

NOTICE
OF
MEETING



WINDSOR URBAN DEVELOPMENT CONTROL PANEL

will meet on

WEDNESDAY, 9TH DECEMBER, 2015

At 7.00 pm

in the

COUNCIL CHAMBER - GUILDHALL,

TO: MEMBERS OF THE WINDSOR URBAN DEVELOPMENT CONTROL PANEL

COUNCILLORS PHILLIP BICKNELL (CHAIRMAN), MALCOLM ALEXANDER (VICE-CHAIRMAN), MICHAEL AIREY, JOHN BOWDEN, JOHN COLLINS, GARY MUIR, SAMANTHA RAYNER AND SHAMSUL SHELIM

SUBSTITUTE MEMBERS

COUNCILLORS NATASHA AIREY, HASHIM BHATTI, JESSE GREY, NICOLA PRYER, EILEEN QUICK, JACK RANKIN, WESLEY RICHARDS AND EDWARD WILSON

Karen Shepherd - Democratic Services Manager - Issued: 30 November 2015

Members of the Press and Public are welcome to attend Part I of this meeting. The agenda is available on the Council's web site at www.rbwm.gov.uk or contact the Panel Administrator **Wendy Binmore** 01628 796251

Fire Alarm - In the event of the fire alarm sounding or other emergency, please leave the building quickly and calmly by the nearest exit. Do not stop to collect personal belongings and do not use the lifts. Congregate in the Town Hall Car Park, Park Street, Maidenhead (immediately adjacent to the Town Hall) and do not re-enter the building until told to do so by a member of staff.

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

AGENDA

PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
1.	<u>APOLOGIES FOR ABSENCE</u> To receive any apologies for absence.	
2.	<u>DECLARATIONS OF INTEREST</u> To receive any declarations of interest.	3 - 4
3.	<u>MINUTES</u> To confirm the minutes of the previous meeting.	5 - 8
4.	<u>PLANNING APPLICATIONS (DECISION)</u> To consider the Head of Planning & Property/Development Control Manager's report on planning applications received. Full details on all planning applications (including application forms, site plans, objections received, correspondence etc.) can be found by accessing the Planning Applications Public Access Module by selecting the following link. http://www.rbwm.gov.uk/web/dc_public_apps.htm or from Democratic Services on 01628 796310 or democratic.services@rbwm.gov.uk	9 - 82
5.	<u>ESSENTIAL MONITORING REPORTS (MONITORING)</u> To consider the Essential Monitoring reports.	83 - 84

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

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

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

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

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

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

“Comments Awaited”.

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

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

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

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

STATEMENT OF THE HUMAN RIGHTS ACT 1998

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

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

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

MEMBERS' GUIDANCE NOTE

DECLARING INTERESTS IN MEETINGS

DISCLOSABLE PECUNIARY INTERESTS (DPIs)

DPIs include:

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

PREJUDICIAL INTERESTS

This is an interest which a reasonable fair minded and informed member of the public would reasonably believe is so significant that it harms or impairs your ability to judge the public interest. That is, your decision making is influenced by your interest that you are not able to impartially consider only relevant issues.

DECLARING INTERESTS

If you have not disclosed your interest in the register, you **must make** the declaration of interest at the beginning of the meeting, or as soon as you are aware that you have a DPI or Prejudicial Interest. If you have already disclosed the interest in your Register of Interests you are still required to disclose this in the meeting if it relates to the matter being discussed. A member with a DPI or Prejudicial Interest **may make representations at the start of the item but must not take part in discussion or vote at a meeting.** The term 'discussion' has been taken to mean a discussion by the members of the committee or other body determining the issue. You should notify Democratic Services before the meeting of your intention to speak. In order to avoid any accusations of taking part in the discussion or vote, you must move to the public area, having made your representations.

If you have any queries then you should obtain advice from the Legal or Democratic Services Officer before participating in the meeting.

If the interest declared has not been entered on to your Register of Interests, you must notify the Monitoring Officer in writing within the next 28 days following the meeting.

Agenda Item 3

WINDSOR URBAN DEVELOPMENT CONTROL PANEL

WEDNESDAY, 11 NOVEMBER 2015

PRESENT: Councillors Phillip Bicknell (Chairman), Malcolm Alexander (Vice-Chairman), Michael Airey, John Bowden, John Collins, Samantha Rayner, Shamsul Shelim and Jesse Grey

Officers: Daniel Gigg, Chris Nash, Gillian Butter, Jenifer Jackson, Karen Shepherd and Will Cottrell

APOLOGIES FOR ABSENCE

An Apology for Absence was received from Councillor Muir.

DECLARATIONS OF INTEREST

Cllr Shelim – Declared a personal interest in item 15/02292 as he owned a restaurant. He had come to the Panel with an open mind.

Cllr Bicknell – Declared a personal interest in item 15/02657 as his fellow Ward Councillor, Mrs N Airey, had called-in the application. He had not discussed the item with her and had come to Panel with an open mind.

Councillor M Airey - Declared a personal interest in item 15/02657 as his wife, Councillor Mrs N Airey, had called-in the application. He had not discussed the item with her and had come to Panel with an open mind

MINUTES

RESOLVED UNANIMOUSLY: That the minutes of the meeting held on 14 October 2015 were approved, subject to the following amendments:

- 18/15 to read ‘Cllr Alexander – Declared a personal interest in item 15/01889 as his *grandson* attends The Windsor Boys School and the school would benefit from S106 money received from the development’
- 20/16 application 15/01889 ‘Four Councillors voted for the motion (Cllrs Airey, Alexander, Collins and Grey), *three* Councillors voted against the motion (Cllrs Bowden, Rayner and Shelim). *Councillor Bicknell left the room for the duration of the discussion and voting on the item.*

PLANNING APPLICATIONS (DECISION)

The Panel considered the Director of Development and Regeneration’s report on planning applications received and received updates in relation to a number of applications, following the publication of the agenda.

N.B.: Updates were received in relation to planning applications marked with an asterisk

<u>Application</u>	<u>Applicant and Proposed Development</u>
15/02292*	Mr Elawadi - The Flaming Cow: Amendments to fenestration/ventilation at Flaming Cow Unit A Windsor Bridge

Court 75 High Street Eton Windsor SL4 6BT.

– **THE PANEL VOTED to DEFER** the application for 1 cycle in order to carry out a site visit to look at the changes to the fenestration and understand how the filtration/ventilation system works.

(Five Councillors voted in favour of the motion (Cllrs Alexander, Bicknell, Bowden, Collins and S Rayner). Two councillors voted against the motion (Councillors Grey and Shelim). Councillor M Airey took no part in the voting on the item as he had joined the meeting after the start of the debate on the application.

(The Panel was addressed by Robert Edwards and Ros Rivaz in objection, Parish Councillor Duncan Reed, and Richard Clarke, solicitor, on behalf of the applicant).

15/02452

Mr and Mrs Clausen: Raising of existing roof ridge line, rear dormer roof extension and 2 No. front rooflights to facilitate loft conversion at 29 Arthur Road, Windsor SL4 1RS – **THE PANEL VOTED UNANIMOUSLY to APPROVE THE APPLICATION**, against officers' recommendation, as they were of the opinion that the ridge height would not cause excessive mass or bulk and the proposals would be good design and sympathetic to the host dwelling under Policies H14 and DG1 of the Local Plan, and subject to the following additional conditions

- 1) 3yr imp
- 2) Materials
- 3) First floor window fixed shut with exception of top opening element and obscure glass
- 4) No further windows in side

(The Panel was addressed Anders Clausen, the applicant and a statement was read out on behalf of Cllr Rankin in favour).

15/02657*

Mr Elgendy: Construction of a two storey rear extension and first floor front extension at 70 Wolf Lane Windsor SL4 4YZ.

THE PANEL VOTED UNANIMOUSLY to APPROVE THE APPLICATION, with the following additional conditions as in the update report:

The first floor high level bathroom window in the existing east facing elevation shall be constructed a minimum of 1.7m above the finished internal floor level, and fitted with obscure glass (to a minimum of level 3) and the window shall not be altered without the prior written approval of the Local Planning Authority

No further windows shall be inserted at first floor level in the east facing elevation of the extension without the prior written approval of the Local Planning Authority.

ESSENTIAL MONITORING REPORTS (MONITORING)

Details of Planning Appeals Received were noted.

MEETING

The meeting, which began at 7.00 pm, finished at 8.24 pm

CHAIRMAN.....

DATE.....

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Agenda Item 4

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

Windsor Urban Panel

9th December 2015

INDEX

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

Item No.	1	Application No.	15/02292/FULL	Recommendation	PERM	Page No.	9
Location:	Flaming Cow Unit A Windsor Bridge Court 75 High Street Eton Windsor SL4 6BT						
Proposal:	Amendments to fenestration/ventilation						
Applicant:	Mr Elawadi - The Flaming Cow	Member Call-in:		Expiry Date:	5 October 2015		
<hr/>							
Item No.	2	Application No.	15/02762/FULL	Recommendation	PERM	Page No.	22
Location:	31 Bolton Avenue Windsor SL4 3JE						
Proposal:	Erection of a detached dwelling and garage following demolition of existing dwelling and garage						
Applicant:	Mr And Mrs Knowles	Member Call-in:		Expiry Date:	11 December 2015		
<hr/>							
Item No.	3	Application No.	15/02897/FULL	Recommendation	REF	Page No.	42
Location:	48 And 50 And Land Between 48 And 50 Illingworth Windsor						
Proposal:	No 48. Construction of two storey side extension following demolition of existing garage. No 50. Construction of two storey side extension following demolition of existing garage and conservatory. Land between No 48 and 50. Construction of new detached dwelling						
Applicant:	Mr Azam	Member Call-in:		Expiry Date:	12 November 2015		
<hr/>							
Item No.	4	Application No.	15/03161/FULL	Recommendation	PERM	Page No.	52
Location:	East Berkshire College St Leonards Road Windsor SL4 3AZ						
Proposal:	Three storey rear extension with associated amendments to car park layout						

Applicant: East Berkshire College **Member Call-in:** Cllr Jack Rankin **Expiry Date:** 18 November 2015

Item No. 5 **Application No.** 15/03452/FULL **Recommendation** DLA **Page No.** 61

Location: The Mill House Barry Avenue Windsor

Proposal: Replacement building to provide 4 No. 2 bedroom apartments including penthouse, parking and associated landscaping works following demolition of existing building

Applicant: McLaren Vale Ltd **Member Call-in:** Cllr Jack Rankin **Expiry Date:** 24 December 2015

Appeals Decision Report

Page No. 81

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

WINDSOR URBAN DEVELOPMENT CONTROL PANEL

9 December 2015

Item: 1

Application No.:	15/02292/FULL
Location:	Flaming Cow Unit A Windsor Bridge Court 75 High Street Eton Windsor SL4 6BT
Proposal:	Amendments to fenestration/ventilation
Applicant:	Mr Elawadi - The Flaming Cow
Agent:	Mr Scott Wood - CSK Architects
Parish/Ward:	Eton Town Council
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 planning application was considered at the Panel meeting on the 18th November 2015, where Panel resolved to defer it for a site visit to look at the proposed external alterations and to understand how the ventilation system works.

PREVIOUS SUMMARY

1.1 The application seeks planning permission for the alterations to the fenestration of the Flaming Cow restaurant, so that the existing window openings facing High Street and Brocas Street include ventilation grilles. This is proposed to allow for the air conditioning units inside the restaurant to operate more efficiently, thereby removing the need to open windows and doors, which in turn will reduce the odour emitted from the restaurant.

1.2 The proposed alterations to the fenestration are considered to cause less than substantial harm to the appearance of the Conservation Area, however, the reduction in odour escaping the restaurant is considered to constitute a public benefit which outweighs this less than substantial harm, in accordance with paragraph 134 of the National Planning Policy Framework (NPPF). As the harm would be very limited, it is considered that the proposed development would preserve the appearance of the Conservation Area, in accordance with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires development to either preserve or enhance the character or appearance of the Conservation Area.

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

2. REASON FOR PANEL DETERMINATION

- The Director of Development and Regeneration considers it appropriate that the Panel determines the application.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

3.1 The building is situated next to Eton Bridge, and benefits from a mixed A3 (cafe and restaurant) and residential use. The site is within the Eton Conservation Area.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Ref.	Description	Decision and Date
14/03715/FULL	Retention of safety handrail on steps on public highway	Approved on the 30 th January 2015
14/02632/CON	Details required by condition 5 (new equipment) of	Approved on the 7 th

DIT	planning permission 11/02245 for the change of use and re-modelling of existing building to provide 10 dwelling units to include, replacement roof to High Street and Riverside elevations with a third floor, plus roof terraces to town houses and retention of cafe unit, and pontoon on the river.	November 2014
12/02896/FULL	Installation of a roof mounted television aerial and a satellite dish (retrospective)	Approved on the 26 th November 2012
12/02799/CON DIT	Details required by condition 1-11 of planning permission 11/02245 for a change of use and re-modelling of existing building to provide 10 dwelling units to include, replacement roof to High Street and Riverside elevations with a third floor, plus roof terraces to town houses and retention of cafe unit, and pontoon on the river.	Partial Approval and Refusal of conditions on the 17 th October 2012
11/02245/FULL	Change of use and re-modelling of existing building to provide 10 dwelling units to include, replacement roof to High Street and Riverside elevations with a third floor, plus roof terraces to town houses and retention of cafe unit, and pontoon on the river.	Approved on the 21 st November 2011

4.1 The application proposes alterations to the fenestration of the building to include ventilation grilles on the elevations within the existing window openings facing the High Street and onto Brocas Street. This is proposed so that the air conditioning units which are to be installed within the restaurant operate more efficiently, so that doors and windows do not need to be opened when the restaurant is in operation. An amended plan was received (and consulted on with neighbours and consultees) showing the windows to be fixed shut, which again will help reduce the odours escaping the restaurant.

4.2 The applicant has provided the following information about why the proposed external alterations are required, and how this works with the internal air conditioning unit. This is set out below:

'The louvres / grills above the windows will directly funnel fresh air in to a condenser unit. In turn, the fresh air will be cooled or heated depending on the desired temperature wanted inside the restaurant.'

The mechanical process of cooling or heating air itself generates heat. This heat from the condenser unit will be extracted through the opposite end of the louvres. Air exchange from the louvres to the machine will take place with ductwork to avoid dissipation.

There is no air being taken from inside the restaurant in this process. Therefore, there is no increased risk of odour emanating from the restaurant as a result.'

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

Royal Borough Local Plan

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

	Within settlement area	High risk of flooding	Conservation Area	Setting of Listed Building	Pollution
Local Plan	DG1	F1	CA2	LB2	NAP3

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

- Interpretation of Policy F1 – Area Liable to Flood

More information on these documents can be found at:
http://www.rbwm.gov.uk/web/pp_supplementary_planning.htm

Other Local Strategies or Publications

5.3 Other Strategies or publications relevant to the proposal are:

- RBWM Landscape Character Assessment - view at:
http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm
- RBWM Townscape Assessment - view at:
http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm
- RBWM Strategic Flood Risk Assessment - view at:
http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm
- Conservation Area appraisal - view at:
http://www.rbwm.gov.uk/web/pp_conservation_consultation_appraisals.htm

•	<p>National Planning Policy Framework</p> <p>Core Planning Principles</p> <p>Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision taking. These twelve principles are that planning should:</p>
•	<p>be genuinely plan-led, empowering local people to shape their surroundings with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;</p>
•	<p>not simply be about scrutiny but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;</p>
•	<p>proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;</p>
•	<p>always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;</p>
•	<p>take account of the different roles and character of different areas promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;</p>
•	<p>support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change and encourage the reuse of existing resources including conversion of existing buildings and encourage the use of renewable resources (for example, by the development of renewable energy);</p>
•	<p>contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land or development should prefer land of lesser environmental value, where consistent with other policies in this Framework;</p>
•	<p>encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;</p>

	<ul style="list-style-type: none"> • promote mixed use developments and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage or food production);
	<ul style="list-style-type: none"> • conserve heritage assets in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of this and future generations;
	<ul style="list-style-type: none"> • actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable; and
	<ul style="list-style-type: none"> • take account of and support local strategies to improve health, social and cultural wellbeing for all and deliver sufficient community and cultural facilities and services to meet local needs.

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Impact on the character and appearance of the Conservation Area, and Setting of the Listed Building
- ii Impact on residential amenity;

Impact on the character and appearance of the Conservation Area, and Setting of the Listed Building

- 6.2 The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. The NPPF at paragraph 129 explains that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Both Listed Buildings and Conservation Areas are heritage assets.
- 6.3 Paragraph 134 of the NPPF sets out 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 The site is situated within the Conservation Area, and opposite to the site is The George Inn which is a Grade II Listed Building.
- 6.5 The proposed alterations include the introduction of ventilation grilles within the top half of the existing window openings to the restaurant facing the High Street and Brocas Street. The size of the window opening will be unaltered, but the area for the window panes will be smaller. As the ventilation grilles will be put in. There is an existing ventilation grille on the window facing Brocas street (which is to be enlarged), and the agent has advised the grilles on the other windows would have the same appearance as this.
- 6.6 It is not considered that the changes to the fenestration would cause harm to the setting of the Listed Building on the opposite side of the road (the George Inn), as the alterations are not considered to be so significant to result in harm to the setting of the Listed building. In respect of the character and appearance of the Conservation Area, from longer views of the site from the opposite side of Windsor Eton Bridge, and from further down Eton High Street, the ventilation grilles will not appear prominent. However, in closer views within the Conservation Area, it is considered that the proposed changes to the fenestration collectively would cause some harm to the appearance of the Conservation Area, although it is considered to be limited and so it is considered that the appearance of the Conservation Area will be preserved, in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 . However, judged against the

NPPF, it is considered that the proposed changes would cause less than substantial harm to the appearance of the Conservation Area. As such, the harm must be weighed against the public benefits of the proposal.

- 6.7 The reason for making the application for the proposed external alterations is to improve the efficiency of the air conditioning units within the restaurant in order to moderate the temperature of the restaurant, which in turn will mean that windows and doors from the restaurant do not need to be opened, which will help prevent odours escaping from the restaurant which are causing the current odour problems.
- 6.8 The Council's Environmental Protection officer has been consulted on the application, and agrees the system proposed would significantly improve the odour issues in the area. This is not to say that there will be no odour from the restaurant; it is quite common for smells from café and restaurant uses to be present in the street, however, it is considered that this system would help control odour to an acceptable level.
- 6.9 Given the number of comments from local residents over the odour that is emitted from the restaurant at present, it is considered that this solution would help overcome this the odour problems, and as such the public benefit is considered to outweigh the less than substantial harm to the appearance of the Conservation Area. The proposal is therefore considered to comply with paragraph 134 of the NPPF.
- 6.10 Policy CA2 of the adopted Local Plan states that:
- 'In respect of Conservation Areas, the Borough Council will require that any development will enhance or preserve the character or appearance of the Conservation Area.'*
- 6.11 As explained in section 6.6 of the report, it is considered the changes to the fenestration are fairly limited, and as such the proposed development would preserve the appearance of the Conservation Area in accordance with Policy CA2 of the Local Plan.

Impact on residential amenity

- 6.12 Given that the proposed alterations are to improve the odours being released from restaurant, it is considered this will improve the impact on residential amenity to neighbouring occupiers. Environmental Protection has recommended a number of conditions to ensure odour and noise are controlled. These conditions are set out in section 7 of the report, however, they have been amended (set out in section 9) so that they meet the 6 tests for imposing planning conditions as set out in the National Planning Practice Guidance (NPPG), which are that they are:
- necessary;*
 - relevant to planning and;*
 - to the development to be permitted;*
 - enforceable;*
 - precise and;*
 - reasonable in all other respects*

Other Material Considerations

- 6.13 Objectors state the premises is unsuitable for an A3 use, but is one the Council insisted on. It should be noted however, that before this development there was a larger A3 use at ground floor level.
- 6.14 Objectors invite officers to visit the site when the restaurant is in operation to experience the odour problems. The Environmental Protection Officer is aware of the odour issues at present, and this is why this application has been submitted in attempt to overcome these issues.

- 6.15 It is raised that the landlord has not given their permission for the works, and as such this exercise in applying for planning permission seems premature. It should be noted that the agent has confirmed that notice has been served on the landlord (Certificate B) and all freeholders and leaseholders with an interest in the site have been served notice of the application; this is all that is required for the planning application. Whether or not the landlord agrees to the changes is a private matter that the applicant will need to resolve, it is not a planning consideration.
- 6.16 It is raised that the alterations would not comply with Policy SF1 of the Local Plan. It is not considered that this policy is particularly relevant to this proposal, as this policy relates to shop fronts and this is and has been a restaurant use. However the design considerations, and impact on the character and appearance of the Conservation Area have been considered.
- 6.17 It is stated that there is a higher risk of fire with an A3 use; however, this is not relevant to the planning consideration as fire risks are dealt with by separate legislation.
- 6.18 Concern is raised that the alterations will further depreciate the value of the neighbouring residential properties; however the value of properties is not a planning consideration.
- 6.19 The condition on the original planning permission stated that:
- 'No extraction equipment shall be installed without the prior approval of a scheme, which sets out the noise levels produced and the manufacturer's maintenance specifications, to limit the noise from the equipment has been submitted to and approved in writing by the Local Planning Authority. Thereafter the equipment shall be maintained in accordance with the manufacturer's specifications.'*
- Reason: To protect the amenities of the area. Relevant Policy Local Plan NAP3.'*
- 6.20 As such the Local Planning Authority could consider odour control under this condition discharge.
- 6.21 It should be noted that this application does not give the Council the opportunity to reconsider the wording of condition 5 of the original permission.
- 6.22 It is stated by an objector that a flue would be more appropriate to deal with odour, however, it is not for the Local Planning Authority to consider this, and it must be considered whether this application is acceptable in planning terms.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

2 occupiers were notified directly of the application.

The application was advertised in the Maidenhead & Windsor Advertiser on the 20th August 2015.

The planning officer posted a statutory notice advertising the application at the site on 13th August 2015.

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

Comment		Where in the report this is considered
1.	The changes will do nothing to reduce the emission of cooking smells in the area. The root cause of the problem is that the extraction system discharges at street level.	See 6.2-6.12
2.	Additional louvres and windows that fully open will detrimentally affect the external appearance of the building thus impacting on the character and appearance of the Conservation Area.	See 6.2-6.11
3.	No attempt has been made by the applicant to address the concerns	Noted, however

	of local residents.	this application seeks to address the odour issues.
4.	Premises are unsuitable for an A3 use, but is one the Council insisted upon. The need for this application confirms this fact, and they hope the Council will reconsider its position on the matter.	6.13
5.	Refers to the fact that Environmental Protection recommended planning conditions on the planning application, but the Local Planning Authority ignored this in granting permission.	Noted.
6.	Invite officers to visit the area on a Monday, when the restaurant is closed, and mid-week; they say there is a noticeable difference in odour.	6.14
7.	The increased vents will not prevent odour going into the surrounding streets.	See paragraphs 6.2-6.12
8.	It is their understanding that the landlord needs to agree alterations to the building, and this has not been sought, as such applying for planning permission seems premature.	6.15
9.	Major concerns that changes to the building would have a detrimental impact on the appearance of the building.	6.2-6.11
10.	The landlord (Windsor Bridge Court Management Company) have not granted the leaseholder permission to do the works. This whole exercise therefore seems pointless.	6.15
11.	The application should be made null and void, as the applicant has not served notice on the overall landlord of the property. At no point were the landlord and freeholders notified of the application, and so planning permission cannot be applied for.	6.15
12.	The proposed alteration to the ventilation continues to be in direct conflict with DEFRA guidelines on Restaurant extraction. Allowing a larger louvre will not solve the odour problems.	See 6.2-6.11 of the report.
13.	The proposed alterations to the fenestration will add to the disturbance to the quiet living of the adjacent residents.	See 6.2-6.12 of the report.
14.	Would remind the Council of their duties under the Human Rights Act, in particular Protocol 1, Article, which states that a person has the right to a peaceful enjoyment of all their possessions which includes their home and land. At present residents of Windsor Bridge Court have had these rights violated by the activities of the Flaming Cow, as they cannot open their windows to enjoy fresh air.	Noted, this application aims to mitigate the odour issues at the site.
15.	Proposed changes are totally inappropriate in the Conservation Area.	See 6.2-6.11 of the report.
16.	Proposal conflicts with policy SF1 and CA2 of the Local Plan.	6.16
17.	Additional doors and windows that fully open will adversely impact on the Conservation Area.	4.1, 6.2-6.11
18.	Concern that freeholders and leaseholders of the site have not been notified of the application, as required by the planning act.	6.15
19.	The restaurant leaves its windows open during the summer months, which make the odour problems worse. The option of having windows that open fully will make the situation worse.	4.1
20.	Having windows that open fully will increase noise.	4.1

21.	Don't believe full consideration was given to Environmental Health issues when the permission was originally granted.	Noted.
22.	There is noise from the restaurant which causes disturbance to the flats above, even with the windows closed.	Noted, see recommended conditions by EP.
23.	Flat above can no longer open their windows, owing to the odour that emanates from it.	Noted.
24.	There is a higher risk of fire from the A3 use.	6.17
25.	The value of the property has already fallen since the opening of the Flaming cow, and the installation of the ventilation grilles will further depreciate the value of the property.	6.18
26.	Windsor Bridge Court Management Co Ltd. holds the freehold of the site for 75 High Street, Eton and we have to advise you that no such Notice has been served on the Company in respect of the above planning application. As this is an offence under S65 (5) of the 1990 Act we request that the Local Planning Authority declare the application not valid.	6.15
27.	The expectation of residents, owners and planners that the unit would be a coffee shop; there was no provision for cooking installed within the building.	Noted.
28.	There is wide knowledge that the building has a covenant on it with strict provisions about noise, hours of work etc....	Noted.
29.	There was strong opposition for the local community, and this was expressed at a licencing panel. The business operator is consistently breaching the licencing conditions	Noted.
30.	When the extraction equipment was assessed under the previous discharge of conditions application, the Panel were told that odour could not be taken into account.	6.19,6.20
31.	The noise from the restaurant is already high, as the door to the restaurant is left open. Having windows that open will add to the problem.	4.1
32.	Health and hygiene concerns; the orange pipe belches out warm fat and grease, and this is a concern to many people who walk this route who ingest the fumes. There are also toilet fumes. Allowing windows to open would heighten this problem.	See 4.1
33.	They trust RBWM will now revisit the wording of condition 5 and its correct wording and intent, now that this application has created the opportunity. In the meantime there should be a thorough independent investigation.	6.21
34.	Consider a flue would be more appropriate to control odour.	6.22
35.	If the extraction is not sufficient as it is, it should relocate to a more suitable location and not put the properties in the vicinity in such a degrading position.	Noted.
36.	Planning Department failed to take into account the conditions recommended by Environmental Protection for controlling odour in the original permission. This is why the current situation exists.	Noted.

Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Eton Town Council	The Council would point out that there is no technical data in the application and so it is not possible to make any informed comment.	Noted. The Environmental Protection

		Officer has been consulted on the application.
Environmental Protection	<p>Raise no objection to the alterations subject to the following conditions being imposed:</p> <p>1)The proposed ventilation grille above the fixed shut windows on the High Street will only be open when they are funnelling fresh air into an internal condenser unit; which is to be used to cool or heat air to the desired temperature within the restaurant:</p> <p>a) No air should be taken from inside the restaurant during this process.</p> <p>b) No cooking smells from within the premises will have passage through the louvres.</p> <p>c) The main door of the restaurant (with the exception of access and egress) must remain closed when the internal condenser unit is in operation.</p> <p>d) When the internal condenser unit is not in operation the Louvres must remain closed.</p> <p>2) The increased ventilation grille which is to be installed at the extraction point on Brocas Street must be connected to the Kitchen Extraction System and will only allow improved airflow through the filtration system which is used for odour control devised under the control of odour and noise from commercial kitchen exhaust systems as detailed in the DEFRA guidance.</p> <p>3) The following noise level assessment condition should be applied to assess the new noise levels due to the louvres:</p> <p>The rating level of the noise emitted from the site 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 5 minutes at night) by at least 10dB(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 'Method for rating industrial noise affecting mixed residential and industrial area'.</p>	See recommended conditions in section 9.

8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B - Proposed elevations and floor plans
- Appendix C - Previously approved elevations

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

In this case the issues have not been successfully resolved.

9. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The materials to be used on the window frames and louvres shall be PPC Aluminium, and shall match the materials of the existing window frames. 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 proposed ventilation grille above the fixed shut windows on the High Street will only be open when they are funnelling fresh air into an internal condenser unit; which is to be used to cool or heat air to the desired temperature within the restaurant: The following measures shall be adhered to for the lifetime of the development :
 - a) No air should be taken from inside the restaurant during this process.
 - b) When the internal condenser unit is not in operation, the Louvres must remain closed.Reason: To protect the residential amenities of the area. Relevant Policy Local Plan NAP3.
- 4 The increased ventilation grille which is to be installed at the extraction point on Brocas Street must be connected to the Kitchen Extraction System and will only allow improved airflow through the filtration system which is used for odour control devised under the control of odour and noise from commercial kitchen exhaust systems as detailed in the DEFRA guidance.
Reason: To protect the residential amenities of the area. Relevant Policy Local Plan NAP3.
- 5 The rating level of the noise emitted from the site 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 5 minutes at night) by at least 10dB(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 Method for rating industrial noise affecting mixed residential and industrial area.
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 Elevations

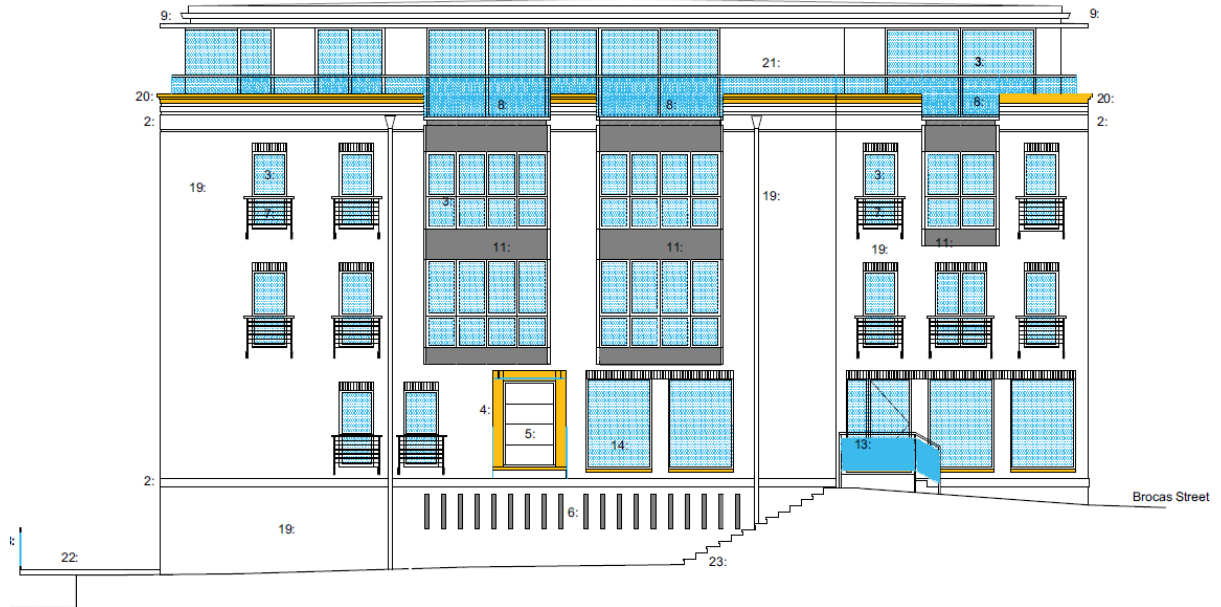


High Street Elevation



Brocas Street Elevation

Appendix C- Previously approved elevations



High Street Elevation



Schedule of Materials

Brocas Street Elevation

WINDSOR URBAN DEVELOPMENT CONTROL PANEL

9 December 2015

Item: 2

Application No.:	15/02762/FULL
Location:	31 Bolton Avenue Windsor SL4 3JE
Proposal:	Erection of a detached dwelling and garage following demolition of existing dwelling and garage
Applicant:	Mr And Mrs Knowles
Agent:	Mrs Ivana Kutsch - ARCpure
Parish/Ward:	Park 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 permission for a detached two storey dwelling and a detached single storey garage to the front of the site, following the demolition of the existing dwelling. The scale and design of the proposed dwelling has been revised during the course of this application, and officers now consider the scheme would not look out of keeping with the character of the area, and would not impact on the residential amenity of neighbouring dwellings to an unacceptable degree. Officers consider the scheme would comply with Local Plan Policies and Paragraph 64 of the National Planning Policy Framework (NPPF) which requires development to improve the character and quality of the area.
- 1.2 Although the submitted tree method statement states the proposed garage would not adversely impact on an off-site tree, advice has also been sought from the Council's tree officer. Their comments will be reported in the update report to Panel.

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

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Natasha Airey for the reason that this application should be discussed at Panel before being decided if recommended for approval as a matter of public interest.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The style and design of dwellings varies in the area. Bolton Avenue is predominantly more traditional in appearance, whereas the dwellings on Orwell Close have a distinct 1960s appearance. There is one exception – number 6 - Orwell Close which has a more contemporary appearance.
- 3.2 Residential properties are situated either side of the application site; number 1 Orwell Close is a two storey dwelling that fronts onto Orwell Close, nonetheless this dwelling is in close proximity to the application site and forms part of the streetscene on Bolton Avenue. Number 29 Bolton Avenue is a chalet-style dwelling.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Ref.	Description	Decision and Date
15/00703/CPD	Certificate of lawfulness to determine whether a detached outbuilding is lawful	Granted on the 16 th March 2015.

- 4.1 The application seeks planning permission for the erection of a detached dwelling and garage, following the demolition of the existing dwelling at 31 Bolton Avenue. Amended plans were received (and consulted on) following comments from the officer in respect of the scale, design and relationship with a neighbouring property. The scale of the proposed dwelling was reduced, and the elevation facing number 1 Orwell Close was redesigned taking into account the likely impact on the outlook to the windows of this dwelling.
- 4.2 The amended plans propose a detached two and a half storey dwelling that would have a height of 8.4 metres to main ridge, and an eaves height of circa 5.7 metres. The proposed dwelling also incorporates one and a half storey and single storey elements. The roof style of the proposed dwelling is varied and incorporates elements of crown roof, and flat roof on the single storey elements. The front gable features are hipped.
- 4.3 A detached double single storey garage is proposed to the front of the site. The garage would have a pyramid hipped roof, and would have height of 4.8 metres to its highest point, and a 2.5 metres to the eaves. Parking would also be provided to the front of the dwelling. Additional soft landscaping is shown on the proposed site layout plan along the front boundary.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework:

Paragraph 64- Design/Character
 Paragraph 17- secure a good standard of amenity

Royal Borough Local Plan

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

	Within settlement area	Highways /Parking issues	Trees
Local Plan	DG1, H10, H11,	T5, P4	N6

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

- Sustainable Design and Construction

More information on these documents can be found at:
http://www.rbwm.gov.uk/web/pp_supplementary_planning.htm

Other Local Strategies or Publications

5.4 Other Strategies or publications relevant to the proposal are:

- RBWM Landscape Character Assessment - view at:
http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm
- RBWM Townscape Assessment - view at:
http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm
- RBWM Parking Strategy - view at:
http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- Impact on the character and appearance of the area;
- Impact on neighbouring residential amenity;

- iii Parking and Highway Safety
- iv Trees

Impact on the character and appearance of the area

- 6.2 Local Plan Policies DG1 and H10 seek to achieve high standards of design and landscaping. Local Plan Policy DG1 (3) explains that the design of new buildings should be compatible with the established street façade having regard to the scale, height and building lines of adjacent properties. Policy H11 of the Local Plan states planning permission will not be granted for schemes which introduce a scale or density of new development which would be incompatible with, or cause damage to the character and amenity of the area. These policies are considered to be consistent with the aims and objectives of the NPPF.
- 6.3 Paragraph 64 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 6.4 As explained in section 3 of this report, the style of dwellings in the area is quite varied and it is considered that this site can absorb the change. There were concerns over the scale and design over the originally submitted plans and that they would look at odds with the character of the area, however, the proposed dwelling in the amended plans is considered to be acceptable in the context of this area.
- 6.5 Looking at the proposed roofshape of the dwelling, it is considered it would look acceptable when compared to the varied roofshapes along this part of the road. In respect of roof heights, number 1 Orwell Close (dwelling to the south) is circa 6.5 metres to the ridge, and number 29 Bolton Avenue (dwelling to the north) is under just 8 metres to the ridge (this is based on street elevations provided by the agent based on topographical data). The proposed dwelling would be higher than the neighbouring dwellings at circa 8.4 metres, however given that the heights of dwellings along this road are varied, it is considered the dwelling at this height would not look at odds with the neighbouring dwellings.
- 6.6 In terms of the design of the dwelling, this is considered to be acceptable and the revised plans now show the dwelling to be in proportion in terms of its scale and symmetry. Officers are of the view that subject to high quality materials being secured for the treatment to the elevations of the dwelling, that the dwelling would appear acceptable within the streetscene (condition 2). The proposed dwelling is considered to be of a better design than the dwelling that currently exists at the application site, and as such is considered to comply with the requirement of paragraph 64 of the NPPF in that it would improve the character of the area.
- 6.7 In respect of the proposed detached garage, this would be kept single storey and would have a low eaves height. Whilst the dwellings immediately neighbouring the site do not have detached garages in the front gardens, there is a detached garage forward of a house further north of the application site (on Bolton Avenue). Officers are not of the view that this garage would cause unacceptable harm to the character of the area because there is no strong, straight building line. However, there is space in front of the garage to secure meaningful planting which would help to assimilate the development into its surroundings; a condition is recommended for this (condition 3). Overall, and taking into account the existing outbuilding at the site, it is considered sufficient garden and spacing on site would be retained which would be appropriate to the immediate surroundings.

Impact on neighbouring residential amenity

- 6.8 Concern was raised over the impact of the proposed dwelling in the originally submitted plans and the impact this would have on windows in the rear elevation of number 1 Orwell Close which faces the application site and the flank wall of the new house. It is not considered that the proposed dwelling would have a significantly worse impact on the neighbouring amenity compared to the existing dwelling on the application site.
- 6.9 While the 2 storey part of the new house will be deeper than the existing house at the application site - extending the full width of no. 1 Orwell Close – this part of the new house will be sited further away from the rear facing windows of this neighbouring house than the existing house. The proposed south west (side) elevation plan shows the outlook that occupiers of number 1 Orwell Close would have. In summary the two storey element of the dwelling has been set further away from the elevation of 1 Orwell Close than the existing dwelling, so that there is a gap of circa 8.6 metres between the rear elevation of number 1 Orwell Close and the two storey side elevation of the proposed dwelling. The one and half storey element of the proposed dwelling would be situated circa 5.8 metres from the rear elevation of 1 Orwell Close. The depth of the one and a half storey element would be circa 2.2 metres beyond that the rear elevation of the existing dwelling which is two storeys in height. In addition, the proposed single storey extension to the rear has a flat roof. Given the that the new dwelling will be sited further away from the boundary with number 1 Orwell Close, and the two storey element will be further away than the existing two storey dwelling (by 4 metres), it is considered that this deeper proposed dwelling would have an acceptable impact on the outlook of windows of number 1 Orwell Close which serve a kitchen and utility room and ground floor (both non-habitable rooms), and bedroom windows at first floor .
- 6.10 Number 29 Bolton Avenue neighbours the other side of the application site. There are no habitable room windows in the side elevation of number 29 that face the application site. There are windows in the rear elevation of number 29, but the proposed development would not conflict with the 45 or 60 degree light angles to these windows. The impact of the proposed development on number 29 is considered to be acceptable.

Parking and Highways

- 6.11 The proposed site plan shows that the existing access will be utilised to serve the dwelling. At least 3 cars can be parked on the driveway, and this meets the Council's parking standards for a dwelling with the number of bedrooms proposed. The highways officer raises no objection to the scheme subject to a condition for the parking shown the plan to be retained for parking, and for the garage to be retained for this purpose, however, given that there is sufficient space on the drive to park 3 cars, it is not considered necessary to impose a condition for the garage to be retained for parking.

Trees

- 6.12 A tree survey and protection plan has been submitted with the application. The plan shows that there is slight encroachment into the root protection area of an off site tree, which is a Horse Chestnut as a result of the proposed garage. The method statement submitted explains the garage would not make a significant incursion into the RPA and so would not adversely impact on this tree; the Council's tree officer has been consulted, and their advice will be reported in an update to Panel.

Other Material Considerations

- 6.13 The detached outbuilding at the rear of the property has been constructed under permitted development rights; this means the building did not require planning permission, and so there is no requirement for the Council to notify neighbours.
- 6.14 An objection relating to the amended plans explains that the top floor of the proposed dwelling has a large enclosed terrace and picture windows which will overlook number 29, and that the windows in the south and east elevations of the proposed dwelling should all be obscurely glazed and non-opening. It should be made clear that no balconies are proposed on the amended plans. The relationship of the first floor windows in the rear elevation of the proposed dwelling with number 29 is a common one, and is certainly not considered to result in unacceptable overlooking to number 29. Whilst views of the rear garden to number 29 will be

achieved, the garden area is not afforded the same level of protection as habitable rooms in terms of privacy, and it is quite common for gardens to have a degree of overlooking. In respect of the school, the first floor of the rear elevation of the proposed dwelling would be over 40 metres away, and this is more than sufficient distance to avoid unacceptable overlooking. Officers do not consider that it is reasonable or necessary to condition windows on the rear elevation to be obscurely glazed.

- 6.15 Concern is raised over the impact of the proposal on an approved extension at 1 Orwell Close. Such a planning permission is a material consideration. However, as the extension has not been built it is afforded limited weight. Nevertheless, as assessment has been made and it is considered while the extended house will come closer to the boundary with the application site, given the nature of the arrangement of the accommodation there would not be a significant impact on the amenity of this neighbour.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

8 occupiers were notified directly of the application. Neighbours and contributors were notified of amended plans on the 4th November 2015.

The planning officer posted a statutory notice advertising the application at the site on 22nd September 2015.

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

Comment	Where in the report this is considered
Originally Submitted Plans (4 objections)	
1. Substantial increase in size over the existing dwelling.	6.2-6.7
2. Bulk and mass of dwelling completely overwhelms the neighbouring properties and would look out of keeping in streetscene.	6.2-6.7
3. Unacceptable impact on the views from the bedroom windows in 1 Orwell Close, and impact on garden area.	6.8-6.9
4. Proposed dwelling would result in loss of light to the bedroom windows in number 1 Orwell Close.	6.8-6.9
5. Proposed dwelling would block out light to rooms in extension approved at number 1 Orwell Close.	6.14
6. Welcome redevelopment of site, but it has to be done in a sensitive way.	Noted.
7. Development would conflict with the requirements of Policy H10 of Local Plan.	6.2-6.7
8. Concerns over the outbuilding that has already been constructed under permitted development in the rear garden which is large; the cumulative increase in footprint would be excessive.	6.7
9. The dwelling would have an unacceptable impact on the amenity of the neighbouring occupiers.	6.8-6.9
10. Unacceptable overlooking from the third floor balcony to neighbours.	6.13
11. The detached garage forward of the dwelling would look out of keeping; there are no other examples of garages set forward of the dwelling in this part of Bolton Avenue and this would set a dangerous precedent for this side of the road.	6.7
12. Green front gardens and boundaries are a crucial feature in this area,	Noted.

	which is defined as leafy residential suburbs.	
13	Soft landscaping has been removed from this site which is damaging character; wish for a condition to be put on any permission to require soft landscaping.	6.7
14	The existing dwelling has a positive relationship with number 29; the proposed dwelling would result in these two dwellings being in very close proximity, and would not relate well.	6.2-6.7
15	Proposed building would alter the character of the area, and would harm the streetscene.	6.2-6.7
16	Would want the local authority to appoint its own rights to light specialist to ensure the proposed dwelling would not reduce light to an unacceptable level to number 1 Orwell Close, and that no further openings are added in this elevation.	6.8-6.9
17	Would request that any permission granted includes a condition for only obscurely glazed non-opening windows in the south elevation.	See recommended conditions.
Amended Plans (1 objection)		
18	Number 29 Bolton Avenue comment that no changes have been made to the elevation facing their property and so their objection remains.	Noted.
19	The scale and design of the dwelling is overwhelming and will look out of keeping with the other properties on the road.	6.2-6.7
20	The proposed detached garage will appear an alien feature in this part of the road. It is a substantial building. If allowed, it will set a dangerous precedent for other properties.	6.7
21	The proposed dwelling will be large and will be close to number 29 Bolton Avenue; this relationship is not acceptable. In addition it will adversely impact on their residential amenity.	6.2-6.7
22	The proposed dwelling has three floors; the top floor is of a substantial size with an enclosed terrace and picture windows which will completely overlook the garden area of number 29. The terrace would overlook neighbouring gardens, and it existing trees are felled would overlook the girls school and possibly the children's play area; they object to this. Any windows in the south and eastern elevation should be conditioned to be non-opening and obscurely glazed.	6.13
23	Consider the amended plans because of size, extent and height would seriously impinge on residential amenity and privacy, and the general environment of Bolton Avenue.	See main report.

Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Highways officer	No objection subject to conditions to retain parking as per the approved plan and for the garage to be retained for parking.	6.10
Tree Officer	To be reported through the update.	N/A

8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Proposed Layout
- Appendix C- Floor Plans and Elevations (as amended)
- Appendix D- Originally submitted elevations (now superseded)

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

In this case the issues have not been successfully resolved.

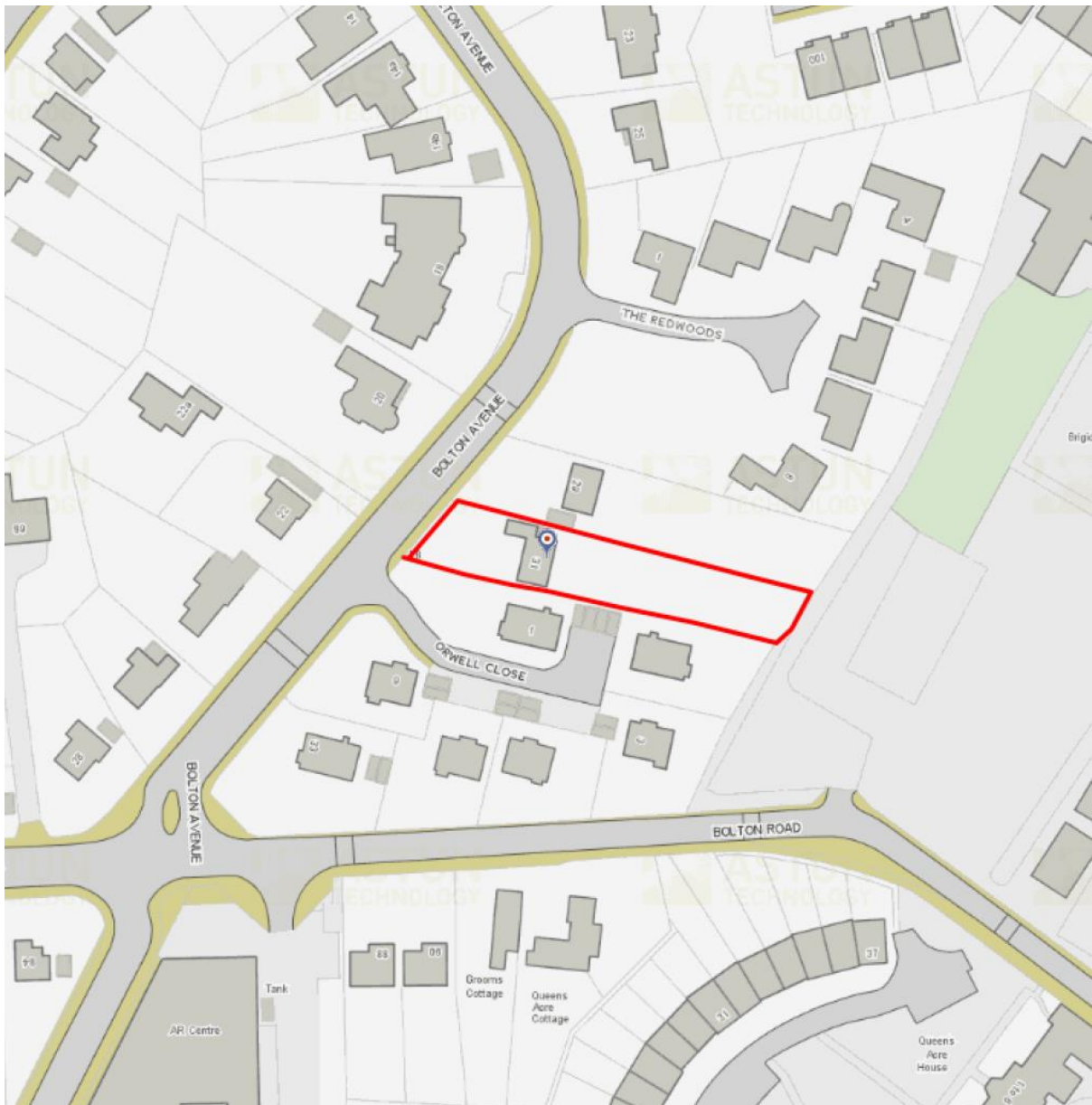
9. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 Prior to the construction of the dwelling hereby approved samples of the materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policy - Local Plan DG1
- 3 Prior to the substantial completion of the dwelling hereby approved details of both hard and soft landscape works (including planting along the front boundary of the site) shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season following the substantial 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.
- 4 No window(s) shall be inserted above ground floor level in the side (south west) elevation(s) of the dwelling without the prior written approval of the Local Planning Authority.
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H11.
- 5 Prior to the construction of the dwelling and garage hereby approved, details of all finished slab levels in relation to ground level (against OD Newlyn) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
Reason: In the interest of the visual amenities of the area. Relevant Policy Local Plan DG1.
- 6 Irrespective of the provisions of Classes A, B and E of part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no enlargement, improvement or any other alteration (including the erection of any ancillary building within the curtilage) of or to any dwelling house the subject of this permission shall be carried out without planning permission having first been obtained from the Local Planning Authority.
Reason: The prominence of the site requires strict control over the form of any additional

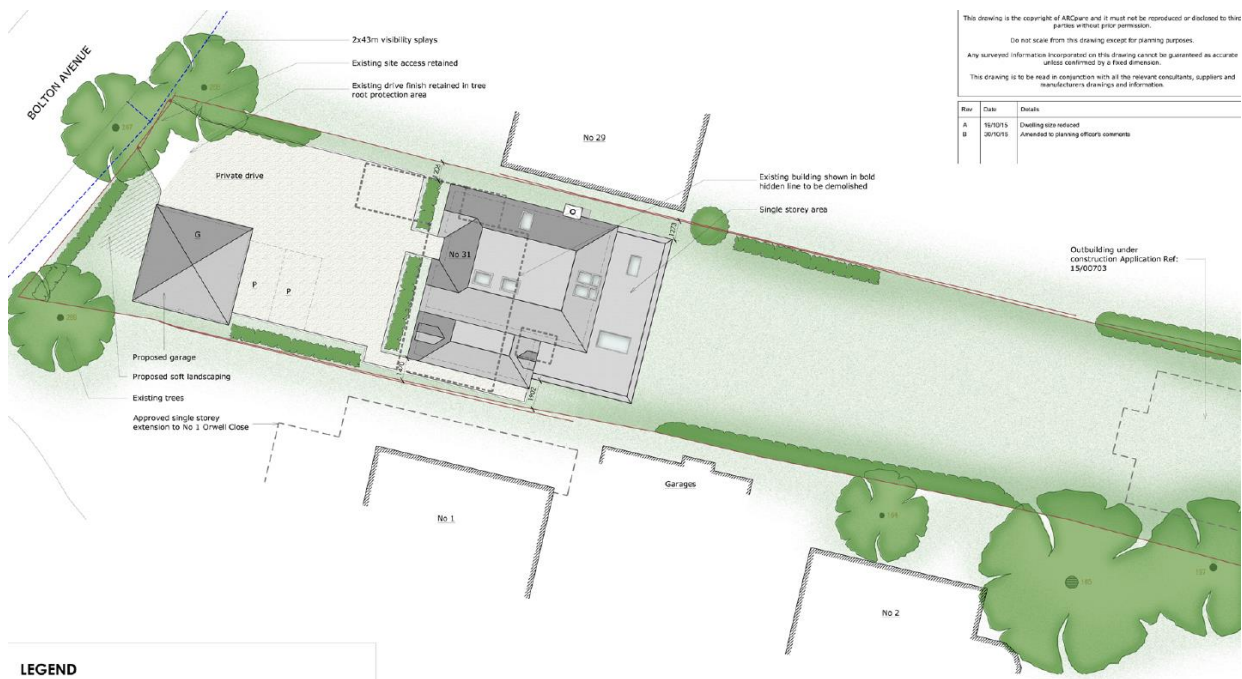
development which may be proposed. Relevant Policies - Local Plan H11, DG1.

- 7 Prior to the erection of any walls, fencing or any other means of enclosure (including any retaining walls), details of the siting and design shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure the satisfactory resultant appearance and standard of amenity of the site and the surrounding area. Relevant Policy - Local Plan DG1.
- 8 The hard surface of the driveway and footpaths shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.
Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with Requirement 5 of the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document.
- 9 The development shall undertaken in accordance with the measures set out in section 9 (Sustainability) of the Design and Access Statement, and shall be retained in perpetuity.
Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development and to comply with the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document.
- 10 No part of the development shall be occupied until vehicle parking and turning space has been provided in accordance with the approved drawing. The space approved shall be kept available for parking and turning in association with the development.
Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety, and to facilitate vehicles entering and leaving the highway in forward gear. Relevant Policies - Local Plan P4, DG1.
- 11 The development hereby permitted shall be carried out in accordance with the approved plans listed below.
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

Appendix A- Site Location Plan

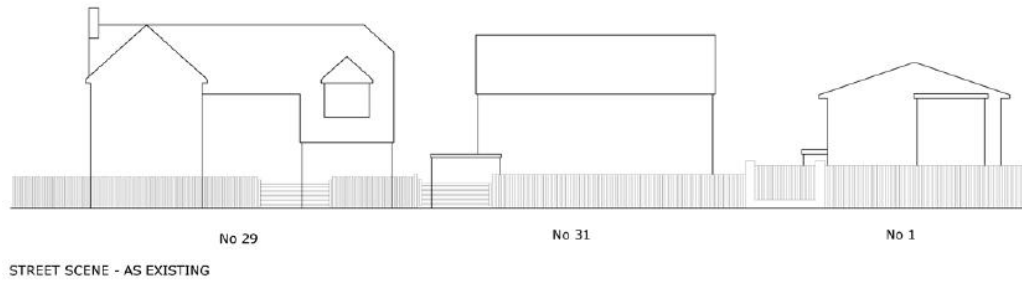


Appendix B- Proposed Layout



Appendix C- Proposed Elevations and Floorplans

Streetscene- Existing and proposed



Proposed Elevations



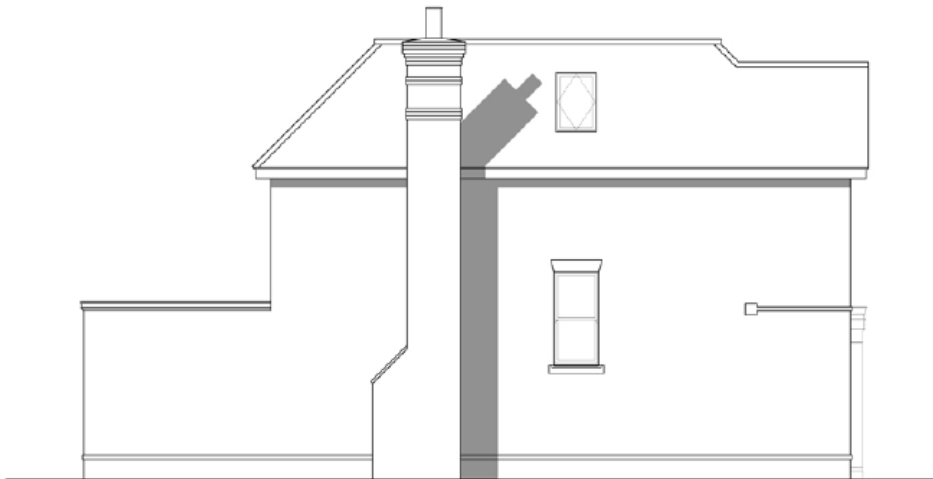
FRONT ELEVATION
North-West



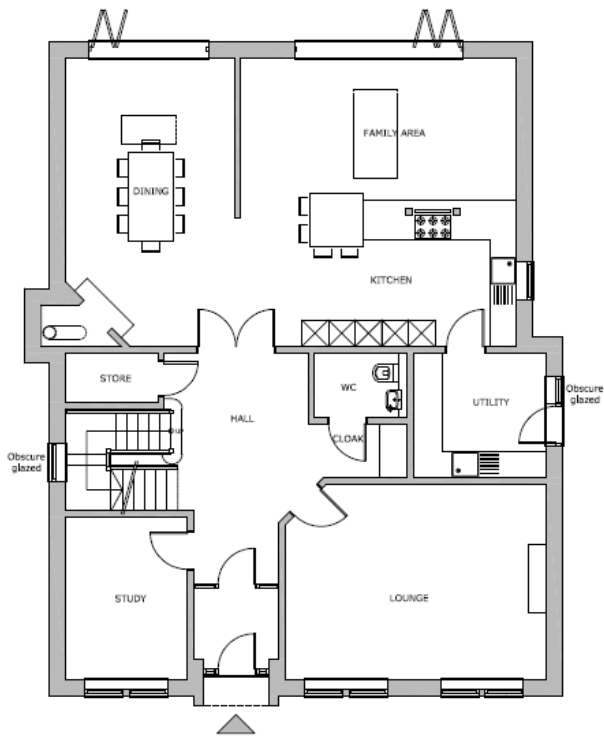
SIDE ELEVATION
South-West



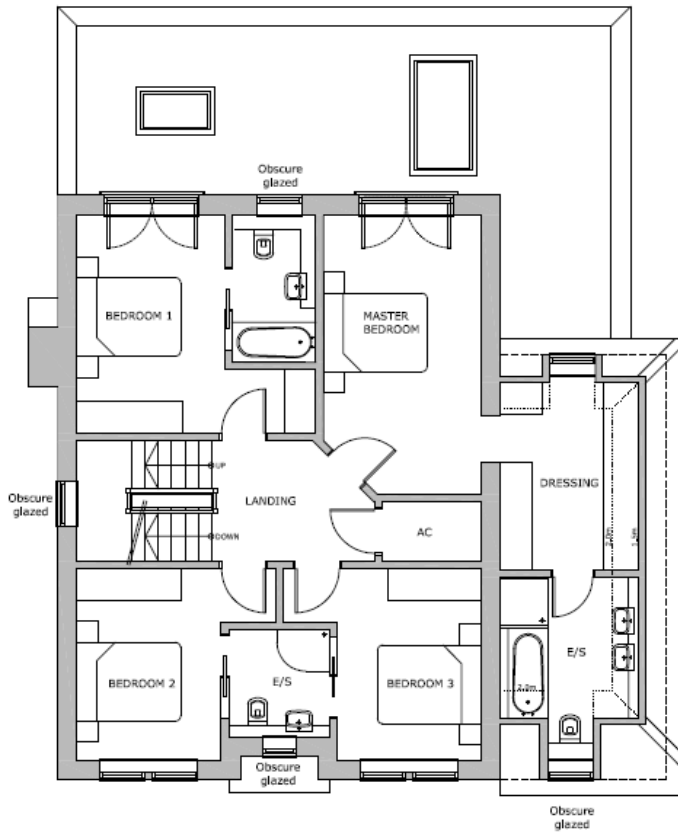
REAR ELEVATION
South-East



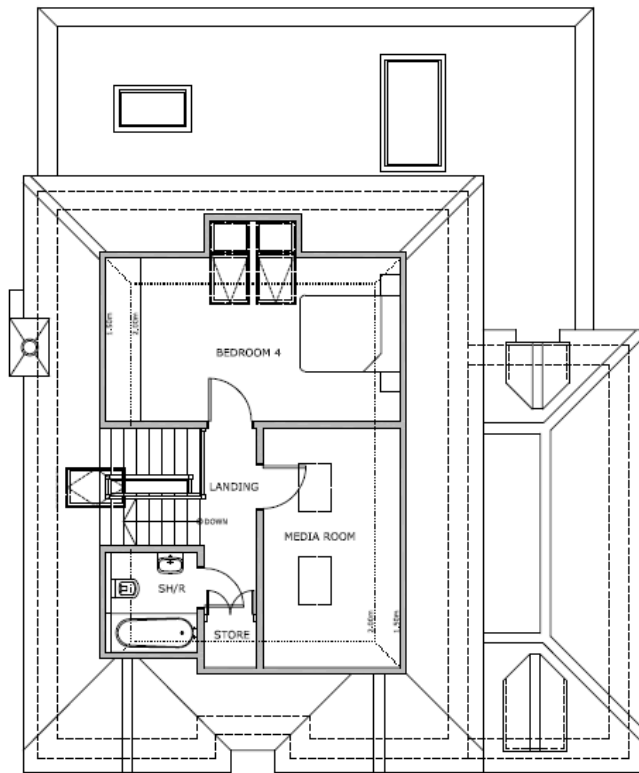
SIDE ELEVATION
North-East



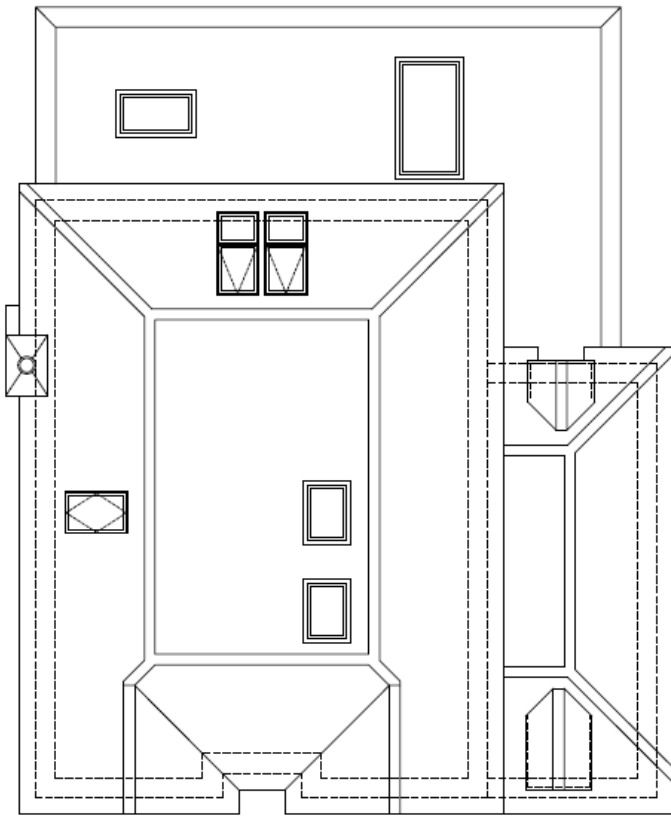
GROUND FLOOR



FIRST FLOOR

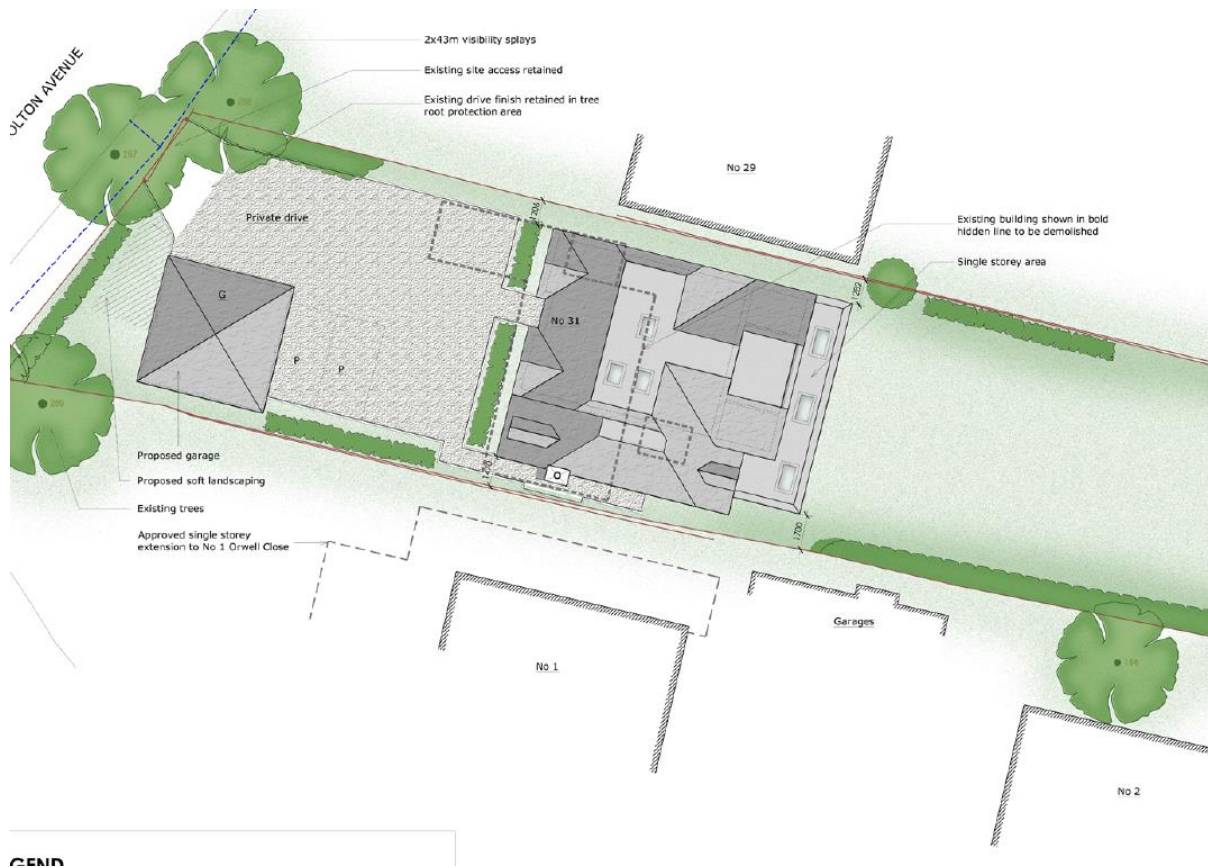


SECOND FLOOR



ROOF PLAN

Appendix D- Originally submitted plans (now superseded)





FRONT ELEVATION
North-West



SIDE ELEVATION
South-West



REAR ELEVATION
South-East



SIDE ELEVATION
North-East

WINDSOR URBAN DEVELOPMENT CONTROL PANEL

9 December 2015

Item: 3

Application No.:	15/02897/FULL
Location:	48 And 50 And Land Between 48 And 50 Illingworth Windsor
Proposal:	No 48. Construction of two storey side extension following demolition of existing garage. No 50. Construction of two storey side extension following demolition of existing garage and conservatory. Land between No 48 and 50. Construction of new detached dwelling
Applicant:	Mr Azam
Agent:	Mr Steve Hessey - Edgington Spink And Hyne
Parish/Ward:	Park Ward

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

1. SUMMARY

- 1.1 The proposal is considered to represent a cramped form of development that would not be in keeping with the character or form of development in the area. The resultant plot size for the proposed dwelling would be noticeably smaller than other plots in the immediate area, and the development would result in the loss of an important gap between two dwellings which is an important characteristic of the area. The end result of the proposed development would be the dwellings in this part of the streetscene appearing cramped, in comparison to the other dwellings in the area. The proposal would be in conflict with policies DG1 and H11 of the Local Plan and the requirements of the National Planning Policy Framework (NPPF).

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

- | | |
|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | The proposal would result in a cramped form of development that would not be in keeping with the sizes of plots in the area, and would result in the loss of an important gap between the built form which is a common feature in the area. |
|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Natasha Airey for the reason that the application should be discussed at panel before being decided as a matter of public interest.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site comprises numbers 48 and 50 Illingworth which are detached dwellings and their associated land. The surrounding area is residential and comprises detached two storey properties within varying sized plots, although the plots tend to be wide which is an important feature of the area. The 'estate' has an open plan character with open front gardens being a particular feature. Gaps between dwellings at first floor level are a notable feature in the area.
- 3.2 The site is covered by an area Tree Preservation Order.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The application seeks planning permission for the construction of a two storey side extension following demolition of existing garage at number 48, the construction of two storey side extension following demolition of existing garage and conservatory at number 50 and the erection of a new detached dwelling at Land between No 48 and 50 Illingworth.
- 4.2 A driveway for parking would be provided in front of each of the dwellings, and a new access would be created to serve the proposed new dwelling.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

National Planning Policy Framework:

Paragraph 64 – Design/Character

Paragraph 17 – secure a good standard of amenity

Royal Borough Local Plan

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

	Within settlement area	Protected Trees	Highways /Parking issues
Local Plan	DG1, H11	N6	T5, P4

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

- Sustainable Design and Construction
- Planning for an Ageing Population

More information on these documents can be found at:

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

Other Local Strategies or Publications

5.3 Other Strategies or publications relevant to the proposal are:

- RBWM Landscape Character Assessment - view at: http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm
- RBWM Townscape Assessment - view at: http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm
- RBWM Parking Strategy - view at: http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm

National Planning Policy Framework

Paragraph 64- Design/Character

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Impact on the character and appearance of the area;
- ii Impact on neighbouring residential amenity;
- iii Parking and highway safety;

Impact on the character and appearance of the area

6.2 Policy DG1 (11) of the Local Plan states:

6.3 *'Harm should not be caused to the character of the surrounding area through development which is cramped, or which results in the loss of important features which contribute to the character of the area'.*

6.4 Policy H11 of the Local Plan states that:

'In established residential areas, planning permission shall not be granted for schemes which introduce a scale or density of new development which could be incompatible with or cause damage to the character and amenity of the area.'

6.5 The explanation of Policy H11 (at para 5.7.9) explains that:

'Development resulting from such pressure may damage the character of an area through producing cramped development out of keeping with the area, loss of spaciousness, the loss of important features such as trees, the failure to respect building lines or the rhythm or the style of built form...'

6.6 Policies DG1 and H11 are considered to be consistent with the requirements of the Paragraph 64 of the National Planning Policy Framework(NPPF) . Paragraph 64 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of the area.

6.7 The proposed plot for the detached dwelling would be noticeably narrower than the surrounding plots. In addition, the proposed dwelling would be significantly narrower than the other dwellings in this part of Illingworth. The regularity of the plot sizes, and spacing between dwellings make an important contribution to the character of the area. The table below sets out the plot widths of the sites in the immediate area of the application site compared to the proposed plot, and it shows the widths of the dwellings in comparison to that of the proposed dwelling. What is apparent from the table is that the proposed dwelling and plot width would be significantly narrower than the existing plots in the immediate area, and it is considered that the proposal if allowed would alter the character of this area to a point where it would harm it.

No of property	Plot width (approximate)	Width of dwelling (approximate)
The Proposed dwelling	11 metres	9.5 metres
50	20 metres	14 metres
48	22 metres	16.5 metres
46	19 metres	14 metres
58	18 metres	14 metres
60	17 metres	14 metres

6.8 The plot for the proposed dwelling would have a site area of circa 368 square metres; the areas of the surrounding plots, although varied, are greater than 500 square metres in area. The resultant plot size for the new dwelling which would be noticeably smaller than other plots in the area, is an indication that the development is cramped on not in keeping with the pattern and form of development in the area.

6.9 As explained in section 3.1 of the report, the gaps between dwellings at two storey level are a common feature in the area, and many of the dwellings have single storey flat roofed side garages. It is considered that with the extension of both of the existing dwellings at two storeys, together with the proposed dwelling, would result in an important gap between dwellings being lost, which would alter and harm the character of the area, as gaps between the first floor levels of dwellings are considered to make a positive contribution to the character of the area. In addition, the proposed dwelling and extended dwellings sited close to each other (at less than 2 metres between each dwelling) would have a cramped appearance that is not in keeping with the streetscene or character of area.

6.10 During consideration of the application, amended plans were submitted which reduced the overall form and mass of the house. On this basis, the application is not recommended refusal on the design grounds relating to its mass and scale. This change does not outweigh the harm caused to the character of the area through the development being cramped and reducing the spacious feel of Illingworth.

Impact on neighbouring residential amenity

- 6.11 Given the separation distances between the extended dwellings and proposed dwelling with neighbouring dwellings, it is not considered the development would result in an unacceptable loss of privacy, or would be overbearing to the neighbouring dwellings.

Parking and highway safety

- 6.12 The Highways officer commented on the original layout plan submitted, and an amended layout showing the parking to be side by side, rather than in a tandem layout has since been submitted. The latest comments from the highways officer on the amended layout are reported in section 7 of the report.
- 6.13 In principle, highways have no objection to the creation of the additional dwelling and the proposed access, subject to conditions.

Other material considerations

- 6.14 Noise from a family household would not be at odds with the residential character of the area.
- 6.15 Concern is raised by an objector over subsidence, however, this is not a planning consideration.
- 6.16 Concern is raised over a scheme not being built in accordance with the approved plans, and retrospective planning permission then being sought, however, the planning assessment must be made on the plans submitted.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

12 occupiers were notified directly of the application. Neighbours and contributors were notified of amended plans (in respect of the change to design of the proposed dwelling) on the 26th October 2015.

The planning officer posted a statutory notice advertising the application at the site on 29th September 2015.

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

Comment	Where in the report this is considered
1. Considers the configuration of the site to be odd.	6.2-6.9
2. Concern over the third storey to the dwelling (this is in relation to the originally submitted plans) and that the dwelling would look out of keeping in with other properties.	6.10
3. Concerns over overlooking to neighbouring dwellings (this is in relation to the originally submitted plans).	6.11
4. There is noise from the existing dwellings as families live there. An additional house would generate extra noise.	6.14
5. Development is not in keeping with the area, and would bring in a density of development that is not compatible with the area.	6.2-6.9
6. These houses have had issues with subsidence in the past, and have had applications refused previously.	6.15
7. Given recent appeals where retrospective planning permission has been given for larger developments than what was approved, they worry what could be built here.	6.16

Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Environmental Protection	No objection, subject to a condition for aircraft noise being imposed.	Noted.
Highways	<p>The plan provided has addressed my concern with regards to the parking layout which is now more fit for purpose to be used on a daily basis to discourage vehicles parking on street. All of the parking bays meet our current standard of 2.4m x 4.8m. The bays which are bounded by a solid surface can also achieve a width of 2.7m. Therefore this is accepted. A footpath has also been provided to gain access to each property.</p> <p>The Highways Authority offers no objection to the new proposed parking layout. The following condition should be included to replace the existing:</p> <p>No part of the development shall be occupied until vehicle parking space has been provided in accordance with the approved drawing (5293/13/A). The space approved shall be retained for parking in association with the development.</p> <p>No part of the development shall be occupied until the access has been constructed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The access shall thereafter be retained.</p> <p>Prior to the commencement of any works of demolition or construction a management plan showing how demolition and construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works period shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and maintained for the duration of the works or as may be agreed in writing by the Local Planning Authority.</p> <p>No part of the development shall be commenced until visibility splays of 25 metres by 25 metres have been provided at 2.4m. All dimensions are to be measured along the edge of the driveway and the back of footway from their point of intersection. The areas within these splays shall be kept free of all obstructions to visibility over a height of 0.6 metres above carriageway level.</p> <p>Irrespective of the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or subsequent modifications thereof), the garage accommodation on the site shall be kept available for the parking of vehicles associated with the development at all times.</p>	Noted.

8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Proposed layout
- Appendix C- Elevations and floor plans, and streetscene

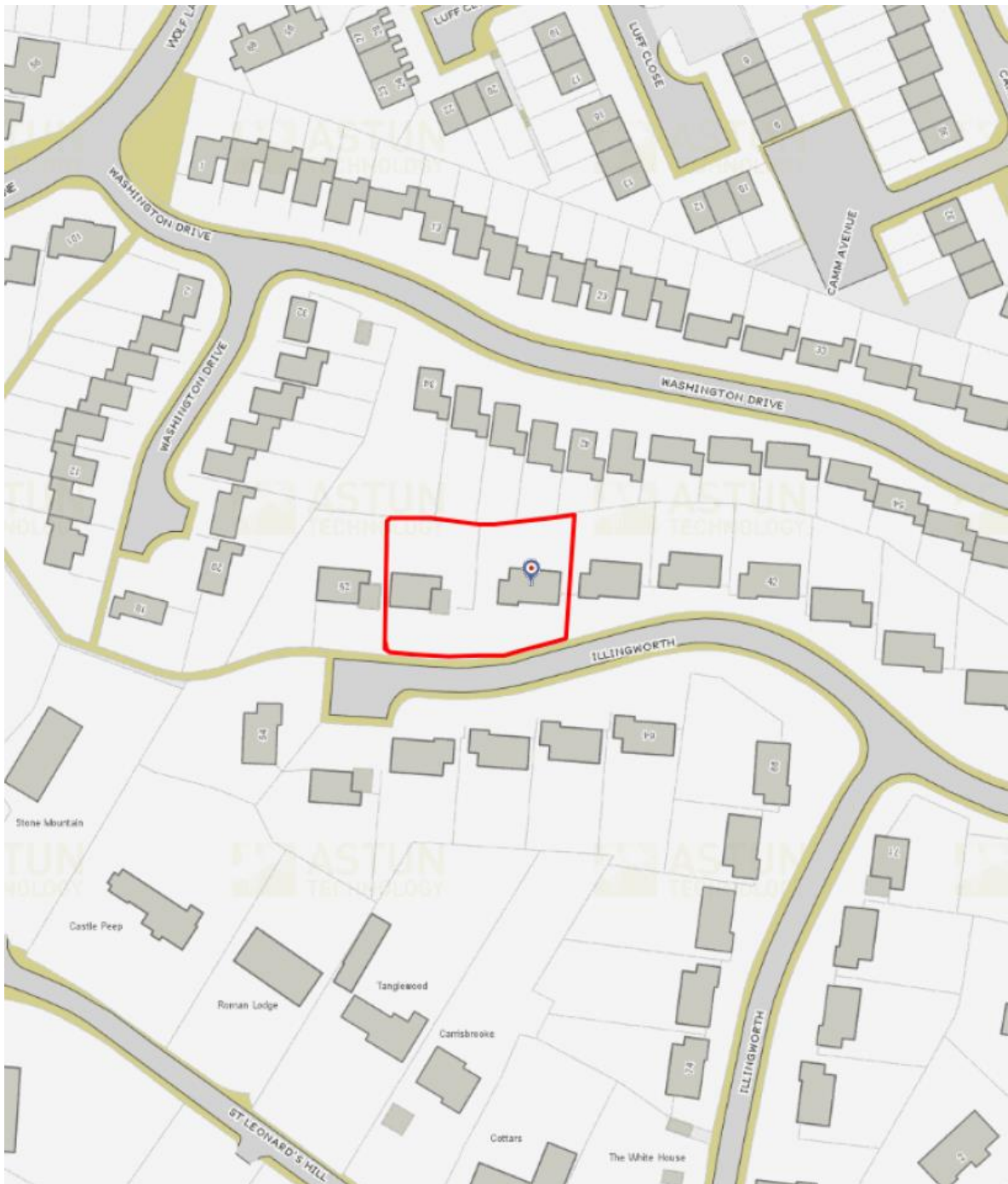
This recommendation is made following careful consideration of all the issues raised through the application process and thorough discussion with the applicants. The Case Officer has sought solutions to these issues where possible to secure a development that improves the economic, social and environmental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

In this case the issues have not been successfully resolved.

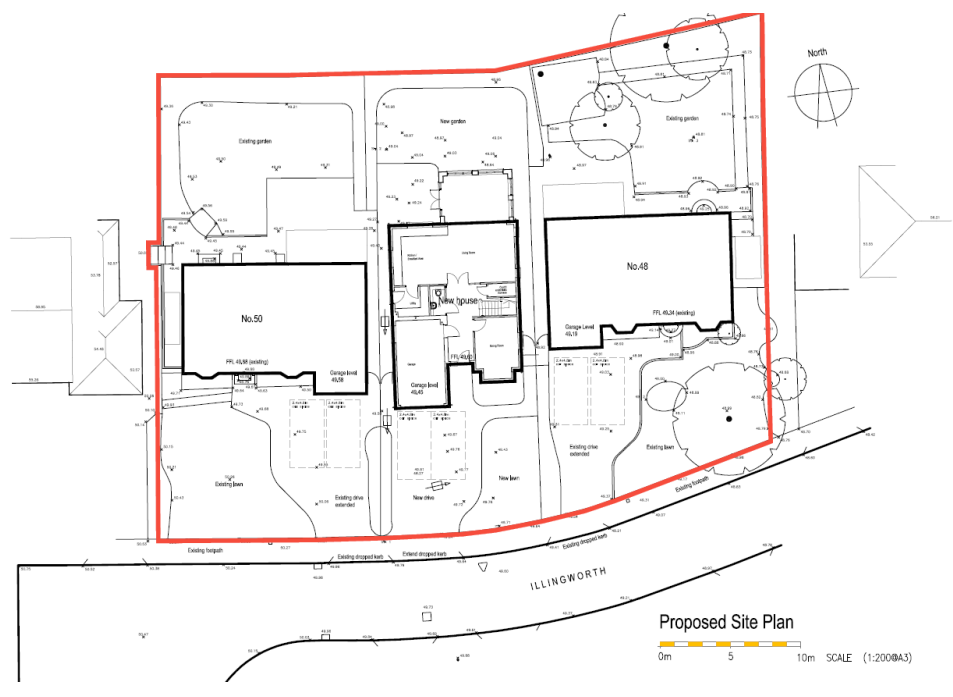
9. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED

- 1 The development would result in a cramped form of development that would not be in keeping with the plot sizes of that in the immediate area and would result in the closing of an important space between the dwellings. The development fails to provide sufficient spacing between each of the dwellings and would look at odds with the other dwellings in the area. The development it is considered to conflict with Policies DG1 (11) and H11 of the Royal Borough of Windsor and Maidenhead Local Plan 1999 (Incorporating Alterations Adopted in June 2003), and fails to accord with paragraph 64 of the National Planning Policy Framework because it would have a harmful impact on the character and appearance of the area.

Appendix A- Site location plan



Appendix B- Proposed site layout

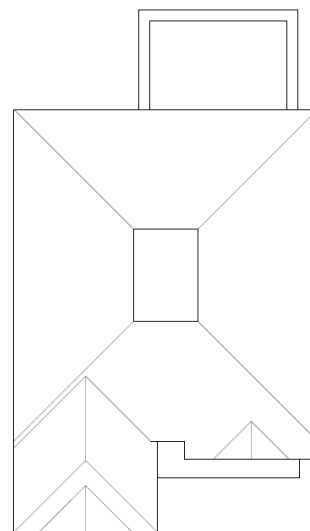
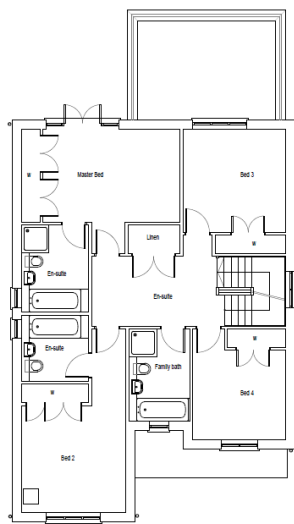
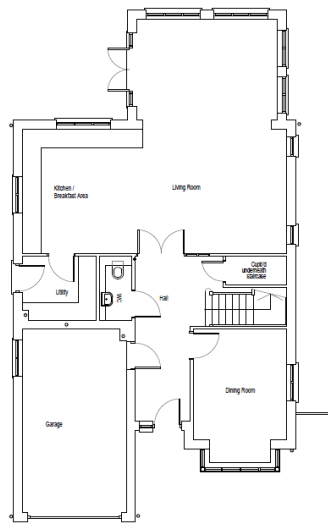
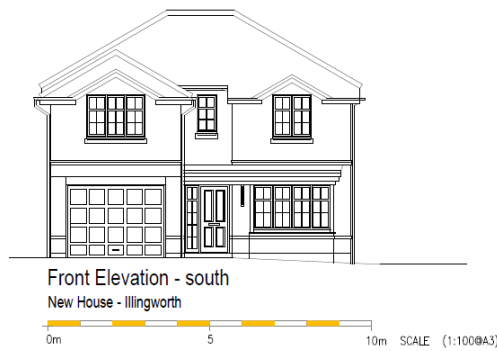
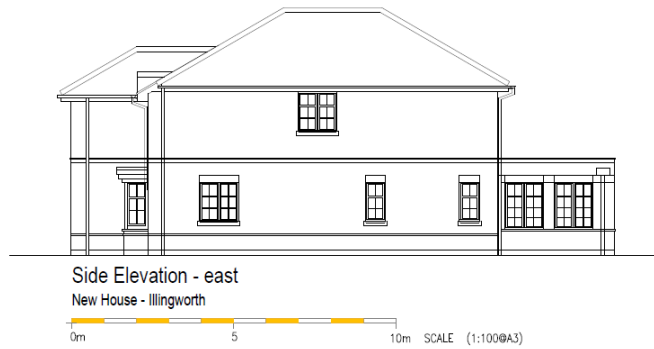


Appendix C- Proposed Elevations, Streetscene and floor plans

Proposed streetscene

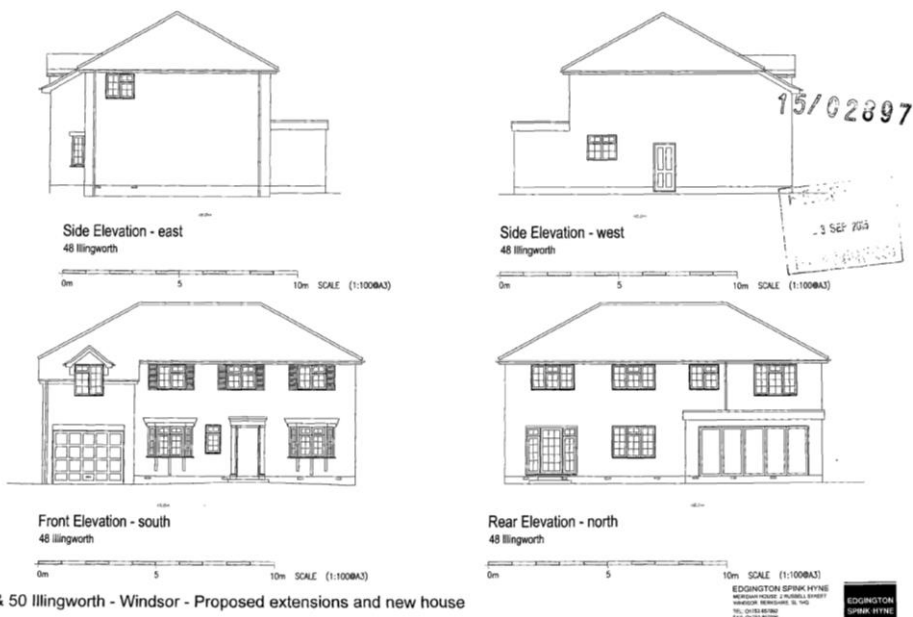


Elevations and floorplans of proposed dwelling



Elevations of proposed extensions to numbers 48 and 50

Number 48



48 & 50 Illingworth - Windsor - Proposed extensions and new house

Number 50



48 & 50 Illingworth - Windsor - Proposed extensions and new house
No 50 - Proposed Elevations - 1:100@A3 - Aug '15

5293-07

WINDSOR URBAN DEVELOPMENT CONTROL PANEL

9 December 2015

Item: 4

Application No.:	15/03161/FULL
Location:	East Berkshire College St Leonards Road Windsor SL4 3AZ
Proposal:	Three storey rear extension with associated amendments to car park layout
Applicant:	East Berkshire College
Agent:	Mr Baldip Basi - Resolution Planning
Parish/Ward:	Castle Without Ward

If you have a question about this report, please contact: Sarah L Smith on 01628 796070 or at sarah.l.smith@rbwm.gov.uk

1. SUMMARY

- 1.1 The application seeks permission to erect a three storey flat roof extension on the south side of the college to provide further education space.
- 1.2 The proposal is considered to preserve the setting of the Conservation Area and would not harm the setting of nearby listed buildings. There is no objection to the principle of extending the college building to provide more educational space. There would be no adverse effect upon the amenities of nearby occupiers.
- 1.3 The proposal would result in a reduction in car parking provision from 116 to 107 spaces. There are no highway objections to the loss of this parking space. Whilst the site is used as public parking in the evenings and at weekends there are no planning policies which would enable an objection to be raised to the loss of this parking as the proposal complies with the relevant parking policies for educational establishments.

Subject to the concerns of the Conservation Office being addressed it is recommended the Panel grants planning permission subject to the conditions listed in Section 9 of this report.

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 The application site comprises the East Berkshire College building located on St Leonards Road. The site is located within the Inner Windsor Conservation Area.
- 3.2 The site is within a secondary shopping zone and is in close proximity to nearby listed building, although the application site does not contain any listed buildings.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

The site has a lengthy planning history in relation to redevelopment of sites. However the most relevant applications are:

Ref.	Description	Decision and Date
08/00896	The enclosure of two second storey terrace areas to form new office accommodation	Approved 29.5.08
09/00132	Erection of a pre case concrete store	Refused 18.3.09
10/01797	Single storey glazed extension on north side	Approved 28.9.10
10/01800	Second and third floor rear extension	Approved 23.9.10
11/00280	Non material amendment to approved planning	Approved 10.2.11

	permission 10/01800 to add 2 ventilation louvers to the south elevation roof	
11/00447	Details of condition 3 of 10/01800 for construction of a second and third floor rear extension	Approved 14.3.11

4.1 The application seeks permission for a three storey rear extension, with associated amendment to the car park layout. The extension would be on the southern elevation of the building. The proposal is flat roofed and has a height of 11.8m, which is lower than the existing four storey building.

4.2 The proposal has a floor area of around 487sqm and would be additional educational floor space, in the form of a 'Genovation Lab', which is high quality open plan learning space used by students as an informal learning environment. The floor space is proposed to allow the College to continue to attract students and enhance their experience by providing new opportunities for innovative learning and solving business problems, it seeks to replicate the Genovation Lab that has been successful at the Langley campus. The proposal would result in a modest increase in staff/ student numbers but specifics of this have not been provided.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework, Sections 8 and 12.

Royal Borough Local Plan

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

	Within settlement area	Conservation Area	Listed Building	Highways/ Parking issues
Local Plan	DG1, CF1, CF2, CF3	CA2	LB2	T5, P4

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

- Sustainable Design and Construction

More information on these documents can be found at:

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

Other Local Strategies or Publications

5.4 Other Strategies or publications relevant to the proposal are:

- RBWM Townscape Assessment - view at: http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm
- RBWM Parking Strategy - view at: http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm
- Conservation Area appraisal - view at: http://www.rbwm.gov.uk/web/pp_conservation_consultation_appraisals.htm

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- Whether the principle of the proposed extension is acceptable;

- ii Whether the proposal preserves or enhances the character or appearance of the Conservation Area and has an acceptable impact upon the setting of nearby listed buildings;
- iii Impact on car parking;
- iv Impact upon the amenities of nearby occupiers;

Whether the principle of the proposed extension is acceptable

- 6.2 The extension is to an existing college and there are no objections raised to the principle of extending this college and increasing the amount of educational floor space. The college is considered to be a community facility and this proposal is to improve and extend an existing college, which is considered to comply with Local Plan Policies CF1 - CF3 and is in accordance with the principles of facilitating healthy communities in the NPPF.

Whether the proposal preserves or enhances the character or appearance of the Conservation Area and has an acceptable impact upon the setting of nearby listed buildings

- 6.3 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.
- 6.4 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.
- 6.5 The site is located within the Inner Windsor Conservation Area. The proposed location of the extension is to the rear of the existing building, facing into the car park. The proposal is for a flat roof three storey extension, and it is considered to integrate with the design, mass and form of the existing building and preserves the appearance of the Conservation Area.
- 6.6 The closest listed building is Holy Trinity Church. The siting of the extension to the south of the building will mean it is screening in views from and towards the listed building by way of the existing building. 54 St Leonards Road is also listed, this fronts onto St. Leonards Road and the setting of the building would not be adversely affected by this proposed extension.

Impact on car parking

- 6.7 The college fronts St Leonard's Road and, is also bounded by Claremont, Trinity and Hawtrey Roads. Access to the college parking spaces is derived from Trinity Road and Hawtrey Road.
- 6.8 Parking is either prohibited on St Leonard's Road or controlled by timed limited restrictions – Pay and Display from 9am to 6pm for 2 hours and no return within 4 hours. Both Claremont Road and Trinity Place are subject to a 30mph speed limit with parking either prohibited, or controlled with residents permits or timed limited. Hawtrey Road is a public highway which is subject to a 30mph speed limit, but with no parking restriction.
- 6.9 The site previously sought and acquired approval in 2010 for a second and third floor extension for the provision of 5 additional classrooms (Application number 10/01800/FULL). In 2010 the site provided 109 parking spaces and catered for 48 full time, 105 part-time staff and 1000 students. The purpose of the extension was to attract circa 60 additional students to the college.
- 6.10 With this submission the applicant states that there are presently 116 parking spaces, including 5 disabled bays, for 799 and 69.5 students and staff respectively. The figures are based upon the full time equivalent number for both students and staff. Therefore, the total number could be significantly higher. The proposal seeks to reduce the parking provision to 107 spaces.

- 6.11 With regards to the Borough's Parking Strategy, set out in the table below, the resulting 107 parking spaces complies with the current standard. Therefore, the proposal would not exacerbate or lead to a worsening of parking in the area owing to the reduction in car parking provision.

Number		Parking Standard	Parking required
Staff	69.5 (fte)	1 space per 4 full-time equivalent staff	18
Student	799 (fte)	1 space per 30 students	27
Total Parking requirement			45

- 6.12 As an aside the applicant states that the development will only result in a modest increase in student/staff numbers. Whilst it is unclear what this would amount to, it is unlikely to affect the sites parking provision.
- 6.13 The college also provides 24 cycle parking spaces and motorcycle parking space. In conjunction with the parking restrictions in the surrounding area, the reduction in the existing parking levels on site would subsequently result in a reduction in car movements in the area.
- 6.14 The site is currently used as a public car park in the evenings and weekends. Whilst the site is used as public parking in the evenings and at weekends there are no planning policies which would enable an objection to be raised to the loss of this parking as the proposal complies with the relevant parking policies for educational establishments. This is in accordance with the Parking Strategy 2004.

Impact upon the amenities of nearby occupiers

- 6.15 Due to the siting of the extension there would be no impact upon the amenities of nearby occupiers, the closest house is around 28m from the extension and this is considered a sufficient distance to protect the amenities of occupiers of nearby properties.

Other material considerations

- 6.16 A condition will imposed securing measures to comply with the Sustainable Design and Construction SPD, see condition 5.
- 6.17 Two trees, within the car park, are lost as a result of the proposed extension. It is considered that suitable replacement trees can be secured by condition and condition 6.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

48 occupiers were notified directly of the application.

The application was advertised in the Maidenhead & Windsor Advertiser 29th October 2015

The planning officer posted a statutory notice advertising the application at the site on 28th October 2015.

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

Comment	Where in the report this is considered
1. Brings the college closer to overlooking the back of our house. Sarah Smith told our architect last year we wouldn't get permission for a rear	6.11

	dormer because it would be seen from the college. Doesn't seem consistent if you approve the college and not us.	
--	------------------------------------------------------------------------------------------------------------------	--

Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Conservation Officer	The applicant has failed to properly consider the impact of the development on the setting of the Holy Trinity Church and on the setting on the Clarence Crescent/Trinity Place Conservation Area. The supporting documents fail to adequately deal with these issues, present a flimsy response that fails to correctly analyse significance and the important character of the place. Reference is made to views down Claremont Road but fail to address important views down Trinity place where impact will be significant.	6.2-6.5
Highway Officer	No objections	6.6-6.12
Environmental Health	Any comments will be reported in the update report.	

8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Layout plan and elevations

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

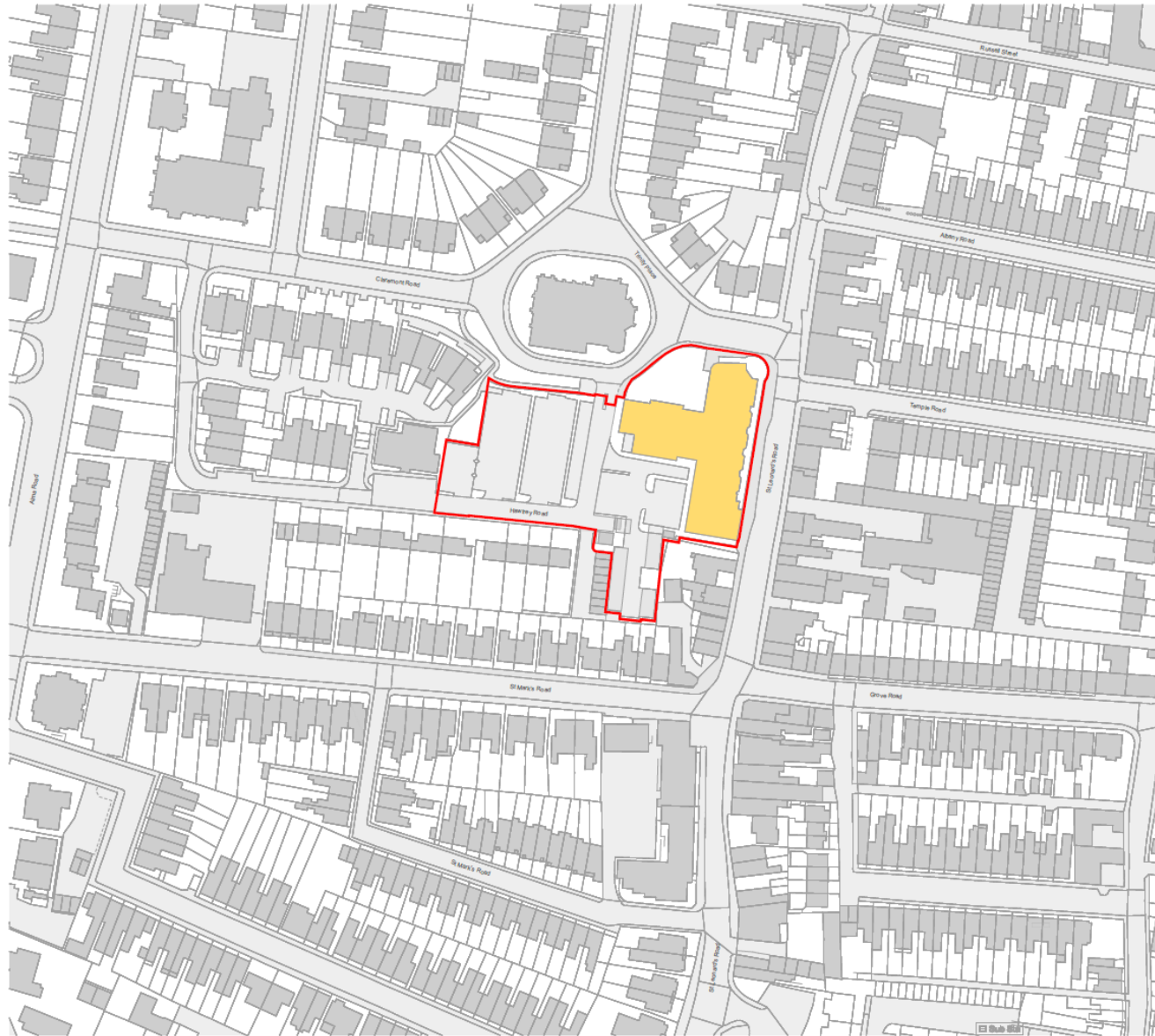
Subject to the concerns of the Conservation being addressed, in this case the issues have been successfully resolved.

In this case the issues have been successfully resolved.

9. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The materials to be used on the external surfaces of the development shall match those of the existing building unless first otherwise agreed in writing by the Local Planning Authority. The development shall be carried out and maintained in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.
- 3 No part of the development shall be occupied until vehicle parking space has been provided in accordance with the approved drawing. The space approved shall be retained for parking in association with the development.
Reason: To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety. Relevant Policies - Local Plan P4, DG1.

- 4 Prior to the commencement of any works of demolition or construction a management plan showing how demolition and construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works period shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and maintained for the duration of the works or as may be agreed in writing by the Local Planning Authority.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.
- 5 No development shall take place until details of sustainability measures have been submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate how the development would be efficient in the use of energy, water and materials in accordance with the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document. The development shall be carried out and subsequently retained and maintained in accordance with the approved details.
Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development and to comply with the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document.
- 6 No development shall take place until full details of both hard and soft landscape works, have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season following the substantial 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.
- 7 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.



P1	First issue	CG	AR	19.06.15
rev	description	drawn	checked	date

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**Windsor College Campus
 Windsor College
 Campus Redevelopment**

East Berkshire College

Location Plan

bba internal project reference	scale(s)
14-214	1:1250 @ A3

drawing / document name :						
project	originator	zone	level	type	role	number

WIC - BBA - Z0 - ZZ - DR - A - 01031

suitability :	code	description
	D5	ISSUED FOR PLANNING
revision :	code	description
	P1	PRELIMINARY

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Proposed extension

PS	Issued for Planning	AR	JS	18.08.15
PA	Issued for Review	AR	JS	09.08.15
P2	Checks for final approval	AR	JS	23.08.15
P3	Client Comments Incorporated	AR	JS	23.08.15
P4	Final Issue	AR	JS	23.08.15

rev.	description	drawn	checked	date
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PRELIMINARY

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Windsor College Campus Redevelopment
Windsor College
Campus Redevelopment
East Berkshire College

Proposed Site Plan

Site or item of project reference	scd4(6)
Scale	1:200

drawing / document name:

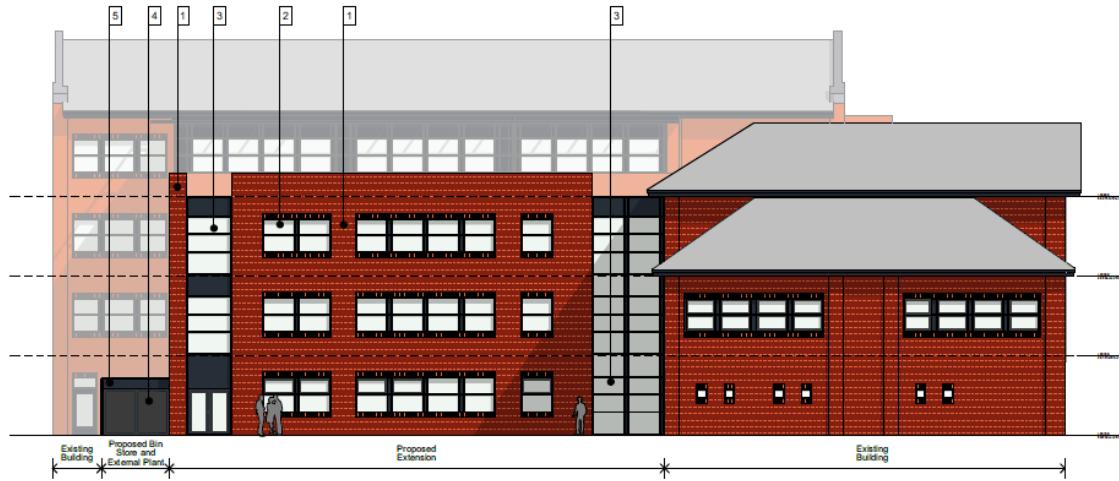
project	originator	zone	level	type	no.	number
WIC - BBA - Z0 - ZZ - DR - A - 01001						

availability:	code	description
revision:	code	description
	D5	ISSUED FOR PLANNING
	P5	PRELIMINARY

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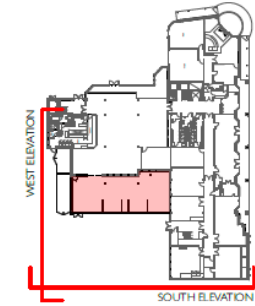


WEST ELEVATION



SOUTH ELEVATION

key plan



MATERIALS KEY:

1. Facing Red Brickwork - to match existing
2. Aluminium framed windows - frame colour to match existing
3. Aluminium framed curtain walling - frame to match existing window frames
4. Dark grey louvre door - colour to match existing window frames
5. Dark grey metal cladding - colour to match existing window frames

P4	Issued for Planning	AR	ZM	18.09.15
P2	Issued for Review	AR	ZM	15.09.15
P2	Updated following pre-app advice	AR	ZM	20.08.15
P1	First Issue	AR	ZM	17.04.15

no.	description	drawn	checked	date
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Windsor College Campus Redevelopment
 Windsor College
 Campus Redevelopment

East Berkshire College

Proposed Elevations

dra internal project reference scale(s)
 94-214 1:50, 1:500

drawing / document name:

project	originator	zone	level	type	role	number
WIC	BBA	Z0	ZZ	DR	A	03001

subality: code description

D5 ISSUED FOR PLANNING

revision: code description

P4 PRELIMINARY

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WINDSOR URBAN DEVELOPMENT CONTROL PANEL

9 December 2015

Item: 5

Application No.:	15/03452/FULL
Location:	The Mill House Barry Avenue Windsor
Proposal:	Replacement building to provide 4 No. 2 bedroom apartments including penthouse, parking and associated landscaping works following demolition of existing building
Applicant:	McLaren Vale Ltd
Agent:	Mr John Corrigan - CSK Architects
Parish/Ward:	Castle Without Ward

If you have a question about this report, please contact: Vivienne McDowell on 01628 796578 or at vivienne.mcdowell@rbwm.gov.uk

1. SUMMARY

- 1.1 The applicants have submitted an amended plan 1517/P02 L (received 25 November 2015) and the application now proposes a 4 storey building to provide 3 x 2-bedroom flats and 1 x 1-bedroom flat (rather than 4x 2-bedroom flats as originally submitted). It would replace a 3 storey building which is currently vacant and was last used as offices. The application site includes a landscaped area within the adjacent bowls club site which is to be cleared and re-planted.
- 1.2 This application follows on from a previous application 15/00307/FULL for this site (for 6 flats), which was refused because of the unacceptable loss of mature trees and the lack of potential for landscaping and also the lack of a S106 agreement to secure a on-way sign and to prevent future occupiers obtaining parking permits. It is considered that in principle, the loss of office space and the provision of a new residential building is acceptable. The current application allows for the retention of both the mature Lime tree on the Barry Avenue frontage and the Ash Tree to the rear of the site. The inclusion of a replanted landscaped area adjacent to the new building, will soften the appearance of the building. It is considered that the proposal would preserve the character and appearance of the Conservation Area.

It is recommended the Panel authorises the Director of Development and Regeneration:

- | | |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | To grant planning permission subject to condition listed in Section 9 of this report and subject to:

1) The satisfactory completion of a mechanism/ undertaking to secure the provision and future maintenance of the landscaped area adjacent to the building, in the grounds of the bowls club;

2) The receipt of satisfactory details of underground utilities and drainage runs and amended landscape proposals/details.

3) The receipt of a section 106 Unilateral Undertaking to prevent future occupiers obtaining parking permits and to secure the provision of a on-way sign. |
| 2 | To refuse planning permission if the following have not been received by the 31 January 2015:
1) A mechanism/ undertaking to secure the provision and future maintenance of the landscaped area adjacent to the building in the grounds of the bowls club;

2) The receipt of satisfactory details of underground utilities and drainage runs and |

amended landscape proposals/details.

3) The receipt of a section 106 Unilateral Undertaking to prevent future occupiers obtaining parking permits and to secure the provision of a one-way sign.

for the reason that the proposed development would:

- not secure a satisfactory landscaping scheme to soften the appearance of the building in this Conservation Area;**
- would not demonstrate that there would be no harm to trees.**
- would adversely affect highway safety and lead to additional parking pressures.**

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor Rankin, for the reason that it is in the public interest.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

3.1 The site lies within the Windsor Town Centre Conservation Area. The site is located immediately adjacent to Browns Restaurant to the east, which is identified as a significant non-listed building. The site faces the river Thames and is clearly visible from the river frontage and from the Eton Bridge. The site is within an area liable to flooding. The Environment Agency's current records show that the site is within Flood Zone 2 (medium risk 1:1000 year probability of flooding). It is not within Flood Zone 3 (High Risk -1:100 probability). However, it is understood to fall within the 1:100 year plus 20 % climate change allowance flood area.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The proposal is to demolish the existing 3-storey building, and to build a 4 storey building to provide 3 x 2-bedroom flats and 1 x 1-bedroom flat. The existing office basement would be retained to provide a plant room (for the whole building) and a home cinema, gym and wc for the lower flat. The proposal is to provide 4 on-site parking spaces, cycle and bin store areas. The application site includes a landscaped area within the bowls club, which is to be cleared and replanted.
- 4.2 The proposed new building would be 11.3 metres in overall height to the top of the small shallow pitched roof. The width of the new building (excluding the projecting bays) would be 7.4 metres and the depth (front to back excluding projecting bays) would be 23.5 metres.
- 4.3 The front (NW) corner of the new building would be set back at 7.5m from the front boundary with Barry Avenue and the NE corner would be 4.5 metres from the front boundary with Barry Avenue.
- 4.4 The new building would be 3.5 metre from the south west (rear) corner of the site and 5.5 metres from the southeast (rear) corner of the site.

Relevant History

Ref.	Description	Decision and Date
460206	Demolition of existing building, erection of three storey or building comprising studio and residential storage in basement, office on ground floor committee room and of office on first floor and residential accommodation on second floor.	Approved 1982
462512	Change of use of basement to office and first floor to office and part G/F and F/F to office use	Approved 1984

13/03470/ Class J	Change of use of basement, ground, first, second and third floors, from office into 3 flats.	Prior approval required and granted. 22/1/2014
15/00307/FULL	Replacement 3 storey building including penthouse to provide 6 apartments following demolition of existing building.	Refused 20 July 2015

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework: Paragraph 17 (Core principles), Section 2 (Ensuring vitality of towns), Section 6 (Delivering a wide choice of high quality homes), Section 7 (Requiring good design), Section 10 (Flooding considerations), Section 11 (Conserving and enhancing the natural environment) Section 12(Conserving 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	High risk of flooding	Conservation Area	Listed Building	Protected Trees	Highways /Parking issues
Local Plan	DG1, H10, H11, H14	F1	CA2	LB2	N6	T5, P4

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

- Interpretation of Policy F1 – Area Liable to Flood
- Sustainable Design and Construction
- Planning for an Ageing Population

More information on these documents can be found at:

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

Other Local Strategies or Publications

5.4 Other Strategies or publications relevant to the proposal are:

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

6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Principle of the development /loss of office space
- ii Flooding considerations
- iii Impact on the Conservation Area and Setting of the River Thames
- iv Impact on Trees

- v Highways and parking considerations
- vi Sustainable Design and Construction
- vii Planning for an Ageing Population
- viii Archaeology

Principle of the development/loss of office space

6.2 The previous application 15/00307/FULL was refused for the following reasons:

1)The proposed building would come within the Root Protection Area of mature trees, Ash (T1) and Lime (T13), resulting in extensive root severance. Their crowns would also have to be heavily pruned back to facilitate development. The future viability of these trees cannot be secured and would be lost as a consequence of the development being implemented. The development would also impact on a Lime T2 (a lapsed pollard). All of these trees currently contribute positively to the visual amenities and character of the Conservation Area. Furthermore, the proposed loss of off-site vegetation and trees adjacent to the west boundary would open up the site to views from the west and there is no scope within the application site to provide any meaningful landscaping to soften the impact of the new building and to mitigate for the loss of trees and vegetation. The proposal is contrary to saved Policies DG1 and N6 of the Royal Borough of Windsor and Maidenhead Local Plan Incorporating Alterations adopted June 2003.

2)The development would place further pressure upon on street parking and would be detrimental to highway safety as there is no restriction to prevent future occupiers from obtaining parking permits, nor any mechanism to provide a one-way sign opposite the proposed parking spaces. The proposal would be contrary to saved policies DG1, P4 and T5 of the Royal Borough of Windsor and Maidenhead Local Plan Incorporating Alterations adopted June 2003 and the Parking Strategy May 2004.

- 6.3 This current application proposes 4 apartments (rather than 6 previously proposed), in a smaller building which affords greater separation from the Lime Tree (on Barry Avenue) and Ash Tree (to the rear of the site). The proposal also includes a new landscaped area (within the red line of the application site) to the side (west) of the new building.
- 6.4 Regarding the principle of the proposed change of use of the offices to residential, it is noted that this site is not in an identified employment area. In the explanatory text for Policy E6 at paragraph. 4.2.21 it advises: Outside of the identified employment areas the Borough Council will generally accept the redevelopment of sites in existing business/industrial uses to alternative uses such as housing, recreation, social or community development. This is subject to proposals having no unacceptable adverse impact on locally available opportunities and their compatibility with other policies in the Local Plan. Policy H6 is supportive of the change of use to housing in town centres. Paragraph 51 of the NPPF also encourages the change of use to residential use and any associated development from commercial buildings (currently in B use classes) where there is an identified need for additional housing in that area, provided there are no economic reasons why such development would be inappropriate.
- 6.5 The applicants have advised that the building has been vacant for 6 years and that the building has been actively marketed for let during that time, but with no success. It is considered that the loss of this potential office space to housing units in this location is acceptable. It is noted that a Class J (now Class O) prior approval application for conversion of the existing building to residential use (3 flats) was approved under 13/03470 in January 2014. The change of use of the existing building can therefore be implemented at any time until the 30 May 2016.
- 6.6 Although there is very limited on-site amenity space, the proposed flats are in close proximity to local parks and amenities.

Flooding considerations

- 6.7 Current Environment Agency records indicate that the site is within flood Zone 2 and within the 1:100 year probability plus 20% allowance for climate change. The site is not within Flood Zone 3 (1:100 year probability). For new buildings in the flood plain the Sequential Test needs to be passed. In order to pass this test the applicant would need to demonstrate that there are no sequentially preferable sites elsewhere in the borough that are at lower risk of flooding. The applicants have submitted a Sequential Test which demonstrates that there are no sequentially preferable sites elsewhere in the borough that are at a lower risk of flooding and which are reasonably available to the applicant.
- 6.8 The applicants have submitted a Flood Risk Assessment. It explains that there is a safe 'low hazard' means of escape during a time of flooding to an area outside of the flood plain and this 'low hazard' means of escape was accepted on the previous Class J (now Class O) application 13/03470 in January 2014. The FRA provides flood levels based on advice from the Environment Agency. The Environment Agency did not provide bespoke comments for the previous application 15/00307/FULL, but instead has referred the LPA to its standing advice. The applicants have proposed flood protection and resilience measures in their FRA.
- 6.9 The site is not identified as being at risk of flooding from a 1 in 100 year event. However, it would be at risk of flooding during the 1 in 100 year plus allowance for climate change. In line with advice from the Environment Agency, the proposed finished floor levels would be set at 20.97 metres AOD. This would allow for the finished ground floor level to be at least 300mm above the 1:100 year plus climate change level (of 20.67m AOD). It is noted that within the proposed entrance lobby there are a couple of steps up to the main ground floor level. The existing building has finished floor levels of 20.64m AOD.
- 6.10 There is a basement to the existing building which accommodates plant, toilets and a small kitchen area. The proposal would reutilise the existing basement area to provide a basement for the ground floor flat. Standing advice from the Environment Agency advises careful layout of internal space to minimise the impact of floods. Living accommodation, essential services, storage space for key provisions and equipment should be designed to be located above the predicted flood level. The siting of living accommodation above flood level where possible is the appropriate design option in areas of flooding.
- 6.11 The drawings submitted originally with this current application, show the kitchen, toilet home cinema at basement level. The applicants have submitted amended plans 1517/P02 L (24 November 2015) to show the kitchen area deleted from the basement area. The amended plans show a gym, home cinema and wc in the basement area. A kitchen is now proposed on the main ground floor and it is noted that in order to incorporate this kitchen area, the ground floor flat would now have 1 bedroom rather than 2 bedrooms. To ensure that the kitchen area is provided on the ground floor level, a condition could be imposed on the planning permission (see Condition 4 in section 10)
- 6.12 The overall footprint of the proposed building is larger than that of the existing building. Nevertheless, the footprint of the main part of the proposed building (excluding the covered parking area) is smaller than that of the existing building. It is noted that the proposed covered parking areas would be open on two sides – such that they would be floodable. Policy F1 of the Local Plan relates specifically to Flood Zone 3 (1:100 year probability) and restricts the amount by which the footprint of a building can be extended to 30 sq metres. As this site is classified as Flood Zone 2, (and not Flood Zone 3) it is considered that there is no conflict with Policy F1 in terms of footprint/ground floor coverage.

Conservation Area and Setting of the River Thames

- 6.13 The Conservation Officer has advised that in principle the proposed building is acceptable in this location and there is no objection to the loss of the existing building. The Council's conservation Officer has previously commented that the loss of the existing building should not be resisted as it makes no positive contribution to either character or appearance of the conservation area. It is considered that the new building would preserve the character of the Conservation Area.
- 6.14 The site is within the Conservation and is adjacent to Browns Restaurant which is identified in the Windsor Town Centre Conservation Area statement as a significant non-listed building in the conservation area. It is described as: 'An early c20th property within a prominent location. Significantly altered and extended. Series of pitched roofs with red tile. Red brick construction with decorative features such as timber balconies and large bay windows'. It is noted that the existing building known as The Mill House appears to incorporate some of the stylistic elements of Browns Restaurant.
- 6.15 In principle the proposed building is considered to acceptable in terms of its design and impact on the character of the Conservation Area and Setting of the River Thames. It is considered that the proposal will preserve the character and appearance of the Conservation Area. The applicants describe the proposed building as a 'crisp contemporary building'. Much will depend on the detailing and finishing materials that are used and this can be controlled by condition. (Condition 2). The applicants advise that they intend to use a sympathetic palette of materials. The applicants advise that the proposed red-multi brick at ground floor would be similar to the existing brick of Brown's restaurant. The frames of the windows would be dark grey. The design includes bay windows and glazed balconies and style features common to adjacent buildings, (including the extension at Browns restaurant) to create a sense of order and rhythm to the elevations.
- 6.16 The existing building is approximately 11 metres in height to the ridge. The submitted drawings show the overall height of the building to be approximately 11.3 metres. The additional height has resulted from the need to provide ground floor internal floor levels of at least 20.97 AOD.
- 6.17 However, given that the third floor is set back from the main front facades and given that the upper floor is a glazed structure with a shallow pitched roof, it is considered that the additional height is acceptable. The upper floor would appear as a lightweight, floating structure to the main building and would not be visually intrusive or dominant.

Impact on Trees

- 6.18 The site and adjoining areas are situated in a Conservation Area. The trees shown on the tree survey are protected by these controls. All the trees shown in the tree survey are on Council land within the boundary of the bowls club. This is a prominent site within Windsor Town Centre.
- 6.19 In principle, the Tree Office has no objections to the redevelopment on the footprint proposed. The Tree Officer has suggested some amendments to the landscaping proposals/planting details, which can be dealt with through amended plans.
- 6.20 The application proposes an extensive landscape strip to provide robust new planting to the west of the new building. The existing landscape area is dominated by dense planting – predominantly bamboo and a number of trees (holly and pollarded limes) which screen the existing building from the bowling green and putting green (the Goswells).
- 6.21 A landscaping scheme has been submitted to replace trees and other vegetation that would need to be removed on adjoining land at the Bowls Club. The Council's Tree Officer has commented that it is uncertain as to whether the landscaping can take place due to ownership/leasing issues. It is understood that the landscape area is owned by the National Trust and leased to RBWM who sublet it to the bowls club. RBWM is currently responsible for maintaining this landscaped area.
- 6.22 A suitable mechanism would be required to ensure that provision is made for clearing, replanting and continued maintenance of the landscaped area. It is suggested that a Section 106 Unilateral

Undertaking would be a suitable mechanism to secure payments for clearing and new planting (by RBWM) and to set out the maintenance arrangements for the future.

- 6.23 The Council's Tree Officer has advised that if the landscaping cannot be implemented nor its establishment and management over the next 10 years secured, then this would be sufficient to refuse the application under N6, H10 and H11. It is understood that the existing lease agreement involves the National Trust, RBWM and the Bowls Club; however, this is not a planning matter. Nevertheless, the lease will most likely need to be reviewed in the light of a Section 106 Agreement and this is a matter to be resolved by the applicants solicitors and the Council's legal department.
- 6.24 The Tree Officer has requested that the proposed hard surfaced area (at the front of the building) underneath the crown spread of the Lime T13 will need to be replaced with soft ground to avoid pressure to detrimentally prune the tree in order to reduce the honey dew and tree debris landing here in future. The applicants have been requested to submit amended landscaping plans to address these concerns.
- 6.25 It is noted that the area to the rear of the existing building is surfaced in asphalt and was utilised for car parking. Therefore, the proposal to cover this area with a permeable/porous surface is considered to be acceptable subject to a method statement being secured via a condition.
- 6.26 If utilities and drainage are proposed with the RPA of the Lime T13 or the Ash T1, this would be unacceptable. It would be prudent for these details to be submitted prior to the determination of the application.
- 6.27 The applicant proposes works to existing trees including removal of trees in the landscaped area and reduction of the retained tree/s. It is noted that as part of this application the applicants are requesting the reduction of the lower limb of Ash Tree overhanging into the site, by up to 2.5 metres back. This is not required to facilitate the development but to reduce the end weight of the branch. Further comments are awaited from the Tree Officer on the proposed tree works and these will be reported in the update.

Highway and parking considerations

- 6.28 Barry Avenue is a classified un-numbered road (C8765) and is adopted public highway. The private access road serving the site from Barry Avenue is 5.2m wide with 1 x 1.2m footway on the west side and 0.5m verge on the east side and is essentially the sole entrance to the River Street public car park.
- 6.29 The visibility splays from the existing and proposed (4 spaces) car parking bays to serve the proposed residential development from the River Street car park access road (entrance only) together with the exit to River Street via the existing public car park are adequate to meet the highway requirements.
- 6.30 In response to the Highway Officer's comments the applicants' amended plan 1517/P02 L, shows the full extent of the kerb lowering to serve the proposed additional car parking space. Also the door of the main entrance is now shown to open inwards into the lobby area.
- 6.31 The entrance access road serving the River Street car park is 'one-way' southbound (with half of the carriageway hatched off) and is privately owned by the Borough Council. The future occupiers of the apartments and/or associated visitors would be expected (when driving vehicles) to adhere to the existing traffic management arrangements thereby entering the site from Barry Avenue and leaving from River Street via the public car park exit.
- 6.32 On the previous application 15/00307/FULL the Highway Authority required a S106 Agreement to secure payments to the Council to cover the costs of providing and maintaining a one-way sign. This approach would also be appropriate on this current scheme.
- 6.33 The site is within an area of good accessibility being in a sustainable location close to the town centre services and amenities and railway stations (Central & Riverside). While this level of provision (0.5 space per bedroom equating to 1 space per unit) is in accordance with the

Council's parking standards (for good accessibility), it should be noted that the allocation of future parking permits for residents' and visitors associated with this development will not be forthcoming. Accordingly, a S106 unilateral undertaking preventing future occupiers of these flats from obtaining such residents' parking permits in this area should be secured.

- 6.34 In order to overcome the Highway Officer's initial reservations about the parking layout, the applicants have shown a dedicated space for bins to be positioned on bin collection days alongside the rear boundary of the site. It is considered that the proposed parking and bin and cycle store layout is now acceptable. (Conditions 6 and 7). Any further comments from the Highway Officer will be reported in the panel update.

Sustainable Design and Construction

- 6.35 The Council has an adopted 'Sustainable Design and Construction' Supplementary Planning Document, formally adopted in June 2009. For new dwellings, the SPD refers to a range of measures such as reduction of energy demand (through efficient insulation and the use of A-rated domestic appliances, for example); possible use of renewable source provision to meet usual energy demand; water saving devices to ensure that the water consumption per person does not exceed 120 litres per day; rainwater harvesting and/or surface water run-off control through the use of permeable hard surfacing; local sourcing of construction materials and improved management of waste through recycling and composting, and cycle storage.
- 6.36 The applicants have submitted details to indicate that the buildings would be economical in the use of energy, water consumption and materials. Further details can be sought via a condition.(Condition 8)

Planning for an Ageing Population

- 6.37 The Council has an adopted Supplementary Planning Document (SPD) on 'Planning for an Ageing Population'. This SPD provides guidance for the internal arrangement of homes that will be flexible to meet the changing needs of residents into the future; for creating inclusive communities that will be welcoming and accessible for people of any age, ability or background; and, otherwise, for the development of care homes and retirement communities. It requires new residential developments to comply with Lifetime Homes Standards as well as the other criteria including ensuring that the development is built to Secure by Design standards.
- 6.38 The applicants indicated in their Design and Access Statement how the building has been designed for the needs of an ageing population. Amended plans (1517/P)2 L (received 25 November 2015) have been submitted showing level access from the entrance to the lift lobby so that wheelchair users can access all three of the upper floor apartments. It is noted that only the ground floor flat would not be accessible to wheel chair users (because of the two steps in the lobby area). This arrangement is considered to be accessible and does not conflict with the Council's SPD.

Archaeology

- 6.39 There are potential archaeological implications with this proposal. The site lies close to but probably outside of the presumed extent of the important medieval town of Windsor. New Street/River Street was probably part of the medieval street plan. However, of particular significance is the site's riverside location. Increasingly evidence is being recovered for medieval and post-medieval waterside activity on both the Windsor and Eton sides of the River Thames. The remains of a possible medieval merchant's house, moat and revetted causeway were recorded in the late 1980s at Jennings Yard to the east of River Street, less than 100m from The Mill House. At the rear of King Stable Street, Eton, excavations close to the waterfront in 1997 recorded medieval industrial working areas and a succession of lightweight timber revetments consolidating the river bank. There was also evidence at this site for low intensity late medieval (15th-16th century) and post-medieval industrial and craft activities. At Rafts Boathouse, on the opposite bank of the River Thames to The Mill House, exploratory excavations in 2013 recorded a small number of medieval features, including a floor surface, some pits and a palaeo-channel filled in the medieval period.

6.40 These excavations demonstrate the archaeological potential of the riverside frontage at Windsor, including The Mill House site. However this site is small in scale and has been subject to at least one phase of development when the current Mill House was constructed. However the nature and depth of below ground deposits within the site is currently unknown and archaeological remains may be deeply buried based on evidence elsewhere. Therefore Berkshire Archaeology recommends that a condition (condition 5) requiring a programme of archaeological work is attached to any planning permission granted, to mitigate the impact of the development on the buried archaeological heritage. This is in accordance with Paragraph 141 of the NPPF and local plan policy.

7. CONSULTATIONS CARRIED OUT

Comments from interested parties

To date, no comments have been received from neighbouring or interested parties.

Statutory consultees

Consultee	Comment	Where in the report this is considered
Highway Officer:	No objection – subject to a s106 unilateral undertaking to prevent future occupiers obtaining parking permits and to secure contributions for a one-way sign. Conditions to secure a Construction and Demolition Management Plan, and the provision of parking, cycle and bin stores. Informatives are also suggested regarding prevention of damage to highways/footways/verges.	See paragraphs 6.31-6.37
Council's Tree Officer	No objection in principle. Further details required on utility and service runs and amended plans/details required regarding proposed planting. Further comments awaited on amended plans and details.	See paragraphs 6.21-6.30.
Environment Agency	Standing advice applies.	See paragraphs 6.7-6.12
Conservation Officer	No objection.	See paragraphs 6.13-6.20

Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Council's Archaeology Consultant	The following condition is suggested: 'No development shall take place, other than demolition to ground level, until the applicant or their agents or successors in title have secured the implementation of a programme of archaeological work (which may comprise one or more phases of work) in accordance with a written scheme of investigation, which has been submitted by the applicant and approved by the planning authority. <u>Reason:</u> The site lies in an area of archaeological potential, particularly in relation to waterside structures and activity	Paragraphs 6.43-6.45

	relating to medieval and post-medieval Windsor. The scope of any archaeological investigation can be informed by emerging details of the ction design. An assessment of the impacts of the construction of the current Mill House may merited. Berkshire Archaeology would be pleased to discuss this further with the applicant or their archaeological consultants. Until the scope of works is determined, should permission be granted, it is recommended that the applicant provides sufficient time within their programme between demolition and the commencement of construction to ensure that an appropriate programme of archaeological work is carried out. The applicant may wish to appoint an archaeological consultant to provide them with appropriate advice at an early stage	
Environmental Protection	Comments awaited.	To be reported in the panel update if received in time.

8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – layout and elevations

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

In this case the issues have been successfully resolved.

9. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

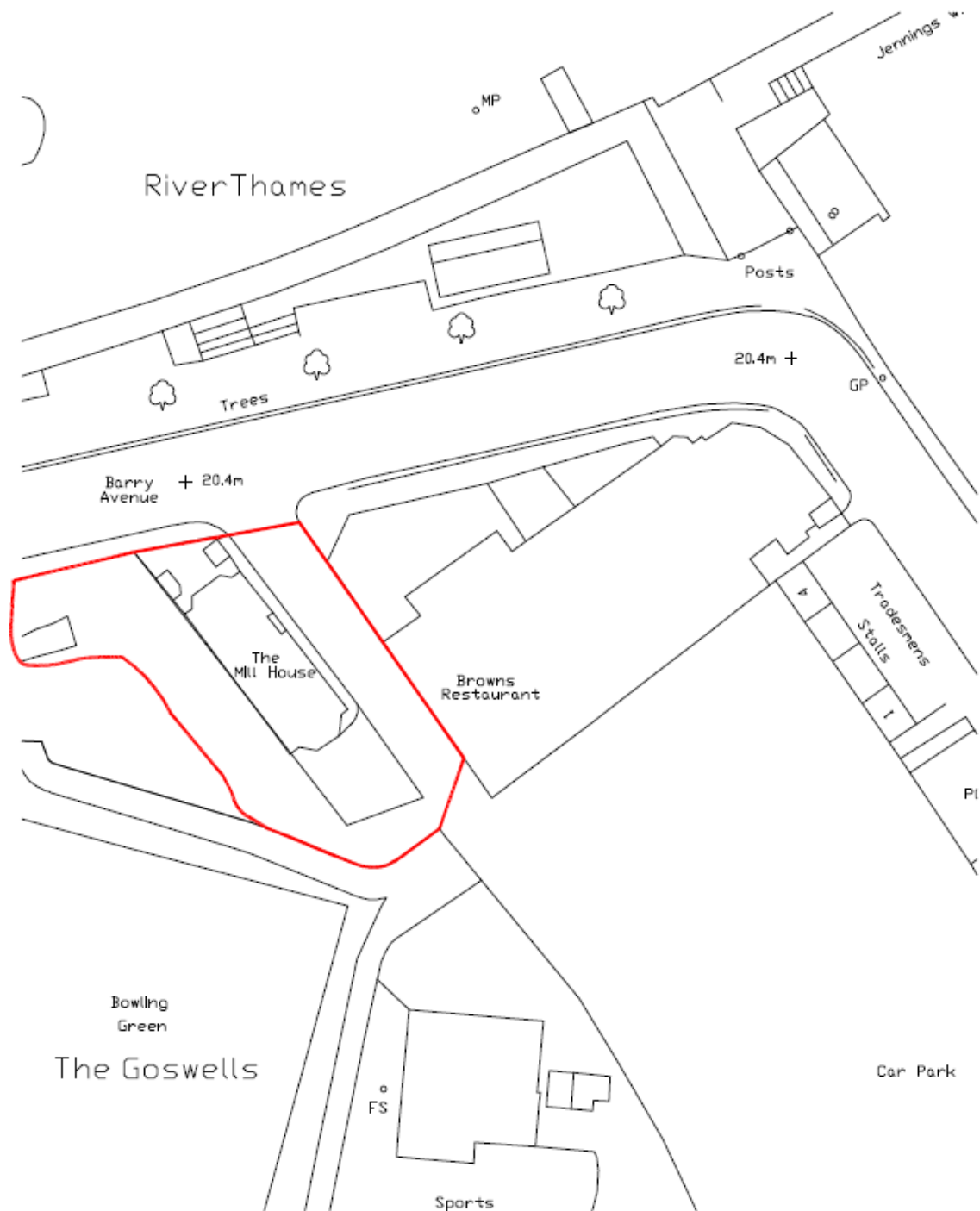
- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 No development shall take place until samples of the materials to be used on the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and maintained only in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policy DG1, CA2.
- 3 No development shall take place until samples and/or a specification of all the finishing materials to be used in any hard surfacing on the application site together with a method statement for the installation of the hardsurfacing, have been submitted to and approved in writing by the Local Planning Authority and thereafter undertaken in accordance with the approved scheme and details.
Reason: In the interests of the visual amenities of the area and to ensure that the hardsurfacing does not have any harmful impact on root protection areas. Relevant Policies - Local Plan DG1, N6. This detail is required prior to commencement as this needs to be carefully considered at the design phase.
- 4 The ground flat shall provide essential living accommodation i.e. kitchen, bedroom, bathroom, lounge and dining areas on the ground floor level (at or above 20.97 metres AOD).
Reason: To ensure that all of the essential living accommodation is located above the predicted (1:100 plus 20% climate change) flood level i.e. at or above 20.97 metres AOD, to avoid the

risk of flooding in the basement area. Relevant Policy - Local Plan F1 and NPPF paragraph 103.

- 5 No development shall take place, other than demolition to ground level, until the applicant or their agents or successors in title have secured the implementation of a programme of archaeological work (which may comprise one or more phases of work) in accordance with a written scheme of investigation, which has been submitted by the applicant and approved by the planning authority.
Reason: The site lies in an area of archaeological potential, particularly in relation to waterside structures and activity relating to medieval and post-medieval Windsor. The scope of any archaeological investigation can be informed by emerging details of the ction design. An assessment of the impacts of the construction of the current Mill House may merited. Berkshire Archaeology would be pleased to discuss this further with the applicant or their archaeological consultants. Until the scope of works is determined, should permission be granted, it is recommended that the applicant provides sufficient time within their programme between demolition and the commencement of construction to ensure that an appropriate programme of archaeological work is carried out. Relevant Policies - Local Plan ARCH 2. The applicant may wish to appoint an archaeological consultant to provide them with appropriate advice at an early stage
- 6 No part of the development shall be occupied until vehicle parking space/cycle and bin store areas have been provided in accordance with the approved drawing 517/P02 K received 24 November 2015. The space approved shall be retained for those purposes in association with the development.
Reason: To ensure that the development is provided with adequate parking/cycle and bin store facilities in order to reduce the likelihood of roadside parking and bin storage which could be detrimental to the free flow of traffic and to highway safety. Relevant Policies - Local Plan P4, DG1.
- 7 Prior to the commencement of any works of demolition or construction a management plan showing how demolition and construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works period shall be submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented as approved and maintained for the duration of the works or as may be agreed in writing by the Local Planning Authority.
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5.
- 8 No development shall take place until details of sustainability measures have been submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate how the development would be efficient in the use of energy, water and materials in accordance with the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document. The development shall be carried out and subsequently retained and maintained in accordance with the approved details.
Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development and to comply with the Royal Borough of Windsor & Maidenhead Sustainable Design & Construction Supplementary Planning Document.
- 9 Prior to the commencement of development details of the proposed ramp/wheel chair access from the entrance lobby area to the main ground floor level shall be submitted for approval to the Local Planning Authority. The development shall be built in accordance with the approved details and the measures set out in the applicant's Design and Access Statement under Planning for an Ageing Population.
Reason: To ensure that the building is designed and built so as to take into account the needs of an ageing population. Relevant Policy - RBWM's SPD on Planning for an Ageing Population.

Informatives

- 1 The attention of the applicant is drawn to the Berkshire Act 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway or grass verge arising during building operations.
- 2 No builders materials, plant or vehicles related to the implementation of the development should be parked/stored on the public highway so as to cause an obstruction at any time.
- 3 The attention of the applicant is drawn to Section 59 of the Highways Act 1980 which enables the Highway Authority to recover expenses due to extraordinary traffic.



PLANNING ISSUE
 CORRIGAN + SOUNDY + KILAITI CHARTERED ARCHITECTS

93A HIGH STREET ETON WINDSOR BERKSHIRE SL4 6AF TEL: 01753 840519 FAX: 01753 868227

MILL HOUSE . 1 BARRY AVENUE . WINDSOR	1:500 @ A4	12.14	-
LOCATION PLAN	1517 / P01	B	

DO NOT SCALE. THIS DRAWING TO BE USED IN CONJUNCTION WITH ALL OTHER RELEVANT ARCHITECTURE DRAWINGS AND SPECIFICATIONS. ANY DISCREPANCY IS TO BE REFERRED TO THE ARCHITECT.

APPENDIX B – 15/03452

PROPOSED EAST FACING ELEVATION



PROPOSED WEST FACING ELEVATION – with proposed new landscaping (in bowls club).



APPENDIX B – Front and rear elevations



THE MILL HOUSE
1 BARRY AVENUE

PAVEMENT

ACCESS ROAD TO
PUBLIC CAR PARK

BROWNS BAR & RESTAURANT

BROWNS BAR & RESTAURANT

EXISTING TREE
RETAINED

- 1: SMOOTH RED FACING BRICKWORK
- 2: OBTURED GLASS COMPOSITE, DOUBLE GLAZED WINDOWS - POWDER COATED DARK GREY METAL EXTERNALLY
- 3: COMPOSITE, DOUBLE GLAZED DOORS & WINDOWS - POWDER COATED DARK GREY METAL EXTERNALLY
- 4: INSULATED CURTAIN WALLING, MIX OF GLASS & OPAQUE PANELS
- 5: TOUGHENED GLASS BALUSTRADE
- 6: SPECIAL COATED BRICK COLL
- 7: POWDER COATED METAL RAINWATER GOODS RECESSED INTO BRICKWORK
- 8: HARDWOOD INSULATED ENTRANCE DOOR
- 9: PERFORATED METAL SOFFT OVERHANG - DARK GREY WITH METAL EDGE TRIM
- 10: ACRYLIC RENDER (STONE COLOURED)
- 11: RECONSTITUTED STONE COPING

REV	DATE	NOTES

PLANNING ISSUE

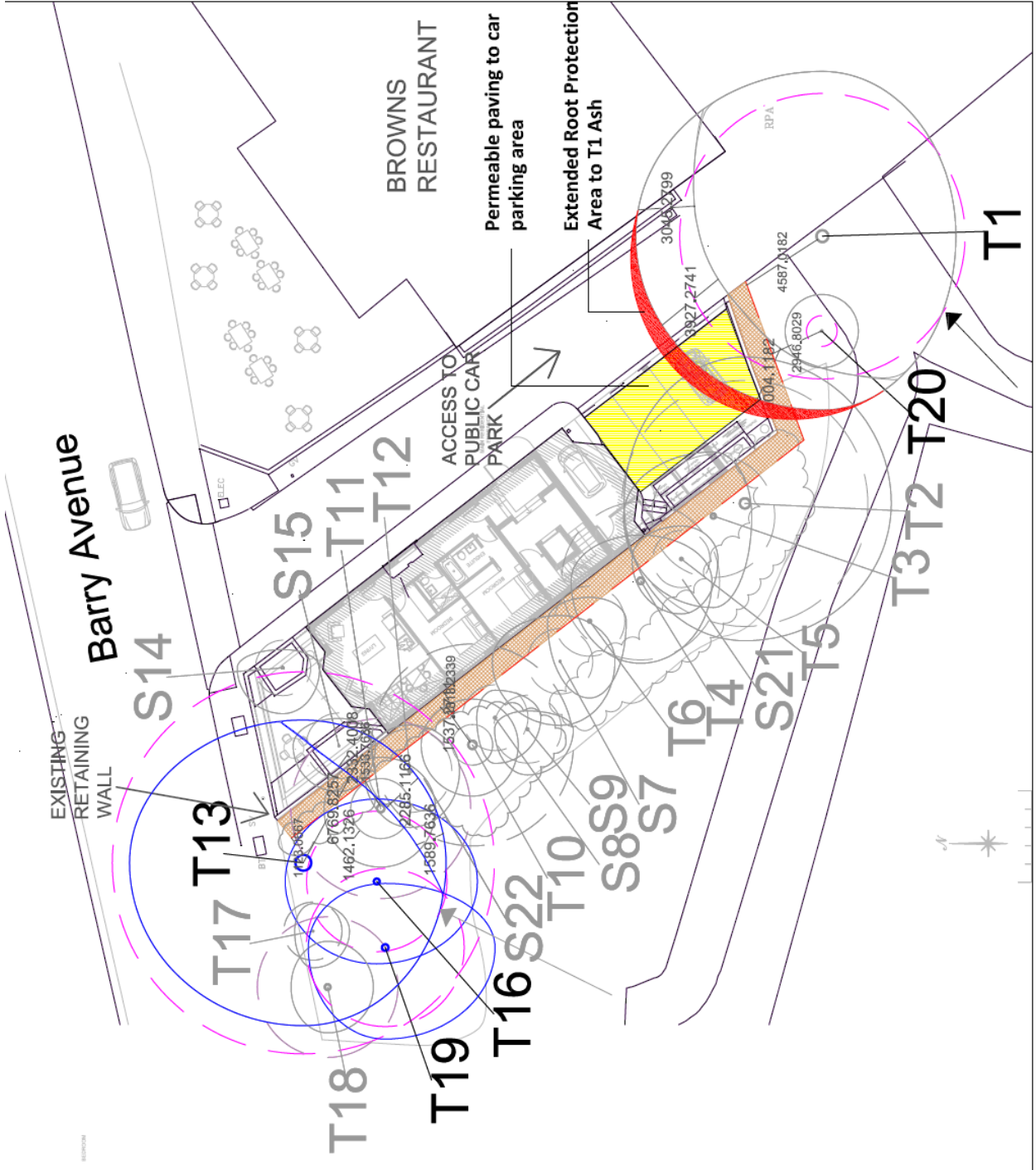
CORRIGAN + SOUNDY + KLADITI CHARTERED ARCHITECTS
 25 ANCHUR STREET ETON WICKSBOR, BERKSHIRE SL4 6AF TEL: 01753 848191 FAX: 01753 882327

MILL HOUSE - 1 BARRY AVENUE, WINDSOR 1:125 @ A2 | 11.14 DM

BARRY AVENUE ELEVATION 1517 /P/03 C



THE MILL HOUSE
REAR ELEVATION LOOKING OVER CARPARK



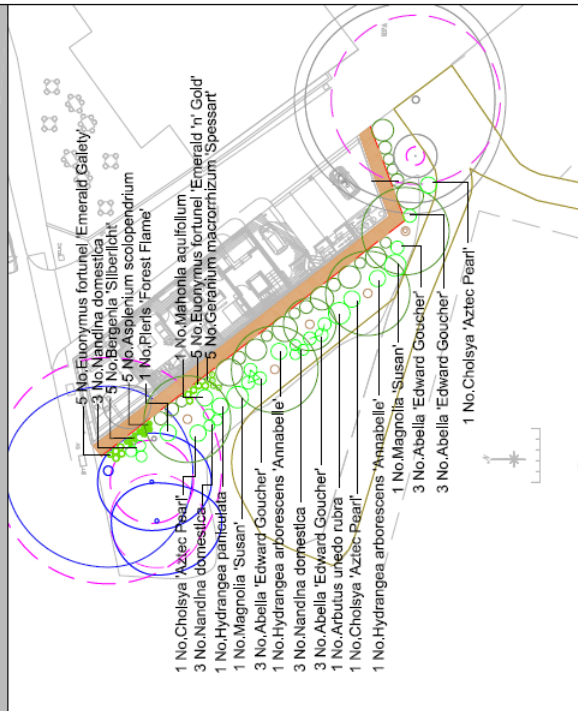
CSK Architects
 The Mill House
 Windsor

Trees to be retained :
 T1, T133, T16, T19, T20

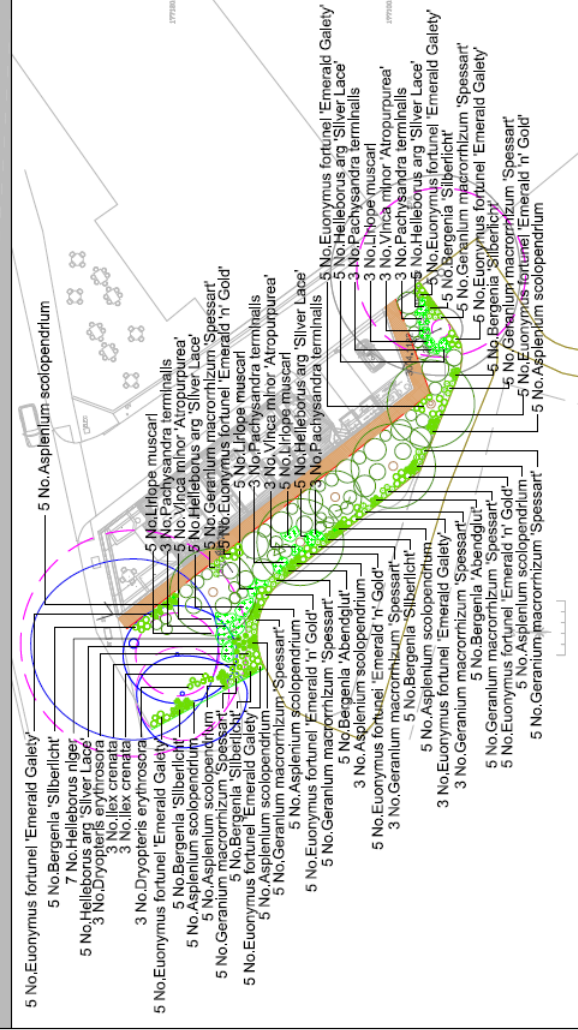
Refer to original tree survey by
 Tim Moya Associates 141210-P
 dated December 2014

CSK/TCN/MIH House trees
 1:200 A3
 20th October 2015

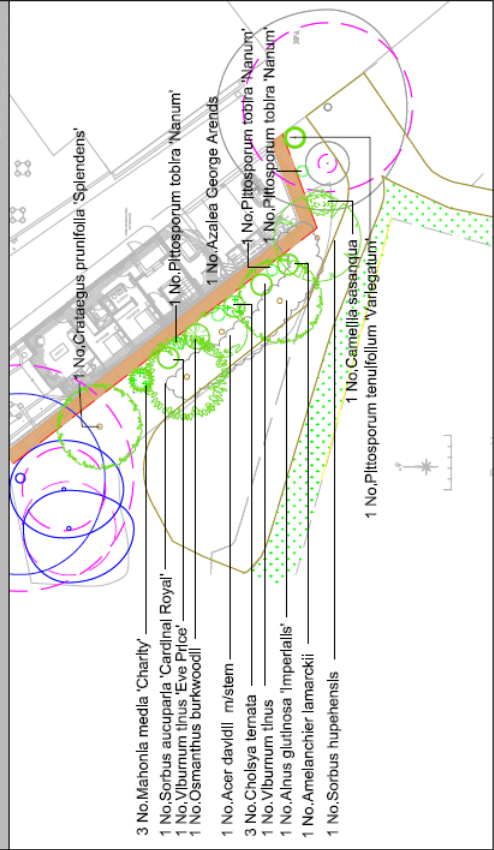
Bowling Green bank - Ornamental planting mid-section



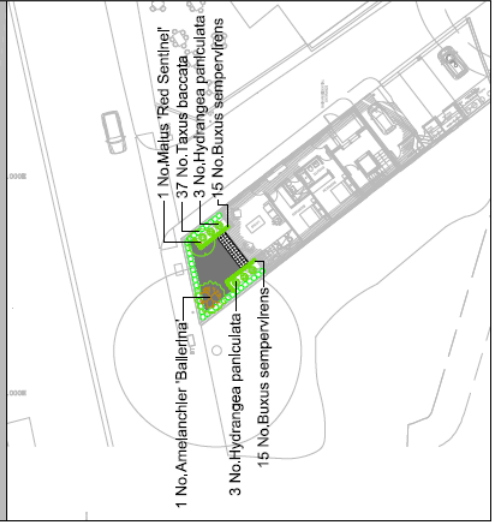
Bowling Green bank - Ornamental planting front of border



Bowling Green bank - Trees & main structural shrubs



Front Courtyard Garden



Client - CSK Architects re:

The Mill House
 1 Barry Avenue
 Windsor SL4 1GX

Planting plans - Bowling green bank & front courtyard garden
 Ref CSK/TCN/Mill House planting
 1:200 A1 - 20th October 2015

Refer to separate Plant Schedule:
 Mill House Plant Schedule
 dated 20th October 2015

Also refer to tree plan
 CSK/TCN/Mill House trees
 dated 20th October 2015

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Appeal Decision Report

29 October 2015 - 26 November 2015

WINDSOR URBAN

Appeal Ref.: 15/00056/REF **Planning Ref.:** 14/03341/FULL **Plns Ref.:** APP/T0355/W/
15/3062170

Appellant: Newhomes Estates Ltd **c/o Agent:** Mr Phillip Hughes PHD Chartered Town Planners P E
Hughes P O Box 700 St Albans Hertfordshire AL2 3WB

Decision Type: Committee **Officer Recommendation:** Defer and Delegate

Description: Construction of 7 x self-contained flats with associated bin shed, bike store, parking and amended access following the demolition of existing dwelling and garage

Location: **65 Imperial Road Windsor SL4 3RU**

Appeal Decision: Allowed **Decision Date:** 10 November 2015

Main Issue:

The main issues in the appeal decision were:

1. The effect of the development on the character and appearance of the area;
2. Its effect on living conditions at neighbouring properties; and
3. Its effect on local air quality.

The appeal Inspector considered that the plot is of a sufficient size to accommodate the building without it appearing unduly cramped, with sufficient space retained to all sides, and the building is also designed to reduce its apparent bulk through variations in roof height, form and depth. The space provided for landscaping is sufficient, and the character and appearance of the area would not be harmed by the proposal. With regard to impacts on the living conditions at neighbouring properties, the proposal would not be overbearing in relation to the closest residential property, 65A Imperial Road, or harm its outlook. It would also be sited far enough from this property to ensure that it would not be unduly overbearing, despite its size. It was also considered that the impacts on 71 and 73 Upcroft would not be unacceptable, due to the size of the garden at number 73 and the separation distances between the proposed building and these nearby properties. The additional traffic would be very limited and would have no material effect on local amenity. Overall, the living conditions of neighbouring residents would not be harmed by the development. A specialist air quality report provided in the appeal statement concluded that the proposed development is too small to have a significant impact on air quality, and this view was not disputed by the relevant Council officer. The decision noted that local residents are concerned at the effect of this and other recent developments on air quality, noting that there are two Air Quality Management Areas nearby and that even small developments such as this may have an effect when considered cumulatively. However, as the expert evidence makes it clear that these effects would not be at a significant level and bearing in mind that the site does itself not fall within an Air Quality Management Area, these concerns are not a sufficient reason to withhold planning permission.

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