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NOTICE OF MEETING

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WINDSOR URBAN DEVELOPMENT MANAGEMENT PANEL

will meet on

WEDNESDAY, 29TH MARCH, 2017

At 7.00 pm

in the

COUNCIL CHAMBER - GUILDHALL, WINDSOR

TO: MEMBERS OF THE WINDSOR URBAN DEVELOPMENT MANAGEMENT PANEL

COUNCILLORS MALCOLM ALEXANDER (CHAIRMAN), PHILLIP BICKNELL (VICE-CHAIRMAN), MICHAEL AIREY, JOHN BOWDEN, JESSE GREY, EILEEN QUICK, SAMANTHA RAYNER AND SHAMSUL SHELIM

SUBSTITUTE MEMBERS

COUNCILLORS NATASHA AIREY, HASHIM BHATTI, NICOLA PRYER, GARY MUIR, JACK RANKIN, WESLEY RICHARDS AND EDWARD WILSON

Karen Shepherd - Democratic Services Manager - Issued: 21 March 2017

Members of the Press and Public are welcome to attend Part I of this meeting. The agenda is available on the Council's web site at www.rbwm.gov.uk or contact the Panel Administrator **Wendy Binmore** 01628 796 251

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AGENDA

PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
1.	<u>APOLOGIES FOR ABSENCE</u> To receive any apologies for absence.	
2.	<u>DECLARATIONS OF INTEREST</u> To receive any declarations of interest.	5 - 6
3.	<u>MINUTES</u> To confirm the minutes of the previous meeting.	7 - 8
4.	<u>PLANNING APPLICATIONS (DECISION)</u> To consider the Head of Planning & Property/Development Control Manager's report on planning applications received. Full details on all planning applications (including application forms, site plans, objections received, correspondence etc.) can be found by accessing the Planning Applications Public Access Module by selecting the following link. http://www.rbwm.gov.uk/pam/search.jsp or from Democratic Services on 01628 796251 or democratic.services@rbwm.gov.uk	9 - 68
5.	<u>ESSENTIAL MONITORING REPORTS (MONITORING)</u> To consider the Essential Monitoring reports.	69 - 70

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LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

In accordance with the requirements of the Local Government (Access to Information) Act

1985, each item on this report includes a list of Background Papers that have been relied

on to a material extent in the formulation of the report and recommendation.

The list of Background Papers will normally include relevant previous planning decisions, replies to formal consultations and relevant letter of representation received from local societies, and members of the public. For ease of reference, the total number of letters received from members of the public will normally be listed as a single Background Paper,

although a distinction will be made where contrary views are expressed. Any replies to consultations that are not received by the time the report goes to print will be recorded as

“Comments Awaited”.

The list will not include published documents such as the Town and Country Planning Acts

and associated legislation, Department of the Environment Circulars, the Berkshire Structure Plan, Statutory Local Plans or other forms of Supplementary Planning Guidance,

as the instructions, advice and policies contained within these documents are common to

the determination of all planning applications. Any reference to any of these documents will be made as necessary under the heading “Remarks”.

STATEMENT OF THE HUMAN RIGHTS ACT 1998

The Human Rights Act 1998 was brought into force in this country on 2nd October 2000, and it will now, subject to certain exceptions, be directly unlawful for a public authority to act in a way which is incompatible with a Convention right. In particular, Article 8 (respect

for private and family life) and Article 1 of Protocol 1 (peaceful enjoyment of property) apply to planning decisions. When a planning decision is to be made however, there is further provision that a public authority must take into account the public interest. In the vast majority of cases existing planning law has for many years demanded a balancing exercise between private rights and public interest, and therefore much of this authority’s decision making will continue to take into account this balance.

The Human Rights Act will not be referred to in the Officer’s report for individual applications beyond this general statement, unless there are exceptional circumstances which demand more careful and sensitive consideration of Human Rights issues.

MEMBERS' GUIDE TO DECLARING INTERESTS IN MEETINGS

Disclosure at Meetings

If a Member has not disclosed an interest in their Register of Interests, they **must make** the declaration of interest at the beginning of the meeting, or as soon as they are aware that they have a DPI or Prejudicial Interest. If a Member has already disclosed the interest in their Register of Interests they are still required to disclose this in the meeting if it relates to the matter being discussed.

A member with a DPI or Prejudicial Interest **may make representations at the start of the item but must not take part in discussion or vote at a meeting.** The term 'discussion' means a discussion by the members of meeting. In order to avoid any accusations of taking part in the discussion or vote, Members should move to the public area or leave the room once they have made any representations. If the interest declared has not been entered on to a Members' Register of Interests, they must notify the Monitoring Officer in writing within the next 28 days following the meeting.

Disclosable Pecuniary Interests (DPIs) (relating to the Member or their partner) include:

- Any employment, office, trade, profession or vocation carried on for profit or gain.
- Any payment or provision of any other financial benefit made in respect of any expenses occurred in carrying out member duties or election expenses.
- Any contract under which goods and services are to be provided/works to be executed which has not been fully discharged.
- Any beneficial interest in land within the area of the relevant authority.
- Any license to occupy land in the area of the relevant authority for a month or longer.
- Any tenancy where the landlord is the relevant authority, and the tenant is a body in which the relevant person has a beneficial interest.
- Any beneficial interest in securities of a body where:
 - a) that body has a piece of business or land in the area of the relevant authority, and
 - b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body **or** (ii) the total nominal value of the shares of any one class belonging to the relevant person exceeds one hundredth of the total issued share capital of that class.

Any Member who is unsure if their interest falls within any of the above legal definitions should seek advice from the Monitoring Officer in advance of the meeting.

A Member with a DPI should state in the meeting: ***'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Or, if making representations on the item: 'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'

Prejudicial Interests

Any interest which a reasonable, fair minded and informed member of the public would reasonably believe is so significant that it harms or impairs the Member's ability to judge the public interest in the item, i.e. a Member's decision making is influenced by their interest so that they are not able to impartially consider relevant issues.

A Member with a Prejudicial interest should state in the meeting: ***'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Or, if making representations in the item: 'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'

Personal interests

Any other connection or association which a member of the public may reasonably think may influence a Member when making a decision on council matters.

Members with a Personal Interest should state at the meeting: ***'I wish to declare a Personal Interest in item x because xxx'. As this is a Personal Interest only, I will take part in the discussion and vote on the matter.***

Public Document Pack Agenda Item 3

WINDSOR URBAN DEVELOPMENT MANAGEMENT PANEL

WEDNESDAY, 1 FEBRUARY 2017

PRESENT: Councillors Malcolm Alexander (Chairman), Phillip Bicknell (Vice-Chairman), John Collins, Jesse Grey, Eileen Quick, Samantha Rayner, Shamsul Shelim and Edward Wilson

Also in attendance: Councillor Derek Wilson

Officers: Wendy Binmore, Melvin Andrews, Claire Pugh and Daniel Gigg and April Waterman

APOLOGIES FOR ABSENCE

Apologies for absence received from Cllrs Michael Airey and John Bowden.

DECLARATIONS OF INTEREST

None received.

MINUTES

RESOLVED UNANIMOUSLY: That the minutes of the meeting of the Windsor Urban Development Control Panel held on 4 January 2017 be approved.

PLANNING APPLICATIONS (DECISION)

16/02134* LFD Group Limited: Erection of office (B1) building with retail (A1) space at ground floor, following demolition of existing building at 35 – 37 Peascod Street – **THE PANEL VOTED to APPROVE the application in accordance with the Head of Planning's recommendations and grant planning permission with the conditions listed in Section 10 of the Main Report and with the amended conditions in Section 3 of the update report as listed below; and an additional condition to secure details of the levels of the site and development (not listed):**

- **Amended condition 11** – Prior to the commencement of construction of the development hereby permitted details for the surface water drainage of the site, together with a maintenance regime for it, shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, and shall be so maintained thereafter for the duration of the occupation of the development. Reason: To ensure the protection of the water environment, and to minimise the risk of flooding in the locality. Relevant Policies – DG1, E10 and F1 of the Local Plan, and guidance contained within the NPPF 2012.
- **Amended condition 5** – no part of the development shall be occupied until secure cycle parking, lockers and showering facilities have been provided within the building in accordance

with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be kept available for use by staff employed within the development at all times. Reason: to ensure that the development is provided with adequate parking and personal facilities in order to encourage the use of unpowered modes of transport, in the interests of the sustainability of the development and its impact on the environment. Relevant Policies – DG1, E10 and T7 of the Local Plan, and guidance contained within the NPPF 2012.

Four Councillors voted in favour of the motion to approve (Cllrs Alexander, Bicknell, Collins and Quick), and four Councillors voted against the motion (Cllrs Grey, Rayner, Shelim and E. Wilson).

(The Panel was addressed by Andrew Melville in objection and David Hill, the owner. A statement of objection from Cllr Rankin was also read out).

16/03274* Oakridge Developments: Erection of 2 pairs of semi detached houses with associated access and parking at Land Adjacent to 6 Bridgeman Drive, Windsor – **THE PANEL VOTED to APPROVE the application in accordance with the Head of Planning’s recommendations and grant planning permission with the conditions listed in Section 10 of the Main Report.**

Five Councillors voted in favour of the motion to approve (Cllrs Bicknell, Collins, Grey, Rayner and Shelim) and three Councillors voted against the motion (Cllrs Alexander, Quick and E. Wilson).

(The Panel was addressed by Paul dickinson, the Agent).

ESSENTIAL MONITORING REPORTS (MONITORING)

All details of the Essential Monitoring Reports were noted.

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

CHAIRMAN.....

DATE.....

Agenda Item 4

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

Windsor Urban Panel

29th March 2017

INDEX

APP = Approval
CLU = Certificate of Lawful Use
DD = Defer and Delegate
DLA = Defer Legal Agreement
PERM = Permit
PNR = Prior Approval Not Required
REF = Refusal
WA = Would Have Approved
WR = Would Have Refused

Item No.	1	Application No.	16/03438/FULL	Recommendation	DD	Page No.	11
Location:	Former Windsor Rackets And Fitness Club Helston Lane Windsor						
Proposal:	Alterations and additions to form five no. additional close-care apartments in addition to that approved under 11/00403/FULL.						
Applicant:	Mr Hughes	Member Call-in:	Not applicable	Expiry Date:	12 February 2017		
<hr/>							
Item No.	2	Application No.	17/00042/FULL	Recommendation	PERM	Page No.	27
Location:	12 Princes Close Eton Wick Windsor SL4 6LZ						
Proposal:	Part single, part two storey side and rear extension and provision of 2 No. car parking spaces to the front garden.						
Applicant:	Mrs Eves	Member Call-in:	Cllr S. Rayner	Expiry Date:	13 February 2017		
<hr/>							
Item No.	3	Application No.	17/00056/FULL	Recommendation	REF	Page No.	39
Location:	133 Arthur Road Windsor SL4 1RU						
Proposal:	Alteration to front roof plane to raise the main ridge and L-shaped dormer to the rear						
Applicant:	Mr And Mrs Lloyd	Member Call-in:	Not applicable	Expiry Date:	10 February 2017		
<hr/>							
Item No.	4	Application No.	17/00111/FULL	Recommendation	PERM	Page No.	49
Location:	40 Kings Road Windsor SL4 2AG						
Proposal:	Change of use from registered HMO (10 units) to 3 x 1-bed and 2 x 2-bed flats						
Applicant:	Mr Butt	Member Call-in:	Not applicable	Expiry Date:	3 April 2017		

Item No. 5 **Application No.** 17/00283/FULL **Recommendation** REF **Page No.** 59
Location: 121 High Street Eton Windsor SL4 6AN
Proposal: Alteration and amendments to shop front fenestration to match adjoining properties 122 and 123 High Street.
Applicant: The Provost And **Member Call-in:** Cllr Malcolm Alexander **Expiry Date:** 13 March 2017
Fellows of Eton
College

Item No. 5 **Application No.** 17/00284/LBC **Recommendation** REF **Page No.** 59
Location: 121 High Street Eton Windsor SL4 6AN
Proposal: Consent for alteration and amendments to shop front to match adjoining properties 122 and 123 High Street.
Applicant: The Provost And **Member Call-in:** Cllr Malcolm Alexander **Expiry Date:** 13 March 2017
Fellows Eton College

Appeal Decision Report

Page No. 69

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

WINDSOR URBAN DEVELOPMENT CONTROL PANEL

29 March 2017

Item: 1

Application No.:	16/03438/FULL
Location:	Former Windsor Rackets And Fitness Club Helston Lane Windsor
Proposal:	Alterations and additions to form five no. additional close-care apartments in addition to that approved under 11/00403/FULL.
Applicant:	Mr Hughes
Agent:	Mr John Montgomery
Parish/Ward:	Windsor Unparished/Clewer North Ward

If you have a question about this report, please contact: April Waterman on 01628 682905 or at april.waterman@rbwm.gov.uk

1. SUMMARY

- 1.1 Permission is sought to add five close-care apartments (Class C2 – Residential Institutions) to the scheme of development already permitted on the site, which comprises a 72-bed nursing home, 58 close-care suites and communal facilities, parking and landscaping, and revised site access arrangements, approved in January 2012.
- 1.2 The additional units are proposed to be constructed at fourth floor level, atop and set in from the plan area of the northern-most part of the approved development, in a rooftop extension similar in design to that of the “sky lounge” included in the approved scheme above part of the four storey central section of the building.
- 1.3 The site adjoins residential, leisure and transport land uses, with some boundaries screened by tall tree belt and group planting, while others are open, allowing views into and out of the site.
- 1.4 The land falls within Flood Zones 3 and 2, with Flood Zone 1 to the south of the site. The applicant has demonstrated that they have passed the Sequential Test. The recommendation to approve the development is made on the understanding that it will be able to demonstrate that it will be safe for the lifetime of the development without increasing flood risk elsewhere (and where possible reduce flood risk) in order to pass the second part of the Exceptions Test; the first part has been met relating to the wider sustainability benefits to the community.
- 1.5 The proposed additional units would increase the number of C2 units in the development, intensifying the already permitted use, but not introducing any new uses on the site. The principal issues relate therefore to whether this intensification can be absorbed and catered for in terms of the increased pressure on infrastructure and impact on the environment, and whether the design of the additional built form is acceptable on aesthetic and amenity grounds. It is considered that the proposed development is acceptable on all counts.

It is recommended that the Panel defers and delegates authority to the Head of Planning to grant planning permission, with the conditions listed in Section 10 of this report, on completion of a satisfactory legal agreement to:

- a) **secure measures to ensure a safe means of escape in the event of flooding through the development on the site approved under separate planning permission; and,**
- b) **to amend and make binding on the additional units the Travel Plan for the development on the site approved under separate planning permission.**

2. REASON FOR PANEL DETERMINATION

- The Council's Constitution does not give the Head of Planning delegated powers to determine the application in the way recommended; decisions for the approval of more than two dwelling units can only be made by the Panel.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 This 0.91 hectare site lies to the west of Royal Windsor Way, north of Clarence Road and south of (and accessed from) Helston Lane on the western side of Windsor, near to the Fountains Roundabout.
- 3.2 The site formerly accommodated the Windsor Squash and Rackets Club, comprising a modern building of brick, slate and flat roofed elements of a combination of three and two storey height. Further single storey buildings on the site accommodated offices and facilities for the Red Cross, and for Mencap. All the buildings on the site were cleared in October 2016. Works of excavation and piling for the construction of the development scheme already permitted (see history) are progressing.
- 3.3 The site dips gently towards the north. Its boundaries are marked by a belt of tall conifers to the west, separating the land from the residential development of Petworth Court. Helston Lane marks the northern edge of the site, with the Tennis Club's courts, building and car parking beyond set down from the Lane, also with some tree and hedge screening. The A332 Royal Windsor Way flyover and the A308 slip roads create a wide and hard boundary to the eastern edge to the land, where former tree and hedge cover on the intervening highway verge has been removed to enable the laying of a major sewer. The tapering southern end of the site meets the Fountains Roundabout, with the gardens of one of a pair of semi-detached two storey houses fronting Clarence Road on the southern-most part of the western boundary.
- 3.4 Other apartment buildings in the locality include the four storey and penthouse development of Trevelyan Court to the south of Clarence Road, facing the roundabout, and the Pavilions, to the east of Royal Windsor Way, also of four storeys plus penthouse level. Other development in the area comprises single and two storey housing, and areas of open car parking.
- 3.5 Almost the entire site falls within Flood Zone 2, with a major part (the northern and western area) within Flood Zone 3. A small part of the south eastern area of the site, and its southern tip lie in Flood Zone 1. The site lies within an Air Quality Management Area.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The planning history is set out below:

Application Reference	Description	Decision and Date
08/03027/FULL	Demolition of existing building and erection of care home for the elderly (C2 use) comprising 58 care suites with parking, access and landscaping and replacement facilities for Red Cross and Mencap	Permitted 25.02.2010
11/00403/FULL	Demolition of existing building and erection of a care home to provide a 72 bed care home and 58 close care suites (C2 use) with replacement accommodation for Mencap and Red Cross with associated parking and vehicular access onto Helston Lane.	Permitted 17.01.2012
14/03890/NMA	Application for approval of a non-material amendment (revised plans and details) to development approved under 11/00403/FULL.	Approved 06.01.2015
14/03908/CONDIT	Details required by various conditions (including soft and hard landscaping) on 11/00403/FULL	Approved 06.01.2015
14/04049/LEG	Variation of legal agreement governing development approved under 11/00403/FULL (timing of contribution payments)	Pending decision
16/01533/VAR	Demolition of existing building and erection of a care home to provide a 72 bed care home and 58 close care suites (C2 use)	Pending decision

	with replacement accommodation for Mencap and Red Cross with associated parking and vehicular access onto Helston Lane without complying with condition 6 (access road)	
16/03099/NMA	Application for approval of a non-material amendment (revised plans and details) to development approved under 11/00403/FULL.	Refused 02.03.2017

- 4.2 Full planning permission is sought for the construction of one 1-bedroom and four 2- bedroom care suites, each including kitchen, living and bathroom facilities, with use of the communal care services and facilities available in the already approved development. All five units are proposed to be accommodated within a fifth level above the northern-most part of the building, set back from its edges, in a flat-roofed design similar to that of the communal sky-lounge on the central part of the building. Lift and stair access to the new level will be provided, extending that already reaching the fourth storey.
- 4.3 Work on the scheme of development approved under 11/00403/FULL has begun. The pre-occupation condition relating to the approval of car parking provision to serve the development has not yet been discharged, although the 71 spaces indicated on previously approved layout drawings has drawn no objection from the Highways Authority. The outcome of the Section 73 application that is currently pending decision (16/01533/VAR) does not affect the assessment of the application subject of this report (the variation sought relates only to the timing of construction of the access road from Helston Lane). The application for a non-material amendment to the design of the building (16/03099/NMA) has been refused. This prompts a requirement for the revision of the elevation and footprint plans for the current application to revert to the earlier approved drawings of the main building, and these plans are awaited.
- 4.4 No Flood Risk Assessment originally accompanied this application, but latterly the 2010 FRA (which, together with an Addendum of March 2011, was accepted for the entire development under planning application 11/00403/FULL) has been submitted in support of this scheme for additional units. Two updates to the 2010 & 2011 FRA have been submitted, dated February 2017 and March 2017. Confirmation has also been provided by letter by the care home operator that residents of the additional care suites subject of this planning application would be allowed to exit the building through the nursing home to the south of the building, as is the case for the residents of the 58 care suites approved in 2012.
- 4.5 Originally, this application showed additional parking provision for 9 cars on one of the submitted drawings, on land on the northern side of Helston Lane at its junction with the A308 slip road. This has now been omitted from the scheme. This land is outside the application site, and it is understood that instead the plot is earmarked for additional landscape planting to replace that recently removed.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework guidance of relevance to this application is contained within paragraphs 6 and 7 (detailing the presumption in favour of sustainable development, incorporating its three aspects: economic, social and environmental) together with the core planning principles set out in paragraph 17. The proposal is also assessed against the thematic guidance in sections 4 (Promoting sustainable travel), 6 (Delivering a wide choice of high quality homes), 7 (Requiring good design), 10 (Meeting the challenge of climate change, flooding and coastal change) and 11 (Conserving and enhancing the natural environment) of the NPPF 2012.
- 5.2 Subject to the satisfaction of the matters outlined later in the report (expected) the scheme is considered to comprise sustainable development, for which there is a simple presumption in favour expressed in the NPPF. There are no material considerations that indicate otherwise.

Royal Borough Local Plan

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

Within settlement area	Highways and Parking	Trees	Environment
DG1, H3, H8, H9, H10, H11	P4, T5, T7	N6	F1, NAP1, NAP2

These policies can be found at

https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices

Supplementary planning documents

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

- Planning for an Ageing Population 2010

More information on these documents can be found at:

https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning

Other Local Strategies or Publications

5.5 Other Strategies or publications relevant to the proposal are:

☐

RBWM Parking Strategy May 2004

Affordable Housing Planning Guidance Document December 2016

More information on these documents can be found at:

https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i The principle of additional C2 units
- ii Flood risk
- iii Design and impact on surroundings and amenity of neighbouring residents
- iv Trees and landscaping
- v Parking and highways
- vi Air quality and noise

Principle of residential development

6.2 The site already benefits from a succession of planning permissions for its redevelopment for specialist housing use. The development would provide accommodation for elderly residents, with in-home and communal care services and facilities, such that the units would be classified as C2 (residential institutions) rather than C3 (dwellinghouses). Local Plan policies H8 and H9 and the adopted 2010 Supplementary Planning Guidance "Planning for an Ageing Population" require and encourage the provision of good quality special needs housing, which is accessible to the disabled. With the safeguards set out in the recommended condition, the additional 5 care suites proposed are considered to comply with these policy and guidance standards.

- 6.3 On developments of over 15 homes, or on sites of greater than 0.5 hectares, Policy H3 of the Local Plan enables the Local Planning Authority to seek the provision of an appropriate proportion of housing to be affordable. Although only 5 units are proposed in this application, its site covers 0.91 hectares, so normally there would be an expectation that on-site affordable housing should be provided, or a contribution made toward such provision off-site. However, advice in the recently-adopted Affordable Housing Planning Guidance document notes that *“The Council will not seek an affordable housing contribution from specialist, non-Class C3 residential developments such as traveller accommodation (a sui generis use), and any C2 uses such as nursing/residential care homes as on-site provision is often not suitable and as the Council wishes to encourage the provision of these specialist forms of accommodation where an identified need exists. However, if the extent of care is limited in a nursing home, such a use will be treated as a C3 use, which will require affordable housing provision.”* As the proposed units are to be occupied as C2, not C3 residences, no affordable housing provision will be required.
- 6.4 The scheme represents an increase of 8.6% in the number of close-care units over the already approved scheme, and a smaller proportionate increase (4.6%) in the overall floor space of the approved 2, 3, 4 and 5 storey block (approximately an additional 595 sq m to the approved 12,827 sq m). In principle the degree of increase of use of this site for an appropriate purpose is acceptable in terms of policy set out in the NPPF 2012 and the Royal Borough of Windsor and Maidenhead Local Plan Incorporating Alterations adopted June 2003.

Flooding

- 6.5 The site for the nursing home and care suite development is shown on current Environment Agency Flood Maps as having both Flood Zone 2 and 3 designations, and a small area of Zone 1, as detailed above. Living accommodation of this sort is considered to be a “more vulnerable” use and for the development to be permitted in terms of national and local planning policy it must pass both sequential and exceptions tests, evidenced by a Flood Risk Assessment.
- 6.6 It was accepted that the FRA supporting the development of the “parent” nursing home and care suites development (11/00403/FULL) successfully demonstrated how the sequential and exceptions tests had been applied and passed, on the basis of the flood information and policy (PPS 25) pertaining at that time.
- 6.7 The proposed development of an additional 5 units (C2) has been submitted as a stand alone planning permission application, and is to be assessed as such, against the flood risk information and planning policy currently in place. The new units would be located above the part of the approved building which stands in Flood Zone 3, and as the scheme again relates to development in the “more vulnerable” category the proposal must be accompanied by a Flood Risk Assessment, including applying the Sequential Test and Exceptions Test.
- 6.8 The additional 5 units would, in order to fulfil a C2 categorisation, need to offer a particular level of care services and facilities to the residents. It is not likely that such provision would normally be viably provided for a group of only 5 units, and therefore it is reasonable to conclude that 5 such units would only be brought forward as an extension to an existing, or already approved, larger development. The search for locations of a lower or otherwise preferable Flood Zone classification, that could accommodate 5 units, is reasonably confined to existing or approved care village/nursing home sites. The applicant has now supplied additional information on this point, to demonstrate that the Sequential Test is passed.
- 6.9 The development would also need to show that it would pass the exceptions test: i.e. that it would provide wider sustainability benefits to the community that outweigh flood risk, and that it would be safe for its lifetime without increasing risk elsewhere. In approving the scheme already granted permission in 2012, the Local Planning Authority acknowledged that the provision of housing for those in need of care was a benefit to the community that would weigh in favour of the development. The 5 additional units under the current proposal are also to be classified as C2 units, to include the provision of care, and can therefore be treated as of benefit, in the same way as the already approved 58 care suites.

- 6.10 The February 2017 and March 2017 FRA Addenda acknowledge that there have been Environment Agency amendments to the Climate Change Allowances, but do not translate them onto the submitted Access and Egress Plan which indicates safe access and escape locations. Further clarification has been requested on whether the accesses shown on the latest FRA submission would, in fact, continue to be safe for the lifetime of the development (100 years) to provide an effective evacuation route away from the site. It is understood that this information will also be supplied in advance of the Panel meeting.
- 6.11 The route indicated so far for safe escape would lead out of the building at its southernmost point. Assuming that this location is shown to be safe after the application of climate change allowances, then onward evacuation from this part of the site needs also to be secured. At present, the approved landscaping (soft and hard, including boundary treatments) details (agreed under application referenced 14/ 03908/CONDIT) show a 1.8 m high brick wall, and hedge/shrub planting beyond, separating the site from Clarence Road. The applicant has been requested to provide amended details of the hard and soft landscaping on this part of the site that will enable an evacuation of the residents of the 5 additional units (in addition to those of the approved 58 suites and the 72 bed-nursing home) through this route but will also: a) create no danger or inconvenience to highway users at this point close to the roundabout; b) accommodate successfully any change in level between the site and the public footway; and, c) ensure the security of the site. Again, it is understood that this information should be forthcoming before the Panel meeting.
- 6.12 The comments of the Environment Agency have been sought on the February 2017 FRA Addendum, but not yet received. Their further views on the details yet to be submitted will also be sought, and will be reported to the Panel in an update, if received.
- 6.13 If all outstanding information is received, and is assessed as being acceptable against the requirements of the Exceptions Test, then the proposed development may be considered acceptable in terms of the national and local planning policy, as set out in section 10 of the NPPF 2012 and Policy F1 of the Royal Borough of Windsor and Maidenhead Local Plan Incorporating Alterations adopted June 2003.

Design and impact on amenity

- 6.14 The addition of a fifth storey to this part of the building, of the design and footprint shown, is considered to be acceptable in terms of its impact on the character and appearance of the locality, and its contribution to the aesthetic of the building itself. This roof top addition would not close down or interrupt any important public views of heritage assets, nor would it impact on the significance of the setting of the Castle or any of the Historic Parks and Gardens associated with it. This roof top addition would be recessed by between 1.5 m and 3.5 m from the face of the approved four storey building below. Other apartment developments close to this busy approach to the town centre are of the same scale, are also of contemporary style, and display a similar palette of materials and architectural detailing. The employment of a top storey addition of different design to the floors below it on two, three or four storey buildings is a widely used practice in both modern and historic buildings in the town, and this scheme uses this concept well.
- 6.15 The materials proposed for the additional units follow those approved for the fifth storey lounge: mid grey render for the walls, a light grey single ply membrane for the flat roof, and mid grey aluminium powder coated coping and framing for the full height windows.
- 6.16 With the retention of the extensive tree cover to the west of the site, (a requirement of the permission for the parent development, which it is recommended to repeat for any permission granted on this application) the additional units should have no overlooking or oppressive impact on the privacy or outlook of residents in Petworth Court. Shadows cast by the additional built form will not significantly affect any other residential property. The construction period for the development is not expected to be extended by the proposed additional elements, as various phases of the scheme will be built out at the same time.

Trees and landscaping

- 6.17 The views of the Tree Officer have been reflected in the amendment of the scheme, to omit the laying out of 9 car parking spaces on the north side of Helston Lane, at its eastern end. It is understood that new tree and other planting is now intended to take the place of the earlier proposal to provide car parking on this land (for which no planning permission needs to be sought, as it is not considered to be development). With this change, and on this understanding, it is considered that the scheme will have at least a neutral impact on the general amount and quality of landscaping around the site.
- 6.18 It is regrettable that the need to retain access to the new sewer laid along the eastern frontage of the site precludes new landscape planting on this highway verge, as a softer edge here would better reflect its former green appearance at slip road level. However, the proposed development is considered to be acceptable as an addition to the approved building in its own right, and consequently the lack of screening or baffling (that tree planting on this verge might provide) is not considered to be a reason for refusing the proposed development.

Parking and highways

- 6.19 As set out in the comments of the Highways Authority, the proposed development is unlikely to generate a significant increase in vehicular activity into the surrounding road network. An amendment to the Travel Plan for the entire site should be secured to reflect the additional population that the site will support. Parking provision for the proposal may be accommodated within the site and it is recommended that details of this matter are secured by condition prior to the occupation of the units, as with the parent development.
- 6.20 Similarly, refuse and recycling storage arrangements, and access for collection vehicles, can also be secured as for the already approved main building.

Air quality and noise

- 6.21 Although not featured in the response from the Environmental Protection team, issues of air quality and noise disturbance that new residents may experience should be addressed in assessing the proposed development. As has already been achieved for the other approved care suites on the site, measures to ensure that appropriate sound insulation and ventilation provision is made for the additional units can be secured by condition.

Other Material Considerations

Housing Land Supply

- 6.22 Paragraphs 7 and 14 of the National Planning Policy Framework (NPPF) set out that there will be a presumption in favour of Sustainable Development. Paragraph 49 of the NPPF states that housing applications should be considered in the context of sustainable development, and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites.
- 6.23 It is acknowledged that this scheme would make a contribution to the Borough's housing stock and it is the view of the Local Planning Authority that the socio-economic benefits of the additional units, for residents with particular needs, would also weigh in favour of the development.

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 In line with the Council's Charging Schedule the proposed development would now be CIL liable. The applicant has submitted the required forms including the assumption of liability for payment on the net increase in gross internal floor space. The required CIL payment for the proposed development is estimated to be in the order of £142,800 on the basis of a net increase of 595 sq m. No further action is required until prior to commencement of the development if the proposal is subsequently approved.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

21 occupiers of nearby property were notified directly of the application.

The planning officer posted a statutory notice advertising the application at the site on 17th November 2016

1 letter was received from the Windsor Lawn Tennis Club supporting the application, summarised as:

Comment		Where in the report this is considered
1.	Scheme will enhance the locality	Paras 6.2 and 6.14 - 16
2.	Welcomes views from new residences over the courts	Paras 6.14-16
3.	Welcomes use by future residents of newly refurbished club facilities	Noted

3 letters were received objecting to the application, from a resident of Petworth Court, from a resident of Slough and from the Windsor and Eton Society, summarised as:

Comment		Where in the report this is considered
1	The approved building is already high and bulky – additional flats and lift housing will worsen its overbearing impact.	Paras 6.14 - 16
2	Need to take care over building heights to preserve historic views and to be in character	Paras 6.14
3	Development will dominate this part of Windsor because of its height	Paras 6.14
4	Mass and scale emphasised by unlandscaped road edge position	Paras 6.14-16 and 6.17 - 18
5	More cars and use of car park will create greater disturbance to nearby residents and worsen air quality by traffic.	Paras 6.19 and 6.21
6	Site is in AQMA – surprised that council approved scheme for susceptible residents in polluted area.	Noted Para 6.21
7	Additional parking on Helston Lane verge not acceptable - should be refused on tree loss grounds (biodiversity, visual amenity and environmental reasons). Trees are needed to help to mitigate air pollution, so should remain.	Paras 4.4 and 6.17-18
8	No tree survey or assessment	Para 6.17-18
9	Additional units will elongate the construction period: more disturbance and more stress for residents	Para 6.16
10	No Flood Risk Assessment for development in the flood plain: EA objection is supported.	Paras 6.5-13

Statutory consultees

Consultee	Comment	Where in the report this is considered
Environment Agency	Objection. No FRA submitted with the application. Application needs to show that the development is safe without increasing risk elsewhere and where possible reduces flood risk overall. <i>Comments are awaited on the FRAs now supplied.</i>	Paras 6.5-13
Highways	Recommends approval subject to conditions, relating to the	Paras 6.19-20

Authority	<p>provision of the new access, stopping up of the existing access, and provision of on-site car parking.</p> <p>For the previous submission <i>[planning permission 11/00403/FULL]</i> 71 car parking spaces were proposed and accepted by the Highway Authority to serve the 72 bed care home and the 58 close-care unit.</p> <p>This development makes no reference to parking provision in the application form. However, the Site Plan does show 29 ground level parking spaces, including 2 disabled spaces and 3 loading/visitor spaces. Similar to the previous application there is a vehicular access to the basement area which we presume would continue to serve the 45 car parking spaces in this area. This results in a total parking provision of 74 spaces.</p> <p>The additional C2 care facility attracts a demand for 1 additional parking space plus 1 space per full-time staff, which can be accommodated within the site.</p> <p>The plan shows 4 cycle stands and there is no significant change in provision for refuse.</p> <p>Given the nature of the proposal the traffic generation is unlikely to amount to a significant increase in vehicular activity into the surrounding road network.</p> <p>The applicant is required to amend the existing Travel Plan.</p> <p><i>Amended scheme (omitting parking spaces from land to the north of Helston Lane):</i> Confirms that parking provision for the additional 5 close care units (1 space) can be secured within the site by condition. The additional units are not expected to prompt an additional member of staff.</p>	
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Other consultees

Consultee	Comment	Where in the report this is considered
Trees Officer	Objects to the proposed parking area to the north of Helston Lane which will result in the loss of a Leyland cypress, adversely affect a row of mature Field maple, and may also impact on other trees on the highway verge, This would be harmful to the amenities of the site and compound the adverse impact of other tree loss already allowed by the approved development. Insufficient space would be available amongst the proposed parking into which to fit suitable replacement planting. In the absence of a BS5837:2012 tree survey, a precautionary approach should be taken and refusal of the application is recommended on Local Plan policies N6, DG1 and H10 grounds.	Paras 4.4 and 6.17-18
Environmental Protection	No objection.	Para 6.21

9. APPENDICES TO THIS REPORT

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

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 No development hereby permitted shall be commenced until 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 have been submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and maintained for the duration of the works or as may be agreed in writing by the Local Planning Authority.
Reason: In the interests of highway safety and the free flow of traffic, and of the protection of the amenity of residents in the vicinity of the site. Relevant Policies - Local Plan T5 and guidance contained within the NPPF 2012.
- 3 The units of residential accommodation hereby approved shall be used only for purposes within Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Orders revoking and re-enacting those Orders with or without modification) or any equivalent classification of use which is defined by the level of care associated with the occupation of the accommodation. No part of the development shall be first occupied until details of the scope and duration of care facilities and services to be provided to occupiers of the close care suites have been submitted to and approved in writing by the Local Planning Authority. The approved facilities and services shall be kept available for use by residents of the development at all times.
Reason: To ensure that the residential accommodation provided is appropriately used and retained to meet the identified housing needs of the area. Relevant Policies - Local Plan H3, H8 and H9 and guidance contained within the NPPF 2012.
- 4 The Leylandii hedge along the western boundary of the site shall be retained and maintained and, if in part or whole it is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, it or that part of it shall be replaced within the first planting season following such event, in accordance with a scheme of replacement tree planting that shall have first been submitted to and approved in writing by the Local Planning Authority, unless the Local Planning Authority gives its prior written consent to any variation.
Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area and protects the amenities of the neighbouring residents. Relevant Policies - Local Plan DG1, N6 and guidance contained within the NPPF 2012.
- 5 No part of the development shall be first occupied until measures to ensure appropriate levels of sound insulation have been installed or incorporated into the construction of the development in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The measures shall be so maintained for the duration of the occupation of the development.
Reason: To secure an appropriate standard of amenity for the occupiers of the accommodation. Relevant Policies - Local Plan DG1, H10 and guidance contained within the NPPF 2012.
- 6 No part of the development shall be first occupied until measures to ensure that occupiers are adequately protected from air pollution have been installed or incorporated into the construction of the development in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The measures shall be so maintained for the duration of the occupation of the development.
Reason: To secure an appropriate standard of amenity for the occupiers of the accommodation. Relevant Policies - Local Plan DG1, H10 and guidance contained within the NPPF 2012.

- 7 No part of the development shall be first occupied until the vehicular access to the site has been constructed in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be so retained for the duration of the occupation of the units.
Reason: To secure a safe and convenient means of vehicular access to the site in the interests of road safety. Relevant Policies - Local Plan T5 and guidance contained within the NPPF 2012.
- 8 No part of the development shall be occupied until vehicle parking and turning space for one vehicle has been provided, surfaced and marked out in accordance with a layout that has first been submitted to and approved in writing by the Local Planning Authority. The space approved shall at all times 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 the interest of the safety and convenience of all users of the highway network. Relevant Policies - Local Plan P4, DG1 and guidance contained within the NPPF 2012.
- 9 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.
- 10 No development hereby permitted shall be commenced until full specifications and samples (if requested) of the materials to be used in the external surfaces of the development shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policies - DG1 and H10 of the Local Plan and guidance contained within the NPPF 2012.
- 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.

Informatives

- 1 This permission is governed by and shall be read together with the Agreement made under Section 106 of the Town and Country Planning Act 1990 (as amended) dated xx xx 2017.

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Appendix A

Location plan



Block layout plan



Appendix B



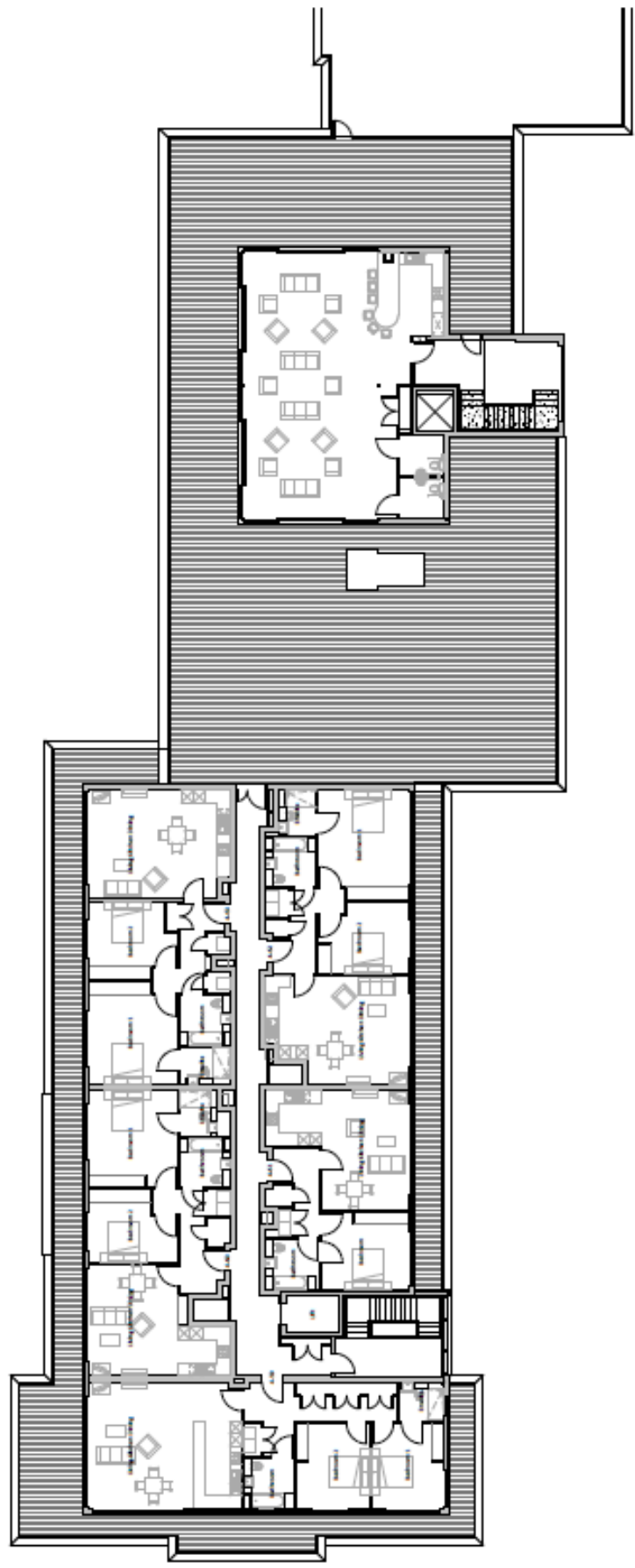
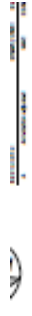
EAST ELEVATION



NORTH ELEVATION



WEST ELEVATION



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WINDSOR URBAN DEVELOPMENT CONTROL PANEL

29 March 2017

Item: 2

Application No.:	17/00042/FULL
Location:	12 Princes Close Eton Wick Windsor SL4 6LZ
Proposal:	Part single, part two storey side and rear extension and provision of 2 No. car parking spaces to the front garden.
Applicant:	Mrs Eves
Agent:	Mr Robert Hillier
Parish/Ward:	Eton Town Council/Eton Wick Ward

If you have a question about this report, please contact: Haydon Richardson on 01628 796046 or at haydon.richardson@rbwm.gov.uk

1. SUMMARY

- 1.1 The proposed extensions would be of an appropriate scale and design to the host dwelling. The development would have an acceptable impact on the character and appearance of the street scene. Due to their design, size and siting the proposed extensions are unlikely to cause any significant harm to the amenities of the immediate neighbouring properties.

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

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Rayner in the interests of the public.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The proposed development relates to an end terraced dwelling situated on the north side of Princess Close. The exterior of the property is brick and the windows are upvc. The surrounding area is residential comprising semi detached and terraced dwellings.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The application seeks planning permission for a part single, part two storey side and rear extension and provision of two car parking spaces to the front garden. The two storey element of the extension would have a hipped roof set well below the ridgeline of the existing property by around 1.3m. It would be 4m in length and around 4.1m in width. The two storey part of the proposals is proposed to be sited off the boundary with No. 10 Princes Close by 1.9m and around 2.3m from the boundary with No. 14. There will two single storey extensions; the first being a flat roof extension to the utility/store and the other being part of the kitchen/family room within the main two storey element. Both single storey elements extend to the neighbouring boundaries. As a result of the extension a new window is proposed within the existing flank wall at first floor level. The works would be finished in brick with upvc openings to match the existing dwelling.

4.2

Application No.	Description	Decision and date
17/00041	Certificate of lawfulness to determine whether a hip to gable roof extension, rear dormer and 2 No. front roof light's to facilitate a loft conversion is lawful	Approved - 03/02/17

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

Royal Borough Local Plan

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

	Within settlement area
Local Plan	DG1, H14, P4

These policies can be found at:

https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices

Other Local Strategies or Publications

5.2 Other Strategies or publications relevant to the proposal are:

- RBWM Parking Strategy – view using link at paragraph 5.1

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Impact of the proposal on the character and appearance of the area and host dwelling
- ii impact on the amenities of neighbours
- iii impact on parking

Impact of the proposal on the character and appearance of the area and host dwelling

6.2 National Planning Policy Framework, Section 7 (Requiring Good Design) advises that all development should seek to achieve a high quality of design. Policy H14 (1) states ‘extensions should not have any adverse effect upon the character or appearance of the original property or any neighbouring properties, nor adversely affect the street scene in general’. This policy is considered to be in compliance with the NPPF.

6.3 The proposed extension would be a maximum of 4m in length and 7m in height. In views from the street the two storey element would be visible. However, it is considered that its size would not close any important gaps, and it would be subservient to the main house because the roof would be set down from the main ridge and because it would be an acceptable length when viewed against the original house. The single storey elements will extend to the boundaries of the plot but there would still be sufficient space around the existing and extended house resulting in an appropriate building to plot size ratio. The extensions would respect the design of the original house and would be constructed in matching materials (see Condition 2). It is considered that the proposals comply with both local and national planning policies.

Impact on Neighbouring Amenity

6.4 The properties most likely to be impacted by the proposed development are 45 Queens Road and No’s 10 and 14 Princes Close.

6.5 The ground floor element of the extension would be sited next to the boundary shared with No.10 Princes Close. The window closest to the proposed extension is 1.6m away from this boundary and serves a kitchen. Due to the distance of the extension from the kitchen window, its depth and 2.9m eaves height, the ground floor extension would not cause any significantly harmful overbearing impact or loss of light to the window. In addition, the single storey element would not significantly harm the outdoor living space to this neighbouring house. The first floor element would be set away 2m from the shared boundary and would not cross the 45 degree line from the centre point of the first floor window and would therefore be in compliance with the access to light guidelines set out in the Local Plan. It would also be a sufficient distance so as not to significantly harm outdoor living space in terms of outlook and overshadowing. No windows are proposed in

the first floor of the extension and as such there would not be any impact in terms of privacy. It is considered necessary and reasonable to withdraw rights to insert first floor windows in the flank elevation of the extension because if windows were inserted there would be a loss of privacy because of the proximity to the rear facing windows of the neighbouring house and the garden (see Condition 4). The rear facing French doors at first floor level are sited such that there would not be any significant harm from overlooking; all gardens within Princes Close experience an acceptable level of overlooking from existing first floor windows, as would be expected in a suburban location.

- 6.6 The proposed utility/store room extension would be sited next to the flank wall of the rear extension to the neighbouring house of No.14 Princes Close. Due to its size and siting the extension it will not have a harmful impact on the neighbouring amenities. The two storey rear extension would be set off of the boundary shared with no.14 by approximately 2.3m which would be sufficient separation to ensure that there would not be any significantly harmful impact to both indoor and outdoor living conditions. No windows are proposed in the first floor of the extension and as such there would not be any impact in terms of privacy. A new window is proposed at first floor level in the wall of the original house; to ensure that there would not be any significant overlooking to the neighbouring house a condition is recommended requiring this window to be fitted with obscure glass (see Condition 5). It is considered necessary and reasonable to withdraw rights to insert first floor windows in the flank elevation of the extension because if windows were inserted there would be a loss of privacy because of the proximity to the rear facing windows of the neighbouring house and the garden (see Condition 4). The rear facing French doors at first floor level are sited such that there would not be any significant harm from overlooking.
- 6.7 The two storey element of the proposed extension includes a Juliet Balcony. The balcony would be approximately 13m from the garden owned by No.45 Queens Road and over 17m from the rear wall of this neighbouring house. Due to the separation distances it is considered that the relationship would be acceptable. In addition, due to this relationship the proposal would not harm the outlook or lead to any overshadowing. Given that No.43 Queens Road is further to the West of No.45, it is considered that the relationship would also be acceptable to this other property on Queens Road.
- 6.8 Overall it is considered that there would be no significant harm caused to the immediate neighbouring properties and as such the proposals comply with national and local planning policies.

Parking

- 6.9 The proposal would not affect the number of bedrooms in the dwelling which will remain as three. Two parking spaces are proposed which would comply with the Council's Parking standards and Policies DG1 and P4 of the Local Plan.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

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

Comment		Where in the report this is considered
1.	43 Queens Road: The proposed Juliet balcony would lead to overlooking and a loss of privacy to our rear amenity space.	6.7
2.	45 Queens Road: The Juliet balcony would lead to overlooking and a loss of privacy.	6.7

Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Eton Town Council	The proposal is considered to be gross over development of the site, considering the additional building being erected in the garden. The Juliet balcony would overlook neighbouring properties.	<p>The outbuilding being constructed at the rear of the property is not a relevant to the determination of the planning application. The impact of the extensions on the character and appearance of the area is assessed at paragraph 6.3</p> <p>See paragraphs 6.5, 6.6 and 6.7 regarding overlooking.</p>

Several letters were received during the process of the application regarding the outbuilding currently being constructed at the rear of the property. The outbuilding is not a consideration in the determination of this application; as such the concerns raised have not been included in this report.

8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Existing Plans and Elevations
- Appendix C – Proposed Plans and Elevations
- Appendix D – Site Plan with Parking Layout

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

This recommendation is made following careful consideration of all the issues raised through the application. 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 No window(s) shall be inserted at first floor level in and above the side elevations of the extension 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.
- 4 No part of the development shall be occupied until vehicle parking space has been provided in accordance with the approved drawing 0712/16/04 . 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 The first floor window(s) in the South elevation of the original house 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 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.

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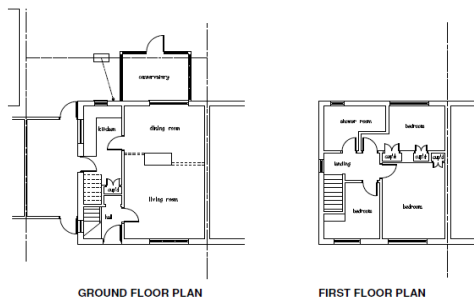
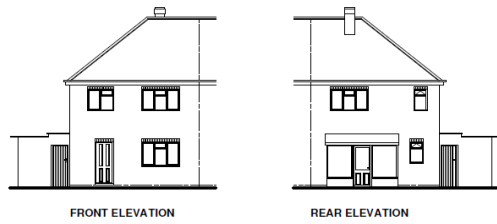


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Appendix A – Location Plan



Appendix B – Existing Plans



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

A	Date	Revisions
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R.HILLIER M.R.I.C.S
CHARTERED SURVEYOR

Client

MRS B. EVES

Job Title

12 PRINCES CLOSE
ETON WICK
BERKS.
SL4 6LZ

Drawing Title

EXISTING PLANS
AND ELEVATIONS

Scale

1:100 @ A2

Date

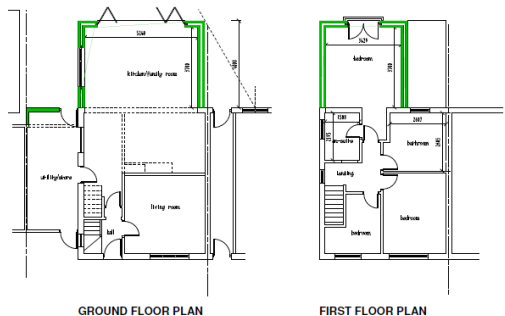
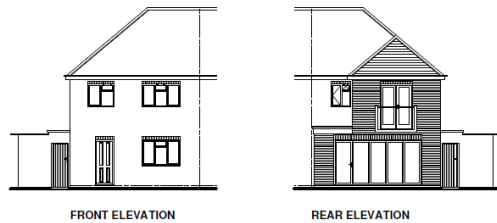
Drawn by

Dep. No.

07/12/16/01

File

Appendix C – Proposed Plans



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

A	Date	Revisions
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CHARTERED SURVEYOR

Client

MRS B. EVES

Job Title

12 PRINCES CLOSE
ETON WICK
BERKS.
SL4 6LZ

Drawing Title

PROPOSED PLANS
AND ELEVATIONS

Scale

1:100 @ A2

Date

Drawn by

Dep. No.

07/12/16/02

File

Appendix D - Site Plan with Parking Layout



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

A	Date	Revisions

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R.M. HILLIER M.F.I.C.S.
 CHARTERED SURVEYOR

Client:
MRS B. EVES

Job Title:
**12 PRINCES CLOSE
 ETON WICK
 BERKS.
 SL4 6LZ**

Drawing Title:
SITE PLAN

Scale: **1:500 @ A4**

Date: _____ Drawn by: _____

Sup. No. 0712/16/04	File:
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WINDSOR URBAN DEVELOPMENT CONTROL PANEL

29 March 2017

Item: 3

Application No.:	17/00056/FULL
Location:	133 Arthur Road Windsor SL4 1RU
Proposal:	Alteration to front roof plane to raise the main ridge and L-shaped dormer to the rear
Applicant:	Mr And Mrs Lloyd
Agent:	Mr Rees
Parish/Ward:	Windsor Unparished/Castle Without Ward

If you have a question about this report, please contact: Brian Benzie on 01628 796323 or at brian.benzie@rbwm.gov.uk

1. SUMMARY

- 1.1 The increase in the main ridge height, along with the scale and bulk of the proposed dormer extension, would significantly detract from the character of the host dwelling and be at odds with the roofscape of other dwellings in the terrace. The proposals will appear visually discordant and unsympathetic to the character and appearance of the area. While the extensions would be long and bulky, the location of the neighbour's windows away from the development will mean that there will not be any significant impact. The site lies close the Windsor Town Centre where there is a range of services and facilities which means off-street parking will not be required.

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

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| 1. | The increase in ridge height and excessive mass and bulk of the dormer window and its poor design would result in a discordant form of development which is unsympathetic to the host dwelling and the character and appearance of the area. |
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2. REASON FOR PANEL DETERMINATION

Councillor Rankin has called the application for determination by the Panel in the public interest.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application property is a mid terrace Victorian dwelling with a traditional outrigger element to the rear extending over two stories. The whole row of terraced dwellings appears to have been built at various stages, as the ridge heights of groups of houses vary along the road. However, the dwellings within the immediate area of the application property have ridge heights which are all at the same level.
- 3.2 A number of the properties have made alterations to the rear at ground and first floor levels and the neighbouring property no. 135 Arthur Road has a dormer on the main, rear facing roof, which was deemed to be permitted development under application ref. 13/01425/CPD.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 Planning permission was granted ref.13/01264 for the repair and refurbishment of an existing rear extension in June 2013.
- 4.2 The proposal seeks to raise the ridge height of the existing dwelling by approximately 0.4m, together with the construction of an 'L' shaped dormer extension, with rear and side facing windows and 2 front roof lights. The proposal would create 2 additional bedrooms at the property.
- 4.3 The proposed 'L' shaped, flat roof dormer extension would extend to the full width of the enlarged main roof and then project over the existing first floor outrigger, projecting 6.4m from

the existing roof slope to almost the full depth of the outrigger. A set of French doors with associated Juliet balcony is to be inserted in the main dormer, with a side and rear facing window being inserted in the outrigger dormer.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

Royal Borough Local Plan

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

	Within settlement area	High risk of flooding	Parking
Local Plan	DG1, H14	F1	P4

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

- Interpretation of Policy F1 – Areas liable to flooding

More information on this document can be found at:

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

The application has also been assessed against and is considered to comply with the Council's 'Sustainable Design and Construction' Supplementary Planning Document (SPD), which can be viewed at: https://www.rbwm.gov.uk/web/pp_sustainable_design_and_construction_spd.htm

Other Local Strategies or Publications

5.3 Other Strategies or publications relevant to the proposal are:

- RBWM Parking Strategy – view using link at paragraph 5.2

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i impact upon the character and appearance of the host dwelling and the area in general;
- ii impact on highway safety;
- iii impact on the living conditions of occupiers of neighbouring properties, and
- iv area liable to flood.

Impact upon the character and appearance of the host dwelling and the area in general.

6.2 The current proposal seeks to raise the ridge height of the dwelling by approximately 0.4m above the ridge height of the other dwellings in the immediate area and add a full height 'L' shaped dormer to the main and outrigger roofs.

6.3 The proposed dormer extension would extend to almost the full width of the main roof and then extend over the first floor outrigger to the rear of the dwelling projecting 6.4m from the existing main roof slope. The raising of the ridge height would have two effects. Firstly, the ridge height of the application property would sit noticeably higher than the adjacent dwellings and, secondly as the current roof slope angle is to be maintained, the ridge of the new roof will not maintain its alignment with the other terraced dwellings along Arthur Road. This will be readily apparent in public viewpoints from Arthur Road. In addition due to the difference in ridge heights either side of the application site, a considerable part of the top of the dormer over the outrigger will be seen in the street views which would create a noticeable increase in bulk and scale at the roof level.

- 6.4 Taking the above into account it is considered that the proposal by reason of the increase in ridge height and the scale and bulk of the proposed dormer extension that the proposal as a whole would appear visually discordant and unsympathetic to the character and appearance of the area and detrimental upon the appearance of the row of terraces. The application site is clearly visible from public vantage points and the proposed dormer extension would fail to integrate with and respect the appearance of the original dwelling. The development would be contrary to policies Local Plan Policies DG1 and H14 and with the policies of the NPPF.

Impact on highway safety.

- 6.5 In accordance with the adopted parking standards in Appendix 7 of the Local Plan as amended by the Royal Borough of Windsor and Maidenhead Parking Strategy, May 2004, it is necessary for 4 bedroom dwellings to provide 3 parking spaces. It is recognised that there would be a shortfall in parking provision in accordance with the adopted Parking Strategy, 2004 as a result of this proposal, however, there are parking restrictions along Arthur Road and given its close proximity to Windsor Town Centre, no objections are raised.

Impact on the living conditions of occupiers of neighbouring properties.

- 6.6 Policy H14 requires that extensions should not result in an unacceptable loss of light or privacy to neighbouring properties or significantly affect their amenities by being visually intrusive or overbearing. It is noted that the proposal does not comply with the Councils light guidelines with regard to the nearest window within the dormer at no. 135 Arthur Road. However, the window serves a bathroom and as a bathroom is not considered to be a habitable room, the guidelines should not be applied to that particular window. The other window in the dormer at no.135 which, provides light and outlook to a habitable room is far enough away to ensure that there would not be any significant harm to the living conditions of the neighbour. There are no other windows at ground and first floor of no. 135 Arthur Road that would be significantly affected as, they are either within its outrigger or, are rear facing where the impact of the proposal would not be significantly different to that which currently exists due to its own outrigger.
- 6.7 Number 131 has an extension at ground floor level which has infilled the return between the boundary with the application property and its original outrigger. This extension has no side facing windows and the rear facing windows would not be significantly impacted by the proposal due to their position within the rear wall and the separation distance with the side facing dormer. The rear facing first floor window at no. 131 would not be significantly impacted due to the separations distance and the orientation of the dwellings with the rear being north facing.
- 6.8 Taking the above into account it is considered that the proposal would not result in a significant loss of amenity of the neighbouring dwellings.

Area liable to flood.

- 6.9 The site lies within an area liable to flood, Flood Zone 3 (high risk) where Policy F1 limits the increase in ground covered area of extensions throughout the lifetime of a property to 30sqm. In this case the proposal relates to development all of which is above ground level and therefore, will not result in an increase in an increase in ground covered area of the site and as such the proposal is considered to comply with Policy F1 of the Local Plan.

Other Material Considerations.

- 6.10 It is noted that there are a number of dwellings further to the west along Arthur Road with large box dormers to the rear; however, it would appear that the majority of these dormers have been erected under the dwellings' permitted development rights. The exception to this is nos. 35 and 65 Arthur Road which were granted full permission.
- 6.11 Number 65 was granted permission for a dormer within the main roof space in 2011; however, this application did not include the raising of the ridge height of the dwelling and was of such a

scale that it would have constituted permitted development. In addition to this, it is flanked on either side by dormers of a similar size and design.

6.12 Numbers 35, 29 and 27 were granted permission by the Windsor Urban Development Control Panel at various times during 2015. The extensions as currently proposed under this application, are of the same scale, bulk and mass as that approved at nos. 27, 29 and 35. However, where the current proposal is, there are no other 'L' shaped dormers within this immediate part of Arthur Road. But notwithstanding this, each planning application should be treated on its own merits.

6.13 In addition in a recent appeal decision with regard to the erection of a large dormer on a similar style property in Alexander Road, Windsor, the Inspector concluded that "In reaching my decision, I have given careful consideration to the existence of other roof extensions within the area. However, in my opinion, many of these extensions have a negative impact on the character and appearance of the area. Consequently, I am not persuaded that they should act as a precedent for the appeal proposal. In addition, I accept that the proposed dormer would not be readily visible from public viewpoints because of the screening effect of the two storey rear projecting section of the appeal property. However, the fact that a development cannot be seen is not (in my opinion) a reason in itself for granting planning permission".

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

8 neighbouring properties were directly notified directly of the application and a site notice was posted on the 13 January 2017.

One letter was received relating to the application, summarised as:

Comment	Officer response
I live at no. 131 Arthur Road and have no objection to the planning proposal as long as it doesn't hinder my property having a similar loft conversion at a later date.	This is not relevant to the determination of this planning application. Each application needs to be determined on its own merits.

8. APPENDICES TO THIS REPORT

- Appendix A - Existing Elevations Proposed Elevations and Floor Plans.
- Appendix B - Proposed Floor Plans and Elevations.
- Appendix C - Site Location Plan.

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

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

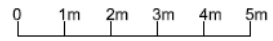
In this case the issues have not been resolved.

9. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

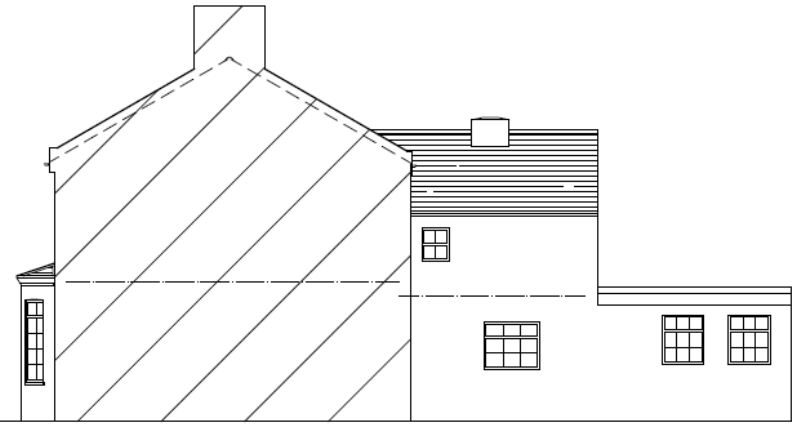
- 1 The proposed increase in the ridge height of the main roof and the scale and bulk of the proposed dormer extensions, together with its overall poor design and its bland appearance, would appear visually discordant and unsympathetic to the character and appearance of the original house and detrimental upon the appearance of the row of the wider terraced properties. The proposals would harm the character and appearance of this part of Windsor. The development would be contrary to The Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations 2003) Policies DG1 and H14 and Core Planning Principle 4 and paragraphs 56, 58, 60 and 61 of the National Planning Policy Framework.

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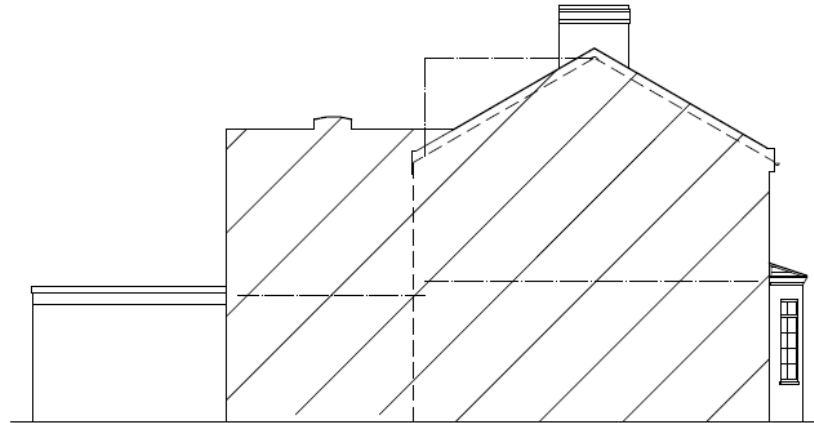
Front Elevation Existing



Side Elevation Existing



Rear Elevation Existing



Side Elevation Existing

APPENDIX A: Existing Elevations

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WINDSOR URBAN DEVELOPMENT CONTROL PANEL

29 March 2017

Item: 4

Application No.:	17/00111/FULL
Location:	40 Kings Road Windsor SL4 2AG
Proposal:	Change of use from registered HMO (10 units) to 3 x 1-bed and 2 x 2-bed flats
Applicant:	Mr Butt
Agent:	Mr Alex Chapman
Parish/Ward:	Windsor Unparished/Castle Without Ward

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 the change of use of a house in multiple occupation (HMO with a total of 10 bedrooms) to 5 flats (3 x 1-bed and 2 x 2-bedroom flats). It is considered that the principle of the proposed development is acceptable and would not conflict with Policy H7 of the Local Plan, particularly as 8 of the existing units are not completely self contained. As there are no external changes proposed to the building and a reduction in the potential number of vehicle movements through a reduction in the total number of individual units, there would be no additional impact on neighbouring properties, the Conservation Area, the setting of nearby listed buildings or on the highway.

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

2. REASON FOR PANEL DETERMINATION

- The Council's Constitution does not give the Head of Planning 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 (outlined in red) comprises a large three storey brick building on the west side of Kings Road – consisting of No 40 and No 40A. The site is within a Conservation Area and there are nearby listed buildings. The site is not in the Green Belt and is not within an area liable to flooding.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The application proposes the conversion of No 40 into 5 flats (1 studio flat, 2x 1-bed flats and 2x 2-bedroom flats). No additional windows are proposed with all proposed alterations being internal – including a new staircase for one of the new flats which would be arranged over 2 floors, and new internal partitions.
- 4.2 There appear to be no planning applications relating to the conversion of the original building to a HMO (House of Multiple Occupation). However, the Council's Environmental Health Team records indicate that the building is registered as a HMO for a maximum of 10 units. It is understood that the Environmental Health Officers require the existing HMO accommodation to be upgraded to replace kitchenettes, install new inter-linked fire alarm system and improve the heating system.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework Sections: Paragraph 17 - Core Planning Principles; Chapter 6 – Delivering a wide choice of high quality homes; and, 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 and Parking	Aircraft noise
DG1, H10, H11, H7 CA2, LB2	P4, T5	NAP2

These policies can be found at

https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices

Other Local Strategies or Publications

5.3 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment
- RBWM Parking Strategy

More information on these documents can be found at:

https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i The principle of development
- ii Impact on neighbouring properties
- iii Highway and parking considerations
- iv Impact on the Conservation Area and nearby Listed Buildings.

The principle of the development

6.2 The plans of the existing layout show the property at No. 40 consists of 10 units/bedrooms. As a large HMO this is a 'sui generis' use. However, for the purposes of Policy H7 of the Local Plan, No. 40 is residential land.

6.3 Policy H7 seeks to resist the loss of residential land or the loss of residential accommodation as this would affect the capacity of the Borough to meet its housing requirements.

6.4 Given that there would be no loss of residential land and the existing accommodation includes units which are not completely self-contained (as the majority of the units share bathrooms and kitchens), it is considered that there would be no conflict with Policy H7.

Impact on neighbouring properties and living environment for future occupiers

- 6.5 The proposed conversion of the building will not result in any additional adverse impact on neighbouring properties, in terms of general noise or disturbance. It is noted that the proposal would result in a reduction of 3 bedrooms within the building and as such is likely that the total number of inhabitants in the proposed 5 flats would be likely be less than that in the existing building. As there are no new windows proposed there would be no additional overlooking to neighbouring properties.
- 6.6 There is an existing garden area at the front of the building and the site is within close proximity of the nearby parks and public amenity areas. It is considered that the building provides a satisfactory living environment for future occupiers.

Highway and parking considerations

- 6.7 The site is 920m from the town centre and railway stations. The Council's criteria of a sustainable site, is one that is within 800m from a town centre with a main line railway station. The site falls outside of this distance.
- 6.8 Parking restrictions such as double yellow lines, residents parking permits and pay and display operate within the area which prevents indiscriminate parking. No off street vehicle parking details have been submitted and from undertaking a site visit the property does not appear to have any off street parking off St Marys Cottages or Kings Road.
- 6.9 Through the proposed conversion from 10 units to 5 flats, it is considered that the amount of vehicular activity associated with this site, is likely to be less than the existing situation. It should be noted the proposed development would have the potential to generate 14 to 28 vehicle movements per day. It is considered that the existing use as HMO would have the potential to generate between 20 to 40 vehicle movements per day.
- 6.10 Current highway records show that each existing unit is entitled to 1 parking permit. With reconfiguring the building to provide 5 flats, only 5 parking permits (1 per flat) will be allocated. The parking permits are issued to individual address points – one per dwelling unit and renewed on a yearly basis. Therefore the change of use can be seen as a highway gain as 5 on street parking spaces will potentially become available. In the circumstances, there is no reasonable justification to withdraw the issuing of parking permits to future occupiers.
- 6.11 Current standards state that 5 properties require a total of 3 bins. There is an existing bin store within the courtyard area (towards the rear of the building). Cycles can also be stored within this area. See conditions 2 and 3 in section 10 below to secure cycle and refuse storage areas.
- 6.12 It is also considered necessary to impose a condition to secure a construction management plan (for deliveries, storage of materials etc.) because there are waiting restrictions along Kings Road and the lane to the rear is restricted in width. See condition 4 in Section 10 below.

Impact on the Conservation Area and nearby Listed Buildings

- 6.13 The proposal does not include any external changes to the building and there will be a reduction in the overall number of units. The proposed change of use is therefore considered to be acceptable and would preserve the character of the Conservation Area and preserve the setting of nearby listed buildings. There would be no conflict with Local Plan policies CA2 and LB2.
- 6.14 In making this recommendation, consideration has paid special attention to the desirability of preserving or enhancing the character or appearance of the conservation area, as required under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The Council has also had special regard to the desirability of preserving the setting of nearby listed buildings, as required under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990; it is considered that the proposals preserve the setting of the nearby listed buildings so the statutory test is met and also comply with Policy LB2 of the Local Plan.

Other Material Considerations

Housing Land Supply

- 6.15 Paragraphs 7 and 14 of the National Planning Policy Framework (NPPF) set out that there will be a presumption in favour of Sustainable Development. Paragraph 49 of the NPPF states that sustainable development, and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites.
- 6.16 It is acknowledged that this scheme would make a contribution to the Borough's housing stock and it is the view of the Local Planning Authority that the socio-economic benefits of the additional dwelling(s) would also weigh in favour of the development.

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 The application proposes a new residential development and therefore may be liable for a Community Infrastructure Levy contribution. CIL is not charged to subdivide a house into two or more homes.
- 7.2 However, at present this building is not a house but is a large HMO which is considered to be a sui generis use. The Council has no records of a planning application or a certificate of lawfulness (existing use) being made for this current use.
- 7.3 The existing buildings would not attract CIL payments, where there is no increase in floor area proposed and where the existing floor space has been used for 6 months in the last 3 years for a 'lawful use'. This is known as the vacancy test.
- 7.5 In order for the existing HMO use to be considered a lawful use (and immune from enforcement action), the LPA would need to be satisfied that there was sufficient evidence produced to prove this.
- 7.6 Based on the submitted information and with no CIL exemptions, the maximum amount payable for this development (of approximately 321.7 square metres) could potentially be in the order of £77,208.00.
- 7.7 This matter will be addressed at the point prior to commencement of the development with the Council's CIL Officer.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

- 8.1 8 occupiers were notified directly of the application.
- 8.2 The planning officer posted a statutory notice advertising the application at the site on 18 January 2017 and the application was advertised in the Maidenhead Advertiser on 26th January 2017.
- 8.3 1 letters was received commenting on the application, summarised as:

Comment		Where in the report this is considered
1.	St Mary's Lane provides access to Nos 1 and 2 St Mary's Cottages. There are also 20 garages in use – therefore there needs to be freedom of movement along this lane at all times. The building company dealing with the project needs to realise that any building supplies, rubbish or vehicles etc. would need to be located at the front of the building – facing Kings Road.	See paragraph 6.12 of main report. A condition requiring the submission of a construction management plan will be imposed – see Condition 4 in section 10 below.

Statutory consultees

Consultee	Comment	Where in the report this is considered
Highways	No objection, subject to conditions.	See paragraphs 6.7- 6.12 of main report and conditions 2,3,4, in Section 10 below.
Environmental Protection	Comments awaited.	Comments received will be reported in the panel update, if available.

9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout

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 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided within the rear courtyard as identified on drawing 200 Rev 02. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.
Reason: To ensure that the development is provided with adequate cycle parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7,

DG1

- 3 No part of the development shall be occupied until the refuse bin storage area and recycling facilities have been provided in accordance with drawing 200 Rev 02. 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.
- 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 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 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.
- 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.

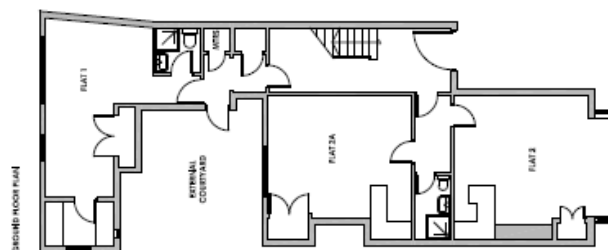
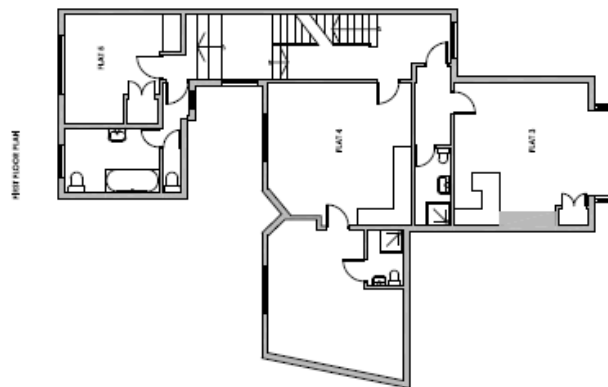
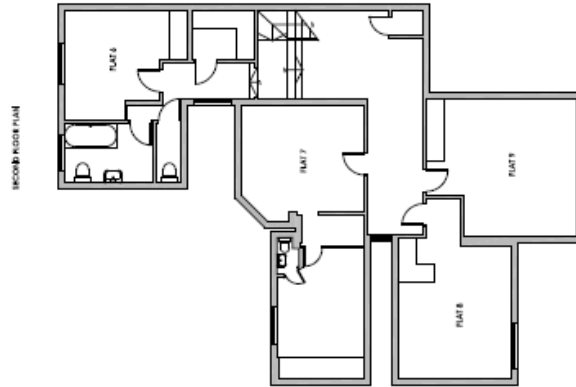
APPENDIX 1 - 17/00111

40 Kings Road, Windsor



APPENDIX B – 17/00111 - 40 Kings Road, Windsor

Existing floor plans



APPENDIX B – 17/00111 - 40 Kings Road, Windsor

Proposed Plans



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WINDSOR RURAL DEVELOPMENT CONTROL PANEL

29 March 2017

Item: 5

Application No.:	17/00283/FULL
Location:	121 High Street Eton Windsor SL4 6AN
Proposal:	Alteration and amendments to shop front fenestration to match adjoining properties 122 and 123 High Street.
Applicant:	The Provost And Fellows of Eton College
Agent:	Mr Eamonn McLarnon
Parish/Ward:	Eton Town Council/Eton With Windsor Castle Ward

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

29 March 2017

Item: 5

Application No.:	17/00284/LBC
Location:	121 High Street Eton Windsor SL4 6AN
Proposal:	Consent for alteration and amendments to shop front to match adjoining properties 122 and 123 High Street.
Applicant:	The Provost And Fellows Eton College
Agent:	Mr Eamonn McLarnon
Parish/Ward:	Eton Town Council/Eton With Windsor Castle Ward

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 proposal seeks the removal of the shop front of number 121 High Street in Eton and its replacement with a new window and door to match in appearance the ground floor of numbers 122 and 123 High Street (in this terrace). The loss of the shopfront is considered to be unacceptable in principle, as it is significant in understanding the historical use of the building. Furthermore, the presence of shopfronts, intermixed with domestic frontages, is, identified as a special feature within the Conservation Area appraisal. Added to this, the proposed fenestration to match that on the terrace of buildings is not considered to be an appropriate design or appearance, as it would look at odds with the Georgian appearance of the upper floors of this building.
- 1.2 The scheme would result in less than substantial harm upon these Heritage Assets. There are not considered to be public benefits arising from the scheme which would outweigh this less than substantial harm, and it is not considered that the building cannot be utilised without the proposed fenestration changes being implemented. As such the scheme conflicts with the National Planning Policy Framework (NPPF).

It is recommended the Panel refuses planning permission (17/00283/FULL) for the following summarised reasons (the full reasons are identified in Section 9 of this report):

- | | |
|----|---|
| 1. | The development would result in the loss of a shopfront which is important in understanding the historical use of the Listed Building, and which makes an important contribution to the character of the Eton Conservation Area, by contributing to the mix of shopfronts intermixed with domestic buildings, which is an identified characteristic of this part of the Conservation Area. The proposed alterations to the façade of the building are considered to be out of keeping with the windows in the upper floors of the building which are of a Georgian appearance, and as a result this will harm the appearance of the Listed Building, and to the appearance of the Conservation Area. The development would result in less than substantial harm to the Heritage Assets. The scheme does not provide public |
|----|---|

	benefits that outweigh this less than substantial harm, and not permitting the scheme would not prevent securing the optimum viable use of the building.
It is recommended that the Panel refuses Listed Building Consent (17/00284/LBC) for the following summarised reason:	
1	The works would result in harm the historical significance of the Listed Building

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Alexander, irrespective of the recommendation of the Head of Planning for the reason that it is in the local public interest.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 121 High Street is a Grade II Listed Building (comprising a terrace of 3 properties) located within Eton Conservation Area. The ground floor of number 121 was last used as office space (permission for this was granted in 2007 for a Neighbourhood Police Office). Recently (in 2016), planning permission was granted to change the office space to residential use, so that it could be used in connection with other floors of the building which are in residential use. Under the approved plans from the permission in 2016, this showed the retention of the shopfront in connection with the residential use.
- 3.2 The site is situated within flood zones 2 and 3.
- 3.3 The building is situated within the commercial centre of Eton (as defined in the Adopted Local Plan proposals map). Within this part of the Eton High Street are a mix of commercial and residential units.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The planning history is outlined below.

Application Reference	Description of proposal	Decision
461319	New Shop front- LBC	Approved in 1982
06/02838/LBC	Alterations comprising internally replace stud partitions, ceilings and dry lining to existing walls following strip out of existing fittings, new door and exterior repainting	Approved 31.01.2007
07/00010/FULL	Change of use from retail shop to neighbourhood police office.	Approved 07.02.2007
16/02125/FULL	Single storey rear extension, part change of use and conversion of office (B1) to (C3) single dwelling with amendments to fenestration, following demolition of outbuildings.	Approved 21 st October 2016.

- 4.2 Planning permission was granted for a change of use from office to residential at the ground floor of number 121 High Street in 2016. However, during the course of this application, officer's secured amended plans showing the retention of the shop front. Within the Planning Officer assessment of this application, it was stated:

'The amended plans indicate that the shopfront would be retained and therefore both the special interest of the listed building would be conserved as well as its historical merit within the wider context of the Conservation Area, which would also be preserved.'

- 4.3 This current proposal for consideration seeks planning permission and Listed Building consent for alterations and amendments to the shop front of number 121 (to include a new window and

door) so that that the fenestration at ground floor level matches that at numbers 122 and 123 High Street (these neighbouring buildings have residential facades at ground floor level). The existing glazed panel will be replaced with a render block wall. The new window would be a timber sliding sash window, and the new door would be wooden.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework Sections

Conserving and Enhancing the Historic Environment- Paragraphs 128, 129, 131, 134

Design- Paragraphs 58, 60, 64

Royal Borough Local Plan

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

Within settlement area	Conservation Area	Listed Building
DG1	CA2	LB2

These policies can be found at

https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Impact on Heritage Assets

Impact on Heritage Assets

Significance to the Listed Building and within the Conservation Area

- 6.2 Number 121 High Street is of historic interest as part of a small group of former townhouses situated on the west side of the High Street and forming part of a key development phase of the town. The Heritage Assessment reveals that a study of published information and archival research would strongly suggest that the terraced group was constructed between the late 1840s or 1850s, when a number of plots along the High Street were either developed or re-fronted.
- 6.3 The original three story part of the terraced building (numbers 121-123) are Georgian in date and appearance. By 1870 the front garden of number 121 had been developed; it seems likely that this was the flat roofed front shop extension which is evidenced by the 1891 first Kellys Directory in which it was mentioned that the building was being used as a confectioners. As such, the ground floor of this building was occupied by a retail use far longer than it was used as residential. The shopfront is important in understanding that this Listed building was used for retail historically.
- 6.4 The existing shop front to number 121 is of 1980's construction and is not of particular architectural merit. As such, the existing shopfront itself makes a neutral contribution architecturally to this Listed Building.
- 6.5 Part of the special interest of the Eton Conservation Area is the presence of a rich diversity of buildings of different ages, types, scales, architectural styles, materials and details which illustrate the gradual piecemeal development of the area from the 15th century to the present. The character of Eton High Street is found in its mix of commercial and residential buildings.
- 6.6 The Conservation Area appraisal identifies that for the High Street Area of Eton (which this building is located) that *'there are a considerable number of the High St properties contain good quality timber shop fronts with simple timber fascias and modest signage. Many are very*

decorative, and date from the 19thC. Several former shops are now converted to residential use, but have retained the shop windows. A distinctive feature of the High Street is the intermix of domestic frontages with the shop fronts.'

Impact of the proposal

- 6.7 The proposed alterations to the fenestration is to a frontage that was constructed in the 1980's, and as such the proposal would not cause physical harm to the historic fabric of the Listed Building.
- 6.8 The loss of the shop front, and replacement with the proposed window and door would result in the ground floor level having a domestic appearance, and as such the association of this building with a commercial retail use would be lost entirely. This would result in harm to the historic use of this Listed Building, and would have a detrimental impact upon the historical significance of this Listed Building.
- 6.9 The importance of retaining the commercial shop front is part of the history and evolution of Eton High Street. The special interest of this part of the Conservation Area lies in the intermix of domestic frontages with commercial shopfronts that exist. The Conservation Area Appraisal acknowledges that several former shops have been converted, but have retained shop windows. It is considered that the loss of this shop would dilute down the presence of commercial frontages within the High Street, and these commercial frontages make an important contribution to the character of the Conservation Area.
- 6.10 It is acknowledged that the proposed replacement of the existing window with a tripartite sash and recessed arched doorway to match numbers 122 and 123 High Street will regularise the façades along these buildings. However, it will not add value to the architectural significance of either 121 or 122 and 123, due to the fact that its design will mirror an alteration of the early 21st century that is not architecturally of significance. Within the proposed window, the mullions are too wide, and the proportions of the window as a whole are not correct. The proposed fenestration does not fit in with the Georgian appearance of the sash windows on the upper levels of this building.
- 6.11 It is considered that the scheme would cause less than substantial harm to the historical significance and appearance of the Listed Building, and to the character and appearance of the Conservation Area. Paragraph 134 of the NPPF explains that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 6.12 In this case, the applicant has not put forward public benefits which outweigh the less than substantial harm, and it is not considered that there are any public benefits that outweigh this harm. With regard to securing the optimum viable use of the building, there is nothing to suggest that not allowing these alterations to the façade would prevent the building from being used on a dwelling. The proposal therefore conflicts with paragraph 134 of the NPPF.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

11 occupiers were notified directly of the application.

The planning officer posted a site notice advertising the application at the site on the 2nd February 2017 and the application was advertised in the Maidenhead & Windsor Advertiser on the 9th February 2017.

No comments have been received to date.

Other consultees

Consultee	Comment	Where in the report this is considered
Conservation Officer	It is considered that the proposed alterations to the ground floor façade of this grade II listed building, located within the Eton conservation area, would cause 'less than significant harm' to the heritage assets and their setting.	6.2-6.12

8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout
- Appendix B – Elevation and floor plan (Existing and Proposed)

9. RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

16/00283

- 1 The development would result in the loss of a shopfront which is important in understanding the historical use of the Listed Building, and which makes an important contribution to the character of the Eton Conservation Area, by contributing to the mix of shopfronts intermixed with domestic buildings, which is an identified characteristic of this part of the Conservation Area. As such, the development would result in less than substantial harm to the character of the Conservation Area. The proposed alterations to the façade of the building are considered to be out of keeping with the windows in the upper floors of the building which are of a Georgian appearance, and as a result this will harm the appearance of the Listed Building, and to the appearance of the Conservation Area. The development would result in less than substantial harm to the Heritage Assets. The scheme does not provide public benefits that outweigh this less than substantial harm, and not permitting the scheme would not prevent securing the optimum viable use of the building. The proposal is therefore in conflict with Paragraphs 50, 58 and 64, and 134 of the National Planning Policy Framework, and with Policies DG1, CA2 (criterion 1) and LB2 (criteria 3 and 5) of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations adopted June 2003).

16/00284

- 1 The works, through the loss of the shopfront would erode the historical understanding of the building, and would result in harm the historical significance of the Listed Building. The scheme does not provide public benefits that outweigh this less than substantial harm, and not permitting the scheme would not prevent securing the optimum viable use of the building. The scheme conflicts with paragraph 134 of the National Planning Policy Framework and Policy LB2 (criteria 3 and 5) of the of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (incorporating alterations adopted June 2003).

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Appendix A- Site location



Appendix B- Elevation and floor plans

Existing front elevation



Proposed front elevation



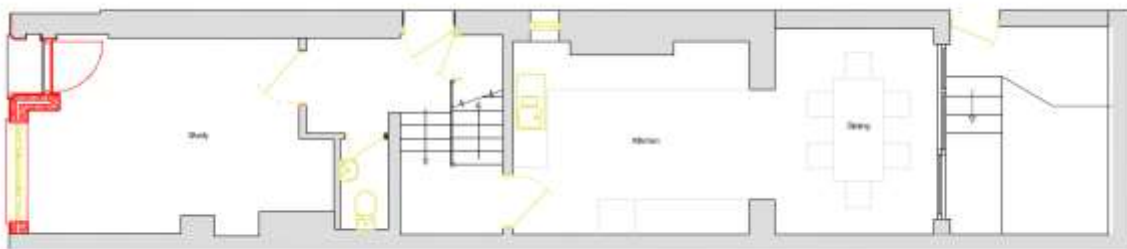
Floor plans

Existing ground floor



Ground Floor As Existing

Proposed ground floor



Ground Floor

Appeal Decision Report

21 January – 16 March 2017

WINDSOR URBAN

Appeal Ref.: 16/60093/NOND ET **Planning Ref.:** 16/00695/FULL **Plns Ref.:** APP/T0355/W/16/3158792

Appellant: Ms G Spiero - Fieldside Associates Ltd **c/o Agent:** Mr Simon Grainger Grainger Planning Associates Ltd 11 Ashcombe Road Carshalton Surrey SM5 3ET

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

Description: Construction of two storey development comprising 4x 1 bedroom flats and 1x 2 bed flat with associated refuse and cycle storage facilities

Location: **Former Windsor Ex Services Club 107 St Leonards Road Windsor SL4 3BZ**

Appeal Decision: Allowed **Decision Date:** 31 January 2017

Main Issue: The Inspector commented that he cannot be completely satisfied that there is no longer a need for a community facility on this site, which weighs against the proposal. However, the Inspector applied some weight to the situation whereby there is no longer a need in respect of the specific occupier it was intended for, and that the appellant has undergone a marketing exercise, over a significant period of time, in an attempt to attract another community use, without success. The Inspector commented that situation therefore lessens the amount of weight against the proposal. The Inspector acknowledged that the proposal would provide a fairly small boost to the Borough's housing supply and applied substantial weight to this factor. Furthermore, the Inspector considered that the development would provide a greater opportunity to enhance the existing character and appearance of the Conservation Area in terms of adding a St Leonards Road frontage to the existing part implemented scheme. Taking into account all other matters raised, the Inspector concluded there would be no adverse impacts that would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

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