

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

WINDSOR URBAN DEVELOPMENT CONTROL PANEL

6 December 2017

Item: 1

Application No.:	17/02236/FULL
Location:	Land At Datchet Common Horton Road Datchet Slough
Proposal:	Change of use of the land to the stationing/parking of vehicles
Applicant:	Messrs Loveridge And Giles
Agent:	Dr Angus Murdoch
Parish/Ward:	Datchet Parish/Datchet Ward

If you have a question about this report, please contact: Victoria Goldberg on 01628 683551 or at victoria.goldberg@rbwm.gov.uk

It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 10 of this report):

1.	The proposal represents inappropriate development in the Green Belt. Inappropriate development is by definition harmful to the Green Belt. The proposal will also result in a substantial impact on the openness of the Green Belt. No very special circumstances have been put forward that clearly outweigh the harm caused by reason of inappropriateness and the substantial impact on the openness of the Green Belt. Accordingly, the proposal is contrary to saved Policies GB1, GB2A of the Royal Borough of Windsor and Maidenhead Local Plan (June 2003), Policies SP1 and SP5 of the emerging Local Plan and Paragraphs 79, 80, 87 - 90 of the National Planning Policy Framework (March 2012)
2.	Part of the site is situated within flood zone 3b functional floodplain. The use has been classified as a less vulnerable use, and such a use is identified as inappropriate development within FZ3b, as set out in the National Planning Practice Guidance and the Royal Borough of Windsor and Maidenhead Strategic Flood Risk Assessment. The scheme also fails to pass the Sequential Test and therefore conflicts with Paragraph 100 and 103 of the National Planning Policy Framework
3	The concentration of 71 densely parked cars in a relatively small area results in the urbanisation of this once open and rural piece of land. As such the proposed use will negatively impact on the lawful open rural character of the site contrary to saved policy DG1 of the Royal Borough of Windsor and Maidenhead Local Plan (June 2003) and policy SP2 of the emerging Local Plan
4	The use of the site to station/park up to 71 vehicles will increase the level of activity on the site by virtue of the number of comings and goings. This will negatively affect the amenity of Mill House, Mill Cottage and the properties on Mill Place that back onto to the access road. The properties on Mill Place are positioned between three and four metres from the access road and as such vehicles accessing the site will be in close proximity to the doors and windows on the rear elevations of these properties and their rear gardens. As such the increase in vehicle movements to the site resulting in noise and disturbance will be detrimental to the amenity of these properties contrary to Core Planning Principle 4 of the NPPF and SP3(L) of the emerging Local Plan

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Jesse Grey because of residents concern that change of use in a commercial area is appropriate

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is located to the rear of 236 to 248 Horton Road and is accessed by vehicles via an existing unnamed road which leads to Mill Place Caravan Park.
- 3.2 The site is positioned within previously undeveloped land (scrubland) that is commonly referred to as Datchet Common although it is not registered as Common Land, and therefore does not provide this public function and the rights normally associated with common land do not apply here.
- 3.3 A pallet storage yard is located to the south of the site separated from the site by a grass mound and emergency exit. To the east lies a car wash and the western boundary borders the remaining area of Datchet Common.
- 3.4 The application site is within the Green Belt, and the Flood Zone 3.
- 3.5 This application has been submitted as a proposal but it should be noted that the site and the entire extent of Datchet Common is currently being used for airport parking without planning permission.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The application proposes the change of use of the land to the stationing of motor vehicles. The car parking area covers 1995m² and the parking layout details 71 parking bays.
- 4.2 The proposal does not reflect the current arrangement on site. It details a much smaller area than that currently used to store cars and there is no reference to associated development i.e. hardstanding to facilitate the use.
- 4.3 The entire area of Datchet Common has been covered in aggregate to form a hard standing to facilitate the current unauthorised airport parking. This use and the associated development (including hardstanding) are the subject of an extant enforcement notice that has been appealed. This application does not seek approval for the hardstanding.

Ref.	Description	Decision and Date
13/02024/FULL	The use of land as a public gypsy and traveller site consisting of 10 pitches, 5 utility buildings, play area and associated works	Withdrawn on the 29 th April 2014.
14/01370/FULL	The use of land as a gypsy and traveller site consisting of 9 x pitches, 5 x utility buildings, play area, warden's office and associated works.	Dismissed by the Secretary of State on the 5 th July 2016.
16/03681/FULL	Use of the land as a Gypsy and Traveller site consisting of 5 no. residential pitches plus 1 no. warden pitch, play area and three amenity blocks.	Withdrawn on the 26 th July 2017

17/02404/FULL	Use of the land as a Gypsy and Traveller site consisting of 4 no. residential pitches, 2 no. Amenities blocks, 1 No. Wardens block and play area	Recommended for refusal- see agenda
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- 4.4 As detailed above there is a separate application on the agenda relating to Datchet Common. This proposes the use of the land as a gypsy and traveller site (4 pitches) and covers the western section of the site and would lie adjacent to the proposed car storage use. The applications propose to share the same access to the common. The determination of application 17/02404/FULL is a material consideration in this application. The extant enforcement notice is also a material consideration.

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	Greenbelt	High Risk of Flooding
DG1	GB1, GB2	F1

These policies can be found at

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

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Appropriate Development in Green Belt and acceptable impact on Green Belt	SP1, SP5
Design in keeping with character and appearance of area	SP2, SP3
Manages flood risk and waterways	NR1

The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Proposed Submission Document was published in June 2017. Public consultation runs from 30 June to 26 August 2017 with the intention to submit the Plan to the Planning Inspectorate in October 2017. In this context, the Borough Local Plan: Submission Version is a material consideration, but limited weight is afforded to this document at this time.

This document can be found at:

<http://rbwm.moderngov.co.uk/documents/s14392/Appendix%20A%20-%20Borough%20Local%20Plan%20Submission%20Version.pdf>

Supplementary planning documents

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

- The Interpretation of Policy F1 (Area Liable to Flooding) Supplementary Planning Guidance (SPG) 2004

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 Appropriate development in Green Belt
- ii Acceptable impact on Green Belt
- iii Impact on character and appearance of the area
- iv Flood Risk
- v Highway Safety
- vi Impact on neighbouring amenity
- vii. planning balance

Appropriate development in Green Belt

6.2 The NPPF lists appropriate forms of development within the Green Belt at paragraphs 89 and 90. The use of the land for the stationing/parking of vehicles is not identified as an appropriate form of development within the Green Belt, and as such is inappropriate.

6.3 As set out at paragraph 87 of the NPPF, inappropriate development in the Green Belt is by definition, harmful to the Green Belt and it should not be approved except in very special circumstances. As stipulated in paragraph 88 of the NPPF, **substantial** weight should be attributed to any harm to the Green Belt. Furthermore, 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. No very special circumstances have been put forward by applicant and as such the harm identified by inappropriateness is not outweighed.

Acceptable impact on Green Belt

6.4 Paragraph 79 of the NPPF sets out that the *'fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'*. As such the effect of the proposal on the openness of the Green Belt is an important material consideration in the determination of this application.

6.5 Policies GB1 and GB2(A) of the adopted local plan support the NPPF. Policy GB1 specifies that consent will only be granted for changes in the use of the land which maintain openness and do not conflict with the purposes of including land in the Green Belt. Policy GB2(A) advises that consent will not be granted for any development that has a greater impact on the openness of the Green Belt than an existing development.

6.6 The lawful undeveloped use of the site had an open quality despite its neglected appearance. Prior to the current unauthorised use, the area was open rough scrubland. The storage of 71 cars on the land will greatly impact upon the openness of the site and would result in the unrestricted sprawl of the built-up area and the loss of countryside.

6.7 The use of the land to store cars will negatively change the character and appearance of the once undeveloped site. As such the introduction of the vehicle parking has had an urbanising effect and will result in a significant loss of openness contrary to the NPPF, to Local Plan Policies GB1 and GB2A of the adopted Local Plan and to policies SP1 and SP5 of the emerging Borough Local Plan.

Impact on character and appearance of the area

- 6.8 Policy DG1 of the adopted Local Plan stipulates that harm should not be caused to the character of the surrounding area through development which results in the loss of important features which contribute to that character.
- 6.9 The site is a relatively enclosed area of land bordered by rear gardens of properties on Horton road and Datchet Car wash. The concentration of 71 densely parked cars in a relatively small area results in the urbanisation of this once open and rural piece of land which is out of keeping in this semi-rural environment. Whilst it is acknowledged that the adjacent car wash is lawful this scheme is of a larger scale and a greater level of intensity than the adjacent use. As such the proposed use will negatively impact on the lawful open rural character of the site and would be out of keeping with the area contrary to policy DG1 of the Local Plan and Policy SP3 of the emerging Borough Local Plan.

Flood Risk

- 6.10 The Environment Agency advises that part of the development site lies within Flood Zone 3b (FZ3b) i.e. functional flood plain. FZ3b is defined in the NPPF and NPPG as having a high probability of flooding from rivers and the land where water *has* to flow or be stored in times of flooding. This is confirmed by the Council's Strategic Flood Risk Assessment.
- 6.11 The Environment Agency classify the proposed use as 'less vulnerable' development despite not being specifically mentioned within flood risk table 2 of the NPPG. Table 3 of the NPPG - Flood risk vulnerability and flood zone 'compatibility' clearly indicates that this type of development is not compatible with this flood zone and should not therefore be permitted.
- 6.12 In accordance with the requirements of National Planning Policy, the Sequential Test should be applied. The submitted FRA does not address the sequential test and it also fails to provide any assessment of fluvial flood risk. As the Sequential Test has not been passed, no further assessment of the acceptability of the development in the flood zone is required. The proposal fails to comply with the NPPF, with Policy F1 of the Local Plan and with Policy NR1 of the emerging Borough Local Plan.

Highway Safety

- 6.13 The applicant has failed to identify the purpose of the car park despite the current airport parking on site. As such there is no accurate way of anticipating the number of vehicle trips resulting from the proposal. Although supporting information would be beneficial to fully appreciate the extent of the impact, the location of the site and access are not anticipated to impose any significant impacts to the local highway network.
- 6.14 The sight lines at the junction with Horton Road comply with current guidance in both directions. The applicant proposes serving the site from the main access onto the private road. The entrance to the site is gated, but is of sufficient width to allow two way vehicular flow across the entrance. However, the plan also shows that the applicant intends to retain access to Mill Lane.

Impact on neighbouring amenity

- 6.15 The use of the site to station/park up to 71 vehicles will increase the level of activity on the site by virtue of the number of comings and goings. This will negatively affect the amenity of Mill House and Mill Cottage and the properties on Mill Place that back onto to the access road. The properties on Mill Place are positioned between three and four metres from the access road and as such vehicles accessing the site will be in close proximity to the doors and windows on the rear elevations of these properties and their rear gardens. As such the increase in vehicle movements to the site resulting in noise and disturbance will be detrimental to the amenity of these properties.

6.16 As a result of the current unauthorised use on site local residents have already reported an increased level of disturbance due to vehicles being moved at all hours of the day. Whilst it is accepted that a condition could be imposed to limit the times of these movements, this would not overcome the unacceptable impact to these properties arising from vehicles needing to access the site to park outside of those hours permitted. The proposal is therefore contrary to Policy DG1 of the adopted Local Plan and to policy SP3 (L) of the emerging Borough Local Plan.

Planning Balance

6.17 The proposal is inappropriate development in the Green Belt for which no very special circumstances have been advanced, this is afforded substantial weight against the development proposed. In addition there is a harmful impact on the openness of the Green Belt which weighs against the development.

6.18 Furthermore ‘any other harm’ is required to be considered. Set out above is the harm caused to the functional floodplain and non compliance with Policy F1 of the adopted Local Plan and emerging policy NR1 of the Borough Local Plan as the Sequential Test is not passed. There is harm to the semi-rural character of the area and to residential amenity contrary to Policy DG1 of the adopted Local Plan and emerging policy SP3 of the Borough Local Plan. This also weights against the development in the planning balance.

6.19 In the absence of a case for very special circumstances, no benefits arising from the scheme have been identified. Consequently the development fails to accord with the adopted and emerging Development Plan; there are no material considerations which would indicate a contrary decision. In fact there are material considerations which add to the weight of the assessment, this includes the extant enforcement notice. Planning permission should not be granted.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

16 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 21.07.2017.

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

Comment		Where in the report this is considered
1.	The application doesn't provide detail of what the parking is proposed for, but it is currently operating as 24/7 Airport Parking. This 24/7 Airport parking operation is a complete nightmare for local residents. Only a few days ago, on Sunday Aug 13 th , we were trying to enjoy a summers evening in the garden but it was disturbed by the movement of vehicles on this site. The last one was witnessed at 11.30pm. It's ridiculous having this activity in a residential area.	6.13-6.15
2.	This activity will impact adversely on numerous residents of Horton Road and Mill Place. In the case of the cottages in Mill Place, these vehicles will be moved at all hours of the day and will pass just feet from their walls and windows.	6.14-6.15
3.	The road has not been designed for this level of traffic	6.13

4.	Access to the site is obtained via an area of land which is owned by the Council.	A section of the access is owned by the Council but it is leased to the Parish Council. The applicant has served notice on all relevant parties.
5.	Concerns about the safety at the junction with Horton Road	6.13
6	Inappropriate development in the Green Belt having an unacceptable impact on character and openness	6.2-6.7
7	Unacceptable development next to the boundaries of neighbouring residential properties with the associated noise/air pollution including afterhours movement of vehicles	6.14-6.15
8	No flood risk assessment	Now submitted see 6.12
9	Unsuitable form of development in terms of vehicle movements both within the site and in terms of access onto the Horton Road	6.13-6.14
10	Cars come and go 24hours a day with the various unauthorised airport parking. This is accompanied by car radios, slamming doors, revving engines and constant car alarms throughout the night.	6.15

Statutory consultees

Consultee	Comment	Where in the report this is considered
Environment Agency	<p>In accordance with paragraphs 101 to 103 of the National Planning Policy Framework, we object to this application because the proposed development falls into a flood risk vulnerability category that is inappropriate to the flood zone in which the application site is located. We recommend that the application should be refused planning permission on this basis.</p> <p>The submitted Flood Risk Assessment prepared by Global Environmental and Advisory Solutions dated 20 July 2017 does not comply with the requirements set out in paragraph 30 part 7 of the Planning Practice Guidance to the National Planning Policy Framework (NPPF). The submitted FRA does not therefore provide a suitable basis for an assessment to be made of the flood risk arising from the proposed development. In particular, the submitted FRA fails to provide any assessment of fluvial flood risk.</p>	6.10-6.12

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Other consultees

Consultee	Comment	Where in the report this is considered
Environmental Protection	If planning permission is to be granted- condition restricting lighting is recommended.	N/A
Highways	<p>The main access to the site is from a private road situated to the south of Mill Lane. The width of the private road between the site access and its junction with Horton Road varies between 5.50 and 5.70metres with a small pinch point measuring 3.80 metres across a 2 metre distance. However, with reference to the Highway Authority's Design Guidelines and The Department of Transport's recommendation, set out in Manual for Streets, the road offers sufficient room to allow two vehicles to pass.</p> <p>The sight lines at the junction with Horton Road comply with current guidance of 2.4*43metres in both directions. The applicant proposes serving the site from the main access onto the private road. The entrance to the site is gated, but is of sufficient width to allow two way vehicular flow across the entrance. However, the plan also shows that the applicant intends to retain access to Mill Lane.</p> <p>Unfortunately the applicant has not provided detailed information in regards to the purpose of the parking bays. Although supporting information would be Beneficial to fully appreciate the extent of the impact, the location of the site and access are not anticipated to impose any significant impacts to the local highway network. Therefore, objecting the application on highway ground would be unreasonable.</p>	
Datchet Parish Council	<p>Members had VERY STRONG OBJECTIONS to this application on the following grounds:-</p> <ol style="list-style-type: none"> 1. Inappropriate development in the Green Belt having an unacceptable impact on the character and openness. 2. Unacceptable development next to the boundaries of neighbouring residential properties with the associated noise /air pollution, including after-hours movement of vehicles. 3. There is no Flood Risk Assessment. 4. The proposals represent an unsuitable form of development in terms of vehicle movements both 	

	within the site and in term of the access onto to Horton Rd.	
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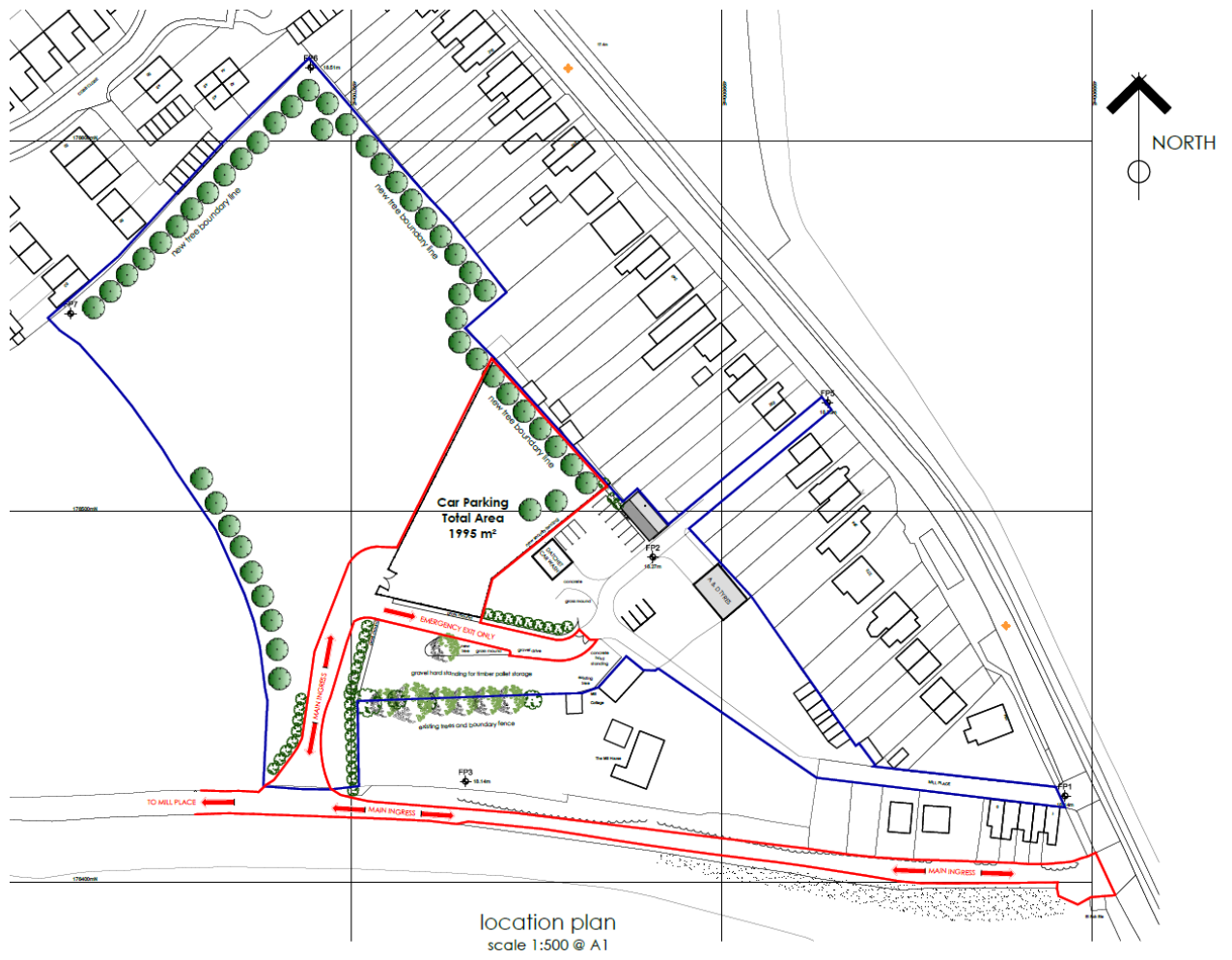
9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan and site layout
- Appendix B – Proposed Plans

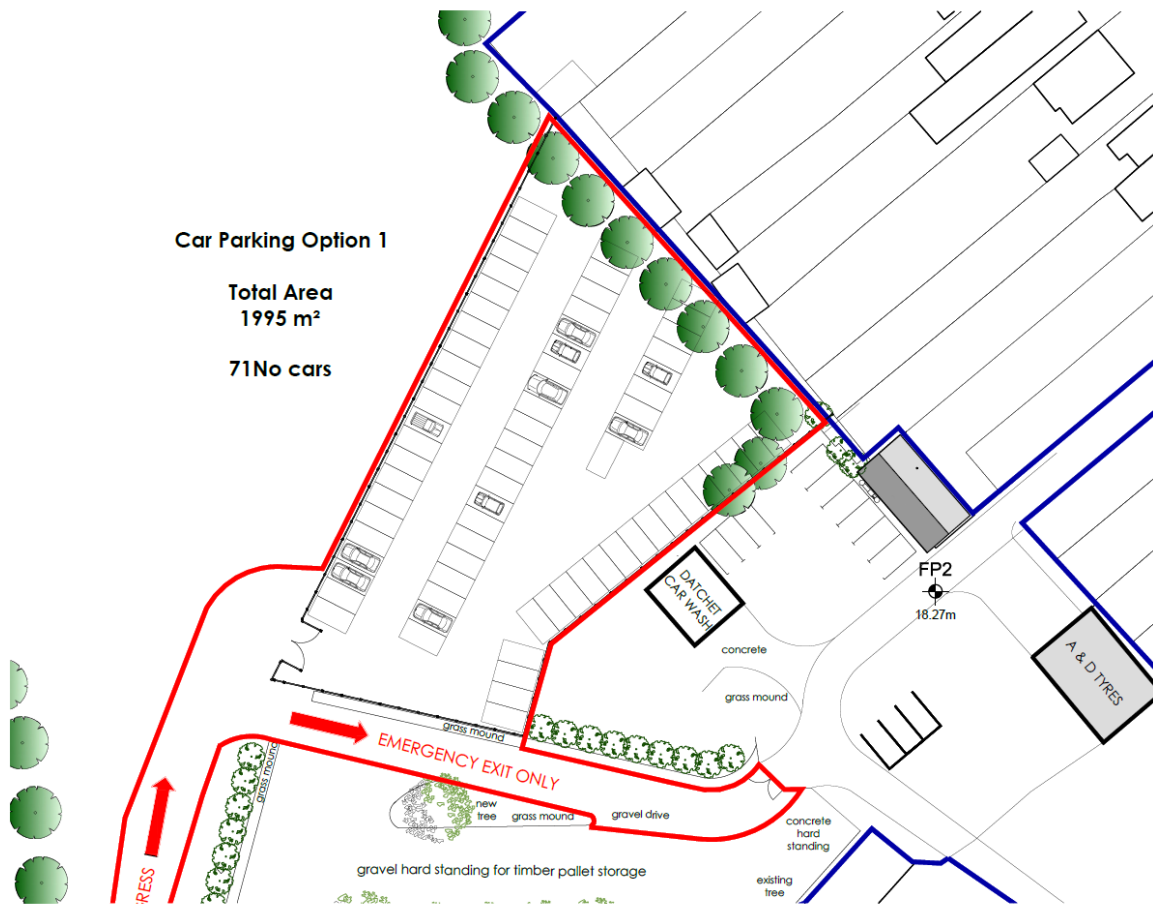
10. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 1 The proposal represents inappropriate development in the Green Belt. Inappropriate development is by definition harmful to the Green Belt. The proposal will also result in a substantial impact on the openness of the Green Belt. No very special circumstances have been put forward that clearly outweigh the harm caused by reason of inappropriateness and the substantial impact on the openness of the Green Belt. Accordingly, the proposal is contrary to saved Policies GB1, GB2(A) of the Royal Borough of Windsor and Maidenhead Local Plan (June 2003), Policies SP1 and SP5 of the emerging Local Plan and Paragraphs 79, 80, 87 - 90 of the National Planning Policy Framework (March 2012)
- 2 Part of the site is situated within flood zone 3b functional floodplain. The use has been classified as a less vulnerable use, and such a use is identified as inappropriate development within FZ3b, as set out in the National Planning Practice Guidance and the Royal Borough of Windsor and Maidenhead Strategic Flood Risk Assessment. The scheme also fails to pass the Sequential Test and therefore conflicts with Paragraph 100 and 103 of the National Planning Policy Framework. The proposal fails to comply with the NPPF, with Policy F1 of the Local Plan and with Policy NR1 of the emerging Borough Local Plan
- 3 The concentration of 71 densely parked cars in a relatively small area results in the urbanisation of this once open and rural piece of land. As such the proposed use will negatively impact on the lawful open rural character of the site contrary to saved policy DG1 of the Royal Borough of Windsor and Maidenhead Local Plan (June 2003) and policy SP2 of the emerging Local Plan
- 4 The use of the site to station/park up to 71 vehicles will increase the level of activity on the site by virtue of the number of comings and goings. This will negatively affect the amenity of Mill House, Mill Cottage and the properties on Mill Place that back onto to the access road. The properties on Mill Place are positioned between three and four metres from the access road and as such vehicles accessing the site will be in close proximity to the doors and windows on the rear elevations of these properties and their rear gardens. Accordingly the increase in vehicle movements to the site resulting in noise and disturbance will be detrimental to the amenity of these properties contrary to Core Planning Principle 4 of the NPPF and SP3 of the emerging Local Plan

Appendix A- Site location plan and site layout



Appendix B – Proposed Plans



WINDSOR URBAN DEVELOPMENT CONTROL PANEL

6 December 2017

Item: 2

Application No.:	17/02404/FULL
Location:	Land At Datchet Common Horton Road Datchet Slough
Proposal:	Use of the land as a Gypsy and Traveller site consisting of 4 no. residential pitches, 2 no. Amenities blocks, 1 No. Wardens block and play area
Applicant:	Mssrs Giles And Loveridge
Agent:	Dr Angus Murdoch
Parish/Ward:	Datchet Parish/Datchet 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 application seeks planning permission for 4 traveller pitches, a warden's office, two amenity blocks, a play area, and associated hardstanding. The development is inappropriate development within the Green Belt. It is considered that the development would have a moderate impact on the openness of the Green Belt, and would result in encroachment into the countryside. In addition, the application fails to demonstrate that the Sequential Test (in respect of flood risk) has been passed.
- 1.2 A decision by the Secretary of State on this land for 9 traveller pitches (which was dismissed) is a material consideration of significant weight in the determination of this application. Whilst this scheme has reduced the level of impact on the openness of the Green Belt from the previously refused scheme (9 pitches), the development is still considered to have a moderate impact on the openness of the Green Belt. The development is still inappropriate by definition, and would result in encroachment in the countryside, both of which are given substantial weight. The Very Special Circumstances put forward are not considered to outweigh the harm to the Green Belt, or other harm in respect of flood risk.

It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 10 of this report):

- | | |
|----|---|
| 1. | The proposal represents inappropriate development in the Green Belt. Inappropriate development is by definition harmful to the Green Belt. The proposal would also result in a moderate impact on the openness of the Green Belt. The very special circumstances put forward and other considerations do not clearly outweigh the harm caused by reason of its inappropriateness which is given substantial weight, and the moderate impact on the openness of the Green Belt. |
| 2. | The site is situated within flood zone 3b functional floodplain and 3a (high risk flooding). The proposed use is classed as a highly vulnerable use, and such a use is identified as inappropriate development within these flood zones, as set out in the National Planning Practice Guidance and the Royal Borough of Windsor and Maidenhead Strategic Flood Risk Assessment. The scheme fails to pass the Sequential Test. The scheme conflicts with Paragraph 100 and 103 of the National Planning Policy Framework |

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Muir irrespective of the recommendation of the Head of Planning due to the Public Interest in Datchet

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is located between houses on the south-western side of Horton Road and south-eastern side of Cobb Close. A pallet storage yard is directly to the east of the site, as is a spray booth, with associated car parking. On the officer site visit, it was observed that a number of cars were parked on the land, however, this use does not benefit from planning permission.
- 3.2 The land is known as Datchet Common (as it formed part of the Datchet Common area) although it is not registered as Common Land and therefore does not provide this public function and the rights normally associated with common land do not apply here.
- 3.3 To the south-west of the site is the existing Mill Place Caravan site which provides 16 pitches.
- 3.4 The application site is within the Green Belt, and the flood zone.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 Permission is sought for the use of the land as a gypsy and traveller site consisting of 4 pitches, 2 amenities blocks and a warden's office. A play area is also proposed.
- 4.2 The pitches would be around 15m x 15 m each (including amenity blocks) with each utility building around 6.5m x 6m. The utility blocks would include two bathrooms and utility rooms. The utility buildings would sit under pitched roofs with a ridge height of around 3.7m. The plans indicate a mobile home would measure circa 4 x 10 metres, with a height of 3.5 metres. The Flood Risk Assessment shows changes to ground levels across the site, with the raising of lowering of ground levels by up to 1 metre. A play area is shown within the application site. Some additional tree planting is indicated. The site would be accessed by vehicles via an existing unnamed road which leads to Mill Place Caravan Park. An emergency exit is shown from the site application site through to land with commercial uses on (within the ownership of the applicant).

Application Reference	Description of proposal	Decision
17/02236/FULL	Adjacent to the application site is a planning application for the change of use of the land to the stationing/parking of vehicles	Pending Consideration
16/03681/FULL	Use of the land as a Gypsy and Traveller site consisting of 5 no. residential pitches plus 1 no. warden pitch, play area and three amenity blocks.	Withdrawn on the 26 th July 2017
14/01370/FULL	The use of land as a gypsy and traveller site consisting of 9 x pitches, 5 x utility buildings, play area, warden's office and associated works. Resubmission of planning application 13/02024	Dismissed by the Secretary of State on the 5 th July 2016.

13/02024/FULL	The use of land as a public gypsy and traveller site consisting of 10 pitches, 5 utility buildings, play area and associated works	Withdrawn on the 29 th April 2014.
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5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework Sections

Section 4- Sustainable Transport

Section 9- Protecting Green Belt Land

Section 10- Meeting the challenge of climate change, flooding and coastal change

Royal Borough Local Plan

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

Within settlement area	Green Belt	Trees	Flood Risk
DG1	GB1, GB2 (Part A)	N6	F1

These policies can be found at

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

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Appropriate Development in Green Belt and acceptable impact on Green Belt	SP1, SP5
Design in keeping with character and appearance of area	SP2, SP3
Manages flood risk and waterways	NR1
Gypsies and Travellers	HO4

The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Proposed Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council will prepare a report which summarises the issues raised in the representations and sets out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents will then be submitted to the Secretary of State for examination by the Planning Inspectorate. In this context, the Borough Local Plan: Submission Version is a material consideration, but limited weight is afforded to this document at this time.

This document can be found at:

<http://rbwm.moderngov.co.uk/documents/s14392/Appendix%20A%20-%20Borough%20Local%20Plan%20Submission%20Version.pdf>

Supplementary planning documents

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

- The Interpretation of Policy F1 (Area Liable to Flooding) Supplementary Planning Guidance (SPG) 2004

More information on these documents can be found at:

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

Other Local Strategies or Publications

5.4 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:

- i Policy HO4 of the emerging Borough Local Plan
- ii Green Belt;
- iii Flood Risk
- iv Impact on character and appearance of the area;
- v Highway safety;
- vi Impact on amenities of neighbours;
- vii Other material considerations;
- viii The planning balance and the case of Very Special Circumstances;

Policy HO4 of the emerging Borough Local Plan (BLP)

6.2 Policy HO4 of the emerging BLP (which is given limited weight at this time) sets out that planning applications for Gypsy and Traveller accommodation will be supported, provided a number of criteria are met. The criteria listed in Policy H04 is:

1. The site is suitably connected by sustainable modes of transport to a settlement with health care, retail, and school with capacity
2. The impact of development including in combination with existing pitches would not harm the landscape, heritage assets, biodiversity or visual character and amenity of the area, in particular Green Belt

3. The site can be safely accessed by pedestrians, vehicles and caravans from the highway
4. The site is not located in an area at high risk of flooding as defined by the Council's strategic flood risk assessment and shown on the proposals map

In this case, the Secretary of State in considering the previous application (for 9 pitches) considered that the site was well related to local services and facilities, that walking, cycling and use of public transport would be realistic and practicable options, and that the occupiers of the site would be able to easily access education, health, welfare and employment infrastructure. This is still considered to be the case.

In terms of the impact of the development on the character of the area and on the Green Belt, this scheme is considered to be harmful to the Green Belt (as explained in the following sections of this report). In addition the site is situated on land at a high risk of flooding. As such the proposed development would not meet all of the criteria set out in Policy HO4 of the emerging BLP and would fail to comply with this emerging policy.

Green Belt

- 6.3 The National Planning Policy Framework (NPPF) details that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open; it confirms that the essential characteristics of Green Belts are their openness and their permanence (paragraph 79). At paragraph 80 it identifies five purposes for the Green Belt, the third being 'to assist in safeguarding the countryside from encroachment'.
- 6.4 At Paragraph 88, the NPPF stipulates that when considering any planning application, Local Planning Authorities should ensure that **substantial weight** is given to any harm to the Green Belt.
- 6.5 The Planning Policy for Traveller Sites 2015 (PPTS), which is to be read in conjunction with the NPPF is a material consideration in determining planning applications. Policy E of the PPTS is specific to traveller sites in the Green Belt and states that: *"Inappropriate development is harmful to the Green Belt and should not be approved, except in Very Special Circumstances (VSC). Traveller sites (temporary or permanent) in the Green Belt are inappropriate development"*. It states that *'subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances'*.
- 6.6 The NPPF sets out what appropriate forms of development within the Green Belt are in paragraphs 89 and 90. The material change of use of the land (which is what this development would amount to) is not listed as an appropriate form of development within the Green Belt, and as such is inappropriate.
- 6.7 As set out by paragraph 87 of the NPPF, inappropriate development in the Green Belt is by definition, harmful to the Green Belt.
- 6.8 The Local Plan was adopted well before the publication of the NPPF. The tests set out in Policy GB1 to determine whether a development would be inappropriate are not fully consistent with those in the Framework. This is seen in relation to development involving material changes in the use of land and the erection of certain categories of buildings. Also, Policy GB2 (A) imposes an additional test with a view to safeguarding the openness of the Green Belt. Policies GB1 and GB2 (part A) of the Local Plan are

consistent in part with the NPPF, and so are given weight, but not full weight in the determination of this application.

- 6.9 The proposed material change of use of the land to a caravan site is inappropriate development in the Green Belt, as explained in paragraph 6.5 of this report. The proposal also includes the erection of buildings in the form of the amenity blocks. The proposed buildings are inappropriate development because they fall outside the exceptions listed in paragraph 89 of the NPPF. Consequently the proposal should not be approved unless very special circumstances exist (paragraphs 87 and 88 of the NPPF).
- 6.10 An essential characteristic of the Green Belt is its openness. The effect of the proposal on openness requires consideration because it is not an explicit part of the assessment as to whether or not the development types are in appropriate.
- 6.11 The site has an open quality despite the somewhat neglected appearance and the apparent loss of vegetation. The proposal would introduce a residential use, which would incorporate 4 mobile homes, 2 amenity blocks, warden's office and a play area. New areas of hardstanding for the access and parking areas would also be introduced onto the site. Based on the number of mobile homes (and potentially touring caravans), amenity blocks, area of hardstanding and the children's play area, it is considered that the development would have a moderate impact on the openness of the Green Belt.

Flood Risk

- 6.12 The Flood Risk Assessment sets out that the site lies partially within a Zone 3a – high probability (Flood Zone 3a) flood risk area and partially Zone 2 – medium probability (Flood Zone 2), however, the Environment Agency advise that the site is within flood zones 3a and 3b (functional flood plain). The use of the land for caravans in residential use is classed as 'highly vulnerable' in respect of flood risk, and this type of development should not be permitted in flood zones 3a and 3b, in accordance with the advice within the National Planning Practice Guidance.
- 6.13 In accordance with the requirements of National Planning Policy, the Sequential Test should be applied. The applicant refers to Cabinet reports dated 27th September 2012 and 24 January 2013, and to the Sequential Test undertaken by RBWM in 2014 which demonstrated that the Sequential Test had been passed. However, the sequential test undertaken in 2014 is now out of date (some 3 years old), and there could be sequentially preferable sites that are available. In addition, this scheme is for fewer pitches (4, instead of 9), and so the Sequential Test needs to be applied based on this lesser development. The Local Planning Authority is not satisfied that this current scheme passes the Sequential Test, and so the scheme fails on this element. As the Sequential Test has not been passed, no further assessment of the acceptability of the development in the flood zone is required.
- 6.14 The scheme is for highly vulnerable development in food zones 3a and 3b, where such development should not be permitted, according to the flood risk vulnerability zone compatibility table within the National Planning Practice Guidance.

Impact on character of the area

- 6.15 The site is a relatively enclosed area of land bordered on two sides by residential and commercial properties with the Mill Place Caravan Park located around 145 metres away. Given the proposed design of the scheme, inclusion of soft landscaping, location

and characteristics along with surrounding uses, the proposal is not considered to have a detrimental impact on the character and appearance of the surrounding area. The proposed raising and lowering of the ground levels would not make the development visually intrusive, to the detriment to the character of the area.

Highways

- 6.16 Subject to the unnamed road being used as the main entrance to the site (access furthest south), the proposal is not considered to raise any highway objections given that there are no highway deficiencies in the immediate area or in the surrounding road network to prevent development taking place.

Impact on amenities of neighbours

- 6.17 The scheme is considered to result in an acceptable level of amenity for future residents, particularly given the inclusion of amenity space to the centre of the site.
- 6.18 Considering the impact on neighbouring residents, the proposed residential scheme is considered to be compatible with the residential nature of the surrounding area. The separation distances (20 metres as a minimum) between the proposed pitches and amenity blocks with neighbouring residential boundaries would ensure that the proposal would not harm the amenities of neighbouring properties by reason of loss of privacy, loss of light, noise impact or being over bearing on adjoining properties.

Other material considerations

- 6.19 There are no Local Plan policies in relation to traveller sites. A gypsy and traveller accommodation Local Plan will be prepared for the Borough which will set pitch and plot targets and identify necessary sites for travellers and travelling show people for the Borough. It is anticipated that a draft plan will be published for consultation in Autumn 2018, with adoption planned for 2019.

Future Occupiers

- 6.20 The best interests of the child is a consideration to be given significant weight. It is stated within the Design and Access Statement at paragraph 36 that ' given the evidence base in the recent needs assessments that local need arising from overcrowding on existing sites forms a larger part of the unmet need in the district, then weight should be given to this material consideration, so that families with local connections can stay close together'. The applicant puts forward the best interests of the child as part of the Very Special Circumstances, however, no more information is given on this point. The applicant put forwards that the relationship (in respect of physical and familial relationship) of the existing Mill Place site, and this proposed site adds weight to the proposal, and it is agreed that this is given some weight.

Needs for traveller accommodation within the Borough

- 6.21 The needs for traveller accommodation within the Borough is not known at the time of determining this planning application, but it is accepted that there is an unmet need within the Borough. This unmet need for traveller pitches within the Borough is given significant weight.

Provision of a 5 year land supply of deliverable sites

- 6.22 The Council cannot demonstrate a 5 year land supply of deliverable sites for traveller pitches, however, as with the previous scheme that was dismissed, the failure to demonstrate a 5 year land supply of deliverable sites is given limited weight.

Other material considerations

- 6.23 A material consideration that is given significant weight in the determination of this application is the decision by the Secretary of State in 2016 to dismiss a scheme on the same land (albeit a different application site area). The Very Special Circumstances put forward were the same as in this current application, where the Secretary of State made the following conclusions:

'The Secretary of State considers that, in accordance with national policies, Traveller sites in the Green Belt are inappropriate development which should not be approved except in very special circumstances. The Secretary of State concludes that the harm caused by the proposal by reason of inappropriate development, the harm to the Green Belt through loss of openness, and the conflict with one of the purposes of the Green Belt through encroachment into the countryside should be accorded substantial weight.'

'... concludes that the factors weighing in favour of the development are insufficient to clearly outweigh the harm to the Green Belt, which the proposal would cause such that very special circumstances exist, taking into account the additional harm he finds by way of loss of openness in the Green Belt. He therefore concludes that a permanent planning permission is not justified.'

Other considerations

- 6.24 The impact of a development on property prices is not relevant to the planning consideration.
- 6.25 Comments on the suitability of the soil/ground for the building are not relevant to the planning consideration.
- 6.26 The development is CIL liable, and this would contribute to infrastructure provision. The comment about the capacity of the sewerage system is noted, this would not be a reason to refuse planning permission in itself for a development of this scale. The sewerage provider may require improvements which would be secured outside the planning process.
- 6.27 Concern has been raised over the impacts on ecology at the site, however, it is not considered that the site is of ecological value require an ecology survey.
- 6.28 Street Lighting is not shown on the proposed plans.

Planning Balance and the Case of Very Special Circumstances

- 6.29 It has been concluded that the development constitutes an inappropriate form of development in the Green Belt which is harmful by definition and substantial weight needs to be given to this harm. It is considered that the development would result in encroachment into the countryside, and that the development would have a moderate impact on the openness of the Green Belt.

- 6.30 The development would also result in other harm. The application has not demonstrated that the Sequential Test has been passed, as required by National Planning Policy. Flood risk is given moderate weight in the consideration of this application.
- 6.31 The agent is making a case that Very Special Circumstances (VSC) exist which outweigh the harm caused to the Green Belt and other harm identified above. The VSC put forward are:
- i) *the need for further sites for Gypsies and Travellers nationally, regionally, locally and personally for local families in need of site provision; (this is given significant weight)*
 - ii) *the unavailability of suitable, affordable, acceptable alternative site(s); (this is given considerable weight)*
 - iii) *the best interests of the children; (this is given significant weight)*
 - iv) *deficiencies with Development Plan policy provision for Gypsy and Traveller caravan sites in the area; (this is given limited weight).*
 - v) *the lack of a 5 year supply of deliverable sites; (this is given limited weight)*
 - vi) *that it is highly likely that any future site would also be in the Green Belt. (this is given limited weight)*
- 6.32 As set out in the PPTS, personal circumstances and unmet need are unlikely to outweigh harm to the Green Belt and any other harm so as to establish VSC.
- 6.33 In respect of the absence of the Council having an up to date 5 year supply of traveller sites, and deficiencies in the development plan, these are considerations which are given weight, but only limited weight. The unmet need for traveller pitches within the Borough is given significant weight.
- 6.34 The lack of alternative sites is given considerable weight.
- 6.35 The refusal of planning permission may have some impact on the best interests of the children is given significant weight in principle, notwithstanding the paucity of information relevant to this VSC.
- 6.36 It is not considered that the Very Special Circumstances put forward or other considerations would outweigh the identified harm to the Green Belt, and the other harm in respect of flood risk.

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.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

73 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on the 18th August 2017.

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

Comment		Where in the report this is considered
1.	How much of the common will be used, and will it be in keeping with its surroundings?	6.15
3.	Will it lower the value of the homes around?	6.24
4.	The land is not suitable to accommodate a building	6.25
5.	Concerns over impact on flooding, and this type of development is inappropriate in this flood zone.	6..12-6.14
6	This application does not overcome the reasons that the Secretary of State dismissed the previous scheme.	6.23
7	Although the description states there would be 4 pitches, there could be 2 caravans per pitch, and car parking, all of which would have an impact on openness.	6.11
8	Traffic concerns	6.16
9	Services such as doctor's surgery can't cope with additional population.	6.27
10	Proposal will result in unacceptable loss of privacy to neighbouring properties.	6.17-6.18
11	The scheme will result in unacceptable noise and disturbance, and this proposal needs to be considered with the disturbance from the commercial estate which has been allowed to expand.	6.17-6.18
12	The sewage system does not have capacity to accommodate the proposed development. Thames Water would admit this.	6.26
13	As the Inquiry discussions took place regarding the likely level of development on the land and alongside the main static caravan pitches there was also space for a touring caravan on each pitch site as it was claimed by the travellers that they would travel at times during the year. In addition, brick built amenity blocks are proposed and the whole site is raised up on a concrete base. All these elements impact on the openness of the Green Belt.	Noted.
14	Historically it was claimed that there were no sequentially better sites. Since the Inquiry, the Council has published its draft Local Plan. One main site identified for housing by the Borough is Maidenhead Golf Course site HA6, which is identified for 2,000 houses. It is understood that this site is owned by the Council. In any event, on such a strategic housing site, an allocation for part of the site for Gypsy Traveller pitches, alongside the other identified needs of the Borough i.e. affordable housing, should be made.	6.13
15	Concerns over impact on ecology	6.27
16	The information submitted with the application is out of date; things move on and the situation could have changed.	Noted.

17	This is inappropriate development within the Green Belt, and it would impact on the openness of the Green Belt.	Covered in assessment.
18	There are numerous problems with flooding, drainage and sewerage in the area- this proposal would exacerbate it.	6.13-6.14
19	National Planning Policy sets out that traveller sites should be identified through the Local Plan process, not through planning applications.	Noted, however, the application has to be considered on its merits.
20	Questioned if all neighbours received a letter.	See section 8
21	The plans are unclear about what access is to be used	see section 6.16
22	Plans do not show if any additional street lighting is to be put up- this could adversely impact on neighbours.	6.28
23	Concerns that the land is contaminated.	See comments from Environmental Protection.
24	Understand that the land will be raised- does this mean the site will be more visible	6.15
25	Plans do not have dimensions on	It is not required for plans to have dimensions on.
26	Who would monitor and control this site?	This is not relevant to the planning consideration.
27	Why can the existing site at Mill Place not be redeveloped?	This application has to be assessed on its merits.
28	The application has been reduced down to 4 pitches, but presumably this does not go near to meeting the Borough's need.	6.21
29	To claim that the village supports this application is false.	Noted.
30	There are not Very Special Circumstances to allow this development in the Green Belt.	
31	The flood risk assessment was not submitted with the application originally.	This was since submitted and the Environment Agency has commented.
32	RBWM has failed to provide for traveller sites in the emerging Borough Local Plan.	Noted.

Other consultees

Consultee	Comment	Where in the report this is considered
Environment Agency	We object to this application because the proposed development falls into a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located. We recommend that the	6.12-6.14

	<p>application should be refused planning permission on this basis.</p> <p>The National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) classifies development types according to their vulnerability to flood risk and gives guidance on which developments are appropriate in each Flood Zone. In this case the application falls with Flood Zones 3a and 3b (functional floodplain) as defined by Windsor & Maidenhead's Strategic Flood Risk Assessment (SFRA) as having a high probability of flooding.</p> <p>The development type in the proposed application is classified as 'highly vulnerable' in accordance with table 2 of the PPG (https://www.gov.uk/guidance/flood-risk-and-coastal-change#Table-2-Flood-Risk-Vulnerability-Classification). Tables 1 and 3 of the PPG make clear that this type of development is not compatible with this Flood Zone and should not therefore be permitted.</p>	
Berkshire Archaeology	The site has archaeological potential. A condition for a written scheme of investigation to be submitted is recommended.	Noted.
Environmental Protection	Recommends a planning condition for details of investigation and remediation of contaminated land.	Noted.
Highway Authority	The proposed use of the land as a Gypsy and Traveller site raises no highway concerns. The site offers sufficient parking and turning space for each pitch, plus the access arrangement also complies with the Borough's current standard. With regard to refuse and recycling the applicant is required to submit details of the servicing arrangement for the pitches. Recommends conditions for CMP, parking, details of refuse and recycling.	6.16
Parish Council	No objection to proposal.	Noted.

9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Proposed site plan
- Appendix C – Elevations and floor plans

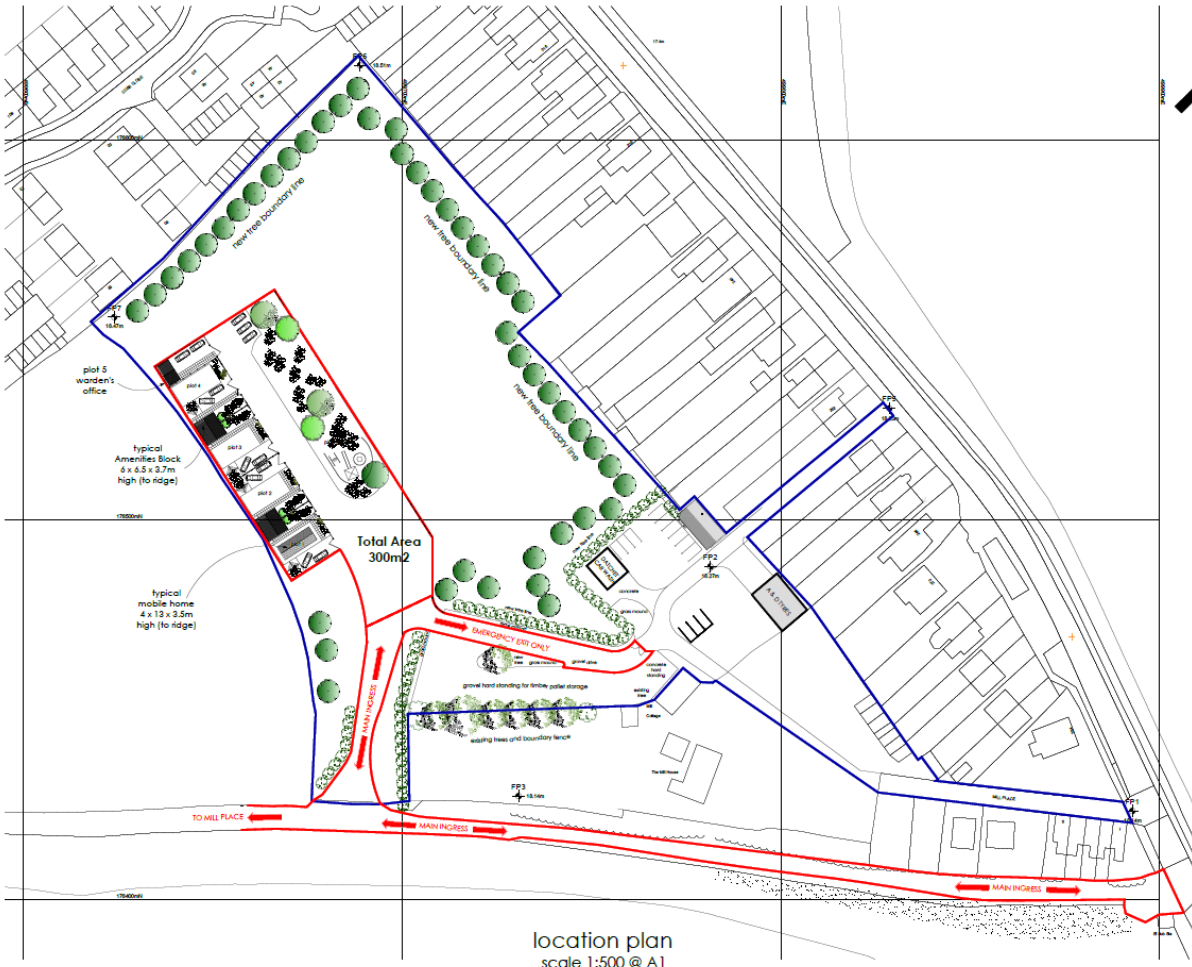
10. RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 1 The proposal represents inappropriate development in the Green Belt. Inappropriate development is by definition harmful to the Green Belt. The proposal would also result in a moderate impact on the openness of the Green Belt. The very special circumstances put forward and other considerations do not clearly outweigh the harm caused by reason of its inappropriateness which is given substantial weight, and the moderate impact on the openness of the Green Belt. Accordingly, the proposal is contrary to saved Policies GB1 and GB2 (Part A) of the Royal Borough of Windsor and Maidenhead Local Plan (June 2003), and conflicts with Paragraphs 79, 80, 87 - 90 of

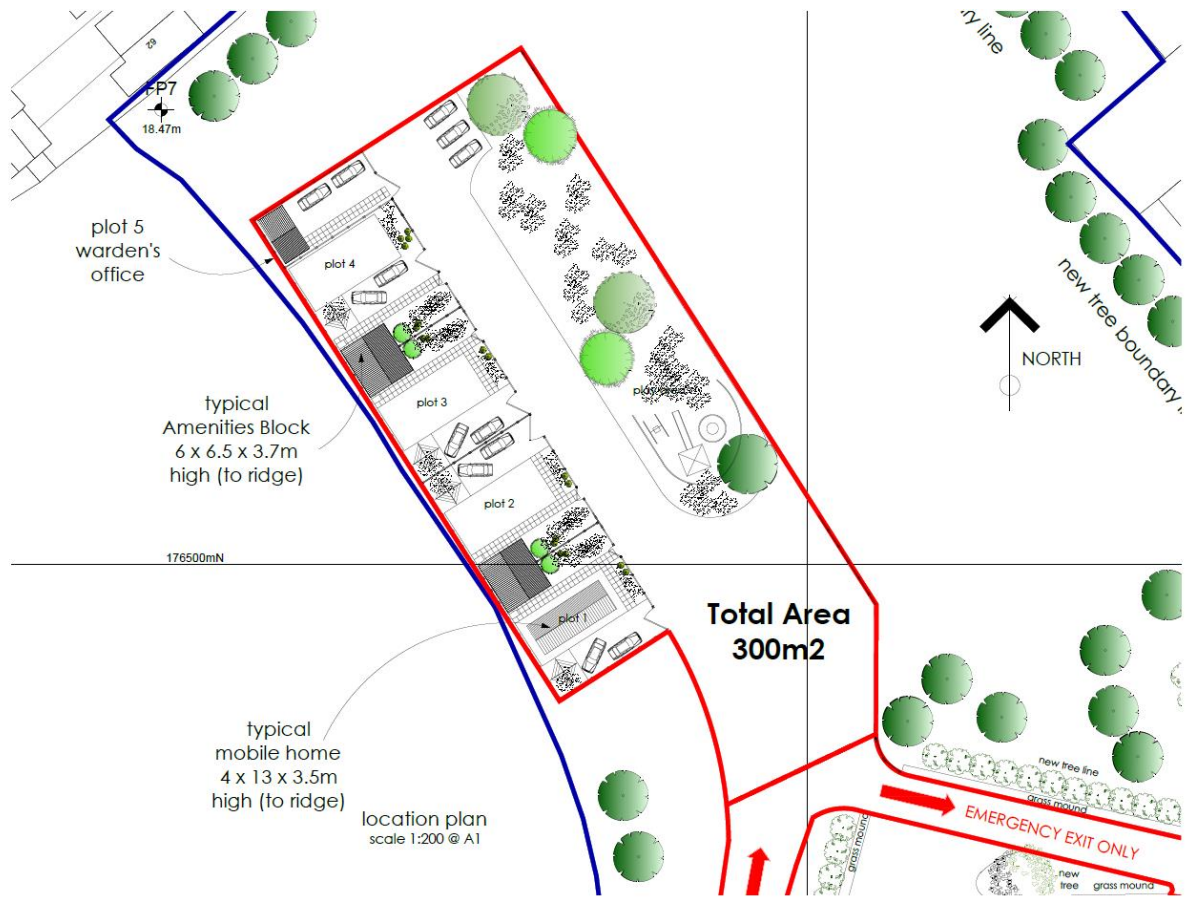
the National Planning Policy Framework (March 2012) and the allied National Planning Policy for Traveller Sites (August 2015).

- 2 The site is situated within flood zone 3b functional floodplain and 3a (high risk flooding). The units are classed as a highly vulnerable use, and such a use is identified as inappropriate development within these flood zones, as set out in the National Planning Practice Guidance and the Royal Borough of Windsor and Maidenhead Strategic Flood Risk Assessment. The scheme fails to pass the Sequential Test. The scheme conflicts with Paragraph 100 and 103 of the National Planning Policy Framework, and Policy F1 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted 2003).

Appendix A- Site location plan

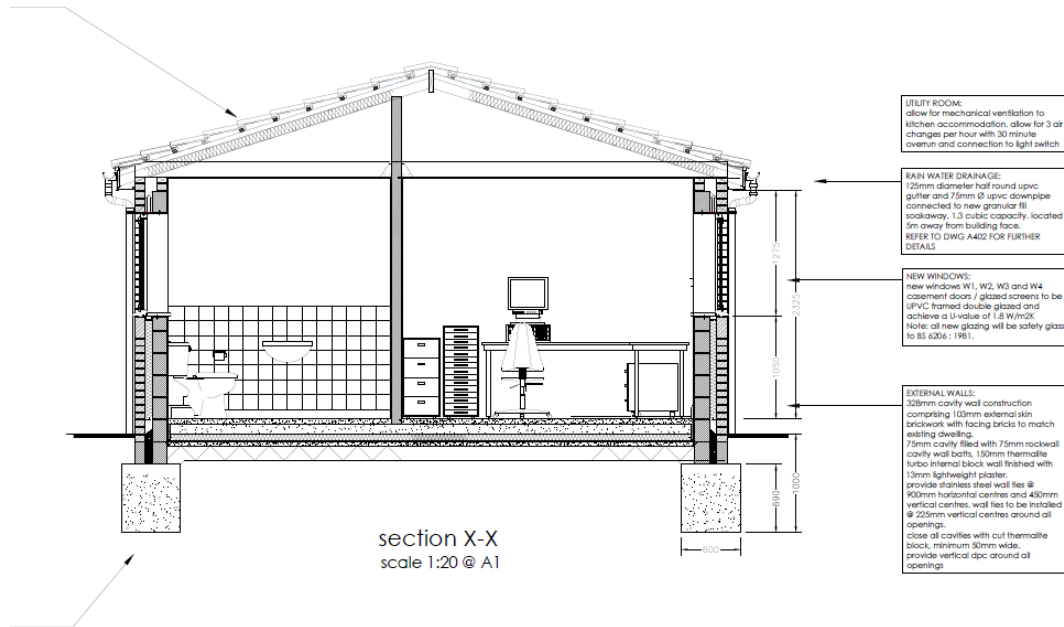


Appendix B – Proposed Site layout



Appendix C- Elevations and Floor plans

Wardens Block

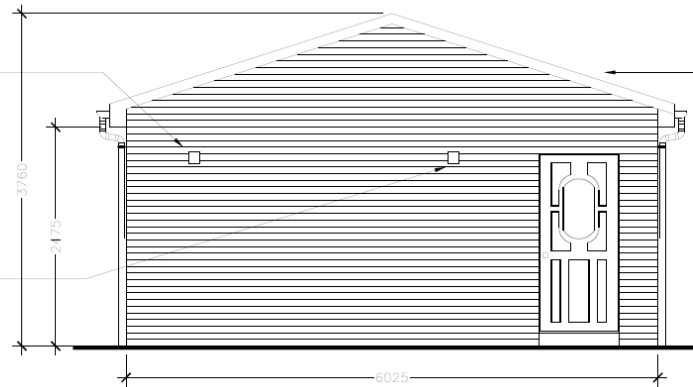


WARDEN BLOCK

Amenity block

BATHROOM VENTILATION:
allow for mechanical ventilation to new bathroom accommodation, allow for 3 air changes per hour with 20 minute overrun and connection to light switch

UTILITY ROOM:
allow for mechanical ventilation to kitchen accommodation, allow for 3 air changes per hour with 20 minute overrun and connection to light switch



elevation A
scale 1:20 @ A1

ROOF CONSTRUCTION:
warm roof construction comprising of Monkey Brand Modvex concrete interlocking roof tiles (suitable for 50° pitch) or similar approved to match existing main roof on 80 x 20mm softwood battens on uncuttable roofrafters @ 450mm maximum centres, allow for rafters to be battenshielded over softwood timber wall plate (maximum 4 depth of rafter) wall plate to be bolted into wall using M10 rawbolts @ 300 c/c's and to be strapped down to wall at 1800mm horizontal centres, refer to structural engineers calculation, rafters to be strapped down to wall plate at 1800mm horizontal centres, allow for 2 layers 100mm / 20mm rigid insulation by Kingspan or similar (minimum 50mm clearance to top of rafters) allow for 12.5mm plasterboard to underside of insulation.

NEW WINDOWS:
new windows W1, W2, W3 and W4 casement doors / glazed screens to be UPVC framed double glazed and achieve a U-value of 1.8 W/m²K. Note: all new glazing will be safety glass to BS 6262: 1981.

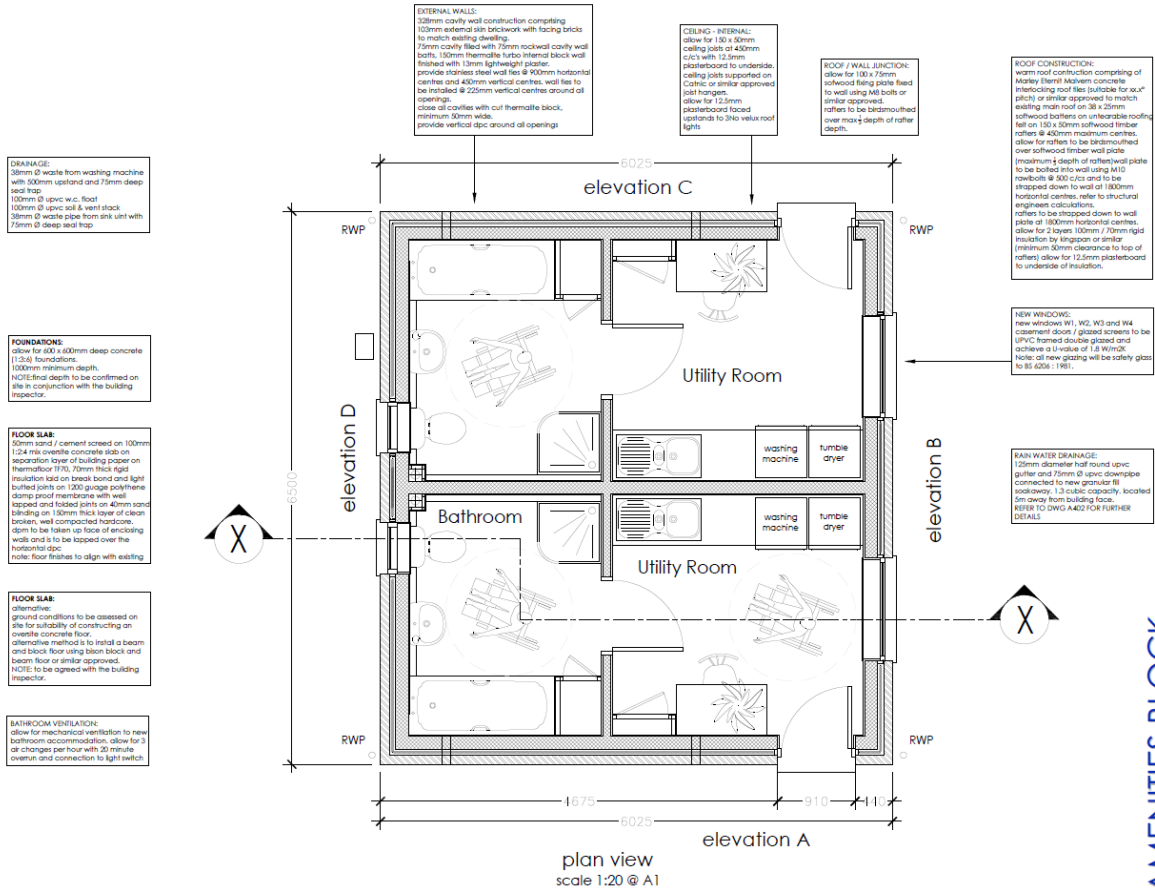


elevation B
scale 1:20 @ A1

RAIN WATER DRAINAGE:
125mm diameter half round upvc gutter and 75mm Ø upvc downpipe connected to new granular fill soakaway, 1.3 cubic capacity, located 5m away from building face. REFER TO DWG A AND FOR FURTHER DETAILS

EXTERNAL WALLS:
100mm cavity wall construction comprising 100mm external skin backwork with facing bricks to match existing dwelling, 75mm cavity filled with 75mm rockwool cavity wall bats, 150mm thermalite turbo internal block wall finished with 13mm lightweight plaster, provide stainless steel wall ties @ 900mm horizontal centres and 400mm vertical centres, wall ties to be installed @ 220mm vertical centres around all openings, case all cavities with cut thermalite block, minimum 50mm wide, provide vertical dpc around all openings.

Floorplan of amenity block



WINDSOR URBAN DEVELOPMENT CONTROL PANEL

6 December 2017

Item: 3

Application No.:	17/02907/FULL
Location:	47 Kings Road Windsor SL4 2AD
Proposal:	Part three, part single storey rear extension
Applicant:	Mr And Mrs Corden
Agent:	Mr David Dawkins
Parish/Ward:	Windsor Unparished/Castle Without Ward

If you have a question about this report, please contact: Haydon Richardson on 01628 796697 or at haydon.richardson@rbwm.gov.uk

1. SUMMARY

- 1.1 The proposed development is recommended for refusal owing to the harm it would cause to the significance of the listed building, as well as its adverse impact upon the character and appearance of the Inner Windsor Conservation Area

It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 6 of this report):	
1.	Paragraph 134 of the National Planning Policy Framework (NPPF) suggests that any harm to the significance of a heritage asset should be weighed against any public benefits that would be gained through the proposal. Due to its size and siting the proposed extension is considered to disrupt and obscure the simple historic features of the Georgian property's rear elevation, which would cause harm to the listed building. Further harm would be caused by the repositioning of the first floor bedroom window to second floor, loss of the games store, and internal alterations. The less than substantial harm caused by the proposed development would not be outweighed by any public benefit, warranting refusal of the application.
2.	No.47 Kings Road is one of thirteen properties that make up part of Brunswick Terrace. The terraces have a uniform design and some of their rear elevations have altered or extended, both with and without permission. The architectural composition of the building and terrace are important contributors to the character and appearance of the Inner Windsor Conservation Area as identified in the Conservation Area appraisal. Due to its design, size and siting the proposed three storey rear extension would lead to the loss of the buildings historic layout, whilst creating an unbalanced and stepped rear elevation that obscures the properties original architectural composition, subsequently harming the appearance of the building and row of terraces. Both of which contribute to views of the long walk and the significance of the inner Windsor conservation area.

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Rankin in the public interest.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 Brunswick Terrace is a run of 26 properties along the east side of Kings Road in Windsor. The terrace is split into three groups of grade II listed buildings. No.47 is one of 13 properties listed together (39 to 63) that date to around 1800. The building is three storeys with basement constructed in London stock brick with yellow brick gauged flat arches above glazing bar sash windows. No.47 is a very well conserved

example from this terrace, having experienced a relatively low level of change, both to its interior which retains most of the original plan form, and exterior. Although each individual property on the terrace has been subject to alterations since their original construction, the principal elevation of Brunswick Terrace is almost completely unaltered. Each property has a 5 panelled front door with semi-circular fanlight to the left of two 6 over 6 Georgian sash windows. At first floor, each building still has a balcony and all but three have retained the wood lattice verandas with leaded tent roofs and scalloped eaves. The terrace was originally listed in 1950 by Historic England (formerly English Heritage) with the below listing description:

- 3.2 At the rear of number 47, a two storey flat roof extension was built in the 1940's to provide a ground floor bathroom. The rear elevation including the basement retains all of the original sash windows. A small lean-to outbuilding, formerly a game store, appears to date from the 19th century and in the front garden there is an original barrel vaulted coal store. At the rear of the property is The Long Walk. This is a distinctive landscape feature that forms part of the significant landscape setting to Windsor Castle as well as the surrounding townscape of which this terrace is a significant part.
- 3.3 The properties fall within the Inner Windsor Conservation Area and hold a prominent position, with the rear backing on to the Long Walk. Number 47 Kings Road forms an important architectural group with number 29 to 81 (odd), creating a separation between Kings Road and The Long Walk.

Historic England Listing Description

- 3.4 *5130 (East Side) Nos 39 to 63 (odd) (Brunswick Terrace) SU 9676 SE 6/40 4,1.50. II GV 2. A terrace of 13 houses. Circa 1800, 3 storeys and basements, London stock brick with yellow brick gauged flat window arches; parapet with stone coping and slate roofs. Each house has 2 windows, glazing bar sashes and 1st floor French casements, marginal glazed with top lights, giving on to Gothic pattern cast iron balcony. 4 paned basement window. 5 panel door to left hand with small, semi-circular, radiating and wreathed fanlight over - steps up. The majority of houses have wood lattice verandas over balconies with triple arches and panel standards of diamond lattice, leaded tent roofs with scalloped eaves. Some of the houses retain original cast iron spear head railings returned up steps. Nos 29 to 81 (odd) form a group.*

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The application seeks planning permission for a part single, part three storey rear extension, fenestration alterations and internal changes.
- 4.2

Application No.	Description	Decision and Date
16/01823/LBC	Consent for part single part three storey rear extension, reduction of lower ground floor front external store, internal alterations and demolition with alterations to fenestration	Refused (01.12.2016) and Dismissed at appeal (23/03/17)
16/01820/FULL	Part single part three storey rear extension, reduction of lower ground floor front external store and alterations to fenestration	Refused (01.12.2016) and Dismissed at appeal (23/03/17)
17/90169/PREA PP	Renovate and restore historical fabric, construction of a part single part three storey rear	Advised against the proposal (30.06.2017)

	extension and reduction of lower ground floor front store	
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5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework

1. Section 12 - Conserving and enhancing the historic environment (Paragraph 134)

5.2 Royal Borough Local Plan

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

Within settlement area	Preserves special interest of Listed Building	Preserves or enhances the Inner Windsor Conservation Area	Parking
DG1, H14	LB2	CA2	P4

These policies can be found at

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

5.3 Borough Local Plan: Submission Version

Issue	Local Plan Policy
Historic Environment	HE1

The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Proposed Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council will prepare a report which summarises the issues raised in the representations and sets out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents will then be submitted to the Secretary of State for examination by the Planning Inspectorate. In this context, the Borough Local Plan: Submission Version is a material consideration, but limited weight is afforded to this document at this time.

This document can be found at:

<http://rbwm.moderngov.co.uk/documents/s14392/Appendix%20A%20-%20Borough%20Local%20Plan%20Submission%20Version.pdf>

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i The impact of the proposed extensions and alterations on the architectural significance of the listed building;

- ii Whether the proposed development preserves or enhances the character or appearance of the Conservation Area.
- iii Whether the proposal has a satisfactory impact upon the amenities of nearby occupiers
- iv Provision of parking

Impact on the Listed Building

- 6.2 Section 12, paragraph 132 of the National Planning Policy Framework (NPPF) states 'In determining planning applications, local planning authorities should consider the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation'. Section 12 also states that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Where development will lead to substantial harm to or loss of a designated heritage asset local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss'.
- 6.3 Section 12, Paragraph 134 of the National Planning Policy Framework (NPPF) states that: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 6.4 Local Plan Policy LB2 advises that in determining planning applications special regard should be given to the preservation of Listed Buildings and their settings. Where proposals include the alteration or extension of a Listed Building, they should only be granted where the works would not adversely affect the character of the building internally and externally.
- 6.5 47 Kings Road is one of a terrace of thirteen, early C19 houses that lies on the east side of Kings Road. The terrace backs onto The Long Walk, a distinctive landscape feature that forms part of Windsor Great Park (Grade I Listed asset on the register of Historic Parks and Gardens) and the setting of Windsor Castle. Due to this relationship any harm to the appearance of the terraces is also likely to cause harm to views from the Long Walk.
- 6.6 Some of the individual buildings in the terrace, whilst retaining their distinctive Georgian architecture have been subject to an eclectic mix of alterations and extensions since their original construction in the early part of the C19. Some of the extensions have been granted planning permission and others have not, causing harm to their respective heritage asset and the row terraces.
- 6.7 Paragraph 134 of the National Planning Policy Framework (NPPF) suggests that any harm to the significance of a heritage asset should be weighed against any public benefits that would be gained through the proposal. Due to its size and siting the proposed extension is considered to disrupt and obscure the simple historic features of the Georgian property's rear elevation, which would cause harm to the listed building. Further harm would be caused by the repositioning of the first floor bedroom

window to second floor, loss of the games store, and internal alterations. The less than substantial harm caused by the proposed development would not be outweighed by any public benefit, warranting refusal of the application.

Impact on the character and appearance of the host dwelling and Inner Windsor Conservation Area.

- 6.8 Local Plan Policy CA2 identifies that within a Conservation Area development ought to preserve or enhance the character or appearance of the area, and to protect any views that contribute to the distinctive character of the Conservation Area. Furthermore, Policy CA2 requires extensions or alterations to existing buildings to be of a high design standard that is sympathetic in terms of its siting, proportion, scale, form, height, materials and detailing to adjacent buildings and the character of the area in general. 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.
- 6.9 The Conservation Area appraisal for Inner Windsor specifically identifies the rear of Brunswick Terrace as a sensitive location for development “The rear elevations of individual buildings and terraced rows may also be visible from public vantage points and some are especially visible, such as Brunswick Terrace visible from The Long Walk. Care must be taken when considering planning applications that will alter the uniformity of rear terraced elevations and all roofscapes.”
- 6.10 No.47 Kings Road is one of thirteen properties that make up part of Brunswick Terrace. The terraces have a uniform design and some of their rear elevations have altered or extended, both with and without permission. The architectural composition of the building and terrace are important contributors to the character and appearance of the Inner Windsor Conservation Area as identified in the Conservation Area appraisal. Due to its design, size and siting the proposed three storey rear extension would lead to the loss of the buildings historic layout, whilst creating an unbalanced and stepped rear elevation that obscures the properties original architectural composition, subsequently harming the appearance of the building and row of terraces. Both of which contribute to views of The Long Walk and the significance of the Inner Windsor Conservation Area.
- 6.11 For these reasons the proposal is considered to be contrary to Local Plan Policies LB2, CA2 and DG1.

Impact on the living conditions of neighbouring properties

- 6.12 Local Plan Policy H14 (2) suggests that householder extensions should not cause an unacceptable loss of light or privacy and should in no other have a negative impact upon the amenities of neighbouring properties. It is considered that there would be no significant harm caused to the immediate neighbouring properties in terms of loss of privacy, outlook, daylight, sunlight or otherwise.
- 6.13 The proposed extension would not dissect a line drawn at 45 or 60 degrees from the centre point of the nearest habitable room opening of either neighbouring property; in compliance with the access to light guidelines contained within appendix 12 of the Local Plan. Due to its moderate depth and relationship with neighbouring properties it is unlikely to have any significant overbearing impact. Views from the extension and bay window would be similar to those of the original property, as such there is unlikely to be any significant loss of privacy to any neighbour. Overall the proposal is considered to cause no significant harm to the amenities of any neighbour.

Other Material Considerations

- 6.14 The Council has, in considering this planning application, had special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses, as required under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.15 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.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

- 7.1 No letters were received either supporting or opposing the application.

Consultees

Consultee	Comment	Where in the report this is considered
Borough's Conservation Officer	<p>In summary I can advise that the principle of the proposed additions will cause less than substantial harm to the heritage assets (Listed building, registered historic park and garden and conservation area). The application has not addressed many of the points raised in pre-application advice and although it is accepted that the building is in need of further sanitary accommodation, the applicant has not demonstrated that the proposals are the least intrusive manner in which to achieve this. The location of the proposed bathrooms have remained in the same locations following an earlier appeal and most recent pre-application advice. It is therefore considered that what little public benefits there are (the continued use of the building), these do not outweigh the harm that this proposal would cause.</p> <p>Although the rear uniformity of Brunswick Terrace has already been altered over the years, the rear elevation of number 47 is almost unaltered and any changes should be fully justified.</p> <p>The application is considered to be unacceptable from a heritage perspective and a refusal would be supported.</p>	Paragraphs 6.2 – 6.10.

8. APPENDICES TO THIS REPORT

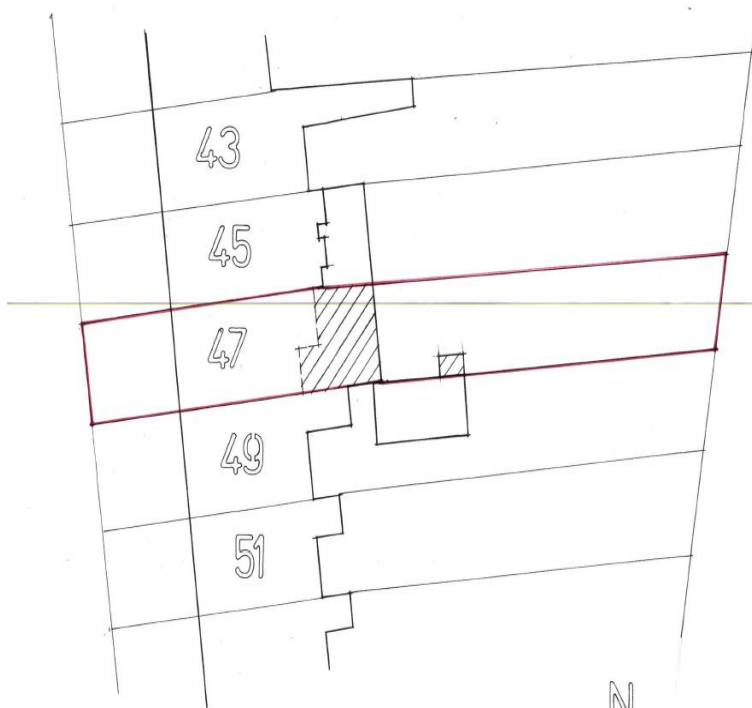
- Appendix A – Location Plan
- Appendix B – Existing and proposed floor plans
- Appendix C – Existing and proposed elevation plans
- Appendix D – Existing and proposed south and north view
- Appendix E – Proposed Sections

9. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 1 Paragraph 134 of the National Planning Policy Framework (NPPF) suggests that any harm to the significance of a heritage asset should be weighed against any public benefits that would be gained through the proposal. Due to its size and siting the proposed extension is considered to disrupt and obscure the simple historic features of the Georgian property's rear elevation, which would cause harm to the listed building. Further harm would be caused by the repositioning of the first floor bedroom window to second floor, loss of the games store, and internal alterations. The less than substantial harm caused by the proposed development would not be outweighed by any public benefit, warranting refusal of the application.

- 2 No.47 Kings Road is one of thirteen properties that make up part of Brunswick Terrace. The terraces have a uniform design and some of their rear elevations have altered or extended, both with and without permission. The architectural composition of the building and terrace are important contributors to the character and appearance of the Inner Windsor Conservation Area as identified in the Conservation Area appraisal. Due to its design, size and siting the proposed three storey rear extension would lead to the loss of the buildings historic layout, whilst creating an unbalanced and stepped rear elevation that obscures the properties original architectural composition, subsequently harming the appearance of the building and row of terraces. Both of which contribute to views of the long walk and the significance of the inner Windsor conservation area.

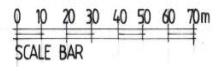
Appendix A - Location Plan



site plan
1:200



location plan
1:1250

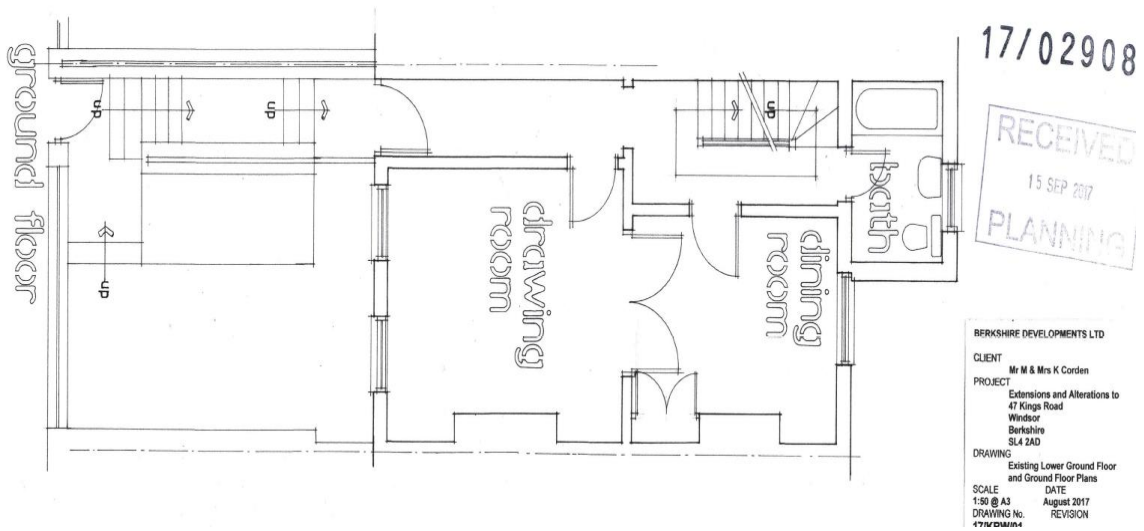
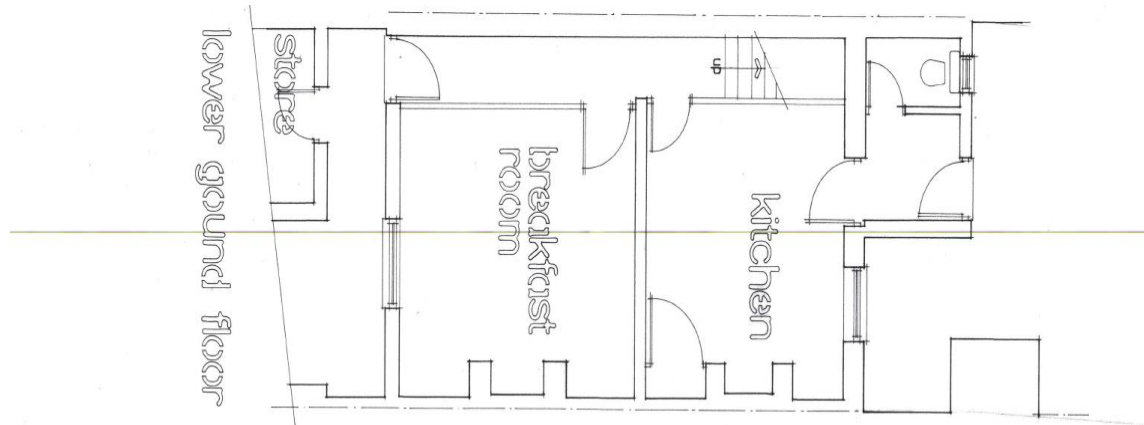


17/02908

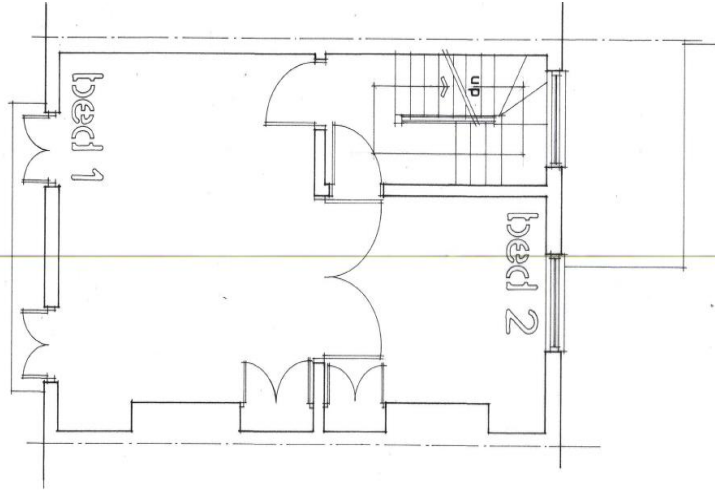
BERKSHIRE DEVELOPMENTS LTD
 CLIENT Mr M & Mrs K Corden
 PROJECT Extensions and Alterations to
 47 Kings Road
 Windsor
 Berkshire
 SL4 2AD
 DRAWING Proposed Site and Location
 Plans
 SCALE 1:200 + 1:1250 DATE August 2017
 @ A3
 DRAWING No REVISION
 17/KRW/12

Appendix B – Floorplans

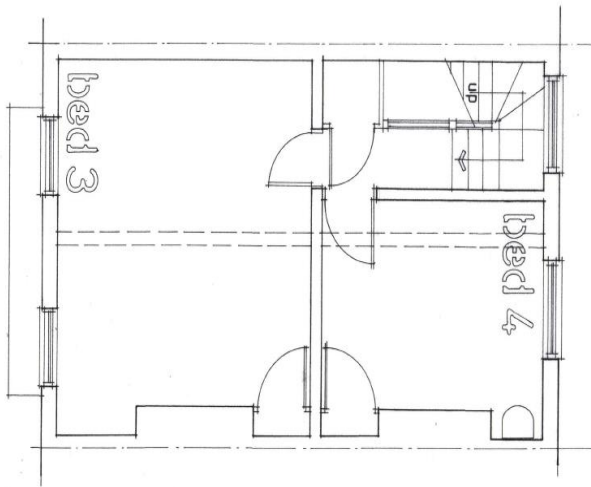
Existing



first floor



second floor

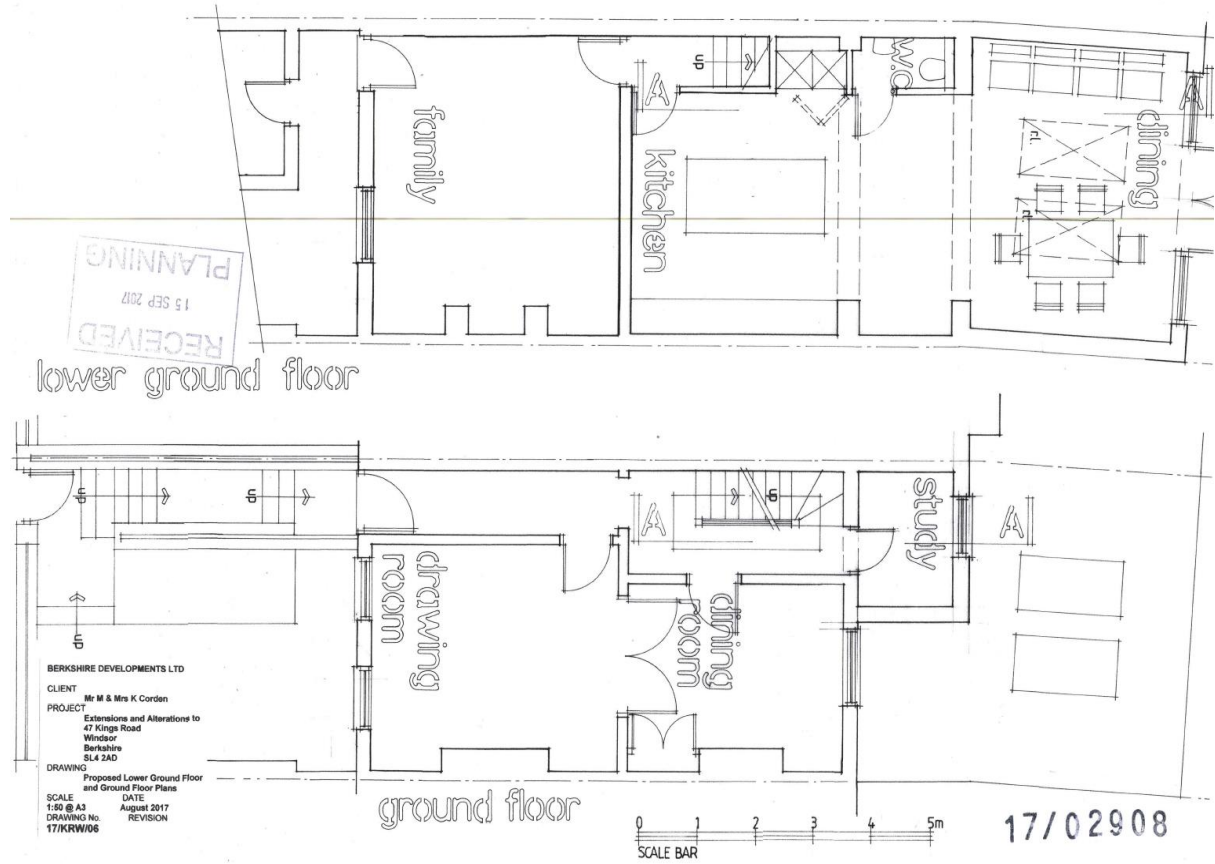


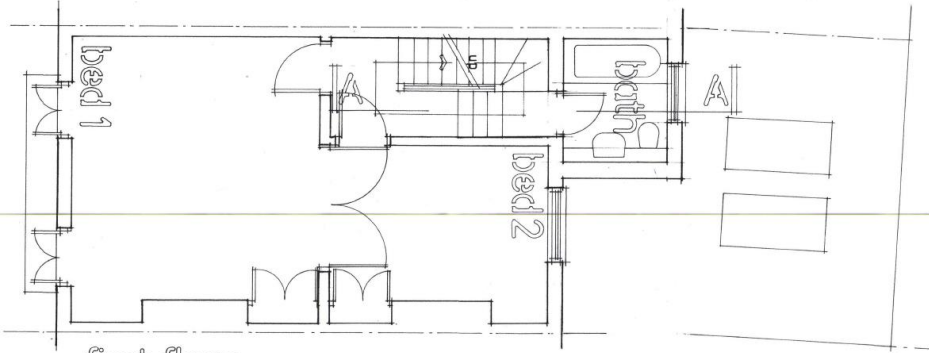
RECEIVED
15 SEP 2017
PLANNING

17/02908

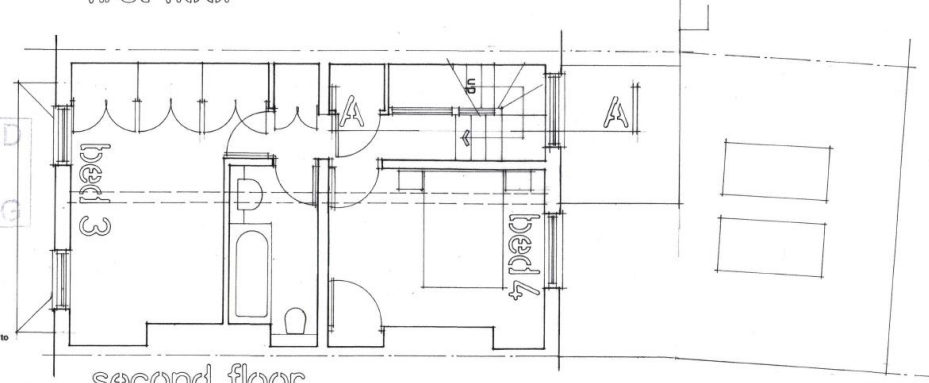
BERKSHIRE DEVELOPMENTS LTD
CLIENT Mr M & Mrs K Corden
PROJECT Extensions and Alterations to
47 Kings Road
Windsor
Berkshire
SL4 2AD
DRAWING Existing First and
Second Floor Plans
SCALE 1:50 @ A3 DATE August 2017
DRAWING No. 17/KRW/02 REVISION

Proposed





first floor



second floor

RECEIVED
15 SEP 2017
PLANNING

BERKSHIRE DEVELOPMENTS LTD
CLIENT Mr M & Mrs K Corden
PROJECT Extensions and Alterations to
47 Kings Road
Windsor
Berkshire
SL4 2AD
DRAWING Proposed First and
Second Floor Plans
SCALE 1:50 @ A3 DATE August 2017
DRAWING No. 17/KRW/07 REVISION



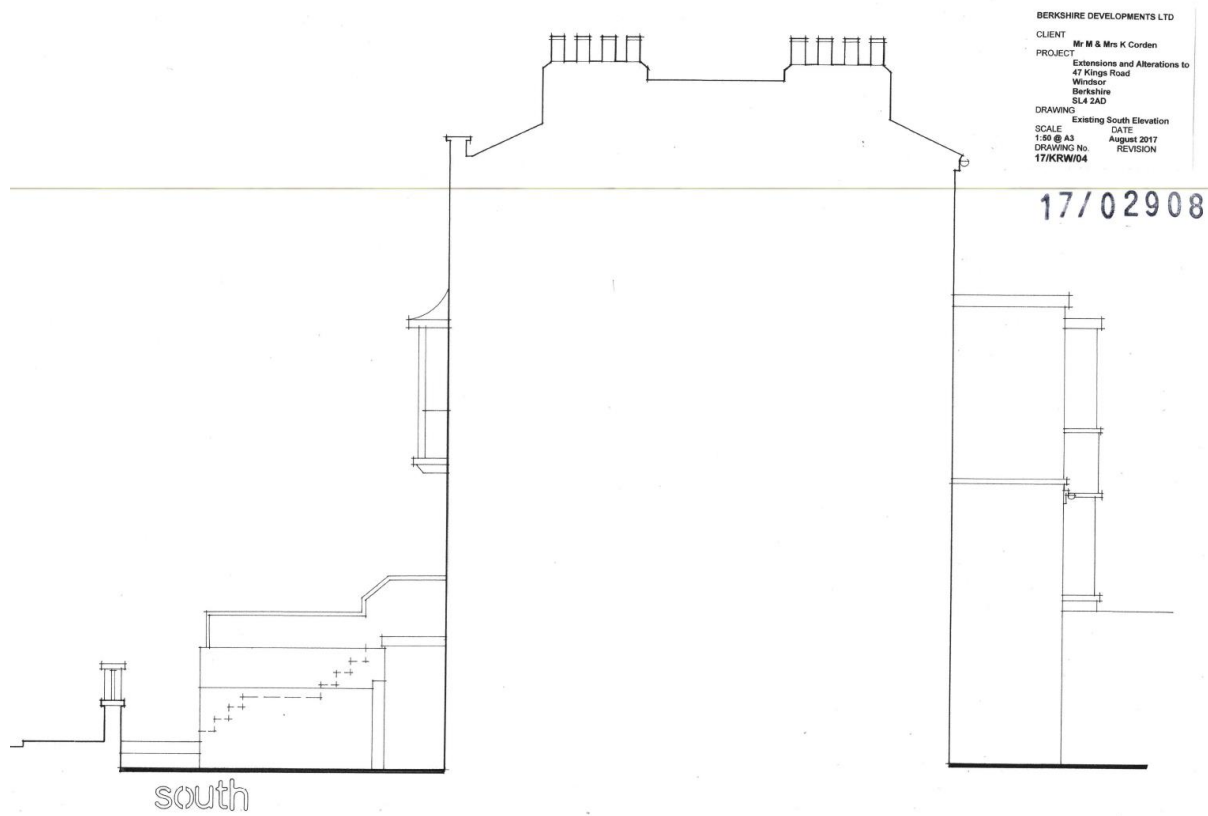
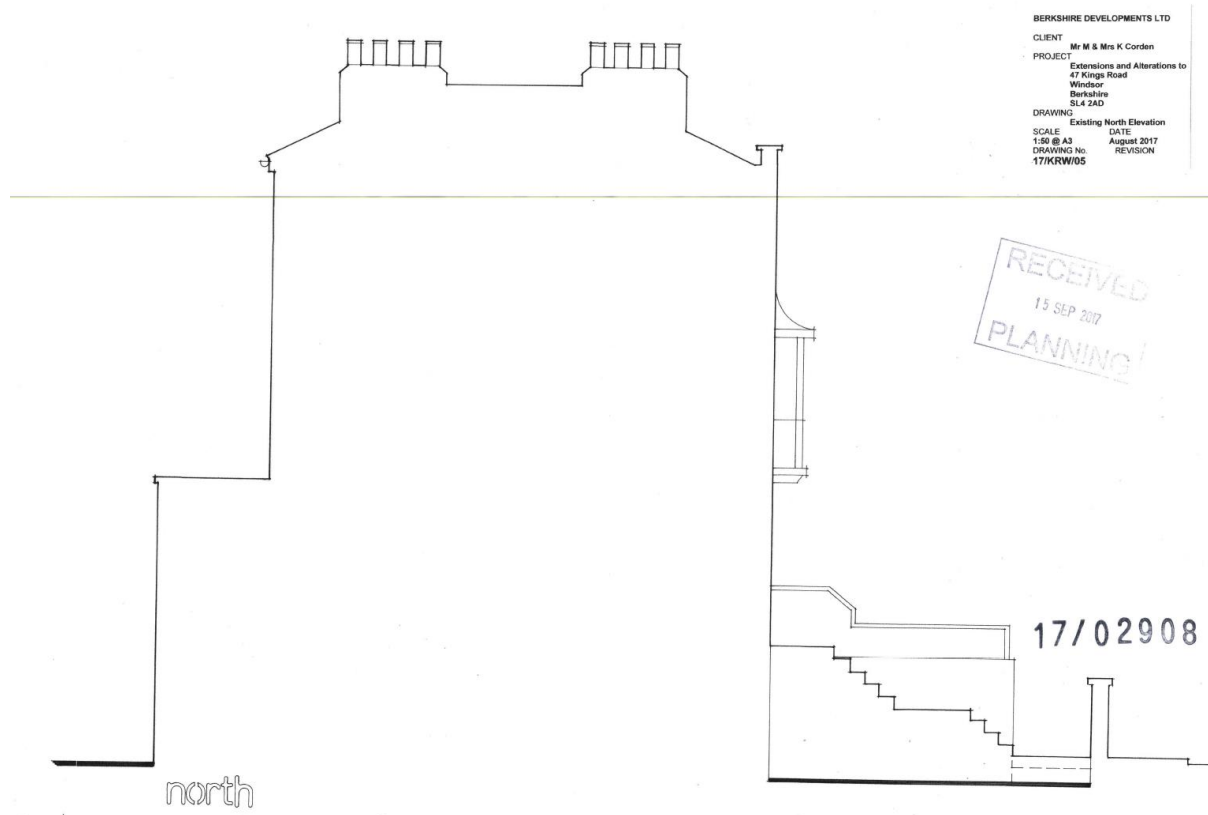
17/02908

Appendix C - Existing and proposed elevations

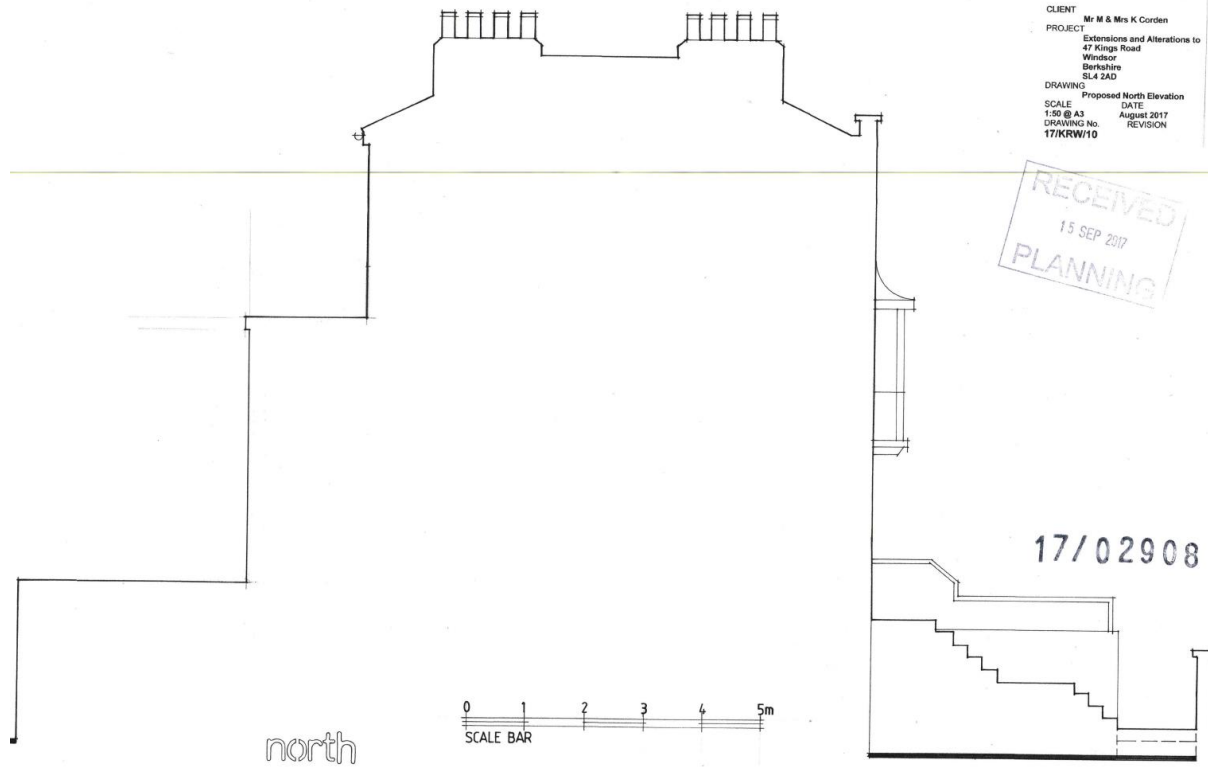


Appendix D-

Existing north and south elevations



Proposed – North and South Elevations



BERKSHIRE DEVELOPMENTS LTD
CLIENT Mr. M & Mrs K Corden
PROJECT Extensions and Alterations to
47 Kings Road
Windsor
Berkshire
SL4 2AD
DRAWING Proposed North Elevation
SCALE 1:50 @ A3 DATE August 2017
DRAWING No. 17/KRW/10 REVISION

RECEIVED
15 SEP 2017
PLANNING

17/02908

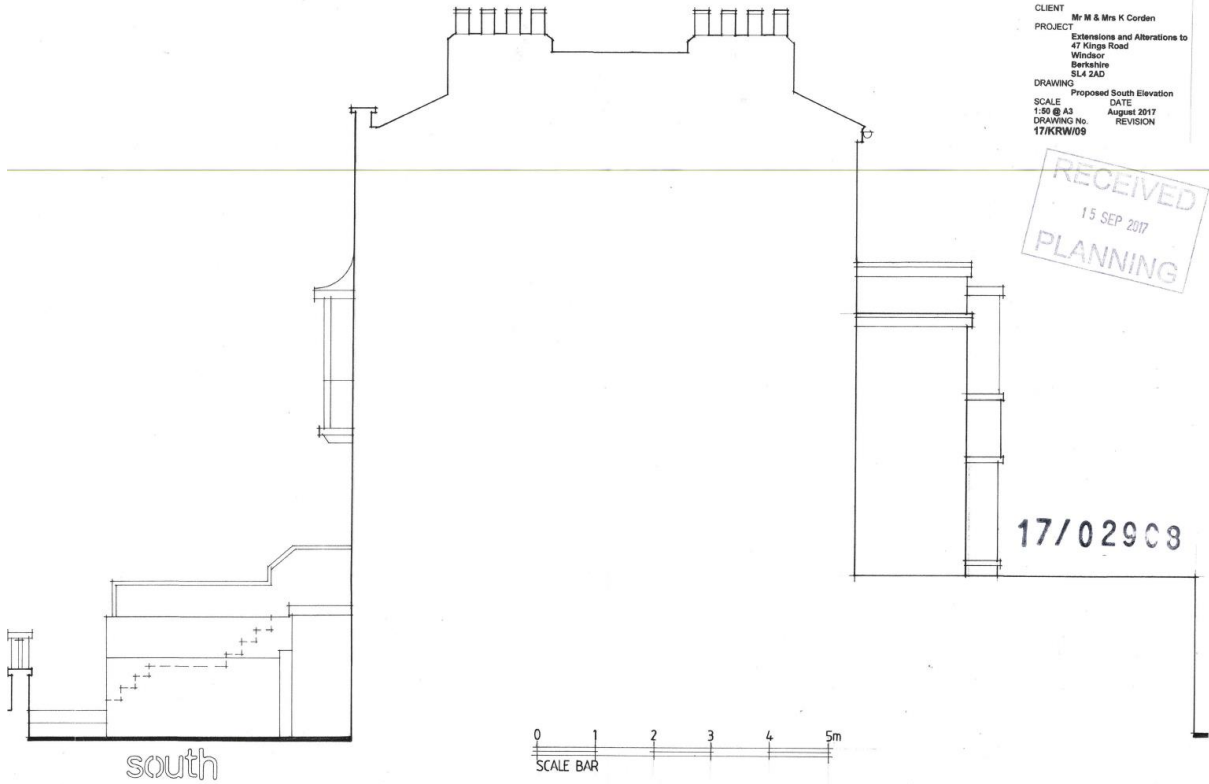
0 1 2 3 4 5m
SCALE BAR

north

BERKSHIRE DEVELOPMENTS LTD
CLIENT Mr M & Mrs K Corden
PROJECT Extensions and Alterations to
47 Kings Road
Windsor
Berkshire
SL4 2AD
DRAWING Proposed South Elevation
SCALE 1:50 @ A3 DATE August 2017
DRAWING No. 17/KRW/09 REVISION

RECEIVED
15 SEP 2017
PLANNING

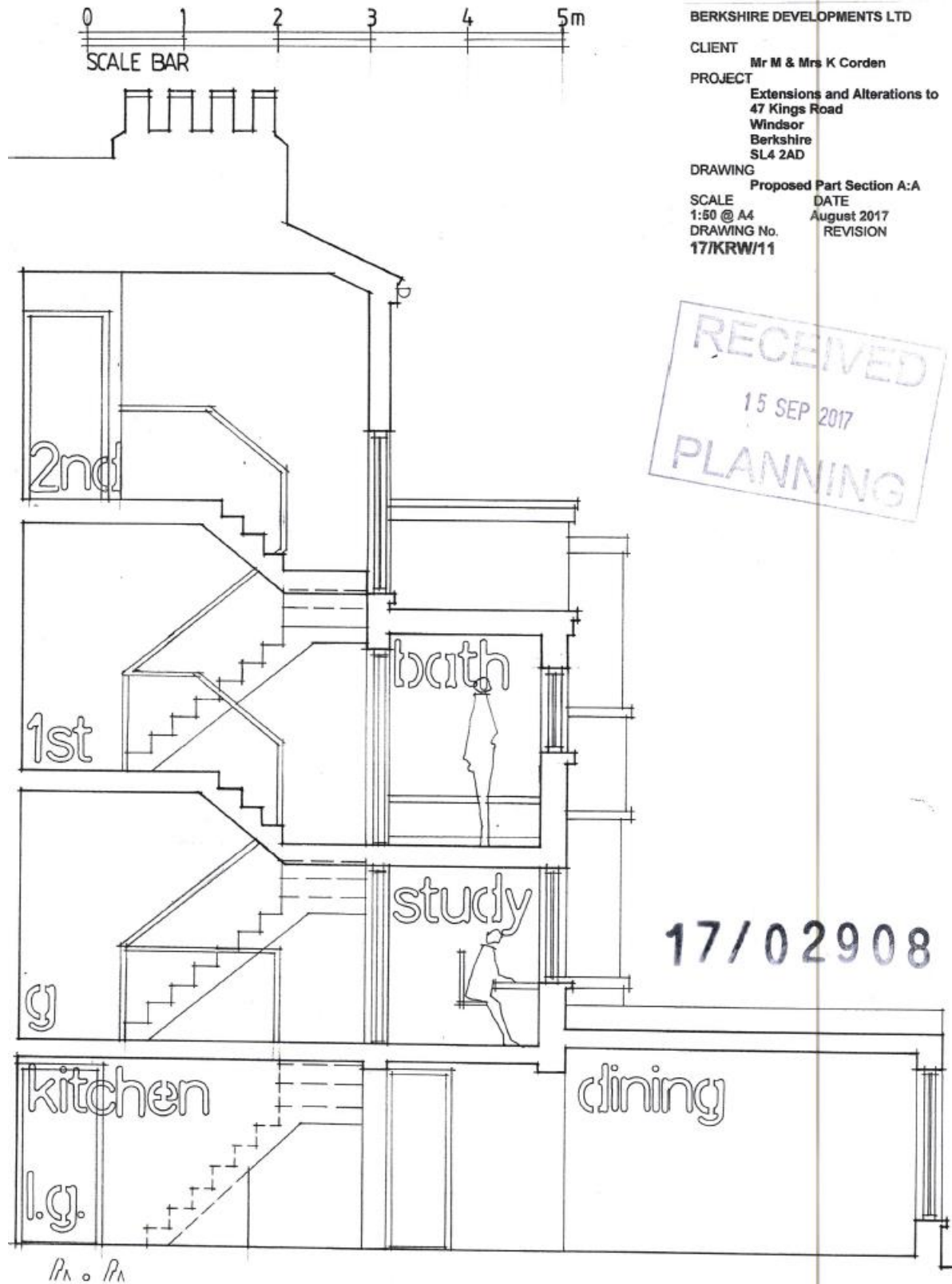
17/02908



south

0 1 2 3 4 5m
SCALE BAR

Appendix E – Proposed section



WINDSOR URBAN DEVELOPMENT CONTROL PANEL

6 December 2017

Item: 4

Application No.:	17/02908/LBC
Location:	47 Kings Road Windsor SL4 2AD
Proposal:	Consent to construct a part three, part single storey rear extension. Internal alterations comprising wall removal at lower ground floor level and wall removal/insertion at second floor level.
Applicant:	Mr And Mrs Corden
Agent:	Mr David Dawkins
Parish/Ward:	Windsor Unparished/Castle Without Ward
If you have a question about this report, please contact: Haydon Richardson on 01628 796697 or at haydon.richardson@rbwm.gov.uk	

1. SUMMARY

- 1.1 The application is recommended for refusal owing to the harm it would cause to the significance of the listed building.

It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 6 of this report):	
1.	The proposed works would obscure, erode and lead to the loss of the buildings historic features and therefore significance, subsequently causing less than substantial harm to the heritage asset. The harm identified has not been outweighed by any public benefit as required by Paragraph 134 of the National Planning Policy Framework, warranting refusal of the application.

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Rankin in the public interest.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 Brunswick Terrace is a run of 26 properties along the east side of Kings Road in Windsor. The terrace is split into three groups of grade II listed buildings. No.47 is one of 13 properties listed together (39 to 63) that date to around 1800. The building is three storeys with basement constructed in London stock brick with yellow brick gauged flat arches above glazing bar sash windows. No.47 is a very well conserved example from this terrace, having experienced a relatively low level of change, both to its interior which retains most of the original plan form, and exterior. Although each individual property on the terrace has been subject to alterations since their original construction, the principal elevation of Brunswick Terrace is almost completely unaltered. Each property has a 5 panelled front door with semi-circular fanlight to the left of two 6 over 6 Georgian sash windows. At first floor, each building still has a balcony and all but three have retained the wood lattice verandas with leaded tent roofs and scalloped eaves. The terrace was originally listed in 1950 by Historic England (formerly English Heritage) with the below listing description:
- 3.2 At the rear of number 47, a two storey flat roof extension was built in the 1940's to provide a ground floor bathroom. The rear elevation including the basement retains all of the original sash windows. A small lean-to outbuilding, formerly a game store,

appears to date from the 19th century and in the front garden there is an original barrel vaulted coal store. At the rear of the property is The Long Walk. This is a distinctive landscape feature that forms part of the significant landscape setting to Windsor Castle as well as the surrounding townscape of which this terrace is a significant part.

- 3.3 The properties fall within the Inner Windsor Conservation Area and hold a prominent position, with the rear backing on to the Long Walk. Number 47 Kings Road forms an important architectural group with number 29 to 81 (odd), creating a separation between Kings Road and The Long Walk.

Historic England Listing Description

- 3.4 5130 (East Side) Nos 39 to 63 (odd) (Brunswick Terrace) SU 9676 SE 6/40 4,1.50. II GV 2. A terrace of 13 houses. Circa 1800, 3 storeys and basements, London stock brick with yellow brick gauged flat window arches; parapet with stone coping and slate roofs. Each house has 2 windows, glazing bar sashes and 1st floor French casements, marginal glazed with top lights, giving on to Gothic pattern cast iron balcony. 4 paned basement window. 5 panel door to left hand with small, semi-circular, radiating and wreathed fanlight over - steps up. The majority of houses have wood lattice verandas over balconies with triple arches and panel standards of diamond lattice, leaded tent roofs with scalloped eaves. Some of the houses retain original cast iron spear head railings returned up steps. Nos 29 to 81 (odd) form a group.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The application seeks planning permission for a part single, part three storey rear extension, fenestration alterations and internal changes. The extension would replace the properties existing 1940's extension. The fenestration alterations include the repositioning of the buildings rear first floor sash window to second floor and the removal of the rear lower ground floor wall. Internally the proposal seeks to remove the properties second floor cupboards and bathroom, as well as changing the existing ground floor bathroom into a study.

4.2

Application No.	Description	Decision and Date
16/01823/LBC	Consent for part single part three storey rear extension, reduction of lower ground floor front external store, internal alterations and demolition with alterations to fenestration	Refused (01.12.2016) and Dismissed at appeal (23/03/17)
16/01820/FULL	Part single part three storey rear extension, reduction of lower ground floor front external store and alterations to fenestration	Refused (01.12.2016) and Dismissed at appeal (23/03/17)
17/90169/PREAPP	Renovate and restore historical fabric, construction of a part single part three storey rear extension and reduction of lower ground floor front store	Advised against the proposal (30.06.2017)

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework

1. Section 12 - Conserving and enhancing the historic environment (Paragraph 134)

5.2 Royal Borough Local Plan

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

Preserves special interest of Listed Building
LB2

These policies can be found at

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

5.3 Borough Local Plan: Submission Version

Issue	Local Plan Policy
Historic Environment	HE1

The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Proposed Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council will prepare a report which summarises the issues raised in the representations and sets out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents will then be submitted to the Secretary of State for examination by the Planning Inspectorate. In this context, the Borough Local Plan: Submission Version is a material consideration, but limited weight is afforded to this document at this time.

This document can be found at:

<http://rbwm.moderngov.co.uk/documents/s14392/Appendix%20A%20-%20Borough%20Local%20Plan%20Submission%20Version.pdf>

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i The impact of the proposal on the significance of the listed building
- ii Whether the proposal secures public benefits including securing the optimum viable use of the building

Impact on the Listed Building

6.2 Section 12, paragraph 132 of the National Planning Policy Framework (NPPF) states 'In determining planning applications, local planning authorities should consider the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation'. Section 12 also states that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be

harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Where development will lead to substantial harm to or loss of a designated heritage asset local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss'.

- 6.3 Section 12, paragraph 134 of the National Planning Policy Framework (NPPF) states that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 6.4 No.47 Kings Road is both externally and internally a well conserved example of a Georgian terraced property. The building exhibits high standards of architectural symmetry and proportionality common of the era and has experienced limited alteration, with the most marked being the 1940's extension to the rear.
- 6.5 The internal layout and room sizes of No.47 Kings Road are relatively unaltered comprising the typical Georgian double-depth, two room layout, with private family accommodation provided at the upper floors, whilst the lower levels provide for more social areas and the kitchen.
- 6.6 Although the existing 1940's extension is of an unfavourable design, its internal layout has had little impact upon the layout of the original dwelling. The proposed extension would involve extending the properties rear elevation outward at lower ground, ground and first floor; leading to a loss of symmetry in the buildings room sizes, especially at lower ground floor where the kitchen would be significantly extended to provide a dining room. The extension would also involve displacement of the buildings historic layout, with a bathroom being placed at first floor and a private study at ground floor; all of which would cause some albeit low level harm to the heritage asset.
- 6.7 It is suggested that there is potential to replace the existing two storey, 1940's extension in a way which would enhance the significance of the building. However due to its three storey design and width it is considered that the proposed extension would obscure the simple Georgian architectural detailing of the properties rear elevation, whilst simultaneously creating a stepped and unbalanced rear elevation, which would contrast with its historically flush design subsequently harming the listed building. The rear elevation would be visible from The Long Walk and public views.
- 6.8 The detailing of the two windows on the proposed rear extension is neither in keeping with the existing windows, nor do they respect the historic fenestration. Any smaller windows on this rear elevation would historically be at the very top of the building, in the servants quarters and in the basement where the servants would work i.e. the kitchen. Both of these smaller windows appear to have the same sized lintel as the much larger original sashes which is not the correct detailing, the lintels should shrink as the window size decreases, or be without all together as is the case with the original top floor window. Any windows on this proposed elevation should follow the existing historic hierarchy and should be the same size as the three original surrounding windows. Furthermore the repositioning of the properties first floor bedroom window to second floor would cause further misalignment between the windows on the properties rear elevation. All of which would cause harm to the significance of the heritage asset.

- 6.9 The loss of the game store at lower ground level would be regrettable and its relocation does not seem to feature in this application, despite the concerns being raised at pre application. The feature is likely to be one of the last remaining game stores in the terrace, so its removal would be harmful.
- 6.10 At second floor no extensions are proposed but a new bathroom and cupboards would be constructed within bedroom 3. The introduction of new bathrooms often creates the need for new pipes and flues for water, waste and ventilation. Such works could be harmful, however conditions could be added to ensure works are carried out in the least harmful way.
- 6.11 The extension of the property would also effect the setting of the other listed buildings, as the extension would be viewed in context of other properties within the terrace, subsequently harming the significance of the setting of the neighbouring listed buildings.
- 6.12 Overall it is considered that the proposed works would lead to the loss, erosion and disruption of the buildings historic features and therefore significance, subsequently causing less than substantial harm to the heritage asset.
- 6.13 Whilst it is noted that many properties within this row of Georgian terraces have been extended, some of the works have been carried out without planning permission and form harmful additions to their respective buildings. The existence of the other extensions is not considered to provide an excuse for the harm to this listed building. The planning inspector for the previous appeal acknowledged this point stating 'I note that there are a number of examples in the area where there have been additions particularly on many of the rear elevations on this terrace. However that does not justify the further harm that would arise to the significance of this listed building' (APP/T0355/Y/16/3158644).

Public Benefit and Viable Use

- 6.14 The existing building requires some upgrading to bring it up to modern standards which is perfectly acceptable. Careful re-wiring, replacement to elements of heating systems are all acceptable alterations that would tend to not require consent. However, it is considered that the dwelling would be entirely habitable without the proposed extensions. Whilst it may not be desirable for modern living this in itself does not justify causing the harm identified above. The policy test is that the benefits of the scheme ensure the viable use of the building and it is considered that the building could be lived in without the extensions and alterations proposed. The planning inspector for the previous proposal (Appeal Ref. APP/T0355/Y/16/3158644), emphasised this point stating that 'the property is currently occupied as a private residential house and there is no suggestion that it would not continue to do so'. Furthermore the inspector highlighted that although the alterations would provide for modern living and better family occupation of the property, these benefits were of 'private interest'. The benefits of this scheme are also considered to be of private interest.
- 6.15 For these reasons it is considered that no public benefits have been evidenced which would outweigh the identified harm to the significance of the listed building; warranting refusal of the application.

Other Material Considerations

6.16 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. The proposal would result in less than substantial harm (NPPF para 134).

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

7.1 No letters were received either supporting or opposing the application.

Consultees

Consultee	Comment	Where in the report this is considered
Borough's Conservation Officer	In summary I can advise that the principle of the proposed additions will cause less than substantial harm to the heritage assets (Listed building, registered historic park and garden and conservation area). The application has not addressed many of the points raised in pre-application advice and although it is accepted that the building is in need of further sanitary accommodation, the applicant has not demonstrated that the proposals are the least intrusive manner in which to achieve this. The location of the proposed bathrooms have remained in the same locations following an earlier appeal and most recent pre-application advice. It is therefore considered that what little public benefits there are (the continued use of the building), these do not outweigh the harm that this proposal would cause. The application is considered to be unacceptable from a heritage perspective and a refusal would be supported.	Paragraphs 6.2 – 6.16.

8. APPENDICES TO THIS REPORT

- Appendix A – Location Plan
- Appendix B – Existing and proposed floor plans
- Appendix C – Existing and proposed elevation plans
- Appendix D – Existing and proposed south and north view
- Appendix E – Proposed Sections

9. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

1 The proposed works would obscure, erode and lead to the loss of the buildings historic features and therefore significance, subsequently causing less than substantial harm to the heritage asset. The harm identified has not been outweighed by any public benefit as required by Paragraph 134 of the National Planning Policy Framework.

WINDSOR URBAN DEVELOPMENT CONTROL PANEL

6 December 2017

Item: 5

Application No.:	17/02911/FULL
Location:	The Queen 282 Dedworth Road Windsor SL4 4JR
Proposal:	10 flats with associated parking following the demolition of the existing Public House
Applicant:	Mr Ham
Agent:	Mr Josh Smith
Parish/Ward:	Windsor Unparished/Clewer North 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 Given the overall size of the building, the large expanse of hardstanding to the front of the building and the rather limited amount of soft ground around the proposed building, it is considered that the proposed development represents an over-development of the site.
- 1.2 The design of the building with flat roofs and accommodation on the third floor is considered to be incongruous with the style and design of nearby buildings in this vicinity. The buildings in the immediate vicinity have pitched roofs and are more conventional in design. The third floor element of the building would make it appear unduly bulky and not in keeping with the heights of buildings on either side.
- 1.3 There is concern about potential overlooking from the proposed first floor bedroom window in the (west) side elevation and from first floor habitable room windows and balcony on the front elevation of the new building across to the garden of the adjacent residential dwelling house at Nos 284 Dedworth Road.
- 1.4 It is considered that the new building in its proposed siting and given its scale and bulk would have an over-dominating impact on No 284 Dedworth Road.

It is recommended the Panel refuses planning permission for the following summarised reasons (the full reasons are identified in Section 10 of this report):	
1.	Over development of the site.
2.	The design of the building incorporating flat roofs is incongruous in the immediate vicinity of the application site.
3.	Over dominating and intrusive impact on 284 and overlooking to the garden area of No 284.

2. REASON FOR PANEL DETERMINATION

At the request of Councillor Hashim Bhatti – irrespective of the recommendation, in the public interest as the decision will have a profound impact on the local community in Clewer North.

At the request of Cllr Nicola Pryer – irrespective of the recommendation, in the public interest,

At the request of Cllr Ed Wilson – only if the recommendation is for approval for the reason that interest from residents should necessitate the application is discussed by panel.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site is on the north side of Dedworth Road. The existing building is a vacant public house. The west of application site is 284 Dedworth Road – a dwelling house. To the east of the application site there are retail units with flats at first floor level. The site backs on to the grounds of Dedworth Middle School.
- 3.2 The site is not in the Green Belt and is not within an area liable to flooding.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The proposal is for a block of 10 x 1-bedroom flats arranged on 3 floors. The car parking area to provide 10 spaces would be located on the frontage of the site.
- 4.2 The external materials of the building would be brick, grey aluminium windows and with cladding on the second floor.

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

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Manages flood risk and waterways	NR1
Makes suitable provision for infrastructure	IF1

The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Proposed Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council will prepare a report which summarises the issues raised in the representations and sets out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents will then be

submitted to the Secretary of State for examination by the Planning Inspectorate. In this context, the Borough Local Plan: Submission Version is a material consideration, but limited weight is afforded to this document at this time.

This document can be found at:

<http://rbwm.moderngov.co.uk/documents/s14392/Appendix%20A%20-%20Borough%20Local%20Plan%20Submission%20Version.pdf>

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

National Planning Policy Framework : Paragraph 17 -Core Planning Principles; Section 6 – Delivering a wide choice of high quality homes; Section 7 – Requiring good design; Section 11 – Conserving and enhancing the natural environment.

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Loss of the community facility (Public House).
- ii Impact on the street scene
- iii Impact on neighbouring properties
- iv Living environment for the future occupiers
- iv Impact on trees
- v Highways and parking.

Loss of the community facility (Public House)

6.2 The loss of the Public House has already been accepted through the granting of planning permission under 16/00043/FULL. The building is currently vacant and it is understood that the pub ceased trading in 2013. It is noted that there is a pub within approximately 70 metres of the application site (Black Horse, Dedworth Road).

Impact on the street scene

6.3 It is considered that the proposed flat roofed building would appear unduly dominant and out of keeping in the street scene in the immediate locality. The buildings in the immediate vicinity have pitched roofs and are traditional designs. It is acknowledged that there are examples of flat roofs elsewhere in Dedworth, but these are not readily visible from the application site.

- 6.4 The proposed third floor would make the building considerably taller than the buildings on either side. The overall height of the proposed building would be 8.7 metres. By comparison No. 280 has a ridge height of approximately 7.2 metres and No. 284 has a ridge height of approximately 6.4 metres. The new building would therefore exceed the heights of 280 and 284 by 1.5m and 2.3 metres respectively.
- 6.5 The proposed building would have a very large footprint and would appear cramped particularly in relation to the rear and side boundaries. In terms of breadth the new building would have an overall breadth of 19 metres with the frontage of the application being only 2 metres greater (measuring 21 metres). The new building would come within 1 metre of the rear boundary and at the nearest points would be 1 metre from the east (side) boundary and 3 metres from the west (side) boundary. It is noted that the site is tapered so that the site is wider along the rear boundary (24 metres); however the new building when viewed from Dedworth Road would appear to span across almost the entire width of the site.
- 6.6 The large area of hard surfacing to the front of the site to provide car parking leaves very limited space for meaningful tree planting to soften the scale, appearance and impact of the building in the street scene.
- 6.7 The development would appear as a rather contrived over-development of the site. It is considered that the provision of 10 units on this site is excessive.

Impact on neighbouring properties and future occupiers of the flats

- 6.8 It is noted that there were windows proposed in the first floor side elevations of the scheme approved under 16/00043/FULL. Nevertheless, this current scheme proposes more windows to habitable rooms in the side elevations than the approved scheme.
- 6.9 In order to reduce the potential for overlooking from windows in both first floor side elevations, the applicant is proposing obscure glazing for the secondary living room windows and bathrooms. The heavy reliance on obscure glazing to prevent overlooking is a symptom of a cramped and contrived layout.
- 6.10 There would be a clear glazed first floor bedroom window in the east facing (side) elevation on the new building. It is noted that on application 16/00043 there was a first floor kitchen window (not obscure glass) proposed almost directly opposite a first floor bedroom window in the side of No 280. The proposed first floor bedroom window in the current scheme would be approximately 6.8 metres away from the bedroom window in the side of No 280 and would not be directly opposite. On the approved scheme the separation distance between the proposed first floor kitchen window and the neighbouring bedroom window was in the order of 5.8 metres (1m less, and almost directly opposite).
- 6.11 In terms of maintaining privacy to the first floor bedroom window in the side elevation of the flat at No. 280, it is considered that the current scheme is acceptable.
- 6.12 Regarding light and outlook from the bedroom window in the side of No. 280, it is considered that the proposed building would not have such a detrimental impact on this neighbouring property to warrant refusal for this particular reason.
- 6.13 The proposed clear glazed bedroom window in the west (side) elevation, would be less than 4 metres from the side boundary with No 284. This window would look directly across to the rear garden on No 284. There is also concern that windows and the second floor balcony in the front elevation of the new apartment block, would also give

rise to overlooking of No 284. The front elevation of the new building would be approximately 6 metres from the rear elevation of No 284. It is noted that the applicant is proposing screening to the sides of the proposed balcony, but in this close situation, it is not considered that this would entirely overcome the overlooking concerns. There is a kitchen window and bedroom window in the rear elevation of No 284.

- 6.14 Given the overall size of the proposed building (particularly overall height 8.7 metres and depth 15 metres), its siting within the plot and the potential for overlooking, it is considered that the new building would represent an overbearing and very intrusive form of development for the occupiers of No 284. It is noted that the existing pub building is sited right up to the side boundary with No. 284 and extends beyond the rear elevation by approximately 8 metres and that there is single storey outbuilding to the rear of the pub. However this extension and outbuilding are single storey and there are no windows in the side elevation that overlook No 284.
- 6.15 Nonetheless, given the position of the existing pub building, right up to the side boundary with No. 284, it is considered that the new building would not reduce the amount of daylight and sunlight reaching this neighbouring house and its garden area immediately to the rear of the house.

Living environment for future occupiers

- 6.16 The second floor flats would have balconies for their amenity space. However, for the remaining units there is rather limited general amenity space to the side and front of the building. The area to the west of the building would be fairly narrow and right next to windows and patio doors of ground floor flats. Similarly, the area to the front of the building would be next to the carpark and near windows and patio doors of ground floor flats. The strip of land to the east side of the carpark is narrow situated near the road frontage is unlikely to be used by residents. The limited and fragmented on-site amenity space is another symptom of a cramped layout and overdevelopment of the site.
- 6.17 Nonetheless, it is noted that there are a number of parks and public within a reasonable distance of the site. These include Osgood Park (approximately 600 metres away off Wolf Lane); Clewer Memorial Park (approximately 1km away, on Dedworth Road) and Dedworth Manor and Sawyer Close Park approximately 1km away – off Hanover Way).

Trees and landscaping

- 6 18 There were a number of mature trees near the rear boundary, within the grounds of Dedworth Middle School. These trees were very visible in the street scene of Dedworth Road and contributed positively to the visual amenity of the area. However, it is noted that these trees were removed by the applicant (with the permission of the school) soon after the application was submitted, which is regrettable. As this land is not within the red line of the application site, any replacement tree planting within the school grounds cannot be controlled by condition.
- 6.19 Some indicative tree planting has been shown on the 'Proposed site plan' dwg. No. PJSA-02-02. However, much of this is unsustainable, being too close to the neighbouring to the west and to the proposed building along this western flank. Some planting may be possible in the south eastern sector, but the trees would need to be set back further from the car parking bays and it would need to be demonstrated that sufficient rootable volume can be created via reinstated of soft ground. The proposed drainage layout (PJSA-02-03 Rev P1) shows a large soakaway occupying

a significant area of the thin strip of soft ground in the front of the site. This provides an additional constraint to any new tree planting here. It has not been adequately demonstrated that a satisfactory level of tree planting could be achieved on the site.

Highways and parking

- 6.20 The site fronts the B3024 Dedworth Road where parking across this section of the highway is prohibited and enforced by double yellow lines. Vehicular speeds are subject to a 30mph limit.
- 6.21 Currently the public house derives its access off Dedworth Road to the east of the site boundary. The development proposes removing the access and serving the residential units with a new access positioned at the midpoint of the site. At this position a vehicle existing the site is afforded clear views in both directions.
- 6.22 The development of 10x 1 bedroom units is provided with 10 car parking spaces, complying with the Borough's Parking Strategy (2004). The design and layout of each parking bay complies with the Borough's Design Guidelines. The Parking Strategy is based on a maximum provision.
- 6.23 Previously the public house benefitted from approximately 11 parking spaces, whilst this development 10. In highway terms there is unlikely to be an appreciable difference in vehicular activity between the two use classes.
- 6.24 The Design and Access Statement remarks that there is space for 10 cycles to be securely stored on the east boundary in a wooden structure to match the fencing. The applicant would be required to submit a detailed plan of the cycle store to demonstrate that it is fit for purpose. This detail could be secured by condition if the LPA was minded to grant planning permission. The bins would be positioned to the east on the site boundary.
- 6.25 In summary, the proposed development raises no highway concerns. A number of conditions have been suggested, if the LPA is minded to grant planning permission. These relate to securing satisfactory access construction, a construction management plan, parking as per the submitted layout, details of the cycle parking. A standard informative has also been suggested regarding obtaining a highway licence.

Ecology

- 6.26 The applicants have not submitted a bat survey with this application. It is noted that there is an extant permission on this site 16/00043 issued in April 2016 and this previous application did not include a bat survey. As the building has been vacant for some considerable time now and is in a state of disrepair, it is advisable that bat survey work is carried out.

Sustainable urban drainage

- 6.27 The site is in flood zone 1. However due to the scale of the development, the application falls under major development and hence a surface water drainage strategy has to be submitted in line with Non statutory Technical Standards for SuDS and Ciria C753 SuDS Manual.
- 6.28 Following the Lead Local Flood Authority's review of the information above the following additional information is required to enable this planning application to be considered further as it is a full application:

1. Drainage Strategy (statement and layout plan)
 2. Evidence that SuDS have been considered as part of the development.
 3. Detailed development layout with surface water features incorporated
 4. If infiltration SuDS are proposed on site, infiltration tests for the site in line with BRE365.
 5. Evidence of structural and ground condition for the site if infiltration is proposed.
 6. If Rain gardens are proposed, details of landscaping including planting schedule and maintenance
 7. Calculation evidencing pre-development and post-development runoff and attenuation provisions.
 8. Development Management and Construction Phasing Plan (where applicable)
 9. Evidence of third party agreement for discharge to their system (where applicable).
 10. Maintenance Plan of SuDS components.
- 6.29 Further information has been submitted by the applicants and comments are awaited on this from the LLFA. Any further comment received will be reported in the panel update if received in time. An objection from the LLFA would be another reason for refusal.

Other Material Considerations

Housing Land Supply

- 6.30 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.
- 6.31 It is acknowledge 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 consisted with the NPPF, and to the development plan as a whole.

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 In line with the Council's Charging Schedule the proposed development would now be CIL liable. CIL is charged at the rate of £240 per square metre. The applicant has submitted the required Additional Information Requirement Form advising on the internal floorspace 571.1 sqm. This figure is considered to be an accurate representation of the new floorspace; however this would need to verified by the Council's CIL Officer.

7.2 The required CIL payment for the proposed would be £137,064.00 on the basis of a net increase of 571.1 sq.m. The CIL form advises that the building was last used for its lawful use was 1 June 2013. As such there would be no allowance for any existing floorspace and the building. No further action is required until prior to commencement of the development if the proposal is subsequently approved.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

12 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on 26 September 2017 and the application was advertised in the Maidenhead Advertiser on 28 September 2017.

No letters of objection or support have been received.

Statutory consultees

Consultee	Comment	Where in the report this is considered
Highways	No objection. Conditions and standard informative suggested.	See paragraphs 6.11 -6.16
Tree Officer	Objection.	See paragraphs 6.9 -6.10.
Environmental Protection Officer	No objection. Conditions suggested regarding Noise Insulation (to protect from aircraft noise), Vehicle Deliveries, and informatives on dust control, smoke control and construction working hours.	Noted.
Lead Local Flood Authority	Additional details are required.	Further details have been submitted by the applicant. Any further comments will be reported in the panel update is received in time. An objection from the LLFA would be another reason for refusal. See paragraphs 6.18 -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
REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED**

- 1 Given the overall size of the building, the proximity of the building to the side and rear boundaries, the limited amount of soft ground around the proposed building to provide any meaningful landscaping and amenity space for future occupiers and the large expanse of hardstanding to the front of the building, it is considered that the proposed development represents unacceptable over-development of the site. The proposal would be contrary to policies, DG1, H11, H10 of the Royal Borough of Windsor and Maidenhead Local Plan Incorporating Alterations adopted June 2003.
- 2 The design of the building with flat roofs and accommodation on the third floor is considered to be incongruous with the style and design of nearby buildings in this immediate vicinity, where existing buildings have pitched roofs and are more traditional in design. The third floor element of the building would make it appear unduly bulky and not in keeping with the heights of buildings on either side. The proposed development would be detrimental to the street scene. The proposal would be contrary to policies, DG1, H11, H10 of the Royal Borough of Windsor and Maidenhead Local Plan Incorporating Alterations adopted June 2003.
- 3 The new building in its proposed siting and given its scale and bulk, would have an over-dominating impact and be an intrusive, unneighbourly form of development for No 284 Dedworth Road. Furthermore, the proposed first floor bedroom window in the (west) side elevation and first floor habitable room windows and balcony on the front elevation of the new building, would give rise to unacceptable overlooking and loss of privacy to the private garden of Nos 284 Dedworth Road. The proposal would be contrary to policies, DG1, H11, H10 of the Royal Borough of Windsor and Maidenhead Local Plan Incorporating Alterations adopted June 2003 and contrary to the NPPF paragraph 17 bullet point 4.

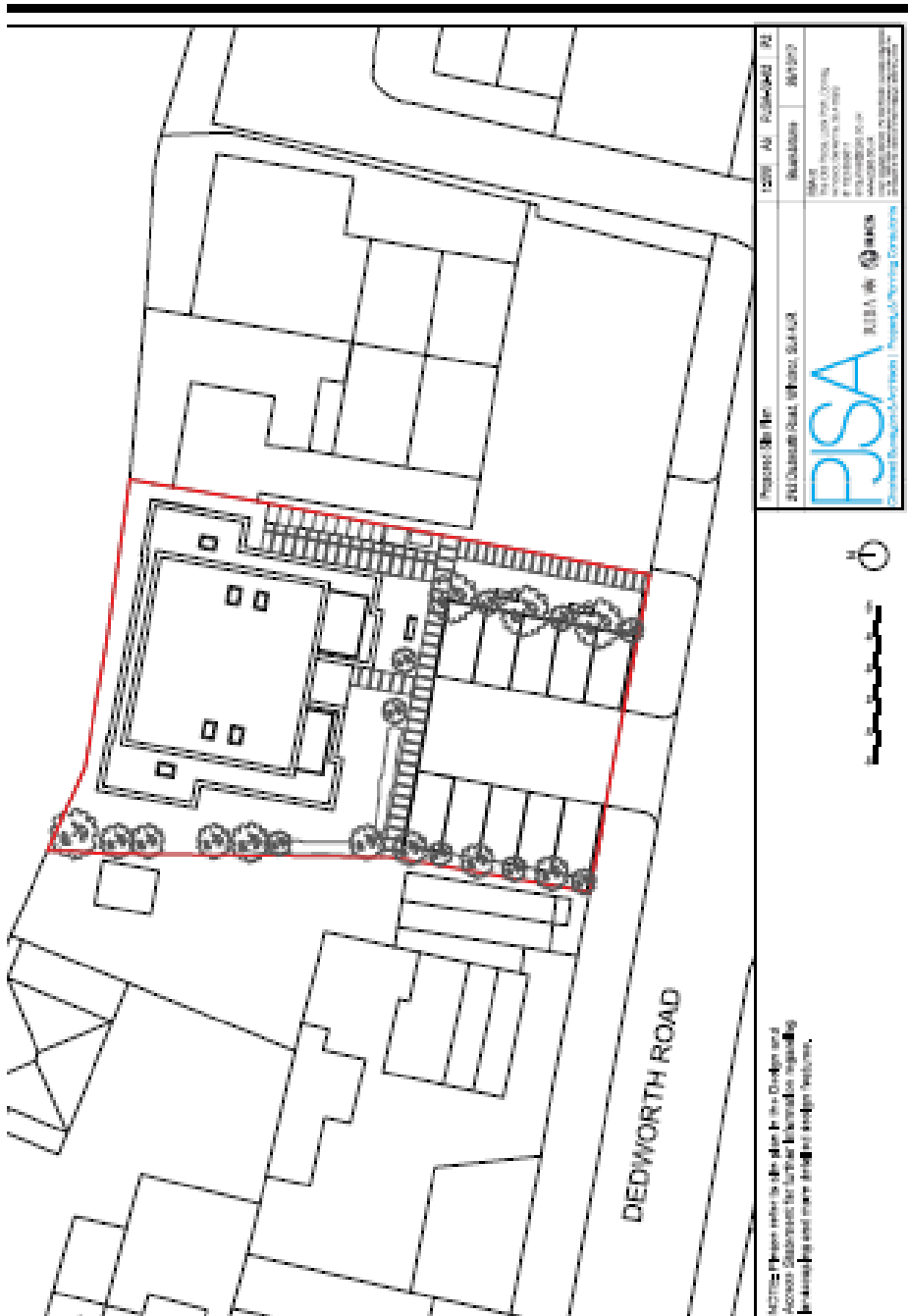
Appendix A -

17/02911 – The Queen, 282 Dedworth Road, Windsor



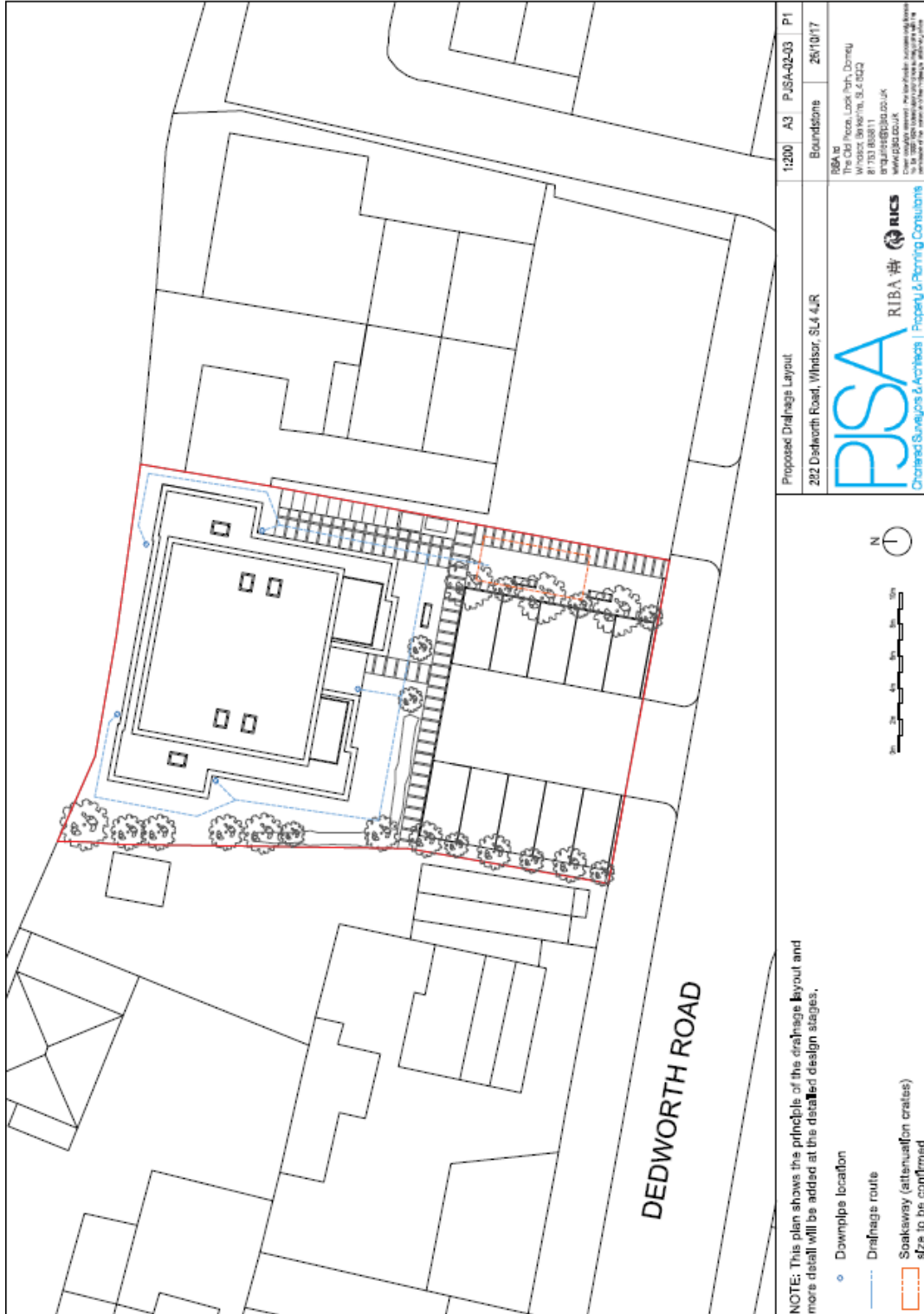
Appendix B

17/02911 - The Queen, 282 Dedworth Road, Windsor



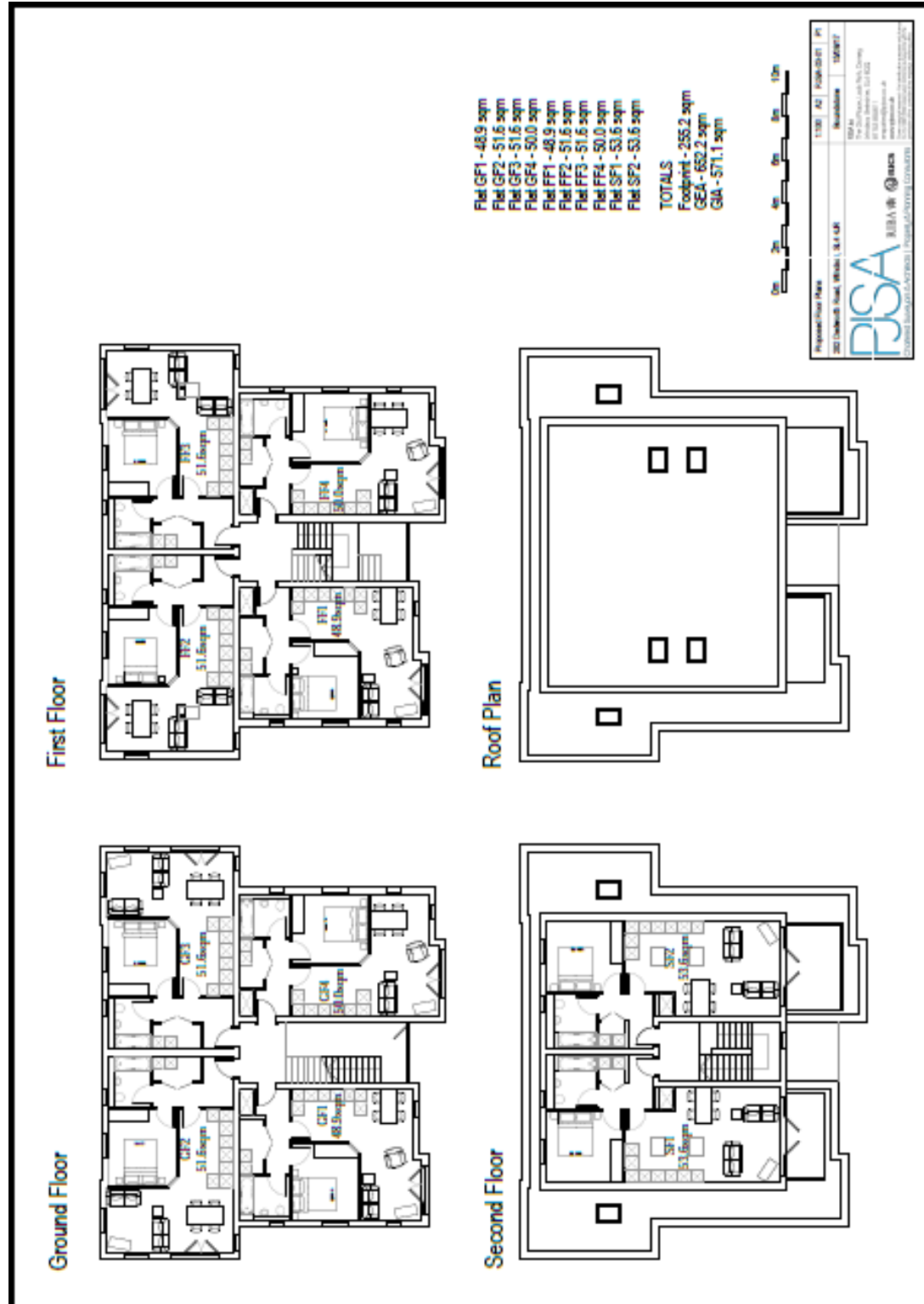
Appendix B

17/02911 - The Queen, 282 Dedworth Road, Windsor



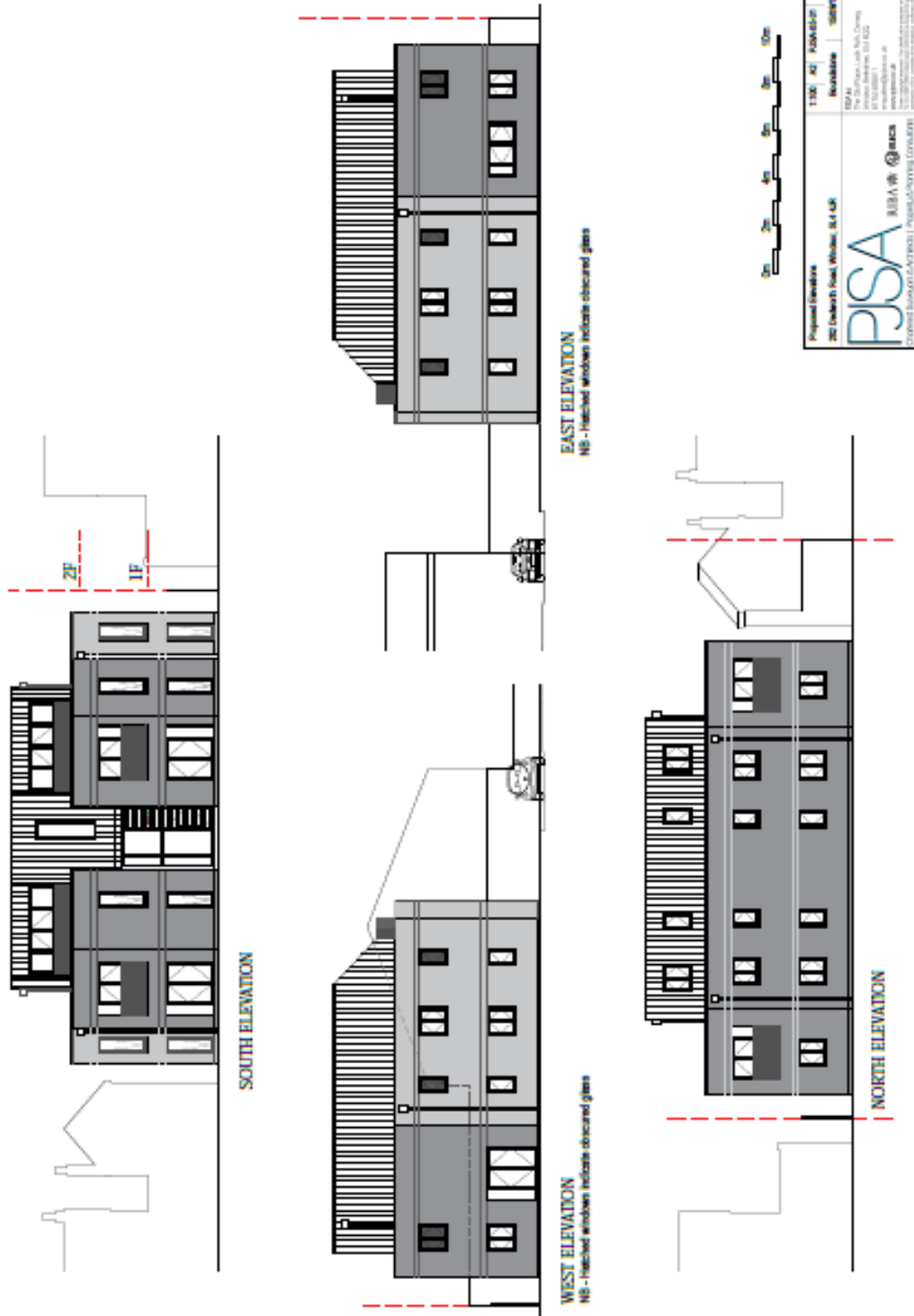
Appendix B

17/02911 - The Queen, 282 Dedworth Road, Windsor



Appendix B

17/02911 - The Queen, 282 Dedworth Road, Windsor



WINDSOR URBAN DEVELOPMENT CONTROL PANEL

6 December 2017

Item: 6

Application No.:	17/03083/FULL
Location:	Royal Borough of Windsor And Maidenhead Council York House 41 Sheet Street Windsor SL4 1DD
Proposal:	Single storey extension to the south elevation of the existing York House office building, to provide an enclosure for a new electricity substation
Applicant:	Mr Large
Agent:	Mr Christian Gonsalves
Parish/Ward:	Windsor Unparished/Castle Without 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 application seeks planning permission for a single storey extension to accommodate an electricity substation. The extension is considered to preserve the character and appearance of the Conservation Area, and would not detract from the setting of Listed Buildings.
- 1.2 The extension would have an acceptable impact on important trees. There is an opportunity for soft landscaping to be incorporated in front of the substation, but such details have not been confirmed to date.
- 1.3 The scheme is considered to have an acceptable impact upon neighbouring residential amenity.

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

2. REASON FOR PANEL DETERMINATION

- The Council's Constitution does not give the Head of Planning delegated powers to determine the application in the way recommended; such decisions can only be made by the Panel.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 This irregular 0.38 ha site has a frontage onto Sheet Street, with the access into its rear and subterranean car parks on its southern edge. An access route to the Regent Court development runs along its northern side and to the east (rear) the application building abuts an open space which has a number of mature trees, separating the site from the edge of the Long Walk, which is part of the Grade I Historic Park and Garden. The site expands southwards at its eastern end, to include an area of land used for surface car parking, overlooked by the rear elevations of two-storey residential properties fronting Brook Street, with a narrow lane linking the back of the end property on Brook Street with this part of the site. The land drops gradually southwards and eastwards from Sheet Street to the parking and green areas to the rear of the site.
- 3.2 Sheet Street is known to have formed one of the routes leading south from the Castle since early medieval times, and is currently a principal thoroughfare for the town. It is

closed to traffic periodically to allow for the progress of the guard from the Victoria Barracks (opposite the site) to and from the Castle, but for the most part it is a wide, busy street used by bus services, with footways on both sides and on street parking (permit-regulated) on the eastern side. Buildings on the eastern side are of mixed age, with a terrace of Grade II Listed early 19th Century three storey houses (York Terrace) to the south of the site, a modern three-floor development of gable-fronted offices and flats to the north of the site (Parkside House and Regent Court), and the solid block of the modern Victoria Barracks, with its high brick perimeter wall, on the back edge of the footway on the western side of the road. Further up and down the street are found other historic and modern buildings, mainly of three storeys, and aligned with the street, including the Grade II* Hadleigh House and the irregularly-articulated Thames Court flats.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Reference	Description	Decision and date
17/00235/FULL	Refurbishment of existing York House office building to include an additional storey of office accommodation, replacement windows over cladding of brickwork and associated public realm works	Permitted 05.05.17
17/00595/FULL	Refurbishment of York House including a single storey extension, replacement windows, over-cladding of brickwork and a new build 3 storey extension and associated public realm works.	Withdrawn on the 10.04.17
17/02104/CONDIT	Details required by part condition 2 (construction environment management plan) condition 3 (tree protection plan and arboricultural method statement) 7 (hard and soft landscaping) of planning permission 17/00235 for the refurbishment of existing York House office building to include an additional storey of office accommodation, replacement windows over cladding of brickwork and associated public realm works.	Approved 28.09.17
17/02228/CONDIT	Details required by condition 4 (external materials) and 8 (bio diversity enhancement) of planning permission 17/00235 for the refurbishment of existing York House office building to include an additional storey of office accommodation, replacement windows over cladding of brickwork and associated public realm works.	Approved 28.09.17
17/03416/CONDIT	Details required by condition 5 (details of plant and machinery equipment) 10 (cycle facilities) 11 (installation of green roof and photovoltaic panels) 13 (travel plan) of planning permission 17/00235 for the	Pending consideration

	refurbishment of existing York House office building to include an additional storey of office accommodation, replacement windows over cladding of brickwork and associated public realm works.	
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- 4.1 This application seeks planning permission for a single storey extension to the southern elevation of the York House office building to provide an enclosure for a new electricity substation. The substation would be set over 40 metres back from Sheet Street, behind a small area of land which will have soft landscaping. The substation would take the place of what was previously approved as two car parking spaces under the wider York House redevelopment scheme (reference 17/00235/FULL).
- 4.2 The extension would have a flat roof and would measure 4.2 metres in height. The extension would be finished in a render (to match the render in the recently consented scheme), with louvered steel doors. The Design and Access Statement sets out that due to the consented refurbishment and extension of the current facilities at the existing offices, the expected uplift in electricity usage as a consequence of modern office environments, coupled with the installation of air conditioning, the increase in the power demands necessitates the installation of a new substation.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework Sections

Section 7- Requiring good design

Section 12- Conserving and enhancing the historic environment

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	Noise Pollution	Conservation Area	Setting of Listed Buildings
DG1	P4, T5	N6	NAP2	CA2	LB2

These policies can be found at

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

Borough Local Plan: Submission Version

Issue	Local Plan Policy
Design in keeping with character and appearance of area	SP2, SP3
Makes suitable provision for infrastructure	IF1
Heritage Assets	HE1
Noise	EP4

The NPPF sets out that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation. The Borough Local Plan Proposed Submission Document was published in June 2017. Public consultation ran from 30 June to 27 September 2017. Following this process the Council will prepare a report which summarises the issues raised in the representations and sets out its response to them. This report, together with all the representations received during the representation period, the plan and its supporting documents will then be submitted to the Secretary of State for examination by the Planning Inspectorate. In this context, the Borough Local Plan: Submission Version is a material consideration, but limited weight is afforded to this document at this time.

This document can be found at:

<http://rbwm.moderngov.co.uk/documents/s14392/Appendix%20A%20-%20Borough%20Local%20Plan%20Submission%20Version.pdf>

Supplementary planning documents

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:
- i) Windsor Town Centre Conservation Area Appraisal

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 Impact upon Heritage Assets
- ii Impact upon trees
- iii Impact on residential amenity

Impact upon Heritage Assets

6.2 The special interest of this part of the Conservation Area, and of the adjoining Conservation Area, lies in the overall impression of confidence and prosperity that the combination of modern and historic structures produces in this main arrival point into the town centre. The height, scale and mass of the built form on the site and to its north are of a town centre nature – announcing the transition from residential suburb to commercial and civic uses. Typical building form varies on a theme of three identifiable storeys with a roof above, generally with road-aligning facades on or close to the back edge of the pavement.

6.3 The early 19th Century terrace of strong but elegant brick houses on Sheet Street to the south of York House is Grade II Listed. The application site is within the setting of, and is read obliquely together with this heritage asset, as it is also (although to a lesser

degree) with the Listed buildings set around the junction of Victoria Road and Sheet Street.

- 6.4 The proposed single storey extension will be set quite a considerable distance back from Sheet Street, and is relatively small in scale. In addition, soft landscaping will be planted in front of this substation, which will soften the impact of this extension. Owing to these factors, it is not considered that the extension would have an adverse impact on important views within the Conservation Area, and it is considered that the development would preserve the character and appearance of the Conservation Area.
- 6.5 The extension would be over 12 metres away from the Listed buildings (the Terrace) to the south of the application site. Owing to the relatively small scale of the extension, and the use of sympathetic materials that will complement the materials for the York House redevelopment scheme, it is not considered that the extension would have an adverse impact on the setting of the neighbouring Listed Buildings.
- 6.6 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, and as paid special attention to the setting of Listed Buildings as required by 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact on trees

- 6.7 There is a Horse Chestnut situated on site, close to the site boundary with the residential properties on Sheet Street. The proposed extension is located just outside the Root Protection Area of this tree, and so would have an acceptable impact upon this tree. The applicant has also provided a cable route plan, which shows cables running to the substation will be outside of the Root Protection Area. The tree protection measures as set out in the submitted arboricultural assessment need be implemented for the construction of this extension, and these measures are secured by condition 3.
- 6.8 As part of the landscaping scheme approved for the York House redevelopment, the landscaping plan showed a hornbeam to be planted in the soft landscaping area in front of the car parking spaces. With this extension going in, it is unlikely that a hornbeam could be planted in this area as it is unlikely to have the space to survive. The applicant has been asked to provide details of the soft landscaping to be planted in this area, and this will be reported in the update to Panel. If the details of soft landscaping are not provided now, these can be secured by planning condition (see condition 4).

Impact on residential amenity

- 6.9 The extension would be set away from the closest residential garden by 10 metres. Due to the distance of the extension to the neighbouring residential garden and the single storey nature of the proposal, it is not considered that the extension would be unduly overbearing to neighbouring residential properties.
- 6.10 The safety of the substation is not something that is covered by the planning regime, and would be subject to other controls/guidelines.

- 6.11 With regard to noise, the substation will be enclosed in the building which will help reduce noise. Environmental Protection raise no objection to this proposal with regards to noise, and a condition is recommended (condition 5) to ensure noise levels are kept to an acceptable level.

Other considerations

- 6.12 The extension will take the place of 2 car parking spaces that were approved as part of the York House redevelopment scheme; the loss of these spaces is considered acceptable given that this is a sustainable town centre location in close proximity to public transport hubs.

- 6.13 It is questioned by a resident why the substation cannot be sited in the undercroft car park. The applicant has looked at potential locations for the substation, including the undercroft car park, however, it was not deemed suitable for the following reasons:

-The access for maintenance/repair/replacement is compromised by the constraints imposed by the existing building (car park entrance headroom). The resultant strategy may not be acceptable to the Network Provider.

-This location does not meet the requirements of the Network Provider for internal clear headroom

- The Network Provider would not accept a solution within the under-croft car park given that there is an external car-park that could potentially provide alternative locations.

- 6.14 The location in this planning application was found to be the best option for siting. The LPA can only consider whether the scheme proposed is acceptable in planning terms.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

51 occupiers were notified directly of the application.

The planning officer posted a notice advertising the application at the site on the 12th October 2017 and the application was advertised in the Maidenhead Advertiser on 19th October 2017.

1 letter was received objecting to the application, summarised as:

Comment		Where in the report this is considered
1.	It's a shame that the substation cannot be accommodated in the undercroft car park. I would welcome this for to be reviewed as it is unsightly to have this building and lose a further 2 spaces.	6.13
2.	I would like assurance that there is no health risk to neighbouring properties.	6.10
3.	I would like assurance that the building is soundproofed and that there is no noise situation to residential properties.	6.11
4.	If approved, please can be trees be increased in front of the new building to hide it as much as possible?	6.8

Other consultees

Consultee	Comment	Where in the report this is considered
Historic England	On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.	Noted.
Conservation Officer	After considering the application, conservation raise no objection to the proposal and do not wish to make any comments on the application.	Noted.
Council's Ecologist	The proposed development is situated on an area of hard standing with no ecological value, therefore an ecological appraisal of the site is not required. There will be no net loss in biodiversity, given the landscaping already approved under planning permission 17/00235. Therefore no further enhancements for biodiversity are required	Noted.
Environmental Protection	I refer to the above-mentioned full planning application and would recommend that, should planning permission be granted, the following conditions be attached to the consent notice: - Condition EP1 Noise Control The rating level of the noise emitted from the plant shall be lower than the existing background level (to be measured over the period of operation of the proposed plant and equipment and over a minimum reference time interval of 1 hour in the daytime and 15 minutes at night) by at least 5dB(A). The noise levels shall be determined 1m from the nearest noise-sensitive premises. The measurement and assessment shall be made in accordance with BS 4142: 2014. Reason: To protect the residential amenities of the area. Relevant Policy Local Plan NAP3.	See recommended condition.
Highways	No objection	Noted.
Tree Officer	The extension, to provide an enclosure for the substation, is just outside the root protection area of a mature Horse chestnut. Details of the route of the associated underground cables are acceptable.	6.7
Local Lead Flood Authority	No comment to make	Noted.

8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Proposed site layout
- Appendix C – Plans

9. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED REASONS

- 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, CA2
- 3 The erection of fencing for the protection of any retained tree and any other protection specified shall be undertaken in accordance with the approved plans and particulars (the arboricultural method statement, tree protection plan and drawing P-0094095/SK/010), and before any equipment, machinery or materials are brought on to the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the Local Planning Authority.
Reason: To protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies - Local Plan DG1, N6.
- 4 Prior to the construction of the extension hereby approved, full details the soft landscape works, shall be submitted to and approved in writing by the Local Planning Authority. These works shall be carried out as approved within the first planting season following the completion of the development and retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its prior written consent to any variation.
Reason: To ensure a form of development that maintains, and contributes positively to, the character and appearance of the area. Relevant Policies - Local Plan DG1.
- 5 The rating level of the noise emitted from the plant shall be lower than the existing background level (to be measured over the period of operation of the proposed plant and equipment and over a minimum reference time interval of 1 hour in the daytime and 15 minutes at night) by at least 5dB(A). The noise levels shall be determined 1m from the nearest noise-sensitive premises. The measurement and assessment shall be made in accordance with BS 4142: 2014.
Reason: To protect the residential amenities of the area. Relevant Policy Local Plan

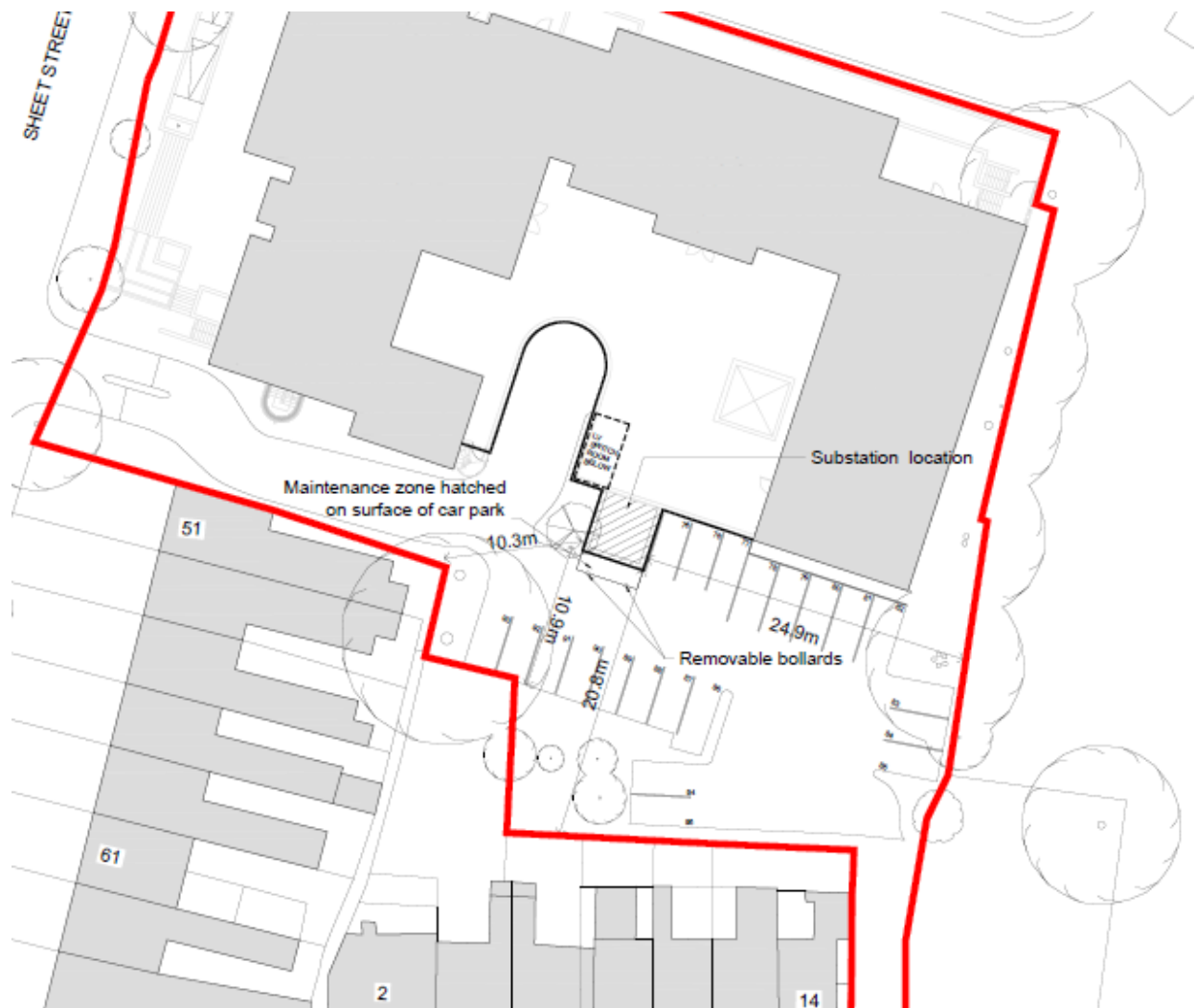
NAP3.

- 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.

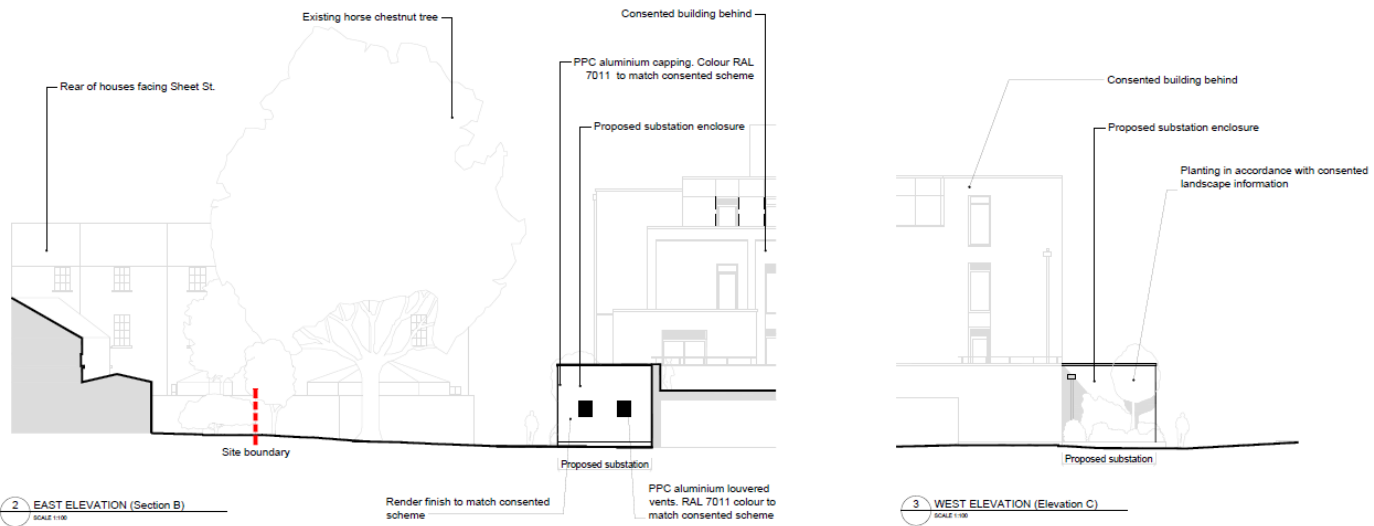
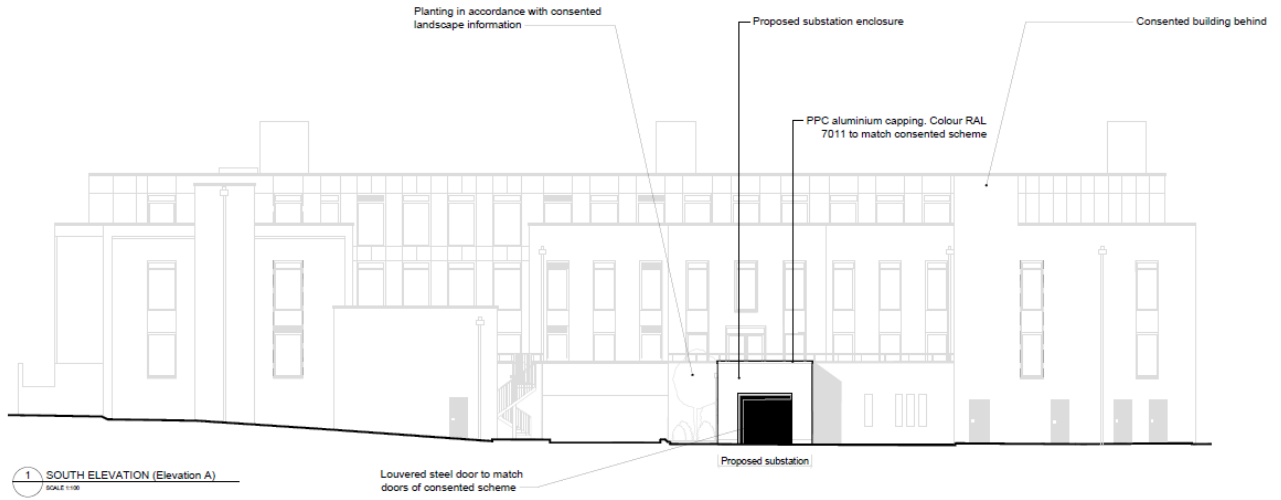
Appendix A- Site location plan

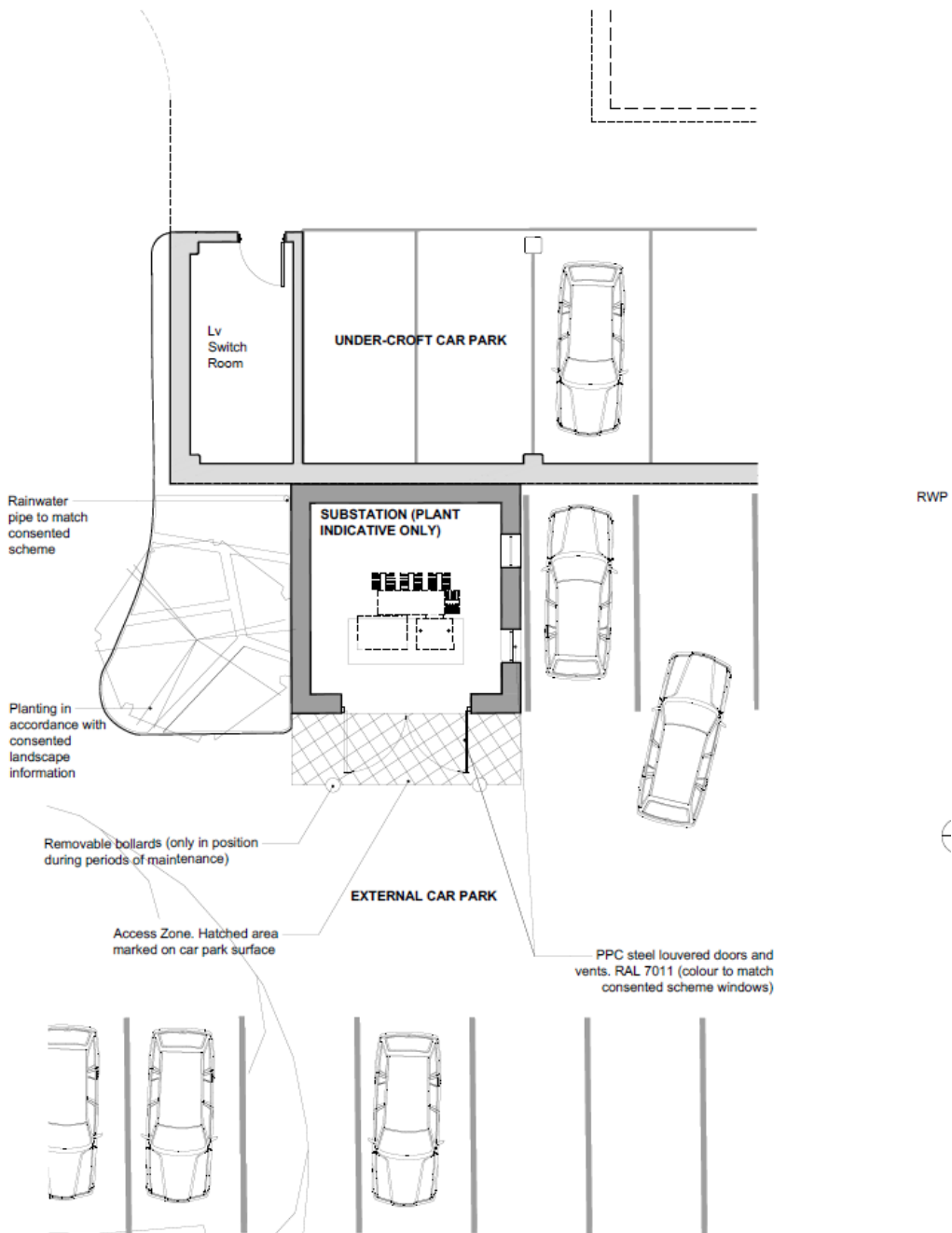


Appendix B- Proposed site layout



Appendix C- Proposed Plans





RWP