

NOTICE  
OF  
MEETING



# WINDSOR URBAN DEVELOPMENT CONTROL PANEL

will meet on

**WEDNESDAY, 2ND MARCH, 2016**

**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: Date Not Specified

Members of the Press and Public are welcome to attend Part I of this meeting. The agenda is available on the Council's web site at [www.rbwm.gov.uk](http://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. Do not re-enter the building until told to do so by a member of staff.

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## AGENDA

### PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
1.	<u>APOLOGIES FOR ABSENCE</u>  To receive any apologies for absence.	
2.	<u>DECLARATIONS OF INTEREST</u>  To receive any declarations of interest.	5 - 6
3.	<u>MINUTES</u>  To confirm the minutes of the previous meeting.	7 - 12
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. <a href="http://www.rbwm.gov.uk/web/dc_public_apps.htm">http://www.rbwm.gov.uk/web/dc_public_apps.htm</a> or from Democratic Services on 01628 796310 or <a href="mailto:democratic.services@rbwm.gov.uk">democratic.services@rbwm.gov.uk</a>	13 - 90
5.	<u>ESSENTIAL MONITORING REPORTS (MONITORING)</u>  To consider the Essential Monitoring reports.	91 - 92



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## **LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

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

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

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

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

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

“Comments Awaited”.

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

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

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

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

## **STATEMENT OF THE HUMAN RIGHTS ACT 1998**

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

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

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

## MEMBERS' 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, 3 FEBRUARY 2016

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

Also in attendance:

Officers: Wendy Binmore, Neil Allen, Melvin Andrews, Jenifer Jackson, Claire Pugh and Sarah.L.Smith

### APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Gary Muir.

### DECLARATIONS OF INTEREST

**Cllr Alexander** - Declared a personal interest in item 15/02786 as he sits on Eton Town Council but had taken no part in any discussion of the application. He had also attended an open day at the site in 2015. Cllr Alexander confirmed he had come to Panel with an open mind.

**Cllr Grey** – Declared a personal interest in item 15/03438 as he personally knew the applicant. He also declared that he knew the speakers objecting and that he had come to Panel with an open mind.

**Cllr Rayner** – Declared a personal interest in item 15/02786 as she sits on Eton Town Council but had taken no part in any discussion of the application. She had also attended an open day at the site in 2015. Cllr Rayner confirmed she had come to Panel with an open mind. Cllr Rayner also declared a personal interest in item 15/02886 as her husband is the director of a company that rents land from Cemex. Cllr Rayner left the room during the debate of this item and did not take part in the vote.

### MINUTES

**RESOLVED UNANIMOUSLY: That the minutes of the meeting of the Windsor Urban Development Control Panel held on 6 January 2016 be approved subject to the following amendments:**

**To include Cllr Bowden in the vote for item 15/03742 as he voted against the motion approving the application.**

### PLANNING APPLICATIONS (DECISION)

#### **PLANNING APPLICATIONS**

The Panel considered the Head of Planning's report on planning applications received and received updates in relation to a number of applications, following the publication of the agenda.

NB: \*Updates were received in relation to planning applications marked with an asterisk.

<u>Application</u>	<u>Applicant and Proposed Development</u>
15/03789	Mr Mohamed – WMA: Change of use from B1 to D1 including place of worship at 94 – 94A Dedworth Road Windsor – <b>THIS ITEM WAS WITHDRAWN FROM THE AGENDA.</b>
15/02786	Rainier Developments Ltd: Conversion and extension to form 2 commercial units at ground floor and formation of 5 residential units. Internal & external changes to building and associated landscaping, public space and demolition works – <b>THE PANEL VOTED UNANIMOUSLY to APPROVE the application and authorise the Director of Development and Regeneration to grant planning permission on the satisfactory completion of an undertaking to secure the public access proposed in the application, residents’ car parking restrictions and the flood escape plan as set out of Section 6 and with the conditions listed in Section 10 of the Main Report.</b>
(The Panel were addressed by Duncan Reed in objection and Ben Wilcox, the agent in support of the application).	
15/02886	Cemex UK Operations Ltd: Extraction of sand and gravel at Riding Court Farm, erection of mineral processing and ready-mixed concrete plants and associated infrastructure, creation of new access onto Riding Court Road and restoration of the site by the importation of insert restoration material for a period of 12 years as approved under planning permission 13/01667 without complying with condition 18 (export import tonnage) to re-word the condition at Land at Riding Court Farm, Riding Court Road, Datchet, Slough – <b>THE PANEL VOTED UNANIMOUSLY that: the application be APPROVED and the Panel grants planning permission subject to the conditions listed in Section 10 of the Main Report.</b>
15/03147*	Ladham Properties Limited: Conversion of premises to provide 6 x residential apartments to include single storey extension, reconfigure of car parking with new landscaping provision and internal and external alterations at 18-19 Thames Street, Windsor SL4 1PL – <b>THE PANEL VOTED UNANIMOUSLY That: the application be APPROVED and the Panel grants planning permission provided that no new substantive planning issues are raised by the additional neighbours notified and subject to conditions listed in Section 9 of the Main Report.</b>
15/03148*	Ladham Properties Limited: Consent for conversion of premises to provide 6 x residential apartments to include single storey extension and internal and external alterations at 18-19 Thames Street, Windsor SL4 1PL – <b>THE PANEL VOTED UNANIMOUSLIY That: the application be APPROVED and the Panel grants planning</b>



**permission and Listed Building consent subject to the conditions listed in Section 9 of the Main Report.**

15/03326 Tingdene Parks Limited: Redevelopment of holiday park to provide for the siting of 39 caravan lodges at Tingdene Racecourse Caravan Park Windsor, Maidenhead Road, Windsor SL4 5HT – **THE PANEL VOTED UNANIMOUSLY That: the application be APPROVED and the Panel grants planning permission subject to the conditions listed in Section 10 of the Main Report.**

15/03438\* Mr Loveridge: Storage, repair and recycling of pallets (retrospective) as approved under planning permission 12/00830 without complying with condition 2 (storage and repair of pallets) to increase storage height to 4m at Land to Rear of 250 to 284 Horton Road, Datchet, Slough – **THE PANEL VOTED That: the application be APPROVED against the Director of Development and Regenerations recommendations for the reasons as listed below:**

**As this is a S73 application, repeat conditions from 12/00890 plus:**

**1. Condition limiting height to 4m.**

**2. Landscaping scheme to be submitted to screen the site.**

**Justification: Whilst the proposal is inappropriate development in the Green Belt based on the economic benefits of the scheme including the employment of 3 people and the environmental benefits of recycling pallets, these issues are considered to comprise very special circumstances to outweigh the in principle harm to the Green Belt.**

(The Panel were addressed by Ewan Larcombe in objection and Denny Loveridge, the applicant in support of the application).

**Six Councillors voted in favour of the motion (Cllrs M. Airey, Alexander, Bicknell Collins, Grey, and Shelim), and two Councillors voted against the motion (Cllrs Bowden and S. Rayner).**

15/03454\* Eton College: Refurbishment of existing buildings, remodelling of front courtyard, new single storey chemistry pavilion to the rear and new roof pavilion, plus associated landscaping works at Queens Schools, Eton College, South Meadow Lane, eton, Windsor, SL4 6EW – **THE PANEL VOTED UNANIMOUSLY That: the application be APPROVED and the Panel grants planning permission with the conditions listed in Section 10 of the Main Report and with the additional / amended conditions in Section 3 of the Panel Update Report as listed below:**

**1. Prior to the commencement of development an arboricultural method statement shall be submitted to and approved by the Local Planning Authority. The arboricultural method statement shall include:**

**a. Communication methods with the contractor and the appointed arboriculturalist**

**b. Tree work specifications**

- c. Methods of working close to trees
- d. Installation of tree protection barriers
- e. Installation of ground protection as appropriate
- f. Arboricultural supervision timeline of critical activities during renovation, drainage works and construction
- g. Landscape implementation and management strategy to ensure protection of retained trees during works

**Reason:** protect trees which contribute to the visual amenities of the site and surrounding area. Relevant Policies – Local Plan DG1, N6

2. 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. (Native species are to be planted where possible – for example, *Betula nigra* and *Betula ermanii* to be replaced with *Betula pubescens*. *Salix viminalis* should be replaced with *Salix caprea* or *Salix cinerea* where within understorey planting mix 2. *Cotinus* and *philadelphus* to be replaced with native alternatives). 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.

**Informative:**

The applicant is advised that the tree replacement plan submitted with the application requires some minor amendments to the species. Native species must be planted where possible. For example, *Betula nigra* and *Betula ermanii* to be replaced with *Betula pubescens*. *Salix viminalis* to be replaced with *Salix caprea* or *Salix cinerea* where within understorey planting mix 2. *Cotinus* and *philadelphus* to be replaced with native alternatives. It is noted that some recent planting has been carried out along the watercourse to the west of the site. This may have been planted as a precursor to the current development application. Unfortunately, the species planted here are not entirely in context with their surroundings, they should have been species to emphasise the watercourse (and thrive in wet conditions). Species such as native Poplar, Willow and Alder would have been appropriate. The applicant may choose to carry out additional planting here, to replace some of the poorer quality or inappropriate species of trees. This can be shown on the landscaping plan. The applicants may also wish to review their

**proposed planting plans to include some native marginal aquatic plants in the flood compensation area. When trees are felled it would be useful if some large sections are retained on site, for the benefit of wildlife.**

(The Panel was addressed Dido Milne, the agent in support of the application).

ESSENTIAL MONITORING REPORTS (MONITORING)

All details of the Planning Appeals Received were noted.

The meeting, which began at 7.00 pm, finished at 8.30 pm

CHAIRMAN.....

DATE.....

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# Agenda Item 4

## ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

### Windsor Urban Panel

2nd March 2016

#### 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

<b>Item No.</b>	1	<b>Application No.</b>	15/03439/FULL	<b>Recommendation</b>	DLA	<b>Page No.</b>	15
<b>Location:</b>	Mercer House Thames Side Windsor SL4 1QN						
<b>Proposal:</b>	Erection of 4 x 4 bed town houses, 19 x 3 and 5 x 3 bed apartments with basement parking. Demolition of an unlisted building in a conservation area amendment to p.p.15/00355/FULL.						
<b>Applicant:</b>	Mr Dorran - Sorbon Estate Ltd	<b>Member Call-in:</b>	Not applicable	<b>Expiry Date:</b>	6 March 2016		
<hr/>							
<b>Item No.</b>	2	<b>Application No.</b>	15/04147/FULL	<b>Recommendation</b>	PERM	<b>Page No.</b>	39
<b>Location:</b>	Mahjacks 61 - 63 Dedworth Road Windsor SL4 5AZ						
<b>Proposal:</b>	mixed use development with retail unit at ground floor and 13 x apartments above, with access, car parking, servicing and landscaping following demolition of existing buildings						
<b>Applicant:</b>	Mrs Wixon-Jones	<b>Member Call-in:</b>	Cllr Edward Wilson	<b>Expiry Date:</b>	11 March 2016		
<hr/>							
<b>Item No.</b>	3	<b>Application No.</b>	16/00043/FULL	<b>Recommendation</b>	REF	<b>Page No.</b>	62
<b>Location:</b>	The Queen 282 Dedworth Road Windsor SL4 4JR						
<b>Proposal:</b>	Erection of 6 x one bedroom flats with associated works and the creation of a new vehicular access, following demolition of public house.						
<b>Applicant:</b>	S L J Property Development Ltd	<b>Member Call-in:</b>	Cllr.Collins	<b>Expiry Date:</b>	3 March 2016		
<hr/>							
<b>Item No.</b>	4	<b>Application No.</b>	16/00225/FULL	<b>Recommendation</b>	PERM	<b>Page No.</b>	74
<b>Location:</b>	Flagpoles In High Street And Park Street And Thames Street And Datchet Road And Castle Hill Windsor						

**Proposal:** Use of 30 x temporary commemorative ceremonial flags and banners for HM Queen Official 90th Birthday Celebrations and Royal Windsor Horse Show

**Applicant:** Ms Peck - The HPower Group Ltd      **Member Call-in:** Not applicable      **Expiry Date:** 21 March 2016

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**Item No.** 4      **Application No.** 16/00226/ADV      **Recommendation** PERM      **Page No.** 74

**Location:** Flagpoles In High Street And Park Street And Thames Street And Datchet Road And Castle Hill Windsor

**Proposal:** Consent for 30 x non-illuminated temporary commemorative ceremonial flags and banners for HM Queen Official 90th Birthday Celebrations and Royal Windsor Horse Show

**Applicant:** Ms Peck - The HPower Group Ltd      **Member Call-in:** Not applicable      **Expiry Date:** 21 March 2016

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**Item No.** 5      **Application No.** 16/00236/VAR      **Recommendation** PERM      **Page No.** 82

**Location:** Car Park Meadow Lane Eton Windsor SL4 6BN

**Proposal:** Change of use of land and alteration to car park to include the provision of an additional 59 car parking spaces as approved under planning permission 14/03627/FULL without complying with conditions 2, (layout) 6 and 7 (Trees) and (Landscaping) (condition 7 discharged under 15/02788/CONDIT) for removal of tree at rear at rear and erection of new parking machine and base.

**Applicant:** Mrs Plowman      **Member Call-in:** Not applicable      **Expiry Date:** 21 March 2016

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**Planning Appeals Received**

**Page No.** 91

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

**WINDSOR URBAN DEVELOPMENT CONTROL PANEL**

2 March 2016

Item: 1

<b>Application No.:</b>	15/03439/FULL
<b>Location:</b>	Mercer House Thames Side Windsor SL4 1QN
<b>Proposal:</b>	Erection of 4 x 4 bed town houses, 19 x 3 and 5 x 3 bed apartments with basement parking. Demolition of an unlisted building in a conservation area amendment to p.p.15/00355/FULL.
<b>Applicant:</b>	Mr Dorran - Sorbon Estate Ltd
<b>Agent:</b>	Mr Philip Tilbury
<b>Parish/Ward:</b>	Eton With Windsor Castle Ward
<b>If you have a question about this report, please contact:</b> Sarah L Smith on 01628 796070 or at sarah.l.smith@rbwm.gov.uk	

**1. SUMMARY**

- 1.1 The application seeks to vary planning permission 15/00355 which was granted to redevelop this site to provide 24 flats.
- 1.2 The scheme is substantially the same as that which was approved under 15/00355. The main alterations between the approved scheme and that now proposed comprise:
- Omission of the car lift and its replacement with a ramped access to the basement as well as minor changes to the parking layout in the basement together with changes to the landscaping in this part of the site;
  - Details of the bin store; and,
  - Minor changes to the rear elevation to accommodate changes as a result of the basement access ramp, including an extension of the footprint of the communal staircase.
- 1.3 The proposed changes to the building to accommodate the access ramp are considered acceptable. Whilst the approved car lift was a more acceptable design solution than the proposed access ramp, concerns were raised in respect of the original scheme in relation to the practicality of such a means of access but it was felt on balance to be acceptable from a highways perspective. The proposed access ramp is considered to be well designed to mitigate its impact upon the appearance of the street scene. There is space at the front of the site to provide some landscaping and the submitted street scene elevations indicate that the ramp would not be prominent in the street scene. Whilst there would be the loss of some landscaping to facilitate the provision of the ramp, when compared to the approved scheme, it is considered that landscaping including increased tree planting on Riverside Walk would help to reduce the impact of the ramp's appearance. Overall the proposal is considered to preserve the appearance of the Conservation Area and would not cause any harm to this Heritage Asset.
- 1.4 There is adequate car parking and the design of the access ramp is acceptable. There are no objections to the scheme on the grounds of highway safety.
- 1.5 The proposal is considered to comply with the relevant policies of the Local Plan and the NPPF.

<b>It is recommended the Panel authorises the Borough Planning Manager:</b>	
1.	<b>To grant planning permission on the satisfactory completion of an undertaking to secure the infrastructure and affordable housing contribution in Section 7 of this report and with the conditions listed in Section 10 of this report.</b>

2	<b>To refuse planning permission if an undertaking to secure the infrastructure and affordable housing contribution in Section 7 of this report has not been satisfactorily completed by 4<sup>th</sup> March 2016 for the reason that the proposed development would not be accompanied by associated infrastructure improvements and affordable housing.</b>
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## 2. REASON FOR PANEL DETERMINATION

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

## 3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site is located on Thames Side facing the River Thames to the north west and Riverside to the south east. The site is within the Windsor Town Centre Conservation Area and sits below the level of Windsor castle, with the castle rising above the site to the south.
- 3.2 The existing building is of a functional and relatively modern appearance, three storeys high and used as offices. The site forms part of the riverside frontage of Windsor. It is close to the town centre and is located in a highly accessible and sustainable location next to Eton and Riverside railway station.
- 3.3 To the south west of the site is Windsor Quay a modern three storey apartment building clad in weathered copper and to the north east the more modest two storey public house.
- 3.4 Thames Side is a 'no through' road, with a turning head at the end which is currently used for outdoor seating by the public house and an infrequently used access into the station car park. There is currently on street parking on Thames Side. This road is immediately adjacent to the riverside and there is a public footpath that runs along the River. Riverside Walk is the roadway to access the station car park and is fronted on both sides by office buildings.

## 4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Ref.	Description	Decision and Date
10/01937/CPD	Certificate of lawfulness to determine whether a safety cable system on the roof is lawful	Approved October 2010
15/00355	Erection of 4 x 4 bed town houses, 11 x 2 bed and 7 x 3 bed apartments, 6 x 2 bed duplex apartments with basement parking. Demolition of an unlisted building in a conservation area.	Approved August 2015

- 4.1 The application seeks to vary planning permission 15/00355 which was granted to redevelop this site to provide 24 flats.
- 4.2 The scheme is substantially the same as that which was approved. The approved scheme comprises the demolition of Mercer House, a modern three storey office building, and replacing it with a single building comprising 24 apartments and 4 town houses. The apartment building is provided on the south western part of the site bounded by Farm Yard, Thames Side and Riverside. The town houses are provided on the north eastern part of the site adjacent to the public house.
- 4.2 Pedestrian access to the building is from Thames Side and Farm Yard, with vehicular access being from Riverside Walk.



- 4.3 The application also proposes public realm improvements along Thames Side by introducing a shared surface for cars and pedestrians and resurfacing the roadway, along with tree planting along the riverside.
- 4.4 The main alterations between the approved scheme and that now proposed comprise:
- Omission of the car lift and its replacement with a ramped access to the basement as well as minor changes to the parking layout in the basement together with changes to the landscaping in this part of the site;
  - Details of the bin store; and,
  - Minor changes to the rear elevation to accommodate changes as a result of the basement access ramp, including an extension of the footprint of the communal staircase.

## 5 MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework, Sections, 6, 7 and 12

### Royal Borough Local Plan

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

	<b>Within settlement area</b>	<b>High risk of flooding</b>	<b>Conservation Area</b>	<b>Highways/Parking issues</b>
Local Plan	DG1, H10, H11, H3, H6, ARCH2, E6	F1	CA1, CA2	T5, P4

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

- Planning Obligations and Developer Contributions
- 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](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](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](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](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](http://www.rbwm.gov.uk/web/pp_conservation_consultation_appraisals.htm)

## 6. EXPLANATION OF RECOMMENDATION

- 6.1 The principle of redeveloping the site has already been considered and accepted, as such the loss of the building and the impact of its loss on the Conservation Area has already found to be acceptable. None of the changes affect the provision of affordable housing, the impact upon them amenities of nearby occupiers or the impact on archaeology. As such the key issues for consideration are:
- i Whether the changes to the proposed replacement building and public realm works preserves or enhances the character or appearance of the Conservation Area;
  - ii Acceptability of the development in an area liable to flood;
  - iii Sustainable Drainage;
  - iv Impact on highway safety; and,
  - v Archaeology.

### **Whether the changes to the proposed replacement building and public realm works preserves or enhances the character or appearance of the Conservation Area**

- 6.2 The scheme remains the same as the approved scheme under 15/00355, with the exception that access to the basement car park is proposed to be by a ramp, rather than a car lift and a corresponding alteration to the landscaping proposed around the ramp entrance.
- 6.3 The basement access is in the same place as previously approved, to the rear of the building facing Riverside Walk. There are no changes to the appearance or height of the building when viewed from the River from that approved under 15/00355.
- 6.4 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. Development within a Conservation Area should preserve or enhance the character or appearance of the Conservation Area. The NPPF provides further guidance that sets out at paragraph 132 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
- 6.5 The proposed changes to the building to accommodate the access ramp are considered acceptable. Whilst the approved car lift was a more acceptable design solution than the proposed access ramp, concerns were raised about the practicality of such a means of access during consideration of application 15/00355 from a highways perspective, however, on balance it was considered acceptable. The proposed access ramp is considered to be well designed to mitigate its impact upon the appearance of the street scene. There is space at the front of the site to provide some landscaping and the submitted street scene elevations indicate that the ramp would not be prominent in the street scene. Whilst there would be the loss of some landscaping to facilitate the provision of the ramp, when compared to the approved scheme, it is considered that landscaping including increased tree planting on Riverside Walk would help to reduce the ramp's impact. Overall the proposal is considered to preserve the appearance of the Conservation Area. In arriving at this decision, special attention has been paid 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

### **Acceptability of the development in an area liable to flood**

- 6.6 The scheme was considered to pass the sequential test under 15/00355 and there are no material changes to now reach a different view.

- 6.7 The scheme has to pass the exceptions test. Under 15/00355 it was considered that in terms of the exceptions test the FRA sets out that:
- The site comprises sustainably located brownfield land within the urban envelope near to the centre of Windsor;
  - The redevelopment of the existing non-descript offices with a scheme of architecturally superior town houses and apartments will greatly enhance the Conservation Area, the riverside setting and the wider setting of Windsor Castle, especially in long views from Eton side of the River Thames;
  - The proposals represent the opportunity to make efficient use of the land by replacing the commercial space with a sensitively designed residential scheme which accords with all of the Council's design policies;
  - The site is located centrally within Windsor, close to all of the existing facilities and services and would therefore help to underpin the long term future of those services;
  - The site is in extremely close proximity to a number of sustainable transport modes, being only a matter of metres away from Windsor and Eton Riverside Station. This would help to reduce general car use;
  - Improvement in fluvial and surface water flood risk within the town centre (albeit minor).
  - Public realm improvements along Thames Side, including re surfacing of the road and pavement to create a shared surface and planting on a row of trees along the riverside.
- 6.8 The details submitted in respect of the exceptions test were collectively considered to demonstrate that the development provides wider sustainability benefits to outweigh the harm of developing in an area that floods and the development passed the first element of the exceptions test.
- 6.9 A site specific FRA has been submitted and the Environment Agency has been consulted, and raise no objections.
- 6.10 The site is located within flood zones 3, 2 and 1 with the residential accommodation being predominantly located within flood zone 3. This proposed residential development from current commercial office use will be susceptible to flooding during the 1% (1 in 100) plus climate change flood event.
- 6.11 Compared with existing, there will be a small decrease in the proposed building footprint within the 1 in 100 plus climate change flood extent as a result of the development. This will provide a net increase in floodplain storage within the site. A series of design measures are proposed to ensure the impact of flooding is safely mitigated, which will include raising of the finished ground floor levels and incorporation of attenuation storage and permeable surfacing for footpath and parking areas within the site.
- 6.12 The submitted FRA demonstrates that the occupiers of the development will be safe as there is a safe means of escape during a flood event and as such the development passes the exceptions test. There are no objections to the scheme in terms of flood policy, either locally or nationally. The details set out in the FRA are secured by condition 16.

### **Sustainable Drainage**

- 6.13 Since the submission of 13/00355 there has been a change in legislation and all major applications are required to be accompanied by a Drainage Strategy for the Local Lead Flood Authority (LLFA) to comment on. The details submitted to date are not acceptable, but a report has been submitted and is with the LLFA for consideration. An update will be provided on this matter to Panel, and any this would be secured by way of a condition.

### **Impact on highway safety**

- 6.14 The main change to this proposal is the omission of the car lift and its replacement with a ramped access to the basement as well as minor changes to the parking layout in the basement.

- 6.15 There appears to be a slight discrepancy with the regard to the mix of the residential development. The Design and Access Statement refers to a development proposal for 4 x town houses, 7 x 3 bed flats, 11 x 2 bed flats and 6 x 2 bed duplexes, whereas the application form describes the development as comprising 4 x town houses, 19 x 2 beds, 5 x 3 beds.
- 6.16 Irrespective of the size of the units the development does provide parking compliant with the Authority's standard providing 56 spaces, when 38 are required under the maximum parking standards set out in the Parking strategy. The approved application provided 58 parking spaces.
- 6.17 The cycle storage facility is located in the basement area. It's unclear whether the size of the store is sufficient to cater for 24 cycle parking spaces required to comply with the Authority's standard. Therefore, this can be covered by a planning condition, see condition 13 in section 10.
- 6.18 The basement car park access proposes a ramp measuring 28.4m long, with a width varying between 4.1m and 5.5m. Concerns were raised as to whether the ramped access complies with the recommendations as set out in The Institution of Structural Engineers "*Design recommendations for multi-storey and underground car parks*". Clarification has been provided and no objections are raised to the design of the proposed ramp.
- 6.19 There are no objections to the proposed development on highway grounds.

### **Archaeology**

- 6.20 This application is an iteration of an earlier, permitted scheme (15/00355/FULL) to which Berkshire Archaeology submitted a detailed response. Berkshire Archaeology's view remains unchanged from the advice given for the previous scheme.
- 6.21 The assessment notes that the site lay close to the medieval settlement of *Underore*, at a crossing point of the River Thames. The settlement became subsumed within the important medieval town of New Windsor. Cartographic sources are used to suggest that this site lay outside of the area of the medieval town and was not developed until the 17th century. The assessment also notes the moderate potential for prehistoric remains in view of the rich prehistoric evidence from the wider Thames Valley. On this basis the report concludes that '*the site has a moderate to high potential for remains dating to the post-medieval and early modern periods, a low to moderate potential for prehistoric remains and only a low potential for all other periods*'.
- 6.22 In its assessment of past impacts on the site, the report notes that no geotechnical investigations have been undertaken but suggests that the development history of the site is likely to have caused significant previous ground disturbance. However the report also notes that the proposed development, involving the construction of basement car parking, will itself cause extensive ground disturbance.
- 6.23 Having reviewed the assessment report, Berkshire Archaeology concurs with most of the conclusions of the archaeological assessment but considers that the medieval potential of the site is understated.
- 6.24 Cartographic sources are not always a reliable indicator of the extent of past developments. For example a significant medieval building and moat were recorded in excavations in 1987 at Jennings Yard to the west of Mercer House, which are not clearly shown on Norden's survey of 1607.6.
- 6.25 The assessment report acknowledges the prominent riverside location of Mercer House. Increasingly evidence is being recovered for medieval and post-medieval waterside activity on both the Windsor and Eton sides of the River. A possible medieval merchant's house, moat and revetted causeway were recorded in the late 1980s at Jennings Yard, east of River Street, Windsor. Finds from the excavations included the rare survival of wooden bowls and leather shoes.

- 6.26 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 for low intensity late medieval (15th-16th century) and post-medieval industrial and craft activities. At Rafts Boathouse, Eton, exploratory excavations in 2013 recorded a small number of medieval features, including a floor surface and a palaeo-channel, infilled in the medieval period.
- 6.27 These excavation results demonstrate the archaeological potential of the riverside frontage at Windsor, including the Mercer House site. It is acknowledged that this site has witnessed successive development but the nature and depth of below ground deposits within the site is currently unknown.
- 6.28 In view of the proposal to construction a basement car park, which will impact significantly on below ground deposits, Berkshire Archaeology considers that the archaeological potential justifies a response to mitigate the impacts of proposed development. This is in accordance with national and local plan policy.
- 6.29 Any effective exploratory archaeological investigation is not practicable prior to demolition. Therefore Berkshire Archaeology recommends that a condition 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. A condition is proposed, see condition number 14 in section 10.

## **Other Material Considerations**

### **Trees**

- 6.30 There are no changes to the scheme and its impact on trees from the approved scheme, However objections have been raised by the Tree Officer which are set out below.
- 6.31 The proposal would result in the loss of an attractive Dawyck beech, no. 3 on the survey. This is growing next to the western corner of Mercer House and can be clearly seen from Thames Side and the bridge over the River Thames. The tree does help to soften this corner of the building and does enhance the street scene. The loss of the Dawyck beech would only be acceptable if two new trees can be planted in the pavement, in-between tree nos. 4 and 5. It is noted that several new trees are proposed here, but only two are required to match the spacing of other trees along the length of Thames Side. These two trees will require the installation of silva or strata cells to provide a continuous underground pit to link up with each other and the two existing trees. A commuted sum would be required for maintenance for the first 5 years. However, there may be underground constraints that may prohibit the installation of cells, which would mean the success of the scheme would be in doubt. The applicant will need to demonstrate that this scheme is achievable before any planning permission is granted.
- 6.32 There is a Blue Atlantic cedar, no.1 which faces onto Riverside Walk. This is a large tree which is a dominant feature in the street and can also be viewed from Farm Yard and above the roof tops from the bridge over the River Thames. The proposal would result in the loss of this tree. There is also a significant net loss in the soft ground that fronts onto Riverside Walk, leaving only a small section next to the ramp of the underground car park. There may be issues in planting any trees in this sector due to potential impacts on the retaining wall for the ramped access. It is also likely that dependent upon construction of the ramp that the foundations will extend underneath the soft ground increasing the constraints to any tree planting. The applicant has also shown the planting of 6 trees in the kerb/gutter line of Riverside walk. This is unrealistic and should be discounted.
- 6.33 Given the loss of trees and the lack of evidence to demonstrate that replacement planting is achievable/sustainable the Tree Officer recommends refusal of the application under N6, H11 and H12.6.
- 6.34 Whilst mindful of the concerns of the Tree Officer the scheme is not significantly changed from that approved under 15/00355, in terms of the landscaping proposed or the impact on trees. The main changes result from the proposed basement access ramp rather than a car lift. However it is considered that satisfactory landscaping could be provided in this area. Additionally it is

considered that the proposed landscaping on Riverside Walk as well as Thameside are significant public realm improvements and should be welcomed.

### **Residential amenity**

- 6.35 The scheme is substantially unchanged from the approved scheme in respect of the impact of the building upon nearby occupiers, indeed fewer windows are now proposed at roof level on the elevation facing Farm Yard. It is noted that a local resident at Windsor Quay is concerned about the loss of privacy. As set out in the Officer's report for the original approval (15/00355/FULL), there may be some mutual overlooking between properties at an angle, however given the sites town centre location, where such relationships are common it would be difficult to object on this ground.

### **Sustainability**

- 6.36 The applicants sustainability document sets out how the proposal will meet the requirements of the Sustainable Design and Construction SPD, and that 10% of energy can generated by on site renewable energy and this will be secured by condition. Under application 15/0355 the condition erroneously sought 30% to be from renewable sources. This has now been amended accordingly (condition 18).

## **7. ASSOCIATED INFRASTRUCTURE IMPROVEMENTS**

- 7.1 The CIL Regulations came into affect from 6<sup>th</sup> April 2015 and imposes a restriction on the pooling of Section 106 contributions by LPAs for use towards an infrastructure type or project

- 7.2 It is also important to note that a planning obligation s106 can only be taken into account when determining a planning application for a development, or any part of a development, if the obligation meets all of the following tests:

- 1) necessary to make the development acceptable in planning terms;
- 2) directly related to the development; and,
- 3) fairly and reasonably related in scale and kind to the development.

- 7.3 Furthermore, national planning policy advice contained within the NPPG makes it very clear that site specific contributions should only be sought where this can be justified with reference to underpinning evidence on infrastructure planning.

- 7.4 The service area and project that are considered to pass this test at present are as follows:

Education	<p>Remodelling of internal space to create new teaching space at Windsor Boys' School</p> <p>This is part of set of projects at Windsor Girls' and Windsor Boys' intended to increase the number of places per year group by 60 from September 2016 to meet the growing demand. The project would probably cost more than the £99k available from this development, but any shortfall will then be made up by the borough's Basic Need grant, and not from other S106 contributions</p>	£99,970.45
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- 7.5 This is the same project as identified under 15/00355 and as such the applicant has been asked to enter into a Deed of Variation to secure the S106 legal agreement under this permission to this application.

- 7.6 Under application 15/00355 £200,000 was sought towards off site affordable housing provision. This will also need to be secured in this Deed of Variation.

## 8. CONSULTATIONS CARRIED OUT

### Comments from interested parties

55 occupiers were notified directly of the application.

The application was advertised in the Maidenhead & Windsor Advertiser 12 November 2015

The planning officer posted a statutory notice advertising the application at the site on 20<sup>th</sup> November 2015

1 letter was received commenting on the application, summarised as:

Comment	Where in the report this is considered
1. The Windsor and Eton Society and comment on archaeological implications. Recent discoveries at the former Blarney Stone Public House have highlighted the importance of applying a careful and rigorous approach to archaeological investigations of sites where recovery of heritage material is potentially significant. Request an archaeological works condition	6.20-6.29

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

Comment	Where in the report this is considered
1. Objection as the application grossly misrepresents the effect the development would have on the area. The front elevation shows Windsor Castle high above the proposed building, in actuality the castle would be almost entirely hidden.	6.2-6.5
2. It would entirely obscure the Castle from the section of the River Thames, the oldest highway in Windsor and only the Round Tower would be visible from the Eton Bank.	6.2-6.5
3. Would overshadow Windsor and Eton Riverside Station a Grade II listed building.	6.2-6.5
4. Impact on views of the River Thames from Windsor Castle	6.2-6.5
5. Fails to comply with the NPPF as it detracts from the character and quality of the area.	6.2-6.5
6. I live in Windsor Quay, Farmyard and have serious concerns that the proposed development would have a significantly detrimental effect on my privacy, since the residents of Mercer House would be able to see clearly inside my flat (especially when the lights are on).	6.35

### Statutory consultees

Consultee	Comment	Where in the report this is considered
Highways Officer	No objections subject to conditions	6.14-6.19
Local Lead Flood Authority	No drainage strategy has been submitted, the drainage strategy should be a report that explains the design process for managing the risk from the variety of sources. It should also show the priority of the different sustainable drainage (SUDS) techniques and where they could be applied into the	A Drainage Report has been requested and this will be

	<p>site.</p> <p>Even though the site is currently developed, the Non-statutory Technical Standards for Sustainable Drainage, published in March 2015, require that the peak runoff rate from the development to any drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event be as close as reasonably practicable to the greenfield runoff rate from the development for the same rainfall event but should never exceed the rate of discharge from the development prior to redevelopment for that event. I would therefore expect to see the proposals apply SuDS techniques to manage surface water runoff from the existing impermeable area and the proposed increase for the car parking for the four townhouses to as close as reasonably practicable to the greenfield runoff rate. This limiting of surface water discharge will mean that storage provisions will need to be created on site.</p> <p>The proposed site is indicated to be within an area that has a greater than 75% chance of suffering from groundwater flooding on the Environment Agency's map of areas susceptible to groundwater flooding, and the close proximity of the River Thames and likely substrata suggest that periods of elevated groundwater levels are highly likely. Therefore, if the applicant intends to use the basement as car parking, they must ensure that the basement is adequately "tanked" and that a system for dealing with any water ingress is provided. If permeable pavements/parking areas are to be used, the applicant should undertake formal soakaway tests to the latest BRE Digest 365 guidance and standards to ensure that it is a feasible technique or another method will have to be used for surface water management.</p> <p>Until further information is received, I recommend that the application is <b>not</b> approved on surface water drainage grounds.</p>	addressed in the update report.
English Heritage	Any comments will be reported in the update report.	N/A
Environment Agency	No objections.	6.6-6.12

#### Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Environmental Protection	Suggest aircraft noise and contaminated land conditions	Section 10
Berkshire Archaeology	Recommend conditions	Section 10
Trees	Objections	6.30-6.34

#### 9. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Proposed plans and elevations



- Appendix C – Approved plans and elevations (15/00355)

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 been successfully resolved.

## 10. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The demolition hereby permitted shall not be commenced before: (i) A contract for the redevelopment of the site has been made on which work is to commence within 3 months, or such longer period that may have been agreed by the Local Planning Authority in writing.  
Reason: To avoid premature demolition creating an undesirable gap until redevelopment commences. Relevant Policies - Local Plan CA2
- 3 Unless otherwise first agreed in writing by the Local Planning Authority no part of the development shall be occupied until the Highway Works in Thames Side, and the provision of the avenue of trees as set out on plan1367 02J and the details in1367 14A have been provided in accordance with the drawings.  
Reason: In the interests of highway safety, Local Plan Policy T5
- 4 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 in accordance with the approved details.  
Reason: In the interests of the visual amenities of the area. Relevant Policy - Local Plan DG1, CA2
- 5 A sample panel of brickwork showing the proposed brick, method of bonding, colour of mortar and type of pointing for all brickwork on site shall be prepared on site and approved by the Local Planning Authority in writing prior to the commencement of work. The work shall be undertaken in accordance with the approved details.  
Reason: To protect and preserve the character of the listed building. Relevant Policies - Local Plan CA2 and DG1
- 6 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 have been submitted to and approved in writing by the Local Planning Authority and thereafter undertaken in accordance with the approved scheme.  
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.
- 7 No development shall take place until samples and/or a specification of all the finishing materials to be used for the resurfacing of Thames Side have been submitted to and approved in writing by the Local Planning Authority and thereafter undertaken in accordance with the approved scheme.  
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.
- 8 Prior to the commencement of development further drawings showing details of all window types, all external door type, metal grilles, railings and gates, window reveals, balcony details, header, cills at a scale of not less than 1:20 and including elevation, plan and section details shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and these features of the building

shall be retained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.  
Reason: The submitted drawings are inadequate in these respects and further information is needed in order to protect and preserve the character of the Conservation Area. Relevant Policy - Local Plan CA2.

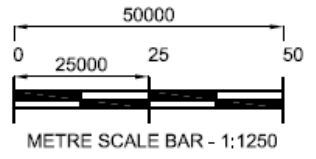
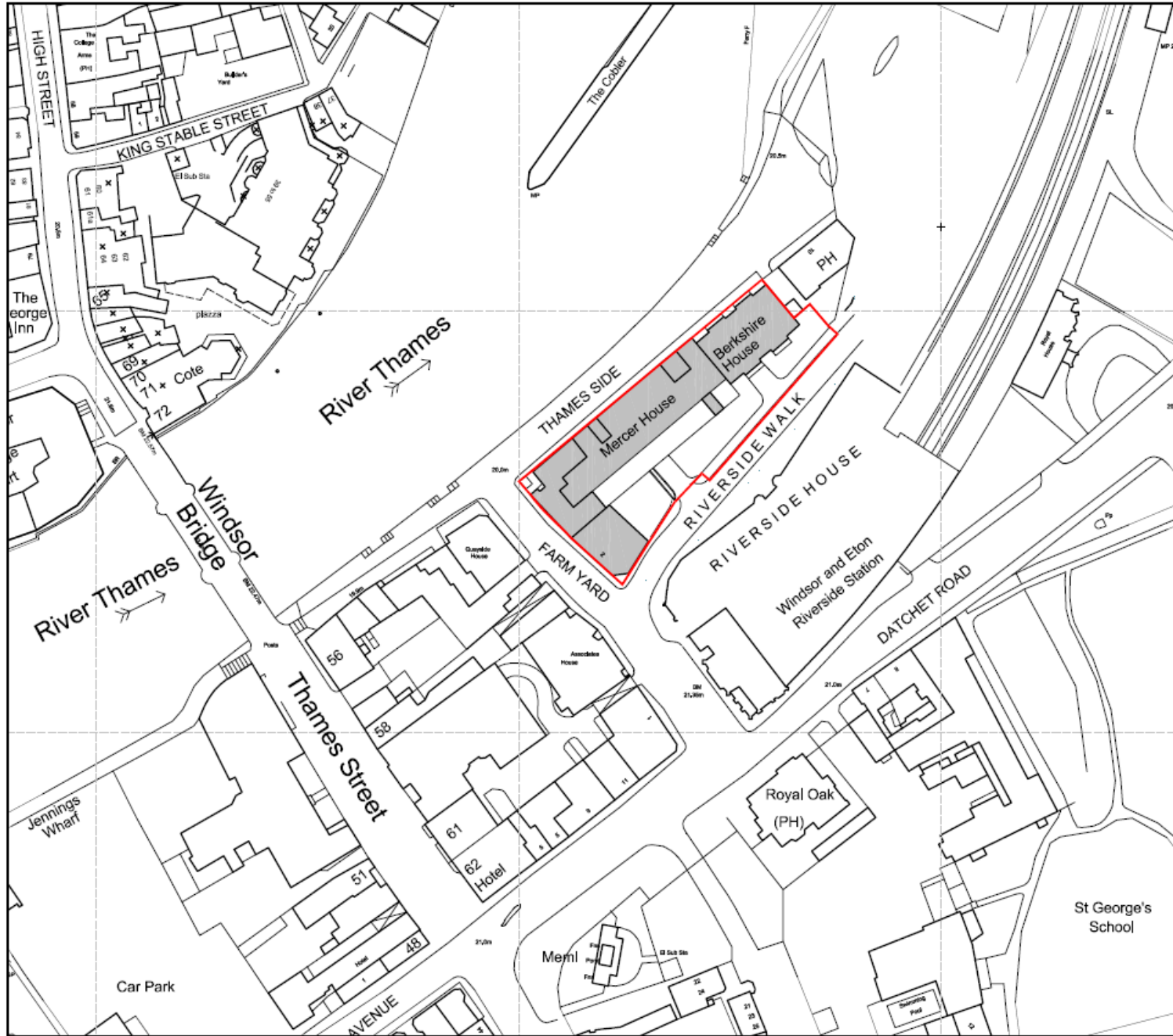
- 9 Prior to the commencement of any works of demolition or construction a management plan showing how demolition and construction traffic, (including cranes), materials storage, facilities for operatives and vehicle parking and manoeuvring will be accommodated during the works period shall be submitted 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.
- 10 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 and turning 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 No part of the development shall be commenced until the visibility splays at the 4 new points of access for the town houses are detailed on a plan to be submitted and approved in writing by the Local Planning Authority. All dimensions are to be measured along the edge of the driveway and the back of footway from their point of intersection. The visibility splays shown on the approved drawing Number 04 shall be provided at the main basement access. In both cases the areas within these splays shall be kept free of all obstructions to visibility over a height of 0.6 metres above carriageway level.  
Reason: In the interests of highway safety. Relevant Policies - Local Plan T5.
- 12 No part of the development shall be occupied until the refuse bin storage area and recycling facilities have been provided in accordance with the approved drawing. These facilities shall be kept available for use in association with the development at all times.  
Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - Local Plan T5, DG1.
- 13 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.  
Reason: To ensure that the development is provided with adequate parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1
- 14 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. Local Plan - ARCH1
- 15 No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority. Any piling must be undertaken in accordance with the terms of the approved piling method statement.  
Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local

underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement.

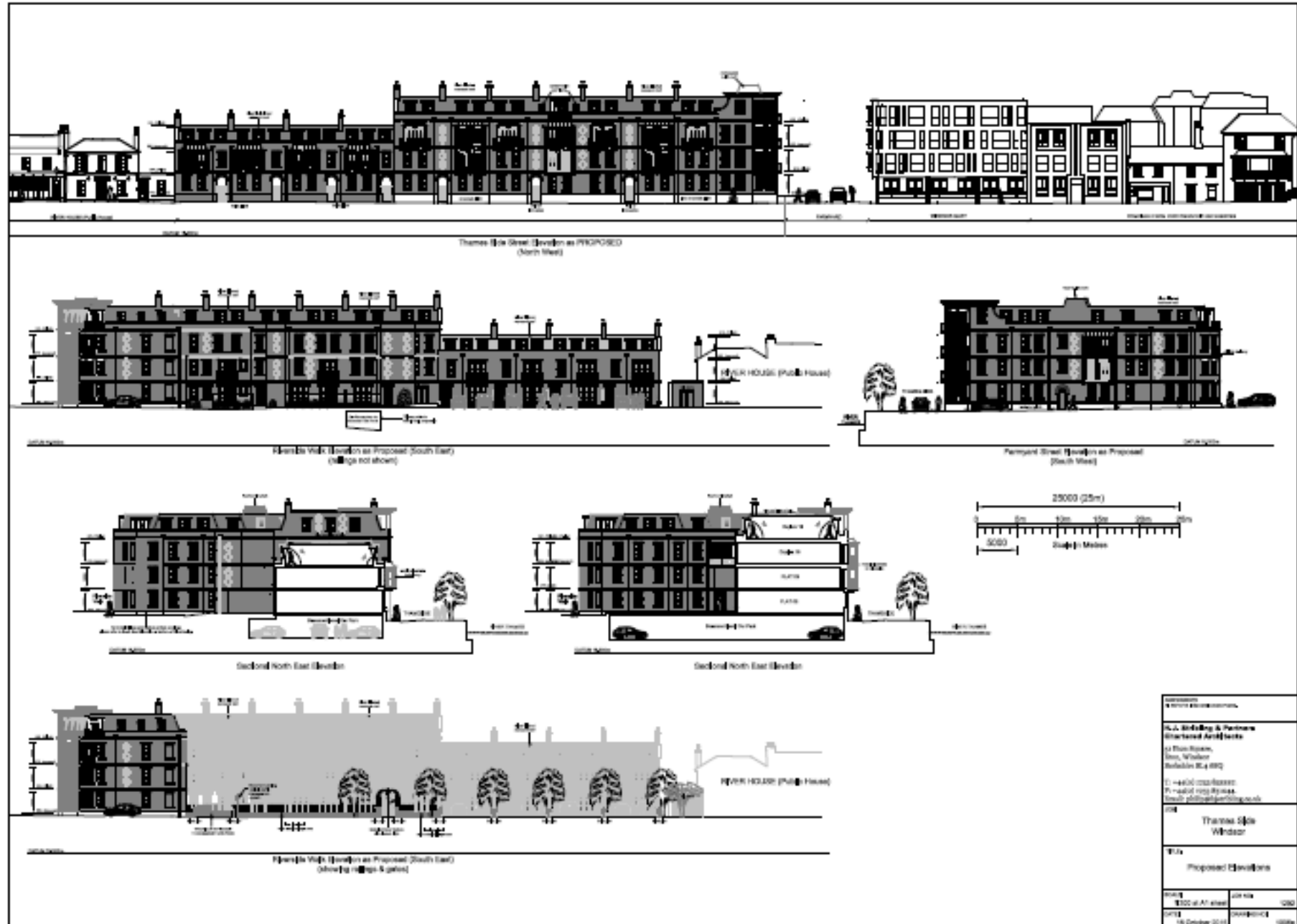
- 16 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment January 2015 ref: 10514100075.524/A.0 and the following mitigation measures detailed within the FRA: 1. The proposed built footprint will not be any larger than 1195m<sup>2</sup>. 2. Finished floor levels of residential accommodation are set no lower than 20.79 m AOD. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.  
Reason: To reduce the risk of flooding to the proposed development and future occupants and to provide floodplain storage. Local Plan Policy - F1
- 17 No development shall take place until full details of both hard and soft landscape works, including details of the tree species and tree pits to be provided in Thames Side and Riverside Walk, 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.
- 18 The measures set out in the Sustainability Statement accompanying the application, including the provision of 10% on site renewable energy provision, shall be implemented in accordance with the statement prior to the first occupation of any unit, unless otherwise agreed in writing by the Local Planning Authority. 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 SPD on Sustainable Design and Construction.
- 19 Irrespective of the provisions of Part 24 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no antennas shall be erected on the building without planning permission having first been obtained from the Local Planning Authority.  
Reason: n the interests of preserving the appearance of the Conservation Area. Relevant Policies - Local Plan CA2
- 20 Irrespective of the provisions of Section 55 of The Town and Country Planning Act 1990 (as amended) and Classes A, B, C, D, E, G, H of part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) 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, CA2
- 21 Irrespective of the provisions 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 fence, gate, wall or other means of enclosure shall be erected on the site without planning permission having first been obtained from the Local Planning Authority except for those shown on the approved plans and as approved under condition 26 of this planning permission. The brick walls and railings between the car parking spaces for the town houses shall be retained as shown on the approved plans and there shall be no infilling of the railings.  
Reason: To ensure the location, form, design and materials are appropriate for the character and

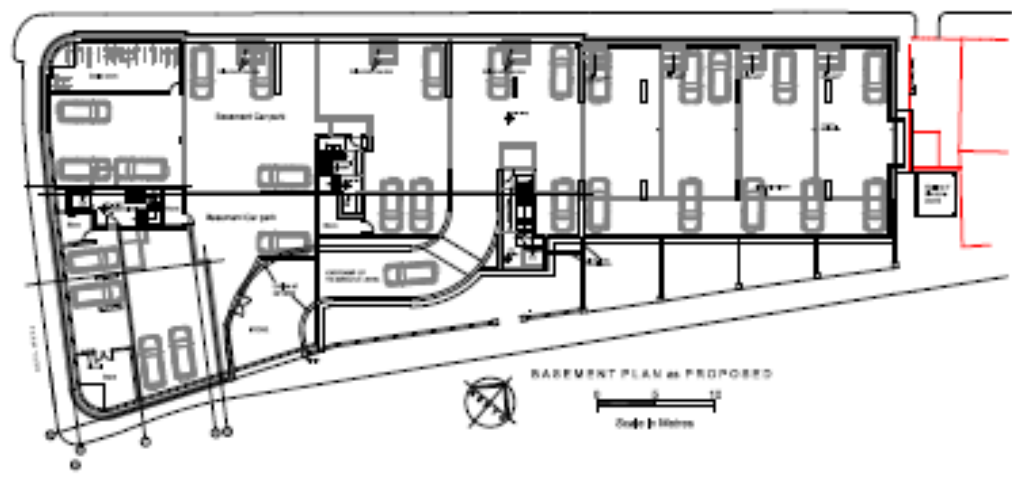
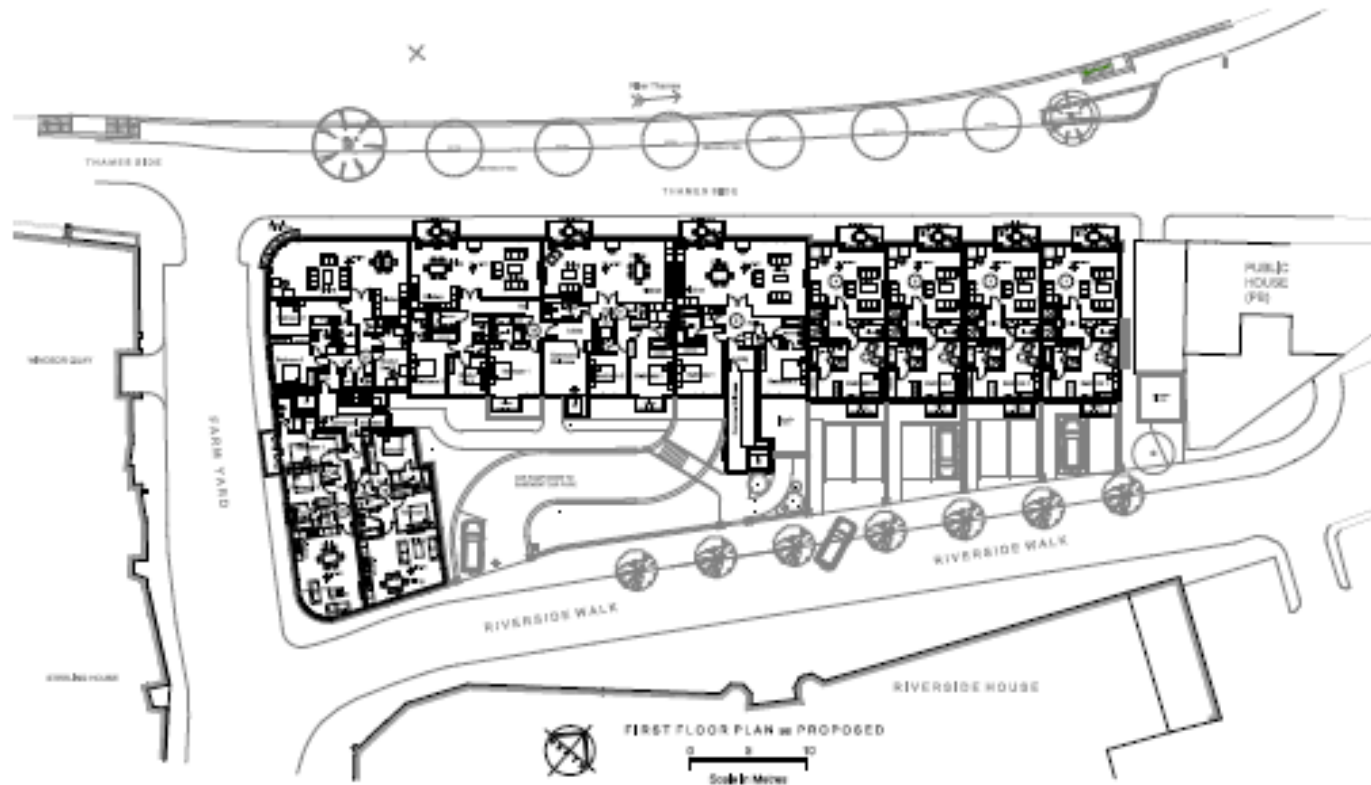
appearance of the area and highway safety. Relevant Policies - Local Plan DG1, T5, P4

- 22 No development shall take place until details of the measures to be taken to acoustically insulate all habitable rooms of the development against aircraft noise, together with details of measures to provide ventilation to habitable rooms, have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be carried out and completed before the development is first occupied for residential purposes and retained.  
Reason: To ensure an acceptable living environment for future occupiers. Relevant Policies Local Plan NAP2, H10.
- 23 No development shall commence until details of the siting and design of all walls, fencing or any other means of enclosure (including any retaining walls) have been submitted to and approved in writing by the Local Planning Authority. Such walls, fencing or other means of enclosure as may be approved shall be erected before first occupation of the development unless the prior written approval of the Local Planning Authority to any variation has been obtained.  
Reason: To ensure the satisfactory resultant appearance and standard of amenity of the site and the surrounding area. Relevant Policy - Local Plan DG1.
- 24 No development shall commence until details of all finished slab levels in relation to ground level (against OD Newlyn) have been 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, CA2.
- 25 No part of the development shall be occupied until the access has been constructed in accordance with the approved drawing. The access shall thereafter be retained in accordance with these details.  
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies Local Plan T5, DG1.
- 26 The development hereby permitted shall be carried out in accordance with the approved plans listed below.  
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

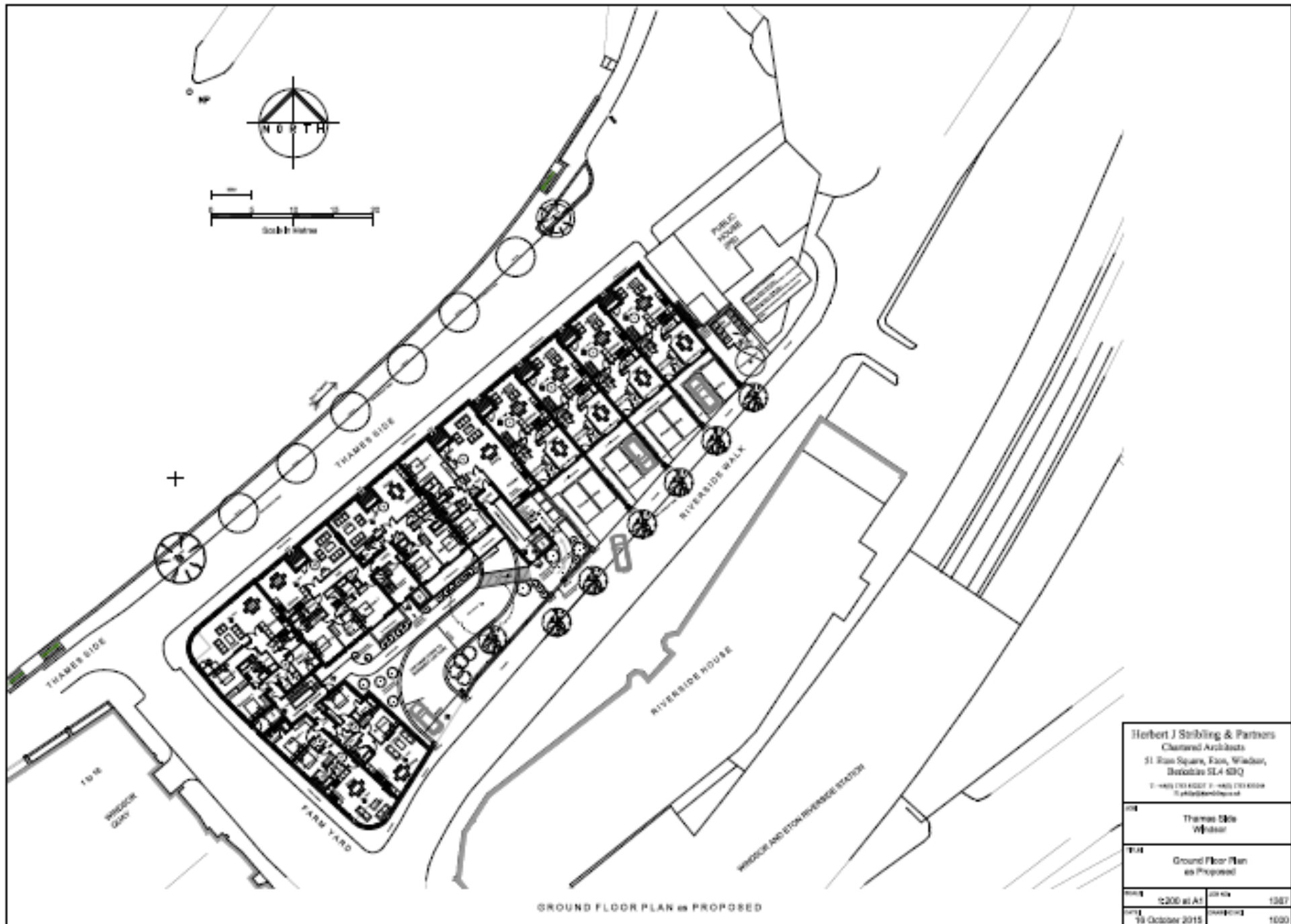


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<p>JOB: <b>Thames Side, Windsor</b></p>	
<p>TITLE: <b>Site Location Plan</b></p>	
<p>SCALE: <b>1:1250 at A4</b></p>	<p>JOB NO: <b>1367</b></p>
<p>DATE: <b>08.iv.15</b></p>	<p>DRAWING NO: <b>13</b></p>



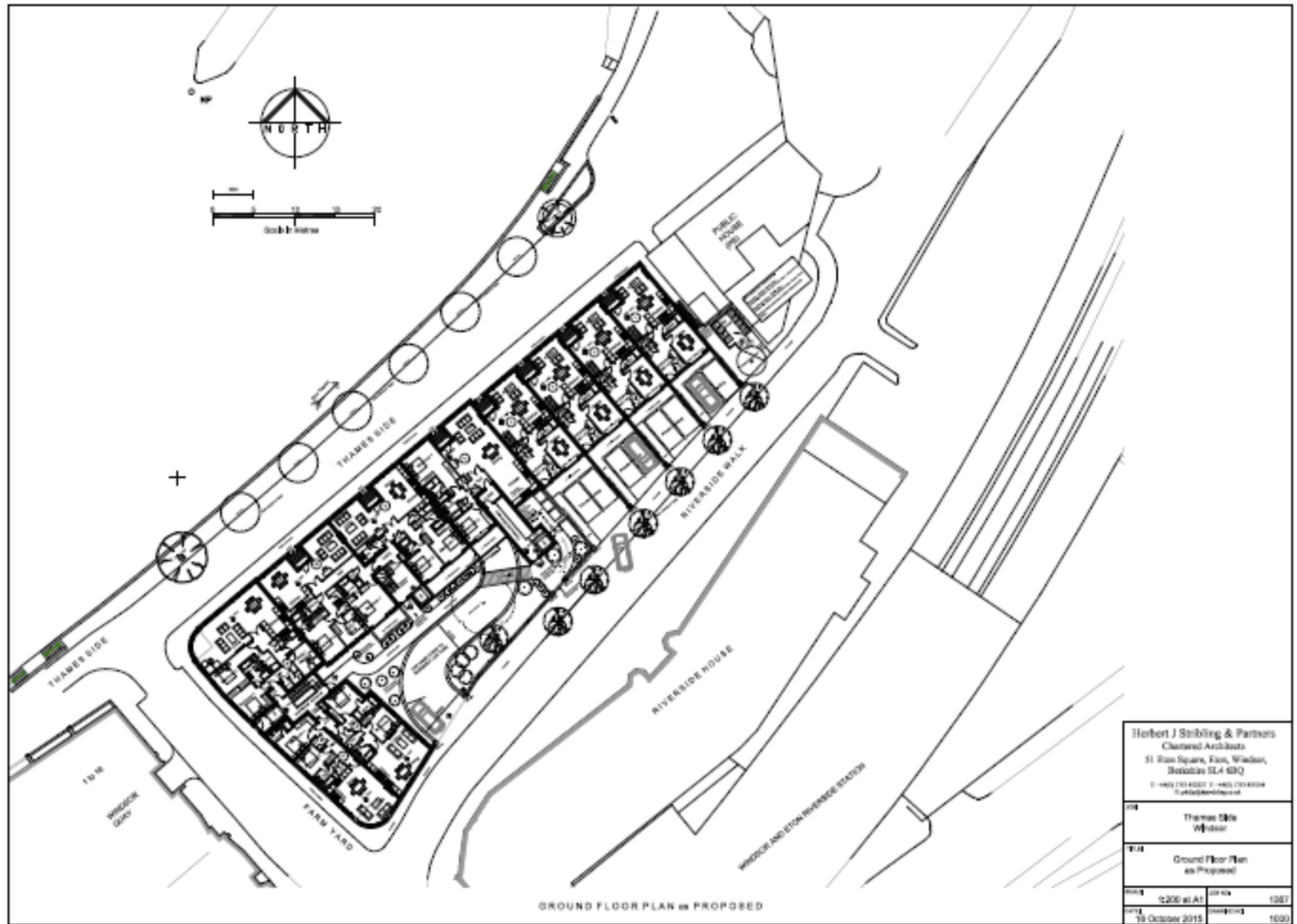


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Thomas Sills Architect	
Basement and First Floor Plans as Proposed	
DATE 12/02/2011	DRAWN 1381
DATE 18 October 2011	CHECKED BY 1025



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BY	Thomas Sibley Windsor
DATE	Ground Floor Plan as Proposed
SCALE	1:200 at A1
DATE	19 October 2015
NO. IN SET	1387
CONTRACT NO.	1000









AREA SCHEDULE	
Apartment 01	1 Bedroom
Apartment 02	2 Bedrooms
Apartment 03	3 Bedrooms
Apartment 04	1 Bedroom
Apartment 05	2 Bedrooms
Apartment 06	2 Bedrooms
Garage A (attached)	4 Bedrooms
Garage B (attached)	3 Bedrooms
Garage C (attached)	4 Bedrooms
Garage D (attached)	4 Bedrooms

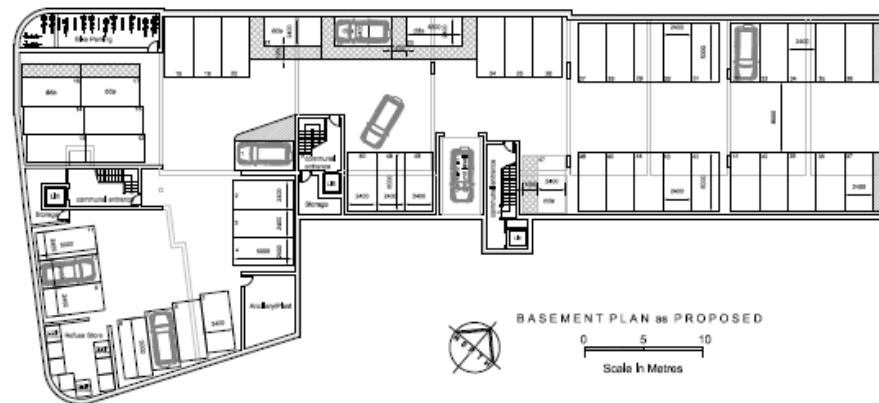
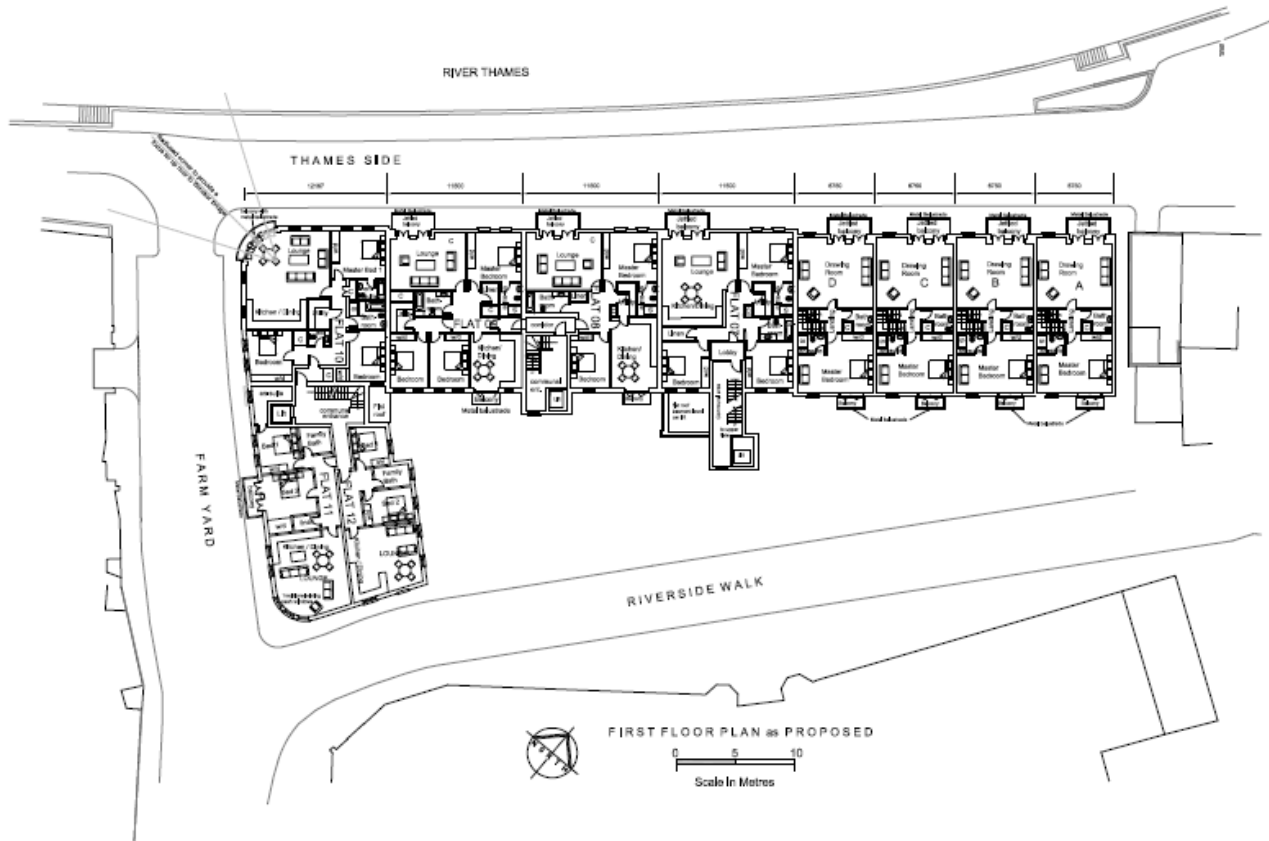
RPA/15/00355/15  
 15/20 Jan 2015 - updated for Planning submission.  
 17 June 2015 - General amendments, including  
 reworking of B1, amended carvans and framed balconies  
 to suit reduced dimensions.

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JOB: Thames Side Windsor

TITLE: Ground Floor Plan as Proposed

SCALE: 1:200 at A1	JOB NO: 1367
DATE: JUNE 2015	DRAWING NO: 02 J



AREA SCHEDULE	
Apartment 07	1 Bedroom
Apartment 08	2 Bedroom
Apartment 09	3 Bedroom
Apartment 10	3 Bedroom
Apartment 11	3 Bedroom
Apartment 12	3 Bedroom
Townhouse A - 1st floor level	4 Bedroom
Townhouse B - 1st floor level	4 Bedroom
Townhouse C - 1st floor level	4 Bedroom
Townhouse D - 1st floor level	4 Bedroom

BASEMENT AREA SCHEDULE	
Parking Spaces	200, net surface area, of which are 50A spaces
Bike Storage	200, net parking spaces (170, net total)
Refuse Storage	200, net parking spaces (170, net total)

AMENDMENTS:  
 04 20 Jan 2015 - Updated for Planning Submissions  
 02 26 Jan 2015 - Resubmit plan parking amended  
 01 09 Feb 2015 - Resubmit plan parking amended  
 01 11 June 2015 - General amendments, Parking  
 meeting of 01, amended corners and balconies.

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JOB: Thames Side  
 Windsor

TITLE: Basement and First Floor Plans  
 as Proposed

SCALE: 1:200 at A1	JOB NO: 1367
DATE: JUNE 2015	DRAWING NO: 06K



AREA SCHEDULE	
Duplex 10 - Upper level	3 Bedrooms
Duplex 11 - Upper level	3 Bedrooms
Duplex 12 - Upper level	3 Bedrooms
Duplex 13 - Upper level	3 Bedrooms
Duplex 14 - Upper level	3 Bedrooms
Duplex 15 - Upper level	3 Bedrooms
Apartment 16	3 Bedrooms
Apartment 17	3 Bedrooms
Apartment 18	3 Bedrooms
Apartment 19	3 Bedrooms
Apartment 20	3 Bedrooms
Apartment 21	3 Bedrooms

AREA SCHEDULE	
Duplex 10 - Ground level	2 Bedrooms
Duplex 11 - Ground level	2 Bedrooms
Duplex 12 - Ground level	2 Bedrooms
Duplex 13 - Ground level	2 Bedrooms
Duplex 14 - Ground level	2 Bedrooms
Duplex 15 - Ground level	2 Bedrooms
Apartment 16	2 Bedrooms + Study
Apartment 17	2 Bedrooms
Apartment 18	2 Bedrooms
Apartment 19	2 Bedrooms
Apartment 20	2 Bedrooms
Apartment 21	2 Bedrooms
Storehouse A - 2nd Floor level	4 Bedrooms
Storehouse B - 2nd Floor level	4 Bedrooms
Storehouse C - 2nd Floor level	4 Bedrooms
Storehouse D - 2nd Floor level	4 Bedrooms

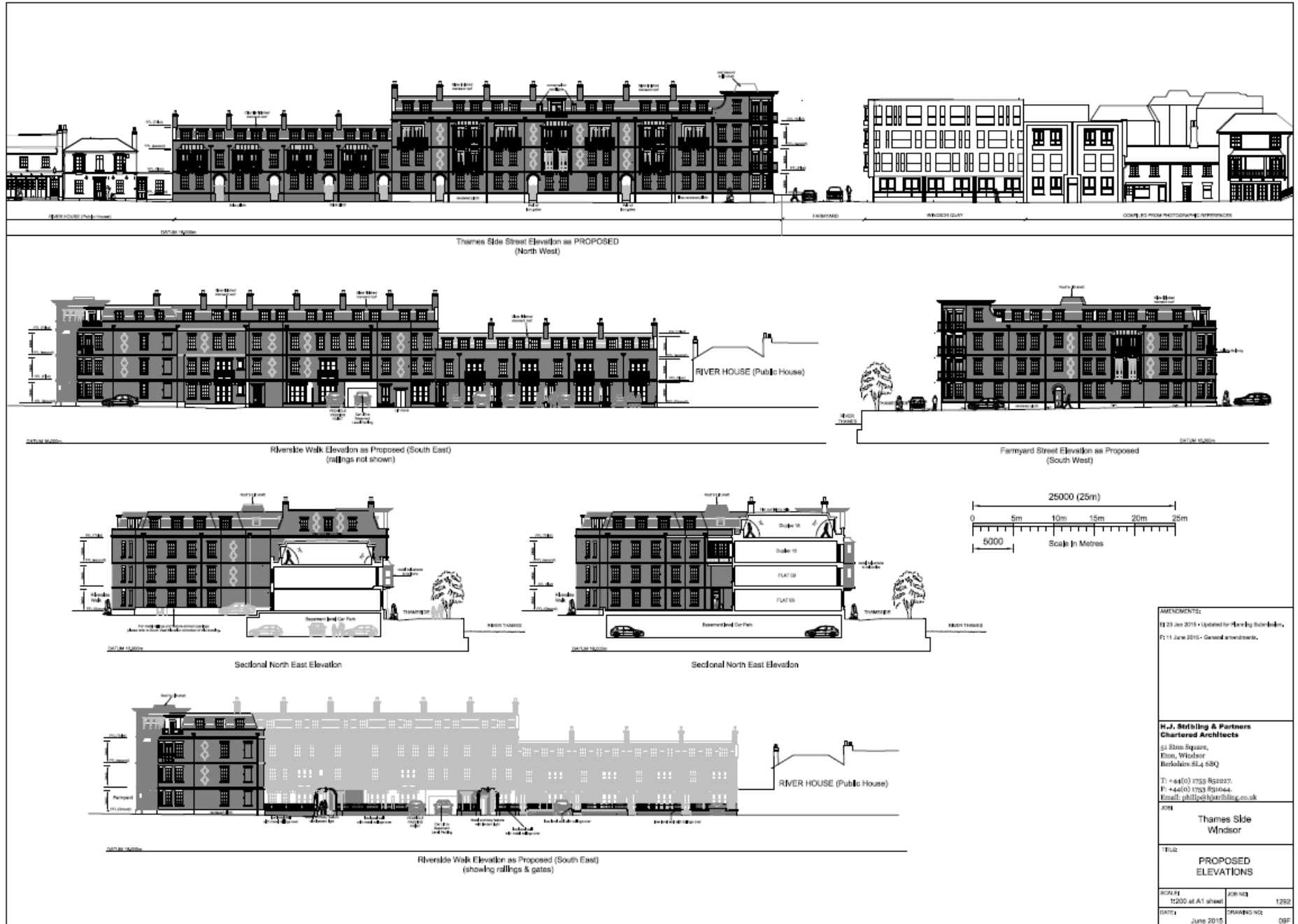
AMENDMENTS  
 By 22 Jan 2015 + Updated for Planning Submission  
 At 11 June 2015 + General Amendments including reworking of B, amended corners and Internal layouts to suit revised elevations.

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JOB  
 Thames Side Windsor

TITLE  
 Second and Third Floor Plans as Proposed

SCALE	1:200 at A1	JOB NO.	1367
DATE	June 2015	DRAWING NO.	07 H



## WINDSOR URBAN DEVELOPMENT CONTROL PANEL

2 March 2016

Item: 2

<b>Application No.:</b>	15/04147/FULL
<b>Location:</b>	Mahjacks 61 - 63 Dedworth Road Windsor SL4 5AZ
<b>Proposal:</b>	mixed use development with retail unit at ground floor and 13 x apartments above, with access, car parking, servicing and landscaping following demolition of existing buildings
<b>Applicant:</b>	Mrs Wixon-Jones
<b>Agent:</b>	Ms Ellen Gadsden - PFG Design Ltd
<b>Parish/Ward:</b>	Clewer East Ward

**If you have a question about this report, please contact:** Kate Dobey on 01628 796040 or at [kate.dobey@rbwm.gov.uk](mailto:kate.dobey@rbwm.gov.uk)

### 1. SUMMARY

- 1.1 The site comprises a two storey yellow brick building dating from 1960/70's. The building comprises retail uses on the ground floor with 3 flats above. To the rear of the shop building is a car park and beyond that a store building.
- 1.2 The shop and store would be removed and the proposal seeks to provide a rectangular building at the front of the site with the retail space at ground floor and 13 flats above, to the rear would be a car park with 16 private spaces for the flats and 15 spaces for the shop, plus 4 disabled spaces. To the front of the building 6 parking bays, where the existing parking lay-by, is would be provided. The access to the site would be repositioned, from its current location to the west of the building, to the east of the building, adjacent to Winton House. This access road would run parallel to the eastern boundary into the car park to the rear. The existing access to the sub station on the west of the building would remain. Planning permission for this scheme was granted in 2013 under reference 13/00090, this permission expires in April 2016 and this application effectively seeks to renew planning permission.
- 1.3 The site is considered to be in a sustainable location and suitable for providing additional retail floor space, in line with both local plan policies and the principles of the NPPF. No objections are raised to the provision of 13 flats on this site, subject to the proposal having a satisfactory impact upon the character and appearance of the area.
- 1.4 Overall it is considered that the redevelopment of this site provides the opportunity to enhance the appearance of the area. The proposed building takes account of the existing uses on the site and in the area to ensure that it maintains the character of the area and building has been designed to be of a modern design whilst taking account of the typical two storey pitched roofs building in the vicinity. Whilst the objections to the loss of the TPO replacement Oak tree are noted, it is considered that it would be difficult to maintain an objection to the scheme for this reason. The design and appearance of the development and its impact upon the character and appearance of the area is considered to comply with the relevant policies of the Local Plan.
- 1.5 Although the building is in close proximity to houses in Carter Close, it is considered that subject to conditions that the impact of the building on the occupiers of these houses is acceptable. Overall the development is considered to have a satisfactory impact upon the amenities of nearby residents surrounding the site.
- 1.6 The Highways officers have raised no objections to the impact of the development upon highway safety and car parking, subject to conditions.

**It is recommended the Panel authorises the Borough Planning Manager:**

1.	<b>To grant planning permission with the conditions listed in Section 10 of this report.</b>
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**2. REASON FOR PANEL DETERMINATION**

- The Council’s Constitution does not give the Borough Planning Manager delegated powers to determine the application in the way recommended; such decisions can only be made by the Panel.
- Councillor E Wilson has called the application to the Development Control Panel if the recommendation of the Borough Planning Manager is to grant the application due to the number of residents that have expressed interest in this matter.

**3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

- 3.1 The site comprises a two storey yellow brick building dating from 1960/70’s. The building comprises retail uses on the ground floor with 3 flats above. To the rear of the shop building is a car park and beyond that a store building. The site is rectangular in shape having a frontage width of 28m, and a depth of between 190m and 210m. The rear boundary abuts the side boundary of 22 St Johns drive.
- 3.2 The site is located in a small shopping area on Dedworth Road. Nearby are other commercial uses as well as residential properties and opposite the site an area of public open space.

**4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY**

Reference	Description	Decision and Date
11/03438	Outline application with some matters reserved for redevelopment to provide a ground floor retail unit and 14 apartments together with access works, parking and landscaping following demolition of existing site	Withdrawn
12/90348	Pre-application for Ground floor retail and 12 flats on first, second and third floors.	Positive feed back dependent upon final plans.
13/00090	Mixed use development comprising ground floor retail unit with 13 apartments above, together with associated access works, parking, servicing and landscaping following demolition of existing building.	Approved April 2013

- 4.1 The application seeks planning permission to redevelop the site. The site currently comprises a retail shop with three flats above. To the rear of the site is a car park and a store.
- 4.2 The shop and store would be removed and the proposal seeks to provide a rectangular building at the front of the site with the retail space and ground floor and 13 flats above, to the rear would be a car park with 16 private spaces for the flats and 15 spaces for the shop, plus 4 disabled spaces. To the front of the building 6 parking bays, where the existing parking lay-by is would be provided. The access to the site would be repositioned, from its current location to the west of the building, to the east of the building, adjacent to Winton House. This access road would run parallel to the eastern boundary into the car park to the rear. The existing access to the sub station on the west of the building would remain.
- 4.3 The proposed building would measure 16m in width fronting onto Dedworth Road, it would be a total of four storeys high with a staggered open gabled style roof and a chimney feature. The highest part of the roof on the eastern side of the building would be 14m high. The eaves on the



west would be 10.8m high and on the west 9m. The building would have a depth of between 26m and 31m.

- 4.4 The building is of a modern design with a predominantly glazed ground floor to serve the retail space, and the use of brick and glass in the front elevation and a mix of rendered panelling, cedar cladding panel and brick work on the side and rear elevations. The roof is proposed to be a standing seam powder coated roof.
- 4.5 This application is the same as that approved under 13/00090, which was granted planning permission in April 2013. This is a material consideration in the determination of this application and consideration should be given to any material changes since the granting of this permission.

## 5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework, Sections 1 Building a strong competitive economy, 2 Ensuring the vitality of Town Centres, 6 Delivering a wide choice of high quality homes, 7 Requiring good design.

### Royal Borough Local Plan

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

	Within settlement area	Protected Trees
Local Plan	DG1, H10, H11, T5, P4	N6

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

- Planning Obligations and Developer Contributions
- Interpretation of Policies R2 to R6 – Public Open Space provision
- 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](http://www.rbwm.gov.uk/web/pp_supplementary_planning.htm)

### Other Local Strategies or Publications

- 5.4 Other Local Strategies or Publications

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

- RBWM Townscape Assessment - view at:  
[http://www.rbwm.gov.uk/web\\_pp\\_supplementary\\_planning.htm](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](http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm)

## 6. EXPLANATION OF RECOMMENDATION

- 6.1 The key issues for consideration are:

- i The principle of the loss of the existing retail unit and providing a larger retail unit in this location
- ii The principle of the loss of three flats and the replacement with 13 apartments.
- iii The impact upon the character and appearance of the area and protected trees
- iv The impact upon the amenities of nearby occupiers

**The principle of the loss of the existing retail unit and providing a larger retail unit in this location**

- 6.2 The existing site comprises a 280sqm retail shop, with a separate store of 165sqm, totalling 445sqm. The site is in a cluster of other commercial building providing a mix of retail, banking, local convenience shops and food units. It is considered that Policy S7 relating to Local Shopping Parades is relevant to this proposal. The proposal is for a 420sqm retail shop at ground floor level, with residential units above, resulting in an increase of 185sqm of retail floor space over the existing shop.
- 6.3 Paragraph 26 of the National Planning Policy Framework (NPPF) states:
- When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floor space threshold (if there is no locally set threshold, the default threshold is 2,500 sq m).*
- 6.4 It is noted that the retail assessment, dated Nov. 2011 which was submitted with the previous application has been submitted. The Local Plan does not contain a locally set threshold where retail impact assessments should be undertaken. Due to the area of proposed retail floor space which is below the 2,500 square metre threshold set out in the NPPF, this application does not require a retail impact assessment. As this development is considered to be minor retail development, Local Plan policy S5 (major retail development) is not of relevance.
- 6.5 Policy S7 advises that proposals for additional floor space within local shopping parades should be of a scale and nature in keeping with the character of the area and should enhance local facilities. The proposed increased size of the retail area is not considered to be of a scale or nature that would detract from the local area and the range of facilities that are provided in this area.
- 6.6 Due to the limited increase in size of the proposed retail area, it considered unlikely that it would have an adverse impact on the vitality or viability of other town centres or local shopping parades.
- 6.7 The site is considered to be in a sustainable location and suitable for providing additional retail floor space, in line with both local plan policies and the principles of the NPPF. This is the same approach as taken under 13/00090.

**The principle of the loss of three flats and the replacement with 13 apartments**

- 6.8 Planning permission has previously been granted for 13 flats on this site. There have been no material changes to warrant now objecting to this number of flats. There is no objection to the provision of 13 flats on this site, subject to the proposal having a satisfactory impact upon the character and appearance of the area. The area is mixed in character with both commercial and residential properties near each other. The site is in a sustainable location with good accessibility to Windsor town centre and 13 flats can be provided on this site without harming the character of the area.

**The impact upon the character and appearance of the area and protected trees**

- 6.9 Dedworth Road comprises a mixture of commercial and residential buildings of various styles, designs and ages, although the predominance of buildings are two storeys in height, with the exception of Terrent Court, directly opposite the site which is a three storey building.
- 6.10 Planning permission has previously been granted for this development and at that time it was considered that there should be no reason in principle to object to the principle of providing a four storey building of modern design in this location, subject to it not harming the character or appearance of the area. The current proposal is of the same design as the approved scheme.

The site is at the eastern end of the commercial part of Dedworth Road and the existing building is a yellow brick building dating from around 1950's / 60's which is a building of its age and is not considered to add positively to the appearance of this part of the street scene. The replacement of this building provides the opportunity to enhance the appearance of the area.

- 6.11 The proposed building takes reference from the predominantly pitched roofs in the area, but does so in a modern way with the use of a broken and staggered gabled roof. The building is four storeys in total height, with the fourth floor provided only in the eastern side of the building, within the roof space. The increased height of the building is considered to be suitably mitigated through the design of the building which used a mixture of roof height and sets back part of the front walls to minimise the bulk and scale of the building. Whilst it would be higher than adjacent buildings due to the design of the building and the space around the building this is not considered to harm the appearance of the area, nor does it detract from the character of the area. Whilst it is a different design to surrounding building, this in itself is not necessarily harmful, whilst mindful of the modern appearance of the building having regard to the significant variety in building design and forms in the area it is considered that the proposed building is acceptable and that there are no Policy reasons to object to the building.
- 6.12 The Tree Officer raised objections under 13/00090 due to the loss of a tree protected by Tree preservation Order and this objection remains under this application. The applicant has had a report on undertaken to carry out an assessment of the tree issues. In summary this states:
- The proposed transplanting of the young oak tree can be appropriately undertaken, especially as, at this point in time, it is unlikely to have developed an extensive root system. Recommendations for the transplanting are set out in the report. It is also concluded that the proposed site is sufficiently close to the original site (less than 3 m distance) that it would be held to be a replacement tree and therefore remain subject to the TPO.
  - The opportunity for additional tree planting including proposed species and appropriate methodologies taking into account the nature of the site, and predominance of hard surfacing. The proposals at the front of the site identify an opportunity for further planting which is offered through the proposed redevelopment of the site. If the Council does not consider that this opportunity for further planting should be supported, this has no effect on the planning application, but it is very much hoped that the proposals will be regarded positively.
  - It is anticipated that, in the normal way, further details of the additional planting would be required to be submitted and approved through the imposition of a landscaping condition.
  - The report also makes recommendations for the protection of existing trees in the neighbouring gardens, primarily through the use of custom designed no-dig specification surfacing.
- 6.13 The Tree Officer advises that the proposal is to reposition the Oak 3m further back from the road frontage. This will limit the positive impact the tree will make in the street scene and would not effectively replace the amenity of the original Horse chestnut. The tree is also to be located only 1m from the eastern boundary which tends to duplicate it with other vegetation on the neighbouring property and means more of its growth will be over the neighbours' side. This would increase the conflict between the tree and the neighbour. The existing tree is on the adopted highway and managed by the Council. However, it appears the proposal is to place the tree across the boundary line of highway land and private land, effectively dividing the responsibility for managing the tree between the two parties. The sharing of responsibility to manage a tree is not usually satisfactory. The proposed position of the tree would cast doubt as to whether it is covered by the TPO as it would be positioned on the edge of the circle on the TPO map rather than within it. The creation of the new access would restrict rooting to the west. The access will need to be graded down to Dedworth Road and where across highway land it would have to be installed to highway requirements. This usually means a construction depth of 450mm if not more.
- 6.14 The Tree Officer also advises that fastigiated oaks are positioned at the very edge of the parking bays. There is insufficient room for their future growth, stem diameter will increase and could reach over 1m and cause a problem for the bays/vehicles. The crown will also contact the

building owing to growth and movement in windy weather. This will lead to pressure to remove them. The branches will be a cause of obstruction to vehicles parking in the bays and pedestrians using the path. They will provide a block to views of the building which could affect trade.

- 6.15 The original tree protected by a TPO on the site no longer exists because it was removed by the Council as it was dangerous. It is noted that a replacement tree has been planted in the same location. Whilst this is a legal requirement and this tree is protected it is considered that by reason of the young age of the tree that it is far less majestic and important in the street scene and the wider area than the original tree. Indeed it is currently difficult to discern the tree in the street scene. It is considered that the proposed redevelopment of the site does provide an opportunity to provide a replacement tree or of the existing replacement tree to be relocated. Whilst the loss of the replacement TPO tree from this location is regrettable it is considered that this should not be a barrier to the development and that it would be difficult to sustain a reason for refusal for this reason. It is noted that there is concern that there will be pressure to remove the tree in the future; however this can be assessed at this time. If the original TPO tree were still in place it is considered likely that concerns would be raised to its loss. However it is considered that as the original TPO tree has been removed due to poor health / safety that it is not a comparable situation and it would not be reasonable to refuse the application for this reason. This is the same approach as taken under 13/00090, and was found to be acceptable and there are no material changes since the granting of this permission to warrant taking a different approach.
- 6.16 With regard to the concerns about the location of the trees at the front of the site these are considered to be a welcome addition to the street scene, which would provide a softening effect. As discussed above the scheme is considered to be acceptable in its own right and it is not considered that the scheme is acceptable because of the proposed trees, it is acceptable regardless of the trees being provided. These trees could only be protected for a five year period under a landscaping condition, and if there is a desire to remove them in the future this can be considered that this time.
- 6.17 Overall it is considered that a redevelopment of this site provides the opportunity enhance the appearance of the area. The proposed building takes account of the existing uses on the site and in the area to ensure that it maintains the character of the area and building has been designed to be of a modern design whilst taking account of the typical two storey pitched roofs building in the vicinity. Whilst the objections to the loss of the TPO replacement Oak tree are noted, it is considered that it would be difficult to maintain an objection to the scheme for this reason. The design and appearance of the development and its impact upon the character and appearance of the area is considered to comply with the relevant policies of the Local Plan. This is in line with consideration of planning permission 13/00090.

### **The impact upon the amenities of nearby occupiers**

- 6.18 No objections were raised under 13/00090 to the impact of the development upon the amenities of nearby occupiers, it is necessary to consider whether there have been many material changes since the granting of this permission. The site fronts onto Dedworth Road and is separated from the house and flats on the opposite side of Dedworth Road by the road and a distance of over 25m. The proposed development is not considered to have an adverse impact upon properties to the north of the site.
- 6.19 At the northern part of the site, to the east is Winton House, a residential care home. The proposed access road would separate the proposed building from this site; there is considered to be a sufficient distance between the flank walls of Winton House and the proposed building. The impact of the building upon Winton House in terms of its height, bulk and mass is considered to be acceptable. The layout of the building with very limited windows in the flank elevation is considered to ensure there would be no adverse overlooking of this property. Whilst the proposed access road would run alongside Winton House and it's rear garden, it is considered unlikely that the level of traffic associated with this development, and the location of Winton House in an urban area on a main road where road traffic is a normal occurrence would introduce such a level of activity and disturbance that it would cause an unacceptable impact to the occupiers of Winton House.

- 6.20 Also to the east of the site, but further south are properties no. 16 – 20 Carter Close (inclusive). These are semi detached houses, whose rear gardens adjoin the eastern boundary of the application site. Numbers 16 – 19 would have the car parking area adjacent to the rear boundary of their private garden area. The gardens of these properties vary in length from 5 – 13m. Currently the properties adjoin the grassed area surrounding the store building.
- 6.21 The rear boundary of the garden area of no.16 adjoins the designated residents parking bays and this property has the longest garden. Given the depth of the garden, it is considered that the impact of the car park on this property would be acceptable, however it is considered that a fence needs to be provided on the boundary to ensure that car lights don't shine through the hedge into the garden area, this can be secured by condition (Condition 6).
- 6.22 The boundaries of no. 17, 18 and 19 Carter Close adjoin the retail store car parking area and in order to prevent the amenities of these occupiers being adversely affected by activity and noise associated with the use of the car park by patrons of the retail store and any associated noise from deliveries and loading / unloading, it is considered that the car park should not be used later than 10pm at night, nor before 7am and that no deliveries should occur outside these hours. The only reasonable way of controlling this would be to control the opening hours of the store, the car park and deliveries (Conditions 3 and 10). Additionally the boundary treatment will need to be upgraded, where necessary, to provide fencing to ensure that car lights do not shine into the residents gardens (Conditions 6 and 18).
- 6.23 It is noted that the existing store has a car park in this location, however this is for a smaller store and it is considered that the increased size of the store together with the increased size of the parking area justifies the limitation in hours and the improved boundary treatment.
- 6.24 With regards to the impact of the building upon the residents of Carter Close, the proposed building extends further south towards these properties than the existing two storey building. The proposed building would reduce in height to two storeys at the rear. The impact of the development on properties in Carter Close has been fully considered. It is noted that the existing building is fairly inconspicuous and only just visible from the garden and house of 19 and 20 Carter Close and that the proposed building will in comparison be significantly more visible. However in view of the separation distances, that the building would be seen at an angle and that the building is reduced in height to three storeys at the rear, it is considered unlikely that the building would have an unacceptable dominating or overbearing impact upon the occupiers of these properties. The building increases in height to the west and north, however, the impact of this is mitigated by the increased distance from these houses which is between approx.18 and 46m.
- 6.25 The specific relationship of the building with nos. 18, 17 and 16 Carter Close is considered acceptable due to the reasonable separation distances between the building and houses, which range from 22m – 35m. These distances are considered to be reflective of the urban nature of the area and this relationship between buildings is not unusual.
- 6.26 For the entire length of the eastern flank wall facing towards Carter Close the windows comprise two strips of vertical narrow windows serving en suites and bathrooms. At the front part of the building on the flank wall there are windows in the side elevation serving a bedroom, however these face towards the flank wall of Winton House. As such there would not be an unacceptable level of overlooking from these windows towards Carter Close. On the rear elevation there is glazing at first, second and third floors. Views from these windows would be towards the gardens of Carter Close and St Andrews Avenue to the west. Any views would be at an angle and there would be separation distance of at least 20m between windows. In a suburban location such as this these sorts of situations are considered reasonable but the relationship could be improved by the erection of small projecting screens adjacent to the eastern side of the windows to avoid direct views into Carter Close, details can be secured by condition (Condition 7).
- 6.27 With regard to the impact on houses in St Andrews Avenue these properties are at least 25m away and it is considered that there would be no harm to the amenities of the occupiers of these properties by reason of the bulk and mass of the building, or any overlooking, nor to 67 to 75

Dedworth Road. However it is considered that the boundary treatment with these properties and St Johns Drive may need to be improved by the additional of fencing, where necessary, to ensure that car headlights do not shine into the garden area.

- 6.28 Although the building is in close proximity to houses in Carter Close, it is considered that subject to conditions (Conditions 3,6,7,10,16,17 and 18)that the impact of the building on the occupiers of these houses is acceptable. There have been no material changes to warrant reaching a different conclusion on the impact of the development upon the occupiers of nearby properties, when compared to the situation when granting 13/00090, and overall the development is considered to have a satisfactory impact upon the amenities of nearby residents surrounding the site. The flats are designed so that the aspect is to either the front or back, with some rooms in each unit having an outlook into an internal courtyard, served by an atrium. The site is in close proximity to outdoor spaces and some of the units have balconies. It is considered that the occupiers would have a satisfactory level of amenity.

### **The impact upon car parking and highway safety**

- 6.29 No objections were raised under 13/00090 to the impact on car parking and highway safety, consideration should be given to any material changes between the granting of this application and the current situation. The B3024 serves the Dedworth and Clewer Wards and links the B3383 Oakley Green Road to the A308/A332and M4. Dedworth Road is subject to a 30mph speed limit plus parking on either side of the carriageway is prohibited by double yellow lines.
- 6.30 The application site lies south of Dedworth Road and fronts a car parking lay-by. There is an existing vehicular access to the west of the site boundary that serves 13 car parking spaces, a triple garage at the rear as well as an electricity sub-station.
- 6.31 Dedworth is served by the number 77 bus, run by First (*Berkshire & the Thames Valley*) that operates between Heathrow Airport (terminal 5) and the Three Elms in Clewer/Dedworth. First operates a ½ hourly service, from Monday to Friday between the hours of 0410 to 2005, followed by a 1 hourly service to 2205. A similar service operates on a Saturday, but with the hourly service from at 1805 to 2205. First operates an hourly service on a Sunday.
- 6.32 The development proposes constructing a new access to the east of the site boundary and remodelling the customer parking spaces that front the site. The applicant's Transport Statement (TS) suggests that the site curtilage extends beyond the parking lay-by to the carriageway edge. However the lay-by and a section of the adjacent footway is a public highway that is maintained by the Authority, irrespective of what is shown on the Title Deeds; whilst the applicant may have subsoil right over this area, this does not entitle the applicant to obstruct, enclose or undertake works without an appropriate licence.
- 6.33 The existing access will be retained to serve the electricity sub station. The new access is 5m wide and offers visibility splays of 2.4 x 30m to the right (east), by +43m to the left. The Highway Authority's assessment of the splays to the right slightly differs from the applicant's figures which suggest that the access can achieve splays of 2.4 x 36m to the right. However the TS also states that if the measurement is taken 2m from the carriageway edge, which is not acceptable to the RBWM Highways Officer, the access can achieve splays of 2.4 x +60m. Furthermore, if vehicles are parked on the double yellow lines to the east of the access, any approaching vehicle would be at least 2m from the kerb edge, ensuring visibility splays of greater than 60m.

### **Parking Requirements:**

- 6.34 The existing site comprises an A1 retail store (DIY and timber workshop), 3 x 2 bed flats and provides 13 car parking spaces and a triple garage. The residential units are not allocated a parking space.

Class Use	Current Use	Maximum parking standard	Maximum parking spaces required
A1	Non food retail (280m <sup>2</sup> )	1 space per 30m <sup>2</sup>	9
C3	3 x 2 bedroom	1.5 spaces per dwelling	5

Table 1 ~ Existing Site Use

6.35 The development comprises a 420m<sup>2</sup> A1 units, 7 x 1 beds and 6 x 2 bedrooms. The parking requirement for the proposal is set out in Table 2.

Class Use	Proposed Use	Maximum parking standard	Maximum parking spaces required
A1	Food retail (420m <sup>2</sup> )	1 space per 14m <sup>2</sup>	30
C3	7 x 1 bed and 6 x 2 bedroom flats	1 spaces per 1 bed flat 1.5 spaces per 2 bed flat	16

Table 2 ~ Proposed Use

6.36 The site provides 35 car parking spaces plus a turning facility for a service vehicle. As mentioned above the spaces at the front of the site are outside the applicant's control and therefore, cannot be included in the sites parking provision.

6.37 Based upon the Authority's maximum standard the proposal would lead to a shortfall of 11 car parking spaces. However, the site is considered to be within a reasonably accessible location, and like many of the retail and businesses in the area, shoppers are able to park in the spaces provided at the front shops.

6.38 The 13 residential units are provided with 16 spaces and these are located in a secure gated area at the rear of the property. Whilst the Highway Authority acknowledges the general concerns raised about parking, it is noted that in a recent appeal decision at 96 Dedworth Road, the Planning Inspector described Dedworth as

'an area of good accessibility with shops, services and regular bus services all within a short walk of the appeal site. Against this background and bearing in mind the type of accommodation proposed and the presence of on-street parking controls in the vicinity, I consider that the more appropriate parking standard of 1 space per unit'. [Appeal Ref: APP/T0355/W/15/3095212, (Planning Application 15/00537 - 96, Dedworth Road, Windsor, Berkshire)].

The 1 space per unit referred to by the Planning Inspector was for each of the 2 bed apartments.

6.39 The vehicular trip assumptions made for the existing and the proposed residential element of the development is roughly inline with the Highway Authority's estimation. In the previous submission the Highway Authority were in agreement with the trip generation for the A1 unit (170 trips per 100m<sup>2</sup>). However, in this application the applicant states their trip analysis compares with the previous application and yet uses a trip rate of 135 trips per 100m<sup>2</sup>.

6.40 Estimates suggest that based upon a worst case scenario the proposal would lead to 27 additional vehicular trips per hour. However, given that a major Superstore is situated some 1km west of the site with several local convenience stores located within 300m, the likelihood is that the development would generate considerably less trips than the worst case scenario; the proposed store will predominantly attract cars that are already on the road network.

- 6.41 The size of the refuse and recycling facilities for both uses does not appear to be fit for purpose. Further details are required from the applicant and this can be secured by a condition on any permission (Condition 14) .
- 6.42 The cycle parking standard is currently set at 1 space per flat. The cycle parking spaces for the development are left open to the elements and located along the existing site access which also serves the electricity sub station. The cycles should be housed in a covered and secure facility to encourage its use. Further cycle parking spaces are positioned near the car parking area, adjacent to the trolley storage area (Condition 13).
- 6.43 The Highway Officer offers no objection in principle to the proposal subject to the inclusion of the conditions/informatives which are included at Section 10 (Conditions 11, 12, 13, 14, 15, 16 and 23).

#### **Other Material Considerations**

- 6.44 It is noted that comparisons with the Tesco Express, at The Three Elms on Dedworth Road have been made. Each application should be judged on its own merits. Additionally the application at the Three Elms did not require planning permission for the change of use, as such the control that the Local Planning Authority had over this scheme was limited.
- 6.45 Reference is made by Local Residents to pre application discussions between the planning department and applicant. The National Planning Policy Framework advises that there is a presumption in favour of sustainable development and pre application discussions between the Local Planning Authority and developers are encouraged by national planning guidance produced by central government in order to guide developments towards a successful outcome, where possible. Pre application discussions are confidential, due to commercial sensitivities, unless the applicant releases them as part of the application process. Because pre application discussions do not involve all parties, including neighbouring residents pre application discussions are the informal, non binding advice of the Local Planning Authority and are provided on a without prejudice basis.
- 6.46 Conditions 8, 20 and 22 are suggested to ensure that the development complies with the SPD on Sustainable Design and Construction. Details have been submitted in respect of Planning for an Ageing Population and these are secured by condition. Although it should be noted that due to a change in legislation the Council can no longer secure Building For Life Standards. It is noted that the proposal is acceptable in respect of SUDs providing that a condition is placed upon the development and that the applicant is required to submit a maintenance regime to be approved prior to occupation (Condition 22).
- 6.47 Developments not being built in accordance with approved plans: This scheme has not yet been built and this may not be an issue, however, the Council are unable to prevent developments not being built in accordance with the approved plans and where this is known to have happened the Council has the ability to take Enforcement action to rectify this issue where expedient, proportionate and in the public interest to do so.

#### **7. ASSOCIATED INFRASTRUCTURE IMPROVEMENTS**

- 7.1 Paragraph 204 of the Framework and Regulation 122 of the Community Infrastructure Levy (CIL) Regulations require that planning obligations should only be sought, and weight attached to their provisions, where they are: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
- 7.2 In light of the changes to the CIL Regulations in April 2015 restricting the pooling of planning obligations to no more than five to pay for a single infrastructure project or type of infrastructure, the Council has reviewed the developer contributions referred to in the Officer's Report. Given the CIL Regulations on pooling, a contribution will can not be sought.



## 8. CONSULTATIONS CARRIED OUT

### Comments from interested parties

51 occupiers were notified directly of the application.

The application was advertised in the Maidenhead & Windsor Advertiser 24<sup>th</sup> December 2015

The statutory notice advertising the application was put up at the site on 5<sup>th</sup> January 2016.

14 letters were received from 12 people objecting to the application, summarised as:

Comment		Where in the report this is considered
1.	The application includes some pre-2013 data and this may require updating. eg. retail report should reflect that both financial institutions have closed and have been replaced by business which may require customer parking for longer periods of parking.	The contents and dates of the reports are noted however the application has been considered in relation to Local Plan policies and NPPF.
2.	Details of the previously approved application, 13/00090 are not mentioned in the current application.	Section 4
3.	There is no record of application 15/03757. Submitted 11.11.15 shown on property history.	This application was returned. It was not validated and therefore does not form part of the planning history.
4.	There is a discrepancy between the SUDS report and the planning application. This gives opportunity for development creep and how can the technical details be assessed?	6.48
5.	Residual light from the car park will cause pollution for neighbouring residents. Any illumination of the car park should be low level to reduce impact on neighbouring properties, the car park should also be properly fenced off to prevent nuisance to neighbouring properties.	6.18 – 6.28
6.	If the car park is resurfaced, this may have drainage impacts on properties in Carter Close and water ingress to their properties.	6.48
7.	The development will result in noise and smells to immediate neighbour of the site.	6.18 - 6.28
8.	Noise and annoyance will be caused by users of the car park seven days a week. To prevent anyone other than residents using the car park outside of the opening hours of the retail unit, we would expect the entrance to the site to be secured by gates.	6.18 – 6.28
9.	The height and design will drastically reduce the skyline view of all neighbouring residents, dominate surrounding buildings and is out of keeping with the immediate area.	6.18 – 6.28
10.	There is a shortfall of car parking adding to congestion in the area.	6.36 – 6.45
11.	Tesco Express at the Three Elms has caused traffic congestion and highway danger.	6.46
12.	The visibility splays are not good enough.	6.29 – 6.35
13.	The proposal is unreasonable and unrealistic.	Noted.

14.	There is an impression from pre application discussions and emails that this is a 'done deal'	6.47
15.	This will 'kill off' smaller stores already established that serve the community.	6.2 – 6.8
16.	The residential accommodation is of the wrong type, should have a better mix and not needed in the local area, this will result in a surplus of 1 and 2 bed flats.	Noted.
17.	The application appears to have nothing to do with benefiting the community but everything to do with maximising the return for the developer to the detriment of the surrounding community.	Noted.
18.	The design, mass and height of the building and the extensive use of glass are incongruous in the street scene.	6.9 – 6.11
19.	Overdevelopment of the site	6.9 – 6.11
20.	The highway report is insufficient and the application should be recommended for refusal as it doesn't meet the required highway standards.	6.29 – 6.35
21.	Required visibility splays can't be achieved.	6.29 – 6.35
22.	Not against a redevelopment of the site however the proposal is not acceptable and will have a major impact on the quality of life of residents in Carter Close.	6.18 – 2.28
23.	There are enough convenience stores and retail outlets nearby	6.2 – 6.8
24.	The potential vehicle trips are greatly under estimated in the report.	6.29 – 6.35
25.	Not enough car parking for the flats, the parking for the development does not acknowledge the additional parking requirements for the fast food takeaways in the shopping parade or for Winton House which will result in an increased demand for parking due to the number of residential units.	6.29 – 6.35
26.	There is currently a planning application being considered for a Mosque opposite this site and there are substantial concerns over the traffic and parking required for this site. These application should not be considered in isolation.	Every application is considered in respect of its own merits. The Mosque application submitted for a site close to this application has recently been withdrawn.
27.	Not enough room for deliveries.	6.29 – 6.35
28.	No S106 monies to the local area.	7.1
29.	Will overlook gardens in St Andrews Avenue and will be a loss of privacy.	6.18 – 6.28
30.	The proposal will directly affect the amount of light, result in a loss of privacy cause noise/ disruption to 73 Dedworth Road.	6.18 – 6.28
31.	Comments by Sarah Ellison in relation to the Design Principles should be revisited in the light of comments received by local residents.  Meeting notes and any pre-application discussions relating to this application should be made public.	Details of pre-application discussions have previously been released under the FOI act and response published on the web site under this application. The application must be

		determined on the basis of the application as submitted. Details of the application are available on the Public Access Module via the RBWM website.
32.	The design principles are out of date and misleading	Noted.
33.	Impact on Carter Close by noise and disturbance and the bulk and mass of the building.	6.18 – 6.28
34.	Concerns about opening hours and associated noise and anti-social behaviour.	6.19 – 2.29
35.	Impact of lighting in the car park.	This can be controlled by condition see section 10.
36.	Impact of deliveries and location of trolley and cycle park.	Section 10.
37.	No requirement for another larger food retail store in Dedworth	6.2 – 6.8
38.	Don't want to loose an a valuable local service	Noted, however this cannot be a planning reason for objecting to an application.
39.	An additional 300,00+ traffic movements will be created by this development.	6.29 – 6.35
40.	Adverse impact on pedestrians and cyclists.	6.29 – 6.35
41.	The layout at the front of the scheme is not acceptable to pedestrian as they will be forced to detour from the footway alongside the carriageway in Dedworth Road towards the shop and then return back on the other side of the shop. This will entail crossing the access road.	6.29 – 6.35
42.	Development is not needed or wanted in this area.	Noted.
43.	The architect wrongly interprets and has incorrectly used the designation 'Village Centres' for the application on National Planning Policy Framework Guidance. There are many misleading statements that may give false impression of compliance and appropriateness to this development to those unfamiliar with the application area.	Noted.
44.	The development will set a precedent for similar applications in Dedworth Road.	Every application is dealt with on its own merits. The determination of this application will not set any precedent.
45.	Cases where developments have not been built in accordance with the approved plans are noted and in some of these cases, the Council have invited and granted retrospective applications for increased heights in these schemes. What assurances are there that this will not happen with this scheme and the resulting building will be even higher?	6.49
46.	The Statement of Community Involvement is inaccurate and should not be used. Not all interested parties commented at this stage and new residents have not been consulted.	Noted. This application has been consulted upon with residents as per requirements. All comments received have

		been considered.
47.	The way in which local residents have had to comment on repeated applications, being submitted during holiday periods is not conducive to good quality of life.	It is not possible to control when applicants submit planning applications or if / when they choose to build developments.
48.	It is clear that the application has been submitted during the Christmas holidays in order to detract from objections and also coincides with submission of another application for a place of worship opposite the site and as a result may have an apathetic approach from residents. Many residents objected to the previous application and it is assumed that these comments will be considered too.	
49.	The previous proposal was not built and is now being renewed, this causes uncertainty for nearby residents, it affects their quality of life and creates concern for people who want to sell their own homes and move on.	
50.	This application, which is of great significance, is not being conducted appropriately.	This application has been dealt with in accordance with the Council's legal requirements. Adjoining neighbours were informed about the application and in addition to this, a yellow site notice was erected at the site on 5 <sup>th</sup> January 2016.
51.	Comments received from Adam Afryie MP in relation to the previous application demonstrate his support of the objections to the scheme.	Noted. These comments refer to the previous application.
52.	Comments from Suki Coe in relation to the previous application are noted. Mrs Coe in her comments endorses resident's objections yet continues to approve the application. This is a lack of duty of care by RBWM, suggesting that neighbours should endure more than a reasonable level of exposure to harm by approving the scheme. This is neither professionally, morally or ethically correct, if not negligent and outside of acceptable planning policy and professional practice.	These comments are related to the previous application and Mrs. Coe noted the concerns of the residents but it was not considered that these concerns were contrary to the development plan policy or of sufficient material weight to recommend the refusal of the planning application.
53.	Cllr. L Jones commended that the capacity of Ham Island Sewage Works to accommodate additional development within its catchment as Thames Water have previously acknowledged during the local plan 'edge of settlement' consultation and also indicate within the independent report commissioned by Old Windsor Parish Council Neighbourhood Plan Group.	Noted. The responsibility of drainage and sewage lies with Thames Water and is not a material planning matter.

#### Other consultees and organisations

Consultee	Comment	Where in the report this is considered
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Highway Officer	No objections	6.37 - 6.46
Environmental Protection Officer	No objections subject to conditions and informatives.	Noted. Conditions and Informatives added.
Tree Officer	<p>An Oak tree was planted last winter in the adopted highway, to replace a mature Horse chestnut. This was a legal requirement as the original tree was covered by a Tree Preservation Order. The Oak tree has been planted in the original tree pit, so in the same position as the previous Horse chestnut. The Oak will be relying on the soft ground in the neighbouring site to aid establishment as well as the old root runs underneath the pavement. There are no suitable alternative locations to reposition this tree in the vicinity.</p> <p>This tree is in a prominent position and with further growth will make a significant contribution to the street scene, as its predecessor did.</p> <p>The proposal shows the access/driveway moved to the eastern side of the site, which would require the removal of the Oak tree and associated tree pit. This is not acceptable. The layout would need to be amended ideally retaining the alignment of the existing driveway/access to ensure the new tree is not compromised.</p> <p>The applicant has shown a new tree to be planted, less than 1m from the eastern side boundary in the north eastern corner of the site. Unfortunately, this brings the tree closer to Winton House, reducing the trees softening affect on the development and leaves less of the tree over the adopted highway and under Council control. Setting the tree 3m further back from the front of the site will also make it less prominent.</p> <p>The access road would also cut off the tree's potential to utilise the old root runs that spread out to the west. The tree would also be outside the circle denoted on the TPO map which defines its position; it would therefore be difficult to enforce its protection in future. This is not a satisfactory alternative position for the tree.</p> <p>The row of proposed trees, behind the row of parking bays at the frontage of the site, is unrealistic. They are positioned only 30cm from the bays and 2.75m from the proposed building. This does not afford a sufficient rooting area for establishment, the crowns will conflict with the building and the trees will be vulnerable to damage by vehicles. They will also obstruct views of the ground floor retail unit which will lead to pressure to remove the trees in future. There will also be an infringement of light into and views out of the first floor rooms.</p>	Noted, but not agreed, see Section 6.13 – 6.18.

	<p>Details of the protection for the offsite trees, in the rear gardens of 1 St. Andrew's Avenue and 16 Carter Close, will need to be submitted for approval. This will need to include details relating to the creation of soft ground and construction of the parking areas – porous materials should be used and the construction depth should not exceed that of the existing hard standing ie. no soil beneath to be disturbed.</p> <p>Details of the position of all utilities and drainage runs must be clarified as these could compromise the trees.</p> <p>In its current form I recommend refusal of the application under policies N6, DG1, H10 and H11.</p>	
RBWM Lead Local Flood Authority	The additional details provided show great improvement in the feasibility of the site being drained using sustainable drainage techniques. However if the application is approved the standard detailed drainage using sustainable drainage pre-commencement condition is placed upon the development and that the applicant is required to submit a maintenance regime to be approved prior to occupation.	Noted. Condition agreed.

## 9. APPENDICES TO THIS REPORT

•	Appendix A - Site location plan & Layout plan
•	Appendix B - elevation
•	Appendix C – floor plans

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 NPF3.

In this case the issues have been successfully resolved.

## 10. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.  
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 No development shall take place until samples of the materials to be used on the external surfaces of the development and all external hardsurfaces have been 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 DG1
- 3 The retail shop on the ground floor hereby permitted shall only operate between the hours of 7am and 10 pm on Mondays to Saturdays and 10am to 5pm on Sundays, Bank or Public Holidays.  
Reason: To protect the amenities of adjoining occupiers. Relevant Policies - Local Plan NAP3.
- 4 No development shall commence until details of all finished slab levels in relation to ground level (against OD Newlyn) have been 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.

- 5 Irrespective of the provisions of Classes A, B and C of part 42 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 as amended in 2010 (or any order revoking and re-enacting that Order with or without modification) no enlargement, improvement or any other alteration to the retail unit, erection of a trolley store the laying of hardstanding not subject of this permission shall be carried out without planning permission having first been obtained from the Local Planning Authority.

Reason: The site is in close proximity to residential properties where control is needed over any alterations.

- 6 No development shall commence until details of the siting and design of all walls, fencing or any other means of enclosure on the boundary of the site to prevent light spill from the car park into neighbouring residential gardens have been submitted to and approved in writing by the Local Planning Authority. Such walls, fencing or other means of enclosure as may be approved shall be erected before first occupation of the development unless the prior written approval of the Local Planning Authority to any variation has been obtained.

Reason: To ensure the satisfactory resultant appearance and standard of amenity of the site and the surrounding area. Relevant Policy - Local Plan DG1.

- 7 The first floor window(s) and above serving bathrooms and ensuites in the eastern elevation(s) of the building shall be of a permanently fixed, non-opening design, with the exception of an opening toplight that is a minimum of 1.7m above the finished internal floor level, and fitted with obscure glass and the window shall not be altered without the prior written approval of the Local Planning Authority.

Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H14.

- 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 No development shall take place until details of the measures to be taken to acoustically insulate all habitable rooms of the development against aircraft noise, together with details of measures to provide ventilation to habitable rooms, have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be carried out and completed before the development is first occupied for residential purposes and retained.

Reason: To ensure an acceptable living environment for future occupiers. Relevant Policies Local Plan NAP2, H10.

- 10 Deliveries by any vehicle used for commercial purposes shall only be made to or from the site between the hours of 7am to 10pm Monday to Fridays and between 8am and 6pm Saturdays and 9.30am and 4pm on Sundays or Bank or Public Holidays.

Reason: To protect the residential amenities of the area. Relevant Policy Local Plan NAP3.

- 11 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.

- 12 No part of the development shall be commenced until visibility splays of 2.4 metres by 36 metres to the right (east), by 43m to the left (west) have been provided. 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.  
Reason: In the interests of highway safety. Relevant Policies - Local Plan T5.
- 13 No part of the development shall be occupied until covered and secure cycle parking facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.  
Reason: To ensure that the development is provided with adequate parking facilities in order to encourage the use of alternative modes of transport. Relevant Policies - Local Plan T7, DG1
- 14 No part of the development shall be occupied until a refuse bin storage area and recycling facilities have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall be kept available for use in association with the development at all times.  
Reason: To ensure that the development is provided with adequate facilities that allow it to be serviced in a manner which would not adversely affect the free flow of traffic and highway safety and to ensure the sustainability of the development. Relevant Policies - Local Plan T5, DG1.
- 15 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.
- 16 Prior to the occupation of any part of the development a scheme setting out how the car park is to be operated to ensure that :  
only residents of the flats can gain access to the car park outside the opening hours of the retail store  
patrons of the retail unit only use the spaces for a limited period of time, details of which are to be provided.  
residents of the new units can use the retail car park outside the shops opening hours. These details 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 amenities of nearby occupiers.
- 17 Prior to the commencement of development details of a screen to limit views from the first floor window(s) and above towards Carter Close in the southern elevation(s) of the building shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the screens shall be erected prior to first occupation of the flats, and thereafter retained in accordance with the approved details.  
Reason: To prevent overlooking and loss of privacy to neighbouring occupiers. Relevant Policies - Local Plan H14.
- 18 No lighting shall be erected in the car park without details of the lighting first being submitted to and approved in writing by the Local Planning Authority.  
Reason: In the interests of the amenities of nearby residents.
- 19 Irrespective of the details shown on the approved plans prior to first occupation of the retail store details of the location and design of the trolley park shall be first submitted to and approved in writing by the Local Planning Authority, thereafter the trolley park shall be provided and maintained in accordance with the approved details.  
Reason: In the interests of the amenities of nearby residents.



- 20 The measures for complying with the Planning for an Ageing Population as set out in the Design and Access Statement accompanying the application shall be implemented in accordance with the statement prior to the first occupation of any unit, unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of the development.  
Reason: To ensure that the development complies with the Planning for an Ageing Population SPD.
- 21 No development shall take place until full details of both hard and soft landscape works, including full details of the relocation of the TPO Oak tree, 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.
- 22 Works on site shall not commence until details of the proposed means of disposal of surface water drainage in line with the non-statutory technical standards for sustainable drainage systems have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved scheme of drainage.  
Reason: The works are required prior to the commencement to ensure that the site is adequately drained and to prevent the risk of flooding in the locality and to comply with the NPPF.
- 23 No part of the development shall be occupied until the access has been constructed in accordance with the approved drawing. The access shall thereafter be retained.  
Reason: In the interests of highway safety and the free flow of traffic. Relevant Policies - Local Plan T5, DG1.
- 24 The development hereby permitted shall be carried out in accordance with the approved plans listed below.  
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.

### **Informatives**

- 1 The applicant will be required to comply with the Royal Borough of Windsor and Maidenhead Local Plan Policy (Plan NAP2) subsection 2.5.4 which states where such development is permitted; sound insulation measures should be incorporated to keep internal levels below 40 dB(A). Applicants are invited to contact the Environmental Health Unit Environmental Protection Team Leader on 01628 683830 for a copy of the aircraft noise insulation guidance notes.
- 2 All details, including acoustic specifications and measures to abate excessive noise, of all fixed plant associated with air moving equipment, compressors, generators or plant or equipment of a like kind installed within the site, shall be submitted to and approved by the Local Planning Authority before installation. All fixed plant and air moving equipment shall be switched off when the premises are not in use. REASON: To protect the amenities of the area and prevent nuisance arising from odour and to accord with the Local Plan Policy NAP3.
- 3 The applicant is advised in order to comply with the requirements of the odour and noise control conditions attached to this decision notice, they should follow the best practice guidance on the control of odour and noise from commercial kitchen exhaust systems as detailed on the DEFRA website:  
The link is <http://www.defra.gov.uk/environment/noise/research/kitchenexhaust/index.htm> The report is

called the Control of Odour and Noise from Commercial Kitchen Exhaust Systems. The applicant may wish to contact the Environmental Protection Team on 01628 683526 for further advice.

- 4 The applicant should be aware the recommended permitted hours of construction working in the Authority are as follows: Monday-Friday 08.00-18.00 Saturday 08.00-13.00 No working on Sundays or Bank Holidays. Please contact the Environmental Protection Team on 01628 683830.
- 5 The applicant and their contractor should take all practicable steps to minimise dust deposition, which is a major cause of nuisance to residents living near to construction and demolition sites. The applicant and their contractor should ensure that all loose materials are covered up or damped down by a suitable water device, to ensure that all cutting/breaking is appropriately damped down, to ensure that the haul route is paved or tarmac before works commence, is regularly swept and damped down, and to ensure the site is appropriately screened to prevent dust nuisance to neighbouring properties. The applicant is advised to follow guidance with respect to dust control and these are available on the internet: London working group on Air Pollution Planning and the Environment (APPLE): London Code of Practice, Part 1: The Control of Dust from Construction; and the Building Research Establishment: Control of dust from construction and demolition activities
- 6 The Royal Borough receives a large number of complaints relating to construction burning activities. The applicant should be aware that any burning that gives rise to a smoke nuisance is actionable under the Environmental Protection Act 1990. Further that any burning that gives rise to dark smoke is considered an offence under the Clean Air Act 1993. It is the Environmental Protection Team policy that there should be no fires on construction or demolition sites. All construction and demolition waste should be taken off site for disposal. The only exceptions relate to knotweed and in some cases infected timber where burning may be considered the best practicable environmental option. In these rare cases we would expect the contractor to inform the Environmental Protection Team before burning on 01628 683538 and follow good practice.



01



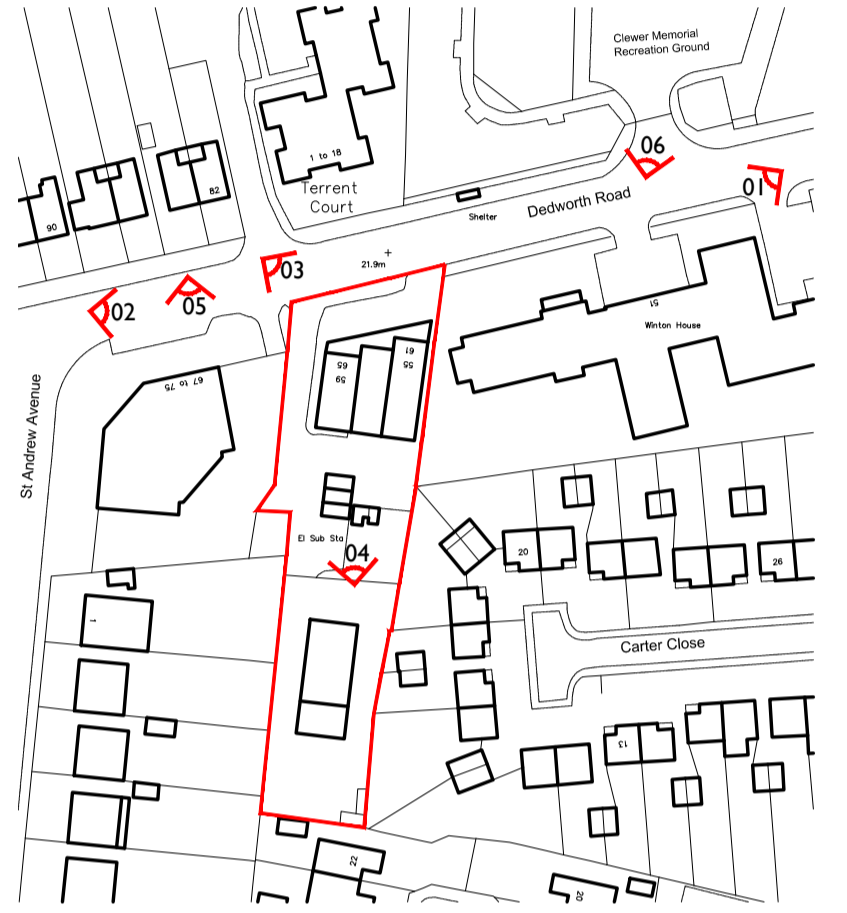
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02



04



Location Plan 1:1250



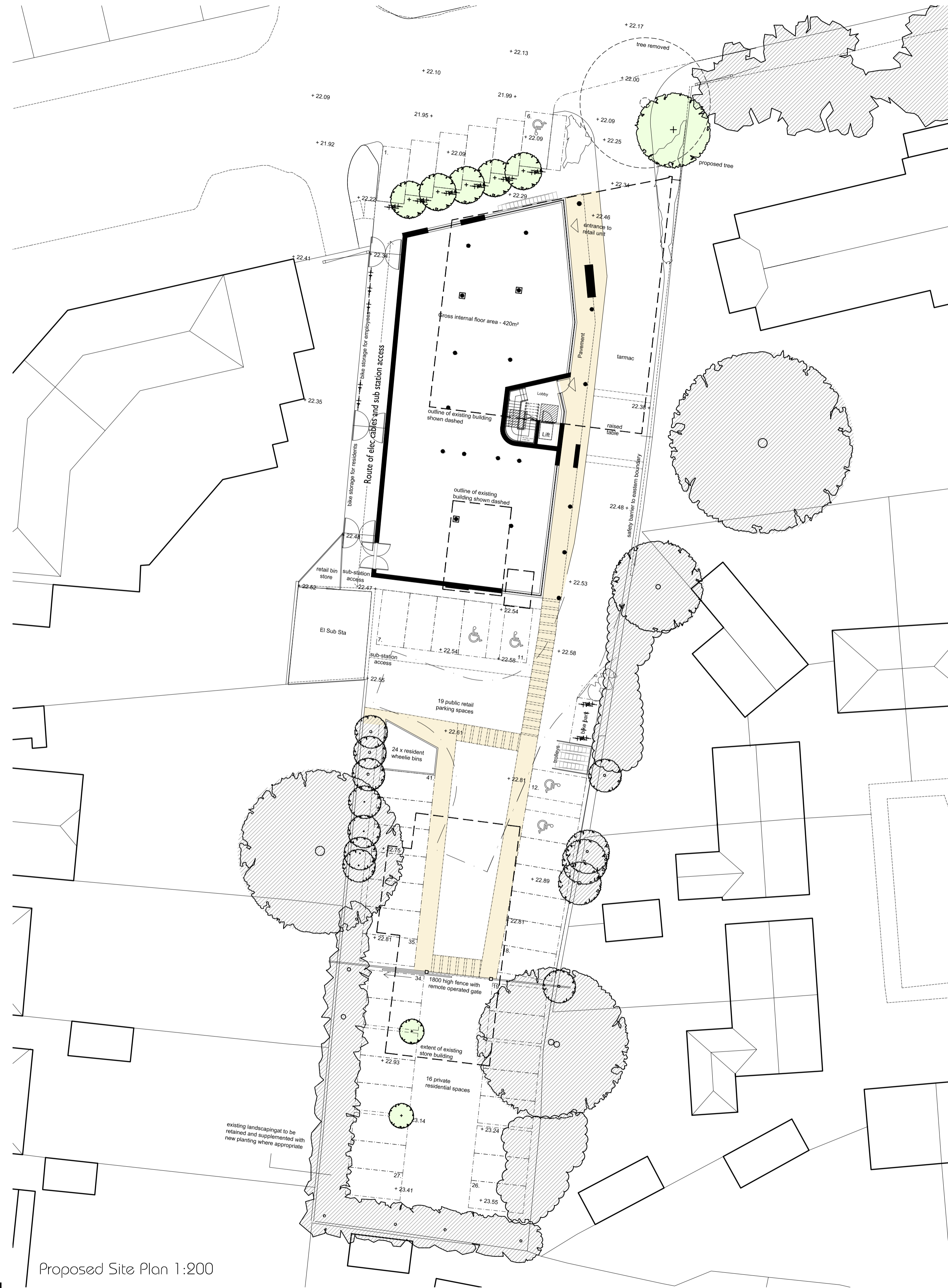
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06



Block Plan 1:500



Proposed Site Plan 1:200

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Check dimensions on site before work proceeds. Report  
discrepancies to the Architects.  
If in doubt, call!  
Photographs taken from Google Street View



B 16.01.13 Minor changes following Planning Officer comments  
A 14.01.13 Title Amendment

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**MORGAN CAREY ARCHITECTS** with MCA Lawray

Client  
**Mrs J Wixon-Jones, Mahjacks Ltd**

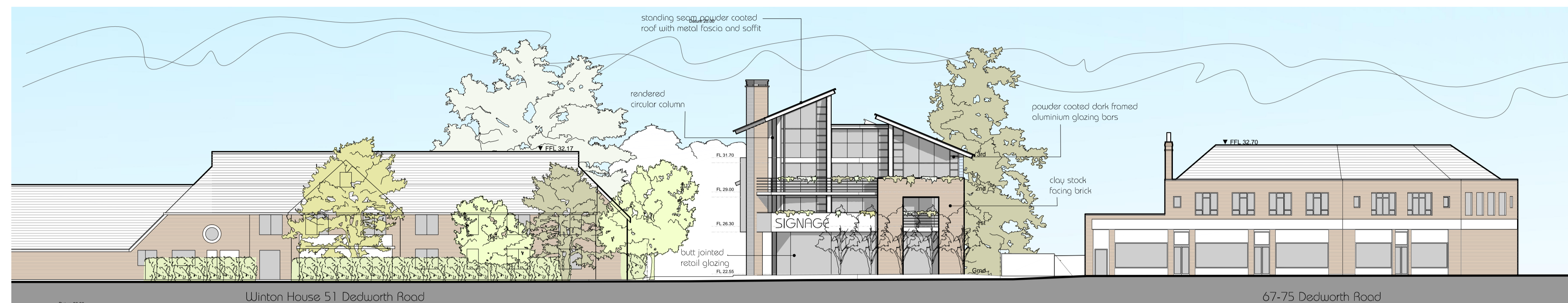
Project  
**61-63 Dedworth Road, Windsor**

Drawing  
**Location and Block Plans Proposed Site Plan**

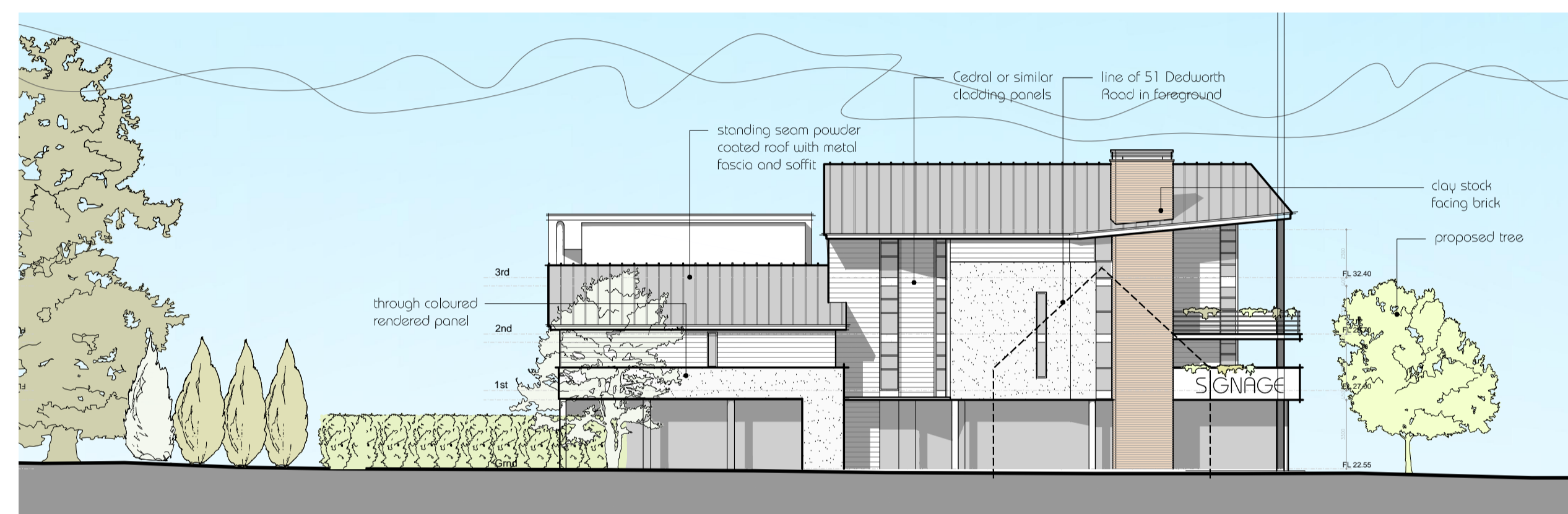
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# 61-63 Dedworth Road, Windsor

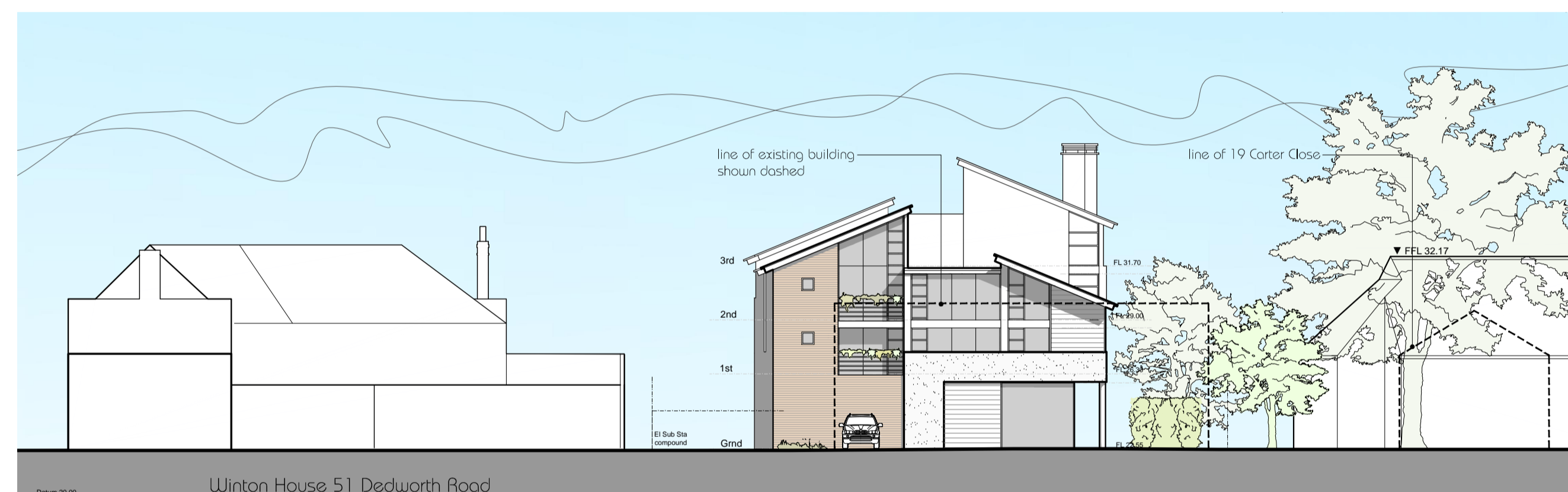
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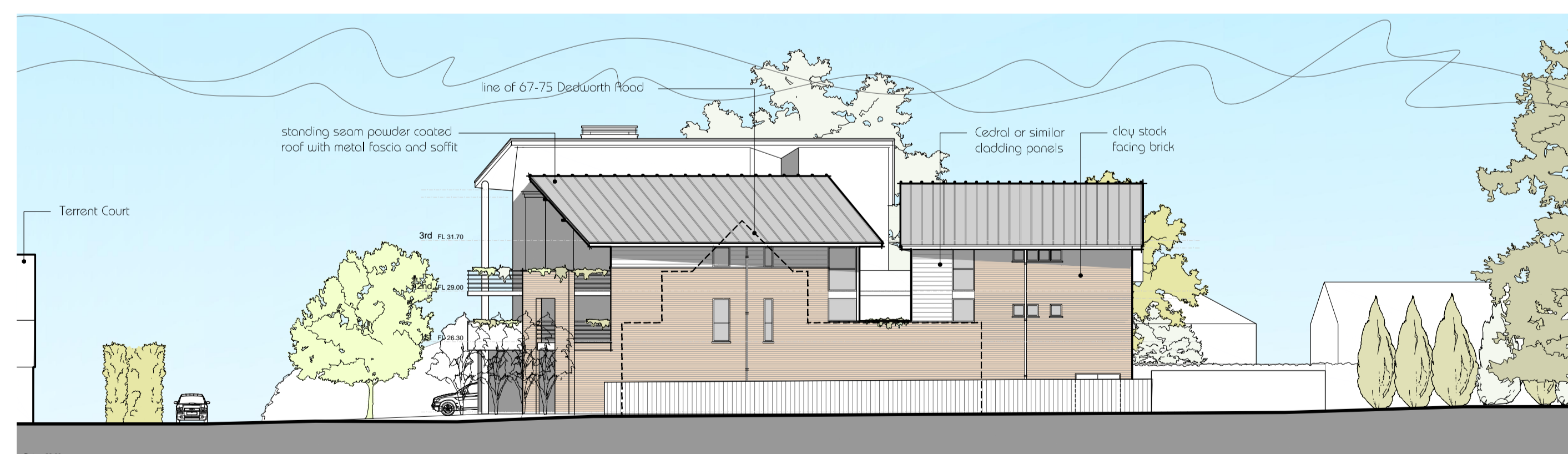
North Elevation



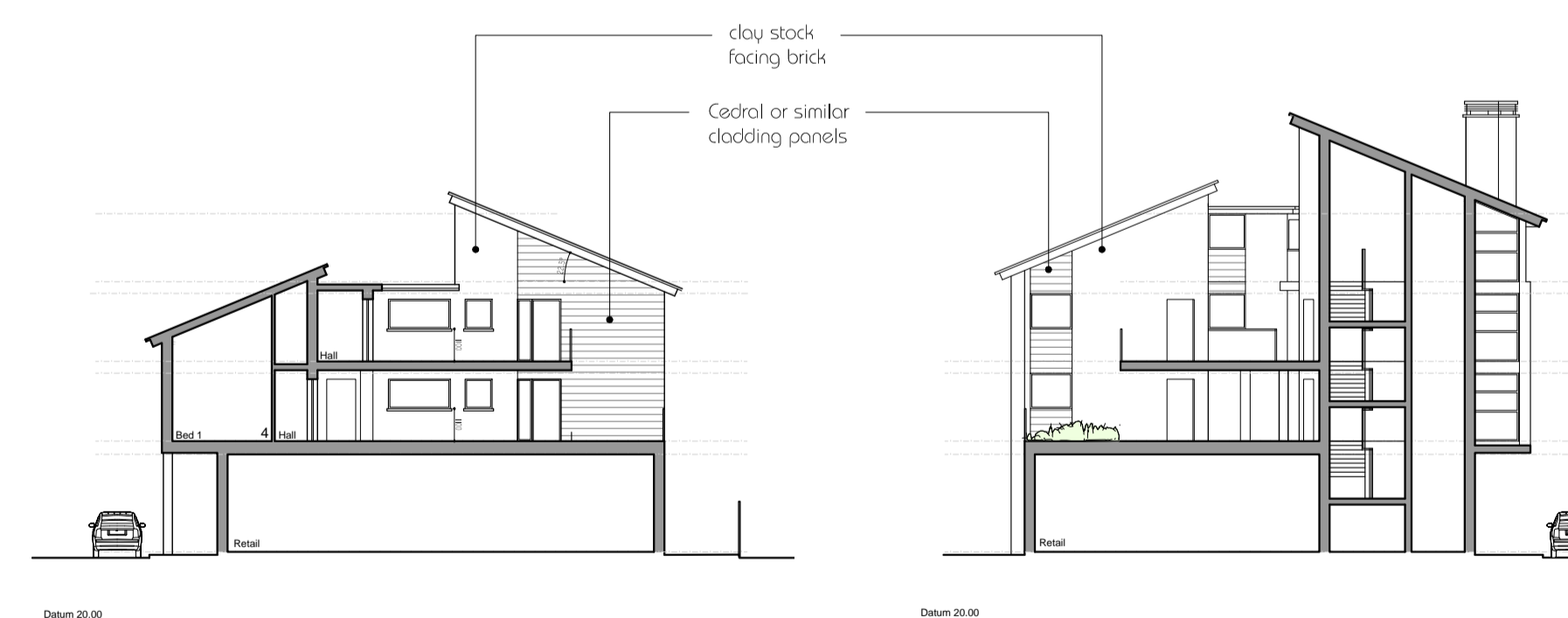
East Elevation



South Elevation and Site Section



West Elevation



Internal North Elevation

Internal South Elevation

Rev	Date	Amendment
B	16.01.13	Minor changes following Planning Officer comments
A	14.01.13	Tiles

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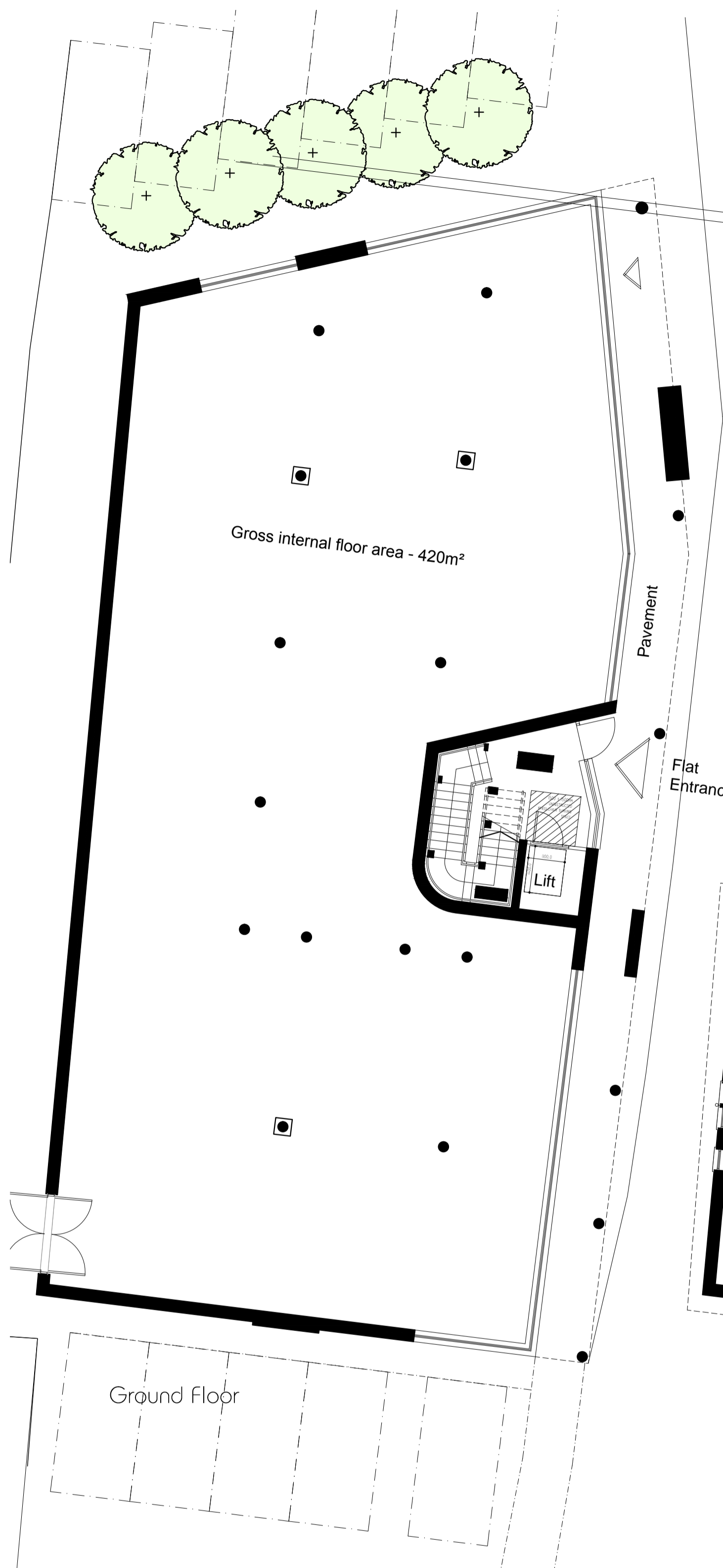
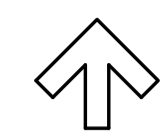
Project  
**61-63 Dedworth Road, Windsor**

Drawing  
**Elevations**

Date Dec 12 Drawing File 11120-Dwg  
 Scale 1:200 11120.27B

# 61-63 Dedworth Road, Windsor

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61

# 61-63 Dedworth Road, Windsor

B 16.01.13 Minor changes following Planning Officer comments  
 A 14.01.13 Tiles Amendment  
 Rev Date

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**MORGAN CAREY ARCHITECTS** with MCA Lawray

Client  
**Mrs J Wixon-Jones,  
 Mahjacks Ltd**

Project  
**61-63 Dedworth Road, Windsor**

Drawing  
**Floor Plans**

Date Dec 12 Drawing No: 11120.26B  
 Scale: 1:100/200

## WINDSOR URBAN DEVELOPMENT CONTROL PANEL

2 March 2016

Item: 3

<b>Application No.:</b>	16/00043/FULL
<b>Location:</b>	The Queen 282 Dedworth Road Windsor SL4 4JR
<b>Proposal:</b>	Erection of 6 x one bedroom flats with associated works and the creation of a new vehicular access, following demolition of public house.
<b>Applicant:</b>	S L J Property Development Ltd
<b>Agent:</b>	Mr Terry White
<b>Parish/Ward:</b>	Clewer North Ward

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

### 1. SUMMARY

- 1.1 The scheme is considered to have an acceptable impact on the character and appearance of the area, residential amenity, and is considered to provide adequate levels of parking. However, the proposal would result in the loss of a Public House which is a community facility. The application has not demonstrated that the loss of the community facility is acceptable, in line with the requirements of the National Planning Policy Framework (NPPF), and Local Plan Policy CF1.

**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. | <b>The evidence presented is insufficient to justify that there is no longer a need for the community facility, and the application does not propose alternative provision to be made elsewhere. The loss of a community facility would conflict with Paragraph 70 of the National Planning Policy Framework and Policy CF1 of the Local Plan.</b> |
|----|--|

### 2. REASON FOR PANEL DETERMINATION

- At the request of Councillor John Collins, irrespective of the officer recommendation for the reason that it is a substantial property in their ward and they have had requests from residents asking to call it in.

### 3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The site is situated on the north side of Dedworth Road and comprises a Public House which is closed and boarded up. The building is a modest two storey building. Within the rear of the site is a single storey detached garage. A gap of 8m exists between the side of the pub building and the boundary of the site to the east.
- 3.2 To the west of the application site are two dwellings (numbers 284 and 286) both of which are two storeys in height but are higher than the existing Public House. To the east and set circa 11 meters back from the pavement, is a row of three shops with residential flats above, also two storeys in height. Opposite the site are rows of terraced housing and housing within Selwyn Close. To the rear of the site are the playing fields associated with Dedworth Green First School. The style of the properties varies in this part of Dedworth Road.

### 4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Ref.	Description	Decision and Date
14/00011/FULL	Erection of 6 x 1 bedroom flats, 6 x 2 bedroom flats and 1 x commercial unit to the ground floor with associated works.	Refused on the 30 <sup>th</sup> May 2014.
15/02054/FULL	Erection of 7 x 1 No. bedroom flats and 2 x 2 No.	Withdrawn on the 30 <sup>th</sup>

	bedroom flats with vehicular access, parking, associated amenity space, refuse storage and cycle storage following demolition of existing public house	July 2015.
--	--	------------

**4.1 Planning application 14/00011 was refused for the following reasons:**

- 1 *The proposal would result in the loss of a community facility in Dedworth, and the applicant has not provided any evidence to prove that there is no longer a need for this community facility, nor is an acceptable alternative provision to be made elsewhere. The proposal is therefore contrary to Policy CF1 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations Adopted June 2003), and Paragraph 70 of the National Planning Policy Framework.*
  - 2 *The proposed building, due to the scale, bulk, mass, design, height and siting results in a monolithic block which is an over-development of the site, bears no resemblance with the adjoining development and would result in a building which would harm the character and appearance of the streetscene, The amount of parking will dominate the ground level whilst the gates leading to the rear parking and reception lobby will result in an oppressive and dead frontage thus contrary to Policies DG1, H10, H11 and H12 of the Royal Borough of Windsor and Maidenhead Local Plan incorporating Alterations adopted June 2003) and National Planning Policy Framework Core Planning Principle bullet point 4 and paragraphs 56 and 64.*
  - 3 *The close proximity of the parking and turning area along the boundary with the neighbouring residents at no.284 Dedworth Road would result in noise and disturbance which would harm their residential amenity plus the height and depth of the building adjacent to no.284 Dedworth Road would appear overbearing and unneighbourly and is thus contrary to policy H10 and H11 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations Adopted June 2003).*
  - 4 *The proposal will result in overlooking into the gardens of the neighbouring properties from the windows within the rear and side of the building which could not be obscure glazed as this would result in poor accommodation for the future residents of the flats, thus contrary to DG1, H10 and H11 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations Adopted June 2003).*
  - 5 *The proposal does not provide an adequate amount of on-site amenity space for the future residents which amounts to a poor standard of accommodation contrary to policy H12 and Core Planning Principle number 4 and paragraphs 56 and 64 of the National Planning Policy Framework.*
  - 6 *The proposal does not provide an adequate amount of parking spaces which would result in additional demand for on street parking in the surrounding road network; this would be to the detriment of the safe and free flow of traffic along one of the Authority's primary routes. The proposed development will thus have a harmful impact on Highway Safety contrary to policies P4 and T5 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations Adopted June 2003).*
  - 7 *The proposal fails to make provision for off-site infrastructure and amenity improvements directly related to the development in accordance with the Council's adopted Supplementary Planning Document on 'Infrastructure and Amenity Requirements' and the Supplementary Planning Guidance 'Interpretation of Policies R2 and R3 (Public Open Space Provision)'. Accordingly, the proposal fails to accord with Policies IMP1, R3 and T6 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations Adopted June 2003).*
- 4.2 The proposal is for 6 x 1 bedroom flats contained within one building. The proposed building would be sited on the eastern part of the application site, in line with the retail units to the east, giving a set back of circa 11 metres from the pavement on Dedworth Road. In front of the proposed building would be a grassed amenity area shown to be landscaped, with an area for refuse storage in this area. To the rear of the proposed building would be a grassed amenity

area, with an area for cycle storage. A new vehicular access would be created on the western part of the site, next to number 284 Dedworth Road. 6 car parking spaces would be provided, with three to the front of the proposed building and 3 spaces to the rear of the site.

- 4.3 The proposed building would be two stories in height, with an overall height (to the ridge) of circa 7.8 metres, and an eaves height of circa 4.9 metres. The building would have depth of around 17.5 metres. In terms of the design of the building, this has been left fairly simplistic, although black and timber frames are proposed on parts of the front and side elevations of the building, which provides architectural detailing against the white smooth render of the external walls. Railings between brick piers to height of around a metre are proposed along the front boundary of the site.

## 5 MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework:

Paragraph 17- Amenity

Paragraph 64 – Improving the character and quality of an area

Paragraph 70- Community Facilities

### Royal Borough Local Plan

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

	<b>Within settlement area</b>	<b>Highways /Parking issues</b>	<b>Community Facility</b>
Local Plan	DG1, H10, H11	T5, P4	CF1

- 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](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](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](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](http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm)

## 6. EXPLANATION OF RECOMMENDATION

- 6.1 The key issues for consideration are:

- i Loss of Community Facilities;
- ii Impact on the character and appearance of the area;
- iii Residential Amenity;
- iv Parking and Highway Safety



## Loss of Community Facilities

- 6.2 National and local planning policy expects the provision and retention of community facilities, including pubs. Paragraph 70 of the NPPF explains that planning policies and decisions should plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.
- 6.3 Saved Local Plan Policy CF1 relates to the loss of a community facility. It states:
- 'The Borough Council will not permit the loss of existing community facilities and buildings unless it is satisfied that:*
- 1. There is no longer a need for them; or*
  - 2. An acceptable alternative provision is to be made elsewhere'.*
- 6.4 Either of these criteria (not both) must be satisfied in order for the application to be consistent with policy.
- 6.5 With regard to the first criterion, the consideration is that the Council has to be satisfied that there is no longer a need for the community facility. "Need" is not defined but, given that this policy is concerned solely with community facilities, then the wording should be understood in the context of a need arising from the local community. It does not apply to a commercial perception of need by potential operators and, while this perception and any allied information such as economic viability is a material consideration, it is not determinative in this case.

### Marketing

- 6.6 The application sets out that the property was marketed for sale freehold for a period of around four months in 2013. It was also advertised as to let by the previous owners (Greene King brewery) for an unknown period prior to that.
- 6.7 It is considered that the period when the property was "to let" can be discounted as it will have been advertised under the brewery's standard policy as a new tenancy with associated tie on various products. This is a particular form of business model (one of many possible for pubs) and would tend to distort the nature of any interest received, which in any case there are not details provided of this.
- 6.8 It is considered that the period when the property was advertised freehold is more significant (in the context of the NPPF and Policy CF1), as this is a genuine market test and allows for potential operators of a different pub business model to come forward. It is understood from the supporting information from the applicant that during the period of marketing (of 4 months), no interest was received from anybody wishing to buy and operate the pub. Whilst this is considered to be useful information, a longer period of marketing would be expected in the order of 12 months, to be able to properly ascertain whether there was any interest in operating the pub. The letting agent refers to other information such as barrelage and letting history, but this information has not been made available so cannot be used in determining this application.
- 6.9 It is considered that marketing the property for sale freehold, without any product ties, is a genuine way of testing the market, but that a longer period of marketing, in the order of 12 months, would be necessary to provide compelling evidence of a lack of demand from pub operators (whether companies, individuals or community groups).

### Need

- 6.10 The Design and Access Statement (DAS) states that "... the vast majority of respondents (to the marketing of the premises) were only interested in a residential use for the site. This demonstrates that the community facility provided by the public house was no longer required in this locality." However, just because an operator cannot be found for a community facility, it does not mean that the community does not need the facility.

- 6.11 The DAS notes that “*An identical alternative facility in the form of the Black Horse public house is located less than 100m from the site on the same road. This provides all of the community activities currently being lost by the proposed change of use of The Queen.*” It is considered that while this is possible, the evidence to justify the conclusion is not presented. It is not stated whether the two pubs operate(d) similar business models or whether what was on offer from the two pubs would appeal to different parts of the community. An audit of the different functions provided by each pub (for instance food sales, room hire, informal meeting place, meetings of clubs and societies, ability to have a drink without ordering food, catering for specific groups within society etc.) and also the demands from within the community for those uses would be required in order for the DAS statement to be proved correct. The evidence has not been presented, and it is not considered that a sufficient assessment of the community need has been undertaken to warrant a departure from planning policy.
- 6.12 In respect of criterion 2 of Policy CF1 which requires ‘*An acceptable alternative provision is to be made elsewhere*’, it is not a test of whether there is already alternative provision elsewhere; the application should demonstrate that provision can be made elsewhere, and this has not been done under this application.
- 6.13 The proposal is considered is considered to be in conflict with the requirements of the NPPF, and Policy CF1 of the Local Plan.

### **Impact on the character and appearance of the area**

- 6.14 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.
- 6.15 In terms of the scale of the proposed building, the height of the building is considered to relate well to the neighbouring buildings which are two stories in height. The depth of the proposed building is greater than that of buildings in the adjoining the sites, however, given the building would be set some distance back within the site, it is not considered that the building would appear overly dominant when viewed in the street scene.
- 6.16 Looking at the proposed design, the submitted Design and Access statement sets out the appearance of the building is based upon the existing building on the site, in using the render and timber boarding. The proposed design, in respect of its architectural detailing, roof shape and use of materials does not pick up on the character of any other buildings in the local area, however, it is not considered that the building is of a poor design that would look at odds with the character of the area which is varied. Given the set back of the proposed building, and the soft landscaping that would be incorporated into the front of the site, which would soften the impact of the development, it is considered that the proposal would improve the quality and character of the area over the existing situation, which accords with paragraph 64 of the NPPF.

### **Residential Amenity**

- 6.17 Paragraph 17 of the NPPF sets out that proposal should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 6.18 The Council does not have quantitative standards on the amount of outdoor amenity space that should be provided proportionate to the number and size of flats, however, it is considered that this scheme would provide an adequate amount of outdoor amenity space for the number and size of flats proposed to allow for a decent standard of amenity for future occupiers.
- 6.19 Looking at the impact on neighbouring properties to the application site, the built form would be moved away from number 284, and so in that respect there would be an improvement for this dwelling. The access would be re-sited next to number 284, however, overall traffic movements would be less than for a public house of this size, and there is likely to be less late night noise associated with flats compared to a public house. The impact on number 284 is considered to be acceptable.
- 6.20 Looking at the impact on the flat at first floor level at number 280, there are two side windows that would be impacted by the proposed development; the landlord of the property has advised

verbally that these windows serve a bathroom (non-habitable room) and a bedroom (a habitable room), and that the window serving the bedroom is the only window to this room. There would be a gap of around 5 metres between the bedroom window at first floor level and the proposed two storey building, which is a reasonable gap. Also the eaves height of proposed building is low and so this reduces the impact on outlook from the bedroom window. It is not considered that the proposed building would have an unacceptable impact on daylight or outlook to this window to warrant refusal of the application on these grounds.

### **Parking and Highway Safety**

- 6.21 Parking along the majority of the B3024 Dedworth Road is controlled by double yellow lines. However, there are no parking restrictions across the site frontage and across certain sections to the east of the site. Dedworth Road has a nominal 7.3m wide carriageway together with 2.8m wide footways on both sides. The road is also subject to a 30mph speed limit.
- 6.22 The existing public house benefits from a single vehicular access serving circa 11 parking spaces. A similar sized and fully operational public house in an accessible area could potentially generate between 30-40 vehicular movements per day.
- 6.23 The new access would provide occupants with sufficient visibility on to Dedworth Road. The proposed residential development could generate between 12- 24 vehicular movements per day, however, given its proximity to a supermarket and bus routes to the town centre, it is likely to be to the lower range of vehicle movements.
- 6.24 In respect of the proposed parking provision, the site layout shows 6 parking spaces to be provided. This amount of parking provision would meet the standards set out in the Council's Parking Strategy 2004, based on the maximum parking standard for an area of poor accessibility.
- 6.25 Concern is raised over the impact of the new access on the parking for number 284 (which is on street), however, this space on the road is not a dedicated space for number 284 to park a vehicle and cannot be protected. Pedestrian access can still be achieved to number 284.
- 6.26 Comment is made that residents parking should be protected on Selwyn Close, however, this is not a planning requirement. The proposed scheme would meet the Council's Parking Standards, and there would be no requirement to protect parking on the surrounding road network under this planning application.

### **Other Considerations**

- 6.27 The question is raised over the boundary treatment proposed on the boundary with number 284; this detail is not shown on the plans, but could be obtained through the imposition of a planning condition were the application recommended favourably.
- 6.28 The proposed development would not require S106 developer contributions.

## **7. CONSULTATIONS CARRIED OUT**

### **Comments from interested parties**

14 occupiers were notified directly of the application.

The planning officer posted a statutory notice advertising the application at the site on the 16<sup>th</sup> January 2016.

1 letter was received supporting the application, summarised as:

	Comment	Where in the report this is considered
1.	Great deal better than previous applications. They like the way the building sits on the site. Would like to see a specimen tree sited on the	6.14-6.16

	green area close to the access, a wall rather than a fence to screen the bins, as fences soon become tatty.	
--	---	--

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

Comment	Where in the report this is considered
1. Concerns over the inadequate parking provision- the scheme does not provide for those occupiers who will have 2 cars, or visitors, and the overspill of parking that will occur in the surrounding roads which is already a problem. (5)	6.24
2. Concerns over the danger to highway safety, given the shops in the local area, and road to Selwyn Close. (3)	6.21-6.23
3. Plans show the road entrance to the flats in front of number 284, which means cars accessing the flat will turn into the site in front of the porch of number 284. Number 284 does not have off-street parking, and this will prevent visitors from parking in front of their home. (2)	6.25
4. A scheme should protect residents parking on Selwyn Close in collaboration with the residents, and should be monitored by an enforcement team.	6.26
5. Loss of a public amenity in this location that provided a place to sit and meet.	6.2-6.13
6. Clarification sought on the proposed boundary treatment with number 284 as this is not shown on the plans.	6.27

### Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Highways	<p>Parking along the majority of the B3024 Dedworth Road is controlled by double yellow lines. However, there are no parking restrictions across the site frontage and across certain section to the east of the site. Dedworth Road has a nominal 7.3m wide carriageway together with 2.8m wide footways on both sides. The road is also subject to a 30mph speed limit.</p> <p>The previous public house benefited from a single vehicular access serving circa 11 parking spaces. This application proposes the construction of 6 x 1 bedroom flats served by a new vehicular access, following the stopping-up of the existing access. The scheme provides a 4.2m wide access plus two separate pedestrian paths onto Dedworth Road.</p> <p>The position of the access allows the prospective occupants clear views onto Dedworth Road.</p> <p><b>Parking Requirements</b> To comply with the Borough's Parking Strategy the development would need to provide 6 car parking spaces. The site provides 6 spaces including a disable parking bay. It should be noted that the Borough's standard is</p>	6.21-6.26

	<p>based on maximum parking provision. Furthermore, in a recent appeal decision the Planning Inspector described Dedworth Road 'as an area of "good accessibility" with shops, services and regular bus services.'</p> <p><b>Cycle Requirements</b> A cycle store is shown at the rear of the site, adjacent to parking bay 6. To ensure that it is fit for purpose the applicant is required to submit a detailed layout of the cycle store. This can be secured by way of a suitably worded planning condition.</p> <p><b>Refuse Provision</b> A refuse and recycle store is sited at the front of the property. The applicant is required to contact the Borough's Waste Department to confirm that the storage facility is sufficient to cater for the number of units.</p> <p><b>Vehicle Movements / per day:</b> A similar sized and fully operational public house in an accessible area could potentially generate between 30-40 vehicular movements per day. This development is likely to generate significantly less movements compared with the previous use.</p> <p>Recommend conditions for: -Construction Management Plan -Access details -Parking spaces in accordance with the approved drawing -Details of cycle storage to be provided -Details of refuse storage to be provided</p>	
Planning Policy	<p>Consider that the application represents a departure from adopted policy and that evidence to justify such a departure has not been provided. With regard to the marketing undertaken, while the principle of advertising the property freehold was appropriate the period of marketing was too short to establish compelling evidence of a lack of demand from potential operators. With regard to the need for the community facility, the evidence presented is insufficient to justify that a pub (or more than one pub) is not needed by the local community. They conclude that there is insufficient evidence to justify a departure from policy and raise an objection to the application on the grounds that the loss of a community facility would conflict with Policy CF1 and paragraph 70 of the National Planning Policy Framework.</p>	6.2-6.13
Environmental Protection	No objection, subject to a condition being imposed for the building to be insulated against aircraft noise.	Noted.

## 8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – Proposed layout
- Appendix C – Elevations and Floor Plans

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.

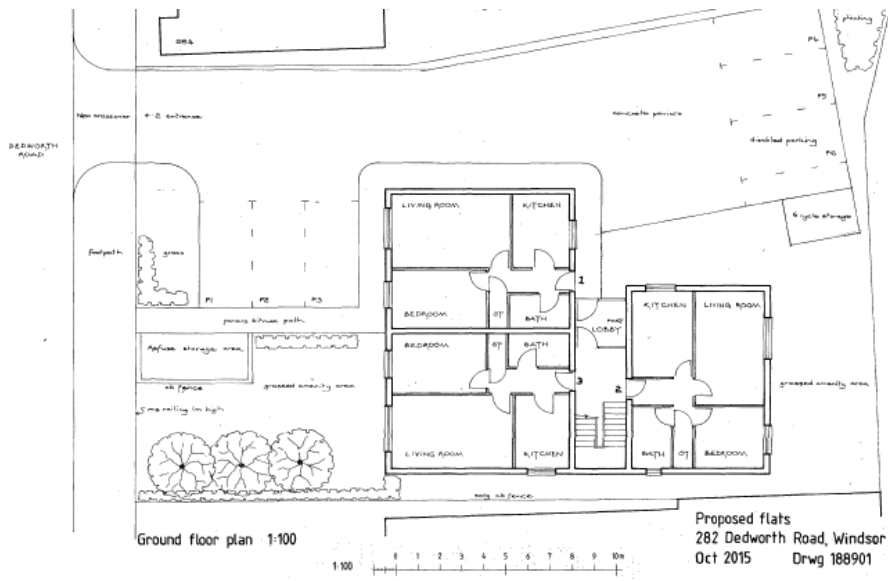
**9. REASONS RECOMMENDED FOR REFUSAL IF PERMISSION IS NOT GRANTED**

- 1 There is insufficient evidence submitted with the application to demonstrate that there is no longer a need for the community facility to justify its loss, The application does not propose alternative provision to be made elsewhere. The loss of this community facility would conflict with Paragraph 70 of the National Planning Policy Framework and Policy CF1 of the Royal Borough of Windsor and Maidenhead Local Plan (Incorporating Alterations Adopted June 2003).

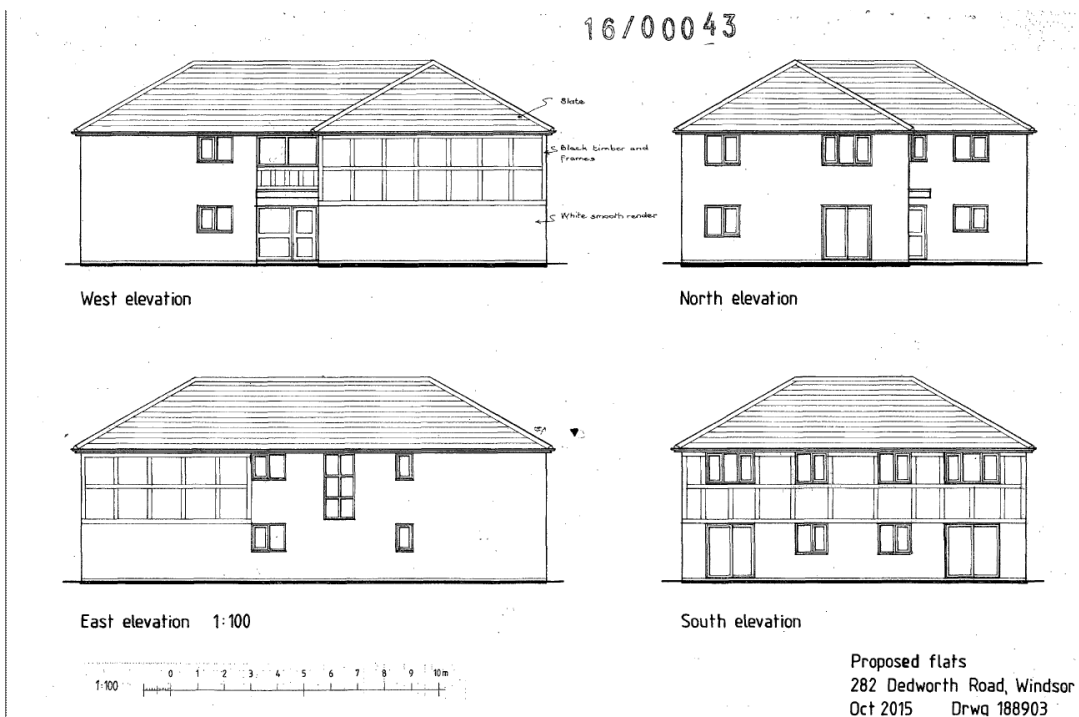
Appendix A- Site location



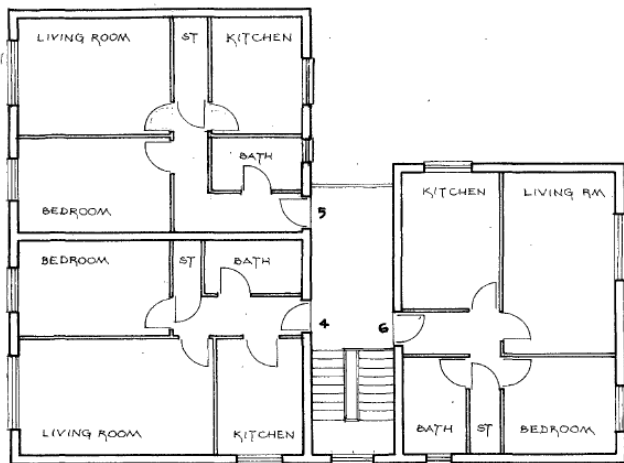
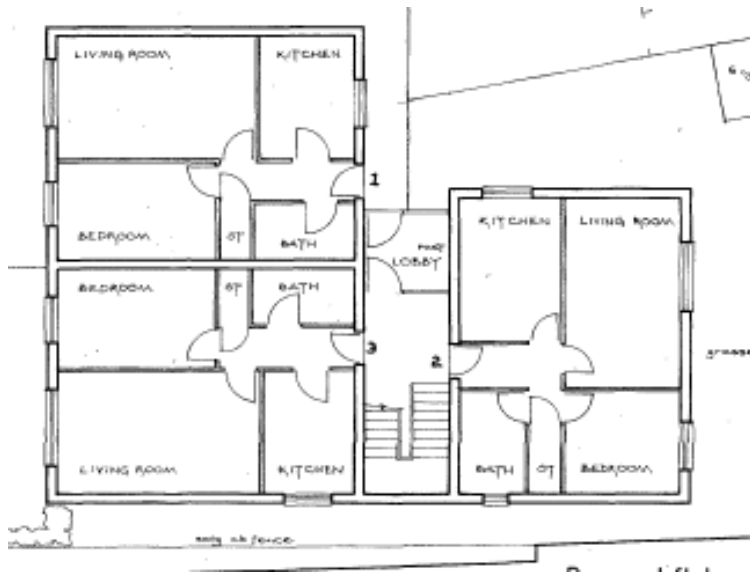
Appendix B- Proposed layout



Appendix C- Proposed Elevations and floor plans







## WINDSOR URBAN DEVELOPMENT CONTROL PANEL

2 March 2016

Item: 4

<b>Application No.:</b>	16/00225/FULL
<b>Location:</b>	Flagpoles In High Street And Park Street And Thames Street And Datchet Road And Castle Hill Windsor
<b>Proposal:</b>	Use of 30 x temporary commemorative ceremonial flags and banners for HM Queen Official 90th Birthday Celebrations and Royal Windsor Horse Show
<b>Applicant:</b>	Ms Peck - The HPower Group Ltd
<b>Agent:</b>	Mr Paul Roach - Windsor And Eton Town Part
<b>Parish/Ward:</b>	Castle Without Ward

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

2 March 2016

Item: 4

<b>Application No.:</b>	16/00226/ADV
<b>Location:</b>	Flagpoles In High Street And Park Street And Thames Street And Datchet Road And Castle Hill Windsor
<b>Proposal:</b>	Consent for 30 x non-illuminated temporary commemorative ceremonial flags and banners for HM Queen Official 90th Birthday Celebrations and Royal Windsor Horse Show
<b>Applicant:</b>	Ms Peck - The HPower Group Ltd
<b>Agent:</b>	Mr Paul Roach - Windsor And Eton Town Part
<b>Parish/Ward:</b>	Castle Without Ward

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

### 1. SUMMARY

- 1.1 Planning permission is sought for the erection of the flag poles, and advertisement consent is sought for the banners to be placed on the flagpoles which are for the Queen's official 90<sup>th</sup> Birthday Celebrations and the Royal Windsor Horse Show. Although the flagpoles are not considered to be acceptable within the Conservation Area and in the setting of Listed Buildings, material considerations are considered to outweigh the conflict with planning policy. In respect of the advertisement consent for the banners, this is considered to be acceptable. Both the planning application and advertisement consent are recommended for approval, although it is recommended that the planning permission is only granted for a temporary period.

**It is recommended the Panel grants planning permission and advertisement consent, subject to the conditions listed in Section 9 of this report.**

### 2. REASON FOR PANEL DETERMINATION

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

### 3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The location for the flagpoles with banners fixed on would be along Park Street, High Street, Thames Street, Datchet Road, and Castle Hill in Windsor, which are roads within or close to the Town Centre. Along these roads are a number of Listed Buildings, including the Grade I Listed Windsor Castle. The proposed flagpoles are within the Windsor Town Centre Conservation Area.

#### 4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Ref.	Description	Decision and Date
15/00679/ADV	Erection of 20 x non-illuminated post-mounted signs for the Royal Horse Show	Permitted on the 23 <sup>rd</sup> April 2015

4.1 The application seeks permission to put up 30 commemorative ceremonial flags and banners for the Queen's official 90<sup>th</sup> Birthday Celebrations and the Royal Windsor Horse Show. Half of these would advertise the Horse Show, and the other half would recognise the Queen's 90<sup>th</sup> Birthday.

4.2 The submitted plans do not show the poles which the banners will be placed on, however, the height of the poles are indicated to be 3.3 metres measured from ground level. The banners would measure 1.2 metres in width and would have a height of 3.5 metres.

#### 5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework:

- 3 Advertisements- Paragraph 67
- 4 Heritage Assets- Paragraph 134

##### 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	Setting of Listed Buildings	Highways	Advertisement
Local Plan	DG1	CA2	LB2	T5	ADV1, ADV2

More information on these documents can be found at:  
[http://www.rbwm.gov.uk/web/pp\\_supplementary\\_planning.htm](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:

- Conservation Area appraisal - view at:  
[http://www.rbwm.gov.uk/web/pp\\_conservation\\_consultation\\_appraisals.htm](http://www.rbwm.gov.uk/web/pp_conservation_consultation_appraisals.htm)
- RBWM Shopfronts and Advertisements - view at:  
[http://www.rbwm.gov.uk/web\\_pp\\_supplementary\\_planning.htm](http://www.rbwm.gov.uk/web_pp_supplementary_planning.htm)

#### 6. EXPLANATION OF RECOMMENDATION

6.1 The key issues for consideration are:

- i Impact on the setting of Listed Buildings and on the character and appearance of the Conservation Area
- ii Advertisement Consent

##### Impact on the setting of Listed Buildings and on the character and appearance of the Conservation Area

6.2 Planning permission would be required for the poles, but not the banners themselves (the banners are subject to advertisement consent). The poles must be assessed in terms of their impact on the setting of the Listed Buildings, and on the character and appearance of the Conservation Area. Poles at a height of 3.3 metres at this number and at these locations are considered to have a harmful impact on the setting of Listed Buildings and the character and appearance of the Conservation Area. This would conflict with paragraph 134 (development that results in less than substantial harm to heritage assets) of the NPPF and policies CA2 (Development in Conservation Areas must preserve or enhance) and policy LB2 (ensure that development proposals do not affect the grounds and/or settings of Listed Buildings) of the Local Plan. The Town and Country Planning Act states development plan policies are material to an application for planning permission, and that the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise. In this case there are material considerations which are considered to allow for a departure from planning policy. The flagpoles would only be in place for a period of around a month and so the harm identified would only be for a very limited period of time (see condition 3), and the poles would allow for banners to be put up to celebrate events that would encourage tourism to Windsor; these are material considerations which are considered to allow for a departure from planning policy.

### **Advertisement Consent**

6.3 The banners require advertisement consent, but not planning permission. Advertisements may only be controlled with regard to two material considerations:

1. Amenity – The effect of advertisement(s) on the appearance of buildings or the immediate vicinity of where they are displayed; and
2. Public safety – matters having a bearing on the safe use and operation of any form of traffic or transport, including the safety of pedestrians, or distraction of drivers or confusion with traffic signs.

6.4 As the signs would be in the Conservation Area, policy ADV2 of the Local Plan is also applicable, the policy states in part that:

- Signs shall be either painted or individually lettered in a suitable material of appropriate size and design in relation to the building on which they are to be displayed;*
- The form of signs shall be appropriate to the building and will depict the trade or service offered.*

6.5 In terms of amenity, the signs although large are of a simple design and are not considered to cause harm to the amenity of the immediate vicinity in which they are displayed. In respect of public safety, the banners would be raised high enough above ground level to not cause danger to the safety of pedestrians, although they should be sited a minimum distance from the outer edge of the footway (see condition 4). The banners are not considered to result in a distraction to drivers of vehicles.

6.6 As the banners will not be placed on buildings, policy ADV2 is not considered to be of relevance to the proposal.

## **7. CONSULTATIONS CARRIED OUT**

### **Comments from interested parties**

179 occupiers were notified directly of the planning application and advertisement application. The application (planning and advertisement consent) was advertised in the Maidenhead & Windsor Advertiser on the 4<sup>th</sup> February 2016.

The planning officer posted a statutory notice advertising the applications at the site on 2<sup>nd</sup> February 2016.

## Statutory consultees

Consultee	Comment	Where in the report this is considered
Historic England	The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.	6.2

## Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Highways	<p>From a highway perspective these latest proposals are similar to a previously permitted application 15/00679/adv. The only difference being 30 ceremonial flags are now being proposed instead of 20.</p> <p>The proposal is to erect 30 non - illuminated ceremonial flags on a temporary basis along the following roads:-  Datchet Road ~ classified district distributor highway B470  Thames Street ~ classified district distributor highway B470  High Street ~ classified district distributor highway B470  Park street ~ adopted cul-de-sac</p> <p>The proposed banners are to promote The Royal Windsor Horse Show and the Queens official birthday celebrations. The Highway Authority is content the proposed banners which will be erected for a period of 4 weeks (16/04/2016 to 15/05/2016) this is acceptable.</p> <p>The application states the lower edge of the banner will be 3.3m above ground level. This is in excess of the minimum permissible height of 2.4m above ground level. The banners should also be positioned 600mm from the carriageway edge.</p> <p>There will be no highway objections subject to the inclusion of the following conditions:</p> <p>No part of the development hereby permitted shall be less than 2.4 metres above the footway or less than 0.6 metres from the outside edge of the footway.</p> <p>Reason: In the interests of pedestrian and highway safety. Relevant Policies - Local Plan T5.</p>	6.5

## 8. APPENDICES TO THIS REPORT

- Appendix A - Site location plan
- Appendix B – 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.

In this case the issues have not been successfully resolved.

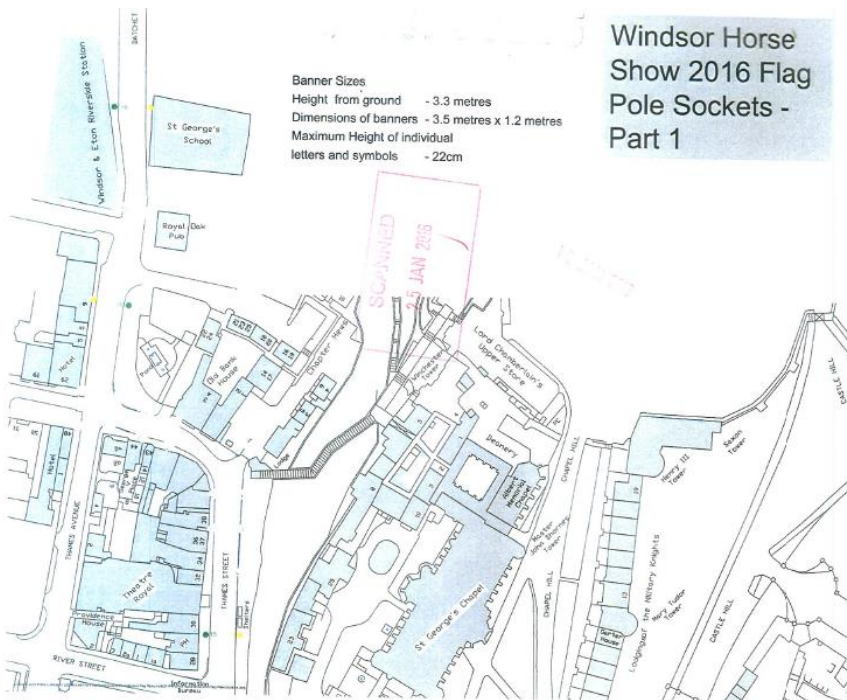
## **9. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED**

- 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 external surfaces of the development shall be in accordance with those specified in the application. Development shall be carried out in accordance with the approved details.  
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.
- 3 The flagpoles hereby permitted shall not be erected before the 9th April 2016, and shall be removed by the 22nd May 2016.  
Reason: The development does not accord with the development plan, however, if they are in place for a temporary period only, this is a material consideration which is given significant weight.
- 4 The flagpoles hereby permitted shall not be less than 0.6 metres from the outside edge of the footway.  
Reason: In the interests of pedestrian and highway safety. Relevant Policies - Local Plan T5.
- 5 Condition approved plan numbers

### **16/00226**

- 1 Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
- 2 Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
- 3 Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.
- 4 No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- 5 No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).  
Reasons: 1 - 5 above: Conditions imposed by the above mentioned regulations.

Appendix A- Site Location



**Banner Sizes**  
 Height from ground - 3.3 metres  
 Dimensions of banners - 3.5 metres x 1.2 metres  
 Maximum Height of individual letters and symbols - 22cm

**Windsor Horse Show 2016 Flag Pole Sockets - Part 1**

**POLES FOR WINDSOR HORSE SHOW 2016 - Socket Position Numbers:**

**15 NO. WYHS BANNERS**

4 - 1 15 22 38 35 42 43 48 56 81  
 87 84 91 100

**TOTAL = NO. Banners x 50**

**NOTES**

- Green - Horse Show Banners
- Orange - HAZOP Banners

**BC HAROLD**

windsor Horse  
Show 2016 Flag  
Pole Sockets -  
Part 3





## Appendix B- Elevations



## WINDSOR URBAN DEVELOPMENT CONTROL PANEL

2 March 2016

Item: 5

<b>Application No.:</b>	16/00236/VAR
<b>Location:</b>	Car Park Meadow Lane Eton Windsor SL4 6BN
<b>Proposal:</b>	Change of use of land and alteration to car park to include the provision of an additional 59 car parking spaces as approved under planning permission 14/03627/FULL without complying with conditions 2, (layout) 6 and 7 (Trees) and (Landscaping) (condition 7 discharged under 15/02788/CONDIT) for removal of tree at rear at rear and erection of new parking machine and base.
<b>Applicant:</b>	Mrs Plowman
<b>Agent:</b>	Not Applicable
<b>Parish/Ward:</b>	Eton Town Council

**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 planning permission to vary the approved planning permission for a 59 space car park extension to allow for the removal of a tree and the erection of a parking meter.
- 1.2 No objections are raised to the removal of a low quality Poplar tree and its replacement with a parking meter.

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

### 2. REASON FOR PANEL DETERMINATION

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

### 3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application site comprises Meadow Lane Car Park in Eton. The car park is currently closed and is being redeveloped to provide an extension to provide an additional 59 car parking spaces, as approved under 14/03627.

### 4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

Ref.	Description	Decision and Date
14/03627	Change of use of land and alteration to car park to include the provision of an additional 59 car parking spaces	Granted 30.1.15
15/02788/CON DIT	Details required by condition 3 (materials) 4 (lighting) 7 (landscaping) and 8 (underground services) of planning permission 14/03627	Approved 22.9.15

- 4.1 This application seeks to amend condition 7, which relates to the landscaping of the site to remove a tree and erect a parking meter and erection of a parking machine and base.

## 5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy Framework, Section 4,11 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	Green Belt	High risk of flooding	Conservation Area	Protected Trees	Highways /Parking issues
Local Plan	DG1,	GB1, GB2,	F1	CA2	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

More information on these documents can be found at:

[http://www.rbwm.gov.uk/web/pp\\_supplementary\\_planning.htm](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](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](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](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](http://www.rbwm.gov.uk/web/pp_conservation_consultation_appraisals.htm)

## 6. EXPLANATION OF RECOMMENDATION

6.1 Planning permission has already been granted for the change of use of the land to provide a 59 space car park extension and this is under construction. As such the only issue for consideration is whether the removal of a tree that was conditioned to be retained and its replacement with a parking meter and base is acceptable.

The key issues for consideration are:

- i Whether the removal of a tree that was conditioned to be retained and it's replacement with a parking meter and base is acceptable ;
- 6.2 The wooded strip of land to the rear of the site has an important softening feature to the car park. The original woodland, prior to the construction of the car park, had a good composition of trees of varying ages with more open areas present providing a varied ground flora. The approved scheme resulted in the loss of this copse, with only a few trees to be retained along the northern boundary, being nos. 48, 56, 57, 58, 59 and 60. 54 trees were removed for this scheme and these were of variable quality and size.

- 6.3 The loss of a further tree (a Poplar) whilst regrettable, given the relatively small size of the tree and the remainder of trees is not considered to tip the balance to an unacceptable loss of trees, that would harm the character of the area or the setting of the nearby Conservation Area. A strip of trees would be retained on the rear of the site that is an important part of softening the car park.
- 6.4 The proposed parking meter is a small structure that would be seen in the context of the car park and the background of trees. No objections are raised to this in terms of the impact upon the openness of the Green Belt or the setting of the Conservation Area.
- 6.5 Due to the small size of the meter no objections are raised under Policy F1 in relation to the impact on flood risk.

## 7. CONSULTATIONS CARRIED OUT

### Comments from interested parties

29 occupiers were notified directly of the application.

The application was advertised in the Maidenhead & Windsor Advertiser 4<sup>th</sup> February 2016.

The planning officer posted a statutory notice advertising the application at the site on 12<sup>th</sup> February 2016.

No letters were received in relation to the application at the time of writing the report.

### Other consultees and organisations

Consultee	Comment	Where in the report this is considered
Tree Officer	This is a minor amendment to incorporate a ticket machine and associated path in the northern sector of the site. This will result in the removal of a low quality semi-mature tree which has already been compromised due to the installation of the car park. There is also a very marginal encroachment of the path within the root protection area (RPA) of one of the remaining Populus trees, but this is acceptable. I have no objections, but tree protective fencing must be altered to recess around and as close to the proposed path (within 40cm of it) as possible.	6.2- 6.3
Environment Agency	No objections	Noted

## 8. APPENDICES TO THIS REPORT

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

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 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.
- 2 The finishing materials to be used in any hard surfacing on the application site shall be in accordance with those approved under 15/02788/CONDIT unless otherwise first approved in writing by the Local Planning Authority and thereafter undertaken and retained in accordance with the approved scheme. The hard surfacing shall be of a permeable construction.  
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.
- 3 Any lighting in the new car park shall be carried out in accordance with the scheme as approved under 15/02788/CONDIT unless otherwise first approved in writing by the Local Planning Authority and thereafter undertaken in accordance with the approved scheme and retained as operational thereafter.  
Reason: In the interests of the visual amenities of the area and to protect trees. Relevant Policies - Local Plan DG, GB2, T6
- 4 The erection of fencing for the protection of any retained tree and any other protection specified shall be retained in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. With the exception of the protection fencing around the area of the proposed parking meter hereby approved where it shall be erected to recess around and as close to the proposed path as possible. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made except where such changes to levels are shown on the approved plans, without the written approval of the Local Planning Authority. The fencing to be erected shall be permeable to flood water.  
Reason: To protect trees which contribute to the visual amenities of the site and surrounding area and ensure the free flow of flood water. Relevant Policies - Local Plan DG1, N6, F1.
- 5 No tree or hedgerow shown to be retained in the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be lopped or topped other than in accordance with the approved plans and particulars or without the prior written approval of the Local Planning Authority, until five years from the date of occupation of the car park for its permitted use. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 Tree work. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted in the immediate vicinity and that tree shall be of the same size and species unless the Local Planning Authority give its prior written consent to any variation.  
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1, N6.
- 6 The hard and soft landscape works shall be in accordance with plan PN-2016-04 Rev I unless otherwise first agreed 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 details of the underground services and drainage, shall be as approved under 15/02788/CONDIT unless otherwise first approved in writing by the Local Planning Authority and

the works shall be undertaken in accordance with the approved details.

Reason: To ensure that retained landscaping on the site is not damaged or destroyed during construction. Relevant Policies - Local Plan DG1, N6.

8 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.

NOTES

01	DATE	DESCRIPTION	DRAWN
00	DATE	DESCRIPTION	DRAWN

REV	DATE	DESCRIPTION	DRAWN
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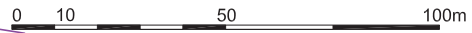
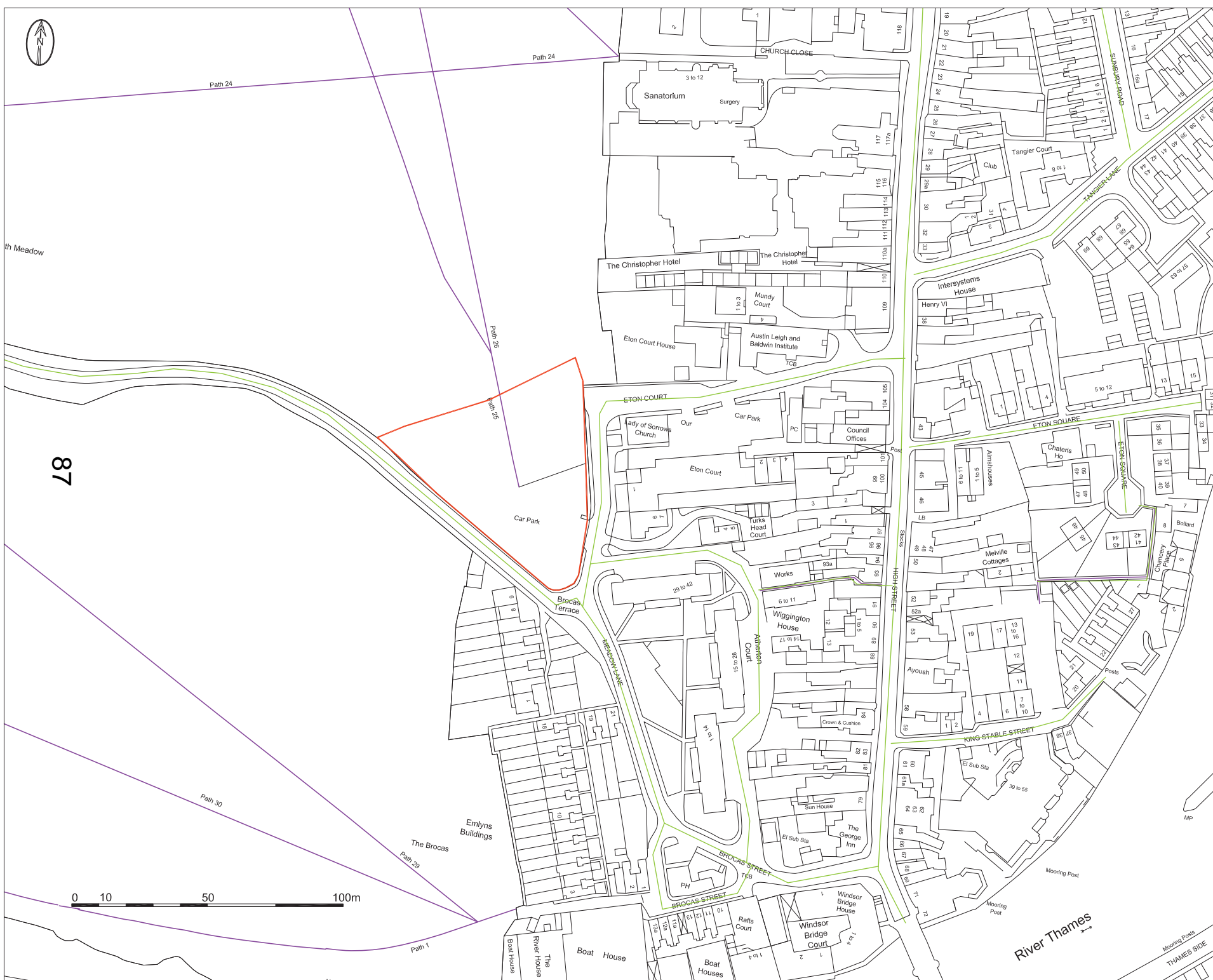
CLIENT  
**ETON COLLEGE**

PROJECT  
**MEADOW LANE CAR PARK  
ETON**

DRAWING TITLE  
**EXISTING LOCATION PLAN**

STATUS			
PLANNING			
PROJECT No	DWG TYPE	DWG No	REV
2309	PL	011	01
SCALE	DATE	DRAWN	CHECKED
1:1250@A3	MAR '14	JK	DL

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# PKA30-BF/C

## Barrier-free Automatic Pay Station

### 1 INTENDED USE

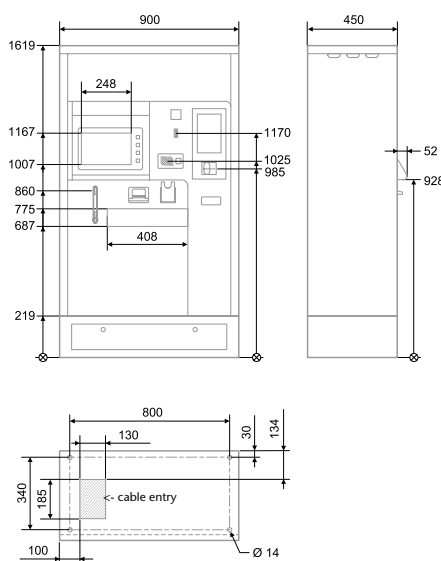
The barrier-free automatic pay station is distinguished by its extreme simplicity of operation. The optimal accessibility of all control elements also enables people with mobility difficulties the convenient payment of parking fees.

The Green Efficiency technology with its energy-efficient hardware components and intelligent software functions allows the reduction of power consumption by up to 70 %.

Modern sensor technology ensures that the pay station only goes into operation when its use is actually required.

In addition to the pay stations capability to independently react to high or low frequency of use, night, weekend or seasonal fluctuations are taken into consideration.

### 2 DIMENSIONS



### 3 DEVICE VIEW



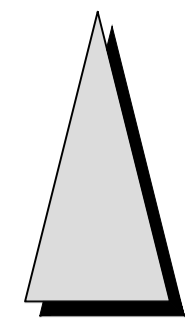
### 4 TECHNICAL SPECIFICATIONS

<b>ChipCoin-/Transponder Processing:</b>
- ChipCoin channel with integrated transponder antennas
- Transponder card antenna in the front panel
<b>Coin Processing (Standard):</b>
- 4 refilling coin stores for one coin type each
- Content: 106-148 coins per coin store depending on the coin diameter
- Issue of 4 different coin types
- Escrow function
- Self-locking coin box made of stainless steel, content 7 dm <sup>3</sup> for approx. 5.700 coins
<b>Coin Processing (Options):</b>
- Maximum of 2 additional, refilling coin stores up to a total of 6
- Maximum of 3 hoppers
- Acceptance of token
<b>Banknote Acceptance-/Distribution:</b>
- Various different banknote acceptors and dispensers can be integrated. Please refer to the overview "Banknote Processings"
<b>Cashless Means of Payment (Option):</b>
- Integration of various payment terminals possible
- Further information on request
<b>Housing:</b>
- Weatherproof profile-shaped housing made of galvanized iron; stainless steel as option

<b>Pedestal (Option):</b>
- Pedestal with door made of galvanized iron or stainless steel
<b>Standard Colours:</b>
- RAL 1003 (signal yellow)
- RAL 7043 (traffic grey B)
<b>Display:</b>
- Colour display (TFT, backlight)
- 30.7 cm (12.1"), SVGA (800x600 Pixel)
<b>User Guidance:</b>
- Via 4 menu-controlled function keys
<b>Illuminated Tops (Option):</b>
- Type "blank"
- Type "illuminated inscription"
- Type "light writing"
<b>Other Extras (Selection):</b>
- Special colours as desired
- Cash tray with event-controlled illumination
- Special locks
- Barcode reader for print@home tickets
- Schneider intercom system
<b>Connections:</b>
- Power Supply
- Network (LAN, LON)
- Intercom
<b>Power Supply:</b>
- 230 V / 50 Hz or 120 V / 60 Hz

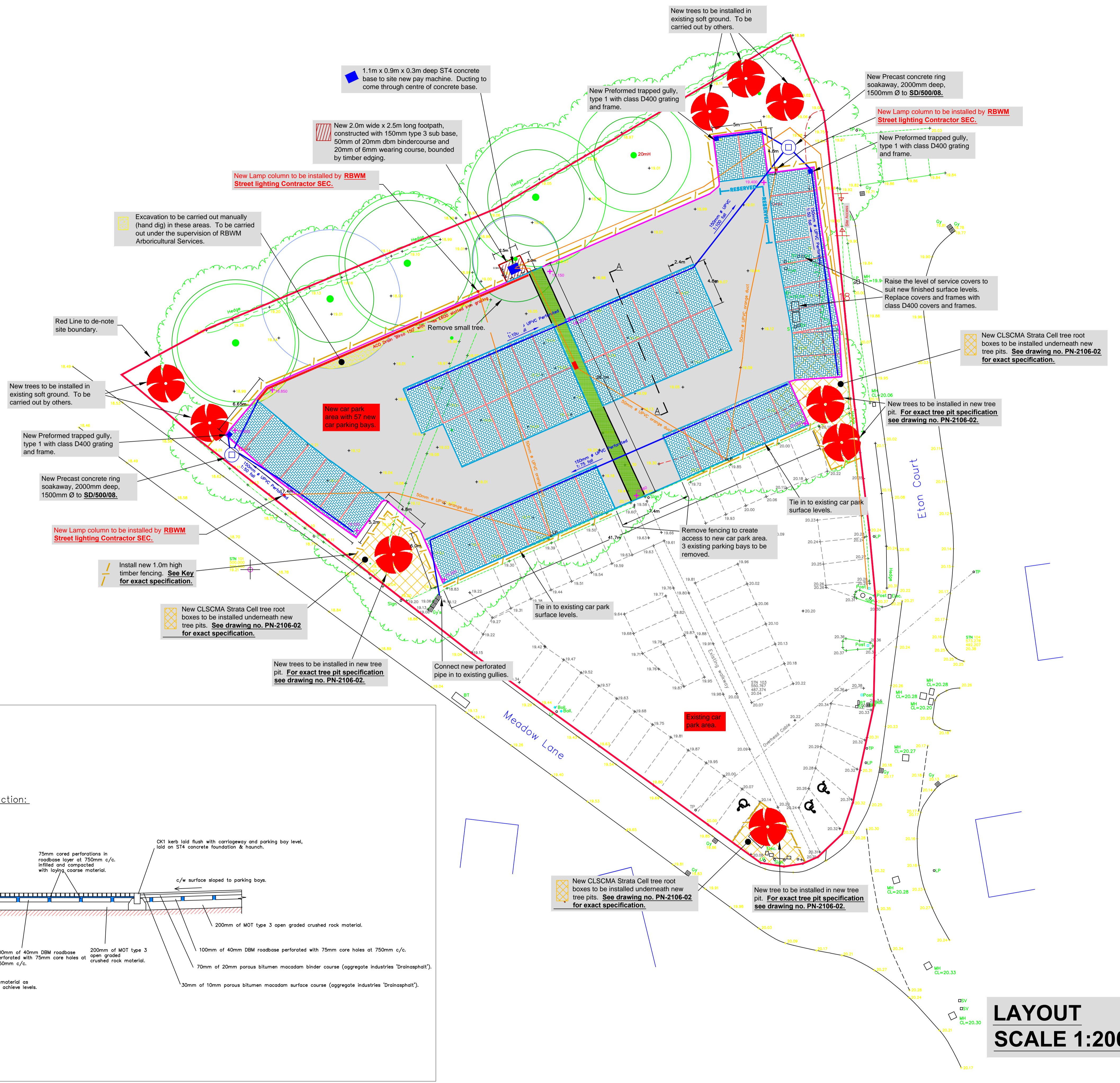
<b>Power Consumption (approx.):</b>
- See separate specification "Green Efficiency - Power Consumption of Automatic Pay Stations"
<b>Green Efficiency Technology:</b>
- LED lighting technology
- Brightness sensor for illumination top control
- Radar motion detector
- Energy saving LCD display
- Intelligent power supply components
- Additional power pack for standby operation
<b>Place of Installation:</b>
- For indoor and outdoor use
<b>Temperature Range:</b>
- -20 °C ... +50 °C
<b>Air Humidity:</b>
- ±0 % ... 95 %
<b>International Protection:</b>
- IPX3
<b>Weights (approx.):</b>
- Pay Station: ..... 250 kg
- Steel pedestal: ..... 32 kg
<b>Approvals and Conformity:</b>
- CE



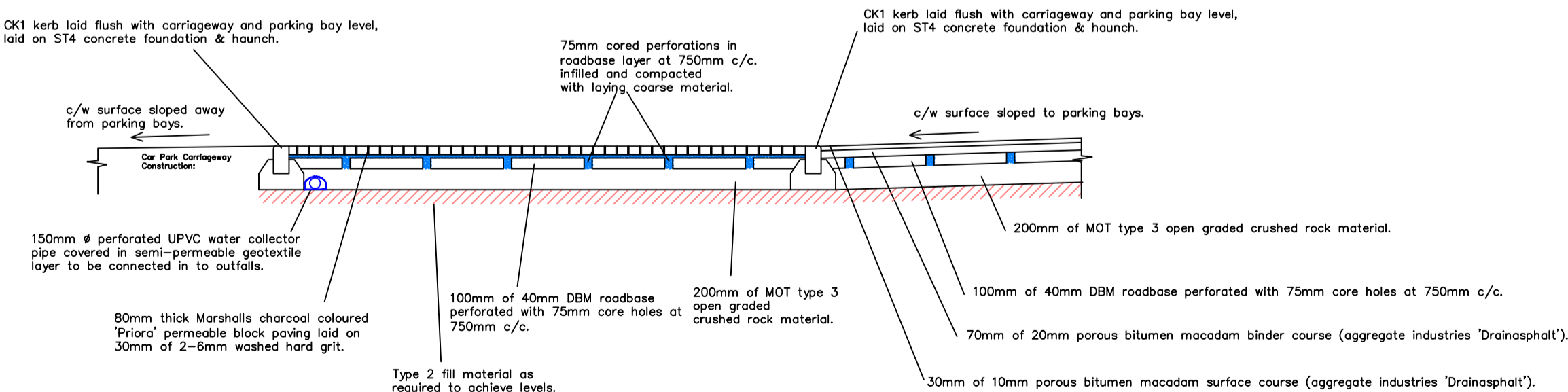


NORTH

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SECTION A-A:  
Parking Bay & Carriageway Construction:



**LAYOUT**  
**SCALE 1:200**

Drg No.	PN-2106-04	Rev.	I
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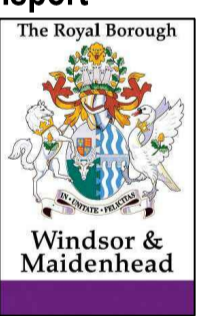
- KEY**
- New permeable block paving construction consisting of: 200mm of MOT type 3 open graded crushed rock material, 100mm of 40mm DBM road base perforated with 75mm Ø core holes at 750mm c/c, 80mm thick Marshalls 'Priora' or similar approved, charcoal coloured permeable block paving laid on 30mm of 2-6mm washed hard grit material. **As detailed in section A-A.** approximate area = 685m<sup>2</sup>
  - New porous asphalt carriageway construction, consisting of: 200mm of MOT type 3 open graded crushed rock material, 100mm of 40mm aggregate road base perforated with 75mm Ø core holes at 750mm c/c, 70mm of 20mm porous macadam binder course and 40mm of 10mm porous macadam surface course. To be a proprietary system as supplied by Aggregate Industries 'Drainasphalt' or similar. **As detailed in Section A-A.** approximate area = 755m<sup>2</sup>
  - Green coloured resin based high friction surfacing to be applied over new car park construction to delineate footpath area. Approximate area = 40m<sup>2</sup>
  - New Pcc HB2 kerbing laid on ST4 concrete foundation and haunch with 125mm face.
  - New Pcc CK1 countryside kerbing laid on ST4 concrete foundation, laid flush with carriageway (0mm upstand).
  - Contrasting red coloured Marshalls 'Priora' or similar approved, block paving to delineate parking bays.
  - New timber post and rail fencing. Fencing to be 1.0m high, with 2 horizontal rails, panel lengths of approximately 3.0m to match existing timber fencing.
  - Areas of installation of new CLSCMA Strata Cell tree root boxes, see Drawing No. PN-2106-02 for exact specification.
  - All excavation in these areas to be carried out manually (hand dig) and under the supervision of RBWM Arboricultural Services.
  - Proposed finished surface levels.
  - Drainage pipe runs, showing proposed gradient, pipe Ø and material.
  - 50mm Ø orange UPVC ducting to connect new lamp columns and ticket machine.

I	01/16	New hardstand for pay machine	JSW
H	01/16	Minor	JSW
G	01/16	Additional ducting & pay station base	JSW
F	01/16	Minor tree locations.	JSW
E	12/15	Minor kerbing.	JSW
D	11/15	Additional fence line.	JSW
C	11/15	Disabled bays and reserved bays.	JSW
B	10/15	Scale & other minor.	JSW
A	10/15	Scale & other minor.	JSW

Rev	Date	Amendments	By
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**Operations Directorate**  
Highways, Engineering & Transport  
Town Hall, St. Ives Road,  
Maidenhead, Berks,  
SL6 1RF.

Tel: 01628 683800  
Fax: 01628 796774  
<http://www.rbwm.gov.uk>



**Project:**  
**Meadow Lane, Eton**  
**New Car Park**  
**Construction**

**Title:**  
**General Layout &**  
**Detailed Design**

Drg No.	PN-2016-04	Rev.	I
Date	22/10/15	Scale	AS SHOWN
Size	A1	Drawn By	JSW
		CAD By	JSW
		Checked By	SP
		Signed Off By	
Drawing Path: K:/PN-2106			

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## Planning Appeals Received

23 January 2016 - 18 February 2016



### WINDSOR URBAN

The appeals listed below have been received by the Council and will be considered by the Planning Inspectorate. Further information on planning appeals can be found at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs). Should you wish to make comments in connection with an appeal, please use the Plns reference number and write to the relevant address, shown below.

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

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

**Parish/Ward:**  
**Appeal Ref.:** 16/00006/REF      **Planning Ref.:** 15/03595/FULL      **Plns Ref.:** APP/T0355/D/16/3142311  
**Date Received:** 1 February 2016      **Comments Due:** Not Applicable  
**Type:** Refusal      **Appeal Type:** Householder  
**Description:** Single storey rear extension, alteration to roof to include a rear dormer and 2 rear roof lights  
**Location:** **14 Albert Street Windsor SL4 5BU**  
**Appellant:** Mr Ben Sherriff **c/o Agent:** Mr Michael Williams Michael Williams Planning 17 Chestnut Drive Windsor SL4 4UT

**Parish/Ward:**  
**Appeal Ref.:** 16/00015/REF      **Planning Ref.:** 15/03475/FULL      **Plns Ref.:** APP/T0355/D/16/3144037  
**Date Received:** 12 February 2016      **Comments Due:** Not Applicable  
**Type:** Refusal      **Appeal Type:** Householder  
**Description:** Raising of roof to create first floor accommodation to existing bungalow  
**Location:** **5 Parsonage Lane Windsor SL4 5EW**  
**Appellant:** Mrs B Stafford **c/o Agent:** Mr David Herbert David Herbert Architects 24-28 St Leonards Road Windsor Berkshire SL4 3BB

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