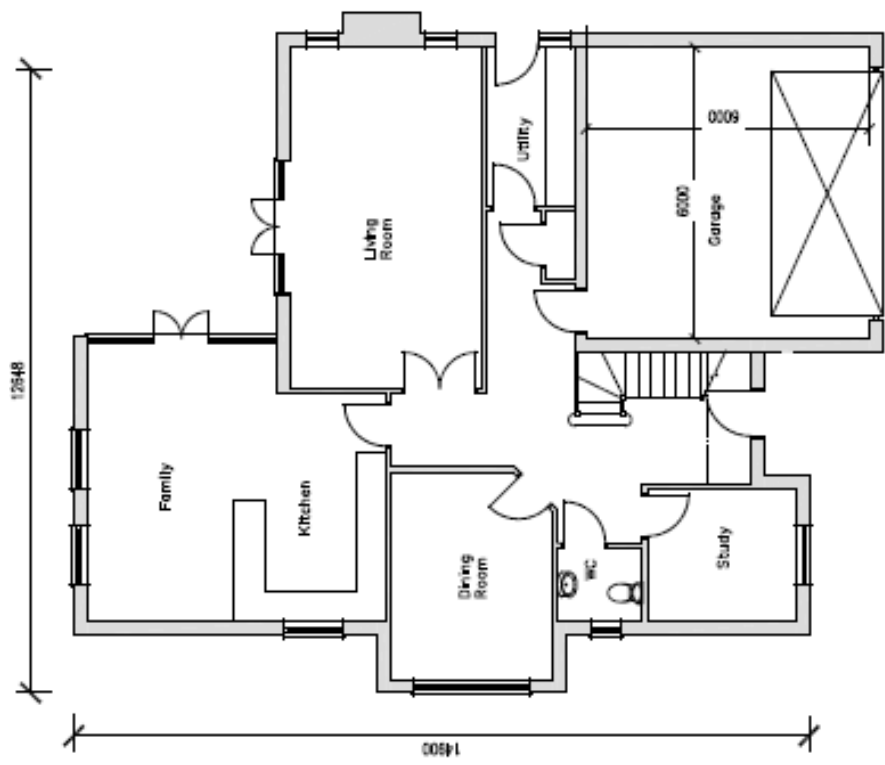
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Drawing title: Side Elevations Plot 2
Date: Nov 2014
Scale: 1:100@A3
Project title: 9/11 Llanvair Chase, South
Drawing file: DP1258.P-205 - D
Rev: Ascob, Berkshire

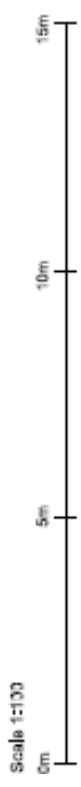
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HOMES

PLOT 2

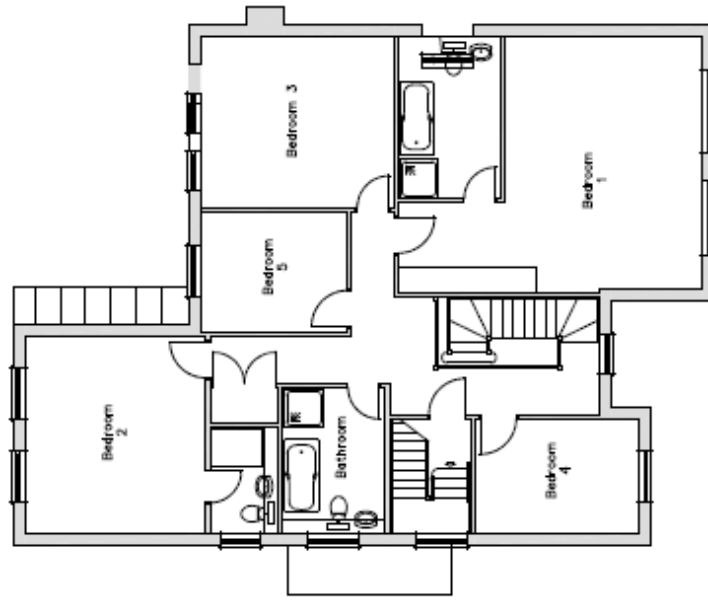


WENTWORTH HOMES

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Date: Nov 2014
Drawing No: DP1250_P.201 - C
Project No: 9/11 Llanwr-Clase, South Ascot, Berkshire



PLOT 2



Scale 1:100

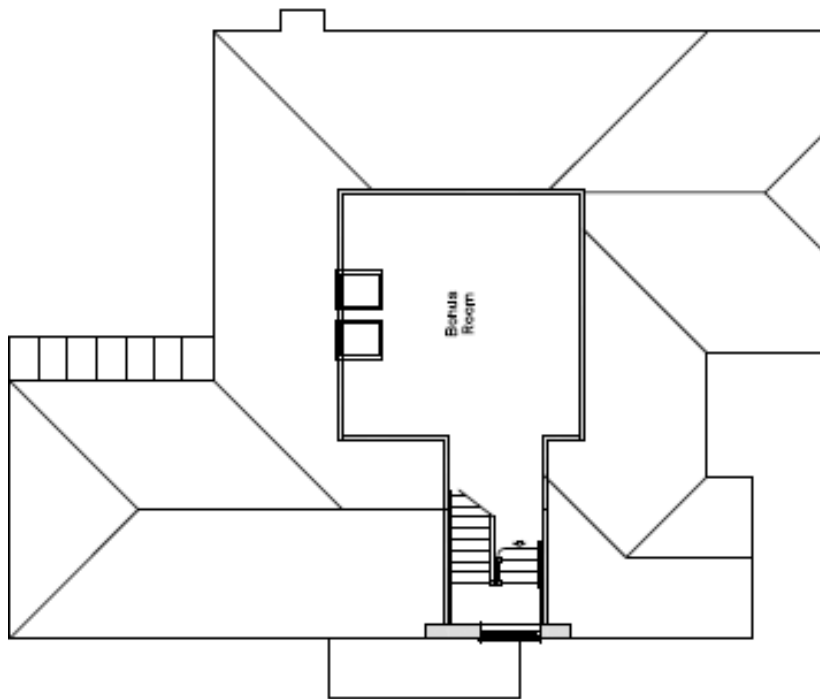


Drawing Title: First Floor Plan Plot 2
Date: Nov 2014
Scale: 1:100@A3

Project Title: 9/11 Llanva'r Cluse, South
Ascot, Berkshire
Drawing No: DP1258.P.202 - C

WENTWORTH
HOMES

PLOT 2



Scale 1:100



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

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

WENTWORTH
HOMES

APPENDIX B – 16/00117 – PLOT 3



Front Elevation (West)



Rear Elevation (East)

16/00117



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

WENTWORTH
HOMES

APPENDIX B 16/00117 - PLOT 3



Side Elevation (South)



Side Elevation (North)



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

WENTWORTH
HOMES

PLOT 3

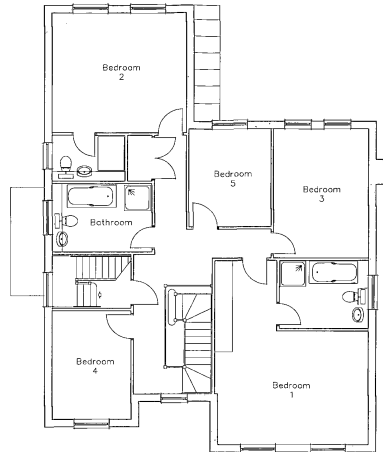


WENTWORTH HOMES

Drawing Title: Ground Floor Plan Plot 3
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Product Title: 9/11 Llanvaf Close, South Ascot, Berkshire
Drawing No: DP1259_P.301 - C



PLOT 3

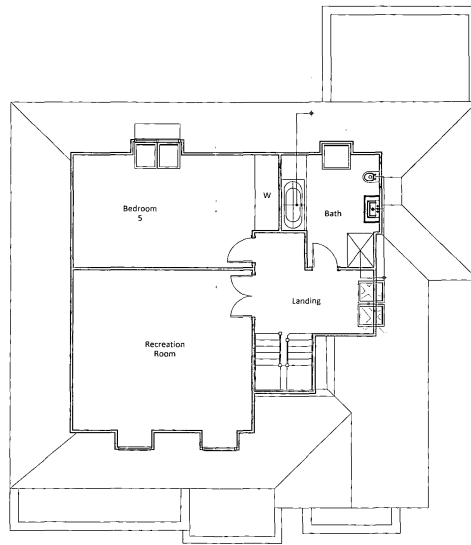


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Project Title:	Drawing No.:	Rev.:
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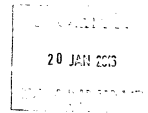
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PLOT 3



16/00117



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

WENTWORTH
HOMES



Appeal Decision

Site visit made on 13 October 2015

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

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

Decision date: 4 November 2015

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

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

Decision

1. The appeal is dismissed.

Procedural Matters

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

Main Issues

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

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

Reasons

Form – Density – Character – Landscape – Living Conditions

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

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

Protected Trees

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

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

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

Vehicle Access, Parking and Turning Space

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

Ecology - Bats

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

Five Year Housing Land Supply

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

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

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

Thames Basin Heath SPA and SANGS

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

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

Overall Conclusions

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

B J Sims

Inspector

WINDSOR RURAL DEVELOPMENT CONTROL PANEL

6 April 2016

Item: 5

Application No.:	16/00185/VAR
Location:	The Ridge And The Ridge Cottage Ridgemount Road Sunningdale Ascot
Proposal:	Redevelopment of The Ridge and The Ridge Cottage to provide for 10 No. apartments with basement car parking, together with amended access arrangements as approved under application 12/02620/FULL without complying with condition 2 (approved plans) to replace approved plans under planning permission 13/03276/VAR
Applicant:	Halebourne Group
Agent:	Mr D Bond - Woolf Bond Planning
Parish/Ward:	Sunningdale Parish
If you have a question about this report, please contact: Alistair De Joux on 01628 685729 or at alistair.dejoux@rbwm.gov.uk	

1. SUMMARY

- 1.1 This application follows an appeal decision in which ten flats at the site established the principle of allowing the redevelopment of the site with a building providing 10 apartments. A further application was subsequently made for relatively minor changes in 2013, which was approved.
- 1.2 This application makes some additional relatively minor changes to all four elevations of the building. While the changes proposed are regarded as material to the appearance of the building, they have been designed in a manner that is sympathetic to the original design and they introduce no additional overlooking or other impacts on neighbouring properties. For these reasons the proposals are considered to be acceptable.

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

2. REASON FOR PANEL DETERMINATION

- The Council's Constitution was amended in December 2015; it does not now give the Borough Planning Manager delegated powers to determine the application for a variation to an existing permission 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 located on the western side of Ridgemount Road towards its northern end, within walking distance of shops and the railway station in Sunningdale. The site area is approximately 0.47 hectares. It contains significant trees at the front and rear, and a small area of woodland immediately to the north of the site contributes to its setting although it is not part of the proposed development area. There are currently two accesses serving the site, and a single storey garage building sited fairly close to the frontage along with hard standing also used for parking, both towards the south-eastern corner of the site. The existing building is of very little architectural merit. The development is at an advanced stage, and is likely to be ready for occupation in July 2016.
- 3.2 The surrounding area is predominately residential in character with large dwellings set in substantial grounds further south on Ridgemount Road and to the west. Immediately adjacent to the site on its south side there is a use class C2 elderly peoples' care home, which has been extended with a modern building sited to the front. On the opposite side of Ridgemount Road there is a substantial block of flats known as Cheniston Court. To the west the ground levels

drop away towards detached dwellings at Abbey Wood and The White House, which is accessed from London Road.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

4.1 The application is for minor changes to doors, windows and other elevational details. It has also been noted that a wall is being built alongside the access ramp to the basement car parking area, which was not shown on the previously approved plans.

4.2 The property has the following recent planning history:

12/02620/FULL	Redevelopment of The Ridge and The Ridge Cottage to provide for 10 No. apartments with basement car parking, together with amended access arrangements	Refused, 17.12.2012 and subsequently allowed on appeal
13/02382/FULL	Construction of a detached house and detached double garage with access from 'The Ridge' and The Ridge Cottage'	Refused, 16.10.2013.
13/03276/VAR	Redevelopment of The Ridge and The Ridge Cottage to provide for 10 No. apartments with basement car parking, together with amended access arrangements as approved under planning appeal 12/02620 without complying with condition 2 (approved plans) so that the submitted schedule may supersede the existing plan drawings; the amended scheme provides for the accommodation at Plots 1 and 4 as approved to increase from 3 to 4 bedrooms including basement accommodation, with other minor changes to the approved drawings.	Permitted, 11.02.2014
13/03685/CONDIT	Details required by conditions 4 (scheme of archaeological investigation), 5 (construction method plan), 6 (energy statement), 9 (arboricultural method statement), 10 (finished levels), 11 (hard and soft landscaping) and 13 (visibility splays) of planning permission 13/03276/VAR	Part refusal, part approved. The details for submitted for submitted for all of the conditions 4, 5, 6, 9, 10 and 13 were approved on 07.03.2014 (the details for condition 11 were refused and subject to the resubmission noted below)
14/00755/CONDIT	Details required by conditions 3 (external materials) and 11 (hard and soft landscaping) of planning permission 13/03276/VAR	Details for condition 11 of were approved, 07.05.2014 (details for condition 3 were refused and subject to the following resubmission)
14/01443/CONDIT	Details required by condition 3 (external materials) of planning permission 12/02620 and varied under permission 13/03276	Approved, 11.07.2014
14/02017/CONDIT	Details required by condition 15 (surface water drainage) of planning permission 13/03276	Approved, 22.08.2014

15/01058/CONDIT	Details required by condition 16 (refuse bin storage area and recycling facilities) of planning permission 13/03276/VAR	Approved, 05.06.2015
15/03367/NMA	Non material amendment to planning permission 13/03276/VAR to reduce the number of windows, and to reduce the size of some windows	Refused, 22.12.2015

4.3 Proposals on the adjacent woodland land to the north of the site have included unsuccessful applications for a single detached house (11/01479/FULL, 13/02382/FULL and 14/02799/FULL were all refused and dismissed on appeal); however, this land does not form part of this application site.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework, Section 7 and *Decision-taking*

The Development Plan

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

	Within Settlement area
RBWM Local Plan	DG1, H10, H11
Ascot, Sunninghill and Sunningdale Neighbourhood Plan	NP/DG1, NP/DG2, NP/DG3

Other Strategies

5.3 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment - view at:
http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm

6. EXPLANATION OF RECOMMENDATION

6.1 The key issue for consideration is:

- Whether the changes proposed in the amended drawings are acceptable in design terms; and
- whether changes either as proposed or any changes in planning policy raise new issues such that the current application would be unacceptable.

Relationship to the extant permission

6.2 The following amendments are proposed:

- On the front elevation, all the approved dormer windows are proposed to be reduced in size, together with the patio and balcony doors at the two ends. Other patio and balcony doors are proposed to be amended in form.
- On the rear elevation, two approved dormer windows are proposed to be omitted. Other patio and balcony doors amended in size and/or reconfigured.
- On the southern side elevation, four approved windows have been omitted along with amendments to window, door and dormer sizes and a balcony door which has been replaced with a window. The approved chimney position is also intended to be changed.

- On the northern side elevation, two approved windows are omitted, along with amendments to window, door and dormer sizes and slight changes to window positions. A balcony door is proposed to be replaced with a window.

6.3 These amendments can be viewed on the elevation drawings included in the appendices. It is considered that the differences listed above are all minor and acceptable amendments to the plans as previously approved.

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

6.4 One objector has written regarding changes to the height of the retaining wall alongside the vehicle access to the basement car park. This is significantly lower as shown on the approved plans than the wall now being constructed at the site. A photograph of the new wall taken from Ridgemount Road is included in the submission, and will be made available on the PowerPoint presentation for the Panel meeting. Clarification on this point has been sought from the developer, but it is not considered that this raises any new issues that should affect the outcome of the application.

Other matters

6.5 One objector has raised an issue about the access to and from the site. This has not been changed in this application. Some confusion may have arisen over this aspect of the development because the application description includes the description of the previous application in the current description; however there is no change to the access and egress arrangements onto Ridgemount Road in this application. This point has been discussed with the Council's Highway Officer, who has no objection to the current proposal.

6.6 The Council's Tree Officer has commented about replanting of a protected tree, which was allowed to be removed as part of the extant permission. This is provided for in the condition recommended below.

6.7 Condition 8 of the extant permission required submission of Code for Sustainable Homes certificates for the development. The Code for Sustainable Homes has since been cancelled, so although this condition has not been complied with, it is no longer required. Details of on-site renewable energy generation have previously been approved, and implementation of these details should continue to be incorporated into the development in order to assist in the transition to a low carbon energy economy.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

27 neighbouring occupiers were notified directly of the application.
The planning officer posted a statutory notice advertising the application at the site on 1 February 2016.

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

	Comment	Where in the report this is considered
1.	The height of a concrete wall to be constructed for the basement access and as shown on in the drawings approved for 13/03276/VAR is significantly lower than the wall now constructed on site. The wall shown on 13/03276/VAR also has a decorative glass barrier mounted on its upper surface. This has not yet been installed on the current wall but, if it were to be installed, it would then add additional height to this	6.4

	concrete wall. The existing construction is therefore different to plans submitted for approval. The combination of increased wall height and its extension closer to Ridgemount Road makes this unsightly when viewed from Ridgemount Road. A photograph of the new wall taken from Ridgemount Road is included in the submission, and will be made available on the PowerPoint presentation for the Panel meeting.	
2.	There has been no notice given about the amended access arrangement.	6.5
3.	There has been no consultation about the amended access mentioned in the application description. There will be conflict between vehicles exiting the site and Cheniston Court is inevitable.	6.5
4.	One applicant raised questions about notifications for planning application.	6.5

Statutory consultees

Consultee	Comment	Where in the report this is considered
Parish Council:	No objection to windows and basement. Objection to change in vehicular access from approved scheme 12/02620 to 13/02376 VAT. Same access proposed is close to dangerous blind steep bend. No highways report to support this access in 13/02376. Concrete sides under construction on access road appear higher and more dominant than shown on 13/02376 VAR.	6.2 - 6.5
Natural England:	No comment, as there is no additional impact regarding the Thames Basin Heaths SPA.	Noted.
Lead Local Flood Authority.	No objection.	Noted.

Other consultees

Consultee	Comment	Where in the report this is considered
Tree Officer:	Has commented about replanting of a protected tree, which was allowed to be removed as part of the extant permission.	6.6
Highways Officer:	No objection.	6.5

8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B - Elevation drawings as proposed
- Appendix C - Elevation drawings as approved
- Appendix D - Elevation drawings as proposed, with the differences from the approved drawings highlights

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

In this case the issues have been successfully resolved.

9. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development shall be completed and maintained in accordance with the details of exterior materials previously approved under RBWM planning reference 14/01443/CONDIT.
Reason: In the interests of the visual amenities of the area. Relevant Policies RBWM Local Plan DG1; Neighbourhood Plan NP/DG1, NP/DG2 and NP/DG3.
- 2 Any further impacts on archaeology shall be managed and completed in accordance with the programme and written scheme of investigation previously approved under RBWM planning reference 13/03685/CONDIT, and any archaeological finds / discoveries shall be deposited and / or recorded as approved in those details.
Reason: To ensure the continued preservation in situ or by record of any finds made in this area of archaeological interest. Relevant Policies - Local Plan ARCH2, ARCH4.
- 3 The development shall be completed in accordance with the Construction Method Statement previously approved under RBWM planning reference 13/03685/CONDIT.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policy - Local Plan T5.
- 4 No occupation of the development may take place until on-site renewable energy generation capacity to provide the equivalent of at least 10% on-site energy for the whole development has been completed and is operational in accordance with the details previously approved under RBWM planning reference 13/03685/CONDIT.
Reason: To ensure that the development is sustainable and provides an appropriate level of renewable energy generation on site and to comply with Requirement 3 of the Royal Borough of Windsor and Maidenhead Sustainable Design and Construction Supplementary Planning Document. Relevant Policy - Neighbourhood Plan NP/DG5.
- 5 The basement garage, its associated ramp access, car spaces, turning area and cycle storage hereby permitted shall be built concurrently with the development in accordance with the approved plans and kept available for the turning and the parking of motor vehicles and the storage of bicycles at all times. The basement garage, all the car and motorcycle spaces and the bicycle storage shall be used solely for the benefit of the occupants of the apartments of which they form a part and their visitors and for no other purpose and permanently retained as such thereafter.
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, T7 and DG1.
- 6 Trees protection shall be maintained at the site in accordance with the details approved under RBWM planning reference 13/03685/CONDIT, and removed only after all materials and equipment used in the development have been removed from the site.
Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1 and N6.

- 7 All finished levels in relation to ground level (against OD Newlyn) shall be in accordance with those approved under RBWM ref. 13/03685/CONDIT, unless other details of levels have first been submitted to and approved in writing by the local planning authority.
Reason: In the interest of the visual amenities of the area. Relevant Policy Local Plan DG1.
- 8 Hard and soft landscape works and boundary treatment shall be completed in accordance with the details previously approved under RBWM ref. 14/00755/CONDIT and maintained as such.
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 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the development or its completion, whichever is the sooner; and any trees or plants which within a period of 10 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives prior written approval to any variation.
Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1 and N6.
- 10 The visibility splays at the site exits shall be completed and maintained in accordance with the details previously approved under RBWM planning reference 13/03685/CONDIT, and the areas within these splays shall be kept free of all obstructions to visibility over a height of 0.6 metres above carriageway level. Development shall be carried out in accordance with the approved details.
Reason: In the interests of highway safety. Relevant Policy - Local Plan T5.
- 11 No part of the development shall be occupied until pedestrian visibility splays of 2.0 metres by 2.0 metres have been provided at the junctions of the driveways and the adjacent footways. All dimensions are to be measured along the outer edge of the driveways and the backs of the footways 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 Policy - Local Plan T5.
- 12 No apartment hereby permitted shall be occupied until surface and ground water drainage works have been implemented in accordance with the details previously approved under RBWM planning reference 14/02017/CONDIT, and the approved details shall then be maintained as such.
Reason: To ensure that the development provides drainage of surface run-off and ground water within the site and to comply with Requirement 4 of the Royal Borough of Windsor and Maidenhead Sustainable Design and Construction Supplementary Planning Document.
- 13 Refuse bin storage and recycling facilities shall be provided in accordance with the details approved under RBWM reference 15/01058/CONDIT, and maintained as such and remaining 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 and DG1.
- 14 The development hereby permitted shall be carried out in accordance with the approved plans listed below.
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

WINDSOR RURAL DEVELOPMENT CONTROL PANEL

6 April 2016

Item: 6

Application No.:	16/00300/FULL
Location:	68 Ouseley Road Wraysbury Staines TW19 5JH
Proposal:	Erection of detached dwelling following demolition of existing dwelling and garage
Applicant:	Mr Singh
Agent:	Mr Kaleem Janjua - M C S Design Architectural Services
Parish/Ward:	Wraysbury Parish
If you have a question about this report, please contact: Claire Pugh on 01628 685739 or at claire.pugh@rbwm.gov.uk	

1. SUMMARY

- 1.1 This proposal is considered to overcome the reason for refusal of the previously refused scheme. The proposed dwelling is of a smaller scale compared to the previous scheme and has a more simple appearance. On balance, it is considered that the new dwelling would have an acceptable impact on the character of the area. It is considered that a good landscaping scheme would be required to ensure that that the site retains a soft appearance as it does now.
- 1.2 Clarification has been sought over the height of the voids and whether it would be above the 1 in 100 year plus climate change flood level; provided that this information is provided and the Environment Agency removes their objection, it is considered that the development would be acceptable in the flood zone.

It is recommended the Panel authorises the Borough Planning Manager:	
1.	To grant planning permission provided that the Environment Agency removes their objection to the development with the conditions in section 9.
2.	To refuse planning permission if the Environment Agency does not remove their objection for the reason that it has not been demonstrated that the development would have an acceptable impact on flood risk.

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Lenton if the officer recommendation is to grant permission for the reason that there are concerns over the scale of the property, and impact on streetscene and concerns over loss of privacy. Concerns over flood risk. Unclear on the number of bedrooms in the dwelling. Concerns over whether there is access for wheelchairs.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 Number 68 Ouseley Road comprises a one and a half storey dwelling which is set back in the plot, and set much further back than other properties on Ouseley Road. The site is well screened on its side and rear boundaries by trees and vegetation. Along the front boundary is a low wooden fence. Towards the front of the site is a detached flat roofed double garage.
- 3.2 In this part of Ouseley Road, the properties tend to be located close to the road and comprise a mix of single storey and one a half storey dwellings. The houses have varied individual designs but are simple in their execution. The site is situated within flood zone 3 (high risk flooding).

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Ref.	Description	Decision and Date
14/03632/FULL	Erection of detached dwelling following demolition of existing dwelling and garage	Refused planning permission on 19 th February 2015 and dismissed on appeal on 17 th November 2015.

- 4.1 The application proposes a two storey dwelling, with dormer windows in the roof. The overall height of the dwelling (to the ridge) would be 8.5 metres. The eaves to the dwelling have been kept low, and the height to the eaves would be 4.4 metres. The dwelling is raised so that voids can be incorporated into the scheme.
- 4.2 The dwelling dismissed on appeal in 2015 was a two and half storey dwelling. The overall height of the dwelling was 8.5 metres, and the height to the eaves was 6.9 metres. A portico was proposed over the front door of the dwelling, and the windows incorporated glazing bars.
- 4.3 A car port is proposed to the front of the proposed dwelling. Block paving is proposed on the front of the site to form the new driveway. A number of trees are shown for removal.
- 4.4 Planning application 14/03632 was refused for the following reason at appeal:

The proposed dwelling would be two and a half storey. As a result the eaves height would be much higher than the surrounding houses and the windows and detailing would have a vertical emphasis. This together with the large size and scale of the proposed house means it would appear larger than surrounding houses and would be dominant and visually obtrusive when viewed from the street

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework:

Section 17- good standard of amenity
 Section 64 - character and quality of the area
 Section 103- development and flood risk

Royal Borough Local Plan

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

	Within settlement area	High risk of flooding	Highways /Parking issues
Local Plan	DG1	F1	T5, P4

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

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

More information on these documents can be found at:

http://www.rbwm.gov.uk/web/pp_supplementary_planning.htm

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
- RBWM Parking Strategy - view at:
http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm
- RBWM Strategic Flood Risk Assessment - view at:
http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Impact on the character and appearance of the area;
- ii Development within the floodzone;
- iii Impact on the amenity of neighbouring occupiers;
- iv Parking;

Impact on the character and appearance of the area

6.2 Local Plan Policy DG1 (3) explains that the design of new buildings should be compatible with the established street façade having regard to the scale, height and building lines of adjacent properties. Paragraph 64 of the National Planning Policy Framework states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

6.3 The Inspector in the previous appeal decision made the following comment about the character of the area:

‘Generally properties on Ouseley Road are either bungalows or one and a half storey with front dormer windows and as a result of their low eaves height have a horizontal emphasis. The houses have varied individual designs but are simple in their execution. Front gardens are open with low boundary treatment and contain some planting.’

6.4 The Inspector in the previous appeal decision made the following conclusion about the proposed dwelling:

6.5 *‘The proposed dwelling would be two and a half storey. As a result the eaves height would be much higher than the surrounding houses and the windows and detailing would have a vertical emphasis. This together with the large size and scale of the proposed house means it would appear larger than surrounding houses and would be dominant and visually obtrusive when viewed from the street.’*

6.6 Although the ridge height of the dwelling has not changed in this current scheme, the eaves height is significantly lower on the front and rear elevations (2.5 metres lower) than the refused scheme. On the side elevations the roof is of a mansard type design, and so the eaves height is greater on the side elevations of the dwelling and the bulk of the dwelling will appear greater compared to the front elevations. Amended plans were received during the course of the application showing in reduction in the size of the dormer windows and these are now considered to be in proportion with the overall scale of the dwelling.

- 6.7 Looking at the overall height of the proposed dwelling at 8.5 metres, this is higher than the neighbouring dwellings. Number 66 is circa 8 metres to the ridge, however, it is considered that the proposed dwelling at number 68 which is set further back from the road would not appear out of keeping with the other dwellings in the road owing to its height. In addition, the eaves are significantly lower on the front elevation than in the previously refused scheme, which the Inspector considered gave the dwelling the vertical emphasis. In this current scheme, the dwelling has a horizontal emphasis which is more akin to the other dwellings in the area. In addition, there is not a strong character of buildings styles on this road; styles vary, and so it is considered that the design of the dwelling would be acceptable. It will be important to ensure that suitable materials are used, which can be secured by condition (see condition 2). In this current scheme, the fenestration is of a more simple appearance and a front porch is proposed instead of a portico. It is considered that this dwelling is of a more simple appearance than the previously refused scheme that is more in keeping with the area.
- 6.8 Whilst the proposed side elevations appear quite bulky, these elevations will not be prominent within the streetscene, and so on balance the scale and appearance of the dwelling is considered to be acceptable.
- 6.9 None of the trees on site are subject to a tree protection order, the trees do contribute to the character of the site and area. The tree protection plan shows the removal of some trees, including hawthorn, yew and cypress and apple, cherry tree and hazel. There is no objection in principle to the loss of these trees, however, a good landscaping plan would be required to compensate for the loss of trees on site. The plans provided do not detail what soft landscaping would be incorporated, and so condition (6) requires this detail.

Development within the floodzone

- 6.10 The site is situated within flood zone 3 (high risk flooding). A replacement dwelling is acceptable within the flood zone, provided that it complies with Local Plan Policy F1. In terms of increasing the ground covered area of the dwelling, Policy F1 allows for an increase of 30 square metres of ground covered area over that of the existing dwelling. The existing dwelling on site has a ground covered area of 104 square metres. The ground covered area of the detached garage on site is 35 square metres. As there is no planning history for extensions or outbuildings within the site, the replacement dwelling can have an additional ground covered area of 30 square metres, plus the ground covered of the detached garage to be demolished.
- 6.11 The ground covered area of the proposed dwelling would be 169 square metres, and this figure excludes the raised terrace and stairs which are shown to be open, and as such a set out in the SPG would not have a ground covered area. A condition could be imposed to ensure that these areas remain open for the lifetime of the development, and so the stairs and terraces would not be counted as ground covered area purposes of policy F1. The proposed car port shown on plan would not be counted as ground covered area, and this is set out in the Council's Supplementary Planning Guidance on flooding. The increase in ground covered area is considered to be acceptable.
- 6.12 Whilst the proposed voids are not being used as a justification for the proposed ground covered area the Environment Agency has sought clarification over the height of the proposed voids, and that the height of the voids will be above the 1 in 100 year flood event plus an allowance for Climate Change. This should be shown on the proposed plans and within the Flood Risk Assessment. Until this information is provided, the proposal will conflict with section 103 of the NPPF as it is not certain that the development would not increase flood risk, and with Local Plan Policy F1. Amended plans and an amended FRA have been requested, the Panel will receive an update at the meeting.

Impact on the amenity of neighbouring occupiers

- 6.13 Owing to the proposed siting of the dwelling, numbers 66, 64 and 70 Ouseley Road would be most impacted. The dwelling would not be orientated towards number 66 Ouseley Road, and so it is not considered that it would result in unacceptable overlooking. The dwelling would be visible from the garden area of number 64 Ouseley, and whilst it would be visible from the garden area, it is considered that it would not be unduly overbearing to the immediate private amenity area to this dwelling. Given that there would be a raised terrace area for the dwelling that could offer views into the garden area (although not their immediate garden area) of number 64 Ouseley Road, a condition for privacy screens to the side of the raised terrace is recommended. A condition is recommended for first floor side windows to be obscurely glazed with a top opening. This is set out at conditions 3 and 4.
- 6.14 Looking at the impact on number 70, given the orientation of the dwelling towards this rear garden area there will be some views into the garden, however given that there is a gap of circa 16 metres from the first floor window of the proposed dwelling to the rear part of this garden area, it is not considered that the application should be refused on grounds of unacceptable overlooking. In addition, it should be noted that the previous scheme (where the new dwelling was proposed in the same location) was not refused on grounds of unacceptable overlooking, or being overbearing and this is a material consideration to the determination of this application.

Parking

- 6.15 There would be sufficient space to accommodate at least 3 cars on site, which would meet the Council's parking standards for a 4 bedroom house.

Other considerations

- 6.16 Concern is raised over lots of cars being parked on site. Although a large area of hardstanding is proposed, a 4 bedroom house is unlikely to generate a significant amount of cars that would cause disturbance to neighbouring dwellings, or would look out of keeping with the streetscene to warrant refusal.
- 6.17 For clarity, the dwelling would have 4 bedrooms.
- 6.18 It is stated that the height of other voids in the area should be checked, however, the voids in this case are based on the flood data that the agent has used.
- 6.19 An amended design and access statement has been received which clarifies the height as 8.5 metres, but in any case a decision would be made on the scaled plans.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

14 occupiers were notified directly of the application.
The planning officer posted a statutory notice advertising the application at the site on 2nd February 2016

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

Comment	Where in the
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		report this is considered
1.	Concerns over the size over the large area of raised decking and the loss of privacy this will result in to the garden of number 64 Ouseley Road, owing to the proposed tree removal.	6.13
2.	The new property will overlook numbers 64 and 66 Ouseley Road. The proposed side and front windows will result in unacceptable overlooking to number 64 Ouseley Road.	6.13-6.14
3.	The area for car parking will be too large; having 10 cars parked up will have an adverse impact on number 64 from noise, and this level of parking will not be in keeping with that of other properties.	6.16
4.	There are no other properties on Ouseley Road that have a similar appearance to that proposed. The proposed materials will not be in keeping with other properties on the road.	6.7
5.	Confusion over whether the dwelling has 4 or 5 bedrooms.	6.17
6	The scheme does not differ from that dismissed on appeal, except that the roof is softer; everything else is worse.	6.2-6.9
7	The scheme will be visually obtrusive in the streetscene.	6.2-6.9
8	The proposed dwelling is the same height as that dismissed on appeal.	6.2-6.9
9	The height of the voids should be checked against that of other properties in the area.	6.18
10	The design and access statement states the dwelling will be 9 metres in height, which differs from the height specified on the plans of 8.5 metres.	6.19
11	Scheme is exactly the same as dismissed on appeal, aside from the lower eaves height.	6.2-6.9
12	The portico, pillars and steps were cited in the appeal decision as being out of keeping with the more simple appearance of dwellings in the area, and this scheme does not address these concerns.	6.2-6.9

Statutory consultees

Consultee	Comment	Where in the report this is considered
Environment Agency	Our only concern with this application is the design of the void space under the proposed replacement dwelling. The decking and the voids must be designed in such a way as to allow the free flow of flood waters for the 1 in 100 year flood event plus an allowance for Climate Change. The sectional view drawing reference BEDI/PLAN/009 shows the void spaces but not the level they are up to, it also shows that the top of the voids is at different levels. Drawing titled proposed side elevations reference BEDI/PLAN/002 shows that the side elevation of the proposed building will have voids with slats over. It is not clear if the voids spaces meet the criteria of our position statement, as we do not have calculations to determine the collective space created by the gaps in any of the slats. We are unsure if the proposed voids will be sufficient in preventing the displacement of flood waters,	6.12

	<p>therefore increasing flood risk elsewhere.</p> <p>The submitted Flood Risk Assessment dated 10 December 2014 has also considered using a different level from the 1 in 100 plus climate change allowance level of 17.34m AOD. The developer has argued that the modelled flood levels may be inaccurate, however, they have not demonstrated that any lower flood heights should be used instead, and therefore the 1 in 100 plus an allowance for climate change level should be used in relation to the design of the voids and finished floor levels. Although they have stated that the Strategic Flood Risk Assessment (SFRA) states different flood levels, they appear to have used a level without an allowance for climate change from the SFRA, they have also not taken into account the 2013-14 flood event.</p> <p>Overcoming our objection</p> <p>The applicant can overcome our objection by showing on a plan the height of the void space. Providing a height from ground level to the underside of the decking will allow us to determine the height of the void in relation to flood depths. We will also need confirmation of the collective amount of void openings into the void space. Void openings should be designed to meet the following criteria as set out within appendix 1.2 of our Position Statement dated August 2014: Individual openings should be a minimum of 1 metre wide by the height of the predicted depth of flooding (including an allowance for climate change), from the existing ground level. There should be 1 opening in every 5 metre length of wall on all sides. Voids and stilts should be kept open and maintained as such in perpetuity. We recommend the applicant develops a maintenance plan to ensure the voids remain open for the life time of the development and must not be used as storage as this reduces flood water storage capacity.</p> <p>If it can be demonstrated that the collective gaps between the slats meet the above requirement and the void heights are shown on a plan we can remove our objection. However it may be that the slats will need to be repositioned to comply with the above specification.</p>	
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Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Council's Tree Officer	<p>No objections in principle –need an arboricultural method statement/tree protection plan and a good landscape condition for continuity of tree cover and reinforcing boundary planting.</p> <p>T01A Tree Protection - Details to be submitted</p> <p>No works or development shall take place until an Arboricultural Method Statement and Tree Protection Plan</p>	6.2-6.9

specific to this scheme, has been submitted and approved in writing by the Local Planning Authority. The Tree Protection Plan and Arboricultural Method Statement shall be written in accordance with, and address sections 5.5, 6.1, 6.2, 6.3 and 7 of British Standard 5837:2012 Trees in relation to design, demolition and construction – recommendations.

Nothing shall be stored or placed in any area in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written approval of the Local Planning Authority

Thereafter the works shall be carried out in accordance with the approved details until completion of the development.

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

Tree Retention/Replacement (T04A)

No tree or hedgerow shown to be retained in the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be lopped or topped other than in accordance with the approved plans and particulars and without the written approval of the Local Planning Authority, until five years from the date of occupation of the building for its permitted use. Any 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 size and species, and shall be planted at such time, as specified by the Local Planning Authority.

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

Landscaping Scheme – Details to be submitted (T06A)

No development shall take place until full details of both hard and soft landscape works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season following the substantial completion of the development and retained thereafter in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and

	<p>size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its written consent to any variation.</p> <p>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</p>	
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9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Proposed Layout
- Appendix C- Elevations and floor plans
- Appendix D- Previously refused plans (14/03632)
- Appendix E- Appeal decision for 14/03632

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 RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 Prior to the construction of the dwelling(s) hereby approved, a sample of the materials (including walls and roof) to be used on the external surfaces of the dwelling shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policy DG1.
- 3 The first floor window(s) in the side elevation(s) of the dwelling shall be of a permanently fixed, non-opening design, with the exception of an opening toplight that is a minimum of 1.7m above the finished internal floor level, and fitted with obscure glass to level 3 or above and the window shall not be altered. No further windows shall be inserted in the first floor level of the dwelling hereby approved.
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers, in accordance with the requirements of the National Planning Policy Framework.
- 4 Privacy screens to a height of no less than 1.8 metres on the sides of the rear terrace shall be erected prior to the first occupation of the dwelling, and thereafter retained in accordance with the details that have first been approved in writing by the Local Planning Authority.
Reason: To prevent overlooking and loss of privacy to the neighbouring residents in accordance with a key principle of the National Planning Policy Framework.
- 5 No tree or hedgerow shown to be retained in the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be lopped or topped other than in accordance with the

approved plans and particulars or without the prior written approval of the Local Planning Authority, until five years from the date of occupation of the building for its permitted use. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 Tree work. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate vicinity and that tree shall be of the same size and species unless the Local Planning Authority give its prior written consent to any variation.

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

- 6 Prior to the construction of the dwelling hereby approved, full details of both hard and soft landscape works, shall be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved within the first planting season following the substantial completion of the development and retained thereafter in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies Local Plan DG1, N6

- 7 No works or development shall take place until an Arboricultural Method Statement and Tree Protection Plan specific to this scheme, has been submitted and approved in writing by the Local Planning Authority. The Tree Protection Plan and Arboricultural Method Statement shall be written in accordance with, and address sections 5.5, 6.1, 6.2, 6.3 and 7 of British Standard 5837:2012 Trees in relation to design, demolition and construction - recommendations. Nothing shall be stored or placed in any area in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written approval of the Local Planning Authority. Thereafter the works shall be carried out in accordance with the approved details until completion of the development.

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

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

Reason: The site is situated within flood zone 3, and any further development would need to be carefully controlled.

- 9 No development shall take place until details of sustainability measures have been submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate how the development would be efficient in the use of energy, water and materials in accordance with the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document. The development shall be carried out and subsequently retained and maintained in accordance with the approved details.

Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development and to comply with the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document. This information is required prior to commencement of development, as some of the measures will need to be decided before commencing development.

- 10 The hard surface of the new driveway and new areas of hard surfacing shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-

off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.

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

11 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 Layout

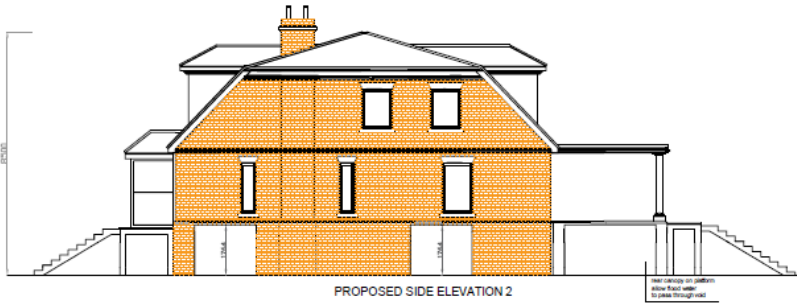


Appendix C- Elevations and Floor Plans

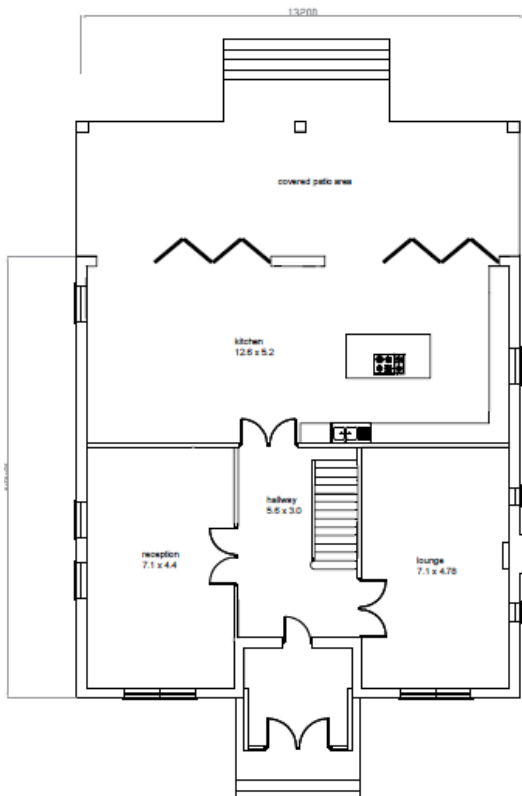




PROPOSED SIDE ELEVATION 1

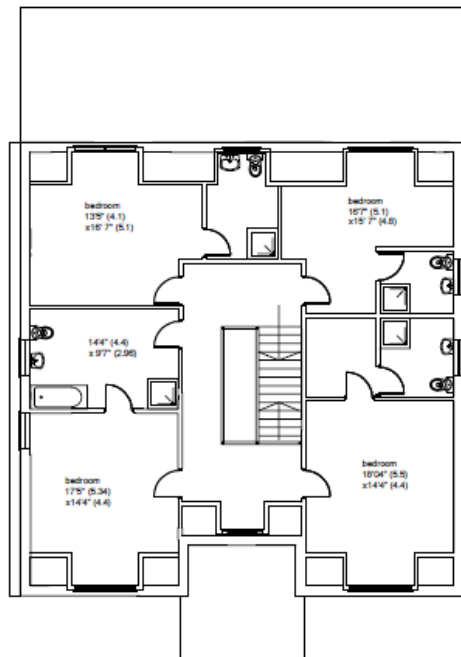


PROPOSED SIDE ELEVATION 2



TOTAL EXISTING FOOTPRINT: 139.29 sqm
 additional 30 sqm allowable under lawful development = 169.29sqm

Total proposed footprint = 168.78sqm



Appendix D- Previously refused scheme

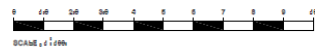


PROPOSED FRONT ELEVATION

LOUVERED VENTS
COVERING VOIDS
OPEN ON ALL 4 SIDES
SCALE OF FLOORING
IN ACCORDANCE TO LOCAL
AUTHORITY'S DESIGN AND
MAINTENANCE REGIME.



PROPOSED REAR ELEVATION



PROPOSED SIDE ELEVATION 1



PROPOSED SIDE ELEVATION 2

SEE DRAWING ON JOINT WITH
OTHER FLOOR UNDER
TO SEE THROUGH VOID



Appeal Decision

Site visit made on 6 October 2015

by **Zoe Raygen DipURP MRTPI**

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

Decision date: 17 November 2015

Appeal Ref: APP/T0355/W/15/3010118

68 Ouseley Road, Wraysbury, Staines-upon-Thames TW19 5JH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Bedi Singh against the decision of Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 14/03632, dated 17 November 2014, was refused by notice dated 19 February 2015.
 - The development proposed is demolition of existing dwelling and garage and erect a detached 5 bedroom dwelling.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. 68 Ouseley Road is a one and a half storey detached house set to the rear of other properties along the street. It is sited within a large plot containing mature trees along the side and rear boundaries. The number of trees when viewed together along the street contribute positively to the character of the area and create a pleasing environment enhancing the appearance of the street. Generally properties on Ouseley Road are either bungalows or one and a half storey with front dormer windows and as a result of their low eaves height have a horizontal emphasis. The houses have varied individual designs but are simple in their execution. Front gardens are open with low boundary treatment and contain some planting. The site is within Flood Zone 3b (functional flood plain).
4. The proposed house would be set slightly further back in the site than the existing one and occupy a much larger footprint. The proposed dwelling would be two and a half storey. As a result the eaves height would be much higher than the surrounding houses and the windows and detailing would have a vertical emphasis. This together with the large size and scale of the proposed house means it would appear larger than surrounding houses and would be dominant and visually obtrusive when viewed from the street.
5. The design of the house through the window detailing and the addition of portico, pillars and steps, would not reflect the more simple appearance and design of

nearby surrounding houses and therefore would add to the overall dominance of the building in this part of the street. The applicant states that flood mitigation measures have been incorporated which give rise to the need for steps to the front entrance. However there is no evidence before me to suggest that a less harmful scheme could not achieve the same flood mitigation aims and therefore I give this issue little weight.

6. The house would be set back in the site and have some screening by mature trees, including one at the front of the site. However, views would still be afforded from the street and neighbouring properties. In addition not all of the trees are evergreen and therefore views would be more open in the winter months.
7. The new house would be close to the boundary trees and their canopies. Even though the trees are not protected by a Tree Preservation Order, I would concur with the Council that they are an important feature of the site and their removal would be harmful to the character and appearance of the area. Therefore I see no reason to depart from the requirement of Policy N6 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations adopted June 2003) (the Local Plan) that a detailed tree survey is submitted prior to the determination of the proposals to enable an accurate assessment of the effect of the proposal on the trees taking into account root protection areas and the proximity of the new house.
8. I note that the appellant states, the trees would remain and B.S 5837 "no dig " solution principles employed within root protection areas. However I consider that a tree survey is required to accurately plot these areas and having had regard to paragraph 206 of the National Planning Policy Framework (the Framework) I do not consider it reasonable to apply a condition requiring such a survey to be submitted to and approved in writing by the Council as the assessment needs to be made prior to the acceptance of a house of this size and proximity to the trees.
9. For the reasons above I consider that the proposed house by virtue of its size, design and scale would be harmful to the character and appearance of the area contrary to Policy DG1 (3) and (6) and Policy N6 of the Local Plan and paragraph 64 of the Framework. These policies require, amongst other things, that the design of new buildings should be compatible with the established street façade and take the opportunities available for improving the character and quality of an area and the way it functions. Also that landscaping should form an integral part of a developments overall layout and design and a tree survey be submitted as part of a planning application.

Conclusion

10. For the reasons set out above, having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Zoe Raygen

INSPECTOR

WINDSOR RURAL DEVELOPMENT CONTROL PANEL

6 April 2016

Item: 7

Application No.:	16/00350/VAR
Location:	Ascot Corner Wells Lane Ascot
Proposal:	Construction of 12 flats, with basement parking and cycle store, detached refuse store, new entrance gates, landscaping and additional parking, following demolition of existing dwelling as approved under planning permission 12/01732 without complying with condition 4 (arboricultural method statement) to vary the wording.
Applicant:	Ascot Corner 14 Ltd
Agent:	Mrs Rebekah Jubb - Bell Cornwell LLP
Parish/Ward:	Sunninghill And Ascot Parish
If you have a question about this report, please contact: Vivienne McDowell on 01628 796578 or at vivienne.mcdowell@rbwm.gov.uk	

1. SUMMARY

- 1.1 The development is substantially complete. This application proposes the variation of condition 4 on 12/01732/FULL. Condition 4 relates to the submission of an arboricultural method statement prior to commencement. Now that the development is substantially complete, the applicant is proposing various mitigation measures to rectify some ground level changes that have occurred within the site. The applicant is also proposing additional tree planting along the frontage.
- 1.2 The Council's Tree Officer is satisfied with the proposed mitigation measures and additional tree planting.

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

2. REASON FOR PANEL DETERMINATION

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

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site lies on the corner of Wells Lane and the London Road. The site is excluded from the Green Belt and lies within the townscape character area, Villas in a Woodland Setting.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Ref.	Description	Decision and Date
12/01732/FULL	12 Flats with basement parking and cycle store, detached refuse store, new entrance gates, landscaping and additional parking following demolition of existing dwelling.	Approved 30/1/2013
13/01349/CON DIT	Details required by condition 4 (arboricultural method statement) of planning permission 12/01732.	Refused 19/6/2013
13/01353/CON DIT	Details required by condition 5 (hard and soft landscaping)	Refused 19/6/2013
13/01354/CON	Details required by condition 7 (renewable energy)	Approved 10/7/2013

DIT		
13/01355/CON DIT	Details required by condition 6 (acoustic insulation)	Approved 10/7/2013
13/01356/CON DIT	Details required by condition 3 (construction management plan)	Refused 17/6/2013
13/01384/CON DIT	Details required by condition 2 (materials)	Approved 17/6/2013
13/01687/CON DIT	Details required by condition 8 (BRE Codes of Sustainable Homes)	Approved 19/6/2013
13/01839/CON DIT	Details required by condition 3 (construction management plans)	Approved 30/8/2013
13/03035/CON DIT	Details required by condition 5 (hard and soft landscaping)	Approved 29/11/2013
14/03612/CON DIT	Details required by conditions 13 (Cycle parking), 14 (Refuse Bin and recycling provision), 16 (Gates).	Approved 9/12/2014

- 4.1 Planning permission has been granted for this development and the only matter for consideration is the proposed the variation of condition 4 on 12/01732/FULL, all other matters remain acceptable. Condition 4 relates to the submission of an arboricultural method statement prior to commencement and states:

Prior to the commencement of any works of demolition or construction an arboricultural method statement including details of provision for fencing and other relevant protection for the retained trees at the site, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented in accordance with a timetable to be approved as part of the arboricultural method statement.

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

- 4.2 This condition was not discharged and now that the development is substantially complete, the applicant is proposing various mitigation measures to restore some ground level changes within the site. The applicant is also proposing additional tree planting along the frontage.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework: Relevant sections – Paragraph 17 (Core Principles); Chapter 11 (Conserving and enhancing the natural environment).

Royal Borough Local Plan

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

	Within settlement area	Protected Trees
Local Plan	DG1, H10, H11	N6
Ascot, Sunninghill and Sunningdale Neighbourhood Plan	NP/DG3,	NP/EN2,

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

More information on these documents can be found at:

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

6. EXPLANATION OF RECOMMENDATION

6.1 Planning permission has been granted for this development and the only matter for consideration is the proposed the variation of condition 4 on 12/01732/FULL, all other matters remain acceptable.

The key issues for consideration are:

- i Whether the proposed mitigation measures to restore ground levels and to provide additional trees are satisfactory and overcome the need for the pre-commencement Condition 4 on the original planning permission.

Whether the mitigation measures are satisfactory

6.2 Condition 4 on 12/01732/FULL states:

'Prior to the commencement of any works of demolition or construction an arboricultural method statement including details of provision for fencing and other relevant protection for the retained trees at the site, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented in accordance with a timetable to be approved as part of the arboricultural method statement.

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

6.3 The applicants have submitted a report with this application, which identifies the problem areas and proposes mitigation measures that should be carried out to reduce the impact of the recent ground level changes. The report identifies that during construction work some ground levels were altered within the tree root protection areas (RPAs). The report acknowledges that without rectification, damage could be caused to some retained trees.

6.4 The ground levels south of tree T2 have been increased and the proposed mitigation is that the ground levels within the RPA are returned to original level. The report gives details of the proposed working methodology.

6.5 During excavation works carried out adjacent to the ramp, a steep bank gradient has been created. A cellweb geotextile was installed on the bank to reinforce the slope. Poor quality soil was installed which means that in some areas the cellweb is visible above the ground.

6.6 The mitigation measures put forward are to remove poor quality soil from the cellweb and replace with good quality light free draining soil. The cellweb is to be completely covered with new soil and ground covering plants are to be provided which will knit the whole installation together. The works are to be carried out using hand tools.

6.7 Additional tree planting (i.e. two new standard size beech trees) is proposed for the site in the southern corner where a large beech tree was removed due to its poor condition. A landscaping scheme was approved under application 13/03035/CONDIT. The currently proposed tree planting would be in addition to the landscaping previously approved.

- 6.8 The Council's Tree Officer is satisfied with the proposed mitigation and additional tree planting. The wording of Condition 4 on 12/01732 has been modified to reflect the currently proposed arboricultural mitigation measures – see Condition 3 below in Section 10 of this report.
- 6.9 Condition 5 (landscaping) on 12/01732 has also been reworded to refer to the previous landscaping scheme approved under 13/03035 and the currently proposed additional tree planting – see Condition 4 in Section 10 of this report

7. ASSOCIATED INFRASTRUCTURE IMPROVEMENTS

- 7.1 Developer contribution towards infrastructure and services have already been secured under 12/001732/FULL as well as payments for SAMM and SANG, through Section 106 Agreement. The S106 agreement also secured a footpath between Wells Lane and London Road frontage.

Other Considerations

- 7.2 Other pre-commencement conditions on 12/01732 have been reviewed and reworded to take into account details that have been approved pursuant conditions. See conditions 1,2,4,5,6,7,11,12,16 in Section 10 below.
- 7.3 The 3 year commencement time limit condition imposed on 12/01732 is no longer required, since the development has already commenced.
- 7.4 Condition 9 on 12/01732 states : *'Within 3 months of the completion of the final dwelling a Building Research Establishment (BRE) issued Final Code Certificate confirming that each residential unit built has achieved a minimum Code for Sustainable Homes rating of Code Level 3 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 will then 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.'*
- 7.5 As the Government has withdrawn the Code for Sustainable Homes, the Local Planning Authority can no longer impose conditions for developments to achieve certain levels of the code, despite the requirements of the Neighbourhood Plan. Based on this, it is considered acceptable to remove the Condition 9 (on 12/01732) which requested the submission of a Building Research Establishment (BRE) issued Final Code Certificate.
- 7.6 The other Conditions (i.e. 10,11,12,15,17,18,19,20 on 12/01732) have been repeated on this current application. See conditions 8,9,13,15,16,17,18 in section 10.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

5 occupiers were directly notified directly of the application.

The application was advertised in the Maidenhead Advertiser 3/3 2016

The planning officer posted a statutory notice advertising the application at the site on 10/2/2016.

No letters have been received either supporting or objecting to the application.

Statutory consultees

Consultee	Comment	Where in the report this is considered
Parish	No objection	Noted

Council		
Council's Tree Officer	No objection	See paragraphs 1.2 and 6.2-6.9.

9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – indicative layout drawings

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 RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED.

- 1 The materials to be used on the external surfaces of the development shall be in accordance with those specified in the application 13/01384/CONDIT (approved 17/6/2013) unless any different materials are first agreed in writing by the Local Planning Authority. 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 Policies - Local Plan DG1.
- 2 The construction management plan approved under 13/01839/CONDIT (approved 30/8/2013) shall be implemented as approved and maintained for the duration of the construction works or as may be agreed in writing by the Local Planning Authority.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.
- 3 The recommended mitigation measures and additional tree planting as detailed in the arboricultural method statement prepared by Barrell Tree Consultancy (Ref 13120-AMSS-AS) dated 27 Jan 2016 and as shown on drawing Barrell Plan Ref 13120-BT3 received 29 January 2016, shall be implemented in full prior to the end of the next available planting season.
Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.
- 4 All hard and soft landscape works shall be carried out in accordance with the details approved under application 13/03035/CONDIT (approved 29/11/2013) and in accordance with drawing Barrell Plan Ref 131210-BT3 received 29 January 2016.. The works shall be carried out prior to the end of the first available planting season 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 satisfactory landscaping of the site in the interests of visual amenity. Relevant Policies - Local Plan DG1.
- 5 The measures to acoustically insulate all habitable rooms of the development against road traffic noise and industrial noise, together with details of measures to provide ventilation to habitable rooms, shall be undertaken fully in accordance with the details approved under application 13/01355/CONDIT (approved 10/7/2013). The approved measures shall be carried

out and completed before the development is first occupied for residential purposes and thereafter shall be retained.

Reason: To ensure an acceptable living environment for future occupiers. Relevant Policies Local Plan NAP2 and H10.

- 6 The measures for providing on-site renewable energy generation shall be implemented in accordance with the details approved under application 13/01354/CONDIT (approved 10/7/2013) and thereafter shall be retained as such, unless otherwise first approved in writing by the Local Planning Authority.

Reason: To ensure that the development is sustainable and provides an appropriate level of renewable energy generation on site and to comply with Requirement 3 of the Royal Borough of Windsor and Maidenhead Sustainable Design and Construction Supplementary Planning Document.

- 7 The sustainability measures set out in the 'Design Stage Report 28512' approved under application 13/01687/CONDIT (dated 19/6/2013) shall be implemented in accordance with the approved details and shall subsequently be retained.

Reason: To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with Requirement 1 of the Royal Borough of Windsor and Maidenhead Sustainable Design and Construction Supplementary Planning Document.

- 8 The access shall be constructed in accordance with the details approved under 12/01732 and shall thereafter be retained.

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

- 9 No part of the development shall be occupied until vehicle parking and turning space has been provided, surfaced and marked out in accordance with the approved drawing. The space approved shall be kept available for parking and turning in association with the development.

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

- 10 Visibility splays of 2.4 metres by 25m to the right of the new site access and to the junction of Wells Lane and London Road to the left of the new access (measured from the edge of the carriageway) shall be provided and retained, 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.

- 11 Covered and secure cycle parking facilities shall be provided in accordance with the details approved under application 14/03612/CONDIT (approved 9/12/2014) prior to first occupation of the flats. These facilities shall thereafter be retained and kept available for the parking of cycles in association with the development at all times.

Reason: To ensure that the development is provided with adequate parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1

- 12 The refuse bin storage area and recycling facilities shall be provided in accordance with the application 14/03612/CONDIT (approved 9/12/2014), prior to the occupation of the flats. These facilities shall be kept available for use in association with the development at all times.

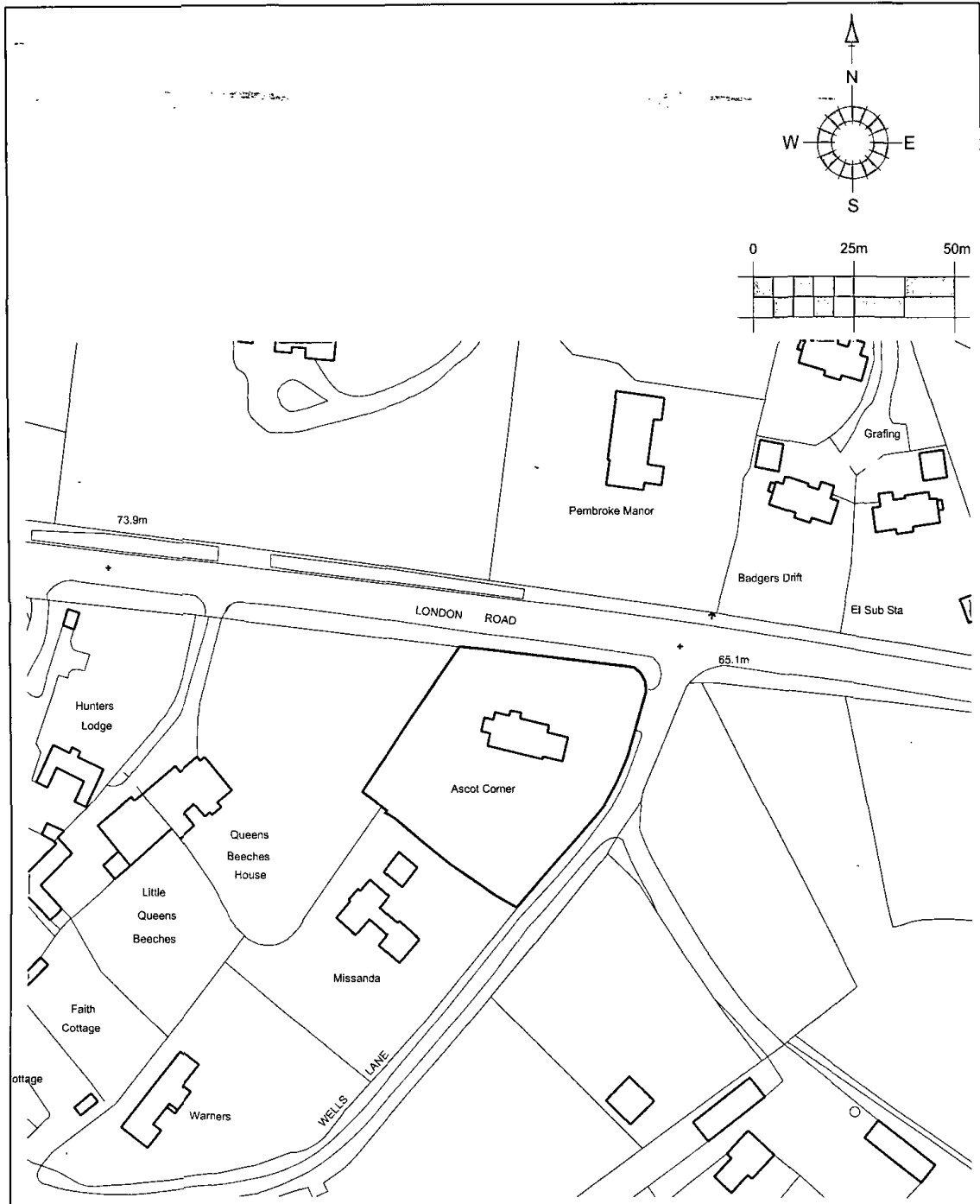
Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - Local Plan T5, DG1.

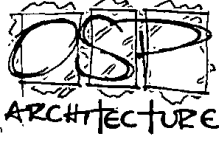
- 13 No part of the development shall be occupied until the traffic signalling system for vehicles entering and exiting the basement car park have been provided in accordance with approved drawing no. TSP/BRO/P2270/01 revision C and additional details set out in the submitted letter dated 27 September 2012 from Stilwell Partnership to Brookworth Homes . 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 to ensure that traffic flows freely within the site. Relevant Policies - Local Plan T5 and DG1.

- 14 The gates shall be provided only in accordance with the details approved under application 14/03612/CONDIT (approved 9/12/2014). The gates shall open away from the highway and be set back a distance of at least five metres from the nearside edge of the carriageway of the adjoining highway, and retained as such.
Reason: To ensure that any gates provided are of complimentary to the visual amenities of the area, and that vehicles can be driven off the highway before the gates are opened, in the interests of highway safety. Relevant Policies - Local Plan DG1 and T5.
- 15 The footpath and dropped kerb onto Wells Lane / London Road street frontage of the site shall be provided and retained in accordance with approved drawing no. TSP/BRO/P2270/01 revision C approved under 12/01732.
Reason: In the interests of improving pedestrian access to the site. Relevant Policies - Local Plan T8.
- 16 The hard surface paving within the site 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. Where hard surfaces are within the Root Protection Areas of existing trees that are identified for retention in the submitted tree plans, such surfaces shall be constructed by a no-dig method to be constructed in accordance with BS5837:2012, other than where approved for the construction of the garage access ramp and unless otherwise first approved in writing by the Local Planning Authority.
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.
- 17 Irrespective of the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or subsequent modifications thereof), the garage accommodation on the site shall be kept available for the parking of vehicles associated with the development at all times, and similarly the approved cycle store shall be used only for the storage of cycles, unless otherwise approved in writing by the Local Planning Authority.
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.
- 18 The recommendations of the AEWL Ltd Protected Species Walkover Survey and Bat Assessment, both of March 2012, that were submitted with application 12/01732, shall be fully implemented in the development of the site and thereafter retained, unless otherwise first approved in writing by the Local Planning Authority.
Reason: In order to ensure that the development is carried out without compromising any protected wildlife at the site.
- 19 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.



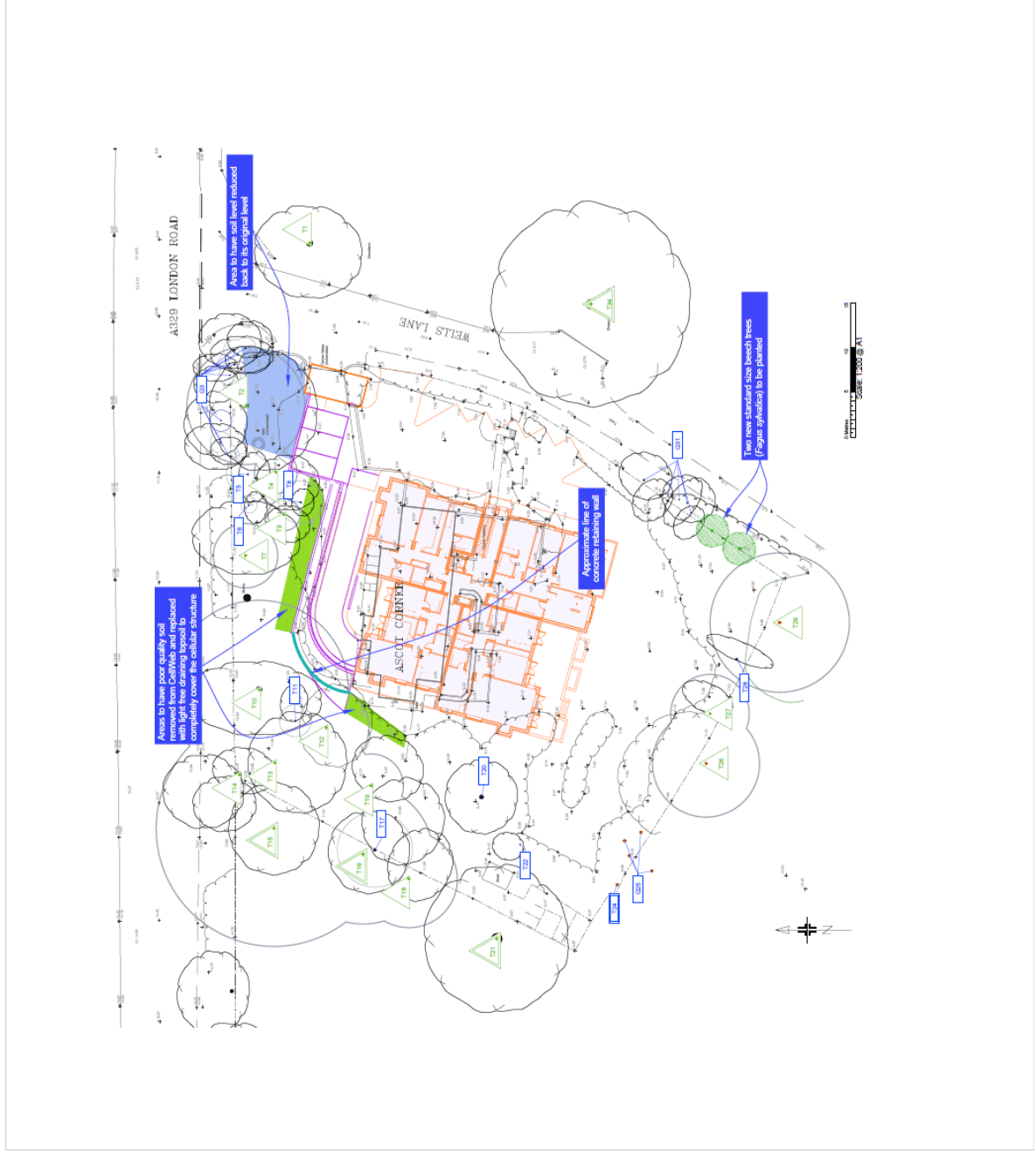
CLIENT: Brookworth Homes Ltd.		PROJECT: Ascot Corner, Wells Lane, Ascot, Berkshire.		Rosemount House Rosemount Avenue West Byfleet, Surrey KT14 6LB Tel. 01932 352111 Fax. 01932 353315 name.surname@osp architecture.com www.osparchitecture.com  O'KEEFE SCANLON LIMITED
SCALE: 1:1250 (A4 ORIGINAL)		DRAWING: Location Plan		
DRAWN: NL DATE: 23.05.2012	1226	S101	-	

© COPYRIGHT EXISTS ON THE DESIGNS AND INFORMATION SHOWN ON THIS DRAWING
 This drawing may be scaled or cross referenced to the scale bar for planning application purposes only. Do not scale for any other purpose, use figured dimension only.
 Subject to site survey and all necessary consents. All dimensions to be checked by user and any discrepancies, errors or omissions to be reported to the Architect before work commences.
 This drawings is to be read in conjunction with all other relevant materials.

APPENDIX B – ASCOT CORNER 16/00350/VAR

Tree Schedule

Tree No	Species	Category	IPWA Diameter	Tree Works
T1	Oak	B	6.0	-
T2	Red oak	B	6.5	-
T3	Sycamore, ash	C	1.2	-
T4	Acacia	B	2.4	-
T5	Cherry	C	2.4	-
T6	Thorn	C	0.9	-
T7	Acacia	B	2.5	-
T8	Acacia	C	2.4	-
T9	Oak	B	1.8	-
T10	Horse chestnut	B	10.2	-
T11	Oak	C	1.8	-
T12	Acacia	B	4.8	-
T13	Red oak	B	4.8	-
T14	Acacia	B	6.0	-
T15	Wingnuts	A	13.2	-
T16	Holly	A	7.8	-
T17	Oak	C	4.2	-
T18	Oak	B	5.4	-
T19	Birch	B	3.5	-
T20	Wingnuts	A	13.2	-
T21	Beech	A	18.0	-
T22	Oak	C	0.9	-
T23	Oak	C	0.9	-
T24	Sycamore	U	4.2	-
T25	Laurel	C	6.0	-
T26	Sycamore	B	7.2	-
T27	Scots pine	B	4.5	-
T28	Scots pine	B	4.5	-
T29	Sycamore	B	7.2	-
T30	Sycamore	C	1.2	-
T31	Sycamore	C	1.2	-
T32	Oak	A	13.2	-



Tree Schedules

- Tree category A:** Trees of high quality
- Tree category B:** Trees of moderate quality
- Tree category C:** Trees of low quality
- Tree category U:** Tree unavailable for retention

Other symbols:

- Blue box:** New sapling
- Blue circle:** Area to have soil level reduced back to its original level
- Green circle:** Areas to have poor quality soil removed from Cavities and replaced with topsoil. Areas to be completely covered by the culvert structure
- Green triangle:** Proposed location of new standard beech trees (Fagus sylvatica)
- Red circle:** Root protection area (RPA) boundaries for category A and B trees
- Red triangle:** Root protection area (RPA) boundaries for category C trees

Tree Schedules
 Location of trees and categorization at
 Ascot Corner, Wells Lane, Ascot

Permission is granted to work from this drawing for Local Authority Planning purposes only. This drawing is to be used for information only and does not constitute a contract. The drawing is to be used in conjunction with the specification and other documents forming part of the contract documents for the project.

This drawing is to be worked on in colour only.

Blended Plans Ref: 13/25/0473

Proposed Plans Ref: 12/444, 15/015/101 & 15/015/101 Rev D

barrell
 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

WINDSOR RURAL DEVELOPMENT CONTROL PANEL

6 April 2016

Item: 8

Application No.:	16/00371/FULL
Location:	St Michaels CE Primary School School Road Ascot SL5 7AD
Proposal:	Single storey extension to form new main-reception.
Applicant:	Mr Lightfoot
Agent:	Mr Paul Ansell - The Anthony Smith Partnership
Parish/Ward:	Sunninghill And Ascot Parish

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

1. SUMMARY

- 1.1 This application proposes a single storey extension with new steps to provide new reception area (including meeting room and interview room) in a recessed area on the northwest elevation of the school building.
- 1.2 The proposed extension is considered acceptable in terms of design, appearance and impact on the street scene. Furthermore, the proposal is acceptable in highway terms.

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

2. REASON FOR PANEL DETERMINATION

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

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site lies on the north side of school road. The site is not in the Green Belt nor in a Conservation Area . Furthermore, the site is not in an area liable to flooding.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Ref.	Description	Decision and Date
99/78058	Front and side extensions to enlarge two classrooms and create head teachers office.	Approved 17/6/1999
02/82898	Demolition of existing kitchen and dining room and construction of a 2-storey extension.	Approved 17/10/2002

- 4.1 The proposal is for a single storey extension with new entrance steps. The extension is located within a recessed area of the north-western elevation. The proposed extension would provide a new head teacher/meeting room, interview room and reception area.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework: Paragraph 17 – Core Principles; Chapter 7 – Requiring good design.

Royal Borough Local Plan

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

	Within settlement area	Highways /Parking issues
Local Plan	DG1, H10, H11, H14	T5, P4
Ascot, Sunninghill and Sunningdale Neighbourhood Plan	NP/DG3,	NP/T1,

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

- Sustainable Design and Construction

More information on these documents can be found at:

http://www.rbwm.gov.uk/web/pp_supplementary_planning.htm

Other Local Strategies or Publications

5.4 Other Strategies or publications relevant to the proposal are:

- RBWM Parking Strategy - view at:
http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Design and appearance of the proposed extension
- ii Parking considerations
- iii Sustainable Design and Construction

Design and appearance of the proposed extension

6.2 The proposed extension would be constructed in brick with tiled roof and aluminium windows all to match the existing building. When measured from the lowest part of the sloping ground, the extension would have a maximum height of 6 metres to the top of the ridge on the roof. The extension would be in a recessed part of the building and would set back from adjacent parts of the northwest elevation. The extension would provide a more secure main entrance and reception area with better surveillance, to overcome concerns with the current layout which have been identified by the school and its Board of Governors. At the same time the extension would provide more space for administration functions and Headmaster requirements. A new accessible

WC is also being provided in the existing building but accessed from the reconfigured circulation area.

- 6.3 The design is considered to be in keeping with the existing building and would not appear obtrusive in the street scene. There would be no adverse impact on neighbouring properties.

Highway considerations

- 6.4 This is a small infill extension around the school entrance, it is well away from the adopted highway. There will be no increase in staff or pupils as a result of the alterations. It is stated the available parking is to remain unaltered at 15 spaces plus 1 disabled space and 12 cycle spaces. There are no planned alterations to the existing access arrangements. Therefore there will be no highway objections.

Sustainable Design and Construction

- 6.5 The applicant advises that the building will be designed with insulation included in the floors, walls and roof so as to maximise efficiency of energy used. The lighting systems are to be energy efficient. The new toilet/s will have low flush and taps will be low flow.
- 6.6 Although there are new steps proposed to the entrance it is noted that there are ramps and level access elsewhere on the building.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

25 occupiers were notified directly of the application.

No letters of objection or support have been received to date.

Statutory consultees

Consultee	Comment	Where in the report this is considered
Parish Council	No objection	Noted
Highways	No objection	See paragraph 6.4.

8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – indicative layout drawings

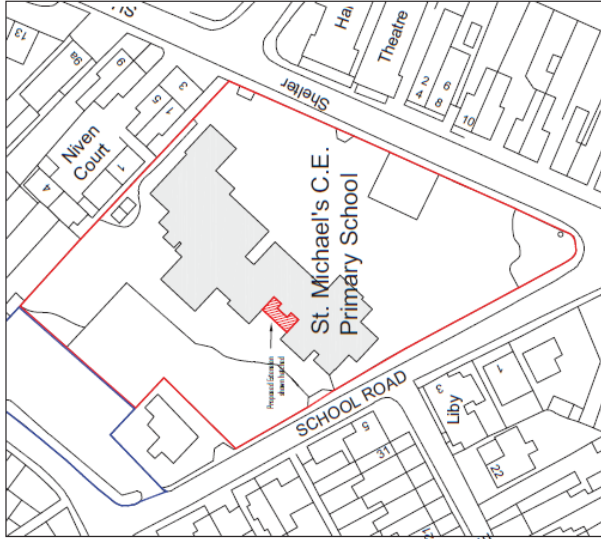
This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. The Case Officer has sought solutions to these issues where possible to secure a development that improves the economic, social and environmental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

In this case the issues have been successfully resolved.

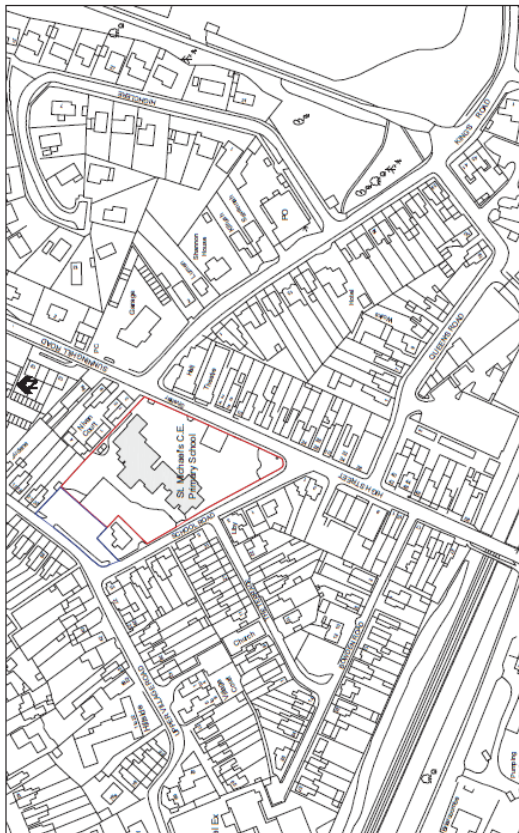
9. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED.

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The materials to be used on the external surfaces of the development shall match those of the existing building unless first otherwise agreed 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 Policies - Local Plan DG1.
- 3 The measures set out in section 4 of the Design and Access Statement accompanying the application shall be implemented in accordance with the statement prior to the extension being brought into use, unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of the development.
Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development and to comply with the Royal Borough of Windsor and Maidenhead Sustainable Design and Construction Supplementary Planning Document.
- 4 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 - St Michael's School 16/00371/FULL



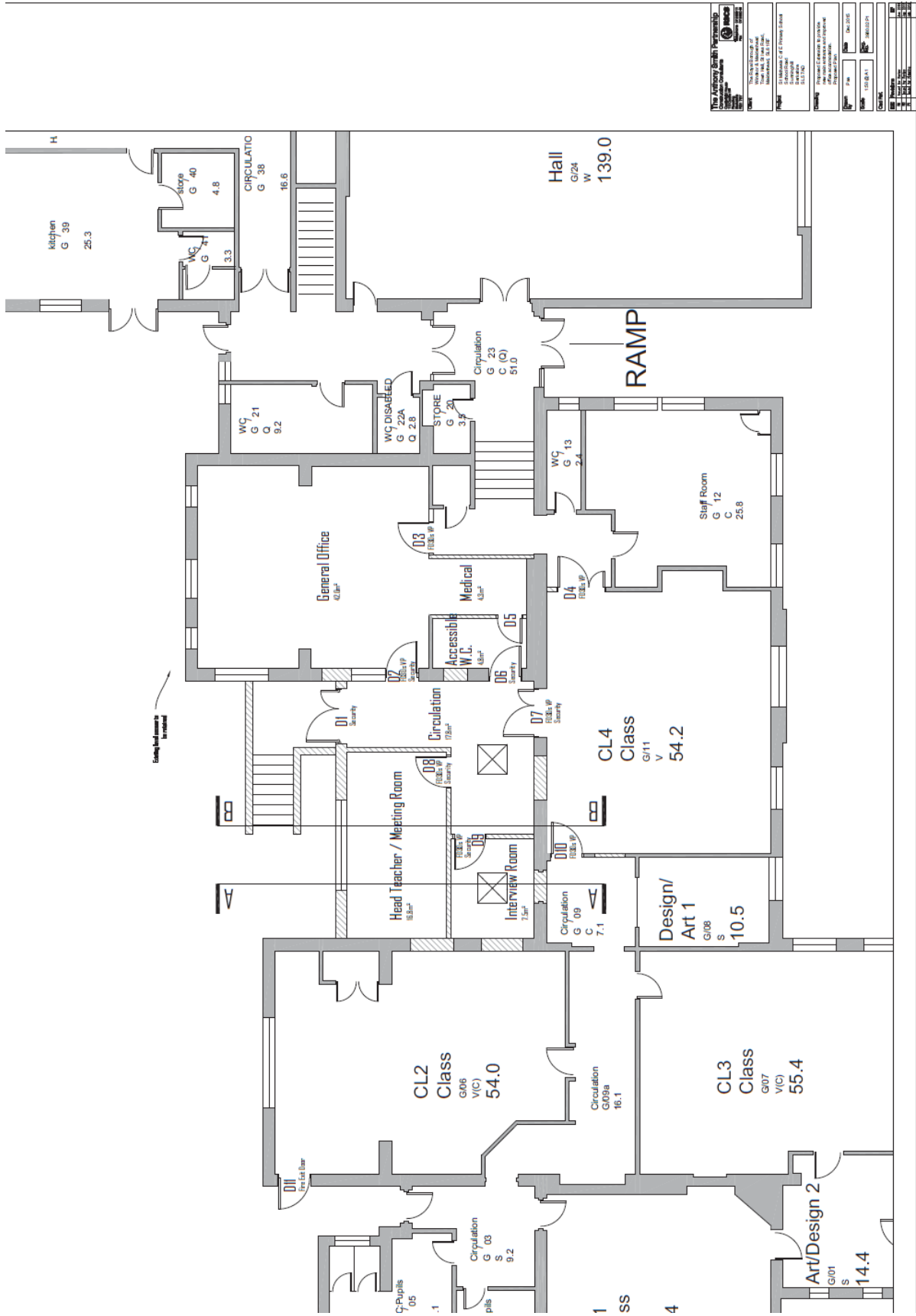
Site Plan 1:500

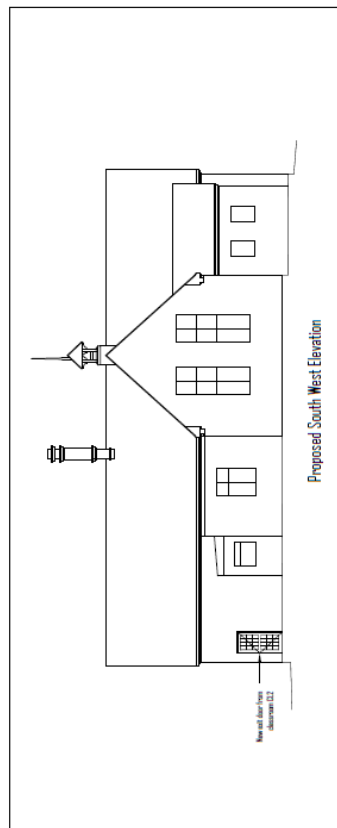
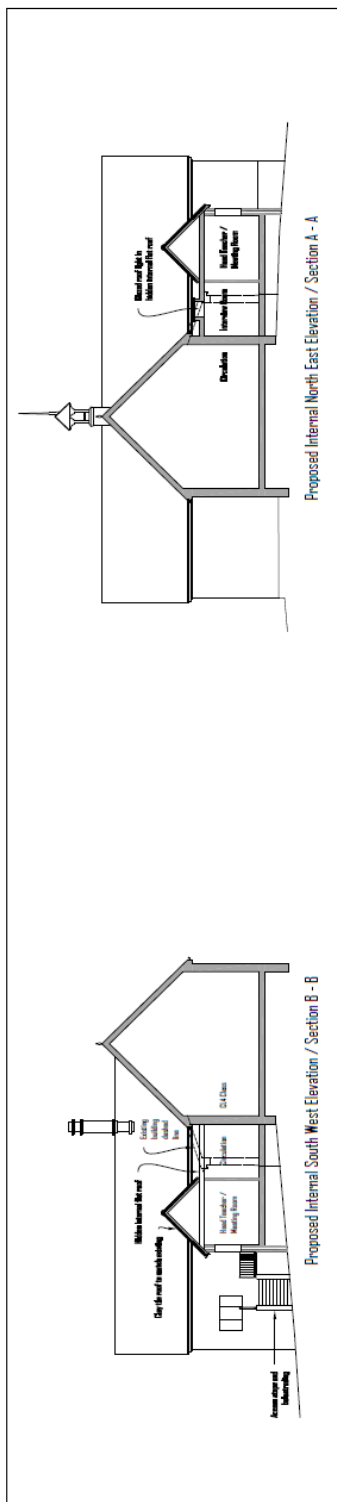
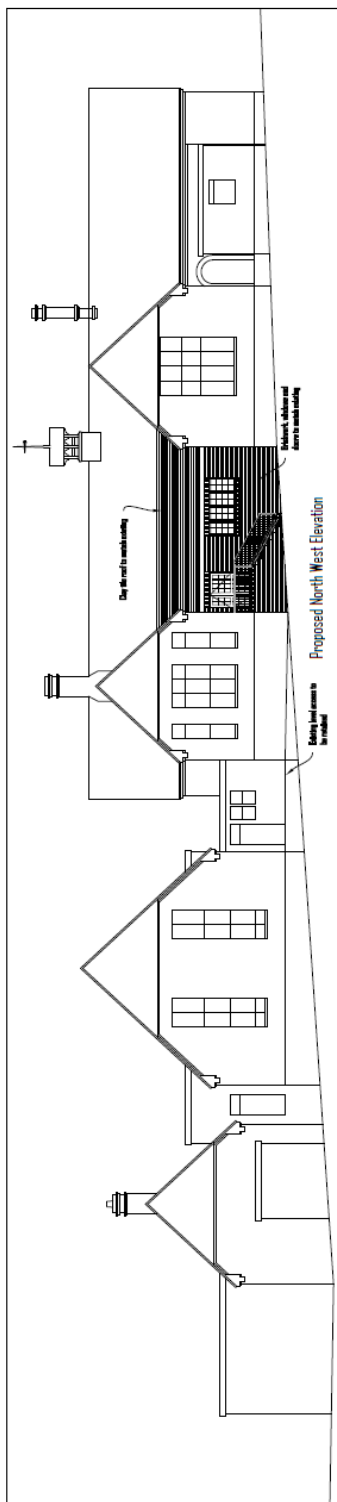


Location Plan 1:250

The Authority South Perth	
NAME	16/00371/FULL
DATE	16/03/2016
PROJECT	St Michael's C.E. Primary School
CLIENT	Diocese of Edinburgh, Edinburgh
DESIGNER	Diocese of Edinburgh, Edinburgh
SCALE	1:500
DATE	16/03/2016
BY	[Signature]
FOR	[Signature]
NO.	16/00371/FULL
DATE	16/03/2016
BY	[Signature]
FOR	[Signature]

APPENDIX B - St Michaels School – 16/00317





The Anthony Group
 Architects
 1000 West 10th Street
 Anchorage, Alaska 99501
 Phone: 907.562.1234
 Fax: 907.562.1235
 Website: www.theanthonygroup.com

Project: St Michaels School
 1000 West 10th Street
 Anchorage, Alaska 99501

Client: St Michaels School
 1000 West 10th Street
 Anchorage, Alaska 99501

Architect: The Anthony Group
 1000 West 10th Street
 Anchorage, Alaska 99501

Scale: 1/8" = 1'-0"

Date: 08/20/2012

Sheet No.: 16/00371-F11

DATE	DESCRIPTION
08/20/2012	ISSUED FOR PERMIT

WINDSOR RURAL DEVELOPMENT CONTROL PANEL

6 April 2016

Item: 9

Application No.:	16/00443/VAR
Location:	Stowting House London Road Ascot SL5 7EG
Proposal:	Erection of two detached dwellings with associated double garages following the demolition of existing as approved under planning permission 14/00880 without complying with condition 14 (approved plans) under planning permission 15/02969/VAR to vary the approved drawings
Applicant:	Mr Price - Spitfire Properties LLP
Agent:	Not Applicable
Parish/Ward:	Sunninghill And Ascot Parish
If you have a question about this report, please contact: Claire Pugh on 01628 685739 or at claire.pugh@rbwm.gov.uk	

1. SUMMARY

- 1.1 The application seeks to vary condition 14 (approved) plans of planning permission 15/02969 which was a variation of the original planning permission (14/00880) to construct 2 dwellings. The site is situated within the townscape of 'Villas in a Woodland Setting' where soft boundary treatments are common in this type of townscape, and indeed on this road the front boundaries tend to be characterised by hedges. The submitted plans show a change to the front boundary treatment, which include railings of circa 1.8 metres in height, with a laurel hedge planted behind it. On the previous application, the approved plans showed the existing hedge to be retained on the front boundary. The use of the railings along the front boundary may not be characteristic of this road, or a form of boundary treatment typically found within this type of townscape, however, it is considered that the planting of the laurel hedge behind the railings will soften this boundary treatment and would appear acceptable within this streetscene.

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

2. REASON FOR PANEL DETERMINATION

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

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

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

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Ref.	Description	Decision and Date
14/00880/FULL	Erection of two detached dwellings with associated double garages following the demolition of existing	Approved 21 st May 2014
14/03965/CON DIT	Details required by conditions 2 (Materials), 3 (Landscaping), 5 (Tree Protection), 6 (Finished	Part Approval, part refusal on the 15 th April

	Slab Levels), 11 (Planning for an Ageing Population), 12 (Construction Management Plan), 14 (Design Stage Report) of planning permission	2015.
15/01350/FULL	Construction of two detached dwellings each with a linked garage providing further habitable accommodation in roof space	Permitted on the 11 th June 2015.
15/02377/NMA	Non material amendment to planning permission 14/00880 to add a new condition to allow for the listing of the approved plans in the planning permission.	Permitted 20 th August 2015.
15/01350/FULL	Construction of two detached dwellings each with a linked garage providing further habitable accommodation in roof space	Withdrawn on the 11 th June 2015.
15/02969/VAR	Erection of two detached dwellings with associated double garages following the demolition of existing as approved under planning permission 14/00880 without complying with condition 17 (approved plans) to substitute approved plans 14-P962-02 and 14-P962-03 with amended plans 14-P962-02 Rev A and 14-P962-03 Rev A.	Permitted 6 th November 2015.
15/02760/VAR	Erection of two detached dwellings with associated double garages following the demolition of existing as approved under planning permission 14/00880 to allow for the removal of conditions 14 and 15 to remove the requirement to comply with the Building Research Establishment (BRE) code for sustainable homes.	Permitted on the 14 th December 2015.

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

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

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

Royal Borough Local Plan

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

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

More information on these documents can be found at:

http://www.rbwm.gov.uk/web/pp_supplementary_planning.htm

Other Local Strategies or Publications

5.3 Other Strategies or publications relevant to the proposal are:

- RBWM Landscape Character Assessment - view at:
http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm
- RBWM Townscape Assessment - view at:
http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm

6. EXPLANATION OF RECOMMENDATION

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

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

Whether the proposed boundary treatment is of an acceptable appearance

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

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

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

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

7 occupiers were notified directly of the application.

The planning officer posted a statutory notice advertising the application at the site on 19th February 2016.

Other consultees and organisations

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

8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan

- Appendix B – Layout and streetscene elevation

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

In this case the issues have been successfully resolved.

9. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development shall be constructed in accordance with the materials approved under permission 14/03965/CONDIT.
Reason: In the interests of the visual amenities of the area. Relevant Policy DG1 of the Local Plan and Policy NP/DG3 of the Neighbourhood Plan.
- 2 The hard and soft landscape works shall be carried out in accordance with the details approved under 14/03965/CONDIT. These works shall be carried out as approved within the first planting season following the substantial completion of the development and retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its prior written consent to any variation.
Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1.
- 3 No tree or hedgerow shown to be retained in the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be lopped or topped other than in accordance with the approved plans and particulars or without the prior written approval of the Local Planning Authority, until five years from the date of occupation of the building for its permitted use. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 Tree work. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate vicinity and that tree shall be of the same size and species unless the Local Planning Authority give its prior written consent to any variation.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1, N6.
- 4 The erection of fencing for the protection of any retained tree and any other protection specified shall be undertaken in accordance with the approved plans and particulars approved under reference 14/03965/CONDIT before any equipment, machinery or materials are brought on to the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the Local Planning Authority.
Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.
- 5 The slab levels shall be constructed in accordance with that approved under reference 14/03965/CONDIT.
Reason: In the interest of the visual amenities of the area. Relevant Policy Local Plan DG1.
- 6 The development shall be carried out and subsequently retained and maintained in accordance with the sustainability details submitted which are in conformity with the Royal Borough of

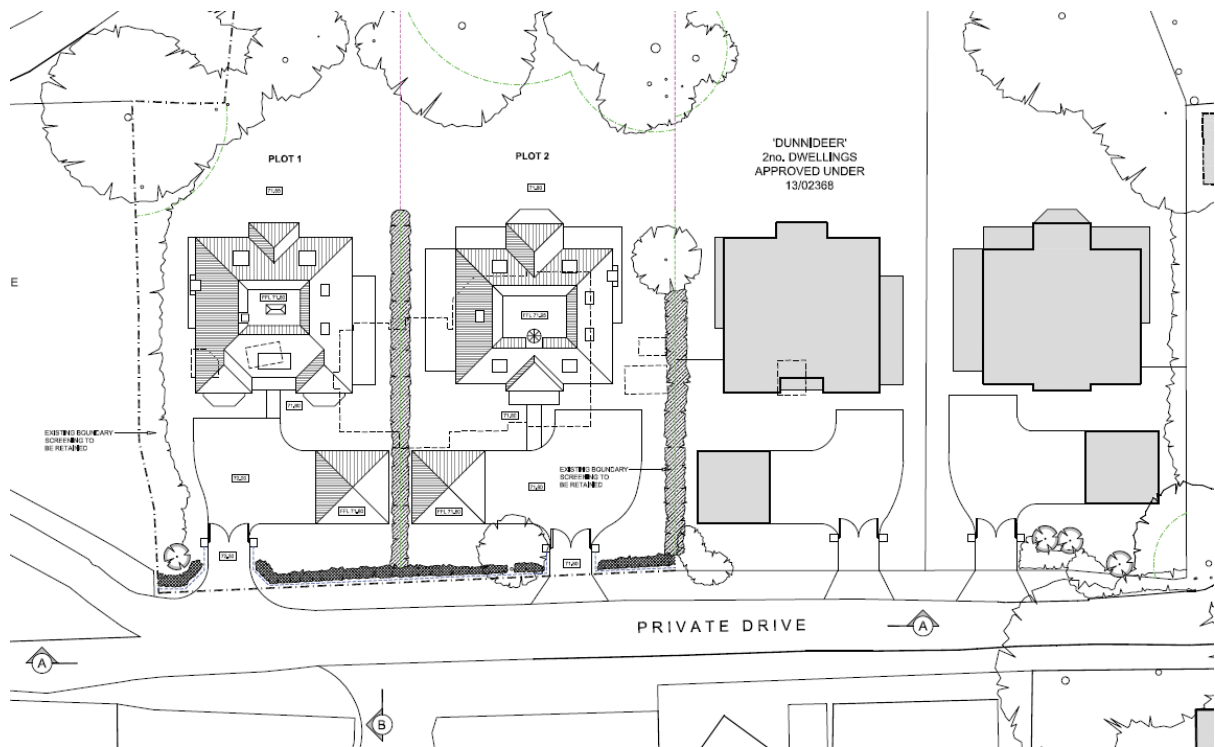
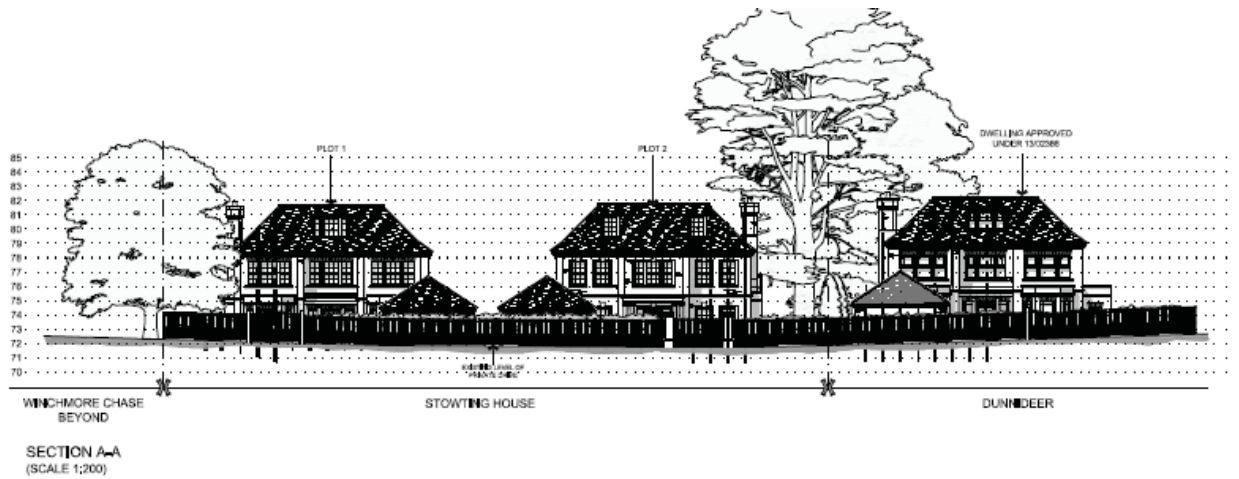
Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document.
Reason:To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development and to comply with the Royal Borough of Windsor & Maidenhead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

- 7 Hard surfacing shown on the approved plans shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.
Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with Requirement 5 of the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document.
- 8 The first floor windows in the side elevations of plot 1 and plot 2, shall be of a permanently fixed, non-opening design, with the exception of an opening toplight that is a minimum of 1.7m above the finished internal floor level, and fitted with obscure glass to level 3 or above. . No further windows shall be inserted into these elevations at first floor level or above without the prior written approval of the Local Planning Authority.
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers.
- 9 The development shall be undertaken in accordance with the measures approved under reference 14/03965 relating to Planning for an Ageing Population.
Reason:To ensure that measures to improve the accessibility of the building for people with limited mobility, and to comply with the Royal Borough of Windsor and Maidenhead Planning for an Ageing Population Supplementary Planning Document.
- 10 The construction of the development shall be carried out and maintained for the duration of the works in accordance with the details approved under 14/03965/CONDIT in relation to the Construction Management Plan.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.
- 11 No part of the development shall be occupied until vehicle parking spaces has been provided in accordance with the approved drawing. The spaces approved shall be retained for parking in association with the development.
Reason:To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety. Relevant Policies - Local Plan P4, DG1. Ascot, Sunninghill and Sunningdale Neighbourhood Plan Policy NP/T1.
- 12 The mitigation measures in relation to bats as set out in the ecological survey shall be implemented in accordance with the timescales set out in this survey.
Reason: To ensure that any protected species present on site are adequately protected during the construction period, in accordance with the requirements of the National Planning Policy Framework and the Ascot, Sunninghill and Sunningdale Neighbourhood Plan.
- 13 Prior to the occupation of the dwelling (on plot 2) hereby approved, a glazed privacy screen to level 3 of above , to a height of not less than 1.8 metres to the side (southern side) of the balcony with shall be erected. The approved privacy screen shall be retained thereafter.
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers in order to comply with core planning principle 4 in the National Planning Policy Framework (NPPF).
- 14 The development hereby permitted shall be carried out in accordance with the approved plans listed below.
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

Appednx A- Site location



Appendix B- Streetscene and layout



WINDSOR RURAL DEVELOPMENT CONTROL PANEL

6 April 2016

Item: 10

Application No.:	16/00446/VAR
Location:	Dunnideer London Road Ascot SL5 7EG
Proposal:	Construction of 2 detached dwellings each with a detached double garage, following demolition of existing dwelling. New entrance gates and new access as approved under planning permission 13/02368/FULL and subsequently amended by 15/01941/NMA to add approved plans condition, amended by 15/02485/VAR to amend the elevation details of plots 1 and 2, add Juliet balconies to plots 1 and 2 and add a balcony to plot 2. To amend the approved drawing (Boundary Treatment)
Applicant:	Mr Price - Spitfire Properties LLP
Agent:	Not Applicable
Parish/Ward:	Sunninghill And Ascot Parish
If you have a question about this report, please contact: Adam Jackson on 01628 796660 or at adam.jackson@rbwm.gov.uk	

1. SUMMARY

- 1.1 The application seeks to vary the approved plans of planning permission 15/02485/VAR which was a variation of the original permission 13/02368/FULL to construct 2 dwellings. The original application was also amended by 15/01941/NMA to add an approved plans condition. The site is situated within the townscape assessment area of 'Villas in a Woodland setting' where soft boundary treatments are common, and indeed on this road the front boundaries tend to be characterised by hedges. The use of railings along the front boundary may not be characteristic of this road, or a form of boundary treatment typically found within this type of townscape, however, it is considered that the planting of the laurel hedge behind the railings will soften this boundary treatment and as such it would appear acceptable within this street scene.

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

2. REASON FOR PANEL DETERMINATION

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

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

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

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Ref.	Description	Decision and Date
13/02368/FULL	Construction of 2 detached dwellings each with a detached double garage, following demolition of existing dwelling. New entrance gates and access	Permitted 24.10.2013
14/03911/CONDIT	Details required by conditions 2 (external materials) 3 (materials for hard surfacing) 4	Approved 05.02.2015

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

- 4.1 The application proposes to amend the approved drawing 13-P881-13 as approved under 15/02485 and replace it with 13-P881-13 B. The plans show a change to the front boundary treatment, which include railings of 1.8 metres in height with a laurel hedge planted behind. The previously approved plan showed the existing hedge to be retained along the front boundary.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

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

Royal Borough Local Plan

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

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

Other Local Strategies or Publications

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

- RBWM Landscape Character Assessment - view at: http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm
- RBWM Townscape Assessment - view at: http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

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

Whether the proposed boundary treatment is of an acceptable appearance

- 6.2 The principle of development has already been established, and the dwellings are substantially complete. As such the principle of development and design of the dwellings cannot be considered under this variation application.
- 6.3 Policy NP/DG1.3 of the Neighbourhood Plan explains that development proposals in Townscape Assessment zones of Villas in a Woodland setting should retain and enhance the sylvan, leafy nature of the area and where possible and appropriate, should include the planting of trees and/or shrubs along the street and neighbouring sites boundaries.
- 6.4 The boundaries along this road tend to be characterised by hedging, which are quite high, however, there are gates to the entrances of dwellings on this road. The proposed railings and laurel hedge would result in a more formalised appearance, whilst hard boundary treatment is not a characteristic along this road, or indeed in the townscape of 'Villas in a Woodland setting', the planting of the laurel hedge behind the railings will soften the appearance. It is considered that the boundary treatment will be of a high quality appearance, and would have an acceptable appearance within the street scene.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

17 occupiers were notified directly of the application.

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

Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Parish Council	Objections to the removal of these conditions. The reason for the conditions remained. The proposed change would urbanise the street scene in an area classified as being one of 'Villas in a Woodland Setting'	The application does not propose to remove any conditions; it is to vary one of the plans amending the front site boundary treatment. An assessment of the impact to the street scene has been made

		in paragraphs 6.2 to 6.4.
Highways Officer	Offers no objection to the planning application.	Noted

8. APPENDICES TO THIS REPORT

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

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

In this case the issues have been successfully resolved.

9. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The materials to be used on the external surfaces of the development shall be in accordance with those approved under application 14/03911/CONDIT. The development shall be carried out and maintained in accordance with these approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policy DG1.
- 2 Hard surfacing for the application site shall be constructed and maintained in accordance with the details shown on drawing C140709 001 Rev P3 and the specification schedule dated 1st October 2014 that were approved under application 14/03911/CONDIT.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.
- 3 Hard and soft landscaping shall be carried out in accordance with details as shown on drawing on C140709 001 Rev P3 and the site specification dated 1st October 2014 as approved under application 14/03911/CONDIT. The works shall be carried out as approved within the first planting season following the substantial completion of the development and retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its prior written consent to any variation.
Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1.
- 4 No tree or hedgerow shown to be retained in the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be lopped or topped other than in accordance with the approved plans and particulars or without the prior written approval of the Local Planning Authority, until five years from the date of occupation of the building for its permitted use. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 Tree work. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate vicinity and that tree shall be of the same size and species unless the Local Planning Authority give its prior written consent to any variation.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.
- 5 The development shall be undertaken in accordance with the details as shown on drawing

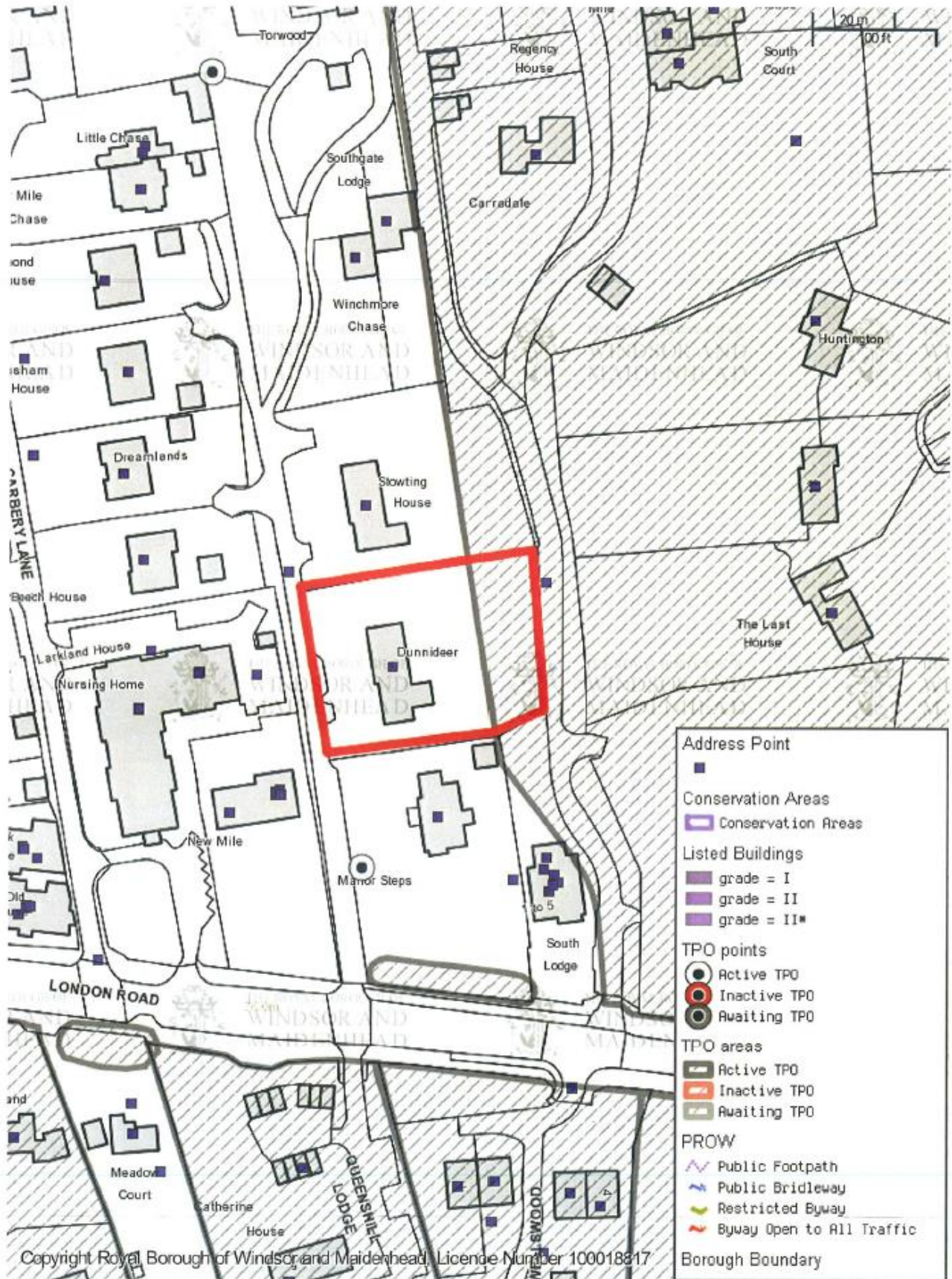
C140709 001 Rev P3 and contained within the arboricultural method statement dated December 2014 which were submitted and approved under application 14/03911/CONDIT. The development shall incorporate and be undertaken in accordance with the approved statement and plans.

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

- 6 The development shall be carried out and maintained in accordance with the levels details shown on drawing 14095-100 and approved under application 14/03911/CONDIT.
Reason: In the interest of the visual amenities of the area. Relevant Policy Local Plan DG1.
- 7 Prior to the substantial completion of the development a water butt of at least 120L internal capacity shall be installed to intercept rainwater draining from the roof each dwellinghouse. They shall subsequently be retained.
Reason: To reduce the risk of flooding and demand for water, increase the level of sustainability of the development and to comply with Requirement 4 of the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document.
- 8 The development shall be carried out and subsequently retained and maintained in accordance with the sustainability details submitted which are in conformity with the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document.
Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development and to comply with the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document.
- 9 Hard surfacing shown on the approved plans shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.
Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with Requirement 5 of the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document.
- 10 The first floor windows in the side elevations of plot 1 and plot 2, shall be of a permanently fixed, non-opening design, with the exception of an opening toplight that is a minimum of 1.7m above the finished internal floor level, and fitted with obscure glass. The windows shall not be altered without the prior written approval of the Local Planning Authority. No further windows shall be inserted into these elevations at first floor level or above without the prior written approval of the Local Planning Authority.
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers.
- 11 The development shall be carried out and subsequently retained and maintained in accordance with the approved details of how the development accords with the Royal Borough of Windsor & Maidenhead Planning for an Ageing Population Supplementary Planning Document, as contained within the design and access statement, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure that measures to address the needs of the ageing population are included in the development and to comply with the Royal Borough of Windsor & Maidenhead Planning for an Ageing Population Supplementary Planning Document.
- 12 The development shall be undertaken in accordance with the amended Construction Method Statement received 29th January 2015 and subsequent email dated 3 February 2015 confirming wheel washing will be undertaken within the site as approved under application 14/03911/CONDIT.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.

- 13 No part of the development shall be occupied until the access has been constructed in accordance with the approved drawing. The access shall thereafter be retained.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5, DG1
- 14 No part of the development shall be occupied until vehicle parking space has been provided in accordance with the approved drawing. The space approved shall be retained for parking in association with the development.
Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which would be detrimental to the free flow of traffic and to highway safety. Relevant Policies - Local Plan P4, DG1.
- 15 The existing access to the site of the development shall be stopped up and abandoned immediately upon the new accesses being first brought into use, unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5, DG1
- 16 The development shall be undertaken and maintained in accordance with details shown in the bat mitigation strategy dated December 2014 and approved under application 14/03911/CONDIT.
Reason: In the interests of protected species on the site.
- 17 No tree, shrub or hedgerow felling, or any vegetation management and/ or cutting operations should take place during the period 1st March to 31st August inclusive, without the prior written approval of the Local Planning Authority.
Reason: To protect birds during their breeding season.
- 18 The development hereby permitted shall be carried out in accordance with the approved plans listed below.
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

Appendix A – Site Location Plan



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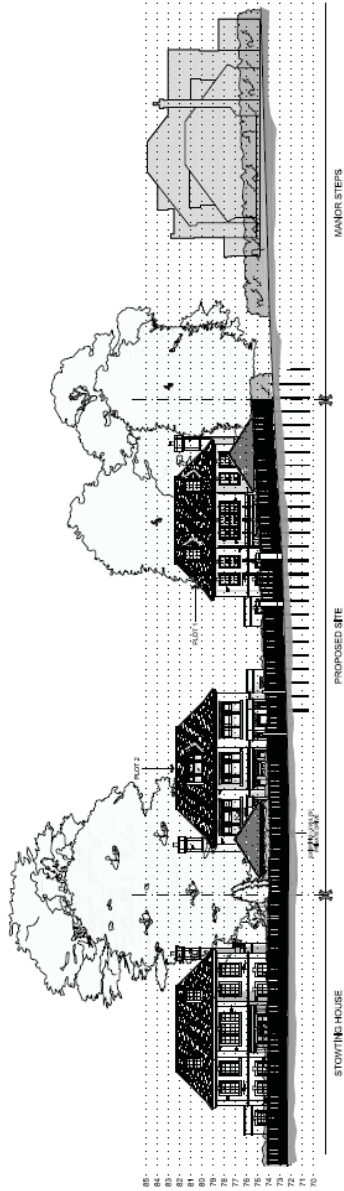
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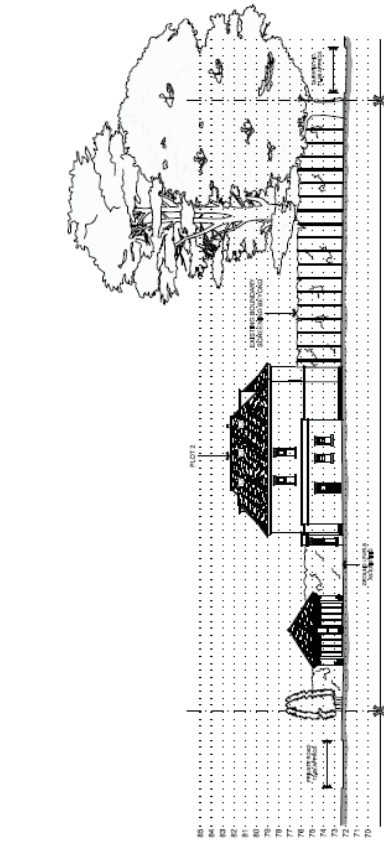
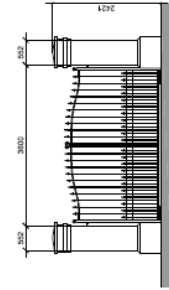
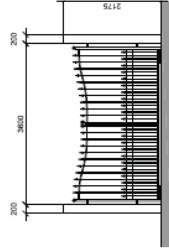
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Appendix B – Street Scene Elevation



SECTION A-A
(SCALE 1:200)



SECTION B-B
(SCALE 1:200)

PLANNING APPLICATION	<p>ASCOT DESIGN Architecture</p> <p>148-150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222, 224, 226, 228, 230, 232, 234, 236, 238, 240, 242, 244, 246, 248, 250, 252, 254, 256, 258, 260, 262, 264, 266, 268, 270, 272, 274, 276, 278, 280, 282, 284, 286, 288, 290, 292, 294, 296, 298, 300, 302, 304, 306, 308, 310, 312, 314, 316, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 346, 348, 350, 352, 354, 356, 358, 360, 362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394, 396, 398, 400, 402, 404, 406, 408, 410, 412, 414, 416, 418, 420, 422, 424, 426, 428, 430, 432, 434, 436, 438, 440, 442, 444, 446, 448, 450, 452, 454, 456, 458, 460, 462, 464, 466, 468, 470, 472, 474, 476, 478, 480, 482, 484, 486, 488, 490, 492, 494, 496, 498, 500, 502, 504, 506, 508, 510, 512, 514, 516, 518, 520, 522, 524, 526, 528, 530, 532, 534, 536, 538, 540, 542, 544, 546, 548, 550, 552, 554, 556, 558, 560, 562, 564, 566, 568, 570, 572, 574, 576, 578, 580, 582, 584, 586, 588, 590, 592, 594, 596, 598, 600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620, 622, 624, 626, 628, 630, 632, 634, 636, 638, 640, 642, 644, 646, 648, 650, 652, 654, 656, 658, 660, 662, 664, 666, 668, 670, 672, 674, 676, 678, 680, 682, 684, 686, 688, 690, 692, 694, 696, 698, 700, 702, 704, 706, 708, 710, 712, 714, 716, 718, 720, 722, 724, 726, 728, 730, 732, 734, 736, 738, 740, 742, 744, 746, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766, 768, 770, 772, 774, 776, 778, 780, 782, 784, 786, 788, 790, 792, 794, 796, 798, 800, 802, 804, 806, 808, 810, 812, 814, 816, 818, 820, 822, 824, 826, 828, 830, 832, 834, 836, 838, 840, 842, 844, 846, 848, 850, 852, 854, 856, 858, 860, 862, 864, 866, 868, 870, 872, 874, 876, 878, 880, 882, 884, 886, 888, 890, 892, 894, 896, 898, 900, 902, 904, 906, 908, 910, 912, 914, 916, 918, 920, 922, 924, 926, 928, 930, 932, 934, 936, 938, 940, 942, 944, 946, 948, 950, 952, 954, 956, 958, 960, 962, 964, 966, 968, 970, 972, 974, 976, 978, 980, 982, 984, 986, 988, 990, 992, 994, 996, 998, 1000</p>
PLANNING APPLICATION	<p>SPITFIRE PROPERTIES</p> <p>DUNDEER, LONDON ROAD, ASCOT</p> <p>SITE SECTIONS AND ENTRANCE GATES</p> <p>1:200 & 1:50 @ A1</p> <p>T3 - P881 - 13</p> <p>FEB 16</p> <p>B</p>

DEVELOPMENT CONTROL PANEL

Item:

Application No:	15/03915/FULL
Location:	Ascot Nursing Home Burleigh Road Ascot SL5 7LD
Proposal:	Erection of 80 x bedroom care home (use class C2), landscaping, tree planting, creation of associated access, car parking and site infrastructure, following demolition of the existing 75 x bedroom care home
Applicant:	Hamberley Development (Ascot) Limited
Agent:	Mr Silas Willoughby - Dominic Lawson Bespoke Planning Ltd
Parish/Ward:	Sunninghill And Ascot Parish
If you have a question about this report, please contact: Diane Charlton on 01628 685699 or at diane.charlton@rbwm.gov.uk	

1. SUMMARY

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

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

2. REASON FOR PANEL DETERMINATION

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

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site currently comprises a 75 bedroom elderly persons care home which is currently closed. The buildings on site comprise a Victorian 3 storey house and more recent single storey and two storey extensions around a central courtyard.
- 3.2 The site itself is located within the built up area of North Ascot on the corner of Burleigh Road and Windsor Road. To the east of the site is Ascot racecourse which is within the Green Belt. The site is well screened with mature trees that are subject to a TPO. The site is 4km from the SPA.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

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

- 4.1** The proposal is to redevelop the site with an 80 bedroom elderly persons nursing home (Use Class C2). The definition of “Class C2 is Residential accommodation and care to people in need of care, residential schools, colleges or training centres, hospitals, nursing homes”. The Use Class Order defines “care” to mean:- “personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder.
- 4.2** The proposed new care home will provide for 80 bedrooms, 5 more than at present, and much improved facilities. The majority of the building will be two storey with accommodation within the roof, with a three storey element with rooms in the mansard roof situated towards the north of the site. Parking for 35 cars is provided to the north of the building, with overspill parking for 12 cars to the west of the site near to the access. Landscaped gardens providing amenity areas for the residents are also proposed.

5 MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

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

Royal Borough Local Plan

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

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

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

- Sustainable Design and Construction
- Planning for an Ageing Population

More information on these documents can be found at:
http://www.rbwm.gov.uk/web/pp_supplementary_planning.htm

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
- RBWM Parking Strategy - view at:
http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

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

Principle of development

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

Impact on the character and appearance of the area

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

6.4 Policy NP/DG2.1 Of The Ascot, Sunninghill and Sunningdale Neighbourhood Plan states: New development should be similar in density, footprint, separation, scale and bulk of the buildings to the density footprint, separation, scale and bulk of buildings in the surrounding area generally and of neighbouring properties in particular, unless it can be demonstrated that the proposed development would not harm local character.

- 6.5** The scale, bulk and footprint of the proposed building are considered to be acceptable, bearing in mind the context that there is an existing nursing home on this site. The footprint of the proposed building occupies 21% of the site compared to the existing building which covers 33%. The ridge height of the central 3 storey with mansard roof will be no taller than the ridge of the existing building, with a height of 14 metres as opposed to the existing which is 15 metres. The orientation of the proposed building is such that it minimises the visual impact when viewed from outside of the site.
- 6.6** The building has been specifically designed to minimise bulk but maximise facilities. The use of the roofspace has meant that the height of the proposed building has been kept low so as not to adversely effect the character of the area whilst providing for an interesting design using a mix of gables and dormers. The gables are used to add contrast to the proposal as well as the use of a mix of materials. The design is considered to be acceptable to the location and would comply with the relevant policies of the Local and Neighbourhood Plans.

Impact on neighbours

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

Highway safety

- 6.10** The proposed development is unlikely to give rise to any significant increase in traffic generation over and above that which could be generated by the existing 75 bed Nursing Home. This is verified in section 5 of the Transport Statement which estimates an additional 10 two-way vehicle movements to be generated on weekdays and 8 additional two-way vehicle movements at weekends.
- 6.11** It is now proposed to increase the on-site parking provision from 35 to 47 spaces (including 12 overspill spaces and 3 spaces for vehicles used by people with disabilities). This would result in a shortfall of 3 spaces when applying the Council's maximum parking standards in full (for areas of poor accessibility). If the operators of the nursing home put positive procedures & practices in place for the management of overspill parking, there may also be scope to provide up to an additional 6 (overspill) spaces within the site itself. This is considered to be acceptable.
- 6.12** Following further minor amendments proposed to the southern radius of the modified vehicular access arrangement to Burleigh Road, it is now demonstrated that the intended refuse collection vehicle would be able to enter and leave the site in a forward direction without adversely affecting the safety of traffic. It is also accepted that matters relating to larger service and delivery vehicles entering/leaving the site from/in a southerly direction is for Gracewell Healthcare (the end-user) to address with service providers through its management contractual arrangements. In practice, drivers of such vehicles are more likely to take this route as it provides a direct and efficient

access connection to the wider highway network. To reduce any potential conflicting movements occurring at the main Nursing Home entrance between vehicles and pedestrians/residents in wheelchairs, it is now proposed to construct a separate access for pedestrians. This would be in the form of a gated access and ramped footpath link to the main building from Burleigh Road for use by pedestrians including those with mobility restrictions and located at a point some 70m south of the main access point. This is acceptable in highways terms. Previous issues that were raised during the application process in respect of highway matters regarding access widening, the provision of a dedicated pedestrian route and servicing arrangements have all been satisfactorily addressed by the additional submissions.

- 6.13** The outline Construction Management Plan dated 03 February 2016 as currently submitted would need to be further developed before any demolition and/or construction works are carried out. The final Demolition/Construction Management Plan can be secured by the imposition of a condition on any planning permission that may be granted for the proposed redevelopment. A Travel Plan has also been submitted and would need to be subject to a condition. Conditions 5 and 11 in section 10 address this.

Impact on Trees

- 6.14** The trees at the site are subject to the Tree Preservation Order 14/2014. It is an area TPO that covers all the trees at the site with the exception of the Lawson's cypress, Leyland cypress and Western red cedar. Established trees are situated on the southern, eastern, western boundaries and just outside the northern margins of the site and act as a screen between the neighbouring properties and the residential home and the nearby roads. The trees on site contribute on a collective basis to the sylvan character of the existing Ascot Residential Home and its surroundings. The arboricultural report submitted with the application confirms that the proposed development sits roughly on the footprint of the existing care home and thus enables the retention of the vast majority of the most important A and B Category Lawson's cypress trees 2 and 22, the holly tree 5, the lime trees 3 and 6, the deodar cedar tree 7 and western red cedar 8, the oak trees 10, 12, 17, 23, 24 and 25, the sycamores 13, 14 and 15, the yew trees 28 and 34, the oak trees 29, 30, 32 and 33; and the majority of the various trees and woody shrubs in groups 6 and 9 inside and outside the site boundary.

- 6.15** The report then goes on to confirm, "Group 6 consists of a dense mix of woody shrubs and trees including oak, sycamore and laurel that come together to form a useful screen against the nearby Ascot Road. It is classified as a Moderate (B). Caution should be exercised; when cutting into the group 6 to facilitate the new extension to the existing care home footprint. Careful consideration should be given to the type of species that is to be retained in that group to help retain the screen while not being overbearing to the new structure. Ideally, the laurel, holly and rhododendron should be retained and enhanced by infill planting of similar species such as dogwood. There are a number of trees including Scots pine 9, beech 16, sycamores 19, 20, 21, silver birch 26, 27, oak 31, Leyland cypress group 7 proposed as Unsuitable for Retention (U) in the context of the current and future land use. They have a poor structure with a life expectancy of less than 10 years. New planting and general landscaping is proposed to mitigate their loss. However, the applicant wishes to retain and monitor them in an effort to maintain the sylvan character of the site."

- 6.16** The Council's tree officer has visited the site and requested further information and clarification so that the impact on the trees on the site could be properly assessed. As a result of this the applicant has now confirmed the following:

1. Hatching has been added to indicate the no dig construction for the overspill parking below the tree canopies as requested – as well as confirmation of the existing trees levels and driveway levels.
2. The engineered permeable block paving upon no dig foundations to the area highlighted will be included.
3. Freely permeable gravel surface within cellular confinement system upon no dig foundations included to the area highlighted – it is also confirmed that our sketch T7 demonstrates the proposed site levels do not affect the existing site levels below or adjacent to the tree canopies/RPA's, all changes in level to this area sit within the footprint

- of the existing building – the new surface will generally undulate with (and will not adversely affect) the existing levels which are shown on the latest site plan issued.
4. The Bin Store sub base can be specified as a permeable hard standing if required, the structure is lightweight timber posts and the walls are light weight hit and miss timber boarding.
 5. It is confirmed that the current proposal is for a 1.1m high retaining wall (which sits outside of the RPA's and generally within the footprint of the existing building), this then tapers with the existing site levels to meet the raised planter noted under point 8)
 6. The raised planter which will tie in to the existing banked site levels to the rear of the planter (banking from the boundary toward the building), will generally omit the need for additional retaining structure to the line of 'edging' shown and/or reduces the height and pulls this retaining line within the footprint of the existing building and away from the RPA's
 7. At present this section of wall is proposed as a 750mm high retaining wall (which falls outside of the tree canopies and RPA's), the area within the RPA's will not be altered and the levels would will be graded to meet the existing trees levels/levels within the RPA's (our graded levels are sat in the footprint of the existing building, shown on section drawing T23 so do not don't affect the RPA's)

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

SPA and Ecology

6.18 The application site is approximately 4 km from the Thames Basin Heaths Special Protection Area (SPA) and Broadmoor to Bagshot Woods and Heaths Site of Special Scientific Interest (SSSI) and is within 1km of three non-statutory designated sites, the closest being Ascot Heath Gold Course LWS, situated 275m from the proposed development site. The applicant's ecologist concluded that due to the distance between the proposed development and the designated sites, and the nature and scale of the development, there would be no anticipated impacts to these sites. Natural England has confirmed that based upon the information provided, the proposal is unlikely to affect any statutorily protected sites. Condition 6 addresses this matter.

6.19 Three survey tests were undertaken for bats. On the third test, a bat dropping and a common pipistrelle bat were recorded within the main building during the initial inspection surveys and a further two common pipistrelle bats were recorded emerging from the same building during the further surveys. Therefore, without mitigation, the development would be in breach of the legislation protecting bats. However, the applicant's ecologist has undertaken adequate survey effort to inform appropriate mitigation to compensate for the loss of the roost within the building and includes ecological supervision during development, the creation of replacement roosting opportunities within new buildings, the installation of bat boxes on mature retained trees and sensitive lighting, all of which will be detailed within a method statement to accompany a European Protected Species Licence (EPSL). Therefore, it is likely that the development proposals will not have a detrimental effect to the maintenance of the populations of bats species at a favourable conservation status in their natural range, as long as the mitigation and compensation measures are followed. A condition is imposed accordingly, see Condition 16.

6.20 The site was recorded as offering limited foraging habitat for badgers, although no setts or evidence of badgers was recorded on site. Badgers are protected under the Protection of Badgers Act 1992. Under the Protection of Badgers Act 1992, it is illegal to wilfully kill, injure or take a badger or attempt to do so, or to recklessly damage, destroy or obstruct access to any part of a badger sett. As the site has suitable habitat for badgers and other mammals, there is the chance of them being present within the site during construction works. A condition is imposed accordingly, see Condition 17.

6.21 The scrub, trees, hedgerows and building on site were recorded as having the potential to support breeding birds. Breeding birds, their eggs and active nests are protected under the Wildlife and Countryside Act 1981, as amended. Vegetation removal should be undertaken

outside the breeding bird season (which spans from March to August inclusive) or else vegetation clearance should be undertaken immediately subsequent to checks by an experienced ecologist. A condition is imposed accordingly, see condition 19.

6.22 Paragraph 109 of the NPPF states that: “*The planning system should contribute to and enhance the natural and local environment by [...] minimizing impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures*”. In addition, Section 40 of the Natural Environment and Rural Communities Act 2006 states that “*Every public authority must, in exercising its function, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*”.

6.23 In order to provide a net gain in biodiversity at the site, the applicant should provide information on biodiversity enhancements which will be incorporated into the proposed development. These should include areas of native species planting, installation of bird and bat boxes and creation of log piles for stag beetles and hedgehogs. A condition can be imposed accordingly, see condition 15.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties including comments on additional information provided.

41 occupiers were notified directly of the application.

The application was advertised in the Maidenhead & Windsor Advertiser 10th December 2015.

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

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

Comment		Where in the report this is considered
1.	Exceeding ugly and out of place with area.NP/DG1.2 and NP/DG3.	6.3-6.6
2.	Insufficient parking and dangerous access.NP/T1	6.10-6.13
3.	TPO species will be threatened. Policy NP/N5.	6.14-6.17
4.	NP/DG2 – Density, footprint, bulk and scale will be harmful to street scene.	6.3-6.6
5.	Contrary to paras 53 to 64 of the NPPF – Good Quality Design.	6.3-6.6
6.	Loss of privacy from overlooking windows.	6.7-6.9

Statutory consultees

Consultee	Comment	Where in the report this is considered
Natural England	No objection.	Main body of report.
Parish Council	-the proposed development is contrary to policy NP/DG2.1 in relation to density, scale and bulk of the proposed building, creating unacceptable visual impact as a result of the four-storey element of the building.	

	<p>-the height of the proposed building is not consistent with the properties in the area and will overpower Five Trees Cottage next door to the site.</p> <p>-the proposed building overlooks neighbouring properties, with particular concern about the third-floor roof terrace.</p> <p>-Concern at the car parking along the northern boundary owing to the noise impact on neighbouring properties. The peak time for traffic movements is at weekends around the middle of the day.</p> <p>-The parking provision does not meet the Borough parking standards. The access for delivery and service vehicles is not considered adequate.</p> <p>-Overdevelopment of site and fails to enhance the local character and quality of the area. Contrary to NP/DG3.</p>	
Highway Officer	No Objection.	6.10-6.13
Tree Officer	No objection subject to conditions.	6.14- 6.17
Ecologist	No objection subject to conditions.	6.16-6.22

Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Ascot Sunninghill and Sunningdale Neighbourhood Plan Delivery Group	<ol style="list-style-type: none"> 1. We consider that the scale, bulk and footprint of the proposed building are policy compliant, bearing in mind the context that there is an existing nursing home on this site. 2. The revised proposals for parking, which include overspill parking for an additional 12 cars, satisfies our concerns that there should be zero reliance on on-street parking. The siting of the overspill parking however raises some concerns regarding pressure on trees, which we defer to the RBWM Tree Officer to comment on. 3. We welcome the fact that the applicant has now provided a detailed landscaping and planting plan, which we believe will contribute to the green and sylvan environment that characterises the area and will screen views into the site. However, once again, we do have some concerns over pressure on trees. This relates especially to the fact that the building lies lower than the ground level of many of the trees, so that any digging or incursion into their RPAs may have a greater impact. As one example, tree T22's RPA seems to lie in part under the building. We ask that the RBWM Tree Officer consider this scheme in detail. 4. We wish to query what height the ornamental railing along the length of Burleigh Road is. When we met with the applicant, we suggested that it should be 6 ft high with tall hedging to provide a green screen. 5. We defer to Highways to confirm whether the minor adjustment to the access is sufficient to meet the 	Noted.

	<p>required standards.</p> <p>6. We defer to the Flood Risk Engineer to determine whether the drainage proposed meets the required standards.</p> <p>7. We also welcome the applicant's assurances through the Construction Management Plan that there will be no off site parking during demolition and construction.</p>	
Society for the protection of Ascot and Environs (SPAЕ)	No objection in principle but proposed increase in bulk and scale may adversely impact on character of the area. Will be more visible than existing building. Insufficient parking provision.	6.18
Flood Risk Engineer	No objection.	Noted.

8. APPENDICES TO THIS REPORT

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

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

In this case the issues have not been successfully resolved.

9. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The materials to be used on the external surfaces of the development shall be in accordance with those specified in the application unless any different materials are first agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.
- 3 Prior to the commencement of the development details of the slab level(s) in relation to ground level (against OD Newlyn) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.
Reason: In the interests of protecting the amenities of neighbouring residents.
- 4 No part of the development shall be occupied until vehicle parking space has been provided in accordance with the approved drawing. The space approved shall be retained for parking in association with the development.

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

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

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

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

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

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

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

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

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

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

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

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

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

- 11 Prior to the commencement of 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.

- 12 Prior to any equipment, machinery or materials being brought onto the site, details of the measures to protect, during construction, the trees shown to be retained on the approved plan, shall be submitted to and approved in writing by the Local Planning Authority. The approved

measures shall be implemented in full prior to any equipment, machinery or materials being brought onto the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. These measures shall include fencing in accordance with British Standard 5837. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written approval of the Local Planning Authority.

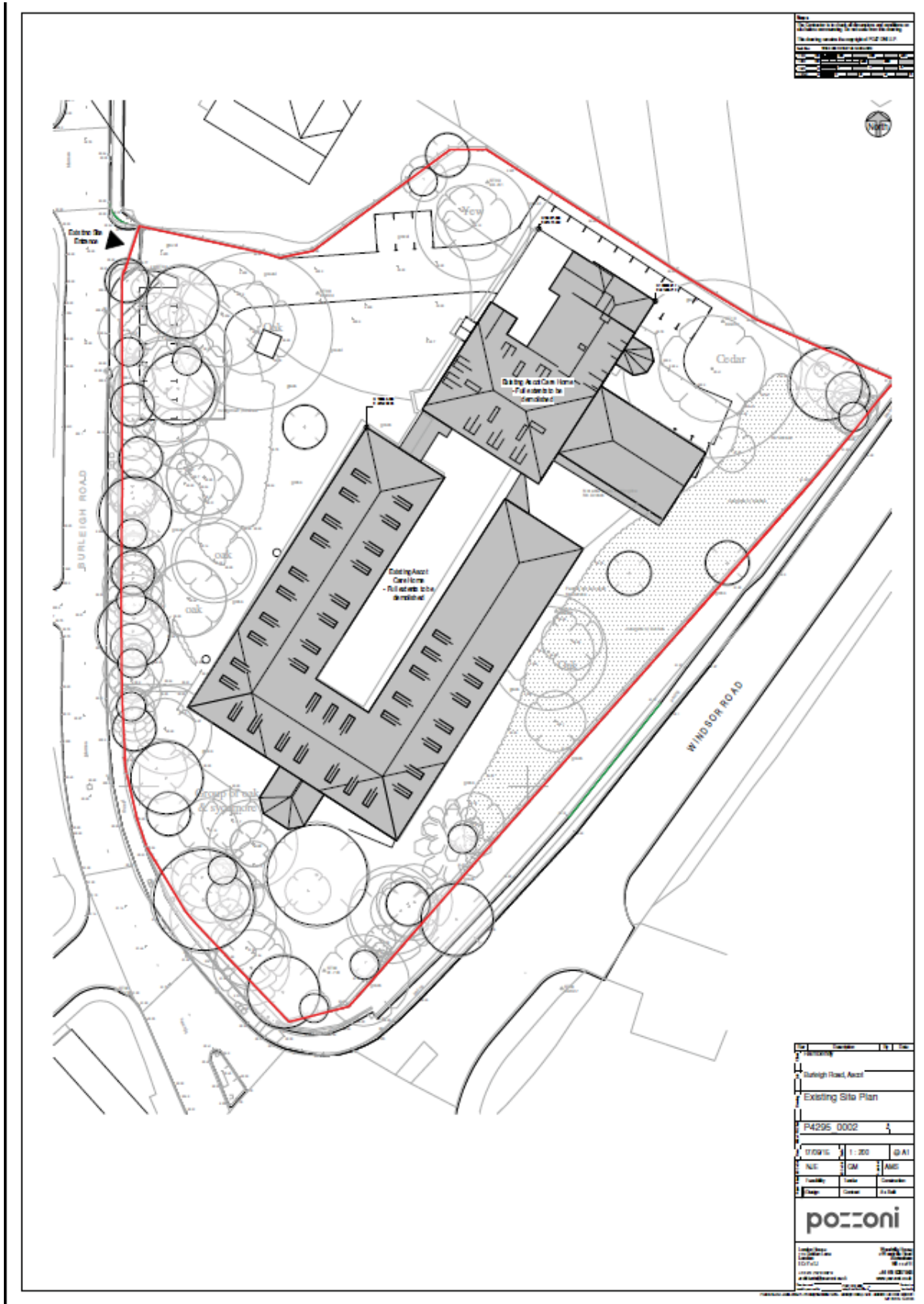
Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.

- 13 No development shall take place until full details of replacement tree planting has been submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved within the first planting season following the substantial completion of the development and retained in accordance with the approved details. If within a period of five years from the date of planting of any tree on the approved landscaping plan, that tree or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its prior written consent to any variation.
Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1.
- 14 No part of the development shall be occupied until the vehicular and pedestrian points of access have been constructed in accordance with the approved drawing. The access shall thereafter be retained.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5, DG1.
- 15 No construction shall take place in association with the development until details of a biodiversity mitigation strategy 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 advice in the National Planning Policy Framework 2012 and Neighbourhood Plan NP/EN4.
- 16 A copy of the EPSL for bats, issued by Natural England, is provided to the Local Planning Authority prior to the commencement of site works and that the development be carried out in accordance with the details within the agreed licence.
Reason: In order to comply with advice in the National Planning Policy Framework 2012 and Neighbourhood Plan NP/EN4.
- 17 Details of the measures to protect badgers and other mammals from being trapped in excavations, pipes or culverts during development shall be submitted to and agreed in writing by the LPA prior to commencement. The approved measures shall then be implemented in their entirety.
Reason: In order to comply with advice in the National Planning Policy Framework 2012 and Neighbourhood Plan NP/EN4.
- 18 No part of the development hereby permitted shall be occupied until pedestrian visibility splays of 2.0m by 2.0m have been provided at the junction of the driveway and the adjacent footway. All dimensions are to be measured along the outer edge of the driveway and the back of footway from their point of intersection. The areas within these splays shall be kept free of all obstructions to visibility over a height of 0.6 metres above carriageway level.
Reason: In the interests of pedestrian and highway safety. Relevant Policies - Local Plan T5
- 19 In order to compensate for the loss of breeding bird habitat, bird nesting habitat details of tree and shrub planting and installation of bird boxes on new building or retained mature trees, should be submitted to and approved in writing by the LPA prior to the first occupation of the development.
Reason: In order to comply with advice in the National Planning Policy Framework 2012 and Neighbourhood Plan NP/EN4.

- 20 No works or development shall take place until an Arboricultural Method Statement and Tree Protection Plan specific to this scheme, has been submitted and approved in writing by the Local Planning Authority. The Tree Protection Plan and Arboricultural Method Statement shall be written in accordance with, and address sections 5.5, 6.1, 6.2, 6.3 and 7 of British Standard 5837:2012 Trees in relation to design, demolition and construction - recommendations. Nothing shall be stored or placed in any area in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written approval of the Local Planning Authority. Thereafter the works shall be carried out in accordance with the approved details until completion of the development.
Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.
- 21 No development shall take place until full details of both hard and soft landscape works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season following the substantial completion of the development and retained thereafter in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its written consent to any variation.
Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1
- 22 No tree or hedgerow shown to be retained in the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars and without the written approval of the Local Planning Authority, until five years from the date of occupation of the building for its permitted use. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 Tree work. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate vicinity and that tree shall be of the size and species, and shall be planted at such time, as specified by the Local Planning Authority.
Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1

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

Appendix A



ALL DRAWINGS GOVERN OVER THE BIDDING DOCUMENTS UNLESS OTHERWISE SPECIFIED.

NO.	DATE	REVISION
1	10/15/2024	ISSUED FOR PERMIT
2	10/15/2024	ISSUED FOR PERMIT
3	10/15/2024	ISSUED FOR PERMIT
4	10/15/2024	ISSUED FOR PERMIT
5	10/15/2024	ISSUED FOR PERMIT
6	10/15/2024	ISSUED FOR PERMIT
7	10/15/2024	ISSUED FOR PERMIT
8	10/15/2024	ISSUED FOR PERMIT
9	10/15/2024	ISSUED FOR PERMIT
10	10/15/2024	ISSUED FOR PERMIT



North-West Elevation



North-East Elevation



South-East Elevation



South-West Elevation

NO.	DATE	REVISION
1	10/15/2024	ISSUED FOR PERMIT
2	10/15/2024	ISSUED FOR PERMIT
3	10/15/2024	ISSUED FOR PERMIT
4	10/15/2024	ISSUED FOR PERMIT
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8	10/15/2024	ISSUED FOR PERMIT
9	10/15/2024	ISSUED FOR PERMIT
10	10/15/2024	ISSUED FOR PERMIT

ALL DRAWINGS GOVERN OVER THE BIDDING DOCUMENTS UNLESS OTHERWISE SPECIFIED.

NO.	DESCRIPTION	DATE	BY
1	ISSUED FOR PERMITS	11/15/24	...
2	FOR CONSTRUCTION	11/15/24	...
3	AS NOTED	11/15/24	...
4	FOR RECORD	11/15/24	...



NO.	DESCRIPTION	DATE	BY
1	ISSUED FOR PERMITS	11/15/24	...
2	FOR CONSTRUCTION	11/15/24	...
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4	FOR RECORD	11/15/24	...

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2	FOR CONSTRUCTION	11/15/24	...
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4	FOR RECORD	11/15/24	...

POZZONI
 10000 Woodloch Forest
 Suite 200
 Dallas, TX 75243
 Phone: (214) 343-8888
 Fax: (214) 343-8889
 www.pozzoni.com

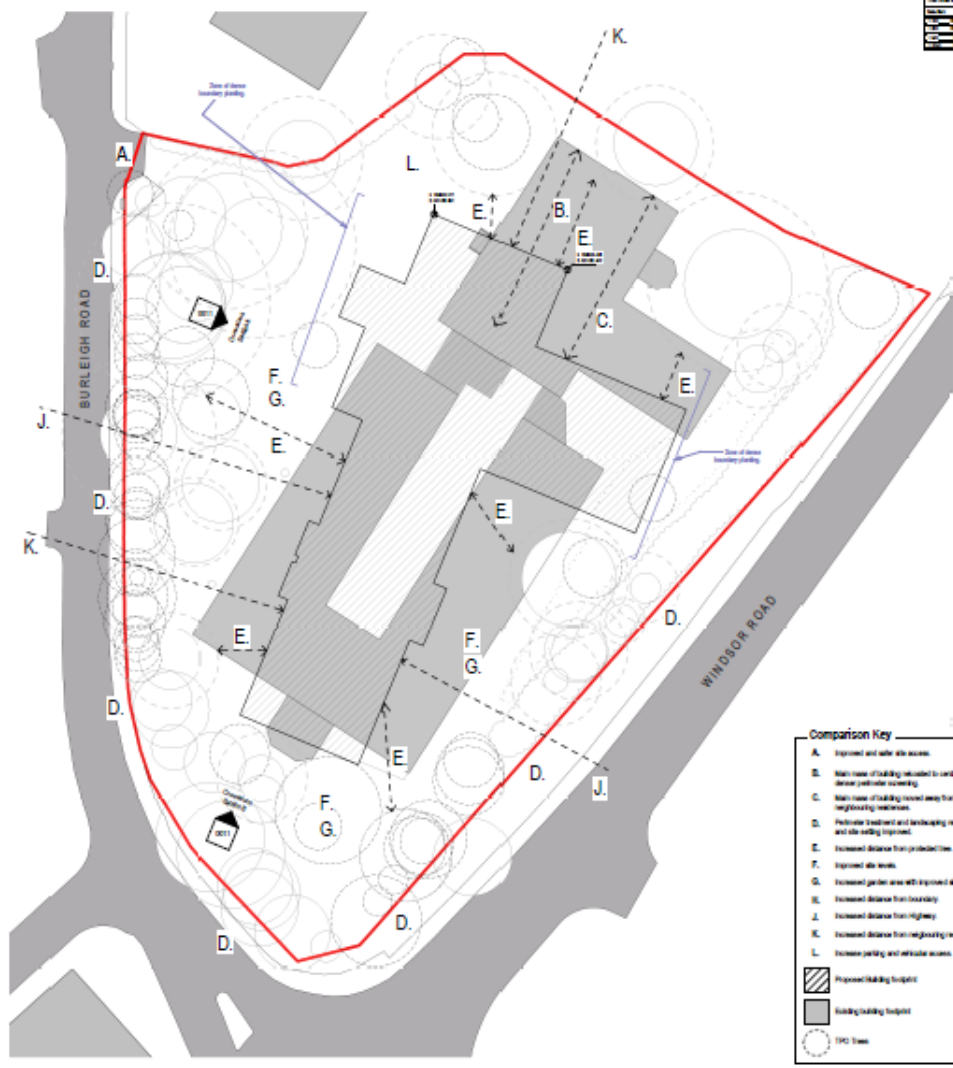
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03/01/2024	DEPOSIT		
04/01/2024	DEPOSIT		
05/01/2024	DEPOSIT		
06/01/2024	DEPOSIT		
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12/01/2024	DEPOSIT		
TOTAL			



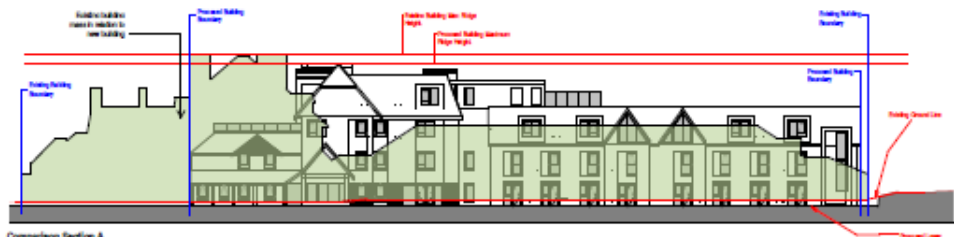
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10/01/2024	DEPOSIT		
11/01/2024	DEPOSIT		
12/01/2024	DEPOSIT		
TOTAL			

1. Inner SW Rendered Elevation
 2. P4295 0026
 3. 1:100
 4. 09/01/2024
 5. JAC
 6. AM
 7. pozzoni
 8. 1111111111
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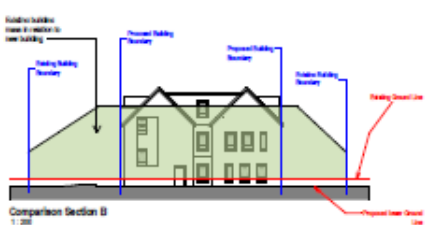
Project Name	Site Comparison Plan and Elevations
Client	POZZONI
Location	Burleigh Road / Windsor Road
Scale	1:200
Date	2011.11.15
Author	JAG
Checker	AMS
Approver	POZZONI



Existing Building Position
1:200



Comparison Section A
1:200



Comparison Section B
1:200

Project Name	Site Comparison Plan and Elevations
Client	POZZONI
Location	Burleigh Road / Windsor Road
Scale	1:200
Date	2011.11.15
Author	JAG
Checker	AMS
Approver	POZZONI

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 10. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.

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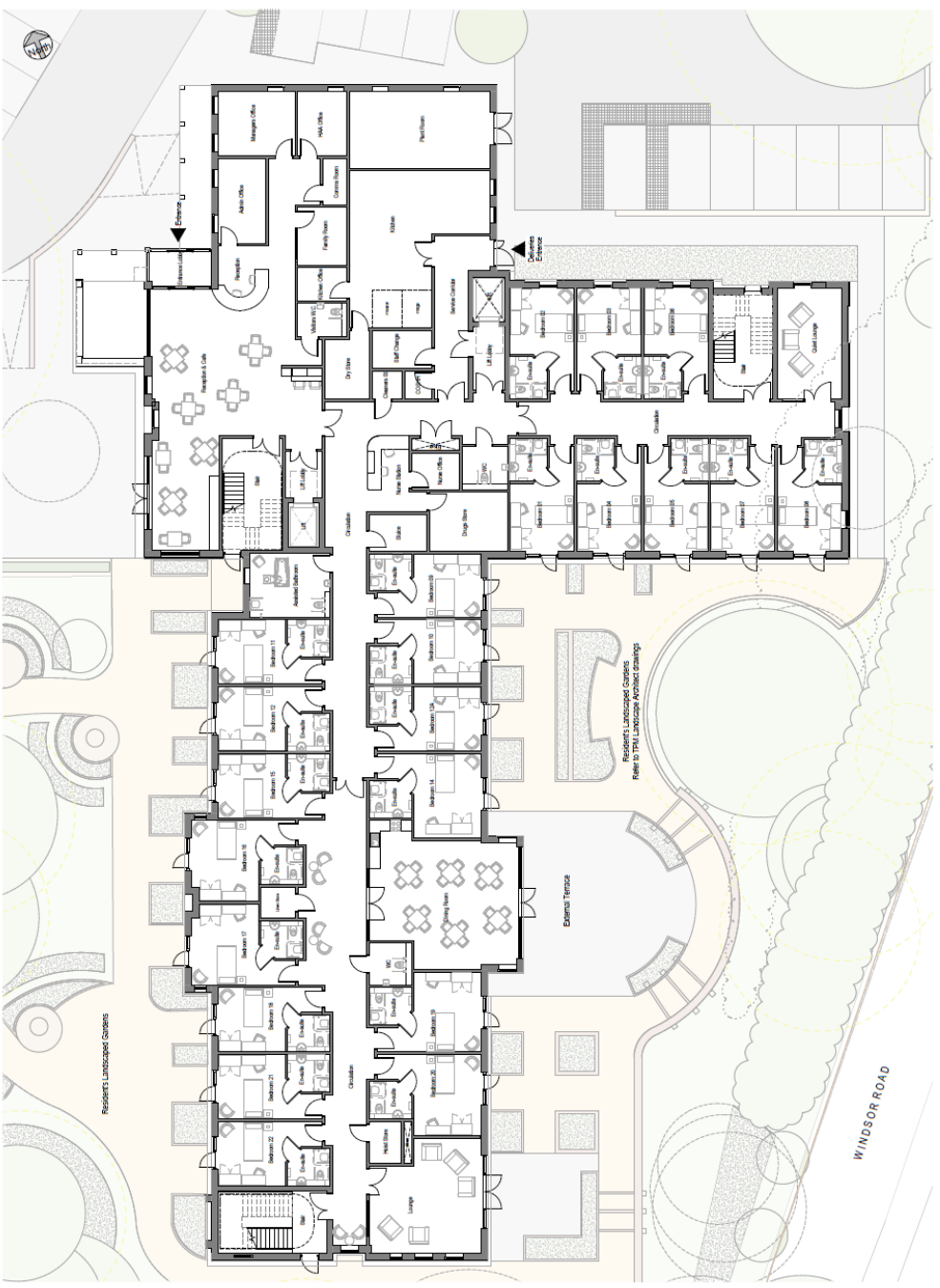


PROJECT NO.	14235 0012
PROJECT NAME	Ground Floor GA
DATE	11/09/15
SCALE	1" = 10'-0"
DRAWN BY	POZZONI
CHECKED BY	POZZONI
DATE	11/09/15
PROJECT NO.	14235 0012
PROJECT NAME	Ground Floor GA
DATE	11/09/15
SCALE	1" = 10'-0"
DRAWN BY	POZZONI
CHECKED BY	POZZONI
DATE	11/09/15

1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
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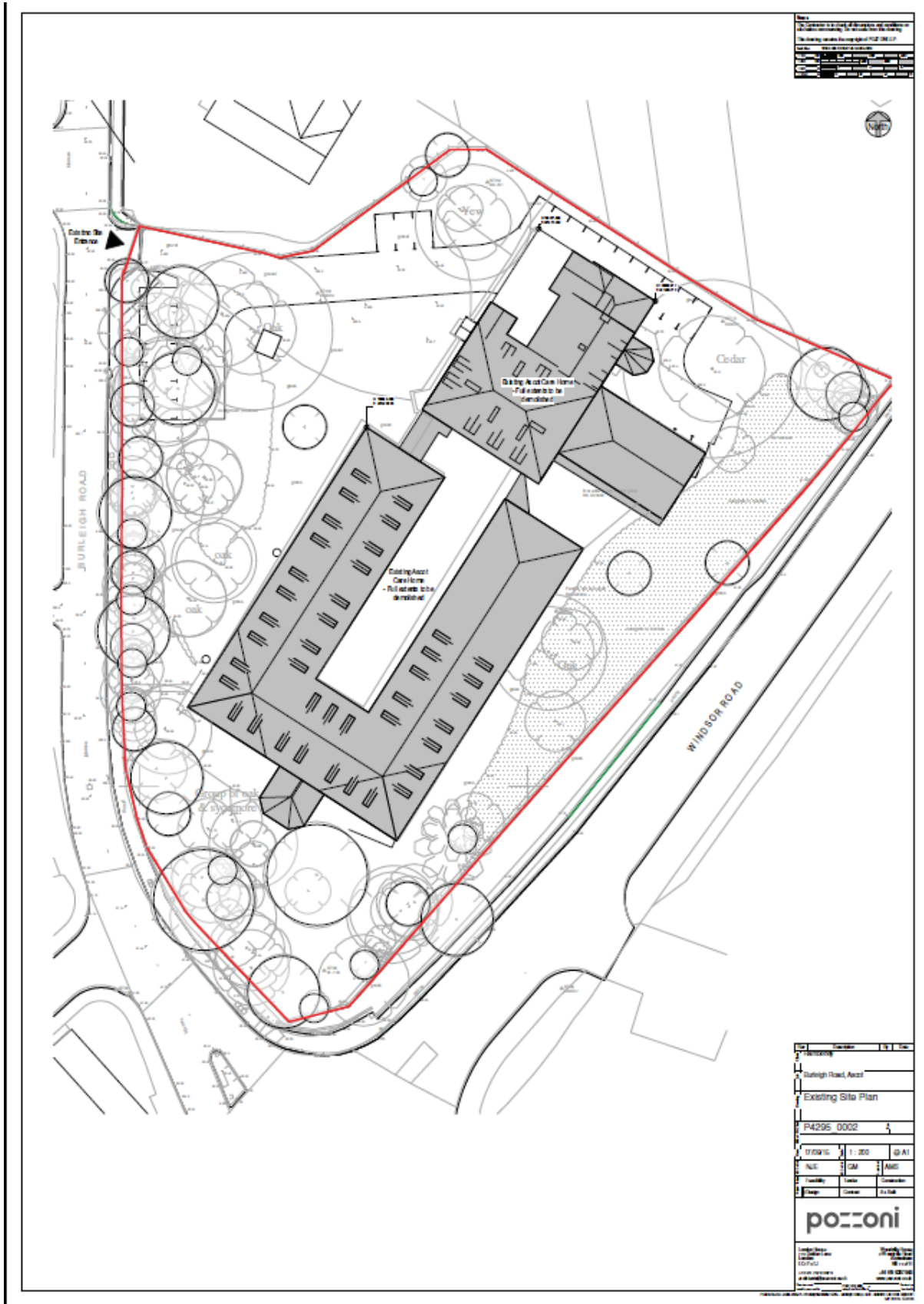
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Proposed Ground Floor
1:100

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Appendix A



ALL DRAWINGS CONFORMING TO THE CODES FROM THE JURISDICTION OF THE CLIENT AND THE CITY OF CHICAGO.

NO.	DATE	DESCRIPTION
1	08/15/2024	ISSUED FOR PERMITTING
2	08/20/2024	ISSUED FOR PERMITTING
3	08/20/2024	ISSUED FOR PERMITTING
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8	08/20/2024	ISSUED FOR PERMITTING
9	08/20/2024	ISSUED FOR PERMITTING
10	08/20/2024	ISSUED FOR PERMITTING



North-West Elevation



South-West Elevation



South-East Elevation



North-East Elevation

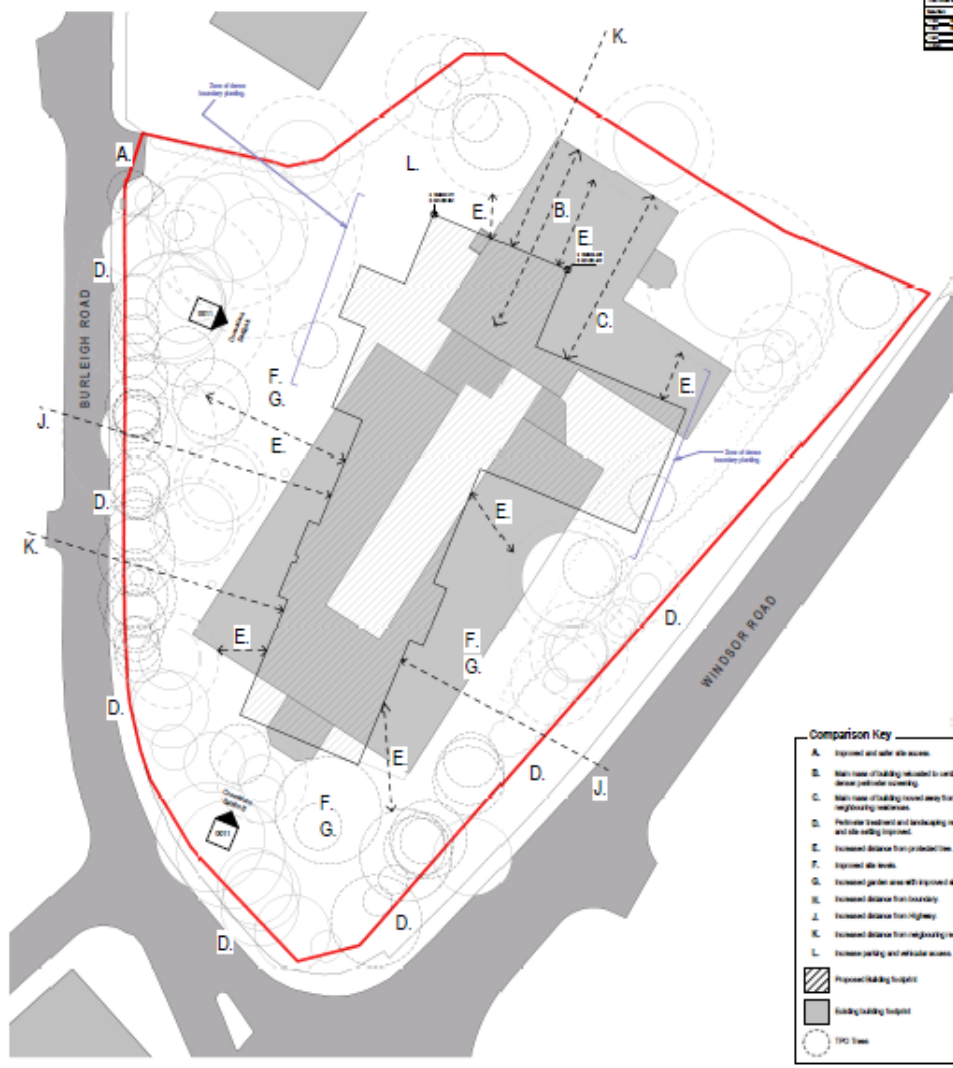
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9	08/20/2024	ISSUED FOR PERMITTING
10	08/20/2024	ISSUED FOR PERMITTING

pozzoni

1100 W. Madison Ave.
Chicago, IL 60606
Tel: 773.462.1234
www.pozzoni.com

Project: 2301115
Drawing: 0027
Scale: 1/8" = 1'-0"
Date: 08/20/2024

Revision	
1	Initial Design
2	Final Design
3	Final Design
4	Final Design
5	Final Design

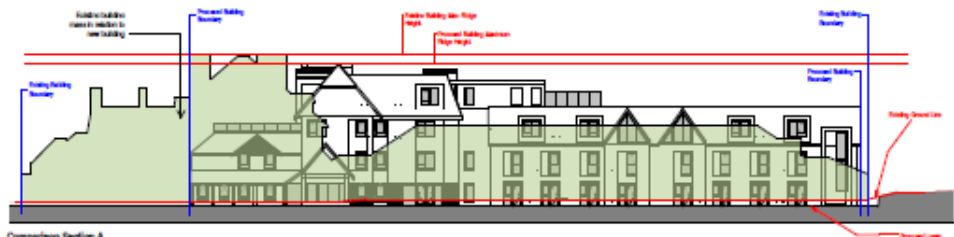


Comparison Key

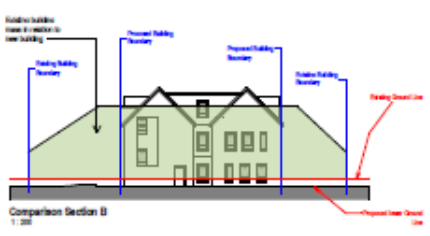
- A. Improved and new site access.
- B. Main mass of building setback to center of site with better perimeter screening.
- C. Main mass of building moved away from boundary and neighboring residences.
- D. Perimeter treatment and landscaping retained, supplemented and site being improved.
- E. Increased distance from production line.
- F. Improved site levels.
- G. Increased garden area with improved site circulation.
- H. Increased distance from boundary.
- J. Increased distance from highway.
- K. Increased distance from neighboring residences.
- L. Increase parking and vehicle access.

Proposed building footprint
 Existing building footprint
 1980 Trees

Existing Building Position
1:200



Comparison Section A
1:200



Comparison Section B
1:200

Project Name		Date	
Project Number		Scale	
Burleigh Road (Acad)			
Site Comparison Plan and Elevations			
P4295 0011			
201115	20	10/20/20	02 A1
NE	JAG	AMS	
1/20	1/20	1/20	1/20
1/20	1/20	1/20	1/20
pozzoni			
Landscape Architect		Structural Engineer	
201115		P4295 0011	
1/20		1/20	
1/20		1/20	

