

# Royal Borough of Windsor and Maidenhead

## Ascot, Sunninghill and Sunningdale Neighbourhood Plan Decision Statement

### **1 Summary**

- 1.1 Following an Independent Examination, the Royal Borough of Windsor and Maidenhead's Windsor Rural Development Control Panel has now confirmed that the Ascot, Sunninghill and Sunningdale Neighbourhood Plan will proceed to a Neighbourhood Planning Referendum.

### **2 Background**

- 2.1 The Ascot, Sunninghill and Sunningdale neighbourhood area was designated by Cabinet in March 2013, under the Neighbourhood Planning (General) Regulations (2012).
- 2.2 Sunninghill and Ascot Parish Council, as the Qualifying Body, with the support of Sunningdale Parish Council, submitted the Ascot, Sunninghill and Sunningdale Neighbourhood Plan ('The Plan') to the Borough in September 2013. The Plan was published for a 6 week consultation between 4<sup>th</sup> October and 18<sup>th</sup> November 2013.
- 2.3 The Borough, in discussion with the Qualifying Body, appointed an Independent Examiner, Nigel McGurk, to review whether the plan met the Basic Conditions as required by legislation. Mr McGurk issued his report to the Borough on 27<sup>th</sup> January 2014 which recommended that the plan, subject to some modifications, met the Basic Conditions and should proceed to referendum.

### **3 Decision**

- 3.1 The Borough's Windsor Rural Development Control Panel ('The Panel') considered the recommendations at its meeting on 5<sup>th</sup> February 2014. The Panel voted unanimously to accept the Examiner's proposed modifications and approve the plan to proceed to referendum.
- 3.2 The Plan, with the Examiner's modifications meets the Basic Conditions as required in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990, and is compatible with the Convention rights and complies with provision made by or under Section 38A and B of the 1990 Act.
- 3.3 The Panel provided delegated authority to the Lead Member for Community Partnerships and Neighbourhood Planning, in consultation with the Head of Planning and Property Services to make other minor and typographical amendments to the Plan prior to the referendum being announced.

3.4 The changes to the plan, as needed to ensure the Plan meets the Basic conditions and in line with the Examiner's recommendations are as follows:

## Ascot, Sunninghill and Sunningdale Neighbourhood Plan

### Examiner's Recommended Changes & Officer Recommendation

Location of change	Page of Plan	Proposed Change	Commentary on examiner's view	Officer recommendation
Contents	n/a	Amend the contents page to account for changes made as a result of the proposed modifications.	This proposed change is necessary to ensure the plan is legible once the changes are made.	Accept the change.
Section 4.0	8	Should be edited to start " <i>Should the Neighbourhood Plan be 'made'...it would become part of the...</i> "	This proposed change more accurately reflects the situation of the plan and is considered appropriate to make.	Accept the change.
Policy NP/EN1 – Green Belt	22-23	Delete policy and all relating supporting text.	This modification is required as the first part of the policy repeats existing policy in the National Planning Policy Framework (NPPF) and therefore is not necessary. The second part of the policy (which would require any development in the Green Belt arguing for "very special circumstances" to also demonstrate significant and demonstrable benefit to the local community with community support) would not reflect the policy in the NPPF and therefore would not meet the Basic Conditions.	Accept this change, but make a minor change to the wording in the introductory sections to help clarify for the community that the Green Belt will continue to be protected under national and Borough Council policy.
Policy NP/EN2 – Gaps between villages	23-24	Replace Policy NP/EN2 with a positive "reinforcement" policy.	The original policy would be more onerous than national Green Belt policy and would not account for "appropriate development" and therefore, would not have regard to the NPPF. A positively worded reinforcement or guidance policy for any development that might occur in the identified gaps could allow the intentions of the community to be achieved in a manner that meets the basic conditions.	Accept the change and work with the neighbourhood plan group to draft a policy on this. Wording agreed as  <i>"Any development proposals in the identified gaps between villages, as defined on Map 7, should be located and designed to maintain the separation of the villages and to complement the relevant landscape characteristics of the gaps, through:</i>

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				<p><b>(a)</b> Locating structures where they will be viewed against existing built form;  <b>(b)</b> Retaining the proportion and scale of built structures and the space between them;  <b>(c)</b> Reference to the built vernacular of the neighbourhood area;  <b>(d)</b> Conservation and restoration of traditional boundary treatments; and  <b>(e)</b> Use of appropriate plant species in a comprehensive landscape scheme with appropriate boundary treatments to integrate with the rural character</p> <p>Wherever possible, development should deliver enhancements to the landscape character."</p>
Policy NP/EN3 - Trees	26	NP/EN3.1: Change wording to "Development proposals should seek to retain...on site. Where removal of a tree(s) of recognised importance is proposed, a replacement of similar amenity value should be provided on site."	The importance of trees to the character of the neighbourhood is recognised but not all trees should be treated equally and a blanket approach would have the effect of devaluing the approach to protected trees. As originally written, the policy is not in general conformity with policy N6 of the Borough Council's Local Plan (1999), but with the proposed changes, this policy would meet the Basic Conditions.	Accept the change but add to the intent what "recognised importance" is with direct reference to the language used in the British Standard, to aid clarity.
		NP/3.2: Change wording to "Residential...are present should be accompanied..."	The original policy as worded is overly onerous, which fails to be in general conformity with policy N6 of the Borough Council's Local Plan (1999), but with these proposed changes, this policy would meet the Basic Conditions.	Accept the change.
Policy NP/EN4 - Gardens	27	Change wording to: <i>Proposals for new dwellings on private residential gardens should: (a) not result in an unacceptable</i>	The original opening sentence would have the potential to cause confusion. As it stands, the wording may result in a lack of flexibility where other factors may outweigh	Accept the change.

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		<i>reduction...gardens AND (b) not result in an unacceptable impact on the landscape and environmental value of the site."</i>	the landscape or environmental value of a site and as a result, the policy would not contribute to the achievement of sustainable development. The amended wording will resolve these issues.	
Policy NP/H2 – Mix of housing types	34	Policy NP/H2.1 Delete "...in the Borough Local Plan..."	There may be occasions not within the Borough Local Plan (1999) where a need for an alternative type or size of home can be demonstrated and therefore the direct mention of the Borough Local Plan should be removed.	Accept the change.
		NPH2.2 Change to " <i>Subject to being in keeping with the surrounding area, development proposals that will deliver small and medium houses will be encouraged.</i> "	This part of the original policy may conflict with NP/H2.1 and the proposed change would create greater consistency and clarity.	Accept the change.
		Delete final paragraph "In circumstances...shall prevail."	This paragraph would lead to an inflexible and prescriptive approach that would not have regard to the NPPF and therefore would not meet the Basic Conditions.	Accept the change.
Policy NP/H3 – Appropriate locations for flats	37	Delete Policy NP/H3.	The original policy is prescriptive and the evidence fails to demonstrate that development of flats outside of the areas identified would not be sustainable. There are alternative approaches to this blanket ban, controlling the development of flats. The Examiner proposes making changes to policy NP/DG1 to accommodate the community's wish, to manage development to provide flats, in a more appropriate manner.	Accept the deletion of the policy with the amendment to Policy NP/DG1.5, to strengthen control over proposals for flatted development.
Policy NP/DG1 – Respecting the Townscape	39-40	NP/DG1.2 Change wording: "In Townscape... <i>Estates, residential development should comprise low or very low density developments of detached houses, unless it can be satisfactorily demonstrated that other forms of development would retain the identified character of the area. In the...</i> "	The original wording is prescriptive and inflexible, adopting a blanket approach which is in conflict with policy NP/H2. There is no substantive evidence to demonstrate that other forms of development are not sustainable. As such this part of the policy would not have regard to the NPPF. The proposed changes would still achieve the intent of the neighbourhood plan whilst meeting the Basic Conditions.	Accept the change.
		NP/DG1.3 Change wording: "...Woodland	The original wording is prescriptive and inflexible,	Accept the change.

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		Setting <i>should</i> retain and...area, which, where possible and appropriate, should include the planting of trees and/or..."	adopting a blanket approach which is in conflict with policy NP/H2. There is no substantive evidence to demonstrate that other forms of development are not sustainable. As such this part of the policy would not have regard to the NPPF. The proposed changes would still achieve the intent of the neighbourhood plan whilst meeting the Basic Conditions.	
		NP/DG1.5 – Delete "Notwithstanding...NP/DG1.1..."	The cross reference is unnecessary.	Accept the change.
		NP/DG1.5 – Change wording "... (to 1960), Late 20 <sup>th</sup> Century Suburbs (1960s onwards) and Post-War Residential Flats, development proposals for houses or flats of high quality...may be appropriate, even..."	There is an opportunity to incorporate the intentions of the group to manage the development of flats in some areas of the neighbourhood with an amendment to this policy, in line with the comments on policy NP/H3.	Accept the change.
		NP/DG1.5. Add to end of policy "Throughout the Neighbourhood Area, development proposals should comprise high quality design and seek to demonstrate how they will enhance the character of the local area."	This policy would limit high quality development to some areas of the neighbourhood and there is no reason why high quality development should be limited to any areas. The amended wording would allow the policy to meet the Basic Conditions.	Accept the change.
Policy NP/DG2 – Density, footprint, scale, bulk	40-41	NP/DG2.1 Add to end "...in particular, unless it can be demonstrated that the proposed development would not harm local character."	The original policy is inflexible and prescriptive and therefore would not have regard to the NPPF. The amended wording offers applicants the opportunity to demonstrate how development that is not similar to neighbouring properties would not harm character, allowing it to deliver sustainable development.	Accept the change.
		NP/DG2.2 Add to the end of (a) "...or hedges, where such features are important to the character and appearance of the area."	The original policy is too restrictive and the evidence presented has not demonstrated that all development should respect boundary treatments. The proposed amendment stipulates that the policy should only apply where the boundary treatment is important to the character of an area.	Accept the change.
		Delete final sentence	The final sentence in the policy which applies a cross-	Accept the change.

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			reference to other policies which adds confusion and should be deleted.	
Policy NP/DG4 – Heritage assets	44	NP/DG4.1 Reword: <i>“Proposals affecting Listed... settings must conserve and, wherever possible, seek to enhance their significance, quality and character.”</i>	The original wording has no trigger for relevant applications and may not be deliverable. The proposed change allows the wording to have regard to the NPPF.	Accept the change
		NP/DG4.2: Change “...must avoid...” to “...should seek to avoid...”	The use of the word “must” would lead to the policy being overly prescriptive and would fail to account for a balanced approach and would not allow for sustainable development. The minor change to “should seek to” would allow this policy to contribute to the achievement of sustainable development.	Accept this change.
7.2 – Village strategies and policies	55	Re: the note relating to a new area of Suitable Alternative Natural Green space (SANG) set out in the introductory text at the end of Section 7.2, add to end <i>“...(Thames Basin Heath SPA Delivery Framework 2009, adopted by the Thames Basin Heath Joint Strategic Partnership Board. See Section 5.2.1).”</i>	The note on the situation of mitigation against impact on the Thames Basin Heaths SPA is currently unclear and can be clarified through a minor amendment.	Accept this change.
Policy NP/SV1 – Sunninghill Village Centre	56	NP/SV1.1: Re-word: <i>“Any development that will have a severe independent or cumulative impact on traffic...”</i>	The NPPF is clear that development should only be refused on transport grounds where its residual cumulative impacts are severe and that the wording of the policy as it stands would not have regard to the Framework. The revision would rectify this.	Accept this change.
		NP/SV1.3: Re-word: <i>“...will result in no severe independent or cumulative impact on traffic congestion or on the amenity of local residents.”</i>	The NPPF is clear that development should only be refused on transport grounds where its residual cumulative impacts are severe and that the wording of the policy as it stands would not have regard to the Framework. The revision would rectify this.	Accept this change.
Policy NP/SS1 – Ascot Centre / High Street	57-61	<ul style="list-style-type: none"> <li>• Re-word Policy NP/SS1.1 <i>“...and Centre (including “Ascot Village”) as identified...”</i></li> <li>• Re-word Policy NP/SS1.2 <i>“...High Street</i></li> </ul>	The inclusion of land in the Green Belt, that would need to be removed from Green Belt to allow the development as being proposed in this allocation, causes concern. This allocation and amendment to the	Accept the change to the policy and move the aspects covered by the deletion to the ‘project’ section of the neighbourhood plan, to ensure that it is

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Rejuvenation		<p>should take into account the following community aspirations: *</p> <p>Improvements...The creation of green spaces which for Ascot Village should be equivalent to approximately 15% of the total area.”</p> <ul style="list-style-type: none"> <li>• Policy NP/SS1.3 - Delete (b)</li> <li>• Retain SS1.4 and SS1.5</li> </ul>	<p>boundary would need to occur in a Local Plan and therefore inclusion of an allocation such as this in the neighbourhood plan would not have regard to the NPPF. However, there is a significant area of land outside of the Green Belt and there is scope for the aspirations of the community to go forward, albeit not as requirements in the policy. Therefore some changes to the policy would allow for it to still meet many of the aims of the community, whilst meeting the Basic Conditions.</p>	<p>used to inform the work of the Borough in preparing the new Local Plan.</p>
	62	<p>Change Reference on Map 18 to “<i>General</i> location for hotel.”</p>	<p>Ascot Racecourse had queried the map identifying where a hotel should go. They felt that this was too specific and the Examiner sought clarity in the examination hearing of whether this concern could be dealt with. It was agreed that the map could be made more general, but still to allow some detail to provide a degree of certainty for decision takers.</p>	<p>Accept the change.</p>
Policy NP/SS3 – Ascot Station Site	64	<p>Delete Policy NP/SS3 – Ascot Station Site</p>	<p>The allocation of a site in the Green Belt for development would represent a conflict with the NPPF. This should be undertaken by a review of the Green Belt through the Borough Local Plan.</p>	<p>Accept the deletion of the policy and add the site to the ‘projects’ section of the neighbourhood plan, to ensure that it is used to inform the work of the Borough in preparing the new Local Plan.</p>
Policy NP/SS4 – Shorts Recycling Transfer Site	66	<p>NP/SS4.2 Re-word: “<i>Proposals for the appropriate re-use of the site should demonstrate: (a) Environmental improvements to the Green Belt; (b) Improvements to St George’s Lane and to the access to the Winkfield Road roundabout; (c) Provision of on-site parking to ensure there is no additional demand on parking elsewhere in Ascot centre.</i>”</p>	<p>The original wording is more onerous than national policy and it is prescriptive, therefore it does not have regard to the framework. The proposed changes would bring the policy in line with the NPPF.</p>	<p>Accept the change.</p>
Section 8.4 – Heatherwood	66-67	<p>Under INTENT, change wording: “Green Belt policies. This may be one of the areas</p>	<p>Since the neighbourhood plan does not seek to identify SANG itself, it is inappropriate to label areas as potential</p>	<p>Accept the changes.</p>



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site		<i>of land to be considered as part of the "potential SANG sites" Project, see Section 9.</i> Remove "Potential SANG site" from Map 21.	SANG sites.	
Policy NP/SS5 – Heatherwood site	68	NP/SS5.3 Re-word "Development proposals on this site <i>are required to demonstrate high quality design...</i> "	The wording of the policy would be better with a direct reference to the NPPF wording.	Accept the change.
		NP/SS5.4: Re-word: "Development proposals for the Heatherwood Site <i>are required to demonstrate the following: (a) A mix of housing types. (b) The position...</i> "	Whilst the original policy reflects important community aspirations, it is too detailed at this early stage, and would result in the policy being inflexible. The change would allow the aims to be met whilst meeting the Basic Conditions.	Accept this change and move the reference to the community preference to the supporting text or 'intent' section, to ensure that the approach retains the views of the community whilst not proving inflexible.
Policy NP/SS8 – Gasholder site	74-75	NP/SS8.2 Change: "...High Street and the Surrounding Area. <i>A transport assessment is required to demonstrate that the proposed development meets access, safety, capacity and amenity requirements.</i> "	There is not substantive evidence at this time to demonstrate that using Bridge Road as the sole access would mean that development would not be sustainable and therefore the wording does not meet the Basic Conditions. The Examiner also feels that extending the requirement of the policy to require a transport assessment instead of the traffic impact assessment would allow applicants to demonstrate safe and suitable access arrangements.	Accept the change.
		NP/SS8.3 Change: " <i>Whilst not a policy requirement, any proposals to develop a new school on the site...</i> "	The last part of the policy is not a requirement. It is a statement of local aspiration. The original wording could cause confusion. The proposed change would clarify the situation.	Accept the change.
Policy SS9 – Sunningdale Park	77	NP/SS9.3 Change "(a) It...Green Belt." Delete rest of sentence.	The policy introduces an unduly onerous approach to the Green Belt by requiring development to reduce the site's impact on the Green Belt. The change would ensure the policy has regard to the NPPF.	Accept the change.
		NP/SS9.4 "...the design <i>should have regard to the Key...</i> "	This minor change to the wording will make it more appropriate.	Accept the change.
Section 8.9 –	77-79	• Re-label Map 26 "Silwood Park Major	The map and associated text may cause confusion and	Accept the changes.

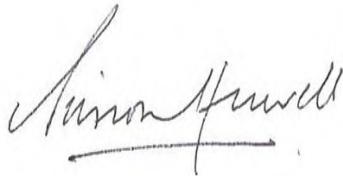
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Silwood Park		<p>Developed Site Development Envelope as defined in the adopted Royal Borough of Windsor and Maidenhead Local Plan.</p> <ul style="list-style-type: none"> <li>• "Map 26 indicates the defined development envelope identified in the adopted Royal Borough of Windsor and Maidenhead Local Plan. It is recognised that the boundary may be amended through the emerging Local Plan process. Policy NP/SS10 is intended to related to any amended identified development envelope."</li> </ul>	therefore clearer labelling and a clearer map would aid clarification.	
Policy SS10 – Silwood Park	79	Delete NP/SS10.2	There is no need for a reference to the overall built envelope as these areas will be subject to Green Belt policy.	Accept this change.
		NP/SS10.3 Delete reference to reducing impact on openness.	The policy introduces an unduly onerous approach to the Green Belt by requiring development to reduce the site's impact on the Green Belt. The change would ensure the policy has regard to the NPPF.	Accept this change.

- 3.5 The area for the referendum is confirmed as that originally designated as the Ascot, Sunninghill and Sunningdale Neighbourhood Area, covering the parishes of Sunninghill and Ascot, and Sunningdale.
- 3.6 To meet the requirements of the Localism Act 2011 a referendum which poses the question *'Do you want the Royal Borough of Windsor and Maidenhead to use the Neighbourhood Plan for Ascot, Sunninghill and Sunningdale to help it decide planning applications in the neighbourhood area?'* will be held in the parishes of Sunninghill and Ascot, and Sunningdale.
- 3.7 The date on which the referendum will take place is agreed as Thursday 27<sup>th</sup> March 2014.



**Cllr Christine Bateson**

Lead Member for Community Partnerships and Neighbourhood Planning  
12<sup>th</sup> February 2014



**Simon Hurrell**

Head of Planning and Property Services  
12<sup>th</sup> February 2014