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Our ref.: 14/02662

Planning Services



Mr David Farrell- Farrell Design Studio
35A Barleycroft Road
Road
Welwyn Garden City
Hertfordshire
AL8 6JX

15 January 2015

Dear Mr Farrell- Farrell Design Studio

Town and Country Planning Act 1990 (as amended)

Re: Ardwyn House And High Trees Hancocks Mount Ascot

Please find enclosed the Decision Notice issued by the Royal Borough of Windsor and Maidenhead in relation to the recent application for the Erection of two dwellings with separate garage blocks, including staff accommodation on floor above garage following demolition of the two existing dwellings..

Should you have any queries regarding the conditions or informatives that may be attached to this decision or should you wish to discuss the decision itself, please do not hesitate to contact me on 01628 796578

Yours faithfully

Vivienne McDowell

Vivienne McDowell
Senior Planning Officer

enc.

ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written approval of the Local Planning Authority.

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

- 4 Prior to the commencement of the development a plan detailing the position of all new utility/drainage runs, soakaways, site huts, material storage, cement mixing areas and contractor parking shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be undertaken in accordance with the approved details.
Reason: In the interests of protecting trees on the site that are important to the character and appearance of the area. Relevant Policies - Local Plan DG1, N6.
- 5 Full details of the design, appearance and siting of any new boundary wall/fence to the north of House 2 (and to the south of the wooded area covered by Tree Preservation Order) in relation to individual nearby trees, shall be submitted to and approved by the Local Planning Authority prior to such boundary treatment being constructed. The boundary treatment shall be completed in accordance with the approved details prior to the occupation of the new dwelling to which it relates. Furthermore, irrespective of any indications on the approved plan SD 927-301:00 Rev B regarding the proposed new security gate along the access drive, full details of the design, appearance and the siting of the gate/piers in relation to nearby trees (including trees protected by TPO) shall be submitted to be approved by the Local Planning Authority prior to such gate/s being constructed.
Reason: In the interests of the visual amenities of the area, to safeguard trees which contribute to the visual amenities of the area and in the interests of the ecology of this area. Relevant Policies - Local Plan DG1 N6.
- 6 Prior to the commencement of the development full details of any new external and internal boundary treatments and retaining walls other than those indicated on drawing SD 927-301:00 Rev B, shall be submitted to, and approved in writing by, the Local Planning Authority. The boundary treatments shall be completed prior to the initial occupation of the new dwellings. Notwithstanding the provisions of Class A of Part 2 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification) no other fence, gate, wall or other means of enclosure shall be erected on the site without the prior written approval of the Local Planning Authority.
Reason: To ensure the location, form, design and materials are appropriate for the character and appearance of the area and do not harm any protected tree. Relevant Policies - Local Plan DG1, H10, N6.
- 7 Prior to the commencement of development a BS 5837 Tree Survey and an arboricultural method statement detailing the construction method(s) for the installation of the new security gate/s on the access drive and for any new boundary walls/fences immediately adjacent to the wooded area covered by a Tree Preservation Order to the north of the plot to House 2 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 the health of the trees which are important to the character and appearance of the area. Relevant Policies - Local Plan DG1, N6.
- 7 Notwithstanding the provisions of Classes A, B, C, D and E of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 including the Town and Country Planning (General Permitted Development) (Amendment) (no. 2) (England) Order 2008 (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 dwellinghouse 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 within the Green Belt where it is considered necessary to control any such future development. Relevant Policies - Local Plan Policies: GB1, GB2, GB3.

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

Reason: In the interest of the appearance of the area taking into account its location within the Green Belt. Local Plan Policies: GB1, GB2, GB3.

- 9 No development shall take place until:

(a) evidence that the development is registered with the Building Research Establishment (BRE) under the Code for Sustainable Homes and a Design Stage Report showing that the development will achieve Code level 4 (b) a BRE issued Interim Code for Sustainable Homes Certificate demonstrating that the development will achieve Code level 4, for each of the residential units has been submitted to and approved in writing by the Local Planning Authority.

Note: A completed pre-assessment estimator will not be sufficient.

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 and to comply with the adopted Ascot, Sunninghill and Sunningdale Neighbourhood Plan policy NP/DG5.

- 10 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 Code for Sustainable Homes rating of Code Level 4 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.

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

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

- 12 No dwelling shall be occupied until details of the location of a water butt of at least 120L internal capacity to be installed to intercept rainwater draining from the roof of each dwelling has been submitted to and approved in writing by the Local Planning Authority and subsequently provided at each dwelling. The approved facilities shall 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.

- 14 No development shall take place until details of the measures to be used in the construction of the new house to address the Borough's ageing population have been submitted to, and approved in writing by, the Local Planning Authority. The submitted details shall demonstrate how the development would comply with policies PAP1 and PAP5 of the Royal Borough of Windsor & Maidenhead Planning for an Ageing Population Supplementary Planning Document and include the relevant checklist. The development shall be carried out and subsequently retained and maintained in accordance with the approved details.

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.

- 15 No development shall take place until full details of both hard and soft landscape works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season following the substantial completion of the development and retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its prior written consent to any variation.
Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1, GB2.
- 16 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.

Approved Plan Reference Number(s):

1048:100, version no.: red outline, received on 28 August 2014
SD 927-203, version no.: Rev B, received on 7 January 2015
SD 927-202:00, version no.: Rev B, received on 7 January 2015
SD 927-205:00, version no.: Rev B, received on 7 January 2015
SD 927 201:00, version no.: Rev B, received on 7 January 2015
SD927-206:00, version no.: Rev B, received on 7 January 2015
SD 927-204:00, version no.: Rev B, received on 7 January 2015
SD 927-301:00, version no.: Rev B, received on 7 January 2015
SD 927-400:00, version no.: Rev B, received on 7 January 2015
SD 927:500, version no.: Rev B, received on 7 January 2015
SD927-103:00, version no.: Rev B, received on 7 January 2015
SD 927-102:00, version no.: Rev B, received on 7 January 2015
SD 927-105:00, version no.: Rev B, received on 7 January 2015
SD 927-101:00, version no.: Rev B, received on 7 January 2015
SD 927-106:00, version no.: Rev B, received on 7 January 2015
SD 927-104:00, version no.: Rev B, received on 7 January 2015

Informatives

1. This decision has been made in accordance with the requirements of the National Planning Policy Framework. The Local Planning Authority has sought all reasonable measures to resolve issues and found solutions when coming to its decision. For further details please see the Officer's report and the Council's decision by following this link [R.B.W.M. | Planning - Public Access Module](#) and entering the application number, or contact the Council's Customer Service Centre on 01628 683800 and quoting the application number.
2. 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.
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.
4. No builders materials, plant or vehicles related to the implementation of the development should be parked/stored on the public highway so as to cause an obstruction at any time.

Justifications

- 1 The reason planning permission has been granted is that the development complies with the relevant provisions of the development plan. The relevant policies/proposals of the development plan are Local Plan DG1, GB1, GB2, GB3, H10, P4, T5, N6, LB2; Ascot, Sunninghill and Sunningdale Neighbourhood Plan policies NP/EN2, NP/EN3, NP/EN4, NP/EN5, NP/DG1, NP/DG2, NP/DG3, NP/DG5, NP/T1.

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

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

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

Signed Dated: 15th January 2015

Simon Hurrell

Simon Hurrell
Head of Planning Services

1. The application number shown on the attached should be quoted in all correspondence.
2. If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or approval for the proposed development or to grant permission subject to conditions, the applicant may appeal to the Office of the Deputy Prime Minister in accordance with Section 78 of the Town and Country Planning Act 1990 (as amended) within six months of receipt of this notice for applications for full, outline or reserved matters planning applications, listed building or conservation area consents, or within six months for all other applications. (Appeals must be made on a form which is obtainable from the Planning Inspectorate, Room 306(K), Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. The telephone number is 0117 372 6027/6212. The Deputy Prime Minister has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Deputy Prime Minister is not required to entertain an appeal if it appears to him that the permission for the proposed development could not have been granted by the Local Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements as set out in Section 78 of the Town and Country Planning Act 1990 (as amended), to the provisions of the Development Order, and to the directions given under the order. He does not in practice refuse to entertain appeals solely because the decision by the Local Planning Authority was based on a direction given by him.
3. If permission to develop land is granted subject to conditions, whether by the Local Planning Authority or by the Deputy Prime Minister, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council a purchase notice requiring that Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 (as amended).
4. In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Deputy Prime Minister on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 199 of the Town and Country Planning Act 1990 (as amended).
5. This permission covers only consent under the Town and Country Planning Act 1990 (as amended) and does not give permission to demolish a listed building, for which separate consent is required. Amongst other things the consent of the Council of the district in which land is situated may be required under the Building Regulations and if the proposals affect land within the limits of the highway (that is between the highway fences or hedges) the separate consent of the Highway Authority may also be required. Steps to obtain the necessary further consents should be taken before proceeding with the developments.

SHOPS, OFFICES, FACTORIES, EDUCATIONAL BUILDINGS & BUILDINGS TO WHICH THE PUBLIC ARE TO BE ADMITTED; ACCESS AND PROVISION FOR THE DISABLED PERSONS.

1. The Local Planning Authority is required to bring to your attention the requirements of the Disabled Persons Act 1981, Building Regulations 1991 "Access and Facilities for Disabled People" document M and the Chronically Sick & Disabled Act 1970 (as amended 1976) (Sections 4.7.8 and 8A) requiring the provision of access facilities, car parking and toilets for the disabled and the provision of signing indicating what provision has been made for the disabled persons within the building. Your attention is also drawn to the Code of Practice BS 5619 "Design of Housing for the convenience of Disabled People", 1978 and Code of Practice, BS5810: 1979, "Access for the Disabled to Buildings" available from the British Standards Institution, 2 Park Street, London W1A 2BS. (Tel 071-629-9000) and (in so far as educational buildings are concerned), to Design Note 18 "Access for the Physically Disabled to Educational Buildings".
2. The buildings to which these requirements apply are:-
 - a) Buildings to which the public are to be admitted to which Section 4 of the Chronically Sick & Disabled Act 1970 (as amended 1976) applies; b) Offices, Shops & Railway Premises as defined in the Offices, Shops & Railway Premises Act 1963 or premises deemed to fall within the act; c) Factories as defined by Section 175 of the Factories Act 1961; d) Educational Buildings as defined by Section 29B of the Disabled Persons Act 1981.

**BERKSHIRE ACT 1986
ACCESS FOR THE FIRE BRIGADE**

S.32

- (1) Except as provided in subsection (2) below, where the plans for the erection or extension of a building are deposited with a district council in accordance with building regulations, the district council shall reject the plans unless, after consultation with the fire authority, they are satisfied that the plans show:
 - (a) that there will be adequate means of access for the fire brigade to the building or as the case may be, to the building as extended; and
 - (b) that the building, or as the case may be, the extension of the building will not render inadequate existing means of access for the fire brigade to a neighbouring building.
- (2) No requirement concerning means of access to a building or to a neighbouring building shall be made under this section in the case of a building to be erected or extended in pursuance of a planning permission granted upon an application made under the Act of 1990, unless notice of provisions of this section is endorsed on or accompanies the planning permission.
- (3) Section 16 (7) and (8) and section 36 (2) to (6) of the Building Act 1984 (notice of rejection or passing of plans and enforcement of requirements) shall apply as if this section were a section of the said Act of 1984.
- (4) Any person aggrieved by the action of the district council in rejecting plans under this section may appeal to a magistrates' court.
- (5) In this section references to the adequacy or inadequacy of means of access for the fire brigade shall be construed as reference to a means of access adequate or, as the case may be, inadequate for use of fire fighting purposes by members of one or more fire brigades and their appliances.

