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NOTICE OF MEETING

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WINDSOR URBAN DEVELOPMENT MANAGEMENT PANEL

will meet on

WEDNESDAY, 21ST JUNE, 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, GARY MUIR, NICOLA PRYER, JACK RANKIN, WESLEY RICHARDS AND EDWARD WILSON

Karen Shepherd - Democratic Services Manager - Issued: Date Not Specified

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

Fire Alarm - In the event of the fire alarm sounding or other emergency, please leave the building quickly and calmly by the nearest exit. Do not stop to collect personal belongings and do not use the lifts. do not re-enter the building until told to do so by a member of staff.

Recording of Meetings – The Council allows the filming, recording and photography of public Council meetings. This may be undertaken by the Council itself, or any person attending the meeting. By entering the meeting room you are acknowledging that you may be audio or video recorded and that this recording will be available for public viewing on the RBWM website. If you have any questions regarding the council's policy, please speak to the Democratic Services or Legal representative at the meeting.

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 - 8 |
| 3. | <u>MINUTES</u> To confirm the minutes of the previous meeting. | 9 - 10 |
| 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 | 11 - 112 |
| 5. | <u>ESSENTIAL MONITORING REPORTS (MONITORING)</u> To consider the Essential Monitoring reports. | 113 - 114 |
| 6. | <u>LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF THE PUBLIC</u> To consider passing the following resolution:- "That under Section 100 (A)(4) of the Local Government Act 1972, the public should be excluded from the remainder of the meeting whilst discussion takes place on item 8 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part I of Schedule 12A of the Act" | |

PRIVATE MEETING - PART II

| <u>ITEM</u> | <u>SUBJECT</u> | <u>PAGE NO</u> |
|-------------|---|--------------------|
| 7. | <u>MINUTES - PART II</u> To confirm the Part II minutes of the previous meeting. <i>(Not for publication by virtue of Paragraph 1, 2, 3, 4, 5, 6, 7, 7a, 7b, 7c of Part 1 of Schedule 12A of the Local Governmet Act 1972)</i> | 115 - 116 |

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.

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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 licence 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.***

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Agenda Item 3

WINDSOR URBAN DEVELOPMENT MANAGEMENT PANEL

WEDNESDAY, 24 MAY 2017

PRESENT: Councillors Malcolm Alexander (Chairman), Phillip Bicknell (Vice-Chairman), John Bowden, Wisdom Da Costa, Jesse Grey, Eileen Quick, Samantha Rayner and Shamsul Shelim

Also in attendance: Councillor Derek Wilson

Officers: Wendy Binmore, Melvin Andrews, Jenifer Jackson, Claire Pugh and Mary Severin

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor M. Airey.

DECLARATIONS OF INTEREST

None received.

MINUTES

RESOLVED UNANIMOUSLY: That the part I minutes of the meeting held on 26 April 2017 be approved.

PLANNING APPLICATIONS (DECISION)

16/03438* Mr Hughes: Alterations and additions to form five no. additional close-care apartments in addition to that approved under 11/00403 at Former Windsor Rackets and Fitness Club, Helston Lane, Windsor – **THE PANEL VOTED UNANIMOUSLY to DEFER and DELEGATE authority to the Head of Planning to grant planning permission with the conditions listed in Section 10 of the Main Report, on completion of a satisfactory legal agreement to 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**

(The Panel were addressed by Susy Shearer in Objection and Stuart Robinson, the Agent on behalf of the applicant)

17/00006* BMW (UK) Trustees Limited: Construction of a 5 storey building with associated car parking (including provision for public use at specific times), access and landscaping works following demolition of existing office building at Thames Court, 1 Victoria Street, Windsor SL4 1YB – **THE PANEL VOTED to APPROVE the application against the Head of Planning's recommendations and grant planning permission with the conditions being delegated to Officers in conjunction with the Chairman of the Panel and Ward Councillors.**

(Five Councillors voted in favour of approval (Cllrs Bicknell, Grey, Muir, Quick and Shelim), and four Councillors voted against approval (Cllrs Alexander, Bowden, Da Costa and S. Rayner).

(The Panel were addressed by Catherine Hill in objection and Tim Price, the Agent. A statement of support for the application was read out by the legal officer from Councillor Jack Rankin).

17/00425* Mr Loveridge: Erection of two new commercial units (Use class B2 – general industrial) within the existing commercial site at Rear of 250 to 284 Horton Road, Datchet, slough – **THE PANEL VOTED UNANIMOUSLY to DEFER the application for two cycles in order to allow the applicant to do more work on the application and consult with the Environment Agency.**

(the Panel were addressed by Mr Ian Walton and Mr Loveridge in favour of the application).

17/01019 Mrs Longworth-Krafft: Erection of 9 x 8m high external lighting columns at Windsor Girls School, Imperial Road, Windsor SL4 3RT – **THE PANEL VOTED UNANIMOUSLY 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.**

ESSENTIAL MONITORING REPORTS (MONITORING)

All details of the Essential Monitoring Reports were noted.

LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF PUBLIC

The meeting, which began at 7.00 pm, finished at 9.09 pm

CHAIRMAN.....

DATE.....

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

Windsor Urban Panel

21st June 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

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|-------------------|--|------------------------|----------------|-----------------------|-------------|-----------------|
| Item No. | 1 | Application No. | 17/00482/FULL | Recommendation | REF | Page No. |
| Location: | Street Record Shirley Avenue Windsor | | | | | |
| Proposal: | Construction of a residential development comprising (Building A) a three storey block containing 7 x 1-bed, 5 x 2-bed flats, (Buildings B1 and B2) two terraces of 3 x 3-bed dwellings, (Building C) a part three/part four storey block containing 9 x 1 bed, 7 x 2-bed flats, (Building D) a part four/part five storey building containing 16 x 2 bed, 5 x 3-bed flats, (Building E) a part four/part five storey building containing 4 x 1-bed, 15 x 2-bed flats, (Block F) a four storey building containing 7 x 1-bed and 8 x 2-bed flats. Refuse and cycle stores, new road and pavements/cycleways with parking (surface and underground) and amenity/play space, hard and soft landscaping, ancillary works following demolition of existing commercial buildings. | | | | | |
| Applicant: | Medina Property Development Ltd | Member Call-in: | Not applicable | Expiry Date: | 16 May 2017 | |

| | | | | | | |
|-------------------|---|------------------------|----------------|-----------------------|---------------|-----------------|
| Item No. | 2 | Application No. | 17/00761/FULL | Recommendation | DD | Page No. |
| Location: | 8 Clarence Road Windsor SL4 5AD | | | | | |
| Proposal: | Subdivision of existing property from 2 No 1 bedroom flats and 1 No. 2 bedroom flat to 3 No 1 bedroom flats, including reconstruction of rear lean to extension | | | | | |
| Applicant: | Mr R Ellis Mr M Bird | Member Call-in: | Not applicable | Expiry Date: | 26 April 2017 | |

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|-------------------|---|------------------------|----------------|-----------------------|---------------|-----------------|
| Item No. | 2 | Application No. | 17/00762/LBC | Recommendation | DD | Page No. |
| Location: | 8 Clarence Road Windsor SL4 5AD | | | | | |
| Proposal: | Consent for subdivision of existing property from 2 No 1 bedroom flats and 1 No. 2 bedroom flat to 3 No 1 bedroom flats, including reconstruction of rear lean to extension | | | | | |
| Applicant: | Mr R Ellis Mr M Bird | Member Call-in: | Not applicable | Expiry Date: | 26 April 2017 | |

Item No. 3 **Application No.** 17/00861/FULL **Recommendation** **Page No.**
Location: 75 St Andrews Crescent Windsor SL4 4EP
Proposal: Hip to gable extensions to front and rear to accomodate loft conversion to form habitable accomodation and two storey rear extension.
Applicant: Mr And Mrs Poole **Member Call-in:** Cllr D Wilson **Expiry Date:** 19 May 2017

Item No. 4 **Application No.** 17/00940/FULL **Recommendation** PERM **Page No.**
Location: 29 Tilstone Close Eton Wick Windsor SL4 6NG
Proposal: Construction of an outbuilding (retrospective)
Applicant: Mr Nar **Member Call-in:** Cllr Samantha Rayner **Expiry Date:** 19 May 2017

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

WINDSOR URBAN DEVELOPMENT CONTROL PANEL

21 June 2017

Item: 1

| | |
|-------------------------|--|
| Application No.: | 17/00482/FULL |
| Location: | Street Record Shirley Avenue Windsor |
| Proposal: | Construction of a residential development comprising (Building A) a three storey block containing 7 x 1-bed, 5 x 2-bed flats, (Buildings B1 and B2) two terraces of 3 x 3-bed dwellings, (Building C) a part three/part four storey block containing 9 x 1 bed, 7 x 2-bed flats, (Building D) a part four/part five storey building containing 16 x 2 bed, 5 x 3-bed flats, (Building E) a part four/part five storey building containing 4 x 1-bed, 15 x 2-bed flats, (Block F) a four storey building containing 7 x 1-bed and 8 x 2-bed flats. Refuse and cycle stores, new road and pavements/cycleways with parking (surface and underground) and amenity/play space, hard and soft landscaping, ancillary works following demolition of existing commercial buildings. |
| Applicant: | Medina Property Development Ltd |
| Agent: | Mr Mark Carter |
| Parish/Ward: | Windsor Unparished/Clewer North 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 site is within a protected employment site within the Adopted Local Plan. The proposed development would result in the loss of this employment site, which is contrary to Policy E5 of the Local Plan. The proposal would also conflict with paragraph 22 of the National Planning Policy Framework.
- 1.2 The proposals would result in a loss of a community facility, and it cannot be guaranteed that this can be re-provided elsewhere.
- 1.3 The site is in an area liable to flood. Further clarification has been sought from the applicant as to whether the proposed flood escape route for the residential properties outside of the application site would be safer in a flood event than their current means of escape, in terms of providing wider sustainability benefits as required by the Exceptions Test (first test), however, the scheme fails to provide a safe escape route in the event of a 1 on 100 year +35% climate change allowance and for that reason it cannot be demonstrated that the development will be safe for its lifetime, taking into account the vulnerability of its users and so the scheme fails the second part of the Exceptions Test.
- 1.4 The development would have a harmful impact upon protected trees, which make an important contribution to the character of the area.
- 1.5 Although the scheme would provide 89 residential units which would contribute to meeting the Borough's 5 year housing land supply, the adverse impacts through the loss of an allocated employment site (which has businesses operating at the site), the loss of the community facility, the concerns in terms of safeguarding future occupiers in a 1 in 100 +35% climate change event, and the adverse impact upon protected trees are significant and demonstrable adverse impacts which outweigh the benefit of providing these residential units.

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

- | | |
|----|--|
| 1. | Shirley Avenue is an identified employment area allocated primarily for industrial and small scale distribution and storage uses. It has not been demonstrated that the loss of this site to the alternative use of housing would not harm industrial land supply within the |
|----|--|

| | |
|---|---|
| | Borough and the local economy. |
| 2 | The proposals would result in a loss of a community facility. |
| 3 | The scheme fails to provide a safe escape route for future occupiers in the event of a 1 in 100 year +35% climate flood event, and so the development would not be safe for its lifetime, taking into account the vulnerability of its users. |
| 4 | The scheme would have an adverse impact upon trees which are subject to Tree Preservation Order. |
| 5 | In the absence of a completed legal agreement, the provision of affordable housing can be secured. |
| 6 | In the absence of bat mitigation measures it has not been demonstrated that the scheme would have an acceptable impact on protected species. |

2. REASON FOR PANEL DETERMINATION

- The Head of Planning considers it appropriate that the Panel determines the application as there are policies in the emerging draft Borough Local Plan that are relevant to this site.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site forms the south-eastern part of the Shirley Avenue - Vale Road Industrial Area, which is a protected employment site in the RBWM Local Plan. It consists of six buildings which are located to either side of Shirley Avenue. The eastern boundary is shared with the Clewer Memorial Recreation Ground and the southern boundary with residential properties at 52 Vale Road and 36 - 60 East Crescent (even number range). To the north of the site and also within the designated employment area, there is a medical centre on the Vale Road frontage. On the opposite side of Vale Road there are residential flats, which are three stories high adjacent to the street frontage (four storeys to the rear of this development), and the Sandown Park Care Home which is largely three-storeys in height but rises to four storeys towards the corner of Hanover Way, directly opposite the junction of Shirley Avenue with Vale Road.
- 3.2 The buildings on the application site are in a mix of commercial uses, including Howden's, Windsor Vehicle Leasing Ltd, and the Medina Dairy. One building within the group, Technor House, has a D2 community use. It is understood that the other buildings on site are used by Medina Dairy for storage in association with the business.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The proposal is to demolish the existing buildings at the site and construct seven residential blocks. The buildings would be arranged along both sides of Shirley Avenue, extending from the Vale Road frontage towards the site's eastern boundary with Clewer Memorial Recreation Ground.
- 4.2 The buildings are identified as Buildings A through to F, as follows:
- 4.3 On the south side of Shirley Avenue and the public footpath to the Memorial Recreation Ground:
- Building A would be three-storey located in approximately the same position as the existing Howden's joinery building, providing twelve flats (6 x 1-bedroom and 6 x 2-bedroom). This would be located to the north of the closest existing residential neighbour, 52 Vale Road.
 - Two short terraces each of three houses would provide a total of 2 x 3-bedroom and 4 x 4-bedroom dwellings (as the smaller room identified as a study could be used as a bedroom), and are identified as 'B1' and 'B2' on the layout plan. These are located in the approximate position of the existing Technor House, and is situated to the north of the properties at 46 – 58 East Crescent (even numbers only). The terraces would be set perpendicular to Shirley Avenue in a mirrored layout pair that provides vehicular access between the two terraces, with the smaller houses to be two-storeys high adjacent to the boundary with properties in East Crescent, rising to three stories for the remaining houses.

- Building C would be located at the south-eastern corner of the site, towards the Clewer Memorial Ground boundary and to the north of 36, 38 and 40 East Crescent. The proposed building would be three stories for the more southern part of the building, adjacent to the East Crescent residential properties, rising to four storeys adjacent to the footpath. It would accommodate 9 x 1-bedroom and 7 x 2-bedroom flats.

4.4 On the north side of Shirley Avenue and the public footpath to the Memorial Recreation Ground:

- Building D would accommodate 16 x 2-bedroom and 5 x 3-bedroom flats over five storeys of accommodation, located directly north of Building C and to the north of the public footpath, in approximately the same location as the existing premises of Windsor Vehicle Leasing. The closest residential neighbours, if built, would be two detached houses in the approved but as yet unimplemented development at Vale House, 100 Vale Road (at present, this area is occupied by a paved yard with the existing employment premises).
- Building E would be further westwards on this side of Shirley Avenue on part of the existing Medina Dairy site. Accommodating 4 x 1 bed flats and 15 x 2-bedroom across five storeys.
- Building F would be located adjacent to the Vale Road frontage of the site, also on part of the existing Medina Dairy site. This 4 storey building would accommodate 8 x 2-bedroom and 7 x 1-bedroom flats.

Relevant Planning History

4.5 Planning permission was refused for the Erection of residential development of 93 dwellings including 2 x 2 bed, 4 x 3 bed houses, 25 x 1 bed, 57 x 2 bed and 5 x 3 bed flats, refuse and cycle stores, with new road and pavements/cycleways with parking (surface and underground) and amenity space, hard and soft landscaping, ancillary works following demolition of all existing commercial buildings on the 2nd August 2016 for the following reasons:

- 1) Shirley Avenue is a designated employment area, as identified in Local Plan policy E5 and the Proposal Map, allocated primarily for industrial and small scale distribution and storage uses. It has not been demonstrated that the loss of this site to the alternative use of housing would not harm industrial land supply within the Borough and the local economy. The proposal is contrary to Policies E2 and E5 of The Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations adopted June 2003).
- 2) The height and scale of buildings within the proposed development together with the location of windows overlooking adjacent properties result in significant and demonstrable detrimental impacts on the residential amenities of occupiers to the south of the site, in East Crescent and at 52 Vale Road, and in addition on Plots 13 and 14 within an approved but as yet unimplemented residential proposal at Vale House, to the north of the site. As such, the proposal is contrary to saved Policies H10, H11 and DG1 of the Royal Borough of Windsor and Maidenhead Local Plan and to advice in the National Planning Policy Framework.
- 3) The layout of the proposed development and the quality of the design of individual buildings is not of sufficient quality to justify a development of the density proposed, and would fail to take the opportunity available for high quality design in the proposed redevelopment. This would result in significant and demonstrable harm to the character of the area which would not be outweighed by the provision of additional housing stock to the Borough. Additional work is also required to ensure that details such as workable cycle and bin store layouts are provided, and that they are appropriately located within the development. As such, the proposal would be contrary to saved Policies H10, H11, DG1 of the Royal Borough of Windsor and Maidenhead Local Plan and to advice in the National Planning Policy Framework.
- 4) The proposals would result in a loss of a community facility at Technor House. The application has not demonstrated that the facility will be provided elsewhere, and the proposal is therefore contrary to The Royal Borough of Windsor and Maidenhead Local Plan policy CF1 and to advice in the NPPF.

- 5) By reason of the reliance on obscure glazing of habitable room windows to avoid direct overlooking of neighbouring properties from some of the habitable rooms within the development, the proposals would not provide a sufficient standard of amenities for all future occupiers of the development. In addition the provision of some single aspect flats on the north side of Building C would result in those flats receiving no sunlight. The proposal is contrary to advice in the NPPF.
- 6) In the absence of an undertaking to secure associated off-site infrastructure and amenity improvements directly related to the development in accordance with policy IMP1 of the Royal Borough of Windsor and Maidenhead Local Plan.
- 7) The proposal fails to provide a mechanism for securing affordable housing in accordance with the Policy H3 The Royal Borough of Windsor and Maidenhead Local Plan and adopted Supplementary Planning Document 'Planning Obligations and Developer Contributions' 2005 (as amended)
- 8) The applicant has failed to demonstrate that the scheme will result in wider sustainability benefits to the community that outweigh flood risk and as such the development cannot pass the Exceptions Test. The proposal is contrary to paragraph 102 of the National Planning Policy Framework.

The properties within the application site have the following relevant planning history:

Technor House:

| Ref. | Description | Decision and Date |
|--------------|--|---------------------------------|
| Reference | Description | Decision and Date |
| 05/00759/COU | Change of Use of premises to Islamic education and community facility with a prayer room | Allowed on appeal on 22.11.2006 |
| 08/00908/VAR | Use as an Islamic education and community facility with a prayer room with variation of Condition 3 of appeal permission 05/00759 so that generated noise shall not exceed the background noise level by more than 5dB | Permitted, 14.07.2008 |

Depot on corner with Vale Road:

| | | |
|--------------|--|---------------------|
| 04/84801/COU | Change of use from warehouse and offices to children's play area (D2) | Refused, 10.03.2004 |
| 04/85471/COU | Change of use from warehouse and offices to children's play area (D2). Resubmission of 04/84801 | Refused, 17.08.2004 |
| 04/01234/COU | Change of use of premises from B8 (warehouse and office) to D2 (Children's adventure play centre). | Refused, 30.11.2004 |

Howdens Joinery Ltd, Unit 1:

| | | |
|--------------|---|---|
| 14/00652/DEM | Demolition of the Joinery showroom workshop and stores, two storey to Vale Road with rear single storey storage area off Shirley Avenue | Prior approval not required, 13.03.2014 |
|--------------|---|---|

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

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

Royal Borough Local Plan

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

| | Loss of employment land | Design/layout | High risk of flooding | Protected Trees | Noise pollution | Highways /Parking issues |
|------------|-------------------------|---------------|-----------------------|-----------------|-----------------|--------------------------|
| Local Plan | E5 | DG1, H10, H11 | F1 | N6 | NAP3 | T5, P4 |

- 5.3 Supplementary planning documents adopted by the Council relevant to the proposal are:
- Interpretation of Policy F1 – Area Liable to Flood

More information on these documents can be found at:

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

Other Local Strategies or Publications

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

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

6. EXPLANATION OF RECOMMENDATION

- 6.1 The key issues for consideration are:

- The principle of redevelopment of the site for residential use;
- Relationships to neighbouring residents and occupiers;
- Scale, site layout, building design and landscaping;
- Flood risk issues;
- The mix of housing types and tenure, including affordable housing;
- Loss of community use;
- The amenity of future residents of the building; and
- The adequacy of car parking and the impact on highway safety in the area;
- Impact on trees

The principle of redevelopment of the site for residential use

- 6.2 The application site is within the Shirley Avenue - Vale Road Industrial Area, which is a protected employment site as identified by RBWM Local plan E2. Local Plan Policy E5 seeks to resist changes of use within these areas to use classes other than B1(c), B2 and B8. The employment area as identified in the Local Plan maps is bisected by Vale Road, and all of the land within the western part of the site has been redeveloped for residential use and a care home, Sandown Park, or in the case of one site is the subject of planning permissions for residential redevelopment (the Drain Centre, Teradyne Building, Hanover Way, ref. 14/03416/FULL and 15/01079/LEG). In contrast, the whole of the employment land on eastern side of Vale Road remains in employment uses, although the Vale House site on the northern end of this area has planning permission for redevelopment with fourteen houses (RBWM ref. 14/02975/FULL and subsequent permissions).

- 6.3 In terms of emerging local planning policy, the Draft Borough Local Plan (as Regulation 18) was published in December 2016 for consultation. In this version of the draft BLP, Shirley Avenue was allocated as a housing site. In the Regulation 19 Publication Local Plan, the site is allocated for mixed use, including 80 units of housing.
- 6.4 The NPPF paragraph 216 advises that weight may be given to the relevant policies in emerging plans according to:
- The stage of preparation (the more advanced, the greater the weight that may be given).
 - The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objection, the greater the weight that may be given).
 - The degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the emerging policies to the NPPF, the greater the weight they may be given).
- 6.5 Given the early stages of the emerging BLP, only limited weight can be given to this plan at this time. On this basis, the proposal would result in the loss of an allocated employment site within the adopted local plan, and this would be contrary to Local Plan Policy E5. With regard to the emerging planning policy, this proposes a mixed use for the site. Although it can only be afforded limited weight, total loss of employment use would be contrary to Policy ED2 of the Borough Local Plan.
- 6.6 The NPPF at paragraph 22 explains that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. It advises that where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities. It is considered this paragraph is more applicable to employment sites that are vacant, however, the scheme has been considered against this paragraph of the NPPF.
- 6.7 The application contains a report titled '*report in respect of the demand for commercial industrial and warehousing of the type found at Shirley Avenue/Vale Road which is dated November 2015.*' The conclusions of this report are:
- 'When any of the subject premises have been marketed, it is fair to say this has proven to be an unsuccessful development.*
- Where interest has been shown it has been weak and not taken further despite earnest chasing by the letting agents, with exception to Howdens after a prolonged campaign.*
- It is for the reasons set out herein that I consider the owners have little choice but to pursue a change of use planning application to C3 residential purpose, in order for the estate to be put into good and beneficial use. In the absence of a successful change of use I envisage the subject estate continuing to prove problematic. The location and the specific nature of the estate have rendered its commercial use as unviable and obsolete.'*
- 6.8 It is not considered that this information points to market signals which suggest the site is no longer required for employment purposes. There is no evidence of any marketing exercises of the units over the past 2 years for the premises that are vacant or partly used for storage by Medina Dairy, and so it cannot be deduced that market signals would suggest the site is no longer required for employment purposes.
- 6.9 Medina Dairy, Howdens and Windsor Vehicle Leasing (WVL) Ltd currently operate on the site. The applicant makes the case that Howden's and WVL buildings are subject to leases which have ended; when development is permitted the occupation terminates. They further explain that that WVL has premises close by including Clarence Road, Windsor, and that Howden's has depots in adjacent towns.

- 6.10 The terms of the leases that these businesses have is not telling of whether the market signals indicate whether there is a requirement for employment land at this site. It is acknowledged that Howden's has depots in other towns, however, it is not understood that this suggests Howden's no longer require a depot in Windsor. In respect of WVL who operate out of the site, this business has objected to this planning application on the basis the redevelopment scheme does not take account of the successful business which operate out of this site, and in the case of WVL they state that their other premises on Clarence Road are occupied exclusively by the sales team, and they are not suitable or large enough to accommodate the head office staff, workshop/accident repair operations and secure the vehicle compound (which are all based at Shirley Avenue).
- 6.11 Based on the fact that businesses are operating out of the site at present, and WVL have indicated their continued requirement for the premises, it is not considered that market signals would indicate that there is no longer a requirement for this employment site. On this basis, there is not considered be evidence that would indicate a decision should be made to depart from the policy in the adopted Local Plan for the protection of this employment site.

Relationships to neighbouring residents and occupiers

- 6.12 The scheme that was refused under planning reference 15/03465/FULL is a material consideration in the determination of this proposed scheme; the application was determined in August 2016.

Building A

- 6.13 In the previously refused scheme it was considered that building A would be overdominant to number 52 Vale Road. It was also concluded that the windows and balconies in the eastern elevation of this building would overlook the rear gardens of East Crescent, with number 60 being the worst affected.
- 6.14 In this current scheme, the layout of building A has been altered so that the distance between the proposed building and the rear garden of number 52 Vale Road is increased from the previously refused scheme. In addition, the fenestration on the eastern elevation of this building has been altered so that Juliette balconies are not provided on part of this elevation which is closest to the boundaries with the rear gardens on East Crescent. It is considered that the changes made to this building would ensure that the building is not unduly overbearing, or would not result in unacceptable levels of overlooking to neighbouring properties.

Buildings B1 and B2

- 6.15 Buildings B1 and B2, the group of six houses, have been designed to step down towards the East Crescent boundaries, and are not considered to have an unacceptable impact on the properties on East Crescent which abut this part of the site.

Building C

- 6.16 On the previously refused scheme, this building was a part three, part 4 and part 5 storey building. The fifth storey part of the building had a height of 17.4 metres. The fourth storey element was up to 13.5 metres high. There were issues of overlooking from windows in the southern elevation of the proposed building, and the west- elevation balconies on the first, second and third floors were deemed to provide views in the rear of other East Crescent properties.
- 6.17 In this current scheme, the height to the highest point of this building is circa 13.5 metres. The section of the building that would be closest to the rear boundaries of numbers 38 and 40 East Crescent would be 3 stories in height and have a height of circa 9.8 metres. The reduction in this scale of the building overcomes issues of the building being unduly overbearing to the rear garden areas of the properties on East Crescent. Changes have been made to the fenestration on the southern elevation of the proposed building so that on the part of the building closest to the boundary with the gardens on East Crescent, the windows will either be high level or obscurely glazed. The rooms which these windows would serve have other primary windows which provide outlook and daylight. It is considered that if a condition was imposed to ensure

these windows (not high level windows) in this part of the building were obscurely glazed, it would prevent unacceptable overlooking to neighbouring properties. The balconies in the western elevation have been designed to reduce the level of views out onto rear gardens of East Crescent than in the previous scheme, and these are considered to have an acceptable impact on neighbouring properties.

Building D

- 6.18 Building D would be a part-three, part-four and part-five storey building. The proposed building is next to a site which benefits from planning permission for 14 dwellings (the site is to the north of the application site). In the previously refused scheme it was concluded that the gardens to plots 13 and 14 in the approved scheme at the neighbouring site would be overlooked from building D; this was from windows in the northern elevation, and from the balconies on the north eastern corner of the building. In this current scheme, building D has been amended so that the fenestration in the northern elevation of the proposed building has been reduced, with many of the windows in this elevation to be high level windows. The changes in this elevation would avoid unacceptable levels of overlooking to the rear garden areas of plots 13 and 14 in the scheme to the north of this site. Balconies are shown on the north eastern corner of the proposed building, however, privacy screens could be put in to prevent overlooking to this neighbouring site (this could be secured by planning condition).

Building E

- 6.19 In the previously refused scheme, it was considered that Building E (five stories) would also have a range of north-facing windows and balconies facing the Vale House site which would result in some actual and perceived overlooking, particularly of the rear gardens at those properties. In this current scheme, the north elevation of building E has been changed so that Juliette balconies are removed; this elevation now has high level and obscure glazed windows, and this overcomes the previous concern on overlooking.
- 6.20 Building F would be sited next to commercial properties to the north, therefore there would not be unacceptable impact on neighbouring residential amenity from this proposed building.

Scale, site layout, building design and landscaping

- 6.21 Changes have been made to the design and layout of this scheme to overcome the reason for refusal on the previous scheme over the harmful impact on the character and appearance of the area.
- 6.22 In the previous refused scheme, concern was raised that buildings A and F (those buildings to the front of the site facing Vale Road) failed to provide an adequate street frontage with Vale Road. In the current scheme, the appearance of buildings A and F have been changed so they have a more simple appearance and have less vertical emphasis than the buildings in the previously refused scheme. The proposed buildings have also been designed to provide a stronger frontage with Vale Road.
- 6.23 On the previous scheme, there was concern over the way in which a bin/cycle store was placed in front of building F, which impacted on the relationship this building would have with Shirley Avenue. In this current scheme, the cycle/bin store has been removed from this location, which improves the relationship of the proposed building with Shirley Avenue. The elevations to buildings A and F which face Shirley Avenue are considered to create an adequate frontage to this road.
- 6.24 On the previously refused scheme, criticism was placed over the gardens to buildings B1 and B2 being located along the street frontage with Shirley Avenue. It was considered that the brick pillars and close boarded fencing on the boundaries to these plots would look at odds with the character of the area. In the current scheme, brick pillars are not shown on this boundary. The details of the boundary treatment to these plots could be secured by planning condition.

- 6.25 The dominance of car parking between building B2 and building C was an issue raised in the previously refused scheme, it is acknowledged that a large amount of car parking still existing in this location. Building C has been reduced in height from the previously refused scheme and so it is considered this overcomes the issue over the visual dominance of this building on the access to Clewer Memorial Recreation ground.
- 6.26 In the previously refused scheme it was considered that the design was devoid of architectural interest, and it was considered that the balconies looked like 'add on' features and had not been integrated in the structures of the building. In this current scheme, more definitive principal elevations have been provided, the scale of buildings have been altered so that buildings have a better relationship with the scale of buildings within the local area. The design of the buildings have been simplified, which is more in keeping with the character of other buildings in the locality.
- 6.27 There are still some concerns with the proposed layout, which include the location of the bin store of block D in a prominent location, however, the applicant considers that this is the most appropriate location for the store and the materials use for the bin enclosure would have an acceptable impact on the appearance of the scheme. Concern was also raised with the applicant over the quality of the Local Area of Play; ideally this space would not have so many parking bays surrounding it, however, provided decent landscaping is implemented to provide a buffer, it is not considered that this would be a serious concern.
- 6.28 It should be noted that the soft landscaping scheme submitted is not a realistic tree planting scheme. Some trees are shown to be positioned in close proximity to buildings, or would be placed on a small area of soft ground next to a parking space. The proposed landscaping scheme fails to take account of the location, the size of trees at the time of planting, the species characteristics, and ultimate height and spread, and so some trees would not survive. It cannot be assumed that the landscaping scheme submitted is one that would be provided in reality.

Flood risk issues

- 6.29 The site is subject to a high risk of flooding (Flood Zone 3a). Residential development is defined as a "more vulnerable" use within Planning Practice Guidance (PPG), and such development is considered appropriate in flood risk terms within Flood Zone 3 subject to satisfying other flood related criteria.
- 6.30 In line with national planning guidance, a sequential test assessment has been undertaken (this is that there are no other sites at a lower risk of flooding that could accommodate this development which are reasonably available). The area of search is borough wide and uses the SHLAA 2014 and sites put forward in the draft Borough Local Plan. The Sequential Test concludes that there are no other sequentially preferable sites, and it is agreed that the Sequential Test is passed.
- 6.31 If it is accepted that the Sequential Test can be passed, it is then a requirement for the development to pass the Exceptions Test, as the proposal is for a 'more vulnerable use' within flood zone 3A. There are two parts to the Exceptions Test, which are:
1. it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
 2. a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
- 6.32 In the previously refused application, the application failed the Exceptions Test for the reason that the scheme failed to demonstrate that it would result in wider sustainability benefits to the community that outweigh flood risk and as such the development cannot pass the Exceptions Test, as it was not demonstrated that a safe escape for the future occupiers of the neighbouring Vale Road site or residents from Rutherford Close could be secured. The applicant is willing for this route to be secured through a S106 agreement, however, this access would only be safe in a 1 in 100 year flood event, not if the +35% climate change allowance was applied.

- 6.33 The scheme should be accompanied by a FRA which demonstrates the development will be safe for its lifetime taking into account the vulnerability of the users, without increasing flood risk elsewhere, and this FRA should take into account climate change allowance, as set out in Paragraph: 029 Reference ID: 7-029-20140306 of the National Planning Practice Guidance.
- 6.34 The FRA sets out that a flood compensation scheme demonstrating an increase in floodplain storage capacity over the site of 928 cubic metres, on a level-for-level basis up to the modelled 1 in 100 (1%) annual probability +35% allowance for climate change flood level can be provided and that proposed ground floor levels set a minimum of 300mm above the modelled 1 in 100 (1%) annual probability +35% allowance for climate change level which would mean the finished floor level is set at 21.51 metres OD. It is not known if compensation is possible when the 70% climate change allowance is applied.
- 6.35 In terms of the evacuation route for future occupiers in the event of a flood event, the FRA confirms that a continuous safe access arrangements provided at the modelled 1 in 100 (1%) annual probability event via raised elements (including natural ground, raised walkways and elevated road crossings) running through the site and onto the public footpath on Vale Road in the south-west corner of the site can be achieved. However, when +35% climate change allowance is applied a safe evacuation route cannot be achieved. The 70% climate change allowance has not been applied.
- 6.36 The applicant sets out that all dwellings would be provided with a Flood Risk Management Plan to advise occupants of the risks in a more severe flood event, the most appropriate route out of the floodplain, and the measures to take before, during and after a flood has occurred. Flood Evacuation Plans are not accepted as a way to overcome a scheme not having a safe escape route. Also this scheme is for 89 independent C3 dwellings; there is no way to manage and ensure all future occupiers follow the correct evacuation procedure in a flood event, and so an evacuation plan cannot be relied upon to ensure the safety of future occupiers in a flood event. On this basis, the scheme fails to provide a safe escape route for future occupiers in a flood event, and so it fails to comply with the second part of the Exceptions Test.
- 6.37 The NPPG requires residual flood risk to be taken into account. Residual risks are those remaining after applying the sequential approach to the location of development and taking mitigating actions. The RBWM SFRA explains that within defended areas there will always be a residual risk of flooding. This may be due to an extreme event that overtops the design 'height' of the defence, changing climatic conditions that increases the frequency and severity of extreme flooding, a structural failure of the constructed flood defence system, or flooding behind the defences due to local runoff or groundwater. The RBWM SFRA includes a map to provide an indication of areas that may be at risk as a result of catastrophic defence failure within the Borough, however, a series of 'danger envelopes' have been established using the principles of FD2320 within the SFRA. The application site is not shown to be in an area of hazard if there was catastrophic defence failure within the SFRA. The SFRA sets out that a residual risk of flooding remains, however, associated both with an event that may exceed the design capacity of the defences, and/or a structural failure. Based on this, it is imperative that this risk is interrogated, and safely mitigated through design, as part of the detailed site based Flood Risk Assessment (FRA).
- 6.38 The site specific FRA sets out that it is noted that, based on the above floor level, shallow flooding of up to 240mm would occur in the 1 in 100 annual probability +70% allowance for climate change event and that the residual risk associated with this can be addressed through the incorporation of flood resilience measures up to the 21.76m AOD flood level. The FRA states that the proposals include a surface water drainage strategy that demonstrates a significant reduction in peak runoff rates generated by the site, although comments are awaited from the LLFA in respect of the Sustainable Drainage.

The mix of housing types and tenure, including affordable housing

- 6.39 Policy H3 and the SPD on Affordable Housing requires that residential development sites of 0.5 ha or more in area, and / or those that would result in a net increase of 15 units or more, should provide a proportion of affordable housing on site.

- 6.40 The proposed level of affordable housing at 27 dwellings meets the requirements of Local Plan Policy. The provision of affordable units across blocks A and F is considered to be acceptable. The applicant has agreed to provide affordable rented dwellings (up to 80% of the market value) within Block A, and within block F there would be 10 shared ownership and 5 rent to buy. The applicant has agreed for the affordable dwellings to be delivered by a local registered provider of social housing. The provision of the affordable housing within the scheme should be secured through a legal agreement.

Loss of community use

- 6.41 Technor House has an existing community use, as noted in the planning history. Local Plan policy CF1 provides that the Council will not allow the loss of community facilities to occur unless it can be demonstrated that the facility is no longer needed, or the facility is provided elsewhere. The loss of this community facility was a reason for refusal in the previous application.
- 6.42 The applicant sets out that a Grampian condition would be an appropriate method of securing another community facility, or failing this it could be incorporated into a legal agreement. They explain that the search for premises is underway and when they find something suitable they hope to agree a conditional purchase subject to their planning application being acceptable. The applicant advises they have already made a commitment that the current facility will not be closed until other suitable premises are operational. The applicant refers to guidance and case law about the use of Grampian conditions and why they feel the use of a Grampian condition would be acceptable in this case.
- 6.43 The NPPG explains that conditions requiring works on land that is not controlled by the applicant, or that requires the consent or authorisation of another person or body often fail the tests of reasonableness and enforceability (of the tests for imposing planning conditions). The guidance explains that it may be possible to achieve a similar result using a condition worded in a negative form (a Grampian condition) – i.e. prohibiting development authorised by the planning permission or other aspects linked to the planning permission until a specified action has been taken. However, the guidance advises that such conditions should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission. In this case, the applicant has not found suitable alternative premises, and as such the LPA could not be satisfied the securing of an alternative community premises could be achieved within the 3 year time frame of permission.
- 6.44 This scheme shows the complete demolition of buildings on site, and so if planning permission was granted the applicant can (following discharge of conditions) demolish all buildings on site, including Tenchor House. The application fails to comply with Policy CF1 of the Local Plan.

The amenity of future residents of the building

- 6.45 In the previously refused scheme, it was a concern that there were three single aspect flats in Building C that were north facing, which would not be capable of receiving direct sunlight other than in the early morning and evening in the summer months. The layout of this building has been changed so that habitable room windows do not only have one window in the north facing elevation.
- 6.46 A concern was raised in the previous scheme over the use of high level windows or obscure glazing to serve rooms which would create poor living conditions for future occupiers. In this current scheme, although high level windows and obscure glazing is used on certain elevations (particularly those in close proximity to neighbouring residential boundaries), the habitable rooms which they serve have other windows or balconies which provide sources of light and outlook to these rooms.

The adequacy of car parking and the impact on highway safety in the area.

- 6.47 The proposed 89 units (based on the dwellings in blocks B1 and B2 being 3 bedrooms) would require 125 car parking spaces to be provided. It is noted that some of the dwellings in blocks B1 and B2 could have a fourth bedroom (if the room marked as a study was used as a bedroom) and this would result in 129 parking spaces to be provided in accordance with the Council's parking strategy. The scheme provides for 128 parking spaces which would result in a shortfall in

parking spaces would be 1 space. If there was a deficit of 1 parking space this is considered to be acceptable, given the location of this site, and future occupiers could park on Shirley Avenue and not place unacceptable parking pressure on the surrounding road network.

- 6.48 In terms of traffic, the proposed scheme would result in a reduction in traffic when compared to that on the existing site (if operating at full capacity). Owing to the size of the development, the submission of a residential travel plan should be provided (the threshold for a residential travel plan is set out in the SPD on Planning Obligations and Development Contributions). A travel plan should be secured through a legal agreement.

Impact on trees

- 6.49 T5 which is a *Carpinus betulus* (hornbeam) is a protected tree which is a prominent feature in the rear garden environment of East Crescent and within Shirley Avenue. On the previously refused scheme this tree was and is subject to a Tree Preservation Order, but this did not show on the mapping owing to a technical error. Block B1 would make a slight incursion into the Root Protection Area of this tree, and owing to the proximity of the proposed building to this tree, it is likely pruning will be required for construction related activities to take place. The habitable rooms and rear garden amenity space in block B1 closest to the southern boundary will be located within and under the canopy of this tree, and this does not take account of the future growth potential of this tree. There will be significant post development pressure from future occupiers to fell or detrimentally prune T5 as a result this relationship which would be harmful.
- 6.50 Since the consideration of the previously refused scheme, a Tree Preservation Order has been served to protect the parkland trees aligning the east boundary of the application site, and 2 hornbeam trees located in south-east corner of Goswell House. In the previously refused scheme, the trees along the boundary with the application site could have been pruned back to the boundary under common law as they were not protected at that time. However, now consent would be required from the Council to cut these trees back owing to their protected status.
- 6.51 Given the proximity of blocks C and D to the trees that align this boundary on the park, and the fact that some of the trees have not reached full maturity, this scheme would result in a pressure to prune back these trees which would erode the amenity value these trees have, and eventually it is likely to result in the removal of these trees. The pruning back or removal of these trees would have an unacceptable impact on the character of the area.

Ecology

- 6.52 A detailed inspection survey of the buildings was undertaken in August and September 2015. The inspection revealed a small number of bat droppings on a door within one of the buildings. Further dusk emergence and dawn return to roost surveys were undertaken in August and September 2015 and June 2016. One common pipistrelle was recorded emerging from Building during the further surveys. No bats were recorded roosting within any of the other buildings on site.
- 6.53 One common pipistrelle bat was recorded emerging from the building during the surveys. Therefore, without mitigation, the development would be in breach of the legislation protecting bats. However, given the type of roost and the size and nature of the development, it is likely that appropriate mitigation can be included within the development proposal in order to maintain the populations of bat species at a favourable conservation status in their natural range. Mitigation should include, but not be limited to, native species planting and the installation of bat roosting opportunities within the new buildings and retained mature trees. This detail should be included within the application, and not left to planning condition.

Other Material Considerations

- 6.54 The Environmental Protection officer has requested conditions to be included in any planning permission. It is considered that conditions relating to contaminated land, measures to protect against aircraft noise are considered to be necessary for the scheme. However, conditions relating to working hours and plant and equipment are not considered necessary for a residential scheme. In terms of a condition for light, this is not considered necessary in a built up area such

as this, where there is already lighting. With regard to a condition for asbestos, this is for the developer to deal with this in the appropriate way, and it is covered by different legislation. In terms of air quality, this site is not in the Air Quality Management Area, and the proposal is likely to reduce traffic movements compared to the existing use.

- 6.55 The provision of a Sustainable Drainage Scheme is a requirement for a major development. The application provides a SUDS scheme, however, the Local Lead Flood Authority has been asked to comment on further information. Comments from the LLFA will be reported in the update to Panel.

Housing Land Supply

- 6.56 Paragraphs 7 and 14 of the National Planning Policy Framework (NPPF) set out that there will be a presumption in favour of Sustainable Development.

- 6.57 Paragraph 49 of the NPPF states that applications for new homes should be considered in the context of the presumption in favour of sustainable development, and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The Borough Council cannot demonstrate a 5 year housing land supply.

- 6.58 Within Paragraph 14 of the NPPF it is set out that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. It explains that for decision-taking this means:

approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

- 6.59 It is acknowledged that this scheme would make a contribution to the Borough's housing stock through the provision of 89 residential units and this weighs in favour of the application. However, there are several harmful impacts resulting from this proposal which include:

- the loss of employment land within an allocated employment site which has several businesses operating there,
- the issues surrounding flood risk and that future occupiers of the development cannot achieve a safe escape route in a 1 in 100 +35% climate change flood event
- the harmful impact upon protected trees which make an important contribution to the character of the area
- the loss of a community facility.
- potential harmful impact on protected species

It is considered that that the socio-economic benefits arising from the provision of 89 additional dwellings would be significantly and demonstrably outweighed by the adverse impacts listed above, contrary to the adopted local plan policies, all of which are essentially consistent with the NPPF, and to the development plan as a whole.

Community Infrastructure Levy

- 6.60 The development is 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 would be £1358400 on the basis of a net increase of 5,660 square metres.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

The application was advertised in the Maidenhead & Windsor Advertiser on the 23rd February 2017 and the planning officer posted a statutory notice advertising the application at the site on the 24th February 2017.

46 occupiers were notified directly of the application.

2 neighbours and interested parties have written to object to the application, summarised as:

| Comment | | Where in the report this is considered |
|---------|--|--|
| 1. | Note the scheme is not substantially different from the refused scheme in terms of quantum and therefore limited in its scope to address the concerns raised with layout. | 6.2-6.11 |
| 2. | Concerned with the failure to provide the community facility. The application seems to acknowledge the need for this to resolved but is advocating a Grampian condition restricting development until its relocation can be secured. This would seem to be an acknowledged that the issue at present remains unresolved. | 6.41-6.44 |
| 3. | There has been no change to the designation of the site since the previous application that was refused. Windsor Vehicle Leasing who operates on the site has made representations through the emerging local plan process to set out how the site and adjoining land could be developed as a mixed using scheme to meet the Council's aspirations for both additional housing and retention of employment. It would not be appropriate for the Council to allow this application ahead of proper consideration of legitimate and valid objections being heard through the Local Plan process. | 6.2-6.11 |
| 4. | The scheme makes no provision for the existing and successful business which occupy the site. The scheme will have a huge impact on the business and jobs they provide, this is at odds advice in the NPPF about employment. Paragraph 22 highlights the need to consider alternative uses for employment sites where there is no realistic prospect of a site being used for the allocated employment use- this is patently not the case here. The proposal does not meet the definition of sustainable development and the presumption in favour does not apply. | 6.2-6.11 |
| 5. | It is our belief that two storey buildings should be the maximum height. The development is totally out of keeping with the area and overdevelopment of the site. | 6.2-6.20 |
| 6. | High traffic impact from the 89 residential units. | 6.48 |
| 7. | Building C would still overlook properties on East Crescent and will dominate the skyline. | 6.16-6.17 |
| 8. | Many windows in the south elevation of block C will not be obscure glazed and will result in loss of privacy to the properties on East Crescent. | 6.16-6.17 |
| 9 | Allowing this development would set a precedent; there is nothing of a similar height in close proximity to gardens. | 6.21-6.28 |
| 9. | Believes there is bat colony in the existing building to be demolished- these are protected species. | 6.52-6.53 |
| 10 | Windsor Vehicle Leasing advises that a new lease was granted in February 2015. | 6.2-6.11 |

| | | |
|--|--|--|
| | <p>Although the business has other premises in Clarence Road, they are occupied by the sales team and comprise a small car show room and display forecourt. They are not suitable or large enough to accommodate the head office staff, workshop/accident repair operations and secure the vehicle compound (which are at Shirley Avenue)</p> <p>Prior to the move to Shirley Avenue, the company owned premises in Alma Road, which RBWM acquired to develop the public car park.</p> | |
|--|--|--|

Statutory consultees

| Consultee | Comment | Where in the report this is considered |
|---------------------|--|--|
| Environment Agency: | <p>The proposed development will only meet the requirements of the National Planning Policy Framework if the following measures as detailed in the Flood Risk Assessment Medina Shirley Avenue Development, Windsor, Flood Risk Assessment On behalf of Medina Property Ltd. Project Ref: 28032/001 Rev: A Date: January 2017 submitted with this application are implemented and secured by way of a planning condition on any planning permission.</p> <p>Condition The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA) Medina Shirley Avenue Development, Windsor, Flood Risk Assessment On behalf of Medina Property Ltd. Project Ref: 28032/001 Rev: A Date: January 2017 and the following mitigation measures detailed within the FRA:</p> <ol style="list-style-type: none"> 1. There will be a betterment of 928m3 of flood storage capacity as shown in Table 5.1 on the FRA. 2. Finished flood levels are set no lower than 21.51 meters above Ordnance Datum. 3. The improvement/protection and maintenance of the proposed flood defenses in buildings D and E include basement areas will be provided. 4. Any walls or fencing constructed within or around the site shall be designed to be permeable to flood water. 5. There shall be no storage of any materials including soil within the 1% annual probability (1 in 100) flood extent with an appropriate allowance for climate change. <p>The mitigation measure(s) shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.</p> <p>Reason</p> <ol style="list-style-type: none"> 1. To reduce the risk of flooding to the proposed development and future occupants. | 6.29-6.38 |

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| | <ol style="list-style-type: none"> 2. To prevent increased flood risk elsewhere as a result of this development by ensuring that the flow of flood water is not impeded and the proposed development does not cause a loss of flood plain storage 3. To ensure that during a flood event there is not an unacceptable risk to the health and safety of the occupants and an increased burden is not placed on the emergency services. 4. To ensure the structural integrity of existing proposed flood defenses thereby reducing the risk of flooding. 5. To prevent the increased risk of flooding due to impedance of flood flows and reduction of flood storage capacity. 6. To prevent obstruction to the flow and storage of flood water, with a consequent increased risk of flooding. 7. To ensure that there will be no increased risk of flooding to other land/properties due to impedance of flood flows and/or reduction of flood storage capacity. | |
| Lead Local Flood Authority | <p>Following our review of the information submitted above the following additional information is required to enable this planning application to be considered further:</p> <p>_ A revised surface water drainage strategy with supporting calculations incorporating the correct invert levels of the existing surface water sewers as stated by the Thames Water records.</p> | 6.55 |

Other consultees and organisations

| Consultee | Comment | Where in the report this is considered |
|-----------|--|--|
| Highways: | <p>The development proposes a 3m wide shared pedestrian and cycle footway to the south of Shirley Avenue and resurfacing the new road network. The pedestrian path from the east of Shirley Avenue across the playing fields and through to Clewer Memorial Recreation Ground will be retained.</p> <p>Whilst there are no material changes proposed to the Vale Road and Shirley Avenue junction, there does appear to be a slight change in the road alignment and given that Shirley Avenue is a public highway, we would expect the road to be stopped-up and re-adopted when the works are completed. The extent of the areas of adoption will have to be agreed between RBWM and the developer and would be the subject of a S38 & 278 Agreement (Highways Act 1980).</p> <p>The development provides 128 spaces set against the Borough's standard set at 125 spaces.</p> <p>CYCLE PARKING PROVISION</p> | 6.47-6.48 |

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| | <p>The Transport Assessment reports that a total of 89 secure parking spaces are proposed, which would comply with the Borough standard.</p> <p>REFUSE PROVISION The submission includes a swept path analysis of a tracking of a typical size refuse vehicle, which is adequate.</p> <p>TRANSPORT ASSESSMENT The application is accompanied by a Transport Assessment (TA). Briefly, the purpose of the TA is to report on any transport issues relating to the development and, identify measures to be taken to overcome the anticipated transport impacts of the scheme.</p> <p>On the whole the TA is considered acceptable.</p> <p>VEHICULAR MOVEMENTS The previous proposal had the potential to generate circa 486 trips per day, compared with 742 for the existing site use. Given that this application seeks permission for a reduced number of units, there is the likelihood that the proposal would result in a further reduction in vehicular trips onto the surrounding highway network.</p> <p>RIGHTS OF WAY: N/A</p> <p>RESIDENTIAL TRAVEL PLAN: The size of the development warrants the submission of a Residential Travel Plan.</p> <p>CONCLUSION The Highway Authority raises no objection to the proposed development and considers the reduction in the number of residential units as a highway gain.</p> <p>If the Planning Authority is minded to approve the application we recommend the inclusion of conditions for-</p> <ol style="list-style-type: none"> 1. Construction management plan 2. Parking and turning areas retained 3. Details of cycle parking to be submitted 4. Refuse storage to be provided in accordance with approved details. | |
| Council's Housing Enabling Officer | <p>The proposed level of affordable housing at 27 dwellings is welcomed as a policy compliant provision. The provision across blocks A and F is acceptable. Properties should be provided to the nationally prescribed space standard with 1 bedroom flats achieving a minimum of 50m² and 2 bedroom flats at a minimum of 70m².</p> <p>Affordable dwellings should be constructed in order that the development is tenure blind. We would welcome a better tenure balance of affordable tenures in this provision namely: Block A: Affordable rented dwellings Block F: 10 Shared Ownership and 5 Rent to Buy dwellings (located across first floor and 1 dwelling</p> | 6.39-6.40 |

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| | <p>from the ground floor)</p> <p>We would request that the affordable dwellings are delivered by a local Registered Provider of social housing and can provide further details of providers if required.</p> | |
| Environmental Protection: | <p>Requested conditions to be included in any planning permission for:</p> <ol style="list-style-type: none"> 1. Contaminated land 2. Working hours of operation 3. Plant, equipment, machinery and maintenance 4. Dust emissions 5. Aircraft noise 6. Light pollution 7. Asbestos and air quality | 6.54 |
| Ecology: | <p>A detailed inspection survey of the buildings was undertaken in August and September 2015. The inspection revealed a small number of bat droppings on a door within one of the buildings. Further dusk emergence and dawn return to roost surveys were undertaken in August and September 2015 and June 2016. One common pipistrelle was recorded emerging from Building 5 during the further surveys. No bats were recorded roosting within any of the other buildings on site.</p> <p>All species of bat are protected under the Conservation of Habitats and Species Regulations 2010, as amended, the Countryside of Rights and Way Act 2000 and the Wildlife and Countryside Act 1981, as amended. This makes it illegal to deliberately or recklessly kill, injure, capture or disturb bats, obstruct access to bat roosts or damage or destroy bat roosts, whether occupied or not. Seven bat species are also considered Species of Principal Importance (SPI's) under Section 41 of the NERC Act 2006.</p> <p>When determining planning applications that may have an impact on bats, the LPA, in its role as competent authority, must give due regard to the full provisions of the species protection afforded under the Conservation of Habitats and Species Regulations 2010 (as amended). In particular, the LPA must be satisfied that the proposal adequately addresses the following three legal tests before making a planning decision:</p> <ol style="list-style-type: none"> 1.the consented operation must be for 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'; (Regulation 53(2)(e)); 2.there must be 'no satisfactory alternative' (Regulation 53(9)(a)), and; 3.the action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range' (Regulation 53(9)(b)). <p>The first two tests are outside the scope of advice provided by myself as they do not relate to ecology. With regards to</p> | 6.52-6.53 |

| | | |
|-----------------------|---|-----------|
| | <p>the third test, one common pipistrelle bat was recorded emerging from the building during the surveys. Therefore, without mitigation, the development would be in breach of the legislation protecting bats and would not be able to satisfy test 3. However, given the type of roost and the size and nature of the development, it is likely that appropriate mitigation can be included within the development proposal in order to maintain the populations of bat species at a favourable conservation status in their natural range. Mitigation should include, but not be limited to, native species planting and the installation of bat roosting opportunities within the new buildings and retained mature trees.</p> <p>If the local planning authority is minded to grant planning permission, it is recommended that a suitably worded planning condition is included requiring a copy of a European Protected Species Licence for bats (or conformation the site is registered under Bat Low Impact Class Licence) issued by Natural England, is provided to the Local Planning Authority prior to the commencement of site works and that the development be carried out in accordance with the details within the agreed licence.</p> <p>If planning permission is granted, suitably worded conditions should be included in regard to potential impacts on reptiles in two small areas of vegetation that would be cleared as part of the proposals, and for birds. Biodiversity Enhancements are also recommended in any acceptable application.</p> | |
| Berkshire Archaeology | <p>This proposal is for a reasonable scale of development in suburban Windsor within a site of over one hectare in area. However Berkshire Archaeology's Historic Environment Record (HER) notes very few known archaeological monuments or finds spots within 500m of Shirley Avenue. This site has also been substantially developed and there is currently little, if any, areas of the site that have not been impacted by the construction of buildings, roads and hard standings.</p> <p>On the basis of the above, Berkshire Archaeology is content that the archaeological potential of this site is limited and therefore no mitigation of the archaeological impacts are sought in relation to this proposal. No further action is therefore required as regards the buried archaeological heritage. This is consistent with Berkshire Archaeology's advice for the previous, similar proposal 15/03465/FULL.</p> | Noted. |
| Tree Officer | <p>My main concern is that trees do not appear to have been fully considered at the design phase; this would help to ensure that all tree related constraints and implications (current and future growth potential, root morphology etc.) are recognised and the site layout planned, in accord with the above, to ensure successful tree retention and without adversely affecting the character and appearance of the area.</p> <p>The root protection areas of all on/off site trees that could</p> | 6.49-6.51 |

be directly affected by the proposed development have not been annotated upon the Tree Protection Plan (TPP) therefore the overall impact of the proposed development can therefore not be accurately assessed.

The current British Standard 5837:2012 Trees in relation to design, demolition and construction– Recommendations (BS5837:2012) provides specific guidance within sections 5.2.3 (design layout, potential incompatibilities between the site layout and proposed trees for retention), 5.3.4 (characteristics, condition of trees, shading of buildings/open spaces, current and future growth potential, future pressure for removal and seasonal nuisances) and 6.3 (shade, relationship of windows to trees, damage, apprehension, seasonal nuisances).

A realistic shade assessment taking into account current tree height and width, and ultimate height and width has not been undertaken, or submitted to justify the proposed site layout. Current and future shading issues are disused below for individual housing blocks directly affecting boundary trees and vice versa.

If structures (including hard surfacing) are proposed within the root protection area of a retained tree it will require an overriding justification (5.3.1 of BS5837). The project arboriculturist will also need to demonstrate that the tree can remain viable, the area lost to encroachment can be compensated for elsewhere contiguous with the RPA and mitigation measures to improve the soil environment of the tree can be implemented. No overriding justifications have been provided by the project arboriculturist.

Block A

The Lawson cypress hedge (G1) located adjacent to the southern boundary of the site within the rear garden of Vale Lodge 52 Vale Road is currently 8m tall, 19.98m long. The northern canopy of G1 will be located 3.45m from the south elevation block A.

The current height of G1 will restrict a) sunlight and daylight to the block A southern ground floor residential plots and b) sunlight and daylight to the limited amenity space between the southern elevation of block A and the southern boundary of the application site.

The BRE Guide for Hedge Height and Light Loss would suggest that the off-site hedge would need to be reduced to a height of 2.7m (3m) to avoid causing significant loss of daylight and sunlight to these plots.

There will be certain post development pressure to significantly prune these trees to increase light levels, and there is a high probability future occupiers issuing a High Hedge complaint to the Local Authority to abate this perceived nuisance.

Block B1

Block B's footprint lies significantly outside the existing footprint of the building it replaces. The south west corner of the new residential building is planned to be sited directly within the canopy and root protection area of T5 *Carpinus betulus* protected hornbeam tree.

T5 is prominent feature in the rear garden environment of East Crescent and within Shirley Avenue, and contributes positively to local landscape in terms of amenity.

According to the submitted tree schedule T5 is currently 12m tall and has on average 6.5m wide. Taking into account the future growth potential of T5 (ultimate height of 20m and radial crown spread of 7.5m), there are significant concerns about possible threats to the T5's continued good health and longevity, arising from :

- A. The need to laterally tip reduce the north, north-east and eastern sectors of the trees canopy by at least 2.5m away from the building to provide adequate space for construction related activities and temporary structures such as scaffolding. The removal of such branch material would result in extensive leaf loss and the creation of multiple large pruning wounds. This would impair the trees' ability to photosynthesise and produce carbohydrates (food to sustain themselves), and make the trees more susceptible to disease and decay. It will also make T5 look unattractive, spoiling its natural shape and thus detrimentally affecting its amenity value.
- B. The planned Incursion (foundations) of block B and to lesser extent, but nether less important cycle area in to the root protection area of T5 will lead to the loss of roots and rooting environment for the tree essential for maintaining tree health and vitality. This will have a long term detrimental impact upon tree health expediting its demise. The ability of a tree to tolerate some disturbance and alteration of its growing conditions is dependent on specific circumstances and site conditions. In general the older the tree the less successfully it will adapt to the new conditions. In this instance due to the age of the tree and the already restricted rooting area I would not anticipate that it would be possible to provide suitable compensation or mitigation for encroachment into the root protection area

of T5.

C. The habitable rooms and 2/3 of the rear garden amenity space for plot closest to the southern boundary will be located within and under the canopy (existing – not taking into account future growth potential) protected tree T5. There will be significant post development pressure from future occupiers to fell or detrimentally prune T5 as a result of real householder concerns relating to restriction of light, dominance, and perceived and actual danger from falling limbs. The cramped juxtaposition between Block 'B' and the Hornbeam tree would serve to highlight the actual and perceived risks. This is notwithstanding any other potential issues which may arise in terms of falling debris or branches, blocked gutters, shading of a large part of the small allocated gardens, or simply in relation to its overbearing presence as the trees reach full maturity.

Whilst protection afforded by the TPO 003/2007 would enable the Council to control any future tree work, it would be more difficult for it to refuse an application to cut-back or even remove a tree that was threatening the safety of the occupiers, or having a harmful effect on their enjoyment of the property. There can be no certainty that such pressures could be reasonably resisted. Trees protected by a TPO merit special care, and this tree is no exception. If its appearance were to be stunted by pruning, its amenity value would be diminished and this would unacceptably harm the sylvan character of the Shirley Avenue and East Crescent.

Block B2

The footprint/foundations of block B1 will incur directly into the RPA of T7. Its impact upon the Lawson cypress group G2 cannot be assessed due to the fact the RPA's of this hedge have not been plotted onto the Tree Constraints and Tree Protection plan.

G2 is located just beyond the southern boundary of the application site and its height is recorded at 4.5m with a total length of 9m. Its canopy is located less than 1.3m from the southern edge of block B2.

The current height (not taking into account future growth potential) 20-25m tall by 10m wide, of G2 will restrict sunlight and daylight to the southern block B ground floor residential plot.

The BRE Guide for Hedge Height and Light Loss would suggest that the off-site hedge would need to be reduced to a height of 2 (3m) to avoid causing significant loss of daylight and sunlight to flats 3 and 8 in the new

development.

The early mature parkland trees aligning the eastern boundary of the application site, are as a collective group are categorised as A2 under the cascade chart of the current British Standard 5837:2012 Trees in relation to design, demolition and construction– Recommendations (BS5837:2012). They are principle landscape features within the local and wider landscape and positively contribute to the character and appearance of the area. They additionally help soften the built form of the light industrial area within Shirley Avenue.

Block C

It is important to note that whilst T20 and T21 will not be considered a constraint due to their limited landscape contribution, the footprint of the proposals is within their Notional Root Protection Areas and tree canopies. Whilst the applicant has the common law right to cut back any encroaching roots or branches to the boundary line to facilitate an approved development, this may cause the neighbouring trees to become unstable and have a negative impact on their health and appearance. Should the tree(s) fail or die as a result of these operations the applicant may be deemed responsible for damage/injury that occurs. It is therefore recommended that the applicant contact a suitably qualified Arboriculturist to obtain the appropriate advice in this instance.

The western elevation of block C has been positioned 2m from the current canopy extent of T27 acer platanoides The recorded height is 16m with an average radial canopy spread of 7m (5.8w). T27 has the potential to grow to 20-25m with a radial canopy spread upto10m). Plots on the eastern elevation are shown to be allocated balconies. T26 Tilia cordata is currently 15m tall with an average canopy spread of 5.5m (potential height of 25m and radial crown spread of 7.5m) T27 and T26, both parkland trees will cause significant shading issues for plots located on the south and east elevation of block C. As these trees mature the shading issue will be further compounded.

The north east elevation/foundation of block C are located within the RPA of T22 Carpinus betulus. There is currently a 2.35m canopy clearance from this building; however there will be future canopy conflicts as the tree matures (potential to grow to 25m with a radial canopy spread up to 7.5m)

There will be significant post development pressure from future occupiers to fell or detrimentally prune T22, T26 and T27 as a result of real householder concerns relating to

restriction of light, dominance, and perceived and actual danger from falling limbs. The cramped juxtaposition between Block 'C' and these trees would serve to highlight the actual and perceived risks. This is notwithstanding any other potential issues which may arise in terms of falling debris or branches, blocked gutters, shading of a large part of the small amenity space, or simply in relation to their overbearing presence as the trees reach full maturity.

Block D

The eastern elevation of block D is shown to be positioned directly on the western canopies of T29, T30 and T31 (acer pseudoalatus). These trees have the potential to grow to 25m tall with a potential radial crown spread of 12.5m) It is noted plots of this elevation will have balconies.

The position of block D to T22, T28 T29, T30 and T31 will give rise to the same post development pressures as those trees In similar proximity to block C. The inappropriate juxtaposition of the block D (and C)to boundary trees in Clewer Memorial Park, is highlighted by the applicants arboriculturist in section 2.6 of the supporting Tree Condition Survey, Tree Constraints And Protection Arboricultural Report With Recommendations 'Trees T29-31 will be pruned back to the site boundary although their eventual removal is recommended as they will be very tight to Block D'.

Landscaping

As per the previous application, the proposed site layout and existing established boundary vegetation leaves little room for any meaningful tree planting. Such is the future conflict with the proposed tree species (disruption to paved surfaces, branch contact with the building, fruit fall, shade cast/obstruction of light in to habitable parts of the plots) to be planted around blocks A-F they are unlikely to be retained beyond a 5 year landscaping condition.

The proposed tree planting needs to be revised to take into account and not limit to: a) Location b) size of trees at the time of planting, c) species characteristics (fruit fall, disruption to paved surfaces, epicormic growth etc.) d) ultimate height and spread and e) underground and overhead conflicts (branch contact with the building lining, shade cast etc) as the trees establish and, f) likelihood of reaching maturity.

RECOMMENDATIONS

| | | |
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| | <p>Given the above, the scheme fails to adequately secure the protection of important protected trees which contribute to the character and appearance of the area; I therefore recommend refusal of the application under N6, DG1 and H11.</p> | |
|--|---|--|

8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and layout drawing
- Appendix B - elevation drawings and floor plans
- Appendix C - site layout at Vale House (14/02975/FULL)

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 successfully resolved.

9. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 1 Shirley Avenue is a designated employment area, as identified in Local Plan policy E5 and the Proposal Map, allocated primarily for industrial and small scale distribution and storage uses. It has not been demonstrated that the loss of this site to the alternative use of housing would not harm industrial land supply within the Borough and the local economy. The proposal is contrary to Policies E2 and E5 of The Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations adopted June 2003).
- 2 The proposals would result in a loss of a community facility at Technor House. The application has not demonstrated that the facility will be provided elsewhere, and the proposal is therefore contrary to Local Plan policy CF1 and to advice in the NPPF.
- 3 The applicant has failed to demonstrate that the scheme would be safe for its lifetime, taking into account the vulnerability of its users so fails the Exceptions Test. The proposal is contrary to paragraph 102 of the National Planning Policy Framework.
- 4 The development would cause harm to T5 a *Carpinus betulus* hornbeam which is covered by Tree Preservation Order, owing to the proximity and relationship with the dwelling in Block B1 and its garden to this tree. The development would also cause harm to trees covered by Tree Preservation Order 17/008/G1 next to the application site boundary within Clewer Memorial Recreation Ground, owing to the proximity of block C and D, and the positioning of habitable room windows within the eastern elevations in Blocks C and D. The scheme conflicts with policies DG1(6) and N6 of The Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations adopted June 2003).
- 5 The proposal fails to provide a mechanism for securing affordable housing in accordance with the Policy H3 The Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations adopted June 2003) and the Affordable Housing Planning Guidance Document December 2016.
- 6 It has not been demonstrated that adequate mitigation for the impact on bats as a result of the development can be provided. The scheme therefore fails to accord with paragraphs 109 and 118 of the National Planning Policy Framework and

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Proposed site layout



Building A

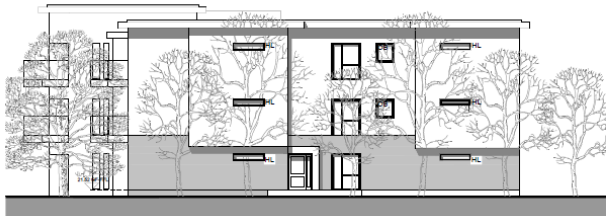


BUILDING A - NORTH ELEVATION



BUILDING A - EAST ELEVATION

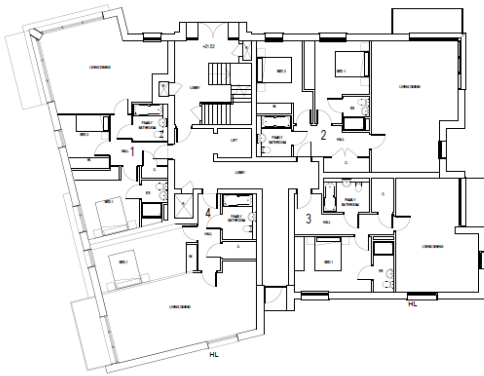
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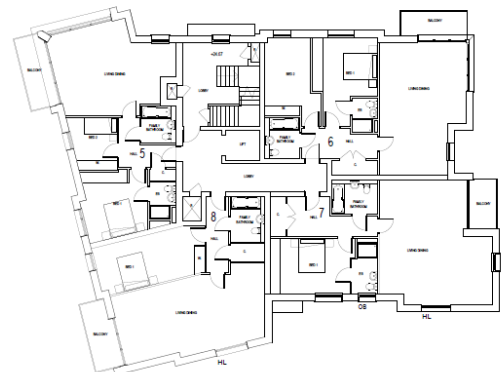
BUILDING A - SOUTH ELEVATION



BUILDING A - WEST ELEVATION



BUILDING A - GROUND FLOOR PLAN

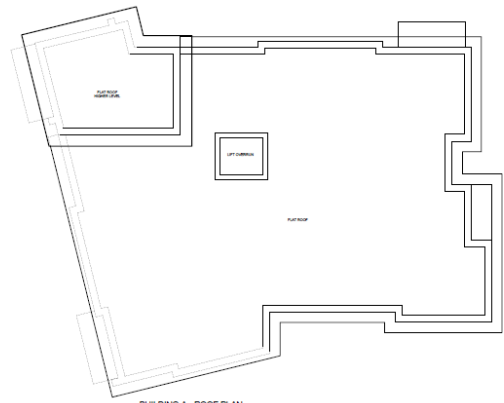


BUILDING A - FIRST FLOOR PLAN

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Permanently
Obscured
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Cill min.
1.7m
above
ff.



BUILDING A - SECOND FLOOR PLAN



BUILDING A - ROOF PLAN

Building B1

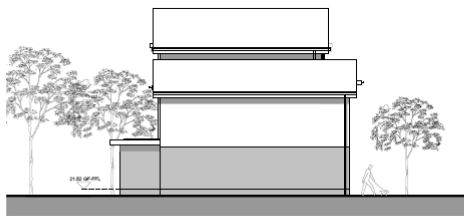
08
Permanently
Classified
Glass



BUILDING B1 - NORTH ELEVATION



BUILDING B1 - EAST ELEVATION



BUILDING B1 - SOUTH ELEVATION



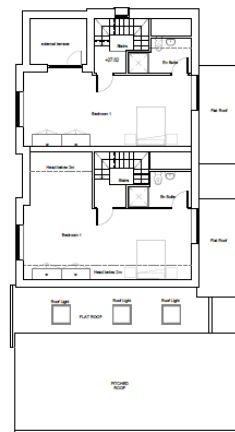
BUILDING B1 - WEST ELEVATION



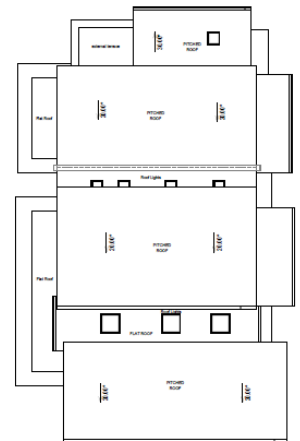
BUILDING B2 - GROUND FLOOR PLAN



BUILDING B2 - FIRST FLOOR PLAN



BUILDING B2 - SECOND FLOOR PLAN



BUILDING B2 - ROOF PLAN

Building B2

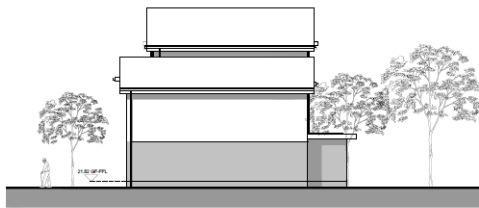
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BUILDING B2 - NORTH ELEVATION



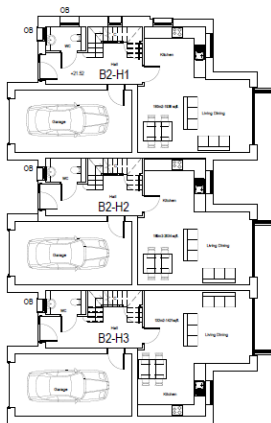
BUILDING B2 - EAST ELEVATION



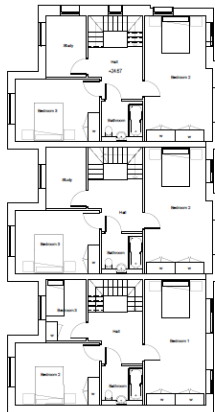
BUILDING B2 - SOUTH ELEVATION



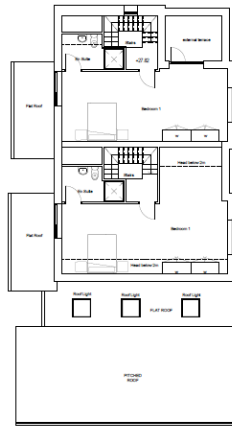
BUILDING B2 - WEST ELEVATION



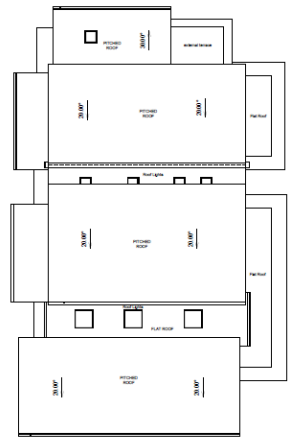
BUILDING B2 - GROUND FLOOR PLAN



BUILDING B2 - FIRST FLOOR PLAN



BUILDING B2 - SECOND FLOOR PLAN



BUILDING B2 - ROOF PLAN

OG
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Obscured
Glass

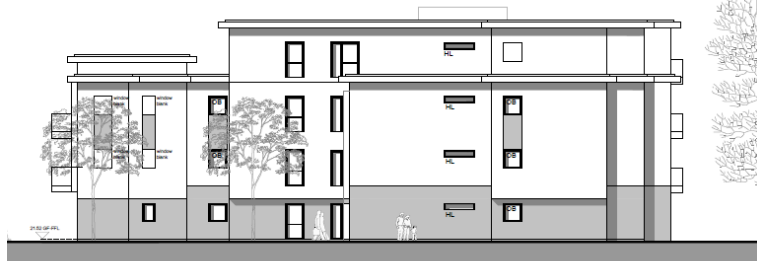
Building C



BUILDING C - NORTH ELEVATION



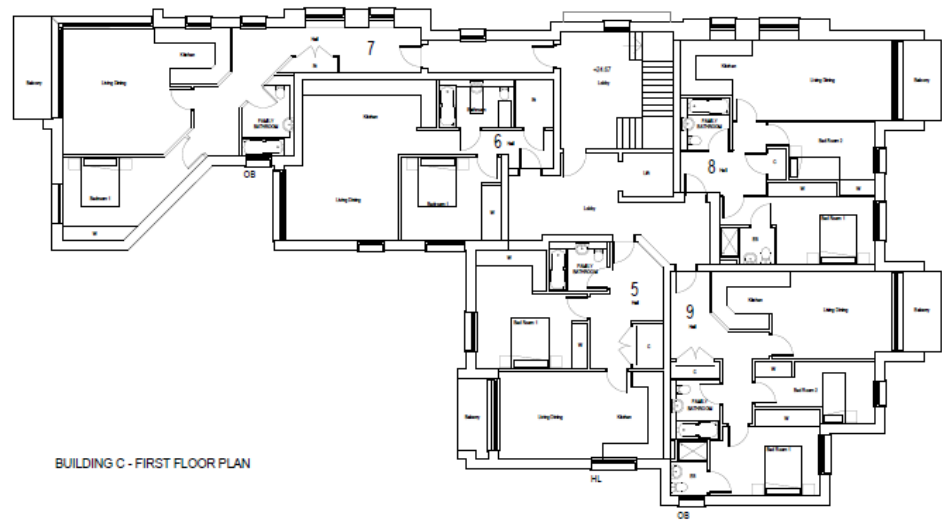
BUILDING C - EAST ELEVATION



BUILDING C - SOUTH ELEVATION

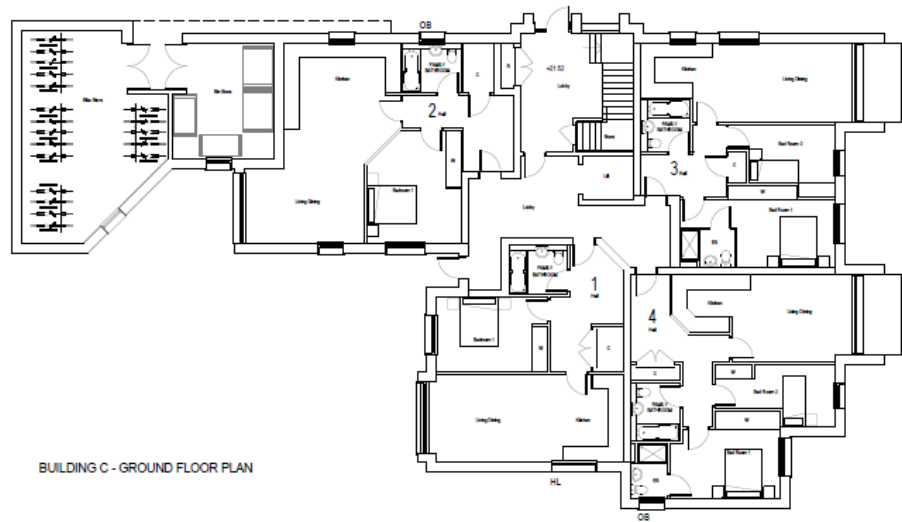


BUILDING C - WEST ELEVATION

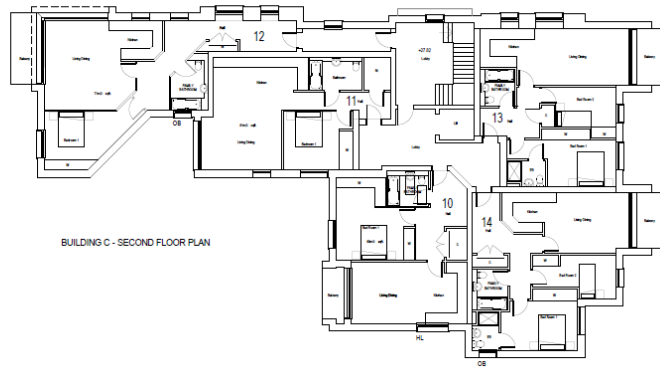
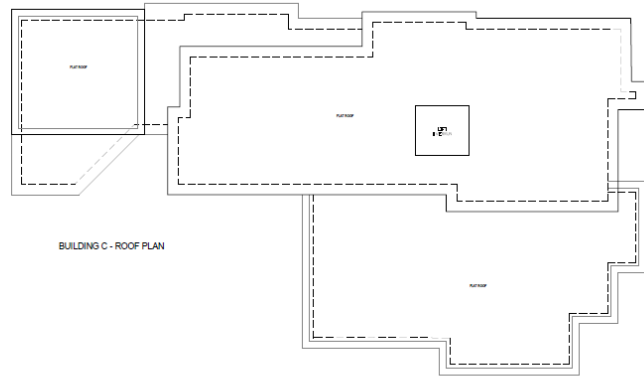
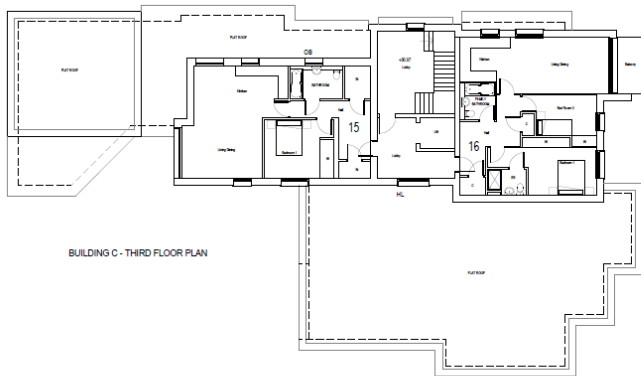


BUILDING C - FIRST FLOOR PLAN

HL
Cill min.
1.7m
above
ffl.
OB
Permanently
Obscured
Glass



BUILDING C - GROUND FLOOR PLAN



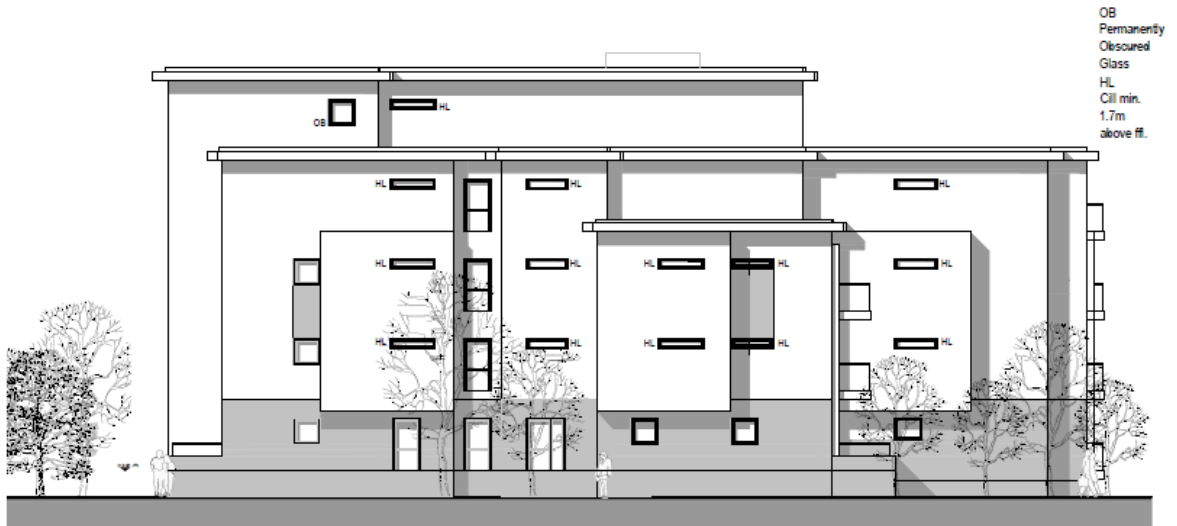
HL
 CIL min.
 1.7m
 above
 fl.
 OB
 Permanently
 Obscured
 Glass

Building D



OB
 Permanently
 Obscured
 Glass
 HL
 Cill min.
 1.7m
 above ft.

BUILDING D - SOUTH ELEVATION



OB
 Permanently
 Obscured
 Glass
 HL
 Cill min.
 1.7m
 above ft.

BUILDING D - NORTH ELEVATION

0 5 10m
 SCALE 1:100 @A1



BUILDING D - EAST ELEVATION

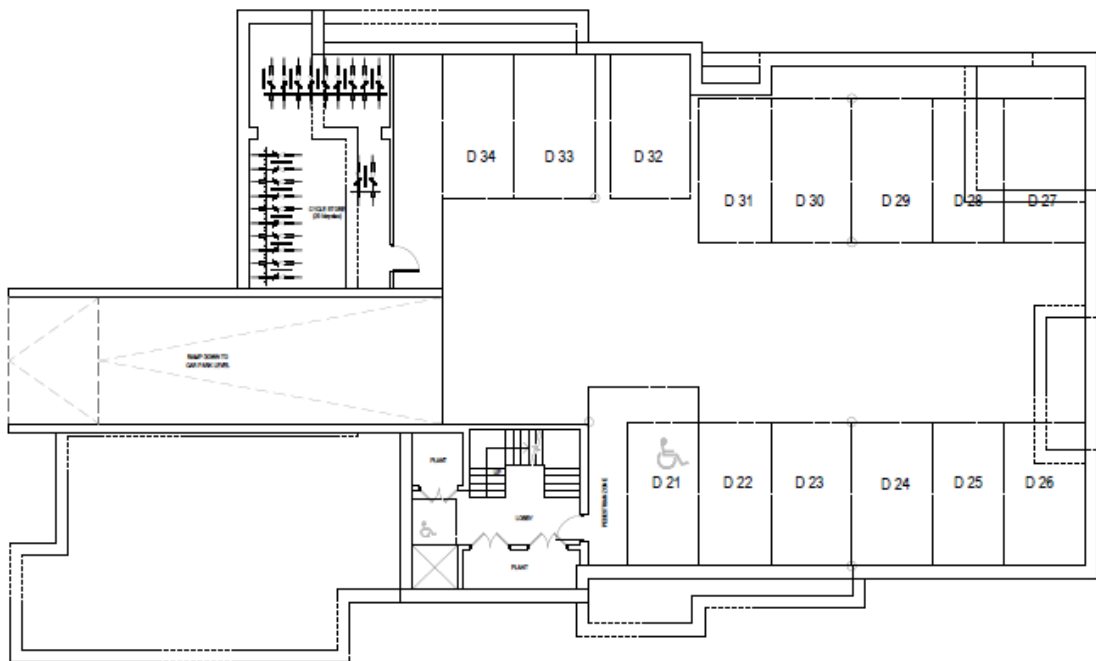


BUILDING D - WEST ELEVATION

OB
 Permanently
 Obscured
 Glass
 HL
 Cill min.
 1.7m
 above fl.



BUILDING D First Floor



BUILDING D Basement car park

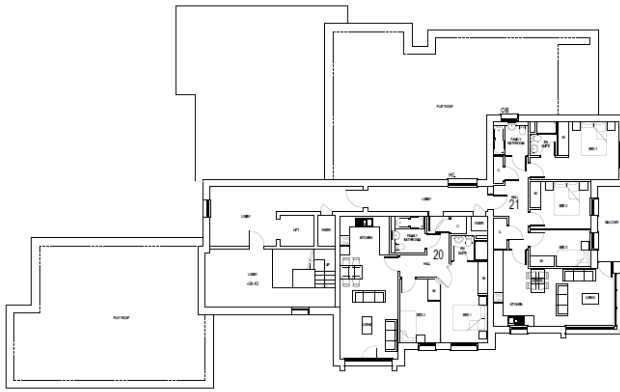
OB
Permanently
Obscured
Glass
HL
Cill min.
1.7m
above ft.



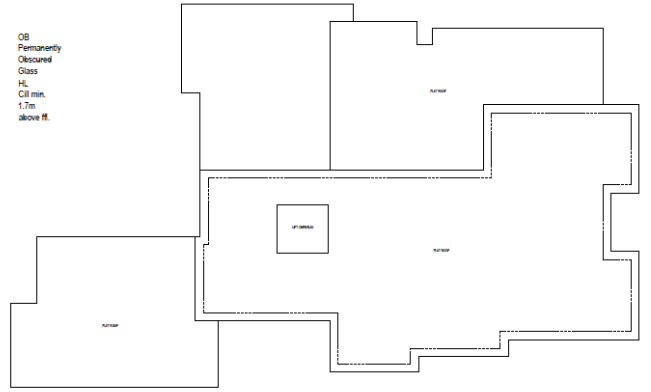
BUILDING D Second Floor



BUILDING D Ground Floor

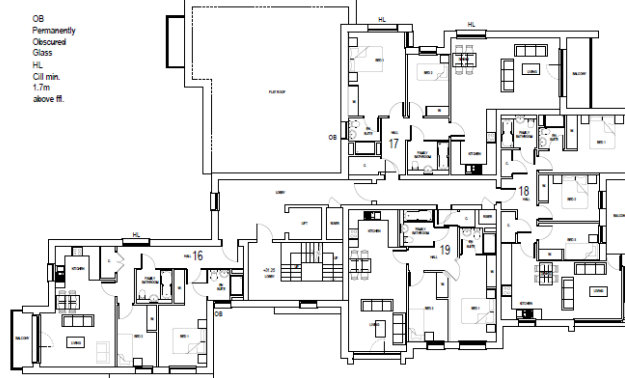


BUILDING D Fourth Floor



BUILDING D Roof Plan

OB
Permanently
Obscured
Glass
HL
Clf min.
1.7m
above fl.



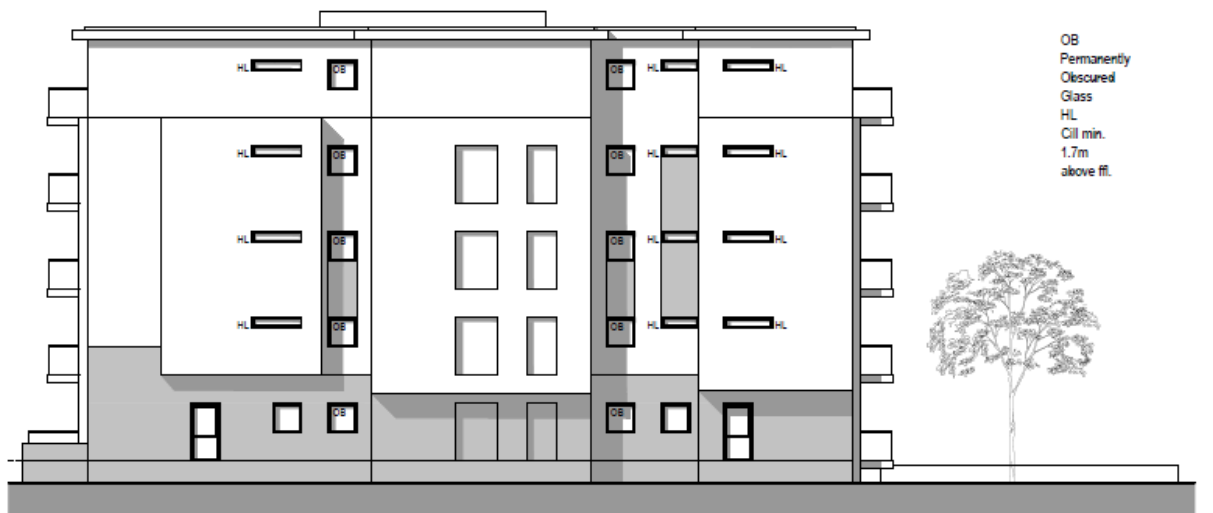
BUILDING D Third Floor

OB
Permanently
Obscured
Glass
HL
Clf min.
1.7m
above fl.

Building E



BUILDING E - SOUTH ELEVATION



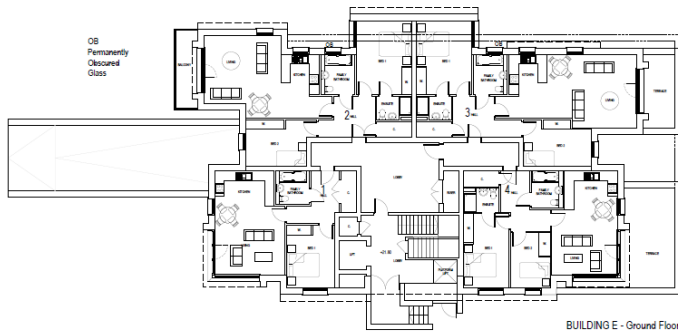
BUILDING E - NORTH ELEVATION



BUILDING E - EAST ELEVATION

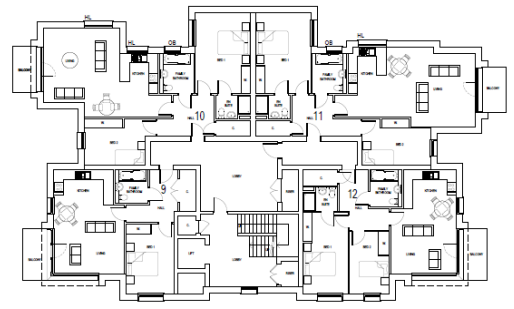


BUILDING E - WEST ELEVATION

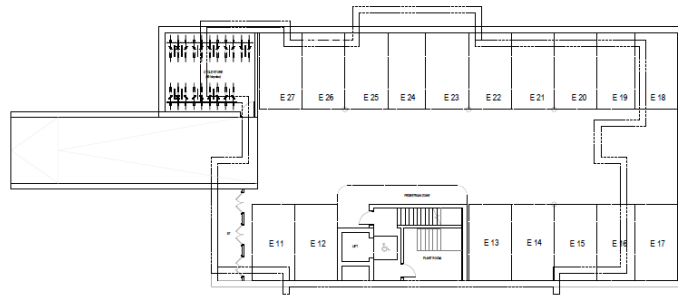


BUILDING E - Ground Floor

OB
Permanently
Obscured
Glass
H.L.
C/I min.
1.7m
above fl.

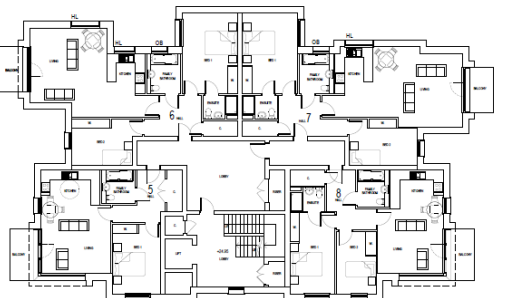


BUILDING E - Second Floor



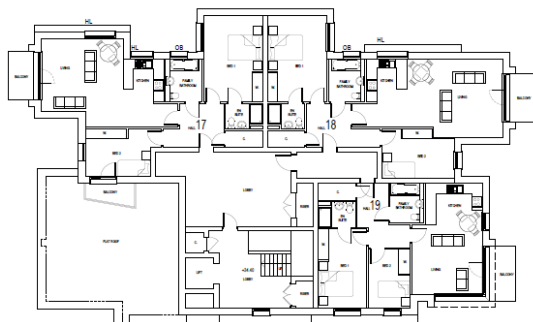
BUILDING E - Basement Car Park

OB
Permanently
Obscured
Glass
H.L.
C/I min.
1.7m
above fl.

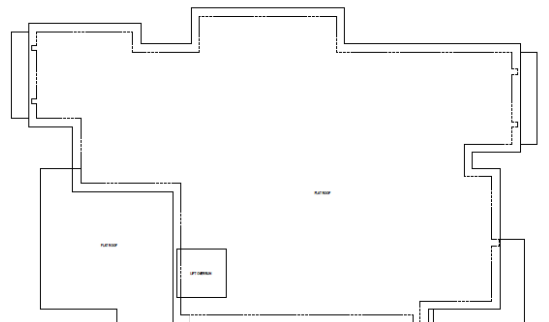


BUILDING E - First Floor

OB
Permanently
Obscured
Glass
H.L.
C/I min.
1.7m
above fl.

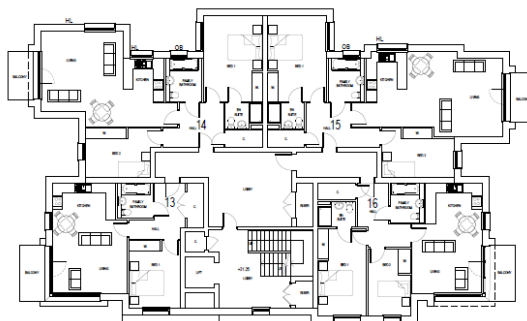


BUILDING E - Fourth Floor



BUILDING E - Roof Plan

OB
Permanently
Obscured
Glass
H.L.
C/I min.
1.7m
above fl.



BUILDING E - Third Floor

Building F



BUILDING F - NORTH ELEVATION



BUILDING F - SOUTH ELEVATION

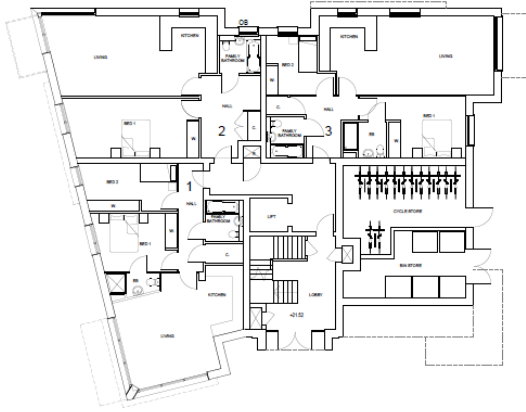


BUILDING F - EAST ELEVATION



BUILDING F - WEST ELEVATION

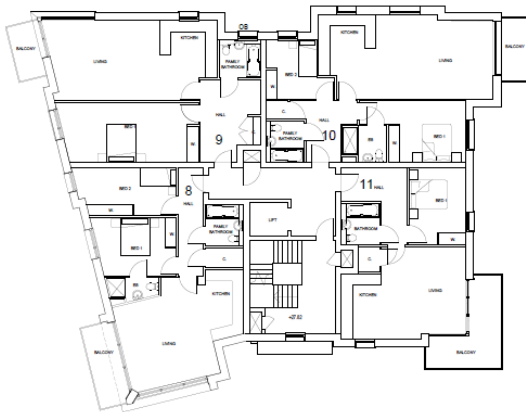
OB
Permanently
Obscured
Glass



BUILDING F - GROUND FLOOR PLAN



BUILDING F - FIRST FLOOR PLAN

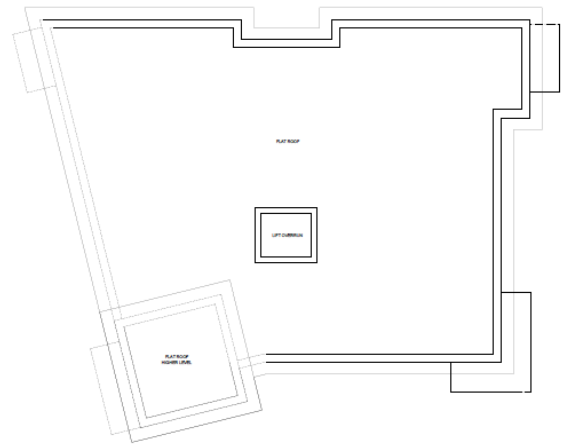


BUILDING F - SECOND FLOOR PLAN

OB
Permanently
Obscured
Glass



BUILDING F - THIRD FLOOR PLAN



BUILDING F - ROOF PLAN

Appendix A- Site location and proposed layout





Appendix B- Proposed Elevations and floor plans

Building A



BUILDING A - NORTH ELEVATION



BUILDING A - EAST ELEVATION



BUILDING A - SOUTH ELEVATION



BUILDING A - WEST ELEVATION



BUILDING A - GROUND FLOOR PLAN

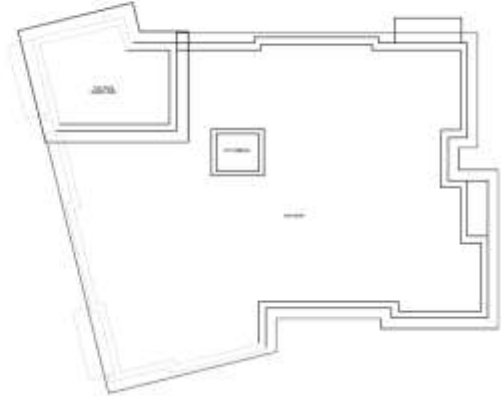


BUILDING A - FIRST FLOOR PLAN

OS
Permanently
Obscured
Gate
HL
Cell min.
1.7m
above
RL



BUILDING A - SECOND FLOOR PLAN



BUILDING A - ROOF PLAN

Building B1

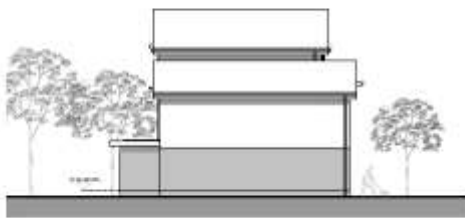
05
Preliminary
Design
Date



BUILDING B1 - NORTH ELEVATION



BUILDING B1 - EAST ELEVATION



BUILDING B1 - SOUTH ELEVATION



BUILDING B1 - WEST ELEVATION



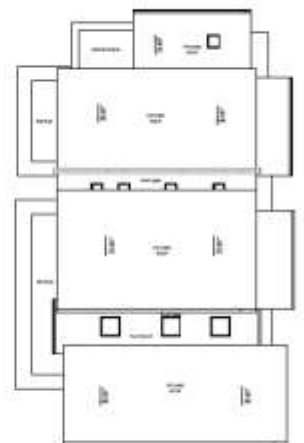
BUILDING B2 - GROUND FLOOR PLAN



BUILDING B2 - FIRST FLOOR PLAN



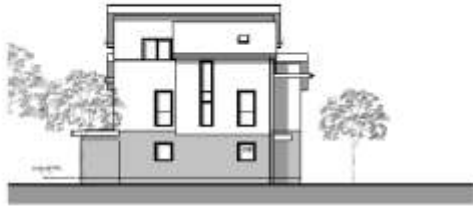
BUILDING B2 - SECOND FLOOR PLAN



BUILDING B2 - ROOF PLAN

Building B2

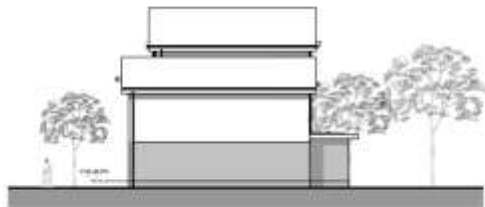
08
 Temporary
 Occupied
 Glass



BUILDING B2 - NORTH ELEVATION



BUILDING B2 - EAST ELEVATION



BUILDING B2 - SOUTH ELEVATION



BUILDING B2 - WEST ELEVATION



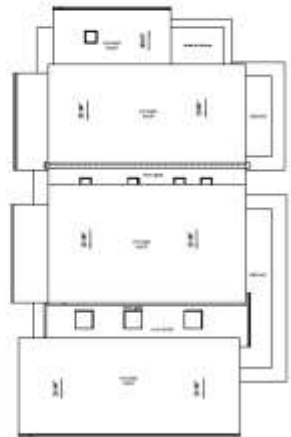
BUILDING B2 - GROUND FLOOR PLAN



BUILDING B2 - FIRST FLOOR PLAN



BUILDING B2 - SECOND FLOOR PLAN



BUILDING B2 - ROOF PLAN

08
 Temporary
 Occupied
 Glass

Building C



BUILDING C - NORTH ELEVATION



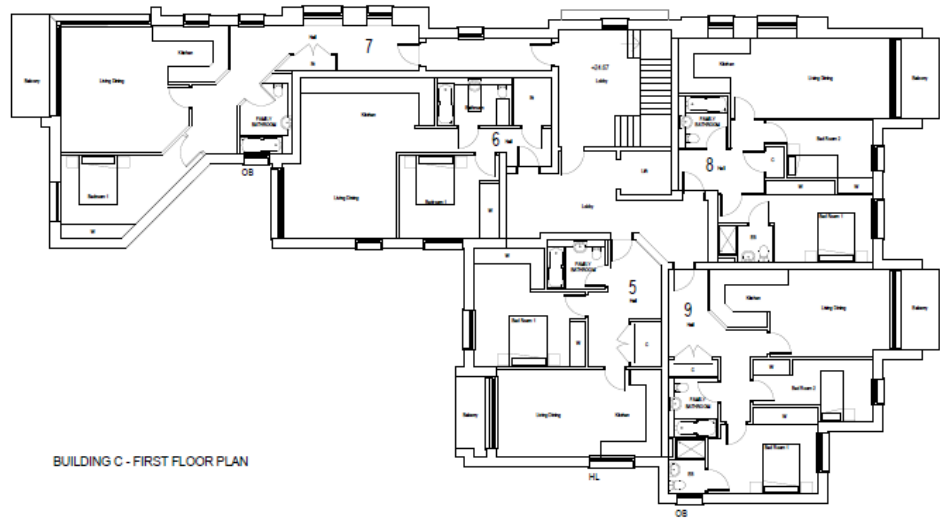
BUILDING C - EAST ELEVATION



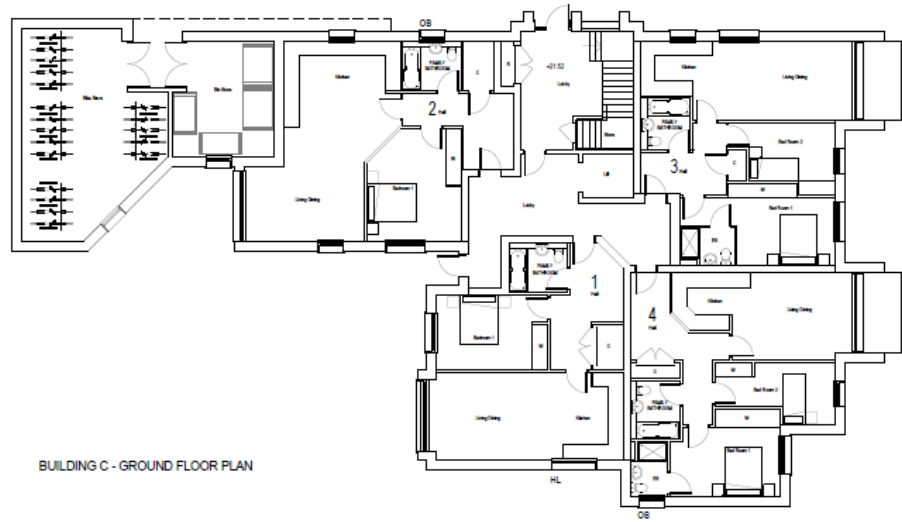
BUILDING C - SOUTH ELEVATION



BUILDING C - WEST ELEVATION

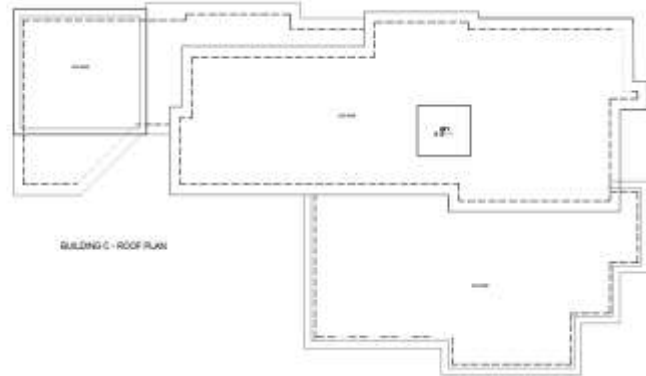


BUILDING C - FIRST FLOOR PLAN



BUILDING C - GROUND FLOOR PLAN

HL
Cill min.
1.7m
above
ffl.
OB
Permanently
Obscured
Glass

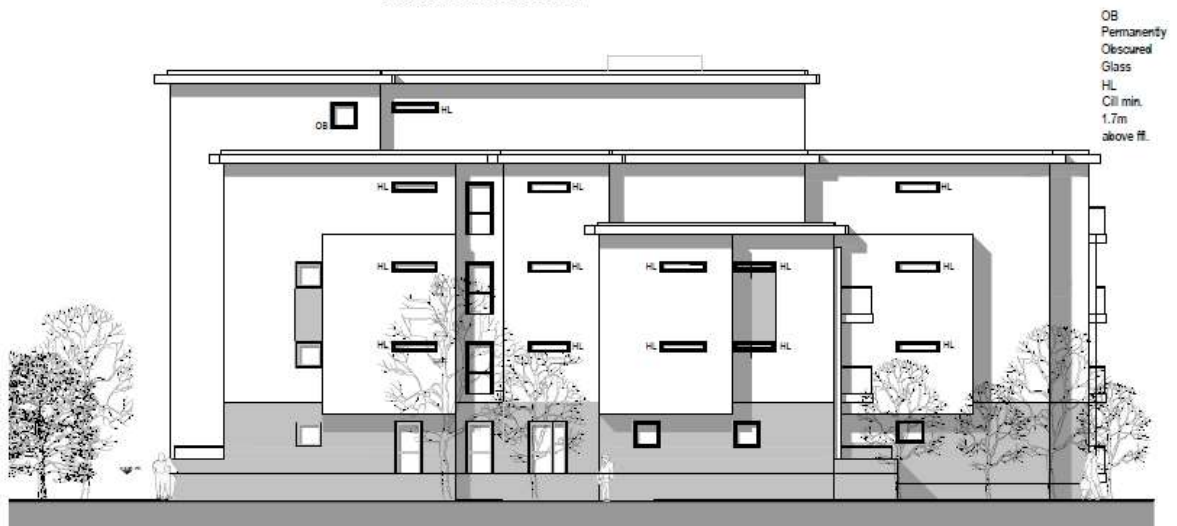


HL
 0.5' min.
 1.5' min.
 above
 IS
 OS
 Partitions
 Observed
 Glass

Building D



BUILDING D - SOUTH ELEVATION



BUILDING D - NORTH ELEVATION

0 5 10m
SCALE 1:100 @A1



BUILDING D - EAST ELEVATION

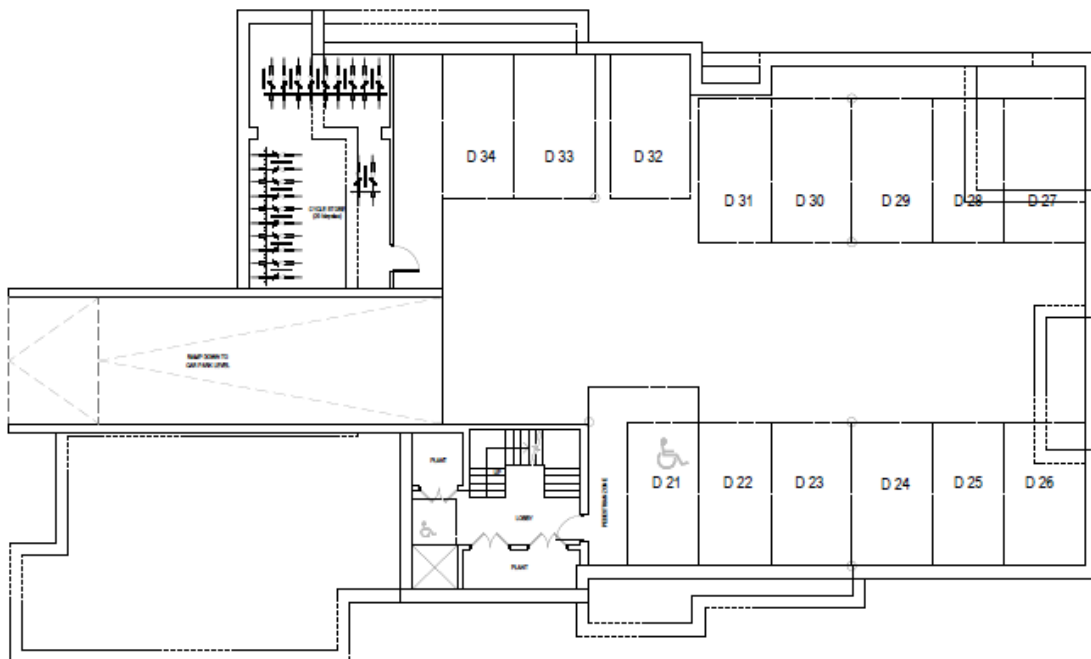


BUILDING D - WEST ELEVATION

OB
 Permanently
 Obscured
 Glass
 HL
 Cill min.
 1.7m
 above fl.

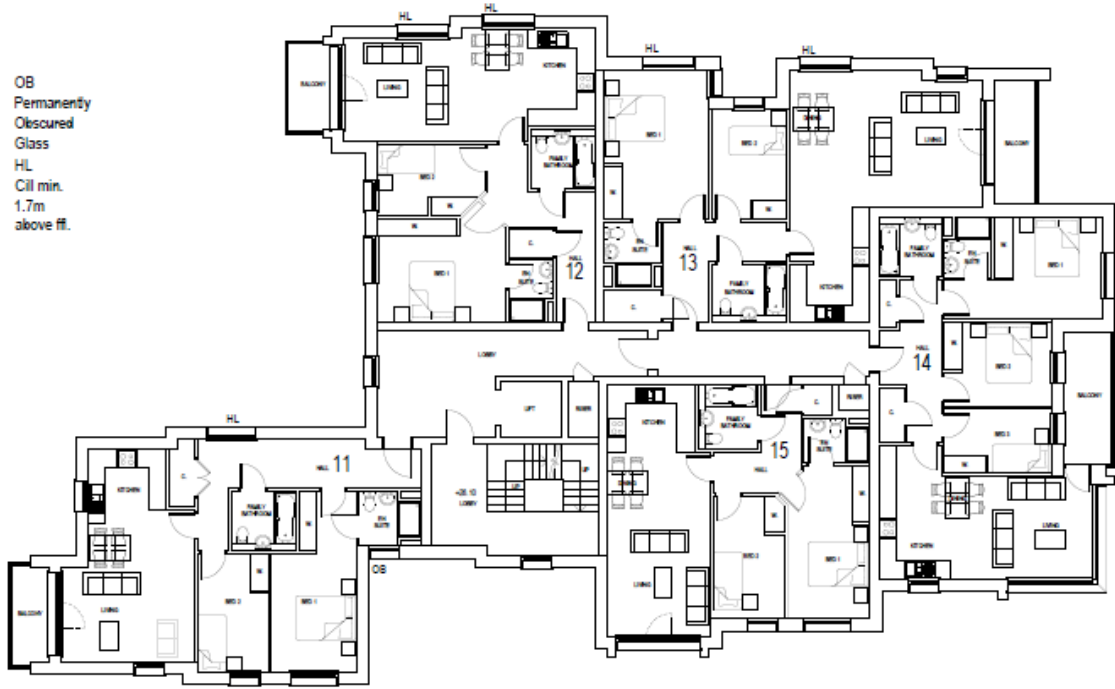


BUILDING D First Floor



BUILDING D Basement car park

OB
Permanently
Obscured
Glass
HL
Cil min.
1.7m
above ft.



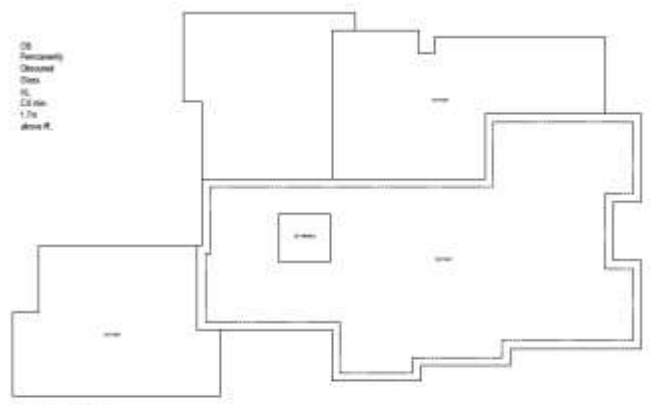
BUILDING D Second Floor



BUILDING D Ground Floor



BUILDING D Fourth Floor



BUILDING D Roof Plan



BUILDING D Third Floor

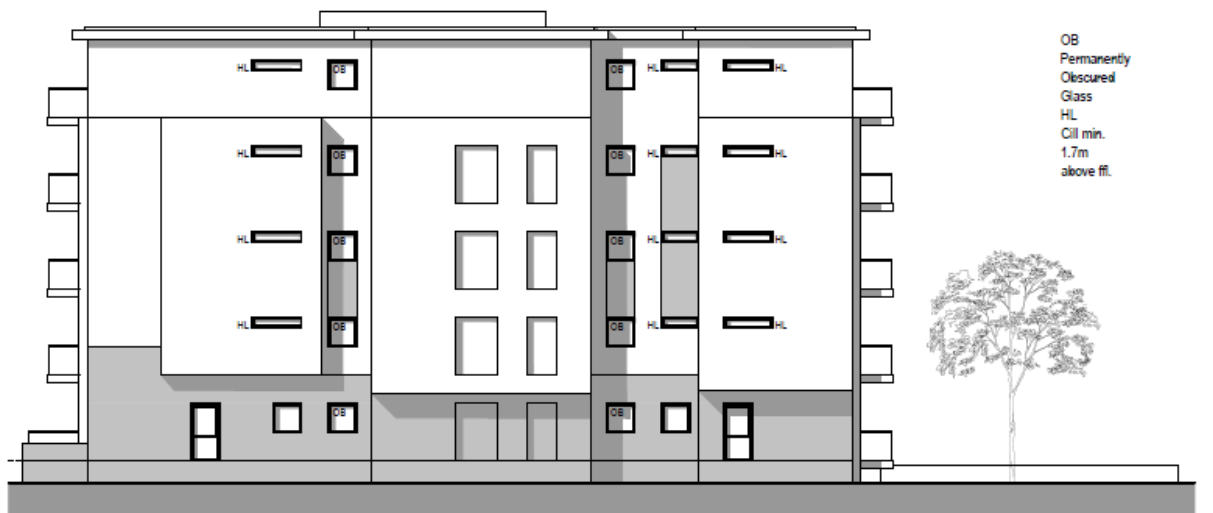
00
Permanent
Structure
1.7m
above R.L.

00
Permanent
Structure
1.7m
above R.L.

Building E



BUILDING E - SOUTH ELEVATION



BUILDING E - NORTH ELEVATION



BUILDING E - EAST ELEVATION

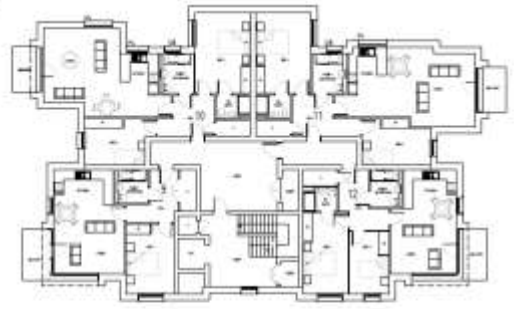


BUILDING E - WEST ELEVATION

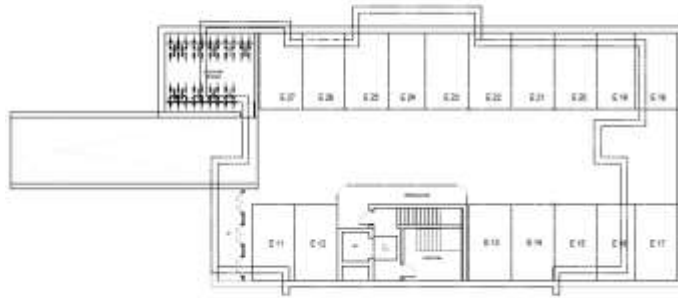


BUILDING E - Ground Floor

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Permanently
Occupied
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BUILDING E - Second Floor



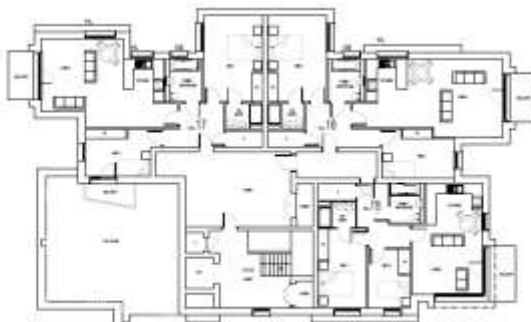
BUILDING E - Basement Car Park

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BUILDING E - First Floor

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Permanently
Occupied
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BUILDING E - Fourth Floor



BUILDING E - Roof Plan

08
Permanently
Occupied
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BUILDING E - Third Floor

Building F



BUILDING F - NORTH ELEVATION



BUILDING F - SOUTH ELEVATION

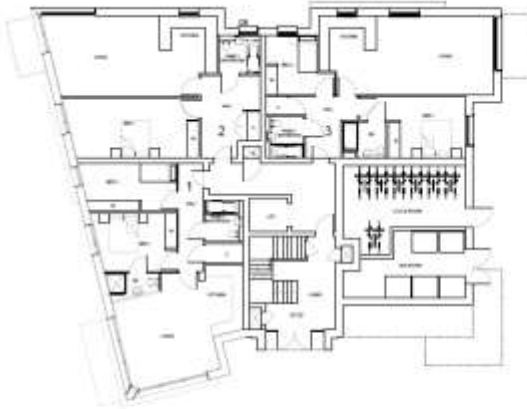


BUILDING F - EAST ELEVATION



BUILDING F - WEST ELEVATION

05
Permanently
Occupied
Space



BUILDING F - GROUND FLOOR PLAN



BUILDING F - FIRST FLOOR PLAN

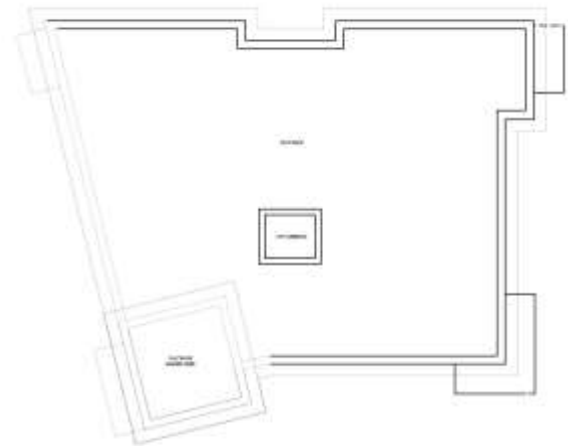


BUILDING F - SECOND FLOOR PLAN

06
Permanently
Occupied
Space



BUILDING F - THIRD FLOOR PLAN



BUILDING F - ROOF PLAN

Appendix C- Site layout approved at Vale House



WINDSOR URBAN DEVELOPMENT CONTROL PANEL

21 June 2017

Item: 2

| | |
|-------------------------|---|
| Application No.: | 17/00761/FULL |
| Location: | 8 Clarence Road Windsor SL4 5AD |
| Proposal: | Subdivision of existing property from 2 No 1 bedroom flats and 1 No. 2 bedroom flat to 3 No 1 bedroom flats, including reconstruction of rear lean to extension |
| Applicant: | Mr R Ellis Mr M Bird |
| Agent: | Ms Nicola Broderick |
| 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

| | |
|-------------------------|---|
| Application No.: | 17/00762/LBC |
| Location: | 8 Clarence Road Windsor SL4 5AD |
| Proposal: | Consent for subdivision of existing property from 2 No 1 bedroom flats and 1 No. 2 bedroom flat to 3 No 1 bedroom flats, including reconstruction of rear lean to extension |
| Applicant: | Mr R Ellis Mr M Bird |
| Agent: | Ms Nicola Broderick |
| 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 report deals with the planning application and the listed building application. The proposal is to convert this Grade II listed three-storey building by rearranging the internal space to form 3 x 1-bedroom flats on the ground, first and second floor. The basement is to be used for storage purposes in connection with the proposed flats. In principle, the proposed conversion of the building is considered acceptable.
- 1.2 In response to the Council's Conservation Officer's request for further information on internal detailing (including staircase treads; suspending ceiling details; existing second floor cupboards to be shown accurately on the plans; exact position of first floor door between kitchen and lounge and pictures of the basement internal features), and drawings of the side (west) elevation. The applicants have submitted amended plans on 5 June 2017. At the time of writing this report, comments are awaited from the Council's Conservation Officer on these latest submission. Subject to the submission of satisfactory plans/details, the proposal is considered acceptable in terms of its impact on the listed building.
- 1.3 The Council's Highway Officer raises no objection subject to the completion of the Section 106 Unilateral Undertaking to limit parking permits to 1 for each of the proposed flats. The applicants are in the process of preparing a S106 Unilateral Undertaking.

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

It is recommended the Panel authorises the Head of Planning:

- | | |
|----|---|
| 1. | To grant planning permission on the satisfactory completion of a Section 106 undertaking to prevent more than 1 parking permit for each flat being obtained and subject to the receipt of satisfactory additional/amended details of internal detailing (including staircase treads; suspending ceiling details; existing second floor cupboards to be shown accurately on the plans; position of first floor door between |
|----|---|

| | |
|----|--|
| | kitchen and lounge and pictures of the basement internal features) and drawings to show the side elevation (west). |
| 2. | To refuse planning permission if a Section 106 undertaking to prevent more than 1 parking permit for each flat being obtained and satisfactory additional/amended details of internal detailing (including staircase treads; suspending ceiling details; existing second floor cupboards to be shown accurately on the plans; position of first floor door between kitchen and lounge and pictures of the basement internal features) and drawings to show the side (west) elevation , are not received by the 31 July 2017. |

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 lies on the south side of Clarence Road near the junction with Charles Street. The building is Grade II listed and is within a Conservation Area.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The proposal is to convert the existing building (currently 2 x 1-bedroom flats and 1 x 2-bedroom flat) to 3 x 1-bedroom flats. The proposal also includes reconstruction of a rear lean to extension – between numbers 8 and 10.

| Ref. | Description | Decision and Date |
|-------------------|---|-----------------------|
| 97/75839/FUL L | Use of one bedroom in a four bedroom house for bed and breakfast purposes. | Refused 6/10/1997 |
| 98/77303/CLR | Certificate of lawfulness for use as 3 x self contained dwelling units. | Refused 18/11/1988 |
| 14/02733/LBC | Subdivision of existing property from 2 x 1 bed flats and 1 x 2 bed flats to 4 x 1 bed flats, following demolition of rear lean to extension and installation of light well to rear facing basement flat. | Withdrawn |
| 15/0117/LBC | Subdivision of existing property from 2 x 1 bed flats and 1 x 2 bed flats to 4 x 1 bed flats, following demolition of rear lean to extension and installation of light well to rear facing basement flat. | Withdrawn |
| 15/03086/LBC | Listed Building Consent for subdivision of existing property from 2 x one bed flats and 1 x 2-bed flats to 4 x 1-bed flats including demolition of rear lean to extension and installation of light well to rear facing basement flat | Refused 12/2/2016 |
| 15/03085/FUL L | Subdivision of existing property from 2 x one bed flats and 1 x 2-bed flats to 4 x 1-bed flats including demolition of rear lean to extension and installation of light well to rear facing basement flat | Refused 12/2/2016 |

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework Sections

Royal Borough Local Plan

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

| Within settlement area | Highways and Parking | Heritage |
|-------------------------|----------------------|---------------|
| DG1, H10, H11, H13, H12 | P4, T5 | CA2, LB2, LB3 |

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 the development and impact on the character and appearance of the area.
- ii Impact on the Listed Building
- iii The living environment for future occupiers and impact on neighbouring properties
- iv Parking and highway considerations

The principle of the development and impact on the character of the area.

6.2 The only external change proposed is the reconstruction of a small infill lean-to extension between numbers 10 and 8. Plans indicate that all existing sash windows are to be overhauled and the existing basement French doors and light well in the rear elevation are to be replaced.

6.3 It is considered that the proposed residential use as 3 x 1-bedroom flats would not have any additional impact on the character or appearance of the area, than the most recent use of the building – as flats. The application describes the existing building as accommodating 3 flats, although it is noted the conversion of the property to 3 flats has never been authorised. Nevertheless, council tax records indicate that the building has been 3 flats since 2005. The building is currently vacant.

6.4 In the explanatory text of policy H13 it states the conversion or subdivision of buildings into additional residential units is generally acceptable, particularly where this involves the conversion of larger buildings which can no longer function as a single residence into smaller units to help meet the needs of small households. The building was originally one single dwelling.

6.5 It is considered that the proposal would conserve the appearance of the conservation area and comply with Policy CA2. The Council 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.

Impact on the Listed Building

- 6.6 Formal comments are awaited from the Council's Conservation Officer – on the amended plans. Amended plans have been submitted following the Council's Conservation Officer's request for additional details – including staircase treads; suspending ceiling details; existing second floor cupboards to be shown accurately on the plans; accurate position of first floor door between kitchen and lounge; a record/details. Further submissions are awaited on the basement internal historic features and side (west) elevation drawing/s.
- 6.7 Subject to satisfactory detailing and recording of the historic features, the proposed development is considered to be acceptable in terms of the impact on the listed building (Local Plan Policy LB2).
- 6.8 Policy LB3 advises that wherever possible the Borough Council will require that listed buildings are used for purposes which will secure their long term future and which will preserve or enhance their physical fabric, setting, special character and interest.
- 6.9 Paragraph 134 of the NPPF advises, 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. The propose development would secure the long term future of the building and would secure housing which is a public benefit. Therefore, any 'less than substantial harm' would be clearly outweighed by these benefits.
- 6.10 The Council has had special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses, as required under Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Furthermore, the application has been considered on the basis of the Development Plan, including Local Plan Policy LB2 and the NPPF.

The living environment for future occupiers and impact on neighbouring properties

- 6.11 The proposed flats would share a communal garden area to the rear of the building. It is considered that with this amenity area, the building would provide a satisfactory living environment for future occupants. In any case, the flats are within close proximity of parks and public amenity spaces and within easy reach of leisure amenities within the town centre.
- 6.12 It is noted that the previous application for this site 15/03085 was refused partly for the reason that the flats did not provide a satisfactory living accommodation. One of the flats on that application was in the basement and the other flats were considered to be very small and cramped.
- 6.13 The basement on this current application is to be used for storage purposes. The flats on the ground, first and second floor would be small compact 1-bedroom flats, with flats on the ground and first floor having kitchenettes within the living room area. Each habitable room would have full sized windows facing the front, rear or side of the building.
- 6.14 It is considered that the proposed flats on the ground, first and second floor are not so small to be considered unacceptable in terms of living environment for future occupiers.
- 6.15 There are existing residential properties to the rear of the application site and on either side. It is considered that the proposed residential use would not give rise to any significant adverse impacts on neighbouring properties.

Parking and highway considerations

- 6.16 The Council's Highway Officer has commented on the application raising no objection. It is not considered that the proposed development would have any additional impact on the highway. There is no on-site parking for this site and cycle and refuse storage would be within the rear garden/amenity space. Refuse bins would be brought to the front of the building on collection days and cycle access would be through the shared common hallway. Provision of bin stores and cycle stores can be secured by condition. See condition 4 in section 10 below.
- 6.17 The plans submitted indicate brick bin stores and a covered cycle store. There are no elevational details of the proposed cycle storage; however, these can be secured by condition. See condition 5 in section 10 below.
- 6.18 A condition to secure a construction management plans is also considered necessary given the lack of on-site parking and the parking restrictions outside the premises. See condition 3 in section 10 below. Highway informatives 1- 4 are listed in section 10 of this report.

Other material considerations

Environmental Protection

- 6.19 The Environmental Protection Team has commented on the application, raising no objection. A number of conditions and informatives have been suggested, however these relate to commercial premises and are not relevant to residential development. The site is not identified as being on contaminated land and in any case, this involves the conversion of an existing residential building. The suggested conditions would not meet the test of the NPPF.
- 6.20 Environmental protection has not suggested a condition regarding acoustic insulation to protect against aircraft noise. A condition for acoustic insulation and ventilation (against aircraft noise) was imposed on the application to convert the adjoining property at No 6; however this was a change to residential use from office. It is noted that the submitted plans for this current application include details of acoustic insulation between floors and ceilings.
- 6.21 The informatives on dust control and smoke control are considered appropriate. See informatives 5 and 6 in section 10 of this report.

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 the presumption in favour of sustainable development., and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 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 dwelling(s) would also weigh in favour of the development.

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 The applicant has submitted an additional information requirement (CIL) form. As the development does not involve any new residential floorspace and is a conversion of a building (authorised use, single dwelling) to 3 flats, it would appear that it would not attract CIL payments.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

- 8.1 9 occupiers were notified directly of the application.

- 8.2 The planning officer posted a statutory site notice advertising the application at the site on 23rd March 2017 and the application was advertised in the Maidenhead Advertiser on 30 March 2017.
- 8.3 No letters were received on this application.

Statutory consultees

| Consultee | Comment | Where in the report this is considered |
|--------------------------------|--|--|
| Council's Conservation Officer | The Council's Conservation Officer requested further internal detailing - including staircase treads; suspending ceiling details; existing second floor cupboards to be shown accurately on the plans; position of first floor door between kitchen and lounge and a historic record/photographs of the basement's internal features. Plans are also required to show the side (west) elevation. Any further comments on amended plans and suggested conditions for the Listed Building Application will be reported in the panel update if received in time. | Paragraphs 6.6-6.10 |
| Highway Officer | No objection. Recommends a S106 Unilateral Agreement is secured to restrict parking permits to only 1 per flat. Standard informatives to be included. | Paragraphs 6.16-6.18 |
| Environmental Protection unit | No objections raised. A number of conditions and informatives have been suggested. However, these relate to commercial premises and are not considered relevant to this residential development. | Paragraphs 6.19 -6.20 |

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.

Listed Building Consent

1. The works/demolition shall commence not later than three years from the date of this consent.
Reason: In accordance with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and to avoid unimplemented consents remaining effective after such lapse of time that relevant considerations may have changed.
2. 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.

CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED.

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The materials to be used on the external surfaces of the development shall be in accordance with those specified in the application unless any different materials are first agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.
- 3 Prior to the commencement of 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.
- 4 No part of the development shall be occupied until the refuse bin storage area and recycling facilities have been provided in accordance with the approved drawing. These facilities shall be kept available for use in association with the development at all times.
Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - Local Plan T5, DG1.
- 5 No part of the development shall be occupied until covered and secure cycle parking 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 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 parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1
- 6 The development hereby permitted shall be carried out in accordance with the approved plans listed below.
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

Informatives

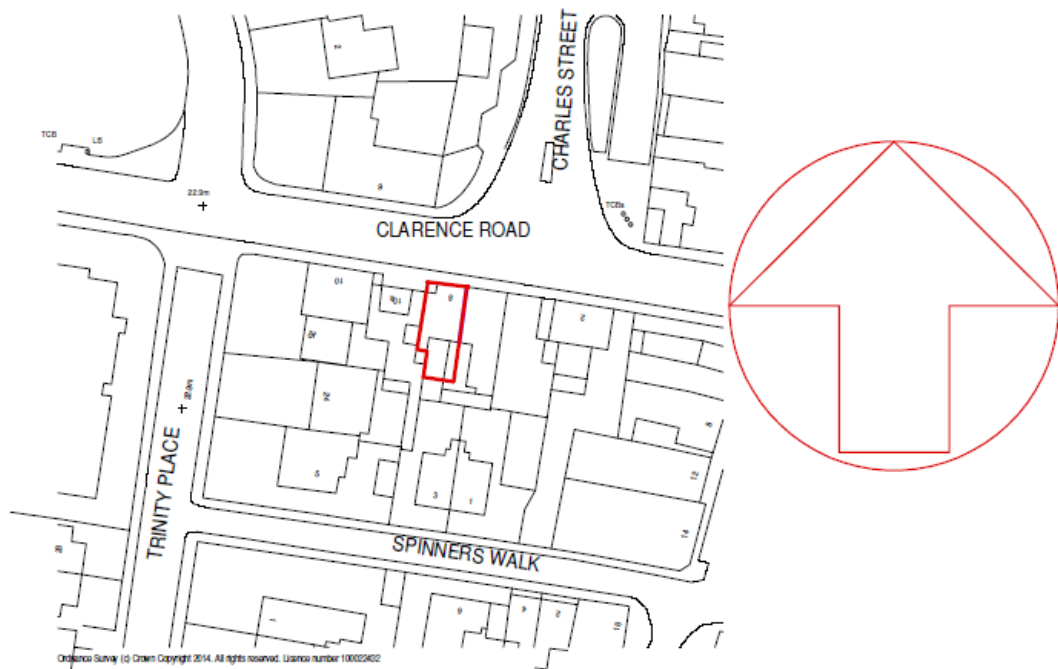
- 1 The attention of the applicant is drawn to the Berkshire Act 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway or grass verge arising during building operations.
- 2 The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which enables the Highway Authority to recover expenses due to extraordinary traffic.
- 3 Any incidental works affecting the adjoining highway shall be approved by, and a licence obtained from the The Streetcare Services Manager at Tinkers Lane Depot Tinkers Lane Windsor SL4 4LR tel: 01628 796801 at least 4 weeks before any development is due to commence.
- 4 No builders materials, plant or vehicles related to the implementation of the development should be parked/stored on the public highway so as to cause an obstruction at any time.
- 5 The Royal Borough receives a large number of complaints relating to construction burning activities. The applicant should be aware that any burning that gives rise to a smoke nuisance is actionable under the Environmental Protection Act 1990. Further that any burning that gives rise

to dark smoke is considered an offence under the Clean Air Act 1993. It is the Environmental Protection Team policy that there should be no fires on construction or demolition sites. All construction and demolition waste should be taken off site for disposal. The only exceptions relate to knotweed and in some cases infected timber where burning may be considered the best practicable environmental option. In these rare cases we would expect the contractor to inform the Environmental Protection Team before burning on 01628 683538 and follow good practice.

- 6 The applicant and their contractor should take all practicable steps to minimise dust disposition, which is a major cause of nuisance to residents living near to construction and demolition sites. The applicant and their contractor should ensure that all loose materials are covered up or damped down by a suitable water device, to ensure that all cutting/breaking is appropriately damped down, to ensure that the haul route is paved or tarmacked before works commence, is regularly swept and damped down, and to ensure the site is appropriately screened to prevent dust nuisance to neighbouring properties.
- 7 This permission needs to be read in conjunction with the Section 106 Undertaking ... dated ... to restrict the number of parking permits to 1 per flat.

APPENDIX A - 17/00761

8 CLARENCE ROAD, WINDSOR



LOCATION PLAN 1/1250
8 CLARENCE ROAD WINDSOR SL4 5AD

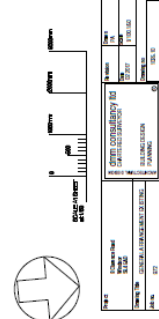
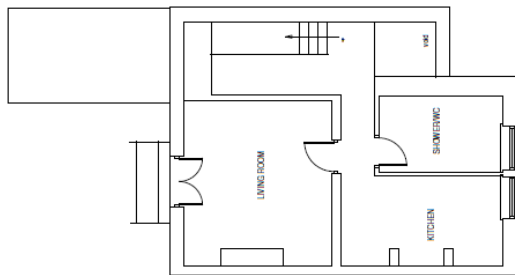
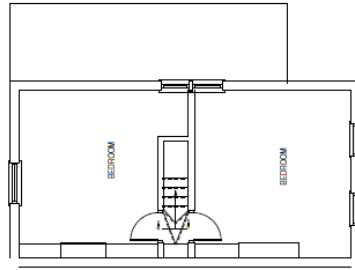
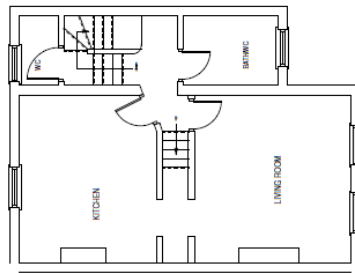
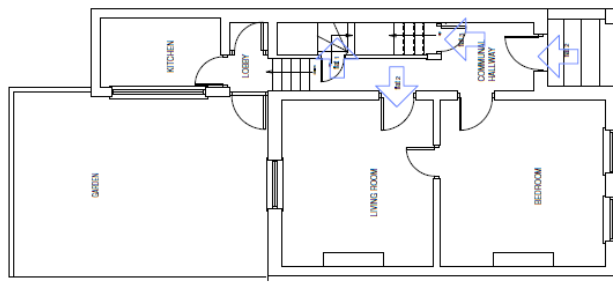
APPENDIX B - 17/00761 - 8 CLARENCE ROAD, WINDSOR



APPENDIX B - 17/00761 - 8 CLARENCE ROAD, WINDSOR

Existing general arrangement

GENERAL ARRANGEMENT EXISTING 10.0 CLARENCE ROAD



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WINDSOR URBAN DEVELOPMENT CONTROL PANEL

21 June 2017

Item: 3

| | |
|-------------------------|---|
| Application No.: | 17/00861/FULL |
| Location: | 75 St Andrews Crescent Windsor SL4 4EP |
| Proposal: | Hip to gable extensions to front and rear to accommodate loft conversion to form habitable accommodation and two storey rear extension. |
| Applicant: | Mr And Mrs Poole |
| Agent: | Mr P N Robson |
| Parish/Ward: | Windsor Unparished/Clewer South Ward |

If you have a question about this report, please contact: Josey Short on 01628 683960 or at josey.short@rbwm.gov.uk

1. SUMMARY

1.1

It is recommended the Panel authorises the Head of Planning:

- | | |
|----|--|
| 1. | To grant planning permission on the satisfactory completion of an undertaking to secure the infrastructure in Section 7 of this report and with the conditions listed in Section 10 of this report. |
|----|--|

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Wilson if it is recommended for approval.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is located on the north east side of St Andrews Crescent, close of the junction with Bell View, within the developed area of Windsor. The site comprises a detached white rough render bungalow with a detached single garage to the side/rear which is accessed via the tarmac drive to the side of the dwelling. The dwelling has a tarmacked drive to the front with two vehicular access points. There is a grassed garden to the rear which is bounded by 2 metre close boarded fencing. There is a steady decline in land levels towards the rear, with steps to access the rear door of the dwelling.
- 3.2 The street scene of St Andrews Road is characterised by detached bungalows of a similar architectural style. It is noted that the street scene displays many examples of bungalows which have been extended by hip to gable extensions and two storey rear extensions. Additionally, it is noted that the main stretch of St Andrews Avenue contains examples of bungalows which have been extended in a similar way with 3 dormer windows to each side elevation. Mindful of this, it is considered that the street scene of St Andrews Avenue is varied.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The application seeks planning permission for hip to gable extensions to front and rear to accommodate loft conversion incorporating a side dormer window and two storey rear extension.
- 4.2 The proposed works would create a gable ended roof to the front and rear of the existing dwellinghouse. However, the front hip to gable extension would leave part of the existing front

hip. The loft conversion would also incorporate a dormer to the south east side elevation of the dwellinghouse. The proposed two storey rear extension would have a depth of 3 metres.

4.3 No relevant planning permission.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework Sections

Royal Borough Local Plan

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

| Within settlement area | Highways and Parking | Trees | Aircraft noise |
|------------------------|----------------------|-------|----------------|
| DG1, H10, H11 | P4, T5 | N6 | 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 – view at:
- RBWM Parking Strategy – view at:

More information on these documents can be found at:

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

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- Visual impact and impact on locality
- Impact on neighbour amenity
- Parking provision
- Trees and landscaping
- Further Community Comments

Visual Impact

6.2 The appearance of a development is a material planning consideration and the National Planning Policy Framework, Section 7 (Requiring Good Design) and Local Plan Policy DG1, advises that all development should seek to achieve a high quality of design that improves the character and quality of an area. Given the nature of the proposed works and the location, the proposal would be visible when viewed from the street scene of St Andrews Crescent.

6.3 The existing depth of dwelling would be extended to the rear by 3 metres with a two storey extension, however the front and side elevations alongside the roof height of the existing dwelling would all be maintained as a result of the proposed works. The design of the front hip to gable extension would maintain a partial hip to the front of the dwelling, resulting in the front gable being in set 0.75 metres from the front eaves. This design feature is common within the street scene of St Andrews Avenue with two examples which can be seen at the two immediate neighbouring dwellings to the North West; Nos. 71 and 73. The proposed side dormer window

would be set back 7 metres from the principal elevation of the dwelling and would appear subordinate in scale. Mindful of this, it is considered that it would not have an overbearing impact on the mass and bulk of the roofscape of the dwelling. In addition to this, it is noted that the street scene displays many examples of bungalows which have been extended to the rear. Additionally, it is noted that the material pallet of the proposed works would mirror that of the existing dwelling. Mindful of this, the proposal is considered to respect the appearance and design of the host dwelling and the appearance and character of the street scene would not be harmed.

Neighbour Amenity

- 6.4 Appendix 12 of the Councils Local Plan provides a guidance note on 'House Extensions' and details that single storey extensions should not extend beyond a line drawn at 45 degrees from the centre point of the nearest habitable window of the nearest habitable rooms of an adjoining property (as drawn on a plan). The proposed two storey rear extension would not breach the 45 degree angle when measured from the centre point of the habitable windows within the rear elevation of No. 73 due to the existing two storey rear extension at this property and as such it is considered that the extension would not have a detrimental impact on the daylight that these windows currently receive.
- 6.5 It is noted that the side elevation of No. 73 also includes an existing window which serves a bedroom. A bedroom is a habitable room and the aforementioned window is the primary window serving this room. Mindful of this, it would be necessary to carry out a further test to assess the light which this window would receive as a result of the proposed works as per the BRE tests. Taking a 25 degree angle from the centre point of the height of this window was carried out in order to assess the impact which the proposed extension may have. The existing dwelling does not breach this angle at its highest point. Given that the proposed works would not increase the height of the existing dwelling. It is noted that the proposed works would not increase the height of the dwelling, nor would they decrease the gap of 5 metres between the host dwelling and No. 73 and as such this angle would also not be breached by the proposed works. In addition to this, the visible sky angle from this window as a result of the proposed works would exceed 65 degrees which suggests that the window currently and as a result of the proposed works would receive reasonable results in regards to daylight. In addition to this, it is noted that the orientation of the site locates south to the front of the dwellings however the existing single storey side extension at No. 73 and the 2 metre close boarded fencing on the shared boundary with the host dwelling impact the level of south light which currently enters the aforementioned window. Mindful of this, it is noted that the neighbouring bedroom window currently only receives easterly daylight in the mornings and any light this window receives is currently impacted by the existing dwelling, boundary treatment and single storey side extension. Whilst the increase in mass to the rear of the site may have an impact on this, given the existing light it receives, it is considered that it would not be justifiable to refuse this application on that basis given the current light this window receives. In addition to this, whilst it is noted that the objections of the neighbouring dwellings requested a BRE compliant study, given the little light this window currently receives it is considered that it would not be reasonable to condition that such information is provided.
- 6.6 Neighbouring dwelling to the south east, No. 32 Bell View is located at the junction of St Andrews Crescent and Bell View. The dwelling of which is constructed at an angle and as such the rear elevation of the dwelling is orientated south west. With this in mind, the positioning of this neighbouring property is juxtaposed to that of the host dwelling. It is also noted that the dwelling of this neighbouring site is positioned approximately 9 metres from the host dwelling at its closest point. Mindful of the above and the orientation of the site, it is considered that the resultant dwelling would not have an adverse impact on the sunlight and daylight this property currently receives.
- 6.7 The proposed works would create a new first floor windows within the first floor of the front and rear elevations, 2 rooflights to the north west side elevations and 2 new windows at ground floor and a dormer window to the south east side elevation. The proposed first floor window to the front elevation would front the highway and the front elevations of other properties on the adjacent side of St Andrews Crescent, and thus it is considered this window would not result in overlooking or a loss of privacy to these neighbouring dwellings. The new first floor window to the rear elevation

would front the rear boundary of the site which also forms the side/rear boundary of No. 30 Bell View. Concern has been raised for the overlooking and loss of privacy to this neighbour caused by the aforementioned window. However, given that the window would face the rear element of this garden, it is considered that it would not result in a loss of privacy or an unacceptable level of overlooking. The two rooflights to the north west side roofslope would be positioned at a high level within the room they would serve and consequently it is considered that they would not result in overlooking to the north west.

- 6.8 Concern has also been raised for the new windows proposed to the south east elevation at ground and first floor level. The side dormer within the south east elevation would serve a bathroom. As such, it would be reasonable to condition that this window is obscurely glazed and non opening below 1.7 metres of the internal floor height, in the event of planning permission being granted. Mindful of this, it is considered that this window would not result in overlooking or a loss of privacy. The works would incorporate two new windows within the side elevation which would serve a bathroom (which is proposed to be obscurely glazed) and a study. Particular concern has been raised for these windows resulting in a loss of privacy due to the change in land levels providing views over the existing 2 metre boundary treatment. The dashed line on the side elevations indicate the internal floor height of the rooms. Having measured the lowest point of the land next to the window, although the window may be visible over the existing boundary treatment, this would only be at 1.7 metres and above of the internal floor height. Mindful of this it is considered that this window would not result in overlooking or a loss of privacy. It is also worth noting that the applicant, could in principle insert a window such as this could be inserted within this location without any planning permission using the provisions of permitted development under Class A of the General Permitted Development Order. Mindful of this, it is considered that it would not be justifiable to warrant a refusal on this basis.

Parking Provision

- 6.9 The proposed works would create an additional bedroom at the dwellinghouse resulting in a 3 bedroom property which would require off street parking for 2 vehicles. The existing dwelling has a tarmac drive to the front and north west side of the dwelling which provide off street parking for up to 3 vehicles. Mindful of this, it is considered that the existing parking at the site would provide sufficient space on the site to accommodate the car parking for the resulting dwelling in compliance 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.
- 6.10 With the above taken into account, whilst the concerns regarding parking and highway implications have been taken into account, in this instance it is considered that the proposed development would not have any detrimental implications.

Trees and Landscaping

- 6.11 The proposed works would not have any tree or landscaping implications. Whilst it is noted that concern has been raised for the loss of trees and shrubs at the site as a result of the proposed works, there are no trees at the site which are protected by Tree Preservation Orders. Additionally, having conducted a site visit, it is considered that there are no trees or shrubs at the site which are of amenity value. Mindful of this, no concern is raised for the loss of these trees or shrubs in this instance.

Further Community Comments

- 6.12 It is noted that the initial description of the application incorrectly described the proposed works. However, this has since been rectified with neighbours re notified for 21 days and a revised site notice put up at the site on 25th April 2017.

- 6.13 Concern has been made about the plans not showing dimensions and as such it being unclear how big the proposed development is. It is noted that all drawings submitted are to scale, as specified within the title box of the drawings and as such it is considered that it is clear to see the scale of the development proposed. Whilst it is noted that the side elevations were both titled 'left hand side elevation', a set of amended drawings rectifying this have since been received on 7th June 2017 and uploaded to public access. Reference is also made to drawing no. 92/PR/PL02 which relates to a different site however appears to be a submitted drawing as part of this application. It is noted that the aforementioned drawing was in fact uploaded to this application as a clerical error and has since been rectified.
- 6.14 Reference has been made to the noise pollution generated as a result of the proposed development within the letters of objection. Whilst this concern has been taken into account, it is considered that the level of noise generated as a result of the proposed works would not be any more than that which is expected of a residential development within a built up area.
- 6.15 Concern has been raised about the impact the proposed development would have on the existing garage of No. 32 Bell View in terms of ground stability due to the close proximity of the two structures. Whilst this concern is taken into account, given that the proposed works would all fall within the curtilage of the application site, it is noted that this would not form a material planning consideration in the assessment of this application as it would be a civil matter.
- 6.16 Similarly to this, the impact the proposed works would have on the existing drainage system that serve the area would not form a material planning consideration in the assessment of this application. However, this aspect would be addressed within the Building Regulation stage.

Other Material Considerations

Housing Land Supply

- 6.17 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.
- 6.18 It is acknowledged that this scheme would make a contribution to the Borough's housing stock. However, it is the view of the Local Planning Authority that the socio-economic benefits of the additional dwellings would be significantly and demonstrably outweighed by the adverse impacts arising from the scheme proposed, contrary to the adopted local and neighbourhood plan policies, all of which are essentially consistent with the NPPF, and to the development plan as a whole.
- 6.19 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 proposal is CIL liable but would attract an exemption if the applicant claims a self-build exemption. In the absence of a self-build exemption the CIL liability, based upon the chargeable residential floor area (£240/£100 per sq.m) would be £x
- 7.2 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 would be £x on the basis of a net increase of x sq.m. No further action is required until prior to commencement of the development if the proposal is subsequently approved.

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

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

Five occupiers were notified directly of the application.

The planning officer posted a statutory notice advertising the application at the site on 25th April 2017 however the application was not advertised in the Maidenhead & Windsor Advertiser on as there was no statutory requirement to do so in this instance.

Letters were received objecting to the application from three neighbouring dwellings, summarised as:

| | Comment | Where in the report this is considered |
|----|---|--|
| 1 | The description refers to a single storey rear extension and not a two storey rear extension | Paragraph 6.12 |
| 2 | The plans submitted do not show any dimensions and as such do not show the scale of the proposed development. Additionally it is noted that the elevations are not accurately labelled as both are titled 'left hand side elevation'. Drawing no. 92/PR/PL02 relates to a different address and not that of the application site. | Paragraph 6.13 |
| 3 | Proposal would result in overdevelopment of the site which in turn would have an overbearing impact on the surrounding neighbouring dwellings and consequently would obscure existing views. | Paragraphs 6.2 and 6.3 |
| 4 | The resultant dwelling would be out of character with the other properties within the crescent | Paragraph 6.3 |
| 5 | The resultant dwelling would result in overlooking and a loss of privacy to the surrounding neighbouring dwellings – particular concern raised for the high level ground floor windows and the side dormer. | Paragraphs 6.7 and 6.8 |
| 6 | The works would result in a loss of light to the neighbouring properties and the gardens of them as the proposal would cause overshadowing – particular concern is raised for the habitable rooms of No. 73 and it is requested that a BRE compliant daylight and sunlight assessment is carried out to consider this | Paragraphs 6.5 and 6.6 |
| 7 | Increase in property size would have an adverse impact on parking within the road. Concern is raised with regard to suggestion that highways are soon to be changing the road markings on St Andrews Crescent | Paragraph 6.9 |
| 8 | Increase in property size would in turn create an increased level of noise pollution | Paragraph 6.14 |
| 9 | Concern raised for the impact the proposed works would have on the existing detached garage of No. 32 Bell View in terms of ground stability | Paragraph 6.15 |
| 10 | Proposed development would lead to a greater impact on the existing drainage system and associated problems with it. | Paragraph 6.16 |
| 11 | Development would result in rain water run off into neighbouring properties as existing trees and shrubs would be removed to achieve the development. | Paragraph 6.11 |
| 12 | Overbearing structure would have an adverse impact on the Human Rights of the neighbouring dwellings. | Paragraphs 6.2 and 6.3 |

9. APPENDICES TO THIS REPORT

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

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).

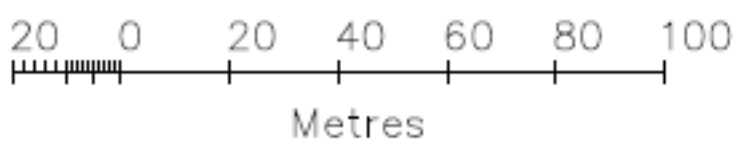
- 2 The materials to be used on the external surfaces of the development shall be in accordance with those specified in the application unless any different materials are first agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.

- 3 The first floor window(s) in the south east dormer elevation(s) of the extension 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.

- 4 The development hereby permitted shall be carried out in accordance with the approved plans listed below.
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

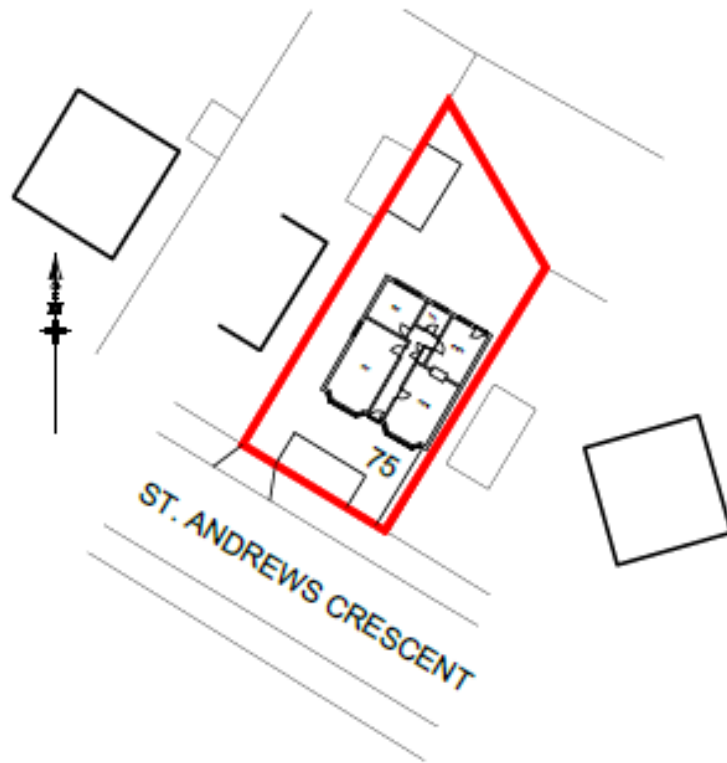
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Appendix A – Site Location Plan

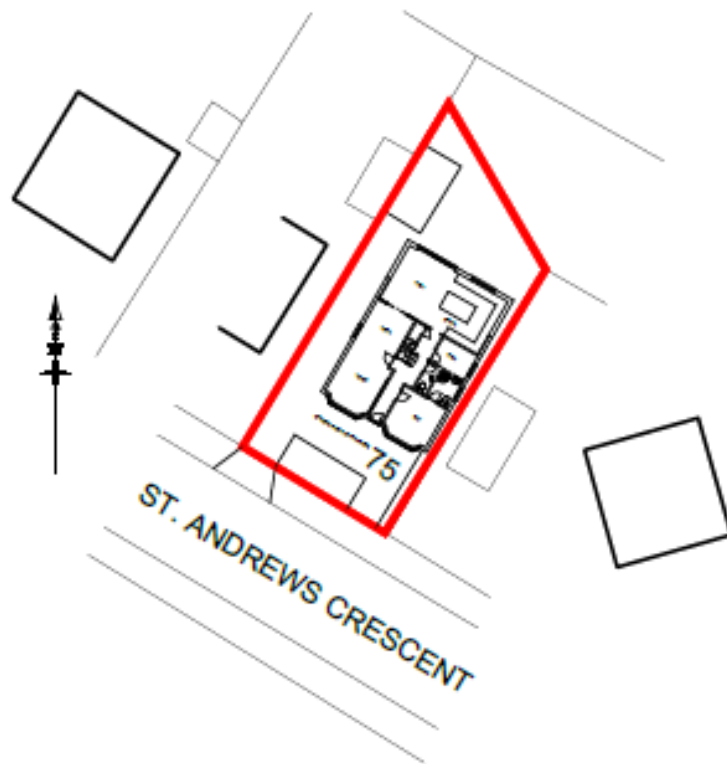


SITE LOCATION PLAN

Appendix B – Existing and Proposed Block Plans

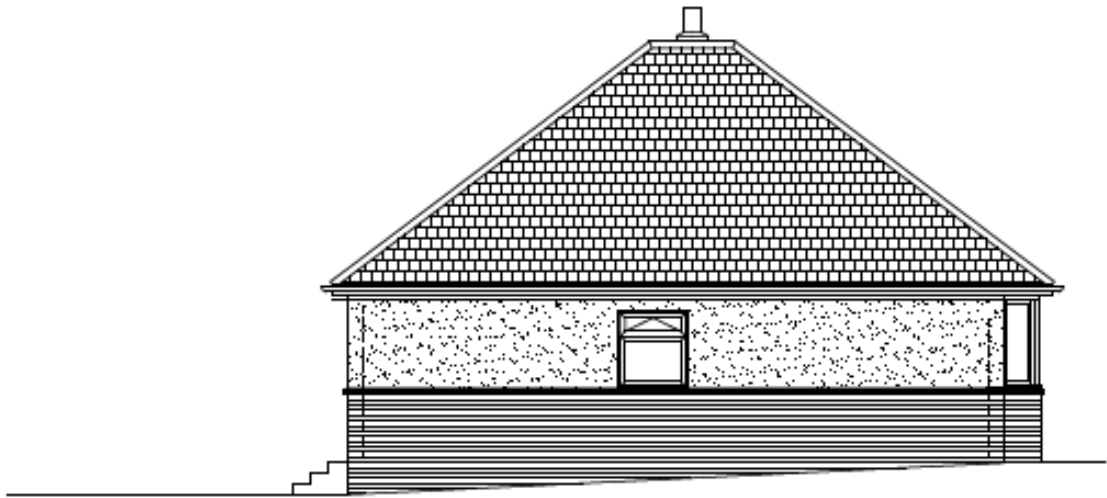


SITE PLAN AS EXISTING

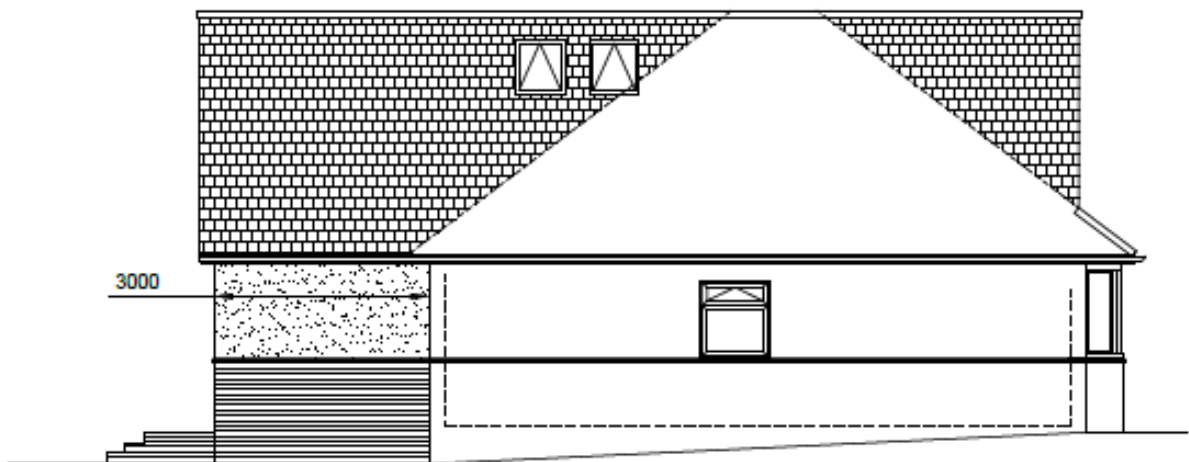


SITE PLAN AS PROPOSED

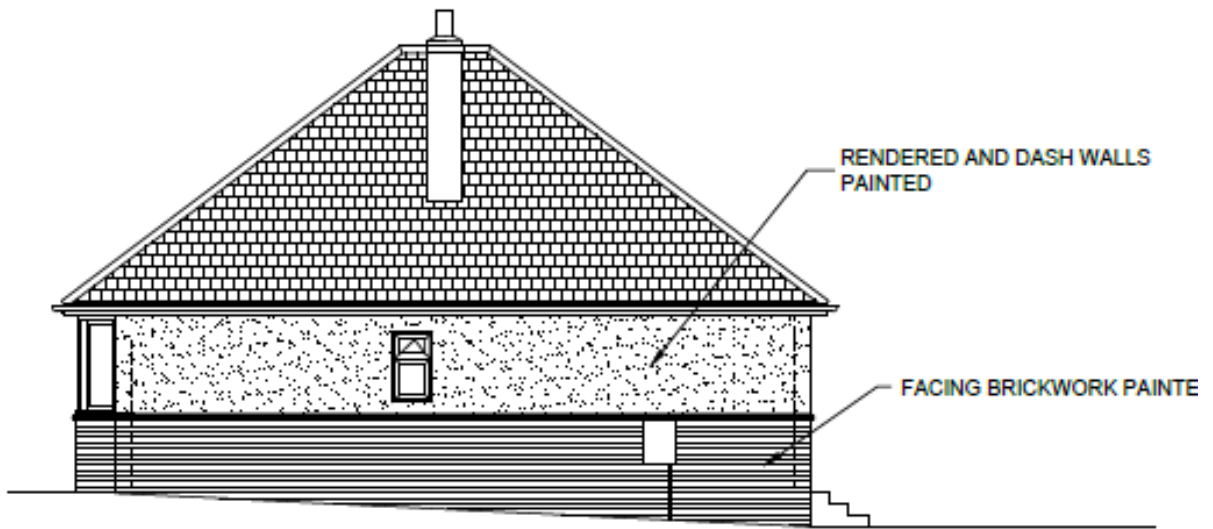
Appendix C – Elevations



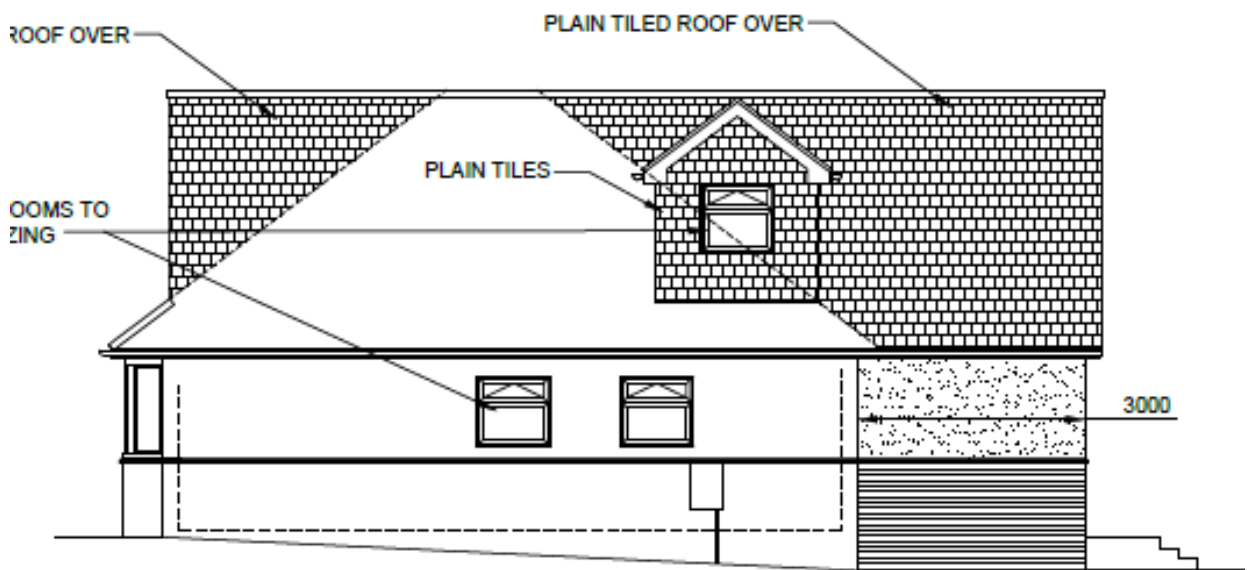
EXISTING LEFT SIDE ELEVATION



PROPOSED LEFT SIDE ELEVATION

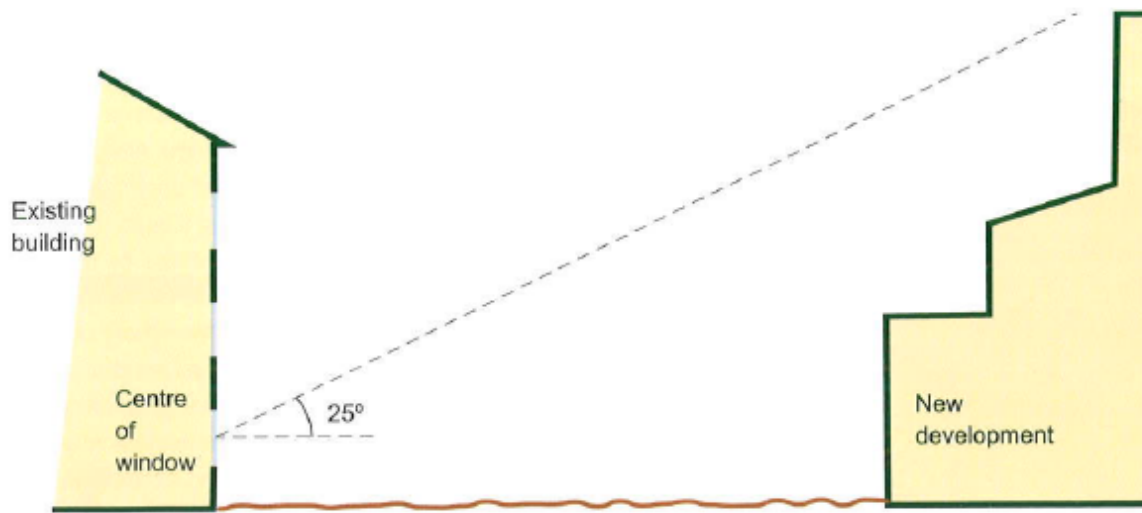


EXISTING LEFT SIDE ELEVATION

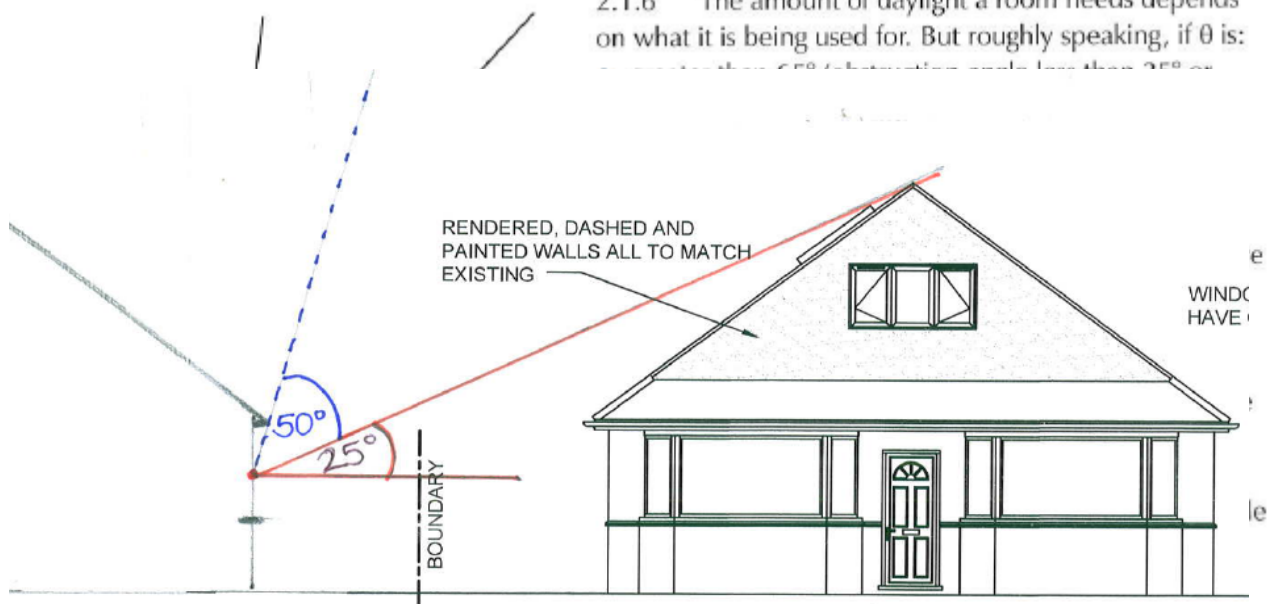


PROPOSED RIGHT SIDE ELEVATION

Appendix E – 25 Degree Angle and Visible Sky Angle Diagrams

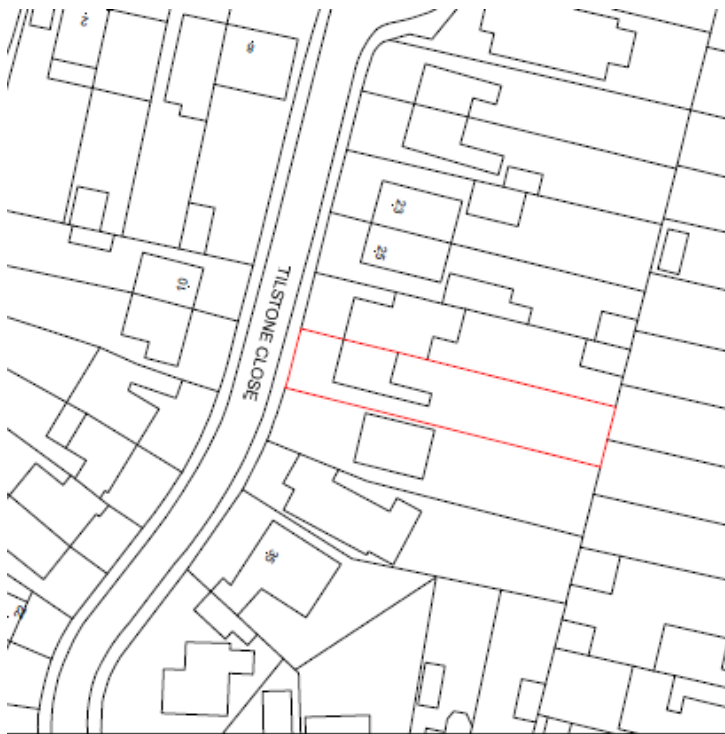


2.1.6 The amount of daylight a room needs depends on what it is being used for. But roughly speaking, if θ is:

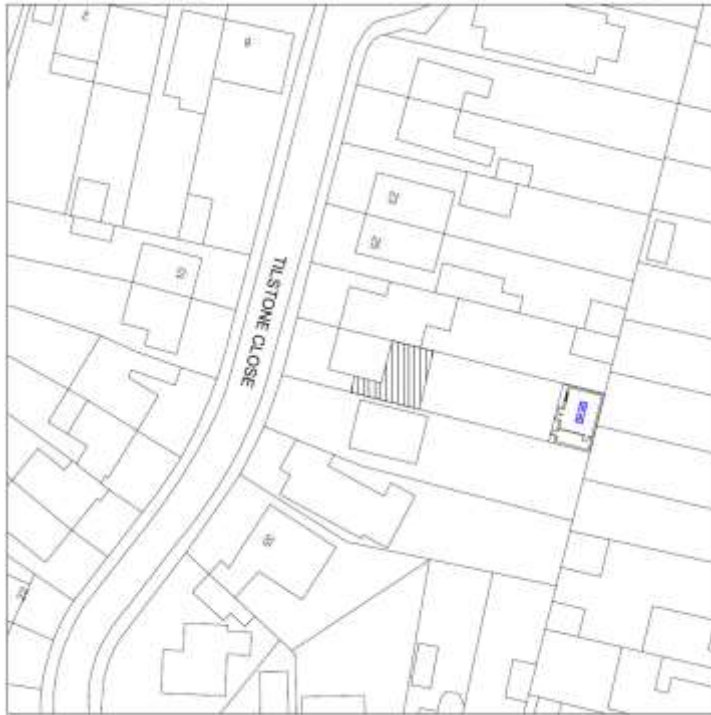


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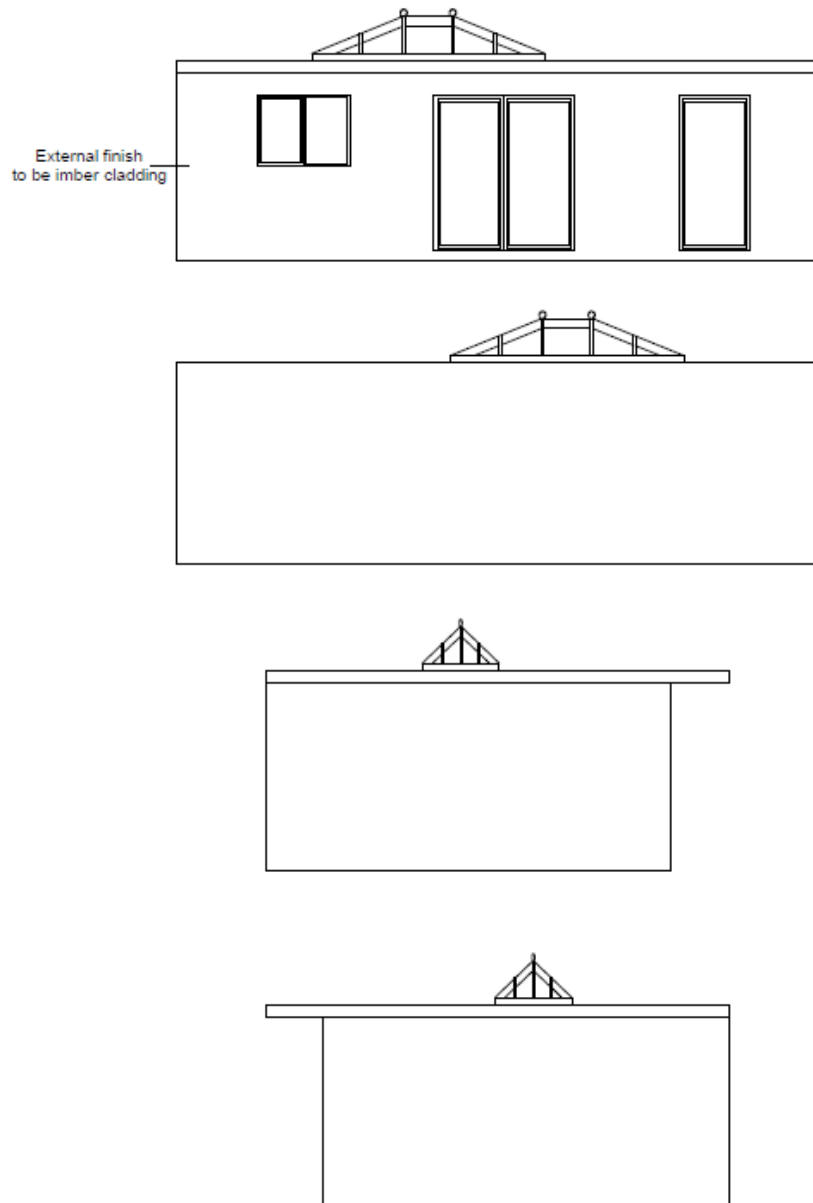
Appendix A- Site location



Appendix B- Block Plan



Appendix C- Elevations



PROPOSED ELEVATIONS
Scale 1:100

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WINDSOR URBAN DEVELOPMENT CONTROL PANEL

21 June 2017

Item: 4

Application No.: 17/00940/FULL
Location: 29 Tilstone Close Eton Wick Windsor SL4 6NG
Proposal: Construction of an outbuilding (retrospective)
Applicant: Mr Nar
Agent: Mr Gurprit Benning
Parish/Ward: Eton Town Council/Eton Wick Ward

If you have a question about this report, please contact: Nuala Wheatley on 01628 796064 or at nuala.wheatley@rbwm.gov.uk

1. SUMMARY

- 1.1 Retrospective planning permission is sought for a single storey detached timber outbuilding located in the rear garden of 29 Tilstone Close, a two storey semi-detached dwelling in Eton. It is considered that the outbuilding would not be harmful to the character and appearance of the area or the residential amenities of neighbouring dwellings and therefore complies with the NPPF and Policy DG1 of the Local Plan.

It is recommended the Panel defer and delegate to the Head of Planning subject to

- Certificate B being completed and notice served on the neighbouring property for the requisite period; and**
- Subject to no new material issues being raised to grant planning permission with the conditions listed in Section 9 of this report.**

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor S. Rayner, on the basis that the proposal represents serious overdevelopment to the detriment of the neighbouring properties and the extension overhangs the neighbours property.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 Tilstone Close is a cul-de-sac with a mix of dwelling styles; largely two-storey semi-detached dwellings but also detached bungalows. The application property is a semi-detached dwelling on the East side of the road.
- 3.2 Part of the application site is located within Flood Zone 3; however, the area in which the outbuilding is sited is not included within this area. As such, Policy F1 is not relevant in relation to this application.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

| Ref. | Description | Decision and Date |
|---------------|---|---|
| 16/01809/PDXL | Single storey rear extension no greater than 6.0m depth, 2.8m high and an eaves height of 2.8m. | Prior Approval Not Required, 06.07.2016 |
| 16/02386/FULL | Part single, part two storey side and rear extension. | Permitted, 14.09.2016 |

- 4.1 The application seeks to retain a timber outbuilding within the rear garden of the property which is proposed to be used as a gym with some storage.
- 4.2 The outbuilding has a flat roof, but is fitted with a roof lantern which protrudes from the roof by 0.6m. The outbuilding measures 2.6m in height, 8.3m in width and 5.2m in depth.

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 |

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 the character and appearance of the area;
- ii impact on the amenity of neighbouring properties;

Impact on the character and appearance of the area

6.2 The appearance of a development is a material planning consideration and the National Planning Policy Framework, Section 7 (requiring good design) and Local Plan Policy DG1, advises that all development should seek to achieve a high quality of design that improves the character and quality of an area. Paragraph 50 of the NPPF concentrates on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new buildings in relation to neighbouring buildings and the local area more generally. While DG1 of the Local Plan also states the design of new buildings should be compatible with the established street façade.

6.3 The dwellings along this part of Tilstone Close and adjoining Tilstone Avenue are characterised by long rear gardens and there are also a number of dwellings within the immediate vicinity which benefit from detached outbuildings. As such, it is not considered that the outbuilding subject of this application would be an incongruous or unwelcome addition. Its design is considered to respect the appearance and character of the host dwelling and the character of the street scene would not be harmed. Its scale is subordinate to that of the existing dwellinghouse and a sufficient amount of garden amenity space remains to serve the dwellinghouse.

Impact on the amenity of neighbouring properties

6.4 The outbuilding, which is positioned towards the rear boundary of the site, is set back from the amenity areas of the adjoining dwellings and is approximately 20 metres away from any of the neighbouring dwellings. The outbuilding is visible beyond the existing fence line of the adjoining neighbours to the east, 14 and 15 Tilstone Avenue, by approximately 0.8m. Whilst readily visible from the rear amenity areas of these neighbouring dwellings, it is not considered that the impact is significant enough in terms of outlook, overshadowing and projection of light to justify a refusal on this basis. Additionally it should be noted that the outbuilding is considered to be an appropriate size for a domestic outbuilding and would be granted permission by virtue of the General Permitted Development Order (2015) if it were 0.1m lower in height.

Other material considerations

- 6.5 The plans submitted with the application indicate that the outbuilding would be used as a gym and for storage. It is not considered necessary to include a condition to state that the use must remain ancillary to the residential use of the dwelling as any material change of use of the outbuilding would require planning permission.
- 6.6 From the submitted drawings it would appear as if the outbuilding overhangs the boundary with the neighbouring property. Certificate B should have been completed to notify the adjoining landowner and the notice served before the application was lodged. Whilst it is accepted that the Party Wall Act provisions are separate to the planning process it is important that an application is properly made. The recommendation therefore seeks to ensure that the appropriate notification is served on the neighbour before permission is granted.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

No letters were received from the 4 properties notified or as a result of a site notice displayed on 21st April 2017

No comments were received from Eton Parish Council.

8. APPENDICES TO THIS REPORT

- Appendix A - Site Location Plan
- Appendix B – Block Plan
- Appendix C – Elevation 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. 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

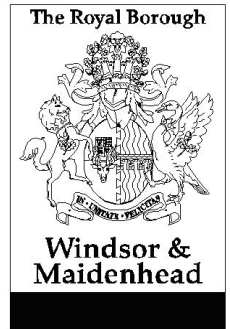
- 1 No Conditions

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Appeal Decision Report

13 May 2017 - 8 June 2017

WINDSOR URBAN



Appeal Ref.: 16/60111/REF **Planning Ref.:** 16/01632/FULL **Plns Ref.:** APP/T0355/W/16/3
160259

Appellant: Burwood Rumsby Ltd **c/o Agent:** Mr T Rumble Woolf Bond Planning The Mitfords
Basingstoke Road Three Mile Cross Reading RG7 1AT

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

Description: 4 No. 1 bedroom and 5 No. 2 bedroom flats, parking and cycle facilities and new access
following demolition of existing dwelling and outbuildings.

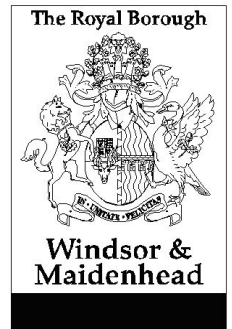
Location: **9 Park Corner Windsor SL4 4DR**

Appeal Decision: Allowed **Decision Date:** 23 May 2017

Main Issue: The Inspector considered that the proposed development would have an acceptable effect on the character and appearance of the area. The Inspector also concluded the scheme would provide a good standard of amenity for future occupiers of the development and to neighbouring occupiers in accordance with the requirements of the National Planning Policy Framework. The Inspector concluded that in considering paragraphs 49 and 14 of the NPPF as a consequence, there were no adverse impacts arising from the proposed development that significantly and demonstrably outweigh the benefits of providing a net gain of eight dwellings, or any policies in the NPPF that indicate development should be restricted. Thus, the presumption in favour of sustainable development applied to the granting of planning permission.

Planning Appeals Received

13 May 2017 - 8 June 2017



WINDSOR URBAN

The appeals listed below have been received by the Council and will be considered by the Planning Inspectorate. Further information on planning appeals can be found at <https://acp.planninginspectorate.gov.uk/>. Should you wish to make comments in connection with an appeal, please use the PIns reference number and write to the relevant address, shown below.

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

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

| | | | |
|-----------------------|---|-----------------------|----------------------------|
| Ward: | Windsor Unparished | | |
| Parish: | Windsor Unparished | | |
| Appeal Ref.: | 17/60055/REF | Planning Ref.: | 17/00208/CPD |
| Date Received: | 8 June 2017 | Plns Ref.: | APP/T0355/X/1 7/3172716 |
| Type: | Refusal | Comments Due: | 20 July 2017 |
| Description: | Certificate of lawfulness to determine whether single storey side and rear extension, hip to gable conversion dormer, side window and SVP is lawful | | |
| Location: | 5 Bell View Windsor SL4 4ET | | |
| Appellant: | Mr Mike Blair 5 Bell View Windsor SL4 4ET | | |

Agenda Item 7

By virtue of paragraph(s) 1, 2, 3, 4, 5, 6, 7, 7a, 7b, 7c of Part 1 of Schedule 12A of the Local Government Act 1972.

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