

## WINDSOR URBAN DEVELOPMENT CONTROL PANEL

21 June 2017

Item: 2

<b>Application No.:</b>	17/00761/FULL
<b>Location:</b>	8 Clarence Road Windsor SL4 5AD
<b>Proposal:</b>	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
<b>Applicant:</b>	Mr R Ellis Mr M Bird
<b>Agent:</b>	Ms Nicola Broderick
<b>Parish/Ward:</b>	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](mailto:vivienne.mcdowell@rbwm.gov.uk)

<b>Application No:</b>	17/00762/LBC
<b>Location:</b>	8 Clarence Road Windsor SL4 5AD
<b>Proposal:</b>	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
<b>Applicant:</b>	Mr R Ellis Mr M Bird
<b>Agent:</b>	Ms Nicola Broderick
<b>Parish/Ward:</b>	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](mailto: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.

<b>It is recommended the Panel grants planning permission with the conditions listed in Section 10 of this report.</b>
--

<b>It is recommended the Panel authorises the Head of Planning:</b>
---

- |    |   |
|----|---|
| 1. | <b>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</b> |
|----|---|

	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](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](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 proposed 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 23<sup>rd</sup> 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	<p>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.</p> <p>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.</p>	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

- 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.
- 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.